UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103*^{d} CONGRESS

SECOND SESSION

VOLUME 140—PART 17

AUGUST 19, 1994 TO SEPTEMBER 16, 1994

(PAGES 23185 TO 24680)

GENERAL SERVICES ADMINISTRATION
11599
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1994

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Friday, August 19, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us remember retired Capitol Police Officer Raymond Dextradeur, who is very ill at Andrews Hospital, and his family.

*If any offend not in word, the same is perfect * * * the tongue is a fire * * * and setteth on fire the course of nature * * * the tongue can no one tame * * **—James 3:2, 6, 8.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Eternal God, Lord of Heaven and Earth, loving and gracious in all Thy ways, may we heed this wisdom from the Bible. Sometimes in the heat of debate, especially under great pressure, we say things which would be better left unsaid. We know that words can be destructive as well as constructive. Under the pressure and tension of these days, give to Your servants, the Senators, the wisdom of God in thinking and speaking. Sensitize them to the wise saying of King Solomon, the wisest man who ever lived: "Commit thy works unto the Lord, and thy thoughts shall be established."

Bless this House with love and grace, mighty God, the Senators, their families, and all the support staffs and their families.

To the glory of God and for the blessing of the Nation. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Delaware [Mr. ROTH] is recognized for not to exceed 5 minutes.

FAILURE TO PROTECT OUR CHILDREN

Mr. ROTH. Mr. President, a month ago, I brought to the Senate's attention a deplorable situation involving allegations of child molestation and the failure of two U.S. Government agencies, the U.S. State Department and the U.S. Justice Department, to carry out their responsibilities to protect our children.

In 1991, the Department of Justice indicted John Wetterer, a U.S. citizen, in New York for mail fraud and interstate transportation of stolen property for allegedly raising money under false pretenses for an orphanage he runs in Guatemala. The indictment alleged, among other things, that Mr. Wetterer used his orphanage to, induce, entice and persuade the boys to submit to his sexual activities. A Federal investigator, in a sworn affidavit, asserted that Mr. Wetterer regularly molests young boys who reside at—the orphanage—and on whose behalf he solicits charitable contributions in the United States.

Despite knowing that Mr. Wetterer was facing a Federal indictment for sexually abusing young boys at his orphanage and despite knowing that the Justice Department has been trying to extradite him, somehow the American Embassy in Guatemala, which we depend upon to protect United States citizens, placed at least one and perhaps more American young people at risk by placing them in the orphanage run by Mr. Wetterer.

If the situation had stopped there, it would be bad enough but, incredibly, it gets worse. On February 28, 1994, an American Foreign Service officer in Guatemala wrote Mr. Wetterer a thank you note on Embassy stationery. This is the same Embassy that had been involved in the efforts to extradite Mr. Wetterer back to the United States to face the charges against him.

I wrote to Attorney General Reno on June 14, 1994, to find out whether the Justice Department intended to further pursue this matter after the Guatemalan Government denied our initial extradition request. On August 15, 1994, I received a reply from Assistant Attorney General, Sheila Anthony, in which she stated that the Department of Justice, and I am quoting, "does not believe that it would be feasible to resubmit another request to the Government of Guatemala for Mr. Wetterer's extradition at this time." I found this response astonishing because it appears that no real serious effort was made to pursue even the initial extradition request. Yesterday, I received another letter. This one, from the Attorney General, in which she states that "every effort is being made, under my personal supervision, to apprehend Mr. Wetterer." I trust that this most recent letter states the true intent of the Justice Department and the Attorney General.

At my request, the State Department's inspector general launched an investigation of this matter. I have not yet been able to receive a briefing on the result of the inspector general's investigation, because, according to the inspector general's office, the U.S. attorney in Brooklyn, NY is now reviewing the results of the inspector general's investigation. However, according to an article published in Newsday on August 17, 1994, the inspector general's investigators discovered that there have been 15 recent cases in which Guatemalan courts initially denied United States extradition requests. In all of those cases, except one, the United States Embassy appealed the decisions to a higher Guatemalan court. The only case in which

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

our Embassy did not file such an appeal was the Wetterer case. Let me repeat that: Of 15 recent cases in which Guatemalan courts initially denied United States extradition requests, the Wetterer case was the only one that the United States Government did not appeal.

Why has the Wetterer case been treated differently from other cases? I would hope the Attorney General would answer this question. Again, according to Newsday, the IG's report found that the United States Embassy in Guatemala effectively sided with Mr. Wetterer despite the very serious charges pending against him. Apparently there was a feeling that Wetterer's extradition would upset diplomatic relations with Guatemala because Wetterer has friends in high places in Guatemala.

If these reports are accurate, in my view this administration failed miserably in fulfilling its pledge to protect children. Apparently, going easy on an indicted child molester with friends in high places to avoid upsetting a foreign government was more important that protecting American children and bringing a fugitive to justice.

I have been trying for some time to find out the facts of this case with little cooperation, particularly from the State Department—although I do believe that Department's inspector general has given this matter serious attention. I wrote to Secretary of State Warren Christopher back on March 9, 1994, and most recently, on June 14, 1994, asking to review cable traffic and other documents to determine what actually happened in this matter. I have yet to receive a written response from the Secretary of State. One can only wonder what is going on?

I am glad that Attorney General Reno is giving this matter her personal attention and I hope that the Secretary of State does likewise. If there is no movement on the Wetterer case I expect to meet with the Attorney General. I have informed representatives from both the State and Justice Departments that I expect some coordinated action in this matter from these two agencies, coordination that has obviously been previously lacking. What we have here is a situation wherein one hand of the U.S. Government has indicted Mr. Wetterer for sexually abusing children and is seeking his extradition, while the other hand is placing American children under the care of this man and writing him thank you notes for his help. Whether through ignorance or arrogance, the State Department's actions in this case are reprehensible, and made worse by its stone-walling my efforts to get to the bottom of this case. I intend to continue to pursue this matter, until I do get to the bottom of it, in order to ensure that protecting children is a top priority. As our Nation's most valuable resource, our children deserve no less.

Mr. President, I ask unanimous consent that a copy of my correspondence from the Justice Department and an August 17, 1994 article from Newsday be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, June 14, 1994.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am writing to inquire about the status of a matter involving the Department of Justice.

As you may know, John H. Wetterer, a United States citizen currently residing in Guatemala, has been indicted in the Eastern District of New York (CR. No. 91-112) on mail fraud and interstate transportation of stolen property charges in connection with his Guatemalan orphanage, Mi Casa. The indictment alleges, among other things, that Mr. Wetterer used his orphanage to "induce, entice and persuade the boys to submit to his sexual activities." A federal investigator, in a sworn affidavit, asserted that Wetterer "regularly molests young boys who reside at [his orphanage] and on whose behalf he solicits charitable contributions in the United States."

I am aware that the Justice Department has previously sought extradition of Mr. Wetterer, but the Guatemalan government has denied the extradition request.

However, I understand that subsequently a superseding indictment has been returned against Mr. Wetterer. In light of the additional evidence compiled in this case, I am writing to inquire whether the Justice Department has filed or intends to file another extradition request regarding Mr. Wetterer.

I trust that this matter will be given your immediate attention and I look forward to hearing from you as soon as possible. Please contact Stephen Levin of my staff at (202) 224-9157 regarding this matter.

Sincerely,

WILLIAM V. ROTH, Jr.,
Ranking Minority Member,
Permanent Subcommittee on Investigations.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC. August 18, 1994.

Hon. WILLIAM V. ROTH, Jr.,
Ranking Minority Member, Permanent Subcommittee on Investigation, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This is to supplement a letter to you from Assistant Attorney General for Legislative Affairs Sheila Anthony, dated August 15, 1994, regarding the potential extradition of John H. Wetterer from Guatemala.

Please be assured that every effort is being made, under my personal supervision, to apprehend Mr. Wetterer. A team of senior Department of Justice prosecutors has been working with State Department personnel to identify every potential option to return him to the United States for prosecution. Although Guatemalan law and procedure are often unclear, we are striving to obtain the very best factual and legal information from reliable and authoritative sources, including Guatemalan authorities and private Guatemalan legal counsel retained to help represent the interest of the United States.

Although we are not in a position to submit a second request for extradition at this time, every effort is being made to assure that justice is done in this case. I would be happy to meet with you personally at any time to discuss this matter further.

Sincerely,

JANET RENO.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 15, 1994.

Hon. WILLIAM V. ROTH, Jr.,
Ranking Minority Member, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: This responds to your letter to the Attorney General, dated June 14, 1994, regarding whether the United States Department of Justice intends to make a second request to the Government of Guatemala for the extradition of John H. Wetterer. The Department shares your concern over this matter and we have looked into the procedural status of the case.

As you indicated, the Government of Guatemala denied the first request of the United States for Mr. Wetterer's extradition. Unfortunately, according to Guatemala authorities, under the law of that country we cannot re-submit an extradition request based on the same charges. Moreover, subsequent to the denial of this extradition request, the Government of Guatemala apparently prosecuted and acquitted Mr. Wetterer of charges stemming from the United States Department of Justice's original and supplemental indictments against Mr. Wetterer. We understand that it is virtually certain that the Government of Guatemala would not extradite Mr. Wetterer to the United States to be prosecuted for crimes for which they believe he has been acquitted. The Department of Justice, therefore, does not believe that it would be feasible to resubmit another request to the Government of Guatemala for Mr. Wetterer's extradition at this time.

I hope this information is helpful. If the Department of Justice can be of further assistance with regard to this or any other matter, please do not hesitate to contact us.

Sincerely,

SHEILA F. ANTHONY,
Assistant Attorney General.

[From Newsday, Aug. 17, 1994]

STATE DEPT.'S WETTERER PROBE—EMBASSY SENT BOY TO MAN ACCUSSED OF MOLESTATION

(By Robert E. Kessler)

An internal State Department investigation has found that U.S. Embassy staffers in Guatemala referred a homeless American boy to an orphanage run by a former Massapequa man alleged to have sexually abused young boys, despite warnings that the move could hurt efforts to extradite the man.

"Oh no, that's [John] Wetterer's place," an embassy official, extradition officer James Herman, told other diplomats in the embassy last Christmas when informed of the plan, according to several sources familiar with the yet-to-be released report by the State Department's office of Inspector General.

Herman was aware of the molestation allegations against Wetterer, which stem from his 1990 indictment on mail fraud charges for allegedly raising money in the United States ostensibly to help young boys at the Mi Casa orphanage.

The boy has told investigators he was treated well during his two months at the orphanage, sources said.

The placing of the boy in Mi Casa may have hindered attempts by the United States to convince a reluctant Guatamalan government to extradite Wetterer. It was one of a series of actions during the past three years by embassy officials that apparently blocked active pursuit of the case. The 60-page report was based on two dozen interviews in Guatemala and Washington conducted during the past two months.

Despite the harsh tone of the State Department report, it has not satisfied either Justice Department officials, who are considering convening a grand jury to investigate possible obstruction of justice by embassy staffers, or Sen. William Roth (R-Del.), who has been critical of Clinton administration efforts in various child protection and child pornography cases.

"I urge Attorney General [Janet] Reno and Secretary of State [Warren] Christopher to become personally involved in this case," Roth said.

The embassy is depicted in the report as a place in which diplomats, in effect, sided with Wetterer despite the accusations. Several reasons were given by embassy officials interviewed in the report—personal friendships with Wetterer or doubts about the seriousness of the allegations; the feeling that extradition would upset diplomatic relations with Guatemala; and lack of knowledge of the allegations.

Wetterer, who left the United States in 1976 to begin running the orphanage, was indicted in 1990. John McDermott, a federal postal inspector investigating the case, said in court documents that Wetterer "regularly molests young boys" at the orphanage. The allegations, which stem from interviews with former orphanage residents now in the United States, occurred in Guatemala and thus cannot be prosecuted as a crime here.

Roth, the ranking Republican on the Senate Investigations Committee, has been calling for increased attempts to extradite Wetterer. He said last week that the case was another example of the Clinton administration not being serious about child protection.

For their part, Justice Department officials, who have long complained the State Department was not vigorous enough in attempts to extradite Wetterer, were said to be furious that the State Department would question embassy personnel before Justice agents had a chance to.

The Justice officials believe the questioning, which was done without consulting them, might compromise a criminal investigation into whether embassy officials obstructed justice, according to sources familiar with the ongoing investigation. The Justice Department is planning to convene a grand jury on Long Island to look into the matter, the sources said.

State Department investigators in their own report found that of the 15 recent cases in which Guatemalan courts initially denied U.S. extradition requests, Wetterer's was the only case in which the embassy did not file an appeal to a higher Guatemalan court.

When it came to placing the boy last Christmas, Herman, the extradition official, said the United States could not argue that the man was a child molester after giving a child into his care.

But he was overruled on the grounds that the embassy could not find anyone else to care for the boy temporarily, and that they didn't believe Wetterer would dare harm a child placed with him by the embassy, according to officials quoted in the report.

The decision to house the boy was made by personnel who had not read Wetterer's file and assumed the molestation allegations were based on the testimony of witnesses who were not credible, the report said.

The boy was in Mi Casa for two months before being placed in a foster home in California. Federal postal investigators questioned the boy last month and he told them he had been treated well, sources familiar with the investigation said. Nancy Beck, a spokeswoman for Christopher, said on Monday, "The Department's Office of Inspector General has an ongoing investigation and cannot comment further."

Carl Stern, spokesman for Reno, said only that the situation "is under review." Zachary Carter, the U.S. Attorney in Brooklyn, declined to comment. Lee McLenny, spokesman for the embassy in Guatemala, and John Duncan, counsel to the State Department Inspector General, also declined to comment citing the ongoing investigations, as did federal prosecutors Julie Copeland and Gary Brown, of Carter's office, who are conducting the investigation.

One of Wetterer's attorneys, Stanley Shapiro of Miller Place, said embassy personnel or their spouses have been active as volunteers at Wetterer's orphanage because they know the good work he does and don't believe he is guilty of the charges.

But despite his client's avowed innocence, Shapiro said Wetterer had no intention of returning voluntarily to this country to clear his name. Shapiro said he doubted Wetterer could get a fair trial because of the sensational nature of the charges and because "the U.S. attorney could convict a ham sandwich."

U.S. officials familiar with the Guatemalan political situation say that it would take an extremely strong effort by the United States to get Wetterer extradited. The State Department investigators concluded that Wetterer has friends in high places in Guatemala.

Mr. DECONCINI addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. DECONCINI] is recognized for not to exceed 5 minutes.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may speak for 10 minutes in morning business.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The Senator is recognized for not to exceed 10 minutes.

HEALTH CARE AND THE DEFICIT

Mr. DECONCINI. Mr. President, first, I want to compliment the Presiding Officer, the President pro tempore. I listened to his speech regarding the health care bill and I must say, as usual, he puts his finger right on the problem, and that is doing something about the deficit.

In order to have any kind of health care reform or any kind of reform in this country that is going to really mean something to the people, the deficit of the United States, of this great Nation, has to be curbed. And as the Presiding Officer pointed out, this President is the first President, at least in the 18 years that I have been here, under which deficit growth has actually gone down.

But, having said that, it is not enough. And if we are going to take on this effort, that only this President, in the 18 years that I have been here, is even willing to address, it has to be done primarily to reduce the deficit. Health care is important to all of us. I support some of the comprehensive changes. But unless it makes a long-term deficit reduction, I agree with the Senator from West Virginia, and I noticed that the Senator from Oregon had pretty much the same to say following Senator BYRD's remarks.

SUPPORT OF THE CRIME BILL CONFERENCE REPORT

Mr. DECONCINI. Mr. President, over the past week, since the House of Representatives turned its back on an American public which supports the crime bill, I have watched and listened with amazement as opponents of the bill have decried it as "pork-ridden" and "soft" on crime. Often, I find myself wondering if they are talking about the same bill that I helped pass out of conference. Unfortunately, we are now mired in a political game where reality is obscured by rhetoric and partisanship.

I recently saw a television commercial which claimed that this bill will release 10,000 criminals onto the streets of America. It makes a great sound bite, but the reality is that under the safety valve provision, which Republicans HENRY HYDE and BILL MCCOLLUM supported in conference, the Bureau of Prisons estimates that only "100 to 400 inmates who were sentenced under the guidelines would be eligible for immediate release from Federal custody." Furthermore, these nonviolent drug offenders were convicted between 1989 and 1990 and have already served at least 4 years in prison. So, some may wonder how one side could claim only 400 will be affected, while the other claims 10,000. Well, who would you rather believe, the Bureau of Prisons or the special interest groups, such as the National Rifle Association, who sponsored this particular ad?

But this is only one example of the misinformation which is currently clouding the debate on the crime bill.

During my tenure in this body, I have supported law enforcement. I will take a back seat to no one and understand law enforcement as well as anyone here. And I am not here to support a pork barrel bill that would allegedly fight crime, but in reality does nothing but hand out money and has no real effect on crime. My purpose today is to attempt to add a little perspective to this debate and to show my colleagues who oppose it why they are out of step with the American people. When the facts are on the table, there is no legitimate reason to vote against this bill.

The hallmark of the bill is making food on President Clinton's promise to put 100,000 new police officers on the streets of America. This bill will do that, but what does that mean to you and me or to mainstream America?

These officers will engage in community policing which is more than just driving through your neighborhood every couple of hours. Community policing will build a bond between law enforcement and the law-abiding citizens of this Nation. The police will be visible in the community, walking the beat, developing relationships with citizens and businesses. For my State of Arizona, it means that Arizona is guaranteed funding sufficient to hire 500 officers at $75,000 per officer. That is 500 officers guaranteed. Furthermore, discretionary authority exists which will allow Arizona to potentially add an additional 1,000 officers. Arizona could put as many as 1,500 new officers on the street under this bill. People should not be too quick to discount this program. If this Nation is truly going to get crime under control, we must restore a strong sense of community to the cities and towns throughout this Nation. This program will help do just that.

It would be impossible for this Congress to pass a comprehensive crime package without addressing the issue of assault weapons and the violence they generate everyday on the streets of this Nation. Despite the fact that the assault weapons ban has, in this Congress, passed both the House and the Senate and the American people overwhelmingly support it, those who oppose this bill want it watered down.

The opposition to this bill is not about pork. It is guns. The National Rifle Association and other second-amendment organizations do not want any restrictions at all on these violent weapons.

The measure, which bans 19 assault weapons and copycat models, does not eliminate the right of honest, law-abiding citizens to purchase guns for protection, hunting, or recreational activities. It is a limited ban, affecting only those weapons designed for mass destruction. These weapons were very carefully selected after tracking weapons that are used in violent crimes in America. How many innocent people have to die before the will of the people is allowed to prevail? Those who continue to argue about this provision should muster the courage to put the American people ahead of the special interests and support this ban.

This legislation will also result in tougher penalties for violent offenders. The three-strikes-and-you're-out provision will take violent predator criminals off the streets and keep them in prison where they belong. The bill provides stiff penalties for violent and drug-related crimes committed by gangs. It triples the penalty for criminals who use children to deal drugs near schools and playgrounds. It includes penalties for over 70 criminal offenses, dealing mostly with violent crimes, drug trafficking, and gun-related offenses, including drive-by shootings, aggravated sexual abuse, gun smuggling, and crimes against the elderly.

This hardly sounds soft on crime to me. But for those who are unconvinced, there is more. This bill provides over $13 billion for State law enforcement. I have already discussed the nearly $9 billion for cops on the beat, but the bill provides an additional $245 million for rural law enforcement. The citizens of Arizona can attest to the fact that crime does not just occur in the cities. It is in the rural communities as well.

Beyond the enormous contribution to the States, this bill provides $2.6 billion to enhance Federal law enforcement, including $1 billion dollars to INS and the Border Patrol, which will be essential to solving many of the problems which currently plague this Nation's borders, including Arizona's southern border. In addition, the FBI, DEA, Treasury Department, and Department of Justice receive over a billion dollars so they can confront crime on the Federal level and do more about it.

This bill is not soft on crime. It is a bill which is committed to providing law enforcement with the resources they need to fight the war on crime. The men and women of American law enforcement are second to none in their commitment to the people of this country. Each day they go to the streets to make them safer for all of us. They repeatedly put themselves in harm's way. They deserve our respect and our commitment to helping them complete their difficult task. This bill does that. If you do not think we should support law enforcement, then you should vote against the bill. This is a pro-law-enforcement bill.

Throughout my career, I have supported law enforcement. I have also supported prevention. We know they go hand in hand.

Having said that, I want to take exception to those Members who, all of a sudden, are labeling every single prevention measure in this bill as "pork." It is unconscionable to do so, and again the facts bear me out. More than $7 out of every $10 in the crime conference report goes to police, prisons, and law enforcement.

This bill provides over $6 billion in grant money to build prisons and boot camps. Furthermore, money is available to those States who make the commitment to "truth in sentencing" standards which require criminals to serve at least 85 percent of their sentences. The American people have a right to believe that criminals will serve their sentences, and this bill makes it a reality. An additional $1.8 billion will go to the States to reimburse them for incarceration of undocumented criminal aliens. This will be a tremendous benefit to my home State of Arizona as well as other States facing this enormous burden.

I have long advocated tougher penalties and building more prisons, but no one in this body should be fooled into believing that we can simply embark on a policy where all we do is build prisons. It simply will not work. It may make for great speeches in a touch election year, but it cannot be the only principle guiding our battle with crime. Even law enforcement organizations, including the Fraternal Order of Police, the National District Attorneys Association, and the International Brotherhood of Police, support the prevention programs in this bill. Do the opponents of this bill suggest that the police and DA's are soft on crime?

These law-and-order groups cite prevention as being essential to developing a long-term strategy for crime.

I commend Chairman BIDEN and others who fought so hard to get these programs in the bill. They are important.

Let us look closely at the alleged pork. There is $1.8 billion for the Violence Against Women Act, so that women can live free of the fear of assault and domestic violence; who does not want to vote for that? If that was put on the floor here today, I daresay it would get 75 or maybe the entire 100 percent support of the Senate.

There is $630 million so schools can provide children with an after school, weekend and summer safe haven programs to keep them off the streets and out of gangs; $1.3 billion goes to establishing drug courts which will expose an additional 600,000 nonviolent drug offenders to court-supervised drug treatment programs. What do these drug programs do? Now drug offenders either go to jail or they are back on the street on parole or probation. These courts require you to do certain things. First, you have to stay in school; second, if you have a job you have to keep your job; if you do not have a job, you have to go to job training and; third, if you fail to do any of those things you go to jail. That is known as a diversion program. It works, and it is an important program and the police of this country support it and this body has supported it in the past.

There are many more programs aimed at keeping youth out of trouble. One that is put down all the time is midnight basketball. It is said this does not work. Opponents ridicule the program and say the youth should, "Pick up a book instead of a basketball." We know kids do not want to go to school all the time. We know that when they are out of school they hang out in the neighborhoods and we know that often breeds trouble. So midnight basketball gives them something to do. And they do not just play basketball. They get counseling, they have to be in school, they have to be responsible or they cannot be in the league. Those who break the law must bear personal responsibility for their actions and this bill holds them accountable. But for those millions of youths who have not broken the law, but have very few constructive influences on their lives, many of these programs will provide them with the means to ensure that they never cross that line and end up in the criminal justice system.

One such program which I am very familiar with is the GREAT Program, the Gang Resistance Education And Training Program. It is a structured, school-based program implemented in areas where gang activity exists or is emerging. The program focuses on students in the seventh and eighth grade. It teaches them to set goals, and to develop self-esteem, and self-respect. There is a law enforcement officer in the classroom teaching this. The law enforcement officer is put through training in these important areas. The program started in Phoenix, AZ. It has reached over 100,000 at risk youths and is a very popular and successful program. I am pleased to see it included in the conference report.

There are many other prevention programs in this bill. I do not know if they all will be a success, but to me they are good programs. President Clinton has challenged us to address the issue of crime. Senator BIDEN and Representative BROOKS, the chairmen of the committees in the House and Senate that ushered this bill through conference, deserve our thanks. And they have brought us a bill that meets the President's challenge.

It is a bill that I think is worthwhile and I hope we can pass the bill once the House gets through with their shenanigans and I hope we will not have any obstruction in this body.

Mr. President, I ask unanimous consent that a letter from the Bureau of Prisons regarding the number of people eligible for release under the safety valve program that I mentioned earlier, as well as a letter to the Attorney General, Janet Reno, lending support for this safety valve, which was signed by seven of the House conferees to this bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
Washington, DC, August 15, 1994.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Bureau of Prisons has attempted to estimate the number of inmates who would be eligible for immediate release from Federal custody as a result of the pending Crime Bill provision that would allow a safety valve for low level offenders who received a mandatory minimum sentence for a drug offense and who would meet statutory exclusion criteria.

We used May 1994 U.S. Sentencing Commission (USSC) data showing the number of defendants who were sentenced in fiscal years 1989, 1990, 1991, 1992 and 1993 and who met criteria which approximate those in the draft Conference Report for the safety valve provision. The criteria included in the USSC assessment covered defendants who were convicted under a mandatory minimum statute, received a Criminal History Category 1, received an acceptance of responsibility adjustment, had no aggravating role in the offense, had no dangerous weapon during the offense, and had no death or serious injury result from the offense.

If the safety valve provision of the Crime Bill is enacted in a retroactive fashion, we estimate that 100 to 400 inmates who were sentenced under the Guidelines would be eligible for immediate release from Federal custody. The reason there are so few Guideline-sentenced inmates who would retroactively qualify for the safety valve is that to be eligible now, offenders would have been convicted in earlier years, 1989, 1990. The safety valve requires that defendants be resentenced under the sentencing guidelines, which in most cases will require the offender to have served four years or more. Only offenders convicted in earlier years—1989 and 1990—would have served that amount of time.

Of course, it will take considerable time for motions to be filed and considered by the courts, hearings to be held and new sentences to be imposed. Therefore, the impact of the safety valve on this population will take effect over several months at a minimum.

Please keep in mind that the numbers provided here are only estimates, which depend upon not only the accuracy of USSC or Bureau of Prisons data in approximating safety valve criteria but also the eventual determination by The Courts of the appropriate Guidelines sentence.

I hope this information is useful in your conference committee deliberations.

Sincerely,

KATHLEEN M. HAWK,
Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1994.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: One important issue we face as conferees on the crime bill is the so-called "safety valve" to certain mandatory minimum sentencing laws. We strongly favor the House version of the safety valve, including the provision ensuring its retroactive application to prisoners already serving their sentences.

We have heard that the Department also favors the House version, except that it may be undecided with regard to the retroactivity provision. We are writing to urge you in the strongest terms to support the House version in its entirety.

We have heard and reject arguments that it sets a bad precedent for the Congress to make retroactive changes in sentencing policy. To the contrary, prior Congressional action serves as ample precedent for the safety valve's retroactive application. For example, in 1974 Congress passed P.L. 93–481, which amended the Comprehensive Drug Abuse Prevention and Control Act of 1970, and which made certain changes in parole retroactively applicable to those serving mandatory minimum sentences. The report of the House Committee on Interstate and Foreign Commerce specifically stated that "the interests of criminal justice will best be served if the rehabilitative aspects of the 1970 Act encompass all convicted narcotics offenders, regardless of the date on which they were sentenced."

We have also heard statements from some Department officials that the prisoners eligible for retroactive application of the safety valve number somewhere between 16,000 to 20,000. These figures are clearly inflated and incorrect. The Sentencing Commission estimates that, if the Commission does not change its current guidelines, retroactive application would definitely affect no more than 1600 prisoners, with another 3400 possibly affected. Even if the Commission does amend its guidelines by a two-level reduction in offense levels, only 5000 prisoners would definitely be affected, and another 2050 would possibly be affected.

Finally, of course, retroactive sentence modification is not automatic; prisoners definitely or possibly affected will not necessarily be granted such a modification. Modification is permitted only in two circumstances. First, the prisoner must demonstrate to the court that he or she meets the bill's criteria for prospective application as well as the specific additional requirement of good behavior while in prison. Second, the court must further determine that modification of the prisoner's sentence is appropriate. The Sentencing Commission is of course authorized to issue any statements it deems necessary to help the courts implement this section.

We strongly believe that the same principles that applied in 1974 apply today. Fairness, and the interests of the criminal justice system generally, dictate that those currently serving mandatory minimum sentences who would meet the narrow criteria set forth in the safety valve be considered for resentencing under the safety valve provisions. Moreover, the same policy considerations that underlay the safety valve's prospective application—to ensure that our limited and costly prison space is not taken up by low-level non-violent drug offenders with no significant criminal history who do not belong there—apply with equal force to similarly situated individuals already in prison.

We urge you to support the House safety valve provision in its entirely, including its retroactive application.

Sincerely,

DON EDWARDS,
JOHN CONYERS,
MIKE SYNAR,
CHARLES E. SCHUMER,
HENRY HYDE,
BILL MCCOLLUM,
WILLIAM J. HUGHES.

THE EFFECTS OF THE CRIME BILL IN ARIZONA

Mr. DECONCINI. Mr. President, much of the talk about the crime bill centers on what it will do for the Nation. It will hire us 100,000 police officers and supply billions of dollars for courts and prisons and programs to steer young people away from crime.

However, Mr. President, I think we obscure our point in waxing eloquent about what the Nation gets from the crime bill. Granted, Americans are worried about crime—there is no question about that. But Americans do not care if some city clear across the country has a few more cops. Americans want more police officers in their State, their city, protecting their neighborhood from the criminal element.

Thus, I want to take a moment and spell out for the State of Arizona—which I proudly represent—what, exactly, this crime bill will bring home.

It guarantees Arizona the funds for hiring at least 500 additional police officers. But it does not stop there.

There would be an additional $6.5 billion in discretionary funds available for the implementation of community policing programs. This money would be available to States on a discretionary basis and could result in Arizona adding an additional 1,000 officers beyond the already guaranteed 500.

But what, exactly, does that mean for our State?

It means that instead of becoming involved when someone has already been robbed or attacked or raped, our police officers would practice "community policing," building a bond between the law enforcement and the law abiding citizens of a community. They would be visible in our communities, walking the beat, developing relationships with the citizens and businesses. Special training will help them to become an even more integral part of our neighborhoods, our daily lives, in essence becoming partners with us in combating and preventing crime.

The crime bill would give Arizona access to another $44 million in grants to build prisons. That includes boot-camp prisons designed to correct—through military-style boot-camp discipline—the behavior of young people who have strayed onto a criminal path, but who still could be convinced to lead a productive, law-abiding life.

There would be yet another estimated $30 million made available to Arizona if it meets the truth in sentencing requirement that violent offenders serve at least 85 percent of their sentences.

This crime bill would give Arizona law enforcement agencies and courts access to funding for drug court programs, where drug abuse treatment is supported through drug testing and certain punishment for nonviolent drug offenders currently on probation.

Federal money would be available to Arizona for criminal record systems, communications equipment and DNA testing to positively link criminals to their crimes.

And last, but certainly not least, Arizona would get $6.4 million for drug and crime enforcement in rural areas. Considering that Arizona is largely a rural State, these funds are crucial—large cities are not the only ones with drug and crime problems.

Mr. President, by pointing out what Arizona would get from this crime bill, my intention is to separate one tree from the forest, so to speak, and show what the crime bill means when it hits home. It gets confusing to look at the whole crime bill package and determine what it means for you; when you look at the whole forest, it is hard to make out just one tree. But I think when the people of Arizona know how crime affects them and when they know how this crime bill will directly benefit Arizona—their cities and their lives—they will understand why it is important to support it.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized for not to exceed 5 minutes.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent to extend morning business so I can speak for a maximum of 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Accordingly, morning business is extended for 10 minutes during which time the distinguished Senator from Iowa [Mr. GRASSLEY] is recognized.

COMPLIMENTING THE PRESIDENT PRO TEMPORE

Mr. GRASSLEY. Mr. President, before I speak on the subject the Senator from Arizona spoke on, I would like to compliment the President pro tempore for his speech last night. I was in my office. I had a chance to listen to your speech, asking us to be cautious in our approach to the legislation before this Senate on health care reform.

I think it was a very commonsense approach. You asked us to take a reality check. I hope in the process of our taking that reality check, we look back, and when we do something and do it right, we look back at your speech as being a key point, where you prevented Congress from setting out on a major blunder, as we have the capability of sometimes doing.

So I thank you for what you said yesterday and I think your prestige in this body will cause all of us to be a little more cautious as a result.

THE CRIME CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, whatever the House does, I doubt the Senate is going to approve anything like the current crime conference report because it falls short of the public's expectations for a tough crime bill.

We in the Senate passed a tough crime bill last November, and it was paid for. The bill was so tough that the ACLU issued a lengthy paper criticizing numerous provisions. When we got to conference, most of those provisions disappeared. And a whole range of social spending, far beyond the relatively small amount that had been included as a necessary compromise in the Senate bill, was included.

I was a conferee. And I offered amendments on more efficient police funding, on prisoner litigation, and on mandatory sentencing for selling drugs to minors. These were voted down. Virtually all Republican amendments were scrapped. The whole sorry spectacle was like something out of "Casablanca."

There is that scene where the authorities drag Peter Lorre out of Rick's cafe to a certain death. As he leaves, Lorre asks Bogart, "You despise me, don't you, Rick?" and Bogart responds, "If I ever gave you a thought, I probably would."

We Republicans in that conference would have been despised, if only the folks on the other side of the aisle and the other side of the Capitol had given us a thought. The ACLU was clearly not despised. Our tough provisions came out, even if that meant disregarding motions to instruct that this body passed.

And the pork was crammed in, including the $10 million for a university in the House chairman's district. Not only did nobody ask Republicans their opinion on that issue, they did not even inform any of us that it was an issue.

When my colleagues look at this bill, I hope they will not mistake the packaging for the package.

The labels say that there is $7.3 billion for prevention. No so. The drug court money is for social programs. The prison money is largely social spending. There is no requirement that any of the supposed $8.3 billion be spent to build prisons. It can be used for drug diversion programs and for freeing up existing cells, as prisoners are shifted to halfway houses.

The money can be used for jobs programs, even though Vice President GORE thinks there are too many uncoordinated jobs programs now. It is simply not $8.3 billion to build and operate prisons. And the Senate funding for truth in sentencing—that criminals serve their real sentence rather than be paroled—was weakened.

Moreover, the funding formula permits large amounts to be distributed at the whim of the Attorney General, probably to important political States, as were the recent policing grants. My State of Iowa will never get its fair share of this money in this new bill.

Contrary to recent suggestions, the social programs are not Republican ideas.

President Bush's comments about midnight basketball have been quoted. But these quotes by President Bush have not been understood. When President Bush praised midnight basketball, he praised a point of light. It was a private program based on voluntary effort. It showed what local people could do themselves. But some people think that the only good program is a Federal program, not a private one.

That is how we wound up with a $33 billion conference report with the amount of deficit spending roughly equal to the amount of actual social spending.

Real prevention programs are prisons. Keeping prisoners in jails saves lives. History and common sense show that. The second best approach is to teach children values.

But the prevention programs contain language prohibiting the money from being used for sectarian instruction. So the money can go for dancing, self-esteem, and condom distribution. But if any religious organization tries to teach children the Ten Commandments, well, forget it. The American people's hard-earned tax dollars are a terrible thing to waste on pork barrel social programs.

The bill is indeed too expensive. I offered an amendment to cut waste from the policing money. Whatever the true number of police the bill would put on the streets, my amendment would have hired just as many at a savings of $1.6 billion. I wanted to cut the unnecessary administrative expenses from the program. Localities have had cops on the beat before.

Teaching localities community policing is not like teaching nuclear physics. There are materials, and enough money remained for training videos and the like. It is also worth mentioning that the conference report allows the police money to be used not exclusively for hiring, but for overtime and even for buying police guns.

One of the worst provisions of the bill is the retroactive repeal of mandatory minimum sentences. Let us get the facts straight on this issue. The Administrative Office of the U.S. Courts estimates that as many as 10,000 criminals will be able to challenge their sentences under this provision. The Senate version was not retroactive.

It applied only to persons with no prior criminal history. It imposed extra penalties on those receiving the lessened penalty if they committed a second offense. And it applied only to very low-level drug offenders.

The conference report would allow some prisoners with a prior criminal record to avoid mandatory minimums.

And it would permit people who attempted or conspired to distribute drugs to avoid mandatory minimums. I think this sends the wrong message. These offenders are vital links in the chain of drug distribution in this country that leads to destruction and violence.

President Clinton wants this bill. He says he ran for President to enact this bill. Not that I recall; I remember that he ran to give middle-class Americans a tax break. Now, he sees a parade and wants to be the drum major at the front. This conference report will fail because it is not tough enough.

We are willing to work with the President to create a true compromise that toughens and economizes this conference report. Then we would pass a bill that the American people want. They want punishment, not pork.

I yield the floor.

RECOGNITION OF JEFF GOLDSTEIN

Mr. HOLLINGS. Mr. President, I just want to take a minute to recognize Jeffrey D. Goldstein who is a presidential management intern from the Defense Logistics Agency on detail to our Commerce, Justice and State Subcommittee. He has been serving with my staff since February.

Jeff is a graduate of Cornell University and holds a masters degree in public administration from the Maxwell School at Syracuse University. He specialized in labor/management relations and previously worked with a variety of labor organizations.

During his tenure with us, Jeff was responsible for the review of and making recommendations for the Census Bureau, Economic and Statistics Administration, the Arms Control and Disarmament Agency, and the Federal Trade Commission. Jeff was responsible for keeping the numbers data bases for the subcommittee and in helping draft the committee bill and report. He put in long hours and became an integral member of my subcommittee staff.

I recently learned that Jeff will be leaving the Senate soon, to take a position with the National Security Division of the Office of Management and Budget [OMB] in the Executive Office of the President. He will be working on pay and compensation policy.

Alice Rivlin is getting a real winner. I know Jeff will continue to be a credit to the professional civil service. On behalf of all the subcommittee members, I want to wish him the best.

ADMINISTRATION EFFORTS IN THE PACIFIC NORTHWEST

Mr. LEAHY. Mr. President, it is easy to blame the current administration for timber problems in the Pacific Northwest—the White House has taken a bold initiative where another administration turned its back. My colleagues forget that the timber problems in the Pacific Northwest began during the Reagan years and culminated during the Bush administration when sales stopped in 1991. Timber sales resumed within a year of the Clinton administration.

Under the Republican watch, the Forest Service led the communities of the Pacific Northwest off a cliff. It was a shame. It was even more unfortunate that President Bush refused to do anything when the cut on public lands dropped to almost nothing. I share people's frustration, but ask them to blame the perpetrators if they are still looking for someone to blame. Do not blame the good people working hard to fix the problem.

Tom Tuchmann, White House Director for Forest and Economic Development, is one of the hard working people who has dedicated himself to finding a solution. He has compassion for the rural lifestyles of forest dependent communities, skill at bringing diverse perspectives to the table, and a commitment to making forest economics work. He successfully strengthened Vermont's forest economy when he worked on my Agricultural Committee staff, and he has devoted over 4 years to resolving the problems of the Northwest.

It is unfortunate that one Senator chooses to characterize this champion of sustainable forest as one who demonizes timber workers and advocates no logging. I regret that my colleague continues to polarize the debate with extreme and untruthful invectives.

The administration, including Mr. Tuchmann, was dealt a bad hand in the Pacific Northwest. I believe they are doing an excellent job under dismal circumstances. The region should not expect a royal flush when President Bush left only half a hand.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion dollars.

To be exact, as of the close of business this past Thursday, August 18, the Federal debt stood—down to the penny—at $4,670,703,740,629.23 meaning that every man, woman and child in America owes $17,915.25 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion? There are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

THWARTING THE WILL OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business. I also ask unanimous consent that my remarks appear in the RECORD so as not to interrupt the current debate.

Mr. President, I do not wish to interrupt or delay the important and historic debate on health care that this body is currently engaged in. However, a disturbing matter has been brought to my attention that I believe deserves immediate consideration by this body. It involves a Federal agency's successful—albeit in bad faith—effort to thwart the will of this body by lobbying members of an appropriations conference to remove a unanimously passed Senate amendment.

I am referring to actions taken over the past couple of weeks by the Department of Housing and Urban Development. These actions were taken in response to an amendment I offered to the fiscal year 1995 VA-HUD and independent agencies appropriations bill.

My amendment was a moderate, thoughtful, and commonsense amendment designed to prevent the distribution of any Federal housing benefits to those individuals who are not lawfully within the country.

I offered this amendment, in part, because HUD was doing nothing—I repeat, doing not a thing—to determine the eligibility of alien applicants for Federal housing benefits. It didn't matter that an individual may have entered the country unlawfully. HUD was not concerned. It did not matter that an individual may have only been in the country for the purpose of attending school. HUD would not ask questions. And, the practical result was that untold amounts of Federal housing benefits ended up going to individuals who were statutorily prohibited from receiving such benefits. The best way of describing HUD's approach to dealing with the verification of alien eligibility prior to distributing Federal benefits was: We do not ask, we do not tell.

It is important that this body realize that HUD's successful efforts to thwart the will of the Congress extends beyond their midnight murder of my amendment. That is why I feel so strongly about speaking out on this issue now.

In 1980, Congress passed the Housing and Community Development Act of 1980. Included in the act was section 214, a provision that limited alien eligibility for specified housing assistance to certain classes of aliens. When we passed this provision we expected HUD to draft and implement regulations further codifying what was obviously clear Congressional intent.

Well, 14 years and three administrations later—and not coincidentally, on the very day I offered my amendment—HUD issued a proposed rule for section 214. That is right, Congress passed a law in 1980 that said if your residency status did not entitle you to Federal housing benefits you were prohibited from receiving them. And, it took the Department of Housing and Urban Development 14 years to implement regulations covering this law. This bloated bureaucracy took a simple rulemaking process and turned it into a modern day version of the Keystone Cops.

And then, when the Senate overwhelmingly passed my amendment—which only said that HUD had to take reasonable action to verify the lawful immigration status of all applicants—HUD sent its flacks to Congress to cut a seedy backroom deal.

Well, I stand here today to put HUD on notice that they may have won the battle but they are going to lose the war. The American people—and this Senator—will not stand silent anymore while this agency flagrantly and willfully ignores the laws that are passed by this body. There are sound policy reasons why we have laws on our books prohibiting the distribution of Housing Benefits to individuals who are not lawfully within this country. I know this. This body knows this. And, the American people know this. It is time that the Department of Housing and Urban Development also be educated of this. Perhaps the best way to do this may be to write HUD a large appropriations but then not deliver a check. That is essentially what they are doing with this body.

Yesterday we spent a great deal of time talking about sunshine in Government. Members of both sides of the aisle were in agreement that more sunshine on our dealings up here will produce a health care bill that is more satisfactory to all. Well, I think the same axiom holds true with actions taken by our agencies. Today, I am putting HUD on notice that I intend to put a little sunshine onto their activities. Perhaps it will end up shining on places where the sun has not shined before, but that may be a good thing.

I intend to find out why this agency has refused to follow the laws of the land. I intend to review every piece of legislation affecting this agency with an eye towards ensuring that they are following the law and not further wasting taxpayer dollars. As a member of the Appropriations Committee, I intend to review all future HUD appropriations with a fine tooth comb. If hearings are necessary, they will be held. If investigations are in order, they will be conducted. If money has been misspent, it will be exposed. The days of belligerent bureaucrats blindly circumventing the will of this body are now over.

Am I angry about HUD's assault on my amendment? You bet I am. Should other Members of this body be concerned? I respectfully suggest that they should.

My good friend from Maryland, the distinguished chairwoman of the VA-HUD Appropriations Subcommittee, supported this amendment, and I know that she tried to retain its inclusion during conference. The message HUD is sending this body in its actions following passage of this measure is that it does not care what the Senate says, it will follow and uphold the laws that it wants to. Mr. President, HUD can not be allowed to engage in this type of grocery shopping spree—arbitrarily picking and choosing which laws it wants to follow and which ones it does not. To do so not only undermines the intent of this body, it undermines the authority of the Constitution. And, that can not be tolerated.

Mr. President, defenders of HUD will wail loudly about the problems of implementing a regulation governing the restriction of housing benefits to those not lawfully within the country. They will tell you that the Federal law covering the restriction is too complicated, or not clear enough, or may involve sensitive issues of civil liberties. Let the people judge. I ask unanimous consent that this provision, as it appears in title 42 section 1436a of the United States Code, be printed in the RECORD. Also, I ask unanimous consent that an internal memorandum from HUD, in which HUD authorities announce that no residency questions may be asked of any housing benefit applicant, also be printed in the RECORD immediately following the printing of section 1436a.

(See exhibit 1.)

Mr. REID. I think this memo, even though it was written in 1987, evidences not only HUD's contravention of Federal law, but also its malfeasance—some would say negligence—in the distribution of Federal benefits. It also evidences why my modest amendment was necessary.

Mr. President, I will conclude by again telling the powers that be at HUD that this Senator now has their actions on his radar screen. All their actions will be monitored closely. This body will be made aware that of and when they willfully distribute taxpayer dollars to those not lawfully within this country, and if and when they capriciously refuse to enforce the laws of the land, they will loudly and publicly be called to task.

The issue of the immigration debate is not about immigrant bashing, as some would have us believe. It is about the disgust that all of us feel when laws are not enforced and individuals flagrantly abuse the laxity of law enforcement. All we want is for people to play by the rules.

I thank the Chair and yield back the balance of my time.

EXHIBIT 1

EXCERPT FROM THE UNITED STATES CODE

§ 1436a. Restriction on use of assisted housing by non-resident aliens

(a) Conditions for assistance.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any alien unless that alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)), excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;

(2) an alien who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for

citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) [8 USCS § 1259];

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);

(4) an alien who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));

(5) an alien who is lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(6) an alien lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act [8 USCS § 1255a].

(b) "Financial assistance" defined.—For purposes of this section the term "financial assistance" means financial assistance made available pursuant to the United States Housing Act of 1937 [42 USCS §§ 1437 et seq.] section 235 or 236 of the National Housing Act [12 USCS § 1715z or 1715z-1], or section 101 of the Housing and Urban Development Act of 1965.

(c) Preservation of families; students.—(1) If, following completion of the applicable hearing process, financial assistance for any individual receiving such assistance on the date of the enactment of the Housing and Community Development Act of 1987 [enacted Feb. 5, 1988] is to be terminated, the public housing agency or other local governmental entity involved (in the case of public housing or assistance under section 8 of the United States Housing Act of 1937 [42 USCS § 1437f]) or the Secretary of Housing and Urban Development (in the case of any other financial assistance) may, in its discretion, take one of the following actions:

(A) Permit the continued provision of financial assistance, if necessary to avoid the division of a family in which the head of household or spouse is a citizen of the United States, a national of the United States, or an alien resident of the United States described in any of paragraphs (1) through (6) of subsection (a). For purposes of this paragraph, the term "family" means a head of household, any spouse, any parents of the head of household, any parents of the spouse, and any children of the head of household or spouse.

(B) Defer the termination of financial assistance, if necessary to permit the orderly transition of the individual and any family members involved to other affordable housing. Any deferral under this subparagraph shall be for a 6-month period and may be renewed by the public housing agency or other entity involved for an aggregate period of 3 years. At the beginning of each deferral period, the public housing agency or other entity involved shall inform the individual and family members of their ineligibility for financial assistance and offer them other assistance in finding other affordable housing.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of—

(A) any alien who—

(i) has a residence in a foreign country that such alien has no intention of abandoning;

(ii) is a bona fide student qualified to pursue a full course of study; and

(iii) is admitted to the United States temporarily and solely for purposes of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student (and if any such institution of learning or place of study fails to make such reports promptly the approval shall be withdrawn); and

(B) the alien spouse and minor children of any alien described in subparagraph (A), if accompanying such alien or following to join such alien.

(d) CONDITIONS FOR PROVISION OF FINANCIAL ASSISTANCE FOR INDIVIDUALS.—The following conditions apply with respect to financial assistance being provided for the benefit of an individual:

(1)(A) There must be a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

(B) In this subsection, the term "satisfactory immigration status" means an immigration status which does not make the individual ineligible for financial assistance.

(2) If such an individual is not a citizen or national of the United States, is not 62 years of age or older, and is receiving financial assistance on the date of the enactment of the Housing and Community Development Act of 1987 [enacted Feb. 5, 1988], there must be presented either—

(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

(B) such other documents as the Secretary determines constitutes reasonable evidence indicating a satisfactory immigration status.

(3) If the documentation described in paragraph (2)(A) is presented, the Secretary shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

(B) protects the individual's privacy to the maximum degree possible.

(4) In the case of such an individual who is not a citizen or national of the United States, is not 62 years of age or older, and is receiving financial assistance on the date of the enactment of the Housing and Community Development Act of 1987 [enacted Feb. 5, 1988], if, at the time of application or recertification for financial assistance, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

(A) the Secretary—

(i) shall provide a reasonable opportunity to submit to the Secretary evidence indicating a satisfactory immigration status, or to appeal to the Immigration and Naturalization Service the verification determination of the Immigration and Naturalization Service under paragraph (3), and

(ii) may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

(B) if any documents or additional information are submitted as evidence under subparagraph (A), or if appeal is made to the Immigration and Naturalization Service with respect to the verification determination of the Service under paragraph (3)—

(i) the Secretary shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents or additional information for official verification,

(ii) pending such verification or appeal, the Secretary may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

(iii) the Secretary shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

(5) If the Secretary determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

(A) the Secretary shall deny or terminate the individual's eligibility for financial assistance, and

(B) the applicable fair hearing process shall be made available with respect to the individual.

(6) For purposes of paragraph (5)(B), the applicable fair hearing process made available with respect to any individual shall include not less than the following procedural protections:

(A) The Secretary shall provide the individual with written notice of the determination described in paragraph (5) and of the opportunity for a hearing with respect to the determination.

(B) Upon timely request by the individual, the Secretary shall provide a hearing before an impartial hearing officer designated by the Secretary, at which hearing the individual may produce evidence of a satisfactory immigration status.

(C) The Secretary shall notify the individual in writing of the decision of the hearing officer on the appeal of the determination in a timely manner.

(D) Financial assistance may not be denied or terminated under the completion of the hearing process.

For purposes of this subsection, the term "Secretary" means the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance.

(e) Regulatory actions against entities for erroneous determinations regarding eligibility based upon citizenship or immigration status.—The Secretary of Housing and Urban Development shall not take any compliance, disallowance, penalty, or other regulatory action against an entity with respect to any error in the entity's determination to make an individual eligible for financial assistance based on citizenship or immigration status—

(1) if the entity has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

(2) because the entity, under subsection (d)(4)(A)(ii) (or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)), was required to provide a reasonable opportunity to submit documentation,

(3) because the entity, under subsection (d)(4)(B)(ii) (or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)), was required to wait for the response to the Immigration and Naturalization Service to the entity's request for official verification of the immigration status of the individual, or

(4) because of a fair process described in subsection (d)(5)(B) (or provided for under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)).

(f) Verification system; liability of State or local government agencies or officials; prior consent agreements, court decrees or court orders unaffected.—(1) Notwithstanding any other provision of law, no agency or official of a State or local government shall have any liability for the design or implementation of the Federal verification system described in subsection (d) if the implementation by the State or local agency or official is in accordance with Federal rules and regulations.

(2) The verification system of the Department of Housing and Urban Development shall not supersede or affect any consent agreement entered into or court decree or court order entered prior to the date of the enactment of the Housing and Community Development Act of 1987 [enacted Feb. 5, 1988].

(g) Reimbursement for costs of implementation.—The Secretary of Housing and Urban Development is authorized to pay to each public housing agency or other entity an amount equal to 100 percent of the costs incurred by the public housing agency or other entity in implementing and operating an immigration status verification system under subsection (d) or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)).

(Oct. 8, 1980, P.L. 96-399, Title II, §214, 94 Stat. 1637; Aug. 13, 1981, P.L. 97-35, Title III, Subtitle A, Part 2, §329(a), 95 Stat. 408; Nov. 6, 1986, P.L. 99-603, Title I, Part C, §121(a)(2), 100 Stat. 3386; Feb. 5, 1988, P.L. 100-242, Title I, Subtitle B, §164(a)-(f)(1), 101 Stat. 1860.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"Section 101 of the Housing and Urban Development Act of 1965", referred to in this section, is Act Aug. 10, 1965, P.L. 89-117, Title I, §101, 79 Stat. 453. For full classification of such section, consult USCS Tables volumes.

"The Immigration Reform and Control Act of 1986 (Public Law 99-603)", referred to in this section, is Act Nov. 6, 1986, P.L. 99-603, 100 Stat. 3359, which appears generally as 8 USCS §§1101 et seq. For full classification of such Act, consult USCS Tables volumes.

Explanatory notes:

This section was not enacted as part of Act Sept. 1, 1937, which generally comprises this chapter.

Amendments:

1981. Act Aug. 13, 1981 (effective 10/1/81, as provided by §371(a) of such Act, which appears as 12 USCS §3701 note) substituted this section for one which read:

"(a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of any nonimmigrant student-alien.

"(b) For purposes of this section—

"(1) the term 'financial assistance' means financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965; and

"(2) the term 'nonimmigrant student-alien' means (A) an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States temporarily and solely for purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him or her and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (B) the alien spouse and minor children of any such alien if accompanying him or her or following to join him or her.".

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
October 30, 1987.

Interim Instructions for Admission to or Occupancy of Assisted Housing Units: Citizenship/Alien Status

1. Programs Affected.—These interim instructions are applicable to: Public Housing; Indian Housing; All Sections 23 Leased Housing Programs; Turnkey III; Section 8 Certificate and Housing Voucher Programs, Moderate Rehabilitation Program; Rent Supplement; Section 236; Section 8 New Construction and Substantial Rehabilitation.

2. Interim Instructions.—This Notice provides further guidance to Public Housing Agencies and Indian Housing Authorities (both referred to as PHAs) and housing owners concerning inquiries about citizenship/alien status of applicants and tenants.

Restrictions against providing housing assistance to aliens—whether nonimmigrant student-aliens or the subsequently disqualified categories—derive from section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). On November 21, 1986, HUD published a notice in the Federal Register (51 FR-42088) indefinitely deferring the effective date of the Alien Rule published on April 1, 1986 to implement section 214, as amended. That notice also stated:

"It is the position of the Department that the statutory prohibition on housing assistance for illegal aliens, which is contained in section 214 as amended by the 1986 immigration reform legislation, is not self-implementing. Owners and PHAs may not take any action to deny or terminate assistance pursuant to section 214 before the effective date of a HUD regulation implementing this statute."

Because of the prohibition against enforcing restrictions under section 214 owners and PHAs may not deny or terminate program participation to persons based on their status as aliens (including nonimmigrant student-aliens).

Previous notices to PHAs and housing owners recited the reasons for delay in implementation of a rule restricting assistance to aliens. Notice PIH 86-18 (July 31, 1986) indicated that PHAs and housing owners were not to require applicants or tenants to produce documents regarding citizenship or alien status before September 30, 1986. After the November 21, 1986 Federal Register notice indefinitely postponed the implementation of alien restrictions, HUD issued Notice PIH 86-25 (November 24, 1986) to all PHAs and HUD Field Offices, as well as memoranda (December 1, 1986) from the Office of Housing for routing to affected project owners. Those documents stated that ". . . until further notice, no steps may be taken to require families to submit documents to show citizenship or alien status."

This Notice is intended to clarify that—because of the prohibition on requiring documentation and denying or terminating assistance on the basis of alien status—until a new rule becomes effective, PHAs and housing owners must refrain from inquiring as to citizenship or alien status of applicants and family members in connection with selection for admission, or for the purpose of determining eligibility for continued assistance under these programs.

This clarification concerning alien status also applies to students who might be classified as nonimmigrant student-aliens, as well as to other applicants and assisted families. Any previous instruction prohibiting assistance to nonimmigrant student-aliens currently is inapplicable.

Further regulations will be issued before prohibitions on assistance based on citizenship or alien status are implemented.

JAMS E. BAUGH,
General Deputy Assistant Secretary for Public and Indian Housing.

——— ———,
Assistant Secretary for Housing-Federal Housing Commissioner.

Mr. KEMPTHORNE. Mr. President, I want to set the record straight regarding my vote in support of the fiscal year 1995 Commerce, State, and Justice conference report. While I strongly support the conference report's increased funding for the Justice Department's crime fighting activities, I oppose the amount of funding provided to pay for the U.S. share of the U.N. peacekeeping assessment.

At present, the United States pays over 30 percent of the United Nations peacekeeping bill. The Clinton administration is trying to reduce our share of these costs to 25 percent and I strongly support this effort. In addition, I believe that the United Nations does not give the United States credit for a variety of activities we contribute in support of U.N. peacekeeping operations, humanitarian missions, and Security Council resolutions. Earlier this year, the Congress approved a $1.2 billion supplemental appropriations bill to cover these "donated" costs to the United Nations. I believe that our representatives at the United Nations ought to seek approval of a formula that would credit countries, like the United States, that voluntarily contribute military forces and services to U.N. operations.

Under the current U.N. process, we must put our forces under U.N. command if we want to be reimbursed for our participation in U.N. operations. I think the current reimbursement process at the United Nations puts the United States in the unpleasant situation of paying for everything ourselves or putting our troops under U.N. command. Given the acknowledged weaknesses in the U.N. command and control infrastructure, I strongly oppose any effort to put U.S. troops under U.N. command. In light of this situation, I believe we need to press the United Nations to alter its reimbursement policies so that the United States can participate in peacekeeping operations without having to make the choice of passing the total bill to the American taxpayers or putting our troops under U.N. commanders.

Mr. President, I wanted to make this clarification and I yield the floor.

THE ISSUE OF GLOBAL CLIMATE CHANGE

Mr. CRAIG. Mr. President, I rise to register my strong concern regarding the position to be taken by the Clinton administration at next week's meeting in Geneva of the International Negotiating Committee for a Framework Convention on Climate Change, or "INC" as it is known.

At the last INC meeting in February, the U.S. delegation flatly announced that the commitments contained in the Climate Change Treaty were inadequate. In fact, the treaty a that point had not even entered into force. Now I ask you: how is it possible to make an informed judgment about the adequacy of a treaty whose terms have not yet even taken hold?

Of further concern is the fact that the Climate Change Treaty already outlines a process for considering the adequacy issue, a process which the Clinton administration seems intent on circumventing. Under the treaty, ratifying countries are required to review the document's adequacy at their first official session in March 1995 in Berlin.

The review is to be carried out "in light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic data." While I fully support the concept that public policy should be based on a firm scientific foundation, I understand the next full scientific assessment of climate change is not due until late 1995. Moreover, I understand much of the data gathered on climate change since the last scientific assessment in 1992 does not support the notion that changes are necessary.

Notwithstanding these concerns, the U.S. delegation appears to be on the verge of beginning work on a protocol, amendment, or political declaration at next week's INC meeting. As under Secretary of State and former Senator Tim Wirth said recently, "As a first priority for the future, we need to set an aim that can guide our efforts for the initial period after the year 2000."

Likewise, Assistant Secretary of State Wendy Sherman said recently,

> If work is not done at the INC meetings in August and next February, it seems unlikely that the conference of the parties [next March in Berlin] will be able to achieve meaningful results.

I am concerned such "meaningful results" might include support for nations like Germany and the Netherlands which are calling for protocols setting mandatory greenhouse gas emissions reduction targets and timetables for developed countries 20 to 25 percent below 1990 levels by the year 2005.

Separately, the Clinton administration is charging ahead on the domestic front as well. Last October, the president issued a 50-point climate change action plan that commits the United States to reduce its greenhouse gas emissions to their 1990 level by the year 2000. The plan relies primarily upon voluntary measures by industry to reduce greenhouse gases.

However, the administration is now discussing the possibility that additional mandatory controls on emissions of greenhouse gases may be necessary. Ironically, according to an August 16 article in the New York Times, one reason for this is that strong economic growth has led to increased greenhouse gas emissions.

Mr. President, the Clinton administration should resist the temptation both internationally and domestically to embrace new emissions reduction targets, higher taxes, or other regulatory regimes. The potential damage to the U.S. economy and to its international trade competitiveness, with attendant job losses, cannot be justified on the basis of the current state of the science.

In addition, any future changes in the treaty must address the question of participation by the nonindustralized nations of the world. It is widely acknowledged that greenhouse gas emissions from developing nations will far outstrip those from the United States and the rest of the developed world in the years ahead.

The U.S. delegation in Geneva should focus on assuring a careful assessment of what other countries are doing, with the objective of moving them to the level of commitment that the United States has already made, based on a careful understanding of the science of climate change.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report accompanying H.R. 4603, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4603) a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of August 16, 1994.)

The PRESIDENT pro tempore. Time for debate on the conference report will be limited to 1 hour under the previous order, the time to be equally divided and controlled in the usual form, which means that the manager of the bill, Mr. HOLLINGS, will control half the time and the ranking manager, Mr. DOMENICI, will control the other half of the time.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, I am pleased to present the conference report on H.R. 4603, the fiscal year 1995 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill.

In total, the conference agreement includes $26.8 billion in budget authority for fiscal year 1995. The Congressional Budget Office estimates these appropriations will result in outlays totaling $25.4 billion. Also included in this bill are fiscal year 1994 supplemental appropriations totaling $1.195 billion for Small Business Administration disaster loans, EDA disaster assistance grants and payment of UN peacekeeping arrearages.

This bill is $892 million in budget authority and $676 million in outlays below the President's budget request.

I should note straight off that this bill does not contain all the initiatives and funding levels included in the Senate-passed bill. That's not only because of the usual give-and-take in a conference. It is largely because the full House Appropriations Committee would not agree to the Senate's allocation for this bill. So this conference agreement had to be squeezed into a new section 602(d) allocation that is $338 million in budget authority and $185 million in outlays below the Senate-passed bill. So, no one should be surprised to learn that we had to reduce a lot of programs below the levels included in the bill we passed a few weeks ago.

The priority in this conference agreement continues to be law enforcement, State and local assistance as well as Federal. Title VIII of the conference agreement provides $2.345 billion in funding for programs under our jurisdiction that were authorized in the crime bill conference. This includes $1.3 billion for "cops on the beat"; $100 million to upgrade criminal history records; $450 million for the Byrne Formula Grant Program, and $130 million to reimburse States for the cost of incarcerating illegal aliens.

Highlights by agency are as follows:

FOR THE JUSTICE DEPARTMENT

In total, the conference agreement provides $12.305 billion for Department of Justice Programs in fiscal year 1995. That's $2.706 billion above last year's level and $161 million more than the House-passed bill.

The conference agreement includes $757 million for the DEA-increasing-on-board agent strength by 311 in fiscal year 1995; $2.207 billion is provided the FBI—increasing on-board agent strength by 436 in fiscal year 1995 as well as restoring critical attorney and laboratory positions at headquarters; and $852 million is provided U.S. attorneys, restoring assistant U.S. attorney positions and implementing a new violent crime task force initiative.

For the INS, the conference agreement includes program enhancements totaling $428 million, a 41-percent increase above fiscal year 1994 enacted levels to implement a new, aggressive immigration initiative. Included in these enhancements are 700 new and 250 redirected border patrol agents; 310 additional land border inspectors; 168 new airport inspectors; $155 million for new automation and communication equipment; $50 million to support border infrastructure projects, and $24 million to speed up asylum processing. Also included in the agreement is $75 million for the immigration emergency fund to deal with crises like we are witnessing in Florida right now.

The conferees have also provided funds to address court security requirements of the U.S. Marshals Service, and the agreement provides $280.5 million for prison construction and $2.356 billion for the salaries and expenses of the Federal Prison System. When combined with carryover funds of $30 million, the operating budget for the Bureau of Prisons will have increased some $406 million over last year.

FOR THE JUDICIARY

The conference agreement provides $2.905 billion for the Federal judiciary. That's $164 million or 6 percent more than last year and will fully support court security needs, fees of jurors and commissioners, and court appointed counsel costs when adjusted to reflect the downward projections in the number of representations. For the court of appeals, district courts, and other judicial services the conference agreement provides funding to support increased workload requirements for probation and pretrial services, and deputy clerks' offices.

COMMERCE DEPARTMENT

In total, we have recommended $4.218 billion for Commerce. That is $187 million above the House bill and $10 million above the President's budget request.

NOAA: $1.960 billion—$35 million over 1994: NOAA programs are increased $148 million over the budget request and $122 million over the House. There are no fisheries fees legislated or assumed as proposed by the budget and the House bill. We have retained much of my "ocean initiative" to enhance NOAA's ocean and coastal programs, like sea grant, coastal zone management, ocean remote sensing, and marine fisheries.

NIST: $854.7 million—$334.5 million over 1994: the conference agreement provides an increase of $335 million for National Institute of Standards and Technology Programs. This is $14.6 million above the House and $24 million below the Senate. We have increased funding for my manufacturing technology center program.

EDA: $440 million—$89.6 million over 1994: we've recommended an increase of $28.7 million above the budget and $69 million above the House. We have secured $120 million for defense conversion.

We also have recommended the following amounts for other bureaus in commerce: $266 million for the International Trade Administration; $116 million for the National Telecommunications Administration, including $64 million for National information infrastructure grants.

STATE DEPARTMENT AND INTERNATIONAL PROGRAMS

State operations: $2.729 billion—$29 million over 1994: We've done our best to fund the State Department's operations. We haven't done as well as I would have liked. We have settled at about a split—$55 million below the Senate and $57 million above the House. We have provided the full request for buildings and operations, and have included the new Embassy in Ottawa, Canada and additional funds for real property maintenance and restoration of our historical buildings, like the ambassador's residence in Buenos Aries, Argentina.

International peacekeeping: $1.203 billion. Our recommendation fully funds the President's request for U.N. peacekeeping. We have provided $981 million for arrearages. We have fully funded annual requirements requested in the budget of $222 million.

Voice of America/Radio Free Europe: $554.1 million. This agreement provides $554 million for the operations and facilities of the Voice of America and Radio Free Europe/Radio Free Liberty. We got the House to agree to drop its restrictive language that prevented radio free Europe's move to Prague but we have taken action to ensure that the Federal Government is not being expected to pay more than its fair share for this move.

Radio Free Asia: $10 million. We have included $10 million for the new Radio Free Asia Program. We also have provided $5 million under the Radio Construction Program to begin a new shortwave transmitter for the Voice of America and Radio Free Asia to be built in the Northern Mariana Islands. We need to get this capability to ensure broadcasting across Asia.

TV and Radio Marti: $24.8 million.

I am pleased to note that the conference report includes the Senate proposed level for Radio and TV Marti. I know that many of my colleagues who joined me on the floor—Senators GRAHAM, MACK, LIEBERMAN, LAUTENBERG, and DOLE—will be pleased that we are not going to retreat in our opposition to the Castro dictatorship. This conference report fully carries out the recommendations of the advisory panel on Radio and TV Marti, and it gives Dr. Joe Duffey the resources to improve this high priority program.

INDEPENDENT AGENCIES

SBA: $814.5 million—$106 million above 1994. The agreement provides $106 million more than 1994 in discretionary appropriations, which is a 16-percent increase. For business loans we have recommended $278.3 million to subsidize $10.5 billion in credit. Included in that number is $55.6 million for microloans and $30 million for section 503 refinancing. In addition, the conference agreement includes a $470 million supplemental for SBA disaster loans to deal with the increased activity in Los Angeles resulting from the earthquake, floods in the southeast and now tornados in my home State of South Carolina.

Federal Communications Commission: We have recommended total budgetary resources of $185.2 million, of which $68.8 million is from direct appropriations. We have rejected the president's proposal to eliminate direct appropriations for the FCC and we have brought back an agreement that provides $18.4 million more in resources than the House bill. The administration seems to want to turn that "information super highway" into an "information toll road." We are not going to do that. This Congress is going to pass a telecommunications bill and get the

FCC moving. We all know how important this agency is to fostering the development of new communications industries. We need to give the FCC the resources to do its job.

The conference agreement includes two legislative provisions that were included in the Senate bill at Chairman BYRD's request.

First, the first amends the Foreign Relations Act to require the State Department to start taking fingerprints of immigrant visa applicants to ensure that they do not have State or Federal felony convictions in the United States. The State Department stopped performing any checks on these people in 1990. The provision will require a fingerprinting test in the 10 countries with the highest volumes of visa applicants. The agreement allows the State Department to charge applicants for the cost of performing these fingerprint checks and reimbursing the FBI.

Second, the second amends the Immigration and Nationality Act to allow immigrant visa applicants to adjust their status in the United States with the Immigration Service rather than going overseas and adjusting status at an overseas post. These individuals have to pay a fee to the INS that is five-times higher than the existing fee for changing immigration status and it requires all applicants to be fingerprinted and have full background checks to ensure that they have not been convicted of a felony in the United States. This provision only relates to cases where an immigrant can already apply for a visa, it does not change the requirements for the application or when the applicant can be provided with a visa. It also provides the Immigration and Naturalization Service with at least $50 million in additional revenue.

SEC

Securities and Exchange Commission:

One compromise in this bill I am not pleased with is what we have been forced to do regarding the Securities and Exchange Commission. The House committee tried to fund the SEC through fees, but was stopped on the House floor by Chairman DINGELL. The bill that passed the House would require the SEC to shut down on October 1. The Senate-passed bill maintained fees and appropriations at current levels and provided the SEC with its full budget request of $306 million. The Senate Appropriations Committee and the Senate did the right thing.

But after the bill passed the Senate, the House Ways and Means Committee threatened to "blue slip" this conference report if the conferees did the right thing and agreed to the Senate language. Chairman GIBBONS made clear that he did not care what the impact would be on law enforcement, small business disaster assistance, and U.N. peacekeeping shortfalls, because of a narrow interpretation of the House rules, he made clear that he would "blue slip" or kill this conference report.

I think that Mr. GIBBONS and Chairman DINGELL are playing a dangerous game. At the same time the Congress is trying to pass a crime bill to combat violent crime, they seem intent on destroying the SEC and giving a boost to fraud and white collar crime. They seem to have no regard for what the elimination of the SEC would do to the securities markets and the formation of capital in this country.

But, they have us, no matter what we on the Appropriations Committee and the Conference were to do—even if we went back in true disagreement and the Senate voted to insist on its position. Chairman GIBBONS made clear that he would "blue slip" this conference report and kill the entire Commerce, Justice, and State bill.

We could not let that happen. So, Chairman MOLLOHAN and I have done our best and provided the SEC with $125 million in budgetary resources, which is enough to get them through February. I hope by then the House Ways and Means and the Energy and Commerce Committees can either raise these fees themselves or let us do so and stop holding the SEC hostage.

SBA DISASTER ASSISTANCE

I want to reiterate, Mr. President, that it is critically important that we get this bill through the Senate and to the President quickly. The Small Business Administration ran out of disaster loan funds on Wednesday of this week. This bill includes $470 million which will subsidize up to $2 billion of additional loan authority. With floods in Georgia, tornadoes in South Carolina, and wildfires in the West and Northeast. We need to expedite this bill and get it to President Clinton for his signature.

In conclusion, I especially want to recognize the new House Chairman, ALAN MOLLOHAN. He took over this Commerce, Justice, and State bill just a few months ago and has impressed everyone with his diligence and hard work. He has really taken command of it and has mastered the facts. And, I want to recognize my vice chairman, Senator DOMENICI who has worked so hard on this bill and helped put a priority on law enforcement. He has been instrumental in putting together the immigration initiatives and border patrol enhancements in this bill.

Finally, I want to recognize our subcommittee staff: Scott Gudes, Dorothy Seder, John Shank, Lula Edwards, and Jeff Goldstein.

RECOGNITION OF JEFF GOLDSTEIN

Mr. President, I just want to take a minute to recognize Jeffrey D. Goldstein who is a presidential management intern from the Defense Logistics Agency on detail to our Commerce, Justice and State Subcommittee. He has been serving with my staff since February.

Jeff is a graduate of Cornell University and holds a master's degree in public administration from the Maxwell School at Syracuse University. He specialized in labor/management relations and previously worked with a variety of labor organizations. During his tenure with us, Jeff was responsible for the review of and making recommendations for the Census Bureau, Economic and Statistics Administration, the Arms Control and Disarmament Agency, and the Federal Trade Commission. Jeff was responsible for keeping the numbers databases for the subcommittee and in helping draft the committee bill and report. He put in long hours and became an integral member of my subcommittee staff.

I recently learned that Jeff will be leaving the Senate soon, to take a position with the National Security Division of the Office of Management and Budget [OMB] in the Executive Office of the President. He will be working on pay and compensation policy.

Alice Rivlin is getting a real winner. I know Jeff will continue to be a credit to the professional civil service. On behalf of all the subcommittee members, I want to wish him the best.

Mr. CRAIG. Madam President, I note that the conference report on H.R. 4603, the Commerce, Justice, State, and Judiciary appropriations bill, adopts the Senate's position on Chinese munitions imports—an amendment proposed by Senator DECONCINI and myself. I am pleased the House and Senate conferees agreed that this language is necessary to grant transitional relief to U.S. importers in the interests of simple fairness.

I have spoken with many Members in the House and Senate who are following the situation that generated this provision. These comments are offered to update those who have a particular interest in the matter, and to assist in understanding and implementing this language.

By way of background, on May 26, 1994, the President of the United States decided to impose a ban on the import of munitions from the People's Republic of China [PRC]. On May 28, 1994, the Secretary of State requested that the Department of Treasury take all necessary steps to prohibit the import of such munitions. The ban was officially implemented at 12:01 a.m. eastern daylight time on May 28, 1994 to carry out the President's decision.

As a result, any munitions on the munitions import list of the Bureau of Alcohol, Tobacco and Firearms [BATF], which are manufactured, produced or merely exported from the PRC are prohibited from importation into the United States. BATF is not processing any permits for permanent import of the affected munitions. Additionally, munitions and arms in bond, in port, in a foreign trade zone or in-transit at the time of the embargo have been prohibited from entry into the United States for consumption. Furthermore, as of May 28, 1994, all current permits to import such munitions from China were deemed null and void.

U.S. importers had no prior notice of the President's action or the Secretary's interpretation of it. Goods they purchased that were already licensed for import and on the way to the United States were suddenly thrown in limbo—indefinitely detained in the United States or held in China following their return to that country. The result is that U.S. companies are being forced to breach purchase agreements, suffer unnecessary financial harm, and undermine ongoing commercial relationships.

It was only a few days ago that BATF issued a notice that may provide some relief to those who have items that were in bond, in port, or in foreign trade zone prior to 12:01 a.m. eastern daylight time, May 28, 1994. This notice, however, provided no hope or help to the many importers who had shipments en route to the United States at the time of the embargo.

The conference report provision has the effect of allowing entry, for U.S. consumption, arms and munitions for which:

First, authority had been granted on or before May 26, 1994, under the applicable permits and licenses, or ATF Form 6, to import such arms and munitions into the United States, and

Second, which were, on or before May 26, 1994, in a bonded warehouse or foreign trade zone, or in port, or

Third, which were, on or before May 26, 1994, as determined by the United States on a case-by-case basis, in transit.

With regard to the last category, in transit, the case by case review language as added specifically to respond to a concern raised by the administration about establishing the date of departure of goods from China. The review is intended to allow an expeditious factual determination as to whether or not the arms or munitions licensed to be imported were actually in a state of being transported or shipped to the United States on or before May 26, 1994. Like the other categories, in bond, in port or in a foreign trade zone, that review is not intended to reopen the question whether the arms or munitions are importable because of their type or kind, since it is a requirement for this transitional relief that they were already approved for entry at, or prior to, the time of the embargo.

This provision does not reverse or erode the President's order or his authority to effect foreign policy. In the past, U.S. companies have been given notice of granted concessions for intransit goods before such policy changes were implemented—in order to minimize unnecessary financial harm and honor commercial relationships and agreements. Examples include the implementation of the ban on Nicaraguan imports and the ban on purchases from Toshiba and Kongsburg Vaapenfabrikk under the Trade and Competitiveness Act of 1988. H.R. 4603 would grant one-time transitional relief for a strictly limited class.

I hope with the passage and enactment of this language, that the Bureau of Alcohol, Tobacco and Firearms will not wait to take action but instead will immediately issue a letter to all importers inviting them to submit the necessary documentation to get quick approval to bring into the United States those goods that were in transit at the time of the embargo.

STATEMENT ON THE COMMERCE, JUSTICE, STATE APPROPRIATIONS CONFERENCE BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4603, the Commerce, Justice, State appropriations conference bill and has found that the bill is under its 602(b) budget authority allocation by $108 million and under its 602(b) outlay allocation by $37 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the Commerce, Justice, State Subcommittee, Senator DOMENICI, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Commerce, Justice, State appropriations conference bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4603—FISCAL YEAR 1995 COMMERCE, JUSTICE, STATE APPROPRIATIONS—CONFERENCE BILL

[In millions of dollars]

Bill Summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	26,344	18,590
Outlays from prior years appropriations		6,322
Permanent/advance appropriations	0	0
Supplementals	2	−0
Subtotal, discretionary spending	26,346	24,912
Mandatory totals	527	515
Bill total	26,873	25,427
Senate 602(b) allocation	26,981	25,464
Difference	−108	−37
Discretionary totals above (+) or below (−):		
President's request	−855	−669
House-passed bill	306	102
Senate-reported bill	−275	−187
Senate-passed bill	−369	−186
Defense	75	305
International Affairs	5,494	5,535
Domestic Discretionary	20,777	19

Mr. DOMENICI. Mr. President, I yield myself 10 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, this conference bill is truly a crime bill. The moneys that are contemplated to be spent under the new trust fund, if it ever takes place, have already been allocated by the Appropriations Committee under the leadership of the Presiding Officer. This committee has funded for 1995 many of the provisions that require funding under the so-called crime bill that is currently in dispute in the U.S. House and perhaps in the U.S. Senate. So I am very pleased to report this bill to the Senate.

Obviously, every conference report has provisions in it that either the ranking member or the chairman do not totally agree with. There are some provisions in this bill I would prefer not be there. Nonetheless, overall, it is a very real credit to the process. Sometimes it seems to me that we get bogged down and cannot get our work done. But in this case, it seems to this Senator that this bill is a giant step in the direction of the U.S. Government committing itself to fight crime.

Let me go through what we did and why we did it and highlight just a few things.

First, I must remind those who are interested in the crime bill that, yes, the President is talking about this crime bill and wants it very badly. But if one were to look at his budget that he sent down here just a few months ago, which we are not incorporating in appropriations in this bill, you would find that at that time, not too many months ago, the President's budget had major reductions in many Federal law enforcement programs. The President chose other programs instead of the Federal law enforcement activities. For instance, the Federal Bureau of Investigation would have lost 861 positions. The Drug Enforcement Administration would have lost 93; the U.S. attorneys, instead of growing in numbers under the heavy burden of more prosecutions, would have lost 123 positions; the criminal division, with some very major, new responsibilities, would have lost rather than even remained constant in terms of its efforts.

So we have rejected all of those proposals that were included in the President's budget. The FBI will receive $75 million, 436 new agents, and as my distinguished friend and chairman of this committee said; the DEA, instead of going down, will go up, 311 agents. We all think that is a very professional organization. They have, in the last few years, begun to do a very good job in terms of fighting illegal drugs in the United States. And, yes, the U.S. attorneys, I think, as a body and as a whole in America, are probably as good a prosecutors and fighters of crime as we now have. Their funding will go up $15 million for the violent crime task forces. That is very important. They are beginning to make some real headway in this area.

Another issue that was focused on in this bill are the so-called Byrne grants. These Byrne grants are a formula grant program for the States. And what happened in the President's budget, first, the President decided to terminate this program—probably the most effective program to help our States fight crime. A little later, they found $125 million for it. The truth of the matter is, that was a huge cut over previous Byrne grant funding to our States. We have rejected efforts to terminate or dramatically reduce this fund. In fact, we have restored funding and increased it $92 million over the 1994 levels. Any Senator can tell his Governor that the Byrne grants not only were recaptured and held in this budget, but each State will get a little bit more for the excellent crime fighting that occurs because of this grant program.

The formula grant program is used by States for a variety of things. I want to just mention a few. Over 950 task forces and drug units have been established or expanded throughout the country with these funds. Just taking my own State for a moment, there are 11 multijurisdictional law enforcement task forces funded through this program. These task forces integrate Federal, State, and local law enforcement in ways that have never been done before, and they are extremely effective.

In addition, we all hear that one of the best programs going for our young people is a program called DARE. We see it all over our cities and our States. That program would have been terminated if the Byrne grants would have been terminated. Each State will now be able to continue and, perhaps, add to this very significant drug abuse resistance education program, where policemen work in the schools with our young people to talk about what is bad about crime, what is bad about drugs.

Mr. President, I ask unanimous consent that a chart be printed in the RECORD which provides a comparison of the funding levels each State will receive under the Byrne grant formulas under this bill.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

OFFICE OF JUSTICE PROGRAMS, EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM

[Amounts in thousands]

State/Territory	$358 million level	$450 million level	Increase
Alabama	$5,827	$7,326	$1,498
Alaska	1,595	2,005	410
Arizona	5,465	6,869	1,404
Arkansas	3,756	4,721	965
California	37,704	47,394	9,690
Colorado	5,033	6,326	1,293
Connecticut	4,808	6,043	1,235
Delaware	1,717	2,158	441
District of Columbia	1,597	2,008	411
Florida	16,980	21,343	4,363
Georgia	8,946	11,245	2,299
Hawaii	2,278	2,864	586
Idaho	2,167	2,724	557
Illinois	14,765	18,560	3,795
Indiana	7,647	9,612	1,965
Iowa	4,248	5,340	1,092
Kansas	3,904	4,907	1,003
Kentucky	5,373	6,754	1,381
Louisiana	6,007	7,551	1,544
Maine	2,368	2,976	608
Maryland	6,748	8,482	1,734
Massachusetts	8,048	10,116	2,068
Michigan	12,149	15,271	3,122
Minnesota	6,237	7,840	1,603
Mississippi	4,012	5,043	1,031
Missouri	7,088	8,909	1,821
Montana	1,878	2,360	482
Nebraska	2,810	3,532	722
Nevada	2,477	3,114	637
New Hampshire	2,220	2,790	570
New Jersey	10,184	12,800	2,616
New Mexico	2,780	3,495	715
New York	22,502	28,285	5,783
North Carolina	9,055	11,382	2,327
North Dakota	1,653	2,078	425
Ohio	14,032	17,638	3,606
Oklahoma	4,725	5,940	1,215
Oregon	4,445	5,587	1,142
Pennsylvania	15,216	19,126	3,910
Rhode Island	2,093	2,631	538
South Carolina	5,192	6,526	1,334
South Dakota	1,743	2,191	448
Tennessee	6,886	8,656	1,770
Texas	21,950	27,591	5,641
Utah	3,057	3,843	786
Vermont	1,575	1,979	404
Virginia	8,500	10,684	2,184
Washington	7,020	8,824	1,804
West Virginia	3,056	3,841	785
Wisconsin	6,866	8,630	1,764
Wyoming	1,451	1,824	373
American Samoa	[1]671	[1]844	173
Guam	1,054	1,325	271
N. Mariana Islands	[1]331	[1]416	85
Puerto Rico	5,095	6,404	1,309
Virgin Islands	1,016	1,278	262
Total	358,000	450,000	92,000

[1] In accordance with the Anti-Drug Abuse Act of 1988, as amended, these two Territories are considered as one State and the total amount available is allocated by percentage; $358 million level: American Samoa (67%—$671,340) and Northern Mariana Islands (33%—$330,660); $450 million level: American Samoa (67%—$844,256) and Northern Mariana Islands (33%—$415.828).

Note.—Allocations are for comparison purposes only and do not represent actual allocations. After enactment of the 1995 appropriation act, final allocations will be calculated using the latest population data available at the time.

Mr. DOMENICI. Mr. President, this conference agreement also will include language that will expand on the purposes for which Byrne grants may be used. They can now be used related to driving-while-intoxicated laws and the enforcement thereof. New Mexico took a lead in that, and the United States Senate and the House have both accepted this broadening language.

The second phase of this bill is a fight against illegal immigration. So it is a twin bill. It is a bill that fights crime, and it is a bill that puts money into the American agencies that are charged with enforcing our immigration laws. There is nothing more important than that we make a commitment on behalf of our country that we enforce our immigration laws.

The conferees recommended an increase of $359 million for the operational accounts of the Immigration and Naturalization Service. I think this is extremely important. The $54 million will add 700 new Border Patrol agents for our States, across the borders, and even inland where the immigration laws are being enforced.

We will also increase the automation and communication systems of the immigration service. It is currently outmoded and ancient. We are trying to bring it current with modern technology. There is $24 million for increasing the asylum processing, and $17.5 million to expedite deportation and detention activities, which is very important. Our people are giving up in many of our States as to whether we are going to enforce our immigration laws.

Let me move on. Within this crime bill, I am disappointed that we were not able to fund programs that would help our States build prisons. All we could do is start the program with $24 million. I believe these prison grants may prove to be the most effective of all the new programs that we are likely to include in a crime bill.

I remind everyone that 65 percent of the felony defendants are released prior to trial. This includes 63 percent of all violent felony defendants. A quarter of them simply never show up in court. Approximately 11 percent of the murder arrestees and 12 percent of all violent crime arrestees are on pretrial release for an earlier case at the time they are cited with the new offense. Twenty percent have 10 or more prior arrests. Over 35 percent have one or more prior convictions.

Obviously, we can go on, but this is why the American people are discouraged and disgusted with reference to violent crimes where we have repeaters with many, many felonies still on the streets.

My last remarks have to do with cops on the beat. This is one of these provisions, I say to my fellow Senators, that if I had my way I would not have put the money in for cops on the beat. I would have given the States a grant and let them use it for crime fighting. It has been touted as 100,000 cops on the beat. This will not produce 100,000 new policemen on the beat unless the State of California or the State of South Carolina can hire a new cop for $13,000 because 100,000 policemen with $1.3 million, using simple arithmetic, is $13,000 per policeman. Now, that is not going to happen. Maybe the States might decide that they will take that money and supplement it with their own money.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The 10 minutes are concluded.

Mr. DOMENICI. Could I have 2 additional minutes?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. The 2 additional minutes he yields to me. My time is committed to two other Senators.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. DOMENICI. I will quickly move on.

We will not get the 100,000 policemen. If you do the simple arithmetic, it probably would permit you to hire about 20,000. But essentially when you have to provide three policemen for around-the-clock protection, you can then divide that number by three in terms of new policemen on the beat at a given time, and now you are already down to a third of 20,000, which I guess is about 6,600.

So, frankly, I would not have spent that much money on this program. I would give the States the latitude to use it, and I would bet even cities would not have used it all there but rather to help district attorneys prosecute and to help parole boards, who are overloaded, and the like.

Let me just talk about two other provisions quickly. We were able in this bill to provide $4 million to the Office of Women's Business Ownership of the Small Business Administration. That is a doubling of the grants program from last year. This helps some of the new organizations that are helping women in business. The fastest growing portion of our entrepreneurial system are of women-owned businesses. It is dynamic, dramatic, and very welcome. This will permit some of these organizations helping women to get programs that they did not have before.

Last, I second the comments of the chairman regarding the SEC. Frankly, if we had done this bill the way the House wanted on the SEC, the bill would have fallen. We would have no bill, or else we would have no SEC. Nobody could go along with that. That borders on irresponsibility. We have done the best we could. We found enough money to fund them through February, and, frankly, there is no more money. If those who come up with a program to pay for it in the authorizing committees do not act, then, frankly, there may be a difficult time come March or April for the SEC.

Let me close by thanking the chairman for the diligent work and the staff on both sides for their efforts, which obviously helped this Senator, who has only been on this committee a couple years, learn what I have been able to learn and do my job better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Madam President, this appropriations bill is the crime bill for 1994.

That it is so is due to the efforts of the distinguished chairman and ranking Republican member of this appropriations subcommittee. We all, and I believe the country as a whole, owe them a debt of thanks for reorienting so much of the portion of this appropriations bill directed to the Department of Justice to affect law enforcement programs.

As compared with the bill and now with all of the headlines, this will have a greater impact in fighting violent crime. It includes cost-effective crime prevention measures, and it was written in a bipartisan fashion and has bipartisan support.

Perhaps the single most important triumph in the bill is its generous funding of the Byrne formula grant program for interagency drug task forces across the United States. The President of the United States in his budget recommended that this highly successful program be canceled lock, stock, and barrel. Instead, we first voted in the budget resolution to continue it at the level of the current year, and by the time this bill was finished, it has actually significantly increased.

To take one example of just 48 hours old, the regional drug task force, funded partly by Byrne grants in Spokane, WA, arrested day before yesterday 18 people there and in northern Idaho in connection with a major cocaine distribution ring. One hundred and ten officers from many different organizations, even across State lines, participated in those arrests which might not have taken place did we not have these Byrne grants.

Second, Madam President, this appropriations bill funds a program called "Weed and Seed," still experimental, taking place in only perhaps 20 cities across the country. It is a demonstration project under which law enforcement officers work with people in various social service disciplines in particular neighborhoods that are afflicted with high crime rates to try to do something about them. I have visited and worked with that in the city of Seattle and find it to be a magnificently successful program.

Here we have some $13.5 million to continue it with the understanding that the Attorney General will add another $10 million from her discretionary funds, which will allow some expansion of the program to new communities which do not have it at the present time.

Federal law enforcement programs are particularly important. How we could conduct a war against crime under the President's budget, which was going to cut the Federal Bureau of Investigation and cut the Drug Enforcement Administration, this Senator simply does not know. These Senators, however, and this committee have increased the appropriations for the FBI in a way that will restore 250 field support positions and special agent staffing. There is an increase of some $37 million for the Drug Enforcement Agency. There is a major increase for the Immigration and Naturalization Service. There is a restoration of the regional information sharing system, which also the President recommended eliminating. There is money for organized crime drug enforcement.

Madam President, in addition, these Senators have worked to appropriate for some of the elements that will be in any overall crime bill which we authorize this year, ones that are particularly popular and have a particularly good future. Part of that, of course, is for community policing, and I join with the Senator from New Mexico in my questions about this quasi-subsidy, which is to be phased out over the years, as to whether or not it will be nearly as effective as simply allowing jurisdictions to make their own choices. But it has grants for the violence-against-women programs that are in that bill, which are very important.

Equally, however, it does not fund some of the dubious porkbarrel projects in that crime bill, like the Local Partnership Act, which ignores crime rates in the billions of dollars that it is to distribute; the youth employment and skills crime prevention, another unrelated jobs program on the top of the 154 or so we already have in seven or eight agencies of the Federal Government; the model intensified grant program, which is simply pork to be delivered to complacent mayors across the United States.

So, in summary, with respect to appropriations for the Department of Justice, Madam President, this is a wonderful crime bill. This will actually do something to keep the promises we have been making over the course of the last year.

I want to end as I began by commending the chairman and commending the ranking Republican under very difficult circumstances for setting their priorities in the field of crime and criminal law enforcement in a wise and judicious manner.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Does Senator GORTON have a minute left or so?

The PRESIDING OFFICER. There are 13 minutes and 28 seconds remaining.

Mr. DOMENICI. I wanted to just say to Senator GORTON, I forgot to mention in my opening remarks, as I talked about the Byrne grants, that on the budget resolution one of the very first things, where the sentiment expressed its Senate, had to do with not taking the President's budget which would have written it out, but rather to fund it at last year's level.

I believe that amendment was your amendment, was it not?

Mr. GORTON. It was.

Mr. DOMENICI. I want to commend the Senator for starting the momentum that it was brought back to life in not only fully funding, but next to $90 million for the Byrne grants, which works probably better than any other crime fighting in terms of our cities and States.

Mr. GORTON. I thank the Senator.

Mr. DOMENICI. I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Thank you, Madam President.

First of all, I would like to thank the managers of the bill for an excellent piece of legislation. I want to associate myself with Senator GORTON's remarks, and others.

I would point out, Madam President, that some of this may come as a surprise. I was able to get a copy of this bill at 7 p.m. last night. I was able to get it only from the Republican legislative scheduling office. It was the only one she had. I note that bill itself has just been distributed to me and has not even been put out the desks as yet.

I also think it is important to note that the approval rating of Congress is around 26 percent. Thirteen percent of the American people think that Congress will do the right thing some of the time. One of the reasons for that, when you ask any American, is because of the unwarranted expenditures of their tax dollars that they do not believe receives proper scrutiny or proper authorization and is done in the dead of night or in some back room.

Madam President, this bill contains $41 million in earmarked add-ons not considered in a deliberative manner by either the full House or the Senate; $41 million in earmarks that were not in the Senate bill, that were not in the House bill, and were inserted in the conference.

Madam President, you know, one of the finest publications ever put out is "How Our Laws Are Made." I urge students and other citizens to read this book.

But next year, the next time it is published, I am going to urge that there be a change made in this book, because it is not correct as to how we actually do business around here.

On page 38 of this book, under the title "Authority of Conferees," it says:

> The conferees are strictly limited in their consideration to matters in disagreement between the two Houses. Consequently, they may not strike out or amend any portion of a bill which was not amended by the Senate. Furthermore, they may not insert new matter that is not germane to the differences between the two Houses.

Madam President, that is how our laws are made. That is what we are telling the American people.

What did we do here? In the conference now, not in the House or in the Senate bill, there is $2,500,000 for a grant to city of Kansas City, MO, for development of a weather environmental center; $3,500,000 for a grant for construction of a Multispecies Aquaculture Center in the State of New Jersey.

I would like an explanation from the managers as to what a Multispecies Aquaculture Center is, why it has to be in the State of New Jersey, and what relevance—why there was not a hearing in the House or a hearing in the Senate or an authorization either in the House or the Senate—Why we need a Multispecies Aquaculture Center?

One million dollars for a grant to the Mystic Seaport, Mystic, CT, for a maritime education center; $5,200,000 for a grant to the Center for Interdisciplinary Research and Education in Indiana; and $2 million for a grant of the construction of the Massachusetts Biotechnology Research Institute in Boston.

All of these things may be worthy, they might be vital, they may be the most important things we could ever have had. If they are, why were they not in the original bill, either one?

And the parliamentary situation, Madam President, is that there is nothing that can be done about. If I lodged a parliamentary point of order on these insertions—that kind of word I can use—these insertions, I would be ruled out of order.

Madam President, we do not know whether these projects are valid or not. But they were inserted, $41 million of them. And, by a rare and strange coincidence, every single one, but one, is in the district or the State of a member of the Appropriations Committee. Now, that is an incredible coincidence. Only one, in the State of Nebraska, is not.

Madam President, I know that some of these are very important. I know that $3 million should be available for the continuation of a grant for the National Center for Genome Resources in New Mexico. I know that maybe we need $1 million to continue a grant for the Genesis Small Business Incubator Facility, Fayetteville, AR; $500,000 for a grant to an entity—they do not even say what the entity is—an entity in Bozeman, MT.

Maybe we need a National Data Center Small Business Institute Program in Conway, AR. Maybe we need $2,500,000 for a grant to the city of Wheeling, WV, for the Oglebay Small Business Rural Development Center. Maybe we need $250,000 for continuation of grant to the city of Espanola, NM, for the second phase—not the first phase, but the second phase—I would be interested in knowing how many phases there are—of the development of the Espanola Plaza project to assist small businesses and enhance economic development; $500,00 for a grant to the Mississippi Delta small business technology project, Little Rock, AR, for technology education. On and on and on. I do not have time to go through all of them.

Here are the facts. The facts are, I repeat, it was not in the House bill, it was not in the Senate bill, so I assume their were no hearings on these projects. If there were, I would assume that the hearings would have indeed authorized and then appropriated these projects. So they were not in the House, they were not in the Senate, the conferees gathered and then they put in 41 million dollars' worth of earmarks. Is 41 million dollars a lot of money? I do not know if it is in Washington. I know it is in Arizona—$41 million in earmarks, which I cannot do anything about, Madam President, except wonder what a Multispecies Aquaculture Center is, except wonder why it is that Kansas City needs a weather and environmental center more than Phoenix, AZ, or Albuquerque, NM.

So, if I sound like I am frustrated, Madam President, it is because I am. But I would like for the manager of the bill at least to tell me what a Multispecies Aquaculture Center is. I would also like to know why it is that Kansas City, MO, needs a weather and environmental center.

But most important, the question I would ask the managers is why these $41 million had to be inserted in conference? Why could they not have been put in either bill so that at least either body could have considered them? I think those are legitimate questions and I think not only this Member but the American people deserve an answer.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Madam President, I am just going to respond to two things. This bill was printed in the RECORD two days ago. I regret that my friend from Arizona did not find it.

Mr. McCAIN. If I can respond, I said copies of the bill, I did not say printed in the RECORD. I said a copy of the bill was not available until last night at 7. I did not say not printed in the RECORD.

Mr. DOMENICI. I just make the point, the way we normally make it available is put it in the RECORD, and the RECORD is available to everyone. I do not want anyone to think we tried to hold this until 7:30 in the morning or 7:30 last night. It was done in the normal manner.

Second, I would like to make a point on the first item that was raised. What did the Senator call it? Aquaculture center?

Mr. McCAIN. Multispecies aquaculture center.

Mr. DOMENICI. All I know is, this is a House request that we had to give them. But this has been in the bill before so this is not showing up for the first time.

Mr. McCAIN. If the Senator will yield, he cannot tell me what it is?

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I yield the time, go ahead.

Mr. McCAIN. The Senator cannot tell me what a multispecies aquaculture center is?

Mr. DOMENICI. As I told the Senator, this is a House project. But I think the name means that this is a place where you research species of fish to be used for food. That is what it is, I assume. That is what the name says and that is what they are trying to do at a center there in that State.

Mr. McCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona has the floor—who yields time?

Mr. HOLLINGS. Madam President, I yield myself such time as I use.

The PRESIDING OFFICER. The Senator is recognized for such time as he may consume.

Mr. HOLLINGS. I thank the distinguished Senator.

Incidentally, Madam President, we included the full amount that was authorized relative to the incarceration of illegal aliens. It was only $130 million under the crime bill, which is our authorization. We kept it as a separate item.

Remember, when we came to the floor what we had was a matter of taking it from the Byrne grant enlargement on the House side and from the cops-on-the-beat account on the Senate side. But the distinguished Presiding Officer, the Senator from California, requested that it be put out as a separate item, and it is a separate item and it is the full authorization. We will be working with the distinguished Presiding Officer on that.

Now addressing the concerns of the distinguished Senator from Arizona, let me point out that none of this was done in the dead of night. It was not done secretly. Everything was scrutinized. There are a lot of things in here, for instance relative to NOAA that sound strange to those unfamiliar—for instance, the multispecies aquaculture center mentioned by the Senator.

If you will just wait a couple of years, we are going to have one down in South Carolina. We are building one in my hometown. It is a wonderful thing for the youngsters who live in the inlands, not near an ocean, to come and look and see the different species of the ocean. I want to invite the Senator from Arizona to see the one we get in Charleston. I am sorry I could not get a provision in here to assist the one planned for Charleston.

Be that as it may, we do have many things in this bill that are not authorized. This is a fact of life, however at variance it may be with the civics textbooks. I will never forget, 27 years ago when I got elected, my hero was the distinguished Senator from Georgia, Senator Dick Russell. Elected on a Tuesday, I found myself Wednesday on the front porch of his little house in Winder, GA. He turned to me—we were sitting in his wonderful rocking chairs—and he said: "Now, FITS," he never called me FRITZ, he called me FITS—he said, "what committee do you want?"

I said, "I'd like to get on Armed Services."

He said, "Oh, you don't want that."

Here he was, the chairman of the very committee. I said, "I don't want that?"

He says, "No, that is all just authorizing. You want to get on the Appropriations Committee. That is where you really spend the money, give the scrutiny and appropriate the funds."

Well, I had been in the State legislature for 10 years, Governor for 4 years. We never had the bifurcation, you might say, of authorization on the one hand and appropriations on the other. And the fine gentleman got me on the Appropriations Committee.

For example, in this particular bill, the Border Patrol in Arizona is not authorized. The FBI office in Phoenix, AZ, is not authorized. The list extends much further.

Mr. DOMENICI. Justice Department.

Mr. HOLLINGS. Yes. The entire Justice Department is not authorized.

I can go over to many other things in the International Trade Administration and otherwise that are not authorized. We do, indeed, work closely with the respective authorizing committees. The distinguished Senator is on the Armed Services Committee, and present on the floor is the distinguished chairman of our Appropriations Subcommittee for Defense. He works very closely with our distinguished chairman, SAM NUNN, and with you as a member of the committee and with other members of the committee.

It is not the intent or objective of those on the Appropriations Committee to disregard authorizations. We go forward without authorization as a favor to the authorizing committee 95 percent of the time. I can tell you that. They come and say, "We haven't been able to get it authorized." The Justice Department authorization is a good case in point. If they put that bill up they would immediately have a gun amendment and that would be the end of that bill. Or perhaps a school prayer amendment or abortion amendment. I have been arguing those issues for 27 years and voting on them for 27 years.

So they can write these harmless little civics booklets; they are fine for school children and the unknowing.

But the distinguished Senator from Arizona is knowing. He has been here. He has served here long before he even became a Member of the U.S. Senate. So he knows the wily ways of Senators better than most. We put these items into this bill in conference. The conference is a give and take proposition between the House and the Senate. That is how we get the big jobs done, including this appropriations crime bill that we are now considering. And we are very proud of it.

So Madam President, let me reserve the remainder of my time. I suggest the absence of a quorum. We can take the time of the call from my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the time for the vote, set by an earlier unanimous-consent agreement, be changed from 10:30 to 10:45, with the additional time equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator is recognized.

HEALTH CARE REFORM

Mr. PRESSLER. Madam President, health care reform is important to us all. Many on this side of the aisle want health care reform. In fact, all of us on this side of the aisle want health care reform. However, we feel strongly that the bills being proposed by the majority party are too bureaucratic, too costly, and include too much Government regulation. In essence, we will have Government medicine. These concerns do not mean that we don't support efforts to reform our heatlh care system. We are for making improvements to our current system.

We have the best health care system in the world. And yes, there is room for improvement. For example, there are many poor who need to have some assistance in buying health insurance. There are many in the middle class who are strapped with high premiums. We do need cost containment and malpractice reform. We do need to make insurance portable so that if a person goes from one job to another they are not caught without insurance. We do need to remove the preexisting condition.

Many say that we are delaying action. Some have used the word "filibuster." That is not true. There is no filibuster. When we receive a new bill on a Friday afternoon, we need several days to look at it and to get some budget estimates before moving forward. Indeed, many people on the other side of the aisle will not go forward without those budget estimates and adequate time to study the bill. I applaud many of their speeches on that subject.

So I think there is some misunderstanding in the country. We Republicans want health care reform. We want to tune up the system. I compare it to a farmer who has 10 machines in his garage, and of those 10 machines, 2 need to be overhauled. He should not overhaul all 10. He should overhaul two and tune up the rest.

The subject of malpractice reform is not understood very well across the country. It is my opinion that about 10 percent of the cost of medical care in this country comes from lawsuits and malpractice abuses. Certainly we want a citizen who is wronged to be able to sue. In the bills that have come from this side of the aisle, there has been a cap on lawyers' fees in lawsuits and a cap on certain damages, after the person is made economically whole, on certain types of damages. There are also proposals for prelitigation screening and other types of tort reform.

The White House and the National Democratic Party are very much opposed to tort reform because they are so close to the national trial lawyers. I am just telling it the way it is. Certainly, the trial lawyers perform a very good function in the sense that it is the way in our society that a small person, or a person of modest means, can sue a great corporation or sue a very wealthy person. Some say we have, quite accurately, had our revolutions in the courtroom rather than on the streets because that is the way people who are poor and who have been wronged in our society get relief, by going to a lawyer and getting a contingency fee and bringing a lawsuit against a great corporation.

So we do not want to take away that right. But we do want to have tort reform in the sense that the number of lawsuits in our society has reached a ridiculous rate. It is not helping the poor anymore. It is sort of a lottery system almost, and it means that many of our small-town hospitals have to carry very expensive insurance and our doctors have to carry very expensive insurance.

So we are very much for malpractice reform, and that falls on most of the bills that have come from this side of the aisle.

In conclusion, Madam President, let me say this Senator is ready to legislate and has been. In fact, I gave a speech on the Senate floor a year ago April urging that we bring some things up for votes.

We are ready to go, but let us work together to have something that is budgetarily possible, something that takes care of the problems in our society. About 20 percent of our people have problems with their insurance or getting insurance or with the high costs. Let us tune up the rest to reduce the costs, have cost containment, tort reform, and insurance reforms. We don't need to start creating new Government programs. Those are some things we should be doing and that we want to do in this session. We can do it very quickly. But what we do not want to do is adopt massive Government insurance, massive Government spending, massive new Government offices, 98,000 new Government employees, and so forth.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Madam President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. DOMENICI. Madam President, I note the occupant of the chair and since she is from California, she has had a genuine interest, obviously, in the problem that Governor Wilson and Governor Chiles have made rather notorious, and that is, how do the States pay for incarceration costs of illegal aliens.

I want to also mention that the amendment that got this issue into conference was offered by the distinguished Senator, of the State of Texas, Senator HUTCHISON. I am very pleased to acknowledge her leadership in this area. The amendment she and Senator DOLE offered got this started, and many Senators supported it, obviously, including the occupant of the chair, the Senator from California.

But I want to say to the Senator from Texas that this Senator appreciates her leadership with regard to this issue and other issues that have to do with illegal aliens, knowing that it is a very, very big problem in the State of Texas, as it is in other border States, and as it is most serious in the State of California.

Having said that, I do not think we have anything further on our side, Madam President. With the permission of the chairman, we yield back the remainder of our time, whatever that time is.

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, the Senator from New Mexico is right on target. The Senator from Texas was of tremendous help. The Senator from California [Mrs. FEINSTEIN], who presently occupies the chair, worked around the clock with our subcommittee relative not only to the incarceration of the illegal aliens, but particularly with respect to the Border Patrol problems that we had down in San Diego, with additional agents being assigned, additional computer facilities being purchased.

Control access expedited route was found very worthy up in Washington. We have now put that in San Diego, for those who go to and from work across the border every day. On behalf of the subcommittee, I want to thank Senator FEINSTEIN for her leadership.

With respect to legislative provisions in an appropriations bill, the distinguished Senator from Arizona jogged my memory relative to one that was requested and declared by the authorizing committees under the leadership of our chairman of the Appropriations Committee, the distinguished Senator from West Virginia, Senator ROBERT BYRD.

The first provision amends the Foreign Relations Act to require the State Department to start taking fingerprints of immigrant visa applicants to ensure that they do not have State or Federal felony convictions in the United States.

The State Department stopped performing any checks on these people in 1990, but this provision would require a fingerprinting test in the 10 countries with the highest volumes of visa applicants. The agreement allows the State Department to charge applicants for the cost of performing these fingerprint checks and reimbursing the FBI.

This resulted from a series of overall full committee hearings on the matter of immigration problems, with the Commissioner of the Immigration and Naturalization Service testifying, and other witnesses, the Governors from several States.

Another item that Senator BYRD included, which we unanimously approved, under the Immigration and Nationality Act, to allow immigrant visa applicants to adjust their status in the United States with the Immigration Service rather than going overseas and adjusting status at an overseas post. These individuals have to pay a fee to the INS five times higher than the existing fee for changing immigration status, and it requires all applicants to be fingerprinted and have full background checks to ensure that they have not been convicted of a felony in the United States. The provision only relates to cases where an immigrant can already apply for a visa. It does not change the requirements for the application or when the applicant can be provided with the visa. It also provides the Immigration and Naturalization Service with at least $50 million in additional revenues.

I think those were worthy provisions that were put in sort of an emergency situation in the treatment of our appropriations for the Immigration and Naturalization Service.

Madam President, I retain the remainder of my time. We have an additional 3 minutes before the rollcall.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I think, Madam President, the time has arrived.

The PRESIDING OFFICER. The Senator is correct. All time has expired. The question before the Senate is on agreeing to the conference report accompanying H.R. 4603. The yeas and nays have been ordered. The clerk will call the roll.

Mr. DOLE. I announced that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—88

Akaka
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—10

Baucus
Brown
Coats
Faircloth
Feingold
Helms
McCain
Nickles
Smith
Wallop

NOT VOTING—2

Murkowski
Simpson

So the conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH SECURITY ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2351 which the clerk will report.

The bill clerk read as follows:

A bill (S. 2351) to achieve universal health coverage, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Mitchell amendment No. 2560, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. KENNEDY. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized.

The Senator may proceed.

Mr. WELLSTONE. Thank you, Madam President.

Madam President, could I get order on the floor?

The PRESIDING OFFICER. The Senator has asked for order. The Senate will be in order.

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I would like to spend a little bit of time talking about——

Mr. HELMS. Madam President, the Senate is still not in order.

Mr. WELLSTONE. I thank my colleague from North Carolina.

Madam President, I am not going to proceed until I have an opportunity to speak on the floor.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senator from Minnesota will not continue until the Senate is in order. The Chair will ask Senators to kindly take their conversations to the Cloakrooms or off the floor.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

Madam President, everybody, I think, here in the Senate has been anxiously awaiting the unveiling of the mainstream proposal, hoping against hope that it might magically emerge as the proposal that will allow us all to win on health care reform without even having to fight.

Madam President, on the basis of what I have heard, these sets of proposals move us further down the road of a further weakening of health care reform to the point where, Madam President, we will be talking about a health care policy that does not even work.

Madam President, I just wish—and I think I make this appeal more to the media—could I have order on the floor?

The PRESIDING OFFICER. Will the Senate be in order and will Senators kindly take their conversations off the Senate floor? The Senator from Minnesota deserves to be heard. He has asked to be heard and he has asked Senators to please come to order, and the Chair asks that the Senate please be in order.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Madam President, the issue is not left, right, or center. The question is not ideology, and the question certainly is not give and take and compromise. The question that each and every one of us has to answer as Senators is whether or not a proposal or set of proposals will be better for the people we represent or not. That is really the question we have to answer. It is not a question of whether it is everything we want. It is certainly not a question of anybody in here wanting to make the perfect the enemy of the good.

I think all of us understand that there are 100 of us here and that means there has to be give and take. But, ultimately, we have to decide whether or not a particular set of proposals or a final reform bill is truly a reform bill.

Madam President, yesterday—and I am going by what I have read and I am anxious to see the paper—but today there is a picture in the paper of Robert Reischauer, someone whom I have a tremendous amount of respect for because I think he has done a yeoman's job under fierce pressure and, quite frankly, I appreciate his rigor. He has not always been popular with Senators in either party, but I think he has been rigorous in his analysis.

My understanding is—and I will use the labels that people have applied to themselves—my understanding is that the mainstream group found it very sobering because he talked about the failure of cost containment.

Madam President, I just do not know where some of my colleagues have been for the past several years. At the beginning, we talked about making sure that each and every person was covered. We talked about making sure that we would have affordable, dignified, humane health care delivered out in the communities where people lived. That made a lot of sense.

We talked about making sure that people would have choice—people did not want to be herded to just one plan or two plans—of their doctor and their nurse. And we talked about making sure it was affordable both for individuals and affordable for the Nation.

But, Madam President, some of the people who are now saying that we have to further weaken this effort, they have said no to a cap on insurance premiums.

Now, if you want to look to the CBO and what the CBO has said about how you can contain costs, I would say to my colleagues, they will tell you—and they have so stated, that you have to have a cap on insurance premiums. But, Madam President, that was taken off the table. And by the way, Madam President, the insurance industry is not without a considerable amount of power here.

Then we were told that we cannot have employers paying their fair share. Remember, our employer pays 72 percent of the share of our premium. And we were finally told that we needed to take out some of the managed part of the managed competition which people like Alan Enthoven and others who first thought up the idea told us you ought to have at the State level to make it work.

So, Madam President, what I now see happening here is you have Senators who have reached an accommodation with some power interests, starting with the insurance industry. They have taken off the table the very proposals which, by the way, were in the Clinton bill that would have led to cost containment, made sure we could stay within a budget, starting with capping the premiums of insurance companies.

Why was that ruled off the table? Which folks had the say on that?

So we take the very proposals that the CBO tells us we should take a look at in order to contain costs and stay within a budget and we rule them off the table, and then we turn around, after having rejected the very things we should do, accommodating ourselves to these power interests, starting with the insurance industry, and then use that as an excuse for not covering people.

That is what has happened. That is my objection to the direction of where this is going.

Senators have said, "No, we can't cap insurance premiums." Senators have said, "No, employers can't pay their fair share." That is how you raise the money. That is how you control the costs. And then the same Senators have turned around and said, "Well, you see, the real issue is deficit reduction and since we can't contain the costs and we do not really know how to finance it, we are going to have to move in the direction of making sure that people are not covered with decent coverage."

Mr. WARNER. Will the Senator entertain a question at an appropriate time?

Mr. WELLSTONE. I am pleased to yield.

Mr. WARNER. It would take maybe a minute to lay a foundation for a question, because I listened carefully to what you said today, and indeed I have followed what you have said previously.

Madam President, I freely admit the following: My father was a doctor, a very prominent, a very successful physician in northern Virginia and the Nation's Capital. I admit, Madam President, if I had enough brains, I would have been a doctor, but here I am today.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. WARNER. Yes.

Mr. WELLSTONE. I disagree with the Senator from Virginia. I think he has more than enough brains.

Mr. WARNER. My colleague is nice to say that, but I learned at my father's knee several things about medicine. I would like to pose them to my good friend in the form of a question.

What we have done is transform this magnificent Chamber into an operating room. We are like so many physicians, bending over this patient ready to take scalpel and make a major incision into a system which has served this country for some 200 years, which has served 80-plus percent of our people quite adequately.

Does the system have problems? Yes, it does have some problems. And we have been dealing with them, ostensibly, here, for a few days. But I think we have done little more than a pedicure, clipped a nail here, and polished a little bit there. We have not gotten into the heart of the problem in terms of how it is to be paid for, the balance between further Government intervention and the private sector. Those are major issues. Our President and the First Lady, to their credit, performed their own diagnosis of the patient but we rejected it.

Subsequently, our distinguished colleague, the Senator from Massachusetts, [Mr. KENNEDY], and others in his committee made a diagnosis, reported out a bill but we rejected it in large part. The Finance Committee likewise reported out a bill but we rejected that diagnosis.

Now we have the diagnosis of Representative GEPHARDT, and that is rejected by the House.

Time and time again we have rejected diagnosis after diagnosis. This thing is becoming almost like a "Mash" comedy and that is not what the American public wants. They want answers. I say to my good friend, when the practicing doctors and the patients reach this type of situation we find ourselves in today, they go and get a second opinion. That is bedrock practice in medicine today, a second opinion. I ask my good friend, is it not time to get a second opinion? And that opinion, in my judgment, can only be rendered by the people of the United States of America.

We are now informed that later this afternoon the mainstream group are about to report to this Chamber another concept and idea, followed by, perhaps next week, the Senator from Georgia, Senator NUNN, and Senator DOMENICI, the Nunn-Domenici plan.

I say we should listen to each of these plans very carefully, debate them here on the floor, report them to the public, but then let us go back to the public and get a second opinion. What is the harm? And I will finish in a moment.

Mr. WELLSTONE. I ask for the regular order, in all due respect to my colleague.

Mr. WARNER. I just want to pose to my colleague, what is wrong with going back to the public, after we have debated every one of these plans thoroughly, and getting a second opinion? That should be brought about through concentrated work at home with our constituents through the election process in November, and come back next year, as some of your colleagues have said, and address this in a very serious manner.

The PRESIDING OFFICER. The Senator from Minnesota does have the floor and is entitled to answer the question at some point.

Mr. WARNER. That is correct, Madam President. I guess that is the message I am trying to send to my friend, that it is time we get a second opinion and come back next year and commit—although we cannot bind the next Congress—the two-thirds of us who will be here.

The PRESIDING OFFICER. Does the Senator from Minnesota understand the question?

Mr. WARNER. He understands the question, Madam President.

The PRESIDING OFFICER. It is the Senator's right to answer that question.

Mr. WARNER. Madam President, he understands the question.

Mr. WELLSTONE. Madam President, I certainly do understand the question. I have been a teacher for many years. I am very familiar with long questions. And my colleague from Virginia is his usual articulate self.

Let me just simply respond very briefly and then go on with the second opinion that I am now going to present on the mainstream proposal because I think we should have a debate about ideas and policy proposals.

I would simply say to my colleague from Virginia that I smile a little bit to myself about "second opinion" because health care, universal health care coverage is an idea whose time has come over and over and over again in our country, going all the way back to before World War I. Since we have been debating this question as a Nation for well over half a century, and since we are really almost alone among the ranks of the advanced economies in the world in our failure to figure out how to finance and deliver health care for all of our citizens—high quality care, which I know the Senator's father would have insisted on—it seems to me we have had plenty of time for debate and discussion and second opinions. We have had many committee hearings here.

There comes a time in public life where you step up to the plate. I agree with my colleague I would like to get to the core of this and go after tough issues. And you would vote. That is what we are here for, is to vote.

Mr. REID. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I am pleased to yield to my colleague from Nevada. I just want to also remind my colleague, since I know we want to get to amendments, I want to make sure I do have time to present an analysis of the mainstream proposals because I want that to be a matter of record. But I would certainly be pleased to yield.

Mr. REID. The Senator has the floor and the Senator can speak as long as the Senator wishes under the present frame of debate.

I ask the Senator from Minnesota, is it not true that during this Congress there have been over 80 hearings held on various health care bills by the Finance Committee and the Education and Labor Committee? Is that true, over 80 committee hearings?

Mr. WELLSTONE. That is correct.

Mr. REID. Is it not true, I say to my friend from Minnesota, is it not true that during this period of time there have been hundreds of witnesses who testified before those two committees?

Mr. WELLSTONE. That is correct.

Mr. REID. Is it not true that one of the basic elements that we are trying to establish, as indicated by the Senator from Minnesota, is the fact that we have been through over 50 years of debate off and on, on this? And during the past several years debate all year long? We have been through six or seven Presidents who have talked about universal health care coverage, is that not true?

Mr. WELLSTONE. That is correct.

Mr. REID. Mr. President, I reach in my wallet here and I can flip through this wallet and I have a card here that says, "Government-Wide Service Benefit Plan, Blue Cross/Blue Shield. Federal Employee Program."

Is it not true, I say to my friend from Minnesota, that we have had debate on this floor for over 2 weeks, trying to indicate to the American public and to the Members of the U. S. Senate that we are not trying to do anything very difficult or elaborate. We are trying to give the American public the same coverage that we have. Is that not true?

Mr. WELLSTONE. That is correct.

Mr. REID. Is it not true, I say to my friend from Minnesota—although he may have some different plan—I have a plan that is Blue Cross/Blue Shield. But, because we have a retail pharmacy program under the plan that I have, I can go to any pharmacy that is a member—it is most all of them around this area and in Nevada, also—and I can get my prescriptions for I think $5. I think no matter what the prescription is, $5.

Is the Senator from Minnesota aware that I have a plan like this and that I am trying to get it so the American public has the same opportunities I have?

Mr. WELLSTONE. I would say to my colleague—I thank him for the question and I would be more than willing to take some other questions as well, because I think the Senator from Virginia has raised an important question, before I go on with the other analysis. And let me just respond in two ways.

No. 1, yes, to talk about, "We really need to slow this up, we need another second opinion," ignores almost 75 years of debate and discussion about this. And No. 2, of course, your perspective about whether or not we need to stop or we need to block or we need to filibuster or whatever it is that we do, depends upon the situation of yourself and your family. If, in fact, you have reached a point where you do not have insurance or you are underinsured or you are terrified of losing your coverage because you might lose your job, or because of a sickness, then from your point of view it is really important that this does not get put off once again.

And finally, on the Senator's point about the coverage we have, I am quite well aware of that. I believe yesterday the Senator from Pennsylvania and the Senator from South Dakota and others, the Senator from Massachusetts, spoke eloquently to this. I will have an amendment. I am going to be on the floor all day to day until I can get my turn to introduce an amendment. I want Senators on record that this health care reform bill that we pass should provide people with a health care plan, high-quality care comparable to what we have. We will have a vote on that.

Mr. REID. Could I ask one more question before I no longer intrude on the time of the Senator from Minnesota?

Mr. WELLSTONE. I would say to my colleague that he is not intruding on my time.

Mr. REID. Is the Senator aware—and I was not until recently, frankly—that the card we carry around, I carry around, has helpful telephone numbers? It is so easy for me if I have a question about my health care. I can call here, "For customer service: 1-202-484-1650." I even have a toll free number right here.

Let me pull this out of my wallet—1-800-848-9766. If I have any question about pharmaceuticals, about medical care for my children or for me, I have it right here in my pocket. How many people out in this public, the American public, do you think has the same benefit I have?

Mr. WELLSTONE. I say to the Senator from Nevada that he just emphasizes the most important point that can be emphasized in this debate, which is people are saying to us over and over and over again, "You are our elected representatives and we believe that what you have decided is a really good health care plan for yourselves and your loved ones, that that ought to be the standard that you set in pushing forward a reform bill. Make that available to us. We are your constituents."

Mr. DASCHLE. Will the Senator yield on that point?

Mr. WELLSTONE. Yes, I yield.

Mr. DASCHLE. I think the Senator from Minnesota and the Senator from Nevada make a very important point. The Senator from Nevada talked about the back of his card. Here is my card, and the back of my card is the same as the Senator from Nevada. I have Blue Cross/Blue Shield as well. Not only does it give a helpful number, we talked a lot about the standard benefits package. This lists them.

It says:

> This card shall cover all hospital, surgical, mental, dental, and prescription drug benefits.

Then it says:

> This card constitutes acceptance of the terms and conditions of the service benefit plan brochure.

The requirement that we comply with the standard benefits package. It says it right on the back of my card. So those who say it is so complicated and there are so many different ways in which the American people ought to be given opportunities for choice, this is my ticket to choice, this card.

What is interesting is that every American ought to have the same ticket to choice that Members of Congress have. That is what we are talking about here. Mine is blue and white. Maybe theirs can be gray and gold or something else. It all ought to say the same thing on the back. It says this is your ticket to confidence. This is your ticket to ensure you are not going to be surprised. This is your guarantee that there is no fine print. This is your guarantee when you walk into a hospital, if you need surgical care, mental or prescriptive drug care, you have it. This is your ticket to ensure when we standardize the benefits, whether you live in South Dakota, Massachusetts, or Minnesota, or Nevada, or Iowa, that you are not going to be treated any differently.

That is what we are talking about here. When you buy a car you have that confidence. You know it is going to have all the safety precautions that any country requires. You know that when you buy clothing, especially if it is for a child, that it is not going to be flammable if, God forbid, there is anything that should happen. It is your ticket to confidence. This card does that, and it is all on the back of a little card that is no bigger than maybe 2 by 3.

Mr. WARNER addressed the Chair.

Mr. DASCHLE. If I can ask a question of the Senator from Minnesota whether or not it is his view that all Americans ought to have a card like this?

Mr. WELLSTONE. Madam President, I say to my colleague from South Dakota, absolutely. I am going to offer a sense-of-the-Senate amendment that says as we move forward on this health care bill that we pass a piece of legislation that reads something like "provides every American with health care that is as good as the health care available to Members of Congress."

I absolutely agree, and we will have a vote on this today.

Mr. KENNEDY. Will the Senator yield? I think if we could hold up our cards here, these cards——

Mr. WELLSTONE. I say to my colleague, I feel lonely. I do not have a card down here.

Mr. KENNEDY. The point about it is that every Member of this Senate, to my knowledge, has one of these cards. To my knowledge, no Member of the Senate has checked off——

Mr. HELMS. Regular order.

Mr. KENNEDY. Does the Senator know of any Member——

Mr. HELMS. The Senator did not yield for a speech.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Minnesota has the floor. The Senator from Massachusetts is posing a question.

Mr. WELLSTONE. Madam President, I have the floor and I was patient in listening to the question of the Senator from Virginia. I am now taking a question from the Senator from Massachusetts.

Mr. KENNEDY. Is it the understanding of my good friend, the Senator from Minnesota, that every Member of this body has a card that mentions their health care benefit coverage? Is it your understanding that every Member of the Senate has a card either identical to this or similar to this that provides the kind of range of services and hospitalization and prevention programs and prescription drugs, is that the understanding of Senator?

Mr. WELLSTONE. I say to my colleague, that is my understanding, and it is more than just the card. It is what the card stands for. What this card means, Madam President, is that I will not be denied—if I can finish—I will not be denied coverage for myself and my loved ones because of an illness I have or because of a sickness my child has. There is no preexisting condition, because of this card.

What this means is that I will be able to afford health care, and what this card means is that even though it is not perfect by way of a package of benefits, this is good coverage for myself and my loved ones. We ought to provide the same thing for the people we represent.

Mr. KENNEDY. Just a final question. Is it the Senator's understanding that the President of the United States and the First Lady, under the program which they introduced, and the Mitchell program will provide—their desire is to provide cards similar to the one that I have, and I see my friends from Pennsylvania, from Iowa, from Nevada, and other Senators have, that they have the same kind of card that each one of us has in here and get effectively the same range of benefits? Is that the understanding of the Senator that this program will provide a card like this that will be available to all Americans as it is available to the Members of Congress? Is that the Senator's understanding about what would be guaranteed under the Mitchell program that is before the Senate?

Mr. WELLSTONE. Madam President, it is certainly my understanding that was in the Clinton plan, and I think the Mitchell plan moves us far in that direction. I have to tell you, by this standard, we have to be very careful that we do not, in the final analysis, end up moving away from this very important principle. So I thank my colleague from Massachusetts for what he said.

Mr. HARKIN. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. WARNER. Will the Senator also acknowledge that under the present bill——

Mr. WELLSTONE. I first yielded——

The PRESIDING OFFICER. The Senator has yielded.

Mr. WELLSTONE. I yielded to my colleague from Iowa.

The PRESIDING OFFICER. The Chair will explain the situation. The Senator from Minnesota has the floor. He has now yielded to the Senator from Iowa for a question. He has promised to then yield to the Senator from Virginia for an additional question to the question he asked in prior conversation. So at this time, we are going to hear from the Senator from Iowa who has a question to pose to the Senator from Minnesota.

Mr. WELLSTONE. I mention to my colleague from Virginia, I will yield for a question from my colleague.

Mr. HARKIN. I thank the Senator for yielding. I think it has been a worthwhile discussion. I feel a little naked because I do not have my card. I gave it to my daughter so she could get her prescription at the drugstore.

That is the question I want to ask the Senator. We are all holding up our cards like it just pertains to us. Does the Senator know that these cards that we are holding up here are not just for us, but they are for our families, too? My daughter has the card. She went to the drugstore so she could get her prescription filled. Is this not what we are trying to get for the American people, not just a card for the individual but so it will cover also their families like our families are covered?

Mr. WELLSTONE. Madam President, I say to my colleague, I am aware of that by way of some painful contrast. Our children, are older now, in their twenties, and away from home. But had they been younger and with us, it would cover them. One of them is a young farmer. I can just tell you right now that David and his wife and our two grandchildren would benefit so much from universal health care coverage, because when you are farming or self-employed, the rates are so high. They are lucky enough that she works and is able to obtain some coverage through her employer. But since they both need to farm to make it, they cannot do that because they cannot afford the insurance.

Mr. HARKIN. I appreciate the Senator responding. Again, I wanted to ask that question because many times we debate and discuss out here about coverage. I think the Senator was trying to make the point, and I asked that question, that these cards do not just cover us, they also cover our families; is that not true?

Mr. WELLSTONE. That is correct. I might ask my colleague whether he has his card. The Senator from Virginia, do you have your card with you?

Mr. WARNER. I have to check, but I know for one thing, this plan will have every dollar I have left in this wallet. Let me pose a question to my friend.

Mr. WELLSTONE. I will be pleased to answer it.

Mr. WARNER. I have the card. Let me point out to my friends, there are some 16 million Americans self-insured today who will be stripped of that option under this plan and forced to do something else. Some 30 percent of private insurance which are represented also by cards, those cards would be pulled back, I say to my good friend, pulled back from those current holders, unlike ours, and require it to be changed. And that is why I think it is so imperative, Madam President, that we go and get that second opinion.

I urge my colleagues—and it is not just a partisan request. Yesterday and today on that side of the aisle came the same pleas for reason and a second opinion—let us take our time, explore all the plans, then go back to the American people and listen to them and come back obligated as the first order of business next year to handle this very important issue.

I thank my friend for yielding for a question because I think this sort of colloquy is more helpful than a lot of repetitive, canned speeches.

Mr. DORGAN. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield. If I could just respond for a moment to my colleague from Virginia, then I will yield to the Senator from North Dakota.

I asked the Senator whether he had his card because it is interesting to look at our share. If you have a standard option, self and family—and I would not ask what plan he has because that is a personal decision that all of us make—the premium that you are paying is $101.25. That is what a Senator is paying for that plan.

Now, it could be a high option self only. That would be $160. It could be high option self and family, $343.

By the way, Madam President, the reason that some people choose that is if you are in a situation—I think that is my situation, as a matter of fact—where you have a serious medical problem, and you are really afraid that you are going to require a lot of care, that is the one that you end up choosing. But in general the bench mark is $101 per month. So I think we should be clear about that.

Now, Madam President, in responding to the other part of my colleague's question, and then I will yield for a question from the Senator from North Dakota, we are now spending $1 trillion, and it is a little frightening to people in this country because they see us going very quickly to 30 percent of gross domestic product by the year 2030. If we do not build some sanity into this by way of some effective cost containment, it will without a doubt bankrupt it. Again, that is a compelling reason, not for inaction but for action. The whole issue of exploding costs much less universal coverage—and they go together—is not a reason for us to put this off, block it, block it, block it, but for action.

I yield to my colleague from North Dakota.

Mr. HELMS. Will the Senator yield, before he does that?

Mr. DORGAN. I appreciate the Senator yielding.

Mr. WELLSTONE. Madam President, I first would yield to the Senator from North Dakota, and then I would be happy to yield for a question.

Mr. HELMS. I wonder if the Senator would favor me by allowing me to register a unanimous consent request. I have been waiting for 3 days.

Mr. WELLSTONE. Madam President, let me ask my colleague how long the unanimous-consent request will take?

Mr. HELMS. Thirty seconds.

Mr. WELLSTONE. Madam President, if I have unanimous consent that as soon as my colleague has put in his unanimous-consent request that I then retain the floor, I would be pleased to yield.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I likewise was scheduled to speak this morning, deliver a prepared speech, but I have enjoyed this colloquy, and I think it is far more beneficial. Could we have some indication as to when those of us could follow the distinguished Senator from North Carolina at the convenience of the managers?

Mr. KENNEDY. Madam President, will the Senator yield for a response?

Mr. WELLSTONE. I would be pleased to yield.

The PRESIDING OFFICER. The Senator from Massachusetts, one of the managers of the bill.

Mr. KENNEDY. Earlier, at the time after the completion of the vote on the conference report, there was a general understanding that there would be recognition both on this side over here and the following side, and I think it was Senator GREGG who indicated that both the Senators from North Carolina and Virginia wanted to speak. And he indicated to me that the Senator from North Carolina wanted to talk for about an hour or so. At least that was my impression. Since the end of the conference report, I ask, how much time has been taken by the Senator from Minnesota? It was the understanding that it was going to rotate back and forth.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Will the Senate be in order while the Chair answers the question of how much time has been used by the Senator from Minnesota.

The vote on the conference report was at 11:09, and since that time the Senator from Minnesota has had the floor. He has yielded extensively to the Senator from Virginia and other Senators. Where we are now is there a unanimous-consent pending here for the Senator from North Carolina to take less than a minute to make a unanimous-consent request and then the time will go back to the Senator from Minnesota.

Is there objection to that procedure?

Mr. WARNER. Reserving the right to object, is it possible for the Senator from Virginia to be sequenced in perhaps following the Member from the other side? I will be happy to take any position desired so long as I can have some scheduling of my own time, which I understood I would have that opportunity.

Mr. WELLSTONE. Madam President, if I could just first respond—and the manager can certainly respond to the request of the Senator from Virginia—I have the floor now and I intend to take the time that I need to present what I think is an important policy critique of where this mainstream group is going. I choose not to do it in terms of labels. I want this to be thoughtful, and I want it to be point by point, so I will need the chance to do that. But we certainly can go forward with the unanimous-consent request of the Senator from North Carolina, after which, Madam President, I retain the floor, and I would let the manager respond on the rotation, I would say to my colleague from Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, have we made a resolution of my question?

The PRESIDING OFFICER. As I understand it, there is no resolution to the Senator's question. The Senator is asking when he can have the floor. As I understand the unanimous-consent request, it does not include that at this time. The request is that the Senator from Minnesota yield time so that the Senator from North Carolina can pose a unanimous-consent request. Is there still objection to that request?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand the situation, it was the intention of the floor leaders to rotate back and forth. The Senator now has had 35 minutes. I know of no time restriction or limitation.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. There has been a good faith understanding to rotate back and forth. I think that is the way we ought to proceed. I have no objection to the Senator from North Carolina propounding a unanimous-consent request, but I am not at this time agreeing to that request until I hear from him. I do not know why we just do not move ahead and recognize the Senators from this side and then recognize a Senator from the other side. That is the way we have proceeded.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I am not going to object.

Mr. HELMS. Madam President, I withdraw my request.

The PRESIDING OFFICER. The Senator withdraws his request.

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Let me yield to the Senator from North Dakota for a question, and then I will go on with my analysis unless other Senators have questions.

Mr. DORGAN. Madam President, let me ask a question of the Senator from Minnesota preceded by just a brief comment.

In the discussion here about health care cards by Members of Congress, I think it is very important, and I hope the Senator from Minnesota will concur, that we not attempt to inform the American people that we have something extraordinary, something special, something very, very generous that no one else has. In fact, we are part of a system of health care that covers 9 million Federal employees. I do not want someone from the discussion here—and several people in discussion have talked about Members of Congress have this plan. It is a cottage industry to try to destroy institutions these days, and there are plenty of people out there on the radio doing it, saying we do not pay Social Security. We do. We get free haircuts. We do not. We have some special health care system. We do not. There are 9 million people in this health care system.

The point the Senator from Minnesota makes is a useful and important point, and I appreciate his making it. I hope that all of us will make that point, not to reinforce the notion that we have somehow some special, unique, extragenerous health care system. In fact, the health care system that covers the Senator from Minnesota and all other Federal employees is less generous than many health care systems in the country, and we pay about 22 percent of the cost it.

Notwithstanding that, I would ask the Senator from Minnesota if it is not the case that, even though I agree with the points he is making, this health care card is a card that could be held up by some 9 million people in the country today?

Mr. WELLSTONE. Madam President, the Senator from North Dakota is absolutely correct. And I would say to my colleague that we have had this discussion before. The reason that I will introduce this amendment, sense of the Senate amendment and insist on an up or down vote, I would say to my colleague, is not to argue that the Congress or Members of the Senate or the House have a great plan. In fact, in the findings I point out that there needs to be improvement for us and for everyone. There are some real gaps. But to simply make another point, which is when we talk about what kind of final plan we are going to pass, it seems to me it does set the standard. People have the right to say, look, if that is what you all are able to participate in and it does well for you, all of you are covered—

I heard the Senator from Pennsylvania make this point very well yesterday—if there is not any preexisting condition, and your employer contributes a fair share, and it is fairly decent coverage, then that should be the standard you meet in the final bill that you pass. So the only reason I raise it is that I hear all this discussion about, no, we are not going to be able to cover this, and we are not going to be anywhere close to universal coverage, and we are not going to be able to do this, that, and the other, that gets further away from this principle.

I am prepared to go on with my analysis.

Mr. WOFFORD. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. WOFFORD. Does the Senator from Minnesota think it is possible that the point that he has been making and that I have been making has been missed and that our colleagues are confused when we say "practice what you preach, support the plan you live under," this pretty good Federal Employees Benefit Plan with guaranteed health insurance, with your employer contributing approximately three quarters, "support the plan you live under, or live under the plan you support," when we press the point to practice what you preach, and if you do not believe that is possible and right for the American people, then give it back to your employer, the taxpayer—does the Senator think they are missing the point? Would the Senator from Minnesota agree that we are not trying to do away with this plan; we are trying to say that this plan is a good plan, and plans like this should be available to the American people, and this plan should be opened up to small business and individuals?

Mr. WELLSTONE. Madam President, I say to the Senator from Pennsylvania that that is an essential point. The idea of, well, take it away from Senators and Representatives is missing the point. It is not to bring everybody down but to make sure that the people we represent have the same opportunities. And in this particular case, we are talking about health care opportunities. You cannot talk about anything more precious to People's lives than health care. This says that it is the sense of the Senate that this act should provide every American health care that is as good as the health care available to Members of the Congress. I will, as we move along in the rotation, bring that to the floor for a debate and a vote.

Mr. GLENN. Will the Senator yield for a question?

Mr. WELLSTONE. Yes, I am happy to.

Mr. GLENN. Would the Senator agree that this issue has been debated for 50 years, and there have been innumerable studies and hearings, and would it be correct to say that to the Senator from Virginia, with his analogy of the second opinion, that there have been so many second opinions already, and we see individuals a lot of times out seeking a second opinion and chasing a futile second opinion around when they should be getting treatment now; would the Senator from Minnesota agree that the reason we pushed for this health reform now is the fact that we do not want second opinions carried to the extent that more and more Americans die needlessly, and we need health reform now?

Mr. WELLSTONE. Well, Madam President, I say to my colleague from Ohio that what he is focused on is—and I believe the Senator from Pennsylvania said this the other day, and those words come to my mind—what doctor Martin Luther King called "the fierce urgency of now." There is a fierce urgency of now for many people, for themselves or their loved ones who go without care. Health care is not delivered in the communities where they live which are underserved, and that includes Ohio, Massachusetts, Pennsylvania, North Dakota, and Washington.

I say to my colleague again that I now have my card. We, I think, all consider this to be really important, because we hope that we can do our work well as Senators because we do not have to live every day with the fear that we are not going to be able to provide coverage for our loved ones. But many people in this country do live with that fear. If we have the card and all of us are covered and our employer contributes fair share, and it is decent coverage, and we do not have to worry about anybody in our family having to pay a higher rate because of an illness or condition, then I say to the Senator from Ohio we do not need any second opinions on that proposition. If it is good for us, it is good for the people in the country. If we have this card, then every man, woman, and child, be it urban, rural, suburban, or be it age, income, race, should be entitled to have this card for humane, dignified, affordable health care.

Mr. KENNEDY. Will the Senator yield for a brief question?

Mr. WELLSTONE. Yes.

Mr. KENNEDY. I understand, then, as the Senator said so well, that the fact that there are 100 Members in this body, and we represent all the States. This is good for every community, and I imagine it is good for every community in my State of Massachusetts, as it is in the State of Minnesota, or the State of Pennsylvania, or the others. It is in that sense that we all here—and the Members have this one card and we can go to any State, any community, and this card is respected. But I just have a final question. Does the Senator know of any Member in this body—or if there is any Member, I hope they would express their position—any Member in this body that has checked off that little blue sheet that says they do not want to choose the program that we share with 10 million of our fellow citizens? Does the Senator know of any single Member in this body, many of whom have spoken strongly in opposition to the Mitchell proposal which, in effect, would guarantee this kind of a card for all Americans—does the Senator know of any single Member in this body of 100 who has said, no, they do not want this particular card that will provide protection for themselves and their families?

Mr. WELLSTONE. Madam President, what I would like to do, again, reserving my right to the floor, is have the Senator from Arkansas respond to that question; and, after that, I will have the floor and I will go forward with what I think is an important, thoughtful critique of where the mainstream group is headed. Let me ask the Senator from Arkansas to respond to the question.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I thank the distinguished Senator from Minnesota for allowing me to address the question proposed by the Senator from Massachusetts.

The Senator from Massachusetts has, I think, hit on a very important issue here, because we have seen, over the past 2 weeks, probably 20 or 30 speeches from let us say perhaps the other side of the aisle talking about Government-run insurance programs, or Government-sanctioned insurance programs, or Government intrusion in our insurance policies, and what have you. But Madam President, to the best of my knowledge—and I assume this is in the personnel files of each Member of the Senate—every Member of this body has chosen to retain their Blue Cross/Blue Shield coverage that 9 million other Federal employees have. But if they desire not to have a Government-run program or a Government-sanctioned program, or if they desire to get Government out of their decisionmaking process with their particular insurance policy, all a United States Senator has to do is call (202) 224–1093 and ask the disbursing office of the Senate to send this form, health benefits registration form, and to sign their name on part (e), which is the cancellation.

I do not know, Madam President, of one of our colleagues who has done this. We have a very, I think, good program. It is a generous program. It is a program, as other speakers have pointed out, where 9 million Federal employees have this same program.

Madam President, I really think what this debate is about, and I am glad the Senator from Minnesota has started this debate, it is about comparing what on our side of the aisle Senator MITCHELL has proposed as compared with what is pending basically as an alternative, and that is something we know as the Dole proposal.

(Mr. FEINGOLD assumed the chair.)

Mr. PRYOR. Mr. President, if the Mitchell bill would prevail, all Americans would have the opportunity, all Americans would have the right, the same right that we have if they work in a firm and if that firm has 500 employees or less, to achieve or to acquire this little card that has been held up today. Senator DOLE's proposal is a proposal, and I am strictly trying to compare the Mitchell proposal to the Dole proposal, that says that if the employer chooses, chooses this particular Blue Cross plan with those individual benefits that we receive and that we enjoy, if that employer choosing that plan and only if the firm is 50 employees or lower, and if the employee chooses, if it is 50 employees or lower, then there will be a 15 percent fee attached to that premium as a broker's fee or as a fee for the company selling the policy.

What we have done is we have legislated a right for Federal employees. We have legislated, frankly, an entitlement. We now have an entitlement commission. We have Senators talking about entitlement programs, about too much Government intrusion. But what we have done with our proposal with our insurance plan we have legislated an entitlement, an entitlement for us to participate in this particular program, and we have a freedom of choice. It is voluntary. We can cancel it. I do not know of any Senators who have. I would like to ask if there are any Senators who have, maybe they could let us know, and it is a Government sanctioned relationship.

Mr. WOFFORD. Mr. President, will the Senator from Arkansas yield for a question?

Mr. PRYOR. I am glad to yield. I think I have the floor at the moment temporarily.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. PRYOR. I would be glad to yield to the Senator.

Mr. DOLE. Mr. President, the Senator from Arkansas does not have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I am pleased to yield for a question to the Senator from Pennsylvania.

Mr. WOFFORD. Would the Senator from Arkansas and the Senator from Minnesota not want to add that it is not just the Federal employees benefit plan that offers Blue Cross-Blue Shield, but it offers 20 or 30 different plans. My wife and I chose Aetna.

Does that not make the Senator's point even more clearly? It is not Government running how your medical care will be reached but offering a menu of choices that each year Members can select from.

Mr. PRYOR. There are two points. I would like to answer my friend from Pennsylvania.

The Federal Employees Health Benefits Program, FEHBP, is the largest employer-sponsored health insurance program in the country. It serves 9 million people. There are 14 different fee-for-service plans. There is a menu. There are 313 health maintenance organizations that participate in this particular program that we have as Federal employees in the Senate.

I might say it is driven by competition. It is driven by employee plan choice. It is based on benefits and premiums. And we just think that all Americans out there should be given the same opportunity ultimately to participate in the same thing.

Mr. WELLSTONE. Mr. President, if the Senator will yield for just a moment, I thank the Senator from Arkansas for responding to the question from the Senator from Massachusetts. I would be pleased to yield for a question from the Senator from Pennsylvania.

I do want to make one point to my colleague from Arkansas, which is that in talking about the coverage that we have, I think if you look at the basic package that most of us have, and I have said I have had to opt out for a higher one because of back problems, on the average I think Senators pay about 3 percent, 3 percent of our income for our premium. That is about what we pay. Again, this is not a question of zeroing in on Senators and Representatives, and saying this is awful.

But I mean when regular people around the country look at what we are doing right now, they raise the question over and over and over again which the Senator has raised. You have the card. You have the coverage. You can afford it. Your employer contributes a fair share. You do not have to worry about not getting coverage because of a sickness or illness. If it is good for you, why is it not good for us?

I say to my colleagues we have to live up to that standard. That is why I am very anxious to have a vote on this amendment later on today.

Mr. WOFFORD. Mr. President, would the Senator from Minnesota not think that if his proposal, his proposition that the American people should be assured the kind of choices that we have, fails, if the proposition of the Senator from Virginia that we should study this further and defer it until next year for further study prevails, at that point should we not consider putting these cards away and study them on the same terms, on the same level playing field as the American people, holding these cards in abeyance, disqualifying us from using these cards while we conduct that study so that we conduct that study with the same fear and insecurity that the American people have?

Mr. WARNER. Mr. President, I will give the Senator that deal, if he will yield for a question.

The PRESIDING OFFICER. The Senator will withhold. The Senate will come to order.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I respond first, and then I will be pleased if my colleague from Virginia wants to put a question to me that is sort of in a sense a question to the Senator from Pennsylvania, we can accommodate that.

I would say to the Senator from Pennsylvania that my answer to his question is with a great sense of sadness I would say yes. That is to say when I was campaigning for this position to be U.S. Senator from Minnesota I never thought that I was campaigning for the U.S. Senate to be ending up with decent coverage. I am not saying Senators and Representatives ought not to have the card and coverage. That is not what I hope for. If that is where we go, then I would say to my colleague then I guess we will have to have a second opinion on that as well. That is not my preference.

One more time, it seems to me that we have a commitment that we can live up to here, and that commitment is on the basis of our own knowledge about the Federal employees benefit package and how it works for ourselves and our loved ones we can at least in the final bill that passes make sure that bill lives up to the standards.

By the way, I say to colleagues, and I will take the question, the reason I want to carefully analyze the direction in which I think the mainstream is going I think it takes us even farther away from that. We must not separate the legislation and proposals we introduce from the words we speak.

I ask my colleague, does he have a question?

Mr. WARNER. Mr. President, I have a question on the subject of the card.

Mr. WELLSTONE. I yield to the Senator from Virginia for a question.

Mr. WARNER. Mr. President, I certainly wish to commend the Senator who raised the point that 9 million Americans have the same card. That is not issued by the United States. It is a private contractor with whom this organization contracts.

But, Mr. President, I repeat succinctly to my colleague, and I thank him as do others for engaging in a colloquy—sometimes I think the colloquies can be far more informative than just the reading of a speech. But we have had now diagnoses after diagnoses of this problem by first the President and Mrs. Clinton, then two committees of this Chamber under the distinguished chairmanship of the Senator from Massachusetts and the Senator from New York in the Finance Committee, we have had in the House the Gephardt plan, we have had the distinguished Republican leader's plan which is yet, in my judgment, to see the full light of day in this Chamber. And now we have the one of the majority leader, the Mitchell plan.

At what point do we say to ourselves that we have all tried in good faith to diagnosis it; we have discussed it, but let us go back and get that opinion from that body from which we derive our strength and wisdom, the American people, and let them, I say to my good friend from Ohio, Senator GLENN, let them provide us that second opinion.

Our duty is to explain all of the options which we are in the course of doing now and next week, presumably, two more plans will be introduced.

Time has become our enemy. We simply cannot deal with this thing within the limited time constraints remaining between now and that time when our colleagues must depart for purposes of the election.

So I say to my colleague, why not a second opinion, and go back and gain it from the American people?

Mr. WELLSTONE. Mr. President, let me respond to my colleague from Virginia, and unless there are other questions, which I would be pleased to take, I will move on with the analysis of where the mainstream group is going.

I say to my colleague, and we brought this out before, that prior to World War I, there was an effort to move forward with universal health care coverage. It was blocked. We had a second opinion. Franklin Delano Roosevelt wanted to have universal coverage as a part of the Social Security act. It was blocked. We had a second opinion. Congressman DINGELL's father and Senator Wagner made a heroic effort in the late 1940's to pass universal coverage. Blocked. We had a second opinion. Harry Truman ran on a platform much like President Clinton's. He made it a central issue in his campaign that we should have universal coverage. He could not get it through. People called it socialized medicine, too much bureaucracy. Same argument. New faces, but the same interests and same arguments. Blocked. We had a second opinion.

Finally, in 1965, we passed Medicaid and Medicare which were inadequate installments on universal coverage and, if you go back through the debate, people were saying, "Look, we know there are going to be some problems with these programs. We will fix them next year."

Now, here we are 35 years later. Blocked. Second opinion.

So I say to my colleague, in answer to his question, that we have had plenty of second opinions for about 75 years in our country, and the people still are waiting for us to act on a very central issue in their lives.

Now, Mr. President, the reason—and this is an honest difference of opinion I have with my colleague—one of the serious reservations I have about the second opinion argument is I just find it kind of interesting who has been marching on Washington every day and who has been able to do the blocking and who wants the second opinion. It is not a one-to-one correlation.

I have made it clear that this is not aimed at individual colleagues, but you look in the last 6 years, the Common Cause study shows some $73 million in business PAC money, $16 million labor. That is a 4 to 1 margin. You look at the last 18 months, Citizen Action reports some $26 million contriuted over 18 months; $4 million alone in large individual contributions, in addition to PAC contributions, to the Congress. You look at the 1990–92 cycle, and there are tremendous contributions from the health industry.

Permit me to be a little skeptical about second opinions. New faces, same powerful financial interests, same clout, same blocking, same attacks are going on right now as 30 and 45 years ago. So I think it is time for us to step up to the plate and pass a health reform bill that will do well for people.

Mr. President, it is in this spirit and within this framework, that the legislation we pass ought to be as good a health care plan as we have, that I would like to take a preliminary look at the mainstream group's proposal.

And, by the way, I use the names people have come up with in describing themselves out of respect. I really wish the media would not cover any of this in terms of mainstream, this stream, left, right, and center. The goal is, is it going to be a reform bill that will do well for people? Will it work as a policy?

Mr. President, I have to tell you that I think there are some serious, serious flaws with the direction that this group is going in.

Let me start again with the analysis I was making before questions.

Mr. KENNEDY. Will the Senator yield for just a question?

I was trying to get some idea, just for the other Members, about what the timeframe will be.

Mr. WELLSTONE. I say to my colleague, it will probably take me no more than 15 minutes.

I have been pleased to take questions from other colleagues this morning. I did not have any intention of several hours on the floor, I think I can do this in 15 minutes.

Mr. KENNEDY. I thank the Senator.

Mr. WELLSTONE. Mr. President, point one: We read in the paper today that the mainstream group found Robert Reischauer's rigorous analysis to be sobering. But, Mr. President, I do not think his analysis should come as any surprise.

So they are now talking about further weakening this health care reform bill, further stripping down benefits, doing less, no prescription drugs, cutting back on home-based and long-term health care, you name it.

But, Mr. President, I would remind some of my colleagues in this group, you were—at least many, many of you were—the very people who, number one, were not interested in single payer. But the Congressional Budget Office has said single payer would save up to $100 billion a year. CBO said if we implemented a single payer system, that between 1997 and 2003, it had the potential of saving $700 billion compared to status quo projections. That was ruled off the table.

Then the next proposal, Mr. President, was a cap on insurance premiums. That was in the Clinton plan. And if you go back through what the CBO has been telling us, they have been saying that if we would cap insurance premiums, that is the way we could contain costs. That was ruled off the table by many Senators in the mainstream group.

Then finally, Mr. President, the idea of employers paying their fair share, which is one of the ways you finance this, where you get the resources, was also ruled off the table.

So, Mr. President, let me first of all say to my colleagues in the mainstream group, one of the places where I find a serious contradiction in what you are suggesting is that you have ruled out the very steps that we should be taking, according to the CBO, to contain costs, operate within a budget, do a good job on deficit reduction, and provide people with coverage.

I will just go with the cap on insurance premiums. You have ruled that out. And then on the basis of ruling that out, you now want to move in the direction of not covering many, many citizens in this country, and I want to go forward with that.

Mr. President, as I understand it, one of the proposals deals with the whole idea of what we are going to do with small businesses and what we are going to do with individuals.

Now, the purchasing pool in the Mitchell plan is for businesses with 500 or fewer empoyees. My understanding is that the mainstream group now wants to say that in the purchasing pool, you would have only small businesses with under 100 employees, plus individuals, participating in the purchasing pool. Now, if I am wrong, I am wrong.

But, Mr. President, I have to tell you that if it is fewer than 100 employees, then you are not going to have much of a base to draw from in the insurance pool. It is going to accentuate the very problem we are dealing with right now, which is that small businesses and self-employed individuals are always the ones that pay at a higher rate.

Mr. President, if I had my way, we would limit the percentage of income that a family would have to pay on health care premiums to make sure it is affordable. And I do not mean just for low-income families, I mean for low- and moderate-income working families, as well.

But if we are going to level the playing field, and now you are going to restrict the purchasing pool, I would just say to you, you do not have much of a pool to draw from. And if you are talking about community rating, the issue is what community are you talking about?

So if you have a small community it can be community rating for small businesses and the self-employed. They will all be charged the same thing but they will be charged higher rates than, for example, Senators and Representatives and others who participate in the very large pool covered by the Federal employees benefit package. I do not see how the very people we are supposed to help are helped with this proposal.

I cannot believe that the mainstream group is talking about passing incremental insurance reform without requiring that everybody purchase coverage. Almost every single expert that I know of, and I look forward to the debate on these proposals, but I want to talk about whether they will work or not, has said that if you think you are going to move toward some kind of community rating or some kind of insurance reform but you are not going to have everybody in the system, then what is going to happen is that the rate will go up for younger and healthier people. They do not have to purchase coverage. It is not required that it be offered to them. Therefore they do not purchase any coverage and as a result of that the premiums go up even more and then even more people drop out. It is referred to by actuaries as the death spiral. It will not work. You cannot have these incremental insurance reforms outside the framework of universal coverage.

So, my second point, if we are talking about this, is that a set of proposals that purport to be reform proposals which say there is going to be insurance reform moving in the direction of community rating or whatever, outside of universal coverage, is going to lead to the death spiral. It is not going to work and your actuaries will tell you that. Anybody who has studied this will tell you that.

The third point, we already have in this country the trend of employer-based coverage steadily decreasing. Under the current system, right now, it is steadily decreasing. That is one of the reasons there has been a hue and cry for reform. This is not just for people without coverage, it is for people who fear they are going to lose their coverage. The majority leader has said that over and over again.

The mainstream group proposals, as I understand them, could cause this to completely unravel. It is not a step forward. It will be a step backward. Most employers that cover their employees right now do so because providing employer-based coverage means they are providing a valuable benefit to their employees. That makes sense. It is not that having coverage in itself is a benefit for employees, but specifically that having employer-based coverage is a benefit. Group purchase means better rates and the fact that employers can deduct the expense of the health care coverage for their employees makes it worthwhile.

As I understand the mainstream proposal, employees who work for firms that do not provide health insurance would be better off than those who work for employers who do, because they would qualify for Government subsidies. In other words, the long-run incentives of any program that subsidizes individuals but does not require employer contributions discourages employers from covering their employees.

I have to tell you, if this is where this group is heading this is a fundamental flaw. With the Mitchell plan, one of the reasons this was less of a problem—though I worry about this in the Mitchell plan—is that ultimately, if we did not reach 95 percent, there is a trigger that would be pulled and there would be an employer mandate. Thus there is an incentive to continue the coverage. But if what we are going to say is that we are not requiring any coverage, there is not to be any trigger, there is not going to be any mandate now or in the future, and in addition the subsidies will go to individuals if they are working for companies that do not cover them, what do you think is going to happen?

Let me talk a little bit about this mainstream proposal and take it a little bit further in terms of the limited subsidies we hear are going to be available. If individuals who are currently insured through their employer begin to slide into the subsidy pool that has been designed to cover only the currently uninsured, these funds will be drained without the predicted increase in overall coverage. This plan becomes, in other words, a subsidized employer bailout. We are saying to the employers, you do not have to cover people. In fact, if your employees are not covered they will be eligible for subsidies. But now the mainstream group is saying, "We heard a sobering analysis about deficit reduction and cost containment. We do not think we can do it."

But you cannot because you will not cap insurance premiums, which are bound to go up. So we are going to have a limited amount of subsidies. So now the very low- and moderate-income people who may be covered by the limited amount of subsidies, are going to be facing a competing new group of people who are going to be dropped by employers. That I think is the nightmarish scenario that could take place.

If the mainstream program strains subsidy money and produces an unanticipated increase in the deficit, which of course it will because there is no cost control and we are giving employers every reason to stop paying for employees that they currently insure, the subsidies will then be cut.

So I have to make this point. Understand this. Our colleagues should understand this. We are not talking about different labels and ideology. I want to know whether it is a step forward or not. Now what we are saying is employers do not have to worry about covering employees. This whole thing can unravel. That has been the trend, of less and less coverage. There will not be any trigger, there will not be any mandate, there is every incentive to drop employees, there is no cost containment, they do not want to do any of the things that the CBO tells us we really need to do to contain costs. But there would be an automatic way if we exceed budget to control costs. Do you know what that is? Cut the subsidies.

So now what we are doing is privatizing Medicaid, telling people you are off Medicaid. We are promising low-income people they are going to have subsidies, although I think this new proposal will bring even these subsidies way down. And then the first thing we are going to do when we cannot control costs, and we will not be able to control costs, is cut their subsidies.

I did not come to the U.S. Senate from the State of Minnesota to pass some piece of legislation called a reform that could very well put many working people in worse shape than they are in now, that has caved in to large, powerful interests like the insurance industry, and will not cap premiums, thus we cannot contain costs, and then has as its proposal to contain costs to cut into the subsidies for the weakest, most vulnerable citizens in this country: Women and children in the main; and low-income people.

That is precisely the direction—I have not seen the detail—of this mainstream group.

Mr. President, finally—and this kind of summarizes the whole debate, and this is an issue you will be especially interested in, we have this malpractice reform proposal that the mainstream group is discussing. It is another sellout to the insurance industry. Sellout No. 1, we dare not cap the premiums. Insurance companies do not want us to do that so we will not do it.

Now we have what is called malpractice reform. There would be, as I understand it, some mandatory administrative process that insurance plans would be in charge of. Anybody with a problem with a rejected claim or with a physician in the plan, would be required to go through this review process first.

If the review process found negligence, then plaintiff could continue to go on and go to court. If it did not, then plaintiff would be out of luck.

On top of that, the proposal would place a limit on noneconomic damages for a plaintiff who gets to court.

Mr. President, a cap on noneconomic damages reduces payment for what could be a lifetime of suffering. I wish I had the piece that Bob Herbert wrote in the New York Times a week ago. I do not, but I will later on include this in the RECORD. It would reduce a lifetime of suffering to $250,000 for low-income individuals, whereas high-income individuals could still be rewarded millions because there is no cap on economic damages.

By the way, Mr. President, anybody who knows anything about negligence knows that those on the low- and moderate-income end are most likely to be the victims. Predictably, none of the proposals on the table from this group include preventive measures, such as strengthening State medical oversight boards, giving consumers access to data banks on incompetent physicians and prohibiting against secret settlement in malpractice cases. The money interest groups that are fighting on behalf of their incomes and not malpractice reforms oppose these preventive measures.

I think this malpractice reform issue is really a symbol of the entire debate. Consumers lose when powerful interests win and the proposed reforms do nothing to improve the quality of care, access to care or limit costs.

Mr. President, I find it particularly ironic that in many ways, we began this fight with Senator WOFFORD's campaign slogan: "If everyone in this country has the right to a lawyer, then everyone should have a right to a doctor when they are sick," and instead of giving every American a right to a doctor, we are now talking about taking away their right to a lawyer or at least a day in court. That is what it has come to.

So, Mr. President, let me summarize. We have been waiting as if there is going to be a magical set of proposals so we can do all this without debate, so that we can do all this without stepping up to the plate and casting the difficult votes. And, Mr. President, maybe it will happen. Maybe there is going to be some proposal that is going to have a fine sounding name. Maybe the Senate will pass legislation that will have a great acronym, great sounding name, but it will not live up to any of the speeches that have been given, to any of the promises that have been made, to any of the commitments that we have made to the people we represent.

There is no effort to contain costs in the way the CBO tells us we should. President Clinton was willing to put a cap on insurance premiums. Now limiting purchasing pools, I fear, to businesses under 100 employees where there will be no base and within that community they will still be charged higher rates, not requiring companies to provide coverage, not having any trigger that would take place, employees get subsidies if they work for companies that do not have coverage—this whole system unraveling, accentuating the horrible trend for working people right now of losing their coverage, ratcheting downward the very benefits that working low- and moderate-income people have right now.

Finally, having a cost containment provision that, of course, does not challenge insurance companies but essentially says the very people who would be the first to cut if we do not live within a budget—and we will not because there is no cost containment in the mainstream proposals—will be low- and moderate-income people and people, by the way, that companies have probably dropped.

Mr. President, I one more time will say, I find it sadly ironic when I look at this malpractice reform proposal, that once upon a time, the battle cry is if everyone in the country has a right to a lawyer, then everyone should have a right to a doctor when they are sick. Senator WOFFORD said that and he meant it. Now instead of giving everybody a right to a doctor, we are taking away their right to a lawyer, or at least a day in court.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield if I can just finish.

Mr. President, if this is the direction we are going in, I think it is particularly important to have a vote on my sense-of-the-Senate resolution that the legislation that we pass should provide every American health care that is as good as the health care available to Members of Congress, because I have to tell you, this mainstream group's proposals move further and further and further away from that.

I appeal to my colleagues on both sides—I know we have honest disagreements. I believe that and there are many people you agree and disagree with on policy. I also appeal to the media as well. Rather than all this sort of what is the center, are people being unreasonable by being critical, just look at the proposals and see whether or not they are going to work.

Mr. President, that I think is the key issue. I will finally see some paper on this this afternoon. But as I understand the direction of these proposals, I do not believe these proposals represent a step forward. I believe they represent a great leap backward from the proposition that the people we represent should have as good a plan as we have—no universal coverage, no employers paying their fair share, community rating but not in the context of universal coverage which will lead again to a death spiral.

You cannot do it, I say to my colleague from West Virginia. If you do not have community rating and do not have everybody in it, then the premiums will go up for the young and healthy and they will drop out. And then the rates will go up more and they will drop out, and we will be right back to where we are now, with all the cost shifting.

Let us get real about the policy. Let us forget the labels. Let us get to these amendments on the floor that are, of course, points of contention where people disagree and let us vote.

Let me yield to my colleague from West Virginia for a question.

Mr. ROCKEFELLER. I thank my very good friend from Minnesota. My friend was mentioning slogans. I think a pretty good slogan is that we in Congress are going to vote on the American people's health insurance and whether they have universal coverage now, and in November, they are going to vote on whether we have health insurance at all. I kind of like that.

Mr. WELLSTONE. I will say to my colleague, I think that it is a catchy slogan, and I think more important than a slogan, it makes an important point, which is, people will hold us accountable, one way or the other—one way or the other. Absolutely.

Mr. ROCKEFELLER. Is it your understanding that half, that 50 percent of all workers in America today under the current system do not have a choice of health care plans?

Mr. WELLSTONE. That is correct, I say to my colleague from West Virginia.

Mr. ROCKEFELLER. Is the Senator also aware that in companies that employ fewer than 500 workers, that is, 97 percent of companies in my State of West Virginia, and probably the same percentage for the State of Minnesota, only 16 percent of employees have choice of health plans?

Mr. WELLSTONE. I am well aware of that because you cannot go to a community meeting anywhere in your State where people do not say that.

Mr. ROCKEFELLER. So we who have these enormous opportunities in Congress to enhance the choices people have. People talked about the alliances and they teased about all the paperwork in HIPC's and alliances. Part of the paperwork, if the Senator from Minnesota agrees with me, was that we were going to inform citizens of their choices, just as we are informed in the Federal Employees Health Benefits Program. They give us brochures that contain the following information: what the programs offer, choice of plans, cost of enrollment, who is eligible to enroll, types of plans available, and more.

Then you get to the brochure that describes the plan you are going to pick in detail, and I know the Senator understands this, they also list the plans that are open to all and which are not. Then they go State by State and they tell you the range of plans in which you can enroll in each area if you are a Federal employee. This is, in a sense, the choices we want to open up to the American people, as I understand the Senator would like to do.

Mr. WELLSTONE. That is correct. The Senator is correct and I think when I meet with people in cafes in Minnesota, I hardly hear anybody say single payer—I know other people want to speak, and let me finish up, unless the Senator has a few more questions. People never talk in the language of single payer, all payer, no payer. People want to know whether they will be covered or their loved ones covered, whether they will have a benefits package, they want to know whether they can afford it and whether they can have choice, the same choice we have.

Mr. ROCKEFELLER. And they want to have the information before they have to choose in the current insurance market where you buy a policy and then when you submit a claim you find out you are not covered for pregnancy or for well-baby care. And the Senator also is aware that all of these choices under the Mitchell plan would be among private, not public, health insurance plans. They would be for private, guaranteed private health insurance. Only 16 percent of employees in firms of less than 500 have a choice now, all would have choices under the Mitchell plan. The Senator would agree with that?

Mr. WELLSTONE. That is correct. I am going to wait until the Senator finishes his question. I would agree with that.

I do want one quick response.

Mr. ROCKEFELLER. The Senator may proceed.

Mr. WELLSTONE. Let me just say—and, again, does the Senator have other questions as well?

Mr. ROCKEFELLER. I do not.

Mr. WELLSTONE. He does not. Let me say the Senator is correct.

And my final concluding point, which goes to the mainstream group's proposal, I want to look at it very carefully, because I do not know what their position is.

That is right, it is the purchase of private insurance.

Now, we live in a grassroots political culture, and one of the conservative critiques of public policy that I have agreed with for many years is to move away from overly centralized and bureaucratized public policy. We have talked about States as laboratories of reform, and as my colleague knows I believe that the evidence is irrefutable and irreducible, if you want to look at CBO and others as well, that those States that choose to go forward with single-payer systems with no carveout for employers or anyone else—I mean, it is up to the people in the State and their representatives to have the option to do it—now there is a movement afoot to essentially say large employers can opt out of that, which then essentially we would really deny States the ability to do it. Insurance companies and some large companies do not like it.

But it strikes me that, while the majority leader's plan, the President's plan, was for private insurance, moving to one insurer, one single source of the payment and then everything else the private sector, we ought to see whether some States—if they want to move forward, we ought to see what happens with that. I would say I am interested in the mainstream group's proposal because if they have the large employer opt-out, they have essentially denied us of that. And for my own part I would fight very hard on that for a long, long time in the Senate because I am now convinced the only way we are truly going to be able to show you can provide everyone coverage and keep administrative cost down is going to be in that direction.

Mr. ROCKEFELLER. Mr. President, I thank the Senator for yielding.

Mr. WELLSTONE. I thank the Senator.

Mr. President, I yield the floor. I do want to say to my colleague from Kansas that I apologize for this. Part of it was the questions and discussion. I wanted to have the opportunity for this discussion. I thank him for his patience.

Mr. DOLE. Mr. President, I am going to use a little of my leader's time, and I understand the Senator from North Carolina, in the loose agreement, will be recognized to make a statement and then maybe Senator WARNER. If not, then Senator HUTCHISON will offer the amendment on this side. Is that satisfactory?

If the Senator has not seen the amendment, we will try to get the Senator a copy of the amendment.

Mr. President, let me just say to the Senator from Minnesota, I may be voting with him, for different reasons, on the mainstream proposal. We have not seen it yet. We will be given a copy later today. I must say on behalf of all those who have been involved, they are very tenacious; they are very determined. They have certainly worked hard. And we hope to see their final product and have a chance to evaluate it, as the Senator from Minnesota would want to do, also. But you may find a rare combination coming together here if there should be a vote on that particular bill, one that would not happen normally around this place, but I think maybe for different concerns, different reasons.

U.S. IMMIGRATION POLICY

Mr. DOLE. Mr. President, a casual observer could be forgiven for being confused over American immigration policy toward Cuba. Yesterday afternoon, Attorney General Reno said administration policy was responding "in an orderly way and without disruption" to the recent increase in Cuban immigration. The Attorney General went on, "We do not believe that this current influx has been a burden yet on the community." That was yesterday afternoon: no crisis, no panic, no emergency. Yet a few short hours later last night, the administration decided to prevent Cuban refugees from reaching the United States—overturning three decades of American policy. I do not think the number of Cubans changed dramatically yesterday afternoon.

If we are going to have the same refugee policy for Cuba as we do for Haiti, we should have the same foreign policy. That is the point I want to make. United States policy toward Haiti has been based on threats and saber rattling, but there has been silence on Cuba. Fidel Castro has done more to threaten American interests than any Haitian leader ever could. President Clinton should call on Fidel Castro to step down. Immediately, President Clinton should tell U.N. Ambassador Madeline Albright to seek international sanctions and isolate Cuba through the United Nations. And President Clinton should spend as much effort drawing lines in the sand about democratic change in Cuba as he has spent in threatening Haiti. We do not need to invade Haiti, and we do not need to invade Cuba. But we should care as much about democratic change in Cuba as we do about democratic change in Haiti. And, if the United States is going to interdict refugees leaving Cuba, maybe we should consider interdicting oil and fuel going into Cuba, as we do in Haiti.

Mr. President, we all remember the Mariel disaster under President Jimmy Carter in 1980. We cannot and must not allow Fidel Castro to do the same under President Clinton. President Clinton should make it clear to Fidel Castro that sending the occupants of Cuban prisons, insane asylums and hospitals to Florida will be considered an act of aggression against the United States—and the United States will respond appropriately.

Finally, we should all remember the refugee flow from Cuba is the symptom—not the cause—of an underlying problem. It is Fidel Castro's brutal dictatorship that is the root cause of Cuba's tragedy. The economy is a dismal failure and the political prisons are filled with thousands of inmates. Communism has failed in Cuba just as decisively as it failed in Eastern Europe and the former Soviet Union. It is only a matter of time before Cuba is forever freed from Fidel Castro's tyranny. Castro should not be allowed to use emigration to south Florida as a way to release pressure on his corrupt and illegitimate regime.

I hope when the President speaks to the American people today, he will address the real problems in Cuba—Castro's repressive regime. And I hope the President will announce a long-term plan to address democratic change in Cuba, not just new measures to detain freedom-seeking Cubans.

HEALTH SECURITY ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, finally, I have not had an opportunity to meet with the majority leader on the program for the balance of the day and the program for tomorrow and maybe we can do that sometime soon because a lot of our colleagues are asking questions, I assume on that side, too. We do not have any answers.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I believe that we have made a proposal to Senator DOLE's staff perhaps in the time that he was speaking, and I am now going to suggest that he and I consult personally. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Does the Senator withhold the quorum call?

Mr. MITCHELL. Mr. President, I withhold the request.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am advised that the majority leader wishes to discuss the schedule for the rest of the day and the rest of the weekend and, without losing my right to the floor, I yield to him.

The PRESIDENT pro tempore. Without objection, the Senator will not lose his right to the floor.

The majority leader.

Mr. MITCHELL. Mr. President, I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that, upon the completion of Senator HELMS' remarks, Senator HUTCHISON be recognized to offer an amendment striking a provision in the substitute amendment; that upon the disposition of her amendment, Senator HARKIN be recognized to offer an amendment regarding disability insurance coverage; that no other amendments be in order to S. 2351 during today's consideration; that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, August 22; and that at that time the Senate resume consideration of S. 2351 and Senator MOYNIHAN be recognized to offer a Moynihan-Packwood amendment regarding medical school training.

The PRESIDENT pro tempore. The Chair, hearing no objection, the several requests are granted.

Mr. MITCHELL. Mr. President, this agreement is the culmination of discussions with the managers of the bill, the distinguished Republican leader, and several of the interested Senators.

We have agreed upon the following: We will take up the Hutchison amendment, and that will be accepted without a rollcall vote. We will then take up the Harkin amendment, and that will be accepted without a roll call vote.

So there will be no further rollcall votes today. There will be continued debate on the subject for as long as Senators wish to address the subject today. The Senate will not be in session tomorrow.

As all of our colleagues know, Senator CHAFEE and Senator BREAUX, and the other members of the so-called mainstream group, expect to deliver their proposals to me and to Senator DOLE today. I have suggested that it would be a more efficient use of our time if we have over the weekend—tomorrow and Sunday—to review those recommendations in detail. Therefore, it is my conclusion, agreed to by my colleagues, that we would accomplish more by permitting Senators to do that than being in session and simply debating an amendment.

We will return to session on Monday at 10 a.m., at which time Senator MOYNIHAN will offer an amendment on behalf of himself and Senator PACKWOOD. That is a major amendment that is going to be debated at some length. Although we do not know when we will reach a vote on that, I have advised my colleagues, and now state, that no vote on that amendment will occur prior to 6 p.m. So Senators will know that—although we cannot be assured that a vote will occur at 6 or when thereafter, because there may be more time than from 10 to 6 required for debate—in any event, under no circumstances will there be a vote prior to 6 p.m. But those Senators who wish to participate in the debate on that amendment regarding medical school training should be present during the day on Monday.

Mr. President, I note the presence on the floor of the distinguished Republican leader. I want to now yield and ask him to first correct any statement I have made that does not accurately reflect our understanding, and for any other further comments he wishes to make.

Mr. DOLE. Mr. President, I think the agreement reflects the understanding. There will be two voice votes, but there will be time for additional debate. We have a number of Senators that want to discuss health care later this afternoon, and they can do that as long as they desire.

Mr. MITCHELL. That is correct; as we do, as well. So there will be, I think, several Senators participating in the debate. We will remain in session today for as long as any Senators wish to address the subject.

Mr. MOYNIHAN addressed the Chair.

The PRESIDENT pro tempore. Under the order, the Senator from North Carolina resumes the floor.

Does the Senator yield to the manager of the bill?

Mr. HELMS. I am delighted to yield.

Mr. MOYNIHAN. Mr. President, on behalf of Senator PACKWOOD and myself, I thank our friends and colleagues, the majority leader and the Republican leader. It seems a good way to proceed. We will have two amendments disposed of today and we will be on another one Monday.

I thank the Chair and I thank my friend from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I do not know about the people in the galleries, but I am sure the people who have been watching on C-SPAN this morning and early this afternoon, if they are still awake, must have wondered what goes on in the Senate. A couple things came to my mind as I heard some of the "debate." One of them is Shakespeare who in "As You Like It" said, "All the world is a stage and all the men and women merely players."

Well, we have had stage here this morning. I hope that the C-SPAN listeners and anybody else who happened to hear this debate took notice of the fact that everybody on the other side who participated in the debate and flashed their health cards, Blue Cross-Blue Shield, not one of them has ever seen a big Federal spending bill he did not love. They are the big spenders of the Senate. They do not know and they do not care what this bill will cost the American taxpayers.

They want to be good to their constituencies, so that the people in the next election will vote these big spenders back in office. That is what it is all about. This is a political game.

By the way, the big spenders of the U.S. Senate and the U.S. House of Representatives have set a pretty good benchmark on how reckless they are and have been with the people's money. As of the close of business Wednesday, the Federal debt stood at $4,668,682,813,919.54. And if this bill becomes law, that debt will increase dramatically.

The more I observe and listen to the health care debate, the more vividly I recall an incident that happened a long time ago at a little country newspaper office where I began work at the age of 9 years. I can still smell the aroma of the printer's ink, and I can smell the smoke that came from the Linotype machine because of the melting metal, and the clanging and clacking of that old duplex press downstairs.

Mr. Rowland Beasley, the editor and copublisher of the Monroe Journal, smoked a pipe incessantly, and he smoked Prince Albert tobacco. I remember it came in a little can. His brother, George, did not smoke, but he enjoyed an occasional pinch of snuff which he kept in a Campbell's soup can by his desk.

There was a fine old colored gentlemen who was my immediate boss. His name was Mose. He could always be relied upon to come up with a classic comment when his opinion was asked for, which it often was because we liked to hear what Mose had to say.

Anyhow, Mose had a hearing difficulty which resulted in a certain degree of raised voices, even shouting, when one was attempting to communicate with Mose. One Christmas season, the two Messrs. Beasley decided to help Mose with that hearing problem, and all of us at the paper pitched in a little money to help get Mose one of those then newfangled hearing devices. I remember I furnished a quarter. We wanted to give it to Mose for his Christmas present. Compared with today's model of hearing aids, this was sort of a Rube Goldberg contraption. It was a rather large box with a big dial on it to control the volume, and it hung around your neck. It had only one earplug in those days.

We were all instructed to gather at Mr. Rowland Beasley's office just before the Friday afternoon newspaper went to press. And when Mose came in, we began singing a Christmas carol. We wished Mose Merry Christmas, and then Rowland Beasley presented Mose with the wrapped Christmas present. And Mose slowly unwrapped it. Mose put it around his neck, and put in the earphone. Then we adjusted the battery, and the instrument was turned on. The noise level knob was turned up, and it was very clear when Mose began to hear those sounds, because his eyes rolled and he slowly shook his head, but he said absolutely nothing, absolutely nothing. We were so disappointed.

Finally, Mr. Beasley said, "Mose, does it help your hearing?" And Mose responded without hesitation. He said, "Yes, sir, it helps my hearing, but it don't help my understanding none."

That is the problem with the U.S. Senate. That is the problem with the health care debate. We hear a lot, but we do not understand very much.

We certainly do not understand anything about what is being done in this country in terms of the debt of over $4.5 trillion that has been run up by people so willing to give away other people's money. That is what is at issue right now in this Senate.

I thought of Mose a thousand times during the past several weeks as I have sat here, and as I have sat in my office looking at the television set, seeing the incredibly confusing turns the Senate has taken on health care reform.

Make no mistake about it, what is at stake here is whether we are going to vote to socialize America's health care system, which warts and all, is nonetheless the best system mankind has ever known.

I first came to the Senate very late in the year 1951 as an administrative assistant to a North Carolina Senator. I had not really wanted to come to Washington because my daughters were very young. Nancy was still a baby. But Dot and I decided that she and our two little girls should stay in Raleigh and I could commute home every 2 weeks. But that was when Congress usually adjourned for the year in early July. How I wish that were still true.

Congress was not like it is today when one Senator can command the other 99 Senators to cancel their vacations and family plans to stay here to pass a health care bill which the vast majority of the American people say they do not want.

Harry Truman was President when I came to Washington the first time in 1951. Alben Barkley was Vice President. There was, of course, a lot of politics in Washington in those days. But I do not recall the rancor and the mean-spiritedness that exists now. There was no constant interference with family lives of Senators, an exercise that is a needless power play.

I have talked with dozens of people from all over America during the past few weeks, some by telephone, some whom I've met in my office. Thousands of letters are pouring into our office, and I am sure into the offices of other Senators as well. Most are concerned about the strenuous efforts by the majority leader to push through this Senate, with threat after threat, his health care plan.

There are three of them. First there is Mitchell health care plan No. 1, which has 1,410 pages. There is Mitchell health care plan No. 2, which has 1,448 pages. And finally, there is Mitchell health care plan No. 3; and it has 1,443 pages.

So you can see that the majority leader's health care plan changes spots like a chameleon, about every 2 or 3 days. And proponents of this bill are making claims that cannot be substantiated.

The same is true for the so-called crime bill that was shot down at least temporarily by the House of Representatives last week. I do not know if they can revive it or not, but they are trying to.

I spoke the other day with a longtime friend in another State who is a Federal judge. He asked: "Isn't your majority leader treating you fellows like a surly Federal judge sometimes treats his bailiff, ordering all 99 of you around? I knew him when he was on the Federal bench." And then the judge dropped the subject and moved on to the crime bill. At that time, the crime bill had not been dealt the blow that was to come a few days later, and the judge feared it would pass. He described that bill as a disgrace, and obviously the House of Representatives in the majority agreed.

He spoke of the political shenanigans going on with the health care situation. I wrote down what he said. He said: "You fellows are not going to be able to come up with a responsible piece of legislation in the atmosphere that prevails up there now, nor the political hardball that is being played. You are right."

He was talking about my recent amendments which suggested that we put off health reform until the first of the year and start over and do it right.

The judge said: "You are right. You should put down a peg and come back next year; start right in this January and do it right."

It's just like old Mose said, more than 60 years ago: the hearing aid helped his hearing, but it did not help his understanding.

I think that is the problem of the American people, and it is certainly the problem of the U.S. Senate. As I said earlier, we are hearing a cacophony of sounds of hysteria, but there is scarcely any way to make sense out of the bedlam.

The Congress of the United States should never engage in deliberate deceit or emasculation of the truth to get any piece of legislation passed.

And Congress should never, ever approve any piece of legislation just to get away and go home.

That is exactly how the Federal income tax began, both the constitutional amendment that authorized it and the implementing legislation. Statements made back then on this floor of the Senate were just not so. There was almost a fist fight in this Chamber between two Senators because one of them had suggested that an income tax, if it ever became law in the United States, would take 10 percent of every American taxpayer's income. The author of the bill did not like that. He said, "It is just not so." Well, I wish we could have kept it at 10 percent.

So much of what is being said in favor of the various health care proposals could never withstand the scrutiny of the American people. And that is the best reason I know to submit it to the American people next year.

We do not need to legislate this way. We should never legislate this way.

Several days ago, I suggested to Americans who happened to be watching on C-SPAN that they may want to call their Senators and let their Senators know how they feel about health care reform. Should the majority leader's bill No. 3 be shoved willy-nilly through the Congress this year? What is magic about doing it this year that is not political? Or, would it be better to wait until the first of next year, when Congress and the American people will have had some time to examine all of the alternatives, including the three versions of the more than 1,400-page Clinton-Mitchell bills?

Most Senate offices, certainly mine, received hundreds of calls, the overwhelming majority of which pleaded with us to wait until next year.

Last week, I put the Capitol switchboard number on an easel and that led to the calls that came into the Capitol and to the Senators' offices. People looking at C-SPAN may want to write down this number, and call 1-202-224-3121 and ask for their Senators.

You may want to let both your Senators know if you agree with the Clinton-Mitchell plan or if you believe the Clinton-Mitchell plan will make things worse than they are now. It may influence your Senators' decisions if you call.

Mr. President, the American people do have a monumental decision to make about health care reform. Robert Frost once wrote about the two roads that diverge in the wood. The question is, which of those roads will Congress follow. Will Congress take the one less traveled? And that was the point of Robert Frost's poem. Or will Congress follow the well-traveled route to a destination of blunder? When it comes to turning power over to the Federal bureaucrats, Congress has too often taken the well-traveled path. It is easy to do. Pass a law. Set up a new bureaucracy. Hire employees. Raise the debt. Spend the money.

The American people are beginning to comprehend where this path leads. It starts out with a noble idea. Along the way, politicians add this agency and that commission, a new tax here and a new tax there, and presto, that old road is clogged with bureaucrats, and new taxes and burdensome regulations that no one remembers what the original road looked like.

Mr. President, the Clinton-Mitchell plan is a perfect example of taking the easy, deceptive, self-defeating big Government road. The Clinton-Mitchell bill includes 17 new taxes, creates 170 new bureaucracies and 6 new entitlements, and if this were not enough, it requires that every health insurance policy cover a Government-mandated set of benefits, one of which is abortion.

Clinton-Mitchell, as the Senator from Oregon referred to it, is truly Lethal Weapon No. 3.

Mr. President, I had hoped, and still do, that we might take "the road less traveled," and steer clear of socialized medicine in America's health care. Let us chart a narrow course to fix whatever is broken in our health care system and go no further than that. Senator DOLE and 39 other Senators have sponsored such a plan, including both of the Senators from North Carolina.

Mr. President, let me address a few points that I have heard this morning and on previous occasions. Several times I have heard it said that none of the Clinton-Mitchell bills is a Government-run health care.

I would just like to mention that the Clinton-Mitchell bill contains the word "shall" 2,618 times. I did not count them, but staff from the distinguished Senator from Indiana has. This means there are 2,618 times where the Government tells doctors, hospitals, businesses, States, and patients what to do. If that is not a Government-run health care system, tell me what is.

I also want to ask the Senators who were engaged in their little one-act play this morning, if they could tell me how much the Federal Government—that means the American taxpayers—already pays every year for our major welfare programs? I am referring to things like Social Security, Medicare, Medicaid, veterans health, unemployment, food stamps, AFDC, and so forth and so on.

In 1993, the total Federal outlay for these programs was $1.4 trillion. And any one of the Clinton-Mitchell bills would add another $1 trillion in new Government subsidies over the next 10 years.

By the way, do any of my colleagues know how many million dollars there are in a trillion dollars? There are a million, million dollars in a trillion dollars. So when the American taxpayers owe $4.6 trillion, all of that speaks for itself.

Now, as to the debate this morning, I so appreciated Senator WARNER's trying to steer the conversation and the debate down the factual road. He was saying: Get a second opinion. He was saying, inferentially, you folks are not telling it like it is. And they were not.

This morning, my colleagues on the other side made much of their health insurance cards that they have under the Federal Employee Health Benefit Program. They waived them around and said that every American should have a card like that. The truth is that 70 percent or more of the American people already have health care cards at this moment. And many who don't have health cards at this moment will have them tomorrow, because many will change jobs or move away. Clinton-Mitchell 1, 2, and 3 would take everyone's cards away and replace them with a card that entitles them to a one-size-fits-all set of benefits—meaning a Government program.

Senator NICKLES of Oklahoma offered a bill which I cosponsored. It was based on the Federal Employees Health Benefits Program. Under that proposal, Americans who did not have cards—that is, insurance—would be able to get them. And those cards would ensure Americans of a choice of benefits, not a Government-determined set of choices.

Taking the road less traveled, as Robert Frost would put it, means rejecting Federal mandates, increased taxes, caps on private spending, politically determined, and mandatory health benefits. A walk down the road to sensible health care reform would look like this:

It would include insurance reform so people do not lose health insurance because they lose or change their jobs.

It would require insurance companies to renew health insurance policies and limit preexisting condition restrictions.

It would let doctors take care of patients without worrying about frivolous lawsuits being filed against them.

It would allow individuals to establish medical savings accounts as an incentive to wisely spending each health care dollar.

The Clinton-Mitchell proposal is silent in seven languages in all but a few of these sensible reforms and instead hands over to a vast array of new Government bureaucracies the health care of every American.

So far, those of us in my office who have been reading Clinton-Mitchell have been able to uncover about 170 new bureaucracies. Senator SPECTER of Pennsylvania developed a chart that identifies all the bureaucracies. The chart has a myriad of boxes, each of which represents a new bureaucracy that would be created by the Clinton-Mitchell bill. Two that give me the most heartburn are the National

Health Benefits Board and the National Health Care Cost and Coverage Commission. Under Clinton-Mitchell these two boards become the central nervous system of the entire health care network. But I will get to that later.

Our health care system today, with all of its warts, still delivers the best quality health care in the world. Can it be improved? Yes. Should it be improved? Yes.

Rather than targeted solutions to health care reform, Clinton-Mitchell threatens to turn over to the Federal Government's bureaucracies, our entire health care system. I ask you, Mr. President, when was the last time an enterprise prospered after the Federal Government and the Federal bureaucracy grabbed control of it? I cannot think of one.

Michael Ruby, coeditor of the fine magazine U.S. News & World Report, described the Federal Government this way, "It's not that the big guy is aloof: it's just that he's overweight, awkward and frequently ill-informed, and in his eagerness to help, to solve something, he sometimes makes it worse."

In the context of health care reform, the Government will undoubtedly make things worse. All we need is for the post office mentality to take over and you can bet the farm that America's health care system will never again be the envy of the world. That will be it. If we cannot trust the Federal Government to deliver the mail, what makes us think we can trust the Federal Government to deliver our health care.

Under the Clinton-Mitchell bill, Government bureaucrats will decide what medical care is medically necessary or appropriate for each American citizen. If you do not believe that, look at page 119. Section 1213 of Clinton-Mitchell says the National Health Benefits Board, an unelected, partisan group of bureaucrats, is authorized to establish:

> (A) criteria for determinations of medical necessity or appropriateness; (B) procedures for determinations of medical necessity or appropriateness; and, (C) regulations or guidelines to be used in determining whether an item or service is medically necessary or appropriate.

Do you want the Federal Government, the Government that operates your Postal System, to decide whether you should have an operation or not? With this kind of Government intervention, what is left for the doctor and the patient to decide?

Those not accustomed to reading legislative language may not understand the intent behind these words, but the Clinton-Mitchell bill will have a politically appointed Government bureaucrat decide what care and which procedures are medically necessary and appropriate for each and every American. I do not like that. And if I am a little bit strong in my comments today, it is because I do not like it and I fear it and I think the vast majority of the American people feel the same way about it.

But the National Health Benefits Board is only one of the monoliths proposed in the Clinton-Mitchell bill. There's the National Health Care Cost and Coverage Commission, a National Quality Council, a Commission on Worker's Compensation Medical Services, a Prescription Drug Payment Review Commission and a National Council on Graduate Medical Education.

These are just a smattering of the 170 new bureaucracies. It kind of makes your head spin, all those boxes and arrows. How can this tangled web of bureaucracy ever work? The answer is that it cannot work. And just imagine how these bureaucracies will damage the quality health care we expect and deserve.

The National Health Benefits Board will not only tell you what is necessary and appropriate medical care, it will also tell you which insurance benefits you can and cannot have.

Under the Clinton-Mitchell bill, all Americans will be required to purchase a one-size-fits-all package of benefits, treatments and procedures, whether they want them or not. Americans will have no choice. You see, one of the central tenets of Clinton-Mitchell is that Americans are not really smart enough to decide what benefits their families need or want.

The Government-established package includes benefits contained in most health insurance policies, but it also includes many benefits which are not. One of those benefits is abortion on demand. Clinton-Mitchell requires that every health insurance policy sold in America must provide coverage for abortion on demand. I say no, no, no to that.

This means that every American will pay for abortion coverage regardless of whether he or she wants it, or needs the coverage, or is opposed to abortion on principle. You pay for abortion and you're covered for abortion services whether you want it or not. This means that men will pay for abortion coverage. It means that women beyond childbearing age will pay for abortion coverage. It means that people who recognize that abortion is the deliberate destruction of innocent human life will nonetheless pay for abortion coverage and you will have no choice about it.

Mr. President, it is no accident that abortion is mandated as a benefit. Pro-abortion groups, such as Planned Parenthood, the National Abortion Rights Action League and the Alan Guttmacher Institute, just to name two or three, have lobbied, picketed, screamed, yelled to get abortion included in the mandatory Government package and, as a political result, it is included. Could it be that these groups want to use health care reform as a means to expand the availability of abortion in this country? There is no doubt in my mind that these people want abortion in the United States to become as routine as having your tonsils taken out.

Every poll that I have seen on the issue has demonstrated that the American people consistently reject abortion as a mandated benefit. A recent USA Today poll said 59 percent of Americans oppose abortion as a mandated benefit.

In addition to mandating that abortion be included in the standard benefits package, the bill requires that all taxpayers pay for abortions for every woman who receives a health care subsidy from Uncle Sam. In short, this is the backdoor repeal of the Hyde amendment, which prohibits taxpayer funded abortions except in cases of rape, incest or when the life of the mother is in danger.

Mr. KERRY. Mr. President, will the Senator——

Mr. HELMS. I prefer to finish my statement.

Mr. KERRY. I simply want to ask my colleague——

Mr. HELMS. Mr. President, the Clinton-Mitchell bill will overturn and override dozens of State laws that limit abortions. If Clinton-Mitchell goes into effect, State provisions requiring waiting periods, parental consent and restrictions on third trimester abortions will be wiped off the books.

One of the most pernicious provisions in the Clinton-Mitchell bill is what I call the abortion clinic mandate. Clinton-Mitchell requires abortion to be "uniformly available across the Nation and readily accessible within each service region in each State." And this means that in areas where abortion is not readily accessible, we will be forced to construct facilities and train personnel to provide abortion.

A June 16 survey by the Alan Guttmacher Institute reveals that 51 percent of metropolitan counties and 94 percent of nonmetropolitan counties currently do not have abortion providers. Just so that everybody can get a perspective, there are more than 3,000 counties in America, and today about 2,600, or 87 percent, have no abortion providers. The Clinton-Mitchell bill would require that the Federal Government, via the American taxpayers, build these facilities and train personnel to perform abortion in at least 2,600 counties across America.

Others may differ on this. But in the name of God, Mr. President, this is an outrage. We are talking about a Federal mandate to require the establishment of abortion clinics in literally hundreds of communities that do not have them now. Whether they are pro-life or pro-abortion, most Americans do not want to pay for abortion clinics to be built and physicians to be trained in each and every county of America, but that is what Clinton-Mitchell requires.

Now, Mr. President, let us look at the price tag for all of these reforms. The Clinton-Mitchell plan for health care reform is so full of new entitlements and governmental programs that it has had to propose 17 new taxes to pay for them. And most of these taxes fall squarely on the middle class, the working man and woman.

There is a tax on all health insurance policies, a tax on comprehensive insurance plans, a tax on tobacco three times greater than today's 24-cent tax, a tax on handgun ammunition, and a hidden tax on all of America's youth. And if 95 percent of all Americans are not insured by the year 2000, Clinton-Mitchell would impose a tax on all businesses to buy insurance for their employees. There are 11 other new or increased taxes, for a total of 17.

I am particularly outraged about this because North Carolina will be the fourth hardest hit State of the Union by these new or increased taxes.

The number crunchers estimate that by the year 2002, Clinton-Mitchell, if it becomes law, will mean an increase of $1.7 billion in additional costs to the businesses of North Carolina alone.

Is it a coincidence, Mr. President, that the businesses hardest hit by these taxes just happen to be located in the South and in the West? Businesses in the northeastern States will save money, if Clinton-Mitchell is enacted. A recent study shows that in States such as Maine, Massachusetts, Ohio, Michigan, Illinois, New York, and New Jersey, businesses will actually reduce their medical care expenditures.

One tax particularly bothers me because it unfairly targets a single industry. I am talking, of course, about the proposed triple-fold increase in the tobacco tax.

The dramatic increase in the tobacco tax will hit hardest those least able to afford it. In other words, the poor will suffer most. You can say, "well, they ought not to smoke," and you may be right, but the fact remains—the poor will suffer most under this kind of tax.

The Congressional Budget Office, in a study on the distributional effects of an increase in selected Federal excise taxes, found that an increase in the tax on tobacco would be the most regressive of all the taxes considered.

CBO went on to explain that the average increase in the tobacco tax as a percent of total income would be about three times as large for families with incomes between $10,000 and $20,000 when compared to families with incomes of $50,000 or more.

Moreover, it is unfair for Government to single out those who happen to smoke to pay for a Government takeover of health care. Professor of economics, Robert Tollison, testified before the Senate Finance Committee and he said:

> It would be unfair to make smokers and only smokers pay through increased excise taxes for any health care cost that [the Government] may impose by virtue of their chosen lifestyle, and in any event smokers are more than paying their way at current tax levels.

The Office of Technology Assessment has estimated that smokers cost Federal and State and local governments $8.9 billion in health care expenditures due to smoking-related illness. But I wonder how many Senators are aware that these same smokers already pay more than $13 billion in excise and sales taxes. What this says is that the smokers are already paying $4.4 billion more in taxes than they cost the taxpayers.

Furthermore, I wonder how many people have stopped to think that if the tobacco tax is increased to pay for health reform, thousands of honest, hardworking Americans will lose their jobs. A 1992 Price Waterhouse study estimated that a 45 cent increase in the tobacco tax would eliminate a total of 118,000 jobs—51,000 jobs in the tobacco sector, and 67,000 more in retail and other related industries.

Of course, when these people lose their jobs, they will have no choice in many cases but to go on unemployment and possibly other public assistance programs. And based on the estimates of Professor Tollison, unemployed tobacco workers could cost the taxpayers $680 million a year.

I've not even mentioned what the increased Federal tax on cigarettes will do to State revenues. The Congressional Research Service found that reduced cigarette sales, due to higher Federal taxes, will reduce State revenues by almost $7 billion a year. And who will make up for the lost State revenues? You got it. You and I will, in the form of higher State taxes on other goods and services.

One last point on the tobacco tax, and I will move on because I have a few more things to say about the Clinton-Mitchell bill. With so many experts yearning to follow health care reforms adopted in other countries, I wonder if anybody has given any thought to what happened when Canada raised its tobacco tax. For years, the Canadian system simply avoided the increased tax by exporting tax-free cigarettes to the United States and then smuggling them back into Canada. This way they avoided the Canadian tax. The Government of Quebec admits that half of the cigarettes consumed there came into Quebec in this manner.

Tax evasion became par for the course in Canada. Imagine how revenues from the tobacco tax must have plummeted from all of those black market sales. Finally, in February of this year the Canadian Government wised up and it cut its Federal tax on cigarettes by more than a third.

Let's not repeat Canada's mistake. And for that matter, let's not repeat the mistake that Congress made the last time it turned health care over to the Government.

I wonder how many Senators have considered the distinct possibility that Congress, right now, is on the verge of repeating a very serious mistake. This mistake occurred about 6 years ago.

Maybe Senators recall the Medicare Catastrophic Coverage Act of 1988. I am proud to say that I was one of the 11 Senators who voted against this bill. This little jewel, though much more modest in its scope than the Clinton-Mitchell proposal, proved to be one of the biggest legislative disasters Congress has ever known. It was so bad that there was a stampede in this Chamber to repeal it a year later. I do not think any Senator voted from his seat. He stood down in the well and yelled, "Repeal it, repeal it."

Does anybody remember why we repealed it? Congress realized that Government does not always know best. Congress, at least then, realized that when the details are fully understood, the American people, not politicians, know what is best.

The Medicare Act of 1988 was rife with bureaucracy. No sooner than the ink was dry on this legislation, Senators began to realize the monster the Senate had created. Actually implementing the bill proved to be much more difficult than anybody had originally assumed. And the Catastrophic Coverage Act was an infant compared to the Clinton-Mitchell bill granddaddy.

Under the Catastrophic Coverage Act, the Health Care Financing Administration was responsible for developing: A new implementation plan; a new monitoring and reporting system; a revised computer software program to process all of these new claims; a comprehensive public information program to insure that everyone understood what the new law said, contracts for developing computer software to track new Medicare out-of-pocket expense limits; special instructions to the States regarding new State mandates to cover low-income individuals, and a coordination strategy with the Department of Treasury.

To meet these complex responsibilities, dozens of new commissions, agencies, boards, and offices were created. Does that sound familiar? What I have just listed are some of the administrative nightmares that are replete in Clinton-Mitchell. Each one of these nightmares comes with its own bureaucracy, and Clinton-Mitchell has 170 of them.

Is there any doubt that if we take the Clinton-Mitchell road to health care reform, we will be repeating the very same mistake we made back in 1988? Today we have an opportunity to turn away from Government-run health care and all of its onerous bureaucracy. Calvin Coolidge was an interesting gentleman. I wish I could have known him.

But I have read so much about him and the things that he said. He used to talk about Thomas Jefferson. It's funny how everybody in every generation likes to talk about Thomas Jefferson, and I am one of them. Thomas Jefferson is one of my heroes. I have book after book about Jefferson and Jeffersonian philosophy. But that was true in Calvin Coolidge's day as well. One day he said:

> The trouble with us is that we talk about Jefferson, but we do not follow him. Jefferson's theory was that the people should manage their Government, and not be managed by the government, and Jefferson was everlastingly right.

I believe that, and I believe most Americans do too. Would it not be nice again to have a President that refers to Jeffersonian principles and is actually guided by them? Certainly, the people should manage their Government and not be managed by their Government. And it follows that the people, not Federal bureaucrats, should manage health care.

Congress has a golden opportunity to improve our health care system. Let us not choose the road to higher taxes, greater bureaucracy, and more bureaucratic controls—and certainly not the road to socialized medicine. For two generations, Congress has traveled that road to oblivion. This time, let us take "the road less traveled," as Robert Frost cautioned us. And as Robert Frost further said, that will make "all the difference," because the American people will be spared the trials and the tribulations of socialized medicine.

When we gave that fine old gentleman named Mose that antique hearing aid more than 60 years ago in the office of the Monroe Journal, he pondered that it helped his hearing, but as he put it, "it don't help my understanding none."

This time I sincerely believe that the American people are listening and hearing more and understanding more, and the latter is the most important. If the American people have their way, they will not permit Congress to force them into buying a pig-in-a-poke or, for that matter, socialized medicine.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CRIME BILL CONFERENCE REPORT

Mr. PRESSLER. Mr. President, I have been concerned about the crime bill, and I know that the House of Representatives is moving toward a solution. But there has been some misunderstanding in the country as to the reasons why the procedural vote on the rule for the crime bill was defeated in the House, in my opinion.

There were two key sections of the crime bill, as passed by the Senate, that were taken out by the conference committee. The first involved the D'Amato amendment requiring a minimum mandatory sentence for committing a crime with a gun—that is, if someone committed a crime with a gun, but did not shoot anybody, he would receive, in addition to his sentence for committing the crime, a minimum 10-year sentence for pointing a gun at another person when committing the crime.

If the criminal fired the gun while committing the crime, the D'Amato amendment required a minimum 20-year sentence. If a person was convicted a second time, the minimum mandatory sentences would be 20 years for carrying a gun, and 30 years if it was fired. A third conviction would have resulted in life in prison.

That is real gun control. There are 100 million guns in this country, and they are going to last 100 years at least. So you can talk all you want about banning a type of gun, but the problem is the person using the gun, not the gun itself. By having a mandatory sentence for using a gun to commit a crime, we attack the use of the gun, which is the real problem in our country. The D'Amato amendment is real gun control.

The second area which weakened the crime bill in the conference committee concerns the area of notification of a community of a sexual predator's presence. When the crime bill passed the Senate, it contained a strong provision—the Gorton amendment—which required and allowed officials to notify the community into which a sexual predator is released. The community notification provision was taken out of the crime bill by the conferees, and it is amazing that it was taken out. Indeed, there is a story in my hometown newspaper in Sioux Falls, South Dakota, of just such a case that is occurring right now. The community is in an uproar.

My point is that it should be a requirement that a community be notified whenever a convicted sexual predator is released into their midst. The community has the right to know where the sexual predator lives, even after he or she has done their time. I know some say this proposal violates the basic constitutional rights of the convicted predator, but I do not think it does.

It is very important that these two portions of the crime bill be restored, especially the community notification provision for sexual predators. This is a problem across our country. Recently, there have been two major stories, one from California and one from New Jersey, where a sexual predator returned to a community and killed little girls living there.

As the crime bill currently stands, only the police would be notified that a convicted sexual predator is about to be released into the community. And they cannot reveal the information. But under the Senate-passed bill, the Gorton amendment, the authorities would have a responsibility to notify the community and to make that information available to the news media, and so forth. I think that is a very, very important difference.

I do hope these problems are worked out. I hope we pass a crime bill. I voted for the crime bill when it passed the Senate, and it is one of those bills that we are struggling with here along with the health care bill. I think we will pass a crime bill and the health care bill eventually, but it is going to require all of us working together on those two matters. But it is very important that we do so.

I thank the President, and I yield the floor.

The PRESIDENT pro tempore. Under the order that was previously entered and agreed to, the Senator from Texas [Mrs. HUTCHISON] was to be recognized upon the yielding of the floor by the Senator from North Carolina [Mr. HELMS].

The Senator from Texas is recognized.

Mr. BIDEN. Mr. President, I ask my colleague from Texas if she would be willing to yield me 60 seconds.

Mrs. HUTCHISON. Mr. President, I am happy to yield to the Senator from Delaware 60 seconds or up to 5 minutes if that would suffice for his purposes.

The PRESIDENT pro tempore. The Senator from Texas yields to the Senator from Delaware up to 5 minutes.

Mr. BIDEN. Mr. President, I thank the Senator from Texas very, very much. I think the points raised by our colleague from South Dakota a moment ago as to notification relative to sexual predators is a very important point.

I would like to clarify something that seems to be misunderstood by everyone, understandably, because the House passed one version of a sexual predator bill, the Senate passed another version, and the conference report brought out a third version that is, in my view, much stronger.

The bill that is cited by my friend from South Dakota that passed the Senate, the amendment of the distinguished Senator from the State of Washington, Senator GORTON, was sorely deficient in two very important aspects.

One, he only required notification for a sexual predator if that sexual offender had been someone who committed a crime against a minor. So obviously if a person had gone to jail for committing a sexual offense against someone, brutally raping an 18-year-old girl or a 20-year-old woman, that person would not be in the category of having to be put on a registry.

Second, it was woefully deficient in that the Senator from the State of Washington in a legitimate attempt to protect the civil liberties of people insisted that before someone could be placed on such a registry, that is, a convicted felon, they would have to go before a board made up, I assume, of psychiatrists and psychologists who would have to determine whether or not that person was a serious sexual predator. The definition of predator had to be determined by this board. Only then, if they were determined to be a predator, not a sex offender, a predator, and only in that circumstance would a community have to be notified or the police have to be notified.

On the House side, the provision that they had was I thought also deficient in that although it was broader in its coverage, it was less specific in who had to be notified.

So, Mr. President, I took the liberty to make a suggestion to the conference, which they accepted, which was that we cover all, all sex offenders, regardless of what age the victim of the sex offender was and have a requirement that every State set up a registry whereby when a person, not a predator, any sexual offender, is released from jail, the registry in that State must be notified. That State then must have a criminal sanction available for any sexual offender released from jail after having served their time. This is not released on parole. This is after they served their full time. That State has to have in place, in addition to a registry, a requirement that there be a criminal sanction; that is, the predator or offender goes back to jail if they in any way attempt to avoid being on the registry.

Third, we put in another requirement, and that was that the police in the community, which would be notified, would have absolute immunity.

No one knows the Constitution better than the Presiding Officer who serves in this body. The Presiding Officer and others know we seldom ever give a police agency total immunity. We give them total immunity from civil suit if, in fact, they are notified whatever they do with the name.

Last, it is assumed that that police department would, in fact, notify the community. I respectfully suggest there is not a police commissioner, a police chief in the Nation once notified that a predator has been released and/or a sex offender, not having been adjudged a predator, would not notify the community.

But if it is the desire of my colleagues to add an affirmative requirement that the police department must notify the community, then I am more than happy to add that provision.

But I want to set the record straight, Mr. President. What we passed in the conference is considerably stronger than what we passed in the Senate and is considerably stronger than that was passed in the House.

Mr. PRESSLER. Mr. President, will my friend yield?

Mr. BIDEN. I yield.

Mr. PRESSLER. I know our colleague from Texas is waiting.

I commend my colleague from Delaware for his work on this matter.

I know in my hometown area in Minnehaha County, and in Sioux Falls, it is a very big issue at this moment.

I think the people of our country want a very strong community notification requirement. The people of our country want to be informed when a convicted sexual predator is released from prison and where he or she will be living. As far as the great concern of some for these people's civil rights, I do not think the public cares very much.

I thank my colleague very much.

Mr. BIDEN. I hope we have taken care of those.

Again, I thank the gracious Senator from Texas for yielding the time. She has been waiting. I truly appreciate it.

HEALTH SECURITY ACT

The Senate continued with the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

I do want to say to my colleague from Delaware that I do appreciate so much that he strengthened the bill in conference on that point, because it is a sore point. In addition to South Dakota, I know certainly it is a sore point in Texas, too.

The recognition that we must make sure that people have fair warning when people with this background move into a neighborhood and that we must protect our innocent people at all cost is very gratifying, and I appreciate the efforts on behalf of the victims of sexual assault for the efforts of the Senator from Delaware.

AMENDMENT NO. 2571

(Purpose: To strike the surcharge under a federally operated system)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk on behalf of myself and Senator GREGG and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. GREGG, proposes an amendment numbered 2571.

The amendment is as follows:

On page 182, strike lines 11 through 19.

Mrs. HUTCHISON. Mr. President, my amendment will remedy one of the many harmful effects of the pending Mitchell bill.

It would strike from the bill the takeover tax.

We have discussed a number of issues during the past week, but a regular theme has been the contention by many of us that the Mitchell bill constitutes a Government takeover of the American health care system to which we can point to a number of examples and the frequent denial of this fact by supporters of the bill often without further elaboration.

But, in fact, Mr. President, 55 new bureaucracies would determine what benefit package would be required and how they will be administered.

Just to give you a few citations of the 55 new bureaucracies there are: The National Health Benefits Board; the Health Insurance Purchasing Cooperatives set up by the States or local governments; Health Insurance Purchasing Cooperatives set up by the Federal Office of Personnel Management; National Guaranty Fund for Multi-state Self-insured Plans; the Assistant Secretary for Office of Rural Health Policy; the Federal Accreditation, Certification and Enforcement [ACE] Program; the Health Plan Service Areas; State Risk Adjustment Organization; Advisory Committee for Risk Adjustment Program; State Guaranty Funds; State Public Access Sites for Medically Underserved Areas; Prescription Drug Payment Review Commission, the Long-term Care Screening Agencies; the National Council on Graduate Medical Education; and the National Council on Graduate Nurse Training.

Those are just a few of the 55, Mr. President. I will not recite the whole list, but this reason alone is frightening enough. The Mitchell bill authorizes the Secretary of Health and Human Services to terminate a State plan if she finds it does not meet the Mitchell bill test, and bring in the Washington troops to take over. The Secretary of HHS could then charge every community-rated plan participant in that State 15 percent of the cost of their health insurance as payment for the Federal takeover.

I do not mean anything against the current Secretary when I say this because I have no knowledge of whether she or any of her successors would crave such authority. But when I speak of the American people who would pay that tax, I do not speak of them hypothetically. I know they cannot bear this burden easily.

A State loses control of its residents' health care if the Secretary finds that the State plan "substantially jeopardizes" the ability of eligible individuals in the State to obtain coverage of the standard benefit package.

In my view, there should not be a State plan to examine, there should not be a standard benefit package to compare, and the Federal official should certainly not be able to run over a State and tax it so heavily.

Are States likely to pass the test? Well, I have served in two branches of my State government—legislative and executive—and I can tell you that burdens, the burdens imposed by Washington, are one of the great roadblocks to effective State government.

This bill imposes more than 177 new responsibilities on every State. I know the harm of unfunded Federal mandates. I do not think the Framers of our Constitution envisioned States as the meek servants of the Federal Government. In fact, I know they did not. I do not think they saw people as hapless clients of the State. We began as a nation of people who constitute a State which formed a Federal Union and delegated to it certain powers. The Mitchell bill stands this tradition on its head to create trickle-down democracy and trickle-down health care.

I ask again: Are States likely to pass the test? We could ask our friends in the Congressional Budget Office. They report:

> It is doubtful that all States would be ready to assume their new responsibilities in the timeframe envisioned in this proposal.

Now, that is hardly surprising, when you think about it. State governments, which have their own problems, plus a whole series of mandates from Washington already, scramble to set up the new health care purchasing cooperatives, oversee their work, and make sure that everyone's care matches the prescriptions laid down by the Mitchell bill and all of the Federal Commissions. And they set up a complaint mechanism for each community-rated area. It is easy to see why the Congressional Budget Office says their success on the job is doubtful.

The States' responsibilities in this bill are overwhelming. Let me cite some of the more burdensome tasks that I see in this bill that are being asked of our States.

States must determine eligibility for the Mitchell bill's new premium subsidy program. This program has three new subsidies: Full subsidies for low-income individuals up to 100 percent to 200 percent of poverty; full subsidies for children under 19 and pregnant women for 3 months after pregnancy, up to 15 percent of poverty, phased out to 300 percent of poverty; and subsidies for the unemployed.

The Congressional Budget Office says that determining eligibility for the subsidies will be an enormous task for States, made more complicated by the three different subsidy programs for premiums that would be in effect.

States must also offer wraparound coverage; that is, continue to offer any Medicaid service that is not offered in a Medicaid recipient's standard benefits package.

Further, States set Medicaid income eligibility thresholds within Federal parameters. These thresholds differ from those of the subsidy program, so it will make it a little more difficult.

The subsidy program could be a tremendous undertaking for other reasons, such as confirming involuntary terminations as to unemployment subsidies and in verifying State residency and income claims.

States must have subsidy recipients submit revised applications whenever changes in family income occur, including employment status of family members.

States must also conduct end-of-year reconciliation by requiring subsidy recipients to submit year-end income verification statements and determining what subsidies they should have received. States then pay deficit or collect excess.

The Congressional Budget Office comments that "the end-of-year subsidy reconciliation process in which the income of a subsidized family would be checked to ensure that the family received the appropriate premium subsidy * * * would be a major undertaking."

Once eligibility is determined for subsidies, the States must make the premium payments to the plans and then collect the Federal reimbursement—reimbursement paid at times and in a manner that the Secretary has not yet determined. These could be huge cash flow problems for our States.

And, as State treasurer, I know that managing cash flow is one of the greatest of all the burdens of our State government. We would add to that burden by having all of these payments and excesses every month, or maybe every 3 months, or maybe every half year. It will be a terrible burden to manage the cash flow.

States must draw boundaries for community-rated areas, make sure there are at least 250,000 people in each area, and conduct open enrollment periods.

Then States must establish complaint review offices for every community-rated area, maintain alternative dispute resolution methods in addition to that, and establish an early resolution program in each complaint review office.

States must establish fair marketing laws and standards, distribute enrollment materials and information on plans and cooperatives, and establish consumer information advocacy centers.

If that is not enough, States must establish data systems, and ensure that medical information data elements are transferred to health plans and health care providers in accordance with the Federal standards.

Here are some other new State responsibilities:

The Mitchell plan imposes a 1.75-percent tax on all health or accident premium payments in the country. This would have to be administered by the States.

The Mitchell plan authorizes States to assess a 1-percent tax on in-State premium payments to pay for the administration of this subsidy program. This amounts to saying it is OK for States to do what they would have a right to do anyway, to pay for this unfunded mandate, an unfunded mandate that the Congressional Budget Office estimates could cost States $50 billion over 10 years.

States have always had the ability to assess premium taxes. They do not need sanction from the Federal Government to do so. In fact, this section gives no new authority, but it really sort of limits a State's flexibility.

These are only a fraction, Mr. President, of the 177 State responsibilities under the Mitchell plan. Many of them are clearly a burden on our States administratively, as well as financially.

Mr. GREGG. Will the Senator from Texas yield for a question?

Mrs. HUTCHISON. I am happy to yield to the former Governor of New Hampshire.

Mr. GREGG. I think, first, the Senator has brought forward an amendment which is very important, because, as she has listed and pointed out, this bill is filled with mandates put on the States, and if the States do not comply, the enforcement mechanism is incredibly onerous.

I was supplied a chart here that, assuming an annual premium of $2,000, the effect of the tax, the premium tax, which you are trying to eliminate, on the citizens of the States, would be, if it were assessed—in other words, as I understand it, if the Secretary of HHS comes in and determines the State violated some mandates they sent to the State, would not comply with one of these ridiculous recommendations put on the States, the Secretary of HHS has a right to go into a State and take over the State's health delivery system and assess a 15 percent tax. And you are eliminating that 15-percent premium tax, which is a very good amendment.

But as I am reading this language, the effect of this tax, assuming an annual premium of $2,000, it would be a potential of $2.5 billion of new taxes on the citizens of Texas; it would be $169 million of new taxes on the citizens of New Hampshire.

Let us take a couple other States here.

For the State of Illinois, it would be a $1.8 billion potential new tax on the citizens of Illinois.

There is a total potential tax here of $39 billion being assessed against the citizens of a State because they were unwilling to follow these outrageous directives which the Senator has just listed. Is that correct? Is that what would happen as a result of this, if this language is not changed?

Mrs. HUTCHISON. The Senator from New Hampshire is absolutely correct. When you put all the taxes together that could be assessed if the States, cannot meet these mandates, almost $40 billion. That is in 1 year.

Mr. GREGG. If the Senator from Texas will yield for an additional question, I would simply ask where can language like this have come from? What could have been in somebody's mind who would put in place language which would put that type of a gun to the head of a State government and the citizens of a State because they did not want to follow some directive of these new 177 directives? Does the Senator have any idea where this came from?

Mrs. HUTCHISON. I cannot say that I knew what the people who were writing this bill were thinking. But I can say I do not think whoever decided that this was the way to go had, probably, ever served in State government as has the Senator from New Hampshire and as I have. They have probably not met the cash flow forecasts and had to go out and borrow money just to meet cash flow deficits—not real deficits but cash flow deficits. Perhaps the people who wrote this bill did not realize that if we have a quarterly payment and we have to put that money out and we do not get our Federal reimbursement for 60 days—which is a possibility if we are lucky—that a State would have to go out and borrow money to be able to cover these payments.

It is just something that I do not think any of us who have been in State government would want to happen in our States. That is why I am pleased the Senator is cosponsoring this amendment, because I know he has had to meet those cash flow deficits as well.

Mr. GREGG. Mr. President, if the Senator will yield for just one more question—first, I want to congratulate her for this amendment. My question is, how many more of these little nuggets are in this 1,400-page bill that we are going to find? We found a $10,000-per-person fine that was eliminated unanimously after it was discovered. We have had a couple of other amendments that have been unanimous, because even the majority leader came forward and eliminated some language in here that said the people who did not pay the premiums still had to be carried on their insurance policy by the insurance carrier. I guess he did not know it was in this bill. Even he knocked that one out. How many more? But I certainly congratulate the Senator from Texas for finding this one and bringing it to our attention. I guess it is going to be our business as a Senate to discover the rest.

Mr. ROCKEFELLER. Will the Senator yield?

Mrs. HUTCHISON. I appreciate the Senator from New Hampshire pointing out that the 1,400-page bill has already been amended several times. And it seems that the amendments have been put on because there were things in the bill that we probably did not know were there, or if we did, we did not know what the impact of that part of the bill would be. Therefore, we are amending this bill when we really do not feel that we have had a chance to study it adequately to make sure we are not doing something to the American people and our health care system that we would not absolutely understand and absolutely know.

I think that is a very good point, and I appreciate the Senator from New Hampshire making that point.

Mr. ROCKEFELLER. Will the Senator from Texas allow the Senator from West Virginia to ask a question on this matter to the Senator from New Hampshire?

Mrs. HUTCHISON. I will be happy to yield to the Senator from West Virginia to ask a question of the Senator from New Hampshire, if the Senator from New Hampshire is willing to take such a question.

Mr. GREGG. I make a parliamentary inquiry. I believe I have to direct any answer through the Senator from Texas; is that correct? I ask the Chair's advisement.

The PRESIDENT pro tempore. Is there objection to the Senator from Texas yielding to the Senator from West Virginia for purposes of his asking a question of the Senator from New Hampshire and with the Senator from Texas retaining the right to the floor? The Chair hears no objection.

Mr. ROCKEFELLER. I thank the distinguished Presiding Officer, the Senator from West Virginia.

I say to the Senator from Texas, the reason I ask this question of the Senator from New Hampshire is that the Senator from New Hampshire, like myself, has been a Governor. I was a Governor for 8 years. I believe the Senator from New Hampshire was a Governor for at least two terms, 4 years. The Senator from New Hampshire is very much aware that in the operation of States, which the Senator has been discussing, there are a lot of demands that Governors have to make. And the word "mandate" is a word that frequently affects a Governor. A Governor must do these things.

The Senator from Texas was discussing the "mandates" or requirements put upon the States by this bill. I just wonder if the Senator from New Hampshire is aware, No. 1, that what is being discussed saves $29 billion?

No. 2, in the Chafee-Dole bill, there are a series of mandates: The Federal Department of Health and Human Services takes over if the State program fails to meet the requirements of the act; the Secretary shall, after notice, terminate such a program. There is power for the Secretary, and no role for the State.

Then in the Nickles-Dole bill, The Federal Department of Health and Human Services takes over if the State program fails to meet the requirements of the act again. The Secretary was given very, very broad discretion in the Packwood-Nixon bill back in 1974. Of course, the employer and State mandates that were in that bill are very well known. If there are mandates one can persuasively ask: What is coming next? How many more will there be? But I think as a former Governor, the Senator from New Hampshire and the Senator from West Virginia both understand that one does not make large programs work entirely without direction and the Republican plans contain similar requirements of the States and contain similar mandates.

Mr. GREGG. I appreciate the Senator's question. I know his sensitivity to this, having served as Governor of the great State of West Virginia. I have also had the honor to serve as Governor of New Hampshire. We do recognize when the Federal Government decides on a policy that more often than not it comes in and says to the States, "You do it or we are going to put some sort of gun to your head." Usually it is a fiscal gun.

But I think the point in this amendment is that in this bill the expansion of responsibility on the State is geometric. It goes beyond anything I have ever seen before in the number of obligations that are put on the State: 177.

Yesterday—and the Senator from West Virginia was kind enough to listen for a while—I spent considerable amounts of time going through some of the specifics. They are extraordinary in their responsibility and area of activity that the States would have to undertake. Small States like New Hampshire and I suspect West Virginia, even though it is obviously larger than New Hampshire, would have to incur massive amounts of expenses. And it really does not have any of the governmental infrastructure or know-how to be able to undertake and effectively address those responsibilities.

Yes, the Dole bill has some of this language in it, too. I hope when we get to the Dole bill, if we are so fortunate, the Senator will join me in, maybe, offering an amendment to clean up that language.

But the point of the Dole bill is that it is so much narrower in its obligations, what are put upon the States.

Mr. ROCKEFELLER. The Chafee-Dole bill or Nickles-Dole bill? Which bill is the Senator referring to?

Mr. GREGG. I am referring to the Packwood-Dole bill—the Chafee-Dole bill I was never a cosponsor of. Yes, they are in there. I do not think it is right to put these obligations on the States in that bill, either. But my point is that they really are minuscule, compared to the explosion that is in this bill.

Yesterday I read through 177. I do not want to go through it again because it would be tedious and obviously the Senator is up to speed on them also because he sat through some of the discussion yesterday. But the cost is extraordinary. The Senator mentioned there is $29 billion savings to the States. I note the CBO said this bill is going to cost the States $50 billion to administer, that is just administer. I would say in the case of the State of New Hampshire, I asked our Health and Human Services people for an evaluation of the assessment that this was a money savings event for New Hampshire. They came out and said to me, talking about the Mitchell bill now, it is not a money-saving bill. Because of some unique measures they had not anticipated, since they did it from a national viewpoint and assessed each State on a national scale, but because of New Hampshire's situation it would be a money loser under the Mitchell bill. So my view is it is wrong for the Federal Government to assess all these additional obligations on the States and then come in and say if the State does not do them, we are going to assess the citizens of the State a 15-percent premium tax—each citizen of the State can get hit with that 15 percent premium tax. Even if you accept the fact that the Federal Government should have some enforcement mechanism, why aim the gun at the poor citizens of the State? Why not at least just take out the Governor?

Why not say the Governor shall comply, and if the Governor does not comply, then the Governor shall be responsible in some way? What the Senator from Texas has offered is an elimination of this 15-percent tax which flows to each individual in the State. Let us not hang each individual in the State, let us not hang them all because we feel that the Governor needs to be hanged because the Governor stood up for the States rights or something and decided they did not want to follow the 177 mandates. I think the amendment of the Senator from Texas makes sense.

Mr. ROCKEFELLER. I say to the Senator from New Hampshire, I understand what he is saying, and I appreciate the fact that he recognizes that a variety of bills, both Democratic and Republican, put requirements upon the States. They may differ as to the amount. You cannot make big programs work without some kind of structure.

Mr. GREGG. I acknowledge that as a fact of life that there are going to be obligations throughout the State. The problem is this bill puts such new massive obligation on the States that they exceed anything I have seen before.

More importantly, the thrust of the arguments of the Senator from Texas is, if the States do not comply, the penalty should not run to every citizen in the State with this premium tax surcharge. It should be rather a debate between the State government and the Federal Government, not a debate which puts a gun at the head of every citizen in the State and says, "Because your State Governors decide to maybe make a stand on the issue of not wanting to get involved in labor reorganizations and hospitals reorganizations, you are going to be assessed with a tax."

Mr. ROCKEFELLER. I thank the Senator from Texas and the Senator from New Hampshire.

Mr. GREGG. I thank the Senator from West Virginia for his courtesy, and the Senator from Texas for her indulgence.

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mrs. HUTCHISON. Mr. President, I am always glad to hear the former Governors, and I as a former State treasurer, talk about all the State mandates we give them and the inability to always pay for those. I will just submit that this is exacerbated by the fact that the timetable is also an onerous burden. All of this is required to be up and running by January 1, 1997, or the Federal Government steps in and charges 15 percent to do it. That is only 1½ years after the Federal regulations are going to go into effect on July 1, 1995. The Congressional Budget Office calls compliance doubtful. I think the Congressional Budget Office is being kinder and gentler.

This is trickle-down theory, no question about it. This is a top-down Federal approach to standards, rules, and regulations. The Federal Government promulgates Federal directives and the States administer the rules and regulations for the citizens to comply and pay for. This bill is doomed because it is going to have a failure rate by the States, and we are going to end up with a Federal-run health care system. The States cannot possibly meet these deadlines, and especially with only the minuscule amount of money that is given to them by us to try to get this up and going. It is massive. It is 177 new mandates that they must comply within 1½ years.

To all of my colleagues who keep trying to tell us that this bill is not a Government-run health care system, I just urge you to read this section. The 15-percent tax exposes the extent of State bureaucracy that would be established under the Mitchell bill. This tax illustrates the considerable Federal encroachment on the Mitchell plan. The 15-percent tax in this bill indicates what the Mitchell group thinks it would cost to run this system, and it would be a huge tax. As my friend, the Senator from New Hampshire, says, it will be $40 billion if every State has to pay this kind of tax.

Let us look at an average family. This provision will severely impact the hardworking middle class. Not only will the average family of four have to buy the standard benefits package, pay a 1.75-percent tax on their premium, possibly pay a 25-percent tax on their premium, but now if this provision is in place, these middle-class Americans may be subject to yet another 15-percent tax.

So where does that leave an average family of four? The Heritage Foundation estimates that under the Mitchell bill, by the year 2002, after earning between $30,400 and $76,000, the premiums for an average family of four is estimated to cost over $8,600. And if you add the 15-percent tax to their burden, it would be an additional $1,300, bringing the total cost of their premium to almost $10,000.

If this family does not go beyond the standard benefits package, the CBO says the premium would be $5,883, plus the $102 for the 1.75-percent tax, plus $882 for the 15-percent tax, for a total of almost $7,000.

Everyone outside this Chamber knows that we are conducting a dangerous business. They feel we are playing with fire. They want us to slow down. Two-thirds of the American people want us to go home and start over next year. My office receives up to 2,500 calls per day, and they are 10 to 1 against—10 to 1. Some Members of this body may take our constituents for fools, but I do not. I think the American people are ahead of Congress on this issue, and this is not a new phenomenon.

We are not anywhere close to a good bill now, and the more time that we spend with our constituents, the more we realize that the bill before us does not reflect their needs or their expectations.

Mr. President, this is not federalism. This is paternalism. King George III said, We are going to govern you in the United States and we are going to charge you 15 percent for the privilege. We revere our forebears who threw off the yoke of an intrusive Government unresponsive to their local needs. Do we carry on this Government in their name only to gather up that liberty, hard won and precious, to have deadlines, Federal standards and commissions overtake this country. If we do so, I think we betray the independence that we fought for and I think we renounce the heritage that our forefathers and foremothers gave us. The States are not Federal creatures to be overruled. They are not to be bossed around, and they are not to be cast aside at will.

President Reagan said, "All of us need to be reminded that the Federal Government did not create the States, the States created the Federal Government."

My amendment will save our citizens from a 15-percent tax forced by the Federal Government, and it is a good amendment. I urge my colleagues to support it.

Thank you, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, will the Senator from Texas yield for an additional question?

Mrs. HUTCHISON. I will yield, Mr. President.

Mr. ROCKEFELLER. There was a point during the Senator's presentation that she was talking about paperwork, the kind that burdens all of us. And she referred to the standard benefit package. I wonder if the Senator has thought about the impact of having 1,500 different insurance companies with 1,500 different insurance forms. This junior Senator from West Virginia has been to see his own insurance records. Has the Senator from Texas been to see hers?

Mrs. HUTCHISON. Have I been to see?

Mr. ROCKEFELLER. Your actual health insurance records.

Mrs. HUTCHISON. No, I have not had that experience, I am proud to say.

Mr. ROCKEFELLER. It is a grim experience. I advise the Senator to do that because it shows the absolute proliferation of paperwork in our current medical system. You have forms from HCFA, from different insurance companies, forms from all over the country. I was literally unable to put my arms around them. You could not possibly have lifted my insurance records.

Under the bill before us there will be a single form and all insurance companies would use it. It might be one page or it might be two pages. As a matter of fact, we already have a draft of it.

Having a single form would save $9 billion over the cost of 1,500 forms not to mention the inconvenience of the paperwork. I wonder if the Senator was aware of that?

Mrs. HUTCHISON. I am aware of that. Let me say that I agree totally with the Senator from West Virginia that we should have standardized forms, and that is in the Dole bill, or it should be if it is not.

Let me say that I think we can make great improvements, just as the one that the Senator has mentioned, without throwing out the whole system and without the massive Federal bureaucracy that is put in place by the Clinton plan or the Mitchell plan or some of the other plans that we have seen on this floor.

One of those is the one that the Senator has just mentioned. A standardized form would make such a difference. It would bring the cost of health care down, so that the money being spent for that can go into better health care, for productive uses.

But we do not have to throw out the system in order to have that kind of very good improvement to the health care system that we have now. That is why I am supporting a plan that would make improvements in our system. I think we need to do that, and we need to be committed to it. We do not need to walk away from it at all. But we do not have to have the massive Federal bureaucracy get involved to standardize forms.

Mr. ROCKEFELLER. Mr. President, you do not need a Federal bureaucracy to create a single form. It is something that we would have the private insurance industry do. After all, all of our plan is to guarantee private health insurance. It has nothing to do with the Federal Government at all.

But if I might just ask one further question of the distinguished Senator from Texas. Maybe the Senator could help me understand why in the Dole plan, with respect to the Federal employee health benefits provisions, says "insurers may charge a 15 percent surcharge for enrollment."

This means that the American people will have to pay more than their Member of Congress for exactly the same plan.

Now, that is on page 117 of Senator DOLE's plan. And on page 85 of his plan, he allows insurance companies to add up to 15 percent in administrative charges to community-rated premiums.

I am wondering how it is that the Senator finds this acceptable, in the Dole plan while she criticizes the Mitchell plan for having excessive administrative costs?

Mrs. HUTCHISON. I appreciate the question from the Senator from West Virginia. We do not have the "all plan," the Dole plan, on the floor. If we did, I think there would be some changes that we would all want to make in the Dole plan. I will just say, though, that starting with the Dole plan would give us a base that we could easily take from and enhance the bill and make it better. I certainly think that we have more choices in the Dole plan. Having access to the Federal system is something I am totally committed to by our small businesses. I think that is a very good opportunity that we should give to people.

When we have the Dole plan on the floor, I hope that we can do that because I think if we could start from a base of the Dole plan, where it is not 1,400 pages with 55 new Federal bureaucracies and 177 new State mandates, we will have no State mandates in the Dole plan. We will have some subsidy boards that will determine the subsidies, but nothing like 177 new mandates. We will not be creating a big Federal bureaucracy.

Let us put the Dole plan on the floor and let us talk about some of the nips and tucks that we would be able to take in that plan to make it better.

But for Heaven's sake, let us not start from the top and trickle down through 1,400 pages and try to make a good bill out of a bill that just is not workable.

Mr. ROCKEFELLER. To the Senator from Texas, if she would be patient once again, I am trying to be fair to each of us and to each other's plans as we select areas of criticism.

We are about to agree to the Hutchison amendment. That says that we reflect the Senator's concern, respond to her concern, acknowledge her concern.

The Medicaid cuts called for by the Dole plan will shift $35 billion from the Federal deficit to State budgets over 5 years, and I think in the case of Texas, that comes to about $2 billion. That is awkward for the Senator from Texas. I point that out.

I hope that she will join with me in understanding that as we trade words back and forth, we know the American people want and expect a health care reform bill that is signed by the President; that we are in fact deeply committed to that; we were sent here for that, and we intend to do it. I thank the Senator from Texas for her extraordinary patience.

Mrs. HUTCHISON. I just say in response to the Senator from West Virginia that I would be delighted if we could put the Dole bill before the Chamber and let us work from that as a base, because if it is, indeed, the Senator's desire to have a health care reform bill that we can pass, that we can be proud of, and know that it is going to be good for this country, we can start from the Dole bill and we can refine it, and we can come out with a very good plan.

I do not think, however, that we can start from the Mitchell bill, which is such a drastic change, which has the takeover mechanisms that we have already found need to be amended in so many ways to put it into shape, and it is not acceptable to the American people. I think that is clear from the massive calls we are getting in our offices. And I would just say that if the Senator really wants a plan, let us put the Dole plan on the floor and talk about what is in it, because Senator DOLE has already said that he would be happy to discuss these cuts because they are much less—much less—than the Mitchell bill, and we are not even talking about a massive number of new bureaucracies because there are no mandates, and there are no taxes in the Dole plan.

We could start from a base that says we want to improve our system, we want portability, and we want to do away with preexisting conditions. We want malpractice reform, which is the only real reform that can bring the cost down. We want the standardized forms that you have mentioned earlier. We want pools that allow individuals to have access to affordable care. Let us start from that kind of base and see if we cannot put together a plan before the end of this year that the American people will accept, and where we will be sure we know what the impact will be.

So I thank the Senator from West Virginia and I hope that we can work together on something that is positive and productive.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I would like to speak to the amendment before us that was introduced by the Senator from Texas. I would like to give an example of what would happen in the State of Idaho in the event that the program in the State were taken over by the Federal Government. In Idaho, that would affect approximately 540,000 insurance policy holders.

The question that I posed to myself and to the Senate is: Is 15 percent assessment truly reasonable? I have put it in terms that deal with Idaho, to use that as an example. Currently, Idaho charges a 3 percent fee on insurance premiums in the State—that yields approximately $40 million—of which only $3.9 million is used actually administering the program in the State.

Let me restate that. We assess a 3 percent fee in the State of Idaho, of which only 10 percent of the amount of money that is collected is actually used to administer the program. This means that three-tenths of 1 percent of the insurance premiums in the State of Idaho are sufficient to cover the expenses of the Idaho Department of Insurance.

Under this bill, it apparently would take 50 times the amount of funds now used to administer the State program in order to administer the Federal program. I think, Mr. President, this demonstrates the level of bureaucracy that is in the Clinton-Mitchell plan. I also think that this demonstrates that this bill provides what Americans do not want, and that is more taxes and more Government.

Mr. President, I wish to commend the Senator from the State of Texas who has pointed this out to us—again, using the example of one State out of the union, where we use three-tenths of 1 percent to administer it in the State. Apparently, at the Federal level, it would take 50 times the amount of money for that sort of administration.

I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEMPTHORNE. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. I thank my friend and colleague from Idaho.

Mr. President, I addressed the Senate earlier today very briefly in a colloquy, and I would like to continue my remarks at this time and have that appear at this point in the RECORD.

Mr. President, my theme of this set of remarks is to preserve and protect. We have in our great United States the finest health care services in the world. Our physicians and our nurses, and all manner of health professionals, our hospitals, our medical schools, laboratories, research facilities, all are unsurpassed.

There is one thing that no amount of debate can distort the fact——

[Disturbance in the visitors' galleries.]

The PRESIDENT pro tempore. The galleries will please be in order.

The Senator is recognized.

Mr. WARNER. I thank the Chair. There is one fact that is indisputable. Americans do not leave our shores to seek health care elsewhere. People come from all over the world to our United States to receive the benefits of this system. Does it need some repair? Yes, it does. We recognize that costs are growing, and we also recognize there is a significant number of our population that somehow do not have access. I could go on.

There are other areas in which we want to provide some help, and we will. But our primary goals from the outset of this reform effort have been to provide better health protections for the American people, for those with little or no protection, the underinsured and the uninsured. Our intent is to provide them with the means of acquiring health insurance coverage. For the vast majority of the American people with insurance coverage—some 86 percent—our efforts have been focused on protecting them from the ravages of skyrocketing health care costs.

I, too, like every Member, have heard from our constituents about the problems. I have taken some of the calls in my office. I want to take them, because you learn every day as we debate and receive these calls. I remember well the plight of a Fairfax County man, the father of a child with spina bifida, whose employer, the owner of a lumber mill, had been presented with a terrible choice. The insurance company presented that choice. The insurance company said: Yes, we will renew the policy for this company—let us say it had 100 employees—however, we have knowledge of this one family that has this child with the spina bifida problem. Then the insurance company said to the company: If you keep that family in the plan, the same plan that provides for upwards of 100 other employees, the company's premiums could go up as high as 110 percent. But if you drop the family with the sick child, your premiums will only go up 12 percent.

We do not want our companies and our families faced with those choices. More recently, I recall the case of a very fine young professional woman who came to Virginia from California to be closer to her family. She had a minor health condition while she was in California working, but she had always been able to treat it with a reasonable medication. After just the first few months on the job, this problem recurred, but this time in a very serious and painful manner. The plan with her new employer said that in that first 6 months if there is a recurrence of a previous condition, the plan does not cover. This woman was faced with the choice of enduring the pain and the suffering to try and get to that 6-month benchmark. She could not make it. The personal pain and discomfort and risk to her health was too great. But, thankfully, through a combination of concerned, willing, and generous physicians and providers, the woman was able to have her operation, but not before going through a great deal of mental anguish and physical torment.

These are the stories we have before us here. These are the stories that we take into consideration as we confront this problem.

In recent years I have joined with other Senators in cosponsoring the marketplace reforms on which we all agree, which would probably pass this body this moment by unanimous consent given the chance.

The Senator from Pennsylvania [Mr. SPECTER] has already alluded to his marketplace legislation, a version of which passed the Senate 2 years ago with the support of the then-chairman of the Finance Committee, now the distinguished Secretary of the Treasury, Secretary Bentsen.

Eliminating preexisting condition exclusions, guaranteeing health insurance renewal and portability, providing full deductibility of health expenses for the self-employed, these are steps we could have taken long ago if, as I recall, we had had more cooperation, frankly, from the other body.

For the last 2 years, I have been associated with the Republican health care task force established by my dear friend and colleague of many years, Senator CHAFEE. He has done a courageous effort, week after week, month after month, year after year. He has conducted meetings to which all of us have been invited, and I have attended many from from time to time.

I would further commend my distinguished Republican leader, Senator DOLE. I spoke of him this morning. He has come up with a plan embracing those achievable goals to which I alluded. His plan really has not, in my judgment, received the full consideration as yet to which it is entitled.

Forty Republican Senators joined Senator DOLE in S. 2374. The legislation by Senator DOLE combines insurance and tax reforms with a serious package of tort reforms, medical IRA's and low-income subsidies to help make insurance more accessible and affordable. The Republican leader and his staff have contributed immeasurably to the health reform process.

My long-time staff member, Remmel Dickinson, has participated with this task force every step of the way.

The Commonwealth of Virginia has not been idle in the campaign to expand and improve affordable health care coverage. The Virginia General Assembly is one of 21 State legislatures which has approved important tort reform with caps on both damage awards and the statute of limitations.

Furthermore, in last year's session of the Virginia General Assembly, the Commonwealth approved a number of proposals designed to improve access to primary care in medically underserved areas and bring needed insurance reforms to the small business community, including guaranteeing issue to small employers with 2 to 25 employees of a modified community rating system to limit rate variations to 20 percent above or below the State average, guaranteed renewal, and a maximum 1-year limit on preexisting-condition waiting periods.

I am sure that it is equally important to all my colleagues that we not undermine, unintentionally through Federal legislation, or otherwise the very real progress which is being made in health care reform in many States, Virginia and many others.

Indeed, I acknowledge the important work done here by Senator GREGG. As a member of the working group on health reform, I volunteered to represent the interest of the military community. Very little has been said about that.

Mr. President, I know there are other Senators waiting to speak, and I will address subsequently in detail the current status of the military as it relates to health plans now offered by the Department of Defense, the CHAMPUS Program, and a new one called TRICARE. This will take considerable time, and I look forward to addressing the Senate at another day on this important subject.

I yield the floor.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. Madam President, I wanted to have a minute or two to talk on the Hutchison amendment. I, like many others on both sides of the aisle, support her amendment. But I think it is important we try to put it in its proper perspective.

The distinguished Senator from Texas offered the amendment, pointing out that the Mitchell bill contains a 15 percent premium surcharge, under certain conditions.

First, let me describe what those conditions are and then attempt to put the issue in its proper perspective.

The Senator from Texas is correct in stating that there are some consumer implications here, and we need to be aware of those. She indicated that there was about a $40 billion cost overall, and I am not sure that is correct. We will have an opportunity to look at that figure more carefully in a little while.

But the reason that provision was incorporated in the legislation is very simple. If a State failed to ensure that all of its citizens had access to, a standard plan with standard benefits, if the State administrative infrastructure broke down and the Federal Government needed to come in to ensure that there was adequate consumer protection in that State, it was estimated that there may be some additional administrative costs to the Federal Government.

We had one of two ways of dealing with that.

First of all, the taxpayers of all States could absorb the extra expense. On the other hand, one could allow an additional premium surcharge. Senator HUTCHISON's amendment would delete the premium charge, and we are prepared to accept that provision, recognizing that other taxpayers may have to pay the additional Federal costs.

But I think it is also fair to compare this provision to similar provisions in other bills. The most appropriate comparison would probably be to the Dole bill. The Dole bill addresses situations like this as well. On page 85, the Dole bill deals with administrative charges. Let me read, Madam President, into the RECORD what the Dole bill says with regard to additional premium charges.

> In accordance with the reform standards, a community rated health plan may add a separately-stated administrative charge not to exceed 15 percent of the plan's premium which is based on identifiable differences in marketing and other legitimate administrative costs which vary by size of the enrolling group and method of enrollment, including the enrollment directly through a health plan, an employer, or a broker (as defined in such standards).

Madam President, we just estimated that there may be 100 million people enrolling in community-rated plans. We estimated that a 15 percent charge, assuming about a $6,000 overall annual premium, would be about $900 per person per year. At $900 times 100,000 people, one has $90 billion in additional charges allowed under the Dole bill. That is one premium charge allowed in that plan.

Let me deal with the second one. On page 117 of the bill it says, in addition, to the 15 percent charge allowed for community-rated plans referring to the FEHBP:

> A carrier offering a health benefits plan under this chapter may charge a fee to participating small businesses for the administrative expenses related to the enrollment of such businesses in such plan, not to exceed the lesser of 15 percent of the premiums charged each such business, or the amount charged each such business of the same size.

So, Madam President, under the Dole bill, if you are enrolled in an FEHBP plan and you work for small business—since they are the only ones allowed to enroll in FEHBP—you pay a 15 percent surcharge. This charge covers additional administrative costs. Who does the extra charge go to? The insurance companies. It provides protection for every insurance company; every company selling these plans can charge 15 percent more than the standard premium.

I would be a little more sympathetic to the concerns expressed by many on the other side of the aisle about this increased cost if I could see there was some evidence that they were also concerned about premium surcharges in the Dole plan. But we have a lot of cosponsors of the Dole bill who are prepared to allow a 15 percent surcharge on any non-Federal employees enrolled in an FEHBP plan.

I think it is important that we put this whole issue in perspective. This amendment is going to pass and we will eliminate the 15 percent assessment in the Mitchell plan. We will try to deal with the administrative costs, however they may be incurred, in the future.

Obviously, as we have indicated in the past, if there are differences on issues like this, we want to try to be accommodating and achieve compromise that is mutually acceptable.

But let us make sure we understand one thing. There are 15-percent premium surcharges in the Dole bill that do not finance overall administrative costs of the system, but go directly to insurance companies. I think that point needs to be made. I hope that our Members are appreciative of that fact as we consider this vote.

With that, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I came over to talk about health care and crime. I did not intend to get into a debate, but I cannot let that last statement pass. Let me go back and try to put all of this into English so we can understand exactly what is being said, and let me begin with the pending amendment.

First of all, the distinguished junior Senator from Texas [Mrs. HUTCHISON] has offered an amendment to strike a provision in the Mitchell bill that allows the Secretary of Health and Human Services to determine if a State is running its health care system the way the Federal Government has told it to run it, and if not, to impose a tax, a 15-percent excise tax, on the premiums paid by every person in that State for the health insurance that they are buying. It is a tax that the Secretary of Health and Human Services can impose based on her determination as to whether she believes the States are doing things the way that Washington tells them to.

We are offering an amendment to strike that provision because we do not believe that Washington should be able to impose a tax on people buying health insurance in the State.

Now despite the fact that this provision is at the very heart of the Mitchell bill, our colleagues on the other side of the aisle have decided that they no longer support this Government edict on people and that they are not willing to defend a bill which they have cosponsored. And I delight in that, because it shows that old Biblical admonition is, in fact, true: "Ye shall know the truth and the truth will make you free."

What is happening is America is starting to understand the Mitchell-Clinton plan; they are rejecting it in overwhelming numbers; and even its proponents do not defend it anymore. That is democracy in action, and I am not in any way criticizing anybody for that.

Now what is being said here, however, is that this Mitchell tax is somehow related to the Dole plan. I have to take exception to that. What the Dole plan has is not the same tax, but a provision which says that if you are going to buy your health insurance through the Federal system where Government employees buy their health insurance, that Federal insurance system can ask you to pay a fee for administrative costs. And, whereas the fee is not capped in any way in the Mitchell bill, there is a cap imposed in the Dole bill that says that if you choose to buy health care through the Government system the fee that can be charged cannot exceed 15 percent; and that the fee can be used only to defray administrative costs to see that Government employees are not subsidizing people from the private sector who are using their system.

To somehow suggest that, under the Dole bill, which says if people opt to buy health insurance through the Government system, they ought to have to pay administrative costs so Federal employees do not have to subsidize them, to suggest that this capped fee is in any way related to, comparable to, or relevant to the ability of the Secretary of Health and Human Services to impose a 15-percent tax on insurance buyers in a State if the State does not do it the Washington way, is, I think, missing the mark by a substantial margin.

THE CRIME BILL

Mr. GRAMM. Madam President, I want to talk about crime, and then I want to talk about health care.

Let me try to go back and relate for a moment where we are on the whole crime issue, where we got off the track, and what I think we can do to fix it.

But, in doing this, I want to alert the President and others to the fact that, whatever they do in the House, unless they fix the very real problems in this crime bill, they are heading toward another legislative train wreck in the Senate. So, given all the time and energy that they have put into the crime bill, I want to urge them to fix it properly the first time so that we can then adopt this crime bill in the Senate.

What happened to our crime bill? When we voted on the final crime bill in the Senate, I think that only four Members of the Senate voted no, and a couple of them were strong opponents of the death penalty. So, for all practical purposes, we had a near unanimous vote for the strong crime bill that we were all proud of.

But, as has happened for the last 6 years, we passed a good crime bill and the House passed a crime bill; we went to conference, and in conference, where we have domination by a very small number of people, all in the same party, the majority party, the crime bill was changed so much that it turned out not to be a crime bill that was similar to what we had all passed and what we had all rejoiced in.

There are a lot of problems with the crime bill, but let me outline very specifically what is wrong with it and what is going to have to be fixed, and what we are going to do about it if it is not fixed.

First of all, from the time the crime bill left the Senate until it came back, about $8 billion of new spending programs were added to it. Many people on my side of the aisle have called this spending pork barrel spending. Pork is in the eye of the beholder, I admit that.

But what has happened is a bill that in the Senate was a get-tough crime bill that put police officers on the street, is now a bill that employs two social workers for every police officer it puts on the street.

We have grants in the billions that will go to these privileged groups that will be chosen by people in the Clinton administration. Their directive in spending the money basically boils down to, when you cut through all the legalese, "Spend the money however you want to spend it, and if by spending it you reduce the probability that you or anybody else will commit a crime, that is OK."

Now, the American people have reacted with some anger about what has happened to the bill which originally represented their legitimate agenda. My calls on the crime bill are running about 900 a day, that are actually getting through. It is very hard to get through on the telephone to my office because people are calling on crime and they are calling on health care. But of the calls that are getting through, they are running about 10 to 1 against the crime bill.

One of the biggest complaints that people in my State have is: Why are we hiring two social workers for every police officer we are hiring, and why are we giving away all of this money when, the last time we looked, the Government was broke? It seems to me that that is a legitimate question that we ought to ask ourselves.

I want that $8 billion out of this bill.

Now, the President has proposed—and it is very interesting; it tells you something about our President's priorities. He has said,

> Well, look, let's compromise. Let's take $4 billion out, but let's reduce it across the board. Let's cut the number of police officers, let's cut the number of prisons we are building, let's cut some of this social work spending, and let's do it proportionately.

My answer to that is no. In Texas, we would say it a little more emphatically, but I am in Washington today. My answer is no, I do not want to reduce police officers and I do not want to spend less on prisons, and neither do the American people, and it is their bill.

We claimed we were building prisons and we were hiring police officers and we were getting tougher on criminals. Nowhere in all of this wonderful rhetoric, either by Members of the Congress or by the White House, do we have a reference to all of the social spending that has now been built into the bill.

So I am not suddenly going to act as if all spending is equal. Social spending in a crime bill is not equal to building prisons. Social spending in a crime bill is not equal to hiring police officers. And I am not going to accept an across-the-board cut. I want to cut the social spending that was added to the bill.

Second, the fate of the get tough provisions contained in the Senate bill is very interesting. I offered in the Senate for about the sixth year in a row, a provision that required 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony; 20 years for discharging it; life in prison for killing somebody; and the death penalty in aggravated cases.

It is hard to recall exactly, with all the votes on it over the years, but I think 92 Members of the Senate voted for that. But, guess what, when the bill got to conference, when a small number of Democrats made the final decision, miraculously for the sixth year in a row that provision disappeared. It just was left out of the bill somewhere.

I had another provision which I have offered to every crime bill that we have had for 6 years in a row, to try to deal with the problem of children being used in drug felonies. As we all know, many drug hoodlums have discovered that our juvenile justice system is a joke. So in actually delivering drugs, where the drugs change hands, increasingly these people are using children to conduct the exchange so that if there is an arrest at the point of transfer, you have a child who is obviously a juvenile, they do not end up going to jail, and the drug hoodlum is protected.

We also, obviously, have people who are out near our schools trying to sell drugs to our children. So for 6 years in a row I offered a provision that said: 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy, and then life imprisonment on conviction of a second such offense.

I offered that in the Senate. I have offered it every time we have debated crime for 6 years. And, guess what, it was adopted overwhelmingly in the Senate. This year I think it was adopted unanimously. We get to conference, they write a bill and, guess what, that provision gets left out of the crime bill.

But let me tell my colleagues a provision that got put in the crime bill. From the day Bill Clinton became President, he and the Attorney General have had an agenda about minimum mandatory sentencing for drug felons, and that agenda has been they want to overturn mandatory minimum sentencing for drug felons. They do not go around talking about it, but they have consistently worked to do it. And, guess what, when this final crime bill was written in conference, it came out with a provision that not only overturns mandatory minimum sentencing for drug felons who are arrested and convicted in the future, but miraculously it goes back and does it retroactively.

Let me read what the judicial impact statement, issued by the Administrative Office of the U.S. Courts, says about this new provision, new to the Senate—this new provision in the crime bill. They say:

> According to preliminary estimates developed by the Federal Bureau of Prisons, somewhere between 5,000 and 10,000 Federal prisoners could meet the eligibility requirements. This provision could result in an influx of prisoner releases, early, from prison.

Madam President, how many Americans believe that in the name of passing a get tough crime bill that we are going to go back and retroactively let as many as 10,000 drug felons out of prison? My guess is that until this debate started on the conference report, if you had told any American that this crime bill the President is always talking about was going to let 10,000 drug felons, many of them in prison for selling drugs to children, back out on the streets, they would have said that is not possible. It ought not to be possible. But if this bill passes in its current form, not only will it be possible, it will have happened.

Let me tell my colleagues what the U.S. Sentencing Commission says about this provision. The U.S. Sentencing Commission has looked at this provision and they say that, as of June 1, 1994, here are the people who would definitely be affected and who could possibly be affected, by their estimates, in terms of releasing people currently in the Federal penitentiary who are there for selling drugs. They say, "definitely affected, 4,987."

They say that 55.6 percent of all drug felons in the Federal penitentiary will be definitely affected by this provision, which retroactively will go back and reduce their sentences and give them a chance to get out of Federal prison, that is 4,987. They say another 2,057 could possibly be affected.

The National Association of Assistant U.S. Attorneys—let me tell you what they say about this get tough crime bill, and particularly about mandatory minimum sentencing for drug felons. They say, in a letter dated August 17:

> The present crime bill contains a provision which not only severely negates the benefits of mandatory minimums for a certain class of offenses, but also would permit the filing of 10,000 to 20,000 frivolous lawsuits which would cause prosecutors to spend their time in needless litigation instead of investigating and prosecuting criminals.

Madam President, is this what we want to do in the name of a crime bill?

Finally, one of our colleagues the other day quoted a letter from the Justice Department that said that they estimated only 100 to 400 inmates would be immediately released by this provision. But they did not quote the next paragraph which says:

> Of course, it will take considerable time for motions to be filed and considered by the courts, hearings to be held and new sentences to be imposed. Therefore the impact of the safety valve on this population [that is people who are in prison for selling drugs] will take effect over several months at a minimum.

To finish up on crime and turn briefly to health care, when the crime bill comes to the Senate, after the House has decided what they are going to do, the crime bill will be subject to a point of order under section 306 of the Budget Act. And that point of order, when it is raised, will require that 60 Members of the Senate vote to waive that Budget Act point of order in order for the crime bill to be brought up to be passed.

When that point of order is raised, if 60 Members of the Senate do not vote to waive it, the crime bill will at that moment be brought before the Senate, it will be amendable, and at that point we plan to offer an amendment to take out this "get out of jail free" provision that would release as many as 10,000 drug felons.

We are going to remove, with an amendment, that $8 billion of pork. My message to the administration is this: Do not work out a deal in the House that is not going to get this bill passed in the Senate. Take out the $8 billion in pork, take out the get-out-of-jail provision, and let us pass this crime bill. If the bill comes over here with a get-out-of-jail provision in it, if it comes over here with only a small across-the-board cut having been made so that that bill will be cutting prisons and cutting police officers instead of cutting all the money out of the spending add-on that would put two social workers on the street for every police officer, we are going to raise the point of order, we are going to sustain the point of order and we are going to offer an amendment to put the money back for police officers and for prisons, and we are going to take it out of social programs.

So my plea to the administration is, "Look, don't do a job twice; do it right the first time and let us go ahead and pass this bill."

HEALTH SECURITY ACT

The Senate continued with the consideration of the bill.

Mr. GRAMM. Madam President, finally, let me turn briefly to the health care issue, make a few remarks, and then I will yield the floor and let my colleagues speak.

In terms of health care, we have had an opportunity now to listen to Bill Clinton. We have listened to him speak about his health care bill for 16 months. He has had an opportunity to tell the American people about that health care bill and what it would do. He has the biggest megaphone in history. The President is a great salesman. The First Lady is a great salesman. Their product has not failed to sell because they did not get a chance to sell it. It has not failed to sell because they were not great salesmen. It has failed to sell because it is a bad product. It has failed to sell because the American people have come to understand that whether it was in its original form or whether it is in the Clinton-Mitchell form or whether it is in the Clinton-Gephardt form, that two things are always the same about these Clinton health care bills.

No. 1, they let the Government make decisions for us in health care and, No. 2, they include huge increases in spending, spending increases that are funded by raising taxes on working people.

The Mitchell bill has at least 18 different taxes in it that are funded by cutting other programs that the taxpayer will then have to subsidize through some other means.

So the bottom line is the President has had an opportunity to be heard, the American people have listened respectfully, but they have come to the conclusion that they do not want this plan.

Second, we have had an opportunity now to listen to Senator MITCHELL; we have had an opportunity to listen to Congressman GEPHARDT. The American people are trying to communicate to Congress. The American people are saying to us, "Stop and listen."

If you go back and open your mail, and I would ask every Member of the Senate to do that, or if you want to go back to your office and just randomly answer your telephone, you are going to find that people in your State are trying desperately to tell you, "Stop listening to President Clinton; stop listening to the voices inside the beltway and start listening to us."

So I have concluded that rather than continuing to flounder around in Washington, DC, that we ought to do something that the administration and the leadership of the House and Senate fear more than anything else: We ought to let Members of Congress go home.

We have all seen in the newspapers around the country where the Democratic leadership has said that if people go home, they are going to end up being beaten up by their constituency and that the health care bill will be dead. I submit to my colleagues that we ought to have second thoughts about passing a health care bill where Members of Congress, once they have passed it, would have to have protection from the people who pay their salary.

I believe that the time has come for us to go back home, listen to the people, come back in September, and see if we can reach a consensus that has a broad bipartisan base of support.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. GRAMM. I will be happy to yield when I get through. I would like to complete my statement because there are a lot of other people waiting to speak.

We now have all kinds of different rump groups around the Capitol that are meeting and trying to come up with some new way to fix one-seventh of the American economy. This whole debate started with 500 people meeting in secret in a gymnasium in Alexandria, VA; people who were so smart that they were going to be able to fix the health care system.

Now we have very small numbers of people meeting and they want to do the whole thing again. I think when we are talking about one-seventh of the American economy, we had better be very careful about what we are doing. We have a group that calls itself the mainstream coalition. We do not know much about their new proposal, but we know two things about it and both of them suggest to me that their views may be mainstream in Washington, DC, but they are not mainstream in America.

The first proposal is that we let Government tell people what kind of health insurance policy they are allowed to have. I do not think that is what most Americans have in mind. I think most families believe that they are in a better position than we are in Washington, DC, to judge the health insurance needs of their family, and they wonder about our arrogance in trying to tell them what kind of insurance they ought to have.

The second thing that we know about the proposal that is being generated by the so-called mainstream group is that it would tax the health insurance benefits of Americans who have benefits that the Government believes they ought not have.

I remind my colleagues that these are benefits that people, in many cases, have worked their whole lives to get. These are benefits that people are paying for with their own money and with the money of their employers, money that is being paid either to them and they are spending it, or being spent on their behalf, for which they gave up potentially higher wages.

Who gives us the right to say these are benefits they ought not to have and, therefore, we are going to impose a 25 percent tax on those benefits?

I would simply like to say that is not mainstream Texas, and I do not believe that is mainstream America. I think that those proposals are going to be rejected by overwhelming votes.

So we can stay around here, obviously, as long as the majority leader wants to stay. I am sort of struck by the fact that in the middle of the week, we were hearing threats about round-the-clock sessions. And here we are on Friday afternoon, and we do not have another vote. We have been told we were going to be in session on Saturday; now we are not going to be in session on Saturday. We are not going to have a vote before 6 o'clock Monday. I think people believe that there is more than a little chaos here in Washington, DC.

I do not think everybody in Washington has realized it yet, but in the words of the old country and western song, I think we can "turn out the lights, the party's over." We are not going to pass a health care bill before we recess. I think it is increasingly clear that this may be an isolated little island here, but the American people are shouting so loudly for us to stop and listen that I do not believe that we are going to put together a consensus bill until all these bad ideas are rejected.

I think people are not going to give up on this dream they have of the Government taking over and running the health care system until they have gone back to their individual States and listened to the people tell them what they do and do not want.

So obviously, I am happy to stay here and debate this issue as long as we want to debate it, but I personally believe we are wasting our time. I think, in any variant, that the Clinton health care plan is dead and no additional powder on its lifeless, puffed-up face is going to make it attractive to the American people. The sooner we recognize that, the better off we are going to be.

I would simply like to suggest in closing that we get on with the people's business. The most important thing we can do to find a consensus on health care is to go home and listen to the voice of the people who pay our salaries. I submit that if we do that, we are going to hear a fairly uniform message. That message is going to fix what is broken in the system but leave alone the people who have good health insurance they want to keep. I think we can come back in September, and if the President will listen to those same voices and hear that same message, I believe that we can pass a health care plan.

I would yield to the junior Senator from West Virginia if he had a question.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. GRAMM. Madam President, could we have order. I can hardly hear myself talk much less the Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, the Senator from West Virginia has not spoken, so it would not be surprising if the Senator from Texas has not heard me.

I just want to confirm that I really heard what the Senator said, that he referred to the health care bill as "this little matter."

Mr. GRAMM. Little matter? If the Senator heard me call this a little—if I can reclaim my time.

Mr. ROCKEFELLER. Will the Senator let me ask a question?

Mr. GRAMM. OK, go ahead.

Mr. ROCKEFELLER. The Senator indicated that what we should do is go home, that the American people want us to do this next year. I would say to my colleague the American people are highly dissatisfied because what they have seen is a nonstop filibuster on the part of the Republicans of a good-faith effort on the part of the Democrats to pass a health care bill this year. The whole concept of the people and the children of my State, the 4 million uninsured people of the Senator's State saying that they do not care that they are uninsured, they do not care if children do not have health care is absolutely extraordinary to me.

For the Senator to say let us go home, let us do this another time, let us go back and rethink all of this is also extraordinary. We have been at this for 6 years, some of us for longer, and all of us for 2.

I am baffled by the Senator's ability to take this little thing called health care and toss it off until next year. I wonder how he justifies that with 4 million uninsured Texans.

Mr. GRAMM. Madam President, if I can reclaim my time, first of all, I have never referred to the health care issue as a "little matter."

In fact, in the 15 years I have been in Congress, this is just about the most important issue that we have debated. I believe that the health care bill in both variants now before the Senate represents the greatest peril to the health and happiness of the American people that we have faced in my 15 years in Congress. These proposals would expand the power of Government, expand the cost of Government, limit the freedom of people to choose something as fundamental as health care, and expose people to the bankruptcy of the American Government.

So this is no little matter. It is a very big matter. This is a critically important matter. I have always at all times referred to it as that.

Second, I am not talking about waiting until next year. I am simply pointing out the obvious, and the obvious is that the Mitchell bill is dead. I do not see a consensus forming. What I am saying is this. Senator KENNEDY, I see, just came on the floor. He and I go back and forth each month as to who gets the most mail in the Senate. I am always happy when Senator KENNEDY wins that honor because then he has more to answer. When I win the honor, obviously, then I have more to answer.

Normally, I get around 1,200 first class letters a day. Day before yesterday, I got 3,500 letters, the largest I had ever gotten. Yesterday, I got 7,000 letters. My telephones, like your telephones, Mr. President, are ringing off the hooks. What are people saying? What is the voice of America on this issue? The voice of America says stop and listen to us. The voice of America says do not pass a bill that no one understands. Do not have the Government dictate to me and my family about health care.

What I am saying is this. I would like to pass a bill in September, but the only way I believe we are going to reach a consensus is by going back to the people who elected us, listen to their voices, and find a consensus about what they want. I do not believe that the people of West Virginia think differently on this subject than the people of Texas do.

One of the reasons I believe that is because yesterday I listened to the senior Senator from West Virginia [Mr. BYRD], who spoke out and opposed the Mitchell-Clinton bill and said, far more eloquently than I have, why passing that bill was bad for America and why it was dangerous in terms of potentially bankrupting the country.

So mine is not just one lonely Texas voice that is saying this. This is a growing consensus of our Members. And all I am saying is, are we staying here to keep certain Members isolated from the voters? I do not think we are promoting a consensus. In fact, I believe that we are getting further and further away from a consensus, and what I would like to do, quite frankly, is to have the Congress go home, listen to the people who pay their salaries, and come back in September.

I would like to make insurance portable so you could change jobs without losing it. My guess is everybody here is for that. I would like to make it permanent so that your insurance cannot be canceled if you get sick. I would like to deal with medical liability. Now, I know some people do not want to do that, but I believe the American people do. And I would like to try to make it easier to get and keep good health insurance.

Now, other people want to do more. What I would like to do is to see if we could find a consensus to do all that we agree on, and then if some politicians want to take the issue to the American people in the election—and we are going to have an election in some 80 days—if they want to take it to the American people and say if you want the Government to have a bigger voice in health care, if you think we can afford to spend $1.1 trillion over the next 8 years on new programs, then vote for me, then they can do that. I personally would be very happy to say, if you do not want Government to exercise more control over your health care and you do not think we can afford another $1.1 trillion over the next 8 years, maybe you ought not to vote for that other person.

Mr. ROCKEFELLER. Madam President, will the Senator further yield?

Mr. GRAMM. I would be happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. The Senator from Texas and I have shared a number of forums together, sometimes on television, sometimes elsewhere. I have noticed that the Senator says, as he always does in the most articulate fashion, constantly negative things, about what Democrats and Republicans are together trying to accomplish.

I think it is no wonder then that the most recent CBS poll says 59 percent of Americans say that most lawmakers are not really serious about reform. I wish the Senator to know that there are some of us who really are serious and who care passionately. I care very passionately about the 4 million Texans who are uninsured almost as much as I care about the 300,000 West Virginians who are uninsured. I cannot imagine the Senator thinks that Americans are going to forgive us if we fail. I would suggest to the Senator that we will vote on Americans' health insurance in October and they will vote on our health insurance in November.

Mr. GRAMM. Madam President, let me interpret that as a question since the rules require it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. First of all, if it sounds like I am saying negative things, I am simply reflecting what I am hearing from the people who pay my salary, and I reply that we all ought to be listening to them more intensely.

Now, I have spent a lot of time saying positive things about health care. First of all, I have offered not one but two bills to reform the health care system. One bill was comprehensive, and when it became clear to me that we probably were not going to pass comprehensive reform this year, I offered what I called an interim reform proposal. Those bills outline in detail how I thought we could fix the health care system, but there is a fundamental difference between how I approach this problem and how the Senator from West Virginia and the President approach the problem. I believe that we have the greatest health care system in the history of the world, and I am not willing to tear it down and reinvent it in the image of the post office. I want to try to fix the things that are broken, but I do not want to start over in the health care system. I do not believe the American people do either.

In terms of what people are going to say in November when we take a position, we all make judgments about what we think is right and what we think is going to influence the American people in terms of how they view the debate. Quite frankly, I do not know how this will all play out. I think I know one thing, and that is that I do not believe a government-dominated health care system can work. I do not believe—as generous as some of my colleagues are with the taxpayers' money—that we can pay for $1.1 trillion of new subsidies which, when fully implemented, would cost the average American family between $3,200 and $3,800 a year. We cannot afford that.

When my mama gets sick, I want her to talk to a doctor and not some government bureaucrat. I want her to choose the doctor. On that issue, I am not willing to compromise. I have said a lot of positive things, but we are not here debating my bill. We are debating the bill that is supported by the Senator from West Virginia and is supported by the President. And try as I may—and I remember, as I am sure many of you do, sitting on my mother's knee and hearing her say, "If you cannot say something good about somebody, do not say anything"—I cannot find much good to say about the Mitchell-Clinton bill, but I am not alone. Millions of Americans have reached exactly the same conclusion I have.

In conclusion, let me say that I am again impressed—as I have been on many occasions in the 15 years I have had the privilege to serve in Congress—at how smart the American people are. I believe that the Clinton health proposal, in all of its forms, has failed because the President and many of his supporters have greatly underestimated the ability of the American people to understand what they are trying to do. And as I look at the great peril that we faced a year ago when it looked as if one of these bills was going to become the law of the land, and there were very few people willing to stand as Horatius at the gate and stop it, and when it looked like we were on the losing side of this contest, I am very grateful for the wisdom of the American people in knowing a bad deal when they see it and in letting their voices be heard.

So we may stay here all of next week and the next week. I have not planned a vacation because I am ready to be here debating this legislation. I simply want to predict that, in the end, we are not going to be able to stay here long enough to prevent us from hearing the American people.

The American people do not want this bill. They want us to stop and listen to them. They want us to let them express their views. People are scared to death that we are going to pass this bill and that we are going to reduce their freedom and bankrupt their country. Fortunately, the American people are going to win, and we are not going to do those things. But we would not have won had not the American people figured this issue out. I am very grateful for their wisdom, as I have often been in the past.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I agree with much of what the distinguished Senator from Texas said about the American people not wanting a government-controlled system, and not wanting to go to a bureaucrat in lieu of a doctor. But I do not know what that has to do with this bill.

They can characterize this bill as often as they like, as something other than what it is. But let us be sure that everyone understands what it is we are talking about here. What this bill will do, very simply—stripping all the rhetoric aside, is give the same opportunity to the American people that Federal employees and Members of Congress have today.

We have argued for weeks now about whether this bill creates a government-controlled system or not, and we will probably continue to argue about this point. But I will go back to the majority leader's point. Some people call this a horse, but it is a desk as many times as you may try to call it a horse. We have a private system, and we want the American people to have a private system. And if this legislation passes, that is exactly what they are going to have.

The Senator from Texas said that he wants insurance reform. What he did not say is that those of us in the Congress who have indicated our support for the Mitchell bill believe the American people want more than insurance reform. They want a plan that provides the same security as the one we have. They want to know their policy has no preexisting conditions clauses, that there will be no surprise tactics like those used by some insurance companies. They want the confidence that their insurance is going to be portable and that it is going to be affordable. Ultimately, if we pass this legislation, we can give the American people that kind of assurance.

The Senator from Texas said something else that caught my attention. He said that we can wait to pass this legislation until some magical time when all of this comes together. Maybe the Moon and the stars have to be aligned properly. I do not know what it will take. But I know this: Every minute we wait, 48 more Americans lose their coverage. In the time that the Senator from Texas spoke, we probably lost another 500 people, and that is a conservative estimate. We may have lost 1,000 people. Come to think of it, it may now be 2,000; I did not look at the time. But every minute 48 Americans lose their insurance. I remember reading accounts of past health reform debates, when they spoke about the need to wait in the 1930's, and about the need to wait in the 1940's. We were told we had to wait in the 1960's, 1970's, and 1980's. We have been waiting six decades to pass health reform legislation. Generations of people have been vulnerable in the meantime, and because we have waited they become more cynical, frustrated, concerned, and ultimately, more vulnerable. How much longer must we wait?

For those fortunate enough to have insurance, the cost continues to mount. The Senator from Texas said he is worried about $1 trillion in new subsidies. I do not know where that figure comes from. But I do know this: We are spending more than $1 trillion on health insurance today, and if we do nothing, in a few years every single American is going to be paying twice what they are paying now. We are going to go from a $7,000 average family premium to a $14,000 premium, in 7 years if we do nothing. That is the cost of waiting. We can wait all we want to. In the meantime, the American people are going to have to dig deeper and deeper into their pockets, with less and less ability to pull out the change necessary to pay for meaningful insurance.

As we prepare to vote on this amendment, let us be reminded again what it does. It simply strikes a 15-percent administrative charge that is used to ensure that everybody else in the country does not have to pay for the fact that some States may not be in compliance with national standards. How ironic it is that we tell the American people that those who comply must pay additional taxes to cover those who do not comply.

We have heard so many arguments and so many statements on the floor about how we have to end cost shifting. This provision in the bill was simply designed to eliminate cost shifting. We are going to take it out, and we can devise other ways to alleviate the problem of cost shifting. Mr. President, I must tell you, with each one of these nicks, I have become increasingly concerned about the problems we have in making insurance work well.

Other Senators have proposed doing just what Senator MITCHELL does in his bill. The Chafee-Dole bill has a similar requirement. The Nickles-Dole bill has a similar requirement. The Packwood-Nickles bill back in 1984 had a similar requirement. We should all recognize this.

Mr. COATS. Mr. President, I strongly support the amendment offered by Senator HUTCHISON. Under the Mitchell bill, the Secretary of HHS is authorized to terminate a State plan and assume the State's obligations under the act, if the Secretary finds that the State plan substantially jeopardizes the ability of eligible individuals in the State to obtain coverage of the standard benefit package. [Secs. 1412(b)(2) & 1422] Should this Federal takeover occur, section 1423 imposes a 15-percent tax upon all of the State's community rated premiums, to reimburse the Secretary for any administrative or other expenses incurred as a result of establishing and operating the system in that State. The Hutchison amendment would strike section 1423 and the 15-percent takeover tax.

The 15-percent tax is the Mitchell bill's estimate of the annual cost of running a State system. CBO has warned that the States will not be able to handle the burdens of the Mitchell bill. Here's what CBO has to say about the feasibility of States implementing the Mitchell bill.

> Most proposals to restructure the health care system incorporate major additional administrative and regulatory functions that new or existing agencies or organizations would have to undertake. Like several other proposals, this one would place significant responsibility on the States for developing and implementing the new system. It is doubtful that all States would be ready to assume their new responsibilities in the timeframe envisioned by the proposal.

Given this gloomy CBO forecast, it seems that the 15-percent takeover tax is inevitable.

If the States are running their health care systems in response to Federal mandates, the Mitchell bill provides no funding support. Yet, if the Federal Government must run the State system, a 15-percent tax is imposed. How much does this add up to in Indiana? In Indiana, the annual aggregate total of health care premiums paid is over $6 billion. Fifteen percent of $6 billion means that the Mitchell bill would saddle Hoosiers with $908 million in order to establish massive new state bureaucracies. Nearly $200 for every resident in the State, a backbreaking new tax.

Is HHS capable of handling the task of running the States health care systems? Take a look at the Vaccines for Children Program initiated by the Clinton administration and approved by Congress last year. GAO issued a report in July of this year that states:

> In conclusion, our review indicates that it is unlikely that [the government] can fully implement the VFC Program by October 1, 1994, and raises questions abcut whether VFC, when fully implemented, can be expected to substantially raise vaccination rates.

The HHS plan calls for one-third of the country's vaccine supply to be sent to a single distribution point, a General Services warehouse in New Jersey that stores paper clips and flammable paint solvents. The report found the GSA: Way behind in purchase contracts; Unprepared to evaluate whether the system could efficiently process orders from the 70,000 doctors and clinics that will get the stuff; and, Unprepared to adequately test whether its packaging and delivery system would retain vaccine potency—vaccines require very strict temperature controls.

The inability of HHS to design and implement this relatively small and straight-forward task raises doubts in my mind as to the ability of HHS to run the States' health care systems.

The Senator from Texas has brought to our attention that, under the Mitchell bill, the States have unfairly placed in a difficult position—either implement a massive unfunded mandate or, if not, pay a still penalty tax. This is unfair to the State of Indiana and I urge my colleagues to support the Hutchison amendment.

Mr. DASCHLE. Mr. President, If there are no other Senators wishing to speak on this amendment, I think we are ready for a vote.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2571) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the Senator from Iowa [Mr. HARKIN], was to be recognized.

AMENDMENT NO. 2572

(Purpose: To permit health plans to make flexible service options available under the standard benefit package)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. REID, proposes an amendment numbered 2572.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in part 1 of subtitle C of title I, insert the following new section:
>
> **SEC. . FLEXIBLE SERVICES OPTION.**
>
> (a) EXTRA CONTRACTUAL SERVICES.—A health plan may provide coverage to individuals enrolled under the plan for extra contractual items and services determined appropriate by the plan and the individual (or in appropriate circumstances the parent or legal guardian of the individual).
>
> (b) DISPUTED CLAIMS.—A decision by a health plan to permit or deny the provision of extra contractual services shall not be subject to a benefit determination review under this Act.
>
> (c) DEFINITION.—As used in this section, the term "extra contractual items and services" means, with respect to a health plan, case management services, medical foods, and other appropriate alternatives (either alternative items or services or alternative care settings) to traditional covered items or services that are determined by the health plan to be the most cost effective way to provide appropriate treatment to the enrolled individual.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I know the Senator from New Mexico has been waiting a long time to speak. I have some remarks I want to make on this amendment. He assured me he only wanted to speak for 15 minutes.

I ask unanimous consent that the Senator from New Mexico be recognized for 15 minutes, after which the Senator from Iowa be recognized to make an opening statement on the amendment.

Ms. MOSELEY-BRAUN. Mr. President, reserving the right to object, I was in this Chair, as the Senator knows. I really would like to make a statement as to where we are in the process, and the issue generally.

I do not want to interfere with the Senator from New Mexico or the statement of the Senator from Iowa, for that matter, but I would like to be part of the unanimous-consent request the Senator from Iowa propounds.

Mr. HARKIN. Mr. President, I will modify that to ask unanimous consent that the Senator from New Mexico be recognized for 15 minutes, at the end of which the Senator from Iowa be recognized to make an opening statement on his amendment, at the end of which time the Senator from Illinois be recognized.

Ms. MOSELEY-BRAUN. Thank you very much.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

HEALTH CARE AND THE DEFICIT

Mr. DOMENICI. Mr. President, I am most appreciative, I say to the Senator, and I will try to do it in less than 15 minutes.

I want to address something that I think is happening around here that is very positive. I am not at all sure we are going to get a bill this year, but something rather significant is happening, if I understand the so-called mainstream group, although I clearly do not know enough about their bill to be supportive, and I may not support it. But they finally joined with others who have been saying for quite some time that, if we pass a bill like the Mitchell bill on the floor of the Senate, we are going to leave unattended a huge budget deficit that the President of the United States reminded us early on in his Presidency, in his first budget submission, that that deficit would start going back up and go through the sky at the turn of the century unless health care reform caused health care costs to come down. And then when they came down, that we used those savings to put on the deficit.

I believe I have been preaching this to the Senate for about 12 months. I think on the floor of the Senate I have at least three times suggested that we are going to saddle our young people, the next and the next and the next generation, with a debt beyond anything that is responsible if we indeed pass a new health care reform package with new entitlements that uses up all of the cost containment savings in Medicare and Medicaid and puts all of that on the new program and none of it on the deficit.

It looks like yesterday a group of Senators, Democrat and Republican, came to the conclusion, and I am paraphrasing, that it was folly to produce a reform package that did not address the deficit along with reform of health care. And to the extent that the mainstream group, led, I assume, by Senators CHAFEE and BREAUX, are arriving at a conclusion that you must put some of the resources that come from health care savings on the deficit, I commend them.

As a matter of fact, it seems to this Senator that a Nation like ours that was founded on a principle of no taxation without representation ought to stand up and recognize that we are taxing the next and the next and the next generation to pay an ever-increasing deficit and they are not represented.

I turn for just a moment to remind the Senate one more time what is going to happen if we do not apply some of the savings from health care to the deficit, and it is very, very simple.

The President of the United States said in his first budget and vision statement that the budget cuts and taxes that he was proposing was the first installment. The second installment would be to provide this promise right here, and that would account for all of this orange, $307 billion in cost containment from health care going to the deficit.

Guess what we are doing with the bill on the floor. Every bit of that savings and more is being spent. And I rise to once again remind Senators that it may be important to have health care reform, but there is another important issue and that is to get the deficit at the turn of the century under control so that our children and grandchildren will not be taxed in a secret way because they are going to have to pay for it.

I think both are big problems. I commend those who are trying to solve both of them, even if we take incremental steps to do that.

Having said that, I want to make a confession to the Senate. I have been learning about health care in a rather concerted way for about 8 or 9 months. And every single new proposal that comes forth that is major and supposedly comprehensive, has more problems in it than I ever dreamed or learned about in the past 6 or 8 months. I get more and more confused about the unintended consequences of what we are proposing to do, and I, for myself, have come to the conclusion that not only is the Mitchell plan rampant with unintended consequences, but every other major bill that I have seen is.

Let me just give you one example. Mr. President, everybody is worried about covering 37 million Americans who are uninsured. According to the Congressional Budget Office if the plan pending—which is not going to be passed and everybody knows that—if it were passed there would still be 14 million uninsured, which means we will have taken care of 23 million.

Guess how many Americans we are going to subsidize to get the 23 million? Sixty-five million. Let me repeat that. The Congressional Budget Office says new Americans to be subsidized under the bill pending, 65 million will be entitled to it. How many uninsured are we going to take care of in this program? Twenty-three million.

So to cover 23 million we are going to subsidize 65 million. You know what that tells me? That tells me we do not know what we are doing. We have not yet figured out how to help the uninsured without covering more than two times as many with vouchers to buy their insurance and I believe we have to make a start in covering those who are poor and uninsured. But even the Congressional Budget Office says there is no assurance over time that of that 65 million, those who are currently insured in whole or in part—and there must be many of them, because just do the subtraction, subtract the 27 million that you are going to get coverage for from the total number you are giving vouchers to, and that is a big number, that is 38 million who have some insurance.

The Congressional Budget Office is saying there is no assurance that you have not produced a plan where many of those who have insurance will go without insurance—will go without insurance—because there will be a way to figure out that it is cheaper to let the Government do it than to have anybody else pay for it. We have to fix that. And you start fixing that, and you find another problem.

So it seems to this Senator, and I believe that nobody can say that I am not interested in doing right and staying here and trying to do a reform package, but I have come to the conclusion that somehow or another the American people got the message right. And this is again no aspersion on anyone, but we do not know what we are doing. And when you are talking about something this important, you ought not do that.

Somebody suggested that there are 4 million young people who are uninsured and we ought to do something about that.

Mr. President, it took decades to get where we are. And, on the one hand, the greatest health care delivery system developed over those decades. Do we need to do something this week, or next week? Can we not take one step and do some reform that we understand? And then decide we are going to do a better job of trying to understand, learn, and put into potential legal, law-written bills things that may really do what we want, not what we do not understand or have unintended consequences.

Mr. DORGAN. Will the Senator yield?

Mr. DOMENICI. I just want to make one comment with reference to my friend from West Virginia, because I do not believe he addressed Senator GRAMM about Republicans filibustering.

I want to say this to my friend. I think we ought to be careful when we throw that kind of language around. The American people ought to know—and if there is any Senator on the other side of the aisle who wants to stand up and say, "We have a bill that can pass the Senate," then I will stand up and say, "You make a point."

There is no bill that will pass the Senate. How can there be a filibuster when the majority party knows they do not have a bill that can pass the Senate? And there is none. The mainstream does not have one; the Rowland bill has problems. So how can there be a delay of a bill when you cannot pass one if you said, "Let's pass it"? It is really not possible.

So I think we ought to be fair about that. We are learning. The American people are learning.

I think Republicans are acting responsibly. We have not left the floor unattended. We are raising very good points. And I, particularly from my standpoint, must confess that I learned more about the Mitchell bill in the last 5 days, and the more I learn about it, the more confused I get, the more certain I am that consequences that we never dreamed of are going to result if we dare pass it.

Then I look at the mainstream, and it changes every other day. And I give them great credit. They have worked at it.

I have now looked at the Rowland bill, which everybody thinks I am going to introduce tomorrow. We do not know how much it will cost. The CBO has not been able to tell us. We are looking carefully at the unintended consequences. I do not think anybody ought to get carried away, saying one Senator or one group of Senators is delaying health care reform by suggesting that we have not yet come close to a consensus and that there is much to be learned before we should pass a comprehensive package in this body.

I close by once again taking a little bit of credit for the new trend of being worried about the deficit. I introduced, very quietly, Mr. President, the only bill on health care reform—and it is a total, comprehensive one, goes very unnoticed, Senate bill 2096. That bill provides for a portion of the savings going to the deficit. And I am very pleased that after many, many weeks, it has come full circle and people now think we ought to be worried about our children, the burden they will have of having to pay the deficit off in years to come.

Mr. DORGAN. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. DORGAN. The Senator began his discussion, and a thoughtful discussion it was, with the background about the Federal deficit. And the Senator has been consistent on that subject for a long while.

I observe that it is interesting, while we talk about health care, while we talk about the deficit, this week, on Monday, the Federal Reserve Board increased interest rates once again.

I wonder if the Senator knows—I just had the Joint Committee compile for me some information—that, of the five increases in interest rates by the Fed in the last 6 months, done in secret, behind closed doors, with no thoughtful debate, no public discussion, they have added to this Government $110 billion in deficits; that is, they have added $110 billion to the cost of servicing the debt.

So, in effect, they have taken back one-fifth of everything we did last year in the $550 billion plan to try to reduce the debt. And they did it without any public debate, behind closed doors, in secret.

I just say that I would hope one of these days, those of us who care about the deficit and talk about it can have a thoughtful debate about Fed policy, because they are contributing to this deficit, in my judgment, with wrongheaded monetary policies.

I just wanted to raise that point and ask if the Senator understands how much the five Fed increases are costing the Federal Government.

Mr. DOMENICI. Yes, indeed.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMENICI. Senator, I appreciate the Senator raising the question.

Frankly, I happen to disagree with the Senator; other than I agree that we are paying more interest on the national debt because interest rates have gone up.

Mr. DORGAN. By over $100 billion between now and the next 5 years.

Mr. DOMENICI. I have not checked it out.

Mr. DORGAN. $110 billion in the next 5 years.

Mr. DOMENICI. But, Mr. President, let me suggest that if, in fact, because the Federal Reserve Board worried about inflation, if they have succeeded by attempting to move the cost of interest rates from the Federal Reserve to be neutral with reference to the rest of interest so that we are not in a subsidized position with reference to the Federal Reserve Board, if they have succeeded, and that is their goal, then they might also succeed in extending this recovery, let me just hypothetically say, 2 additional years.

I happen to believe what they are doing is going to extend the recovery and make it last longer. If they were to be successful at that—and they are trying desperately to do that, because we have a cycle of recoveries in growth and then we fall off and have a recession; they want it to last a couple more years—if they have succeeded, then that $100 billion that is being spoken of will pale in comparison to the positive things that will happen to the American economy to sustain jobs and to grow.

Second, I absolutely believe and will spend any time I have defeating any proposal that takes this power away from the Federal Reserve Board and that makes their discussions be open rather than closed.

Frankly, I do not think we ought to put politics into the interest rates system determined by our Federal Reserve Board Commissioners. I think, over time, that has been the strongest instrument for solid money in the United States, without which we would not be the country that we are.

And, having said that, I want to close my remarks by thanking Senator HARKIN for yielding time to me.

I firmly believe this has been a great educational process for Senators. That may sound strange. Hopefully, the American people have appreciated the debate. It seems to me, from my calls, they, too, are learning and they are moving in the direction of do not take too big a bite, because you do not know exactly how it is going to turn out. Go slow.

I agree with that, and I agree with them.

I yield the floor.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I want to speak about the amendment that I have just proposed, the extra contractual service option of the flexible options plan.

Before I do so, I just wanted to respond to what the Senator from New Mexico said about we do not have a bill or anything around here that can pass.

Well, how do we know? We have not taken any votes on the major provisions in the bill yet. That is supposition on his part.

Senator MITCHELL introduced his bill, if I am not mistaken, over 3½ weeks ago, and we have not had a vote on it. I would like to see us have a vote.

It is not because we have not been ready to vote. We have been ready to vote. The other side has not been ready to vote. So when people say we do not have a bill that can pass around here, that is just supposition on their part. I think we ought to bring up the amendments, let us have a reasonable debate on them, and then let us vote on final passage of a bill, whatever we can come up with in our efforts to design a bill around here. That is the way to do it.

I hope we can get on with the amending process. The procedure under which we are operating this week we have one amendment every day. At that rate we might be finished by some time in the next couple of years.

So when people on the other side say they are not filibustering, there is a filibuster and then there is a filibuster. There is a filibuster when you talk and talk and talk and then there is a filibuster where you keep adding amendments and adding amendments and adding amendments and slow everything down. So I hope that is not the case on the other side. I hope we can have our amendments and move on with getting this passed.

Having said that, the amendment I have offered gives the plans the option of providing, with the enrollee's consent, items and services that are not listed in the standard benefits package but which the plan determines to be the most cost-effective way to provide appropriate treatment to the enrollee.

For example, under such a provision, Aetna was able to help an Oklahoma boy after a car accident left him with quadriplegia and dependent on a respirator. The boy lived for 4 years at the local children's hospital. Finally, after planning and thinking creatively with the boy's family, Aetna was able to maintain cost-efficient quality care and bring the boy back home. Aetna agreed—listen to this—they agreed to pay for a customized addition to be built on to his mother's mobile home. They purchased specialized equipment, they provided for home nursing care. So the boy was reunited with his family, outside of the hospital, and guess what, the plan was able to save about $350 a day even after equipment and supplies were purchased and nursing care was arranged.

My amendment would not require plans to offer the benefit. And enrollees are not required to accept it. Moreover, a decision not to offer the benefit is not subject to any appeals, other than those based on discrimination. Because this optional benefit is made available only when it is cost effective to do so, there is no additional cost to the guaranteed benefit package associated with the benefit, and the Budget Committee assessment confirms that.

This amendment allows for win-win situations to take place. When a health plan decides within its discretion to offer a service and a consumer decides within his or her discretion to accept it, this amendment allows for that to occur. The extra contractual services option is currently made available by all Federal health plans open to Federal employees.

It allows for greater flexibility for plans and enrollees and is modeled on a practice by many large insurers today. The idea is that for some enrollees, particularly with high health costs over a particularly long period of time, it is cost effective for plans to pay for a case manager to work with the enrollee or the enrollee's family to determine what combination of items and services would be most cost effective for the enrollee. The case manager is empowered to authorize payments for items and services that fall outside the scope of the package for which the plan is contractually obligated to provide coverage—hence the name "extra contractual services."

This amendment will call attention to this beneficial practice so more people will know about it as a possibility. Although it is widely available in the private market today, not all people who might benefit from it are familiar with it.

Second, some have questioned whether these services if offered would be considered part of the standard benefits package or would be part of a supplemental plan under the Mitchell bill. This amendment clarifies that flexible, cost-effective practices may continue as part of any standard benefits package.

Third, extracontractual services have enabled parents of children with disabilities and adults with disabilities to play a larger role in managing their care, working with plans to meet their health needs in the most cost-effective manner. So this amendment is most significant for people with disabilities and people with chronic conditions. Just a few examples.

Julie Beckett, a mother from Iowa who testified this year before the Labor and Human Resources Committee on health reform and disability was able to convince the medical director of Blue Cross-Blue Shield to create an individualized case management program for children in Iowa. Julie's 16-year-old daughter Katie Beckett, who daily requires 12 to 14 hours of continual ventilator support attached to her tracheotomy tube she has had since she was 5 months of age, has been receiving extracontractual services which keep her out of the hospital, let her go to school, at a reduced home care cost.

Blue Cross-Blue Shield of Iowa even did a brochure on what they called individual case management for patients with special long-term needs. In it, they explain the plan case manager can help with family support, home health care programs, respite support, emergency support, and equipment vendors.

I have a lot of different examples here of people who have had these extracontractual services who were brought home, placed in home care, and actually saved the plan money.

In Pennsylvania—I might use just one more example—a 30-year-old mother of two had problems early in her pregnancy. She was admitted to a hospital twice within a week at a total cost of $3,700. At home she was unable to comply with the doctor's order for total rest because she had to care for her two preschool children, one of whom has a disability and must be carried.

The plan provided benefits for homemaker services at a cost of $578 a week. The patient was able to avoid hospitalization, remain at home, and get the rest she needed. As a result, she delivered a full-term, healthy baby. The estimated savings were close to $70,000.

So, these extracontractual services could be used in a whole host of different situations. The plan might decide to provide medical foods not covered under the outpatient prescription drug program which could have a significant impact on the containment of costs in the treatment of AIDS and cancer and other diseases.

In summary, this benefit is a win-win situation. It gives plans the flexibility to go beyond the basic benefits package when it is cost effective to do so. It preserves the right of individuals, the individual enrollees and their families, to refuse any proposed item or service and gives them more control over the situation. It lets them decide what is best for their families. It will give greater visibility to a practice that is increasingly common in the private market today and it will clarify that this is to be a part of the standard benefits package and not a part of a supplemental package.

I also want to take just a few more minutes after explaining the amendment and what it does, to make a few remarks regarding the Mitchell bill's standard benefits package and its impact on people with disabilities in our society. Clearly, the Mitchell bill contains other essential provisions that will benefit the disability community, such as the new home and community-based long-term care program and consumer protections. I will discuss these provisions at another time.

I think people with disabilities are the best measure of whether health reform will meet the needs of American people. If we pass a bill that works for Americans with disabilities, then we know it is going to work for everyone.

Three weeks ago we celebrated the fourth anniversary of the Americans With Disabilities Act, which sets forth our national disability policy. But we will not achieve the ADA's promise of inclusion, empowerment, and independence for people with disabilities without comprehensive health reform that addresses the failings of the current system.

Under the current system, people with disabilities and parents of children with disabilities cannot afford to leave jobs or exit the welfare system because of the preexisting condition exclusions, because of the lack of portability of coverage and benefits, because of work disincentives. The cost of private insurance is often prohibitive because of adverse selection and a failure to spread risk broadly throughout the community. Many people reach lifetime caps on benefits in only a few years and high out-of-pocket expenses have forced people into poverty and into welfare, simply because they are disabled.

Moreover, for those that have insurance, there are often problems with limited coverage. Some plans exclude or significantly limit essential benefits like durable medical equipment, outpatient rehabilitation services, mental health services, and hearing aids.

The Mitchell bill benefits package represents a package that will ensure access for people with disabilities. It maintains a balance between a sufficient level of description to ensure that the benefits will address the needs of all people, including those with disabilities, and enough discretion for the National Health Benefits Board to make clarifications about the details of what will be included under each category set out in the bill.

The Mitchell bill reflects an understanding that a truly comprehensive package will have preventive value for many individuals. If we spend money on services like outpatient rehabilitation services, hearing aids, prenatal care, and other clinical preventive services, we will avert the need for costly operations and other societal costs associated with unnecessary dependence and unnecessary illnesses.

The Mitchell bill's standard benefits package reflects our desire to invest in promoting and maintaining the health of all Americans, and I am particularly pleased that the Mitchell bill includes coverage for children born with congenital disabilities, prohibiting limitations on coverage. The Mitchell bill further establishes as a goal the maximizing of functional potential of children from an early age. So I strongly support the standard benefits package as contained in the Mitchell bill.

Senators KENNEDY and DASCHLE made some good points on Wednesday about the need for a standard benefits package that bear repeating.

As I see it, there are five essential reasons for a standard benefits package.

First, it provides a floor of basic coverage for working Americans. Without it, we leave consumers subject to fine-print limitations and loopholes that people only learn about after they get sick.

Second, the standard package prevents the kind of cost shifting that goes on in the market today. A standard package spreads costs more evenly.

Third, the standard package promotes consumer choice, ensuring that working Americans will not be arbitrarily limited to whatever coverage their employers choose.

Fourth, the standard package makes it easy for the consumer to compare plans, for plans competing based on price and quality and not on scope of coverage.

Finally, the standard package prevents cherry-picking, so-called, where plans can structure their benefits packages in a way that attracts healthy people and discourages high-risk individuals, like people with disabilities and chronic illnesses, from enrolling.

Mr. President, a standard benefits package must provide a solid foundation, and that is why we need a standard benefits package. I often hear that we do not need a standards benefits package, the arguments made by the Senator from Texas earlier and others. But I believe that it is an appropriate role for Government to set standards for products that will affect people's health and well-being.

Would those on the other side of the aisle want to do away with the Food and Drug Administration, for example? I think consumers have every right to feel that when they go into a grocery store to buy food they are going to be protected, that the food is safe; or when they buy drugs that they are safe; or when they drive a car that somehow the car is going to be safe, it is going to meet certain requirements of safety. When you buy a child safety seat, you want to know that it is safe and effective.

Why should consumers expect anything less of health insurance? Why should consumers not have every reason to believe the package they get for health insurance will meet their expectation and that it will cover their health and well-being; that it will have a standard set of benefits on which they can rely, rather than finding out later that the fine print left them out?

So, again, the standard benefits package is the foundation.

The opponents argue that a standard package makes people buy insurance for things they do not likely need. We hear that a lot of times. The senior Senator from Texas, and I quote from his statement 2 days ago, said:

> Under the Mitchell bill, the Government will tell you what has to be your insurance. If you are a 64-year-old widower, the Government is going to tell you what coverage you will have to carry in your insurance policy. You will have to pay for pregnancy services and for newborn services.

That is what the Senator from Texas said the other day. You hear that and right away you think, "Well, that sounds logical, doesn't it? Why should a 64-year-old have to buy insurance that covers pregnancy-related services and maternal child health care?"

Mr. President, in Social Security today, that 65-year-old widower is probably on Social Security and young people today pay into Social Security to help make sure that our elderly are not forced into poverty and forced into welfare. We accept that, because it is good for society. So why should a 65-year-old not buy that kind of insurance that may help out our young people? The fact is, we spread the risk throughout society.

To say that you should only buy insurance for things that you need is very shortsighted. You do not know what you need. Like Forrest Gump's mother told him, "Life is like a box of chocolates; you never know what you're gonna get."

We cannot predict when one of our family members may get cancer, leukemia, have a heart attack, or sustain a head injury. It can happen to anyone. So what is the purpose of insurance? What do we mean by health security? What it means is we want to know that, whatever happens, we are going to be covered—meaningful coverage, guaranteed protection, security for the unexpected. That is what insurance is all about.

When we purchase health insurance, we should get a standard package of benefits that will cover the range of needs we may have although we do not expect to need them. We might even use another example.

We could say how about a young couple, just got married. He is a football player, she is an Olympic swimmer. They are in great health. They get married and decide to go to graduate school. And so they look at the package of health insurance they want to get. No. 1, they are not going to have any children right away, so "we don't need pregnancy-related services which costs a lot; we won't take that. We won't take the package that says it covers chronic conditions because, obviously, we are very healthy and we don't need that kind of coverage."

So they carve it all out and they get a minimal health benefits package which does not cost them very much, and they think they are covered.

Lo and behold, the wife gets pregnant. She has a difficult pregnancy. They have a child that is born with a disability, spina bifida, and they do not have health insurance coverage. Who pays for it?

Well, we are all going to wind up paying for it because we are not going to say to that young baby, "Go out and die." So we are going to pay for it, and we are going to pay for it in the least cost-effective manner. And that young couple who thought they were getting away with something has put their entire future in jeopardy. And, when they can't pay their bills, the burden falls on the rest of society.

So that is why we need a standard benefits package and why we spread risk throughout society.

I would say to any 64-year-old, yes, part of your health benefits package ought to include something for young people because young people are helping to provide for you in your old age through Social Security and through Medicare Part B.

So we need this standard package to include preventive services and to make sure that it is comprehensive. We ought to make sure we have it because it provides people more choices and not less.

That is another thing we hear a lot. People on the other side say, "We want to provide choices." A standard benefits package provides more choices, because without a standard package, an employer can go out and pick any health plan he wants and offer it to his employees. The employees are stuck with whatever the employer offers, even if it does not come close to meeting their needs. That is no choice.

Take the example of outpatient rehabilitation services. Under the Mitchell bill, every plan will offer it as a part of the standard benefits package. It is part of the foundation you can count on. You may not think you will ever need it.

Without a standard benefits package like the one in the Mitchell bill, if you have a child with a congenital disability who needs outpatient rehab services, you will just have to roll the dice and hope that your plan covers it.

In my capacity as chairman of the Subcommittee on Disability Policy, I have learned how critical this benefit can be, particularly for children born with congenital disabilities.

We had a hearing in February where a mother testified about the difference that occupational therapy, speech therapy, and physical therapy had made in her son's life, and contrasted this experience with that of another boy with the same disability who did not receive the therapy.

The first boy, born with cerebral palsy and diagnosed at 9 months, received physical and occupational therapy to relax his tight muscles. He received speech therapy to teach him how to eat and help him find a way to communicate. As a result of this therapy, he did not develop contractions or severe shortening of his muscles, and avoided dislocations. He made steady progress for 7 years, and finally he was able to take his first steps. Last fall, he walked down the aisle as a ring bearer at his aunt's wedding, a tremendous accomplishment for him. He continues to make progress and has the potential to become a functioning, productive adult who can contribute to his own support. That is boy No. 1.

The second boy, also born with cerebral palsy, never received the needed therapy services. They were not covered. His arms are contracted; his fingers are deformed; he cannot bend his hips to sit. They are twisted as a result of a dislocation that was corrected by surgery and a metal plate. His head is nearly permanently thrown back. He has many expensive surgeries ahead of him, not to improve his condition so much as to slow down the effects of these contractions. Eventually, his mother may find it necessary to put him in an institution. So you ask, what kind of choice did that mother have?

Imagine being a new parent of an infant with cerebral palsy and sitting down with the doctor for the first time. The doctor says to you, "Your daughter has cerebral palsy. If she gets enough occupational therapy and physical therapy and speech therapy from this point on she can do pretty well. Unfortunately, your insurance does not cover any of this." Weekly therapy is very expensive. How are you going to pay for it?

Well, they will not pay for it, and later on that child would be unnecessarily dependent, and we will pay more and more money later on.

So if we allow plans that do not cover, for example, outpatient rehabilitation for children with congenital disabilities, we are going to force families who are struggling to care for their children at home to go it alone and, sure enough, later on that child more than likely will wind up needing more intensive care that will cost more for everyone.

Well, that is not right. It is not right for that family, and it is not right for the rest of the people of this country. It is not right for that child born with cerebral palsy. It is not the American way of doing things.

If we just provide a list of categories to be covered as many have suggested, some policies will cover outpatient rehab and some will not. And people will not realize the importance of having this benefit until they need it, and then it will be too late.

Hearing aids for children is another good example. Under the Mitchell bill, they're part of the foundation. If your child needs hearing aids during the crucial window of opportunity for language development, you're covered. Without a standard package, you're on your own. This makes no sense.

The critical years in which speech and language develop are 0 to 6. By age 5, the child with normal hearing understands 5,000 to 25,000 words . For a child who needs hearing aids, and does not have them, this speech and language acquisition window of opportunity is lost. Having failed to make this investment, we all pay down the road in special education, compensatory education, and other costs associated with educating the child and preparing him for employment.

Mr. President, I take the time to talk about these examples, and I will talk about them more next week and however long we are on the health care reform bill because, more and more, we are hearing that we do not need a standard benefits package; it does not need to be delineated and clarified.

I use these examples to point out why it is necessary and why we have to have a standard benefits package, because if we do not, too many people who cannot or will not read the fine print are going to find out too late that their choices are limited. They may have one choice and one choice only, that is, either to pay it out of pocket, if they are rich enough to afford it, or, if they are not, then not get the needed services, which are going to create higher costs later on. Of course, the third option will be to spend all of their lifetime assets and go on welfare and then they will be able to get the coverage they need.

So, Mr. President, those are the ramifications of the amendment that I offer, to ensure that it is part of the standard benefits package that an enrollee and a plan concurring together can go outside the plan for extra contractual services if the enrollee and the enrollee's family feels that is the best thing to do and if it is cost effective.

However, that will mean nothing and this amendment will mean nothing if we do not have a standard benefits package. If we do not have a standard benefits package, then, Mr. President, people with disabilities in this country will continue to be discriminated against and they will not be a part of any health care reform package that passes this body.

I understand we are just going to have a voice vote on this amendment. I am glad to hear that the other side and others have agreed to accept this. But again I point out that as much support as this amendment seems to have on both sides of the aisle, it will mean nothing if we do not have a standard benefits package along the lines of the Mitchell plan. So I will be coming back to this theme time and time again in the future.

I appreciate the indulgence of my colleagues, but here is an issue I have been waiting all week to talk about.

Mr. President, I would now yield the floor.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN].

Ms. MOSELEY-BRAUN. I thank the Chair. I would like to begin by congratulating my colleague, the Senator from Iowa, for this amendment and congratulating the Senator on work on behalf of people with disabilities over time. This amendment affects a number of important goals allowing people choice, allowing people access to the system, and at the same time affecting what probably will be some real cost containment in the way the system operates. I commend the Senator from Iowa for his work in this area.

Mr. SARBANES. Will the Senator yield to me just briefly?

Ms. MOSELEY-BRAUN. Certainly.

Mr. SARBANES. I would like to join the Senator from Illinois in commending very strongly the able Senator from Iowa for this amendment and for a very sensitive statement about the need for the amendment.

I really say to the American people, one has to think about it with the attitude of, there but for the grace of God go I. Most people assume that this will not happen to them, and they need to understand that it may. It is all chance. It is fortuitous. But if you are a family that has a cerebral palsy child or one of these other disability problems and the whole burden of that comes down upon you, there is a tremendous psychological burden. But the financial burden at least ought to be borne in a way that the costs of that are spread through the society on the basis of an insurance principle which is what the Senator is, in effect, seeking to guarantee. People, as they think about it, have to think to themselves, well, it could happen to me, and therefore we ought to provide for it so whoever it happens to is not caught completely exposed and has to bear all of the burden of this individually.

I thank the Senator for his contribution.

Mr. HARKIN. I thank the Senator.

Mr. SARBANES. I thank the Senator for yielding.

Ms. MOSELEY-BRAUN. Certainly. The point of the Senator from Maryland is very well taken. We are, indeed, all in this together, and that is why this debate is so very important.

Mr. President, in Illinois where I live, in Chicago, there is a fellow by the name of Mike Royko, and we consider him to the sage of Chicago politics. He was written facetiously, I might add, on occasion that the motto for the city of Chicago, which is presently and has been since the turn of the century "urbs in horto"—"urbs in horto" means "city in a garden," and I would commend to anybody listening, Chicago is a very beautiful city, particularly in the spring and summertime and lives up to the name "city in a garden." But Mike Royko has suggested that the term "urbs in horto" ought to be changed to a more explicit "ubi est mea," which translates into "where is mine?" He thinks that is really the driving force behind decisionmaking and policymaking. And policy and "ubi est mea," "where is mine," has a lot to say about what goes on and how decisions get made.

Mr. President, I might suggest that it may well be the case in this current debate about health care reform that "ubi est mea" is playing entirely too large a role, that the drumbeat of the public interest in this, the interest that the Senator from Maryland talked about, is being drowned out in the cacophony of special interests.

The message that created a groundswell of support for the President's efforts to reform health care is in danger frankly of being outshouted by the special interests and very often, Mr. President, they are thinly disguised but they are special interests notwithstanding.

I would ask anybody who listens to the debate ask yourself, Who is paying for all these expensive ads on the television, in the newspapers that are saying we should just stop trying to reform this health care system?

Right now, Mr. President, the American people are confused by the mixed messages and the conflicting signals and the images and the debate back and forth, and this certainly is a big enough issue that lends itself to what I have previously called the thousand points of fright that are being put out into the public debate, the thousand points of fright representing, Mr. President, the negative messages that punch all the buttons of fear that are out there. You hear people railing about—and I happened to be in the Chamber listening to an eloquent speech. The speeches sometimes can hit all the right buttons and all the right fears, and they are very slick and they are very smart, and they are thought out well in advance. But the fact is those negative messages are punching those fears of ubi est mea. I think it is a disguised way of speaking for the special interests, and not being as concerned as the Senator from Iowa, the Senator from Maryland, and others who worked on this issue about what does this mean for all of us as Americans. Those buttons appear; they are going to take away your freedom—a thousand points of fright—they are going to have Government control; big Government is going to take this over; it is going to mean higher taxes.

Mr. President, I say—and I think a number of people on this floor are willing to say—that the only way to combat fear is to stand up to it and to talk about it and to expose it and to continue to punch away so that the essential messages and the truth win out. For that reason, I am especially grateful for those people who have led the fight and the debate in regard to health care reform.

I congratulate the Senator from Massachusetts for his hard work and dedication and for the hours he has spent on the floor combating those thousands points of fright. The Senator from South Dakota has done so much work here, as has Senator ROCKEFELLER from West Virginia and Senator MOYNIHAN from New York, and Senator MITCHELL for his bill that we are talking about at the present time. These are the people who have weighed in to take on the button pushers and to take on the thousand points of fright and say there is more to this debate than ubi est mea—where is mine—and this goes to the future of our country.

The American people sent us the right message at the outset, which is to control costs and provide access to health care. That is a message that I think should guide our work now. The people, as far as I can determine, are confused as to what they want to have done. The real source of confusion is here in Washington as to how to do it. Going back to the basic principles, I believe that means we cannot accept minor tinkering with what we have now that maintains the status quo, protects special interests; nor can we rush to judgment and implement a poorly thought out change that reduces access or increases our deficit.

Many people say comprehensive reform will produce scenarios that one cannot predict, and that there may be unintended consequences of the bill we are considering. Let us take a moment and look at the present system, look at what we have now, the status quo, in terms of its effect not just on our country, but on everybody. Everybody who has spoken here admits that national health care costs have grown at a dizzying pace.

In 1960, the United States spent $27.2 billion on health care. By 1980, that figure had increased almost tenfold, to $250 billion. In 1990, we spent $675 billion, and the Congressional Budget Office estimates that in the year 2003—which sounds like a long way off, but really is just around the corner—unless something happens to change the trend we are on now, we will spend $2 trillion. Looking at the figures another way, in 1990, we devoted 12.2 percent of our total economic resources to health care. By 1993, that figure had increased to 14.6 percent.

Again, by the year 2003, unless the current trends change, health care costs will consume fully 20 percent of our national economic resources. Government health care spending contributes a large chunk of those expenditures. Between 1981 and 1993, for Medicare and Medicaid, the Government programs, spending increased by 113 percent. Health care spending was 16 percent of our Federal budget in 1980. It was 27 percent last year. By 1998, health care costs alone will account for some 35 percent of the Federal budget.

Mr. President, as I mentioned in a previous discussion, I serve on the bipartisan Commission on Entitlements and Tax Reform. The findings of that Commission state:

> Federal spending on Medicare and Medicaid is projected to triple as a percentage of the economy by 2030. Federal health care spending is projected to increase from 3.3 percent of the economy today to 11 percent of the economy by that time.

The private sector, private business sector, has also been hard hit by rising health care costs. Fewer businesses are able to afford comprehensive health care coverage for their employees. An article yesterday in the Chicago Tribune noted that more than 3.5 million children lost health care insurance coverage under their parents' employer-paid plan from 1987 to 1992. The average cost of providing health insurance coverage for employers increased more than 100 percent between 1984 and 1992. The average cost per employee was about $1,600 in 1984, and it rose to almost $4,000 per employee by 1992. Between 1987 and 1992, the average premium for health benefits for a single employee rose by 108 percent, or on average, 16 percent per year.

In 1991, health insurance premiums were about 10.7 percent of business payroll. In the year 2000, that figure is expected to increase to 22.9 percent of payroll. And the cost growth has been even worse for small businesses. Their premiums have increased by as much as 50 percent a year. Small businesses already pay 35 to 50 percent more than large businesses for the same coverage and that, of course, puts real pressure on what should be one of the most vital parts of our economy.

Small businesses also bear the brunt of the cost shifting that is in this current "Rube Goldberg" of a nonsystem that we have. If you think about it, Mr. President, everybody in this country gets health care. If somebody gets sick or falls out in the middle of the street, whether they have insurance or not, they are going to get taken care of. The question becomes: How does that person get paid for? Well, the answers are too clear to everybody who is paying attention or knows somebody, and I think there is not a person around who does not know somebody who has not had a health care crisis.

So health care costs continue to be the single largest reason for personal bankruptcies in this country, and if there is no access left, the cost is shifted to somebody else. As a result, and I am talking specifically about small business, small businesses now pay 33 percent more for insurance just because those who are providing insurance for their people are paying for those who are not providing insurance for their people.

Mr. President, again, I do not want to start off painting a horror story. This is reality. This is not catch phrases and code words. This is what is. The group that is suffering the most from the inefficiencies of the current nonsystem are average working Americans, the families and the workers, the constituents we hear from every day. Health care is just plain unaffordable for millions of Americans, and it is only going to get worse if we do not do our job to reform the system.

Right now, per capita health care costs, based on current trends, is estimated to double between 1993 and the year 2003. We spent roughly $3,500 for every man, woman, and child in this country on health care last year. By the year 2003, the figure will be $7,000 for every man, woman, and child in this country for health care.

These rapid cost increases are coming at a particularly bad time for working Americans. Over the past 20 years, worker wages, in real terms, have actually fallen, while the health care costs were increasing at 10 to 15 percent per year. If health care inflation continues as projected, workers stand to lose another $600 per year in real wages by the year 2000. Americans who have employer-provided insurance coverage find themselves paying for a greater and greater percentage of that coverage out of their pockets.

In 1988, for example, workers paid an average of $48 a month, or roughly 24 percent of the total average premium. By 1991, however, just 3 years later, the average employee contribution had more than doubled, to $98 per month, or 28 percent of the total average premium. Mr. President, I say that trend is continuing unabated.

(Mrs. MURRAY assumed the chair.)

Ms. MOSELEY-BRAUN. Madam President, in 1965 Americans with average incomes had to work—and I found this to be an interesting statistic and I wanted to give these figures again just to paint the picture of what we have now to deal with. In 1965 Americans with average incomes had to work about 3.3 weeks—I do not know how they figured out .3, whether 2 days or 3 days—3.3 weeks to pay for health care. It took about 6.6 percent of their total earnings. By 1990 workers had to work 5.5 weeks or 5½ weeks or pay 10 percent of their earnings just to pay for health care costs. And by the year 2003, again if current trends continue, they will be working 10 weeks to pay for health care and pay 20 percent of their total earnings for health care services.

Madam President, the net result of these cost trends are that people are losing coverage and losing choice. In 1988, 9 out of 10 employers offered health care plans that let their employees choose any doctor or any provider of services that they wanted. By 1993, only 6 out of 10 employers offered that option.

All of these cost trends together have a major impact on the vitality of our country and the viability of our future economy, and therein lies the real rub in all of this. The impact of rising health care costs is not just felt by working people or even their employers or the Government. It hurts our economy. It hurts our international competitiveness. It hurts our economic future.

I want to talk about where we are in this global economy and how this issue threatens our position in the world.

In 1991, Madam President, per capita income in the United States was $22,240; in Sweden it was $25,110; in Canada it was $20,400; and in France it was $20,380. Yet the United States' per capita health spending was over a third higher than in France or in Canada and over $400 per person higher than in Sweden.

That kind of cost differential has a real impact on our competitiveness in this new global economy. Rising health care costs in the United States also contribute to a falling national savings rate. As the bipartisan commission, which I mentioned, has found, since the 1960's private savings have fallen from more than 8 percent to about 5 percent of our economy, and the supply of savings available for private investment has fallen to about 2 percent today—2 percent, Madam President. What that means is that that is going to restrict, and the bipartisan commission found that this will restrict, our ability to be productive, will restrict our productivity and our growth as an economy.

Clearly, Madam President, cost containment is in order. Had we gotten some rationality in the system in the past we could have realized significant savings already.

For example, if health care costs had been kept under control in the last 12 years, that is, growing no faster than the economy was growing, the Federal Government alone would have saved some $79 billion in 1992 and would have saved a total of $391 billion over that 12-year period.

And if health care costs had been kept under control in the last 12 years, personal wages for American workers would not have declined—would not have declined—and the average working family, and I want to underscore this, the average working family would have saved $12,000.

Now, I think that paints a picture again, not painting a dismal picture to frighten anybody because these are realities. People know this already. This is not news to anybody. And quite frankly, to go out and suggest to people that there is no crisis and we can just go home, go on vacation, have a good time, and come back when we get good and ready borders, in my opinion, on the irresponsible.

Madam President, if we do nothing—if we do nothing—we will effectively rob our children and our children's children of their future, and if we do nothing there will be no money around for us to spend in terms of discretionary spending. There will be no money around to spend on education, to fight crime, for community infrastructure, or for building the industries of the future.

After all, Madam President, this debate is not a new one. I mean, this has been with us. People have seen the handwriting on the wall with this debate for a long time. In the seventies, the eighties, since Nixon was in office, we tried the regulatory approach. We have tried competitive market-based approaches, and, quite frankly, none of those approaches have worked very well. Certainly they have not fixed the problem. That is why it is so important that we do what this Congress is trying to do.

Madam President, I have my own bias, and I say it for the world, and I do not think any colleagues are surprised by it. I have supported and continue to support the single-payer system. Quite frankly, it is like the old song "I'm looking over a four-leaf clover that I overlooked before."

The fact of the matter is the single-payer system is the simplest and saves the most money and to me that makes sense in terms of achieving the goals we are setting out to achieve.

I would mention, by the way, that yesterday morning—in fact, Senator SIMON and I have a town meeting every Thursday morning for people from Illinois who just want to come to the Capitol and talk about issues. And at the town meeting we had a lady who described herself as an American who lived in Canada for 30 years. She said: "I do not understand what all this confusion is about. I have been in Canada for 30 years, and we think our health system is great. So, what is the problem?"

Well, it would have taken too many words, frankly, to explain to her what the problem was at the time, but I will submit to you that the single-payer system does make the most sense, and for the record, just again to combat some of the drumbeat that is out there, single payer is not synonymous with Government run. Health services would remain largely private, as they are today. All Americans would be covered. The major change would be that the financing system would be much simpler and much more efficient. There would be financing co-op, if you will, and you could choose whatever health plan option meets your needs, but instead of your employer or insurance company footing the bill, the co-op would pay it.

In terms of savings, the single-payer system beats every other plan that has been scored to date by the CBO. In fact, it is estimated that the single-payer system would achieve $300 billion in savings over 5 years.

So, I just add that to the debate. It has kind of been lost in the context of this debate. I point out that there is a little vestige of it cropping up. You heard a lot of conversation on this floor about the Federal Employees Health Benefit Plan, and, quite frankly, if you think about it, if you took the FEHBP and expanded it to everyone, take what we have here in Congress now, what we Federal employees have in Congress now and expand it to every American, what you have would be single payer.

So, I just put that out there for purposes of discussion, because I really would like to talk about what we have before us, which is Senator MITCHELL's plan, and the plans that have been filed as legislative initiatives with this Congress.

Again, I applaud and congratulate those who have worked to get us this far because, quite frankly, in my opinion, Senator MITCHELL has done a Solomonesque job in reconciling all the competing interests and forces and people who have different views about how we should approach this issue.

Madam President, the only way, I think, to make positive change in our system and ease the burden of the current health care costs is to recognize and examine the realities of our present system.

First, I think people need to have information about what health care costs. Most consumers make health care decisions without regard to cost because, quite frankly, the majority of health care bills are paid by third-party payers. I think we have all gone through the situation in which you get back the bill from your insurance company and you see the bottom line and you are shocked enough with the part you have to pay, but when you see how much the insurance company has to pay, you go "I stuck that bullet" because the health care costs get paid by a third-party payer. That contributes to the rising cost and to the dynamics of cost in this system.

Second, Madam President, the incentives are all in the wrong places. The more care provided, the more money providers make, and that, I think, leads to greater emphasis on inpatient and high-tech care than for primary and preventive and outpatient care, and I think we are taking a look at that issue as part of this debate.

Third, requiring all persons to have health coverage either through the Clinton plan or the employer mandate or the CHAFEE plan or the individual mandate, frankly, neither one of those are radical ideas. We already have mandates in this country. And, again, this gets to other funny hot buttons pushed around "under Government control," "this is mandate," "this is going to take away your freedom." The fact of the matter is we have mandates already. A requirement of this type is true already for automobile insurance and, frankly, to a lesser extent for life insurance.

Everybody who has a car is required to have automobile insurance, or to demonstrate financial responsibility.

We do not let low-risk drivers, people who do not have accidents, we do not let them go without insurance simply because they are low-risk drivers. Neither is it good public policy to have the young people go without health insurance simply because they are at a lower risk than middle-aged or older Americans.

That is the point that the Senator from Iowa and the Senator from Maryland talked about a little bit.

We all have to get into this pond, because, in the final analysis, we are all in this together and risk-sharing means that everybody needs to participate. You do not buy insurance, life insurance or health insurance, right when you need it or after you get sick. You buy it in advance, and you allow that process to allow everyone access, to get the money necessary to fund the system, to have a successful system.

As a people, we have to sometimes look beyond our individual needs. I believe the Mitchell bill and this approach attempts to do that.

There are cost control measures in this bill. There is a 25 percent assessment on high-cost plans and a fail-safe mechanism if outlays outpace revenue.

And, in my opinion, the plan of the Senator from Kansas, to a lesser extent, includes cost containment measures, but it is there as well. So everybody recognizes that you have to have a cost containment mechanism.

The Mitchell plan I supported, and I asked to sponsor. I asked the Senator from South Dakota to add me as a cosponsor earlier on. I applaud the effort. I have not set my pace in favor of single payer. I think this compromise still makes sense because, it does have cost containment and because we are taking a look at the FEHBP Program. If we are unable to agree on cost containment measures for the entire system, what about infusing some cost control elements in our own FEHBP Program? I think we can do this and that will give us the cost containment. I think that we have an excellent example in the FEHBP participants.

I would also like to see that everybody has information on the FEHBP Program in terms of the range of programs and the employer and employee contributions. Private sector employers should share the same information about their own plans that are there for their employees so they could compare their system with the Federal system.

I do not see what is wrong with that. Let us share the information. If the Federal system is cost efficient and is doing a good job at keeping the cost down and providing access and coverage, then I think the private sector can begin to share information with their workers so that people can make an informed choice.

Another idea, Madam President, builds on the Mitchell Cost Containment Commission. One of the duties of the Commission is to monitor and respond to trends in health care coverage and changes in per capita premiums and other indicators of health care inflation. I would like to propose we strengthen that section, in order for the Commission to really do the job there, to have the insurance companies give us information on expenditures that justifies the rate changes that they may undertake.

Madam President, I would submit, in closing, because there is a lot of this debate to go on, and it will be going on when we come back here, but I am reminded of a line out of "Alice In Wonderland," when she runs into a Cheshire cat in the middle of the forest and she asks the Cheshire cat, "Which way should I go?" And the cat's response to her is, "That depends on where you want to get to."

I submit that there are some principles, some goals that we want to get to and that none of those goals should be left out of this debate. We need to have cost containment, we need to have universal coverage, we need to have freedom of choice of providers. Americans want to be able to choose their hospital, their provider, or what hospital they go to, and we ought to maintain the quality of care.

We do have the best quality care in the world, if you can afford it, and if you can access it.

Now, the reason this debate is so complicated, Madam President, is because, at first blush those goals, those cornerstones, may seem to be in conflict. How do you have universal coverage and cost containment?

Well, I submit to you, Madam President, the best way to have cost containment is to have universal coverage, because in that way everybody is in the pond and you get rid of the cost shifting and you straighten out some of the irrationalities of the present system. How do you have freedom of choice and maintain the quality of care? I think that you do, because those things are not in conflict, because in that way you allow people to make informed choices to keep the quality of care up, to get rid of the not-so-good plans, the plans that cost too much money or do not provide good care; that people can make the judgments that will drive the market, if you will, to keep the quality of care the best in the world.

I think, Madam President, that we have these goals to achieve and that the significant effort that is being undertaken now by the Congress represents the fact that this is a huge part of our economy. There is an awful lot of money involved. There is an awful lot at stake. And there are an awful lot of conflicting special interests that are involved here.

But I believe that, with the effort and of the energy that is being put into this debate, we have a compelling obligation to try to reform this nonsystem, to take it piece by piece and step by step, to go through the long hours, such as Senator KENNEDY has put in here, to go through this debate piece by piece, because the truth will come out. And, in the final analysis, if we call the American people to a higher purpose, which is to say we are in this together and we will all benefit and, no, you will not pay more money, this is in the interest of all of us doing better in future, not worse, this is in behalf of all of us providing a future for our children, not taking away from them, if we call the American people to a higher purpose and point out why this debate makes so much sense, I believe that we will be able to put a ribbon around the energy in this Chamber and achieve real, viable, doable health care reform that meets the expectations of our people and meets the requirements and the demands of our country as a whole.

Again, I very much look forward to continuing to participate in this debate with my colleagues, and trust that we can get this job done in this session of the Congress.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, I want to commend my good friend, the Senator from Illinois, CAROL MOSELEY-BRAUN, for her excellent statement and comments about where we are in terms of the health care debate and about her analysis of the Mitchell proposal and what has been really at risk in not moving ahead at this present time, and her superb analysis of the legislation itself.

I think over the period of the past days we have heard a number of statements and comments. I think, for most of us who have been here listening to the comments, too many of them have been sort of the canned talks and speeches about the general cliches about what the American people are really for. They have almost tragically become cliches, even in the limited debate that we have had here.

To have the clear, insightful, perceptive analysis about where we are in real terms and in human terms that she has given to us this afternoon, as she has on other occasions, and also her sense of urgency about action now, I think is very compelling. I once again thank her for her constancy.

It is late in the afternoon. It is 5:20 on a Friday afternoon. She is at her post ready to respond and I am sure prepared to vote on these measures, as are, I know, the distinguished Senator from Washington, Senator MURRAY, Senator SARBANES, and others who have been here.

I saw Senator DOLE, as well. I do not know whether he is as prepared to vote, but nonetheless our colleagues are here because they are deeply concerned. I thank her for her excellent words.

Madam President, I will just speak briefly about this amendment. I see others here who want to comment on this measure, as well. I know they have important matters to speak about.

But I do want to say that, as we reach a late Friday afternoon, I, for one, having been here during the greatest part of the time with the debate and discussion, both in terms of the presentations of our colleagues and their comments, as well as the debate on our amendments, one theme constantly is evident, and that is the sense of urgency for action.

I know that there are those that speak, and speak with reason, about the importance of putting action off until another year, another time, another 2 years, until we have more careful consideration.

But I must say, the sense of urgency for action I find enormously compelling. As I have stated at other times, this has been a measure that has been before the Congress in one form or another since Teddy Roosevelt's time at the early part of this century. It was here with Franklin Roosevelt in the mid-1930's, again with Harry Truman, and then with President Kennedy and President Johnson—as they had the debate on Medicare. President Nixon as well. It has not been just a matter that has been reserved to one party or another. At different times, different administrations have advanced their approaches about how to deal with these measures, but by and large, health care reform has been a matter of urgency for all Americans and for both political parties.

As has been stated here on the floor, when we are at our best we will come together. I know that certainly is the hope of Senator MITCHELL. I know it is the hope of the President and the First Lady.

As we conclude this week I hope we will look forward with anticipation to the most recent activities and actions. One has been the development of a series of proposals from what has been described as the mainstream group. I, for one, welcome their involvement. I think it is, at this point in the whole debate and discussion, a positive development that there are our colleagues who are representative of both sides of the aisle who have reviewed these various policy considerations and have made them available to the majority leader and to the minority leader, or at least are doing so as we speak at this time. I know they will be sharing those with the public in the very near period of time. I for one am very hopeful they will be constructive and positive. There is every reason to believe they would be, and that we can move on from those recommendations and suggestions.

I am sure there will be some with which I would agree. There will be a number with which I will differ. But that is the nature of the legislative process. What we are interested in doing is finding common ground, finding areas where there can be agreement, and then permitting the Senate itself to make a judgment by votes, actually, about whether certain measures would be in or outside the proposal.

So, for those who have suggested that this debate and discussion has moved beyond the reality, I for one could not differ more. As one who has been here, honored to represent my State for a number of years, and has been involved in a number of the important debates on matters which affect our people—whether it has been on the issues of ending a war or trying to eliminate the barriers of discrimination of race or religion or ethnicity, or as this amendment that we are considering now is related to, disability—I have seen similar times in the debates and discussion and legislative process. So that, as we end this week I, frankly, believe it is on a more hopeful note than many of the days we have had before. So just with those preliminary words, I think this is an important discussion and a important debate.

I want to say just a brief word about the matter before us, introduced by our friend and colleague, the Senator from Iowa [Mr. HARKIN], who has been such a leader in this body and nationally on the cause of disability rights. He was a real leader, following the extraordinary leadership of a Republican Senator, Lowell Weicker, whose record in this body was distinguished for many different matters. I remember clearly his battles in terms of preserving the Constitution and the court stripping debates and other constitutional issues; also at a very early period of time standing up for individuals who were HIV infected, where there were only a handful of Senators willing to take on those health implications of HIV to try to address that issue on the basis of science and health policy rather than ideology and rhetoric.

The work he did in advancing the cause of the disability movement in our country I think was an extraordinary effort. And Senator HARKIN has not only followed, but has really added an extraordinary chapter to that whole movement. It is only appropriate that he has challenged the Senate this afternoon, and the American people, to move forward with this amendment which makes a great deal of sense in terms of treating Americans who have disabilities with the kinds of flexible services which are included in the amendment. It will be more humane and also will be more cost effective. I, for one, am proud to have a chance to cosponsor that amendment and urge its adoption.

As we reach the end of this week, it is interesting to note the amendments which have been offered. Those that have been offered from this side of the aisle, have dealt with children and expectant mothers, to try to ensure greater attention to the range of preventive services for expectant mothers and for children, and to extend the envelope to include so many of those who have been left out and left behind. Not those necessarily on Medicaid, but the 12 million of our children who are the children of working men and women who do not have coverage. We have addressed that and the Senate accepted it.

Then we had an amendment on the other side of the aisle and that dealt with penalties, what was going to happen if employers were not going to provide the standard benefit package. It dealt with penalties. And we worked that out and accepted that. Then we came back to this side of the aisle with an excellent amendment from Senators DASCHLE and DORGAN and KENT CONRAD and Senator BAUCUS and many of our other colleagues, dealing with the rural health issues. Once again a people's issue, trying to make sure those Americans who live in underserved areas of rural America are going to have the competent, qualified health professionals to deal with many of the challenges which exist in rural America. That amendment was accepted.

Then we came back to the other side. What happened there? We had an amendment dealing with how we are going to ensure that if a State is going to fail to provide for the requirements to serve the individual Americans, how we are going to ensure that those Americans are going to be served. We had a considerable debate on that. We finally worked that out in a way very similar to the way it had been worked out with other proposals before the Senate.

Then we come back to this side again and what we are talking about is people with disabilities. We are talking about human needs. We talked about children. We have talked about expectant mothers. We have talked about service in rural America. Now we are talking about extending in a more effective, humane way, the range of different services for those who are facing the needs of the disabled.

I want to say as we have moved through this process I am proud this series of amendments have been related to real human needs of people. That is something I am very hopeful that we can continue to deal with. It is important, because we know, if we are talking about preexisting condition exclusions, there is no group in our society that is more affected by the exclusion of health care than those who have preexisting conditions.

If we are talking about portability, there are great numbers of families who are affected when individuals who may be covered because they are part of a group do have some disability. We are talking about the fear that they have and the difficulty they have moving to another job that might mean better opportunity and a better future, but fear they cannot get coverage of insurance because there is not effective portability. We are always going to have that difficulty in terms of portability unless we have a standard benefit package. That concept has been recognized both in the Chafee bill and in the bill which had been introduced by Senator NICKLES.

We know the issue of lifetime caps is something that the disabled are affected by. The fine print that is there that sets a ceiling where individuals buy the policy and then have some extraordinary needs in terms of disability, needs which are unpredictable and uncertain, and they reach those lifetime caps far too quickly. They have an interest in the issue of eliminating lifetime caps.

Regarding the access to specialists, we have to be concerned. We have to be concerned even today with the growth of managed care and the economic pressures that are out there in terms of competitiveness, whether those who are the most vulnerable are going to have access to the range of services that are necessary to give good quality care for those with some disability.

We have to be very careful to make sure there is an access to specialists. Also, that there is going to be access; that these individuals with disabilities are not going to be discriminated against. We heard the sanctimonious statements earlier in the week about how we are filling up the Mitchell legislation with rights that are going to be able to be pursued by individuals in the courts.

I can tell you the reason for that—and so many of those in the disability community can tell you—that is because if you have a disability, the chances of you being discriminated against today in health care policies are rampant.

If we mean that we are going to have a health care system that is going to be available and accessible to all and that we are going to be inclusive, we want to make sure that those legitimate providers that are out there—and they, by and large, are out there and want to provide and will provide for the disabled—are going to be protected. But we also want to make sure that those individuals who will discriminate against individuals with disabilities will not be able to exclude many of our fellow Americans.

It happens in the most extraordinary ways. We can find examples where disabled individuals will be given services for surgery, which will be guaranteed in a health insurance program, but not for rehabilitation, which makes a greater difference in terms of their recovery. If they get the rehabilitation and are given that kind of treatment, it is more cost-effective. But the insurance company will say, "We don't provide rehabilitation, we only provide surgery," and what happens in too many instances is those individuals end up forced into a surgical situation, which is wrong.

So we want to make sure that they are protected as well, and the range of different home-based and community-based programs that have been cut back, even in the Mitchell program, over what we reported out, I think, is unfortunate. But a key element and one of the features that troubles me very deeply in our mainstream group, is what they are doing or what they are not doing with community-based services for our seniors and people with disabilities and their failure to come up with the kind of prescription drugs which are so necessary for our seniors.

I am hopeful that we will be able to address those issues. I am sure that we will.

I want to again just thank the Senator from Iowa for bringing the amendment, which is basically the flexibile services option. As I understand it, we have the standard benefit package, but now under the Harkin amendment, we will have this as an option, the flexible service option, which is there for those of us who have the Federal employees program, which includes all the Members of the Congress and the Senate, and is also available for 10 million other Americans. This is very worthwhile.

So let me just finally say, with the "mainstream" proposal, we are beginning to make some significant progress toward achieving the kinds of health reform that all of us will be proud to support. Clearly, difficult negotiations lie ahead, but if we approach these negotiations in the constructive spirit of compromise that we have seen in the past few days, I am optimistic that we will succeed and that genuine health reform will become a reality.

I urge my colleagues to support the amendment of the Senator from Iowa.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, let me yield first to the Senator from Iowa. I understand he wants to modify his amendment.

Mr. HARKIN. I thank the Republican leader.

AMENDMENT NO. 2572, AS MODIFIED

Mr. HARKIN. Madam President, I have a modification to the amendment. It has been cleared on both sides. I send it to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, with its modification, is as follows:

At the appropriate place in part 1 of subtitle C of title I, insert the following new section:

SEC. . FLEXIBLE SERVICES OPTION.

(a) EXTRA CONTRACTUAL SERVICES.—A health plan may provide coverage to individuals enrolled under the plan for extra contractual items and services determined appropriated by the plan and the individual (or in appropriate circumstances the parent or legal guardian of the individual).

(b) DISPUTED CLAIMS.—A decision by a health plan to permit or deny the provision of extra contractual services shall not be subject to a benefit determination review under this Act.

(c) DEFINITION.—As used in this section, the term "extra contractual items and services" means, with respect to a health plan, case management services, medical foods, and other appropriate alternatives (either alternative items or services or alternative care settings) determined by the health plan to be a less costly alternative to covered items or services.

Mr. DASCHLE. Madam president, I rise to support the amendment offered by my colleague from Iowa. As chairman of the Subcommittee on Disability Policy, Senator HARKIN has worked tirelessly over the years to ensure that disabled citizens have the same opportunities available to them as all other Americans. His amendment is a continuation of his efforts to craft health care policies that are sensitive to the needs of these individuals.

DISABILITY GROUPS SUPPORT THE MITCHELL BILL

Before I discuss Senator HARKIN's important amendment, I would like to emphasize the disability community's support for the Mitchell bill.

The disability community supports the Mitchell bill because his bill ensures universal coverage for all Americans; guarantees a standard benefit package to all individuals; eliminates pre-existing condition exclusions for all individuals; and includes a significant home- and community-based long-term care services program.

The reforms and benefits included in the Mitchell bill are important to all Americans, but are especially meaningful for disabled Americans. Only about half of individuals with a severe disability had private health insurance in 1992 compared with 80 percent of persons with no disability.

HARKIN AMENDMENT

Senator HARKIN's bill further improves upon the Mitchell bill from the perspective of the disability community.

Senator HARKIN's amendment is simple, but important. It would allow insurance companies to continue a practice that greatly benefits people with chronic conditions and disabilities.

This practice is sometimes referred to in the insurance industry as "extra-contractual services" which simply means that, with a patient's consent, plans have the option of substituting high-cost treatments with equally effective, but less expensive alternatives.

This option is currently available under the Federal health plans and many private insurance policies—Senator HARKIN simply wants to ensure that private plans continue to have this option available to them.

Let me give you just one real life example of why it is essential to give health plans this type of flexibility. In California, a baby boy had been hospitalized for severe respiratory problems. With specialized care in the home, the child could have been discharged from the hospital. However, he lived in an area lacking any nearby physicians or hospitals and situated at an elevation of 9,000 feet—an inhospitable environment for a child with respiratory problems.

His doctor recommended that instead of keeping the child in the hospital, the insurance company should pay for a rental apartment and 24-hour nursing care. This alternative would cost $30,000 a month compared to $60,000 per month if the child had remained in the hospital. The mother consented to this arrangement, and the child recuperated beautifully in his new environment. Meanwhile, the insurer saved more than $30,000 for every month the child needed care.

Senator HARKIN's flexible services option amendment would simply clarify that such sensible, cost-effective arrangements could continue to exist under a reformed health care system.

I strongly believe that whatever health plan we pass this year, we need to guarantee that the legislation is sensitive to the needs of the disabled. As I mentioned, the Mitchell bill already has several provisions which would ensure access to appropriate health services for all Americans, including those with disabilities, such as services for outpatient rehabilitation, extended care, and home health care. Senator HARKIN's amendment adds another important provision to the bill that would benefit disabled Americans.

How people with disabilities fare under the reformed health care system is an excellent measure of how well that system is functioning. For if we pass a bill that meets the needs of the disabled, the health care system we create will likely meet the needs of all Americans.

CONCLUSION

Senator HARKIN's amendment adds an important element of flexibility for plans that want to provide cost effective services for enrollees. We already know this option is working for many people with chronic conditions and disabilities. This amendment would simply ensure the continuation of a flexible services option under a reformed health care system.

Let us make sure that under health reform, disabled individuals and the health plans to which they subscribe, have the maximum flexibility and options available to them.

I urge my colleagues to support Senator HARKIN's amendment.

Mr. HARKIN. I thank the Republican leader.

Mr. DOLE. Have we acted on the amendment?

Mr. HARKIN. Madam President, I believe all debate really has been finished on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 2572), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, I do not think there is any objection to the amendment on either side of the aisle. I congratulate the Senator from Iowa, who has done a lot of work in the field of disabilities.

Madam President, has leaders' time been reserved?

The PRESIDING OFFICER. Yes, it has.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2411 and S. 2412 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Let me now speak briefly on health care, first to include some editorials that have been appearing in different papers, and an op-ed piece which appeared today in the New York Times by Ross Perot.

In my view, and I think in the view of millions and millions of Americans, Mr. Perot hits the nail right on the head. He writes, correctly, that "No one can accurately estimate what [the bills Congress is debating] will cost American taxpayers."

And he accurately points out that Congress has a history of vastly underestimating the cost of new Government programs.

As Mr. Perot says, "With our $4.6 trillion debt, we can no longer afford to make such mistakes."

Mr. Perot also echoes what we are hearing from the overwhelming majority of the American people: "Go slow. Take our time. Get it right."

I ask unanimous consent that the op-ed piece by Mr. Perot be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times op-ed, Aug. 19, 1994]

BEFORE WE WRECK THE HEALTH SYSTEM * * *

(By Ross Perot)

DALLAS.—America's health care system—the world's finest—consists of tens of millions of very complex parts. It took nine years and $300 million, for example, just to develop and test Mevacor, the pill that reduces cholesterol. And that is but one tiny part of the health care industry.

The health industry is twice the size of the U.S. auto industry. It is 14 percent of our economy. It affects every American from birth to death. Successfully reshaping health care is far more complicated than building an aircraft carrier or designing the space shuttle or inventing the atomic bomb.

The Clinton Administration's health care plan was drafted in secret by talented, well-intentioned group whose leaders had little experience in health care. This plan did not attract widespread support in Congress, or with the American people.

Now the Clinton plan is being hurriedly redrafted into a variety of new bills by Congressional staffers who have little experience with health care. Most of these bills include a vast new Government bureaucracy to oversee the health system. Senate leaders are rushing to force a vote in the next few days on bills that have not been read. Moreover, this restructuring has been undertaken along partisan lines. The American people have been subjected to propaganda and emotional anecdotes instead of having these "reforms" explained to them in a logical and rational manner.

Worse yet, no one can accurately estimate what these bills will cost American taxpayers. We do know that the costs will be massive. In 1965, Congress thought the new Medicare program would cost $9 billion a year by 1990. The actual cost of Medicare in 1990 was $110 billion! With our $4.6 trillion debt, we can no longer afford to make such mistakes.

Can the Government effectively manage health care for the entire nation? Consider the nationwide health care program it manages now—our veterans' hospitals, where services are so poor that only 10 percent of veterans make use of this system.

But there is a rational way to improve the health system, deliver care to the uninsured and keep costs in line.

First, identify the parts of the system that need to be improved. Bring in leading authorities to design the improvements. When this detailed plan has been completed, explain the system carefully to the American people in plain language. Skip the propaganda.

Once a consensus is reached, carefully figure out the cost of these changes and frankly explain how health care will be paid for. Don't mislead the American people by claiming "companies will pay for it" and implying that health care will be free—indeed, it will be the ultimate hidden tax on the ordinary American, because companies will simply increase their prices and consumers will wind up paying the entire cost.

Finally, conduct pilot programs to make sure these improvements work as planned and their costs can be determined. The logical pilot group would include every member of Congress, every member of the White House staff and every Federal employee.

Testing a government-run program on Government employees shouldn't impose much of a hardship. They already have an excellent health benefits program, so they should have good ideas about the operation of a nationwide system. This would guarantee every citizen that any health care plan would be debugged, optimized and trouble-free before it is imposed on the entire nation.

Once the pilot operation is working successfully, at a cost we can afford, with the American people fully informed of the plan and its costs, the decision to make changes nationwide can be made with all the facts on the table and at minimal risk. Compare this rational approach with the propaganda, emotional appeals and name calling in Washington today.

Obviously, no one wants rationing of health services and waits of up to 18 months for surgical procedures, items that are prevalent in Government-run health programs in Europe, Canada and our own veterans' hospitals.

Democrats and republicans must work together to carefully design, test and price the new health system. Encourage them to go slow, take their time, get it right. What's the hurry?

Let's not destroy health care in a well-intentioned effort to save it. Remember, the first rule of medicine is "do no harm." The process I have described could take two years or more. It took nine years to develop Mevacor, just one ill. This is a process that we cannot short-circuit if we want a cost-effective health system that truly benefits the American people. In the words of the carpenter, "measure twice, cut once."

Mr. DOLE. Madam President, the Wichita Eagle, which is a highly respected paper in the State of Kansas, one of the largest Kansas papers, in-State papers, in an editorial dated August 17, says, "Forget health-care reform for this year; try again next year."

Let me make it clear that this paper supported health care reform from day one, initially supported the President's plan, supported all the efforts, but they have now concluded, and I think again properly so, that it is halftime and we do not have time to explain all these bills to the American people.

I understand we have eight different measures on the Senate side, counting the mainstream approach, which will be released sometime next week or when they get the language drafted.

So I think the Wichita Eagle makes a good point.

Also, an editorial from the Fargo, ND, Forum entitled "Put Brakes on Clinton Health Bus," and a piece by Robert J. Samuelson entitled, "Did the Press Flunk Health Care?" Obviously, the press flunked health care and maybe for the reasons he states, but also most of the press—they are all good people. Do not misunderstand me. This is a very complicated measure, and some of the members on the Labor Committee who have had hearings all year long, some of us on the Finance Committee have a little better understanding, but I do not know how many people understand a bill that is 1,400 pages, 1,444 pages. And there have been at least three of those, two revisions.

So it seems to me that the press wants to talk about mandates, and they always like to say, well, there will be a filibuster. As far as I know, there is no filibuster. And the mandate issue has not been addressed.

But I think the point Mr. Samuelson is making—he is a Democrat and economist—is nobody is worried about the cost. Somebody has to pay the cost. We can talk about all these things we are going to do and all the things we are going to add. And somehow some of us are heartless; we do not agree with everything.

Somebody has to pay the bill. And somebody is going to be a little heartless when we start giving these bills to our children and grandchildren because we did not want to resist anything that anybody asked us; we wanted to do everything for everybody and we did not care what it cost, just pass it on to the next generation.

In fact, the people heard statements by Senator ROBERT BYRD, the chairman of the Appropriations Committee, last night, and a statement of Senator MARK HATFIELD of Oregon, Democrat and Republican, talking about the cost—how much is it going to cost? Who is going to pay for it? If anybody around here ever made a case for a little postponement while we address some of these issues, I think both my colleague from Oregon and West Virginia did last evening.

We ought to keep in mind that some of these bills have not even been scored. By scored I mean the Congressional Budget Office, which is the office the President told us we should listen to for figures, they have not scored the so-called Dole-Packwood American option plan. They have not scored the mainstream plan. They have scored the Mitchell plan. They have not scored the so-called Gephardt plan on the other side, or the Rowland-Bilirakis plan on the other side. And here we are debating health care not knowing what it costs.

I do not know whether people walk in and just blindly buy anything, then look at the cost on the way home after they have paid for it. I do not think so. I think the American people expect us to address the cost.

I would say, with reference to the mainstream provision, they made a good effort. I met with them this afternoon. But again we do not know what it costs. And we will not have any CBO—we do not know whether their savings are accurate or how much it costs.

It seems to me it is almost the bottom of the 9th inning, some would say, as far as this legislative season is concerned. And I think most Americans have decided they do not care what you call the plan; they are going to be skeptical, as they should be, whether it is the Mitchell plan or the Dole plan or the Clinton plan or the Michel plan or the Rowland plan, the mainstream plan.

I think most Americans are very concerned about what it is going to cost them. Are they going to pay more for their premiums? And they are in some of these cases. Are they going to have any choices left? Not many in some of these plans. Mandates? Oh, they are going to have mandates in some of these plans. They are going to have price controls, a lot of new taxes, over $1 trillion in new spending and we have not even focused on the costs.

It is not, as the Senator from Massachusetts pointed out a while ago, who is more compassionate, the Members on that side of the aisle as opposed to the Members on this side of the aisle. We can play those games. It is really a game. It is unfortunate.

These minor amendments, probably all could have been accepted. We talked about cost in our amendments—a $10,000 civil penalty if some employer did not offer the right plan. If some little businessman or business woman in my State did not offer the right plan, they could have been subject to up to a $10,000 fine. That is in the Mitchell bill. It was taken out. Why? Because Republicans found it. That is why it was taken out.

And all these decisions are going to be made in secrecy. We had three charts yesterday out here. All these were going to be made in secret—lower your benefit, raise your premiums, all made in secrecy, not public hearings. That was in one of the Democratic bills. Republicans took it out. Those were rather major amendments.

We are trying to reflect the views of the American people. Then Senator MITCHELL himself offered an amendment amending his own bill which said in effect, your insurance continues even though you do not pay your premiums. Well, somebody has to pay. And so when it gets to be a bill that you do not have to pay your premiums, I think we are going to have a good signup. But again that was corrected.

So I do not think we can go around characterizing different amendments: Oh, well, we care about the people; we are more compassionate; we care more about disabled, more about children, pregnant women. That may sell in some circles but I do not believe, if you take a poll—and I saw a poll just 2 days ago by Frank Luntz & Associates. I do not know much about Mr. Luntz—48 percent of the people are worried about the cost—48 percent, not the cost of $1.5 trillion, which is the cost of the Mitchell bill over the next 10 years, what is it going to cost me, the consumer—$500 a year more, $600 a year more, $100 a year more?

They are also worried about access. Are they going to have access to insurance? So I would hope that we look at some of these things.

I ask that all of these be included in the RECORD, along with a letter from the Governors association. And this letter is signed by the Governor of South Carolina, Carroll Campbell, and the Governor of Wisconsin, Tommy Thompson.

Earlier in the debate, our plan was criticized by Governors in both parties, the Dole-Packwood plan, because we put a cap on Medicaid. And they thought that was a bad idea. So we worked it out with the Governors. The only problem was after we worked it out, we could not get the Democratic Governors to agree that it was worked out. So we finally got a letter from two Republican Governors, and in that letter they say that, because Democratic Governors are very anxious to criticize the Dole plan, they are not so anxious to say, well, you fixed it.

So I will just quote one. It says:

> Our representatives worked with your staff in good faith to develop your new proposal, and representatives of the National Governors Association and various Democratic governors were also involved in these meetings. The politics of this issue have so far proved impossible for Democratic governors to get beyond, but we are continuing to work with them so we can provide NGA's official written responses to your bill and other bills. In the meantime, we want to thank you for your responsiveness to the concerns of the governors.

I say to the Democratic Governors that we acted in good faith. I spoke to the Governors in Boston a few weeks ago, and they said, "You have a problem. When you put on a Medicaid cap, it is going to shift cost to the States." We worked that out. Where are these same Democratic Governors who were on TV in Boston that night and in the New York Times criticizing our plan on this provision? We worked it out, and they are silent. That is not how we get things done. I hope they will recognize that we made a good faith effort. They recommended that Senator MITCHELL use the same language we worked out for our bill in his bill. The mainstream group has taken the same language we worked out with all the Governors, Democrats and Republicans, and put it in their bill. Come on, if we are going to start playing politics at every level, we are not going to get anything done. Why not say, OK, you have worked it out, thanks a lot, and we appreciate your working together with us?

We heard a lot of talk the other day on preexisting conditions, on how little our bill did and how much the Mitchell bill did.

I do not think there has been any issue where there has been so much agreement. Republicans, Democrats, Independents, I do not care where you are in America, all say we ought to cover preexisting condition, and that you should not deny coverage on that basis. We have said that, and it is in our legislation, and it is in nearly all the legislation. It is in the mainstream group legislation. For some people, that may mean a very serious condition like cancer or the loss of a limb. For others, it might be something less serious like a skin rash.

Whatever the case, there is no doubt that these conditions lock people out of our health care system.

Just last Saturday—and since we cannot go home for town meetings—we asked 20 tourists to come into my office down the hall. They were from Maryland, West Virginia, Ohio, California, and a couple of other States. The very first question we had was from a man from Florida who had a preexisting condition; I guess he was about 55 or 60. He wanted to know how he would be helped by the various plans being discussed in Congress. It was a very legitimate question by a real person, not a Member of Congress, but a real person.

Over the last few days, there has been a lot of misinformation coming from the other side of the aisle over how the Dole-Packwood bill would solve these problems. So let me set the record straight.

Both the Dole-Packwood bill and Senator MITCHELL's bill contain a provision for a 90-day amnesty period. Both contain the same provision. That means that after health care reform is enacted, there is a 90-day period where anyone can sign up for insurance, and they will be guaranteed to get it—regardless of their health status, no questions asked. They have 90 days. Anybody can sign up, regardless of any preexisting condition.

Under the Dole-Packwood bill, once the one-time 90-day amnesty period has expired, insurers may impose some limitations on most people who wait until they get sick to buy insurance. If you did not have that rule and you did not buy insurance until you got sick, you would not have anybody willing to sell insurance. It is that simple. If we are going to do that, why not extend it to fire insurance, and if your house burns down, come in and we will sell you a fire policy. Or if you have a car wreck, come in and we will sell you an auto policy. This is also in the Mitchell bill.

Under our proposal, and under the Mitchell bill, if you are insured and change jobs or health coverage, you will never face a preexisting condition limit again. Never again. That was in our bill and in Senator MITCHELL's. If you have coverage and get sick, you cannot be canceled. It is in both bills. And your specific premium cannot skyrocket. That is in both bills.

If you are pregnant, that condition cannot be treated as a preexisting condition. A lot was said about that, and our bill was misrepresented. It is not a preexisting condition. A new baby automatically receives insurance coverage, regardless of the health condition of the baby.

There was some talk about newborns the other evening. We ought to keep the record straight. It is alright to say: I do not like the Mitchell bill, or I do not like the Dole bill, or the mainstream group's bill. But let us try to be accurate in our criticism, because if we are going to make a record for the American people, we ought to stand up and say I do not like it because—and then be accurate and tell them the truth.

Under both the Dole-Packwood bill and under the Mitchell bill, if you have no insurance coverage today, and walk in to buy insurance, you are subject to a one-time waiting period. This is to protect responsible people who maintain their health insurance from having their premiums go up because of people who wait to buy insurance until they are sick. If everybody is going to buy it when they are sick, then insurance will be very expensive and somebody has to pay for it. It will be paid for by responsible people that have policies out there today. That is not fair. That provision is in both bills.

Then they say, well, the Mitchell bill is going to prohibit any exclusion from coverage after the year 2002.

I wonder who would want to sell insurance if the Mitchell bill is enacted.

First, insurance agents are told what benefits must be included in the plans they offer, and what the plan will cost. Then they are hit with a tax on the plans the Government defines as too expensive. That is still in the bill, and there is an effort to try and take that out. Even though the public may be willing to buy these plans.

Mr. President, we all want to prevent insurers from discriminating against those who have been ill. We all want to remove barriers wherever possible, and the Dole-Packwood bill does that. It also assumes that individuals maintain some responsibility, and I think that has been corrected in my colleagues bill, the majority leader's bill, and we are pleased about that.

Finally, Madam President, as I said, the latest entry in the health care debate is outlined in the so-called mainstream proposal. I have had the opportunity, along with Senator PACKWOOD, to be briefed by a number of Members of this group. They are Democrats, Republicans, and they are friends of ours. They have worked hard, and they put together something they feel strongly about. Some of it is like the Finance Committee bill. I am a Member of that committee, so I recognize some of its parts. Some of it is taken from the American option in the Dole-Packwood proposal. Some of it may have come from the Labor Committee, or the bill by the distinguished majority leader, Senator MITCHELL.

But let me say, as I said, I do not see any medical savings accounts in the bill. It has a standard benefits package. It does not let you self-insure if you have less than 100 employees. A lot of people are self-insuring with less than 100 employees. It has a lot of different things in it. It has taxes that I have some concerns about. But I think, overall, it is a real effort, as Senator PACKWOOD said.

We have not seen the draft language. We understand we may not get to see that maybe for a couple of days. There are no CBO numbers on this package. We are told they may come next week or the next week. But, again, as I understand it, it is probably entry No. 8. It is somewhat different. It has different provisions. It is going to be a bill, not a package of amendments. So it is going to be probably a substitute to the Mitchell proposal, or the Dole proposal or any other proposal, the Finance Committee proposal, or the Labor-Kennedy proposal, whatever.

I think we just have to wait and see. You have to study it, analyze it carefully, and see what it costs, and then say OK; maybe this is a good place to start, or maybe it is a starting place. I do not know. But it is pretty late in the game. It is now mid-August.

I again do not know whether the American people are willing to say, "I do not understand all the other bills. I do not understand the other bills. I am merely going to focus on the mainstream bill, and I am really going to understand this bill. I am going to pay a lot of attention to whether they are going to buy into this program."

As I said to the group today, I think to the American people—I am talking about the average American across America; maybe 68 percent, maybe more—all these bills are so complicated, and we did not make them complicated. It is the way the system is; it is complicated. They do not know how much it is going to cost. They do not know about access, affordability, can they pay for it; if they are low-income, how much you are going to subsidize what I buy. To have another plan now come along for which we do not have the numbers, it seems to me it may be too late in the game.

I certainly encourage the majority leader to seriously consider giving us a couple of weeks to take a look at all these things when we get the numbers. We are not going to have the numbers for 10 days. Why do we not go back to our States and have some town meetings and get out there where the real people are and talk to them about this—kick the tires and look under the hood, as Ross Perot used to say; see what is in this bill.

We could be asked a lot of tough questions. We could not answer some. We could be asked them by young people. Every time I look around, I see a lot of young people. Nobody here is representing young people. Their premiums are going up. They are going to be community-raters. They are going to pay twice or triple what they should pay when they buy a coverage they do not want, because there is going to be a standard mandated package. You cannot buy less.

Up until yesterday, if the employer gave you the wrong plan, he was subject to a $10,000 fine.

So I would say, particularly to the younger generation, you had better tune in on health care, because you are going to get stuck big time. I think that is why we need to provide some more choices in our plan, as they provide in the Mitchell plan. Ours is not quite as extensive. You buy into the Federal plan, the Federal Employees Health Benefits Plan. If you are self-employed or employ less than 50 employees, you can buy into the plan.

Again, that was another topic discussed this morning where it was indicated there was a big difference on that side; and we were not prepared to do it on this side. Again, that is not an accurate statement. That is not, I might say, in the mainstream plan of theirs. There is no provision to buy into the Federal employee plan. I did not see one.

I think colleagues on both sides will have a number of questions once they have had a chance to analyze this package, and I just suggest that is something that ought to be looked at very carefully.

I ask unanimous consent that the material to which I referred earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUT BRAKES ON CLINTON HEALTH BUS

Two doctrinaire liberals are driving Bill and Hillary Clinton's health care bus at break-neck speed through Congress.

Someone should apply the brakes.

Sen. George Mitchell, D-Maine, and Rep. Richard Gephardt, D-Mo., are pushing health reform bills that don't have the president's name attached, but appear to be little more than slightly modified versions of his plan. Democratic leaders said again and again last week their plans are "not the Clinton plan." Then they advanced legislation that just might be.

Might be. That's the point. The majority of the House and the Senate don't know because Mitchell's 1,400-page bill hasn't even been read and analyzed by senators. Gephardt's bill, which also promises to be a 1,400-page nightmare, hasn't been written. Yet, House leadership predicts it will pass with Democratic support.

What's going on here? Why the rush?

Advocates of pushing through health care reform "right now" accuse opponents of dredging up the same arguments used against Social Security and Medicare. Maybe so. But Social Security and Medicare were not jammed through the Congress without sufficient discussion. Both programs stirred passionate debate that lasted for months. When finally passed, support was bipartisan and broad.

Health care reform is even bigger—by some estimates fully 14 percent of the nation's economy. It's also far more complex than Social Security or Medicare.

Despite the enormity of the risks of doing health care-reform badly, the president and his allies seem bent on rushing the process, apparently so they can tell voters before the November elections that Congress "did something."

We'd rather they did nothing than do something wrong.

The danger of shoving either Mitchell's or Gephardt's bill down the nation's throat is that without extended debate—in Congress, on editorial pages, on news broadcasts and talk shows, in town meetings, board rooms and union halls—Americans won't know what they are getting. The devil, after all, is in the details.

Consider one provision in Mitchell's bill:

A tax (up to 35 percent) on health insurance policies with benefits better than the basic package mandated by Uncle Sam—unless your insurance is part of a union contract, which would be exempt from the benefits tax.

Sleight of hand like the benefits tax will be exposed in extended debate in Congress. It's also the kind of outrage that would slip through virtually unnoticed if the process were rushed.

Slow it down. Do it right. Do it carefully, so as not to destroy the world's best health care system.

If it takes a filibuster by Sen. Phil Gramm, R-Texas, or Senate Republican leader Bob Dole of Kansas to stop the Clinton/Mitchell/Gephardt bus, so be it.

DID THE PRESS FLUNK HEALTH CARE?

(By Robert J. Samuelson)

As Congress debates health care, the press ought to be asking itself whether it has blown this story just as it blew the savings and loan scandal. The answer is yes, I think—though in different ways and for different reasons. We have not ignored this story, as we initially ignored the S&L crisis, but our vast reportage has not made health care any more understandable. We have not clarified in our own minds or the minds of our readers what the debate is ultimately about or shown sufficient skepticism about whether "reform" can work as intended.

In some ways, our problem is that health care is too many stories. It's about personal care, the economy, technology (high-tech medicine), ethics (who deserves expensive care?), styles of medicine ("fee for service" vs. "managed care")—and of course, politics and interest groups. We have written thousands of column inches on all these subjects and in the process have overwhelmed our readers and obscured some of the larger issues.

The most important of these is health spending. With good reason, this is what the "health crisis" was once about. Ever-higher spending is squeezing other government programs and, through employer-paid insurance, take-home pay. For example, Medicare and Medicaid now represent 17 percent of federal spending, up from 5 percent in 1970. President Clinton harped on high health costs in the 1992 campaign, and his initial plan did—on paper at least—deal with them. But the spending issue vanished as the Clintons focused on "universal coverage."

The press went along; the major media stopped listening to concerns about spending. In July, the bipartisan Committee for a Responsible Federal Budget issued a report warning that all health plans could involve huge spending increases. "Common sense tells us," the report said, "that everyone cannot consume more health care and pay less." The committee includes two former heads of the House Budget Committee (both Democrats), five former heads of the Office of Management and Budget (three Republicans and two Democrats) and the ex-head of the Federal Reserve. The report wasn't covered by The Washington Post, the New York Times, the Wall Street Journal or any major TV network news programs.

Sometimes editors and reporters don't even seem to read their own papers. On Sunday, Aug. 7, Robert Pear of the New York Times wrote a front-page piece saying that "the goal of cost control has been eclipsed by the furor over universal coverage." A solid story. Unfortunately, the Times' coverage the following week ignored health costs. At midweek, the CBO issued a report on Senate Majority Leader George Mitchell's health plan. Previously, the CBO had estimated that health spending could increase to one-fifth of the nation's income (gross domestic product) by 2004, up from a seventh today. The Mitchell plan, the CBO said, would increase it slightly more.

Now obviously, I have a point of view. I think health spending matters and doubt that these "reforms," if enacted, would work as promised. But it is not necessary to share my views to think that these are legitimate issues that haven't been adequately aired in daily coverage. If a major "reform" is adopted and doesn't operate as advertised, people will ask: Where was the press?

Good question. There have been warnings. Return to that CBO report. The CBO found that much of Mitchell's plan is probably unworkable. States couldn't easily determine who would be eligible for insurance subsidies. A tax on insurance would be "difficult to implement." It would not "be feasible to implement" Mitchell's so-called "mandate" without causing severe "disruptions, complications and inequities."

This strikes me as "news." The New York Times ignored it, and The Washington Post brushed it off with a couple of paragraphs in a small story. To their credit, the Wall Street Journal and the Washington Times ran major stories; likewise, NBC "Nightly News" reported these findings. But in general the major media tend to treat each of these health proposals as a coherent plan without practical problems. This makes the story a neat combat between "reformers" (implicitly good) and opponents (implicitly bad).

There is a paradox here. Many reporters seem infatuated with "reform" even when, by personal experience, they ought to know better. Journalists are supposed to be seasoned skeptics, and most Washington reporters are familiar with government's defects. We have covered agencies captured by "special interests." We know of many worthy but unkept promises. We know that Congress evades difficult (aka, unpopular) choices and, as a result, tends to march off in five directions at once. Yet the skepticism that this ought to breed withers in the face of an appealing "reform."

What also has been missed is the basic political nature of this debate. Once government decrees what insurance must cover (by creating a standard insurance "benefits package"), it has effectively nationalized insurance. The obvious way of doing this would be a single-payer system that taxes people and provides government insurance. But that looks too much like a government takeover. The use of "mandates" and regulation disguises this and seems to have fooled many reporters. Hundreds of billions of dollars of spending would still come under federal control.

By now it's clear that the public is deeply puzzled by the whole debate. The responsibility for this falls mainly on our political leaders. President Clinton and his critics have not been candid. They won't acknowledge that the goals that most Americans share—better insurance coverage, personal freedom in medical choices and cost control—are, to some extent, in conflict with each other. In this sense, there can be no ideal reform; somehow, incompatible goals will have to be balanced.

But the conflicts will not vanish just because Democrats and Republicans refuse to discuss them. The press's job is to bring candor and clarity to issues where political leaders haven't shown much of either. We don't make society's choices, but we can illuminate what those choices are. On health care, we haven't.

[From the Wichita Eagle, Aug. 17, 1994]

FORGET HEALTH-CARE REFORM FOR THIS YEAR; TRY AGAIN NEXT YEAR

What's shaping up as a political disaster for President Clinton—the impending collapse of health-care reform—could turn into a blessing for the country. The country needs a more efficient and humane health-care delivery system than the one it has now, but it seems highly unlikely that Congress can muster the courage to pass such a bill. The bills on the table don't meet that goal.

So the best course is for national policymakers to forget it for this year and fall back to regroup. Inaction would alter the political fortunes of the president and members of Congress—although how is far from clear because it's far from clear what the American people want Congress to do on this difficult and confusing issue. But inaction could save the federal government from an even more precarious financial crisis than the one it faces already.

The federal government is broke and falling deeper into the hole. For example, in the year 2001, without major changes in current law, Medicare could go belly up. As a highly credible 32-member bipartisan panel of budget experts chaired by Sen. Bob Kerrey, D-Neb., revealed in a frightening report last week, entitlements and interest payments on the national debt are eating up such a huge share of federal resources that by the second decade of the 21st century there will be no money for anything else—defense, education, highways, airports, medical research—unless Americans are willing to endure an economically crippling tax increase. Yet some members of Congress would add another expensive health entitlement.

The main health-reform plans under consideration in the House and Senate—loosely modeled on Mr. Clinton's original proposal last year—would accelerate this problem. They would hasten the day when government as we know it comes crumbling down, and when the nation's financial unraveling—in progress for about a dozen years now—is complete.

The original focus of Mr. Clinton's 1992 campaign pitch on health reform—a pitch that struck a chord with the electorate—was controlling the cost of health care, costs that have swollen to the point where health care consumes about one-seventh, or 14 percent, of the economy. But as the shouting match over health care increased in intensity last year and this year—it would be inaccurate to call it a debate because "debate" connotes intelligent and orderly discussion of a problem, and that hasn't occurred on health care—the focus shifted. Now health reform is a contest between conservative "meanies" who want to deny Americans universal health coverage and liberal "spendthrifts" who want to give every American coverage and stick business and the middle class with the tab.

Meanwhile, the voices of those with a vested interest in health-care delivery have risen to ear-splitting intensity. The environment is polluted with all manner of exaggerations, distortions and out-and-out lies aimed at scaring the American people into backing one course or the other.

As The Eagle has said many times since Mr. Clinton launched the issue last year, universal coverage is a laudable goal, but the main objective of health-care reform should be cost control—led by the restructuring of the government's two big and burgeoning health programs, Medicare and Medicaid. It's possible to have both cost controls and universal coverage if—if—Congress is willing to mandate a basic health-care package for all Americans, while prioritizing the expensive and exotic medical procedures that drive costs through the roof.

Well, let's pretend that this is a football game, that no one has scored yet and that it's now halftime. Let's let the combatants retire into their locker rooms until the main halftime event—the election—is over, then resume work on the problem next year. Maybe, just maybe, they'll get it right in the second half.

OFFICE OF THE GOVERNOR,
August 16, 1994.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Several weeks ago, we sent you a letter in which we outlined our major areas of interest in national health care reform. In that letter, we discussed our preference to fully integrate the acute care portion of the Medicaid program into a new low income subsidy program. We also strongly opposed your cap on the federal portion of the Medicaid program. In private conversations and publicly when you addressed the National Governors' Association in Boston, you pledged to work with the governors on a bipartisan basis to address our concerns about the structure and financing of Medicaid. Over the past several weeks, your staff has worked effectively with governors' staffs on these issues, and we appreciate that you have fulfilled your commitment.

We believe that the approach to Medicaid reform presented in your legislative proposal

(S. 2374) meets our goal of integrating, to the greatest extent possible, the acute care portion of Medicaid into a new low income subsidy program. This approach is equitable to the working and non-working poor in that it makes the same benefits packages available to all who qualify for subsidies and removes the categorical distinctions of Medicaid.

By allowing states the option to fully integrate acute care Medicaid into the low income program at the time the program starts, you allow states to choose to move to a maintenance of effort financing mechanism immediately. By providing a three-year window during which states could continue to run their current programs subject to state and federal spending caps, you allow states the option to reduce their MOE baseline. Using the year before a state integrates as the baseline year gives us attractive flexibility.

We support your general approach to providing supplemental benefits for the new low income subsidy program by providing a capped entitlement to states to target benefits outside the basic benefit package to populations most in need. Your approach makes a broad array of services potentially available to a larger population while being mindful of state and federal budgets. As you know, however, a few states might want to have the option to provide some of these benefits as individual entitlements, and we would like to continue working with your staff to refine the details of this provision.

Although we have focused primarily on the Medicaid and low-income portions, it also appears that your bill is much more state-friendly in terms of regulatory flexibility. However, we note that under most health care reform bills which have been introduced, states will have major administrative, oversight and enforcement responsibilities, and we would also like to continue to work with you in this area to make sure the regulatory scheme makes sense.

As vice chair of NGA and co-chair of the NGA health task force, we believe that everything we have said in this letter is consistent with the positions taken by the National Governors' Association in official policy and in our major policy interpretation of the Medicaid/low income subsidy program. That view is strengthened by the fact that governors of both parties have pointed to your legislative language on Medicaid as a framework for other bills. Our representatives worked with your staff in good faith to develop your new proposal, and representatives of the NGA and various Democratic governors were also involved in these meetings. The politics of this issue have so far proved impossible for Democratic governors to get beyond, but we are continuing to work with them so that we can provide NGS's official written responses to your bill and other bills. In the meantime, we want to thank you for your responsiveness to the concerns of governors.

Sincerely,

TOMMY G. THOMPSON,
Governor of Wisconsin.
CARROLL CAMPBELL,
Governor of South Carolina.

(Mr. KERREY assumed the chair.)

CRIME

Mr. DOLE. Mr. President, finally, I would say that there is one thing, I guess, we are going to do before we leave—and I will conclude; I know the Senator from Maryland has been waiting—and that is to complete action on a crime conference report.

I listened to the President carefully at 1:30. I think it is a positive development. He indicated that he is willing to work with the Republicans.

I must say, the President has a strange interpretation of bipartisanship. You stiff the other side as long as you can if you do not need them. That is fine. But if you need them at the last minute, then you scream for bipartisanship. That is a different way than I think we do it in the Congress. If you do not start off together in a bipartisan way, it is pretty hard to get people to come on board after the takeoff—after the crash landing, in this case. It was a crash landing.

So they are back in conference as we speak. Hopefully, they will cut out some of the pork, and there is a lot of it in there. Some was put in by Members on both sides. So I am not going to start reciting where the amendments came from, but I must say, I know there are a lot of Appropriations members who have been in and out of here today.

If someone asked about some program that affected my State or the State of Washington or the State of Maryland, or any other State, and we did not have a hearing on it and it was over $1 or $2 million, we would be in real trouble. There is about $9.5 billion in spending in this so-called crime bill that there has not been 1 minute's hearing on, not 1 minute—$9 billion.

So if that is the way you want to work it, I guess that is OK.

The President did say he now supports the public notification provision in the law, and that is a step in the right direction. But I do not think a 10-percent across-the-board cut is 100 percent, right? I hope they can negotiate that, because we ought to. We should not take it out of police hiring. The President says there are going to be 100,000 police on the street. Some people say that is not true, that we are lucky to get 20,000 on the street. Even that is better than zero. If you cut a 10-percent cut across the board, you are not even going to get 20,000, and you are not going to get to build the prisons. One thing, when you lock up a violent criminal behind bars, he is not going to commit a violent crime.

We ought to take all these cuts out of social programs that are in terms of billions, not millions of dollars, and we ought to put that back in some of these tough proposals that were kicked out in conference, or I guess it was a conference. I do not know. The Republicans were not able to participate. Normally, they do not in a crime conference. After the first day or two, the Democrats get together and decide what ought to be in the bill. And particularly House Republicans are treated as I do not know what—they are not treated at all.

We ought to take Senator SIMPSON's proposal requiring the swift deportation of criminal aliens and that ought to be back in the bill. It was taken out. If you have criminal aliens in America, why are they not deported back to their country? Why have them coming to America? What is wrong with that? Why do the Democrats not understand in the conference there is nothing wrong with that?

Why do we not have a mandatory minimum sentence. If I use a gun in the commission of a crime and I am convicted, I ought to have a mandatory prison sentence. That was kicked out in conference.

Why are we talking about guns and attacking people with guns? What about someone using a gun? Why not go after the perpetrator, someone who is going to pull the trigger? The gun is not going to go off by itself. If someone uses a gun in the commission of a crime, there ought to be a mandatory prison sentence.

Also, there was a little loophole they found, a retroactive repeal of mandatory minimum penalties. You could have 10,000, up to 16,000, drug offenders back on the streets if this bill passes without change. People who have been convicted of serious drug offenses could be released early under this bill.

So I just suggest there is still some time for compromise, and it is probably a little late. A lot of bipartisanship is better late than never. You generally start on bipartisanship at the beginning of the game, the takeoff, not after the crash landing, and it was a crash landing when the House did not approve the rule last week. Democrats joined the Republicans; 58 Democrats joined the Republicans. So it was bipartisan. It was a bipartisan protest of a bad bill.

Here is the bill that left the Senate at $22 billion and then went up to $33 billion in conference; $11 billion was added, most of it again without any hearings, without even all the conferees in the room, and for a lot of social programs. Someone said that when you call 911, you are not going to get a policeman, you are going to get a social worker on the phone if this bill passes, because that is where most of the money is going to be spent.

I hope there will be a conference. I assume it will come here next week. It is my hope that we take up the crime bill, that we see whether or not it is subject to a point of order and whether or not a point of order can be sustained. If not, it is open to amendment, and maybe the amendments will not be necessary. But then, after that, as I have been saying—and I see one of the chief architects of the mainstream approaching—I hope after we deal with the crime bill, and I said it was a real effort and I compliment all those who have been working so hard to pass it for not several days, but several weeks and in some cases, months.

I hope we will have some time while we are waiting for CBO figures on the mainstream and other bills that we might be able to get back to our States and talk to our constituents about health care, and then come back in September and see if we can wind it up, because we made a lot of progress. As everybody knows, we finished all the appropriations bills, almost a record. They have all been completed. Conferences are going on, and most of the other—in fact, all the must legislation—has been completed except, I guess, the crime bill, health care, and some might say campaign finance reform. It depends on what shape it is in when it comes back. And maybe a few other things.

So I conclude if there is bipartisanship on the crime bill, it will probably pass with a pretty good bipartisan majority. If not, then I assume the President will have to sweat it out tomorrow or sometime next week to see if he can squeeze out 218 votes on the rule.

Mr. President, at today's news conference, I was pleased to hear that President Clinton has convinced himself that good-faith negotiations with Republicans may be the ticket out of the crime-bill morass. That is a positive development, but after listening to the President and Mrs. Clinton last weekend railing about procedural tricks and other political gimmicks, I must say they have a very odd view of bipartisanship.

At the news conference, the President indicated that he now supports the public notification provisions of the Megan Kanka law. That's a step in the right direction, but the President must understand that his second proposal—a 10 percent cut across the board—is a 100 percent nonstarter here in the Senate. The focus should be on cutting pork, not on cutting prisons or police, as the President seems to have suggested. Any cuts should be from the social-spending account, and they should be in terms of billions, not millions, of dollars.

Regrettably, the President also failed to mention some of the tough-on-crime proposals that passed the Senate last year and should be part of any crime bill compromise: Mandatory minimums for those who use a gun in the commission of a crime; mandatory restitution for crime victims; Senator SIMPSON's proposal requiring the swift deportation of criminal aliens; and the provision ensuring the admissibility of similar offense evidence in sexual assault cases.

And let's not forget the retroactive repeal of mandatory minimum penalties. As a result of this misguided proposal, as many as 10,000 convicted drug offenders could be eligible for early release.

Yes, there's room for compromise, but the President will have to come our way. That's what bipartisanship is all about. And, in the end, it may require him to do some heavy lifting within the ranks of his own party.

Unfortunately, the administration has stood back silently through most of the crime debate here in Congress. It never had a crime bill, never sent one to Congress, never showed one to me. And, the administration was AWOL in the debate over the so-called Racial Justice Act. If the administration had early-on staked out a clear-cut position against this flawed proposal, months and months of delay could have been avoided.

Now that the House has recommitted the crime bill to conference, we have a real opportunity to pass the kind of tough, no-nonsense crime-fighting plan the American people deserve. But, as these negotiations begin, the administration should be on notice that a tinker-around-the-edges approach just won't fly here in the U.S. Senate.

I yield the floor.

HEALTH SECURITY ACT

The Senate continued with the consideration of the bill.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, it is late on a Friday afternoon. I listened to the comments of the distinguished Republican leader, and I regret the sharp cutting edge to them at this point in the debate. As we wind down this week's debate, one would hope, as we depart for the weekend, we would look forward to next week and coming here in a positive and constructive way to address the health care issue.

In fact, I am reminded of the comments the majority leader made at the very beginning of this debate when he first laid down the Mitchell proposal. And I want to quote him. He said:

> Madam President, this should not be a political debate. It should be a debate about the best way to deal with the real life problems of real life Americans when they fall ill, when their children fall ill, and when their parents age and need care. There is nothing political about that.

And then later he said:

> The future quality of life of millions of Americans depends on how firmly we put aside partisanship now and concentrate instead on crafting the best possible reform legislation that we can.

Now, we have seen a lot of time spent, to put it in the vernacular, dumping on the majority leader and his bill. It has been interesting to watch. The other side made some criticism, and the majority leader said, "Well, those sound like good criticisms. I am going to incorporate them and adjust my bill." Then we get the supposed cries of outrage that, "The bill has been adjusted. This is not the same bill you put in a few days ago. You have made some adjustments to it."

Of course, the adjustments were made in response to the suggestions and the observations that were made from the other side. So the very people who say changes ought to be made, when the changes are made, then they criticize the majority leader for making the changes.

At the outset of the debate, the majority leader said: "As we begin this debate, I want to say again what I said several times previously—that I look forward to constructive suggestions to improve the bill I introduced last week. Democratic and Republican Senators have been active in the health care debate for well over a year." Let me emphasize that. "For well over a year. Many have valuable contributions to make."

And then the majority leader went on to say this, and I was particularly reminded of his comment as I just listened to the Republican leader, Senator DOLE. And I am now quoting Majority Leader MITCHELL.

> It is my goal that the Senate pass the best possible health care reform bill, not a bill with a Democratic label or a Republican label; not a bill with my name on it, or the name of any Senator on it, but simply the best possible bill that will reach the goal we all should share, guaranteed private health insurance to provide high quality health care for every American family.

Let me repeat that.

> * * * Not a bill with a Democratic label or a Republican label, not a bill with my name on it or the name of any Senator on it, but simply the best possible bill that will reach the goal we all should share—guaranteed private health insurance to provide high quality health care for every American family.

And when he closed his opening statement, Senator MITCHELL said:

> I say to Members of the Senate that it is time to act. I believe my bill is a good starting point for action. I welcome constructive suggestions and alternatives to it. I look forward to the debate. Let us debate. Let us amend. But in the end, let us all do what is right for the people of this country.

Now, I very strongly agree with that. I think we have to work at these proposals. That is what we were sent here to do. I do not think we should be trying to score partisan points off one another.

I regret what I saw transpiring earlier this week, when Senator MITCHELL had to take the floor to make the point that very important aspects of his legislation were being completely misrepresented.

Let me just pick one item. He talked about the subject of choice. A Senator from the other side said, "if this plan is adopted, Americans will lose their choice."

Senator MITCHELL said, "That statement is untrue, categorically untrue." And then he went on to outline how, in fact, for many, many Americans the proposal contained in his legislation would provide more choice than they have today and how hard he has worked to protect choice on the part of the American people with respect to their health care.

He stated, "I think it is important that Americans understand that my bill will do the opposite of what our colleagues have alleged. It will greatly increase choice in health plans and it will preserve fully choice of providers. Anyone will still be able to see any doctor they want, choose anyone they want to see in nurses or any other form of provider."

What is happening, as I perceive it, is an effort is being made to scare and confuse people. When you come to deal with major legislation such as this which affects everyone, of course people are concerned. They ought to be interested. They want some sense of what are the changes in the health care system that are going to take place. People know what they have now. I think many people perceive it as inadequate. I do not think the American people would say we have a health care system in place that fully addresses all the needs and problems of our population. Therefore, we need to address those questions. But we need to do it with a reasoned debate.

The first thing that needs to be done is to say, here is a problem. Do you agree that this is a problem or do you dismiss the problem or diminish the problem? That is the first question. If there is agreement that there is a problem, for example, people are not covered, people will lose their health insurance. Do they need to be addressed? If so, then how do we do it?

Now, in effect, the proposals to simply fold our tents and walk away, come perilously close to suggesting that there is no problem. We are here now. We need to address this issue. The time to deal with the health care issue is upon us.

Now let me make some observations more broadly about this health care issue.

We devote a much higher percentage of our national resources to health care than other advanced industrial countries. And yet we fail to provide coverage for the entire population that is provided in those other advanced industrial countries.

In other words, the current system in the United States spends significantly more as a percent of our national income on health than other advanced industrial nations and yet provides less comprehensive coverage for a substantial portion of the population.

We are spending 14 to 15 percent of our gross national product on health care. The next advanced industrial country in terms of percentage would be Canada, at about 10 percent; we are spending almost half again as much. Germany and France then follow in behind Canada. Unfortunately, we do not provide, even with a much higher health care expenditure, the comprehensive coverage that exists in those other countries.

Does it not serve our purposes to examine what is happening elsewhere. In fact, invariably, visitors from other advanced countries when they come to the United States are impressed with the very high technological advances that exist at the very upper end of our health care system, but they are also struck by the extent to which the ordinary American is at risk from major illness, in terms of suffering a financial disaster.

We have a substantial number of our population who have insurance but live in constant fear that they will lose it. We have another significant number without insurance at all. We have people with bare-bones coverage, or such large deductibles that it covers, in effect, only catastrophic events, and they are constantly taking a hit with respect to health care costs because they cannot afford the insurance that would provide adequate coverage.

Currently, we have people locked into jobs they would otherwise leave but cannot because they have a preexisting condition and if they depart the plan they are under, they will not be able to get full health care coverage. If they depart and go to the other plan, they get covered with the exclusion of the preexisting condition, which is of course the dominant reason why they need the health care coverage.

It is some crazy system, when you move and you want to change a job and you want to get health insurance coverage, and they say: We will cover you for everything but this very condition, which is the source of the individual's health problems. What kind of insurance is that in terms of an overall system that provides real insurance protection against health care costs?

We have people with serious illnesses who find they have lifetime insurance limits which are exhausted long before their need for coverage ends. We have families with children with medical conditions. The families are red-lined out of coverage, thereby putting the entire family at risk. The list goes on and on and on.

One of the reasons I think this is such a critical issue is that I think most people would accept the proposition that health care is a fundamental human need, and that in a just society there ought to be a way to provide for it. In fact, it is demonstrated in our society because the people who do not have coverage when they get ill go to an emergency room or to a hospital, and we provide the coverage and then it is paid for by others. That is cost shifting, which is one of the problems with the existing health care system.

It would be a very hard society that said to someone: You do not have the money to pay for your health care and therefore you must go without. Actually, that happens to some extent in our existing society because they never get to the emergency room, in many instances, until they are in very dire, dire circumstances. In order to be a decent society, our Nation should have a health care system that has a place in it for all Americans. Therefore, I think we need to address the issue of universal coverage. In fact, what is happening now, because we do not have universal coverage, is that many people are paying twice. They pay for themselves and then they end up paying for the people who are not covered.

Take two small businesses that are in competition with one another. The owner of one small business wants to do right by his employees and he has a health care plan for them. Let us assume he pays part of the premium and they pay part of the premium. His competitor down the street, another small business, not sensitive to that need of his employees, has no health insurance. The employer who provides health insurance incurs a cost in order to do so, which then places him at a competitive disadvantage with the employer who fails to provide it.

So, in a sense, the irresponsible employer, in terms of how he deals with his employees in not providing for their health care needs, gets a cost advantage in the competition between these two businesses because he does not incur these health care costs, whereas the other employer who is trying to do the right thing by his employees, does incur these health care costs.

That is not the end of it. To compound this competitive disadvantage, when the employees of the employer who does not provide health insurance get sick and have to find health care somewhere, they go to the emergency room of the hospital. And, of course, the hospital provides them health care. They have no insurance; they cannot pay for it.

What does the hospital do? The hospital factors the cost of providing that unpaid health care into the charges that are made to those who do have insurance. In other words, it gets fed into the premiums of the people who do have insurance—which, of course, includes the premiums of the employees of the competitive small business, the one that is providing insurance. So the competitive small business that is providing insurance incurs the cost to begin with of providing for its people, and on top of that incurs an extra cost in its premiums because of the charge that is made to cover the hospital care that I just indicated.

So, in effect, the businesses which currently take the responsibility to provide good health care coverage for their employees are paying for those businesses that do not take that responsibility. We need to work out a system of universal coverage so all people are covered, and not only to address questions such as those, but also to address the question of the affordability of the health care system. We obviously need to find ways to reduce the rate of increase of costs in the health care system. In other words, we need meaningful cost containment. But that is related to achieving universal coverage. Otherwise, you are going to continue to have cost shifting taking place.

We talk about the projected rise in the cost of health care, and obviously it is a matter of concern. Those parts of the health care bill that are met through public expenditures are projected to increase as we move out toward the end of the century. That would then be a concern as we try to address the budget deficit.

People who have insurance are concerned about the rise in premiums which they are constantly confronting. Small businesses which do cover their employees face rising health care costs which are reflected in the cost of the premiums which they must pay. So everyone has an interest in effective cost containment. But to achieve effective cost containment and to deal with the cost shifting issue, you need universal coverage. That is why developing a system which achieves universal coverage is extremely important.

I want to point out, because we talk about the deficit on the financial side—and that is a very important consideration—but I also want to point out that there is a deficit on the health care side as well, and it is important to keep that in mind.

A significant number of Americans are experiencing today a deficit on the health care side. They are not getting the kind of health care which would help to build a truly healthy society. People are in constant apprehension and fear on the health care issue. There is no question about it.

Unfortunately for many, they do not fully appreciate the import of this question until they are hit themselves by a major health care problem. As I said earlier in the debate, when the Senator from Iowa offered his amendment dealing with the disabled, many people do not fully appreciate the burdens of that until it actually happens to them. I think it is very important for people to step back for a minute and think to themselves, "There but for the grace of God go I," and to recognize that these major illnesses can strike anyone at any time. It is, in many instances, simply fortuitous who is affected.

Now, there are aspects of one's health care that are not, and I am going to address that shortly when I talk about preventive health care. But many of these major severe illnesses strike people, in a sense, like a bolt of lightening. It is nothing they did. They may well have done everything right not to have a serious health problem, and yet they are hit with a serious health problem.

Obviously, insurance is based on the principle that by pooling the risk you can provide coverage. You may never have to use the coverage. Some would say, if that happened, "Well, I wasted the money on the payments." What they really should say is, "I'm grateful that I was not struck by major illness, and I covered myself in case it happened. I was able to provide for myself and my family in case something of that sort happened. It didn't happen, and we were blessed that this was the case."

Let me turn briefly to the choice issue, which is obviously important. We need, of course, to maintain choice—choices of doctors, choice of health plan—so people can exercise some discretion in their health care decisions. In many respects, choice now in the American health care system is being significantly curtailed. In fact, the proposal contained in the Mitchell bill and, indeed, in other proposals that are before us—other legislation that has been proposed—provide more choice for many Americans than now exist.

Under the current system, most Americans are insured at their workplace, in many instances where their employer negotiates a plan with an insurance company and presents it to the employee.

In many, many instances, the only choice available to the employee, to the individual, is either to participate in that plan, period, or to forgo coverage as far as it being provided, usually in some shared way by the employer, obviously. As we address this question, we need to enact legislation that protects the rights of individuals to choose their health care plan. And most of the serious proposals that are before us seek to address this matter—the Mitchell proposal offers people three types of health insurance, one including a traditional fee-for-service plan.

It is an important question and we need to focus on it, and we need to together work out a solution to it.

But make no mistake about it, under the current system—in other words, if we do nothing, just continue as we are—under the current system, the trend in this country is toward significantly restricting or limiting choice, not toward expanding it. In fact, as the cost of health care increases—again because we have not developed a system where we can have effective cost containment—more and more employers are choosing approaches in which the individual's choice is further limited. So the people actually now are finding that they do not have a choice of health care plans and they do not have a choice of health care providers.

I listened the other day as these criticisms were being made of the proposal that Senator MITCHELL put forward on the choice issue. And I could not help but think to myself, the amount of choice now is being curtailed and what Senator MITCHELL is proposing in his legislation, and what others have proposed in legislation—he is not the only one, of course, sensitive to this issue in terms of the proposals that they have now brought before the Senate—is more choice. Let me just quote him:

> It will greatly increase choice in health plans, and it will preserve fully choice of providers.

Let me just turn briefly to the quality issue, which is, of course, a very important question. As I said before, we have at the top line, at the most sophisticated level, health care that is unparalleled worldwide. Unfortunately for many Americans, the current system is too expensive or too inaccessible to allow access to such health care.

What we need to do is ensure the continuation of the high quality of care that exists, while expanding access to it. I do not pretend this is a simple issue, but it is an issue that is possible, in my judgment, to solve. And people who have that access now need to always keep in mind that they are in risk of losing it tomorrow. People get sick, they find their insurance canceled; children get ill, parents find that there are maximum limits on the coverage that is available to them; an individual gets laid off and cannot acquire insurance because of preexisting condition; middle-income families are increasingly finding themselves priced out of the market. We have not gotten effective cost containment so they end up consistently downsizing their health care coverage, then they are hit by something major, the coverage is inadequate, the financial burden of that, in effect, wipes out the family.

I have two of the world's great academic medical centers in my State, the University of Maryland and Johns Hopkins University. Of course, much of the quality of American medicine comes from the work that is done in the academic health centers and, therefore, it is very important, I think, in any legislation that is before us that we focus specific attention on the status of the academic medical centers and how we provide for them.

That is done in the Mitchell bill. It is done in other legislation that is before us. It is very important that this be part of the ultimate solution.

Now, Mr. President, let me turn for a moment to preventive health care. One of the most significant developments that could come from a rational health care system that embraces all of our people is a shift in the focus from curative health care to preventive health care. This offers to all Americans the possibility of longer, healthier, more productive lives. It would be one of the most effective ways to hold down health costs. We need to shift the emphasis of our health care system toward preventive health care. Now it is focused on curing people after they become ill instead of keeping them from becoming ill in the first place.

Now, there are a number of employers who recognize the desirability of this. They have developed workplace wellness programs, often fully funded by the company, designed to achieve this very objective. The Baltimore Gas & Electric Co. in my State has such a model program. It recognizes a very simple proposition, that it is cheaper to keep people healthy in the first place than to try to make them well after they become ill.

Now, there are three basic components of prevention: clinical, community based, and policy. Clinical preventive services include immunizations. The benefit-to-cost ratio from the immunization programs are staggering. The expenditure of a relatively small amount of money for the immunization realizes tremendous savings in not having to deal with illness.

Screening for early stages of disease. Again, if you catch the disease in the early stage, it is obviously far better for the individual's health, and it also saves you a lot of money.

Important community-based preventive services include injury prevention programs, a protection against environmental and occupational hazards, health education, disease surveillance. All of these help to meet the problems that might arise from vulnerable populations. Programs can be developed to improve individual health practices—something we need to pay more attention to in this country.

I spoke earlier that it was fortuitous for people, whether they were hit by a major illness or not. On the other hand, it is clear that many people are not engaged in the kind of health practices that would enhance their health and make it more likely that they could continue to be healthy and productive members of the society.

We need increased investments in all three areas to better educate people about public health and the importance of prevention and improving and protecting the health of all Americans. And the Johns Hopkins University School of Public Health, the Nation's oldest school of public health, is, of course, a leader not only in our own country but worldwide in trying to place an emphasis on those programs and has consistently documented the savings to be realized.

Senator DODD offered an amendment early on in the debate moving up the effective date for providing prenatal services for low-income pregnant women. Every study has shown that not only is that clearly better for the health of the mother and the child, which is, after all, the prime concern, but, in addition, the cost savings are extraordinary because the costs involved in looking after children who have been born prematurely are enormous.

Any large hospital that has a substantial pediatric unit can show you these premature birth babies and the enormous costs that are being expended on them. Clearly, it would be far better to take a portion—it is a very small portion—of that money and spend it earlier for prenatal care and better health practices so that you do not have the premature birth to begin with.

We have to start thinking in a more reasoned and rational way about this issue. We have built up a system that has many, many good aspects to it, but there are blanks, there are large blanks. The costs continue to rise at above the rate of inflation. Actually, a year or two ago, it was double the rate of inflation.

With all of this discussion about health care and about health care costs, and the concerns in the health care industry, the increase in costs has come down a bit. I understand that historically such restraint has happened every time we have had a serious debate in the Congress about health care costs. There seems to be a tendency out there, feeling the pressure, to restrain the costs and then once the debate fades from view to go back to the higher trend line. And as I said, only 18 months or 2 years ago the trend line in the increase in health care costs year to year was running at double, more than double the trend line for the ordinary CPI and the cost of inflation.

So as we conclude this week and look forward to next week, first of all, I urge that we continue to stay with this issue. We have not faced this issue in the serious way that it is now being dealt with in a very long time in this country, indeed, if ever. I understand the issue is complicated. And I understand that the issue is controversial. There are sharp differences of opinion about what ought to be done. Unfortunately a great deal of hyperbole is being used in some of the debate. I think Senator MITCHELL and his proposal were subjected in the debate this week to a verbal assault that departed from reality.

As I said at the outset, we need to identify the problems and see if we can reach some range of agreement on the dimension of the problem.

Obviously, if one person feels there is a problem and another one does not think there is a problem, then they are going to differ over what ought to be done about it because the latter person will think nothing should be done because he does not think there is a problem.

When we talk to our constituents, they identify problems. Often what happens, unfortunately, is in order to identify the problem people must have experienced it. Some people, unfortunately, if they have not experienced the problem, find it difficult to imagine that it might happen to them even though it is clear that that possibility very much exists. I have in fact talked to people who had never experienced one of these problems, preexisting condition, exhaustion of coverage, being red lined in terms of insurance with one of their children, not able to obtain insurance for one of their children, and find they are not sensitive to it. So they tended to have one attitude about health care. Then, unfortunately, they experienced the problem, and they came to understand that there was a blank in the existing health care system. There was a flaw in the existing health care system that failed to provide for such situations. All of a sudden that situation came into their lives. And then they saw, firsthand, with a personal and immediate impact, what the flaw of the system was. I think we have a responsibility, in the course of analyzing this problem, to identify those flaws and to seek to do something about them. People should not actually have to go through that brutal process, which is destructive for many families, in order for us to come out at the other end and say we have to do something about this weakness or this flaw in the existing system.

Senator MITCHELL has made a real effort to build on the existing system. He has taken the existing system and sought to add to it. It is not a radical restructuring of the system. In fact, it is a shift even more toward private health insurance and coverage.

I hope we may be coming closer to focusing intently on the substance of the problem before us. I do not think we ought to leave the field on this issue. I think we need to stay with it and work through it, and we need to try to work through it in a reasoned and rational way. Senator MITCHELL was very clear himself that he thought his own legislation should be amended. In fact, he said the opening day at the conclusion of the debate, "I believe my bill is a good starting point for action. I welcome constructive suggestions and alternatives to it."

I do not agree with some of the proposals in his or in the other legislation. I do not think, in some instances, they fully recognize the problem. And if they fully recognize the problem, I do not think they provide an adequate solution. I am prepared to discuss both of those dimensions in a reasoned fashion. I do not think we ought to engage in this kind of labeling, a lot of which has happened over the last couple of weeks, because the task in which we are engaged is too significant and too important for that. We are truly engaged in a debate of historic dimensions, and it ought to be a debate about the best way to deal with the real life problems of real life Americans when they fall ill, when their children fall ill, when their parents age and need medical care.

The health care debate is not about a particular party's proposal, not about a particular Senator's proposal. The health care debate really goes to the heart of the quality of life of all Americans. I think that the future quality of life of millions of Americans depends on our ability to engage in a process here of crafting the best possible reform legislation of which we are capable. And I very much hope, Mr. President, we continue to move forward in that task.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not disagree with many of the things my colleague from Maryland stated about the need to pursue health care reform. But his initial statement seemed to indicate the partisanship on this side and the statesmanship on that side. I hope there is statesmanship on each side.

It has been reported to me that the White House has a daily meeting with certain of my colleagues on the Democratic side, and they give the orders and suggestion to go out and demonize BOB DOLE and the Dole effort. Maybe that is not partisan, but it appears to me rather partisan. That was reported to me. It was brought up at the luncheon that the way to succeed is to go out and demonize the Dole-Packwood plan and the American option. Maybe that is not partisanship, and it is statesmanship.

I think we have to address the differences in these bills. If we do not, the American people are not going to know. If we are not willing to define the differences accurately in all of these bills, then I think we are doing a disservice to the American people. I assume, having been around here for a while, that there has been some of that going on for some time.

I remember that during the last several months of the Bush administration, every Friday the Senator from Maryland, the Senator from Tennessee [Mr. SASSER], and the Senator from Michigan [Mr. RIEGLE], would rush to the floor at three in the afternoon and spend a couple of hours berating President Bush and his economic policies. Maybe that was not partisanship; maybe that was setting the record straight, or statesmanship.

So I suggest that we understand the politics when we see it. We have been castigated—or I have, and our plan has—by the President and by Mrs. Clinton, and by a lot of special interests that line up with the Democratic Party. We try to ignore most of that, because we think there should be an effort to get a health care bill. But to indicate what the Senator did—that it is all on this side, and nothing is ever said of any political nature on the other side—to me, either the Senator has been absent the last few days, or somebody has not informed him of some of the debate that has gone on. So we are prepared to continue discussing health care reform. It is an important issue. I noted that the Senator never mentioned cost. It is funny the Democrats never mention cost.

Mr. SARBANES. Will the Senator yield?

Mr. DOLE. They do not mention cost to the families out there. We talk about the horror stories; we talk about what ought to be done; we talk about adding children and pregnant women. But somebody is going to have to pay for that, and young people are going to have to buy that standard benefits package even though they do not need all that service. So there has to be some reality here and some equity here and some fairness here for different age groups, different people and circumstances, and I think cost is very important. The cost of our plan is very important. We do not know yet the cost of the so-called mainstream plan.

We have been told by the distinguished Senator from West Virginia, the chairman of the Appropriations Committee, that the Mitchell plan is $895 billion in new spending, and that bothers the Appropriations Committee chairman, along with Senator HATFIELD, the ranking Republican. We can have this debate about everything that is good and everything we ought to do and everything we ought to cover, and it is going to be hard to say no, but somebody has to pay the cost. We can either borrow the money as a Government, or we can raise taxes. I do not know of any other way we might be able to do it. Sooner or later, we have to debate the cost of all these different programs—the Dole-Packwood plan, the Mitchell plan, or any other plan that may be offered here on the floor.

I certainly do not disagree with the majority leader. We have spent a lot of time together and have worked together, and we are good friends. But this is a give and take process. There has to be give and take; it cannot be just take or just give. Give and take. We will have a lot of that debate, I am certain over the next few days, maybe weeks, maybe months.

Again, I will just suggest there are so many plans, and unless I miss completely the American attitude, I think most Americans say all these plans are so complicated. In fact, there is a TV spot saying that it takes 10 years to develop a drug to treat whatever, and we are trying to pass health care, consisting of 1,400 or 1,500 pages, in 10 or 20 days. That is hard for the American people to understand, and they are very bright people. It is hard for them to understand what is in this package. I do not think probably one Senator has read what is in this package.

But as we do read it and other people read it, we find things in this package that certainly have pretty healthy votes, striking out provisions that call for penalties on small business, calling for meetings to meet secretly to talk about a lot of things that deal with health care, the benefit package, and in one case even said you did not have to pay the premiums and you will still get coverage. Those are the reasons we need to spend time on an issue this important.

So, if there is something we have said on this side that particularly offended the Senator from Maryland, we would be happy to look it up and have that debate next week in fairness to the staff who have been here all day and all week. I would say that the debate has been fairly well—I do not know if "balanced" is the right word; I think there have been probably some partisan statements made on each side. But for the most part the debate has been talking about shortcomings in the bill before us.

The Dole bill is not even before us, the Dole-Packwood bill, and it has been criticized up and down. They have had charts and everything else. It is not even pending. I hate to see what is going to happen when it is pending. We have already had a blizzard of criticism from my colleagues on the other side of the aisle, though I think many of my Democratic friends would vote for the bill if we get to that point because it is a real effort. It was a real effort. It was not put together in 5 minutes, or 5 days, or 5 weeks. We believe, and we are not going to be defensive about it, it does a lot of things the Senator from Maryland said ought to be done. Nobody can quarrel with many of these areas, and they are covered in our bill.

There may be more in Senator MITCHELL's bill. It may cost more. There may be more taxes and more spending. But in my view, that may not mean it is a better health care reform bill.

So we look forward to the debate, I guess, next Monday and through next week, and maybe through the next week and through the next week. And we will see what happens.

Mr. SARBANES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, before the Republican leader leaves the floor, I want to correct his comment that I did not mention cost. I did mention cost at some length in the course of my statement, and I recognize it as an important issue as we address the health care question.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I can comment later about any charges of partisanship on this side. There may be some Members who are so committed, passionately committed, against health care reform this year that they have indicated they would filibuster the bill. That may be confined to one or two Members. But I must say, the notion that we should not take as much time as is necessary to go through this document page by page, concept by concept, to understand exactly what we purport to be undertaking on behalf of the American people, I think it would be a great disservice if we did anything less.

I am astonished that anyone would accuse Members on this side of engaging in a filibuster by taking 10 days to discuss perhaps the most important social legislation—that is, health care reform—that is likely to take place or has taken place in the past 50 years; we are told we have been trying to get this bill up for 50 years. Now it is here and now is the time, it seems to me, to take our time and go through and understand exactly what is involved.

I daresay that many Members of this Chamber, the Senate, have not read every page of the Mitchell bill or even the Finance Committee bill, and certainly have not read the Dole bill all the way through. They have not read the legislation that we proposed or will be proposing next week, the so-called mainstream group.

This is important business that we are about. We take 2 to 3 weeks to debate a defense authorization bill every single year. We spend nearly 2 weeks, at least 2 weeks, on the defense bill. We have a committee, headed up by Senator SAM NUNN, a renowned expert in the field. He is joined by Members who have spent their 16, 17, 18 years on the committee with him devoting themselves to defense issues. And yet, before we come to the floor with a defense authorization bill, there are as many as 200 or 250 amendments pending every year, the same thing.

So it seems to me it is not unreasonable that when we have a bill that comes to the floor, that has not been here before for 40 or 50 years and that is of this size and dimension and consequence, that we take as much time as necessary without one side or the other hurtling accusations that Republicans are simply interested in delay and deny, delay and deny.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. COHEN. Let me finish.

Mr. SARBANES. Surely.

Mr. COHEN. There are Members on this side, and I want to say a few words about Senator DOLE, because I heard my friend from Maryland mention there may have been some people here who have never suffered, who do not know what it means to suffer or to lose insurance. That may be the case.

That certainly cannot be said of Senator DOLE. Anyone who knows his history knows the kind of suffering he has endured most of his life and even to this day. Most of us who know anything about Senator DOLE know about his past in terms of not coming from a well-to-do family, having no insurance, of having to raise money with a tin cup, so to speak; asking neighbors and friends to chip in to pay for travel so he could get health care treatment.

So I think if there is anyone in this body who knows about pain and suffering and what it means to be without health insurance, it is Senator DOLE. He may have a different view. He may have a different view of how we go about trying to restructure our health care system so as to expand coverage for more and more people who are in need of it.

I must say, it is an oversimplification, but I believe we come at the problem from two philosophically different points. I believe that many on this side feel that if you can deal with a problem of cost, if you can reduce cost down low enough, you will be able to expand the coverage to cover those who are now without it. There are those on the Democratic side who feel, well, the answer really is to mandate coverage for everyone; if you mandate coverage for everyone, then cost will come down.

The answer may be somewhere in the middle. I do not know. I am not wise enough to know where the true answer is. But I do believe there is a philosophical difference. That is why we are Republicans and that is why we are Democrats, and that is why it is the purpose of this institution to debate this as long as necessary to come to a fair conclusion of how we achieve whatever one wants to achieve, and that is the better social goal.

So I think we have to be careful in terms of how we undertake to reform our system. I do not question anyone's motives. I listened to the debate. They say we must cover everyone for everything and deal with the cost at a later time, or at least it is deficit neutral.

One of the problems is—and I say this to the Senator occupying the chair, who has been concerned about entitlement costs—the explosion in entitlement growth. Here we stand up on this floor to debate it, and those of us on this side, in particular, ask: Can we not do something to contain the growth of entitlement costs? The answer we always receive is: Look, the problem is not in the growth of entitlement programs; it is health care costs. Wait until we get to health care costs, and we will deal with that problem. So now we come to a health care bill, and we have not dealt with the problem.

It is not enough to say it is deficit neutral. That does not put us any better off, when looking at deficits running in the range of $200 billion or $250 billion into the indefinite future. We are running the risk of bankrupting our children.

So I know the Senator from Nebraska is deeply concerned about this issue. I do not think enough attention has been paid to it. I think that mainstream group in the last 2 days came to a different conclusion on this. We were headed in a direction of saying: Let us see what we can do to put together a package of amendments, or bundle of amendments, or a new bill that can achieve the goal of covering those who are without insurance as best we can, holding down costs, giving more incentives for people to insure the people they employ, reforming our tort system, malpractice reform, insurance market reform—do all of these things.

But we found out CBO came in and said: Wow, this is going to cost you many hundreds of billions of dollars. Suddenly, we had cold water thrown on our efforts. We said: We had no idea it was going to cost this much. We, in a period of 24 hours, maybe 48 hours, came to a slightly—not slightly; quite a different—conclusion. The conclusion is, we want to do something to help the people of this country. We also do not want to bankrupt our children, who will be paying the bill.

So we started to look at cost containment and deficit reduction in a much more serious fashion.

We ought to be cautious in all of that, because when we first passed Medicare—correct me if I am wrong on this—but I think when we passed Medicare, President Johnson said we can afford, as a nation, $600 million, I think the bill was the first year. The bill for Medicare this year is about $150 billion—not $600 million, but $150 billion—and rising.

And so, even though we have noble intentions and perhaps even modest assessments of what it is going to cost, and if the past is any prelude to the future, any lesson to be learned from the past will tell us that whatever we estimate, it is going to be grossly understated.

So I think it is important that we take enough time to debate this issue thoroughly, that we not hurl partisan accusations back and forth.

There are people on this side who have legitimate differences of opinion about whether the Mitchell bill is the correct way to proceed, whether the Clinton bill was the correct way, even whether the Dole bill is.

There is a group of us on both sides, Democrats and Republicans, that has been meeting now for several weeks and just finished today at roughly 5 o'clock, who have come to what we think is a mainstream proposal. Virtually no one will be happy with it. Virtually everyone has to pay some kind of a price in that particular proposal. And that may be something new; that we are not going to make promises and tell people there is no pain involved, there is no pay involved, that you can have added benefits, but it will not cost you any more. The time for doing that has long since passed. So we may end up with no bill at all.

I think the mainstream coalition, consisting of a group of about 15, 16, maybe 18 people, pretty nearly divided between Republicans and Democrats, I think it is perhaps the best hope we have for reaching some kind of an agreement this year. It may be, as I said before, unacceptable to virtually every group that is in this town that will be outside these doors on Monday and Tuesday, because, as they look through it, they will figure out they either receive less or pay more.

But it is time we level with the American people and say we are going to give this particular benefit, it is going to cost this amount, and we will have to pay for it either through raising taxes or lowering benefits. We can no longer lead you down the path of saying we can give you something for nothing.

So, Mr. President, I just want to say that I wanted to commend Senator DOLE, who came to our meeting today. He and Senator PACKWOOD were invited in to listen to the presentation that the group made to him and to Senator PACKWOOD.

I was impressed with the response. They thought we made a good-faith effort. There was a lot in that proposal, I think, that they could agree with. There were some things, undoubtedly, they could not agree with. But they indicated to us they are going to take it back, wait to see the legislative language.

Now we criticized the Mitchell bill which is 1,446 pages and the Dole bill is about half that, maybe 700-plus. We have no idea how long our bill is going to be, but I am told it will grow exponentially between tonight at 7 o'clock and Monday when we get the legislative language. It may look something close to the Dole bill, if not the Mitchell bill.

But Senator DOLE said he is waiting to see the language. He will read it. He will obviously want to take it up with the Republican caucus.

Senator MITCHELL was invited in and he, too, was impressed with the effort that we all made and thought that there were a lot of good provisions in it. Obviously, he found some provisions he would object to in that proposal, of course.

But I think that that presents the best opportunity we will have this year.

I must say, in my own opinion, it will have to be a new proposal, a new bill, and it will have to have the support of both Senator MITCHELL and Senator DOLE. Without their mutual support, I think we will see it break down. I think we will see each side really going back to their more extreme demands on our side and on the other side as well, and nothing will happen this year.

What the Senator from Maryland has said is that next year we will be back here and people will be complaining to us that we did not do anything.

I would like to say just a word about whether people are reading the polls right now or the telephone calls that are coming in or the letters they have received. They are running heavily against anything now, because they are convinced, for a variety of reasons—television commercials, attack ads, radio talk shows, each side, depending upon which side one is on, exaggerating the benefits of the bill, minimizing the disruptions, the costs; the other side demeaning the significance of the reform effort.

As a result, people are confused. They do not know what is in the legislation. They have no idea what it will do or will not do. And they are scared that we are really engaging in a field in which we are not well informed, that we have little, if any, idea about the ultimate consequences of how it will spin out, unfold, into the actual marketplace.

And so the calls are coming in, the letters are coming in, saying, "Don't touch it whatsoever."

But I daresay that a year from now, if we do not take some action to reform the current system, prices will continue to escalate, and the growing numbers, millions of people currently without health insurance, will continue to grow, there will be hardship experienced by many, many millions of people, and that public sentiment will turn. They will say, "Look, we elected you to do something. That is why you are down in Washington, to do something constructive."

And so anyone who is reading the polls today who comes to the conclusion that the public does not want any action whatsoever, I think will come to a different conclusion next year. Because I think the momentum next year will be less, it will lose whatever momentum is building, and may be dissipating as I speak, but next year, I think there will be less chance for passing legislation. And some may say, "Well, all to the good, let the marketplace dictate what takes place for the millions of people who are without health insurance today."

But I have a deep-seated belief that American people, when they find that we have done nothing to change some of the deficiencies in our current health care system, that we have made no improvements, that we have not begun to come to grips with the costs, both emotional and financial, in terms of long-term care and other important aspects of our health care system, that they will turn on the Congress, the House and the Senate Members, and say, "Why didn't you do something?"

So I think that the mainstream group that has been denigrated by some who think that we are just in the mainstream inside the beltway—I come from the mainstream outside the beltway. I come from a family of very modest means. I come from a working father and mother, a father who, at 85 years old, still works 18 hours a day, 6 days a week, and has never had a vacation in the last 15 or 20 years. So I think I know a little bit about what small businessmen and women have to contend with every day. I do not consider myself to be in the mainstream only inside the beltway, but I would say in the mainstream of mainstream America.

So I hope, Mr. President, that there will be a lot of goodwill left, not hurling the accusations back and forth, but rather to say there are people of goodwill who are searching for the best possible solution for a very serious problem, and I include Senator DOLE in that effort and many Members on this side, as well as the other.

I hope that we can lay aside the partisanship and try to do the Nation's bidding, as such, and do well for the Nation, not do harm, and to bring some level of credit to this institution.

I yield the floor.

Mr. SARBANES addressed the Chair

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have worked with the Senator from Maine for many years in the Congress, and I know that he comes to a debate in a reasoned and rational way, which is very important.

In the course of my presentation I was not addressing the problem of the pace of working through these issues. They are complex and they need to be very carefully worked through. And I welcome the comments of the Senator about moving now in a constructive fashion.

What I was addressing was the mischaracterization that some in this body are making about the proposals that are before us; mischaracterizations that have the effect and perhaps are intended to have the effect to confuse and scare people. Let me give one example, and I want to quote Senator MITCHELL in doing that. It was asserted by one of your colleagues that if the Mitchell plan was adopted, "Americans will lose their choice."

Of course, I believe the matter of choice is an important issue, and, in fact, I do not want people to lose their choice. I want to enhance their choices as does Senator MITCHELL. But that was the characterization that was placed upon the Mitchell proposal.

If a grossly inaccurate statement is made about the Mitchell proposal—and I want to read what Senator MITCHELL said about it—how can you have a rational debate?

Here is what Senator MITCHELL said about the characterization that his plan would cause Americans to lose their choice:

> That statement is untrue, categorically untrue. There are two types of choice in health care. The first is in choice of health care plans. How much choice does the individual American have in selecting a health

> insurance plan? Right now, almost none. Most Americans are insured through employment. The employer negotiates a plan with the insurance company and presents it to the employee, and the only choice the employee has is to accept or reject that plan, to either participate in it or not to participate in it.
>
> Under my plan, the individual employee will be offered a minimum of three different plans. They will have the same standard benefits package, but they will deliver care in three different ways: either in the form of traditional fee-for-service, or a health maintenance organization, or in some other form. So in the first dimension of choice, that of health plans, my bill will dramatically expand choice for almost all Americans. For the first time, individual Americans will be able to choose from more than one health plan.
>
> Second, the element of choice in physician or other providers. It is simply not true that choice will be denied under my plan. Since everyone will be offered at least three types of plans, one of which must be traditional fee-for-service, every American will have the opportunity to continue to have the fullest freedom of choice with respect to physicians. No one will be denied that opportunity.
>
> Interestingly enough, the current trend in the country is in the other direction. As costs of health care rise, employers are increasingly turning to managed plans, HMO-type plans in which the individual's choice is limited. So if we do not adopt health care reform, more and more Americans will be denied choice in provider. So you have a reduction of choice in the one area where it now exists and continuing lack of choice with respect to health plans.
>
> So I think it is important that Americans understand that my bill will do the opposite of what our colleagues have alleged. It will greatly increase choice in health plans and it will preserve fully choice of providers.

That is very simply my point. You cannot even cross over the threshold of a reasoned debate if the criticism of a proposal completely mischaracterizes the proposal.

So I think we have to have an accurate and a realistic portrayal of it and then let the debate go from there.

Mr. President, I very much hope in the coming weeks we can bring to this debate a constructive attitude.

It is clear, if we continue our current system, more and more of these gaps, these flaws, these blanks that I earlier alluded to in the health care system will worsen, will become even more manifestly obvious to the American people.

I very much hope in the coming weeks all of us will be able to work through this issue in a constructive way in order to help address the health care needs of the American people.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELF-INSURANCE AND THE MITCHELL BILL

Mr. HATCH. Mr. President, over the course of the past few days we have had an opportunity to learn about the Clinton-Mitchell health care reform bill. This bill, all 1,443 pages of it, is one of the most complex pieces of legislation introduced in the Senate in recent memory.

We are now beginning to learn what is in this massive piece of legislation. Just yesterday we approved an amendment essentially designed to delete a provision that was inadvertently included in the final draft. Just how many more of these stealth provisions are there in the Clinton-Mitchell bill?

Well, I believe I have found another one, at least, one that has not received as much attention as other provisions such as the employer mandate and all those taxes the American people are concerned about.

If I were to say to my colleagues that there already exist a way to provide quality, prevention-oriented health care for millions of Americans at a significantly lower price, I would imagine that most of my colleagues would want to sign-up immediately on such a plan. Well I can tell you that such a plan does exist.

It is not known as the Clinton proposal, or the Mitchell proposal, or the Gephardt proposal. It is known as self-insurance, and self-insurance is health reform that is already working for over 40 million Americans. More than two-thirds of U.S. employers who provide health benefit coverage self-insure their benefit plans.

Unfortunately, the Clinton-Mitchell health care bill would prevent all companies with fewer than 500 workers from self-insuring health benefits for employees and their families. I believe that we should continue to provide self-insured employers, both large and small, with an equal opportunity to manage their own health care costs.

When employers self-fund their health plans, they directly pay the bills employees get from doctors, hospitals, and other providers. Companies with as few as a dozen workers set aside a preset amount of funds for routine health claims. Firms manage their own health plans but usually rely on third party administrators to handle the paperwork. In addition, firms will purchase insurance, called stop loss, to cover extraordinary or catastrophic medical expenses as well as to ensure plan solvency.

Self-insurance works for small and medium businesses for the same reason it works for larger firms—through cost controls and quality plans. In all, for both small and big firms, about 85 million Americans receive health care through self-insurance.

The success of this program has been remarkable. Approximately 67 percent of all employees receiving health care benefits through their employers do so through a self-insured arrangement. This is a dramatic increase over the 1988 figure of 48 percent.

For the employer, self-insurance has been a proven mechanism in controlling rising health care expenditures. The average administrative costs for self-insured plans are 6.1 percent of total costs compared with 9.9 percent for conventionally insured plans.

Small businesses and farmers self-insure for one primary reason: it helps control costs. The advantage of self-insuring is that employees consume health care more reasonably when it comes from employer/employee funds. When employees know that reasonable consumption of care may result in more money for bonuses or better salaries, they consume more responsibly.

With self-insurance, small employers exercise greater flexibility in health care plan design, creating plans tailored to the particular needs of their work forces.

Data from the Department of Health and Human Services show that self-insured companies are more likely to offer health promotion and employee wellness activities than conventionally insured businesses. For example, 36.3 percent of self-insured businesses provided their employees blood pressure screenings, while only 28.2 percent of companies with conventional health plans did so.

Employer self-insured health care is reform that is already here. Under an amendment that Senator COATS and I plan to offer, businesses from 2 employees and more could continue to self-insure health benefits. Self-insurance coverage works and is consistent with all significant insurance reform proposals. There is no need to change it.

Mr. President, the July 3, 1994 edition of The Arkansas Democrat Gazette contained an article by a Mr. F. Mac Bellingrath who is president of Automatic Vending of Arkansas. In his article he writes about his first-hand experience of providing health care benefits to his employees through a self-insurance mechanism.

He writes:

> Self-insured small businesses are already achieving what many in Congress want to achieve through legislation—more widespread health coverage and lower cost. It is discouraging to me that there are some in Congress who want to outlaw successful, grassroots health reform here in Arkansas and throughout the country. They propose forcing self-insured small employers into mandatory alliances or mandatory insurance buying pools run by the government. Even if the insurance buying pools they propose are voluntary, they would force small employers to give up their self-insured plans, and compel them to buy conventional insurance.

He continues:

> That's really not the way to go. Why should Washington force small businesses to get rid of what is already working and working well? It is the private sector that has the reputation for developing ways to deliver more goods and services for less money—not the Federal government.

Finally he states:

> There is simply no compelling argument for Congress to interfere with the concept of self-insurance for small businesses. Such interference, based on a company's number of

employees, seems to me to be unfair and unwise. Every employer, regardless of size, should have the right to continue to self-insure its health benefit plans. Employer self-insurance is health reform that is already working.

Mr. President, I ask unanimous consent that the entire article from the Arkansas Democrat Gazette be included in the CONGRESSIONAL RECORD at the conclusion of my remarks.

I hope my colleagues in the Senate will support the amendment that Senator COATS and I will offer at the appropriate time to preserve the self-insurance option for thousands of small employers and millions of Americans who are already benefitting from this cost-effective and proven method of health care reform.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SELF-INSURED HEALTH COVERAGE WORKS, THERE'S NO NEED TO CHANGE IT

(By F. Mac Bellingrath)

There is a lot of talk in Washington these days about how the federal government can help small employers provide their employees with health benefits. Unfortunately, for all the talk, Congress is coming close to outlawing one of the best ways small employers throughout Arkansas and elsewhere have found for providing good health benefits at a reasonable cost—self-insurance.

Through my own company, an Arkansas-based employer that provides health care coverage for some 60 employees and their families, I know first-hand of the savings that can be accrued through self-insurance. Those savings have allowed our company to be more cost-competitive in the marketplace and have allowed our employees to enjoy a higher standard of living through lower payroll deductions for their share of the health-benefit cost.

Legislation under consideration on Capitol Hill this week would, for the first time, prohibit employers from self-insuring solely based on number of employees. That comes despite the wide-spread adoption of self-insurance by employers of all sizes—from the largest to many smaller firms, such as my own. According to the U.S. Department of Health and Human Services, 42 percent of small businesses employing 50 to 99 people that provide health-care benefits do so on a self-insured basis.

Self-insurance makes it possible for small companies to cut back on administrative expenses. Instead of paying between 16 percent and 40 percent of claims for conventional insurance coverage, processing for self-insurance is typically done for less than 6 percent of claims—about what a large business might pay. Self-insured companies simply pay most of their employees' medical expenses through a third-party administrator, and buy aggregate stop-loss coverage to insure against catastrophic losses above a chosen level.

Secondly, many of us are being pro-active by working hand-in-hand with healthcare providers in the development of innovative new approaches to sound managed care. With studies showing that, aside from administrative expenses, health care for a large employer costs as much as it does for a small employer, self-insuring has proven to be an effective way for small businesses to deliver excellent health benefits to their employees at costs rivaling those of much larger companies.

Additionally, as a group, we self-insuring employers offer more health promotion and wellness programs than the average employer that relies on conventional health insurance, according to the U.S. Department of Health and Human Services. It found that self-insured companies were more likely to offer these programs to workers in all 20 categories studied—ranging from blood pressure screening to smoking cessation programs.

Self-insured small businesses are already achieving what many in Congress want to achieve through legislation—more widespread health coverage and lower cost. It is discouraging to me that there are some in Congress who want to outlaw successful, grass-roots health reform here in Arkansas and throughout the country. They propose forcing self-insuring small employers into mandatory alliances or mandatory insurance buying pools run by the government. Even if the insurance buying pools they propose are voluntary, they would force small employers to give up their self-insured plans, and compel them to buy conventional insurance.

That's really not the way to go. Why should Washington force small business to get rid of what is already working, and working well? It is the private sector that has the reputation for developing ways to deliver more goods and services for less money—not the federal government

There is simply no compelling argument for Congress to interfere with the concept of self-insurance for small business. Such interference, based on a company's number of employees, seems to me to be unfair and unwise. Every employer—regardless of size—should have the right to continue self-insuring its health benefit.

Employer self-insurance is health reform that is already working.

MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICE. Without objection, it is so ordered.

THE MEXICAN ELECTIONS

Mrs. FEINSTEIN. Mr. President, I rise today to mark the importance of the United States' close relationship with our southern neighbor, Mexico, which will soon hold simultaneous elections for President, the Chamber of Deputies, three-fourths of the Senate, and numerous governors. Continued stability coupled with democracy in Mexico are of particular significance to the success of that relationship.

The last decade saw rapid growth in the trade relationship between the United States and Mexico and an even faster growing interdependence of our countries. Mexico is now the United States' third largest export market and our third highest import source. Similarly, the United States is Mexico's largest export market and its largest import source. Mexico's liberalization of its economy and entry into the General Agreement on Tariffs and Trade have helped to spur the growth of its own economy. The combination of these elements has served to increase further the significance of the ties between our countries. This trade relationship is particularly important to the State of California.

With the entry into force of North American Free Trade Agreement at the beginning of 1994, the relationship between the United States and Mexico entered a new phase. All parties to the agreement—the United States, Canada, and Mexico—had high hopes for free trade that would bring benefits to each. Mexico hoped to further develop and modernize its economy with the help of expected investment that would result. Unfortunately, Mexico has suffered a few unexpected setbacks, beginning with the Zapatista uprising in Chiapas on January 1.

The uprising was a disturbing reminder to the United States that there are issues that remained unresolved between the Mexican Government and the indigenous Mayan population, which constitutes 30 percent of Mexico's total population. The guerrilla group—called the Zapatistas—said that they represented the Mayans and put forward claims of discrimination and human rights abuses. The Mexican Government first attempted to use military force to put down the revolt, but to its credit, it changed to a policy of reconciliation. Despite the uneven progress made so far, the policy continues to be pursued. The Zapatistas should also be commended for their pledge not to resume combat or to disrupt the upcoming elections.

It was in connection with those elections that Mexico suffered another blow: The assassination of Luis Donaldo Colosio, the Presidential candidate of the Institutional Revolutionary Party. The United States was saddened by this event, but we were also confident in Mexico's ability to recover and hold elections without further incident.

In this context, Mexico has shown itself to be sensitive to concerns of the international community that elections be free and fair. In addition to the adopting electoral reforms, the Mexican Government has invited the participation of thousands of foreigners as electoral visitors. My colleague, Senator John MCCAIN, hopes to head one such delegation. Although they will not participate at the level of election monitoring that is usually performed by the United Nations and Organization of American States, I am optimistic that the presence of these election visitors will increase public confidence in the results of the elections and reduce the possibility for postelection violence.

Nevertheless, I remain concerned about reports of preparations for protests after the vote. Calls for post-election protest from the opposition and reports of Government imports and stockpiling of riot-control gear, including heavy equipment, cannot help but add to an atmosphere of tension.

I feel certain that all the American people join me in the hope that Mexico's August 21, elections take place in an atmosphere of calm that will contribute the Mexican people's confidence and to a resolution of remaining concerns. Elections that are conducted in a free and fair manner and that stand up to the scrutiny of both Mexican and international observers will contribute to the close relationship between our two countries and help to guarantee its future. California, which traditionally has had particularly close ties to Mexico, looks forward to a process that will bolster those ties and yield benefits both for us and for our southern neighbor.

NATIONAL GANG VIOLENCE PREVENTION WEEK

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 167, designating "National Gang Violence Prevention Week," and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed and the motion to reconsider be laid upon the table; that the preamble be agreed to; and any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 167) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 167

Whereas the number of gang homicides has risen in Chicago alone from 38 in 1980 to 101 in 1990;

Whereas the number of gang-related homicides as of 1991 stood at 1,051;

Whereas, in the past decade, gang-related homicides and gang related drug trafficking has increased and spread to cities in all 50 States;

Whereas, between the years 1989 and 1991, the number of gangs and gang members in the Nation's 79 largest cities doubled;

Whereas the number of gangs as of 1991 stood at 4,881 which includes 249,324 members;

Whereas gangs are now part of the crime problem in communities with populations as small as 8,000 citizens;

Whereas many gangs are actively involved in drug trafficking, and some Los Angeles gangs have been linked to Colombian drug cartels;

Whereas our youth are directly impacted by the rise in gang membership, with the average age of gang members being 19; and

Whereas every effort needs to be made to reduce gang violence and steer our young people away from gangs and every citizen needs to be aware of the problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 12, 1994, through September 16, 1994, be designated as "National Gang Violence Prevention Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

THE CALENDAR

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from the consideration of the following joint resolutions: Senate Joint Resolution 215 designating "Try American Day," and Senate Joint Resolution 216 designating "National Hispanic Business Week," and that the Senate proceed, en bloc, to their immediate consideration; that the joint resolutions be deemed read three times, passed and the motions to reconsider be laid upon the table, and the preamble agreed to, en bloc; that the consideration of these items appear individually in the RECORD and that any statements thereon appear at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (S.J. Res. 215 and S.J. Res. 216) were deemed read the third time and passed.

The preambles were agreed to.

The joint resolutions, with their preambles, are as follows:

S.J. RES. 215

Whereas the creativity and ingenuity of American working men and women in the United States have provided a host of new products and services which improve the quality of life in the United States and the world;

Whereas American workers should be recognized as one of our Nation's most valuable resources;

Whereas the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world;

Whereas the United States and its citizens have reason to celebrate the strength and quality of American products and services;

Whereas the quality and abundance of American goods are a tribute to the productivity and ability of American workers;

Whereas the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products;

Whereas American farmers and ranchers provide this country and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000;

Whereas the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people; and

Whereas American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 5, 1994, Labor Day, is designated "Try American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.

S.J. RES. 216

Whereas the Hispanic business sector of the United States economy has significantly grown in recent years, contributing significantly to the strength and vitality of the economy and increasing employment opportunities for the citizens of this Nation;

Whereas the number of Hispanic-owned businesses in the United States has increased 150 percent since 1982, and is projected to number 585,000 by the end of 1994;

Whereas sales by Hispanic-owned businesses have increased 81 percent since 1982, and are expected to reach an annual high of $27,200,000,000 by the end of 1994;

Whereas the number of persons employed by Hispanic-owned businesses has increased 95 percent since 1982, and will exceed 375,000 by the end of 1994; and

Whereas the period from September 15, 1994, through October 15, 1994, has been designated as Hispanic Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 12, 1994, is designated "National Hispanic Business Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities that promote a better understanding and awareness of—

(1) the significant contributions which Hispanic-owned businesses make to the United States economy;

(2) the continued employment and job creation which results from the growth and expansion of Hispanic-owned businesses;

(3) the entrepreneurial spirit and strong work ethic exhibited by the owners and employees of Hispanic-owned businesses;

(4) the significant gains in international trade made by Hispanic-owned businesses which strongly support expanded trade throughout other countries in the Americas; and

(5) the lasting contributions made by Hispanic-owned businesses to the economic vitality and social stability of families, neighborhoods, and communities across the Nation.

SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. SARBANES. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1485) entitled "An Act to extend certain satellite carrier compulsory licenses, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Home Viewer Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended as follows:

(1) Subsection (a)(2)(C) is amended—

(A) by striking "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking ", on or after the effective date of the Satellite Home Viewer Act of 1988,".

(2) Subsection (a)(5) is amended by adding at the end the following:

"(D) BURDEN OF PROOF.—In any action brought under this paragraph, the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a network station is for private home viewing to an unserved household.".

(3) Subsection (b)(1)(B) is amended—

(A) in clause (i) by striking "12 cents" and inserting "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking "3" and inserting "6".

(4) Subsection (c) is amended—

(A) in paragraph (1) by striking "December 31, 1992,";

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "July 1, 1991" and inserting "January 1, 1996"; and

(ii) in subparagraph (D) by striking "December 31, 1994" and inserting "December 31, 1999, or in accordance with the terms of the agreement, whichever is later"; and

(C) in paragraph (3)—

(i) in subparagraph (A) by striking "December 31, 1991" and inserting "July 1, 1996";

(ii) by amending subparagraph (D) to read as follows:

"(D) ESTABLISHMENT OF FAIR MARKET RATES.—In determining royalty fees under this paragraph, the Arbitration Panel shall establish a rate, for the secondary transmission of network stations and superstations, that reflects the fair market value of such secondary transmissions. The Arbitration Panel shall base its decision upon economic, competitive, and programming information presented by the parties, and shall take into account the competitive environment in which such programming is distributed.";

(iii) in subparagraph (E) by striking "60" and inserting "180"; and

(iv) in subparagraph (G) by striking ", or until December 31, 1994".

(5) Subsection (a) is amended—

(A) in paragraph (5)(C) by striking "the Satellite Home Viewer Act of 1988" and inserting "this section"; and

(B) by adding at the end the following:

"(8) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (C), upon a challenge by a network station regarding whether a subscriber is an unserved household within the predicted Grade B Contour of the station, the satellite carrier shall, within 60 days after the receipt of the challenge—

"(i) terminate service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household.

"(B) EFFECT OF MEASUREMENT.—If the satellite carrier conducts a signal intensity measurement under subparagraph (A) and the measurement indicates that—

"(i) the household is not an unserved household, the satellite carrier shall, within 60 days after the measurement is conducted, terminate the service to that household of the signal that is the subject of the challenge, and within 30 days thereafter notify the network station that made the challenge that service to that household has been terminated; or

"(ii) the household is an unserved household, the station challenging the service shall reimburse the satellite carrier for the costs of the signal measurement within 60 days after receipt of the measurement results and a statement of the costs of the measurement.

"(C) LIMITATION ON MEASUREMENTS.—(i) Notwithstanding subparagraph (A), a satellite carrier may not be required to conduct signal intensity measurements during any calendar year in excess of 5 percent of the number of subscribers within the network station's local market that have subscribed to the service as of the effective date of the Satellite Home Viewer Act of 1994.

"(ii) If a network station challenges whether a subscriber is an unserved household in excess of 5 percent of the subscribers within the network's station local market within a calendar year, subparagraph (A) shall not apply to challenges in excess of such 5 percent, but the station may conduct its own signal intensity measurement of the subscriber's household. If such measurement indicates that the household is not an unserved household, the carrier shall, within 60 days after receipt of the measurement, terminate service to the household of the signal that is the subject of the challenge and within 30 days thereafter notify the network station that made the challenge that service has been terminated. The carrier shall also, within 60 days after receipt of the measurement and a statement of the costs of the measurement, reimburse the network station for the cost it incurred in conducting the measurement.

"(D) OUTSIDE THE PREDICTED GRADE B CONTOUR.—(i) If a network station challenges whether a subscriber is an unserved household outside the predicted Grade B Contour of the station, the station may conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is an unserved household.

"(ii) If the network station conducts a signal intensity measurement under clause (i) and the measurement indicates that—

"(I) the household is not an unserved household, the station shall forward the results to the satellite carrier who shall, within 60 days after receipt of the measurement, terminate the service to the household of the signal that is the subject of the challenge, and shall reimburse the station for the costs of the measurement within 60 days after receipt of the measurement results and a statement of such costs; or

"(II) the household is an unserved household, the station shall pay the costs of the measurement.

"(9) LOSER PAYS FOR SIGNAL INTENSITY MEASUREMENT; RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households as unserved households—

"(A) a network station challenging such eligibility shall reimburse the satellite carrier for any signal intensity measurement that is conducted by that carrier in response to a challenge by the network station and that establishes the household is an unserved household; and

"(B) a satellite carrier shall reimburse the network station challenging such eligibility for any signal intensity measurement that is conducted by that station and that establishes the household is not an unserved household.

"(10) INABILITY TO CONDUCT MEASUREMENT.—If a network station makes a reasonable attempt to conduct a site measurement of its signal at a subscriber's household and is denied access for the purpose of conducting the measurement, the satellite carrier shall within 60 days notice thereof, terminate service of the station's network to that household.".

(6) Subsection (d) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) a noncommercial educational broadcast station (as defined in section 397 of the Communications Act of 1934).";

(B) in paragraph (6) by inserting "and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations" after "Commission"; and

(C) by adding at the end the following:

"(11) LOCAL MARKET.—The term 'local market' means the area encompassed within a network station's predicted Grade B contour as that contour is defined by the Federal Communications Commission.".

SEC. 3. DEFINITIONS.

(a) CABLE SYSTEM.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "cable system" by inserting "microwave," after "wires, cables,".

(b) LOCAL SERVICE AREA.—Section 111(f) of title 17, United States Code, is amended in the paragraph relating to the definition of "local service area of a primary transmitter" by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (d), this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code (as added by section 2(2) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

(c) TRANSITIONAL SIGNAL INTENSITY MEASUREMENT PROCEDURES.—The provisions of section 119(a)(8) of title 17, United States Code (as added by section 2(5) of this Act), relating to transitional signal intensity measurements, shall cease to be effective on December 31, 1996.

(d) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The amendment made by section 3(b), relating to the definition of the local service area of a primary transmitter, shall take effect on July 1, 1994.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House, agree to the request for a conference on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. KERREY) appointed Mr. DECONCINI, Mr. LEAHY, and Mr. HATCH conferees on the part of the Senate.

PASCUA YAQUI INDIANS OF ARIZONA AMENDMENT ACT OF 1994

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 575, H.R. 734, a bill to provide for the extension of Federal benefits to the Pascua Yaqui Indians; that the committee amendment be agreed to; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 734), as amended, was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 734) entitled "An Act to amend the Act entitled 'An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes' ", do pass with the following amendment:

Page 3, after line 2, insert:

SEC. 2. STUDY.

The Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes" (25 U.S.C. 1300f et seq.) is amended by adding at the end the following new section:

"SEC 4. STUDY.

"(a) IN GENERAL.—The Secretary of the Interior shall conduct one or more studies to determine—

"(1) whether the lands held in trust on the date of enactment of this section by the United States for the Pascua Yaqui Tribe are adequate for the needs of the tribe for the foreseeable future;

"(2) if such lands are not adequate—

"(A) whether suitable additional lands are available for acquisition by exchange or purchase; and

"(B) the cost and location of the suitable additional lands;

"(3) whether the Pascua Yaqui Tribe has sufficient water rights and allocations to meet the needs of the tribe for the foreseeable future;

"(4) if such water rights and allocations are not adequate—

"(A) whether additional water can be acquired; and

"(B) the potential sources and associated costs of such additional water;

"(5) whether the Bureau of Indian Affairs and the Indian Health Service have limited funding to the Pascua Yaqui Tribe based on a determination of the tribal enrollment in 1978, rather than the current enrollment;

"(6) if funding has been based on 1978 enrollment, how the funding levels can be adjusted to ensure that the Pascua Yaqui Tribe receives a fair and equitable portion of Bureau of Indian Affairs and Indian Health Service funding;

"(7) the genealogy of the Pascua Yaqui Tribe; and

"(8) the economic development opportunities available to the tribe as a result of the North American Free Trade Agreement.

"(b) TRIBAL PARTICIPATION.—The Secretary shall provide for the participation of members of the Pascua Yaqui tribe to carry out subsection (a).

"(c) REPORT.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit a report to Congress that contains the results of each study conducted pursuant to subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

JERRY L. LITTON U.S. POST OFFICE BUILDING ACT OF 1994

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 563, H.R. 1779, designating the "Jerry L. Litton U.S. Post Office Building" in Chillicothe, MO.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1779) to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, is designated as the "Jerry L. Litton United States Post Office Building".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 is deemed to be a reference to the "Jerry L. Litton United States Post Office Building".

SEC. 3. TRAVEL AND TRANSPORTATION EXPENSES OF CERTAIN FEDERAL CAREER APPOINTEES.

(a) IN GENERAL.—Section 5724(a)(3) of title 5, United States Code, is amended by striking out "November 27, 1988" and inserting in lieu thereof "November 17, 1988".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technical and Miscellaneous Civil Service Amendments Act of 1992 (Public Law 102–378; 106 Stat. 1346; 5 U.S.C. 1101 note).

Amend the title so as to read: "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building, and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

AMENDMENT NO. 2573

(Purpose: To amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death)

Mr. SARBANES. Mr. President, on behalf of Senators PRYOR and STEVENS, I send an amendment to the desk. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2573) was agreed to, as follows:

On page 1, insert after line 11, the following new section:

SEC. . TRAVEL AND TRANSPORTATION EXPENSES FOR FAMILY MEMBERS OF CAREER APPOINTEES.

Paragraph (3) of section 5724(a) of title 5, United States Code, is amended to read as follows:

"(3) upon the separation (or death in service) of a career appointee, as defined in section 3132(a)(4) of this title, the travel expenses of that individual (if applicable), the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of eighteen thousand pounds net weight, to the place where the individual will reside (or, in the case of a career appointee who dies in service or who dies after separating but before the travel, transportation, and moving is completed, to the place where the family will reside) within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979, if such individual—

"(A) during or after the five years proceeding eligibility to relieve an annuity under subchapter III of chapter 83, or of chapter 84 of this title, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988); and

"(B) is eligible to receive an annuity upon such separation (or, in the case of death in service, met the requirements for being considered eligible to receive an annuity, as of date of death) under the provisions of subchapter III of chapter 83 or chapter 84 of this title.".

SEC. . EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendment made by this Act shall take effect on October 1, 1994, or, if later, the date of the enactment of this Act.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Under regulations prescribed by the President or his designee, an agency shall, as appropriate, pay or make reimbursement for any moving expenses which would be payable under the provisions of section 5724(a)(3) of title 5, United States Code, as amended by section 1 (but which would not have been payable under such provisions, as last in effect before being so amended).

(2) APPLICABILITY.—The moving expenses to which this subsection applies are those incurred by the family of an individual who died—

(i) before separating from Government service; and

(ii) during the period beginning on January 1, 1994, and ending on the effective date of this Act.

(3) CONDITION.—Payment or reimbursement under this subsection may not be made except upon appropriate written application submitted within 12 months after date on which the regulations referred to in paragraph (1) take effect.

Mr. PRYOR. Mr. President, the amendment that I am offering with Senator STEVENS would correct a problem with the statute that controls travel reimbursements for certain Federal employees and their families.

Currently, senior executive service [SES] members are entitled to certain travel expenses for the so-called last move home. However, if an individual dies prior to his or her return home, the immediate family is not eligible to be reimbursed for those expenses. A small number of cases have arisen recently where the widows of career SES members have been denied expenses for returning to their homes after their husbands have died.

The Pryor-Stevens amendment would correct this deficiency by amending section 5724(a) of title 5, United States Code, to extend agency coverage of travel and transportation expenses for moving household goods and personal effects of eligible SES career employees to the place where the employee will reside, even when the employee dies before actually retiring from Federal service.

The Office of Management and Budget, the Office of Personnel Management, the Department of Veterans Affairs, and the General Services Administration have all informally indicated their support for the amendment. This language has been approved by the House of Representatives as H.R. 4549. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1779), as amended, was passed.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I ask unanimous consent that the title amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read:

An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

GUS YATRON POSTAL FACILITY

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, H.R. 3197, designating the Gus Yatron Postal Facility in Reading, PA; that the bill be read three times, passed, and the motion to reconsider laid upon the table; and that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3197) was deemed read the third time and passed.

GEORGE WASHINGTON NATIONAL FOREST MOUNT PLEASANT SCENIC AREA ACT

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 2942, the Mount Pleasant National Scenic Area Act, just received from the House; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2942) was deemed read the third time and passed.

AUTHORIZING MEDICAL FACILITY CONSTRUCTION PROJECTS FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, S. 2277, a bill to authorize major medical facility construction projects; that the bill be read a third time, passed, that the motion to reconsider be laid upon the table, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering the pending measure, legislation which authorizes funds for the construction of major medical facility projects and for major medical facility leases for the Department of Veterans Affairs. The Committee on Veterans' Affairs met on June 9, 1994, and voted unanimously to report this bill.

Mr. President, this bill as it comes before the Senate, which I will refer to as the "committee bill," would authorize funds for major medical facility projects and leases for the Department of Veterans Affairs. The committee must authorize projects for which funds were not appropriated prior to October 9, 1992, or which were not authorized for fiscal year 1994.

The committee bill would authorize funds for the projects and leases requested in the budget of the President for fiscal year 1995. The projects included in the President's budget that require authorization are a medical center with ambulatory care facilities and a nursing home in Brevard County, FL, $17.2 million in design funds, and a research facility addition at the VA Medical Center, Portland, OR, $16.1 million.

Projects proposed in the President's fiscal year 1995 budget that have been previously authorized or are grandfathered under the authorization statute are seismic corrections at the VA

Medical Center, Memphis, TN, $62.3 million; phase one of construction of a medical center to replace the Martinez, CA, facility, $7.3 million; and a research facility at the VA Medical Center, Huntington, WV, $9.9 million.

The major medical facility leases proposed in the President's budget and authorized by the committee bill are an outpatient clinic in Ponce, PR, $1,175,040, and an outpatient clinic in Winston-Salem, NC, $844,800.

Leases for which funding is requested in the President's fiscal year 1995 budget, but for which authorization is not required, are a residential facility in Hilo, HI, $457,200; an outpatient expansion in Sacramento, CA, $345,000; a parking garage in Birmingham, AL, $546,000; and a health care medical education center in Washington, DC, $350,000.

The committee bill would also authorize the ambulatory care projects that were proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget, to be financed with funds from the Health Care Investment Fund to be established under the proposed Health Security Act. These projects will be crucial to VA's ability to adapt to changing trends in health care practices. They are the lease-purchase of an outpatient clinic in Bay Pines, FL, $9.6 million; an ambulatory care addition and renovations at the VA Medical Center, Boston, MA, $48 million; renovation of the Naval Training Center Hospital in Orlando, FL, for use as a VA outpatient clinic and nursing home, $14 million; an ambulatory care addition at the VA Medical Center, Gainesville, FL, $17.8 million; an ambulatory care addition at the VA Medical Center, Hampton, VA, $29.2 million; and an ambulatory care addition and renovations at the VA Medical Center, West Haven, CT, $48.6 million.

Ambulatory care projects proposed to be constructed through the Investment Fund that do not require authorization are an ambulatory care addition at the VA Medical Center, Columbia, MO $22.9 million; and an ambulatory care addition and parking garage at San Juan, PR, $34.8 million.

These projects will enable VA to meet current primary health care needs of veterans more efficiently. The proposal to construct these ambulatory care facilities using funds from the Health Security Act Investment Fund is unacceptable. The Investment Fund was intended to ensure that VA will have the resources needed to compete in a reformed health care environment. The funds set aside for that purpose must remain available for that purpose. The Investment Fund was not intended to be a substitute for an annual construction budget adequate to meet the health care needs of veterans.

Two projects authorized by the committee bill were added by the committee at markup. These are an ambulatory care project in Phoenix, AZ, costing $50 million, and a nursing home addition in Charleston, SC, costing $7.3 million.

The total cost of the projects authorized would be $395 million. The capitalized value of the leases authorized is $15.9 million.

The committee bill also authorizes funds for construction of an ambulatory care facility to replace the earthquake-damaged facility in Sepulveda, CA. Funds for this project totaling $104 million have been made available through the Emergency Supplemental Appropriations Act of 1994. The committee bill includes a provision which would waive the otherwise applicable 90-day waiting period under section 510(b) of title 38 relating to the reorganization of VA facilities.

Mr. President, I thank the members of the committee for their support of the committee bill, and the members of the majority and minority committee staff who worked on this measure. I look forward to working with the House Committee on Veterans' Affairs on these matters, and to final passage of the bill. I urge my colleagues to give their unanimous support to the committee bill as reported.

So the bill (S. 2277) was passed, as follows:

S. 2277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) Projects Authorized.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) Additional Projects.—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995 to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, $7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, $50,000,000.

(2) The authorizations in subparagraphs (A), (B), and (C) of paragraph (1) apply to projects which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) Projects for Which Funds Appropriated.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $395,000,000 for the major medical facility projects authorized in subsections (a) and (b) of section 1; and

(2) $15,900,000 for the major medical facility leases authorized in section 1(a).

(b) Limitation.—The projects authorized in subsections (a) and (b) of section 1 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) Limitation on Certain Projects.—The projects authorized in subsection (c) of section 1 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1994 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1994 for a category of activity not specific to a project.

SEC. 3. WAIVER OF CONGRESSIONAL WAITING PERIOD REQUIREMENT FOR A SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) Waiver.—The Secretary of Veterans Affairs may undertake the administrative reorganization described in subsection (b) of this section without regard to the waiting period requirement of section 510(b) of title 38, United States Code.

(b) Covered Administrative Reorganization.—The administrative reorganization referred to in subsection (a) of this section is a reorganization at the Department of Veterans Affairs Medical Center in Sepulveda, California, necessitated by the January 1994 earthquake damage at that location, as described in the letters dated April 25, 1994, and the accompanying detailed plan and justification, submitted by the Secretary of Veterans Affairs to the chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to section 510(b) of title 38, United States Code.

VETERANS' CLAIMS ADJUDICATION IMPROVEMENT ACT OF 1994

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 452, S. 1908, a bill to study the VA system for adjudicating indicating claims for benefits; that the substitute amendment be agreed to; that the bill be read a third time, passed, that the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1908: VETERANS' CLAIMS ADJUDICATION IMPROVEMENT ACT OF 1994

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering S. 1908, the proposed Veterans' Claims Adjudication Improvement Act of 1994. I urge my colleagues to give their unanimous support to this bill.

Mr. President, S. 1908, which I will refer to as the committee bill, as it comes before the Senate, is derived from four bills—S. 1905, S. 1906, S. 1907, and S. 1908—all of which I introduced on March 8, 1994.

S. 1908, as introduced, was originally cosponsored by committee members DENNIS DECONCINI, BOB GRAHAM, DANIEL K. AKAKA, and THOMAS A. DASCHLE. Senators PAUL WELLSTONE and JEFF BINGAMAN joined later as cosponsors. S. 1908, as introduced, would have required the Administrative Conference of the United States [ACUS] to conduct an 18-month study of the adjudication system of the Department of Veterans Affairs.

S. 1905 was introduced with the cosponsorship of committee members DECONCINI, GRAHAM, AKAKA, DASCHLE, and BEN NIGHTHORSE CAMPBELL. Senator WELLSTONE joined later as a cosponsor. S. 1905 would have made some miscellaneous changes in certain claims procedures, in an effort to help streamline the claims process with respect to those procedures.

S. 1906 was introduced with the cosponsorship of committee members DECONCINI, GRAHAM, AKAKA, and DASCHLE. Senator WELLSTONE joined later as a cosponsor. S. 1906 would have overruled the decision of the United States Court of Veterans Appeals in *Combee* v. *Principi*, 4 Vet. App. 78 (1993).

S. 1907 was introduced with the cosponsorship of committee members GRAHAM and DASCHLE. Senator WELLSTONE joined later as a cosponsor. S. 1907, as introduced, would have required VA to immediately adjudicate all claims that may be on hold pending final resolution of the issue decided by the U.S. Court of Veterans Appeals in *Gardner* v. *Derwinski*, 1 Vet. App. 584 (1991), aff'd sub nom. *Gardner* v. *Brown*, 5 F. 3d 1456 (Fed. Cir. 1993), cert. granted, 62 U.S.L.W. 3657 (U.S. Apr. 4, 1994) (No. 93–1128), and to grant those claims that could have been granted under the standard used by VA prior to the original *Gardner* decision.

Mr. President, the committee met on April 14, 1994, and voted unanimously to report S. 1908, with an amendment which incorporated provisions derived from the four bills.

The committee bill includes provisions which would one, require ACUS to conduct a study of the processes and procedures of VA for the disposition of veterans' benefits; two, improve the processing of benefits claims by VA; three, clarify that service connection for disabilities arising from exposure to ionizing radiation may be established by direct evidence; and four, require VA to adjudicate and resolve certain claims related to medical malpractice in the health care services provided by VA.

STUDY OF VA CLAIMS ADJUDICATION

Mr. President, title I of the committee bill, which is derived from S. 1908 as introduced, would require a comprehensive study by the Administrative Conference of the United States of the Department of Veterans Affairs' system for adjudicating benefit claims.

VA's system for processing benefit claims—designed to be informal and nonadversarial—developed over the course of many years prior to the enactment of the Veterans' Judicial Review Act of 1988, Public Law 100–687, which afforded veterans the right to seek judicial review of their VA benefit decisions for the first time in history. Many aspects of this system were intended to be beneficial to veterans, such as procedures related to the development of claims and assistance to the claimant. However, as the court has recognized in numerous decisions, VA did not achieve many of the elements claimed to be an integral part of the system.

The Board of Veterans' Appeals [BVA] currently has a backlog of nearly 40,000 pending cases. In fiscal year 1993, the average time it took BVA to render a decision on appeal was 466 days. However, based on information for both the first and second quarters of fiscal year 1994, BVA estimates that the average response time will be 830 days by September 30, 1994.

In its budget submission for fiscal year 1995, VA reported that for fiscal year 1993, the average response time for an original compensation claim filed at a VA regional office was 189 days, and 119 days for an original pension claim. VA estimated that for fiscal year 1994, those times would increase to 226 days for a compensation claim and 128 days for a pension claim.

Mr. President, the Veterans' Benefits Administration [VBA] has taken some significant steps internally to reduce the case backlog at the regional offices, which are admirable. However, in order to continue this effort, title I of the committee bill would mandate a comprehensive, 18-month study of the VA claims adjudication system by the Administrative Conference of the United States. The study would involve review of the claims process at the regional office level and the appellate process at BVA. The purpose of the study would be to evaluate the entire system in order to determine the efficiency of its processes and procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process.

In the course of its evaluation and study, the committee bill would require ACUS to consult with representatives of veterans service organizations and other organizations and entities representing veterans before VA, to include individuals who furnish such representation.

Within 1 year after the date of enactment, ACUS would be required to submit to the Secretary and the committees a preliminary report on the study. Within 18 months following enactment, ACUS would be required to submit a full report on its study to the Secretary and the committees. The report would include: One, the findings and conclusions of ACUS with respect to the study; two, the recommendations of ACUS for improving the VA adjudication system; and three, any other information and recommendations concerning the system that ACUS considers appropriate.

Mr. President, while VA is taking a number of actions internally to improve its adjudication and appeals systems, further improvements could be made, Many of which may require legislation. However, currently we do not have sufficient information available on which to base comprehensive reform of the system. There simply is not enough specific data before the committee on the effect of judicial review on the claims process at the regional offices and on the appellate system at BVA. There must be a more extensive review of the system by an independent entity, and the committee bill would provide for that review. In addition, the report that ACUS would be required to complete, to include recommendations for improving the system, would provide a foundation on which Congress could base any necessary legislative measures for such improvement.

Mr. President, I strongly believe that the problems currently faced by VBA and BVA will require extensive, long-term solutions. However, such significant actions to reform the system cannot be taken without more considerate analysis of the problems that exist. Such an analysis would appropriately be conducted by an outside body that has no vested interest in the existing system. Prior evaluations of the VA system often have been conducted by VA or by other entities that participate in the Department's adjudication process. Therefore, such reviews can be challenged as not being objective. The committee bill would authorize an objective and independent assessment.

ELIMINATION OF THE REQUIREMENT FOR ANNUAL INCOME QUESTIONNAIRES

Mr. President, section 201 of the committee bill would eliminate the requirement that VA pension recipients file annual income verification reports, thereby making it discretionary for VA to require these reports.

Pension is a needs-based benefit paid to certain veterans and surviving spouses and children. To be eligible for pension, a veteran must be permanently and totally disabled from a non-service-connected disability, meet certain income restrictions, and meet military service requirements. Additional monthly amounts are payable to the veteran on behalf of the veteran's spouse and dependent children. In addition, surviving spouses and children of wartime veterans who meet certain income requirements are eligible for a non-service-connected death pension.

Currently, VA must require annual income reports for purposes of pension eligibility. These income reports must contain information on the individual's annual income for the previous year, the corpus of the individual's estate, the income and estate of any spouse or dependent child, and an estimate of income for the current year and any expected increase in the value of his or her estate. For a surviving child, the report must include this information for any person legally responsible for the support of the child and with whom the child resides.

Additionally, revised reports must be filed with VA whenever there is a change in estimated annual income or the value of the individual's estate.

Mr. President, section 201 of the committee bill would eliminate the statutory requirement for income reports for purposes of pension eligibility. VA would, therefore, have discretionary authority to require the submission of the questionnaires. Because VA now has computer matching programs with the Internal Revenue Service and the Social Security Administration for income verification purposes, the income report is no longer necessary in every case.

DOCUMENTS ACCEPTED AS PROOF OF RELATIONSHIPS

Mr. President, section 202 of the committee bill, which is derived from section 2 of S. 1905, would require VA to accept photocopies of documents as proof of marriage, dissolution of marriage, birth, or death, for purposes of eligibility for dependents' benefits.

Mr. President, under current VA regulations, whenever a document is required to prove a relationship to a veteran, such as a birth or marriage certificate, the claimant must submit a certified copy of that document. Under existing regulations, VA cannot accept as evidence supporting a claim uncertified photocopies of documents necessary to establish marriage, divorce, the annulment of a marriage, birth, the relationship of a child to the veteran, death, or any evidence from a foreign country.

Mr. President, section 202 of the committee bill is a free standing provision that would allow VA to accept photocopies of documents necessary to establish birth, death, marriage, or dissolution of a marriage for purposes of certain VA benefits. This requirement arises primarily in connection with claims benefits to be paid to or on behalf of dependents or survivors of veterans. If there is a question with respect to the validity of the photocopy, the bill would allow VA to require the claimant to submit supporting documentation. This measure would relieve claimants of an unnecessary burden and expedite the decisionmaking process where evidence of this type is involved.

ACCEPTANCE OF PRIVATE PHYSICIAN EXAMINATIONS

Mr. President, section 203 of the committee bill, which is derived from section 3 of S. 1905, would allow VA to accept medical examination reports of private physicians in support of disability claims, thereby eliminating the requirement for a VA examination.

Mr. President, currently, a complete physical examination conducted by a VA hospital or outpatient clinic generally is required for purposes of a claim for disability compensation or pension. VA will accept only a VA examination for determining whether a veteran is disabled or to rate the degree of the veteran's disability.

Mr. President, section 203 of the committee bill is a freestanding provision which would provide VA with the discretion to accept the medical examination report of a private physician as support of a diagnosis of a disability for purposes of either a compensation or pension claim, as well as for purposes of rating the claimant's disability. This would eliminate the current requirement that a veteran undergo an examination by a VA physician to confirm the diagnosis made by a veteran's private physician. The provision would require that such a report include sufficient clinical data to support the diagnosis or provide a reliable basis for a disability rating in an original claim, not just for an increase in degree of disability.

TRANSFER OF MILITARY SERVICE MEDICAL RECORDS

Mr. President, section 204 of the committee bill, derived from section 4 of S. 1905, would require VA to report to Congress on the status of agreements concerning the transfer of military records from the Department of Defense [DOD] to VA immediately after a veteran's separation.

Mr. President, a crucial component of any claim for VA benefits is the veteran's service medical records. The report of the Blue Ribbon Panel on Claims Processing identified problem areas affecting VBA's timeliness and workload backlogs. The panel clearly identified that the response time for requested evidence necessary to develop a claim for benefits, including service medical records, is excessive.

Mr. President, section 204 of the committee bill would require VA to report to the House and Senate Committees on Veterans' Affairs on the status of an agreement between DOD and VA to provide for the immediate transfer of a servicemember's medical records upon discharge from the service. The report would be due to the committees within 90 days after enactment of the statute.

Mr. President, an agreement between DOD and VA covering all branches of service would improve the timeliness of VA's claims processing because a significant amount of time is spent waiting for the transfer of service medical records. Although the committee has received encouraging feedback from VA on this issue, a written report from VA for the record is necessary because no official memorandum of understanding exists between the Secretary of the Navy or the Secretary of the Air Force and the Secretary of Veterans Affairs.

SERVICE CONNECTION FOR CERTAIN DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION

Mr. President, section 301 of the committee bill, derived from section 1 of S. 1906, would overrule the decision of the U.S. Court of Veterans Appeals in *Combee* v. *Principi*, 4 Vet. App. 78 (1933).

Mr. President, in 1984, Congress enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542, which required VA to establish standards for adjudicating claims based on exposure to agent orange and radiation. VA adopted regulations to implement the requirements of this law for both types of claims.

In Combee, the Court of Veterans Appeals held that a veteran may not establish direct service connection for a condition based on radiation exposure unless the condition is on VA's regulatory list of radiogenic diseases issued pursuant to Public Law 98-542. The committee believes that the essence of the court's decision is that, by establishing a process in Public Law 98-542 for claims based on radiation exposure, Congress repealed the general compensation law as to such claims. Stated another way, the court's decision seems to stand for the proposition that while providing an avenue by which veterans exposed to radiation might obtain VA benefits, Congress foreclosed these veterans from using the normal route available to all other veterans seeking to establish service connection.

In Combee, there was no dispute that the veteran had taken part in a radiation-risk activity, as required under both section 1112 of title 38, United States Code, for purposes of presumptive service connection of the disease, and under the regulation that implements Public Law 98-542 for purposes of proving direct service connection of the disease. However, he sought disability compensation for a condition that was neither on the list of conditions afforded a statutory presumption of service connection based on radiation exposure, nor on the list of diseases considered to be radiogenic by VA for purposes of direct service connection under the regulation. Because the veteran's claim involved a condition that did not appear on either list, the court held that he could not show direct service connection under the general authority available to all other veterans.

The basic theory of service connection, as set forth in sections 1110 and 1131 of title 38, United States Code, requires that a veteran be given an opportunity to submit evidence in support of his or her claim for service connection. This involves a fundamental principle that the veteran must not be summarily prohibited from attempting to prove that the condition is directly related to service. That principle must apply even if the veteran's condition is not a condition Congress or VA automatically recognizes as associated with exposure to an environmental hazard.

Mr. President, section 301 of the committee bill would amend Public Law 98-542 to clarify Congress' intent in enacting the law and to ensure that the general provisions governing disability compensation with respect to claims based on exposure to radiation remain intact and available to all veterans. The amendment to Public Law 98-542 would specify that the regulations adopted by VA under the statute may not prohibit a veteran who served during an eligible period of service from establishing service connection for a disease or disability based on exposure to radiation, under section 1110 or section 1131, even though the veteran's condition is not considered by VA to be a radiogenic disease.

Mr. President, I strongly believe that the court's decision does not accurately reflect the underlying congressional intent of this statute. The legislative history of Public Law 98-542 includes no indication that Congress intended the law to preclude veterans from using the usual means of proving direct service connection if the veteran is able to do so by submitting sufficient supporting evidence. A veteran must always have the opportunity to prove direct service connection. A veteran would face difficulty in trying to demonstrate direct service connection based on radiation exposure for a condition not already recognized as radiogenic, but the opportunity must be available nevertheless.

ADJUDICATION AND RESOLUTION OF CERTAIN CLAIMS RELATING TO MEDICAL MALPRACTICE

Mr. President, section 302 of the committee bill, derived from section 2 of S. 1906, contains a freestanding provision that would require VA to immediately adjudicate all claims that may be on hold pending final resolution of the issue decided by the U.S. Court of Veterans Appeals in *Gardner* v. *Derwinski*, 1 Vet. App. 584 (1991), aff'd, sub nom. *Brown* v. *Gardner*, 5 F.3d 1456 (Fed. Cir. 1993), cert. granted, 62 U.S.L.W. 3657 (U.S. Apr. 4, 1994) (No. 93-1128), and to grant those claims that could have been granted under the standard used by VA prior to the original Gardner decision.

Mr. President, section 1151 of title 38, United States Code, governs claims for disability compensation or dependency and indemnity compensation for injury or death resulting from care in a VA medical facility or while pursuing a course of vocational rehabilitation. Under this provision, a veteran injured in a VA facility or in vocational rehabilitation can receive monthly disability compensation in the same manner as if he or she were injured during military service. A survivor of a veteran who dies as the result of such an injury can receive monthly DIC payments.

In Gardner, the Court of Veterans Appeals found that VA's regulation interpreting this provision was too restrictive and invalidated that regulation. The regulation required that the claimant show "carelessness, negligence, lack of proper skill, error in judgment, or similar instances of indicated fault on the part of VA." The statute, on the other hand, requires no such demonstration. The court held that in issuing the regulation, VA exceeded its statutory authority.

Following the decision of the court, VA placed a moratorium on all denials of claims filed under section 1151, sending interim instructions to VA regional offices. VA appealed the decision to the U.S. Court of Appeals for the Federal Circuit, which affirmed the lower court's decision. On January 11, 1994, VA filed a petition for certiorari with the U.S. Supreme Court which was granted on April 4, 1994. Following VA's petition for certiorari and the Supreme Court's grant of the petition, VA issued further instructions to its regional offices reiterating the procedures concerning the suspension of all denials.

Because the moratorium was placed only on denials, VA should continue to allow those claims that would have been granted under the restrictive, invalidated standard. However, the committee has received information from veterans indicating that some VA facilities have suspended all action on section 1151 claims. Therefore, some VA field offices may be failing to grant claims that could be granted under the invalidated standard.

Mr. President, section 302 of the committee bill would require VA to adjudicate all claims filed under section 1151, using the standard under the law existing prior to the decision of the Court of Veterans Appeals in Gardner, and grant those claims that could have been allowed under the former VA standard. Those claims that would not have been granted under the prior regulation would continue to be held in abeyance.

The committee bill would ensure that VA fulfills its responsibility to those veterans who have claims based on clear VA negligence or fault, notwithstanding the Federal court decisions on this issue.

Mr. President, the provisions in the pending measure are vitally important. My hope is that, following Senate action, we can work with our colleagues in the House to enact legislation quickly so that veterans may begin to feel the effects of an improved claims adjudication system as soon as possible. They deserve no less. They have a right to the efficient processing of their claims for the benefits they earned through their military service.

Mr. President, I express my deep appreciation to the distinguished ranking Republican member of the Senate committee, Mr. MURKOWSKI, and all other members of the committee.

Mr. President, I am committed to working over the long term to ensure a fair and efficient VA claims process. But in the meantime, I strongly believe the provisions in this bill represent a step in the right direction. I urge all of my Senate colleagues to support this bill and give it unanimous approval.

So the bill (S. 1908), as amended, was passed, as follows:

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Claims Adjudication Improvement Act of 1994".

TITLE I—STUDY OF CLAIMS ADJUDICATION

SEC. 101. STUDY OF SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS FOR DISPOSITION OF CLAIMS FOR VETERANS BENEFITS.

(a) IN GENERAL.—The Administrative Conference of the United States shall carry out a study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits. The Administrative Conference shall carry out the study in accordance with this title.

(b) PURPOSE OF STUDY.—The purpose of the study required under this title shall be to evaluate the Department of Veterans Affairs system for the disposition of claims for veterans benefits in order to determine—

(1) the efficiency of processes and procedures under the system for the adjudication, resolution, review, and final disposition of claims for veterans benefits and means of increasing such efficiency, including the effect of judicial review on such system;

(2) means of reducing the number of claims under the system for which final disposition is pending; and

(3) means of enhancing the ability of the Department of Veterans Affairs to dispose of claims under the system in a prompt and appropriate manner.

(c) CONTENTS OF STUDY.—The study of the Department of Veterans Affair system for the disposition of claims for veterans benefits under this title shall include an evaluation and assessment of the following:

(1) The historical development of the system, including the effect on such development of the provision under the Veterans' Judicial Review Act (division A of Public Law 100–687; 102 Stat. 4105) of authority for judicial review of claims disposed of under the system.

(2) The preparation and submission of claims by veterans under the system.

(3) The processes and procedures under the system for the disposition of claims, including—

(A) the scope and nature of the responsibility of the Secretary to assist veterans in the development of claims;

(B) the scope and nature of the hearings provided for at each stage in the claims disposition process under the system (including hearings de novo, hearings before travelling members of the Board of Veterans' Appeals, hearings that are expedited for reason of illness or financial need, and hearings that permit the transmission of evidence or testimony by electronic means);

(C) the scope and nature of the review undertaken with respect to a claim at each stage in the claims disposition process;

(D) the number, Federal employment grade, and experience and qualifications required of the persons undertaking such review at each such state;

(E) the effect on such review of the obligation of the Secretary to afford claimants with the benefit of the doubt when there is an approximate balance of positive and negative evidence with respect to a claim;

(F) opportunities for the submittal of new evidence; and

(G) the availability of alternative means of disposing of claims.

(4) The effect on the system of the participation of attorneys, members of veterans service organizations, and other advocates on behalf of veterans.

(5) The effect on the system of actions taken by the Secretary to modernize the information management system of the Department, including the utilization of electronic data management systems.

(6) the effect on the system of any work performance standards utilized by the Secretary at regional offices of the Department and at the Board of Veterans' Appeals.

(7) The extent of the implementation in the system of the recommendations of the Blue Ribbon Panel on Claims Processing submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives on December 2, 1993, and the effect of such implementation on the system.

(8) The effectiveness in improving the system of any pilot programs carried out by the Secretary at regional offices of the Department and of efforts by the Secretary to implement such programs throughout the system.

(9) The effectiveness of the quality control practices and quality assurance practices under the system in achieving the goals of such practices.

(d) CONSULTATION WITH NON-DEPARTMENT ENTITIES.—Notwithstanding any other provision of law, the Administrative Conference of the United States shall, upon request, provide opportunities in the conduct of the study under this title for consultation with appropriate representatives of veterans service organizations and of other organizations and entities that represent veterans before the Department of Veterans Affairs.

(e) COOPERATION OF SECRETARY.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Administrative Conference of the United States, and to the Committees on Veterans' Affairs of the Senate and House of Representatives, such information as the Chairman of the Administrative Conference shall determine necessary to carry out the study required under this title.

(2) The information referred to in paragraph (1) shall include information on the claims disposed of by the Department of Veterans Affairs during the 5-year period ending on September 30, 1993, including the following:

(A) The total number of claims finally disposed of during that period.

(B) The number of claims finally disposed of during each fiscal year of that period.

(C) The number of claims referred to in subparagraph (A) that were allowed by the Secretary solely on the basis of information contained in the initial claim for benefits.

(D) The number of claims referred to in subparagraph (A) that were allowed by a regional office of the Department at each of the various stages in the claims disposition process.

(E) The number of claims referred to in subparagraph (A) that were allowed by the Board of Veterans' Appeals.

(F) The number of claims referred to in subparagraph (E) that were reopened after a final decision by the Board of Veterans' Appeals.

(f) REPORTS ON STUDY.—(1) Not later than 1 year after the date of the enactment of this Act, the Administrative Conference of the United States shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the study required under subsection (c). The report shall contain the preliminary findings and conclusions of the Administrative Conference with respect to the evaluation and assessment required under the study.

(2) Not alter than 18 months after such date, the Administrative Conference shall submit to the Secretary and to such committees a report on such study. The report shall include the following:

(A) The findings and conclusions of the Administrative Conference, including its findings and conclusions with respect to the matters referred to in subsection (c).

(B) The recommendations of the Administrative Conference for means of improving of the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(C) Such other information and recommendations with respect to the system as the Administrative Conference considers appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000 to the Department of Veterans Affairs for payment to the Administrative Conference of the United States under section 1535 of title 31, United States Code, of the cost of carrying out the study and report required under this title.

(h) DEFINITIONS.—For the purposes of this title:

(1) The term "Administrative Conference of the United States" means the Administrative Conference provided for under subchapter V of chapter 5 of title 5, United States Code.

(2) The term "Department of Veterans Affairs system for the disposition of claims for veterans benefits" means the processes and procedures of the Department of Veterans Affairs for the adjudication, resolution, review, and final disposition of claims for benefits under the laws administered by the Secretary.

(3) The term "Secretary" means the Secretary of Veterans Affairs.

(4) The term "veterans service organizations" means any organization approved by the Secretary under section 5902(a) of title 38, United States Code.

TITLE II—IMPROVEMENTS TO CLAIMS ADJUDICATION

SEC. 201. ELIMINATION OF REQUIREMENT FOR ANNUAL INCOME QUESTIONNAIRES.

Section 1506 of title 38, United States Code, is amended—

(1) in paragraph (2), by striking out "shall" and inserting in lieu thereof "may"; and

(2) in paragraph (3), by striking out "file a revised report" and inserting in lieu thereof "notify the Secretary".

SEC. 202. DOCUMENTS TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.

Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall accept from a claimant a photocopy of an appropriate document as proof of the existence of a marriage, the dissolution of a marriage, the birth of a child, or the death of any family member for the purpose of acting on such individual's claim for benefits under any law administered by the Secretary. The Secretary may require the submission of additional documentation in support of any document submitted pursuant to this section if the document on its face raises a question as to its validity, or there is reasonable indication, in the document or otherwise, of fraud or misrepresentation.

SEC. 203. ACCEPTANCE OF PRIVATE PHYSICIAN EXAMINATIONS.

Notwithstanding any other provision of law, for purposes of establishing a claim for disability compensation under chapter 11 of title 38, United States Code, or a claim for pension under chapter 15 of such title, a medical examination report of a private physician provided by a claimant in support of a claim for benefits may be accepted without confirmation by an examination by a physician employed by the Veterans Health Administration if such report contains sufficient clinical data to support the diagnosis of a disability or to provide a reliable basis for an evaluation of the degree of any such disability.

SEC. 204. TRANSFER OF MILITARY SERVICE MEDICAL RECORDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the status of an agreement between the Secretary and the Secretary of Defense to provide for the immediate transfer from the Department of Defense to the Department of Veterans Affairs of the medical records of members of the Armed Forces upon the separation of such members from active duty.

TITLE III—MISCELLANEOUS

SEC. 301. SERVICE CONNECTION FOR CERTAIN DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION.

Section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542; 98 Stat. 2725; 38 U.S.C. 1154 note) is amended by adding at the end the following new subsection:

"(d) The regulations prescribed under this section may not prohibit, or be construed to prohibit, a veteran from establishing pursuant to section 1110 or 1131 of title 38, United States Code, service connection for a disease or disability that the veteran claims to be the result of the veterans' exposure to ionizing radiation during a period of service referred to in subsection (a)(1), notwithstanding that such regulations do not specify that the disease or disability is a radiogenic disease.".

SEC. 302. ADJUDICATION AND RESOLUTION OF CERTAIN CLAIMS RELATING TO MEDICAL MALPRACTICE.

(a) ADJUDICATION AND RESOLUTION OF CLAIMS.—The Secretary of Veterans Affairs shall—

(1) take appropriate actions to determine whether the injury (or aggravation of an injury) of any veteran as the result of the treatment of the veteran was the result of medical malpractice on the part of the Department of Veterans Affairs (and not of the veteran's own willful misconduct); and

(2) in the case of any injury so determined, provide appropriate compensation to the veteran in accordance with section 1151 of title 38, United States Code.

(b) STATEMENT OF INTENT AND CONSTRUCTION.—Congress enacts the requirement set forth in subsection (a) in order to ensure the adjudication and resolution of certain claims following the decision in Gardner v. Derwinksi, 1 Vet. App. 584 (1991), aff'd, sub nom. Brown v. Gardner, 5 F.3d 1456 (Fed. Cir. 1993), cert. granted, 62 U.S.L.W. 3657 (U.S. Apr. 4, 1994) (No. 93-1128). The requirement may not be construed as an expression of Congressional intent to limit the claims subject to adjudication under section 1151 of title 38, United States Code, to claims related to injuries resulting from medical malpractice.

(c) DEFINITIONS.—In this section:

(1) The term "treatment", in the case of a veteran, means any examination, hospitalization, medical or surgical treatment, or course of vocational rehabilitation under chapter 31 of title 38, United States Code, that is provided to the veteran by the Department of Veterans Affairs.

(2) The term "medical malpractice" means any carelessness, negligence, error in judgment, lack of proper medical skill, or similar instance of indicated fault in the treatment of a veteran.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and in consultation with the chairman of the Finance Committee, pursuant to Public Law 103-296, appoints Lori L. Hansen, of Michigan, to a 6-year term to the Social Security Advisory Board.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON ACTIVITIES OF THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT—PM 141

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 29 U.S.C. 675), I transmit herewith the 1991 annual reports on activities of the Department of Labor and the Department of Health and Human Services. These reports were prepared by, and cover activities occurring exclusively during the previous Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994.*

REPORT ON CONTINUATION OF EXPORT CONTROL REGULATIONS—MESSAGE FROM THE PRESIDENT—PM 142

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls contained in 15 C.F.R., Parts 768-799, including restrictions on participation by U.S. persons in certain foreign boycott activities, which heretofore have been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 *et seq.* In addition, I have made provision for the administration of section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

The exercise of this authority is necessitated by the expiration of the Export Administration Act on August 20, 1994, and the lapse that would result in the system of controls maintained under that Act.

In the absence of controls, foreign parties would have unrestricted access to U.S. commercial products, technology, technical data, and assistance, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, U.S. persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East.

Controls established in 15 C.F.R. 768-799, and continued by this action, include the following:

—National security export controls aimed at restricting the export of goods and technologies, which would make a significant contribution to the military potential of certain other countries and which would prove detrimental to the national security of the United States.

—Foreign policy controls that further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, antiterrorism, regional stability, missile technology nonproliferation, and chemical and biological weapons nonproliferation.

—Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and which support the objectives of Nuclear Nonproliferation Act.

—Short supply controls that protect domestic supplies, and antiboycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

Consequently, I have issued an Executive order (a copy of which is attached) to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under the Act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act (IEEPA). In this Executive order I have also revoked the previous Executive Order No. 12923 of

June 30, 1994, invoking IEEPA authority for the prior lapse of the Export Administration Act of 1979, as amended, extended on July 5, 1994, by Public Law 103–277.

The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by U.S. persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy, and economic interests and undermine our credibility in meeting our international obligations.

The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries may seek to acquire sensitive U.S. goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to U.S. foreign policy or nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994.*

REPORT OF THE ACTIVITIES OF THE U.S. GOVERNMENT IN THE UNITED NATIONS DURING CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 143

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1993. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994.*

MESSAGES FROM THE HOUSE

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) entitled "An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety," the following individuals: Mrs. SCHROEDER, Mr. FRANK of Massachusetts, and Mr. CASTLE.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed by the President pro tempore (Mr. BYRD):

H.R. 2947. An act to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial.

H.R. 4790. An act to designate the U.S. courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse."

MEASURES REFERRED

The Committee on Environment and Public Works was discharged from further consideration of the following measure which was referred to the Committee on Finance:

S. 1834. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3231. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Horse Protection Enforcement report for fiscal year 1993; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3232. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report relative to certain properties with the Panama Canal Treaty and its related agreements; to the Committee on Armed Services.

EC–3233. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act; to the Committee on Energy and Natural Resources.

EC–3234. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Jamaica; to the Committee on Foreign Relations.

EC–3235. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to emergency assistance for the disaster in Rwanda; to the Committee on Foreign Relations.

EC–3236. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Foreign Military Financing Funds; to the Committee on Foreign Relations.

EC–3237. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Palestinian refugees; to the Committee on Foreign Relations.

EC–3238. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the report of the texts of agreements; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–634. A resolution adopted by the Senate of the Legislature of the State of New York; to the Committee on Finance.

"SENATE RESOLUTION 4111

"Whereas, The Customs Modernization and Informed Compliance Act, which was passed in 1993 as part of the North Atlantic Free Trade Agreement, will affect U.S. Customs Commercial Operations throughout the nation; and

"Whereas, Clinton County is strategically located with Plattsburgh and the Port of Champlain located within 40 miles of Montreal; and

"Whereas, Clinton County's location offers unique accessibility to major Canadian cities such as Montreal, Ottawa and Quebec City as well as to cities such as Boston and New York City in the northeastern United States, in the heart of a trading region of more than 80 million people; and

"Whereas, Clinton County offers an attractive lifestyle as well as a pool of qualified, well-educated employees, many of whom are graduates of the State University of New York at Plattsburgh; and

"Whereas, The Customs Operations already located in Clinton County on the border between the United States and Canada are a major contributor to the economy of the county; and

"Whereas, Six Informed Compliance Centers to be located along the northern border have been proposed; and

"Whereas, The Port of Champlain is annually one of the most active, if not the most active, border crossings of the United States-Canadian border, with more that 500,000 entries processed in its sector each year; and

"Whereas, This volume of customs activity essentially requires that an Informed Compliance Center be located so as to serve this activity with maximum convenience; now, therefore, be it

"*Resolved*, That this Legislative Body pause in its deliberations to urge that serious consideration be given to locating an Informed Compliance Center in Clinton County by the United States Congress and the United States Customs Service; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to President William J. Clinton, the speaker of the United States House of Representatives, the Majority Leader of the Senate, the Commissioner of the United States Customs Service, Senator D'Amato, Senator Moynihan and Representative John McHugh."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1692. A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Big Guy* (Rept. No. 103–341).

S. 2043. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger* (Rept. No. 103–342).

S. 2198. A bill to authorize a certificate of documentation for the vessel *Serenity* (Rept. No. 103–343).

S. 2199. A bill to authorize a certificate of documentation for the vessel Emerald Ayes (Rept. No. 103–344).

S. 2318. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour* (Rept. No. 103–345).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2333. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V* (Rept. No. 103–346).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2339. A bill to authorize a certificate of documentation for the vessel *Why Knot* (Rept. No. 103–347).

S. 2355. A bill to authorize a certificate of documentation for the vessel *Empress* (Rept. No. 103–348).

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment:

S. 1834. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes (Rept. No. 103–349).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2104. A bill to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program (Rept. No. 103–350).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN:

S. 2408. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2409. A bill for the relief of D.W. Jacobson, Ronal Karkala, and Paul Bjorgen of Grand Rapids, MN; to the Committee on the Judiciary.

By Mr. GRAMM (for himself, Mr. SHELBY, Mr. CRAIG, Mr. BURNS, and Mr. KEMPTHORNE):

S. 2410. A bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. LAUTENBERG, Mr. SIMPSON, Mr. LIEBERMAN, and Mr. WOFFORD):

S. 2411. A bill to amend title 10, United State Code, to establish procedures for determining that status of certain missing members of the Armed Forces and certain civilians, and for other purposes; to the Committee on Armed Services.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 2412. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURENBERGER:

S. Res. 250. A resolution to refer S. 2409 entitled "A bill for the relief of D.W. Jacobson, Ronal Karkala, and Paul Bjorgen of Grand Rapids, Minnesota" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 2408. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Finance.

EMINENT DOMAIN LEGISLATION

• Ms. MOSELEY-BRAUN. Mr. President, eminent domain is the inherent and necessary right of every nation to take private property to promote the general welfare. This attribute of governmental sovereignty is important because it allows the U.S. Federal Government to build roads, highways, and bridges which benefit all Americans.

Nonetheless, under the current Tax Code, the involuntary conversion of property through eminent domain forces landowners to make a difficult choice: they must either pay the tax on their capital gain that year, or defer the tax for up to 3 years by investing the gain in like-kind property.

In effect, the Tax Code forces individuals to search for similar land in which to invest their gain, although many of them would prefer to reinvest their gain in a home, a stock portfolio, or a retirement investment fund.

I firmly believe that it is unfair and unreasonable to force landowners, who were unwilling sellers in the first place, to search for identical property, or suffer severe tax consequences.

The legislation I am introducing today would address this problem by allowing landowners who own real property for 10 years or more, and whose property is taken by eminent domain, to reinvest that gain in any investment and defer the capital gains tax for up to 3 years.

This legislation will restore some fairness to our Tax Code for these unwilling sellers. More specifically, it will give the residents of St. Clair County, whose property has been acquired for the development of the joint-use airport at Scott Air Force Base, more flexibility as they make their decisions on what to do after their property is sold to the county.

I urge my colleagues to help me create a fairer Tax Code for our Nation's taxpayers by supporting this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONRECOGNITION TREATMENT FOR CERTAIN REAL PROPERTY INVOLUNTARILY CONVERTED AS RESULT OF EXERCISE OF EMINENT DOMAIN.

(a) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

"(i) CONDEMNATION OF REAL PROPERTY HELD FOR AT LEAST 10 YEARS.—For purposes of subsection (a), if real property held by the taxpayer for at least 10 years is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, any other property shall (at the election of the taxpayer) be treated as property similar or related in service or use to the property so converted."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of converted property occurring on or after October 1, 1991.•

By Mr. DURENBERGER:

S. 2409. A bill for the relief of D. W. Jacobson, Ronal Karkala, and Paul Bjorgen of Grand Rapids, MN; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

• Mr. DURENBERGER. Mr. President, I am introducing today a private relief bill S. 2409, in behalf of partners of Norwood Manufacturing, Inc., of Grand Rapids, MN, a company which has been dissolved. A companion resolution, Senate Resolution 250 has been submitted which will request the U.S. Court of Claims to review a dispute between the partners of the dissolved company and the U.S. Postal Service.

On May 26, 1987, Norwood Manufacturing was awarded a contract by the

U.S. Postal Service to manufacture wooden nestable pallets. This contract award itself occurred only after Norwood was forced to threaten legal action to compel the award of the contract to Norwood, the low bidder, and not to the second lowest bidder, a company which had a prior relationship with the Postal Service.

To make a long and complicated story very short, 8 months after awarding Norwood the contract, on February 9, 1988, the U.S. Postal Service informed Norwood that it was terminating the contract for default. Even though Norwood had met the delivery schedule, the Postal Service initially decided to terminate the contract for failure to make timely deliveries. When it appeared that this was not a legitimate claim, the Postal Service indicated that Norwood's pallets did not meet specification. The Postal Service asserted this failure to meet specification even though Norwood's norwood pallets passed all of the tests required under the contract. The result of this decision forced the company to dissolve, leaving the small businessmen who owned and operated Norwood in debt.

Norwood disputes the Postal Service's claim that their nestable pallets did not meet the specifications and can present evidence from the Postal Services' own inspectors that supports this contention.

The company contested the Postal Service's decision in the U.S. Court of Claims. On August 10, 1990, the Court of Claims ruled against Norwood in a summary judgement; the U.S. Circuit Court of Appeals affirmed the Court of Claims without any explanation or opinion. I am told that the Court of Claims ruling came as a surprise to both the Postal Service and their lawyers in the Department of Justice. In fact, I am told that the Justice Department lawyers had already indicated to Norwood a desire to discuss a settlement of the matter as soon as the Court of Claims denied the Postal Service's motion for summary judgement. Naturally, when the judge ruled in favor of the Postal Service the Justice Department saw no need to further negotiate a settlement.

Thus, Mr. President, I do not believe that Norwood had an adequate review of what I admit is a very complex dispute. This is why I believe it is imperative that the Court of Claims review this matter pursuant to a congressional reference case. It is very important that equity be achieved by a review of the evidence. The Court of Claims would do this upon passage of Senate Resolution 250 and report back to the Congress to enable us to then consider the private relief bill for Norwood partners.

I urge my colleagues on the Judiciary Committee to consider and pass Senate Resolution 250 before the October adjournment date to enable the review to begin and thank them for any cooperation they can give me on this important matter.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,391,404.50 jointly to D.W. Jacobson, Ronal Karkala, and Paul Bjorgen of Norwood Manufacturing, Inc. (now dissolved) of Grand Rapids, Minnesota, for damages incurred relating to the termination of a contract with the United States Postal Service for the manufacture of wooden pallets.

SEC. 2. (a) The payment made pursuant to the first section of this Act shall constitute full settlement of all legal and equitable claims by D.W. Jacobson, Ronal Karkala, and Paul Bjorgen of Norwood Manufacturing, Inc. (now dissolved) of Grand Rapids, Minnesota, against the United States.

(b) Nothing in this Act shall be construed as an inference of liability on the part of the United States.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.•

By Mr. GRAMM (for himself, Mr. SHELBY, Mr. CRAIG, Mr. BURNS, and Mr. KEMPTHORNE):

S. 2410. A bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

THE PRIVATE PROPERTY RIGHTS RESTORATION ACT

Mr. GRAMM. Mr. President, "we see no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or fourth amendment, should be relegated to the status of a poor relation". With these words in the recent landmark Supreme Court decision Dolan versus City of Tigard, Chief Justice Rehnquist correctly points out the near evisceration of one of the most fundamental rights upon which our Nation was founded. Sadly, with all the talk we hear about rights in America today the fundamental freedom to acquire, use, and dispose of private property has become a poor relation. In fact, it has very nearly been drummed out of the family because of the Federal Government's relentless assault on private property.

The Founding Fathers were keenly aware of the critical importance of private property, so much so that they provided in the Bill of Rights that "private property—shall not—be taken for public use without just compensation." Indeed, the courts have been very clear that if the Government builds a highway across your property, it must provide you just compensation. However, one form of taking which has become more common than condemnation is the regulatory taking. This occurs when the Government imposes such stringent controls on the use of private property that its value is eroded or destroyed.

Two examples of regulatory takings are Government regulation of wetlands and endangered species. All over the country under wetlands provisions, entire counties or significant portions of coastal land in States such as Texas and Maryland have found that the ability of people to use their property was dramatically restricted because a Government bureaucrat redefined what would qualify as a wetland. In the woods of east Texas, if a red-cockaded woodpecker landed in your trees, you could suddenly be threatened with a Government taking that barred you from cutting your own trees. Similarly in the Pacific Northwest property owners have found that because an owl was nesting in their woods, they can no longer harvest their trees. The impact of these regulatory actions on jobs, the economy, family well-being, and individual freedom has been enormous.

To help revive this important freedom, I have introduced the Private Property Rights Restoration Act, which will restore the constitutional mandate that just compensation be paid when Government action reduces private property value. This bill will safeguard the rights of individuals whose land is taken by Government regulations or policies that reduce the value of the property or rob it of all value. The legislation would protect against Government action which significantly reduces a property's value and requires compensation when such action reduces property value by at least 25 percent or $10,000. However, such protections will not be extended to uses of property which are judged to be a public nuisance or which will harm the public. The payment of compensation and legal fees for property owners who successfully plead their case in court must be paid with funds from the budget of the agency issuing the regulation.

Mr. President, I will work toward passage of this legislation to help every American whose property rights are being ignored or threatened by the Federal Government. I hope we can work together to restore private property rights and to bring the fifth amendment back into the family of the Bill of Rights on behalf of the people who own property, who till the soil, who produce the goods and services in our country, and who do the work, pay the taxes, and pull the wagon.

I ask unanimous consent that a one page description of the legislation and the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Restoration Act".

SEC. 2. PRIVATE PROPERTY RIGHTS RESTORATION.

(a) CAUSE OF ACTION.—(1) The owner of any real property shall have a cause of action against the United States if—

(A) the application of a statute, regulation, rule, guideline, or policy of the United States restricts, limits, or otherwise infringes a right to real property that would otherwise exist in the absence of such application; and

(B) such application described under subparagraph (A) would result in a discrete and non-negligible reduction in the fair market value of the affected portion of real property.

(2) Notwithstanding paragraph (1)(B), a prima facie case against the United States shall be established if the Government action described under paragraph (1)(A) results in a temporary or permanent diminution of fair market value of the affected portion of real property of the lesser of—

(A) 25 percent or more; or

(B) $10,000 or more.

(b) JURISDICTION.—An action under this Act shall be filed in the United States Court of Federal Claims which shall have exclusive jurisdiction.

(c) RECOVERY.—In any action filed under this Act, the owner may elect to recover—

(1) a sum equal to the diminution in the fair market value of the portion of the property affected by the application of a statute, regulation, rule, guideline, or policy described under subsection (a)(1)(A) and retain title; or

(2) the fair market value of the affected portion of the regulated property prior to the government action and relinquish title to the portion of property regulated.

(d) PUBLIC NUISANCE EXCEPTION.—(1) No compensation shall be required by virtue of this Act if the owner's use or proposed use of property amounts to a public nuisance as commonly understood and defined by background principles of nuisance and property law, as understood under the law of the State within which the property is situated.

(2) To bar an award of damages under this Act, the United States shall have the burden of proof to establish that the use or proposed use of the property is a public nuisance as defined under paragraph (1) of this subsection.

SEC. 3. APPLICATION; STATUTE OF LIMITATIONS.

(a) APPLICATION.—This Act shall apply to the application of any statute, regulation, guideline, or policy to real property, if such application occurred or occurs on or after January 1, 1994.

(b) STATUTE OF LIMITATIONS.—The statute of limitations for actions brought under this Act shall be 6 years from the application of any statute, regulation, rule, guideline, or policy of the United States to any affected parcel of property under this Act.

SEC. 4. AWARD OF COSTS; LITIGATION COSTS.

(a) IN GENERAL.—The court, is issuing any final order in any action brought under this Act, shall award costs of litigation (including reasonable attorney and expert witness) to any prevailing plaintiff.

(b) PAYMENT.—All awards or judgments for plaintiff, including recovery for damages and costs of litigation, shall be paid out of funds of the agency or agencies responsible for issuing the statute, regulation, rule, guideline or policy affecting the reduction in the fair market value of the affected portion of property. Payments shall not be made from a judgment fund.

SEC. 5. CONSTITUTIONAL OR STATUTORY RIGHTS NOT RESTRICTED.

Nothing in this Act shall restrict any remedy or any right which any person (or class of persons) may have under any provision of the United States Constitution or any other law.

PRIVATE PROPERTY RIGHTS RESTORATION ACT

Section 1. SHORT TITLE: "PRIVATE PROPERTY RIGHTS RESTORATION ACT"

Section 2. PRIVATE PROPERTY RIGHTS RESTORATION:

(a) CAUSE OF ACTION.—

(1) The owner of any real property (land) may sue the U.S. Government if (A) any governmental action identified in the Act infringes a persons right to their property; and, (B) that infringement significantly reduces the fair market value of the affected portion of property.

(2) A property owner may sue the U.S. government if the government action causes a temporary or permanent diminution of fair market value of the affected portion of real property of at least 25 percent or $10,000.

(b) JURISDICTION.—The U.S. Court of Federal Claims is established as the court of jurisdiction for claims brought forth under this Act.

(c) RECOVERY.—Property owners may choose among two options to seek reimbursement for government actions which result in takings:

(1) The amount of diminution in value of the portion of property affected by the government action and retain title, or:

(2) Fair market value of the affected portion of the regulated property prior to government action and relinquish title to such regulated property.

(d) PUBLIC NUISANCE EXCEPTION.—Ensures that no compensation is awarded if the use to which the property owner puts the property is judged to be a public nuisance.

Section 3. APPLICATION; STATUTE OF LIMITATIONS:

(a) APPLICATION.—The bill applies to real property affected by governmental actions which occur on or after January 1, 1994.

(b) STATUTE OF LIMITATIONS.—The statute of limitations for actions brought forth under this legislation is limited to 6 years after application of the regulatory action to the affected property.

Section 4. AWARD OF COSTS; LITIGATION COSTS:

(a) Includes litigation costs in court award.

(b) Requires payment for court awards from agency budgets of the agency responsible for the government action, rather than a judgement fund.

Section 5. CONSTITUTIONALITY OR STATUTORY RIGHTS NOT RESTRICTED:

Ensures that the bill does not preclude any other remedy property owners may seek.

Mr. BURNS. Mr. President, the value of your property is directly dependent on your ability to use that land. This is of great concern to many folks in Montana. And I am pleased to join Senator GRAMM of Texas in introducing the Private Property Rights Restoration Act.

Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws and government regulations have been encroaching further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

The bill we are introducing today deals with private property and government regulations. This bill protects property owners when government regulations or policies reduce the value of that property. The bill also establishes a U.S. Court of Federal Claims as a court of jurisdiction for claims brought forth under the act, and it requires payment for court awards from the budget of the agency responsible for the taking. With government regulations encroaching more and more on private property, I believe this bill is important.

In recent years, the courts have made important decisions regarding private property rights. In 1991, I submitted to the U.S. Supreme Court, a friend of the court brief. While this particular case dealt with the taking of property in South Carolina, the issue was important to Montana. In this case, the Court sided on with the property owner reaffirming every American's right. This year, another U.S. Supreme Court case dealing with a private property in Tigard, OR, also reaffirmed this constitutional right.

Montanans believe that protecting private property is of utmost importance. I firmly believe Congress needs to reinforce the government's responsibility to protect property rights to protect the value of individuals' land.

By Mr. DOLE (for himself, Mr. LAUTENBERG, Mr. SIMPSON, Mr. LIEBERMAN, and Mr. WOFFORD):

S. 2411. A bill to amend title 10, United States Code, to establish procedures for determining that status of certain missing members of the Armed Forces and certain civilians, and for other purposes; to the Committee on Armed Services.

THE MISSING SERVICE PERSONNEL ACT OF 1994

Mr. DOLE. Madam President, today I rise, with my colleague, Senator LAUTENBERG, to introduce the Missing Service Personnel Act of 1994. The legislation we introduce today, which builds on the recent amendments introduced by Senator SMITH to the Defense Authorization Act, would reform the Department of Defense's procedures for determining whether members of the Armed Forces should be listed as missing or presumed dead. Legislation pertaining to those missing in action has not changed in the past 50 years. Since the Vietnam War, the Department of Defense and the U.S. Government have been criticized for their handling of the

POW/MIA issue. Some of that criticism is legitimate. Some of it has been brought upon the Government by its own actions or inactions. This bill attempts to correct some of those problems and establish a fair and equitable procedure for determining the exact status of such personnel. At the same time, Senator LAUTENBERG and I hope to restore some the Department's credibility on this issue and rebuild faith and trust between the public and our Federal Government.

This bill attempts to ensure that missing members of the Armed Services or civilian employees accompanying them are fully accounted for by the Government and that they are not declared dead solely because of the passage of time. The legislation would establish new procedures for determining the whereabouts and status of missing persons. Additionally, the bill provides for the appointment of counsel for the missing, ensuring that the Government does not disregard their interests and affording the missing due process of law. By ensuring access to Government information and making all information available to hearing officers, while providing for protection of classified information, the proposal also attempts to remove the curtains of secrecy which often seem to surround these cases. Additionally, the missing person's complete personnel file is made available for review by the family members. Moreover, the legislation attempts to protect the interests of the missing person's immediate family, dependents, and next of kin, allowing them to be represented by counsel and to participate with the boards of inquiry. It is our hope that by allowing more participation by the family, requiring legal representation of the missing, and permitting Federal court review of all determinations, we will establish fundamental fairness for all concerned.

Now let me be clear, we make no pretense that this is a perfect bill or that this bill resolves all of the concerns of all the parties with an interest in this issue. But, in an effort to build consensus, Senator LAUTENBERG and I have introduced this legislation as a starting point. Let me add that if veterans' support for this proposal is any indicator, then we're off to a good start. The American Legion, National Vietnam Veterans Coalition, Vietnow, and the National Alliance of Families all support this legislation. Madam President, I ask unanimous consent that letters from each of these organizations be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. We recognize that the Department of Defense and the military services have concerns. At the same time, we also realize that the families of missing personnel raise legitimate issues. Most importantly, we need to look at this issue from the perspective of those brave men and women currently serving in our Armed Forces. As this bill moves through the legislative process, it is our hope that all of these issues and concerns will be addressed.

We need to assure the men and women in uniform and their accompanying civilian counterparts, that this great Nation will do everything possible to return them safely home in the event they become missing while serving in armed conflict. At the same time, we must assure them that a more open and fair procedure will be established to determine their exact status. I am pleased to sponsor this important legislation with the distinguished Senator from New Jersey, and urge my colleagues to support it.

EXHIBIT 1

THE AMERICAN LEGION,
WASHINGTON OFFICE,
Washington, DC, August 16, 1994.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: For many years The American Legion has consistently supported all positive efforts to obtain the fullest possible accounting of American prisoners of war and those missing in action from past wartime conflicts and the Cold War. The American Legion is especially appreciative of your personal efforts and concern for the plight of American POW/MIAs. Your introduction of the Dole-Lautenberg bill, The Missing Service Personnel Act of 1994, is both timely and welcome since it directly and substantially supports other ongoing Legion, Congressional and Administration efforts to facilitate acquiring the maximum achievable information on missing Americans.

Your sponsorship of this bill is especially significant since it comes at a time when American contacts with foreign governments are less interested in information on missing Americans, than on making lucrative business arrangements. With the lifting of the embargo against Vietnam earlier this year the U.S. lost its last major bargaining lever. Your bill supported by the Senate in the 103d Congress and, if necessary, reintroduced and passed in the 104th Congress will serve to keep America's POWs and MIAs from being forgotten.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director.

NATIONAL VIETNAM
VETERANS COALITION,
Washington, DC, August 16, 1994.

Re Missing Persons Act reform.

Hon. ROBERT DOLE,
Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATORS DOLE AND LAUTENBERG: The National Vietnam Veterans Coalition, a federation of seventy-eight (78) Vietnam veterans organizations and veterans issue groups, is pleased to support your efforts for long overdue reform of the Missing Persons Act.

The history of the law, as previously administered, has been one of arbitrary decisions, based on incomplete information. The administration of the law has produced untold grief among the family members of the missing in action and has angered the Vietnam veteran community. The rote presumptive findings of death have contributed substantially to the ongoing failure of the POW-MIA bureaucracy to meaningfully resolve the issue.

The bill you are introducing provides considerable procedural protections to future MIAs. The provisions for appointment of counsel for the MIA's interests, the counsel's access to classified information, procedures for dealing with classified information, centralization of case information in the MIA's personnel file, the ability to reopen hearings for a period of time and effective reversal of the current de facto presumption of death reflexively applied in hearings mark tremendous progress. The encouragement to combine hearings in group disappearance cases would force hearing panels to weigh the evidence in a broader context.

The opening up of the process to include the right of participation of secondary next of kin is a welcome recognition of the fact that there is more than one person in each family who cares about the fate of a missing relative.

Lastly, the limited right to re-open cases from earlier wars will afford considerable justice to those families who were previously victimized by the kangaroo courts of the past.

We are proud to endorse this much needed piece of legislation.

Sincerely,

J. THOMAS BURCH, Jr.,
Chairman.

VIETNOW,
NATIONAL HEADQUARTERS,
Rockford, IL, August 14, 1994.

Hon. ROBERT DOLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DOLE: After reviewing the proposed "Missing Service Personnel Act of 1994" bill, it is apparent that this bill is years and probably decades over due. The original Act of 1942 may have served a noble purpose at the onset. However, it seems that in the years that have followed this original bill has been prostituted. The 1942 bill has been used for the purpose of conveniently declaring the presumption of death.

We have always been of the opinion that the declaration of death at the stroke of a pen is totally unacceptable. The presentation of hard factual evidence is often overshadowed by the simple passage of time. The matter of death by association is another method of accounting that has been used in the past that we find deplorable.

The inclusion of wording which required "conclusive proof of death" in the 1994 bill makes this bill a very important piece of legislation. Prescribing a set time frame for review and re-review is another key element of this legislation. However, the most important part of this bill is the inclusion of family members in the review process and allowing the families access to information that is accumulated in the investigative process.

An interesting part of this bill is the section which deals with "knowingly and willfully" withholding of information from the personnel file of a missing person. this section details action to be taken against anyone who is involved in such behavior.

Senator Dole, we strongly support the Missing Service Personnel Act of 1994 and we commend your efforts in its passage.

Sincerely,

RICH SANDERS,
President.

National Alliance of Families,
Bellevue, WA, August 15, 1994.
Hon. Robert Dole,
Hart Building,
Washington, DC.

Dear Senator Dole: The membership of the National Alliance of Families would like to thank you and Senator Frank Lautenberg (D-NJ) for introducing the "Missing Service Personnel Act of 1994".

Families of American Prisoners of War and Missing in Action have waited much too long to see that justice will be afforded our future patriotic military personnel, who well may be our own sons, daughters and grandchildren. This bill will clearify the arbitration practices and procedures allowing all immediate family to participate in the appeal process which has been denied our past MIA military personnel.

The evidence is clear that some men from WWII, the Korean War, the Cold War and the Vietnam War were declared dead when they were not dead but alive. The U.S. Government has denied these patriotic men and women under the "International Law of War" and the "Geneva Convention" their civil rights, their freedom.

The "Missing Service Personnel Act of 1994" will afford justice as to assure that our Military personnel will not be so readily written off as has been done in the past.

Sincerely,

Dolores Apodaca Alfond,
National Chairperson.

The American Legion,
Washington Office,
Washington, DC, August 16, 1994.
Hon. Robert J. Dole,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Dole: For many years The American Legion has consistently supported all positive efforts to obtain the fullest possible accounting of American prisoners of war and those missing in action from past wartime conflicts and the Cold War. The American Legion is especially appreciative of your personal efforts and concern for the plight of American POW/MIAs. Your introduction of the Dole-Lautenberg bill, The Missing Service Personnel Act of 1994, is both timely and welcome since it directly and substantially supports other on-going Legion, Congressional and Administration efforts to facilitate acquiring the maximum achieveable information on missing Americans.

Your sponsorship of this bill is especially significant since it comes at a time when American contacts with foreign governments are less interested in information on missing Americans, than on making lucrative business arrangements. With the lifting of the embargo against Vietnam earlier this year the U.S. lost its last major bargaining lever. Your bill supported by the Senate in the 103d Congress and, if necessary, reintroduced and passed in the 104th Congress will serve to keep America's POWs and MIAs from being forgotten.

Sincerely,

John F. Sommer, Jr.,
Executive Director.

Mr. LAUTENBERG. Madam President, I am pleased to join Senator Dole in introducing the Missing Service Personnel Act of 1994. It is perhaps fitting that two veterans of World War II join together to sponsor this legislation. Senator Dole and I collaborated in writing this bill in a spirit of bipartisanship. We believe there is no room for politics when it comes to how the Government treats its missing personnel.

Madam President, the Missing Service Personnel Act of 1994 updates existing law, last written by Congress in 1942. Its focuses on how the U.S. Government deals with military personnel and Federal employees who are classified as "missing in action." Our bill also makes some improvements in the way the Federal Government deals with the families of missing persons. They suffer when a loved one is missing and they deserve to have their interests protected and their needs met by their Government.

Congressional interest in the issue is extensive, Madam President. When the Senate Select Committee on POW/MIA Affairs—ably led by Senator Kerry and Senator Smith—reported its findings to this body, it concluded there has been serious U.S. Government neglect and mismanagement in dealing with missing servicemembers. That's why we're here today—we want to rid the Government of neglect and mismanagement in its treatment of Americans who are missing in action.

Having served in World War II, both Senator Dole and I know first-hand the tremendous sacrifice service men and women make when they face combat. We know the terror soldiers face when they consider the prospect of being captured. We also know the anguish our loved ones suffer when a soldier goes into harm's way.

Over the past 25 years, the credibility of the Department of Defense on MIA/POW issues has been seriously questioned. Without substantial reform of its procedures, the American people will continue to question the credibility of DOD in future military operations. Americans expect Pentagon officials to care for our soldiers and their families. They expect DOD officials to do the right thing when a servicemember is reported missing. There should be no curtain of secrecy. There should be no perception of incompetence. There should be no unfair treatment of families.

Our uniformed men and women serve proudly in the Armed Forces on behalf of all Americans. In return for their sacrifice, American servicemembers should be able to expect fairness, honesty, and support from the Department of Defense.

Unfortunately, Madam President, when we look at recent history concerning the treatment of families of those missing in action, we see a troubling picture. No one in Congress should be content with what has happened in the past. We have seen families become outraged by the treatment they receive from their Government. We have witnessed their disgust toward elected officials. And, we have heard their calls for more information, more interest, and more action to recover their loved ones.

Today, we have an opportunity to respond, to provide better treatment. I believe the time is right to correct the Pentagon's flawed management practices. The cold war is over. The United States is not engaged in a major war, although we still have American men and women serving faithfully around the globe. They are ready for conflict if necessary. And, I suggest to my colleagues that the Pentagon must be ready as well.

Let's take a look at the problems we face now.

Madam President, existing United States law concerning how the Government deals with missing persons is over 50 years old. That law is inadequate—it deals primarily with financial aspects of missing personnel and their dependents. That law is outdated—it doesn't address new issues that have emerged over the past 25 years. And that law is incomplete—it doesn't protect missing service members from bureaucratic inaction.

Perhaps most troubling is the fact that existing law does not protect the rights of missing persons. Right now, missing persons do not have counsel in Government hearings. No one represents their interests. In addition, missing persons lose due process after one year. They just go into administrative limbo. They stay there until someone says they're dead. No wonder so many families think Government decisions are arbitrary and capricious.

Another problem deals with access to information. Right now, hearing officers can be denied information about missing persons. In addition, hearing officers can be excluded from reviewing classified information. And further, Government officials can willfully withhold relevant information without penalty. I believe these practices are the root cause for the "curtain of secrecy" that surrounds Government decisions.

The lack of specified rights for families is another problem with existing law. The Americans with the greatest stake in Government action have the least involvement in those decisions. Moreover, families have no right to appeal. No wonder many families make charges of "cover-up" and "smokescreen." I believe we should have procedures that guarantee families of missing servicemembers honest, fair, and just treatment.

Finally, Madam President, the old law doesn't create the opportunity for good just decisions. Right now, officials assigned to conduct hearings may not be qualified. Further, they may have no guidance about making determinations of death. So today, what we have are poor decisions: missing persons are pronounced dead merely with the passage of time. I believe such determinations constitute disloyalty to our service men and women.

Madam President, when you look at the problems with existing law in the aggregate, you can see why we've had so many problems over the years. Families are mad. Service men and women are wary. Government officials are frustrated. Senator DOLE and I wrote this bill to correct, once and for all, all these problems.

Unfortunately, Madam President, when the Pentagon looks at these problems they see a rosy picture. Over the last 5 years, Pentagon officials have reported to Congress that everything is just fine. They have dragged their feet in upgrading Government procedures. And despite our efforts to reform existing law, the Pentagon has not come forward with a reform proposal. Mr. President, there seems to be a general lack of will within the Pentagon to update its management procedures regarding missing persons.

In Congress today, there are several POW/MIA legislative initiatives that address problems of past wars and conflicts. These initiatives attempt to resolve problems for World War II, Korea, and Vietnam. These are all worthy and should be pursued by both the Congress and the administration.

However, Madam President, we have only one initiative that looks to the future—to the wars and conflicts not yet fought by Americans. Just last month, in passing the fiscal year 1995 National Defense Authorization Act, the Senate took the first step in establishing new procedures for the future. In that legislation, we required the Department of Defense to review its procedures and recommend changes to Congress.

I remain skeptical about the Pentagon's response. I haven't seen any enthusiasm to update their procedures. Those in Congress who have dealt with these problems have seen little Pentagon interest in reform. Indeed, just 7 months ago, an Assistant Secretary of Defense wrote to us with regard to the Pentagon's procedures and I quote:

> I believe that the existing legislation provides adequate protections and venues for participation of all parties with legitimate interest.

Now Madam President, I ask my colleagues: What should we expect from a Pentagon review of existing legislation? Does anyone in this body believe the Pentagon will come forward with reform legislation? I will tell you I am very skeptical.

This is why, despite the Senate's recent action, I am introducing this bill today. I want to lay on the table a proposal with real reform. I want the Pentagon to know that this Senator does not believe existing procedures are adequate. And I suggest the Senate needs to take the lead on this critical issue.

Madam President, when we wrote this legislation, Senator DOLE and I took a new approach. We asked a simple question: How would a missing soldier want the U.S. Government to respond to his or her situation? What would a missing person want from his Government? We wrote this bill from the point of view of American service men and women. When we finished, we had created wholly new procedures—procedures that, for the first time, are designed to serve those who are missing in action.

This legislation accomplishes four goals. First, it corrects management deficiencies for dealing with missing servicemembers. Second, the bill safeguards the rights of missing personnel. Third, our legislation re-establishes a sense of trust between the U.S. Government and the families of missing personnel by raising what many people consider to be a curtain of secrecy surrounding Government decisions. And finally, Madam President, our bill assures fundamental fairness to missing servicemembers by requiring timely Government action and specifying the rights of families and the Government's obligations to them. We hope that families of missing persons are treated fairly in all proceedings.

Let me discuss some of the provisions we are proposing in more detail.

First, the act will establish new procedures for determining the whereabouts and status of missing persons. These procedures accelerate official action in order to recover the missing. They may even lead to the recovery of some servicemembers.

Moreover, the new procedures will afford missing persons due process well after the first year of their disappearance. Our service men and women should never believe that our Government will abandon them if captured. This legislation guarantees that the Government won't write them off merely with the passage of time.

The second important provision of the act is that qualified counsel will be appointed for missing persons. This is new. Never before have missing persons been represented by counsel. Our service personnel should not have to worry about their rights, even if they are missing in action. This legislation assures that the Government does not ignore issues and evidence. It assures that the Government affords the missing in action due process of the law.

Third, the act will assure access to Government information. It removes the curtain of secrecy. It makes all information available to hearing officers. Also, the bill carefully provides access to classified information. And, it makes complete personnel files available for review. These measures guarantee that the Government doesn't make ill-formed decisions about the status of missing personnel.

The act also specifies the rights of the missing person's immediate family, dependents, and next of kin. It ensures that our field commanders will give families updated, accurate information concerning the incident in which their loved one disappeared. The bill assures family participation in Government hearings. They will have access to the personnel file of the missing. They can be represented by private counsel. They can object in writing to a board's recommendations. And last, but not least, they can appeal a Government ruling. These are the basic rights of families—and no one can argue with putting them into law.

The last major provision of the act states criteria for making just decisions about the status of missing servicemembers. It gives guidance to officials about the factors they must consider before making a determination of death. The bill specifically prohibits declaring someone to be dead merely by virtue of the passage of time. I believe these provisions are important as an expression of Government loyalty to all persons who serve in the Armed Forces.

Madam President, let me close by saying that there is a strong bipartisan consensus across America in support of this bill. It has been building over the last 3 years. It started partly as a grassroots initiative from New Jersey and elsewhere.

Today, in the House, a similar bill now has about 170 cosponsors from both parties. It's clear this legislation has had a positive impact on our colleagues in the other body.

And perhaps most important, this legislation is supported by several major veterans' organizations across the United States. We have received positive endorsements from many groups which include the American Legion and the National Vietnam Veterans Coalition.

Madam President, I ask unanimous consent that the letters from John F. Sommer, Jr., executive director of the American Legion, and J. Thomas Burch, chairman of the National Vietnam Veterans Coalition, be included in the RECORD.

Madam President, the good intention of many Americans, who truly care about the welfare of the men and women in the armed services, has been combined into this initiative. They believe it is the right thing to do.

I urge my colleagues to join Senator DOLE and me in supporting this reform legislation when it is voted upon in the Senate.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 2412. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for the other purposes; to the Committee on Energy and Natural Reserves.

TALLGRASS PRAIRIE NATIONAL PRESERVE ACT

Mrs. KASSEBAUM. Mr. President, today I rise to introduce legislation to create a tallgrass prairie preserve in the Flint Hills of Kansas. This legislation is the product of months of discussions and negotiations between the Department of the Interior, the National

Park Trust, and representatives of Kansas agriculture and conservation groups. It is legislation which I believe will be seen as a model for partnership between the Federal Government and private conservation groups for protecting important natural resources.

There is no finer example of the tallgrass prairie ecosystem than the 10,894-acre Spring Hill Ranch, located in the heart of the Flint Hills in Chase County, KS. I often find it hard to describe the beauty of the area to those have have not visited Kansas. William Least Heat-Moon may have best described it in his recent book, "Prairyerth," when he wrote about growing to appreciate the splendor of the tallgrass prairie.

He wrote:

> I learned a prairie secret: take the numbing distance in small doses and gorge on the little details that beckon. The prairie doesn't give up anything easily, unless it's horizon and sky. Search out its variation, its color, its subtleties.

He says if you look at the prairie this way, you will soon discover that, like the geodes so abundant in this country, a splendid world lies within a plain cover.

Mr. President, it is ironic that the very conditions that promoted the development of this special ecosystem—good soil and adequate moisture—have also led to its demise. Much of the tallgrass prairie that stretched from southern Minnesota to Oklahoma has succumbed in the last hundred years to the steel plow. Today, the Spring Hill Ranch is one of but a few untouched stretches that remain.

For the last five decades, Kansas have been struggling with the question of how best to preserve a portion of the tallgrass prairie and open it to the public. In a State where any Federal involvement is viewed with great suspicion, it has been difficult to find common ground between the conservation and agriculture communities on how to do this.

For the past 3 years, I have been working with both groups in an effort to preserve the ranch. Frankly, I believe both groups have much to gain in working to preserve the property. For conservationists, it is an opportunity to preserve an American ecosystem, its plants, and its wildlife that nowhere else is protected by the National Park Service. For ranchers, it is an opportunity to teach the public the important role ranching played in the development of the West and how the lush native grass that drew buffalo to the region by the thousands also brought a strong ranching heritage to the State.

The legislation I am introducing is the product of discussions with both of those groups. It comes as the result of the tremendous commitment one conservation group, the National Park Trust, has made to protecting this ranch. Earlier this year, when private preservation efforts has reached a stalemate, the National Park Trust, using their own savings, purchased the ranch. Their private ownership, and their willingness to enter into a cooperative management agreement with the National Park Service, has made this legislation possible.

The Tallgrass Prairie National Preserve Act will allow the National Park Service to purchase up to 180 acres or less than 2 percent of the ranch. In meetings I have had with Secretary of the Interior Bruce Babbitt, he has stated that he would like to see the National Park Service purchase, maintain, and operate this core area, which includes a ranch house, a barn, and several other buildings listed on the National Register of Historic Places.

The rest of the ranch will continue in private ownership, but the Secretary of the Interior is given the authority in this bill to enter into a cooperative agreement with the National Park Trust to provide interpretative and resource management assistance, as well as police and emergency services.

Great care has been made to take into account the legitimate concerns of area ranchers. That is why the National Park Service ownership is limited to 180 acres, and no further expansion is permitted. Language was incorporated into the bill to address concerns about fence maintenance and to require compliance with state noxious weed, pesticide, animal health, and water laws. The bill also establishes an advisory committee consisting of conservationists, local landowners, and educators to give their input on how the ranch should be managed.

Mr. President, the legislation I am introducing is the product of consultations and discussions that have occurred over a period of several years. I am excited about the private/public partnership that is envisioned in this bill. We hear frequently that the budget of the National Park Service is being stretched beyond its ability to deal with the demands we place on it. This bill is mindful of that.

The National Park Trust's $5 million investment to acquire the ranch and operate it in conjunction with the National Park Service allows us to protect this property and open it to the public at a tremendous savings to the American taxpayer. I believe as Federal dollars become increasingly tighter, the National Park Service and private conservation groups must look for innovative ways like ones this bill embraces to protect natural resources.

We have a wonderful opportunity to protect for future generations a portion of the tallgrass prairie. Passage of this bill will give the American public an opportunity to enjoy and explore this beautiful area and an appreciation for this ecosystem and the history and importance of ranching.

Mr. President, I ask unanimous consent that a letter written to me from Paul Pritchard, chairman of the National Park Trust appears in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PARK TRUST,
Washington, DC, August 19, 1994.

Hon. NANCY KASSEBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: On behalf of the Trustees of the National Park Trust, it is a privilege for us to endorse legislation to preserve the Tallgrass Prairie of Kansas. We particularly commend you and the delegation from Kansas for the leadership you have provided in assisting the National Park Service to carry out its important mandate to recognize America's tallgrass heritage—a heritage that once stretched more than 140 million acres across America's heartland, but today only survives in remnant swatches.

The Springhill/Z Bar Ranch encompasses a magnificent unspoiled swath of the Flint Hills. Its rolling, nearly treeless landscape with grasses, sometimes reaching ten feet in height, sustains the biological riches of a vanishing American landscape. Nearly 200 kinds of birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. Its distinctive century-old limestone buildings, looming large amid ocean-like waves of prairie, give enduring voice to local traditions and can serve as an appropriate setting to tell the story of the Native American and pioneers and our nation's westward expansion. Because of its outstanding natural and cultural resources, the National Park Service's 1991 study concluded that the property met the standards as a unit of the National Park System.

The National Park Trust acquired the Springhill/Z Bar Ranch in June as a first important step toward ensuring that this country's tallgrass heritage is preserved and interpreted for all Americans. The Trust is a 501(c)(3) non-profit educational and charitable corporation which is celebrating over ten years of service as the land conservancy of the national parks. Its mission is to assist the National Park Service in the acquisition of in holdings from willing sellers, and to acquire and protect properties, such as the Springhill/Z Bar Ranch, that merit protection as units of the National Park System.

The National Park Trust has served over this decade as a partner with the National Park Service and with private individuals in the preservation of important properties from Alaska to Florida, and from Massachusetts to California. In addition, the Trust provides funds for other non-profit organizations to carry out important park projects. For example, the Trust underwrote the first acquisition by the Civil War Trust at Harpers Ferry National Historical Park.

We welcome this opportunity to support this legislation and look forward to its completion so that this deserving resource can be part of the National Park System.

Sincerely,

PAUL C. PRITCHARD,
Chairman.

Mr. DOLE. Mr. President, for the past several years, a debate has raged in Kansas regarding the preservation of an 11,000 acre ranch known as the Spring Hill Ranch. Unfortunately, this controversy has pitted neighbor against neighbor and divided communities. My colleague from Kansas, Senator KASSEBAUM, has worked diligently to resolve this matter. In January 1992, she stepped in and organized the Spring Hill/Z-Bar Ranch Foundation as a private effort to raise money for the purchase of the ranch. The foundation was crafted to address many of the concerns raised by both sides of this controversy.

Unfortunately, the efforts of this private/public foundation failed when the bank and the foundation could not reach an agreement on the price and conditions for sale.

Today, I am joining Senator KASSEBAUM as a cosponsor of legislation which would authorize the National Park Service to purchase a core area of the ranch. The legislation allows the National Park Service to purchase 180 acres, which includes the buildings and enough acres to build an interpretive center.

I think most of us agree on the need to preserve a piece of the tall grass prairie. Anyone who has driven through the flinthills of Kansas appreciates the beauty of this prairie.

In cosponsoring this legislation, I do have reservations. I have worked closely with both sides in trying to resolve this matter. And while this legislation goes a long way toward addressing some of the concerns on both sides, I want to emphasize that, in my view, this solution is not perfect.

One of the primary stumbling blocks to this agreement has been Federal ownership of the land. The reputation of the Federal Government as a landowner and neighbor is tarnished at best. This bill authorizes the Federal Government to purchase 180 acres—no more, no less. The legislation is clear on this point. The Government is not allowed to purchase any additional land. I do not envision this as the Government camel getting its nose under the tent and then purchasing additional acres at a later date. I would also point out that this legislation authorizes the Federal Government to purchase the land at no more than fair market value. Let me repeat that. The Government may purchase the property at no more than fair market value. Too often we hear horror stories of the Government paying exorbitant amounts of money for property. As a matter of fact, I commend the local residents for taking such an active role in opposing the use of Federal dollars for this project.

And as we ask the people of Chase County to accept the Federal Government as a neighbor, I also believe the Government should accept the same liability as any other landowner. The Federal Government should not be a bad neighbor.

Mr. President, I would point out that one of the attractive provisions of this bill is that it establishes an advisory committee. The Secretary of the Interior must consult with this committee when preparing the general management plan for the land. This should help ensure that local concerns are taken into account when decisions affecting them are made.

In conclusion, Mr. President, while this legislation is not perfect, it does address many of the concerns of local and State interests. I am hopeful that we can work through this difficult situation and in the end, come up with a compromise that is acceptable to everyone.

ADDITIONAL COSPONSORS

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

SENATE JOINT RESOLUTION 188

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 188, a joint resolution to designate 1995 the "Year of the Girl Child."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Arizona [Mr. DECONCINI], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 216

At the request of Mr. HATCH, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 216, a joint resolution designating the week beginning September 12, 1994, as "National Hispanic Business Week."

SENATE CONCURRENT RESOLUTION 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice.

SENATE RESOLUTION 250—TO REFER S. 2409 TO THE COURT OF CLAIMS

Mr. DURENBERGER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 250

Resolved, That the bill S. 2409 entitled "A bill for the relief of D.W. Jacobson, Ronal Karkala, and Paul Bjorgen of Grand Rapids, Minnesota." now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any legally or equitably due to the claimants from the United States.

AMENDMENTS SUBMITTED

THE HEALTH SECURITY ACT

HUTCHISON (AND OTHERS) AMENDMENT NO. 2571

Mrs. HUTCHISON (for herself, Mr. GREGG, and Mr. KEMPTHORNE) proposed an amendment to amendment No. 2560 proposed by Mr. MITCHELL to the bill (S. 2351) to achieve universal health insurance coverage, and for other purposes; as follows:

On page 182, strike lines 11 through 19.

HARKIN (AND OTHERS) AMENDMENT NO. 2572

Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. REID, and Mr. ROCKEFELLER) proposed an amendment to amendment No. 2560 proposed by Mr. MITCHELL to the bill S. 2351, supra; as follows:

At the appropriate place in part 1 of subtitle C of title I, insert the following new section:

SEC. . FLEXIBLE SERVICES OPTION.

(a) EXTRA CONTRACTUAL SERVICES.—A health plan may provide coverage to individuals enrolled under the plan for extra contractual items and services determined appropriate by the plan and the individual (or in appropriate circumstances the parent or legal guardian of the individual).

(b) DISPUTED CLAIMS.—A decision by a health plan to permit or deny the provision of extra contractual services shall not be subject to a benefit determination review under this Act.

(c) DEFINITION.—As used in this section, the term "extra contractual items and services" means, with respect to a health plan, case management services, medical foods, and other appropriate alternatives (either alternative items or services or alternative care settings) to traditional covered items or services that are determined by the health plan to be the most cost effective way to provide appropriate treatment to the enrolled individual.

JERRY L. LITTON U.S. POST OFFICE BUILDING ACT OF 1994

PRYOR (AND STEVENS) AMENDMENT NO. 2573

Mr. SARBANES (for Mr. PRYOR, for himself and Mr. STEVENS) proposed an amendment to the bill (H.R. 1779) A bill to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; as follows:

On page 1, insert after line 11, the following new section:

SEC. . TRAVEL AND TRANSPORTATION EXPENSES FOR FAMILY MEMBERS OF CAREER APPOINTEES.

Paragraph (3) of section 5724(a) of title 5, United States Code, is amended to read as follows:

"(3) upon the separation (or death in service) of a career appointee, as defined in section 3132(a)(4) of this title, the travel expenses of that individual (if applicable), the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of eighteen thousand pounds net weight, to the place where the individual will reside (or, in the case of a career appointee who dies in service or who dies after separation but before the travel, transportation, and moving is completed, to the place where the family will reside) within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979, if such individual—

"(A) during or after the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988); and

"(B) is eligible to receive an annuity upon such separation (or, in the case of death in service, met the requirements for being considered eligible to receive an annuity, as of date of death) under the provisions of subchapter III of chapter 83 or chapter 84 of this title.".

SEC. . EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendment made by this Act shall take effect on October 1, 1994, or, if later, the date of the enactment of this Act.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Under regulations prescribed by the President or his designee, an agency shall, as appropriate, pay or make reimbursement for any moving expenses which would be payable under the provisions of section 5724(a)(3) of title 5, United States Code, as amended by section 1 (but which would not have been payable under such provisions, as last in effect before being so amended).

(2) APPLICABILITY.—The moving expenses to which this subsection applies are those incurred by the family of an individual who died—

(i) before separating from Government service; and

(ii) during the period beginning on January 1, 1994, and ending on the effective date of this Act.

(3) CONDITION.—Payment or reimbursement under this subsection may not be made except upon appropriate written application submitted within 12 months after date on which the regulations referred to in paragraph (1) take effect.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Friday, August 19, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

1994 CRIME BILL

• Mr. LAUTENBERG. Mr. President, I rise today to voice my regret over last week's setback to the 1994 crime bill and to express my hope that our colleagues in the House will hear the cries of the American people and revive this critical piece of legislation.

Mr. President, last Sunday, I visited the residents of Lincoln Village Courtyard in Asbury Park, NJ, to find out what matters most to those people we are here to represent: Parents who struggle to keep their children in school, off drugs, and out of trouble.

They told me the same thing I have heard all over New Jersey during the last several months. They are worried about the safety of their families and their neighborhoods.

They worry about drug dealers each time they send their children to buy some milk at the corner market. They worry about sex offenders each time their children go next door to play with a new neighbor's dog. They worry about gangs each morning when they drop their children off at school.

Mr. President, the American people should not have to live in constant fear of drugs, guns, and crime.

How many more victims must die before we listen to their innocent cries? How much longer will the power of the NRA drown out the pleas of their mourning parents?

Mr. President, this crime bill is not about us, here in Congress. It's about listening to the American people and giving them what they deserve. It's about safer neighborhoods with more cops and fewer guns.

If we cannot transcend our partisan bickering, the American people will be the losers—not us.

They will lose 100,000 new police officers, men and women who would walk the beat making America's neighborhoods safer for children and less safe for criminals.

They will lose the assault weapon ban, which would rid our neighborhoods of 19 military-style weapons that belong only on battlefields, not on local street corners.

They will lose tougher sanctions for hardened criminals. That means no new penalties for repeat rapists and no mandatory life sentences for felons convicted of three serious crimes.

They will lose $8.8 billion for the construction and operation of prisons to keep dangerous criminals behind bars and off our city streets.

They will lose the opportunity to ensure the protection of their children when a sexual predator moves in next door. So we will have no more cases such as Megan Kanka's.

They will lose provisions that would take guns away from juveniles and domestic abusers—ensuring safer schools and giving families an added measure of protection.

And they will lose the programs that are designed to give youngsters a safe alternative to the dangerous lure of crime and drugs.

The American people need these protections, and our job is to provide them.

Mr. President, over the last few weeks this crime bill has been assailed by some who say it contains too much pork. Their favorite example is midnight basketball.

We all agree, Mr. President, that in order to fight crime, we must get dangerous criminals off of our streets and behind bars.

But that cannot be our only strategy. We cannot afford to simply fight crime at the back end.

Midnight basketball is one of many innovative programs that offer youngsters in the inner city an alternative to the counterculture of drugs and gangs and guns.

This program was hailed by none other than George Bush as one of the

Nation's most effective crime fighting programs.

Mr. President, we need programs such as this so that we give our young children in the innercity something to say "yes" to.

Basketball encourages youngsters to work together. It teaches cooperation. It fosters discipline. And most important, it keeps children and young adults off of dangerous city streets.

Mr. President, we have gotten sidetracked on the issue of basketball. But this crime bill is not about a game of hoops.

It's about heeding the calls of the American people who have had to wait more than 6 years for safer streets and safer schools.

It's about hearing the cries of the victims like Megan Kanka and making sure they did not die in vain.

And it's about making clear to the American people that we are listening to them and not to a powerful lobby that puts its personal ideology above the safety of the American public.

Mr. President, the American people have waited long enough for this bill. Too many victims have died while we debated its provisions.

I urge my colleagues in the House to pass the crime bill as quickly as possible, so we can get the cops on the street and the criminals off of it.•

AT THE FED, DOUSING UNLIT FIRES

• Mr. SIMON. Mr. President, one of the more thoughtful writers in the field of economics in our country is Hobart Rowen of the Washington Post.

Recently, he had a column touching on something that I rarely see referred to: the possibility of revising the Consumer Price Index.

It is part of a criticism that he has of Alan Greenspan and the Federal Reserve Board.

Overall, my impression is that the Federal Reserve Board has done a good job, and our problems are primarily not from monetary policy but from fiscal policy.

But I also believe that interest rates have gone as high as they should go, unless we see inflation taking hold in a more meaningful way than is now suggested.

What the column does not mention is that Congress has failed to follow the advice of Arthur Burns, Paul Volcker, and others, by indexing a great many things, including Social Security and income tax rates.

We indexed income tax rates, for example, without having held a hearing of any committee. If we were to stop the indexing of income tax rates for even 1 year, the net savings over a 5-year period would be $36 billion.

The really harmful effect of indexing is that it is, in and of itself, inflationary. And the Federal Reserve has to keep that in mind as it looks at the inflation problem. We have built, through indexing, a weakness that can start inflation snowballing, if we are not careful. So they are being prudent, sometimes perhaps too cautious.

One of the ways to slow the inflationary impact of indexing is to take a good look at the index factors, as Hobart Rowen suggests.

When I was in the House, I was startled to find that the Consumer Price Index "Market Basket" included the assumption that every American bought a new home every month. I don't know too many people who do that.

No other country followed that path in indexing the housing components of their inflation index.

So I introduced an amendment calling on the administration to change the index calculation for housing in the monthly "Market Basket." That passed the House, and it was accepted in conference committee by the two houses.

As a result of that, during the last month he was in office, President Jimmy Carter shifted the housing component in the Consumer Price Index to a rental equivalency. One economist called it the most significant step that President Carter took in the field of economics in his 4 years as President. Because the subject is so complex, the Carter move received virtually no attention. The amendment that I introduced and was adopted has literally saved billions of dollars for the Federal Government—as well as in the private sector—and my recollection is that a one-paragraph story in the Wall Street Journal is the only thing that ever appeared about it. As my political mentor and a great U.S. Senator Paul Douglas, often told me: "The more significant things you do in public office will receive almost no media attention." That is certainly true of this particular item.

I hope the Federal Government and Members of Congress will take a look at how the Consumer Price Index is put together.

Hobart Rowen's suggestion for a little more sophisticated Consumer Price Index is something that makes sense and could save the Federal Government many billions of dollars.

I ask unanimous consent to insert the Hobart Rowen column into the CONGRESSIONAL RECORD at this point.

The column follows:

AT THE FED, DOUSING UNLIT FIRES

(By Hobart Rowen)

As Alan Greenspan and his Federal Reserve Board have raised interest rates another notch—the fifth time this year—evidence is accumulating not only that inflation is not a threat but also that the way inflation is measured by official agencies may overstate the danger.

The inflation rate in the past three months has been only 3.1 percent and in the past year, a mere 2.3 percent. But even these tolerable levels—which should not be triggering higher interest rates—probably have at least a mild upward bias, according to recent studies at the Fed itself.

They show that the monthly Consumer Price Index (CPI), as constructed, does not reflect all of the quality improvements now available in a range of products and services and therefore exaggerates the real degree of inflation.

But Greenspan and the Fed are doggedly determined to wipe out inflation before it is a real threat, operating on the theory that it's better to take preventive action than wait until it's too late. So the federal funds rate was raised Tuesday to 4.75 percent and the discount rate to 4.0 percent.

What Greenspan won't admit is that he may be acting too early, cutting off the economy at the knees. There is considerable evidence that the Fed's interest rate boosts this year, prior to the latest boost, have already deflated the housing and auto booms that led economic expansion until mid-1994.

There are many good reasons why the Fed should be following a different course. The central bank appears to be caught in a time warp, acting as though this were not the 1990s but the 1970s, when the economy was prone to runaway inflation.

Today, there are vast differences. As Greenspan has publicly acknowledged, the United States is now part of a global economy in which international competition and global excess capacity provide a powerful counter-inflationary force.

David Levy of the Jerome Levy Institute of Bard College cites three examples of why the 1990s are less prone to runaway inflation:

Pay raises are modest. Twenty years ago, unions were able to ratchet wages well above the CPI. Today, most unions aren't able to get their employees more than a 3 percent annual pay increase.

Productivity is up instead of down. In the 1970s there was a rapid, 2.9 percent growth in the labor force, reducing average productivity. In the 1990s labor force is expected to grow only 1.3 percent annually, with productivity rising.

Companies are "lean and mean." By trimming the fat they enjoyed in the 1970s, American firms are responding to, instead of ignoring, foreign competition.

But Greenspan, like his predecessors Paul A. Volcker and Arthur F. Burns, displays the central banker's traditional bias that risks cutting off recovery too soon, even if recession results. That's too bad, because it would be better for the nation as a whole to err on the side of a small inflation, rather than a small deflation, which costs jobs and spells misery for thousands of lower-income families.

Then there is the nagging question, newly raised, of how accurate the CPI is in the first place. Not everybody agrees that there is an upward bias. Jack Triplett of the Department of Commerce, an expert on this issue, contended in 1988 that "the CPI has, if anything, understated inflation in the last several years."

But a paper just published by Mark A. Wynne and Fiona D. Sigalla of the Federal Reserve Bank of Dallas " guesstimates" that the CPI probably does overstate inflation "by no more than 1 percent annually." And a 1992 Washington Fed staff study also concludes there is an upward bias to the CPI, which under "extreme assumptions" could be exaggerating inflation by as much as 1.8 percent a year.

The main reason that the CPI may overstate inflation is that as the economy gets more complicated, the Bureau of Labor Statistics' job of pricing the items in the "market basket" of goods and services urban consumers are buying gets more difficult.

Example: Home users of computers and word processors get vastly increased power and utility from their machines than they did five years ago. Not only do today's computers do their jobs more efficiently, but they also do some tasks that were beyond their scope five years ago. Prices have gone down, but quality has gone up.

Greenspan acknowledged the possibility of an upwardly biased CPI in congressional testimony last week. "On balance, imprecision in the measurement of key economic magnitudes does complicate the job of policymaking," he said. But Greenspan counseled not to worry, because he said the Fed can consult a variety of sources besides the CPI for a true reading on any inflation threat.

That doesn't quite satisfy me, inasmuch as the central bank these days is disposed, as it did Tuesday, to take preemptive strikes against inflation by boosting interest rates in advance. If a more precisely calibrated CPI were available, the Fed would have less of an excuse to put out a fire that doesn't yet burn.•

PREVENTING FUTURE RWANDAS

• Mr. LEAHY. Mr. President, as we spend hundreds of millions of dollars to fund the largest refugee relief operation in recent history, we have to ask ourselves if there was not something we could have done to stop the slaughter of over half a million people in Rwanda. Could a properly trained and equipped U.N. military force have intervened sooner, without great risk, and provided protection to some of the thousands of innocent people who lost their lives to gangs of machete-wielding thugs? Could it also have saved some of the many millions of dollars we are spending now to care for the refugees?

As a starting point for considering how to avoid similar catastrophes in the future, I urge all Senators to read the July 31, 1994 op-ed piece in the Washington Post by Agency for International Development Administrator Brian Atwood. Mr. Atwood wrote that "the horror of Rwanda is but the latest of the many faces of chaos. The debate over this tragedy has led us to ask critical questions about the nature and speed of our response. Was it too little, too late? Is UN machinery adequate to handle disasters of this magnitude? Should we have sent peacekeepers into a civil war?"

Obviously, the establishment of such a multilateral rapid response force would be controversial and costly, but these are crucial questions that urgently need answers. History has shown that it is only a matter of time before we will be confronted with another Rwanda-like crisis. We will again be faced with the agonizing question of whether to intervene and try to prevent a greater tragedy, or wait until the violence stops and then try to alleviate the suffering of those who survived the slaughter. We and the rest of the international community must examine our response, or initial lack of response, to the Rwanda crisis and consider whether we can prevent such acts of genocide in the future.

The other point that Mr. Atwood makes, and which I have made time and again, is that if future Rwandas are to be averted we need to focus on crisis prevention, not crisis response. "No amount of international resources of organizational capacity can serve as a substitute for building stable, pluralistic societies * * *. Sustainable development that creates chains of enterprise, respects the environment and enlarges the range of freedom and opportunity over generations should be pursued as the principle antidote to social disarray." Mr. Atwood goes on to urge patience, a quality we Americans are not known for. "We will not transform societies overnight."

Too often, we want to solve a problem quickly, or not at all. Somalia is an example. Throughout the 1970's and 1980's, the Russians and the United States gave millions of dollars in military aid to repressive Somali Governments. Then the cold war ended and Somalia erupted in violence, which led to massive famine. I supported the use of American troops to prevent the starvation of half a million people, but when we pulled out the United Nations was unable to prevent the resurgence of violence.

Mr. President, we have got to face the fact that if we are going to avoid future Somalias and Rwandas, which are costing billions and billions of dollars in emergency relief aid, we have to invest in the less glamorous, long-term process of building stable, sustainable economies and supporting pluralistic, democratic governments. These are the antidotes of violence and famine, but they take time and patience. They also cost money, but the alternatives, as we have seen most recently in Rwanda and Haiti, are far more costly.

I want to commend Brian Atwood for raising these issues, and for his efforts to focus our foreign assistance program on sustainable development and supporting the building blocks of democracy. Simultaneously, I urge the administration to vigorously seek to build support within the United Nations to strengthen multilateral capabilities to respond to genocide or other violence that threatens the lives of large numbers of civilians. If we have learned anything from these recent disasters it is that we are not adequately prepared to respond to such crises, and that far more must be done to prevent them from occurring in the first place.

Mr. President, I ask that Mr. Atwood's op-ed piece be printed in the RECORD.

The article follows:

[From the Washington Post, July 31, 1994]

SUDDENLY, CHAOS

(By J. Brian Atwood)

Bosnia, Haiti, Rwanda. These troubling and unique crises in disparate regions of the globe share a common thread. They are the dark manifestations of a strategic threat that increasingly defines America's foreign policy challenge. Disintegrating societies and failed states with their civil conflicts and destabilizing refugee flows have emerged as the greatest menace to global stability.

Containment of communism defined our national security policy for nearly half a century. A previous generation of Americans built new institutions, alliances and strategies in the wake of World War II to meet the demands of that era. Now, we must forge the tools and policies needed to meet a threat that can best be summarized by the word "chaos." It is a threat that demands a response far more complex than the zero-sum arithmetic of the Cold War.

Increasingly, we are confronted by countries without leadership, without order, without governance itself. The pyre of failed states is being fired by common fuels: long-simmering ethnic, religious and territorial disputes; proliferating military stockpiles built dangerously high during the Cold War; endemic poverty; rapid population growth; food insecurity; environmental degradation; and unstable and undemocratic governments.

Pre-crisis Rwanda was the most densely populated nation in Africa; per capita food production was in decline, land was in dispute, and political power was jealously guarded. Extremists exploited those volatile conditions, precipitating the orgy of genocidal violence that ensued.

The horror of Rwanda is but the latest of the many faces of chaos. The debate over this tragedy has led us to ask critical questions about the nature and speed of our response. Was it too little, too late? Is U.N. machinery adequate to handle disasters of this magnitude? Should we have sent peacekeepers into a civil war? These questions are inevitable in a democracy, and they are important. But they deal with our response to crisis, not to any efforts to prevent it. If we do not question our collective responsibility to treat the causes of such social implosions, we are doomed to a future of ever-escalating global trauma.

Failed states and the human misery they create are extracting an unprecedented price. The international community spent more on peacekeeping operations in 1993 than in the previous 48 years combined. In that same year investments in development declined by 8 percent. Reversing this trend—and reducing the security risks, human suffering and economic losses it represents—will require a much greater emphasis on prevention.

This effort is already underway. The Clinton administration has made crisis prevention a central theme of its foreign policy. The U.N. secretary general has embraced the need for preventive diplomacy. Our common objective is clear: to help societies build the capacity to deal with the social, economic and political forces that threaten to tear them apart.

The building blocks of a successful Cold War foreign policy were military alliances, nuclear deterrence, international organizations and a body of international law that formed a framework for cooperation, dispute resolution and interstate relations. Geostrategic considerations dominated the policy approach, and relative power, measured in economic, political and military terms, was a constant measure of success.

This system and those considerations cannot be abandoned overnight, nor should they be. But we are in a transition period. We are just beginning to wrestle with the necessities, and the frustrations, of multilateral diplomacy. A highly dynamic and increasingly independent set of nongovernmental variables—information and financial flows, international citizen networks, proliferating and accessible weapons of war and millions of migrating people—are challenging our analytical capacity and undermining traditional diplomacy. We are still in the process of defining the elements required to combat the new, multi-dimensional threats.

Some of the components are clear. We cannot prevent failed states with a top-down approach. No amount of international resources or organizational capacity can serve as a substitute for building stable, pluralist societies. New partnerships and new tools are needed to strengthen the indigenous capacity of people to manage and resolve conflict within their own societies. Technology should be better exploited and shared to empower individuals and enhance the networking of nongovernmental groups, increase food supplies, slow population growth and preserve natural resources. Sustainable development that creates chains of enterprise, respects the environment and enlarges the range of freedom and opportunity over generations should be pursued as the principle antidote to social disarray.

Finally, we need to acquire a quality we Americans are not known for—patience. We will not transform societies overnight. Dramatic victories will be rare and setbacks common. Consensus building and development require long-term commitments and staying power. These are the techniques of crisis prevention, and our political system will have to accommodate them, or we will fail in these endeavors.

President Clinton has sent me on two missions to East Africa in the past two months. The first was to marshal international support to prevent a drought from triggering a famine. The second was to survey the dimensions of the massive human tragedy in Rwanda. The first mission gained less attention, but it could save more lives, for it was an exercise in crisis prevention not crisis response.•

HIGH-SPEED RAIL

• Mr. SIMON. Mr. President, I would like to express my support for S. 839 as a first step toward encouraging high-speed passenger rail development in the United States. High-speed rail is an efficient, inexpensive, and environmentally preferable mode of travel, especially compared to highway and air travel, and I believe it should be an integral part of an intermodal transportation system in this country. While S. 839 will boost high-speed rail, it does not go nearly far enough regarding corridor development for those States that have already made high-speed rail planning a priority. We need to go beyond S. 839 and begin devoting resources to corridor development.

Since Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991, many State and local governments have worked hard to develop master plans for incremental high-speed rail corridors. In fact, Illinois, Michigan and Wisconsin have completed extensive financial and development plans and are poised to begin actual corridor implementation. While S. 839 addresses an important need for research and development, at this stage the more important and pressing need is for increased funding for corridor development.

President Clinton has repeatedly stated that high-speed rail will be the cornerstone of future American transportation and that the development of high-speed rail corridors is a priority item. In the Northeast, high-speed rail has proven itself to be a success—shuttling passengers quickly and efficiently from Washington to New York. However, to date, the administration has only proposed roughly $32 million for high-speed rail in fiscal 1995, all of which is committed to research and development. In its current form, S. 839 will also only authorize funds for planning, research and development—$29 million in fiscal 1995, $70 million in fiscal 1996, and $85 million in fiscal 1997. While I am pleased that the administration intends high speed rail to be a priority, until actual Federal dollars are committed for corridor development, it will continue to be only a priority and not a reality.

With a Federal commitment of only $400–600 million, a matching amount can likely be leveraged from State and private funds to build the entire multicity and multistate Midwest corridor, Detroit-Chicago, Chicago-St. Louis, Chicago-Milwaukee. Congress designated this corridor as a priority in the ISTEA legislation. Considering the amount of money currently being spent on highway and airports, this is a relatively small amount with which we can begin to reshape the transportation future of America with the development of a high-speed rail network. Furthermore, the development of a Midwest high-speed rail network will achieve complimentary environmental and economic development goals, create jobs, and revitalize downtown cities in the Midwest.

Congress has shown bi-partisan support for high-speed rail and the public has also expressed its desire for a high-speed rail system. Therefore, I urge my colleagues to support S. 839 as the first step in making high-speed rail a reality in this country and urge the administration to begin to provide meaningful funding for corridor development, especially for the Midwest high-speed rail corridor.•

BILL BAKER, THE FIVE SATINS

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a constituent from West Haven, CT, who played an important role in the cultural history of our century.

Bill Baker, who was the lead singer of the Five Satins, passed away last week, and that news brought a flood of memories to the many fans of the great 1950's group whose music was a big part of the soundtrack of their lives.

Mr. Baker, a native of Alabama, grew up singing gospel music along with his mother. He moved to New Haven when he was 16 and began singing with area groups. His big break came in 1957, when he was invited to replace lead singer Fred Parris in the Five Satins, just as they were about to go on a national tour to promote their big hit, "In the Still of the Night." That song, by the way, was recorded in the basement of New Haven's St. Bernadette's Church, which provided the hauntingly beautiful acoustics that characterize the recording.

Following on the heels of their success with "In the Still of the Night," Bill Baker and the Five Satins recorded their next big hit, "To the Aisle." The song stayed in the Top 40 for 8 weeks in the summer and fall of 1957, and was also featured on the soundtrack of the classic movie, "American Grafitti."

Sadly, the Five Satins disbanded in 1959, a victim of conflicts with the recording company. However, Bill Baker continued to sway audiences with his beautiful tenor voice throughout the 1960's and 1970's in live performances. Throughout this time, by the way, and for a total of 32 years, Bill Baker worked hard to support his family as an employee of the G&O Manufacturing Co. in New Haven.

In the early 1980's Bill Baker's Five Satins formed and went on tour. I was honored when they accepted my invitation to sing at the announcement of my reelection for Attorney General in 1984, which was an evening I will never forget. Two days before his death, Bill Baker received honorary induction into the Doo-Wopp Hall of Fame of America, an event that brought tears to his eyes, said Ann Della Camera, his long-time manager and resident of East Haven, CT.

Mr. President, on behalf of the people of the State of Connecticut, and on behalf of the millions of fans of the Five Satins around the world, I wish to recognize the contributions of Bill Baker to American music history, and express my condolences to his family, including his wife, Thelma Valenti Baker, his children, Nathaniel and Tammi, his parents and brothers and sisters. The memory of his wonderful voice will live forever. As was so well stated by Harvey B. Robbins of the Doo-Wopp Hall of Fame in a Hartford Courant article, "As long as the music of the 1950's is played, the voice and presence of Bill Baker will always be a part of that era."•

BICENTENNIAL OF THE BATTLE OF FALLEN TIMBERS

• Mr. GLENN. Mr. President, tomorrow, August 20, is the 200th anniversary of Gen. Mad Anthony Wayne's victory over a confederation of Indians at the Battle of Fallen Timbers along the Maumee River near Toledo, OH. For many the battle and its general have slipped from memory. But the names remain all across the landscape of western Ohio and southern Michigan. This year many Ohioans remember the significance of this important event.

President George Washington directed General Wayne and the Nation's first professional army to deal with the western Indian trouble; 200 years ago places such as Fort Defiance, Fort Recovery, and Fallen Timbers became legend. The battle and the subsequent Treaty of Greene Ville, ended the Indian wars in Ohio and opened the Northwest territories to settlement.

The Battle of Fallen Timbers took place on August 20, 1794, and actually lasted only about an hour. Wayne with his 1,500 regular troops and 2,000 Kentucky militia outnumbered the confederated Indian forces.

Wayne was tempestuous and knew success in the Revolutionary War as a fighting military officer. He was a strict disciplinarian and looked out for his men. Wayne had his flaws but he was merciless on himself. Three weeks before the battle, a tree fell on him and nearly killed him. Despite internal injuries and gout, he was on the frontlines of the battle, urging his men to fight.

Mr. President, on this anniversary of the Battle of Fallen Timbers, I note the significance of this historical event and I ask that an article entitled Mad Anthony's Battle by Randy McNutt that was published in the August 1994 issue of Ohio magazine appear in the CONGRESSIONAL RECORD.

[From Ohio Magazine, August 1994]

MAD ANTHONY'S BATTLE

(By Randy McNutt)

Once, Anthony Wayne's fame hung over Hamilton like a crescent moon. As a boy I thought Wayne had been president. We passed signs for Wayne Trace Road; Fort Wayne, Indiana; Waynesville, Ohio; Wayne Township and the Anthony Wayne Parkway, better known as U.S. Route 127. Once, my father took us through two Wayne counties, in central Ohio and southern Michigan, and every year my family shopped at Hamilton's Mad Anthony Day Sale. While downtown, I admired the Anthony Wayne Hotel, the architectural tribute to Wayne's good name and for years Hamilton's social focal point. Today, I'm sorry to say, the elegant 1920s hotel sits empty, facing resurrection or the wrecking ball, and Wayne's memory isn't much different.

Two hundred years after his greatest victory, Anthony Wayne is still Ohio's most ubiquitous name. No other pioneer is so easily recognized, no other so equally forgotten. On August 20, 1794, his army defeated a coalition of Indian tribes in the Battle of Fallen Timbers. He was born to win this battle, although once he was more famous for other ones. Probably the bicentennial will come and go without much reflection, despite its significance: Fallen Timbers opened the Ohio country to settlers and led to statehood in 1803.

History is anything that happened before Vietnam, thereby making Gen. Anthony Wayne prehistoric. Before television clouded our historic depth perception, people in Hamilton, my hometown, remembered him as a hero. What they may not have realized, however, was that without Wayne's victory, their town—and many others—might not exist. Already the Indians had defeated undisciplined volunteer armies under Gen. Josiah Harmar in 1790 and territorial Gov. Arthur St. Clair in 1791. St. Clair's defeat—he lost almost half his 2,000 men—presented an enormous setback. It's still one of America's worst defeats. A slaughter. If Wayne had lost, the young nation might have signed a treaty with the Indians, cutting off the flow of settlers to the West at a critical time and changing American history. Northern Ohio might be an Indian buffer zone or a part of Canada.

Ironically the biggest battle ever fought on Ohio soil—and possibly the era's most important one—was an anti-climax. Both sides had anticipated the battle for months, but when the shooting stopped, fewer than 50 soldiers lay dead. Troops complained more about ague than Indians that week, yet Fallen Timbers veterans became mythical heroes. Today, the battle site is a pleasant park with an understated monument. You wouldn't know that the place is a famous old battleground, or that Wayne, whose name adorns many public buildings and political subdivisions in Ohio, spent less than four years in the area.

But here he trained the nation's first professional army, opened the Northeast Territory to settlers, won the long Indian war and signed a treaty with the tribes that ceded much of what would become Ohio to the United States. Naturally, his popularity haunted the region; states and communities honored him. Besides George Washington, Wayne was the old Northwest Territory's most praiseworthy figure.

Some people in my town have heard his name so often that they assume he built Fort Hamilton. Actually he took it over from St. Clair, who named it for Alexander Hamilton, secretary of the treasury. The fort grew into the town of Hamilton, complete with paintings and other reminders of Wayne. I have never seen a portrait of St. Clair in town. About 1900 the community built a fancy Memorial Building to honor its soldiers and pioneers. To mark the location of the fort, builders erected limestone stockades and blockhouses near the Great Miami. These days, only visitors stop long enough to notice the stone oddities, and rarely does anybody invoke the name of Wayne. Yet somehow his aura faintly shines, as though he were an ancient god.

Anthony Wayne, Ohio icon, was born not in the Northwest Territory but in Easttown Township, Pennsylvania in 1745. He studied surveying as a young man, grew bored, entered politics, ran off to war as a colonel in Pennsylvania's Revolutionary militia, slept on the ground when he had to, ignored his wife for years, paid too much attention to another woman, took command of his unit and captured Ticonderoga, told George Washington he'd storm Hell itself for him, was appointed major general, was grazed on the head by a musket ball but continued to fight, went to Congress but was defeated for re-election, headed west as commander of the first U.S. Army, wrapped himself in flannel bandages when the pain of gout became unbearable, longed to leave the field to become Secretary of War, tried various investments without much success, argued bitterly with some of his generals and died disappointed and in pain.

All his life, he acted confidently—too cocky for his colleagues' tastes. One general called Wayne a blockhead. Friends and enemies alike agreed that he sought to attract attention to himself by boasting and posturing, but he backed up his talk with his prowess on the battlefield. For example, he incorporated centuries of European military tactics into his strategies, but on the frontier he realized that man-to-man fighting—not walls of soliders—worked better. What didn't change with the territory was his love for front-line action, and the thrill of a righteous fight. "He may at times have seemed eager, even lustful, for combat," biographer Glenn Tucker wrote." He was frankly a tradesman in slaughter, a devotee of inflicting death."

Sent west in 1794 to salvage the new republic's battered military position, Wayne had to fight two wars simultaneously—on the frontier and on the bureaucratic front back east, where anti-Federalist politicians and high-ranking officers tried to discredit him at every bend. Their criticism, though intense, didn't diminish his reputation as a commander. As Theodore Roosevelt pointed out, Wayne was America's best fighting general. Like Patton, however, Wayne could thrive only in the turbulent years of war. If he hadn't become a soldier, he would have ended up a politician, for both occupations require the killer instinct.

As an early proponent of quick and concentrated force—a bayonet blitzkrieg—Wayne's theory of fighting was: When in doubt, attack. "The enemy," he explained, "are taught to dread—and our soldiery to believe—in the Bayonet." During the Revolution, on the night before the Battle of Monmouth, Washington asked his generals if he should hit Sir Henry Clinton's forces as they crossed New Jersey. Most of them said no. "Fight, sir!" said Wayne. At the war's end, he had established a dual reputation—one of the Revolution's most respected generals, behind Washington, Lafayette and Nathanael Greene, and also a tempestuous dandy who swore compulsively, dressed in full military regalia and enjoyed playing the general's role. He acquired the nickname "Mad" Anthony from an angry scout who had been lashed, some historians think, or after he made some brash move at the Battle of Green Spring Farm in 1781. Despite the nickname, Wayne's madness always had method. No detail escaped his scrutiny.

At the same time, he often made rash statements that riled his troops and enemies. He once said, "A bloody track will mark my setting sun," and soldiers took it literally. They wondered if it was their blood. His comments received so much attention in the newspapers that not even his admirers could separate the words of Mad Anthony from those of Gen. Wayne. In exasperation, Washington said Wayne could "fight as well as brag," but admitted that Wayne was "more active and enterprising than judicious and cautious." Henry "Light Horse Harry" Lee, who sensed Wayne's special need for war, put it more candidly: "Wayne had a constitutional attachment to the sword."

His soldiers, of course, did not always share his views of battle. Many admired his courage and attention to detail, but just as many thought he lacked compassion for them. "Wayne brutally overrode his subordinates," observes Larry Nelson, manager of Fort Meigs State Memorial in Lucas County. "Some people romanticize this aspect of his personality and say such stern treatment was good for discipline. The truth is, his men and the Indians found Wayne hard to cope with. He was not well-liked by any means. A definite camp supported him, but another did not. At Fort Adams, a tree fell and almost crushed him while he was in his tent one night—possibily an assassination attempt. It is believed that Gen. Wilkinson, Wayne's second in command, was responsible." Tough exterior notwithstanding, Wayne was no more vicious than other generals of the period, maintains Floyd Barmann, director of the Clark County Historical Society and commander of the First American Regiment re-enactment group. "He wanted to make sure his men did what they were supposed to do," Barmann says. "It was a difficult period"

During the Revolution, Wayne once challenged a group of angry soldiers to shoot him. They declined, mostly because he acted so arrogantly. Another time, 12 soldiers were convicted of refusing to march. They were shot by a firing squad, but one lay wounded. Wayne ordered a soldier to kill the man with a bayonet, but the soldier refused, saying he was a friend. Wayne held a pistol against the squad member's head, threatened to shoot and the order was obeyed. Wayne didn't change his harsh disciplinary practices in 1792, when Congress voted to raise a professional army and President Washington asked Wayne to lead it. If anything, he became more authoritarian. Wayne called his army the Legion of the United States, and of it he demanded professionalism. "When he speaks Heaven shrieks," one officer wrote, "and all stand in awe."

Wayne thought American troops should look like soldiers—no beards, no sloppy uniforms, no drinking on duty. "I have an inseparable bias of an elegant uniform and soldierly appearance," he said. "I would rather risk my life and reputation at the head of the same men in an attack, merely with bayonets and single charge of ammunition, than to take them as they appear in common with 60 rounds of cartridges."

Trained by the spring of 1793, Wayne's army left its Pennsylvania camp for a new one near Cincinnati. Soldiers were restless; the weather was harsh. Pay suddenly stopped when a yellow fever epidemic hit Washington, forcing government workers to temporarily flee the city. Enraged by an increasing number of desertions, Wayne ordered his blacksmiths to forge branding irons marked "deserter." Before Wayne could test them, Secretary of War Henry Knox forbade their use. Knox, a Wayne supporter, knew Wayne's enemies would use such an incident against him.

Wayne marched north from Cincinnati in the fall of 1793 with more than 3,600 regulars, to build a series of forts between the Ohio and the Maumee rivers. They included Fort Greene Ville, Fort Defiance, Fort Jefferson, Fort St. Clair and, on the site of Arthur St. Clair's defeat, Fort Recovery. Watching this ominous advance, Little Turtle, the tribes' top strategist in the Northwest, warned that Wayne was too formidable. "We have beaten the enemy twice under different commanders," he told them. "We cannot expect the same good fortune to attend us always. The Americans are now led by a chief who never sleeps. The nights and days are alike to him, and during all the time he has been marching on our villages, notwithstanding the watchfulness of our young men, we have never been able to surprise him. It would be prudent to listen to his offers of peace."

The Legion's route north, roughly where Route 127 is today, went through flat land then filled with trees and swamps. The Indians—even his own troops—expected Wayne to follow the path of previous American armies, but Wayne circulated rumors that he would attack Indian tribes to his right and left. Surprised warriors rushed to defend their homes, leaving the Legion free to walk up the middle of western Ohio's Indian country. On August 19, 11 days after leaving Greene Ville, the Legion had marched 77 back-breaking miles through the wilderness. By this time, Wayne spoke incoherently and he was oblivious to the hardships of his troops. Privately he predicted his death in battle soon. Near the Maumee, the Legion waited, although Wayne still didn't think the Indians were ready to fight. Brig. Gen. James Wilkinson, Wayne's old nemesis and subordinate, bet him a cask of wine that the Indians would fight. Wilkinson, who preferred traditional methods of fighting and wrote anonymous newspaper attacks on the commander, often questioned Wayne's competence and credibility.

On the morning of August 20, Wayne woke in agony. Tears moistened his face. His gout had returned in crippling force, so he told his men to wrap bandages around his arms and legs and to lift him onto his horse. Lt. William Henry Harrison said, "General, I'm afraid you'll get into the fight yourself and give the necessary field orders." Wayne replied, "And if I do, recollect that the standing order of the day is, 'Charge the damned rascals with the bayonets!'" By 8 a.m., a light rain ended and the sun came out. As the soldiers pushed forward, an Indian force estimated at from 1,000 to 2,000 warriors attacked the Legion's front line, which faltered. Ignoring his pain, Wayne rode to the front and urged his men to fight in the tall grass and decayed timber that had been recently blown over by a tornado. Soldiers howled as they swept into the woods, stabbing and firing. The bloodiest combat lasted no more than 40 minutes. By some accounts, the Legion suffered only 28 deaths and 100 wounded. Forty Indians lay scattered in the woods, but Wayne thought more bodies had been carried away. Shaken by the severity of the brief attack, the Indians ran to Fort Miami, but the British would not let them enter. Wayne walked close to the fort to taunt the British. When they wouldn't fight, Wayne ordered the Legion to set fire to cornfields and prairies around the fort.

If Wayne had retired immediately after his victory, his name still would have echoed throughout Ohio for the next two centuries. But he continued to make history: he negotiated a landmark treaty that allowed settlers the right to live in territory from the Ohio to a line starting at Fort Recovery and extending northeast to the Cuyahoga. Knowing the countryside was secure, Wayne moved on to other duties in Detroit. In December of 1796, on his way back to Pennsylvania, he suffered a reoccurrence of the gout, the disease that had plagued him for so long, and after a week of high fever he died in the Presque Isle blockhouse. He was only 51. Shortly before his death, he had asked to be buried—in full uniform, of course—on Garrison Hill, by a flagpole. He rested there until 1809, when the Society of Cincinnati inquired about burying him with his family in a Radnor churchyard. Wayne's son, Isaac, went to Erie in a sulky to dig up his father. Aided by Wayne's old Legion physician, J.G. Wallace, Isaac Wayne found the general well-preserved. The problem: How could Isaac carry his father's body to Radnor in a sulky? Wallace decided to boil the body, strip flesh from bone, send the flesh back to the Erie gravesite for reburial, and to present the bones to Isaac. For his trouble, Wallace ended up in a major scandal, for as he learned, one doesn't dig up icons that easily. Meanwhile, Isaac Wayne arrived in Radnor with the skeleton, which was buried, appropriately enough, on July 4, 1809, giving the general the distinction of being the only American hero with two gravesites.

Even in death, Anthony Wayne somehow managed to attract attention.●

FACES OF THE HEALTH CARE CRISIS

● Mr. RIEGLE. Mr. President, I rise today to tell you about a young woman from my State. Peggy Musser lives in Trufant, MI, a small rural town. At age 22, she has already endured two major open heart surgeries and the removal of her gallbladder.

Peggy's first heart operation occurred when she was 14 years old, to repair a congenital problem that prevented her body from circulating blood properly. Surgeons used grafts to enlarge her arteries. Her father worked for the Wolverine Co., a manufacturer of footwear in Grand Rapids that employs 2,000 workers. This large firm provided health coverage to its workers and their dependents, so this insurance paid for all of Peggy's surgery and other health care expenses.

Seven years later, at the age of 21, Peggy faced her second open heart surgery to repair aneurysms that had developed near her heart. An aneurysm is a weakness in a blood vessel wall that can balloon and burst, and sometimes causes death. At the time of her operation, Peggy was employed by a physician in solo practice. Her employer provided HMO coverage that paid for the cost of the procedure as well as for the four prescription medications she must take to stabilize her fragile condition. Peggy herself was only responsible for minimal copayments.

But in June of last year, 5 months after the second surgery, Peggy's employer moved out of State. Peggy lost her job, and along with it her health insurance. She was left to try to pay the $500 per month cost of her prescription medications herself.

Her heart condition and prescription drug costs were not all Peggy had to face without coverage. Within months she again needed major surgery, this time to remove her gallbladder. She suffered from gallstones that caused severe abdominal pain and would have caused liver damage if her gallbladder had not been removed. The hospital wrote off some of their costs as charity care, but Peggy was liable for $5,000 in doctors fees and other expenses.

Peggy was unemployed for 6 months before she secured another clerical position in a medical practice. But the health insurance company that provided coverage for the office employees refused to add Peggy to the group policy because of her pre-existing heart condition. Earning $6 an hour, she was still unable to pay for her drugs and her medical treatment, or to pay off her debts.

Out of necessity, Peggy now lives with her parents and has received some assistance from family and friends. The burdens of her medical condition and growing debt are overwhelming to her. She has focused on paying for her medications, leaving the doctor and hospital bills pending for now. Although she lives at home, her parents cannot add her to their health policy because she is not a student. Peggy applied to the State for Medicaid, hoping for assistance to pay her medication costs. But public coverage is not available for single women without children with or without employment.

Peggy is a 22-year-old woman who has already learned that she cannot count on employment, private insurance or public aid to ensure that she has the medication and treatment she needs to keep her alive. And she does not see how she will ever be able to pay her mounting medical debts. She cannot feel secure about her future, knowing that no insurance company will ever cover her.

Mr. President, young women like Peggy deserve better from our country. We need health reform legislation that eliminates pre-existing condition exclusions and allows everyone to purchase coverage they can afford. We need a bill that will allow small business owners, like Peggy's second employer, to cover all of their workers. Workers in small offices deserve the same health care security as workers in large factories.

Senator Mitchell's proposal would permit Peggy to purchase insurance. It would also allow Peggy's parents to add her to their own policy. Mr. President, I will continue to work with my colleagues in the Senate to pass health care reform legislation this session that will provide Peggy and all other Americans access to affordable, comprehensive health care.•

JOSEPH S. DUSENBURY: EXCELLENCE IN PUBLIC SERVICE

• Mr. HOLLINGS. Mr. President, Joe Dusenbury is well known to many of our colleagues here in the Senate. As Commissioner of the South Carolina Department of Vocational Rehabilitation for the last 18 years, he has earned a reputation as the Nation's single most respected and authoritative expert in his field.

Here in Washington, Joe Dusenbury is known by many Senators as a passionate advocate and innovative practitioner in the field of vocational rehabilitation. He is Mr. Vocational Rehabilitation.

Back home in South Carolina, he has the same reputation. But, perhaps more importantly, Joe Dusenbury is universally respected as a man who makes government work—for the taxpayer, for people in need, and for the businesses of my State. Under Joe's leadership and vision, the South Carolina Department of Vocational Rehabilitation is recognized as the most innovative and cost-effective program of its kind in the country. Its cost per case is roughly half of the national average. Despite the fact that South Carolina is a relatively small State, the department placed a remarkable 8,392 clients in jobs last year.

Joe Dusenbury obviously is a man of exceptional administrative talent. He brings out the best in his staff, and they in turn bring out the best in the clients they serve. Joe is an evangelist for new ideas and for an old-fashioned conviction: That ability must be emphasized over disability, and that work is essential to human dignity.

Mr. President, Joe Dusenbury retired this summer after nearly three and a half decades with the Department of Vocational Rehabilitation. As you might expect, he has received a slew of honors down through the years, from presidential awards to honorary doctorates. But the real testament to Joe's life work lies elsewhere. It lies in the tens of thousands of lives he has touched—lives he has transformed through rehabilitation, gainful employment, and self-sufficiency.

Quite simply, Joe Dusenbury has been a public servant in the highest and finest sense of the word. I have enormous respect for the work he has done, both nationally and in South Carolina. And I know my colleagues share that sentiment. We all wish him the very best.•

AN INSIGHTFUL OPINION OF S. 55

• Mr. REID. Mr. President, the Senate recently considered S. 55, the Workplace Fairness Act. I believe one of the more insightful opinions on this bill appeared in a recent column in the Las Vegas Sun. The author if this column is the former two-term Governor of Nevada, the Honorable Mike O'Callaghan.

ONE MAN'S VIEW

(By Mike O'Callaghan)

Why would anybody be surprised by Titanium Metals Corp. hiring permanent replacements for the people they have kept on the picket lines for nine months? From the very beginning of this labor-management dispute, it was obvious that the company invited the strike and had no intention of settling it with the workers.

A couple of days before the strike was called, I remember telling a Union leader that they were purposely being led down that path by management. Timet is a giant corporation that has other concerns than the people who have lived and worked here for several decades.

There has been a lot of pain and suffering by the local workers and their families during the past several months. It doesn't look like things are going to get any better during the remainder of this year. As far as Timet is concerned things may never get better, but what goes around comes around.

The actions of companies such as Timet and the Frontier Hotel and Casino may hurt local workers today but in the long run their actions will encourage Congress to pass some corrective legislation. Labor and management conflicts and legislation have been on a national roller coaster since the turn of the century. As power shifts from one side to the other legislation is produced to return a semblance of balance.

Although the 1994 striker replacement ban appears to have died in the U.S.-Senate this year, it will eventually pass before the year 2000 if more companies take advantage of the present legal vacuum to punish their employees.

Right now the conduct of a couple of local companies doesn't have a negative impact on a healthy Nevada economy. If economic conditions and employer attitudes change, so will the attitudes of the public.

Just as in the past, when some union leaders abused their powers, legislation was passed to prevent the abuses and send some offenders to jail. Abusive employers have felt the same legal whip in the past and will again in the future if they overstep the bounds of what Americans feel is fair and just.•

SANTA FE COAT CO. AND THE SBA

• Mr. DOMENICI. Mr. President, today is a very special day for Jeanette Ferrara, owner of the Santa Fe Coat Co., located on the Isleta Pueblo in New Mexico. Today, Jeanette received the first New Mexico loan in the Small Business Administration's Women's Pre-Qualification Pilot Loan Program.

As the following release from the SBA will detail, the Santa Fe Coat Co. is owned by Jeanette Ferrara, an American Indian woman who is serving as a role model for other New Mexico businesswomen interested in quick responses to their loan requests.

I commend the following SBA announcement to my colleagues. It is a good example of the solid benefits available from the relatively small women's office in the SBA. I urge my colleagues to join me in taking a close look at the positive results we are gaining from this SBA program.

As many of my colleagues are aware, the administration reduced funding from $2 million in fiscal year 1994 to $500,000 for fiscal year 1995. The conference report we are sending back to the President includes $4 million for next year's efforts to build women-owned business in America.

The announcement follows:

SMALL BUSINESS ADMINISTRATION,
Albuquerque, NM, August 19, 1994.

FIRST LOAN MADE THROUGH THE SBA WOMEN'S PRE-QUALIFICATION PILOT LOAN PROGRAM

ALBUQUERQUE, NM.—Tom W. Dowell, District Director of the New Mexico Small Business Administration (SBA), announced today that the first SBA's Women's Pre-Qualification Pilot Loan in New Mexico has been made through First Security Bank. Jeanette Ferrara, owner of the Santa Fe Coat Company is the recipient of the "first loan" through this new pilot program that began in New Mexico on June 1, 1994.

The Women's Pre-Qualification Pilot Loan Program is designed to streamline the application process and provide a quick response to a non-profit intermediary for loan requests of $250,000 or less to women owned (51% or more) and managed businesses. It focuses on the character, credit, experience and reliability of the applicants. "During the first few weeks that the pilot program has been in place our office has had many inquiries," Dowell states. "We hope to approve additional loans through this program and our existing 7(a) guaranteed loan programs in the near future."

Under this SBA program, a women works with a participating non-profit intermediary agency. These intermediaries assist the businesswoman complete a loan application after a complete analysis of the business owner's business plan and loan proposal is made to determine if client meets the SBA's loan criteria. The intermediary submits client's loan application to SBA. The loan application is reviewed by SBA and if eligibility criteria and requirements are met, SBA issues the client a "pre-qualification letter" stating that SBA is willing to guarantee this loan request. The client can then take her loan packet which includes the SBA pre-qualification letter, business plan and loan proposal to a commercial bank of her choice for submission to SBA. New Mexico non-profit intermediaries participating with SBA on the Women's Pre-Qualification Loan Program include the 17 New Mexico Small Business Development Centers, New Mexico Native American Business Development Center, Enhancement Certified Development Company, Albuquerque Hispano Chamber of Commerce and the Women's Economic Self-Sufficiency Team (WESST Corp).

Jeanette Ferrara, owner of Santa Fe Coat Company, submitted her loan application to SBA through the New Mexico Native American Business Development Center, one of the non-profit intermediaries participating in this SBA program as a loan packager. In addition to the loan through First Security Bank Jeanette Ferrara received an Indian Business Development Grant from the Bureau of Indian Affairs to start her business. The Bureau of Indian Affairs makes available to eligible tribal members the development capital needed to finance projects on Indian reservations. In addition Ms. Ferrara has received a technical assistance grant from the American Indian Consultants, Inc., U.S. Department of Commerce, to provide marketing services for Santa Fe Coat Company.

Santa Fe Coat Company is an American Indian owned apparel design, manufacturing and wholesaling business, located at Isleta Pueblo, a village that lies 23 miles south of Albuquerque, New Mexico. Santa Fe Coat Company specializes in American Indian custom designed women's coats, and its concept is to produce Indian designed clothing from drawing room to the finished product.

The collection is comprised of natural fibers, such as luxurious wool, cotton and high grades of leathers. Each garment is complimented with Indian silver buttons. This upscale contemporary fall collection has the elements of the American Indian influence and accents. This means that colors, symbols, leather, fringe and Indian buttons are the focal points of the collection and Ferrara has the education and experience in apparel, design, manufacturing and wholesaling.

Debuting as a "limited edition", the dinner coats, shawl coats, car coats and three button vests are manufactured at Isleta Pueblo. Each of these garments are reversible, giving the consumer two beautiful designs. Garment tags are tied to a corn husk bow and are placed on the front of the coat and features a storyline of the Native American Indians of Isleta Pueblo. Santa Fe Coat Company manufacturers in pueblo because the Pueblo has produced creative and high quality designs for generations such as pottery, jewelry and textiles. Santa Fe Coat Company wishes to continue that tradition and heritage developed over the generations by producing a more contemporary, yet timeless line of coats.

Looking towards the immediate future, Santa Fe Coat Company intends to produce other types of upscale clothing apparel. Ms. Ferrara may be reached by writing to Santa Fe Coat Company, P.O. Box 338, Isleta, New Mexico 87022.

Additional information on the SBA programs and services can be obtained by contacting the New Mexico SBA Office at 625 Silver Avenue, SW, Suite 320, Albuquerque, New Mexcio 87102.●

ORDERS FOR MONDAY, AUGUST 22, 1994

Mr. SARBANES. Mr. President, on behalf of the majority leader, I ask unanimous consent that on Monday, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate resume consideration of S. 2351, the Health Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. MONDAY

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:33 p.m., recessed until Monday, August 22, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 19, 1994:

FARM CREDIT ADMINISTRATION

MARSHA P. MARTIN, OF TEXAS, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR THE TERM EXPIRING OCTOBER 13, 2000, VICE BILLY ROSS BROWN, TERM EXPIRING.

DEPARTMENT OF DEFENSE

PAUL G. KAMINSKI, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JOHN M. DEUTCH.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS M. MONTGOMERY, [redacted] U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Friday, August 19, 1994*

The House met at 10 a.m.

The Chaplain, James David Ford, D.D., offered the following prayer:

With all about that needs to be done and all the tasks that cry for attention and all the petitions that rise from our hearts, above all this, O gracious God, we pause for this moment of gratitude and praise. You have created us, You have redeemed us and show us the way, You have comforted us by Your spirit. This day we ask for nothing and give thanks for everything. Almighty God, for all Your gifts of life and love, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Georgia [Ms. MCKINNEY] please lead the House in the Pledge of Allegiance.

Ms. MCKINNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag ACT of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes;

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes; and

S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

KEEP THE ASSAULT WEAPONS BAN IN THE CRIME BILL

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, as Members of this House talk about how to get the crime bill to pass, and consider taking the assault-weapons ban out of it, I would like to talk about Dion, Ty, and Aaron.

Last fall, these three students from Ranum High School in Westminster, CO, were driving home. Not doing anything wrong. By all accounts, they are fine, young men, all members of the school band.

That night, as they were driving home, two other young people opened fire on their car.

Luckily, none of the three was killed. But Dion was hit five times, Ty twice, and Aaron once.

They were all shot, and shot so many times because the person shooting at them was using an AK-47.

That is an assault weapon designed by Communists for their armies. Its purpose is to kill lots of people, quickly. It comes with a detachable 30-round magazine—but if that is not enough, you can always buy one with 150 rounds. It fires more than 100 bullets a minute.

As a former Marine, I can tell you—that is a lot of firepower. What in the world is a weapon like this doing on the streets of Westminster, CO, where it can be used against Dion, Ty, and Aaron?

It is not there because a hunter needs it.

It is there because the gangs, the criminals, and the psychos, like it. They are using them to turn our streets into combat zones. They are using them to outgun the police. One disturbed man used an AK-47 to kill 5 small children and wound 30 others in a schoolyard in Stockton, CA. And in September 1993, one was used on Dion, Ty, and Aaron.

Let us get the AK-47's off the streets of Westminster—and off the streets of all American towns and cities. Let us keep the assault weapons ban in the crime bill.

FRAUD IS A CRIME

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, in crafting the crime bill one wonders if the Democratic leadership forgot some essential elements of the U.S. Criminal Code.

For example, the last time I checked, fraud was still considered a crime. And yet the leadership is on the verge of perpetuating not just a fraud, but at least an $8 billion fraud on the taxpayers.

Actually, when you consider that those taxpayers pay our salaries, it could almost be considered embezzlement.

How else can you describe a bill that purports to put 100,000 new cops on the street but barely funds 20,000? Or a bill that claims to crack down on violent criminals, but actually eliminates mandatory sentences for criminals who use guns?

Here is the granddaddy of them all—they call this a crime bill, but it would hire two new social workers for every policeman. Does anybody outside the tiny circle of the Democratic leadership actually think America's problems is that we need more social workers than cops?

This bill is a fraud, Mr. Speaker, plain and simple. And the American people are not fooled.

GENERAL AVIATION REVITALIZATION ACT IS THE FIRST STEP

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, in this time period of a lot of partisanship and bickering, I wanted to give my colleagues some good news: On Wednesday the President signed the General Aviation Revitalization Act, an act that will create up to 25,000 jobs, American jobs, good-paying jobs, in this country, by providing a reasonable period of time after which you cannot sue a manufacturer of a small airplane for a product defect.

This is the first major piece of product liability legislation to have passed the Congress and be signed into law. More important, this will revitalize the small end of the aviation market, the single-engine market and the light twins, planes that we have built virtually none on in the past 10 years.

As I said, this was a deal put together in a bipartisan fashion where we got management and labor together, we pushed it for years and years, we got it signed this year.

This bill will produce jobs without costing the Federal Government one dime, without starting a trade war. It is great news for America, great news for my State of Kansas, and great news for aviation.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CRIME BILL CONTAINS TOO MUCH SOCIAL SPENDING

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I have spoken to a number of law enforcement officials in my district about the crime bill conference report, and they tell me it contains too much unproductive social spending. They believe a bill that funds programs to take criminals off the street and lock them up, like the Byrne grant program, is what is needed.

Yesterday the House passed a 26-percent increase in Byrne grants, which puts money directly in the hands of local police forces to fight violent criminals, gangs, and drug traffickers. This will do a lot more to reduce crime than the nearly $10 billion in social spending in the crime bill.

In the past 30 years the Government has spent trillions of dollars on the type of social welfare programs which are now in the crime bill. At the same time, violent crime has escalated. We ought to learn from our mistakes and put our money into programs we know will work, like the Byrne grants.

Mr. Speaker, let us write a crime bill that attacks criminals. If we want to pass a social welfare bill, let us not call it a crime bill.

AMERICA UNDIVIDED: TAXPAYER IS INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the American people are divided over the crime bill; the American people are divided over the health care bill; the American people are divided yet over term limits; the American people are divided over NAFTA; the American people are divided over GATT.

Mr. Speaker, there is one bill that the American people are absolutely united over. A recent poll says that 97 percent of the American people agree that Congress should change the tax law and pass H.R. 3261, which says a taxpayer is innocent until proven guilty; 97 percent say they want Congress to change the law because now a taxpayer is guilty and has to proven themselves innocent, and they have had it.

Sign Discharge Petition No. 12; 97 percent of the American people say if it is good enough for the "Son of Sam," it should be a good enough law for mom and dad. Discharge Petition No. 12.

HEALTH CARE: DO WE WANT TO TURN IT OVER TO WASHINGTON BUREAUCRATS?

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, as the House prepares to debate the Clinton-Gephardt big Government health care bill, American families and Members of Congress need to ask themselves a question: "Do we really want to turn over all of our health care to Washington, DC, bureaucrats?"

And do you want to trust a health care system designed behind closed doors by President Clinton, Hillary Clinton, the Democrat leadership, and left wing, liberal special interests.

After all, if someone with the past track record like theirs walked into your hospital room and said, "Hello, Mr. Jones, we are your doctors. We have got experimental new treatments; we do not know if they will work; and by the way, we have messed up about every other treatment we have ever designed. But what the hay, let us get started."

Mr. Jones would manage to leap from his hospital bed and make an all-out run for the exit to get away from these medical quacks.

Well, that is exactly what the American people are doing as they meet Doctors Clinton, GEPHARDT, and MITCHELL. They are heading for the hills as well they should.

□ 1010

THE DETERIORATING SITUATION IN BURUNDI

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, I am extremely concerned about the growing political problem in Burundi. The situation in Burundi is desperate. The people of Burundi need our moral support and must be told that the United States Congress strongly supports the restoration of democracy, law and order.

Mr. Speaker, in April 1994, the President of Burundi was killed along with the President of Rwanda when their plane was shot down by extremist elements in Rwanda. Over the past months, conditions in Burundi have deteriorated significantly. Unless the international community acts quickly in Burundi, the world will be faced with another Rwanda-like situation.

A permanent solution to the political stalemate in Burundi should take into account the role and makeup of the Burundi Army. The people of Burundi and the international community should support responsible political groups from both camps and isolate the destructive elements.

LIBERATE CUBA

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, the administration said it would not permit Castro to dictate U.S. immigration policy, but it has done more than that: it has been panicked by Castro into violating the laws of the United States.

Now that the path has been embarked upon of deciding what laws the administration will enforce and what laws it will break, there is one law that would be unconscionable to continue to expect enforcement of with regard to Castro's dictatorship: the same law that was not enforced with regard to Nicaragua or Afghanistan or Angola, the so-called neutrality law.

In Castro's threats against the United States, since the Cuban people rioted against him on August 5, we have seen another extraordinary example of why the continuation of the Castro dictatorship runs contrary to the fundamental national security of the United States.

Cuban-Americans do not want another Mariel. Cuban-Americans want a reverse Mariel to go and ignite the spark of liberation in Cuba.

That is what we need to be threatening Castro with, and not vice versa.

A reverse Mariel so that Cuban-Americans can fight and die with our brothers and sisters on the island.

Cuban-Americans do not want American GI's to die for the freedom of Cuba. Cuban-Americans demand the right to fight for the freedom of Cuba and against the worst enemy of the United States of the last 35 years.

Mr. President, you cannot treat the Cubans like the Haitians due to Castro's blackmail, as you have now done, and yet, unlike Haiti, not take action to liberate Cuba.

As Haiti's ports are blockaded and overt and covert aid is being provided pro-democracy forces in Haiti, so too must it be in Cuba.

Today, you must announce specifics to liberate Cuba, and not steps, completely unrelated to the source of this problem, which is Castro, like the Attorney General announced last night.

AVERT A TRAGEDY BOTH IN CUBA AND IN FLORIDA

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, for years we have tried to strangle the Cuban people through an embargo. Miami Spanish radio stations and Government-funded Radio Marti have encouraged Cubans to rebel against their government and to come to Florida. When a plane or boat is stolen in Cuba, we treat the hijackers as heroes, and now, when the Cubans are hungry and have accepted our invitation, we do not want them to come any longer.

This is a failed policy we are dealing with in China, or Vietnam, with Korea and with every other country we have had a problem with in the past. It is time to join my bill, cosponsor the bill, to end the Cuban embargo, begin negotiations with the Castro Government and stop a tragedy both in Cuba and in Florida.

FREEDOM FOR CUBA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the total absence of any moral compass in the Clinton administration policy toward the Caribbean was made evident this morning for anyone who looked at the new decision about Cuban refugees who, since 1966, have always been accepted in the United States under a law passed by the Congress. We have been told dictatorships are bad; Castro has been a dictator since 1959. We are told oppressing the innocent is terrible; they are now shooting people in the streets in Havana. We have been told we have to be against dictatorships in the Caribbean. In fact, the administration is practicing to invade one country, a country 600 miles away—Cuba is 90 miles away—a country with a much more recent dictatorship, with a much weaker process of repression, but Cuba, somehow, we are now told by our friends, we should treat as though it was China, we should open up our doors, we should have good relations. I think that is exactly wrong. I urge the President:

> Now is the time to tell Castro we want to negotiate for free elections, with international observers, and, if you refuse to negotiate for free elections, we will take such steps as are necessary so that your regime is no longer there.

Across the planet communism is collapsing. Cuba has no nuclear weapons, they are not a great power, they are not a threat, and the fact is that the Castro regime is vulnerable, and the time has come to have an aggressive policy of favoring freedom and favoring those Cubans who want to be free.

PASS THE CRIME BILL

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, life does not offer many second chances, but this weekend we are going to get a second chance. We get a second chance to help our communities fight crime, prevent crime, by finally passing a crime bill. Without the crime bill families would not get this chance to have more cops in their neighborhoods. Women in abusive situations will not get this chance to break out of it. Kids will not get this chance for help to reject gangs and drugs.

Mr. Speaker, this weekend we get our second chance. Let us not blow it. Vote for more cops in our communities, for safety, for women and for hope for our kids. Pass the crime bill.

IT IS TIME TO GO HOME AND LISTEN TO THE PEOPLE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, as I was driving to work this morning and listening to Paul Harvey on the radio, he was talking about a poll that has just come out that shows that one in five people, 22 percent of the American public, feel that they have any confidence whatsoever in the U.S. Congress. Only one in five, and, if we can believe the phone calls that are pouring into our offices, we are not doing our image any good by staying here during this period. We tried the crime bill, and it did not work. It can be revisited again later on, after we have had a time to listen to the people that we represent. We have just introduced the new health care bill. Most people do not understand what it is. The American people need to understand what is in those bills. It is going to affect every American's life for generations to come.

Mr. Speaker, it is time to stop the arm twisting, it is time to stop the intimidation, it is time to stop the threats, and the promises, and the pork projects in order to get votes to cram these pieces of legislation through in a brief period of time before we recess for August. It is time to start listening. The best way to do that is to go home to the real world and get out of the vacuum of Washington, DC, and, when we come back in September, Mr. Speaker, I guarantee our work product will be better after we have listened to the people we represent.

BUILD GENERATIONS, NOT JUST MORE JAILS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, everybody has a preference for which way we should go, and I must say, as I hope we take up this historic crime bill, the reason it is historic is the House tried to come down for the first time on the side of attempting to build generations and not just more jails.

Mr. Speaker, there has never been a society in civilization revered for the number of jails it built. We have now built more than any society in the history of the Earth, and it has not worked while we continue building them in there to try to catch up on the shortfall. But for the first time we tried an ounce of prevention, and people went nuts with all sorts of disinformation around here.

This information was that it was all going to be social workers; wrong, there is no social worker money in here; that there was no funding for police; wrong, $7 out of every $10 in this crime bill went for either law enforcement officers, prisons or detention facilities, $7 out of $10. The last $3 were prevention.

Let us build generations and not just jails alone.

□ 1020

MORE EMPHASIS ON PUNISHMENT NEEDED TO FIGHT THE CRIME PROBLEM

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, big city mayors and big city police chiefs are prostituting for the money in the crime bill under the disguise of more police on the streets. Mr. Speaker, prostitution is against the law.

Law enforcement officers and prosecutors in the Third District of Georgia are telling me, "We do not need more police officers." They say, "We are arresting the same people over and over again."

The problem is in the logjam of prosecution and in the lack of resources to carry out punishment. Help us enforce the laws we have today.

Mr. Speaker, it is against the law to rape. It is against the law to molest a child. It is against the law to murder.

Mr. Speaker, what is the best message to send our neighbors? You will have a child molester living next door? You will have a rapist living next door that you have to fear for the rest of your life?

Or should we send the message to victims and victims families: That each and every murderer, child molester, or rapist is in the penitentiary for the rest of his life?

A CRISIS IN BURUNDI

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, I am deeply concerned about the deteriorating conditions in Burundi. With the international community focused on the Rwandan tragedy, the situation in Burundi is worsening by the day with no resolution in sight. A crisis in Burundi, unless contained immediately, could surpass the Rwandan humanitarian tragedy. Burundi is a classic example where preventive measures can help deter another humanitarian tragedy from occurring.

Mr. Speaker, I strongly urge the Clinton administration to intensify its diplomatic actions and send a senior official to highlight our concern. The United States should also call for an urgent Security Council meeting on Burundi to consider preventive measures by the international community. I call also on the OAU to intensify its actions by deploying the proposed OAU monitors.

Finally, Mr. Speaker, I would like once again to call on the international community to bring to trial those people responsible for the deaths of hundreds of thousands of innocent civilians. We can not allow the murderers of Rwanda and Burundi to go unpunished, if we are to avoid future genocides.

PREMISE OF CRIME BILL IS WRONG

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the White House and the Democratic leadership are desperately trying to find little nicks and cuts that they can take out of their crime bill to win enough votes for a razor-thin passage.

Out of a $33 billion bill that spends more on social programs than it does on prisons, they want to shave off a whopping $1 or $2 billion. Most likely, they will all run home afterward and brag to their constituents how they cut Federal spending.

Setting aside the fact that no bill that spends more than $30 billion ought to make it into law if this the only way it can be passed, the fact of the matter is that the whole premise of the crime bill is simply wrong.

Thirty years of failed social experimentation ought to have taught us by now that it is simply wrong to focus on babying criminals with self-esteem programs than on putting them in jail when they break the law. Forget ideology. It just does not work.

In the 1960's we started blaming society instead of individuals and began putting handcuffs on our cops instead of on our criminals.

Does anybody think that crime has gone down since then?

TOUGH PROVISIONS IN THE CRIME BILL

(Mr. HUGHES asked and was given permission to address the House for 1 minute.)

Mr. HUGHES. Mr. Speaker, I am really saddened to hear Members refer to chiefs of police and mayors and others who are seeking resources for prevention as prostitutes. That does not reflect the views, I might say, of the majority of the Members of Congress, and I am really embarrassed to hear that.

The crime bill is not a perfect bill. I would not have written it as it is written, I must say, but it is a good bill. To suggest that it does not have the kind of provisions we need to deal with crime problems basically has missed the boat.

I spent some 30 years in law enforcement in one way or the other, either as a legislator or as a prosecutor, and there are provisions in this bill written by Republicans that will in fact make a difference.

In the first place, those who suggest that the child abuse provisions are not tough and do not notify the public have not read the bill. Many of our colleagues, the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Pennsylvania [Mr. GEKAS], and the gentleman from Florida [Mr. MCCOLLUM], wrote provisions dealing with so-called sexual predators. Those provisions did not call for community notification or call for registry. This bill does have a registry. It does require contacting those individuals. It does in fact give the police, the chief of police, and law enforcement agencies the opportunity to take whatever steps are necessary to protect the public.

Mr. Speaker, those who suggest otherwise have not read the bill.

CUBAN CRISIS DRAWS ATTENTION AWAY FROM HAITI

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, these are tough times for the White House—Nussbaum, Hubbell, Watson, Altman, and Hanson. These people were going to help President Clinton provide a departure from the phony decade of greed and a changing of America. It is too bad they will not be around for the final chapter.

Now we see the centerpiece of the Clinton foreign policy, the great invasion of Haiti, being challenged in the headlines by Cuba.

A brutal dictatorship, denial of human rights, in our own backyard, an interest in preserving democracy in the Western Hemisphere, and an overflow of refugees to Florida—these are the reasons for the White House going to the United Nations to put down the Haitians. What next? Viva Cuba libre?

PLAY BALL

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, big-league ball players, major league club owners, play ball.

YOUNG PEOPLE, VIOLENCE, AND PREVENTION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, again this morning I want to speak about prevention, youth, and violence. I want to speak about prevention in the sense of the increase in crime.

Crime, violent crime has been increasing by grade 4 steps, and it has been increasing among young people—young people who are the victims of crime, young people who are the perpetrators of crime, young people killing young people, young people killing senior citizens and women, and young people maiming people. So crime indeed has increased, and who indeed is in there? Young people are involved.

Yet, Mr. Speaker, there are those who escape the logic that with young people involved in crime, we should be spending our money where the crime is increasing. Yet that escapes the rationality of many in this Chamber. There are Members on both sides of the aisle in this Chamber who would have the American people think that it is just poke, that it is frivolous not to invest in the young people of this Nation. They would rather have the house burn down and then put the fire out. They would rather have people killed and then put people in jail.

Mr. Speaker, we must maintain prevention in this crime bill because this is the only thing that makes sense. Shame on us if we fail to understand that. Shame on us if we fail to have the vision of our youth. Prevention is part of the strategy to fight crime.

A CLERICAL INFLUENCE ON THE CRIME BILL

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, I rise to draw the attention of my colleagues to some comments that President Clinton made over the weekend from the altar of a church in Maryland. He said, "Our ministry is to do the work of God here on Earth."

□ 1030

Later on in his remarks he went on to suggest that God himself had some favorable opinions about the crime bill.

Then yesterday I opened the newspaper to find out that one of my Democratic colleagues from New York, who said earlier that his conscience required him to vote against the rule on the crime bill, would vote for the rule were he to have the opportunity to do so, because the clergy of his district wanted it. He said, "After consulting with spiritual advisors, I will be supporting the rule."

Mr. Speaker, I would merely ask you, next time someone tells you that the religious right has taken over the Republican Party, to take a look at the events of this week.

KENNETH STARR CONTROVERSY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, why is a man who has been a highly regarded Federal judge allowing a controversy about appearances to escalate? Judge Kenneth Starr knows better.

It is hard to believe that if Starr had been the judge charged with choosing the Whitewater prosecutor, that Starr would have chosen Starr. Recent association with an active lawsuit against the President, recent consideration of running for the Senate, recent involvement in active political campaigns, what does it take Judge Starr to make a case for disqualification based on appearances?

Whatever it takes, surely the coup de grace was the association of Judge David Sentelle with partisan enemies of the President just before he made the Starr appointment.

The defenders of Judge Starr have missed the point. His fine reputation is not at issue. What is missing is the threshold qualification for this appointment: Not impartiality, but the appearance of impartiality. Judge Kenneth Starr would have known what to do. So does Kenneth Starr, Esquire.

CRIME BILL COSTS BUT DOES NOT SOLVE CRIME

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, trying to pass a crime bill that most of the Members of this body have indicated they do not want reminds me of 1 year ago when arms were twisted to pass the huge tax increase that most of the Members of this Congress did not want.

I think we should remind ourselves, as we look at this crime bill, that we are spending money that we do not have. Some say the money in this crime bill is anticipated savings from having fewer Federal employees. However, there is no tie bar to the money that might be saved and the money that goes in this crime bill's trust fund. This $32 billion will be borrowed money. It is a crime to pass a crime bill that does little to solve crime. But, Mr. Speaker, it is an even greater crime to make our grandchildren pay for it.

STOP THE NRA AND PASS THE CRIME BILL

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the special interest National Rifle Association is running ads like this one against the crime bill. The ad says, "What they're not telling you about the crime bill should be a crime."

Well, Mr. Speaker, what the NRA is not telling us about the crime bill is a crime. The ad repeats a number of worn out lies but fails to mention the NRA's chief complaint with the crime bill.

The fact is the NRA opposes the crime bill for one reason and one reason only: the assault weapons ban.

The ban, which would take the weapons of war off our streets, is supported by over 80 percent of the American people. Maybe that's why the NRA doesn't mention its opposition to the ban in its ad.

Let us be clear: the NRA's tough talk is a smokescreen designed to hide the truth: the NRA is soft on crime. The NRA is the criminal's best friend. The NRA doesn't care about crime, or about victims, or about the safety of our families and our communities.

The NRA does not care about passing a tough crime bill. The NRA cares only about stopping the assault weapons ban.

Mr. Speaker, it is time to stop the NRA. Let us pass this tough crime bill. Let us pass the assault weapons ban.

SECRETARY PERRY SHOULD APOLOGIZE TO AMERICANS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, on Wednesday, Secretary Perry met with General Xu, the deputy chief of staff of the Chinese People's Liberation Army at the Pentagon. When General Xu arrived at the Pentagon, he got the red carpet treatment. He even got a welcoming band.

Now, I know Secretary Perry is a good man, but it is incomprehensible why they would do this for the Butcher of Beijing. General Xu is second-in-command for the People's Liberation Army. He was deputy chief of staff in 1989 when the army gunned down thousands of students. He commands an army that sold weapons to Iraq prior to the gulf war that were used to kill American men and women. He commands an army that sells weapons to the dictatorship in Khartoum that kills black Christians. He commands an army that supports a brutal Communist dictatorship that tortures and beats Catholic bishops and priests and protestant missionaries.

I do not think Secretary Perry was wrong for meeting with General Xu, but it is almost sick to think that he would give General Xu a red carpet treatment. It could have been a protocol mistake, but if it was intentional, then Secretary Perry owes a big apology to the families of all the Chinese-Americans who were killed in Tiananmen Square, an apology to the families of soldiers killed in Iraq, and apologies to the Chinese families who will hear on Voice of America today that Secretary Perry gave red carpet treatment to General Xu, who is the Butcher of Beijing. He owes an apology to this Congress, too.

MEXICAN ELECTIONS

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, this Sunday, Mexico will be holding elections for both presidential and legislative offices. This is an incredibly important election for the development of a multiparty democracy in Mexico.

Unfortunately, in recent years, there have been numerous allegations of electoral fraud against the ruling party. There is increasing popular demand for elections to be clean and fair. It is my hope that this Sunday's elections will indeed be legitimate. Mexican citizens deserve the opportunity to participate in a fraud-free election, where their vote will be respected.

While it should not be the role of the U.S. Government to meddle in the sovereign affairs of our esteemed neighbor, we are, of course, extremely interested in the outcome. Without international observers monitoring the elections, the world must rely on citizen observers to verify the validity of both the pre-election process and Sunday's vote. It would be tragic for the election to be marred by irregularities. I know we are all hoping, rather, to see significant evidence that the elections are clean, as a sign that the reform efforts are working.

Mexico is at a critical juncture. The American people, the U.S. Congress, and the administration will be paying close attention to both the process and the outcome of Sunday's election. I wish the Mexican people "buena suerte"—good luck—in this exercise of democracy and bold step for the future of Mexico.

VOTE "NO" ON A WEAK CRIME BILL SO WE CAN HAVE A STRONG CRIME BILL

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, when one says of a bill, as they have of the crime bill, that this is not a perfect bill, in the unwritten dictionary of the Congress what this really means is it is quite a bad bill. You better vote for it anyhow out of political expediency.

I believe that a majority of Americans are supporting a growing number of people in the Congress who so want a good crime bill that they are going to vote "no" on a weak crime bill. Please interpret a "no" vote on a weak crime bill as a "yes" vote for a strong crime bill.

If history is an indicator, we will not consider crime again for several years. It is essentially axiomatic we are going to have a crime bill in this Congress. Please vote "no" on a weak crime bill so that we are going to have an opportunity to vote "yes" on a good crime bill.

CUBAN ADJUSTMENT ACT NEEDS SECOND LOOK

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday at this time, from this well, I indicated that the United States was facing an immigration emergency, and I reached that conclusion from reading the papers as well as from having a briefing by administration officials.

I also said yesterday, Mr. Speaker, that we were not able to really handle this emergency because of two situations: One is the 1966 Cuban Adjustment Act, which says that any people coming from Cuba who are landed in the United States are automatically on the way to citizenship. No questions asked, basically, unlike our stance toward any other country in the world.

I also said that under the 1966 Act there is nothing that requires the United States, having rescued Cubans from the sea, to necessarily land them in the United States.

I understand that this afternoon the President will announce that Cubans being rescued will no longer be taken to the United States, but perhaps at Guantanamo Bay or some other place. That is OK. That takes care of one problem. The other problem, the 1966 Act still is on the books.

So I hope, Mr. Speaker, that part of our re-look at this situation will take a second look at that act. It does hamper our ability to respond to these immigration emergencies.

WHAT NRA REALLY STANDS FOR

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, the National Rifle Association revealed part of their strategy on Sunday. They intend to change the name of the crime bill to the "social workers bill" and "the midnight basketball bill."

Of course, this is wrong. We must balance spending on more cops and more prisons, with prevention—programs that educate people, train people for jobs, and give kids something to say "yes" to.

But we have to change our tactics, too. For me, they are no longer the NRA. They are the CKA. The Cop Killers Association, because the assault weapons they want to protect are killing police officers throughout this Nation. They are no longer the NRA. They are the LGK. The Little Girl Killers.

Because they want to keep weapons like the TEC-9 on our streets—the weapon that killed Michelle Cutner in my district a month ago.

We cannot let them get away with using clever tactics to deprive America of a tough crime bill. Let us pass this crime bill—with an assault weapons ban, and prevention programs—now.

FIDEL CASTRO

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I would think folks at Justice and Defense would be getting a little weary of cleaning up the mess caused by the Clinton administration's alleged foreign policy. Now we have Cuba at the front page again.

Fidel Castro has a foreign policy. It is called Mariel II, and it is working. Who do we see coming to the rescue? Attorney General Janet Reno.

Well, hello, State Department. Is anybody home? Some of us up here keep telling them the problem is Fidel Castro. It is time for him to go. It is past time for him to go. It is time for the sanctions that we have put on to work.

It is time to curb our allies who are flaunting the embargo, Spain, Jamaica, Mexico, and others trading openly with Cuba today.

Attorney General Reno says, we will detain all incoming Cubans. Where? Where will we detain all those incoming Cubans? Florida? Fort Chaffe, AR, Guantanamo? Come to think of it, Guantanamo may make some sense. It is already in Cuba. Possibly we could make room there, if we ask the 15,000 Haitian refugees already there in tent city if they mind moving to Mariel, Cuba.

SOCIAL PROGRAMS DO NOT SOLVE CRIME

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, if you have not followed the reports of scandal in the District of Columbia Public Housing Authority, you should. It will make your stomach turn.

Here is a great example of why government programs fail:

Gross mismanagement—bankruptcy—$117 million for renovations unusued while people are forced to live like animals.

Rat, filth-infested projects where children are forced to live and play. Human beings tossed out of these hovels to die in our streets. And then we wonder what causes crime.

Every Member of Congress should be forced to live in public housing. Then come back and vote for more government programs, more social and welfare spending.

When will this Congress wake up and provide positive alternatives, encourage private sector job creation, support private home ownership, and promote personal savings and self reliance?

This is a great example that big government social programs do not work.

THE CRIME BILL

(Mr. KLEIN asked and was given permission to address the House for 1 minute.)

Mr. KLEIN. Mr. Speaker, it is time for the crime bill to be resurrected and brought to the floor of the House for a vote.

Violent crime is the scourge of this Nation. More than anything else, Americans want us to take decisive action to fight crime. We must stop looking at criminals as victims and recognize that we, the law-abiding citizens, are the victims. We stand on the threshold of passing the strongest, toughest crime bill in our history.

But special interests continue to hold this crime bill hostage in a desperate attempt to kill a ban on military style assault weapons that are the weapons of choice of drug dealers and criminals. We must not bow to special interests. We cannot let children die on the streets to appease the NRA.

We have an opportunity to put 100,000 more cops on the streets, to build more prisons for dangerous criminals to curb the flow of drugs into the country and, yes, to ban these assault weapons. Let us stop the rhetoric on crime. Let us do something about it.

MORE ON THE CRIME BILL

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, words are important. Words are important. When we call this a crime bill, it is irresponsible to confuse the American public about what is really going on. Because words mean something.

In fact, yes, there is some crime, there are aspects of this that have directly to do with crime, prisons, police. There are also a whole host of social programs, most of which have nothing to do with the prevention, although they are billed that way. There is an excellent Violence Against Women Act and there is a gun ban in that.

All of those, regardless of the killing children and killing police, know on the other side of the aisle or those that are opposed, or that are in favor of this gun ban in 1992, fewer than 900 people were killed with all weapons, all rifles, all rifles, not just assault weapons, and nearly twice that number were killed with fists and feet.

The point is that what we really need to do is split up this crime bill so that the American people have an opportunity to see how their representatives vote on the various aspects of it. That is not legislative blackmail, which is what we are getting right now, trying to pull along the bad with the good.

TRUTH IN ADVERTISING

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, whatever happened to truth in advertising?

The NRA and a few allies have rehired their spokesman Charleton Heston to mislead the American public in a series of television ads that are filled with untruths.

Mr. Heston is no Moses. And, he definitely is not obeying one of the Ten Commandments.

Mr. Heston and the NRA are not fighting for America's best interest. They are worried about the crime bill for one reason—because it will take assault weapons that are being used to kill innocent people off our streets.

If Mr. Heston had read the bill, he would know that the crime bill is not a social spending bill. The facts are that $7 out of every $10 in the bill goes directly to police, Federal and State law enforcement, and prisons and detention facilities. That is 85 percent of the bill's funding.

And, almost half of the remaining spending is devoted to combating violence against women, drug courts and crime prevention programs originally sponsored by Republican Senators DANFORTH, STEVENS, and DOMENICI.

Let us separate myth from reality and Hollywood from real life. The American public is demanding that we pass a crime bill. It is our duty as their representatives to make sure that they get it.

HEALTH CARE REFORM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there are really two questions that surround the whole health care debate. That is, who is going to run it and who is going to pay for it.

Under the Clinton-Gephardt bill, the Government runs it. A large tangled web of agencies, commissions, bureaucrats, boards appointed, unappointed people, unelected. We will be running your health care.

They will be telling us when we can pull the plug on our grandparents and our loved ones and when we can spend money for this operation and when we cannot. That is the reality of the Clinton plan.

The other part of it, which I do not want, too, which I think we are not even focusing on one bit, is how it is going to be paid for. We do not know how much the Clinton-Gephardt bill is going to cost. The estimate is about $100 billion. We know the cigarette tax is going to be $12 to $16 billion in new tax revenues a year, if that passes. We know there will be massive Medicare cuts. We do not know how much.

We already know physicians are having trouble servicing Medicare patients right now because of the low reimbursement. Then there is going to be an insurance premium tax, which if we are paying the insurance premium tax, then are we going to be paying these taxes?

□ 1050

The President said no new broad-based taxes. This is a major issue, and we need to address it. We need to talk about the costs of health care, because it sounds great, but if we do not have the money, with a $4.4 trillion debt, we do not need to be getting into further debt.

HAWAII—MANDATES IN PARADISE—NOT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEARNS. Mr. Speaker, Hawaii is often used as a model for success in employer-mandated health care.

Contrary to popular opinion, the facts show there is trouble in paradise.

Results of mandated health care in Hawaii are not generally known. For instance, NFIB reports that:

Eighty percent of Hawaiians are covered under two main insurers.

Ninety-five percent of physicians in Hawaii work for one of the two insurers and are therefore subject to managed care and imposed fee schedules.

Dependents or unemployed persons and part-time workers are not covered.

Health care costs in Hawaii have skyrocketed. Between 1980–90 costs rose by 191 percent, nationally that figure was 163 percent.

The coalition for jobs and health care reports that Hawaii's employer mandates won't create a health care paradise for the rest of the country because:

Hawaii's employer mandate has yet to achieve universal coverage or control costs.

Hawaii led the Nation last year in small-business bankruptcies. And companies are exiting the State in record numbers.

The employer mandate has created an administrative nightmare. It takes the island three times longer to administer health plans than it does on the mainland.

This sounds more lie paradise lost to me.

Mr. Speaker, the statistics I cited were provided by: National Federation of Independent Business, testimony before House Committee on Agriculture March 17, 1994; National Federation of Independent Business, statement by Jack Faris, president, NFIB, August 3, 1994; and the Coalition for Jobs and Health Care, August 11, 1994.

RECOMMENDING A LEAN, EFFICIENT CRIME BILL

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise, as many others have done, to discuss the crime bill. However, I am going to take a different approach, because I deplore the political rhetoric that we have heard day after day after day.

In my opinion, Mr. Speaker, the issue is not the NRA. They have not even talked to me. The issue is not the pork, which in some cases is mislabeled. The point is simply that, as many of us who oppose the crime bill, and I happen to be one who voted against it the first time it came through the House, I simply want a crime bill that is lean, efficient, that will work, and that will give the citizens their money's worth. That was not true of the original crime bill when it came through the House. I believe the conference report was even worse.

Mr. Speaker, James Q. Wilson, who I believe is the most noted and best criminologist in this Nation, commented on NPR a few days ago. He said, "The problem with the crime bill is that it was filled with programs that have been proven not to work and does not include programs that have been proven to work." I believe he said it well. I hope that we soon get a crime bill that will work. I will certainly be happy to support it if we get one like that.

MIDNIGHT GOVERNMENT BASKETBALL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Washington Post is certainly not the first paper to conclude—incorrectly—that because President Bush named a Maryland midnight basketball program a point of light, that midnight basketball nationwide is deserving of Federal funding and should be in the crime bill.

Many in this debate choose to forget that the point of light program honored—not Government programs—but citizens volunteering to make the country better.

Yes, midnight basketball is about more than basketball. These successful initiatives teach young men the responsibility and skills they cannot get standing on a street corner.

But with Federal money comes Federal regulation: Eighty players in the league, half the players must be from public housing, a certain percentage recovering drug users or HIV positive. Incredible.

A league with 60 players from low-income housing who have managed to steer clear of drugs are on their own.

As President Bush said, "People, not programs, solve problems."

EXPRESSING HOPE FOR A FREE, FAIR, AND PEACEFUL ELECTION IN MEXICO

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the day after tomorrow the very important Presidential and legislative elections will be taking place in Mexico. In the wake of the passage of the North American Free-Trade Agreement, this is going to be an extraordinarily important and historic event.

I have been very troubled by rumors that have been reported recently that there could be a great deal of unrest in Mexico if the outcome is not to the liking of certain people.

In the wake of the passage of NAFTA, and all of the attention that has been focused on Mexico, it is very apparent that the scrutiny of this election is going to be unprecedented in Mexico's history.

Most people have acknowledged that Mexico has had some troubled elections in the past, where the outcome may not have been based on the votes, if they had actually been counted appropriately. It seems to me that with the scrutiny that will be imposed on Mexico, that this election will probably be the most fair and balanced election in Mexico's history. I hope very much that we see it run smoothly and fairly, and I wish the people of Mexico well.

ANNOUNCING REPUBLICAN SUPPORT FOR A STRONG AND AFFORDABLE CRIME BILL

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, when the House of Representatives voted down the rule on the crime bill, the President went on a national media blitz, basically saying that the rule was defeated because of one organization, the National Rifle Association, when he knew full well there are many Members in this body who had real concerns about the costs involved with the crime bill, as well as some of the weakening provisions in terms of dealing with the criminal element in our society.

Mr. Speaker, I wrote to President Clinton last Friday and I gave him the conditions under which I would support both the rule and passage of the crime bill. Today, approximately 21 Members of the Republican side of the House have in fact delivered a letter to the President where we have laid down specific items in terms of costs and toughening provisions that will allow us to vote for the rule and for the crime bill. Guess what, Mr. Speaker? The letter is silent on the assault weapon ban.

President Clinton now has the decision in his hands. If he really wants a crime bill, we are here. If he does not, the American people will know that he does not really want a crime bill.

NO COMPROMISE ON ASSAULT WEAPONS

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, the talk in the air is of compromise, that reasonable people on the crime bill can split their differences and to come to some accord. What kind of compromise? We accept only some assault weapons, allow fewer Americans to get killed by these senseless military type weapons?

There is a time in life when you draw a line. There are times in life when compromise is no virtue. This is one of those times. On the effort to get these weapons off our streets, to make Americans safe in their own homes, to get our cities back, Mr. President, that is a time when you draw a line, when the differences need to be seen, when you let the people make a choice between those who are on their side and those who would side with interests against the security of Americans.

No compromise, no reasonable agreements, because it is unreasonable to accept that any of these weapons remain on our streets. Draw the line. Have the vote and let the people know who is on their side.

MANY REPUBLICAN MAYORS SUPPORT THE CRIME BILL

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, we ought not to believe that this is solely a partisan debate because of the number of Republicans who have come to the well and said they are opposed to this bill. Let me read a list; all Republicans, all mayors, all on the front line of fighting crime in America.

The Republican mayor of Knoxville, for the crime bill; the Republican mayor of Los Angeles, one of the great victories that the Republicans claim, Mayor Riordan, for the crime bill; Mayor Mystrum of Anchorage, AL, for the crime bill; this crime bill; the Republican mayor of Newark, for this crime bill; the Republican mayor of Scotsdale, AZ, for this crime bill; the Republican mayor of Dayton, for this crime bill; the Republican mayor of Palatine, IL, for this crime bill; the Republican mayor of Columbus, for this crime bill; the Republican mayor of Lincoln, NE, for this crime bill; the Republican mayor of Fort Wayne, IN, for this crime bill; the Republican mayor of Jefferson City, for this crime bill; and the Republican mayor of New York City, former prosecutor, Giuliani, for this crime bill.

□ 1100

A CALL FOR BIPARTISAN SUPPORT OF THE CRIME BILL

(Mr. SHAYS asked and was given permission to address the House for 1 minute.)

Mr. SHAYS. Mr. Speaker, I rise in support of the crime bill and I hope today that Republicans and Democrats alike can come together on this very important issue. When this bill was in the House, law enforcement was $5.5 billion. The conference committee increased it to $13.9 billion. Prisons went down from $14 to $10 billion but still $10 billion for prisons. Preventative basically stayed the same. This is a bill that should pass both the House and the Senate, and I just encourage my Democratic Members not to get too concerned when they hear Republicans who may make some comments. Let us just work together. I encourage some on the Republican side who may hear Democrats say things they do not like. Let us just see if we can put this together.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, one particular provision of the crime bill that has received unfair attention is the midnight sports league. The provision takes positive steps toward instilling confidence and self-worth among many of our at-risk youth. Too many of our youth are subjected to the hostile environment on the streets—where selling drugs and committing crimes are a way of life. Unfortunately, many American communities, particularly urban communities, do not have the resources to provide alternatives for at-risk youth. An alternative is the basis of midnight sports. It gives youth a choice between the dangers of the street, or a controlled environment.

In a perfect world our youth are in bed at a reasonable time and not roaming the streets. However, we do not live in a perfect world and statistics show that most crimes are committed between 10 p.m. and 2 a.m. Midnight sports league helps communities keep youth off the streets, by allowing them to use local gymnasiums and community facilities throughout the night. In addition, the program will provide the young people participating in the league with job training, educational seminars, and counseling services.

Locking up criminals is only part of the solution—but it is also the most costly. It costs the taxpayers approximately $49,000 a year for each prisoner. Yes, those that commit crime must be put behind bars and serve their just punishment. The minimal cost in providing sports leagues, educational resources, and community activities is certainly a worthwhile investment in changing juvenile delinquents into productive and responsible adults.

Mr. Speaker, Congress cannot fight the crime battle alone. We need to involve the people in our districts. We need their cooperation, support, and patience as we develop programs that we hope will alter this distressing proliferation of violence in our communities. The programs included in the crime bill are funded for a 6-year period. Some of the programs in the crime bill may not work and we should be able to gauge the results after the 6 years. However, whether successful or not, we owe it to our constituents to try anything we can to curb the growing violence before another young life is lost.

PROVIDING FOR CONSIDERATION OF H.R. 4908, HYDROGEN, FUSION, AND HIGH ENERGY AND NUCLEAR PHYSICS RESEARCH ACT OF 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4908) to authorize the hydrogen and fusion, research, development, and demonstration programs, and the high energy physics and nuclear physics programs of the Department of Energy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 515 is an open rule which provides for the consideration of H.R. 4908, the Hydrogen, Fusion, and High Energy and Nuclear Physics Research Act of 1994.

The rule provides for 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Science, Space and Technology.

The rule provides that the bill shall be considered by title with each title being considered as read. Finally, the rule provides for one motion to recommit.

Mr. Speaker, I would like to commend the leadership of Chairman GEORGE BROWN and ranking minority member BOB WALKER. H.R. 4908 recognizes the continued importance of research and development of energy resources produced by renewable technologies.

Hydrogen is a clean burning, environmentally safe, energy source which is a viable substitute for many fossil fuels.

As a matter of fact, extensive research on the viability of hydrogen as a fuel source for automobiles is being conducted at my alma mater—Middle Tennessee State University.

Dr. Cliff Ricketts initially developed a prototype engine which works on gasoline, propane, or hydrogen. Professor Ricketts and his students later developed an engine which operates solely on hydrogen.

While some of the automobile manufacturing giants are conducting active research and development of hydrogen-fueled automobiles, Dr. Ricketts' research team has achieved real results.

Invited to participate in the Bonneville National Speed Week in 1991 at the Bonneville Salt Flats in Windover, UT, Dr. Ricketts set a land speed record for a hydrogen-powered vehicle.

Surprisingly, the vehicle which set the record was the hybrid hydrogen-propane-gasoline-powered truck which towed the hydrogen-powered race vehicle to Utah. Unfortunately the competition vehicle developed mechanical problems in the prerace warmup.

Dr. Ricketts was invited back in 1992 and set another world land speed record with the 100 percent hydrogen-powered vehicle.

Dr. Rickets and his students were invited back to Bonneville this summer. They are presently travelling to Utah for the competition this weekend. They have made modifications to the race vehicle and hope to break the record they set in 1992.

I am proud of the research being conducted at Middle Tennessee State University and want to wish Dr. Ricketts and his students the best of luck in this weekend's competition.

I am also optimistic that Dr. Ricketts' future research will benefit from the provisions of H.R. 4908.

Mr. Speaker, this is an open rule and I urge my colleagues to adopt the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague, the gentleman from Tennessee [Mr. GORDON], in supporting this open rule. I commend the Committee on Science, Space, and Technology for its outstanding and perhaps unmatched record of requesting an open rule for every bill it has brought to the floor this Congress. Chairman GEORGE BROWN and ranking Republican member BOB WALKER have set an excellent example of bipartisan cooperation—one we all should try to emulate. I will insert comparative charts of open versus restrictive rules into the RECORD following my statement.

Consumption of electricity has grown at almost twice the rate of the growth of population, and it is critical that we pursue the potential of alternative sources of energy such as hydrogen and fusion to address our long-term energy needs. Some work has been done in this regard by various universities and research laboratories. In fact, Oak Ridge Laboratories, located in my home State of Tennessee, is at the forefront of many energy research programs. But much more remains to be done, and this bill provides the needed direction and guidance to continue the research and development of new energy sources to meet the demands of the future.

Mr. Speaker, I urge adoption of this rule so we can proceed with the consideration of this important measure.

Mr. Speaker, I include the comparative charts of open versus restrictive rules for the RECORD, as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	91	25	27	66	73

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Aug. 18, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	
H. Res. 516, Aug. 10, 1994	MO	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 18, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORTS ON ACTIVITIES OF DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91–596; 29 U.S.C. 675), I transmit herewith the 1991 annual reports on activities of the Department of Labor and the Department of Health and Human Services. These reports were prepared by, and cover activities occurring exclusively during the previous Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994.*

HYDROGEN, FUSION, AND HIGH ENERGY AND NUCLEAR PHYSICS RESEARCH ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4908.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4908) to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes, with Mr. OLVER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I yield myself such time as I may consume.

Mr. Chairman, this is an important bill, as will be spelled out in more detail. However, it is not a controversial bill. It was adopted by a unanimous voice vote in committee.

Some of the problems that have arisen subsequently caused us to go to the Committee on Rules for a rule rather than taking it up on suspension. They were miscommunications more than anything else, for which I take full responsibility and gladly accept it.

The miscommunications had to do with the question of whether or not to have caps with regard to the funding on the bill. This caused us some problems because the bill originally was two separate bills which went to two separate subcommittees.

One subcommittee reported the bill with caps, the other one did not. In neither subcommittee was there any enthusiasm for the caps, but they were adopted nevertheless in the one subcommittee.

At one point we thought we could agree upon a reasonable cap for the whole bill, but we were unable to do that.

So we are bringing this to the floor in the condition that it was reported out of the full committee, with a cap on part of it and no cap on another part of it.

While we were considering some amendments to extend the caps to the whole bill or to remove the caps from the whole bill, I think our current situation is that we will leave the bill the way it was reported out of the committee and hope that we can survive on that basis.

I am going to leave more detailed explanation to the two subcommittee chairmen at this point and allow Mr. WALKER to use such time as he wishes.

Mr. Chairman, H.R. 4908, the Hydrogen, Fusion, and High Energy and Nuclear Physics Act of 1994, is, for a number of reasons, a very important bill—one that represents much more than a collection of random research programs.

The first and most fundamental reason is that the bill represents a hopeful change in Congress' dismal record over the past 20 years in passing energy-related authorization bills. For example, the programs authorized in the high-energy physics and nuclear physics portions of this bill—programs which account for well over $1 billion in Federal spending—have not been fully authorized since 1981. The House did pass an authorization bill for the superconducting super collider in 1990, but it was not acted upon by the Senate. Further, although several of the programs in this bill—such as the hydrogen and fusion R&D programs—were in fact authorized in the Energy Policy Act of 1992, the bill before us today provides a higher level of policy guidance and program direction. I hope that this bill is a harbinger of things to come in terms of authorizing legislation on important energy programs.

The bill is also important because the four titles in the bill aggressively address the long-term energy needs of our Nation and of mankind. By the year 2050, world population is expected to double; global energy needs will likely increase by threefold. These energy demands will be driven by increasing population and by the emerging economies of Asia, eastern Europe, and the remainder of what we currently refer to as the less-developed countries. If we fail to meet these needs for energy, we court a future of constant struggle between the haves and the have-nots. Such a struggle can only lead to political instability and ultimately military confrontation. While the bill will obviously not resolve all the issues associated with increasing population and energy demands, it will catalyze important scientific and technical steps toward abundant, clean energy supplies. Both the hydrogen and fusion energy R&D programs authorized in titles I and II hold the promise of fuels that are nonpolluting and essentially unlimited.

Title I of H.R. 4908 provides for the development and demonstration of technologies to use hydrogen in transportation, industrial, residential, and utility applications. To encourage industry participation and the evolution of cost-competitive technologies, the bill calls for cost-sharing with industry in the development and demonstration processes. This is vitally important because cost competitiveness is the key to the successful development of hydrogen technologies that will be competitive in the energy marketplace.

The Fusion Energy Program authorized in title II is a research and development program that will only be undertaken by government. The technical obstacles are so great and the development time is of such length that only government will accept such a challenge. Likewise, the benefit can not and should not be claimed by an individual or even a single nation. I would add, Mr. Chairman, that the potential benefits from fusion are likewise of such magnitude to future generations that we cannot, in good conscience, walk away from this challenge.

Provisions in title II mandate United States participation in an international cooperative development program to develop fusion energy with our European, Japanese, and Russian colleagues. The program, referred to as the international thermonuclear experimental reactor [ITER], will hopefully serve as a model for future international, cooperative scientific efforts. I would add, Mr. Chairman, that many improvements must be made in ITER's management and operational procedures if it is to be an effective model of international cooperation.

The bill authorizes the Department of Energy to participate in engineering design and research activities for ITER; however, it reserves judgment on U.S. participation in construction until a later date, after considerable consolation involving all the parties to the agreement.

Title II also authorizes construction of the tokamak physics experiment [TPX], a new experimental fusion machine. Research from the TPX will help to speed the development of future machines more suited to power production.

Titles III and IV of this bill address not only important basic research programs, but also the development and training of the future scientists and engineers who will be required to bring these technologies to fruition. Each of the programs in titles III and IV is facing difficult times and is in need of the kind of direction and stability for the near future that is provided by this authorization bill.

Title III of H.R. 4908 authorizes the high-energy and nuclear physics activities of the Department of Energy through fiscal year 1999. After the termination of the SSC, the committee sought a smooth transition to a new and exciting future for high-energy and nuclear physics. Title III sets the course for high-energy and nuclear physics funding, international cooperation, and strategic planning.

Title IV provides for the upgrading of more than 30 university reactors, located in 25 States, that are critical to the needs of students in fields such as materials sciences, chemistry, archaeology, medicinal research, geology, fluid mechanics, and biological sciences. These tools of research at our leading universities have been neglected too long.

Finally, let me note the importance of the House responding effectively to fusion legislation that has been sent over from the Senate. H.R. 4908 is in part such a response. But the bill also provides the vision of the House on the policies and direction needed to guide these programs. Given the events of the past few years and the problems surrounding the SSC, it is essential that significant commitments, spending priorities, and program direction be discussed and debated by this Congress. It is only through such discussion and debate among our colleagues and with the Senate that sustainable long-term commitments can be reached.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this bill, and I reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join Chairman BROWN in offering this legislation before the House. Our committee has spent considerable time working, in a bipartisan manner, on this bill and I want to thank him, Chairman LLOYD, and the other members of the committee for the bill we brought forward.

This legislation focuses primarily on two forms of energy: hydrogen and fusion, while it also includes authorizations for the Department of Energy's high energy physics, nuclear physics, and some university education and nuclear programs.

I would like to focus my remarks at the outset, however, on one of the forms of energy that are contained in this bill. I introduced legislation along with the chairman of our committee, the gentleman from California [Mr. BROWN], earlier this year in an attempt to place hydrogen at the forefront of energy research and development at the Department of Energy. Hydrogen has shown itself to be a near-term replacement for our dependence on the fossil fuels that we now burn with abandon. Hydrogen as an energy carrier can be used for transportation, heating and cooling, power production through fuel cell technology, and any other use for which we now use fossil fuels. It has the added benefit of being nonpolluting and of being available from water. As an energy carrier it has few drawbacks that cannot be resolved by research.

I would like to believe that the Science Committee has taken a bold step by including my hydrogen legislation as title I of this bill. Not just because it is mine, but because by establishing it as an energy research and development priority I think it speaks to a sense of hope in our Nations energy future. I also believe that by adopting this legislation the House will show itself to be on the cutting edge of supporting the energy research and development necessary to adapt this Nation's energy needs for the 21st century. Hydrogen will play a major role in the energy mix of the future and it is up to us to see that we now begin that integration wisely, economically, and efficiently.

In this legislation the Science Committee has chosen priorities, but within the limits of the budget. By doing so the committee makes it clear that the standard policy of yearly increases, including an inflation factor, is over. The budget is too tight for that and the time for choices is now. The committee knows that some special interests will not be happy, but the committee also knows that authorized programs have gone through the process and have become its priorities. Some programs win and some programs lose, but when we make real budget choices, the taxpayer—the American public—always wins.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, let me at this point thank the gentleman from Pennsylvania [Mr. WALKER] for his contribution to the cause. As the gentleman stated, we have joined in offering the legislation, which constitutes title I. It is a very important initiative, and I compliment the gentleman for the work that he has put into it.

Aside from straying once or twice into some areas like caps, the gentleman has been a very forceful, helpful proponent of the content of this entire bill, and I appreciate that.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD], who chairs the Subcommittee on Energy.

Mrs. LLOYD. I thank the chairman for yielding this time to me.

Mr. Chairman, I do rise to speak on the bill, H.R. 4908, the Hydrogen Fusion High Energy and Nuclear Physics Act of 1994.

Mr. Chairman, our hydrogen and fusion programs were authorized in the Energy Policy Act for fiscal year 1993 and fiscal year 1994, but H.R. 4908 authorizes these important programs for fiscal year 1995, 1996, and 1997. Further, this bill provides significant program direction to expand these existing programs. The Hydrogen Research Program offers the potential to reach midterm goals toward commercialization in possibly 20 years. The Fusion Research Program remains a long-term research effort and is not expected to yield fruit for nearly 50 years. I would point out, however, that significant progress has been made in the past year in fusion research.

The world's energy demand is growing rapidly even today in developing countries. The predictions of the population growth over the next 50 years coupled with economic aspirations indicate that we must start down a path of clean, abundant, and affordable energy supplies.

Mr. Chairman, our Federal investment in energy supply has declined by two-thirds in the last 14 years, two-thirds.

Two other key provisions of this bill provide the very foundation to continue our hydrogen and fusion efforts and our basic science research. The High Energy and Nuclear Physics Programs will have an authorization to continue these very important basic science programs.

The University Radiation Science and Technology Program will support our Nation's human resource base for new students that we need going into these important fields while also providing for basic research in nuclear and environmental sciences. Further, the much-needed reactor upgrades at university campuses across the country will begin offering modern safety equipment.

Mr. Chairman, these are very important programs which are needed to address our energy, our science and our research needs to prepare us for the 21st century and prepare for the needs of a growing world population.

Despite the positive features of this bill, and there are many, I still have strong reservations about the cap on energy research that has been inserted into the bill. This cap, which reaches will beyond the scope of the bill, significantly impacts a number of programs that are not addressed in the bill. These impacts have consequences that were neither understood nor debated in our deliberations on the bill before it reached the floor.

These caps, Mr. Chairman, will not reduce the deficit by limiting Federal spending. Anyone who understands anything about the budget process knows that these caps will have no impact on Federal spending. The budget agreement of 1993 controls discretionary Federal spending. The amendment simply limits the amount of that discretionary spending that can be used for the research and development programs covered by the proposed caps.

I will also say it says something about us as a Nation if we make research and development a very low priority.

Mr. Chairman, despite these reservations, I will support the bill, and I would hope that we can work them out in conference. However, in the future I think we should strongly oppose the use of thoughtless approaches, such as the caps, as we look at future legislation.

□ 1120

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I urge my colleagues to join me in supporting this important legislation that provides the resources to maintain U.S. world leadership, particularly in high energy physics.

The Drell panel did some outstanding work in its report on the future of American high energy physics and provided the basis for that portion of this legislation before us today.

In the wake of the cancellation of the superconducting super collider, Mr. Chairman, we simply must maintain our existing programs at world class level, along with joining the international scientific community in development of the large hadron collider in Europe.

Mr. Chairman, let me stress that. I think that we must maintain our existing programs at a world class level, along with joining the international scientific community in development of the large hadron collider in Europe. Contrary to what the doomsayers were saying upon the demise of the superconducting super collider, the future of high energy physics in America is bright indeed because we are taking an enlightened approach to that future.

The funding called for in the bill is an appropriate expenditure that totals barely 1 percent of what the SSC would have cost, but pays dividends far beyond the investment. Not only will important current work continue under the provisions of this bill, but the field will remain open to a new generation of young scientists who rely on continuing resources to complete their work. They can open up a new universe for us all if we only give them the tools.

Thirty years ago Dr. Isidore Rabi displayed great wisdom when he said, "Science is a great game. It is inspiring and refreshing. The playing field is the universe itself."

The Drell panel gave us a close-up view from the very edge of that playing field. This bill puts us in the game. Join me, join our bipartisan leadership, in supporting the science and the scientists who need the resources to carry on with their vital work.

Before I conclude, Mr. Chairman, I would like to pay tribute to the chairman of our Subcommittee on Science, the gentleman from Virginia [Mr. BOUCHER], for his leadership, chairman of the full committee, the gentleman from California [Mr. BROWN], for his leadership, and the ranking member of the full committee, the Republican chairman of the full committee as we call him, the gentleman from Pennsylvania [Mr. WALKER]. Also I commend the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Illinois [Mr. FAWELL]. This has been a partnership in our Committee on Science, Space, and Technology.

Now it has not always been the smoothest of sailing because along the way there have been occasional misunderstandings, but I think now the dialog has been opened, and now that we are having better communication I think we have fashioned a package that we can all be proud of, and I look forward to identifying with it and moving forward in this critical, important area of science.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I simply want to take the time to also thank the gentleman for the work that he did. As the gentleman pointed out, there have been a series of, I think, misunderstandings about the intent of some of what we were attempting to do with regard to the cap issue that the chairman raised a few minutes ago, but the gentleman has been extremely helpful in trying to negotiate and trying to come up with some alternatives that would have helped.

As it turns out, I think we have come to some understandings that will allow us to move forward with the bill without getting into a number of those discussions, and I think that is probably the best way to resolve it. But the gentleman has been extremely helpful, and I think the entire science community needs to know that his work in these areas has always exemplified, No. 1, his understanding of the issues and his feel for them, also his determination to see that this is all done within proper budget constraints, and I thank him very much.

Mr. BOEHLERT. Mr. Chairman, I thank my colleague for those kind words.

Mr. BROWN of California. Mr. Chairman, I yield myself 1 minute for the purpose of adding some laudatory comments to the work done by the distinguished gentleman from New York [Mr. BOEHLERT] as well as other Members on that side, such as the gentleman from Illinois [Mr. FAWELL], who has been a constructive and important influence on the development of this bill.

Unfortunately there are times when we tend to lose our focus on the truly monumental significance of the content of the legislation and become sidetracked over important, but not nearly as significant, details with regard to how the programs are administered. As several people have pointed out here, the subject of energy development really is at the heart of the whole world's programs and problems.

Over the next several years, Mr. Chairman, both the need for energy and the need for energy which will reduce the environmental impact have passed energy sources such as coal, oil, and nuclear, and we are moving in this bill to set the framework for solving some of these problems.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. BOUCHER], who chairs the Subcommittee on Science, which has jurisdiction over the high energy physics and the general science activities of the Department of Energy.

Mr. BOUCHER. Mr. Chairman, I want to express my appreciation to the chairman of the full committee, the gentleman from California [Mr. BROWN], for yielding this time and also express my thanks and gratitude to the ranking Republican member of this subcommittee, the gentleman from New York [Mr. BOEHLERT] and the ranking Republican on the full committee, the gentleman from Pennsylvania [Mr. WALKER] for their assistance as we have structured those provisions relating to high energy and nuclear physics and brought those to the floor. It is my pleasure this morning to rise in strong support of H.R. 4908.

Mr. Chairman, the bill could become a landmark public law, since the multibillion-dollar Department of Energy R&D programs which are authorized by this legislation have not been authorized in well over a decade.

Indifference toward the stewardship of these programs led, in part, to the tragedy of the superconducting super collider [SSC]. Now and in the future, Congress must exercise more effective oversight and policy direction for DOE R&D activities to avoid similar problems and to strengthen meritorious programs.

I would like to emphasize the importance of Title III, High Energy and Nuclear Physics, which was crafted and reported by the Subcommittee on Science.

There are three major reasons to invigorate these programs through authorizing legislation:

First, the Federal Government deliberately underfunded the DOE's high energy and nuclear physics base programs for the past several years—to accommodate the funding of the SSC. The base programs now deserve restoration.

Second, the next accelerator to be built is the large hadron collider [LHC] at CERN, the European Laboratory for Particle Physics. U.S. scientists use the CERN facilities presently and will undoubtedly use the LHC when it is constructed. The time has come for the United States to make a financial contribution to this international project, reflecting the value U.S. scientists now receive and will receive in future years. U.S. commitment to this international partnership will also establish the potential for construction in the United States of an advanced accelerator project after the turn of the century that will enjoy multinational participation.

Finally, the Department of Energy now prepares neither a comprehensive, strategic plan—nor related budget projections—for its high energy and nuclear physics activities. The time has come to require that strategic planning is a matter of law.

The bill before us is a proper response to these widely acknowledged needs.

First, as a means of reinvigorating the High Energy Physics Program in the wake of SSC cancellation, it authorizes a modest increase of $50 million after inflation each year for fiscal years 1996 through 1998. After that 3-year period, the bill discontinues the $50 million annual addition to the program and authorizes funding for the program thereafter on the basis of current expenditures plus inflation. This level of funding was recommended by the most recent advisory panel commissioned by DOE and reflects the needs expressed by the high energy physics community.

The funding increase for fiscal years 1996-98 would accommodate the completion of upgrades at current DOE facilities, finance a U.S. contribution to CERN, and provide an adequate base program of facilities operation and investigator grant awards.

Second, the bill authorizes funding for the Nuclear Science Program for 4 years that is consistent with the fiscal year 1995 House- and Senate-approved appropriation and that includes allowances for inflation. This funding profile provides sufficient operating moneys for current DOE nuclear science facilities and for the construction of the Relativistic Heavy Ion Collider at Brookhaven National Laboratory.

The authorization levels for high energy and nuclear physics are modest when viewed against the enormous budgetary savings which will result from the cancellation of the SSC. In essence, the bill would allow the Department of Energy to reinvest what amounts to 1 percent of the price tag for the SSC to sustain these physics programs and pursue new research opportunities.

Third, the bill directs the Secretary of Energy to negotiate with CERN regarding U.S. participation in the LHC and to ensure that any agreement includes specific provisions to protect the U.S. investment.

A successful international experience at CERN would enhance the prospects for a post-2000 liner collider project in the United States that enjoys multinational participation.

Fourth, the bill provides that no construction project valued at $100 million or higher may be undertaken without express authorization. We want to ensure, in the future, sufficient public and congressional support before commitments are made to large accelerator projects. If such a provision had been in place during the early consideration of the SCC, either the project would have received adequate support to survive or would not have received preliminary funding.

Finally, the bill directs the Secretary of Energy, in consultation with the Director of the National Science Foundation, to submit to Congress a long-range plan every 3 years beginning with fiscal year 1997.

Industry, the administration, and the scientific community are united in support of the goals of H.R. 4908. It is my pleasure to commend the measure to the House for its favorable consideration.

□ 1130

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this bill has many positive features that I can readily support. These include the following: The provisions of title I, the Hydrogen Future Act of 1994, which makes certainly an important contribution in helping realize the many benefits of hydrogen; the provisions of title II, the Fusion Energy Research Act, in particular, which seeks to boost research of alternative fusion concepts; the provisions of title III, the Department of Energy High Energy and Nuclear Physics Authorization Act of 1994, about which we just heard, intended to reinvigorate the Department's Energy Physics Program, which is still struggling to regroup after the cancellation of the superconducting super collider; and finally, title IV, dealing with the University Radiation Science and Technology, which has the potential to reinvigorate a long-neglected area of university-based education.

At the same time, however, I do have a number of concerns with the bill that I am not going to take time to elaborate on here, but I will provide material for the RECORD, and I am hopeful that a number of these areas can be addressed during today's floor consideration.

There is one area, though, that I do want to center a little bit of my time on. There has been some reference made in regard to the caps on spending which pertains to the energy supply R&D account. I am certainly one who has been strongly in favor of caps on spending as long as I can be assured that it is fair to all parties. I have some concerns and ambivalence here.

What we have in H.R. 4908 is an authorization of $3.302 billion for energy supply R&D for the years 1995 through 1998, and a statement that the authorization therein set forth shall not exceed the amount of $3.302 billion—in other words, a cap. But then, out of the many important activities of the energy supply R&D activities, which include solar and renewable energy, electric energy systems, energy storage, nuclear fission, hydrogen, fusion, biological and environmental research, basic energy sciences, which is so vital to so many universities, environmental restoration programs, et cetera, only hydrogen and fusion activities are given specific authorizations. Hydrogen activities are authorized for 1995 through 1998 and fusion activities for 1995 through 1997. As long as that is so, the "cap" only applies to those activities within Energy Supply R&D which do not have a specific authorization. That, Mr. Chairman, is not fair.

Why should the hydrogen and fusion activities be given specific authorizations containing, by the way, some $245 million of increases? Under these circumstances, if the cap causes a shortfall of money in the Energy Supply R&D activities, the only activities to suffer will be those other than hydrogen and fusion. Hydrogen and fusion activities will be, in effect, sheltered from the effects of the cap if appropriators were to be guided by these authorizations.

Nobody can really know, of course, what the appropriators will ultimately do, but from the viewpoint of the authorizing committee, under this type of authorization process we have an emphasis in two basic areas that are important, but with any shortfall caused by the cap falling on the rest of the Energy Supply R&D projects.

This is a concern that I wanted to express. I think we should not use caps and then try to shelter favored programs from the cap. I think if the legislation has an Achilles heel, this is it. I hope that as things turn out, there will not be any undue burden put upon the budgets of all these other activities of energy supply R&D. That may, indeed, be ultimately the case.

□ 1150

I would close by commending certainly the efforts of the Committee on Science, Space, and Technology, its chairman, the gentleman from California [Mr. BROWN, the committee's ranking Republican member, the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Subcommittee on Energy, the gentlewoman from Tennessee [Mrs. LLOYD], the chairman of the Subcommittee on Science, the gentleman from Virginia [Mr. BOUCHER], and the ranking Republican member, the gentleman from New York [Mr. BOEHLERT], for all of their hard work on this bill.

I know that there are many, many more fine points than the ones I have concern about, and I appreciate this opportunity having the time given to me.

Mr. Chairman, this bill has many positive features that I can readily support. These include the following: Provisions of title I—the Hydrogen Future Act of 1994—which make an important contribution in helping us realize the many benefits of hydrogen; provisions of title II—fusion energy research—in particular, which seek to boost research of alternative fusion concepts; provisions of title III—the Department of Energy High Energy and Nuclear Physics Authorization Act of 1994—intended to reinvigorate the DOE's High Energy Physics Program, which is still struggling to regroup after the cancellation of the superconducting super collider; and title IV—dealing with university radiation science and technology—which has the potential to reinvigorate a long-neglected area of university-based education.

At the same time, however, I do have a number of concerns with the bill that I will not take time to elaborate here, but will provide for the RECORD. And, I am hopeful that a number of these can be addressed during today's floor consideration.

TITLE I—HYDROGEN FUTURE ACT OF 1994

Section 110(b) of title I include a 4-year cap—fiscal year 1995–1998—on authorizations of $3,302,170,000 for the DOE's energy supply research and development activities—which include solar and renewable energy, electric energy systems and energy storage, nuclear fission and fusion, biological and environmental research, basic energy sciences and environmental restoration programs—nearly $12.4 million below the level contained in the fiscal year 1995 Energy and Water Conference Report approved by the House last week on August 10.

During the period this overall authorization cap is imposed on Energy Supply R&D, titles I and II of the bill add an additional $244.874 million for hydrogen and fusion energy research—$90 million and $154.874 million, respectively—for the period fiscal year 1996–1998. This results in increased budgetary pressures in other energy supply R&D accounts—amounting to $62.437 million in fiscal year 1996, $132.437 million in fiscal year 1997, and $50 million in fiscal year 1999—which could result in additional across-the-board cuts of nearly 2 percent in fiscal year 1996, 4 percent in fiscal year 1997, and 1.5 percent in fiscal year 1998, and without any allowance for inflation.

I have particular concerns about the impacts of this cap on DOE's basic energy sciences [BES] and biological and environmental research [BER] programs.

The BES program annually supports 1,400 individual research projects at over 200 separate institutions—primarily at universities and DOE labs—with direct support for over 4,000 investigators and 2,300 graduate students. The BER program funds important medical, life sciences, and environmental research, including global climate change, at DOE labs and universities.

To me, this provision is the Achilles' heel of this bill.

TITLE II—FUSION ENERGY RESEARCH PROGRAM

On August 2, 1994, the day before the full committee markup, the Subcommittee on Energy received some 5 hours of testimony from 11 witnesses on this title, including representatives of the Department of Energy, DOE labs, academia, environmental and taxpayer groups, and the former Director of the International Thermonuclear Experimental Reactor project [ITER], Dr. Paul-Henri Rebut, who gave a sobering assessment of the ITER management difficulties. I believe that Dr. Rebut's testimony should be carefully studied by every Member, and I am attaching a copy of it to this statement.

It was unfortunate that the committee did not have more time to absorb the vast quantity of information delivered at that hearing. In particular, I want to note that the DOE witness's testimony included five detailed pages of recommended changes to this title—none of which have been included in the bill.

While the subcommittee received conflicting and sometimes contradictory testimony at the August 2 hearing, I believe that four principal themes were expressed:

First, the DOE and the mainstream fusion community strongly support the TPX and ITER. However, DOE acknowledged that in a flat budget scenario, even building TPX was going to squeeze the program.

Second, there was widespread acknowledgement of the need for advanced materials testing facilities, for, I believe, it is universally acknowledged that without the development of advanced materials, the mainline magnetic fusion concept, the tokamak, has limited potential of ever becoming an economic, environmentally safe power producer.

Third, there was widespread support for more research on alternative fusion concepts, that is, on nontokamak magnetic fusion concepts, inertial confinement fusion energy concepts emphasizing heavy ions as a driver, and more exotic concepts, such as electrostatic concepts.

And fourth, Dr. Rebut said, in so many words, is that ITER is doomed to failure without significant changes to its management structure. ITER is being run by committees, with all decisions requiring unanimity, and with a Director with no real decisionmaking authority and no budget. This is a recipe for guaranteed failure, and I was not comforted by DOE's recommended changes to ITER, which include a new Director and a division of the former Director's responsibilities among more people. It sounds like the rearranging of chairs on the deck of the Titanic.

It is my opinion that the fusion title, title II, could be significantly improved if it included the following:

First, highlighting the importance and role of advanced materials and advanced materials testing facilities. The title does briefly mention advanced materials and facilities, but it does not sufficiently highlight their importance. And, in fact, the language in section 208(e) prohibiting the use of funds "for the design, engineering, or construction of any magnetic fusion facility other than ITER, facilities related to ITER, and the tokamak physics experiment" may well prohibit U.S. participation in the recently inaugurated International Energy Agency's International Fusion Materials Irradiation Facility Conceptual Design Activity.

Second, addressing the ITER management problem. The title directs the Secretary to enter into an ITER agreement with international partners, but is silent on the preferred management structure. I believe that continued U.S. support of ITER should be made contingent on the establishment of: (First)

ITER as a legal entity with its own budget accountable to the international partners; (second) a streamlined, efficient management structure, reporting to a single individual, the ITER Director, who is empowered to make decisions; and (third) an oversight body, such as the ITER Council, which includes individuals with knowledge of building large scientific and engineering projects and representatives from outside the fusion community. Failure to correct, and correct quickly, ITER's basic management flaws, will doom the project to failure.

Third, clarifying what is meant by alternative fusion concepts and providing an adequate level of support for those concepts. The title limits alternative concepts to only nontoroidal magnetic fusion concepts, including heavy ion inertial fusion, aneutronic fusion, and electrostatic fusion. This excludes from consideration what most of the fusion community also perceives to be alternative concepts—namely, all nontokamak fusion concepts, some of which are toroidal, for example, the stellarator, reversed-field pinch, spheromak, etc. Furthermore, the portion of the budget to be devoted to alternatives is only about 7 percent, and the bill almost totally earmarks this 7 percent set-aside for heavy ion fusion. This means that all alternatives other than heavy ion fusion are likely to end up with even less support than before. I believe that a set-aside of the order of 10 percent or greater is more in line with the recommendations of broad segment of the fusion community, and is a level that should allow heavy ion fusion to proceed and other alternatives to be addressed.

TITLE III—DOE HIGH ENERGY AND NUCLEAR PHYSICS AUTHORIZATION ACT OF 1994

Title III of the bill, the Department of Energy High Energy and Nuclear Physics Authorization Act of 1994, has noble purposes in that it attempts to reinvigorate the DOE's High Energy Physics Program following the loss of the superconducting super collider. It provides the administration's fiscal year 1995 request, plus an annual inflationary allowance of 3.5 percent annually for 4 fiscal years, fiscal year 1996–99. It also provides an additional $50 million per year for the 3 fiscal years, fiscal year 1996–98. Finally, it authorizes construction of the Tevatron upgrade at the Fermi National Accelerator Laboratory, the construction of the B-factory at the Stanford Linear Accelerator Center, and preliminary research, development, and planning for the large hadron collider [LHC] at the CERN laboratory in Europe.

The bill also provides a 4-year authorization for DOE's Nuclear Physics Program, including adjustments for inflation and the termination of Los Alamos Meson Physics Facility by fiscal year 1997, and authorizes the construction of the relativistic heavy ion collider [RHIC] at Brookhaven National Laboratory.

However, the title is seriously flawed because it does not cap expenditures for the three U.S. construction projects—Tevatron Upgrade, B-Factory, and RHIC—and actually authorizes funding of the construction and operation of the LHC, without further congressional action, upon certification by the Secretary of Energy that there is a satisfactory international agreement.

DOE currently estimates the total project cost [TPC] of the Tevatron Upgrade to be $259.3 million, with an additional $146.95 million required in fiscal year 1996–98; the TPC of the B-Factory at $293.2 million, with an additional $168 million required in fiscal year 1996–98; and the TPC of RHIC at $595.25 million, with an additional $260.436 million required in fiscal year 1996–99. The cost of a U.S. share of the LHC is, of course, unknown at the present time. The failure of this title to cap the costs of the Tevatron Upgrade, the B-Factory, and the RHIC, as well as the unknown costs of the LHC means that we could be facing a situation where cost overruns on one or more of these projects would result in the diversion of facility operating funding, and require existing facilities to stand idle, clearly an unsatisfactory situation.

A more prudent course would be to cap the costs of the Tevatron Upgrade, B-Factory, and RHIC at the current DOE estimates, and to not authorize construction or operation funding for the LHC until we know what the price tag will be, and what the impact of the LHC's cost will be on the operation of these new and other existing facilities. Otherwise, we may once again find ourselves in the situation of devoting all our scarce research dollars to building facilities that we cannot afford to operate.

STATEMENT OF PAUL-HENRI REBUT, FORMER DIRECTOR, INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR [ITER], SAN DIEGO JOINT WORK SITE, LA JOLLA, CA

I consider fusion a major source of energy because of the quality of fusion fuel available and due to fusion's low impact on the environment.

Fusion must certainly play a major role with other sources of energy in the future.

The most advanced results in fusion have been provided by tokamak reactors. Recent DT experiments, first at JET and then at TFTR, have shown that thermonuclear plasma can be controlled.

These successful results demonstrate that the construction of an experimental reactor based on the tokamak concept is possible. ITER is such an experimental reactor.

With ITER, we are at a turning point between plasma research and the reactor. To make the transition, a change in the way of working in the field of fusion is required.

The four parties, the U.S., EC, Japan, and the Russian federation, have decided to join together for the engineering design activity of ITER and to create four home teams and a joint central team, governed by the ITER Council which operates with the rule of unanimity.

The joint central team, which is responsible for design integration and the coordination of R&D, is not a legal entity, nor is any significant sum of money directly allocated to it. In my view, this structure is inadequate to organize the project and bring ITER to the point where it can be constructed.

The representatives of the parties of the ITER Council include mainly the fusion program leaders and representatives of the party at a nontechnical level, and appear to be more interested in the consensus of the parties, resulting in decisions based on the lowest common denominator, and to be more concerned with the work awarded to each home team than by the success of the engineering design activity.

The ITER Council is mainly interested in political and bureaucratic issues and does not have sufficient comprehension of the requirements of such a large project in terms of organization and technical and scientific challenges. The structure of ITER must be improved and progress towards a "project oriented" structure if it is to succeed. Several recommended improvements are discussed in the attached document, "Evolution of the International Thermonuclear Experiment Reactor Engineering Design Activities," presented to the sixth meeting of the ITER Council July 27–28, 1994, written by Paul-Henri Rebut, ITER Director, 20 July 1994).

With such improvements, I am confident that the engineering design activity will be successful and that ITER will demonstrate the reality of fusion as a source of energy.

I also consider that national experiments like TPX are vital to the support of ITER.

EVOLUTION OF THE INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR ENGINEERING DESIGN ACTIVITIES

BACKGROUND

Until recently, thermonuclear fusion research has been defined as fundamental research with the objective of demonstrating the scientific feasibility of fusion. Steady progress towards this objective has been achieved culminating with the deuterium-tritium (DT) experiment at JET in Europe and lately at TFTR at Princeton.

The time has come to progress towards demonstrating fusion as an energy source. This requires focusing on construction of an experimental machine for the purpose of demonstrating fusion reactor operation, i.e., controlled ignition and the extended burn of DT plasmas. The machine developed during the ITER Project will be comparable in size and performance to a demonstration reactor, which is the first step in the commercialization of fusion power. It must produce a thermal power in excess of 2 GW for a preliminary construction cost estimated at $8B.

The size, the cost, and the advanced technologies involved in such a project are beyond the present capabilities of the fusion community at large.

Succeeding in this endeavor requires an organization allowing direct participation of the scientific fusion community as well as industries and organizations experienced in construction of large and advanced engineering projects.

THE ITER AGREEMENT

The ITER EDA Agreement signed in July 1992 by the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America, resulted from a political determination to see the demonstration of fusion as "a potential source of energy for the benefit of all humankind." This international agreement is unprecedented in science and demonstrates the confidence and hope placed in fusion as a source of economical and environmentally benign energy.

However, cooperation in ITER is limited by the terms of the present Agreement. The Parties signatory to the Agreement operate under the principle of equality and unanimity. These principles lead to management at the minimum common position. Furthermore, the ITER EDA Agreement does not provide for any financial exchanges among Parties, and each Party retains the control of its resources and spending.

The ITER Project is financed from each Party's fusion program budget; therefore, the existing fusion laboratories see their own budget being reduced. Consequently, ITER is perceived as disrupting the balance of the overall fusion community. Even though the fusion community may support ITER, it is natural that some resistance appears at the fusion program level.

This resistance is visible in the terms of the ITER Agreement for the Engineering Design Phase. The project is not a legal entity and is not provided with its own independent human and financial resources that are necessary to conduct the design as well as the research and development (R&D) for a project of this magnitude.

The challenge for ITER is to put in place a proper project structure. This structure must have a defined legal status and a budget for which the ITER Project would be accountable to the Parties. The ITER Council should also enlarge its competence by including individuals with knowledge of building large scientific and engineering projects.

STATUS OF THE ITER EDA PROJECT

The ITER Project has fulfilled the initial objective of the EDA Agreement by producing an outline design satisfying the detailed technical and cost objectives. This outline design, a supporting attachment to the Protocol 2, has also included the development of a coherent plan of the main R&D activities needed to support and validate the design.

The Joint Central Team (JCT), established as a working body, is geographically distributed over three Joint Work Sites (JWSs) in Garching, Germany; Naka, Japan; and San Diego, California. The JCT has succeeded in meeting the first major milestone of the project schedule with the ITER Outline Design.

Some serious structural difficulties have emerged. Primarily, there is the need for the Parties to recognize that the main role of ITER is to be a fundamental step towards achieving fusion. The Parties' fusion programs must support ITER rather than ITER being designed to justify their diverse programs.

The demonstration of thermonuclear fusion as a viable source of energy will be questionable until this community provides ITER with the necessary resources in manpower and funds to achieve the EDA objectives.

THE COUNCIL AND ITS ADVISORY BODIES: TECHNICAL ADVISORY COMMITTEE (TAC) AND MANAGEMENT ADVISORY COMMITTEE (MAC)

The principle of unanimity is common among international organizations but has been applied differently in each case. Flexibility in applying this principle is needed to allow the Council to adapt to evolving circumstances, to protect the interest of the project and to maintain a broad view of fusion research.

Unanimity must be limited to strategic decisions and not be used to serve each Party's domestic fusion interests. The Parties' view must also incorporate views from outside the fusion community. In practice, those views would be best presented if representatives from outside the fusion community were to sit on the ITER Council.

Managerial, scientific and technical aspects of the project have generally not been discussed in the Council and the wishes of the TAC and MAC have been directly imposed on the Joint Central Team.

TAC members are nominated *ad personam*, but by the Parties. The representation at TAC is too focused on points of physics and not enough on engineering and system integration. Furthermore, the absence of a true project structure tends to favor nationalistic objectives of the TAC members and not the peer review process that the nomination *ad personam* members was intended to achieve.

Members of TAC should have direct experience in the construction and/or the exploitation of large fusion projects.

MAC advises the ITER Council on management issues including R&D managment; the MAC members are representatives of the Parties. The four Home Team Leaders are representatives of the Parties' fusion program devoted to ITER as well as members of MAC. In addition, the Home Team Leaders are responsible to the ITER Director for the execution of ITER R&D Tasks. This dual position of "judge and judged" leads to potential conflicts of interest.

The Home Team Leaders should be responsible to the Director and not members of MAC, which judges the JCT work. Home Team Leaders should sit together with the Joint Central Team at MAC meetings.

THE ITER JOINT CENTRAL TEAM ORGANIZATION AND STAFFING

The Parties asked to make the best use of the resources of the Joint Central Team and the Home Teams, but were unable to provide a single site for the Joint Central Team.

The overall ITER organization is made too complex because the Joint Central Team is spread over the three Joint Work Sites (JWS). For a project of such intrinsic complexity as ITER, these arrangements mitigate against integrating the development of conceptual and engineering design, as well as building an independent team.

In practice, each JWS develops its own identity at the expense of the project. This leads to duplication of work, increased difficulty integrating the design, a narrow focus on specific systems, and a fragmentation of the project management.

Centrifugal forces are also at work when considering the pressure exerted by the Parties on the definition and coordination of the R&D programs conducted over three continents.

With the three sites decision, it was recognized that the authority of the Director had to be increased—this has not been done.

To remedy these difficulties, the Parties must consider bringing together the Joint Central Team at one site. This arrangement would integrate the ITER JCT into a single Team and facilitate an agreed upon single management approach. In addition, more direct authority must be given to the director.

THE JCT STAFF AND SUPPORT STAFF

The majority of the ITER staff originates from fusion laboratories and universities, while most ITER personnel have not worked on large projects. To form an effective team with the ITER personnel requires time and effort.

The fact that the JCT personnel are employed by their own Party, not the Project, has made the EDA phase difficult to manage.

By the end of Protocol 1 only half of the planned resources had been used to achieve the Outline Design. For this first phase, the Parties agreed to provide ~150 professionals at the three JWSs. As of 1 June 1994, the JCT was understaffed by ~40 professionals.

The Parties must meet their staffing commitments to ITER if the Project is to fulfil the EDA objectives.

Associated with delays in recruiting personnel is the lack of support staff, which is a serious problem. At the second ITER Council, the Project projected that the design effort of ~1500 CAD staff years split between the JCT and the Home Teams would be necessary. The present level of designers (i.e., 7 to 8 at each JWS) makes the objective of the EDA impossible to reach.

No support staff is provided in the JCT for management systems maintenance and control. Professionals are responsible for these burdens in addition to their normal duties. A total of 20 support staff should be provided for this work.

No support has been provided for the administrative tasks of the Project, nor have support personnel been provided for Quality Assurance and the integration of the R&D program.

Possible ways to improve these staffing conditions include: (1) providing 1 to 1 direct support per JCT professional; (ii) to provide an estimated budget of $25M per year to the Project, through the Joint Fund, to hire the additional support personnel required with the necessary computer hardware and software.

THE CONCEPTUAL DESIGN ACTIVITIES (CDA) HERITAGE AND SPECIAL WORKING GROUP #1 (SWG1)

The ITER CDA Final Report as well as the progress of the research and development in controlled thermonuclear fusion served as the basis for beginning the EDA.

The ITER CDA Design was the sum of different conceptual studies and did not constitute a coherent project. This prompted the establishment of the Special Working Group 1 to define the detailed technical objectives of ITER.

A more detailed study of the CDA Final Report did not provide convincing solutions in the most difficult areas, for example, the elements facing the plasma. The overall cost of $4.9B (1989 value) underestimated the cost of superconductor magnets by a factor of 1.6 which in practice brings the CDA cost around $5.6B (89).

Therefore, the EDA was started on the understanding that the Project would continue the activities initiated during the CDA. But the incorporation of the Detailed Technical Objectives and the focus on a single integrated design resulted in a redefinition of the machine.

THE ITER EDA DESIGN

It is fundamental to realize that the design requirements for an experiment of such novelty and technical challenge result from an iterative process and cannot be defined a priori. The definition of the requirements for each element or subsystem of the machine and its auxiliaries represents at least a major part of the work. This work is taking place essentially within the Joint Central Team and through interactions with the House Teams.

To that end, the outline design presented to the ITER Council fulfils the detailed objectives for a cost of ($5.6B (89) equivalent to the CDA costing.

The general choice of the proposed parameters results from engineering and physics constraints. The overall machine (dimensions, magnetic field, shielding) is at the minimum size when realistic operating conditions are taken into account. This includes the presence of helium ash, impurities, divertor, pumping, etc., as well as the requirement to work inside the maximum operating limits to avoid instabilities and disruptions that are observed in operating tokamaks.

The cost of the machine depends strongly on the quality of the design. Equally, construction costs depend upon future agreement between the Parties on the nature of the procurement process.

The present design is already optimized and little or no cost saving can be expected by adopting changes to the machine while still maintaining the Detailed Technical Objective.

THE R&D ISSUE

In the initial period of Protocol 1, with the absence of a design and with the limitation of staff, a comprehensive ITER R&D program could not be defined. This has caused friction between the JCT and the Home Teams and led to the development of procedures, '93 Emergency Task Agreements, to slowly modify the R&D efforts of each party, and limit the duplication of tasks.

Nevertheless, of the $750M (1989) of the technical R&D budget, $200M were committed as of January 1994 and another $100M has been defined.

The focused R&D program which is needed for ITER will be achieved only if a minimum of 20% of the R&D budget is put directly at the disposal of the ITER project (~$25M/yr.). This will also allow the financing of the R&D that no Party is willing to undertake without external payment as a part of their national program.

CONCLUSIONS

The outline design proposed in time for the signature of Protocol 2 represents a major achievement of the Joint Central Team and the Home Teams. It establishes the basis for a successful ITER Project.

Only one reactor of the ITER class is planned to be built in the world. A true international collaboration must permit an increase of the technical margins required for the reactor as well as provide savings for each Party. This can be achieved by sharing the construction and R&D costs and avoiding duplications of effort at the world fusion community level.

A slight increase in machine size would provide a higher degree of confidence that this machine will fulfil its technical objectives.

The project will only reach a state where it could be financed for construction if the Parties improve the EDA structure and provide the proper resources and environment to fulfil the EDA tasks.

I would close by commending the efforts of the chairman of the Science, Space, and Technology Committee, Mr. BROWN, the committee's ranking Republican member, Mr. WALKER, the chairman of the Energy Subcommittee, Mrs. LLOYD, the chairman of the Science Subcommittee, Mr. BOUCHER, and the Science Subcommittee's ranking Republican member, Mr. BOEHLERT, for all their hard work on this bill. I look forward to the debate and to supporting efforts to improving the bill's provisions.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for the hard work he has put in on this bill and for his articulation of a number of the issues that arose during this time. I understand completely his concerns about the cap, and I know that that is a concern to the gentleman, because obviously he has a deep interest in some of the things that are involved in those other programs.

As the gentleman well knows, however, the effort here was aimed at insuring the prioritization of programs along the lines of the committee, and it is not the intent of the committee that this will undermine or destroy other programs. We simply want the department to refocus on that.

I think maybe it might be well if I, hopefully along with the chairman of the committee, could do a letter to DOE explaining the intent of the caps is that, and is not aimed at in any way undermining other valuable efforts that are underway. This might help alleviate some of the concerns the gentleman has expressed.

I think to some extent there has been a misunderstanding within some of the scientific community about the nature of the caps, because actually the caps are well above any kind of anticipated appropriation levels. So it is simply an ensuring that there is some flexibility within the appropriations process for all of the programs included under the accounts.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for his comments. I guess perhaps what we ought to be thinking about is having authorizations fully covering all of the activities of the Energy Supply R&D account, rather than just one or two. This is when we fall into a problem, when we have a cap upon the whole account.

Mr. WALKER. If the gentleman will yield further, I think the gentleman is absolutely right, and I think the chairman would agree with me what we would prefer to have is all of these programs fully authorized and get it through the entire process so the whole range of energy programs are operating under priorities established by the authorizing committees in the Congress.

Mr. BROWN of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this preceding dialogue has well illustrated the nature of the divisions that we had within the committee with regard to the cap issue. On each side of the aisle, there are those who support and those who do not support the idea of caps. In this particular situation, on this legislation, it is more complex than normal, because we have some capped programs and some uncapped programs within the same area, and we also have, of course, the restrictions placed upon us, as the gentleman from Virginia [Mr. BOUCHER] pointed out, by the Budget Act of 2 years ago, and similarly by the President's budget which sets its own caps, by the House and Senate resolutions which set caps. It is a little difficult to analyze the impact of this combination of different sorts of caps applied to different kinds of situations.

Now, the additional point that I wish to make is that this problem is even more complicated by the lack of adequate authorization for the full scope of programs within the civilian R&D activities of the Department of Energy. We have pointed this out in the package. We have tried to point out some of the reasons for it.

This area of the Department of Energy, civilian research and development, represents one of the largest areas which consistently over the years has not had an authorization. We have seen the impacts of this on such things as the superconducting super collider, and we are now beginning to understand as we move forward with other potentially very large programs, such as the construction of a fusion power plant, that that lack of an adequate authorization may lead to the same kinds of difficulties that faced us on the superconducting super collider. We want to avoid that.

Another problem that arises out of this lack of authorization is the tendency of our friends in the appropriations committees in both the House and the Senate to look upon this as kind of a little piggy bank which they can reach into, since there is no authorized legislation on it, for those things that seem important to them. This can include all sorts of wonderful things, which we are well aware of: financing of projects in the districts of members of the Committee on Appropriations, or friends of members of the Committee on Appropriations, which really do not directly relate to the functions of the Department of Energy.

Now, I do not want to get involved in a long discussion of earmarks at this point, but I do want to indicate that what we are doing here is a part of the efforts that our committee has been making for a number of years to follow orderly process in the Congress of the United States, to authorize where authorizations were necessary, to try and avoid undue use of earmarks for funding scientific research programs and facilities. This bill moves us a long way forward and is important for that reason alone, aside from the content of the bill.

We are at a circumstance in which we seem to have, and I applaud our colleagues in the other body, we seem to have a movement on the part of the Senate to recognize the importance of moving toward a fully authorized civilian research and development program in the Department of Energy.

Mr. WALKER. Will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I rise to commend you for those remarks, and also for the leadership you provide in that way. I know the use of that orderly process has meant that we can also use an orderly process within the House that allows us to come to the floor today under a open rule and consider these matters under the regular order within the House of Representatives as well. Hopefully this is the kind of pattern that we would see replicated, because I think your leadership has allowed us to, within the committee, set some standards, but also then bring bills to the floor that also meet the standard rules of process here. Really that is the way we ought to be proceeding with a lot of the legislation in the House.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I rise today in strong support of H.R. 4908, the hydrogen and fusion research and development authorization bill.

The world will need increased energy supplies for central station electricity by the year 2050. It is essential that these sources have favorable environmental and safety features as well as an abundant fuel supply. The diminishing supply of fossil fuels, currently providing the main energy source for the Nation, are polluting our environment. In order to meet the demand without environmental degradation, nonfossil energy technologies must be developed. We must establish fundamental knowledge in developing energy sources and to institute the scientific and technological base required for achieving hydrogen and fusion energy.

H.R. 4908 would provide for the development and demonstration of the processes needed to produce, store, transport and utilize hydrogen and to foster industry participation in all aspects of the current Federal program. Passage of this bill would guarantee funding for research and development of this much needed energy technology. This bill would also provide program direction for the Department of Energy's Fusion Energy Research Program. The initiative would see that alternative fusion concepts receive adequate funding and would accelerate the U.S. commitment to participation in ITER and work on helping to select a sight for the project.

The development of fusion energy will help the Nation's energy security and enable the U.S. to supply a practical energy technology to markets around the world. TPX, the facility at the Princeton Plasma Physics Laboratory, has been identified as the next major step in the National Fusion Program. TPX is a unique facility among international fusion programs. It will enable U.S. industry to gain experience in the design and fabrication of fusion components for the first time in over a decade, a period during which our ITER partners have been building new devices and major upgrades to facilities. The United States has already made significant contributions to the tokamak and the global efforts to develop fusion energy. It is the path to commercialization and the right choice for our country.

I urge my colleagues to vote for H.R. 4908, and oppose any amendments to cap spending on energy supply and general science research and development [R&D] programs at the Department of Energy.

□ 1150

Mr. WALKER. Mr. Chairman, I have no further requests for time on my side, and I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

I would like to elaborate on some of the remarks made by the gentleman from New Jersey having to do with TPX.

I think all of us understand, and this bill fully lays out a path for the future of the development of fusion energy in this country, which is currently the subject of probably the most extensive international cooperation in science that we have, the so-called ITER project, which involves scientists from the United States, from Europe, from Japan, and from Russia.

Teams from each of these countries are currently in the final stages of developing the engineering design for the first prototype power plant, using fusion energy, which should be under construction within the next 4 or 5 years and be completed. perhaps, by 2005.

During that rather lengthy period of time, 10 years or more, we need to continue with the research necessary to improve the processes of fusion energy. This is the purpose of the program which the gentleman from New Jersey referred to, the TPX, which will allow the fusion scientists and that community of scientists to continue to work on the improvements in the fusion process itself that will finally lead to improvements in the design beyond the first prototype power plant to the fully commercial power plants which will be begin to construct and deploy in the years probably after 2010.

All of these things come together in a comprehensive, long-term program, of which the TPX is an absolutely essential ingredient. I thank the gentleman from New Jersey for bringing that up.

Mr. Chairman, I yield back the balance of my time.

Mr. ROEMER. Mr. Chairman, I rise in strong support of the measure before us today, and wish to communicate my great respect for Chairman BROWN and Chairman LLOYD for their hard work in crafting this legislation.

Fusion is a critical and necessary component of the world's future energy supply, and this Nation must not surrender our lead in this scientific field as we did in particle physics when we killed the supercollider.

Mr. Chairman, the world petroleum supply may expire in as little as 60 years. Where will the world energy supply come from then? How will our children and grandchildren continue to maintain our quality of life?

The world is growing and maturing. But in order for our quality and standards of living to continue, our levels of energy production must continue to grow. In order for Third World countries to evolve, they must have a number of things: modern medicine, improved transportation, and simple things that they do not now have, such as clean water. You can have none of these things, but even pure drinking water, without energy.

And in order to have that energy supply for much of the world, we need a plentiful, inexpensive source. Fusion seems to be the answer. With commercialization just a few decades away, this scientific investment in our future is one of the most critical efforts we can conduct for future generations. Fusion fuel is as plentiful as seawater, and fusion reactors will be safe and productive.

Japan, Europe, and the Russians are poised to seize the lead in fusion from this country. Fusion is quality science, and its potential is something we must not abandon. Otherwise, in just a few decades, we will be purchasing our electricity from abroad.

We must invest in those steps that will take us to commercial fusion energy production. The administration strongly supports the fusion program and the international thermonuclear energy reactor, or ITER, which is based on the tokamak concept. In order to produce the ITER, we must continue work on the tokamak physics experiment, or TPX, at Princeton University.

The TPX will be an advanced fusion reactor that will be the first major fusion machine to operate continuously. For this country to maintain its global position in the fusion market, the tokamak physics experiment must continue.

Fusion is the same process that powers our Sun and the stars. One out of every 6,500 atoms of hydrogen in ordinary water is the fusion fuel deuterium, also called heavy hydrogen, giving each gallon of water the energy content of 300 gallons of gasoline.

Mr. Chairman, this makes the fusion fuel supply virtually inexhaustible. Fusion produces no high-level radioactive waste, and will eventually cost about the same as modern-day electricity. Commercial application is expected in less than 30 years: the petroleum supply is expected to run out in less than 60 years.

Because the Department of Energy estimates that world energy needs will be about four times the current demand in the year 2050, we must begin building now for those huge future energy needs.

This legislation is a strong step forward in that direction, and I am pleased to support it here today.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 4908, the Hydrogen, Fusion, and High Energy and Nuclear Physics Research Act of 1994. I want to congratulate Chairman BROWN, the committee, and the subcommittee members for bringing to the floor an excellent bill.

Mr. Chairman, by the year 2050, the world will need to supply between two and three times as much energy as is presently produced to meet minimum requirements for food, shelter, transportation, and economic security. Meeting the increased energy demands of the year 2050 cannot be achieved without substantial environmental degradation unless there is a massive shift from dependence on fossil fuels which today provide more than three-quarters of all energy supply. Fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited and polluting.

Hydrogen is one solution to our long-term energy needs. Hydrogen holds tremendous promise as a new and better energy source because it secures a practically infinite supply from water and combusts purely to water. This bill provides for the development and demonstration of the processes and technologies needed to produce, store, transport, and utilize hydrogen for transportation, industrial, residential, and utility applications.

Fusion energy is one of the nonfossil fuel technologies which could potentially provide safe, abundant, environmentally sound, secure, and affordable energy supplies in the future. This bill provides direction for a broadly based fusion energy research, development, and demonstration program. It also ensures that alternative fusion concepts receive adequate funding and management attention from the Department of Energy.

National and international energy experts agree that high energy physics is important to our efforts to understand the nuclear and subnuclear building blocks of energy and matter. Nationally, we have a whole generation of young scientists that are threatened with the prospect of not being able to find work in their chosen profession.

This year, the Energy and Water Development Subcommittee made a difficult decision to put more money into high energy physics to partly restore the operating time young physicists need to conduct their experiments. This bill sends a message to the scientific community that the Federal Government will not renege on its investment in scientific research.

Mr. Chairman, advanced technologies such as fusion, geothermal, wind, and solar energy should all be part of a federally funded effort to rid our Nation of its dependence on foreign oil. Our national security demands no less. I urge an "aye" vote.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered under the 5-minute rule by title. Each title is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrogen, Fusion, and High Energy and Nuclear Physics Research Act of 1994".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2. The text of section 2 is as follows:

SEC. 2. GENERAL FINDINGS.

The Congress finds that—

(1) by the year 2050, the world will need to supply between 2 and 3 times as much energy as is presently produced to meet minimum requirements for food, shelter, transportation, and economic security;

(2) meeting the increased energy demands of the year 2050 cannot be achieved without substantial environmental degradation unless there is a massive shift from dependence on fossil fuels which today provide more than three-quarters of all energy supply;

(3) a wide variety of nonfossil fuel energy technologies must be developed to meet the expected demand of the year 2050;

(4) the Federal Government has a responsibility to fund research in energy technologies to help meet future expected energy demand where the technical or economic risks of development are too high, or the development time is too long, to be borne solely by the private sector, or where the benefits accrue to all and cannot be recouped by a private investor; and

(5) despite the urgent need to develop a wide variety of nonfossil energy technologies, the Federal Government's investment in all energy supply research and development (including fossil fuels) has declined in real terms by more than two-thirds in the last 14 years.

The CHAIRMAN. Are there amendments to section 2?

If not, the Clerk will designate section 3. The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "alternative fusion concepts" means any concepts for the production of energy based on the fusing of atomic nuclei other than toriodal magnetic fusion concepts, including heavy ion inertial fusion, aneutronic fusion, and electrostatic fusion;

(2) the term "demonstration" means a demonstration to determine technological and economic feasibility;

(3) the term "Department" means the Department of Energy;

(4) the term "Fusion Energy Research Program" means the program described in section 203;

(5) the term "host country" means the country selected by the international partners as the site for the ITER facility;

(6) the term "international partners" means the United States, the European Atomic Energy Community, Japan, and the Russian Federation;

(7) the term "ITER" means the International Thermonuclear Experimental Reactor;

(8) the term "magnetic fusion" means fusion based on toroidal confinement concepts;

(9) the term "Secretary" means the Secretary of Energy; and

(10) the term "Tokamak Physics Experiment" means a facility to replace the Tokamak Fusion Test Reactor which is designed to be capable of conducting experiments on reactions with a pulse length of at least 15 minutes and demonstrating a more compact and efficient magnetic fusion reactor design.

The CHAIRMAN. Are there any amendments to section 3.

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—HYDROGEN ENERGY RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Hydrogen Future Act of 1994".

SEC. 102. FINDINGS.

The Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited and polluting, and their production and utilization technologies are mature;

(2) the basic scientific fundamentals are needed for private sector investment and development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a new and better energy source because it secures a practically infinite supply from water and combusts purely to water;

(4) hydrogen production efficiency is a major technical barrier to society collectively benefitting from one of the great energy sources of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should continue; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide for the development and demonstration of the processes and technologies needed to produce, store, transport, and utilize hydrogen for transportation, industrial, residential, and utility applications; and

(2) to foster industry participation during each stage of the Department of Energy hydrogen research, development, and demonstration program to ensure that technology transfer to the private sector occurs to develop viable, marketable products.

SEC. 104. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) PROGRAM GOAL.—The goal of the program described in this section is the demonstration, by the year 2000, of the practicability of utilizing hydrogen for transportation, industrial, residential and utility applications on a broad scale.

(b) PRODUCTION.—The Secretary shall support hydrogen energy production research, development, and demonstration in the following areas, including funding for at least 1 technical demonstration in each such area:

(1) Photoconversion.

(2) Bioconversion.

(3) Electrolysis of water.

(c) STORAGE.—The Secretary shall support research, development, and demonstration of safe and economical storage of hydrogen, both for onboard vehicle and stationary use. Such research, development, and demonstration should be aimed at improving existing methods and developing new approaches in each of the following areas, including funding for at least 1 technical demonstration in each such area:

(1) Hydrides and porous materials.

(2) Liquefaction and cryogenics.

(3) Compressed gas, especially low-temperature dense gas.

(4) Advanced methods, such as iron oxide, microspheres, and phase change materials.

(d) USE.—The Secretary shall support hydrogen energy research, development, and demonstration for each of the following uses, including funding for at least 1 technical demonstration in each such area:

(1) Fuel cell systems for stationary applications.

(2) Fuel cell systems for mobile applications.

(3) Electricity generation using hydrogen as a fuel source for utility and industrial applications.

(4) Heating and cooling using hydrogen.

(e) TRANSPORTATION.—The Secretary shall support research, development, and demonstration of safe, efficient, and nonpolluting hydrogen-based transportation vehicles of the following types, including funding for at least 1 technical demonstration of each such type:

(1) An economically feasible, low emission motor vehicle using hydrogen as a combustible power supply, either in pure form or mixed with other fuels, in a hybrid electric vehicle using a hydrogen fuel cell.

(2) An economically feasible, zero emission or low emission engine using hydrogen.

(f) SCHEDULE.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for carrying out the research and development activities authorized under this section. Awards of financial assistance shall be made within 1 year after such date of enactment.

(g) COST SHARING.—(1) Except as otherwise provided in section 105, for research and development programs carried out under this title, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the research and development is of a basic or fundamental nature.

(2) The Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this paragraph if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to serve the purposes and goals of this title.

(3) In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash, personnel, services, equipment, and other resources.

(h) DUPLICATION OF PROGRAMS.—Nothing in this title shall require the duplication of activities carried out under otherwise authorized programs of the Department of Energy.

SEC. 105. HIGHLY INNOVATIVE TECHNOLOGIES.

Of the amounts made available for carrying out section 104, up to 5 percent may be used to support research on highly innovative energy technologies. Such amounts shall not be subject to the cost sharing requirements in section 104(g).

SEC. 106. TECHNOLOGY TRANSFER.

The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 104, or other similiar Federal programs, among industry, academia, and the Federal Government with regard to production and use of hydrogen.

SEC. 107. REPORTS TO CONGRESS.

Within 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to the Congress a detailed report on the status and progress of the Department of Energy's hydrogen research, development, and demonstration programs. Such report shall include an analysis of the effectiveness of such programs, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990. Such Panel shall also make recommendations for improvements to such programs if needed, including recommendations for additional legislation.

SEC. 108. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall coordinate all hydrogen research, development, and demonstration activities with other Federal agencies involved in similar research, development, and demonstration, including the Department of Defense and the National Aeronautics and Space Administration.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 as necessary in carrying out this title.

SEC. 109. REPEAL.

Sections 104 and 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 are repealed.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—There are authorized to be appropriated, to carry out the purposes of this title, in addition to any amounts made available for such purposes under other Acts—

(1) $12,000,000 for fiscal year 1995;

(2) $20,000,000 for fiscal year 1996;

(3) $40,000,000 for fiscal year 1997; and

(4) $60,000,000 for fiscal year 1998.

(b) RELATED AUTHORIZATIONS.—For each fiscal year from 1995 through 1998, the total amount authorized to be appropriated for Energy Supply Research and Development Activities shall not exceed $3,302,170,000.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 10, line 16, after the period add: The Panel shall also report on the financial participation of foreign participants.

Mr. TRAFICANT. Mr. Chairman, I would prefer that the way this is drafted that it would, in fact, be applicable to the entire bill.

I would like to know if I can have leave from the chairman and the ranking member to preserve and protect my right to offer the amendment that would cover the entire bill.

Let me just say this, before I yield to the chairman, I have not brought any specific language relative to any even suggestions for American-made products covered under this bill because of the foreign participation element. And I believe they have crafted a fine bill, and I will honor that.

Let this amendment is more specifically dedicated to the fact that we went through a fiasco on the collider, and I supported the collider, supported the committee, but we had a foreign participation program.

One of the bad raps, when it came down, and Members started falling on their swords around here, was that the foreign participation that was boasted about in the construct of the bill never came about when the dollars were supported to be commingled with American taxpayers, dollars.

My amendment simply says in any reporting apparatus subject to this bill, as it relates to foreign participation, there shall be specific financial participation of these foreign participants into the project as it is, in fact, designed, promulgated, and constructed.

But with that, Mr. Chairman, the amendment is drafted to title I. I do not know if that would require unanimous consent that the amendment be applicable to the entire bill.

If not, I would redraft it and like to have the opportunity to protect such and offer it in the future. But if a unanimous consent would be applicable, I would like that this amendment be applicable to all titles and elements of the bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I understand what the gentleman is attempting to do, but his amendment is drafted in such a way that it would totally wipe out section 107 of the bill now before us, substitute this section and then the language in the gentleman's amendment makes no sense, if the rest of the section 107 is not there and the amendment would not apply to the entire bill. Because the way the amendment is drafted, it refers to a panel that exists in section 107 that would then be wiped out by the amendment.

Mr. TRAFICANT. Mr. Chairman, the amendment is now, in fact, reflecting that as a sentence, an add-on is sentence to 107; 107 would remain.

Mr. WALKER. That is, in fact, I think the gentleman's intent. But the amendment is not drafted in that fashion. It is offered as a separate section 107, and it does not state where this sentence would come.

If the gentleman intends to have this say that at the end of section 107, the following sentence would be added, that, in fact, would resolve some of the technical problems. But in its present form, that is not the case.

I would also suggest to the gentleman that the amendment in its present form does not relate to the entire bill because now it specifically refers to a panel. I assume he means the Matsunaga Hydrogen Research, Development, and Demonstration Act Technical Advisory Panel. That would have no application to the rest of the bill.

□ 1200

Mr. TRAFICANT. Let me say this. I have already discussed this with the

Parliamentarian. It would be an additional sentence to 107, and that this technical language would in fact be modified to effect that goal, and the gentleman is correct.

In addition to that, I would want to then offer a similar amendment, of a similar nature, in an appropriate spot that would handle that in all items covered elsewhere in the bill.

Mr. WALKER. Further reserving the right to object, Mr. Chairman, I would simply say to the gentleman if that is his intention, we are operating here under the open rule. He needs no permission from us to do that. When we get to title 4 of the bill, which is a general provision, a miscellaneous provisions section, he can certainly draft an amendment that would require reports on foreign participation in these various programs, and that would be far more appropriate in that vein than it is in the way that it is drafted in this particular section.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BROWN of California. I have no objection to the gentleman's amendment, Mr. Chairman, if it is drafted in proper form and applied to the correct section of the bill. If the gentleman will take the time to do that and offer it at a later stage, the Chair would be glad to accept it at that point.

Mr. TRAFICANT. Mr. Chairman, I would take the advice of the ranking member, would appreciate that, and would confer with both, and would in fact fashion the language and it would require no further debate here.

Mr. WALKER. If the gentleman will continue to yield, I have no problem with the gentleman offering language that identifies who the foreign participants are in these various programs. That is no problem.

I just think we ought to do it in a way here that reflects the bill and does not perhaps put it in section where it would not appropriately reflect what he is trying to do.

Mr. TRAFICANT. I appreciate the advice and counsel. With that, Mr. Chairman, I withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there any other amendments to title I?

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the bills that have been proposed by my good friend, the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER].

I come to the well today to speak in favor of this legislation, as someone who has spent 10 years in the energy business before I came to the Congress, and has some understanding of the tremendous benefits that our Nation currently gains from the use of hydrocarbons, and coal, and oil, and gas, and the tremendous amount of productivity that our society has gained from those fuels.

I also rise with a keen awareness of the terrible downside risks that have occurred as a result of the pollutants that those fuels have dumped in our atmosphere, on our rivers and in our streams, and they are in our roadways. The fact is that our air is becoming more and more dirty, whether we walk around Washington, DC, Boston, MA, or Los Angeles. If we walk in the gentleman's own State of Pennsylvania and see the tremendous amount of pollution that the coal mills used to crank out in that State, it does not take a genius to recognize that we have to come up with some other alternative.

The Nation, then, turned in the mid 1960's to the notion that nuclear fission could be the answer, that this was going to be a cheap and easy way for our energy needs to be met through high technology. What we did not understand at the time was the tremendous downside risks of nuclear fission. We saw the possibilities of disaster at Three Mile Island, we saw the disasters, the potential disasters and the tremendous amount of cost associated with dealing with nuclear waste.

It seems to me if we really analyze where out energy future lies, our energy future lies in nuclear fusion. If we look at the array of opportunities that are provided in this bill, from fusion to hydrogen energy to high energy nuclear physics, which happens to be a program that has been advanced at the Massachusetts Institute of Technology, these are all three the fundamental building blocks of how the United States, and I hope the rest of the world, can solve the tremendous energy problems that we are facing as we enter the 21st century.

If the United States puts the necessary resources into the research and development of these three energy sources at this time, then I think that the huge worries and concerns that many of us have in our guts about where our kids are going to be able to find the fuels that they need to run this world when they become our Congressmen and Senators, when they become the leaders of not only the United States but people all over the world, when they have to deal with the fundamental problems of the environment, it will be the vision that is provided by the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] and others by providing the support and funding that is necessary in this bill, that are going to make the difference.

When we talk about research and development and the Clinton administration's commitment to putting an 80-percent increase in the research and development in this country, nothing could be more important than putting the funding into this particular piece of legislation. Once again, nuclear fusion, hydrogen energy, and high energy nuclear physics, I believe are going to be the future of not only the United States but the energy problems that the world is facing.

Mr. Chairman, I very much want to congratulate the gentleman from California [Mr. BROWN] on the tremendous work he and his committee have done. This, again, is the key to our Nation's future energy supplies, which will be, again, the future of our solving the horrific problems of the pollution and the environmental hazards we face as a nation. I just wanted to come over and, again, thank all those Members who worked hard on this bill, and look forward to supporting it in a few minutes.

The CHAIRMAN. Are there other amendments to title I?

Mr. SWETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to start by expressing my appreciation to the gentleman from California [Mr. BROWN], the chairman, for the kind consideration he has shown to me regarding my efforts with regard to the fusion debate in the Congress of the United States. It is a pleasure to serve on the Committee on Science, Space, and Technology under his leadership, and I think that what he and the gentleman from Pennsylvania [Mr. WALKER] have accomplished on the committee has been formidable and impressive, and I congratulate the two of them for their work.

I would like to make a few comments about the fusion energy research title of this bill. I believe that fusion research represents an important national development, and I strongly support fusion research and development. However, I have some concerns about the direction of the current fusion program, and I would like to discuss them on the record.

Mr. Chairman, in this bill, the fusion program would remain focused almost exclusively on funding for the takamak concept, despite the fact that important questions remain unsolved about the ultimate commercial viability of the takamak reactor because of problems with cost, complexity, realiability, and radioactive waste.

I also remain concerned about plans for construction of the takamak physics experiment and construction of the ITER project, the international takamak fusion effort in which the United States is a partner.

This bill does, however, Mr. Chairman, take some small steps in the right direction. It calls for the Secretary of Energy to make various certifications to the Congress regarding the takamak physics experiment. It also specifically states that no funds are authorized for the construction of the ITER project.

The bill also calls for a review of the fusion program. This is similar to a provision in legislation which I introduced earlier this year, the Fusion Energy Research Accountability Act.

A review of the fusion program is also called for in the fiscal year 1995 Energy and Water Appropriations bill. This much-needed review of the fusion program should help shape the future direction of our Nation's effort in this critical area.

The Energy and Water Appropriations bill recently passed by this body also calls for the design activity only on the takamak physics experiment, which I believe is a wise step in light of the uncertainty in the fusion program, uncertainties which should hopefully be cleared up during the upcoming year.

I am sure that my colleagues would agree about the importance of fusion in our Nation's energy future, which was so eloquently stated by my colleague, the gentleman from Massachusetts [Mr. KENNEDY] just previously. I am also confident that my colleagues would agree that we need to ensure that the funds which are being spent on fusion are used as wisely as possible.

I look forward to continuing to work with the chairman of the committee. I applaud his efforts in this regard. I have confidence that the gentleman from California [Mr. BROWN] will ensure that every dollar that taxpayers put into the fusion program will be wisely spent and will have an effective output that will ultimately solve or help solve the energy problems that this country is facing and will continue to face in the years ahead.

Mr. Chairman, I ask that my colleagues on the Committee on Science, Space, and Technology continue this important effort, keep the vigilance going, and make sure that we provide the best fusion technology that this country can get.

□ 1210

Mr. KLEIN. Mr. Chairman, I move to strike the last word, and I rise in support of the bill.

Mr. Chairman, this legislation is a vital step in securing a safe and sustainable energy future for the 21st century. Rarely do we have the opportunity to engage in policymaking that is so forward looking. I want to thank Chairman BROWN and the ranking member, Mr. WALKER, as well as Energy Subcommittee Chairman MARILYN LLOYD and Science Subcommittee Chairman BOUCHER for their leadership in getting this bill to the floor.

This bill provides valuable support for many vital programs, but I want to take a few minutes to discuss one that I believe is of critical importance: The fusion program and in particular, the tokamak physics experiment.

As the world population grows and the demand for energy increases, the energy needed to a support our industrialized economy and our lifestyles will be daunting. There is no doubt that we will need central power sources in the 21st century.

Fusion is part of the solution. It offers the promise of a safe and environmentally sensitive energy technology, one that we could export to growing energy markets around the globe. Fusion's abundant fuel supply—ordinary water, and its safety and environmental features make it a sound investment for American taxpayers.

In December, the Princeton tokamak used—for the first time—a commercial grade fuel mixture to produce 6 million watts of fusion power. The results of these extremely successful experiments are very significant and represent a new level of maturity in fusion energy development. The Department's proposal to move forward with construction of the tokamak physics experiment [TPX] is an indication that the program is addressing practical fusion energy issues. TPX will be the first advanced, steady-state fusion machine and it will address physics and engineering issues that will help industry design and build a more compact, economic fusion reactor. TPX is unique among world fusion efforts and it is a necessary step along the path to commercial fusion power. If American industry can design and build a machine that will help build a smaller, more compact power source, it will give us an edge on our economic competitors in harnessing this promising energy technology and serving the energy markets of the future.

We all know that one criticism of the U.S. fusion program is that practical fusion power is still decades away. The current DOE plan calls for demonstration reactor by 2025 and for more than a decade, the major steps to practical fusion power have been identified. The time to move forward is now. DOE should be held accountable and they should be expected to meet milestones along the way. The successful Princeton experiments are a good example of a milestone that DOE and the fusion program promised American taxpayers and then delivered on. The Princeton fusion project is not only doing what is promised to do, but it will complete its program with less funding than was projected when it started operations.

Mr. Chairman, clearly this is a program that deserves support. I again congratulate the chairman, the gentleman from California [Mr. BROWN] and all those who have been responsible for leading the fight on its behalf.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express my support for this legislation, and in particular in opposition to any efforts to cap energy supply research and development that may evolve here.

I want to thank the chairman, the gentleman from California [Mr. BROWN], the ranking member, the gentleman from Pennsylvania [Mr. WALKER], and particularly the gentlewoman from Tennessee [Mrs. LLOYD], chairman of the Subcommittee on Energy, for their good work in bringing this bill to the House. I think it does a good job of allocating funds to a variety of very important energy research and development programs that are critical to helping us meet our future energy needs. For example, I am glad to see that the bill protects funding for fusion energy research conducted both at the takamak reactor and for eventual participation in the international thermonuclear experiment reactor. Overall, the bill is an important step toward decreasing our dependence on foreign sources of energy, reducing future environmental problems, and very importantly, creating good-paying jobs for Americans.

I urge Members to oppose any efforts that may be made to cap R&D funding in this bill. The Committee on Science, Space, and Technology estimates that such caps would result in large cuts for research and solar and renewable energy sources, in environmental safety and health research, and in environmental restoration and waste management research. While I strongly support, as my colleagues do, efforts to reduce the budget deficit, I believe a cap on investments in these areas of research is the wrong way to do it.

Last year's budget agreement containing spending is working quite well. For proof we only have to listen to the comments of Members from both sides of the aisle during the course of the appropriations work that we have done over the last several months who have been lamenting how these bills are cracking down on programs that are of vital interest to them. To create an additional cap even further than the overall allocation caps in the budget agreement would only further reduce our discretion over allocation of funds in again what I think is a critical area for the country's economic and environmental future. A funding cap here also blindly, I think, singles out one area of the budget for special spending restraints while leaving other areas untouched, and that does not make a great deal of sense.

New alternative energy technologies, which is really the objective of a lot of the programs in this bill, are going to help us prevent pollution. In this regard, one of the most important investments we are making in this area is that of renewable energy technologies. I have a somewhat parochial interest here since the National Renewable Energy Laboratory [NREL], is located in the part of Colorado I am privileged to represent and it has been a leader in this field of research. At NREL they are working on such critical technologies as photovoltaic, wind, and hydrogen energy research, all of which are clean sources of energy. Amendments to cap our research efforts in this area will threaten the excellent work conducted at NREL and similar research at 9 other national laboratories.

Again I commend the committee for its fine work in bringing this bill to the House. I urge my colleagues' support.

The CHAIRMAN. The Clerk will designate title II.

The text of title II is as follows:

TITLE II—FUSION ENERGY RESEARCH PROGRAM

SEC. 201. FINDINGS.

The Congress finds that—

(1) fusion energy is one of the nonfossil fuel technologies which could potentially provide safe, abundant, environmentally sound, secure, and affordable energy supplies in the future;

(2) in the last 16 years, fusion energy researchers have made significant progress toward realizing magnetic fusion as a viable source of energy, increasing power production from test reactors more than a millionfold over that time period;

(3) while significant engineering, technical, and scientific challenges remain to make fusion energy commercially viable, limited funding remains the primary constraint to more rapid progress;

(4) the technical risks and the long time scale needed to demonstrate the commercial viability of fusion energy will likely require a stable, predictable, and sustained investment of government funding for decades to come;

(5) while magnetic fusion is the leading fusion technology, research on alternative fusion concepts should continue to be supported;

(6) opportunities to participate in international fusion experiments can dramatically lower the cost to the Federal Government of fusion energy research;

(7) the United States must demonstrate that it is a credible partner in international scientific programs by being able to make and keep long-term commitments to funding and participation; and

(8) the United States should commit to participating in the siting, construction, and operation of ITER as soon as practicable.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to provide direction and authorize appropriations for a broadly based fusion energy research, development, and demonstration program;

(2) to ensure that alternative fusion concepts receive adequate funding and management attention from the Department of Energy;

(3) to provide an accelerated commitment to United States participation in ITER and provide authorization of appropriations for such activity contingent on meeting program milestones; and

(4) to provide for the selection of a host country and establish a site selection process for ITER.

SEC. 203. FUSION ENERGY RESEARCH PROGRAM.

(a) FUSION PROGRAM.—The Secretary shall carry out in accordance with the provisions of this title a Fusion Energy Research Program, including research, development, and demonstration to demonstrate the technical and economic feasibility of producing safe, environmentally sound, and affordable energy from fusion.

(b) PROGRAM GOALS.—The goals of the Fusion Energy Research Program are to demonstrate by the year 2010 the practicability of commercial electric power production and to lead to commercial production of fusion energy by the year 2040.

(c) PROGRAM ELEMENTS.—The Fusion Energy Research Program shall consist of the following elements:

(1) Research, development, and demonstration on magnetic fusion energy technology, including—

(A) research on plasma physics and control, confinement, ignition, and burning;

(B) the design, construction, and operation of experimental fusion reactors, including the Tokamak Physics Experiment, and the development of special materials for such reactors, the facilities to develop such materials, and the development of components which support the operation of such reactors, such as diagnostic and remote maintenance equipment; and

(C) participation by the United States industrial sector in the design and construction of fusion reactors, and cooperation with utilities.

(2) Research, development, and demonstration of alternative fusion concepts, to be administered through a Program Director for Alternative Fusion Research, including research and development needed to build and test an Induction Linac Systems Experiment, and for systems engineering and design of a prototype inertial fusion energy power plant suitable for the eventual development of a heavy ion based commercial power plant, for the purpose of developing heavy ion inertial fusion energy.

(3) Participation in the design, construction, and operation of ITER with the goal of ITER becoming operational by the year 2005.

SEC. 204. INDEPENDENT REVIEW OF FUSION TECHNOLOGIES.

Within 6 months after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to conduct a study, to be completed within 18 months after such contract is executed, which—

(1) examines the various magnetic fusion technologies and alternative fusion concepts to assess their current state of development;

(2) evaluates the potential of such technologies and concepts to become commercially viable sources of energy in the future;

(3) identifies research and development goals and priorities, and the range of probable costs and time scales needed to achieve commercial viability; and

(4) reviews facilities formerly proposed by the Department of Energy for construction during the past 10 years, comparing their proposed capabilities and the justification offered for such proposals with the rationale for the subsequent withdrawal of the proposals.

SEC. 205. NATIONAL ACADEMY OF SCIENCES STUDY.

Within 6 months after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to conduct a study, to be completed within 18 months after such contract is executed, which examines the status and promise of other energy sources, including deuterated metal, and improvements in the efficient use of energy which could affect our national energy needs on the same time scale and quantity as projected fusion energy development, and which identifies priorities for research on other energy sources and energy-efficient devices and practices.

SEC. 206. ITER SITE SELECTION PROCESS.

(a) ITER STUDY AND REPORT.—Within 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a study which compares the technical and scientific advantages and disadvantages and the economic costs and benefits to the United States of siting ITER in the United States with siting ITER outside of the United States. Such study shall include the consideration of the impact on employment of constructing ITER in the United States, the effect of manufacturing major ITER subsystems (such as superconducting magnets) in the United States, and the effect of siting on United States funding requirements for participation in ITER.

(b) HOST-COUNTRY SELECTION.—The Secretary shall seek to reach an agreement with the international partners which provides for—

(1) the selection of a host country in which to site ITER by October, 1995;

(2) the equitable distribution of economic and technological benefits among the international partners, including the siting and construction of ITER and related facilities and the manufacture of major ITER subsystems;

(3) substantial United States industry and utility involvement in the design, construction, and operation of ITER to ensure United States industry and utility expertise in the technologies developed; and

(4) a schedule to complete site-specific design activities by 1998.

(c) UNITED STATES SITE SELECTION.—The Secretary shall—

(1) immediately initiate a process for identifying candidate sites within the United States which meet the site requirements for the construction and operation of ITER; and

(2) propose within 90 days after the date of enactment of this Act a process for selection of a site within the United States by June, 1996, if the United States is selected as the host country for ITER pursuant to the international agreement described in subsection (b).

(d) FINAL COST ESTIMATE.—The Secretary shall provide to Congress, within 90 days following the completion of site-specific design activities, a detailed estimate of the final projected total cost and cost to the United States of the construction and operation of ITER based on final site-specific engineering and construction designs.

SEC. 207. REPORTS AND MISCELLANEOUS PROVISIONS.

(a) CONTINGENCY PLAN.—Within 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the feasibility of conducting a parallel design effort on the Tokamak Physics Experiment to augment the capabilities of or accelerate construction of the Tokamak Physics Experiment in the event that an international agreement cannot be reached on the site selection or construction of ITER.

(b) PROGRAM REPORT.—Within 180 days after the date of enactment of this Act, and biennially thereafter, the Secretary shall prepare and submit to the Congress a report on the Fusion Energy Research Program and the progress it has made in meeting the goals and requirements of this title.

(c) CONSULTATION.—(1) In consultation with the Secretary of Defense, the Secretary shall review the research and development activities of the defense Inertial Confinement Fusion Program to determine the potential of such activities to contribute to the civilian Inertial Fusion Energy Program.

(2) Within 120 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall submit a report to Congress with recommendations for sharing budget and other resources

in order to enhance the civilian energy applications of the defense Inertial Confinement Fusion Program.

(d) DUPLICATION OF ACTIVITIES.—Nothing in this title shall require the duplication of activities carried out under otherwise authorized programs of the Department of Energy.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

(a) FUSION ENERGY RESEARCH PROGRAM.—There are authorized to be appropriated to the Secretary for carrying out the Fusion Energy Research Program $376,563,000 for fiscal 1995, $425,000,000 for fiscal year 1996, and $475,000,000 for fiscal year 1997.

(b) ALTERNATIVE FUSION RESEARCH.—From the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary for carrying out the Alternative Fusion Research Program under section 203(c)(2)—

(1) $10,000,000 for fiscal year 1995 for the Induction Linac Systems Experiment project and related base programs, and for the engineering and design of a prototype inertial fusion energy power plant;

(2) $30,000,000 for fiscal year 1996, of which—

(A) not more than $20,000,000 shall be for the Induction Linac Systems Experiment project and related base programs; and

(B) not more than $5,000,000 shall be for the engineering and design of a prototype inertial fusion energy power plant; and

(3) $33,000,000 for fiscal year 1997, of which—

(A) not more than $20,000,000 shall be for the Induction Linac Systems Experiment project and related base programs; and

(B) not more than $5,000,000 shall be for the engineering and design of a prototype inertial fusion energy power plant.

(c) TOKAMAK PHYSICS EXPERIMENT.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for the period encompassing fiscal years 1995 through 2000 not to exceed $700,000,000, to complete the design, development, and construction of the Tokamak Physics Experiment.

(2) None of the funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for that fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the technical goals of the design, development, and construction are being met;

(ii) the design, development, and construction can be completed without further authorization of appropriations beyond amounts authorized under paragraph (1); and

(iii) the design, development, and construction can be completed by the end of fiscal year 2000; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances; and

(iii) a justification for proceeding with the program, if appropriate.

(d) CONSTRUCTION OF ITER.—No funds are authorized for the construction of ITER.

(e) LIMITATION ON MAGNETIC FUSION FACILITIES.—No funds are authorized for the design, engineering, or construction of any magnetic fusion facility other than ITER, facilities related to ITER, and the Tokamak Physics Experiment.

SEC. 209. REPEAL OF ADVISORY COMMITTEE.

Section 7 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9306), authorizing the Technical Panel on Magnetic Fusion, is repealed.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 21, strike lines 12 through 21 and insert in lieu thereof the following:

(c) TOKAMAK PHYSICS EXPERIMENT.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for the period encompassing fiscal years 1992 through 2000 not to exceed $700,000,000 from within the Fusion Energy Research Program, to complete the design, development, and construction of the Tokamak Physics Experiment.

(2) None of the funds described in paragraph (1) are authorized to be appropriated for any fiscal year unless, within 60 days after the submission of the President's budget request for that fiscal year, the Secretary—

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I will not spend very long on this amendment. It is a clarifying and conforming amendment. It makes clear that the TPX program included in this title is funded out of the fusion energy program. Furthermore, it also makes clear that the TPX program is fully and completely authorized by the bill. I understand that the majority has been consulted on this amendment and are in agreement with it. That being the case, if the chairman, the gentleman from California, would confirm that, it does not have to take very long at all.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, this gentleman is in such a good mood this morning that he is willing to accept almost anything that the distinguished ranking member wants, as long as we understand what it is. I, therefore, agree with the gentleman's amendment and will accept it.

□ 1220

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL: Page 22, line 23, insert "This limitation shall not apply to the design or engineering of fusion materials irradiation test facilities. Upon completion of the concept design for a fusion materials irradiation test facility, the Secretary shall transmit to the Congress a report which includes the estimated cost for design, engineering, and construction of the facility, the expected participation of international partners, and the planned dates for starting and completing construction." after "Physics Experiment.".

Mr. FAWELL. Mr. Chairman, this amendment also, I believe, we have shared with the majority, and I believe there is no objection to it. It deals with section 208(e) of the bill, which prohibits the use of funds for the design, engineering, or construction of any magnetic fusion facility other than ITER, facilities related to ITER, and the Tokamak physics experiment. This simply provides an exemption in regard to U.S. participation in the IFMIF/CDA project.

But I think that perhaps if the gentleman from California will confirm, he does have knowledge of this particular amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I have received the amendment of the gentleman from Illinois [Mr. FAWELL] and it does make a valuable contribution to the bill.

There is already ongoing a small but highly important materials testing operation at the level of a couple of million dollars a year, which would be precluded from the language of this bill unless it is clarified by the amendment of the gentleman from Illinois and the additional language with regard to reporting requirements is also extremely helpful.

On our side we are very glad to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title II? If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—HIGH ENERGY AND NUCLEAR PHYSICS

SEC. 301. SHORT TITLE.

This title may be cited as the "Department of Energy High Energy and Nuclear Physics Authorization Act of 1994".

SEC. 302. DEFINITIONS.

For the purposes of this title—

(1) the term "CERN" means the European Organization for Nuclear Research;

(2) the term "construction" means all activities necessary for completion of a project and its supporting infrastructure, and includes conventional construction and the fabrication, installation, testing, and preoperation of technical sytems;

(3) the term "conventional construction" means the design and construction of civil works, facilities, and other infrastructure necessary to construct a project, including tunnels, buildings, and roads, necessary to house and support the technical systems, and utilities as necessary for the direct support of elements of a project; and

(4) the term "Large Hadron Collider project" means the Large Hadron Collider project at CERN.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) HIGH ENERGY PHYSICS.—There are authorized to be appropriated to the Secretary for high energy physics activities of the Department—

(1) $695,400,000 for fiscal year 1996;

(2) $719,700,000 for fiscal year 1997;

(3) $744,900,000 for fiscal year 1998; and

(4) $713,600,000 for fiscal year 1999.

Funds authorized under paragraphs (1) through (4) may be expended for the B-factory at the Stanford Linear Accelerator Center and the Fermilab Main Injector. Funds may also be expended for research, development, and planning for the Large Hadron Collider and its associated detectors. No funds are authorized for United States participation in the construction and operation of the Large Hadron Collider project until the Secretary certifies to the Congress that there is an international agreement that includes the provisions described in section 304(a).

(b) NUCLEAR PHYSICS.—There are authorized to be appropriated to the Secretary for nuclear physics activities of the Department—

(1) $337,100,000 for fiscal year 1996;

(2) $348,900,000 for fiscal year 1997;

(3) $361,100,000 for fiscal year 1998; and

(4) $373,700,000 for fiscal year 1999.

None of the funds authorized under paragraph (2), (3), or (4) are authorized to be appropriated for facility operations of the Los Alamos Meson Physics Facility. Funds authorized under paragraphs (1) through (4) may be expended for the Relativistic Heavy Ion Collider at Brookhaven National Laboratory.

(c) LIMITATION ON MAJOR CONSTRUCTION PROJECTS.—No funds may be expended for the construction and operation of any high energy and nuclear physics facility construction project of the Department, with total project expenditures projected to be in excess of $100,000,000, unless funds are specifically authorized for such purposes in an Act that is not an appropriations Act. Funds authorized under subsections (a) and (b) may be expended for preliminary research, development, and planning for such projects.

SEC. 304. THE LARGE HADRON COLLIDER PROJECT.

(a) NEGOTIATIONS.—The Secretary, in consultation with the Director of the National Science Foundation and the Secretary of State, shall enter into negotiations with CERN concerning United States participation in the planning and construction of the Large Hadron Collider project, and shall ensure that any agreement incorporates provisions to protect the United States investment in the project, including provisions for—

(1) fair allocation of costs and benefits among project participants;

(2) a limitation on the amount of United States contribution to project construction and an estimate of the United States contribution to subsequent operating costs;

(3) a cost and schedule control system for the total project;

(4) a preliminary statement of costs and the schedule for all component design, testing, and fabrication, including technical goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(5) a preliminary statement of costs and the schedule for total project construction and operation, including technical goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(6) reconsideration of the extent of United States participation if technical or operational milestones described in paragraphs (4) and (5) are not met, or if the project falls significantly behind schedule;

(7) conditions of access for United States and other scientists to the facility; and

(8) a process for addressing international coordination and cost sharing on high energy physics projects beyond the Large Hadron Collider.

(b) OTHER INTERNATIONAL NEGOTIATIONS.—Nothing in this Act shall be construed to preclude the President from entering into negotiations with respect to international science agreements.

(c) REQUIREMENT.—The Director of the Office of Science and Technology Policy shall report, within 3 months after the date of enactment of this Act, to the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate on specific goals for international coordination in megascience projects, including an action plan needed to achieve these goals. The action plan shall address such issues as cost sharing and financial support, site location, access, and management of megascience facilities.

SEC. 305. OPERATING PLAN.

Within 30 days after the date of the enactment of any Act appropriating funds for the high energy or nuclear physics activities of the Department, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the operations of the high energy and nuclear physics activities of the Department, as adjusted to reflect the amounts appropriated for such purposes by such Act.

SEC. 306. LONG-RANGE PLANNING AND GOVERNANCE.

(a) PROGRAM GOVERNANCE REVIEW.—

(1) REQUIREMENT.—The Secretary shall contract with an appropriate independent organization to review the governance of all elements of the Department's high energy and nuclear physics programs. Such review shall include—

(A) an evaluation of the staff allocation and funding balance among facility operations, construction, and research support; and

(B) an analysis of the extent to which the Department's high energy and nuclear physics advisory groups represent the diversity of, and the full range of interests among, high energy and nuclear physics researchers.

(2) REPORT TO CONGRESS.—The Secretary shall submit a report to Congress within 18 months after the date of enactment of this Act detailing the results of the review required by this section, including recommendations for implementing the results and schedules for such implementation.

(b) LONG-RANGE PLAN.—

(1) REQUIREMENT.—The Secretary, in consultation with the high energy and nuclear physics communities, shall prepare a long-range plan for the Department of Energy high energy and nuclear physics programs based on current and projected program funding levels. The Secretary shall coordinate the preparation of the plan with the Director of the National Science Foundation, as appropriate, to ensure that long-range planning efforts and objectives for the entire Federal high energy and nuclear physics program are appropriately integrated. The plan shall be modified every 3 years. The long-range plan shall include—

(A) a list of research opportunities to be pursued, including both ongoing and proposed activities, listed in order of priority;

(B) an analysis of the relevance of each research facility to the research opportunities listed under subparagraph (A);

(C) a statement of the optimal balance for the fiscal year in which the report is submitted among facility operations, construction, and research support and the optimal balance between university and laboratory research programs;

(D) schedules for continuation, consolidation, or termination of each major category of research programs, and continuation, upgrade, transfer, or closure of each research facility;

(E) a statement by project of efforts to coordinate research projects with the international community to maximize the use of limited resources and avoid unproductive duplication of efforts;

(F) a description of the extent to which the plan modifications differ from previous plans submitted under this subsection, along with an explanation for such differences; and

(G) an estimate of—

(i) the number of scientists and graduate students being supported by Federal high energy and nuclear physics programs; and

(ii) the number of scientists and graduate students needed to carry out productive and sustainable research programs in these fields over the next 10 years.

(2) REPORTS TO CONGRESS.—(A) The Secretary shall transmit a copy of the original long-range plan with the President's annual budget request to Congress for fiscal year 1997. The plan as modified shall be submitted with the President's budget request to Congress for every third fiscal year thereafter.

(B) The Secretary shall transmit with the President's budget request to Congress each year a report demonstrating the consistency of the current long-range plan with the budget being requested for the Department's high energy and nuclear physics programs.

(c) CAPITAL BUDGET ACCOUNT.—Each of the President's annual budget requests to the Congress for high energy physics activities of the Department, and for nuclear physics activities of the Department, shall distinguish between the budget for capital expenditures, including all ongoing and planned major construction and capital equipment items, and other activities.

The CHAIRMAN. Are there amendment to title III? If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. UNIVERSITY RADIATION SCIENCE AND TECHNOLOGY.

(a) FINDINGS.—The Congress finds that—

(1) the future of fusion energy and advanced nuclear technology research and development programs will rely heavily on a healthy and vibrant university-based radiation science and nuclear engineering academic program;

(2) nuclear engineering is a broad, diverse field with unique academic requirements, including mathematics, physics, reactor engineering, nuclear materials, radiation protection, and reactivity control and operations;

(3) nuclear engineering academic programs at both undergraduate and graduate levels have declined in terms of the number of students enrolling in such programs, the number of schools offering such programs, and the number of research reactors available on university campuses;

(4) the existing nuclear technical community and faculties are aging, and new, younger graduates are not entering the field, threatening the United States technological superiority in this area;

(5) a robust, long-term fusion program will be dependent on the availability of properly trained scientific experts to carry on the program from the current leaders in the field;

(6) in the 1950s and 1960s, the Federal Government was instrumental in founding and funding the University Research Reactor program and the Nuclear Engineering Education and Research program, and as a primary user of the graduates of these programs, continued strong support for these programs for decades;

(7) the decline of Federal support for these programs has forced many universities to close down research reactors and seriously erode the accompanying academic programs;

(8) the current condition of the university research reactors needs attention and funding to upgrade instrumentation and safety features; and

(9) the Federal Government should continue its fuel assistance program in order to avert further hardships to the universities.

(b) PURPOSES.—The purposes of this section are to—

(1) provide Federal support and maintain and upgrade the Nation's Nuclear Engineering Education and Research and University Research Reactor programs, while continuing the University Reactor Fuel Assistance program;

(2) combine these programs into a comprehensive and cohesive national program which will support the future needs of the Nation across many scientific and technological disciplines; and

(3) provide the nuclear engineering education and university research reactor academic community opportunities to consult and cooperate with the Department of Energy and the national laboratories in the decisionmaking and priority setting processes.

(c) PROGRAM DIRECTION.—

(1) COMBINING OF PROGRAMS.—The Secretary shall combine the Nuclear Engineering Research and Education program, the University Research Reactor program, and the University Reactor Fuel Assistance program to form a new University Radiation Science and Technology program to be included as a separate and distinct part of the University and Science Education program.

(2) COLLABORATION.—The Secretary, in developing the annual budget request and program plan for the University Radiation Science and Technology program, shall collaborate with the university radiation science and technology community (including academia, professional societies, and the national laboratories).

(d) REPORTS.—

(1) COMPREHENSIVE PLAN.—The Secretary shall request the Nuclear Engineering Education Department Heads Organization and the National Organization of Test, Research, and Training Reactors to submit, within 60 days after the date of enactment of this Act, to the Congress and the Secretary a minimum of a 5-year comprehensive national plan for the University Radiation Science and Technology program. Such plan shall include comments from industry and all appropriate professional societies.

(2) PROGRAM PROPOSAL.—Within 120 days after the submittal of the plan under paragraph (1), the Secretary shall submit to the Congress a University Radiation Science and Technology program proposal, which shall incorporate the plan submitted under paragraph (1) and shall include comments from the National Academy of Sciences regarding the completeness of the program proposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out the University Radiation Science and Technology Program $25,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997.

SEC. 402. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, no funds are authorized to be appropriated for carrying out the programs for which funds are authorized by this Act for any fiscal year other than as provided by this Act.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 36, after line 7, insert the following new section:

SEC. 403. FOREIGN PARTICIPATION REPORT.

Within 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to the Congress on the status of foreign participation in and contributions to projects for which funding is authorized under this Act.

Mr. TRAFICANT (during the reading.) Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment specifies those concerns discussed earlier and provides for that reporting mechanism to document financial participation and contributions by those foreign friends who are parties to our initiative. I believe it makes sense. It is a clarification factor that is best applied to the entire bill.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I have reviewed the amendment offered by the gentleman from Ohio, our staff has reviewed it on our side. From out standpoint it is a valuable contribution to the language of the bill, and we would have no objection.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished ranking member of the committee, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, we have also reviewed the amendment, and I have no reason to oppose it. I do believe the way the amendment is now drafted that it would apply to the entire energy research and development supply account, and it does have fairly broad implications for the department in terms of reporting requirements on it. But the gentleman, I think, is pursuing a useful area in assuring that we understand the full nature of the foreign participation, and I accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman, and in closing, I would offer: Whatever clarification language the chairman and ranking member deem appropriate and other considerations that might arise from this amendment, the general intent I think is understood, and I will accept such contributions to make it better or resolve some problems that you may have.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the chairman.

Mr. BROWN of California. I thank the gentleman for yielding further.

Mr. Chairman, we appreciate the gentleman's forbearance on this matter. Obviously, on matters of this sort where amendments are brought to the floor without a lot of staff review, there is the possibility there may be a need to be some minor revisions to accomplish the purpose of the amendment. If that is necessary, I believe we can take care of that in conference without any difficulty.

Mr. TRAFICANT. Mr. Chairman, I will inform the ranking member that that is the intent and that his concerns are understood by the sponsor, and we will accommodate those concerns in whatever way the gentleman works out with our chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL: Page 36, after line, 7, insert the following new section:

SEC. 403. MERIT REVIEW REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) MERIT REVIEW REQUIREMENT.—Except as provided in sections 204 and 205, the Secretary may not award financial assistance to any person under this Act for research, development, or precommercial demonstration activities, including related facility construction, unless an objective merit review process is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF MERIT REVIEW PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance be awarded by the Secretary in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section:

(B) specifically states that such provision of law modifies or supersedes subsection (a): and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance in a manner inconsistent with subsection (a) until—

(A) the Secretary submits to the Congress a written notice of the Secretary's intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "objective merit review process" means a thorough, consistent, and independent examination of requests for financial assistance based on pre-established criteria and scientific a technical merit by persons knowledgeable in the field for which the financial assistance is requested.

(2) The term "financial assistance" means the transfer of funds or property to a recipient or subrecipient to accomplish a public purpose of support or stimulation authorized by Federal law. Such term includes grants, cooperative agreements, and subawards but does not include cooperative research and development agreements as defined in subsection 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, once again I believe the majority has been able to review this particular amendment. I do not believe there is any controversy.

The amendment is similar to those that I have offered in committee and which have been included as sections in House-passed versions of H.R. 3254, the National Science Foundation Act of 1994, also H.R. 3870, the Environmental Technologies Act of 1994, and the amendment is also similar to my amendment included in the Science Committee-reported version of H.R. 1432, Department of Energy Laboratory Technology Act of 1994.

Mr. Chairman, basically, this amendment deals with the subject matter of which the chairman is very much aware and very much involved in in regard to earmarks.

In the very brief summary, what we have is simply a law which states that earmarks cannot be accomplished unless there is an objective merit review process insofar as the subject acts of this bill are concerned. They can be modified by general law, obviously not in a report. Basically that in a very cursory summary is what we are talking about here.

I would like to inquire of the gentleman from California, the chairman of the committee, Mr. BROWN, as to whether or not he has had an opportunity to review all of the facts of this particular amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I gladly yield to the chairman of the committee.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Illinois [Mr. FAWELL] knows that this language is intended to support the positions which we have jointly taken in connection with a number of pieces of legislation. I commend the gentleman for introducing it in connection with this bill.

Mr. Chairman, I would hope we could get this onto a number of appropriations bills as well.

Mr. FAWELL. I thank the chairman. I have nothing further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment to title IV.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 36, after line 7, insert the following new section:

SEC. 403. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this Act shall be available for any activity, or the publication or distribution of literature, that in any way tends to promote public support for or opposition to any legislative proposal on which congressional action is not complete. If any funds are used for purposes prohibited by this section, the organization to whom such funds were provided shall not be eligible to receive any further funding pursuant to this Act.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1230

Mr. WALKER. Mr. Chairman, this amendment is essentially an antilobbying amendment from the standpoint of lobbying with taxpayers' money. What the amendment does is prohibits universities, labs, and private contractors from using taxpayers' money for lobbying for their programs. In my view it is highly questionable for the taxpayer to have to bear the costs of universities and others coming to solicit more Federal money.

In fact, one of the problems that has arisen in the area of earmarking has been because the universities themselves are engaged in lobbying Congress to earmark specific projects for them, so one way of getting at the whole earmark question is to ensure that at least taxpayer's money is not being used as a way of garnering more taxpayers' money. This amendment would prohibit universities, labs, private contractors, and so on from lobbying, and, if they violate this particular provision, they would no longer be eligible for any funds that are authorized under this act.

Mr. Chairman, I am concerned that we have had a wave of this going on, and at this point I insert some material related to a particular lobbying effort:

URGENT URGENT URGENT URGENT URGENT

PRINCETON UNIVERSITY: OFFICE OF GOVERNMENT AFFAIRS

Re H.R. 4908.

To: Fusion community.
From: Nan S. Wells.
Date: August 15, 1994.

The House is now scheduled to consider H.R. 4908, the Hydrogen, Fusion, and High Energy and Nuclear Physics Authorization Act early tomorrow. If the crime bill and/or health legislation go to the floor, the schedule could change. According to the Science Committee staff, the bill will be considered under an open rule and all amendments will be in order. It is my understanding that the committee may have only a few minutes warning of any amendments proposed.

The amendment proposed by Representative Robert Walker, the ranking Republican on the House Science Committee, which would impose a four-year $4.2 billion "hard freeze" on most of the DOE research activities, has been redrafted by Representative Boehlert who would add a $50 million increase each year for the first three years. This new Boehlert amendment (see attached material) is almost as damaging to high energy physics as the original amendment and if offers no flexibility to the other energy research programs.

Rep. Boehlert asserts that the cuts are not a problem since they would come from the DOE labs including labs doing fusion research. There is nothing in the legislation that directs the cuts and reductions could and would be made in all DOE research programs including fusion energy, high energy physics, environmental restoration and waste management research. DOE has informed the Science committee that construction of ANS and TPX, participation in the LHC at CERN, and the operation of the facilities at SLAC, Fermi Lab, Newport News and Brookhaven are in jeopardy, if this amendment is approved by the House.

The Boehlert and Walker amendments continue to restrict only the funding for energy research and place no restrictions on other DOE programs. While these proposals, and perhaps other amendments to come, are being presented as budget reductions, the DOE would be free to reallocate the R&D funds to other programs in the department. As currently drafted, the amendments serve only to reduce funds for badly needed research in high priority areas.

There is also an amendment from Representative Walker which would set a cap on TPX expenditures and Rush Holt is working with staff to try to modify it. Unless amended, it should be opposed. Of course, there is always the possibility of another amendment from Representative Dick Swett.

At this point, your members should oppose the Walker and Walker-Boehlert amendments and any other amendments. If you would like further information on the legislation, please call me at (202) 639–8420.

Mr. Chairman, I urge support for this amendment as a way of ensuring that any lobbying activities are done with private moneys rather than with taxpayer money.

Mr. BROWN of California. Mr. Chairman, I am reluctant to do this, but this amendment disturbs my otherwise tranquil day, and I am going to have to rise in opposition to it and express my hope that the gentleman might withdraw the amendment and offer a version in another setting that might be more appropriate.

I do not object, of course, to the prohibition against lobbying with public funds. I think the thrust of the gentleman's idea is an excellent one, but this is, other than the title, prohibition of lobbying activities; it does not really discuss lobbying. It says that none of the funds authorized by this act, which of course go to the Department of Energy and then are redistributed through grants and contracts to universities and research organizations, none of these funds shall be used for the publication or distribution of literature that in any way tends to promote public support for or opposition to any legislative proposal on which congressional action is not complete.

Now I would hate to have to go through the files of all of the letters, publications, memos of every agency in the Department of Energy to see if in any way they tend to promote public support or opposition to any piece of legislation that we are considering. This is a gargantuan task, and I am not sure that we want to get ourselves involved in it.

Now I think that the thrust of this is aimed at those agencies, including universities which receive Department of Energy funds, but it is not sufficiently spelled out to see just how this would bite. I think the gentleman, and certainly he is entitled to take this action, if he wishes, has been upset by some recent university efforts to have an influence on this very piece of legislation, and I think that under some circumstances he might be justified. On the other hand, I think universities, public service, public interest groups, the National Taxpayers Union, others, some of which may or some of which may not have received Federal funding, should not have their first amendment rights compromised unless there are some very, very serious reasons for it, and I do not think the circumstances here rise to that level.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I want to tell the gentleman that this is language that was lifted directly out of the Interior appropriations bill. It is language that we have dealt with in the Federal Government before. This is the way in which we have spelled out. The only thing that we have done here is added the penalty that says that one cannot get any more funds under the act if they use public moneys, but the language the gentleman referred to is the language that is in the Interior appropriations bills that we have a history of handling.

So, obviously the Federal Government does have procedures for dealing with the concerns the gentleman has expressed. That is the reason why we utilize this language, figuring that it had a history and that there is a way of managing this kind of situation. I would not expect that anybody would have to rummage through files, but I would expect, wherever there is an overt lobbying activity, that it would give the department cause for action if it is found that that was done with public moneys.

Mr. BROWN of California. Mr. Chairman, I have, of course, high regard for the gentleman's legislative drafting skills, and I assume that he has used language which has a history. But I am not at all sure that history is directly applicable to this situation.

I think, for example, the requirements in the Interior appropriation which he mentioned may not have applied to scientific and academic publications, and I would like to examine that situation to see if that is true.

There is also the possibility that this would apply to nonprofit organizations which publish material that might affect legislation and which, by provisions of the Tax Code, are allowed if they do not engage in it to too great an extent to use a small portion of their funds for lobbying, which this is intended to prohibit. I think that would be a serious flaw in this——

Mr. WALKER. If the gentleman would yield further, I am also referring to title 18 of the crimes and criminal procedures of the Federal Code of the U.S. Code in which it also uses very similar language to this and goes even further by suggesting that one cannot even pay for personal service, advertisements, telegrams, telephone, letters, printed or other written matter, any other device intended or designed to influence in any manner a Member of Congress or to favor—I mean there is language that goes even well beyond this that is in the Federal Code, it seems to me, and this is called lobbying with appropriated monies.

So, what we have done here is simply extended the prohibition that is in title 18 of the U.S. Code to the specifics of this bill, and I would suggest that once again the Government does have the ability to enforce those provisions.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. In further response to the gentleman from Pennsylvania, Mr. Chairman, I think the intent of the amendment is solid. I am a little concerned, recalling our experience last year with the superconducting super collider where criticisms were made of the Department of Energy and its contractors for the lobbying done in support of the superconducting super collider and the appropriations bill containing the funding for it. I think under the gentleman's amendment all of that would have been illegal and the funding for the entire Department of Energy would have been canceled as a result of those activities.

Now I do not think the gentleman wants to draw quite that broad a net when he is talking about the activities of the Federal Government which is in an amendment which is labeled "lobbying" and which I think the department felt was legislative representation, protecting their own interests before the Congress. I am worried that, for example, all of the funding for their office of legislative affairs might be canceled under this because they would be distributing literature or facilitating the organization of public support or opposition to measures that involved the Department of Energy.

I really would like to request the gentleman to withdraw his amendment, and, if he is unable to and wants to vote on it, why this may be our vote of the day.

□ 1240

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, let me say that I appreciate his doing that. The only thing that is covered are the funds authorized under this act. There are none of the funds for the lobbying activities, for example, that are covered by this act, so it would not prevent the department from doing that. It only applies to funds under this act. The rest of the funds may be covered under provisions of the bill, but I would say to the gentleman that this is not going to prevent the department from doing those things the department traditionally does.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's point, and I think I have made my position clear on the matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 7, noes 10.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 239, not voting 13, as follows:

[Roll No. 412]

AYES—187

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Swett
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Coleman
Engel
Faleomavaega (AS)
Houghton
Lantos
McDade
Moran
Neal (NC)
Slattery
Sundquist
Swift
Washington
Whitten

☐ 1359

Mr. FINGERHUT, Ms. PELOSI, Ms. HARMAN, Mr. PALLONE, and Mrs. MINK of Hawaii changed their vote from "aye" to "no."

Messrs. EWING, WALSH, JOHNSON of South Dakota, BACHUS of Alabama, HAYES, and ORTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments to the bill, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker, having assumed the chair, Mr. OLVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4908) to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes, pursuant to House Resolution 515, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4908, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I take this time to inform the Members of our plan for the rest of the day and possibly tomorrow.

Mr. Speaker, we have been consulting with the minority and members of the committee and others that have been involved with the crime legislation, and we believe that it is possible, with some luck, this afternoon to try to resolve some remaining issues and to try to get to conference later today, and with the help of the Chair and the ranking member and members of the committee, and obviously the Senate conferees at that point, to be able to bring back a bill that might be able to command a majority of votes in the House on tomorrow.

We are going to work very hard to do that. It may be that we cannot finish that, and we will give Members 2 hours or 3 hours notice once it is determined that we cannot go forward, or, obviously, if we are moving forward, we will be moving toward a conclusion tomorrow.

Our plan would be to meet at noon tomorrow. For this purpose Members should expect to be here at noon tomorrow to vote on the crime bill conference report.

In a moment, if there are not more questions, I will ask unanimous consent to go to conference.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Illinois.

Mr. MICHEL. Only that I might advise Members, and particularly on our side, as contentious as the issue is, that the Speaker has consented to include our former Governor, MIKE CASTLE, as a conferee, because he has been in counsel with a number of those Members on our side who have maybe little differing views than the majority on our side, but, nonetheless, are important to be aired. So we are going to have a voice in the conference.

The distinguished chairman of the committee, I am sure, will certainly allow those expressions to be made in what would be considered to be an open conference, but narrowed down to the scope of the issues that are really at hand, as distinguished from just a wide open conference where we could not tell if we will be out of here by Christmas. That would be nonsensical at this juncture. We have had enough discussion here I think to have those issues narrowed down pretty finitely on both sides.

As the distinguished majority leader says, you know, working in good faith, nothing ventured, nothing gained. And the sooner we get started, the sooner and better I think we can eventually get it resolved.

My concern to having any further delay is once you go over the weekend, you can just eat up all next week, believe me. So you are better off, in my judgment, doing the very best we can, and everybody praying that they can get some agreement. It is possible they will not, but if you never get started, you will never get anywhere.

So I would certainly support what the distinguished majority leader said, and I appreciate the cooperation of the Speaker in meeting our requests.

Unless there are any other inquiries?

Mr. GEPHARDT. I would just inform Members that if these unanimous requests are approved, there will not be further votes this afternoon, pending the outcome of this bill that is under consideration right now. However, if the unanimous-consent requests are not approved, we would have two additional votes to try to recommit the bill to conference.

Mr. SOLOMON. If the gentleman will yield, the gentleman has a second unanimous-consent request. If I might just clarify, since there are many people on different sides of this issue, and it might relieve their concerns a little bit, the second request that the majority leader is going to make is going to waive the two-thirds requirement that a rule could be brought up the same day, that being tomorrow, the same day.

In that unanimous-consent request, it will state clearly that this is only waiving the two-thirds for a conference report to come to the floor that is agreed to by the minority. Should that conference report not be agreed to by the minority, then the two-thirds waiver would not be in effect.

So I just wanted to make that clear. I believe we are going to support both those unanimous-consent requests on this side of the aisle then. Is that your understanding?

Mr. GEPHARDT. That is my understanding. Obviously the gentleman understands if we come to an agreement, we would need to bring that up tomorrow. If we cannot come to an agreement, we would have to go into next week and go through the normal procedure to do that.

Mr. SOLOMON. I thank the gentleman for clearing that up.

RECOMMITTAL OF CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the conference report on the bill, H.R. 3355, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, be considered as recommitted to conference.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] asks unanimous consent that the bill, H.R. 3355, be recommitted to conference.

Is there objection to the request of the gentleman from Missouri?

There was no objection.

WAIVING TWO-THIRDS VOTE REQUIREMENT TO CONSIDER REPORT FROM COMMITTEE ON RULES ON SATURDAY, AUGUST 20, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House be waived on the legislative day of Saturday, August 20, 1994, with respect to any resolution providing for consideration or disposition of the conference report to accompany H.R. 3355.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. GEPHARDT]?

There was no objection.

ADJOURNMENT TO SATURDAY, AUGUST 20, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow, Saturday, August 20, 1994.

The SPEAKER. Is there objection to the question of the gentleman from Missouri [Mr. GEPHARDT]?

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The SPEAKER. Pursuant to rule X, the Chair appoints as additional conferees to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, the following Members: Mrs. SCHROEDER, Mr. FRANK of Massachusetts, and Mr. CASTLE.

The Clerk will notify the Senate of the change in conferees.

□ 1410

NOTIFICATION OF PLANS OF COMMITTEE ON RULES RELATING TO CONSIDERATION OF H.R. 2866, HEADWATERS FOREST ACT

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I would like to notify Members of the Rules Committee's plans regarding H.R. 2866, Headwaters Forest Act.

The Rules Committee is planning to meet the week of August 22, to consider the bill. In order to assure timely consideration of the bill on the floor, the Rules Committee may report a rule that limits the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2866 should submit, to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 5 p.m. on Monday, August 22, 1994.

Amendments should be drafted to bill as introduced.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting this rule.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4291

Mr. STUMP. Mr. Speaker, my name was incorrectly added to the list of cosponsors of H.R. 4291 and I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4291.

The SPEAKER pro tempore (Mr. KOPETSKI). Is there objection to the request of the gentleman from Arizona?

There was no objection.

OMNIBUS CRIME CONTROL ACT OF 1994

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BILIRAKIS. Mr. Speaker, contrary to what some have been saying about it in the past few days, the crime bill presented to Members last week didn't fool the law enforcement community in Florida, according to an article in Wednesday's St. Petersburg Times, which I am entering into today's RECORD along with this statement.

The Times reported that interviews with more than a dozen senior law enforcement officials revealed "considerable doubts and even more ambivalence toward the bill."

The Pinellas-Pasco State attorney noted that "there is just so much fluff in there * * * it's hard to get excited about it."

The president of the Florida Sheriff's Association—which hasn't even discussed the bill at its meetings—said it was packed with "feel-good, look-good" social programs that are a waste of tax dollars. One sheriff doesn't agree with the hiring of 100,000 officers. He said his deputies are arresting the same offenders over and over again, but have nowhere to put them. He said "prison beds are more important."

One police chief noted that "the politicians are more interested in seeing who can be the toughest on crime rather than trying to solve the problems."

These people know the score, Mr. Speaker, they put their lives on the line every day. Let's get serious around here and put together a crime bill that is not a crime itself.

[From the St. Petersburg Times, Aug. 17, 1994]

POLICE, SHERIFF OFFICIALS ARE COOL TO CRIME BILL

(By David Barstow)

Look at all the goodies for Florida: $410-million to hire new cops. Another $380-million for prisons. At least $200-million for crime prevention.

It's all there, tucked away in President Clinton's massive $33-billion crime bill. And it's all at stake this week as Clinton fights to rescue what he calls the "toughest, largest" crime bill ever written.

The bill suffered a key defeat last week with several surprise "no" votes coming from Florida representatives. Yet state and local law enforcement officials—in theory Clinton's natural allies—are silent as tombstones at this most crucial of junctures.

They're not lobbying for it.

They're not losing sleep over it.

They're not even sure it'll do that much good.

There's never been a federal crime bill since I've been in the system that's made a hill of beans of difference," said Pinellas-Pasco State Attorney Bernie McCabe.

"There's just so much fluff in there. * * * It's hard to get excited about it."

The Florida Sheriffs Association hasn't even discussed the bill at its meetings. "It doesn't really mean much to us," said Harold Sample, executive assistant to Pasco Sheriff Lee Cannon.

Asked if he supported Clinton's crime bill, Pinellas Sheriff Everett Rice said: "I really don't know. I haven't formed an opinion on it."

What's going on here? Isn't crime the No. 1 concern among voters? Aren't police chiefs and sheriffs always pleading for more cops? Wouldn't they be jumping through hoops of fire to get their share of the bill's promised 100,000 new police officers?

Well, no. Interviews with more than a dozen senior law enforcement officials in the Tamps Bay area this week revealed considerable doubts and even more ambivalence toward the bill. And if their lukewarm responses are any indication, Clinton's task in rescuing the bill will not be easy.

Take Hillsborough Sheriff Cal Henderson. He's a Democrat, and he likes much of what's in the bill. But he does not agree with its centerpiece—those 100,000 officers. That's simply not the No. 1 priority right now, he said.

"And I'm not in the minority in saying that. * * * At this point the more important thing is the prison beds and (juvenile) detention facilities."

His deputies are arresting the same offenders over and over and over, he said. More deputies means more arrests, but no real change, he said. No real impact.

"Give me a break," said Manatee Sheriff Charlie Wells, a Republican. "A 100,000 police to arrest people to put 'em where? To put 'em where?"

Wells knows the bill contains billions for new prisons. But if he were Clinton, he would take every cent of that money for the 100,000 police officers and put it all into drug treatment and prison beds, he said.

And this is a sheriff talking.

There's another reason local police officials aren't scrambling over each other for Clinton's 100,000 officers. Yes, the federal government would help pay for the officers. But only for a few years. Then it's up to local governments to pay their full salaries and benefits.

That's what frightens Terry Chapman, acting police chief of the Brooksville Police Department, which employs 17 police officers on a budget of a little more than $1-million.

Sure, he would love to get a piece of the $8.8–billion set aside for those 100,000 new officers. Just three more officers would allow him to beef up his department's community policing efforts.

"But you're looking at $90,000 a year for three officers. You add $90,000 on your budget and now you've created a severe problem," he said. "We're working on a very, very tight budget."

So tight that he can't see asking his City Council for those three new officers. "They put these big numbers out, these big figures, but people don't realize the hidden costs of these grants."

Darrel Stephens has the same problems as Chapman, only on a larger scale. He is chief of the St. Petersburg Police Department. Last year, his department applied for a federal grant to hire 18 more officers for community policing. The department didn't get the money. Under Clinton's crime bill, it probably would.

But Stephens said he's not certain he will resubmit the application even if the bill becomes law. Not because he no longer needs the 18 officers. It's just that he's not sure the city can afford to pick up the long-term costs of the new officers—about $900,000 a year.

"That's a problem."

There are other problems. For many police officials here, the headline-grabbing elements of the bill have little, if anything, to do with local crime rates. For example, the bill would greatly expand the number of federal crimes for which the death penalty could be used. Big deal, they say. When was the last time your local police made an arrest for hijacking an airplane?

And this: "The federal government has had a death penalty all along, but I haven't seen 'em executing anyone," McCabe said.

Another controversial provision of the bill would ban 19 types of assault weapons. Trouble is, there aren't many crimes committed in the Tampa Bay area with assault weapons.

"In Manatee County there's never been a person murdered with an assault weapon—and I've checked," said Wells.

"The politicians are more interested in seeing who can be the toughest on crime rather than trying to solve the problems," Stephens complained. Still, he is disappointed the crime bill has faltered. For one, he has heard that his department stands to collect $1.3-million of the bill's $7.4-billion in crime prevention money. Yet even Stephens has largely stayed on the sidelines of the political battle over the bill. Other than a phone call to the office of U.S. Rep. C.W. Bill Young, an Indian Rocks Beach Republican, Stephens has not lobbied local delegates.

Tampa police Chief Bennie R. Holder, another supporter of the bill and a Democrat to boot, hasn't lobbied Florida's delegation either. But then, his department already secured a federal grant to hire 30 community policing officers.

Wells, a Republican, is president of the Florida Sheriffs Association, which decided not to take a position on the crime bill.

He said the association would have backed the bill, but then the politicians packed it with "feel-good look-good" social programs that are a waste of tax dollars. Like the $40-million in the bill to sponsor midnight basketball leagues for kids.

"Why do I need the president of the United States telling me I need midnight basketball?" Wells asked.

"They convoluted a perfectly good bill. Even the Democrats among the sheriffs, they aren't pushing for it."

So what will Wells do if the bill passes? Will he ask for more deputies? Will he try for some of that basketball money?

Wells chuckled: "If this passes, I'll be right there with my hands out just like everyone else."

AARP ENDORSEMENT OF HEALTH REFORM

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material)

Mr. MILLER of Florida. Mr. Speaker, I have in my hands a letter that of my colleagues—including the entire Republican leadership—sent to Mr. Horace Deets of the AARP. How could the Washington staff of the AARP endorse Clinton-Gephardt before the details of the health bill had even been drafted. How could the AARP endorse some $380 billion in Medicare cuts. Why would the AARP endorse a bill that so clearly threatens senior citizens with rationed health care? And perhaps most importantly, we wanted to know why the AARP would endorse Clinton care when the AARP's own polls show that senior citizens have rejected this Government takeover of healthcare.

We are still waiting for an answer from Mr. Deets, but we have heard plenty from former AARP members. I received over 150 angry calls the morning after the AARP's surprise endorsement. Ray Stanclift of Sun City, FL, told me "Mr. Deets does not represent me with such an endorsement." It is time for AARP to speak for their membership rather than serving as lobbyists for Clintoncare.

Mr. Speaker, I submit this letter to include for the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 11, 1994.

Mr. HORACE B. DEETS,
Executive Director, American Association of Retired Persons, Washington, DC.

DEAR MR. DEETS: We are writing to express our complete dismay over the AARP's decision to endorse the Clinton/Gephardt health care plan, legislation that contains key provisions that would dramatically reduce the quality of and access to care currently enjoyed by senior citizens. Amazingly, your endorsement came before the language of the bill had even been drafted.

Now that the details of the bill have been released, the members of the AARP are going to be surprised that the Washington staff has endorsed a bill that contains over $380 billion in Medicare cuts over nine years, while expanding Medicare coverage to an additional 95 million Americans. The new Medicare Part C extends coverage to the unemployed, part-time and seasonal workers and small businesses, creating a huge new entitlement class to compete with senior citizens for scarce federal dollars. Clinton/Gephardt also contains global budgets and price controls that will lead to rationing of care. And senior citizens understand—even if the Washington staff of the AARP doesn't—that they are most vulnerable to such government rationing schemes.

Poll after poll—including the AARP's own surveys—show that senior citizens have rejected the Clinton approach to health care reform. Yet, the AARP plans to spend millions of dollars of their members dues to convince AARP members they are wrong about Clinton/Gephardt.

It may be politically expedient to ram Clintoncare down the throats of America's seniors before they are given the details of the legislation, but it is no way to fix the health care system. We would have thought the AARP's leadership would have learned something from their ill-fated endorsement of catastrophic coverage in 1988. Upon learning the details of that legislation, seniors overwhelmingly demanded its repeal.

This is not the first time the Washington staff of a major organization has lost touch with the people they ostensibly represent. But this case is different because the AARP is so influential, and the stakes in the health care debate are so large. A recipient of $86 million in government grants last year, America's largest lobby has apparently forgotten who it is they represent. America's seniors deserve better.

Sincerely,

DAN MILLER,
and 67 other Congressmen.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TICKET FEE DISCLOSURE ACT OF 1994

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I am pleased to introduce today, along with my colleagues, Representative GARY CONDIT and Representative AL SWIFT, the Ticket Fee Disclosure Act of 1994.

This legislation will provide American consumers appropriate and timely disclosure of convenience fees, service charges, and other amounts often added to the face value of entertainment and sporting event tickets. An estimated 400 million such tickets were sold last year—more than double the amount sold just 3 years ago. As ticket sales have increased, so too have the methods used to sell the market such tickets. Indeed, with the advent of the communications superhighway, sellers of entertainment tickets likely will have many additional avenues available to them that are not feasible today.

This legislation does not inhibit these new and innovative approaches nor does it inhibit the growth of the entertainment and sporting industries or marketing firms that are associated with such industries. Rather, this simple legislation merely seeks to inform the ordinary consumer who purchases these tickets of any additional charges or fees that are assessed above the face value of any such ticket.

The Subcommittee on Information, Justice, Transportation, and Agriculture, which Representative CONDIT chairs, recently held hearings regarding these and related issues. These hearings have raised questions about the competitive nature of firms engaged in ticketing practices, some of whom have exclusive contracts with stadiums, theaters, and other entertainment venues. While the legislation we introduce today does not address these competitive issues—some of which are beyond the jurisdiction of the Energy and Commerce Committee—the recent hearings have pointed out that ordinary ticket consumers may be subjected to increasing convenience or service charges levied for the benefit of the ticketing agent or the venue. The legislation does not attempt to address the issue of whether any of these additional fees are reasonable or justified—indeed, such fees could reflect an appropriate value to the consumer for certain services provided—but merely seeks to notify the consumer who seeks to purchase tickets of the existence and amount of these add-on charges.

This legislation makes it unlawful for persons who sell or resell entertainment or sporting event tickets: One, to fail to disclose to the purchaser—prior to the purchase of any such ticket—any fee, charge, or other assessment to be imposed in excess of the face amount of the ticket, and two, to fail to have the amount of any such fee, charge, or assessment printed on the ticket or on a receipt evidencing any such ticket sale.

Under the bill, this Federal prohibition will be enforced by the Federal Trade Commission, an independent regulatory agency that has authority over unfair and deceptive commercial practices under the Federal Trade Commission Act (15 U.S.C. 45 et seq.). As well, State attorneys general are empowered under the bill to enforce the prohibition on behalf of affected residents in their States. In this regard, the bill parallels other commercial practices legislation developed by the Committee on Energy and Commerce during the past few years, including the Telephone Disclosure and Dispute Resolution Act, enacted in 1992, dealing with so-called 900 telephone numbers and other pay-per-call services, and the recently enacted Telemarketing and Consumer Fraud and Abuse Prevention Act. Under the Federal Trade Commission Act, the Commission is authorized to issue cease and desist orders in appropriate cases and to impose civil penalties of up to $10,000 for each violation of the law.

This is a modest effort to protect consumers by requiring disclosure. I thus cannot imagine that reasonable and responsible businesses will object to enactment of this legislation.

Representative SWIFT has informed me that hearings on this legislation by the Subcommittee on Transportation and Hazardous Materials will take place in September. I look forward to prompt consideration and enactment of this bill so that American consumers will be better informed about add-on charges that they pay for entertainment and sporting event tickets.

AN APPRECIATION FOR BIPARTISAN COOPERATION: MAY THERE BE MORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I was delighted to see the example of bipartisan cooperation which was entered in this afternoon by both the Democratic and Republican leaders and the Speaker.

The crime bill is an immensely importantly piece of legislation for most who live in urban America. Increasingly, we have seen crime move from urban America to suburban and even rural America.

At last we have an effort on both sides to reach constructive agreement as to how we might improve this bill and have a very effective piece of legislation.

Basic to those negotiations is the belief that the people at the local level and their elected officials—the city councils, the mayors, and the city managers—know best what is needed in their community. They will know where the line should be drawn between enforcement and prevention programs. Both are needed. The question is: In what proportion and how effective will a particular program be?

I am delighted to say that this is the first major bipartisan effort I have seen since NAFTA—the North American Free-Trade Agreement. I think it bodes well for the country. Certainly, the President and the Members of his staff who have been involved deserve credit for that realization.

I hope the President will take bipartisan cooperation seriously in the future. He is at a crossroads in his Presidency. We want him to be a successful President. He is the Nation's President, and if you are going to be successful, you have to enter into bipartisan cooperation from the beginning. As Senator Vandenberg said in the 1940's, you have to be in on the takoffs, not just the crash landings.

The crime bill can be a takeoff, if these negotiations are successful. I think most of us in this Chamber on both sides of the aisle wish those conferees well.

I particularly want to thank the Speaker for naming a colleague, fellow freshman, former Governor, the gentleman from Delaware [Mr. CASTLE], as a conferee. MICHAEL CASTLE has done a splendid job in bringing people together and putting an agenda together that reflects the views of the great majority, I feel, in this Chamber.

I wish that conference well and hopefully by tomorrow afternoon we will have a constructive piece of legislation before us—a bill we can approve.

Mr. Speaker, I would like to include for the RECORD a letter which a group of Republicans sent to the President yesterday which outlines some of the proposals that are being made in the conference that will soon be underway.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 18, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We have been working for quite some time on arriving at a compromise on the crime bill that will command an overwhelming majority of votes in the House. We believe that the crime bill should not be passed by merely a vote or two along essentially party lines. We must pass a consensus crime bill and move together toward solving our Nation's serious violent crime problem.

We met with several representatives from the White House and the Justice Department today in order to reach such a compromise on a consensus crime bill. Specifically, we informed these representatives that a crime bill based on the following points could command a significant number of Republican votes:

First, delete the Brooks' provision for Lamar University.

Second, cut a minimum of $3.5 billion from the social spending in the bill.

Third, in order to achieve this cut, we urge the creation of a block grant for the police funding and the social spending/prevention funding at approximately $12 billion. Under this approach, states and cities could decide for themselves how best to use this money to fight crime.

Fouth, prison funding must be set at $10.5 billion (all from the crime reduction trust fund) for construction of new state prisons or boot camps only (no funding for alternative forms of incarceration beyond these two categories), with a truth-in-sentencing requirement based on the Chapman-McCollum language in the current bill.

Other policy changes that we believe are crucial include: Dunn/Zimmer sexual predators provision; Gekas death penalty procedures; Molinari-Dole provisions on evidence of prior sex offenses; Eliminate retroactivity in mandatory minimum sentencing reform for drug offenders; Gramm provision making a separate federal offense the use of a gun in committing a state crime; and Simpson provision on expedited deportation of criminal aliens.

Policy changes that we suggest include: Mandatory HIV testing in rape trials; Schiff provisions on treatment of juveniles; and Nickles provision mandating victim restitution.

We believe that if these changes are made to the crime bill, we can arrive very quickly at a bipartisan solution to the current impasses that will have a significant impact on reducing violent crime in the United States. We look forward to working with you toward this important goal.

Sincerely,

Susan Molinari, John Porter, Wayne Gilchrest, Scott Klug, Clay Shaw, Michael N. Castle, James, T. Walsh, Stephen Horn, Deborah Pryce, Curt Weldon, James A. Leach, David A. Levy, Peter T. King, James C. Greenwood, Herbert H. Bateman, Dick Zimmer, Ileana Ros-Lehtinen, Peter G. Torkildsen, John R. Kasich, Rick Lazio, David L. Hobson, C.W. Bill Young, Bob Franks, Gary A. Franks, Jim Saxton, Tillie K. Fowler, Paul Gillmor, Ron Machtley, Olympia Snowe, Porter J. Goss, Michael Huffington, Chris Smith, and Jim Ramstad.

CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I just wanted to take a moment to say that I think many Americans have just observed the President of the United States doing a press conference on the situation in Cuba, among other things.

The President has indicated that we are basically adopting a different procedure toward people who are trying to flee from the oppression of Castro's Cuba. Apparently we are going to divert people who are leaving Cuba to get away from that oppression to other safe haven areas.

Unfortunately, we have not had any specifics of that. We need to know what those safe haven areas are going to be.

The President specifically mentioned, Mr. Speaker, that they were going to use Guantanamo Bay, which I suppose makes some sense because that is in Cuba. The problem with using Guantanamo Bay, of course, is that it may violate some of the contractual arrangements we have on that base.

The other serious problem is that there are already about 15,000 Haitian refugees as a result of our problem policy with regard to Haiti. So it seems to me that there is going to be a need to find some additional safe havens, because I do not think there is any likelihood that the cruel oppressive violation of human rights policies of Fidel Castro are going to change any time soon.

Inevitably, there are going to be people who are trying to get away from the Castro regime especially at a time when the country's economy is crumbling very rapidly because they have lost some of the special arrangements they had with the former Soviet client states.

☐ 1420

These are very tough times for Cubans in Cuba, Mr. Speaker, and it appears that now we have altered our policy to deal with their expression of trying to get away, but we really have not explained it very well. Mr. Speaker, I hope that the American people will be as curious as I am and asking the specific questions, as one reporter did of the President, saying "Where specifically are these safe havens going to be, Mr. President," and the President was unable to say anything further except "Guantanamo and other places we are working on."

The second point needs to be made, and I do not think the President responded to the question that I think I heard asked, and that is "Why don't we tighten up the embargo, the sanctions on trade and commerce, with Fidel Castro the same way we have tightened them up on Haiti, which is nowhere near as serious a problem in terms of our national security or in terms of the friendly relations we have had with that country over many years.

Yes, we have an illegal leadership going on in Haiti that is comprised of a military junta, but it has certainly never taken to hostility in the way Fidel Castro has exhibited. Yet we are really breaking our necks, spending many, many dollars trying to tighten the noose around Haiti, a small friendly neighboring country in the Caribbean, and we are not giving those same types of efforts to tighten the embargo down on Cuba.

I would point out that friendly countries like Mexico, Jamaica, Spain, other Latin American countries are freely carrying on commerce, sort of flaunting the embargo at us. It seems to me that one of our areas of diplomacy clearly ought to be to get the cooperation of our allies to get serious about getting tough on Fidel Castro's regime.

I think the final problem, Mr. Speaker, is I surely hope that we come up with a better program to deal with foreign policy in the Caribbean than we have been seeing in the Clinton administration so far. It is not that we have not tried to give them advice and good suggestions. It just seems like they are not listening.

We may very well be looking at the prospect of people in the Florida

Straits trying to get away from Fidel Castro and people in the Windward Passage trying to get away from the misery we are producing in Haiti, and our United States Coast Guard and Navy and a tent city on Guantanamo, all at a time when the third hurricane of the season hits next week. Let us pray that does not happen, Mr. Speaker, and let us pray that we get some foreign policy out of the State Department before then. I think it is important.

AMERICA MUST RETURN TO FUNDAMENTAL MORAL AND RELIGIOUS VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, we have been talking about this crime bill now for a long, long time. Now we are going to be here through Saturday and maybe into next week. I think the American people are very concerned about crime. I think everybody is.

However, Mr. Speaker, I want to tell you a story. Last night I bought a movie that I had seen when I was a boy. It starred a guy named Joel McCrea. He was a western star.

The name of the movie was called "Stars In My Crown." It is a story about a western minister who came back from the Civil War, and he started preaching in this small western town. It is one of the best movies I have ever seen.

It had a very strong moral story to it. In one scene in the movie, he goes into a schoolhouse at the beginning of the school year and he talks to a bunch of schoolchildren about studying and about being a good, moral person, and he did a little prayer in the school.

One of the problems that I have with the crime bill and legislation we pass around here is that it is a solution that is peripheral in nature. It is not going to solve the problem. We are not going to solve crime in America by passing this crime bill.

We are not going to solve crime in America by spending $9 billion more for social programs or by doing away with people's rights to have weapons. We are not going to solve the problems in America until we start changing the moral attitude of this country.

This country has lost its moral underpinnings. We do not have prayer in school anymore. Kids do not have any real moral guidance. They grow up with a steady diet of pornography and all kinds of things we would not accept when we were kids. We wonder why crime has been on the increase.

Mr. Speaker, I do not believe that we ought to be preaching from the well of the House. I am the last person, I think, that ought to be doing that. Paul the Apostle in the Bible says, "When you talk of sinners, I am the chief," and I am a heck of a lot worse than he was, so I am the last person to be talking about this, but we have lost our moral compass in America.

We are not going to solve the problem just by passing legislation. We have to turn back to the Good Lord. It says up here "In God We Trust," but boy, we pass legislation all the time in this place and we do not pay much attention to that, what it says up there behind the lectern.

In Second Chronicles in the Bible, chapter 7, verse 14, it says:

> If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and forgive their sins and heal their land.

We need as a country to start realizing that. If we start turning back to the precepts of God, and the Holy Bible, and the Koran, and the New Testament, if we start turning back to the things that made this country great and start believing in the fundamental morals that made this country great, then things will start getting better. No amount of legislation is going to change things until we realize that fact.

CONFERENCE COMMITTEE CAN STRENGTHEN WEAKENED CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, as the Representative for Florida's seventh Congressional District, I have the responsibility to carefully review legislation as it is presented to this House. After I reviewed the 972 pages of the crime bill which was produced by the conference committee, it was my strong opinion that this measure should be returned to the conference committee, and that it also was in the best interests of the citizens of my district and all Americans, and we did that just a few minutes ago.

However, on April 21, 1994, I voted for a crime bill based on my hope that the strong provisions would be retained that we passed in this House, and the objectionable, weaker measures would be eliminated. What occurred, however, as we know is now history in conference committee, was unfortunately a sad mistake.

It is my great hope for this House and also for the country that we can now correct that mistake with the action that took place just a few minutes ago here on this floor.

Regrettably, as we know, the House conference committee and Senate conference committee weakened most of the major enforcement and penalty provisions of bills that passed both this House and the other body. Some of the provisions which were altered or eliminated include—and let me go over them, if I may—a measure which in the House was supported by a 407 to 13 majority, requiring notification of neighborhoods that released sexual predators were living in neighborhoods, in individuals' neighborhoods, was stripped from the bill.

Mandatory minimum sentences for criminals committing felonies with a firearm was also taken out of the conference report. Mandatory minimum sentences for adults who sell drugs to minors or use minors in drug crimes was eliminated from the bill.

A provision requiring mandatory restitution to victims of violent crimes was also dropped. Provisions to help convict prior rapists and child abusers were rejected, despite a House floor vote here of 348 to 62 to allow the admissibility of critical evidence. The provision to deport criminal aliens immediately after they leave prisons was also rejected and taken out of this conference report.

The language of the gentleman from Pennsylvania [Mr. GEKAS] on procedures to be used in imposing the death penalty was dramatically weakened, despite the House's unanimous vote to keep the original Gekas language. Instead, the conferees opted for language that makes it easier for a convicted murderer to have his sentence overturned or appealed.

☐ 1430

Now the conference committee will reconvene and it is so important for this House and for this Congress and the credibility of this whole issue before the American people that these issues in that conference be addressed and corrected. Furthermore, the conference report expanded funding as we now know its history from the other body which included $22 billion for police, prisons, prevention and treatment, all of which I supported. In this House we had included $27 billion for similar measures. I could not in good conscience support the vast array of new programs which pushed spending in this total conference report to $34 billion. The longer the public looked at this, the longer the media looked at this, the longer Americans looked at this, the more problems they saw with this type of social agenda spending.

Now we have an opportunity in a bipartisan fashion to correct that. Mr. Speaker, I favor a strong, effective crime bill which I know you and other Americans support. It is my hope that this conference can carefully evaluate the provisions of any future crime legislation we bring before the House and the other body on the basis of effectiveness and wise expenditures for the hard-earned taxpayer dollars that we spend here in the Congress.

I would like to see a strong, effective crime bill, the people of my district would like to see a strong, effective crime bill, and let me say our hearts ache for the victims of crime and violence. But, ladies and gentlemen, we have a responsibility in the next 24 hours and in the days ahead not only to legislate with our hearts but also with our minds.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from New Jersey.

Mr. HUGHES. I was just in the back of the Chamber and I thought I understood the gentleman to say that there were no provisions in there to notify the public over the presence of sexual predators or those that commit sexual offenses in the conference report on the crime bill.

Was that what the gentleman said?

Mr. MICA. Not exactly. I did agree with the position that the President has taken and other Members of a wide range in this body to restore provisions which we originally supported both in the House and the other body.

OPEN MARKET ON ATOMIC BOMB PLANTS

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, recent newspaper stories reveal in vivid detail the threat of the nuclear bombs made in garages or in some third world factory.

For that reason it is a scandal and threat to our national security that the Department of Energy allowed components of a nuclear reprocessing plant to make bomb-grade uranium to be sold on the open market as excess property. Not only was the plant sold, but the crucial blueprints, flow sheets, and manuals to set it up were provided the buyer, Mr. Johansen of Pocatello, ID.

The scandal is that the Secretary of Energy, Mrs. O'Leary, took 5 months to reply to a request from NRC Chairman Ivan Selin that the matter be resolved by buying back the equipment. It is outrageous that the security forces in the Department of Energy were not informed by the Secretary about the matter. The Department has a good security agency which cannot operate efficiently if it is blindsided by the Secretary.

I am thankful for the friendship of the British Ministry of Defense officials which sent a handwritten note to the State Department.

The Wall Street Journal reported the British note written by Ray Gatrell, a nuclear safeguard official at Whitehall stated:

> I don't know if you know but—Frontier Salvage of Idaho are trying to sell a Nuclear Fuel Reprocessing Plan. BNFL UK isn't interested. I wondered if Saddam Hussein et. al. might be. I thought you or your colleagues might wish to check it out.

With the mention of Saddam Hussein our American officials finally understood the threat of the sale of the equipment but, not before Japan became involved. The article pointed out that an agent of Mr. Johansen turned up a Japanese potential buyer who wanted the related documents. Mr. Johansen obliged, and called the Idaho laboratory and asked for the documents.

The people at the lab didn't catch on even then, but told him the documents were probably classified. What makes the story even worse is the fact that Mr. Johansen followed instructions from someone at the lab and faxed a request to the Energy Department's Idaho field office under the Freedom of Information Act. The Idaho field officer, Carl R. Robertson, wrote Mr. Johansen that the drawings were his if he paid $280 for search and copying costs.

Then Mr. Johansen went to still another individual Lloyd McClure, manager of technology transfer for Westinghouse Idaho Nuclear Co., which was another contractor at the Idaho lab, and obtained a manual with flow sheets and a Government directory of nuclear facilities world-wide. These particular documents explained how the parts fit together and they were then given to the Japanese businessman.

Unbelievably, Mr. McClure wrote to Mr. Johansen explaining how glad he was that the information could help potential buyers. He stated, "Sale for use should result in higher profits for you than just selling it as scrap." This is an absolutely outrageous story.

The Wall Street Journal pointed out that Mr. Johansen is trying to sell his plant and has been shuffled from official to official in Idaho.

The Secretary did not move quickly to buy back the equipment but an Australian firm has offered $8.3 million for the components, blueprints, manuals and x rays. Apparently that undisclosed client is the Government of India.

Finally, the Energy Department is acting to buy back the plant, but it is not clear whether Mrs. O'Leary weighed in on that decision. What is perfectly clear is the Secretary of Energy has acted in an incompetent manner by not acting quickly to repurchase the equipment—and even worse to allow it to be sold on the open market. This nonsense about our nuclear security must stop.

THIS IS A BAD CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, in the last week or two, we have continually debated the so-called crime bill. If you read the papers or you talk to the people back home, it becomes apparent that neither has focused on what I consider the real issues. I am getting calls back home and they are saying, is this the NRA? Is this all about the NRA? Or they call and they say, "No midnight basketball." Or they call and they talk about the need for more police. In the last day or two, I have been asked by press back in my district, "Are you going to cut $2 billion off this? Are you going to cut $1 billion? If you cut 4, would you vote for it?"

This is not really about whether we spend $33 billion or $26 billion. It is about whether this is a crime bill, whether this is a wise use of money, whether it is $33 billion or $26 billion, and what does this bill do and what does it not do? I think the bottom line on this bill, if we reduce this from $33 billion to $23 billion across-the-board, it is still a bad bill. What this bill does and what I object so much to is this bill is a Federal takeover of law enforcement and of prisons nationwide.

If this bill were about helping Birmingham, AL, that I represent, by giving money to the city and to Johnny Johnson, the police chief, and letting him go out and hire more police officers, I might say yes, he may need more police officers. If this was about giving the State of Alabama, which is under a court order to empty jail cells, if it was about giving the State of Alabama more money for prisons, I would vote for this bill. But does it do that? Does it give Mel Bailey, the sheriff of Jefferson County in Birmingham, AL, does it give Sheriff Bailey the right to hire more deputy sheriffs? No. No, it gives the right to a community board that is set up in this legislation to study whether more law enforcement officers are needed. And it gives this board the right to apply for a grant up here in Washington, DC to put on those police officers.

Lo and behold, it says that before you hire them, you have got to do things. You have got to tell Washington, DC that you do not have the money for these deputy sheriffs or these police officers.

□ 1440

But you also have to tell Washington, DC, that when the Federal money runs out, and it will in the next 4 or 5 years, you have to tell them that you have the money to continue this program. That is rather absurd. You do not have enough money for the program, but you have enough money to continue the program, whatever it is, whether it is midnight basketball. I do not know whether Johnny Johnson, city of Birmingham, chief of police for law enforcement, whether they think midnight basketball is wise or not.

I do know we should not be setting up a program where we tell them how to spend their money. We do not need a board here in Washington telling the State of Alabama how they ought to build their prisons, or how big the prison cell ought to be, or what kind of services the prisoners ought to get, and even what kind of material they have to build that prison out of.

That is what is wrong with this bill. Do we not have faith in Mel Bailey, sheriff of Jefferson County, can we not give him the money and let him decide how to spend it and who to hire?

What does this bill not do? It does not address gun violence. I voted against banning those 19 semiautomatic weapons. But let me tell you, if we ban them it will not do anything about gun violence. Over 99 percent of the crimes are committed by handguns. People do not go around with rifles. There is nothing in this bill to prevent gun violence. Ninety-nine percent of the crimes with guns are with handguns.

We tried to put in a provision into this bill which says if you stick a handgun in somebody's face in the commission of a crime, you serve 10 years. The very Members that say we have got to get those 19 assault weapons off the streets, when there has never been one used to commit a crime in my home county, they resisted putting a 10-year minimum sentence on someone that did use those handguns, which are being used every day on the streets of Jefferson County. They did not want that. This bill does nothing about gun violence.

It does nothing about habeas corpus. Charlie Wells, a sheriff down in Manatee County said do not give me more police officers. The county jail is full here. We are under a court order to let folks out. If I put them in they are going to get out the next day. I am not sure that 100,000 new police officers will do anything.

We do need prison cells, but what we do not need is this bill. We need something done about the endless number of appeals that these prisoners are getting. We need something done about the exclusionary rules where people are let off on technicalities.

This bill spends $33 billion, but it does nothing about the real problems existing in real communities, and it does not let those communities address those problems.

THE CRIME BILL

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentleman from Wisconsin [Mr. BARCA] is recognized for 5 minutes.

Mr. BARCA of Wisconsin. Mr. Speaker, tonight there is a group of conferees on the crime bill that will be meeting once again in the hope of bringing together and moving forward with a crime bill. We have heard on this floor Members express concerns with the crime bill. Some of those concerns are legitimate.

Hopefully the bottom line is, though, hopefully they will work together in a spirit of compromise to bring forward a crime bill. One of the most important things to our Nation is the security of our population.

Just in the last 12 hours I have gotten calls from different corners of my district and people have expressed dire concern and have been just pleading that we pass some version of a crime bill this session. The problem with people that point out that this provision is not in that we would like to have in or this provision should be out that should be out of the crime bill is that at some point we need to pass a crime bill. We need to do it for people like Mary Ann Gdisis whose granddaughter was shot at in the last 3 days, who fears that violent criminals are being let out of prison because there is not enough prison space. We need to do it for Gloria Ramierez from Kenosua, whose grandson, Curtis Lawrence Reed and his family had to move out of an urban area into a more rural area because of their fear of crime.

That is why we have to pass a crime bill, because there are people in America, in my district in Wisconsin that believe that the major components in this bill will do something about crime.

That is why every major law enforcement organization has endorsed this bill, because they believe that by passing the major provisions in this bill we will do something about crime.

I think law enforcement officials know something about crime. I think they understand when a bill is tough. I think they understand when a bill is smart. That is why I think they are calling upon the Congress to work together, by God, in a spirit of bipartisanship to pass a crime bill.

We passed a crime bill in this House. Just 3 or 4 months ago we passed a crime bill, and there was strong bipartisan support.

There have been changes since that period, and hopefully we can make some more changes this evening to get us back to that point, because the people of this country know that the major provisions in this bill have to become law. And that is our job, to try to make that happen.

There are provisions in this bill to add more cops on the street. We know it is essential, because when we met with the new director of the Drug Enforcement Agency with our Law Enforcement Caucus, he expressed to us that there are far fewer cops on the street for the number of crimes that are being committed. The reason that is important is because every time they apprehend somebody, and they have to leave their position on the street to bring that person into the police department, to book that individual, you need another police officer on the street to cover that territory. What he had explained to us, Mr. Constantine said to our Law Enforcement Caucus is that they have far fewer cops today for the number of crimes on the streets. That is why we need a crime bill.

We need a crime bill because we need more prison space to make sure that violent and repeat offenders are not let out of prison for lack of space.

We need it for the provisions of three strikes and you are out to provide some certainty that if you continue to commit offenses, this society will no longer tolerate your behavior, and you will be put away for the rest of your life to protect society.

We need it for prevention, because as a former teacher of emotionally disturbed youth, as a former employment coordinator, I know that we need to make sure that young people have structure in their lives. We need to make sure that there are programs to try to deter them from turning to a life of crime. There are a lot of kids in society today that are on the brink of doing the right thing or going the wrong way into a life of crime. That is why we need some prevention programs in here.

So I call on my colleagues tonight to work together. Let us pass this bill. We can do it, and we can make sure that the Mary Ann Gdisises and Gloria Ramierezes and their families are safe.

☐ 1450

PREVENTION IS ESSENTIAL ELEMENT TO THE CRIME BILL

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, as the conference committee convenes tonight to present us with a revised crime bill, I want to speak for the inclusion, not the exclusion, of prevention.

I want to speak for the sufficiency and the essentiality of having prevention in a crime bill.

When we think about fighting crime, we should think about obviously enforcement and punishment, but along with enforcement, having strong sentencing and a way of punishing our criminals, we also should talk about prevention. It includes all three of those provisions, enforcement, punishment, but prevention, and I think that is a new concept for us to be thinking about fighting crime; we only think of it after the fact. After a crime has been committed, we commit great resources to crime, but we do not think about those great resources before the crime is committed. It is like spending money to put the fire out when we could spend the money to keep the house safe from fire. It is like spending money for illness that we could prevent. The same thing is true here: An ounce of prevention is worth a pound of cure.

So I want to suggest to our conferees on both sides of the House that actually prevention should be seen as one of the essential ingredients for an effective strategy. It is, indeed, the law enforcement themselves, their organizations, the police chiefs of small cities, big cities, sheriffs, or the various organizations throughout this country; they have called on their communities respectively across the country for them to get involved with their youth, to help them to curtail our youth being involved in crime.

So we must consider prevention as we consider the crime bill. I would argue that really the prevention component should be the crux of our consideration, although it is not, and I recognize it is not.

In the current bill it only represents 30 percent. Now, I understand there will be some reduction. My plea is that those reductions be across the board and not taken out of the prevention alone. Why do I say that? Why do I say that?

Well, I say, first, why should we spend the majority of our dollars on persons who have already committed themselves to a way of crime? We spend, at least in my State, $24,000 a year to maintain a criminal. Why should we not spend a little less than that and affect the lives of a lot of people? Why not use our resources wisely and attack crimes by using the weapon of prevention?

National studies have proven young people are most likely to become involved in violent crime between the ages of 15 and 20, again, another reason for being involved with young people. It is young people themselves who are committing the increased violent crimes, so if you know that and you are interested in fighting crime, you apply your resources where you would be most effective.

We, as legislators, need to take the bull by the horn and reach out to these young people and give them guidance, discipline, support necessary to divert them into a constructive pursuit of life rather than to ignore them; to ignore them is at our own peril.

We can pretend there is no problem. That does not remove the problem. We should address that problem.

Consider these facts: In 1992, 5 million people under the age of 25 were arrested. Of those, 3.4 million were under 21 years of age, and 1 million under 18 years of age.

Is there no problem? Why are we ignoring 5 million young people involved in crime? That is 1992. I do not have the figures for 1993, because I could not get them from the Justice Department.

Yet, we pretend there is no problem. In 1992, again, 76 percent of the people convicted of murder, of murder, were between the ages of 15 and 24. And you say we should not invest in our young people? How illogical can we be, legislators?

Only 30 percent of this package now is devoted to prevention. Now, I recognize that we are just understanding the value of prevention, but only 30 percent of it. The problem is already there, so we must, indeed, find a way to prevent crime.

I beg the conferees to be rational and to be substantive and to give to the American people a crime bill that really fights crime, that addresses the issue and the cause, and the cause is to divert young people from a life of crime to a life of opportunity.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4603) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.".

A FOCUS ON THE SUCCESS OF HAWAII WITH HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the majority leader.

Mr. ABERCROMBIE. Mr. Speaker, the State of Hawaii has found itself the object of a continuing attack by Members of the other party in 1-minutes, in some of these special-order colloquies and discussions, particularly over the last several days.

On the one hand, I suppose I might find this amusing that our little State, in the middle of the Pacific, suddenly becomes the focus of all of this national Republican Party attention, because we are succeeding at doing something, and we have succeeded on the local level, we have succeeded at the State level, and I was under the impression that ideologically speaking the Republican Party at least claims in some respects some corner on the capacity for having local solutions to problems. This is generally the way they put it forward when philosophical discussions take place, campaign rhetoric is being spouted.

Now, why should we be picked on because we have succeeded? And why should Members from other States who perhaps do not have what we have in Hawaii be picking on us because we have succeeded in achieving virtually universal health care for our people?

In fact, if they feel that this universal care is unable to be achieved in their own States, perhaps they want to move to Hawaii and they can give a contribution of their talents and skills out in Hawaii, or perhaps they feel the people in their constituencies do not need to have health care. Perhaps they do not need this interference, as they say, by government, whether State or Federal; perhaps they want to get rid of Medicare. If they want, there is nothing to prevent anybody here on the other side of the aisle from putting in amendments to the health care bills that we are putting forward to get rid of Medicare. That will get the Government out of business; that will get the Government out of the health care proposals.

Let us get rid of Medicare, if that is what they want to do. But why do they want to take away universal health care that we have in Hawaii?

Well, just so we can get past all of this and so that the public that does not have some of the material in front of them, obviously, that ostensibly is being cited by the Republican opposition to health care for people, to health security for people, again, parenthetically, Mr. Speaker, I have to add, I do not know why anybody would be against health care security for people. I certainly do not know why they would be against people taking the initiative in any given State or jurisdiction to see to it that we have health care security. But that is something that they will have to answer for themselves.

Of course, if they want to come down on the floor and defend predatory insurance companies, they can do that. I understand in the crime bill there is great concern that we label sexual predators in a manner that allows the entire community to know who they are and where they are. Well, why do we not put in a predator section for insurance companies where health care is concerned? Let us do that. Why do we not name all the insurance companies that are preying upon the American people and keeping them from having health security?

Now, one of the items that was cited by some of our learned friends on the other side is a General Accounting Office report entitled, "Health Care in Hawaii." I will hold it up here and let our good friends on C–SPAN zero right in on that so that they can see that this is a report to the chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, February 1994: "Health Care in Hawaii; Implications for National Reform."

Now, this has been cited by some of our good friends on the other side, I should say cited in part, cited out of context, a few sentences left out here and there that might have illuminated the question.

So I am going to try and fill in some of those blanks that have been left because this report from the General Accounting Office does say, as I indicated, "Implications for National Reform."

☐ 1500

Let us go to the results in brief. Hawaii has the highest level of insurance coverage of any State in the Nation. Now, that is the first sentence. I will repeat it: Hawaii has the highest level of insurance coverage of any State in the Nation.

Now, are we supposed to apologize for that? Are we supposed to somehow back off and say, "Well, let's have less coverage"? I think not.

The reason that we have, as the General Accounting Office says, the highest level of insurance coverage of any State in the Nation is, we enacted the prepaid Health Care Act of 1974, not 1994, Mr. Speaker, 1974. We have 20 years of experience.

You know, I find it very illuminating to stand here on the floor and be lectured about health care and provision of health insurance security from people who do not have 20 seconds' worth of experience with health care, when I have 20 years of it.

I was elected to the House of Representatives in the State of Hawaii in 1974. I have been the chairman of the Health and Human Services Committee in the Hawaii State Senate, with direct responsibility and authority over the Medicaid system legislation in the State of Hawaii. I have had 20 years of experience, and I have to deal with people on this floor who are explaining to me about health security insurance, health care insurance, who do not have 20 seconds, 20 minutes, 20 weeks of experience, explaining to their people week in and week out, month in and month out, year in and year out, why they cannot have health care insurance and Hawaii can.

We have heard on this floor that people want to have insurance at least equal to that of Members of Congress. I would be delighted if some of the Members of Congress who come down here on the floor and try to say to the American people that our plan does not work in Hawaii, have them explain to the people of the United States, have them explain to the people who are listening in to our conversations here today, have them explain to the people who are observing the action on the floor of the U.S. House of Representatives, what insurance do they have?

I would like to have Members of the opposition, who are ready to criticize Hawaii, to come down here and explain why their constituents cannot have health care insurance while the Member who is explaining that to them has health care insurance.

Every single Member who comes down here and complains about Hawaii providing universal health care security for the people in our State has health care insurance himself or herself; but is quite willing to see that other people in their own States, and in their own districts, do not have it.

In fact, if anybody wants to come down and explain in detail right now, I will yield time, I would be delighted to do so, to have them come down and explain in detail. However, before you start telling me why my people cannot have health care insurance, and why the people of the United States cannot have health care insurance, how come they have it? What exactly is their coverage? How much do they pay for it?

I would be glad to go into what Hawaii has. I have the real figures here, not the figures cited from previous commentary on this floor. I would be glad to go into it. I would go into it in detail, in massive detail, I will go it into detail beyond massive detail. After all, we have the experience, we have the health care insurance. And of course, Members who come down to the floor and say that the rest of America cannot have health care insurance, they will have insurance for themselves and their families, of course. But that is only right, I suppose.

Yes, Hawaii has the highest level of insurance coverage of any State in the Union. And yet people have come to this floor who have no knowledge whatsoever of the Hawaiian health care system—and I am going to take a moment, Mr. Speaker, to refer to another document, the "Aloha Way, Health Care Structure and Finance in Hawaii," by Emily Freedman. Emily Freedman is one of the foremost health policy experts in the United States. She compiled a history of health care in Hawaii, sponsored by private nonprofit foundations, Blue Cross and Blue Shield, Kaiser Permanente, a health maintenance organization, by the State of Hawaii and by the Hawaii Medical Association, the Association of Physicians in Hawaii, which is the Hawaiian branch of the American Medical Association.

In other words, the full spectrum of health care providers, private and public, institutional, both private and public, in the United States and in Hawaii.

In this document, in this history, Mr. Speaker, you will find in appendix A—and I will hold it up for our friends on television to see—the Prepaid Health Care Act of 1974. Now, I doubt that anybody who comes down here to complain about our 20-year-old system has ever bothered to read the Prepaid Health Care Act of 1974, and not only have I read it, but I have helped to enforce it and implement it.

As I said, we have 20 years of experience. One of the accusations that comes out on the floor is that the employer mandate, which is required in our Prepaid Health Care Act of 1974, has not provided universal coverage. Well, that comes as no surprise to me, Mr. Speaker, because it was never intended to. No one has heard me, on this floor, say the employer mandate, in and of itself, either in 1974, when it was put into effect in Hawaii, or in any of the proposed bills before the body now here in the House, is in and of itself intended to provide or could provide under any conceivable logistical circumstances for universal coverage.

The employer mandate, in and of itself, will not do that. It has not done it in Hawaii. It was never intended to do it in Hawaii.

Now, what are some of the factors involved in seeing that universal coverage does not come out of it; not everybody is employed.

You see—Mr. Speaker, I am asking you and I am asking the people in the public to use some common sense in this. When you see people come down to the floor, go into these towering rhetorical rages about the inability of the employer mandate to provide universal coverage when they have these apocalyptic, Gotterdamerung scenarios laid out, that somehow vast numbers of people will become unemployed as a result of the employer mandate, businesses will crash, the United States is doomed, the sky is falling. Think about Chicken Little. Chicken Little ran around saying the sky was falling. That does not make it so.

In this particular instance I think we need to stand back a little, take a deep breath and let us try to account for some of the factors that may be involved. You do not necessarily have to take my word for it, although I am perfectly willing to have anything I say stand the light of the closest possible scrutiny. But I will refer to an entirely neutral body, the General Accounting Office or the newspapers. The newspapers? They are not neutral, of course. The newspapers in my town are opposed to me. They spent the last 20 years trying to get me out of office. Even they sometimes have to print the truth. So if I am quoting the newspapers back in Honolulu, it is not as if I am quoting someone who spends all day trying to figure out how he can make me look good. They pay a lot of editorial people in Honolulu good money to try to figure out how to get me out of office. They have not succeeded yet, and they are not going to succeed this year.

So I can go to the newspapers, that is what is quoted on the floor down here, what the newspapers say. Let us see what the newspapers say. Let us see what newspapers say. for example, from the Honolulu Star Bulletin. Heck, the Star Bulletin in Hawaii is owned by people on the mainland. They just kept up a longstanding tradition in trying to get me out of office.

Here we go, from the 12th of August this year. The headline, "Our Health Care Costs Slow Down." Although inflation for medical costs leads other categories in Honolulu, the rising cost of health care here is slowing. It is slowing in Hawaii. For everybody else it is going right off the charts, but it is going down in Hawaii.

Now, we do not have the universal coverage, but our costs are down. How is that possible? Why do we not have universal coverage from our employer mandates?

Some people get unemployed, some people are not eligible. In our original bill, in our original law, which we have amended only in terms of benefits, if one worked less than 20 hours a week, you were not required to be covered. So the employer mandate only went to those people in terms of requirements for providing coverage to those who were working 20 hours a week or more.

□ 1510

There was no requirement for dependents to be covered, no requirement for dependents to be covered. Think about it, those of you who are really interested, and you know you are. We get inquiries in our office all the time. Think about it.

Think about Hawaii's plan, only people 20 hours a week or more to be covered, dependents not required to be covered, the unemployed or others, which I will go into in a little bit of time, not required to be covered, and yet, even with all of that, Hawaii has the highest level of insurance coverage anywhere in the Nation.

How is it possible?

Well, of course it was possible because virtually immediately we got to the serious insurance providers as opposed to those who were merely looking to extract the highest amount of premiums out of the most people and give the least service and recompense back. We got rid of those people. Those companies left the State of Hawaii in 1974.

Mr. Speaker, I want to point out that our bill passed in 1974, and it was implemented on January 1, 1975; in other words, 6 months, was passed in June, signed in June in 1974. We put it into effect, not in 6 years, as is being contemplated here in the House and Senate, but in 6 months, and I will go on later to explain how, when we take care of those on Medicaid, when we take care of those who are not otherwise eligible for insurance coverage, that we have implemented that program in 6 weeks. We started August 1. We are going to be finished by September 9. All done with private insurance, all done with private insurance.

That is another thing they talk about getting, the Government. You are going to have the Government involved in the health care provision. Mr. Speaker, just think about it for a moment. Our act, and I can quote it to you in here, this act is intended to be self-administering, self-administering.

We have more than a million, 1.2 million, people in the State of Hawaii. We have more than a million permanent residents in the State of Hawaii. We have had mandatory employer mandated health insurance for 20 years. We have had health insurance companies providing insurance under our prepaid health care law for 20 years, and it is entirely self-administered. Where are all these bureaucrats that they are talking about?

You see it on the ads on television. Why would anybody believe an ad on television? I mean it astounds me that people could take seriously an advertisement, a commercial advertisement, coming from the insurance companies of America seriously. I mean how can you take—let me make an analogy to the crime bill:

You got Charlton Heston. He is an actor, boys and girls. He is an actor, not a real person. There is no Charlton Heston. We know that. Charlton Heston belongs to the Screen Actors Guild. He has got insurance. He does not have to worry about it. He has it made. He is rich. He has got rich pals. He is an actor who works.

Most actors do not work. Some of the actors that we have seen in the health care routine, except for the actors here on the floor, on these commercials—let me draw a parallel.

You know they get some young guy on there with too much hair and too few brains. I mean I ought to know about that one. I do not know about the second part, but the first part I have some experience with. And he stands up there and says, "I'm not a doctor, but I play one on TV." Then he tells you to, you know, buy aspirin, or whatever it is that he is hawking. He is an actor. He even tells you. I suppose this is a variation on the truth in advertising kind of thing.

"I'm not really a doctor." Somehow I guessed that he really was not a doctor. I knew that. I imagine most people in the United States know it, that this clown is not really a doctor. But he says so just in case some of us out there are fooled by his little smock that he has on. "I'm not a doctor, but I play one on TV."

Well, you get people on television now. You can see it everywhere. I mean after the news, before the news, before Donahue comes on, there is a lot of actors come on, and they look, oh my goodness, that they are trying to take our insurance away; oh, the Government is going to get involved in insurance. And in health insurance; you mean like Medicare? The Government is involved in Medicare.

Now does anybody want to come on the floor and say they want to take Medicare away? I invite them. You do? You have noticed, Mr. Speaker, I handed out the invitation here for quite some time now. I do not see a rush of people coming down here to get into a dispute with me, particularly inasmuch as I have invited them to explain what their health care coverage is before they start telling other people that they cannot have any. They have not come down here.

Now what you have is actors. What they should be saying is, "I don't really have health insurance, but I pretend I do on TV." That is what it really is. They do not have any health insurance. They are actors.

You know, it is real interesting. I tried to find out who some of the actors were. I mean they play people on television with health care insurance. I thought I would just make little inquiry. What I did was I said, "Well, why don't we find out who they are and find out if they actually have health insurance?"

You want to know something? We found out who those folks were. I mean I do not want to expose them, I do not mean in the sense of getting their names and addresses and publicizing them on television or any other area. I just wanted to find out do they have insurance.

Well, it turns out that the insurance companies have hired these folks, and of course they are actors, and they are out of work all the time, which means they do not have any regular health insurance, or when they are out of work they lose their health insurance; but one of the stipulations for these poor folks is they cannot talk about it. Ha, ha, ha. The insurance companies do not want you to know that these are folks who otherwise would not have health health insurance, and they are on television pretending that they are worried about the rest of us.

And this is what is happening down here on the floor day after day when Hawaii gets attacked for the crime apparently of seeing to it that all our people have health insurance. I mean it stuns me. I thought we were supposed to be acting on people's behalf. I do not feel bad that everybody in Hawaii has access to health insurance. I think it is a good thing. I happen to think it is one of the reasons that I get elected.

In fact, I would be delighted to have anybody who is against health care insurance, against health care security for everybody, to come out to Hawaii and run for office. I would be delighted to have someone run for office against me who says, "Well, ABERCROMBIE is for you having health care insurance, and I'm against it. Vote for me." I mean, how dumb can you get?

In fact, we have a situation right now where we have a Republican candidate for Governor who is on her way to losing what was at one point a 20–25 point lead and is going to lose the governorship because she associated herself with people from Hawaii who came to

Washington, who said they are going to try and get rid of the health care system we have in Hawaii.

So, the Republican opposition to health care is now practicing what they preach. I give them credit for that. I will give credit for that. The Republican candidate for Governor out in Hawaii is presently associated with those in her party who want to end health care in Hawaii as we have it in our prepaid health care plan. They want to go back to the old system. They want to go back to the system that many of the people here visiting our Capital and many of the people in the United States, other than Hawaii, have right now—namely, you are a complete victim of predator insurance companies. It is interesting they say they want the government out, but it is apparently OK for an insurance agent to tell you whether you can have care or not, to tell you whether you can have health insurance or not.

□ 1520

What happens if you get sick? What happens if you have a heart condition arise? What happens if some other wasting disease comes into your family? You can find your health care taken away, your insurance taken away.

That does not happen in Hawaii. You cannot take any one's health care insurance away in Hawaii. You can do it if you legislative it. We have a candidate who actually associated herself with people who wanted to take health care away, and as a result she is now, as people find that out, her lead in the polls, presumed lead, if you are to believe these polling people, is now evaporating. The election will be lost. Of course, one of the reasons, I believe the principal reason, will be that when people find out that there is demonstrated across-the-board hostility on the part of the Republican Party, in this instance in Hawaii, to health care security as we have in the State, they, of course, are going to lose.

I understand what they are doing. Do not get me wrong, Mr. Speaker. They believe this. This is an ideological belief. This is a principal part of the belief system of some of the prominent people in the Republican Party in Hawaii.

They are entitled to that. I do not object to them having that. On the contrary, I am delighted that they do, because obviously it makes our job a lot easier as Democrats to stand for health care security and making sure that everybody has health care insurance in Hawaii.

Let me give you another reason why we do not have necessarily universal health care as a result of the employer mandate, which I indicate, once again, was never intended to be provided from the employer mandate.

GAO itself gives an example. For example, private providers are not always willing to serve Medicaid patients. Some people are on Medicaid. They do not want to serve these people. So obviously the law with respect to employer mandate cannot take care of that. It never was intended to.

Let's go on into some of the other results in Hawaii according to the GAO. Health insurance premiums are lower than in the nation as a whole and in the last decade have risen more slowly in Hawaii than nationally.

I will repeat. Insurance premiums are lower than in the nation as a whole and in the last decade, the last 10 years, have risen more slowly in Hawaii than nationally.

We identify two factors that contribute to lower premiums in Hawaii. Reduced cost shifting, which, of course, is one of the principal reasons we have the universal employer mandate, so that some businesses are paying into the insurance plans of their employees, and others are not. You see, if some businesses are paying in and others are not, the others who are not have an advantage over those who do. They are free riders.

The cost is shifted. Somebody has to pay for insurance. When we hear the phrase who is going to pay for it. Mr. Speaker, you and I both know we are already paying for it. The question is some of us are paying for it and some of us are getting away with not paying. And you will find that those who are most vociferous, those who most loudly proclaim their right, quote-unquote, not to participate in an employer mandate, are those who do not want to pay. But they are perfectly willing to let others do so. They want to ride on the backs of those who are trying to do the right thing.

In Hawaii, because this law covered everyone in the State, everybody started from the same starting line, everybody started at once from the same position, and therefore nobody was put at a disadvantage. So there is, as the General Accounting Office says, reduced cost shifting, and insurance companies' use of modified community rating for small businesses. This is not me speaking, this is the Government Accounting Office.

The insurance companies' use of community rating for small businesses. Actually, what happened when our law was passed 20 years is small businesses got a break. Previously, and this happens all over the United States now, it happens to virtually everybody who is visiting the Capitol, everybody who is viewing the proceedings here today on television, they are in a situation in which large companies, those with very high numbers of employees, are able to get favorable insurance treatment because they have a group rate based on their numbers, whereas a small business with 1, 2, 5, 10, or 20 employees, does not get that rate, because they are small and because the insurance company does not have to give them a good rate. The insurance company can beat them up.

I feel for the small businesses in this regard. We are looking out for them. That is why we passed the bill that we did. Small businesses do not take a beating in Hawaii on insurance because they are not allowed to be discriminated against by predator insurance companies.

Next sentence: "Hawaii's requirement that employers provide health insurance has not resulted in large disruptions in Hawaii's small business sector."

Again, Mr. Speaker, believe me. I could quote page after page after page in context here of the General Accounting Office report, and will come up with the same kinds of things, the exact opposite of what has been said on this floor with respect to what has happened to small businesses.

Obviously, there are people in Hawaii, businesses in Hawaii, who would prefer not to pay. Does this strike anyone as strange? Does anyone want to pay more taxes than they actually have to pay on their income?

No. We are at great pains to make sure that yes, we are being straightforward and honest about our incomes. But, by golly, if there is an opportunity for an exemption or an opportunity for a deduction that we are entitled to, why, we want to take it. Not only is it our right, I am sure it is your obligation. You want to retain the maximum amount of income for yourself and your family. Of course you do that.

Well, naturally if businesses could get out of paying, many of them would like to do so. Not all, because many of them do recognize their social and economic responsibilities. They understand what cost shifting is all about. They understand that we all have to pay in the end. They understand that this is the most sensible way in order to get a broad-based community-based statewide and hopefully nationally based health care system underway.

But the principal argument that has been made by business, according, again, to the GAO, really is not to get out of the employer mandate, but they have concern about the cost, and that is a perfectly legitimate item. They have expressed concern, business owners have expressed concern, about the cost and inflexibility of the employer mandate. Not the employer mandate itself, they have expressed concerns about the cost, which again I will say is not only perfectly natural, but I would expect that people would be concerned about costs. I will get to that, how our costs have been lower than they were on the mainland and continue to be lower, despite the fact that we are subject to the same kinds of pressures that have caused a general rise in expenditures and costs for health care elsewhere on the mainland. We are subject to the same kinds of things.

As a matter of fact, one of the points I would like to raise at this juncture is we have even more pressures on us. Our State, after all, is made up of islands. We cannot travel as you can, say, from the District here into Maryland and Virginia by car or by bus on by foot, for that matter. Unless you are very strong and practice almost all year long, you cannot even get between islands by canoe. We have special races for the canoes. Only the best athletes can do that. We have to fly. And we have remote parts on our islands, rural sections on our islands.

My colleague in the House, Mrs. MINK, PATSY MINK, who serves the Second District, as you know, Mr. Speaker, I serve urban Honolulu, the Honolulu that maybe many people are familiar with, with the outline of Diamond Head against a beautiful blue sky and Waikiki and its beautiful beaches, and all of which I am privileged to represent and invite everybody to and hope you will come out and help improve our economy so we can keep our health care insurance premiums low. We would be delighted to have you come out. We will take care of you, by the way, if you get sick while you are out there.

You are familiar with that. The friendly skies will take you there to Hawaii. Mrs. MINK has the rest of Oahu, on which Honolulu is located, and all the other islands. In other words, when her plane lands from the friendly skies in Honolulu, at Honolulu International Airport, she has to get on a plane again and fly to Kaui, Molokai, Niihau, the big island of Hawaii, fly to both sides of the island of Hawaii, to the Kona or Hilo side. When she is there, she has to drive 1, 2, or 3, hours to Hana on Maui. We invite you there, too. It is a small quiet community if you want to get away from it all. We have universal health care coverage in Hana.

□ 1530

It will take 2 to 3 hours to drive there. So naturally we have some difficulties in actually putting the providers, the physical capacity to provide the health care that we have on paper, that is to say what the law requires in terms of coverage, every one has that. But actually physically providing it is difficult. It is costly. And yet with all of these cost factors which drive our figures up, we still are below the costs associated with the rest of the United States.

Mr. Speaker, I have enjoyed this discussion with you and those who are observing and listening today so much, I know my good friend Mr. DORNAN has some things he wants to share with us. I am going to let him know that I will not be taking the full 25 minutes. I am anxious to hear what he has to say. In fact, I cannot cover all the material in this particular segment, but I will come back; I am sure that people want to know, now that the issue has been raised, that we do, in fact, have universal health care coverage in Hawaii.

We are not saying and never have said, by the way, Mr. Speaker, as you well know, that we seek merely to duplicate the Hawaii system in the rest of the country. Mrs. MINK and myself have never said that. We have never indicated that. I think that our law, as I said was 20 years old, it has been very effective. I would think it forms a good foundation. We think that it offers an opportunity for objective people, for people of good will and good faith to take a look at what we do and how we do it and how we have modified, how we have modified it and what we would like to see changed. Certainly, we see that. But we do believe that there has to be more than a coincidence involved.

When our little State in the middle of the Pacific, just two Representatives here in this vast body, 435 people, suddenly is zeroed in on as somehow misrepresenting what it is that takes place in our State or somehow trying to foist off on the rest of the Nation that which we do, on the contrary. What we have said, and in fact I note that there are some Members in the Senate now, am I allowed to mention the Senate, by the way, during special orders or do I have to say the other body. I do not mean any disrespect.

I understand there is some concern in the Senate that has been expressed at least by newspaper reports, although I wish some of these folks would actually get in touch with us and speak to us personally about it, about Hawaii possibly having a waiver in whatever results in health care. Well, it is of no concern to me, Mr. Speaker, at all.

If Members of the House of Representatives and the U.S. Senate want to pass a health care bill that provides for health care less than that which is already in effect in the State of Hawaii, I would presume that no one would object if Mrs. MINK and myself and our good Senators across the way, Mr. INOUYE and Mr. AKAKA would like to have the people of Hawaii not have health care coverage taken away from them. It only makes sense. I am not worried about waivers or changes. We have one of those already. We have a waiver that we have been given. Of course, the reason was we are the only one that has the national health care plan.

The waiver we have is from the Employment Retirement Income Security Act of 1974, commonly known as ERISA. If I use that acronym, what it means is the Employee Retirement Income Security Act. That is a Federal law. And we have limited exemption from it. Why? The ERISA, the Employee Retirement Security Act, preempts State authority in terms of regulating self insured employer health plans. It preempts our State authority.

Inasmuch as we already passed a universal health care bill before the enactment of the ERISA, we wanted to make certain that our act, our ability to take care of our people was not impaired. So we have a limited exemption.

In fact, our exemption is so limited it is virtually impossible for us to amend our act. Believe me, Mr. Speaker, we would be delighted in the State of Hawaii to amend the prepaid health care plan that was written 20 years ago in some administrative ways that we think would advance the case, the kinds of things that are now being proposed in the national health care bill in 1994, but we are disenabled from doing that because of the restrictions about preemption on the Federal level.

So we find ourselves, then, in a situation where we are able to provide health care insurance at a lower rate than anybody else in the rest of the Nation, despite disquisitions here on the floor of the House and pronouncements on the floor of the House to the contrary. I do not know where all these statistics come from. I can tell you what the statistics actually are. I have the Hawaii Medical Service Association's statistics here. I have the Kaiser Permanente Health Maintenance Organization plans here, prices here that we pay in Hawaii. I have all of it.

I want to indicate one other thing that comes up with respect to the, I will not say false but misleading, the misleading statement that our employer-based mandate for insurance somehow is supposed to provide total coverage. For those who are low-income residents, the gap group that were not covered by our insurance plan were not otherwise eligible for Medicaid, we had what was called the State health insurance plan, which we put into effect. Enrollment is voluntary, you cannot force everybody into it.

So I think that for my purposes today, Mr. Speaker, I would like to wind down my remarks and allow Mr. DORNAN to launch into his remarks for the day by repeating, then, an obvious point to us that, and this is highlighted in the General Accounting Office report, Hawaii has the highest rate of coverage but not universal care. I will repeat what is in the report: Hawaii has the highest rate of coverage of any State, but does not have universal coverage. This widespread coverage is the result of State's employer mandate, the Medicaid Program, and SHIP, the State health insurance plan coverage for the gap group. Estimates of Hawaii's uninsured rate range from 3.75 percent in 1991, survey to a 7-percent determined by data from the current population survey.

In other words, that is done strictly by statistics. So you can come up, anybody can come up with something that says, it is 3 percent, somebody else says it is 7 percent, but with our new program, which we have put into effect called the Healthquest Program. We came up to the Congress. We came up to the new administration and we said, look, we are quite aware of the fact that because we have not been able to amend our law the way we want to as a result of Federal preemption, that we do not cover 100 percent of our people the way we want to.

□ 1530

We want to make more certain of that. So this year we were able to get another small waiver enabling us to put together what is called health quest, and improvement on the State health insurance plan known as SHIP. We have the Health Quest Program. That is going to be fully in place, as I said, by September 9 of this year.

The Health Quest Program, Mr. Speaker, I want to indicate to you, is again not a government program in the sense that it has been portrayed here on the floor of the House. It is again self-administering. It was competed for. We have five different groups.

I have heard down here on the floor our Hawaiian Medical Services Association, and I suppose even Kaiser, I do not know if lambasting is exactly the word, but let me put it this way: The implication of the discussion on the floor was that somehow the choice of our people was limited as a result of these two providers having the major share of employees and others in the State of Hawaii.

Mr. Speaker, they have competed for 20 years. They have a major share because they have provided good service. I am astounded by people who tout the private care system, the private sector system, who then complain when it works.

Mr. Speaker, are those of us who are satisfied—I have been a member of the Kaiser system, the Kaiser Health Maintenance Organization, for 35 years, 35 years. The reason that I have been associated with them for 35 years is that I am satisfied with the service that I get. Does it sound strange, then, that I would continue to be a member?

I have good friends who are members of the Hawaii Medical Services Association, the HMSA, and they have been there for 35 years. Why? Because they are satisfied with it.

I happened to start with Kaiser. I suppose I could have picked the HMSA at the time. I was a student at the University of Hawaii at the time. That is the way we got started. I could have changed.

There are other plans out there now. There are three or four other plans that are available to us in Hawaii, all competitive with one another. I am not compelled to stay with any one system. I can change.

Every year, I want to point out, every year those who are not satisfied with their health plan can change the plan that is provided. We are not stuck. We have nobody there that makes us stay there.

As a matter of fact, Mr. Speaker, I have indicated that our plan is self-administering. The other gentlewoman from Hawaii [Mrs. MINK] has told me she believes there are two clerks in the Department of Labor and Industrial Relations that monitor the health care plan system in Hawaii. I am not certain and she is not certain. She believes there are two clerks.

Two clerks for 20 years is not bad. We are not sure where they actually are, but if we find them I will bring them in, their names and where their desks are in the State. I am not sure where they are; I will have to look real hard.

That is the sum total of the bureaucracy associated with our health plan. It is all self-administered. After all, does anybody think that the health providers are going to let a member disappear and not pay? Of course they are not. It is in their interest to do it. That is why it is self-administered.

Mr. Speaker, I want to conclude by saying that we have taken care not only of those who are employed, but we have taken care of the gap group, we have taken care of those on Medicaid, we have taken care of everybody to provide what for all intents and purposes is 100 percent coverage. I will go into the costs of that coverage in another special order.

I will be happy to discuss Hawaii's health care system with any of the opposition to national health care reform. I will be happy to share with them what our experiences have been, and hopefully convince them that if they keep an open mind, if they are willing to discuss it in good faith and with a modicum of good will, that perhaps we can arrive at a proposal and a plan that will allow all of us here, regardless of our party affiliations, to act on a nonideological basis on behalf of the interests of all the people of the United States.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. KOPETSKI). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

POTENTIAL INVASION OF HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DORNAN. Mr. Speaker, I want to tell my colleague of the great State of Hawaii that I did listen to his remarks. They were fascinating. He has to be one of the three or four best speakers in this Chamber.

I wish we could debate at length the health plan in the State that I refer to quite seriously as paradise on earth. After all, that is the way Robert Louis Stevenson referred to those beautiful islands of the Hawaii chain, and that is also the way Mark Twain, Samuel Clemens, referred to them.

When you live in paradise and rake in all that great tourist money from the United States, sometimes you have a financial base that the rest of us do not have. As I said on the floor yesterday, and you explained it a little bit today, lack of universal coverage is what is causing them to be in such high dungeon over in the Senate. I'm going to refer to that if I have time at the end of my remarks.

Mr. Speaker, this is, tonight, about a briefing that I had yesterday in which I will not discuss any of the classified details, because it was a top secret briefing, but only the fact that I and all of the Republican Members at this briefing on Haiti believe there is still a large group of people in the administration, who have the President's attention, who want to invade this small island with physical force to restore a man, Gen. Bertrand Aristide, who, although fairly elected with a percentage in the high sixties—not an Adolf Hitler, who was elected with 37.4, but someone up in the high sixties—was elected, and then deposed in a military coup.

I believe Aristide is nonetheless not worth one drop of American blood to restore him, particularly when no one is considering a covert operation to depose him. Or let us call it the President Ronald Reagan Contra operation, people who are counter to Aristide, Contra to the military junta, Contra to Raoul Cedras, who should be a colonel but has made himself a three-star general without the troops to hold that exalted command.

If this Government wants to convince us, and both intelligence committees in this great Congress, that a covert operation is in order to snatch Cedras and dump him to a horrible life of exile on the Cote d'Azure, Riviera coast of France, where Baby Doc, one of the dictator predecessors, has gone through $100 million, then make your case for a covert operation. But do not put young Marines and young Army people, including young women now, on the beaches down there where, if a sniper shoots one or two or three or five, or a young officer, or a top sergeant is killed in a rescue operation, the President will find himself in the position he was in on the morning of May 23, 1994, when the father of a great American hero, who had been posthumously awarded the Medal of Honor, refused to shake the President's hand.

I have spoken to that father and to the mother of 1st Sgt. Randall Shughart. I have spoken to the parents of Gary Gordon, master sergeant, who died alongside Randy Shughart rescuing Michael Durant.

At least they succeeded in saving the life of that fine young chief warrant officer, the pilot of the second H-60 Blackhawk, shot down over those dirty alleyways of Mogadishu, an area now totally controlled by the people that we were trying to arrest and remove from power, and tormenting and bringing starvation back on the good men and women and children of the troubled nation of Somalia.

□ 1550

Gary Gordon's parents and the parents of Randy Shughart, they feel their sons' lives were lost in a hopeless cause and that the Commander in Chief was so uninvolved in that he tried to tell them he did not even know about the operation. It was called Operation Ranger.

Mr. Shughart told me that when he said to the President after refusing to shake his hand, "Why did you send Aideed the killer of my son with a Marine guard on an Army airplane down to Kenya?"

Again Clinton claimed ignorance. He said, "I didn't know about that, Mr. Shughart."

That happened December 2, I believe. That is one of the insults to the U.S. military among 15 that I will enumerate later, Mr. Speaker.

Then Mr. Shughart told me he said to the President, "My son's colleagues in the Delta Force"—the special operations officers and sergeants and other men trained so highly to do the job that they were not allowed to complete in Somalia—"they tell me they and the Rangers"—the best light infantry forces in the world—"that they had several opportunities to take out Aideed with lethal force if necessary, to kill him."

And Mr. Shughart told me that Clinton looked at him and said, "Well, you may not be aware, Mr. Shughart, but our country doesn't have a policy of assassinating the leaders of other countries."

Mr. Shughart came right back at him and said, "Leaders of other countries? I thought you had called him a warlord and a thug and ordered his arrest" after his forces had butchered 27 Pakistanis and disemboweled them, the crowd tearing the wounded and the dead apart as they tried to tear our 5 dead men apart at the Durant site, the two being our two Medal of Honor heroes and the other three included Ray Frank, who was Michael Durant's copilot, who had three full combat tours in Vietnam, was a month from retirement, had thousands of hours as a helicopter pilot; had suffered a terrible helicopter crash in Arkansas 2 years ago, was recovering from that, came back to fill out his 30 years in the military, flying again in a tough combat situation. Ray Frank was murdered by the mobs as were the two-door gunners.

Most of the people hearing my voice tonight have seen these people, Mr. Speaker. They saw their dead and mutilated bodies being dragged by ropes and poked and prodded with poles and AK-47's and M-16's as they were dragged through the streets of Mogadishu. Five dead, three Durant crewmen—Durant miraculously released after 11 days of captivity—and these two Medal of Honor heroes, and Clinton is calling their thug-murderer/warlord Aideed a leader of another country.

And I said, "Mr. Shughart, what did he do when you said back to him that this was a thug and a warlord?"

He said, "Well, he got very red in the face, tried to stare a hole through me, so I stared right back. Then I told him I had nothing else to say to him."

My point in bringing up that unpleasant moment which no Americans, Mr. Speaker, have read about in American papers unless they subscribed to the Washington Times in this city or unless they have heard it on talk shows across this country, begun by Rush Limbaugh and Gordon Liddy and picked up by hundreds of other talk show hosts across this country, most Americans still do not know about this story. AP, maybe through no fault of their own, New York Times, USA Today, they did all call Mr. Shughart but out of respect to Clinton who by a week's delay was then over in Normandy for those unending photo opportunities, Mr. Shughart said, "I will not talk about the President while he is out of the country" and nobody followed up on this. So unless you listened to radio in America, you would never know this happened.

The reason I bring it up: What is going to happen if we have a hero somewhere on the beaches or in the alleys of Port-au-Prince in Haiti and a young American man or woman is killed and another American gets a high decoration trying to save that person, and as it says in scripture which I said on this House floor before I knew the names of Shughart and Gordon begging the Defense Department to award the Medal of Honors to these two to me, then unknown heroes, I said this is the very essence of John 15:13 in scripture:

"Greater love than this has no man that he give up his life for his friends."

Shughart and Gordon begged three times over the radio to the Ranger command headquarters, the Delta headquarters at Mogadishu airport:

"Let us go down and see if we can save Durant and his crew. We see them moving in the chopper. They can't get out of the chopper. They probably have back injuries."

All four were alive and all four were trapped in their harnesses by severe back injuries from the hardness of the crash. Three times these two men begged to be given the chance to offer up their lives to try and save somebody else, and it is beautiful that they did at least save Michael Durant. They took all four out of the crashed Blackhawk, but the two that were on the side closest to the wall where it crashed survived. The other two we hope were shot to death before they were dragged through the streets, and Durant was taken alive with another crew member. When that other crew member died, only God and his killers, and torturers know, because two were taken alive and only one came back.

Maybe Gary Gordon and Shughart were alive on the other side of the airplane, down to fighting with pistols—they had exhausted all their ammunition—gave the last final clip to Michael Durant, leaning against the wall, too injured in his back to move. Gary Gordon's last words to any American that we know of was, "Good luck, pal." He went around to the front of the helicopter and moments later Warrant Officer Durant heard him groan when he was shot, as he had heard Shughart groan when he was shot before that.

What is going to happen if we get this relived in Haiti? Why should any American man or woman be put in harm's way over Aristide? This very month, Aristide has attacked all of the Catholic bishops and all of the priests in Haiti because they came up with a resolution against the U.N. suggesting that we had the right to invade Haiti. The Catholic bishops are saying down there, "There's another way to go down here." And I am saying, as not a holy man of the cloth but as someone with a military experience, "What about the covert option?" before we put heroic line Marines or 82d Airborne paratroopers into a situation where—and of course Haiti does not have the wherewithal to put up a fight with their obsolete and decaying equipment. But they can run a guerrilla operation for a few days.

Napoleon. Napoleon Bonaparte lost 50,270 young Frenchmen—they did not put women in combat in those days—in trying to conquer Haiti, and he lost. He created a black Napoleon that he said was the most skillful general in the world. He let him use his name. My history escapes me. I used to know that general's name. It may be Toussaint L'Ouverture. Fifty thousand dead. That is more than Napoleon lost at Waterloo.

When I bring that up to Clinton people, they say, "Well, Haiti has been denuded of all its forests. There will be no guerrilla warfare in the forests." First of all, all the forests are not gone. I have been down to Haiti twice and been out in the countryside. Number 2, when I flew over Mogadishu a few days after we had lost 19 of our very highest trained Rangers and special operations sergeants and enlisted men, I did not see many trees throughout the city of Mogadishu. That was open, a typical African sub-Saharan open city, where urban warfare took place behind all those walls and up and down those little alleys.

We will take some casualties. The Clinton advisers that are telling him to invade admit that. And most of these people have never been in combat and several of them are in the category of our President: They let other young high school graduates go and serve in their place as they avoided military service.

Mr. Speaker, we have got a tough situation now, with a person who, as I said on this floor, before he was elected did not have the moral authority to order young men and women into combat. And I think Somalia made my case. Oh, Clinton unleashed about 33 Tomahawk missiles on the intelligence buildings of dictator Saddam Hussein in Iraq, but that is not putting men in harm's way. They did not have the wherewithal to come out and to get at our cruisers, our Aegis cruisers and other ships that were launching the Tomahawk missiles. That was rather antiseptic. At that we killed one of the leading artists in Iraq, an innocent women artist, I believe, and her children, because one of the Tomahawks went off course. Maybe it was struck by Iranian defensive fire, maybe the computer system in that Tomahawk went out. But that was not putting men and women in harm's way as happened in Somalia.

□ 1600

Mr. Speaker, anonymous Clinton high-ranking officials told the Washington Post, the story appeared April 3, that we can partly blame Bosnia on President Bush, that that problem was left to us. We can blame Haiti on President Bush, that problem was left to us. But we cannot blame Somalia. Bush's humanitarian effort ended in Somalia on May 5. You remember the insulting scene of using marines as props, ordered to come to the White House in their work clothes, fatigues, the first time ever in all my tracking of military people hanging around at the White House. They always come in formal gear at night, or mess dress uniform minimum for daytime wear, or Class A, or if given permission, presentable shirt and tie. Never have I seen people come to the White House in their camis, that is their desert, chocolate chip camouflage so that the President can set the mike way down on the ellipse, the south lawn, and line up all of the men and women marines, veterans from Somalia, and march down the White House lawn to the microphone with the President in his new blue suit at the lead. Unbelievable scene. I still gag when I see it. That was May 5 saying that the operation on May 4, 1994, was over, the flag had been turned over to the United Nations.

These anonymous high-ranking Clinton people in the April 3 Post article said this one is totally our fault, and it tells how President Clinton in his second trip to Martha's Vineyard of his life—his first was in 1969 at a big organization of all of the pro-Hanoi honchos to work for a Communist victory over South Vietnam, that was his first trip in 1969. The media would not tell about that trip though because when he went back on vacation in 1993, it was then he said it was the second trip back to Martha's Vineyard. But on Martha's Vineyard, the Post says, Clinton left the golf game and went to a telephone at the golf club, called to the Pentagon and said, "Send in that Delta Force, or whatever you call it in Mogadishu and arrest this guy, Aideed, for killing the Pakistanis." This operation was all Bill Clinton's, and since Haiti seems to me an inevitability of American young service people dying, not to help the starving people or to get rid of a thug, as in Somalia, but offering up their lives for this fraud, radical, Pope-hating, fallen away Catholic priest. I have heard the recordings of him bragging that necklacing, burning people to death with tires filled with gasoline so that it burns their face first, and they writhe around in front of the crowd. He said that is a good way to treat his enemies, and that the smell of burning flesh was a beautiful smell to me, Aristide, him. We are going to let American men and women die for that?

So I think it is time, since Clinton has 809 days to go in office for a man that does not have the moral authority to endanger lives for the first time since September 1992, when the Nation ignored the letter of Col. Eugene Holmes, commander of the ROTC at the University of Arkansas, when he was deceived by Bill Clinton. I have spoken to Colonel Holmes within the week. I had been led to believe over the last 2 years that he was in failing health. He is not in failing health, although his health must be guarded because, after all, he spent 3½ years in brutal Japanese captivity, tortured, watching 20, 30, 40, 50 men, his friends, die in front of him after suffering through months of a combat on the Peninsula of Bataan. As he told me, the hardest thing he can ever remember in his life is watching his friends die in front of him. He said it feels like your arms are being cut off, that you yourself are dying partially as you watch each one of your friends die.

Then he told me a Vietnam-era story about one of his honor graduates at the same ROTC program that Clinton had avoided. About a young man named Tim, who graduated at the top of his class, He said "Tim, you're one of our graduates who is married with children. You have beautiful little children. Tim, you can do anything you want." I remember having argued like this with my father who had won three wound chevrons in World War I, which we now call Purple Hearts, when I told him that I wanted to fly jet fighters. He said no, you go into transports. I have seen enough blood shed in our family, he said. I had two brothers, and we all went into the Air Force and volunteered for whatever dangerous assignment there was. I said, "Dad, you cannot ask your son to make choices different from your own."

But Colonel Holmes told Tim as an honored graduate he can go to the Signal Corps. These are the exact words, "the Signal Corps, the Chemical Corps, Intelligence, you can do anything you want." And he said, I want to get the exact words now, he said, "Colonel, Airborne, Infantry, Special Operations, All the Way, sir." All the Way is an Airborne expression, 82d Airborne. And he said, "Tim, I'm asking you again, I'm asking you to think of your wife." Holmes had been at the wedding. "Your children. I have seen these beautiful little babies. I'm asking you, Tim, don't think of yourself. Think of all of the jobs, other jobs in the military where you can serve honorably." And Holmes said, "He looked at me and his response was; 'Airborne, Infantry, Special Operations, All the Way, sir.'" And he said, "and Tim got what he wanted," and he sent him to Vietnam. And Holmes said, "A few months later, it seemed like 2 weeks, I was at his wake. And his mother came up to me," to Colonel Holmes, "and said, 'You were Tim's role model. He admired you so much, Colonel.'" And Holmes said, "Her eyes filled with tears." She said, "We're proud of Tim." And Holmes said, "I didn't know what to say because inside I was dying." And he said, "and these are the kind of men I saw die on Bataan, die in the Japanese prison camps, and the kind that I commissioned." I had not known he had been at the University, I think of San Francisco, which is a Jesuit school, or maybe he said it was the city college where he had been head of the ROTC there. He said he commissioned all of these young men in San Francisco, and then at Little Rock. So he said, "when

I was deceived by Clinton it gave me extra pain."

One of the wives of these heroes said to me within the last few days that she had just seen the film, "Lion King," with her grandchildren, and she said, "I think of this administration when I think of "Lion King." And I said, "Well, ma'am, let me tell you something. Maybe we're two of a kind, because I took five of my nine grandkids, and I thought of this administration when I saw "Lion King." And she said, "Well, you give me goose pimples saying that, because I thought I was the only one in the world."

Now here is Colonel Holmes' letter and anybody who is listening, or if they would like to call a friend, Mr. Speaker, to reminisce over the last 20 years on all of the insults we have seen to the military and to recall if you ever heard this letter or have seen it in print. To my knowledge, if you get the Washington Times you are the only people who will recall any memory. Then look forward to a possible invasion of Haiti for American troops, thousands of them—25,000 supposedly committed to Bosnia where the evil snipers are back killing men, women, and children in the streets of Sarajevo, the very city where World War I began June 28 of 1914.

Colonel Holmes puts at the top of his letter the date, September 7, 1992. Now remember, the election was November 3, Mr. Speaker. We had 2 months to make this letter a part of the national discussion of our Presidency before we dumped an honorable Commander in Chief named George Bush who flew 58 combat missions in the South Pacific, 10 of them after he had been shot down the second time and lost Johnny Delaney, his youngest crewmember, and lost a friend who was 4 years older and had graduated from Yale, where Bush was to go and graduate in only 2½ years. But he was 4 years older than Bush, a family friend. And when he came to young lieutenant j.g., friend, and said, "George, you're lucky, you're a combat pilot. I'm a deck officer. I've never been in combat. Give me one mission," Lt. Ed White. It turned out to be his first mission, his last mission, his only mission. How do you think George Bush felt about giving the one and only mission to a family friend that he died on ambush, was picked up by what they call a lifeguard submarine, assigned duty to go around and pick up our pilots floating around at sea. I bailed out once at sea in peacetime, and believe me, more die than ever get saved when you bail out in high sea, the Pacific Ocean. And he spent 30 days on that sub as they picked up the other pilots they found out there, and the Japanese depth-charged, and he went back to Hawaii. In Hawaii they said, "You are on your way home." And Bush said, "No, no. Send me back to my carrier. I want to finish my combat tour with my group on the carrier, *San Jacinto*."

□ 1610

He went back and went for missions 48 to 58. I mention that in detail because we are going to go through Bush's 50th anniversary of that September 2 shootdown when he lost White and Petty Officer Delaney, Delaney who always flew with a rosary around his neck. That is September 2, the 50th anniversary.

I would beg people who rejected President Bush for Bill Clinton. I want you to think about replacing that Commander in Chief with this flawed Commander in Chief, on September 2, that 50th anniversary. So there it is. The election is November 3. Holmes gives his Nation this letter September 7. I beg my fellow countrymen through you, Mr. Speaker, to listen to this.

In military style he types:

Memorandum for RECORD. Subject: Bill Clinton and the University of Arkansas ROTC Program.

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC Department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health, a consequence of participation in the Bataan death march and subsequent 3½ years' internment in Japanese POW camps, has precluded me from getting into what I felt was unnecessary involvement.

However, present polls show that is the imminent danger to our country of a draft dodger becoming the Commander in Chief of the Armed Forces of the United States. While it is true Mr. Clinton has stated that there were many others who avoided serving their country during the Vietnam war, they are not aspiring to be President of the United States.

The tremendous implications of the possibility of his becoming Commander in Chief of the U.S. Armed Forces compels me now to comment on the facts surrounding Mr. Clinton's evasion of the draft. This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter, but as Mr. Clinton replied during a news conference this evening, September 5, 1992,

and my aside is that obviously it took him 2 days to compose the rest of the letter:

after being asked another particular about his dodging the draft, Clinton said, "Almost everyone concerned with these incidents are dead. I have no more comments to make."

Since I may be the only person living who can give a firsthand account of what actually transpired, I am obliged, by my love of country and my sense of duty, to divulge what actually happened and make it a matter of record.

Mr. Speaker, as I read these words, I want people to hear in their heads, "Invade Haiti, invade Haiti," and think, "God almighty forbid it."

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive 2-hour interview. At no time during this long conversation about his desire to join our program did he inform me of his involvement, participation, and actual organizing of protests against U.S. involvement in Southeast Asia.

He was shrewd enough to realize that had I been aware of his activities he would not have been accepted into the ROTC program as a potential officer in the U.S. Army.

At this point, Mr. Speaker, I must go back to my own remarks during September of 1992, and state a fact that causes most Americans to look at me with blank faces, those unfamiliar with the military, and believe I am putting a harsh spin on something. I am not. I am going to state it factually again.

Unless elected to the House or the Senate, or to the Presidency of the United States, Bill Clinton could never have been commissioned an officer in any of our military branches or the Coast Guard, which leaves the Transportation Department and goes under the Defense Department in time of war. He could never have served in the FBI, CIA, National Security Agency, or all of the other security agencies of this country, because he organized demonstrations against his country, thereby giving aid and comfort to an enemy engaged in hot combat with the United States, killing 47,000-plus of our men in combat and another 10,000 in accidents because of the heightened tempo.

The SPEAKER pro tempore. The gentleman is reminded that reference of personal offense are not allowed on the floor.

Mr. DORNAN. I am stating a fact. He could not have been commissioned in our services. It is not an insult. It is a statement of fact. You cannot be commissioned when you have demonstrated against your country in a foreign nation.

The SPEAKER pro tempore. The Chair will not engage in a dispute. The Chair is perfectly aware of what was said after the remarks about being able to be commissioned as an officer, and the Chair reminds all Members that they are not to engage in remarks offensive to the person of the President.

Mr. DORNAN. I will not go back to it. But I reiterate I was stating an historical fact. It is a fact of record. Anybody who has done that, try and get a commission. I will go back to Holmes' letter:

"The next day," this is in July 1969:

I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the Arkansas draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar student, should be admitted to the ROTC program at Arkansas University. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them, the draft board members, and that they needed my help. I then made the necessary arrangements to enroll Clinton into the ROTC program at the University of Arkansas.

"I was not 'saving' him from serving his country," and "saving" is in quotes, "as he erroneously thanked me for in his letter from England dated December 3, 1969. I was making it possible for a Rhodes Scholar to serve in the military as an officer."

Of course, Clinton never stood for his exams later that year or in 1970 and came home without an degree. He picked up an honorary one recently after all of those D-day, 50th anniversary photo ops.

Here is the text of Bill Clinton's letter, which I will put in the RECORD tonight. There is that lines, "I decided to accept the draft for one reason, to maintain my political viability within the system." He says, "I tried to make something out of the second year at Rhodes Scholarship." There is no evidence he ever went back to class again.

And he says, "How is it that so many people have come to find themselves still loving their country but loathing the military?" That is really what this is about, what all of these 15 insults I am going to put in the RECORD later are about, is loathing the military.

Back to Colonel Holmes' letter, and I am going to go back one line:

> Making it possible for a Rhodes Scholar to serve in the military as an officer. In retrospect, I see Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or even to attend the University of Arkansas law school.
>
> I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the reserve officers' training program at the university. He never enrolled at the University of Arkansas, but, instead, after going back to Oxford, enrolled at Yale after attending Oxford.
>
> I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction.

Clinton had already gotten his induction notice; he was drafted, past tense, "ed," drafted, with a showup date of July 28, 1969.

He got that draft induction showup date crushed, suppressed, reversed, politically obliterated. I have never heard of that in my life. This was a well-connected 23-year-old in the State of Arkansas. Back to Colonel Holmes' letter:

> The December 3 letter written to me by Mr. Clinton and subsequently taken from the files by Lieutenant Colonel Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should ever again petition to enter the ROTC program.

I add at this point, Mr. Speaker, any military program, NCO program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the U.S. military, or NCO:

> Even more significant was his lack of veracity in purposely defrauding the military by deceiving me both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both Clinton's patriotism and his integrity.
>
> When I consider the caliber, the bravery, the patriotism of the fine young soldiers whose deaths I have witnessed and others whose funerals I have attended, when I reflect on not only the willingness but the eagerness that so many have displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwillingly to serve his country but actually protested against its military should ever be in the position of Commander-in-Chief of our Armed Forces.
>
> I write this declaration not only for the living and future generations but for those who fought and died for our country. If space and time permitted me, I would include the names of ones I knew and fought with, and along with them I would mention by brother, Bob, who was killed during World War II and is buried in Cambridge, England. He was killed at the age of 23, the age Bill Clinton was when he was over in England protesting the war.

□ 1620

Another aside, Mr. Speaker: I went to that Cambridge cemetery. I meant to look up Bob Holmes' grave. But I was with SONNY MONTGOMERY's group going over there to memorial ceremonies. We were on a tough schedule and could not break away. I did later at the D-day Coeurvill Cemetery. And I wanted to particularly go to Bob Holmes's grave, particularly when Clinton showed up and made a speech at that very cemetery as though nothing had ever in his life precluded him visiting all of these memorial sites of true heroes, their average age being younger than his age when he was chanting in Grovesnor Square England in front of the United States Embassy. I will return someday and pay homage to Colonel Holmes' brother. Colonel Holmes told me it was his middle brother. This was his kid brother. So I see him dying slowly on an airplane finding its way back through the Luftwaffe to England where many times we sat at home as children viewing the film of these young men, either broken, bleeding, clinging to life or their dead bodies being taken off the airplane. And all the others that were missing in the countryside of France and Germany, up in the North Sea, or downed in the English Channel, their remains never to be returned. There is a huge missing-in-action wall at that cemetery. Prominent names are pointed out, like Joe Kennedy, the oldest brother of the Kennedy family, and Glenn Miller, the great musical bandleader, who brought so much uplift to our men and who was himself an actual officer in the 8th Air Force Command there in England.

Colonel Holmes finishes:

> I have agonized over whether or not to submit this statement to the American people. But I realize that even though I served my country by being in the military for over 32 years and having gone through the ordeal of months of combat under the worst of conditions on Bataan, followed by years of imprisonment by the Japanese, it is not enough. I am writing these comments to let everyone know that I love my country more than I do my own personal security and well-being.

He expected the news media to descend on him and, with a liberal twist, ruin his life.

> I will go to my grave loving these United States, the United States of America, and the liberty for which so many have fought and died. Because of my poor physical condition, this will be my final statement.

I will tell Colonel Holmes when I meet him that I think he should have taken those interviews with the media. I called the AP tonight and they said they did try to reach him and he said he was unavailable. I think he should have fought this battle through to its conclusion and should have made the American people listen to this. After all, Ted Koppel read the entire Clinton letter, putting the best spin possible on it, on Abraham Lincoln's birthday, February 12, 1992. So, months later, in September, I think Koppel could have been pressed by my colleagues, Congressman DUNCAN HUNTER, Navy ace, Congressman "DUKE" CUNNINGHAM, 7-year POW and badly tortured hero, Congressman SAM JOHNSON, Air Force colonel in Hanoi imprisonment. We could have appealed to Ted Koppel, and he could have put on Colonel Holmes and Colonel Holmes could have read this letter. But Colonel Holmes made his statement and assumed naively, assumed this would be on the front pages across the country. It was not. He signs it "Eugene J. Holmes, Colonel, U.S. Army, Retired." He has it notarized, State of Arkansas, County of Washington, by Barbara J. Powers, Notary Public. She says her commission expired that December 1993. He has every page of this letter notarized.

Mr. Speaker, I would ask our wonderful official recorders of debate to use a different type style, out of respect to Colonel Holmes' letter, so that when my asides appear they are not ascribed to Colonel Holmes, that the text of his letter appear in different context.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Without objection, the gentleman may insert any extraneous material.

Mr. DORNAN. Thank you, Mr. Speaker.

SEPTEMBER 7, 1992.

Memorandum for Record.

Subject: Bill Clinton and the University of Arkansas ROTC Program.

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied during a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help. I than made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after going back to Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both Clinton's patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended. . . . When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions on Bataan followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

State of Arkansas, County of Washington. Notary Public—Barbara J. Powers. My commission expires 12/1/93.

Mr. Speaker, I asked my staff to rush over here and they handed to me in the Cloakroom just before I came out here, to get my remarks from September 30, 1992, when I took the letter of a young Rhode Island 2d Regiment soldier killed out near where I live when the House is in session, at Manassas, in the Battle of Bull Run, Manassas. His name was Sullivan Ballou. The letter was written to his wife and his two young sons before he died in that battle.

I wrote an article entitled "The Tales of Two Men," and I compared Clinton's December 3, 1969, letter to Colonel Holmes to Sullivan Ballou's letter to his wife, Sarah.

I do not think I have ever known an American worthy of the name American who watched the beautiful Ken Burns Civil War series, who heard the text of Sullivan Ballou's letter, who did not get a huge lump in their throat or actually have tears running down their face, where he described to his wife what an honor it was to serve his country and how he owed it to the men in the Revolutionary War, which is an easy period before to remember, it is Lincoln's opening of the Gettysburg Address, "Four score and seven years ago." Where the first Bull Run was 61, so subtract 2—85 years before, he talked about the beginning of that Revolutionary War and how he owed it.

Later on that night—I may put in Sullivan Ballou's letter if we go into Haiti and lose people, I will put it in again, the tale of two men. But here are my words about why all of this has been coming out about civil cases that we are not supposed to discuss on the House floor, where you have to hire one of the top fix-it-up lawyers in this town, my friend Bill Bennett's older brother, Bob.

Here is what I said: "All of this is going to come out." I was talking about the March stories on Whitewater that were suppressed and all the stories about all these draft dodgers, the demonstrations, and still to this day, the unexplained trip to Moscow. It was not pure tourism, to stay in the National Hotel with George McGovern. There was a meeting, a gathering there. It was not just tourism. There were 10 inches of snow cover, 27 degrees below zero, going alone to Moscow and Prague was not just your average tourism. That was not the European grand tour of Rome and Paris and Athens if you had the money, that European students had been taking—for over two centuries—Rhodes scholars have been taking for over a century.

Here is what I said, quoting myself now: "And it will come out, the horror of all of it is that this will come out after he is President, if he picks up the radioactivity of the position leader of the free world." Now here is what makes it painful to the military. When I was at Utah Beach and we waited over an hour for President Clinton and then found out that maybe it was President Mitterrand that we were waiting for. When it was announced that Clinton would be an hour late, the crowd booed. There was kind of an ugly mood. People were mumbling about Clinton time. And maybe he was innocent, maybe it was President Mitterrand. But that day there was a man next to me who lost his elbow—one arm did not have an elbow—in the Battle of the Bulge, he was with the 101st Airborne. He had fought through the Normandy campaign, got his severe wounds and was taken prisoner. So they put a cast on him, and that cast did not come off until he was in New Jersey 6 months later. That is how poor his medical treatment was, because Germany was collapsing.

That gentleman turned to me and he said he thought it was a sacrilege for Clinton to show up at Utah Beach. I said to him, "Well, frankly it would be worse if he did not show up, would it not?" He said, "Why is he showing up and reading his written speeches? Why doesn't he just introduce veterans?" When somebody, one of my Democratic friends, and I mean a friend, challenged me and said, "What would you do if you were Clinton, Dornan?" I said, "I would introduce Joe Dawson, the hero company commander on Omaha Beach, the first officer to take his men off the beach."

☐ 1630

I would have introduced him, and told his story, and let Dawson give the commemorative speech on the 50th anniversary, not make a hero with the Distinguished Service Cross, this Joe Dawson, Captain hero, introduce Clinton for those words about we are the children of your sacrifice. Well, most of the children are these heroes, answered the call in Korea, and Vietnam, and Somalia, and will answer the call to Haiti, wherever he chooses to send them. They will answer that certain trumpet because these are the sons and daughters of the families.

And here is a picture of Clinton in U.S. News and World Report on the beach with three heroes. These are the very three heroes where, described using Maureen Dowd's words; all I know, she is not a conservative writer, works for the New York Times, said the prepubescent yuppie staffers of Clinton grabbed the sleeves of these three heroes and pulled them out of the picture so Clinton could walk down the beach reflectively to a little cairn of stones that his staff had built. And then he took those stones and made them into a cross, and, as Maureen Dowd writes, one of the staff said, "Fantastic, awesome, Dude," or something like that.

I want to tell you about these three people the Clinton staffers pulled out of the picture. Here is John Robert Slaughter, known as Bob. He is all the way through the great Stephen Ambrose book, "D-Day," as one of the narrative young enlisted men telling about this desperate fight on Omaha Beach.

Here is Medal of Honor winner, Walter Ehlers, sergeant; I will come back to him.

And here is Joe Dawson. Let me tell you Captain Dawson's story. Dawson, a retired Army colonel, served in Vietnam, too, and Korea of course. He was in the front of his landing barge, and he could hear the bullets hitting the front, and then they stopped. When the barge door opened, he and one of his platoon leader lieutenants and his radio man stepped off the barge in the water up to their neck. The minute they hit the water the firing started, and the Germans had their field of fire down perfectly. They had had months to practice it. The fire entered the landing craft behind the lieutenant, the radio man, and killed all 30 men on board that first landing craft. There were just three survivors from that first craft to hit the beach at Omaha.

Dawson fought his way to the beach. I think his lieutenant was killed. He went around. That was A Company, 116th Regiment, of a National Guard unit, the Old Blue and Gray, the 29th of Virginia and Maryland, hitting the beach next to the regulars in the Big Red One in the First Division that had seen such combat and won such glory in World War I.

They hit the beach. He assembles other units all day long and finally says, "We must get off this beach or we die," and he was the first captain to fight across. When I stood up there in those bluffs with my wife, Sallie, and looked down at Omaha, it was my fifth visit, but I had never seen this perspective or how far it was from the waterline or even the beach wall through these dunes under intensive fire from the very ground that is now American soil in perpetuity forever that the French have given us, 796-some acres, the Colleville sur Mer cemetery. That was the firing field for the Germans to slaughter our kids on that beach.

And Joe Dawson was asked to introduce Clinton instead of the other way around. And he was pulled on his sleeve to get out of the picture to make way for those photo ops that were "awesome, Dude."

And here is Walter Ehlers. Last night I went to my Medal of Honor book at home and looked up Walter Ehlers when I noticed these gentlemen are unidentified in this picture. It took me all week to find out who they were, but I saw the powder blue ribbon on Ehlers. I did not know what his rank was. He has three rows of ribbons. He has won it all, including the Medal of Honor, and here is the story of Walter D. Ehlers, Staff Sergeant, U.S. Army, 18th Infantry, First Infantry Division, 18th Regiment. Place and date of Medal of Honor: near Goville, France, 9 to 10 of June of 1944, 4 days after surviving the beaches of D-Day. Here is his story:

Entered the service at Manhattan, KS, born in Junction City, KS. He got his citation right while his unit was fighting in the Battle of the Bulge, 2 days after the Bulge had started, and he is probably still in combat. He gets his Medal of Honor 19 December of 1944.

Citation:

> "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 9–10 June 1944, near Goville, France. Staff Sergeant Ehlers, always acting as the spearhead of the attack, repeatedly led his men against heavily defended enemy strong points exposing himself to deadly hostile fire.

I want those following the electronic proceedings of this House, Mr. Speaker, to be reminded that Medal of Honor winners posthumously, Gary Gordon and Randy Shughart, could not get within 150 yards of Michael Durant's down sight of his Blackhawk helicopter. They did not rope down. They were brought down on the ground. That helicopter took intense fire, eventually had to be ashcanned, class 86, it was destroyed. It took so much heavy fire and tore the leg off of one of the men. They had to run through a gauntlet of 150 yards of fire; Gordon, and Shughart, and Walter Ehlers cut out of the same bolt of cloth.

It says that under hostile fire whenever the situation required heroic leadership, courageous leadership, Ehlers was there, without waiting for an order. That is what is so special about noncommissioned officers in our Navy, and Army, and Air Force, and Marine Corps.

Ehlers, far ahead of his men, led his squad against the strongly defended enemy strong point, personally killing four of them, enemy patrol who attacked them en route. Then, crawling forward under withering machine gun fire, he pounced upon the gun crew and put it out of action, turning his attention to two mortars protecting the cross-fire of two machine guns. Sergeant Ehlers led his men through a hail of bullets to kill or put the—to flight the enemy up in mortar section, killing personally three men. After mopping up the mortar positions, he again advanced on a machine gun, his progress effectively covered by his squad. When he was almost on top of the gun, he leapt to his feet, and, although greatly outnumbered, he knocked out the positions single handed.

The next day, after having advanced deep into enemy territory, the platoon of which Sergeant Ehlers was a member found itself in an untenable position as the enemy brought increased mortar, machine gun and small arms fire to bear, and it was ordered to withdraw. Sergeant Ehlers, after his squad had covered the withdrawal of the remainder of the platoon, stood up, and by continuous fire at a semicircle of enemy placements diverted the bulk of the heavy, hostile fire on himself, thereby permitting the members of his own squad to withdraw. At this point, though now wounded himself, he carried his wounded automatic rifle man; that is a Browning automatic rifle, BAR, carried all the way from Utah Beach all the way across into Germany by the Republican leader BOB MICHEL. BAR men were picked for their expertise in marksmanship, their size and strength so they could carry this much heavier gun with a little bipod on the front that the average—very heavy by today's terms M–1 grand rifle. So, he picks up his BOB MICHEL-type BAR man, carries him to safety, and then returned fearlessly over the shell-swept field to relieve the automatic fire, automatic rifle which he was unable to carry previously. He went back to get his precious semiautomatic, Browning automatic rifle.

After having his wound treated, he refused to be evacuated and returned to lead his squad further. The intrepid leadership, indomitable courage and fearless aggressiveness displayed by Staff Sergeant Ehlers in the face of overwhelming enemy forces serve as an inspiration to others, an inspiration to Clinton's young staffers who pulled on his sleeve to get him out of this picture so that the news media that night would not show this picture, but the picture of Clinton playing with the stones and the very small commemorative forces, ships at sea.

This is why I list this as one of my 15 reasons why Clinton, or his administration, have insulted the military and why morale is so far down, and why the defense bill, though not quite the hot debate of days passed, why we heard the word hollowing out the military over and over again and why I voted against the Senate-House conference report on military because of its savage cuts.

□ 1640

Clinton doubled his sworn promise in the campaign that he would go $60 billion beyond George Bush's savage cuts, because after all the cold war was over, the Berlin Wall came down on the birthday of Jesus Christ, December 25, we saw that ugly hammer and sickle come down, and the old Russian czar's powder blue and red flag go up.

But we had to cut something. He said he would cut $60 billion beyond Bush. Now it is $120 billion, we are in free fall, and the count gets even deeper.

Here are the 15 insults. At some point in early April 1993, a three-star general, now the four-star commander in chief of Southern Command in Panama, then the recent two-star commander of the 24th infantry mechanized, the point of Schwarzkopf's spear during that Hail Mary left hook around Kuwait and into Iraq, ending that land war in 4 days, Barry McCaffrey was in the White House, in uniform, with all of his ribbons. If he had been in his short-sleeved shirt you would have seen his arm torn up from Vietnam combat, several purple hearts. At least one officer and son in combat in Somalia as lieutenants in different units than their dad. One of the sons I think was under him. The daughter was in a military police unit.

He says "good morning" to a young staffer, a female, not that gender means anything. She leans over in his face, and says, "We don't talk to people over here who wear their uniforms." Nobody was ever fired for that despicable insult. As far as we know, nobody was even disciplined. Then it began.

A few days later, May 5, there was an asinine photo opportunity on the south lawn of the White House saying Operation Restore Hope was over, which was Bush's humanitarian effort that Clinton merely supported once he came into office. That was May 5. On October 3, just 5 months later, we saw what happened. Nineteen Americans were killed in Somalia in the worst firefight since Vietnam

Insult three: Removing the AC–130 Hercules, they call them Spectre gunships, two days before the Rangers were sent, because Halperin, who the Senate would not confirm for reasons like this, convinced Les Aspin that it would look too offensive. I guess he means small o and military offense, to have the gunships, that fly at 5,000 feet above rifle fire and small arms rocket propelled grenades, and clear the area when a helicopter goes down and the men are about to be murdered and cut up, cut to ribbons, and at least one taken alive. That was a denial.

Then I put in with it, though it could be a separate insult, the denial of armor asked for by the two commanding generals over there for a rescue operation contingency if something went wrong in Operation Ranger.

The formal date of that denial of land armor was July 13. The gunships were pulled out shortly after that.

The gunships, by the way, were the first things put back in after the firefight, and nobody in the world press and not Aideed or any of his warlords or killers in the streets complained, oh my God, the Americans have brought back the Spectre gunships with the 105 recoiler howitzer. Nobody complained. Nobody even knew they should never have been pulled out.

Number four: Clinton's offensive speech at Fort McNair announcing new homosexual policy, that SAM NUNN and IKE SKELTON of this Chamber reversed. Clinton used general officers, admirals and generals, as background, extras, they call them in Hollywood, on Broadway they are called supernumeraries or spear carriers.

Number five: Use of members of the Army, spit-and-polish old guard at Fort Myer, to deliver documents to Members of Congress. I put down October 22, 1993, because that is when one of them showed up in my office. I said you are not being used as a messenger boy or a courier, are you, Sergeant?

Number six: U.S. military air transportation for Somali warlord Aideed, after the killing of 19 U.S. troops. That took place December 2. I discussed that at length tonight.

Number seven: Press conference in Colorado, featuring Hillary Clinton and U.S. military troops all around her while she discusses health care on March 14, 1994.

Number eight: May 23, the insults to Herb Shugart. I didn't know about Operation Ranger. I didn't know about us flying Aideed on an Army airplane with a Marine escort. They wouldn't insult the remaining Army guys by making them escort him, but he was on a Army airplane. That is insulting, to tell that to the father of a dead hero at the posthumous awarding of the Medal of Honor in the East Ballroom of the White House.

Number nine: Use of Marine Corps presidential helicopters for White House staff on a golf trip to Maryland. Well, that fellow Watkins is long gone. That was May 24, the very day after the insults to the father of the Medal of Honor winner.

Number ten: The President's staged reflective prayer at Sicily/Anzio Cemetery on June 3. Picking up a flag that his staff picked up out of the ground and laid down next to a cross. Clinton comes along and pretends he finds it on the ground and sticks it back in the ground. Only as you saw only several television shows, as he is pretending to pray, you see his eyes look up and check at the camera, and they freeze the frame on him.

Mr. Speaker, I will include the list of 15 insults against the military in the RECORD, as well as the text of Bill Clinton's letter to ROTC Colonel Holmes.

CLINTON AND THE MILITARY

1. Senior military officer insulted by junior White House Staff (GEN McCaffrey) without disciplinary action. April 1993.
2. White House press conference on front lawn featuring U.S. Marine units from Somalia. May 5, 1993.
3. Removal of AC–130 Spectre Gunships and then a September 1993 denial of Armor to "Operation Ranger". July 14, 1993.
4. Clinton's speech at Ft. McNair announcing new homosexual policy using General Officers as background "extras". July 19, 1993.
5. Use of members of the Army's "Old Guard" to deliver documents to members of Congress. October 22, 1993.
6. U.S. military air transportation for Somali warlord Aidid after killing of 19 U.S. troops. December 2, 1993.
7. Press conference in Colorado featuring Hillary Clinton and U.S. military troops. March 14, 1994.
8. Insults to Herb Shughart. May 23, 1994.
9. Use of Presidential helicopters for White House staff golf trip to Maryland. May 24, 1994.
10. Clinton's "staged" reflective prayer at Sicily/Anzio military cemetery in Italy. June 3, 1994.
11. Pilfering of towels aboard a Navy aircraft carrier during D-Day ceremonies. June 5, 1994.
12. Clinton's "staged" reflective prayer on Normandy beaches for photo opportunity, pulling aside Joe Dawson, John Robert Slaughter, Walter Ehlers, etc. June 6, 1994.
13. Release of phony story about Hillary Clinton attempting to join Marine Corps in 1975 when she was 29 years old. June 17, 1994.
14. Use of military officers (Captains and Lieutenants) at a partisan White House event as "waiters". June 21, 1994.
15. Sending "condolences" to North Korea on the death of Kim Il Sung. July 9, 1994.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1–D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Sincerely,

BILL CLINTON.

The letter from Major Ballou follows:

CAMP CLARK, WASHINGTON,
July 14, 1861.

MY VERY DEAR SARAH: The indications are very strong that we shall move in a few days—perhaps tomorrow. Lest I should not be able to write again, I feel impelled to write a few lines that may fall under your eye when I shall be no more.

I have no misgivings about, or lack of confidence in, the cause in which I am engaged, and my courage does not halt or falter. I know how strongly American Civilization now leans on the triumph of the Government, and how great a debt we owe to those who went before us through the blood and sufferings of the Revolution. I am willing—perfectly willing—to lay down all my joys in this life, to help maintain this Government, and to pay that debt.

Sarah, my love for you is deathless, it seems to bind me with mighty cables that nothing but Omnipotence could break; and yet my love of Country comes over me like a strong wind and bears me unresistibly on with all these chains to the battlefield.

The memories of the blissful moments I have spent with you come creeping over me, and I feel most gratified to God and you that I have enjoyed them so long. And hard it is for me to give them up and burn to ashes the hopes of future years, when God willing, we might still have lived and loved together, and seen our sons grown up to honorable manhood around us. I have, I know, but few and small claims upon Divine Providence, but something whispers to me—perhaps it is the wafted prayer of my little Edgar, that I shall return to my loved ones unharmed. If I do not, my dear Sarah, never forget how much I love you, and when my last breath escapes me on the battlefield, it will whisper your name. Forgive my many faults, and the many pains I have caused you. How thoughtless and foolish I have often times been! How gladly would I wash out with my tears every little spot upon your happiness. . . .

But, O Sarah! If the dead can come back to this earth and the unseen around those they loved, I shall always be near you; in the gladdest days and in the darkest nights . . . always, always, and if there be a soft breeze upon your cheek, it shall be my breath, as the cool air fans your throbbing temple, it shall be my spirit passing by. Sarah, do not mourn me dead; think I am gone and wait for thee, for we shall meet again.

S. BALLOU.

PRESIDENT SHOULD NOT UNDO THE CUBAN ADJUSTMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 60 minutes as the designee of the majority leader.

Mr. MENENDEZ. Mr. Speaker, I want my comments today directly to go to our President with reference to the situation in Cuba. I am joined this evening by my distinguished colleague from Florida [Ms. ROS-LEHTINEN], whom I will yield to in a few moments. I think this is a very important time.

You know, Mr. President, Fidel Castro is a chess master. He has played skillfully with eight previous American administrations. He has now begun his game with you by threatening to instigate another boatlift like Mariel in 1980. He made his opening gambit, and we have responded with a very poor move.

Mr. President, your new policy of repatriating freedom seeking Cubans hurts the people who are fleeing one of the world's most brutal tyrants. Human rights organizations such as Freedom House list him as among the 10 worse human rights abusers in the world. But it fails to address the root of the problem, which is the Castro government itself.

Unless you assure us otherwise, the actions today in effect undo the Cuban Adjustment Act, which authorizes Cubans who flee Communist Cuba to ultimately seek U.S. residency.

In my view, you would be well-advised to expand on today's pronouncements. We apparently have moved toward consistency with our immigration policy toward Haiti. We must now move toward a more consistent policy, if that is going to be our goal, with respect to both the Cuban and Haitian dictatorships.

So I urge you to do the following measures: immediately suspend all United States flights to Cuba; immediately suspend all cash transfers to Cuba; immediately suspend, except for humanitarian assistance, all material remittances from the United States to Cuba. This adds up. The humanitarian response of the Cuban-American community comes to nearly $400 million a year. Castro cannot afford to lose approximately $1 million a day from his economy. Now, $1 million a day in the context of the American economy is nothing. But $1 million a day in Castro's freefall of an economy is something that he cannot resist, he cannot have, and, in fact, you will see how quickly he changes his immigration policy. The fact of the matter is we have to understand what Castro is seeking to do here. He seeks to very clearly do two major things. No. 1 is 2 weeks ago, nearly 30,000 Cubans, along Havana's seawall, demonstrated in unprecedented manner against the Castro government, saying that they wanted to see changes within the government.

□ 1650

And his response in those 2 weeks is to relieve the pressure. If they are unhappy with my government, do not let me seek to make change within my government. Let me seek to have them leave. And in a callous disregard for their danger crossing the Florida straits, for the numbers of hundreds that may have made it, there are hundreds who have died at sea. And so his response is, let me relieve the pressure and at the same time let me wreak havoc with U.S. immigration policy. Let me change this into an immigration issue. Let me take it away from the political issue that it is, as it relates to democratic and economic change in Cuba. And hopefully, while I am doing this and relieving the pressure, I will also go ahead and get my No. 1 foreign policy objective, which is to have undone the U.S. embargo against the Castro government.

So the present situation, secondly, is not only a challenge but an opportunity. Now is the time to use our technology, to make sure that Television Marti fully penetrates the entire island of Cuba, nearly 10 million people who live in a closed society, who do not have, as we do here, television of what is going on in their House of Representatives, who do not have free and unfettered press, who only have a state radio and television and, in fact, by doing so, communicate directly with the Cuban people as to our intentions. Show them the pictures of what it is to risk your lives on the Florida straits. Understand the many who have died, the children who have become orphans in this process. Understand and know about, because we cannot conceive, maybe, many of us, that what we see here instantly happens in one part of our country is known in another, that in Cuba that is not the case.

Let them see the powerful images of television as we have seen through CNN throughout the world that in fact in Cuba there were 10,000 to 30,000 people who rose up against the Castro government 2 weeks ago. Let them know that their desires for freedom are not alone.

If we do this, and we have the technology, we have satellite communications that we could have, we have ship to shore possibilities, we have C–130 planes that can transmit as we recently did in Haiti to directly communicate with the Cuban people.

This is a powerful tool, one that Fidel Castro spends an enormous amount of money trying to jam because of the present frequency that we use instead of using that money to put food on the plates of Cuban families. It would create an opportunity and force a hoped-for democratic change by opening a window on the world and even a window about what happens in Cuba.

The administration must have the will that others have lacked to give the people of Cuba who live in this closed society that window on the world.

Fidel Castro has challenged our national security at a time when we find ourselves busy in both humanitarian missions in Rwanda and the restoration of democracy in Haiti. It is in the national interest to provide free and unfettered information to the Cuban people.

Also let us work with our hemispheric partners, who seek hemispheric integration, to voice publicly what we know that they are telling Castro privately. As a member of the Foreign Affairs Committee, the Western Hemisphere Subcommittee, I have had the opportunity to speak to several Latin American leaders about our relationships between the United States and Latin America and their countries. I have also talked to them about our relationships with Cuba.

We know what happened in the Latin American in Colombia where they in private told him that there must either be change or in fact he must go. Now we need for those who seek hemispheric integration, who want greater relationships with the United States, who say that they support democracy to say what they say in private, to say it publicly, because it is time to end this Havana-Washington issue. It is time to, certainly within our hemisphere, get our partners to speak up for the democratic principles they say they stand for.

It is time to allow the Cuban people to freely express themselves by voting with ballots in a booth versus fleeing, voting by their feet, by fleeing on a raft.

Lastly, before I yield to my colleagues from Florida, let me just say that we must take the long overdue move to establish a proactive policy toward Cuba. I have encouraged the administration for some time now to endorse our Free and Independent Cuba Assistance Act, to send a message to the Cuban people that we are in solidarity with you, but not the dictatorship who oppresses you. We respect your right to national self-determination. We are prepared to assist you in your transitions toward a democratic government. But, in fact, we are unwilling to support the dictatorship that oppresses you.

Had we done that, by sending the message of our both humanitarian assistance, developmental assistance that would be available, we would not have people fleeing because they would have seen the opportunity for hope.

We would not, Mr. President, today be reacting to Castro's cynical ploy and, lastly, lest we forget, the 40 men, women and children who died nearly 3½ weeks ago at sea, which is another reason that Castro has done all of this. The world community was raising their voice against what he did, which is when 70 or so, men, women and children went to sea in an attempt to flee the tyranny of Castro's Cuba. Their boats were hit with high water pressure cannons knocking over women and children, nearly 20 children in this process. Their boats were rammed by Cuban Government boats. The boat was split. People were drowning and the Cuban Government, in circular motion with these three boats, created a whirlpool effect to have those people drown into the sea.

Those who survived and were eventually brought back to Cuba, nearly 30 survived, 40 died at sea, including nearly 20 children, were courageous enough to tell their story to what press exists in Cuba, to those limited press that are there from outside of Cuba. And in doing so, let the world community know about it. We should be seeking a resolution in the United Nations and refocusing the reality, that we do not need and the Cuban people do not want to flee in massive numbers.

We need one person to leave the island of Cuba, and that is Fidel Castro.

I want to yield to my distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. I thank the gentleman for yielding to me. I congratulate him not only for his great leadership in many of the crucial domestic issues that confront this great country, health care, crime, education, but also for his leadership on the international domain, especially in his call, never ending, for the liberation and the freedom of the enslaved Cuban people.

We are joined here tonight with another esteemed colleague from the Florida delegation, Mr. DIAZ-BALART, who has an important piece of legislation which we all support that calls for an international embargo that, as the gentleman from New Jersey [Mr. MENENDEZ], pointed out, would help to bring about the defeat of Fidel Castro and help to bring abut the democracy that the Cuban people so earnestly yearn for day in and day out.

We are all deeply disappointed that President Clinton did not take the opportunity this afternoon at his press conference to announce a tougher U.S. policy against this failed Castro regime.

The decision by the Clinton administration of intercepting in the high seas and then detaining at the Guantanamo Naval Base Cuban refugees who flee the Castro regime is indeed extremely disappointing. These Cuban refugees who risk their lives in the high seas in search of freedom should be processed as indicated by the Cuban Adjustment Act and be granted political asylum.

The wave of Cuban refugees will not stop, as Mr. MENENDEZ pointed out, unto the root cause of the problem, and that is the Castro dictatorship, is eliminated from Cuba.

Castro's failed Marxist policies have brought misery and hunger and a repressive political environment to the island. The solution is not to detain Cuban refugees, who are the real victims in this cruel situation. The solution is to bring down from power Cuba's dictator, Fidel Castro.

The United States should strengthen its foreign policy toward Cuba. It is hypocritical for the administration to lobby for an international embargo against the undemocratic government of Haiti but turn its back on the 35-year old Castro tyranny.

President Clinton should encourage and actively lobby for the international community to cut off all of its commercial ties with Cuba and, instead, implement an international embargo against the thugs who rule the island.

□ 1700

An international embargo, as proposed by Congressman DIAZ-BALART, would cut all resources to the regime, resources that it now uses to further enslave the Cuban people and maintain itself in power. If Cubans and Haitian refugees are to be treated the same in terms of immigration, why are the two dictators who rule these islands not treated the same in terms of the U.S. military response?

There is an international blockade against Haiti. Nothing is to get there, except for strictly humanitarian aid. There is no such international blockade against Castro. There are strong worded U.N. resolutions, forceful, against the Haiti dictatorship. Where are the anti-Castro resolutions of action against Castro?

This, today, has been a very sad day for the liberation of the Cuban people. On this day, the United States made it very clear to Fidel Castro and to the international community that we, indeed, have no proactive policy to remove this cruel dictator from power.

Mr. Speaker, I thank the gentleman for this time.

Mr. MENENDEZ. I want to thank the gentlewoman from Florida, who has been a strong voice on behalf of freedom for people of Cuba and freedom for people everywhere, and for respect of democracy and the rule of law.

I would like to take this opportunity to yield to my colleague, the distinguished gentleman from Florida, LINCOLN DIAZ-BALART.

Mr. DIAZ-BALART. Mr. Speaker, I agree with, obviously, what the gentleman from New Jersey [Mr. MENENDEZ] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] said with regard to the sadness of the day.

Yes, it is a sad day. It is a sad day in the history of this process, because, I guess, those who support the continuation of slavery for the Cuban people scored a victory in that the underground railroad was dealt a setback.

We all know that the underground railroad, when we study our American history, was the hope during slavery that the slaves in the United States had to try to reach the North. Today, yes, it is a hopeful day for those who support the slavery of the Cuban people because there has been a setback to the underground railroad, but the underground railroad ultimately is not the issue. It is an important matter in the sense that it means hope in this process, this interim process, the duration of slavery, but slavery is not going to remain as a permanent condition.

That is why it was so much our hope that even though we, under all circumstances, would oppose with vehemence and with firmness the interruption of the underground railroad, we hoped that that opportunity would have been used by the President to give hope that the source problem would be addressed.

As has been mentioned by the gentlewoman from Florida [Ms. ROS-LEHTINEN], in effect what was mentioned today was an immigration policy like the one that exists with regard to Haiti. Yet, there was not announced a foreign policy, like the one that exists toward Haiti.

In Haiti we have a situation, as the gentlewoman from Florida mentioned, where there is a blockade. It is an international blockade, but in effect it is the United States doing the blockading.

We did not ask permission when the decision was made to so-called quarantine Cuba because of the threat to the national interests of the United States in 1962 in Cuba. We did not ask the world's permission for that.

Today there is one superpower, and it is the United States of America. Not only is it the superpower of the world, it is the moral reserve and reservoir of the world. There is absolutely no reason why, 90 miles from our shores, we cannot give hope and concrete assistance to the people that for 35 years have been languishing under a torturer who has destroyed not only the economy but has brought the people to an extraordinary state of despair and desperation.

We could have announced today steps not only to give hope but to give concrete assistance to the Cuban people, overtly and covertly, if necessary, like we are doing in Haiti, so that the Cuban people will shortly—would shortly achieve their freedom. There were many things that could have been announced that were not announced. The only issue that was addressed was the issue of the underground railroad. The issue of slavery was not addressed.

Even this issue, this immigration issue, will not be solved while we ignore, and if we continue to ignore, the core, the source problem, because Castro knows now that it is his last card, but this card is working. He has used his last card, which is another threat, another form of blackmail, telling the United States, "We are going to unleash this refugee problem on you." It is his last card.

Instead of saying, "You have used your last card and it backfired," we have said, "No, well, okay, we'll cut the underground railroad." The reality of the matter is that now Castro is seeing that it is working, because he was given something. He was given something by virtue of having unleashed this threat and this blackmail, this instrument of blackmail.

He is going to continue. The refugees may be put in Guantanamo tomorrow and third countries the next day. Castro is going to continue to unleash them, because he knows that the threat, the process of pressuring the United States, is working.

If the United States today, while announcing this unacceptable policy, I think ethically improper policy that was announced today, if the United

States would have announced, "We are blockading, by the way, refugees," we still would have opposed that on ethical grounds. But if in addition to that the United States would have announced, "But we are blockading the ports of Castro, and no oil is going to go in, and your card, your last card, has backfired," then the Cuban people would see the source problem, the oppression, the dictatorship, the tyranny, is coming to an end.

The oil, which is what runs regimes in these days, and which, by the way, the Haitian regime continues to obtain because of the filtering of the embargo through the Dominican border—there is no Dominican border in Cuba.

Besides that, the Cuban people have already demonstrated, even the totalitarian state they are living under, that they have hit the streets, they have passed the threshold that was passed in 1989 with the peoples of Europe. They have hit the streets; they are in a state of insurrection.

There is no press in Camaguey, there is no press in Oriente, there is no press in Pinar del Rio and a number of other places where insurrection has already occurred in recent days, and yet we hear the people have hit the streets. And in Havana, of course, since it is the capital city and there are so many tourists there, some of them with video cameras, 30,000 people were seen hitting the streets spontaneously, attacking the symbols of the dictatorship just a few days ago on the 5th of August.

It was that day, on the 5th of August, that Castro unleashed, using his last card, this threat of the immigration crisis. Instead of calling his bluff and say, "It is your last card and it has backfired and your ports are blockaded," like we are doing in Haiti, a dictatorship 2½-years old, not 35, that does not have a state of insurrection of the people against it, that does not have the political prisons full, like Castro does, instead of doing that we say, "We are just going to deal with the immigration issue."

That is not correct. That is not wise. That is not understanding who you are dealing with, the demented mind of Fidel Castro, someone who, like you said today, a chess player but who has nothing left except one remaining threat, but he is going to continue to reiterate threats as long as he remains in power.

It is time, I would say to the gentleman—and I appreciate him yielding these precious moments that he has obtained today to address our colleagues and the American people—it is time for the United States to say "enough is enough" with regard to the suffering of the Cuban people. We have a long relationship, a historic relationship of friendship with the Cuban people. When the Cuban people fought for 100 years in the 19th century, it was the United States that ultimately came to their help. Now it is time to come to their help.

Cuban people, Cuban-Americans do not want a single GI to die for the cause of freedom in Cuba. Cuban-Americans are not asking for U.S. invasion. They are asking for the right to fight for their brothers and sisters in Cuba. The Cuban people are asking for the right to fight, for the recognition of the State of belligerence of the Cuban people, which exists, but it should be recognized.

We have gotten into a situation now where we are deciding which laws to enforce and which laws not to enforce. There is a law called the Cuban Adjustment Act that today the administration decided not to enforce.

□ 1710

Then we must question the enforcement as rigidly as it is in effect enforced of the so-called neutrality law. I mean, we had Nicaragua, 20,000 people fighting in Nicaragua a few years ago, helped by the United States, despite something called the neutrality law. We had Angola. We had Afghanistan. But Cuba remains on the back burner and the issue has always been simply, whoever can reach here is able to be free, but there is no assistance, overtly or covertly, nor permission even for those who want to fight with regard to Cuba. The time for that has ended. The time for assistance has come. The time for solidarity has come. The time for freedom has come.

Cuban people will be free anyway. The gentlewoman from Florida [Ms. ROS-LEHTINEN] said it is a sad day. It is. But despite defeats like today, in the sense of lack of perceiving the historical moment and the opportunity, despite that, and despite the lack of solidarity in the world, a coldly indifferent world, that United Nations that condemned Cedras and condemns the South African apartheid and yet continues to ignore the suffering of the Cuban people, those elderly and those little children that we see striving for freedom, who are now going to be diverted and sent to who knows where under what conditions.

Despite all that, despite the defeats, despite the indignity of the indifference of the world, I have no doubt just as Cuba was free at the end of a struggle of 100 years against Spanish and European colonialism, I have no doubt that that people will be free. And because of the difficulty of this process, that people will be able to hold its head very high and tell the entire world, after opening the concentration camps, "Yes, we know what your attitude was, but we're free, and we're going to reconstruct and once again we will be the envy of Latin America."

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for his strong and passionate statement.

We have the opportunity to turn around what we consider to be a failed policy today. We have an opportunity to be proactive and not reactive. We have an opportunity to stop dancing to Castro's tune and change it to our own music. I think that it is important to do so. Ultimately we do not want the Cuban people to have to leave their own country, a beautiful country, an idyllic island, but they leave because they cannot make political change within their own country. They do not have as we have a process here by which they can create that change. We have seen time and time again that lack of political opportunities in terms of political freedom creates lack of economic change. Because how does one go about creating economic change if they have no representative democracy?

Lastly in that respect, if we look at this issue, and let me close on this note, that beyond releasing the pressure within Cuba for those who wanted to create change but for which the dictatorship will not respond to and seeks to have them go so that he will not have that pressure, the question then becomes and the issue I know that is circulating here in this House on the question of the embargo: Castro can buy food, medical supplies, and material goods anyplace in the world. He has allies in Spain, in Canada, and in Mexico. All he has to do is have the hard currency to purchase from them. Or in turn if they wish to give it to him, they could do that but they choose not to, and he chooses not to create the type of economic reform that would put more food on the table of Cuban families.

We should never lose sight of who has the control to make life better for the people of Cuba and who has the arms so that they in fact cannot seek democratic change. There is only one group that has the arms within Cuba and that is the Castro army and its security. There is only one person under that structure that exists that can permit market reforms in Cuba, and when he has done it, when he has done it, it has been tremendous success and the industriousness of the Cuban people has shown to rise up and live up to expectations.

When he created farmers markets and said if you meet the state quota, anything above and beyond that state quota, you will be able to keep the benefits of, and it was a tremendous success. Not only were the state quotas met that had not been met for many years before, but they were surpassed. More food was created for Cuban families, and the personal profit of that was kept by those who worked hard to do it.

The response: The reform that Castro himself had permitted was shut down in 6 months. Why? Because he cannot control it. And as his daughter who escaped to the United States told me here in the House of Representatives, "You call him a dictator. I call him a tyrant. A dictator is someone who wants to dictate the policy of the country. A tyrant is someone who wants to dictate every aspect of your life."

Fidel Castro will not willingly—he did not do it when the Soviet Union was giving him $6 billion a year at that time that the Soviet Union existed in assistance, $6 billion a year which kept his economy afloat, when Gorbachev went to them and said, "Let's have some openings, let's have glasnost, let's have perestroika," he said, "No," and he bit the hand that fed him. When he did on his own create market reforms, he rejected them, because again he could not control them. He privatized over 100 jobs and told people, "Go get a license, we'll see how it works." It was very successful. And what did he do? He repealed it. Then subsequently passed a harsh decree law 149, I think it was, that says, "All the ill-gotten gains you have got from that which we permitted you to do in terms of private enterprise cannot be kept anymore."

Castro has shown that he is unwilling on his own to permit reform, to create reform. He does not need any signals from the United States. He can do it on his own. He refuses to do so, he will only do so by necessity, and that is where we must learn our lesson, that is where we need to respond and that is where we need to be in solidarity with the Cuban people.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

HEALTH CARE

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 60 minutes.

Mr. SAXTON. Mr. Speaker, I take this time this evening to talk about an issue that is on the minds of all American people, that of health care, but before I do, let me just remark that I believe the American people recognize the important message that the gentleman from New Jersey [Mr. MENENDEZ], the gentlewoman from Florida [Mr. ROS-LEHTINEN], and the gentleman from Florida [Mr. DIAZ-BALART] just conveyed as being one of a great deal of seriousness and a great deal of importance to the American people as well as to the people of Cuba. Obviously this has been an issue that has been on the minds of Americans for many, many decades, and the actions today certainly are something that everybody that I have talked to has had a lot of questions about, and we hope that we resolve the Cuban issue in the near term and we do it successfully.

Let me turn to a domestic issue, as I said, health care. As we debate the crime bill in this house, the other house is well into the debate on health care. It seems to me that there is something in the debate that has kind of fallen by the wayside, and that is that our health care system today is really a pretty good system.

As I sat and listened to the debate and the remarks of the previous speakers about Cuba and about institutions in other countries around the world, I thought just how fortunate we are to be Americans and to be able to avail ourselves of the many institutional facilities that we have that dispense wonderful health care in our country.

As a matter of fact, one of my constituents said not long ago at a town meeting, "Congressman, if you were ill and you could be treated any place in the world, where would you go?" And I said, "right here in the United States of America," because what we do in the way of health care is the best.

It is not the health care system that dispenses health care, it is not that that we have the problem with. What we have the problem with is the economics of health care. The economics of health care do not work under the system that we have. They have worked somewhat over the years but because of some occurrences that have taken place, health care today, the economics of health care, really do not work very well.

□ 1720

Our economic system, the free market economy that we have in our country, has been very successful. It has been successful in terms of retail sales, it has been successful in terms of manufacturing, it has been successful in terms of trade. As a matter of fact, statistics show that 85 percent of our economy works pretty good. We have recessions, we have up cycles when our economy gets better, we have soft economies, but overall America is an economic wonder. The American economy has worked very well 85 percent of the time.

The 15 percent of the time that it does not work well today is the economy that we call health care; the way we buy it, the way we pay for it are problems and we need to look and recognize those two concepts. We have a wonderful health care system in our country where the economy of it is weak and does not work, 15 percent of our economy.

So if it were me calling all the shots, as we all here like to think we would be able to do, if I were calling all of the shots I would say let us not fix what is not broke, let us worry about the economics of health care. What is it that is different we might start by asking, what is it that is different about the economics of health care than exists in other aspects of our economy?

We look at the activities, the economic activities that take place every day in our country. We manufacture goods and we provide services of all kinds to Americans. We buy and sell goods and services. It works pretty good. We market and advertise goods and services. And as we go through our daily lives, our economic system has one thing that all of those activities that I just mentioned, they all have one concept implicitly in common in every activity that we do. It is called competition.

We have competition in manufacturing, we have competition in retailing, we have competition in marketing and advertising. And when we decide to carry out an economic activity, small businesses, for example, in our country, a small business person gets ready to initiate his economic activity, to establish his establishment and he goes in and finds a location. He goes to find a good location because a good location helps him compete. And then after he gets his location he says well, I have to have some kind of a structure, of a facility, and so he says what will the aesthetics of my facility be like, because it is important for it to be attractive so that he can compete. And he decides what kind of stocks and inventory to buy because stocks and inventory are important because he wants to compete. And when he gets his stock and inventory he decides on how he is going to price those goods, because the price of those goods help him compete.

I would suggest that that competition is absent in our medical care system to a large degree. Mr. Speaker, I was just making the point that in the medical care system the 15 percent of our economy that does not work well, there is something that is missing, there is something that is different than in all of the rest of our economic activities that we carry out in our country. It is competition.

That is because somebody else is paying the bill 83 percent of the time. That is right, 83 percent of the time when we go to avail ourselves of medical services, 83 percent of the time somebody else pays the bill. That has created some changes in the economics of medical care that are really very important. That is what we generally expect, as a matter of fact. What we have done we have done to ourselves, because when we as Americans, when this Congress set up the Internal Revenue Code it said to businesses we are going to treat the expenses you pay for medical care different than the expenses that individuals pay for medical care. Mr. Corporation, we are not going to tax yours, but we are going to tax the individual who pays for medical care.

So all of us, recognizing that the Internal Revenue Code influences our behavior, all of us said, gee, we want our employers to pay for medical care, because they do not have to pay taxes on it and we as individuals do. That is what we generally expect. We have negotiated with big businesses, small businesses, government employers to pay for our medical care for us as well as through programs that this House has enacted like Medicare and Medicaid so that 83 percent of the time somebody else pays the bill.

What does that mean to me as a medical consumer? It means when I go to the doctor, if the doctor says, "Well, you need to have these four tests," I do not have to ask the question: "Can't we get by with just two?" because 83 percent of the time somebody else pays for it, and it does not cost me much or anything. When I go to the doctor it means that if the doctor says, "Well, we need to schedule you for six visits," I do not have to say, "Gee, can we do it in three," because 83 percent of the time somebody else pays the bill. And when I go to the doctor and the doctor tells me, "You need to go to the hospital for some tests," I do not have to say to the doctor, "Can't we do it as an outpatient?" Because 83 percent of the time somebody else pays the bill.

So if we can look at the economics of health care, the American people do not want us to mess up their health care system, but they would like to find better ways to pay for it. If we could look at the economics of our health care system and creatively find some ways to change what we do to make consumers players, players in the decisionmaking process, it would certainly help and give individuals a chance to say, "I don't want four tests, I just want one. Can't we do it that way?" It gives individuals a chance to say, "Gee, can't I just come here three times instead of six, can we get it done that way," and give the individual a chance to say, "I don't really need to be in the hospital. Let's do it as an outpatient."

Those are the kinds of decisions that can save billions of dollars in our total system.

There are some examples that we can look to, at people, employers and employees who have agreed to do things differently. Earlier this week the Republican members of the Joint Economic Committee held a forum on this subject and we had a couple of relatively well-known Americans here to share with us some ideas and some thoughts on some activities that they have been involved in. One of those people was a mayor of Jersey City, a young man by the name of Brent Schundler. He recognized his taxpayers were having to meet a tremendous bill for medical care for city employees, about an average of $6,900 a year. So being a creative young fellow he said, "I think there is a better way to do this," and through a decisionmaking process they decided that they would buy only a catastrophic care policy with a whopping $2,000 deductible. And of course, having a city with people where the average income is below the average income in America, I think he mentioned the figure of the average income in Jersey City of about $10,000, having a city with relatively low income people and employees as well, obviously they could not afford to have a $2,000 deductible. But they are buying the catastrophic policy with a $2,000 deductible, and instead of asking the employees to pick up the first $2,000, the mayor is putting $2,000 in a special account for each employee, and the medical care that they use in that $2,000 is paid for by the city. At the end of the year if the employee has not used that $2,000 to pay their family's medical care, they get a check for the balance which may be left.

Now what has this done?

□ 1730

Well, first of all, last year the total medical bill per individual was $6,900. Mayor Schundler told us that he pays $4,700 for the catastrophic care policy, and the $2,000 that he puts in the special account to pay for the first 2,000 dollars' worth of medical bills for each family brings the total of $6,700, or a $100 savings.

Now, what Mayor Schundler is hoping will happen is that as consumers of medical care who are employees of Jersey City go through the year, they will say to themselves, "If I tell the doctor, if I ask the doctor the question, 'Can we not do this with one test instead of four? Can we not do this with three visits instead of six? Can I not do this as an outpatient deal instead of going to the hospital,'" that the total pool of employees that are covered by this system will use less health care and be less costly, and when the mayor goes to buy the catastrophic policy next year, it will cost less because it paid for fewer services.

That is putting competition back into the medical system for the employees of Jersey City. Are they better off? Well, at the end of the year, they get a check. All of their medical bills are otherwise paid for, and the system saves money. The taxpayers of Jersey City save money, and everybody wins.

The other witness at our JEC forum earlier this week was Malcolm Forbes. He is someone that a lot of Americans have heard of, the president of Forbes, Inc., the publisher of Forbes magazine, also has a large company, and he recognized something similar to what Mayor Schundler did 3 years ago, that is, Forbes recognized it 3 years ago.

They have in their company a medical health care system that has a $500 deductible, and he recognized that competition was missing from the consumers who went to the doctor, because they had to shell out that $500 regardless, pay the $500, then everything is paid for, or there may have been a copayment; most everything is paid for.

And so what Mr. Forbes said to his employees was this: "We are going to keep the same policy, the $500 deductible, but we are going to take care of that $500 deductible for you this way. I am going to put $1,000, twice the amount of the deductible, in a special account for you, and for every dollar that you spend on medical care this year, we are going to deduct $2 from the $1,000 account."

Now, what did that mean? It meant that when the family went to the doctor and spent $10 on medical services, $20 was deducted from the account, and he said, "At the end of the year, whatever is left I am going to write you a check for it."

Now, when the family goes to the doctor, the Forbes people, just like the Jersey City people, they ask them questions: "Is there a less expensive way to do this?"

The first year, at the end of the first year, when Malcolm Forbes went to reapply to buy his policy for the beginning of the second year, he found that their medical care expenses had been reduced by 15 percent, and at the beginning of the third year, when he went to buy the health care policy, same one, he found that medical care expenses had been reduced by an additional 13 percent, in 2 years, a 28-percent reduction because consumers became players in the decisionmaking process.

Now, as we debate health care here, I know it sounds to many people like somehow the Government can do it better. I do not believe that. I do not believe that Government can do it better.

What I think we need to do is to not rely so much on big Government to collect our money, send it down here from our employers; the Senate version says 50 percent from the employer, 50 percent from the employee, send it to a big bureaucracy here in Washington or Baltimore or someplace, and then have decisions made as they are currently by someone other than the patient.

I do not think that works. I do not know why we do not understand that here.

This may sound like an oversimplification of an easy way out; that some people are going to say it certainly will not work, but it certainly makes sense to me.

There are a few other things we need to do to clean up our act as well, expenses that medical care providers must pay, and then pass along to consumers, medical malpractice insurance, the practice of defensive medicine as a way to keep medical malpractice insurance as low as possible. That is an issue we certainly have to address. I think we probably need some administrative reform and some action to reduce paperwork and standardize forms, those kinds of things. Those things can be done.

We can reduce the cost of medical care without standing the rest of the medical care delivery system on its head. That is what the American people are concerned about. That is why the American people this week in Newsweek magazine, that magazine reported that 65 percent of the American people in the survey said, "Congress, stop, please go home. Please, do not do anything with medical care until next year," because they are afraid in their wisdom, they believe that we are going to do this wrong.

So I wanted to bring this concept to the Members, people who are, I know, good-intended, with good intentions, and as the debate goes forward in the other House, I hope that everyone recognizes just how complicated this issue is and that we really need to stop, take a good look, understand that the economy of the medical care system is where we ought to put our emphasis and where we ought to fix.

Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SERRANO] be allowed to control the remainder of my time.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. There are approximately 35 minutes remaining.

THE CUBAN CRISIS

Mr. SERRANO. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON].

Mr. Speaker, we are faced once again with a very difficult situation. We are calling it the Cuban crisis.

I think it is important to note that there are some of us in this country who believe that this crisis was brought on by our own policies and that it is time that we face up to it and begin to deal with it in a proper way.

Let us very quickly review what has been happening. For over 30 years now we have had and maintained an embargo on Cuba, and that embargo, economic embargo, did not allow travel by anyone in this country, did not allow any kind of interchange or exchange, did not allow Cubans to come here or Americans to travel there or participate in any way. The rhetoric from both sides was a very strong anti-Cuban Government and Cuban society rhetoric, and it was destined supposedly to bring down the Cuban Government by enticing the Cuban community in Havana and other parts of Cuba to rise up against their government. Throughout those 30 years, part of that policy has been to invite them to flee their homeland and to come here.

Second, one of the advantages or disadvantages I have is that by being able to understand Spanish I can tell you that Miami commercial radio stations on a daily basis transmit programs which in fact invited the Cuban people throughout these years to rebel, rise up against their government and to flee.

We have sponsored and paid for out of taxpayers' dollars, much to my dismay, Radio Marti, which uses thousands of hours every year sending not only the message that they should be sending of what American society is like, but, in fact, encouraging Cubans again to rise up against their government and flee, and when a Cuban shows up in Miami with a hijacked airplane, we never treat that person as a hijacker. We treat them as a hero fleeing a Communist dictatorship.

□ 1740

And when a person showed up, for many years and throughout the years, from Mexico or from Spain or from Latin America or from Canada, having left Cuba and made their way to those other countries, we treated them as a hero. We even have had in place until this afternoon—and we are not clear if it is still in place or not—a law which allowed only Cubans, no other group in the world, to come to our land and be accepted immediately, no questions asked, with special assistance, funding different organizations in Florida to assist them to become citizens in a shorter time than it takes any other alien to become a citizen in this country. That would seem to me that that is a policy that directly or indirectly has invited the Cuban people to come here.

Now, since the demise of the Soviet Union and the Cuban economy took the brunt of not being able to receive any help from the Soviets, the Cuban people started coming here in larger numbers. That began to worry some people in Miami and it worried some people in the administration and people throughout the country because it was no longer a sexy issue.

When one Cuban a month showed up in Florida, we were able to put that person in front of the TV camera on the 6 o'clock news and he would denounce the Cuban Government. He would then be lost and integrated into the society. But when dozens started to come and hundreds started to come this year, when thousands started to come, then the situation became a little different. Do we have room for them? Can we control what they say? What? Heaven forbid, some people would say if some Cuban showed up here and said, "Hey, listen, my education system back there was not bad, my political system, I was born under that system, my parents did not have it any better, it has not been any good for a lifetime. But I had good sports and recreation and I had a good health care system. The reason I am here is because I am hungry." That would destroy the whole theory of why we want Cubans to come here.

Now, all of a sudden, all of a sudden we have a situation where we find ourselves contradicting what we in fact set up. Let us understand what we did today. I am dismayed to find out that our administration, the administration I support, has decided that Cubans who flee Cuba will now be considered illegal aliens, will now be stopped, again after we have been inviting them to come here for over 30 years, they will be stopped and will be taken to Guantanamo Bay, the irony of ironies, in Cuba.

By detaining them, which is a fancy word for arresting them, we will be setting them in Cuba while accusing Castro of detaining his people, and we will be detaining Cubans in Cuba.

Now, let us understand that, that is really kind of an interesting situation we find ourselves in. We are going to now arrest Cubans and then put them in a piece of Cuba that we control and have them under some sort of arrest because that is what detention is, in Cuba. So we will say that Castro is detaining his people on two-thirds of the island and we will be holding people in another part of the island under our supervision and our control.

Now, what is to stop the Cuban people from deciding tomorrow that instead of taking the chance of facing sharks in the Caribbean waters, that they will just go to Guantanamo Bay, stand up again and say, "Take me in"? How are you going to deal with that? In my opinion, the time has come to deal with this situation in the only sensible way we can do it.

Mr. Speaker, I have introduced legislation this past week which would end the embargo against Cuba and let nature take its course after that, end the embargo against Cuba, just lift it completely and let things flow after that.

People ask, "What do you mean by that, Congressman? What is it that you mean by 'things will flow'?" I will tell you what it means. I will tell you what it means. It means that George Steinbrenner will be in Cuba the next day signing up 50 ballplayers. That means that Don King will be in the next day signing up 25 boxers. That means that Coke and Pepsi will be making a mad rush to see who sets up the first processing plant in Cuba. It means that Burger King and McDonald's and Wendy's will be rushing into Cuba. And the minute Cuba feels that flow of capitalism, Cuba will never be the same.

In the meantime, the situation that we risk is one where thousands of people will continue to flee Cuba, we will have to arrest them and detain them, so we will be detaining Haitians, we will be detaining Cubans, and we have already delicate situation in the Dominican Republic, and we have our own problems at home.

Would it not be simpler and better to say, "You know, we are dealing with Communist China, we are dealing with China, we are ready to deal with Korea if they put away the bomb, and Vietnam, we are dealing with Vietnam. We lifted the embargo on Vietnam after a war that still has an effect on our society, that is felt every day in our society dealing with Vietnam, as we should"?

What is it that still drives us to this misguided policy on Cuba? Is it that we are troubled by the fact that this gentleman has lasted for 35 years under our very noses, 95 miles away? Why do we continue to believe that we have to have this policy?

This is the opportunity, and I know that my colleagues have been asked little by little, one on one, to support my legislation. This is the opportunity to put an end to what could turn out to be a major tragedy.

Miami cannot withstand the rush of 100,000 Cubans. Cuba cannot withstand standing on line 4 or 5 hours a day for a pound of beef, for a pound for rice, half a pound of beans .

Children in Cuba are suffering because they have no food, because our embargo does not allow food or medicine or vitamins to go into Cuba.

If our policy was the same on China, on Vietnam, on Korea, then perhaps it would make some sense. But our policy is not the same. I would hope that over this weekend, that over this coming week, over the next week and the next coming days we would be able to put aside whatever it is that irks us as Americans about Cuba and the Cuban Government, and understand that for 35 years our policy has not worked; that it is time to talk to the Cuban Government, to allow the Cuban people the freedom to travel here, to allow us the freedom to travel there, to exchange that which made us friends in the past, our passionate love for sports, for music, for culture.

The Cuban people do not dislike the American people; they just do not understand the American Government. And we do not dislike the Cuban people, we just have a fetish about its leader.

Let us put it away now, let us open up and let us avoid a bloodbath, civil strife, and a catastrophe at sea.

This is the time to do it, and I think we can do it if we join in approving our legislation ending the embargo and wishing the Cuban people a new future.

Let them decide what government they want once they are eating, once they are being fed, once they have medicines, once again when they have vitamins; let them decide what government they want

If you look at the rest of the world and the changes that are taking place, it is easy to understand what changes they will make. But as long as we continue to push this embargo on them, the nationalistic fervor will envelop that island and will not allow people to dialog. This is wrong. This has been a wrong policy

Somewhere tonight when the Members of this House, the members of this Government and the American people go to dinner, maybe we should take 1 minute to think about the fact that their parents in Cuba, who do not know how they are going to feed their children tomorrow, we can put a stop to it now and it is the proper thing to do.

□ 1750

1993 REPORT ON ACTIVITIES OF THE U.S. GOVERNMENT IN THE UNITED NATIONS AND AFFILIATED AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ABERCROMBIE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1993. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994.*

CONTINUATION OF EXPORT CONTROL REGULATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed:

To The Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls contained in 15 C.F.R., Parts 768–799, including restrictions on participation by U.S. persons in certain foreign boycott activities, which heretofore have been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 *et seq.* In addition, I have made provision for the administration of section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

The exercise of this authority is necessitated by the expiration of the Export Administration Act on August 20, 1994, and the lapse that would result in the system of controls maintained under that Act.

In the absence of controls, foreign parties would have unrestricted access to U.S. commercial products, technology, technical data, and assistance, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, U.S. persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East.

Controls established in 15 C.F.R. 768–799, and continued by this action, include the following:

—National security export controls aimed at restricting the export of goods and technologies, which would make a significant contribution to the military potential of certain other countries and which would prove detrimental to the national security of the United States.

—Foreign policy controls that further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, antiterrorism, regional stability, missile technology nonproliferation, and chemical and biological weapons nonproliferation.

—Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and which support the objectives of the Nuclear Nonproliferation Act.

—Short supply controls that protect domestic supplies, and antiboycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

Consequently, I have issued an Executive order (a copy of which is attached) to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under the Act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act (IEEPA). In this Executive order I have also revoked the previous Executive Order No. 12923 of June 30, 1994, invoking IEEPA authority for the prior lapse of the Export Administration Act of 1979, as amended, extended on July 5, 1994, by Public Law 103–277.

The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by U.S. persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy, and economic interests and undermine our credibility in meeting our international obligations.

The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries may seek to acquire sensitive U.S. goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to U.S. foreign policy or nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 19, 1994*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MORAN (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. DINGELL, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. BARCA of Wisconsin, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

(The following Member (at the request of Mr. BARCA of Wisconsin) to revise and extend his remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. GOODLING.

Mrs. JOHNSON of Connecticut.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. HOLDEN in two instances.

Mr. NEAL of North Carolina.

Mr. DINGELL.

Mr. HAMILTON.

Mr. KLEIN.

Mr. LANTOS.

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. EDWARDS of California.

Mr. GLICKMAN.

Mr. GOODLING.

Mr. MATSUI.

Mr. DORNAN.

Mr. BROWN of California.

Mr. PORTER.

Mr. WOLF.

Ms. PELOSI.

Mr. MINETA.

Mr. SHAYS.

Mr. TORRICELLI.

Mr. TILNER.

Mr. MAZZOLI.

Mr. KILDEE.

Mr. ACKERMAN.

Mr. MANTON.

Mr. STRICKLAND.

Mr. GILMAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On August 18, 1994:

H.R. 2815. An act to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System; and

H.R. 4812. An act to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, California, and for other purposes.

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, August 20, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3723. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Office of People's Counsel Agency Fund Deposits and Expenditures for Fiscal Year 1992 and 1993", pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3724. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing funds for assistance to support third-country participation in the multinational observer group [MOG] to assist Dominican Republic authorities in enforcing a comprehensive trade embargo against Haiti, pursuant to U.N. Security Council Resolution 917, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of Justification for Presidential Determination (94-41) regarding the drawdown of defense articles and services from the stocks of DOD for emergency military assistance to Jamaica, pursuant to Public Law 101-513, section 547(a), (104 Stat. 2019); to the Committee on Foreign Affairs.

3726. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Memorandum of Justification for Presidential Determination regarding the drawdown of defense articles and services for international disaster assistance in Rwanda and neighboring countries, pursuant to Public Law 103-87, section 515 (107 Stat. 949); jointly, to the Committee on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2721. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes; with an amendment (Rept. 103-599 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2305. A bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission; with an amendment (Rept. 103–710, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Condit, and Mr. Swift):

H.R. 4995. A bill to require the disclosure of service and other charges on tickets, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARRETT of Wisconsin (for himself and Mr. Barca of Wisconsin):

H.R. 4996. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 and the Housing and Community Development Act of 1992 for employment relocation activities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWN of California (for himself, Mr. Edwards of California, Mr. Beilenson, Mr. Wilson, Ms. Eddie Bernice Johnson of Texas, Mr. Meehan, Ms. Woolsey, Mr. Torres, Mr. Farr, Mrs. Maloney, Mr. Studds, Mr. Nadler, Mr. Mann, Mr. Lantos, Mr. Moran, Mr. Swett, and Ms. Pelosi):

H.R. 4997. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. CRAMER (for himself, Mr. McCloskey, Mr. Roemer, Mr. Bevill, Mrs. Lloyd, Ms. Long, Mr. Barlow, Ms. Kaptur, and Mr. Poshard):

H.R. 4998. A bill to provide for an independent review of the implementation of the national implementation plan for modernization of the National Weather Service at specific sites, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. EDWARDS of California:

H.R. 4999. A bill to amend the United States Commission on Civil Rights Act of 1983; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. Roberts, Mr. Slattery, and Mrs. Meyers of Kansas):

H.R. 5000. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas; to the Committee on Natural Resources.

By Mr. JACOBS:

H.R. 5001. A bill to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut:

H.R. 5002. A bill to amend the Internal Revenue Code of 1986 to provide that disabled individuals shall be eligible for the one-time exclusion of gain from sale of principal residence; to the Committee on Ways and Means.

H.R. 5003. A bill to amend the Internal Revenue Code of 1986 to allow certain expenses for overnight camps to qualify for the credit and exclusion relating to dependent care expenses; to the Committee on Ways and Means.

H.R. 5004. A bill to amend the Internal Revenue Code of 1986 to provide that a consent to waive a survivor annuity form of retirement benefit shall also be effective if made before marriage; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. TORRICELLI (for himself, Mr. Romero-Barcelo, Mr. Gilman, Mr. Wheat, Mr. Gallegly, Mr. Andrews of New Jersey, Mr. Deutsch, Mr. Diaz-Balart, Mr. Hastings, and Mrs. Meek of Florida):

H.R. 5005. A bill to require periodic plebiscites in United States territories and to require congressional notification of executive branch actions impacting the status of United States territories, and for other purposes; to the Committee on Natural Resources.

By Mr. LEVY (for himself, Ms. Molinari, Mr. King, Mr. Saxton, Mr. Engel, Mr. McCollum, Mr. Zimmer, Ms. Ros-Lehtinen, Ms. Lowey, Mr. Lazio, Mr. Cooper, Mr. Dornan, Mr. McNulty, Mr. Andrews of New Jersey, Mr. Canady, Ms. Schenk, Mr. Schiff, Ms. Margolies-Mezvinsky, Mr. Hochbrueckner, Mr. Klein, Mrs. Maloney, Mr. Cunningham, Mr. Linder, Mr. Manton, Mr. Pallone, Mr. Owens, Mr. Solomon, Mr. Rohrabacher, Mr. Cox, and Mr. Royce):

H. Con. Res. 287. Concurrent resolution condemning inflammatory statements made by Yassir Arafat relating to certain terrorist activities; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. Gejdenson, Mr. Goodling, Mr. Lantos, Mr. Leach, Mr. Ackerman, Mr. Hyde, Mr. Engel, Mr. Smith of New Jersey, Mr. Faleomavaega, Mrs. Meyers of Kansas, Mr. Borski, Mr. Gallegly, Mr. Andrews of New Jersey, Mr. Ballenger, Mr. Brown of Ohio, Mr. Rohrabacher, Ms. McKinney, Mr. Levy, Mr. Hastings, Mr. Diaz-Balart, Mr. Fingerhut, Mr. Royce, Mr. Deutsch, Mr. Wolf, Mr. Wynn, and Mr. Gutierrez):

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress with respect to children infected with AIDS in Romania; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. McKeon.

H.R. 127: Mr. Hoekstra and Mr. Johnston of Florida.

H.R. 746: Mr. Fields of Texas.

H.R. 1080: Mr. Quinn.

H.R. 1337: Mr. Hastings.

H.R. 1600: Mr. Price of North Carolina.

H.R. 1671: Mr. Lewis of Georgia.

H.R. 1924: Ms. Roybal-Allard.

H.R. 1961: Mr. Price of North Carolina.

H.R. 2004: Mr. Bishop and Mr. Manton.

H.R. 2019: Mr. Clay.

H.R. 2227: Mr. Minge.

H.R. 2292: Ms. Furse.

H.R. 2310: Mr. Faleomavaega.

H.R. 2418: Mr. Bereuter.

H.R. 2541: Mr. Lewis of Kentucky.

H.R. 3261: Mr. Knollenberg and Mr. Shays.

H.R. 3397: Mr. Underwood.

H.R. 3722: Mrs. Unsoeld.

H.R. 3795: Mr. Thomas of Wyoming.

H.R. 3797: Mr. Torricelli.

H.R. 3875: Mr. Manzullo and Mr. Tejeda.

H.R. 3906: Ms. English of Arizona, Mr. Hancock, Mr. Kim, and Mr. Kildee.

H.R. 3990: Ms. Woolsey.

H.R. 4019: Mr. Shays.

H.R. 4026: Mr. Thompson.

H.R. 4051: Mr. Hastings and Ms. Kaptur.

H.R. 4063: Mr. Kopetski.

H.R. 4138: Mr. McCrery.

H.R. 4161: Mr. Thomas of Wyoming.

H.R. 4291: Mr. Deal, Mr. Spence, Mr. Stupak, and Mr. Kildee.

H.R. 4314: Mr. Kreidler and Mr. Hinchey.

H.R. 4318: Ms. McKinney and Mr. Ford of Michigan.

H.R. 4711: Ms. Woolsey.

H.R. 4739: Mr. Johnson of Georgia.

H.R. 4758: Mr. Levy.

H.R. 4767: Mr. Hinchey and Mr. Torres.

H.R. 4793: Mr. Hughes.

H.R. 4828: Mr. Rangel and Mr. Serrano.

H.R. 4831: Mr. McHugh.

H.R. 4839: Mr. Lehman, Mr. Lipinski, Mr. Lantos, Mrs. Schroeder, Mr. DeFazio, and Mr. Miller of California.

H.R. 4887: Mr. Penny and Mr. Ramstad.

H.R. 4912: Mr. Emerson, Mr. Beilenson, Mr. Frost, Mr. Lipinski, Mr. Cramer, Mr. Valentine, Mr. Traficant, Mr. Rangel, Mr. Blackwell, Mr. de Lugo, Mr. Towns, Mr. Ewing, and Mr. Pete Geren of Texas.

H.R. 4938: Mr. Gilman and Mr. Bereuter.

H.R. 4967: Mr. Dingell, Mr. Ford of Michigan, Mr. Conyers, Mr. Barcia of Michigan, Mr. Ehlers, Mr. Camp, Mr. Upton, Mr. Smith of Michigan, Mr. Carr, Mr. Kildee, Mr. Knollenberg, Mr. Stupak, Mr. Hoekstra, and Mr. Bonior.

H.R. 4971: Mr. Edwards of California.

H.J. Res. 349: Mr. Hastings, Mr. Andrews of New Jersey, Mr. McDermott, Mr. Meehan, Mr. Thompson, and Mr. Burton of Indiana.

H.J. Res. 358: Mr. Hutto, Mr. Quillen, and Mrs. Meek of Florida.

H.J. Res. 383: Mr. DeLay and Mr. Martinez.

H. Con. Res. 17: Mr. Gingrich and Mr. Hall of Texas.

H. Con. Res. 148: Mr. Herger.

H. Con. Res. 166: Ms. Pelosi, Mr. Strickland, Mr. Bonior, Mrs. Lloyd, Mr. Inhofe, Mr. Hefley, Mr. Borski, Mr. Andrews of New Jersey, and Mr. Rush.

H. Con. Res. 254: Mr. Manton, Ms. Velazquez, Mr. Rohrabacher, Mr. Yates, Mr. Wolf, and Mrs. Byrne.

H. Con. Res. 274: Mr. Lewis of Georgia, Mr. McCurdy, Mr. Gallo, Mr. Rose, Mr. Johnson of South Dakota, Mr. Livingston, Mr. Frost, Mr. Ackerman, Mr. Manton, Mr. Lancaster, Mr. Glickman, Mr. Gordon, Mr. Hefley, Mr. Berman, Mr. Fields of Texas, Mr. Oxley, Mr. Franks of New Jersey, Mr. Andrews of Texas, Mr. Roemer, Mr. Pomeroy, and Mr. Payne of New Jersey.

H. Con. Res. 286: Mr. Armey, Mr. Baker of California, Mr. Bilirakis, Mr. Bliley, Mr. Boehner, Mr. Bonilla, Mr. Bunning, Mr. Cox, Mr. Cunningham, Mr. Coble, Mr. DeLay, Mr. Dreier, Mr. Gilman, Mr. Goodling, Mr. Goss, Mr. Hastings, Mr. Hayes, Mr. HERGER, Mr. HOUGHTON, Mr. KNOLLENBERG, Mr. LUCAS, Mr. MCCOLLUM, Mr. MURTHA, Mr. KYL, Mr. RAHALL, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SKELTON, Mr. SWIFT, Mr. TORRICELLI, Mr. WILSON, and Mr. WOLF.

H. Res. 510: Mr. ACKERMAN, Mr. DORNAN, Mr. FINGERHUT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. KING, Mr. LEACH, Mrs. MALONEY, Mr. MCDADE, Mr. MCNULTY, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. SARPALIUS, Mr. SAXTON, Mr. WAXMAN, and Mr. WILSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4291: Mr. STUMP.

EXTENSIONS OF REMARKS

THE PEOPLE OF PINELLAS COUNTY, FL, HAVE THEIR SAY ON HEALTH CARE REFORM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. YOUNG of Florida. Mr. Speaker, with the schedule announced earlier this month to consider health care reform legislation in August without giving us a chance to go home and discuss the latest proposals with our constituents, I decided to do the next best thing and send a questionnaire to every household in the 10th Congressional District of Florida which I have the honor to represent.

Because of the cost, I rarely send district wide mailings, but this decision is too important to make without giving our constituents some opportunity to express their reaction to the numerous proposals to be considered.

The results of this survey, which was sent out just 2 weeks ago, are very current. Already I have received more than 30,000 responses and they are still coming in every day in large numbers.

Mr. Speaker, the overriding message I have received from my constituents is go slow on health care reform legislation and do it right, 62 percent of those more than 30,000 say Congress should spend more time listening to the thoughts of the American people rather than rush just to pass any kind of a bill this year.

This is just one of the many responses to my survey.

I will include the questions and answers in total following my remarks. A real attention getter is the lack of confidence people have expressed in any of the health care reform plans now being considered by Congress. Just 12 percent believe their health coverage will improve if any of the proposed plans are enacted; 62 percent believe their coverage will be worse.

Seventy percent are sure of one thing, though, that health care reform legislation will drive up the national debt.

More of the results show that 90 percent of those more than 30,000 who responded already have some form of medical coverage and that three out of every four who have coverage are satisfied with their current plans. This explains why they do not want the Government to undermine the present health plans of the estimated 85 percent of the American people who have health coverage.

Eighty-five percent insist that any health care reform legislation must protect their right to choose between an HMO-type program and/or a plan that allows them to select their own doctors. And two-thirds of those who answered the questionnaire oppose caps on health care expenditures that could lead to a rationing of health care services.

The bottom line, Mr. Speaker, is that our constituents want us to proceed with caution on any sweeping health care legislation and do what is right rather than what might be good politics.

CONGRESSMAN YOUNG'S HEALTH CARE SURVEY

[In percent]

	Yes	No	No Opinion
1. Are you currently covered by Medicare or a private of public health insurance plan?	0.90	0.09	0.01
2. If yes, are you satisfied with your plan?	.74	.15	.11
3. Would you like to see your plan replaced by a universal plan, that would cover everyone, financed and managed by the federal government?	.25	.66	.10
4. Given what you know about the health care reform legislation to be voted on by Congress, do you believe your coverage will:	[1] .12	[2] .62	[3] .26
5. Do you believe you have enough information about the health care reform legislation Congress will be voting on to properly judge it?	.38	.56	.06
6. In order to finance this legislation, would you support:			
a. a 45 cent per pack increase in the tax on cigarettes	.59	.34	.07
b. a 1 percent payroll tax on businesses with 500 or more employees	.47	.41	.12
c. a 2 percent tax on health insurance premiums paid by employers or employees	.25	.59	.15
d. an increase in Medicare premiums	.15	.75	.10
e. a reduction in Medicare payments to hospitals and doctors	.28	.60	.12
f. an increase in the cost of health insurance premiums to be paid by employers and employees	.20	.65	.14
7. Do you believe that reductions in Medicare payments to hospitals and doctors might result in a reduction in the availability and quality of services for older Americans?	.71	.22	.07
8. Would you support an annual cap on federal health care expenditures if it might lead to the reduced availability of medical care?	.22	.66	.12
9. Should a new federal Medicare Part C program be established to subsidize health care premiums for low income families, part time workers, the unemployed, and small business employees?			
10. Should the federal government require that private health plans cover abortions?	.33	.57	.10
11. Should the federal government, which currently pays for abortions only in cases of rape, incest, or where the life of the mother is in danger, pay for abortions in all other cases?.			
12. Should the federal government require that private health plans provide coverage for home health and long term care?	.64	.25	.12
13. Should this legislation ensure that every American have the option of choosing between a plan that allows them to select their own doctors or provides coverage through a health maintenance organization (HMO)?			
14. Do you believe the enactment of health care reform legislation will increase the national debt?	.70	.20	.10
15. Do you believe Congress should complete action on health care reform this year rather than spend more time listening to the thoughts of the American people?	.31	.62	.07

[1] Improve.
[2] Be worse.
[3] Be about the same.

THE 100TH ANNIVERSARY OF ST. MARY'S HOSPITAL

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to St. Mary's Hospital located in Passaic, NJ, as it celebrates its 100th anniversary.

The Sisters of Charity of St. Elizabeth opened Passaic's first hospital as temporary quarters in 1895, and then they soon moved into a brick building with a staff of three.

Sister Rose Vincent directed the hospital during the first few decades. In 1927 a 100-bed wing was dedicated and when Sister Eileen Teresa became the hospital administrator in 1946, over 5,000 patients a year were being treated at St. Mary's.

During the past 25 years, St. Mary's has changed dramatically. In 1956 Maria Hall, a building for nurse training and residence was built, and later in 1958, a maternity wing was completed. Other significant additions included the remodeling of the 1895 wing, a new laboratory and pharmacy, and in 1971 a new wing was constructed which brought St. Mary's up to date with most current levels and medical care.

Countless individuals and families have been cared for and aided by St. Mary's Hospital over the past century. Passaic has been served by one of the finest hospitals in north Jersey. For these reasons, it is with great pleasure that I ask my colleagues to join me in honoring St. Mary's Hospital on this distinguished occasion.

AMERICAN SERVICE PERSONNEL CAPTURED IN LAOS

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. HOLDEN. Mr. Speaker, I rise today to urge the Lao Peoples Democratic Republic to account for the last known alive American soldiers and citizens, who were captured alive as prisoners in that country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Although hostilities with Laos have ceased, many unresolved questions remain about American service personnel captured in Southeast Asia. The United States has released all citizens and prisoners held captive during our involvement in Southeast Asia, and I call upon the nations of Southeast Asia to ensure that all missing Americans have been accounted for.

I fully support the policy that all captured prisoners should be released and accounted for by the United States and the Lao people. I thank the Lao people for their cooperation and assistance in this matter and look forward to a full resolution of this issue. Both nations will be well served by a full accounting of all missing personnel. Mr. Speaker, I urge my colleagues to support efforts to gain a full accounting of all Americans missing in Laos and Southeast Asia.

TRIBUTE TO COL. RAMON CANO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Col. Ramon Cano, the executive support staff officer for the Headquarters, California Air National Guard, on the occasion of his upcoming retirement from the Air National Guard.

I join with Colonel Cano's many friends, family members, and colleagues who will gather today to honor his nearly 40 years of dedicated service to our country.

Born in Cibuta, Sonora, Mexico, on November 15, 1937, Colonel Cano grew up in Tucson, Arizona. After completing high school, basic training, and technical school, he was assigned to the Far East Command by the U.S. Air Force. From that assignment, he went on to serve at Minami-Tama, Japan, as a personnel specialist and classified courier Far East. While in Japan, he studied and became fluent in Japanese and was frequently directed to travel to various locations throughout the Orient to deliver important documents to military officials. He returned from overseas to serve as a classification and personnel specialist at Keesler Air Force Base, MS, where he served until honorably discharged from the Air Force in 1958.

In 1959, Colonel Cano enlisted in the Arizona Air National Guard in his hometown of Tucson. He rapidly rose through the ranks, advancing to the grade of master sergeant. Five years later, he transferred to the 146th Airlift Wing of the California Air National Guard, where he served with distinction as the noncommissioned officer in charge of the personnel section. At the age of 27, he was promoted to the grade of senior master sergeant. In 1967 he was commissioned as a second lieutenant, and 1 year later he was elevated to the Headquarters, California Air National Guard, serving with great distinction for over 26 years.

Colonel Cano excelled in several key positions at the Headquarters, California Air National Guard, including personnel officer, personnel staff officer, and director of personnel, before advancing to the senior management position of Executive Support Staff Officer in 1975. In this capacity, Colonel Cano's institutional knowledge, managerial expertise, and leadership skills were instrumental to the successful establishment and administration of vital policies and programs for the California Air National Guard.

Colonel Cano has long been respected by senior Air National Guard officials at the State and national levels, as well as by unit commanders throughout the California Air National Guard.

Charged with performing a wide range of personnel, recruiting and retention, information management, and training functions, Colonel Cano's staff has followed his lead and maintained a solid reputation for quality service. In 1992, this Headquarters received a Quality Air Force Assessment from the Mobility Command inspector general, during which all functions mentioned were rated outstanding. These high marks are indicative of Colonel Cano's leadership.

Mr. Speaker, I ask my colleagues to join me in congratulating Colonel Cano as he ends his long and distinguished career of faithful and dedicated service to our country. We are grateful for his many contributions to the Air National Guard and wish him continued success in all of his future endeavors.

CONSTITUENT SUGGESTIONS FOR TAX BILLS ARE RIGHT ON THE MONEY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am pleased to introduce three bills that I believe will vastly improve the fairness of the Tax Code. Most impressive, Mr. Speaker, is that all three come from solid suggestions by Connecticut constituents.

The first bill allows overnight camp expenses to qualify for the dependent care tax credit. Under current law, only traditional day care services are deductible, creating a clear disadvantage for those lucky enough to identify reasonably priced overnight camps for summertime child care. Thus, under my bill, parents who send their children to overnight camp will be eligible to deduct a portion of their expenses, subject to the same terms and restrictions as other day care users.

My second bill, though a bit narrower and more complicated, addresses another fairness issue important to many Americans. This legislation would allow the waiver of survivor annuity benefits assigned before marriage.

When the Retirement Equity Act was passed by Congress in 1984, it did not address the issue of prenuptial agreements. The act requires spousal consent for you to name someone other than your spouse as your beneficiary.

The growth of 401(k) retirement plans and the number of remarriages is likely to result in an increasing number of legal disputes following the death of the plan participant who obtained prenuptial consent from a spouse. After the participant's death, the new spouse and the participant's children from a prior marriage will fight over who is entitled to the deceased's 401(k) account balance which, thanks to compound interest over a number of years, can be substantial.

For example, assume a single parent joins a 401(k) plan and names his or her children as beneficiaries. If the single parent remarries, the new spouse automatically becomes the primary beneficiary, even though the forms on file name the children as beneficiaries.

Lastly, my bill to allow totally disabled persons the same one-time exclusion of $125,000 profit from the sale of a principal residence is long overdue. Under current tax law, those over 55 years old may exclude from taxation up to $125,000 in sales profits.

This tax break helps senior citizens who wish to sell a large family home to move into a smaller home or condominium and avoid huge capital gains taxes on the profits not invested in the new home. Since disabled folks may find themselves in need of smaller or more specialized accommodations, it is only fair that they enjoy this limited tax break as well. Under my bill, those who qualify as fully disabled under Social Security or Veterans' Administration rules, will be eligible for this benefit.

I commend these measures to my colleagues and look forward to their prompt review in the Committee on Ways and Means.

TELLING THE TRUTH ABOUT STUDENT LOANS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. GOODLING. Mr. Speaker, last year during the budget reconciliation process, a spirited debate took place on whether to enact a Federal Direct Student Loan [FDSL] program under which student loans would be made directly by the government rather than through the public/private partnership involved in the Federal Family Education Loan [FFEL] Program. Many of us continue to have misgivings regarding the enactment of the FDSL Program which is being tested at 104 institutions during the first year of the program. During this same time period, 95 percent of all student loans will continue to be made under the current FFEL Program. Many institutions of higher education, parents, and students are seeking information regarding the FDSL Program, particularly as to how it compares with the FFEL Program.

In this regard, I was disturbed to see that comments made by President Clinton on July 1 at the White House before a group of Presidential scholar medallion recipients provide a highly misleading picture of the Federal student loan programs. In his remarks, the President claimed that "lower interest rates" and "lower fees" are available to borrowers under the FDSL Program. This is simply not the case. Federal Direct Stafford and PLUS loans are required to have the same terms and conditions as Stafford and PLUS Loans made under the FFEL Program, including interest rates and fees. Congress explicitly required identical terms and conditions in order to facilitate a comparison of the two programs.

The President also referenced $4.3 billion in savings for taxpayers, but did not indicate that this number was the budget estimate for a 5-year period. Nor did he note that the saving estimate reflected the scoring procedure under the Credit Reform Act. As has been documented by the Congressional Budget Office, the actual savings, once the full administrative costs associated with direct lending are considered, is less than half this amount. Even this dramatically lower savings estimate assumes that a direct government loan program will operate at least as efficiently as the current FFEL Program. Many of us doubt whether the government can run any program as efficiently as the private sector.

Student access to higher education is simply too important for misleading information to be circulated, particularly by the President of the United States. I urge the President to correct the mistaken impression that may have been created by his comments. Students and parents deserve to know that interest rates and fees are identical for Stafford and PLUS Loans in both programs.

STOP THE KILLING OF CAPTIVE EXOTIC ANIMALS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. EDWARDS of California. Mr. Speaker, today I am introducing, along with fifteen of my colleagues, the Captive Exotic Animal Protection Act of 1994. This bill would prohibit the killing or injuring for entertainment or trophy collection of exotic animals—animals not indigenous to the United States—held in captivity.

This bill is quite simple really, it outlaws the practice of canned hunting. Canned hunts are hunts undertaken with animals purchased from zoos, circuses, and wild animal parks who are placed in cages or other enclosed areas and hunted for a fee. For example, the going rate at some hunting ranches for a Dama Gazelle is $3,500; for a Cape Buffalo, $6,000; and for a Red Deer, $6,000.

Is it a legitimate hunt when these captively-bred animals, who have been raised by humans, fed by them daily, who do not sense danger, and are unlikely to run away are shot while lazing around under a tree?

This bill does not seek to limit hunting practices involving animals in the wild. It is trying to stop a very specific practice that is nothing like a true hunt. Respected leaders in the hunting community have spoken out against these canned hunts as not real hunting. They further argue that this practice tarnishes all hunting.

The Humane Society of the United States [HSUS] has just completed a 3-year investigation of canned hunting. In the United States today, there are over 1,000 canned hunt facilities. The HSUS findings will shock you. Let me cite one case they uncovered to illustrate my point. At one facility a black leopard, captively-bred, who has been declawed and is virtually defenseless is surrounded by dogs after being released from a cage and is then immediately gunned down. How can anyone consider this shameless slaughter to be hunting?

Two States, California and Wisconsin, have already passed laws to prohibit canned hunting. However, many States have not prohibited these facilities from operating. It is time to do something about this now. Please join the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals and others in supporting this act.

I encourage my colleagues to cosponsor the "Captive Exotic Animal Protection Act of 1994" and work for its swift enactment so that those exotic animals that have been bred for our enjoyment at zoos and circuses are cared for humanely throughout their lives.

NIGERIAN LABOR UNIONS STRIKE TO URGE THE MILITARY TO RESTORE DEMOCRACY TO THEIR COUNTRY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. PORTER. Mr. Speaker, Nigeria is entering its seventh week of strikes as the country's labor unions demand that democratic institutions be established in their country. Nigeria has been convulsed by labor unrest since July 4, when oil workers in this petroleum-rich nation went on strike to protest the imprisonment of Mr. Moshood Abiola, the probable victor in the June 1993 presidential election. The goal of the union strikers is to urge the military leadership to step down.

Last summer, after years of military rule in Nigeria, General Ibrahim Babangida, then head of the military, organized two political parties, wrote the party platforms, funded them, and allowed elections to take place. But Chief Moshood Abiola, a wealthy ethnic Toruba chief from the Southwest, rose as the popular candidate. As a result, Gen. Babangida stopped, and annulled, the elections. A few months ago, General Sani Abacha replaced Gen. Babangida as commander and chief of the country's armed forces and declared himself the president.

Mr. Speaker, as cochairman of the Congressional Human Rights Caucus, I have been inspired for years by Daw Aung San Suu Kyi, the nonviolent Burmese democracy movement leader who currently remains under house arrest. The current faceoff between the United States and Nigeria is similar to that with Burma over Aung San Suu Kyi, and even to that with Haiti over exiled President Jean-Bertrand Aristide. In all three cases, military officers have jailed or expelled leaders who clearly enjoy broad public support. In all three cases, efforts ranging from blocking visas to economic sanctions have failed to make an impact on the ruling military and allowing the fairly elected leader to take office.

The U.S. Department of State reports that extrajudicial killings and excessive use of force by police and security services are common in Nigeria. Human rights groups maintain that scores of citizens die annually while in police custody and that prisoners are continually denied food and proper medical care. And last week, the police shut down Nigeria's most respected and independent newspaper, the Guardian. Action against the Guardian is apparently the reaction to an article suggesting that top military and civilian officials in the government of Gen. Sani Abacha were divided on how to respond to the current strikes. In recent days, there have been an increasing number of violent incidents believed to be related to the political crisis.

Over the summer, the Nigerian Government has regularly jailed union leaders and democracy advocates. Because of these fundamental violations, the U.S. Congress must press for democracy, human rights, and rule of law in Nigeria. In fiscal year 1993, the United States provided Nigeria $12.6 million in assistance. This year, the State Department has cut off all of this aid.

I strongly commend the administration for cutting aid, and I call on the United States not to renew any assistance until a democratic government is in place and the basic rights of the Nigerian people are respected. In the post-cold-war era, there is simply no reason the United States should provide any support for nations that continually subvert human freedoms and that do not hold the same basic beliefs in the value of the individual and society as a whole as we do.

I am deeply concerned over the jailing of Mr. Abiola and other democracy advocates. I urge the Nigerian military leaders to restore a civilian democracy and allow Nigerians to enjoy the basic rights entitled to them as citizens of Nigeria.

THE FACES OF FREEDOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. WOLF. Mr. Speaker, I would like to share with our colleagues an article from the August 10, 1994, edition of the Richmond Times-Dispatch written by William C. Mims, a member of the Virginia General Assembly, who was among a group of young American legislators meeting recently with young political leaders from central Europe.

Delegate Mims describes these young leaders, working to build democracies in Poland, Hungary, the Czech Republic, Slovakia, and Slovenia, as the "faces of freedom" in central Europe and relates how important the support of Western Europe and America is to the future of these emerging democracies. His article follows:

[From the Richmond Times-Dispatch, Aug. 10, 1994]

CENTRAL EUROPE LOOKS WEST, TO FREEDOM

The televised images of 1989 remain vivid in my memory. Five years ago this month, refugees from Communism streaming to sanctuary across the newly opened Hungarian border. German youths, delirious with freedom, tearing down the Berlin Wall with their bare hands. Huge crowds in Bucharest, widely waving Romanian flags with holes where the hated hammer-and-sickle had been. As the world watched with wonder, the Iron Curtain fell.

The images of 1989 are powerful, but faceless. Crowds rather than individuals. On this fifth anniversary, as the new democracies of Central Europe struggle with growing pains, several of their young political leaders met recently with a group of young American legislators of which I was a member. They have stepped forward from the crowds to begin the tedious task of building democracies. Theirs are the faces of freedom.

The faces of freedom are diverse, ranging from sandy-haired, blue-eyed Czechs to bearded Slovenians with jet-black hair and eyes. Their countries—Poland, Hungary, the Czech Republic, Slovakia, and Slovenia—adjoin Western Europe. They share a love for democracy and a determination to say "never again" to Communists tyranny. They look westward, to America and Western Europe, for alliances to protect their fragile democracies. How will we respond?

Krisztina Szilagyi is one of the faces of freedom. Twenty-five years olds, she is the spokesperson of the Christian Democratic People's Party in Hungary. Her experiences and those of her family show how far freedom has come.

Krisztina Szilagyi was born in 1969, the year after Soviet tanks crushed a democratic uprising in neighboring Czechoslovakia. She was a student during the democratic revolutions of 1989. Today, democracy has become her job and her passion. In June, Hungarian voters replaced a center-right governing coalition, which included Ms. Szilagyi's conservative Christian Democrats, giving a majority in parliament to a center-left coalition. Undaunted, she already is planning for the next election.

A devout Roman Catholic, Ms. Szilagyi also is studying for an advanced degree in foreign relations to prepare for a diplomatic career. She intends her lifework to be the full assimilation of her beloved Hungary into the community of free nations.

What is most remarkable about her story is how unremarkable it is in 1994. The governing coalition is replaced in an election, and once-dominant parties move peacefully into loyal opposition. People give voice to diverse religious and political beliefs without fear of retribution. Young professionals plan for meaningful careers without surrendering to a stifling orthodoxy of belief demanded by an illegitimate regime. Such experiences have become commonplace, remarkable only when one remembers they were fantasy a generation ago.

The experiences of Krisztina Szilagyi's family since 1989 demonstrate vividly the benefits of capitalism. Ms. Szilagyi's sister graduated from the university that until recently was named for Communism's founder, Karl Marx. No longer limited to government-sponsored jobs, she works in Budapest for a symbol of capitalism, the giant Arthur Andersen accounting firm. Her mother, after working many years for a state-owned manufacturing company, now makes more money and has more responsibility as a manager with a Dutch chemical company. Krisztina Szilagyi's parents recently made a capitalist investment decision familiar to many Americans—they built a small residential building for rental purposes.

Democracy and capitalism have established firm beachheads in Hungary and Central Europe. But the glorious revolutions of 1989 are in a critical phase—the initial euphoria is over and years of recession have tested voters' patience. Pressure is mounting to scale back economic reforms. What will the future hold for the faces of freedom? Where do they go from here to build a stable and prosperous future?

Krisztina Szilagyi's answer is immediate and forceful: the West. The keys to the future are strong economic and security relations with Western Europe and America.

Central Europe's young leaders distrust and fear Russia. Russia today is self-absorbed, wracked by internal problems, but its former satellites cannot forget its expansionist tendencies.

The most important—and perhaps surprising—fact for Americans to realize about these five Central European democracies is that their political, religious, and cultural traditions historically have much more in common with Western Europe than with Russia. Only in the half-century of Nazi and Soviet domination have they not had vigorous relations with their western neighbors. They look to the West for a stable future. They want to join the European Union and need its favorable trade treatment. They long to join NATO and need our security assistance.

Western Europe and America must not ignore Central Europe. Our national interest dictates strong trade and security relations with these countries that are so strategically located between East and West and that have much in common with us. The 50th anniversary of the Marshall Plan is approaching and General Marshall's prescription for "political stability and assured peace" through "normal economic health" remains valid.

As I looked into the hopeful faces of freedom—persons who in 1989 transfixed the world when they, in the words of Emerson, "planted themselves indomitably on their instincts and there did abide"—I realized another compelling reason to reach out to these fragile new democracies. It's the right thing to do.

JAPANESE-AMERICAN CITIZENS LEAGUE NATIONAL CONVENTION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. MINETA. Mr. Speaker, I submit a speech I gave before the Japanese-American Citizens League at their national convention on August 6.

Mr. Chairman. It has been many years since I spoke on a resolution pending before a National Convention, but I am compelled to do so in this case.

I believe it would be disastrous if this Convention were to repudiate the action of our National Board in this matter.

There are those who have argued that gay rights issues are not Japanese American issues.

I cannot think of any more dangerous precedent for this organization to set than to take a position on an issue of principle based solely on how it directly affects Americans of Japanese ancestry. When we fought our decade-long battle for redress, we won. We could not have done so if we had stood alone in that fight.

Where would we be today if the NAACP, or the National Council of La Raza, or the Anti-Defamation League of B'nai Brith, or the National Gay and Lesbian Task Force had taken the position that redress was a Japanese American issue—and had nothing to do with African Americans, Hispanic Americans, Jews, or gay and lesbian Americans?

Those organizations, and their members, joined us because they understood and believed in our argument that a threat to the civil rights of one American is a threat to the civil rights of all Americans. They acted based on that principle—and not on a narrow evaluation of how redress affected their own communities. We could not have won without their help. But for all the support we generated outside the Congress, redress did not begin moving in the Congress until 1987.

For years, the Administrative Law Subcommittee in the House of Representatives had been chaired by an enemy of redress. He held hearings, but stacked the witness list against us. And he made sure that the Civil Liberties Act died at the end of each Congress.

Those roadblocks came tumbling down in 1987, when the leadership of that Subcommittee changed—and Congressman Barney Frank became its Chairman.

I remember I mentioned to my staff that I should go and ask Barney if there was any way to get redress moving. I never had the chance to go to him. He came to me in the opening days of the 100th Congress. He told me that his top priority as Chair would be to make the promise of redress a reality—and by the end of the 100th Congress, redress was written into the laws of this country.

A gay Congressman from Massachusetts, with only a tiny Asian Pacific American constituency, makes redress his top civil rights priority. Why? Because he saw our civil rights as an issue of fundamental principle for this country.

Our success came from the willingness of countless Americans of all backgrounds to take the same position. How can we as an organization turn around today and say that the civil rights of other Americans have nothing to do with us? I do not think we can.

Our reputation as a national civil rights organization is based, more than anything else, on our dedication to principle and our resolve to stand by our decisions.

During what is right is often controversial. Doing what is just is often unpopular. But if we are to remain a viable voice in the national civil rights movement, we cannot back away from our commitments simply because the issue is difficult.

I urge the National Council to vote "No" on Resolution No 6.

"RIDE FOR FREEDOM" IN BERKS COUNTY, PA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. HOLDEN. Mr. Speaker, I rise today to inform my colleagues of the "Ride for Freedom," a very important event which will be taking place in Berks County, PA, on August 28, 1994.

This event, which is organized and sponsored by POW/MIA Forget-Me-Nots along with Rolling Thunder, PA, the Blue Knights IV, Reading, MC, and Vietnam Vets MC, is the local POW/MIA recognition day and ceremony for Berks County. The ceremony will feature a number of distinguished guests, and will include a rollcall of MIA's from Pennsylvania which is intended to symbolize the missing from all of our Nation's wars.

Mr. Speaker, this ceremony serves as an important reminder to our Nation of those missing in action who served in our Armed Forces. Many fine Americans have given their lives and their freedom to make the United States the greatest Nation on Earth. Their sacrifices for our country should not and cannot be forgotten. It is with great pride that I commemorate this occasion and ask my colleagues to join me in paying tribute to the patriotic Americans who will be riding into Reading, PA on Sunday, August 28 to honor our POW/MIA's.

THE 100TH ANNIVERSARY OF THE NUTLEY SUN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor the Nutley Sun and publisher, Frank Orechio, by noting the 100th year of the newspaper's printing.

As recently chronicled by Ann A. Troy, a newspaper called the Rising Sun established by G.R. Miller began in 1893 in Nutley. When he sold his paper to William Taylor in 1894, Mr. Taylor changed its name to the Nutley Sun and the paper steadily improved. Later, he sold the paper to J.D. Foy who also changed the name to the Legal Paper of the Town of Nutley. It was under this ownership that the paper developed into a considerable success.

The Nutley Sun was sold in 1938 to Russell Hay, and later in 1947, Ralph E. Heinzen became editor and publisher.

Finally, in April 1959, Frank A. Orechio purchased the Nutley Sun and printing business from Mr. Heinzen and became editor and publisher.

Frank Orechio continues to publish the Nutley Sun along with two other newspapers, the Belleville Times, and the Bloomfield Life. Although the location and equipment have changed to suit its needs, the paper has always been published in Nutley. I know that this paper has kept the citizens of Nutley up-to-date on their local events and concerns, and it is a better town because of its distribution.

It is with great pleasure that I ask my colleagues to join with me in honoring Frank Orechio on the 100th year of the publishing of the Nutley Sun.

CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1994

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. BROWN of California. Mr. Speaker, today I am proud to introduce with 15 of my colleagues the Captive Exotic Animal Protection Act of 1994. This act is legislation that every Member of Congress should support, especially those who adhere to the sport hunting principles of a fair chase and a clean kill. Canned hunts, as they are called, are not sport. They are not more than the slaughter of a magnificent animal by a would-be big game hunter who has paid a fee for a guaranteed trophy.

It has been said that a true hunt is "an experience that engages the skills of the hunter and captures the challenges of hunting wild game in wild country." Based upon the descriptions we have read and the television broadcasts we have seen, these canned hunts bear no semblance to that standard.

A black leopard, raised in captivity, is released from a crate in the presence of a paying hunter and is immediately surrounded by a pack of hounds. The cat, virtually defenseless because it has been declawed and greatly outnumbered by the hounds, tries to escape by running under a truck. The hounds follow the cat who then darts from under the truck slightly ahead of the pack. The hunter finally gets his shot, and his trophy.

A hunter approaches a herd of Corsican rams on a game ranch. The guide tells the hunter to set up and then goes to herd the animals toward the hunter. The hunter selects his trophy, takes aim with bow and arrow, and shoots. The ram is hit in the rear but does not go down. Over a period of minutes, four more arrows fly and hit their target, but this is not a quick kill. None of the arrows hit vital areas because the hunter does not want to damage the trophy. The ram is still alive, still standing as the minutes pass. Then a sixth arrow, shot at close range, strikes the animal in the gut. The ram falls but hangs on to life. Exasperated, the hunter borrows a rifle and finishes the job from a distance of four feet. "Nice shooting," the guide says as the hunter admires the new trophy for his den.

A tiger lunges peacefully under a tree on a game ranch and is unconcerned as men approach. Why should he be? He has been raised by human beings and is fed daily by them. The hunter, backed-up by armed game ranch employees in case something goes wrong, takes a shot and the tiger is hit. The tiger runs a short distance away and is shot again. He goes down and the hunter celebrates his trophy.

These are the elements of canned hunting: Animals who have lost their natural fear of human beings and who could not escape if they tried; agonizing and lingering deaths because shots are not delivered to the head or chest in order to preserve the trophy; guaranteed kills and guaranteed trophies of even the most endangered species as long as the high price tag is paid.

That people can participate in such animal cruelty is reprehensible. That magnificent animals who were once in wildlife parks or petting zoos end up as trophies is outrageous. Those who breed exotic animals for public or private enjoyment have a responsibility to provide humane, lifelong care for these animals. Disposing of them with dealers or at animal auctions creates a steady supply of victims for the canned hunt. Exotic animal breeders can no longer claim innocence or lack of responsibility for the fate of these animals.

The travesty of canned hunting must end. I call on the humane community, the zoo community and other breeders, and legitimate sportsmen and women to support the Captive Exotic Animal Protection Act of 1994 and to work for its enactment.

ASIAN-AMERICAN AND LESBIAN/GAY COMMUNITIES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Ms. PELOSI. Mr. Speaker, the Japanese American Citizens League met last week in Salt Lake City and voted to uphold a resolution supporting lesbian and gay rights. This historic meeting marks a milestone in coalition building between the Asian-American community and the lesbian and gay community. The success of the effort is largely due to the work of two of our most esteemed colleagues—Congressman NORMAN MINETA and Congressman BARNEY FRANK.

At the Salt Lake City convention, Congressman MINETA gave a compelling speech in support of the resolution. In that speech he recounted the leadership role played by Congressman FRANK in passing the Civil Liberties Act of 1988, the decade-long struggle for redress by Japanese-Americans interned during the Second World War. MINETA recalled that when FRANK become the chairman of the Subcommittee on Administrative Law, after years of futility with trying to move this legislation, he sought out MINETA—MINETA did not seek him out—to tell him that he would make redress his top priority.

By the end of that Congress, the Civil Liberties Act was written into the laws of the country. A gay Member of Congress, with very few Asian-American constituents, made redress his top priority. Now, a few years later, an Asian-American Member of Congress traveled to Salt Lake City to deliver a stirring speech in support of lesbian and gay rights. There should be nothing unusual about this when two champions of civil rights—NORMAN MINETA and BARNEY FRANK—are involved. Both understand that human rights are an indivisible liberty, not subject to race, color, creed, or sexual orientation. And both understand that unity and coalition building amplifies the strength and power of each community's struggle for freedom and justice in America. As a Representative of a city with substantial gay and lesbian and Asian-American populations, I commend their work, their courage, and their commitment to the cause of civil rights for all Americans.

TRIBUTE TO SAN YSIDRO HEALTH CENTER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. FILNER. Mr. Speaker, I rise today to honor the 25th anniversary of the San Ysidro Health Center, in San Ysidro, CA.

The center began operating out of a small house in 1969 as an outreach effort of the

University of California, San Diego School of Medicine. A new clinic was built in 1972, with funding from the Office of Economic Opportunity, and incorporated as a nonprofit organization in 1974. This community health center is governed by a consumer-dominated board of directors representing the ethnically diverse population it serves. With over 300 employees and 3 satellite clinic sites, the center is a major employer in the South Bay area of San Diego County as well as a community service provider.

The San Ysidro Health Center services include: medical, dental health, community nursing, medical social services, nutrition counseling, radiology, and a pharmacy. The center receives special funding for special programs and services such as comprehensive perinatal services, adolescent health, AIDS education and outreach, geriatric care, and binational tuberculosis control.

The San Ysidro Health Center serves an area of approximately 316,000 persons. Last year, this clinic served 36,925 people, 89 percent of whom are people of color, and 75 percent at or below the poverty level.

Mr. Speaker, I am pleased to stand before you to honor and recognize the San Ysidro Health Center for their quarter century of commitment to the people of San Ysidro and the South Bay.

THE ANIMAL EXPERIMENTATION RIGHT TO KNOW ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. TORRICELLI. Mr. Speaker, yesterday I introduced the Animal Experimentation Right to Know Act. This bill will require that a comprehensive public report of animal testing in this country be submitted by the U.S. Department of Agriculture to the Speaker of the House and the President of the Senate.

Although the Federal Government currently spends billions of dollars each year on medical experiments that involve the use of animals, there is no comprehensive public report on the nature or results of this testing. The existing reporting requirements are weak and insufficient.

My bill would amend the current Animal Welfare Act by strengthening the annual reporting requirements of research facilities that conduct animal experimentation programs of the Department of Defense. I believe we should be apprised of the progress of these studies, and the risks posed to the animal subjects.

Additionally, my initiative recommends to the President that he appoint an 11-member panel of biomedical experts and animal care experts to examine the ethics and regulation of the animal experiments conducted by the military.

I hope that my colleagues will join me in supporting this effort for humane and scientific reasons.

UNITED ILLUMINATING ENERGY WEEKEND

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. SHAYS. Mr. Speaker, I rise today to recognize the United Illuminating [UI] Co.'s Seventh Annual Energy Weekend. This event, which will bring together Boy Scouts from across the State of Connecticut, is a wonderful example of corporate leadership and commitment to the community.

On September 9, 10, and 11, UI will host more than 100 scouts on the grounds of its Bridgeport Harbor Station generating plant. Throughout the weekend, the scouts will learn about energy while completing merit badges in the areas of chemistry, electricity, safety, emergency preparedness, and atomic energy.

This annual camporee, reportedly the first of its kind in the Nation when it began in 1988, has been imitated by companies across the country, and UI has received local and national recognition for its efforts.

The Boy Scouts of America have been a leading institution in this country, providing positive opportunities for youths since 1910. I congratulate the youngsters for participating in this program and for making a commitment to scouting.

To make this event possible, more than 30 UI employees volunteer their time as instructors, guides, and supervisors. I am grateful for their dedicated service, without which this event would not be possible.

I want to extend my best wishes for a productive and enjoyable Energy Weekend 1994.

KILDEE SALUTES THE MEXICAN MUTUAL SOCIETY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to the Sociedad Mutualista Mexicana [Mexican Mutual Society], which is celebrating its 51st anniversary. On Friday, September 2, 1994, I will join the membership and many others in the greater Pontiac community for a flag raising ceremony at the Phoenix Plaza in downtown Pontiac, officially opening the 19th annual Mexican festival.

September is National Hispanic Heritage Month and the 19th annual Mexican festival kicks off a month-long celebration of Mexican-American culture, ideas, and achievements in Oakland County. Continuing the tradition of the past 19 years, the Mexican community will once again honor individuals who have selflessly committed themselves to making Pontiac and Oakland County a better place in which to live. The festival will also include many exhibitions explaining how Mexican-Americans have enriched the quality of life in the city of Pontiac and throughout the United States of America.

It is a pleasure to know that the leaders of this year's 19th annual Mexican festival have continued the outstanding tradition of community service set forth by individuals like Mr. Alberto Medina, who founded the Mexican Mutual Society in 1943. The Mexican-American community of the greater Pontiac area has provided a solid foundation allowing Mexican-American youth to stand proud among their fellow Americans. Through the efforts of the Mexican Mutual Society and the Mexican-American community at large, the Mexican festival has continued to grow every year. I am confident that it will be a great success.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to join me in commending the Mexican-Americans of the greater Pontiac area for their outstanding commitment to community service. I wish them and the Mexican Mutual Society the very best of success.

AN INSPECTOR GENERAL FOR THE UNITED NATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. HAMILTON. Mr. Speaker, many Members have been concerned about improving the efficiency and effectiveness of the United Nations. That concern was reflected in section 401 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995 (Public Law 103–236). In that law, the Congress withheld significant funds from the U.S. contribution for the United Nations until the U.N. establishes an independent office of inspector general.

On July 25, Chairman ALAN MOLLOHAN and I wrote to Ambassador Madeleine Albright, U.S. Representative to the United Nations, to underscore congressional concerns on this issue. I include our letter, an Ambassador Albright's response, for the RECORD.

THE REPRESENTATIVE OF THE
UNITED STATES OF AMERICA
TO THE UNITED NATIONS,
August 1, 1994.

HON. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of July 25 concerning the Office of Internal Oversight Services ("OIOS") in the UN. Your letter is particularly timely because the General Assembly, after an enormous diplomatic effort by the United States, formally established this office on July 29. We have pushed this issue vigorously and successfully and believe that the President will be able to certify compliance with Section 401 of the Foreign Relations Authorization Act, to which your letter refers.

I agree it is important that a qualified individual be selected to head the OIOS. The resolution approved by the General Assembly requires the Secretary-General, after consultations with member states, to appoint an individual who is "an expert in the fields of accounting, auditing, financial analysis and investigations, management, law or public administration." During consultations, I will stress the need to identify a candidate who meets these qualifications, which are identical to those listed in section 401.

Responsibility for the implementing procedures rests with the Secretariat staff, led by Mr. Joseph Connor, the Under Secretary

General for Management. Our Ambassador for UN Management and Reform, David Birenbaum, has met with Mr. Connor to advise him of the language contained in Section 401. We have also provided Mr. Connor with information concerning the operation of Inspector General offices in the United States.

The procedures to be issued by the Secretariat will implement the resolution establishing the OIOS. These procedures will take into account the resolution, the statement of explanation of the Coordinator of the Working Group and an opinion of the Legal Adviser of the UN confirming that the OIOS has jurisdiction over "the entire Organization, including separately administered organs." The State Department has provided your Committee with a copy of the resolution and statement of explanation. I am pleased to enclose a copy of the opinion of the Legal Adviser.

Thank you again for your letter and for your interest in United Nations reform. I will continue to consult with you regularly on matters of mutual interest and hope you will not hesitate to call me at any time.

With best wishes,

Sincerely,

MADELEINE K. ALBRIGHT.

UNITED NATIONS,
July 13, 1994.

Subject: UN Inspector General: Draft resolution of 12 July 1994.

To: Mr. Joseph Connor, Under-Secretary-General for Administration & Management

From: Ralph Zacklin, Director and Deputy to the Under-Secretary-General In charge of the Office of Legal Affairs.

1. This is in response to your request that I confirm that the following language will give the Inspector-General jurisdiction over the United Nations, including all its organs such as UNDP, UNICEF, UNEP, UNHCR, etc: "[The purpose of the   is to assist the Secretary-General in fulfilling his internal oversight responsibilities in respect of the resources and staff of the Organization through the exercise of the following functions: . . .]"

2. This formulation will cover the entire Organization, including separately administered organs.

3. As I mentioned to you yesterday, the *travaux préparatoires* of the resolution, *i.e.* the record of the negotiations and discussions, are an important tool of legal interpretation. Thus, anything that could be done by way of statements for the record, for example, by the Chairperson that would underline that the Inspector-General is to have authority to audit, investigate, inspect, etc., all organs of the United Nations, including all operational funds and programmes such as UNDP, UNICEF, UNEP, UNHCR, etc., would be useful.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 25, 1994.

Hon. MADELEINE K. ALBRIGHT,
Representative to the United Nations, New York, NY

DEAR AMBASSADOR ALBRIGHT: We write concerning implementation of Section 401 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995 (Public Law 103-236).

As you know, Section 401 withholds fifty percent of the U.S. contribution for international peacekeeping activities for fiscal year 1994 until the United Nations has established an independent office of inspector general that meets the criteria spelled out in that legislation. The need for an independent, credible inspector general at the United Nations has been stressed repeatedly by the Congress.

We understand that the Fifth Committee of the U.N. General Assembly has approved by consensus a resolution establishing an Office of Internal Oversight Services, with approval by the full General Assembly expected shortly. We appreciate the progress represented by the approval of the resolution as the first step toward being able to implement Section 401, but it is our view that additional measures need to be taken to meet the requirements of the section. We would like to share our thoughts about the further measures that must be taken to meet the certification requirements of the section.

As we understand it, the Administration intends to meet those requirements by the cumulative effect of the resolution, the Chairman of the Working Group's statement of explanation upon approval of the resolution, and subsequent regulations to be promulgated by the United Nations. Our sense is that it will be very difficult to convince some key Members that this new office represents a change from "business as usual" at the United Nations. We believe it is critical for you to take the following two actions in the period before September 30, the deadline for the President to certify:

First, you must bring the full diplomatic powers of the United States Government to bear to ensure that the appointment of the individual heading the new office is made "on the basis of the appointee's integrity and demonstrated ability" in the areas outlined under the law. The kind of individual chosen will influence heavily Congressional perceptions of the new office's credibility.

Second, we urge you to consult closely with the Congress on the development of the implementing regulations. Because certification cannot occur unless these regulations are adequate, it is essential that Congress be regularly informed on the status of their development.

We would appreciate your assurances that Congress will be consulted fully and regularly before these crucial implementing regulations are promulgated. We look forward to working closely with you on this important issue.

With best wishes,

Sincerely,

ALAN B. MOLLOHAN,
Chairman.

RESOLUTION NO. 23 FROM THE AMERICAN LEGION DEPARTMENT

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. STRICKLAND. Mr. Speaker, today I rise to share with you Resolution No. 23 from the American Legion Department of Ohio, Eighth District, which reaffirms their support for second amendment rights.

Whereas, we Veterans of the Armed Forces of the United States have faithfully served our nation; and

Whereas, we believe that law-abiding citizens of the United States have an inalienable right to keep and bear arms; and

Whereas, we oppose unfair taxation, restrictive laws and other measures designed to circumvent our Second Amendment rights; Now, Therefore, Be It

Resolved, by The American Legion, Department of Ohio in Convention assembled in Cleveland, Ohio, July 8-10, 1994, that we do hereby reaffirm our support for the Second Amendment of the United States Constitution, and demand current laws be rigorously enforced so as to protect us and our loved ones from the criminal elements of our society, and stand firmly against current efforts to disarm law-abiding citizens.

Mr. Speaker, I would also like to share with you another resolution from the American Legion Department of Ohio, Eighth District. This resolution, Resolution No. 2, is in regard to their sentiment on the preservation of the second amendment of the U.S. Constitution.

Whereas, the second amendment to the Constitution of the United States guarantees each law abiding American citizen the right to keep and bear arms of his or her choice; and

Whereas, It is estimated that over 60 million individuals, representing over half of the households in America, have chosen to exercise that right with one or more arms; and

Whereas, it is estimated there is over a 200 year supply of guns and that handguns are used over one half million times and firearms over 1 million times each year by law abiding citizens; and

Whereas, the 1934 Act of Congress to require the registration of automatic weapons directed at the "Tommy Gun" has had little or no effect on the purchase and use of Uzi's, AK 47's and similar arms by criminals; and

Whereas, the registration of guns and waiting requirements to purchase guns has had no effect in large urban areas such as New York City, California and Washington D.C. and has not prevented criminals from obtaining weapons and committing crimes; and

Whereas, although the American Legion deplores the use of arms in illegal activities, efforts to control arms is reminiscent of Amendment 18 to the Constitution of the United States of America, when governmental efforts to prevent citizens from the natural pursuit of their freedom required the passage of Amendment 21 repealing this misguided effort; and

Whereas, the restriction of law abiding citizens from the purchase of arms will create an illegal supply of said arms and further governmental costs to enforce any restriction or registration; Now, Therefore Be It

Resolved, by the American Legion, Department of Ohio, in Convention assembled in Cleveland, Ohio, July 8-10, 1994, that The American Legion reaffirms its recognition that the Second Amendment of the Constitution of the United States guarantees each law abiding American citizen the right to keep and bear arms; And, Be It Further

Resolved, that The American Legion recommend the rejection of further restrictive firearms laws that only serve to limit law abiding citizens in the exercise of their Constitutionally guaranteed rights under both the Second and Ninth Amendments, while having no effect on the activities of the criminal elements in our society, and ask our duly reelected members of the Congress of the United States of America to seek out the reason for this illegal activity and provide appropriate legislation to eliminate the cause; And, Be It Further

Resolved, that the membership of The American Legion urge our nation's lawmakers recognize, as part of their oaths of office, the Second Amendment that guarantees a law abiding citizen in the right to keep and bear the arms of their choice, as do the millions of American veterans who have fought, and continue to fight, to preserve those rights, hereby advise the Congress of the United States and the Executive Department to cease and desist any and all efforts to restrict these rights by any legislation or order.

INTRODUCTION OF LEGISLATION CREATING A TALLGRASS PRAIRIE NATIONAL PRESERVE

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. GLICKMAN. Mr. Speaker, I am pleased to rise today to introduce legislation creating the Tallgrass Prairie National Preserve in Kansas. My colleagues from Kansas, Congressmen SLATTERY and ROBERTS and Congresswoman JAN MEYERS have joined me, as well as Senators KASSEBAUM and DOLE, in cosponsoring this bill which will bring Kansas its first major national park.

In the 1820's, there were 140 million acres of tallgrass prairie stretching from Ohio to Kansas and from Oklahoma to North Dakota. Today less than 1 percent of it remains. No other grassland system anywhere supports the biological diversity of tallgrass prairie. Every other ecosystem has been honored with inclusion in the National Park System—mountains, seashores, desert, marshland, ancient forests—but no tall grass prairie. A tallgrass prairie is one of the only ecosystems missing in the National Park System.

I have worked for many years toward the goal of creating the first national park dedicated to preserving the tallgrass prairie as it existed hundreds of years ago in the State of Kansas.

The bill we are introducing today, creating the Tallgrass Prairie National Preserve, allows the National Park Service to purchase a core area of 180 acres in the Flint Hills of Kansas, and protects almost 11,000 acres of rolling hills, tallgrass prairie, and historic buildings over 100 years old, known as the Z-Bar Ranch. It is vitally important that we bring the tallgrass prairie ecosystem into the National Park System.

A feasibility study of the area conducted by the National Park Service in 1990 noted, "When traveling to the Z-Bar Ranch in Chase County, Kansas, a visitor is exposed to some of the most dramatic landscapes of tallgrass prairie that exist anywhere. Seemingly endless miles of rolling grasslands stretch out to surround the visitor from horizon to horizon."

The Park Service, Congress, and countless environmental organizations across the country have shown significant interest in creating a national park or monument in our State. In fact, similar legislation I introduced in the 102d Congress passed the House of Representatives overwhelmingly.

The establishment of a national park would bring considerable benefits to Kansas and it is important for Kansas to become part of the National Park System. Given that the tallgrass prairie is the most distinctively American landform, this could be one of the most important preservation projects in the country.

The Park Service feasibility study concluded that the Z-Bar Ranch exhibits a high degree of national significance. To quote that study, "While the tallgrass prairie is considered of prime significance, this ecosystem is very underrepresented in the National Park System * * * The Z-Bar Ranch depicts the significant historic theme of ranches and the cattlemen's empire, which includes the evolution of the holdings of large cattle companies during the latter half of the 19th century."

Based on the very positive support in Kansas and around the country, I am introducing legislation to establish the Tallgrass Prairie National Preserve, to preserve a part of the tallgrass prairie in the Flint Hills of Kansas, to protect the area's unique environmental features, and to interpret the historic, natural, and cultural characteristics of that area, including rural farming and ranching activities.

The Z-Bar Ranch is now owned by a group called the National Park Trust. Under my bill, the Trust will make the property available to the public through affiliation with the National Park Service. Also included in the legislation is the authorization for the National Park Service to purchase a 180-acre core area which includes a 19th-century ranch house, barn, and a one-room schoolhouse, all of which are listed on the National Register of Historic Places.

This unique arrangement with the National Park Service is an innovative approach which will give Kansas the expertise of the National Park System for operations, will save scarce Park Service financial resources, will keep the vast majority of the land in private hands, and will allow for the Kansas site to be listed on the National Park System maps.

This park would be of great significance to the entire State. Jobs and business opportunities created or enhanced in the Chase County area would benefit people in the towns and in the countryside as well. Farm and ranch families need additional jobs and economic opportunities to sustain their rural lifestyles.

My overriding goal throughout the past few years of debate over public/private ownership has been to preserve the ranch and keep it open to the public as an educational and historical resource to learn about the native prairie ecosystem and the history of ranching in Kansas. I believe the ranch would be managed best by the National Park Service, which has the resources and experience to do an excellent job, and I am very pleased that the National Park Trust is willing to work hand in hand with the Park Service on this venture. I am also extremely pleased that this legislation has the support of the entire Kansas congressional delegation, both in the House and the Senate.

Kansas was not blessed with beaches or mountains, but we do have something extraordinary to offer the rest of the Nation and the rest of the world: the broad expanse of tallgrass prairie.

The beauty of a national park facility is that it can be utilized and enjoyed by people from all over the United States and all over the world, but we in the State of Kansas still have it to call our own. The beauty and culture of the Flint Hills is a truly sustainable resource and we should take this opportunity to preserve it for generations to come.

DEPARTMENT OF VETERANS AFFAIRS CENTRAL OFFICE EMPLOYEES HONORED FOR SELFLESS SERVICE TO OTHERS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. MONTGOMERY. Mr. Speaker, I want to bring to the attention of my colleagues employees in the Department of Veterans Affairs central office who the Secretary has recognized with his Annual Outstanding Volunteer Service Award for 1994. Awards were presented to employees for their off-duty, volunteer, community activities in the District of Columbia and surrounding metropolitan area. While the employees during the day provide various services in support of our Nation's veterans, their off-duty hours are devoted to helping others in their community who are in need. Recipients and highlights of their community work include:

Employees of the Veterans Health Administration [VHA].—Carolyn A. Ford, who volunteers at the House of Ruth, a shelter for women, and participates in the youth ministry for young adult women; and John L. Stitak, for his help with the AMVETS Feed the Homeless Program and his Santa's workshop for VHA.

Employees of the Veterans Benefits Administration.—Yvonne D. Bing, who serves as treasurer of the River Terrace Community Organization in the District of Columbia, and helps in fundraising for the Marshall Heights Community Development Organization; Laura L. O'Shea, who teaches clerical and business skills to disadvantaged students through Soroptomist International and volunteers time at Hannah House, a rehabilitation home for young women; and Carol A. Rose, who volunteers at the Ebenezer A.M.E. Church in Fort Washington, MD, in prison ministry and food for the homeless.

An employee of the National Cemetery System.—Rosetta M. Holloway, who works with youth, including the Girl Scouts, the Partnership-in-Education program, and Sunday School for second graders.

Employees of the General Counsel's Office.—Michael P. Butler, who works with the Columbia Heights Youth Club that serves "at risk" young people; and Tresa M. Schlecht, for her efforts for the Department of Labor Child Development Center and for fundraising work for the George Mason Regional Library.

An employee of Finance and Information Resources Management.—Kenneth L. Little, for his work with Cub Scout Pack 487 and Boy Scout Troop 487 at the Ebenezer A.M.E. Church.

An employee of Acquisition and Materiel Management.—Brian E. Staples, for his efforts as Cub Master for Scout Pack 1350 and his involvement with youth sports in Triangle, VA, including coaching football and baseball teams.

Employees of Policy and Planning.—Calvin S. Beads, for his help at the Metropolitan United Church, including fundraising and providing aid and comfort to sick and needy people; Brodie C. Covington, for serving as a volunteer arbitrator for Maryland's Better Business

Bureau; and Surinder S. Gujral, for his help at the Arlington, VA, public schools as a member of the mathematics advisory committee.

Employees of Human Resources Management.—Russell H. Alper, for his assistance to elderly and sick residents in Washington, DC, ranging from serving food to providing musical entertainment; Trenna M. Carter, for helping the athletic department at Howard D. Woodson Senior High as an assistant with the booster club; Terrance M. Young, for his efforts with parks and recreation, and youth athletic programs in Loudoun County, VA, including the girls' softball league and the soccer league.

TRIBUTE TO JOHN D. FITZGERALD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to John Desmond Fitzgerald, Esq., who passed away on May 27, 1994. A prominent trial attorney for nearly half a century, Mr. Fitzgerald was a member of the Association of Trial Lawyers of America. He resided for numerous years in Woodside Queens which I have the pleasure of representing in the Seventh District of New York.

John D. Fitzgerald was born on May 17, 1923, to his father Robert W. Fitzgerald and mother, Lillian Shannon Fitzgerald. His grandmother, Hannah Shannon, was the Democratic leader and committee woman and national delegate of the Anoroc Democratic Club. Mr. Fitzgerald attended St. Teresa's Parish School, Newton High School, and St. John's University.

Mr. Speaker, John Fitzgerald served in the U.S. Naval Reserve from 1942 until 1946 where he attained the rank of lieutenant. Serving with the U.S. Air Group 27, he was aboard the U.S.S. *Princeton* when it was sunk in the Philippine Sea battle in 1944. He was awarded the Military Order of the Purple Heart and the New York State Conspicuous Service Cross. He also received an Individual Commendation for action in the Mariana Islands Campaign and was awarded the Pacific Theater of War Campaign Medal with five battle stars.

Fitzgerald established, and later taught, the trial preparation and practice course at the University of California's Hastings Law School. He was also an instructor on real estate law at Santa Rosa Junior College, the University of California, and the California State Bar Continuing Education Program.

Mr. Speaker, John Fitzgerald is survived by his wife of 49 years, Evelyn Fitzgerald of Santa Rosa, his children Robert W. Fitzgerald of Santa Rosa, Karin J. Fitzgerald of Walnut Creek, John Fitzgerald of Kings Beach, his sister, Sister Janet Fitzgerald of New York, and five grandchildren. A burial with full military honors took place at Arlington National Cemetery in Arlington, VA.

Mr. Speaker, John Fitzgerald demonstrated true loyalty to his country through his lifetime of service. He illustrated as well the importance of family and community involvement. I know my colleagues join me in paying tribute to this fine man, John Fitzgerald.

ADDRESS OF AMBASSADOR F. HAYDN WILLIAMS AT THE DEDICATION OF THE AMERICAN WORLD WAR II MEMORIAL, SAIPAN, COMMONWEALTH OF THE NORTHERN MARIANAS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. LANTOS. Mr. Speaker, I commend my colleagues' attention to this excellent speech by Ambassador F. Haydn Williams, the main force behind the creation of the American World War II Memorial in Saipan, Commonwealth of the Northern Marianas. With this memorial, Ambassador Williams has done a noble service to the men who fought and died in the battle for Saipan 50 years ago. Ambassador Williams' eloquent words tell the incredible story of the critical Pacific front of the final surge of the war. I commend Ambassador Williams for his commitment to bringing recognition to the 1944 Marianas campaign and to all those who contributed to its ultimate victory.

COMMEMORATION OF THE 50TH ANNIVERSARY OF WORLD WAR II—KEYNOTE ADDRESS: AMBASSADOR F. HAYDN WILLIAMS—DEDICATION OF THE AMERICAN WWII MEMORIAL SAIPAN, COMMONWEALTH OF THE NORTHERN MARIANAS, JUNE 15, 1994

"ALL GAVE SOME—SOME GAVE ALL"

We are gathered here this morning to pay our respect, to salute and to say a humble thank you to the veterans of the 1944 Marianas Campaign who are with us on this historic occasion. We remember, also, with reverence and sadness, the fallen, those whose names are inscribed on the walls of the above Court of Honor—and—forever in the hearts of a grateful nation.

In the battles for Saipan, Tinian and the accompanying decisive naval and air engagements at sea 50 years ago, all of the American servicemen—the Marines of the 2nd and 4th Divisions, the Soldiers of the 27th Infantry Division, the Sailors of the Fifth Fleet, Carrier Task Force 58, the Amphibious Landing Force, the Coast Guard and the Army Air Corps Seventh Air Force—all contributed and shared in the victories won. Yes, all gave some, and some gave all.

These men, these veterans who are with us today came here in the bright morning of their lives. They came from all over America, from our towns, our cities, our farms, our mountains, our broad valleys and plains. All of them helped the forces of freedom prevail in a life and death struggle, a struggle which changed the course of history.

Bold in concept and execution, Operation Forager in the pacific, like Operation Overload in Europe, marked a significant turning point in the Second World War. Hitler's Atlantic Wall was first broken in France. Japan's inner home island defense perimeter was first penetrated in the Marianas. Simultaneously, on the beaches of Normandy and Saipan in June of 1944, the United States, in concert with the armed forces of its Allies, began the War's last chapter—the final surge leading to the unconditional surrender of the Axis Powers.

The successful storming of the Omaha and Utah beachheads in France, followed by D-Day on Saipan, were accomplishments of sheer will, and personal bravery of legendary proportions. Taken together, these two massive amphibious operations, oceans apart, were the greatest military effort ever put forth by the United States, or any other nation, at one time, in the annals of military and naval history.

D-Day in the Pacific has been greatly overshadowed by the recent heavy media and other attention given to Normandy. But make no mistake about it, the name Saipan and the sacrifices made here by those who fought foot to foot, from one end of this island to the other, are sacrifices that are forever interwoven in the tapestry of the free world's response to the challenge of the forces of aggression and oppression which threatened the whole world half a century ago.

Let us not forget that the outcome of WWII was not a given. It remained long in doubt. Indeed, the fate of the free world was just as much on the line here in the Marianas, as it was at the cliffs of Pointe du Hoc, St. Lo and Caen in Normandy. Only as a result of the collective valor of the veterans assembled here, and that of their comrades-in-arms elsewhere in the Pacific and Europe, supported by a strong and united home front, do we today breath the sweet air of freedom.

In the American WWII cemeteries in Nettuno in Italy, in Colleville-sur-mer in Normandy and the War in the Pacific Cemeteries in Hawaii and the Philippines, lie tens and tens of thousands of Americans in marked graves. Others lie row after silent row, with only the inscription, "Here rests in honored glory a comrade in arms known but to God." Did they die in vain? Was the price they paid worth it? The judgment of history, tested by time, is that they saved the world, that the victorious allied forces gave freedom yet another chance to build the means for the maintenance of global peace and security—to allow us the freedom we enjoy today.

President Clinton Normandy mentioned the debt owed to the veterans of the Pacific War as well as those engaged in the European theater. Speaking of his generation, he said, "we are the children of your sacrifice," and that the young people of today should be taught about, "the villainy that started WWII and valor that ended it." He touched, time and again, on the need for Americans to remember their history, stating that too many Americans do not know what the generation of WWII veterans did for their country and the cause of human liberty around the world.

Let us together remember that out of the carnage of WWII emerged the United Nations. Imperfect as it is, reflecting the imperfections of its members, this international body still remains today a ray of hope for a more humane, peaceful and just society of nations.

Let us also not forget that the UN Trusteeship System, under which Micronesia came of age, was also an outgrowth of WWII. It was the result of an American initiative to place the former League of Nations mandates and former colonies under new provisions and principles based on the right of the people of each trusteeship to eventually determine their own political future.

Here in the Northern Marianas, while destruction and devastation still marked the islands landscape, the first glimmerings of modern self-government began to appear under the Naval Administration. Progressively, this process led to greater and greater self rule under the Trust Territory Government, culminating in the status negotiations and the 1975 plebescite approving the Commonwealth Covenant. It should not be forgotten that those who fought here 50 years ago opened this path to self-determination and self-government. Freedom was their gift to the people of the Northern Marianas, paid for with their own blood.

With peace, the gradual healing of the wounds of war began. A new U.S.-Japanese relationship emerged based on a liberal occupation policy, a more democratic Japan, and a desire on the part of Tokyo to take its place among those nations of the world dedicated to peace, justice and freedom. Evolving security interests strengthened further the bonds of cooperation and mutual trust between the two war-time enemies. Today, U.S.-Japanese ties form the world's most important bilateral relationship.

Let me turn now to the American Memorial Park. The public use of the 133 acres that comprise these Park grounds stemmed from the desire of the United States to remember those who fell in combat here and in the waters surrounding these islands. The Park also memorializes the indigenous victims of the invasion, those who in innocence, lost their lives in the searing crossfire of the invading and defending forces.

As an integral part of the larger Tanapag Harbor lease, negotiated for contingency military use, the U.S. proposed that the majority of the 197 acres leased and paid for by the Department of Defense per the terms of the Covenant, be set aside as a living memorial to the war dead. The original plan for the Park was unveiled by the United States on Memorial Day 1974 at Micro Beach. The plan called for an amphitheater, a memorial marina, athletic facilities, an aquatic center, and an arboretum and tropical garden within the Park's boundaries. This concept was greeted with enthusiasm by the Mariana negotiators, and those who signed the Covenant can rightfully be called the founders of the Park

It was intended that these grounds be a meeting place for young and old, a common area for civic events, for the celebration of local and national holidays, for recreation, competitive sports and family outings. It was felt that an active use of the Park—giving it a vibrant, living quality—would meet with the approval of the G.I's who fought and died here. The point was to give the future American citizens of the Commonwealth of the Northern Marianas a vested interest in the use of this military leased land, a place for bonding, where shared interests could come together for the common good.

Twenty years later the Park's full potential is yet to be realized. It can be further transformed into a thing of even greater beauty and utility for the enjoying of generations to come. It is a bright jewel, an open space, an oasis amidst surrounding commercial and industrial development. Its use needs disciplined policies, loving care and imaginative planning. Under the aegis of the National Park Service and its mandate, such planning in cooperation with the Commonwealth of the Northern Marianas can go forward.

The new U.S. Memorial stands before us as the centerpiece of the Park. It is not finished, nor is the memorial entrance and mall, and the defining boundary treatment called for by the 103rd Congress. Given the short lead-time, what has been accomplished here to date is a miracle. That the berm, the steps, the Court of Honor, the Flag Circle and the surrounding Memorial Wall of inscriptions are in place is a tribute to the ingenuity and hard work of all who have been involved in this worthwhile endeavor. They are to be commended, especially Governor Froilan Tenorio who saw the completion of the Memorial not as a local issue but rather a national imperative.

With the "go" signal, the building of the Memorial became, overnight, a high priority spirited team effort. Working at times around the clock, those who said it couldn't be done were proven wrong. The architects in San Francisco, the engineers, the public works people, the earth movers, the construction and cement contractors, the landscapers, the signage specialists, the shippers all got on the same fast track. All kept deadlines in mind; all delivered. Faxed progress reports reached me in Rome, Paris and Normandy, with each ending with the promise that the flags would be raised for the Veterans as scheduled on D-Day on Saipan. There they are. The promise was kept.

This morning on these shores, on American soil on the westward edge of the United States, our National and Service Flags—the colors under which the men we honor today fought and died—fly proudly as a visible symbol, as a beacon of freedom for all to see. From the dawn's early light to the last red gleaming of a Saipan sunset, as we see these Service flags streaming and snapping in the wind, let us be reminded that the price of freedom is eternal vigilance, and that our National Flag is the embodiment, not of mere sentiment, but of our history as a free people.

Veterns, this is your day. You are the ones we salute. Let me close now with the words of a citizen of the Commonwealth of the Northern Marianas, a former Senator from Rota, Joseph S. Inos, who said, "This memorial will, for all time, stand for the sacrifice of thousands of young men from an alien country who came to our shores to set us free. Most had never heard of us or our islands. But, nevertheless, they died for us. When they came ashore on June 15, 1944, charging through manmade hell beyond description and imagination, it marked the beginning of a new era. The seeds of our Commonwealth were born. For us to forget, for us not to honor the gift of life given us by the blood, pain and death of those marines and soldiers, would be a disgraceful and shameless act."—end quote.

The fallen here have not been forgotten—and neither have the living veterans. The evidence of this is all around you, and each one of you takes away from this battleground of 50 years ago the gratitude of a grateful Island, the respect of your Country, your Service, and the admiration and affection of all gathered here this morning for the dedication of this Memorial in the honor of your fallen comrades.

ALLOWING MILITARY INDUSTRIAL FACILITIES SALES OF GOODS AND SERVICES TO CUSTOMERS OUTSIDE THE DEPARTMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. MAZZOLI. Mr. Speaker, earlier this week, the House approved the conference report on the National Defense Authorization Act. Included in this important bill is a provision that will help create jobs, promote economic growth, preserve our industrial base, and ultimately strengthen our national defense.

I had the pleasure of joining our colleague from California, Mr. FAZIO, and our colleague from Maryland, Mr. HOYER, in crafting the provision in the conference report that allows the Secretary of Defense to designate industrial facilities that may sell their goods and services to non-Department of Defense customers. Mr. FAZIO, Mr. HOYER and I are each privileged to have an industrial facility located in our District. In my case, I represent the Louisville site of the Crane Division—Naval Surface Warfare Center [NSWC].

As I have said on floor of the House on more than one occasion, industrial facilities operate on their own proceeds. The operate in a manner consistent with a privately-owned corporation by submitting bids to prospective customers and are reimbursed for their goods and services based on an agreed upon price.

Permitting the Louisville site to offer the use of its Plating and Mental Finishing Ceter to outside businesses, as this provision directs, will not only benefit the customer, but will also maximize the center's use and generate additional revenues. The Crane, Indiana Site of the NSWC will now have the option of sharing its microelectronic technology, thus enhancing some vital dual use capabilities.

Mr. Speaker, I believe the advantages of having this sales authority are great. I am pleased to have had a part in assuring that this provision was adopted as part of the conference report, and I look forward to working with the Department of Defense to implement this important policy.

COELHO IS BACK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. DORNAN. Mr. Speaker, this is the epitome of a scandalous appointment. Have we forgotten why Coelho sneaked out of town on June 15, 1989?

Please, my colleagues, read and absorb this John J. Pitney article, and please read between the lines.

Pitney left out Vernon S&L and Columbia S&L. Sleeze supreme.

[From the LA Times, Aug. 16, 1994]

DEMOCRATS, BRING BACK THEIR HIT MAN

(By John J. Pitney, Jr.)

In his inaugural address, President Clinton said that Washington had become "a place of intrigue and calculation," where influential people and special interests maneuver for position. "Let us resolve to reform our politics," he proclaimed, "so that power and privilege no longer shout down the voice of the people."

America recently got a sign of how far the Clinton presidency has strayed from those noble sentiments. On orders from Leon Panetta, White House chief of staff, Democratic National Chairman David Wilhelm has relinquished much of his authority to a new "special adviser"; former congressman Tony Coelho of California. Power, privilege and cutthroat politics—for Coelho, they're not a problem but a way of life.

As chairman of the Democratic Congressional Campaign Committee during the 1980s, Coelho had a simple creed, which he summed up in a speech to a lobbying group: Special interest is not a nasty word.'' As a Democratic colleague once said, Coelho gained ''a reputation as the guy who sucked up all the PAC money in the world.'' He may have exaggerated, but only a little. Coelho aggressively solicited special-interest money by making bald references to his party's power.

''Business has to deal with us whether they want to or not,'' he once said. On another occasion, he offered: ''We're going to be in the majority for a very long time, so it doesn't make good business sense to give to Republicans.''

In a 1986 article, journalist Gregg Easterbrook put it another way: ''If that pitch sounds like a mixture of protection racket (nice little multinational you have there; too bad if anything should happen to it) and an offer to play ball, that's exactly how it was intended to sound.'' Books such as ''Honest Graft'' and ''The Big Fix'' detail how the savings-and-loan industry, among others, used its privileged access to shape regulatory legislation during the 1980s.

Coelho's attitudes toward privilege also colored his view of justice. In 1981, he wrote a letter on congressional stationery seeking a lighter sentence for a campaign donor's son who had been convicted of a brutal murder. In 1989, he ardently defended a congressional aide whose criminal past had been uncovered by the Washington Post. Years earlier, according to the news account, the aide had assaulted a woman with a hammer and knife, but served only 27 months in prison. Though the aide had since risen to the top of the Capitol staff world, he never offered his victim any financial assistance. ''Rightly or wrongly,'' Coelho said, the aide ''owed his debt to society, not to this young woman.''

It would be strange if Coelho emerged as party spokesman on crime victims' rights.

That probably won't happen, since Coelho always viewed public policy as a means to political victory, not an end in itself. ''He comes out of the California school of politics,'' one Democratic aide said, ''media and a lot of flash.'' As Coelho himself told columnist James Kilpatrick in 1984: ''The issues are not that important to people. Issues will take care of themselves.''

As the House Democrats' campaign chief, Coelho subordinated ideas to attacks:

''My job is to be the hit man.'' In 1982, he tried to frighten elderly Americans into believing that Republicans would take away Social Security. He candidly admitted: ''If the psychology of fear is reversed, then people will listen to the Republican message.''

Coelho also attacked GOP ethics, but he eventually encountered ethical problems of his own. During the 1980s, a troubled savings-and-loan paid for a number of dockside cruises and parties for Coelho, who used the events to entertain rich political donors. When the arrangement was exposed, the campaign committee and Coelho's own reelection fund reimbursed the S&L. In 1989, the press revealed that an executive of another troubled thrift had bought Coelho a $100,000 junk bond and that Coelho repaid the executive with money partly borrowed from the S&L. By failing to disclose the loan, Coelho had apparently violated House rules and opened himself to withering criticism. Under fire, he resigned from Congress.

Only after his resignation did Coelho reveal the true depth of his cynicism. At the 1988 Democratic convention, he had thundered: ''When the titans of Wall Street were looting the small investors on Main Street, where was George Bush?'' Coelho pledged that his party would fight ''the corporate cannibals on Wall Street.'' So what did he do after leaving the Hill?

He became a New York investment banker.

IN RECOGNITION OF RAISE [ROW AROUND THE ISLAND IN SUPPORT OF THE ENVIRONMENT]

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the efforts of Row Around the Island in Support of the Environment [RAISE], a program of the nonprofit New York State Marine Education Association [NYSMEA] designed to promote environmental stewardship in the coastal zone and its watershed.

When faced with the dilemma of balancing progress and development against further endangering the environment, we often ask ourselves what could we, as individuals, possibly do to make a difference. However, we must all remember that we can and, in fact, are obligated to do our best to appreciate, preserve, and reclaim our precious natural resources. This August, we are again reminded of this simple fact by the efforts of two remarkable New Yorkers.

RAISE was conceived of by George and Jeremy Linzee of Port Jefferson, Long Island. George is a NYSMEA board member in charge of secondary education and a marine science teacher at Stony Brook School. His son, Jeremy, is a student at Harvard University who is interested in public policy.

This August, under the name "RAISE," the Linzees will be undertaking the 175-mile row around Long Island for the second time. Last summer, the Linzees proved that the expedition was physically possible. This summer, with the cooperation of 32 environmental and maritime organizations, the Linzees have planned an even more ambitious agenda. From the kickoff of their voyage from Port Jefferson on August 5 to the culmination of their journey on August 20, the Linzees will be making stops at 16 other ports-of-call around Long Island. In coalition with other concerned citizens, RAISE has planned various events and activities at each of these ports in order to further both the educational and the environmental aspects of their overall goals.

Through their efforts, the Linzees hope to raise the public understanding of cur connectedness to the coastal environment, the value of our natural resources, and the need for environmental stewardship by involving Long Islanders of all ages in coastal activities. They also would like to help increase the level of cooperation between different sectors—education, government, commercial and community groups—that are involved in promoting environmental stewardship. Finally, the Linzees see this as an opportunity to raise financial and curricular support needed for educational programs that emphasize environmental stewardship.

Through the efforts of George and Jeremy Linzee, this summer, thousands of New Yorkers will be reminded of the beauty that Long Island has to offer, the problems that we are faced with in preserving that unparalleled beauty, and exactly what each of us can do to allow our precious natural resources to continue to flourish. The Linzees plan to expand their efforts in the coming years and continue RAISE as an annual event which will emphasize the development of programs for the rising generation of Long Islanders in whose hands the future is held. They also hope, as do I, that RAISE will become a model environmental stewardship program for other regions of the United States and for other nations as well. In this way, people everywhere will be reminded of our interconnectedness with the sea and the link between our everyday activities on land and the quality of our water resources.

Mr. Speaker, I ask my colleagues to join me in commending George and Jeremy Linzee for reminding us of the majesty and fragility of our coastal zone and its watershed.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 288, EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO CHILDREN INFECTED WITH AIDS IN ROMANIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. GILMAN. Mr. Speaker, I am today introducing a concurrent resolution commending the humanitarian assistance provided by American private voluntary organizations to children in Romania who were inadvertently infected with the virus that causes AIDS.

I am pleased that I have been joined by 26 of my colleagues in introducing this measure.

Mr. Speaker, prior to 1989, the Communist regime in Romania encouraged medical practices that unwittingly led to the injection of HIV-infected blood into otherwise healthy children.

As a tragic result, 89 percent of those infected with the HIV virus in Romania are children.

Unfortunately, many of these children, residing in poorly staffed and poorly provisioned orphanages, had been left to suffer without proper medical care and attention. These innocents were simply left to spend their final days—lying three and four to a bed—with no pain killers to ease their misery.

In most cases, no one even bothered to try to give them the things that all children need—simple things like a trip to a playground or having toys to play with.

I was pleased to learn, however, that with the assistance of the United States Agency for International Development and the United Nations Children's Fund, American private voluntary organizations have been able to make great strides in ameliorating the harsh conditions for these children.

Frankly, these American PVO's could not have done this good work without the assistance provided by the United States Agency for

International Development and the United Nations Children's Fund. I want to commend both of these organizations for devoting their attention to these children's needs.

I believe Americans can take pride in the care that their assistance is now providing to these children who were innocent victims of the policies pursued by the former Communist regime in Romania.

Mr. Speaker, I invite my colleagues to join in sponsoring this measure commending the good work done on behalf of Romanian children inadvertently infected with the AIDS virus.

Mr. Speaker, the text of the resolution follows:

HOUSE CONCURRENT RESOLUTION 288

Whereas prior to 1989, the former communist government of Romania denied the widespread existence of the human immunodeficiency virus (HIV) that cause acquired immune deficiency syndrome (AIDS):

Whereas prior to 1989, the communist government of Romania promoted medical practices that led unwittingly to the injection of HIV-infected blood into otherwise healthy children;

Whereas after Romania began to address the reality of the problem of AIDS, it was found that by 1993, 89 percent of all cases of HIV infection in Romania involved children, which is the highest such rate in Europe, with most such case being in the port city of Constanta;

Whereas with the assistance of the United States Agency for International Development and under the coordination of the United Nations Children's Fund, American private voluntary organizations have joined private voluntary organizations of other nations in working to alleviate the suffering of Romanian children infected with the AIDS virus, primarily in the Constanta region, by providing for these children a "homelike" atmosphere, proper nutrition, proper hygiene, foster parenting, and parent counseling; and

Whereas reliable statistics with respect to the AIDS situation in Romania are no longer available because the Romanian Ministry of Health has disbanded its HIV/AIDS unit: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the work of those private voluntary organizations from the United States and other countries who, with help of the United States Agency for International Development and other assistance organizations, have made life more bearable for Romanian children infected with the AIDS virus;

(2) calls for the continuation of current measures to assist children infected with the AIDS virus in the Constanta region of Romania and elsewhere, and for the implementation by the Government of Romania or its designee of a nationwide AIDS;

(3) urges the United States Agency for International Development to use its authority under the Support for East European Democracy (SEED) Act of 1989 to provide assistance for the extension of AIDS treatment programs to other areas of Romania where children infected with the AIDS virus have similar needs;

(4) calls on the United States Agency for International Development to report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on—

(A) the extent of HIV infection among children in Romania, and

(B) efforts to provide assistance to address this problem and to prevent further infection among both children and adults;

(5) calls on the Government of Romania to provide all appropriate assistance to address the AIDS problem, in particular statistical and other analyses on the spread of infection by the AIDS virus; and

(6) calls on the United States Agency for International Development to offer assistance to the Romanian Ministry of Health in the collection and analysis of relevant statistics with respect to AIDS.

INDEPENDENT COUNSEL KENNETH STARR IS NOT INDEPENDENT AND SHOULD STEP DOWN

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 19, 1994

Mr. NEAL of North Carolina. Mr. Speaker, most of us on the Democratic side of the aisle who voted to reenact the Independent Counsel Act did so out of conviction that no one—not even the President of the United States—is above the law. We have learned through history that we cannot always depend on the executive branch of Government to hold itself accountable, especially when high Government officials are the subject of investigation. To solve this problem and preserve our commitment to equal justice for all, we created the position of Independent Counsel, an impartial investigator, who would be beyond the control of the governing administration.

Mr. Speaker, the appointment of Mr. Kenneth Starr to replace Mr. Robert Fiske in the Whitewater investigation makes a mockery of the Independent Counsel Act and does much damage to the credibility of our judicial system, which must be above partisan politics. In no way do I wish to impugn the integrity of Mr. Starr. Indeed, I have heard much praise for his intelligence and fairness. But Mr. Starr is not an appropriate choice to succeed Mr. Fiske. In no way can he be characterized as independent, and I am very concerned about his ability to remain impartial. Surely, Mr. Starr should be able to see that his involvement hopelessly flaws this investigation. He should do the right thing and step down as independent counsel.

Mr. Speaker, Mr. Fiske seemed to be conducting his investigation in a purely independent and professional manner. However, the judicial panel empowered with appointing the independent counsel, concluded that because Mr. Fiske was appointed by the Attorney General, his independence could be challenged. They said this appointment gave the appearance of a lack of independence. Fair enough. Oddly, very oddly, the same judges, so concerned about appearances, turned a blind eye to Mr. Starr's partisan political activities and how Mr. Starr might personally benefit from the election of a Republican administration.

After all, Mr. Speaker, Mr. Starr was a high Government official in two Republican administrations. He was appointed by President Reagan to the U.S. Court of Appeals. And most recently, he served as President Bush's Solicitor General. We learned from Roll Call that Mr. Starr contributed $5,000 to Republican candidates in this cycle alone and that he is currently serving as cochair for Republican candidate for Congress, Kyle McSlarrow. Moreover, it has been widely reported that Mr. Starr harbors political ambitions, and seriously considered entering the current race to represent Virginia in the U.S. Senate. Significantly, Mr. Starr is considered a likely candidate, if there is a Republican administration, for a seat on the U.S. Supreme Court. The August 15, 1994, issue of Time magazine reports that Mr. Starr "speaks wishfully of Dan Quayle's political future." Apparently expressing hope for a Quayle Presidency, Mr. Starr is quoted in Time as saying that "If President Quayle asked me to become the Solicitor General again, I'd do it." Therefore, the perception that he might be unduly partisan in the conduct of an investigation against a Democratic President is not unreasonable.

In fact, Mr. Speaker, Mr. Starr would be under enormous pressure to conduct his investigation of President Clinton in a partisan manner. Consider what happened to Mr. Fiske, a staunch Republican who was President Bush's nominee for Deputy Attorney General. When Fiske failed to find any law violated by the White House in the Washington phase of his investigation, he was severely criticized, his integrity impugned, and his independence challenged by some of the same Republicans who were profuse in their praise for Mr. Fiske when he was first appointed.

If Mr. Starr fails to come up with some charge against the President, surely he would do so at his political peril. It is doubtful, Mr. Speaker, that he would get his old job back at the Justice Department. And, he could certainly forget about a seat on the Supreme Court under a Republican administration. Mr. Starr would be persona non grata in the Republican Party. And, undoubtedly, his reputation would be smeared by some of the same Republicans now praising his virtues.

Mr. Speaker, another aspect of this appointment is somewhat troubling, and that is the role of some Republican Members of Congress and their political operatives—including Floyd Brown, who produced the notorious Willie Horton ads during the Bush campaign—in prodding the judicial panel headed by Judge David B. Sentelle, a protege of Senator JESSE HELMS, to replace Mr. Fiske. Indeed, a Washington Post article last week reported that Senator LAUCH FAIRCLOTH and Judge Sentelle were seen together shortly after the Independent Counsel Act was enacted. The article implied that they might have been discussing the appointment of an independent counsel. Of course if that were true, it would constitute a serious violation of the judicial code of ethical standards by Judge Sentelle. However, the Senator and the judge have denied that they discussed the matter. I accept their explanation without reservation. Mr. FAIRCLOTH is a fellow North Carolinian and I believe him to be a man of his word. But, Mr. Speaker, we are talking about appearances—perceptions. The purpose of the Independent Counsel Act is to assure the American people that an investigation of the President of the United States will be conducted impartially—its findings not tainted by partisan politics. The independent counsel not only must be independent and impartial, he must be perceived to be independent and impartial. This meeting between the Senator, a severe critic of the administration, who had called for Mr. Fiske to be replaced, and his friend, the lead judge of the judicial panel that selects the independent counsel, fatally compromises the judge's perceived independence. The Washington Post and other publications are running these stories because of the perception that Judge Sentelle has a conflict of interest. Judge Sentelle should rescue himself from further involvement in picking an independent counsel. I would hope that the Chief Justice would consider reconstituting the three-judge panel to select a new, nonpartisan independent counsel.

Again, regarding Mr. Starr, I accept the judgment of others, who know him, that Mr. Starr is a man of principle. Nevertheless, his independence is not above reproach. It is too much to ask the American people, who do not know Mr. Starr on a personal level, to disregard the fact that Mr. Starr is a highly partisan, politically ambitious Republican, who would be under enormous pressure from his party's leadership to bring a charge of wrongdoing against President Clinton. His report could not be believed. If Mr. Fiske was not the right person for the job of independent counsel, surely Mr. Starr does not fit the bill, either. If for no other reason than concern for his own political future, Mr. Starr should reconsider accepting this thankless job. The Republican Party will not reward him for his fairness.

Mr. Speaker, I respectfully urge Mr. Starr who as our Solicitor General was charged with defending our laws before the courts, to force the judicial panel that chose him to comply with the spirit of the Independent Counsel Act by declining appointment to this post.

Mr. Speaker, a word or two needs to be said about the inconsistency in the position of some of my Republican friends.

Mr. Fiske was appointed special counsel by the Attorney General only because Republicans had blocked Congress from reenacting the independent counsel law, as an act of petty revenge for the investigations of independent prosecutors of crimes committed by officials of the last two Republican administrations. For these Republicans now to impugn the integrity of Mr. Fiske, a former Republican-appointed U.S. attorney, by rejoicing in the appointment of Mr. Starr is akin to the child who murders both parents and then pleads for mercy because he is an orphan.

Moreover, their current swipes at Mr. Fiske stand in contrast to their praise for Mr. Fiske at the time of his appointment. Senator D'AMATO, for example, is now one of Mr. Fiske's harshest critics. Yet, only a few months ago, the Senator described Mr. Fiske as "uniquely qualified for this position * * * a man of uncompromising integrity."

Senator DOLE, in an extraordinary demonstration of a selective memory lapse, praised the ouster of Mr. Fiske, with the remark that Congress was "taking orders from an unelected bureaucrat appointed by the Attorney General," after having praised Fiske in January, when he said that "people who know him think he is extremely well-qualified, is independent."

Mr. Speaker, these statements speak volumes about what is really going on here. The Republican leadership is not interested in an impartial review of Whitewater. The truth is not what they are seeking. They view the Whitewater investigation as an opportunity to undermine President Clinton, who enjoyed enormous success in his first year in office. Shocked that the President's economic programs have worked beyond all expectations, the Republican Party has adopted a strategy of blocking further legislative victories, relying on personal attacks to undermine his support and cripple his effectiveness. Their eye is on one thing only—capturing the White House and the Congress. This is about partisan politics, pure and simple.

Mr. Speaker, please forgive my cynicism, but if any independent counsel delivers a report exonerating President Clinton, the Republican leadership will cry cover up, no matter who is the independent counsel.

Mr. Speaker, Independent Counsel Starr is an active Republican partisan who stands to gain personally should a Republican be elected President. His independence is hopelessly compromised. If he were to bring a charge against the President or anyone else in the White House, there would always be the suspicion that it was a politically motivated fabrication.

Again, Mr. Speaker, I call on Mr. Starr to do the right thing and step down. And, Judge Sentelle, whose political affiliation fatally compromises his independence, should recuse himself from participating in the process of choosing an independence counsel.

HOUSE OF REPRESENTATIVES—*Saturday, August 20, 1994*

The House met at noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise, O God, we are thankful for all the blessings that our Nation has enjoyed. For resources and land, for crops and machines, for industry and commerce, for people from so many backgrounds with a diversity that represents the whole world, we have been favored with so many good things. We pray, gracious God, that we will be wise stewards of these gifts and judicious custodians of all that we have, so that the generations to come will enjoy this land and all its benefits. In Your name, we pray. Amen.

JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MONTGOMERY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on the question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. MILLER] please come forward and lead the House in the Pledge of Allegiance?

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEGISLATIVE CALENDAR

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I take this time to announce to Members what our plan for the day is. We have had a series of negotiations through the night. We are close to being able to move to the conference and to be able to produce a conference report, but additional writing and work needs to go on, and it would be my estimate that we could not get to a vote on a conference report until 4 or 5 o'clock this afternoon. We have put this information on the recording devices so that Members calling can find that out.

We would not intend to have votes until we can get to the rule, if we can, and the conference report. We would ask for recess authority so that we could very soon here go into recess until that time.

We would have a 2-hour notice through the Cloakrooms before a vote would occur.

HAVE A SEPARATE VOTE ON THE WEAPONS BAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the hangup is not about pork, it is not about midnight basketball; the hangup of the U.S. Congress is about politics and it is about guns. And any Congress that cannot tackle the politics of guns in America is a Congress that cannot tackle the crime problem in America.

Mr. Speaker, I am a former sheriff. I own a semiautomatic weapon, and I do not want anybody to take my gun away. But there is a realistic concern that Congress has to remove this firepower and killing machine from our streets—25,000 murders per year.

Congress is being lobbied from all corners of America except one: The people buried in those cemeteries in record numbers around America have not made one single call to the Congress of the United States of America.

That is what the issue is. I recommend today if that is a hangup, take it from and remove it from the crime bill, pass the crime bill, and when we come back, on its merits vote on the gun measure and see who has the courage in America.

CRIME BILL SHOULD CONTAIN MORE PRISONS AND MORE POLICE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I, like many around this place, have not the foggiest notion of what will actually happen with the crime bill. But, if the sequel is anything like the original, I will do my darnedest to make sure that there is a vote on a crime bill III.

Because you see, crime remains and will remain No. 1 at the box office of America's concern until we—as a responsible institution—acknowledge the difference between a crime bill and a political slush fund.

Mr. Speaker, a crime bill has nothing to do with social engineering, pork barreling, or appropriating funds for key Presidential swing-vote States. It does—however sad to say—have everything to do with prisons and police.

A WELCOME CHANGE IN OUR POLICY TOWARD CUBA

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, the President of the United States made a bold, venturesome, and courageous move to stop the influx of immigrants into this country. He will be criticized for it, but our resources are now so extended until they are almost fragile.

It is very obvious that the Cubans that are trying to get to this country are coming here trying to get relief out of the yoke of Castro. Castro is now trying very hard to dictate the immigration policies of our country. Our President and the people of Florida said, "No more of that."

We must go even further than that. Not only must we stop the influx of people almost killing themselves, being drowned in the Florida Straits, but we must also do other things, other measures to stop Castro. Such measures, perhaps, as to strengthen the embargo as well as to perhaps, in the end, placing a blockade around Cuba so that Castro will get the message that this country is the land of the free and the home of the brave, but it is not for Castro's relief.

LET OUR PEOPLE GO

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, this is a day that I am here to commemorate the 40th anniversary of the adjournment of the last Republican Congress.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Do you know that ever since that day we have been trying to put square pegs in round holes? And that is exactly what we have been doing here now for well over a week on a bill we call a crime bill.

Really, this bill is nothing but the social spending agenda of the majority party, called a crime bill. It will do nothing to make our streets safer.

This morning we are here, and we should be home with our families, we should be home listening to our constituents about crime and health care.

Mr. Speaker, I challenge the majority party, let your members go, let them go home and find out what America is talking about, and you will come back with a lot more realistic attitude toward legislation in this body.

CASTRO'S CUBA 30 YEARS OLD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I would like to talk about two things. First of all, this week was my 32d wedding anniversary, and my husband said the only thing that has been around as long as our marriage was the United States Cuban policy. I am pleased to see that the President changed that. I think it is very important that Cuban immigrants be treated the same as every other immigrant and we took away that special benefit that anyone could come into this country so that Castro could control our immigration policy, rather than ourselves. I am proud that the President took control.

A CRIME BILL MINIBUS?

I want to also add, about the crime bill, that we have been home, we have been talking to people. They do want something done about crime. The biggest problem we are having with the crime bill is they want so much done about crime, we have this big omnibus crime bill. Maybe it should not be so big. Maybe it should have been a minibus, but we got an omnibus one because we are trying to get prisons and help to build up the prisons and the laws. I hope everybody stays, and I hope we will finish, or we will really hear it from the people.

□ 1210

FINDING 218 VOTES DOES NOT FIX THE CRIME BILL

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the House's handling of this crime bill is the worst example of public policy development that I have ever seen. The President and the Democrat leadership have us all hunkered down here as if everyone was breathlessly waiting for something to happen. The fact is most people would feel we would be better off if we would go home and come back in September with a little better view of what we indeed should do.

The President is now demanding any action to fulfill his birthday wish and the pollsters' advice on the strength of the Presidency. As a result, Mr. Speaker, we have a bad crime bill; most everybody agrees with that. But the efforts that are being made are not to fix the crime bill, not to make it a good crime bill, rather to find 218 votes. That is what is going on, not fixing the crime bill. We are not talking about whether or not crime ought to be federalized, we are not talking about the fact that only 5 percent of crime is Federal crime, and we say we are going to fix it with this. We are not talking about the fact that what we are being asked to do is take the example of Washington and New York in fighting crime and putting it all over the whole country with the same kind of results, I suppose.

Mr. Speaker, we need to go home, and come back, and make it a good law, a good bill when it is over.

DEMOCRATS' CONTROL OF HOUSE SPANS 40 YEARS, REPUBLICANS SEEK CHANGE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, as we gather on this Saturday to consider the Democrats' social welfare crime bill, I am reminded that today is the 40th anniversary of the adjournment date for the last Republican-controlled Congress. The year 1954 was a long time ago. Yet, 40 years is how long the Democrats have been in control of the House of Representatives. Forty years of controlling the legislative agenda, committees, leadership, and rules. In the 40 years the Democrats have led this country, they have created a Government that is too big and spends too much. After 40 years of control, the Democrats have simply stopped listening and lost touch with the American people.

It is time for a change and Republicans are ready to offer that change. We have new ideas for crime, health care, economic growth, and a host of other issues of concern to the American people. We are ready, willing and able to step forward and help restore the American dream. After 40 years, it is time for the Republicans to take control of this House and return it to the American people.

WE NEED A 100-PERCENT FAT-FREE CRIME BILL

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, for our constituents who want a 100-percent fat-free crime bill a number of Democrats and Republicans have been working, and we have put together a crime bill that has more policemen, more prisons and jails, and more Border Patrol, and is $7 billion less than the porked-up crime bill that the conference is presently working on. So, if we want to join up and pass a crime bill that does something about crime and also reforms habeas corpus, reforms the exclusionary rule, and does something for the officers on the street, vote for the Brewster-Hunter bipartisan, 100-percent fat-free crime bill.

A BRIBERY APPROACH IN AMERICAN FOREIGN POLICY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, at an earlier, less cynical point in our Nation's history, when the United States was approached by the representative of a revolutionary government for extortion money, the response was clear and unequivocal: "Millions for defense, but not one cent for tribute"—Charles Cotesworth Pinkney to Talleyrand, 1797.

This response reflected a basic and commonsense belief that international outlaws cannot be bought off, and that American security problems cannot be resolved by paying off potential adversaries. Giving in to demands for U.S. financial assistance rarely addresses the underlying problems, and only generates even greater demands for American dollars.

Mr. Speaker, this Member has been a strong supporter of international assistance for humanitarian and basic developmental purposes. But increasingly it is proposed that our foreign assistance program be used to "buy off" the bad guys. And this body should not be mislead: International thugs and opportunists know a sucker when they see one. Regrettably, it is becoming painfully clear that, as a result of the Clinton administration's failed foreign policy, Uncle Sam has become "Uncle Sucker." We are increasingly seen as a nation with a fat checkbook. Unwilling to pay for a strong and robust defense capability, the Clinton administration is nonetheless willing to dole out the dollars to bribe nations to behave themselves.

This Member was deeply concerned when he learned that we are giving Russian officers as much as $25,000 each if they leave the Baltic States. It is entirely appropriate for the United States to be pressing the Russian Army to leave the Baltic. Indeed, this Member has long been a vocal opponent of a continued presence of the Russian

Army in Latvia, Lithuania, and Estonia. But the notion of paying the Russian Army, which illegally occupied the Baltic for five decades, to leave is both unseemly and shortsighted—it violates American traditive and principles.

Likewise, after repeated shifts and reversals in U.S. policy toward North Korea, the United States appears on the verge of pulling out its checkbook in hopes that the North Korean nuclear problem will go away—at least temporarily. After months and flagrantly violating its international treaty commitments, North Korea may be given both diplomatic recognition and a massive assistance program including a U.S. commitment to help build lightwater reactors. For its part, the North has not agreed even to give up the 8,000 spent fuel rods nor will they be forced to allow inspections on the nuclear fuel that was diverted in earlier years. In short, the North keeps its nuclear capability and receives U.S. largesse.

Mr. Speaker, this Member is fully aware that statecraft is a complex and delicate matter. Problems among nations often seem intractable. But it is wrong and truly un-American to bribe nations to do what is right. You don't achieve long-term stability by agreeing to payoffs to international outlaws. It's just plain wrong and contrary to America's first principles, Mr. Speaker, and the Clinton administration should wake up to that fact.

COMMISSIONING OF THE U.S.S. "STOUT"

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, last Saturday in Houston I attended the commissioning ceremony for the U.S.S. *Stout* which is the Navy's newest Aegis guided missile destroyer. This commissioning ceremony was truly an awe inspiring occasion that celebrated the best our Nation's military has to offer and is named after Rear Adm. Franklin Stout, who served for 30 years in the U.S. Navy and was awarded the Navy Cross for extraordinary bravery in the engagement of six Japanese warships during World War II.

The commissioning of the *Stout* not only added to the overall strength of our Armed Forces, it reminds us of our commitment to peace and our responsibility to ensure that the sacrifices of past service men and women are not forgotten.

Nothing is more exciting than to witness a newly commissioned ship come to life as the crew rushes to man their stations when the admiral gives the command to bring the ship to life. This moment is by far one of the most patriotic times ever witnessed.

The traditions of the U.S. Navy are older than our Nation itself and some have survived since the earliest journey to sea. The men and women who served our Nation before the crew of the *Stout* can take equal pride in knowing that their legacy lives on.

PRISON FUNDING THAT IS NOT PRISON FUNDING

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, the American people may well be wondering what it is that Members of Congress are arguing about in terms of a proposed crime bill, since all Americans want a good strong crime bill. Let me give my colleagues just one example of a provision which, I believe, needs to be changed in the deliberations that are going on.

There is a title in the bill that is labeled "Proposed Funding for Prisons," and, indeed, in each and every newspaper across the country, including my own community in New Mexico, the amount that has been appropriated for prisons is always stated. The trouble is the actual language of the bill does not say that the money has to be used for prisons. It says that a section of the money can be used for prisons or other programs, programs being nonincarceration.

Now there is certainly an argument for sentencing options which are not prison. I am a former career prosecutor, and I do not believe that every convicted criminal has to go to prison for every possible offense. But the point is that, if the alternative programs are going to be funded, they should be listed as alternative programs to prison and not concealed in what the American people are being told is prison funding.

REJECT THIS PORKED-UP CRIME BILL AND START OVER

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, it is an election year. How can you tell? Well, we are laboring mightily over a so-called Omnibus Federal Crime Control Act.

This is my fourth election cycle in the U.S. Congress, and this is my fourth time with the biennial exercise on a crime bill. Are the streets one whit safer because of our past efforts in this area? No.

Mr. Speaker, I say, if you like the failed Federal crime fighting of the last 20 years, you're going to love this bill. Yes, it's a little bit more expensive; in fact, it's the largest public works program to come down the pike in a long time; $10 billion for new prisons, but no money to run them. At $75,000 a prisoner per year, who is going to pay for that, and how are we going to pay for that?

Mr. Speaker, this bill started out at $9.6 billion from the President. We delivered $33 billion to the President. We porked it up everywhere except where it might work: Police.

We know that more police will work. We are contributing 20 cents on the dollar max for those extra so-called 100,000 police. We are not delivering 100,000 community police throughout the country through this bill. We are delivering a fraction of that, and the bill is rife with other problems.

I say to my colleagues, "We should reject this bill and start over."

□ 1220

MICHIGAN NEWSPAPER LISTS MANY OBJECTIONS TO THE CRIME BILL

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, I rise to speak because I heard the first speaker once again raising the issue of the NRA and assault weapons and saying that is why the crime bill has not passed. I simply want to say that that is not true. There is much more to it than that.

I refer to an independent party, the newspaper in my hometown of Grand Rapids, MI, which, incidentally, supported the assault weapons ban and was critical of me for not voting for it. But they are strongly opposed to the crime bill with very good reason. In fact, they give many, many good reasons. Let me summarize by quoting a few items from their editorials.

The first one: "This bill isn't about fighting crime so much as about creating the appearance of fighting crime. At a cost of $33 billion, that appearance comes at a very high price."

Then after we defeated the rule last week, they said this:

> Last week's defeat for the $33.2 billion anticrime extravaganza need not be the end of crime legislation this year, but it ought to drain considerable sham and demagoguery out of the issue.

Mr. Speaker, I certainly hope they are right, and I hope that we can get rid of the sham and demagoguery and get a good bill passed.

ADMINISTRATION BEGINS POSITIVE APPROACH IN DEALING WITH CASTRO

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, there are still those who see Fidel Castro as they would have him rather than as he really is. This week those who had hoped for the best got their message. Fidel Castro began taking the money sent from relatives in America and selling rafts and small boats so that helpless people could go into the Florida Straits and lose their lives but serve his political purpose in putting political pressure on the United States.

Regrettably, yesterday, the administration reached the judgment that we would no longer accept these desperately poor Cuban refugees into the United States. While I disagree with the decision, I want to commend the administration for a series of announcements they will make on this day. Not turning a blind eye to Castro's outrages, the administration will begin restricting the wiring of funds into Cuba, knowing that they will be misused by the Castro government to send people to their deaths in the straits, and begin restricting travel by aircraft into Cuba. The administration is acting, not turning a blind eye to the fact that Castro by the hundreds is arresting people in the streets of Havana who would stand up for their own rights.

Mr. Speaker, we are reaching a decisive moment in the struggle for freedom in Cuba. On this day I commend the administration for leading that fight.

MIDNIGHT BASKETBALL—A GOOD IDEA, BUT NOT A FEDERAL RESPONSIBILITY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, there have been many sarcastic remarks directed toward anyone who does not want to spend millions of tax dollars on midnight basketball leagues.

There is not a single Member of this House, not one, who is against basketball leagues. There is a disagreement about who should pay.

The Federal Government is over $4.5 trillion in debt. We are losing hundreds of millions of dollars more on top of this each day.

As bad a shape financially as our States and cities are in, very few are in as bad a shape financially as is our Federal Government. Yet every city wants the Federal Government to foot more and more of its bills.

Many basketball leagues are operated by civic clubs, churches, and charitable organizations. Basketball leagues should be operated privately or by city and local governments.

None of us are against basketball leagues, but some of us are against taking more money from people who are already spending half their incomes on taxes.

Yes, to basketball, but no to turning even more hard-earned money over to Federal bureaucrats.

THE OMNIBUS CRIME PACKAGE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, today I rise to take strong exception to the rightwing attacks on the crime bill. To those of my colleagues who oppose this bill because of its prevention programs, I say, wise up. These programs are not pork, they are prevention, and are essential to an effective anticrime initiative. Prosecution without prevention is a formula for failure, and maybe if you came down from your ivory suburban towers to inner city areas like my district, you would learn to recognize the difference between pork and prevention.

Groups and individuals closest to the crime problem can tell the difference. The prevention programs are endorsed by every police organization in this country.

Opponents of the crime bill have resorted to highly partisan rhetoric to attack these measures. Let us set the record straight. This bill may have been drafted by members of my party, but it is supported by Rudolph Guiliani and Richard Riordan, the Republican mayors of our two largest cities.

It is time to stop the political circus, and pass this bill—for our youth, for our cities, and for the Nation.

NO SUBSTANCE TO THE CRIME BILL—ALL SYMBOLISM

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. BACHUS of Alabama. Mr. Speaker, when it comes to addressing gun violence in this country and expanding the death penalty, the crime bill that we will vote on today is a pure symbolic gesture. There is no substance to it.

Why do I say it does not address gun violence and why do I say it is only symbolism? Because, as the gentleman from Ohio said, there were 25 people killed by guns last year, shot, and how many of those were by assault weapons? Less than 1 percent. Some people estimate 2 out of 998. That is only 2 out of 998, and how about the other 998?

We on this side asked that in these cases a 10-year minimum sentence be included in this bill for anyone using a handgun in the commission of a crime, and that was rejected. This bill is symbolism.

And how about the death penalty? Will this really expand the death penalty as we are being told? No. There will probably be one case every 3 years. When is the last time the Federal courts executed someone?

Mr. Speaker, it is pure symbolism. There is no substance, no real expansion of the death penalty.

TIME FOR NORMALIZING RELATIONS WITH CUBA

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, now that it appears as though the Castro government is prepared to just throw the Cubans into the water to show how much they have got to do to thumb their nose at the United States, I think after 30 years it is time for these two nations to come together and try to normalize their relationship.

For so many years what we have done is invited everyone to come to this country from Cuba just because it was Cuba. But now the President has changed this, and he says that they now have to prove that they are running away from persecution.

We have stopped sending food and medicine there. We have had an embargo from our country on their country, and now it appears that we are waiting for them to overthrow Castro. That is not going to happen. What they are going to do is overthrow Miami if we do not do something about it.

It is time to sit down and work out some sensible immigration policies. It is time to sit down and decide to at least allow us to send food and medicine to Cuba, to sit down and see whether or not in this hemisphere we can talk about the North American Free-Trade Agreement and we can talk about the Caribbean Basin Initiative and get on with the job of trade instead of fighting the cold war.

LEGITIMATE CONCERNS VOICED ABOUT THE CRIME BILL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there is a lot of controversy over the crime bill right now. There is even controversy about whether or not there are enough votes to pass it, and there is a lot of negotiation going on.

As one of those who has not supported the version of the conference report that has come to the House, let me first say a couple of things about the bill. Some of us are concerned, yes, about a symbolic but largely useless battle over the so-called ban on assault weapons. Some of us are concerned about 60 new death penalties. Some of us are concerned about taking traditionally State and local offenses and making them Federal offenses and not giving the Federal Government more resources to handle them. Some of us are concerned about some of the controversial spending in the bill.

But let me point out something to the American people, Mr. Speaker. There has been a crime bill that deals with the guts of what I think people want done. If we want more police on the streets, Mr. Speaker, that bill passed. It passed a few days ago when many of us voted to pass and send to the President the Commerce, State, Justice bill.

□ 1230

That was a downpayment on fighting crime. Money for new cops on the street, money for the Byrne Program that provides assistance to local law enforcement that some wanted to abolish just a few short months ago. Happily many of us worked to get that passed as well. That is real crime fighting. That is on the way to the President.

CHANGE POLICY TOWARD CUBA

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, Castro is playing his last card. When the people rioted against him on August 5, he unleashed an immigration crisis to blackmail the United States to do three things, which he publicly announced: Get rid of the United States embargo, treat his own people as unfairly as we treat Haitian refugees, and end broadcasts to Cuba.

Yesterday President Clinton gave Castro one of his three demands. He now treats Cubans as unfairly as Haitian refugees. Correctly and commendably, the President will today announce some increases in our trade embargo and broadcasts to Cuba. But much more must be done. There can be no Haitian-style immigration policy toward Cuba and yet no Haitian-type foreign policy. A blockade of Castro's ports and concrete assistance to prodemocracy forces is required, Mr. President, now.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4051

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor H.R. 4051.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PORK BARREL SPENDING IN PROPOSED CRIME BILL

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, we have in the crime bill $9 billion earmarked for various State and local interests. I want to list those so that the people can be reminded of what we have.

A total $9 billion is earmarked for various State and local interests through a labyrinth of new Federal programs.

House Judiciary Committee Chairman JACK BROOKS inserted $10 million for his alma mater, Lamar University, to establish a criminal justice research center at Beaumont, TX, BROOKS' home town. This is pork in its purest form.

For the Local Partnership Act [LPA], $1.8 billion to provide more money to States with high tax rates. That is, the higher the State and local taxes, the more money they will get under the LPA. If the authors of the LPA were concerned about States and cities that are doing their best to fight crime, why not tie funds to the percentage of revenues used for law enforcement instead of overall tax rates? Money earmarked for the LPA alone could hire 40,000 more police officers or build 80 new prisons to house 40,000 violent criminals. The LPA was originally introduced as an economic stimulus bill (H.R. 581) by Representative CONYERS and contained 19 findings, none of which mentioned the need to fight crime. To simply change one part of this bill, and to say that the programs to be funded are for the purpose of preventing crime, does not change the basic idea that the whole purpose of this bill was and is to spend money as fast as possible.

For the National Community Economic Partnership [NCEP] Program, $300 million to increase private investment in distressed local communities and to provide business and employment opportunities for low-income, unemployed, or underemployed individuals. The lack of connection between the NCEP and crime speaks for itself.

For the Youth Employment and Skills Crime Prevention Program [YES], $900 million to improve occupational skills of youth in high-crime neighborhoods. This is, of course, in addition to the current $25 billion that the General Accounting Office reports the Federal Government already spends on 154 job training programs. If job training programs prevented crime, there would be no crime. The United States is saturated with job training programs.

For the Ounce of Prevention Council, made up of the Secretaries of Health and Human Services, Justice, Agriculture, Interior, Labor, and the Drug Czar, $100 million to spend to promote arts, crafts, and dance programs, including grants from the U.S. Attorney General to increase the self-esteem of at-risk youth.

To locate missing Alzheimer's patients, $3 million.

For urban parks and recreation facilities, $5 million.

To establish midnight basketball leagues, $40 million, with each league having at least 80 players, more than half of whom must live in public housing; the players must live in neighborhoods with high incidences of AIDS, other sexually transmitted diseases, crime, and illegitimacy. Typical Washington overregulation, and besides, should we be encouraging children to be away from home after midnight?

To promote family unity by housing children under 6 years old with their parent while the parent is serving a jail sentence, $22 million. Does this really belong in a crime bill?

To recruit and train police officers from underrepresented neighborhoods, $24 million. Some of that $24 million will go to counseling applicants who may encounter problems throughout the application process.

Grants of $895 million that can be used for any program that can somehow be linked to crime prevention. How about midnight tennis?

For supervised visitation centers where noncustodial parents with a history of domestic abuse can visit their children, $30 million.

We need to be aware of what we are spending in this pork-barrel legislation.

SEXUAL ABSTINENCE FOR UNWED TEENS WILL LEAD TO A STABLE AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I urge all my colleagues to read Colman McCarthy's column in today's *Post.* He describes a remarkable campaign, a wonderful and very elevating campaign, organized originally some 16 months ago in the Tulip Grove Baptist Church in Nashville, TN, by 59 teenagers and their youth minister, in which they pledge that they would remain chaste, they would abstain from sex, until they were married. And they have moved this new theory, I guess you would say, a new-old theory, around the country, so that some 20,000 youngsters showed up on the Mall here just a few days ago to plant on the Mall itself 211,000 signatures to the same kind of pledge.

In an age of hedonism, in an age of self-centeredness, in an age of pleasure first, Mr. Speaker, it is remarkable and very courageous for these young people to go against that flow, to stand up for abstinence, to stand up for purity, to stand up for chastity, against all of the seeming mores.

I would commend those 59 youngsters and their youth minister in the Tulip Grove Baptist Church for having started what I hope is a national trend of moving people away from self-gratification today for the longer term beauty and wonder of a solid stable America for the future.

GATT IMPORTANT TO AMERICA

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KOLBE. Mr. Speaker, one of the issues still on the agenda of the 103d Congress that remains to be resolved is the implementing legislation for the Uruguay round of the GATT, or the General Agreement on Trade and Tariffs. While our focus, and the spotlight of the Nation's media has been on health care reform and crime fighting legislation, neither the significance of this legislation nor the difficulties confronting it should be underestimated.

No one should doubt the importance of GATT. The United States increasingly depends on international trade to fuel our economic engine. Our exports continue to grow in absolute terms and as a percentage of our total gross domestic product.

As to the difficulties confronting us, the editorial in yesterday's New York Times and another article in the Wall Street Journal of the same day, make abundantly clear the dangerous shoals of trade this administration is steering toward. The GATT agreement is supposed to nudge the world toward more open markets and, indeed, the agreement signed in Marrakesh, Morocco, last April accomplishes that. And yet, this administration persists in trying to undermine the significant accomplishments of GATT with implementing legislation that unilaterally reverses those agreements. I commend these two pieces to my colleagues and urge them to heed the warning bells of an impending grounding on the reef of protectionism.

[From the New York Times, Aug. 19, 1994]

MR. CLINTON: DEFEND YOUR TRADE PLEDGE

The Clinton Administration fought for consumers when it signed a trade accord in April with more than 100 other countries in Marrakesh, Morocco. But it besmirched its record when it sent Congress implementing legislation that contradicted the Marrakesh accord in dozens of places. It was as if the Commerce Department had decided to protect powerful corporate friends in steel, textiles and cement rather than consumers or the vast number of U.S. companies that need to buy low-cost foreign goods.

Then House and Senate committees took the Administration's draft and made it worse. Conferees will meet soon to hammer out final language—providing a chance to fix the wrongs.

At issue are anti-dumping statutes, which require foreigners to sell in the U.S. at fair prices; foreign companies may not sell at prices either below what they charge in their home country or below their cost of production. But the U.S. and other countries manipulate anti-dumping laws to shut out imports that are not dumped. The Marrakesh accord tries to limit this protectionist practice.

The accord says that the U.S. must make a fair comparison between prices here and abroad. But the Senate committee, at the insistence of Ernest Hollings of South Carolina, proposes a formula that, by treating profit differently here and abroad, would artificially deflate the calculation of prices some foreign businesses charge in the U.S.—and make conviction for dumping near-certain.

The accord also recognizes that production costs typically decline for new companies during a break-in period; the U.S. is supposed to calculate a foreign company's costs at the end of the break-in period. But the Administration and Congressional committees propose making such costs appear high by using an earlier period.

The Marrakesh accord allows countries to retaliate only if domestic industry has been harmed. To show harm, the U.S. would have to demonstrate substantial imports compared with the size of domestic production. House and Senate committees, with Administration support, propose to make U.S. production look small—and dumping look harmful—by ignoring a substantial part of U.S. output, known as captive production. Captive production refers to goods made not for sale but for use in other goods—a computer business's production of semiconductors, for example.

In Marrakesh, the Administration stood for open trade and economic growth. At home, it proposed sizable doses of protectionism. The conferees will now decide which version of U.S. policy will be the final version.

[From the Wall Street Journal, Aug. 19, 1994]

WORLD ECONOMY

(By Robert Keatley)

WASHINGTON.—Congress has just about finished writing rules to turn the latest global trade treaty into U.S. law. but it's including some rules that will make it harder, not easier, to buy and sell overseas—exactly the opposite of what the overall agreement is supposed to do.

Not by accident. The drafting process includes an intense lobbying effort that pits those seeking extra protection for their clients, such as ball-bearing markers Timken Co. and Ingersoll-Rand Co's Torrington Co. unit, against those who want fewer trade restrictions, such as bit-time exporters Cargill Inc. and Caterpillar Inc. As often happens, the protectionists win more than they lose.

PRAGMATISM OR RETREAT?

Whether this necessary or desirable causes endless debate. The Clinton administration says it's merely doing what must be done to get the total trade package through a skeptical Congress. But many economists and export-minded business executives accuse it of retreating from its pro-trade principles.

"The legislation reflects a balance" between protectionist and free trade extremes, contends Susan Esserman, the assistant commerce secretary who tracks the political process most closely. These clauses bear "almost no relationship anymore to economic reality," counters Kimberly Ann Elliott, an economist who generally opposes restrictions.

PILING ON ANTIDUMPING RULES

Now Congress and the administration seem to be tilting the system even further, and writing into law restrictions that aren't in the GATT treaty. For example, one of perhaps 25 changes will require the government to make certain profit assumptions when deciding whether foreign goods are sold here at unfair prices. This procedure will make it harder for foreigners to defend themselves, especially companies such as Toyota Motor Corp. and Philips Electronics NV that sell products to their own factories or distribution systems in the U.S.

The European Union has complained repeatedly about what a Brussels official calls "This toughening up of United States antidumping law [based on] certain ideas put forward by interest groups." One Washington lawyer with EU clients says the law "will punish those who have actually invested in the U.S., exactly the ones the administration has tried to encourage."

Washington contends that low export prices often reflect exorbitant profits at home (in Japan, for example), where outside competition is restricted. Mr. Kantor uses these antidumping laws as weapons when trying to pry open such closed markets. But critics say another result is that 40 nations have adopted similar rules, making U.S. companies, on a global basis, the leading targets in dumping cases. Cargill has five pending against it in Mexico alone.

For the most part, these tougher clauses persist because Congress responds when constituents complain, and the Clinton administration compromises to speed along the trade package. And there's no doubt these terms will help troubled U.S. companies, while keeping lawyers and lobbyists busy for years.

But whether these special interests deserve such help, and how much the economy will benefit, is less clear.

The legislation concerns the pact completed last December under the auspices of the General Agreement on Tariffs and Trade. The disputes revolve around how much the U.S. is revising original terms as it writes them into U.S. law. Most arguments involve antidumping law, complex clauses that let aggrieved companies seek penalties against foreign rivals who sell goods at "unfair," even "predatory," prices. The drafting process may be completed today, allowing a final vote on the GATT agreement as soon as Congress can schedule it.

The whole topic is extremely complicated—and for most people, extremely boring. But huge sums are at stake, for a single legal phrase may determine how easily companies can act against overseas competitors that don't seem to play fair. Washington considers these rules essential tools for taking retaliatory action when it believes other countries aren't reducing trade barriers.

Antidumping laws help "keep industries properly competitive," says Mickey Kantor, the chief U.S. trade negotiator who says he's basically content with what Congress is doing.

Yet many aren't content. The nonpartisan Congressional Budget Office says these rules—once intended to keep unfairly low prices from driving competitors out of business—are now more often used whenever companies feel "any injury" from foreign rivals. Because there is no similar protection from domestic competition, these laws "are biased against foreign exporters and against consumers of foreign goods," the CBO concluded.

ADMINISTRATION SPEAKING WITH MULTIPLE VOICES

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, yesterday a memorandum from John Deutsch, a high ranking official at the Department of Defense, to the Members of the Defense Resources Board, was made public, which called for the cancellation of the V–22 helicopter. I would like to read a letter written by the Vice President of the United States to the employees of Textron in his home State of Tennessee less than a month ago.

> During the 1992 campaign, I visited the Bell Helicopter Textron plant in Fort Worth. As I said at that time, I support the V-22 because of its tilt rotor technology, its dual use as a military and commercial transport aircraft, and its potential as a major export product for the American aerospace program.
>
> I said then that if Bill Clinton were elected President, our administration would be committed to building the V-22 on schedule. Our commitment has not changed.

Mr. Speaker, it is time for the administration not to speak with multiple voices, but to speak clearly with one voice in favor of the V-22.

PROPOSED CRIME BILL DELIVERS SMALL RETURN

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COLLINS of Georgia. Mr. Speaker, I would like to read a letter from Louis M. Dekmar, the police chief of the city of Morrow, GA. Morrow, GA, is a suburban city within 12 miles of downtown Atlanta.

He says:

> DEAR CONGRESSMAN COLLINS: I want to share with you my concern regarding the President's Crime Bill, and thank you for voting in a manner that precluded this pending legislation from becoming law.
>
> Those that support the crime bill tout the 100,000 additional police officers as a remedy to address the serious crime that plagues many American cities. I do not believe increasing law enforcement by 20% will have the impact President Clinton and many in Congress would have us believe.
>
> The fact is police officers frequently arrest offenders—what frequently does not occur is incarceration for those same offenders. Criminals that are jailed are released early, not because they are deserving, but because there is no room. Some argue we cannot afford to keep criminals in jail. I submit, and studies conducted by the Rand Corporation and the National Institute of Justice conclude, that we cannot afford not to. According to research conducted by the National Institute of Justice in 1988, repeat offenders commit on average 187 crimes a year, at a cost to victims of $430,000 annually. More police on the street, without additional prisons, translates into a few more arrests and a continual demonstration that the criminal justice system is ineffective in dealing with those arrested.
>
> I refer you to the F.B.I. Uniform Crime Report for 1988 and 1992; 1988 reflects 485,566 full time police officers making 13.8 million arrests; 1992 shows 544,309 police officers making 14.1 million arrests. This 10.8% increase in police officers over five years yielded 2.1% more arrests. I ask you to consider whether it is money well spent to increase the nation's police departments by 20% for a less than 5% return. It is my opinion the money would be better spent focused solely on prison related programs and law enforcement technical support services.
>
> Presently in Georgia, the public receives rationed law enforcement services. Not for a lack of police officers, but because the technical positions in the Georgia Bureau of Investigation state crime laboratories did not have the funding to employ sophisticated criminalistics in all criminal cases. For example: (1) the use of DNA is restricted to serious violent crimes. The current protocol does not allow the DNA identification of a burglar who leaves his blood on a broken window pane in an unoccupied residence. A woman must first be raped in that residence to justify the use of the DNA service. (2) Hair evidence is no longer processed for evidentiary value. (3) Latent prints are only processed for murder cases by state laboratory personnel. (4) Toxicological test results exceed a couple of months, delaying criminal cases, and autopsy results which delays the filing of a death certificate. This delay further impacts the victims grieving family. (5) Personnel are not available to check suspect firearms against opened homicides. (6) AFIS (Automatic Fingerprint Identification System) computer entries take three or more months for a result.
>
> In short, many opportunities for maximizing the evidentiary value of an item are lost because state laboratory resources do not exist to serve the current number of Georgia police officers.
>
> Please do not interpret my remarks as being critical of the G.B.I. state laboratory system. To the contrary, they do a magnificent job under very trying conditions. Although the last five years in Georgia reflects the highest crime rate ever experienced, G.B.I. has not increased the number of scientific examiners since 1988. They want to provide the services, but cannot.
>
> My hope is that Congress will take our limited revenues and fund a crime program that will make a difference. In my opinion law enforcement and the public's safety would be better served if Congress provided block grants to the States for corrections and law enforcement technical support services. The public must be confident that when they fall prey to a crime, everything possible is going to be done to identify the offender and that there will be room in our prisons to punish that offender.
>
> Thank you for standing firm in your desire to pass a real crime bill. If you require any information please feel free to call me.
>
> Sincerely,
>
> LOUIS M. DEKMAR,
> *Chief of Police.*

COST OF THE NO-CRIME CRIME BILL

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, what are Republicans thinking about? In the no-crime crime bill, is it the $33 billion in debt, totally unfunded, that we like, that will cost us $100 billion over 30 years that we do not have, for our grandchildren? LEE HAMILTON, the Democrat chairman of the Committee on Foreign Affairs calls the funding "phony." Could it be the no-crime crime bill that they like? Or the fact we are weakening existing law and taking away mandatory minimums for using a gun, or for selling drugs and poisoning our children? Is that what we Republicans went?

□ 1240

How about the sexual predators that they turned into a privacy act for perverts? Is that what we Republicans want? We 40 wandering few; 100,000 policemen became 44,000 welfare workers. Is that what we Republicans want? No prisons unless we run ballet programs and training programs for jobs. Hug a thug. Let us stop this gross bill. Let us do what we did last week and kill it, as it so richly deserves.

THE CRIME BILL

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, the efforts to undo or to attack the changed policy with regards to the crime bill, obviously with political spin and distortion, seem to be still rampant this week as Members try to explain away their vote, voting against a $33 billion bill last week to help fight crime.

All of a sudden, the $8.8 billion in this bill and the 25 percent, the 50 percent matching funds, according to the National Rifle Association, who, of course, is very interested only in the police on the street, point out they are trying to distort and say it is 20,000.

I think we ought to sit down with a pencil and paper and see and add up, as most of us could do, it indicates $150,000 for each of the 100,000, each of the 100,000 police in blue that will be on the street. So it does not take a rocket scientist but it does take a lot of political science here to modify the facts and to make them something that they are not.

The effort here is to distort; the effort is to defund. The effort is to disarm this bill, to take out the assault weapons and to defeat the bill. That is what the effort is. The effort is to turn it into a partisan circus, which is something the American people do not want. The American people want this bill passed. It is the number one issue. They want help in their local communities. They want help in terms of dealing with the violence taking place and the carnage on the streets from these assault weapons.

One constituent, when asked, what do you use these for, said to hunt prairie dogs.

Mr. Speaker, I am on the side of the prairie dogs and the people. I do not think we need those assault weapons on the street.

RECESS

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 41 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1340

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 40 minutes p.m.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I would like to engage the distinguished minority leader in a colloquy and explain to Members that there will be no votes this morning. The crime conference, as Members know, is currently meeting as I speak. We intend to adjourn tonight to meet at 1 p.m. tomorrow when we will take up the crime conference report. Members should expect that there would be a journal vote soon after 1 p.m., and we would hope that we could move then to the rule consideration and to the crime conference itself. So Members could expect votes obviously in the afternoon tomorrow.

Mr. WALKER. If the gentleman would yield, are we going to have the same kind of assurance for tomorrow that we had today that the rule would not come up until it has been agreed to by our side? The reason why I ask is I just came from the conference. I do not believe that the problems were created maliciously in any way, but there were problems in the language in the conference report. I would think they are going to be worked out, but they were in a couple of very sensitive agreements in terms of the agreements that were made.

I would think we are probably going to want to review the conference report as it comes out to make certain that all that language got properly taken care of and that the people who did the negotiating are indeed satisfied before the rule came to the floor. I just wanted some assurance that we would have those opportunities once we got back in here tomorrow and before something moved in the case of a rule.

Mr. GEPHARDT. We obviously have been trying throughout the process to make sure that the language reflected agreements that had been made. I am not aware of any problems. There have been some, and we have been able to work them out, and we will continue to do that. I can assure the gentleman and others that there will be adequate opportunity to look at language so that there are no mistakes and Members can feel that all the agreements have been carried out properly.

Mr. WALKER. I think that is being done. I think we are working in good faith over there at the present time. I hope all that can be worked out. As I say though, the language was just given to the conferees at the moment they sat down at the table. In fact, the conference had to go into recess for 15 minutes just to allow them to leaf through the pages, to figure out what was there. In such a process, it is conceivable that something will get overlooked that will only be found by less tired people tomorrow.

I just want to make certain that we have some opportunity to get those corrections done before a rule would come to the floor.

Mr. GEPHARDT. We will do that.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, I just want to make the observation the Majority Leader has been dealing very forthrightly and in good faith, and I would trust the gentleman's word when he says, as he has earlier in the day, that he would make sure that what we were asking for was going to be satisfied.

Mr. SOLOMON. If the Majority Leader would yield, how will we go about filing the conferenced report? My chairman of the Committee on Rules, Mr. MOAKLEY, has called the Committee on Rules for 12 noon, and we will have that conference report prior to the rules meeting?

Mr. GEPHARDT. That would be my understanding. I think that is our intent.

Mr. MOAKLEY. That is our understanding. In fact, we come in 1 hour before the House comes in, so we will have to do the extra work that may be needed before the House gets here, before we report it out.

Mr. SOLOMON. But the House will not convene until 1 p.m.

Mr. MOAKLEY. Right.

Mr. SOLOMON. So that I would just hope that we would have it in the Committee on Rules so we could give it to other Members, since it is not going to be able to be filed out here, since we will not be in session.

Mr. GEPHARDT. If the gentleman will yield, we would be happy to entertain unanimous consent request that they would have until noon tomorrow to file the report.

Mr. SOLOMON. Just one last question.

The SPEAKER. Does the gentleman mean to say noon today?

Mr. GEPHARDT. I meant noon today. I am very sorry. The days are kind of moving together.

Mr. SOLOMON. Thank you, Mr. Speaker. That was helpful. Might I just say that it is my understanding that we will, when we put out a rule tomorrow at 12 noon allowing the bill to come to the floor today, excuse me, today, that we would have a motion to recommit made in order offered by our Republican leader, Mr. MICHEL, or his designee. Is that the understanding of the chairman of the Committee on Rules?

Mr. MOAKLEY. When the Majority Leader gets through, I am going to ask unanimous consent to waive the two-thirds requirement so that we can bring the rule to the floor this afternoon.

Mr. SOLOMON. But it is the intent of the Democrat leadership to allow Mr. MICHEL or his designee the normal traditional right of the minority for their motion to recommit with instructions?

Mr. MOAKLEY. The gentleman is correct.

Mr. GEPHARDT. The gentleman is correct.

Mr. SOLOMON. I thank the gentlemen for their cooperation.

WAIVING TWO-THIRDS VOTE REQUIREMENT TO CONSIDER REPORT FROM COMMITTEE ON RULES ON SUNDAY, AUGUST 21, 1994

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House be waived on the legislative day of Sunday, August 21, 1994, with respect to a resolution providing for the consideration or disposition of the conference report to accompany H.R. 3355.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT TO SUNDAY, AUGUST 21, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, August 21, 1994.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO HAVE UNTIL NOON ON SUNDAY, AUGUST 21, 1994 TO FILE CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the managers have until noon on Sunday, August 21, 1994, to file the conference report to accompany the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE JOURNAL

The SPEAKER. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal was approved.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes a.m.), under its previous order, the House adjourned until today, Sunday, August 21, 1994, at 1 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of 1994, and the consolidated report of expenditures for official foreign travel authorized by the Speaker, U.S. House of Representatives, during the second quarter of 1994, pursuant to P.L. 95-384, as well as the second quarter report of a miscellaneous group, U.S. House of Representatives, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Clement	5/27	6/2	England		1,656.00		(3)				1,656.00
	6/2	6/5	Ireland		693.00		451.71				1,144.71
	6/5	6/6	England				(3)				
Committee total					2,349.00		451.71				2,800.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by Metropolitan Nashville Airport Authority.

NORMAN Y. MINETA, Chairman, July 31, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA AND PAKISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 9, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael J. Kopetski	3/26	5/3	India	46,625	1,497.75		4,234.00				5,731.75
In-country air fare							198.00				198.00
	4/3	4/8	Pakistan		890.00		45.00				935.00
	4/8	4/9	Switzerland		97.00						97.00
Phillip W. Rotondi	3/26	4/3	India	46,125	1,481.68		4,234.00				5,715.6
In-country air fare							198.00				198.00
	4/3	4/8	Pakistan		890.00						890.00
	4/8	4/9	Switzerland		97.00						97.00
Committee total					4,953.43		8,909.00				13,862.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended

MIKE KOPETSKI, May 10, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND APR. 10, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Richard Gephardt	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Steny Hoyer	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Tom Lantos	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Norman Dicks	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Nita Lowey	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Robert Michel	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Newt Gingrich	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Henry Hyde	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Hon. Robert Livingston	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Mike O'Neil	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Tom O'Donnell	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Steve Elmendorf	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Sharon Daniels	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Eli Attie	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Robert Legvold	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Louis Dupart	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
William Pitts	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Tony Blankley	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Judith Glazier	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Keith Jewell	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Bill Schaerch	4/4	4/10	Russia		1,600.00		(3)		185.00		1,785.00
Committee total					33,600.00				3,885,00		37,485.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD A. GEPHARDT, May 31, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR 10, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Foglietta	4/6	4/10	Russia		1,270.00		(3)				1,270.00
J. Kevin Brennan	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Ron Shaiko	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Hon. Robert A. Borski	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Mark Vieth	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Hon. James Greenwood	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Jordan Krauss	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Hon. Lucien Blackwell	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Johnny Barnes	4/6	4/10	Russia		1,270.00		(3)				1,270.00
Committee total					11,430.00						11,430.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

THOMAS M. FOGLIETTA, July 25, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ANGOLA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 10, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	4/5	4/5	France	1,484.60	260.00					1,484.60	260.00
Hon. John H. Morril	4/5	4/5	France	1,484.60	260.00					1,484.60	260.00
Hon. Gerry Dyer	4/5	4/5	France	1,484.60	260.00					1,484.60	260.00
Hon. Tony P. Hall	4/6	4/8	Angola		273.00						273.00
Hon. John H. Morrill	4/6	4/8	Angola		273.00						273.00
Hon. Gerry Dyer	4/6	4/8	Angola		273.00						273.00
Hon. Tony P. Hall	4/9	4/10	Brussels		315.00						315.00
Hon. John H. Morrill	4/9	4/10	Brussels		315.00						315.00
Hon. Gerry Dyer	4/9	4/10	Brussels		315.00						315.00
Committee total					2,544.00						2,544.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, May 10, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SLOVAKIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 23, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	4/17	4/23	Slovakia		1,100.00						1,100.00
Commercial air fare							1,380.05				1,380.05
William Freeman	4/17	4/23	Slovakia		1,100.00						1,100.00
Commercial air fare							1,380.05				1,380.05
Committee total					2,200.00		2,760.10				4,960.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, May 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 9 AND MAY 12, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Louis Stokes	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Floyd Flake	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Major Owens	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Eliot Engel	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Michael McNulty	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Eva Clayton	5/9	5/11	Johannesburg		363.00		(3)				
Hon. B.Rose Collins	5/9	5/11	Johannesburg		363.00		(3)				
Hon. William Jefferson	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Corrine Brown	5/9	5/11	Johannesburg		363.00		(3)				
Hon. James Clyburn	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Cleo Fields	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Earl Hilliard	5/9	5/11	Johannesburg		363.00		(3)				
Hon. E.Bernice Johnson	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Bobby Rush	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Bennie Thompson	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Nydia Velazquez	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Bernard Sanders	5/9	5/11	Johannesburg		363.00		(3)				
Hon. Amo Houghton	5/9	5/11	Johannesburg		363.00		(3)				
Ms. Dorothy Jackson	5/9	5/11	Johannesburg		363.00		(3)				
Ms. Amelian Parker	5/9	5/11	Johannesburg		363.00		(3)				
Ms. Tammy Hawley	5/9	5/11	Johannesburg		363.00		(3)				
Ms. Jewell Gilbert	5/9	5/11	Johannesburg		363.00		(3)				
Mr. Keith Jewell	5/9	5/11	Johannesburg		363.00		(3)				
Sgt. Joseph Powell	5/9	5/11	Johannesburg		363.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 9 AND MAY 12, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Louis Stokes	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Floyd Flake	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Major Owens	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Eliot Engel	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Michael McNulty	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Craig Washington	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Eva Clayton	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. B.Rose Collins	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. William Jefferson	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Corrine Brown	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. James Clyburn	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Cleo Fields	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Earl Hilliard	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. E.Bernice Johnson	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Bobby Rush	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Bennie Thompson	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Nydia Velazquez	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Bernard Sanders	5/11	5/12	Lisbon		184.00		(3)				184.00
Hon. Amo Houghton	5/11	5/12	Lisbon		184.00		(3)				184.00
Ms. Dorothy Jackson	5/11	5/12	Libson		184.00		(3)				184.00
Ms. Anelia Parker	5/11	5/12	Lisbon		184.00		(3)				184.00
Ms. Tammy Hawley	5/11	5/12	Lisbon		184.00		(3)				184.00
Ms. Jewell Gilbert	5/11	5/12	Lisbon		184.00		(3)				184.00
Mr. Keith Jewell	5/11	5/12	Lisbon		184.00		(3)				184.00
Sgt Joseph Powell	5/11	5/12	Lisbon		184.00		(3)				184.00
Commitee total					13,675.00						13,675.00

[1] Per diem constitutes lodginng and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LOUIS STOKES, Aug. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND, THE NETHERLANDS, AND THE CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 21, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
William Holmes Brown	5/6	5/14	Poland		1,315.00						1,315.00
Commercial air fare							1,478.85				1,478.85
Kristi Walseth	5/16	5/14	Poland		1,315.000						1,315.00
	5/14		Netherlands	1,106.62	588.00						588.00
		5/21	Czech Republic	26,815.20	1,120,00						1,120.00
Commercial air fare							2,235.45				2,235.45
Committee total					4,388.00		3,714.30				8,102.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, May 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CZECH REPUBLIC AND BULGARIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 15 AND MAY 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	5/16	5/25	Czech Republic		2,850.00						2,850.00
	5/25	5/31	Bulgaria								
Commercial air fare							2,175.95				2,175.95
William Freeman	5/16	5/25	Czech Republic		2,850.00						2,850.00
	5/25	5/31	Bulgaria								
Commercial air fare							2,175.95				2,175.95
Committee total					5,700.00		4,351.90				10,051.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, June 6, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 31 AND JUNE 4, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Pete Peterson	5/31	6/4	Russia		1080.00		(3)				1080.00
Suzanne F. Farmer	5/31	6/4	Russia		1080.00		(3)				1080.00
Hon. Sam Johnson	5/31	6/4	Russia		1050.00		5,780.95				6830.95
Kristan E. Mack	5/31	6/4	Russia		1050.00		(3)				1050.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 31 AND JUNE 4, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					4,260.00		5,780.95				10,040.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETE PETERSON, June 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, ITALY, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 31 AND JUNE 7, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. G.V. Montgomery	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Tom Bevill	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Mike Bilirakis	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. George E. Brown, Jr.	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. E. (Kika) de la Garza	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. John D. Dingell	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Bob Dornan	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Chet Edwards	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Earl Hutto	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Henry Hyde	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Tom Lantos	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Tom Lewis	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Al McCandless	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. J. Alex McMillan	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Bob Michel	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Austin Murphy	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. John Myers	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. J.J. Pickle	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. J. Roy Rowland	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. George Sangmeister	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Norman Sisisky	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Ike Skelton	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Clifford B. Stearns	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. John Tanner	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Werner W. Brandt	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Emmanuel Bilirakis	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Andre C. Clemandot	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Mack G. Fleming	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Carey Ruppert	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Steve Rusnak	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Judy Wolverton	5/31	6/3	United Kingdom		1,104.00		(3)				1,104.00
	6/4	6/7	France		1,053.00		(3)				1,053.00
Hon. Gene Taylor	6/3	6/3	United Kingdom		276.00		(4)				276.00
	6/4	6/6	France		789.75		(3)				789.75
Hon. Don Edwards	6/5	6/5	France		263.25		(4)				263.25
Hon. Charles H. Taylor	6/4	6/6	France		789.75		(4)				789.75
Committee total					68,985.75						68,985.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Personal/military air transportation.

G.V. MONTGOMERY, July 18, 1994.

REPORTS OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DAVID SKAGGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND APR. 6, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Skaggs	3/31	4/1	Switzerland		482.00						482.00
	4/5	4/6	Austria		150.00						150.00
Committee total					632.00						632.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID E. SKAGGS, May 5, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL WESSEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 7 AND APR. 17, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael R. Wessel	4/9	4/17	Australia		1,705.00		6,551.95				8,256.95
Committee total					1,705.00		6,551.95				8,256.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL R. WESSEL, May 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. VINCENT V. WILLMORE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 19, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Vincent V. Willmore	4/4	4/9	Russia		1,250.00		1,528.55				2,778.55
Committee total					1,250.00		1,528.55				2,778.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.s. currency is used, enter amount expended.

VINCENT WILLMORE, May 9, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTI E. WALSETH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 22, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristi E. Walseth	4/17	4/22	Lithuania		600.00						600.00
Commercial air fare							2,233.95				2,233.95
Committee total					600.00		2,233.95				2,833.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, May 3, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HONORABLE WERNER W. BRANDT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 21 AND APR. 24, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Werner W. Brandt	4/21	4/24	France	4,049.26	691.00		1,835.85			4,049.26	2,526.26
Committee total				4,049.26	691.00		1,835.85			4,049.26	2,526.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WERNER W. BRANDT, June 6, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. LINDA HENNESSEE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 9 AND MAY 16, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Linda Hennessee	5/9	5/16	Kenya		1,190.00		4,243.75				5,433.75
Committee total					1,190.00		4,243.75				5,433.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LINDA HENNESSEE, July 12, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. CARLOTTIA A. W. SCOTT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND MAY 17, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Carlottia A. W. Scott	4/18	5/17	South Africa				5,902.75				5,902.75
Committee total							5,902.75				5,902.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CARLOTTIA A.W. SCOTT, July 12, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. HENRY COLLINS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 15 AND MAY 27, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Henry Collins	5/16	5/22	Albania		1,750.00						1,750.00
	5/22	5/24	Slovakia								
	5/24	5/26	Bulgaria								
	5/26	5/27	Czech Republic								
Commercial air fare							3,231.95				3,231.95
Committee total					1,750.00		3,231.95				4,981.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, August 8, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. WILLIAM H. ORTON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 10 AND JUNE 13, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William H. Orton	6/10	6/13	Russia		800.00				17.43		817.43
Committee total					800.00				17.43		817.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. ORTON, July 12, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 2, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	5/28	5/30	Norway		529.50		1,297.00				1,889.50
Hon. Jack Brooks	5/27	5/30	Norway		829.20		(3)				829.50
Hon. Cardiss Collins	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Ronald Coleman	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Earl Hilliard	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Alex J. McMillian	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Tom Bliley	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Ralph Regula	5/27	5/29	Norway		533.25		1,323.00				1,856.25
Hon. Doug Bereuter	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Gerald Solomon	5/27	5/29	Norway		533.25		(3)				533.25
Hon. Marge Roukema	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Butler Derrick	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Sherwood Boehlert	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Peter Abbruzzese	5/26	5/30	Norway		1,066.50		1,294.00				2,360.50
Hon. Elizabeth Bergere	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Dara Schlieker	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Walker J. Roberts	5/27	6/2	Norway		1,540.50		1,646.00				3,186.50
Hon. Nancy Bloomer	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Michael Ennis	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Ron Lasch	5/26	5/30	Norway		829.50		1,294.00				2,123.50
Hon. Sharon Matts	5/27	5/30	Norway		829.50		(3)				829.50
Hon. Michael Poloyac	5/27	6/2	Norway		1,540.50		1,646.00				3,186.50
Committee total					19,078.50		8,500.00				27,578.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHARLIE ROSE, June 14, 1994.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3727. A letter from the Acting Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); Referred to the Committee on Appropriations.

3728. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3729. A letter from the Secretary of Education, transmitting a copy of the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults [HKNC] for the 1993 program year, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Education and Labor.

3730. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed approval of manufacturing license agreement with Japan (Transmittal No. DTC-24-94), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3731. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1, 1993, and December 31, 1993, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE (for himself, Mr. Thomas of California, Mr. Neal of Massachusetts, Mr. Mazzoli, Mr. Gekas, Mr. Andrews of Texas, Mrs. Johnson of Connecticut, Mr. Sundquist, Mr. Crane, Mr. McNulty, Mr. Hancock, Mr. Ackerman, Mr. Fields of Texas, Mr. Lipinski, Mr. Gene Green of Texas, Mr. Hutto, Mr. Wilson, Ms. Eshoo, Mr. Levy, Mr. Fazio, Mr. Jefferson, Mr. McCrery, Mr. Fish, Mr. Sarpalius, Mr. Hastings, Mr. Hayes, Ms. Eddie Bernice Johnson of Texas, Mr. Brown of California, Mr. Frost, Mr. Emerson, Mr. Greenwood, Mr. Packard, Mr. Lewis of California, Mr. Hyde, Mr. Doolittle, Mr. Rogers, Mr. Lewis of Florida, Mr. Hefner, Mr. Evans, Mr. Rahall, Mr. Swift, Mr. Hansen, Mr. Bryant, Mr. Spence, Mr. Callahan, Mr. Camp, Mr. Torkildsen, Mr. Calvert, Mr. Bevill, Mr. Sensenbrenner, Mr. Hall of Texas, Mr. Romero-Barcelo, Mr. Livingston, Mr. Parker, Mr. Saxton, Mr. Chapman, Mr. Martinez, Mr. Herger, Mr. Sawyer, Mr. Minge, and Mr. Pete Geren of Texas):

H.R. 5006. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. LaROCCO:

H.R. 5007. A bill to authorize the Secretary of Agriculture to use stewardship contracting under which the receipts from the sale of timber and other forest products from National Forest System lands are available to the Secretary to conduct other resource activities on such lands for the improvement and restoration of healthy forest ecosystems; to the Committee on Agriculture.

By Mr. DE LA GARZA (for himself, Mr. Roberts, Mr. Sarpalius, Mr. Emerson, Mr. Thornton, Mr. McCrery, Mr. Fazio, Mr. Dickey, Mr. Wilson, Mr. Hayes, Mr. Doolittle, Mr. Matsui, Mr. Laughlin, Mr. Hutchinson, and Mr. Brooks):

H.J. Res. 405. Joint resolution to commend the United States rice industry, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Agriculture.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3017: Mr. Kim, Mr. Miller of Florida, and Mr. Fazio.

H.R. 3943: Mr. Johnson of South Dakota.

H.R. 4040: Mr. Yates, Mr. Price of North Carolina, Mr. Jacobs, Mr. Vento, Mr. Wise, Mr. Waxman, and Mr. Fields of Louisiana.

H.R. 4570: Mr. Hinchey, Mr. Myers of Indiana, Mr. Serrano, and Mr. Bachus of Alabama.

H.R. 4636: Mr. de Lugo, Mr. Brown of California, Mr. Coleman, Mr. Leach, Mr. Applegate, Mr. Levin, Mr. Kildee, Mr. Dicks, Mrs. Collins of Illinois, Mr. Coyne, and Mr. Sharp.

H.R. 4831: Mr. Solomon.

H.R. 4887: Mr. Santorum and Mr. Gunderson.

H. Con. Res. 179: Mr. Gillmor and Mr. Bartlett of Maryland.

H. Con. Res. 210: Mrs. Thurman.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4051: Mr. Brown of Ohio.

HOUSE OF REPRESENTATIVES—*Sunday, August 21, 1994*

The House met at 1 p.m.

Rev. W. Douglas Tanner, Jr., executive director, Faith & Politics Institute, Washington, DC, offered the following prayer:

Almighty God, Creator of us all: We would seek today to do justice, love kindness, and walk humbly with You.

We pray for clarity and courage as this House considers the legislation to come before it. Connect our spirits with those of both the victims and the perpetrators of criminal acts. Remind us that there, but for Your grace, go we.

Strengthen in us a commitment to do all that we can to reduce the violence in our land. Grant us wisdom to discern the proper role of punishment, and determination to administer it fairly. Grant us equal wisdom to discern the root causes of criminal behavior, and equal determination to address them effectively.

In the process, we pray, save us from pride and arrogance that can render us unable to do either. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 165, not voting 21, as follows:

[Roll No. 413]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Richardson
Ridge
Roemer
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—165

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (CA)
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clayton
Coble
Collins (GA)
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Orton
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Applegate
Baker (CA)
Callahan
Crane
Engel
Flake
Ford (MI)
Frank (MA)
Gallo
Herger
McDade
Moran
Murtha
Rangel
Reynolds
Rose
Rowland
Tucker
Valentine
Washington
Whitten

□ 1332

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas, Mr. GENE GREEN, please come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A WELCOME BACK TO THE HONORABLE TOM LANTOS AND AN EXPRESSION OF SYMPATHY TO THE HONORABLE SONNY CALLAHAN

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I take the floor for two purposes: One, a happy one and one sad one.

The happy one is to welcome back to our midst our distinguished colleague, fit, ready for duty and restored to health, the gentleman from California [Mr. LANTOS].

The sad duty, Mr. Speaker, is to call the attention of this House to the tragic death of Cameron Callahan, the fifth child of our colleague, the gentleman from Alabama, SONNY CALLAHAN. The 23-year-old young man at Auburn University was killed yesterday in an automobile accident. His father is not with us, but I am sure I can speak for every Member of this House in expressing to him and to his family our heartfelt condolences and sympathy.

Mr. Speaker, may I suggest a moment of silence by the House to express to our colleague our sympathy to him and his wife, Karen, and the family and our concern and our support. Our thoughts are with them now.

CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. BROOKS submitted the following conference report and statement on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety:

CONFERENCE REPORT (H. REPT. 103–711)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355), to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PUBLIC SAFETY AND POLICING

Sec. 10001. Short title.
Sec. 10002. Purposes.
Sec. 10003. Community policing; "Cops on the Beat".

TITLE II—PRISONS

Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

Sec. 20101. Grants for correctional facilities.
Sec. 20102. Truth in sentencing incentive grants.
Sec. 20103. Violent offender incarceration grants.
Sec. 20104. Matching requirement.
Sec. 20105. Rules and regulations.
Sec. 20106. Technical assistance and training.
Sec. 20107. Evaluation.
Sec. 20108. Definitions.
Sec. 20109. Authorization of appropriations.

Subtitle B—Punishment for Young Offenders

Sec. 20201. Certain punishment for young offenders.

Subtitle C—Alien Incarceration

Sec. 20301. Incarceration of undocumented criminal aliens.

Subtitle D—Miscellaneous Provisions

Sec. 20401. Prisoner's place of imprisonment.
Sec. 20402. Prison impact assessments.
Sec. 20403. Sentences to account for costs to the Government of imprisonment, release, and probation.
Sec. 20404. Application to prisoners to which prior law applies.
Sec. 20405. Crediting of "good time".
Sec. 20406. Task force on prison construction standardization and techniques.
Sec. 20407. Efficiency in law enforcement and corrections.
Sec. 20408. Amendments to the Department of Education Organization Act and the National Literacy Act of 1991.
Sec. 20409. Appropriate remedies for prison overcrowding.
Sec. 20410. Congressional approval of any expansion at Lorton and congressional hearings on future needs.
Sec. 20411. Awards of Pell Grants to prisoners prohibited.
Sec. 20412. Education requirement for early release.
Sec. 20413. Conversion of closed military installations into Federal prison facilities.
Sec. 20414. Post-conviction release drug testing—Federal offenders.
Sec. 20415. Reporting of cash received by criminal court clerks.
Sec. 20416. Civil rights of institutionalized persons.
Sec. 20417. Notification of release of prisoners.
Sec. 20418. Correctional job training and placement.

Subtitle D—Family and Community Endeavor Schools Grant Program

Sec. 30401. Community schools youth services and supervision grant program.
Sec. 30402. Family and Community Endeavor Schools Grant Program.

TITLE III—CRIME PREVENTION

Subtitle A—Ounce of Prevention Council

Sec. 30101. Ounce of Prevention Council.
Sec. 30102. Ounce of prevention grant program.
Sec. 30103. Definition.
Sec. 30104. Authorization of appropriations.

Subtitle B—Local Crime Prevention Block Grant Program

Sec. 30201. Payments to local governments.
Sec. 30202. Authorization of appropriations.
Sec. 30203. Qualification for payment.
Sec. 30204. Allocation and distribution of funds.
Sec. 30205. Utilization of private sector.
Sec. 30206. Public participation.
Sec. 30207. Administrative provisions.
Sec. 30208. Definitions.

Subtitle C—Model Intensive Grant Programs

Sec. 30301. Grant authorization.
Sec. 30302. Uses of funds.
Sec. 30303. Program requirements.
Sec. 30304. Applicants.
Sec. 30305. Reports.
Sec. 30306. Definitions.
Sec. 30307. Authorization of appropriations.

Subtitle D—Family and Community Endeavor Schools Grant Program

Sec. 30401. Community schools youth services and supervision grant program.
Sec. 30402. Family and community endeavor schools grant program.
Sec. 30403. Authorization of appropriations.

Subtitle G—Assistance for Delinquent and At-Risk Youth

Sec. 30701. Grant authority.
Sec. 30702. Authorization of appropriations.

Subtitle H—Police Recruitment

Sec. 30801. Grant authority.
Sec. 30802. Authorization of appropriations.

Subtitle J—Local Partnership Act

Sec. 31001. Establishment of payment program.
Sec. 31002. Technical amendment.

Subtitle K—National Community Economic Partnership

Sec. 31101. Short title.

CHAPTER 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS

Sec. 31111. Purpose.
Sec. 31112. Provision of assistance.
Sec. 31113. Approval of applications.
Sec. 31114. Availability of lines of credit and use.
Sec. 31115. Limitations on use of funds.
Sec. 31116. Program priority for special emphasis programs.

CHAPTER 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS

Sec. 31121. Community development corporation improvement grants.
Sec. 31122. Emerging community development corporation revolving loan funds.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 31131. Definitions.
Sec. 31132. Authorization of appropriations.
Sec. 31133. Prohibition.

Subtitle O—Urban Recreation and At-Risk Youth

Sec. 31501. Purpose of assistance.
Sec. 31502. Definitions.
Sec. 31503. Criteria for selection.
Sec. 31504. Park and recreation action recovery programs.
Sec. 31505. Miscellaneous and technical amendments.

Subtitle Q—Community-Based Justice Grants for Prosecutors

Sec. 31701. Grant authorization.
Sec. 31702. Use of funds.
Sec. 31703. Applications.
Sec. 31704. Allocation of funds; limitations on grants.
Sec. 31705. Award of grants.
Sec. 31706. Reports.
Sec. 31707. Authorization of appropriations.
Sec. 31708. Definitions.

Subtitle S—Family Unity Demonstration Project

Sec. 31901. Short title.
Sec. 31902. Purpose.

Sec. 31903. Definitions.
Sec. 31904. Authorization of appropriations.

CHAPTER 1—GRANTS TO STATES

Sec. 31911. Authority to make grants.
Sec. 31912. Eligibility to receive grants.
Sec. 31913. Report.

CHAPTER 2—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

Sec. 31921. Authority of the Attorney General.
Sec. 31922. Requirements.

Subtitle T—Substance Abuse Treatment in Federal Prisons

Sec. 32001. Substance abuse treatment in Federal prisons.

Subtitle U—Residential Substance Abuse Treatment for State Prisoners

Sec. 32101. Residential substance abuse treatment for State prisoners.

Subtitle V—Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions

Sec. 32201. Prevention, diagnosis, and treatment of tuberculosis in correctional institutions.

Subtitle X—Gang Resistance Education and Training

Sec. 32401. Gang resistance education and training projects.

TITLE IV—VIOLENCE AGAINST WOMEN

Sec. 40001. Short title.

Subtitle A—Safe Streets for Women

Sec. 40101. Short title.

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

Sec. 40111. Repeat offenders.
Sec. 40112. Federal penalties.
Sec. 40113. Mandatory restitution for sex crimes.
Sec. 40114. Authorization for Federal victim's counselors.

CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

Sec. 40121. Grants to combat violent crimes against women.

CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

Sec. 40131. Grants for capital improvements to prevent crime in public transportation.
Sec. 40132. Grants for capital improvements to prevent crime in national parks.
Sec. 40133. Grants for capital improvements to prevent crime in public parks.

CHAPTER 4—NEW EVIDENTIARY RULES

Sec. 40141. Sexual history in criminal and civil cases.

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

Sec. 40151. Education and prevention grants to reduce sexual assaults against women.
Sec. 40152. Training programs.
Sec. 40153. Confidentiality of communications between sexual assault or domestic violence victims and their counselors.
Sec. 40154. Information programs.
Sec. 40155. Education and prevention grants to reduce sexual abuse of runaway, homeless, and street youth.
Sec. 40156. Victims of child abuse programs.

Subtitle B—Safe Homes for Women

Sec. 40201. Short title.

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

Sec. 40211. Grant for a national domestic violence hotline.

CHAPTER 2—INTERSTATE ENFORCEMENT

Sec. 40221. Interstate enforcement.

CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

Sec. 40231. Encouraging arrest policies.

CHAPTER 4—SHELTER GRANTS

Sec. 40241. Grants for battered women's shelters.

CHAPTER 5—YOUTH EDUCATION

Sec. 40251. Youth education and domestic violence.

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

Sec. 40261. Establishment of community programs on domestic violence.

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

Sec. 40271. Grantee reporting.
Sec. 40272. Technical amendments.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

Sec. 40281. Confidentiality of abused person's address.

CHAPTER 9—DATA AND RESEARCH

Sec. 40291. Research agenda.
Sec. 40292. State databases.
Sec. 40293. Number and cost of injuries.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

Sec. 40295. Rural domestic violence and child abuse enforcement assistance.

Subtitle C—Civil Rights for Women

Sec. 40301. Short title.
Sec. 40302. Civil rights.
Sec. 40303. Attorney's fees.
Sec. 40304. Sense of the Senate concerning protection of the privacy of rape victims.

Subtitle D—Equal Justice for Women in the Courts Act

Sec. 40401. Short title.

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

Sec. 40411. Grants authorized.
Sec. 40412. Training provided by grants.
Sec. 40413. Cooperation in developing programs in making grants under this title.
Sec. 40414. Authorization of appropriations.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

Sec. 40421. Authorizations of circuit studies; education and training grants.
Sec. 40422. Authorization of appropriations.

Subtitle E—Violence Against Women Act Improvements

Sec. 40501. Pre-trial detention in sex offense cases.
Sec. 40502. Increased penalties for sex offenses against victims below the age of 16.
Sec. 40503. Payment of cost of testing for sexually transmitted diseases.
Sec. 40504. Extension and strengthening of restitution.
Sec. 40505. Enforcement of restitution orders through suspension of Federal benefits.
Sec. 40506. National baseline study on campus sexual assault.
Sec. 40507. Report on battered women's syndrome.
Sec. 40508. Report on confidentiality of addresses for victims of domestic violence.
Sec. 40509. Report on recordkeeping relating to domestic violence.

Subtitle F—National Stalker and Domestic Violence Reduction

Sec. 40601. Authorizing access to Federal criminal information databases.
Sec. 40602. Grant program.
Sec. 40603. Authorization of appropriations.
Sec. 40604. Application requirements.
Sec. 40605. Disbursement.
Sec. 40606. Technical assistance, training, and evaluations.
Sec. 40607. Training programs for judges.
Sec. 40608. Recommendations on intrastate communication.
Sec. 40609. Inclusion in national incident-based reporting system.
Sec. 40610. Report to Congress.
Sec. 40611. Definitions.

Subtitle G—Protections for Battered Immigrant Women and Children

Sec. 40701. Alien petitioning rights for immediate relative or second preference status.
Sec. 40702. Use of credible evidence in spousal waiver applications.
Sec. 40703. Suspension of deportation.

TITLE V—DRUG COURTS

Sec. 50001. Drug courts.
Sec. 50002. Study by the General Accounting Office.

TITLE VI—DEATH PENALTY

Sec. 60001. Short title.
Sec. 60002. Constitutional procedures for the imposition of the sentence of death.
Sec. 60003. Specific offenses for which death penalty is authorized.
Sec. 60004. Applicability to Uniform Code of Military Justice.
Sec. 60005. Death penalty for murder by a Federal prisoner.
Sec. 60006. Death penalty for civil rights murders.
Sec. 60007. Death penalty for the murder of Federal law enforcement officials.
Sec. 60008. New offense for the indiscriminate use of weapons to further drug conspiracies.
Sec. 60009. Foreign murder of United States nationals.
Sec. 60010. Death penalty for rape and child molestation murders.
Sec. 60011. Death penalty for sexual exploitation of children.
Sec. 60012. Murder by escaped prisoners.
Sec. 60013. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 60014. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 60015. Death penalty for the murder of State or local officials assisting Federal law enforcement officials and State correctional officers.
Sec. 60016. Protection of court officers and jurors.
Sec. 60017. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 60018. Death penalty for murder of Federal witnesses.
Sec. 60019. Offenses of violence against maritime navigation or fixed platforms.
Sec. 60020. Torture.
Sec. 60021. Violence at airports serving international civil aviation.
Sec. 60022. Terrorist Death Penalty Act.
Sec. 60023. Weapons of mass destruction.
Sec. 60024. Enhanced penalties for alien smuggling.
Sec. 60025. Protection of jurors and witnesses in capital cases.
Sec. 60026. Appointment of Counsel.

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

Sec. 70001. Mandatory life imprisonment for persons convicted of certain felonies.

Sec. 70002. Limited grant of authority to Bureau of Prisons.

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

Sec. 80001. Limitation on applicability of mandatory minimum penalties in certain cases.

TITLE IX—DRUG CONTROL

Subtitle A—Enhanced Penalties and General Provisions

Sec. 90101. Enhancement of penalties for drug trafficking in prisons.
Sec. 90102. Increased penalties for drug-dealing in "drug-free" zones.
Sec. 90103. Enhanced penalties for illegal drug use in Federal prisons and for smuggling drugs into Federal prisons.
Sec. 90104. Clarification of narcotic or other dangerous drugs under RICO.
Sec. 90105. Conforming amendments to recidivist penalty provisions of the controlled substances act and the controlled substances import and export act.
Sec. 90106. Advertising.
Sec. 90107. Violent crime and drug emergency areas.

Subtitle B—National Narcotics Leadership Act Amendments

Sec. 90201. Implementation of National Drug Control Strategy.
Sec. 90202. Report on reprogramming; office personnel restriction.
Sec. 90203. National Drug Control Strategy outcome measures.
Sec. 90204. Counter-Drug Technology Assessment Center.
Sec. 90205. Special Forfeiture Fund amendments.
Sec. 90206. Authorization of appropriations.
Sec. 90207. Adequate staffing of the Office of National Drug Control Policy.
Sec. 90208. Termination of Office of National Drug Control Policy.

TITLE X—DRUNK DRIVING PROVISIONS

Sec. 100001. Short title.
Sec. 100002. State laws applied in areas of Federal jurisdiction.
Sec. 100003. Driving while intoxicated prosecution program.

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

Sec. 110101. Short title.
Sec. 110102. Restriction on manufacture, transfer, and possession of certain semiautomatic assault weapons.
Sec. 110103. Ban of large capacity ammunition feeding devices.
Sec. 110104. Study by attorney general.
Sec. 110105. Effective date.
Sec. 110106. Appendix a to section 922 of title 18.

Subtitle B—Youth Handgun Safety

Sec. 110201. Prohibition of the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

Subtitle C—Licensure

Sec. 110301. Firearms licensure and registration to require a photograph and fingerprints.
Sec. 110302. Compliance with State and local law as a condition to license.
Sec. 110303. Action on firearms license application.
Sec. 110304. Inspection of firearms licensees' inventory and records.
Sec. 110305. Reports of theft or loss of firearms.
Sec. 110306. Responses to requests for information.
Sec. 110307. Notification of names and addresses of firearms licensees.

Subtitle D—Domestic Violence

Sec. 110401. Prohibition against disposal of firearms to, or receipt of firearms by, persons who have committed domestic abuse.

Subtitle E—Gun Crime Penalties

Sec. 110501. Enhanced penalty for use of a semiautomatic firearm during a crime of violence or a drug trafficking crime.
Sec. 110502. Enhanced penalty for second offense of using an explosive to commit a felony.
Sec. 110503. Smuggling firearms in aid of drug trafficking.
Sec. 110504. Theft of firearms and explosives.
Sec. 110505. Revocation of supervised release after imprisonment.
Sec. 110506. Revocation of probation.
Sec. 110507. Increased penalty for knowingly making false, material Statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 110508. Possession of explosives by felons and others.
Sec. 110509. Summary destruction of explosives subject to forfeiture.
Sec. 110510. Elimination of outmoded language relating to parole.
Sec. 110511. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 110512. Using a firearm in the commission of counterfeiting or forgery.
Sec. 110513. Enhanced penalties for firearms possession by violent felons and serious drug offenders.
Sec. 110514. Receipt of firearms by nonresident.
Sec. 110515. Theft of firearms or explosives from licensee.
Sec. 110516. Disposing of explosives to prohibited persons.
Sec. 110517. Increased penalty for interstate gun trafficking.
Sec. 110518. Firearms and explosives conspiracy.
Sec. 110519. Definition of armor piercing ammunition.

TITLE XII—TERRORISM

Sec. 120001. Extension of the statute of limitation for certain terrorism offenses.
Sec. 120002. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 120003. Counterfeiting United States currency abroad.
Sec. 120004. Sentencing guidelines increase for terrorist crimes.
Sec. 120005. Providing material support to terrorists.

TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

Sec. 130001. Enhancement of penalties for failing to depart, or reentering, after final order of deportation.
Sec. 130002. Criminal alien tracking center.
Sec. 130003. Alien witness cooperation and counterterrorism information.
Sec. 130004. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 130005. Expeditious deportation for denied asylum applicants.
Sec. 130006. Improving border controls.
Sec. 130007. Expanded special deportation proceedings.
Sec. 130008. Authority to accept certain assistance.
Sec. 130009. Passport and visa offenses penalties improvement.
Sec. 130010. Asylum.

TITLE XIV—YOUTH VIOLENCE

Sec. 140001. Prosecution as adults of certain juveniles for crimes of violence.
Sec. 140002. Commencement of juvenile proceeding.
Sec. 140003. Separation of juvenile from adult offenders.
Sec. 140004. Bindover system for certain violent juveniles
Sec. 140005. Amendment concerning records of crimes committed by juveniles.
Sec. 140006. Increased penalties for employing children to distribute drugs near schools and playgrounds.
Sec. 140007. Increased penalties for travel act crimes involving violence and conspiracy to commit contract killings.
Sec. 140008. Solicitation of minor to commit crime.

TITLE XV—CRIMINAL STREET GANGS

Sec. 150001. Criminal street gangs.
Sec. 150002. Adult prosecution of serious juvenile offenders.
Sec. 150003. Addition of anti-gang Byrne grant funding objective.
Sec. 150006. Mentoring program.
Sec. 150007. Juvenile anti-drug and anti-gang grants in federally assisted low-income housing.
Sec. 150008. Gang investigation coordination and information collection.
Sec. 150009. Multijurisdictional gang task forces.

TITLE XVI—CHILD PORNOGRAPHY

Sec. 160001. Penalties for international trafficking in child pornography.
Sec. 160002. Sense of Congress concerning State legislation regarding child pornography.
Sec. 160003. Confirmation of intent of Congress in enacting sections 2252 and 2256 of title 18, United States Code.

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

Sec. 170101. Establishment of program.

Subtitle B—Assaults Against Children

Sec. 170201. Assaults against children.

Subtitle C—Missing and Exploited Children

Sec. 170301. Short title.
Sec. 170302. Purpose.
Sec. 170303. Establishment of task force.

TITLE XVIII—RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

Sec. 180101. Authorizations for rural law enforcement agencies.
Sec. 180102. Rural crime and drug enforcement task forces.
Sec. 180103. Rural drug enforcement training.
Sec. 180104. More agents for the Drug Enforcement Administration.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

Sec. 180201. Drug free truck stops and safety rest areas.

Subtitle C—Sense of Congress Regarding Funding for Rural Areas

Sec. 180301. Funding for rural areas.

TITLE XIX—FEDERAL LAW ENFORCEMENT

Sec. 190001. Federal judiciary and Federal law enforcement.

TITLE XX—POLICE CORPS AND LAW ENFORCEMENT OFFICERS TRAINING AND EDUCATION

Subtitle A—Police Corps

Sec. 200101. Short title.

Sec. 200102. Purposes.
Sec. 200103. Definitions.
Sec. 200104. Establishment of office of the police corps and law enforcement education.
Sec. 200105. Designation of lead agency and submission of State plan.
Sec. 200106. Scholarship assistance.
Sec. 200107. Selection of participants.
Sec. 200108. Police corps training.
Sec. 200109. Service obligation.
Sec. 200110. State plan requirements.
Sec. 200111. Assistance to States and localities employing police corps officers.
Sec. 200112. Authorization of appropriations.
Sec. 200113. Reports to congress.

Subtitle B—Law Enforcement Scholarship Program

Sec. 200201. Short title.
Sec. 200202. Definitions.
Sec. 200203. Allotment.
Sec. 200204. Establishment of program.
Sec. 200205. Scholarships.
Sec. 200206. Eligibility.
Sec. 200207. State application.
Sec. 200208. Local application.
Sec. 200209. Scholarship agreement.
Sec. 200210. Authorization of appropriations.

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Byrne Program

Sec. 210101. Extension of Byrne Grant funding.

Subtitle B—Law Enforcement Family Support

Sec. 210201. Law enforcement family support.

Subtitle C—DNA Identification

Sec. 210301. Short title.
Sec. 210302. Funding to improve the quality and availability of DNA analyses for law enforcement identification purposes.
Sec. 210303. Quality assurance and proficiency testing standards.
Sec. 210304. Index to facilitate law enforcement exchange of DNA identification information.
Sec. 210305. Federal Bureau of Investigation.
Sec. 210306. Authorization of appropriations.

Subtitle D—Police Pattern or Practice

Sec. 210401. Cause of action.
Sec. 210402. Data on use of excessive force.

Subtitle E—Improved Training and Technical Automation

Sec. 210501. Improved training and technical automation.

Subtitle F—Other State and Local Aid

Sec. 210601. Reauthorization of Office of Justice Programs.
Sec. 210602. Federal assistance to ease the increased burdens on State court systems resulting from enactment of this act.
Sec. 210603. Availability of violent crime reduction trust fund to fund activities authorized by the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

TITLE XXII—MOTOR VEHICLE THEFT PREVENTION

Sec. 220001. Short title.
Sec. 220002. Motor vehicle theft prevention program.
Sec. 220003. Altering or removing motor vehicle identification numbers.

TITLE XXIII—VICTIMS OF CRIME

Subtitle A—Victims of Crime

Sec. 230101. Victim's right of allocution in sentencing.
Sec. 230102. Sense of the Senate concerning the right of a victim of a violent crime or sexual abuse to speak at an offender's sentencing hearing and any parole hearing.

Subtitle B—Crime Victims' Fund

Sec. 230201. Allocation of funds for costs and grants.
Sec. 230202. Relationship of crime victim compensation to certain Federal programs.
Sec. 230203. Administrative costs for crime victim compensation.
Sec. 230204. Grants for demonstration projects.
Sec. 230205. Administrative costs for crime victim assistance.
Sec. 230206. Maintenance of effort.
Sec. 230207. Change of due date for required report.
Sec. 230208. Amendment of the Victims of Crime Act.

TITLE XXIV—PROTECTIONS FOR THE ELDERLY

Sec. 240001. Missing Alzheimer's Disease Patient Alert Program.
Sec. 240002. Crimes against the elderly.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

Sec. 250001. Short title.
Sec. 250002. Enhanced penalties for telemarketing fraud.
Sec. 250003. Increased penalties for fraud against older victims.
Sec. 250004. Rewards for information leading to prosecution and conviction.
Sec. 250005. Authorization of appropriations.
Sec. 250006. Broadening application of mail fraud statute.
Sec. 250007. Fraud and related activity in connection with access devices.
Sec. 250008. Information network.

TITLE XXVI—COMMISSION MEMBERSHIP AND APPOINTMENT

Sec. 260001. Commission membership and appointment.
Sec. 260002. Conforming amendment.

TITLE XXVII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL

Sec. 270001. Presidential summit.
Sec. 270002. Establishment; committees and task forces; representation.
Sec. 270003. Purposes.
Sec. 270004. Responsibilities of the commission.
Sec. 270005. Administrative matters.
Sec. 270006. Staff and support services.
Sec. 270007. Powers.
Sec. 270008. Report; termination.
Sec. 270009. Authorization of appropriations.

TITLE XXVIII—SENTENCING PROVISIONS

Sec. 280001. Imposition of sentence.
Sec. 280002. Technical amendment to mandatory conditions of probation.
Sec. 280003. Direction to United States Sentencing Commission regarding sentencing enhancements for hate crimes.
Sec. 280004. Authorization of probation for petty offenses in certain cases.
Sec. 280005. Full-time vice chairs of the United States Sentencing Commission.
Sec. 280006. Cocaine penalty study.

TITLE XXIX—COMPUTER CRIME

Sec. 290001. Computer Abuse Amendments Act of 1994.

TITLE XXX—PROTECTION OF PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

Sec. 300001. Short title.
Sec. 300002. Prohibition on release and use of certain personal information from State motor vehicle records.
Sec. 300003. Effective date.

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

Sec. 310001. Creation of Violent Crime Reduction Trust Fund.
Sec. 310002. Conforming reduction in discretionary spending limits.
Sec. 310003. Extension of authorizations of appropriations for fiscal years for which the full amount authorized is not appropriated.
Sec. 310004. Flexibility in making of appropriations.

TITLE XXXII—MISCELLANEOUS

Subtitle A—Increases in Penalties

Sec. 320101. Increased penalties for assault.
Sec. 320102. Increased penalties for manslaughter.
Sec. 320103. Increased penalties for civil rights violations.
Sec. 320104. Penalties for trafficking in counterfeit goods and services.
Sec. 320105. Increased penalty for conspiracy to commit murder for hire.
Sec. 320106. Increased penalties for arson.
Sec. 320107. Increased penalties for drug trafficking near public housing.
Sec. 320108. Task force and criminal penalties relating to the introduction of nonindigenous species.
Sec. 320109. Military medals and decorations.

Subtitle B—Extension of Protection of Civil Rights Statutes

Sec. 320201. Extension of protection of civil rights statutes.

Subtitle C—Audit and Report

Sec. 320301. Audit requirement for State and local law enforcement agencies receiving Federal asset forfeiture funds.
Sec. 320302. Report to Congress on administrative and contracting expenses.

Subtitle D—Coordination

Sec. 320401. Coordination of substance abuse treatment and prevention programs.

Subtitle E—Gambling

Sec. 320501. Clarifying amendment regarding scope of prohibition against gambling on ships in international waters.

Subtitle F—White Collar Crime Amendments

Sec. 320601. Receiving the proceeds of extortion or kidnapping.
Sec. 320602. Receiving the proceeds of a postal robbery.
Sec. 320603. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
Sec. 320604. Miscellaneous amendments to title 18, United States Code.
Sec. 320605. Federal Deposit Insurance Act amendment.
Sec. 320606. Federal Credit Union Act amendments.
Sec. 320607. Addition of predicate offenses to financial institutions rewards statute.
Sec. 320608. Definition of "savings and loan association" for purposes of the offense of bank robbery and related offenses.
Sec. 320609. Definition of 1-year period for purposes of the offense of obstruction of a Federal audit.

Subtitle G—Safer Streets and Neighborhoods

Sec. 320701. Short title.
Sec. 320702. Limitation on grant distribution.

Subtitle H—Recreational Hunting Safety

Sec. 320801. Short title.
Sec. 320802. Obstruction of a lawful hunt.
Sec. 320803. Civil penalties.
Sec. 320804. Other relief.
Sec. 320805. Relationship to State and local law and civil actions.

Sec. 320806. Regulations.
Sec. 320807. Rule of construction.
Sec. 320808. Definitions.

Subtitle I—Other Provisions

Sec. 320901. Wiretaps.
Sec. 320902. Theft of major artwork.
Sec. 320903. Addition of attempted robbery, kidnapping, smuggling, and property damage offenses to eliminate inconsistencies and gaps in coverage.
Sec. 320904. Gun-free school zones.
Sec. 320905. Interstate wagering.
Sec. 320906. Sense of Congress with respect to violence against truckers.
Sec. 320907. Sense of the Senate regarding a study on out-of-wedlock births.
Sec. 320908. Sense of the Senate regarding the role of the united nations in international organized crime control.
Sec. 320909. Optional venue for espionage and related offenses.
Sec. 320910. Undercover operations.
Sec. 320911. Misuse of initials "DEA".
Sec. 320912. Definition of livestock.
Sec. 320913. Asset forfeiture.
Sec. 320914. Clarification of definition of a "court of the United States" to include the district courts for Guam, the Northern Mariana Islands, and the Virgin Islands.
Sec. 320915. Law enforcement personnel.
Sec. 320916. Authority to investigate violent crimes against travelers.
Sec. 320917. Extension of statute of limitations for arson.
Sec. 320918. Sense of Congress concerning child custody and visitation rights.
Sec. 320919. Edward Byrne Memorial Formula Grant Program.
Sec. 320920. Sense of the senate regarding Law Day U.S.A.
Sec. 320921. First time domestic violence offender rehabilitation program.
Sec. 320922. Display of flags at halfstaff.
Sec. 320923. Financial institution fraud.
Sec. 320924. Definition of parent for the purposes of the offense of kidnapping.
Sec. 320926. Hate Crime Statistics Act.
Sec. 320927. Exemption from Brady background check requirement of return of handgun to owner.
Sec. 320928. Amendment of the National Child Protection Act of 1993.
Sec. 320929. Tennessee Valley Authority law enforcement personnel.
Sec. 320932. Assistant United States attorney residency.
Sec. 320933. Labels on products.
Sec. 320934. Non-dischargeability of payment of restitution order.
Sec. 320935. Admissibility of evidence of similar crimes in sex offense cases.

TITLE XXXIII—TECHNICAL CORRECTIONS

Sec. 330001. Amendments relating to Federal financial assistance for law enforcement.
Sec. 330002. General title 18 corrections.
Sec. 330003. Corrections of erroneous cross references and misdesignations.
Sec. 330004. Repeal of obsolete provisions in title 18.
Sec. 330005. Correction of drafting error in the Foreign Corrupt Practices Act.
Sec. 330006. Elimination of redundant penalty provision in 18 U.S.C. 1116.
Sec. 330007. Elimination of redundant penalty.
Sec. 330008. Corrections of misspellings and grammatical errors.
Sec. 330009. Other technical amendments.
Sec. 330010. Correction of errors found during codification.
Sec. 330011. Problems related to execution of prior amendments.
Sec. 330012. Amendment to section 1956 of title 18 to eliminate duplicate predicate crimes.
Sec. 330013. Amendments to part V of title 18.
Sec. 330014. Update of cross reference.
Sec. 330015. Correction of error in amendatory language.
Sec. 330016. Correction of misleading and outmoded fine amounts in offenses under title 18.
Sec. 330017. Technical corrections to title 31 crimes.
Sec. 330018. Repeal of superfluous statute of limitation and transfer of child abuse statute of limitation.
Sec. 330019. Technical errors in section 1956.
Sec. 330020. Technical error.
Sec. 330021. Conforming spelling of variants of "kidnap".
Sec. 330022. Margin error.
Sec. 330023. Technical corrections relating to section 248 of title 18, United States Code.
Sec. 330024. Technical amendments necessitated by the enactment of the Domestic Chemical Diversion Control Act of 1993.
Sec. 330025. Victims of Crime Act.

TITLE I—PUBLIC SAFETY AND POLICING

SEC. 10001. SHORT TITLE.

This title may be cited as the "Public Safety Partnership and Community Policing Act of 1994".

SEC. 10002. PURPOSES.

The purposes of this title are to—

(1) substantially increase the number of law enforcement officers interacting directly with members of the community ("cops on the beat");

(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

(3) encourage the development and implementation of innovative programs to permit members of the community to assist State, Indian tribal government, and local law enforcement agencies in the prevention of crime in the community; and

(4) encourage the development of new technologies to assist State, Indian tribal government, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for a period of 6 years of grants for the hiring and rehiring of additional career law enforcement officers.

SEC. 10003. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING, HIRING, AND INITIAL REDEPLOYMENT GRANT PROJECTS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

"(A) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(B) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; and

"(C) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in subparagraph (A) or (B).

"(2) GRANTS FOR EQUIPMENT, TECHNOLOGY, AND SUPPORT SYSTEMS.—Grants pursuant to paragraph (1)(C)—

"(A) may not exceed—

"(i) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1995;

"(ii) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1996; or

"(iii) 10 percent of the funds available for grants pursuant to this subsection in fiscal years 1997, 1998, 1999, and 2000; and

"(B) may not be awarded in fiscal years 1998, 1999, or 2000 unless the Attorney General has certified that grants awarded in fiscal years 1995, 1996, and 1997 pursuant to subparagraph (1)(C) have resulted in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that have resulted from the grants in like amounts awarded in fiscal years 1995, 1996, and 1997 pursuant to paragraph (1) (A) and (B).

"(c) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

"(d) ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies *in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;*

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

"(10) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing.

"(e) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (i).

"(f) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

"(2) MODEL.—The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) TRAINING CENTERS AND FACILITIES.—The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

"(g) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(h) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(i) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

"(j) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

"(k) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 1702. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1);

"(2) demonstrate a specific public safety need;

"(3) explain the applicant's inability to address the need without Federal assistance;

"(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(9) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

"(10) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

"(11) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

"(d) SPECIAL PROVISIONS.—

"(1) SMALL JURISDICTIONS.—Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with population of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

"(2) SMALL GRANT AMOUNT.—Notwithstanding any other provision of this part, in relation to applications under section 1701(d) for grants of less than $1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

"SEC. 1703. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 1704. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

"(b) NON-FEDERAL COSTS.—

"(1) IN GENERAL.—States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this part.

"(2) INDIAN TRIBAL GOVERNMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may

be used to provide the non-Federal share of the cost of programs or projects funded under this part.

"(c) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 1705. PERFORMANCE EVALUATION.

"(a) MONITORING COMPONENTS.—Each program, project, or activity funded under this part shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

"(b) EVALUATION COMPONENTS.—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(c) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Attorney General deems reasonably necessary.

"SEC. 1706. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 1707. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 1708. GENERAL REGULATORY AUTHORITY.

"The Attorney General may promulgate regulations and guidelines to carry out this part.

"SEC. 1709. DEFINITIONS.

"In this part—

" 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

" 'citizens police academy' means a program by local law enforcement agencies or private non profit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

" 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking the item relating to part Q and inserting the following:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 1701. Authority to make public safety and community policing grants.
"Sec. 1702. Applications.
"Sec. 1703. Renewal of grants.
"Sec. 1704. Limitation on use of funds.
"Sec. 1705. Performance evaluation.
"Sec. 1706. Revocation or suspension of funding.
"Sec. 1707. Access to documents.
"Sec. 1708. General regulatory authority.
"Sec. 1709. Definition.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and O" and inserting "O, P, and Q"; and

(2) by adding at the end the following new paragraph:

"(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,332,000,000 for fiscal year 1995;
"(ii) $1,850,000,000 for fiscal year 1996;
"(iii) $1,950,000,000 for fiscal year 1997;
"(iv) $1,700,000,000 for fiscal year 1998;
"(v) $1,700,000,000 for fiscal year 1999; and
"(vi) $268,000,000 for fiscal year 2000.

"(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(f) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. Of the funds available in relation to grants under part Q, at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.".

TITLE II—PRISONS

Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve correctional facilities, including boot camp facilities and other alternative correctional facilities that can free conventional prison space for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General which includes—

(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

(4) assurances that the State or States have a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities and programs and which includes diversion programs, particularly drug diversion programs, community corrections programs, a prisoner screening and security classification system, appropriate professional training for corrections officers in dealing with violent offenders, prisoner rehabilitation and treatment programs, prisoner work activities (including, to the extent practicable, activities relating to the development, expansion, modification, or improvement of correctional facilities) and job skills programs, educational programs, a pre release prisoner assessment to provide risk reduction management, post-release assistance, and an assessment of recidivism rates;

(5) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

(6) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

(7) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled;

(8) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities; and

(9) if applicable, a description of the eligibility criteria for prisoner participation in any boot camp that is to be funded.

(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

(2) since 1993—

(A) has increased the percentage of convicted violent offenders sentenced to prison;

(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

(C) has increased the percentage of sentence which will be served in prison by violent offenders sentenced to prison; and

(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense.

(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—

(1) FORMULA ALLOCATION.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

(2) TRANSFER OF UNUSED FUNDS.—On September 30 of each of fiscal years 1996, 1998, 1999, and 2000, the Attorney General shall transfer to the funds to be allocated under section 20103(b)(1) any funds made available to carry out this section that are not allocated to an eligible State under paragraph (1).

SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) and any amount transferred under section 20102(b)(2) for that fiscal year shall be allocated as follows:

(A) 0.25 percent shall be allocated to each eligible State except that the United States, Virgin Islands, American Samoa, Guam and the Northern Mariana Islands each shall be allocated 0.05 percent.

(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) and any amount transferred under section 20103(b)(3) for that fiscal year shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

(3) TRANSFER OF UNUSED FORMULA FUNDS.—On September 30 of each of fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall transfer to the discretionary program under paragraph (2) any funds made available for allocation under paragraph (1) that are not allocated to an eligible State under paragraph (1).

SEC. 20104. MATCHING REQUIREMENT.

The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

SEC. 20105. RULES AND REGULATIONS.

(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

SEC. 20107. EVALUATION.

The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

SEC. 20108. DEFINITIONS.

In this subtitle—

"boot camp" means a correctional program of not more than 6 months' incarceration involving—

(A) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(B) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(C) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(D) post-incarceration aftercare services for participants that are coordinated with the program carried out during the period of imprisonment.

"part 1 violent crimes" means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"State" or "States" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States, Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $175,000,000 for fiscal year 1995;

(2) $750,000,000 for fiscal year 1996;

(3) $1,000,000,000 for fiscal year 1997;

(4) $1,900,000,000 for fiscal year 1998;

(5) $2,000,000,000 for fiscal year 1999; and

(6) $2,070,000,000 for fiscal year 2000.

Subtitle B—Punishment for Young Offenders

SEC. 20201. CERTAIN PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 10003(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—CERTAIN PUNISHMENT FOR YOUNG OFFENDERS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Attorney General may make grants under this part to States, for the use by States and units of local government, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certain punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certain punishment for young offenders;

"(2) restitution programs for young offenders;

"(3) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.) and projects that provide family counseling;

"(4) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(5) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

"(6) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse) and gang-related offenses; and

"(7) adequate and appropriate after care programs for young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, family counseling and other support programs upon release.

"SEC. 1802. STATE APPLICATIONS.

"(a) IN GENERAL.—

"(1) SUBMISSION OF APPLICATION.—To request a grant under this part, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(2) ASSURANCES.—An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal

funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1803. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Attorney General shall make a grant under section 1801(a) to carry out the projects described in the application submitted by such applicant under section 1802 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1802 shall be considered approved, in whole or in part, by the Attorney General not later than 45 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1801(b).

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1804. LOCAL APPLICATIONS.

"(a) IN GENERAL.—

"(1) SUBMISSION OF APPLICATION.—To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1802(b).

"(2) APPROVAL.—An application under paragraph (1) shall be considered to have been approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) DISAPPROVAL.—The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) EFFECT OF APPROVAL.—If an application under subsection (a) is approved, the unit of local government is eligible to receive funds under this part.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1801 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Attorney General has approved the application submitted by the State and has made funds available to the State. The Attorney General may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1805. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—

"(1) IN GENERAL.—A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1801 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) UNDISTRIBUTED FUNDS.—Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1801.

"(3) UNUSED FUNDS.— If the Attorney General determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1801, the Attorney General shall award such funds to units of local government in such State giving priority to the units of local government that the Attorney General considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding subsections (a) and (b), not less than two-thirds of the funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Attorney General.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802(a) for the fiscal year for which the projects receive assistance under this part.

"(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Attorney General shall consider as a factor whether a State has in effect throughout such State a law or policy that requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

"(1) be suspended from school for a reasonable period of time; and

"(2) lose driving license privileges for a reasonable period of time.

"(f) DEFINITION.—For purposes of this part, 'juvenile' means a person 18 years of age or younger.

"SEC. 1806. EVALUATION.

"(a) IN GENERAL.—

"(1) SUBMISSION TO THE DIRECTOR.—Each State and unit of local government that receives a grant under this part shall submit to the Attorney General an evaluation not later than March 1 of each year in accordance with guidelines issued by the Attorney General. Such evaluation shall include an appraisal by representatives of the community of the programs funded by the grant.

"(2) WAIVER.—The Attorney General may waive the requirement specified in paragraph (1) if the Attorney General determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Attorney General shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State or unit of local government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 10003(a), is amended by striking the matter relating to part R and inserting the following:

"PART R—CERTAIN PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1801. Grant authorization.
"Sec. 1802. State applications.
"Sec. 1803. Review of State applications.
"Sec. 1804. Local applications.
"Sec. 1805. Allocation and distribution of funds.
"Sec. 1806. Evaluation.

"PART S—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended—

(1) by adding a semicolon at the end of paragraph (21);

(2) by striking "and" at the end of paragraph (22);

(3) by striking the period at the end of paragraph (23) and inserting a semicolon; and

(4) by adding after paragraph (23) the following:

"(24) the term 'young offender' means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles).".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 10003(c), is amended—

(1) in paragraph (3) by striking "and Q" and inserting "Q, or R"; and

(2) by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated to carry out projects under part R—

"(A) $20,000,000 for fiscal year 1996;

"(B) $25,000,000 for fiscal year 1997;

"(C) $30,000,000 for fiscal year 1998;

"(D) $35,000,000 for fiscal year 1999; and

"(E) $40,000,000 for fiscal year 2000.".

Subtitle C—Alien Incarceration

SEC. 20301. INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.

(a) INCARCERATION.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(j) INCARCERATION.—

"(1) If the chief executive officer of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the incarceration of an undocumented criminal alien submits a written request to the Attorney General, the Attorney General shall, as determined by the Attorney General—

"(A) enter into a contractual arrangement which provides for compensation to the State or a political subdivision of the State, as may be appropriate, with respect to the incarceration of the undocumented criminal alien; or

"(B) take the undocumented criminal alien into the custody of the Federal Government and incarcerate the alien.

"(2) Compensation under paragraph (1)(A) shall be the average cost of incarceration of a prisoner in the relevant State as determined by the Attorney General.

"(3) For purposes of this subsection, the term 'undocumented criminal alien' means an alien who—

"(A) has been convicted of a felony and sentenced to a term of imprisonment; and

"(B)(i) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

"(ii) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State or a political subdivision of the State; or

"(iii) was admitted as a nonimmigrant and at the time he or she was taken into custody by the State or a political subdivision of the State has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.

"(4)(A) In carrying out paragraph (1), the Attorney General shall give priority to the Federal incarceration of undocumented criminal aliens who have committed aggravated felonies.

"(B) The Attorney General shall ensure that undocumented criminal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide a level of security appropriate to the crimes for which they were convicted.

"(5) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

"(A) $130,000,000 for fiscal year 1995;
"(B) $300,000,000 for fiscal year 1996;
"(C) $330,000,000 for fiscal year 1997;
"(D) $350,000,000 for fiscal year 1998;
"(E) $350,000,000 for fiscal year 1999; and
"(F) $340,000,000 for fiscal year 2000."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1994.

(c) TERMINATION OF LIMITATION.—Notwithstanding section 242(j)(5) of the Immigration and Nationality Act, as added by subsection (a), the requirements of section 242(j) of the Immigration and Nationality Act, as added by subsection (a), shall not be subject to the availability of appropriations on and after October 1, 2004.

Subtitle D—Miscellaneous Provisions

SEC. 20401. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: "In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status.".

SEC. 20402. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated in Federal penal institutions shall be accompanied by a prison impact statement (as defined in subsection (b)).

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 21 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 20403. SENTENCES TO ACCOUNT FOR COSTS TO THE GOVERNMENT OF IMPRISONMENT, RELEASE, AND PROBATION.

(a) IMPOSITION OF SENTENCE.—Section 3572(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the expected costs to the government of any imprisonment, supervised release, or probation component of the sentence;".

(b) DUTIES OF THE SENTENCING COMMISSION.—Section 994 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(y) The Commission, in promulgating guidelines pursuant to subsection (a)(1), may include, as a component of a fine, the expected costs to the Government of any imprisonment, supervised release, or probation sentence that is ordered.".

SEC. 20404. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

SEC. 20405. CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.".

SEC. 20406. TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) TASK FORCE.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials,

to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

SEC. 20407. EFFICIENCY IN LAW ENFORCEMENT AND CORRECTIONS.

(a) IN GENERAL.—In the administration of each grant program funded by appropriations authorized by this Act or by an amendment made by this Act, the Attorney General shall encourage—

(1) innovative methods for the low-cost construction of facilities to be constructed, converted, or expanded and the low-cost operation of such facilities and the reduction of administrative costs and overhead expenses; and

(2) the use of surplus Federal property.

(b) ASSESSMENT OF CONSTRUCTION COMPONENTS AND DESIGNS.—The Attorney General may make an assessment of the cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing nonviolent criminals.

SEC. 20408. AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT AND THE NATIONAL LITERACY ACT OF 1991.

(a) TECHNICAL AMENDMENT.—The matter preceding paragraph (1) of section 214(d) of the Department of Education Organization Act (20 U.S.C. 3423a(d)) is amended by striking "under subsection (a)" and inserting "under subsection (c)".

(b) ESTABLISHMENT OF A PANEL AND USE OF FUNDS.—Section 601 of the National Literacy Act of 1991 (20 U.S.C. 1211–2) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) PANEL.—The Secretary is authorized to consult with and convene a panel of experts in correctional education, including program administrators and field-based professionals in adult corrections, juvenile services, jails, and community corrections programs, to—

"(1) develop measures for evaluating the effectiveness of the programs funded under this section; and

"(2) evaluate the effectiveness of such programs.

"(h) USE OF FUNDS.—Notwithstanding any other provision of law, the Secretary may use not more than five percent of funds appropriated under subsection (i) in any fiscal year to carry out grant-related activities such as monitoring, technical assistance, and replication and dissemination.".

SEC. 20409. APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of part 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§3626. Appropriate remedies with respect to prison crowding

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1), including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals.".

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by paragraph (1), shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) TECHNICAL AMENDMENT.—The subchapter analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding.".

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

SEC. 20410. CONGRESSIONAL APPROVAL OF ANY EXPANSION AT LORTON AND CONGRESSIONAL HEARINGS ON FUTURE NEEDS.

(a) CONGRESSIONAL APPROVAL.—Notwithstanding any other provision of law, the existing prison facilities and complex at the District of Columbia Corrections Facility at Lorton, Virginia, shall not be expanded unless such expansion has been approved by the Congress under the authority provided to Congress in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act.

(b) SENATE HEARINGS.—The Senate directs the Subcommittee on the District of Columbia of the Committee on Appropriations of the Senate to conduct hearings regarding expansion of the prison complex in Lorton, Virginia, prior to any approval granted pursuant to subsection (a). The subcommittee shall permit interested parties, including appropriate officials from the County of Fairfax, Virginia, to testify at such hearings.

(c) DEFINITION.—For purposes of this section, the terms "expanded" and "expansion" mean any alteration of the physical structure of the prison complex that is made to increase the number of inmates incarcerated at the prison.

SEC. 20411. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

(a) IN GENERAL.—Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

SEC. 20412. EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted." and inserting "Credit that has not been earned may not later be granted."; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned or is making satisfactory progress toward a high school diploma or an equivalent degree.

"(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.

"(4) Exemptions to the General Educational Development requirement may be made as deemed appropriate by the Director of the Federal Bureau of Prisons.".

SEC. 20413. CONVERSION OF CLOSED MILITARY INSTALLATIONS INTO FEDERAL PRISON FACILITIES.

(a) STUDY OF SUITABLE BASES.—The Secretary of Defense and the Attorney General shall jointly conduct a study of all military installations selected before the date of enactment of this Act to be closed pursuant to a base closure law for the purpose of evaluating the suitability of any of these installations, or portions of these installations, for conversion into Federal prison facilities. As part of the study, the Secretary and the Attorney General shall identify the military installations so evaluated that are most suitable for conversion into Federal prison facilities.

(b) SUITABILITY FOR CONVERSION.—In evaluating the suitability of a military installation for conversion into a Federal prison facility, the Secretary of Defense and the Attorney General shall consider the estimated cost to convert the installation into a prison facility and such other factors as the Secretary and the Attorney General consider to be appropriate.

(c) TIME FOR STUDY.—The study required by subsection (a) shall be completed not later than the date that is 180 days after the date of enactment of this Act.

(d) CONSTRUCTION OF FEDERAL PRISONS.—

(1) IN GENERAL.—In determining where to locate any new Federal prison facility, and in accordance with the Department of Justice's duty to review and identify a use for any portion of an installation closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), the Attorney General shall—

(A) consider whether using any portion of a military installation closed or scheduled to be closed in the region pursuant to a base closure law provides a cost-effective alternative to the purchase of real property or construction of new prison facilities;

(B) consider whether such use is consistent with a reutilization and redevelopment plan; and

(C) give consideration to any installation located in a rural area the closure of which will have a substantial adverse impact on the economy of the local communities and on the ability of the communities to sustain an economic recovery from such closure.

(2) CONSENT.—With regard to paragraph (1)(B), consent must be obtained from the local re-use authority for the military installation, recognized and funded by the Secretary of Defense, before the Attorney General may proceed with plans for the design or construction of a prison at the installation.

(3) REPORT ON BASIS OF DECISION.—Before proceeding with plans for the design or construction of a Federal prison, the Attorney General shall submit to Congress a report explaining the basis of the decision on where to locate the new prison facility.

(4) REPORT ON COST-EFFECTIVENESS.—If the Attorney General decides not to utilize any portion of a closed military installation or an installation scheduled to be closed for locating a prison, the report shall include an analysis of why installations in the region, the use of which as a prison would be consistent with a reutilization and redevelopment plan, does not provide a cost-effective alternative to the purchase of real property or construction of new prison facilities.

(e) DEFINITION.—In this section, "base closure law" means—

(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(2) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

SEC. 20414. POST-CONVICTION RELEASE DRUG TESTING—FEDERAL OFFENDERS.

(a) DRUG TESTING PROGRAM.—

(1) IN GENERAL.—Subchapter A of chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, subject to the availability of appropriations, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) TECHNICAL AMENDMENT.—The subchapter analysis for subchapter A of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

(3) by adding at the end the following new paragraph:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit

to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3565(b), when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4).".

(c) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test.".

(d) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The Commission shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 4214(f) when considering any action against a defendant who fails a drug test.".

SEC. 20415. REPORTING OF CASH RECEIVED BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Section 6050I of the Internal Revenue Code of 1986 (relating to returns relating to cash received in trade or business) is amended by adding at the end the following new subsection:

"(g) CASH RECEIVED BY CRIMINAL COURT CLERKS.—

"(1) IN GENERAL.—Every clerk of a Federal or State criminal court who receives more than $10,000 in cash as bail for any individual charged with a specified criminal offense shall make a return described in paragraph (2) (at such time as the Secretary may by regulations prescribe) with respect to the receipt of such bail.

"(2) RETURN.—A return is described in this paragraph if such return—

"(A) is in such form as the Secretary may prescribe, and

"(B) contains—

"(i) the name, address, and TIN of—

"(I) the individual charged with the specified criminal offense, and

"(II) each person posting the bail (other than a person licensed as a bail bondsman),

"(ii) the amount of cash received,

"(iii) the date the cash was received, and

"(iv) such other information as the Secretary may prescribe.

"(3) SPECIFIED CRIMINAL OFFENSE.—For purposes of this subsection, the term 'specified criminal offense' means—

"(A) any Federal criminal offense involving a controlled substance,

"(B) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code),

"(C) money laundering (as defined in section 1956 or 1957 of such title), and

"(D) any State criminal offense substantially similar to an offense described in subparagraph (A), (B), or (C).

"(4) INFORMATION TO FEDERAL PROSECUTORS.—Each clerk required to include on a return under paragraph (1) the information described in paragraph (2)(B) with respect to an individual described in paragraph (2)(B)(i)(I) shall furnish (at such time as the Secretary may by regulations prescribe) a written statement showing such information to the United States Attorney for the jurisdiction in which such individual resides and the jurisdiction in which the specified criminal offense occurred.

"(5) INFORMATION TO PAYORS OF BAIL.—Each clerk required to make a return under paragraph (1) shall furnish (at such time as the Secretary may by regulations prescribe) to each person whose name is required to be set forth in such return by reason of paragraph (2)(B)(i)(II) a written statement showing—

"(A) the name and address of the clerk's office required to make the return, and

"(B) the aggregate amount of cash described in paragraph (1) received by such clerk.".

(b) CONFORMING AMENDMENTS.—

(1) Clause (iv) of section 6724(d)(1)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

"(iv) section 6050I (a) or (g)(1) (relating to cash received in trade or business, etc.),".

(2) Subparagraph (K) of section 6724(d)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(K) section 6050I(e) or paragraph (4) or (5) of section 6050I(g) (relating to cash received in trade or business, etc.),".

(3) The heading for section 6050I of the Internal Revenue Code of 1986 is amended by striking "**BUSINESS**" and inserting "**BUSINESS, ETC**.".

(4) The table of sections for subpart B of part III of subchapter A of chapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by striking "business" and inserting "business, etc." in the item relating to section 6050I.

(c) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe temporary regulations under the amendments made by this section within 90 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 60th day after the date on which the temporary regulations are prescribed under subsection (c).

SEC. 20416. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 20417. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) APPLICATION OF SECTION.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) At least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes *residence to a new jurisdiction, written notice of the release or change of residence shall be provided to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside. Notice prior to release shall be provided by the Director of the Bureau of Prisons. Notice concerning a change of residence following release shall be provided by the probation officer responsible for the supervision of the released prisoner, or in a manner specified by the Director of the Administrative Office of the United States Courts. The notice requirements under this subsection do not apply in relation to a prisoner being protected under chapter 224.*

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

SEC. 20418. CORRECTIONAL JOB TRAINING AND PLACEMENT.

(a) PURPOSE.—It is the purpose of this section to encourage and support job training programs, and job placement programs, that provide services to incarcerated persons or ex-offenders.

(b) DEFINITIONS.—As used in this section:

(1) CORRECTIONAL INSTITUTION.—The term "correctional institution" means any prison, jail, reformatory, work farm, detention center, or halfway house, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) CORRECTIONAL JOB TRAINING OR PLACEMENT PROGRAM.—The term "correctional job training or placement program" means an activity that provides job training or job placement services to incarcerated persons or ex-offenders, or that assists incarcerated persons or ex-offenders in obtaining such services.

(3) EX-OFFENDER.—The term "ex-offender" means any individual who has been sentenced to a term of probation by a Federal or State court, or who has been released from a Federal, State, or local correctional institution.

(4) INCARCERATED PERSON.—The term "incarcerated person" means any individual incarcerated in a Federal or State correctional institution who is charged with or convicted of any criminal offense.

(c) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Attorney General shall establish within the Department of Justice an Office of Correctional Job Training and Placement. The Office shall be headed by a Director, who shall be appointed by the Attorney General.

(2) TIMING.—The Attorney General shall carry out this subsection not later than 6 months after the date of enactment of this section.

(d) FUNCTIONS OF OFFICE.—The Attorney General, acting through the Director of the Office of Correctional Job Training and Placement, in consultation with the Secretary of Labor, shall—

(1) assist in coordinating the activities of the Federal Bonding Program of the Department of Labor, the activities of the Department of Labor related to the certification of eligibility for targeted jobs credits under section 51 of the Internal Revenue Code of 1986 with respect to ex-offenders, and any other correctional job training or placement program of the Department of Justice or Department of Labor;

(2) provide technical assistance to State and local employment and training agencies that—

(A) receive financial assistance under this Act; or

(B) receive financial assistance through other programs carried out by the Department of Justice or Department of Labor, for activities related to the development of employability;

(3) prepare and implement the use of special staff training materials, and methods, for developing the staff competencies needed by State and local agencies to assist incarcerated persons and ex-offenders in gaining marketable occupational skills and job placement;

(4) prepare and submit to Congress an annual report on the activities of the Office of Correctional Job Training and Placement, and the status of correctional job training or placement programs in the United States;

(5) cooperate with other Federal agencies carrying out correctional job training or placement programs to ensure coordination of such programs throughout the United States;

(6) consult with, and provide outreach to—

(A) State job training coordinating councils, administrative entities, and private industry councils, with respect to programs carried out under this Act; and

(B) other State and local officials, with respect to other employment or training programs carried out by the Department of Justice or Department of Labor;

(7) collect from States information on the training accomplishments and employment outcomes of a sample of incarcerated persons and ex-offenders who were served by employment or training programs carried out, or that receive financial assistance through programs carried out, by the Department of Justice or Department of Labor; and

(8)(A) collect from States and local governments information on the development and implementation of correctional job training or placement programs; and

(B) disseminate such information, as appropriate.

TITLE III—CRIME PREVENTION

Subtitle A—Ounce of Prevention Council

SEC. 30101. OUNCE OF PREVENTION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Ounce of Prevention Council (referred to in this title as the "Council"), the members of which—

(A) shall include the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy; and

(B) may include other officials of the executive branch as directed by the President.

(2) CHAIR.—The President shall designate the Chair of the Council from among its members (referred to in this title as the "Chair").

(3) STAFF.—The Council may employ any necessary staff to carry out its functions, and may delegate any of its functions or powers to a member or members of the Council.

(b) PROGRAM COORDINATION.—For any program authorized under the Violent Crime Control and Law Enforcement Act of 1994, the Ounce of Prevention Council Chair, only at the request of the Council member with jurisdiction over that program, may coordinate that program, in whole or in part, through the Council.

(c) ADMINISTRATIVE RESPONSIBILITIES AND POWERS.—In addition to the program coordination provided in subsection (b), the Council shall be responsible for such functions as coordinated planning, development of a comprehensive crime prevention program catalogue, provision of assistance to communities and community-based organizations seeking information regarding crime prevention programs and integrated program service delivery, and development of strategies for program integration and grant simplification. The Council shall have the authority to audit the expenditure of funds received by grantees under programs administered by or coordinated through the Council. In consultation with the Council, the Chair may issue regulations and guidelines to carry out this subtitle and programs administered by or coordinated through the Council.

SEC. 30102. OUNCE OF PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Council may make grants for—

(1) summer and after-school (including weekend and holiday) education and recreation programs;

(2) mentoring, tutoring, and other programs involving participation by adult role models (such as D.A.R.E. America);

(3) programs assisting and promoting employability and job placement; and

(4) prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy, including outreach programs for at-risk families.

(b) APPLICANTS.—Applicants may be Indian tribal governments, cities, counties, or other municipalities, school boards, colleges and universities, private nonprofit entities, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, and that there has been cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. Applications shall be geographically based in particular neighborhood or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on their lives.

(c) PRIORITY.—In making such grants, the Council shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the applications submitted under subsection (b) for the fiscal year for which the projects receive assistance under this title.

(2) WAIVER.—The Council may waive the 25 percent matching requirement under paragraph (1) upon making a determination that a waiver is equitable in view of the financial circumstances affecting the ability of the applicant to meet that requirement.

(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

(4) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to a governmental entity shall not be used to supplant State or local funds, or in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(5) EVALUATION.—The Council shall conduct a thorough evaluation of the programs assisted under this title.

SEC. 30103. DEFINITION.

In this subtitle, "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 30104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,500,000 for fiscal year 1995;
(2) $14,700,000 for fiscal year 1996;
(3) $18,000,000 for fiscal year 1997;
(4) $18,000,000 for fiscal year 1998;
(5) $18,900,000 for fiscal year 1999; and
(6) $18,900,000 for fiscal year 2000.

Subtitle B—Local Crime Prevention Block Grant Program

SEC. 30201. PAYMENTS TO LOCAL GOVERNMENTS.

(a) PAYMENT AND USE.—

(1) PAYMENT.—The Attorney General, shall pay to each unit of general local government which qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to the government under this subtitle for each payment period. The Attorney General shall pay such amount from amounts appropriated under section 30202.

(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more of the following purposes:

(A) Education, training, research, prevention, diversion, treatment, and rehabilitation programs to prevent juvenile violence, juvenile gangs, and the use and sale of illegal drugs by juveniles.

(B) Programs to prevent crimes against the elderly based on the concepts of the Triad model.

(C) Programs that prevent young children from becoming gang involved, including the award of grants or contracts to community-based service providers that have a proven track record of providing services to children ages 5 to 18.

(D) Saturation jobs programs, offered either separately or in conjunction with the services provided for under the Youth Fair Chance Program, that provide employment opportunities leading to permanent unsubsidized employment for disadvantaged young adults 16 through 25 years of age.

(E) Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

(F) Supervised sports and recreation programs, including Olympic Youth Development Centers established in cooperation with the United States Olympic Committee, that are offered—

(i) after school and on weekends and holidays, during the school year; and

(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months.

(G) Prevention and enforcement programs to reduce—

(i) the formation or continuation of juvenile gangs; and

(ii) the use and sale of illegal drugs by juveniles.

(H) Youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence.

(I) Award of grants or contracts to the Boys and Girls Clubs of America, a national nonprofit youth organization, to establish Boys and Girls Clubs in public housing.

(J) Supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them and for children whose parents are separated or divorced and the children are at risk because—

(i) there is documented sexual, physical, or emotional abuse as determined by a court of competent jurisdiction;

(ii) there is suspected or elevated risk of sexual, physical, or emotional abuse, or there have been threats of parental abduction of the child;

(iii) due to domestic violence, there is an ongoing risk of harm to a parent or child;

(iv) a parent is impaired because of substance abuse or mental illness;

(v) there are allegations that a child is at risk for any of the reasons stated in clauses (i), (ii), (iii), and (iv), pending an investigation of the allegations; or

(vi) other circumstances, as determined by a court of competent jurisdiction, point to the existence of such a risk.

(K) Family Outreach Teams which provide a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area.

(L) To establish corridors of safety for senior citizens by increasing the numbers, presence, and watchfulness of law enforcement officers, community groups, and business owners and employees.

(M) Teams or units involving both specially trained law enforcement professionals and child or family services professionals that on a 24-hour basis respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim.

(N) Dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

(b) TIMING OF PAYMENTS.—The Attorney General shall pay each amount allocated under this subtitle to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period if the unit of general local government has provided the Attorney General with the assurances required by section 30203(d).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this subtitle to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a unit of general local government only if the Attorney General determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

(d) RESERVATION FOR ADJUSTMENTS.—The Attorney General may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Attorney General, by not later than 15 months after receipt from the Attorney General, any amount that is—

(A) paid to the unit from amounts appropriated under the authority of this section; and

(B) not expended by the unit within one year after receipt from the Attorney General.

(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payments in future payment periods accordingly.

(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to units of general local government.

(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

SEC. 30202. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

(1) $75,940,000 for fiscal year 1996;
(2) $75,940,000 for fiscal year 1997;
(3) $75,940,000 for fiscal year 1998;
(4) $75,940,000 for fiscal year 1999; and
(5) $73,240,000 for fiscal year 2000.

Such sums are to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Attorney General in furtherance of the purposes of the program. Such sums are to remain available until expended.

SEC. 30203. QUALIFICATION FOR PAYMENT.

(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Attorney General of the units' proposed use of assistance under this subtitle.

(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this subtitle for a payment period only after establishing to the satisfaction of the Attorney General that—

(1) the government will establish a trust fund in which the government will deposit all payments received under this subtitle;

(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

(4) if at least 25 percent of the pay of individuals employed by the government in a public

employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

(5) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General of the United States. As applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

(6) after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

(7) the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

(8) the government will spend the funds only for the purposes set forth in section 30201(a)(2).

(c) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

(d) SANCTIONS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—If the Attorney General decides that a unit of general local government has not complied substantially with subsection (b) or regulations prescribed under subsection (b), the Attorney General shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold additional payments to the government for the current payment period and later payment periods until the Attorney General is satisfied that the government—

(A) has taken the appropriate corrective action; and

(B) will comply with subsection (b) and regulations prescribed under subsection (b).

(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a unit of general local government notified under paragraph (1) only if the Attorney General is satisfied that the government—

(A) has taken the appropriate corrective action; and

(B) will comply with subsection (b) and regulations prescribed under subsection (b).

SEC. 30204. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) STATE DISTRIBUTION.—For each payment period, the Attorney General shall allocate out of the amount appropriated for the period under the authority of section 30202—

(1) 0.25 percent to each State; and

(2) Of the total amount of funds remaining after allocation under paragraph (1), an amount that is equal to—

the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

(b) LOCAL DISTRIBUTION.—(1) The Attorney General shall allocate among the units of general local government in a State the amount allocated to the State under paragraphs (1) and (2) of subsection (a).

(2) The Attorney General shall allocate to each unit of general local government an amount which bears the ratio that the number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all units in the State in which the unit is located to the Federal Bureau of Investigation for 1993 multiplied by the ratio of the population living in all units in the State in which the unit is located that reported part 1 violent crimes to the Federal Bureau of Investigation for 1993 bears to the population of the State; or if such data are not available for a unit, the ratio that the population of such unit bears to the population of all units in the State in which the unit is located for which data are not available multiplied by the ratio of the population living in units in the State in which the unit is located for which data are not available bears to the population of the State.

(3) If under paragraph (2) a unit is allotted less than $5,000 for the payment period, the amount allotted shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

(4) If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall allocate to this newly incorporated local government, out of the amount allocated to the State under this section, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this subtitle.

SEC. 30205. UTILIZATION OF PRIVATE SECTOR.

Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the uses specified under section 30201(a)(2).

SEC. 30206. PUBLIC PARTICIPATION.

A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

SEC. 30207. ADMINISTRATIVE PROVISIONS.

The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to the Attorney General for purposes of carrying out this subtitle.

SEC. 30208. DEFINITIONS.

For purposes of this subtitle:

(1) The term "unit of general local government" means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

(2) The term "payment period" means each 1-year period beginning on October 1 of the years 1995 through 2000.

(3) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of 30204(a), 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.

(4) The term "children" means persons who are not younger than 5 and not older than 18 years old.

(5) The term "part 1 violent crimes" means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

Subtitle C—Model Intensive Grant Programs

SEC. 30301. GRANT AUTHORIZATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General may award grants to not more than 15 chronic high intensive crime areas to develop comprehensive model crime prevention programs that—

(A) involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;

(B) attempt to relieve conditions that encourage crime; and

(C) provide meaningful and lasting alternatives to involvement in crime.

(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—The Attorney General may consult with the Ounce of Prevention Council in awarding grants under paragraph (1).

(b) PRIORITY.—In awarding grants under subsection (a), the Attorney General shall give priority to proposals that—

(1) are innovative in approach to the prevention of crime in a specific area;

(2) vary in approach to ensure that comparisons of different models may be made; and

(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

SEC. 30302. USES OF FUNDS.

(a) IN GENERAL.—Funds awarded under this subtitle may be used only for purposes described in an approved application. The intent of grants under this subtitle is to fund intensively comprehensive crime prevention programs in chronic high intensive crime areas.

(b) GUIDELINES.—The Attorney General shall issue and publish in the Federal Register guidelines that describe suggested purposes for which funds under approved programs may be used.

(c) EQUITABLE DISTRIBUTION OF FUNDS.—In disbursing funds under this subtitle, the Attorney General shall ensure the distribution of awards equitably on a geographic basis, including urban and rural areas of varying population and geographic size.

SEC. 30303. PROGRAM REQUIREMENTS.

(a) DESCRIPTION.—An applicant shall include a description of the distinctive factors that contribute to chronic violent crime within the area

proposed to be served by the grant. Such factors may include lack of alternative activities and programs for youth, deterioration or lack of public facilities, inadequate public services such as public transportation, street lighting, community-based substance abuse treatment facilities, or employment services offices, and inadequate police or public safety services, equipment, or facilities.

(b) COMPREHENSIVE PLAN.—An applicant shall include a comprehensive, community-based plan to attack intensively the principal factors identified in subsection (a). Such plans shall describe the specific purposes for which funds are proposed to be used and how each purpose will address specific factors. The plan also shall specify how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate in carrying out the purposes of the grant.

(c) EVALUATION.—An applicant shall include an evaluation plan by which the success of the plan will be measured, including the articulation of specific, objective indicia of performance, how the indicia will be evaluated, and a projected timetable for carrying out the evaluation.

SEC. 30304. APPLICATIONS.

To request a grant under this subtitle the chief local elected official of an area shall—

(1) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish; and

(2) provide an assurance that funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs funded under this subtitle.

SEC. 30305. REPORTS.

Not later than December 31, 1998, the Attorney General shall prepare and submit to the Committees on the Judiciary of the House and Senate an evaluation of the model programs developed under this subtitle and make recommendations regarding the implementation of a national crime prevention program.

SEC. 30306. DEFINITIONS.

In this subtitle—

"chief local elected official" means an official designated under regulations issued by the Attorney General. The criteria used by the Attorney General in promulgating such regulations shall ensure administrative efficiency and accountability in the expenditure of funds and execution of funded projects under this subtitle.

"chronic high intensity crime area" means an area meeting criteria adopted by the Attorney General by regulation that, at a minimum, define areas with—

(A) consistently high rates of violent crime as reported in the Federal Bureau of Investigation's "Uniform Crime Reports", and

(B) chronically high rates of poverty as determined by the Bureau of the Census.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 30307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $100,000,000 for fiscal year 1996;
(2) $125,100,000 for fiscal year 1997;
(3) $125,100,000 for fiscal year 1998;
(4) $125,100,000 for fiscal year 1999; and
(5) $150,200,000 for fiscal year 2000.

Subtitle D—Family and Community Endeavor Schools Grant Program

SEC. 30401. COMMUNITY SCHOOLS YOUTH SERVICES AND SUPERVISION GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Community Schools Youth Services and Supervision Grant Program Act of 1994".

(b) DEFINITIONS.—In this section—

"child" means a person who is not younger than 5 and not older than 18 years old.

"community-based organization" means a private, locally initiated, community-based organization that—

(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

(i) Residents of the community.

(ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

(iii) Educators.

(iv) Religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with an activity funded under this title).

(v) Law enforcement agencies.

(vi) Public housing agencies.

(vii) Other public agencies.

(viii) Other interested parties.

"eligible community" means an area identified pursuant to subsection (e).

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act.

"Secretary" means the Secretary of Health and Human Services, in consultation and coordination with the Attorney General.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—

(A) ALLOCATIONS FOR STATES AND INDIAN COUNTRY.—For any fiscal year in which the sums appropriated to carry out this section equal or exceed $20,000,000, from the sums appropriated to carry out this subsection, the Secretary shall allocate, for grants under subparagraph (B) to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line. In view of the extraordinary need for assistance in Indian country, an appropriate amount of funds available under this subtitle shall be made available for such grants in Indian country.

(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS FROM ALLOCATIONS.—For such a fiscal year, the Secretary may award grants from the appropriate State or Indian country allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(C) REALLOCATION.—If, at the end of such a fiscal year, the Secretary determines that funds allocated for community-based organizations in a State or Indian country under subparagraph (B) remain unobligated, the Secretary may use such funds to award grants to eligible community-based organizations in another State or Indian country to pay for such Federal share. In awarding such grants, the Secretary shall consider the need to maintain geographic diversity among the recipients of such grants. Amounts made available through such grants shall remain available until expended.

(2) OTHER FISCAL YEARS.—For any fiscal year in which the sums appropriated to carry out this section are less than $20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(3) ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the funds appropriated to carry out this section in any fiscal year for administrative costs.

(d) PROGRAM REQUIREMENTS.—

(1) LOCATION.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility in a State or Indian country, such as a college or university, a local or State park or recreation center, church, or military base, that is—

(i) in a location that is easily accessible to children in the community; and

(ii) in compliance with all applicable local ordinances.

(2) USE OF FUNDS.—Such community-based organization—

(A) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

(i) shall include supervised sports programs, and extracurricular and academic programs, that are offered—

(I) after school and on weekends and holidays, during the school year; and

(II) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

(B) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

(C) may use—

(i) such funds for minor renovation of facilities that are in existence prior to the operation of the program and that are necessary for the operation of the program for which the organization receives the grant, purchase of sporting and recreational equipment and supplies, reasonable costs for the transportation of participants in the program, hiring of staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, provision of first aid and nutrition guidance, family counselling, parental training, and substance abuse treatment where appropriate; and

(ii) not more than 5 percent of such funds to pay for the administrative costs of the program; and

(D) may not use such funds to provide sectarian worship or sectarian instruction.

(e) ELIGIBLE COMMUNITY IDENTIFICATION.—

(1) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

(2) CRITERIA.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

(f) APPLICATIONS.—

(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

(C) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

(D) set forth measurable goals and outcomes for the program that—

(i) will—

(I) where appropriate, make a public school the focal point of the eligible community; or

(II) make a local facility described in subsection (d)(1)(B) such a focal point; and

(ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

(E) provide evidence of support for accomplishing such goals and outcomes from—

(i) community leaders;

(ii) businesses;

(iii) local educational agencies;

(iv) local officials;

(v) State officials;

(vi) Indian tribal government officials; and

(vii) other organizations that the community-based organization determines to be appropriate;

(F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (d)(2);

(G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

(i) extracurricular and academic programs, such as programs described in subsection (d)(2)(B); and

(ii) activities that address specific needs in the community;

(H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

(J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

(L) contain an assurance that the program will maintain a staff-to-participant ratio (including volunteers) that is appropriate to the activity or services provided by the program;

(M) contain an assurance that the program will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

(N) contain an assurance that the community-based organization will comply with any evaluation under subsection (m), any research effort authorized under Federal law, and any investigation by the Secretary;

(O) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

(P) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(Q) contain an assurance that the community-based organization will maintain separate accounting records for the program.

(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

(g) ELIGIBILITY OF PARTICIPANTS.—

(1) IN GENERAL.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

(2) ELIGIBILITY.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.

(3) NONDISCRIMINATION.—In selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(h) PEER REVIEW PANEL.—

(1) ESTABLISHMENT.—The Secretary may establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

(2) COMPOSITION.—A peer review panel shall include at least 1 representative from each of the following:

(A) A community-based organization.

(B) A local government.

(C) A school district.

(D) The private sector.

(E) A charitable organization.

(F) A representative of the United States Olympic Committee, at the option of the Secretary.

(3) FUNCTIONS.—A peer review panel shall conduct the initial review of all grant applications received by the Secretary under subsection (f), make recommendations to the Secretary regarding—

(A) grant funding under this section; and

(B) a design for the evaluation of programs assisted under this section.

(i) INVESTIGATIONS AND INSPECTIONS.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

(j) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under subsection (f) the Federal share of the costs of developing and carrying out programs described in subsection (c).

(2) FEDERAL SHARE.—The Federal share of such costs shall be no more than—

(A) 75 percent for each of fiscal years 1995 and 1996;

(B) 70 percent for fiscal year 1997; and

(C) 60 percent for fiscal year 1998 and thereafter.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (f)(2)(P)), and funds appropriated by the Congress for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

(B) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

(k) EVALUATION.—The Secretary shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

(1) the number of children participating in each program assisted under this section;

(2) the academic achievement of such children;

(3) school attendance and graduation rates of such children; and

(4) the number of such children being processed by the juvenile justice system.

SEC. 30402. FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Family and Community Endeavor Schools Act".

(b) PURPOSE.—It is the purpose of this section to improve the overall development of at-risk children who reside in eligible communities as defined in subsection (l)(3).

(c) PROGRAM AUTHORITY.—The Secretary may award grants on a competitive basis to eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section. No local entity shall receive a grant of less than $250,000 in a fiscal year. Amounts made available through such grants shall remain available until expended.

(d) PROGRAM REQUIREMENTS.—

(1) IMPROVEMENT PROGRAMS.—A local entity that receives funds under this section shall develop or expand programs that are designed to improve academic and social development by instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students at selected public schools in eligible communities.

(2) OPTIONAL ACTIVITIES.—A local entity that receives funds under this section may develop a variety of programs to serve the comprehensive needs of students, including—

(A) homework assistance and after-school programs, including educational, social, and athletic activities;

(B) nutrition services;

(C) mentoring programs;

(D) family counseling; and

(E) parental training programs.

(e) ELIGIBLE COMMUNITY IDENTIFICATION.—The Secretary through regulation shall define the criteria necessary to qualify as an eligible community as defined in subsection (l)(3).

(f) GRANT ELIGIBILITY.—To be eligible to receive a grant under this section, a local entity shall—

(1) identify an eligible community to be assisted;

(2) develop a community planning process that includes—

(A) parents and family members;

(B) local school officials;

(C) teachers employed at schools within the eligible community;

(D) public housing resident organization members, where applicable; and

(E) public and private nonprofit organizations that provide education, child protective services, or other human services to low-income, at-risk children and their families; and

(3) develop a concentrated strategy for implementation of the community planning process developed under paragraph (2) that targets clusters of at-risk children in the eligible community.

(g) Applications.—

(1) Application required.—To be eligible to receive a grant under this section, a local entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

(2) Contents of application.—Each application submitted under paragraph (1) shall—

(A) contain a comprehensive plan for the program that is designed to improve the academic and social development of at-risk children in schools in the eligible community;

(B) provide evidence of support for accomplishing the objectives of such plan from—

(i) community leaders;

(ii) a school district;

(iii) local officials; and

(iv) other organizations that the local entity determines to be appropriate;

(C) provide an assurance that the local entity will use grant funds received under this subsection to implement the program requirements listed in subsection (d);

(D) include an estimate of the number of children in the eligible community expected to be served under the program;

(E) provide an assurance that the local entity will comply with any evaluation requested under subsection (k), any research effort authorized under Federal law, and any investigation by the Secretary;

(F) provide an assurance that the local entity shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

(G) provide an assurance that funds made available under this section shall be used to supplement, not supplant, other Federal funds that would otherwise be available for activities funded under this section; and

(H) provide an assurance that the local entity will maintain separate accounting records for the program.

(3) Priority.—In awarding grants to carry out programs under this section, the Secretary shall give priority to local entities which submit applications that demonstrate the greatest effort in generating local support for the programs.

(h) Peer Review Panel.—

(1) Establishment.—The Secretary shall establish a peer review panel not to exceed 8 members that shall be comprised of individuals with demonstrated experience in designing and implementing programs to improve the academic and social development of at-risk children.

(2) Functions.—Such panel shall make recommendations to the Secretary regarding—

(A) an illustrative model that effectively achieves the program requirements indicated in subsection (d) and a process whereby local entities can request such model; and

(B) a design for the evaluation of programs assisted under this section.

(i) Investigations and Inspections.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

(j) Federal Share.—

(1) Payments.—The Secretary shall, subject to the availability of appropriations, pay to each local entity having an application approved under subsection (g) the Federal share of the costs of developing and carrying out programs referred to in subsection (d).

(2) Federal share.—The Federal share of such costs shall be 70 percent.

(3) Non-Federal share.—

(A) In general.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including personnel, plant, equipment, and services.

(B) Special rule.—Not less than 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

(k) Evaluation.—The Secretary shall require a thorough evaluation of the programs assisted under this section, which shall include an assessment of the academic and social achievement of children assisted with funds provided under this section.

(l) Definitions.—For purposes of this section—

(1) the term "Secretary" means to the Secretary of the Department of Education;

(2) the term "local entity" means—

(A) a local educational agency, or

(B) a community-based organization as defined in section 1471(3) of the Elementary and Secondary Education Act of 1965;

(3) the term "eligible community" means an area which meets criteria with respect to significant poverty and significant violent crime, and such additional criteria, as the Secretary may by regulation require; and

(4) the term "public school" means an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))) and a secondary school (as defined in section 1471(21) of that Act).

SEC. 30403. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this subtitle—

(1) $37,000,000 for fiscal year 1995;

(2) $103,500,000 for fiscal year 1996;

(3) $121,500,000 for fiscal year 1997;

(4) $153,000,000 for fiscal year 1998;

(5) $193,500,000 for fiscal year 1999; and

(6) $201,500,000 for fiscal year 2000.

(b) Programs.—Of the amounts appropriated under subsection (a) for any fiscal year—

(1) 70 percent shall be made available to carry out section 30401; and

(2) 30 percent shall be made available to carry out section 30402.

Subtitle G—Assistance for Delinquent and At-Risk Youth

SEC. 30701. GRANT AUTHORITY.

(a) Grants.—

(1) In general.—In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

(A) have dropped out of school;

(B) have come into contact with the juvenile justice system; or

(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

(2) Consultation with the Ounce of Prevention Council.—The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

(3) Services.—Such services shall include activities designed to—

(A) increase the self-esteem of such youth;

(B) assist such youth in making healthy and responsible choices;

(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

(D) provide such youth with vocational and life skills.

(b) Applications.—

(1) In general.—A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

(2) Contents.—An application under paragraph (1) shall include—

(A) a description of the program developed by the applicant, including the activities to be offered;

(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

(C) evidence that such program—

(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

(ii) will include academic instruction, approved by the State, Indian tribal government, or local educational agency, which meets or exceeds State, Indian tribal government, and local standards and curricular requirements; and

(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

(D) specific, measurable outcomes for youth served by the program.

(c) Consideration of Applications.—Not later than 60 days following the submission of applications, the Attorney General shall—

(1) approve each application and disburse the funding for each such application; or

(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

(d) Reports.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

(e) Definitions.—In this subtitle—

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 30702. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under section 30701—

(1) $5,400,000 for fiscal year 1996;

(2) $6,300,000 for fiscal year 1997;

(3) $7,200,000 for fiscal year 1998;

(4) $8,100,000 for fiscal year 1999; and

(5) $9,000,000 for fiscal year 2000.

Subtitle H—Police Recruitment

SEC. 30801. GRANT AUTHORITY.

(a) Grants.—

(1) In general.—The Attorney General may make grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

(2) Consultation with the Ounce of Prevention Council.—The Attorney General may

consult with the Ounce of Prevention Council in making grants under paragraph (1).

(b) QUALIFIED COMMUNITY ORGANIZATIONS.—An organization is a qualified community organization which is eligible to receive a grant under subsection (a) if the organization—

(1) is a nonprofit organization; and

(2) has training and experience in—

(A) working with a police department and with teachers, counselors, and similar personnel,

(B) providing services to the community in which the organization is located,

(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

(E) developing other programs that contribute to the community.

(c) QUALIFIED PROGRAMS.—A program is a qualified program for which a grant may be made under subsection (a) if the program is designed to recruit and train individuals from underrepresented neighborhoods and localities and if—

(1) the overall design of the program is to recruit and retain applicants to a police department;

(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) the program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

(d) APPLICATIONS.—To qualify for a grant under subsection (a), a qualified organization shall submit an application to the Attorney General in such form as the Attorney General may prescribe. Such application shall—

(1) include documentation from the applicant showing—

(A) the need for the grant;

(B) the intended use of grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and

(2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i).

(e) ACTION BY THE ATTORNEY GENERAL.—Not later than 60 days after the date that an application for a grant under subsection (a) is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

(1) approve the application and disburse the grant funds applied for; or

(2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

(f) GRANT DISBURSEMENT.—The Attorney General shall disburse funds under a grant under subsection (a) in accordance with regulations of the Attorney General which shall ensure—

(1) priority is given to applications for areas and organizations with the greatest showing of need;

(2) that grant funds are equitably distributed on a geographic basis; and

(3) the needs of underserved populations are recognized and addressed.

(g) GRANT PERIOD.—A grant under subsection (a) shall be made for a period not longer than 3 years.

(h) GRANTEE REPORTING.—(1) For each year of a grant period for a grant under subsection (a), the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

(2) If there was more than one recipient of a grant, each recipient shall file such report.

(3) The Attorney General shall suspend the funding of a grant, pending compliance, if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

(i) GUIDELINES.—The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a). Such guidelines shall be designed to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

(1) individuals providing recruiting services;

(2) individuals providing tutorials and other academic assistance programs;

(3) individuals providing retention services; and

(4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

SEC. 30802. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under section 30801—

(1) $2,000,000 for fiscal year 1996;

(2) $4,000,000 for fiscal year 1997;

(3) $5,000,000 for fiscal year 1998;

(4) $6,000,000 for fiscal year 1999; and

(5) $7,000,000 for fiscal year 2000.

Subtitle J—Local Partnership Act

SEC. 31001. ESTABLISHMENT OF PAYMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title 31, United States Code, is amended by inserting after chapter 65 the following new chapter:

"CHAPTER 67—FEDERAL PAYMENTS

"Sec.
"6701. Payments to local governments.
"6702. Local Government Fiscal Assistance Fund.
"6703. Qualification for payment.
"6704. State area allocations; allocations and payments to territorial governments.
"6705. Local government allocations.
"6706. Income gap multiplier.
"6707. State variation of local government allocations.
"6708. Adjustments of local government allocations.
"6709. Information used in allocation formulas.
"6710. Public participation.
"6711. Prohibited discrimination.
"6712. Discrimination proceedings.
"6713. Suspension and termination of payments in discrimination proceedings.
"6714. Compliance agreements.
"6715. Enforcement by the Attorney General of prohibitions on discrimination.
"6716. Civil action by a person adversely affected.
"6717. Judicial review.
"6718. Investigations and reviews.
"6719. Reports.
"6720. Definitions, application, and administration.

"§6701. Payments to local governments

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Secretary shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

"(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more programs of the unit related to—

"(A) education to prevent crime;

"(B) substance abuse treatment to prevent crime; or

"(C) job programs to prevent crime.

"(3) COORDINATION.—Programs funded under this title shall be coordinated with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section.

"(b) TIMING OF PAYMENTS.—The Secretary shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period provided that the unit of general local government has provided the Secretary with the assurances required by section 6703(d).

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall adjust a payment under this chapter to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

"(2) CONSIDERATIONS.—The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

"(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than 15 months after receipt from the Secretary, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within one year after receipt from the Secretary.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Secretary shall reduce payments in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the Local Government Fiscal Assistance Fund for future payments to units of general local government.

"(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

"(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—

"(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

"(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

"(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'small business concern' has the meaning such term has under section 3 of the Small Business Act; and

"(B) the term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

"(g) NONSUPPLANTING REQUIREMENT.—

"(1) IN GENERAL.—Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

"(2) BASE LEVEL AMOUNT.—The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the 'base level account' for the fiscal year in which grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

"§6702. Local Government Fiscal Assistance Fund

"(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

"(1) $270,000,000 for fiscal year 1996;

"(2) $283,500,000 for fiscal year 1997;

"(3) $355,500,000 for fiscal year 1998;

"(4) $355,500,000 for fiscal year 1999; and

"(5) $355,500,000 for fiscal year 2000.

Such sums are to remain available until expended.

"(c) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Secretary in furtherance of the purposes of the program. Such sums are to remain available until expended.

"§6703. Qualification for payment

"(a) IN GENERAL.—The Secretary shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Secretary of the units' proposed use of assistance under this chapter. Subject to subsection (c), the assistance provided shall be used, in amounts determined by the unit, for activities under, or for activities that are substantially similar to an activity under, 1 or more of the following programs and the notice shall identify 1 or more of the following programs for each such use:

"(1) The Drug Abuse Resistance Education Program under section 5122 of the Elementary and Secondary Education Act of 1965.

"(2) The National Youth Sports Program under section 682 of the Community Services Block Grant Act (Public Law 97–35) as amended by section 205, Public Law 103–252.

"(3) The Gang Resistance Education and Training Program under the Act entitled 'An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes', approved November 5, 1990 (Public Law 101–509).

"(4) Programs under title II or IV of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

"(5) Programs under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) as amended.

"(6) Programs under the School to Work Opportunities Act (Public Law 103–239).

"(7) Substance Abuse Treatment and Prevention programs authorized under title V or XIX of the Public Health Services Act (43 U.S.C. 201 et seq.).

"(8) Programs under the Head Start Act (42 U.S.C. 9831 et seq.).

"(9) Programs under part A or B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

"(10) The TRIO programs under part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(11) Programs under the National Literacy Act of 1991.

"(12) Programs under the Carl Perkins Vocational Educational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

"(13) The demonstration partnership programs including the community initiative targeted to minority youth under section 203 of the Human Services Reauthorization of 1994 (Public Law 103–232).

"(14) The runaway and homeless youth program and the transitional living program for homeless youth under title III of the Juvenile Justice and Delinquency Prevention Act (Public Law 102–586).

"(15) The family support program under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1148 et seq.).

"(16) After-school activities for school aged children under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

"(17) The community-based family resource programs under section 401 of the Human Services Reauthorization Act of 1994 (Public Law 103–232).

"(18) The family violence programs under the Child Abuse Prevention and Treatment Act Amendments of 1984.

"(19) Job training programs administered by the Department of Agriculture, the Department of Defense, or the Department of Housing and Urban Development.

"(b) NOTICE TO AGENCY.—Upon receipt of notice under subsection (a) from an eligible unit of general local government, the Secretary shall notify the head of the appropriate Federal agency for each program listed in subsection (a) that is identified in the notice as a program under which an activity will be conducted with assistance under this chapter. The notification shall state that the unit has elected to use some or all of its assistance under this chapter for activities under that program. The head of a Federal agency that receives such a notification shall ensure that such use is in compliance with the laws and regulations applicable to that program, except that any requirement to provide matching funds shall not apply to that use.

"(c) ALTERNATIVE USES OF FUNDS.—

"(1) ALTERNATIVE USES AUTHORIZED.—In lieu of, or in addition to, use for an activity described in subsection (a) and notice for that use under subsection (a), an eligible unit of general local government may use assistance under this chapter, and shall provide notice of that use to the Secretary under subsection (a), for any other activity that is consistent with 1 or more of the purposes described in section 6701(a)(2).

"(2) NOTICE DEEMED TO DESCRIBE CONSISTENT USE.—Notice by a unit of general local government that it intends to use assistance under this chapter for an activity other than an activity described in subsection (a) is deemed to describe an activity that is consistent with 1 or more of the purposes described in section 6701(a)(2) unless the Secretary provides to the unit, within 30 days after receipt of that notice of intent from the unit, written notice (including an explanation) that the use is not consistent with those purposes.

"(d) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

"(1) the government will establish a trust fund in which the government will deposit all payments received under this chapter;

"(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

"(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

"(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

"(5) All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

"(5) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States. As applicable, amounts received under this chapter shall be audited in compliance with the Single Audit Act of 1984;

"(6) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b);

"(7) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b); and

"(8) the government will spend the funds only for the purposes set forth in section 6701(a)(2).

"(e) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

"(f) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Secretary decides that a unit of general local government has not complied substantially with subsection (d) or regulations prescribed under subsection (d), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with subsection (d) and regulations prescribed under subsection (d).

"(2) NOTICE.—Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

"(3) PAYMENT CONDITIONS.—The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with subsection (d) and regulations prescribed under subsection (d).

"§6704. State area allocations; allocations and payments to territorial governments

"(a) FORMULA ALLOCATION BY STATE.—For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

"(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

"(2) allocate the amount allocated to the State to units of general local government in the State under sections 6705 and 6706.

"(b) GENERAL FORMULA.—

"(1) IN GENERAL.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to $5,300,000,000 as—

"(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

"(B) the sum of the products determined under subparagraph (A) of this paragraph for all States.

"(2) GENERAL TAX EFFORT FACTOR.—The general tax effort factor of a State for a payment period is—

"(A) the net amount of State and local taxes of the State collected during the year 1991 as reported by the Bureau of the Census in the publication Government Finances 1990–1991; divided by

"(B) the total income of individuals, as determined by the Secretary of Commerce for national accounts purposes for 1992 as reported in the publication Survey of Current Business (August 1993), attributed to the State for the same year.

"(3) RELATIVE INCOME FACTOR.—The relative income factor of a State is a fraction in which—

"(A) the numerator is the per capita income of the United States; and

"(B) the denominator is the per capita income of the State.

"(4) RELATIVE RATE OF LABOR FORCE.—The relative rate of the labor force unemployed in a State is a fraction in which—

"(A) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

"(B) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes).

"(c) ALTERNATIVE FORMULA.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

"(1) $1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the population of the State bears to the population of all States;

"(2) $1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the population of the State, multiplied by a fraction in which—

"(i) the numerator is the per capita income of all States; and

"(ii) the denominator is the per capita income of the State; bears to

"(B) the sum of the products determined under subparagraph (A) for all States;

"(3) $600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

"(4) $600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

"(5) $600,000,000 were allocated among the States on the basis of unemployment by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the labor force of the State, multiplied by a fraction in which—

"(i) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

"(ii) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes)

bears to

"(B) the sum of the products determined under subparagraph (A) for all States; and

"(6) $1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area as published by the Bureau of the Census for 1990 in the publication General Population Characteristics for Urbanized Areas.

"(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—

"(1) INCOME TAX AMOUNT.—The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State by using the data published by the Secretary for 1991 in the publication Statistics of Income Bulletin (Winter 1993–1994).

"(2) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of a State for a payment period is the amount determined by multiplying—

"(A) the net amount of State and local taxes of the State collected during the year 1991 as reported in the Bureau of Census in the publication Government Finances 1990–1991; and

"(B) the general tax effort factor of the State determined under subsection (b)(2).

"(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—

"(1) IN GENERAL.—(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

"(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

"(2) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'territorial government' means the government of a territory;

"(B) the term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

"(C) the term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

"§6705. Local government allocations

"(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (c). For the payment period beginning October 1, 1994, the Secretary

shall use as the population of each Indian tribe or Alaskan native village the population for 1991 as reported by the Bureau of Indian Affairs in the publication Indian Service Population and Labor Force Estimates (January 1991). In addition to uses authorized under section 6701(a)(2), amounts allocated under this subsection and paid to an Indian tribe or Alaskan native village under this chapter may be used for renovating or building prisons or other correctional facilities.

"(b) NEWLY INCORPORATED LOCAL GOVERNMENTS AND ANNEXED GOVERNMENTS.—If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall allocate to this newly incorporated local government, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

"(c) OTHER LOCAL GOVERNMENT ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to ½ of such amount in accordance with section 6706(1), and shall allocate a portion equal to ½ of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

"(2) RATIO.—From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

"(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

"(B) the sum of the products determined under subparagraph (A) for all units in the State for which the income gap for that portion under paragraph (4) is greater than zero.

"(3) GENERAL TAX EFFORT FACTOR.—(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

"(i) the adjusted taxes of the unit; divided by

"(ii) the total income attributed to the unit.

"(B) If the amount determined under subparagraphs (A) (i) and (ii) for a unit of general local government is less than zero, the general tax effort factor of the unit is deemed to be zero.

"(C)(i) Except as otherwise provided in this subparagraph, for the payment period beginning October 1, 1994, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Bureau of the Census for the 1987 Census of Governments and adjusted as follows:

"(I) Adjusted taxes equals total taxes times a fraction in which the numerator is the sum of unrestricted revenues and revenues dedicated for spending on education minus total education spending and the denominator is total unrestricted revenues.

"(II) Total taxes is the sum of property tax; general sales tax; alcoholic beverage tax; amusement tax; insurance premium tax; motor fuels tax; parimutuels tax; public utilities tax; tobacco tax; other selective sales tax; alcoholic beverage licenses, amusement licenses; corporation licenses, hunting and fishing licenses; motor vehicle licenses; motor vehicle operator licenses; public utility licenses; occupation and business licenses, not elsewhere classified; other licenses, individual income tax; corporation net income tax; death and gift tax; documentary and stock transfer tax; severance tax; and taxes not elsewhere classified.

"(III) Unrestricted revenues is the sum of total taxes and intergovernmental revenue from Federal Government, general revenue sharing; intergovernmental revenue from Federal Government, other general support; intergovernmental revenue from Federal Government, other; intergovernmental revenue from State government, other general support; intergovernmental revenue from State government, other; intergovernmental revenue from local governments, other general support; intergovernmental revenue from local governments, other; miscellaneous general revenue, property sale-housing and community development; miscellaneous general revenue, property sale-other property; miscellaneous general revenue, interest earnings on investments; miscellaneous general revenue, fines and forfeits; miscellaneous general revenue, rents; miscellaneous general revenues, royalties; miscellaneous general revenue, donations from private sources; miscellaneous general revenue, net lottery revenue (after prizes and administrative expenses); miscellaneous general revenue, other miscellaneous general revenue; and all other general charges, not elsewhere classified.

"(IV) Revenues dedicated for spending on education is the sum of elementary and secondary education, school lunch; elementary and secondary education, tuition; elementary and secondary education, other; higher education, auxiliary enterprises; higher education, other; other education, not elsewhere classified; intergovernmental revenue from Federal Government, education; intergovernmental revenue from State government, education; intergovernmental revenue from local governments, interschool system revenue; intergovernmental revenue from local governments, education; interest earnings, higher education; interest earnings, elementary and secondary education; miscellaneous revenues, higher education; and miscellaneous revenues, elementary and secondary education.

"(V) Total education spending is the sum of elementary and secondary education, current operations; elementary and secondary education, construction; elementary and secondary education, other capital outlays; elementary and secondary education, to State governments; elementary and secondary education, to local governments, not elsewhere classified; elementary and secondary education, to counties; elementary and secondary education, to municipalities; elementary and secondary education, to townships; elementary and secondary education, to school districts; elementary and secondary education, to special districts; higher education-auxiliary enterprises, current operations; higher education-auxiliary enterprises, construction; higher education, auxiliary enterprises, other capital outlays; other higher education, current operations; other higher education, construction; other higher education, other capital outlays; other higher education, to State government; other higher education, to local governments, not elsewhere classified; other higher education, to counties; other higher education, to municipalities; other higher education, to townships; other higher education, to school districts; other higher education, to special districts; education assistance and subsidies; education, not elsewhere classified, current operations; education, not elsewhere classified, construction education, not elsewhere classified, other capital outlays; education, not elsewhere classified, to State government; education, not elsewhere classified, to local governments, not elsewhere classified; education, not elsewhere classified, to counties; education, not elsewhere classified, to municipalities; education, not elsewhere classified, to townships; education, not elsewhere classified, to school districts; education, not elsewhere classified, to special districts; and education, not elsewhere classified, to Federal Government.

"(VI) If the amount of adjusted taxes is less than zero, the amount of adjusted tax shall be deemed to be zero.

"(VII) If the amount of adjusted taxes exceeds the amount of total taxes, the amount of adjusted taxes is deemed to equal the amount of total taxes.

"(ii) The Secretary shall, for purposes of clause (i), include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in the geographic area of which is located the unit of general local government as taxes imposed by the unit for public purposes if—

"(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

"(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

"(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

"(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

"(v) The allowable adjusted taxes of a unit of general government is the greater of—

"(I) the amount equal to 2.5, multiplied by the per capita adjusted taxes of all units of general local government of the same type in the State, multiplied by the population of the unit; or

"(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

"(vi) The excess adjusted taxes of a unit of general local government is the amount equal to—

"(I) the adjusted taxes of the unit, minus

"(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

"(vii) For purposes of this subparagraph—

"(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

"(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a

county, or all unified city/county governments if the unit of general local government is a unified city/county government.

"(4) INCOME GAP.—(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

"(i) the number which applies under section 6706, multiplied by the per capita income of the State in which the unit is located; minus

"(ii) the per capita income of the geographic area of the unit.

"(B) If the amount determined under subparagraph (A) for a unit of general local government is less than zero, then the relative income factor of the unit is deemed to be zero.

"(d) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

"§6706. Income gap multiplier

"For purposes of determining the income gap of a unit of general local government under section 6705(b)(4)(A), the number which applies is—

"(1) 1.6, with respect to ½ of any amount allocated under section 6704 to the State in which the unit is located; and

"(2) 1.2, with respect to the remainder of such amount.

"§6707. State variation of local government allocations

"(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

"(1) provide for allocating the total amount allocated under sections 6705 (a) and (b); and

"(2) apply uniformly in the State.

"(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

"§6708. Adjustments of local government allocations

"(a) MAXIMUM AMOUNT.—The amount allocated to a unit of general local government for a payment period may not exceed the adjusted taxes imposed by the unit of general local government as determined under section 6705(b)(3). Amounts in excess of adjusted taxes shall be paid to the Governor of the State in which the unit of local government is located.

"(b) DE MINIMIS ALLOCATIONS TO UNITS OF GENERAL LOCAL GOVERNMENT.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than $5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

"(c) USE OF PAYMENTS TO STATES.—The Governor of a State shall use all amounts paid to the Governor under subsections (a) and (b) for programs described in section 6701(a)(2) in areas of the State where are located the units of general local government with respect to which amounts are paid under subsection (b).

"(d) DE MINIMIS ALLOCATIONS TO INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—

"(1) AGGREGATION OF DE MINIMIS ALLOCATIONS.—If the amount allocated to an Indian tribe or an Alaskan native village for a payment period would be less than $5,000 but for this subsection or is waived by the chief elected official of the tribe or village, the amount—

"(A) shall not be paid to the tribe or village (except under paragraph (2)); and

"(B) shall be aggregated with other such amounts and available for use by the Attorney General under paragraph (2).

"(2) USE OF AGGREGATED AMOUNTS.—Amounts aggregated under paragraph (1) for a payment period shall be available for use by the Attorney General to make grants in the payment period on a competitive basis to Indian Tribes and Alaskan native village for—

"(A) programs described in section 6701(a)(2); or

"(B) renovating or building prisons or other correctional facilities.

"§6709. Information used in allocation formulas

"(a) POPULATION DATA FOR PAYMENT PERIOD BEGINNING OCTOBER 1, 1994.—For the payment period beginning October 1, 1994, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use for the population of the States the population for 1992 as reported by the Bureau of the Census in the publication Current Population Reports, Series P–25, No. 1045 (July 1992) and for the population of units of general local government the Secretary shall use the population for 1990 as reported by the Bureau of the Census in the publication Summary Social, Economic, and Housing Characteristics.

"(b) DATA FOR PAYMENT PERIODS BEGINNING AFTER SEPTEMBER 30, 1995.—For any payment period beginning after September 30, 1995, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use information more recent than the information used for the payment period beginning October 1, 1994, provided the Secretary notifies the Committee on Government Operations of the House of Representatives at least 90 days prior to the beginning of the payment period that the Secretary has determined that the more recent information is more reliable than the information used for the payment period beginning October 1, 1994.

"§6710. Public participation

"(a) HEARINGS.—

"(1) IN GENERAL.—A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

"(2) SENIOR CITIZENS.—A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

"(b) DISCLOSURE OF INFORMATION.—

"(1) IN GENERAL.—By the 10th day before a hearing required under subsection (a)(1) is held, a unit of general local government shall—

"(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

"(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

"(2) AVAILABILITY.—By the 30th day after adoption of the budget under State or local law, the government shall—

"(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

"(B) publish in at least one newspaper of general circulation a notice that the information referred to in subparagraph (A) is available for inspection.

"(c) WAIVERS OF REQUIREMENTS.—A requirement—

"(1) under subsection (a)(1) may be waived if the budget process required under the applicable State or local law or charter provisions—

"(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

"(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

"(2) under subsection (b)(1)(B) and paragraph (2)(B) may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government from amounts available for payment under this chapter, or if publication is otherwise impracticable.

"(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

"§6711. Prohibited discrimination

"(a) GENERAL PROHIBITION.—No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

"(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

"(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

"(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

"(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

"(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

"(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads

of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

"(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

"(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

"§6712. Discrimination proceedings

"(a) NOTICE OF NONCOMPLIANCE.—By the 10th day after the Secretary makes a finding of discrimination or receives a holding of discrimination about a unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

"(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

"(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

"(2) the program or activity of the government violated a prohibition described in section 6711(b); and

"(3) any part of that program or activity has been paid for with a payment received under this chapter.

"(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

"(1) enters into a compliance agreement under section 6714; or

"(2) requests a proceeding under subsection (d)(1).

"(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

"(1) PROCEEDING.—A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

"(2) DECISION.—If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

"(A) not complied with section 6711 (a) or (b), the judge may order payments to the government under this chapter terminated; or

"(B) complied with section 6711 (a) or (b), a suspension under section 6713(a)(1)(A) shall be discontinued promptly.

"(3) LIKELIHOOD OF PREVAILING.—An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

"(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

"§6713. Suspension and termination of payments in discrimination proceedings

"(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—

"(1) IN GENERAL.—The Secretary shall suspend payment under this chapter to a unit of general local government—

"(A) if an administrative law judge appointed under section 3105 of title 5, United States Code, issues a preliminary decision in a proceeding under section 6712(d)(1) that the government is not likely to prevail in showing compliance with section 6711 (a) and (b);

"(B) if the administrative law judge decides at the end of the proceeding that the government has not complied with section 6711 (a) or (b), unless the government makes a compliance agreement under section 6714 by the 30th day after the decision; or

"(C) if required under section 6712(c).

"(2) EFFECTIVENESS.—A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

"(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

"(c) RESUMPTION OF PAYMENTS UPON ATTAINING COMPLIANCE.—The Secretary may resume payment to a unit of general local government of payments suspended by the Secretary only—

"(1) as of the time of, and under the conditions stated in—

"(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

"(B) a compliance agreement entered into by the Secretary under section 6714(a)(2);

"(2) if the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

"(3) if a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6712(d)(1)), that the government has complied with sections 6711 (a) and (b); or

"(4) if a suspension is discontinued under subsection (b).

"(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

"(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY COURT.—The Secretary may resume payment to a unit of general local government of payments terminated under section 6712(d)(2)(A) only if the decision resulting in the termination is reversed by an appellate court.

"§6714. Compliance agreements

"(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

"(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

"(2) between the Secretary and the chief executive officer.

"(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

"(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

"(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

"(3) may be a series of agreements that dispose of those matters.

"(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

"§6715. Enforcement by the Attorney General of prohibitions on discrimination

"The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

"(1) a temporary restraining order;

"(2) an injunction; or

"(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

"§6716. Civil action by a person adversely affected

"(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

"(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE EXHAUSTED.—A person adversely affected shall file an administrative complaint with the Secretary or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6711(d). Administrative remedies are deemed to be exhausted by the person after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—

"(1) issues a decision that the government has not failed to comply with this chapter; or

"(2) does not issue a decision on the complaint.

"(c) AUTHORITY OF COURT.—In an action under this section, the court—

"(1) may grant—

"(A) a temporary restraining order;

"(B) an injunction; or

"(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

"(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

"(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

"§6717. Judicial review

"(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(f), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

"(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

"(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

"(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

"§6718. Investigations and reviews

"(a) INVESTIGATIONS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall within a reasonable time limit—

"(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

"(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

"(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

"(2) TIME LIMIT.—The maximum time limit under paragraph (1)(A) is 120 days.

"(b) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter. These reviews shall include a comparison of the waste and inefficiency of local governments using funds under this chapter compared to waste and inefficiency with other comparable Federal programs.

"§6719. Reports

"(a) REPORTS BY SECRETARY TO CONGRESS.—Before June 2 of each year prior to 2002, the Secretary personally shall report to the Congress on—

"(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

"(2) the administration of this chapter, including a complete and detailed analysis of—

"(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of noncompliance and the status of pending complaints;

"(B) the extent to which units of general local government receiving payments under this chapter have complied with the requirements of this chapter;

"(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

"(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

"(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY.—

"(1) IN GENERAL.—At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

"(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated in the fiscal year;

"(B) the relationship of the payment to the relevant functional items in the budget of the government; and

"(C) the differences between the actual and proposed use of the payment.

"(2) AVAILABILITY OF REPORT.—The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

"§6720. Definitions, application, and administration

"(a) DEFINITIONS.—In this chapter—

"(1) 'unit of general local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

"(2) 'payment period' means each 1-year period beginning on October 1 of the years 1994 through 2000;

"(3) 'State and local taxes' means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

"(4) 'State' means any of the several States and the District of Columbia;

"(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes, which for units of general local government is reported by the Bureau of the Census for 1990 in the publication Summary Social, Economic, and Housing Characteristics;

"(6) 'per capita income' means—

"(A) in the case of the United States, the income of the United States divided by the population of the United States;

"(B) in the case of a State, the income of that State, divided by the population of that State; and

"(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

"(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

"(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

"(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

"(B) violated a prohibition against discrimination described in section 6711(b); and

"(9) 'Secretary' means the Secretary of Housing and Urban Development.

"(b) DELEGATION OF ADMINISTRATION.—The Secretary may enter into agreements with other executive branch departments and agencies to delegate to that department or agency all or part of the Secretary's responsibility for administering this chapter.

"(c) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

"(d) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.".

(b) ISSUANCE OF REGULATIONS.—Within 90 days of the date of enactment of this Act the Secretary shall issue regulations, which may be interim regulations, to implement subsection (a), modifying the regulations for carrying into effect the Revenue Sharing Act that were in effect as of July 1, 1987, and that were published in 31 C.F.R. part 51. The Secretary need not hold a public hearing before issuing these regulations.

(c) DEFICIT NEUTRALITY.—Any appropriation to carry out the amendment made by this subtitle to title 31, United States Code, for fiscal year 1995 or 1996 shall be offset by cuts elsewhere in appropriations for that fiscal year.

SEC. 31002. TECHNICAL AMENDMENT.

The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by adding after the item relating to chapter 65 the following:

"67. Federal payments .... 6701".

Subtitle K—National Community Economic Partnership

SEC. 31101. SHORT TITLE.

This subtitle may be cited as the "National Community Economic Partnership Act of 1994".

CHAPTER 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS

SEC. 31111. PURPOSE.

It is the purpose of this chapter to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

SEC. 31112. PROVISION OF ASSISTANCE.

(a) AUTHORITY.—The Secretary of Health and Human Services (referred to in this subtitle as the "Secretary") may, in accordance with this chapter, provide nonrefundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income, unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas.

(b) REVOLVING LOAN FUNDS.—

(1) COMPETITIVE ASSESSMENT OF APPLICATIONS.—In providing assistance under subsection (a), the Secretary shall establish and implement a competitive process for the solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a line of credit under this chapter an applicant shall—

(A) be a community development corporation;

(B) prepare and submit an application to the Secretary that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income, underemployed, and unemployed individuals in the target area;

(C) demonstrate previous experience in the development of low-income housing or community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

(3) EXCEPTION.—Notwithstanding the provisions of paragraph (2)(D), the Secretary may reduce local contributions to not less than 25 percent of the amount of the line of credit requested by the community development corporation if the Secretary determines such to be appropriate in accordance with section 31116.

SEC. 31113. APPROVAL OF APPLICATIONS.

(a) IN GENERAL.—In evaluating applications submitted under section 31112(b)(2)(B), the Secretary shall ensure that—

(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Secretary);

(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

(B) local and regional job training programs;

(4) the applicant community development corporation will target job opportunities that arise from revolving loan fund investments under this chapter so that 75 percent of the jobs retained or created under such investments are provided to—

(A) individuals with—

(i) incomes that do not exceed the Federal poverty line; or

(ii) incomes that do not exceed 80 percent of the median income of the area;

(B) individuals who are unemployed or underemployed;

(C) individuals who are participating or have participated in job training programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Family Support Act of 1988 (Public Law 100–485);

(D) individuals whose jobs may be retained as a result of the provision of financing available under this chapter; or

(E) individuals who have historically been underrepresented in the local economy; and

(5) a representative cross section of applicants are approved, including large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

(b) PRIORITY.—In determining which application to approve under this chapter the Secretary shall give priority to those applicants proposing to serve a target area—

(1) with a median income that does not exceed 80 percent of the median for the area (as determined by the Secretary); and

(2) with a high rate of unemployment, as determined by the Secretary or in which the population loss is at least 7 percent from April 1, 1980, to April 1, 1990, as reported by the Bureau of the Census.

SEC. 31114. AVAILABILITY OF LINES OF CREDIT AND USE.

(a) APPROVAL OF APPLICATION.—The Secretary shall provide a community development corporation that has an application approved under section 31113 with a line of credit in an amount determined appropriate by the Secretary, subject to the limitations contained in subsection (b).

(b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide in excess of $2,000,000 in lines of credit under this chapter to a single applicant.

(2) PERIOD OF AVAILABILITY.—A line of credit provided under this chapter shall remain available over a period of time established by the Secretary, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), if a recipient of a line of credit under this chapter has made full and productive use of such line of credit, can demonstrate the need and demand for additional assistance, and can meet the requirements of section 31112(b)(2), the amount of such line of credit may be increased by not more than $1,500,000.

(c) AMOUNTS DRAWN FROM LINE OF CREDIT.—Amounts drawn from each line of credit under this chapter shall be used solely for the purposes described in section 31111 and shall only be drawn down as needed to provide loans, investments, or to defray administrative costs related to the establishment of a revolving loan fund.

(d) USE OF REVOLVING LOAN FUNDS.—Revolving loan funds established with lines of credit provided under this chapter may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 31113(a)(4).

SEC. 31115. LIMITATIONS ON USE OF FUNDS.

(a) MATCHING REQUIREMENT.—Not to exceed 50 percent of the total amount to be invested by an entity under this chapter may be derived from funds made available from a line of credit under this chapter.

(b) TECHNICAL ASSISTANCE AND ADMINISTRATION.—Not to exceed 10 percent of the amounts available from a line of credit under this chapter shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Secretary to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Secretary shall assist in the identification and facilitation of such technical assistance.

(c) LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—To receive funds available under a line of credit provided under this chapter, an entity, using procedures established by the Secretary, shall demonstrate to the community development corporation that such entity agrees to provide local and private sector contributions in accordance with section 31112(b)(2)(D), will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made using funds made available under this chapter may be used only for the purposes described in section 31111 and shall be reinvested in the community in which they were generated.

SEC. 31116. PROGRAM PRIORITY FOR SPECIAL EMPHASIS PROGRAMS.

(a) IN GENERAL.—The Secretary shall give priority in providing lines of credit under this chapter to community development corporations that propose to undertake economic development activities in distressed communities that target women, Native Americans, at risk youth, farmworkers, population-losing communities, very low-income communities, single mothers, veterans, and refugees; or that expand employee ownership of private enterprises and small businesses, and to programs providing loans of not more than $35,000 to very small business enterprises.

(b) RESERVATION OF FUNDS.—Not less than 5 percent of the amounts made available under section 31112(a)(2)(A) may be reserved to carry out the activities described in subsection (a).

CHAPTER 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS

SEC. 31121. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

(a) PURPOSE.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

(b) SKILL ENHANCEMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or

(B) to acquire such assistance from other highly successful community development corporations.

(c) OPERATING GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

(2) USE OF FUNDS.—A recipient of a grant under paragraph (1) may use amounts received under such grant—

(A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under subtitle A;

(B) to develop a business plan related to such a potential project; or

(C) to mobilize resources to be contributed to a planned low-income community economic development project or strategy.

(d) APPLICATIONS.—A community development corporation that desires to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) AMOUNT AVAILABLE FOR A COMMUNITY DEVELOPMENT CORPORATION.—Amounts provided under this section to a community development corporation shall not exceed $75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corporation desires to receive and compete on the basis of such applications in the selection process.

SEC. 31122. EMERGING COMMUNITY DEVELOPMENT CORPORATION REVOLVING LOAN FUNDS.

(a) AUTHORITY.—The Secretary may award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a community development corporation;

(2) have completed not less than one nor more than two community economic development projects or related projects that improve or provide job and employment opportunities to low-income individuals;

(3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals; and

(4) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit, or letters of commitment) in an amount that is equal to at least 10 percent of the amounts requested in the application submitted under paragraph (2).

(c) USE OF THE REVOLVING LOAN FUND.—

(1) IN GENERAL.—A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

(A) finance projects intended to provide business and employment opportunities for low-income individuals and to improve the quality of life in urban and rural areas; and

(B) build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

(2) TECHNICAL ASSISTANCE.—The Secretary shall encourage emerging community development corporations that receive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

(3) LIMITATION.—Not to exceed 10 percent of the amounts received under this section by a grantee shall be used for training, technical assistance and administrative purposes.

(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this subtitle and shall be reinvested in the community in which they were generated.

(e) AMOUNTS AVAILABLE.—Amounts provided under this section to a community development corporation shall not exceed $500,000 per year.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 31131. DEFINITIONS.

As used in this subtitle:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term "community development corporation" means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

(2) LOCAL AND PRIVATE SECTOR CONTRIBUTION.—The term "local and private sector contribution" means the funds available at the local level (by private financial institutions, State and local governments) or by any private philanthropic organization and private, nonprofit organizations that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this subtitle.

(3) POPULATION-LOSING COMMUNITY.—The term "population-losing community" means any county in which the net population loss is at least 7 percent from April 1, 1980 to April 1, 1990, as reported by the Bureau of the Census.

(4) PRIVATE BUSINESS ENTERPRISE.—The term "private business enterprise" means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this subtitle to certain individuals.

(5) TARGET AREA.—The term "target area" means any area defined in an application for assistance under this subtitle that has a population whose income does not exceed the median for the area within which the target area is located.

(6) VERY LOW-INCOME COMMUNITY.—The term "very low-income community" means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.

SEC. 31132. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out chapters 1 and 2—

(1) $45,000,000 for fiscal year 1996;

(2) $72,000,000 for fiscal year 1997;

(3) $76,500,000 for fiscal year 1998; and

(4) $76,500,000 for fiscal year 1999.

(b) EARMARKS.—Of the aggregate amount appropriated under subsection (a) for each fiscal year—

(1) 60 percent shall be available to carry out chapter 1; and

(2) 40 percent shall be available to carry out chapter 2.

(c) AMOUNTS.—Amounts appropriated under subsection (a) shall remain available for expenditure without fiscal year limitation.

SEC. 31133. PROHIBITION.

None of the funds authorized under this subtitle shall be used to finance the construction of housing.

Subtitle O—Urban Recreation and At-Risk Youth

SEC. 31501. PURPOSE OF ASSISTANCE.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end: "It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.".

SEC. 31502. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k), respectively:

"(d) 'at-risk youth recreation grants' means—

"(1) rehabilitation grants,

"(2) innovation grants, or

"(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;".

SEC. 31503. CRITERIA FOR SELECTION.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end:

"(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

"(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

"(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

"(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

"(D) Programs which offer services during late night or other nonschool hours.

"(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

"(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

"(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.".

SEC. 31504. PARK AND RECREATION ACTION RECOVERY PROGRAMS.

Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end: "In order to be eligible to receive 'at-risk youth recreation grants' a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.".

SEC. 31505. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) PROGRAM SUPPORT.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "(a)IN GENERAL.—" after "1013" and by adding the following new subsection at the end:

"(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.".

(b) EXTENSION.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "for a period of five years" and by striking "short-term".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

(1) $2,700,000 for fiscal year 1996;
(2) $450,000 for fiscal year 1997;
(3) $450,000 for fiscal year 1998;
(4) $450,000 for fiscal year 1999; and
(5) $450,000 for fiscal year 2000.

Subtitle Q—Community-Based Justice Grants for Prosecutors

SEC. 31701. GRANT AUTHORIZATION.

(a) IN GENERAL.—The Attorney General may make grants to State, Indian tribal, or local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

(b) CONSULTATION.—The Attorney General may consult with the Ounce of Prevention Council in making grants under subsection (a).

SEC. 31702. USE OF FUNDS.

Grants made by the Attorney General under this section shall be used—

(1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses;

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counselling, educational, and recreational programs that create alternatives to criminal activity; and

(4) in rural States (as defined in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)), to fund cooperative efforts between State and local prosecutors, victim advocacy and assistance groups, social and community service providers, and law enforcement agencies to investigate and prosecute child abuse cases, treat youthful victims of child abuse, and work in cooperation with the community to develop education and prevention strategies directed toward the issues with which such entities are concerned.

SEC. 31703. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this part for any fiscal year, a State, Indian tribal, or local prosecutor, in conjunction with the chief executive officer of the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each applicant shall include—

(1) a request for funds for the purposes described in section 31702;

(2) a description of the communities to be served by the grant, including the nature of the youth crime, youth violence, and child abuse problems within such communities;

(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

(c) COMPREHENSIVE PLAN.—Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violence or child abuse crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 31702;

(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources; and

(4) a description of how the requested grant will be used to fill gaps.

SEC. 31704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

(a) ADMINISTRATIVE COST LIMITATION.—The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 31703.

SEC. 31705. AWARD OF GRANTS.

The Attorney General shall consider the following facts in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 31703.

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

SEC. 31706. REPORTS.

(a) REPORT TO ATTORNEY GENERAL.—State and local prosecutors that receive funds under this subtitle shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 31703(c).

(b) REPORT TO CONGRESS.—The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this subtitle which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this subtitle.

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $7,000,000 for fiscal year 1996;
(2) $10,000,000 for fiscal year 1997;
(3) $10,000,000 for fiscal year 1998;
(4) $11,000,000 for fiscal year 1999; and
(5) $12,000,000 for fiscal year 2000.

SEC. 31708. DEFINITIONS.

In this subtitle—

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

"Young violent offenders" means individuals, ages 7 through 22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

Subtitle S—Family Unity Demonstration Project

SEC. 31901. SHORT TITLE.

This subtitle may be cited as the "Family Unity Demonstration Project Act".

SEC. 31902. PURPOSE.

The purpose of this subtitle is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

SEC. 31903. DEFINITIONS.

In this subtitle—

"child" means a person who is less than 7 years of age.

"community correctional facility" means a residential facility that—

(A) is used only for eligible offenders and their children under 7 years of age;

(B) is not within the confines of a jail or prison;

(C) houses no more than 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable, environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

"eligible offender" means a primary caretaker parent who—

(A) has been sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment; and

(B) has not engaged in conduct that—

(i) knowingly resulted in death or serious bodily injury;

(ii) is a felony for a crime of violence against a person; or

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

"primary caretaker parent" means—

(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

(B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child,

a parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 31904. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

(1) $3,600,000 for fiscal year 1996;

(2) $3,600,000 for fiscal year 1997;

(3) $3,600,000 for fiscal year 1998;

(4) $3,600,000 for fiscal year 1999; and

(5) $5,400,000 for fiscal year 2000.

(b) AVAILABILITY OF APPROPRIATIONS.—Of the amount appropriated under subsection (a) for any fiscal year—

(1) 90 percent shall be available to carry out chapter 1; and

(2) 10 percent shall be available to carry out chapter 2.

CHAPTER 1—GRANTS TO STATES

SEC. 31911. AUTHORITY TO MAKE GRANTS.

(a) GENERAL AUTHORITY.—The Attorney General may make grants, on a competitive basis, to States to carry out in accordance with this subtitle family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) PREFERENCES.—For the purpose of making grants under subsection (a), the Attorney General shall give preference to a State that includes in the application required by section 31912 assurances that if the State receives a grant—

(1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

(2) boards made up of community members, including residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

(3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

(4) unless the Attorney General determines that a longer timeline is appropriate in a particular case, the State will implement the project not later than 180 days after receiving a grant under subsection (a) and will expend all of the grant during a 1-year period;

(5) the State has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

(6) unless the Attorney General determines that a different process for selecting participants in a project is desirable, the State will—

(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

(C) review applications by prisoners in the sequence in which the State receives such applications; and

(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

(7) for the purposes of selecting eligible offenders to participate in such project, the State has authorized State courts to sentence an eligible offender directly to a community correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) SELECTION OF GRANTEES.—The Attorney General shall make grants under subsection (a) on a competitive basis, based on such criteria as the Attorney General shall issue by rule and taking into account the preferences described in subsection (b).

SEC. 31912. ELIGIBILITY TO RECEIVE GRANTS.

To be eligible to receive a grant under section 31911, a State shall submit to the Attorney General an application at such time, in such form, and containing such information as the Attorney General reasonably may require by rule.

SEC. 31913. REPORT.

(a) IN GENERAL.—A State that receives a grant under this title shall, not later than 90 days after the 1-year period in which the grant is required to be expended, submit a report to the Attorney General regarding the family unity demonstration project for which the grant was expended.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 31902.

CHAPTER 2—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

SEC. 31921. AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—With the funds available to carry out this subtitle for the benefit of Federal prisoners, the Attorney General, acting through the Director of the Bureau of Prisons, shall select eligible prisoners to live in community correctional facilities with their children.

(b) GENERAL CONTRACTING AUTHORITY.—In implementing this title, the Attorney General may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this title.

(c) USE OF STATE FACILITIES.—At the discretion of the Attorney General, Federal participants may be placed in State projects as defined in chapter 1. For such participants, the Attorney General shall, with funds available under section 31904(b)(2), reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

SEC. 31922. REQUIREMENTS.

For the purpose of placing Federal participants in a family unity demonstration project under section 31921, the Attorney General shall consult with the Secretary of Health and Human Services regarding the development and operation of the project.

Subtitle T—Substance Abuse Treatment in Federal Prisons

SEC. 32001. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.

Section 3621 of title 18, United States Code, is amended—

(1) in the last sentence of subsection (b), by striking ", to the extent practicable,"; and

(2) by adding at the end the following new subsection:

"(e) SUBSTANCE ABUSE TREATMENT.—

"(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment (and make arrangements for appropriate aftercare)—

"(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

"(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

"(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

"(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau under such conditions as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

"(B) PERIOD OF CUSTODY.—The period a prisoner convicted of a nonviolent offense remains *in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.*

"(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

"(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

"(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

"(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

"(A) $13,500,000 for fiscal year 1996;

"(B) $18,900,000 for fiscal year 1997;

"(C) $25,200,000 for fiscal year 1998;

"(D) $27,000,000 for fiscal year 1999; and

"(E) $27,900,000 for fiscal year 2000.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'residential substance abuse treatment' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(i) directed at the substance abuse problems of the prisoner; and

"(ii) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems;

"(B) the term 'eligible prisoner' means a prisoner who is—

"(i) determined by the Bureau of Prisons to have a substance abuse problem; and

"(ii) willing to participate in a residential substance abuse treatment program; and

"(C) the term 'aftercare' means placement, case management and monitoring of the participant in a community-based substance abuse treatment program when the participant leaves the custody of the Bureau of Prisons.

"(6) COORDINATION OF FEDERAL ASSISTANCE.—The Bureau of Prisons shall consult with the Department of Health and Human Services concerning substance abuse treatment and related services and the incorporation of applicable components of existing comprehensive approaches including relapse prevention and aftercare services.".

Subtitle U—Residential Substance Abuse Treatment for State Prisoners

SEC. 32101. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 20201(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as section 2001; and

(3) by inserting after part R the following new part:

"PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"SEC. 1901. GRANT AUTHORIZATION.

"(a) The Attorney General may make grants under this part to States, for use by States and units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

"(b) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and after care services.

"SEC. 1902. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

"(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

"(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

"(d) COORDINATION OF FEDERAL ASSISTANCE.—Each application submitted for a grant under this section shall include a description of how the funds made available under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

"(e) STATE OFFICE.—The Office designated under section 507—

"(1) shall prepare the application as required under this section; and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1903. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Attorney General shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1905. EVALUATION.

"Each State that receives a grant under this part shall submit to the Attorney General an evaluation not later than March 1 of each year in such form and containing such information as the Attorney General may reasonably require.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 20201(b), is amended by inserting after the matter relating to part R the following new part:

"PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"Sec. 1901. Grant authorization.
"Sec. 1902. State applications.
"Sec. 1903. Review of State applications.
"Sec. 1904. Allocation and distribution of funds.
"Sec. 1905. Evaluation.

"PART T—TRANSITION-EFFECTIVE DATE-REPEALER

"Sec. 2001. Confirmation of rules, authorities, and proceedings.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 20201(c), is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 20201(d), is amended—

(1) in paragraph (3) by striking "and R" and inserting "R, or S"; and

(2) by adding at the end the following new paragraph:

"(17) There are authorized to be appropriated to carry out the projects under part S—

"(A) $27,000,000 for fiscal year 1996;

"(B) $36,000,000 for fiscal year 1997;

"(C) $63,000,000 for fiscal year 1998;

"(D) $72,000,000 for fiscal year 1999; and

"(E) $72,000,000 for fiscal year 2000.".

Subtitle V—Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions

SEC. 32201. PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS.

(a) Guidelines.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Corrections, shall develop and disseminate to appropriate entities, including State, Indian tribal, and local correctional institutions and the Immigration and Naturalization Service, guidelines for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions and persons held in holding facilities operated by or under contract with the Immigration and Naturalization Service.

(b) Compliance.—The Attorney General shall ensure that prisons in the Federal prison system and holding facilities operated by or under contract with the Immigration and Naturalization Service comply with the guidelines described in subsection (a).

(c) Grants.—

(1) In general.—The Attorney General shall make grants to State, Indian tribal, and local correction authorities and public health authorities to assist in establishing and operating programs for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions.

(2) Federal share.—The Federal share of funding of a program funded with a grant under paragraph (1) shall not exceed 50 percent.

(3) Authorization of appropriations.—There are authorized to be appropriated to carry out this section—

(A) $700,000 for fiscal year 1996;

(B) $1,000,000 for fiscal year 1997;

(C) $1,000,000 for fiscal year 1998;

(D) $1,100,000 for fiscal year 1999; and

(E) $1,200,000 for fiscal year 2000.

(d) Definitions.—In this section—

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

Subtitle X—Gang Resistance Education and Training

SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS.

(a) Establishment of Projects.—

(1) In general.—The Secretary of the Treasury shall establish not less than 50 Gang Resistance Education and Training (GREAT) projects, to be located in communities across the country, in addition to the number of projects currently funded.

(2) Selection of communities.—Communities identified for such GREAT projects shall be selected by the Secretary of the Treasury on the basis of gang-related activity in that particular community.

(3) Amount of assistance per project; allocation.—The Secretary of the Treasury shall make available not less than $800,000 per project, subject to the availability of appropriations, and such funds shall be allocated—

(A) 50 percent to the affected State and local law enforcement and prevention organizations participating in such projects; and

(B) 50 percent to the Bureau of Alcohol, Tobacco and Firearms for salaries, expenses, and associated administrative costs for operating and overseeing such projects.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $9,000,000 for fiscal year 1995;

(2) $7,200,000 for fiscal year 1996;

(3) $7,200,000 for fiscal year 1997;

(4) $7,200,000 for fiscal year 1998;

(5) $7,200,000 for fiscal year 1999; and

(6) $7,200,000 for fiscal year 2000.

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A—Safe Streets for Women

SEC. 40101. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

SEC. 40111. REPEAT OFFENDERS.

(a) In General.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) Amendment of Sentencing Guidelines.—The Sentencing Commission shall implement the amendment made by subsection (a) by promulgating amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) Chapter Analysis.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders.".

SEC. 40112. FEDERAL PENALTIES.

(a) Amendment of Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and promulgate amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing—

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the rape victim is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

SEC. 40113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) Sexual Abuse.—

(1) In general.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§2248. Mandatory restitution

"(a) In General.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) Scope and Nature of Order.—

"(1) Directions.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) Enforcement by victim.—An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) Definition.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) PROOF OF CLAIM.—

"(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2248. Mandatory restitution.".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§2259. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) DIRECTIONS.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) ENFORCEMENT BY VICTIM.—An order of restitution may also be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) DEFINITION.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, as well as other costs incurred; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the

offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) PROOF OF CLAIM.—

"(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Mandatory restitution.".

SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)—

(1) $500,000 for fiscal year 1996;

(2) $500,000 for fiscal year 1997; and

(3) $500,000 for fiscal year 1998.

CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

SEC. 40121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

"(6) developing, enlarging, or strengthening programs addressing stalking; and

"(7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

"SEC. 2002. STATE GRANTS.

"(a) GENERAL GRANTS.—The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

"(b) AMOUNTS.—Of the amounts appropriated for the purposes of this part—

"(1) 4 percent shall be available for grants to Indian tribal governments;

"(2) $500,000 shall be available for grants to applicants in each State; and

"(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used for any of the purposes described in section 2001(b);

"(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and

"(4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). An application shall include—

"(1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2005; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2006.

"(e) DISBURSEMENT.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Attorney General shall—

"(A) disburse the appropriate sums provided for under this part; or

"(B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

"(2) REGULATIONS.—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

"(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

"(D) recognize and address the needs of underserved populations.

"(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

"(g) INDIAN TRIBES.—Funds appropriated by tne Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

"(h) GRANTEE REPORTING.—

"(1) IN GENERAL.—Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

"(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

"(A) an applicant fails to submit an annual performance report;

"(B) funds are expended for purposes other than those described in this part; or

"(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

"SEC. 2003. DEFINITIONS.

"In this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

"(2) the term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code;

"(3) the term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(4) the term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(5) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs);

"(6) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim;

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

"(8) the term 'victim services' means a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

"SEC. 2004. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

"(b) REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

"(1) the number of grants made and funds distributed under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) an evaluation of the effectiveness of programs funded under this part.

"(c) REGULATIONS OR GUIDELINES.—Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

"SEC. 2005. RAPE EXAM PAYMENTS.

"(a) RESTRICTION OF FUNDS.—

"(1) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

"(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

"(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

"(1) provides such exams to victims free of charge to the victim;

"(2) arranges for victims to obtain such exams free of charge to the victims; or

"(3) reimburses victims for the cost of such exams if—

"(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

"(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

"(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

"(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

"SEC. 2006. FILING COSTS FOR CRIMINAL CHARGES.

"(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the *costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or*

"(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(b) Redistribution.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(b), is amended by striking the matter relating to part T and inserting the following:

"Part T—Grants To Combat Violent Crimes Against Women

"Sec. 2001. Purpose of the program and grants.
"Sec. 2002. State grants.
"Sec. 2003. General definitions.
"Sec. 2004. General terms and conditions.
"Sec. 2005. Rape exam payments.
"Sec. 2006. Filing costs for criminal charges.

"Part U—Transition—Effective Date—Repealer

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 32101(d), is amended—

(1) in paragraph (3) by striking "and S" and inserting "S, and T"; and

(2) by adding at the end the following new paragraph:

"(18) There are authorized to be appropriated to carry out part T—

"(A) $26,000,000 for fiscal year 1995;
"(B) $130,000,000 for fiscal year 1996;
"(C) $145,000,000 for fiscal year 1997;
"(D) $160,000,000 for fiscal year 1998;
"(E) $165,000,000 for fiscal year 1999; and
"(F) $174,000,000 for fiscal year 2000.".

CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

(a) General Purpose.—There is authorized to be appropriated not to exceed $10,000,000, for the Secretary of Transportation (referred to in this section as the "Secretary") to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) Grants for Lighting, Camera Surveillance, and Security Phones.—

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

(c) Reporting.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) Increased Federal Share.—Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) Special Grants for Projects To Study Increasing Security for Women.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) General Requirements.—All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49, United States Code.

SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91–383 (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) Availability of Funds.—There are authorized to be appropriated out of the Violent Crime Reduction Trust Fund, not to exceed $10,000,000 for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

"(b) Recommendations for Improvement.—The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) Distribution of Funds.—Based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute the funds authorized by subsection (a) throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Use of Funds.—Funds provided under this section may be used—

"(1) to increase lighting within or adjacent to National Park System units;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units; .

"(3) to increase security or law enforcement personnel within or adjacent to National Park System units; or

"(4) for any other project intended to increase the security and safety of National Park System units.".

SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended by adding at the end the following new subsection:

"(h) Capital Improvement and Other Projects to Reduce Crime.—

"(1) Availability of funds.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) Eligibility.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Federal share.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State.".

CHAPTER 4—NEW EVIDENTIARY RULES

SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL CASES.

(a) Modification of Proposed Amendment.—The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

(b) Rule.—Rule 412 of the Federal Rules of Evidence is amended to read as follows:

"Rule 412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition

"(a) Evidence Generally Inadmissible.—The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

"(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

"(2) Evidence offered to prove any alleged victim's sexual predisposition.

"(b) Exceptions.—

"(1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

"(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

"(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

"(C) evidence the exclusion of which would violate the constitutional rights of the defendant.

"(2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

"(c) PROCEDURE TO DETERMINE ADMISSIBILITY.—

"(1) A party intending to offer evidence under subdivision (b) must—

"(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

"(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

"(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.".

(c) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by amending the item relating to rule 412 to read as follows:

"412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition:

"(a) Evidence generally inadmissible.

"(b) Exceptions.

"(c) Procedure to determine admissibility.".

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

"SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $35,000,000 for fiscal year 1996;

"(2) $35,000,000 for fiscal year 1997;

"(3) $45,000,000 for fiscal year 1998;

"(4) $45,000,000 for fiscal year 1999; and

"(5) $45,000,000 for fiscal year 2000.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909.".

SEC. 40152. TRAINING PROGRAMS.

(a) IN GENERAL.—The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) are available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 1996; and

(2) $1,000,000 for fiscal year 1997.

SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT OR DOMESTIC VIOLENCE VICTIMS AND THEIR COUNSELORS.

(a) STUDY AND DEVELOPMENT OF MODEL LEGISLATION.—The Attorney General shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress—

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) REVIEW OF FEDERAL EVIDENTIARY RULES.—The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

SEC. 40154. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18, United States Code, or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) by inserting after section 315 the following new section:

"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

"SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $7,000,000 for fiscal year 1996;

"(2) $8,000,000 for fiscal year 1997; and

"(3) $15,000,000 for fiscal year 1998.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".

SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—

(1) REAUTHORIZATION.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) $6,000,000 for fiscal year 1996;

"(2) $6,000,000 for fiscal year 1997;

"(3) $7,000,000 for fiscal year 1998;

"(4) $9,000,000 for fiscal year 1999; and

"(5) $10,000,000 for fiscal year 2000.".

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) $750,000 for fiscal year 1996;

"(2) $1,000,000 for fiscal year 1997;

"(3) $2,000,000 for fiscal year 1998;

"(4) $2,000,000 for fiscal year 1999; and

"(5) $2,300,000 for fiscal year 2000.".

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR TELEVISED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

"(A) $250,000 for fiscal year 1996;

"(B) $1,000,000 for fiscal year 1997;

"(C) $1,000,000 for fiscal year 1998;

"(D) $1,000,000 for fiscal year 1999; and

"(E) $1,000,000 for fiscal year 2000.";

(2) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(3) in section 1403 (42 U.S.C. 3796aa-2)—

(A) by inserting "or unit of local government" after "of a State";

(B) by inserting "and" after paragraph (1);

(C) in paragraph (2) by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (3) and (4);

(4) in section 1404 (42 U.S.C. 3796aa-3)—

(A) in subsection (a)—

(i) by striking "The Bureau" and all that follows through "determining that" and inserting "An applicant is eligible to receive a grant under this part if—";

(ii) in paragraph (1) by striking "there is in effect in such State" and inserting "the applicant certifies and the Director determines that there is in effect in the State";

(iii) in paragraph (2) by striking "such State law shall meet" and inserting "the applicant certifies and the Director determines that State law meets";

(iv) by inserting "and" after subparagraph (E);

(v) in paragraph (3)—

(I) by inserting "the Director determines that" before "the application"; and

(II) by striking "; and" and inserting a period;

(vi) by striking paragraph (4);

(vii) by striking "Each application" and inserting the following:

"(b) Each application"; and

(viii) by striking "the Bureau" each place it appears and inserting "the Director"; and

(B) by redesignating subsection (b) as subsection (c) and by striking "The Bureau" and inserting "The Director";

(5) by striking section 1405 (42 U.S.C. 3796aa-4);

(6) in section 1406 (42 U.S.C. 3796aa-5)—

(A) in subsection (a)—

(i) by striking "State which" and inserting "State or unit of local government that";

(ii) by striking "title" and inserting "part"; and

(iii) in paragraph (1) by striking "State"; and

(B) in subsection (b)(1) by striking "such State" and inserting "the State and units of local government in the State";

(7) in section 1407 (42 U.S.C. 3796aa-6)—

(A) in subsection (c)—

(i) by striking "Each State" and all that follows through "effective audit" and inserting "Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit."; and

(ii) in paragraph (2) by striking "States which receive grants, and of units of local government which receive any part of a grant made under this part" and inserting "grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)"; and

(B) by adding at the end the following new subsection:

"(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.";

(8) by striking section 1408 (42 U.S.C. 3796aa-7); and

(9) in the table of contents—

(A) in the item relating to section 1405 by striking "Allocation and distribution of funds under formula grants" and inserting "(Repealed)"; and

(B) in the item relating to section 1408 by striking "State office" and inserting "(Repealed)".

Subtitle B—Safe Homes for Women

SEC. 40201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1994".

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

SEC. 40211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

"(a) IN GENERAL.—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) DURATION.—A grant under this section may extend over a period of not more than 5 years.

"(c) ANNUAL APPROVAL.—The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

"(d) ACTIVITIES.—Funds received by an entity under this section shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a private, nonprofit entity shall—

"(1) contract with a carrier for the use of a toll-free telephone line;

"(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

"(4) publicize the hotline to potential users throughout the United States.

"(e) APPLICATION.—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) contain such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database;

"(D) a plan for publicizing the availability of the hotline;

"(E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

"(F) a plan for facilitating access to the hotline by persons with hearing impairments;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

"(4) demonstrates that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

"(5) contain such other information as the Secretary may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $1,000,000 for fiscal year 1995;

"(B) $400,000 for fiscal year 1996;

"(C) $400,000 for fiscal year 1997;

"(D) $400,000 for fiscal year 1998;

"(E) $400,000 for fiscal year 1999; and

"(F) $400,000 for fiscal year 2000.

"(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.".

CHAPTER 2—INTERSTATE ENFORCEMENT

SEC. 40221. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.
"Sec. 2262. Interstate violation of protection order.
"Sec. 2263. Pretrial release of defendant.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions.

"§2261. Interstate domestic violence

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to

such spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner, shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case,

or both fined and imprisoned.

"§2262. Interstate violation of protection order

"(a) OFFENSES.—

"(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

"(ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued; and

"(B) subsequently engages in such conduct,

shall be punished as provided in subsection (b).

"(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

"(1) for life or any term of years, if death of the offender's spouse or intimate partner results;

"(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

"(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case,

or both fined and imprisoned.

"§2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§2264. Restitution

"(a) IN GENERAL.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) DIRECTIONS.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) ENFORCEMENT BY VICTIM.—An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"(3) DEFINITION.—For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of the affidavit.

"(d) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (a) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(e) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(f) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable 10 days before sentencing as provided in subsection (c), the United States Attorney (or the United States

Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(g) RESTITUTION IN ADDITION TO PUNISHMENT.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

"§2266. Definitions

"In this chapter—

"'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"'Indian country' has the meaning stated in section 1151.

"'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

"'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides.

"'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

"'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Domestic violence .... 2261.".

CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

SEC. 40231. ENCOURAGING ARREST POLICIES.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

"PART U—GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 2101. GRANTS.

"(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

"(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

"(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

"(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

"(5) To strengthen legal advocacy service programs for victims of domestic violence.

"(6) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(c) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments, or units of local government that—

"(1) certify that their laws or official policies—

"(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

"(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

"(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

"(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

"(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

"SEC. 2102. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

"(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

"(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

"(B) 2 years of the date of enactment of this part;

"(2) describes plans to further the purposes stated in section 2101(a);

"(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to applicants that—

"(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

"(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 2103. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Attorney General may prescribe.

"SEC. 2104. REGULATIONS OR GUIDELINES.

"Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

"SEC. 2105. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et

seq.), as amended by section 40121(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 2101. Grants.
"Sec. 2102. Applications.
"Sec. 2103. Reports.
"Sec. 2104. Regulations or guidelines.
"Sec. 2105. Definitions.

"PART V—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40121(c), is amended—

(1) in paragraph (3) by striking "and T" and inserting "T, and U"; and

(2) by adding at the end the following new paragraph:

"(19) There are authorized to be appropriated to carry out part U—

"(A) $28,000,000 for fiscal year 1996;

"(B) $33,000,000 for fiscal year 1997; and

"(C) $59,000,000 for fiscal year 1998.

(d) ADMINISTRATIVE PROVISIONS.—

(1) REGULATIONS.—Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)), is amended by striking "and O" and inserting "O, and U".

(2) DENIAL OF APPLICATION.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended in the first sentence by striking "or O" and inserting "O, or U".

CHAPTER 4—SHELTER GRANTS

SEC. 40241. GRANTS FOR BATTERED WOMEN'S SHELTERS.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) $50,000,000 for fiscal year 1996;

"(2) $60,000,000 for fiscal year 1997;

"(3) $70,000,000 for fiscal year 1998;

"(4) $72,500,000 for fiscal year 1999; and

"(5) $72,500,000 for fiscal year 2000.".

CHAPTER 5—YOUTH EDUCATION

SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40211, is amended by adding at the end the following new section:

"SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

$400,000 for fiscal year 1996.

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40251, is amended by adding at the end the following new section:

"SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) shall include representatives of pertinent sectors of the local community, which may include—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $4,000,000 for fiscal year 1996; and

"(2) $6,000,000 for fiscal year 1997.

"(i) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of enactment, the Secretary shall publish final regulations implementing this section.".

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

SEC. 40271. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.".

SEC. 40272. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups,".

(b) SPECIAL ISSUE RESOURCE CENTERS.—

(1) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(2) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(A) by striking the period at the end of paragraph (6) and inserting ", including the issuance and enforcement of protection orders."; and

(B) by adding at the end the following new paragraph:

"(7) Providing technical assistance and training to State domestic violence coalitions.".

(c) STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women;";

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking "and court officials and other professionals" and inserting ", judges, court officers and other criminal justice professionals,";

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting ", criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ", including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

(a) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) REQUIREMENTS.—The regulations under subsection (a) shall require—

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(c) DISCLOSURE FOR CERTAIN PURPOSES.—The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) EXISTING COMPILATIONS.—Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

CHAPTER 9—DATA AND RESEARCH

SEC. 40291. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 40292. STATE DATABASES.

(a) IN GENERAL.—The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

$200,000 for fiscal year 1996.

SEC. 40293. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

$100,000 for fiscal year 1996.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITIONS.—In this section—

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $7,000,000 for fiscal year 1996;

(B) $8,000,000 for fiscal year 1997; and

(C) $15,000,000 for fiscal year 1998.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

Subtitle C—Civil Rights for Women

SEC. 40301. SHORT TITLE.

This subtitle may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 40302. CIVIL RIGHTS.

(a) PURPOSE.—Pursuant to the affirmative power of Congress to enact this subtitle under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this subtitle to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) CAUSE OF ACTION.—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term "crime of violence" means—

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) CONCURRENT JURISDICTION.—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this subtitle.

(4) SUPPLEMENTAL JURISDICTION.—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) LIMITATION ON REMOVAL.—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States.".

SEC. 40303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking "or" after "Public Law 92-318,"; and

(2) by inserting ", or section 40302 of the Violence Against Women Act of 1994," after "1964".

SEC. 40304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

Subtitle D—Equal Justice for Women in the Courts Act

SEC. 40401. SHORT TITLE.

This subtitle may be cited as the "Equal Justice for Women in the Courts Act of 1994".

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

SEC. 40411. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 202 of the State Justice Institute Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 40412. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter—

$600,000 for fiscal year 1996.

(b) MODEL PROGRAMS.—Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDIES.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) MATTERS FOR EXAMINATION.—The studies under subsection (a) may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes in judicial proceedings;

(5) sentencing;

(6) sentencing alternatives and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of the victim's past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts.

(c) CLEARINGHOUSE.—The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States with their reports and related material.

(d) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 40421(a)—

$500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 40421(d)—

$100,000 for fiscal year 1996; and

(3) to the Administrative Office of the United States Courts to carry out section 40421(c)—

$100,000 for fiscal year 1996.

Subtitle E—Violence Against Women Act Improvements

SEC. 40501. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110.".

SEC. 40502. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.

(a) FOR VICTIMS IN SEX OFFENSE CASES.—Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.".

(b) LIMITED TESTING OF DEFENDANTS.—

(1) COURT ORDER.—The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) SHOWING REQUIRED.—To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) FOLLOW-UP TESTING.—The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) TERMINATION OF TESTING REQUIREMENTS.—An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

(5) CONFIDENTIALITY OF TEST.—The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) DISCLOSURE OF TEST RESULTS.—The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) CONTEMPT FOR DISCLOSURE.—Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) PENALTIES FOR INTENTIONAL TRANSMISSION OF HIV.—Not later than 6 months after the date of enactment of this Act, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) A Federal agency shall immediately suspend all Federal benefits provided by the agency to the defendant, and shall terminate the defendant's eligibility for Federal benefits administered by that agency, upon receipt of a certified copy of a written judicial finding that the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section.

"(2) Any written finding of delinquency described in paragraph (1) shall be made by a court, after a hearing, upon motion of the victim named in the order to receive the restitution or upon motion of the United States.

"(3) A defendant found to be delinquent may subsequently seek a written finding from the court that the defendant has rectified the delinquency or that the defendant has made and will make good faith efforts to rectify the delinquency. The defendant's eligibility for Federal benefits shall be reinstated upon receipt by the agency of a certified copy of such a finding.

"(4) In this subsection, "Federal benefit" means a grant, contract, loan, professional license, or commercial license provided by an agency of the United States.".

SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) STUDY.—The Attorney General, in consultation with the Secretary of Education, shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a) and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol

by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101–542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1996.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by this section—$200,000 for fiscal year 1996.

SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) COMPONENTS.—The report under subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 40508. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 40509. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

Subtitle F—National Stalker and Domestic Violence Reduction

SEC. 40601. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS AND ENTRY.—Section 534 of title 28, United States Code, is amended by adding at the end the following:

"(e)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

"(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include—

"(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

"(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

"(3) As used in this subsection—

"(A) the term 'national crime information databases' means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

"(B) the term 'protection order' includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.".

(b) RULEMAKING.—The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.

SEC. 40602. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General is authorized to provide grants to States and units of local government to improve processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of—

(1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

(2) arrests or convictions of persons violating protection or domestic violence; and

(3) protection orders for the protection of persons from stalking or domestic violence.

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,500,000 for fiscal year 1996;

(2) $1,750,000 for fiscal year 1997; and

(3) $2,750,000 for fiscal year 1998.

SEC. 40604. APPLICATION REQUIREMENTS.

An application for a grant under this subtitle shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing—

(1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;

(2) intended use of the grant funds, including a plan of action to increase record input; and

(3) an estimate of expected results from the use of the grant funds.

SEC. 40605. DISBURSEMENT.

Not later than 90 days after the receipt of an application under this subtitle, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

SEC. 40606. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATIONS.

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle, and may provide for the evaluation of programs that receive funds under this subtitle, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

SEC. 40607. TRAINING PROGRAMS FOR JUDGES.

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, shall conduct training programs for State (as defined in section 202 of the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701)) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

SEC. 40608. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

SEC. 40609. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.

Not later than 2 years after the date of enactment of this Act, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

SEC. 40610. REPORT TO CONGRESS.

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

SEC. 40611. DEFINITIONS.

As used in this subtitle—

(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(2) the term "protection order" includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Subtitle G—Protections for Battered Immigrant Women and Children

SEC. 40701. ALIEN PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) In General.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause (ii), and

(C) by adding at the end the following new clauses:

"(iii) An alien who is the spouse of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iv)) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien or a child of the alien.

"(iv) An alien who is the child of a citizen of the United States, who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States and during the period of residence with the citizen parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien.";

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following new clauses:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien if such a child has not been classified under clause (iii)) under such section if the alien demonstrates to the Attorney General that the conditions described in subclauses (I) and (II) of subparagraph (A)(iii) are met with respect to the alien.

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States and during the period of residence with the permanent resident parent the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent; and

"(II) the alien is a person whose deportation, in the opinion of the Attorney General, would result in extreme hardship to the alien."; and

(3) by adding at the end the following new subparagraph:

"(H) In acting on petitions filed under clause (iii) or (iv) of subparagraph (A) or clause (ii) or (iii) of subparagraph (B), the Attorney General shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) Conforming Amendments.—(1) Section 204(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A) by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,"; and

(B) in subparagraph (B) by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) Survival Rights To Petition.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the sole basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).".

(d) Effective Date.—The amendments made by this section shall take effect January 1, 1995.

SEC. 40702. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) In General.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 40703. SUSPENSION OF DEPORTATION.

(a) Battered Spouse or Child.—Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child of a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.".

(b) Consideration of Evidence.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) In acting on applications under subsection (a)(3), the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

TITLE V—DRUG COURTS

SEC. 50001. DRUG COURTS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—DRUG COURTS

"SEC. 2201. GRANT AUTHORITY.

"The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

"(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

"(2) the integrated administration of other sanctions and services, which shall include—

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) substance abuse treatment for each participant;

"(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

"(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

"SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall—

"(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

"(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

"SEC. 2203. DEFINITION.

"In this part, 'violent offender' means a person who—

"(1) is charged with or convicted of an offense, during the course of which offense or conduct—

"(A) the person carried, possessed, or used a firearm or dangerous weapon;

"(B) there occurred the death of or serious bodily injury to any person; or

"(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

"(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

"SEC. 2204. ADMINISTRATION.

"(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

"(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

"(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan;

"(2) explain the applicant's inability to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

"(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(8) describe the methodology that will be used in evaluating the program.

"SEC. 2205. APPLICATIONS.

"To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"SEC. 2206. FEDERAL SHARE.

"The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

"SEC. 2207. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

"SEC. 2208. REPORT.

"A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

"SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

"(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

"(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

"(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—DRUG COURTS

"Sec. 2201. Grant authority.
"Sec. 2202. Prohibition of participation by violent offenders.
"Sec. 2203. Definition.
"Sec. 2204. Administration.
"Sec. 2205. Applications.
"Sec. 2206. Federal share.
"Sec. 2207. Geographic distribution.
"Sec. 2208. Report.
"Sec. 2209. Technical assistance, training, and evaluation.

"PART W—TRANSITION-EFFECTIVE DATE-REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40231(c), is amended—

(1) in paragraph (3) by striking "and U" and inserting "U, and V"; and

(2) by adding at the end the following new paragraph:

"(20) There are authorized to be appropriated to carry out part V—

"(1) $100,000,000 for fiscal year 1995;
"(2) $150,000,000 for fiscal year 1996;
"(3) $150,000,000 for fiscal year 1997;
"(4) $200,000,000 for fiscal year 1998;
"(5) $200,000,000 for fiscal year 1999; and
"(6) $200,000,000 for fiscal year 2000.".

SEC. 50002. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.

(b) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.

(c) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by part V of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things—

(1) recidivism rates of program participants;

(2) completion rates among program participants;

(3) drug use by program participants; and

(4) the costs of the program to the criminal justice system.

TITLE VI—DEATH PENALTY

SEC. 60001. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1994".

SEC. 60002. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"(a) A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381; or

"(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one *of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,*

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(b) A defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B); or

"(2) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) Mitigating Factors.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) Impaired Capacity.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) Duress.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) Minor Participation.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) Equally Culpable Defendants.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) No Prior Criminal Record.—The defendant did not have a significant prior history of other criminal conduct.

"(6) Disturbance.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) Victim's Consent.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) Other Factors.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) Aggravating Factors for Espionage and Treason.—In determining whether a sentence of death is justified for an offense described in section 3591(a)(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) Prior Espionage or Treason Offense.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) Grave Risk to National Security.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) Grave Risk of Death.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) Aggravating Factors for Homicide.—In determining whether a sentence of death is justified for an offense described in section 3591(a)(2), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) Death During Commission of Another Crime.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 46502 of title 49, United States Code (aircraft piracy).

"(2) Previous Conviction of Violent Felony Involving Firearm.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c), the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

"(3) Previous Conviction of Offense for Which a Sentence of Death or Life Imprisonment Was Authorized.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) Previous Conviction of Other Serious Offenses.—The defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) Grave Risk of Death to Additional Persons.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

"(6) Heinous, Cruel, or Depraved Manner of Committing Offense.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) Procurement of Offense by Payment.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) Pecuniary Gain.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) Substantial Planning and Premeditation.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) Conviction for Two Felony Drug Offenses.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) Vulnerability of Victim.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) Conviction for Serious Federal Drug Offenses.—The defendant had previously been convicted of violating title II or III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) Continuing Criminal Enterprise Involving Drug Sales to Minors.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

"(14) High Public Officials.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

"(15) Prior Conviction of Sexual Assault or Child Molestation.—In the case of an offense under chapter 109A (sexual abuse) or chapter 110 (sexual abuse of children), the defendant has previously been convicted of a

crime of sexual assault or crime of child molestation.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591(b), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial, or at the trial judge's discretion. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(a)(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591(a)(2), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591(b), an aggravating factor required to be considered under section 3592(d) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced

to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

“§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death. The court of appeals shall not reverse or vacate a sentence of death on account of any error which can be harmless, including any erroneous special finding of an aggravating factor, where the Government establishes beyond a reasonable doubt that the error was harmless.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

“§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

“§3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

“§3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

“228. Death sentence .... 3591”.

SEC. 60003. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual, or directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(4) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(5) KILLING OF FOREIGN OFFICIAL.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(6) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(7) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(8) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(9) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(10) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(11) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(12) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(13) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(14) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking the period after "both" and inserting ", or sentenced to death."; and by striking ", possessing a firearm as defined in section 921 of this title," and inserting ", with the intent to cause death or serious bodily harm".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Chapter 465 of title 49, United States Code, is amended—

(1) in the chapter analysis by striking "Death penalty sentencing procedure for aircraft piracy" and inserting "Repealed"; and

(2) by striking section 46503.

SEC. 60004. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 60005. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§1118. Murder by a Federal prisoner

"(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—In this section—

"'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

"'murder' means a first degree or second degree murder (as defined in section 1111).

"'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 60006. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 60007. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114 of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, as provided under section 1111, or, in the case of manslaughter, as provided under section 1112.".

SEC. 60008. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1994".

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§36. Drive-by shooting

"(a) DEFINITION.—In this section, 'major drug offense' means—

"(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

"(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

"(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

SEC. 60009. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 60005(a), is amended by adding at the end the following new section:

"§1119. Foreign murder of United States nationals

"(a) DEFINITION.—In this section, 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this paragraph is not subject to judicial review.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1119".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 60005(a), is amended by adding at the end the following new item:

"1119. Foreign murder of United States nationals.".

SEC. 60010. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§2245. Sexual abuse resulting in death

"A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 60011. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 60012. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 60009(a), is amended by adding at the end the following new section:

"§1120. Murder by escaped prisoners

"(a) DEFINITION.—In this section, 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.

"(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 60009(b)(2), is amended by adding at the end the following new item:

"1120. Murder by escaped prisoners.".

SEC. 60013. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.".

SEC. 60014. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (a) by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.".

SEC. 60015. DEATH PENALTY FOR THE MURDER OF STATE OR LOCAL OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS AND STATE CORRECTIONAL OFFICERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 60012(a), *is amended by adding at the end the following new section:*

"§ 1121. Killing persons aiding Federal investigations or State correctional officers

"(a) Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111, including by sentence of death or by imprisonment for life.

"(b)(1) Whoever, in a circumstance described in paragraph (3) of this subsection, while incarcerated, intentionally kills any State correctional officer engaged in, or on account of the performance of such officer's official duties, shall be sentenced to a term of imprisonment which shall not be less than 20 years, and may be sentenced to life imprisonment or death.

"(2) As used in this section, the term, 'State correctional officer' includes any officer or employee of any prison, jail, or other detention facility, operated by, or under contract to, either a State or local governmental agency, whose job responsibilities include providing for the custody of incarcerated individuals.

"(3) The circumstance referred to in paragraph (1) is that—

"(A) the correctional officer is engaged in transporting the incarcerated person interstate; or

"(B) the incarcerated person is incarcerated pursuant to a conviction for an offense against the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 60012(b), is amended by adding at the end the following new item:

"1121. Killing persons aiding Federal investigations or State correctional officers.".

SEC. 60016. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

"(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both."; and

(4) in subsection (a), as designated by paragraph (1), by striking "commissioner" each place it appears and inserting "magistrate judge".

SEC. 60017. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 60018. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 60019. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§2280. Violence against maritime navigation

"(a) OFFENSES.—

"(1) IN GENERAL.—A person who unlawfully and intentionally—

"(A) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(B) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(C) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(D) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(E) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(F) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(G) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (F); or

"(H) attempts to do any act prohibited under subparagraphs (A) through (G),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

"(2) THREAT TO NAVIGATION.—A person who threatens to do any act prohibited under paragraph (1) (B), (C) or (E), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iii) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

"(d) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—In this section—

"'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country.

"'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

"'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a

naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

"'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) OFFENSES.—

"(1) IN GENERAL.—A person who unlawfully and intentionally—

"(A) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(B) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(C) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(D) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(E) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (D); or

"(F) attempts to do anything prohibited under subparagraphs (A) through (E),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

"(2) THREAT TO SAFETY.—A person who threatens to do anything prohibited under paragraph (1) (B) or (C), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

"(d) DEFINITIONS.—In this section—

"'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

"'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

"'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

"'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.

"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—This section and the amendments made by this section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 60020. TORTURE.

Section 2340A(a) of title 18, United States Code, is amended by inserting "punished by death or" before "imprisoned for any term of years or for life.".

SEC. 60021. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, as amended by section 60008(b), is amended by adding at the end the following new section:

"§37. Violence at international airports

"(a) OFFENSE.—A person who unlawfully and intentionally, using any device, substance, or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.

"(c) It is a bar to Federal persecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)).

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 60008(c), is amended by adding at the end the following new item:

"37. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 60022. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18, United States Code is amended to read as follows:

"(1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 60023. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

"§2332a. Use of weapons of mass destruction

"(a) OFFENSE.—A person who uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term 'weapon of mass destruction' means—

"(A) any destructive device as defined in section 921 of this title;

"(B) poison gas;

"(C) any weapon involving a disease organism; or

"(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 60024. ENHANCED PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Any person" and inserting "(1)(A) Any person";

(B) by striking "(A) knowing" and inserting "(i) knowing";

(C) by striking "(B) knowing" and inserting "(ii) knowing";

(D) by striking "(C) knowing" and inserting "(iii) knowing";

(E) by striking "(D) encourages" and inserting "(iv) encourages";

(F) by striking "shall be fined in accordance with title 18, or imprisoned not more than five years, or both, for each alien in respect to whom any violation of this paragraph occurs" and inserting "shall be punished as provided in subparagraph (B)"; and

(G) by adding at the end the following new subparagraph:

"(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—

"(i) in the case of a violation of subparagraph (A)(i), be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(ii) in the case of a violation of subparagraph (A) (ii), (iii), or (iv), be fined under title 18, United States Code, imprisoned not more than 5 years, or both;

"(iii) in the case of a violation of subparagraph (A) (i), (ii), (iii), or (iv) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18, United States Code) to, or places in jeopardy the life of, any person, be fined under title 18, United States Code, imprisoned not more than 20 years, or both; and

"(iv) in the case of a violation of subparagraph (A) (i), (ii), (iii), or (iv) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, United States Code, or both."; and

(2) in paragraph (2) by striking "or imprisoned not more than five years, or both" and inserting "or in the case of a violation of subparagraph (B)(ii), imprisoned not more than 10 years, or both; or in the case of a violation of subparagraph (B)(i) or (B)(iii), imprisoned not more than 5 years, or both.".

SEC. 60025. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 60026. APPOINTMENT OF COUNSEL.

Section 3005 of title 18, United States Code, is amended by striking "learned in the law" and all that follows through "He shall" and inserting "; and the court before which the defendant is to be tried, or a judge thereof, shall promptly, upon the defendant's request, assign 2 such counsel, of whom at least 1 shall be learned in the law applicable to capital cases, and who shall have free access to the accused at all reasonable hours. In assigning counsel under this section, the court shall consider the recommendation of the Federal Public Defender organization, or, if no such organization exists in the district, of the Administrative Office of the United States Courts. The defendant shall".

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

SEC. 70001. MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES.

Section 3559 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "An" and inserting "Except as provided in subsection (c), an" in lieu thereof; and

(2) by adding the following new subsection at the end:

"(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—

"(1) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of law, a person who is convicted in a court of the United States of a serious violent felony shall be sentenced to life imprisonment if—

"(A) the person has been convicted (and those convictions have become final) on separate prior occasions in a court of the United States or of a State of—

"(i) 2 or more serious violent felonies; or

"(ii) one or more serious violent felonies and one or more serious drug offenses; and

"(B) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'assault with intent to commit rape' means an offense that has as its elements engaging in physical contact with another person or using or brandishing a weapon against another person with intent to commit aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242);

"(B) the term 'arson' means an offense that has as its elements maliciously damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or an explosive;

"(C) the term 'extortion' means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

"(D) the term 'firearms use' means an offense that has as its elements those described in section 924(c) or 929(a), if the firearm was brandished, discharged, or otherwise used as a weapon and the crime of violence or drug trafficking crime during and relation to which the firearm was used was subject to prosecution in a court of the United States or a court of a State, or both;

"(E) the term 'kidnapping' means an offense that has as its elements the abduction, restraining, confining, or carrying away of another person by force or threat of force;

"(F) the term 'serious violent felony' means—

"(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111); manslaughter other than involuntary manslaughter (as described in section 1112); assault with intent to commit murder (as described in section 113(a)); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2)); kidnapping; aircraft piracy (as described in section 46502 of Title 49); robbery (as described in section 2111, 2113, or 2118); carjacking (as described in section 2119); extortion; arson; firearms use; or attempt, conspiracy, or solicitation to commit any of the above offenses; and

"(ii) any other offense punishable by a maximum term of imprisonment of 10 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense;

"(G) the term 'State' means a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States; and

"(H) the term 'serious drug offense' means—

"(i) an offense that is punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); or

"(ii) an offense under State law that, had the offense been prosecuted in a court of the United States, would have been punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)).

"(3) NONQUALIFYING FELONIES.—

"(A) ROBBERY IN CERTAIN CASES.—Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

"(ii) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person.

"(B) ARSON IN CERTAIN CASES.—Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(i) the offense posed no threat to human life; and

"(ii) the defendant reasonably believed the offense posed no threat to human life.

"(4) INFORMATION FILED BY UNITED STATES ATTORNEY.—The provisions of section 411(a) of the Controlled Substances Act (21 U.S.C. 851(a)) shall apply to the imposition of sentence under this subsection.

"(5) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty.

"(6) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to this subsection for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151) and which occurs within the boundaries of such Indian country unless the governing body of the tribe has elected that this subsection have effect over land and persons subject to the criminal jurisdiction of the tribe.

"(7) RESENTENCING UPON OVERTURNING OF PRIOR CONVICTION.—If the conviction for a serious violent felony or serious drug offense that was a basis for sentencing under this subsection is found, pursuant to any appropriate State or Federal procedure, to be unconstitutional or is vitiated on the explicit basis of innocence, or if the convicted person is pardoned on the explicit basis of innocence, the person serving a sentence imposed under this subsection shall be resentenced to any sentence that was available at the time of the original sentencing.".

SEC. 70002. LIMITED GRANT OF AUTHORITY TO BUREAU OF PRISONS.

Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) so that the margin of the matter starting with "extraordinary" and ending with "reduction" the first place it appears is indented an additional two ems;

(2) by inserting a one-em dash after "that" the second place it appears;

(3) by inserting a semicolon after "reduction" the first place it appears;

(4) by indenting the first line of the matter referred to in paragraph (1) and designating that matter as clause (i); and

(5) by inserting after such matter the following:

"(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the defendant is currently imprisoned, and a determination *has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g);".*

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. 80001. LIMITATION ON APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES.

(a) In General.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) Limitation on Applicability of Statutory Minimums in Certain Cases.—Notwithstanding any other provision of law, in the case of an offense under section 401, 404, or 406 of the Controlled Substances Act (21 U.S.C. 841, 844, 846) or section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that—

"(1) the defendant does not have more than 1 criminal history point, as determined under the sentencing guidelines;

"(2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;

"(3) the offense did not result in death or serious bodily injury to any person;

"(4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in 21 U.S.C. 848; and

"(5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

(b) Sentencing Commission Authority.—

(1) In general.—(A) The United States Sentencing Commission (referred to in this subsection as the "Commission"), under section 994(a)(1) and (p) of title 28—

(i) shall promulgate guidelines, or amendments to guidelines, to carry out the purposes of this section and the amendment made by this section; and

(ii) may promulgate policy statements, or amendments to policy statements, to assist in the application of this section and that amendment.

(B) In the case of a defendant for whom the statutorily required minimum sentence is 5 years, such guidelines and amendments to guidelines issued under subparagraph (A) shall call for a guideline range in which the lowest term of imprisonment is at least 24 months.

(2) Procedures.—If the Commission determines that it is necessary to do so in order that the amendments made under paragraph (1) may take effect on the effective date of the amendment made by subsection (a), the Commission may promulgate the amendments made under paragraph (1) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired.

(c) Effective Date and Application.—The amendment made by subsection (a) shall apply to all sentences imposed on or after the 10th day beginning after the date of enactment of this Act.

TITLE IX—DRUG CONTROL

Subtitle A—Enhanced Penalties and General Provisions

SEC. 90101. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting "(d)".

SEC. 90102. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement for a defendant convicted of violating section 419 of the Controlled Substances Act (21 U.S.C. 860).

SEC. 90103. ENHANCED PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS AND FOR SMUGGLING DRUGS INTO FEDERAL PRISONS.

(a) Declaration of Policy.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) Sentencing Guidelines.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 404 of the Controlled Substances Act involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 401(b) of the Controlled Substances Act involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) No Probation.—Notwithstanding any other law, the court shall not sentence a person convicted of an offense described in subsection (b) to probation.

SEC. 90104. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)".

SEC. 90105. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting "one or more prior convictions of such person for a felony drug offense have become final".

(c) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means".

(d) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 90106. ADVERTISING.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 90107. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) Definitions.—In this section—

"major violent crime or drug-related emergency" means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS.—If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) PROCEDURE.—

(1) IN GENERAL.—A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) FINDING.—A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) IRRELEVANCY OF POPULATION DENSITY.—The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) REQUIREMENTS.—As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime- or drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) REVIEW PERIOD.—The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) FEDERAL ASSISTANCE.—The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

(h) DURATION OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) EXTENSION.—The chief executive officer of a jurisdiction may apply to the President for an extension of assistance beyond 1 year. The President may extend the provision of Federal assistance for not more than an additional 180 days.

(i) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall issue regulations to implement this section.

(j) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section shall diminish or detract from existing authority possessed by the President or Attorney General.

Subtitle B—National Narcotics Leadership Act Amendments

SEC. 90201. IMPLEMENTATION OF NATIONAL DRUG CONTROL STRATEGY.

(a) PROGRAM BUDGET.—Section 1003(c) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(c)) is amended—

(1) by redesignating paragraphs (5), (6), and (7), as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request.".

(b) BUDGET RECOMMENDATION.—Section 1003(b) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.".

(c) CONTROL OF DRUG-RELATED RESOURCES.—Section 1003 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502) is amended—

(1) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

"(2) request the head of a department or agency or program to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department or agency in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(B) by striking "and" at the end of paragraph (6);

(C) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(D) by adding after paragraph (7) the following new paragraphs:

"(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, transfer funds appropriated to a National Drug Control Program agency account to a different National Drug Control Program agency account in an amount that does not exceed 2 percent of the amount appropriated to either account, upon advance approval of the Committees on Appropriations of each House of Congress; and

"(9) in order to ensure compliance with the National Drug Control Program, issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f)."; and

(2) by adding at the end the following new subsections:

"(f) FUNDS CONTROL NOTICES.—(1) A funds control notice may direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated by—

"(A) months, fiscal year quarters, or other time periods; and

"(B) activities, functions, projects, or object classes.

"(2) An officer or employee of a National Drug Control Program agency shall not make or authorize an expenditure or obligation contrary to a funds control notice issued by the Director.

"(3) In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.".

(d) CERTIFICATION OF ADEQUACY OF BUDGET REQUEST.—Section 1003(c)(3)(B) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(c)(3)(B)) is amended—

(1) by inserting "in whole or in part" after "adequacy of such request"; and

(2) by striking the semicolon at the end and inserting "and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request adequate;".

SEC. 90202. OFFICE PERSONNEL RESTRICTION.

Section 1003 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502) is amended by adding at the end the following new subsection:

"(f) PROHIBITION ON POLITICAL CAMPAIGNING.—A Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such an official is not prohibited by this subsection from making contributions to individual candidates.".

SEC. 90203. NATIONAL DRUG CONTROL STRATEGY OUTCOME MEASURES.

Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended—

(1) in paragraph (2)(A) by inserting "and the consequences of drug abuse" after "drug abuse"; and

(2) by amending paragraph (4) to read as follows:

"(4) The Director shall include with each National Drug Control Strategy an evaluation of the effectiveness of Federal drug control during the preceding year. The evaluation shall include an assessment of Federal drug control efforts, including—

"(A) assessment of the reduction of drug use, including estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

"(i) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, and probationers, and juvenile delinquents; and

"(ii) drug use in the workplace and the productivity lost by such use;

"(B) assessment of the reduction of drug availability, as measured by—

"(i) the quantities of cocaine, heroin, and marijuana available for consumption in the United States;

"(ii) the amount of cocaine and heroin entering the United States;

"(iii) the number of hectares of poppy and coca cultivated and destroyed;

"(iv) the number of metric tons of heroin and cocaine seized;

"(v) the number of cocaine processing labs destroyed;

"(vi) changes in the price and purity of heroin and cocaine;

"(vii) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

"(viii) the effectiveness of Federal technology programs at improving drug detection capabilities at United States ports of entry;

"(C) assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

"(i) burdens drug users placed on hospital emergency rooms in the United States, such as the quantity of drug-related services provided;

"(ii) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other communicable diseases as a result of drug use;

"(iii) the extent of drug-related crime and criminal activity; and

"(iv) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States; and

"(D) determination of the status of drug treatment in the United States, by assessing—

"(i) public and private treatment capacity within each State, including information on the number of treatment slots available in relation to the number actually used, including data on intravenous drug users and pregnant women;

"(ii) the extent, within each State, to which treatment is available, on demand, to intravenous drug users and pregnant women;

"(iii) the number of drug users the Director estimates could benefit from treatment; and

"(iv) the success of drug treatment programs, including an assessment of the effectiveness of the mechanisms in place federally, and within each State, to determine the relative quality of substance abuse treatment programs, the qualifications of treatment personnel, and the mechanism by which patients are admitted to the most appropriate and cost effective treatment setting.

"(5) The Director shall include with the National Drug Control Strategy required to be submitted not later than February 1, 1995, and with every second such strategy submitted thereafter—

"(A) an assessment of the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

"(B) an assessment of the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups at-risk for drug use;

"(C) an assessment of the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B); and

"(D) identification of the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals.

"(6) Federal agencies responsible for the collection or estimation of drug-related information required by the Director shall cooperate with the Director, to the fullest extent possible, to enable the Director to satisfy the requirements of sections 4 and 5.

"(7) With each National Drug Control Strategy, the Director shall report to the President and the Congress on the Director's assessment of drug use and availability in the United States, including an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect in the preceding year in reducing drug use and availability.".

SEC. 90204. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) DRUG ABUSE ADDICTION AND REHABILITATION CENTER.—Section 1003A of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502a(c)(1)) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examine addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;".

(b) ASSISTANCE FROM THE ADVANCED RESEARCH PROJECT AGENCY.—Section 1003A of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502a) is amended by adding at the end the following:

"(f) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Director of the Advanced Research Project Agency shall, to the fullest extent possible, render assistance and support to the Office of National Drug Control Policy and its Director.".

(c) REPEAL AND REDESIGNATION.—The National Narcotics Leadership Act of 1988 is amended by—

(1) repealing section 1008 (21 U.S.C. 1505), as in effect on the date of the enactment of this Act;

(2) redesignating section 1003A, as amended by subsection (b) of this section, as section 1008; and

(3) moving such section, as redesignated, so as to follow section 1007.

SEC. 90205. SPECIAL FORFEITURE FUND AMENDMENTS.

(a) DEPOSITS INTO SPECIAL FORFEITURE FUND.—Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended to read as follows:

"(b) DEPOSITS.—There shall be deposited into the Fund the amounts specified by section 524(c)(9) of title 28, United States Code, and section 9307(g) of title 31, United States Code, and any earnings on the investments authorized by subsection (d).".

(b) TRANSFERS FROM DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(9) of title 28, United States Code, is amended by amending subparagraphs (B), (C), and (D) to read as follows:

"(B) Subject to subparagraphs (C) and (D), at the end of each of fiscal years 1994, 1995, 1996, and 1997, the Attorney General shall transfer from the Fund not more than $100,000,000 to the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988.

"(C) Transfers under subparagraph (B) may be made only from the excess unobligated balance and may not exceed one-half of the excess unobligated balance for any year. In addition, transfers under subparagraph (B) may be made only to the extent that the sum of the transfers in a fiscal year and one-half of the unobligated balance at the beginning of that fiscal year for the Special Forfeiture Fund does not exceed $100,000,000.

"(D) For the purpose of determining amounts available for distribution at year end for any fiscal year, 'excess unobligated balance' means the unobligated balance of the Fund generated by that fiscal year's operations, less any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under paragraph (1).".

(c) TRANSFERS FROM DEPARTMENT OF THE TREASURY FORFEITURE FUND.— Section 9703(g) of title 31, United States Code, is amended—

(1) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) Subject to subparagraphs (B) and (C), at the end of each of fiscal years 1994, 1995, 1996, and 1997, the Secretary shall transfer from the Fund not more than $100,000,000 to the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988."; and

(B) in subparagraph (B) by adding the following at the end: "Further, transfers under subparagraph (A) may not exceed one-half of the excess unobligated balance for a year. In addition, transfers under subparagraph (A) may be made only to the extent that the sum of the transfers in a fiscal year and one-half of the unobligated balance at the beginning of that fiscal year for the Special Forfeiture Fund does not exceed $100,000,000."; and

(2) in subparagraph (4)(A)—

(A) in clause (i) by striking "(i)"; and

(B) by striking clause (ii).

(d) SURPLUS FUNDS.—Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

(1) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) SUPER SURPLUS.—(1) Any unobligated balance up to $20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

"(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.".

SEC. 90206. AUTHORIZATION OF APPROPRIATIONS.

Section 1011 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1508) is amended by striking "4" and inserting "8".

SEC. 90207. ADEQUATE STAFFING OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

Section 1008(d)(1) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(d)(1)) is amended by striking "such" and inserting "up to 75 and such additional".

SEC. 90208. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) REAUTHORIZATION.—Section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1506) is amended by striking "the date which is 5 years after the date of the enactment of this subtitle" and inserting "September 30, 1997".

(b) CONTINUED EFFECTIVENESS.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) shall be considered not to have been repealed by operation of section 1009 of that Act, but shall remain in effect as if the amendment made by subsection (a) had been included in that Act on the date of its enactment.

TITLE X—DRUNK DRIVING PROVISIONS

SEC. 100001. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1994".

SEC. 100002. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 100003. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

TITLE XI—FIREARMS

Subtitle A—Assault Weapons

SEC. 110101. SHORT TITLE.

This subtitle may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 110102. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of this subsection.

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm. No firearm exempted by this subsection may be deleted from Appendix A so long as this subsection is in effect.

"(4) Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(30) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

"(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta Ar70 (SC–70);

"(iv) Colt AR–15;

"(v) Fabrique National FN/FAL, FN/LAR, and FNC;

"(vi) SWD M–10, M–11, M–11/9, and M–12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC–9, TEC–DC9 and TEC–22; and

"(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds; and

"(iv) an ability to accept a detachable magazine.".

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of such title is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of such title is amended in the first sentence by inserting ", or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of such title is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured.".

SEC. 110103. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 110102(a), is amended by adding at the end the following new subsection:

"(w)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of the enactment of this subsection.

"(3) This subsection shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.

"(4) If a person charged with violating paragraph (1) asserts that paragraph (1) does not apply to such person because of paragraph (2) or (3), the Government shall have the burden of proof to show that such paragraph (1) applies to such person. The lack of a serial number as described in section 923(i) of title 18, United States Code, shall be a presumption that the large capacity ammunition feeding device is not subject to the prohibition of possession in paragraph (1).".

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 110102(b), is amended by adding at the end the following new paragraph:

"(31) The term 'large capacity ammunition feeding device'—

"(A) means a magazine, belt, drum, feed strip, or similar device manufactured after the date of enactment of the Violent Crime Control and

Law Enforcement Act of 1994 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(c) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 110102(c)(1), is amended by striking "or (v)" and inserting "(v), or (w)".

(d) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section 110102(d) of this Act, is amended by adding at the end the following: "A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.".

SEC. 110104. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 110105. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle—

(1) shall take effect on the date of the enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 110106. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

"APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M–1 Carbine
Iver Johnson 50th Anniversary M–1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle
Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine
Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rilfe
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever-Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle
Beeman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle
KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU–33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG–S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle

Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM-S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G-90 Single Shot Rifle
Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine
Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle
Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
Beretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F-12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armscor Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 990l Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle
Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR-7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM-321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles
Anschutz 1418D/1518D Mannlicher Rifles
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700 FWT Bolt-Action Rifle
Anschutz 1700D Graphite Custom Rifle
Anschutz 1700D Bavarian Bolt-Action Rifle
Armscor Model 14P Bolt-Action Rifle
Armscor Model 1500 Rifle
BRNO ZKM-452 Deluxe Bolt-Action Rifle
BRNO ZKM 452 Deluxe
Beeman/HW 60-J-ST Bolt-Action Rifle
Browning A-Bolt 22 Bolt-Action Rifle
Browning A-Bolt Gold Medallion
Cabanas Phaser Rifle
Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT-22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mauser Model 107 Bolt-Action Rifle
Mauser Model 201 Bolt-Action Rifle
Navy Arms TU-KKW Training Rifle
Navy Arms TU-33/40 Carbine
Navy Arms TU-KKW Sniper Trainer
Norinco JW-27 Bolt-Action Rifle
Norinco JW-15 Bolt-Action Rifle
Remington 541-T
Remington 40-XR Rimfire Custom sporter
Remington 541-T HB Bolt-Action Rifle
Remington 581-S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light Arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle

Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP–1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86–SR Specialty Rifle
McMillan M–86 Sniper Rifle
McMillan Combo M–87/M–88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M–89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M–87 Target Rifle
Parker-Hale M–85 Sniper Rifle
Remington 40–XB Rangemaster Target Centerfire
Remington 40–XR KS Rimfire Position Rifle
Remington 40–XBBR KS
Remington 40–XC KS National Match Course Rifle
Sako TRG–21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG–UIT Rifle
Steyr-Mannlicher SSG P–I Rifle
Steyr-Mannlicher SSG P–III Rifle
Steyr-Mannlicher SSG P–IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A–303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns
Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun
Browning BSA 10 Stalker Auto Shotgun
Browning A–500R Auto Shotgun
Browning A–500G Auto Shotgun
Browning A–500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20
Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11–87 Premier Shotgun
Remington 11–87 Sporting Clays
Remington 11–87 Premier Skeet
Remington 11–87 Premier Trap
Remington 11–87 Special Purpose Magnum
Remington 11–87 SPS–T Camo Auto Shotgun
Remington 11–87 Special Purpose Deer Gun
Remington 11–87 SPS–BG–Camo Deer/Turkey Shotgun
Remington 11–87 SPS–Deer Shotgun
Remington 11–87 Special Purpose Synthetic Camo
Remington SP–10 Magnum-Camo Auto Shotgun
Remington SP–10 Magnum Auto Shotgun
Remington SP–10 Magnum Turkey Combo
Remington 1100 LT–20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT–20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586–VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS–BG–Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS–T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A/Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K–80 Sporting Clays O/U
Krieghoff K–80 Skeet Shotgun
Krieghoff K–80 International Skeet
Krieghoff K–80 Four-Barrel Skeet Set
Krieghoff K–80/RT Shotguns
Krieghoff K–80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Unders
Ljutic LM–6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun

Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Unders
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun
Stoeger/IGA ERA 2000 Over/Under Shotgun
Techni-Mec Model 610 Over/Under
Tikka Model 412S Field Grade Over/Under
Weatherby Athena Grade IV O/U Shotguns
Weatherby Athena Grade V Classic Field O/U
Weatherby Orion O/U Shotguns
Weatherby II, III Classic Field O/Us
Weatherby Orion II Classic Sporting Clays O/U
Weatherby Orion II Sporting Clays O/U
Winchester Model 1001 O/U Shotgun
Winchester Model 1001 Sporting Clays O/U
Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
American Arms Gentry Double Shotgun
American Arms Derby Side-by-Side
American Arms Grulla #2 Double Shotgun
American Arms WS/SS 10
American Arms TS/SS 10 Double Shotgun
American Arms TS/SS 12 Side-by-Side
Arrieta Sidelock Double Shotguns
Armsport 1050 Series Double Shotguns
Arizaga Model 31 Double Shotgun
AYA Boxlock Shotguns
AYA Sidelock Double Shotguns
Beretta Model 452 Sidelock Shotgun
Beretta Side-by-Side Field Shotguns
Crucelegui Hermanos Model 150 Double
Chapuis Side-by-Side Shotgun
E.A.A./Sabatti Saba-Mon Double Shotgun
Charles Daly Model Dss Double
Ferlib Model F VII Double Shotgun
Auguste Francotte Boxlock Shotgun
Auguste Francotte Sidelock Shotgun
Garbi Model 100 Double
Garbi Model 101 Side-by-Side
Garbi Model 103A, B Side-by-Side
Garbi Model 200 Side-by-Side
Bill Hanus Birdgun Doubles
Hatfield Uplander Shotgun
Merkel Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Piuma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun.".

Subtitle B—Youth Handgun Safety

SEC. 110201. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 110103(a), is amended by adding at the end the following new subsection:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

"(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(c) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(x)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (x)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(x) of this title," before "criminal prosecution on the basis".

(d) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)."

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Subtitle C—Licensure

SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application.".

SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license.".

SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for ensuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee.".

SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities.".

SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 110405, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.".

SEC. 110307. NOTIFICATION OF NAMES AND ADDRESSES OF FIREARMS LICENSEES.

Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(l) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.".

Subtitle D—Domestic Violence

SEC. 110401. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) INTIMATE PARTNER DEFINED.—Section 921(a) of title 18, United States Code, as amended by section 110103(b), is amended by inserting at the end the following new paragraph:

"(32) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.".

(b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.".

(c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury,".

(d) STORAGE OF FIREARMS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.".

(e) RETURN OF FIREARMS.—Section 924(d)(1) of title 18, United States Code, is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

Subtitle E—Gun Crime Penalties

SEC. 110501. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of

title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a drug trafficking crime (as defined in section 924(c)(2) of title 18, United States Code) if a semiautomatic firearm is involved.

(b) Semiautomatic Firearm.—In subsection (a), "semiautomatic firearm" means any repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

SEC. 110502. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

SEC. 110503. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 60013, is amended by adding at the end the following new subsection:

"(j) A person who, with intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 110504. THEFT OF FIREARMS AND EXPLOSIVES.

(a) Firearms.—Section 924 of title 18, United States Code, as amended by section 110203(a), is amended by adding at the end the following new subsection:

"(k) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 110505. REVOCATION OF SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) Mandatory Revocation for Possession of Controlled Substance or Firearm or for Refusal To Comply With Drug Testing.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to comply with drug testing imposed as a condition of supervised release;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) Supervised Release Following Revocation.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) Delayed Revocation.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

SEC. 110506. REVOCATION OF PROBATION.

(a) In General.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Mandatory Revocation.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) Mandatory Revocation for Possession of Controlled Substance or Firearm or Refusal To Comply With Drug Testing.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to comply with drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 110507. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B) by striking "(a)(6),"; and

(2) in subsection (a)(2) by inserting "(a)(6)," after "subsections".

SEC. 110508. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 110509. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture in which it would be impracticable or unsafe to remove the materials to a place of storage or would be unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least 1 credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of (including any person having an interest in) the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 110510. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 924(e)(1) of Title 18.—Section 924(e)(1) of title 18, United States Code, is amended by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

(b) Section 924(c)(1) of Title 18.—Section 924(c)(1) of title 18, United States Code, is amended by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 10511. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is *moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".*

SEC. 110512. USING A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of a felony under chapter 25 of title 18, United States Code, if the defendant used or carried a firearm (as defined in section 921(a)(3) of title 18, United States Code) during and in relation to the felony.

SEC. 110513. ENHANCED PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to—

(1) appropriately enhance penalties in cases in which a defendant convicted under section 922(g) of title 18, United States Code, has 1 prior conviction by any court referred to in section 922(g)(1) of title 18 for a violent felony (as defined in section 924(e)(2)(B) of that title) or a serious drug offense (as defined in section 924(e)(2)(A) of that title); and

(2) appropriately enhance penalties in cases in which such a defendant has 2 prior convictions for a violent felony (as so defined) or a serious drug offense (as so defined).

SEC. 110514. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 110515. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 110504(a), is amended by adding at the end the following new subsection:

"(l) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 110204(b), is amended by adding at the end the following new subsection:

"(l) A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 110516. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 110517. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 110515(a), is amended by adding at the end the following new subsection:

"(m) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 110518. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 110517(a), is amended by adding at the end the following new subsection:

"(n) A person who conspires to commit an offense under subsection (c) shall be imprisoned for not more than 20 years, fined under this title, or both; and if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, shall be imprisoned for any term of years or life.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 110515(b), is amended by adding at the end the following new subsection:

"(m) A person who conspires to commit an offense under subsection (h) shall be imprisoned for any term of years not exceeding 20, fined under this title, or both.

SEC. 110519. DEFINITION OF ARMOR PIERCING AMMUNITION.

Section 921(a)(17) of title 18, United States Code, is amended by revising subparagraph (B) and adding a new subparagraph (C) to read as follows:

"(B) The term 'armor piercing ammunition' means—

"(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

"(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

"(C) The term 'armor piercing ammunition' does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device."

TITLE XII—TERRORISM

SEC. 120001. EXTENSION OF THE STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§3286. Extension of statute of limitation for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 46502, 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to any offense committed more than 5 years prior to the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitation for certain terrorism offenses.".

SEC. 120002. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 120003. COUNTERFEITING UNITED STATES CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States

"A person who, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 if committed within the United States, shall be fined under this title, imprisoned not more than 20 years, or both.".

(b) TECHNICAL AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new item:

"470. Counterfeit acts committed outside the United States.".

(2) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by amending the item for chapter 25 to read as follows:

"25. Counterfeiting and forgery .... 470".

SEC. 120004. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an appropriate enhancement for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 120005. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

"§ 2339A. Providing material support to terrorists

"(a) DEFINITION.—In this section, 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

"(b) OFFENSE.—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title or section 46502 of title 49, or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) INVESTIGATIONS.—

"(1) IN GENERAL.—Within the United States, an investigation may be initiated or continued under this section only when facts reasonably indicate that—

"(A) in the case of an individual, the individual knowingly or intentionally engages, has engaged, or is about to engage in the violation of this or any other Federal criminal law; and

"(B) in the case of a group of individuals, the group knowingly or intentionally engages, has engaged, or is about to engage in the violation of this or any other Federal criminal law.

"(2) ACTIVITIES PROTECTED BY THE FIRST AMENDMENT.—An investigation may not be initiated or continued under this section based on activities protected by the First Amendment to the Constitution, including expressions of support or the provision of financial support for the nonviolent political, religious, philosophical, or ideological goals or beliefs of any person or group.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding the following new item:

"2339A. Providing material support to terrorists.".

TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

SEC. 130001. ENHANCEMENT OF PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "paragraph (2), (3), or (4) of" the first time it appears; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) by striking "5" and inserting "10";

(2) in paragraph (2), by striking "15" and inserting "20"; and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

SEC. 130002. CRIMINAL ALIEN TRACKING CENTER.

(a) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,400,000 for fiscal year 1996;
(2) $3,600,000 for fiscal year 1997;
(3) $3,700,000 for fiscal year 1998;
(4) $3,800,000 for fiscal year 1999; and
(5) $3,900,000 for fiscal year 2000.

SEC. 130003. ALIEN WITNESS COOPERATION AND COUNTERTERRORISM INFORMATION.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(S) subject to section 214(j), an alien—

"(i) who the Attorney General determines—

"(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

"(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

"(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

"(ii) who the Secretary of State and the Attorney General jointly determine—

"(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

"(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

"(III) will be or has been placed in danger as a result of providing such information; and

"(IV) is eligible to receive a reward under section 36(a) of the State Department Basic Authorities Act of 1956,

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien.".

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting at the beginning the following new paragraph:

"(1) The Attorney General shall determine whether a ground for exclusion exists with respect to a nonimmigrant described in section 101(a)(15)(S). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Immigration and Naturalization Service from instituting deportation proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(S) for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(S).".

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(i) in any fiscal year may not exceed 100. The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(ii) in any fiscal year may not exceed 25.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant—

"(A) shall report not less often than quarterly to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

"(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission;

"(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status; and

"(D) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.

"(5) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning—

"(A) the number of such nonimmigrants admitted;

"(B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens;

"(C) the number of terrorist acts prevented or frustrated resulting from cooperation of such aliens;

"(D) the number of such nonimmigrants whose admission or cooperation has not resulted in successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and

"(E) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.".

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of the Immigration and Naturalization Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(i)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(i) has supplied information described in subclause (I) of such section; and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the prosecution of an individual described in subclause (III) of that section,

the Attorney General may adjust the status of the alien (and the spouse, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) If, in the sole discretion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(ii) has supplied information described in subclause (I) of such section, and

"(B) the provision of such information has substantially contributed to—

"(i) the prevention or frustration of an act of terrorism against a United States person or United States property, or

"(ii) the success of an authorized criminal investigation of, or the prosecution of, an individual involved in such an act of terrorism, and

"(C) the nonimmigrant has received a reward under section 36(a) of the State Department Basic Authorities Act of 1956,

the Attorney General may adjust the status of the alien (and the spouse, married and unmarried sons and daughters, and parents of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(3) Upon the approval of adjustment of status under paragraphs (1) or (2), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.".

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended by striking "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) EXTENSION OF PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(i))" after "five years".

SEC. 130004. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(b) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) The Attorney General may, in the case of an alien described in paragraph (2), determine the deportability of such alien under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony) and issue an order of deportation pursuant to the procedures set forth in this subsection or section 242(b).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time at which proceedings under this section commenced; and

"(B) is not eligible for any relief from deportation under this Act.

"(3) The Attorney General may not execute any order described in paragraph (1) until 30 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(4) Proceedings before the Attorney General under this subsection shall be in accordance with such regulations as the Attorney General shall prescribe. The Attorney General shall provide that—

"(A) the alien is given reasonable notice of the charges and of the opportunity described in subparagraph (C);

"(B) the alien shall have the privilege of being represented (at no expense to the government) by such counsel, authorized to practice in such proccedings, as the alien shall choose;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by clear, convincing, and unequivocal evidence and a record is maintained for judicial review; and

"(E) the final order of deportation is not entered by the same person who issues the charges.".

(b) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d)(1) A petition for review or for habeas corpus on behalf of an alien against whom a final order of deportation has been issued pursuant to section 242A(b) may challenge only—

"(A) whether the alien is in fact the alien described in the order;

"(B) whether the alien is in fact an alien described in section 242A(b)(2);

"(C) whether the alien has been convicted of an aggravated felony and such conviction has become final; and

"(D) whether the alien was afforded the procedures required by section 242A(b)(5).

"(2) No court shall have jurisdiction to review any issue other than an issue described in paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) by amending the heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES";

(2) in subsection (a), as designated prior to enactment of this Act, by striking "(a) IN GENERAL.—" and inserting the following:

"(a) DEPORTATION OF CRIMINAL ALIENS.—

"(1) IN GENERAL.—";

(3) in subsection (b), as designated prior to enactment of this Act, by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—";

(4) by striking subsection (c);

(5) in subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)"; and

(B) by striking "(2)" and inserting "(B)"; and

(6) in subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 130005. EXPEDITIOUS DEPORTATION FOR DENIED ASYLUM APPLICANTS.

(a) IN GENERAL.—The Attorney General may provide for the expeditious adjudication of asylum claims and the expeditious deportation of asylum applicants whose applications have been finally denied, unless the applicant remains in an otherwise valid nonimmigrant status.

(b) EMPLOYMENT AUTHORIZATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(e) An applicant for asylum is not entitled to employment authorization except as may be provided by regulation in the discretion of the Attorney General.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $64,000,000 for fiscal year 1995;

(2) $90,000,000 for fiscal year 1996;

(3) $93,000,000 for fiscal year 1997; and

(4) $91,000,000 for fiscal year 1998.

SEC. 130006. IMPROVING BORDER CONTROLS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Immigration and Naturalization Service to increase the resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire—

(1) $228,000,000 for fiscal year 1995;

(2) $185,000,000 for fiscal year 1996;

(3) $204,000,000 for fiscal year 1997;

(4) $58,000,000 for fiscal year 1998.

Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

(b) REPORT.—By September 30, 1996 and September 30, 1998, the Attorney General shall report to the Congress on the programs described in this section. The report shall include an evaluation of the programs, an outcome-based measurement of performance, and an analysis of the cost effectiveness of the additional resources provided under this Act.

SEC. 130007. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may expand the program authorized by section 242A(d) and 242(i) of the Immigration and Nationality Act to ensure that such aliens are immediately deportable upon their release from incarceration.

(b) DETENTION AND REMOVAL OF CRIMINAL ALIENS.—Subject to the availability of appropriations, the Attorney General may—

(1) construct or contract for the construction of 2 Immigration and Naturalization Service Processing Centers to detain criminal aliens; and

(2) provide for the detention and removal of such aliens.

(c) REPORT.—By September 30, 1996, and September 30, 1998 the Attorney General shall report to the Congress on the programs referred to in subsections (a) and (b). The report shall include an evaluation of the programs, an outcome-based measurement of performance, and an analysis of the cost effectiveness of the additional resources provided under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $55,000,000 for fiscal year 1995;

(2) $54,000,000 for fiscal year 1996;

(3) $49,000,000 for fiscal year 1997; and

(4) $2,000,000 for fiscal year 1998.

SEC. 130008. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the Attorney General, in the discretion of the Attorney General, may accept, hold, administer, and utilize gifts of property and services (which may not include cash assistance) from State and local governments for the purpose of assisting the Immigration and Naturalization Service in the transportation of deportable *aliens who are arrested for misdemeanor or felony crimes under State or Federal law and who are either unlawfully within the United States or willing to submit to voluntary departure under safeguards. Any property acquired pursuant to this section shall be acquired in the name of the United States.*

(b) LIMITATION.—The Attorney General shall terminate or rescind the exercise of the authority under subsection (a) if the Attorney General determines that the exercise of such authority has resulted in discrimination by law enforcement officials on the basis of race, color, or national origin.

SEC. 130009. PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended—

(1) in section 1541 by striking "not more than $500 or imprisoned not more than one year" and inserting "under this title, imprisoned not more than 10 years";

(2) in each of sections 1542, 1543, and 1544 by striking "not more than $2,000 or imprisoned not more than five years" and inserting "under this title, imprisoned not more than 10 years";

(3) in section 1545 by striking "not more than $2,000 or imprisoned not more than three years" and inserting "under this title, imprisoned not more than 10 years";

(4) in section 1546(a) by striking "five years" and inserting "10 years";

(5) in section 1546(b) by striking "in accordance with this title, or imprisoned not more than two years" and inserting "under this title, imprisoned not more than 5 years"; and

(6) by adding at the end the following new section:

"§1547. Alternative imprisonment maximum for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 20 years.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 75 of title 18, United States Code, is amended by adding at the end the following new item:

"1547. Alternative imprisonment maximum for certain offenses.".

SEC. 130010. ASYLUM.

(a) FINDINGS.—The Senate finds that—

(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in fiscal year 1993, and the backlog of cases growing to 340,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including—

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multilayered system; and

(D) an erosion of public support for asylum, which is a treaty obligation.

(4) asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures; and

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Senate that—

(1) asylum is a process intended to protect aliens in the United States who cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad; and

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide—

(A) a procedure for the expeditious exclusion of any asylum applicant who arrives at a port-of-entry with fraudulent documents, or no documents, and makes a noncredible claim of asylum; and

(B) the immigration, refugee and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

TITLE XIV—YOUTH VIOLENCE

SEC. 140001. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "; however" and inserting ". In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c), 'thirteen' shall be substituted for 'fifteen' and 'thirteenth' shall be substituted for 'fifteenth'. Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151), and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However".

SEC. 140002. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 140003. SEPARATION OF JUVENILE FROM ADULT OFFENDERS.

Section 5039 of title 18, United States Code, is amended by inserting ", whether pursuant to an adjudication of delinquency or conviction for an offense," after "committed" the first place it appears.

SEC. 140004. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 100003, is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 36 of title 18, United States Code.".

SEC. 140005. AMENDMENT CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.

Section 5038 of title 18, United States Code, is amended in subsection (f) by adding "or whenever a juvenille has been found guilty of committing an act after his 13th birthday which if committed by an adult would be an offense described in the second sentence of the fourth paragraph of section 5032 of this title," after "title 21,".

SEC. 140006. INCREASED PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS NEAR SCHOOLS AND PLAYGROUNDS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 21 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official, is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

SEC. 140007. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.

(a) TRAVEL ACT PENALTIES.—Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both." and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

(b) MURDER CONSPIRACY PENALTIES.—Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 140008. SOLICITATION OF MINOR TO COMMIT CRIME.

(a) DIRECTIVE TO SENTENCING COMMISSION.—(1) The United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant 21 years of age or older who has been convicted of an offense shall receive an appropriate sentence enhancement if the defendant involved a minor in the commission of the offense.

(2) The Commission shall provide that the guideline enhancement promulgated pursuant to

paragraph (1) shall apply for any offense in relation to which the defendant has solicited, procured, recruited, counseled, encouraged, trained, directed, commanded, intimidated, or otherwise used or attempted to use any person less than 18 years of age with the intent that the minor would commit a Federal offense.

(b) RELEVANT CONSIDERATIONS.—In implementing the directive in subsection (a), the Sentencing Commission shall consider—

(1) the severity of the crime that the defendant intended the minor to commit;

(2) the number of minors that the defendant used or attempted to use in relation to the offense;

(3) the fact that involving a minor in a crime of violence is frequently of even greater seriousness than involving a minor in a drug trafficking offense, for which the guidelines already provide a two-level enhancement; and

(4) the possible relevance of the proximity in age between the offender and the minor(s) involved in the offense.

TITLE XV—CRIMINAL STREET GANGS

SEC. 150001. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"§521. Criminal street gangs

"(a) DEFINITIONS.—

" 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

" 'criminal street gang' means an ongoing group, club, organization, or association of 5 or more persons—

"(A) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c);

"(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

"(C) the activities of which affect interstate or foreign commerce.

"(b) PENALTY.—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

"(c) OFFENSES.—The offenses described in this section are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

"(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and

"(3) a conspiracy to commit an offense described in paragraph (1) or (2).

"(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

"(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

"(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

"(3) has been convicted within the past 5 years for—

"(A) an offense described in subsection (c);

"(B) a State offense—

"(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years' imprisonment; or

"(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

"(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

SEC. 150002. ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph by striking "922(p)" and inserting "924(b), (g), or (h)";

(2) in the fourth undesignated paragraph by inserting "or in section 924(b), (g), or (h) of this title," before "criminal prosecution" the first place it appears; and

(3) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.".

SEC. 150003. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING OBJECTIVE.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(4)), as amended by section 140004, is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs.".

SEC. 150004. MENTORING PROGRAM.

Section 288C of part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"REGULATIONS AND GUIDELINES

"SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

"(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.".

SEC. 150005. JUVENILE ANTI-DRUG AND ANTI-GANG GRANTS IN FEDERALLY ASSISTED LOW-INCOME HOUSING.

Grants authorized in this Act to reduce or prevent juvenile drug and gang-related activity in "public housing" may be used for such purposes in federally assisted, low-income housing.

SEC. 150006. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by January 1, 1996.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1996.

SEC. 150007. MULTIJURISDICTIONAL GANG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "victims assistance programs, or multijurisdictional gang task forces" after "drug task forces".

TITLE XVI—CHILD PORNOGRAPHY

SEC. 160001. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§2258. Production of sexually explicit depictions of a minor for importation into the United States

"(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.".

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2258. Production of sexually explicit depictions of a minor for importation into the United States.".

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than $100,000, or" and inserting "under this title,";

(B) by striking "not more than $200,000, or" and inserting "under this title,"; and

(C) by striking "not more than $250,000" and inserting "under this title".

(c) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second

place it appears and inserting "this chapter or chapter 109A".

(d) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A".

(e) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States Code, are each amended by inserting ", or attempts or conspires to violate," after "violates" each place it appears.

(f) RICO AMENDMENT.—Section 1961(l) of title 18, United States Code, is amended by striking "2251–2252" and inserting "2251, 2251A, 2252, and 2258".

(g) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by striking "(a) Whoever" and inserting "(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who"; and

(2) by adding at the end the following new subsection:

"(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 160002. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

SEC. 160003. CONFIRMATION OF INTENT OF CONGRESS IN ENACTING SECTIONS 2252 AND 2256 OF TITLE 18, UNITED STATES CODE.

(a) DECLARATION.—The Congress declares that in enacting sections 2252 and 2256 of title 18, United States Code, it was and is the intent of Congress that—

(1) the scope of "exhibition of the genitals or pubic area" in section 2256(2)(E), in the definition of "sexually explicit conduct", is not limited to nude exhibitions or exhibitions in which the outlines of those areas were discernible through clothing; and

(2) the requirements in section 2252(a) (1)(A), (2)(A), (3)(B)(i), and (4)(B)(i) that the production of a visual depiction involve the use of a minor engaging in "sexually explicit conduct" of the kind described in section 2256(2)(E) are satisfied if a person photographs a minor in such a way as to exhibit the child in a lascivious manner.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in filing its brief in United States v. Knox, No. 92–1183, and thereby depriving the United States Supreme Court of the adverseness necessary for full and fair presentation of the issues arising in the case, the Department of Justice did not accurately reflect the intent of Congress in arguing that "the videotapes in [the Knox case] constitute 'lascivious exhibition[s] of the genitals or pubic area' only if those body parts are visible in the tapes and the minors posed or acted lasciviously.".

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

SEC. 170101. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs that require—

(A) a person who is convicted of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense to register a current address with a designated State law enforcement agency for the time period specified in subparagraph (A) of subsection (b)(6); and

(B) a person who is a sexually violent predator to register a current address with a designated State law enforcement agency unless such requirement is terminated under subparagraph (B) of subsection (b)(6).

(2) COURT DETERMINATION.—A determination that a person is a sexually violent predator and a determination that a person is no longer a sexually violent predator shall be made by the sentencing court after receiving a report by a State board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) DEFINITIONS.—For purposes of this section:

(A) The term "criminal offense against a victim who is a minor" means any criminal offense that consists of—

(i) kidnapping of a minor, except by a parent;

(ii) false imprisonment of a minor, except by a parent;

(iii) criminal sexual conduct toward a minor;

(iv) solicitation of a minor to engage in sexual conduct;

(v) use of a minor in a sexual performance;

(vi) solicitation of a minor to practice prostitution;

(vii) any conduct that by its nature is a sexual offense against a minor; or

(viii) an attempt to commit an offense described in any of clauses (i) through (vii), if the State—

(I) makes such an attempt a criminal offense; and

(II) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

For purposes of this subparagraph conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(B) The term "sexually violent offense" means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18, United States Code, or as described in the State criminal code).

(C) The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(D) The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(E) The term "predatory" means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—An approved State registration program established under this section shall contain the following elements:

(1) DUTY OF STATE PRISON OFFICIAL OR COURT.—

(A) If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, or in the case of probation, the court, shall—

(i) inform the person of the duty to register and obtain the information required for such registration;

(ii) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(iii) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(iv) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(v) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(B) In addition to the requirements of subparagraph (A), for a person required to register under subparagraph (B) of subsection (a)(1), the State prison officer or the court, as the case may be, shall obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

(3) VERIFICATION.—

(A) For a person required to register under subparagraph (A) of subsection (a)(1), on each anniversary of the person's initial registration date during the period in which the person is required to register under this section the following applies:

(i) The designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(ii) The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form.

(iii) The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency.

(iv) If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed the residence address.

(B) The provisions of subparagraph (A) shall be applied to a person required to register under subparagraph (B) of subsection (a)(1), except that such person must verify the registration every 90 days after the date of the initial release or commencement of parole.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—A change of address by a person required to register under this section reported to the designated State law enforcement agency shall be immediately reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement.

(5) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which requires registration under this section shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement.

(6) LENGTH OF REGISTRATION.—

(A) A person required to register under subparagraph (A) of subsection (a)(1) shall continue to comply with this section until 10 years have elapsed since the person was released from prison, placed on parole, supervised release, or probation.

(B) The requirement of a person to register under subparagraph (B) of subsection (a)(1) shall terminate upon a determination, made in accordance with paragraph (2) of subsection (a), that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(d) RELEASE OF INFORMATION.—The information collected under a State registration program shall be treated as private data except that—

(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) such information may be disclosed to government agencies conducting confidential background checks; and

(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released.

(e) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from liability for good faith conduct under this section.

(f) COMPLIANCE.—

(1) COMPLIANCE DATE.—Subject to paragraph (2), each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.

(2) INELIGIBILITY FOR FUNDS.—

(A) A State that fails to implement the program as described in this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(B) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

Subtitle B—Assaults Against Children

SEC. 170201. ASSAULTS AGAINST CHILDREN.

(a) SIMPLE ASSAULT.—Section 113(e) of title 18, United States Code, is amended by inserting ", or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both" before the period.

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.".

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

(1) in paragraph (b), by striking "of not more than $3,000" and inserting "under this title";

(2) in paragraph (c), by striking "of not more than $1,000" and inserting "under this title";

(3) in paragraph (d), by striking "of not more than $500" and inserting "under this title";

(4) by modifying the left margin of each of paragraphs (a) through (f) so that they are indented 2 ems;

(5) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6); and

(6) by inserting "(a)" before "Whoever".

(d) DEFINITIONS.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(b) As used in this subsection—

"(1) the term 'substantial bodily injury' means bodily injury which involves—

"(A) a temporary but substantial disfigurement; or

"(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(e) ASSAULTS IN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years" after "serious bodily injury".

Subtitle C—Missing and Exploited Children

SEC. 170301. SHORT TITLE.

This subtitle may be cited as the "Morgan P. Hardiman Task Force on Missing and Exploited Children Act".

SEC. 170302. PURPOSE.

The purpose of this subtitle is to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children (referred to as the "Center") and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children.

SEC. 170303. ESTABLISHMENT OF TASK FORCE.

Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 the following new section:

"TASK FORCE

"SEC. 407. (a) ESTABLISHMENT.—There is established a Missing and Exploited Children's Task Force (referred to as the "Task Force").

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall include at least 2 members from each of—

"(A) the Federal Bureau of Investigation;

"(B) the Secret Service;

"(C) the Bureau of Alcohol, Tobacco and Firearms;

"(D) the United States Customs Service;

"(E) the Postal Inspection Service;

"(F) the United States Marshals Service; and

"(G) the Drug Enforcement Administration.

"(2) CHIEF.—A representative of the Federal Bureau of Investigation (in addition to the members of the Task Force selected under paragraph (1)(A)) shall act as chief of the Task Force.

"(3) SELECTION.—(A) The Director of the Federal Bureau of Investigation shall select the chief of the Task Force.

"(B) The heads of the agencies described in paragraph (1) shall submit to the chief of the Task Force a list of at least 5 prospective Task Force members, and the chief shall select 2, or such greater number as may be agreeable to an agency head, as Task Force members.

"(4) PROFESSIONAL QUALIFICATIONS.—The members of the Task Force shall be law enforcement personnel selected for their expertise that would enable them to assist in the investigation of cases of missing and exploited children.

"(5) STATUS.—A member of the Task Force shall remain an employee of his or her respective agency for all purposes (including the purpose of performance review), and his or her service on the Task Force shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis.

"(6) PERIOD OF SERVICE.—(A) Subject to subparagraph (B), 1 member from each agency shall initially serve a 1-year term, and the other member from the same agency shall serve a 1-year term, and may be selected to a renewal of service for 1 additional year; thereafter, each new member to serve on the Task Force shall serve for a 2-year period with the member's term of service beginning and ending in alternate years with the other member from the same agency; the period of service for the chief of the Task Force shall be 3 years.

"(B) The chief of the Task Force may at any time request the head of an agency described in paragraph (1) to submit a list of 5 prospective Task Force members to replace a member of the Task Force, for the purpose of maintaining a Task Force membership that will be able to meet the demands of its caseload.

"(c) SUPPORT.—

"(1) IN GENERAL.—The Administrator of the General Services Administration, in coordination with the heads of the agencies described in subsection (b)(1), shall provide the Task Force office space and administrative and support services, such office space to be in close proximity to the office of the Center, so as to enable the Task Force to coordinate its activities with that of the Center on a day-to-day basis.

"(2) LEGAL GUIDANCE.—The Attorney General shall assign an attorney to provide legal guidance, as needed, to members of the Task Force.

"(d) PURPOSE.—

"(1) IN GENERAL.—The purpose of the Task Force shall be to make available the combined resources and expertise of the agencies described in paragraph (1) to assist State and local governments in the most difficult missing and exploited child cases nationwide, as identified by the chief of the Task Force from time to time, in consultation with the Center, and as many additional cases as resources permit, including the provision of assistance to State and local investigators on location in the field.

"(2) TECHNICAL ASSISTANCE.—The role of the Task Force in any investigation shall be to provide advice and technical assistance and to make available the resources of the agencies described in subsection (b)(1); the Task Force shall not take a leadership role in any such investigation.

"(e) CROSS-DESIGNATION OF TASK FORCE MEMBERS.—The Attorney General may cross-designate the members of the Task Force with jurisdiction to enforce Federal law related to child abduction to the extent necessary to accomplish the purposes of this section.''.

TITLE XVIII—RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

SEC. 180101. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''(9) There are authorized to be appropriated to carry out part O—

''(A) $24,000,000 for fiscal year 1996;

''(B) $40,000,000 for fiscal year 1997;

''(C) $50,000,000 for fiscal year 1998;

''(D) $60,000,000 for fiscal year 1999; and

''(E) $66,000,000 for fiscal year 2000.''.

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking ''$100,000'' and inserting ''$250,000''.

(c) CLARIFICATION.—Section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796bb(b)) is amended by inserting '', based on the decennial census of 1990 through fiscal year 1997'' before the period.

SEC. 180102. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—The Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Crime and Drug Enforcement Task Force in judicial districts that encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Crime and Drug Enforcement Task Force and forfeited under Federal law shall be used, consistent with the guidelines on equitable sharing established by the Attorney General and of the Secretary of the Treasury, primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The Task Forces established under subsection (a) shall be carried out under policies and procedures established by the Attorney General. The Attorney General may deputize State and local law enforcement officers and may cross-designate up to 100 Federal law enforcement officers, when necessary to undertake investigations pursuant to section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) or offenses punishable by a term of imprisonment of 10 years or more under title 18, United States Code. The task forces—

(1) shall include representatives from—

(A) State and local law enforcement agencies;

(B) the office of the United States Attorney for the judicial district; and

(C) the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service; and

(2) may include representatives of other Federal law enforcement agencies, such as the United States Customs Service, United States Park Police, United States Forest Service, Bureau of Alcohol, Tobacco, and Firearms, and Bureau of Land Management.

SEC. 180103. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a)—

(1) $1,000,000 for fiscal year 1996;

(2) $1,000,000 for fiscal year 1997;

(3) $1,000,000 for fiscal year 1998;

(4) $1,000,000 for fiscal year 1999; and

(5) $1,000,000 for fiscal year 2000.

SEC. 180104. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents—

(1) $12,000,000 for fiscal year 1996;

(2) $20,000,000 for fiscal year 1997;

(3) $30,000,000 for fiscal year 1998;

(4) $40,000,000 for fiscal year 1999; and

(5) $48,000,000 for fiscal year 2000.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

SEC. 180201. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the ''Drug Free Truck Stop Act''.

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

''TRANSPORTATION SAFETY OFFENSES

''SEC. 409. (a) DEFINITIONS.—In this section—

'' 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists.

'' 'truck stop' means a facility (including any parking lot appurtenant thereto) that—

''(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined in section 31301 of title 49, United States Code), operating in commerce (as defined in that section); and

''(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

''(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

''(1) twice the maximum punishment authorized by section 401(b); and

''(2) twice any term of supervised release authorized by section 401(b) for a first offense.

''(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

''(1) 3 times the maximum punishment authorized by section 401(b); and

''(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.''.

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting ''409,'' before ''418,'' each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

''Sec. 409. Transportation safety offenses.''.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

Subtitle C—Sense of Congress Regarding Funding for Rural Areas

SEC. 180301. FUNDING FOR RURAL AREAS.

It is the sense of Congress that—

(1) the Attorney General should ensure that funding for programs authorized by the provisions of this Act and amendments made by this Act is distributed in such a manner that rural areas continue to receive comparable support for their broad-based crime fighting initiatives;

(2) rural communities should not receive less funding than they received in fiscal year 1994 for anti-crime initiatives as a result of any legislative or administrative actions; and

(3) to the maximum extent possible, funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program should be maintained at its fiscal year 1994 level.

TITLE XIX—FEDERAL LAW ENFORCEMENT

SEC. 190001. FEDERAL JUDICIARY AND FEDERAL LAW ENFORCEMENT.

(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—

(1) FEDERAL JUDICIARY.—There are authorized to be appropriated for the activities of the Federal Judiciary to help meet the increased demands for judicial activities, including supervised release, pre-trial and probation services, that will result from enactment into law of this Act—

(A) $30,000,000 for fiscal year 1996;

(B) $35,000,000 for fiscal year 1997;

(C) $40,000,000 for fiscal year 1998;

(D) $40,000,000 for fiscal year 1999; and

(E) $55,000,000 for fiscal year 2000.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—There is authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, to help meet the increased demands for Department of Justice activities that will result from enactment into law of this Act—

(A) $40,000,000 for fiscal year 1996;

(B) $40,000,000 for fiscal year 1997;

(C) $40,000,000 for fiscal year 1998;

(D) $40,000,000 for fiscal year 1999; and

(E) $39,000,000 for fiscal year 2000.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—There is authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for Federal Bureau of Investigation activities that will result from enactment into law of this Act—

(A) $35,000,000 for fiscal year 1996;

(B) $40,000,000 for fiscal year 1997;

(C) $50,000,000 for fiscal year 1998;

(D) $60,000,000 for fiscal year 1999; and

(E) $60,000,000 for fiscal year 2000.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—There is authorized to be appropriated for the account Department of Justice, Legal Activities, ''Salaries and expenses, United States Attorneys'', to help meet the increased demands for litigation and related activities which will result from enactment into law of this Act—

(A) $5,000,000 for fiscal year 1996;

(B) $8,000,000 for fiscal year 1997;

(C) $10,000,000 for fiscal year 1998;

(D) $12,000,000 for fiscal year 1999; and

(E) $15,000,000 for fiscal year 2000.

(e) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.—There is authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco, and Firearms, the United States Customs Service, the Financial Crimes Enforcement Network, *the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service, and the United States Secret Service to help meet the increased demands for Department of the Treasury activities that will result from enactment into law of this Act—*

(A) $30,000,000 for fiscal year 1995;

(B) $70,000,000 for fiscal year 1996;

(C) $90,000,000 for fiscal year 1997;

(D) $110,000,000 for fiscal year 1998;

(E) $125,000,000 for fiscal year 1999; and

(F) $125,000,000 for fiscal year 2000.

TITLE XX—POLICE CORPS AND LAW ENFORCEMENT OFFICERS TRAINING AND EDUCATION

Subtitle A—Police Corps

SEC. 200101. SHORT TITLE.

This subtitle may be cited as the "Police Corps Act".

SEC. 200102. PURPOSES.

The purposes of this subtitle are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

SEC. 200103. DEFINITIONS.

In this subtitle—

"academic year" means a traditional academic year beginning in August or September and ending in the following May or June.

"dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director.

"Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 200104.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"participant" means a participant in the Police Corps program selected pursuant to section 200106.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"State Police Corps program" means a State police corps program that meets the requirements of section 200110.

SEC. 200104. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

SEC. 200105. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this subtitle;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 200110.

SEC. 200106. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 200108, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 200108; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 200107. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 200110(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 200109, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 200109, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subtitle that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) Recruitment of Minorities.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) Enrollment of Applicant.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) Leave of Absence.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) Admission of Applicants.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 200108. POLICE CORPS TRAINING.

(a) In General.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) Training Sessions.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) Further Training.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 10 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) Course of Training.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) Evaluation of Participants.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) Stipend.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 200109. SERVICE OBLIGATION.

(a) Swearing In.—Upon satisfactory completion of the participant's course of education and training program established in section 200108 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) Rights and Responsibilities.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) Discipline.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 200106, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 200106(d)(1)(B)(iii) shall not apply.

(d) Layoffs.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 200106, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 200106(d)(1)(B)(iii) shall not apply.

SEC. 200110. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 200107;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time

the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 200111. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 200109 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting Police Corps participants assigned under section 106, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of service after the completion of the term of service prescribed in section 200109.

SEC. 200112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 to carry out this subtitle for each of the fiscal years 1996 through 2000.

SEC. 200113. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

Subtitle B—Law Enforcement Scholarship Program

SEC. 200201. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 200202. DEFINITIONS.

In this subtitle—

"Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 200104.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"law enforcement position" means employment as an officer in a State or local police force, or correctional institution.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 200203. ALLOTMENT.

From amounts appropriated under section 200210, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 200204. ESTABLISHMENT OF PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment pursuant to section 200203 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—Subject to the availability of appropriations, the Director shall pay to each State that receives an allotment under section 200203 the Federal share of the cost of the activities described in the application submitted pursuant to section 200203.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 200203 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 200203 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 200205. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use the scholarship for educational expenses at an institution of higher education.

SEC. 200206. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this subtitle if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 200207. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 200203 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 200208. LOCAL APPLICATION.

(a) IN GENERAL.—A person who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 200209. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), a person who receives a scholarship under this subtitle shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

SEC. 200210. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

(1) $20,000,000 for fiscal year 1996;

(2) $20,000,000 for fiscal year 1997;

(3) $20,000,000 for fiscal year 1998;

(4) $20,000,000 for fiscal year 1999; and

(5) $20,000,000 for fiscal year 2000.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 200204(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 200204(a)(1)(B) and 200204(a)(2).

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Byrne Program

SEC. 210101. EXTENSION OF BYRNE GRANT FUNDING.

There is authorized to be appropriated for fiscal years 1995 through 2000 such sums as may be necessary to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

(1) $580,000,000 for fiscal year 1995;

(2) $130,000,000 for fiscal year 1996;

(3) $100,000,000 for fiscal year 1997;

(4) $75,000,000 for fiscal year 1998;

(5) $70,000,000 for fiscal year 1999; and

(6) $45,000,000 for fiscal year 2000.

Subtitle B—Law Enforcement Family Support

SEC. 210201. LAW ENFORCEMENT FAMILY SUPPORT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 50001(a), is amended—

(1) by redesignating part W as part X;

(2) by redesignating section 2301 as 2401; and

(3) by inserting after part V the following new part:

"PART W—FAMILY SUPPORT

"SEC. 2301. DUTIES.

"The Attorney General shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Department of Justice and by grant recipients.

"SEC. 2302. GENERAL AUTHORIZATION.

"The Attorney General may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

"SEC. 2303. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(6) Technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency or organization that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

"SEC. 2304. APPLICATIONS.

"A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Attorney General an application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 2305. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Attorney General may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency or $250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 5 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

"SEC. 2306. DISCRETIONARY RESEARCH GRANTS.

"The Attorney General may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.

"SEC. 2307. REPORTS.

"A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Attorney General an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"SEC. 2308. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 50001(b), is amended by striking the matter relating to part V and inserting the following:

"PART W—FAMILY SUPPORT

"Sec. 2301. Duties.
"Sec. 2302. General authorization.
"Sec. 2303. Uses of funds.
"Sec. 2304. Applications.
"Sec. 2305. Award of grants; limitation.
"Sec. 2306. Discretionary research grants.
"Sec. 2307. Reports.
"Sec. 2308. Definitions.

"PART V—TRANSITION-EFFECTIVE DATE-REPEALS

"Sec. 2301. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 50001(c), is amended—

(1) in paragraph (3) by striking "and V" and inserting "V, and W"; and

(2) by adding at the end the following new paragraph:

"(21) There are authorized to be appropriated to carry out part W—

"(1) $2,500,000 for fiscal year 1996;
"(2) $4,000,000 for fiscal year 1997;
"(3) $5,000,000 for fiscal year 1998;
"(4) $6,000,000 for fiscal year 1999; and
"(5) $7,500,000 for fiscal year 2000.".

Subtitle C—DNA Identification

SEC. 210301. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1994".

SEC. 210302. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) as amended by section 150003, is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of funds received from a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

"(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 210303 of the DNA Identification Act of 1994.".

(c) DNA IDENTIFICATION GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 210201(a), is amended—

(A) by redesignating part X as part Y;

(B) by redesignating section 2401 as section 2501; and

(C) by inserting after part W the following new part:

"PART X—DNA IDENTIFICATION GRANTS

"SEC. 2401. GRANT AUTHORIZATION.

"The Attorney General may make funds available under this part to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this part as 'DNA') in a forensic laboratory.

"SEC. 2402. APPLICATIONS.

"To request a grant under this part, the chief executive officer of a State or unit of local government shall submit an application in such form as the Attorney General may require.

"SEC. 2403. APPLICATION REQUIREMENTS.

"No grant may be made under this part unless an application has been submitted to the Attorney General in which the applicant certifies that—

"(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994.

"(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

"(A) to criminal justice agencies for law enforcement identification purposes;

"(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

"(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

"(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 210303 of the DNA Identification Act of 1994.

"SEC. 2404. ADMINISTRATIVE PROVISIONS.

"(a) REGULATION AUTHORITY.—The Attorney General may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this part, including limitations on the number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

"(b) AWARD AUTHORITY.—The Attorney General shall have final authority over all funds awarded under this part.

"(c) TECHNICAL ASSISTANCE.—To assist and measure the effectiveness and performance of programs and activities funded under this part, the Attorney General may provide technical assistance as required.

"SEC. 2405. RESTRICTIONS ON USE OF FUNDS.

"(a) FEDERAL SHARE.—The Federal share of a grant, contract, or cooperative agreement made under this part may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

"(b) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 10 percent of the funds it receives from this part for administrative expenses.

"SEC. 2406. REPORTS.

"(a) REPORTS TO ATTORNEY GENERAL.—Each State or unit of local government which receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require which contains—

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted under section 2402; and

"(2) such other information as the Attorney General may require.

"(b) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report that includes—

"(1) the aggregate amount of grants made under this part to each State or unit of local government for such fiscal year; and

"(2) a summary of the information provided in compliance with subsection (a)(1).

"SEC. 2407. EXPENDITURE RECORDS.

"(a) RECORDS.—Each State or unit of local government which receives a grant under this part shall keep records as the Attorney General may require to facilitate an effective audit.

"(b) ACCESS.—The Attorney General, the Comptroller General, or their designated agents shall have access, for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive grants made under this part if, in the opinion of the Attorney General, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant.".

(2) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 210201(b), is amended by striking the matter relating to part X and inserting the following:

"PART X—DNA IDENTIFICATION GRANTS

"Sec. 2401. Grant authorization.
"Sec. 2402. Applications.
"Sec. 2403. Application requirements.
"Sec. 2404. Administrative provisions.
"Sec. 2405. Restrictions on use of funds.
"Sec. 2406. Reports.
"Sec. 2407. Expenditure records.

"PART Y—TRANSITION-EFFECTIVE DATE-REPEALER

"Sec. 2501. Continuation of rules, authorities, and proceedings.".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 210201(c), is amended—

(A) in paragraph (3) by striking "and W" and inserting "W, and X"; and

(B) adding at the end the following new paragraph:

"(22) There are authorized to be appropriated to carry out part X—

"(1) $1,000,000 for fiscal year 1996;
"(2) $3,000,000 for fiscal year 1997;
"(3) $5,000,000 for fiscal year 1998;
"(4) $13,500,000 for fiscal year 1999; and
"(5) $17,500,000 for fiscal year 2000.".

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 210303. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1)(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials.

(B) The advisory board shall include as members scientists from State, local, and private forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology.

(C) The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—(1) For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation.

(2) Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a).

(3) The DNA advisory board established under this section shall be separate and distinct from any other advisory board administered by the FBI, and is to be administered separately.

(4) The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) PROFICIENCY TESTING PROGRAM.—(1) Not later than 1 year after the effective date of this Act, the Director of the National Institute of Justice shall certify to the Committees on the Judiciary of the House and Senate that—

(A) the Institute has entered into a contract with, or made a grant to, an appropriate entity for establishing, or has taken other appropriate action to ensure that there is established, not later than 2 years after the date of enactment of this Act, a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses;

(B) a blind external proficiency testing program for DNA analyses is already readily available to public and private laboratories performing forensic DNA analyses; or

(C) it is not feasible to have blind external testing for DNA forensic analyses.

(2) As used in this subsection, the term "blind external proficiency test" means a test that is presented to a forensic laboratory through a second agency and appears to the analysts to involve routine evidence.

(3) Notwithstanding any other provision of law, the Attorney General shall make available to the Director of the National Institute of Justice during the first fiscal year in which funds are distributed under this subtitle up to $250,000 from the funds available under part X of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to carry out this subsection.

SEC. 210304. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) ESTABLISHMENT OF INDEX.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) INFORMATION.—The index described in subsection (a) shall include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed by or on behalf of a criminal justice agency in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 210303; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) FAILURE TO COMPLY.—Access to the index established by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) are not met.

SEC. 210305. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 210303.

(B) Within 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory.

(C) In this paragraph, "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For 5 years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests described in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statues or rules; and

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) A person who—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) knowingly discloses such information in any manner to any person or agency not authorized to receive it,

shall be fined not more than $100,000.

(2) A person who, without authorization, knowingly obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 210306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation to carry out sections 210303, 210304, and 210305—

(1) $5,500,000 for fiscal year 1996;

(2) $8,000,000 for fiscal year 1997;

(3) $8,000,000 for fiscal year 1998;

(4) $2,500,000 for fiscal year 1999; and

(5) $1,000,000 for fiscal year 2000.

Subtitle D—Police Pattern or Practice

SEC. 210401. CAUSE OF ACTION.

(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

SEC. 210402. DATA ON USE OF EXCESSIVE FORCE.

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through appropriate means, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this section.

Subtitle E—Improved Training and Technical Automation

SEC. 210501. IMPROVED TRAINING AND TECHNICAL AUTOMATION.

(a) GRANTS.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to State, Indian tribal, and local criminal justice agencies and to nonprofit organizations for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements.

(2) TYPES OF PROGRAMS.—Grants under this section may include programs to—

(A) increase use of mobile digital terminals;

(B) improve communications systems, such as computer-aided dispatch and incident reporting systems;

(C) accomplish paper-flow reduction;

(D) establish or improve ballistics identification programs;

(E) increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis; and

(F) improve computerized collection of criminal records.

(3) FUNDING.—No funds under this subtitle may be used to implement any cryptographic or digital telephony programs.

(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

(A) expand and improve investigative and managerial training courses for State, Indian tribal, and local law enforcement agencies; and

(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a)—

(A) $10,000,000 for fiscal year 1996;

(B) $20,000,000 for fiscal year 1997;

(C) $23,000,000 for fiscal year 1998;

(D) $23,000,000 for fiscal year 1999; and

(E) $24,000,000 for fiscal year 2000.

(2) to carry out subsection (b)(1)—

(A) $4,000,000 for fiscal year 1996;

(B) $2,000,000 for fiscal year 1997;

(C) $3,000,000 for fiscal year 1998;

(D) $5,000,000 for fiscal year 1999; and

(E) $6,000,000 for fiscal year 2000; and

(3) to carry out subsection (b)(2)—

$10,000,000 for fiscal year 1996.

(d) DEFINITIONS.—In this section—

"Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

Subtitle F—Other State and Local Aid

SEC. 210601. REAUTHORIZATION OF OFFICE OF JUSTICE PROGRAMS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) in paragraph (1) by striking "1993 and 1994" and inserting "1994 and 1995";

(2) in paragraph (2) by striking "1993 and 1994" and inserting "1994 and 1995";

(3) in paragraph (3) by striking "1993 and 1994" and inserting "1994 and 1995";

(4) in paragraph (5) by striking "1993 and 1994" and inserting "1994 and 1995";

(5) in paragraph (6) by inserting "and 1995" after "1994";

(6) in paragraph (7) by striking "1991, 1992, 1993, and 1994," and inserting "1994 and 1995";

(7) in paragraph (8) by inserting "and 1995" after "1994"; and

(8) in paragraph (9) by inserting "and 1995" after "1994".

SEC. 210602. FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

(b) APPLICATIONS.—In carrying out this section, the Attorney General may make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Attorney General shall have final authority over all funds awarded under this section.

(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $23,000,000 for fiscal year 1996;

(2) $30,000,000 for fiscal year 1997;

(3) $30,000,000 for fiscal year 1998;

(4) $32,000,000 for fiscal year 1999; and

(5) $35,000,000 for fiscal year 2000,

to remain available for obligation until expended.

SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993.

(a) APPROPRIATIONS.—Of the amounts authorized in Sections 103(k) and 106(b)(2) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) and in section 4(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)), a total of $100,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997 may be appropriated from the Violent Crime Reduction Trust Fund established by this Act.

(b) TECHNICAL AMENDMENT.—Sections 103(k) and 106(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) are each amended by striking ", which may be appropriated from the Violent Crime Reduction Trust Fund,".

TITLE XXII—MOTOR VEHICLE THEFT PREVENTION

SEC. 220001. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 220002. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) TYPE OF DESIGN.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) MORE THAN ONE SET OF CONDITIONS.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) MOTOR VEHICLES FOR HIRE.—

(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) TYPE OF NOTICE.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section.

(1) $1,500,000 for fiscal year 1996;

(2) $1,700,000 for fiscal year 1997; and

(3) $1,800,000 for fiscal year 1998.

SEC. 220003. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) BASIC OFFENSE.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) A person who—

"(1) knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or

"(2) with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act,

shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) EXCEPTED PERSONS.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

"(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.".

(d) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding after the item relating to section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

TITLE XXIII—VICTIMS OF CRIME

Subtitle A—Victims of Crime

SEC. 230101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

(a) MODIFICATION OF PROPOSED AMENDMENTS.—The proposed amendments to the Federal Rules of Criminal Procedure which are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the following amendments:

(b) IN GENERAL.—Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (c)(3)(C);

(2) striking the period at the end of subdivision (c)(3)(D) and inserting "; and";

(3) inserting after subdivision (c)(3)(D) the following:

"(E) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement or present any information in relation to the sentence.";

(4) in subdivision (c)(3)(D), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (c)(4), striking "and (D)" and inserting "(D), and (E)";

(6) in the last sentence of subdivision (c)(4), inserting "the victim," before "or the attorney for the Government."; and

(7) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall become effective on December 1, 1994.

SEC. 230102. SENSE OF THE SENATE CONCERNING THE RIGHT OF A VICTIM OF A VIOLENT CRIME OR SEXUAL ABUSE TO SPEAK AT AN OFFENDER'S SENTENCING HEARING AND ANY PAROLE HEARING.

It is the sense of the Senate that—

(1) the law of a State should provide for a victim's right of allocution at a sentencing hearing

and at any parole hearing if the offender has been convicted of a crime of violence or sexual abuse;

(2) such a victim should have an opportunity equivalent to the opportunity accorded to the offender to address the sentencing court or parole board and to present information in relation to the sentence imposed or to the early release of the offender; and

(3) if the victim is not able to or chooses not to testify at a sentencing hearing or parole hearing, the victim's parents, legal guardian, or family members should have the right to address the court or board.

Subtitle B—Crime Victims' Fund

SEC. 230201. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.

(a) GENERALLY.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

(1) striking paragraph (2) and inserting the following:

"(2) the next $10,000,000 deposited in the Fund shall be available for grants under section 1404A.";

(2) striking paragraph (3) and inserting the following:

"(3) Of the remaining amount deposited in the Fund in a particular fiscal year—

"(A) 48.5 percent shall be available for grants under section 1403;

"(B) 48.5 percent shall be available for grants under section 1404(a); and

"(C) 3 percent shall be available for grants under section 1404(c).";

(3) striking paragraph (4) and inserting the following:

"(4) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000."; and

(4) striking paragraph (5).

(b) CONFORMING CROSS REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(d)(2)(D)" and inserting "(d)(2)".

SEC. 230202. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay,—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 230203. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.".

SEC. 230204. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 230205. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

(b) REQUIREMENTS OF EXCEPTION.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

"(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.".

SEC. 230206. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 230207. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended by striking "and on December 31 every two years thereafter", and inserting "and on June 30 every two years thereafter".

SEC. 230208. AMENDMENT OF THE VICTIMS OF CRIME ACT.

Section 1404(a)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)(B)) is amended to read as follows:

"(B) $200,000 thereafter.".

TITLE XXIV—PROTECTIONS FOR THE ELDERLY

SEC. 240001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall, subject to the availability of appropriations, award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $900,000 for fiscal year 1996;

(2) $900,000 for fiscal year 1997; and

(3) $900,000 for fiscal year 1998.

SEC. 240002. CRIMES AGAINST THE ELDERLY.

(a) IN GENERAL.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) CRITERIA.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—In this section—

"crime of violence" means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code.

"elderly victim" means a victim who is 65 years of age or older at the time of an offense.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

SEC. 250001. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1994".

SEC. 250002. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.
"2325. Definition.
"2326. Enhanced penalties.
"2327. Mandatory restitution.

"§2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§2326. Enhanced penalties

"A person who is convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of up to 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized ten or more persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of up to 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§2327. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) DIRECTIONS.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) ENFORCEMENT BY VICTIM.—An order of restitution may be enforced by a victim named in the order to receive the restitution as well as by the United States Attorney, in the same manner as a judgment in a civil action.

"(3) DEFINITION.—For purposes of this subsection, the term 'full amount of the victim's losses' means all losses suffered by the victim as a proximate result of the offense.

"(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

"(B) A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(ii) For purposes of this subparagraph, the term 'economic circumstances' includes—

"(I) the financial resources and other assets of the defendant;

"(II) projected earnings, earning capacity, and other income of the defendant; and

"(III) any financial obligations of the defendant, including obligations to dependents.

"(D) Subparagraph (A) does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(5) MORE THAN 1 OFFENDER.—When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(6) MORE THAN 1 VICTIM.—When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(7) PAYMENT SCHEDULE.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

"(8) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(9) EFFECT ON OTHER SOURCES OF COMPENSATION.—The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

"(10) CONDITION OF PROBATION OR SUPERVISED RELEASE.—Compliance with a restitution issued under this section shall be a condition of any probation or supervised release of a defendant. The court may revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, hold the defendant in contempt pursuant to section 3583(e), or suspend the offender's eligibility for any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or with appropriated funds of the United States if the defendant fails to comply with the order. In determining whether to revoke probation or a term of supervised release, modify the terms or conditions of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

"(c) PROOF OF CLAIM.—

"(1) AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) OBJECTION.—If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

"(4) FINAL DETERMINATION OF LOSSES.—If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing as provided in paragraph (1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

"(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

"(f) DEFINITION.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud	2325
"113B. Terrorism	2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 250003. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 250004. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2326 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 250005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out this Act and the amendments made by this Act—

(1) for the Federal Bureau of Investigation to hire, equip, and train special agents and support staff to investigate telemarketing fraud cases—

(A) $750,000 for fiscal year 1996;

(B) $1,500,000 for fiscal year 1997;

(C) $1,500,000 for fiscal year 1998;

(D) $1,800,000 for fiscal year 1999; and

(E) $1,950,000 for fiscal year 2000;

(2) to hire, equip, and train Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases—

(A) $250,000 for fiscal year 1996;

(B) $500,000 for fiscal year 1997;

(C) $500,000 for fiscal year 1998;

(D) $600,000 for fiscal year 1999; and

(E) $650,000 for fiscal year 2000; and

(3) for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training—

(A) $1,000,000 for fiscal year 1996;

(B) $2,000,000 for fiscal year 1997;

(C) $2,000,000 for fiscal year 1998;

(D) $2,500,000 for fiscal year 1999; and

(E) $2,500,000 for fiscal year 2000.

SEC. 250006. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 250007. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 250008. INFORMATION NETWORK.

(a) Hotline.—The Attorney General shall, subject to the availability of appropriations, establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) Action on Information Gathered.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

TITLE XXVI—COMMISSION MEMBERSHIP AND APPOINTMENT

SEC. 260001. COMMISSION MEMBERSHIP AND APPOINTMENT.

(a) Membership.—Section 211(B)(f) of Public Law 101–515 (104 Stat. 2123) is amended to read as follows:

"(f) Number and Appointment.—

"(1) In General.—The Commission shall be composed of 29 members as follows:

"(A) Nine individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

"(i) two shall be appointed by the Speaker of the House of Representatives;

"(ii) two shall be appointed by the majority leader of the Senate;

"(iii) two shall be appointed by the minority leader of the House of Representatives;

"(iv) two shall be appointed by the minority leader of the Senate; and

"(v) one shall be appointed by the President.

"(B) Nine individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

"(i) two shall be appointed by the Speaker of the House of Representatives;

"(ii) two shall be appointed by the majority leader of the Senate;

"(iii) two shall be appointed by the minority leader of the House of Representatives;

"(iv) two shall be appointed by the minority leader of the Senate; and

"(v) one shall be appointed by the President.

"(C) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

"(i) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

"(ii) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

"(D) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

"(E) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

"(F) One individual from the Department of Justice, appointed by the President.

"(G) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the majority leader and the minority leader of the Senate.

"(H) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the Speaker and the minority leader of the House of Representatives.

"(2) Comptroller General.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approve of the Commission study.

"(3) Chairperson.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

"(4) Appointment Date.—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act.".

(b) Report.—Section 211(B)(p) of Public Law 101–515 (104 Stat. 2124) is amended by striking "the expiration" and all that follows through "this Act," and inserting "March 31, 1996,".

(c) Reimbursement.—

(1) Section 211(B)(i) of Public Law 101–515 (104 Stat. 2124) is amended by striking "non-reimbursable" and inserting "a reimbursable".

(2) Section 211(b)(j) of Public Law 101–515 (104 Stat. 2124) is amended by adding after "Commission" the following: ", on a reimbursable basis,".

SEC. 260002. CONFORMING AMENDMENT.

Section 3404(a) of Public Law 101–647 (42 U.S.C. 3721 note) is repealed.

TITLE XXVII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL

SEC. 270001. PRESIDENTIAL SUMMIT.

Congress calls on the President to convene a national summit on violence in America prior to convening the Commission established under this title.

SEC. 270002. ESTABLISHMENT; COMMITTEES AND TASK FORCES; REPRESENTATION.

(a) Establishment and Appointment of Members.—There is established a commission to be known as the "National Commission on Crime Control and Prevention". The Commission shall be composed of 28 members appointed as follows:

(1) 10 persons by the President, not more than 6 of whom shall be of the same major political party.

(2) 9 persons by the President pro tempore of the Senate, 5 of whom shall be appointed on the recommendation of the Majority Leader of the Senate and the chairman of the Committee on the Judiciary of the Senate, and 4 of whom shall be appointed on the recommendation of the Minority Leader of the Senate and the ranking minority member of the Committee on the Judiciary of the Senate.

(3) 9 persons appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on the Judiciary of the House of Representatives, and 4 of whom shall be appointed on the recommendation of the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on the Judiciary.

(b) Committees and Task Forces.—The Commission shall establish committees or task forces from among its members for the examination of specific subject areas and the carrying out of other functions or responsibilities of the Commission, including committees or task forces for the examination of the subject areas of crime and violence generally, the causes of the demand for drugs, violence in schools, and violence against women, as described in subsections (b) through (e) of section 270004.

(c) REPRESENTATION.—(1) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of crime and violence generally, with education, training, expertise, or experience in such areas as law enforcement, law, sociology, psychology, social work, and ethnography and urban poverty (including health care, housing, education, and employment).

(2) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of the causes of the demand for drugs, with education, training, expertise, or experience in such areas as addiction, biomedicine, sociology, psychology, law, and ethnography and urban poverty (including health care, housing, education, and employment).

(3) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of violence in schools, with education, training, expertise, or experience in such areas as law nforcement, education, school governance policy and teaching, law, sociology, psychology, and ethnography and urban poverty (including health care, housing, education, and employment).

(4) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of violence against women, as survivors of violence, or as persons with education, training, expertise, or experience in such areas as law enforcement, law, judicial administration, prosecution, defense, victim services or advocacy in sexual assault or domestic violence cases (including medical services and counseling), and protection of victims' rights.

SEC. 270003. PURPOSES.

The purposes of the Commission are as follows:

(1) To develop a comprehensive proposal for preventing and controlling crime and violence in the United States, including cost estimates for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas for controlling and preventing crime.

(4) To recommend improvements in the coordination of local, State, Federal, and international crime control and prevention efforts, including efforts relating to crime near international borders.

(5) To make a comprehensive study of the economic and social factors leading to or contributing to crime and violence, including the causes of illicit drug use and other substance abuse, and to develop specific proposals for legislative and administrative actions to reduce crime and violence and the factors that contribute to it.

(6) To recommend means of utilizing criminal justice resources as effectively as possible, including targeting finite correctional facility space to the most serious and violent offenders, and considering increased use of intermediate sanctions for offenders who can be dealt with adequately by such means.

(7) To examine distinctive crime problems and the impact of crime on members of minority groups, Indians living on reservations, and other groups defined by race, ethnicity, religion, age, disability, or other characteristics, and to recommend specific responses to the distinctive crime problems of such groups.

(8) To examine the problem of sexual assaults, domestic violence, and other criminal and unlawful acts that particularly affect women, and to recommend Federal, State, and local strategies for more effectively preventing and punishing such crimes and acts.

(9) To examine the treatment of victims in Federal, State, and local criminal justice systems, and to develop recommendations to enhance and protect the rights of victims.

(10) To examine the ability of Federal, State, and local criminal justice systems to administer criminal law and criminal sanctions impartially without discrimination on the basis of race, ethnicity, religion, gender, or other legally proscribed grounds, and to make recommendations for correcting any deficiencies in the impartial administration of justice on these grounds.

(11) To examine the nature, scope, causes, and complexities of violence in schools and to recommend a comprehensive response to that problem.

SEC. 270004. RESPONSIBILITIES OF THE COMMISSION.

(a) IN GENERAL.—The responsibilities of the Commission shall include such study and consultation as may be necessary or appropriate to carry out the purposes set forth in section 270003, including the specific measures described in subsections (b) through (e) in relation to the subject areas addressed in those subsections.

(b) CRIME AND VIOLENCE GENERALLY.—In addressing the subject of crime and violence generally, the activities of the Commission shall include the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes in Federal and State law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among the Nation's youth.

(4) Examining the problem of youth gangs and providing recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which the use of dangerous weapons in the commission of crime has contributed to violence and murder in the United States.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other persons who wish to participate.

(7) Reviewing all segments of the Nation's criminal justice systems, including the law enforcement, prosecution, defense, judicial, and corrections components in developing the crime control and prevention proposal.

(c) CAUSES OF THE DEMAND FOR DRUGS.—In addressing the subject of the causes of the demand for drugs, the activities of the Commission shall include the following:

(1) Examining the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes, and including consideration of the following factors:

(A) The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(B) Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness and drug experimentation and abuse.

(C) The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(D) Aspects of, and changes in cultural values, attitudes and traditions that contribute to illicit drug use and abuse.

(E) The physiological and psychological factors that contribute to the desire for illicit drugs.

(2) Evaluating Federal, State, and local laws and policies on the prevention of drug abuse, control of unlawful production, distribution and use of controlled substances, and the efficacy of sentencing policies with regard to those laws.

(3) Analyzing the allocation of resources among interdiction of controlled substances entering the United States, enforcement of Federal laws relating to the unlawful production, distribution, and use of controlled substances, education with regard to and the prevention of the unlawful use of controlled substances, and treatment and rehabilitation of drug abusers.

(4) Analyzing current treatment and rehabilitation methods and making recommendations for improvements.

(5) Identifying any existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse.

(6) Assessing the needs of government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs.

(7) Making recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(d) VIOLENCE IN SCHOOLS.—In addressing the subject of violence in schools, the activities of the Commission shall include the following:

(1) Defining the causes of violence in schools.

(2) Defining the scope of the national problem of violence in schools.

(3) Providing statistics and data on the problem of violence in schools on a State-by-State basis.

(4) Investigating the problem of youth gangs and their relation to violence in schools and providing recommendations on how to reduce youth involvement in violent crime in schools.

(5) Examining the extent to which dangerous weapons have contributed to violence and murder in schools.

(6) Exploring the extent to which the school environment has contributed to violence in schools.

(7) Reviewing the effectiveness of current approaches in preventing violence in schools.

(e) VIOLENCE AGAINST WOMEN.—In addressing the subject of sexual assault, domestic violence, and other criminal and unlawful acts that particularly affect women, the activities of the Commission shall include the following:

(1) Evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal, State, and local levels to reduce the incidence of such crimes and acts, and to punish those responsible for such crimes and acts.

(2) Evaluating the adequacy of, and making recommendations regarding, the responsiveness of prosecutors and courts to such crimes and acts.

(3) Evaluating the adequacy of rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of perpetrators of such crimes and acts and to protect victims of such crimes and acts from abuse in legal

proceedings, making recommendations, where necessary, to improve those rules.

(4) Evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release in relation to such crimes and acts.

(5) Evaluating the adequacy of, and making recommendations regarding, the adequacy of Federal and State laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim.

(6) Evaluating the adequacy of, and making recommendations regarding, the adequacy of Federal and State laws on domestic violence and the need for a more uniform statutory response to domestic violence.

(7) Evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protective services for victims of such crimes and acts.

(8) Assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases.

(9) Assessing the problem of stalking and recommending effective means of response to the problem.

(10) Evaluating the adequacy of, and making recommendations regarding, programs for public awareness and public dissemination of information to prevent such crimes and acts.

(11) Evaluating the treatment of victims of such crimes and acts in Federal, State, and local criminal justice systems, and making recommendations designed to improve such treatment.

SEC. 270005. ADMINISTRATIVE MATTERS.

(a) Chair.—The President shall designate a member of the Commission to chair the Commission.

(b) No Additional Pay or Benefits; Per Diem.—Members of the Commission shall receive no pay or benefits by reason of their service on the Commission, but shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(c) Vacancies.—Vacancies on the Commission shall be filled in the same manner as initial appointments.

(d) Meetings Open to the Public.—The Commission shall be considered to be an agency for the purposes of section 552b of title 5, United States Code, relating to the requirement that meetings of Federal agencies be open to the public.

SEC. 270006. STAFF AND SUPPORT SERVICES.

(a) Director.—With the approval of the Commission, the chairperson shall appoint a staff director for the Commission.

(b) Staff.—With the approval of the Commission, the staff director may appoint and fix the compensation of staff personnel for the Commission.

(c) Civil Service Laws.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Staff compensation may be set without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but in no event shall any such personnel be compensated at a rate greater than the rate of basic pay for level ES-4 of the Senior Executive Service Schedule under section 5382 of that title. The staff director shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(d) Consultants.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) Staff of Federal Agencies.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) Physical Facilities.—The Administrator of the General Service Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 270007. POWERS.

(a) Hearings.—For the purposes of carrying out this title, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) Delegation.—Any committee, task force, member, or agent, of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this title.

(c) Access to Information.—The Commission may request directly from any Federal agency or entity in the executive or legislative branch such information as is needed to carry out its functions.

(d) Mail.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 270008. REPORT; TERMINATION.

Not later than 2 years after the date on which the Commission is fully constituted under section 270001, the Commission shall submit a detailed report to the Congress and the President containing its findings and recommendations. The Commission shall terminate 30 days after the submission of its report.

SEC. 270009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 1996.

TITLE XXVIII—SENTENCING PROVISIONS

SEC. 280001. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 280002. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 280003. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) Definition.—In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.

(b) Sentencing Enhancement.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

SEC. 280004. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by inserting "that is not a petty offense" before the period.

SEC. 280005. FULL-TIME VICE CHAIRS OF THE UNITED STATES SENTENCING COMMISSION.

(a) Establishment of Positions.—Section 991 (a) of title 28, United States Code, is amended—

(1) in the second sentence by striking the period and inserting "and three of whom shall be designated by the President as Vice Chairs.";

(2) in the fourth sentence by striking the period and inserting ", and of the three Vice Chairs, no more than two shall be members of the same political party."; and

(3) in the sixth sentence by striking "Chairman" and inserting "Chair, Vice Chairs,".

(b) Terms and Compensation.—Section 992(c) of title 28, United States Code, is amended—

(1) by amending the first sentence to read as follows: "The Chair and Vice Chairs of the Commission shall hold full-time positions and shall be compensated during their terms of office at the annual rate at which judges of the United States courts of appeals are compensated.";

(2) in the second sentence by striking "Chairman" and inserting "Chair and Vice Chairs"; and

(3) in the third sentence by striking "Chairman" and inserting "Chair and Vice Chairs,".

(c) Technical Amendments.—Chapter 58 of title 28, United States Code, is amended—

(1) by striking "Chairman" each place it appears and inserting "Chair";

(2) in the fifth sentence of section 991(a) by striking "his" and inserting "the Attorney General's";

(3) in the fourth sentence of section 992(c) by striking "his" and inserting "the judge's";

(4) in section 994(i)(2) by striking "he" and inserting "the defendant" and striking "his" and inserting "the defendant's"; and

(5) in section 996(a) by striking "him" and inserting "the Staff Director".

SEC. 280006. COCAINE PENALTY STUDY.

Not later than December 31, 1994, the United States Sentencing Commission shall submit a report to Congress on issues relating to sentences applicable to offenses involving the possession or distribution of all forms of cocaine. The report shall address the differences in penalty levels that apply to different forms of cocaine and include any recommendations that the Commission may have for retention or modification of such differences in penalty levels.

TITLE XXIX—COMPUTER CRIME

SEC. 290001. COMPUTER ABUSE AMENDMENTS ACT OF 1994.

(a) Short Title.—This subtitle may be cited as the "Computer Abuse Amendments Act of 1994".

(b) Prohibition.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)";

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, is amended by adding at the end the following new subsection:

"(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.".

(f) PROHIBITION.—Section 1030(a)(3) of title 18, United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

TITLE XXX—PROTECTION OF PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

SEC. 300001. SHORT TITLE.

This title may be cited as the "Driver's Privacy Protection Act of 1994".

SEC. 300002. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

"CHAPTER 123—PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

"§2721. Prohibition on release and use of certain personal information from State motor vehicle records

"(a) IN GENERAL.—Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

"(b) PERMISSIBLE USES.—Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, and may be disclosed as follows:

"(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

"(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

"(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—

"(A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

"(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

"(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

"(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

"(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

"(7) For use in providing notice to the owners of towed or impounded vehicles.

"(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

"(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

"(10) For use in connection with the operation of private toll transportation facilities.

"(11) For any other use in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.

"(12) For bulk distribution for surveys, marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure that—

"(A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and

"(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

"(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

"(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

"(c) RESALE OR REDISCLOSURE.—An authorized recipient of personal information (except a recipient under subsection (b) (11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

"(d) WAIVER PROCEDURES.—A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

"§2722. Additional unlawful acts

"(a) PROCUREMENT FOR UNLAWFUL PURPOSE.—It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

"(b) FALSE REPRESENTATION.—It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

"§2723. Penalties

"(a) CRIMINAL FINE.—A person who knowingly violates this chapter shall be fined under this title.

"(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than $5,000 a day for each day of substantial noncompliance.

"§2724. Civil action

"(a) CAUSE OF ACTION.—A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

"(b) REMEDIES.—The court may award—

"(1) actual damages, but not less than liquidated damages in the amount of $2,500;

"(2) punitive damages upon proof of willful or reckless disregard of the law;

"(3) reasonable attorneys' fees and other litigation costs reasonably incurred; and

"(4) such other preliminary and equitable relief as the court determines to be appropriate.

"§2725. Definitions

"In this chapter—

"(1) 'motor vehicle record' means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

"(2) 'person' means an individual, organization or entity, but does not include a State or agency thereof; and

"(3) 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.".

(b) CLERICAL AMENDMENT.—The table of parts at the beginning of part I of title 18, United States Code, is amended by adding at the end the following new item:

"123. Prohibition on release and use of
certain personal information from
State motor vehicle records .... 2271".

SEC. 300003. EFFECTIVE DATE.

The amendments made by section 300002 shall become effective on the date that is 3 years after the date of enactment of this Act. After the effective date, if a State has implemented a procedure under sections 2721(b) (11) and (12) of title 18, United States Code, as added by section 2902, for prohibiting disclosures or uses of personal information, and the procedure otherwise meets the requirements of subsection (b) (11) and (12), the State shall be in compliance with subsections (b) (11) and (12) even if the procedure is not available to individuals until they renew their license, title, registration or identification card, so long as the State provides some other procedure for individuals to contact the State on their own initiative to prohibit such uses or disclosures. Prior to the effective date, personal information covered by the amendment made by section 300002 may be released consistent with State law or practice.

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

SEC. 310001. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) VIOLENT CRIME REDUCTION TRUST FUND.—There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund" (referred to in this section as the "Fund") into which shall be transferred, in accordance with subsection (b), savings realized from implementation of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note; Public Law 103–226).

(b) TRANSFERS INTO THE FUND.—On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1995), the following amounts shall be transferred from the general fund to the Fund—

(1) for fiscal year 1995, $2,423,000,000;

(2) for fiscal year 1996, $4,287,000,000;

(3) for fiscal year 1997, $5,000,000,000;

(4) for fiscal year 1998, $5,500,000,000;

(5) for fiscal year 1999, $6,500,000,000; and

(6) for fiscal year 2000, $6,500,000,000.

(c) APPROPRIATIONS FROM THE FUND.—(1) Amounts in the Fund may be appropriated exclusively for the purposes authorized in this Act and for those expenses authorized by any Act enacted before this Act that are expressly qualified for expenditure from the Fund.

(2) Amounts appropriated under paragraph (1) and outlays flowing from such appropriations shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 except section 251A of that Act as added by subsection (g), or for purposes of section 605(b) of the Congressional Budget Act of 1974. Amounts of new budget authority and outlays under paragraph (1) that are included in concurrent resolutions on the budget shall not be taken into account for purposes of sections 601(b), 606(b), and 606(c) of the Congressional Budget Act of 1974, or for purposes of section 24 of House Concurrent Resolution 218 (One Hundred Third Congress).

(d) LISTING OF THE FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(e) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE TRUST FUND.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

"(30) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

"(31) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.".

(f) ALLOCATION AND SUBALLOCATION OF AMOUNTS IN THE FUND.—

(1) IN GENERAL.—Section 602(a) of the Congressional Budget Act of 1974 is amended—

(A) in paragraph (1)(A) by striking "and" at the end of clause (ii), by striking the semicolon and inserting a comma at the end of clause (iii), and by adding after clause (iii) the following:

"(iv) new budget authority from the Violent Crime Reduction Trust Fund, and

"(v) outlays from the Violent Crime Reduction Trust Fund;";

(B) in paragraph (2) by striking "and" at the end of subparagraph (B) and by adding after subparagraph (C) the following:

"(D) new budget authority from the Violent Crime Reduction Trust Fund; and

"(E) outlays from the Violent Crime Reduction Trust Fund;"; and

(C) by adding at the end the following new paragraph:

"(4) NO DOUBLE COUNTING.—Amounts allocated among committees under clause (iv) or (v) of paragraph (1)(A) or under subparagraph (D) or (E) of paragraph (2) shall not be included within any other allocation under that paragraph.".

(2) FISCAL YEAR 1995.—The chairman of the Committee on the Budget shall submit to the House of Representatives or the Senate, as the case may be, appropriately revised allocations under clauses (iv) and (v) of paragraph (1)(A) or subparagraphs (D) and (E) of paragraph (2) of section 602(a) of the Congressional Budget Act of 1974 for fiscal year 1995 to carry out subsection (b)(1).

(g) VIOLENT CRIME REDUCTION TRUST FUND SEQUESTRATION.—

(1) SEQUESTRATION.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 251 the following new section:

"SEC. 251A. SEQUESTRATION WITH RESPECT TO VIOLENT CRIME REDUCTION TRUST FUND.

"(a) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session, there shall be a sequestration to eliminate any budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b).

"(b) ELIMINATING A BUDGETARY EXCESS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), appropriations from the Violent Crime Reduction Trust Fund shall be reduced by a uniform percentage necessary to eliminate any amount by which estimated outlays in the budget year from the Fund exceed the following levels of outlays:

"(A) For fiscal year 1995, $703,000,000.

"(B) For fiscal year 1996, $2,334,000,000.

"(C) For fiscal year 1997, $3,936,000,000.

"(D) For fiscal year 1998, $4,904,000,000.

For fiscal year 1999, the comparable level for budgetary purposes shall be deemed to be $5,639,000,000. For fiscal year 2000, the comparable level for budgetary purposes shall be deemed to be $6,225,000,000.

"(2) SPECIAL OUTLAY ALLOWANCE.—If estimated outlays from the Fund for a fiscal year exceed the level specified in paragraph (1) for that year, that level shall be increased by the lesser of that excess or 0.5 percent of that level.

"(c) LOOK-BACK.—If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) for that year (after taking into account any sequestration of amounts under this section), the level set forth in subsection (b) for the next fiscal year shall be reduced by the amount of that excess.

"(d) WITHIN-SESSION SEQUESTRATION.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for the budget year and before July 1 of that fiscal year) that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) for that year (after taking into account any prior sequestration of amounts under this section), 15 days later there *shall be a sequestration to eliminate that excess following the procedures set forth in subsection (b).*

"(e) PART-YEAR APPROPRIATIONS AND OMB ESTIMATES.—Paragraphs (4) and (7) of section 251(a) shall apply to appropriations from, and sequestration of amounts appropriated from, the Violent Crime Reduction Trust Fund under this section in the same manner as those paragraphs apply to discretionary appropriations and sequestrations under that section.".

(2) REPORTS.—Section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) REPORTS ON SEQUESTRATION TO REDUCE THE VIOLENT CRIME REDUCTION TRUST FUND.—The final reports shall set forth for the budget year estimates for each of the following:

"(A) The amount of budget authority appropriated from the Violent Crime Reduction Trust Fund and outlays resulting from those appropriations.

"(B) The sequestration percentage and reductions, if any, required under section 251A.".

SEC. 310002. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

Upon enactment of this Act, the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as adjusted in conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and in the Senate, with section 24 of House Concurrent Resolution 218 (103d Congress)) for fiscal years 1995 through 1998 are reduced as follows:

(1) for fiscal year 1995, for the discretionary category: $2,423,000,000 in new budget authority and $703,000,000 in outlays;

(2) for fiscal year 1996, for the discretionary category: $4,287,000,000 in new budget authority and $2,334,000,000 in outlays;

(3) for fiscal year 1997, for the discretionary category: $5,000,000,000 in new budget authority and $3,936,000,000 in outlays; and

(4) for fiscal year 1998, for the discretionary category: $5,500,000,000 in new budget authority and $4,904,000,000 in outlays.

For fiscal year 1999, the comparable amount for budgetary purposes shall be deemed to be $6,500,000,000 in new budget authority and $5,639,000,000 in outlays. For fiscal year 2000, the comparable amount for budgetary purposes shall be deemed to be $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

SEC. 310003. EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS FOR FISCAL YEARS FOR WHICH THE FULL AMOUNT AUTHORIZED IS NOT APPROPRIATED.

If, in making an appropriation under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a certain purpose for a certain fiscal year in a certain amount, the Congress makes an appropriation for that purpose for that fiscal year in a lesser amount, that provision or amendment shall be considered to authorize the making of appropriations for that purpose for later fiscal years in an amount equal to the difference between the amount authorized to be appropriated and the amount that has been appropriated.

SEC. 310004. FLEXIBILITY IN MAKING OF APPROPRIATIONS.

(a) FEDERAL LAW ENFORCEMENT.—In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a Federal law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other Federal law enforcement program for which appropriations are authorized by any other Federal law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular Federal law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(b) STATE AND LOCAL LAW ENFORCEMENT.—In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a State and local law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other State and local law enforcement program for which appropriations are authorized by any other State and local law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular State and local law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(c) PREVENTION.—In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a prevention program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other prevention program for which appropriations are authorized by any other prevention provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular prevention program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(d) DEFINITIONS.—In this section—"Federal law enforcement program" means a program authorized in any of the following sections:

(1) section 190001(a);
(2) section 190001(b);
(3) section 190001(c);
(4) section 190001(d);
(5) section 190001(e);
(6) section 320925;
(7) section 150008;
(8) section 220002;
(9) section 130002;
(10) section 130005;
(11) section 130006;
(12) section 130007;
(13) section 250005;
(14) sections 210303–210306;
(15) section 180104; and
(16) section 270009.

"State and local law enforcement program" means a program authorized in any of the following sections:

(1) sections 10001–10003;
(2) section 210201;
(3) section 210603;
(4) section 180101;
(5) section 180103;
(6) sections 31701–31708;
(7) section 210602;
(8) sections 30801–30802;
(9) section 210302;
(10) section 210501;
(11) section 210101;
(12) section 320930;
(13) sections 20101–20109;
(14) section 20301;
(15) section 32201; and
(16) section 20201.

"prevention program" means a program authorized in any of the following sections:

(1) section 50001;
(2) sections 30101–30104;
(3) sections 30201–30208;
(4) sections 30301–30307;
(5) sections 30401–30403;
(6) sections 30701–30702;
(7) sections 31001–31002;
(8) sections 31101–31133;
(9) sections 31501–31505;
(10) sections 31901–31922;
(11) section 32001;
(12) section 32101;
(13) section 32401;
(14) section 40114;
(15) section 40121;
(16) section 40151;
(17) section 40152;
(18) section 40155;
(19) section 40156;
(20) section 40211;
(21) section 40231;
(22) section 40241;
(23) section 40251;
(24) section 40261;
(25) section 40292;
(26) section 40293;
(27) section 40295;
(28) sections 40411–40414;
(29) sections 40421–40422;
(30) section 40506;
(31) sections 40601–40611; and
(32) section 24001.

TITLE XXXII—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 320101. INCREASED PENALTIES FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "ten"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "six".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved in the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) President and President's Staff.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 320102. INCREASED PENALTIES FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the first undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "six".

SEC. 320103. INCREASED PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) Conspiracy Against Rights.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life".

(b) Deprivation of Rights.—Section 242 of title 18, United States Code, is amended—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life".

(c) Federally Protected Activities.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life".

(d) Damage to Religious Property.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) Fair Housing Act.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death;";

(2) by striking "not more than $1,000," and inserting "under this title";

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than $10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life".

SEC. 320104. PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) In General.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000 or imprisoned not more than 10 years"; and

(B) by striking "$1,000,000" and inserting "$5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000 or imprisoned not more than 20 years"; and

(B) by striking "$5,000,000" and inserting "$15,000,000".

(b) Laundering Monetary Instruments.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),".

SEC. 320105. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 320106. INCREASED PENALTIES FOR ARSON.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking "not more than ten years, or fined not more than $10,000" and inserting "not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,"; and

(B) by striking "not more than twenty years, or fined not more than $10,000" and inserting "not more than 40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "5 years but not more than 15 years"; and

(B) in the second sentence by striking "ten years" and inserting "10 years but not more than 25 years"; and

(3) in subsection (i)—

(A) by striking "not more than ten years or fined not more than $10,000" and inserting "not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,"; and

(B) by striking "not more than twenty years or fined not more than $20,000" and inserting "not more than 40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,".

SEC. 320107. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR PUBLIC HOUSING.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 320108. TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) Task Force.—

(1) In General.—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) Membership.—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(3) Duties.—The task force shall—

(A) facilitate the prosecution of violations of Federal and State laws relating to the conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous plant and animal species.

(4) Report.—The task force shall report to the Attorney General, the Secretary of Agriculture,

the Secretary of the Interior, and to the Committee on the Judiciary and Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on the Judiciary, Committee on Agriculture, and Committee on Merchant Marine and Fisheries of the House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii that relate to the introduction of nonindigenous plant and animal species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) CONSULTATION.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

"§1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants

"A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

"1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.".

SEC. 320109. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting (a) IN GENERAL.—Whoever";

(2) by striking "not more than $250" and inserting "under this title"; and

(3) by adding at the end the following new subsection:

"(b) CONGRESSIONAL MEDAL OF HONOR.—

"(1) IN GENERAL.—If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

"(2) DEFINITIONS.—(A) As used in subsection (a) with respect to a Congressional Medal of Honor, 'sells' includes trades, barters, or exchanges for anything of value.

"(B) As used in this subsection, 'Congressional Medal of Honor' means a medal awarded under section 3741 of title 10.".

Subtitle B—Extension of Protection of Civil Rights Statutes

SEC. 320201. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

Subtitle C—Audit and Report

SEC. 320301. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).".

SEC. 320302. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

Subtitle D—Coordination

SEC. 320401. COORDINATION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAMS.

The Attorney General shall consult with the Secretary of the Department of Health and Human Services in establishing and carrying out the substance abuse treatment and prevention components of the programs authorized under this Act, to assure coordination of programs, eliminate duplication of efforts and enhance the effectiveness of such services.

Subtitle E—Gambling

SEC. 320501. CLARIFYING AMENDMENT REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

The paragraph of section 1081 of title 18, United States Code, defining the term "gambling ship" is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986 as in effect on January 1, 1994).".

Subtitle F—White Collar Crime Amendments

SEC. 320601. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§880. Receiving the proceeds of extortion

"A person who receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion.".

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) A person who transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 320602. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "whoever" and inserting:

"(a) ASSAULT.—A person who"; and

(2) by adding at the end the following new subsection:

"(b) RECEIPT, POSSESSION, CONCEALMENT, OR DISPOSAL OF PROPERTY.—A person who receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 320603. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and knowingly, with the intent to deceive, makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person *so engaged shall be punished as provided in paragraph (2).*

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to deceive any person, including any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person, about the financial condition or solvency of such business shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the appropriate regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of such title is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

SEC. 320604. MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding at the end thereof the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce; or".

(b) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(c) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

SEC. 320605. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking "or 1956"; and

(2) by inserting "1517, 1956, or 1957".

SEC. 320606. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 320607. ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 320608. DEFINITION OF SAVINGS AND LOAN ASSOCIATION" FOR PURPOSES OF THE OFFENSE OF BANK ROBBERY AND RELATED OFFENSES.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) a Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) a corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 320609. DEFINITION OF 1-YEAR PERIOD FOR PURPOSES OF THE OFFENSE OF OBSTRUCTION OF A FEDERAL AUDIT.

Section 1516(b) of title 18, United States Code, is amended—

(1) by striking "section the term" and inserting "section—

"(1) the term";

(2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(2) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

Subtitle G—Safer Streets and Neighborhoods

SEC. 320701. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1994".

SEC. 320702. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

Subtitle H—Recreational Hunting Safety

SEC. 320801. SHORT TITLE.

This subtitle may be cited as the "Recreational Hunting Safety and Preservation Act of 1994".

SEC. 320802. OBSTRUCTION OF A LAWFUL HUNT.

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

SEC. 320803. CIVIL PENALTIES.

(a) IN GENERAL.—A person who violates section 320802 shall be assessed a civil penalty in an amount computed under subsection (b).

(b) COMPUTATION OF PENALTY.—The penalty shall be—

(1) not more than $10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and

(2) not more than $5,000 for any other violation.

(c) RELATIONSHIP TO OTHER PENALTIES.—The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 320802.

(d) PROCEDURE.—Upon receipt of—

(1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 320802; or

(2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 320802 has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty under this section.

(e) USE OF PENALTY MONEY COLLECTED.—After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes", approved September 2, 1937 (16 U.S.C. 669) (commonly known as the "Pitman-Robertson Wildlife Restoration Act"), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

SEC. 320804. OTHER RELIEF.

Injunctive relief against a violation of section 320802 may be sought by—

(1) the head of a State agency with jurisdiction over fish or wildlife management;

(2) the Attorney General of the United States; or

(3) any person who is or would be adversely affected by the violation.

SEC. 320805. RELATIONSHIP TO STATE AND LOCAL LAW AND CIVIL ACTIONS.

This subtitle does not preempt a State law or local ordinance that provides for civil or criminal penalties for conduct that violates this subtitle.

SEC. 320806. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 320807. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to impair a right guaranteed to a person under the first article of amendment to the Constitution or limit any legal remedy for forceful interference with a person's lawful participation in speech or peaceful assembly.

SEC. 320808. DEFINITIONS.

As used in this subtitle:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) national forests;

(B) public lands;

(C) national parks; and

(D) wildlife refuges.

(2) LAWFUL HUNT.—The term "lawful hunt" means the taking or harvesting (or attempted taking or harvesting) of wildlife or fish, on Federal lands, which—

(A) is lawful under the laws applicable in the place it occurs; and

(B) does not infringe upon a right of an owner of private property.

(3) NATIONAL FOREST.—The term "national forest" means lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(4) NATIONAL PARK.—The term "national park" means lands and waters included in the National Park System (as defined in section 2(a) of the Act entitled "An Act to facilitate the management of the National Park System and miscellaneous areas administered in connection with that system, and for other purposes", approved August 8, 1953 (16 U.S.C. 1c(a))).

(5) PUBLIC LANDS.—The term "public lands" has the same meaning as is provided in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture with respect to national forests; and

(B) the Secretary of the Interior with respect to—

(i) public lands;

(ii) national parks; and

(iii) wildlife refuges.

(7) WILDLIFE REFUGE.—The term "wildlife refuge" means lands and waters included in the National Wildlife Refuge System (as established by section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd)).

(8) CONDUCT.—The term "conduct" does not include speech protected by the first article of amendment to the Constitution.

Subtitle I—Other Provisions

SEC. 320901. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by inserting "or" at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)-(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 320902. THEFT OF MAJOR ARTWORK.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§668. Theft of major artwork

"(a) DEFINITIONS.—In this section—

" 'museum' means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

"(A) is situated in the United States;

"(B) is established for an essentially educational or aesthetic purpose;

"(C) has a professional staff; and

"(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

" 'object of cultural heritage' means an object that is—

"(A) over 100 years old and worth in excess of $5,000; or

"(B) worth at least $100,000.".

"(b) OFFENSES.—A person who—

"(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

"(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) PERIOD OF LIMITATION.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§3294. Theft of major artwork

"No person shall be prosecuted, tried, or punished for a violation of or conspiracy to violate section 668 unless the indictment is returned or the information is filed within 20 years after the commission of the offense.".

(d) TECHNICAL AMENDMENTS.—

(1) CHAPTER 31.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of major artwork.".

(2) CHAPTER 213.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3294. Theft of major artwork.".

SEC. 320903. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 320904. GUN-FREE SCHOOL ZONES.

Section 922(q) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(2) by inserting after "(q)" the following new paragraph:

"(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.".

SEC. 320905. INTERSTATE WAGERING.

Section 1301 of title 18, United States Code, is amended by inserting "or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise or similar scheme conducted by another State (unless that business is permitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;" after "scheme;".

SEC. 320906. SENSE OF CONGRESS WITH RESPECT TO VIOLENCE AGAINST TRUCKERS.

It is the sense of Congress that—

(1) when there is Federal jurisdiction, Federal authorities should prosecute to the fullest extent of the law murders, rapes, burglaries, kidnappings and assaults committed against commercial truckers; and

(2) appropriate Federal agencies should acknowledge this problem and place a priority on evaluating how best to prevent these crimes and apprehend those involved, and continue to coordinate their activities with multi-jurisdictional authorities to combat violent crimes committed against truckers.

SEC. 320907. SENSE OF THE SENATE REGARDING A STUDY ON OUT-OF-WEDLOCK BIRTHS.

It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, in consultation with the National Center for Health Statistics, should prepare an analysis of the causes of the increase in out-of-wedlock births, and determine whether there is any historical precedent for such increase, as well as any equivalent among foreign nations, and

(2) the Secretary of Health and Human Services should report to Congress within 12 months after the date of the enactment of this Act on the Secretary's analysis of the out-of-wedlock problem and its causes, as well as possible remedial measures that could be taken.

SEC. 320908. SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

SEC. 320909. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offenses.".

SEC. 320910. UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation

made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 320911. MISUSE OF INITIALS "DEA".

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"A person who, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

SEC. 320912. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following new paragraph:

"'livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof.".

SEC. 320913. ASSET FORFEITURE.

(a) AMENDMENT.—Section 524(c)(1) of title 28, United States Code, is amended—

(1) by redesignating subparagraph (H) as subparagraph (I); and

(2) by inserting after subparagraph (G) the following new subparagraph:

"(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to all claims pending at the time of or commenced subsequent to the date of enactment of this Act.

SEC. 320914. CLARIFICATION OF DEFINITION OF A "COURT OF THE UNITED STATES" TO INCLUDE THE DISTRICT COURTS FOR GUAM, THE NORTHERN MARIANA ISLANDS, AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§23. Court of the United States defined

"As used in this title, except where otherwise expressly provided the term 'court of the United States' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"23. Court of the United States defined.".

SEC. 320915. LAW ENFORCEMENT PERSONNEL.

It is the sense of the Senate that law enforcement personnel should not be reduced and calls upon the President of the United States to exempt Federal law enforcement positions from Executive Order 12839 and other Executive memoranda mandating reductions in the Federal workforce.

SEC. 320916. AUTHORITY TO INVESTIGATE VIOLENT CRIMES AGAINST TRAVELERS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following new section:

"§540A. Investigation of violent crimes against travelers

"(a) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and Director of the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler.

"(b) FOREIGN TRAVELERS.—In a case in which the traveler who is a victim of a crime described in subsection (a) is from a foreign nation, the Attorney General and Director of the Federal Bureau of Investigation, and, when appropriate, the Secretary of State shall assist the prosecuting and law enforcement officials of a State or political subdivision to the fullest extent possible in securing from abroad such evidence or other information as may be needed for the effective investigation and prosecution of the crime.

"(c) DEFINITIONS.—In this section—

"'felony crime of violence' means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another.

"'State' means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"'traveler' means a victim of a crime of violence who is not a resident of the State in which the crime of violence occurred.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 33 of title 28, United States Code, is amended by adding at the end the following new item:

"540A. Investigation of violent crimes against travelers.".

SEC. 320917. EXTENSION OF STATUTE OF LIMITATIONS FOR ARSON.

(a) IN GENERAL.—Section 844(i) of title 18, United States Code, is amended by adding at the end the following: "No person shall be prosecuted, tried, or punished for any noncapital offense under this subsection unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to any offense described in the amendment that was committed more than 5 years prior to the date of enactment of this Act.

SEC. 320918. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

SEC. 320919. EDWARD BYRNE MEMORIAL FORMULA GRANT PROGRAM.

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients that would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

SEC. 320920. SENSE OF THE SENATE REGARDING LAW DAY U.S.A.

It is the sense of the Senate that in celebration of "Law Day, U.S.A.", May 1, 1995, the grateful people of this Nation should give special emphasis to all law enforcement personnel of the United States, and the grateful people of this Nation should acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquillity and guarantee the legal rights of all individuals of this Nation.

SEC. 320921. FIRST TIME DOMESTIC VIOLENCE OFFENDER REHABILITATION PROGRAM.

(a) SENTENCE OF PROBATION.—Section 3561 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following new subsection after subsection (a):

"(b) DOMESTIC VIOLENCE OFFENDERS.—A defendant who has been convicted for the first time of a domestic violence crime shall be sentenced to a term of probation if not sentenced to a term of imprisonment. The term 'domestic violence crime' means a crime of violence for which the defendant may be prosecuted in a court of the United States in which the victim or intended victim is the spouse, former spouse, intimate partner, former intimate partner, child, or former child of the defendant, or any relative defendant, child, or former child of the defendant, or any other relative of the defendant.".

(b) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting the following new paragraph:

"(4) for a domestic violence crime as defined in section 3561(b) by a defendant convicted of such an offense for the first time that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant.".

(c) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting "or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b)" after "statute"; and

(2) in subsection (d) by inserting the following after the first sentence: "The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant.".

SEC. 320922. DISPLAY OF FLAGS AT HALFSTAFF.

(a) PUBLIC LAW 87-726.—The first section of Public Law 87-726 (36 U.S.C. 167) is amended—

(1) by striking "(2)" and inserting "(3)";

(2) by inserting after clause (1) the following new clause: "(2) directing the officials of the Government to display at halfstaff the flag of the United States on all Government buildings on such day, as provided by section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175),";

(3) by striking "(3)" and inserting "(4)"; and

(4) by inserting in paragraph (4) ", including the display at half-staff of the flag of the United States" after "activities".

(b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175) is amended by inserting "The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day." after "a Member of Congress.".

SEC. 320923. FINANCIAL INSTITUTION FRAUD.

Section 528 of Public Law 101-509, approved November 5, 1990, is amended by striking "with the authority of the Resolution Trust Corporation or its successor" at the end of subsection (b)(2) and inserting "on December 31, 2004".

SEC. 320924. DEFINITION OF "PARENT" FOR THE PURPOSES OF THE OFFENSE OF KIDNAPPING.

Section 1201 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'parent' does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.".

SEC. 320926. HATE CRIME STATISTICS ACT.

Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "disability," after "religion,".

SEC. 320927. EXEMPTION FROM BRADY BACKGROUND CHECK REQUIREMENT OF RETURN OF HANDGUN TO OWNER.

Section 922(s)(1) of title 18, United States Code, is amended in the first sentence by inserting "(other than the return of a handgun to the person from whom it was received)" after "handgun".

SEC. 320928. AMENDMENT OF THE NATIONAL CHILD PROTECTION ACT OF 1993.

(a) PROTECTION OF THE ELDERLY AND INDIVIDUALS WITH DISABILITIES.—

(1) BACKGROUND CHECKS.—Section 3(a)(1) of the National Child Protection Act of 1993 (42 U.S.C. 5119a) is amended by striking "an individual's fitness to have responsibility for the safety and well-being of children" and inserting "the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities".

(2) GUIDELINES.—Section 3(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)) is amended—

(A) in paragraph (1)(E)—

(i) by striking "child" the first place it appears and inserting "person"; and

(ii) by striking "child" the second place it appears; and

(B) in paragraph (4) by striking "an individual's fitness to have responsibility for the safety and well-being of children" and inserting "the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities".

(3) DEFINITION OF CARE.—Section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c(5)) is amended—

(A) by amending paragraph (5) to read as follows:

"(5) the term 'care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities;"; and

(B) in paragraph (8) by striking "child care" each place it appears and inserting "care".

(b) INFORMATION REQUIRED TO BE REPORTED.—Section 2(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119(a)) is amended by adding at the end "A criminal justice agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.".

(c) CLARIFICATION OF IMMUNITY PROVISION.—Section 3(d) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(d)) is amended by inserting "(other than itself)" after "failure of a qualified entity".

(d) DEFRAYMENT OF COSTS TO VOLUNTEERS OF CONDUCTING BACKGROUND CHECKS.—Section 4(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) to assist the State in paying all or part of the cost to the State of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or voluntary qualified entity to reduce the amount of fees charged for such background checks.".

(e) FEES.—Section 3(e) of the National Child Protection Act of 1993 is amended by striking "the actual cost" and inserting "eighteen dollars, respectively, or the actual cost, whichever is less,".

(f) COSTS OF THE FBI.—Funds authorized to be appropriated to the Federal Bureau of Investigation under section 190001(c) of this Act may be used to pay all or part of the cost to the Federal Bureau of Investigation of carrying out the National Child Protection Act of 1993, including the cost of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or voluntary qualified entity to reduce the amount of fees charged for such background checks.

(g) GUIDELINES.—

(1) IN GENERAL.—The Attorney General, in consultation with Federal, State, and local officials, including officials responsible for criminal history record systems, and representatives of public and private care organizations and health, legal, and social welfare organizations, shall develop guidelines for the adoption of appropriate safeguards by care providers and by States for protecting children, the elderly, or individuals with disabilities from abuse.

(2) MATTERS TO BE ADDRESSED.—In developing guidelines under paragraph (1), the Attorney General shall address the availability, cost, timeliness, and effectiveness of criminal history background checks and recommend measures to ensure that fees for background checks do not discourage volunteers from participating in care programs.

(3) DISSEMINATION.—The Attorney General shall, subject to the availability of appropriations, disseminate the guidelines to State and local officials and to public and private care providers.

(h) CHANGE OF REPORT DEADLINE.—Section 2(f)(2) of the National Child Protection Act of 1993 (42 U.S.C. 5119(f)(2)) is amended by striking "1 year" and inserting "2 years".

(i) CHANGE OF IMPLEMENTATION DEADLINE.—Section 2(b)(2)(A) of the National Child Protection Act of 1993 (42 U.S.C. 5119(b)(2)(A)) is amended by striking "3 years" and inserting "5 years".

(j) DEFINITION OF CHILD ABUSE CASES AND INDIVIDUALS WITH DISABILITIES.—Section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c) is amended—

(1) by redesignating paragraph (6), (7), (8), and (9) as paragraph (8), (9), (10), and (11), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'identifiable child abuse crime case' means a case that can be identified by the authorized criminal justice agency of the State as involving a child abuse crime by reference to the statutory citation or descriptive label of the crime as it appears in the criminal history record;

"(7) the term 'individuals with disabilities' means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks;".

SEC. 320929. TENNESSEE VALLEY AUTHORITY LAW ENFORCEMENT PERSONNEL.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by inserting after section 4 the following new section:

"SEC. 4A. LAW ENFORCEMENT.—(a) DESIGNATION OF LAW ENFORCEMENT AGENTS.—The Board may designate employees of the corporation to act as law enforcement agents in the area of jurisdiction described in subsection (c).

"(b) DUTIES AND POWERS.—

"(1) DUTIES.—A law enforcement agent designated under subsection (a) shall maintain law and order and protect persons and property in the area of jurisdiction described in subsection (c) and protect property and officials and employees of the corporation outside that area.

"(2) POWERS.—In the performance of duties described in paragraph (1), a law enforcement agent designated under subsection (a) may—

"(A) make arrests without warrant for any offense against the United States committed in the agent's presence, or for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing such a felony;

"(B) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of any Federal law or regulation issued pursuant to law in connection with the investigation of an offense described in subparagraph (A);

"(C) conduct an investigation of an offense described in subparagraph (A) in the absence of investigation of the offense by any Federal law enforcement agency having investigative jurisdiction over the offense or with the concurrence of that agency; and

"(D) carry firearms in carrying out any activity described in subparagraph (A), (B), or (C).

"(c) AREA OF JURISDICTION.—A law enforcement agent designated under subsection (a) shall be authorized to exercise the law enforcement duties and powers described in subsection (b)—

"(1) on any lands or facilities owned or leased by the corporation or within such adjoining areas in the vicinities of such lands or facilities as may be determined by the board under subsection (e); and

"(2) on other lands or facilities—

"(A) when the person to be arrested is in the process of fleeing from such lands, facilities, or adjoining areas to avoid arrest;

"(B) in conjunction with the protection of property or officials or employees of the corporation on or within lands or facilities other than those owned or leased by the corporation; or

"(C) in cooperation with other Federal, State, or local law enforcement agencies.

"(d) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—Nothing in this section shall be construed to—

"(1) limit or restrict the investigative jurisdiction of any Federal law enforcement agency; or

"(2) affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction on or within lands or facilities owned or leased by the corporation.

"(e) DETERMINATION OF ADJOINING AREAS.—

"(1) IN GENERAL.—The board shall determine and may from time-to-time modify the adjoining areas for each facility or particular area of land, or for individual categories of such facilities or lands, for the purposes of subsection (c)(1).

"(2) NOTICE.—A notice and description of each adjoining area determination or modification of a determination made under paragraph (1) shall be published in the Federal Register.

"(f) QUALIFICATIONS AND TRAINING.—The board, in consultation with the Attorney General, shall adopt qualification and training standards for law enforcement agents designated under subsection (a).

"(g) RELATION TO OTHER LAW.—A law enforcement agent designated under subsection (a) shall not be considered to be a law enforcement officer of the United States for the purposes of any other law, and no law enforcement agent designated under subsection (a) or other employee of the corporation shall receive an increase in compensation solely on account of this section.

"(h) RELATIONSHIP WITH ATTORNEY GENERAL.—The duties and powers of law enforcement agents designated under subsection (a) that are described in subsection (b) shall be exercised in accordance with guidelines approved by the Attorney General.".

SEC. 320932. ASSISTANT UNITED STATES ATTORNEY RESIDENCY.

Section 545(a) of title 28, United States Code, is amended—

(1) by striking "and assistant United States attorney"; and

(2) by inserting the following after the first sentence: "Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof.".

SEC. 320933. LABELS ON PRODUCTS.

To the extent any person introduces, delivers for introduction, sells, advertises, or offers for sale in commerce a product with a "Made in the U.S.A." or "Made in America" label, or the equivalent thereof, in order to represent that such product was in whole or substantial part of domestic origin, such label shall be consistent with decisions and orders of the Federal Trade Commission issued pursuant to section 5 of the Federal Trade Commission Act. This section only applies to such labels. Nothing in this section shall preclude the application of other provisions of law relating to labeling. The Commission may periodically consider an appropriate percentage of imported components which may be included in the product and still be reasonably consistent with such decisions and orders. Nothing in this section shall preclude use of such labels for products that contain imported components under the label when the label also discloses such information in a clear and conspicuous manner. The Commission shall administer this section pursuant to section 5 of the Federal Trade Commission Act and may from time to time issue rules pursuant to section 553 of Title 5, United States Code for such purpose. If a rule is issued, such violation shall be treated by the Commission as a violation of a rule under section 18 of the Federal Trade Commissions Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. This section shall be effective upon publication in the Federal Register of a Notice of the provisions of this section. The Commission shall publish such notice within six months after the enactment of this section.

SEC. 320934. NON-DISCHARGEABILITY OF PAYMENT OF RESTITUTION ORDER.

Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for any payment of an order of restitution issued under title 18, United States Code."

SEC. 320935 ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

(a) The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "offense of sexual assault" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraph (1)–(4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "child" means a person below the age of fourteen, and "offense of child molestation" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these rules.

"(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule."

(b) IMPLEMENTATION.—The amendments made by subsection (a) shall become effective pursuant to subsection (d).

(c) RECOMMENDATIONS BY JUDICIAL CONFERENCE.—Not later than 150 days after the date of enactment of this Act, the Judicial Conference of the United States shall transmit to Congress a report containing recommendations for amending the Federal Rules of Evidence as they affect the admission of evidence of a defendant's prior sexual assault or child molestation crimes in cases involving sexual assault and child molestation. The Rules Enabling Act shall not apply to the recommendations made by the Judicial Conference pursuant to this section.

(d) CONGRESSIONAL ACTION.—

(1) If the recommendations described in subsection (c) are the same as the amendments made by subsection (a) then the amendments made by subsection (a) shall become effective 30 days after the transmittal of the recommendations.

(2) If the recommendations described in subsection (c) are different than the amendments made by subsection (a), the amendments made by subsection (a) shall become effective 150 days after the transmittal of the recommendations unless otherwise provided by law.

(3) If the Judicial Conference fails to comply with subsection (c), the amendments made by subsection (a) shall become effective 150 days after the date the recommendations were due under subsection (c) unless otherwise provided by law.

(e) APPLICATION.—The amendments made by subsection (a) shall apply to proceedings commenced on or after the effective date of such amendments.

TITLE XXXIII—TECHNICAL CORRECTIONS

SEC. 330001. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M.," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(f) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(g) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(h) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon;

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) by striking "605" and inserting "606";

(5) in section 605 by striking "this section" and inserting "this part";

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) by striking "805" and inserting "804";

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) by striking "and," and inserting ", and";

(14) in section 1001(c) by striking "parts" and inserting "part".

(i) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 330002. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) TECHNICAL AMENDMENT TO PART ANALYSIS FOR PART I.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(B).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(j) CHAPTER ANALYSIS CORRECTION.—The chapter analysis for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(k) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 330003. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(c) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(d) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(e) SECTION 408 OF THE CONTROLLED SUBSTANCES ACT.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(f) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(g) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(h) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 46(i)(1) of the Federal Rules of Criminal Procedure for the United States Courts is amended by striking "18 U.S.C. § 3144" and inserting "18 U.S.C. § 3142".

SEC. 330004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analysis for chapter 105 and for 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113 by striking the third paragraph;

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443 by striking "or (3) five years after 12 o'clock noon of December 31, 1946,";

(18) in sections 542, 544, and 545 by striking "the Philippine Islands,"; and

(19) in section 1073—

(A) by striking "or which, in the case of New Jersey, is a high misdemeanor under the laws of said State,"; and

(B) by striking "or which in the case of New Jersey, is a high misdemeanor under the laws of said State,".

SEC. 330005. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended by striking "issuer" and inserting "domestic concern".

SEC. 330006. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 330007. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 330008. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking "use" and the quotation mark that immediately follows it and inserting "use;";

(B) by realigning the matter in subsection (a)(2) that begins with "may have installed" and ends with "section 3123 of this title" so that it is flush to the left margin; and

(C) by striking "provider for" and inserting "provider of" in subsection (d);

(4) in section 3731 by striking "order of a district courts" and inserting "order of a district court" in the second undesignated paragraph;

(5) in section 151 by striking "mean" and inserting "means";

(6) in section 208(b) by inserting "if" after "(4)";

(7) in section 209(d) by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014 by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291 by striking "the afore-mentioned" and inserting "such".

SEC. 330009. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 330010. CORRECTION OF ERRORS FOUND DURING CODIFICATION.

Title 18, United States Code, is amended—

(1) in section 212 by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the subchapter analysis for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the chapter analysis for chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a) by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking "subdivision" each place it appears and inserting "subsection"; and

(B) by striking "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B) by striking "materails" and inserting " materials";

(9) in section 14 by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b) by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c) by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the chapter analysis for chapter 11—

(A) in the item relating to section 203 by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204 by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the chapter analysis for chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the chapter analysis for the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3) by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176 by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii) by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the chapter analysis for chapter 203.

SEC. 330011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) INCORRECT REFERENCE.—Section 2587(b) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "The chapter heading for" and inserting "The chapter analysis for".

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended, effective as of the date on which that section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of that title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3(b) of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective as of the date on which that section took effect, by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the part analysis for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "new rule".

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by inserting "at the end" after "adding".

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective as of the date of enactment of that section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "10" and inserting "ten".

(i) CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective as of the date on which those sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "4th" and inserting "5th".

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective as of the date of its enactment.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective as of the date of its enactment.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101–647 is amended, effective as of the date of its enactment—

(1) in section 3564(1) by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A) by inserting "each place it appears" after the quotation mark following "subchapter".

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101–647 is repealed, effective as of the date of its enactment.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101–647 is repealed, effective as of the date on which that section took effect.

(2) Section 1213 of Public Law 101–647 is repealed, effective as of the date on which that section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101–647 is amended, effective as of the date on which that section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "108(3)" and inserting "2508(3)".

SEC. 330012. AMENDMENT TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 330013. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for that part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

SEC. 330014. UPDATE OF CROSS REFERENCE.

Section 408(n)(11) of the Controlled Substances Act is amended by striking "section 405" and inserting "section 418".

SEC. 330015. CORRECTION OF ERROR IN AMENDATORY LANGUAGE.

Section 1904 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "by inserting a new subsection (e) as follows" and inserting "so that subsection (e) reads as follows".

SEC. 330016. CORRECTION OF MISLEADING AND OUTMODED FINE AMOUNTS IN OFFENSES UNDER TITLE 18.

Title 18, United States Code, is amended—

(1)(A) in sections 1693, 1694, 1695, and 1696 by striking "not more than $50" and inserting "under this title";

(B) in sections 333, 489, 754, 1303, 1699, 1701, 1703, 1710, 1723, 1726, 1730, and 2390 by striking "not more than $100" and inserting "under this title";

(C) in sections 1697 and 1698 by striking "not more than $150" and inserting "under this title";

(D) in sections 1165 and 2279 by striking "not more than $200" and inserting "under this title";

(E) in sections 701, 702, 703, 704, 705, 706, 707, 708, 710, 711, 711a, 713, 715, 1164, and 1858 by striking "not more than $250" each place it appears and inserting "under this title";

(F) in sections 916, 1501, 1502, 1719, 1725, and 1861 by striking "not more than $300" and inserting "under this title";

(G) in sections 4, 41, 42, 46, 47, 112, 154, 244, 288, 290, 336, 475, 501, 502, 755, 872, 875, 876, 877, 917, 1013, 1018, 1024, 1154, 1155, 1156, 1382, 1541, 1700, 1703, 1704, 1707, 1712, 1713, 1720, 1721, 1722, 1729, 1731, 1734, 1752, 1793, 1856, 1857, 1863, 1912, 1913, 1922, 2074, 2195, and 2511 by striking "not more than $500" each place it appears and inserting "under this title";

(H) in sections 81, 210, 211, 215, 217, 242, 245, 291, 292, 439, 442, 480, 483, 484, 490, 491, 494, 495, 503, 507, 510, 594, 595, 596, 597, 598, 599, 604, 605, 641, 643, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 712, 751, 752, 756, 795, 796, 797, 836, 844, 871, 875, 876, 877, 879, 911, 912, 913, 924, 957, 959, 961, 1003, 1012, 1021, 1025, 1026, 1071, 1112, 1163, 1262, 1263, 1264, 1301, 1302, 1304, 1306, 1341, 1342, 1343, 1361, 1363, 1384, 1504, 1508, 1509, 1657, 1705, 1706, 1707, 1711, 1715, 1716, 1733, 1738, 1761, 1762, 2276, 2277, 2278, 2382, and 2389 by striking "not more than $1,000" each place it appears and inserting "under this title";

(I) in sections 331, 482, 486, 499, 755, 873, 958, 1016, 1154, 1156, 1381, 1542, 1543, 1544, 1545, 1586, 1621, 1622, 1702, 1708, 1709, 1920, 1921, 1923, 2071, 2193, 2233, 2386, and 2424 by striking "not more than $2,000" each place it appears and inserting "under this title";

(J) in sections 431, 432, 479, 960, 1859, 1901, 1911, and 1959 by striking "not more than $3,000" and inserting "under this title";

(K) in sections 35, 81, 112, 152, 153, 155, 212, 213, 214, 285, 334, 351, 435, 436, 438, 471, 472, 473, 476, 477, 478, 481, 485, 487, 488, 497, 498, 505, 506, 508, 509, 541, 542, 543, 544, 546, 547, 548, 549, 550, 551, 552, 592, 593, 602, 603, 606, 607, 642, 655, 658, 659, 660, 661, 663, 751, 799, 844, 872, 874, 875, 876, 877, 878, 914, 915, 924, 953, 954, 956, 1004, 1010, 1011, 1015, 1017, 1025, 1028, 1071, 1073, 1074, 1163, 1169, 1231, 1265, 1363, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1461, 1462, 1463, 1465, 1503, 1505, 1506, 1507, 1510, 1581, 1582, 1583, 1584, 1585, 1588, 1658, 1659, 1717, 1732, 1735, 1737, 1751, 1906, 1907, 1908, 1909, 1915, 1991, 2072, 2073, 2113, 2217, 2152, 2197, 2231, 2244, 2314, 2316, 2317, 2344, and 2701 by striking "not more than $5,000" each place it appears and inserting "under this title";

(L) in sections 33, 224, 231, 241, 245, 246, 286, 289, 332, 335, 337, 351, 371, 437, 440, 441, 493, 496, 500, 510, 545, 595, 599, 600, 601, 641, 664, 665, 667, 757, 792, 793, 798, 844, 892, 893, 894, 924, 952, 955, 962, 963, 964, 965, 966, 967, 970, 1001, 1002, 1003, 1019, 1020, 1022, 1023, 1027, 1082, 1084, 1115, 1202, 1361, 1362, 1364, 1365, 1385, 1461, 1462, 1464, 1587, 1623, 1654, 1656, 1735, 1737, 1751, 1902, 1903, 1904, 1910, 1951, 1952, 1953, 1954, 1958, 1992, 2101, 2113, 2153, 2154, 2155, 2156, 2231, 2232, 2271, 2274, 2275, 2314, 2315, 2383, 2386, 2387, 2388, and 2512 by striking "not more than $10,000" each place it appears and inserting "under this title";

(M) in section 1028 by striking "not more than $15,000" and inserting "under this title";

(N) in sections 844, 878, 1728, 1955, 1958, 2321, 2384, and 2385 by striking "not more than $20,000" each place it appears and inserting "under this title";

(O) in sections 32, 114, 753, 1028, 1365, 1512, 1792, and 2118 by striking "not more than $25,000" each place it appears and inserting "under this title";

(P) in section 2118 by striking "not more than $35,000" and inserting "under this title";

(Q) in sections 1365, 1958, and 2118 by striking "not more than $50,000" and inserting "under this title";

(R) in section 951 by striking "not more than $75,000" and inserting "under this title";

(S) in sections 32, 1167, 1365, 2251, and 2344 by striking "not more than $100,000" each place it appears and inserting "under this title";

(T) in section 2251 by striking "not more than $200,000" and inserting "under this title"; and

(U) in sections 1158, 1167, 1512, 1513, 2251, 2318, 2320, and 2701 by striking "not more than $250,000" and inserting "under this title";

(2)(A) in sections 3 and 373 by inserting "(notwithstanding section 3571)" before "fined not more than one-half";

(B) in section 113 by striking "fine of not more than" through the immediately following dollar amount each place it appears and inserting "a fine under this title";

(C) in sections 115, 513, 709, 831, 1366, 1511 and 1959 by striking "of not more than" through the immediately following dollar amount each place it appears and inserting "under this title";

(D) in section 201 by inserting "under this title or" after "be fined"; and by inserting "whichever is greater," before "or imprisoned";

(E) in section 402 by striking "fine" the first place it appears and inserting "a fine under this title";

(F) in section 443 by striking "shall, if a corporation, be fined not more than $50,000, and, if a natural person, be fined not more than $10,000" and inserting "shall be fined under this title";

(G) in sections 643, 644, 645, 647, 648, 649, 650, 651, 652, 653, and 1711 by inserting "under this title or" after "be fined" the first place it appears; and by inserting ", whichever is greater," before "or imprisoned the first place it appears;

(H) in sections 646 and 654 by inserting "under this title or" after "be fined" the first place it appears; and by inserting "whichever is greater," before "or imprisoned" the first place it appears;

(I) in section 1029 by striking "of not more than" through the immediately following dollar amount each place it appears and inserting "under this title"; and by inserting ", whichever is greater," before "or imprisonment" each place it appears;

(J) in section 2381 by inserting "under this title but" before "not less than $10,000"; and

(K) in section 3146(b)(1)(A)(iv) by striking "fine under this chapter" and inserting "fined under this title".

SEC. 330017. TECHNICAL CORRECTIONS TO TITLE 31 CRIMES.

(a) TITLE 31, U.S.C., AMENDMENTS.—

(1) Section 5321(a)(5)(A) of title 31, United States Code, is amended by inserting "any violation of" after "causing".

(2) Section 5324(a) of title 31, United States Code, is amended—

(A) by striking "section 5313(a), section 5325, or the regulations issued thereunder or section 5325 or regulations prescribed under such section 5325" each place it appears and inserting "section 5313(a) or 5325 or any regulation prescribed under any such section"; and

(B) by striking "with respect to such transaction".

(b) AMENDMENT RELATING TO TITLE 31, U.S.C.—

(1) Effective as of the date of enactment of the Annunzio-Wylie Anti-Money Laundering Act, section 1517(b) of that Act is amended by striking "5314" and inserting "5318".

(2) Section 5239 of the Revised Statutes of the United States is amended by redesignating the second subsection (c) (as added by section 1502(a) of the Annunzio-Wylie Anti-Money Laundering Act) as subsection (d).

SEC. 330018. REPEAL OF SUPERFLUOUS STATUTE OF LIMITATION AND TRANSFER OF CHILD ABUSE STATUTE OF LIMITATION.

(a) IN GENERAL.—Section 3283 of title 18, United States Code, is amended to read as follows:

"§3283. Child abuse offenses

"No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse of a child under the age of 18 years shall preclude such prosecution before the child reaches the age of 25 years.".

(b) Conforming Repeal.—Section 3509(k) of title 18, United States Code, is amended by striking the subsection heading and the first sentence and inserting "Stay of Civil Action.—".

(c) Technical Amendment.—The item in the chapter analysis for chapter 213 of title 18, United States Code, that relates to section 3283 is amended to read as follows:

"3283. Child abuse offenses.".

SEC. 330019. TECHNICAL ERRORS IN SECTION 1956.

(a) Technical Corrections.—Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(B)(iii) by inserting a close parenthesis after "1978";

(2) by redesignating the second subsection (g) as subsection (h); and

(3) in subsection (a)(2) by inserting "not more than" before "$500,000".

(b) Cross Reference Correction.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 9(c) of the Food Stamp Act of 1977" and inserting "section 15 of the Food Stamp Act of 1977".

SEC. 330020. TECHNICAL ERROR.

Section 1957(f)(1) of title 18, United States Code, is amended by striking the comma that follows a comma.

SEC. 330021. CONFORMING SPELLING OF VARIANTS OF "KIDNAP".

Title 18, United States Code, is amended—

(1) by striking "kidnaping" each place it appears and inserting "kidnapping"; and

(2) by striking "kidnaped" each place it appears and inserting "kidnapped".

SEC. 330022. MARGIN ERROR.

Section 2512(2) of title 18, United States Code, is amended by realigning the matter that begins with "to send through" and ends with "electronic communications" so that it is flush to the left margin.

SEC. 330023. TECHNICAL CORRECTIONS RELATING TO SECTION 248 OF TITLE 18, UNITED STATES CODE.

(a) In General.—Chapter 13 of title 18, United States Code, is amended—

(1) in the chapter analysis so that the item relating to section 248 reads as follows:

"248. Freedom of access to clinic entrances.";

(2) so that the heading of section 248 reads as follows:

"§248. Freedom of access to clinic entrances"*; and*

(3) in section 248(b) by inserting ", notwithstanding section 3571," before "be not more than $25,000".

(b) Effective Date.—The amendments made by this subsection (a) shall take effect on the date of enactment of the Freedom of Access to Clinic Entrances Act of 1994.

SEC. 330024. TECHNICAL AMENDMENTS NECESSITATED BY THE ENACTMENT OF THE DOMESTIC CHEMICAL DIVERSION CONTROL ACT OF 1993.

(a) Missing Conjunction.—Section 102(39)(A)(iv) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)) is amended by striking the period at the end and inserting "; or".

(b) Punctuation and Indentation Correction.—Section 102(34) of the Controlled Substances Act is amended—

(1) by moving subparagraphs (V) and (W) two ems toward the left margin;

(2) in subparagraph (V) by striking "b" and inserting "B"; and

(3) in subparagraph (W) by striking "n" the first place it appears and inserting "N".

(c) Erroneous Cross References.—

(1) Section 5(a) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "section 1505(a)" and inserting "section 4".

(2) Section 9(b) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "Controlled Substances Act" and inserting "Controlled Substances Import and Export Act".

(d) Correction of Amendatory Language.—

(1) Section 2(a)(4)(B) of the Domestic Chemical Diversion Control Act of 1993 is amended by inserting "the first place it appears" before the semicolon.

(2) Section 5(b)(3) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "at the end" and inserting "after paragraph (4)".

(e) Missing Conforming Amendment.—Section 304(g) of the Controlled Substances Act is amended by inserting "or chemical" after "such substance" in the last sentence.

(f) Effective Date.—The amendments made by this section shall take effect as of the date that is 120 days after the date of enactment of the Domestic Chemical Diversion Control Act of 1993.

SEC. 330025. VICTIMS OF CRIME ACT.

(a) Incorrect Section Reference.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking "1404(a)" and inserting "1404A".

(b) Missing Text.—Section 1403(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended by inserting after "domestic violence" the following: "for—

"(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

"(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

"(C) funeral expenses attributable to a death resulting from a compensable crime".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to control and prevent crime.".

And the House agree to the same.

Jack Brooks,
Don Edwards,
Bill Hughes,
Charles Schumer,
John Conyers,
Pat Schroeder,
Barney Frank,
Michael N. Castle,

As additional conferees from the Committee on Agriculture, for consideration of sections 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

E de la Garza,
Charlie Rose,
Charlie Stenholm,
Pat Roberts,
Richard Pombo,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201–04, 2301, and 4901–33 of the Senate amendment, and sections 1031(b), 1038, and 1099AA–1099CC of the House amendment, and modifications committed to conference:

Henry Gonzalez,
Stephen Neal,
Bruce F. Vento,

As additional conferees from the Committee on Education and Labor, for consideration of sections 631–33, 662(e), 662(f), 811–16, 921–28, 1121–50, 1331, 2801–03, 3261, 3263, 3311, 3341, 3351, 3361, 3381–83, 3501, 3707, 4001–09, 4301–04, 4701–02, 4801–09, 4901–33, 5120, 5122, 5135, 5140, 5142–43, and 5147 of the Senate amendment, and sections 1010–26, 1030–34, 1038, 1051–52, 1065–71, 1081–96, 1099A–1099G, 1099H–1099O, 1099P–1099T, 1606, 1610, 1653–54, 1902(e), 1902(f), 2201–02, 2701–39, 3061–62, 3089–90, of the House amendment, and modifications committed to conference:

William D. Ford,
Dale E. Kildee,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503–04, 1511–23, 1532, 1534–35, 1537, 1902(e), 3101–03, 3261, and 5166 of the Senate amendment, and sections 1010–26, 1041–44, 1606, 2901–03, and 3086 of the House amendment, and modifications committed to conference:

John D. Dingell,
Henry A. Waxman,
Cardiss Collins,

As additional conferees from the Committee on Government Operations, for consideration of sections 1353–54, 1535, and 5150 of the Senate amendment, and sections 1075–76 of the House amendment, and modifications committed to conference:

Provided, Mr. Spratt and Mr. Kyl are appointed in lieu of Mr. Waxman and Mr. Clinger solely for the consideration of sections 1535 and 5150 of the Senate amendment.

John M. Spratt, Jr.,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713–15, 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

Gary E. Studds,
George Hochbrueckner,

As additional conferees from the Committee on Natural Resources, for consideration of sections 3232–33, 4601–08, and 5145 of the Senate amendment and sections 1099U–1099Z of the House amendment, and modifications committed to conference:

George Miller,
Bruce Vento,
Karen Shepherd,
Don Young,

Provided, Ms. English of Arizona is appointed in lieu of Ms. Shepherd solely for the consideration of sections 4601–08 of the Senate amendment.

Karen English,

Provided, Mr. Hinchey is appointed in lieu of Ms. Shepherd solely for the consideration of sections 1099U–1099Z of the House amendment.

Maurice Hinchey,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference:

William Clay,
Frank McCloskey,
Eleanor H. Norton,
Constance Morella,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment and modifications committed to conference:

Norman Y. Mineta,
Nick Rahall,
Bud Shuster,
Thomas E. Petri,

As additional conferees from the Committee on Rules, for consideration of sections 1353–54 of the Senate amendment, and modifications committed to conference:

Butler Derrick,

As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515–16, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Managers on the Part of the House.

Joseph R. Biden, Jr.,
Ted Kennedy,
Howard Metzenbaum,
Dennis DeConcini,
Pat Leahy,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H.R. 3355), to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—PUBLIC SAFETY AND POLICING

House sections 1401–02 recede to Senate sections 101–02 and that portion of section 103 dealing with "Cops on the Beat" with the following modifications: the minimum amount for each qualified State is 0.5 percent; all applications will be direct to the Attorney General with special provisions for expedited submission and approval of applications from America's small jurisdictions as well as for small grants for non-police hiring; cost per police officer shall be limited to $75,000 which may be expended for periods up to five years; hiring funds may also be used to train new career law enforcement officers for community policing; 50 percent of the monies must be granted to jurisdictions with populations over 150,000, the remaining 50 percent must be allocated to jurisdictions with populations of 150,000 or less; the addition of the House provision regarding coordination of other Federal programs; a revised minority recruitment section; the addition of Indian tribal governments; and other modifications.

The Conferees are particularly concerned about those areas where members of racial and ethnic minority groups and women are highly under-represented in the law enforcement agency's sworn positions. The Conferees encourage the Attorney General to review this matter carefully in the applications from such areas.

One of the modifications permits additional flexibility in the use of grant funds. The Conferees were informed that, in some police departments, payment of overtime or purchase of computers or other technology or the employment of support personnel will enable officers to be deployed, or redeployed from non-patrol assignments, to community-oriented policing assignments. The additional flexibility is intended to achieve that goal.

Thus, in addition to the use of grant funds pursuant to 1701(b) to hire or rehire police officers, a limited amount of such funds can be used for the payment of overtime or procurement of equipment, technology or support systems or support personnel, provided that expenditures for such purposes enable additional officers to be deployed to community-oriented policing assignments. The Conferees also note that, in appropriate circumstances, the permissible uses of the funding pursuant to section 1701(d) could also include payment for overtime.

The Conferees intend that the Attorney General, in awarding grants that will be used for redeployment purposes, take into consideration the extent to which police departments are committed to consultation about such redeployment with representatives of local labor organizations that represent police officers.

The Conferees also note Congress has found with regard to this title that: (1) according to data compiled by the Federal Bureau of Investigation, in 1961, there was approximately 1 reported violent crime per city police officer; but, while from 1961–1991 there was no substantial increase in United States cities' police employment rate, during the same period the number of reported violent crimes per city police officer rose to approximately 4.6 per officer; (2) National Crime Survey figures indicate that nearly 5,000,000 households in the United States had at least 1 member who had been a victim of violent crime during 1991; (3) these victims of violence experienced more than 6,400,000 crimes of which about one-half were reported to law enforcement authorities; (4) community-oriented policing ("cops on the beat") enhances communication and cooperation between law enforcement and members of the community; (5) such communication and cooperation between law enforcement and members of the community significantly assists in preventing and controlling crime and violence, thus enhancing public safety; and (6) while increasing and maintaining police resources and presence in the community are the long-term responsibility of State and local governments, State and local law enforcement agencies are in need of immediate assistance to begin the process of rehiring officers who have been laid off for budgetary reasons and hiring new, additional officers to assist in the implementation of community-oriented policing.

TITLE II—PRISONS

Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

Senate sections 1321 and 1341 recede to House sections 601–05 and 801–04 with modifications.

Subtitle B—Punishment for Young Offenders

Senate section 1203, Certainty of Punishment for Young Offenders, recedes to House sections 2101–03 with modifications.

Subtitle C—Alien Incarceration

Senate section 5136, reimbursement for the costs of incarcerating criminal illegal aliens, recedes to House section 2403 with modifications to change the compensation criteria and funding provision.

Subtitle D—Miscellaneous

Section 20401—House recedes to Senate section 1301, offender's place of imprisonment.

Section 20402—House recedes to Senate section 1302, prison impact statements, with modification.

Section 20403—House recedes to Senate section 1305, criminal fines to account for the cost of imprisonment.

Section 20404—House recedes to Senate section 1325, supervised release pertaining to probation or parole.

Section 20405—House recedes to Senate section 5101, "good time credits," with modification.

Sections 20406–07—House section 3046 recedes to Senate section 5107, task force on prison design and construction and section 5112, encouraging and assessing low-cost construction components, with modifications. The Conferees note the sense of Congress that, in providing assistance to State and local governments, the Attorney General should emphasize the provision to technical assistance in implementing methods to promote cost efficiency and realization of savings.

Section 20408—House recedes to Senate section 5120, panel of correctional educational experts, with modification.

Section 20409—House section 3080, prison overcrowding, recedes to Senate section 5139. The Conferees note that this section has no effect on the certification or success of class action lawsuits.

Section 20410—House recedes to Senate section 5149, Sense of Senate regarding prison facilities in Lorton, with technical modifications.

Section 20411—Senate section 5135, Pell grants, recedes to House section 3089.

Section 20412—Senate recedes to House section 3095, requiring prisoners to earn a high school diploma or G.E.D., with modifications.

Section 20413—Senate recedes to House section 3021 with modifications to delete subsection (c), remove limit on facilities suitable for conversion, and conforming modifications.

Section 20414—House recedes to Senate section 1303 with modification.

Section 20415—House recedes to Senate section 1801–02, Bail Posting Reporting, with modifications to the reporting requirements regarding the Internal Revenue Service.

Section 20416—House sections 3070–74, Civil Rights of Institutionalized Persons, recede to Senate section 5103 with modification to change subsection (b) to conform with current law.

Section 20417—House recedes to Senate section 1324, notification of release of prisoners, with modification to lodge responsibility in the appropriate Federal entity.

Section 20418—House recedes to Senate sections 4701–02, Correctional Job Training and Placement, with technical modification. The Conferees note with respect to this provision Congress finds that job training and placement are important to, and make a significant contribution to, the readjustment to society of incarcerated persons and ex-offenders; and there is a growing need for immediate action by the Federal Government to assist State and local job training programs, and job placement programs, that provide services to incarcerated persons or ex-offenders.

Senate section 1322, NIJ study of inmate transfers, recedes to House.

Senate section 1323, NIJ study of recidivism rates, recedes to House.

Senate section 5125, use of anti-loitering laws, recedes to House.

Senate section 5113 recedes to House.

Senate section 5138, improvement of Federal and State fingerprinting systems, recedes to House.

Senate section 5153, Sense of Senate regarding Federal Prison Industries, recedes to House.

Senate section 5165, reviewing capacity of Federal prisons to accommodate State prisoners, recedes to House.

House section 3066, strength training in prisons, recedes to Senate.

It is the intent of the Conferees that, with the exception of Subtitle B of Title II (which provides for correctional programming for offenders up to the age of 22), all programs and activities for juvenile offenders funded under this legislation shall be carried out in a manner consistent with the mandates of the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. §5600 et seq.).

TITLE III—CRIME PREVENTION

SUBTITLE A—OUNCE OF PREVENTION COUNCIL

Section 30101—House section 1010 recedes to Senate section 103, Ounce of Prevention, with modifications including to: (1) give President the authority to designate chair, (2) give authority to the Council to coordinate any program under the bill, but only at the request of the Council member with jurisdiction over the program; (3) revise Council's administrative responsibilities or powers; (4) revise evaluation component.

The Conferees note the work of the National Crime Prevention Council, which serves as a resource center for the prevention of crime, violence, and substance abuse. Such work is reflected in the design of a variety of programs in this bill.

Section 30102–04—Senate recedes to House section 1011 with modifications.

SUBTITLE B—LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM

Section 30201–08—Conferees consolidate various House and Senate crime prevention programs in a Local Crime Prevention Block Grant Program. The Attorney General is to allocate funds directly to units of local government based on the number of violent crimes and at-risk children. Funds are permitted to be used to carry out one or more of the purposes of the following House and Senate provisions: Senate section 633, Youth Development Centers; Senate section 5143, Olympic Youth Development Centers; Senate section 631, Juvenile Drug and Gang Prevention Grants; Senate sections 4001–09, Child Safety; House sections 1065–71, National Triad Program; House sections 1099I–990, Gang Prevention Services for Boys and Girls; House sections 1081–96, Youth Employment and Skills Crime Prevention; House section 1038, Midnight Sports; House sections 1099P–99T, Anti-Crime Youth Councils; House sections 1099A–99C, Boys and Girls Clubs in Public Housing; House sections 1099B–99G, Hope in Youth; House proposal regarding Safe Senior Corridors; and House sections 1030–34, Police Partnerships and Safe Low Income Housing.

CHILD SAFETY

The Conferees note that the problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse. Some perpetrators use the children as pawns to control the abused party after the couple is separated. Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States. In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees (most victims were children from ages 2 to 11 years). Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year. Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986; approximately 90 percent of children in homes in which their mothers are abused witness the abuse. Data indicates that women and children are at elevated risk for violence during the process of and after separation; and 50 to 70 percent of men who abuse their spouses or partners also abuse their children. Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples; in one study of spousal homicide, over half of the male defendants were separated from their victims, seventy-three percent of battered women seeking emergency medical services do so after separation.

THE TRIAD MODEL

The Conferees note that Triad cooperative models are sponsored by the National Sheriff's Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP).

The Conferees also note that older Americans are among the most rapidly growing segments of our society; currently, older Americans comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of the nation's population; older Americans find themselves uniquely situated in the society, environmentally and physically; many older Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors; physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to a senior citizen's susceptibility to criminal victimization; older Americans are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games; studies have found that older Americans who are victims of violent crime are more likely to be injured and require medical attention than are younger victims; victimization data on crimes against older Americans are incomplete and out of date, and data sources are partial, scattered, and not easily obtained; although a few studies have attempted to define and estimate the extent of abuse and neglect of older Americans, both in their homes and in institutional settings, many experts believe that abuse and neglect crimes are substantially underreported and undetected; similarly, while some evidence suggests that older Americans may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud; many law enforcement agencies do not have model practices for responding to the criminal abuse of older Americans; law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against older Americans; the differences in approaches can inhibit a genuinely effective response; there are a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of older Americans; the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; the Assistant Secretary for Aging, as the senior executive branch officer formulating older Americans policy is an appropriate leader in efforts to reduce violent crime against older Americans; and recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

GANG PREVENTION SERVICES FOR BOYS AND GIRLS

The Conferees note that services provided through existing federally supported gang prevention programs do not adequately address the needs of boys and girls in communities with high levels of gang activity and other barriers to service (such as large concentrations of minority populations who have limited English speaking proficiency, geographically isolated populations, and communities in which social service providers are limited or nonexistent); children who are exposed to gang activity at an early age are more likely to become gang-involved than children who are exposed to such activity later in life, or children who are never exposed to such activity; gangs are increasingly targeting younger children for recruitment, especially children at middle schools and elementary schools; Federal studies indicate that violent crime has increased more significantly in the gang population compared to the adult population; and small community-based service agencies with strong ties to the educational and law enforcement systems offer the best chance to prevent young children from becoming involved in gangs.

HOPE IN YOUTH

The Conferees note that larger cities around the country, particularly those involved in empowerment zones, are attempting to empower low-income and ethnic minority communities; programs that involve local government and local community leaders and that include significant participation by service providers, service participants, and service funders, as equal partners in the design and direction of a myriad of social service support programs have been among the most effective demonstration models; programs that attempt to link disenfranchised and disconnected citizens through an umbrella organization that provides guidance to public and private service providers have proven to be an effective strategy for empowering local low-income communities; families in low-income communities have not attained their full potential as productive citizens, and Federal efforts thus far have been insufficient to assist them in fully realizing that potential.

POLICE PARTNERSHIPS

The Conferees note that homicide is the second leading cause of juvenile injury deaths for all youth 15 to 24 years of age. Homicide rates for children and youth have more than doubled since 1950. Teenagers are more than twice as likely as adults to be victims of violent crime, such as rape, robbery or assault. Physical fighting severe enough to require medical treatment for at least one participant occurs among high school students in patterns similar to those of homicide. The incidence rates of such physical fighting are higher for males than females, higher for minorities than for nonminorities, and more frequent between acquaintances than among strangers. Children increasingly live amidst chronic community violence and experience trauma as a result of such violence. One survey of inner-city children 6 to 10 years of age found that over 90 percent had witnessed some type of violence. A Chicago housing project survey found that virtually all children in such survey had firsthand experiences with shootings by the age of 5. Children who have been the victims of, or who have witnessed violence, are at risk of becoming involved in further violence if the trauma such children have experienced is not addressed. Police frequently encounter children who have been the victims of violence or who have witnessed violence in the course of the police work, but the police often lack the resource necessary to adequately respond to such children's needs. Child and family service agencies have expertise in child development and family issues that could support police efforts. Community-based police, by their visibility at the neighborhood level and their engagement in benign activities, can provide role models and resources to promote the well-being of children and families, as well as to identify and refer those at risk for behavioral problems.

SUBTITLE C—MODEL INTENSIVE GRANT PROGRAMS

Senate recedes to House sections 1001–07, Model Intensive Grants, with modifications to add a provision ensuring equitable distribution of grants; to include a definition of the term "State"; and to permit consultation with the Ounce of Prevention Council.

SUBTITLE D—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

House sections 1015–24, Community Schools, recede to Senate section 5142 with modifications which include dividing the program into two separate programs: (1) Community Schools, with responsibility lodged in the Secretary of Health and Human Services in consultation and coordination with the Attorney General, and (2) Family and Community Endeavor Schools (FACES), with responsibility lodged in the Secretary of Education.

COMMUNITY SCHOOLS

The Conferees note the sense of the Congress with regard to Community School that public-private partnerships between government and community-based organizations offer an opportunity to empower distressed and disconnected communities to develop their resources and abilities in order to meet the needs of children, forge innovative solutions to the challenges confronting the development of the children in such communities, and create environments where children grow up learning a healthy respect for themselves, for neighbors, and for their communities; increased resources should be invested in public-private partnerships; and community-based organizations, acting through such public-private partnerships should provide year-round supervised sports programs, and extracurricular and academic programs, for children in the communities, and in providing such extracurricular and academic programs, should promote the positive character development of such children through programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, and health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities.

The Conferees also note that Congress has found with regard to this program the following: parents are devoting less time than in previous generations to the supervision, education, and nurturing of their children; the lack of supervision and meaningful activity after school contributes to the spread of violent juvenile delinquency in the form of youth and gang violence, drug trafficking, dangerous and self-destructive behavior, and lack of hope among children in our Nation; every child has the capacity to be productive and law abiding and deserves to grow in a safe and protected environment; communities have a responsibility to develop the children of our Nation into productive adults; because of their centrality, public schools are among the best facilities that communities can use to provide needed space and support services for programs for children; schools are most effective at serving a community when the people of the community are involved in activities designed to fulfill the needs of children in the community; and activities provided in community centers, recreational facilities, and other places where children gather, have a significant impact and influence on the behavior and attitudes of children.

FAMILY AND COMMUNITY ENDEAVORS SCHOOLS

The Conferees note that Congress has found with regard to this program that: (1) children in areas with a high incidence of poverty are more likely to be exposed to problems created by economic deprivation, poor housing, overwhelming family responsibilities, inadequate parental educational background or parental substance abuse and are at risk of failure; (2) students from poor families are 3 times more likely to drop out of school than students from more advantaged homes; (3) without social intervention, at-risk children are often unable to improve academic performance; (4) schools are accessible, central resources in every community where social and education services can be coordinated and disseminated to at-risk children and their families; (5) schools are most effective at serving a community when the people of the community are involved in school management and help design activities to fulfill the needs of children in the community; and (6) many schools have successfully improved the academic performance and social development of at-risk children by instituting an organizational and management plan that incorporates parental involvement in school management and incorporates mental health and social intervention services in the daily academic curriculum.

SUBTITLE G—ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH

Senate recedes to House sections 1051–52, Assistance for Delinquent and At-Risk Youth, with technical modification.

SUBTITLE H—POLICE RECRUITMENT

Senate recedes to House sections 1061–62, Police Recruitment, with technical modification. The term 'non-profits' includes, but is not limited to, public institutions of higher education that so qualify under section 501(c)(3) of the Internal Revenue Code.

SUBTITLE J—LOCAL PARTNERSHIP ACT

Senate recedes to House section 1075–76, Local Partnership Act, with various modifications including the clarification of the purposes for which funds under this program can be used. The Local Partnership Act ("LPA") is authorized for fiscal years 1995 through 2000 rather than for fiscal years 1995 and 1996. At the request of the Administration, the LPA will be administered by the Secretary of Housing and Urban Development ("HUD") rather than the Secretary of Treasury, and HUD may delegate some or all of its administrative responsibilities to other Executive branch departments and agencies. Two and one-half percent of the total funds authorized for the LPA are authorized to be appropriated for fiscal years 1995 through 2000 for administrative costs of HUD in administering the LPA. Checks will be sent to local governments by HUD within 90 days of the actual appropriation of funds rather than 60 days. Technical changes are made in the LPA's allocation formula so that HUD will be able to replicate for fiscal year 1995 the dollar allocations to 39,000 local governments produced by the General Accounting Office ("GAO") on April 25, 1994; for later years HUD is free to use more reliable data—if available—than the data used by GAO.

The Conferees note that, in some areas of the country, public functions such as transportation, education, and hospitals are supported by property or sales taxes collected by separate taxing jurisdictions. The Conferees expect HUD, in consultation with the Governments Division of the Bureau of the Census, to report to the Committee on Government Operations on the operation of the Local Partnership Act in such areas and to include in its report any suggestions on changes to the statutory definition of the general tax effort factor.

The Conferees agreed to an amendment dealing with payments of less than $5,000 to Indian tribes and Alaskan native villages.

The Conferees also agreed to an amendment providing that GAO will report to Congress on a comparison of waste and efficiency under the LPA compared to other comparable Federal programs.

The Local Partnership Act contains a one percent set-aside for the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands. The allocation formula for local governments within the 50 States does not apply to these four jurisdictions. The Conferees expect, however, that objective criteria, such as population and/or per capita income, will be used to ensure an equitable distribution of these funds regrading the local governments within these four jurisdictions.

SUBTITLE K—NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

House recedes to Senate sections 4901–33, Community Economic Partnership Act.

SUBTITLE O—URBAN RECREATION AND AT-RISK YOUTH

Senate recedes to House sections 1099U–99Z, Urban Recreation and At-Risk Youth, with modifications.

SUBTITLE Q—COMMUNITY BASED GRANTS FOR PROSECUTORS

Senate recedes to House sections 1099DD–99KK, Community Based Justice Grants for Local Prosecutors, with modifications.

SUBTITLE S—FAMILY UNITY DEMONSTRATION PROJECT

House recedes to Senate sections 4101–22, Family Unity Demonstration Project, with the following modifications: a child is defined as less than seven years of age; the definition of eligible offender as well as the definition of a State are clarified; the Attorney General is designated as the responsible official; and technical modification.

The Conferees note that Congress finds with regard to this program an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails; such separation of children from their primary caretaker parents can cause harm to children's psychological well-being and hinder their growth and development; a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust; maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

SUBTITLE T—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

Senate section 1304, Drug Treatment in Federal Prisons, recedes to House section 2001 with modifications to subject the program to the availability of appropriations, to require the Bureau of Prisons to provide residential treatment, and to limit the early release incentive for successful program completion to non-violent offenders.

The authority provided to the Bureau of Prisons under this section is not to be construed as limiting any authority already possessed by the Bureau of Prisons with respect to the release of inmates.

SUBTITLE U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

Senate section 1204 recedes to House sections 2301-02, Substance Abuse Treatment in State Prisons, with modifications to clarify that certain local detention facilities are eligible; extend the time for approval of an application to not later than 90 days; change the time period for residential substance abuse treatment programs to those lasting between 6 and 12 months; and designate the Attorney General as the responsible official.

SUBTITLE V—PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS

House recedes to Senate section 5121, tuberculosis prevention, with modification to include National Institute of Corrections rather than National Institute of Justice.

SUBTITLE X—GANG RESISTANCE EDUCATION AND TRAINING

House recedes to Senate section 5163, Gang Resistance Education and Training Projects, with modifications. The Conferees intend that the Secretary of the Treasury will consult with the Director of the BATF regarding the selection of communities for participation in this program.

TITLE IV—VIOLENCE AGAINST WOMEN

SUBTITLE A—SAFE STREETS FOR WOMEN

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

Section 40111—House recedes to Senate section 3211, increasing penalties for repeat offenders, with modifications regarding foreign country convictions.

Section 40112—House recedes to Senate section 3212, Federal penalties.

Section 40113—House section 1609 recedes to Senate section 3213 and the restitution provisions of 3321 and 3704-05, with modifications including: if a court finds a defendant is unable to pay any amount of restitution under any reasonable schedule of payments, the court must enter an order providing for a nominal restitution award; victims are permitted to enforce restitution awards; victims can recover costs in obtaining civil protection orders; the provision on compensation to third party payers is eliminated; privacy of records is expanded; compliance with a restitution order is made a condition of probation or supervised release; petition to modify order is added; court authority to refer, subject to de novo review, a matter to a magistrate or special master is added.

Section 40114—House recedes to Senate section 3214, Federal victims' counselors.

CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

House recedes to Senate section 3221, grants to combat violent crimes against women, with the following modifications: the merger of three grant programs in Senate bill: grants for high intensity crime areas, general grants to States, and Domestic Violence and Family Support Grants (§3341); the addition of purposes to strengthen victim services programs in diverse populations, and programs addressing the needs of Indian tribes; the addition of a matching fund requirement (which tribal governments may satisfy with Federal funds from the Bureau of Indian Affairs); and the designation of the Attorney General as the responsible official. With regard to the matching fund requirement, the Conferees intend that in disbursing grants for nongovernmental victim services, States shall not pass through to the subgrantees the amount of any required State match. With regard to this program, the Conferees acknowledge the critical role probation agencies play in monitoring and controlling the perpetrators of family violence; the Conferees intend that probation agencies receive appropriate consideration under this program.

Senate section 3262 recedes to House sections 1603-04, rape exam payments and filing costs, with modifications to extend the requirements to units of local government and Indian tribal governments except (in the case of rape exams) where another governmental entity incurs the costs of the exams; and to give States a period for bringing laws, policies, and practices into compliance with filing cost requirements.

CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

Section 40131—House recedes to Senate section 3231, grants for capital improvements to prevent crime in public transportation, with modification to clarify that Trust Fund money is not available for this program, and other modifications.

Section 40132—House recedes to Senate section 3232, National Park System Crime Prevention Assistance, with modification to clarify that Trust Fund money is not available for this program.

Section 40133—House recedes to Senate section 3233, Grants for Capital Improvements to Prevent Crime in Public Parks, with modification to clarify that Trust Fund money is not available for this program.

CHAPTER 4—NEW EVIDENTIARY RULES

Section 40141—House recedes to Senate sections 3251-3254 and 3706 with a modification to substitute the revisions of Federal Rule of Evidence 412 as transmitted to Congress by the Supreme Court on April 29, 1994 with an additional modification to extend evidentiary protection to civil cases (as proposed by the Judicial Conference of the United States to the Supreme Court on October 25, 1993). The Conferees intend that the Advisory Committee Note on Rule 412, as transmitted by the Judicial Conference of the United States to the Supreme Court on October 25, 1993, applies to Rule 412 as enacted by this section. This section, which modifies Rule 412 of the Federal Rules of Evidence as transmitted to the Congress by the United States Supreme Court, is enacted pursuant to the Rules Enabling Act.

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

Section 40151—House recedes to Senate section 3261, Education and Prevention Grants to Reduce Sexual Assaults Against Women, with modification to allocate funds to States on the basis of population.

Section 40152—House recedes to Senate section 1607, National Institute of Justice Training Program, to assist court personnel in treating sex offenders.

Section 40153—House recedes to Senate proposal regarding confidentiality of communications between sexual assault or domestic violence victims and their counselors, with modifications.

Section 40154—House recedes to Senate section 1608 with regard to information about sex offender treatment programs.

Section 40155—House recedes to Senate section 3263 with modification to make runaway youth education and prevention grants gender-neutral and to cover juveniles.

Section 40156—House recedes to Senate section 5126, Victims of Child Abuse Act, with modifications.

SUBTITLE B—SAFE HOMES FOR WOMEN

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

Section 40211—House section 1653 recedes to Senate section 3311, grant for a national domestic violence hotline, with modifications as follows: (1) a grant may extend for 5 years, subject to annual approval; (2) applicants must include a plan for assisting non-English speaking callers and the hearing-impaired; and (3) applicants must demonstrate support from advocacy groups, such as State coalitions and recognized national domestic violence groups. The Conferees note Congress has found with regard to this program that (1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse; (2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and (3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which previously handled more than 65,000 crisis calls annually no longer exits.

CHAPTER 2—INTERSTATE ENFORCEMENT

Section 40221—Senate section 3321, Interstate Enforcement, recedes to House section 1622 with modifications including: the addition of penalties for causing the crossing of State lines to commit a crime of violence; the revision of the new Federal crime for crossing a State line; the addition of a penalty where the crime results in disfigurement or life-threatening bodily injury; the modification of the mandatory restitution provisions to comport with the mandatory restitution provisions for sex crimes and crimes involving the sexual exploitation and abuse of children; and the modification of the definition of "spouse or intimate partner."

CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

Section 40231—Senate section 3331 recedes to House section 1623, grants to encourage arrest polices, with modifications to include a two-year period for grantees to comply, and a modification to the definition of "domestic violence."

CHAPTER 4—SHELTER GRANTS

Section 40241—House recedes to Senate section 3341(j), authorizing money for battered women's shelters. (The remainder of Senate section 3341 was incorporated into Subtitle A, Chapter 2, of this title.)

CHAPTER 5—YOUTH EDUCATION

Section 40251—House recedes to Senate section 3361, youth education and domestic violence, with modification to permit the Secretary of Health and Human Services to consult with the Secretary of Education to select, implement, and evaluate four model programs.

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

Section 40261—House section 1654 recedes to Senate section 5140, community programs on domestic violence, with modifications. Senate section 5122 is deleted as duplicative.

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

Section 40271—House recedes to Senate section 3351, grantee reporting.

Section 40272—House recedes to Senate sections 3381–83, technical amendments.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

Section 40281—House recedes to Senate section 3371, confidentiality for abused persons, with modification to give Postal Service additional regulatory guidance.

CHAPTER 9—DATA AND RESEARCH

Section 40291—House recedes to Senate section 3391, data and research agenda, with modification to include diversity considerations for panel and to require the issuance of a report no later than 12 months rather than 9 months after enactment.

Section 40292—House recedes to Senate section 3392, State data bases, with modification to place responsibility for the study and report with the appropriate Department of Justice entities.

Section 40293—House recedes to Senate section 3393, number and cost of injuries.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

Section 40295—House section 2521 recedes to Senate section 1421, rural domestic violence and child abuse enforcement assistance.

SUBTITLE C—CIVIL RIGHTS FOR WOMEN

Sections 40301–03—House recedes to Senate sections 3401–03, Civil Rights. The Conferees note that the applicable standard of proof in a civil rights cause of action under this section is preponderance of the evidence. The Conferees also note that the Congress has found that crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender; current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home; State and Federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which separates these crimes from acts of random violence, nor do these adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests; existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled; crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce; crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products; a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects on interstate commerce caused by crimes of violence motivated by gender; and the victims of crimes of violence motivated by gender have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

Section 40304—House recedes to Senate section 3404, Sense of the Senate concerning protection of privacy of rape victims, with technical modifications. The Conferees note that the Senate finds with regard to this provision that: (1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape; (2) Rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature: (3) The victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs; (4) Rape victims' need for privacy should be respected; (5) Rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities; (6) Rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant; (7) The news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and (8) The public's interest in knowing the identity of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

Senate section 3501, safe campuses for women, is deleted because it has already been enacted.

SUBTITLE D—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

Sections 40411–14—House sections 1661–64 recede to Senate sections 3601–14, Equal Justice for Women in the Courts Act, with modifications to include Indian tribal governments as grantees and to modify grant purposes.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

Sections 40421–22—House sections 1665–67 recede to Senate sections 3621–22 with modifications to designate the Administrative Office of the United States Courts as the clearinghouse for the dissemination of reports and to delete circuit court allocation limits.

SUBTITLE E—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

Section 40501—House recedes to Senate section 3701, pre-trial detention in sex offense cases.

Section 40502—House recedes to Senate section 3702, increased penalties for sex offenses against victims below the age of 16. Senate section 801, sexual abuse amendments, is deleted as duplicative.

Section 40503—Senate sections 3703(a)–(b) recede to House section 1652, payment of cost of victim testing for sexually transmitted disease, with modification to ensure confidentiality and anonymity of the test, subject to waiver by the victim. House recedes to Senate sections 3703(c)–(g) with modification.

Section 40504—House recedes to Senate section 3704, extension and strengthening of restitution.

Section 40505—House recedes to Senate section 3705, with modifications.

Section 40506—House recedes to Senate section 3707, National Baseline Study on Campus Sexual Assault, with technical modification.

Section 40507—Senate section 3708, Report on Battered Women's Syndrome, recedes to House section 121. Senate section 2964 is deleted as duplicative.

Section 40508—House recedes to Senate section 3709, Report on Confidentiality of Addresses for Victims of Domestic Violence.

Section 40509—House recedes to Senate section 3710, Report on Record Keeping Relating to Domestic Violence.

Senate section 3711, Report on Fair Treatment in Legal Proceedings, recedes to House.

Senate section 3712 recedes to House.

Senate section 3713 recedes to House.

SUBTITLE F—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

Senate recedes to House sections 2801–12, Stalking, with modifications.

SUBTITLE G—PROTECTIONS FOR BATTERED IMMIGRANT WOMEN AND CHILDREN

Senate recedes to House sections 1626–28, Battered Immigrant Women, with modifications.

TITLE V—DRUG COURTS

Senate sections 1201–02 recede to House sections 1041–44 with modifications to prohibit violent offenders from participating, to add a GAO study, and with technical and conforming changes.

The Conferees recognize that drug court programs may support costs of judges, magistrates, quasi-judicial personnel, probation officers, drug testing personnel, prosecutors, defense attorneys, other criminal justice participants, drug treatment personnel, persons involved in programmatic and aftercare services, and other personnel necessary to implement drug court programs.

The Conferees note the diversity of court structures under which jurisdictions throughout the United States are organized and intend that the Attorney General, in implementing this program, issue regulations that are as flexible as possible in this regard.

TITLE VI—DEATH PENALTY

Procedures: The House recedes to the Senate with the following exceptions: (1) Senate recedes to the House regarding the firearm aggravator; (2) Senate recedes to the House to add the aggravator for sexual assault or child molestation; (3) the Conferees modified the provision regarding information presented at sentencing to reflect current law.

Offenses: The House recedes to the Senate death penalties, including terrorism death penalties, with the following modifications: (1) the deletion of Senate section 203(a)(8), attempted assassination of the President; (2) the deletion of the part of Senate section 202(a) which adds section 3591(b)(3) to title 18 regarding unintentional deaths due to overdose; (3) the addition of the Hyde amendment to section 203(a)(2), espionage; (4) Senate section 504 recedes to House section 708 regarding correctional officers; (5) Senate section 716, torture, recedes to House section 713 with modifications to delete already enacted provisions; (6) the addition of an intent standard for carjacking; (7) Senate recedes to the House intent standard; (8) Senate section 2406, to federalize all murders committed with guns, recedes to House; (9) Senate section 711, weapons of mass destruction, recedes to House section 710; and (10) the modification of Senate section 215, alien smuggling, to increase penalties. House recedes to Senate sections 501–03 and 505.

House sections 901–02, racially discriminatory capital sentencing, recede to Senate.

Senate section 1021, racial and ethnic bias study grants, recedes to House.

Section 60026—Senate recedes to House proposal regarding appointment of counsel.

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

Senate sections 2408 and 5111 recede to House sections 501–02 with modifications. The authority provided to the Bureau of Prisons under this section is not to be construed as limiting any authority already possessed by the Bureau of Prisons with respect to the release of inmates.

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES

Senate section 2404 recedes to House sections 201–03 with modifications.

TITLE IX—DRUG CONTROL

SUBTITLE A—ENHANCED PENALTIES AND GENERAL PROVISIONS

In carrying out directions from the Congress, the U.S. Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3535(a) of title 18, United States Code.

Section 90101—House recedes to Senate section 1501, drug trafficking in prisons.

Section 90102—House recedes to Senate section 1505, drug-dealing in drug free zones, with modifications.

Section 90103—House recedes to Senate section 1506, illegal drug use in prisons, with technical modification.

Section 90104—House recedes to Senate section 1531, clarification of narcotics and other dangerous drugs.

Section 90105—House recedes to Senate section 1532, conforming amendments to recidivist penalty provisions of the Controlled Substance Act and the Controlled Substances Import and Export Act.

Section 90106—House recedes to Senate section 1534, Advertising, with modifications.

Section 90107—House recedes to Senate section 1538, Violent Crime and Drug Emergency Areas, with modifications.

SUBTITLE B—NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS

Sections 90201–08—House recedes to Senate section 5150, which reauthorizes the Office of National Drug Control Policy through September 30, 1997, with modifications.

In addition to the Director's authority to recommend to Federal agencies appropriate drug budget levels by July 1 of each year as those agencies are first developing their budgets for the following fiscal year, authority is granted to ensure that the agencies' budget submissions to the Office of Management and Budget are consistent with the National Drug Control Strategy.

The provision also provides authority to detail temporarily drug control personnel to other Departments or agencies to implement the National Drug Control Strategy. It further provides authority, except to the extent that the Director's authority is limited in an annual appropriations Act, to transfer up to 2% among National Drug Control Program accounts, upon advance approval of the Committees on Appropriations of each House of Congress. It is the intent of the Conferees that such advance approval be obtained from each of the Appropriations Subcommittees with jurisdiction over accounts increased or decreased by such budget shifts.

Several additional goals are added to the National Drug Control Strategy, including the "consequences" of drug abuse (such as emergency room overdoses and drug-related crime), assessment of national drug treatment system, and other evaluations of the strategy. Drug treatment and prevention are added to the mission of the Counter-Drug Technology Assessment Center. And, the provision prohibits the Director and other officials in the Office who are confirmed by the Senate from participating in Federal election campaigns.

Senate section 1504, anabolic steroids penalties, recedes to House as duplicative of stronger current law.

Senate section 1533, Program to provide public awareness of the provisions of Public Law 101–516, recedes to House.

Senate section 1537, Drug paraphernalia amendment, recedes to House.

Senate sections 1511–23, Precursor Chemicals Act, deleted because already enacted.

Senate section 1536 recedes to House.

Senate section 1535, national drug control strategy, recedes to House.

Senate section 1502 is deleted because already enacted.

Senate section 2407 recedes to House.

TITLE X—DRUNK DRIVING PROVISIONS

Section 100002—House recedes to Senate section 1602, applying State law in areas of Federal jurisdiction.

Section 100003—House sections 1801–02, Driving While Intoxicated Prosecution Program, recede to Senate section 5115.

TITLE XI—FIREARMS

SUBTITLE A—ASSAULT WEAPONS

House recedes to Senate sections 4501–10, with modifications.

The Conferees recognize that some workers will be adversely impacted by the enactment of this Subtitle. The Conferees note that the Department of Labor has made available, as of July 1, more than $1.1 billion through Title III of the Job Training Partnership Act to assist dislocated workers. The types of assistance available to dislocated workers under that Act include retraining, job search assistance, job counseling, on-the-job training, and other services. The Conferees expect that any employees dislocated as a result of enactment of this Subtitle will be eligible to apply for such benefits in accordance with Department of Labor criteria.

SUBTITLE B—YOUTH HANDGUN SAFETY

Section 110201—House sections 1901–02 recede to Senate section sections 661–62 with the deletion of Senate section 662(a) and technical modifications. Senate section 663 recedes to House.

The Conferees note Congress finds with regard to these sections that: Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem; problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs; firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate. Even before the sale of a handgun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce. While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and people from other countries may decline to travel in the United States for the same reason. Just as hardened drug kingpins often begin their lives in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use. Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless. Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their efforts unavailing due in part to the failure or inability of other States and localities to take strong measures. Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems. The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SUBTITLE C—LICENSURE

Sections 110301–07—House recedes to Senate sections 311–17, Firearms Licensure.

SUBTITLE D—DOMESTIC VIOLENCE

Section 110401—Senate sections 301, Persons Subject to Restraining Orders, and 4201–03, Prohibition Against Disposal of Firearms to, or Receipt of Firearms by, Persons Who Have Committed Domestic Violence, recede to House sections 1624–25, with modifications.

The Conferees intend that the term "child" be read with common sense and normal meaning, and to include a child over whom a person's parental rights have been terminated by a court order. The Conferees also note that Congress finds with respect to this provision that domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44; firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and individuals with a history of domestic abuse should not have easy access to firearms.

SUBTITLE E—GUN CRIME PENALTIES

In carrying out directions from the Congress, the U.S. Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3553(a) of title 18, United States Code.

Section 110501—House recedes to Senate section 401, enhanced penalty for use of semiautomatic weapons during crime of violence or drug trafficking crime.

Section 110502—House section 3031 recedes to Senate section 402, second conviction for using or carrying explosives.

Section 110503—House recedes to Senate section 403, new offense for smuggling firearms.

Section 110504—House section 3032 recedes to Senate section 404, new offense for theft of guns and explosives moving in interstate commerce.

Section 110505—House recedes to Senate section 405, revocation of supervised release, with modifications. Senate section 2403, supervised release after imprisonment, recedes to House as incorporated in Senate section 405.

Section 110506—House recedes to Senate section 406, revocation of probation, with modifications.

Section 110507—House recedes to Senate section 407, knowingly making false material statement on a gun application.

Section 110508—House section 3033 recedes to Senate section 408, felon possessing explosives.

Section 110509—House recedes to Senate section 409, explosives destruction.

Section 110510—House recedes to Senate section 410, technical correction regarding parole.

Section 110511—House recedes to Senate section 411, prohibition against transactions involving stolen firearms or stolen guns.

Section 110512—House recedes to Senate section 412, using firearm in commission of forgery.

Section 110513—House recedes to Senate section 413, firearm possession by violent felons and serious drug offenders.

Section 110514—House recedes to Senate section 414, receipt of firearms by nonresident.

Section 110515—House section 3034 recedes to Senate section 417, stealing guns or explosives from a licensee.

Section 110516—House section 3035 recedes to Senate section 418, disposing of explosives to prohibited person.

Section 110517—House recedes to Senate section 420, interstate gun trafficking.

Section 110518—House recedes to Senate section 415, firearms conspiracy, with modification.

Section 110519—House recedes to Senate section 5168, Definition of Armor Piercing Ammunition, with modification.

Senate section 416, study of incendiary ammunition, recedes to House.

Senate section 419 recedes to House.

TITLE XII—TERRORISM

In carrying out directions from the Congress, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3553(a) of title 18, United States Code.

Section 120001—House recedes to Senate section 717, extension of statute of limitations, with modifications.

Section 120002—House recedes to Senate section 715, jurisdiction over crimes against U.S. nationals.

Section 120003—House recedes to Senate section 721, counterfeiting currency abroad, with modification to increase penalty.

Section 120004—House recedes to Senate section 724, Terrorist Felonies.

Section 120005—House recedes to Senate section 726, material support to terrorists, with modification.

Senate section 718, FBI access to telephone subscriber information, is deleted because already enacted.

Senate section 720, preventing acts of terrorism, recedes to House.

Senate section 722, economic terrorism task force, recedes to House.

Senate section 713, extension of territorial sea, recedes to House.

Senate section 714, assimilated crimes in extended territorial sea, recedes to House.

TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

Section 130001—House recedes to Senate section 5005, enhancing penalties for failure to depart, with modification to delete subsection (c) regarding collateral review.

Section 130002—House recedes to Senate section 5007, criminal alien tracking center, with modification to conform to current law.

Section 130003—House recedes to Senate section 725, Protection of Recipients in Counter-Terrorism Rewards Program, with modifications to incorporate this section into Senate section 5117, and other modifications.

Section 130004—House recedes to Senate section 5002, deportation procedures for certain criminal aliens, with modifications.

Section 130005—Senate section 5158, expedited deportation for asylum applicants, recedes to House section 2411 with modification to clarify that asylum applicants have no right to work in the United States.

Section 130006—Senate section 5159, improving border controls, recedes to House section 2412 with modifications regarding report requirement and to incorporate House section 2421.

Section 130007—House section 2413, special deportation proceedings, recedes to Senate section 5160 with modifications. Senate section 5161, construction of INS processing centers, recedes to House section 2414, which is incorporated into Senate section 5160, with modifications. The Conferees intend that the Attorney General should consider the availability of legal assistance in an area in determining where to locate the facilities.

Section 130008—Senate recedes to House section 2402, authority of the Attorney General to accept assistance in deporting criminal aliens, with modifications.

The Conferees note that many States and localities are burdened with the financial costs of housing and processing deportable aliens who are unlawfully within the United States and who are arrested for violating criminal statutes. The Immigration and Naturalization Service is not permitted under current law to accept State and local assistance in carrying out its deportation responsibilities. This section is intended to aid communities with criminal alien populations to expedite the removal of deportable aliens who are arrested for the violation of criminal statutes by providing transportation-related services or property to the Immigration and Naturalization Service.

Section 130009—Senate section 712 recedes to House section 2431 with modification increasing the penalty for employment document fraud to five years. Senate section 5124 is deleted as duplicative.

This section is intended to target persons who commit document fraud for the purpose of commercial advantage, or to facilitate drug trafficking or international terrorism. The Conferees intend that the Attorney General implement these provisions so as not to prosecute bona fide applicants for asylum.

Section 130010—House recedes to Senate section 5131, asylum, which is modified to a Sense of the Senate, with other modifications.

Senate section 5006, miscellaneous and technical changes regarding alien deportation, recedes to House.

Senate section 5102, prohibition on payment of Federal benefits to illegal aliens, recedes to House.

Senate section 5119, State and local cooperation with INS, recedes to House.

Senate section 5110, removal of alien terrorists, recedes to House.

House section 2401, Congressional findings regarding criminal aliens, recedes to Senate.

Senate section 5144, authority to release confidential information regarding aliens, recedes to House.

Senate section 5001, aggravated felony, recedes to House.

Senate section 5003, judicial deportation, recedes to House.

Senate section 5004 recedes to House.

Senate section 5157, Extradition, recedes to House.

TITLE XIV—YOUTH VIOLENCE

Sections 140001–03—Senate section 651 recedes to House section 1101 regarding adult prosecution of juveniles with modification to delete section 1101(b).

Section 140004—House recedes to Senate section 641 with modification to correct typographical error regarding the age for the bindover of juveniles.

Section 140005—House recedes to Senate section 618 with modifications.

Section 140006—House recedes to Senate section 615, increased penalties for employing children to distribute drugs near schools and playgrounds, with modification.

Section 140007—House recedes to Senate section 2906, increased penalties for travel act violations. Senate section 617 deleted as duplicative.

Section 140008—House recedes to Senate section 5130, solicitation of minor to commit crime.

TITLE XV—CRIMINAL STREET GANGS

Section 150001—House recedes to Senate section 611 with an amendment to provide increased penalties for Federal gang crimes.

Section 150002—House recedes to Senate section 614 with modification to delete simple drug possession as basis of adult prosecution of juveniles.

Section 150003—House recedes to Senate section 619 to authorize use of Byrne funds for programs relating to gangs.

Section 150006—House recedes to Senate proposal regarding mentoring program guidelines.

Section 150007—House recedes to Senate section 5167.

Section 150008—House recedes to Senate section 622, Gang Investigation Coordination and Information Collection.

Section 150009—Senate section 624 recedes to House section 1098, Multijurisdictional Gang Task Forces.

Senate section 612 recedes to House regarding use of minors as RICO predicate.

Senate section 613 recedes to House.

Senate section 623 is deleted because already enacted.

TITLE XVI—CHILD PORNOGRAPHY

Sections 160001–02—House sections 1201–02 recede to Senate sections 824–25, child pornography.

Section 160003—House section 3083 recedes to Senate section 2410, Confirmation of intent of Congress in enacting sections 2252 and 2256 of title 18, United States Code.

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

Section 170101—Senate sections 821–23, Jacob Wetterling Crimes Against Children Registration Act, recede to House section 1301 with modification to include the program contained in Senate sections 841–44 and other modifications.

Subtitle B—Assaults Against Children

Section 170201—Senate recedes to House section 301, assaults against children, with technical and conforming modifications.

Subtitle C—Missing and Exploited Children

Sections 170301–03—House recedes to Senate sections 4301–04, Missing and Exploited Children, with modifications. The Conferees note Congress finds with regard to this program that the victimization of children in our nation has reached epidemic proportions; recent Department of Justice figures show that 4,600 children were abducted by non-family members; two-thirds of the abductions of children by non-family members involve sexual assault; more than 354,000 children were abducted by family members; and 451,000 children ran away; while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires; a majority of the nation's 17,000 police departments have 10 or fewer officers; and locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the nation's most difficult cases involving missing children.

Senate section 5129, Parent Locator Service, recedes to House.

Senate section 2701, International Parental Kidnapping, is deleted because already enacted.

TITLE XVIII—RURAL CRIME

Sections 180101–201—House sections 2501–21 recede to Senate sections 1401–21 with modification regarding the structure of rural drug task forces, the placement of section 1421 in the Violence Against Women title, and other modifications.

Section 180301—Senate recedes to House section 2531, Sense of Congress Regarding Funding for Rural Areas.

TITLE XIX—FEDERAL LAW ENFORCEMENT

Section 190001—House section 3016 recedes to Senate section 5132, Federal judiciary, with modifications to incorporate section 621, additional Federal prosecutors for the prosecution of violent youth gangs, and other modifications.

TITLE XX—POLICE CORPS AND LAW ENFORCEMENT OFFICERS TRAINING AND EDUCATION

House sections 2701–39 recede to Senate sections 1121–50 with modification to delete Senate sections 1124 (b) and (c) with regard to the appointment of a Director.

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Byrne Program

Section 210101—Senate recedes to House section 1098A, extension of Byrne grant funding, with modification to authorize specified funds.

Subtitle B—Law Enforcement Family Support

Section 210201—House recedes to Senate section 1101, Law Enforcement Family Support, with modification to designate the Attorney General as the responsible official, and other minor modifications.

Subtitle C—DNA Identification

Sections 210301–06—House sections 1501–06 recede to Senate sections 1001–6, DNA Identification, with modification to ensure the establishment of a blind proficiency testing program for DNA analysis.

DNA Advisory Board

The Act requires the Director of the Federal Bureau of Investigation to appoint an advisory board on DNA quality assurance methods. The Conferees intend that, in making appointments to the advisory board, the Director of the FBI shall adhere strictly to all applicable conflict of interest and ethics laws. In particular, the FBI Director will ensure that no member of the board will have a commercial or proprietary interest in matters addressed by the board. To that end, the Director may obtain disclosure statements from nominees to the board. The Conferees expect that a review of any potential conflict of interest or ethical considerations will be conducted with the assistance of the Bureau's Legal Counsel Division, with the FBI Director retaining final authority regarding appointments to the board.

Proficiency Testing Program

The Conferees, in adopting the DNA Identification Act, recognize the significance of the development of a blind external proficiency testing program for DNA analyses. A blind external proficiency test means a test that is presented to a forensic laboratory through a second agency and appears to the analysts to involve routine evidence.

Under this Act, the Director of the National Institute of Justice is directed to study this issue and certify to Congress within one year that (1) the NIJ has undertaken steps to ensure that an appropriate entity or entities will establish a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses; (2) that a blind proficiency testing program for DNA analyses is already available; or (3) that it is not feasible to have a DNA blind proficiency testing program.

The Conferees fully expect that NIJ will report either that there are one or more existing DNA blind proficiency testing programs or that it has undertaken steps to ensure the establishment of one. There are many private DNA testing laboratories and commercial manufacturers of DNA testing products that have the technical expertise, individually or through professional and trade associations, necessary to establish the aforementioned program.

If the NIJ study determines blind external proficiency testing is feasible, neither State nor local DNA laboratories covered by the Act (i.e., those participating in the national DNA index or receiving grants), will be required by the Act to subscribe to such a blind testing program. The FBI Laboratory will not be required by the Act to subscribe to a particular blind testing program identified by NIJ. Participation by State and local governments should be voluntary and at their own discretion—although participation in such a program will be an important element of demonstrating quality control for purposes of having DNA evidence introduced into evidence.

Subtitle D—Police Pattern or Practice

Sections 210401–02—House recedes to Senate sections 1111–12, Police Pattern or Practice, with modification to section 1112.

Subtitle E—Improved Training and Technical Automation

Section 210501—House recedes to Senate section 1031, improved training and technical automation, with technical and conforming modifications. The Conferees believe one appropriate use of this program would be to ensure that States, Indian tribal governments, and local governments are made aware of advanced law enforcement technologies.

Subtitle F—Other State and Local Aid

Section 210601—Senate recedes to House proposal to reauthorize the Office of Justice Programs.

Section 210602—House recedes to Senate section 5137, assistance to ease the increased burdens on State court systems, with modifications.

Section 210603—Senate recedes to House proposal to make money from the Violent Crime Reduction Trust Fund available to fund activities authorized by the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

Section 103(k) of the "Brady Bill" authorizes "such sums as are necessary" for the Attorney General to establish a "national instant criminal background check system." Section 106(b) of "Brady" authorizes $200 million for grants to States for the improvement of criminal records. Section 4(b) of the National Child Protection Act of 1993 authorizes $20 million for grants to States for the improvement of criminal records regarding child abuse. The Conference Report provides that a total of $150 million may be appropriated from the Trust Fund for these purposes.

TITLE XXII—MOTOR VEHICLE THEFT PREVENTION

House recedes to Senate sections 1901–03, motor vehicle theft prevention.

TITLE XXIII—VICTIMS OF CRIME

Senate sections 901–02, 912–17, crime victims, recede to House sections 101–21, with the following modifications: allocations of funds are changed to 48.5%, 48.5%, and 3%; the report on battered women's syndrome is moved to title IV, Violence Against Women. House section 101, with a conforming amendment, is enacted pursuant to the Rules Enabling Act. House recedes to Senate section 903, Sense of the Senate regarding Rights to Victims Allocation, with conforming modification. Senate section 3264 is deleted as duplicative. Senate section 911 is deleted because already enacted. House recedes to Senate proposal to amend 10603(a)(5)(B) of title 42, United States Code.

TITLE XXIV—PROTECTION FOR THE ELDERLY

Section 240001—House recedes to Senate section 2001, Missing Alzheimer's Disease Patient Alert Program.

Section 240002—House recedes to Senate section 2002, crimes against the elderly.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

Sections 250001–05, 250008—House recedes to Senate sections 3901–03, 3905–07 and 3910, Senior Citizens Against Marketing Scams

(SCAMS), with modifications. Senate section 3904 recedes to House.

Section 250006—House recedes to Senate section 2103, mail fraud. Senate section 3908 is deleted as duplicative.

Section 250007—House recedes to Senate section 2102, Consumer Protection Against Credit Card Fraud Act. Senate section 3909 is deleted as duplicative.

The Conferees note that Congress has found with regard to this issue the following: Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations; most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means; illicit telemarketers, however, are an increasing problem which victimizes our nation's senior citizens in disproportionate numbers; interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud; telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact; telemarketers can also be very mobile, easily moving from State to State; it is estimated that victims lose billions of dollars a year as a result of telemarketing fraud; consequently, this legislation is intended to enhance Federal law enforcement resources, ensure adequate punishment for telemarketing fraud, and educate the public.

TITLE XXVI—COMMISSION MEMBERSHIP AND APPOINTMENT

Senate sections 1721–30 recede to House sections 3026–27, Commission to Support Law Enforcement, with modifications.

TITLE XXVII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL

House sections 1643–51 and 2601–07 recede to Senate sections 1701–18, 1741–49 and 3241–49 with a modification to establish a National Commission on Crime Prevention and Control charged with developing a comprehensive proposal for preventing and controlling crime and violence in America. This Commission must establish committees or task forces for the following specific purposes: one to focus on crime and violence generally, one to focus on the causes of the demand for drugs, one to focus on violence in schools, and one to focus on violence against women. House recedes to Senate sections 1731–32, Presidential Summit on Violence, with modification.

TITLE XXVIII—SENTENCING PROVISIONS

Section 280001—House recedes to Senate section 2401, imposition of a sentence.

Section 280002—House recedes to Senate section 2402, technical amendment to mandatory conditions of probation.

Section 280003—House section 1701 recedes to Senate section 2409, Hate Crime Sentencing.

Section 280004—House recedes to Senate section 2501, authorization of probation for petty offenses in certain cases.

Section 280005—House recedes to Senate section 5152 with modifications to create three full-time vice chairs of the U.S. Sentencing Commission, and to specify that of the three vice chairs, no more than two shall be of the same political party.

Section 280006—Senate recedes to House section 3092, Cocaine Penalty Study.

Senate section 2405, mandatory minimums for use or possession of firearm during a State crime, recedes to House.

Senate section 2502, trial by a magistrate in petty cases, recedes to House.

TITLE XXIX—COMPUTER CRIME

House recedes to Senate section 2601, computer crime, with minor modifications.

TITLE XXX—PROTECTION OF PRIVACY INFORMATION IN STATE MOTOR VEHICLE RECORDS

Senate sections 3101–03, Driver's Privacy Protection Act, recede to House sections 2901–03 with modifications.

This title prohibits the release and use of certain personal information except under certain circumstances. One of these exceptions, found in subsection (b)(3), permits disclosures where a person or entity is seeking correct information about an individual who presented false information or information that is no longer correct, "but only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual."

Some State motor vehicle departments may require requestors seeking to use this exception to certify or state the purpose for which the information is being sought. While in most cases this practice by the State will not give rise to further concern, it could pose a problem for debt collectors covered under the Fair Debt Collection Practices Act (FDCPA). Section 804 of the FDCPA provides: "Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall . . . (2) not state that such consumer owes any debt."

The interaction of section 804(2) of the FDCPA and subsection (b)(3) of the Driver's Privacy Protection Act could be interpreted as barring a covered debt collector from indicating to a State DMV that it was seeking information for a permitted purpose, thereby barring the debt collector from receiving information crucial to collecting a debt.

This was clearly not the intention of the drafters of the legislation and it is not the intention of the Conferees. To the contrary, the drafters of the legislation and the Conferees intend for debt collectors to be able to obtain motor vehicle record information without violating section 804(2) of the FDCPA. In this case, the purpose of disclosing the existence of a debt is solely to establish the basis for receiving DMV data, not to harass the debtor. Therefore, the Conferees believe that a statement that the information is being sought for the purposes of recovering on a debt would not violate section 804(2). In addition, the Conferees believe it would be adequate for debt collectors under (b)(3) to state that they are "pursuing legal remedies against . . . the individual," as provided in (b)(3), without stating that the legal remedies related to a debt. The Conferees believe that such a statement would not violate section 804 of the FDCPA, which is intended to prevent debt collectors from harassing a consumer by telling third parties that the consumer owes a debt. The Conferees believe that a collector is in no way harassing a consumer by telling a State DMV that information is sought in connection with "pursuing legal remedies."

The opportunity to prohibit disclosure of personal information under (b)(11) and (b)(12) does not have to be provided each time a request for such information is made. Instead, the opportunity to prohibit these disclosures should be provided at the time an individual registers for or renews his or her driver's license, title registration or identity card and at any other time an individual contacts the State on his or her own initiative to prohibit such disclosures.

Under subsection (b)(13), any requestor may obtain access to an individual's personal information if the requestor has obtained written consent from the individual whose personal information is sought. The Conferees intend that each State must provide that the requestor's demonstration include a written consent that has been notarized.

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

Sections 310001–02—House recedes to Senate sections 1352–54 with modifications as follows: (1) the trust fund covers fiscal years 1995–2000 and totals $30.210 billion; (2) annual outlays from trust fund appropriations are subject to limits enforceable through sequestration procedures similar to those applied under the Balanced Budget and Emergency Deficit Control Act of 1985 to appropriations in the regular budget process; and (3) the limitations on the number of total Federal Government personnel is deleted because it has already been enacted into law (Federal Workforce Restructuring Act of 1994, P.L. 103–226).

Section 310003—Senate recedes to House proposal to provide for the extension of authorizations of appropriations.

This section is an "authorization extender" provision intended to assure the complete and efficient use of all authorizations contained in the Report and all monies transferred into the Violent Crime Reduction Trust Fund. Under this provision, if the amount appropriated from the Trust Fund for a given program in a particular fiscal year is less than the amount authorized for that program in that year, the unused portion of the authorization remains available for use for that program in later fiscal years.

For example, if $100 million is authorized for program "A" for fiscal year 1996 but only $75 million is actually appropriated, the remaining $25 million will be available for appropriations from the Trust Fund in fiscal years 1997 and beyond for that program. The $25 million in authorizations "extended" beyond fiscal year 1996 need not all be used in fiscal year 1997; it remains available until funds are appropriated for such authorizations.

Section 310004—Senate recedes to House proposal to provide for flexibility in making appropriations.

This Section provides "transfer authority" to give the Appropriations Committees some flexibility in allocating appropriations from the Trust Fund among the programs included within each of three specified functional categories. Under these provisions, the $30.2 billion in authorizations contained in the Report is divided into the following categories: (1) State and Local Law Enforcement, (2) Federal Law Enforcement and (3) Prevention. Within each of these categories, the Appropriations Committees will, in any fiscal year, be permitted to transfer up to 10 percent of the authorization for a particular program to any other program within the same category.

For example, within the "Federal law enforcement" category, the Appropriations Committees could decrease the fiscal year 1996 authorization for program "A" by up to 10 percent and transfer that money to program "B" by increasing the authorization for "B" by the dollar amount subtracted from "A".

The transfer authority provided in the Conference Report is subject to three additional limitations (1) the aggregate amount of authorizations transferred away from a program over the life of the Trust Fund may not exceed 10 percent of the program's total authorization; (2) transfer authority may not be used to increase total authorizations for any of the three categories for any fiscal year above the level authorized for that category by the Report; and (3) no transfers between categories are permitted, *e.g.*, authorizations for "Prevention" programs may not be transferred to "Federal Law Enforcement" programs.

The following is a list of the programs included in each of the three broad functional categories:

FEDERAL LAW ENFORCEMENT

(1) Authorization of Additional Appropriations for the Federal Judiciary, Section 190001(a)

(2) Authorization of Additional Appropriations for the Department of Justice, Section 190001 (b)

(3) Authorization of Additional Appropriations for the Federal Bureau of Investigation, Section 190001 (c)

(4) Authorization of Additional Appropriations for United States Attorneys, Section 190001 (d)

(5) Authorization of Additional Appropriations for the Department of the Treasury, Section 190001 (e)

(6) National Center for Criminal Justice Research and Education, Section 320925

(7) Gang Investigation Coordination and Information Collection, Section 150008

(8) Motor Vehicle Theft Prevention, Section 220002

(9) Criminal Alien Tracking Center, Section 130002

(10) Expeditious Deportation for Denied Asylum Applicants, Section 130005

(11) Improving Border Controls, Section 130006

(12) Expanded Special Deportation Proceedings, Section 130007

(13) FBI and U.S. Attorney activities regarding Senior Citizens Against Marketing Scams, Section 250005

(14) FBI Activities Regarding DNA, Sections 210303–210306

(15) Agents for the Drug Enforcement Administration, Section 180104

(16) Presidential Summit on Violence and National Commission on Crime Prevention and Control, Section 270009

STATE AND LOCAL LAW ENFORCEMENT

(1) Public Safety and Policing, Sections 10001–10003

(2) Law Enforcement Family Support, Section 210201

(3) Availability of Violent Crime Reduction Trust Fund to fund activities authorized by the Brady Handgun Violence Protection Act and the National Child Protection Act of 1993, Section 210603

(4) Rural Law Enforcement Agencies, Section 180101

(5) Rural Drug Enforcement Training, Section 180103

(6) Community-based Justice Grants for Prosecutors, Sections 31701–31708

(7) Federal assistance to State court systems, Section 210602

(8) Police Recruitment, Sections 30801–30802

(9) DNA Grants to States, Section 210302

(10) Improved training and technical automation, Section 210501

(11) Extension of Byrne Grant Program, Section 210101

(12) Criminal Justice and Substance Abuse Treatment Training, Section 320930

(13) Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants, Sections 20101–20109

(14) Incarceration of Undocumented Criminal Aliens, Section 20301

(15) Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions, Section 32201

(16) Certainty of Punishment for Young Offenders, Section 20201

PREVENTION

(1) Drug Courts, Section 50001

(2) Ounce of Prevention, Sections 30101–30104

(3) Youth Employment and Skills Crime Prevention, Section 30201

(4) Model Intensive Grants, Sections 30301–30307

(5) Family and Community Endeavor Schools Grant Program and Community Schools Youth Services and Supervision Grant Program, Sections 30401–30403

(6) Police Partnerships for Children and Grants for Police Residence in High Crime Areas, Sections 30501–30505

(7) Midnight Sports, Section 30601

(8) Assistance for Delinquent and At-Risk Youth, Sections 30701–30702

(9) National Triad Program, Sections 30901–30906

(10) Local Partnership Act, Sections 31001–31002

(11) National Community Economic Partnership, Sections 31101–31133

(12) Gang Prevention Services for Boys and Girls, Sections 31201–31207

(13) Olympic Youth Development Centers, Section 31301

(14) Anti-Crime Youth Councils, Sections 31401–31405

(15) Urban Recreation and At-Risk Youth, Sections 31501–31505

(16) Boys and Girls Clubs in Public Housing, Sections 31601–31603

(17) Child Safety, Sections 31801–31808

(18) Family Unity Demonstration Project, Sections 31901–31922

(19) Substance Abuse Treatment in Federal Prisons, Section 32001

(20) Substance Abuse Treatment for State Prisoners, Section 32101

(21) Hope in Youth Program, Sections 32301–32307

(22) Gang Resistance Education and Training, Section 32401

(23) Federal Victim's Counselors, Section 40114

(24) Grants to Combat Violent Crimes Against Women, Section 40121

(25) Education and Prevention Grants to Reduce Sexual Assaults Against Women, Section 40151

(26) Training Programs, Section 40152

(27) Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth, Section 40155

(28) Victims of Child Abuse Programs, Section 40156

(29) National Domestic Violence Hotline, Section 40211

(30) Encouraging Arrest Policies in Domestic Violence Cases, Section 40231

(31) Battered Women Shelters, Section 40241

(32) Youth Education and Domestic Violence, Section 40251

(33) Community Programs on Domestic Violence, Section 40261

(34) Study on State Databases, Section 40292

(35) Study on Number and Cost of Domestic Violence Injuries, Section 40293

(36) Rural Domestic Violence and Child Abuse Enforcement Assistance, Section 40295

(37) Education and Training for Judges and Court Personnel in State Courts, Sections 40411–40414

(38) Education and Training for Judges and Court Personnel in Federal Courts, Sections 40421–40422

(39) National Baseline Study on Campus Sexual Assault, Section 40506

(40) National Stalker and Domestic Violence Reduction, Sections 40601–40611

(41) Juvenile Drug Trafficking and Gang Prevention Grants, Section 150004

(42) Grants for Youth Development Centers, Section 150005

(43) Missing Alzheimer's Disease Patient Alert Program, Section 240001

(44) Safe Senior Corridors Grants, Section 240003

TITLE XXXII—MISCELLANEOUS

SUBTITLE A—INCREASES IN PENALTIES

Section 320101—House recedes to Senate section 2901, increased penalties for assault.

Section 320102—House recedes to Senate section 2902, increased penalties for manslaughter.

Section 320103—House recedes to Senate section 2903, increased penalties for civil rights violations.

Section 320104—Senate section 2904(a) recedes to House section 3051, Penalties for Trafficking in Counterfeit Goods and Services; House recedes to Senate section 2904(b), laundering monetary instruments.

Section 320105—House recedes to Senate section 2905, penalty for committing murder for hire.

Section 320106—House recedes to Senate section 2907, increased penalties for arson, with modifications to delete mandatory minimum and increase the maximum penalty range.

Section 320107—House recedes to Senate section 616, increased penalties for drug trafficking near public housing. Senate section 1503 is deleted as duplicative.

Section 320108—House recedes to Senate section 5105, penalties for nonindigenous species, with modifications.

Section 320109—Senate recedes to House section 3056, military medals and decorations.

Senate section 2967, balance in the criminal justice system, recedes to House.

SUBTITLE B—EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES

Section 320201—House recedes to Senate section 2911, extension of civil rights statutes.

SUBTITLE C—AUDIT AND REPORT

Sections 320301–02—House recedes to Senate sections 2921–22, audit and report.

SUBTITLE D—COORDINATION

Section 320401—House recedes to Senate section 5166, coordination of treatment and prevention programs.

SUBTITLE E—GAMBLING

Section 320501—House recedes to Senate section 2932, clarifying amendment regarding scope of prohibition against gambling on ships in international waters, with technical modifications.

Senate section 2931, enforcement of laws relating to gaming, recedes to House.

SUBTITLE F—WHITE COLLAR CRIME AMENDMENTS

Section 320601—House recedes to Senate section 2941, receiving proceeds of extortion or kidnapping.

Section 320602—House recedes to Senate section 2942, receiving the proceeds of a postal robbery.

Sections 320603–04—Senate section 2101 recedes to House sections 401–02, Insurance Fraud.

Sections 320605-06—House recedes to Senate sections 2201-03, Financial Institution Fraud.

Section 320607—House recedes to Senate section 2944, addition of predicate offenses.

Section 320608—House recedes to Senate section 2945, definition of savings & loan.

Section 320609—House recedes to Senate section 2946, definition of 1-year sentence.

Senate section 2943 recedes to House.

Senate sections 3801-21, enhanced penalties for health care fraud enforcement efforts, recede to House.

Senate section 2301, savings and loan task force, recedes to House.

Senate sections 4401-04, public corruption, recede to House.

Senate section 2204 recedes to House.

Senate section 5146, Bankruptcy, recedes to House.

Subtitle G—Safer Streets and Neighborhoods

Sections 320701-02—House recedes to Senate sections 2951-52, Safer Streets and Neighborhoods, with technical modifications.

Subtitle H—Recreational Hunting Safety

No use recedes to Senate sections 4601-08, Recreational Hunting Safety, with modifications.

The conference report contains a modified version of Title XLVI of the Senate amendment, the Recreational Hunting Safety and Preservation Act of 1994. The purpose of this subtitle is to protect the safety and rights of persons to lawfully engage in hunting and fishing activities on Federal land.

In fashioning the provisions of this subtitle, the Conferees took care to not infringe on the first amendment right of free speech. The civil penalty provisions of this subtitle only apply to intentional physical conduct that significantly hinders a lawful hunt. Conduct is defined to exclude any activity protected by the first amendment. None of the provisions of this subtitle are intended to affect or limit in any way first amendment rights. Nor does the subtitle affect Federal land managers' existing authority to subject speech to reasonable regulation as to time, place and manner to the extent it is Constitutionally permissible.

In the interest of clarity, the Conferees have adopted a concise standard of violation, defined as intentional physical conduct that significantly hinders a lawful hunt. The Conferees intend that the physical conduct and the hinderance by considered as unitary; that is, both must be intentional. In other words, the conduct must be intentional, and must be done with the intention of significantly hindering a lawful hunt. A violation only occurs if the hinderance is significant; that is, it must have a negative influence or effect. The Conferees intend this to mean that incidental conduct which has *de minimis* effect on a hunt would not violate this subtitle.

With the principles described above in mind, examples of violations of this subtitle would include, but not be limited to, driving or disturbing wildlife; blocking or impeding hunters; using visual, aural, olfactory, or physical stimuli to affect wildlife behavior; erecting barriers to deny ingress or egress to areas where a lawful hunt takes place; placing a person or object in the line of fire; taking, disturbing or damaging property, such as a hunting blind; abusing a hunting dog; or other conduct intended to slow or make difficult the progress of a lawful hunt.

Subtitle I—Other Provisions

Section 320901—House recedes to Senate section 2965, wiretaps, with technical modification.

Section 320902—House recedes to Senate section 2966, theft of major artwork, with modifications.

Section 320903—House recedes to Senate section 2969, addition of attempted robbery, kidnapping, smuggling and property damage offenses.

Section 320904—House recedes to Senate section 2972, to include findings with respect to the gun-free school zone provisions of the Crime Control Act of 1990.

Section 320905—House recedes to Senate section 5109, interstate wagering.

Section 320906—Senate recedes to House section 3005 with technical modifications. The Conferees note that Congress finds with regard to this section that there are 8,000,000 workers in the trucking industry in the United States, some working for large carriers and some for small carriers, some for private carriers and some owner operators, all assisting the free flow of commerce by transporting all types of commodities that enter, leave, or move within this country. Unemployment, crime, and drug use have contributed to an increase of violence against commercial truckers, an increase that has gone unrecognized by the public at large. As few state or local authorities report violent crimes against truckers as such to the Federal Bureau of Investigation, statistics do not reflect this fast-growing and increasingly violent segment of crime. The Federal Bureau of Investigation investigated 282 truck hijackings involving crimes of violence in 1993, not including attempted crimes and crimes addressed by State, county, and local authorities. The Federal Government in large measure finances the highway system the trucking industry uses, collecting large sums in taxes from the industry and licenses, and regulates the industry and its drivers, entailing a concomitant responsibility to protect them against crime. Federal law provides protections to truckers in, among others, sections 33 and 1951 of title 18, United States Code, but currently Federal prosecutions are not undertaken unless certain monetary thresholds of loss are met.

Section 320907—House recedes to Senate section 5148 with technical modifications. The Conferees note the Senate finds with regard to this section that: (1) the National Center for Health Statistics has reported that the out-of-wedlock birth rate reached 29.5 percent in 1991 (66.3 percent in Washington DC., 71.0 percent in Detroit); (2) the out-of-wedlock birth rate has increased without interruption since 1970, and, as pointed out recently by George Will, "the rate of increase is not slowing even at extraordinary levels"; (3) Dr. Lee Rainwater of Harvard University predicts that the rate will reach 40 percent within 7 years; (4) Professor James Q. Wilson has described the erosion of the family structure in the United States and Western nations as "a major cultural convulsion" that is inextricably associated with the rise of violent urban crime; (5) President Clinton has stated on the national television program "Meet the Press" that there is "absolutely" a correlation between crime and drugs and the breakdown of the family.

Section 320908—House recedes to Senate section 5106 with technical modifications. The Conferees note the Senate finds with regard to this section that (1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade; (2) The expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992; (3) The global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations; (4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups; (5) there is an urgent need for new approaches to allow the international law enforcement community to pursue international criminals across national boundaries; (6) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics; (7) The current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics; (8) The United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; (9) The United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

Section 320909—House recedes to Senate section 2961, optional venue for espionage.

Section 320910—House recedes to Senate section 2962, undercover operations.

Section 320911—House recedes to Senate section 2968, misuse of DEA initials.

Section 320912—House recedes to Senate section 2970, definition of livestock, with modification.

Section 320913—House recedes to Senate section 5155, asset forfeiture.

Section 320914—House recedes to Senate section 5156, clarification of court.

Section 320915—House recedes to Senate section 5164. The Conferees note that the Senate has found regarding this provision that we are losing control of our streets and our neighborhoods to gangs, drugs and violent crime; Americans tolerate a level of violence 5 times that of Canada and 10 times that of England; this bill establishes a Violent Crime Reduction Trust Fund. The conference report authorizes the revenues to fund the Trust Fund be derived from savings resulting from a reduction in Federal personnel; and the Federal law enforcement agencies charged with carrying out the provisions of this Act will require substantial manpower to implement the Act.

Section 320916—Senate recedes to House section 3041, traveler protection.

Section 320917—House recedes to Senate section 2971, extension of statute of limitations for arson, with modifications.

Section 320918—House recedes to Senate section 1603, Sense of Congress concerning child custody and visitation rights.

Section 320919—Senate recedes to House section 3048, Edward Byrne Memorial Formula Grant Program.

Section 320920—House recedes to Senate section 5127, Law Day USA with modification. The Conferees note that the Senate has found with regard to this program that the first day of May each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizens' support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States; each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation; each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed; law enforcement personnel are devoted to their jobs, are underpaid for their efforts and are tireless in their work; and law enforcement personnel perform their duties without adequate recognition.

Section 320921—House recedes to Senate section 5154 with modifications. This section ensures that a defendant convicted for the first time will attend an appropriate rehabilitation program. The Conferees intend that the courts ensure that defendants who may suffer from organic brain damage or severe mental illness are referred to the most appropriate rehabilitative care addressing their specific needs. Further, any rehabilitation program may refer the defendant back to the court if it determines that its program is inappropriate for the defendant.

Section 320922—Senate recedes to House section 3001, Display of Flags at Half Staff.

Section 320923—Senate recedes to House section 3011, Financial Institution Fraud.

Section 320924—House recedes to Senate section 5114, definition of parent.

Section 320926—House recedes to Senate section 5123, Hate Crime Statistics Act.

Section 320927—Senate recedes to House proposal exempting return of handgun to owner from Brady background check requirement.

Section 320928—House recedes to Senate sections 811-16, Protection of Children, the Elderly, and Individuals with Disabilities, with modifications to delete already enacted provisions and with other modifications.

Section 320929—Senate recedes to House proposal regarding Tennessee Valley Authority Law Enforcement.

Section 320932—House recedes to Senate section 5162, Assistant United States Attorney Residency, with modification to 25 miles.

Section 320933—Senate recedes to House section 3086 with modifications.

Section 320934—Senate recedes to House proposal regarding non-dischargeability.

Section 320935—House recedes to Senate section 831 with modifications.

Senate section 5128, treatment of Indian tribes, recedes to House because Indian tribal governments are incorporated throughout the bill.

Senate section 5133, Control and Prevention of Crime in Indian Country, recedes to House because Indian Tribes are incorporated throughout the bill.

Senate section 5151, Supreme Court marshals and police, deleted because already enacted.

Senate section 5116, parental accountability, recedes to House.

Senate section 5108, Report on Success of Royal Hong Kong Police Recruiting, recedes to House.

Senate section 5147 recedes to House. The Conferees note that the substance of this provision is included in the provisions for alternative punishment for young offenders.

Senate section 5145, Children and Youth Utilizing Federal Land, recedes to House.

Senate section 5104 recedes to House.

Senate section 5134, extension of RTC statute of limitations, recedes to House.

House sections 3061-62, Age Discrimination in Employment, recede to Senate.

House section 1098B, Benefit for Chaplains, recedes to Senate because Senate budget point of order lies against this section.

Senate sections 2801-03, Safe Schools, are deleted because already enacted.

Senate sections 1011-12, community substance abuse prevention, recede to House.

House section 1605 recedes to Senate.

TITLE XXXIII—TECHNICAL CORRECTIONS

Sections 330001-025—Senate sections 3001-13 recede to the technical corrections found in H.R. 3131 with conforming changes and additional technical corrections.

Jack Brooks,
Don Edwards,
Bill Hughes,
Charles Schumer,
John Conyers,
Pat Schroeder,
Barney Frank,
Michael N. Castle,

As additional conferees from the Committee on Agriculture, for consideration of sections 4601-08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

E de la Garza,
Charlie Rose,
Charlie Stenholm,
Pat Roberts,
Richard Pombo,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201-04, 2301, and 4901-33 of the Senate amendment, and sections 1031(b), 1038, and 1099AA-1099CC of the House amendment, and modifications committed to conference:

Henry Gonzalez,
Stephen Neal,
Bruce F. Vento,

As additional conferees from the Committee on Education and Labor, for consideration of sections 631-33, 662(e), 662(f), 811-16, 921-28, 1121-50, 1331, 2801-03, 3261, 3263, 3311, 3341, 3351, 3361, 3381-83, 3501, 3707, 4001-09, 4301-04, 4701-02, 4801-09, 4901-33, 5120, 5122, 5135, 5140, 5142-43, and 5147 of the Senate amendment, and sections 1010-26, 1030-34, 1038, 1051-52, 1065-71, 1081-96, 1099A-1099G, 1099H-1099O, 1099P-1099T, 1606, 1610, 1653-54, 1902(e), 1902(f), 2201-02, 2701-39, 3061-62, 3089-90, of the House amendment, and modifications committed to conference:

William D. Ford,
Dale E. Kildee,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503-04, 1511-23, 1532, 1534-35, 1537, 1902(e), 3101-03, 3261, and 5166 of the Senate amendment, and sections 1010-26, 1041-44, 1606, 2901-03, and 3086 of the House Amendment, and modifications committed to conference:

John D. Dingell,
Henry A. Waxman,
Cardiss Collins,

As additional conferees from the Committee on Government Operations, for consideration of sections 1353-54, 1535, and 5150 of the Senate amendment, and sections 1075-76 of the House amendment, and modifications committed to conference:

Provided, Mr. Spratt and Mr. Kyl are appointed in lieu of Mr. Waxman and Mr. Clinger solely for the consideration of sections 1535 and 5150 of the Senate amendment.

John M. Spratt, Jr.,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713-15, 4601-08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

Gary E. Studds,
George Hochbrueckner,

As additional conferees from the Committee on Natural Resources, for consideration of sections 3232-33, 4601-08, and 5145 of the Senate amndment and sections 1099U-1099Z of the House amendment, and modifications committed to conference:

George Miller,
Bruce Vento,
Karen Shepherd,
Don Young,

Provided, Ms. English of Arizona is appointed in lieu of Ms. Shepherd solely for the consideration of sections 4601-08 of the Senate amendment.

Karan English,

Provided, Mr. Hinchey is appointed in lieu of Ms. Shepherd solely for the consideration of sections 1099U-1099Z of the House amendment.

Maurice Hinchey,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference:

William Clay,
Frank McCloskey,
Eleanor H. Norton,
Constance Morella,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment and modifications committeed to conference:

Norman Y. Mineta,
Nick Rahall,
Bud Shuster,
Thomas E. Petri,

As additional conferees from the Committee on Rules, for consideration of sections 1353-54 of the Senate amendment, and modifications committed to conference:

Butler Derrick,

As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515-16, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Managers on the Part of the House.

Joseph R. Biden, Jr.,
Ted Kennedy,
Howard Metzenbaum,
Dennis DeConcini,
Pat Leahy,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

Mr. CONYERS submitted the following conference report and statement on the Senate bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-712)

[To accompany S. 1587]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587), to revise and streamline the acquisition laws of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acquisition Streamlining Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1001. References to Federal Acquisition Regulation.
Sec. 1002. Establishment or maintenance of alternative sources of supply.
Sec. 1003. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1004. Task and delivery order contracts.
Sec. 1005. Acquisition of expert services.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1011. Source selection factors.
Sec. 1012. Solicitation provision regarding evaluation of purchase options.
Sec. 1013. Prompt notice of award.
Sec. 1014. Post-award debriefings.
Sec. 1015. Protest file.
Sec. 1016. Agency actions on protests.

SUBPART C—KINDS OF CONTRACTS

Sec. 1021. Repeal of requirement for Secretarial determination regarding use of cost type or incentive contract.
Sec. 1022. Revision and reorganization of multiyear contracting authority.

SUBPART D—MISCELLANEOUS

Sec. 1031. Repeal of requirement for annual report by advocates for competition.

PART II—CIVILIAN AGENCY ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1051. References to Federal Acquisition Regulation.
Sec. 1052. Establishment or maintenance of alternative sources of supply.
Sec. 1053. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1054. Task and delivery order contracts.
Sec. 1055. Acquisition of expert services.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1061. Solicitation, evaluation, and award.
Sec. 1062. Solicitation provision regarding evaluation of purchase options.
Sec. 1063. Prompt notice of award.
Sec. 1064. Post-award debriefings.
Sec. 1065. Protest file.
Sec. 1066. Agency actions on protests.

SUBPART C—KINDS OF CONTRACTS

Sec. 1071. Repeal of agency head determination regarding use of cost type or incentive contract.
Sec. 1072. Multiyear contracting authority.
Sec. 1073. Severable services contracts crossing fiscal years.
Sec. 1074. Economy Act purchases.

PART III—ACQUISITIONS GENERALLY

Sec. 1091. Policy regarding consideration of contractor past performance.
Sec. 1092. Repeal of requirement for annual report on competition.
Sec. 1093. Discouragement of nonstandard contract clauses.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1201. Stabilization of dollar threshold of applicability.
Sec. 1202. Exceptions to cost or pricing data requirements.
Sec. 1203. Restrictions on additional authority to require cost or pricing data or other information.
Sec. 1204. Additional special rules for commercial items.
Sec. 1205. Right of United States to examine contractor records.
Sec. 1206. Required regulations.
Sec. 1207. Consistency of time references.
Sec. 1208. Exception for transfers between divisions, subsidiaries, and affiliates.
Sec. 1209. Coverage of Coast Guard and NASA for interest and payments on certain overpayments.
Sec. 1210. Repeal of superseded provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1251. Revision of civilian agency provisions to ensure uniform treatment of cost or pricing data.
Sec. 1252. Repeal of obsolete provision.

Subtitle C—Research and Development

Sec. 1301. Research projects.

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

Sec. 1401. Protest defined.
Sec. 1402. Review of protests and effect on contracts pending decision.
Sec. 1403. Decisions on protests.
Sec. 1404. Regulations.

PART II—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

Sec. 1431. Revocation of delegations of procurement authority.
Sec. 1432. Authority of the General Services Administration Board of Contract Appeals.
Sec. 1433. Periods for certain actions.
Sec. 1434. Dismissals of protests.
Sec. 1435. Award of costs.
Sec. 1436. Dismissal agreements.
Sec. 1437. Matters to be covered in regulations.
Sec. 1438. Definition of protest.
Sec. 1439. Oversight of acquisition of automatic data processing equipment by Federal agencies.

Subtitle E—Policy, Definitions, and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1501. Repeal of policy statement.
Sec. 1502. Definitions.
Sec. 1503. Delegation of procurement functions.
Sec. 1504. Determinations and decisions.
Sec. 1505. Restrictions on undefinitized contractual actions.
Sec. 1506. Repeal of requirement relating to production special tooling and production special test equipment.
Sec. 1507. Regulations for bids.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1551. Definitions.
Sec. 1552. Delegation of procurement functions.
Sec. 1553. Determinations and decisions.
Sec. 1554. Repeal of preference for recycled toner cartridges.
Sec. 1555. Cooperative purchasing.

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2001. Contract financing.
Sec. 2002. Repeal of vouchering procedures section.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2051. Contract financing.

PART III—ACQUISITIONS GENERALLY

Sec. 2091. Government-wide application of payment protections for subcontractors and suppliers.

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2101. Allowable contract costs.
Sec. 2102. Repeal of authority for contract profit controls during emergency periods.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2151. Allowable contract costs.

PART III—ACQUISITIONS GENERALLY

Sec. 2191. Travel expenses of Government contractors.
Sec. 2192. Revision of cost principle relating to entertainment, gift, and recreation costs for contractor employees.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2201. Consolidation and revision of authority to examine records of contractors.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2251. Authority to examine records of contractors.

Subtitle D—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2301. Certification of contract claims.
Sec. 2302. Shipbuilding claims.

PART II—ACQUISITIONS GENERALLY

Sec. 2351. Contract Disputes Act improvements.
Sec. 2352. Extension of alternative dispute resolution authority.
Sec. 2353. Expedited resolution of contract administration matters.
Sec. 2354. Authority for district courts to obtain advisory opinions from boards of contract appeals in certain cases.

Subtitle E—Miscellaneous

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2401. Clarification of provision relating to quality control of certain spare parts.
Sec. 2402. Contractor guarantees regarding weapon systems.

PART II—ACQUISITIONS GENERALLY

Sec. 2451. Section 3737 of the Revised Statutes: expansion of authority to prohibit setoffs against assignees; reorganization of section; revision of obsolete provisions.
Sec. 2452. Repeal of requirement for deposit of contracts with GAO.
Sec. 2453. Repeal of obsolete deadline regarding procedural regulations for the Cost Accounting Standards Board.
Sec. 2454. Codification of accounting requirement for contracted advisory and assistance services.
Sec. 2455. Uniform suspension and debarment.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

Sec. 3001. Weapon development and procurement schedules.
Sec. 3002. Selected acquisition report requirement.
Sec. 3003. Unit cost report requirement.
Sec. 3004. Requirement for independent cost estimate and manpower estimate before development or production.
Sec. 3005. Baseline description.
Sec. 3006. Repeal of requirement for competitive prototyping for major programs.
Sec. 3007. Repeal of requirement for competitive alternative sources for major programs.

Subtitle B—Testing Statutes

Sec. 3011. Authority of Director of Operational Test and Evaluation to communicate views directly to Secretary of Defense.

Sec. 3012. Responsibility of Director of Operational Test and Evaluation for live fire testing.
Sec. 3013. Requirement for unclassified version of annual report on operational test and evaluation.
Sec. 3014. Survivability and lethality testing.
Sec. 3015. Limitation on quantities to be procured for low-rate initial production.

Subtitle C—Service Specific Laws

Sec. 3021. Gratuitous services of officers of certain reserve components.
Sec. 3022. Authority to rent samples, drawings, and other information to others.
Sec. 3023. Repeal of application of Public Contracts Act to certain naval vessel contracts.
Sec. 3024. Repeal of requirement for construction of vessels on Pacific coast.
Sec. 3025. Scientific investigation and research for the Navy.

Subtitle D—Civil Reserve Air Fleet

Sec. 3031. Definitions.
Sec. 3032. Consolidation of provisions relating to contractual commitment of aircraft.
Sec. 3033. Use of military installations by contractors.

Subtitle E—Miscellaneous

Sec. 3061. Regulations on procurement, production, warehousing, and supply distribution functions.
Sec. 3062. Repeal of requirements regarding product evaluation activities.
Sec. 3063. Department of Defense acquisition of intellectual property rights.
Sec. 3064. Liquid fuels and natural gas: contracts for storage, handling, or distribution.
Sec. 3065. Codification and revision of limitation on lease of vessels, aircraft, and vehicles.
Sec. 3066. Soft drink supplies.
Sec. 3067. Disbursement of funds of military department to cover obligations of another agency of Department of Defense.

TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD

Subtitle A—Establishment of Threshold

Sec. 4001. Simplified acquisition threshold defined.
Sec. 4002. Establishment of simplified acquisition threshold for armed services.
Sec. 4003. Establishment of simplified acquisition threshold for civilian agencies.
Sec. 4004. Small business reservation.

Subtitle B—Inapplicability of Laws to Acquisitions At or Below the Simplified Acquisition Threshold

Sec. 4101. List of inapplicable laws in Federal Acquisition Regulation.
Sec. 4102. Armed services acquisitions.
Sec. 4103. Civilian agency acquisitions.
Sec. 4104. Acquisitions generally.

Subtitle C—Simplified Acquisition Procedures

Sec. 4201. Simplified acquisition procedures.
Sec. 4202. Procurement notice.
Sec. 4203. Implementation of simplified acquisition procedures.

Subtitle D—Micro-Purchase Procedures

Sec. 4301. Procedures for purchases below micro-purchase threshold.

Subtitle E—Conforming Amendments

Sec. 4401. Armed services acquisitions.
Sec. 4402. Civilian agency acquisitions.
Sec. 4403. Office of Federal Procurement Policy Act.
Sec. 4404. Small Business Act.

TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

Sec. 5001. Performance based management.
Sec. 5002. Review of acquisition program cycle.

Subtitle B—Civilian Agency Acquisitions

Sec. 5051. Performance based management.
Sec. 5052. Results-oriented acquisition process.

Subtitle C—Pilot Programs

Sec. 5061. OFPP test program for executive agencies.
Sec. 5062. NASA mid-range procurement test program.
Sec. 5063. Federal Aviation Administration acquisition pilot program.
Sec. 5064. Department of Defense acquisition pilot programs.

Subtitle D—Miscellaneous

Sec. 5091. Vendor and employee excellence awards.
Sec. 5092. Waiting period for significant changes proposed for acquisition regulations.
Sec. 5093. Sense of Congress on negotiated rulemaking.

TITLE VI—OTHER PROCUREMENT-RELATED MATTERS

Sec. 6001. Post-employment rules.
Sec. 6002. Contracting functions performed by Federal personnel.
Sec. 6003. Repeal of executed requirement for study and report.
Sec. 6004. Interests of Members of Congress.
Sec. 6005. Whistleblower protections for contractor employees of Department of Defense, Coast Guard, and National Aeronautics and Space Administration.
Sec. 6006. Whistleblower protections for contractor employees of civilian agencies.
Sec. 6007. Comptroller General review of the provision of legal advice for Inspectors General.
Sec. 6008. Cost savings for official travel.
Sec. 6009. Prompt resolution of audit recommendations.

TITLE VII—SMALL BUSINESS AND SOCIOECONOMIC LAWS

Subtitle A—Small Business Laws

Sec. 7101. Repeal of certain requirements.
Sec. 7102. Contracting program for certain small business concerns.
Sec. 7103. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 7104. Small Business Procurement Advisory Council.
Sec. 7105. Extension of defense contract goal to Coast Guard and National Aeronautics and Space Administration.
Sec. 7106. Procurement goals for small business concerns owned by women.
Sec. 7107. Development of definitions regarding certain small business concerns.
Sec. 7108. Functions of Office of Federal Procurement Policy relating to small business.

Subtitle B—Socioeconomic Laws

Sec. 7201. Acquisitions generally.
Sec. 7202. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.
Sec. 7203. Merit-based award of contracts and grants.
Sec. 7204. Maximum practicable opportunities for apprentices on Federal construction projects.
Sec. 7205. Repeal of obsolete provision.
Sec. 7206. Repeal of obsolete and redundant provisions of law.

Subtitle C—Waiver of Application of Prevailing Wage-Setting Requirements to Volunteers

Sec. 7301. Short title.
Sec. 7302. Purpose.
Sec. 7303. Waiver for individuals who perform volunteer services for public entities.
Sec. 7304. Waiver for individuals who perform volunteer services for nonprofit entities.
Sec. 7305. Contracts affected.
Sec. 7306. Report.

TITLE VIII—COMMERCIAL ITEMS

Subtitle A—Definitions and Regulations

Sec. 8001. Definitions.
Sec. 8002. Regulations on acquisition of commercial items.
Sec. 8003. List of inapplicable laws in Federal Acquisition Regulation.

Subtitle B—Armed Services Acquisitions

Sec. 8101. Establishment of new chapter in title 10.
Sec. 8102. Relationship to other provisions of law.
Sec. 8103. Definitions.
Sec. 8104. Preference for acquisition of commercial items.
Sec. 8105. Inapplicability of certain provisions of law.
Sec. 8106. Presumption that technical data under contracts for commercial items are developed exclusively at private expense.

Subtitle C—Civilian Agency Acquisitions

Sec. 8201. Relationship to other provisions of law.
Sec. 8202. Definitions.
Sec. 8203. Preference for acquisition of commercial items.
Sec. 8204. Inapplicability of certain provisions of law.

Subtitle D—Acquisitions Generally

Sec. 8301. Inapplicability of certain provisions of law.
Sec. 8302. Flexible deadlines for submission of offers of commercial items.
Sec. 8303. Additional responsibilities for advocates for competition.
Sec. 8304. Provisions not affected.
Sec. 8305. Comptroller General review of Federal Government use of market research.

TITLE IX—FEDERAL ACQUISITION COMPUTER NETWORK

Sec. 9001. Federal acquisition computer network architecture and implementation.
Sec. 9002. Implementation of FACNET capability in armed services.
Sec. 9003. Implementation of FACNET capability in civilian agencies.
Sec. 9004. GAO determination of eligible agency contracts.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Sec. 10001. Effective date and applicability.
Sec. 10002. Implementing regulations.
Sec. 10003. Evaluation by the Comptroller General.
Sec. 10004. Data collection through the Federal Procurement Data System.
Sec. 10005. Technical and clerical amendments.

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1001. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 2304 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1002. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

(a) ADDITIONAL JUSTIFICATION FOR ESTABLISHING OR MAINTAINING ALTERNATIVE SOURCES.—Section 2304(b)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.".

(b) PROHIBITION ON USE OF CLASSES OF PURCHASES OR CONTRACTS.—Section 2304(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A determination under paragraph (1) may not be made for a class of purchases or contracts.".

SEC. 1003. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 2304(f)(1)(B)(i) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1004. TASK AND DELIVERY ORDER CONTRACTS.

(a) AUTHORITY.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new sections:

"§2304a. Task and delivery order contracts: general authority

"(a) AUTHORITY TO AWARD.—Subject to the requirements of this section, section 2304c of this title, and other applicable law, the head of an agency may enter into a task or delivery order contract (as defined in section 2304d of this title) for procurement of services or property.

"(b) SOLICITATION.—The solicitation for a task or delivery order contract shall include the following:

"(1) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(2) The maximum quantity or dollar value of the services or property to be procured under the contract.

"(3) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services or property to be procured under the contract.

"(c) APPLICABILITY OF RESTRICTION ON USE OF NONCOMPETITIVE PROCEDURES.—The head of an agency may use procedures other than competitive procedures to enter into a task or delivery order contract under this section only if an exception in subsection (c) of section 2304 of this title applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(d) SINGLE AND MULTIPLE CONTRACT AWARDS.—(1) The head of an agency may exercise the authority provided in this section—

"(A) to award a single task or delivery order contract; or

"(B) if the solicitation states that the head of the agency has the option to do so, to award separate task or delivery order contracts for the same or similar services or property to two or more sources.

"(2) No determination under section 2304(b) of this title is required for award of multiple task or delivery order contracts under paragraph (1)(B).

"(3) The regulations implementing this subsection shall—

"(A) establish a preference for awarding, to the maximum extent practicable, multiple task or delivery order contracts for the same or similar services or property under the authority of paragraph (1)(B); and

"(B) establish criteria for determining when award of multiple task or delivery order contracts would not be in the best interest of the Federal Government.

"(e) CONTRACT MODIFICATIONS.—A task or delivery order may not increase the scope, period, or maximum value of the task or delivery order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(f) INAPPLICABILITY TO CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.—Except as otherwise specifically provided in section 2304b of this title, this section does not apply to a task or delivery order contract for the procurement of advisory and assistance services (as defined in section 1105(g) of title 31).

"(g) RELATIONSHIP TO OTHER CONTRACTING AUTHORITY.—Nothing in this section may be construed to limit or expand any authority of the head of an agency or the Administrator of General Services to enter into schedule, multiple award, or task or delivery order contracts under any other provision of law.

"§2304b. Task order contracts: advisory and assistance services

"(a) AUTHORITY TO AWARD.—(1) Subject to the requirements of this section, section 2304c of this title, and other applicable law, the head of an agency may enter into a task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services.

"(2) The head of an agency may enter into a task order contract for procurement of advisory and assistance services only under the authority of this section.

"(b) LIMITATION ON CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) CONTENT OF NOTICE.—The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed task order contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(d) REQUIRED CONTENT OF SOLICITATION AND CONTRACT.—(1) The solicitation for the proposed task order contract shall include the information (regarding services) described in section 2304a(b) of this title.

"(2) A task order contract entered into under this section shall contain the same information that is required by paragraph (1) to be included in the solicitation of offers for that contract.

"(e) MULTIPLE AWARDS.—(1) The head of an agency may, on the basis of one solicitation, award separate task order contracts under this section for the same or similar services to two or more sources if the solicitation states that the head of the agency has the option to do so.

"(2) If, in the case of a task order contract for advisory and assistance services to be entered into under this section, the contract period is to exceed three years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(A) provide for a multiple award authorized under paragraph (1); and

"(B) include a statement that the head of the agency may also elect to award only one task order contract if the head of the agency determines in writing that only one of the offerers is capable of providing the services required at the level of quality required.

"(3) Paragraph (2) does not apply in the case of a solicitation for which the head of the agency concerned determines in writing that, because the services required under the task order contract are unique or highly specialized, it is not practicable to award more than one contract.

"(f) CONTRACT MODIFICATIONS.—(1) A task order may not increase the scope, period, or maximum value of the task order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(g) CONTRACT EXTENSIONS.—(1) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (e), a task order contract entered into by the head of an agency under this section may be extended on a sole-source basis for a period not exceeding six months if the head of such agency determines that—

"(A) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(B) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(2) A task order contract may be extended under the authority of paragraph (1) only once and only in accordance with the limitations and requirements of this subsection.

"(h) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the head of an agency entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(i) ADVISORY AND ASSISTANCE SERVICES DEFINED.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31.

"§2304c. Task and delivery order contracts: orders

"(a) ISSUANCE OF ORDERS.—The following actions are not required for issuance of a task or delivery order under a task or delivery order contract:

"(1) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(2) Except as provided in subsection (b), a competition (or a waiver of competition approved in accordance with section 2304(f) of this title) that is separate from that used for entering into the contract.

"(b) MULTIPLE AWARD CONTRACTS.—When multiple task or delivery order contracts are awarded under section 2304a(d)(1)(B) or 2304b(e) of this title, all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task or delivery order in excess of $2,500 that is to be issued under any of the contracts unless—

"(1) the agency's need for the services or property ordered is of such unusual urgency that providing such opportunity to all such contractors would result in unacceptable delays in fulfilling that need;

"(2) only one such contractor is capable of providing the services or property required at the level of quality required because the services or property ordered are unique or highly specialized;

"(3) the task or delivery order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task or delivery order already issued on a competitive basis; or

"(4) it is necessary to place the order with a particular contractor in order to satisfy a minimum guarantee.

"(c) STATEMENT OF WORK.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) TASK AND DELIVERY ORDER OMBUDSMAN.—Each head of an agency who awards multiple task or delivery order contracts pursuant to section 2304a(d)(1)(B) or 2304b(e) of this title shall appoint or designate a task and delivery order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task or delivery orders when required under subsection (b). The task and delivery order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the agency's competition advocate.

"(f) APPLICABILITY.—This section applies to task and delivery order contracts entered into under sections 2304a and 2304b of this title.

"§2304d. Task and delivery order contracts: definitions

"In sections 2304a, 2304b, and 2304c of this title:

"(1) The term 'task order contract' means a contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of orders for the performance of tasks during the period of the contract.

"(2) The term 'delivery order contract' means a contract for property that does not procure or specify a firm quantity of property (other than a minimum or maximum quantity) and that provides for the issuance of orders for the delivery of property during the period of the contract.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new items:

"2304a. Task and delivery order contracts: general authority.
"2304b. Task order contracts: advisory and assistance services.
"2304c. Task and delivery order contracts: orders.
"2304d. Task and delivery order contracts: definitions.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 2304 of title 10, United States Code, is amended by striking out subsection (j).

(c) CONFORMING AMENDMENT FOR PROFESSIONAL AND TECHNICAL SERVICES.—Section 2331 of title 10, United States Code, is amended by striking out subsection (c).

(d) PROVISIONS NOT AFFECTED.—Nothing in section 2304a, 2304b, 2304c, or 2304d of title 10, United States Code, as added by subsection (a), and nothing in the amendments made by subsections (b) and (c), shall be construed as modifying or superseding, or as intended to impair or restrict, authorities or responsibilities under—

(1) the Brooks Automatic Data Processing Act (section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)); and

(2) the Brooks Architect-Engineers Act (title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)).

SEC. 1005. ACQUISITION OF EXPERT SERVICES.

Section 2304(c)(3) of title 10, United States Code, is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1011. SOURCE SELECTION FACTORS.

(a) CONTENT OF SOLICITATION.—Paragraph (2) of section 2305(a) of title 10, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "(and significant subfactors)" and inserting in lieu thereof "and significant subfactors"; and

(B) by striking out "cost- or price-related factors, and noncost- or nonprice-related factors" and inserting in lieu thereof "cost-related or price-related factors and subfactors, and noncost-related or nonprice-related factors and subfactors";

(2) in subparagraph (A)(ii), by striking out "(and subfactors)" and inserting "and subfactors"; and

(3) in subparagraph (B)(ii), by amending subclause (I) to read as follows:

"(I) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and".

(b) EVALUATION FACTORS.—Such section is further amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, the head of an agency—

"(i) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(ii) shall include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(iii) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(I) significantly more important than cost or price;

"(II) approximately equal in importance to cost or price; or

"(III) significantly less important than cost or price.

"(B) The regulations implementing clause (iii) of subparagraph (A) may not define the terms 'significantly more important' and 'significantly less important' as specific numeric weights that would be applied uniformly to all solicitations or a class of solicitations.

"(4) Nothing in this subsection prohibits an agency from—

"(A) providing additional information in a solicitation, including numeric weights for all evaluation factors and subfactors on a case-by-case basis; or

"(B) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest cost or price.".

SEC. 1012. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

Subsection (a) of section 2305 of title 10, United States Code, as amended by section 1011, is further amended by adding at the end the following new paragraph:

"(5) The head of an agency, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the head of the agency has determined that there is a reasonable likelihood that the options will be exercised.".

SEC. 1013. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Paragraph (3) of section 2305(b) of title 10, United States Code, is amended—

(1) in the last sentence, by striking out "transmitting written notice" and inserting in lieu thereof "transmitting, in writing or by electronic means, notice"; and

(2) by adding at the end the following: "Within three days after the date of contract award, the head of the agency shall notify, in writing or by electronic means, each bidder not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Paragraph (4)(B) of such section is amended in the second sentence—

(1) by striking out "transmitting written notice" and inserting in lieu thereof "transmitting, in writing or by electronic means, notice"; and

(2) by striking out "shall promptly notify" and inserting in lieu thereof ", within three days after the date of contract award, shall notify, in writing or by electronic means,".

SEC. 1014. POST-AWARD DEBRIEFINGS.

Section 2305(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) When a contract is awarded by the head of an agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. The head of the agency shall debrief the offeror

within, to the maximum extent practicable, five days after receipt of the request by the agency.

"(B) The debriefing shall include, at a minimum—

"(i) the agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(ii) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(iii) the overall ranking of all offers;

"(iv) a summary of the rationale for the award;

"(v) in the case of a proposal that includes a commercial item that is an end item under the contract, the make and model of the item being provided in accordance with the offer of the contractor awarded the contract; and

"(vi) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

"(C) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552(b) of title 5.

"(D) Each solicitation for competitive proposals shall include a statement that information described in subparagraph (B) may be disclosed in post-award debriefings.

"(E) If, within one year after the date of the contract award and as a result of a successful procurement protest, the agency seeks to fulfill the requirement under the protested contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the agency shall make available to all offerors—

"(i) the information provided in debriefings under this paragraph regarding the offer of the contractor awarded the contract; and

"(ii) the same information that would have been provided to the original offerors.

"(F) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1015. PROTEST FILE.

Section 2305 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) PROTEST FILE.—(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, the head of an agency, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31 and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under section 552 of title 5 may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1016. AGENCY ACTIONS ON PROTESTS.

Section 2305 of title 10, United States Code, as amended by section 1015, is further amended by adding at the end the following new subsection:

"(f) AGENCY ACTIONS ON PROTESTS.—If, in connection with a protest, the head of an agency determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the head of the agency—

"(1) may take any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of title 31 within the limits referred to in paragraph (2) of such section.".

Subpart C—Kinds of Contracts

SEC. 1021. REPEAL OF REQUIREMENT FOR SECRETARIAL DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Subsection (c) of section 2306 of title 10, United States Code, is repealed.

SEC. 1022. REVISION AND REORGANIZATION OF MULTIYEAR CONTRACTING AUTHORITY.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306a the following new section:

"§2306b. Multiyear contracts

"(a) IN GENERAL.—To the extent that funds are otherwise available for obligation, the head of an agency may enter into multiyear contracts for the purchase of property whenever the head of that agency finds—

"(1) that the use of such a contract will result in substantial savings of the total anticipated costs of carrying out the program through annual contracts;

"(2) that the minimum need for the property to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

"(3) that there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

"(4) that there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive;

"(5) that the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic; and

"(6) in the case of a purchase by the Department of Defense, that the use of such a contract will promote the national security of the United States.

"(b) REGULATIONS.—(1) Each official named in paragraph (2) shall prescribe acquisition regulations for the agency or agencies under the jurisdiction of such official to promote the use of multiyear contracting as authorized by subsection (a) in a manner that will allow the most efficient use of multiyear contracting.

"(2)(A) The Secretary of Defense shall prescribe the regulations applicable to the Department of Defense.

"(B) The Secretary of Transportation shall prescribe the regulations applicable to the Coast Guard, except that the regulations prescribed by the Secretary of Defense shall apply to the Coast Guard when it is operating as a service in the Navy.

"(C) The Administrator of the National Aeronautics and Space Administration shall prescribe the regulations applicable to the National Aeronautics and Space Administration.

"(c) CONTRACT CANCELLATIONS.—The regulations may provide for cancellation provisions in multiyear contracts to the extent that such provisions are necessary and in the best interests of the United States. The cancellation provisions may include consideration of both recurring and nonrecurring costs of the contractor associated with the production of the items to be delivered under the contract.

"(d) PARTICIPATION BY SUBCONTRACTORS, VENDORS, AND SUPPLIERS.—In order to broaden the defense industrial base, the regulations shall provide that, to the extent practicable—

"(1) multiyear contracting under paragraph (1) shall be used in such a manner as to seek, retain, and promote the use under such contracts of companies that are subcontractors, vendors, or suppliers; and

"(2) upon accrual of any payment or other benefit under such a multiyear contract to any subcontractor, vendor, or supplier company participating in such contract, such payment or benefit shall be delivered to such company in the most expeditious manner practicable.

"(e) PROTECTION OF EXISTING AUTHORITY.—The regulations shall provide that, to the extent practicable, the administration of this section, and of the regulations prescribed under this section, shall not be carried out in a manner to preclude or curtail the existing ability of an agency—

"(1) to provide for competition in the production of items to be delivered under such a contract; or

"(2) to provide for termination of a prime contract the performance of which is deficient with respect to cost, quality, or schedule.

"(f) CANCELLATION OR TERMINATION FOR INSUFFICIENT FUNDING.—In the event funds are not made available for the continuation of a contract made under this section into a subsequent fiscal year, the contract shall be canceled or terminated. The costs of cancellation or termination may be paid from—

"(1) appropriations originally available for the performance of the contract concerned;

"(2) appropriations currently available for procurement of the type of property concerned, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(g) CONTRACT CANCELLATION CEILINGS EXCEEDING $100,000,000.—Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of $100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

"(h) DEFENSE ACQUISITIONS OF WEAPON SYSTEMS.—In the case of the Department of Defense, the authority under subsection (a) includes authority to enter into the following multiyear contracts in accordance with this section:

"(1) A multiyear contract for the purchase of a weapon system, items and services associated with a weapon system, and logistics support for a weapon system.

"(2) A multiyear contract for advance procurement of components, parts, and materials necessary to the manufacture of a weapon system, including a multiyear contract for such advance procurement that is entered into in order to achieve economic-lot purchases and more efficient production rates.

"(i) DEFENSE ACQUISITIONS SPECIFICALLY AUTHORIZED BY LAW.—(1) A multiyear contract may not be entered into for any fiscal year under this section for a defense acquisition program that has been specifically authorized by law to be carried out using multiyear contract authority unless each of the following conditions is satisfied:

"(A) The Secretary of Defense certifies to Congress that the current five-year defense program fully funds the support costs associated with the multiyear program.

"(B) The proposed multiyear contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

"(2) If for any fiscal year a multiyear contract to be entered into under this section is authorized by law for a particular procurement program and that authorization is subject to certain conditions established by law (including a *condition as to cost savings to be achieved under the multiyear contract in comparison to specified other contracts) and if it appears (after negotiations with contractors) that such savings cannot be achieved, but that substantial savings could nevertheless be achieved through the use of a multiyear contract rather than specified other contracts, the President may submit to Congress a request for relief from the specified cost savings that must be achieved through multiyear contracting for that program. Any such request by the President shall include details about the request for a multiyear contract, including details about the negotiated contract terms and conditions.*

"(j) Defense Contract Options for Varying Quantities.—The Secretary of Defense may instruct the Secretary of the military department concerned to incorporate into a proposed multiyear contract negotiated priced options for varying the quantities of end items to be procured over the period of the contract.

"(k) Inapplicability to Automatic Data Processing Contracts.—This section does not apply to contracts for the purchase of property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies.

"(l) Multiyear Contract Defined.—For the purposes of this subsection, a multiyear contract is a contract for the purchase of property or services for more than one, but not more than five, program years. Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306a the following:

"2306b. Multiyear contracts.".

(b) Conforming Cross Reference.—Subsection (h) of section 2306 of title 10, United States Code, is amended to read as follows:

"(h) Multiyear contracting authority is provided in section 2306b of this title.".

Subpart D—Miscellaneous

SEC. 1031. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY ADVOCATES FOR COMPETITION.

Subsection (c) of section 2318 of title 10, United States Code, is repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1051. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "of 1984" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "of 1984," and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1052. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

(a) Additional Justification for Establishing or Maintaining Alternative Sources.—Section 303(b)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.".

(b) Prohibition on Use of Classes of Purchases or Contracts.—Section 303(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)) is amended by adding at the end the following:

"(4) A determination under paragraph (1) may not be made for a class of purchases or contracts.".

SEC. 1053. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 303(f)(1)(B)(i) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)(i)) is amended by inserting before the semicolon at the end the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1054. TASK AND DELIVERY ORDER CONTRACTS.

(a) Authority.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new sections:

"SEC. 303H. TASK AND DELIVERY ORDER CONTRACTS: GENERAL AUTHORITY.

"(a) Authority To Award.—Subject to the requirements of this section, section 303J, and other applicable law, the head of an executive agency may enter into a task or delivery order contract (as defined in section 303K) for procurement of services or property.

"(b) Solicitation.—The solicitation for a task or delivery order contract shall include the following:

"(1) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(2) The maximum quantity or dollar value of the services or property to be procured under the contract.

"(3) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services or property to be procured under the contract.

"(c) Applicability of Restriction on Use of Noncompetitive Procedures.—The head of an executive agency may use procedures other than competitive procedures to enter into a task or delivery order contract under this section only if an exception in subsection (c) of section 303 applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(d) Single and Multiple Contract Awards.—(1) The head of an executive agency may exercise the authority provided in this section—

"(A) to award a single task or delivery order contract; or

"(B) if the solicitation states that the head of the executive agency has the option to do so, to award separate task or delivery order contracts for the same or similar services or property to two or more sources.

"(2) No determination under section 303(b) is required for an award of multiple task or delivery order contracts under paragraph (1)(B).

"(3) The regulations implementing this subsection shall—

"(A) establish a preference for awarding, to the maximum extent practicable, multiple task or delivery order contracts for the same or similar services or property under the authority of paragraph (1)(B); and

"(B) establish criteria for determining when award of multiple task or delivery order contracts would not be in the best interest of the Federal Government.

"(e) Contract Modifications.—A task or delivery order may not increase the scope, period, or maximum value of the task or delivery order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(f) Inapplicability to Contracts for Advisory and Assistance Services.—Except as otherwise specifically provided in section 303I, this section does not apply to a task or delivery order contract for the acquisition of advisory and assistance services (as defined in section 1105(g) of title 31, United States Code).

"(g) Relationship to Other Contracting Authority.—Nothing in this section may be construed to limit or expand any authority of the head of an executive agency or the Administrator of General Services to enter into schedule, multiple award, or task or delivery order contracts under any other provision of law.

"SEC. 303I. TASK ORDER CONTRACTS: ADVISORY AND ASSISTANCE SERVICES.

"(a) Authority To Award.—(1) Subject to the requirements of this section, section 303J, and other applicable law, the head of an executive agency may enter into a task order contract (as defined in section 303K) for procurement of advisory and assistance services.

"(2) The head of an executive agency may enter into a task order contract for advisory and assistance services only under the authority of this section.

"(b) Limitation on Contract Period.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) Content of Notice.—The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed task order contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(d) Required Content of Solicitation and Contract.—(1) The solicitation shall include the information (regarding services) described in section 303H(b).

"(2) A task order contract entered into under this section shall contain the same information that is required by paragraph (1) to be included in the solicitation of offers for that contract.

"(e) Multiple Awards.—(1) The head of an executive agency may, on the basis of one solicitation, award separate task order contracts under this section for the same or similar services to two or more sources if the solicitation states that the head of the executive agency has the option to do so.

"(2) If, in the case of a task order contract for advisory and assistance services to be entered into under the authority of this section, the contract period is to exceed three years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(A) provide for a multiple award authorized under paragraph (1); and

"(B) include a statement that the head of the executive agency may also elect to award only one task order contract if the head of the executive agency determines in writing that only one

of the offerers is capable of providing the services required at the level of quality required.

"(3) Paragraph (2) does not apply in the case of a solicitation for which the head of the executive agency concerned determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

"(f) CONTRACT MODIFICATIONS.—(1) A task order may not increase the scope, period, or maximum value of the task order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 303 and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(g) CONTRACT EXTENSIONS.—(1) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (e), a contract entered into by the head of an executive agency under this section may be extended on a sole-source basis for a period not exceeding six months if the head of such executive agency determines that—

"(A) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(B) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(2) A task order contract may be extended under the authority of paragraph (1) only once and only in accordance with the limitations and requirements of this subsection.

"(h) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the head of the executive agency entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(i) ADVISORY AND ASSISTANCE SERVICES DEFINED.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31, United States Code.

"SEC. 303J. TASK AND DELIVERY ORDER CONTRACTS: ORDERS.

"(a) ISSUANCE OF ORDERS.—The following actions are not required for issuance of a task or delivery order under a task or delivery order contract:

"(1) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(2) Except as provided in subsection (b), a competition (or a waiver of competition approved in accordance with section 303(f)) that is separate from that used for entering into the contract.

"(b) MULTIPLE AWARD CONTRACTS.—When multiple contracts are awarded under section 303H(d)(1)(B) or 303I(e), all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task or delivery order in excess of $2,500 that is to be issued under any of the contracts unless—

"(1) the executive agency's need for the services or property ordered is of such unusual urgency that providing such opportunity to all such contractors would result in unacceptable delays in fulfilling that need;

"(2) only one such contractor is capable of providing the services or property required at the level of quality required because the services or property ordered are unique or highly specialized;

"(3) the task or delivery order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task or delivery order already issued on a competitive basis; or

"(4) it is necessary to place the order with a particular contractor in order to satisfy a minimum guarantee.

"(c) STATEMENT OF WORK.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) TASK AND DELIVERY ORDER OMBUDSMAN.—The head of each executive agency who awards multiple task or delivery order contracts pursuant to section 303H(d)(1)(B) or 303I(e) shall appoint or designate a task and delivery order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task or delivery orders when required under subsection (b). The task and delivery order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the executive agency's competition advocate.

"(f) APPLICABILITY.—This section applies to task and delivery order contracts entered into under sections 303H and 303I.

"SEC. 303K. TASK AND DELIVERY ORDER CONTRACTS: DEFINITIONS.

"In sections 303H, 303I, and 303J:

"(1) The term 'task order contract' means a contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of orders for the performance of tasks during the period of the contract.

"(2) The term 'delivery order contract' means a contract for property that does not procure or specify a firm quantity of property (other than a minimum or maximum quantity) and that provides for the issuance of orders for the delivery of property during the period of the contract.".

(b) PROVISIONS NOT AFFECTED.—Nothing in section 303H, 303I, 303J, or 303K of the Federal Property and Administrative Services Act of 1949, as added by subsection (a), shall be construed as modifying or superseding, or as intended to impair or restrict, authorities or responsibilities under—

(1) the Brooks Automatic Data Processing Act (section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)); and

(2) the Brooks Architect-Engineers Act (title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)).

SEC. 1055. ACQUISITION OF EXPERT SERVICES.

(a) EXCEPTION TO REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

(b) PROCUREMENT NOTICE.—(1) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(2) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including preparation for any foreseeable litigation or dispute) that involves or could involve the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(c) REPEAL OF AMENDMENTS TO UNCODIFIED TITLE.—The following provisions of law are repealed:

(1) Section 532 of Public Law 101–509 (104 Stat. 1470) and the provision of law set out in quotes in that section.

(2) Section 529 of Public Law 102–393 (106 Stat. 1761) and the matters inserted and added by that section.

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1061. SOLICITATION, EVALUATION, AND AWARD.

(a) CONTENT OF SOLICITATION.—Subsection (b) of section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

"(A) all significant factors and significant subfactors which the executive agency reasonably expects to consider in evaluating sealed bids (including price) or competitive proposals (including cost or price, cost-related or price-related factors and subfactors, and noncost-related or nonprice-related factors and subfactors); and"; and

(B) in subparagraph (B), by inserting "and subfactors" after "factors"; and

(2) in paragraph (2)(B), by amending clause (i) to read as follows:

"(i) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and".

(b) EVALUATION FACTORS.—Such section is further amended by adding at the end the following new subsections:

"(c)(1) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, an executive agency—

"(A) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(B) shall include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(C) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(i) significantly more important than cost or price;

"(ii) approximately equal in importance to cost or price; or

"(iii) significantly less important than cost or price.

"(2) The regulations implementing subparagraph (C) of paragraph (1) may not define the terms 'significantly more important' and 'significantly less important' as specific numeric weights that would be applied uniformly to all solicitations or a class of solicitations.

"(d) Nothing in this section prohibits an executive agency from—

"(1) providing additional information in a solicitation, including numeric weights for all evaluation factors and subfactors on a case-by-case basis; or

"(2) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest cost or price.".

(c) EVALUATION AND AWARD.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) in subsection (a), by inserting ", and award a contract," after "competitive proposals";

(2) in subsection (c), by inserting "in accordance with subsection (a)" in the second sentence after "shall evaluate the bids"; and

(3) in subsection (d)—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) An executive agency shall evaluate competitive proposals in accordance with subsection (a) and may award a contract—

"(A) after discussions with the offerors, provided that written or oral discussions have been conducted with all responsible offerors who submit proposals within the competitive range; or

"(B) based on the proposals received and without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), if, as required by section 303A(b)(2)(B)(i), the solicitation included a statement that proposals are intended to be evaluated, and award made, without discussions, unless discussions are determined to be necessary.";

(B) by striking out paragraphs (2) and (3) and by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B), by inserting "cost or" before "price" in the first sentence.

SEC. 1062. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a), as amended by section 1061, is further amended by adding at the end the following new subsection:

"(e) An executive agency, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the executive agency has determined that there is a reasonable likelihood that the options will be exercised.".

SEC. 1063. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Subsection (c) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) in the last sentence, by striking out "transmitting written notice" and inserting in lieu thereof "transmitting, in writing or by electronic means, notice"; and

(2) by adding at the end the following: "Within 3 days after the date of contract award, the executive agency shall notify, in writing or by electronic means, each bidder not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Paragraph (2) of subsection (d) of such section, as redesignated by section 1061(c)(3)(B), is amended in the second sentence—

(1) by striking out "transmitting written notice" and inserting in lieu thereof "transmitting, in writing or by electronic means, notice"; and

(2) by striking out "shall promptly notify" and inserting in lieu thereof ", within 3 days after the date of contract award, shall notify, in writing or by electronic means,".

SEC. 1064. POST-AWARD DEBRIEFINGS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) When a contract is awarded by the head of an executive agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. The executive agency shall debrief the offeror within, to the maximum extent practicable, 5 days after receipt of the request by the executive agency.

"(2) The debriefing shall include, at a minimum—

"(A) the executive agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(B) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(C) the overall ranking of all offers;

"(D) a summary of the rationale for the award;

"(E) in the case of a proposal that includes a commercial item that is an end item under the contract, the make and model of the item being provided in accordance with the offer of the contractor awarded the contract; and

"(F) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(3) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552(b) of title 5, United States Code.

"(4) Each solicitation for competitive proposals shall include a statement that information described in paragraph (2) may be disclosed in post-award debriefings.

"(5) If, within one year after the date of the contract award and as a result of a successful procurement protest, the executive agency seeks to fulfill the requirement under the protested contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the head of such executive agency shall make available to all offerors—

"(A) the information provided in debriefings under this subsection regarding the offer of the contractor awarded the contract; and

"(B) the same information that would have been provided to the original offerors.

"(6) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1065. PROTEST FILE.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1064(1), is further amended by adding at the end the following:

"(h) PROTEST FILE.—(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, the head of an executive agency, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31, United States Code, and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under section 552 of title 5, United States Code, may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1066. AGENCY ACTIONS ON PROTESTS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1065, is further amended by adding at the end the following new subsection:

"(i) AGENCY ACTIONS ON PROTESTS.—If, in connection with a protest, the head of an executive agency determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the head of such executive agency—

"(1) may take any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31, United States Code; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of such title within the limits referred to in paragraph (2) of such section.".

Subpart C—Kinds of Contracts

SEC. 1071. REPEAL OF AGENCY HEAD DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended by striking out the second sentence.

SEC. 1072. MULTIYEAR CONTRACTING AUTHORITY.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 304 the following new section:

"SEC. 304B. MULTIYEAR CONTRACTS.

"(a) AUTHORITY.—An executive agency may enter into a multiyear contract for the acquisition of property or services if—

"(1) funds are available and obligated for such contract, for the full period of the contract

or for the first fiscal year in which the contract is in effect, and for the estimated costs associated with any necessary termination of such contract; and

"(2) the executive agency determines that—

"(A) the need for the property or services is reasonably firm and continuing over the period of the contract; and

"(B) a multiyear contract will serve the best interests of the United States by encouraging full and open competition or promoting economy in administration, performance, and operation of the agency's programs.

"(b) Termination Clause.—A multiyear contract entered into under the authority of this section shall include a clause that provides that the contract shall be terminated if funds are not made available for the continuation of such contract in any fiscal year covered by the contract. Amounts available for paying termination costs shall remain available for such purpose until the costs associated with termination of the contract are paid.

"(c) Cancellation Ceiling Notice.—Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of $10,000,000 may be awarded, the executive agency shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the Congress, and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

"(d) Multiyear Contract Defined.—For the purposes of this section, a multiyear contract is a contract for the purchase of property or services for more than one, but not more than five, program years. Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

"(e) Rule of Construction.—Nothing in this section is intended to modify or affect any other provision of law that authorizes multiyear contracts.".

SEC. 1073. SEVERABLE SERVICES CONTRACTS CROSSING FISCAL YEARS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1054, is further amended by inserting after section 303I the following new section:

"SEC. 303L. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

"(a) Authority.—The head of an executive agency may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) Obligation of Funds.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

SEC. 1074. ECONOMY ACT PURCHASES.

(a) Regulations Required.—The Federal Acquisition Regulation shall be revised to include regulations governing the exercise of the authority under section 1535 of title 31, United States Code, for Federal agencies to purchase goods and services under contracts entered into or administered by other agencies.

(b) Content of Regulations.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a contracting officer of the ordering agency with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the ordering agency; or

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the senior procurement official responsible for purchasing by the ordering agency; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) Monitoring System Required.—The Administrator for Federal Procurement Policy shall ensure that, not later than one year after the date of the enactment of this Act, systems for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) Termination.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

PART III—ACQUISITIONS GENERALLY

SEC. 1091. POLICY REGARDING CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.

(a) Policy.—Section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401) is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(14) establishing policies and procedures that encourage the consideration of the offerors' past performance in the selection of contractors.".

(b) Guidance Required.—(1) Congress makes the following findings:

(A) Past contract performance of an offeror is one of the relevant factors that a contracting official of an executive agency should consider in awarding a contract.

(B) It is appropriate for a contracting official to consider past contract performance of an offeror as an indicator of the likelihood that the offeror will successfully perform a contract to be awarded by that official.

(2) Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following:

"(j)(1) The Administrator shall prescribe for executive agencies guidance regarding consideration of the past contract performance of offerors in awarding contracts. The guidance shall include—

"(A) standards for evaluating past performance with respect to cost (when appropriate), schedule, compliance with technical or functional specifications, and other relevant performance factors that facilitate consistent and fair evaluation by all executive agencies;

"(B) policies for the collection and maintenance of information on past contract performance that, to the maximum extent practicable, facilitate automated collection, maintenance, and dissemination of information and provide for ease of collection, maintenance, and dissemination of information by other methods, as necessary;

"(C) policies for ensuring that—

"(i) offerors are afforded an opportunity to submit relevant information on past contract performance, including performance under contracts entered into by the executive agency concerned, contracts entered into by other departments and agencies of the Federal Government, contracts entered into by agencies of State and local governments, and contracts entered into by commercial customers; and

"(ii) such information submitted by offerors is considered; and

"(D) the period for which information on past performance of offerors may be maintained and considered.

"(2) In the case of an offeror with respect to which there is no information on past contract performance or with respect to which information on past contract performance is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past contract performance.".

SEC. 1092. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON COMPETITION.

Section 23 of the Office of Federal Procurement Policy Act (41 U.S.C. 419) is repealed.

SEC. 1093. DISCOURAGEMENT OF NONSTANDARD CONTRACT CLAUSES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SEC. 29. NONSTANDARD CONTRACT CLAUSES.

"The Federal Acquisition Regulatory Council shall promulgate regulations to discourage the use of a nonstandard contract clause on a repetitive basis. The regulations shall include provisions that—

"(1) clearly define what types of contract clauses are to be treated as nonstandard clauses; and

"(2) require prior approval for the use of a nonstandard clause on a repetitive basis by an official at a level of responsibility above the contracting officer.".

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1201. STABILIZATION OF DOLLAR THRESHOLD OF APPLICABILITY.

(a) Repeal of Reversion to Lower Threshold.—Paragraph (1)(A) of section 2306a(a) of title 10, United States Code, is amended—

(1) in clause (i), by striking out "and before January 1, 1996,"; and

(2) in clause (ii), by striking out "or after December 31, 1995,".

(b) Adjustments for Changes in Dollar Values.—Section 2306a(a) of such title is amended by adding at the end the following new subparagraph:

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

(c) REPEAL.—Paragraph (6) of section 2306a(a) of such title is amended—

(1) by striking out "(A)"; and

(2) by striking out subparagraph (B).

SEC. 1202. EXCEPTIONS TO COST OR PRICING DATA REQUIREMENTS.

(a) EXCEPTIONS STATED.—Subsection (b) of section 2306a of title 10, United States Code, is amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the prohibition on the submission of cost or pricing data in paragraph (1)(A), submission of cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.".

"(3) FAR STANDARDS.— The Federal Acquisition Regulation shall provide clear standards for determining whether the exceptions provided in paragraph (1)(A) apply. In the case of the exception provided in paragraph (1)(A)(i), the regulations shall specify the criteria to be used to determine whether adequate price competition exists. In the case of the exception provided in paragraph (1)(A)(ii), the regulations shall provide that the exception applies to items that are sold in substantial quantities to the general public, without regard to the quantity of items that may be sold to the Federal Government.".

(b) CONFORMING AMENDMENT TO REFERENCE.—Subsection (a)(5) of such section is amended by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(1)(B)".

SEC. 1203. RESTRICTIONS ON ADDITIONAL AUTHORITY TO REQUIRE COST OR PRICING DATA OR OTHER INFORMATION.

Subsection (c) of section 2306a of title 10, United States Code, is amended to read as follows:

"(c) RESTRICTIONS ON ADDITIONAL AUTHORITY TO REQUIRE COST OR PRICING DATA OR OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—(A) Subject to subparagraph (B), when cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(B) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subsection (b)(1)(A).

"(C) The head of a procuring activity may not delegate functions under this paragraph.

"(2) AUTHORITY TO REQUIRE INFORMATION OTHER THAN CERTIFIED COST OR PRICING DATA.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the head of the procuring activity may require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract.".

SEC. 1204. ADDITIONAL SPECIAL RULES FOR COMMERCIAL ITEMS.

Section 2306a of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—

"(1) PROCUREMENTS BASED ON ADEQUATE PRICE COMPETITION.—To the maximum extent practicable, the head of an agency shall conduct procurements of commercial items on a competitive basis. In any procurement of a commercial item conducted on a competitive basis and based upon adequate price competition, the head of the agency conducting the procurement shall not require cost or pricing data to be submitted under subsection (a) for the contract, subcontract, or modification of the contract or subcontract under the procurement. If additional information is necessary to determine the reasonableness of the price of the contract, subcontract, or modification, the head of the agency shall, to the maximum extent practicable, obtain the additional information from sources other than the offeror.

"(2) PROCUREMENTS NOT BASED ON ADEQUATE PRICE COMPETITION.—(A)(i) In any case in which it is not practicable to conduct a procurement of a commercial item covered by subsection (a) on a competitive basis, and the procurement is not covered by an exception in subsection (b), the contracting officer shall seek to obtain from the offeror or contractor information described in clause (ii). When such information is not available from that source, the contracting officer shall seek to obtain such information from another source or sources.

"(ii) The information referred in clause (i) is information on prices at which the same item or similar items have been sold in the commercial market that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract under the procurement.

"(B) The contracting officer shall exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer obtains the information described in subparagraph (A)(ii) in accordance with standards and procedures set forth in the Federal Acquisition Regulation.

"(C) A contracting officer may require submission of cost or pricing data under subsection (a) only if the contracting officer makes a written determination that the agency is unable to obtain the information described in subparagraph (A)(ii).

"(3) AUTHORITY TO AUDIT.—(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, the head of an agency is authorized to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2)(A) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this subsection.

"(B) The right under subparagraph (A) shall expire 2 years after the date of award of the contract, or 2 years after the date of the modification of the contract, with respect to which the information was provided.

"(4) LIMITATIONS ON REQUESTS FOR DATA.—The Federal Acquisition Regulation shall include reasonable limitations on requests under this section for sales data relating to commercial items.

"(5) FORM OF INFORMATION.—In requesting information from an offeror under this subsection, a contracting officer shall, to the maximum extent practicable, limit the scope of the request to include only information that is in the form regularly maintained by the offeror in commercial operations.

"(6) CONFIDENTIALITY.—Any information received under this subsection that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

SEC. 1205. RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.

Section 2306a of title 10, United States Code, is amended by striking out subsection (g), as redesignated by section 1204(1), and inserting in lieu thereof the following:

"(g) RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, the head of an agency shall have the authority provided by section 2313(a)(2) of this title.".

SEC. 1206. REQUIRED REGULATIONS.

Section 2306a of title 10, United States Code, as amended by sections 1204 and 1205, is further amended by inserting after subsection (g) the following new subsection:

"(h) REQUIRED REGULATIONS.—The Federal Acquisition Regulation shall contain provisions concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed the applicable threshold amount set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.".

SEC. 1207. CONSISTENCY OF TIME REFERENCES.

Section 2306a of title 10, United States Code, as amended by section 1204(1), is further amended in subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4), by inserting "or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties," after "(or price of the modification)".

SEC. 1208. EXCEPTION FOR TRANSFERS BETWEEN DIVISIONS, SUBSIDIARIES, AND AFFILIATES.

Subsection (i) of section 2306a of title 10, United States Code, as redesignated by section 1204(1), is amended to read as follows:

"(i) Definitions.—In this section:

"(1) Cost or pricing data.—The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification), or, if applicable consistent with subsection (e)(1)(B), another date agreed upon between the parties, a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) Subcontract.—The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or a subcontractor.

"(3) Commercial item.—The term 'commercial item' has the meaning provided such term in section 4(12) of the Office of Federal Procurement Policy Act.".

SEC. 1209. COVERAGE OF COAST GUARD AND NASA FOR INTEREST AND PAYMENTS ON CERTAIN OVERPAYMENTS.

Paragraph (1) of subsection (f) of section 2306a of title 10, United States Code, as redesignated by section 1204(1), is amended by striking out "with the Department of Defense" in the matter preceding subparagraph (A).

SEC. 1210. REPEAL OF SUPERSEDED PROVISION.

Subsections (b) and (c) of section 803 of Public Law 101–510 (10 U.S.C. 2306a note) are repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1251. REVISION OF CIVILIAN AGENCY PROVISIONS TO ENSURE UNIFORM TREATMENT OF COST OR PRICING DATA.

(a) Revision.—Title III of the Federal Property and Administrative Services Act of 1949 is amended—

(1) in section 304 (41 U.S.C. 254), by striking out subsection (d); and

(2) by inserting before section 304B, as added by section 1072, the following new section:

"SEC. 304A. COST OR PRICING DATA: TRUTH IN NEGOTIATIONS.

"(a) Required Cost or Pricing Data and Certification.—(1) The head of an executive agency shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this title to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

"(i) in the case of a prime contract entered into after the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $500,000; and

"(ii) in the case of a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a prime contract under this title shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

"(i) in the case of a change or modification made to a prime contract referred to in subparagraph (A)(i), the price adjustment is expected to exceed $500,000;

"(ii) in the case of a change or modification made to a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price adjustment is expected to exceed $500,000; and

"(iii) in the case of a change or modification not covered by clause (i) or (ii), the price adjustment is expected to exceed $100,000.

"(C) An offeror for a subcontract (at any tier) of a contract under this title shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this section and—

"(i) in the case of a subcontract under a prime contract referred to in subparagraph (A)(i), the price of the subcontract is expected to exceed $500,000;

"(ii) in the case of a subcontract entered into under a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price of the subcontract is expected to exceed $500,000; and

"(iii) in the case of a subcontract not covered by clause (i) or (ii), the price of the subcontract is expected to exceed $100,000.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

"(i) in the case of a change or modification to a subcontract referred to in subparagraph (C)(i) or (C)(ii), the price adjustment is expected to exceed $500,000; and

"(ii) in the case of a change or modification to a subcontract referred to in subparagraph (C)(iii), the price adjustment is expected to exceed $100,000.

"(2) A person required, as an offeror, contractor, or subcontractor, to submit cost or pricing data under paragraph (1) (or required by the head of the procuring activity concerned to submit such data under subsection (c)) shall be required to certify that, to the best of the person's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

"(3) Cost or pricing data required to be submitted under paragraph (1) (or under subsection (c)), and a certification required to be submitted under paragraph (2), shall be submitted—

"(A) in the case of a submission by a prime contractor (or an offeror for a prime contract), to the contracting officer for the contract (or to a designated representative of the contracting officer); or

"(B) in the case of a submission by a subcontractor (or an offeror for a subcontract), to the prime contractor.

"(4) Except as provided under subsection (b), this section applies to contracts entered into by the head of an executive agency on behalf of a foreign government.

"(5) For purposes of paragraph (1)(C), a contractor or subcontractor granted a waiver under subsection (b)(1)(B) shall be considered as having been required to make available cost or pricing data under this section.

"(6) Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1) in connection with a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the head of the executive agency that entered into such contract shall modify the contract to reflect subparagraphs (B)(ii) and (C)(ii) of paragraph (1). All such modifications shall be made without requiring consideration.

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.

"(b) Exceptions.—

"(1) In general.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) Modifications of contracts and subcontracts for commercial items.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the prohibition on the submission of cost or pricing data in paragraph (1)(A), submission of cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(3) FAR standards.—The Federal Acquisition Regulation shall provide clear standards for determining whether the exceptions provided in paragraph (1)(A) apply. In the case of the exception provided in paragraph (1)(A)(i), the regulations shall specify the criteria to be used to determine whether adequate price competition exists. In the case of the exception provided in paragraph (1)(A)(ii), the regulations shall provide that the exception applies to items that are sold in substantial quantities to the general public, without regard to the quantity of items that may be sold to the Federal Government.

"(c) Restrictions on Additional Authority To Require Cost or Pricing Data or Other Information.—

"(1) Authority To Require Cost or Pricing Data on Below-Threshold Contracts.—(A) Subject to subparagraph (B), when cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(B) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subsection (b)(1)(A).

"(C) The head of a procuring activity may not delegate the functions under this paragraph.

"(2) Authority to require information other than certified cost or pricing data.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the head of the procuring activity may require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract.

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—

"(1) PROCUREMENTS BASED ON ADEQUATE PRICE COMPETITION.—To the maximum extent practicable, the head of an executive agency shall conduct procurements of commercial items on a competitive basis. In any procurement of a commercial item conducted on a competitive basis and based upon adequate price competition, the head of the executive agency conducting the procurement shall not require cost or pricing data to be submitted under subsection (a) for the contract, subcontract, or modification of the contract or subcontract under the procurement. If additional information is necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract, the head of the executive agency shall, to the maximum extent practicable, obtain the additional information from sources other than the offeror.

"(2) PROCUREMENTS NOT BASED ON ADEQUATE PRICE COMPETITION.—(A)(i) In any case in which it is not practicable to conduct a procurement of a commercial item covered by subsection (a) on a competitive basis, and the procurement is not covered by an exception in subsection (b), the contracting officer shall seek to obtain from the offeror or contractor information described in clause (ii). When such information is not available from that source, the contracting officer shall seek to obtain such information from another source or sources.

"(ii) The information referred in clause (i) is information on prices at which the same item or similar items have been sold in the commercial market that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract under the procurement.

"(B) The contracting officer shall exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer obtains the information described in subparagraph (A)(ii) in accordance with standards and procedures set forth in the Federal Acquisition Regulation.

"(C) A contracting officer may require submission of cost or pricing data under subsection (a) only if the contracting officer makes a written determination that the agency is unable to obtain the information described in subparagraph (A)(ii).

"(3) AUTHORITY TO AUDIT.—(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, the head of an executive agency is authorized to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2)(A) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this section.

"(B) The right under subparagraph (A) shall expire 2 years after the date of award of the contract, or 2 years after the date of the modification of the contract, with respect to which the information was provided.

"(4) LIMITATIONS ON REQUESTS FOR DATA.—The Federal Acquisition Regulation shall include reasonable limitations on requests under this subsection for sales data relating to commercial items.

"(5) FORM OF INFORMATION.—In requesting information from an offeror under this subsection, a contracting officer shall, to the maximum extent practicable, limit the scope of the request to include only information that is in the form regularly maintained by the offeror in commercial operations.

"(6) CONFIDENTIALITY.—Any information received under this subsection that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.

"(e) PRICE REDUCTIONS FOR DEFECTIVE COST OR PRICING DATA.—(1)(A) A prime contract (or change or modification to a prime contract) under which a certificate under subsection (a)(2) is required shall contain a provision that the price of the contract to the United States, including profit or fee, shall be adjusted to exclude any significant amount by which it may be determined by the head of the executive agency that such price was increased because the contractor (or any subcontractor required to make available such a certificate) submitted defective cost or pricing data.

"(B) For the purposes of this section, defective cost or pricing data are cost or pricing data which, as of the date of agreement on the price of the contract (or another date agreed upon between the parties), were inaccurate, incomplete, or noncurrent. If for purposes of the preceding sentence the parties agree upon a date other than the date of agreement on the price of the contract, the date agreed upon by the parties shall be as close to the date of agreement on the price of the contract as is practicable.

"(2) In determining for purposes of a contract price adjustment under a contract provision required by paragraph (1) whether, and to what extent, a contract price was increased because the contractor (or a subcontractor) submitted defective cost or pricing data, it shall be a defense that the United States did not rely on the defective data submitted by the contractor or subcontractor.

"(3) It is not a defense to an adjustment of the price of a contract under a contract provision required by paragraph (1) that—

"(A) the price of the contract would not have been modified even if accurate, complete, and current cost or pricing data had been submitted by the contractor or subcontractor because the contractor or subcontractor—

"(i) was the sole source of the property or services procured; or

"(ii) otherwise was in a superior bargaining position with respect to the property or services procured;

"(B) the contracting officer should have known that the cost or pricing data in issue were defective even though the contractor or subcontractor took no affirmative action to bring the character of the data to the attention of the contracting officer;

"(C) the contract was based on an agreement between the contractor and the United States about the total cost of the contract and there was no agreement about the cost of each item procured under such contract; or

"(D) the prime contractor or subcontractor did not submit a certification of cost or pricing data relating to the contract as required under subsection (a)(2).

"(4)(A) A contractor shall be allowed to offset an amount against the amount of a contract price adjustment under a contract provision required by paragraph (1) if—

"(i) the contractor certifies to the contracting officer (or to a designated representative of the contracting officer) that, to the best of the contractor's knowledge and belief, the contractor is entitled to the offset; and

"(ii) the contractor proves that the cost or pricing data were available before the date of agreement on the price of the contract (or price of the modification), or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties, and that the data were not submitted as specified in subsection (a)(3) before such date.

"(B) A contractor shall not be allowed to offset an amount otherwise authorized to be offset under subparagraph (A) if—

"(i) the certification under subsection (a)(2) with respect to the cost or pricing data involved was known to be false when signed; or

"(ii) the United States proves that, had the cost or pricing data referred to in subparagraph (A)(ii) been submitted to the United States before the date of agreement on the price of the contract (or price of the modification) or, if applicable under paragraph (1)(B), another date agreed upon between the parties, the submission of such cost or pricing data would not have resulted in an increase in that price in the amount to be offset.

"(f) INTEREST AND PENALTIES FOR CERTAIN OVERPAYMENTS.—(1) If the United States makes an overpayment to a contractor under a contract with an executive agency subject to this section and the overpayment was due to the submission by the contractor of defective cost or pricing data, the contractor shall be liable to the United States—

"(A) for interest on the amount of such overpayment, to be computed—

"(i) for the period beginning on the date the overpayment was made to the contractor and ending on the date the contractor repays the amount of such overpayment to the United States; and

"(ii) at the current rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1986; and

"(B) if the submission of such defective data was a knowing submission, for an additional amount equal to the amount of the overpayment.

"(2) Any liability under this subsection of a contractor that submits cost or pricing data but refuses to submit the certification required by subsection (a)(2) with respect to the cost or pricing data shall not be affected by the refusal to submit such certification.

"(g) RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, an executive agency shall have the authority provided by section 304C(a)(2).

"(h) REQUIRED REGULATIONS.—The Federal Acquisition Regulation shall include regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed the applicable threshold amount set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of a proposed contract or subcontract for the procurement.

"(i) DEFINITIONS.—In this section:

"(1) COST OR PRICING DATA.—The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification) or, if applicable consistent with subsection (e)(1)(B), another date agreed upon between the parties, a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) SUBCONTRACT.—The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or a subcontractor.

"(3) COMMERCIAL ITEM.—The term 'commercial item' has the meaning provided such term by section 4(12) of the Office of Federal Procurement Policy Act.".

(b) APPLICABILITY.—Subsection (a) of section 304A of the Office of Federal Procurement Policy Act, as added by subsection (a), shall apply according to the provisions thereof on and after the date of the enactment of this Act, notwithstanding section 10001(b).

SEC. 1252. REPEAL OF OBSOLETE PROVISION.

Section 303E of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253e) is repealed.

Subtitle C—Research and Development

SEC. 1301. RESEARCH PROJECTS.

(a) GENERAL AUTHORITY.—Section 2358 of title 10, United States Code, is amended to read as follows:

"§2358. Research and development projects

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may engage in basic research, applied research, advanced research, and development projects that—

"(1) are necessary to the responsibilities of such Secretary's department in the field of research and development; and

"(2) either—

"(A) relate to weapon systems and other military needs; or

"(B) are of potential interest to the Department of Defense.

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract, cooperative agreement, or grant, in accordance with chapter 63 of title 31;

"(2) through one or more military departments;

"(3) by using employees and consultants of the Department of Defense; or

"(4) by mutual agreement with the head of any other department or agency of the Federal Government.

"(c) REQUIREMENT OF POTENTIAL DEPARTMENT OF DEFENSE INTEREST.—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.

"(d) ADDITIONAL PROVISIONS APPLICABLE TO COOPERATIVE AGREEMENTS.—Additional authorities, conditions, and requirements relating to certain cooperative agreements authorized by this section are provided in section 2371 of this title.".

(b) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—Section 2371 of such title is amended to read as follows:

"§2371. Research projects: transactions other than contracts and grants

"(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—The Secretary of Defense and the Secretary of each military department may enter into transactions (other than contracts, cooperative agreements, and grants) under the authority of this subsection in carrying out basic, applied, and advanced research projects. The authority under this subsection is in addition to the authority provided in section 2358 of this title to use contracts, cooperative agreements, and grants in carrying out such projects.

"(b) EXERCISE OF AUTHORITY BY SECRETARY OF DEFENSE.—In any exercise of the authority in subsection (a), the Secretary of Defense shall act through the Advanced Research Projects Agency or any other element of the Department of Defense that the Secretary may designate.

"(c) ADVANCE PAYMENTS.—The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31.

"(d) RECOVERY OF FUNDS.—(1) A cooperative agreement for performance of basic, applied, or advanced research authorized by section 2358 of this title and a transaction authorized by subsection (a) may include a clause that requires a person or other entity to make payments to the Department of Defense or any other department or agency of the Federal Government as a condition for receiving support under the agreement or other transaction.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary of Defense, to the appropriate account established under subsection (f). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

"(e) CONDITIONS.—The Secretary of Defense shall ensure that—

"(1) to the maximum extent practicable, no cooperative agreement containing a clause under subsection (d) and no transaction entered into under subsection (a) provides for research that duplicates research being conducted under existing programs carried out by the Department of Defense;

"(2) to the extent that the Secretary determines practicable, the funds provided by the Government under a cooperative agreement containing a clause under subsection (d) or a transaction authorized by subsection (a) do not exceed the total amount provided by other parties to the cooperative agreement or other transaction; and

"(3) a cooperative agreement containing a clause under subsection (d) or a transaction authorized under subsection (a) is used for a research project only when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(f) SUPPORT ACCOUNTS.—There is hereby established on the books of the Treasury separate accounts for each of the military departments and the Advanced Research Projects Agency for support of research projects and development projects provided for in cooperative agreements containing a clause under subsection (d) and research projects provided for in transactions entered into under subsection (a). Funds in those accounts shall be available for the payment of such support.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(h) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on all cooperative agreements entered into under section 2358 of this title during such fiscal year that contain a clause authorized by subsection (d) and on all transactions entered into under subsection (a) during such fiscal year. The report shall contain, with respect to each such cooperative agreement and transaction, the following:

"(1) A general description of the cooperative agreement or other transaction (as the case may be), including the technologies for which research is provided for under such agreement or transaction.

"(2) The potential military and, if any, commercial utility of such technologies.

"(3) The reasons for not using a contract or grant to provide support for such research.

"(4) The amount of the payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause included in such cooperative agreement or other transaction pursuant to subsection (d).

"(5) The amount of the payments reported under paragraph (4), if any, that were credited to each account established under subsection (f).

"(i) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Secretary of Defense, in carrying out research projects through the Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 11 and 12 of such Act (15 U.S.C. 3710, 3710a).".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 139 of such title is amended—

(1) by striking out the item relating to section 2358 and inserting in lieu thereof the following:

"2358. Research and development projects.";

and

(2) by striking out the item relating to section 2371 and inserting in lieu thereof the following:

"2371. Research projects: transactions other than contracts and grants.".

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

SEC. 1401. PROTEST DEFINED.

(a) IN GENERAL.—Paragraph (1) of section 3551 of title 31, United States Code, is amended to read as follows:

"(1) The term 'protest' means a written objection by an interested party to any of the following:

"(A) A solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services.

"(B) The cancellation of such a solicitation or other request.

"(C) An award or proposed award of such a contract.

"(D) A termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.".

(b) TECHNICAL AMENDMENTS.—Section 3551 of such title is further amended—

(1) in paragraph (2)—

(A) by inserting "The term" after "(2)"; and

(B) by striking out "; and" and inserting in lieu thereof a period; and

(2) in paragraph (3), by inserting "The term" after "(3)".

SEC. 1402. REVIEW OF PROTESTS AND EFFECT ON CONTRACTS PENDING DECISION.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3553 of title 31, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out "one working day of" and inserting in lieu thereof "one day after"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out "25 working days from" and inserting in lieu thereof "35 days after"; and

(ii) in subparagraph (C), by striking out "10 working days from" and inserting in lieu thereof "20 days after"; and

(2) in subsection (c)(3), by striking out "thereafter" and inserting in lieu thereof "after the making of such finding".

(b) SUSPENSION OF PERFORMANCE.—Subsection (d) of such section is amended to read as follows:

"(d)(1) A contractor awarded a Federal agency contract may, during the period described in paragraph (4), begin performance of the contract and engage in any related activities that result in obligations being incurred by the United States under the contract unless the contracting officer responsible for the award of the contract withholds authorization to proceed with performance of the contract.

"(2) The contracting officer may withhold an authorization to proceed with performance of the contract during the period described in paragraph (4) if the contracting officer determines in writing that—

"(A) a protest is likely to be filed; and

"(B) the immediate performance of the contract is not in the best interests of the United States.

"(3)(A) If the Federal agency awarding the contract receives notice of a protest in accordance with this section during the period described in paragraph (4)—

"(i) the contracting officer may not authorize performance of the contract to begin while the protest is pending; or

"(ii) if authorization for contract performance to proceed was not withheld in accordance with paragraph (2) before receipt of the notice, the contracting officer shall immediately direct the contractor to cease performance under the contract and to suspend any related activities that may result in additional obligations being incurred by the United States under that contract.

"(B) Performance and related activities suspended pursuant to subparagraph (A)(ii) by reason of a protest may not be resumed while the protest is pending.

"(C) The head of the procuring activity may authorize the performance of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

"(i) upon a written finding that—

"(I) performance of the contract is in the best interests of the United States; or

"(II) urgent and compelling circumstances that significantly affect interests of the United States will not permit waiting for the decision of the Comptroller General concerning the protest; and

"(ii) after the Comptroller General is notified of that finding.

"(4) The period referred to in paragraphs (2) and (3)(A), with respect to a contract, is the period beginning on the date of the contract award and ending on the later of—

"(A) the date that is 10 days after the date of the contract award; or

"(B) the date that is 5 days after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.".

SEC. 1403. DECISIONS ON PROTESTS.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "90 working days from" and inserting in lieu thereof "125 days after";

(2) in paragraph (2), by striking out "45 calendar days from" and inserting "65 days after";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) An amendment to a protest that adds a new ground of protest, if timely made, should be resolved, to the maximum extent practicable, within the time limit established under paragraph (1) of this subsection for final decision of the initial protest. If an amended protest cannot be resolved within such time limit, the Comptroller General may resolve the amended protest through the express option under paragraph (2) of this subsection.".

(b) GAO RECOMMENDATIONS ON PROTESTS.—(1) Section 3554 of title 31, United States Code, is amended in subsection (b) by adding at the end the following new paragraph:

"(3) If the Federal agency fails to implement fully the recommendations of the Comptroller General under this subsection with respect to a solicitation for a contract or an award or proposed award of a contract within 60 days after receiving the recommendations, the head of the procuring activity responsible for that contract shall report such failure to the Comptroller General not later than 5 days after the end of such 60-day period.".

(2) Subsection (c) of such section is amended to read as follows:

"(c)(1) If the Comptroller General determines that a solicitation for a contract or a proposed award or the award of a contract does not comply with a statute or regulation, the Comptroller General may recommend that the Federal agency conducting the procurement pay to an appropriate interested party the costs of—

"(A) filing and pursuing the protest, including reasonable attorneys' fees and consultant and expert witness fees; and

"(B) bid and proposal preparation.

"(2) No party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be paid, pursuant to a recommendation made under the authority of paragraph (1)—

"(A) costs for consultant and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government; or

"(B) costs for attorneys' fees that exceed $150 per hour unless the agency determines, based on the recommendation of the Comptroller General on a case by case basis, that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

"(3) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency shall—

"(A) pay the costs promptly; or

"(B) if the Federal agency does not make such payment, promptly report to the Comptroller General the reasons for the failure to follow the Comptroller General's recommendation.

"(4) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency and the interested party shall attempt to reach an agreement on the amount of the costs to be paid. If the Federal agency and the interested party are unable to agree on the amount to be paid, the Comptroller General may, upon the request of the interested party, recommend to the Federal agency the amount of the costs that the Federal agency should pay.".

(3) Subsection (e) of such section is amended to read as follows:

"(e)(1) The Comptroller General shall report promptly to the Committee on Governmental Affairs and the Committee on Appropriations of the Senate and to the Committee on Government Operations and the Committee on Appropriations of the House of Representatives any case in which a Federal agency fails to implement fully a recommendation of the Comptroller General under subsection (b) or (c). The report shall include—

"(A) a comprehensive review of the pertinent procurement, including the circumstances of the failure of the Federal agency to implement a recommendation of the Comptroller General; and

"(B) a recommendation regarding whether, in order to correct an inequity or to preserve the integrity of the procurement process, the Congress should consider—

"(i) private relief legislation;

"(ii) legislative rescission or cancellation of funds;

"(iii) further investigation by Congress; or

"(iv) other action.

"(2) Not later than January 31 of each year, the Comptroller General shall transmit to the Congress a report containing a summary of each instance in which a Federal agency did not fully implement a recommendation of the Comptroller General under subsection (b) or (c) during the preceding year. The report shall also describe each instance in which a final decision in a protest was not rendered within 125 days after the date the protest is submitted to the Comptroller General.".

(4) Costs to which the Comptroller General declared an interested party to be entitled under section 3554 of title 31, United States Code, as in effect immediately before the enactment of this Act, shall, if not paid or otherwise satisfied by the Federal agency concerned before the date of the enactment of this Act, be paid promptly.

(c) RESTRICTION ON ACCESS TO CERTAIN INFORMATION.—Section 3553(f) of title 31, United States Code, is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2)(A) The Comptroller General may issue protective orders which establish terms, conditions, and restrictions for the provision of any document to a person under paragraph (1), that prohibit or restrict the disclosure by the person of information described in subparagraph (C) that is contained in such a document.

"(B) Information referred to in subparagraph (A) is procurement sensitive information, trade secrets, or other proprietary or confidential research, development, or commercial information.

"(C) A protective order under this paragraph shall not be considered to authorize the withholding of any document or information from Congress or an executive agency.".

SEC. 1404. REGULATIONS.

(a) COMPUTATION OF PERIODS.—Section 3555 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) The procedures shall provide that, in the computation of any period described in this subchapter—

"(1) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(2) the last day after such act, event, or default be included, unless—

"(A) such last day is a Saturday, a Sunday, or a legal holiday; or

"(B) in the case of a filing of a paper at the General Accounting Office or a Federal agency, such last day is a day on which weather or other conditions cause the closing of the General Accounting Office or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.".

(b) ELECTRONIC FILINGS AND DISSEMINATIONS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection:

"(c) The Comptroller General may prescribe procedures for the electronic filing and dissemination of documents and information required under this subchapter. In prescribing such procedures, the Comptroller General shall consider the ability of all parties to achieve electronic access to such documents and records.".

(c) REPEAL OF OBSOLETE DEADLINE.—Subsection (a) of such section is amended by striking out "Not later than January 15, 1985, the" and inserting in lieu thereof "The".

PART II—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

SEC. 1431. REVOCATION OF DELEGATIONS OF PROCUREMENT AUTHORITY.

Section 111(b)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(b)(3)) is amended by inserting before the period at the end of the third sentence the following: ", including the authority to revoke a delegation of authority with respect to a particular contract after award of the contract, except that the Administrator may revoke a delegation of authority after the contract is awarded only when there is a finding of a violation of law or regulation in connection with the contract award.".

SEC. 1432. AUTHORITY OF THE GENERAL SERVICES ADMINISTRATION BOARD OF CONTRACT APPEALS.

The first sentence of section 111(f)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(1)) is amended to read as follows: "Upon request of an interested party in connection with any procurement that is subject to this section (including any such procurement that is subject to delegation of procurement authority), the board of contract appeals of the General Services Administration (hereafter in this subsection referred to as the 'board') shall review, as provided in this subsection, any decision by a contracting officer that is alleged to violate a statute, a regulation, or the conditions of a delegation of procurement authority.".

SEC. 1433. PERIODS FOR CERTAIN ACTIONS.

(a) SUSPENSION OF PROCUREMENT AUTHORITY.—Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended—

(1) in paragraph (2)(B)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting "(i)" after "(B)"; and

(C) by adding at the end the following:

"(ii) A suspension under this subparagraph shall not preclude the Federal agency concerned from continuing the procurement process up to but not including award of the contract unless the board determines such action is not in the best interests of the United States."; and

(2) in paragraph (3), by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A)(i) If, with respect to an award of a contract, the board receives notice of a protest under this subsection within the period described in clause (ii), the board shall, at the request of an interested party, hold a hearing to determine whether the board should suspend the procurement authority of the Administrator or the Administrator's delegation of procurement authority for the protested procurement on an interim basis until the board can decide the protest.

"(ii) The period referred to in clause (i) is the period beginning on the date on which the contract is awarded and ending at the end of the later of—

"(I) the tenth day after the date of contract award; or

"(II) the fifth day after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.

"(iii) The board shall hold the requested hearing within 5 days after the date of the filing of the protest or, in the case of a request for debriefing under the provisions of section 2305(b)(5) of title 10, United States Code, or section 303B(e) of this Act, within 5 days after the later of the date of the filing of the protest or the date of the debriefing.".

(b) FINAL DECISION.—Paragraph (4)(B) of such section 111(f) is amended—

(1) by striking out "45 working days" and inserting in lieu thereof "65 days"; and

(2) by adding at the end the following: "An amendment which adds a new ground of protest should be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.".

SEC. 1434. DISMISSALS OF PROTESTS.

Section 111(f)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(4)) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) The board may dismiss a protest that the board determines—

"(i) is frivolous;

"(ii) has been brought or pursued in bad faith; or

"(iii) does not state on its face a valid basis for protest.".

SEC. 1435. AWARD OF COSTS.

(a) AWARD.—Section 111(f)(5) of the Federal Property and Administration Services Act of 1949 (40 U.S.C. 759(f)(5)) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) Whenever the board makes such a determination, it may, in accordance with section 1304 of title 31, United States Code, further declare an appropriate prevailing party to be entitled to the cost of filing and pursuing the protest (including reasonable attorneys' fees and consultant and expert witness fees), and bid and proposal preparation. However, no party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be declared entitled to costs for consultants and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government, and no party may be declared entitled to attorneys' fees that exceed $150 per hour unless the board, on a case by case basis, determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.".

(b) DEFINITION OF PREVAILING PARTY.—Section 111(f)(9) of such Act (40 U.S.C. 759(f)(9)) is amended by adding at the end the following:

"(C) The term 'prevailing party', with respect to a determination of the board under paragraph (5)(B) that a challenged action of a Federal agency violates a statute or regulation or the conditions of a delegation of procurement authority issued pursuant to this section, means a party that demonstrated such violation.".

SEC. 1436. DISMISSAL AGREEMENTS.

Section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(5)), as amended by section 1435, is further amended by adding at the end the following new subparagraphs:

"(D) Any agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds shall be submitted to the board and shall be made a part of the public record (subject to any protective order considered appropriate by the board) before dismissal of the protest. If a Federal agency is a party to a settlement agreement, the submission of the agreement to the board shall include a memorandum, signed by the contracting officer concerned, that describes in detail the procurement, the grounds for protest, the Federal Government's position regarding the grounds for protest, the terms of the settlement, and the agency's position regarding the propriety of the award or proposed award of the contract at issue in the protest.

"(E) Payment of amounts due from an agency under subparagraph (C) or under the terms of a settlement agreement under subparagraph (D) shall be made from the appropriation made by section 1304 of title 31, United States Code, for the payment of judgments. The Federal agency concerned shall reimburse that appropriation account out of funds available for the procurement.".

SEC. 1437. MATTERS TO BE COVERED IN REGULATIONS.

Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is further amended—

(1) by inserting after paragraph (6) the following:

"(7)(A) The board shall adopt and issue such rules and procedures as may be necessary to the expeditious disposition of protests filed under the authority of this subsection.

"(B) The procedures shall provide that, in the computation of any period described in this subsection—

"(i) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(ii) the last day after such act, event, or default be included, unless—

"(I) such last day is a Saturday, a Sunday, or a legal holiday; or

"(II) in the case of a filing of a paper at the board, such last day is a day on which weather or other conditions cause the closing of the board in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

"(C) The procedures may provide for electronic filing and dissemination of documents and information required under this subsection and in so providing shall consider the ability of all parties to achieve electronic access to such documents and records.

"(D) The procedures shall provide that if the board expressly finds that a protest or a portion of a protest is frivolous or has been brought or pursued in bad faith, or that any person has willfully abused the board's process during the course of a protest, the board may impose appropriate procedural sanctions, including dismissal of the protest."; and

(2) by striking out paragraph (8).

SEC. 1438. DEFINITION OF PROTEST.

Section 111(f)(9) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(9)) is amended—

(1) by striking out "subsection—" and inserting in lieu thereof "subsection:";

(2) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The term 'protest' means a written objection by an interested party to any of the following:

"(i) A solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services.

"(ii) The cancellation of such a solicitation or other request.

"(iii) An award or proposed award of such a contract.

"(iv) A termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract."; and

(3) by capitalizing the first letter of the first word in subparagraph (B).

SEC. 1439. OVERSIGHT OF ACQUISITION OF AUTOMATIC DATA PROCESSING EQUIPMENT BY FEDERAL AGENCIES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is amended by adding at the end the following new subsection:

"(h) DATA COLLECTION.—(1) The Administrator shall collect and compile data regarding the procurement of automatic data processing equipment under this section. The data collected and compiled shall include, at a minimum, with

regard to each contract for such a procurement, the following:

"(A) The procuring agency.

"(B) The contractor.

"(C) The automatic data processing equipment and services procured.

"(D) The manufacturer of the equipment procured.

"(E) The amount of the contract, to the extent that the amount is not proprietary information.

"(F) The type of contract used.

"(G) The extent of competition for award.

"(H) Whether compatibility restrictions were used in awarding the contract.

"(I) Significant modifications of the contract.

"(J) Contract price, to the extent that the price is not proprietary information.

"(2) The head of each Federal agency shall report to the Administrator in accordance with regulations issued by the Administrator all information that the Administrator determines necessary in order to satisfy the requirements in paragraph (1).

"(3) The Administrator—

"(A) shall carry out a systematic, periodic review of information received under this subsection;

"(B) shall use such information, as appropriate, to determine the compliance of Federal agencies with the requirements of this section; and

"(C) may take appropriate corrective action regarding an agency's authority to lease and purchase automatic data processing equipment upon any substantial failure by the head of the agency to report to the Administrator in accordance with this subsection.

"(4) The Administrator shall take appropriate corrective action upon failure of a Federal agency to comply with the terms of any delegation of authority to lease or purchase automatic data processing equipment or failure to comply with any applicable law or regulation.

"(5) The Administrator shall require in the regulations implementing this subsection that (A) data collected pursuant to this subsection be drawn from existing Federal agency information; and (B) no new or additional information reporting requirements may be imposed on offerors or contractors to collect such data.".

Subtitle E—Policy, Definitions, and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1501. REPEAL OF POLICY STATEMENT.

(a) REPEAL.—Section 2301 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2301.

SEC. 1502. DEFINITIONS.

Section 2302 of title 10, United States Code, is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The following terms have the meanings provided such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403):

"(A) The term 'procurement'.

"(B) The term 'procurement system'.

"(C) The term 'standards'.

"(D) The term 'full and open competition'.

"(E) The term 'responsible source'.

"(F) The term 'item'.

"(G) The term 'item of supply'.

"(H) The term 'supplies'.

"(I) The term 'commercial item'.

"(J) The term 'nondevelopmental item'.

"(K) The term 'commercial component'

"(L) The term 'component'."; and

(2) by striking out paragraph (7) and inserting in lieu thereof the following new paragraph (7):

"(7) The term 'simplified acquisition threshold' has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means an amount equal to two times the amount specified for that term in section 4 of such Act.".

SEC. 1503. DELEGATION OF PROCUREMENT FUNCTIONS.

(a) CONSOLIDATION OF DELEGATION AUTHORITY.—(1) Section 2311 of title 10, United States Code, is amended to read as follows:

"§2311. Assignment and delegation of procurement functions and responsibilities

"(a) IN GENERAL.—Except to the extent expressly prohibited by another provision of law, the head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter.

"(b) PROCUREMENTS FOR OR WITH OTHER AGENCIES.—Subject to subsection (a), to facilitate the procurement of property and services covered by this chapter by each agency named in section 2303 of this title for any other agency, and to facilitate joint procurement by those agencies—

"(1) the head of an agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within such agency;

"(2) the heads of two or more agencies may by agreement delegate procurement functions and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

"(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

"(c) APPROVAL OF TERMINATIONS AND REDUCTIONS OF JOINT ACQUISITION PROGRAMS.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition and Technology from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition and Technology to require a military department whose participation in a joint acquisition program has been approved for termination or substantial reduction to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2311 and inserting in lieu thereof the following:

"2311. Assignment and delegation of procurement functions and responsibilities.".

(b) CONFORMING REPEAL.—(1) Section 2308 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2308.

SEC. 1504. DETERMINATIONS AND DECISIONS.

Section 2310 of title 10, United States Code, is amended to read as follows:

"§2310. Determinations and decisions

"(a) INDIVIDUAL OR CLASS DETERMINATIONS AND DECISIONS AUTHORIZED.—Determinations and decisions required to be made under this chapter by the head of an agency may be made for an individual purchase or contract or, except to the extent expressly prohibited by another provision of law, for a class of purchases or contracts. Such determinations and decisions are final.

"(b) WRITTEN FINDINGS REQUIRED.—(1) Each determination or decision under section 2306(g)(1), 2307(d), or 2313(c)(2)(B) of this title shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) is final. The head of the agency making such finding shall maintain a copy of the finding for not less than 6 years after the date of the determination or decision.".

SEC. 1505. RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) CLARIFICATION OF LIMITATION.—Subsection (b) of section 2326 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking out "AND EXPENDITURE";

(2) in paragraph (1)(B), by striking out "or expended";

(3) in paragraph (2), by striking out "expend" and inserting in lieu thereof "obligate"; and

(4) in paragraph (3)—

(A) by striking out "expended" and inserting in lieu thereof "obligated"; and

(B) by striking out "expend" and inserting in lieu thereof "obligate".

(b) WAIVER AUTHORITY.—Such subsection is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if such head of an agency determines that the waiver is necessary in order to support a contingency operation.".

(c) INAPPLICABILITY OF RESTRICTIONS TO CONTRACTS WITHIN THE SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (g)(1)(B) of such section is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

SEC. 1506. REPEAL OF REQUIREMENT RELATING TO PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT.

(a) REPEAL.—Section 2329 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 1507. REGULATIONS FOR BIDS.

Section 2381(a) of title 10, United States Code, is amended by striking out "(a) The Secretary" and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

"(a) The Secretary of Defense may—

"(1) prescribe regulations for the preparation, submission, and opening of bids for contracts; and".

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1551. DEFINITIONS.

Section 309 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259) is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The following terms have the meanings provided such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403):

"(1) The term 'procurement'.

"(2) The term 'procurement system'.

"(3) The term 'standards'.

"(4) The term 'full and open competition'.

"(5) The term 'responsible source'.

"(6) The term 'technical data'.

"(7) The term 'major system'.

"(8) The term 'item'.

"(9) The term 'item of supply'.

"(10) The term 'supplies'.

"(11) The term 'commercial item'.

"(12) The term 'nondevelopmental item'.

"(13) The term 'commercial component'

"(14) The term 'component'.

"(d) The term 'simplified acquisition threshold' has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means an amount equal to two times the amount specified for that term in section 4 of such Act.

"(e) The term 'Federal Acquisition Regulation' means the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).".

SEC. 1552. DELEGATION OF PROCUREMENT FUNCTIONS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 311. ASSIGNMENT AND DELEGATION OF PROCUREMENT FUNCTIONS AND RESPONSIBILITIES.

"(a) In General.—Except to the extent expressly prohibited by another provision of law, the head of an executive agency may delegate to any other officer or official of that agency, any power under this title.

"(b) Procurements For or With Other Agencies.—Subject to subsection (a), to facilitate the procurement of property and services covered by this title by each executive agency for any other executive agency, and to facilitate joint procurement by those executive agencies—

"(1) the head of an executive agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within such agency;

"(2) the heads of two or more executive agencies may by agreement delegate procurement functions and assign procurement responsibilities, consistent with section 1535 of title 31, United States Code, and regulations issued under section 1074 of the Federal Acquisition Streamlining Act of 1994, from one executive agency to another of those executive agencies or to an officer or civilian employee of another of those executive agencies; and

"(3) the heads of two or more executive agencies may establish joint or combined offices to exercise procurement functions and responsibilities.".

SEC. 1553. DETERMINATIONS AND DECISIONS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1552, is further amended by adding at the end the following new section:

"SEC. 312. DETERMINATIONS AND DECISIONS.

"(a) Individual or Class Determinations and Decisions Authorized.—Determinations and decisions required to be made under this title by the head of an executive agency may be made for an individual purchase or contract or, except to the extent expressly prohibited by another provision of law, for a class of purchases or contracts. Such determinations and decisions are final.

"(b) Written Findings Required.—(1) Each determination under section 305(d) or section 304C(c)(2)(B) shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) is final.

"(3) The head of an executive agency shall maintain for a period of not less than 6 years a copy of each finding referred to in paragraph (1) that is made by a person in that executive agency. The period begins on the date of the determination or decision to which the finding relates.".

SEC. 1554. REPEAL OF PREFERENCE FOR RECYCLED TONER CARTRIDGES.

The following provisions of law, relating to a preference for procurement of recycled toner cartridges, are repealed:

(1) Section 630 of Public Law 102–393 (106 Stat. 1773) and the provision of law enclosed in quotation marks in that section (42 U.S.C. 6962(j)).

(2) Section 401 of Public Law 103–123 (107 Stat. 1238; 42 U.S.C. 6962 note).

SEC. 1555. COOPERATIVE PURCHASING.

Subsection (b) of section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), is amended to read as follows:

"(b)(1) The Administrator shall, as far as practicable, provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed-ownership Government corporation (as defined in section 9101 of title 31, United States Code), or the District of Columbia, upon its request.

"(2)(A) The Administrator may provide for the use of Federal supply schedules of the General Services Administration by any of the following entities upon request:

"(i) A State, any department or agency of a State, and any political subdivision of a State, including a local government.

"(ii) The Commonwealth of Puerto Rico.

"(iii) The government of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))).

"(B) Subparagraph (A) may not be construed to authorize an entity referred to in that subparagraph to order existing stock or inventory from federally owned and operated, or federally owned and contractor operated, supply depots, warehouses, or similar facilities.

"(C) In any case in which an entity listed in subparagraph (A) uses a Federal supply schedule, the Administrator may require the entity to reimburse the General Services Administration for any administrative costs of using the schedule.

"(3)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.), the Administrator may provide any of the services specified in subsection (a) to such agency to the extent practicable.

"(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

"(C) In this paragraph:

"(i) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(I) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(ii) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.".

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2001. CONTRACT FINANCING.

(a) Reorganization of Principal Authority Provision.—Section 2307 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§2307. Contract financing";

(2) by inserting "Payment Authority.—" after "(a)" in subsection (a);

(3) by inserting "Payment Amount.—" after "(b)" in subsection (b);

(4) by inserting "Security for Advance Payments.—" after "(c)" in subsection (c);

(5) by inserting "Conditions for Progress Payments.—" after "(d)" in subsection (d);

(6) by inserting "Action in Case of Fraud.— " after "(e)" in subsection (e); and

(7) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (h), respectively.

(b) Performance-Based Payments.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) Performance-Based Payments.—Whenever practicable, payments under subsection (a) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as delivery of acceptable items, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(c) Terminology Correction.—Subsection (a)(2) of such section is amended by striking out "bid".

(d) Effective Date of Lien Related to Advance Payments.—Such section, as amended by subsection (a)(7), is further amended in subsection (d) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(e) Conditions for Progress Payments.—Such section, as amended by subsection (a)(7), is further amended in subsection (e)—

(1) in the first sentence of paragraph (1), by striking out "work, which" and all that follows through "accomplished" and inserting in lieu thereof "work accomplished that meets standards established under the contract"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) This subsection applies to any contract in an amount greater than $25,000.".

(f) Conditions for Payments for Commercial Items.—Such section, as amended by subsection (a)(7), is further amended by inserting after subsection (e) the following new subsection (f):

"(f) Conditions for Payments for Commercial Items.—(1) Payments under subsection (a) for commercial items may be made under such terms and conditions as the head of the agency determines are appropriate or customary in the commercial marketplace and are in the best interests of the United States. The head of the agency shall obtain adequate security for such payments. If the security is in the form of a lien in favor of the United States, such lien is paramount to all other liens and is effective immediately upon the first payment, without filing, notice, or other action by the United States.

"(2) Advance payments made under subsection (a) for commercial items may include payments, in a total amount of not more than 15

percent of the contract price, in advance of any performance of work under the contract.

"(3) The conditions of subsections (d) and (e) need not be applied if they would be inconsistent, as determined by the head of the agency, with commercial terms and conditions pursuant to paragraphs (1) and (2).".

(g) Navy Contracts.—Such section, as amended by subsection (f), is further amended by inserting after subsection (f) the following new subsection (g):

"(g) Certain Navy Contracts.—(1) The Secretary of the Navy shall provide that the rate for progress payments on any contract awarded by the Secretary for repair, maintenance, or overhaul of a naval vessel shall be not less than—

"(A) 95 percent, in the case of a firm considered to be a small business; and

"(B) 90 percent, in the case of any other firm.

"(2) The Secretary of the Navy may advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations. Advances under this paragraph shall be made on terms that the Secretary considers adequate for the protection of the United States.

"(3) The Secretary of the Navy shall provide, in each contract for construction or conversion of a naval vessel, that, when partial, progress, or other payments are made under such contract, the United States is secured by a lien upon work in progress and on property acquired for performance of the contract on account of all payments so made. The lien is paramount to all other liens.".

(h) Relationship To Prompt Payment Requirements.—The amendments made by this section are not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law (as such procedures are in effect on the date of the enactment of this Act), except that the Government may accept payment terms offered by a contractor offering a commercial item.

(i) Clerical Amendment.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2307 and inserting in lieu thereof the following:

"2307. Contract financing.".

(j) Repeal of Superseded Provisions.—(1) Sections 7312, 7364, and 7521 of title 10, United States Code, are repealed.

(2) Section 7522 of such title is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(3) Chapters 633, 637, and 645 of such title are amended by striking out items in the tables of sections for such chapters as follows:

(A) For chapter 633, the item relating to section 7312.

(B) For chapter 637, the item relating to section 7364.

(C) For chapter 645, the item relating to section 7521.

SEC. 2002. REPEAL OF VOUCHERING PROCEDURES SECTION.

(a) Repeal.—Section 2355 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2051. CONTRACT FINANCING.

(a) Reorganization of Principal Authority Provision.—Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255) is amended—

(1) by striking out the section heading and the section designation and inserting in lieu thereof the following:

"SEC. 305. CONTRACT FINANCING.";

(2) by inserting "Payment Authority.—" after "(a)" in subsection (a);

(3) by inserting "Payment Amount.—" after "(b)" in subsection (b);

(4) by inserting "Security for Advance Payments.—" after "(c)" in subsection (c); and

(5) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

(b) Performance-Based Payments.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) Performance-Based Payments.—Whenever practicable, payments under subsection (a) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as delivery of acceptable items, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(c) Terminology Correction.—Subsection (a)(2) of such section is amended by striking out "bid".

(d) Effective Date of Lien Related to Advance Payments.—Such section, as amended by subsection (a)(5), is further amended in subsection (d) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(e) Revision of Civilian Agency Provision To Ensure Uniform Requirements for Progress Payments.—Such section is further amended by adding at the end the following new subsections:

"(e) Conditions for Progress Payments.—(1) The executive agency shall ensure that any payment for work in progress (including materials, labor, and other items) under a contract of an executive agency that provides for such payments is commensurate with the work accomplished that meets standards established under the contract. The contractor shall provide such information and evidence as the executive agency determines necessary to permit the executive agency to carry out the preceding sentence.

"(2) The executive agency shall ensure that progress payments referred to in paragraph (1) are not made for more than 80 percent of the work accomplished under the contract so long as the executive agency has not made the contractual terms, specifications, and price definite.

"(3) This subsection applies to any contract in an amount greater than $25,000.

"(f) Conditions for Payments for Commercial Items.—(1) Payments under subsection (a) for commercial items may be made under such terms and conditions as the head of the executive agency determines are appropriate or customary in the commercial marketplace and are in the best interests of the United States. The head of the executive agency shall obtain adequate security for such payments. If the security is in the form of a lien in favor of the United States, such lien is paramount to all other liens and is effective immediately upon the first payment, without filing, notice, or other action by the United States.

"(2) Advance payments made under subsection (a) for commercial items may include payments, in a total amount of not more than 15 percent of the contract price, in advance of any performance of work under the contract.

"(3) The conditions of subsections (d) and (e) need not be applied if they would be inconsistent, as determined by the head of the executive agency, with commercial terms and conditions pursuant to paragraphs (1) and (2).".

"(g) Action in Case of Fraud.—(1) In any case in which the remedy coordination official of an executive agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that executive agency is based on fraud, the remedy coordination official shall recommend that the executive agency reduce or suspend further payments to such contractor.

"(2) The head of an executive agency receiving a recommendation under paragraph (1) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. Upon making such a determination, the head of the executive agency may reduce or suspend further payments to the contractor under such contract.

"(3) The extent of any reduction or suspension of payments by an executive agency under paragraph (2) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the United States resulting from the fraud.

"(4) A written justification for each decision of the head of an executive agency whether to reduce or suspend payments under paragraph (2), and for each recommendation received by the executive agency in connection with such decision, shall be prepared and be retained in the files of the executive agency.

"(5) The head of each executive agency shall prescribe procedures to ensure that, before the head of the executive agency decides to reduce or suspend payments in the case of a contractor under paragraph (2), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit matters to the executive agency in response to such proposed reduction or suspension.

"(6) Not later than 180 days after the date on which the head of an executive agency reduces or suspends payments to a contractor under paragraph (2), the remedy coordination official of the executive agency shall—

"(A) review the determination of fraud on which the reduction or suspension is based; and

"(B) transmit a recommendation to the head of such executive agency whether the suspension or reduction should continue.

"(7) The head of each executive agency who receives recommendations made by a remedy coordination official of the executive agency to reduce or suspend payments under paragraph (2) during a fiscal year shall prepare for such year a report that contains the recommendations, the actions taken on the recommendations and the reasons for such actions, and an assessment of the effects of such actions on the Federal Government. Any such report shall be available to any Member of Congress upon request.

"(8) The head of an executive agency may not delegate responsibilities under this subsection to any person in a position below level IV of the Executive Schedule.

"(9) In this subsection, the term 'remedy coordination official', with respect to an executive agency, means the person or entity in that executive agency who coordinates within that executive agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities.".

(f) Relationship to Prompt Payment Requirements.—The amendments made by this section are not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law (as such procedures are in effect on the date of the enactment of this Act), except that the Government may accept payment terms offered by a contractor offering a commercial item.

PART III—ACQUISITIONS GENERALLY

SEC. 2091. GOVERNMENT-WIDE APPLICATION OF PAYMENT PROTECTIONS FOR SUBCONTRACTORS AND SUPPLIERS.

Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2301 note) is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) GOVERNMENT-WIDE APPLICABILITY.—The Federal Acquisition Regulatory Council (established by section 25(a) of the Office of Federal Procurement Policy Act) shall modify the Federal Acquisition Regulation (issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) to apply Government-wide the requirements that the Secretary is required under subsection (a) to prescribe in regulations applicable with respect to the Department of Defense contracts.".

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2101. ALLOWABLE CONTRACT COSTS.

(a) EXTENSION OF COVERAGE TO COAST GUARD AND NASA; OTHER MISCELLANEOUS AMENDMENTS.—Section 2324 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting after "(a)" the following: "INDIRECT COST THAT VIOLATES A FAR COST PRINCIPLE.—";

(B) by striking out "Secretary of Defense" and inserting in lieu thereof "head of an agency";

(C) by striking out "Department of Defense" and inserting in lieu thereof "agency"; and

(D) by striking out "the Department of Defense Supplement" and inserting in lieu thereof "applicable agency supplement".

(2) Subsection (b) is amended—

(A) by inserting after "(b)" the following: "PENALTY FOR VIOLATION OF COST PRINCIPLE.—";

(B) in subparagraph (B) of paragraph (1) by striking out "regulations issued by the Secretary" and inserting in lieu thereof "provisions in the Federal Acquisition Regulation"; and

(C) by striking out "Secretary" each place it appears and inserting in lieu thereof "head of the agency".

(3) Subsection (c) is amended—

(A) by inserting after "(c)" the following: "WAIVER OF PENALTY.—"; and

(B) by striking out "The Secretary shall prescribe regulations providing" in the first sentence and inserting in lieu thereof "The Federal Acquisition Regulation shall provide".

(4) Subsection (d) is amended—

(A) by inserting after "(d)" the following: "APPLICABILITY OF CONTRACT DISPUTES PROCEDURE TO DISALLOWANCE OF COST AND ASSESSMENT OF PENALTY.—"; and

(B) by striking out "the Secretary" and inserting in lieu thereof "the head of an agency".

(5) Subsection (e) is amended—

(A) by inserting after "(e)" the following: "SPECIFIC COSTS NOT ALLOWABLE.—";

(B) in subparagraph (D) of paragraph (1), by striking out "regulations of the Secretary of Defense" and inserting in lieu thereof "provisions of the Federal Acquisition Regulation";

(C) in subparagraph (M) of paragraph (1), by striking out "regulations prescribed by the Secretary of Defense" and inserting in lieu thereof "the Federal Acquisition Regulation";

(D) in subparagraph (A) of paragraph (2), by inserting "of Defense" after "Secretary" the first place it occurs;

(E) in subparagraph (C) of paragraph (2), by striking out "head of the agency" in the first sentence and inserting in lieu thereof "Secretary of Defense";

(F) in subparagraph (A) of paragraph (3), by striking out "regulations prescribed by the Secretary" and inserting in lieu thereof "the Federal Acquisition Regulation"; and

(G) by amending paragraph (4) to read as follows:

"(4) The provisions of the Federal Acquisition Regulation implementing this section may establish appropriate definitions, exclusions, limitations, and qualifications.".

(6) Subsection (f) is amended—

(A) in paragraph (1)—

(i) by striking out "(1)" and all that follows through "The amendments" and inserting in lieu thereof the following: "REQUIRED REGULATIONS.—(1) The Federal Acquisition Regulation shall contain provisions on the allowability of contractor costs. Such provisions", and

(ii) by striking out "These regulations" and inserting in lieu thereof "The regulations"; and

(B) in paragraphs (2), (3), and (4)—

(i) by striking out "defense" before "contract auditor" each place it appears, and

(ii) by striking out "regulation" each place it appears and inserting in lieu thereof "Federal Acquisition Regulation".

(7) Subsection (g) is amended to read as follows:

"(g) APPLICABILITY OF REGULATIONS TO SUBCONTRACTORS.—The regulations referred to in subsections (e) and (f)(1) shall require prime contractors of a covered contract, to the maximum extent practicable, to apply the provisions of such regulations to all subcontractors of the covered contract.".

(8) Subsection (h) is amended—

(A) by inserting after "(h)" the following: "CONTRACTOR CERTIFICATION REQUIRED.—";

(B) by striking out "by the Secretary" in paragraph (1) and inserting in lieu thereof "in the Federal Acquisition Regulation"; and

(C) by striking out "Secretary of Defense" in paragraph (2) and inserting in lieu thereof "head of the agency".

(9) Subsection (i) is amended by striking out "The submission to the Department of Defense" and inserting in lieu thereof "PENALTIES FOR SUBMISSION OF COST KNOWN AS NOT ALLOWABLE.—The submission to an agency".

(10) Subsection (j) is amended—

(A) by inserting after "(j)" the following: "CONTRACTOR TO HAVE BURDEN OF PROOF.—"; and

(B) by striking out "United States Claims Court" and inserting in lieu thereof "United States Court of Federal Claims".

(11) Subsection (k) is amended—

(A) by inserting after "(k)" the following: "PROCEEDING COSTS NOT ALLOWABLE.—";

(B) in paragraph (2), by striking out "decision by the Department of Defense—" and inserting in lieu thereof "decision—"; and

(C) in paragraph (4)—

(i) by inserting after "head of the agency" the following: "or Secretary of the military department concerned",

(ii) by striking out "under regulations prescribed by such agency head" and inserting in lieu thereof "in accordance with the Federal Acquisition Regulation",

(iii) by inserting "or Secretary" after "agency head", and

(iv) by inserting before the period at the end the following: "or military department".

(b) UNALLOWABILITY OF COSTS TO INFLUENCE LOCAL LEGISLATIVE BODIES.—Subsection (e)(1)(B) of section 2324 of title 10, United States Code, is amended by striking out "or a State legislature" and inserting in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

(c) CLARIFICATION OF COST PRINCIPLES.—Subsection (f)(1) of such section is amended by adding at the end the following:

"(Q) Conventions.".

(d) COVERED CONTRACT DEFINED.—Such section is further amended by striking out subsections (l) and (m) and inserting in lieu thereof the following:

"(l) DEFINITIONS.—In this section:

"(1)(A) The term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the head of an agency, except that such term does not include a fixed-price contract without cost incentives or any firm fixed-price contract for the purchase of commercial items.

"(B) Effective on October 1 of each year that is divisible by five, the amount set forth in subparagraph (A) shall be adjusted to the equivalent amount in constant fiscal year 1994 dollars. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.

"(2) The term 'head of the agency' or 'agency head' does not include the Secretary of a military department.

"(3) The term 'agency' means the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.".

(e) REGULATIONS.—The regulations of the Secretary of Defense implementing section 2324 of title 10, United States Code, shall remain in effect until the Federal Acquisition Regulation is revised to implement the amendments made by this section.

SEC. 2102. REPEAL OF AUTHORITY FOR CONTRACT PROFIT CONTROLS DURING EMERGENCY PERIODS.

(a) REPEAL.—Section 2382 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2382.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2151. ALLOWABLE CONTRACT COSTS.

Section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended to read as follows:

"SEC. 306. ALLOWABLE COSTS.

"(a) INDIRECT COST THAT VIOLATES A FAR COST PRINCIPLE.—An executive agency shall require that a covered contract provide that if the contractor submits to the executive agency a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of a cost which is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation (referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) or an executive agency supplement to the Federal Acquisition Regulation, the cost shall be disallowed.

"(b) PENALTY FOR VIOLATION OF COST PRINCIPLE.—(1) If the executive agency determines that a cost submitted by a contractor in its proposal for settlement is expressly unallowable under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs, the executive agency shall assess a penalty against the contractor in an amount equal to—

"(A) the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted; plus

"(B) interest (to be computed based on provisions in the Federal Acquisition Regulation) to compensate the United States for the use of any funds which a contractor has been paid in excess of the amount to which the contractor was entitled.

"(2) If the executive agency determines that a proposal for settlement of indirect costs submitted by a contractor includes a cost determined to be unallowable in the case of such contractor

before the submission of such proposal, the executive agency shall assess a penalty against the contractor in an amount equal to two times the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted.

"(c) WAIVER OF PENALTY.—The Federal Acquisition Regulation shall provide for a penalty under subsection (b) to be waived in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.

"(d) APPLICABILITY OF CONTRACT DISPUTES PROCEDURE TO DISALLOWANCE OF COST AND ASSESSMENT OF PENALTY.—An action of an executive agency under subsection (a) or (b)—

"(1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605); and

"(2) is appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(e) SPECIFIC COSTS NOT ALLOWABLE.—(1) The following costs are not allowable under a covered contract:

"(A) Costs of entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(B) Costs incurred to influence (directly or indirectly) legislative action on any matter pending before Congress, a State legislature, or a legislative body of a political subdivision of a State.

"(C) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable or had pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of a false certification).

"(D) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable provisions of the Federal Acquisition Regulation.

"(E) Costs of membership in any social, dining, or country club or organization.

"(F) Costs of alcoholic beverages.

"(G) Contributions or donations, regardless of the recipient.

"(H) Costs of advertising designed to promote the contractor or its products.

"(I) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(J) Costs for travel by commercial aircraft which exceed the amount of the standard commercial fare.

"(K) Costs incurred in making any payment (commonly known as a 'golden parachute payment') which is—

"(i) in an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

"(ii) is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.

"(L) Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

"(M) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of severance pay paid in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined under the Federal Acquisition Regulation.

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States facility in that country at the request of the government of that country.

"(O) Costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State, to the extent provided in subsection (k).

"(2)(A) Pursuant to the Federal Acquisition Regulation and subject to the availability of appropriations, an executive agency, in awarding a covered contract, may waive the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the executive agency determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for employees of the executive agency posted outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) An executive agency shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the executive agency will consider granting such a waiver, and, if the executive agency will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) An executive agency shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.

"(3) The provisions of the Federal Acquisition Regulation implementing this section may establish appropriate definitions, exclusions, limitations, and qualifications. Any submission by a contractor of costs which are incurred by the contractor and which are claimed to be allowable under Department of Energy management and operating contracts shall be considered a 'proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued', as used in this section.

"(f) REQUIRED REGULATIONS.—(1) The Federal Acquisition Regulation shall contain provisions on the allowability of contractor costs. Such provisions shall define in detail and in specific terms those costs which are unallowable, in whole or in part, under covered contracts. The regulations shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Membership in civic, community, and professional organizations.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Actions to influence (directly or indirectly) executive branch action on regulatory and contract matters (other than costs incurred in regard to contract proposals pursuant to solicited or unsolicited bids).

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services, including legal services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Expense of corporate aircraft.

"(O) Company-furnished automobiles.

"(P) Advertising.

"(Q) Conventions.

"(2) The Federal Acquisition Regulation shall require that a contracting officer not resolve any questioned costs until the contracting officer has obtained—

"(A) adequate documentation with respect to such costs; and

"(B) the opinion of the contract auditor on the allowability of such costs.

"(3) The Federal Acquisition Regulation shall provide that, to the maximum extent practicable, a contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(4) The Federal Acquisition Regulation shall require that all categories of costs designated in the report of a contract auditor as questioned with respect to a proposal for settlement be resolved in such a manner that the amount of the individual questioned costs that are paid will be reflected in the settlement.

"(g) APPLICABILITY OF REGULATIONS TO SUBCONTRACTORS.—The regulations referred to in subsections (e) and (f)(1) shall require prime contractors of a covered contract, to the maximum extent practicable, to apply the provisions of such regulations to all subcontractors of the covered contract.

"(h) CONTRACTOR CERTIFICATION REQUIRED.—(1) A proposal for settlement of indirect costs applicable to a covered contract shall include a certification by an official of the contractor that, to the best of the certifying official's knowledge and belief, all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed in the Federal Acquisition Regulation.

"(2) An executive agency may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the agency—

"(A) determines in such case that it would be in the interest of the United States to waive such certification; and

"(B) states in writing the reasons for that determination and makes such determination available to the public.

"(i) PENALTIES FOR SUBMISSION OF COST KNOWN AS NOT ALLOWABLE.—The submission to an executive agency of a proposal for settlement of costs for any period after such costs have been accrued that includes a cost that is expressly specified by statute or regulation as being unallowable, with the knowledge that

such cost is unallowable, shall be subject to the provisions of section 287 of title 18, United States Code, and section 3729 of title 31, United States Code.

"(j) CONTRACTOR TO HAVE BURDEN OF PROOF.—In a proceeding before a board of contract appeals, the United States Court of Federal Claims, or any other Federal court in which the reasonableness of indirect costs for which a contractor seeks reimbursement from the United States is in issue, the burden of proof shall be upon the contractor to establish that those costs are reasonable.

"(k) PROCEEDING COSTS NOT ALLOWABLE.—(1) Except as otherwise provided in this subsection, costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State are not allowable as reimbursable costs under a covered contract if the proceeding (A) relates to a violation of, or failure to comply with, a Federal or State statute or regulation, and (B) results in a disposition described in paragraph (2).

"(2) A disposition referred to in paragraph (1)(B) is any of the following:

"(A) In the case of a criminal proceeding, a conviction (including a conviction pursuant to a plea of nolo contendere) by reason of the violation or failure referred to in paragraph (1).

"(B) In the case of a civil or administrative proceeding involving an allegation of fraud or similar misconduct, a determination of contractor liability on the basis of the violation or failure referred to in paragraph (1).

"(C) In the case of any civil or administrative proceeding, the imposition of a monetary penalty by reason of the violation or failure referred to in paragraph (1).

"(D) A final decision—

"(i) to debar or suspend the contractor,

"(ii) to rescind or void the contract, or

"(iii) to terminate the contract for default,

by reason of the violation or failure referred to in paragraph (1).

"(E) A disposition of the proceeding by consent or compromise if such action could have resulted in a disposition described in subparagraph (A), (B), (C), or (D).

"(3) In the case of a proceeding referred to in paragraph (1) that is commenced by the United States and is resolved by consent or compromise pursuant to an agreement entered into by a contractor and the United States, the costs incurred by the contractor in connection with such proceeding that are otherwise not allowable as reimbursable costs under such paragraph may be allowed to the extent specifically provided in such agreement.

"(4) In the case of a proceeding referred to in paragraph (1) that is commenced by a State, the executive agency that awarded the covered contract involved in the proceeding may allow the costs incurred by the contractor in connection with such proceeding as reimbursable costs if the executive agency determines, in accordance with the Federal Acquisition Regulation, that the costs were incurred as a result of (A) a specific term or condition of the contract, or (B) specific written instructions of the executive agency.

"(5)(A) Except as provided in subparagraph (C), costs incurred by a contractor in connection with a criminal, civil, or administrative proceeding commenced by the United States or a State in connection with a covered contract may be allowed as reimbursable costs under the contract if such costs are not disallowable under paragraph (1), but only to the extent provided in subparagraph (B).

"(B)(i) The amount of the costs allowable under subparagraph (A) in any case may not exceed the amount equal to 80 percent of the amount of the costs incurred, to the extent that such costs are determined to be otherwise allowable and allocable under the Federal Acquisition Regulation.

"(ii) Regulations issued for the purpose of clause (i) shall provide for appropriate consideration of the complexity of procurement litigation, generally accepted principles governing the award of legal fees in civil actions involving the United States as a party, and such other factors as may be appropriate.

"(C) In the case of a proceeding referred to in subparagraph (A), contractor costs otherwise allowable as reimbursable costs under this paragraph are not allowable if (i) such proceeding involves the same contractor misconduct alleged as the basis of another criminal, civil, or administrative proceeding, and (ii) the costs of such other proceeding are not allowable under paragraph (1).

"(6) In this subsection:

"(A) The term 'proceeding' includes an investigation.

"(B) The term 'costs', with respect to a proceeding—

"(i) means all costs incurred by a contractor, whether before or after the commencement of any such proceeding; and

"(ii) includes—

"(I) administrative and clerical expenses;

"(II) the cost of legal services, including legal services performed by an employee of the contractor;

"(III) the cost of the services of accountants and consultants retained by the contractor; and

"(IV) the pay of directors, officers, and employees of the contractor for time devoted by such directors, officers, and employees to such proceeding.

"(C) The term 'penalty' does not include restitution, reimbursement, or compensatory damages.

"(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by an executive agency, except that such term does not include a fixed-price contract without cost incentives or any firm, fixed price contract for the purchase of commercial items.

"(2) Effective on October 1 of each year that is divisible by five, the amount set forth in paragraph (1) shall be adjusted to the equivalent amount in constant fiscal year 1994 dollars. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

PART III—ACQUISITIONS GENERALLY

SEC. 2191. TRAVEL EXPENSES OF GOVERNMENT CONTRACTORS.

Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is repealed.

SEC. 2192. REVISION OF COST PRINCIPLE RELATING TO ENTERTAINMENT, GIFT, AND RECREATION COSTS FOR CONTRACTOR EMPLOYEES.

(a) COSTS NOT ALLOWABLE.—(1) The costs of gifts or recreation for employees of a contractor or members of their families that are provided by the contractor to improve employee morale or performance or for any other purpose are not allowable under a covered contract unless, within 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council prescribes amendments to the Federal Acquisition Regulation specifying circumstances under which such costs are allowable under a covered contract.

(2) Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(A) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(B) by striking out "(but see 31.205-1 and 31.205-13)".

(b) DEFINITIONS.—In this section:

(1) The term "employee" includes officers and directors of a contractor.

(2) The term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code (as amended by section 2101(c)), and section 306(l) of the Federal Property and Administrative Services Act of 1949 (as added by section 2151).

(c) EFFECTIVE DATE.—Any amendments to the Federal Acquisition Regulation made pursuant to subsection (a) shall apply with respect to costs incurred after the date on which the amendments made by section 2101 apply (as provided in section 10001) or the date on which the amendments made by section 2151 apply (as provided in section 10001), whichever is later.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2201. CONSOLIDATION AND REVISION OF AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) AUTHORITY.—(1) Section 2313 of title 10, United States Code, is amended to read as follows:

"§2313. Examination of records of contractor

"(a) AGENCY AUTHORITY.—(1) The head of an agency, acting through an authorized representative, is authorized to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, laborhour, or price-redeterminable contract, or any combination of such contracts, made by that agency under this chapter; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract or any combination of such subcontracts under a contract referred to in subparagraph (A).

"(2) The head of an agency, acting through an authorized representative, is authorized, for the purpose of evaluating the accuracy, completeness, and currency of certified cost or pricing data required to be submitted pursuant to section 2306a of this title with respect to a contract or subcontract, to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) DCAA SUBPOENA AUTHORITY.—(1) The Director of the Defense Contract Audit Agency (or any successor agency) may require by subpoena the production of any records of a contractor that the Secretary of Defense is authorized to audit or examine under subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be redelegated.

"(4) The Director (or any successor official) shall submit an annual report to the Secretary of Defense on the exercise of such authority during the preceding year and the reasons why such authority was exercised in any instance. The Secretary shall forward a copy of each such report to the Committees on Armed Services of the Senate and House of Representatives.

"(c) Comptroller General Authority.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are authorized to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the head of the agency concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the head of the agency determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

"(d) Limitation on Preaward Audits Relating to Indirect Costs.—The head of an agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this chapter in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(e) Limitation.—The authority of the head of an agency under subsection (a), and the authority of the Comptroller General under subsection (c), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) Inapplicability to Certain Contracts.—This section does not apply to the following contracts:

"(1) Contracts for utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) Forms of Original Record Storage.—Nothing in this section shall be construed to preclude a contractor from duplicating or storing original records in electronic form.

"(h) Use of Images of Original Records.—The head of an agency shall not require a contractor or subcontractor to provide original records in an audit carried out pursuant to this section if the contractor or subcontractor provides photographic or electronic images of the original records and meets the following requirements:

"(1) The contractor or subcontractor has established procedures to ensure that the imaging process preserves the integrity, reliability, and security of the original records.

"(2) The contractor or subcontractor maintains an effective indexing system to permit timely and convenient access to the imaged records.

"(3) The contractor or subcontractor retains the original records for a minimum of one year after imaging to permit periodic validation of the imaging systems.

"(i) Records Defined.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.".

(2) The item relating to such section in the table of sections at the beginning of chapter 137 of title 10, United States Code, is amended to read as follows:

"2313. Examination of records of contractor.".

(b) Repeal of Superseded Provision.—(1) Section 2406 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2406.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2251. AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) Authority.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by sections 1072 and 1251(a), is further amended by inserting after section 304B the following new section:

"SEC. 304C. EXAMINATION OF RECORDS OF CONTRACTOR.

"(a) Agency Authority.—(1) The head of an executive agency, acting through an authorized representative, is authorized to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that executive agency under this title; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract or any combination of such subcontracts under a contract referred to in subparagraph (A).

"(2) The head of an executive agency, acting through an authorized representative, is authorized, for the purpose of evaluating the accuracy, completeness, and currency of certified cost or pricing data required to be submitted pursuant to section 304B with respect to a contract or subcontract, to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) Subpoena Power.—(1) The Inspector General of an executive agency appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) or, upon request of the head of an executive agency, the Director of the Defense Contract Audit Agency (or any successor agency) of the Department of Defense or the Inspector General of the General Services Administration may require by subpoena the production of records of a contractor, access to which is provided for that executive agency by subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be delegated.

"(4) In the year following a year in which authority provided in paragraph (1) is exercised for an executive agency, the head of the executive agency shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report on the exercise of such authority during such preceding year and the reasons why such authority was exercised in any instance.

"(c) Comptroller General Authority.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are authorized to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the executive agency concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the executive agency determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

"(d) Limitation on Preaward Audits Relating to Indirect Costs.—An executive agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this title in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(e) Limitation.—The authority of an executive agency under subsection (a), and the authority of the Comptroller General under subsection (c), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) Inapplicability to Certain Contracts.—This section does not apply to the following contracts:

"(1) Contracts for utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) Form of Original Record Storage.—Nothing in this section shall be construed to preclude a contractor from duplicating or storing original records in electronic form.

"(h) Use of Images of Original Records.—An executive agency shall not require a contractor or subcontractor to provide original records in an audit carried out pursuant to this section if the contractor or subcontractor provides photographic or electronic images of the original records and meets the following requirements:

"(1) The contractor or subcontractor has established procedures to ensure that the imaging process preserves the integrity, reliability, and security of the original records.

"(2) The contractor or subcontractor maintains an effective indexing system to permit timely and convenient access to the imaged records.

"(3) The contractor or subcontractor retains the original records for a minimum of one year after imaging to permit periodic validation of the imaging systems.

"(i) Records Defined.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of

whether such items are in written form, in the form of computer data, or in any other form.".

(b) Repeal of Superseded Provision.—Section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254) is amended by striking out subsection (c).

Subtitle D—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2301. CERTIFICATION OF CONTRACT CLAIMS.

(a) In General.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2409a the following new section 2410:

"§2410. Requests for equitable adjustment or other relief: certification

"(a) Certification Requirement.—A request for equitable adjustment to contract terms or request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) that exceeds the simplified acquisition threshold may not be paid unless a person authorized to certify the request on behalf of the contractor certifies, at the time the request is submitted, that—

"(1) the request is made in good faith, and

"(2) the supporting data are accurate and complete to the best of that person's knowledge and belief.

"(b) Restriction on Legislative Payment of Claims.—In the case of a contract of an agency named in section 2303(a) of this title, no provision of a law enacted after September 30, 1994, that directs the payment of a particular claim under such contract, a particular request for equitable adjustment to any term of such contract, or a particular request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) regarding such contract may be implemented unless such provision of law—

"(1) specifically refers to this subsection; and

"(2) specifically states that this subsection does not apply with respect to the payment directed by that provision of law.

"(c) Definition.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act.".

(b) Repeal of Related Provision.—Section 2410e of title 10, United States Code, is repealed.

(c) Clerical Amendments.—The table of sections at the beginning of chapter 141 of such title is amended—

(A) by striking out the items relating to sections 2410 and 2410e; and

(B) by inserting after the item relating to section 2409a the following:

"2410. Requests for equitable adjustment or other relief: certification.".

SEC. 2302. SHIPBUILDING CLAIMS.

(a) Increase in Time Period During Which Adjustments to Shipbuilding Claims May Be Made.—Section 2405 of title 10, United States Code, is amended in subsection (a)—

(1) by striking out "entered into after December 7, 1983,"; and

(2) by striking out "occurring more than 18 months before the submission of the claim, request, or demand." and inserting in lieu thereof the following: "that—

"(1) in the case of a contract entered into after December 7, 1983, and before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, occurred more than 18 months before the submission of the claim, request, or demand; and

"(2) in the case of a contract entered into on or after the date of the enactment of the Federal Acquisition Streamlining Act of 1994, occurred more than 6 years before the submission of the claim, request, or demand.".

(b) Resubmission With Corrected Certification.—Subsection (c) of such section is amended by adding at the end the following:

"(4) This subsection applies only with respect to a claim, request, or demand submitted before the effective date of this paragraph.".

(c) Applicability.—Paragraphs (1) and (2) of section 2405(a) of title 10, United States Code, as added by subsection (a)(2), shall apply according to the provisions thereof on and after the date of the enactment of this Act, notwithstanding section 10001(b).

PART II—ACQUISITIONS GENERALLY

SEC. 2351. CONTRACT DISPUTES ACT IMPROVEMENTS.

(a) Period for Filing Claims.—Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsection (a) by inserting after the second sentence the following: "Each claim by a contractor against the government relating to a contract and each claim by the government against a contractor relating to a contract shall be submitted within 6 years after the accrual of the claim. The preceding sentence does not apply to a claim by the government against a contractor that is based on a claim by the contractor involving fraud.".

(2) Notwithstanding the third sentence of section 6(a) of the Contract Disputes Act of 1978, as added by paragraph (1), if a contract in existence on the date of the enactment of this Act requires that a claim referred to in that sentence be submitted earlier than 6 years after the accrual of the claim, then the claim shall be submitted within the period required by the contract. The preceding sentence does not apply to a claim by the Federal Government against a contractor that is based on a claim by the contractor involving fraud.

(b) Increased Threshold for Certification, Decision, and Notification Requirements.—Subsection (c) of such section is amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(c) Increased Maximum for Applicability of Accelerated Procedures.—Section 8(f) of the Contract Disputes Act of 1978 (41 U.S.C. 607(f)) is amended by striking out "$50,000" in the first sentence and inserting in lieu thereof "$100,000".

(d) Increased Maximum for Applicability of Small Claims Procedure.—Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608(a)) is amended by striking out "$10,000" in the first sentence and inserting in lieu thereof "$50,000".

(e) Requests for Issuance of Decisions.—Paragraph (4) of section 6(c) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)) is amended—

(1) by striking out "agency board of contract appeals" and inserting in lieu thereof "tribunal concerned"; and

(2) by striking out "board," and inserting in lieu thereof "tribunal concerned,".

SEC. 2352. EXTENSION OF ALTERNATIVE DISPUTE RESOLUTION AUTHORITY.

(a) Extension of Authority.—Section 6(e) of the Contracts Disputes Act of 1978 (41 U.S.C. 605(e)) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(b) Availability of Procedures to Small Business Government Contractors.—Section 6(e) of such Act is amended by inserting after the first sentence the following: "In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title 5, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute. In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.".

SEC. 2353. EXPEDITED RESOLUTION OF CONTRACT ADMINISTRATION MATTERS.

(a) Regulations Required.—(1) The Federal Acquisition Regulation shall include provisions that require a contracting officer—

(A) to make every reasonable effort to respond in writing within 30 days to any written request made to a contracting officer with respect to a matter relating to the administration of a contract that is received from a small business concern; and

(B) in the event that the contracting officer is unable to reply within the 30-day period, to transmit to the contractor within such period a written notification of a specific date by which the contracting officer expects to respond.

(2) The provisions shall not apply to a request for a contracting officer's decision under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(b) Rule of Construction.—Nothing in this section shall be considered as creating any rights under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(c) Definition.—In this section, the term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to that section.

SEC. 2354. AUTHORITY FOR DISTRICT COURTS TO OBTAIN ADVISORY OPINIONS FROM BOARDS OF CONTRACT APPEALS IN CERTAIN CASES.

Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended by adding at the end the following new paragraph:

"(f)(1) Whenever an action involving an issue described in paragraph (2) is pending in a district court of the United States, the district court may request a board of contract appeals to provide the court with an advisory opinion on the matters of contract interpretation at issue.

"(2) An issue referred to in paragraph (1) is any issue that could be the proper subject of a final decision of a contracting officer appealable under this Act.

"(3) A district court shall direct any request under paragraph (1) to the board of contract appeals having jurisdiction under this Act to adjudicate appeals of contract claims under the contract or contracts being interpreted by the court.

"(4) After receiving a request for an advisory opinion under paragraph (1), a board of contract appeals shall provide the advisory opinion in a timely manner to the district court making the request.".

Subtitle E—Miscellaneous

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2401. CLARIFICATION OF PROVISION RELATING TO QUALITY CONTROL OF CERTAIN SPARE PARTS.

The second sentence of subsection (a) of section 2383 of title 10, United States Code, is amended to read as follows: "In establishing the appropriate qualification requirements, the Secretary of Defense shall use the Department of Defense qualification requirements that were used to qualify the original production part unless the Secretary determines in writing—

"(1) that there are other requirements sufficiently similar to those requirements that should be used instead; or

"(2) that any or all such requirements are unnecessary.".

SEC. 2402. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

(a) Repeal of Requirement for Report on Waivers.—Subsection (e) of section 2403 of title 10, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out paragraph (2).

(b) Provisions To Be Addressed by Regulations.—Subsection (h) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The regulations shall include the following:

"(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as determined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

"(B) Procedures for administering contractor guarantees.

"(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.".

PART II—ACQUISITIONS GENERALLY

SEC. 2451. SECTION 3737 OF THE REVISED STATUTES: EXPANSION OF AUTHORITY TO PROHIBIT SETOFFS AGAINST ASSIGNEES; REORGANIZATION OF SECTION; REVISION OF OBSOLETE PROVISIONS.

Section 3737 of the Revised Statutes (41 U.S.C. 15) is amended to read as follows:

"SEC. 3737. (a) No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States is concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

"(b) The provisions of subsection (a) shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, provided:

"(1) That, in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment.

"(2) That, unless otherwise expressly permitted by such contract, any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

"(3) That, in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of the assignment with—

"(A) the contracting officer or the head of his department or agency;

"(B) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and

"(C) the disbursing officer, if any, designated in such contract to make payment.

"(c) Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this section shall constitute a valid assignment for all purposes.

"(d) In any case in which moneys due or to become due under any contract are or have been assigned pursuant to this section, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.

"(e) Any contract of the Department of Defense, the General Services Administration, the Department of Energy, or any other department or agency of the United States designated by the President, except any such contract under which full payment has been made, may, upon a determination of need by the President, provide or be amended without consideration to provide that payments to be made to the assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff. Each such determination of need shall be published in the Federal Register.

"(f) If a provision described in subsection (e) or a provision to the same general effect has been at any time heretofore or is hereafter included or inserted in any such contract, payments to be made thereafter to an assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff for any liability of any nature of the assignor to the United States or any department or agency thereof which arises independently of such contract, or hereafter for any liability of the assignor on account of—

"(1) renegotiation under any renegotiation statute or under any statutory renegotiation article in the contract;

"(2) fines;

"(3) penalties (which term does not include amounts which may be collected or withheld from the assignor in accordance with or for failure to comply with the terms of the contract); or

"(4) taxes, social security contributions, or the withholding or non withholding of taxes or social security contributions, whether arising from or independently of such contract.

"(g) Except as herein otherwise provided, nothing in this section shall be deemed to affect or impair rights of obligations heretofore accrued.".

SEC. 2452. REPEAL OF REQUIREMENT FOR DEPOSIT OF CONTRACTS WITH GAO.

Section 3743 of the Revised Statutes (41 U.S.C. 20) is repealed.

SEC. 2453. REPEAL OF OBSOLETE DEADLINE REGARDING PROCEDURAL REGULATIONS FOR THE COST ACCOUNTING STANDARDS BOARD.

Section 26(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out "Not later than 180 days after the date of the enactment of this section, the Administrator" and inserting in lieu thereof "The Administrator".

SEC. 2454. CODIFICATION OF ACCOUNTING REQUIREMENT FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) Funding To Be Identified in Budget.—Section 1105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

"(2)(A) In paragraph (1), except as provided in subparagraph (B), the term 'advisory and assistance services' means the following services when provided by nongovernmental sources:

"(i) Management and professional support services.

"(ii) Studies, analyses, and evaluations.

"(iii) Engineering and technical services.

"(B) In paragraph (1), the term 'advisory and assistance services' does not include the following services:

"(i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.

"(ii) Architectural and engineering services, as defined in section 901 of the Brooks Architect-Engineers Act (40 U.S.C. 541).

"(iii) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.".

(b) Repeal of Source Law.—Section 512 of Public Law 102–394 (106 Stat. 1826) is repealed.

(c) Repeal of Superseded Provisions.—(1) Section 2212 of title 10, United States Code, is repealed.

(2) Section 1114 of title 31, United States Code, is repealed.

(3)(A) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by striking out the item relating to section 2212.

(B) The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

SEC. 2455. UNIFORM SUSPENSION AND DEBARMENT.

(a) Requirement for Regulations.—Regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) Authority To Grant Exception.—The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) Definitions.—In this section:

(1) The term "procurement activities" means all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) The term "nonprocurement activities" means all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) The term "agency" means an Executive agency as defined in section 103 of title 5, United States Code.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

SEC. 3001. WEAPON DEVELOPMENT AND PROCUREMENT SCHEDULES.

(a) Deadline and Purpose.—Subsection (a) of section 2431 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "at the same time" and inserting in lieu thereof "not later than 45 days after"; and

(B) by striking out "a written report" and inserting in lieu thereof "budget justification documents"; and

(2) in the second and third sentences, by striking out "report" and inserting in lieu thereof "documents".

(b) Additional Matters To Be Included.—Subsection (b) of such section is amended—

(1) by striking out "include—" and inserting in lieu thereof "include each of the following:";

(2) by capitalizing the first letter of the first word in each of paragraphs (1), (2), and (3);

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by amending paragraph (4) to read as follows:

"(4)(A) The most efficient production rate, the most efficient acquisition rate, and the minimum sustaining rate, consistent with the program priority established for such weapon system by the Secretary concerned.

"(B) In this paragraph:

"(i) The term 'most efficient production rate' means the maximum rate for each budget year at which the weapon system can be produced with existing or planned plant capacity and tooling, with one shift a day running for eight hours a day and five days a week.

"(ii) The term 'minimum sustaining rate' means the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.".

SEC. 3002. SELECTED ACQUISITION REPORT REQUIREMENT.

(a) DEFINITION OF PROCUREMENT UNIT COST.—(1) Paragraph (2) of section 2432(a) of title 10, United States Code, is amended—

(A) in clause (A), by striking out "for a fiscal year" and all that follows through "such program in such fiscal year";

(B) in clause (B), by striking out "with such funds during such fiscal year." and inserting in lieu thereof a period; and

(C) by striking out the last sentence.

(2) Section 2433 of such title is amended—

(A) in subparagraph (B) of subsection (c)(1), by striking out "current" before "procurement unit cost";

(B) in subsection (d), by striking out "current" before "procurement unit cost" each place it appears; and

(C) in subsection (e), by striking out "current" before "procurement unit cost" both places it appears.

(b) EXCLUSION OF FIRM, FIXED-PRICE CONTRACTS.—Subsection (a) of section 2432 of such title is amended in paragraph (3) by inserting before the period at the end the following: "and that is not a firm, fixed-price contract".

(c) DEFINITION OF FULL LIFE-CYCLE COST.—Such subsection is further amended in paragraph (4) by striking out "has the meaning" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.".

(d) NOTICE OF PROPOSED CHANGES IN SAR.—Subsection (c) of such section is amended in paragraph (2) by striking out the second sentence and inserting in lieu thereof the following: "Whenever the Secretary of Defense proposes to make changes in the content of a Selected Acquisition Report, the Secretary shall submit a notice of the proposed changes to such committees. The changes shall be considered approved by the Secretary, and may be incorporated into the report, only after the end of the 60-day period beginning on the date on which the notice is received by those committees.".

(e) ELIMINATION OF CERTAIN SAR REQUIREMENTS.—Such subsection is further amended in paragraph (3) by striking out subparagraph (C).

(f) UNIFORM IMPLEMENTATION OF LIFE-CYCLE COST ANALYSIS.—Such subsection is further amended—

(1) by striking out paragraph (5); and

(2) by adding at the end of subparagraph (A) of paragraph (3) the following: "The Secretary of Defense shall ensure that this subparagraph is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.".

(g) ELIMINATION OF PRELIMINARY REPORT.—Subsection (f) of such section is amended by striking out the second sentence.

(h) TERMINOLOGY CORRECTIONS.—Such section is further amended as follows:

(1) Subsection (b)(3)(A) is amended by striking out "full-scale development or" in clause (i).

(2) Subsection (c)(3) is amended by striking out "full-scale engineering" in subparagraph (A) and inserting in lieu thereof "engineering and manufacturing".

(3) Subsection (h)(1) is amended by striking out "full-scale engineering" both places it appears and inserting in lieu thereof "engineering and manufacturing".

SEC. 3003. UNIT COST REPORT REQUIREMENT.

(a) REVISION OF BASELINE REPORT DEFINITIONS.—(1) Section 2433(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking out "Baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Estimate"; and

(ii) by striking out "Selected Acquisition Report in which" and all that follows through the end of the paragraph and inserting in lieu thereof "cost estimate included in the baseline description for the program under section 2435 of this title."; and

(B) by striking out paragraph (4).

(2) Section 2433 of such title is further amended—

(A) in subsection (c)(1), by striking out "Baseline Report" in subparagraphs (A) and (B) and inserting in lieu thereof "Baseline Estimate"; and

(B) in subsection (d), by striking out "Baseline Report" in paragraphs (1) and (2) and inserting in lieu thereof "Baseline Estimate".

(b) CONTENTS OF UNIT COST REPORT.—Section 2433(b) of such title is amended in paragraph (3) by striking out "Baseline Report was submitted." and inserting in lieu thereof "contract was entered into.".

(c) ELIMINATION OF CERTAIN UNIT COST REPORT REQUIREMENT.—Section 2433(c) of such title, as amended by subsection (a), is further amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) CONSTANT BASE YEAR DOLLARS.—Section 2433(f) of such title is amended by striking out "include expected inflation" and inserting in lieu thereof "be stated in terms of constant base year dollars (as described in section 2430 of this title)".

(e) CONTENTS OF SAR.—Subparagraph (I) of section 2433(g)(1) of such title is amended to read as follows:

"(I) The type of the Baseline Estimate that was included in the baseline description under section 2435 of this title and the date of the Baseline Estimate.".

SEC. 3004. REQUIREMENT FOR INDEPENDENT COST ESTIMATE AND MANPOWER ESTIMATE BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Subsection (b) of section 2434 of title 10, United States Code, is amended to read as follows:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the full life-cycle cost of a program—

"(A) be prepared by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include an estimate of the total number of personnel required—

"(A) to operate, maintain, and support the program upon full operational deployment; and

"(B) to train personnel to carry out the activities referred to in subparagraph (A).".

(b) TERMINOLOGY CORRECTION, ETC.—Subsection (a) of such section is amended—

(1) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development"; and

(2) by striking out "cost of the program, together with a manpower estimate, has" and inserting in lieu thereof "full life-cycle cost of the program and a manpower estimate for the program have".

SEC. 3005. BASELINE DESCRIPTION.

(a) IN GENERAL.—Section 2435 of title 10, United States Code, is amended to read as follows:

"§2435. Baseline description

"(a) BASELINE DESCRIPTION REQUIREMENT.—(1) The Secretary of a military department shall establish a baseline description for each major defense acquisition program under the jurisdiction of such Secretary.

"(2) The baseline shall include sufficient parameters to describe the cost estimate (referred to as the 'Baseline Estimate' in section 2433 of this title), schedule, performance, supportability, and any other factor of such major defense acquisition program.

"(b) FUNDING LIMIT.—No amount appropriated or otherwise made available to the Department of Defense for carrying out a major defense acquisition program may be obligated after the program enters engineering and manufacturing development without an approved baseline description unless such obligation is specifically approved by the Under Secretary of Defense for Acquisition and Technology.

"(c) SCHEDULE.—A baseline description for a major defense acquisition program shall be prepared under this section—

"(1) before the program enters demonstration and validation;

"(2) before the program enters engineering and manufacturing development; and

"(3) before the program enters production and deployment.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the following:

"(1) The content of baseline descriptions under this section.

"(2) The submission to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology by the program manager for a program for which there is an approved baseline description under this section of reports of deviations from the baseline of the cost, schedule, performance, supportability, or any other factor of the program.

"(3) Procedures for review of such deviation reports within the Department of Defense.

"(4) Procedures for submission to, and approval by, the Secretary of Defense of revised baseline descriptions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by amending the item relating to section 2435 to read as follows:

"2435. Baseline description.".

SEC. 3006. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING FOR MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 3007. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES FOR MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

Subtitle B—Testing Statutes

SEC. 3011. AUTHORITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO COMMUNICATE VIEWS DIRECTLY TO SECRETARY OF DEFENSE.

Section 139(c) of title 10, United States Code, is amended by inserting after "(c)" the following: "The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.".

SEC. 3012. RESPONSIBILITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION FOR LIVE FIRE TESTING.

(a) OVERSIGHT OF LIVE FIRE TESTING.—Subsection (b) of section 139 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) monitor and review the live fire testing activities of the Department of Defense provided for under section 2366 of this title.".

(b) ANNUAL REPORT ON LIVE FIRE TESTING.—Subsection (f) of such section is amended by inserting "(including live fire testing activities)" in the first sentence after "operational test and evaluation activities".

SEC. 3013. REQUIREMENT FOR UNCLASSIFIED VERSION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.

Section 139(f) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "If the Director submits the report to Congress in a classified form, the Director shall concurrently submit an unclassified version of the report to Congress.".

SEC. 3014. SURVIVABILITY AND LETHALITY TESTING.

(a) IN GENERAL.—Section 2366(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3) and in that paragraph by striking out "such certification" and inserting in lieu thereof "certification under paragraph (1) or (2)"; and

(3) by inserting before paragraph (3) (as so designated) the following new paragraph:

"(2) In the case of a covered system (or covered product improvement program for a covered system), the Secretary may waive the application of the survivability and lethality tests of this section to such system or program and instead allow testing of the system or program in combat by firing munitions likely to be encountered in combat at components, subsystems, and subassemblies, together with performing design analyses, modeling and simulation, and analysis of combat data. Such alternative testing may not be carried out in the case of any covered system (or covered product improvement program for a covered system) unless the Secretary certifies to Congress, before the system or program enters engineering and manufacturing development, that the survivability and lethality testing of such system or program otherwise required by this section would be unreasonably expensive and impracticable.".

(b) TERMINOLOGY CORRECTION.—Section 2366(c)(1) of such title is amended by striking out "full-scale engineering development" in the first sentence and inserting in lieu thereof "engineering and manufacturing development".

SEC. 3015. LIMITATION ON QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.

Section 2400(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out "paragraph (1)" and inserting in lieu thereof "this section"; and

(B) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development";

(2) by redesignating paragraph (4) as paragraph (5) and in that paragraph by inserting after the first sentence the following: "If the quantity exceeds 10 percent of the total number of articles to be produced, as determined at the milestone II decision with respect to that system, the Secretary shall include in the statement the reasons for such quantity."; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) The quantity of articles of a major system that may be procured for low-rate initial production may not be less than one operationally configured production unit unless another quantity is established at the milestone II decision.".

Subtitle C—Service Specific Laws

SEC. 3021. GRATUITOUS SERVICES OF OFFICERS OF CERTAIN RESERVE COMPONENTS.

(a) ACCEPTANCE BY SECRETARY OF DEFENSE.—Section 10212 of title 10, United States Code, is amended—

(1) by designating the text as subsection (b); and

(2) by inserting before such subsection the following new subsection:

"(a) Notwithstanding section 1342 of title 31, the Secretary of Defense may accept the gratuitous services of an officer of a reserve component (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States) in consultation upon matters relating to the armed forces.".

(b) EFFECTIVE DATE.—Notwithstanding section 10001, the amendments made by subsection (a) shall take effect on December 1, 1994, immediately after the amendments made by the Reserve Officer Personnel Management Act.

SEC. 3022. AUTHORITY TO RENT SAMPLES, DRAWINGS, AND OTHER INFORMATION TO OTHERS.

Subsection (a) of section 2539b of title 10, United States Code, as redesignated by section 1070(a)(13)(A) of the National Defense Authorization Act for Fiscal Year 1995, is amended by inserting "rent," after "sell," each place it appears in paragraphs (1) and (2).

SEC. 3023. REPEAL OF APPLICATION OF PUBLIC CONTRACTS ACT TO CERTAIN NAVAL VESSEL CONTRACTS.

(a) REPEAL.—Section 7299 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7299.

SEC. 3024. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF VESSELS ON PACIFIC COAST.

(a) REPEAL.—Section 7302 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7302.

SEC. 3025. SCIENTIFIC INVESTIGATION AND RESEARCH FOR THE NAVY.

(a) REPEAL.—Section 7203 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 631 of such title is amended by striking out the item relating to section 7203.

Subtitle D—Civil Reserve Air Fleet

SEC. 3031. DEFINITIONS.

(a) CONTRACTOR DEFINED.—Section 9511(8) of title 10, United States Code, is amended—

(1) in clause (A)—

(A) by inserting "under section 9512 of this title" after "and who contracts with the Secretary"; and

(B) by striking out "or" at the end; and

(2) by inserting before the period at the end the following: ", or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet".

(b) OTHER DEFINITIONS.—Section 9511 of such title is further amended—

(1) in paragraph (1)—

(A) by inserting "'civil aircraft'," before "'person',";

(B) by striking out "meaning" and inserting in lieu thereof "meanings"; and

(C) by striking out "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)" and inserting in lieu thereof "section 40102 of title 49";

(2) by striking out paragraph (6);

(3) by redesignating paragraphs (7), (8), (9), (10), (11), and (12) as paragraphs (6), (7), (8), (9), (10), and (11), respectively; and

(4) in paragraph (11), as so redesignated—

(A) by striking out "interoperability" and inserting in lieu thereof "compatibility"; and

(B) by inserting "an aeromedical aircraft or" before "a cargo-convertible,".

(c) TECHNICAL CORRECTION.—Such section is amended by striking out "In this subchapter:" and inserting in lieu thereof "In this chapter:".

SEC. 3032. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.

Chapter 931 of title 10, United States Code, is amended—

(1) in subsection (a) of section 9512, by inserting "AUTHORITY TO CONTRACT.—" after "(a)";

(2) in subsection (c) of section 9512, by striking out "(c)" and inserting in lieu thereof "(d) AUTHORITY TO CONTRACT AND PAY DIRECTLY.—";

(3) in subsection (b) of section 9512, by striking out "(b)" and inserting in lieu thereof "(c) TERMS AND REQUIRED REPAYMENT.—";

(4) by redesignating subsection (a) of section 9513 as subsection (b), transferring such subsection (as so redesignated) to section 9512, and inserting such subsection after subsection (a);

(5) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(6) in subsection (b) of section 9512, as redesignated and transferred to such section by paragraph (4)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section"; and

(B) by inserting "COMMITMENT TO CIVIL RESERVE AIR FLEET.—" after "(b)";

(7) in subsection (c) of section 9512, as redesignated by paragraph (3), by striking out "the terms required by section 9513 of this title and";

(8) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (5)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section"; and

(B) by inserting "EXCLUSIVITY OF COMMITMENT TO CIVIL RESERVE AIR FLEET.—" after "(e)"; and

(9) by striking out the heading of section 9513.

SEC. 3033. USE OF MILITARY INSTALLATIONS BY CONTRACTORS.

(a) AUTHORITY.—Chapter 931 of title 10, United States Code, as amended by section 3022, is further amended by adding at the end the following new section 9513:

"§9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, as a technical stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations for commercial operations not required by the Department of Defense and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

"(c) DISPOSITION OF PAYMENTS FOR USE.—Notwithstanding any other provision of law, amounts collected from the contractor for landing fees, services, supplies, or other charges authorized to be collected under the contract shall be credited to the appropriations of the armed forces having jurisdiction over the military installation to which the contract pertains. Amounts so credited to an appropriation shall be available for obligation for the same period as the appropriation to which credited.

"(d) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the United States from any action, suit, or claim of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

"(e) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary concerned may, without providing prior notice, deny access to an installation designated under the contract when the Secretary determines that it is necessary to do so in order to meet military exigencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

"9513. Use of military installations by Civil Reserve Air Fleet contractors.".

Subtitle E—Miscellaneous

SEC. 3061. REGULATIONS ON PROCUREMENT, PRODUCTION, WAREHOUSING, AND SUPPLY DISTRIBUTION FUNCTIONS.

(a) IN GENERAL.—Section 2202 of title 10, United States Code, is amended to read as follows:

"§2202. Regulations on procurement, production, warehousing, and supply distribution functions

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The item relating to section 2202 in the table of sections at the beginning of chapter 131 of such title is amended to read as follows:

"2202. Regulations on procurement, production, warehousing, and supply distribution functions.".

SEC. 3062. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 3063. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Technical data and computer software.

"(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.".

SEC. 3064. LIQUID FUELS AND NATURAL GAS: CONTRACTS FOR STORAGE, HANDLING, OR DISTRIBUTION.

Section 2388(a) of title 10, United States Code, is amended by striking out "liquid fuels and natural gas" and inserting in lieu thereof "liquid fuels or natural gas".

SEC. 3065. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401 the following new section:

"§2401a. Lease of vessels, aircraft, and vehicles

"The Secretary of Defense or the Secretary of a military department may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, unless the Secretary has considered all costs of such contract (including estimated termination liability) and has determined in writing that the contract is in the best interest of the Government.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401 the following new item:

"2401a. Lease of vessels, aircraft, and vehicles.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101-165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 3066. SOFT DRINK SUPPLIES.

Section 2424 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Paragraphs (1) and (2) of subsection (b) do not apply to contracts for the procurement of soft drinks that are manufactured in the United States. The Secretary of Defense shall prescribe in regulations the standards and procedures for determining whether a particular drink is a soft drink and whether the drink was manufactured in the United States.".

SEC. 3067. DISBURSEMENT OF FUNDS OF MILITARY DEPARTMENT TO COVER OBLIGATIONS OF ANOTHER AGENCY OF DEPARTMENT OF DEFENSE.

Subsection (c)(2) of section 3321 of title 31, United States Code, is amended by striking out "military departments of the" and inserting in lieu thereof "The".

TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD

Subtitle A—Establishment of Threshold

SEC. 4001. SIMPLIFIED ACQUISITION THRESHOLD DEFINED.

Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended to read as follows:

"(11) The term 'simplified acquisition threshold' means $100,000.".

SEC. 4002. ESTABLISHMENT OF SIMPLIFIED ACQUISITION THRESHOLD FOR ARMED SERVICES.

(a) ESTABLISHMENT IN TITLE 10.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302 the following new sections:

"§2302a. Simplified acquisition threshold

"(a) SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of acquisitions by agencies named in section 2303 of this title, the simplified acquisition threshold is as specified in section 4(11) of the Office of Federal Procurement Policy Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302 the following new item:

"2302a. Simplified acquisition threshold.".

SEC. 4003. ESTABLISHMENT OF SIMPLIFIED ACQUISITION THRESHOLD FOR CIVILIAN AGENCIES.

Title III of the Federal Property and Administrative Services Act of 1949 is amended by inserting after section 302 the following new section:

"SEC. 302A. SIMPLIFIED ACQUISITION THRESHOLD.

"(a) SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of acquisitions by executive agencies, the simplified acquisition threshold is as specified in section 4(11) of the Office of Federal Procurement Policy Act.".

SEC. 4004. SMALL BUSINESS RESERVATION.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended to read as follows:

"(j)(1) Each contract for the purchase of goods and services that has an anticipated value greater than $2,500 but not greater than $100,000 shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and are competitive with regard to the quality and delivery of the goods or services being purchased.

"(2) In carrying out paragraph (1), a contracting officer shall consider a responsive offer timely received from an eligible small business offeror.

"(3) Nothing in paragraph (1) shall be construed as precluding an award of a contract with a value not greater than $100,000 under the authority of subsection (a) of section 8 of this Act, section 2323 of title 10, United States Code, section 712 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note), or section 7102 of the Federal Acquisition Streamlining Act of 1994.".

Subtitle B—Inapplicability of Laws to Acquisitions at or Below the Simplified Acquisition Threshold

SEC. 4101. LIST OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SEC. 33. LIST OF LAWS INAPPLICABLE TO CONTRACTS NOT GREATER THAN THE SIMPLIFIED ACQUISITION THRESHOLD IN FEDERAL ACQUISITION REGULATION.

"(a) LIST OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold. A provision of law that is properly included on the list pursuant to paragraph (2) may not be construed as applicable to such contracts or subcontracts (as the case may be) by an executive agency. Nothing in this section shall be construed to render inapplicable to contracts and subcontracts in amounts not greater than the simplified acquisition threshold any provision of law that is not included on such list.

"(2) A provision of law described in subsection (c) that is enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 shall be included on the list of inapplicable provisions of law required by paragraph (1), unless the Federal Acquisition Regulatory Council makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts or subcontracts in amounts not greater than the simplified acquisition threshold from the applicability of the provision.

"(b) COVERED LAW.—A provision of law referred to in subsection (a) is any provision of law that, as determined by the Federal Acquisition Regulatory Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that—

"(1) provides for criminal or civil penalties; or

"(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold.

"(c) PETITION.—In the event that a provision of law described in subsection (b) is not included on the list of inapplicable provisions of law as required by subsection (a), and no written determination has been made by the Federal Acquisition Regulatory Council pursuant to subsection (a)(2), a person may petition the Administrator for Federal Procurement Policy to take appropriate action. The Administrator shall revise the Federal Acquisition Regulation to include the provision on the list of inapplicable provisions of law unless the Federal Acquisition Regulatory Council makes a determination pursuant to subsection (a)(2) within 60 days after the date on which the petition is received.".

SEC. 4102. ARMED SERVICES ACQUISITIONS.

(a) LIST OF INAPPLICABLE LAWS IN FAR.—Section 2302a of title 10, United States Code, as added by section 4002, is amended by adding at the end the following:

"(b) INAPPLICABLE LAWS.—No law properly listed in the Federal Acquisition Regulation pursuant to section 33 of the Office of Federal Procurement Policy Act shall apply to or with respect to a contract or subcontract that is not greater than the simplified acquisition threshold.".

(b) INAPPLICABILITY OF REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, is amended by adding at the end the following: "This subsection does not apply to a contract that is for an amount not greater than the simplified acquisition threshold.".

(c) INAPPLICABILITY OF AUTHORITY TO EXAMINE BOOKS AND RECORDS OF CONTRACTORS.—Section 2313 of title 10, United States Code, as amended by section 2201, is further amended by adding at the end of subsection (f) the following:

"(2) A contract or subcontract that is for an amount not greater than the simplified acquisition threshold.".

(d) INAPPLICABILITY OF REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Section 2384(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The regulations prescribed pursuant to paragraph (1) do not apply to a contract for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(e) INAPPLICABILITY OF PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, is amended in the second sentence by striking out "above" and all that follows and inserting in lieu thereof "greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(f) INAPPLICABILITY OF PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 2402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(g) INAPPLICABILITY OF PROHIBITION ON PERSONS CONVICTED OF DEFENSE-RELATED FELONIES.—Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The prohibition in paragraph (1) does not apply with respect to the following:

"(A) A contract referred to in subparagraph (A), (B), (C), or (D) of such paragraph that is not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

"(C) A subcontract referred to in such subparagraph that is under a contract described in subparagraph (A).".

(h) INAPPLICABILITY OF CONTRACTOR INVENTORY ACCOUNTING SYSTEM STANDARDS.—Section 2410b of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) The regulations prescribed pursuant to subsection (a) shall not apply to a contract that is for an amount not greater than the simplified acquisition threshold.".

(i) INAPPLICABILITY OF MISCELLANEOUS PROCUREMENT LIMITATIONS.—Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(g) INAPPLICABILITY TO CONTRACTS UNDER SIMPLIFIED ACQUISITION THRESHOLD.—This section does not apply to a contract or subcontract for an amount that does not exceed the simplified acquisition threshold.".

SEC. 4103. CIVILIAN AGENCY ACQUISITIONS.

(a) LIST OF INAPPLICABLE LAWS IN FAR.—Section 302A of the Federal Property and Administrative Services Act of 1949, as added by section 4003, is amended by adding at the end the following:

"(b) INAPPLICABLE LAWS.—No law properly listed in the Federal Acquisition Regulation pursuant to section 33 of the Office of Federal Procurement Policy Act shall apply to or with respect to a contract or subcontract that is not greater than the simplified acquisition threshold.".

(b) INAPPLICABILITY OF PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g) is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract for an amount that is not greater than the simplified acquisition threshold.".

(c) INAPPLICABILITY OF REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) is amended by adding at the end the following: "The preceding sentence does not apply to a contract for an amount that is not greater than the simplified acquisition threshold.".

(d) AUTHORITY TO EXAMINE BOOKS AND RECORDS OF CONTRACTORS.—Section 304C of the Federal Property and Administrative Services Act of 1949, as added by section 2251(a), is amended by adding at the end of subsection (f) the following:

"(2) A contract or subcontract that is not greater than the simplified acquisition threshold.".

SEC. 4104. ACQUISITIONS GENERALLY.

(a) REQUIREMENT FOR CONTRACT CLAUSE RELATING TO KICKBACKS.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by adding at the end the following new subsections:

"(d) Subsections (a) and (b) do not apply to a prime contract that is not greater than $100,000.

"(e) Notwithstanding subsection (d), a prime contractor shall cooperate fully with any Federal Government agency investigating a violation of section 3.".

(b) MILLER ACT.—(1)(A) The Miller Act is amended by adding at the end the following new section:

"SEC. 5. This Act does not apply to a contract in an amount that is not greater than $100,000.".

(B) Subsection (a) of the first section of such Act is amended by striking out ", exceeding $25,000 in amount,".

(2)(A) The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in subparagraph (C).

(B) The contracting officer for a contract shall—

(i) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subparagraph (A), one or more payment protections which the offeror awarded the contract is to submit to the Federal Government for the protection of suppliers of labor and materials for such contract; and

(ii) specify in the solicitation of offers for such contract the payment protection or protections so selected.

(C) The regulations required under subparagraph (A) and the requirements of subparagraph (B) apply with respect to contracts referred to in subsection (a) of the first section of the Miller Act that are greater than $25,000 but not greater than $100,000.

(c) CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.—(1) Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 329) is amended by adding at the end the following new subsection:

"(c) This title does not apply to a contract in an amount that is not greater than $100,000.".

(2) Section 107(a) of such Act (40 U.S.C. 333(a)) is amended by inserting after "It shall be a condition of each contract" the following: "(other than a contract referred to in section 103(c))".

(d) DRUG-FREE WORKPLACE ACT OF 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of the Anti-

Drug Abuse Act of 1988; Public Law 100–690; 41 U.S.C. 701(a)(1)) is amended by striking out "of $25,000 or more from any Federal agency" and inserting in lieu thereof "greater than the simplified acquisition threshold (as defined in section 4(11) of such Act (41 U.S.C. 403(11))) by any Federal agency".

(e) SOLID WASTE DISPOSAL ACT.—Paragraph (3) of section 6002(c) of the Solid Waste Disposal Act (42 U.S.C. 6962(c)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(3)"; and

(4) by adding at the end the following new subparagraph:

"(B) Clause (ii) of subparagraph (A) applies only to a contract in an amount greater than $100,000.".

Subtitle C—Simplified Acquisition Procedures

SEC. 4201. SIMPLIFIED ACQUISITION PROCEDURES.

(a) REQUIREMENT FOR SIMPLIFIED PROCEDURES IN FAR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is further amended by inserting before section 33, as added by section 4101, the following new section:

"SEC. 31. SIMPLIFIED ACQUISITION PROCEDURES.

"(a) REQUIREMENT.—In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for contracts for acquisition of property and services that are not greater than the simplified acquisition threshold.

"(b) PROHIBITION ON DIVIDING PURCHASES.—A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified acquisition procedures required by subsection (a).

"(c) PROMOTION OF COMPETITION REQUIRED.—In using simplified acquisition procedures, the head of an executive agency shall promote competition to the maximum extent practicable.

"(d) CONSIDERATION OF OFFERS TIMELY RECEIVED.—The simplified acquisition procedures contained in the Federal Acquisition Regulation shall include a requirement that a contracting officer consider each responsive offer timely received from an eligible offeror.

"(e) SPECIAL RULES FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

"(1) EFFECT OF INTERIM FACNET CAPABILITY.—The simplified acquisition procedures provided in the Federal Acquisition Regulation pursuant to this section may not be used by a procuring activity of an agency for contracts in amounts greater than $50,000 and not greater than the simplified acquisition threshold until a certification has been made pursuant to section 30A(a)(1) that the procuring activity has implemented an interim FACNET capability.

"(2) EFFECT OF FULL FACNET CAPABILITY.—(A)(i) In the case of a procuring activity described in clause (ii), the simplified acquisition procedures provided in the Federal Acquisition Regulation pursuant to this section may be used by the activity for contracts in amounts greater than $50,000 and not greater than the simplified acquisition threshold.

"(ii) Clause (i) applies to any procuring activity—

"(I) that has not certified, pursuant to section 30A(a)(1), that it has implemented interim FACNET capability; and

"(II) that is in an agency that has excluded the procuring activity from the agency's full FACNET certification under section 30A(a)(2) on the basis that implementation of full FACNET capability would not be cost effective or practicable in that activity.

"(B) The simplified acquisition procedures provided in the Federal Acquisition Regulation pursuant to this section may not be used by an agency after December 31, 1999, for contracts in amounts greater than $50,000 and not greater than the simplified acquisition threshold until a certification has been made pursuant to section 30A(a)(2) that the agency has implemented a full FACNET capability.

"(f) INTERIM REPORTING RULE.—Until October 1, 1999, procuring activities shall continue to report under section 19(d) procurement awards with a dollar value of at least $25,000, but less than $100,000, in conformity with the procedures for the reporting of a contract award greater than $25,000 that were in effect on October 1, 1992.".

(b) OPPORTUNITY FOR ALL RESPONSIBLE POTENTIAL OFFERORS.—Subsection (a) of section 18 of such Act is amended by adding at the end the following:

"(4) An executive agency intending to solicit offers for a contract for which a notice of solicitation is required to be posted under paragraph (1)(B) shall ensure that contracting officers consider each responsive offer timely received from an offeror.".

(c) ESTABLISHMENT OF DEADLINE FOR SUBMISSION OF OFFERS.—Subsection (a) of section 18 of such Act is further amended by adding after paragraph (4), as added by subsection (b), the following new paragraph:

"(5) An executive agency shall establish a deadline for the submission of all bids or proposals in response to a solicitation with respect to which no such deadline is provided by statute. Each deadline for the submission of offers shall afford potential offerors a reasonable opportunity to respond.".

SEC. 4202. PROCUREMENT NOTICE.

(a) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (a) of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(2) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order expected to be greater than the simplified acquisition threshold,".

(b) CONTENT OF NOTICE.—Subsection (b) of such section is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to be greater than $25,000 but not greater than the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

(c) NOTICE NOT REQUIRED FOR PROCUREMENT MADE THROUGH FACNET.—Subsection (c)(1) of such section, as amended by section 1055(b), is further amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (F), (G), and (H), respectively; and

(2) by inserting before subparagraph (C), as so redesignated, the following new subparagraphs:

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be made through a system with interim FACNET capability certified pursuant to section 30A(a)(1) or with full FACNET capability certified pursuant to section 30A(a)(2);

"(B)(i) the proposed procurement is for an amount not greater than $250,000 and is to be made through a system with full FACNET capability certified pursuant to section 30A(a)(2); and

"(ii) a certification has been made pursuant to section 30A(b) that Government-wide FACNET capability has been implemented;".

(d) NOTICE UNDER THE SMALL BUSINESS ACT.—

(1) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (e) of section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(B) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order estimated to be greater than the simplified acquisition threshold,".

(2) CONTENT OF NOTICE.—Subsection (f) of such section is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to be greater than $25,000 but not greater than the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

(3) NOTICE NOT REQUIRED FOR PROCUREMENT MADE THROUGH FACNET.—Subsection (g)(1) of such section is amended—

(A) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (F), (G), and (H), respectively; and

(B) by inserting before subparagraph (C), as so redesignated, the following new subparagraphs:

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be made through a system with interim FACNET capability certified pursuant to section 30A(a)(1) of the Office of Federal Procurement Policy Act or with full FACNET capability certified pursuant to section 30A(a)(2) of such Act;

"(B)(i) the proposed procurement is for an amount not greater than $250,000 and is to be made through a system with full FACNET capability certified pursuant to section 30A(a)(2) of the Office of Federal Procurement Policy Act; and

"(ii) a certification has been made pursuant to section 30A(b) of such Act that Government-wide FACNET capability has been implemented;".

SEC. 4203. IMPLEMENTATION OF SIMPLIFIED ACQUISITION PROCEDURES.

(a) IMPLEMENTATION IN TITLE 10.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2302a, as added by section 4002(a), the following new section:

"§2302b. Implementation of simplified acquisition procedures

"The simplified acquisition procedures contained in the Federal Acquisition Regulation pursuant to section 31 of the Office of Federal Procurement Policy Act shall apply as provided in such section to the agencies named in section 2303(a) of this title.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2302a, as added by section 4002(b), the following new item:

"2302b. Implementation of simplified acquisition procedures.".

(b) IMPLEMENTATION IN CIVILIAN AGENCIES.—Title III of the Federal Property and Administrative Services Act of 1949 is amended by inserting after section 302A, as added by section 4003 and amended by section 4103, the following new section:

"SEC. 302B. IMPLEMENTATION OF SIMPLIFIED ACQUISITION PROCEDURES.

"The simplified acquisition procedures contained in the Federal Acquisition Regulation pursuant to section 31 of the Office of Federal Procurement Policy Act shall apply in executive agencies as provided in such section.".

Subtitle D—Micro-Purchase Procedures

SEC. 4301. PROCEDURES FOR PURCHASES BELOW MICRO-PURCHASE THRESHOLD.

(a) PROCEDURES.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding after section 31, as added by section 4201, the following new section:

"SEC. 32. PROCEDURES APPLICABLE TO PURCHASES BELOW MICRO-PURCHASE THRESHOLD.

"(a) REQUIREMENTS.—(1) The head of each executive agency shall ensure that procuring activities of that agency, in awarding a contract with a price exceeding the micro-purchase threshold, comply with the requirements of section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 2323 of title 10, United States Code, and section 7102 of the Federal Acquisition Streamlining Act of 1994.

"(2) The authority under part 13.106(a)(1) of the Federal Acquisition Regulation (48 C.F.R. 13.106(a)(1)), as in effect on November 18, 1993, to make purchases without securing competitive quotations does not apply to any purchases with a price exceeding the micro-purchase threshold.

"(b) EXCLUSION FOR MICRO-PURCHASES.—A purchase by an executive agency with an anticipated value of the micro-purchase threshold or less is not subject to section 15(j) of the Small Business Act (15 U.S.C. 644(j)) and the Buy American Act (41 U.S.C. 10a–10c).

"(c) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of section 27, an officer or employee of an executive agency, or a member of the Armed Forces of the United States, shall not be considered a procurement official if—

"(1) the contracting authority of the officer, employee, or member does not exceed $2,500; and

"(2) the head of the contracting activity concerned (or a designee of the head of the contracting activity concerned) determines that the duties of the position of that officer, employee, or member are such that is it unlikely that the officer, employee, or member will be required to conduct procurements in a total amount greater than $20,000 in any 12-month period.

"(d) PURCHASES WITHOUT COMPETITIVE QUOTATIONS.—A purchase not greater than $2,500 may be made without obtaining competitive quotations if the contracting officer determines that the price for the purchase is reasonable.

"(e) EQUITABLE DISTRIBUTION.—Purchases not greater than $2,500 shall be distributed equitably among qualified suppliers.

"(f) IMPLEMENTATION THROUGH FAR.—This section shall be implemented through the Federal Acquisition Regulation.

"(g) MICRO-PURCHASE THRESHOLD DEFINED.—For purposes of this section, the micro-purchase threshold is the amount of $2,500.".

(b) EXCEPTION TO BUY AMERICAN ACT FOR MICRO-PURCHASES.—Section 2 of the Buy American Act (41 U.S.C. 10a) is amended by adding at the end the following: "This section shall not apply to manufactured articles, materials, or supplies procured under any contract the award value of which is less than or equal to the micro-purchase threshold under section 32 of the Office of Federal Procurement Policy Act.".

(c) EFFECTIVE DATE.—Notwithstanding any other provision of law—

(1) section 32 of the Office of Federal Procurement Policy Act, as added by subsection (a); and

(2) the amendment made by subsection (b);

shall take effect on the date of the enactment of this Act and shall be implemented in the Federal Acquisition Regulation not later than 60 days after such date of enactment.

Subtitle E—Conforming Amendments

SEC. 4401. ARMED SERVICES ACQUISITIONS.

(a) SIMPLIFIED ACQUISITION PROCEDURES.—Section 2304(g) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services for amounts not greater than the simplified acquisition threshold";

(2) by striking out paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) in paragraph (2), as so redesignated—

(A) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(B) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures"; and

(5) in paragraph (3), as redesignated by paragraph (3), by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures".

(b) SOLICITATION CONTENT REQUIREMENT.—Section 2305(a)(2) of such title is amended by striking out "small purchases)" in the matter preceding subparagraph (A) and inserting in lieu thereof "a purchase for an amount not greater than the simplified acquisition threshold)".

(c) COST TYPE CONTRACTS.—Section 2306(e)(2)(A) of such title is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

(d) REPORTS OF EMPLOYEES OR FORMER EMPLOYEES OF DEFENSE CONTRACTORS.—Subsection (a)(1) of section 2397 of title 10, United States Code, is amended by striking out "small purchase threshold (as defined in section 2302(7) of this title)" and inserting in lieu thereof "simplified acquisition threshold".

(e) CROSS REFERENCE AMENDMENT.—Section 9005 of Public Law 102–396 (10 U.S.C. 2441 note) is amended in the first sentence by striking out "small purchases covered by section 2304(g)" and inserting in lieu thereof "purchases for amounts not greater than the simplified acquisition threshold covered by section 2304(g)".

SEC. 4402. CIVILIAN AGENCY ACQUISITIONS.

(a) SIMPLIFIED ACQUISITION PROCEDURES.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(1) in paragraph (1)—

(A) by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services for amounts not greater than the simplified acquisition threshold", and

(B) by striking out "regulations modified, in accordance with section 2752 of the Competition in Contracting Act of 1984," and inserting in lieu thereof "Federal Acquisition Regulation";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.";

(3) in paragraph (3)—

(A) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(B) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures";

(4) in paragraph (4), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures"; and

(5) by striking out paragraph (5).

(b) SOLICITATION CONTENT REQUIREMENT.—Section 303A(b) of such Act (41 U.S.C. 253a(b)) is amended by striking out "small purchases)" in the matter preceding paragraph (1) and inserting in lieu thereof "a purchase for an amount not greater than the simplified acquisition threshold)".

(c) COST TYPE CONTRACTS.—Section 304(b) of such Act (41 U.S.C. 254(b)) is amended in the sentence beginning with "All cost and cost-plus-a-fixed-fee" by striking out "either $25,000" and inserting in lieu thereof "either the simplified acquisition threshold".

SEC. 4403. OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

Section 19(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(a)) is amended by striking out "procurements, other than small purchases," and inserting in lieu thereof "procurements greater than the simplified acquisition threshold".

SEC. 4404. SMALL BUSINESS ACT.

(a) DEFINITION.—Section 3(m) of the Small Business Act (15 U.S.C. 632(m)) is amended by striking out "'small purchase threshold'" and inserting in lieu thereof "'simplified acquisition threshold'".

(b) USE OF SIMPLIFIED ACQUISITION THRESHOLD TERM.—Section 8(d)(2)(A) of the Small Business Act (15 U.S.C. 637(d)(2)(A)) is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

SEC. 5001. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2220. Performance based management: acquisition programs

"(a) ESTABLISHMENT OF GOALS.—(1) The Secretary of Defense shall approve or define the cost, performance, and schedule goals for major defense acquisition programs of the Department of Defense and for each phase of the acquisition cycle of such programs.

"(2) The Comptroller of the Department of Defense shall evaluate the cost goals proposed for each major defense acquisition program of the Department.

"(b) ANNUAL REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report submitted to Congress pursuant to section 113(c) of this title an assessment of whether major and nonmajor acquisition programs of the Department of Defense are achieving, on average, 90 percent of cost, performance, and schedule goals established pursuant to subsection (a) and whether the average period for converting emerging technology into operational capability has decreased by 50 percent or more from the average period required for such conversion as of the date of the enactment of the Federal Acquisition Streamlining Act of 1994. The Secretary shall use data from existing management systems in making the assessment.

"(c) PERFORMANCE EVALUATION.—Whenever the Secretary of Defense, in the assessment required by subsection (b), determines that major defense acquisition programs of the Department of Defense are not achieving, on average, 90 percent of cost, performance, and schedule goals established pursuant to subsection (a), the Secretary shall ensure that there is a timely review of major defense acquisition programs and other programs as appropriate. In conducting the review, the Secretary shall—

"(1) determine whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements; and

"(2) identify suitable actions to be taken, including termination, with respect to such programs.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2220. Performance based management: acquisition programs.".

(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Secretary of Defense shall review the incentives and personnel actions available to the Secretary of Defense for encouraging excellence in the management of defense acquisition programs and provide an enhanced system of incentives to facilitate the achievement of goals approved or defined pursuant to section 2220(a) of title 10, United States Code. The enhanced system of incentives shall, to the maximum extent consistent with applicable law—

(1) relate pay to performance (including the extent to which the performance of personnel in such programs contributes to achieving the cost goals, performance goals, and schedule goals established for acquisition programs of the Department of Defense pursuant to section 2220(a) of title 10, United States Code as added by subsection (a)); and

(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such programs contributes to achieving the cost goals, performance goals, and schedule goals established for acquisition programs of the Department of Defense pursuant to section 2220(a) of title 10, United States Code, as added by subsection (a).

(c) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 2220 of title 10, United States Code, as added by subsection (a), and otherwise to facilitate and enhance management of Department of Defense acquisition programs on the basis of performance.

SEC. 5002. REVIEW OF ACQUISITION PROGRAM CYCLE.

(a) REVIEW.—The Secretary of Defense shall review the regulations of the Department of Defense to ensure that acquisition program cycle procedures are focused on achieving the goals that are consistent with the program baseline description established pursuant to section 2435 of title 10, United States Code.

(b) REPEALS.—Sections 835 and 836 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1717) are hereby repealed.

Subtitle B—Civilian Agency Acquisitions

SEC. 5051. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 301 et seq.), as amended by sections 1552 and 1553, is further amended by adding at the end the following new section:

"SEC. 313. PERFORMANCE BASED MANAGEMENT: ACQUISITION PROGRAMS.

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost and schedule goals established for major and nonmajor acquisition programs of the agency without reducing the performance or capabilities of the items being acquired.

"(b) ESTABLISHMENT OF GOALS.—(1) The head of each executive agency shall approve or define the cost, performance, and schedule goals for major acquisition programs of the agency.

"(2) The chief financial officer of an executive agency shall evaluate the cost goals proposed for each major acquisition program of the agency.

"(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—Whenever it is necessary to do so in order to implement the policy set out in subsection (a), the head of an executive agency shall—

"(1) determine whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements; and

"(2) identify suitable actions to be taken, including termination, with respect to such programs.".

(b) ANNUAL REPORTING REQUIREMENT.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), as amended by section 1091, is further amended by adding at the end the following new subsection:

"(k) The Administrator shall submit to Congress, on an annual basis, an assessment of the progress made in executive agencies in implementing the policy stated in section 313(a) of the Federal Property and Administrative Services Act of 1949. The Administrator shall use data from existing management systems in making the assessment.".

(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget, in consultation with appropriate officials in other departments and agencies of the Federal Government, shall, to the maximum extent consistent with applicable law—

(1) establish policies and procedures for the heads of such departments and agencies to designate acquisition positions and manage employees (including the accession, education, training and career development of employees) in the designated acquisition positions; and

(2) review the incentives and personnel actions available to the heads of departments and agencies of the Federal Government for encouraging excellence in the acquisition workforce of the Federal Government and provide an enhanced system of incentives for the encouragement of excellence in such workforce which—

(A) relates pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949, as added by subsection (a)); and

(B) provides for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

(d) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 313 of the Federal Property and Administrative Services Act of 1949, as added by subsection (a), and otherwise to facilitate and enhance management of Federal Government acquisition programs and the acquisition workforce of the Federal Government on the basis of performance.

SEC. 5052. RESULTS-ORIENTED ACQUISITION PROCESS.

(a) DEVELOPMENT OF PROCESS REQUIRED.—The Administrator for Federal Procurement Policy, in consultation with the heads of appropriate Federal agencies, shall develop results-oriented acquisition process guidelines for implementation by agencies in acquisitions of property and services by the Federal agencies. The process guidelines shall include the identification of quantitative measures and standards for determining the extent to which an acquisition of items other than commercial items by a Federal agency satisfies the needs for which the items are being acquired.

(b) INAPPLICABILITY OF PROCESS TO DEPARTMENT OF DEFENSE.—The process guidelines developed pursuant to subsection (a) may not be applied to the Department of Defense.

Subtitle C—Pilot Programs

SEC. 5061. OFPP TEST PROGRAM FOR EXECUTIVE AGENCIES.

(a) IN GENERAL.—The Administrator for Federal Procurement Policy (in this section referred to as the "Administrator") may conduct a program of tests of alternative and innovative procurement procedures. To the extent consistent with this section, such program shall be conducted consistent with section 15 of the Office of Federal Procurement Policy Act (41 U.S.C. 413). No more than 6 such tests shall be conducted under the authority of this subsection, and not more than 1 such test shall be conducted under such authority in an agency.

(b) DESIGNATION OF AGENCIES.—Each test conducted pursuant to subsection (a) shall be carried out in not more than 2 specific procuring activities in an agency designated by the Administrator. Each agency so designated shall select the procuring activities participating in the test with the approval of the Administrator and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of tests within that agency.

(c) TEST REQUIREMENTS AND LIMITATIONS.—(1) Each test conducted under subsection (a)—

(A) shall be developed and structured by the Administrator or by the agency senior procurement executive designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) in close coordination with the Administrator; and

(B) shall be limited to specific programs of agencies or specific acquisitions.

(2) The total estimated life-cycle cost to the Federal Government for each test conducted under subsection (a) may not exceed $100,000,000.

(3)(A) Except as provided in subparagraph (B), each contract awarded in conducting the tests under subsection (a) (including the cost of options if all options were to be exercised) may not exceed $5,000,000.

(B) For one of the tests conducted under subsection (a), the amount of each contract awarded in conducting the test (including options) may exceed $5,000,000.

(4) The program of tests conducted under subsection (a) shall include, either as a test or as part of a test, the use of the Federal acquisition computer network ("FACNET") capability required by section 30 of the Office of Federal Procurement Policy Act (as added by section 9001) for procurement actions in amounts greater than the simplified acquisition threshold.

(d) LIMITATION ON TOTAL VALUE OF CONTRACTS UNDER PROGRAM.—(1) The Administrator shall ensure that the total amount obligated under contracts awarded pursuant to the program under this section does not exceed

$600,000,000. In calculating such amount, the Administrator shall not include any contract awarded for the test conducted by the National Aeronautics and Space Administration pursuant to section 5062 of this Act.

(2) The Administrator shall monitor the value of contracts awarded pursuant to the program under this section.

(3) No contract may be awarded under the program under this section if the award of the contract would result in obligation of more than $600,000,000 under contracts awarded pursuant to the program under this section.

(e) PROCEDURES AUTHORIZED.—Tests conducted under this section may include any of the following procedures:

(1) Publication of agency needs before drafting of a solicitation.

(2) Issuance of draft solicitations for comment.

(3) Streamlined solicitations that specify as the evaluation factors the minimum factors necessary, require sources to submit the minimum information necessary, provide abbreviated periods for submission of offers, and specify page limitations for offers.

(4) Limitation of source selection factors to—

(A) cost to the Federal Government;

(B) past experience and performance; and

(C) quality of the content of the offer.

(5) Evaluation of proposals by small teams of highly qualified people over a period not greater than 30 days.

(6) Restriction of competitions to sources determined capable in a precompetition screening process, provided that the screening process affords all interested sources a fair opportunity to be considered.

(7) Restriction of competitions to sources of preevaluated products, provided that the preevaluation process affords all interested sources a fair opportunity to be considered.

(8) Alternative notice and publication requirements.

(9) A process in which—

(A) the competitive process is initiated by publication in the Commerce Business Daily, or by dissemination through FACNET, of a notice that—

(i) contains a synopsis of the functional and performance needs of the executive agency conducting the test, and, for purposes of guidance only, other specifications; and

(ii) invites any interested source to submit information or samples showing the suitability of its product for meeting those needs, together with a price quotation, or, if appropriate, showing the source's technical capability, past performance, product supportability, or other qualifications (including, as appropriate, information regarding rates and other cost-related factors);

(B) contracting officials develop a request for proposals (including appropriate specifications and evaluation criteria) after reviewing the submissions of interested sources and, if the officials determine necessary, after consultation with those sources; and

(C) a contract is awarded after a streamlined competition that is limited to all sources that timely provided product information in response to the notice or, if appropriate, to those sources determined most capable based on the qualification-based factors included in an invitation to submit information pursuant to subparagraph (A).

(f) MEASURABLE TEST CRITERIA.—The Administrator shall require each agency conducting a test pursuant to subsection (a) to establish, to the maximum extent practicable, measurable criteria for evaluation of the effects of the procedure or technique to be tested.

(g) TEST PLAN.—At least 270 days before a test may be conducted under this section, the Administrator shall—

(1) provide a detailed test plan, including lists of any regulations that are to be waived, and any written determination under subsection (h)(1)(B) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate;

(2) provide a copy of the plan to the appropriate authorization and appropriations committees of the House of Representatives and the Senate; and

(3) publish the plan in the Federal Register and provide an opportunity for public comment.

(h) WAIVER OF PROCUREMENT REGULATIONS.—(1) For purposes of a test conducted under subsection (a), the Administrator may waive—

(A) any provision of the Federal Acquisition Regulation that is not required by statute; and

(B) any provision of the Federal Acquisition Regulation that is required by a provision of law described in paragraph (2), the waiver of which the Administrator determines in writing to be necessary to conduct any test of any of the procedures described in subsection (e).

(2) The provisions of law referred to in paragraph (1) are as follows:

(A) The following provisions of title 10, United States Code:

(i) Section 2304.

(ii) Section 2305.

(iii) Section 2319.

(B) Subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637).

(C) The following provisions of the Revised Statutes:

(i) Section 3709 (41 U.S.C. 5).

(ii) Section 3710 (41 U.S.C. 8).

(iii) Section 3735 (41 U.S.C. 13).

(D) The following provisions of the Federal Property and Administrative Services Act of 1949:

(i) Section 303 (41 U.S.C. 253).

(ii) Section 303A (41 U.S.C. 253a).

(iii) Section 303B (41 U.S.C. 253b).

(iv) Section 303C (41 U.S.C. 253c).

(v) Section 310 (41 U.S.C. 260).

(E) The following provisions of the Office of Federal Procurement Policy Act:

(i) Section 4(6) (41 U.S.C. 403(6)).

(ii) Section 18 (41 U.S.C. 416).

(3) If the Administrator determines that the conduct of a test requires the waiver of a law not listed in paragraph (2) or requires approval of an estimated dollar amount not permitted under subsection (c)(4), the Administrator may propose legislation to authorize the waiver or grant the approval. Before proposing such legislation, the Administrator may provide and publish a test plan as described in subsection (g).

(i) REPORT.—Not later than 6 months after completion of a test conducted under subsection (a), the Comptroller General shall submit to Congress a report for the test setting forth in detail the results of the test, including such recommendations as the Comptroller General considers appropriate.

(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—(1) The Administrator may not exercise the authority to conduct a test under subsection (a) in an agency and to award contracts under such a test before the date on which the head of the agency certifies to Congress under section 30A(a)(2) of the Office of Federal Procurement Policy Act that the agency has implemented a full FACNET capability.

(2) The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall expire 4 years after the date on which the head of the agency makes the certification referred to in paragraph (1). Contracts entered into before such authority expires in an agency pursuant to a test shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.

(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the tests conducted pursuant to subsection (a).

SEC. 5062. NASA MID-RANGE PROCUREMENT TEST PROGRAM.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration (in this section referred to as the "Administrator") may conduct a test of alternative notice and publication requirements for procurements conducted by the National Aeronautics and Space Administration. To the extent consistent with this section, such program shall be conducted consistent with section 15 of the Office of Federal Procurement Policy Act (41 U.S.C. 413).

(b) APPLICABILITY.—The test conducted under subsection (a) shall apply to acquisitions with an estimated annual total obligation of funds of $500,000 or less.

(c) LIMITATION ON TOTAL COST.—The total estimated life-cycle cost to the Federal Government for the test conducted under subsection (a) may not exceed $100,000,000.

(d) WAIVER OF PROCUREMENT REGULATIONS.—(1) In conducting the test under this section, the Administrator, with the approval of the Administrator for Federal Procurement Policy, may waive—

(A) any provision of the Federal Acquisition Regulation that is not required by statute; and

(B) any provision of the Federal Acquisition Regulation that is required by a provision of law described in paragraph (2), the waiver of which the Administrator determines in writing to be necessary to conduct the test.

(2) The provisions of law referred to in paragraph (1) are as follows:

(A) Subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637).

(B) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

(e) REPORT.—Not later than 6 months after completion of the test conducted under subsection (a), the Comptroller General shall submit to Congress a report for the test setting forth in detail the results of the test, including such recommendations as the Comptroller General considers appropriate.

(f) EXPIRATION OF AUTHORITY.—The authority to conduct the test under subsection (a) and to award contracts under such test shall expire 4 years after the date of the enactment of this Act. Contracts entered into before such authority expires shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the test conducted pursuant to subsection (a).

SEC. 5063. FEDERAL AVIATION ADMINISTRATION ACQUISITION PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Transportation may conduct a test of alternative and innovative procurement procedures in carrying out acquisitions for one of the modernization programs under the Airway Capital Investment Plan prepared pursuant to section 44501(b) of title 49, United States Code. In conducting such test, the Secretary shall consult with the Administrator for Federal Procurement Policy.

(b) PILOT PROGRAM IMPLEMENTATION.—(1) The Secretary of Transportation should prescribe policies and procedures for the interaction of the program manager and the end user executive responsible for the requirement for the equipment acquired. Such policies and procedures should include provisions for enabling the end user executive to participate in acceptance testing.

(2) Not later than 45 days after the date of enactment of this Act, the Secretary of Transportation shall identify for the pilot program quantitative measures and goals for reducing acquisition management costs.

(3) The Secretary of Transportation shall establish for the pilot program a review process that provides senior acquisition officials with reports on the minimum necessary data items required to ensure the appropriate expenditure of funds appropriated for the program and that—

(A) contain essential information on program results at appropriate intervals, including the criteria to be used in measuring the success of the program; and

(B) reduce data requirements from the current program review reporting requirements.

(c) Special Authorities.—The authority provided by subsection (a) shall include authority for the Secretary of Transportation—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) any authority provided in this Act (or in an amendment made by a provision of this Act) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act (or an amendment made by a provision of this Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(d) Applicability.—Subsection (c) applies with respect to—

(1) a contract that is awarded or modified after the date occurring 45 days after the date of the enactment of this Act; and

(2) a contract that is awarded before such date and is to be performed (or may be performed), in whole or in part, after such date.

(e) Procedures Authorized.—The test conducted under this section may include any of the following procedures:

(1) Restriction of competitions to sources determined capable in a precompetition screening process, provided that the screening process affords all interested sources a fair opportunity to be considered.

(2) Restriction of competitions to sources of preevaluated products, provided that the preevaluation process affords all interested sources a fair opportunity to be considered.

(3) Alternative notice and publication requirements.

(4) A process in which—

(A) the competitive process is initiated by publication in the Commerce Business Daily, or by dissemination through FACNET, of a notice that—

(i) contains a synopsis of the functional and performance needs of the executive agency conducting the test, and, for purposes of guidance only, other specifications; and

(ii) invites any interested source to submit information or samples showing the suitability of its product for meeting those needs, together with a price quotation, or, if appropriate, showing the source's technical capability, past performance, product supportability, or other qualifications (including, as appropriate, information regarding rates and other cost-related factors);

(B) contracting officials develop a request for proposals (including appropriate specifications and evaluation criteria) after reviewing the submissions of interested sources and, if the officials determine necessary, after consultation with those sources; and

(C) a contract is awarded after a streamlined competition that is limited to all sources that timely provided product information in response to the notice or, if appropriate, to those sources determined most capable based on the qualification-based factors included in an invitation to submit information pursuant to subparagraph (A).

(f) Waiver of Procurement Regulations.—(1) In conducting the test under this section, the Secretary of Transportation, with the approval of the Administrator for Federal Procurement Policy, may waive—

(A) any provision of the Federal Acquisition Regulation that is not required by statute; and

(B) any provision of the Federal Acquisition Regulation that is required by a provision of law described in paragraph (2), the waiver of which the Administrator determines in writing to be necessary to test procedures authorized by subsection (e).

(2) The provisions of law referred to in paragraph (1) are as follows:

(A) Subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637).

(B) The following provisions of the Federal Property and Administrative Services Act of 1949:

(i) Section 303 (41 U.S.C. 253).

(ii) Section 303A (41 U.S.C. 253a).

(iii) Section 303B (41 U.S.C. 253b).

(iv) Section 303C (41 U.S.C. 253c).

(C) The following provisions of the Office of Federal Procurement Policy Act:

(i) Section 4(6) (41 U.S.C. 403(6)).

(ii) Section 18 (41 U.S.C. 416).

(g) Definition.—In this section, the term "commercial item" has the meaning provided that term in section 4(12) of the Office of Federal Procurement Policy Act.

(h) Expiration of Authority.—The authority to conduct the test under subsection (a) and to award contracts under such test shall expire 4 years after the date of the enactment of this Act. Contracts entered into before such authority expires shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.

(i) Rule of Construction.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the test conducted pursuant to subsection (a).

SEC. 5064. DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS.

(a) In General.—The Secretary of Defense is authorized to designate the following defense acquisition programs for participation in the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note):

(1) Fire support combined arms tactical trainer (FSCATT).—The Fire Support Combined Arms Tactical Trainer program with respect to all contracts directly related to the procurement of a training simulation system (including related hardware, software, and subsystems) to perform collective training of field artillery gunnery team components, with development of software as required to generate the training exercises and component interfaces.

(2) Joint direct attack munition (JDAM I).—The Joint Direct Attack Munition program with respect to all contracts directly related to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit to enhance the delivery accuracy of 1000-pound and 2000-pound bombs in inventory.

(3) Joint primary aircraft training system (JPATS).—The Joint Primary Aircraft Training System (JPATS) with respect to all contracts directly related to the acquisition of a new primary trainer aircraft to fulfill Air Force and Navy joint undergraduate aviation training requirements, and an associated ground-based training system consisting of air crew training devices (simulators), courseware, a Training Management System, and contractor support for the life of the system.

(4) Commercial-derivative aircraft (CDA).—

(A) All contracts directly related to the acquisition or upgrading of commercial-derivative aircraft for use in meeting airlift and tanker requirements and the air vehicle component for airborne warning and control systems.

(B) For purposes of this paragraph, the term "commercial-derivative aircraft" means any of the following:

(i) Any aircraft (including spare parts, support services, support equipment, technical manuals, and data related thereto) that is or was of a type customarily used in the course of normal business operations for other than Federal Government purposes, that has been issued a type certificate by the Administrator of the Federal Aviation Administration, and that has been sold or leased for use in the commercial marketplace or that has been offered for sale or lease for use in the commercial marketplace.

(ii) Any aircraft that, but for modifications of a type customarily available in the commercial marketplace, or minor modifications made to meet Federal Government requirements, would satisfy or would have satisfied the criteria in subclause (I).

(iii) For purposes of a potential complement or alternative to the C–17 program, any nondevelopmental airlift aircraft, other than the C–17 or any aircraft derived from the C–17, shall be considered a commercial-derivative aircraft.

(5) Commercial-derivative engine (CDE).—The commercial derivative engine program with respect to all contracts directly related to the acquisition of (A) commercial derivative engines (including spare engines and upgrades), logistics support equipment, technical orders, management data, and spare parts, and (B) commercially derived engines for use in supporting the purchase of commercial-derivative aircraft for use in airlift and tanker requirements (including engine replacement and upgrades) and the air vehicle component for airborne warning and control systems. For purposes of a potential complement or alternative to the C–17 program, any nondevelopmental airlift aircraft engine shall be considered a commercial-derivative engine.

(b) Pilot Program Implementation.—(1) The text of section 833 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1716) is amended to read as follows:

"(a) Mission-Oriented Program Management.—In the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission-oriented program management.

"(b) Policies and Procedures.—In the case of each defense acquisition program covered by the Defense Acquisition Pilot Program, the Secretary of Defense should prescribe policies and procedures for the interaction of the program manager and the commander of the operational command (or a representative) responsible for the requirement for the equipment acquired, and for the interaction with the commanders of the unified and specified combatant commands. Such policies and procedures should include provisions for enabling the user commands to participate in acceptance testing.".

(2) The text of section 837 of National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1718) is amended to read as follows:

"The Secretary of Defense shall take any additional actions that the Secretary considers necessary to waive regulations not required by statute that affect the efficiency of the contracting process within the Department of Defense.

Such actions shall include, in the Secretary's discretion, developing methods to streamline the procurement process, streamlining the period for entering into contracts, and defining alternative techniques to reduce reliance on military specifications and standards, in contracts for the defense acquisition programs participating in the Defense Acquisition Pilot Program.".

(3) The text of section 838 of National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1718) is amended to read as follows:

"For at least one participating defense acquisition program for which a determination is made to make payments for work in progress under the authority of section 2307 of title 10, United States Code, the Secretary of Defense should define payment milestones on the basis of quantitative measures of results.".

(4) Not later than 45 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the Secretary of Defense shall identify for each defense acquisition program participating in the pilot program quantitative measures and goals for reducing acquisition management costs.

(5) For each defense acquisition program participating in the pilot program, the Secretary of Defense shall establish a review process that provides senior acquisition officials with reports on the minimum necessary data items required to ensure the appropriate expenditure of funds appropriated for the program and that—

(A) contain essential information on program results at appropriate intervals, including the criteria to be used in measuring the success of the program; and

(B) reduce data requirements from the current program review reporting requirements.

(c) SPECIAL AUTHORITY.—The authority delegated under subsection (a) may include authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot programs before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such programs—

(A) any authority provided in this Act (or in an amendment made by a provision of this Act) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act (or an amendment made by a provision of this Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(d) APPLICABILITY.—(1) Subsection (c) applies with respect to—

(A) a contract that is awarded or modified during the period described in paragraph (2); and

(B) a contract that is awarded before the beginning of such period and is to be performed (or may be performed), in whole or in part, during such period.

(2) The period referred to in paragraph (1) is the period that begins 45 days after the date of the enactment of this Act and ends on September 30, 1998.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the programs designated for participation in the defense acquisition pilot program under the authority of subsection (a).

Subtitle D—Miscellaneous

SEC. 5091. VENDOR AND EMPLOYEE EXCELLENCE AWARDS.

Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (12); and

(3) by adding at the end the following new paragraphs:

"(8) providing for a Government-wide award to recognize and promote vendor excellence;

"(9) providing for a Government-wide award to recognize and promote excellence in officers and employees of the Federal Government serving in procurement-related positions;".

SEC. 5092. WAITING PERIOD FOR SIGNIFICANT CHANGES PROPOSED FOR ACQUISITION REGULATIONS.

(a) INCREASED PERIOD.—Section 22(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418b) is amended—

(1) by striking out "30 days" and inserting in lieu thereof "60 days"; and

(2) by adding at the end the following: "Notwithstanding the preceding sentence, such a policy, regulation, procedure, or form may take effect earlier than 60 days after the publication date when there are compelling circumstances for the earlier effective date, but in no event may that effective date be less than 30 days after the publication date.".

(b) TECHNICAL AMENDMENT.—Section 22(d) of such Act is amended by designating the second sentence as paragraph (3).

SEC. 5093. SENSE OF CONGRESS ON NEGOTIATED RULEMAKING.

(a) FINDINGS.—The Congress finds the following:

(1) The use of negotiated rulemaking or similar policy discussion group techniques can be an appropriate tool for—

(A) fostering effective implementation of, and compliance with, laws and regulations;

(B) avoiding litigation; and

(C) achieving more productive and equitable relationships between the Federal Government and the regulated segments of the private sector.

(2) The use of negotiated rulemaking or similar techniques in Federal procurement regulations could be appropriate given the extreme complexity and intricate interactions between buyer and seller in Federal procurements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in prescribing acquisition regulations, the Federal Acquisition Regulatory Council should consider using negotiated rulemaking procedures in appropriate circumstances in accordance with sections 561 through 570 of title 5, United States Code, or similar techniques intended to achieve the benefits described in subsection (a)(1).

TITLE VI—OTHER PROCUREMENT-RELATED MATTERS

SEC. 6001. POST-EMPLOYMENT RULES.

(a) REPEAL.—(1) Section 801 of title 37, United States Code, is repealed.

(2) The table of sections for chapter 15 of title 37, United States Code, is amended by striking out the item relating to section 801.

(b) SUSPENSION OF EFFECT OF CERTAIN PROVISION OF LAW.—Section 281 of title 18, United States Code, shall not be effective during the period beginning on the date of the enactment of this Act and ending at the end of December 31, 1996. Such section shall not apply after that date to any relationship otherwise punishable under such section that existed during such period.

SEC. 6002. CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL.

(a) AMENDMENT OF OFPP ACT.—The Office of Federal Procurement Policy Act, as amended by section 1092, is further amended by inserting after section 22 the following new section 23:

"SEC. 23. CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL.

"(a) LIMITATION ON PAYMENT FOR ADVISORY AND ASSISTANCE SERVICES.—(1) No person who is not a person described in subsection (b) may be paid by an executive agency for services to conduct evaluations or analyses of any aspect of a proposal submitted for an acquisition unless personnel described in subsection (b) with adequate training and capabilities to perform such evaluations and analyses are not readily available within the agency or another Federal agency, as determined in accordance with standards and procedures prescribed in the Federal Acquisition Regulation.

"(2) In the administration of this subsection, the head of each executive agency shall determine in accordance with the standards and procedures set forth in the Federal Acquisition Regulation whether—

"(A) a sufficient number of personnel described in subsection (b) within the agency or another Federal agency are readily available to perform a particular evaluation or analysis for the head of the executive agency making the determination; and

"(B) the readily available personnel have the training and capabilities necessary to perform the evaluation or analysis.

"(b) COVERED PERSONNEL.—For purposes of subsection (a), the personnel described in this subsection are as follows:

"(1) An employee, as defined in section 2105 of title 5, United States Code.

"(2) A member of the Armed Forces of the United States.

"(3) A person assigned to a Federal agency pursuant to subchapter VI of chapter 33 of title 5, United States Code.

"(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to affect the relationship between the Federal Government and a federally funded research and development center.".

(b) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulatory Council established by section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall—

(1) review part 37 of title 48 of the Code of Federal Regulations as it relates to the use of advisory and assistance services; and

(2) provide guidance and promulgate regulations regarding—

(A) what actions Federal agencies are required to take to determine whether expertise is readily available within the Federal Government before contracting for advisory and technical services to conduct acquisitions; and

(B) the manner in which personnel with expertise may be shared with agencies needing expertise for such acquisitions.

SEC. 6003. REPEAL OF EXECUTED REQUIREMENT FOR STUDY AND REPORT.

Section 17 of the Office of Federal Procurement Policy Act (41 U.S.C. 415) is repealed.

SEC. 6004. INTERESTS OF MEMBERS OF CONGRESS.

Section 3741 of the Revised Statutes (41 U.S.C. 22) is amended to read as follows:

"No member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.".

SEC. 6005. WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF DEPARTMENT OF DEFENSE, COAST GUARD, AND NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.—Section 2409 of title 10, United States Code, is amended to read as follows:

"§2409. Contractor employees: protection from reprisal for disclosure of certain information

"(a) PROHIBITION OF REPRISALS.—An employee of a contractor may not be discharged,

demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of an agency or the Department of Justice information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract).

"(b) INVESTIGATION OF COMPLAINTS.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of an agency. Unless the Inspector General determines that the complaint is frivolous, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the head of the agency.

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the head of the agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may take one or more of the following actions:

"(A) Order the contractor to take affirmative action to abate the reprisal.

"(B) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5.

"(d) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

"(e) DEFINITIONS.—In this section:

"(1) The term 'agency' means an agency named in section 2303 of this title.

"(2) The term 'head of an agency' has the meaning provided by section 2302(1) of this title.

"(3) The term 'contract' means a contract awarded by the head of an agency.

"(4) The term 'contractor' means a person awarded a contract with an agency.

"(5) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978.".

(b) RELATED LAW.—(1) Section 2409a of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2409a.

SEC. 6006. WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF CIVILIAN AGENCIES.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 315. CONTRACTOR EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

"(a) PROHIBITION OF REPRISALS.—An employee of a contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of an executive agency or the Department of Justice information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract).

"(b) INVESTIGATION OF COMPLAINTS.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency. Unless the Inspector General determines that the complaint is frivolous, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the head of the agency. In the case of an executive agency that does not have an inspector general, the duties of the inspector general under this section shall be performed by an official designated by the head of the executive agency.

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the executive agency may take one or more of the following actions:

"(A) Order the contractor to take affirmative action to abate the reprisal.

"(B) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

"(d) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

"(e) DEFINITIONS.—In this section:

"(1) The term 'contract' means a contract awarded by the head of an executive agency.

"(2) The term 'contractor' means a person awarded a contract with an executive agency.

"(3) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978.".

SEC. 6007. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) REVIEW AND REPORT REQUIRED.—Not later than March 1, 1995, the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) MATTERS REQUIRED FOR REPORT.—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisers providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

SEC. 6008. COST SAVINGS FOR OFFICIAL TRAVEL.

(a) GUIDELINES.—The Administrator of the General Services Administration shall issue guidelines to ensure that agencies promote, encourage, and facilitate the use of frequent traveler programs offered by airlines, hotels, and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) REQUIREMENT.—Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress on efforts to promote the use of frequent traveler programs by Federal employees.

SEC. 6009. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-Federal auditors, six months after receipt of the report by the Federal Government.

TITLE VII—SMALL BUSINESS AND SOCIOECONOMIC LAWS

Subtitle A—Small Business Laws

SEC. 7101. REPEAL OF CERTAIN REQUIREMENTS.

(a) SET-ASIDE PRIORITY.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by striking out subsections (e) and (f).

(b) CERTIFICATE OF COMPETENCE.—Section 804 of Public Law 102-484 (106 Stat. 2447; 10 U.S.C. 2305 note) is repealed.

SEC. 7102. CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) PROCUREMENT PROCEDURES AUTHORIZED.—(1) To facilitate the attainment of a goal for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals that is established for a Federal agency pursuant to section

15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)), the head of the agency may enter into contracts using—

(A) less than full and open competition by restricting the competition for such awards to small business concerns owned and controlled by socially and economically disadvantaged individuals described in subsection (d)(3)(C) of section 8 of the Small Business Act (15 U.S.C. 637); and

(B) a price evaluation preference not in excess of 10 percent when evaluating an offer received from such a small business concern as the result of an unrestricted solicitation.

(2) Paragraph (1) does not apply to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.

(b) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall be revised to provide for uniform implementation of the authority provided in subsection (a).

(2) MATTERS TO BE ADDRESSED.—The revisions of the Federal Acquisition Regulation made pursuant to paragraph (1) shall include—

(A) conditions for the use of advance payments;

(B) provisions for contract payment terms that provide for—

(i) accelerated payment for work performed during the period for contract performance; and

(ii) full payment for work performed;

(C) guidance on how contracting officers may use, in solicitations for various classes of products or services, a price evaluation preference pursuant to subsection (a)(1)(B), to provide a reasonable advantage to small business concerns owned and controlled by socially and economically disadvantaged individuals without effectively eliminating any participation of other small business concerns; and

(D)(i) procedures for a person to request the head of a Federal agency to determine whether the use of competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals at a contracting activity of such agency has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity; and

(ii) guidance for limiting the use of such restricted competitions in the case of any contracting activity and class of contracts determined in accordance with such procedures to have caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity.

(c) TERMINATION.—This section shall cease to be effective at the end of September 30, 2000.

SEC. 7103. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended by striking out "September 30, 1994." in the second sentence and inserting in lieu thereof "September 30, 1998.".

SEC. 7104. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established an interagency council to be known as the "Small Business Procurement Advisory Council" (hereinafter in this section referred to as the "Council").

(b) DUTIES.—The duties of the Council are—

(1) to develop positions on proposed procurement regulations affecting the small business community; and

(2) to submit comments reflecting such positions to appropriate regulatory authorities.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Administrator of the Small Business Administration (or the designee of the Administrator).

(2) The Director of the Minority Business Development Agency.

(3) The head of each Office of Small and Disadvantaged Business Utilization (established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) in each Federal agency having procurement powers.

(d) CHAIRMAN.—The Council shall be chaired by the Administrator of the Small Business Administration.

(e) MEETINGS.—The Council shall meet at the call of the chairman as necessary to consider proposed procurement regulations affecting the small business community.

(f) CONSIDERATION OF COUNCIL COMMENTS.—The Federal Acquisition Regulatory Council and other appropriate regulatory authorities shall consider comments submitted in a timely manner pursuant to subsection (b)(2).

SEC. 7105. EXTENSION OF DEFENSE CONTRACT GOAL TO COAST GUARD AND NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Section 2323 of title 10, United States Code, is amended to read as follows:

"§2323. Contract goal for small disadvantaged businesses and certain institutions of higher education

"(a) GOAL.—(1) Except as provided in subsection (d), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration in each fiscal year for the total combined amount obligated for contracts and subcontracts entered into with—

"(A) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986; and

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

"(2) The head of the agency shall establish a specific goal within the overall 5 percent goal for the award of prime contracts and subcontracts to historically Black colleges and universities and minority institutions in order to increase the participation of such colleges and universities in the program provided for by this section.

"(3) The Federal Acquisition Regulation (issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall provide procedures or guidelines for contracting officers to set goals which agency prime contractors that are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the agency's program to meet the 5 percent goal specified in paragraph (1) should meet in awarding subcontracts, including subcontracts to minority-owned media, to entities described in that paragraph.

"(b) AMOUNT.—With respect to the Department of Defense, the requirements of subsection (a) for any fiscal year apply to the combined total of the following amounts:

"(A) Funds obligated for contracts entered into with the Department of Defense for such fiscal year for procurement.

"(B) Funds obligated for contracts entered into with the Department of Defense for such fiscal year for research, development, test, and evaluation.

"(C) Funds obligated for contracts entered into with the Department of Defense for such fiscal year for military construction.

"(D) Funds obligated for contracts entered into with the Department of Defense for operation and maintenance.

"(2) With respect to the Coast Guard, the requirements of subsection (a) for any fiscal year apply to the total value of all prime contract and subcontract awards entered into by the Coast Guard for such fiscal year.

"(3) With respect to the National Aeronautics and Space Administration, the requirements of subsection (a) for any fiscal year apply to the total value of all prime contract and subcontract awards entered into by the National Aeronautics and Space Administration for such fiscal year.

"(c) TYPES OF ASSISTANCE.—(1) To attain the goal specified in subsection (a)(1), the head of an agency shall provide technical assistance to the entities referred to in that subsection and, in the case of historically Black colleges and universities and minority institutions, shall also provide infrastructure assistance.

"(2) Technical assistance provided under this section shall include information about the program, advice about agency procurement procedures, instruction in preparation of proposals, and other such assistance as the head of the agency considers appropriate. If the resources of the agency are inadequate to provide such assistance, the head of the agency may enter into contracts with minority private sector entities with experience and expertise in the design, development, and delivery of technical assistance services to eligible individuals, business firms and institutions, acquisition agencies, and prime contractors. Agency contracts with such entities shall be awarded annually, based upon, among other things, the number of minority small business concerns, historically Black colleges and universities, and minority institutions that each such entity brings into the program.

"(3) Infrastructure assistance provided by the Department of Defense under this section to historically Black colleges and universities and to minority institutions may include programs to do the following:

"(A) Establish and enhance undergraduate, graduate, and doctoral programs in scientific disciplines critical to the national security functions of the Department of Defense.

"(B) Make Department of Defense personnel available to advise and assist faculty at such colleges and universities in the performance of defense research and in scientific disciplines critical to the national security functions of the Department of Defense.

"(C) Establish partnerships between defense laboratories and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines critical to the national security functions of the Department of Defense.

"(D) Award scholarships, fellowships, and the establishment of cooperative work-education programs in scientific disciplines critical to the national security functions of the Department of Defense.

"(E) Attract and retain faculty involved in scientific disciplines critical to the national security functions of the Department of Defense.

"(F) Equip and renovate laboratories for the performance of defense research.

"(G) Expand and equip Reserve Officer Training Corps activities devoted to scientific disciplines critical to the national security functions of the Department of Defense.

"(H) Provide other assistance as the Secretary determines appropriate to strengthen scientific disciplines critical to the national security functions of the Department of Defense or the college infrastructure to support the performance of defense research.

"(4) The head of the agency shall, to the maximum extent practical, carry out programs under this section at colleges, universities, and institutions that agree to bear a substantial portion of the cost associated with the programs.

"(d) APPLICABILITY.—Subsection (a) does not apply to the Department of Defense—

"(1) to the extent to which the Secretary of Defense determines that compelling national security considerations require otherwise; and

"(2) if the Secretary notifies Congress of such determination and the reasons for such determination.

"(e) COMPETITIVE PROCEDURES AND ADVANCE PAYMENTS.—To attain the goal of subsection (a):

"(1)(A) The head of the agency shall—

"(i) ensure that substantial progress is made in increasing awards of agency contracts to entities described in subsection (a)(1);

"(ii) exercise his utmost authority, resourcefulness, and diligence;

"(iii) in the case of the Department of Defense, actively monitor and assess the progress of the military departments, Defense Agencies, and prime contractors of the Department of Defense in attaining such goal; and

"(iv) in the case of the Coast Guard and the National Aeronautics and Space Administration, actively monitor and assess the progress of the prime contractors of the agency in attaining such goal.

"(B) In making the assessment under clauses (iii) and (iv) of subparagraph (A), the head of the agency shall evaluate the extent to which use of the authority provided in paragraphs (2) and (3) and compliance with the requirement in paragraph (4) is effective for facilitating the attainment of the goal.

"(2) To the extent practicable and when necessary to facilitate achievement of the 5 percent goal described in subsection (a), the head of an agency shall make advance payments under section 2307 of this title to contractors described in subsection (a). The Federal Acquisition Regulation shall provide guidance to contracting officers for making advance payments to entities described in subsection (a)(1) under such section.

"(3) To the extent practicable and when necessary to facilitate achievement of the 5 percent goal described in subsection (a), the head an agency may enter into contracts using less than full and open competitive procedures (including awards under section 8(a) of the Small Business Act) and partial set asides for entities described in subsection (a)(1), but shall pay a price not exceeding fair market cost by more than 10 percent in payment per contract to contractors or subcontractors described in subsection (a). The head an agency shall adjust the percentage specified in the preceding sentence for any industry category if available information clearly indicates that nondisadvantaged small business concerns in such industry category are generally being denied a reasonable opportunity to compete for contracts because of the use of that percentage in the application of this paragraph.

"(4) To the extent practicable, the head of an agency shall maximize the number of minority small business concerns, historically Black colleges and universities, and minority institutions participating in the program.

"(5) Each head of an agency shall prescribe regulations which provide for the following:

"(A) Procedures or guidance for contracting officers to provide incentives for prime contractors referred to in subsection (a)(3) to increase subcontractor awards to entities described in subsection (a)(1).

"(B) A requirement that contracting officers emphasize the award of contracts to entities described in subsection (a)(1) in all industry categories, including those categories in which such entities have not traditionally dominated.

"(C) Guidance to agency personnel on the relationship among the following programs:

"(i) The program implementing this section.

"(ii) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(iii) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

"(D) With respect to an agency procurement which is reasonably likely to be set aside for entities described in subsection (a)(1), a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

"(E) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and under the small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)) are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of subsection (a).

"(F) Implementation of this section in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(G) A requirement that one factor used in evaluating the performance of a contracting officer be the ability of the officer to increase contract awards to entities described in subsection (a)(1).

"(H) Increased technical assistance to entities described in subsection (a)(1).

"(f) PENALTIES AND REGULATIONS RELATING TO STATUS.—(1) Whoever for the purpose of securing a contract or subcontract under subsection (a) misrepresents the status of any concern or person as a small business concern owned and controlled by a minority (as described in subsection (a)), shall be punished by imprisonment for not more than one year, or a fine under title 18, or both.

"(2) The Federal Acquisition Regulation shall prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).

"(g) INDUSTRY CATEGORIES.—(1) To the maximum extent practicable, the head of the agency shall—

"(A) ensure that no particular industry category bears a disproportionate share of the contracts awarded to attain the goal established by subsection (a); and

"(B) ensure that contracts awarded to attain the goal established by subsection (a) are made across the broadest possible range of industry categories.

"(2) Under procedures prescribed by the head of the agency, a person may request the Secretary to determine whether the use of small disadvantaged business set asides by a contracting activity of the agency has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity for the purposes of this section. Upon making a determination that a particular industry category is bearing a disproportionate share, the head of the agency shall take appropriate actions to limit the contracting activity's use of set asides in awarding contracts in that particular industry category.

"(h) COMPLIANCE WITH SUBCONTRACTING PLAN REQUIREMENTS.—(1) The Federal Acquisition Regulation shall contain regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the agency for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(2) The regulations required by paragraph (1) shall ensure that, with respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a factor in evaluating the bid or proposal.

"(i) ANNUAL REPORT.—(1) Not later than December 15 of each year, the head of the agency shall submit to Congress a report on the progress of the agency toward attaining the goal of subsection (a) during the preceding fiscal year.

"(2) The report required under paragraph (1) shall include the following:

"(A) A full explanation of any progress toward attaining the goal of subsection (a).

"(B) A plan to achieve the goal, if necessary.

"(3) The report required under paragraph (1) shall also include the following:

"(A) The aggregate differential between the fair market price of all contracts awarded pursuant to subsection (e)(3) and the estimated fair market price of all such contracts had such contracts been entered into using full and open competitive procedures.

"(B) An analysis of the impact that subsection (a) shall have on the ability of small business concerns not owned and controlled by socially and economically disadvantaged individuals to compete for contracts with the agency.

"(C) A description of the percentage of contracts (actions), the total dollar amount (size of action), and the number of different entities relative to the attainment of the goal of subsection (a), separately for Black Americans, Native Americans, Hispanic Americans, Asian Pacific Americans, and other minorities.

"(j) DEFINITIONS.—In this section:

"(1) The term 'agency' means the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.

"(2) The term 'head of an agency' means the Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration.

"(k) EFFECTIVE DATE.—(1) This section applies in the Department of Defense to each of fiscal years 1987 through 2000.

"(2) This section applies in the Coast Guard and the National Aeronautics and Space Administration in each of fiscal years 1995 through 2000.".

SEC. 7106. PROCUREMENT GOALS FOR SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" each place it appears in the first sentence and fourth sentences of subsection (g)(1), the second sentence of subsection (g)(2), and paragraphs (1), (2)(A), (2)(D), and (2)(E) of subsection (h) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small

business concerns owned and controlled by women";

(2) in subsection (g)—

(A) by inserting after the third sentence of paragraph (1) the following: "The Government-wide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.";

(B) in the first sentence of paragraph (2), by striking out "and by small business concerns owned and controlled by socially and economically disadvantaged individuals," and inserting in lieu thereof ", by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(C) in the fourth sentence of paragraph (2), by inserting after "including participation by small business concerns owned and controlled by socially and economically disadvantaged individuals" the following: "and participation by small business concerns owned and controlled by women"; and

(3) in subsection (h)(2)(F), by striking out "women-owned small business enterprises" and inserting in lieu thereof "small business concerns owned and controlled by women".

(b) SUBCONTRACT PARTICIPATION.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" both places it appears in paragraph (1), both places it appears in paragraph (3)(A), in paragraph (4)(D), in subparagraphs (A), (C), and (F) of paragraph (6), and in paragraph (10)(B) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) by striking out subparagraph (D) in paragraph (3) and inserting in lieu thereof the following:

"(E) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, or a small business concern owned and controlled by women.";

(3) in paragraph (3), by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The term 'small business concern owned and controlled by women' shall mean a small business concern—

"(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"(ii) whose management and daily business operations are controlled by one or more women."; and

(4) in paragraph (4)(E), by inserting "and for small business concerns owned and controlled by women" after "as defined in paragraph (3) of this subsection".

(c) MISREPRESENTATIONS OF STATUS.—(1) Subsection (d)(1) of section 16 of such Act (15 U.S.C. 645) is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(2) Subsection (e) of such section is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(d) DEFINITION.—Section 3 of such Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(n) For the purposes of this Act, a small business concern is a small business concern owned and controlled by women if—

"(1) at least 51 percent of small business concern is owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"(2) the management and daily business operations of the business are controlled by one or more women.".

SEC. 7107. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) REVIEW REQUIRED.—(1) The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for purposes of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) MATTERS TO BE DEVELOPED.—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(2) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes of contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) PROCEDURES AND SCHEDULE.—(1) The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;

(B) women-owned business enterprises; and

(C) other organizations that the Administrator considers appropriate.

(3) Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1996, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

SEC. 7108. FUNCTIONS OF OFFICE OF FEDERAL PROCUREMENT POLICY RELATING TO SMALL BUSINESS.

(a) POLICIES.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended by adding after paragraph (9), as added by section 5091, the following new paragraphs:

"(10) developing policies, in consultation with the Administrator of the Small Business Administration, that ensure that small businesses, small businesses owned and controlled by socially and economically disadvantaged individuals, and small businesses owned and controlled by women are provided with the maximum practicable opportunities to participate in procurements that are conducted for amounts below the simplified acquisition threshold;

"(11) developing policies that will promote achievement of goals for participation by small businesses, small businesses owned and controlled by socially and economically disadvantaged individuals, and small business owned and controlled by women; and".

(b) EDUCATION AND TRAINING.—Section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the semicolon at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) establish policies and procedures for the establishment and implementation of education and training programs authorized by this Act, including the establishment and implementation of training, in conjunction with the General Services Administration, for critical procurement personnel designed to increase the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, women, and other minorities in procurement activities conducted by an executive agency.".

Subtitle B—Socioeconomic Laws

SEC. 7201. ACQUISITIONS GENERALLY.

The Act of June 30, 1936 (41 U.S.C. 35 et seq.), commonly referred to as the "Walsh-Healey Act", is amended—

(1) in the first section, by striking out subsection (a) and redesignating subsections (b), (c), (d), and (e), as subsections (a), (b), (c), and (d), respectively;

(2) in section 10(b) by striking out "manufacturer of, or regular dealer in," and inserting in lieu thereof "supplier of";

(3) in section 10(c) by striking out " 'regular dealer', 'manufacturer',"; and

(4) by adding at the end the following new sections:

"SEC. 11. (a) The Secretary of Labor may prescribe in regulations the standards for determining whether a contractor is a manufacturer of or a regular dealer in materials, supplies, articles, or equipment to be manufactured or used in the performance of a contract entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment.

"(b) Any interested person shall have the right of judicial review of any legal question regarding the interpretation of the terms 'regular dealer' and 'manufacturer', as defined pursuant to subsection (a).".

SEC. 7202. PROHIBITION ON USE OF FUNDS FOR DOCUMENTING ECONOMIC OR EMPLOYMENT IMPACT OF CERTAIN ACQUISITION PROGRAMS.

(a) REVISION AND CODIFICATION.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs

"No funds appropriated by the Congress may be obligated or expended to assist any contractor of the Department of Defense in preparing any material, report, lists, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.".

(b) REPEAL OF SUPERSEDED LAW.—Section 9048 of Public Law 102–396 (106 Stat. 1913) is repealed.

SEC. 7203. MERIT-BASED AWARD OF CONTRACTS AND GRANTS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304 of title 10, United States Code, as amended by section 1005, is further amended—

(A) in subsection (c)(5), by inserting "subject to subsection (j)," after "(5)"; and

(B) by adding at the end the following new subsection:

"(j)(1) It is the policy of Congress that an agency named in section 2303(a) of this title should not be required by legislation to award a new contract to a specific non-Federal Government entity. It is further the policy of Congress that any program, project, or technology identified in legislation be procured through merit-based selection procedures.

"(2) A provision of law may not be construed as requiring a new contract to be awarded to a specified non-Federal Government entity unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government entity involved; and

"(C) specifically states that the award to that entity is required by such provision of law in contravention of the policy set forth in paragraph (1).

"(3) For purposes of this subsection, a contract is a new contract unless the work provided for in the contract is a continuation of the work performed by the specified entity under a preceding contract.

"(4) This subsection shall not apply with respect to any contract that calls upon the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an agency named in section 2303(a) of this title and to report on such matters to the Congress or any agency of the Federal Government.".

(2) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§2374. Merit-based award of grants for research and development

"(a) It is the policy of Congress that an agency named in section 2303(a) of this title should not be required by legislation to award a new grant for research, development, test, or evaluation to a non-Federal Government entity. It is further the policy of Congress that any program, project, or technology identified in legislation be awarded through merit-based selection procedures.

"(b) A provision of law may not be construed as requiring a new grant to be awarded to a specified non-Federal Government entity unless that provision of law—

"(1) specifically refers to this subsection;

"(2) specifically identifies the particular non-Federal Government entity involved; and

"(3) specifically states that the award to that entity is required by such provision of law in contravention of the policy set forth in subsection (a).

"(c) For purposes of this section, a grant is a new grant unless the work provided for in the grant is a continuation of the work performed by the specified entity under a preceding grant.

"(d) This section shall not apply with respect to any grant that calls upon the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an agency named in section 2303(a) of this title and to report on such matters to the Congress or any agency of the Federal Government.".

(3) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2374. Merit-based award of grants for research and development.".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(A) in subsection (c)(5), by inserting "subject to subsection (h)," after "(5)"; and

(B) by adding at the end the following new subsection:

"(h)(1) It is the policy of Congress that an executive agency should not be required by legislation to award a new contract to a specific non-Federal Government entity. It is further the policy of Congress that any program, project, or technology identified in legislation be procured through merit-based selection procedures.

"(2) A provision of law may not be construed as requiring a new contract to be awarded to a specified non-Federal Government entity unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government entity involved; and

"(C) specifically states that the award to that entity is required by such provision of law in contravention of the policy set forth in paragraph (1).

"(3) For purposes of this subsection, a contract is a new contract unless the work provided for in the contract is a continuation of the work performed by the specified entity under a preceding contract.

"(4) This subsection shall not apply with respect to any contract that calls upon the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an executive agency and to report on such matters to the Congress or any agency of the Federal Government.".

(2) Title III of such Act, as amended by section 6006, is further amended by adding at the end the following new section:

"SEC. 316. MERIT-BASED AWARD OF GRANTS FOR RESEARCH AND DEVELOPMENT

"(a) POLICY.—It is the policy of Congress that an executive agency should not be required by legislation to award a new grant for research, development, test, or evaluation to a non-Federal Government entity. It is further the policy of Congress that any program, project, or technology identified in legislation be awarded through merit-based selection procedures.

"(b) RULE OF CONSTRUCTION.—A provision of law may not be construed as requiring a new grant to be awarded to a specified non-Federal Government entity unless that provision of law—

"(1) specifically refers to this subsection;

"(2) specifically identifies the particular non-Federal Government entity involved; and

"(3) specifically states that the award to that entity is required by such provision of law in contravention of the policy set forth in subsection (a).

"(c) NEW GRANT DEFINED.—For purposes of this section, a grant is a new grant unless the work provided for in the grant is a continuation of the work performed by the specified entity under a preceding grant.

"(d) INAPPLICABILITY TO CERTAIN GRANTS.—This section shall not apply with respect to any grant that calls upon the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an executive agency and to report on such matters to Congress or any agency of the Federal Government.".

SEC. 7204. MAXIMUM PRACTICABLE OPPORTUNITIES FOR APPRENTICES ON FEDERAL CONSTRUCTION PROJECTS.

It is the sense of the House of Representatives that—

(1) contractors performing Federal construction contracts should, to the maximum extent practicable, give preference in the selection of subcontractors to subcontractors participating in apprenticeship programs registered with the Department of Labor or with a State apprenticeship agency recognized by such Department; and

(2) contractors and subcontractors performing Federal construction contracts should provide maximum practicable opportunities for employment of apprentices who are participating in or who have completed such apprenticeship programs.

SEC. 7205. REPEAL OF OBSOLETE PROVISION.

Section 308 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 258) is repealed.

SEC. 7206. REPEAL OF OBSOLETE AND REDUNDANT PROVISIONS OF LAW.

(a) REPEAL OF REQUIREMENT FOR POLICY GUIDANCE.—Title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as

the "Buy American Act", is amended in section 4(g) (41 U.S.C. 10b–1(g)) by striking out paragraphs (2)(C) and (3).

(b) REPEAL OF REPORTING REQUIREMENT.—Section 9096(b) of Public Law 102–396 (106 Stat. 1924; 41 U.S.C. 10b–2(b)) is repealed.

(c) REPEAL OF STUDIES OF WAIVERS.—Section 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2516) is repealed.

Subtitle C—Waiver of Application of Prevailing Wage-Setting Requirements to Volunteers

SEC. 7301. SHORT TITLE.

This subtitle may be cited as the "Community Improvement Volunteer Act of 1994".

SEC. 7302. PURPOSE.

It is the purpose of this subtitle to promote and provide opportunities for people who wish to volunteer their services to State or local governments, public agencies, or nonprofit charitable organizations in the construction, repair or alteration (including painting and decorating) of public buildings and public works that are funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs and that might not otherwise be possible without the use of volunteers.

SEC. 7303. WAIVER FOR INDIVIDUALS WHO PERFORM VOLUNTEER SERVICES FOR PUBLIC ENTITIES.

(a) IN GENERAL.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 7305 shall not apply to an individual—

(1) who volunteers—

(A) to perform a service directly to a State or local government or a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

(b) EXPENSES.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) only in accordance with regulations issued by the Secretary of Labor. In prescribing the regulations, the Secretary shall take into consideration criteria such as the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities. The regulations shall include provisions that provide that—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be connected to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be determined based on the context of the economic realities of the situation involved and shall be made by the Secretary of Labor.

(c) ECONOMIC REALITY.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor may not permit any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

SEC. 7304. WAIVER FOR INDIVIDUALS WHO PERFORM VOLUNTEER SERVICES FOR NONPROFIT ENTITIES.

The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 7305 shall not apply to any individual—

(1) who volunteers—

(A) to perform a service directly to a public or private nonprofit recipient of Federal assistance for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who is not otherwise employed by the recipient of Federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

SEC. 7305. CONTRACTS AFFECTED.

For purposes of sections 7303 and 7304, the Acts or provisions described in this section are—

(1) the Library Services and Construction Act (20 U.S.C. 351 et seq.);

(2) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(3) section 329 of the Public Health Service Act (42 U.S.C. 254b);

(4) section 330 of the Public Health Service Act (42 U.S.C. 254c);

(5) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.); and

(6) the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

SEC. 7306. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) to the maximum extent practicable—

(A) identifies and assesses the barriers that prevent private for-profit entities from using volunteers permitted under this subtitle; and

(B) assesses whether private for-profit entities should be permitted to use volunteers on projects relating to the construction, repair, or alteration of public buildings and public works if—

(i) such volunteers are performing services for civic, charitable, humanitarian or educational reasons;

(ii) the contribution of such services is not for the direct or indirect benefit of the private for-profit entity that is performing or seeking to perform work on such projects; and

(iii) such projects would not otherwise be possible without the use of volunteers; and

(2) contains recommendations with respect to other Acts related to the Davis-Bacon Act that may be considered in legislation to permit volunteer work.

TITLE VIII—COMMERCIAL ITEMS

Subtitle A—Definitions and Regulations

SEC. 8001. DEFINITIONS.

(a) DEFINITIONS.—Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended by adding at the end the following new paragraphs:

"(12) The term 'commercial item' means any of the following:

"(A) Any item, other than real property, that is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes, and that—

"(i) has been sold, leased, or licensed to the general public; or

"(ii) has been offered for sale, lease, or license to the general public.

"(B) Any item that evolved from an item described in subparagraph (A) through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Federal Government solicitation.

"(C) Any item that, but for—

"(i) modifications of a type customarily available in the commercial marketplace, or

"(ii) minor modifications made to meet Federal Government requirements,

would satisfy the criteria in subparagraph (A) or (B).

"(D) Any combination of items meeting the requirements of subparagraph (A), (B), (C), or (E) that are of a type customarily combined and sold in combination to the general public.

"(E) Installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D) and if the source of such services—

"(i) offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and

"(ii) offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public.

"(F) Services offered and sold competitively, in substantial quantities, in the commercial marketplace based on established catalog prices for specific tasks performed and under standard commercial terms and conditions.

"(G) Any item, combination of items, or service referred to in subparagraphs (A) through (F) notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

"(H) A nondevelopmental item, if the procuring agency determines, in accordance with conditions set forth in the Federal Acquisition Regulation, that the item was developed exclusively at private expense and has been sold in substantial quantities, on a competitive basis, to multiple State and local governments.

"(13) The term 'nondevelopmental item' means any of the following:

"(A) Any commercial item.

"(B) Any previously developed item of supply that is in use by a department or agency of the United States, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement.

"(C) Any item of supply described in subparagraph (A) or (B) that requires only minor modification or modification of the type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency.

"(D) Any item of supply currently being produced that does not meet the requirements of subparagraph (A), (B), or (C) solely because the item is not yet in use.

"(14) The term 'component' means any item supplied to the Federal Government as part of an end item or of another component.

"(15) The term 'commercial component' means any component that is a commercial item.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "Act—" in the matter preceding paragraph (1) and inserting in lieu thereof "Act:";

(2) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);

(3) by striking out the semicolon at the end of each of paragraphs (1), (2), (3), (5), (6), (7), (8), and (9) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraphs (4) and (10) and inserting in lieu thereof a period.

SEC. 8002. REGULATIONS ON ACQUISITION OF COMMERCIAL ITEMS.

(a) IN GENERAL.—The Federal Acquisition Regulation shall provide regulations to implement paragraphs (12) through (15) of section 4 of the Office of Federal Procurement Policy Act, chapter 140 of title 10, United States Code, and sections 314 through 314B of the Federal Property and Administrative Services Act of 1949.

(b) CONTRACT CLAUSES.—(1) The regulations prescribed under subsection (a) shall contain a list of contract clauses to be included in contracts for the acquisition of commercial end items. Such list shall, to the maximum extent practicable, include only those contract clauses—

(A) that are required to implement provisions of law or executive orders applicable to acquisitions of commercial items or commercial components, as the case may be; or

(B) that are determined to be consistent with standard commercial practice.

(2) Such regulations shall provide that a prime contractor shall not be required by the Federal Government to apply to any of its divisions, subsidiaries, affiliates, subcontractors, or suppliers that are furnishing commercial items any contract clause except those—

(A) that are required to implement provisions of law or executive orders applicable to subcontractors furnishing commercial items or commercial components, as the case may be; or

(B) that are determined to be consistent with standard commercial practice.

(3) To the maximum extent practicable, only the contract clauses listed pursuant to paragraph (1) may be used in a contract, and only the contract clauses referred to in paragraph (2) may be required to be used in a subcontract, for the acquisition of commercial items or commercial components by or for an executive agency.

(4) The Federal Acquisition Regulation shall provide standards and procedures for waiving the use of contract clauses required pursuant to paragraph (1), other than those required by law, including standards for determining the cases in which a waiver is appropriate.

(5) For purposes of this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

(c) MARKET ACCEPTANCE.—(1) The Federal Acquisition Regulation shall provide that under appropriate conditions the head of an executive agency may require offerors to demonstrate that the items offered—

(A) have either—

(i) achieved commercial market acceptance; or

(ii) been satisfactorily supplied to an executive agency under current or recent contracts for the same or similar requirements; and

(B) otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation relating to the contract.

(2) The Federal Acquisition Regulation shall provide guidance to ensure that the criteria for determining commercial market acceptance include the consideration of—

(A) the minimum needs of the executive agency concerned; and

(B) the entire relevant commercial market, including small businesses.

(d) USE OF FIRM, FIXED PRICE CONTRACTS.—The Federal Acquisition Regulation shall include, for acquisitions of commercial items—

(1) a requirement that firm, fixed price contracts or fixed price with economic price adjustment contracts be used to the maximum extent practicable; and

(2) a prohibition on use of cost type contracts.

(e) CONTRACT QUALITY REQUIREMENTS.—The regulations prescribed under subsection (a) shall include provisions that—

(1) permit, to the maximum extent practicable, a contractor under a commercial items acquisition to use the existing quality assurance system of the contractor as a substitute for compliance with an otherwise applicable requirement for the Government to inspect or test the commercial items before the contractor's tender of those items for acceptance by the Government;

(2) require that, to the maximum extent practicable, the executive agency take advantage of warranties (including extended warranties) offered by offerors of commercial items and use such warranties for the repair and replacement of commercial items; and

(3) set forth guidance regarding the use of past performance of commercial items and sources as a factor in contract award decisions.

(f) DEFENSE CONTRACT CLAUSES.—(1) Section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note) shall cease to be effective on the date on which the regulations implementing this section become effective.

(2) Notwithstanding subsection (b), a contract of the Department of Defense entered into before the date on which section 824(b) ceases to be effective under paragraph (1), and a subcontract entered into before such date under such a contract, may include clauses developed pursuant to paragraphs (2) and (3) of section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note).

SEC. 8003. LIST OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

(a) LIST.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), is amended by adding after section 33, as added by section 4101, the following new section:

"SEC. 34. LIST OF LAWS INAPPLICABLE TO PROCUREMENTS OF COMMERCIAL ITEMS IN FEDERAL ACQUISITION REGULATION.

"(a) LIST OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercial items. A provision of law that is properly included on the list pursuant to paragraph (2) may not be construed as applicable to purchases of commercial items by an executive agency. Nothing in this section shall be construed to render inapplicable to contracts for the procurement of commercial items any provision of law that is not included on such list.

"(2) A provision of law described in subsection (c) that is enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 shall be included on the list of inapplicable provisions of law required by paragraph (1), unless the Federal Acquisition Regulatory Council makes a written determination that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of commercial items from the applicability of the provision.

"(b) SUBCONTRACTS.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to subcontracts under either a contract for the procurement of commercial items or a subcontract for the procurement of commercial items. A provision of law that is properly included on the list pursuant to paragraph (2) may not be construed as applicable to such subcontracts. Nothing in this section shall be construed to render inapplicable to subcontracts under a contract for the procurement of commercial items any provision of law that is not included on such list.

"(2) A provision of law described in subsection (c) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Federal Acquisition Regulatory Council makes a written determination that it would not be in the best interest of the Federal Government to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision.

"(3) Nothing in this subsection shall be construed to authorize the waiver of the applicability of any provision of law with respect to any subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

"(4) In this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

"(c) COVERED LAW.—A provision of law referred to in subsections (a) and (b) is any provision of law that, as determined by the Federal Acquisition Regulatory Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that—

"(1) provides for criminal or civil penalties; or

"(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.

"(d) PETITION.—In the event that a provision of law described in subsection (c) is not included on the list of inapplicable provisions of law as required by subsection (a) or (b), and no written determination has been made by the Federal Acquisition Regulatory Council pursuant to subsection (a)(2) or (b)(2), a person may petition the Administrator for Federal Procurement Policy to take appropriate action. The Administrator shall revise the Federal Acquisition Regulation to include the provision on the list of inapplicable provisions of law unless the Federal Acquisition Regulatory Council makes a determination pursuant to subsection (a)(2) or (b)(2) within 60 days after the date on which the petition is received.".

(b) EFFECTIVE DATE OF PETITION PROVISION.—No petition may be filed under section 34(d) of the Office of Federal Procurement Policy Act, as added by subsection (a), until after the date occurring 6 months after the date of the enactment of this Act.

Subtitle B—Armed Services Acquisitions

SEC. 8101. ESTABLISHMENT OF NEW CHAPTER IN TITLE 10.

(a) ESTABLISHMENT.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 139 the following new chapter 140:

"CHAPTER 140—PROCUREMENT OF COMMERCIAL ITEMS

"Sec.

"2375. Relationship of commercial item provisions to other provisions of law.

"2376. Definitions.

"2377. Preference for acquisition of commercial items.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 139 the following new item:

"140. Procurement of Commercial Items 2375".

SEC. 8102. RELATIONSHIP TO OTHER PROVISIONS OF LAW.

Chapter 140 of title 10, United States Code, as added by section 8101, is amended by adding after the table of sections the following:

"§2375. Relationship of commercial item provisions to other provisions of law

"(a) APPLICABILITY OF TITLE.—Unless otherwise specifically provided, nothing in this chapter shall be construed as providing that any other provision of this title relating to procurement is inapplicable to the procurement of commercial items.

"(b) LIST OF LAWS INAPPLICABLE TO CONTRACTS FOR THE ACQUISITION OF COMMERCIAL ITEMS.—No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation (pursuant to section 34 of the Office of Federal Procurement Policy Act).

"(c) CROSS REFERENCE TO EXCEPTION TO COST OR PRICING DATA REQUIREMENTS FOR COMMERCIAL ITEMS.—For provisions relating to exceptions for requirements for cost or pricing data for contracts for the procurement of commercial items, see section 2306a(d) of this title.".

SEC. 8103. DEFINITIONS.

Chapter 140 of title 10, United States Code, as amended by section 8102, is further amended by adding after section 2375 the following new section:

"§2376. Definitions

"In this chapter:

"(1) The terms 'commercial item', 'nondevelopmental item', 'component', and 'commercial component' have the meanings provided in section 4 of the Office of Federal Procurement Policy Act.

"(2) The term 'head of an agency' means the Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration.

"(3) The term 'agency' means the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.".

SEC. 8104. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, as amended by section 8103, is further amended by adding after section 2376 the following new section:

"§2377. Preference for acquisition of commercial items

"(a) PREFERENCE.—The head of an agency shall ensure that, to the maximum extent practicable—

"(1) requirements of the agency with respect to a procurement of supplies or services are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items, may be procured to fulfill such requirements; and

"(3) offerors of commercial items and nondevelopmental items other than commercial items are provided an opportunity to compete in any procurement to fill such requirements.

"(b) IMPLEMENTATION.—The head of an agency shall ensure that procurement officials in that agency, to the maximum extent practicable—

"(1) acquire commercial items or nondevelopmental items other than commercial items to meet the needs of the agency;

"(2) require prime contractors and subcontractors at all levels under the agency contracts to incorporate commercial items or nondevelopmental items other than commercial items as components of items supplied to the agency;

"(3) modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items;

"(4) state specifications in terms that enable and encourage bidders and offerors to supply commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items in response to the agency solicitations;

"(5) revise the agency's procurement policies, practices, and procedures not required by law to reduce any impediments in those policies, practices, and procedures to the acquisition of commercial items; and

"(6) require training of appropriate personnel in the acquisition of commercial items.

"(c) PRELIMINARY MARKET RESEARCH.—(1) The head of an agency shall conduct market research appropriate to the circumstances—

"(A) before developing new specifications for a procurement by that agency; and

"(B) before soliciting bids or proposals for a contract in excess of the simplified acquisition threshold.

"(2) The head of an agency shall use the results of market research to determine whether there are commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items other than commercial items available that—

"(A) meet the agency's requirements;

"(B) could be modified to meet the agency's requirements; or

"(C) could meet the agency's requirements if those requirements were modified to a reasonable extent.

"(3) In conducting market research, the head of an agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).".

(b) REPEAL OF SUPERSEDED PROVISION.—(1) Section 2325 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325.

SEC. 8105. INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

(a) INAPPLICABILITY OF REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, as amended by section 4102(b), is further amended by inserting before the period at the end of the sentence added by that section the following: "or to a contract for the acquisition of commercial items".

(b) INAPPLICABILITY OF REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Paragraph (2) of section 2384(b) of title 10, United States Code, is amended to read as follows:

"(2) The regulations prescribed pursuant to paragraph (1) do not apply to a contract that requires the delivery of supplies that are commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(c) INAPPLICABILITY OF PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, as amended by section 4102(e), is further amended by adding at the end the following: "The requirement shall not apply in the case of a subcontract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(d) REPORTS BY EMPLOYEES OR FORMER EMPLOYEES OF DEFENSE CONTRACTORS.—Section 2397(a)(1) of title 10, United States Code, as amended by section 4401(d), is further amended by adding at the end the following: "The term does not include a contract for the purchase of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(e) LIMITS ON EMPLOYMENT FOR CERTAIN FORMER DOD OFFICIALS.—Section 2397b(f) of title 10, United States Code, is amended in paragraph (2)(B)—

(A) by striking out "or" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following new clause:

"(iii) any person who contracts to supply the Department of Defense only commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))".

(f) DEFENSE CONTRACTOR REQUIREMENTS CONCERNING FORMER DOD OFFICIALS.—Section 2397c of title 10, United States Code, is amended by adding at the end the following:

"(e) This section does not apply to contracts for the purchase of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(g) INAPPLICABILITY OF PROHIBITION ON LIMITATION OF SUBCONTRACTOR DIRECT SALES.—(1) Section 2402 of title 10, United States Code, as amended by section 4102(f), is further amended by adding at the end the following new subsection:

"(d)(1) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the United States being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(h) INAPPLICABILITY OF PROHIBITION ON PERSONS CONVICTED OF DEFENSE-RELATED FELONIES.—Paragraph (4) of section 2408(a) of title 10, United States Code, as added by section 4102(g), is amended—

(1) by inserting after subparagraph (A) the following:

"(B) A contract referred to in such subparagraph that is for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))."; and

(2) by inserting "or (B)" before the period at the end of subparagraph (C).

(i) INAPPLICABILITY OF CONTRACTOR INVENTORY ACCOUNTING SYSTEM STANDARDS.—Section 2410b of title 10, United States Code, is amended by adding after subsection (b), as added by section 4102(h), the following:

"(c) The regulations prescribed pursuant to subsection (a) shall not apply to a contract for the purchase of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(j) INAPPLICABILITY OF REPORTING REQUIREMENT REGARDING DEALINGS WITH TERRORIST COUNTRIES.—Section 843(a) of Public Law 103–160 (107 Stat. 1720) is amended by adding at the end the following:

"(3) This section does not apply with respect to a contract for the procurement of a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(k) AMENDMENTS TO ARMED SERVICES PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2301 note) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) INAPPLICABILITY TO CERTAIN CONTRACTS.—Regulations prescribed under this section shall not apply to a contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act).".

SEC. 8106. PRESUMPTION THAT TECHNICAL DATA UNDER CONTRACTS FOR COMMERCIAL ITEMS ARE DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.

(a) REGULATIONS REQUIRED TO INCLUDE PRESUMPTION OF DEVELOPMENT AT PRIVATE EXPENSE.—Paragraph (1) of section 2320(b) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "and providing that, in the case of a contract for a commercial item, the item shall be presumed to be developed at private expense unless shown otherwise in accordance with section 2321(f)".

(b) ASSERTION OF RESTRICTION PRESUMED JUSTIFIED.—Section 2321 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j); and

(2) by inserting after subsection (e) the following new subsection:

"(f) PRESUMPTION OF DEVELOPMENT EXCLUSIVELY AT PRIVATE EXPENSE FOR COMMERCIAL ITEMS CONTRACTS.—In the case of a challenge to a use or release restriction that is asserted with respect to technical data of a contractor or subcontractor under a contract for commercial items, the contracting officer shall presume that the contractor or subcontractor has justified the restriction on the basis that the item was developed exclusively at private expense, whether or not the contractor or subcontractor submits a justification in response to the notice provided pursuant to subsection (d)(3). In such a case, the challenge to the use or release restriction may be sustained only if information provided by the Department of Defense demonstrates that the item was not developed exclusively at private expense.".

Subtitle C—Civilian Agency Acquisitions

SEC. 8201. RELATIONSHIP TO OTHER PROVISIONS OF LAW.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 5051(a), is further amended by adding after section 313 the following new section:

"SEC. 314. RELATIONSHIP OF COMMERCIAL ITEM PROVISIONS TO OTHER PROVISIONS OF LAW.

"(a) APPLICABILITY OF TITLE.—Unless otherwise specifically provided, nothing in this section, section 314A, or section 314B shall be construed as providing that any other provision of this title relating to procurement is inapplicable to the procurement of commercial items.

"(b) LIST OF LAWS INAPPLICABLE TO CONTRACTS FOR THE ACQUISITION OF COMMERCIAL ITEMS.—No contract for the procurement of a commercial item entered into by the head of an executive agency shall be subject to any law properly listed in the Federal Acquisition Regulation (pursuant to section 34 of the Office of Federal Procurement Policy Act).

SEC. 8202. DEFINITIONS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 8201, is further amended by adding after section 314 the following new section:

"SEC. 314A. DEFINITIONS.

"As used in this title, the terms 'commercial item', 'nondevelopmental item', 'component', and 'commercial component' have the meanings provided in section 4 of the Office of Federal Procurement Policy Act."

SEC. 8203. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 8202, is further amended by adding after section 314A the following new section:

"SEC. 314B. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS.

"(a) PREFERENCE.—The head of each executive agency shall ensure that, to the maximum extent practicable—

"(1) requirements of the executive agency with respect to a procurement of supplies or services are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items, may be procured to fulfill such requirements; and

"(3) offerors of commercial items and nondevelopmental items other than commercial items are provided an opportunity to compete in any procurement to fill such requirements.

"(b) IMPLEMENTATION.—The head of each executive agency shall ensure that procurement officials in that executive agency, to the maximum extent practicable—

"(1) acquire commercial items or nondevelopmental items other than commercial items to meet the needs of the executive agency;

"(2) require prime contractors and subcontractors at all levels under the executive agency contracts to incorporate commercial items or nondevelopmental items other than commercial items as components of items supplied to the executive agency;

"(3) modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items;

"(4) state specifications in terms that enable and encourage bidders and offerors to supply commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items in response to the executive agency solicitations;

"(5) revise the executive agency's procurement policies, practices, and procedures not required by law to reduce any impediments in those policies, practices, and procedures to the acquisition of commercial items; and

"(6) require training of appropriate personnel in the acquisition of commercial items.

"(c) PRELIMINARY MARKET RESEARCH.—(1) The head of an executive agency shall conduct market research appropriate to the circumstances—

"(A) before developing new specifications for a procurement by that executive agency; and

"(B) before soliciting bids or proposals for a contract in excess of the simplified acquisition threshold.

"(2) The head of an executive agency shall use the results of market research to determine whether there are commercial items or, to the extent that commercial items suitable to meet the executive agency's needs are not available, nondevelopmental items other than commercial items available that—

"(A) meet the executive agency's requirements;

"(B) could be modified to meet the executive agency's requirements; or

"(C) could meet the executive agency's requirements if those requirements were modified to a reasonable extent.

"(3) In conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).".

SEC. 8204. INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

(a) INAPPLICABILITY OF PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g), as amended by section 4103(b), is further amended by adding at the end the following new subsection:

"(d) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.".

(b) INAPPLICABILITY OF REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)), as amended by section 4103(c), is further amended by inserting before the period at the end of the sentence added by section 4103(c) the following: "or to a contract for the acquisition of commercial items".

Subtitle D—Acquisitions Generally

SEC. 8301. INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

(a) FEDERAL WATER POLLUTION CONTROL ACT.—Section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368) is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(b) CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.—The Contract Work Hours and Safety Standards Act (title I of the Work Hours and Safety Act of 1962 (40 U.S.C. 327 et seq.)) is amended by adding at the end the following new section:

"SEC. 108. (a) No certification by a contractor, and no contract clause, may be required in the

case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement in this title.

"(b) In subsection (a), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(c) ANTI-KICKBACK ACT OF 1986.—(1) Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57), as amended by section 4104(a), is further amended by inserting before the period at the end of subsection (d) the following: "or to a prime contract for the acquisition of commercial items (as defined in section 4(12) of such Act (41 U.S.C. 403(12)))."

(2) Section 8 of such Act (41 U.S.C. 58) is amended by adding at the end the following: "This section does not apply with respect to a prime contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."

(d) COST ACCOUNTING STANDARDS BOARD.—Section 26(f)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking out ", other than contracts or subcontracts" and all that follows and inserting in lieu thereof a period; and

(3) by inserting at the end the following:

"(B) Subparagraph (A) does not apply to the following contracts or subcontracts:

"(i) Contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Any other firm fixed-price contract or subcontract (without cost incentives) for commercial items.

"(C) In this paragraph, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.".

(e) CERTIFICATION REQUIREMENTS.—Subsection (e)(1)(B) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting after "certifies in writing to such contracting officer" the following: ", except in the case of a contract for the procurement of commercial items,".

(f) DRUG-FREE WORKPLACE ACT OF 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of Public Law 100–690; 41 U.S.C. 701 et seq.), as amended by section 4104(d), is further amended by inserting after the matter inserted by such section 4104(d) the following: ", other than a contract for the procurement of commercial items as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)),".

(g) CLEAN AIR ACT.—The Federal Acquisition Regulation may not contain a requirement for a certification by a contractor under a contract for the acquisition of commercial items, or a requirement that such a contract include a contract clause, in order to implement a prohibition or requirement of section 306 of the Clean Air Act (42 U.S.C. 7606) or a prohibition or requirement issued in the implementation of that section, since there is nothing in such section 306 that requires such a certification or contract clause.

(h) FLY AMERICAN REQUIREMENTS.—Section 40118 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial items in order to implement a requirement in this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

SEC. 8302. FLEXIBLE DEADLINES FOR SUBMISSION OF OFFERS OF COMMERCIAL ITEMS.

Section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)), as amended by section 4201(c), is further amended by adding at the end the following new paragraph:

"(6) The Administrator shall prescribe regulations defining limited circumstances in which flexible deadlines can be used under paragraph (3) for the submission of bids or proposals for the procurement of commercial items.".

SEC. 8303. ADDITIONAL RESPONSIBILITIES FOR ADVOCATES FOR COMPETITION.

(a) RESPONSIBILITIES OF THE ADVOCATE FOR COMPETITION.—Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting full and open competition, promoting the acquisition of commercial items, and challenging barriers to such acquisition, including such barriers as unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 28 of such Act (41 U.S.C. 424) is repealed.

SEC. 8304. PROVISIONS NOT AFFECTED.

Nothing in this title shall be construed as modifying or superseding, or as intended to impair or restrict, authorities or responsibilities under—

(1) section 2323 of title 10, United States Code, or section 7102 of the Federal Acquisition Streamlining Act of 1994;

(2) the Brooks Automatic Data Processing Act (section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759));

(3) Brooks Architect-Engineers Act (title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.);

(4) subsections (a) and (d) of section 8 of the Small Business Act (15 U.S.C. 637(a) and (d)); or

(5) the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c).

SEC. 8305. COMPTROLLER GENERAL REVIEW OF FEDERAL GOVERNMENT USE OF MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the use of market research by the Federal Government in support of the procurement of commercial items and nondevelopmental items.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A review of existing Federal Government market research efforts to gather data concerning commercial and other nondevelopmental items.

(2) A review of the feasibility of creating a Government-wide data base for storing, retrieving, and analyzing market data, including use of existing Federal Government resources.

(3) Any recommendations for changes in law or regulations that the Comptroller General considers appropriate.

TITLE IX—FEDERAL ACQUISITION COMPUTER NETWORK

SEC. 9001. FEDERAL ACQUISITION COMPUTER NETWORK ARCHITECTURE AND IMPLEMENTATION.

(a) FEDERAL ACQUISITION COMPUTER NETWORK ARCHITECTURE.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding after section 29, as added by section 1093, the following new sections:

"SEC. 30. FEDERAL ACQUISITION COMPUTER NETWORK (FACNET) ARCHITECTURE.

"(a) IN GENERAL.—(1) The Administrator shall establish a program for the development and implementation of a Federal acquisition computer network architecture (hereinafter in this section referred to as 'FACNET') that will be Government-wide and provide interoperability among users. The Administrator shall assign a program manager for FACNET and shall provide for overall direction of policy and leadership in the development, coordination, installation, operation, and completion of implementation of FACNET by executive agencies.

"(2) In carrying out paragraph (1), the Administrator shall consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(3) Government-wide FACNET capability (as defined in section 30A(b)) shall be implemented not later than January 1, 2000.

"(b) FUNCTIONS OF FACNET.—The FACNET architecture shall provide for the following functions:

"(1) GOVERNMENT FUNCTIONS.—Allow executive agencies to do the following electronically:

"(A) Provide widespread public notice of solicitations for contract opportunities issued by an executive agency.

"(B) Receive responses to solicitations and associated requests for information through such system.

"(C) Provide public notice of contract awards (including price) through such system.

"(D) In cases in which it is practicable, receive questions regarding solicitations through such system.

"(E) In cases in which it is practicable, issue orders to be made through such system.

"(F) In cases in which it is practicable, make payments to contractors by bank card, electronic funds transfer, or other automated methods.

"(G) Archive data relating to each procurement action made using such system.

"(2) PRIVATE SECTOR USER FUNCTIONS.—Allow private sector users to do the following electronically:

"(A) Access notice of solicitations for contract opportunities issued by an executive agency.

"(B) Access and review solicitations issued by an executive agency.

"(C) Respond to solicitations issued by the executive agency.

"(D) In cases in which it is practicable, receive orders from the executive agency.

"(E) Access information on contract awards (including price) made by the executive agency.

"(F) In cases in which it is practicable, receive payment by bank card, electronic funds transfer, or other automated means.

"(3) GENERAL FUNCTIONS.—

"(A) Allow the electronic interchange of procurement information between the private sector and the Federal Government and among Federal agencies.

"(B) Employ nationally and internationally recognized data formats that serve to broaden and ease the electronic interchange of data.

"(C) Allow convenient and universal user access through any point of entry.

"(c) NOTICE AND SOLICITATION REGULATIONS.—In connection with implementation of the architecture referred to in subsection (a), the Federal Acquisition Regulatory Council shall ensure that the Federal Acquisition Regulation contains appropriate notice and solicitation provisions applicable to acquisitions conducted through a FACNET capability. The provisions shall specify the required form and content of notices of acquisitions and the minimum *periods for notifications of solicitations and for deadlines for the submission of offers under solicitations. Each minimum period specified for a notification of solicitation and each deadline for the submission of offers under a solicitation shall afford potential offerors a reasonable opportunity to respond.*

"(d) ARCHITECTURE DEFINED.—For purposes of this section, the term 'architecture' means the conceptual framework that—

"(1) uses a combination of commercial hardware and commercial software to enable contractors to conduct business with the Federal Government by electronic means; and

"(2) includes a description of the functions to be performed to achieve the mission of streamlining procurement through electronic commerce, the system elements and interfaces needed to perform the functions, and the designation of performance levels of those system elements.

"SEC. 30A. FEDERAL ACQUISITION COMPUTER NETWORK IMPLEMENTATION.

"(a) CERTIFICATION OF FACNET CAPABILITY IN PROCURING ACTIVITIES AND AGENCIES.—(1) When the senior procurement executive of an executive agency or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition and Technology, determines that a procuring activity of the executive agency has implemented an interim FACNET capability (as defined in subsection (c)), the executive or the Under Secretary shall certify to the Administrator that such activity has implemented an interim FACNET capability.

"(2) When the head of an executive agency, with the concurrence of the Administrator for Federal Procurement Policy, determines that the executive agency has implemented a full FACNET capability (as defined in subsection (d)), the head of the executive agency shall certify to Congress that the executive agency has implemented a full FACNET capability.

"(3) The head of each executive agency shall provide for implementation of both interim FACNET capability and full FACNET capability, with priority on providing convenient and universal user access as required by section 30(b)(3)(C), in that executive agency as soon as practicable after the date of the enactment of the Federal Acquisition Streamlining Act of 1994.

"(b) CERTIFICATION OF GOVERNMENT-WIDE FACNET CAPABILITY.—When the Administrator for Federal Procurement Policy determines that the Federal Government is making at least 75 percent of eligible contracts in amounts greater than the micro-purchase threshold and not greater than the simplified acquisition threshold entered into by the Government during the preceding fiscal year through a system with full FACNET capability, the Administrator shall certify to Congress that the Government has implemented a Government-wide FACNET capability.

"(c) IMPLEMENTATION OF INTERIM FACNET CAPABILITY.—A procuring activity shall be considered to have implemented an interim FACNET capability if—

"(1) with respect to each procurement expected to be in an amount greater than the micro-purchase threshold and not greater than the simplified acquisition threshold, the procuring activity has implemented the FACNET functions described in paragraphs (1)(A), (1)(B), (2)(A), (2)(B), and (2)(C) of section 30(b); and

"(2) for each such procurement (other than a procurement for which notice is not required under section 18(c) or with respect to which the head of the procuring activity determines that it is not cost effective or practicable), the procuring activity issues notices of solicitations and receives responses to solicitations through a system having those functions.

"(d) IMPLEMENTATION OF FULL FACNET CAPABILITY.—An executive agency shall be considered to have implemented a full FACNET capability if (except in the case of procuring activities (or portions thereof) of the executive agency for which the head of the executive agency determines that implementation is not cost effective or practicable)—

"(1) the executive agency has implemented all of the FACNET functions described in section 30(b); and

"(2) more than 75 percent of the eligible contracts in amounts greater than the micro-purchase threshold and not greater than the simplified acquisition threshold entered into by the executive agency during the preceding fiscal year have been made through a system with those functions.

"(e) ELIGIBLE CONTRACTS.—For purposes of subsections (b) and (d), a contract is eligible if it is not in any class of contracts determined by the Federal Acquisition Regulatory Council (pursuant to section 9004 of the Federal Acquisition Streamlining Act of 1994) to be unsuitable for acquisition through a system with full FACNET capability.".

(b) TECHNICAL AMENDMENTS.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in subsection (a)(1)(A), by striking out "notice" in the matter following clause (ii) and inserting in lieu thereof "notice of solicitation"; and

(2) in subsection (d), by striking out "a notice under subsection (e)" in the first sentence and inserting in lieu thereof "a notice of solicitation under subsection (a)".

SEC. 9002. IMPLEMENTATION OF FACNET CAPABILITY IN ARMED SERVICES.

(a) IMPLEMENTATION IN TITLE 10.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302b, as added by section 4203, the following new section:

"§2302c. Implementation of FACNET capability

"(a) IMPLEMENTATION OF FACNET CAPABILITY.—(1) The head of each agency named in section 2303 of this title shall implement the Federal acquisition computer network ('FACNET') capability required by section 30 of the Office of Federal Procurement Policy Act. In the case of the Department of Defense, the implementation shall be by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, for the Department of Defense as a whole. For purposes of this section, the term 'head of an agency' does not include the Secretaries of the military departments.

"(2) In implementing the FACNET capability pursuant to paragraph (1), the head of an agency shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to have responsibility for implementation of FACNET capability for that agency and otherwise to implement this section. Such program manager shall report directly to the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2302b the following new item:

"2302c. Implementation of FACNET capability.".

(c) EFFECTIVE DATE.—A FACNET capability may be implemented and used in an agency before the promulgation of regulations implementing this section (as provided in section 10002). If such implementation and use occurs, the period for submission of bids or proposals under section 18(a)(3)(B) of the Office of Federal Procurement Policy Act, in the case of a solicitation through FACNET, may be less than the period otherwise applicable under that section, but shall be at least 10 days. The preceding sentence shall not be in effect after September 30, 1995.

SEC. 9003. IMPLEMENTATION OF FACNET CAPABILITY IN CIVILIAN AGENCIES.

Title III of the Federal Property and Administrative Services Act of 1949 is amended by inserting after section 302B, as added by section 4203, the following new section:

"SEC. 302C. IMPLEMENTATION OF FACNET CAPABILITY.

"(a) IMPLEMENTATION OF FACNET CAPABILITY.—(1) The head of each executive agency shall implement the Federal acquisition computer network ('FACNET') capability required by section 30 of the Office of Federal Procurement Policy Act.

"(2) In implementing the FACNET capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each executive agency shall designate a program manager to have responsibility for implementation of FACNET capability for that agency and otherwise to implement this section. Such program manager shall report directly to the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

SEC. 9004. GAO DETERMINATION OF ELIGIBLE AGENCY CONTRACTS.

(a) REPORT ON CONTRACTS NOT SUITABLE FOR ACQUISITION THROUGH FULL FACNET CAPABILITY.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit to the Administrator for Federal Procurement Policy and the congressional committees referred to in subsection (d) a report on the classes of contracts in amounts greater than the micro-purchase threshold and not greater than the simplified acquisition threshold that are not suitable for acquisition through a system with full FACNET capability.

(b) FAR COUNCIL DETERMINATIONS.—Not earlier than 3 years after the date of the enactment of this Act, and after consideration of the report of the Comptroller General required by subsection (a), the Federal Acquisition Regulatory Council (established by section 25 of the Office of Federal Procurement Policy Act) may make a determination that a class or classes of contracts in amounts greater than the micro-purchase threshold and not greater than the simplified acquisition threshold are not suitable for acquisition through a system with full FACNET capability. Any such determination shall be submitted to the congressional committees referred to in subsection (d). Each determination under this subsection shall take effect 60 days after the date on which it is submitted to those committees.

(c) APPLICABILITY OF DETERMINATIONS.—Each determination under subsection (b) shall apply for purposes of determining eligible contracts under section 30A(e) of the Office of Federal Procurement Policy Act, as added by section 9001.

(d) COMMITTEES.—The report required by subsection (a), and any determination made under subsection (b), shall be submitted to the Committees on Governmental Affairs, on Armed Services, and on Small Business of the Senate and the Committees on Government Operations, on Armed Services, and on Small Business of the House of Representatives.

(e) DEFINITIONS.—In this section:

(1) The term "simplified acquisition threshold" has the meaning provided by section 4(11) of the Office of Federal Procurement Policy Act, as amended by section 4001.

(2) The term "micro-purchase threshold" has the meaning provided by section 32(g) of the Office of Federal Procurement Policy Act, as added by section 4301.

(3) The term "full FACNET capability" has the meaning described in section 30A(d) of the Office of Federal Procurement Policy Act, as added by section 9001(a).

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 10001. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—(1) An amendment made by this Act shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 10002 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) An amendment made by this Act shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 10002 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be October 1, 1995, or any earlier date that is not within 30 days after the date on which such final regulations are published.

(c) IMMEDIATE APPLICABILITY OF CERTAIN AMENDMENTS.—Notwithstanding subsection (b), the amendments made by the following provisions of this Act apply on and after the date of the enactment of this Act: sections 1001, 1021, 1031, 1051, 1071, 1092, 1201, 1506(a), 1507, 1554, 2002(a), 2191, 3062(a), 3063, 3064, 3065(a)(1), 3065(b), 3066, 3067, 6001(a), 7101, 7103, 7205, and 7207, the provisions of subtitles A, B, and C of title III, and the provisions of title V.

SEC. 10002. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this Act may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) REQUIREMENT FOR CLARITY.—Officers and employees of the Federal Government who prescribe regulations to implement this Act and the amendments made by this Act shall make every effort practicable to ensure that the regulations are concise and are easily understandable by potential offerors as well as by Government officials.

(f) SAVINGS PROVISIONS.—(1) Nothing in this Act shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 10001(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) Except as specifically provided in this Act, nothing in this Act shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) Except as otherwise provided in this Act, a law amended by this Act shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, October 1, 1995.

SEC. 10003. EVALUATION BY THE COMPTROLLER GENERAL.

(a) EVALUATION RELATING TO ISSUANCE OF REGULATIONS.—Not later than 180 days after the issuance in final form of revisions to the Federal Acquisition Regulation pursuant to section 10002, the Comptroller General shall submit to Congress a report evaluating compliance with such section.

(b) EVALUATION OF IMPLEMENTATION OF REGULATIONS.—Not later than 18 months after issuance in final form of revisions to the Federal Acquisition Regulation pursuant to section 10002, the Comptroller General shall submit to the committees referred to in subsection (c) a report evaluating the effectiveness of the regulations implementing this Act in streamlining the acquisition system and fulfilling the other purposes of this Act.

(c) COMMITTEES DESIGNATED TO RECEIVE THE REPORTS.—The Comptroller General shall submit the reports required by this section to—

(1) the Committees on Governmental Affairs, on Armed Services, and on Small Business of the Senate; and

(2) the Committees on Government Operations, on Armed Services, and on Small Business of the House of Representatives.

SEC. 10004. DATA COLLECTION THROUGH THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect from contracts in excess of the simplified acquisition threshold data identifying the following matters:

(1) Contract awards made pursuant to competitions conducted pursuant to section 2323 of title 10, United States Code, or section 7102 of the Federal Acquisition Streamlining Act of 1994.

(2) Awards to business concerns owned and controlled by women.

(3) Number of offers received in response to a solicitation.

(4) Task order contracts.

(5) Contracts for the acquisition of commercial items.

(b) DEFINITION.—In this section, the term "simplified acquisition threshold" has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SEC. 10005. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TABLE OF CONTENTS AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The first section of the Office of Federal Procurement Policy Act (41 U.S.C. 401 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Office of Federal Procurement Policy Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Declaration of policy.
"Sec. 3. Findings and purpose.
"Sec. 4. Definitions.
"Sec. 5. Office of Federal Procurement Policy.
"Sec. 6. Authority and functions of the Administrator.
"Sec. 7. Administrative powers.
"Sec. 8. Responsiveness to Congress.
"Sec. 9. Effect on existing laws.
"Sec. 10. Effect on existing regulations.
"Sec. 11. Authorization of appropriations.
"Sec. 12. Delegation.
"Sec. 14. Access to information.
"Sec. 15. Tests of innovative procurement methods and procedures.
"Sec. 16. Executive agency responsibilities.
"Sec. 18. Procurement notice.
"Sec. 19. Record requirements.
"Sec. 20. Advocates for competition.
"Sec. 21. Rights in technical data.
"Sec. 22. Publication of proposed regulations.
"Sec. 23. Contracting functions performed by Federal personnel.
"Sec. 25. Federal Acquisition Regulatory Council.
"Sec. 26. Cost Accounting Standards Board.
"Sec. 27. Procurement integrity.
"Sec. 28. Advocate for the Acquisition of Commercial Products.
"Sec. 29. Nonstandard contract clauses.
"Sec. 30. Federal acquisition computer network (FACNET).
"Sec. 30A. Federal acquisition computer network implementation.
"Sec. 31. Simplified acquisition procedures.
"Sec. 32. Procedures applicable to purchases below micro-purchase threshold.
"Sec. 33. List of laws inapplicable to contracts not greater than the simplified acquisition threshold in Federal Acquisition Regulation.
"Sec. 34. List of laws inapplicable to procurements of commercial items in Federal Acquisition Regulation.".

(2) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The first section of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 471 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Federal Property and Administrative Services Act of 1949'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Declaration of policy.
"Sec. 3. Definitions.

"TITLE I—ORGANIZATION

"Sec. 101. General Services Administration.
"Sec. 102. Transfer of affairs of Bureau of Federal Supply.
"Sec. 103. Transfer of affairs of the Federal Works Agency.
"Sec. 104. Records management: Transfer of the National Archives.
"Sec. 106. Redistribution of functions.
"Sec. 107. Transfer of funds.
"Sec. 109. General supply fund.
"Sec. 110. Information Technology Fund.
"Sec. 111. Automatic data processing equipment.
"Sec. 112. Federal information centers.

"TITLE II—PROPERTY MANAGEMENT

"Sec. 201. Procurement, warehousing, and related activities.
"Sec. 202. Property utilization.
"Sec. 203. Disposal of surplus property.
"Sec. 204. Proceeds from transfer or disposition of property.

"Sec. 205. Policies, regulations, and delegations.
"Sec. 206. Surveys, standardization, and cataloging.
"Sec. 207. Applicability of antitrust laws.
"Sec. 208. Employment of personnel.
"Sec. 209. Civil remedies and penalties.
"Sec. 210. Operation of buildings and related activities.
"Sec. 211. Motor vehicle identification and operation.
"Sec. 212. Reports to Congress.

"TITLE III—PROCUREMENT PROCEDURE

"Sec. 301. Declaration of purpose.
"Sec. 302. Application and procurement methods.
"Sec. 302A. Simplified acquisition threshold.
"Sec. 302B. Implementation of simplified acquisition procedures.
"Sec. 302C. Implementation of FACNET capability.
"Sec. 303. Competition requirements.
"Sec. 303A. Planning and solicitation requirements.
"Sec. 303B. Evaluation and award.
"Sec. 303C. Encouragement of new competition.
"Sec. 303D. Validation of proprietary data restrictions.
"Sec. 303F. Economic order quantities.
"Sec. 303G. Prohibition of contractors limiting subcontractor sales directly to the United States.
"Sec. 303H. Task and delivery order contracts: general authority.
"Sec. 303I. Task order contracts: advisory and assistance services.
"Sec. 303J. Task and delivery order contracts: orders.
"Sec. 303K. Task and delivery order contracts: definitions.
"Sec. 303L. Severable services contracts for periods crossing fiscal years.
"Sec. 304. Contract requirements.
"Sec. 304A. Cost or pricing data: truth in negotiations.
"Sec. 304B. Multiyear contracts.
"Sec. 304C. Examination of records of contractor.
"Sec. 305. Contract financing.
"Sec. 306. Allowable costs.
"Sec. 307. Administrative determinations and delegations.
"Sec. 309. Definitions.
"Sec. 310. Statutes not applicable.
"Sec. 311. Assignment and delegation of procurement functions and responsibilities.
"Sec. 312. Determinations and decisions.
"Sec. 313. Performance based management: acquisition programs.
"Sec. 314. Relationship of commercial item provisions to other provisions of law.
"Sec. 314A. Definitions relating to procurement of commercial items.
"Sec. 314B. Preference for acquisition of commercial items.
"Sec. 315. Contractor employees: protection from reprisal for disclosure of certain information.

"TITLE IV—FOREIGN EXCESS PROPERTY

"Sec. 401. Disposal of foreign excess property.
"Sec. 402. Methods and terms of disposal.
"Sec. 403. Proceeds; foreign currencies.
"Sec. 404. Miscellaneous provisions.

"TITLE VI—GENERAL PROVISIONS

"Sec. 601. Applicability of existing procedures.
"Sec. 602. Repeal and saving provisions.
"Sec. 603. Authorization for appropriations and transfer of authority.
"Sec. 604. Separability.
"Sec. 605. Effective date.

"TITLE VIII—URBAN LAND UTILIZATION

"Sec. 801. Short title.
"Sec. 802. Declaration of purpose and policy.
"Sec. 803. Disposal of urban lands.
"Sec. 804. Acquisition or change of use of real property.
"Sec. 805. Waiver during national emergency.
"Sec. 806. Definitions.

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"Sec. 901. Definitions.
"Sec. 902. Policy.
"Sec. 903. Requests for data on architectural and engineering services.
"Sec. 904. Negotiation of contracts for architectural and engineering services.
"Sec. 905. Short title.".

(b) AMENDMENTS FOR STYLISTIC CONSISTENCY.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended so that the section designation and section heading of each section of such Act is in the same form and typeface as the section designation and heading of this section.

(2) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 471 et seq.) is amended so that the section designation and section heading of each section of such Act is in the same form and typeface as the section designation and heading of this section.

(c) REPEALS OF EXECUTED PROVISIONS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended—

(1) by striking out section 13; and

(2) by striking out the first section 15 (which made amendments to the Federal Property and Administrative Services Act of 1949).

(d) CROSS REFERENCE CORRECTIONS.—Section 3552 of title 31, United States Code, is amended—

(1) by striking out "section 111(h)" and inserting in lieu thereof "section 111(f)"; and

(2) by striking out "759(h)" and inserting in lieu thereof "759(f)".

(e) CONSISTENCY OF TERMINOLOGY WITH CUSTOMARY USAGE.—Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(f) ENACTMENT OF POPULAR NAMES OF CERTAIN ACTS.—

(1) MILLER ACT.—The Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the "Miller Act", is amended by adding at the end the following new section:

"SEC. 6. This Act may be cited as the 'Miller Act'.".

(2) BROOKS ARCHITECT-ENGINEERS ACT.—Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541–544) is amended by adding at the end the following new section:

"SEC. 905. SHORT TITLE.

"This title may be cited as the 'Brooks Architect-Engineers Act'.".

(3) BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), as amended by section 1439, is further amended by adding at the end the following new subsection:

"(i) This section may be cited as the 'Brooks Automatic Data Processing Act'.".

(4) BUY AMERICAN ACT.—The Act of March 3, 1933 (41 U.S.C. 10a–10c), commonly referred to as the "Buy American Act", is amended by adding at the end the following new section:

"SEC. 5. This Act may be cited as the 'Buy American Act'.".

(5) WALSH-HEALEY ACT.—The Act of June 30, 1936 (41 U.S.C. 35 et seq.), commonly referred to as the "Walsh-Healey Act", as amended by section 7201, is further amended by adding at the end the following new section:

"SEC. 12. This Act may be cited as the 'Walsh-Healey Act'."

(6) JAVITS-WAGNER-O'DAY ACT.—The Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46–48c), that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), is amended by adding at the end the following new section:

"SHORT TITLE

"SEC. 7. This Act may be cited as the 'Javits-Wagner-O'Day Act'.".

And the House agree to the same.

Conferees from the Committee on Government Operations, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

JOHN CONYERS,
MIKE SYNAR,
STEVE NEAL,
TOM LANTOS,
MAJOR R. OWENS,
EDOLPHUS TOWNS,
JOHN M. SPRATT, Jr.,
BOBBY L. RUSH,
CAROLYN B. MALONEY,
MARJORIE MARGOLIES-MEZVINSKY,
BILL CLINGER,
AL MCCANDLESS,
J. DENNIS HASTERT,
JON KYL,
CHRISTOPHER SHAYS,
STEVEN SCHIFF,

As additional conferees from the Committee on Armed Services, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

RONALD V. DELLUMS,
NORMAN SISISKY,
LANE EVANS,
JAMES H. BILBRAY,
CHET EDWARDS,
ELIZABETH FURSE,
FLOYD SPENCE,
JOHN R. KASICH,
HERBERT H. BATEMAN,
CURT WELDON,

As additional conferees from the Committee on Education and Labor, for consideration of sections 4024(d), 4101(b), 4101(c), 6101–02, 8005(c)(2), and 11001–04 of the Senate bill, and section 4105 of the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
AUSTIN J. MURPHY,

As additional conferees from the Committee on the Judiciary, for consideration of sections 1421–22, 1437, 2451, 2551–53, 2555, that portion of section 4011 that adds a new section 29(b)(2) to the Federal Procurement Policy Act, sections 4024(a), (b), (c), and (f), 4101(b) and (c), 6001–04, 6053, and 8005(c)(3) and (c)(4) of the Senate bill; and that portion of section 4011 that adds a new section 4B(c) to the Federal Procurement Policy Act, that portion of section 4031 that adds a new subsection (c)(9) to section 23012a of title 10, United States Code, that portion of section 4041 that adds a new subsection (c)(2) to section 302A of the Federal Property and Administrative Services Act of 1949, sections 4051, 5003, that portion of section 7106 that adds a new section 2285(a)(12) to title 10, United States Code, that portion of section 7205 that adds a new section 314D(a)(4) to the Federal Property and Administrative Services Act of 1949, and section 7301(b) of the

House amendment, and modifications committed to conference:

JACK BROOKS,
JOHN BRYANT,
HAMILTON FISH,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1056 and 1067 of the Senate bill and modifications committed to conference:

NORMAN Y. MINETA,
JAMES TRAFICANT,
BUD SHUSTER,

As additional conferees from the Committee on Small Business, for consideration of sections 1055(b)(2), 2554, 4102–05, that portion of section 4011 that adds a new section 29(b)(1) to the Office of Federal Procurement Policy Act, sections 4012, 4014(d), 4015(d), and 4074 of the Senate bill, and sections 4104 and 8002 of the House amendment, and modifications committed to conference:

JOHN L. LAFALCE,
NEAL SMITH,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 4024(g), 6003(a)(4) and (b)(4), and 8005(c)(6) of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
CARLOS J. MOORHEAD,
Managers on the Part of the House.

JOHN GLENN,
SAM NUNN,
DALE BUMPERS,
JIM SASSER,
J.J. EXON,
CARL LEVIN,
DAVID PRYOR,
JEFF BINGAMAN,
RICHARD SHELBY,
BYRON L. DORGAN,
BILL ROTH,
STROM THURMOND,
TED STEVENS,
JOHN WARNER,
BILL COHEN,
LARRY PRESSLER,
JOHN MCCAIN,
BOB SMITH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

References to Federal acquisition regulation (sec. 1001)

The Senate bill contained a provision (sec. 1001) that would clarify references to the Federal Acquisition Regulation by removing an obsolete reference to modifications to the regulation.

The House amendment contained an identical provision (sec. 1001).

The conferees agree to this provision.

Establishment or maintenance of alternate sources of supply (sec. 1002)

The Senate bill contained a provision (sec. 1002) that would amend 10 U.S.C. 2304(b) to permit an agency to exclude a particular source in order to maintain an alternate source to: (1) ensure a continuous flow of supplies or services; (2) satisfy a critical need for health, safety, or other emergency supplies; or (3) satisfy projected needs resulting from a high demand.

The House amendment contained a similar provision (sec. 1002).

The Senate recedes with a technical amendment.

Clarification of approval authority for use of procedures other than full and open competition (sec. 1003)

The Senate bill contained a provision (sec. 1003) that would clarify the law governing the approval authority for the use of noncompetitive procedures within the Department of Defense.

The House amendment contained an identical provision (sec. 1003).

The conferees agree to this provision.

Task and delivery order contracts (sec. 1004)

The Senate bill contained a provision (sec. 1004) that would add a new section, 10 U.S.C. 2304a, authorizing the use of task order contracts for advisory and assistance services. The provision would establish a requirement that solicitations for such contracts shall ordinarily provide for multiple awards where the contract period is to exceed three years and the contract is estimated to exceed $10,000,000 and for fair consideration of each awardee for each task order issued under such multiple contracts.

The House amendment contained no similar provision.

The House recedes with an amendment clarifying that nothing in this section is intended to amend or impair the authorities or responsibilities under section 111 of the Federal Property and Administration Services Act or title IX of the Federal Property and Administrative Services Act.

In addition, the conference agreement would provide general authorization for the use of task and delivery order contracts to acquire goods and services other than advisory and assistance services. The conferees note that this provision is intended as a codification of existing authority to use such contractual vehicles. All otherwise applicable provisions of law would remain applicable to such acquisitions, except to the extent specifically provided in this section. For example, the requirements of the Competition in Contracting Act, although they would be inapplicable to the issuance of individual orders under task and delivery order contracts, would continue to apply to the solicitation and award of the contracts themselves.

Acquisition of expert services (sec. 1005)

The Senate bill contained a provision (sec. 1005) that would establish a new exception to the requirement for the use of competitive procedures in 10 U.S.C. 2304(C)(3) when contracting for expert services for use in Federal litigation.

The House amendment contained no similar provision.

The House recedes.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Source selection factors (sec. 1011)

The Senate bill contained a provision (sec. 1011) that would clarify the Competition in Contracting Act solicitation provisions requiring the disclosure of evaluation factors and subfactors and authorizing awards without discussions.

The House amendment contained a similar provision (sec. 1011) that also would provide that implementing regulations may not define "significantly more" or "significantly less important" as specific numeric weights to be uniformly applied.

The Senate recedes with a clarifying amendment.

Solicitation provision regarding evaluation of purchase options (sec. 1012)

The Senate bill contained a provision (sec. 1012) that would make a technical amendment regarding the consideration of option pricing.

The House amendment contained a similar provision (sec. 1012).

The Senate recedes.

Prompt notice of award (sec. 1013)

The Senate bill contained a provision (sec. 1013) that would require notice to all offerors as soon as practicable after date of contract award.

The House amendment contained a provision (sec. 1013) that would require that such notice be given "within three days" of award. The provision also would allow electronic transmission of a written notice.

The Senate recedes.

Post-award debriefings (sec. 1014)

The Senate bill contained a provision (sec. 1014) that would require prompt debriefings providing basic information on the award to unsuccessful offerors, if requested within three days after receipt of notification of contract award. The Senate provision also would require disclosure of debriefing information to all offerors if, within one year of contract award, the agency seeks to fulfill the same requirement.

The House amendment contained a similar provision (sec. 1014).

The House recedes with an amendment that would require the agency, to the maximum extent practicable, to debrief the offeror within five days after the agency's receipt of an offeror's request and that would make other clarifying changes.

The conferees intent that information not anticipated to be released under this provision includes information relating to trade secrets; privileged or confidential manufacturing processes and techniques; and commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information. Information concerning such matters is protected currently under the Federal Acquisition Regulation.

Protest file (sec. 1015)

The Senate bill contained a provision (sec. 1015) that would require the Department of Defense to maintain protest files in protests to the Comptroller General.

The House amendment contained a similar provision (sec. 1015).

The Senate recedes.

Agency actions on protests (sec. 1016)

The Senate bill contained a provision (sec. 1016) that would authorize the Department of defense to pay costs and fees in bid protest settlements.

The House amendment contained a similar provision (sec. 1016).

The Senate recedes with a technical amendment.

SUBPART C—KINDS OF CONTRACTS

Repeal of requirement for Secretarial determination regarding use of cost type or incentive contracts (sec. 1021)

The Senate bill contained a provision (sec. 1021) that would repeal the requirement for a determination prior to the use of cost or incentive-type contracts in defense procurements.

The House amendment contained an identical provision (sec. 1021).

The conferees agree to this provision.

Revision and reorganization of multiyear contracting authority (sec. 1022)

The conferees recommend a revision and reorganization of the current Department of Defense multiyear contracting authority in 10 U.S.C. 2306(h) to accommodate the inclusion of the U.S. Coast Guard and National Aeronautics and Space Administration. Such authority would be addressed in a new section 10 U.S.C. 2306b.

SUBPART D—MISCELLANEOUS PROVISIONS FOR THE ENCOURAGEMENT OF COMPETITION

Repeal of requirement for annual report by advocates for Competition (sec. 1031)

The Senate bill contained a provision (sec. 1031) that would repeal 10 U.S.C. 2318, requiring annual reports by Department of Defense competition advocates. The separate requirement for annual reports on competition by competition advocates of all agencies (in section 20(b)) of the Office of Federal Procurement Policy Act) would remain in effect.

The House amendment contained an identical provision (sec. 1031).

The conferees agree to this provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

References to Federal acquisition regulation (sec. 1051)

The Senate bill contained a provision (sec. 1051) that would clarify references to the Federal Acquisition Regulation by removing an obsolete reference to modifications to the regulation. The House amendment contained an identical provision (sec. 1051).

The conferees agree to this provision.

Establishment or maintenance of alternate sources of supply (sec. 1052)

The Senate bill contained a provision (sec. 1052) that would amend 41 U.S.C. 253(b) to permit an agency to exclude a particular source in order to maintain an alternate source to: (1) ensure a continuous flow of supplies or services; (2) satisfy a critical need for health, safety, or other emergency supplies; or (3) satisfy projected needs resulting from a high demand.

The House amendment contained a similar provision (sec. 1052).

The Senate recedes with a technical amendment.

Clarification of approval authority for use of procedures other than full and open competition (sec. 1053)

The Senate bill contained a provision (sec. 1053) that would clarify the law governing the approval authority for the use of noncompetitive procedures for civilian agencies.

The House amendment contained an identical provision (sec. 1053).

The conferees agree to this provision.

Task and delivery order contracts (sec. 1054)

The Senate bill contained a provision (sec. 1054) that would add a new section 303H to the Federal Property and Administrative Services Act, authorizing the use of task order contracts for advisory and assistance services. The provision would establish a requirement that solicitations for such contracts shall ordinarily provide for multiple awards where the contract period is to exceed three years and the contract is estimated to exceed $10,000,000 and for fair consideration of each awardee for each task order issued under such multiple contracts.

The House amendment contained no similar provision.

The House recedes with an amendment clarifying that nothing in this section is intended to amend or impair the authorities or responsibilities under section 111 of the Federal Property and Administrative Services Act or title IX of the Federal Property and Administrative Services Act.

In addition, the conference agreement would provide general authorization for the use of task and delivery order contracts to acquire goods and services other than advisory and assistance services. The conferees note that this provision is intended as a codification of existing authority to use such contractual vehicles. All otherwise applicable provisions of law would remain applicable to such acquisitions, except to the extent specifically provided in this section. For example, the requirements of the Competition in Contracting Act, although they would be inapplicable to the issuance of individual orders under task and delivery order contracts, would continue to apply to the solicitation and award of the contracts themselves.

Acquisition of expert services (sec. 1055)

The Senate bill contained a provision (sec. 1055) that would establish for civilian agencies a new exception to the requirement for the use of competitive procedures in 41 U.S.C. 253(c)(3) for expert litigation services, similar to the provisions set forth in section 1005 for the Department of Defense. The section would conform the notice requirements in 41 U.S.C. 416(c) and 15 U.S.C. 637(c) and repeal a codified provision that exempts from the Competition in Contracting Act all Internal Revenue Service contracts to hire experts for the examination of tax returns or litigating actions under the Internal Revenue Code.

The House amendment contained no similar provision.

The House recedes.

SUBPART B—PLANNING, SOLICITATION, EVALUATION AND AWARD

Solicitation, evaluation, and award (sec. 1061)

The Senate bill contained a provision (sec. 1061) that would clarify the Competition in Contracting Act solicitation provisions requiring the disclosure of evaluation factors and subfactors and authorizing awards without discussions in civilian acquisitions.

The House amendment contained a provision (sec. 1061) that also would provide that implementing regulations may not define "significantly more" or "significantly less important" as specified numeric weights to be uniformly applied.

The Senate recedes with a clarifying amendment.

Solicitation provision regarding evaluation of purchase options (sec. 1062)

The Senate bill contained a provision (sec. 1062) that would make a technical amendment regarding the consideration of option pricing.

The House amendment contained a similar provision (sec. 1062).

The Senate recedes.

Prompt notice of award (sec. 1063)

The Senate bill contained a provision (sec. 1063) that would require notice to all offerors as soon as practical after date of contract award.

The House amendment contained a provision (sec. 1063) that would stipulate such notice be given "within three days." The provision also would allow electronic transmission of the written notice.

The Senate recedes.

Post-award debriefings (sec. 1064)

The Senate bill contained a provision (sec. 1063) that would require prompt debriefings providing basic information on the award to unsuccessful offerors if requested within three days after receipt of notification of contract award. The Senate provision also would require disclosure of debriefing information to all offerors if, within one year of contract award, the agency seeks to fulfill the same requirement.

The House amendment contained a similar provision (sec. 1064).

The House recedes with an amendment that would require the agency, to the maximum extent practicable, to debrief the offeror within five days after the agency's receipt of the offeror's request, and that would make other clarifying changes.

The conferees intend that information not anticipated to be released under this provision includes information relating to trade secrets; privileged or confidential manufacturing processes and techniques; and commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information. Information concerning such matters is protected currently under the Federal Acquisition Regulation.

Protest file (sec. 1065)

The Senate bill contained a provision (sec. 1065) that would require civilian agencies to maintain protest files in protests to the Comptroller General.

The House amendment contained a similar provision (sec. 1065).

The Senate recedes.

Agency actions on protests (sec. 1066)

The Senate bill contained a provision (sec. 1066) that would authorize civilian agencies to pay costs and fees in bid protest settlements.

The House amendment contained a similar provision (sec. 1066).

The Senate recedes with a technical amendment.

SUBPART C—KINDS OF CONTRACTS

Repeal of agency head determination regarding use of cost type or incentive contract (sec. 1071)

The Senate bill contained a provision (sec. 1071) that would repeal the requirement for a determination prior to the use of cost or incentive-type contracts.

The House amendment contained an identical provision (sec. 1071).

The conferees agree to this provision.

Multiyear contracting authority (sec. 1072)

The Senate bill contained a provision (sec. 1072) that would amend the Federal Property and Administrative Services Act to add a new section 303J to permit civilian agencies to enter into multiyear contracts where sufficient appropriations are available and obligated and the agency head determines that the need for property or services is reasonably firm and continuing and such a contract is in the best interest of the United States.

The House amendment contained a similar provision (sec. 1072) that would define the multiyear contract as a contract not exceeding five years. It would require a notice to Congress for any contract containing a cancellation ceiling in excess of $10,000,000.

The Senate recedes with a technical amendment.

Severable contracts crossing fiscal years (sec. 1073)

The Senate bill contained a provision (sec. 1073) that would authorize agencies to enter into contracts for severable services which cross fiscal years as long as the base period does not exceed one year.

The House amendment contained a similar provision (sec. 1073).

The House recedes.

Economy Act purchases (sec. 1074)

The Senate bill contained a provision (sec. 1074) that would provide for the revision of the Federal Acquisition Regulation to govern federal agencies' exercise of authority to purchase goods and services under other agencies' contracts under 31 U.S.C. 1535, commonly known as the "Economy Act."

The House amendment contained no similar provision.

The House recedes.

PART III—ACQUISITIONS GENERALLY

Policy regarding consideration of contractor past performance (sec. 1091)

The Senate bill contained a provision (sec. 1091) that would provide that the Office of Federal Procurement Policy should prescribe guidance for executive agencies regarding consideration of the past performance of offerors in awarding contracts. The guidance would include evaluation standards, information collection and maintenance policies, and policies for ensuring that offerors are provided an opportunity to submit past performance information, including performance, under contracts with Federal, State, and local governments, and with commercial customers.

The House amendment contained a similar provision (sec. 1091), but did not provide for consideration of performance under contracts with Federal, State, and local government, or with commercial customers.

The House recedes with a technical amendment.

Repeal of requirement for annual report on competition (sec. 1092)

The Senate bill contained a provision (sec. 1092) that would repeal Section 23 of the Office of Federal Procurement Policy Act, which requires an annual report on competition each year through fiscal year 1990. The separate requirement for annual reports on competition by agency competition advocates (in section 20(b) of the OFPP Act) would remain in effect.

The House amendment contained an identical provision (sec. 1092).

The conferees agree to this provision.

Discouragement of nonstandard contract clauses (sec. 1093)

The House amendment contained a provision (sec. 1093) that would require the Federal Acquisition Regulatory Council to promulgate regulations to discourage the repetitive use of nonstandard clauses.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

Stabilization of dollar threshold of applicability (sec. 1201)

The Senate bill contained a provision (sec. 1201) that would set the dollar threshold for the Truth in Negotiations Act in 10 U.S.C. 2306a at $500,000 and provide for periodic inflation adjustments.

The House amendment contained a similar provision (sec. 1201). The two provisions differed in that the Senate bill provided for inflation adjustments to be rounded to the nearest $50,000, while the House amendment provided for rounding to the nearest $10,000.

The House recedes.

Exceptions to cost or pricing data requirements (sec. 1202)

The Senate bill contained a provision (sec. 1202) that would broaden the exceptions to the requirement to provide cost or pricing data under the Truth in Negotiations Act in 10 U.S.C. 2306a.

The House amendment contained a similar provision (sec. 1202(a)).

The Senate recedes with an amendment, which would address the differences between the two provisions as follows.

(1) *Modifications.*—The Senate bill would preclude the requirement of cost or pricing data in the case of a modification to a contract or subcontract for a commercial item as long as the modification would not change the item from a commercial item to a noncommercial item. The House amendment contained no similar provision. The conference agreement would adopt the Senate language, with a clarifying amendment.

(2) *Catalog or Market Prices.*—The House amendment would substitute the phrase "sufficient quantities" for the statutory phrase "substantial quantities" in this exception. The Senate bill contained no similar provision. The conference agreement would adopt the Senate position. The conferees intend that the current regulatory interpretation of this exception should be changed in light of the purposes of this Act to provide broader flexibility for the purchase of commercial items, as required by the provision explained in paragraph (4) below.

Both the Senate bill and the House amendment would extend the catalog or market price exemption to cover not only commercial items, but also services sold at catalog or market prices. The conference agreement would also extend the catalog or market price exemption to cover services in appropriate cases. This would be accomplished through the new definition of the term "commercial item" in Title VIII of the bill. Under the new definition, the term "commercial item" would include services that are sold in substantial quantities in the commercial marketplace based on established catalog prices for specific tasks performed and under standard commercial terms and conditions. The catalog or market price except would be available, in appropriate cases, to services that are included in this definition.

(3) *Waiver.*—The Senate bill would not change the existing waiver provision. The existing provision authorizes a waiver upon a written (and delegable) determination by the head of the agency concerned. The House amendment instead would require a non-delegable determination by the head of the procuring activity. The conference agreement would adopt the House language.

(4) *Regulations.*—The House amendment contained a provision that would require the issuance, in the Federal Acquisition Regulation, of clear standards for determining whether the exceptions to the cost or pricing data requirements apply. In the case of the "adequate price competition" exception, the regulations would specify the criteria to be used to determine whether adequate price competition exists. In the case of the "catalog or market pricing" exception, the regulations would preclude consideration of sales to federal agencies in determining whether an item has been sold in substantial quantities to the general public.

The conference agreement would adopt the House provision. The existing regulations apply a "percentage of sales test", which compares a company's sales to the general public to the company's sales to the federal government, for the purposes of determining whether a product is sold in substantial quantities to the general public. Under this approach, two companies that sell precisely the same number of an identical item to the general public are treated differently, depending on the quantity of items they sell to the federal government. The conferees intend that the "percentage of sales" test no longer be used.

The provision recommended by the conferees would require equal treatment of the two companies. Under the new approach, the determination whether sales to the general public are "substantial" could be made by comparison to the size of the market for the item as a whole (including small businesses), but could not be made by comparison to sales of a particular company to the federal government. Standards regarding the percentage of sales made on the basis of catalog prices would still be permissible.

The conferees note that section 824 of the National Defense Authorization Act for Fiscal Year 1990 required the Secretary of Defense to revise the regulations governing the applicability of the catalog or market pricing exception, by no later than August 1991, to make it easier for commercial items to qualify for the exception. Despite this clear statutory directive, this provision has yet to be implemented by the Department of Defense. The provision recommended by the conferees would direct that these regulations be revised in a manner similar to that previously required by section 824.

Restrictions on additional authority to require cost or pricing data or other information (sec. 1203)

The Senate bill contained a provision (sec. 1203) which would limit the authority of the Department of Defense to require cost or pricing data in cases where the exceptions to the requirement apply.

The House amendment contained a similar provision (sec. 1202(b)). The House provision would prohibit an agency from requiring the submission of cost or pricing data where one of the statutory exceptions to the requirement applies. An agency could require the submission of cost or pricing data for procurements of less than $500,000 only upon a written (nondelegable) determination by the head of the procuring activity.

The Senate recedes with an amendment. Under the conference agreement, an agency would be prohibited from requiring the submission of full, certified cost or pricing data where one of the statutory exemptions applies. However, a contracting officer would be authorized to require the submission of information (less than full, certified cost or pricing data), if such information would be necessary to determine the reasonableness of price. Such information need not be certified by the offeror as current, accurate, and complete, and would be limited to the minimum of information that would be necessary to determine price reasonableness.

Additional special rules for commercial items (sec. 1204)

The Senate bill contained a provision (sec. 1204) that would create a new exception to cost or pricing data requirements in 10 U.S.C. 2306a for commercial items.

The House amendment contained a similar provision (sec. 7104).

The Senate recedes with an amendment, which would address the differences between the two provisions as follows:

(1) *Competition.*—The Senate bill would require that, to the maximum extent practicable, agencies shall conduct procurements of commercial items on a competitive basis. The House amendment would provide that if a commercial item is purchased on the basis of adequate price competition or established catalog or market prices, the procurement shall be exempt from cost or pricing data requirements and, to the maximum extent practicable, the agency may not require any additional information from the offeror to determine price reasonableness.

The conference agreement would combine the language of the Senate and the House bills. Under the conference agreement, agencies would be required to conduct procurements of commercial items on a competitive basis to the maximum extent practicable. It is the intent of the conferees that requirements for commercial items should be structured, wherever possible, so that multiple commercial items can compete for the same requirement. Where a commercial item is purchased on the basis of adequate price competition, the purchase would be exempt from cost or pricing data requirements. If data not obtained through the competition is needed to determine the reasonableness of price, it must be obtained, to the maximum extent practicable, from sources other than the offeror.

(2) *Authority to require cost or pricing data.*—The Senate bill would authorize contracting officers to waive cost or pricing data requirements when they are able to obtain adequate information on commercial pricing to determine that the price is fair and reasonable. The House amendment would permit the waiver of cost or pricing data requirements where price analysis is sufficient to determine whether the price of a contract for a commercial item is fair and reasonable.

Under the conference agreement, the contracting officer would be required (in any case in which it is not practicable to purchase a commercial item on a competitive basis) to seek information on prices at which the same or similar items have been sold in the commercial market. Such information must be sought from the offeror or contractor, or when such information is not available from that source, from another source or sources. If the contracting officer is able to obtain information of this type that is adequate to evaluate, the reasonableness of contract price through price analysis, the contracting officer must exempt the procurement from cost or pricing data requirements. If the contracting officer makes a written determination that the agency is unable to obtain adequate information for this purpose, the contracting officer must require the submission of cost or pricing data.

(3) *Right to audit.*—The Senate bill would authorize audits to determine whether the agency was receiving accurate information under this section. The House amendment would authorize audits for any purpose other than determining the completeness of the data supplied. In addition, the Senate bill would provide for audit authority up to three years after the date of award, while the House amendment would limit the authority to one year after the commencement of performance (or any other date agreed upon in the contract). The conference agreement would adopt the Senate language, with a modification to limit the audit authority to a period of two years after the date of award.

(4) *Requests for data and forms of information.*—The House amendment contained three provisions addressing the information that may be requested under this section. The first provision would require the Federal Acquisition Regulation to establish reasonable limitations on requests for sales data on commercial items. The second would provide that a contracting officer may request information from an offeror of a commercial item only in the form regularly maintained by the offeror in commercial operations, adequate to demonstrate the market price of an item, or otherwise needed to establish a fair and reasonable price. The third would provide that all documentation received from an offeror under this section and marked as proprietary shall be treated by the Government as confidential. The Senate bill contained no similar provisions.

The conference agreement would adopt the House language with a modification to clarify that: (a) any information received under this section that would be exempt from disclosure under the Freedom of Information Act may not be disclosed by the agency; and (b) contracting officers should, to the maximum extent practicable, request information from offerors in a form that is regularly maintained by the offeror in its commercial operations.

Right of United States to examine contractor records (sec. 1205)

The Senate bill contained a provision (sec. 1205) that would cross-reference the right of the United States to examine contractor records under the audit provision in 10 U.S.C. 2313.

The House amendment contained a similar provision (sec. 1203).

The House recedes.

Required regulations (sec. 1206)

The Senate bill contained a provision (sec. 1206) that would codify the requirement, in Section 803 of the National Defense Authorization Act for Fiscal Year 1991, concerning the types of price information which offerors must provide for use by contracting officers in determining the reasonableness of the contract price in procurements under the $500,000 Truth in Negotiations Act threshold.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Consistency of time references (sec. 1207)

The Senate bill contained a provision (sec. 1207) that would ensure consistency of time references in the Truth in Negotiations Act in 10 U.S.C. 2306a.

The House amendment contained a similar provision (sec. 1204).

The House recedes with a technical amendment.

Exception for transfers between divisions, subsidiaries, and affiliates (sec. 1208)

The Senate bill contained a provision (sec. 1208) that would amend the Truth in Negotiations Act in 10 U.S.C. 2306a to define the term "subcontract" to include a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Coverage of Coast Guard and NASA for interest and payments on certain overpayments (sec. 1209)

The conference agreement includes a provision that would make conforming modifications to the Truth in Negotiations Act in 10 U.S.C. 2306a to ensure that the National Aeronautics and Space Administration and the United States Coast Guard are covered.

Repeal of superseded provision (sec. 1210)

The Senate bill contained a provision (sec. 1209) that would repeal subsections (b) and (c) of section 803 of the National Defense Authorization Act for Fiscal Year 1991. Subsection 803(b), which required a review of the impact of the $500,000 threshold, would be superseded by section 1201 of the Senate bill, which would create a permanent $500,000 threshold for the Truth in Negotiations Act. Subsection 803(c), which concerned price information in below-threshold procurements, would be codified by section 1206 of the Senate bill.

The House amendment contained a provision (sec. 1205) which differed from the Senate provision in that: (1) it would not have repealed subsection 803(b); and (2) it would have repealed, but not codified, subsection 803(c).

The House recedes.

PART II—CIVILIAN AGENCY ACQUISITIONS

Revision of civilian agency provisions to ensure uniform treatment of cost or pricing data (sec. 1251)

The Senate bill contained a provision (sec. 1251) that would amend the Federal Property and Administrative Services Act to ensure uniform treatment of cost or pricing data for civilian agencies and for the Department of Defense.

The House amendment contained a similar provision (sec. 1251).

The Senate recedes with a technical amendment.

Repeal of obsolete provision (sec. 1252)

The Senate bill contained a provision (sec. 1252) that would repeal the obsolete cost or pricing data requirements in section 303E of the Federal Property and Administrative Services Act.

The House amendment contained a similar provision (sec. 1252).

The Senate recedes.

Subtitle C—Research and Development

Research projects (sec. 1301)

The Senate bill contained a provision (sec. 1301) that would make technical amendments in the research and development authorities of the Department of Defense.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Procurement Protests

PART I—COMPTROLLER GENERAL

Protest defined (sec. 1401)

The Senate bill contained a provision (sec. 1401) that would amend 31 U.S.C. 3551 to make clear that the definition of protest covers protests of solicitations, cancellation of solicitations, awards or proposed awards of contracts, and the cancellation of an award (where such cancellation is alleged to be based on improprieties in the award process) to be consistent with the definition set forth in section 1439 for the General Services Board of Contract Appeals.

The House amendment contained a similar provision (sec. 1401).

The Senate recedes with a technical amendment.

Review of protests and effect on contracts pending decision (sec. 1402)

The Senate bill contained a provision (sec. 1402) that would amend 31 U.S.C. 3553.

Subsection (a) would make technical changes to refer to calendar days instead of working days.

Subsection (b) would permit contractors to begin performance unless the contracting officer withholds an authorization to proceed with performance in the first ten days after contract award. A contracting officer could withhold authorization if he or she felt that a bid protest was likely and that immediate performance would not be in the best interest of the United States. The provision is intended to avoid adding costs to the United States from starting, stopping, and restarting contract performance in cases where protests are considered likely and immediate performance is not necessary.

The House amendment contained a similar provision (sec. 1402).

The House recedes with an amendment that would provide contracting agencies 20 days within which to submit a protests report when the express option protest process is invoked.

Decisions on protests (sec. 1403)

The Senate bill contained a provision (sec. 1403) that would amend 31 U.S.C. 3554, regarding Comptroller General decisions on bid protests.

Subsection (a) would make technical changes to refer to calendar days instead of working days and to provide that an amendment that adds new ground of protests should be resolved to the maximum extent practicable, within the time period for final decision on the initial protest.

Subsection (b) would provide that the Comptroller General may recommend the payment of fees and costs in bid protest cases, rather than directing agencies to pay such fees and costs. This provision would address questions that have been raised about the constitutionality of existing law. This subsection would also authorize the payment of consultant and expert witness fees as well as attorneys' fees in protest cases, and would limit all such fees to the levels established in the Equal Access to Justice Act (EAJA). This fee cap would not apply to protests filed by small businesses.

The House amendment contained a similar provision (sec. 1403), which also would allow recovery of costs for frivolous protests and authorize the Comptroller General to issue protective orders Further, the House amendment would provide different time frames.

The House recedes with an amendment that would provide the Comptroller General authority to issue protective orders. The amendment would also provide for a $150 limit on attorneys' fees, which is higher than the current EAJA rate. The amendment would allow for higher fees if such higher fees are determined by the agency, based on the Comptroller General's recommendation, to be justified. The amendment would limit the reimbursement for fees of consultants and expert witness to the highest rate paid by the Federal Government for expert witnesses.

The conferees note that the $150 fee level should be considered as a maximum, not a minimum. The conferees do not intend the provision to authorize the payment of rates that are higher than charged by an attorney in other similar cases or by other attorneys of similar level of experience in bid protest cases.

The conferees also note that this provision would entitle a small business concern to recover "reasonable attorneys' fees" in appropriate cases. The conferees expect the Comptroller General to be vigilant in reviewing attorneys' fees to ensure that they are reasonable. The cap placed on attorneys' fees for businesses other than small business constitutes a benchmark as to what constitutes a "reasonable" level for attorneys' fees for small businesses.

Regulations (sec. 1404)

The Senate bill contained a provision (sec. 1404) that would authorize the Comptroller General to issue regulations on the calculation of time periods and electronic filings and disseminations.

The House amendment contained an identical provision (sec. 1404).

The conferees agree to this provision.

PART II—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

Revocation of delegations of procurement authority (sec. 1431)

The Senate bill contained a provision (sec. 1431) that would authorize the Administrator of General Services to revoke a delegation of authority after the award of a contract where there is a finding of a violation of law or regulation in connection with the contract award.

The House amendment contained a similar provision (sec. 1431).

The Senate recedes.

Authority of the General Services Administration Board of Contract Appeals (sec. 1432)

The Senate bill contained a provision (sec. 1432) that would clarify that at the request of an interested party, the General Services Administration Board of Contract Appeals shall review any decision by a contracting officer alleged to have violated a statute, regulation, or the conditions of any delegation of procurement authority.

The House amendment contained an identical provision (sec. 1432).

The conferees agree to this provision.

Periods for certain actions (sec. 1433)

The Senate bill contained a provision (sec. 1433) that would amend section 111(f) of the Federal Property and Administrative Services Act.

Subsection (a) would conform the schedule for General Services Administration Board of Contract Appeals hearings on suspension of procurement authority to the time frames established in section 1402 for protests before the Comptroller General and provide that pre-award suspensions need not preclude continuance of the procurement process to point of award unless the agency head determines such action not to be in the best interests of the United States.

Subsection (b) would substitute calendar days for working days and require that an amendment that adds new grounds of protest be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.

The House amendment contained a similar provision (sec. 1433).

The Senate recedes with an amendment that would provide that the termination regarding the pre-award suspension would be made by the Board.

Dismissals of protests (sec. 1434)

The Senate bill contained a provision (sec. 1434) that would authorize the General Services Administration Board of Contract Appeals to dismiss a protest that is frivolous, brought in bad faith, or does not state on its face a valid basis for protest.

The House amendment contained a similar provision (sec. 1434) that also would provide for the imposition of liability on a protester bringing a frivolous protest for costs of the United States incurred in defending against the protest.

The House recedes with an amendment which would provide that the Board may impose appropriate procedural sanctions against protestors filing such protests.

Awards of costs (sec. 1435)

The Senate bill contained a provision (sec. 1435) that would authorize the payment of consultant and expert witness fees as well as attorneys' fees in protest cases before the General Services Administration Board of Contract Appeals, and would limit all such fees to the levels established in the Equal Access to Justice Act (EAJA). The fee cap would not apply to small businesses.

The House amendment contained a similar provision (sec. 1435) but did not include a cap on fees and included a definition of the term "prevailing party."

The House recedes with an amendment that would provide for a $150 limit on attorneys' fees, which is higher than the current EAJA rate. The amendment would allow for fees above $150 if such higher fees are determined by the Board to be justified. The amendment would limit the reimbursement for fees of consultants and expert witness to the highest rate paid by the Federal Government for expert witnesses.

The conferees note that the $150 fee level should be considered as a maximum, not a minimum. The conferees do not intend the provision to authorize the payment of rates that are higher than charged by an attorney in other similar cases or by other attorneys of similar level of experience in bid protest cases.

The conferees also note that this provision would entitle a small business concern to recover "reasonable attorneys' fees" in appropriate cases. The conferees expect the Board to be vigilant in reviewing attorneys' fees to ensure that they are reasonable. The cap placed on attorneys' fees for businesses other than small business constitutes a benchmark as to what constitutes a "reasonable" level for attorneys' fees for small businesses.

Dismissal agreements (sec. 1436)

The Senate bill contained a provision (sec. 1436) that would require public disclosure of any settlement agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds. This provision also would authorize agencies to make such payments from the judgment fund.

The House amendment contained an identical provision (sec. 1436).

The conferees agree to this provision.

Matters to be covered in regulations (sec. 1437)

The Senate bill contained a provision (sec. 1438) that would authorize the General Services Administration Board of Contract Appeals to adopt appropriate rules and procedures which would, at a minimum, address the computation of time periods under the statute and provide procedures for electronic filing and dissemination of documents.

The House amendment contained a similar provision (sec. 1437).

The Senate recedes.

Definition of protest (sec. 1438)

The Senate bill contained a provision (sec. 1439) that would amend the definition of "protest" in 40 U.S.C. 759(f)(9) regarding protests to the General Services Administration Board of Contract Appeals to clarify that the term covers protests of solicitations, cancellations of solicitations, awards or proposed awards of contracts, and the cancellation of an award (where such cancellation is alleged to be based on improprieties in the award process). The same definition would be provided for the General Accounting Office in section 1401 of the Senate bill.

The House amendment contained a similar provision (sec. 1438).

The Senate recedes with a technical amendment.

Oversight of acquisition of automatic data processing equipment by federal agencies (sec. 1439)

The House amendment contained a provision (sec. 1439) that would require the Administrator of the General Services to collect and compile data on automated data processing acquisitions.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle E—Policy, Definitions, and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

Repeal of policy statement (sec. 1501)

The House amendment contained a provision (sec. 1501) that would revise 10 U.S.C. 2301 to restate congressional defense procurement policy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would repeal 10 U.S.C. 2301. The conferees agree that contemporary changes in the acquisition laws, including the changes proposed in this conference report, have made it unnecessary to set forth a separate statement of procurement policy.

Definitions (sec. 1502)

The Senate bill contained a provision (sec. 1501) that would amend the definitions in 10 U.S.C. 2302 to cross-reference definitions in the Office of Federal Procurement Policy Act, where appropriate.

The House amendment contained a similar provision (sec. 1502).

The Senate recedes with a technical amendment.

Delegation of procurement functions (sec. 1503)

The Senate bill contained a provision (sec. 1502) that would consolidate provisions on delegation of procurement functions for the Department of Defense.

The House amendment contained a similar provision (sec. 1503).

The Senate recedes.

Determinations and decisions (sec. 1504)

The Senate bill contained a provision (sec. 1503) that would streamline provisions on determinations and decisions by the Department of Defense, while retaining the requirement that such findings be made in writing and retained for no less than six years.

The House amendment contained a similar provision (sec. 1504).

The Senate recedes.

Restrictions on undefinitized contractual actions (sec. 1505)

The Senate bill contained a provision (sec. 1504) that would make technical changes in 10 U.S.C. 2326, concerning undefinitized contractual actions.

The House amendment contained in identical provision (sec. 1505).

The conferees agree to this provision.

Repeal of requirement relating to production special tooling and production special test equipment (sec. 1506)

The Senate bill contained a provision (sec. 1505) that would repeal 10 U.S.C. 2329, concerning contract terms of production special tooling and production special test equipment.

The House amendment contained a similar provision (sec. 1505).

The Senate recedes. The repeal is not intended to effect current policies with respect to reimbursement for the costs of production special tooling and production test equipment.

Regulations for bids (sec. 1507)

The Senate bill contained a provision (sec. 1506) that would clarify that the authority established in 10 U.S.C. 2381(a) regarding issuance of regulations relating to bid bonds on construction contracts. The Senate provision added a reference to the Secretary of Defense.

The House amendment contained an identical provision (sec. 1507).

The conference agreement deletes references to the secretaries of the military services vesting regulatory authority in the Secretary of defense, subject to any delegation that might be needed to meet a service unique requirement.

PART II—CIVILIAN AGENCY ACQUISITIONS

Definitions (sec. 1551)

The Senate bill contained a provision (sec. 1551) that would amend the definitions in the Federal Property and Administrative Services Act to cross-reference definitions in the Office of Federal Procurement Policy Act, where appropriate.

The House amendment contained a similar provision (sec. 1551).

The Senate recedes with a technical amendment.

Delegation of procurement functions (sec. 1552)

The Senate bill contained a provision (sec. 1552) that would consolidate provisions on delegation of procurement functions for civilian agencies, in the same manner as provided for the Department of Defense in section 1502.

The House amendment contained a similar provision (sec. 1552).

The Senate recedes with a technical amendment.

Determinations and decisions (sec. 1553)

The Senate bill contained a provision (sec. 1553) that would streamline the provisions in the Federal Property and Administrative Services Act on determinations and decisions, while retaining the requirement that such findings be in writing and retained for not less than six years.

The House amendment contained a similar provision (sec. 1553).

The Senate recedes with a technical amendment.

Repeal of preference for recycled toner cartridges (sec. 1554)

The Senate bill contained a provision (sec. 3085) that would repeal certain restrictions relating to the acquisition of recycled toner cartridges.

The House amendment contained a similar provision (sec. 1554).

The Senate recedes with a technical amendment.

Cooperative purchasing (sec. 1555)

The Senate bill contained a provision (sec. 1554) that would amend the Federal Property and Administrative Services Act to provide that the Administrator of General Services is to provide, upon request, any of the services the Administrator performs to other federal agencies, mixed-ownership government corporations, or the District of Columbia, or a qualified non-profit agency for the blind or other severely handicapped under the Javits-Wagner-O'Day Act and that the Administrator may provide for the use of Federal supply schedules or other contracts by State or local governments, Puerto Rico, or Indian tribal governments.

The House amendment contained a similar provision (sec. 1555). With respect to the use of schedules, the House amendment would provide for the use of General Services Administration Federal supply schedules only and would provide that the entity using the Federal supply schedule may be required to reimburse the General Services Administration (GSA) for any administrative costs of using the schedule.

The Senate recedes with a technical amendment. In providing the authority for GSA to permit State and local governments as well as others to use GSA schedule contracts, the conferees intend that the terms of each schedule holder's contract govern and that schedule contractors not be required to service other than federal government users unless the particular schedule contract so specifies.

CONTRACT FORMATION—LEGISLATIVE PROVISIONS NOT ADOPTED

Two-phase selection procedures

The Senate bill contained two provisions (secs. 1017 and 1067) that would authorize two-phase selection procedures for use on other than construction contracts where it is anticipated that three or more offers will be received, a substantial amount of design work is needed before a cost or price proposal can be developed, and offerors will incur substantial proposal preparation costs. First step proposals would be evaluated on technical approach and qualifications; in the second step, at least three offerors determined to be most highly qualified under step one would submit competitive proposals including cost or price information.

The House amendment contained no similar provision.

The Senate recedes.

Technical and conforming amendments

The Senate bill contained a provision (sec. 1022) that would make technical and conforming amendments to 10 U.S.C. 2306.

The House amendment contained no similar provision.

The Senate recedes.

Continued occupancy of leased space

The Senate bill contained a provision (sec. 1056) that would amend 41 U.S.C. 253(d) to permit the use of other than competitive procedures for a follow-on lease for continued occupancy by federal agencies of space in buildings on a one-time basis for a period not to exceed five years upon a determination that there is a continuous need for the space, the space meets the agency's needs and that the space is offered at a fair market price.

The House amendment contained no similar provision.

The Senate recedes.

Award of multiple contracts

The House amendment contained two provisions (secs. 1017 and 1067) that would authorize the Department of Defense to award multiple contracts under a single solicitation if it would be in the best interests of the Federal Government.

The Senate bill contained no similar provision.

The House recedes.

Elimination of certain terminology regarding defense research activities

The Senate bill contained a provision (sec. 1302) that would have revised 10 U.S.C. 2364 to eliminate the statutory use of certain terminology regarding defense research activities.

The House amendment contained no similar provision.

The Senate recedes.

Jurisdiction of the United States Court of Federal Claims

The Senate bill contained three provisions (Secs. 1421, 1422, and 1437) that would give the U.S. Court of Federal Claims exclusive judicial jurisdiction over bid protests, and eliminate district court jurisdiction over such protests. The provisions would have no impact on the protest jurisdiction of the General Accounting Office and the General Services Administration Board of Contract Appeals.

The House amendment contained no similar provisions.

The Senate recedes.

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

Contract financing (sec. 2001)

The Senate bill contained a provision (sec. 2001) that would consolidate contract financing provisions for the Department of Defense in 10 U.S.C. 2307, provide for performance-based payments whenever practicable, and repeal obsolete and superseded provisions.

The House amendment contained a similar provision (sec. 2001) that also would authorize payments for commercial items using commercial terms and conditions, with certain limitations.

The Senate recedes with an amendment that would provide for performance-based payments whenever practicable and commercial item payments when in the best interests of the United States. The conference agreement would make it clear that Prompt Payment Act requirements in chapter 39 of title 31, United States Code are not intended to be impaired or modified by this provision.

Repeal of vouchering procedures section (sec. 2002)

The Senate bill contained a provision (sec. 2002) that would repeal 10 U.S.C. 2355, which creates unique vouchering requirements for the Department of Defense.

The House amendment contained an identical provision (sec. 2002).

The conferees agree to this provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

Contract financing (sec. 2051)

The Senate bill contained a provision (sec. 2051) that would consolidate contract financing provisions for the civilian agencies and provide for performance-based payments whenever practicable.

The House amendment contained a similar provision (sec. 2051) that would also authorize payments for commercial items using commercial terms and conditions, with certain limitations.

The Senate recedes with an amendment that would provide for performance-based payments whenever practicable and commercial item payments when in the best interests of the United States. The conference agreement would make it clear that Prompt Payment Act requirements in chapter 39 of title 31, United States Code are not intended to be modified by this provision.

PART III—ACQUISITIONS GENERALLY

Government-wide application of payment protections for subcontractors and suppliers (sec. 2091)

The House amendment contained a provision (sec. 4102) that would require the Administrator of the Office of Federal Procurement Policy to prescribe regulations to govern payment protections for first tier subcontractors and suppliers under Government contracts. This provision would make conforming amendments to other applicable provisions of law.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that the Federal Acquisition Regulation be modified to apply on a government-wide basis the current Department of Defense payment protections mandated by section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190: 10 U.S.C. 2301 note) which are similar to the provisions that are in sec. 4102 of the House amendment.

Subtitle B—Cost principles

PART I—ARMED SERVICES ACQUISITIONS

Allowable contract costs (sec. 2101)

The Senate bill contained a provision (sec. 2101) that would amend the Department of Defense contract cost principles in 10 U.S.C. 2324 to raise the threshold for coverage to $500,000, with a periodic inflation adjustment for the threshold. This provision also would eliminate the requirement for General Accounting Office reports and include the costs of lobbying local government bodies in the current prohibition against reimbursement of the costs of lobbying before a Federal or State body.

The House amendment contained a similar provision (sec. 2101) that also would extend the coverage of the cost principles to the U.S. Coast Guard and the National Aeronautics and Space Administration, provide for different inflation adjustment factors, and exempt commercial items. The House provision did not address local lobbying costs.

The Senate recedes with an amendment that would conform the inflation adjustment to the Senate provision (adjustments based upon 1994 dollars and rounded to the nearest $50,000) and provide that firm fixed price contracts for commercial items are not subject to this provision. The amendment would also adopt the Senate provision with respect to the local lobbying costs. The conferees direct that the costs associated with lobbying of local government entities be treated in the regulations in the same manner as lobbying before State entities is treated under the current applicable cost principle, section 31.205–22(B) of the Federal Acquisition Regulation.

Repeal of authority for contract profit controls during emergency periods (sec. 2102)

The Senate bill contained a provision (sec. 2102) that would repeal 10 U.S.C. 2382, which provides standby profit controls for use during national emergencies. Contractor profits would continue to be negotiated pursuant to the principles established in the Federal Acquisition Regulation.

The House amendment contained an identical provision (sec. 2102).

The conferees agree to this provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

Allowable contract costs (sec. 2151)

The Senate bill contained a provision (sec. 2151) that would amend Section 306 of the Federal Property and Administrative Services Act (41 U.S.C. 256) to establish contract cost principles for civilian agencies. This provision, which is substantially the same as section 2101, would ensure uniform treatment of contract costs by civilian agencies and the Department of Defense.

The House amendment contained a similar provision (sec. 2125) that would provide for different inflation adjustment factors. It would add a provision concerning claims of unallowable costs under Department of Energy management and operating contracts and would exempt commercial contracts from the cost principles. The House provision did not address local lobbying costs.

The Senate recedes with a amendment that would adopt the Senate inflation adjustment provision (adjustments based upon 1994 dollars and rounded to the nearest $50,000) and would provide that firm fixed price contracts for commercial items are not to be covered. The amendment would also adopt the Senate provision with respect to the local lobbying costs. In this regard, the conferees direct that the costs associated with lobbying of local government entities be treated in the regulations in the same manner as lobbying before State entities is treated under the current applicable cost principle, section 31.205–22(B) of the Federal Acquisition Regulation (FAR).

The conferees do not intend that the current contract cost principles in the FAR be rewritten for civilian agencies unless the codification contains a change from current law set forth in title 10, United States Code.

PART III—ACQUISITIONS GENERALLY

Travel expenses of government contractors (sec. 2191)

The Senate bill contained a provision (sec. 2191) that would repeal section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420), regarding travel expenses of government contractors.

The House amendment contained a similar provision (sec. 2161) that would clarify the application of the current OFPP Act limit on reimbursement of such expenses.

The House recedes.

Revision of cost principles relating to entertainment, gift, and recreation costs for contractor employees (sec. 2192)

The Senate bill contained a provision (sec. 2192) that would require an amendment of the Federal Acquisition Regulation (FAR) to provide that costs for entertainment that are not allowable under the entertainment cost principle are not allowable under any other principle, and to clarify the relationship to other cost principles.

The House amendment would provide: (1) that costs for entertainment, gifts, or recreation for employees are not allowable unless the FAR is amended to specify circumstances under which such costs are allowable; and (2) that costs not allowable under the entertainment cost principles are not allowable under any other principle.

The Senate recedes with a clarifying amendment. The conference agreement would combine the two provisions and make clear the Congressional intent that the Federal Acquisition Regulation be revised so that entertainment costs are not reimbursable on any basis.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

Consolidation and revision of authority to examine records of contractors (sec. 2201)

The Senate bill contained a provision (sec. 2201) that would amend 10 U.S.C. 2313 to provide a consolidated audit provision, prohibit a contracting agency preaward audit where the contracting officer determines that audit objectives can be met by any federal agency's audit occurring within one year preceding the contracting officer's determination, and clarify that no special records need to be created or maintained in connection with General Accounting Office access to records. The section also would repeal superseded provisions.

The House amendment contained a similar provision (sec. 2201) that in addition would extend the applicability to electronic forms and images of original records.

The Senate recedes with a technical amendment.

PART II—CIVILIAN AGENCY ACQUISITIONS

Authority to examine records of contractors (sec. 2251)

The Senate bill contained a provision (sec. 2251) that would add a new section 304B to the Federal Property and Administrative Services Act to provide a consolidated audit provision, provide agency heads with subpoena power, prohibit a contracting agency preaward audit where the contracting officer determines that audit objectives can be met by any federal agency's audit occurring within one year preceding the contracting officer's determination, and to clarify that no special records need to be created or maintained in connection with General Accounting Office access to records. The section also would repeal superseded provisions.

The House amendment contained a similar provision (sec. 2251) but would not provide for subpoena power.

The House recedes with an amendment that would limit the subpoena power to the Defense Contract Audit Agency and the statutory Inspectors General. With respect to an agency without a statutory Inspector General, a subpoena could be issued by the General Services Administration Inspector General. The amendment also would make additional technical and clarifying changes.

Subtitle D—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

Certification of contract claims (sec. 2301)

The Senate bill contained a provision (sec. 2501) that would amend 10 U.S.C. 2410, which establishes Department of Defense-unique requirements for the certification of contract claims to make it clear the provision applies only to requests for equitable adjustment and for relief under Public Law 85–804. The provision would repeal 10 U.S.C. 2410e, concerning a Department of Defense certification requirement. Provisions of the Contract Disputes Act of 1978 regarding the certification of claims would remain in effect and would govern claims on a government-wide basis. The provision would also codify a provision restricting legislative payment of claims.

The House amendment contained a provision (sec. 2501) that would amend 10 U.S.C. 2410e and repeal 10 U.S.C. 2410.

The House recedes.

Shipbuilding claims (sec. 2302)

The Senate bill contained a provision (sec. 2502) that would amend 10 U.S.C. 2405, to conform the time allowed for the filing of a claim, request for equitable adjustment, or demand for payment under shipbuilding contracts to six years, the time allowed for such actions under other types of contracts. The Senate provision also would repeal subsection (c) of section 2405, which concerns corrected certifications.

The House amendment contained a similar provision (sec. 2502).

The Senate recedes with a technical amendment.

PART II—ACQUISITIONS GENERALLY

Contract Disputes Act improvements (sec. 2351)

The Senate bill contained a provision (sec. 2552) that would amend the Contract Disputes Act to clarify the periods for filing claims. The section also would raise thresholds for certifications and for accelerated and small claims procedures. In addition, it would reduce the time period for filing actions in the Court of Federal Claims from 12 months to 90 days.

The House amendment contained no similar provision.

The House recedes with an amendment that would measure the six year limitation for filing claims from the "accrual" of the claim, increase the threshold for the applicability of accelerated claims procedures to $100,000, and eliminate the provision in the Senate bill reducing the time period for filing actions in the Court of Federal Claims. In addition the amendment would clarify the Contract Disputes Act to insure a contractor's right to request that the "tribunal concerned" in a particular claim action, whether it is an agency board of contract appeals or a court of proper jurisdiction, for example, the Court of Federal Claims, direct a contracting officer to issue a decision on a claim in a specified period of time in the event of the contracting officer's undue delay.

Extension of alternate dispute resolution authority (sec. 2352)

The Senate bill contained a provision (sec. 2553) that would amend the Contract Disputes Act to extend the authority to engage in alternative dispute resolution under that Act until October 1, 1999. The provision also would provide a procedure for addressing requests for use of alternative dispute resolution procedures.

The House amendment contained no similar provision.

The House recedes.

Expedited resolution of contract administration complaints (sec. 2353)

The Senate bill contained a provision (sec. 2554) that would require that a contracting officer make reasonable efforts to respond within 30 days to any written inquiry from a small business concerning contract administration. This section would create no rights under the Contract Disputes Act.

The House amendment contained no similar provision.

The House recedes. The conferees intend references to written matter in this section to include electronic transmissions.

Authority for district courts to obtain advisory opinions from boards of contract appeals in certain cases (sec. 2354)

The Senate bill contained a provision (sec. 2555) that would permit a district court to ask a board of contract appeals for an advisory opinion on contract issues.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide that the board of contract appeals should provide the advisory opinion in a timely manner to the district court.

Subtitle E—Miscellaneous

PART I—ARMED SERVICES ACQUISITIONS

Clarification of provision regarding quality control of certain spare parts (sec. 2401)

The Senate bill contained a provision (sec. 2401) that would repeal 10 U.S.C. 2383, which concerns the qualification requirements for critical spare parts.

The House amendment contained a provision (sec. 2401) that would revise 10 U.S.C. 2383.

The Senate recedes.

Contractor guarantees regarding weapons systems (sec. 2402)

The Senate bill contained a provision (sec. 2402) that would amend 10 U.S.C. 2403, which concerns contractor guarantees on weapons systems, to require the Department of Defense to establish guidelines and procedures for negotiating and administering contractor guarantees.

The House amendment contained a similar provision (sec. 2401).

The Senate recedes. The conferees agree that the Department of Defense should take steps to test innovative approaches to warranties with a goal of developing a more effective implementation of the statutory requirement.

PART II—ACQUISITIONS GENERALLY

Section 3737 of the Revised Statutes: expansion of authority to prohibit setoffs against assignees; reorganization of section; revision of obsolete provisions (sec. 2451)

The Senate bill contained a provision (sec. 2451) that would amend section 3737 of the Revised Statutes (41 U.S.C. 15) to expand authority for set-offs against assignees.

The House amendment contained no similar provision.

The House recedes.

Repeal of requirement for deposit of contracts with GAO (sec. 2452)

The Senate bill contained a provision (sec. 2452) which would repeal an obsolete requirement for deposit of contracts with GAO.

The House amendment contains no similar provision.

The House recedes.

Repeal of obsolete deadline regarding procedural regulations for the Cost Accounting Standards Board (sec. 2453)

The Senate bill contained a provision (sec. 2302) that would repeal an obsolete deadline for procedural regulations that have already been issued, while retaining the provision authorizing the issuance of such regulations.

The House amendment contained an identical provision (sec. 2301).

The conferees agree to this provision.

Codification of accounting requirement for contracted advisory and assistance services (sec. 2454)

The Senate bill contained a provision (sec. 3051) that would codify accounting requirements for contracted advisory and assistance services.

The House amendment contained a similar provision (sec. 8008).

The House recedes with a technical amendment.

Uniform suspension and debarment (sec. 2455)

The Senate bill contained a provision (sec. 9004) that would give government-wide effect to agency suspension and debarment actions, with limited exceptions.

The House amendment contained no similar provision.

The House recedes.

CONTRACT ADMINISTRATION—LEGISLATIVE PROVISIONS NOT ADOPTED

Claims jurisdiction of United States district courts and the United States Court of Federal Claims

The Senate bill contained a provision (sec. 2551) that would amend the Little Tucker Act to clarify the concurrent jurisdiction of district courts with the Court of Federal Claims over contract disputes.

The House amendment contained no similar provision.

The Senate recedes.

Interest penalty on contract close-out lagtime

The House amendment contained a provision (sec. 2061) that would permit the payment of interest penalties when contract close-out exceeds one year after the contractor completes all obligations.

The Senate bill contained no similar provision.

The House recedes.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

Weapon development and procurement schedules (sec. 3001)

The House amendment contained a provision (sec. 3001) that would streamline the statutory requirements concerning weapon development and procurement schedules (10 U.S.C. 2431).

The Senate bill contained no similar provision.

The Senate recedes.

Selected acquisition report requirement (sec. 3002)

The House amendment contained a provision (sec. 3002) that would streamline the statutory requirements governing selected acquisition reports (10 U.S.C. 2432–33) by eliminating several requirements, eliminating extraneous data requirements, and by redefining budgetary baselines.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Unit cost report requirement (sec. 3003)

The House amendment contained a provision (sec. 3003) that would streamline the statutory requirements governing unit cost reports (10 U.S.C. 2433) by eliminating extraneous data requirements and by redefining baselines.

The Senate bill contained no similar provision.

The Senate recedes.

Requirement for independent cost estimate and manpower estimate before development or production (sec. 3004)

The Senate bill contained a provision (sec. 3001) that would modify 10 U.S.C. 2434, which concerns independent cost estimates and manpower estimates.

The House amendment contained a similar provision (sec. 3004).

The Senate recedes with a clarifying amendment.

Baseline description (sec. 3005)

The Senate bill contained a provision (sec. 3002) that would streamline requirements for program baseline descriptions and deviation reporting.

The House amendment contained a similar provision (sec. 3005).

The Senate recedes with a technical amendment. Although these modifications provide DOD with added flexibility, the conferees expect that the Department will continue to establish program baselines and provide essential program cost information.

Repeal of requirement for competitive prototyping of major programs (sec. 3006)

The Senate bill contained a provision (sec. 3004) that would repeal 10 U.S.C. 2438, concerning the use of competitive prototyping in major programs.

The House amendment contained an identical provision (sec. 3006).

The conferees agree to this provision. The conferees expect the Department of Defense to continue considering prototyping as an option in the acquisition planning process and to use competitive prototype strategies where appropriate.

Repeal of requirement for competitive alternative sources for major programs (sec. 3007)

The Senate bill contained a provision (sec. 3005) that would repeal 10 U.S.C. 2439, concerning the use of competitive alternative sources in major programs.

The House amendment contained an identical provision (sec. 3007).

The conferees agree to this provision. The conferees expect DOD to continue considering competitive alternative sources as an option in the acquisition planning process and to use competitive alternative sources where appropriate.

Subtitle B—Testing Statutes

Authority of the Director of Operational Test and Evaluation to communicate views directly to the Secretary of Defense (sec. 3011)

The Senate bill contained a provision (sec. 3011) that would amend 10 U.S.C. 139 to provide that the Director of Operational Test and Evaluation reports directly, without intervening review or approval, to the Secretary and Deputy Secretary of Defense personally.

The House amendment contained no similar provision. A separate bill passed by the House (H.R. 4301) contained a provision (sec. 906) that would provide for the Director to report to the Under Secretary of Defense (Comptroller).

The House recedes with an amendment that would provide expressly that the Director of Operational Test and Evaluation is authorized to communicate views on matters within the Director's responsibility directly to the Secretary and Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

Under current DOD policy, the Director reports directly to the Secretary and Deputy Secretary of Defense. The conferees agree that this is the most desirable arrangement. If, in the future, the Department intends to consider a different organizational arrangement, the conferees direct the Secretary to ensure ample consultation with Congress before implementation of any changes. The conferees emphasize that any such future arrangement must maintain the requirements for independence of the Director from the Under Secretary of Defense for Acquisition and Technology as set forth in 10 U.S.C. 139. The conferees further emphasize that section 139 prohibits placing the Director within the control of the Under Secretary's organization, and requires the Director to act independently of the Under Secretary.

Responsibility of the Director of Operational Test and Evaluation for live fire testing (sec. 3012)

The Senate bill contained a provision (sec. 3012) that would amend 10 U.S.C. 139 to assign responsibility for live fire testing in the Department of Defense to the Director of Operational Test and Evaluation. The Senate amendment also would require the Director to include live fire testing activities in the Director's annual report.

The House amendment contained no similar provision.

The House recedes with an amendment that would make it clear that the Director would be responsible for monitoring and reviewing the live fire testing activities of the Department, including the Department's responsibilities under 10 U.S.C. 2366. The conferees intend that the Director prepare the report required by 10 U.S.C. 2366(d). The conferees note that the responsibility of the Director to include live fire testing activities in the Director's annual report does not replace other statutory reporting requirements concerning live fire testing. The conferees direct the Secretary of Defense to review all applicable reporting requirements, and to advise the congressional defense committees, not later than March 15, 1995, as to whether any statutory reporting requirements should be consolidated.

Requirement for unclassified version of annual report on operational test and evaluation (sec. 3013)

The Senate bill contained a provision (sec. 3013) that would amend 10 U.S.C. 139 to require the Secretary of Defense to submit the annual report to Congress on operational test and evaluation in an unclassified form if the report is submitted in a classified form.

The House amendment contained no similar provision.

The House recedes.

Survivability and lethality testing (sec. 3014)

The House amendment contained a provision (sec. 3011) that would amend 10 U.S.C. 2366 to modify requirements for survivability and lethality testing. This section would allow a waiver for less than full-up testing if the Secretary of Defense certifies to Congress that such testing would be unreasonably expensive or impractical.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make it clear that the certification which must be provided to Congress in connection with such a modification must be submitted before the system enters engineering and manufacturing development. The effect would be to maintain realistic survivability and lethality testing through testing of components, subsystems, and subassemblies in cases where the Secretary waives requirements for full up testing under 10 U.S.C. 2366.

Limitation on quantities to be procured for low-rate initial production (sec. 3015)

The House amendment contained a provision (sec. 3012) that would amend 10 U.S.C. 2400 to provide limits on the number of articles that could be procured under low-rate initial production within the engineering and manufacturing phase of the acquisition cycles.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle C—Service Specific Laws

Gratuitous services of officers of certain reserve components (sec. 3021)

The Senate bill contained a provision (sec. 3021) that would revise 10 U.S.C. 279, concerning the acceptance of gratuitous services of reserve officers by the military departments.

The House amendment contained no similar provision.

The House recedes.

Authority to rent samples, drawings, and other information to others (sec. 3022)

The Senate bill contained a provision (sec. 3022) that would revise 10 U.S.C. 2541(a) to clarify that the provision includes the authority to rent manufacturing information, equipment, materials, and sources.

The House amendment contained no similar provision.

The House recedes.

Repeal of application of Public Contracts Act to certain naval vessel contracts (sec. 3023)

The House amendment contained a provision (sec. 3033) that would repeal 10 U.S.C. 7299, concerning the application of the Walsh-Healey Act to the construction of naval vessels.

The Senate bill contained no similar provision.

The Senate recedes.

Repeal of requirement for construction of vessels on Pacific Coast (sec. 3024)

The Senate bill contained a provision (sec. 3027) that would repeal a provision requiring the construction of certain naval vessels on the Pacific Coast.

The House amendment contained no similar provision.

The House recedes.

Scientific investigation and research for the Navy (sec. 3025)

The Senate bill contained a provision (sec. 3025) that would repeal an obsolete provision concerning Navy research.

The House amendment contained no similar provision.

The House recedes.

Subtitle D—Civil Reserve Air Fleet

Civil Reserve Air Fleet (secs. 3031–33)

The Senate bill contained a provision (sec. 3023) that would streamline and consolidate current laws concerning the Civil Reserve Air Fleet.

The House amendment contained similar provisions (secs. 3021–23).

The Senate recedes with a clarifying amendment.

The conferees encourage the Secretary of the Air Force to utilize the authorities provided in the conference agreement, which would enhance the effectiveness of participation in the Civil Reserve Air Fleet. The conference agreement would permit the Air Force to use landing fees to mitigate the cost of installation operations. The conferees believe this new authority will reduce costs at installations where active and reserve component operations have been reduced. This is especially significant in remote and isolated locations where support functions have been shifted to civilian contractors.

Subtitle E—Miscellaneous

Regulations on procurement, production, warehousing, and supply distribution functions (sec. 3061)

The Senate bill contained a provision (sec. 3081) that would amend 10 U.S.C. 2202 to delete unnecessary and redundant language.

The House amendment contained a similar provision (sec. 3051).

The Senate recedes with a technical amendment.

Repeal of requirements regarding product evaluation activities (sec. 3062)

The Senate bill contained a provision (sec. 3082) that would repeal 10 U.S.C. 2369, concerning product evaluation activities.

The House amendment contained a similar provision (sec. 3052).

The Senate recedes.

Department of Defense acquisition of intellectual property rights (sec. 3063)

The Senate bill contained a provision (sec. 5092) that would make technical changes in 10 U.S.C. 2386, concerning the acquisition of intellectual property rights by DOD.

The House amendment contained an identical provision (sec. 8005).

The conferees agree to this provision.

Liquid fuels and natural gas: contracts for storage, handling, or distribution (sec. 3064)

The Senate bill contained a provision (sec. 3061) that would clarify 10 U.S.C. 2388(a), concerning the storage, handling, and distribution of liquid fuels and natural gas.

The House amendment contained no similar provision.

The House recedes.

Codification and revision of limitation on lease of vessels, aircraft, and vehicles (sec. 3065)

The Senate bill contained a provision (sec. 3083) that codify the limitations on leasing vessels, aircraft, and vehicles by the Department of Defense.

The House amendment contained a similar provision (sec. 3052).

The Senate recedes.

Soft drink supplies (sec. 3066)

The Senate bill contained a provision (sec. 3084) that would revise 10 U.S.C. 2424 to permit the acquisition of U.S. manufactured soft drinks from a military exchange store located outside the United States for use outside the United States.

The House amendment contained no similar provision.

The House recedes.

Disbursement of funds of military department to cover obligations of another agency of Department of Defense (sec. 3067)

The Senate bill contained a provision (sec. 3071) that would clarify 31 U.S.C. 3321(c)(2), concerning the authority to designate disbursing officers within DOD.

The House amendment contained no similar provision.

The House recedes.

SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES—LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of requirement to designate certain programs as defense enterprise programs

The Senate bill contained a provision (sec. 3004) that would repeal section 809(d) of the National Defense Authorization Act for Fiscal Year 1991. Section 809(d) required defense acquisition pilot programs to be designated as defense enterprise programs under 10 U.S.C. 2436.

The House amendment contained no similar provision.

The Senate recedes. The conferees note that section 809(d) and 10 U.S.C. 2436 have been repealed by sections 821(a)(5) and 832(b) of the National Defense Authorization Act for Fiscal Year 1994.

Operational test and evaluation of defense acquisition programs

The House amendment contained a provision (sec. 3013) that would amend 10 U.S.C. 2399 to authorize the Secretary of Defense to use alternative operational test and evaluation procedures if the Secretary certifies to Congress that normal testing procedures are too costly or impractical.

The Senate bill contained no similar provision.

The House recedes. In view of the fact that the position of Director of Operational Test and Evaluation has been vacant for over a year and a half, the conferees agree that the changes proposed by the House should not be considered prior to a thorough review and consideration by appropriate DOD officials, including the next Director. The conferees agree that it is appropriate to review current statutory requirements to ensure that they are cost effective and practicable. The conferees direct the Secretary of Defense to advise the congressional defense committees no later than March 15, 1994 on the issue of whether any changes should be made in current law.

Exchange of personnel

The Senate bill contained a provision (sec. 3024) that would authorize certain international personnel exchanges.

The House amendment contained no similar provision.

The Senate recedes. The conferees note that the Department of Defense has authority to participate in international exchanges of scientific personnel through Memoranda of Understanding and international cooperative research and development agreements. If DOD in the future should determine that existing authority is insufficient, the Administration should submit an appropriate legislative proposal.

Construction of combatant and escort vessels and assignment of vessel projects

The Senate bill contained a provision (sec. 3026) that would repeal a prohibition on the assignment of naval vessel conversion, alteration, or repair based upon a requirement that parts of the work be assigned to a particular type of shipyard or geographic area.

The House amendment contained no similar provision.

The Senate recedes.

Authority to transfer by gift a vessel stricken from naval vessel register

The Senate bill contained a provision (sec. 3028) that would clarify 10 U.S.C. 7306(a), concerning the authority to transfer by gift a vessel stricken from the naval vessel register.

The House amendment contained no similar provision.

The Senate recedes.

Naval salvage facilities

The Senate bill contained a provision (sec. 3029) that would revise various statutes regarding naval salvage facilities.

The House amendment contained no similar provision.

The Senate recedes.

TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD

Subtitle A—Establishment of Threshold

Simplified acquisition threshold defined (sec. 4001)

The Senate bill contained a provision (sec. 4001(a)) that would amend the Office of Federal Procurement Policy Act to establish a new simplified acquisition threshold of $100,000.

The House amendment contained a similar provision (sec. 4001) that would define the simplified acquisition threshold as $25,000, increasing to $100,000 for agencies or procuring activities conducting acquisitions using a Federal Acquisition Computer Network (FACNET) capability, adjusted for inflation every five years.

The House recedes. The conference agreement includes a Federal Acquisition Computer Network cap established in Title IX of this agreement.

Establishment of simplified acquisition threshold for Armed Services (sec. 4002)

The House amendment contained a provision (sec. 4003) that would establish the simplified acquisition threshold within the Department of Defense, U.S. Coast Guard and National Aeronautics and Space Administration.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

Establishment of simplified acquisition threshold for civilian agencies (sec. 4003)

The House amendment contained a provision (sec. 4004) that would establish the simplified acquisition threshold within the civilian agencies.

The Senate bill contained no similar provision.

The Senate recedes.

Small business reservation (sec. 4004)

The Senate bill contained a provision (sec. 4012) that would reserve all contracts under the simplified acquisition threshold, except for those not exceeding $2,500, for small business, and would specifically authorize continued set-asides of all contracts under the simplified acquisition threshold for minority small businesses.

The House amendment contained no similar provision.

The House recedes with an amendment which would set the threshold for the reserve at $100,000. The conferees do not intend that the increased threshold alter the current priority among sources of supplies and services under Parts 8 and 13 of the Federal Acquisition Regulation.

Subtitle B—Inapplicability of Laws to Acquisition at or Below the Simplified Acquisition Threshold

List of inapplicable laws in Federal Acquisition Regulation (sec. 4101)

The Senate bill contained a provision (sec. 4021) that would authorize the waiver, in the Federal Acquisition Regulation (FAR), of the applicability of certain statutes to acquisitions not exceeding the simplified acquisition threshold. The House amendment contained a similar provision (sec. 4021).

The House recedes with an amendment.

Under the conference agreement, the FAR would be revised to include a list of statutes that are inapplicable to contracts or subcontracts for acquisitions not exceeding the $100,000 simplified acquisition threshold. Any provision of law that is properly included on the list would be inapplicable to any such contract. Nothing in the provision would waive the applicability of any statute that is not included on the list, or create any private right of action or other legal rights not expressly provided in this section, based on the alleged inapplicability of a provision of law that is not included on the list. The conferees intend that the FAR should be revised, upon enactment of this Act, to list as inapplicable to contracts for the acquisitions not exceeding the simplified acquisition threshold each of the provisions of law that would be made inapplicable by this Act, as well as those provisions that currently have a $100,000 or higher threshold.

The conference agreement would further provide that any future-enacted provision of law that, as determined by the FAR Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services (other than a provision of law that imposes a civil or criminal penalty, or expressly precludes a simplified acquisition threshold exemption) would be included on the list unless the FAR Council determines that such an exemption would not be in the best interest of the United States. If such a provision of law is not included on the list and the FAR Council has not made the required determination, any interested party may file a petition to require appropriate action by the Administrator for Federal Procurement Policy.

Armed services acquisitions (sec. 4102)

The Senate bill contained a provision (sec. 4022) that would exempt armed services procurements below the simplified acquisition threshold from contingent fees certifications; the prohibition on limiting subcontractor direct sales to the United States; the audit requirements in 10 U.S.C. 2313; the requirement to identify suspended or debarred subcontractors; and the prohibition related to persons convicted of defense related felonies.

The House amendment contained a similar provision (sec. 4032) that also would exempt 10 U.S.C. 2401b (inventory accounting system standards) and 10 U.S.C. 2534 (miscellaneous limitations on procurement).

The Senate recedes with technical amendments.

Civilian agency acquisitions (sec. 4103)

The Senate bill contained a provision (sec. 4023) that would, in the same manner as section 4022, exempt civilian agency procurements below the simplified acquisition threshold from contingent fees certifications; the prohibition on limiting subcontractor direct sales to the United States; and certain audit requirements.

The House amendment contained a similar provision (sec. 4042).

The House recedes with a technical amendment.

Acquisitions generally (sec. 4104)

The Senate bill contained a provision (sec. 4024) that would exempt procurements below the simplified acquisition threshold from the procedural requirements of the Anti-Kickback Act; the Miller Act; the Contract Work Hours and Safety Standards Act; the Drug-Free Workplace Act of 1988; the certification requirements of Solid Waste Disposal Act; and would make technical changes to the Procurement Integrity Act substituting "simplified acquisition threshold" for $100,000," and making conforming changes.

The House amendment contained similar provisions (secs. 4031, 4051, 4052) but did not waive the Anti-Kickback Act; the Miller Act; the Contract Work Hours and Safety Standards Act; or certifications under the Solid Waste Disposal Act.

The House recedes with an amendment that would clarify the requirement to cooperate with Federal agency investigations of violations of the Anti-Kickback Act.

Simplified acquisition procedures (sec. 4201)

The Senate bill contained a provision (sec. 4011) that would add a new section 29 to the Office of Federal Procurement Policy Act, authorizing the use of simplified procedures for acquisitions under the simplified acquisition threshold. The section also would require that regulations implementing the new simplified procedures provide that purchases not exceeding $2,500 not be subject to the Small Business Act reservation requirement or the Buy American Act, that Federal employees who make such purchases are not to be classified as "procurement officials" under the Office of Federal Procurement Policy Act, and that such purchases may be made, as such purchases currently are made, without a requirement to secure competitive quotations.

The House amendment contained similar provisions (secs. 4011, 6001) that would reflect the Senate's simplified procedures and that would establish a micro-purchase threshold adjusted for inflation every five years. The provision would exempt such purchases from the Buy American Act, would treat government personnel authorized to use micro-purchases as procurement officials and would consider any contractor entering into a micro-purchase contract to be a competing contractor.

The Senate recedes with an amendment that would identify simplified procedures; prohibit the dividing of requirements for acquisition under the new threshold; promote competition; and establish special rules for the utilization of simplified procedures in connection with a new electronic Federal Acquisition Computer Network (FACNET). Simplified procedures may be used for acquisitions up to $50,000 upon enactment of the Act. When an agency certifies that interim FACNET is implemented, simplified procedures may be used by an agency for contracts up to $100,000.

Micro-purchases are addressed in sec. 4301 of the conference agreement.

Procurement notice (sec. 4202)

The Senate bill contained a provision (sec. 4014) that would amend section 18 of the Office of Federal Procurement Policy Act and section 8(e) of the Small Business Act to continue the requirement that a notice of any procurement over $25,000 be published in the Commerce Business Daily 15 days prior to the issuance of a solicitation. After the issuance of this notice, the agency would be free to pursue any procedures described in the notice; the current requirement to allow the 30 days for the submissions of bids and proposals would apply only to contracts in excess of the simplified acquisition threshold.

The House amendment contained similar provisions (sec. 4012, 6001) that would require the posting of notices of all solicitations between $10,000 and the simplified acquisition threshold for at least a ten day period unless the acquisition is conducted through the Federal Acquisition Computer Network (FACNET) to be established under this Act. In addition, the House amendment would establish minimum periods for the submission of offers to be set forth in the Federal Acquisition Regulation.

The House recedes with a technical amendment.

Implementation of simplified acquisition procedures (sec. 4203)

The House amendment contained provisions that would establish the simplified acquisition threshold (SAT) for the Department of Defense (DOD) (sec. 4003) and civilian agency (sec. 4004) procurements. The provision would allow an increase in SAT from $25,000 to $100,000 for a procuring activity once the senior procurement executive of an agency certifies that an interim electronic commerce capability has been implemented by the activity. Interim capability would be defined as the ability to issue notice of solicitation through the system. The provision also would require an agency to revert to a $25,000 SAT if in five years after enactment the agency has not achieved full electronic commerce capability for simplified acquisitions. Full capability is defined as 75% of all eligible agency contract actions between $2,500 (micro-purchase threshold) and $100,000.

The Senate bill contained no similar provision linking electronic commerce with a new simplified acquisition threshold. The Senate bill, however, did contain a provision (sec. 4015) which would allow the establishment of an interoperable, governmentwide architecture for electronic commerce, coordinated through the Administrator of Federal Procurement Policy, that would permit the exchange of procurement information between the government and private users of the system.

The Senate recedes with an amendment. Electronic commerce under a Federal Acquisition Computer Network (FACNET) is set forth in title IX of the conference agreement. Sec. 4203 of the conference agreement provides for implementation of simplified acquisition procedures in DOD and civilian agencies.

Subtitle D—Micro-Purchase Procedures

Procedures for purchases below micro-purchase threshold (sec. 4301)

The Senate bill contained a provision (sec. 4011(b)) that would establish a "micro-purchase threshold" of $2,500 and require that regulations implementing the new simplified procedures provide that purchases not exceeding $2,500 not be subject to the Small Business Act reservation requirement or the Buy American Act. Federal employees who make such purchases would not be classified as "procurement officials" under the Office of Federal Procurement Policy Act. Micro-purchases could be made without a requirement to secure competitive quotations.

The House amendment contained similar provisions (secs. 4011, 6001) that would establish a micro-purchase threshold adjusted for inflation every five years. The provision would exempt such purchases from the Buy American Act, would treat government personnel authorized to use micro-purchases as procurement officials and would consider any contractor entering into a micro-purchase contract to be a competing contractor under the Procurement Integrity Act.

The House recedes with a clarifying amendment.

Subtitle E—Conforming Amendments

Armed services acquisitions (sec. 4401)

The Senate bill contained a provision (sec. 4071) that would make conforming amendments concerning the "simplified acquisition threshold."

The House amendment contained a similar provision (sec. 4071.)

The Senate recedes with a technical amendment.

Civilian agency acquisitions (sec. 4402)

The Senate bill contained a provision (sec. 4072) that would make conforming amendments concerning the "simplified acquisition threshold." The section also would amend the Federal Property and Administrative Services Act to authorize the use of simplified procedures for acquisitions of leases of real property where the annual rent does not exceed the simplified acquisition threshold.

The House amendment contained a similar provision (sec. 4072) but did not provide for simplified lease procedures under the simplified acquisition threshold.

The House recedes.

Office of Federal Procurement Policy Act (sec. 4403)

The Senate bill contained a provision (sec. 4073) that would make conforming amendments concerning the "simplified acquisition threshold" in the Office of Federal Procurement Policy Act.

The House amendment contained an identical provision (sec. 4073).

The conferees agree to this provision.

Small Business Act (sec. 4404)

The Senate bill contained a provision (sec. 4074) that would make conforming amendments concerning the "simplified acquisition threshold" in the Small Business Act.

The House amendment contained no similar provision.

The House recedes.

SIMPLIFIED ACQUISITION THRESHOLD—
LEGISLATIVE PROVISION NOT ADOPTED

Revision required

The Senate bill contained a provision (sec. 4081) that would require the FAR Council to review the Federal Acquisition Regulation to identify and amend regulations that are applicable below the new simplified acquisition threshold.

The House amendment contained a similar provision (sec. 4081).

The conferees agreed that such a provision is unnecessary in view of the detailed implementation requirements in title X of the bill.

Fast payment under simplified acquisition procedures

The Senate bill contained a provision (sec. 4013) that would provide that for any purchase made pursuant to simplified acquisition procedures payment shall be made in accordance with the Prompt Payment Act within 15 days of receipt of invoice under appropriate circumstances. In making such payments disbursements would be required to be matched with obligations.

The House amendment contained no similar provision.

The Senate recedes.

GAO report on the simplified acquisition threshold

The House amendment contained a provision (sec. 4013) that would require GAO to submit a report to Congress regarding the effects of the simplified acquisition threshold on participation of small business on awards less than $100,000.

The Senate bill contains no similar provision.

The House recedes.

TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

Performance based management (sec. 5001)

The Senate bill contained a provision (sec. 5001) that would require the establishment of cost, schedule, and performance goals for Department of Defense major weapons systems, as well as the development of an enhanced system of performance incentives.

The House amendment contains no similar provision.

The House recedes with an amendment that would delete the policy statement from the Senate provision. This is consistent with the conferees' goal of minimizing the number of policy statements codified in title 10 of the United States Code. The conference agreement also would address the standards in the Senate provision by reflecting these standards in the annual reporting requirements. These standards would serve as the basis for review of programs that do not meet cost, schedule, and performance goals. The conferees agree that because the review of such non-complaint programs would necessarily include an evaluation of the current need for the program, the state of technology, and cost and schedule estimates, there is no need to codify these requirements. The conference agreement also would revise the provisions of the Senate bill concerning performance incentives to clarify that these provisions are intended to focus on personnel whose performance would have a direct impact on program management.

Results oriented program acquisition cycle (sec. 5002)

The Senate bill contained a provision (sec. 5002) that would require the Secretary of Defense to establish, by regulation, a simplified, results-oriented acquisition program cycle.

The House amendment contains no similar provision.

The House recedes with an amendment that would require DOD to ensure that the Department's acquisition program cycle procedures are consistent with the revised baseline description requirements of 10 U.S.C. 2435, as amended in title III of the conference report. The conferees agree that in streamlining the current acquisition program cycle, DOD should consider the techniques set forth in the Senate provision, including: (1) greater reliance on objective data to confirm results of a program phase, and (2) shortening timelines through increased use of integrated decision teams and operator involvement in evaluating results.

Subtitle B—Civilian Agency Acquisitions

Performance based management (sec. 5051)

The Senate bill contained a provision (sec. 5051) that would require the establishment of cost, schedule, and performance goals for civilian agency procurements, as well as the development of civilian acquisition workforce policies similar to those established for the Department of Defense acquisition workforce under chapter 87 of title 10, United States Code.

The House amendment contains no similar provision.

The House recedes with a clarifying amendment similar to the conference agreement on the performance based management provisions applicable to the Department of Defense. The conferees expect that such guidelines will consist of general procedures and policies that would be adapted by agencies to their specific circumstances.

Results oriented program acquisition process (sec. 5052)

The Senate bill contained a provision (sec. 5052) that would require the Administrator for Federal Procurement Policy, in consultation with the heads of civilian agencies, to establish simplified, results-oriented acquisition program cycles, similar to the process required for the Department of Defense under section 5002 of the Senate bill. The House amendment contained no similar provision.

The House recedes.

Subtitle C—Pilot Programs

Office of Federal Procurement Policy test program (sec. 5061)

The House amendment contained a provision (sec. 8001) that would authorize the Administrator for Federal Procurement Policy to conduct a program of up to six tests of alternative and innovative procurement procedures over a four year period.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The conference agreement would authorize the Administrator to test alternative and innovative acquisition practices, using one program at each of six separate agencies. Programs in the test would be authorized to waive specified laws and regulations. An agency could participate in the test after the agency has implemented the full FACNET electronic commerce procedures required in title IV of the conference report. The conferees expect the Office of Federal Procurement Policy (OFPP) to be fully occupied over the next year with the issuance of regulations implementing the full range of reforms mandated by the Federal Acquisition Streamlining Act of 1994, and it is the intent of the conferees that OFPP not take any action to use the test authority in this provision until the regulations needed to effectuate the Act are fully implemented.

NASA mid-range procurement test program (sec. 5062)

The House amendment contained a provision (sec. 8001(b)(5)(A)) that would require the Administrator of Federal Procurement Policy to establish one of the OFPP acquisition pilot programs at the National Aeronautics and Space Administration.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the NASA Administrator to test alternative notice and publication requirements for procurements having a value of $500,000 or less.

Federal Aviation Administration acquisition pilot program (sec. 5063)

The House amendment contained a provision (sec. 8001(j)) that would authorize the Federal Aviation Administration to test innovative acquisition procedures for one of the modernization programs under the Airway Capital Investment Plan.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Department of Defense acquisition pilot programs (sec. 5064)

The Senate bill contained a provision (sec. 5003) that would authorize the Department of Defense to conduct six programs testing innovative procurement procedures under the defense acquisition pilot program authority set forth in section 809 of the National Defense Authorization Act for Fiscal Year 1991, as amended.

The House amendment contained a similar provision (sec. 8001(k)) authorizing DOD to conduct pilot programs.

The House recedes with an amendment. The conference agreement would establish procedures for using the pilot program authority for the following five programs, which were authorized for pilot program status under the National Defense Authorization Act for Fiscal Year 1995: (1) fire support combined arms tactical trainer; (2) joint direct attack munition; (3) commercial derivative aircraft; (4) commercial-derivative engine; and (5) joint primary aircraft training system.

The conference agreement also makes clarifying and conforming changes in sections 833, 837, and 838 of the National Defense Authorization Act for Fiscal Year 1994, concerning the use of performance based management concepts in the pilot programs. It is the conferees intent that DOD should apply the concept of mission oriented program management to at least one of the pilot programs, and that DOD should define payment milestones on the basis of quantitative measures of results for at least one of the programs.

Subtitle D—Miscellaneous

Vendor and employee excellence awards (sec. 5091)

The Senate bill contained a provision (sec. 5091) that would authorize the Administrator for Federal Procurement Policy to establish contractor exceptional performance awards.

The House amendment contained a provision (sec. 8007) that would authorize the Administrator to establish awards for vendor and employee excellence.

The Senate recedes.

Waiting period for significant changes proposed for acquisition regulations (sec. 5092)

The Senate bill contained a provision (sec. 6054) that would require an increased waiting period before the effective date of significant proposed changes to acquisition regulations.

The House amendment contained a similar provision (sec. 5004).

The House recedes.

Sense of Congress on negotiated rulemaking (sec. 5093)

The House amendment contained a provision (sec. 8006) expressing the sense of Congress that the Federal Acquisition Regulatory Council should consider using negotiated rulemaking procedures in prescribing acquisition regulations.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

TITLE VI—OTHER PROCUREMENT-RELATED MATTERS

Post-employment rules (sec. 6001)

The Senate bill contained a provision (sec. 6003) that would repeal superseded and obsolete procurement ethics statutes.

The House amendment contained a similar provision (sec. 5005).

The House recedes with an amendment that would repeal 37 U.S.C. 801 and suspend 18 U.S.C. 281 through December 31, 1996. The conferees have agreed to suspend the effect of 18 U.S.C. 281 in anticipation of a thorough review and reform of the procurement integrity statutes in the next Congress.

Contracting functions performed by Federal personnel (sec. 6002)

The Senate bill contained a provision (sec. 6051) that would restrict the use of consultants to conduct evaluations or analyses of a proposal submitted for an acquisition if qualified federal personnel are available. The Office of Federal Procurement Policy would be required to establish a procedure to determine whether qualified Federal employees are available.

The House amendment contained a similar provision (sec. 5001).

The House recedes with a technical amendment.

Repeal of executed requirement for study and report (sec. 6003)

The Senate bill contained a provision (sec. 6052) that would repeal an executed requirement for a study and report by the General Accounting Office.

The House amendment contained an identical provision (sec. 5002).

The conferees agree to this provision.

Interests of Members of Congress (sec. 6004)

The Senate bill contained a provision (sec. 6053) that would make technical changes to 41 U.S.C. 22.

The House amendment contained an identical provision (sec. 5003).

The conferees agree to this provision.

Whistleblower protection for contractor employees of the Department of Defense, Coast Guard, and National Aeronautics and Space Administration (sec. 6005)

The Senate bill contained a provision (sec. 6101) that would simplify and recodify the statute providing whistleblower protection for employees of Defense Department contractors.

The House amendment contained no similar provision.

The House recedes. In recodifying these provisions, the conferees do not intend to require the Department of Defense to revise the procedures or standards applicable to contractor employee whistleblower cases under existing regulations.

Whistleblower protection for contractor employees of civilian agencies (sec. 6006)

The Senate bill contained a provision (sec. 6102) that would provide whistleblower protection for employees of civilian agency contractors identical to the protections already available for employees of Department of Defense contractors.

The House amendment contained no similar provision.

The House recedes with an amendment that would codify the new provision in the Federal Property and Administrative Services Act. The conferees direct that the regulations implementing this provision should establish procedures and standards that are as similar as practicable to the procedures and standards already established in Department of Defense regulations.

The authority created by this section is in addition to, and not intended to override or replace, any other authority that a federal agency may have to protect contractor employee whistleblowers (as in the case of federal environment, health and safety statutes containing whistleblower protection provisions). Where more than one remedy is available, the individual whistleblower should be informed of the available options.

Comptroller General review of the provision of legal advice to Inspectors General (sec. 6007)

The Senate bill contained a provision (sec. 9001) that would require the Comptroller General to conduct a review of the independence of legal services being provided to Inspectors General.

The House amendment contained no similar provision.

The House recedes.

Cost savings for official travel (sec. 6008)

The Senate bill contained a provision (sec. 9002) that would require the General Services Administration to issue guidelines encouraging use of frequent travel programs to realize cost savings in official travel.

The House amendment contained no similar provision.

The House recedes.

Prompt resolution of audit recommendations (sec. 6009)

The Senate bill contained a provision (sec. 9003) that would require Federal agencies to resolve or take corrective actions within six months of receipt of a report issued by an Inspector General or non-Federal auditor.

The House amendment contained no similar provision.

The House recedes.

OTHER PROCUREMENT-RELATED MATTERS—LEGISLATIVE PROVISIONS NOT ADOPTED

Amendments to Office of Federal Procurement Policy Act

The Senate bill contained two provisions (secs. 6001 and 6004) that would have revised and clarified the protections of the Procurement Integrity statute (41 U.S.C. 423).

The House amendment contained no similar provision.

The Senate recedes.

Amendments to Title 18, United States Code

The Senate bill contained a provision (sec. 6002) that would amend title 18 to add to section 208(a) a provision expressly prohibiting any person from knowingly aiding or abetting in a violation of the statute.

The House amendment contained no similar provision.

The Senate recedes.

TITLE VII—SMALL BUSINESS AND SOCIOECONOMIC LAWS

Subtitle A—Small Business Laws

Repeal of certain requirements (sec. 7101)

The Senate bill contained a provision (sec. 4102) that would: (1) amend the Small Business Act by striking subsections (e) and (f) of 15 U.S.C. 644 concerning the priority of labor surplus area firms in small business set-asides; and (2) repeal Section 804 of Public Law 103-484 (10 U.S.C. 2305 note) regarding notification of offerers of the certificate of competency process.

The House amendment contained no similar provision.

The House recedes.

Contracting program for certain small business concerns (sec. 7102)

The Senate bill contained a provision (sec. 4103) that would amend the Small Business Act to extend government-wide the Department of Defense's so-called "Section 1207" program for small business concerns owned and controlled by socially and economically disadvantaged individuals. The section would, among other things, permit agencies to restrict the competition to such concerns and include a price evaluation preference of not more than ten percent for such firms under unrestricted solicitations.

The House amendment contained a similar provision (sec. 8003) that would extend the "section 1207" program to the National Aeronautics and Space Administration (NASA) and the U.S. Coast Guard.

The House recedes with a technical amendment. Section 7105 of the conference agreement would extend the "section 1207" program to NASA and the U.S. Coast Guard.

Extension of test program for negotiation of comprehensive small business subcontracting plans (sec. 7103)

The House amendment contained a provision (sec. 4103) that would extend until September 30, 1997 the Department of Defense test program for comprehensive small business subcontracting plans.

The Senate bill contained no similar provision. The Senate-passed version of S. 2182, the National Defense Authorization Act for Fiscal Year 1995, contained a similar provision (sec. 814), which would have extended the program until September 30, 1998.

The Senate recedes with an amendment to extend the program until September 30, 1998.

Small Business Procurement Advisory Council (sec. 7104)

The House amendment contained a provision (sec. 4104) that would establish a Small Business Procurement Advisory Council to discuss issues and problems, provide information, and issue advisory reports.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish a Council consisting of the Administrator of the Small Business Administration, Director of the Minority Business Development Agency, and the heads of the various Offices of Small and Disadvantaged Business Utilization. The Council would prepare and submit comments on proposed procurement regulations impacting upon small business.

Procurement goals for small business concerns owned by women (sec. 7106)

The Senate bill contained a provision (sec. 4104) that would establish procurement goals for small businesses owned by women.

The House amendment contained no similar provision.

The House recedes. In enacting this separate five percent women's goal, the conferees do not intend to create a new set aside or program of restricted competition for a specific designated group, but rather to establish a target that will result in greater opportunities for women to compete for federal contracts. It is the conferee's intent that the departments and agencies of the federal government make a concerted effort to move toward this goal.We expect these departments and agencies to identify and adopt the best available practices to assist in moving toward this objective. Given the slow progress to date in reaching the current award levels, the conferees recognize that this goal may take some time to be reached.

Development of Definition regarding certain small business concerns (sec. 7107)

The Senate bill contained a provision (sec. 4105) that would provide that the Administrator of Federal Procurement Policy study use of definitions of certain types of small business concerns.

The House amendment contained no similar provision.

The House recedes with an amendment. The conferees expect the SBA Administrator to provide to the OFPP Administrator the resources necessary to conduct this study.

Functions of Office of Federal Procurement Policy related to small business (sec. 7108)

The House amendment contained a provision (sec. 4101) that would require the Administrator of Federal Procurement Policy to develop policies to ensure that small business and small disadvantaged businesses are provided the maximum practicable opportunity to participate in procurements under the simplified acquisition threshold and develop policies to promote achievements of goals.

The Senate bill contained no similar provision.

The Senate recedes with an amendment which would provide for the inclusion of the education and training provision contained in section 8004 of the House amendment.

Education and training. (sec. 7108b)

The House amendment contained a provision (sec. 8004) that would establish policies and procedures for the implementation of education and training programs for critical procurement personnel designed to increase participation of small disadvantaged businesses and women-owned small businesses.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle B—Socioeconomic Laws

Acquisitions generally (sec. 7201)

The Senate bill contained a provision (sec. 4101(b)) that would repeal the Walsh-Healey Act, except for the purpose of authorizing the Secretary of Labor to define the terms "regular dealer" and "manufacturer," which have been incorporated by reference into a number of other statutes. A conforming amendment would be made to 10 U.S.C. 2304(h).

The House amendment contained no similar provision.

The House recedes with an amendment that would amend the Walsh-Healey Act to eliminate the requirement that contractors certify that they are either manufacturers or regular dealers in items to be supplied. The amendment would retain the provision in the Senate bill concerning the Secretary of Labor's authorization to define the terms "regular dealer" and "manufacturer."

Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs (sec. 7202)

The Senate bill contained a provision (sec. 4151) that would codify a provision from the Department of Defense Appropriations Act for Fiscal Year 1991, which prohibits the use of appropriated funds to prepare materials, reports, lists, or analyses on the economic effect of acquisition programs in specific states or congressional districts.

The House amendment contained no similar provision.

The House recedes.

Merit-based award of contracts and grants (sec. 7203)

The Senate bill contained a provision (sec. 4152) that would set forth the policy of Congress that no legislation should be enacted that requires a procurement to be made from a specified non-Federal Government source.

The House amendment contained two provisions (secs. 1301 and 4151) restricting award of contracts and grants to sources specified in legislation.

The House recedes with a clarifying amendment.

Maximum practicable opportunities for apprentices on Federal construction projects (sec. 7204)

The House amendment contained a provision (sec. 4105) that would set forth the sense of Congress that contractors performing Federal construction contracts should select subcontractors participating in apprenticeship programs, and should employ individuals participating in such programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that the provision represents the sense of the House of Representatives.

Repeal of obsolete provision (sec. 7205)

The Senate bill contained a provision (sec. 4101(c)), that would repeal 41 U.S.C. 258 as obsolete.

The House amendment contained an identical provision (sec. 4152).

The conferees agree to this provision.

Repeal of obsolete and redundant provisions (sec. 7206)

The Senate bill contained a provision (secs. 7001(a)) that would repeal: (1) sections 4(g)(2)(C) and (4)(g)(3) of the Buy American Act; and (2) section 9096(b) of Public Law 102-396. The House amendment contained similar provisions (secs. 6004(a) and 6004(b)). The conference agreement repeals these provisions of current law.

The House amendment contained a provision (sec. 6004(c)) that would repeal section 306 of the Trade Agreements Act. The Senate bill contained no similar provision. The Senate recedes.

The Senate bill also contained a provision (sec. 7001(b) that would repeal 10 U.S.C. 2327. The House amendment contained no similar provision. The Senate recedes.

SUBTITLE C—WAIVER OF APPLICATION OF PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

Waiver of the application of the prevailing wage-setting requirements to volunteers (secs. 7301-7306)

The Senate bill contained a provision (title XI) that would waive the application of the prevailing wage-setting provisions of the Davis-Bacon Act to certain volunteers who assist in the construction, repair, or alteration of certain public buildings funded under specified Federal programs

The House amendment contained no similar provision.

The House recedes with a technical amendment.

SMALL BUSINESS AND SOCIOECONOMIC LAWS—LEGISLATIVE PROVISIONS NOT ADOPTED

Determinations of public interest under the Buy American Act

The House amendment contained a provision (sec. 6002) that would revise 10 U.S.C. 2533, concerning determinations of public interest under the Buy American Act.

The Senate bill contained no similar provision.

The House recedes. The conferees note that this item has been addressed in section 812 of the conference report on S. 2182, the National Defense Authorization Act for Fiscal Year 1995.

Cross-servicing agreements

The Senate bill contained a provision (sec. 7003) that would provide added flexibility for acquisition, cross-servicing agreements, and standardization under joint and multilateral defense arrangements.

The House amendment contained no similar provision.

The Senate recedes. The conferees note that this item is being addressed in the conference on S. 1587, the National Defense Authorization Act for Fiscal Year 1995.

Consolidation of limitations on procurement of goods other than American goods

The House amendment contained a provision (sec. 6003) that would consolidate and revise miscellaneous procurement limitations.

The Senate bill contained no similar provision.

The House recedes. The conferees note that this item has been addressed in section 814 of the conference report on S. 2182, the National Defense Authorization Act for Fiscal Year 1995.

International cooperative agreements

The Senate bill contained a provision (sec. 7002) that would amend 10 U.S.C. 2531 to replace the term "Memoranda of Understanding" with the broader term "International Cooperative Agreements," and to expand the authorized scope of such agreements to cover logistics support.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree in concept with the changes proposed in the Senate bill, but agree that final action on these provisions should be deferred until there is further review of the details in the legislative proposal.

Study of participation by certain small businesses in federal procurement

The House amendment contained a provision (sec. 8002) that would require the Administrator of Federal Procurement Policy to determine the degree of participation by small disadvantaged businesses and compliance by executive agencies with the goals. A report would be due not later than six months after enactment of this Act.

The House amendment would also extend the contract goal for small disadvantaged businesses and certain institutions of higher learning to the U.S. Coast Guard and the Aeronautics and Space Administration.

The Senate bill contained no similar provision.

The House recedes.

TITLE VIII—COMMERCIAL ITEMS

Subtitle A—Definitions and Regulations

Definitions (sec. 8001)

The Senate bill contained a provision (sec. 8001) that would amend the OFPP Act to add definitions of certain terms used in the commercial items provisions. The terms defined included: "commercial item", "nondevelopmental item", "component" and "commercial component".

The House amendment contained a similar provision (sec. 7001).

The House recedes with an amendment that would address the differences between the two provisions as follows.

(1) *Commercial Items.*—The Senate bill would define "commercial items" to include items of a type used by the general public or by nongovernmental entities. The House amendment would include items of a type used "for other than Federal Government purposes" and sold or offered for sale to domestic State and local governments.

The conference agreement would adopt an alternative formulation, under which a nondevelopmental item would be included in the definition of commercial item if the procuring agency determines that the item was developed exclusively at private expense and has been sold in substantial quantities, on a competitive basis, to multiple state and local governments, under conditions set forth in the Federal Acquisition Regulation.

The definition of "commercial items" in the Senate bill would include items not yet available in the commercial marketplace that will be made available for commercial delivery within a reasonable period, but only if the items are "of a type customarily used" for other than governmental purposes. The House amendment included such items if they are "intended to be used" for other than Federal government purposes.

The conference agreement would provide that items that are not yet available in the commercial marketplace would be included in the definition of commercial items if they evolve out of commercial items based on advances in technology or increases in capability and will be available for delivery in the commercial marketplace in time to meet government requirements. This provision is intended to ensure that new generations of commercial products incorporating technological advances are included in the definition. At the same time, this provision should ensure that there is some yardstick in the commercial marketplace against which to measure price and product quality, and to serve as a surrogate for the imposition of government-specific requirements.

In addition, the Senate bill would include in the definition of commercial items those services that are procured for support of a commercial item. The House amendment would include, in addition to such services, services that are offered and sold competitively, in significant quantities, in the commercial marketplace at established catalog prices or standard rates and under standard commercial terms and conditions.

The conference agreement would include those commercial services that are offered and sold competitively in substantial quantities in the commercial marketplace, based on established catalog prices for specific tasks performed, and under standard commercial terms and conditions.

The definition would cover only those commercial services that are sold based on established catalog prices for specific tasks performed. It would not include services that are sold based on hourly rates without a fixed catalog price for a specific service performed.

(2) *Nondevelopmental Items.*—The two definitions of the term "nondevelopmental item" differed in that the Senate bill would include all commercial items in the definition of commercial items. The House bill would include in the definition only those commercial items that are in use by the Federal government or by a State or local government. The conference agreement contains the Senate definition. In those cases where the bill would address the category of items that are nondevelopmental items but not commercial items, the phrase "nondevelopmental items other than commercial items" is used.

Regulations on acquisition of commercial items (sec. 8002)

The Senate bill contained a provision (sec. 8003) that would require the issuance, in the Federal Acquisition Regulation (FAR), of certain regulations regarding uniform terms and conditions for commercial items acquisitions; the use of market acceptance criteria; the use of firm, fixed price contracts; contract quality requirements; and the treatment of transfers between affiliates.

The House amendment contained a similar provision (sec. 7002).

The Senate recedes with an amendment, which would make technical and clarifying changes and would address the differences between the two provisions as follows.

(1) *Uniform contract clauses.*—With respect to uniform contract clauses, the conference agreement would require the inclusion, in the FAR, of a list of contract clauses to be included in contracts for the acquisition of commercial end items. This list would include, to the maximum extent practicable, only those clauses that are required to implement provisions of law or executive orders applicable to acquisitions of commercial items and those that are determined to be consistent with standard commercial practice.

In addition, the FAR would be required to limit the contract clauses that the Federal government could require a contractor to apply to any of its divisions, subsidiaries, affiliates, subcontractors or suppliers. These clauses would be limited to those that are required to implement applicable provisions of law or executive orders applicable to such subcontracts and those that are determined to be consistent with standard commercial practice.

The use of contract clauses and the requirement for subcontract clauses would be limited, to the maximum extent practicable, to those set forth in the regulations. The provision would also provide for waivers of required contract clauses in appropriate circumstances.

(2) *Market Acceptance.*—The conference agreement contains the provision on market acceptance from the Senate bill, which would provide that, in addition to meeting market acceptance criteria, an item must otherwise meet the agency's item description or specifications. The provision would also provide that the criteria for determining market acceptance must be based on the minimum needs of the agency and the entire relevant commercial market, including small businesses.

(3) *Firm, Fixed Price Contracts.*—The Senate bill would provide that firm, fixed price contracts (with or without an economic price adjustment clause) should be used for the acquisition of commercial items "to the maximum extent practicable". The House provision would contain an absolute requirement for the use of such contracts, without the qualifying phrase. The conference agreement would adopt the Senate language, with a further modification prohibiting the use of cost-type contracts for the purchase of commercial items.

(4) *Term of contracts.*—The House amendment would provide that, to the maximum

extent practicable, contracts for the acquisition of commercial items should not require contract performance for a term longer than the customary industry practice for the item being acquired. The Senate bill contained no similar provision. The conference agreement does not include this House provision, which is unnecessary in light of the provision described in the preceding paragraph.

(5) *Savings provision for existing DOD authority.*—The Senate bill would provide that the authority of the Department of Defense to enter contracts for commercial items under existing provisions of law would continue until the regulations implementing this section become effective. The House amendment would provide that the Department's authority to enter such contracts would cease on October 1, 1994. The conference agreement would adopt the Senate provision.

List of inapplicable laws in the Federal Acquisition Regulation (sec. 8003)

The Senate bill contained a provision (sec. 8004) that would address the applicability of certain statutes to acquisitions of commercial items.

The House amendment contained two similar provisions (secs. 7105 and 7204).

The House recedes with an amendment that would address the differences between the two provisions as follows.

(1) The Senate provision would authorize the waiver of covered future-enacted statutes in the Federal Acquisition Regulation (FAR) (unless specifically prohibited by the statute), but would not automatically render any statute inapplicable. The House provision would automatically render future-enacted statutes inapplicable (unless specifically prohibited by the statute), without the requirement for any action by the FAR Council.

The conference agreement would amend the Office of Federal Procurement Policy Act to require that the Federal Acquisition Regulation be revised to include a list of statutes that are inapplicable to contracts for the acquisition of commercial items. Any provision of law that is properly included on the list would be inapplicable to any such contract. Nothing in the provision would waive the applicability of any statute that is not included on the list, or create any private right of action or other legal rights not expressly provided in this section, based on the alleged inapplicability of a provision of law that is not included on the list. The conferees intend that the FAR should be revised, upon enactment of this Act, to list as inapplicable to contracts for the acquisition of commercial items each of the provisions of law that would be made inapplicable by this Act.

The conference agreement would further provide that any future-enacted provision of law that, as determined by the FAR Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services (other than a provision of law that imposes a civil or criminal penalty or expressly precludes a commercial items exemption) would be included on the list unless the FAR Council determines that such an exemption would not be in the best interest of the United States. If such a provision of law is not included on the list and the FAR Council has not made the required determination, any interested party may file a petition to require appropriate action by the Administrator for Federal Procurement Policy.

(2) The Senate bill contained a separate provision stating that no provision of law, whether enacted before or after the date of enactment of this Act, would be applicable to subcontracts under a contract or subcontract for commercial items (with specified exceptions). The House amendment contained no similar provision. The conference agreement would adopt a modified version of the Senate provision.

Under the conference agreement, the FAR would be revised to include a list of statutes that are inapplicable to subcontracts under contracts for the acquisition of commercial items. Any provision of law that is properly included on the list would be inapplicable to any such subcontract. This list would be established in the same manner as the list of statutes that are inapplicable to prime contracts, except that the list of provisions of law inapplicable to subcontracts would include provisions of law that are enacted both before and after the enactment of the bill.

The term "subcontract", as used in this provision, would include transfers of commercial items between divisions or affiliates of a single contractor. However, this subsection would not permit the exemption from any provision of law for a prime contract, or for a subcontract under a contract with a company that simply resells commercials items manufactured by another contractor without providing value added. The purpose of this limitation is to preclude the abuse of this provision through the use of "front companies". The conferees intend for the manufacturer of such commercial items to be treated as a prime contractor for the purposes of this provision and expect the FAR to be amended to provide guidance to contracting officers to ensure against abuse.

The provision authorizing petitions to the Administrator for Federal Procurement Policy would not be effective for a period of six months after the date of enactment. This delayed effective date is intended to provide the Federal Acquisition Regulatory Council an opportunity, prior to the filing of any petitions, to review existing provisions of law and determine which such provisions are appropriate for inclusion on the list of provisions inapplicable to subcontracts.

Subtitle B—Armed Services Acquisitions

Establishment of new chapter in title 10 (sec. 8101)

The House amendment contained a similar provision (sec. 7101) that would establish a new Chapter in title 10 of the U.S. Code relating to commercial items acquisitions.

The Senate bill contained no similar provisions.

The Senate recedes.

By placing these provisions in a separate chapter in title 10 of the U.S. Code, the conferees do not intend to make inapplicable any statute which otherwise applies to the acquisition of commercial items.

Relationship to other provisions of law (sec. 8102)

The House amendment contained, in the commercial items title, two provisions listing statutes that are not applicable to acquisitions of commercial items (sec. 7106 and 7205) and two provisions regarding the applicability of the Truth in Negotiations Act to commercial items acquisitions (sec. 7104 and 7203).

The Senate bill contained no similar provisions.

The Senate recedes with an amendment.

The conference agreement would require the establishment of a list of inapplicable statutes in the Federal Acquisition Regulation, and would place provisions addressing the Truth in Negotiations Act in 10 U.S.C. 2306a. 10 U.S.C. 2375, as added by section 8102 of the conference agreement, would incorporate by reference the provision requiring the list of inapplicable statutes and the applicable provisions of the Truth in Negotiations Act.

The conferees also recommend a provision stating that unless otherwise specifically provided, nothing in the new chapter of title 10 of the U.S. Code shall be construed as making any other provision of the title relating to procurement inapplicable to the procurement of commercial items. For example, the requirements of the Competition in Contracting Act and the Brooks Automated Data Processing Act would continue to apply to acquisitions of commercial items.

Definitions (sec. 8103)

The House amendment contained a provision (sec. 7102) that cross-referencing applicable definitions that are provided elsewhere in title 10 of the U.S. Code and the Office of Federal Procurement Policy Act, and clarifying that the commercial items provisions apply to procurements of commercial items by the National Aeronautics and Space Administration and the United States Coast Guard.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Preference for acquisition of commercial items (sec. 8104)

The Senate bill contained a provision (sec. 8002) that would create a preference for the acquisition of commercial items and other nondevelopmental items.

The House amendment contained similar provisions (sec. 7103 and sec. 7202).

The House recedes to the Senate provision with an amendment, which would resolve the differences between the two provisions as follows.

(1) The Senate bill would place the preference in a single provision of the Office of Federal Procurement Policy Act, while the House amendment would place the preference in parallel provisions of title 10 of the U.S. Code and the Federal Property and Administrative Services Act. The conference agreement would adopt the House approach.

(2) The Senate bill would address requirements for the procurement of supplies. The House amendment would address requirements for the procurement of supplies and services. The conference agreement would adopt the House provision.

(3) The Senate bill would provide that requirements should be defined so that they may be fulfilled with commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items. The Senate bill would also provide that offerors of commercial items and nondevelopmental items other than commercial items should be provided an opportunity to compete for agency requirements. In addition, the Senate bill would provide that market research shall be used to determine whether agency needs can be met by commercial items, or if no suitable commercial items are available, nondevelopmental items other than commercial items. The conference agreement adopts the Senate language, with a minor clarification, substituting the term "nondevelopmental items other than commercial items" for the phrase "other nondevelopmental items".

Under the conference agreement, contract requirements and market research would be designed to facilitate the use of commercial items to the maximum extent practicable. Where suitable commercial items are not available, requirements and market research would focus on nondevelopmental items other than commercial items. In the procurement process, commercial items would compete on a level playing field with other products and services. Under full and open competition, the company that offers the best product at the lowest price should win the contract, regardless of whether or not that product is a commercial item. The conferees believe that, provided such a level playing field, commercial items are likely to prevail in a substantial number of competitions.

(4) The House amendment would provide that an agency may, until five years after the date of enactment, permit existing or prior sources of nondevelopmental items to participate in a competition for a commercial item. The conference agreement does not include this provision. Under the conference agreement, the only authority to limit a competition to commercial items would be provided by the market acceptance provision. Existing and prior sources of nondevelopmental items could compete in procurements under this provision, but would not benefit from the statutory exemptions available to sources of commercial items. Since the market acceptance provision would permit nondevelopmental items to compete with commercial items on a level playing field, the conferees determined that there was no need for a special "grandfather" provision.

(5) The Senate bill would provide that, in conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information needed. The House amendment contained no similar provision. The conference agreement would adopt the Senate language.

Inapplicability of certain provisions of law (sec. 8105)

The Senate bill contained a provision (sec. 8005) that would provide for the inapplicability of certain provisions of law to contracts for the acquisition of commercial items.

The House amendment contained several provisions that would address the same issue (secs. 7106, 7107, 7205, and 7206).

The Senate recedes with an amendment that would make technical and clarifying changes.

With respect to 10 U.S.C. 2324 (allowable costs), the conference agreement would exempt commercial items from the cost principles, but only in the case of items purchased under a firm, fixed price contract (with or without an economic price adjustment clause). The conference agreement would provide (in section 8002) that commercial items should be purchased, "to the maximum extent practicable" under such contracts.

The conference agreement would also exempt commercial items from the requirements of 10 U.S.C. 2397, 2397a, 2397b, and 2397c.

Presumption that technical data under contracts for commercial items are developed exclusively at private expense (sec. 8106)

The House amendment contained a provision that would exempt commercial items from 10 U.S.C. 2320 (technical data) and 2321 (validation of proprietary data restrictions).

The Senate bill contained no similar provision.

The Senate recedes with an amendment which would provide that, for the purposes of technical data provisions in 10 U.S.C. 2320 and 10 U.S.C. 2321, a commercial item will be presumed to have been developed exclusively at private expense unless a federal agency can document that the item was developed, in whole or in part, at federal government expense.

The conferees were concerned that a blanket waiver from these statutes could prevent the federal government from obtaining technical data rights on items developed with public funds. The conference approach would have the effect of exempting commercial items from the requirement to provide technical data (other than data on form, fit and function), unless the government can prove that an item was developed at government expense.

Subtitle C—Civilian Agency Acquisitions

Relationship to other provisions of law (sec. 8201)

The House amendment contained provisions listing statutes that would not be applicable to acquisitions of commercial items (secs. 7106 and 7205) and provisions regarding the applicability of the Truth in Negotiations Act to commercial items acquisitions (sec. 7104 and 7203).

The Senate bill contained no similar provisions.

The Senate recedes with an amendment containing provisions applicable to civilian agencies that are identical to the provisions applicable to the Department of Defense under section 8102.

Definitions (sec. 8202)

The House amendment contained a provision (sec. 7201) cross-referencing applicable definitions that are provided elsewhere in the Federal Property and Administrative Services Act and the Office of Federal Procurement Policy Act.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Preference for acquisition of commercial items (sec. 8203)

The Senate bill contained a provision (sec. 8002) that would create a preference for the acquisition of commercial items and other nondevelopmental items.

The House amendment contained similar provisions (sec. 7103 and sec. 7202), which would place the preference in parallel provisions of title 10 of the U.S. Code and the Federal Property and Administrative Services Act.

The Senate recedes with an amendment that would adopt the House approach of placing the preference in parallel provisions in the two Acts. Section 8203 would conform the Federal Property and Administrative Services Act provision to the amendments to title 10 of the U.S. Code made by sec. 8104.

Inapplicability of certain provisions of law (sec. 8204)

The Senate bill contained a provision (sec. 8005) that would provide for the inapplicability of certain provisions of law to contracts for the acquisition of commercial items.

The House amendment contained several provisions that would address the same issue (secs. 7106, 7107, 7205, and 7206).

The Senate recedes with an amendment that would adopt the approach of the House bill. Section 8204 would amend the provisions applicable to civilian agencies.

Subtitle D—Acquisitions Generally

Inapplicability of certain provisions of law (sec. 8301)

The Senate bill contained a provision (sec. 8005) that would provide for the inapplicability of certain provisions of law to contracts for the acquisition of commercial items.

The House amendment contained several provisions that would address the same issue (secs. 7106, 7107, 7205, and 7206).

The Senate recedes with an amendment that would adopt the approach of the House bill and adapt it to the structure of the conference agreement. Section 8301 would address the applicability of generally-applicable provisions.

The House amendment would provide that Section 26 of the OFPP Act (Cost Accounting Standards) would not apply to commercial items procurements. The Senate bill contained a separate provision (sec. 2301) that would conform the applicability of the Cost Accounting Standards to the new exemptions in the Truth in Negotiations Act for commercial items. The conference agreement would exempt commercial items that are purchased under firm, fixed price contracts from the Cost Accounting Standards.

The Senate bill provided that several statutes not addressed in the House amendment would be inapplicable to acquisitions of commercial items. These statutes included: 33 U.S.C. 1368 (Clean Water Act certifications); 40 U.S.C. 327 (Contract Work Hours and Safety Standards Act); 41 U.S.C. 57 and 58 (Anti-Kickback Act contract clause and inspection authority); 42 U.S.C. 7606 (Clean Air Act certifications); and 49 U.S.C. App. 1517 (Fly American requirements). The conference agreement includes these provisions, with technical and clarifying amendments.

Flexible deadlines for submission of offers of commercial items (sec. 8302)

The Senate bill contained a provision (sec. 8006) that would provide for flexible deadlines for the submission of offers of commercial items.

The House amendment contained a similar provision (sec. 7302), which would authorize the use of flexible deadlines for the submission of bids or proposals for the procurement of commercial items only in limited circumstances to be set forth in regulation.

The Senate recedes.

Additional responsibilities for advocates for competition (sec. 8303)

The Senate bill contained a provision (sec. 8007) that would make competition advocates responsible for promoting the acquisition of commercial and nondevelopmental items and challenging barriers to such acquisition.

The House amendment contained provision (sec. 7303) that would address only barriers to the acquisition of commercial items.

The Senate recedes.

Provisions Not Affected (sec. 8304)

The Senate bill contained a provision (sec. 8008) that would provide that nothing in the commercial items title of the bill would be construed to amend, modify, or supersede certain provisions of law.

The House amendment contained a similar provision (sec. 7304), which also would include: (1) Sections 111 and 315 of the Federal Property and Administrative Services Act and 10 U.S.C. 2323 (pertaining to contracting goals for small business and small and disadvantaged businesses); and (2) all provisions of the Small Business Act.

The Senate recedes with an amendment that would specify sections 8(a) and 8(d) of the Small Business Act as the provisions of that Act that are not affected by the commercial items title. With regard to the requirements of section 8(d), the current law on subcontracting with small business and small disadvantaged business concerns already recognizes the unique circumstances faced by commercial contractors. Office of Federal Procurement Policy (OFPP) Policy Letter 80–2, section 52.219–9(g) of the Federal Acquisition Regulation (FAR), and section 519.704(b) of the General Services Administration (GSA) Supplement to the FAR all expressly authorize commercial contractors to use "one company-wide, annual plan" in lieu of individual, contract-by-contract plans to meet subcontracting requirements. As the GSA FAR Supplement explains, a commercial products plan—

> "means an annual subcontracting plan effective during the offeror's fiscal year for all of the offeror's commercial products, and which has goals based on the offeror's production of both commercial and noncommercial products. This type of plan may apply to the production of the offeror's entire company, or it may be limited to a division or plant." (Section 519.701)

Because contractors and subcontractors offering commercial items tend to rely on their existing network of suppliers rather than entering new subcontracts to fill government orders, the requirements applicable to the company-wide subcontracting plans of commercial companies differ from the requirements applicable to individual subcontracting plans of non-commercial companies. See e.g., sections 519.704(c)(2), 519.705–5 and 519.705–6(b) of the GSA FAR Supplement. For example, a single company-wide plan authorized by these regulations is likely to address subcontracting opportunities at both the prime contract and subcontract levels, obviating the need for the filing of individual contract-by contract or subcontract-by subcontract plans. Title VIII of the bill is not intended to require any change in such practices.

Comptroller General review of Federal Government use of market research (sec. 8305)

The Senate bill contained a provision (sec. 8009) that would require the Comptroller General to report to Congress on the use of market research by the Federal Government.

The House amendment contained an identical provision (sec. 7305).

The conferees agree to this provision.

TITLE IX—FEDERAL ACQUISITION COMPUTER NETWORK

Federal acquisition computer network architecture and implementation (sec. 9001)

The Senate bill contained a provision (sec. 4015) that would amend the Office of Federal Procurement Policy (OFPP) Act to provide that the OFPP Administrator, in consultation with the appropriate Federal agency heads, may develop and implement a government-wide architecture or design for interoperable electronic commerce with specified capabilities.

The House amendment contained a provision (sec. 4002) that would amend the OFPP Act to require implementation of a Federal Acquisition Computer Network (FACNET) within five years. FACNET capabilities are defined by a set of functional requirements for the Government, the user, and along general design lines. The section also would define the term "architecture" and require an annual report to Congress from the OFPP Administrator on implementation.

The Senate recedes with an amendment that would provide that FACNET must be Government-wide and provide interoperability among users and that full FACNET capability shall be implemented Government-wide within five years after the date of enactment of the Federal Acquisition Streamlining of 1994.

The agreement calls for the establishment of a Federal Acquisition Computer Network (FACNET) to require the government to evolve its acquisition process from a paper-based process to an electronic process. This electronic commerce process must provide a single face to industry and interoperability within the government.

The agreement sets forth parameters for a FACNET system along functional lines, with parameters established for government and private users, and for general functions. These functions are to be implemented by agencies within 5 years of enactment of the Act. FACNET capability can be implemented on a procuring activity basis, and procuring activities or even agencies as a whole may "piggyback" on the systems developed by other agencies.

The agreement allows agencies to use simplified procedures for all contracts below $50,000, while maintaining the streamlined Commerce Business Daily (CBD) notice requirement in sec. 4202 for contracts above $25,000.

The agreement waives the CBD notice requirement and increases the threshold for the use of simplified procedures to $100,000 for agencies or procuring activities which have interim electronic commerce capability. Interim capability includes electronic notice and response.

The agreement also requires any agency that has not achieved full electronic commerce capability by December 31, 1999 to revert back to $50,000 for simplified procedures. Full capability is 75 percent of suitable acquisitions above $2,500 and below $100,000 conducted through electronic commerce. It involves developing the capability to use electronic commerce procedures for processing certain orders, responding to questions about solicitations, and compiling data about the acquisition process.

The conferees intend that the Administrator is to ensure that functions provided under the FACNET architecture do not create competition between the federal government and private enterprises when providing the services described under this section. Furthermore, when developing the functions described under this section, the Administrator is directed to ensure that (1) the government adhere to commercial system ordering standards to the maximum extent practicable, and (2) every precaution be taken to avoid the requirement that additional assets (beyond those needed to meet industry standards in electronic commerce) be purchased by commercial vendors contracting with the federal government via electronic means.

Implementation of FACNET capability (secs. 9002–03)

The House amendment contained provisions (secs. 4003 and 4004) that would require implementation of Federal Acquisition Computer Network (FACNET), i.e., electronic commerce capabilities, at the Department of Defense (DOD) and civilian agencies' procuring activities within five years of enactment of the Act.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying technical amendment.

GAO determination of eligible agency contracts (sec. 9004)

The House amendment contained provisions (sec. 4003 and 4004) that would require an agency to conduct 75 percent of its acquisitions above $2,500 and below $100,000 using electronic commerce before the agency could be certified as having full Federal Acquisition Computer Network (FACNET) capability.

The Senate bill contained no similar provision.

The Senate recedes with an amendment requiring the Comptroller General to issue a report, within three years of enactment, identifying classes of contracts which would not be suitable for acquisition through FACNET. The amendment also would allow the Federal Acquisition Regulatory Council to make a determination regarding which classes of contracts should be excluded for purposes of calculating whether an agency has achieved full FACNET capability.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Effective dates and applicability (sec. 10001)

The Senate bill contained a provision (sec. 10001) that would provide that the Act would take effect on the date of enactment, except as otherwise provided in the Act. Under the Senate provision, amendments made by the Act would take effect on the date on which final implementing regulations are prescribed.

The House amendment contained a similar provision.

The House recedes with an amendment that would make clarifying changes and provide that the amendments made by the Act would take effect on the date provided in final implementing regulations or October 1, 1995, whichever is earlier.

Implementing regulations (sec. 10002)

The Senate bill contained a provision (sec. 10002) that would establish a schedule for the promulgation of implementing regulations.

The House amendment contained a similar provision.

The House recedes with a technical amendment. The conferees note that acquisition streamlining requires giving maximum discretion to contracting officers. Therefore, the agency implementing regulations should not add additional requirements to the Federal Acquisition Regulation, and agencies should not restrict the discretion of contracting officers by requiring burdensome high level approval requirements.

Evaluation by the Comptroller General (sec. 10003)

The Senate bill contained a provision (sec. 10003) that would require the Comptroller General to evaluate the effectiveness of the implementing regulations.

The House amendment contained a similar provision. Under the House amendment, the Comptroller General would issue two reports. The first would be made not later than 180 days after the final regulations are issued, and the second would be made not later than 18 months after such regulations are issued.

The Senate recedes with a clarifying amendment.

Data collection through the Federal Procurement Data System (sec. 10004)

The Senate bill contained a provision (sec. 10004) that would specify certain data to be collected through the Federal Procurement Data System for acquisitions in excess of the simplified acquisition threshold.

The House amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Technical and clerical amendments (sec. 10005)

The conference agreement contains a provision that would make technical and clerical amendments to permanent laws affected by the amendments that would be made by the Act.

Conferees from the Committee on Government Operations, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

John Conyers,
Mike Synar,
Steve Neal,
Tom Lantos,
Major R. Owens,
Edolphus Towns,
John M. Spratt, Jr.,
Bobby L. Rush,
Carolyn B. Maloney,
Marjorie Margolies-Mezvinsky,
Bill Clinger,
Al McCandless,
J. Dennis Hastert,
Jon Kyl,
Christopher Shays,
Steven Schiff,

As additional conferees from the Committee on Armed Services, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

Ronald V. Dellums,
Norman Sisisky,
Lane Evans,
James H. Bilbray,
Chet Edwards,
Elizabeth Furse,
Floyd Spence,
John R. Kasich,
Herbert H. Bateman,
Curt Weldon,

As additional conferees from the Committee on Education and Labor, for consideration of sections 4024(d), 4101(b), 4101(c), 6101–02, 8005(c)(2), and 11001–04 of the Senate bill, and section 4105 of the House amendment, and modifications committed to conference:

William D. Ford,
Austin J. Murphy,

An additional conferees from the Committee on the Judiciary, for consideration of sections 1421–22, 1437, 2451, 2551–53, 2555, that portion of section 4011 that adds a new section 29(b)(2) to the Federal Procurement Policy Act, sections 4024(a), (b), (c), and (f), 410(b) and (c), 6001–04, 6053, and 8005(c)(3) and (c)(4) of the Senate bill; and that portion of section 4011 that adds a new section 4B(c) to the Federal Procurement Policy Act, that portion of section 4031 that adds a new subsection (c)(9) to section 23012a of title 10, United States Code, that portion of section 4041 that adds a new subsection (c)(2) to section 302A of the Federal Property and Administrative Services Act of 1949, sections 4051, 5003, that portion of section 7106 that adds a new section 2285(a)(12) to title 10, United States Code, that portion of section 7205 that adds a new section 314D(a)(4) to the Federal Property and Administrative Services Act of 1949, and section 7301(b) of the House amendment, and modifications committed to conference:

Jack Brooks,
John Bryant,
Hamilton Fish,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1056 and 1067 of the Senate bill and modifications committed to conference:

Norman Y. Mineta,
James Traficant,
Bud Shuster,

As additional conferees from the Committee on Small Business, for consideration of sections 1055(b)(2), 2554, 4102–05, that portion of section 4011 that adds a new section 29(b)(1) to the Office of Federal Procurement Policy Act, sections 4012, 4014(d), 4015(d), and 4074 of the Senate bill, and sections 4104 and 8002 of the House amendment, and modifications committed to conference:

John J. LaFalce,
Neal Smith,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 4024(g), 6003(a)(4) and (b)(4), and 8005(c)(6) of the Senate bill, and modifications committed to conference:

John D. Dingell,
Al Smith,
Carlos J. Moorhead,

Managers on the Part of the House.

John Glenn,
Sam Nunn,
Dale Bumpers,
Jim Sasser,
J.J. Exon,
Carl Levin,
David Pryor,
Jeff Bingaman,
Richard Shelby,
Byron L. Dorgan,
Bill Roth,
Strom Thurmond,
Ted Stevens,
John Warner,
Bill Cohen,
Larry Pressler,
John McCain,
Bob Smith,

Managers on the Part of the Senate.

TRUTH IN BUDGETING

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. I make the following announcement in the interest of truth in budgeting. Yesterday, a Republican Member of the House from California spoke on this floor about the need for a fat-free crime bill and was critical of the crime bill as being "a porked-up bill."

I checked with a request filed with the Committee on Appropriations and discovered that that same Member has requested over 748 million dollars' worth of unbudgeted items in just one appropriations bill.

His request included $20.8 million for San Diego State University; another item for $10 million; another item for $200 million; another item for $85 million.

In another bill he also requested $3.5 million for the sweet potato white fly program.

I would simply suggest that more of these reports may be in order due to the requirement to provide for truth in budgeting. I would urge those who express concern for pork to remember that lean bacon begins at home.

IT'S NOT POLITICS, IT'S POLICIES THAT ARE THE PROBLEM

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, the President has been telling the country that the crime bill is being held up by politics in Washington.

Somebody should check the President's itinerary because at the moment he appears to be lost in a state of denial.

The problem with the crime bill is not politics—it is policies.

The problem with the crime bill is that it discards tough anticrime fighting measures like the sexual predator provision act that would protect communities against sex offenders and truth-in-sentencing laws.

The problem with the crime bill is it is including lots of soft, fuzzy social spending like arts and crafts programs, dance, self-esteem programs, and midnight basketball.

□ 1340

The problem with the crime bill, Mr. Speaker, is that it takes away what it should have more of and puts in what it should have none of. The problem with the crime bill is that the White House's idea of law enforcement is to send America a doughnut and a cup of coffee, but leaves the cops in the squad room.

THE CRIME BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, one of the most fundamental responsibilities of Government is to ensure the safety of its people. That means putting criminals behind bars, taking guns off our streets, and making sure we have enough police to do the job. Each day we fail to pass this crime bill, we fail our responsibility and put our people at risk.

The night before last, Stratford, CT, a small town in my district, was hit by the kind of random violence that's become all too commonplace in America. At 3:40 in the morning a drive-by shooting took place, shattering the windows of a home and the peace of a neighborhood.

Twenty-nine shell casings from three high-powered weapons were found littering the sidewalk and the street. By some miracle, no one was injured. But, that does not mean there were no casualties. The casualties of this senseless crime are the people that now have to live in fear, unable to go to sleep at night, afraid for their children, worried about their safety.

Today, we have the opportunity to act on the most sweeping anticrime measure ever to come before Congress. The people of Stratford, CT, and people who live in small towns and big cities across this country are waiting for us to act. Our families and our communities need our help. Vote "yes" on the rule and let us pass the crime bill.

VOTE "NO" ON AN INEFFECTIVE CRIME BILL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, we all spent probably 15 hours in this place yesterday waiting to do the people's business. Today when I come in, I find that the conference report is done, but not printed. I cannot see it. I find that the rule has been waived that allows that bill to lay on the table.

Mr. Speaker, this bill is too expensive; it is too big. The American people want a tough crime bill, not a social bill. They all know that we spend too much on Government and that Government interference in local affairs is too great.

Mr. Speaker, this is a poor bill. Crime will not go down in our communities, only the deficit will go up. A "no" vote is what is entailed.

URGING MEMBERS TO SUPPORT THE TRAFICANT AMENDMENT ON UPCOMING IMMIGRATION BILL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, all we have to do is watch the news. America has a great problem with illegal immigration. It is very simple. America has this problem because Congress tolerates and accommodates illegal immigration.

Mr. Speaker, the American people are fed up. They are tired of seeing billions of dollars going toward helping illegal aliens and immigrants while Congress is cutting back dollars and programs and support for American citizens and American taxpayers.

Let me say this, Mr. Speaker. Hiring a few Border Patrol agents will not help. I think it if time for a national security reason, to put our military troops in some form or fashion on our borders. The truth is they are falling out of chairs without armrests over in Europe. The Members know it, I know it, and all we are doing is punishing the American taxpayer by hiring more Border Patrol. When that immigration bill comes up, that amendment that I have offered should be considered on that bill.

CORRUPT PROCESS IN PRODUCING CRIME BILL PROHIBITS MEMBERS FROM FULL CONSIDERATION BEFORE VOTING

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, under the rules of this House, Members are entitled to 24 hours to read a conference report before we vote on it. Most of the Members here may not know the majority leader convened the House at 1:39 a.m. this morning and went out at 1:47 a.m. this morning, when none of us were here, specifically for the purpose of waiving our right to read the bill. Any one of us who had been here could have objected, because it requires unanimous consent.

As a result, Mr. Speaker, the only copy of this conference report that I will get a chance to see looks like dozens, indeed, scores of different documents and pieces of paper all held together in a binder clip with lots of Post-it notes, blue ink, red ink, and it is not typewritten yet.

Mr. Speaker, this is a corrupt process. This is a $30 billion bill. We should read it before we vote. None of us would sign a rental car contract without reading it first, and yet we are going to spend $30 billion of the taxpayer's money without any opportunity to read it.

This is a corrupt process. It is antidemocratic. It is insensitive to this Member and to the American people.

URGING SUPPORT FOR THE CRIME BILL, WHICH AUTHORIZES PROGRAMS BUT DOES NOT APPROPRIATE FUNDS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, this bill today is a better bill, both for Iowa and the United States, than we had 9 days ago, but let me point out, neither bill appropriates money. They only authorize money to be appropriated later. We have been appropriating money for these same purposes since 1981, without an authorization.

Mr. Speaker, not one crime has been committed in the last 9 days because the bill did not pass 9 days ago, not even one in the whole United States. Money was appropriated last week for next year for the same purposes as those in this bill. We appropriated money a year ago for police, prosecutors, prisons, and crime fighting without this bill.

What the bill last week did was to raise expectations that social programs would squeeze out some of the crime fighting programs. This bill that we have before us today, Mr. Speaker, does block grant 13 of those programs. That is good. That is a good thing in the new bill because it gives local officials more opportunity to use it for the program that will best fit the need in their county.

However, the final decision on appropriations for programs in this bill will be made next year in an appropriation bill at that time will be decided by a majority of this whole House, not by a majority of either caucus.

Mr. Speaker, this bill does change substantive laws on rules of evidence, and applies the death penalty to more local crimes, even the Supreme Court Justices who fashioned that law in 1972 now say that was a failed experiment, but that is in both the bills. I think we should pass a bill today and get it over to the Senate.

Those who said we should have settled for the original bill were simply wrong and those of us who voted to insist on changes have been proven right.

Waiting 8 days to pass this crime bill instead of the original one represents a big victory for crime fighting in both Iowa and the United States.

URGING MEMBERS TO PUT ASIDE PARTISAN POLITICS AND VOTE FOR A BETTER CRIME BILL

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, 6 days shall we labor and do all of our work, but on the seventh day let us do the work of the people in this country. Let us on this day gladly work together to pass a crime bill.

Mr. Speaker, when we joined together and stood firm, Republicans mostly, and some Democrats, and voted down the rule, I think it was an important issue. We felt we could get a better bill. Today, I believe we are going to see a better bill. Each of us could, no doubt, draft a bill which would be better suited for ourselves, for our States, and even for our constituents. However, the job of this Congress is to draft a piece of legislation which can pass with 50-plus 1 percent of this House, and which will be for the country at large.

Let us do that today. Let us work together in what I believe is a good bill, a good compromise, one which will save the taxpayers money, one which will, in fact, have block grants, one which will put back tough policies for fighting crime, and one which I consider to be a good bill.

Mr. Speaker, let us take the bipartisanship approach, let us take out of this approach partisan politics and pass what the country is waiting for, a good crime bill.

REQUESTING COSPONSORS FOR H.R. 5006, LEGISLATION RESTORING THE SUPER IRA

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, Congressman BILL THOMAS of California and I have introduced the new super IRA bill. A similar bill has been introduced in the other body with approximately 60 cosponsors, and now some 60 Members of the House are cosponsoring our legislation.

The individual retirement account is a savings incentive, very popular with a broad cross section of Americans. However, the 1986 Tax Reform Act made changes that by pared back deductibility of IRA contributions. Frankly, we put an attractive and successful retirement vehicle into premature retirement.

Destroying the IRA could not have come at a worse time. Our national saving rate—a paltry 4 percent—continues to decline as our foreign competitors increase their national savings. In fact, Federal Reserve Chairman Greenspan has characterized our national savings crisis as the key domestic policy problem of this country.

We must come to grips with this problem and take aggressive action. We must get all Americans involved in the effort by providing incentives for them to increase their individual savings. With that important priority in mind, Congressman BILL THOMAS and I, and others, have introduced H.R. 5006 to restore the universal availability of the fully deductible IRA.

In addition, the bill will improve on the traditional IRA by allowing individuals to choose between tax deductible IRA's or contributions to new IRA's from which earnings would not be taxed when they are withdrawn. This super IRA legislation will not only encourage savings for retirement, but it also will encourage savings for two of the biggest investments that people have to make in their lifetimes—their children's education and their homes. We would no longer penalize IRA withdrawals for these purposes.

We would also correct the current situation in which a tax penalty is imposed on people who are forced to pay for costly medical expenses. Finally, the Pickle-Thomas Super IRA permits spouses who work at home to have their own fully deductible IRA.

Mr. Speaker, this legislation is similar to that which some 286 Members—an overwhelming, bipartisan majority—cosponsored in the last Congress. A version as included in H.R. 11 which was vetoed for unrelated reasons.

Mr. Speaker, this is one of the few policy options that we can take that help Americans across all socioeconomic, geographic and cultural lines. Let us move quickly on doing something good for America by passing the Pickle-Thomas Super IRA.

I urge Members to let us know if they would like to be listed as a cosponsor.

TIME TO END ONE-PARTY CONTROL AND ELECT REPUBLICANS WHO CAN GET THIS CHAMBER TO WORK IN A BIPARTISAN MANNER

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, 40 years ago yesterday, on August 20, 1954, the New York Giants beat the Pittsburgh Pirates four to nothing. Rocky Marciano was heavyweight boxing champion of the world. Grace Kelly starred with Jimmy Stewart in the Movie "Rear Window."

And on August 20, 1954, Speaker Joe Martin of Massachusetts banged down the gavel to close the last session of Congress—the last time Republicans were in the majority.

That is right—the Democrats have controlled the House of Representatives for 40 straight years.

The last 40 years have seen both productive and unproductive sessions of Congress. The one constant has been Democratic control of the House.

I have seen 40 years of control generate a belief among some Members of the majority party that they can pass legislation without any bipartisan consultation and support. Is it any surprise, that after 40 years of one-party rule, many political commentators refer to this House as the "Imperial Congress"?

I hope that, as the Democrats look back on 40 years of one-party dominance and look forward this November to the first real challenge to their control in 12 years, the Democrats will realize that the major success of this Congress was a bipartisan one: NAFTA—the North American Free-Trade Agreement. I also hope that they note the failure of their partisan approach to crime. That approach has brought this House to the chaos of the last 20 weeks. But the change is coming as we witness the rapid progress made in recent days by a bipartisan coalition of Republicans and Democrats working on a realistic crime bill. the last 40 years will be kept in mind as we debate health care in the coming weeks: bipartisanship works, one-party rule—and the arrogance which goes with it—fails.

Forty years after the end of Republican control of the House, it is time for a change and the time for a new beginning. I look forward to seeing a Republican majority in Congress next January—a majority which can reach across the aisle and incorporate the best ideas regardless of their origin.

The country expects constructive legislating, not destructive partisanship.

□ 1350

THE CRIME BILL IS NOT ABOUT PORK

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, this bill is not about pork, it is about chicken. It is about Members that are chicken to stand up to the special interests of the gun lobby in this place. It is not about pork. It is about violence in America. It is about Members who forgot why they came here, to promote the domestic tranquillity. Members came here to enact laws that would protect this country and protect the children in this country, and while we have been waiting to enact this law, children have been killed by drive-by shootings, by senseless guns that should not be on the street.

Members, we are going to go home soon. If we vote for the rule, we vote for the bill and we vote against recommit, we can go home and be proud that we did something to make America a better place to live and take a big bite out of crime.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman will state it.

Mr. WALKER. Mr. Speaker, is the language that was just used by the gentleman appropriate where he referred to Members as chickens because they will not stand up to special interests? Is that appropriate parliamentary language?

The SPEAKER pro tempore. Members should not characterize other Members in such a way.

Mr. WALKER. Excuse me?

The SPEAKER pro tempore. Members should not refer to other Members in such a way.

Mr. WALKER. I thank the Chair. So the gentleman was out of order with that language?

The SPEAKER pro tempore. The Chair has responded to the gentleman's inquiry.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is it not the duty of the Chair to sanction Members who utter unparliamentary language?

The SPEAKER pro tempore. It is the duty of the Chair, the gentleman is correct.

Mr. WALKER. And the Chair did not——

The SPEAKER pro tempore. When it is raised in a timely way, it is the duty of the Chair to do so. It was not raised in a timely manner.

Mr. ACKERMAN. Mr. Speaker, it was my understanding that the gentleman said that this was not about pork, it was about chicken. He did not refer to any Members. If any Member thinks that he referred to them in that way, then that is their problem. I did not hear that.

Mr. WALKER. Mr. Speaker, was that an appropriate parliamentary inquiry?

The SPEAKER pro tempore. The Chair has only answered a general parliamentary inquiry. The Chair has not ruled on the words of any particular Member.

THIS CRIME BILL IS NOT THE RIGHT ANSWER

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, we have established that this bill is not about chickens. What I would like to suggest is that this bill is about political demagoguery and the exploitation of the legitimate fears, the legitimate anxiety and the legitimate concern that the American public has got about crime. The problem is that what the bill will not do is answer any of those legitimate fears, anxieties and concerns, because what it will do is give politicians in this House on both sides of the aisle the opportunity to go back to their constituents and claim that they have done something real and substantive. The best thing that happened a week ago when we defeated the rule is that the sunshine poured in and the American public as well as the Members in this House actually learned what was in the bill and we found out that however it is characterized, there was a tremendous amount of social spending that is very, very difficult to justify as crime prevention and a bill that works against crime. That is what we did find out. Now we are being asked in the next 4 hours to vote on another bill that we simply have not seen and have not read.

PASS THE CRIME BILL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, before I got elected to the Congress, I was the first assistant district attorney of Middlesex County. I oversaw a county with 13,000 criminal cases a year. I am shocked at how little Members of Congress really know about crime. To call pork efforts to put victim witness advocates into courts across this country, to help women who have been battered by abusers, to call that pork is an outrage. I think every Member of Congress that does not have the courage to stand up on this bill ought to spend a month during the recess in a district attorney's office across this country and learn what real crime is all about.

Let us pass this bill today, forget the bickering and get something done on this issue. I, for one, as someone who has prosecuted violent crime, am tired of the rhetoric I have heard all across this country. Let us pass this bill and get it done today.

THERE'S A LOT OF FAT IN THE CRIME BILL

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, whether you call it chicken or pork, one thing is certain, there is an awful lot of fat in this bill. We should send this bill back to the conference and do what is right, and today we finally have the opportunity to do that by supporting a 100-percent fat-free bill—no pork, no chicken. Give the American people what they want, that is, to support the Brewster-Hunter alternative.

Let us vote against the rule. Vote for the motion to recommit if the rule should pass and give the people grants to correctional facilities, grants to States to pay for prisons, grants to State and local law enforcement, border enforcement, punishment of sex offenders, abolishment of country-club comforts for inmates, establishing truth-in-sentencing, and establishing mandatory penalties for offenses with firearms.

These are the things the American people want, not the rest of what is in the President's bill. Send it back.

REPEAL THE CUBAN EMBARGO

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, yesterday nearly 1,000 Cuban refugees were picked up by our Coast Guard off the coast of Florida. This is the largest 1-day total since this crisis began. This happened 1 day after a new policy which does not allow Cubans who reach our shores to stay.

This policy calls for detaining Cubans and sending them to Guantanamo. In order to do this the Cuban Adjustment Act which allows all Cubans to stay was either rescinded, repealed, or suspended—no one seems to know exactly which.

For years we have accused Fidel Castro of incarcerating his people within Cuba. Our new policy arrests Cubans and incarcerates them in Guantanamo, Cuba. Is there not a contradiction in all of this?

It should be obvious to everyone that this situation is only going to get worse. The people in Cuba are suffering and leaders in Florida believe they have an immigration problem on their hands. It is time to end this madness by repealing the Cuban embargo. Support H.R. 4941 and end the embargo now. Let us begin negotiations before it is too late.

TOP 10 REASONS CLINTON WANTS A CRIME BILL

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, since President Clinton never bothered to send a crime bill to Congress in the first place, many Americans may wonder why he so wants one now. Well, I have here the top 10 reasons why the President is suddenly so serious about crime.

No. 10. Midnight basketball a great replacement for striking baseball.

No. 9. The ACLU told him he wanted a crime bill.

No. 8. Opportunity to be first President to prosecute his entire administration.

No. 7. Could get all those nifty social programs liberals love.

No. 6. Maybe this presidential immunity thing applies here too.

No. 5. More Federal spending? Deal him in.

No. 4. Doesn't apply to broken promises to the American people.

No. 3. Self-esteem programs would do wonders for White House staff.

No. 2. Crime bill: conservative name, liberal policies, what a great idea.

No. 1. Three words: politics, politics, politics.

Only after he discovered it was politically popular did he decide to get behind a bill. And now, after he has talked about the idea, he thinks he has done his job to fight crime.

LOWER THE RHETORIC AND PASS THE CRIME BILL

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, the gentleman from Connecticut had it right today. Let us lower the rhetoric today. This morning when we broke up in conference, we had all the material that every Republican on the conference committee could read. We did not move ahead until that material was available. It is not voluminous. It is something you can read in about a half-hour, three-quarters of an hour. It is available. It is being presented to both sides.

Mr. Speaker, I keep hearing pork, chicken. That is not what it is all about. Up until about 1 this morning, the NRA was still trying to twist arms and work over Members to try to prevent this initiative from moving ahead. They have weighed in very heavily. Ask any law enforcement officer about the so-called pork. Most of this in the bill has to do with law enforcement, prison construction and operation. It does not have to do with prevention. On the prevention side, for instance, one of the things they keep referring to as pork is developing alternatives for youthful offenders so that sentencing judges have more options. Ask your law enforcement officers. That is not pork. That is responsible legislating.

A SOFT CRIME BILL

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there is an old proverb that says you can't make a silk purse out of a sow's ear. We have worked very hard to try and do that on the crime bill, but you still can't make a silk purse out of a sow's ear. Charlton Heston may not be Ben Hur and he may not be Moses, but he is right when he says that what the American people have not been told about this crime bill is a crime, and he is not just talking about pork, he is talking about the so-called crime aspects of the bill. For instance, 100,000 policemen on the street. It is not 100,000, it is merely 20,000 that is paid for by this bill and it may not be policemen because they are not going to be selected by police, they are going to be selected by citizen groups from the community.

□ 1400

This is a bad bill. It has not been made enough better that we can vote for it.

Please support the Brewster-Hunter bill that everyone can go back home and take credit for helping to pass a bill really tough on crime.

A WATERSHED VOTE IN THE HOUSE OF REPRESENTATIVES: ONLY TIME WILL TELL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, only historians really have the opportunity to evaluate an age with accuracy and with objectively because historians look backward and, thus, can analyze what happened. When historians look at the modern history of Congress, they may look at the vote last Thursday as the crime bill rule as a watershed vote, a vote which ushered in a new area of relationships here in the House between the parties and among all Members of the two parties.

When I go back home, and maybe my colleagues have had similar experiences, my people at home are not always asking why don't you folks do something, but they often ask why don't you do something together, why do you not try to work together more than you seem to.

So if the vote last Thursday, with all of its pain and torment and confusion, does usher in a new era of working together, not at the end of the process but from the start and right on through, then it will have been a worthy exercise, and maybe as history moves ahead this may prove to be the watershed vote in the House of Representatives.

TACTICS FOR SELLING THE CRIME BILL

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I would like to point out that yesterday's editorial in the Wall Street Journal today says that President Clinton is attempting to sell the crime bill to California by pointing out that California stands to receive $900 million or about 10 percent of the $9 billion earmarked for social programs. But since California counts for 14 percent of Federal tax revenue, its tax share should be $1.15 billion. Therefore California will pay almost $250 million more in taxes than it will receive back. California will be the biggest loser.

Meanwhile, Arkansas will receive a $37 million windfall. This is not fair.

But California is not the only loser. Among others, the State of New York will lose $224 million, New Jersey $138 million, Illinois loses $105 million, Pennsylvania $58 million and the list the goes on.

Before Members vote on this Democrat crime bill, please support the Hunter-Brewster bipartisan bill.

CRIME WILL NOT WAIT FOR PASSAGE OF THE CRIME BILL

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today in strong support of the crime bill. This bill sets out to do many historic, important things that can truly make a difference in the lives of our constituents back home and in the lives of all Americans.

This crime bill is a major accomplishment. Let me tell you why I support it.

Recently, the San Diego City Council renamed a street in my district. Now that is not so unusual, it happens all the time. But this time it was special—they renamed it "Willie James Jones Avenue." Willie was not an inventor, or a local educator or a philanthropist. But he could have been—if his life was not taken away at an early age due to violent crime.

Willie was a student body president and a star athlete at Lincoln Prep High School in my district. At age 18, he was ready to do great things. He had just accepted a 4-year scholarship to Cornell University—my alma mater. He was ready to go to college and work hard to become a doctor and worked during his summers as a lab assistant to continue his education.

I had the opportunity to meet Willie when we hosted Secretary of Veterans' Affairs Jesse Brown in San Diego last March. Both Secretary Brown and I were impressed with this young man and his dedication to working hard and planning for a productive future.

Willie was killed on June 16 by a single bullet fired from a passing car, as he and his friend left a sober graduation party, attended by 60 students and parents.

Willie was the type of kid that all of us hope to have. He was a role model to his friends and a joy to his family. But all of the promise of his life was cut short due to an act of violence.

This crime bill alone is not the whole answer—but it is a great beginning. It is because of years of neglect in dealing with violent crime that young people like Willie are lost forever. Their contributions are lost—due to senseless brutal acts of crime. Let us pass this bill and ensure that others like Willie can be saved from violence. Today, I vote for this crime bill for Willie Jones—and for the many others who have lost their future because we have waited too long to act. Today, finally, let us act.

PASSING A CRIME BILL FROM HELL ON THE SABBATH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, here we are on the Sabbath and instead of keeping it holy we are here to pass a crime bill from hell, one that has little vision, little originality and little more than politics as usual, and a bill that has neither been read nor seen.

But there is an alternative good bipartisan bill. The Brewster back-to-basics bill will fund new prison constructions, new police officers, and cut prison perks like TV's. It puts prisoners to work. This is the bill that the folks in the town meetings have been talking about.

Criminals need arraignment, not entertainment. Let us support the Brewster back-to-basics bill and go home and teach those Sunday school classes we all brag so much about in our brochures. Let us remember that this is the Sabbath, and maybe do a little more praying and a little less politics.

END GRIDLOCK—PASS A CRIME BILL

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, it is time to end the disinformation and the motions for delay and time to end gridlock. The equivalent of what some are seeking to do here is having you dial the police at 911, asking for their help to help you in the case of a crime and having the police not respond.

The fact of the matter is what we have is the American people saying please help us with violent crime. We are dialing 911, Congress, and you are not responding.

Every day men and women put on a vest and put their lives on the line for us. It is time for Congress to put on a vest against the special interests and answer the American people. Today is the time for action. Today is the time to pass this crime bill.

PASS THE HUNTER-BREWSTER COMPROMISE CRIME BILL

(Mr. STEARNS asked and was given permission to address the House for 1 minute).

Mr. STEARNS. Mr. Speaker, let me speak to all of my colleagues, both Democrats and Republicans. We have not had a chance to see the conference report bill. There is not one person in this House today who has seen the entire final conference report, so why are we voting on it? And why do you not say to your leadership and why do we not say to our leadership, "Hold it, hold it. Let's take a look at the conference report and see what exactly has been agreed upon."

This conference bill was $28 billion when it left the House. Today, it is $30 billion, even after the reductions. If it was a bad bill when it was $28 billion, why is it a better bill now when it is $30 billion?

And for all of the folks who complain that Republicans complain about the pork, they all should know that there are 226 crime prevention programs already in existence. These 30 new programs just duplicate what is already available in federal programs. We do not need them. That is why all of us are strenuously saying let us vote for the recommit of the conference report which allows us a vote on the back-to-basic crime bill offered by the gentleman from Oklahoma [Mr. BREWSTER], a Democrat colleague, and the gentleman from California [Mr. DUNCAN HUNTER]. This bill goes a long way to restoring legislation that fights crime with no pork, no duplication of programs, and it is something all of us can be proud of. And also, we can all have a chance to read this bill because it has been written and is available. Please contact Representative CHRIS COX, California, if you would like a copy of this bill. You can not read the conference report bill because it is not available. Please vote for the Hunter-Brewster back-to-basic crime bill.

LOBBYING GROUPS ARE HOLDING UP THE CRIME BILL

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, I was greeted by this particular notice when I walked into my office this morning to go ahead and come here to be prepared to vote for a crime bill. Let me read what it says. It is from the gun owners of America.

> Before you vote for the crime bill, remember, when the gun lobby goes after you it does have an adverse impact.

Let us be real, let us talk about why we are stalling, we are not getting a crime bill out. It is not because this is pork. It is not because the people in this country do not want it. It is because there are certain lobbying groups that do not want us to get 100,000 cops on the street that we need, they do not want us to have the extra money for prison space that we need, and they do not want to help us give money to the local police that have DARE Programs for the boys' and girls' clubs that are keeping kids off the streets.

I say it has been 6 long years since we have had a comprehensive crime bill, and it is time for this new Member of Congress to say to all of those who are willing to obstruct: It is time to get a crime bill out.

Vote for the people and with the people in your district, not with the groups that are sending you these faxes and telling you stop the crime bill from going to America.

A VIEW OF THE CRIME BILL FROM ONE PRISON SUPERVISOR IN WYOMING

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to share with my colleagues a letter I received from a lady in Saratoga, WY, who is a supervisor at the penitentiary. She says:

> Even though I am not a member of the NRA, I am glad that someone was able to block the crime bill. I just hope that the Republicans in the House and Senate will be able to stick to their guns (so to speak).

She says:

> There was something in that bill for everyone to hate, and not much to do anything about crime. Crime has to be tackled at the local level. We don't need any more Federal programs and laws. We can't enforce the laws already on the books and we don't have the money for any more frivolous programs.

This is from the penitentiary in Wyoming, a supervisor who works there.

□ 1410

WHY I OPPOSE THE CRIME BILL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I have always felt that membership in this body carried with it the fundamental responsibility to protect our constituents: To provide them safety in their homes and to assure them that every cent Congress extracted from them was essential and well-spent. Sadly, this crime bill does neither of these things.

This bill cannot guarantee to my constituents that the $4 billion it would demand from them for social programs would be well-spent, even if it is well-meant. Even if it could, this is not the place for it.

This social spending, if it should take place at all, should be put somewhere else and debated at some other time.

Nor can this bill keep its promise to my constituents to protect them as well as it claims. It totally ignores the need for a complete overhaul of our criminal alien deportation process so that these individuals can be quickly and permanently removed from the United States.

Even the popular three-strikes-and-you're-out provision of this bill is flawed. The third strike must be a Federal crime. Only 5 percent of violent crimes are Federal crimes. So, this bill will only affect a few hundred criminals every year.

Finally, this bill relies heavily on a favorite bait-and-switch: gun crimes. This bill generously extends meaningless gun control provisions that will not save any lives. The banned weapons are used only in a sliver of 1 percent of violent crimes and the criminals who do use them will simply switch to other weapons or get them illegally.

On the other hand, the bill refuses to severely punish the criminals who actually use guns when they commit a crime. Unbelievably, the bill does not make the use of a gun in a State crime a Federal offense for which there would be a guaranteed sure and swift punishment.

This bill will not allow me to keep my fundamental promise to my constituents: to protect them and their tax dollars.

Mr. Speaker, we would be much better off if we directed more money toward hardheaded law enforcement instead of softheaded social programs and empty-headed gun control. So would the American people.

PASS THE CRIME BILL

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, it is a difficult weekend for Members. Many of us stayed and encouraged our leadership to stay and try and work out the crime bill.

Today we are faced with a crime bill that someone said, "I have not read all the provisions of;" well, there has been work on it for over a year. Many of the provisions, I think, are well understood by Members and have been read and reread.

That is why it comes as some surprise that, instead of moving forward and acting, voting this bill up or down, some are proposed today under the rule to provide an alternative to send this back to conference, that they really do not want to finish this crime bill work today or tomorrow on common ground. In fact, they want to substantially gut what is in the crime bill, to destroy what ostensibly is a compromise by, for instance, cynically taking out various provisions that many of us feel very strongly about, like the death penalty. I strongly oppose the death penalty—but I understand the votes on this floor.

We ought to understand the reality. Both the House and Senate version has the death penalty provision in their bills, strongly supported by the House and Senate; so send it back to conference, send it back to languish, postpone dealing with the crime bill.

We will be back here in October, and that bill will have the death penalty back in it. The ultimate objective, perhaps the only objective is to eliminate the assault weapon ban, to eliminate the death penalty appeal process, to destroy the bill, to defeat it, to defund it, and to leave the people without a crime bill before we leave this House today or tomorrow. Support the crime bill today. Support the police and enforcement, the prevention, and the prison funding. Support the crime bill and the people of this Nation, who want the crime issue addressed.

THREE MAJOR THINGS THAT WILL REDUCE CRIME

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, this bill is loaded with a large amount of expenditure of the workers' tax dollars in this country.

It is interesting that when emotions rise up in America about a problem, the answer from this body in this capital is send more billions of dollars at the problem. That is not the efficient way to solve the problem, and in the end, this bill that is being offered today will not have any measurable impact on crime other than to make people feel good that they did something.

If the Federal Government really wanted to do something to affect crimes and reduce it, they would do three major things: They would address habeas corpus and eliminate the endless appeals that keep people on death row for 15 years without execution; they would change the exclusionary rule so that evidence that could prove guilt could be admitted in the courtroom instead of being denied on technicalities; and they would get the Federal Government out of running the penitentiary systems of the States in this country, and none of that is in this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind members in the galley that they are guests of the House, and it is contrary to House proceedings to manifest any approval or disapproval of the proceedings of the floor.

THE CRIME BILL RULE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I rise today in support of the rule on the crime bill. This crime bill is the most balanced approach to crime that this country has seen in a long time. It contains an ounce of prevention and a pound of punishment. Unfortunately, Mr. Speaker, it also contains a ton of politics.

The gun lobby has spent millions of dollars to keep assault weapons on our streets.

The Republicans want to kill the bill to embarrass the President and the leadership of this House.

The people on the front lines are calling for the passage of the crime bill. Public Safety Director Tom Brown and CEO Leane Levitan, both from my home, Dekalb County want the crime bill. Even the minority whip's own police chief wants the crime bill.

President Clinton and over a hundred new Members of this body were elected to office to make our Government work for the people. Today, we either make good on our promise of change or resign ourselves that the special interests were just too strong for us to overcome. I implore all of my colleagues to leave politics at the door. Vote for the American people. Vote for the rule.

WHITE HOUSE OFFERED A COMPROMISE TO THE NRA

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I ran for local office as mayor of my hometown because we had become the headquarters of the Pagans motorcycle gang, one of the five largest motorcycle gangs on the east coast.

For the 5 years I served as mayor, we fought the Pagans and their drug dealing every day. We did not play midnight basketball with them. We did not offer them any courses in career options. We beat them, and eventually drove them out of town, because we locked them up. We beefed up our police department by providing more officers and more support.

We cooperated and worked with the DEA, the ATF, and cooperative law enforcement agencies at all levels.

We sent them to jail where they are still today.

Both the efforts we are going to see on the House floor today are far better improvements over what the President offered to us.

But let me make one comment in response to my colleague from the other side. He said the NRA and the gun lobby are fighting for the assault weapon issue. The Republican negotiators have never mentioned that issue. As a matter of fact, it was last evening that the White House offered a compromise to the NRA on the 10-clip item on assault weapons.

Remember that: The White House.

DO NOT PLAY POLITICS WITH THE AMERICAN PEOPLE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the American people want a crime bill. The American people are fed up with the proliferation of guns on our streets.

The American people understand that we need to put more cops on the beat, build more prisons, and at the same time give our youth, particularly our inner city youth, a chance. It is far, far better for young people in my district to have a place to go rather than hang out and have idle time.

Mr. Speaker, it is not pork. It is just plain good, common sense. Law enforcement officials and police all over the country want this crime bill. Let us pass it.

Let us say something about the politics that is being played in some quarters here. Those who would, for political purposes, attempt to deny the President a victory here or attempt to deny the Democrats in Congress a chance to strike a blow against crime are only playing politics against the American people.

My colleagues, support the rule. Defeat the motion to recommit. Defeat the special interests. Support the crime bill.

WHAT HAS CAUSED THE CRIME WAVE IN OUR COUNTRY?

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Good morning, Mr. Speaker. How are you today?

I am pleased that we are going to be adjourning at some point this afternoon and heading back to our districts for about 3 weeks. Maybe they will give us back a little of the week that they have stolen from us, the leadership.

I think we are going to learn a lot from our constituents, our taxpayers, that, yes, they wanted a crime bill, a crime bill to fund criminals.

Now, the gentleman from California [Mr. HUNTER] and I were having breakfast together two mornings ago with a grandmother of nine, mother of five, happens to be my wife, Sally, and she looked at the two of us as she gave us our waffles and said, "Why can't we have a clean crime bill on prisons and criminals and take all the rest out and argue it in separate bills like the gun bill?" And DUNCAN looked at me and said, "What do you think?"

He called his staff. Eventually, the gentleman from Oklahoma [Mr. BREWSTER] was on board, and that is going to be a fascinating vote.

I am going to do a 5-minute before I go home this evening, Mr. Speaker. I am going to bring up something I have thought about for 35 years: What has caused the crime wave in our country of violence, conservative philosophy or liberal philosophy?

PUT THE PUBLIC GOOD ABOVE PRIVATE INTERESTS

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Ms. ESHOO. Mr. Speaker, I rise today to urge my colleagues to put principle above politics and the public good above private interests by supporting the crime bill.

Tremendous work has been performed under incredible pressure by Members on both sides of the aisle to produce a reasonable compromise on the crime bill. Yet the gun lobby and its minions are still plotting to deny the American people a strong anticrime package that they want and deserve.

Most of us received this fax this morning from Gun Owners of America threatening anyone who votes in favor of the assault weapons ban with defeat in November. They list Jim Florio, Mary Sue Terry, and Dave Roberti as alleged victims of their political clout. They could not be more off target.

It is pathetic for the gun lobby to be talking about its short list of alleged political victims when we should be concerned about the much longer list of gun victims.

The American people know what is going on in their own streets outside the beltway. They should not be denied relief because of what is going on with lobbies inside the beltway.

Mr. Speaker, it is time for Congress to put special interests in their place by casting "aye" votes, A-Y-E, instead of "me" votes.

BEFORE YOU VOTE FOR THE CRIME BILL, REMEMBER . . .

"When the Gun Lobby goes after you, it does have an adverse impact,"—soon-to-be former State Senator David Roberti, Los Angeles Times, June 9, 1994.

RECENT ELECTIONS WHERE GUN CONTROL PLAYED A PIVOTAL ROLE

Jim Florio of New Jersey: The Washington Post (11–5–93) reported that "gun owners provided the margin of victory in Whitmans' race."

Mary Sue Terry of Virginia: The Washington Times (11–5–93) reported that Terry's loss sent a "strong clear signal" that those who championed "more gun control to fight crime were out of step with the voters."

Joe Prather of Kentucky: Campaigns & Elections (July 1994) reports that the Christian Coalition distributed up to 90,000 copies of a "voter guide" that said Prather supported "registration of firearms"—a big issue in the second district.

David Roberti of California. "When the Gun Lobby goes after you, it does have an adverse impact," said soon-to-be former state senator Roberti to the Loss Angeles Times (6–9–94). Gun owners forced a recall election to oust the anti-gun senator earlier this year. This special election cost Roberti thousands of dollars per day, thereby depleting his financial resources. As a result, he cost his primary election for state Treasurer to a person whose name recognition ranked below all other state contenders.

SINGLE-ISSUE VOTERS ARE OVERWHELMINGLY PRO-GUN

Campaigns & Elections (March 1994) stated that gun control can easily "backfire as a campaign issue." The reason is twofold, says the article. Nearly half the voters have a gun in their homes and gun control can be perceived as a "personal threat." Furthermore, gun control is not a passionate issue for proponents of restrictions, but is an extremely passionate issue for gun rights supporters.

Translated: gun owners are much more likely than gun control advocates to be single-issue voters. Be forewarned, there is incredible voter anger brewing outside of the Beltway.

Vote "no" on the rule note "no" on the bill. Gun Owners of America will consider a vote for both the rule and the bill (H.R. 3355)—because of the gun ban in it—as a gun control vote. Our rating will be published by Guns & Ammo magazine this fall. Please support the Hunter-Brewster alternative instead!—Gun Owners of America, 8001 Forbes Place, Suite 102, Springfield, VA 22151, (703) 321–8585.

☐ 1420

JOIN THE BREWSTER-HUNTER BIPARTISAN BILL

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute.)

Mr. ROHRABACHER. Mr. Speaker, the question is now whether we want a tough crime bill. The question is which bill which we will be voting on today is a tough crime bill and which is a social welfare spending bill. The President's so-called crime bill has been wrong in substance and has been handled in an incompetent and corrupt fashion. Otherwise there would not have been a session here last night in the wee hours of the morning in order to pass a procedural rule without us having a chance to have our say on it or even know that we were in session.

I urge my colleagues to join with a bipartisan effort of the gentleman from Oklahoma [Mr. BREWSTER] and the gentleman from California [Mr. HUNTER], and I urge my colleagues to oppose the Clinton bill. It is loaded with social welfare spending, and let me note this, that we have taxed away so much money from our local people that now, in order to build more prisons and hire more people, they have to ask for money from the Federal Government. Well, the Brewster-Hunter amendment says we will give it back to them because we took it from them in the first place. The President's bill, loaded with social welfare spending, says, "yes," we will give some money back for prisons, but they have got to use it exactly the way we tell them to use it.

LISTEN TO THE AMERICAN PEOPLE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think one of the reasons people get so angry with Members of Congress is they think we do not listen, we do not listen to the people who are on the ground doing certain things and, therefore, we make mistakes. Today we have a chance to show how well Members of Congress listen. If we listen to our mayors, if we listen to the law enforcement officers in this country who are out trying to hold the line every day against crime, if we listen to our district attorneys, if we listen to the people who are out all over this country trying very hard to turn this rapidly growing level of violence around, they are telling us to vote for this bill, that they need both prevention and tough laws, that this is the right formula. I think it is very arrogant to come down here and say, "Well, it's nice." They all say that, but we know more.

I say to my colleagues, "When you look at the politics of that group, there are politics on both sides, Republican and Democratic mayors, and police chiefs and everyone coming forward. Let's vote for America, and let's listen to America for a change."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds our guests in the gallery that they are guests of the House and it is contrary to House rules to show any manifestation for or against the proceedings of the floor.

AMERICANS FAVOR DEATH PENALTY IN VIOLENT CASES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is absolutely correct. Let us listen to the people.

An overwhelming majority of the American people favor the imposition of the death penalty in appropriate heinous, deadly, violent cases like the Trade Center murders, explosive murders, that resulted in eight deaths, and no death penalty applied; for sexual rape murders, for robbery murders, for those kinds of things that have torn us apart as a society: Violence. Yet we in the House first received a death penalty provision in this crime bill that was unenforceable until the Gekas amendments were passed by the House overwhelmingly, notwithstanding the objection of the Democrat leadership in the Committee on the Judiciary, and now they have been ripped out of the death penalty provisions, possibly making them unconstitutional.

Mr. Speaker, we need to listen to the American people, as everyone is saying, who want a proper procedure for the death penalty to allow juries to determine whether the death penalty is to apply for violent killings.

AMERICANS WANT A TOUGH CRIME BILL

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, like my other colleagues, I have been deliberating for months now about a crime bill, and I know, ever since I have been a Member of Congress, and I have been a Member of Congress for 7 years, I have seen so many families devastated because of crime, and I know that not one neighborhood, not one community in America, is immune from crime any longer. People are fearful for their life and know that we have got to fight crime at the local, State and national level.

Now we have an opportunity to pass a crime bill, and I hope we will show some political courage and pass one. I know it is difficult at times for Members because they are pulled in one direction or another, but it does offer us hope for the future.

I know it is not attractive to just build prisons, but the fact is, as my colleagues know, the people at home say, "I don't like this revolving door policy where criminals are in one day and out the next." They want a tough crime bill, and, when we lock these prisoners up, we want to keep them locked up.

Vote for the crime bill.

BREWSTER-HUNTER GIVES AMERICANS THEIR MONEY'S WORTH

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, my thanks to Sally K. Dornan of Donegal Hill that my colleague, the gentleman from California [Mr. DORNAN] just happened to mention.

Mr. Speaker, the chairman of the Committee on Appropriations took the well and talked about the programs that I have requested, including the pesticide program for the $200 million in losses that my farmers have taken in the Imperial Valley, and characterized that as pork, and advise me that, if I was going to want to cut pork, that should begin at home, but let me just say, Mr. Speaker, what I have not asked for.

I say to my colleagues, "I haven't asked for midnight basketball games, and I haven't asked for arts and crafts, and I haven't asked for dancing lessons, and you know something? I don't think the American people asked for those things either in a crime bill. Do you know what they do want? They want more prisons."

Mr. Speaker, the Brewster-Hunter bill that will be offered on the motion to recommit gives us a billion dollars for more prisons, more than the conference report. They want more police, and the Brewster-Hunter bill gives $2 billion more in cops, and the Hunter-Brewster bill gives not a dime in social spending.

The American people are paying for this. Let us give them their money's worth.

PUT POLITICS ASIDE AND PASS A CRIME BILL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, passage of this motion to recommit kills the crime bill for all practical purposes. What it does is it will reopen the entire conference. There will be total chaos, and every issue can be revisited. Make no mistake. This will be the vote of the day. If that package of recommit wins, we will not be here to do a crime bill.

Mr. Speaker, what we have here today is an opportunity to put politics aside and pass a crime bill. We commend those Republicans that joined Democrats in achieving a bipartisan compromise. Let us pass it now and go home.

VOTE FOR THE MOTION TO RECOMMIT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, just 1 week ago we had a bad crime bill brought to the floor, and my good friend, the gentleman from New Mexico [Mr. RICHARDSON] told us at that time, if we defeated the bill, we would kill the crime bill, that we would not revisit the issue, that we would not have an opportunity to do something on crime. Well, we defeated that rule. That bill did not get to the floor on that day. We did the right thing.

And here we are today, on a Sunday afternoon, after a serious week of negotiations, coming back to the floor for another look at crime on behalf of the American people with still another inadequate bill. This bill that we will look at today is not even good enough for Government work, and that makes it inadequate for the American people, and today we are told that, if we vote for the motion to recommit, we will kill the crime bill, there will be nothing else that can be done.

We still have the rest of the year to get it right. Vote for the motion to recommit.

□ 1430

PORK IS IN THE EYE OF THE BEHOLDER

(Mr. SANDERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, let us talk a moment about pork. When some Members here fight for huge tax breaks for the rich, that is not pork. When some Members here fight for supersonic super colliders and billions and billions of dollars for big industry, that is not pork. When Members here vote for star wars and space stations and level funding for the CIA despite the fact that we have seen the end of the cold war, that is not pork.

But when some of us ask, Why is it that we have the highest rate of incarceration in the world; why is it that we have the highest rate of childhood poverty in the industrialized world; why is it that our kids drop out of school; and why is it that we are not feeding hungry kids and providing jobs for our kids and educational opportunities for our kids? They say that is pork.

Mr. Speaker, let us get our priorities right. Let us protect the people. Let us protect them against crime.

TIME TO ACT, PASS THE CRIME BILL

(Mr. LEHMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, welcome to Sunday afternoon in the House of Representatives. Only here are crime prevention measures like drug rehabilitation programs and gang resistance education labeled pork. Only here are activities for unemployed youth seen as frivolous.

Three-fourths of the money in this bill goes to punishment; one-fourth goes to prevention. I will repeat that: Three-fourths of the money in this bill goes to punishment, and one-fourth goes to prevention. All of the funds authorized for either purpose are realized by eliminating 270,000 Federal jobs.

This bill is well balanced in its approach. This bill is fiscally responsible. Of course, it is not perfect. Five hundred thirty-five Members are never going to be able to get together and agree on everything, but we have a responsibility to the American people to find a consensus.

Mr. Speaker, the time to talk is over. The time to act is now. Let us get on with it and pass this bill.

SOCIAL PROGRAMS, BIG GOVERNMENT SPENDING NO ANSWER IN FIGHT AGAINST CRIME

(Mr. MICA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, today we are debating a crime bill, but really we should probably be debating welfare reform. We are debating a crime bill, but we should really be debating a bill that deals with job creation. We are debating today a crime bill, but we should really be debating measures that encourage investment, encourage personal savings, and promote international trade competitiveness for the United States.

Let us face it, Mr. Speaker, for 30 years we have had just about every social program one could name. We have had decades and decades of government spending. If that were the answer, we would be in great shape. We have over 500 Federal welfare programs. We currently have 266 Federal prevention programs. We have 150 Federal job training programs. But until we deal with increasing jobs, self-respect, and self-discipline, we are not going to solve the problems of crime in this country.

FLORIDA LAW ENFORCEMENT OFFICIALS SHOW INTEREST IN PREVENTION PROGRAMS

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, I am a new Member of Congress, and I have had a series of town meetings throughout my district, particularly in the Ocala-Marion County area in the district shared by me and the Member who previously spoke.

In my series of workshops, my sheriffs and police chiefs have come to me and indicated they were very interested in the prevention piece in this bill, and in fact I did a poll throughout Florida, and the No. 1, the No. 2, and the No. 3 issue were crime, crime, and crime.

It would be good if the Member representing Marion County and the Members representing Florida would listen to the people and the sheriffs and agree to produce a bill that, yes, is tough on crime but also has this prevention piece. Let us tell that Member from Marion County.

CRIME BILL IS WELL BALANCED, RECEIVES SUPPORT FOR MYRIAD REASONS

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, in the passage of the crime bill, Members across the aisle will be celebrating the stand that we have taken but fundamentally for different reasons. For some of us the building of prisons, and the hiring of new police officers, and the banning of assault weapons will be an important stand. But the Members on the other side of the aisle will be cheering because they have taken away some of the prevention measures, as if doing away with mandatory spending on boys' clubs and the chances for some for recreation and a summer job is a victory for crime prevention.

Do they not understand that for every young man we put in jail four others will take their place? As long as poverty is the rule for the young in America, do they not understand that until there is some basic recreation and some opportunities and options in life in the cities, there will be 10 waiting in line for every drug dealer we ever put in jail?

A balanced crime prevention bill is incarceration, it is more police, it is gun control, but it is also doing something about the quality of life and opportunities in America.

Mr. Speaker, we cheer this bill for different reasons.

ADOPTION OF RECOMMITAL MOTION WOULD KILL CRIME LEGISLATION

(Mr. LEVIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, make no mistake, passage of the motion to recommit is the death penalty for an anticrime bill, for three strikes and you're out, for $10 billion for prisons, and for 100,000 new cops on the beat.

I hear talk about the need for flexibility in this bill. The cops on the beat provision has an aspect that I helped introduce. It says that the Attorney General may make grants to States and units of local government and multijurisdictional or regional consortia.

In suburban areas like the one I represent, communities like to join together, pool police, and crack down on violence, on gangs, and on drug dealers.

Now the bill provides that these regional task forces can receive these Federal grants.

Mr. Speaker, if Members want flexibility, it is in the bill. This is a tough, smart anticrime bill. Anybody who votes for the motion to recommit is voting to kill a crime bill this year.

QUESTIONING THE CHANGES PRODUCED BY THE HUNTER-BREWSTER LANGUAGE

(Mr. BILBRAY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, like many on the minority side, I voted against the assault weapons ban and the Brady bill because I believe that that was best handled by the States and local communities. Nevada has its own Brady bill in southern Nevada to prevent delay.

But I am deeply concerned about the Brewster motion to recommit. I do not understand, as we go through the progression of events in this debate—and maybe they can explain it—why they took out the no-death penalty for cop killers, why they took out the three strikes and you're out, why they took out the money for a crackdown on sex offenders and spousal abusers. Brewster-Hunter drops $1 billion from local cops and prosecutors to crack down on sex offenders and spousal abusers, and it takes out $300 million for battered women shelters.

These things are of deep concern to me, and as this bill progresses and as the conference committee report is heard, maybe they can address these problems, because I am deeply concerned that these are being stricken out, and while I do not agree to the statements about protecting the second amendment, I do not understand this motion to recommit.

PROPOSED MOTION TO RECOMMIT WOULD PROVIDE A BARE BONES ANTICRIME BILL

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, let me answer the question of my colleague, the gentleman who just spoke.

First, there are a lot of us that wanted the $1.8 million for the violence against women put into the motion to recommit in the Brewster-Hunter bill. A lot of us wanted the death penalty language in there as well. We wanted a lot of things.

This bill is not comprehensive. What we are asking for is a bare bones minimum. This is a crime bill. We are looking at the heart of the crime issues and putting those things in there.

For example, the Dunn-Deal language on sexual predators is included. We also put the Susan Molinari language for rape victims in there. There are other things that we are saying are for socialized spending, and if those who stand for that on principle and want to put it in there, let us have an opportunity to vote on it. As to the gun language in there, it does not kill the assault weapons ban in there. It is still alive in the Senate.

Mr. Speaker, what we are looking at is the bare bones minimum, with no pork, no matter how we define it.

So we decided we were going to put these things in there and have a vote on it.

□ 1440

AMERICAN PEOPLE WANT A TOUGH AND REALISTIC CRIME BILL

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the American people want a tough and realistic crime bill. Tough in that it punishes those who commit crimes that threaten the personal security of every American. But realistic in that crime prevention is our greatest safeguard to personal security.

We cannot have a tough and realistic crime bill without an assault weapons ban.

Mr. Speaker, much has been said in this debate in the name of hunters. In all fairness to hunters, I believe they have gotten a bad rap. Many hunters are calling my office to dissociate themselves from the NRA's promotion of assault weapons. Frankly, they are embarrassed that the NRA would say that the weapons banned in this legislation have any use in hunting. These sportsmen do not want their legitimate concerns about hunting regulation to be hijacked by the NRA's assault weapon lobby.

It is not enough to offer our condolences to the families of the victims. It is not enough to punish the people who caused the death of their loved ones. This offers small comfort to Steve Sposato, Michelle Scully, Carol Kingsley, and the other friends of the victims of violent crime.

Saving the lives of innocent men, women, and children, would be the best legacy we can offer these families. Preventing access to weapons whose only purpose is to kill, and kill easily, will make the lives of all Americans safer. Then, we will start to bring to an end the tragic rollcall of victims of violent crime.

EFFECTIVE AND LEAN CRIME BILL NEEDED

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the people of America have told this Congress loud and clear to do three things when we consider the crime bill: Make it effective in fighting crime, make it tough on criminals, and keep it lean. The crime bill that failed on the House floor last week was not effective and it certainly was not lean.

I have been on record that a conference committee should do four things: Remove the $9 billion pork and social programs from the bill; restore the tough anticrime measures such as truth-in-sentencing and mandatory minimums; remove the so-called assault weapons ban; and four, stop the diversion of funds that would have paid for new social programs through reductions in the FBI and DEA.

Unfortunately, the rewritten crime bill does not accomplish all of these goals. But there is a bill before us that does, the Brewster-Hunter substitute.

The Brewster-Hunter substitute provides grants for prisons, grants for State and local law enforcement, habeas corpus reform, and exclusionary rule reform. This substitute includes truth-in-sentencing, strengthened U.S. border enforcement, mandatory registration of sex offenders and community notification, and mandatory prison terms for crimes committed with a firearm.

Best of all, the Hunter-Brewster substitute is completely pork-free.

CRIME BILL BENEFITS ALL STATES

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I just want to take a moment to show this chart, which I think illustrates very well the benefits for States like Nebraska in this crime bill. Now, let me say, first of all, that many of the figures shown here have to be decreased by 10 to 15 percent because of the cuts that have been made in the new crime bill. But this chart here shows benefits to the country and benefits to the State of Nebraska.

Let us first talk about some of the benefits to the country. A total of 100,000 new police officers on the streets nationwide. That translates up to 900 additional police officers for our State of about 1½ million people. Truth in sentencing, forcing violent offenders to serve at least 85 percent of their sentences, a ban on military-style assault weapons, tough punishment like three strikes and you are out, and other provisions nationally that will help.

Let us look at how that translates for Nebraska. For prison construction we have well over $11 million, for prevention, well over $3 million, and the other benefits shown here.

I urge Members to support the bill.

AMERICAN PEOPLE TIRED OF PROMISES AND NO PRODUCTION

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, all the charts in the world will not change what all the experts recognize and that's that the 100,000 police officers we are talking about really amount to 20,000 police officers, which if spread over the country, mean one additional policeman per average city in a 24-hour period. That is not very much help in extra manpower for law enforcement.

The American people are tired of promises with no production. They do not believe the President on the crime bill. They do not believe the Congress. Collectively we have promised a good crime bill, but we have produced only an illusion of effective law enforcement and of punishment of violations of the safety and integrity of civilized society.

Mr. Speaker, we have a chance to be straight with the American people. Let us reject the fluff and false promises of the product of the crime bill conference, and pass a tough, real crime bill. The Brewster-Hunter bill provides some hardcore sure punishment for people who break the law, and it should be passed.

SUPPORT THE CRIME BILL

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today, I stand in support of this rule and this bill.

This is a complicated bill, a huge bill. There are those who favor it, like myself. There are those who have basic disagreements with this bill. That is our democratic system.

But those of us who live in cities need this bill. We who worry about our suburbs need this bill because we cannot keep are communities safe if our cities are havens for drugs and gangs.

So we must as a country have a consistent policy. Violent criminals belong in jail. Assault weapons do not belong in the hands of gang members. We must protect our children from violence and also prevent them from becoming involved in criminal activities.

This bill protects us as a nation, helps us as a country. We should pass it now.

CRIME BILL IS PORK LADEN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, do we want $7,000 million more in pork? I hope everybody gets that, $7,000 million more in pork. The compromise bill is going to provide $7,000 million more in pork. They are going to have two social workers for every new policeman put on the street. Not 100,000 new policemen, 20,000 spread across the country, but there are going to be two new social workers out there watching midnight basketball and everything else trying to solve our crime problems, when what we really need are more policemen, more prisons, and strong sentences to take these people off the street to protect Americans.

Mr. Speaker, this is a pork laden giveaway program that the American people simply do not want. We ought to kill this turkey.

CRIME BILL IS PREVENTION, NOT PORK

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, there have been references to how tired people are and how tired the American people are. Well, I am tired, too. I am tired of the cynicism and the hypocrisy and the misrepresentation of what this bill is about.

The American people want more law enforcement. This bill has over $13 billion for law enforcement. The American people want more money for prisons. This bill has $9 billion for prisons. And, yes, the American people want money to prevent future crime, to give our young people, those who can go over to a life of crime, an alternative. This provides alternatives.

Prevention? Well, we are not talking about square dancing and arts and crafts. We are talking about drug courts and drug treatment for State and Federal prisoners and gang resistance education. That is what this is. This is not pork no matter who calls it pork. This is not social welfare. This is prevention, and I urge my colleagues to pass the bill.

SUPPORT DUNN-DEAL LANGUAGE IN CRIME BILL

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I want to talk to the American people for a minute about the Dunn-Deal language on sexual predator registration tracking and community notification. I have worked hard on this language. It came out of Washington State. It has been proven to be effective there and constitutional there.

It went through the Senate. It was approved by a majority, in fact unanimously by that body, and by a majority of 407 to 13 here in the House of Representatives. The conferees did not put this important language into the conference the first time around. So I was one of two conferees who sat there and negotiated for 5 hours to get the Dunn-Deal sexual predator notification to communities in the crime bill. It is in the conference report now.

I would simply say, Mr. Speaker, that this one small portion, which is so important to me, which is in the conference report, does not make a basically bad bill good. I urge all my colleagues to vote against this report. Dunn-Deal sexual predator community notification is in the motion to recommit. It is a freestanding bill. It will be in a discharge petition. We will pass it.

STOP ALL THE LAME EXCUSES, SUPPORT THE CRIME BILL

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, since the rule was defeated a week and a half ago, I have been home and I have met with literally thousands of people in my district who have said to me, how could you let this bill fail? We need protection against crime. We need more cops on the street. We need more money for prisons. We need more of all of the things that are in this bill. Go out and get this bill passed. And that is what I am about to do.

I heard the gentlewoman from Washington [Ms. DUNN] talk about a stronger language for sexual predators. I was one of those who fought for it. I strongly believe in it. But like all of the people who are voting against this bill, they have got one excuse after another. They do not want the bill. They do not want to fight crime. All they want to do is come up with lame excuses.

Let us stop the excuses. Let us give the American people what they want. Let us give them action. Let us give them a crime bill that they can be proud of. Let us vote for this bill.

□ 1450

A STRONG CRIME BILL

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, the process has worked. Reasonable Democrats and Republicans have come together to craft a strong crime bill.

The bill is tough on punishment and smart on prevention. It is paid for by cuts in Federal spending. It is supported by many Democrats and Republicans alike and the vast majority of law enforcement officials across America.

To Americans listening to this debate, I say, ignore the small handful of Members on both sides of the aisle who are even now more interested in attacking each other than in attacking crime. They just do not get it.

Honest differences still exist, as should be the case in a democracy. But today many Democrats and Republicans in Congress have come together, put aside their political differences and put together a commonsense crime bill. The process has worked.

A BETTER CRIME BILL

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there is no doubt that the bipartisan negotiations did improve the bill that will be on the floor today. But the fact is, even the improved bill is not a good bill. There is a better choice.

The better choice will be offered in the motion to recommit, and there is a real contrast between the two.

In the motion to recommit and the bill Members have before them today, at that point they will have a choice of putting the money into police, prisons and into border guards, putting the money where the American people know it should be and getting tough on crime.

In the other bill, the bill produced by the majority and the bipartisan coalition, they will have the choice of having some money in prisons, some money in policy, some money in border guards, but also a lot of money in social programs.

The real choice between the two programs comes down to this: When you dial 911 for an emergency because you are being mugged, do you want to get a policeman on the other end as the result of passing the bill here today that will put the money into police, or do you want a social worker on the other end that will explain to you that the mugger is simply a poor person who has been terribly hurt in their life and so, therefore, you ought to understand them.

I would suggest you want a policeman on the other end, not a social worker.

STANDING UP TO THE NRA

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, like the American people, like the people in my own district, I have a vested interest in this bill. I have a provision in this bill that would deal with those gang members that drive by my streets at night in my district and shoot down innocent people, people like we heard about earlier in San Diego, Willie, a bullet through his head, the Persian Gulf veteran who was gunned down by a 15-year-old punk with an assault weapon, the innocent grandmother, the innocent child that gets killed.

Every weekend I go home and I am tired of wakes, I am tired of funerals.

Mothers, fathers tell me, "Congressman, do something. Do something back there."

I am doing something. I am going to vote for this crime bill today. I am going to make sure that these gang members go to prison and pay the penalty for killing people.

It is in this bill, and this is the only way we are going to do it.

When the NRA sends me an insidious letter like this saying that there can be an impact because I am going to vote for this bill, I say, come on, I am ready to take you on.

NO MONEY FOR PRISONS IN MICHIGAN

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, there are those supporting this crime bill because of how much in Federal tax dollars will go to their States. Michigan is one State that does not get back from the crime bill what the people of Michigan gives in taxes to the Federal Government.

We in Michigan will pay $33 million more in taxes than we will get in taxes than we will get in moneys under the President's crime bill, $30 million under the compromise bill.

Not all States will be treated like Michigan. Arkansas is a $37 million winner.

THE CRIME BILL

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, since I am also from Michigan, I would first like to add to the previous speaker's comments. In addition to the number he quoted, Michigan is a loser by several hundred million additional dollars, because we have already built all our new prisons and therefore we will not get a cent from the bill to construct prisons.

I would also like to clarify todays debate by reading from an independent source. We have heard a lot of debate here this morning, but a few additional aspects have to be pointed out.

In a column by Richard Cohen in the Washington Post on August 17, he starts out:

> If Bill Clinton were a legislative package, he would be the crime bill. Both liberal and conservative, lacking a core concept, oversold and possibly underfunded, it is the legislative version of the famous pudding Winston Churchill would not eat because he said it lacks theme. It is a political response to a political problem that, if enacted, will leave the streets no safer than they are today.

He then concludes by saying:

> The problem with the crime bill is that it has no animating doctrine. It is so at odds with itself that if it were a person it would be institutionalized as schizophrenic. That sometimes happens to legislation that has to appease both liberals and conservatives, lynchers and death penalty opponents, and the opportunists in Congress with needy alma maters. But when Clinton makes it his legislative Alamo, when he retroactively elevates it to a core campaign issue, exactly what is he fighting for? The appearance of the thing, it seems. A political issue, crime, is met with a political solution.

I urge that we develop a workable solution, not a political one.

IN SUPPORT OF THE COMPROMISE

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, when I came to Washington, I came to be part of the solution, not to stand idly by and be a perpetuater of the problem.

The American families are reaching out to us. They tell us they are concerned about safety in their home. They are worried about their kids in their neighborhoods. They see crime of epidemic proportions.

They do not want sanctimonious sermons from us here in Washington. They want a helping hand.

Ten days ago, I voted for a rule to move the process forward in our war against crime. That rule failed. Everything came to a standstill.

But in the intervening 10 days, to the credit of Republicans and Democrats alike, they worked diligently to fashion a bill that I think is worthy of our support. It emphasizes punishment, as we must, but it does not ignore prevention.

I fail to see, I fail to see how any investment in preventing crime can be viewed as pork. It is an investment in our future.

THE REPUBLICAN THEME

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I want to associate myself with the remarks of the gentleman who just spoke, the Republican gentleman from New York. I do so being one of the people that is the problem here. I am one of those who voted not to let the crime bill come up. I am a Democrat. I opposed my leadership. I opposed our President.

So now, after about 3 days of negotiations, what have we been treated to this morning? Our friends on the far right taking the well, still not satisfied with the compromise. Still not satisfied. They found one thing to be for, the one thing that kills the crime bill for the rest of the year is the one thing they are for. I was not sure that President Clinton had it right a couple months ago, but I think he does now.

Republicans, almost throughout their history and yet today, can do one thing real well, and it is this, "no, no, no, no, no, no, no, no, no."

Today we ought to say "yes."

MORE ON THE CRIME BILL

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I would just like to suggest to the gentleman who just stood here in the well that there is an alternative to this. It is called bipartisanship.

I would like to suggest to the gentleman who was just up here that there is an answer to this whole thing about no, no, no, no. It is yes, yes, yes, and it is a bipartisan bill. It has been talked about.

We had one bill in this House since I have been here, I am a freshman, one bill that has been partisan. That was the budget bill. We have an opportunity now to pass something that both sides of the aisle can agree on. There is such a bill. It is a back to basics crime bill, including grants to correctional facilities, border enforcement, grants to State and local law enforcement, three strikes and you are out, punishment of sex offenders, establishes truth in sentencing. And it puts and keeps away those criminals that we have not done a thing yet in the conversation so far to control crime.

Let us do something about that. Let us keep the expenditures on social programs down to zero. Let us talk about that some other time. Let us pass now a bipartisan effort. Let us send this thing back.

Vote for the motion to recommit. Vote to cut the social spending. Let us vote for what America wants. Let us vote for the Brewster bill.

□ 1500

THE RIGHT TO KNOW WHAT IS IN THE BILL BEFORE WE VOTE ON IT ACT OF 1994

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, there is a bipartisan statement to which everybody should agree, and that is that no Member in this House should spend $30 billion without having had the opportunity to read this bill. I wish I had time to make a sticker that said "Read the Bill."

I am one of the few Members of the House that read the first bill we voted on, the second bill we voted on, and I have been up in the cubicle in the Committee on Rules pleading with them not to waive rule IX12(a) that says that Members of this House should have at least 2 hours to read all of the details of the deal that was made last night at midnight. We will be back here later on, 435 Members of Congress, voting on a bill that nobody has had the opportunity to read the amendments to. Let us say "yes" to that type of opportunity.

Mr. Speaker, maybe we could call it the Right To Know What is in the Bill Before We Vote on It Act of 1994.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each, without prejudice for resumption of business.

AN EXAMINATION OF INCREASED COSTS IN THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I take this time because I think that there has been an awful lot of bloviating on both sides of the crime issue, and I want to confess, frankly, that I do not know how effective this crime bill will be. All I know is that there has been a 6-year effort on the part of people in both parties to try to find a way to attack what the American people see as one of the most pernicious problems facing this country, and they would kind of like to think that we could put politics aside and do some things that are real.

Mr. Speaker, I, frankly, am mystified by a lot of rhetoric associated with the debate the last week. I hear, for instance, a good many of our friends on the Republican side of the aisle, and some on our own, who suddenly have demonstrated a new-found interest in the costs associated with this bill, and are saying that there is way too much money in this bill to fight crime.

Mr. Speaker, I thought it would be a good idea to go back and look at the record. I went back and I, first of all, looked at the first amendment that was offered by the committee chairman, which raised spending above the amount recommended in the committee bill, the en bloc amendment offered by the gentleman from Texas [Mr. BROOKS]. It offered additional funding for a good many items: $12 million for the establishment of boys' and girls' clubs, $100 million for the establishment of community based justice grant programs, et cetera, et cetera.

I look at the vote on that amendment, Mr. Speaker, and I see 242 Democrats voted for it, and only 2 voted against it. I see 147 Republicans voted for it, only 23 Republicans voted against it. Mr. Speaker, I would ask the question: "If you do not like the money that is in this bill, where were you and where were your votes when this amendment was adopted?" It was whooped through here with an overwhelming majority of both parties.

Mr. Speaker, then we had the $10 billion amendment providing for Federal assistance to States for prison construction. I see 170 Republicans voted for it. I see only one Republican voted against it. I see 205 Democrats voted for it and only 49 voted against it. Again, for those who have suddenly found a concern about the dollars in this bill, I ask them: "Where were they when they were whooping through amendments like that?"

I did not vote to add that additional spending, because I thought that States have their own bonding capacity. My State is talking about cutting $1 billion in property taxes. It seems to me we have a huge deficit. I think it is a legitimate question about how much we can afford on that subject.

Mr. Speaker, we had another amendment which provided for 6,000 additional border guards. I see 224 Democrats voted for it, 12 voted against it. One hundred and seventy-two Republicans voted for it. There were no nos. That added a good amount of spending to the bill. If you are concerned about spending in this bill, where were you when amendments like that were added? It seems to me, it is pretty clear to me that the concern about spending is a late-found concern on the part of many people in this institution.

Mr. Speaker, now we are told that we ought to take out all of the prevention money in the bill. They call that a clean bill. I call that a crazy bill. If we were, in the area of health care, to only fund treatment and not fund prevention, we would be literally laughed out of the political arena, because our constituents understand that prevention is crucial in all fields.

Mr. Speaker, there are those who laugh at midnight basketball. I would suggest that any time that you can get kids off the street in the middle of the night, and have them engaged in anything else, including recreational activity, it is a net positive public good, and I make no apology for it.

You can laugh at job counseling that is in this bill, if you want. Anybody who has ever dealt with youngsters with limited opportunities and limited understanding of how to get them, Mr. Speaker, ought to understand that there is no need to make an apology for those programs.

You can laugh if you want at the money provided in this bill to try to break up gangs, but when you watch the gangs in my own hometown cruising the streets, I do not think you are going to laugh quite as loud about that. I really do not think so.

You can, if you want, Mr. Speaker, laugh at the money in this bill to try to provide protection for women from domestic violence. I do not happen to find that a laughing matter. No woman who has ever been abused at home will find that a laughing matter, either.

Mr. Speaker, I would suggest that this bill may not be perfect. It is far from perfect. There are items in this bill I flatly and strongly disagree with, but it is a consensus reached by 535 people from differing districts all over the country, and the administration—numerous people working hard on both sides of the political aisle. Believe it or not, they are working according to the dictates of their conscience, despite the cynics—in this Chamber and out who would try to convince the public otherwise.

Mr. Speaker, our choice today is to do something or to do nothing. It seems to me, after a 6-year fight to put together an attack against crime, we ought to pass this and move on.

I do not know how effective this is going to be, because I suspect half the claims for this bill are overblown, but I would suggest that I know that 90 percent of the claims addressed against this bill are cynical and political, and we ought to dismiss them and do what we think is right for the country.

THE COST OF PROGRAMS IN THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, let me answer some of the questions. First of all, in the original bill in the House, which this Member voted for, it did have the assault language in that, it had $10 billion for prisons. The conference report came out with $6.5 billion for prisons. The group that worked to improve the bill had a $1.4 billion add-on that, which makes a total of $7.9 billion for prisons, not even what we had coming out of the House.

□ 1510

We asked and the Prisons Bureau asked for $13.5 billion in prison money. We only have $7.9 billion. So we do not even have the amount that came out of the original House bill, but yet we went from $22 to $33 billion in the conference report from the House. That is wrong.

Second, they reference anybody laughing at the domestic violence act for women. We would like that included in the Hunter-Brewster bill. We would like a lot of things, including the death penalty. We tried to take the controversial issues out and were willing to have a separate vote on the social spending, and those items which are secondary to fight crime. Education is a way to fight crime. A lot of the social things are a way to fight crime, but we are looking to hit it in a very difficult way.

Only 1 of the 30 social programs with the group that negotiated very well on both sides of the aisle to try and improve the bill, but only 1 of the 30 welfare spending programs were taken out. There are 13 related in block grants. The remaining are still in the bill with only a 10-percent cut. So I would say to the gentleman, the House bill that we passed out of here has far more prison money than is even in there now. That is why we are supporting the Hunter-Brewster bill.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Has anyone explained why we are here on Sunday afternoon? What is the urgency about this legislation? We know there is a crime situation in the country. We appropriated money the other day for the regular appropriations for more prisons, for more policemen, for all the issues that are in this one, but what is the sense of urgency? Some of the items here have been around for 4 years. Three years ago now, President Bush sent a message down similar to this, not all the social programs. The Democrat-controlled Congress did absolutely nothing with that request that he sent down for similar legislation. So now on Sunday afternoon when Members ought to be relaxing with their families or back in their own districts talking to their constituents, why are we here this afternoon? If it is to say to this Presidency, we have a better chance of raising the *Maine*, I think, than doing that.

Mr. CUNNINGHAM. I think there is a sense of urgency. I do not personally mind being here today. I would like a chance to read the bill which not many of us have had a chance to get through. But I think we need to pass this crime bill yesterday or day before, even months ago or years ago.

So I think we do need to get down at the hard facts of the bill today.

Mr. MYERS of Indiana. If the gentleman will continue to yield, I might vote for a crime bill, but you said "this crime bill?" No; I disagree with you entirely on that. I am not going to vote for this one.

Mr. CUNNINGHAM. I am talking about the Hunter-Brewster language.

SUPPORT THE CRIME BILL

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, last week one of my heroes and great friends in politics, a gentleman by the name of Cecil Partee who had served as President of the Illinois State Senate, passed away. Cecil Partee had the greatest sense of insight into politics and politicians. He used to say to me, "Durbin, every time a politician makes a decision, there is a good reason and a real reason."

Listen to the speeches here today. We have heard a lot of talk about how important an issue crime is for America. I think it is one of the most important. I am looking up in the gallery here at hundreds of people who have journeyed to our Nation's Capital who have thought at some moment while they were sitting there or during the course of their vacation or trip about a concern they might have about whether they or some member of their family might be a victim of crime in this city or some other city. We are all sensitized to it. It gets dark outside, you get a little worried. You worry about your daughter living in the city of Chicago and how safe she will be at night. It goes on across America, not just in Washington or Chicago, but in my hometown of Springfield, IL, and in every hometown represented in the gallery. So you think to yourself, if this problem is so important and the American people are so concerned about it, why did Congress get so tied in knots over it? This seems pretty simple.

We know what we want. We want more cops out there to protect our families. People who commit crimes should go to jail and those who commit violent crimes should stay there. We have to give the police the resources they need, give the prosecutors the resources they need. Build the prisons if we need them. I think most people would also agree, we need to try to grab these kids before they turn to drugs, before they turn to violence, before they turn to gang activity and try, just try, to put them on the straight and narrow. Are we going to fail? You bet we are. But we ought to try, because we know the expense of failure, the expense of a life of crime not only in the wasted lives of the criminals but what it costs us as taxpayers. You know, this all seems pretty simple. It seems like the ABC's of crime and you wonder how did Congress get in such a mess.

Let me go back to my friend Cecil Partee. We have heard a lot of good reasons why people oppose this bill. The real reason the rule lost a week ago was over the issue of assault weapons and over the strength of one major lobby group, the gun lobby here in Washington. Had the gun lobby in Washington released their votes and given Members of Congress a green light, we would have passed the rule and the crime bill, gone home and said at least we are trying, we are listening and we are trying. But the gun lobby put the pressure on and as a consequence many Members of the House said, "No, we can't vote for the rule" and that was the end of it. So today we have another reprise, we have another go-around on the same issue. Guess what, the players are the same, the people who come here and say, "We want a stripped-down bill, no pork, let's get down to basics. Vote for the Brewster-Hunter bill." I want to give a little insight for those who are trying to follow this program and wonder what the players are really saying.

The National Rifle Association and the gun lobby support the Brewster-Hunter bill because it strips out the assault weapons ban. This is their last gasp, their last chance. They are putting all the money on the line. They may win it. I hope they do not. I am going to vote against them. Because after you take a look at that Brewster-Hunter bill, it reminds me of what my favorite governor in the United States, Ann Richards of Texas, once said about another issue. She said, "You can take a hog, you can put lipstick on it and call it Monique, but it's still a pig." when you take a look at the Brewster-Hunter bill, you can call it whatever you want, streamlined, no pork, get serious and so forth. It is the National Rifle Association's bill removing the assault weapons ban. It is "Monique." and we all know it.

So I hope when this is all over, that we not only do the right thing on crime but that we also say to the gun lobby, "What has happened to you folks?" There was a time in the history of the National Rifle Association when they worked as tight as could be with police groups. They used to agree. They would come together to Congress and say we have sportsmen and hunters who are responsible, safe people. They love their law enforcement people and want to work with them, and they would come with a program and Congress would embrace it and there would not be any debate. But over the years, things started to separate. The police groups started moving in this direction and the gun lobby started moving in the other.

This Congressman has decided that when it comes to a problem in my neighborhood and my family, when I pick up the phone and dial 911, I am not looking for a National Rifle Association lobbyist, I am looking for that man or woman dressed in the uniform, the policeman who put the badge on this morning and put his life on the line to protect me and my family.

When it comes to issues of crime, I do not care how big a political action committee the gun lobby has, I do not care how many free bumper stickers they give out to intimidate Members of Congress. I think we have a moral responsibility to stick with the police, to stick with the deputies, to stick with the men and women who put their lives on the line. I am not an expert on crime. The real experts are the people on the street protecting us and that is why today I am going to be voting for the rule, against "Monique" the Brewster-Hunter crime bill put together by the National Rifle Association, and I will be voting for the real crime bill. It is a good one. It strikes a balance. It is tough but it puts prevention funds in there, too.

The toughest cops in my district, when I sit down with them, tell me what I said earlier. Tougher sentencing, put them in prisons, give us the resources, and then they say, "Congressman, that isn't enough. We've got to step into the lives of these young people before they go wrong and try to help." Try with the drug rehab, try with the activities for youth who might go astray. That is a balanced approach, that is a tough but sensible approach.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds persons in the gallery again that they are visitors of the House and any manifestations showing approval or disapproval of the proceedings on the floor are contrary to House rules.

SUPPORT THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I have met some of the finest men and women I have ever met anywhere who serve in this House and I say that sometimes to people back in my district and they say, "You've got to be kidding." I love being a Member of Congress. I love the opportunity I have to serve the people of the Fourth Congressional District, and I truly have incredible respect for my colleagues on both sides of the aisle.

I know we are very tired, I feel in some cases some harsh feelings are expressed because no one likes to be caught in the position where if they vote against a crime bill, it is viewed that they are not wanting to be tough on crime. There is that political axiom that says that controversy is the enemy of the incumbent, that somehow if you stir things up, you get people angry on both sides and then you lose out.

□ 1520

There is no question there is a lot of controversy. I know that Members who voted for the rule are being criticized. I know Members who voted against the rule are being criticized. I know we went back to our districts and explained why we did what we did, and now we are kind of not boxed in, but certainly have staked out our position so now we have to explain what we did last week, and now what we do this week.

We all have the same incredible feelings. We are getting people speaking to us from both sides on that issue. But I am troubled by a number of things.

We are going to be criticized if people think there is pork in the bill, and we are going to be criticized if people think this is a crime bill and we did not vote for it. There is just going to be criticism that way. But when I look at what happened last week, I know that spending went up in the conference report from $27.8 to $33.5 billion. But it was not because of any increase in prevention funds. It was because we went from $3.4 billion to $8.8 billion in putting more cops on the street.

I have to tell Members I represent a district that knows that the best way to deal with crime, in my judgment, is to deal with law enforcement, to have more prisons, and also to have preventive programs. There were a group of Members on both sides of the aisle who tried to see if we could make this bill a better bill. I think they have succeeded. They brought the bottom line of the spending from $33 billion down to $30 billion. They have brought it down below the level of the trust funds. It is more responsible fiscally.

We have cut one third from the enforcement side, which is three quarters of the budget. They have cut two thirds from the part that is prevention which is one fourth of the budget. We have a situation here, Mr. Speaker, where my colleagues on my side of the aisle have rightfully asked for changes and Democrats have made those changes. We have taken 13 of the categorical grants, some grants that people have a difficult time with, and we have combined them into one program so people in the districts can decide what program they want.

The bottom line for me is that I believe this is a bill that has as many Republican fingerprints as Democratic fingerprints, and I know it is a bill that we all have to compromise on. I believe in a full life sentence. I do not believe in the death penalty, but I am not going to vote against a good bill that includes the death penalty.

I hope in the end when we vote on this bill we simply vote our conscience and go back out to our districts and explain our vote.

One thing to the Democratic side. My colleagues on that side of the aisle had a situation where they could have gone their own way, but would have had to take the assault weapons from it, and they have worked with the Republicans to keep the assault weapon ban in, and had to compromise, and had to compromise maybe more than they wanted to. But I think if my colleagues will look at the bill they will see that it is a better bill with those compromises.

If Members are unhappy with their leadership and what they have done, recognize it was an attempt to keep the assault weapon ban in. Let us face it, the vote last week really centered on that whole issue.

I hope we get out a strong bill which has the preventive side, which my district needs, particularly the urban areas and I hope we vote out this bill which provides an increase for prisons of $9.9 billion because it is all real money, that still has for enforcement $13.4 billion. I hope we vote out this bill and do it today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will now end 5-minute requests for special orders and resume legislative business.

FURTHER CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. DERRICK, from the Committee on Rules, reported the following privileged resolution (H. Res. 526, Rept. No. 103–713), which was referred to the House Calendar and ordered to be printed.

H. RES. 526

Resolved, That upon adoption of this resolution it shall be in order to consider a further conference report to accompany the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for 80 minutes, with 20 minutes controlled by the chairman of the Committee on the Judiciary, 40 minutes controlled by the ranking minority member of the Committee on the Judiciary, and 20 minutes controlled by Representative Castle of Delaware. The previous question shall be considered as ordered on the conference report to final adoption without intervening motion except one motion to recommit, which may contain instructions only if offered by Representative Michel of Illinois or his designee.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 526 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 526 waives all points of order against the conference report on H.R. 3355, the Violent Crime Control and Law Enforcement Act, and against its consideration. The rule further provides that the conference report shall be considered as read.

This rule will allow the House to consider the conference report for H.R. 3355, the omnibus crime control bill. The rule also allows for one motion to recommit. The motion to recommit may contain instructions, but only if offered by Representative MICHEL or his designee. The motion to recommit may not contain instructions under any circumstances unless offered by Representative MICHEL or his designee.

Mr. Speaker, the conferees have worked diligently over the past several days—almost nonstop—to craft what is truly a compromise anticrime package. The American people have demanded that we take tough action against this Nation's growing crime problem.

The conference report will do just that. It is time we respond to the American people, and bring this legislation to a conclusion.

The anticrime package is tough, smart, and comprehensive. The crime measure includes provisions and programs that have been long supported by Members on both sides of the aisle. The conference report is a carefully crafted measure that balances more police and stronger punishment with needed prevention programs.

This conference report also reflects a good faith effort at compromise. The compromise agreement reduces spending authorization in the bill by $3.3 billion. Thirteen individual grant programs have been consolidated into a $379.7 million local crime prevention block grant.

The requirements for community notification of sexual offenders and those who commit certain crimes against children have been strengthened.

The measure's prison funding provisions have also been revised. Under the agreement, 50 percent of the funding will be reserved for States that have implemented truth-in-sentencing laws. The remaining 50 percent of the prison funds will be set aside for discretionary grants to the States.

Let there be no mistake. The heart of this crime control bill strengthens law enforcement efforts. The package embraces such popular goals as 100,000 new police officers on the streets; a police corps and law enforcement scholarship program; the three-strikes-and-you're-out law to put repeat violent offenders behind bars for life; more Border Patrol, drug enforcement, and FBI agents; more prison space for violent criminals; boot camps for youthful offenders and prevention programs to combat violence against women.

Another essential provision in the crime package is the ban on 19 specified types of military-style assault weapons. Gun violence continues to be a growing problem.

More law enforcement and punishment will not control crime if we continue to ignore the easy accessibility to dangerous firearms. Weapons of war have no place in a civilized society. They serve no purpose but to kill as many people as quickly as possible.

Members of this body should not sacrifice an entire bill of crime-fighting provisions in order to defeat the ban on assault weapons. The gun proponents wrongly believe that no firearm is bad—even weapons that outgun law enforcement officials and threaten the safety of our communities. The will of the American people should not be averted by shooting down responsible anticrime legislation.

Mr. Speaker, previous debate and recent Charlton Heston TV ads left many Members and voters with the wrong impression that the entire crime bill is some new social giveaway program when in fact less than one-sixth of the crime bill is aimed at the youth crime prevention programs.

But I ask the House to consider this fact. The United States has the highest incarceration rate and the highest crime rate in the industrialized world. We are only kidding ourselves if efforts are not made to prevent future crime now.

What is wrong with providing afterschool, weekend and summer programs for young people? What is wrong with supporting youth education, employment, training and recreation activities? Absolutely nothing. Youth crime prevention is just law enforcement on the front end.

The anticrime conference report combines police, punishment and prevention into one responsible, and workable measure. No one part of this formula can be surrendered. Otherwise, all we would have is a band-aid approach.

Mr. Speaker, House Resolution 526 is a fair rule that will allow this House to consider the most sweeping Federal anticrime bill in U.S. history. I urge my colleagues to support the rule and conference report.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a bad rule here. We are waiving all points of order again.

We do not know what has been left out. We do not know what has been left in. We do not know what has been left over.

Even Chairman BROOKS could not provide us a list of all the things we are protecting here. So nobody really knows. Chairman BROOKS testified that he wants every waiver he can get to protect everything he can. Unfortunately, when we do that kind of thing, it gives the perception that we are trying to hide something from the American people, maybe even hide something from ourselves, and that gets us into trouble.

Look what happened last week. After we had a chance to read the conference report, we found lots of things. Some of those things have actually been fixed. But we all have to say it was a rather distasteful experience, and it has been a tough week.

So I think by going into these waivers we are making a mistake. We are waiving the 3-day-layover rule. Frankly, the way this thing has been handled, we would have had to waive the 3-minute-layover rule.

The Committee on Rules was supposed to meet at noon today. The report, the documents, came in at 12:32. Obviously, we did not have the documents for the appointed time of the Rules meeting, and, in fact, we did take a few minutes to digest them, a few minutes, but we certainly cannot say that we have read the conference report.

How many Members of this body can say, "Yes, I have read it?" How many can pass that test and say, "I am making my vote after I have read this conference report"?

This is a report we know has budget problems in it, scope problems, germaneness problems. I have a partial list of things being protected here. We do not know exactly what it is.

Second problem: This is a complicated bill. There is a lot in it. We do not have a lot of time to debate this. Members are going to be shut out from debate on both sides. This is a strangulated procedure.

We should go back and start again and give it what it needs.

Where are we on merit? We are going to hear in the debate ahead a little bit of the merit, the problems we have. The big problem is this: We have a surrealistic atmosphere here. White House rhetoric has way raised expectations, raised up promises this bill cannot meet or no bill could probably meet.

We are going to hear there are some things that have been fixed. We are going to hear what I think is the truth, that what was a terrible and very counterproductive bill is now a bad bill that is moderately counterproductive, but it is still full of fat, and it is still full of false promise. We cannot pay for it even though we have cut some of the pork out. We have canceled some of the "Get out of jail free" cards, but we have not at this point given it the full real "third strike and you are in jail" process, because we have a foul ball with a third felony problem.

We do not have real truth in sentencing, and we do not have enough money for prisons.

Those are just a few of the problems we are going to hear about.

ROLLCALL VOTES IN THE RULES COMMITTEE ON RULES FOR THE CRIME CONFERENCE REPORT

WEDNESDAY, AUGUST 10, 1994

1. Solomon Motion on Three-Day Layover Waiver—A motion not to waive the requirement that conference reports be available to Members for three-days before they are voted on. Rejected: 4-6. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Frost, Bonior, Wheat and Slaughter. Not Voting: Beilenson, Hall and Gordon.

2. Derrick Motion to Report the Rule—A motion to report the rule that waives all points of order against the conference report and its consideration and dispenses with the reading of the report. Adopted: 6-4. Yeas: Moakley, Derrick, Frost, Bonior, Wheat and Slaughter Nays: Solomon, Quillen, Dreier and Goss. Not Voting: Beilenson, Hall and Gordon.

TUESDAY, AUGUST 16, 1994

1. Solomon Substitute Rule—A substitute rule to recommit the conference report to conference with instructions to make changes necessary to bring the conference report back within scope, in place of the rule moved by Rep. Derrick waiving the two-thirds vote requirement for the same day consideration of a rule for the consideration or disposition of the crime conference report. Rejected: 3-6. Yeas: Solomon, Quillen and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Wheat and Slaughter. Not Voting: Bonior, Hall, Gordon and Dreier.

SUNDAY, AUGUST 21, 1994

1. Derrick Motion to Report Rule—A motion to report a rule waiving all points of order against the conference report and against its consideration, providing for 80 minutes of debate, and one motion to recommit which may contain instructions if offered by Rep. Michel or a designee. Adopted: 6-4 Yeas: Moakley, Derrick, Beilenson, Frost, Wheat and Slaughter. Nays: Solomon, Quillen, Dreier and Goss. Not Voting: Bonior, Hall and Gordon.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just reply to what the previous gentleman has said and say that, you know, the chairman of the Committee on the Judiciary made the statement that this bill, or various parts of it, have been around for 4 years. It has certainly been before this Congress since the beginning of this Congress, and it has certainly been before this House, and we have been concentrating on it for the last week.

The conference report has been out for several hours, and we on this side have yet to see the motion to recommit. So I do not think that is a reasonable position to take.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, briefly, I agree. I am arguing for more time and a more deliberative process. I would love for you to have more time to think about the motion to recommit, and I think we should have more time to debate what is on the floor, which is the conference report which nobody has read.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, today's debate is good. Division in the House is good.

The problem in America is both parties have gotten so much alike the American people cannot tell them apart. Maybe today they can.

Today's debate is not about pork. Today's debate is not about basketball. Today's debate is about guns, and a Congress that cannot tackle the politics of guns in America is a Congress that cannot tackle the crime problem in America, and also a Congress that cannot govern.

Ladies and gentlemen, it is very simple. I own a gun. I own a semiautomatic weapon. I am a former sheriff. I am against any more inroads, but the firepower on the streets is so great, it is greater than our own police departments.

Today and last week we had calls from all over. The NRA called you. The police called you. The people who did not make any phone calls, though, are buried in graves 6 feet underground. No one got a phone call from any of those victims.

I say today, let us vote for the rule. Let us vote for the bill. Let us stand for something.

And one last thing: When your constituents dial 911, they sure as hell do not want to get Charlton Heston on the phone. Think about it.

Mr. GOSS. Mr. Speaker, I yield 5 minutes, with great pleasure, to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. Speaker, we are a little bit at odds here. He needed to have a copy of the conference report. It turns out we do not have one.

Mr. GINGRICH. Mr. Speaker, if I could ask the Democratic managers of the bill if they could give me, loan me, just for a minute, I will give it back immediately, a copy of the conference report. I want to make the point to Members we literally on our side of the aisle at this moment do not have a copy, which I am told is 7½ inches thick, I mean, the full conference report. I do not mean the amendments. Is that the full report?

I want to start with why Members might be a little reluctant on the rule. This is this current conference report, just so the American people understand; there is no reason to rush this through except the public relations needs of the White House.

This is the current conference report, done late last night, not available. No Member has had a chance to read it through. It is a little strange, just as an approach, as a way of governing; it is not what they teach.

I am going to give it back right now to a Democratic staffer so there will be no question we on the Republican side would have stolen one of the rare copies available right now. Thank you, JERRY, give it back over there, and he is temporarily a staffer. We will get him back to our side in a minute.

Let me just share with our colleagues where we are and what has happened. Ten days ago the rule was defeated on a very bad bill. The rule was defeated because the crime bill written in a secret conference, brought to the floor at 7 o'clock at night after Members had voted, rushed to the Committee on Rules at 8 o'clock at night, was then brought up the next day exactly like today with nobody knowing what is in it, and the House said, "No, we will not take it up," and it was sent back.

□ 1540

In the intervening 10 days a lot of negotiations have gone on. I was here until 6 a.m. On Saturday morning. I was here until after 2:30 last night. And a lot of honest and fair negotiations have gone on. I want to frankly praise, maybe at the risk of hurting him in his own caucus, but I want to praise DICK GEPHARDT, who stayed here endlessly, trying to find a positive solution. And I want to praise Leon Panetta, who came up from the White House and worked tirelessly. I must say that people like MIKE CASTLE, JOHN KASICH, SUSAN MOLINARI, RICK LAZIO, JENNIFER DUNN, DICK ZIMMER, PETER TORKILDSEN, a lot of people worked very hard.

I have to admit they have improved the bill. Compared to the terrible bill that came out 10 days ago, we are up to a sort of bad bill. But it is improved. The improvements tell you how terrible the other bill was.

They have stopped the liberal Democrats' effort to release 16,000 convicted drug dealers. They have made sure that communities will be notified if sexual predators are released from jail. They have added a provision for full information about rapists and child molesters in cases where the judge determines it is both relevant and reliable.

They have insisted on block grants. They have cut out $3.3 billion in spending. Now, that tells you how terrible the original bill was, that with all of that effort they are only about one-third of the way through the bill. The truth is the Democratic leadership got exhausted.

Members who have worked on that and gotten their commitments I think have an obligation to help and work on the bill that they worked on so hard. But other Members have an equal obligation, which is to read the bill carefully, to recognize as GEORGE GEKAS tells you, that this bill in its current form is worse on the death penalty, and if you believe in the death penalty it makes it procedurally less likely to be sustained than current law.

To listen to ALAN SIMPSON, he will tell you they knocked out and refused to put back in the judge's right to order deportation of criminal aliens, convicted criminal aliens. Under this bill, a judge will not be able to order the deportation at the time of sentencing. Instead they will get out of jail. Armed robbers or rapists, a murderer, a drug dealer, will get out of jail as an illegal—convicted alien who is now a felon, has to get out of jail before we start the deportation process. As a result of which they go on and hide.

The Democrats would not allow us to put that in the bill to give the judge the power to order deportation for convicted criminals.

This bill still has, as JOHN MANZULLO points out, terrible standards under community policing, where nonpolice groups are going to define—community groups will define for the police what police are and whether or not they get any money, which is a transfer of power away from the police, not to it.

This bill still has Federal control of prisons in a way that is almost goofy.

Finally, this is, as BILL GOODLING has pointed out, the 226th current existing Federal juvenile delinquency program. There is another series of books on the 150 job training programs.

We are not against prevention. We just think that prevention done by the Federal Government by Federal bureaucrats in Washington, DC, has not worked. If it had worked, Lyndon Johnson's Great Society would have led to a crime-free society in America.

We do not particularly want to be browbeat about our lack of concern because you are going to have more bureaucrats filling out more paperwork to have Washington control more of America.

I would urge my colleagues, resist the rule and vote "no." If the rule does pass, I think there is a good motion to recommit you should vote "yes" on.

Reluctantly, I have to say this bill is still not worthy of our vote and should not get it on final passage.

Mr. DERRICK. Mr. Speaker, let me say this: That the prior speaker has waved around our report. We have had that available for several hours. The motion to recommit that he has just suggested we still do not have in any printed form. Let me tell you he is asking you to vote for a motion to recommit that takes all of the assault weapons out, the assault weapons that are killing people on the streets of this country. It does away with all for the three-Strikes-and-you're-out, something that the people of this country want very much. It does away with the death penalty, which the people of this country believe in very strongly.

Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise because, you know, I voted against the Brady bill, I voted against the assault ban because I believe in the second amendment. And I know that many feel that this is the No. 1 issue. But the No. 1 issue is not the Brady bill, it is not the assault ban issue; it is: crime.

That is why I have been contacted by the Las Vegas Metropolitan Police, the largest police agency in the State of Nevada, asking me to support this crime bill.

I have been called by numerous other law enforcement officials, D.A.'s, A.G.'s, saying this bill is not perfect and we recognize it is not perfect, but we need this bill because 39 percent of the people in my district recognize that crime is the No. 1 issue.

I recognize and support the second amendment, but I realize it is not all-encompassing. It is not the biggest issue in the world.

Fighting crime.

What is the motion that is going to be made to recommit? It takes out the death penalty for cop-killers, it takes out the death penalty for drug kingpins, it takes out the death penalty for terrorist murderers.

We need to pass this bill. We need to turn down the motion to recommit and get on with the rest of the business facing Congress in this session.

The SPEAKER pro tempore (Mr. HOYER). The Chair would advise the gentleman from South Carolina [Mr. DERRICK] has 19½ minutes remaining and the gentleman from Florida [Mr. GOSS] has 22 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished member of the Committee on the Judiciary, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to make a point that there were some very well-intentioned efforts by some Members on my side of the aisle working with the majority to try to improve this particular product out here today. We started with a bad bill. They improved it some. But unfortunately it is still a bad bill.

The amount of improvement does not justify, in my judgment, and I think the majority of my side and quite a number on that side, voting for this bill today.

Let me go through exactly—and I spent hours and hours and hours sitting in on all these discussions. I have a pretty good idea of what is in here, what exactly we have in the final product and how it is different or is not.

First of all, on the cops on the streets, it is exactly the same as came out of the conference committee the last time we had the vote out here when we voted the rule down. It was a sham then, it is still a sham now. We do not have 100,000 cops in this provision, we have, as Professor Emilio says, we have perhaps 20,000 at most, maybe 2,000, depending on how you calculate it, the money for it. It is an unfunded mandate. We are only paying for a fifth of the cost of these cops. The States would have to pay for the other four-fifths.

It is a very bad provision, as far as police are concerned. And that is a third of the $30 billion bill, or almost that.

Yes, they knocked out $3 billion, but where did they whack it off? Prisons. There is less money, no matter how you look at this realistically, for prisons on this bill: $7.9 billion for new prison construction in this versus $8.5 billion in the original bill of the $33 billion amount.

You will have people arguing about how that is funded or is not funded, but it is less money for prisons; $1.8 billion, by the way, is still in here for criminal aliens, I will not argue that. But that is not for prison construction. But that is less money than the $13 billion that the House passed; it is less money by far that the Bureau of Prisons says is necessary, $10.5 billion to $12 billion for us to give to the States so they can build the prison beds necessary to take those violent offenders off the streets, lock them up and throw away the keys.

In the prevention area, the Great Society social welfare programs are still here. We had a $9 billion amount, roughly, that was in that original proposal that we voted the rule down on. We now have somewhere in the neighborhood of $7 billion. So they changed it by $2 billion, but there is still $7 billion.

You still have model-intensive grants at $625 million, without any definition of what you are going to use the money for; 15 cities get this divided up however the Attorney General wants. And you still have $567 million for the so-called community schools for teaching art classes, dance lessons, and community involvement money here that is a little bit less than before, but it is still there. It should be in the HUD program. On and on.

Local Partnership Act might be improved around the edges, $1.6 billion still.

What is not in this bill? There has never been in this bill any reform that would end the endless appeals of death row inmates; there has never been a bill out here that the public wants with respect to changing the laws of search and seizure so that the rules of evidence would permit us to get the evidence in to convict where people are getting off on technicalities.

And we did not do anything, as Mr. GINGRICH said, that should have been done to allow the expediting, getting rid of criminal aliens who have been convicted. We could have done it. It was a Simpson provision in the Senate bill. They had already passed that in the Immigration Subcommittee in its form. It is beyond me why we do not address criminal aliens.

□ 1550

And there is nothing in here we did not accept even though the motion to instruct was out here on the floor.

There is nothing in here that will make it a Federal law to commit a crime across this country using a gun. The gun itself, the use of the gun, should be a crime with a minimum mandatory penalty for that, was in the Senate bill, something we passed on the floor; it is not in here.

And, as has been said, there is nothing in here of the Gekas provision that would really make the death penalty provisions work where the aggravating factors outweigh the mitigating factors. By golly there ought to be a death penalty for sure when that is decided.

This is a weak bill. It was a bad bill, as I said, to begin with when it came out. It is still a bad bill now. It has been modestly improved; I give credit for those who did it, but the fact of the matter is this bill is still a very bad bill, and the rule should be voted down, and this thing should be sent back to conference to get rid of the Great Society social welfare programs and put some money in prisons and law enforcement, where it should be.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I want to say that it is kind of difficult to believe that for the last 10 days what has held this crime bill up is not whether one is for or against the legislation, whether one even wants the House to vote on it at all. I say to my colleagues, "Don't delude yourself into thinking the American public is impressed with this maneuver. No, the procedural vote isn't about whether to gut 2 years of work; it's about throwing away almost 4 years of work."

As the American people continue to live in constant fear in their workplace, in their neighborhoods, yes, even in their very homes, many Members have had their share of disappointments in the process of crafting this rather historic bill. Most of my colleagues are keenly aware of my own profound disappointment at the inclusion of what I call the ill-conceived ban on assault weapons so broadly cast as to insult the dignity and the good name of legitimate law-abiding gun owners all across the country. I was outvoted by both sides in the conference in attempting to strip out this punitive ban. An amendment to bring some sanity to the ban was rejected by the U.S. Senate conferees, and to this day I say plainly that the assault ban provision should never, never have been included in a crime bill. It was not in the crime bill we passed in the House.

Two hurricanes in one bill spawns a lot of tornadoes, but now should we vote to prevent Congress from even voting on whether to put a hundred thousand cops on the streets of our towns and cities or to deny consideration of funds for our States to build prisons so they can put away violent offenders for good? No, I am not going to do that on a procedural vote, and I say, "If you want to go back home, say you voted for gridlock and against the crime bill, here is your chance. Vote against the rule." I urge my colleagues to support this rule.

Mr. GOSS. Mr. Speaker I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I rise in opposition to the rule and the same old soft-shoe solutions in the crime bill. I support the bill with real solutions—the Brewster-Hunter alternative bill.

Mr. Speaker, for the first time in several months we finally have before us a bare-bones, back to basics, honest-to-gosh, crime bill. Why can not the President and House leadership acknowledge that the Brewster-Hunter crime bill addresses the problem in a way that the American people can support?

I have said for months, to those who would listen, that I want to do something about crime and that I will vote for a bill that gets tough on criminals, cuts down on legal loopholes for sharp defense lawyers, and helps State and local police departments.

In the Brewster-Hunter crime bill you will find a lot of things designed to punish criminals and cut down on crime. But more important is what you will not find. You will not find close to $8 billion in new social spending for things like midnight basketball, dance lessons, and art classes.

But perhaps most importantly, the Brewster-Hunter bill does not contain a host of new, unfunded Federal mandates to State and local governments. You will find a bunch of new mandates in the President's package—requiring local governments to spend more without having a means to pay for them.

Lastly, what you will not find in the Brewster-Hunter bill are a bunch of last minute, Christmas tree ornaments that have nothing to do with crime. You will not find an earmark for a $10 million new building on a college campus—like you will find in the President's bill.

The crime bill should not be about gun control—the House has dealt with that issue in separate legislation. Neither should the debate be about establishing new racial quotas for administering the death penalty.

The Duncan-Brewster bill is 100 percent fat-free. Instead of mandates it provides grants for building new prisons and hiring additional police officers. The bill also provides funding to border patrols to crack down on illegal aliens. It stiffens penalties on sex offenders, reforms the excruciatingly slow habeas corpus appeals process, and provides a good faith exception to the exclusionary rule, which now allows critical evidence to be tossed out on a technicality.

In summary, Mr. Speaker, what you do not find in the Brewster-Hunter bill is just as important as what you do find. And what I do find, and what the American people will find, is that this is the kind of crime bill worthy of support. Therefore, I oppose the rule and H.R. 3355 provided for in this resolution.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. SENSENBRENNER. Mr. Speaker, this is not a question of gridlock. This is a question of doing it right. And this bill is not right. I would like to address the funding fraud in this bill.

The first conference committee report that was not considered contained a total authorization of about $33½ billion and contained a trust fund of approximately $30.2 to $30.4 billion. We call the difference between the total authorized amount and the actual real money contained in this bill funny money because everybody in the conference committee knew that, while we authorized these programs, the Congress would not appropriate the money to fund them. So, after the rule was voted down, the President said, "Well, let's have a 10-percent cut, and let's bring the total cost of this bill down to about $30.2 billion." That really did not save the American taxpayers much money, if any, at all, and here is why:

Because most of the cut was in funny money, money that never would have been spent, money that never would have been appropriated. So, as a result, the port, the fat, the amount of money that is taken out of the hide of the taxpayers of the United States of America, really is reduced by, at most, $200 million under the most generous estimate, and, at least, by nothing at all. This is the type of charade that the American people do not like, and it seems to me that, if we are to cut the fat out of this bill, and we are to pass a lean and mean bill that the American taxpayers cannot support, let us talk about cutting real money rather than talking about funding money.

Mr. Speaker, the bill that is behind the motion to recommit does that, and I would urge the Congress to support it. Failing that, I would urge that this bill be rejected and the rule be voted down.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, the greatest opponent we have is gridlock, and the lesson of this bipartisan compromise on crime is that Democrats and Republicans can work together despite all the histrionics of the last week. If we put the people above special interests and partisanship, we can get things done.

Mr. Speaker, I ask, "Why can't we do the same thing on health care before it's too late, or welfare reform, or Haiti, or Bosnia, or the present crisis in Cuba?"

Mr. Speaker, the Gingrich-Hunter bill, this is what it does: No death penalty, no three strikes you're out, no Violence Against Women Act, no pawnbroker Brady exemption, no police score, no criminal alien reimbursement, no Molinari provision, no crime prevention money, no funding for Federal law enforcement, no funding for Federal or State prosecutors, no Byrne grant funding, and no rural crime control.

Mr. Speaker, we have a chance to end gridlock. Let us go home and pass a crime bill.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, my colleagues, I just wonder when that myth is going to be put to rest that there are a 100,000 cops in this bill. Anybody who can add and subtract and is willing to do so can figure out there are 20,000 cops in this bill, and spread that out across the country, and it will not make much of a dent in crime.

Now the problem with this bill is there is $7 billion still in there for social welfare spending, and I do not think it is cynical of us to say we do not object to the programs, we object to the redundancy. There are 266 programs now out there, funded and being operated, targeted to youth. I have got the book here, my colleagues. It is a telephone book of existing programs at $25 billion a year.

Now what we are doing is proliferating, not consolidating. We should consolidate, make them more efficient, simplify them, make them effective. Instead we just spray them out like a hose. Is that being cynical?

I ask my colleagues, "Why is it wrong to take seriously your solemn pledge to your constituents that you are going to fight unnecessary wasteful spending?" That is all we are doing.

The programs were for prevention, and I say to my colleagues, "I'm for arts and crafts and learning how to crochet, if that's your thing, but I will say this: You'll never learn the difference between right from wrong, shooting a free throw. It just won't happen."

Now liberals who have dominated this country since the great days of FDR are bewildered by the unexpected explosion of criminality.

□ 1600

They believe that if they level incomes, if they take care of you from cradle to grave, if they give you health care, you are going to be a fine person and the criminal impulses will just go away. And they cannot understand why that has not worked out.

Their answers to the social pathologies that are the direct result of the excesses of the liberal welfare state is more of the same. Have you forgotten Lyndon Johnson's Great Society, the omnibus crime bill, and Straight Streets Act of 1968? It, too, was this thick; millions of dollars for the same programs, and the statistics keep mounting.

The scientific method is as you look at something, you observe it, you see how it works, and then you alter your approach according to the results. We just keep sending the programs out. You wonder why.

We live in a society where the only sin is smoking; it may be despoiling the environment; in high schools, where condoms are more available than anything else in the buildings; and if you flash a copy of the Ten Commandments, you get sued or arrested. That is what is wrong with society. And you have no answer to that.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we all are coming at this from our own perspective. My perspective is having gone home last week after having voted no on the rule, and I sat down, and for the first time I was able to read through the entire conference report. In that conference report I saw the nuggets of what could be a good crime bill for the entire United States of America. Not Republicans, not Democrats, not Delaware, not California, but everybody in the United States of America.

I came to the realization if we sat down and worked together, that we could make the changes which are necessary in order to put together a package which is going to benefit those people even more.

A group of us, some on the Republican side and some on the Democratic side, have reached out and joined hands in an effort to improve this piece of legislation. We decided that if we were able to work together, that we could do this.

I come from a background of having been a Governor, of having been involved in the execution of prisoners, having dealt with truth in sentencing coming into effect when I was Governor of the State of Delaware, with expanding our police.

But I also dealt with the areas of prevention. I realized in the so-called prevention programs, which are such a problem for everybody, we have a program called dealing with women in violence. I do not think any of us can be against trying to help with that particular problem in this country. We have drug treatment for criminals in that area. Do we want people still using narcotics to get out of our prisons? I think that is a very dangerous thing as well.

We realized where we would have to give in certain different areas in order to make this work, but we would have to gain things back. Yes, I believe there was too much pork, there were too many social programs. And we went in and negotiated out about 25 percent of those programs, or some $2 billion, in order to make it better from that perspective as well.

Should we give money to the States? We have made the decision to do that. This bill has in it police, it has in it prisons, it has in it efforts for us as a group to reach back into our communities and to help people prevent the ravages of what can happen to them if crimes are committed against them.

It is a good piece of legislation. There are other good pieces of legislation. There may be alternatives to this, I do not know. But we have looked at this carefully and it is indeed a piece of legislation which has a bipartisan effort in it. That is significant as well. It has shown by working together we can take a bill that maybe one side will not like or the other side will not like, and we can put the elements together, which can make a difference, so that we can come back and say to everybody in this country, this is a bill which represents all those best interests.

Yes, there may be some things we would criticize, but this is a bill we should support. So I would urge all of us to support the rule and support the crime bill conference report.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from the Commonwealth of Pennsylvania, a member of the committee, Mr. GEKAS.

Mr. GEKAS. Mr. Speaker, if I did not know better, I would believe that the author of this bill was David Copperfield, the magician-illusionist. Because by one wave of the wand, an anticrime bill is turned into a massive spending bill. A crime bill that does not address death row appeals, where Americans see people lined up on death row filing appeal after appeal for years, avoiding the final penalty, for a vicious killing perpetrated by one of these convicted killers. This bill has not even addressed that, or begun to address that serious problem.

Here is a bill, a fighting crime bill, that does not in the least address the problem of the exclusionary rule, where a convict caught redhanded in the perpetration of a crime goes in front of a judge, and because of some technicality, the judge dismisses the case, and the criminal leaves the courtroom laughing at the judge, laughing at the system of justice, and laughing at everybody in the country.

This crime bill does not address that serious problem. Ask the American people. Are they concerned about it? They certainly are.

Then you take the insult that was perpetrated by the framing of the rule and the final action of the conference, where this House adopted overwhelmingly the Gekas amendments to the death penalty. What are they? Are they just something that I dreamed up?

I took the language from the various States where the death penalty has been approved constitutionally and simply transformed that into the pending legislation for the death penalty which we are considering.

Is that not the right thing to do? If the Supreme Court has said that Pennsylvania and Texas and x and y States in their instructions to the jury on the death penalty using this particular format is constitutional, the Supreme Court says so, why not lift that language and put it in our death penalty bill?

The House agreed with that. We adopted the Gekas amendments for that very same purpose. Then what happens? The leaders of the Committee on the Judiciary on the House side, the conferees, rejected it, rebuked the action by the full House, and did not even offer to consider it in conference. So now we have a death penalty that takes a great gamble, a great chance, as to whether or not it is constitutional.

Mr. Speaker, this rule should be defeated until we do things right.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. EDWARDS], the chairman of the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, perhaps one would think that I would be against this bill because two of the important portions of the bill that did not make it that were reported from my subcommittee, racial justice and habeas corpus, lost. They did not make it; they are not a part of the bill. Both of them should be in the bill. Racial discrimination in sentencing is a national disgrace.

However, I think that in the last 30 years I have never voted for one of these bills before. But I am going to vote for this bill. I am going to support the rule, and I am going to support the bill.

Why? Because for the first time in a crime bill, we are reaching down in our society for the roots to cure the problems in our society that result in all of this crime. All of the other bills have been more prisons, more punishments. For the first time, we have a preventive program. My colleagues, they will work. They will work, because they will go into the drug problem in this country. The drug problem in this country is filling our jails. Sixty percent of the prisoners in Federal penitentiaries today are drug problems. Seventy percent next year.

Mr. Speaker, support the rule, support the bill.

Mr. Speaker, as a member of the conference committee, I would like to explain the intent of the conferees with respect to several provisions in the conference report that arose out of, or directly concern, matters within the jurisdiction of my subcommittee.

First, driver privacy.—The conference report includes a provision establishing certain protections for information supplied to State motor vehicle departments by motor vehicle registrants or drivers. Mechanisms have been provided for individuals to be made aware of their right to restrict access to this information about themselves. Where a State establishes an opt-out mechanism and individuals do not act to limit access to this information, a procedure has been put in place for the disclosure of this information to a variety of users, including bulk users for marketing purposes.

As I explained when the House originally approved this provision on April 20 of this year, our intent is to give the States flexibility in administering, implementing and operating an opt-out mechanism. The conferees have made it abundantly clear that individuals must be made aware "in a clear and conspicuous manner" of the right to restrict access to information about themselves. This notice may be provided in accompanying materials the State provides for the individuals to fill out with whatever form the State uses for issuance or renewal of operator's permits, title, registrations, and so forth. Use by the State of a clear and conspicuous accompanying form would be appropriate where the actual form for issuance or renewal does not have enough space to set forth the opt-out.

It should be noted that the ability to restrict access to personal information from State motor vehicle records is not intended to impede those States that choose to implement opt-out systems from funding flagged lists to multipurpose users. Additionally, States would not be restricted from utilizing third party service providers for this purpose.

I also want to make it very clear that this legislation should not be seen in any way as a precedent for limiting open access to other public records. An individual cannot conceal a license plate when traveling by automobile. In the case of other records, those concerned about their privacy may be able to take reasonable steps to withhold their name and address from strangers and thus limit access to personally identifiable information. Therefore, this legislation has been crafted to apply only to specific personal information contained in motor vehicle records. It does not apply to any other system of public records maintained by State and local governments, nor is it intended to provide any inference or precedent for limiting access to such open, public records.

Second, material support for terrorism.—I would also like to take this opportunity to discuss the section on material support for terrorism contained in this bill. The intent of the conferees is to provide a very narrow criminal statute for a very specifically defined category of acts in support of terrorism. This provision is not intended to authorize wide-ranging investigations of groups of activists in this country.

During the gulf war, the FBI conducted a number of inappropriate interviews of leading members of the Arab-American community. Without any basis other than their ethnic background, Arab-Americans were asked about their political beliefs and whether they knew any terrorists or anyone who wanted to blow up a Federal building. These interviews cast a cloud of suspicion over the entire community. I want it to be perfectly clear that the material support provision in the conference report should not be viewed as providing any authority for such interviews in the future.

I would also like to make clear that the conferees do not intend these provisions to be read in any way as supporting the Government's position in the deportation case against Palestinians in Los Angeles, which has become known as the "LA Eight" case. In that case, the defendants provided support for the legal, humanitarian and political activities of a group that also committed terrorist acts. They are not accused of "knowing or intending" that their support be used in the preparation or carrying out of a crime as required by this bill.

Nonetheless, the INS is perusing the deportations based on what I believe is an erroneous interpretation of the Immigration Act. Nothing in the conference report should be read as providing support for the Government's interpretation of the immigration laws in the LA Eight case. To the contrary, the conference report indicates that political and fundraising activities are not to be considered support for terrorism.

Third, registration of sex offenders.—Finally, I would like to explain the provision to encourage the States to adopt registration programs for certain sex offenders. The conference report language is modeled in some respects after the Washington State statute on sex offender registration. In particular, the community notification provision in the conference report is drawn from the Washington State law. The conferees intend that the community registration provision in the conference report be given the same interpretation that the Washington Supreme Court gave to the community notification provision in the Washington State law. In *State* v. *Ward,* 123 Wash. 2d 488, 869 P. 2d 1062 (1994), the State Supreme Court held that the language in the Washington statute authorizing the release of "relevant" information when "necessary for public protection" "placed significant limits on first, whether an agency may disclose registrant information, second, what the agency may disclose, and third, where it may disclose the information."

The conferees intend, as the Washington State legislature intended, to limit the disclosure of relevant information to the public to those circumstances which present a threat to public safety. As the Washington State Supreme Court held, "We note that the statute, on its face, requires the disclosing agency to have some evidence that the offender poses a threat to the community. Absent evidence of such a threat, disclosure would serve no legitimate purpose."

The disclosure is appropriate, the Washington court noted, "the statute also limits what a public warning may disclose." The "relevant and necessary" standard "imposes an obligation to release registrant information reasonably necessary to counteract the danger created by the particular offender."

Finally, the conferees intend, as did the Washington State legislature, that the disclosure must be rationally related to the furtherance of the goal of public safety. "Accordingly," the court held, "the geographic scope of dissemination must rationally relate to the threat posed by the registered offender. Depending on the particular methods of an offender, an agency might decide to limit disclosure only to the surrounding neighborhood, or to schools and day care centers, or, in cases of immediate or imminent risk of harm, the public at large."

The provision in the conference report also allows dissemination to governmental agencies conducting background checks for employment and screening purposes. The provision is not intended to preempt the rules that individual States may have for conducting such checks. Specifically, the provision does not preempt State requirements that applicants be fingerprinted or that a fee be paid for employment or licensing checks.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. GOODLING], a member of the conference committee.

Mr. GOODLING. I thank the gentleman for yielding. I think the greatest disservice we may have done to this institution during this last week, both in 1-minutes and in special orders and also in our debate last week, is to somehow or other indicate to the American public that we in this Congress in the last 30 years have had no concern about preventive efforts as far as young people at risk.

□ 1610

I happen to be a former teacher, counselor, coach, principal, and I know all about the need for preventive efforts.

What we have done is we have overdone, overkilled the whole preventive business and, therefore, get nothing for our buck.

At it was mentioned, there are 266 programs on the books. Later on, I will enumerate that everyone that was in the program that we had before us last week is already on the books.

I have been down here pleading for the last 2 years, every time somebody comes up they want to get their name on a new program.

I come down and I say, "Do you realize it is already authorized? Do you realize it is already appropriated?"

They are very kind, very nice. "Yes, we realize that." And there is another one on the book.

So they make an application for everyone. They cannot commingle any funds or they will probably be in jail and, therefore, there is no effective program out there, even though we spend billions.

Let us consolidate once and for all.

Mr. DERRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise in support of the rule and the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, at some point in this debate no matter on which side we find ourselves, we must ask, what is wrong with us? What is wrong with a society with such decent people to achieve such an extraordinary standard of living that we not only commit more robberies than any other country but more than most in the industrialized world combined. Not simply kill more of our Federal citizens but more than all of our allies combined.

I know too many of my colleagues, they believe that the answer is more jails. This bill builds more jails. It hires more police. It provides for death penalties. But in fact, we must admit to ourselves, if these were the answers, we would not have more, we would have less. Because we already have more police and more jails. There is something much more fundamentally wrong.

Certainly, that something is American life, the providing of boys clubs, of recreational opportunities, summer jobs, some training goes to the essential truth that people with options, people with choices in life, people who live decent lives do not commit crimes.

This bill does both. It deserves our support.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. COX].

Mr. COX. Mr. Speaker, I would like to address my colleague's question, what is wrong with this bill?

It brings to mind George Kennedy and Paul Newman in that movie "Cool Hand Luke," when they stood in the chain gang and the boss man said, "What we have here is a failure to communicate."

The American people have said, we are made as hell and we are not going to take it anymore. And Congress is about to deliver a crime bill that says, we are miffed and annoyed and we really do not stand for anything anymore.

We have got to get tough with the problem of crime, and that is why a bipartisan group, substantial group of our membership here have put together elements of the Hunter-Brewster bill that we would like the conference committee to consider for inclusion.

A motion to recommit will not pass Hunter-Brewster. It will give the conference committee the opportunity to include the following provisions, all of which are missing from the bill that is before us now:

Eliminate the enormous legal loophole called the exclusionary rule, a criminal trial should not be a game. It should be a deadly serious effort to find out the truth.

Second, let us eliminate the endless appeals through the reform of what we call habeas corpus.

Third, let us cut the Federal strings on local control of justice.

Fourth, let us support strengthening the Border Patrol to deal with the problem of criminal aliens. Let us replace the expansive parole system we have got with truth-in-sentencing.

These are some of the most important elements of Hunter-Brewster. The American people have said they want a crime bill with teeth in it. Let us not given them polygrip.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, we will come back to do this in greater detail later. Last week we defeated the conference report because we said there was too much spending, too little for prisons, not enough for police. And we needed to cut social spending.

And what was the bipartisan compromise that we have reached? We have decreased the total cost of this bill from $33.5 down to $30.2 billion. We thought there was too much spending. We have reduced it. The trust fund spending for prisons and incarcerated aliens has gone up from $8.3 to $9.7 billion. We said we did not spend enough on prisons. We have increased prisons.

We said that there was not enough money for police. There was a proposal to cut police. That proposal was rejected, and we will spend $8.8 billion to put police on the street.

We said there was too much spending for social programs. We went in and we negotiated the social spending programs and forced the Democrats to concede to us. And we reduced the total amount of social spending from $5.9 billion to $4.3 billion. We cut total social spending by $2.5 billion, $2.5 billion in this House.

My colleagues, this is what the folks at home have been asking for. We will come back in greater detail to explain this, but we achieved what it was that kept us from passing the conference report last week. We made the fixes. We made the changes.

This ought to be passed.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Speaker, 10 days ago a bipartisan majority decided that we were rushing to consider a crime bill that was costly and misguided. Let's talk about what's has changed.

The bill we were given 10 days ago was being rammed through the House without time for review. Nothing's changed. We are trying to ram another bill through that no Member has read. This rule is no different.

My constituents and my crime control advisors have been clear; they want more police, more prisons, community notification when violent sex offenders are released—and beyond that they want the Federal Government to get out of the way.

Ten days ago, many of us complained that the conference report had cut prison funding below the level of the House bill. Nothing has changed. The House bill had $13.5 billion for prisons, this one has $9.7 billion.

We said then that the claim of funding 100,000 police was a sham. It is still a sham. Just 20,000 police—not 100,000—are fully funded. It is still a hoax.

Ten days ago a bipartisan majority decided that the crime bill had $7 billion for social programs that would not reduce crime. Two-thirds of that money remains.

Ten days ago I rose to complain about bogus language that supposedly allowed local police to notify a community when a sexual predator was released into their midst. After nearly 4 hours of tough negotiations, we conferees finally succeeded in reinserting true community notification language that should have been there in the first place—language that had been approved by 407 Members of the House, and unanimously accepted in the Senate. No question, this is one small victory for the women and families in this nation.

But, Mr. Speaker, the bill we are considering is a massive bill that still misrepresents the number of police it funds, that still underfunds prisons, and that still overfunds 266 duplicative social programs that don't stop crime!

The American people deserve better. Defeat this rule, and give America a serious crime bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise today as a clergyman. And one would ask the question, where do I stand on this bill because it has death penalty provisions in it?

I answer the question simply that the reality is when we talk about the death penalty, on the one hand we talk about those who are on death row. But on the other hand we talk about those who are in the communities who are dying every day.

As a clergyman, I stand beside the coffins of young people who have not been given an opportunity to live.

Given that juxtaposition, it makes sense to me that we start dealing with the reality of the problems faced by people in those communities.

Additionally, for those who talk about social programing, we need more cops, we need more jails simply because the recidivism rate is so high. Too many young people go into jail and come out without any rehabilitation. Come to the streets where there are no programs for them.

The programs are designed so that they might be able to get the skills so they do not keep coming back to jail. If we could keep them out of jail, we do not need the cops. We do not need the jails.

□ 1620

We can create a society where everybody understands the kind of values that are just for each and every citizen of this country. I ask that we support both the rule and the bill today, because I think it is important that we now have an equal balance that gives an opportunity to rehabilitate, while at the same time creating an opportunity for those who do not have it.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, the vote on this rule is the gridlock-buster. There are no excuses left, no cover to hide behind. We have negotiated around the clock in a very arduous process with all sides from both parties. Every issue and every program in the bill has been gone over with a microscope. There are no excuses left. We know, and the American people know, that a vote against this rule can only be a vote for gridlock and a vote against good government, a vote for partisan politics and against public interest, and worst of all, a vote against this rule will be a vote against the tens and thousands of men, women, and children whose lives will be saved by the measures, both punishment and prevention, that are in this bill.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, envision the Attorney General being in charge of State prisons, not only as to the manner of operation of them, but with regard to the construction materials and architectural plans. Under sections 20101(b)(4) and 20406(c)(1), those are exactly the powers that are given.

This bill is fatally flawed, because any Governor who accepts funds for prisons under this bill must accede to the fact that the Attorney General knows better than that Governor with regard to how to run that prison.

Mr. Speaker, that is why this bill must be defeated. That is why this rule must be defeated, because what the plain language of the bill says is the Attorney General must have assurances of a comprehensive correctional plan on how to manage and operate a correctional facility. That literally means the federalization of the State prison system in this country.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, today we again debate the crime bill. Much we agree upon. Violent criminals belong in jail. Assault weapons should not be in the hands of gang members. We need more police.

However, Mr. Speaker, as this debate goes on, we have much disagreement. It is very clear that we are far apart, so I ask my colleagues to remember one meeting among the many meetings that were held last week, the meeting where we met with the police chiefs and mayors from across this country.

Mr. Speaker, mayors have the hardest job in this United States. They want to do their job, and they said to us, "We need help," Republicans and Democratic mayors.

To be a police chief, you had to have been a tough cop. You had to be able to understand crime. These police chiefs asked us, in fact, they literally pleaded with us, to give them help. They had run out of their assets.

Mr. Speaker, I ask my colleagues today to pass this bill, to send help to those that need it in fighting crime, the good people of this country.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, a remarkable thing happened after we defeated the rule on this bill a week and a half ago. That was that many of us went home and read it.

Members heard the gentleman from Illinois [Mr. MANZULLO] say that he has read it; they heard the gentleman from Delaware [Mr. CASTLE] say that he has read it; and I have read it. An amazing thing, we all got to read the bill.

Some of us came up with one set of conclusions, others came up with a different set of conclusions. The fact is that without reading the bill, we cannot know what it in it. When we do read the bill, we find out that maybe there are things we like, maybe there are things we do not like.

Mr. Speaker, what we have done with this rule that is so bad, and the reason that I am going to vote against it, is that we have once again waived the 3-legislative-day requirement that must take place before we can actually vote on a conference report. Why do we do that?

Mr. Speaker, we waived the requirement that there be 3 legislative days between the publishing of the conference report and the voting on that report. The reason we made these House rules in the first place is so that not only us, not only these Members in this House, but also the public and the media have the opportunity to find out what is in the bill. If we know what is in the bill, then we can, in the case of this particular bill, defeat it.

Mr. Speaker, I am opposed to it. I do not want it. It is social spending. It should not be there. However, without knowing—and let me finish by saying one final thing, that the chairman, the distinguished chairman, challenged me. He said, "If in fact that waiver is restored, will you vote for the rule?" I said, "If you will commit to giving me that restoration of the waiver, then I will vote for the rule." He refused to make that commitment.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, after many days and nights of hard work by Members of both parties, we can do the right thing today. We can vote for the safety of our families and against partisan politics and special interests. Let us give ordinary citizens, people more concerned about their family's safety than with scoring political points, what they want, what they deserve, and what they need—this crime bill.

For example, Mr. Speaker, look at just one provision on the prevention side of this bill. Some $1.6 billion out of $6.9 billion, almost one-quarter of the total, is devoted to fighting violence against women. Social spending? Pork? No way. States and local governments can use these funds to hire new police officers and prosecutors, or to train existing cops and prosecutors, not social workers. If you are serious about fighting domestic violence, you must support this bill.

Finally, Mr. Speaker, after all this debate, all the objections to this bill—racial justice, death penalties, three strikes, habeas, sexual predators, whatever—it has come down to the fight to ban assault weapons.

Today, Mr. Speaker, we should say "no" to those who traffic in fear and misinformation and weapons of war. Vote "yes" for the rule, vote "yes" for the bill.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the conference chairman for our party.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is not a good crime bill.

Last week, we stopped a bill from coming to the floor that spent $33 billion and would have made the Nation less safe, and we did the right thing.

Today, we are back with a still inadequate bill, made less bad because some Republicans were finally allowed to have some input.

I appreciate the changes made by my Republican colleagues, but their input, as good as it is, is still too little, too late, and not enough to make this a good crime bill.

What we now have is a $30 billion bill that does some good things and uses a waiver of the Budget Act, in this rule, to get to the floor.

We should not waive the Budget Act to deficit spend $30 billion and do so little to make America safe.

Vote "no" on the rule.

Vote "yes" on the motion to recommit. And I ask my Republican colleagues who will support the rule to support the bipartisan motion to recommit as well, because while you have helped make the crime bill less bad, we still can do better.

Failing that, vote "no" on final passage. Those are good tough-on-crime votes.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I do not think the American public is confused about what is going on. One week ago, two weeks ago, the hue and cry around here was we need a bipartisan bill. We spent the last two nights working with Republicans in developing a bipartisan bill. Who did we not satisfy? We did not satisfy the NRA. Have Members been back to look at their faxes, been answering the telephone? It is the NRA again. They now have another one, their last hurrah. They now have another one. The next one is a motion to recommit. That is the new diversion.

Let me tell you, folks, it is an improved bill in many respects, and we also took out some awful provisions in my judgment in the negotiations. One of them was a sexual predator provision, which is unworkable. I have been in contact with the attorney general's office in Washington State, where this is borrowed from. They tell us that it is unworkable, a hodgepodge of inconsistent provisions. It is limited to attacks upon strangers—listen to this—strangers and those who have developed a relationship for the primary purpose of victimization, two categories. If it is a neighbor, they do not have to register. If it is a relative, they do not have to register. How in the world is any prosecutor going to show that anybody developed a relationship for the primary purpose of victimization?

I support notification. We are not going to have it with the Washington State approach that has been developed.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise to urge my colleagues to support this rule to allow the House to pass the crime bill.

Last week women Senators and House Members held a press conference to support the assault weapons ban and we heard stories from constituents who have lost their spouses as a result of deadly assault weapons.

I wish the NRA had been there. I wish they could have stepped up to the microphone, looked these people in the eye, and explained why they will not relent.

This legislation puts more police on our streets, more prison capacity in our States, more prevention programs in our communities, and more stringent penalties in our judicial system. And we finally address violence against women.

The NRA has repeatedly tried to kill the assault weapons ban by defeating the crime bill, and we cannot let them get away with it. The ban belongs in the bill, and the bill belongs on the President's desk to be signed into law.

I urge Members to support this rule and pass H.R. 3355, the Omnibus Violent Crime Control and Law Enforcement Act of 1994.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I rise today today to urge my colleagues to preserve the integrity of the conference report on the crime bill. In the last week since the House failed to act on a crime bill, some of our colleagues have tried to dismiss this bill's prevention programs as nothing more than congressional pork but yet during the same week five people were shot to death in my district, including a deputy sheriff and a 7-year-old girl. At least three of them were killed with an assault weapon. Prevention programs are not a substitute for tougher prison sentences but they are just as important. Ask any mother who has lost a child to violence whether she would rather punish the child's murder or prevent the child's death. Punishment may stop criminals from committing their third or fourth crime. Prevention programs can stop children from committing their first. But let me say this. I do believe it is truly disingenuous to negotiate on this bill, make changes, get them accepted, and then say no. We do not allow bait-and-switch tactics on the consumers. We should not allow Congresspeople to do it to our constituents. If we want to claim victory for these improvements, then say we still support the bill. Let us not say inside the Beltway. "It's my way or no way.

Please support the conference report and the rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we have been told consistently today that one of the reasons why we ought to approve this rule and waive all points of order against majors in the bill is because this is a tough crime bill and we need to waive these points of order so that we can get these tough provisions accepted. Well, I went down through and looked at some of the waivers and guess what, I found a tough waiver. It is the "Hawaii Five-O" waiver. You remember the old TV show of tough people doing tough things to fight crime. Well, here is the "Hawaii Five-O" waiver. It authorizes the establishment of a task force in Hawaii to facilitate the prosecution of violations of Federal laws and the laws of the State of Hawaii relating to the wrongdoing, conveyance, sale or introduction of—get this—nonindigenous plant and animal species.

The nonindigenous plant and animal species have risen up. Their lobby has put this in the bill. Gangs across the country, criminal gangs in the city streets are terror stricken about this particular provision. We have got to waive all points of order in order to get that provision approved yet today in this tough crime bill.

I would suggest that maybe when you hear about some of the things that are in this bill, it is time to get back to the basics. Let us put money for police, for prisons, for Border Patrol, for real, tough law enforcement. That is what we will get in the motion to recommit. Put the money in the right place.

The trust fund money in here, which is actually I will tell my colleagues who are concerned about the budget, is actually more than it was in the first conference report, the trust fund money ought to go for police, prisons, and for Border Patrol. It ought not go for task forces that are trying to keep us from having problems with nonindigenous plant and animal species. Vote against this rule. Waiving points of order against this kind of nonsense makes no sense. Let us turn down the rule.

If we cannot turn down the rule, let us at least vote for a back-to-the-basics approach in the motion to recommit, and if we cannot get that, vote against the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, as a sincere opponent of the so-called weapons ban, I would like to urge a yes vote on the rule, a definite no on the motion to recommit and yes on final passage. Accommodating the NRA, particularly on the motion to recommit, is not worth the lives lost because of the zeroing out of the so-called social programs. Drug prevention and education and violence against women and like programs are important.

I disagree vehemently with Charlton Heston. He is not Moses, he is a mouthpiece.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Texas [Mr. BROOKS] pointed out that there is not enough money to keep the convicted felons that we have in this country in jail because there are not enough jails. I have to ask the question, why then are we putting $6 billion into programs that are duplicative of social programs we already have? That is the essence of what is wrong. That plus the fact we have got a bill here that we cannot pay for. Finally, it only deals with 5 percent of the crime problem in this country, and we have raised expectations, if we pass something that is here today, that crime is going to go away. I think that is a bit of a cruel hoax.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding me this time.

Mr. Speaker, we are regularly asking the question, why is it that we have such a serious crime problem in this country?

□ 1640

Everyone is analyzing it. We have listened to all kinds of specialists looking at the problem.

Well I happen to believe very strongly that it is due to a lack of individual responsibility, and quite frankly, violating the rules. There is an arrogance toward the law in this country, and tragically as we look at this rule there is an arrogance toward the rules of the House. And it is for that reason that I believe we should do everything that we can to defeat this rule.

If Members look at the work of the conference committee, they have worked diligently. But quite frankly, contrary to the reports that we have gotten from this well, trust fund spending increases by over $1 million. And as the gentleman from Florida [Mr. McCOLLUM] has pointed out, when we look at the issue of prison spending, which is critically important, it is cut by $800 million, and that is at a time when we are trying to deal with truth in sentencing, and three strikes you are out. The resources are not there.

This rule is unfair. It waives points of order, it waives that very important 3-day layover provision which should allow members time to look at this legislation which has, in fact, changed.

Defeat this rule and come back with a balanced, fair bill that the American people and this Congress can support.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HOYER). The gentleman from South Carolina [Mr. DERRICK] is recognized for 3 minutes.

Mr. DERRICK. Mr. Speaker, we claim to be the greatest Nation in the world. We claim to be one of the greatest civilizations that the world has ever known. Yet we murder more people, we burglarize more, we have more crime in this country than any other industrialized nation in the world.

Here we are standing this afternoon talking about whether we are going to ban assault weapons. There are more men and women killed on the streets of this country every year on an annualized basis than we killed in Vietnam.

We are not talking about denying the right of our citizens to own a shotgun to hunt with or a pistol to keep in their house. We are talking about denying them something they can go "bzzz" and kill 20 or 30 or 100 people, just like that. That is what we are talking about.

But yet because of the special interests, because of the special interests in this country, we are scared to do that, because we are scared that we are going to lose a few votes in the next election, or that we might not even come back.

I have heard a lot of high talk about pork and about this reason and that reason for this. There is not but one reason, and that reason is guns. That is the only reason that we are having difficulty in getting this bill passed, because of the special interests in this country that unfortunately many of our Members cannot seem to deal with.

I ask Members to support the rule, which is a fair rule, which will allow Members to vote on guns. They can vote for the substitute and say to the American people that even though 80 percent of them believe that we should do away with assault weapons we are going to let them do it. We are going to let them keep them so they will no longer be safe on the streets, in their neighborhoods, and in their automobiles in this country.

We are also going to let Members vote for the substitute and say that three strikes and you are out, you are not going to have that even though the great majority of the American people want it.

We are also going to say do away with the death penalty in this motion to recommit. So the rule is going to let Members have their vote.

I ask Members to vote for the rule, to vote against the motion to recommit and to vote for the crime bill and let us go home and say to the American people that we understand what they are telling us, we support them and we are going to have a strong crime bill.

Mrs. UNSOELD. Mr. Speaker, for weeks the attention of the media, and consequently the nation, has focused on the maneuvering and posturing in Washington, DC, regarding this strange collection of conflicting legislative agendas we refer to today as the crime bill. Yet, just last Thursday far from the media glare, this Congress approved and sent to the President for his signature a real crime bill: the 1995 appropriations for Commerce, Justice, State, and Judiciary.

This legislation puts real money next year where it will do the most good—in the hands of local law enforcement agencies. It includes new money for drug courts—$29 million; community policing—$1.3 billion; boot camps—$24.5 million; $100 million to upgrade the instant check systems established by the Brady Act, and $26 million for a vital new program to stem violence against women. We also approved $280 million for prison construction and we put $450 million into the Byrne Formula Grant Program, a program which funds local law enforcement efforts. In my state of Washington these grants support programs such as DARE [Drug Awareness Resistance Education] and multijurisdictional crime fighting task forces in many of our counties. These are some of the things that Sheriffs Bill Logan and Jerry Benning and other law enforcement officers tell me is what they really need—not election-year symbolism.

But today, Mr. Speaker, we are here to act on this crime bill.

Repeatedly, I seem to find myself defending individual freedoms that are misunderstood and maligned. And today, once again, I find myself having to cast a vote before, when I voted to support gays and lesbians in the military, the rights of responsible users of firearms, artistic freedom, a woman's right to decide, and the free speech of despicable bigots whose words make my skin crawl.

Neither my vote last week nor this vote today gives me any pleasure. Oh, I have cast difficult votes before, and will again, but the tragedy now is that this vote was not necessary.

"A rule is only a procedural vote, how could you oppose it?" I have heard it a hundred times. I have also asked myself that same question a hundred times.

But life is complex, and this crime bill is too complex to be only a single up or down vote. I cannot cast a procedural vote that would force me later to vote for expansion of the death penalty as the price of voting for those positive programs designed to prevent crime and violence. I cannot vote to erode the constitutional rights of responsible users of firearms as the price of voting for programs designed to build alternatives for our youth.

To vote for this rule would require us later to vote on the many deeply conflicting pieces of the crime bill as a single package. It would prevent me as well as others from voting separately our deeply held convictions on these matters of great conscience.

In April I voted for a crime bill that enabled minority death row inmates to seek reduction of their death sentences in certain circumstances by citing statistical data to show that death sentences for similar crimes in that jurisdiction were disproportionately imposed on minorities. This provision, which sought to address a shameful aspect of our Nation's legal history, was omitted from the present crime package. That's wrong.

I understand and I appreciate that there are some who believe that the mere possession of a firearm is an act of violence and who would dismiss any other view as just the NRA. Unfortunately, their use of such a label prevents them from seeing the individual men and women to whom the label is being attached. Their lack of personal knowledge renders them unable to relate to or understand the many law-abiding citizens who are not only responsible users of firearms, but also loving fathers and mothers, aunts and uncles, teachers, and law enforcement officers—loving and concerned citizens who deplore as much as any individual on this floor the senseless acts of violence that threaten the very fabric of our Nation.

The difference between these citizens and many of my colleagues is that these citizens fear that some new attempts to control violence are only an excuse to come one step closer to denying them legal ownership of firearms. They resent being a misunderstood and maligned minority. And these loyal Americans are deeply offended by the notion of some that the gun industry—by definition—endorses and promotes criminal violence.

Mr. Speaker, to many of my colleagues, laws that attempt to restrict the firearms themselves seem only sensible. To many others, such laws make them feel as though they are being directly assaulted, not because of anything they have done, but rather because of what they believe. I find bridging this chasm of differences in beliefs just as difficult as trying to explain that cherishing the first amendment may mean protecting hurtful, ugly, vile speech.

Mr. Speaker, I cannot support this rule and I beg that in the future, procedural votes do not cram us into a single up or down vote on contradictory votes of conscience. Allow us to vote our deeply held convictions before we must decide aye or nay on the overall merits of omnibus legislation.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 189, not voting 7, as follows:

[Roll No. 414]

YEAS—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Cramer
Darden
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reed
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Studds
Swett
Swift
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Walsh
Waxman
Weldon
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—189

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Calvert
Camp
Canady
Chapman
Clay
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Gallegly
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hoekstra
Hoke
Holden

Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Klink
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Mica
Miller (FL)
Mollohan
Moorhead
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Rahall
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Sarpalius
Schaefer
Schiff
Scott
Sensenbrenner
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Waters
Watt
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Callahan
Gallo
Reynolds
Rowland
Tucker
Valentine
Washington

□ 1701

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Personal explanation

Mr. REYNOLDS. Mr. Speaker, I wish to inform the House that on rollcall vote 414, I was unavoidably delayed. Otherwise, I would have voted "aye" on adoption of the rule to provide for consideration of the conference report accompanying H.R. 3355, the Violent Crime and Control Act.

Mr. BROOKS. Mr. Speaker, I call up the further conference report on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOYER). Pursuant to the rule, the further conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of this date.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, the gentleman from Delaware [Mr. CASTLE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 40 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the scourge of violent and drug-related crime is running rampant in America, and Congress—for the first time in 50 years—has the opportunity to pass an historic measure.

We stand at a crucial juncture of history where we can opt for the failed formula of the past—do absolutely nothing, or opt for striking a balance between hardnosed punishment and forward-looking prevention.

Unfortunately, the forces of gridlock and negativity appear to have reemerged precisely at a time when the American people are desperate about crime as never before. For months now, I and others have fought hard against these forces of delay, posturing, and flamboyant rhetoric in trying to pass a comprehensive bill.

This Chamber has a chance today to finally fight crime with action, not slogans. The purists must step aside; the obstructionists must get out of the way so that we can get results and get them now.

Each Member of this Chamber has his or her ideal of the perfect crime bill. But the American public has not asked for the perfect crime bill—they are way ahead of us in the realism category. No, what they want is a broad-gauged attack on crime now—in the workplace, at home, and in their neighborhoods. And they have it–in the conference report.

But it is only fair to make clear in this debate that as good as this bill is, it cannot be promoted as the sole solution to the problem of crime. Federal crime prosecuted at the Federal level constitutes only 4 percent of all criminal activity in the United States. The remaining 96 percent of criminal activity is remedied at the State and local level. For that reason, the conference committee has wisely not sought to federalize every crime under the Sun and displace States and localities from their primary role under our Constitution in fighting crime.

During this Congress, I introduced two pieces of omnibus crime legislation—first, in October 1993 and then in March 1994. On both occasions, the goal I stressed was balance—both in punishment and prevention. I think the new conference report—which largely keeps intact the original conference product—does strike the right mix in those areas. But I must be candid: The crime legislation I introduced did not contain an assault gun ban, did not contain provisions that gave the ATF unfettered discretion to ban almost any shotgun or pistol with no recourse by the law-abiding citizen—or even congressional review.

These provisions have no place in a major piece of crime legislation; and for this reason, the House considered it separately so that it would not divide the body and divert attention to the truly innovative and tough features of the legislation.

I am sorely disappointed that some thought it wise or an opportune moment to load it aboard the crime bill—for that decision has only contributed to the delay, drift, and discord we have faced in doing a relatively straightforward thing: fighting crime in our streets, in our neighborhoods, and in the workplace.

It speaks volumes about the arrogance that permeates those who cling to the flawed notion that somehow it is the gun—and not the person holding it—that is to blame. No, crime is about accountability and personal values; and the rest of the bill reflects that orientation even if the assault weapon provision does not.

Nonetheless, as the author of the original legislation and the chairman of the Crime Conference, I think it is important that we move forward today with the legislation and no longer defer our compact with the people to ensure their safety and productivity everyday.

□ 1710

Mr. CASTLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, all of us in this Chamber come from different backgrounds. We are elected as Republicans and Democrats, but some of us come from more rural areas, some from more urban areas. Some places have more crime, some have less crime, and we have come to different conclusions on this bill, and it has divided us as political parties. But the bottom line is we should have one goal here today, and that is to make sure we make the right decision for the people of the United States of America and nothing else, and thank God we have been able to take the time in the last week to work together in a bipartisan way to take a crime bill, which a lot of frankly questioned, and to make the changes necessary and, inherent to that, to make it a crime bill which is in the best interests of the people of the United States of America. This is a series of changes in which police protection has gone up, the real money going into prisons has gone up, and some of the social programs have gone down in terms of the costs but are still good and effective. Violence against women and other things that protect against violence against women are other things that we need to do. Yes, there is an assault weapons ban in this bill. Yes, there are those who support that. We believe very strongly that we do not need assault weapons in America. There is a Youth Handgun Safety Act. There are many good things. We are going to hear from many good people who are going to speak on behalf of this bill. I hope we can listen to them carefully.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no question. We all want a good crime bill. That is not an issue here today. There is no question that the most important thing that needs to be done at the Federal level is to help the States where most of these violent crimes are committed.

Mr. Speaker, I think we all recognize the most important thing we can do here today is to have a bill that helps the States to put swiftness and certainty of punishment back into the criminal justice system and across this country to begin to send a deterrent message again to those who would commit those heinous, violent crimes.

Many times I have been on the floor in the last 2 years to talk about the percentage, 6 percent of those who commit crimes out there are committing 70 percent of the violent crimes and only serving about a third, or so, of their sentence. It is this revolving door that is the single most important thing for the American public to have stopped. If we can take those who are committing these violence crimes and getting back out on the streets again, and lock them up, and throw away the keys, make them serve at least 85 percent of their sentences, basically abolish parole, as we do for all crimes at the Federal level, if we can get the States the resources, and the tools, and the equipment to do that, if we can send a message through ending the endless appeals of death row inmates, which we have not done and is not in this bill to do, and do a number of things of this nature, we could send a message that would indeed have an impact, and that is true crime prevention.

Many good people have worked on this bill in the past few weeks trying to, quote, improve a very bad bill. They have improved the bill, but it is still a bad bill, I think a very bad bill, because it does not fundamentally provide the kind of tools and resources necessary to put the deterrent message back out there and to give our law enforcement officials and State officials what it takes to stop this violent crime epidemic.

Let me quickly run through three or four things. First of all, in the area of the police that we are talking about in this bill, cops on the streets was a bad provision in the original conference report. It is a bad provision in this particular report. Not one thing has been changed about it. The funding level is the same, and everything else. Allegedly there is supposed to be 100,000 more cops on the street by this. Professor DiLurio of Princeton has written extensively about this. We have all read it. There have been other studies that show we are not funding 100,000 cops. We are maybe funding as much as 20,000, and that is stretching it.

□ 1720

This bill would provide the Federal Government pay for only one-fifth of the money that is going to be required for that number of cops to go on the streets. Four-fifths of this is an unfunded mandate to the local governments, and in addition there are a lot of other onerous provisions, including some that most of us would call quotas involved in the process of the police selection.

Under prisons, the prison money in the original bill that came out of conference a few days ago was actually greater than the money for prison construction in this conference report out here today. It was $8.5 billion. This has $7.9 billion in it. It is less money. You can argue about what little kitty it came out of, but it is less money.

If you remember, the bill that came from the House for prison construction to the States was $13 billion, actually $13.5. We have gone from that figure down to $7.9 in this bill. There is, of course, an additional $1.8 billion for criminal alien incarceration reimbursement to the States. That is not a figure for prison construction. If you remember also, the Bureau of Prisons at the Federal level has said that in order for us to provide enough money to the States so they can build the prison beds necessary to take the violent repeat offenders off the streets and lock them up for 85 percent of their sentences, is going to require at least $10.5 to $12 billion. We are far shy of that in this bill. It does not do that.

In addition to that, under prisons we have some pretty bad language in the truth in sentencing provisions in here. We did not get it out, and there are a lot of other problems in it.

Moving on very quickly to the so-called prevention area, many of us have talked for weeks about the new Great Society social welfare spending programs in the original conference report. They are still largely in this conference report. That is not say to say my colleagues did not work to improve it to some extent. There was roughly $9 billion in so-called prevention programs in the original bill. There is roughly $7 billion in this bill.

But of that $7 billion, a high percentage of it is still in the form of those kinds of things which I do not think most of the Members want to see or would approve of. Only $377 million of this went into a new block grant program. You still have the model intensive grant program at $625.5 million. This is the one which was open-ended in which there was simply 15 grants, which will still be there for the Attorney General to send where she wants to send to "provide meaningful and lasting alternatives to crime," whatever that is.

There is still the program on the so-called community schools that involves the grants to community-based organizations to carry out activities including arts and crafts lessons, dance programs, et cetera. This has $567 million for that. And the list goes on that did not change. This bill is still loaded with what we call the Great Society social welfare programs and an expansion of it at the greatest level in years in this bill. It has no business here. This is not crime prevention in the sense it should be.

Last but not least, what is not in this bill at all, what is not in this bill at all, of course, at the very beginning, we have nothing in here to end the endless appeals of death row inmates, which was never in discussion at this time, and it certainly should be. It is the No. 1 issue with local law enforcement around the country.

No. 2, what is not in the bill and was never allowed out here on the floor is the provision under the rules of evidence on search and seizure to let more evidence in under the good faith exception that has also been wanted.

Beyond that, what we have really debated that is not in here, and I have no idea why it is not in here, is the provision that Senator SIMPSON had in the Senate bill that would allow for expedited deportation of criminal aliens. Above all else, I do not understand why that is not in here. In addition to that, what we passed by a motion to instruct here by an overwhelming margin is not in, and that is to create a new Federal crime with minimum mandatory 10 year sentences for those people who commit an underlying State crime with a gun, just for the simple fact they committed a crime with the gun. That is the kind of deterrent message we should be putting into Federal law but we are not in this bill.

Last but not least on that list, the Gekas death penalty provisions, the type of reforms that will say if you have the aggravating factors outweighing the mitigating factors, you give the death penalty, is not in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR], a distinguished member of the Committee on the Judiciary.

Mr. SYNAR. Mr. Speaker, today we write one of the sadder chapters of the House of Representatives history. It is with sincere sadness that I rise to oppose this crime bill. No one has worked more diligently on legislation to preserve the security that Americans deserve, the security from fear. But good intentions and hard work, as I have learned, do not always mean success.

We as Representatives have a special responsibility, a bond, with people, to listen, to make wise decisions based upon the facts, and to separate the emotional-political whims from reasoned judgment. Today we miserably, and I regret, cowardly failed that responsibility.

We have let our panic of political reelection drive us recklessly off course from sound solutions. We have let our political expediency cloud our reasoned judgment, and we have let our ambition to do any deal destroy the best opportunity we had for the security for millions.

You know, our communities were counting on us to build a partnership, to fight and prevent crime. We could have done so much more.

Most importantly, our fellow citizens, millions of them who we will never meet, were expecting us not to run over their fundamental rights in order for us to satisfy our political lust to prove our toughness.

I respectfully submit to be willing to win at any price means that we lose the value of victory. Our Nation, our people, deserve a whole lot better.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOYER). The Chair would remind guests in the gallery that demonstrations of support or opposition to that which is said on the floor is against the rules, and we would appreciate their observing those rules.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a little over a week ago a bill came to the House of Representatives under a rule, and the bill was only given to the minority side only hours before it was to be considered. And we are talking about a bill of almost one thousand pages.

Noticeably upset, the Republicans voted this bill down. Only 11 voted for this rule, and we were joined by a substantial number of Democrats.

We learned a lesson that night. Criminal law is not a partisan issue and should not be made a partisan issue. Shortly after that defeat of the bill, the President took to the airways and gave one of the most scathing speeches that I have ever heard, condemning the Congress, condemning the Republicans, and saying we won a vote by some parliamentary trick.

Well, the House knew better, even though the President by that statement almost forever sealed that particular bill in defeat.

We came back, we reached out to the Democrats, they reached back, and we did come together. It is a flawed bill, but it is a bill that I will vote for. I agree with most of the comments made by the gentleman from Florida [Mr. McCOLLUM]. It stopped way short. We need to go further. But I think we did move this process forward, we did show that we could come together, we could iron out some differences, and I intend to support the bill.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I rise today in opposition to our so-called tough crime bill. Once again Congress is going to pull out the old USA Visa Gold and go on a major pork purchasing spree.

The price tag on this lard-laden legislation is greater than what was proposed by the other body in its bill and greater than that which passed this House in April. The bottom line on this bill is too high and when all is said and done the cost will simply be added onto the deficit.

I am well aware of the funding scheme that says that we will use the savings from the elimination of the 252,000 Federal employees to set up a crime-fighting trust fund. What a joke.

We have proposed to use the savings from the work force reduction to fund every other program known to man and now we are using it for this bill too. One need not be an accountant to realize that the funding scheme is a scam.

Actually, Mr. Speaker, I would consider the price of this bill a good investment if it really went to fighting crime. Unfortunately, the bill has been presented as the toughest thing since Elliott Ness when it is more like the Keystone Cops.

I think that we should have included a line item for porkaholics anonymous so that Members of Congress could seek treatment. Surely it would be cheaper for the taxpayers to fund that than this blue ribbon winning sow of a bill.

I did not think that it was possible but the bill is even worse now than when it first passed the House. Although it was stripped of the so-called racial justice provision, which would have established skin color as a criterion in handing down the death sentences, it still does not go after criminals.

Apparently it is more important for the Congress to pass anything that is called a crime bill rather than something that is really tough on criminals. We on the Republican side of the aisle have not even had the opportunity to read the conference report. We have not even been provided with a copy of this 7-inch-thick monstrosity.

The President likes to brag and thump his chest about his crime bill, but Mr. Clinton never sent us anything. Now he claims that this is the toughest crime bill ever produced by Congress.

That isn't really saying much. The American people are not fooled by this posturing; they know that 90 percent of all crime fighting is done at the State and local level. They also know that this bill is not about crime fighting it is about pork projects that could not pass unless they were called crime control measures.

Perhaps the worst thing about this bill isn't even the monumental cost for the dubious social programs. The worst aspect of this bill is the blatant assault on the constitutional rights of law-abiding citizens. I am, of course, referring to the gun control provisions in the bill.

Under the guise of fighting crime Congress is busy undermining the Constitution that all of us have sworn to uphold. The second amendment explicitly and unequivocally affirms the right of American's to keep and bear firearms.

The Constitution does not say that we can ban some guns but not others. It does not say that only pretty guns or antique collectible guns may be kept by citizens. The amendment quite simply says that the right of the people to keep and bear arms shall not be infringed.

It seems that there are those who would have those words mean nothing. To them I would say, those words do have clear meaning and our forbearers died to give them meaning.

If Members of Congress and the President do not want the people of this country to have guns to protect themselves, their families and their homes something is terribly wrong.

If those who support the abolition of firearms for private citizens believe that they are correct, then let them put their theory to the test. There is a clear procedure for amending the Constitution; use it. But, do not pretend to uphold the document while you corrupt it and erode the rights of those that you are supposed to represent.

I urge the defeat of this flawed and phony crime bill. Let us start anew and give the American people real protection, not this pork wagon.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking member on the Committee on the Judiciary's Subcommittee on Crime and Criminal Justice.

Mr. SENSENBRENNER. Mr. Speaker, much has been said in the debate on this bill about the 100,000 cops on the beat that this bill is supposed to pay for. I am here to say that it is not so, because once again the money has not matched up with the rhetoric—$8.8 billion is appropriated for community policing in this legislation.

Assuming that all of the money is used to pay for police and none is used for other authorized purposes such as training and equipment purchases, the maximum amount of Federal assistance is $14,700 per officer. It takes an average of $62,000 a year to pay, give fringe benefits to, equip, and train a police officer and have that police officer be out on the beat. So there is not a connection between the money that is in this bill and the rhetoric of 100,000 cops on the beat.

□ 1730

If the Federal Government fully funded the cops on the beat, we would be down to somewhere between 20,000 and 22,000. There is a cap of 75 percent Federal funding so that probably would increase it to about 27,500, again, assuming that all of the money is used to pay for police and none of the money is used for anything else. Because it takes an average of 10 police officers being trained and sworn in for each policeman that is actually on the streets, because of various shifts, vacation time, administrative work and sick leave and the like, we are talking about less than 3,000 new police officers on the street in any one given time.

With there being 20,000 police departments around the country, that it less than one officer per police department. Please do not fall for the rhetoric that this is going to put 100,000 cops on the beat. The money is not there, and this bill should be defeated.

The SPEAKER pro tempore (Mr. HOYER). The Chair advises Members controlling time that the Chair is going to follow a different process than has been followed.

So the gentleman from Florida [Mr. McCOLLUM] knows, I will recognize the gentleman from Texas [Mr. BROOKS]. Then I will recognize the gentleman from Florida [Mr. McCOLLUM]. I will then recognize the gentleman from Delaware [Mr. CASTLE] and then go back to the gentleman from Florida, because he has twice as much time. And if we do not, if we continue to recognize both, they will utilize all their time, and the gentleman will have half his time remaining. The Chair thinks this is a better way to apportion the time.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] has 13 minutes remaining. The gentleman from Delaware [Mr. CASTLE] has 18 minutes remaining.

Mr. BROOKS. Mr. Speaker, I would think then that we might want to go back to the gentleman from Delaware [Mr. CASTLE].

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware [Mr. CASTLE], who has 18 minutes remaining.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise to say that I will support the conference position today in spite of the President. I say I will support it in spite of the President, because I was never so embarrassed as a Member of this body than I was last weekend when the President threw a temper tantrum, when he went around the country railing about the principles of Members of this body on both sides of the aisle.

Mr. Speaker, that was outrageous. He claimed that he lost the vote on the rule because of the NRA. Yet many of us wrote to him that same day and said we were willing to sit down, and we did not even mention the assault weapons ban.

In fact, during the negotiations, Mr. Speaker, it was not the Republican side who raised the issue at all. In fact, it was the President's party who wanted to change regarding the definition of the 10 bullet clip.

Mr. Speaker, this President has got to understand one very important thing: There are Members on both sides of the aisle who have principles. Maybe that is not the case down at the other end of Pennsylvania Avenue, but it is the case here. In fact, in my opinion, Mr. Speaker, both bills that are going to be offered today are better than the one that he gave us.

I applaud by colleagues for their efforts.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I am adamantly opposed to the bill. I urge every Member to vote to recommit it.

Mr. Speaker, well, here we are again, about to consider a so-called crime bill that has a few good provisions but is still loaded with close to $7 billion in pork, all to be financed from supposed savings from firing 250,000 Federal workers which we all know will never happen.

Mr. Speaker, hopefully these rules will allow one of us to offer a substitute—in the form of a motion to recommit—that will:

First, knock out all of the pork, and include only money for prisons, policemen, and Border Patrol guards;

Second, remove the gun ban, and replace it with additional penalties for criminals who commit crimes with guns;

Third, toughen truth in sentencing language;

Fourth, punishment for sexual offenders who prey on our women and children;

Fifth, reinstate mandatory minimum sentences for drug traffickers; and

Sixth, remove funding for federally funded luxuries in correctional facilities like body building equipment.

Mr. Speaker, the Brewster-Hunter bipartisan substitute that we hope to offer does not contain a single feel-good, high-cost social program.

They are all removed bringing the cost of the bill down from $33 billion to $26 billion.

To summarize our substitute, it will cost the taxpayers less and the criminals more.

Vote "yes" to recommit the bill so that we can strip out all of the fat and come back with a real anticrime bill that is tough on the criminal element of our society.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I would like to ask my colleagues, what do they know about the Community Schools Program? What do they know about the Juvenile Justice Act? What do they know about runaway homeless youth? What do they know about the National Youth School Sports Program? What do they know about the Family Violence Grants Act? What do they know about the Community Block Service, Grant, as it relates to children at risk? What do they know about the Job Corps? What do they know about YTPA, Summer Youth? What do they know about the 21st Century Community Schools program? What do they know about family violence programs, grants that are presently here?

I ask my colleagues that because we have to stop this business of making ourselves feel good and go home and say, oh, we put more categorical programs out there. We have 266 at the present time. Are they effective? Of course not. They are not effective because they are run out of every different department downtown. They are not coordinated in any way, shape or form. We are getting no bang for our buck whatsoever.

Every bill, every new program that was put into the bill that we debated last week is already enacted in law. It is in law. Most of them are appropriated.

So all we do is say, oh, yes, we are interested in doing something about preventing crime. We pass another categorical program. We have accomplished nothing, folks, and we will not until we put them all under one roof. And we will not until those who apply for them can apply and not feel threatened that somehow or other if they are creative, they will get an auditor there who will put them behind bars.

They have to have a book, a book something like this, 300-some pages. Then that mayor or that county commissioner or whomever it is, it could be the director of Crispus Attueks. It could be the director of the YMCA or the YWCA. They have to sit down and figure out, who do I apply to; how do I fill out these grants. Will I get a few bucks and if I get a few bucks and I realize I got a few from program and a few from this program and I try to put them together so that they will be meaningful, so they will be worthwhile, so they will do something about prevention, no, the auditor will not allow that. We do not allow that. Our categorical program does not allow that.

So please, do not go home and say, boy, do I feel good. We really did something about preventing crime. We are really working to help youth at risk. We are not. It is just plain and simple. We are not. We are wasting taxpayers' money, because we refuse to coordinate the programs. And we only add these programs so we can put out a press release and so we can tell somebody, my name is on it.

Folks, we are not helping those young people. I have worked with them for a long, long time. We are hurting them. We positively have to coordinate our activities and make our bucks count.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Speaker, I rise in support of the revised bipartisan crime bill. In the past 72 hours, many of my colleagues have been working closely in a truly bipartisan manner to bring the crime bill conference to the floor today.

Compliments to the gentleman from Delaware [Mr. CASTLE], who has worked incredibly hard, and the gentlewoman from New York [Ms. MOLINARI], and the gentleman from Ohio [Mr. KASICH] from our side and to the majority leader and the Speaker on the other side of the aisle.

But I must tell Members that the original crime bill was highly unsatisfactory and has changed in one very important way. The question that I had to pose to myself was, do we care more about convicted drug dealers or the health and well-being of our children in our neighborhoods. The question was for those of us who demanded drug dealers serve their full sentences. This revised bill strips the language that could have allowed the release of as many as 16,000 convicted crack dealers and drug offenders who would have been released into our communities under the original bill.

The result of this negotiation is pro-community, pro-law enforcement, and pro-American.

Mr. Speaker, I believe we must put the rights of our communities before those of the criminal. I rise today to urge my colleagues to support this revised crime bill and to move forward.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I rise in opposition to the bill and in support of the motion to recommit.

Mr. Speaker, I rise to oppose the conference report on H.R. 3355.

Mr. Speaker, "What we have here is a failure to communicate." This quote comes from a 1970's prison movie in which a prison warden thought the prisoners were missing the point of their incarceration. Mr. Speaker, the criminals that control our streets today have similarly missed the point of our crime control efforts. It is high time we pass a crime bill that sends the message to the criminals of this country: If you do the crime, you will serve the time.

The crime control debate has come full circle. With the bipartisan alternative, we are once again focusing on the two most important elements of effective control of criminals: Putting an end to the turnstile justice system through free and full funding of State prisons and habeas corpus reform.

Wesley Smith accurately identified the problem in a recent article appearing in the National Journal: Nobody knows better than the criminals that they can litigate the system to death and avoid the death sentence for up to 20 years.

Prison funding.—The people in the Third District have been calling for real crime control, and that means building more prisons to take the criminals off the streets.

Our judicial system has put the rights of the criminal in front of the rights of the victim. Judges concerned about prison overcrowding has led to the release of criminals before they have served even half their sentence.

We must fully fund the efforts of the States to build and maintain an adequate prison system that refuses to release a violent offender before his time is served.

Habeas corpus reform.—Wesley Smith makes the point in his article that in 1966 prisoners filed 218 suits in Federal court claiming inhumane treatment and overcrowded prisons. This threw open the turnstile justice system that is responsible for the skyrocketing repeated violent crimes. By 1993, prisoner suits had increased twentyfold. The litigation explosion has cost the States hundreds of millions of dollars in legal fees, money that should be spent on incarceration.

The bipartisan alternative makes the changes necessary to stop the endless appeals process for death row inmates and convicted felons that bog down courts and delay executions.

I have attended two executions in my home State of Georgia, and it took 15 years to bring these two coldblooded murderers to justice. These delays and appeals send the wrong message to criminals. They must be made to understand that once they are sentenced, the punishment will be carried out swiftly and efficiently.

The bipartisan alternative targets the crime control efforts that are effective and agreed to by a vast majority of the Members and the people. Let us pass what we agree on and talk later about what we cannot agree upon. The victims deserve this much.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in opposition to the conference report and urge strong support for the motion to recommit.

Today, we again vote on the omnibus crime bill. This is the same old, fatally flawed piece of social welfare legislation that the Democratic leadership and President Clinton felt the American people deserved 10 days ago. They believe that a $30.2 billion package is more palatable to taxpayers than a $33 billion version.

Rather than objectively seeking to improve the nuts and bolts of our criminal justice system, the bill before us today is still only an unfocused mish-mash of trickle-down Government programs. It offers no evidence that its provisions will be effective in fighting crime. It suggests no overall strategy, and it sets no priorities.

Indeed, this crime bill is a flawed product of a flawed process. The President and its House authors used the bill as a goody basket to dispense favors to key Members and special interest groups—rather than judging its components strictly on their ability to deter crime.

We need to do something about punishing violent criminals in our community. We need more money for police officers and prisons. This is why I strongly support the bipartisan motion to recommit which will be introduced by Congressmen BREWSTER and HUNTER. It is a fat-free, crime-control measure that does not increase social spending, impose unfunded mandates or increase Federal control over local matters.

I will vote against the present crime control conference report, just as I voted against the crime bill rule 10 days ago and the original House crime bill 4 months ago. It is my greatest hope that once we deal with this piece of legislation that we can move forward and tackle this issue in a much more reasonable, responsible, and bipartisan manner.

□ 1740

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

Mr. SCHIFF. Mr. Speaker, a number of Members who supported the previous bill have taken the floor today to say that today's conference report, today's bill, is a better bill. That then raises the question, why did they support the last bill? I think the answer to that is, they did not believe that the last bill could be improved, that the effort would be made to do so.

However, we demonstrated in the House of Representatives a week ago that it could be improved. By the vote that we took to send the bill back to conference, Mr. Speaker, I believe we have a better bill today than we had a week ago.

Mr. Speaker, I want to sincerely congratulate both the Republicans and the Democrats who worked on the bill. Nevertheless, Mr. Speaker, if we can improve it after two all-night sessions, I believe it can still be improved more if we take some more time.

For that reason, Mr. Speaker, I oppose the conference report that is on the floor today. That does not mean I oppose a crime bill, of course, but I believe that we have demonstrated, those of us who voted to send the bill back to the committee, that it can be improved, that it was improved, and I believe it will be still further improved if we work on it further.

However, the question arises, what about the need to fight crime right now? I believe that that need is met by supporting what will be introduced by the gentleman from Florida [Mr. McCOLLUM] as a motion to recommit the bipartisan Hunter-Brewster bill. This will provide funding to police and to prisons and to the Border Patrol immediately, and those are the areas that time after time after time are so often publicly mentioned as in need of that kind of support.

Mr. Speaker, the criticism of that alternative is, it does not include everything. There are many Members who want to see much more enacted to assist law enforcement, and I agree with that. As a former career prosecutor, I believe efforts against career criminals are an extremely important tool for law enforcement. I support the strongest three-strikes-and-you-are-out provision we can write, and in some violent crime cases, two strikes.

In conclusion, Mr. Speaker, I think that alternative will get the most funding going where it is needed immediately, while we work on the rest of the bill.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], a distinguished member of the Committee on the Judiciary.

Mrs. SCHROEDER. Mr. Speaker, I sincerely thank the chairman of the committee, and I thank him for the strong leadership these last few long days, and all the people who worked very hard to make this an American crime bill. I think it is very important, Mr. Speaker, because we know if we do not work to prevent crime, we are really working to encourage it.

For people who say these prevention programs have not been tried and true, they have not listened to their local people, the local mayors, the local DA's, the local sheriffs, the local prosecutors who are saying "We need more prevention, not less."

Mr. Speaker, this bill is about balancing whether we are going to try and build the next generation or whether we are just going to keep building more and more jails for them. It is a balance between the two. It is giving these kids a hand up if they will reach out and take it, and if they will not, the jails will be there for them. We are really putting it on the line for the first time in 14 years.

It is also very historic in that for the first time we are putting resources in the resources-starved area of domestic terrorism that is so rampant in this country. We know there is just a real dearth of any kind of information about that, and the policing of that has been very, very poor.

Mr. Speaker, this is also a handout to communities to try and help train police, to help with more shelters, to get more 1-800 numbers, and to stop violence when it starts in the home and only tends to make more young criminals in the future.

Mr. Speaker, I think this is as balanced a bill as we will probably get. I liked the other bill better, to be perfectly honest. We are never going to get anything that is perfect here, but this is something that both sides of the aisle have worked on, and that the people who are in the field, not Charlton Heston, but the people in the field, have told us we need. We really ought to listen to them, because they are on the front line and they are the ones that are having to take the hits.

Mr. Speaker, I hope we have a resounding victory for this, and I think America will be very happy we finally listened.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, notwithstanding my sponsorship of three-strikes-and-you-are-out, I oppose the conference report, and I urge an aye vote on the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, because I am strongly supportive of a good crime bill, I rise in opposition to the conference report and in support of motion to recommit.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, first it was the Brady bill. I remember standing here behind this podium and making the statement that if we pass that bill, it would be the beginning of a series of gun control bills. Now it is assault rifles. They said it was only 19, but the Bureau of Alcohol, Tobacco, and Firearms has said it is 180; that it would affect 50 percent of the gun owners in this country. What will be next?

Mr. Speaker, there are those in this Chamber who wish that nobody would own guns in this country except the drug dealers and the criminals, or we would have a gun law just like what we have here in the District of Columbia, where it is a felony to own a gun. It is against the law. Guess what city ranks No. 1 in homicides and murders? It is this city.

Mr. Speaker, we will not stop people from killing people by thinking that we can outlaw guns. I am offended by some of the Members in this room who have accused me and some of my colleagues, that the reason we are voting against this bill is because of the gun lobby.

Let me say, it is not easy being a Democrat voting against my President and voting against my party. However, just within the last hour in my office, my phone calls from my district are running 16 to 1 against it. I am voting against this bill, and I am voting for the motion to recommit, because that is what my constituents think is in the best interest.

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Mr. FURSE. Mr. Speaker, along with the sheriffs and police chiefs of my district, I rise in strong support of the crime bill.

Mr. Speaker, I want to take this opportunity to voice my support for the crime bill. It is a bill which is both tough and smart. It combines strong prevention initiatives, such as funding for antigang programs, and protection against domestic violence, as well as tough on crime measures like "three strikes and you're out" and truth in sentencing.

I have been continually meeting with people and working on legislation regarding crime. Earlier this year I sent a survey on crime to the residents of my district and the message from Oregon was clear: People are worried about crime, and want action.

It would be wrong to pass crime legislation without first consulting with those people who are on the front lines everyday. To help advise me on these issues, I have developed strong ties with the law enforcement community in my district. I meet regularly with two law enforcement task force groups. The experts in this field want more prevention, more money for prisons and they are tired of being outgunned.

I am a member of the Congressional Law Enforcement Caucus here in Washington, DC. This bipartisan caucus serves as a sounding board for the law enforcement community to present ideas to the U.S. House of Representatives, and as a source of information concerning policy and grants for the law enforcement community.

While this crime bill is not perfect, I feel that it's a balance between working to stop crime before it occurs, and severely punishing those who have broken the law. I believe that only with a combination of prevention and punishment can we make our streets and homes safe and secure.

The provision in the crime bill which I most oppose is the one which expands the death penalty to over 60 more offenses. One reason I am against this provision is because I am concerned that the death penalty is not always applied in a racially fair manner. I voted in favor of Representative KOPETSKI's amendment to strike the death penalty from the crime bill and replace it with life imprisonment. Unfortunately, this proposal did not pass. I am also concerned with other provisions affecting the rights of due process guaranteed under the fifth amendment. Despite my concerns, I am putting aside my personal views and voting for the crime bill because it will help to reduce crime in my district and my constituents have clearly indicated that they support this legislation as a whole.

I am especially pleased that my Domestic Violence Community Initiatives Act was included in this bill. This act will help to break the tragic, and often deadly cycle of abuse. It is vital we make the place that should be the safest—one's own home—safe again. My domestic violence community initiative provides grants to local groups working together to prevent and stop domestic violence. It requires police, victims' advocates, medical and other community organizations to develop a strategy to begin to solve this problem.

There are two other elements in the crime bill that I worked particularly hard to pass: truth in sentencing and the assault weapon ban.

The State of Oregon already has truth in sentencing and it works. The truth in sentencing amendment helps keep violent offenders off the streets longer. I worked with the author of this amendment, Representative CHAPMAN of Texas, to bring this important issue to the House floor and am pleased that it was included in the final version. It also includes important funding for the building and expansion of prisons so violent offenders are not back on the streets simply because prisons run out of room for them.

Lasty, I actively participated in passing the assault weapon ban. I met with many of my colleagues, spoke out for this ban on the House floor and in news conferences to make sure the House did not bow to special interests. The American people overwhelmingly support this legislation and it is in their interest that I support this ban.

I commend the conferees for putting together a conference report that addresses all sides of the crime issue, and I look forward to President Clinton signing this much needed legislation into law.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. TORKILDSEN], someone who has been so helpful in this area.

Mr. TORKILDSEN. Mr. Speaker, 10 days ago I stood with the majority of House Members to oppose a rule on the conference report. I did so out of concern with the process. This body had little or no opportunity to examine that measure, and the few details that were known were not reasons to support rushing the bill to the floor.

However, Mr. Speaker, today we have a conference report that, thanks to the work of the gentleman from Delaware [Mr. CASTLE], the gentlewoman from New York [Ms. MOLINARI], and others contains significant improvements over what was proposed last week. Social spending has been cut by $3.2 billion, while retaining the same amount of funding for hiring police officers and increasing funds for new prison construction.

Importantly, Mr. Speaker, this new bill is much tougher on criminals. By tracking sexual predators and prohibiting the early release of drug dealers, this measure will do more to help battle serious crime. Mr. Speaker, this new bill also contains block grants so local communities will have a say in crime prevention programs.

This conference report is not perfect, Mr. Speaker. It does not solve every problem in our criminal justice system, but it is a major step in the right direction. I urge all my colleagues to support passage of this significant legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in opposition to the report. I also rise to say that I have been surprised and offended by some of the comments that have been made on the floor today, comments that infer that anyone who opposes this bill is automatically a captive of special interests.

Mr. Speaker, I am opposed to the bill because I believe it is a bad bill, and because I believe that most of the people whom I represent are opposed to the bill, as well. There are a number of reasons, I think legitimate ones, to be opposed to this bill, and they have nothing to do with special interests: federalization of crime and crime control.

Mr. Speaker, crime control is going to happen in the local area. This bill adds to the amount of regulation that the Feds will have over local folks. Only 5 percent of the crime is in the Federal area. We are not going to change that.

Spending, we do not have $30 billion to spend. It is supposed to be taken from reductions in the number of Federal employees. Let us see how much of that happens, and how many claims there are already to those savings. I think a number of them.

Certainly the idea of social programs is still there. I wonder why we should take the model that has been used so successfully in New York and Washington, DC, and apply it to the rest of the country.

I am a little offended by the idea that anyone who opposes this bill is suddenly designated as being driven by special interests. I oppose it. I plan to vote for the motion to recommit, because I think it is best for the people of Wyoming. I think it is best for this country.

□ 1750

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this bill.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong support of the conference report and in strong opposition to the motion to recommit and the cynical politics it represents.

Mr. Speaker, the crime bill we are about to vote on is the work of 6 years—a careful compromise designed to attack crime in a balanced and comprehensive fashion.

The bill before us will provide $30 billion to fight crime, with more than 75 percent of that total going to State and local law enforcement. It bans assault weapons—weapons that have given criminals greater firepower than cops. And it provides $6.9 billion to attack the root causes of crime and prevent it before it happens.

The motion to recommit guts this approach. It strips out the assault weapons ban. It cuts $1½ billion from the funds for State and local law enforcement. It carries no death penalty provisions. It lacks the balance, the vision, the comprehensive approach of the bill we have been working on for the past 6 years.

Vote down the Brewster-Hunter's last-minute, piecemeal approach. Defeat the cynical politics it represents. And pass the real crime bill.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I rise in strong support of the conference report and in opposition to the motion to recommit.

Mr. Speaker, the conference report will put more police on our streets. I will do so because it bans 19 specified types of semiautomatic assault weapons. I will do so because it will help combat violence against women.

But, Mr. Speaker, I will also support the conference report because it still contains provisions for some significant crime prevention measures such as the Local Partnership Act, which are important to cities like San Diego. I want to quote a portion of a letter I received from Susan Golding, the Republican mayor of San Diego. She wrote in a letter to me after this bill passed the House that "San Diego is actively developing and implementing measures to combat crime in our streets and schools; the substantial financial assistance provided by this legislation will be critical to our ability to continue this effort for our citizens."

Mayor Golding and San Diego's chief of police Jerry Sanders have asked that I do everything I can to assure that the Local Partnership Act remain in the conference report, and I will do that today by opposing the Hunter motion to recommit this bill and strike this and other crime prevention programs.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit and support the conference report on H.R. 3355.

Mr. Speaker, I include a letter in support of the Local Partnership Act and the letters from Mayor Golding and Chief Sanders for the RECORD, as follows:

SAN DIEGO COUNTY,
BOARD OF SUPERVISORS,
July 12, 1994.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senator,
Washington, DC.

DEAR SENATOR BIDEN: As a member of the conference committee reconciling differences between the House and Senate versions of the omnibus anti-crime bill, you have the opportunity to enact legislation which would significantly assist state and local governments in their efforts to combat crime. Two issues addressed by the bill are particularly important to the County of San Diego: (1) the proposed "Local Partnership Act," and (2) a proposal to manage the incarceration of illegal aliens convicted of violating state laws. The County supports the House position on these issues in the final conference agreement on the crime bill.

Local Partnership Act.—The Local Partnership Act would authorize the formula distribution of $2 billion to local governments for the next two Federal fiscal years. If Congress were to appropriate the full $2 billion, the San Diego region would receive over $18 million, and the County of San Diego would receive $6 million of that amount. A local match would not be required, and local government would have broad discretion in tailoring programs to local needs and priorities.

The Local Partnership Act recognizes both the fragile financial condition of many local governments and the key role that local governments play in apprehending, detaining, adjudicating, and supervising persons who violate the law. The Act would allow the County and the region's cities to bring added resources to bear on a major problem in this area. An ongoing project to test new arrestees shows that over 80% of those persons had detectable amounts of illegal drugs or alcohol in their bodies at the time of booking. Increased education and treatment could reduce the incidence of substance abuse and abuse-related crime.

Detention of Illegal Aliens Convicted of State Crimes.—The House version of the anti-crime bill would compel the Attorney General to either compensate states and local governments for the costs of incarcerating sentenced illegal aliens, or to take custody of those persons so they can serve their sentences in federal prisons.

At any given time, the County has at least 600 prisoners under INS hold. The cost of housing these prisoners is several million dollars a year. In addition, these prisoners exacerbate the overcrowding problem in our jails. The County is under court order to keep its jail population below a specified number. Additionally, the Federal government has not provided funds to pay for the costs of criminal illegal aliens incarcerated in California prisons. It is estimated that the costs of maintaining more than 17,000 criminal alien prisoners is over $300 million per year. These are funds that could have gone to county governments to address a wide range of local needs, including overcrowded jails.

Conclusion.—The Local Partnership Act, and the federal government's fulfillment of its responsibility for incarceration costs caused by illegal immigration, would greatly benefit the residents of San Diego County. Please include these provisions in the final version of the omnibus anti-crime bill.

Sincerely,

PAM SLATER,
Chairwoman.

CITY OF SAN DIEGO,
POLICE DEPARTMENT,
San Diego, CA, June 9, 1994.

Hon. LYNN SCHENK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMEMBER SCHENK: As you are aware, a House-Senate Conference Committee is currently meeting on the Crime Bill.

The Crime Bill passed by the House includes authorization for a Local Partnership Act. This provision would allocate $2 billion directly to local governments: San Diego's allocation would be $5,230,840. These funds are extremely important to the City of San Diego, and can be used for a variety of programs such as education, substance abuse treatment, jobs programs to prevent crime, and coordination of other crime prevention programs.

I am writing this letter to request that you contact the conferees to make sure that this provision is included in the conference agreement on the Crime Bill.

Thank you for your assistance and support.

Sincerely,

JERRY SANDERS,
Chief of Police.

CITY OF SAN DIEGO,
San Diego, CA, June 7, 1994.

Hon. LYNN SCHENK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMEMBER SCHENK: The Crime Bill recently passed the House includes an authorization for the Local Partnership Act. Through this provision, it is contemplated that the City of San Diego would receive $5,230,840, which could be used for a wide variety of crime prevention efforts, including education, substance abuse treatment and job training programs. As you know, the City of San Diego is actively developing and implementing measures to combat crime in our streets and schools; the substantial financial assistance provided by this legislation will be critical to our ability to continue this effort for our citizens.

I write, therefore, to urge you to contact the conferees in the House and Senate who will be reviewing this legislation, and make sure that the Local Partnership Act—with the above allocation for San Diego—is included in the conference agreement on the Crime Bill. Your efforts in this regard will help us provide a safer community for all San Diegans.

Sincerely,

SUSAN GOLDING,
Mayor.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I rise in strong support of the conference report and in opposition to the motion to recommit.

We gather here today on the Sabbath to pass a crime bill. Since the time of Cain and Abel mankind has had a need for laws that fairly govern society. We come here today to pass a crime bill that contains numerous new death penalties. There is tremendous irony in passing the new death penalties on the Lord's day.

However, I am willing to vote for the new death penalties and the other tough measure contained within this bill because that is what the majority of my constituents want. But, they also realize that crime cannot be attacked only after the fact.

There are those who believe that a crime has to be committed and that person be caught before society can do anything. Children should not be afraid to go to school or to the street corner. We need to take the guns and knives out of the idle hands of America's youth and replace them with books and work, and yes, even basketballs.

The prevention money in this bill has been cut by $2.1 billion. That wasn't enough for some who claimed to have negotiated in good faith. I am proud of the leadership of this House for negotiating in good faith with the Members from the other side. It is hard to bargain with those who smell a political victory. Let us cut the politics and pass the crime bill.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise to put on the RECORD my statement in support of the conference report, the tough and realistic conference report, and in opposition to the motion to recommit.

Mr. Speaker, I realize that this bill is not the perfect bill. This bill has provisions which trouble me and trouble my friends in the Congressional Black Caucus, especially the unprecedented expansion of the death penalty. I urge the administration to follow through on its promise to ensure that there is racial justice in our judicial system. I urge the administration to ensure that the three-strikes provisions are applied fairly and equitably. And, finally, I urge the administration to prioritize funding for the prevention portions of the legislation over funding for prisons in the appropriations process.

The reason I am voting for this bill, despite my reservations about the death penalty and three-strikes is that, for once, we have a crime bill that is balanced. We have a crime bill that would both increase the security of our citizens and break the cycle of violence that is plaguing our Nation's cities. With 100,000 more cops on the beat, we are taking back our communities from gangs and drug dealers. With the assault weapons ban, we will make sure these policemen are not outgunned while performing their duties, and ensuring that in our offices and on our streets, we are removing weapons whose sole purpose is indiscriminate mass killing.

But more than just stopping criminals and taking away their weapons, this legislation honestly addresses the need for crime prevention by targeting more than $7 billion for community programs intended to prevent crime.

These programs will address serious societal needs. There is $1.8 billion to stop violence against women, including establishing the domestic violence hotline and expanding civil rights and privacy protections for women victims of violence.This bill would target our at-risk youth populations, by authorizing funds to enhance innovative State and local partnerships and model crime prevention programs, targeting for education, economic development, and anti-gang programs, and for midnight sports leagues which give hope and alternatives to our youth. By educating our youth and giving them an opportunity to grow up safe, secure, and in a supportive environment, we are taking bold steps to remedy the decades of neglect of our youth that previous administrations saw as affirmative policy.

Mr. Speaker, we finally have a crime bill which honestly attempts to address the root causes of crime. I commend the conferees for crafting this balanced legislation, and with the reservations I expressed earlier, I urge passage of H.R. 3355.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN], the former Speaker of the Maryland legislature.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the conference report and against the motion to recommit.

The conference report before us today takes an important three-pronged approach to fighting crime. It funds police, establishes tough enforcement measures to deal with criminals and sets up new prevention programs which will help keep young people from turning to a life of crime in the first place. By attacking crime from every angle, we can help ensure the safety of our neighborhoods.

A key initiative in this conference report is the "cops on the beat" provision which provides $8.8 billion in grants to help States and local governments hire 100,000 new police officers. This bill also provides almost $10 billion to help build new prisons, expand existing ones, and to establish boot camps for nonviolent first-time young offenders.

This crime package also includes strong law enforcement. It addresses the escalating problem of repeat offenders with its three-strikes-you're-out provision. In response to the calls of police departments and law enforcement officials from around the country, the bill bans 19 assault weapons and limits gun clips to 10 rounds. Furthermore, the bill will provide tuition assistance to individuals in exchange for their commitment to join police departments upon graduation.

The serious problem of domestic violence is also addressed in this crime package. The crime bill creates programs which work to reduce the incidents of domestic violence and establishes new Federal crimes with stronger penalties for those who commit these offenses. In addition, a new civil rights violation is created which will allow a victim of domestic abuse to sue the abuser. Furthermore, provisions in this crime bill expand rape shield laws and require registration and tracking of sexually violent offenders released from prison.

Prevention measures are also critical to fight crime. This crime bill increases funding for recreation and antigang programs, employment opportunities, and other projects which present youngsters with alternatives to criminal activity. These programs will reach elementary and secondary school children before they become involved in crime.

Last spring, I held townhall meetings throughout my district on anticrime initiatives. Many of the suggestions brought forward by my constituents for Federal action to fight crime are included in this legislation.

No one bill can stop a societal problem that has so many roots. But this crime bill takes a tough, comprehensive approach to crime. With more cops of the beat, three-strikes-and-you're-out, more prisons, tough sentencing, restrictions on assault weapons and a strong prevention program, this bill contains more anticrime measures than any Federal legislation ever passed.

I urge my colleagues to support the conference report on H.R. 3355. Let us address the American people's No. 1 concern.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the conference report and in opposition to the motion to recommit.

Mr. Speaker, I am particularly opposed to the proposed elimination of the Violence Against Women Act.

Clearly, the Violence Against Women Act is an essential first-step to ending the devastating physical and emotional damage caused by domestic violence. To those who argue that the initiative is unnecessary, I point out that the majority of funding designated for these purposes will assist police and prosecutors at the State and local levels. This will allow law enforcement authorities to more effectively prosecute these crimes, which are now the number one cause of injury to women between the ages of 15 to 45.

The Violence Against Women Act also earmarks a significant amount of funds to build new battered women's shelters and to expand the capacity of existing shelters. Anyone familiar with this issue knows that millions of women and their children remain in life-threatening situations because they lack access to protective shelter facilities.

The act also establishes a nationwide domestic violence hotline to link victims throughout America with their nearest source of help, as well as a FBI database of sexual predators and stalkers to more effectively prevent and prosecute interstate domestic violence.

The proposed elimination of these provisions is morally unjustifiable and indefensible public policy. The women and children of America are crying out for help. We cannot allow their cries to go unanswered. I urge my colleagues to support the Violence Against Women Act by voting to defeat the motion to recommit and voting for final passage of the crime bill.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I rise in support of the conference report. I also strongly oppose the motion to recommit.

Yesterday saw two bipartisan efforts unfold to address the crime bill.

One effort—led by my colleague from Delaware, MIKE CASTLE—was a sincere honest effort to improve the crime bill, cut back its expense, and tailor its resources to the areas where the investment of the taxpayers we represent will be most effective.

Those involved in this effort, I particularly cite the Republicans who were operating not for partisan gamesmanship but to make a constructive contribution on an issue so important to this country. The work of this House would be improved substantially if we had more of this bipartisanship as we address the issues that face us.

In sharp contrast, a second bipartisan effort known as the Brewster-Hunter motion to recommit unleashed a desperate late bid to kill the crime bill because of the manufacturing ban on assault weapons it contains. It makes only the thinnest pretense at seriously addressing the crime bill. The motion to recommit is designed to kill the bill as even a quick look at its provisions make clear.

First it eliminated two provisions which each enjoy broad public support.

The death penalty, and the manufacturing ban on assault weapons are supported by overwhelming numbers on popular polls.

Why in the world would someone want to take out these provisions? While there are a few who oppose both sections, most in favor of Brewster-Hunter will come down in favor of the death penalty but against the manufacturing ban on guns. At this desperate last hour they will sacrifice the death penalty because preserving the unrestricted manufacturing of assault weapons has become all important—all consuming.

A final provision in the Brewster-Hunter motion reveals its true character as it strips out funds required to make a tough national response on crime possible.

The motion to recommit strips from the bill all additional funding for prosecutors. In the months leading up to this vote, I spent a lot of time listening to law enforcement officials in North Dakota. They told me that getting tough on crime required a system-wide approach. We need more police on the street. We need more prison capacity for the additional criminals we'll be locking up, and for goodness sake, we will also need more prosecutors to convict the thugs these new cops bring in under arrest if we are ever going to get them behind bars for the long terms they so richly deserve.

Shortchange the prosecutors and you will increase plea bargaining. Shortchange the prosecutors and you will be getting soft on crime because criminals will be set free for want of our ability to convict them.

The local law enforcement officials I met with, praised the Byrne grant program because it let them apply Federal resources to local crime problems without oppressive federal mandates. Byrne grants are the way we say to local law enforcement across the country "you know your job better than Washington—here are desperately needed resources to help—apply them as you see fit—not as some congressional committee staffer may want to mandate."

Yet Byrne grants are stripped out of the bill by Brewster-Hunter and this motion to recommit will be supported by some of those who speak the loudest against Federal mandates. Why? Because again, preserving unlimited manufacture of military-style assault weapons is more important to these Members than giving local law enforcement the tools needed to protect Americans while minimizing risk to police officers.

A final point of Brewster-Hunter I find especially objectionable involves eliminating $300 million for battered women's shelters. Three weeks ago I toured the shelter in Bismarck, ND. This facility—a converted single family house now holds eight families—women and children who have literally been battered out of their homes. Every effort was made by the shelter to make the facility cheerful and as homey as could be. However, operating on a shoestring, this simply was not possible. There was a very limited space, families with nothing in common but being victimized by domestic violence were literally on top of one another, and baby cribs—normally a sign of such precious joy in our lives—were crammed into corners. What's more, those in the shelter were the lucky ones. Countless abuse victims across the country are trapped in their emotionally devastating and all too often life-threatening situations because they simply have no where else to go.

Was $300 million for battered women's shelters pork—required to come out of the crime bill. Hell no it was not pork and anyone voting against this funding should ponder long and hard how such a cut can be justified. In my belief even those feeling strongly on assault weapons should not vote against helpless victims of domestic violence as the Brewster-Hunter motion of recommit requires them to do this afternoon.

As we now prepare to vote I urge you to support the bipartisan crime bill strengthened and improved by the intense negotiations of the last 48 hours, but to reject the torpedo aimed at the crime bill in the guise of the Brewster-Hunter motion to recommit.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in very strong support of the motion to recommit and in opposition to the conference report.

This whole exercise has been a fraud on the American people. For example, the President and the liberal leadership have promised 100,000 cops on the streets. In reality, when you take into account the training, pensions, and other manpower factors per officer it only boils down to around 20,000. Why can we not talk in realistic terms? The administration likes to hold a carrot of expectation out there knowing it cannot meet that goal.

Second, I completely disagree with the gun ban. These are not machineguns or rapid fire street sweepers that they have been painted in the media. Many of these semiautomatic weapons are like the firearms many folks in southern Missouri have for hunting, shooting, and collecting. We would be doing the public a world of good if we concentrated on giving criminals mandatory minimum sentences for any offenses committed with guns, like an alternative, much leaner, true bipartisan bill I supported going into the vote. Further, mandatory minimums do not take $30 billion to implement.

The more I have studied this so-called crime bill, the more obnoxious it becomes—bloated with social spending on new Federal programs and full of loopholes which protect the criminal and not the victim. The administration knows it is playing with funny money because they cannot fund the full 30 billion dollars' worth of promises. And finally, it is farfetched, illusory, to believe the President's claims that this is the strongest anticrime initiative ever.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, studying this bill, I have come regrettably to the conclusion that this is probably a good crime bill for urban America but it is not a good crime bill for all of America and I think that is disappointing. The fact is that there are three programs I would like to give as an example.

First of all the $8.8 billion spent for the cops on the streets. That is competitive grants to the Attorney General. We do not have grant writers in smalltown America. Then to require that we are going to turn that over to property taxes in years 2 through 5 does not make any sense.

Second, there is $7.9 billion in prison grants but the criteria are such that my own State of Wisconsin will not even qualify to be able to compete for that type of money.

Third, there is $5.9 billion being spent for crime prevention programs. I will point out the biggest of those programs known as the Local Partnership Act is based on a formula that is calculated on the per capita number of violent crimes.

Ladies and gentlemen, crime is a real problem in this country, but this bill is not a real solution against crime for all of America. Vote for the motion to recommit.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, 2 days ago a group of men rushed into an apartment building in Worcester, MA, and shot four people in broad daylight. One man was killed in the attack that resulted from another drug deal gone bad on the streets of America.

In February of this year, the Chief of Police of Paxton, MA, another town in my district, was gunned down by three men who as it turned out were released early from prison because of overcrowding. The 38-year-old chief left a wife and three children. Mr. Speaker, at the funeral as I looked at their eyes, I vowed to fight for a crime bill in the Congress of the United States. We need more police, we need tougher sentences and we need more prison space. Pass the bipartisan conference report.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I was a little concerned about the bashing going on this morning to those who oppose this bill, been called such as we have been bought out by NRA, calling us gorillas. I resent that.

Let me tell why I am opposed to this. First I called every police chief in my district, 41st District of California. They all oppose this. Why? Because there are too many conditions attached to this grant money. They would rather not apply for this. It is going to cost them more money to get a benefit out this grant. Second, we have a perception that our district will not get anything out of this thing. They are probably right. We are located about 40 miles away from Los Angeles. They know they are not going to get anything out of this grant. This is for someone else. We are tired of subsidizing someone else all the time. Why? Because of a lack of trust. They do not believe, they do not trust the Federal Government.

My second reason is, 85 percent of people in my district oppose this bill. They are not all NRA members, I can tell you that. Why? Because it is excessive social spending. It is a redundant program we have. We have 266 programs already. Adding another 30 more? We do not even know what program we have. We do not even know who is controlling this anymore.

Besides in our district we are not going to get anything out of this program. We do not have any midnight basketball program in my district. So those programs it seems to us are irrelevant to crime. Simply give us money, we will spend with the best of them. That is why we oppose this.

Mr. Speaker, yesterday an editorial in the Wall Street Journal says that California will lose $250 million in taxpayers' money, New York $238 million, Illinois $105 million, but Arkansas will gain a $44 million windfall. I do not see why California has to subsidize other States such as Arkansas. We have our own crime problem. I think it is better to have an equitable distribution formula. Just give us money without any conditions attached. We know how to spend it.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the distinguished chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary. He loves fighting crime and he worked tirelessly to develop innovative approaches to both punishment and prevention, as well as the favorite topic in his life, the gun ban.

Mr. SCHUMER. Mr. Speaker, first I thank the gentleman from Texas [Mr. BROOKS], our chairman, for yielding me the time. He has always been a tough and smart leader of our committee. Even when we go head to head, he has always been fair. I respect the chairman for that.

Mr. Speaker, in the last 2 days, this House has been tested by fire, but good, sound steel only gets tougher when it is passed through flames. In the past few days, Mr. Speaker, we on our side have had to reach out to moderate Republicans. It was painful. And many of us had to give in ways we have not had to give before. But it will produce a bill and it is the way we should go in the future.

□ 1800

This bill has balanced funding for police and prisons and prevention. This was a good, sound, balanced bill when we started. It is a good, sound, balanced bill now.

Balanced does not mean equal, but it does mean a fair share, and the bill is fair. It gives a fair share to each of the basic elements we need to fight crime: police, prevention, and punishment.

Or course the bill has the assault weapons ban we approved in the last conference. The American people want this ban against deadly killing machines, and the American people are demanding we pass it now.

We can all pick at this bill and point to what we do not like and recreate the gridlock of last week, last year and the last decade. But the moment is here, the question is clear and America is watching. A vote for this bill is a vote for a good, tough, smart crime bill. It is a vote for the future. But most of all, my colleagues, a vote for this bill is a vote of confidence. It is a vote of confidence that America can rise above the divisions of party, of race, of class. It is a vote of confidence in the work and the wisdom of this House working as a bipartisan team.

Let us pass this bill and go home with our heads high.

Mr. McCOLLUM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to this bill.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in strong objection to this anticrime, noncrime bill.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, my colleagues and visitors, electronically and in person to this esteemed Chamber——

The SPEAKER pro tempore (Mr. HOYER). The Chair will admonish the gentleman that he may not address guests in the gallery or viewers on television.

Mr. DORNAN. Mr. Speaker, I shall not do that again, and please do not take that out of my time.

The SPEAKER pro tempore. The time will not be taken out of the gentleman's time.

The Chair again recognizes the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I have here the readout from our computers in the back of the House and I think the recommit vote is going to be very, very close, very exciting.

But I am a realist, and I think that Republicans will have delivered, I think, a terrible waste of money with some effective parts around the edges to you. Will we get credit and the loyal opposition? No, it will be like NAFTA. It will all be the comeback kid and the stunning victory.

But please, remember, you had 58 votes a week ago Thursday, and you had 55 a few minutes ago, a change of 3, and they were changed by good friends, CHARLIE, and JOHN LEWIS that were changed a week ago during press conferences. So now you have none; during the negotiations, a couple of switches back and forth. We went from 11 to 42, so we will give you the margin of victory if you win.

But I have nine grandchildren you are putting this debt on, and some of it is necessary debt, the moves against violent thugs in the streets, but a lot of it is unnecessary, politically duplicative and a waste of money. Now my nine grandkids cannot put me up there with HENRY GONZALEZ with 25 and RON PACKARD's 27. But we cannot do this deficit spending, these duplicative programs. It is not right.

Vote for the recommit.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to my neighbor, the gentleman from the Eastern Shore of Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I rise in support of the crime bill.

I bet there are about 435 people in this House who have the unshakeable opinion that they could improve this bill if they had the chance. But our best efforts have produced the package that is before us, and we are left with only one question: Is this bill better than the status quo? I think the obvious answer to that is yes.

No one seriously believes that we can go back to the drawing board. If this bill is defeated, our overcrowded prisons will continue to release violent prisoners early, our States will continue the fight without help from the Federal Government, and some valuable criminal provisions will be lost.

The label "pork" simply no longer applies to this bill. Who is opposed to the Violence Against Women Act? Have not most Republican crime bills contained prison drug treatment? Are not block grants a Republican, federalist approach to crime prevention? The prevention side of this bill has been consolidated, cleaned up, and reduced to a level which no one would oppose in a less politically charged atmosphere.

If we defeat this bill, say goodbye to the sexual predator provisions, the Dole-Molinari language, truth in sentencing, prison money, victim restitution, law enforcement money, prison money, HIV testing for rapist and all the other strong provisions of this bill. I urge support for the bill.

Let us make those provisions law.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], who is a member of the committee.

Mr. GEKAS. Mr. Speaker, this prime-time crime bill which is crafted for purpose of the evening news on television does not fight crime.

On the other hand, what do our people back home feel about the contents of this legislation? In my office, the general complaint has been not about the crime features but rather on the duplication of spending programs. When they learned, that is my constituents, when the learned that we have 25 billion dollars' worth of programs already in place where the dollars are flowing through the pipeline at this very moment on the very same types of job training and youth sports programs that are now contained in this prime-time crime bill, they are and have expressed that they are aghast at what the Congress is doing.

Do we not have a full understanding that the American people do regard overspending and duplication and deficit building as something that has to be stopped? It is the question of not fighting crime that bothers them as much as the Congress' inability to do the right thing with respect to their dollars. They want more policemen, but they do not want policemen to be funded partially by us and then the tax load to be placed on them down the line. That is what happens with the unfunded mandates that are part of the community police funding in this bill.

They do not want the kind of send-back-to-me dollar bill that goes back to Washington and then never gets back to their capacity to fight crime in the city streets.

The death penalty we know about, and many know where I stand on that. There is no use repeating that any longer. I just wanted to build a record now where someday I know I am going to be saying, "I told you so."

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, when we began this session we heard an extraordinary speech by the President of the United States in his State of the Union. In that speech he correctly condemned the current state of the social welfare system in America and called upon us to end it as we know it today. He called upon us to reform it in a fashion that would in fact prevent not only the waste, fraud, and abuse in the system, but more importantly, end it as a way of life for too many of our citizens who are condemned to live in that social welfare system.

In that speech he correctly pointed to it as a system that deprives primarily women and children of the right to live a joyous, adventurous life, and instead condemns them to a dangerous and desperate journey. He called upon us to end it as we know it. He called upon us in fact to look at it as a system that breeds criminals, that has bred for us in our center cities and now even in the rural areas for people of all races and colors and creeds a desperate situation.

Today we are attacking crime in America by expanding that social welfare system.

□ 1810

I think we are making a mistake. There are some in this Chamber, some of whom I believe that we have had a very honest and fair debate with, who believe that social welfare spending is the way to stop crime in America. I suggest to you it has not succeeded. In fact, I think our President was correct when he said it does the opposite for us.

I think those of you who believe in expanding the social welfare system will win today, but we really should not win today. We ought to have a bill today that attacks crime by expanding law enforcement, by expanding the capacity of our States to deal with criminals, and we ought to deal sooner or later with true reform in the social welfare system instead of spending more money on it in the hopes crime will go away.

This debate is not about guns. Do not let people kid you. We passed a gun control bill. It is already in the Senate. It can be adopted.

I hope you will vote for the motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the debate today centers around competing visions of what is needed to fight crime in America. Do we accomplish this through feel-good programs and social workers, or do we take a tough, no-nonsense law and order approach.

Do we make excuses for criminal behavior, or do we hold criminals accountable for their behavior.

The Democratic leadership bill, both the original and the modified version we are debating today, takes the social welfare and pork approach to the tune of $7 billion.

Many of the social welfare programs in this bill are questionable and duplicative of other programs currently available. So-called community schools for dance and art classes, self-esteem and self-awareness seminars, and grants to provide—and this is a direct quote—a "multi-issue forum for public policy discussion." This is crime control?

Some of these social welfare programs are pure pork. The Local Partnership Act, a key element of this crime bill, was originally drafted as part of the President's economic stimulus package in 1993. The LPA will give cash to big cities to use for just about whatever they want, from job training to public works projects.

The Model Intensive Grant Program makes no excuses that pork is the object. The conference report itself says that these grants will address "deterioration or lack of public facilities, inadequate public services such as public transportation, and employment services offices."

Even two of the sections of the bill with which I agree, cops on the beat and prison funding, have strings attached in the compromise bill.

There is a better way. The Brewster-Hunter "Back to Basics" crime bill targets funds to where they are needed most. There is no money for pork and untested social welfare experiments.

The contents of this bill has been stated before, but they are worth repeating. Grants for prisons, grants for state and local law enforcement, border enforcement, registration of sex offenders and community notification, truth-in-sentencing, and death penalty appeals reform.

The choice is before us. Do we want to spend billions of dollars on big city bailouts and social workers, or do we want to make the streets and parks safe for our citizens to enjoy?

I urge my colleagues to support the motion to recommit and the Brewster-Hunter substitute bill.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, tonight we conclude 10 days of renegotiating the provisions of the crime bill. I, like many of my Republican colleagues, 10 days ago voted against the rule, having already voted for the House bill, because I believed then, and I believe now, that we could have had a better bill.

Tonight we have a better bill as a result of the bipartisan work which went on during the past 10 days. We will vote tonight for a vastly different crime bill. It is certainly not a perfect bill.

Each of us, Democrats and Republicans, could rewrite specific provisions much better than perhaps we think are in the bill now. I would have preferred a cheaper bill, but that is not our task tonight.

Our task tonight is to break the gridlock. It is to send a message to the criminals that we are serious about crime. It is to answer the voiceless voices of the victims of crime. Our task tonight is to pass a crime bill, to go home and tell the people of this country that we are sending a message to the criminals of this country that lawlessness will not survive in our streets, that we will take the streets back for our citizens.

Yes, tonight as I vote against the motion to recommit and for this bill, I have great confidence that we are sending a strong message to the people in this country. This is a bill that is not perfect, but it is a bill that deserves both Republican and Democratic support.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, recognizing full well that the perfect is the enemy of the attainable good, I nonetheless cannot find it in myself to vote for this bill.

I applaud the fact there were negotiations to reach out and make it bipartisan. The effort has failed. It has failed for me because, out of $7 billion of preventive programs, only $370-some million are subject to a block grant.

Even now the police funds will not go to any community whose policing plans have not been approved by those who agree that they are politically correct in Washington. The prison money will not go to the States who do not let the Attorney General determine how their corrections systems should be run and how their prisons should be designed and built.

That is an impossible leap of faith for me to take, and I must continue to oppose the bill.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. KING].

Mr. KING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 9 months ago I stood in this well and voted against the Brady bill; 4 months ago I voted against the crime bill; and 10 days ago I voted against the rule.

Tonight I am voting for the bill.

I would like to address my Republican colleagues: 10 days ago we scored, we attained a tremendous victory, not just for our party but a victory for the American people. We stopped a bill that had serious deficiencies.

During the last 10 days under the direction of my good friend, the gentleman from Delaware [Mr. CASTLE], and with positive help from our leadership, we changed this bill. We have brought about $3.3 billion in cuts, the overwhelming majority coming from social welfare programs. We have strengthened the bill as far as violence against women, rape, sexual predators, and drug dealers.

We heard the gentleman from New York say it was painful for the Democrats, and it was. Let us take advantage of that pain. Let us not let this victory evade, elude our grasp.

We have attained a victory not just for ourselves but for the American people. Do not let it pass away.

Maybe we have not seen many victories over the years, and we do not know when one is staring us in the face. We have a victory tonight, a victory where we can go back to the American people and say we have a good crime bill, more cops, more prisons; we have cut the social welfare spending.

This is a bill the Republicans should and must support. I ask for a "yes" vote.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. INGLIS], a member of the committee.

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier on this floor the gentlewoman with the gentle voice from New York City, the gentlewoman from New York [Ms. SLAUGHTER], pointed out that of all of the people in the world that we know of that are put upon, it is the mayors of our cities, and she is exactly right.

But the reason the mayors of our cities are put upon is because we have knocked them over the heads. We have knocked the cities and counties of America over the head with unfunded Federal mandates, and now this Congress is about to come along with a bill scaled down from $33 billion to $30 billion. That is not much movement, but scaled down to $30 billion, offering a couple of aspirin to the mayors of our country, a couple of aspirin for, for example, grant programs for midnight basketball and a grant program for cops on the street.

So now, Members of Congress who want to vote for this, whomp up some compassion. Get those eyes a little bit watering. Get them looking real sad and compassionate, and then reach out your hand with those couple of aspirin to those mayors and say, "We are going to help you. We are going to help you," and then realize that you are the falsely compassionate Uncle Sam who knocked them over the head year after year, taking their money, and now you want to give them a little bit of a little bit of a grant with a whole lot of strings attached.

Let us be more creative. The time has come to be creative; repeal unfunded Federal mandates; free up the localities to fight crime.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I do not mean to be presumptuous, but I think I have a pretty good idea of what the American people want. They want what we want, to feel secure in our homes, to feel safe in our communities, to, without fear, send our sons and daughters off to school and travel this great Nation of ours. That is what they want.

What does this bill do? This bill provides $8.8 billion for community policing. Will it get 100,000 cops? We do not know for sure, maybe more, probably a little bit less. But it is a commitment, $8.8 billion for community policing, and they want to get the violent criminals off the streets and behind bars where they belong.

The typical criminal in America today serves one-third of his or her sentence. Why? Because they are letting them out early to make room for the next wave of criminals. And $9.7 billion in this bill is for prisons.

It also addresses prevention. Punishment is very important. It should be swift. It should be fair. It should be stern. But we should try to prevent, as much as humanly possible, that crime from being committed in the first place. Sure, punishment is important, but so, too, is prevention.

I stand here proudly in support of this bipartisan conference report. I urge my colleagues to vote "no" on the motion to recommit and stand tall with the American people and support this very important measure. It does this House and our great Nation proud.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. BARCIA].

□ 1820

Mr. BARCIA of Michigan. Mr. Speaker, I rise in support of a meaningful crime control bill. I rise in support of a bill that provides certainty of sentencing, additional needed resources to local police departments, additional funds for the construction of essential prison space, and for mandatory sentences for the illegal use of firearms.

Unfortunately, I do not believe that the conference report before us today provides us with the type of crime bill I have described. For this reason, I reluctantly must oppose it.

I will also support the motion to recommit so that we can have the conferees consider the back to basics crime bill which I cosponsored along with over 150 of our colleagues. That bill provides more police, more prison space, truth in sentencing, and mandatory penalties for 100 percent of the illegal use of firearms, not for just the one-half of 1 percent that are committed with so-called assault weapons.

I know that some will criticize me for not being sufficiently concerned about crime. Others will accuse me of not supporting the President.

But, Mr. Speaker, while these false and unfounded criticisms will be made, I oppose this conference report because the people I represent in the Fifth Congressional District have urged me in no uncertain terms to do just that.

While this conference report is admittedly better today than it was just a few short days ago—particularly in light of reducing the amount of funding in greater respect of both our budgetary situation and in trying to more effectively target the funding that is provided, it is still not as good as it can be.

I do not believe that we must accept whatever is offered to us or be labeled as soft on crime. I do not believe that there is some artificial deadline that must be met to avoid having the American people think that the Congress is unwilling to act on crime.

I do believe that portions of this bill are in violation of the Constitution. I cannot accept the rhetoric that suggests we need to ban certain weapons in order to deal with crime. I reject this premise for several key reasons.

First, the nearly 200 weapons banned by this bill according to statistics are used in only one-half of 1 percent of all violent crimes. This conference report allows the precedent of infringing upon a constitutional right in the name of crime control and then does an exceedingly poor job of achieving its goal.

Second, professionals within my congressional district—prosecutors and police—tell me that in their experience that these weapons are not used in violent crimes in their jurisdictions. They tell me that this provision offers a false sense of security to Americans weary of crime.

Third, where does it end? We have tried gun registration. That does little to help deal with illegal use of weapons. We have tried waiting periods. Again, it has put the onus on law-abiding citizens and done little for the illegal possession and use of weapons. We have already for a number of years prohibited the ownership of certain types of weapons. Yet these weapons are in the possession of criminals who have used them in crimes despite the fact that they are banned. So we ban some more guns today, and then we can expect that in a few years opponents of gun ownership will come back with a list of only a few more.

Mr. Speaker, the Constitution is too important for us to knowingly ignore. We have taken an oath to uphold and defend the Constitution. I intend to keep my commitment to my oath, and I implore my colleagues to remember that they took the same oath.

It has often been said that the American people are ahead of Congress in knowing what is needed and what is practical. My phones, my mail, and my faxes are screaming that this bill is bad. The constituents with whom I meet cannot believe that the Congress is willing to grasp at straws with good intentions instead of strangling crime with a truly tough and meaningful crime bill like back to basics.

Mr. Speaker, I urge a "no" vote on the conference report and a "yes" vote on the motion to recommit.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, the American people want safety in their homes, schools, and streets. This bipartisan conference report attempts to do that with police, prisons, and prevention.

Mr. Speaker, this conference report contains the Violence Against Women Act, legislation of particular importance to the women and girls of our country.

The Violence Against Women Act, which I introduced last year with Representatives SCHROEDER, SLAUGHTER, and SCHUMER, addresses many of the safety, legal, and judicial issues that women face every day in our society.

The legislation will:

Require all States to enforce protection orders regardless of State of origin and encourage mandatory arrest policies in domestic violence cases;

Provide grants for more effective law enforcement and prosecution strategies, including police training, and for rape and domestic violence prevention programs in schools;

Provide funding for emergency shelters for battered women and their children;

Provide protections for battered immigrant women who are the spouses of U.S. citizens, or legal residents, and their children;

Provide training for judges and other court personnel about rape, sexual assault, and domestic violence;

Make gender-motivated crimes civil rights violations;

Allow local and State criminal justice agencies to access Federal crime information databases for use in stalking and domestic violence cases; and

Require the U.S. Department of Justice and the FBI to collect national domestic violence statistics.

In addition, two other bills I introduced, the National Domestic Violence Hotline Act, which provides funding for nationwide, toll-free, multilingual hotline assistance for battered women, and a fair trial resolution, which allows battered women to present evidence of past abuse in criminal trials—were added to the Violence Against Women Act late last year.

This legislation will have a very real impact on the lives of women everywhere in this country. Every 5 minutes a woman is raped; every 15 seconds a woman is beaten by her husband or intimate partner. Violence is a sad fact of life for women and girls, no matter where we live, work, or go to school.

The Violence Against Women Act will mean safer homes and safer streets for women and girls. For too long we have tolerated increasing levels of violence against women and girls. For too long we have tolerated the twin evils of sexism and violence. Today, the House of Representatives has said "No more."

Let's not lose the Violence Against Women Act. I urge my colleagues to vote against recommital.

The SPEAKER pro tempore (Mr. HOYER). The Chair will explain the status at this point: The gentleman from Texas [Mr. BROOKS] obviously has the right to close.

Mr. CASTLE. Mr. Speaker, I yield 45 seconds to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, there was a popular saying a few years ago: "Are you better off today than you were 4 years ago?" The question for this week instead is: "Are we better off this week than last week?" The answer to that question is "yes."

Mr. Speaker, I voted against the rule that brought this bill up last week as I did today, and I did because it eliminates amendments.

No, this bill is not perfect. Frankly, I would like to see a couple of amendments. But we are beyond that. We are now at the stage of whether or not we are going to vote "yes" or are we going to vote "no." This bill includes money for prisons and cops, it includes money in block grant form for communities. Those are the folks who are on the front lines. Those are the folks who need this money in the form that they can use it with some flexibility.

They know what works, and they know what does not work.

Let us help those communities by making this week a better week than last week.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, there are parts of this package with which I violently disagree.

Most specifically, I find the assault weapons ban to be offensive, obnoxious, and contrary to the rights guaranteed to all Americans under the second amendment. I fought against the inclusion of his language in the House bill, I voted against it on the floor, and I sought to have it removed in the conference report.

And for that reason alone, I would vote against it—were it not for the many other good and important things in this conference report.

This is, on balance, a tough and smart package. It will put 100,000 new cops on the beat to fight crime on our streets. $10,000,000,000 is in here for prison construction. It institutes the death penalty for cop-killers, terrorists, and drug kingpins. It helps ensure truth in sentencing by ensuring that prisoners serve almost all their sentences. It provides over $1 billion to protect our borders from illegal aliens. It bolsters funding to combat violence against women. And it helps protect our communities from sexually violent predators.

As deeply torn as I am, I have concluded that the best interests of the country as a whole on this issue, the No. 1 issue of concern to the people, require that I support final passage.

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation.

I want to commend my Republican colleagues for working so hard to avoid a complete debacle and who stuck with our basic principles—for a law and order bill. The kind of bill we Republicans have fought for for more than 6 years. It is simple and straightforward.

First, It is three strikes and you're in to violent criminals; second, It's money for new prisons; third, it expands the death penalty; and fourth, a strong bill on sexual predators and violence against women and erases much of the social spending.

These are goals we Republicans have waved the law and order banner on for years.

Let us stop the nitpicking.

Let us stop the politics.

Let us pass the bill.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the distinguished Congressman from the great Commonwealth of Pennsylvania, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. I thank the gentleman for yielding this time to me.

Mr. Speaker, last week I voted against the crime bill rule because I believed the bill did not provide enough protection for the people of Pennsylvania. Simply put: I thought we could do a better job.

The wait was worth any criticism I might receive. The bill has been substantially improved. The measure is tougher, stronger, and better. Our commitment to more police has been preserved. More prison cells will be built. Community notice of sexual offenders has been added. The unconscionable release of drug pushers has been thwarted. Local communities will have more dollars and greater flexibility to design their own anticrime measures. Much wasteful spending has been eliminated. Funding formulas reflect crime fighting needs, not political priorities. We've retained the special program to help women fight back against violent crime. Finally, we have a crime bill whose centerpiece is crime control. It's about time. It was worth the wait.

Many of the changes would independently warrant support. None more important or tragic than the the sexual predator provisions. Had the tough provisions we have put back into this bill been in effect earlier this summer, it is possible that a 13-year-old girl by the name of Megan Kanka would be alive today. Unfortunately, Megan was raped and strangled by a man who had twice previously been convicted of sexual offenses.

Megan was not protected from her assailant back then. Last week's bill would not have helped her either. Today's bill could have.

Was it worth a week's wait? You bet is was.

But still, Mr. Speaker, this is not a perfect bill. More can and must be done to fight crime in rural areas in my home State of Pennsylvania and across the Nation.

So as we prepare to approve this crime bill and enter into the meaningless political battles of who won and who lost—who is up and who is down—remember this: all of the ruckus of the last week was not about one party or the other's fortune, it was about people like Megan and her family, people who just wanted to feel safer in their homes, on their streets, and in their communities.

This is a good measure. Let us support it.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD], a member of the committee.

Mr. MOORHEAD. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the motion to recommit. The motion to recommit has more money in it for correctional facilities, $12 billion; more money in it for grants to States and local law enforcement.

States and local governments will not be required to pay $4 for every $1 that they get from the Federal Government. It has strong punishment for sex offenders, it establishes truth in sentencing.

I know that our bill that we got out of the conference committee is better than what we had 10 days ago. Many of the corrections have been made. But it is still too much full of fat. There is literally $6 billion of fat in it that are programs that are duplicative of programs already in existence. We need to put our money into law enforcement, where we will do something about crime in America and not just talk about it.

Mr. Speaker, I ask for an "aye" vote on the motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the conference report. In the interest of providing a stronger anticrime bill, I support the motion to recommit.

Mr. Speaker, while I praise my colleagues on their diligent and commendable work in trying to formulate a reasonable compromise, I remain concerned that this legislation, which authorizes a total of $30.2 billion in funding for crime prevention, prison construction, and law enforcement efforts, will not significantly reduce crime.

Extensive negotiations have occurred since the defeat of the procedural rule. Subsequent to the defeat of the initial efforts on the crime bill, my colleagues have made real improvements to the anticrime legislation, including: removing the provision providing $10 million for Lamar University for a criminal justice study center; strengthening the sexual predator language to include quarterly verification requirements, lifetime tracking, and community notification; eliminating the retroactive release of drug offenders from Federal prisons; and, adding language to require mandatory HIV testing during rape trials.

Nevertheless, this legislation does not go far enough. At a time when violent crime is on the rise, my constituents want tough legislation that will keep violent criminals off our city's streets, and in prison where they belong. The American people have spoken, and they will not settle for legislation that does not provide our law enforcement officers with the resources necessary to combat the forces that threaten to destroy the very fabric of our society. I have listened to my constituents, and I cannot support legislation that imposes unfunded mandates on our cities and towns, legislation that decreases prison funding and legislation that duplicates existing Federal programs.

This measure claims that it will provide funding for 100,000 police officers. However, the figures do not add up. On closer inspection it is evident that the funding will guarantee the hiring of only 20,000 police officers, a 3-percent increase in our Nation's police force. Thus, in order to permanently provide additional police officers, State and local governments will be required to pick up the tab. This funding will, no doubt be raised by raising taxes or cutting back on other valuable services. Furthermore, this legislation enables local governments the flexibility to utilize funding for purposes other than the hiring of additional policemen.

This legislation includes less prison funding than was in the previous conference report, and even less funding than was included in the legislation that I supported in the original, House-approved crime bill—this conference report allocates $7.9 billion for prisons. The previous conference agreement funded prisons at $8.5 billion, while the previous House-approved legislation included $13.5 billion in funding—accordingly, this legislation will do little to keep criminals behind bars, and does even less to end the revolving door that often frees violent convicted felons.

Furthermore, the preventive programs, that are included in this conference agreement, are in many instances, already in existence. According to the General Accounting Office, we currently have 266 programs that are aimed at assisting our youth who are at risk. Moreover, there are in existence an additional 155 job training programs. To reauthorize these duplicative programs is wasteful and not an efficient way to create legislation that will truly reduce crime, or assist the youths who we are so desperately trying to help. What we need is more coordination of these programs, not the duplication of existing programs.

I believe that this legislation can, and must, be further improved. Instead off supporting this imperfect legislation, I fully support the Brewster-Hunter alternative. As a cosponsor of this legislation, I believe that it will help us reduce violent crime. The premise behind the Brewster-Hunter legislation is simply, yet tough. Specifics of this legislation include: Providing $12 billion in grants to correctional facilities; Providing $10.6 billion to State and local law enforcement agencies; providing $2.5 billion for border enforcement and the Immigration and Naturalization Service [INS]. Including a mandatory $150 million in funding allocated to the U.S. Border Patrol; and mandatory registration of all sexual predators, lifetime tracking of offenders, Quarterly address verification, and mandatory community notification.

The Brewster-Hunter legislation combines the kind of "get-tough" provisions that my constituents, and the American people, want. This legislation increases prison funding and provides significant assistance to local law enforcement agencies. Furthermore, this legislation reduces social spending and strengthens our Nation's law enforcement capabilities.

□ 1830

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise in opposition to the conference report, and I ask that the following be made part of the RECORD:

Mr. Speaker, William F. Buckley recently observed that, "We have had 235 executions since 1976 and approximately 350,000 murders. Almost as many Americans have been murdered since 1976 as were killed in Vietnam and in the two world wars, which totaled over 390,000 lost lives. There are now more than 10 times as many men and women in the death houses as were executed in 1976."

Mr. Speaker, what we continually see are convicted killers making a mockery out of our judicial system with endless appeals. Serial killer Ted Bundy was on death row for over 12 years before he was executed. John Wayne Gacy was on death row nearly 15 years before he was executed.

Mr. Speaker, the President's crime bill does nothing to reform habeas corpus or to eliminate the enormous legal loophole called the exclusionary rule. Evidence which points to the criminal's guilt should be allowed in court.

There should be an elimination of the endless appeals process, and yet H.R. 3555 fails to address that concern. Gone should be the days of convicts appealing their sentences multiple times in Federal courts. There should be one appeal to the Federal level after inmates have exhausted their State appeals.

A tough on crime bill should contain block grants to States earmarked directly to fighting crime and not tied to the micromanagement of Washington telling communities how to best use the grants in their communities.

Yet there is hope Mr. Speaker. The back to the basic crime bill proposal, offered by Congressmen DUNCAN HUNTER and BILL BREWSTER, goes a long way to restoring some common sense to Congress' halting efforts to write the kind of crime bill Americans want to see come out of their Government. This is a bill that has broad, bipartisan support. Let me call to my colleagues' attention just a few sections of this legislation.

The bill calls for increased border patrols and assistance to the inspections program to apprehend illegal aliens.

The bill authorizes grants to the States to build, improve, operate, and modify correctional facilities. This Government should be assisting in every way possible the building and maintaining of correctional facilities.

The bill also authorizes grant money specifically to communities, States, and their local law enforcement agencies to fight crime.

The bill also punishes sex offenders by mandating registration for all predators, lifetime tracking and mandatory community notification.

This back to basics crime bill will end the practice of setting violent criminals free based on technicalities.

The Hunter-Brewster bill establishes truth-in-sentencing. Imagine that: Convicts actually will be required to serve out their sentences.

Our legislation will also abolish the country club comforts for prison inmates. No more video games, no more pool tables, just a requirement to work.

Mr. Speaker, let us craft a crime bill that passes this House overwhelmingly. Let us not govern by the 218 rule—218 members and you win—no.

Let us put together a bill that focuses on punishing the criminal and fighting crime, not on basketball programs, crafts, and $10 million gifts to schools.

The Hunter-Brewster bill has achieved a great deal of support in a very short period of time. This is proof positive that Republicans and Democrats can come together on a reasonable, rationale, commonsense crime bill that is good for the American people, good for our police, and tough on violent crime.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, we are about to spend over $30 billion of the taxpayer's money without having read a word of the bill. I suspect that if this new crime bill compromise were in fact a good deal for the American people someone would be telling us and them the details of what is in it.

Mr. Speaker, I certainly know that some provisions of the crime bill before us could help the people of my district. The Sexual Assault Prevention Act and the Youth Handgun Safety Act, among many others, are bills I have cosponsored and important parts of them I am told are incorporated in this legislation. But while some provisions could help the people of my district, every provision is going to cost the taxpayers of my district a lot. They deserve value for their tax dollars, not waste. They deserve not just any crime bill, but a good crime bill.

In fact, Mr. Speaker, the taxpayers of Illinois according to the Wall Street Journal are going to send $100 million more dollars to Washington to pay for this bill than they will get back. That is crazy.

Mr. Speaker, yesterday I joined with a bipartisan group of over 100 of my colleagues to propose a commonsense alternative to break the gridlock over the crime bill. I say let us end the bickering and pork barreling and return to basics. We proposed a tough bill that I guarantee you any citizen could recognize as a crime bill.

Our bipartisan solution does nine basic things. They are things people want done.

First, we provided $12 billion in no strings-attached grants to States to build prison cells. We must stop returning dangerous criminals to the streets. Let us give the States money to build cells without endless Washington red tape.

Second, we provided $12 billion to States for law enforcement. We let them use the money to hire police and then use those police as local communities want, not as Washington dictates.

Third, we tell criminals three strikes and you are out—off the streets and in jail for life.

Fourth, we provided $2.5 billion for border enforcement to help stop the illegal flow of immigration that is costing taxpayers billions in Government services.

Fifth, we allow the police to notify a community or neighborhood when a convicted sexual predator has moved in. Only the out of touch American Civil Liberties Union could oppose such a commonsense idea. It is about time we put the needs of victims ahead of criminals.

Sixth, our bipartisan compromise stops the endless appeals process for death row inmates and convicted felons.

Seventh, we stop judges from throwing vital evidence out of court and allowing criminals to go free because of silly technicalities.

Eighth, our bipartisan bill ends stupid sentencing and parole policies which have resulted in the average murderer spending only 5.5 years in jail. We provide for real truth-in-sentencing. If you do the crime you do the time.

And ninth, we establish mandatory penalties for crimes with firearms. We take the criminals who steal guns and commit crimes with them and put them away for a long time.

Mr. Speaker, our bipartisan effort is not perfect. Frankly, it could be even tougher and I would be happier with it. We would be pleased to see it debated and amended by this body. I for one would like to see the death penalty for cops provision strengthened and many provisions in the Violence Against Women Act added. But, unlike those who are pushing the so called compromise here today, at least we can honestly say to the American people that our back to basics crime bill is about crime control, not about pork and not about social programs.

Mr. Speaker, if there is a reason to change or improve the hundreds of social programs already targeted for at-risk youth or to add to the $25 billion we spend each year on those programs, let us have that debate. But let us not hold up the crime bill with it.

Mr. Speaker, why is not the commonsense bipartisan bill I just described being given a fair and thorough debate here today? Instead the President insists we swallow a flawed bill or get no bill at all. It is a take it or leave it arrogance that people in this House and in America are tired of. Instead of backroom deals, why don't we get to vote on these provisions, right here in the House of Representatives, as our constituents want and expect us to do.

Mr. Speaker, I want to pass a good crime bill this year. I cosponsored the Republican crime bill when it was introduced last fall. I called upon President Clinton to send to us his own bill, which to this day he has never done. I even voted in favor of a less than perfect bill when it first came through the House last spring. I did so because I wanted to be constructive and pledged I would work to improve it before it came back to the House for final passage.

Frankly, there are those who want to take advantage of our strong desire to pass a crime bill to lard in billions of dollars for social programs that have little or nothing to do with crime. They are literally holding up grants to States for prisons and police in exchange for welfare spending. They are holding the safety of Americans hostage in a cynical extortion attempt.

Mr. Speaker, the folks who have been calling my office this week believe the balance between tough law enforcement and crime prevention is off. They are not insensitive or uncaring. They are not trying to stop all prevention programs. But they recognize that we have 266 Federal prevention programs already. What they want us to do now, to correct the balance, is to provide more cops, more prison cells and more real honest sentences. The bill before us last week did not do it—and sadly this bill still does not do it because we are not listening to the American people.

Mr. Speaker, let us pass a crime bill every taxpayer who reads it will recognize as a crime bill. The so called compromise is better than last week's bill. At least it rejects the plan the President supported that would have released from prison more than 10,000 convicted drug pushers. It is beginning to move in the right direction. If we need to stay here another week or 2 weeks until we get it right, let us do so.

Mr. Speaker, there are $30 billion at stake. There are 240 million taxpayers who deserve a real crime control bill that will make them safer in their homes and schools and on our streets. To do any less than our best on an issue of this importance would itself be a crime.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I hate to spend $30 billion that we do not have and charge it to my grandkids.

Mr. Speaker, every Member of this body wants to be tough on crime. Many Members are eager to vote for a crime bill before the November election—even a bad bill.

Mr. Speaker, this bill spends $30 billion we do not have. In the 6 years of this bill we will add another $2 trillion of debt for America's taxpayers.

Making a bad bill slightly better through negotiations does not justify passage. With this bill Federal judges, the Attorney General, and Federal bureaucrats will reduce the prerogatives of local and State government on how they run their law enforcement and build and operate their jails and prisons.

Under this bill rural communities will pay more taxes for more social programs in urban areas. The $7 billion for crime prevention are social programs for youth that have been tried and failed. States like my State of Michigan will be a net loser in terms of taxes in and dollars out.

Mr. Speaker, I hope we do not give in to politics of the moment and that we have the courage to send this bill back to conference.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am in support of the substitute.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, I never thought I would come to the House floor and quote the Washington Post, but today in a story titled "The House Nears Crime Bill Agreement," it says Republican negotiators also claim to have won a cut of $3.3 billion from a Democrat crime bill, but those funds were never likely to become available anyway. So, I ask my colleagues, "Why support a bad piece of legislation?"

Mr. Speaker, it has already been pointed out that the second amendment has eroded in this piece of legislation. Speakers have pointed out that there is no good-faith exception for our police officers in conducting searches and seizures. These are not constitutional scholars. Speakers have pointed out criminals still have endless appeals. This still has $5.9 billion for programs that have dubious merit. Why should we be spending that type of money under the heading of prevention? Why dial 911 and get a social worker?

Mr. Speaker, this bill is a bad piece of legislation because it does not accent law enforcement. This is a touchy-feely piece of legislation that gives new meaning to the phrase hug-a-thug. I urge my colleagues to vote for the motion to recommit and against the crime bill.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in strong support of the bipartisan conference committee report.

Mr. Speaker, I rise in support of this bipartisan conference committee report.

Mr. Speaker, Emanuel Cleaver, mayor of Kansas City, MO, wrote last week a compelling editorial supporting the crime bill.

I urge my colleagues on both sides of the political aisle to take a few minutes to read Mayor Cleaver's statement.

KANSAS CITY'S EXPERIENCE SHOWS THAT PROGRAMS IN CRIME BILL CAN WORK—BASKETBALL LEAGUES AND POLICE BIKE PATROLS ARE NOT "PORK" BUT ARE PROVEN METHODS OF KEEPING PEACE

(By Emanuel Cleaver)

As crime runs rampant on our streets, the Nation's cities were victimized once again by a congressional hold-up.

Last Thursday, we were subjected to one of the most cynical acts of legislative trickery and dolce far niente in recent history when the U.S. House of Representatives stalled the first real national attempt at comprehensibly fighting crime that I can remember.

While our Nation's leaders continue to debate the significance of this legislation, their indifference resonates well beyond the waters of the Potomac. As the members of Congress sit well-protected behind metal detectors, Capital Police and U.S. Marshals, the people they represent are increasingly victimized by crime on their streets and in their homes.

Kansas City, like most other major metropolitan cities, is struggling with this disease. Crime prevention is the number one issue in my city and across the country. Americans know the time for a national mobilization effort has long passed. National opinion polls repeatedly demonstrate that average Americans support this initiative. We want 100,000 new police officers. We want community policing. We want the anti-crime bill's holistic approach to crime prevention.

Yet why was it stopped? Why did 225 representatives fail the citizens of Kansas City and the United States?

Simply put, negative politics. The Beltway culture of gridlock and pessimism is out of step with main-stream Americans like you and me.

Special interest politics won a week ago by exerting the NRA's fear-mongering influence and claiming pork barrel politics. Is the anti-crime bill ineffective government largess or is it a substantive crime-prevention program? I believe the answer lies in the streets and neighborhoods of Kansas City.

Ask the residents of Kansas City's Olde Hyde Park whether or not community policing is pork barrel. Last year community policing in that small neighborhood helped decrease crime 23 percent and shut down 15 drug houses within the first six months of implementation. Police officers working hard-in-hand with central city residents empowered Olde Hyde Park through action and the restoration of hope. Pork barrel?

Ask the numerous Kansas Citians who have fought over locations for our new Community Action Network [CAN] centers whether or not the Anti-Crime Bill is pork barrel. They know intuitively that comprehensive approaches to crime prevention such as CAN centers will reduce crime and foster neighborhood stabilization. Pork barrel?

Ask the participants of the Mayor's Night Hoops whether or not midnight basketball leagues are pork barrel. Run on shoe-string budget since 1992, Mayor's Night. Hoops offers over 600 young men and women a positive alternative to the potential trouble of the streets. In the three summers since its inception, there has never been a single incident of violence or crime at the games. Pork barrel?

Finally, ask the friends and family of the 153 Kansas Citians murdered in 1993 whether or not we have too many guns on our streets. How much blood will we tolerate before we rid our nation of the people-killing machines known as assault rifles?

While every American may not agree with every provision contained within this legislation, we know that continually pandering to special interests will not make our neighborhoods safer.

I originally opposed the Anti-Crime Bill because it failed to include death penalty appeal provisions based on historic racial discrimination. Nevertheless, I joined Seattle Mayor Norm Rice and other big city mayors in urging the Congressional Black Caucus to support this legislation. Why?

In 1993, there were no African-American Kansas Citians executed by the judicial system. However, 111 blacks were murdered on our streets. It is as simple as that.

I know what it feels like to be a victim of crime. I know what it is to have a gun held to your head. Eight years ago, I was robbed in my church office by a crazed drug addict. I was luckier than most—I only lost my wedding ring, my watch and a few dollars.

But think of those who haven't been as fortunate. Think of the over 50,000 children that have been murdered by guns since 1989. Think of the countless murders, burglaries, thefts and assaults that will happen today. Think of what lies ahead if Congress continues its inaction. Congress must pass the anti-crime bill now. That's why I was in Washington on Wednesday.

Mr. BROOKS. I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise in opposition to the bill and in opposition to the motion to recommit.

Mr. Speaker, without fail, every election year brings another crime bill before Congress. This year is only unusual in the magnitude of the proposal—over 300 pages of new and amended Federal laws—and the price tag—over $33 billion. Otherwise, it is election year business-as-usual; a rehash of the failed Reagan and Bush war on crime and drugs strategies of the 1980's—a war we are losing with expensive and failed Federal policies.

To his credit, President Clinton called for a new strategy—strong, smart, focused, and tough, with a new emphasis on prevention. I share his goal, but this election year grab bag won't result in the change we seek.

An extraordinary coalition of Oregonians urged me to oppose the crime bill. That coalition included the director of Oregon's Department of Corrections, the American Civil Liberties Union, the director of Oregon's Council on Crime and Delinquency, the NAACP, the Oregon Criminal Defense Lawyers Association, as well as gun owners and civil libertarians from every corner of the State.

I supported the President's initial $9 billion proposal that provided Federal assistance for prevention and local law enforcement efforts. Unfortunately, the final bill the conferees produced is a $30 billion crazy quilt of ineffective get tough strategies, projects tailored for the districts of those Members who happen to sit on the conference committee, and an across-the-board cut from prevention programs.

Let me give you an example of how this bill distorts crimefighting priorities. Of the $30 billion in the final crime bill, perhaps $100 million would wind up in Oregon. In order to take advantage of that funding, the State of Oregon would be required to adopt a host of inflexible new mandatory minimum sentencing guidelines that will cost Oregon taxpayers hundreds of millions of dollars to pay for new prison space and divert money away for successful crime prevention programs.

Although the President asked for a robust community policing bill, the bill ultimately will fund only a small fraction of the promised 1,500 new cops for Oregon. Furthermore, desperately needed money for additional judges, prosecutors, and attorneys will not be funded under this bill.

The highly touted "three strikes, you're out" provision is highly problematic. As the bill stands, this measure ultimately means expensive warehousing of aged criminals, mandatory minimum sentences for small-time drug offenders, and the federalization of some State crimes. It is ironic that the United States has the highest per capita incarceration rate in the world, yet one of the highest rates of violence. This "three strikes, you're out" approach doesn't satisfy my goal of getting truly dangerous, repeat offenders off the streets, while rehabilitating nonviolent offenders by using more cost effective, alternative punishments.

Take a look at the bill's new Federal mandate that prisoners serve 85 percent of their sentences before being eligible for parole. This inflexible requirement would make it impossible for States to release many nonviolent, rehabilitated, and geriatric prisoners who no longer present a danger to society, but cost taxpayers plenty.

This is the largest public works policy to come down the pike in a long time. It provides $10 billion to build prisons, but no money to run these prisons. We are fast becoming a Nation with more prisons than schools. We need to fund programs like community policing as well as targeting at-risk kids before we lose another generation.

The crime bill also adds 66 new crimes punishable by death, including 4 crimes that do not result in death. This expansion of capital punishment is unconscionable particurly when it lacks any safeguard against racial bias in death penalty sentencing.

Let us address the issue of the assault weapons ban. I would oppose this bill regardless of the assault weapons ban.

Many otherwise progressive people seem to be willing to stomach all of the bad in this bill in favor of the ban on certain assault weapons. I am not. I support taking sensible steps to keep guns out of the hands of criminals. but this provision bans a limited number of weapons, based to a large extent on appearance, while allowing the continued sale of weapons identical in function. Besides that, this class of weapons accounts for only a tiny percentage of the Nation's violent crimes. In the District of Columbia, the Nation's murder capital, 1,400 murders occurred over the past 4 years—only four involved so-called assault weapons.

Although the Brewster-Hunter alternative anticrime bill deletes some of the troubling provisions in the final crime bill, including the 66 new death penalties and the so-called assault weapons ban, it still has other major defects. This $26.5 billion bill has the same problem of unfunded Federal mandates that will cost Oregon taxpayers hundreds of millions of dollars as the underlying bill. Most problematic is that this bill contains no money for prevention or alternative incarceration of offenders no matter how meritorious or effective the programs.

I cannot support any anticrime legislation that treats the symptoms of crime while ignoring its root causes. If we cannot stop at-risk youth from committing crimes, we are committing our Nation to generations of prison construction and criminal punishment.

This crime bill is a classic case of election year posturing that gives the public a false promise of protection. The bill appeals to people's fears, but falls far short of increasing public safety. It will do more to prevent successful local crime prevention than to prevent crime. And its punishment provisions will unnecessarily punish the Oregon taxpayer.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the bill and against recommittal in the context of a statement to be submitted to refute the pitiful and woebegotten remarks of the gentleman from Pennsylvania about Hawaii.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise in support of the bill and in opposition to the motion to recommit.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I rise today to talk about the issue of crime, and the long process which will conclude today with the passage of a Federal crime bill.

Many issues have come across my desk in the years I have spent in the public sector, none more important than crime. As a State prosecutor and State senator, I have seen the terrible destruction that crime imposes on individuals in our communities. I have observed how crime, and the criminal justice system, directly affects our States, our cities, and our neighborhoods. As a member of the House Judiciary Committee, I have struggled, along with everyone else, through the legislative process—hoping that one day we would finally pass a comprehensive, balanced, intelligent, crime bill. Well my friends, that day is now.

Today, the American people will have moved one step closer to having a crime bill which, in this Congressman's opinion, will help make our communities, our hones, and our families safer from crime. It is their efforts that have brought us to this point. It is their frustration and fear that have guided this process. We must never forget that the American people wanted this bill and today, they will get it.

What we can do at the Federal Government to reduce crime in this country is still subject to much debate. We have a nation where States carry much of the burden, and most of the responsibility, in fighting crime in the streets. The American people must understand precisely what this Congress, and this President, can accomplish by passing a crime bill. The benefits are far too significant to be dismissed, the consequences too devastating if we fail.

Will 100,000 more cops help? Only time will tell, but it certainly won't hurt. Will death penalty for drug kingpins stop the drug problem in this country? Not entirely, but it will send the message that this country will no longer tolerate such activities. Will building more prisons put every single person who has committed a crime in jail, and keep them there? Probably not, but it will ensure that we have more space to keep those individuals who deserve to be in prison—in prison, rather than letting them go as we do now. Will money allocated for prevention programs be well spent? Some argue the opposite, but we owe it to the American people to try everything in our means to stop the violence before it occurs.

Sure, more can always be done, more debate generated. Personally, I would have preferred reforming our habeas corpus and exclusionary laws to close loopholes that criminals currently use to escape punishment. However, the clock is running, and this country can no longer wait for a more perfect bill. Members from both sides of the political spectrum can be pleased that we have done our part, that Congress has worked its will to fashion a piece of balanced legislation that reflects the wants and needs of the American people.

Not everyone will be completely happy with everything in this bill. This is the legislative process, this is what we were elected to do, this is what we have accomplished. Tomorrow is another day, but we have a task ahead of us right now. Let us give the American people what they deserve—let's pass the crime bill today, before another person dies a needless death, before another women is raped, before another child is abducted, before the American people lose all hope for a brighter, safer tomorrow.

Mr. BROOKS. Mr. Speaker, I yield 15 seconds to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I rise to ask the distinguished chairman of the Committee on the Judiciary a question.

If the motion to recommit succeeds and the motion is silent on the death penalty provisions, on the assault weapons provisions, is there any guarantee that the conferees are required to report a bill that will not contain an assault weapons ban in our expansion of the Federal death penalty or related provisions?

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. KOPETSKI. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, there is no guarantee.

Mr. KOPETSKI. Because there is no guarantee, Mr. Speaker, I will be voting against the motion to recommit.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, the bottom line on this for many of us is what did Republicans get out of this bill who held out last week for the crime bill? Well, in short we got $1 billion more for prisons instead of hugs, and understanding and social workers.

We got one less Texas sized pork project and $3.3 billion less in spending. We got a new lock on the jail house door for 16,000 drug prisoners who would have been released early from prison. We got tough sexual predator language. We got mandatory HIV testing in rape trials.

In short, Mr. Speaker, we got a bill that is tougher, cheaper, and a lot smarter than the bill that was in front of us 8 days ago, and I pay tribute to my colleagues, the gentleman from Ohio [Mr. KASICH], the gentleman from Delaware [Mr. CASTLE], and the gentlewoman from New York [Ms. MOLINARI] and the rest of us for all of the tough work we have done.

Mr. McCOLLUM. Mr. Speaker, I yield 45 seconds to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, I rise in strong opposition to the conference report.

Politicans nationwide are boasting that this is the toughest crime bill ever. But, the American people, including grassroots police officers in Minnesota, know this bill is nothing more than an election-year gimmick, and they won't appreciate pulling 30 billion of their hard-earned dollars from their pockets to pay for it.

This is a bill that only makes the politicians feel good, expands welfare programs for criminals and offers little hope that it will actually make our streets and neighborhoods safer.

All week, we have heard that the White House was willing to bargain with the American taxpayer. Well, this legislation may be President Clinton's idea of a compromise, but it will not sell beyond the beltway. Only in Washington can you cut just $3 billion from a bad bill and say you are doing something good for the American taxpayer.

When we last took up the crime bill, we did what the people wanted us to do, we voted "no." The people want spending cuts.

Americans deserve a real crime bill, not a Great Society welfare spending program for criminals. I urge my colleagues to vote for the American taxpayer and vote against the conference report and for the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, I yield 45 seconds to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, there seems to be some myths floating around the Chambers here that the law enforcement officers are for this bill and are for gun control. It may be that the heads in Washington of some of these organizations are, but not the ones on the beat. I will tell my colleagues about an experience I had last week.

The Fraternal Order of Police in the State of Oklahoma were having a meeting, and the first thing I said when I spoke was, "I'm going to be against this bill," and, "You don't stop crime by taking guns away from law-abiding citizens." They stood up, applauded for 5 minutes, and the next day they endorsed me.

Mr. Speaker, the people in the streets, the cops on the streets, are opposed to any type of a crime bill that does not have habeas corpus reform, exclusionary rule reform, and they are opposed to gun control. I urge my colleagues to vote against the soft-on-crime conference report.

Mr. BROOKS. Mr. Speaker, I yield a minute and a half to the distinguished gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I certainly thank the gentleman from Texas [Mr. BROOKS].

I do rise today to urge my colleagues to vote "yes" for the recommit. We all support crime control. There is not a Member in this House that does not feel we must do something about the crime in this country. There have been two sticking points. Those sticking points have been the gun ban and the social programs.

Mr. Speaker, the gun ban is not an issue. It passed this House several months ago. The gentleman from New York [Mr. SCHUMER] won that issue. It is in the Senate now. So, why in the world should we put it in the bill?

The same thing with social programs. Why should we put billions of dollars in this for social workers rather than criminals?

The gentleman from California [Mr. HUNTER] and myself put together a bill, H.R. 5008, that does several things. It puts the money where it should be, in prisons and in law enforcement officials. We put $12 billion in this recommit for additional prisons within our States.

□ 1840

We put $12 billion in State grants for different law enforcement people. The conference bill only puts $9.8 billion in cops on the street. We put $2.5 billion for border patrol as opposed to $1.1 billion. We put the three strikes and you are out. We put truth in sentencing.

Mr. Speaker, H.R. 5008 within the scope of this conference will do a lot to control crime in this country, yet it costs $3.5 billion less than the conference bill. Mr. Speaker, I would urge this conference to move forward and vote for the recommit, and let us put a bill out that costs taxpayers less and criminals more.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, of course the most objectionable feature of this bill is its assault on the second amendment. In that context, I would just like to remind the house of a couple of things. You know, if they had banned the assault weapons of 1775, we probably would not have been able to win the first American Revolution. And when they were touring the death camps after World War II, and a group went to Treblinka, the question was asked, how could 6 million Jews and other minorities, twice the population of Israel, how could they have let what happened to them happen to them? Why did they not fight?

Of course, the answer was, with what?

So naturally, Mr. Speaker, I will vote to recommit.

Mr. CASTLE. Mr. Speaker, I yield 45 seconds to the gentleman from Ohio [Mr. TRAFICANT], America's favorite 1-minute speaker.

Mr. TRAFICANT. Mr. Speaker, prevention makes sense. When it costs more money to send a kid in America to jail than it does to send that kid to Harvard, prevention makes sense, dollars and cents.

There is one other word missing in this debate called "unemployment." Show me an American that works in our factories and works in our businesses, and I will show you an American that does not work on the streets.

We have got to bring the NRA and police together. They are both the good guys, and they are apart. And that is bad for our country. We should work on that, but we should pass this bill. We need a policy that we can all live with in America, and this sets us on that course.

Mr. Speaker, it is not an easy vote. But you cannot cite your second amendment right by strapping a Stinger missile on your back, and there is some common sense here tonight. Let us take it.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI], a member of the committee. This is the gentleman's last term and we will miss him, but we are glad he is here now.

Mr. MAZZOLI. Mr. Speaker, I rise in support of the bill and against the motion to recommit, commend the gentleman from Texas, the gentleman from New York, and the gentleman from New Jersey, who brought this about.

Since the bill did begin at the Subcommittee on Crime and Criminal Justice, on which I am privileged to serve, I take a certain amount of pride that we have reached this juncture, on the verge of passing a very balanced bill, balanced with both punishment and prevention measures.

Mr. Speaker, this is very difficult for all of us. It has been a very difficult week, very tense, very painful, very tormenting. But if we tonight will pass this bill, and if we usher in an era of new bipartisanship and of new collegiality in working on major legislation like this, then I think the pain and torment will have been very well worth it.

So I hope we do pass the bill tonight and move into a new era when we can work together from the very start of the process, all the way through the end of the process. This is what American people are asking us to do. We have a chance to realize that by our votes tonight.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I praise the gentleman from Delaware [Mr. CASTLE] and the others who worked on the bipartisan compromise. There is no question that we have a better crime bill today thanks to the 94 percent of the Republicans and the 23 percent of the Democrats who voted against a rule 10 days ago. There are no cuts for police officers; there is more money for prisons; and social programs have been cut. Block grants that would give greater control over social spending programs to our cities and towns have been incorporated into the bill.

However, Mr. Speaker, I am a little old fashioned. I believe that the best form of crime prevention is punishment. To me the second best form of crime prevention would be to strengthen the family. Government make busy programs are the wrong approach. Voluntarily financed make busy programs, that is fine.

We are giving billions of dollars in welfare payments, coming from taxpayers, because of a failed family structure. Now we have more taxpayers dollars going to keep our young people busy once again because of a failed family structure.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Speaker, I oppose this bill for several reasons. First of all, it is phony on gun control. My son's turkey rifle is going to be listed under it, along with 200 weapons, and it is nothing like an assault weapon. He has not been able to kill a turkey for the last 2 years.

The National Association's past director of sheriffs says that the community grant program is phony and he does not plan to apply for it for use in his area. And there is plenty of pork still left. While improved, it is a bad vote and a bad bill, and I intend to vote against it.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. KASICH], the distinguished ranking member of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I was sent into the negotiations by a group of Republicans who said that we want to improve the crime bill. They were a group of Republicans who were essentially worried that if we did not work to improve the bill dramatically over a short period of time, that our side would be picked off, and that we would ultimately be forced to vote again on a crime bill that did not make dramatic changes to the conference report last week.

What is it that we wanted when we started the negotiations? What is it that the Republicans complained about as we began negotiations?

We said we wanted less social spending program money in the bill. We said we wanted more prisons and more police, and we wanted more flexibility for local governments through block grants. And we wanted to tighten up many of the legal reforms that we had in the conference report.

Well, let me give you my report about what we were able to do after we emerged from very tough negotiations.

No. 1, we decreased the total amount of money in the bill from $33.5 billion to $30.2 billion, a $3.3 billion savings.

Second, we wanted more money for prisons. What we were able to do was increase the amount of money and real money in the prison trust fund section from $8.3 billion to $9.7 billion, more than what we ever had in this House bill.

Next, the majority party offered a cut in the total amount of spending for law enforcement officers. That cut was flat out rejected, and we were able to maintain $8.8 billion for community policing in this bill.

Now, we also said we wanted to have a block grant program. And we have heard so much about midnight basketball. Let me show you want we have done. We have taken 12 categorical grant programs that the Republicans said we needed to have, and we have eliminated those as individual categorical programs, and we have put them in one block grant and have given the local communities the flexibility to spend that money the way they see fit. We have changed the formula on the basis of which we spend this money, moving toward a formula that will be based on violence in communities, another significant concession from the majority party.

□ 1850

The bottom line: The bill is not perfect. We said we wanted to have less spending in the social area. We are down in the area of prevention funding to $4.3 billion over 6 years, excluding the Violence Against Women Act, which Members on both sides of the aisle support—a total of $4.3 billion over 6 years.

We were able to increase prisons and protect police by cutting the amount of money—by cutting the amount of money in the social spending programs. Did we get everything we wanted? Of course we did not get everything we wanted.

But what I will tell my colleagues is, we were able to vastly improve this bill. And what we are viewing is a tough negotiating process that is the future of this House. This is the way we will govern this House and govern this country, by making tough, tough decisions and coming toward the middle to serve our country.

I urge support of the bill.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, last week, Thursday, I stood in this well and at that time I said, and I will say again, there is not any Member in this body that is in favor of crime. Every one of us wants to fight crime.

I also commended the gentleman from Texas [Mr. BROOKS] for the work that he has done on this bill. And I say again the same thing.

I also said one other thing that was very important, that gave those Republicans on this side the opportunity to do what they have done. And that is, even though there were Members on my side saying we had to do it Thursday night or it was not going to be done, well, folks, we did not do it Thursday night, and we do not have to do it tonight.

If Members want a good bill, then let us keep on working. Is everybody in a big hurry to go home or do they want a bill that really gives money for penitentiaries, that lets the States decide—not our Attorney General decide—who is going to build a prison and how they are going to build it.

Why do we not wait and have a good bill? I say vote for the motion to recommit. It gives us an idea of what some of us are talking about. Vote against this bill.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I rise in strong support of the bipartisan effort to defeat this schizophrenic conference report.

Mr. Speaker, I rise to oppose the conference report to accompany H.R. 3355, the Omnibus Crime Control Act.

While there is certainly need for reform of our criminal justice system and a need to deal with crime in America, this legislation will address neither. In fact, I would assert that if incidents of crime are reduced after the passage of this legislation, it would be coincidental.

We must first remember that over 90 percent of crime is dealt with by State and local officials. This bill promises Federal help to our local police, however, it does not fully deliver. While the bill claims to pay for 100,000 more police, it provides money for only about 20,000 and forces the States to pick up the tab for the rest of the cost when the Federal cash runs out. Requiring the States to pick up the rest of the tab may not be so unreasonable a request if the States did not already have to comply with onerous Federal regulations and unfunded mandates which lost them millions of dollars each year.

The ban on semiautomatic rifles contained in this legislation will not take guns out of the hands of criminals, but will take them out of the hands of peaceful citizens. Gun bans have never reduced gun-related crime in America, yet proponents have touted this provision as necessary to fight urban crime. The passage of this ban will mean only the beginning of the end of our inalienable right protect our homes and families.

Although cuts have been made in spending, a substantial amount of the spending remaining in this bill will be spent on unproven crime prevention programs which amount to renamed welfare programs. Mr. Speaker, I believe that we now know what President Clinton intended when he said he would "end welfare as we know it." I, for one, would never have guessed that he would put the Attorney General in charge of one of the biggest Federal welfare projects in history. It is absurd to believe that we can reduce urban crime by paying kids living in the Cabrini Green housing project to play basketball at midnight.

I will be supporting the alternative crime bill offered by Representative HUNTER. That bill will put the money where it is most needed—in police and prisons. It also provides more border patrol agents. The reforms in habeas corpus and truth-in-sentencing will address fundamental problems in the criminal justice system. Finally, rather than banning guns indiscriminately, it establishes mandatory prison terms for thugs with guns.

For all of these reasons, I urge my colleagues to vote "no" on H.R. 3355 and "yes" on the Hunter alternative.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I rise in opposition to the bill and in support of the motion to recommit.

Mr. Speaker, I rise today to oppose the conference report on the crime bill, a report we never have received copies of before we are called upon to vote on it. If this bill is as good as some Members are saying it is, we would have done it days ago.

Throughout the year there have been various anticrime proposals that truly are tough on criminals. However, the liberal leadership of the House of Representatives has not allowed these bills to be considered in the committee process or by the full House.

Instead, the crime bill we are now considering fulfills the liberal agenda of those that control the Congress. Social programs consume about one-third of the crime bill funds—all of these programs are duplicative of 266 existing programs which cost $25 billion annually.

This crime bill is a cruel hoax on the American people. We are creating false hopes that our country's crime problems will be solved by the Federal programs enacted in this bill. This is simply not true.

Many of the provisions in this bill will require local governments to enact very expensive mandates. The Wall Street Journal estimates that the State of Illinois is a net loser under this bill. Programs in Illinois will receive $105 million less in crime funds than the Illinois taxpayers contribute to the system. The bill continues to feed the insatiable appetite of a Federal Government that is too big and spends too much.

This is not to say that the Federal Government cannot provide needed crime fighting assistance to State and local governments. We should provide funds for prisons and police in block grants. Instead, we are claiming to fund 100,000 police when in fact we are not. The police we are funding must be hired under a quota system and directed under community committees, and local units of government must pick up three-quarters of the cost of new officers on the street.

While we need new prisons, the Federal Government need not dictate how these prisons will be constructed or what size ever cell must be. This again is Federal dollars to which strings are attached and which cause new mandates on local law enforcement units. In fact, accepting Federal construction money may be opening the door to more Federal rules on how States must operate their prisons.

President Clinton called last week's vote on the rule a Republican trick to defeat the crime bill. The trick is that the Democratic leadership did not allow an open rule on this bill which would give Members the opportunity to offer amendments to improve the bill and vote on issues individually. Instead, the Democratic leadership is holding funds for prisons and police hostage in order to pass more welfare spending. I resent this attempt and urge my colleagues to vote against this bill.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, acquisitions surrounding this bill have been recklessly hurled from stem to stern. If Members voted against the rule, they did so to embarrass the President, the accusers proclaimed.

The truth of the matter is that most of us who voted no did so because the bill is defective. A bad bill, my colleagues, is worse than no bill.

Vote to make a bad bill better. Vote to recommit.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Ohio [Mr. KASICH] tells me it ain't so, $9 billion in socialized spending and you call that a real victory? Tell me, the gentleman from Ohio [Mr. KASICH], with the Penny-Kasich that we all support, tell me that this is not true, that you are calling this a victory? Tell me that this is not a victory where the left wanted to cut out of its social cuts $0.8 billion for cops and you maintained it at $8.8? Tell me that is a victory? It ain't true.

The Brewster-Hunter bill provides $12 billion for cops, $12 billion for prisons, $2.5 billion for border patrol. And guess what? There is no Federal strings to it. Our cops, our mayors, our law enforcement agents are going to love it. If Members ever heard of states rights, this bill goes toward it, to recommit. I ask my colleagues to support the recommittal and reject the conference report.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO], the distinguished chairman of the DCCC.

Mr. FAZIO. Mr. Speaker, I rise in support of this bill and against the motion to recommit, and I want to laud my colleagues for their bipartisan approach to the conclusion of this bill.

I rise in support of the most comprehensive crime package in our Nation's history, the Violent Crime Control and Law Enforcement Act of 1994.

In recognition of the critical role that our communities play in fighting crime, the bill focuses attention and resources on the State and local levels—the frontlines where the bulk of the responsibility for responding to crime lies. And it moves us closer to meeting our overall goal of ensuring that justice is dispensed equally and fairly, and that punishment is also fair, fast, and consistent.

It contains the three-strikes-and-you're-out provision, which will keep repeat violent offenders off the streets. It also supports programs that reduce gang membership and provides alternatives for youth who are at risk. Other provisions provide substance abuse treatment for Federal prisoners and increased sentences for Federal hate crimes. There are also measures to reduce the incidence of violence against women, and to punish those who commit crimes of violence against women.

The bill also bans certain specific assault weapons. This legislation will have very little affect on the right of the average American to bear arms. It includes weapons used almost exclusively by organized crime, gangs, and drug cartels, but does not include any weapons, semiautomatic or otherwise, used for hunting. The further restrictions on the sales and ownership of assault weapons that are in this bill will not cause a major reduction in crime. However, they will make it much more difficult for drug dealers, violent criminals, and psychopaths to get their hands on military-style semiautomatic rifles and certain shotguns and pistols.

Although we do not have detailed, nationwide statistics on the misuses of these weapons, the Oakland Police Department Weapons Unit reports that criminal misuses of assault weapons in Oakland fell by virtually half since the enactment of the California ban. This is a small price to pay to help curb the unnecessary and senseless violence that plagues communities throughout our country. If 1 life or 1,000 lives are saved because we are able to keep an assault weapon out of the wrong hands, it is worth the effort.

The bill includes a number of provisions that attack crime in rural areas, too, including one which I introduced along with my colleague, the gentleman from Michigan [Mr. STUPAK], a former police officer and State trooper. The Fazio-Stupak amendment expresses the sense of Congress that rural areas should continue to receive the level of support that they had prior to enactment of this crime bill—that rural America should not receive less funding than it did in fiscal year 1994. It was developed in response to feedback which I received from sheriffs and police chiefs in my district who, in a visit to Washington earlier this year, expressed their concern that they would lose Federal funding that supports their efforts to fight drugs and the violence that accompanies this persistent problem. In response, my amendment will help ensure that rural communities do not lose ground as the rest of the country moves forward on new anticrime strategies.

Because crime is not an isolated problem, it cannot be dealt with in isolation. And there is no one solution to the overwhelming problem of crime in our neighborhoods and communities. But this bill is an important step toward confronting and addressing it. It is a good place to start, and the time is now. We should all be able to put aside our partisan differences and come together on behalf of what is good for this country—our communities, our families, and our children. I urge my colleagues, on both sides of the aisle, to join me in support of this crime bill and to support this conference report.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Speaker, I rise in opposition to the conference report and in opposition to the motion to recommit.

My decision to vote against the crime bill was made only after careful consideration and prayerful deliberation. It had nothing to do with political considerations. While I think passage of the crime bill is good politics, much of it represents bad public policy.

My vote is based solely on conscience and on my evaluation of public policy and the merits of the bill. As concisely as possible, here are some of the concerns I had about the bill and some of the reasons I'm voting against it.

Sixty new Federal death penalty provisions and no means of assuring that they are not administered in a racially discriminatory way. I have always opposed the death penalty based on my moral, religious and conscientious beliefs. Consequently, I do not support official killing by our Nation or our State any more than I support individual acts of violence.

In addition to the moral considerations, three points need to be made about the death penalty from a public policy perspective:

First, no study has ever documented that the death penalty is a deterrent to crime. In fact, all the studies confirm that the death penalty has no impact on crime. In States which have no death penalty, crime is no greater.

Second, the death penalty is not a cornerstone of Federal criminal law. Before this crime bill was passed there were only two Federal offenses for which the death penalty could be imposed, airline hijacking that results in death and the drug kingpin offenses. The dramatic change in Federal policy represented by an increase from two offenses to over 60 offenses for which the death penalty could be applied should, at a minimum, have been accompanied by careful evaluation of the objectives the change in policy was designed to be achieved.

Third, all the statistics confirm that the death penalty has been administered in this country in an extreme, racially discriminatory manner. Since the death penalty was approved for Federal drug kingpin cases in 1988, of the 37 cases in which the death penalty has been sought 34 have been against black or Hispanic defendants and only 3 against white defendants. During this administration in all 11 cases in which the death penalty has been sought the defendants have been black. Despite the confirmed history of racially biased implementation of the death penalty, efforts made by me and others to include in this bill Racial Justice Act provisions which would have started to address the racial disparity were rejected.

Because of my moral beliefs about the death penalty and the history of racism the application of the death penalty, it was apparent to me that voting for this bill would have required me to be both immoral and racist. I was not inclined to be either.

Prevention funding not guaranteed. Despite all the hoopla about the prevention programs authorized in this bill, many of which are good and could have an impact on reducing crime if implemented, there is no guarantee that funds will ever be appropriated for these programs. In fact, there is much reason to be concerned that a coalition of representatives, who typically have as their highest priority deficit reduction and usually represent a majority in the House, will instead divert the funds during the appropriations process to deficit reduction. By providing that the funds can be used only for the crime prevention programs authorized in the bill or for deficit reduction, the bill invites a fight over the use to be made of the funds during the appropriations process each year. Remember also that the funds for this purpose are the ones projected from expected savings from reducing the Federal work force by 270,000 people.

Children as young as 13 to be tried as adults. In my opinion, this is just bad public policy. The Federal system has no mechanism, like States do, for dealing with juveniles. We're creating an administrative nightmare for the Federal Government, expanding the Federal Government's reach into areas normally reserved to the States and decreasing the likelihood that young offenders will be rehabilitated.

Sex offenders must register. The last experience this country had with requiring people to register, the Japanese after Pearl Harbor, proved to be a demeaning experience for the Nation. I think the registration required under this bill is un-American also. All our notions of justice in this country up to now allow defendants who have served their time and paid their debt to society to move on with their lives. This bill requires each of them to keep the Government informed for life of his or her whereabouts by reporting in not less than quarterly. It also requires State and local governments to keep track of this information, a classic unfunded mandate.

DNA profiles to be established. In many states DNA evidence is not admissible because there are still questions about how reliable it is. This bill authorizes $25 million for the FBI to establish DNA profiles on all criminal defendants. Again, I believe this establishes a dangerous, un-American precedent for our Government to monitor the lives of its citizens.

Three strikes and you're out. Many States which passed three strikes and you're out legislation are already beginning to rethink the public policy implications of this politically popular proposal. Providing room, board, and free medical care to 70, 80, and 90 year olds who have long since passed their crime committing years will cost the States and the Federal Government untold amounts of money. No study of the long-term cost implications of the three strikes and you're out provisions in this crime bill has been done. That may be good politics, but it's bad public policy.

No Pell grants for prisoners. There is a strong correlation between lack of education and criminal conduct. Consequently, public policy has always encouraged the education of prisoners during incarceration in an effort to rehabilitate them, prepare them to be more responsible members of society after their release and reduce recidivism. Denying Pell grants for prisoners to improve their education represents a radical change in that public policy. This may satisfy the public's demand to be tough on criminals, but is shortsighted and misguided.

Other bad ideas. The list of bad ideas in this crime bill goes on—more enhanced criminal penalties for hate crimes—which I've previously opposed—more Federal mandates, more Federal criminal laws in areas which have no federal connection—carjacking, drive-by shootings, and so forth—and have historically been reserved to the States, more prisons and more limits on remedies for prison overcrowding and civil rights violations.

In case you haven't gathered by now, I'm not real high on this crime bill. While I hope it will have some positive impact, I'm not optimistic that it will. I share the frustration of my constituents about crime and understand that some constituents are concerned that I voted against this bill. However, I simply think this was a political response to a real problem.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, over the last several months we have asked the American people two basic questions. The first question is, do they want a crime bill that provides for more police and more prisons. The American people have said yes. But the second question, do they want to spend in excess of $7 billion in social spending, which did include midnight basketball and dancing lessons and arts and crafts, met with a resounding no from the American people.

That is why this crime bill failed the first time around. So in response to that, a number of Members from this side worked with a number of Members on the Democrat side, and they put together a bill that cuts the pork down about 30 percent, down to somewhere around $5 billion left on social spending.

My colleagues, the problem is, the people have overtaken us in this process. The American people do not want $9 billion in social spending. They do not want $7 billion in social spending. They do not want $2 billion in social spending. They want a crime bill that is 100 percent fat free.

So let us give that to them. If Members support the motion to recommit, they are telling the conferees to go back and come back with the Brewster-Hunter bill that does a couple of things that are very important.

It gives us $2 billion more in prisons and jails than the conference report. It gives us a billion dollars more in police. It gives us a billion dollars more in border control, and it does it all without having any social programs. And it comes in $4 billion less than the conference report.

My colleagues, it is late Sunday evening and tomorrow morning millions of Americans are going to leave their homes and go to work to make the money to pay for this crime bill. Let us give them their money's worth. Vote for the motion to recommit.

□ 1900

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES], perhaps the finest legal mind to sit on the committee for a decade, as well as a former prosecutor who helped shape tough yet enlightened policy in a wide variety of areas, including prisons.

Mr. HUGHES. Mr. Speaker, I thank the chairman of the committee for yielding to me, and I thank him for his remarks. Even my mother does not say things like that.

Mr. Speaker, I want to congratulate the gentleman from Texas [Mr. BROOKS]. I know that this has not been easy for him, because he has done everything he can to get the assault weapons out of this bill, and I salute him for being the statesman that he is and for moving ahead.

I also want to congratulate the gentleman from Delaware [Mr. CASTLE]. I followed his career as Governor, and I did not know him very well, for his bipartisanship, and that of the gentleman from Ohio [Mr. KASICH]. That is what we need. There is too much politics in this Chamber. One of the saddest things that I have experienced over the years I have been here is the lack of comity I have seen in the last 3 or 4 years, and the lack of bipartisanship.

Mr. Speaker, Members all know that crime in this country is on fire. Our cities are shooting galleries, with armed thugs and druggies. It is time to stop fiddling and it is time to pass a crime bill. This crime bill, Mr. Speaker, in many respects is much better, in my judgment, than the one we rejected. I worked in conference, as the chairman will confirm, to try to tighten some of the prevention programs, and I salute the gentleman for doing that. I think it advances us in the right direction.

Mr. Speaker, some of the other provisions are absolutely awful, absolutely awful, but I swallowed hard and I support it, because it is a good bill. It is the best we can do. Look, there are a thousand pages to this bill. There are over hundreds of provisions. If Members want to vote against it, they can find a provision to vote against it.

Mr. Speaker, somebody said it is not about interest groups, but let us not kid ourselves. There are two big interest groups in this country that are involved in this crime bill. Do the Members know who they are? They are the NRA on the one side, and our police and our Governors and our mayors and our county officials and our district attorneys on the other side. Members have a choice today who they are going to stand with. Are they going to stand with the NRA, or are they going to stand with those that represent the public interest?

Mr. Speaker, we have a bipartisan bill. There are those that said that we needed a bipartisan bill. We worked our will in a bipartisan fashion, and we have a bipartisan bill. Those that want no bill now are the same people that found a reason in many respects to vote against it last time.

Mr. Speaker, it is unfortunate, there are some that want a bill, and that is obvious, because they came forward and worked together in a bipartisan fashion. Everybody that I have heard criticizing the bill criticized the prevention side. Look, I will take a back seat to nobody in this House for being a tough prosecutor. I did it for 10 years in the trenches, working with youngsters, and we are losing another generation of youngsters because we have not intervened.

I would say to the Members, Mr. Speaker, ask any chief of police about crime prevention and he will tell you that is as important as building more jails. They are both important. We do that in this bill. It is a good bill. We can save another generation because we are going to do the things we should have done years ago. Vote for the bill and against the motion to recommit.

Like most every Member, I wish that the bill contained some provisions which it does not, and I would prefer to drop or modify others.

Overall, however, the bill offers tremendous potential to truly impact upon the rampant crime which plagues our country and deeply troubles our citizens. They want us to be both tough on crime and smart on crime, and the bill provides both in a balanced approach of both better enforcement and stronger support for prevention efforts.

The bill is a good bill overall. However, as one of the House conferees on the bill, I cannot say the same for the process which produced it.

In the early eighties, we set sail on a questionable course of producing far-reaching and often inadequately considered comprehensive crime bills every Congress.

In the push to produce this year's behemoth, particularly in the past few days, we seem willing to sacrifice good policy to political expediency if good policy gets in the way of reaching a political solution.

With the acquiescence if not the encouragement of our leadership, a new team of ad hoc conferees was sent in by our Republican counterparts. Some of the changes they suggested or demanded were good, some were bad. Unfortunately, policy was not a controlling factor in determining what was accepted and what was rejected in too many instances. Indeed, in the end, as the hours wore on, policy became meaningless.

The worst example of such bad policy is the so-called sexual predator provision. Under a banner proclaiming tough registration requirements for sexual predators, we are adding the Schumer-Gorton provisions, which register almost no sexual predators. We were told we had to adopt this proposal because it mirrors a State program which has been highly successful. In fact, the director of the State program told us that the proposal is a "hodgepodge of inconsistent provisions," which would cost a fortune to set up, and that, had it been in effect in his State, would have registered only 18 sexual offenders instead of the 7,000 the State currently has registered.

Probably the worst feature of this hodgepodge is that it requires registration of only those sexual offenders who committed their crimes against persons previously unknown to them. For example, this registration requirement would probably not reach the child molester and murderer who recently murdered 7-year-old Megan Kanka in New Jersey, since he has lived across the street from Megan and might not be considered a stranger within the meaning of the law. This is a result of the inexplicably narrow definition of a sexual predator under the Schumer-Gorton language.

Fortunately, the registration system already in the bill provides for registration and tracking of all sexual offenders, so the phony toughness of this proposal does not mean that its flaws allow true sexual predators to escape identification and monitoring.

It is regretable, however, that those who want rhetoric at the expense of real registration have joined forces with those who are uneasy about a system which is both tough and effective. The result is a registration requirement which is so fundamentally flawed that it is meaningless.

I also regret that we have rolled back the very narrow provisions in the bill to allow judges to make small adjustments in unduly harsh mandatory minimum sentences.

The need for such adjustments has been called to our attention by a near unanimous Federal judiciary, most of them judges appointed by Presidents Reagan and Bush. In large part, the congressional advocates of allowing some relief for these first time, nonviolent defendants who had a minor role in drug crimes calling for inflexible mandatory minimum sentences are Members, on both sides of the aisle, who designed and pushed through these mandatory minimums a decade ago. I acknowledge with some regret that I was one of those Members.

It is somewhat ironic that proponents of these adjustments are now being accused of being soft on crime by others who only discovered these issues in the last few weeks or days. I chaired the Crime Subcommittee from 1981 to 1991, the period during which these and dozens of other tough crime control laws were passed. I am proud of my role in passing those tough laws. At the same time, I make no claims to infallibility, and am willing to make corrections where we went too far, or when, as in the case of mandatory minimums, unintended consequences produce unduly harsh results. I am deeply disappointed at the mean spirited reception that these modest relief mechanisms have received.

I am also seriously concerned about the changes in the rules of evidence that are included within this bill. These are the proposed new rules of evidence 413, 414, and 415. I do so on several grounds:

We in the Congress many years ago set up an extensive process called the Rules Enabling Act which has served us well for a long time. Under this particular process, changes in the rules of evidence and procedure for Federal courts originate not in the Congress but in the Federal Court System.

In this procedure, the governing body of the Federal Judicial Conference of the United States develops and proposes rules changes which must be approved by the Supreme Court before being submitted to Congress. The changes go into effect 6 months after submission unless rejected or modified by the Congress. The Federal rules of evidence, like all other Federal rules, affect the daily business of all our courts and also serve as a pattern for many State procedural rules.

The committees set up by the Judicial Conference which propose these rule changes are appointed by the Chief Justice of the Supreme Court and include Federal judges. State court justices, constitutional scholars and outstanding members of the bar.

The pervasive and substantial impact of the Federal rules demands exacting and meticulous care in drafting amendments. This is not evident in the proposal before us. The existing rule making process involves a minimum of six levels of scrutiny or stages of formal review. This has gone through none of those levels.

The rule changes in this bill are based on a Senate amendment that was offered on the floor of the Senate and had maybe 20 minutes of debate. It is procedurally and substantively flawed. There has been no debate on the potentially enormous impact it would have on civil or criminal cases.

It is the height of irresponsibility to suggest that we should change our rules of evidence on the basis of no hearings, totally abandoning the process we set up and which has served us well. These particular new rules would create an exception to rule 404 which excludes admission of a person's character for the purpose of proving action on another occasion.

Substantively, the existing rule states that we cannot convict a person for a particular crime based on past conduct of a similar nature. In prosecutions of sexual assault or child molestation offenses, this type of evidence is particularly inflammatory and thus potentially prejudicial to the fact finding process.

These proposed new rules would go even further and allow admission of evidence of acts even if the defendant had been acquitted on this evidence in the past. Any evidence, regardless of conviction could be offered under these changes.

Mr. Speaker, I know that in our actions on crime bills we all have a tendency to try be tough on crime, but this is ridiculous.

Frankly Mr. Speaker, what the bill before us would do will raise very serious constitutional questions. This is particularly true since in this very conference report we have amended rule 412 of the rules of evidence—which, by the way, has been processed pursuant to the Rules Enabling Act—which would prohibit the admission of evidence of the past history of a victim of a sexual offense.

The analogous damage which can be caused by an improper inference and could cause unfair harm to a victim's testimony in a sexual assault trial prompted the change in rule 412. The change was to ensure that the trial should be fair to the victim and not focus on her past sexual behavior. These same concerns should be a factor in considering the changes proposed in rules 413, 414, and 415, but are not.

At the end of my statement I would ask that a letter to Chairman BROOKS from the Honorable Alicemarie Stotler, chair of the Committee of Rules of Practice and Procedure of the Judicial Conference, in opposition to the proposed rules changes for these reasons, be entered into the RECORD.

Frankly, Mr. Speaker, the proposed new rules are not only seriously suspect on constitutional grounds, but they are extremely bad public policy. If the primary evidence in a prosecution's case in chief is evidence of prior acts—which would be possible under the changes—we would be sinking into the star chamber procedures that have long been rejected by civilized societies everywhere. This is not a question of whether you are being tough enough on criminals or protecting victims. This is a question of protecting our system of justice and fair trials.

As one of the House conferees on the conference report, I would like to explain one change we made in the prison grant portion of the conference report.

In title II of the bill, the amended conference report deletes language from the original conference report relating to grants for State correctional facilities. This amendment removes authority for use of the Federal grant funds to fund programs that are outside the normal operational activities of correctional facilities. This means, for example, that an intensive supervision program operated entirely outside a correctional facility and with no custodial element, would not be eligible for funding, even though intensive supervision is a correctional program.

The amendment makes no change in the authority to utilize Federal funds to operate correctional facilities. As a result, normal operational activities may receive Federal support. Activities such as drug treatment, training, and work release remain eligible, even though the operational activity may be internally referred to with the correctional facility as a program.

Similarly, the amended conference report continues funding eligibility for boot camp facilities and other alternative confinement facilities, including operation of such facilities, while deleting authority for other alternative programs unrelated to these alternative facilities.

The amendment is not intended to dictate or circumscribe the components of an operational plan being carried out by a correctional facility, whether it be a conventional facility or a boot camp or other alternative facility. The intent is merely to exclude funding for programs which, however meritorious they may be, are unrelated to the operation of correctional facilities which are eligible for Federal funding support.

It is overall a good conference report. It preserves the essential elements of the previous bill, tightens the prevention programs in a block grant mechanism, and finally provides a strong law enforcement component along with a serious effort to prevent crime.

I urge you to support the conference report and vote against the motion to recommit.

Mr. CASTLE. Mr. Speaker, I yield our final 2 minutes to the gentlewoman from New York [Ms. MOLINARI], our final speaker, a young woman who has worked as hard as anyone else in this building to help put this legislation together, Republicans and Democrats alike.

Ms. MOLINARI. Mr. Speaker, I rise as someone who voted last week to defeat the rule on the crime bill conference report. I voted against the rule because the original conference report added social spending, stripped out tough provisions, and stripped out Republican participation and Republican ideas.

Tonight, Mr. Speaker, after a week of debate and intense negotiations, a better product truly emerges. Tonight we vote on a report that is less expensive than before. We vote on a report that is tougher than before, and we vote on a report that more clearly, but not perfectly, reflects the true priorities of America.

Mr. Speaker, courts must get tougher on criminals because of the changes we made. Women and children, because of the changes, may see just a little more justice this week than last. We have added community notification of sexual predators, mandatory HIV testing for rapists, the opportunity for admission of prior evidence in rape and child molestation cases, mandatory victim restitution, and for all of that, we have acknowledged the need to build even more prisons.

Mr. Speaker, these provisions are added to the original provisions of the Violence Against Women Act.

Tonight, Mr. Speaker, I encourage all my colleagues to vote for the bipartisan crime bill. I urge all my colleagues to join with me in thanking the gentleman from Delaware [Mr. CASTLE], the gentleman from Ohio [Mr. KASICH], and the gentleman from New York [Mr. LAZIO] for their leadership and commitment, and also the gentleman from Georgia [Mr. GINGRICH], for his guidance in this effort.

Mr. Speaker, in closing, I urge my colleagues to take a moment to think and vote for this bipartisan crime bill. I truly believe, we truly believe, it is tougher for the criminal, it is fairer for the victim, and it is, in fact, better for all of our future.

Mr. Speaker, the revised conference bill contains a critical reform that I have long sought to protect the public from crimes of sexual violence—general rules of admissibility in sexual assault and child molestation cases for evidence that the defendant has committed offenses of the same type on other occasions. The enactment of this reform is first and foremost a triumph for the public—for the women who will not be raped and the children who will not be molested because we have strengthened the legal system's tools for bringing the perpetrators of these atrocious crimes to justice.

Senator DOLE and I initially proposed this reform in February 1991 in the Women's Equal Opportunity Act bill, and we later reintroduced it in the Sexual Assault Prevention Act bills of the 102d and 103d Congresses. The proposal also enjoyed the strong support of the administration in the 102d Congress, and was included in President Bush's violent crime bill of that Congress, S. 635. The Senate passed the proposed rules on November 5, 1993, by a vote of 75 to 19, in a crime bill amendment offered by Senator DOLE. This Chamber endorsed the same rules on June 29, 1994, by a vote of 348 to 62, through a motion to instruct conferees that I offered.

The rules in the revised conference bill are substantially identical to our earlier proposals. We have agreed to a temporary deferral of the effective date of the new rules, pending a report by the judicial conference, in order to accommodate procedural objections raised by opponents of the reform. However, regardless of what the judicial conference may recommend, the new rules will take effect within at most 300 days of the enactment of this legislation, unless repealed or modified by subsequent legislation.

The need for these rules, their precedential support, their interpretation, and the issues and policy questions they raise have been analyzed at length in the legislative history of this proposal. I would direct the Members' attention particularly to two earlier statements:

The first is the portion of the section-by-section analysis accompanying these rules in section 801 of S. 635, which President Bush transmitted to Congress in 1991. That statement appears on pages S3238 and S3242 of the daily edition of the CONGRESSIONAL RECORD for March 31, 1991.

The second is the prepared text of an address—entitled "Evidence of Propensity and Probability in Sex Offense Cases and Other Cases"—by senior counsel David J. Karp of the Office of Policy Development of the U.S. Department of Justice. Mr. Karp, who is the author of the new evidence rules, presented this statement on behalf of the Justice Department to the Evidence section of the Association of American Law Schools on January 9, 1993. The statement provided a detailed account of the views of the legislative sponsors and the administration concerning the proposed reform, and should also be considered an authoritative part of its legislative history.

These earlier statements address the issues raised by this reform in considerable detail. In my present remarks, I will simply emphasize the following essential points:

The new rules will supersede in sex offense cases the restrictive aspects of Federal rule of evidence 404(b). In contrast to rule 404(b)'s general prohibition of evidence of character or propensity, the new rules for sex offense cases authorize admission and consideration of evidence of an uncharged offense for its bearing "on any matter to which it is relevant." This includes the defendant's propensity to commit sexual assault or child molestation offenses, and assessment of the probability or improbability that the defendant has been falsely or mistakenly accused of such an offense.

In other respects, the general standards of the rules of evidence will continue to apply, including the restrictions on hearsay evidence and the court's authority under evidence rule 403 to exclude evidence whose probative value is substantially outweighed by its prejudicial effect. Also, the Government—or the plaintiff in a civil case—will generally have to disclose to the defendant any evidence that is to be offered under the new rules at least 15 days before trial.

The proposed reform is critical to the protection of the public from rapists and child molesters, and is justified by the distinctive characteristics of the cases it will affect. In child molestation cases, for example, a history of similar acts tends to be exceptionally probative because it shows an unusual disposition of the defendent—a sexual or sado-sexual interest in children—that simply does not exist in ordinary people. Moreover, such cases require reliance on child victims whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, there is a compelling public interest in admitting all significant evidence that will illumine the credibility of the charge and any denial by the defense.

Similarly, adult-victim sexual assault cases are distinctive, and often turn on difficult credibility determinations. Alleged consent by the victim is rarely an issue in prosecutions for other violent crimes—the accused mugger does not claim that the victim freely handed over his wallet as a gift—but the defendant in a rape case often contends that the victim engaged in consensual sex and then falsely accused him. Knowledge that the defendant has committed rapes on other occasions is frequently critical in assessing the relative plausibility of these claims and accurately deciding cases that would otherwise become unresolvable swearing matches.

The practical effect of the new rules is to put evidence of uncharged offenses in sexual assault and child molestation cases on the same footing as other types of relevant evidence that are not subject to a special exclusionary rule. The presumption is in favor of admission. The underlying legislative judgment is that the evidence admissible pursuant to the proposed rules is typically relevant and probative, and that its probative value is normally not outweighed by any risk of prejudice or other adverse effects.

In line with this judgment, the rules do not impose arbitrary or artificial restrictions on the admissibility of evidence. Evidence of offenses for which the defendant has not previously been prosecuted or convicted will be admissible, as well as evidence of prior convictions. No time limit is imposed on the uncharged offenses for which evidence may be admitted; as a practical matter, evidence of other sex offenses by the defendant is often probative and properly admitted, notwithstanding very substantial lapses of time in relation to the charged offense or offenses. See, e.g., *United States* v. *Hadley*, 918 F. 2d 848, 850–51 (9th Cir. 1990), cert. dismissed, 113 S.Ct. 486 (1992) (evidence of offenses occurring up to 15 years earlier admitted); *State* v. *Plymate*, 345 N.W. 2d 327 (Neb. 1984)—evidence of defendant's commission of other child molestations more than 20 years earlier admitted.

Finally, the practical efficacy of these rules will depend on faithful execution by judges of the will of Congress in adopting this critical reform. To implement the legislative intent, the courts must liberally construe these rules to provide the basis for a fully informed decision of sexual assault and child molestation cases, including assessment of the defendant's propensities and questions of probability in light of the defendant's past conduct.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I rise in opposition to the compromise legislation, which is much too fat for me.

Mr. Speaker, I rise in opposition to the conference report on the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355) which is again being considered by the House. The conferees made certain changes from the bill which was rejected last week. In my view, however, these modifications were not enough to justify changing my position against this measure.

My constituents want a crime control bill that does precisely that: control crime. They want violent criminals, especially repeat violent offenders, put away so they will not be able to commit more crimes. They want justice to be swift, and punishment for severe crimes to be severe.

For this reason I also intend to vote in favor of the Brewster/Hunter back to basics crime control bill which will be offered as an alternative measure. I shall vote in favor of this measure because I believe it is a tough crime control measure which eliminates the social welfare programs contained in the compromise agreement—welfare programs which basically duplicate existing law. The provisions of the bill: First, provide $12 billion in grants to correctional facilities to expand prison facilities with no federal strings attached; second, provide $12 billion in grants for State and local law enforcement agencies; third, provide $2.5 billion for border patrol enforcement and the Immigration and Naturalization Service (INS); fourth, include habeas corpus reform to stop the endless appeals process for death row inmates and convicted felons; fifth, provide a "good faith" exception to the exclusionary rule which will end the practice of setting criminals free based on technicalities; sixth, provide convicted felons to serve at least 85 percent of their prison sentences—that is, truth-in-sentencing; and seventh, end the country club comforts for prisoners by requiring able bodied individuals to work and abolishes luxuries.

I want to emphasize, however, that if the Brewster/Hunter bill is sent to the conference committee, it is my hope that the provision providing $12 billion in grants for the hiring of local policemen will be stricken from the bill. I frankly question whether the Federal Government should be paying salaries of local policemen at a time when the Federal Government is adding some $350 billion each year to the national debt. Have our local governments become powerless to put a sufficient number of policemen on their streets? Is it necessary to borrow another $9 billion from our children to pay for what has always been a responsibility of state and local governments?

I opposed the compromise agreement proposed by the Democratic leadership because I believe the bill is more of the last 30 years of Federal crime policy—weak enforcement initiatives combined with social welfare spending layered on top of the existing patchwork of Great Society programs which haven't helped to make a dent in the ever-growing crime rate.

H.R. 3355 includes some 31 new social welfare programs totaling at least $6.9 billion. These may include—I still have not been provided a copy of the voluminous compromise: $3 million to track missing Alzheimers' patients; $50 million to the U.S. Olympic Committee to set up sports programs in high crime areas; $630 million for afterschool, weekend, and summer programs; $40 million to fund midnight basketball and other sports leagues. And, here Congress has written detailed instructions about how many teams have to be in each league, how many players must be on each team, how many players must live in public housing, and so forth; child-centered activities: hundreds of millions of dollars for arts and crafts, dance programs, recreational activities; model intensive grants: several hundred millions more in grants that can be used by mayors for almost anything they desire.

The chief motivation behind this legislation is not to put murderers, muggers, and drug kingpins behind bars. Last spring, the President unveiled his so-called economic stimulus package which died quickly because it consisted mostly of social spending for State and local interests that had little to do with job creation. Now that polls show that people are most concerned about crime, the same failed programs have been relabeled "crime-prevention," and tucked away in the crime bill.

As Richard Cohen pointed out in his column in the Washington Post, the crime bill "is a political response to a political problem that if enacted, will leave the streets no safer than they are today * * *. The problem with the crime bill is that it had no animating doctrine. It is so at odds with itself that if it were a person it would be institutionalized as schizophrenic."

Mr. Speaker, the rationale for these massive new social programs is that crime will be reduced if government provides recreational activities, more social services and so on. But this argument belies the fact that society has spent $5 trillion on the war on poverty since 1965, yet the national crime rate stands at its highest level ever. In addition, we already have within our Federal statutes some 266 programs dealing with at-risk youth and over 150 different job training programs. We don't have to create more of these programs.

One-third of the funds—nearly $9 billion over 5 years—are supposedly aimed at putting 100,000 new officers on the street. First of all, it would take an estimated $42 billion to hire this many new policemen. According to Princeton professor John DiIulio, $9 billion would fund only about 20,000 fully funded positions. Allowing for sick leave, disabilities, vacations, desk work, and three shifts a day, it takes 10 officers to put 1 officer on the street around-the-clock. So the 20,000 positions become 2,000 around-the-clock cops, and they are to be distributed to at least 200 jurisdictions. In addition, the bill puts so many conditions on receiving these funds that many State officials have said they will not be able to hire any new policemen because the program would cost them money. One recent study of the bill finds that it would put two new social workers on the street for every new cop it funds.

Moreover, as previously stated, I don't believe our debt ridden Federal Government should get into the business of paying the salaries of local policemen at a time when the Federal Government is adding some $350 billion each year to the national debt. What we are doing here is to recreate revenue sharing. We've already traveled down that road. The Federal Government cannot finance the very basic responsibility of local governments which is what the cop on the beat is.

There are, of course, some sound anticrime features to the bill. Roughly one-third of the funds in the bill would assist States in building more prisons, although the U.S. Attorney General would be afforded new powers in regard to State prison construction. However, the bill does not provide the funds be conditioned on criminals serving at least 85 percent of their sentences, that is, the so-called truth in sentencing requirements. As I understand it, this new conference report, like the previous one, concludes that 60 percent of the prison funds are not conditioned on any truth-in sentencing requirement and 40 percent are based on a formula that requires only some progress toward longer sentences.

The bill also contains a watered-down version of the so-called three strikes and you're out provision. The provision imposes mandatory life imprisonment without parole for criminals convicted of three violent crimes or serious drug offenses. On the surface this is a strong crime control provision which I do support. However, as reported by the conference committee, the provision is weak and ineffective. The fundamental flaw is that the third strike must be a Federal crime or drug offense. Since 95 percent of violent crimes fall under State and local statutes, few criminals will be affected by this provision.

The bill also reportedly guts one of the most effective law enforcement tools to induce cooperation against high-level drug traffickers, that is, mandatory minimums in sentencing. Mandatory minimums apply—with a single exception—to drug dealers, not users.

Finally, Mr. Speaker, the $30 billion cost of the bill is supposed to be funded from projected savings over 6 years from Federal personnel cuts ordered in separate legislation enacted earlier this year. The savings are allegedly to be placed in a trust fund. I question whether any savings from Federal personnel reductions over the next 6 years, to the extent it may occur, will be sufficient to finance the costs of this crime bill and/or will ever be applied to the crime bill costs. I have never seen a trust fund in the Federal Government that ever has one cent in it. The funding aspects of this bill are pure fantasy. To my knowledge the costs of the crime bill are not even budgeted. I believe that most, if not all, of the costs of the bill will simply add to future deficits and our national debt.

Joan Beck had an insightful column in last week's Chicago Tribune, in which she wrote:

> Maybe the key question is to ask taxpayers whether the $30 billion they would have to shell out for this bill would make them feel safer and less worried about being a victim of crime. That's the crucial question.

The answer I arrived at, after carefully reviewing the original legislation as well as this compromise version, is no.

Mr. McCOLLUM. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, we have heard a lot here about this bill. What I want to say is, as I said at the beginning of this debate, men and women who are reasonable can differ in their view of what has been done and what has not. However, we had a bad bill to begin with. We have a slightly improved bill that got a little bit of a trim around the edges, but not a haircut, and we still have a bad bill.

It was $33 billion when it went into this conference report, and it is $30 billion now that it is out of here. We have no business spending this kind of money, particularly when we just trimmed a little bit off of the social welfare spending programs, and brought them down from $9 billion to $7 billion in that arena. This is still loaded with Great Society social welfare programs.

Mr. Speaker, I know that the men and women who negotiated on my side of the aisle were doing it in good faith, but that is still the truth of the matter.

We have not really strengthened prison bills. The net amount of money in here for prison construction, Mr. Speaker, to help the States solve the problem of the revolving door and get truth in sentencing, is actually less than it was in the previous report back out here for us.

If we want to talk about community policing, Mr. Speaker, it is a sham in this bill. It always has been a sham. It has not changed one penny, because we are not going to get 100,000 cops, we are only going to get somewhere in the neighborhood of 20,000, and the States are going to have to pay four-fifths of the money that will be paid for any new cop on the street.

Mr. Speaker, the only way we can get a decent bill out of here, one that is tougher and does not waste the taxpayers' money, is to vote for the motion to recommit that I am about to offer, that is the Brewster-Hunter proposal, that puts all of the money into prisons and into real cops on the street, and not this phony thing that is in this bill, and does what is necessary to put swiftness and certainty of punishment back into our system again to help the States, to send a deterrent message, to make sure that once again, we as a nation can be proud that we have done something that the people really want, instead of doing the kind of social welfare spending junk that is in the main bill.

Mr. Speaker, I say that with all due respect to the work that went in. It is improved, but it is so marginal that we can hardly see it. We have a bad bill, and we need to vote that bill down. However, in preference to that, I urge a vote on the motion to recommit; that is, the Brewster-Hunter proposal that puts the money and effort and the right kind of strength in here that ought to be there, instead of this bill.

Mr. BROOKS. Mr. Speaker, I yield the remainder of our time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 2¼ minutes.

Mr. GEPHARDT. Mr. Speaker, a week ago we defeated the first crime bill that came back from the conference. I was disappointed, because I thought it was a good effort that had a good balance, and was a large crime bill that was the most comprehensive effort we have ever made in history to try to deal with the matter of crime. We were defeated. I learned a long time ago, however, that in a democracy, you do not win every vote and you do not win every issue.

□ 1910

Rather than just going off and accepting defeat, in the last 5 days we have reached out to Members of the other party and Members of the other party have reached out to us. We began a series of discussions and negotiations that have yielded the bill that is before us today. There were tough compromises that were made. I want to thank the minority leader and the minority whip and many of the Members that worked on this side. I want to thank the chairman of the committee, members of the Committee on the Judiciary on our side, I want to thank the Speaker of the House, all of whom worked together to reach the bill that we have today.

Mr. Speaker, this is a good bill. Through the determination and the decency of Members on both sides of the aisle, the bill that was good last week is better, in my view, this week. We kept the principles of the bill. It has punishment, harsh punishment. Most of the money in the bill, the vast majority, two-thirds of it, goes for greater law enforcement and for prisons, as well it should. But in addition, this bill for the first time in the history of our country recognizes that if we put all of our effort on what happens after crimes are committed, we have no chance of stopping crimes from being committed.

Some will say that the Federal Government has no capacity for fighting crime and preventing crime and we should not even try. I do not believe that.

We did make improvements in what we did in this bill and I give credit to our friends on the other side. We block-granted 13 categorical programs. I think that is an improvement, because now mayors of cities will have a greater ability to decide how to spend those moneys. But some would say we should not even try, and I would say to the Members of the House, and this is the most important point: We must try to figure out how to begin preventing crime in this country.

Every child we lose, every child we lock up is a child we cannot afford to lose. Four days ago, a 13-year-old boy here in Washington, Michael Stokes, was killed by another 13-year-old boy. Yesterday the pastor, Wilbert Miller, at the funeral said this:

> Children should not have to see their friends' blood staining the street corners. God's children don't deserve to die.

If we start saving some of God's children, maybe in 10 or 50 years this Congress will not have to pass another crime bill.

Ladies and gentlemen, vote for this bill.

Mr. RAMSTAD. Mr. Speaker, as one of the leaders of the bipartisan group which worked to craft a comprehensive, trimmed-down crime bill, I rise today to urge passage of this tough, balanced bill that provides much-needed police, prisons, punishment, prevention, and treatment.

Since I first came to Congress, my top priority has been to pass a tough, balanced and fiscally responsible crime bill. This bill represents a balanced, bipartisan compromise, with a reduction of $3.5 billion in nonessential spending.

Now that we've eliminated this nonessential spending, it is completely paid for by a trust fund established from the reduction of the Federal work force by 252,000 employees.

America is losing the fight against crime and drugs. That's why we need this tough, comprehensive and balanced crime bill that provides more police, prisons, punishment, prevention, and treatment.

Every major law enforcement organization in America supports this compromise crime bill. We need to give our cops the resources to effectively fight crime, and this bill does that.

We desperately need the added cops on the beat, tougher sentences for violent criminals, more prisons and boot camps, and effective drug treatment and prevention programs.

We also need the Jacob Wetterling Child Protection bill, which I wrote. The children of America and their families need the Wetterling bill to protect them from child abductors and molesters, and cops want it as a resource for investigating child abduction and molestation cases.

The children of America and their families also need the other two child protection bills I authored—the Child Sexual Abuse Prevention Act and the Assaults Against Children Act—which are part of this important bill.

We also need the violence against women measures to deal with the unprecedented violence against women in America.

Mr. Speaker, we stand at an historic crossroads. It's time to take off our Republican hats, take off our Democrat hats, and pass this bipartisan bill to address the epidemic of violent crime and drugs in America.

The good, law-abiding people of this country deserve nothing less.

Mr. DELAY. Mr. Speaker, I know that I speak for myself, many of my colleagues and the American people when I say I am sick and tired of this hug-a-thug approach to crime. While the crime bill has been improved by Republicans, it's still not good enough. Americans don't want our judicial system coddling criminals. The American people want safety, and they are demanding rights for victims and rights for their communities.

However, this crime bill federalizes prisons, takes greater control over State and local spending, imposes a gun ban on law-abiding citizens, and takes a hug-a-thug approach to rehabilitating criminals.

First, the money for prisons in this bill is subject to Federal task force supervision. In other words, the States can build prisons with Federal money, but only if they do it according to Federal regulations. The funding for cops on the street also directs power away from communities as it allows law enforcement to decide how to spend it. The three strikes and your out provision is also a sham, requiring that the third offense be Federal and that each strike be a separate incident.

With regards to gun control—has it occurred to some of you that those of us who oppose a gun ban might actually believe in what we are doing? If the NRA supports us, does that make our convictions a crime?

Finally, this bill still contains billions of dollars for funding of prevention programs. Mr. Speaker, I would submit that real criminals are laughing at your programs. You can't be serious when you say you hope to produce muggers that watercolor, rapists that can waltz, and robbers that are more in touch with their inner selves.

I urge my colleagues to begin real welfare reform tonight. Vote for the motion to recommit and vote against this hug-a-thug crime bill.

Mr. HOYER. Mr. Speaker, I rise today in support of the conference report on the Violent Crime Control and Law Enforcement Act. I believe the conferees have crafted a tough, comprehensive, and balanced crime package.

I know the work on developing this bill has been challenging and time consuming. However, the hard work was necessary so that a strong bill could be produced which would have real short and long term effects in the fight against crime. Mr. Speaker, I have had extensive dialog with many of my constituents since we began this crime bill debate over a year ago. They are very concerned about the crime dilemma and the problems associated with it.

Crime is of great concern to them and the danger it poses to the security of their homes, streets, communities, and schools and the safety of themselves, their children, families, and neighbors. Since we were sent here to represent them, it is incumbent upon us to do what we can to move crime to the bottom of the charts. Passage of a tough, smart, crime bill moves us a step closer to fulfilling our duty.

Mr. Speaker, when I leave here today, I want to be able to assure the parents, the friends, and the community of Greenbelt, MD, which still mourns the senseless death of 13-year-old Carlton "C.J." Brown, that the Federal Government has taken a significant step in the fight to curb violent crime. C.J. was a beloved, honor student in the prime of his life who was killed when a melee broke out between two rival groups.

In an all too common occurrence, C.J. just happened to be in the wrong place at the wrong time. Unfortunately, another mother and father are now without a child and another community is without a future leader. Stories like this about innocent citizens falling victim to senseless violence are now too common. That is why we must enact this legislation which aims to help alleviate such violence.

Mr. Speaker, the crime bill we have before us can do that. It is a tough bill which packages police, punishment, and programs designed to keep young people off the streets and out of gangs.

Even though we do not have major league baseball today, by approving this crime bill, we do tell repeat violent offenders—"three strikes and you are out." I am very pleased that this bill includes the "three strikes and you are out", which I proposed last year. This provision says to repeat violent offenders that they have forfeited their rights to be members of our society and that they will go to jail forever, never to plague us again. A poll taken earlier this week shows that 74 percent of the American people favor this provision of the bill.

The bill also includes increased funding to help States build prisons and boot camps to house violent offenders. Additionally, it provides funding to place additional police officers on the streets.

These police officers will play a crucial role in community policing efforts such as those in Prince Georges County, MD, moreover, it includes the Violence Against Women Act which includes provisions designed to curb violence against women and increase the penalties on those who commit crimes of violence against women.

This provision could help thwart violent attacks such as the brutal torture and murder of Stephanie Roper who fell victim to a senseless attack. These strong measures combined with others in the bill will help to reduce the plague of crime that confronts us.

The time for this bill is now. We must not continue holding up Federal assistance to the States and local governments.

Since the majority of crime is committed at the State and local levels, these entities can best judge where Federal resources need to be allocated. The block grants in this conference report will need those who fight on the frontlines with additional resources to make our communities safer.

Mr. Speaker, this bill has very broad support and has garnered the support of the following: The National District Attorneys Association, The National Association of Attorneys General, the Federal Law Enforcement Officers Association, the Fraternal Order of Police, International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriff's Association, the International Brotherhood of Police Officers, the International Union of Police Associations, the Major Cities Chiefs, the National Association of Police Organizations, the Police Executive Research Forum, the National Trooper's Coalition, the Police Foundation, the Democratic Governor's Association, the United States Conference of Mayors, the National League of Cities, the National Conference of Republican Mayors and Municipal Elected Officials, the National Conference of Democratic Mayors, the National Association of Counties, and most importantly the American people who sent us here.

Enough is enough. It is time for this body to release the chains which hold this crime bill hostage so that C.J. Brown's family, the Greenbelt, MD, community and other communities that I represent, Stephanie Roper's family, the various police departments in my district awaiting funding to hire more police, will take comfort in knowing that help is on the way.

Mr. Speaker, I support final passage of this bill, and I urge my colleagues to do the same.

Mr. KOLBE. Mr. Speaker, I will vote for the conference report on H.R. 3355, the Omnibus Crime Control Act. It is not a great bill, but it is—in many respects—a good bill. It is certainly a better bill, far better, than the conference report we considered in this House just 10 days ago and returned to the conference when the rule was defeated.

How has it been made better? It has reduced the overall cost of the bill for the American taxpayer—by more than $2 billion. It does so by making a 10-percent cut in 28 social programs, eliminates the jobs program which has nothing to do with a crimefighting measure, and consolidates 13 other programs into a single block grant, thus giving States the opportunity to decide how to allocate the money.

It took out the outrageous pork-barrel spending in the district of one Member, the chairman of the Judiciary Committee.

It increases funding for prisons by $1.2 billion and targets some of that money to States with a truth-in-sentencing provision.

It prohibits the retroactive release of drug offenders serving time under minimum sentences. The bill last week could have released as many as 16,000 drug offenders.

It changes the rules of evidence of prior sexual offenses so that a prosecutor may enter that evidence in the record.

It makes victim restitution mandatory.

It requires HIV testing in rape cases.

It incorporates the provisions offered by our colleagues, Ms. DUNN and Mr. ZIMMER, and requires the registration of sexual offenders located in a community.

It sets aside money for the Violence Against Women Program.

Mr. Speaker, these are all good provisions, but the bill misses the mark in several important areas: 50 percent of the money for prisons is still not conditioned on having States adopt truth-in-sentencing guidelines.

The money for cops on the street is less than honest. If it actually funded 100,000 additional law enforcement officers, it would provide only $14,000 for each cop; the reality is that only 20,000 to 27,000 more officers could be funded with this money—and then only for a limited period of time.

It has far less money for prisons than the bill initially passed by the House months ago—$7.9 billion instead of $13.5 billion.

It has no reform of habeas corpus provisions, so that we might end the costly, lengthy appeals of death row inmates. It does not include the provisions for expedited deportation of criminal aliens—a truly inexplicable deficiency.

And, of course, it still has in the bill a ban on the sale or ownership of certain assault weapons. Mr. Speaker, this provision does not belong in this bill. We have passed this bill separately in the House—though not with my support. The Senate could simply take this measure from the desk, vote on it tomorrow and send it to the President where it awaits an eager signature.

But, on balance—and a complicated piece of legislation like this is always a balance—I find this crime bill a step forward. Americans, Arizonans, want us to do something about crime. They want us to give tools to law enforcement officers and prosecutors to fight criminals. This bill makes a modest step in that direction.

Ms. SNOWE. Mr. Speaker, crime is a serious problem in America. Americans no longer feel safe in their own neighborhoods. While the population of the United States has increased 44 percent since 1960, violent crime increased by more than 500 percent in that same time. Every single day, 14 Americans are murdered, 48 are raped, and 578 are robbed. One-third of all Americans will be robbed in their lifetime and three-fourths will be assaulted.

The best way to deter crime is to provide swift, certain, and tough punishment to criminals. The first conference report did not strike the proper balance between punishment and prevention. That is why I voted against the rule last week, and urged the House leadership to reconvene the conference and improve the bill. Furthermore, I cosigned a letter to President Clinton with other moderate Republicans which formed the basis for the bipartisan agreement that brought forth the conference report we have before us today.

The bipartisan conference report we are considering today is significantly stronger than the original conference report because it emphasizes funding for prisons and police more than social spending. Funding for prisons increased by $1.4 billion, while social welfare prevention programs were either eliminated or cut by 10 percent, resulting in total reductions of $2 billion. In fact, most of my constituents have opposed funding for these programs.

It is regrettable that the administration waited so long before being willing to work with moderate Republicans on a crime bill. If Republicans had been brought into the process sooner, a crime conference bill would have passed by now. However, I am pleased that the administration did finally agree to work on a bipartisan crime package.

I am concerned, however, that the conference agreement does not include tough mandatory minimum sentences for criminals who commit crimes with firearms. I joined a majority of my colleagues in supporting tough provisions to increase mandatory minimum repeat offenders using semiautomatic firearms could be sentenced to life in prison. Incredibly, however, the conference report does not include these provisions. In addition, it wrongly infringes upon the rights of law-abiding citizens to bear firearms.

I certainly understand and share my colleagues' and constituents' concern with the number of violent, gun-related crimes. Gun control, however, is not an effective approach in addressing this problem.

The District of Columbia is a good example of the ineffectiveness of gun control. The District's gun control law is one of the strictest in the Nation. Yet year after year, the District sets a record for homicides. In 1992, 443 people were killed in the District with the majority of deaths being caused by handguns. No deaths were caused by rifles of any kind. At the same time, I think it is important to note that while Maine ranks second in the Nation in guns per capita, it ranks 49th in violent crimes per capita.

The conferees, however, did make some important improvements to the crime conference report—many based on the letter I signed to the President. For example, the total cost of the bill was reduced by $3.3 billion, and the bill is funded entirely from the crime trust fund which will be created with the savings from streamlining the Federal work force. In addition, the bill increases funding for prisons by $1.4 billion, and two-thirds of the cuts were made to social welfare prevention programs.

This reduction in social welfare prevention programs is in keeping with the will of most Americans. According to the national crime bill survey conducted by Luntz Research Companies, social programs rank at the bottom of proposals to reduce crime. When asked to choose, a clear majority of voters—57 percent—believe that stronger punishment is a better way to prevent crime.

Other positive changes are that the conferees narrowed the retroactivity of new rules reducing mandatory 5- and 10-year Federal sentences for some nonviolent, first-time drug offenders. Conferees also agreed to allow neighborhoods to be notified if sexual predators are released into their neighborhoods, and to allow prosecutors in sexual assault cases, rape and child molestation cases, introduce evidence that the defendant has committed similar crimes in the past—a provision that was supported overwhelmingly in the House by a vote of 348 to 62. In addition, conferees eliminated the $10 million for research program at a university in a conferees district—a provision which was not in either the House or Senate-passed crime bills.

The conferees retained many of the important provisions which were in the House-passed crime bill that I voted for last April. For example, it includes three-strikes-you're-out provisions which focus on keeping repeat violent offenders off of the streets for good. It mandates that a felon convicted of a violent Federal felony with two prior State or Federal violent felony convictions on his or her record, be sentenced to life in prison. This provision is absolutely critical if we are to wage an effective war on crime.

In addition, this bill has an important provision asking the Attorney General to consider closed military installations in rural areas for conversion into Federal prisons, if such a plan is cost effective and consistent with local reuse plans. for example, Loring Air Force Base in Loring, ME, is scheduled to close in September of this year, and the devastating economic impact of the closure on the region could be offset if the base was converted into a prison facility.

The crime bill also includes $1.62 billion for the Violence Against Women Act, which provides funds to combat crime against women. Women and children are frequently victimized by the worst crimes in our society. Consider the horrible stabbing deaths of a Washington, DC, woman and her 13-year-old daughter in May of this year, allegedly by a former boyfriend who was enraged by her demand for child-support payments. Mr. Speaker, these crimes have no place in any society, and this crime bill takes important concrete steps to combat violence against women.

The crime conference report could be improved even more. Congressman MICHEL will offer a motion to recommit the bill to conference, with instructions to make funding for prisons, police, and border patrols the highest priority. This motion will give conferees the opportunity to adopt provisions of the bill recently introduced by Representatives BREWSTER and HUNTER, including a $4 billion increase in prisons, a $1.2 billion increase in State and local law enforcement funds, truth-in-sentencing provisions to ensure that criminals serve at least 85 percent of their sentencee, and it does not earmark valuable Federal resources for unproven social welfare prevention programs. In addition, the Brewster-Hunter bill takes the tough, proven, crime-deterrent approach by requiring mandatory minimum sentences for criminals who commit crimes with firearms, rather than banning semiautomatic firearms. Should this motion be defeated, however, I intend to support the crime conference report.

Mr. Speaker, Americans have the right to be personally secure, to be free from the fear of violent crime. The bill before us today takes positive steps to both punish criminals and keep them off of the streets, and to address the roots of crime as well. The conferees clearly should have included the provision to provide mandatory minimum sentences for violent criminals who commit with a firearm, and should have removed the ban on semiautomatic firearms. Nevertheless, this bill will provide many benefits to communities and States struggling to deal with rising crime, and consequently I am giving it my support.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to both the rule and the conference report on H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994. Ordinarily, I vote for rules related to bills to be debated and voted upon in the House, even when I intend to vote against the bill. Only in extraordinary cases have I voted against a rule with the intention of precluding a bill from coming to the floor. The principle for voting for a rule, even where I disagree with the merits of the legislation, is steeped in my firm belief in the constitutional right of free speech and debate. I have taken the extraordinary step of voting against the rule on the crime bill as my only means of protesting the extraction of the racial justice provisions from the crime bill conference report.

The racial justice provisions were incorporated in the crime bill which was passed by the House by a vote of 285 to 141 on April 21, 1994. The conferees sent the conference report back to the House, after stripping the racial justice provisions from the bill. The bill now includes 60 additional Federal crimes for which capital punishment can be imposed. In the absence of a provision in that bill on racial justice, I cannot in good conscience vote for the rule. The vote which I cast in the House of Representatives must be commensurate with my conscience and rooted in the basic principles to which I subscribe relative to both freedom and justice.

Mr. Speaker, the Justice Department's Bureau of Justice Statistics reported recently that nationally African-Americans account for 40 percent of the prisoners serving death penalty sentences. This percentage is three times greater than our Nation's total African-American population which is only 12 percent. In my own State of Ohio, African-Americans make up 50 percent of the total number of persons serving death penalty sentences. It should be noted that Federal courts have found constitutional or racial bias violations in at least 40 percent of the death penalty convictions and sentences reviewed in the past 15 years. Under the Clinton administration, all 10 of those being tried in Federal death penalty cases are African-American.

In a society in which racism is institutionalized, it seems to me that fairness and justice would dictate the necessity of inclusion of a provision relating to racial justice, particularly when you are adding 60 new and additional crimes for which you can impose the death penalty. The situation is now more exacerbating considering that the same Congress that 3 months ago saw the necessity for passing a racial justice bill, is now trying to pass a crime bill excluding it.

It is true that inclusion of prevention funding for the purposes of providing social remedies is a new approach to crime prevention in this Congress. But, even this prevention provision has been greatly reduced within the last 24 hours from the original amount that was in the conference report. This sacrifice is a further example of another last minute compromise to gain support for this bad bill at any cost. While I support prevention funding as a means of preventing both crime and criminal activity, I can in no way equate that or any sum of money with the exchange of my vote, which is based upon conscience and principle.

In addition to this basic principle regarding the rule and the crime bill itself, it will be my intention, if the rule passes, to vote against the bill. The three-strikes-and-out provision which will turn our prisons into aged warehouses, geriatric and hospice wards, is unacceptable to me. This proposal will do little to end crime. Already, the U.S. incarceration rate is the highest in the industrialized world, at 450 per 100,000 citizens. In the African-American community, however, the average rate is 1,300 per 100,000 citizens. More incarceration is obviously not the answer.

The inclusion of the provision permitting 13-year-olds to be tried as adults for certain crimes is another unacceptable provision. The mandatory nature of this provision is unprecedented in the Federal system. This measure will simply facilitate the matriculation of juveniles into the world of a revolving door of adult street crime and imprisonment. A constituent, Dr. Edward Dutton who is also a psychiatrist with extensive experience working with our youth, in a letter to me pointed out that at the present rate of incarcerations "* * * mostly young, male, African-Americans * * * the African-American community is being exterminated by the criminal justice system."

Last, I must continue to oppose the immoral, barbaric, and uncivilized taking of human life in the name of the Government. It is as immoral for the State to deprive a human being of life as it is for anyone else to do so.

Mr. Speaker, as I cast my vote against the rule and against the crime bill I will be mindful of the poignant statement of Justice William Brennan in McCleskey versus Kemp when he said:

> It is tempting to pretend that minorities on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustice are not so easily confined. The destinies of the two races in this country are indissolubly linked together, and the way in which we choose those who will die reveals the depth of moral commitment among the living.

Mr. FINGERHUT. Mr. Speaker, as has so often happened during the 103d Congress, the twists and turns that important legislation takes before a final vote, and the charges that are made for and against the measure, are both unexpected and wildly exaggerated. The debate today over this bipartisan compromise crime legislation is certainly no exception. If you are looking for a reason to say no to any significant initiative, as so many of my colleagues are, you certainly can find reasons. But it seems to me that we are accomplishing at least three significant things here today.

First, we are considering a bipartisan initiative on one of our Nation's most pressing problems. Without question, my greatest disappointment as a Member of Congress has been the rarity with which we make such bipartisan efforts. On every issue, there are people on both sides of the aisle who would rather see a problem go unsolved than see the other side get credit for solving it. Too often, the administration and Democratic leadership have failed to reach out for bipartisan support. Too often, the Republican Members have walked locked-step in opposition to Democratic initiatives. Today, we have a significant number of Republicans who reached out to the Democratic leadership, and, thankfully, the Democratic leadership accepted their hand. The result is a bill that makes no one completely happy, but which everyone believes is a step forward.

Second, what the bipartisan group is saying is that the Congress ought to significantly reprioritize a large segment of Government spending. Specifically, we have as a Congress voted to cut 252,000 bureaucrats from the Federal Government, making the Federal bureaucracy the smallest since President Kennedy served in the White House, and return the money saved through this reduction in the bureaucracy to the States and the local communities to help them in their fight against crime.

The bipartisan group is also saying that, as a legislative body that represents the entire Nation, we recognize that the fight against crime requires different initiative in different areas. Some communities need help hiring more police officers, others do not. Some States need help building more prisons, others do not. And yes, some communities need help with programs that keep young people off the streets and in productive activities. I recognize the deeply felt desire of many Americans to believe that Government cannot substitute an athletic program for stronger families. They are right. But we legislate today for some communities where it is safer for children to stay in school after hours than to go home to their families. We cannot pretend this does not exist. Allocating a small percentage of these funds to programs that build character through athletic and academic activities should not be derided as pork barrel spending.

Third, we take a small but important step in the search for a sane firearms policy by banning the manufacture and sale of 19 assault weapons. Many have claimed during this debate that the assault weapon ban was not a critical issue. But the truth is that this bill would have passed overwhelmingly on many occasions if it were not for the presence of this ban in the bill. Indeed, one only need consider the contents of the Brewster-Duncan motion to recommit, which argues that its benefit is the absence of prevention spending, to see that the assault weapon ban is a major stumbling block, since that proposal eliminates the ban from the bill. If the sponsors of the motion to recommit truly wanted to offer a crime bill focused only on law enforcement activities, they would have left in the assault weapon ban.

As usual, the arguments for and against the assault weapons ban are overblown. When this Congress passed the Brady bill, some said it would take a large bite out of crime; others said it would do nothing. I only believed that it would save lives by taking guns out of the hands of a few criminals who otherwise would have bought weapons over the counter. This view has been proven correct, as nearly 200 convicted felons in Ohio have been stopped from purchasing guns since the Brady bill took effect. Likewise, I do not believe that the assault weapon ban will fundamentally change the reality on the streets of our country. But I do believe that it will save lives even though no one will ever know whose life it is we saved.

The assault weapon ban is really a very simple proposal. There are already many weapons which are restricted for military use in this country. Civilians are not allowed to own fully automatic machineguns, nor can they purchase bazookas or shoulder-held rocket launchers. Today, we add 19 new and very dangerous weapons to this list, while explicitly exempting over 600 other weapons. This is a move I strongly support.

Mr. Speaker, whenever I have been in doubt over how to vote as a Member of Congress, I have thought first and foremost about the children of my district. Earlier this year, I held three countywide summit meetings with the youth in the 19th district. At each meeting, they talked about the need for them to have safe places to go and positive activities to occupy their time. They also said they were scared by the prevalence of dangerous weapons on our streets. I believe that this bill responds in an important way to their concerns and deserves broad support. That is why I will vote yes on this bipartisan conference report.

Mrs. MALONEY. Mr. Speaker, there are those that claim that the crime bill is just another social welfare program.

I challenge them to tell that to the New York City woman whose 13-month-old baby was shot to death as he lay sleeping in her arms. I challenge them to tell that to Mary McDonald, whose husband was killed and whose son was wounded when a crazed gunman opened fire on the Long Island Railroad. I challenge them to tell that to my own husband and daughter, who were attacked in our own home by three armed thugs.

Rather than social welfare program, this bill is an ounce of prevention and a pound of punishment. It is a clear warning to those who would break the law that they would be wise to consider another line of work.

This bill would provide billions for new prison construction—that's not pork, that's punishment. This bill would put 100,000 more cops on the street—that's not pork, that's punishment. This bill will ensure that the truth in sentencing provisions can be enforced so prison will not be a revolving door—that's not pork, that's punishment.

Mr. Chairman, some have argued that the crime bill needed to be changed. And indeed, unfortunately it has changed. I think that this bill didn't need to change—it's this Congress that needs to change.

I am glad that at least this bill has maintained the assault weapons ban. If this Congress is unable to take assault weapons off the streets, then we should fly the white flag of surrender over the Capitol dome instead of Stars and Stripes.

Let's provide the funding for the policemen, prisons, drug courts, Violence Against Women Act, and yes the bipartisan prevention programs, that this country so desperately needs. It's time to pass this bill. It would be a crime to vote against it.

Mr. POSHARD. Mr. Speaker, I rise to discuss with the people of the 19th District of Illinois and this Nation my views on the crime bill which is now before us. This has been a long and arduous process, reflective of the serious crime problem facing this country and the serious efforts which have been made to address it.

I voted for a crime bill in the House on April 21. The bill called for just under $28 billion in spending on crime—$5.5 billion in law enforcement, $14.1 billion for prisons and incarceration, and $8.1 billion on prevention. Importantly, the bill did not have the onerous gun control provisions which I have opposed throughout my career in public service.

Discussions of substantial issues facing this country involve compromise, with give and take on both sides. That is the beauty of Democracy.

So the House was obligated to consider the bill which the Senate had passed, a $23 billion measure which included a ban on so-called assault weapons. The House and Senate then went to a conference committee to produce a final version of the bill.

When that compromise came to the House on August 11, I was dismayed by a number of both specific and broad elements of the bill and the process by which it had come to us for consideration. We had not been given adequate time to review the hundreds of pages and determine how the approaches being set forth would assist crime fighting efforts in our district. We had a $33.5 billion bill, far more expensive than both the House or the Senate bill. And we had a bill which included the ban on assault weapons.

Against the wishes of the leadership of my party in the House, against the wishes of our President, and against the wishes of some people in my district who truly believed this was a good bill, I voted against the rule governing debate on the bill, thus demanding that the conference committee come to us with a better bill. That vote was 225 to 210, and in my mind, sent a clear signal that we needed substantial changes.

During the days following that vote and leading up to today's vote, I spent a considerable amount of time reading and listening to differing views on this issue. I talked with judges, prosecutors, gun owners, parents, my staff, and my family, all in an attempt to do what I thought was the best thing for the people in my district and in this Nation.

The bill which comes before us today is still not perfect. Because I believe that we could make changes, including addressing my concerns with the gun control provisions, I once again voted against the rule, again suggesting to the conference committee that a better bill was needed.

But the rule passed, 239 to189, moving forward consideration of the crime bill. At that point in time, the House was then presented with a new development and a whole new set of circumstances to consider. Many of my colleagues who shared my concerns over second amendment issues and with the levels of spending in the bill produced a last-minute package, which is commonly referred to as the Brewster bill. The bill has some strengths, primarily its focus on prison construction, providing more money for law enforcement personnel, three strikes and you're out sentencing and no weapons ban. But the bill has substantial weaknesses as well, lacking an expansion of the death penalty which is provided in the conference report and lacking any effort to provide up-front prevention.

Under certain circumstances, this would be a starting point for consideration of a crime bill. But to vote for the motion to recommit, in essence endorsing a bill which was introduced just hours prior to the vote was not a viable alternative.

In the final analysis, my choice was to determine whether the bill which was now before us was worthy of my support.

What had my votes against the rule, against bringing the bill to the floor accomplished? The final compromise was just over $30 billion, slightly more expensive than the House version which I supported and less expensive than the first agreement which I opposed. The final agreement has substantially more money in law enforcement, in cops on the beat provisions which should help our communities address their crime problems. To accomplish that goal, we had to shift some money from prison construction and prevention programs. But the bulk of the shift occurred in the prevention programs, and the final bill has a strong prison construction component.

The House bill had about $8.1 billion in prevention, while the final bill has about $6.9 billion, a substantial decrease in spending. We also eliminated a number of suggestions for Federal programs and put the money into block grants which States and localities can access for their own local solutions to crime problems.

Most importantly, I had to decide whether voting for the motion to recommit or voting against the final crime bill would help us, in the final analysis, pass a crime bill. I decided it would not. The process had moved forward to the greatest extent possible. It was more bipartisan. And after years of debate and disagreement, it was time to pass a crime bill.

I know there are many friends and supporters who will disagree with my analysis. I know that they will feel as though I should have voted against any bill which includes gun control, or perhaps should have voted for any bill without gun control. I respect their views.

I voted against the weapons ban when it was presented to the House for an up-or-down vote on the weapons ban alone. I wish we had been able, by continuing to oppose the rule, to strike the ban from the bill. But I do not believe that my vote on the final bill reverses my historic support for the rights of law abiding Americans under the second amendment. I will remain vigilant in my support of the rights of law abiding citizens.

These were very difficult decisions, a responsibility which I accepted when I asked the people of the 19th District for the privilege of representing them in the U.S. House of Representatives. People whom I respect will disagree with me and I will continue to respect them.

Ultimately, I had to examine this issue on balance. I had taken my objections to gun control as far as I could. I had worked to find middle ground on prevention programs. I had encouraged the House to build prisons and put police officers on patrol. Of course, the final bill is not perfect. But on balance, it was the best, most responsible and most effective response to crime which we could reach. For those reasons, it earned my vote.

Mr. BORSKI. Mr. Speaker, I rise today in strong support of the conference report to H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994. This comprehensive crime control measure is an effective means of providing the much-needed protection for our neighborhoods and our families.

Mr. Speaker, the combination of punishment and crime prevention found in this bill will have a significant effect in controlling the war that is raging on our Nation's streets. Passage of the crime bill is especially helpful in the city of Philadelphia, which would greatly benefit from the increased police presence on our streets, the toughening of sentencing for repeat violent offenders, and effective prevention efforts.

In addition, passage of the H.R. 3355 would allow cities to challenge federally imposed prison caps. The city of Philadelphia, which I represent, suffers under one of the worst Federal prison caps in the Nation. In 1986, a U.S. district judge imposed a consent decree cap on the number of prisoners permitted to be detained in order to settle a class-action legal suit brought against the city by inmates who claimed the prisons were overcrowded. This cap limits the number of inmates which can be detained to prevent overcrowding of the jails. However, as a result of this arbitrary prison cap, many criminals are released moments after they are arrested due to a lack of holding facilities and prison overcrowding. Police are forced to spend their valuable time re-apprehending the same criminals who commit the same crimes, hours or days later.

Criminals rarely, if ever, report for trial. In Philadelphia, of all the defendants released under the prison cap, 47 percent fail to appear in court. What this means is over a period of 6 years, from 1988 to 1994, over 230,000 unanswered bench warrants existed due to prisoners refusing to appear in court. Philadelphia's police force does not have the resources to go after these brazenly lawless individuals, and justice is never administered. Due to this consent decree cap, imposed to comfort the grievances of prisoners, the law-abiding citizens of Philadelphia were placed in unnecessary danger.

In 1991, the city of Philadelphia was forced to release tens of thousands of prison-cap defendants with pending criminal charges. Of these defendants, over 8,000 were rearrested for new charges, including 77 murders, 851 burglaries, 1,993 drug charges, and 1,102 robberies.

This crime bill attempts to end this dangerous procedure of releasing criminals by allowing the city to challenge federally imposed prison caps. The prison overcrowding provision of H.R. 3355 would be applied retroactively and grant the city of Philadelphia an opportunity to appeal the consent decree of the Federal district court and, possibly, alleviate the dangerous situation present in Philadelphia.

In addition, the crime bill would require that any claims of "cruel and unusual punishment" made by prisoners be handled on an individual, case-by-case basis, and that any relief found legitimately necessary to remove these conditions be made in the least intrusive manner.

Mr. Speaker, the city of Philadelphia, and the entire Nation, needs this crime bill. Our Nation needs the stronger, more noticeable police presence found in the cops on the beat provision. One hundred thousand additional beat-cops would do more than anything else to catch criminals and prevent crime from occurring in the first place.

Our Nation needs the Violence Against Women Act which would increase the Federal resources available to combat violence against women.

Our Nation needs the assault weapon ban which would ban the manufacture and importation of weapons of war, and attempt to get these deadly weapons off of our streets.

Mr. Speaker, let's pass the crime bill and stop the madness of crime and warfare present on our city streets.

Mr. KYL. Mr. Speaker, tonight we will finally vote on H.R. 3355, the conference report to the crime bill. It has not been an easy path; the process which led us here leaves much to be desired.

Last week, a clear majority of Republicans and Democrats voted against allowing floor consideration of the bill until improvements could be made.

Negotiations in the ensuing week have cleared the way for an improved crime bill. Of course, we can do even better—there are still several objectionable provisions in this bill, which is why I voted to recommit the bill to conference one last time. But at least, as a result of these negotiations, thousands of convicted drug dealers will not be released from prison to go back out on the streets and deal drugs. This time, we have included many of the important provisions of H.R. 688, legislation I introduced with Representative MOLINARI to reform our Nation's sexual and domestic violence laws. This time, we will include an amendment requiring registration of released sexually violent offenders and then notification of communities when a sexually violent predator moves into an area. And, in this crime bill we provide additional resources for the border patrol to fight illegal immigration. We have cut the cost, reduced duplicative social spending and toughened law enforcement.

This legislation is not the bill I would have written. I have tried every step of the way to improve it; and our persistence has paid off. There will be no other opportunities now that the rule has passed and the motion to recommit has failed. As a result, I am prepared to support the bill to ensure the law enforcement and criminal justice reforms some of us have fought so hard for during this and other sessions of Congress.

In this new bill we will have more money going to law enforcement and prisons. The compromise contains $7.9 billion in funding for prisons instead of only $6.5 billion provided for prisons in the original crime conference report. Instead of cutting funding for additional police officers by 10 percent, the compromise retains the $8.8 billion for additional police officers—although States must still jump through far too many hoops to get funding for prisons and police; I would prefer far more of the funding be given out in block grants so each State can decide for itself how best to fight crime.

The legislation I have supported throughout this process, H.R. 2872, the House Republican crime bill, includes measures, among other things, to set mandatory minimum prison terms for violent crimes; provide funding for additional police officers; limit probation and parole; limit death row appeals and expand the death penalty; provide funding to fight illegal immigration and strengthen criminal alien deportation laws; increase penalties for crimes committed with guns; provide funding for prison space to incarcerate violent offenders; provide a good faith exception to the exclusionary rule, and, provide tough provisions to combat sexual and domestic violence.

One of the most important elements of the sexual violence provision of the compromise, added as a result of negotiations following defeat of the rule last week, is its inclusion of two key provisions of the Republican crime bill and of H.R. 688, the Dole-Molinari-Kyl Sexual Assault Prevention Act. The first provision changes the Federal Rules of Evidence so that, in sex offense cases, evidence of prior similar conduct of the accused can be admitted at trial. Victims of sexual violence deserve to be treated more equitably during the criminal justice process and this is one important way to do this.

The other important sexual violence provision which has been added to the crime compromise as the result of negotiations is the requirement that the accused in rape cases be tested for HIV and AIDS. For the thousands of victims of rape each year, inclusion of these two provisions was critical to my support of this crime bill compromise.

The compromise also includes many other important provisions of H.R. 688. There has been a need to find a better way to respond to sexual and domestic violence. In Phoenix, AZ, for example, the number of domestic violence cases investigated jumped from 995 in 1983 to 14,254 in 1993.

As with the Sexual Assault Prevention Act, this compromise will provide Federal funding to States, shelters, and law enforcement communities to combat violence against women. Grants will be provided for battered women's shelters, training of law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, and develop programs to deal with stalking. Also included are general discretionary grants of $500,000 to combat domestic and sexual violence. The bill also authorizes funding for victim/witness counselors for victims in domestic violence and sex crimes cases.

Another important provision of our legislation included in the compromise creates a new Federal offense for interstate travel to commit spouse abuse or to violate a protective order. This is particularly important given the increase in protective orders filed in Arizona, particularly in Maricopa County. In the first 3 months of this year, 698 requests for protective orders were filed in Maricopa Superior Court, an 8-percent rise over the previous quarter and a 32-percent increase over the first quarter of 1993.

This crime measure also includes from our bill the following measures to combat sexual violence: Suspension of Federal benefits if the perpetrator falls behind in restitution payments; extension and strengthening of the rape shield law to cover all criminal and civil sexual assault cases; right of the victim to address the court before the defendant is sentenced; a national baseline study on campus sexual assault; right to be hear regarding the danger posed by the defendant if he is released before trial; death penalty for certain Federal rape and child molestation cases; increased penalties for recidivist sex offenders; increased penalties for sex offenses against victims below the age of 16; and, mandatory restitution for victims of sex offenses.

Another important area in the fight against crime is stopping the flow of illegal aliens across the Nation's borders. This compromise includes $1.19 billion for asylum reform, immigration enforcement activities, and border patrol agents. This provision is especially important to Arizona, which has been left out of the administration's illegal immigration enforcement plan. That plan has given Texas and California several hundred new border patrol agent positions, while Arizona has only received 33 new support positions. The result has been a significant increase in illegal crossings across Arizona's border; a 57-percent increase in illegal immigrant apprehensions has occurred between October-June 1993 and October-June 1994. I have contacted the Attorney General several times to request additional border patrol agents for Arizona but so far these requests have not been fulfilled.

The crime conference report also includes $1.8 billion to reimburse states for the cost of incarcerating criminal aliens. This key concern for Arizona, which incurs costs of approximately $100 million a year to incarcerate criminal aliens. In fact, the State of Arizona has filed a lawsuit against the Federal Government for the cost of incarcerating these criminal aliens. It is my hope that this bill will help alleviate these unfair costs.

Another important component of crime legislation which must be included is sufficient funding for prison construction to keep violent criminals behind bars. If we knew that we could reduce the problem of violent crime by 70 percent with just a few actions, would we do it? This is a particularly important question for Arizona where the violent crime rate has increased 129 percent between the years of 1975 and 1993, according to the uniform crime report.

According to researchers at the University of Pennsylvania, approximately 7 percent of criminals commit over 70 percent of violent crime. If we facilitate putting and keeping these criminals in prison, we eliminate the chance of being victimized by their actions.

As stated, the crime bill compromise more adequately provides funding for prison construction funding for the States. According to government data supplied by Michael Block of the University of Arizona, between 1980 and 1990, the 10 States with the highest increase in their prison populations, relative to total FBI crime indexes, experienced, on average, a decline in their crime rates of more than 20 percent, while the States with the smallest increases in incarceration rates averaged almost a 9-percent increase in crime rate. Redirection of funds for more prison construction was another reason I support this compromise.

Fighting crime is not a one time proposition. Beyond this crime compromise, much still needs to be done. I will continue to work to pass the important provisions of H.R. 2872, the Republican crime bill, that were not included in today's compromise. For example, the best way to reduce gun violence is to mandate strict penalties for crimes committed with guns rather than to ban semiautomatic weapons, the effect of which will not be to reduce violent crime. There should be exclusionary rule reform allowing evidence obtained in good faith but outside the scope of the fourth amendment to be admitted at trial. I will also continue to work toward habeas corpus reform, which would limit the endless number of appeals available to death row inmates.

This crime bill is not a panacea for our Nation's crime problems but it will help. I remain committed to correcting the objectionable features in the bill and to passing other tough reforms to our criminal justice system. For the safety of Arizona and the rest of the Nation, I hope the other members of this body will join me in this continuing fight.

Mr. MFUME. Mr. Speaker, I rise today in support of the rule for consideration of the conference report to H.R. 3355, and in support of the conference report. While I do not believe that this bill, in itself, will stop crime, I do view it as a reasonable attempt to address some of the problems our society is currently facing.

Mr. Speaker, the conference report that we are currently considering is a compromise. This bill represents the middle ground between people such as myself, who believe we should concentrate on prevention measures, and those who believe the Federal Government should focus only on punishment. I support the prevention measures contained within this bill and, frankly, I would like to see more resources devoted to crime prevention. As a realist, however, I recognize the need, especially the political need, to balance prevention with punishment.

I would also like to take this opportunity to address some of my colleagues, especially those on the other side of the aisle, who try to dismiss the prevention provisions in this bill as social pork. While I do not mean to belittle the crime problems facing the communities represented by those Members, it is fair to say that some of the communities I represent have crime problems that are unimaginable to them. I represent streets that are, at any time of day, occupied largely by the bodies of drug addicts and victims of violent crimes. I represent entire neighborhoods where parents teach their children to avoid stray bullets before they teach them to walk. I represent children who no longer dream of their futures; they simply fight to survive.

It is for these children that I support and promote the prevention programs. There is no way that punishment, by itself, can address the magnitude of the problems facing these neighborhoods. I implore my colleagues to allow this legislation to go forward and to retain the prevention programs. Please permit those of us facing the worst of the problem—those of us who have grown up and lived amid the crime, the drugs, and the violence—some input on how we should address the situation.

I believe that the programs contained in this bill will help parents throughout the country sleep a little better. They are intended not only to help control crime in urban areas, but also in the suburbs and rural areas as well. The crime problem in the United States is not selective nor is it segregated by neighborhood. We all have an interest in abating this growing problem, and I believe that this bill will help all of us cope.

My support for this bill is not, however, unqualified. As an opponent of the death penalty, I am ardently opposed to expanding the number of Federal crimes for which the death penalty may be applied. I am also very troubled by the removal of the essential fairness in sentencing safeguards, known as the Racial Justice Act. These provisions were included in the bill that originally passed the House. President Clinton has assured us that he will enact an executive order to address bias in death sentencing, and will create a bipartisan commission to make further recommendations on the issue. It is clearly a victory to have the White House, for the first time, go on record acknowledging racial disparity in death sentencing and attempting to do something about it.

Efforts had been made to reach a compromise on the Racial Justice Act so that it may be included in the final bill. I, along with other proponents of Racial Justice, offered to make major changes in the language that would substantially deal with the concerns of those who have been opposed to the measure. Unfortunately, Racial Justice was not approved by the conference committee.

The act would have allowed defendants convicted of a capital crime to present statistical evidence of racial bias at their sentencing hearing. Such a hearing would take place only after the jury had recommended the death penalty. Racial bias could be inferred if "race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question." The bias could be based on the race of defendants or the race of victims, and the evidence would have to include "comparisons of similar cases involving persons of different races."

The racial justice Act would not have ended the death penalty. In fact, it would have had absolutely no effect in a large number of jurisdictions that do not have enough defendants on death row to show a statistically significant pattern. In addition, the prosecution could rebut the evidence by showing that the case is unique and does not fit a pattern of racial bias, or show that the appearance of race-based sentencing is a coincidence.

Critics have coined Racial Justice "the death penalty quota," but Racial Justice is only about statistical fact and the right to have those facts used in court. The use of race as a "statistically significant factor" is not without precedent. The Voting Rights Act and the Civil Rights Act allow the use of racial statistics to show unlawful discrimination. If an individual may use statistics to defend his or her right to vote, obtain adequate education and gainful employment, it would only be fair to allow an individual the right to use racially significant statistics if those same statistics mean the difference between life without parole and death.

There are other provisions of this crime bill that I do not believe will be effective in the fight against crime, and may even be counterproductive. For example, the bill eliminates Pell grants to prisoners. Less than 1 percent of Pell grants awarded go to incarcerated students and, in this fiscal year, less than 0.5 percent of the Department of Education budget went to programs for incarcerated individuals.

At a cost of over $30,000 a year to keep someone behind bars, it is more expensive to send someone to prison than to Yale. In addition, recidivism rates that average 50 to70 percent can be reduced to 15–30 percent through postsecondary education while incarcerated. It is very unfortunate that this crime bill does not give offenders the chance to turn their life around through education and become productive members of society upon their release.

Another issue to which I take objection is the death penalty. The death penalty has proven to be the most atrocious display of government sanctioned racism that exists today in America. Statistics have shown time and time again that the death sentence is applied in a grossly unfair and discriminatory fashion.

History shows that minorities have received a disproportionate share of society's harshest punishments, from slavery to lynchings. The race of the victim also constitutes a factor in the discriminatory fashion in which the death penalty is applied. Of the 229 executions since the death penalty was reinstated, only one has involved a white defendant for the murder of a black person.

As I said earlier, though, there are positive aspects in the bill. The bill contains a number of provisions that I, other members of the Congressional Black Caucus, members of the Hispanic Caucus, and other progressive members of the House have worked very hard to retain.

The Assault Weapons Ban Act is a significant and very important part of the crime bill we are debating today. This Act will ban 19 specified assault weapons and their copycat models—weapons of mass destruction that have no place in civilized society. The assault weapons ban names another 670 weapons that are protected from the ban for hunting, sporting and other legitimate uses.

The Congressional Black Caucus was instrumental in ensuring that prevention was significantly addressed by this bill. The bill recognizes that solutions to crime are often found in the community, therefore, it includes the Local Partnerships Act. The Local Partnerships Act will provide direct grants to States and localities for education, substance abuse, jobs programs and other anticrime strategies. The funds to cities and towns in Maryland would amount to $32 million, and communities would be allowed discretion to target the funds where they are needed most.

Another important program included in the prevention package is the Model Intensive Crime Prevention Program. This program would provide grants to up to 15 model programs for intensive community services in high crime areas. These grants would be provided to selected communities for programs to fight the social conditions that contribute to crime in the community and provide alternatives to crime.

Unfortunately, this new conference report eliminates a number of targeted programs. These programs, however, have been replaced with a new local crime prevention block grant. This new block grant will provide funds for localities for a wide variety of prevention programs, ranging from midnight basketball to establishing Boys and Girls Clubs in low-income housing.

The crime bill provides funds for grants to States to put 100,000 more cops on the streets. Strong, more effective law enforcement capabilities are essential in the fight against crime. Community policing will lead to better communication and relations between the police and the communities they serve, so that we may all contribute to the safety of our neighborhoods. In my State of Maryland, this would amount to up to 2,000 police officers plus funding for the implementation of community policing.

The bill also enacts the Violence Against Women Act. This is an important and long overdue effort to combat crimes against women. Women have, too often, been victims of crime because of their gender. The Violence Against Women Act includes grants for domestic violence shelters and rape crisis centers, education programs to combat judges' gender and racial bias in sexual assault and domestic violence cases, rape prevention programs on campuses and a civil rights cause of action for victims of crimes. In Maryland, this would mean a total of over $500 million to combat crimes against women.

Mr. Speaker, it is imperative that the Congress pass a crime bill this year. Although I do not agree with some of the provisions of the bill, there is too much invested in this effort to allow it to fail. The constituencies we represent have called for action and requested that we pass a smart bill that is tough on crime. This bill achieves the delicate balance between law enforcement, prevention and punishment. I urge my colleagues on both sides of the aisle to support enactment of the Crime bill.

Mr. FAZIO. Mr. Speaker, I rise in support of the most comprehensive crime package in our Nation's history, the Violent Crime Control and Law Enforcement Act of 1994.

In recognition of the critical role that our communities play in fighting crime, the bill focuses attention and resources on the State and local levels—the frontlines where the bulk of the responsibility for responding to crime lies. And it moves us closer to meeting our overall goal of ensuring that justice is dispensed equally and fairly, and that punishment is also fair, fast, and consistent.

It contains the three-strikes-and-you're-out provision, which will keep repeated violent offenders off the streets. It also supports programs that reduce gang membership and provide alternatives for youth who are at risk. Other provisions provide substance abuse treatment for Federal prisoners and increased sentences for Federal hate crimes. There are also measures to reduce the incidence of violence against women, and to punish those who commit crimes of violence against women.

The bill also bans certain specific assault weapons. This legislation will have very little affect on the right of the average American to bear arms. It includes weapons used almost exclusively by organized crime, gangs, and drug cartels, but does not include any weapons, semiautomatic or otherwise, used for hunting. The further restrictions on the sales and ownership of assault weapons that are in this bill will not cause a major reduction in crime. However, they will make it much more difficult for drug dealers, violent criminals and psychopaths to get their hands on military-style semiautomatic rifles and certain shotguns and pistols.

Although we do not have detailed, nationwide statistics on the misuses of these weapons, the Oakland Police Department weapons unit reports that criminal misuses of assault weapons in Oakland fell by virtually half since the enactment of the California ban. This is a small price to pay to help curb the unnecessary and senseless violence that plagues communities throughout our country. If 1 life or 1,000 lives are saved because we are able to keep an assault weapon out of the wrong hands, it is worth the effort.

The bill includes a number of provisions that attack crime in rural areas, too, including one which I introduced along with my colleague from Michigan, Mr. STUPAK, a former police officer and State trooper. The Fazio-Stupak amendment expresses the sense-of-Congress that rural areas should continue to receive the level of support that they had prior to enactment of this crime bill—that rural America should not receive less funding than it did in fiscal year 1994. It was developed in response to feedback which I received from sheriffs and police chiefs in my district who, in a visit to Washington earlier this year, expressed their concern that they would lose Federal funding that supports their efforts to fight drugs and the violence that accompanies this persistent problem. In response, my amendment will help ensure that rural communities do not lose ground as the rest of the country moves forward on new anticrime strategies.

Because crime is not an isolated problem, it cannot be dealt with in isolation. And there is no one solution to the overwhelming problem of crime in our neighborhoods and communities. But this bill is an important step toward confronting and addressing it. It is a good place to start, and the time is now. We should all be able to put aside our partisan differences and come together on behalf of what is good for this country—our communities, our families, and our children. I urge my colleagues, on both sides of the aisle, to join me in support of this crime bill and to support this conference report.

Mr. GUNDERSON. Mr. Speaker, I come to this debate from a veiwpoint which I believe many share—that the primary responsibility for crime fighting and criminal justice lies with our State and local governments. This is the second time this month that Congress has considered a version of the crime bill. In my opinion Congress has again placed too much emphasis on the ability of the Federal Government to restrict and regulate when it should be acting as a partner to our State and local governments.

State and local governments are responsible for detecting, prosecuting and administering the vast majority of crimes in our country. Nearly 99 percent of criminal laws on the books are State laws, not Federal. Likewise, States prosecute and sentence well over 95 percent of violent criminals in our country. If we are fully committed to fighting crime at the local level, then the Federal Government must act as a partner to State and local governments by fully funding additional police officers and in helping to fund prisons.

The crime package is the most expensive ever, and if approved would authorize $30.2 billion for three main activities—police, prisons, and prevention. For most people, this alone appears to be a positive step toward fighting crime. Indeed, there are some positive aspects to this legislation. Perhaps the most important is the Byrne Grant Program which allows states and local governments to devise creative approaches to fighting drugs and crime. Do not be fooled, however. The crime package is heavily weighted toward urban areas and will do little for rural areas like western Wisconsin.

The centerpiece of the crime package is the Cops on the Beat Program. Supporters claim that the program will put an additional 100,000 police on our streets over 6 years. Well, almost. The program only funds about half of the cost of hiring an additional officer over 6 years. Each year, the local government has to fund more of the cost of hiring the officer in the form of salary and benefits, and after 6 years the towns themselves most fully fund the new officers. As the Wisconsin Counties Association wrote to me recently: "[T]his is nothing more than a time-released unfunded mandate. County governments in Wisconsin cannot afford this type of federally imposed increase in law enforcement personnel." In other words, the Federal Government is mandating and regulating, not acting as a partner.

Experience also shows that most of the money under this program will go to big cities. Earlier this year, the Clinton administration tested the Cops on the Beat Program. Over half of the grants for new officers went to four States which are politically important: California, Texas, Florida, and Illinois. Although most of the remaining grants were made to cities with a population of less than 150,000 people, only 16 percent of the money went to towns with a population of 10,000 or less. Wisconsin received just over $2 million in the pilot program. Over half of this amount went to departments in the Milwaukee metropolitan areas—more evidence that big cities will do well under this legislation.

The second prong of the revised crime package allocates $7.9 billion for grants to States to construct new prisons. In order to receive some of the money, however, States must change their criminal law to comply with the many requirements in the package. For example, 50 percent of the funding authorized by the bill is reserved for States which enact truth-in-sentencing laws, under which violent criminals must serve at least 85 percent of their sentence. Wisconsin does not meet this test, having just enacted a similar provision that violent criminals serve at least 75 percent of their sentence. The rest of the money is discretionary, allowing the Department of Justice great authority to determine where the money goes.

The third prong of this crime package is prevention. The prevention programs have been trimmed down in the revised conference report to $5.9 from $9 billion. The major program, the Local Partnership Act, will provide $1.6 billion to local governments across the country. Each State is guaranteed a portion of the money, but the money will be allocated based upon the rates of violence in cities in the State. In short, this will direct most of the money toward the large Urban areas.

Despite the promise of such a large crime fighting package, each of the programs authorized still must go through the annual appropriations process. The bill creates a crime trust fund, a special fund which can only be used to pay for crime fighting activities. Over $30 billion of these programs are intended to be funded through the trust fund. Over $22 billion of the trust fund money is to come from restructuring of the Federal work force, but the sources of the rest of the funds have not been completely specified. In addition, the whole $22 billion is not immediately available. Instead, it will gradually accrue over 5 years. The bottom line is that it is doubtful that all of these programs will be fully funded, and some are likely to not be funded at all.

We do know that the trust fund will be financed in part from cuts in other important programs. One of the alarming consequences of the crime bill is that the Clinton administration has traded funding for education programs in exchange for more dollars for the trust fund. In his budget blueprint this spring, President Clinton initially requested $7.56 billion for the chapter 1 program, which provides education assistance for disadvantaged students. Last month, the House passed the fiscal year 1995 Labor, Health and Human Services, and Education appropriations bill which provided $7.24 billion for chapter 1, $320 million less than the President's request. The Senate passed its version this week providing a similar amount. Despite strong annual support from both houses and this program and the fact that the program serves barely over 50 percent of the eligible students, the $320 million was diverted to the crime trust fund. Funds have also been diverted from the Federal Bureau of Investigation and the Drug Enforcement Agency.

I have indicated that I will vote to send the revised conference report back to the conference committee. This does not mean that I think Congress should turn away from trying to pass a crime initiative, however. I have cosponsored the Brewster-Hunter compromise measure which contains many of the same provisions as the current crime bill, but it fulfills the Federal role in crime fighting. The Brewster-Hunter package would allocate more money than the revised conference report for additional fully funded police officers at the local level. It would also increase funding for prison grants to States without excessive strings attached. Finally, it would increase funds for border enforcement so that we can get a handle on illegal immigration.

One can assume that, after the modifications, there will be enough votes to pass the crime bill conference report, although the House leadership was unable to do so on its own the first time. If they do pass this crime bill, it will be without my vote. For this is not Federal aid to local law enforcement for assistance in its fight against crime, this is the Federal Government imposing additional restrictions and more mandates.

Ms. WOOLSEY. Mr. Speaker, I rise today to again lend my support to this crime package. I firmly believe that it could have been a better bill if some Members of this body had not insisted on playing ugly partisan politics with it. It is deeply disappointing that meaningful prevention programs had to be scaled back in order to make the bill agreeable to some Members. Still, this bill will go a long way toward making our families and communities safer.

Recently, I met with local law enforcement officials and joined local officers on the beat in my district. I heard a balanced message about stopping crime from them: We need tough punishment and smart prevention. With that message in mind, I support this comprehensive anticrime package—a package that contains severe penalties for repeat violent criminals and meaningful programs to prevent crime before it happens.

This anticrime package includes a "truth in sentencing" provision that calls on States to ensure that criminals serve their rightful sentences before being paroled. States that do not abide this law will risk losing their Federal funds for fighting crime.

The anticrime package contains Federal funding to put 100,000 more law enforcement officers on our streets. The bill also emphasizes community policing so that officers can get to know their community and work with neighbors to prevent crime.

Domestic violence is one of the leading causes of injury and death for American women, and I am pleased that the Violence Against Women Act has been included in this bill. This tough new law strengthens penalties for crimes against women and girls, while adding new funds for prosecutors, victim assistance, and programs to fight rape and domestic violence.

In addition, I strongly support the bill's provisions to keep combat-style assault weapons out of the hands of criminals by banning the manufacture, sale, and possession of these deadly weapons. I am pleased that this body was able to stand up to the special interests, like the NRA, who sought to prevent the will of the people from prevailing.

The anticrime package expands useful and effective crime prevention programs for youth. It provides funding for drug prevention and rehabilitation services, as well as programs that will keep youth off the streets and out of trouble.

Mr. Speaker, it is time that Congress move to give our families the security on our streets and in our neighborhoods that they deserve. I urge my colleagues to join me in passing this crime package.

Mrs. VELÁZQUEZ. Mr. Speaker, I must join my colleagues who have spoken before me to say that this bill does not contain pork. I'll tell you what pork is: Pork is the billions of dollars in tax breaks for the rich and for the corporations, who got fat during the 1980's while the poor got poorer. Pork is the supercollider and star wars—billions of dollars in wasted spending.

Gang resistance, drug treatment, youth development programs are not pork, but focused intervention in the lives of people who currently have no hope for a better existence. These programs are cost-effective deterrents, prudent alternatives.

My constituents are tired of all the rhetoric and all the politics. They are tired of hearing about the deaths of innocent children caught in the crossfire of drive by shootings. They are tired of watching America's War on Crime, which is nothing but an embarrassment. People talking about pork need to go to my district in Brooklyn and see first hand what we need, and I bet you will find that more prisons is not the answer. If prisons and death penalties were all that we needed, then we would not be debating crime year after year after year.

Mr. Speaker, in closing I must say that the NRA did not elect me. The people of the 12th District did, and I'm going to vote for their needs, not the desires of the NRA. I will not play politics with the lives of America's youth. I urge my colleagues and the American people to see through this charade of deception and vote for the conference report.

Ms. WATERS. Mr. Speaker, on Thursday, August 11, I voted against a rule to allow consideration of the pending crime bill.

There were provisions in the bill which I strongly supported—moneys for community policing and prevention programs, an assault weapons ban and drug treatment funding. The Violence Against Women Act would strengthen laws against domestic violence and authorize nearly $2 billion for rape prevention and battered women's programs.

There were other parts of the bill I found objectionable.

Most objectionable to me was the expansion of the death penalty to cover 60 new Federal crimes. In the end, that was the deciding factor for me in opposing the rule on the crime bill.

I am opposed to the death penalty with every fiber of my being. I am morally opposed to the State taking human life because I feel human life is sacred, a gift from God. During my 14 years in the California State legislature, I consistently opposed capital punishment. I can do no less in the U.S. House of Representatives.

I am opposed to the death penalty on moral grounds. There are, however, plenty of other reasons to reject capital punishment as public policy.

The death penalty is disproportionately imposed on the basis of race. Forty percent of prisoners on death rows across the United States are black. Eighty-four percent of the prisoners executed since 1977 were convicted of murdering white victims, despite the fact that blacks and whites are homicide victims in roughly equal numbers. Prior to a 1986 Supreme Court decision, a number of black prisoners were convicted and sentenced to death by all-white juries after the systematic exclusion of blacks from the jury panel. Since this ruling was not retroactive, many remain on death row. Discretion by prosecutors in deciding when to seek the death penalty can mean unequal outcomes for the same crime in jurisdictions with longstanding histories of racial discrimination.

Under the Anti-Drug Abuse Act of 1988, aimed at drug kingpins, 75 percent of those convicted have been white but 78 percent of death penalty prosecutions under the Act have involved blacks.

The death penalty disproportionately falls on the poor, those without the resources to hire adequate legal counsel. Many public defender systems are woefully inadequate. In the past 18 months at least 4 prisoners executed were defended at trial by lawyers who had never before handled a capital case. Poor defendants also suffer from lack of adequate counsel to appeal their cases.

Clearly, the well-to-do do not end up on death row. Unequal resources equals unequal justice.

The death penalty is final. It leaves no room for error. And yet an October 1993 report by the House Subcommittee on Civil and Constitutional Rights listed 48 documented cases of innocent men freed from death row since 1972.

There is no evidence that the death penalty serves as a deterrent to crime. Texas is second to none among States in executions. Nearly 400 people are on death row. Since 1976, Texas has executed more than 70 persons, more than twice as many as runner-up Florida. Six innocent people have been sentenced to death and later released in the past 7 years.

Notwithstanding an aggressive application of the death penalty, Texas has a sky-high crime rate. Its crime rate grew by 24 percent within the same time period and violent crime increased by 46 percent. Texas leads the Nation in police officers killed. Detailed studies, comparing similar States with and without the death penalty, have found no evidence that the death penalty deters crime more than any other punishment.

The death penalty is justifiable neither on moral grounds nor on grounds of efficacy in the fight against crime. It is, however, a convenient tool for some to pretend they are doing something about crime in the streets without really doing much at all.

People of good will can disagree on this or that side of this crime bill. For my part, however, I cannot vote for a crime bill that sweepingly expands the death penalty to 60 new crimes. Simply put, I cannot separate what many describe as a "procedural vote" from the substance of the matter.

Public officials are ofttimes criticized for failing to stand on principle, for being too willing to compromise who they are and what they believe. I will not do this.

I look forward to voting "aye" on a bill that attacks the root causes of crime and assures us of safe streets without expanding the opportunity of the State to put more people to death.

Ms. ENGLISH of Arizona. Mr. Speaker, it is with much sadness that I bring to the attention of my colleagues yet another act of senseless youth violence in my district.

On July 31, Crystel Cabral, disappeared. On August 7, Crystel's body was found in the desert. She had died of two gunshot wounds to the head. Two youths are being held for her murder.

Crystel was a model citizen of my district. She is remembered as a giving, trusting, caring, and fun-loving teenager. She helped her teenage friends cope with their growing pains, volunteered her time to comfort and feed the homeless, and has just returned from a year-long student exchange program in Argentina.

Crystel was just beginning to live her life until someone decided they needed a car, and would do anything, including murder, to get one. Crystel was tragically in the wrong place at the wrong time. Her life was taken in exchange for a joyride.

This tragedy comes on the heels of many other acts of youth violence in my district. During this summer, in one community in my district, the following senseless acts of violence have occurred:

An 18-year-old Chandler man died of a gunshot wound when a fistfight with four other teenagers turned deadly.

Anique "Nickie" Fater, 45, was shot to death June 7, allegedly by a teen trying to snatch her purse in a grocery store parking lot in Gilbert.

Raymond Alvarado, 29, was shot and killed by a teenager over what witnesses said was a dispute over a bag of potato chips.

Two youths burned a cross in front of a Jewish restaurant, a bagel shop, and a synagogue in vicious displays of hate.

Two Mesa High School football players were shot in a motel parking lot after an argument with a group of young men.

Brian Patrick Lindsay, 20, a Scottsdale resident and a Northern Arizona University student, was fatally shot several times in the chest while working at a fast food restaurant. The youths fled the scene with sandwiches and chips.

Both Greg Whipperman of Mesa, and Robert Valdez of Chandler were shot while riding their bikes in different parts of the East Valley, on the same day. Luckily, both survived.

Mr. Speaker, what's the going rate for a life these days? A handful of potato chips? A few submarine sandwiches? Or is it just the price of gas money to drive around and shoot people on their bikes for kicks? Why has this hate been allowed to invade our communities?

These senseless acts further underscore the need to pass the crime bill before us today. I call upon my colleagues to put aside the politics of gridlock. Help me help the families who are on the frontlines of this battle.

The time has come to put the safety of working families first. The crime bill will help rid our streets, schools, and homes from the fear of violent crime.

For Crystel Cabral, her family and friends, I want to provide our communities and families with the tools necessary to beat this problem. The first step is to pass this crime bill.

Mr. KLECZKA. Mr. Speaker, today, the House of Representatives will debate and hopefully pass the conference report on the crime bill, clearing the way for swift enactment of serious anticrime legislation. For 6 years now, Congress has grappled with the issue of crime, and although we came close to passing a bill last Congress, it unfortunately died in a Senate filibuster. With the passage of this crime bill, we are breaking that cycle of gridlock and responding to one of the most important problems in our society.

I would like to emphasize a few of the more important provisions in the conference report that will make a difference in the lives of average Americans. One such provision is its strong commitment to local law enforcement. It is no secret that the vast majority of crime occurs on the State and local level. In fact last year, 99 percent of the arrests for violent crimes were made by State and local police for—and this is important—violations of State laws. The Federal role in crime prevention is comparatively small.

With this is mind, the single best step Congress can take to combat crime is to provide State and local law enforcement with the funds to hire more police. This crime bill authorizes $8.8 billion for community policing, which translates into 100,000 new police officers nationwide. In Wisconsin that means about 2,000 new police officers walking the beat. That single fact will make more of a difference on our streets than probably any other.

Another critical aspect of this legislation is the "three strikes and you're out sentencing" provision. Too often we turn on the TV at night and hear about horrible crimes committed in our communities and learn that the offender had a history of violence, a history that never would have happened if that offender were in prison.

Unfortunately, the sad truth of the matter is that far too often, and for a variety of reasons, some of the most dangerous people are allowed to walk our streets and commit new crimes. Studies have shown that the majority of violent acts are committed by a small group of repeat offenders. Some estimates show that 70 percent of all violent crimes are committed by just 6 percent of the criminals arrested.

Under the—three strikes and you're out—provision, a person convicted of a third violent felony must go to prison for life. This means repeat murderers, rapists, sex abusers, carjackers, kidnappers, extortionists, and so forth will not be treated with kid gloves. This is more than just talk. Three strikes and you're out means that violent repeat offenders will receive the reward they worked so hard for: life in prison.

This legislation also contains the ban on assault weapons, which passed the House, with my support, last spring. Every year, more than 12,000 Americans are murdered with guns. This is a tragedy. Many of you may remember last spring when Waukesha Police Capt. James Lutz was murdered with an assault weapon. He simply had no chance against the hail of bullets from that weapon.

The crime bill contains provisions banning the possession, manufacture, and transfer of 19 types of powerful assault weapons. It also contains a ban on the possession, sale, and manufacture of other firearms that have particularly lethal characteristics. These weapons simply have no legitimate sporting purposes. They exist solely as tools to kill numerous people more rapidly, and I strongly believe they have no place on our streets.

Some people have criticized the assault weapons as an infringement on the constitutional right to bear arms. This is not the case. The measure specifically lists 650 hunting and sporting rifles and shotguns which are exempt from the ban. As a gun owner myself, I think this makes sense. I don't want to take guns away from legitimate sportsmen. Americans should be able to enjoy hunting and shooting. However, no one needs a gun with a grenade launcher or flash suppressor to enjoy hunting, shooting, or collecting. I am pleased with the assault weapons ban and believe it is an integral part of this anticrime package.

As for moneys spent on prevention, this measure contains $380 million for local crime prevention programs. Since crime is primarily dealt with on the local level, it makes sense that localities should decide for themselves which programs work best for them. In this way, we provide support for community-based activities that strengthen families and social ties resulting in less violence on the streets and a lower crime rate. In short, an ounce of prevention is worth a pound of cure.

I believe the measure contained in this historic crime bill are important to all Americans, and while they will not end crime, they provide a very important step toward making our streets safer.

In closing, I urge all my colleagues to join me in supporting this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, today I rise in support of the Brewster/Hunter crime bill alternative. Americans are fed up with the politics Congress has been playing on the crime issue and are demanding action. They are demanding a crime bill that controls crime and gets violent criminals off our streets. The Brewster/Hunter alternative does just that. It strikes at the heart of crime through control, not social spending.

I was present as this bipartisan alternative evolved, and I feel it is the best approach to controlling crime. This measure keys in on the provisions of the original crime bill that we all agree on. The contentious provisions that divided us—gun control, the death penalty, and redundant crime prevention spending were left out with the hope that we can pass a tough crime bill this year. I believe that some crime prevention spending is necessary, but we should debate the issue and the other controversial measures as stand alone bills and let them pass or fail based on their own merits.

The Brewster/Hunter alternative provides billions for prisons, cops on the street, and Border Patrol agents. It makes basic judicial reforms, such as: Habeas corpus reform, exclusionary rule reform, truth in sentencing, mandatory penalties for crimes committed with a gun, and mandatory penalties for crimes committed with a gun, a mandatory lifetime registration for sexual offenders.

Mr. Speaker, if we are truly serious about controlling crime, we should get behind the Brewster/Hunter crime bill alternative.

Mr. COSTELLO. Mr. Speaker, I rise today to explain my views on the anticrime package now before the House.

On August 11, I voted against the rule on the crime bill, joining 57 other Democrats and 167 other colleagues in the House to send the rule down to defeat. This rule did not allow those of us who oppose a ban on assault weapons or who opposed other parts of this bill any opportunity to make a change to the conference report, not even a motion to recommit the bill back to the conference committee to improve it overall.

Since that time, House leaders and President Clinton have been working to improve this bill in an effort to gain a majority of votes for passage of the rule and the bill. The conference report before us today is an improvement over the bill we considered last week—but it can be improved even further. That is why I intend to again oppose the rule on the crime bill. With more work, we can make this bill stronger and tougher on crime.

First, like the bill presented to the House last week, this conference report includes a ban on assault weapons, another effort to keep gun control in this bill. I have voted against gun control consistently since I came to Congress, and I believe this would be a better bill without this provision. The original crime bill I supported in April when it passed the House did not have this provision included.

Second, one provision that was in the bill but taken out during the conference committee was the racial justice act, which would make sure that those sentenced to death were not sentenced in a racially discriminatory manner. I voted for the racial justice provisions, and believe they should be in the conference report.

Third, prison construction is still not as high as it should be, to the level included in the House-passed bill. The House approved $13.5 billion in new prison construction in April, and last week's crime bill cut that to $8.7 billion. This report cuts even that amount to $7.9 billion, and I believe we can and must include additional funds for incarceration of our most violent criminals.

Fourth, the price tag for this crime bill is still too high. The House-passed level of $27 billion represents, I believe, a more accurate level of funding needed to efficiently assist the states in law enforcement duties for the next 6 years.

As a former police officer, I know that the most effective way to combat crime is to put more police on the streets. We should also give local governments and police departments more funds to use to meet their needs. In my many meetings with law enforcement officials, I heard that in addition to police funding, they needed funds for new cares, radios, and technologies to help stop crime. This bill needs more flexibility to help these local police meet their own unique needs in both urban and rural areas.

Mr. Speaker, since I was elected to Congress I have supported legislation to help fight crime. In 1988 and 1992, the House passed legislation which I supported to strengthen penalties and help fight crime. I have not voted against a crime bill, and I do not intend to vote against final passage this evening.

Last week, I voted against the crime bill rule, but if the rule had passed I would have voted for final passage. I voted against the rule again today, and will support the bill on final passage if it succeeds. We made this bill a better piece of legislation in the last week, and I believe if we had another week it could be even better.

However, on balance the good parts of this bill outweigh the bad parts. It includes important provisions, such as the "three strikes and you're out" language. It expands the death penalty for heinous crimes, and strengthens Federal rules against repeat sex offenders. It will put more cops on the beat, and overall will help reduce crime in our Nation.

I regret that this is not a perfect bill. In a democracy, it is always impossible for every President, Member of Congress or U.S. Senator to write their own crime bill prescription. However, it is my strong belief that those of us who stood on principle last week to make this bill better were successful.

Mr. BEILENSON. Mr. Speaker, I rise today in strong support of the conference report on H.R. 3355, the Violent Crime Control and Enforcement Act.

In addition to the strong punishment and prevention provisions to control and combat crime, this bill also represents a major step forward in the fight against illegal immigration. Under this legislation, State and local governments will for the first time be reimbursed for the cost of incarcerating undocumented aliens convicted of felonies, a provision based on an amendment I offered and which was overwhelmingly passed by the House last April. The conference report also provides $1 billion for a variety of very important border control measures which I have long advocated, including hiring 1,000 new border patrol officers. The measure also calls for eliminating asylum abuse by expediting deportation for immigrants whose application for asylum has been denied and by specifying that, unless exceptions are made by the Department of Justice, those applying for asylum cannot be authorized to work here. In addition, criminal alien detention centers are expanded, deportation proceedings for aliens convicted of a felony are expedited, and penalties are increased for visa and passport abuse crimes.

The reimbursement for the costs of imprisoning criminal illegal aliens is especially important, however, to my State of California. There are between 23,000 and 35,000 undocumented aliens incarcerated in State prisons. At an annual cost of $18,000 or more per prisoner, this translates to a yearly financial burden of between $420 million and $615 million on the criminal justice systems of the State and its communities.

These costs, which are increasing rapidly, are the result of the Federal Government's failure to enforce our immigration laws—a failure that has resulted in the unlawful entry into the United States of millions of illegal immigrants. Yet, while State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, the have no jurisdiction, obviously, over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

This conference report assures that at least $1.8 billion over the next 6 years from the crime control trust fund will be provided to State and local governments for the cost of incarcerating illegal aliens, and beginning in the year 2004, full funding for reimbursement will become automatic. While additional funds are still needed, and I had hoped that the mandatory funding date would have been earlier, this legislation marks the first time the Federal Government has moved beyond simply acknowledging responsibility for this burden and has actually provided a substantial amount of funding to address it. And, by relieving States and localities of this substantial expense, this bill will free up local and State revenues for other public purposes—including the very purpose served by this legislation, crime control.

Now that the Federal Government will be required to assume some of the burden resulting from its failure to enforce our immigration laws, I believe the administration, and the Congress, will put more resources into keeping people from entering the U.S. illegally in the first place. Specifically, we must continue to strengthen our Border Patrol to make it more difficult to cross our borders illegally, a need this legislation recognizes by authorizing the hiring of an additional 1,000 border patrol agents.

Currently, the border patrol is woefully undermanned and severely lacking the sort of modern equipment that is essential simply to control the flow of aliens across borders, much less do the job efficiently. The border patrol estimates that for every one individual apprehended at the border, at least three cross undetected. To solve this problem, we need more border patrol agents, and the agents need dependable vehicles, secure communications systems, night vision equipment, motion sensors, and computers for tracking people who have repeatedly entered or tried to enter the country illegally and for identifying weaknesses in our border security.

Mr. Speaker, we need to establish a credible immigration policy based on tough enforcement along our borders, full Federal responsibility for any failure in enforcement, and fairness to State and local governments. H.R. 3355 is a major step forward in achieving our goals, and I urge my colleagues to support this legislation.

Mr. LAFALCE. Mr. Speaker, the House of Representatives today has an opportunity to strike a historic blow against crime across America. For the third time in 4 years, we are close to passing major new anticrime legislation. Mr. Speaker, "three strikes and you're out" is an important provision in this crime bill, but it should not be the fate of this important crime bill. I urge my colleages to support the rule and to support the conference report on the crime bill.

During the debate about this legislation, the American people have been subjected to lies, allegations, and a stream of misinformation that I have seldom seen during my years in Congress. Unfortunately, during this debate, facts and figures have often been replaced by half-truths and allegations. Unfortunately, during this debate, programs that once had bipartisan support in this body—and that I suspect, still do—have now been labeled as "pork." Unfortunately, during this debate, we have been forced to listen to television commercials by Charlton Heston, a national spokesman for the NRA, now apparently the Nation's newest expert on crime legislation.

Reasonable people may disagree about some of the provisions in the crime bill. I don't favor each and every one. There are items in this bill that I would prefer to remove or amend. For example, I believe the slew of new death penalties contained in this bill—over 60—are, to say the least, excessive.

The problem is, we simply don't have the luxury to demand that every single word in this bill be to our liking—not when there are 535 of us. It's an impossibility. While Members fiddle and tinker with this bill, American citizens are living in fear, locking their doors, closing their businesses at night.

Our purpose must be to wage war against crime—the No. 1 concern of the American people today. Waging war against crime requires both punishment and prevention. And this bill, in fact, is focused directly on both crime punishment and crime prevention. Fully 75 percent of the spending in the crime bill is for police, Federal and State law enforcement, prisons, and detention facilities. The remaining 25 percent is for specific prevention programs, almost all of which support local community efforts to prevent crime.

The House Small Business Committee recently held hearings on the subject of crime and small businesses. As chairman of this committee, I had the opportunity to hear compelling testimony from leading experts in this field, including representatives of the Small Business Association, the National Association of Convenience Stores, and the National Institute for Occupational Safety and Health. In addition to offering many useful suggestions for combating small business crime, each of these panelists emphasized how important it was for Congress to swiftly pass the crime bill. These leaders recognized, as does the American public, that putting police on the street and putting criminals behind bars are fundamental national priorities. Small businesses particularly need this protection—and they need this bill now.

Anyone who calls this bill "soft on crime" simply hasn't read it or doesn't understand it. In addition to the death penalties and the "three-strikes-and-you're-out" requirement, this bill also increases penalties significantly for crimes committed with guns, hate crimes, immigration fraud, drunk driving, crimes against the elderly, and numerous other types of criminal activity. Make no mistake: This bill punishes criminals. This bill builds prisons. This bill helps protect our children, and helps safeguard our senior citizens.

Opponents of the crime bill talk endlessly about social workers, dance lessons, arts and crafts, and midnight basketball, implying that this bill is about everything but crime. Nothing could be further from the truth. This bill does not, contrary to published reports, hire two social workers for every new police officer. In fact, there is no money in this bill that is designated for the hiring of social workers. Of course, you could call anyone a social worker, especially someone involved in community policing.

Further, the prevention measures in this bill are practical and sensible. The new local crime prevention block grant contained in this conference report gives our States and communities what they need: Flexibility to use Federal funding for the prevention methods that best fit their specific needs.

Sure, one can always characterize prevention programs as pork just for the sake of stopping this bill—but when many of these programs were initially proposed by Republicans, supported by Republicans, and voted for by Republicans, it does take some of the sail out of those winds.

When deciding how to vote on this crucial issue, we have a choice of who to listen to: The threats of a few, well-entrenched special interest groups and Charlton Heston, or the wishes of almost all law enforcement officials, the wishes of almost every mayor of plagued communities across America, such as Mayor Guiliani of New York City, and, most importantly, the wishes of the American people.

As any law enforcement officer knows, crime fighting requires a combination of punishment and prevention. This bill offers both. In addition, it offers something else that is critical—HOPE—hope that we can reduce the incidence of crime nationwide. For all of these reasons, I implore this body to do its duty and to complete its work today. I urge my colleagues to support this bill.

Mr. COYNE. Mr. Speaker, I want to state my strong support for final passage of H.R. 3355, the Omnibus Crime Control Act of 1994. This historic anticrime measure represents a significant commitment to fighting violence in our local communities with a commonsense approach to punishment and prevention.

Fighting crime requires putting the right tools in the hands of law enforcement officers and local governments. This bill does not provide a single magic bullet to solve all of the Nation's crime problems. Instead, the Omnibus Crime Control Act strengthens our Nation's arsenal in the war against crime in a comprehensive manner. This is a responsible anticrime bill that achieves a balance between the need to prevent crime and the need to ensure that criminals will be caught and punished when violent crimes are committed.

This bill does just that by providing funds for hiring 100,000 police officers for community policing. A total of $8.8 billion is provided to provide grants to local communities who will be able to increase the presence of police officers to combat crime in local neighborhoods. This legislation also provides for educational assistance to train new police officers.

Pennsylvania can expect over $370 million over the next 6 years in grant funds for local communities to hire new police officers. This would provide sufficient resources to hire nearly 5,000 additional police officers in the Commonwealth alone.

I also am pleased to note that the final conference agreement provides local communities like the city of Pittsburgh the needed flexibility to use community policing funds both to hire new officers and to cover costs related to overtime, equipment, and new technological improvements.

While the Omnibus Crime Control Act provides $9.9 billion for new prisons and boot camps for young offenders, this bill also recognizes the usefulness of crime prevention as a tool in the war on crime. Community policing has been a success in many neighborhoods around the country both because of its use in capturing violent criminals and its ability to deter crime. It makes sense to support this program because of its ability to prevent crime. Crime prevention can be far more cost-effective than spending the thousands of dollars necessary to incarcerate a single individual.

Crime prevention is a vital part of any strategy to reduce violent crime and turn America's youth away from the lures of gang activity. I am pleased that the final conference agreement still increases funding for crime prevention to $5.5 billion. This legislation will help the city of Pittsburgh and other communities in my congressional district reduce crime rates by initiating or expanding programs to provide local youth with a positive alternative to criminal activity.

Local governments in Pennsylvania would have access to a wide range of grant funds for job training, education, and drug treatment. Grant funds will be available for local communities in Pennsylvania to provide After-School and In-School "Safe Havens" for at-risk children. Pennsylvania communities will also be able to apply for grants to support Boys and Girls Clubs, sports activities, and programs to reduce crime against children.

The final Omnibus Crime Control Act also includes the ban on assault weapons approved by both the House and the Senate. Enactment of this legislation will show the Nation that reasonable men and women can take action to stem the availability of assault weapons. This bill bans the future manufacture or sale of 19 specific assault weapons, including the AK–47, the Uzi, the TEC–9, the Colt AR–15, and the street sweeper revolving cylinder shotgun. Also covered would be assault weapons which have two or more military style features, such as folding stocks, protruding pistol grips or bayonet mounts.

The ban on assault weapons responds directly to the outcry against the use of military-style weapons on neighborhood streets and school playgrounds. Enactment of this provision will help local police officers who are at risk of facing criminals with MAC 11 assault pistols loaded with 32 rounds of ammunition.

In total, this anticrime bill provides for a historic expansion of Federal resources to combat and prevent violent crime. The Omnibus Crime Control Act will provide $30.2 billion for anticrime programs. Funding for this measure will be provided through a crime trust fund which will be supported by savings from the previously approved reduction of 252,000 Federal workers.

Mr. Speaker, the Omnibus Crime Control Act is a good bill.

There are some who may not like every single provision, but this bill does provide local communities with the help needed to both punish violent criminals and prevent crime from happening in the first place. H.R. 3355 provides the right tools for fighting the war on crime and I urge my colleagues to join with me in voting for final passage.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of H.R. 3355, the Violent Crime Control and Law Enforcement Act. People continue to fear crime in their neighborhoods and, while there are real limits to what the Federal Government can do in this area, this crime legislation makes a positive step.

This is a tough, comprehensive initiative to stem the rising tide of crime in this country. The bill strikes a balance between punishment and prevention. It's tough on criminals. It puts 100,000 more police in our neighborhoods while also creating much-needed prison space. And it imposes a long overdue ban on ownership of certain types of semiautomatic weapons that have turned some of our urban neighborhoods into war zones.

The bill helps keep violent repeat offenders in jail and provides essential funding to combat violence against women. The three-strikes-you're-out provision mandates life imprisonment for three-time violent offenders. The death penalty is expanded to include over 60 violent crimes, including the killing of law enforcement officers.

In addition, programs are emphasized that keep youth away from crime such as midnight sports leagues, law enforcement scholarships, and a police corps, which provides money for education in return for a 4-year commitment to police work.

The conference report before us today represents a bipartisan compromise. Each of us could name a part of the original report that we felt would be the most effective. For my part, I was a strong advocate of my proposal to increase the number of boys and girls clubs in public housing. For the young people growing up in public housing projects, one of the only safe havens from gang violence, drug abuse, and crime is their boys and girls club. Many of the most pressing problems of our inner cities are magnified and intensified in public housing developments. Young people living in this environment must be provided alternatives and hope for their future. We are all familiar with this organization's outstanding track record in helping high-risk boys and girls. Instead, to save money, my proposal was rolled into the $380 million local crime prevention block grant program.

But as we all now know, the legislative process is such that no one interest receives all that it wants. Each gains a little and gives a little. But the final result is vastly better than the current situation. As elected officials, it is our responsibility to heed the concerns of the American people. The American people are critically worried about the rising crime rate in their communities. This legislation responds effectively to that very real concern. I urge my colleagues to support this bill and take an important step in the fight against crime.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Speaker, I offer a motion to recommit, and I am opposed to the bill in its present form.

The SPEAKER. Is the gentleman the designee of the minority leader?

Mr. McCOLLUM. Mr. Speaker, I am the designee of the minority leader.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCOLLUM moves to recommit the conference report to accompany the bill H.R. 3355 to the committee of conference with instructions that the managers on the part of the House prioritize authorizations within scope that will maximize the availability of funds from the trust fund for programs for Public Safety and Policing, Prisons, and Border Patrol.

PARLIAMENTARY INQUIRY

Mr. HUGHES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUGHES. Mr. Speaker, I am not sure what the motion to recommit is. I would yield to the gentleman. Can the gentleman tell me, is it the Brewster motion to recommit?

The SPEAKER. The Chair controls debate on the parliamentary inquiry. Will the gentleman state the parliamentary inquiry.

Mr. HUGHES. This gentleman does not have a copy of the motion to recommit.

My inquiry, Mr. Speaker, is this: Is what are we voting on on the motion to recommit? I would be happy to yield to the gentleman from Florida.

Mr. Speaker, I ask unanimous consent that the gentleman have 1 minute to explain his motion to recommit.

The SPEAKER. Without objection, the Chair will recognize the gentleman from Florida for 30 seconds to explain the conference report.

There was no objection.

Mr. McCOLLUM. I thank the Chair and I thank the gentleman.

Mr. Speaker, this motion to recommit is to recommit within the framework of the way that the parliamentarian has told us we have to operate to get as much of the Brewster-Hunter proposition as possible that is within the scope of the conference. We cannot enact or we cannot send back, like a bill, a self-executing opportunity if we had just passed a bill. This has to go back to conference, to the conference committee.

The way this motion to instruct conferees has been drafted, it says that within the scope, they will maximize these things, which is the only way we can write this. But this is Brewster-Hunter, there should be no mistake about it. It is the intent if Members vote on this to see the conferees go back and do the Brewster-Hunter proposal. That is the way it has been constructed.

The SPEAKER. Without objection, the Chair recognizes the gentleman from New Jersey [Mr. HUGHES] for 30 seconds.

There was no objection.

Mr. HUGHES. Mr. Speaker, in other words, if the gentleman will respond to me, it is not Brewster. The gentleman is doing what, asking that it be returned to the conference with instructions on prioritizing?

Mr. McCOLLUM. Mr. Speaker, if the gentleman would yield to me, this is Brewster within scope.

Mr. HUGHES. No, no, I reclaim my time. What the gentleman has said, in essence, is that it is not Brewster.

Mr. McCOLLUM. It is Brewster in scope. That is precisely what it is.

Mr. HUGHES. Mr. Speaker, that answers my question.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 232, not voting 6, as follows:

[Roll No. 415]

AYES—197

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Calvert
Camp
Canady
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hobson
Hoekstra
Hoke
Holden
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Klink
Knollenberg
Kolbe
Kyl
LaRocco
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Quillen
Rahall
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—232

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse

Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Callahan
Herger
Rowland
Tucker
Valentine
Washington

□ 1932

Mr. HEFLEY changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, I inadvertently missed rollcall vote number 415, the McCollum motion to recommit. Had I been here, I would have voted aye.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 195, not voting 5, as follows:

[Roll No. 416]

AYES—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Cramer
Darden
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
Lazio
Leach
Lehman
Levin
Levy
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Reed
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Studds
Swett
Swift
Talent
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Waxman
Weldon
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—195

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Boucher
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Clay
Clinger
Coble
Collins (GA)
Combest
Conyers
Cooper
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Dellums
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fish
Fowler
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hoekstra
Hoke
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kim
Kingston
Klink
Knollenberg
Kopetski
LaRocco
Laughlin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nadler
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Quillen
Rahall
Rangel
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Sabo
Santorum
Sarpalius
Schaefer
Schiff
Scott
Sensenbrenner
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Unsoeld
Volkmer
Vucanovich
Walker
Waters
Watt
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—5

Callahan
Rowland
Tucker
Valentine
Washington

□ 1951

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROWLAND. Mr. Speaker, due to a longstanding commitment, I was not present for the vote on the conference report on H.R. 3355. Had I been present, I would have voted against final passage and for recommittal with instructions in support of the Brewster-Hunter bipartisan plan.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 2, 1994, TO FILE CONFERENCE REPORT ON H.R. 4624, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Friday, September 2, to file a conference report on the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this 1 minute for the purpose of receiving the schedule from the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my good friend from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH] for yielding.

We have completed our legislative business for the week, or is it the weekend; I am not altogether sure. But whatever it is, we are finished for today.

In a moment I will offer a concurrent resolution providing for the House to adjourn, if and when the Senate adjourns in the coming week or week after. The adjournment resolution provides the House shall stand adjourned until Thursday, September 8, upon concurrence by the Senate. Following that I will ask unanimous consent that the House meet at 10 a.m. each Tuesday and Friday until such time as the Senate concurs in the resolution. Members are advised that the concurrent resolution also provides that the Speaker and the majority leader may, after consultation with the minority leader, ask for reassembly of the House after 48 hours, if the public interest shall warrant it. Members should also be advised that obviously on these Tuesday and Friday sessions, they will be pro forma sessions, and votes will not be taken.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I wonder if I might ask the distinguished majority leader if his definition of "public interest warranting reassembling of the Houses" might include an invasion of Haiti in which American armed service personnel were actively involved.

Mr. GEPHARDT. I would say to the gentleman that, if an event of that type, or some like event, were to occur, the Speaker and myself would obviously consult with the leadership of the other side, and we would make a judgment, given the wording of this resolution, about whether or not to bring the Congress back. Obviously we would have to assess the event and the facts surrounding the event, and we would have to act appropriately.

Mr. GOSS. If I may continue, I very much am gratified by that explanation. That assurance of a consideration to deliberate at the leadership level I think is extremely comforting to those of us who are concerned that such an event might happen out of the cognition of the U.S. Congress having the opportunity to provide some deliberation on something of that magnitude, and I thank the gentleman.

Mr. GINGRICH. Mr. Speaker, if I might just for a moment ask the majority leader, first of all, if I can make the observation briefly that the earlier attempt to pass the crime bill in a more narrowly partisan manner has been replaced by a more bipartisan effort, and I wonder if there is any possibility, either during the break or when we come back, if we might talk about health care in a more bipartisan manner since that seemed to be more likely to produce a bill that passes. I just offer that.

Mr. GEPHARDT. If the gentleman would yield, I know that all of us are interested in addressing the health care issue, and we would be happy to enter into some talk and discussion of how to address this problem. We saw in this last bill that we have got to find a majority to enact legislation, as the gentleman well knows, and we will look for votes, and support, and help on both sides of the aisle.

Mr. GINGRICH. I just would like to suggest if we could look together earlier in the design of the things we try to get votes for, the total number available may be much larger.

Second, I think every Member has an interest in the potential session on the 8th and 9th because of the way in which that week works out with religious holidays, and I just wanted to ask. I would hope from our side that, if Members are to be called back on the 8th, that we would have, if we are going to pursue health care, that we would have the bills ready and scored so Members would actually have documents to work on that were complete and available to the public, and I wonder, if bills are not ready and scored as of the 8th, whether there is a prospect that those 2 days might end up as pro forma sessions and Members would be notified, or what the Democratic leadership's intention might be.

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield, we obviously will keep in close communication with the Congressional Budget Office. If a judgment has to be made that it is not feasible to begin on the 8th, we will give Members adequate notice that we would then begin on the 12th.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 289) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 289

Resolved by the House of Representatives (the Senate concurring), That when the House is in receipt of a message that the Senate has agreed to a concurrent resolution providing for the adjournment of the two Houses to noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, that the House shall stand adjourned in like manner; and that when the Senate recesses or adjourns at the close of business on Monday, August 22, 1994, or any day thereafter, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. KILDEE). Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

□ 2000

CONDITIONAL ADJOURNMENT OF THE HOUSE AND SENATE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of Sunday, August 21, 1994, it adjourn to meet at 10 a.m. on Tuesday and Friday of each subsequent week until the House has in its possession the message informing the House that the Senate has agreed to House Concurrent Resolution 289. The House shall then stand adjourned in accordance with that resolution.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Thursday, September 8, 1994, the Speaker and the minority leader shall be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DESIGNATION OF THE HONORABLE STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE DURING PERIOD OF ADJOURNMENT

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 20, 1994.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 1994.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

HISTORICAL EVENTS THAT DID OCCUR ON AUGUST 21

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DORNAN,] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I just could not pass this moment in history, because I do not feel any safer now, having passed this so-called crime bill. I will go out on a limb here for historical purposes, Mr. Speaker, and suggest that 20 years hence, 30 years, even 5 years hence, nobody is going to look back at August 21, 1994, and suggest that this was a date that this Chamber did something significant and that we immediately started to see a reduction in crime.

This day in history is noted for some significant events worldwide. I will not bother everybody with world history on this date. But let us just take a few events on this day in American history.

In 1831, Nat Turner led what was called the slave rebellion in the Commonwealth of Virginia. He paid for it with his life. He was a true hero, fighting for freedom in the American way. He was truly the Spartacus of this country. That was on this day. It will always be recorded in history.

Take 1858, the Lincoln-Douglas debates began today, another date for this day to be remembered in history. August 21. They just have been reenacted beautifully in a very compelling way on C-SPAN television, all through that same area of the country with excellent actors portraying Lincoln and the little giant Douglas.

On this date in 1878, this may be a mixed blessing for the country, but law professors, judges, and lawyers gathered in Saratoga Springs, NY, and founded the American Bar Association.

Fast forward to this century. 1944, in this city, up in Northwest, in the area called Dumbarton Oaks, a meeting with those loyal to Chiang Kai-shek, Chinese, Americans, British, got together up there and began what has turned into the United Nations. A significant date in history.

On this date, President Eisenhower, by Executive order, made Hawaii our 50th State and changed that beautiful flag behind my distinguished friend from Michigan, the Speaker pro tempore, DALE KILDEE.

This is the reason this date is remembered in history, for significant events. I repeat, it will not be remembered for this crime bill passed today, because I believe that Charlton Heston is a knowledgeable, solid citizen, not just a mouthpiece as he was called today.

I notice when liberal Democrats want to turn to actors, they will even waste our time by bringing Jane Fonda, Sissy Spacek, and I forget the excellent actress who played in the remake of King Kong, she played a farm wife. They brought these three wonderful academy-award-winning actresses, wonderful in their talent, not wonderful in the radical left pro-Hanoi politics of Fonda, for example. But they are sitting over here at the Rayburn Building at the Committee on Agriculture lecturing about farm problems, and they are actresses.

Well, if the Democrats can listen to Warren Beatty or have Rob Lowe come down to Georgia and embarrass the whole Democratic Party with his youth delegation, and then gets caught making porno films, give us a break. When a mature American who fought for his country in World War II and who is not, I repeat, not paid any stipend by the National Rifle Association, if he wants to tell us what he thinks is true, what I think is true, and what I guess 64 Democrats believe is also true about this noncrime bill, then let us give this great citizen, Charlton Heston, the benefit of the doubt.

Yes, he played Moses up there looking down at you, and he did it very well. And I thought the best statement of the whole crime debate was my pal DUNCAN HUNTER to my friend CHARLES SCHUMER, saying what does he think the movie should have been called instead of Ten Commandments, Old Pharaoh Knows Best?

Well, I will close on this, Mr. Speaker. The reason we have violent crime out of control in this country, and I have said this on television in 1968, that is a long time ago, 26 years ago, it is not because of conservative schoolteachers like my brother, who would rather be tortured to death than smoke pot with his young students in junior high school. It is not conservative actors, conservative producers, conservative screen writers, conservative judges, conservative sociologists, conservative businessmen, the whole military is mostly conservative, so I will not even drag them into it.

It is liberal schoolteachers, liberal judges, liberal criminologists, liberal sociologists, liberal Senators, liberal Congressmen, liberal mayors, liberal Governors. It is liberal philosophy that sowed the wind and has reaped the whirlwind of violence across this country. Liberal philosophy prevailing over the last three decades has ripped this country, caused this crime wave. You cannot pin this on conservative philosophy or conservatives in any level of public life, from entertainment to the courts.

On that, I rest my case.

To the gentleman from Michigan, DALE KILDEE, your dad went to communion every day, just like my father. I remember your beautiful tribute to your father, DALE.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes today.

Mr. CUNNINGHAM, for 5 minutes today.

Mr. DURBIN, for 5 minutes today.

Mr. SHAYS, for 5 minutes today.

Mr. DORNAN, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. Buyer.
Mr. Franks of Connecticut.
Mr. Horn.
Mr. McInnis.
Mr. Schiff.
Mr. Gunderson.
Ms. Molinari.
Mr. Horn.

(The following Members (at the request of Mr. Payne of New Jersey) and to include extraneous matter:)

Mr. LaRocco.
Mr. Torres.
Mr. Gibbons.
Mr. Swett.
Mr. Poshard.
Mr. Wiliams in three instances.
Mr. Reynolds.
Mr. Mfume.
Mr. Bonior.
Mr. Levin.
Mr. Edwards of California.
Mr. Hinchey in two instances.
Mr. Skaggs.
Mr. Lewis of Georgia.
Mr. Johnson of Georgia.

ADJOURNMENT

Ms. SHEPHERD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Tuesday, August 23, 1994, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee of Conference. Conference report on H.R. 3355. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety (Rept. 103–711). Ordered to be printed.

Mr. CONYERS: Committee of Conference. Conference report on S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes (Rept. 103–712). Ordered to be printed.

Mr. DERRICK: Committee on Rules. H. Res. 526. A resolution waiving points of order against a further conference report to accompany the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety (Rept. 103–713). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER (for himself, Mr. Hunter, Mr. Pete Geren of Texas, Mr. Cox, Mr. Peterson of Minnesota, Mr. McInnis, Mr. Taylor of Mississippi, Mr. Baker of California, Mr. Tauzin, Mr. Bartlett of Maryland, Mr. Parker, Mr. Boehner, Mr. Browder, Mr. Bonilla, Mr. Chapman, Mr. Bunning, Mr. Deal, Mr. Burton of Indiana, Ms. Danner, Mr. Callahan, Mr. Tanner, Mr. Manzullo, Mr. Stenholm, Mr. Collins of Georgia, Mr. Sarpalius, Mr. Armey, Mr. Hall of Texas, Mr. Crane, Mr. Valentine, Mr. Doolittle, Mr. Orton, Mr. Duncan, Mr. Hutto, Ms. Dunn, Mr. Montgomery, Mr. Emerson, Mr. Rahall, Mr. Everett, Mr. Condit, Mr. Ewing, Mr. Rowland, Mr. Gilman, Mr. Wilson, Mr. Hancock, Mr. Holden, Mr. Hefley, Mr. Tejeda, Mr. Herger, Mr. Cramer, Mr. Hoekstra, Mr. Barcia of Michigan, Mr. Allard, Mr. Dickey, Mr. Hyde, Mr. Klink, Mr. Kim, Mr. Hayes, Mr. Kingston, Mr. Stupak, Mr. Kyl, Mr. Laughlin, Mr. Lewis of Florida, Mrs. Thurman, Mr. Linder, Mr. Peterson of Florida, Mr. Lightfoot, Mr. Murphy, Mr. Calvert, Mr. Skelton, Mr. McCollum, Mr. de la Garza, Mr. Bachus of Alabama, Mr. Darden, Mr. McKeon, Mr. Ortiz, Mr. Moorhead, Mr. Volkmer, Mr. Packard, Mr. Swett, Mr. Quillen, Mr. Cooper, Mr. Rohrabacher, Mr. Mollohan, Mr. Schaefer, Mr. Wise, Mr. Shaw, Mr. Smith of Michigan, Mr. Solomon, Mr. Stearns, Mr. Stump, Mr. Taylor of North Carolina, Mr. Zeliff, Mr. Fields of Texas, Mrs. Bentley, Mr. Lucas, Mr. Goss, Mr. Walker, Mr. Barton of Texas, Mr. Hobson, Mr. Inhofe, Mr. Gingrich, Mr. Roberts, Mr. Sensenbrenner, Mr. Paxon, Mr. Knollenberg, Mr. Buyer, Mr. DeLay, Mr. Pombo, Mr. Hoke, Mr. Talent, Mr. Istook, Mr. Gillmor, Mr. Coble, Mr. Livingston, Mr. Grams, Mr. Sam Johnson, Mr. McCrery, Mr. Santorum, Mr. Thomas of Wyoming, Mr. Miller of Florida, Mrs. Vucanovich, Mr. Cunningham, Mr. Dornan, Mr. Sundquist, Mr. Crapo, Mr. Young of Alaska, Mr. Gekas, Mr. Shuster, Mr. Lewis of Kentucky, Mr. Myers of Indiana, Mr. Young of Florida, Mr. Baker of Louisiana, Mr. Hastert, Mr. Dreier, Mr. Mica, Mr. Spence, Mr. Nussle, Mr. Goodlatte, Mr. Bliley, Mr. Portman, Mr. Schiff, Mr. Hansen, Mr. Lewis of California, Mr. Skeen, Mr. Smith of Oregon, Ms. Snowe, Mr. Roth, Mr. Camp, Mr. Huffington, and Mr. Canady):

H.R. 5008. A bill to combat crime; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 5009. A bill to extend the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. BACHUS of Alabama (for himself, Mr. Dornan, and Mr. Franks of Connecticut):

H.R. 5010. A bill to require that certain Government consumer information publications that are distributed without charge include a statement that they are financed by the taxpayers of the United States; to the Committee on Government Operations.

By Mr. BARCA of Wisconsin (for himself, Mr. Swett, Ms. McKinney, Mr. Nadler, Mr. Barrett of Wisconsin, and Mr. Hinchey):

H.R. 5011. A bill to authorize the waiver of such provisions of law as may be necessary to enable a limited amount of private sector earnings to be disregarded in determining eligibility for assistance under welfare programs; to the Committee on Government Operations.

By Mr. FILNER:

H.R. 5012. A bill to require that any amount of cost savings under a defense contract realized by the Federal Government as a result of the consolidation of contractors that causes the elimination of jobs in a community be used for job retraining and job creation activities in that community; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. LEHMAN (for himself, Mr. Lewis of California, Mr. Cooper, and Mr. McKeon):

H.R. 5013. A bill to provide incentives for improving telecommunications and technology use in education; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. LIGHTFOOT:

H.R. 5014. A bill to amend the Internal Revenue Code of 1986 to provide a one-time exclusion of gain from the sale of farmland to a beginning farmer; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 5015. A bill to amend section 223 of the Communications Act of 1934 to prevent the harassment by computer modem or other electronic device; to the Committee on Energy and Commerce.

By Mr. SKAGGS:

H.R. 5016. A bill entitled, "Gilpin County Colorado—BLM Land Transfer Act of 1994"; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 5017. A bill to direct the Secretary of the Interior to make annual grants to the Center for Maritime and Underwater Resource Management at Michigan State University for a pilot project relating to management and development of maritime and underwater cultural resources; to the Committee on Merchant Marine and Fisheries.

By Mr. WILLIAMS:

H.R. 5018. A bill to limit the authority of the Interstate Commerce Commission to overturn certain employee protection agreements; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 5019. A bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, and for other purposes; to the Committee on Public Works and Transportation.

By Ms. KAPTUR:

H.J. Res. 406. Joint resolution to approve the location of a World War II Memorial in the Nation's Capitol; to the Committee on Natural Resources.

By Mr. GEPHARDT:

H. Con. Res. 289. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. LEWIS of Georgia (for himself, Mr. Dixon, Mr. Bishop, Mr. Hilliard, Mr. Owens, and Ms. McKinney):

H. Res. 527. A resolution expressing the sense of the House of Representatives that the Presidential Medal of Freedom should be awarded to Dr. Benjamin Elijah Mays; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself, Mr. Dixon, Mr. Bishop, Mr. Hilliard, Mr. Owens, and Ms. McKinney):

H. Res. 528. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in honor of Dr. Benjamin Elijah Mays; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS (for himself, Mr. Dingell, Mr. Doolittle, Mr. LaRocco, Mr. Hansen, Mr. Taylor of Mississippi, Ms. Lambert, Mr. Fields of Texas, Mr. Calvert, Mr. Dickey, Mr. Walsh, Mr. Barcia of Michigan, Mr. Clement, Mr. Peterson of Minnesota, Mr. Brewster, Mr. Durbin, Mr. Herger, Mr. Parker, Mr. Packard, Mr. Emerson, and Mr. Boucher):

H. Res. 529. A resolution to affirm this Nation's tradition of hunting and wildlife refuges; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1391: Mr. Brown of California, Mr. Nadler, and Mrs. Lowey.

H.R. 1457: Ms. Woolsey.

H.R. 2467: Mr. Skelton, Mr. Farr, and Mr. Emerson.

H.R. 2758: Mr. Bateman.

H.R. 3526: Mr. Mazzoli, Mr. Reynolds, Mr. Andrews of New Jersey, and Mr. Rangel.

H.R. 4115: Mr. Schumer and Mr. McNulty.

H.R. 4303: Mr. Hansen and Mr. Ballenger.

H.R. 4555: Mr. Camp.

H.R. 4701: Mr. Evans, Mr. McDermott, Mr. Blackwell, Mr. Abercrombie, Mr. McCloskey, Mr. Torres, Ms. Pelosi, Mr. Hastings, and Mr. Gutierrez.

H.R. 4713: Mr. Dicks.

H.R. 4826: Mr. Tauzin and Mr. Miller of Florida.

H.R. 4851: Mr. Evans and Mrs. Morella.

H.J. Res. 230: Mr. Johnson of South Dakota and Mr. Hughes.

H. Con. Res. 184: Mr. Gingrich.

H. Con. Res. 212: Ms. DeLauro.

H. Con. Res. 223: Mr. Romero-Barcelo, Mr. Manton, Mr. Engel, and Mr. Serrano.

H. Con. Res. 234: Ms. Kaptur, Mr. DeFazio, Mr. Martinez, Mrs. Meyers of Kansas, Ms. Margolies-Mezvinsky, Ms. Velazquez, Mr. Dellums, and Mr. Hochbrueckner.

H. Con. Res. 247: Mr. Gingrich, Mr. Hinchey, Mr. Cox, and Mr. Towns.

H. Con. Res. 273: Mr. Dellums.

H. Con. Res. 277: Mr. Manzullo.

H. Con. Res. 279: Mr. Lantos, Mr. Engel, Mr. Ballenger, and Mr. Gejdenson.

H. Res. 430: Mr. Klein.

H. Res. 493: Mr. Engel.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 15 by Mr. BILIRAKIS on House Resolution 382: John Kasich, Howard "Buck" McKeon.

Petition 18 by Mr. HASTERT on House Resolution 402: Robert H. Michel.

Petition 19 by Mr. EWING on House Resolution 415: Rick Lazio.

Petition 20 by Mr. SANGMEISTER on H.J. Res. 131: James M. Inhofe.

Petition 23 by Mr. TAUZIN on H.R. 3875: Frank Tejeda.

Petition 24 by Ms. SNOWE on House Resolution 459: James M. Inhofe.

Petition 25 by Mr. CONDIT on House Resolution 489: Harris W. Fawell, Mac Collins, Arthur Ravenel, Jr., Herbert H. Bateman, Lynn Schenk.

Petition 26 by Mrs. FOWLER on House Resolution 472: Mac Collins, Rick Lazio, James M. Inhofe.

EXTENSIONS OF REMARKS

TRIBUTE TO FBI ASSISTANT DIRECTOR MANUEL J. GONZALEZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. EDWARDS of California. Mr. Speaker, it is fitting on this day, as the House prepares to consider an omnibus crime bill that includes funding for new FBI agents, to pay tribute to an outstanding law enforcement officer, FBI Assistant Director Manuel J. Gonzalez, who died earlier this month.

At the time of his death, Manny Gonzalez had reached the highest levels of FBI leadership, making history as the first agent of Hispanic origin to be named Assistant Director of the FBI.

Mr. Gonzalez was a true law enforcement professional. He began his career as an officer with the New York City Police Department, where he served with distinction for 5 years, attaining the rank of detective.

Mr. Gonzalez joined the FBI in 1973. He served in the Philadelphia, New York, and Miami field offices. In December 1983, he was appointed Chief Investigator for the President's Commission on Organized Crime and later transferred to FBI headquarters where he served in the organized crime section. While at headquarters he served as an inspector-in-place and as ombudsman for the FBI. In January 1993, he was promoted to Senior Assistant Special Agent in Charge of the Miami office.

In October 1993, Mr. Gonzalez was appointed Assistant Director for Personnel. On July 27 of this year, he was awarded the FBI Medal for Meritorious Achievement.

Mr. Speaker, the anticrime legislation we pass would mean nothing to the safety and well-being of our Nation's citizens were it not for law enforcement officers like Manny Gonzalez who, day after day, do their jobs to enforce these laws aggressively, fairly and without bias. I urge all my colleagues to pause for a moment during these hectic days to quietly remember the hard work, dedication, and sacrifice of Manny Gonzalez.

Mr. Speaker, contrary to the TV image, the life of an FBI agent is full of stress and hard, sometimes tedious, often frustrating work. It is also hard on the families, and Mr. Gonzalez is survived by his wife Sherry and three children. They too sacrificed, and they too deserve our deepest sympathy and gratitude.

The FBI today is a far better institution than it was 20 years ago and 10 years ago and 5 years ago. Part of the reason for that was the efforts of Manny Gonzalez.

HUNTING ON NATIONAL WILDLIFE REFUGES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. WILLIAMS. Mr. Speaker, I am today joined by 15 of our colleagues in introducing a resolution affirming the Nation's tradition of hunting on national wildlife refuges.

This bill simply states our longstanding, correct Federal policy that hunting is an appropriate, and often necessary, compatible use of our national wildlife refuges.

The reason for introducing this bill today is because the U.S. Fish and Wildlife Service is completing its work on a review of the wide-range recreational and economic uses of our wildlife refuges to determine if those uses are compatible with the purposes for which the specific refuge was established. This bill sends a strong message that in reviewing these uses, we would intend that the agency start from the assumption that hunting and fishing are appropriate uses of a refuge.

Mr. Speaker, hunting in America is, unfortunately, controversial. There are well-intentioned, but I believe misguided, efforts underfoot to limit hunting on our wildlife refuges and game ranges. These efforts are misguided, first of all, because carefully managed hunting is in many, if not all cases, important to the overall health of a refuge ecosystem. They are misguided, second, because they target the easy bogeyman of hunters and hunting, instead of focusing on the real threat to wildlife from the loss and mismanagement of wildlife habitat.

The purpose of my bill is to reestablish our historical understanding that recreational hunting and fishing is consistent with the protection and careful management of wildlife. Congress has, over the years, shown increasing support for hunting at each juncture in which wildlife refuge policy was reviewed.

In Montana, as it is in many States, hunting is central to our lifestyle. For thousands of Montanans, and for visitors to the State, the year is measured in hunting seasons: the fall for elk and deer, the spring for bear, the winter for mountain lion. Montanans have long understood the importance of habitat protection and careful management of hunting in order to assure healthy wildlife populations.

On the Charles M. Russell National Wildlife Refuge in eastern Montana there is elk, deer, coyote, waterfowl, and small game hunting. Because the elk population is on a steady increase, the annual refuge hunt has increased, more than doubling since the last decade. This fall the State plans to allow about 930 elk tags, compared to an average of about 400 per year in the 1980's. The deer season on the refuge is unlimited for Montana residents; refuge officials estimate the deer population varies between 5 to 15 per square mile. The CMR provides one of Montana's—and America's—great hunting experiences available on public land.

At the Red Rock Lakes refuge near Yellowstone National Park hunting is allowed for waterfowl, deer, elk, moose, and antelope. Thriving moose populations have allowed a steady increase in moose tags. The Fish and Wildlife Service is considering some area restrictions on elk hunting in order to assure public safety, and to fulfill their mandate that refuge hunting be high quality and a fair chase.

And at the Lee Metcalf National Wildlife Refuge near Stevensville, MT, there is top-notch waterfowl hunting. That refuge has a serious overpopulation problem with deer, and so the refuge managers have promoted archery hunting, which is safer, given the refuge's location within a populated section of the valley.

Montana's hunters and fishers understand that the linchpin to the protection of wildlife and game is the protection of wildlife habitat. National wildlife refuges are simply the finest wildlife habitat we have in this country, and the hunters and anglers who enjoy these resources are, simply, the strongest supporters of the refuge system.

HONORING MARK AND CARLA KUTSHER

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. HINCHEY. Mr. Speaker, and esteemed colleagues, I rise today to pay tribute to Mark and Carla Kutsher, two people in my district who have helped their community in endless ways over the course of time, and who will be honored with the Anti-Defamation League's 1994 Americanism Award.

As Vice President of Kutsher Country Club, Mark Kutsher has become the third generation of Kutshers to operate this major resort hotel. After the birth of their children, Carla came to work for the hotel as director in the convention sales office. They understood from the beginning the importance of being involved in the community, and their desire to help in any way they could led them to becoming active participants in a number of organizations and worthwhile causes.

Both Mr. and Mrs. Kutsher have been involved with Community General Hospital and the American Heart Association in varied capacities. Mrs. Kutsher is a past member of the executive board of the Community General Hospital, and was honored with the Auxiliary Woman of the Year Award in 1985, while Mr. Kutsher is a past member of the Orange Rockland Sullivan Board of the American Heart Association. Both Mark and Carla Kutsher understand the importance of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

health of their community, and have worked hard to try and improve it in any way they can.

Education is yet another area the Kutshers have lent their support and dedication to. Mark and Carla Kutsher, both University of Pennsylvania graduates, believe that if we are ever going to realize our country's ideal of personal freedoms and individual dignities we must strive to educate the people around us. Mr. Kutsher serves on the board of the Sullivan County Community College Foundation and Mrs. Kutsher is a volunteer tutor for the Literacy Volunteers of America, a national organization dedicated to teaching adults to read. Many local charitable and civic causes have benefitted from Mark and Carla Kutsher's assistance.

Mr. and Mrs. Kutsher have been independently active in the Anti-Defamation League, and are firmly committed to the principles and goals of the organization. Mr. Kutsher has been a member of the regional board for many years and during that time has been very active in raising funds while at the same time has chaired many of the ADL's events. Mrs. Kutsher is a board member of the Woman's Division of the Metropolitan New York Region, and her help to the organization has been invaluable.

I salute Mark and Carla Kutsher for the generous commitments they have made, not only to the Anti-Defamation League, but to all organizations and causes that touch the lives of so many people. I thank them for their effort and dedication to helping increase the quality of life for all those in our community. We are all humbled by their leadership and humanity.

OBSERVANCE OF THE 10TH ANNIVERSARY OF THE ITALIAN CULTURAL AND COMMUNITY CENTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. LEVIN. Mr. Speaker, I wish to extend my congratulations to the Italian Cultural and Community Center in celebration of their 10th anniversary of service to Michigan's Italian-American community.

Since its establishment by the Italian American Cultural Society, the center has sought to enrich not only the lives of Italian-Americans, but the entire community by preserving and sharing the traditions and values of Italian culture through social, educational, and religious programs and services.

The center is a nonprofit organization led by individuals and organizations that freely devote their time, knowledge, and expertise to the center's endeavors. Social services and care for families, the elderly, and the young, have been a cornerstone of the center's work. Cultural series on religion, language development, art exhibits, and Italian music, contribute greatly to the ethnic diversity of our community.

Among the Italian Cultural and Community Center's other contributions is the Italian American newspaper. The paper plays a prominent role in informing, entertaining, and promoting news of the Italian-American community and the center's activities.

Undoubtedly the center does an outstanding job preserving and celebrating Italian culture and life. As the center celebrates its tenth year of dedication to Italian-American people and my community, I commend the individuals and organizations behind the Italian Cultural and Community Center for enriching the lives of all of our citizens.

TRIBUTE TO FREDERICK H. INNERBICHLER

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. SCHIFF. Mr. Speaker, I rise today to join the Innerbichler family and many dear friends in extending my best wishes to Frederick H. Innerbichler on the celebration of his 75th birthday. On August 27, more than 100 people, his sons Nicholas, Arthur and Frederick III, friends and other relatives from across the country, will honor Mr. Innerbichler on his three-quarter-century milepost. Mr. Innerbichler, son of Fred and Jenny Innerbichler, was born in 1919 in Magdalena, NM. Now retired, he worked in the aerospace industry, for such giants as McDonnell-Douglas, Rockwell and Northrop. During much of his time, Mr. Innerbichler lived in Anaheim, CA. Again, my best wishes, feliz compleaños, and many more.

HONORING CHARLES A. FORD ON HIS RETIREMENT FROM THE MONTEBELLO FIRE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. TORRES. Mr. Speaker, today I rise to recognize Montebello Firefighter Charles A. Ford, who after 32 years of courageous service to the Montebello Fire Department retired on July 7, 1994.

Over the past 32 years, Mr. Ford has played an integral role in the transformation of the Montebello Fire Department. He has helped it grow from a small community firehouse to a modern-day emergency response force that is today serving nearly 60,000 residents and area businesses.

Mr. Ford has long been recognized as an outstanding member of the Montebello Fire Department. In 1975, he completed his training to become one of the first paramedics in the department. He was honored as Montebello Firefighter of the Year in both 1974 and 1989. In 1983, his colleagues named him Montebello Paramedic of the Year and in 1988, he was one of nine recipients to receive the prestigious Los Angeles County Protectors Award.

Although Mr. Ford suffered a heart attack in 1985, causing him to retire from emergency response duties, he continued his dedicated efforts to the department as the emergency services coordinator. In this capacity, Mr. Ford developed and implemented training and disaster assistance/response programs for the city of Montebello. These programs are the backbone for the recovery procedures the city uses after a disaster.

Mr. Ford's commitment to the community does not end with his day at work. He founded the Annual Children's Christmas Party, which each year, under his leadership, unites members of the business community, the local school district and the Firefighter Association to bring much needed Christmas cheer to the lives of disadvantaged children in Montebello. This last Christmas over 700 children enjoyed the Christmas spirit and found new toys under their Christmas trees. It is with great pride that I recognize Mr. Charles Ford, for his dedication to making Montebello a better place to live.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Ford for his devotion to Montebello's residents and for his unselfish desire to help others. He is a true public servant.

LEGISLATION TO ADD VALUABLE LAND TO INTERIOR DEPARTMENT INVENTORIES

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. SKAGGS. Mr. Speaker, I am happy to introduce today a bill which will add several valuable parcels of land to the National Park System and to other Interior Department inventories for the enjoyment of Coloradans and other Americans, and will do so at no cost to the taxpayers.

My bill will provide for the acquisition of these lands through a carefully crafted exchange process that will have no impact on the Federal budget. Specifically, in a fair market exchange for approximately 300 acres of fragmented Bureau of Land Management lands near Black Hawk, CO, the United States will acquire, and the public will be able to enjoy access to, approximately 4,500 acres of land which will be added to Rocky Mountain National Park and to other Department of the Interior holdings in Colorado, while dedicating any funds left over to purchase land and water rights for the Blanca Wetlands Management Area near Alamosa, CO.

A notable aspect of this legislation is that it is supported by local governments, environmental groups, and land developers in Colorado.

The bill will enable Rocky Mountain National Park to obtain a 40-acre parcel known as the Circle C Ranch, which is adjacent to its borders. This jewel has been sought by the park for many years. Acquisition by the park will prevent its development and thereby allow it to be enjoyed by park visitors for many years to come. In addition, 517 acres within the Arkansas Headwaters Recreation Area will be acquired. This land has approximately 3 miles of Arkansas River frontage and will afford fishermen access to a beautiful stretch of the river.

The bill will also result in the acquisition of approximately 4,000 acres of land currently owned by Quinlan Ranches, Inc. This land is located in the headwaters of La Jara Canyon and Fox Creek, approximately 10 miles from Antonio, CO. It has excellent elk winter range and other important wildlife habitat. Finally, this bill creates a fund from cash equalization moneys that may be paid to the United States as a result of the exchange, with the fund to be used to purchase land or water rights from willing sellers to augment fish and wildlife habitat in the BLM's Blanca Wetlands Management Area. The BLM has wanted funds for these purposes for many years.

In exchange for these almost 4,500 acres of land, 130 parcels of highly fragmented BLM land totaling about 300 acres will be made available for private acquisition. Of these 130 parcels, 88 are less than 1 acre in size. BLM, through its established land management process, has already identified these lands as appropriate for transfer to private ownership.

The most likely use of this land will be the construction of homes and small businesses near the city of Black Hawk. The city government and the Gilpin County government approve strongly of efforts to clean up the management mess caused by these fragmented parcels through their acquisition and development. My bill will help these local governments meet their goal.

In summary, Mr. Speaker, I believe this bill is an example of win-win legislation. Coloradans will be able to enjoy thousands of additional acres of public land for an array of outdoor activities, land development will be enhanced, and fish and wildlife will be further protected. This legislation deserves the support of all Members of Congress.

INTRODUCTION OF THE BA&P FAIRNESS BILL

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce legislation to limit the authority of the Interstate Commerce Commission to overturn employee protective agreements. I have prepared this legislation and introduce it this late in the Congress because it is finally the only avenue left to right a wrong committed to workers in my State and assure that it cannot happen again.

Workers still struggle to set back in place the cornerstones of worker rights that were slowly dismantled throughout the 1980's. There is no more clear example of this than the case of the employees of the Butte, Anaconda, and Pacific Railroad and the Interstate Commerce Commission.

The BA&P railroad was the mining company railroad that served the smelters and mines of Butte, MT. In its heyday it was the busiest railroad in the region and moved millions of tons of ore. In the 1980's the BA&P was abandoned as a railroad by ARCO, the new owners of the old Anaconda Company empire. The rail workers on that line were longtime workers and had negotiated a contract for this type of situation. Under the agreed procedures in the employee contract the severance pay of the workers was submitted to arbitration. That arbitration produced an agreement for New York dock-style benefits, both parties to the contract signed and heralded the agreement.

This is where the process was corrupted. At the same time the company was signing the agreement they were also lobbying the Reagan administration to use the ICC to overturn the agreement. And that is precisely what happened. Using broad ICC authority to review matters of commerce, the ICC reached out for the first and only time to overturn a signed arbitration agreement.

Since that time, the workers in my State have slowly wound their way through the endless corridors of appeals and litigation. Ultimately the courts ruled that the ICC authority was broad enough to encompass review of signed arbitration agreements and the time, money, and benefits of the workers in Montana were lost.

My legislation will correct this. It prevents the ICC from reviewing signed arbitrations and it reaches back and reinstates the New York dock benefits ARCO contracted to pay.

This legislation is simple common sense and fairplay. I cannot believe that anyone thinks that it is good policy to let the Government override bargained agreements between employers and employees. It may take longer than this Congress for the appropriate committees to ultimately hear these railworkers' case, but when they do I believe they will join me in putting this right.

HONORING ROBERT ABRAHMS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. HINCHEY. Mr. Speaker and esteemed colleagues, I rise today to pay tribute and bring your attention to Robert Abrahms, former attorney general of New York State, who is being honored by the Anti-Defamation League with their William and Naomi Gorowitz Institute Service Award.

Mr. Abrahms' record is well-known and admired. He served New York for 15 years as attorney general, and over that time combated the many problems the State was faced with. He won major victories over organized crime, and played an integral part in strengthening criminal justice legislation in Albany. Mr. Abrahms was also a forceful consumer advocate, and fought vigorously throughout his time in office to preserve and protect the rights of all consumers.

I salute Mr. Abrahms on receiving this distinguished honor. We in New York State miss his talents and leadership.

VOICE OF DEMOCRACY AWARDS

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today I want to recognize a student in my district who has expressed her commitment to America in an especially eloquent and meaningful way. Stacy Havener of Brookfield, CT, won 28th place honors in the Voice of Democracy Broadcast Scripting Contest sponsored by the Veterans of Foreign Wars. I am including her speech in the CONGRESSIONAL RECORD as a permanent testimonial to American patriotism.

MY COMMITMENT TO AMERICA

My commitment to America could be described through an overview of my thoughts on wordly issues or through an overview of my thoughts on why I think as highly of America as I do, but oftentimes it is easiest to convey complex and multifaceted concepts through a more simple and focused medium. I could explain my commitment to America by analyzing every single aspect of the word commitment and what that means, but this may not be as effective as simply presenting a metaphor. Through this, my commitment to America will become evident as my words reflect what is inside of me, and my homeroom class gave birth to these words.

My commitment began in kindergarten, even though then I did not realize it. Since kindergarden I remember standing every morning and reciting a bunch of words I could barely pronounce, never mind understand, as I looked up on the wall at a lifeless fabric embellished with some red lines, blue square and some nice looking white stars. In kindergarten that pledge was little more than routine; I did it because it was mandatory. Little did I know that twelve years down the road those recited words would take on new meaning and that fabric would gain new life, for now they both stand for so much.

Embarking on senior year my classmates and I have a lot to think about. This is no longer kindergarten, nothing is mandatory, nothing is memorized or written in stone, things change day to day and we have to deal with those changes. No longer do we have eleven more years of public school lying ahead of us . . . we have an array of opportunities and choices. Because of this conglomeration of thoughts, decisions and conflicts, it is easy for one to become self-absorbed; to focus only on that which relates to oneself; to lose sight of the true importances in life. Maybe this is the explanation for the true story which follows, but it is not an excuse, and maybe someday the words once learned will not be cast aside and disregarded, but will be said with pride by everyone . . . instead of one solitary voice barely audible in a homeroom class.

Walking into school the first day was like diving head first into a pool of confusion and mayhem. As always at the culmination of homeroom, we prepared for the familiar sound of the vice principal and the morning announcements. As can be expected, the preparation of 20 teenagers all worked up on the first day of senior year is not the normal type of preparation. It consists of gossip, retelling stories of the summer, comparing schedules, laughing or maybe even arguing, but it is preparation nonetheless. Our teacher interrupted us and said something I had never heard before . . . he gave us a choice. Being seniors he felt we could decide whether or not we should stand and recite the pledge. Imagine the reaction of the class; what a relief. After eleven years the burden had been lifted. So that day the announcements were drowned out by the chatter and excitement of my classmates. The words of the vice principal went unheard and the American flag hung lifeless in the back corner of the class.

Whether by coincidence or not, my first day of school was not a good day. Nothing went right, and for some reason I could not stop thinking about the morning. I decided then that no matter how alone I would be I would stand and say the Pledge of Allegiance. I was given the choice and I'd made up my mind; senior or not it deserved to be said.

The next day at the culmination of class the usual thing happened. Gossip, laughter, students frantically completing the homework from the night before. And as always the familiar voice of the vice principal crackled over the speaker on the wall. Straining my ears beyond the laughter and chatter of my classmates I could make out, "Good morning. Please stand for the Pledge of Allegiance." So I stood up, I turned and faced the flag, put my hand over my heart and began . . . and for the first time I actually listened to what I was saying.

"I pledge Allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all."

One by one my classmates grew silent and I could feel their stares . . . but none of that mattered anymore. When I took my seat I smiled because I knew my day would improve.

It has continued like this since then. Every day I stand alone. My classmates have come to accept it and they no longer look at me in disbelief; but sometimes I wonder if it is really that easy for them to sit there, and I always hope that one day they will listen to the words and not just hear them.

The flag on the wall is no longer a red and white striped piece of fabric with a blue square and some neat little white stars, and the words I learned in kindergarten have taken on new meaning. My commitment to America is here. The flag and the pledge both stand for a country unlike any other; one that is based on liberty, freedom and love of mankind, and just like the flag and the pledge do so stand, every morning so do I.

IN COMMEMORATION OF MALIK M. HASAN, M.D.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. McINNIS. Mr. Speaker, I would like to bring your attention to the fine work and outstanding community service of Dr. Malik Hasan of Pueblo, CO, who was recently awarded the Excellence in Leadership Award from the University of Southern Colorado School of Business.

Dr. Hasan has more than 30 years of progressive experience in the health care industry, as well as financial business management. In both of these areas he has proven to be very successful.

Dr. Hasan is the founder and president of Qual-Med in Pueblo, which is a rapidly growing and multioptional managed care company. He directed and led its growth from a small local Colorado plan of 5,000 members; and through a series of successfully integrated acquisitions with 6 other States, they now have a membership numbering more than 330,000.

To ensure Qual-Med provided high quality health care, Dr. Hasan recruited a strong team of very skilled and experienced managers to direct the company's growth and expansion. He also directed the design of an unsurpassed management information system, to support the company's physician-driven medical management approach.

Dr. Hasan is highly intelligent, and rapidly advanced through post-graduate studies in Pakistan and England, while practicing internal medicine and acquiring expertise in neurology.

He is a member of the Royal College of Physicians of Edinburgh, and the Royal College of Physicians of London. He was also the director of the Colorado Medical Society from 1980 to 1984.

Mr. Speaker, I ask that you join me, our colleagues, Dr. Hasan's family, and his community in honoring this unique individual for his continual service to his community. Throughout the years, he has shown a commitment to Qual-Med, as well as the people within his community, and it is only fitting that the House recognize him today.

THE RULE ON H.R. 3800, THE SUPERFUND REFORM ACT OF 1994

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. GIBBONS. Mr. Speaker, pursuant to the rules of the Democratic Caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 3800, the Superfund Reform Act of 1994, as amended by the committee.

A POSTHUMOUS TRIBUTE TO DR. BENJAMIN ELIJAH MAYS ON HIS CENTENNIAL BIRTHDATE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a man who was a leader in the civil rights movement, a dedicated educator, and a friend of many, Dr. Benjamin Elijah Mays. Dr. Mays passed away 10 years ago last March. He would have been 100 years of this August. An inspired speaker, Dr. Mays once told a group of African-American students, "I will live in vain, if I do not act so that you will be freer than I am—freer intellectually, freer politically, and freer economically." True to his word, no one has worked harder to increase educational opportunities for African-Americans, and in doing so, advanced the cause for civil rights in this country, than Dr. Benjamin Elijah Mays.

Dr. Mays, the son of former slaves and the youngest of eight children, was born with an instinctive yearning to know, to learn, and to become educated. Yet, as a young African-American living in Greenwood County, SC, at the turn of the century, Mays encountered discrimination that was often fierce and unrelenting. African-Americans were expected to do farmwork, not schoolwork. The attitude in Greenwood County was perhaps best epitomized by the Governor of South Carolina at the time, who in 1911 said:

> I am opposed to the white people's taxes being used to educate the Negroes. I am a friend of the Negro race. In my opinion, when the people of this country began to try to educate the Negro, they made a serious and grave mistake, and I fear the worst result is yet to come. So why continue?

Disregarding every obstacle, every prejudice, Benjamin Mays continued. With great passion and strength of character, he forged a path towards enlightenment. He continued even as the white-to-black ratio for county spending on education was 27 to 1. He continued even as he felt, as he later said, "the chasm was so wide between black and white * * * that I never felt that any white person in Greenwood County or in South Carolina would be interested in anything I did." And, he continued even as doing so challenged the entrenched racial balance in South Carolina and risked hostile, even violent, opposition. Nothing distracted Benjamin Mays from his dream to become educated, and in doing so, to become "somebody."

At the Brickhouse Elementary School in Greenwood County, Benjamin Mays quickly became the best student in the class. He excelled at the 2-year Baptist Association School in McCormick, SC. At South Carolina State high school, he became valedictorian of his class. And, at Bates College in Maine, he later said, he was given a chance to prove to himself that the myth of white intellectual superiority was, indeed, a myth. He became an honor student and a star intercollegiate debater. Some years later, at the University of Chicago, he received both a masters degree and a doctorate of philosophy.

Even as he worked to secure this own education, Dr. Mays began a long career devoted to ensuring that every African-American would have a chance for a quality education and consequently, a better life. He became dean of the School of Religion at Howard University in 1934. During his 6-year tenure, he succeeded in substantially increasing enrollment, strengthening the faculty, enlarging and improving the school library, and ensuring that the School of Religion became accredited by the American Association of Theological Schools.

While at Howard University, Dr. Mays attended several world conferences which focused on problems confronting youth in the world, including race relations. During one such conference in Mysore, India, his greatest desire was to meet with Mahatma Ghandi, to question his ideas on nonviolent protest and his reasons for identifying with the "untouchables" of the caste system. He was granted a meeting, and the 90-minute discussion that ensued helped shape Dr. Mays' own views on nonviolence as a means of political protest. In later years, Dr. Mays would often speak in support of nonviolence, particularly during Tuesday morning chapel lectures he delivered to students as President of Morehouse College.

In 1940, Dr. Mays accepted an offer to become the sixth President of Morehouse College in Atlanta. Over the course of 27 years, Dr. Mays succeeded in transforming the struggling and financially destitute local college into a nationally recognized African-American institution of higher learning. He increased enrollment dramatically, secured new sources of funding, and boosted morale. As a result of his efforts, the number of Morehouse graduates who went on to graduate and professional schools tripled.

At Morehouse, Dr. Mays became friend and mentor to one of the greatest leaders of the 20th century, Dr. Martin Luther King, Jr. Dr. King, who as a student was greatly influenced by Dr. Mays' emphasis on nonviolence as a means of political protest, later referred to Dr. Mays as his "spiritual mentor." Dr. King sought the advice and counsel of Dr. Mays on many occasions, both before and during the civil rights movement. If there had been no Benjamin Mays, there would have been no Martin Luther King, Jr.

Dr. Mays' energy was legendary. Widely considered one of the most published academics in the world, Dr. Mays published 9 books, 1,700 editorials, 18 chapters for various books, 112 journal and magazine articles, and 65 articles in the Morehouse College Alumni Bulletin. He delivered over 800 lectures, sermons, addresses, and eulogies, including that of our mutual friend and colleague, Dr. Martin Luther King, Jr.

Dr. Mays spent his lifetime working tirelessly so that future generations of African-Americans would be freer spiritually and freer intellectually. He believed that freedom of the mind and soul was the key to social freedom, political freedom, and economic freedom. He single-handedly cultivated an institution geared toward producing African-American leaders. Yet, in characteristic modesty, he has said simply, "If I have helped in any way, pass it on."

In 1963, Dr. Martin Luther King, Jr., Nobel Laureate and civil rights leader, was perhaps the most famous example of leadership arising from Morehouse. Today, Morehouse graduates are leaders in every part of society—in religion, law, medicine, art, philosophy, and government. Today, Morehouse graduates are Members of this Congress—Congressman Sanford Bishop of Georgia, Congressman Earl Hilliard of Alabama, and Congressman Major Owens of New York. Morehouse graduates are making a difference around the country. The list goes on: Julian Bond, lecturer and civil rights leader; Dr. Louis Sullivan, former Health and Human Services Secretary; Lerone Bennett, author and executive editor of Ebony magazine; Robert Johnson, executive editor of Jet magazine; Maynard Jackson, former mayor of Atlanta; Edwin Moses, Olympian; Spike Lee, filmmaker; Herman Cain, founder of Godfather's Pizza; and, Nima Warfield, the Nation's first African-American Rhodes Scholar from a historically Black institution.

As graduates of Morehouse College continue to become our Nation's strongest leaders, and as African-American students at Morehouse continue to receive one of the best educations in the country, the legacy of Dr. Mays lives on. In honor of his centennial birthdate, I ask my colleagues to join me in commemorating the life of Dr. Benjamin Elijah Mays, a leader most appropriately called the schoolmaster of the civil rights movement.

ZINGING THE PUBLIC FOR USE OF FEDERAL BOAT RAMPS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. WILLIAMS. Mr. Speaker, I am today introducing legislation to rescind the U.S. Army Corps of Engineers authority to impose user fees for day use recreationists at Federal reservoirs.

My bill further establishes that the exclusive circumstance in which fees for day use may be charged is if the revenues from those fees are put to use improving and managing the area where they were generated.

Recreational boaters already pay for the conservation and management of recreational facilities. In purchasing any boat, folks pay a 10-percent excise tax which funds the Wallop-Breaux program providing State grants for recreation programs. A Federal gas tax is levied on marine gas. And many States tax boat registrations to fund waterway programs.

We've gone too far when we zing the public one more time for the use of a Federal boat ramp. It's gratuitous, it penalizes people for using the facilities they paid for not just through taxes but in the contribution of thousands of acres to build these reservoirs.

A TIMELY CALL FOR FAITH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. SWETT. Mr. Speaker, the divided, adversarial debate on crime and health care legislation on the Hill has had a negative impact on more than just the American public. Members of Congress who are more interested in solving problems than partisan politics are experiencing the very same frustration. So, yesterday morning at dawn I just had to take a run down to the Lincoln Memorial to read the inspiring inscriptions within.

How trivial the differences of today all become when compared to the epic issues of the Civil War. The puffed up pride of legislators seems almost comedic when compared to the humble, efficient eloquence of President Lincoln. Two qualities are missing in today's tirades for or against crime and health care bills which are very evident in the words of President Lincoln. Humility and subordination to the Divinity. Just as our leader who saved the Union could humbly confess his inability to solve all the problems and called upon God for guidance, we too, could gain a great deal by employing his example. I left the memorial that early morning refreshed and rejuvenated.

On July 6, 1994, an op-ed piece appeared in the Washington Post by William Raspberry entitled "Havel's Message of a 'Forgotten Awareness'" which describes Havel's Fourth of July speech in Philadelphia. The article clearly evokes the spirit of Lincoln as it speaks of a gnawing emptiness that has expanded across the land. I was so impressed by this article that I felt compelled to have it entered into the Congressional Record for all to read and profit by. I hope this article has the same effect on those who read it as my visit to the Lincoln Memorial had on me.

[From the Washington, Post, July 6, 1994]

Havel's Message of a Forgotten Awareness

(By William Raspberry)

American intellectuals of the left seem (once again) to be dealing themselves out of the political and cultural action. I first noticed this when they abandoned patriotism (Remember when a flag in the lapel was taken as a sign that the wearer was an ignorant vahoo?) Then they—a lot of them, anyway—abandoned traditional morality, leaving it to those thought to be too weak-willed to make their own decisions. Now they're abandoning religion to the tender mercies of the religious right.

No matter that intellectualizing has not produced solutions to the problems that have so many of us in fear for our lives; no matter that more and more people find their lives emptier and emptier; no matter that the dreaded Christian right is making political inroads precisely because it has learned to speak to that emptiness. Intellectuals still find it hard to respect religion—or to respect anyone who does.

That's one reason Vaclav Havel's Fourth of July speech in Philadelphia strikes me as particularly timely and important.

Havel, president of the Czech Republic, human rights champion and certified intellectual, told his audience that despite the prosperity and physical comfort modern civilization has produced, "the world of our experiences seems chaotic, disconnected, confusing * * *. We do not know exactly what to do with ourselves." Experts and intellectuals are more capable than over of explaining the objective world, he said, "yet we understand our own lives less and less."

What is missing? Just this, says Havel: "The awareness of our being anchored in the earth and the universe, the awareness that we are not here alone nor for ourselves alone, but that we are an integral part of higher, mysterious entities against whom it is not advisable to blaspheme. This forgotten awareness is encoded in all religions. All cultures anticipate it in various forms. It is one of the things that form the basis of man's understanding of himself, of his place in the world and, ultimately, of the world as such."

The Havel formulation recalls something Robert N. Bellah wrote more than a quarter of a century ago in an essay he called "Civil Religion in America."

The burden of that piece, which proceeded from an analysis of President Kennedy's 1961 inaugural address, was that there is a "civil religion" quite apart from the denominational specifies of individual churches. Thus Kennedy could call upon his fellow Americans to acknowledge that "God's work must truly be our own" while avoiding, as inappropriate to the occasion, any specific reference to Christianity or Roman Catholicism.

Bellah's civil religion, which sounds a lot like Havel's "forgotten awareness," is as old as the republic and comprises "a collection of beliefs, symbols and rituals with respect to sacred things" that overarches specific doctrines. As he put it: "This religion—there seems no other word for it—while not antithetical to and indeed sharing much in common with Christianity, was neither sectarian nor in any specific sense Christian."

What Bellah described was not simply "religion in general" or religion purged of its doctrinal specifics in order to avoid hurting anyone's feelings. He was talking about the religion that is so clearly there in the formulations of the Founders. The separation clause of the First Amendment seems designed to prevent the establishment of a particular brand of religion, not, as present-day jurisprudence has it, to purge our civic and political life of religion altogether.

The failure to make the distinction is costing us dearly. On the domestic side, we cannot lift people to a higher vision of themselves, cannot fix their dependency or reduce their violence because we cannot officially acknowledge, or permit the government to fund, the spiritual regeneration that may be the only true solution.

Havel, in Philadelphia to receive the Liberty Medal, spoke to the international side. "Politicians at international forums may reiterate a thousand times that the basis of the new world order must be universal respect for human rights," he said. "But it will mean nothing as long as this imperative does not derive from the respect of the miracle of being, the miracle of the universe, the miracle of nature, the miracle of our own existence.

"Only someone who submits to the authority of the universal order * * * can genuinely value himself and his neighbors, and thus honor their rights as well."

The Founders saw these truths as self-evident. Today's intellectuals are more likely to see them as matters of superstition.

Pity.

A PRESCRIPTION FOR FOREST HEALTH: THE NATIONAL FOREST STEWARDSHIP CONTRACTING ACT OF 1994

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. LAROCCO. Mr. Speaker, today I introduce the National Forest Stewardship Contracting Act of 1994.

In the last Congress I introduced the National Forest Health Act of 1992. With the bipartisan cosponsorship of 30 Members of the House of Representatives, the bill progressed through the Agriculture Committee. My forest health bill (H.R. 229) has been reintroduced in this Congress, where it is pending in the House Agriculture and Natural Resources Committees.

With today's legislation, I intend to expand on my original legislation by providing a tool for the Forest Service to focus on forest health through the use of land stewardship contracts. Using a stewardship contract, the Forest Service will be able to accomplish needed watershed and forest restoration activities while providing merchantable timber and additional employment in local communities—all in one project.

Currently, the Forest Service relies heavily on timber sales—both salvage sales of dead trees and green sales—as the principal means for silvicultural treatment. The Forest Service has no program support or direct source of funds for restoration.

The Interior appropriations bills for fiscal years 1992 and 1993 directed the Forest Service to test the land stewardship approach to Federal timber sale contracting on several western national forests, including the Kaibab and Coconino in Arizona, the Dixie and Lake Tahoe in Nevada, and the Idaho panhandle.

In these bills, Congress directed the Forest Service to "apply a reasonable portion of the value of timber removed * * * as an offset against the cost of stewardship services received, including but not limited to site preparation, replanting, silvicultural programs, recreation, and wildlife habitat enhancements." The intent of Congress was to "help the private sector promote the Forest Service ecosystem management initiative * * * to give contractors an incentive to become as concerned with sustaining ecosystems as with sustaining trees."

The National Forest Stewardship Contracting Act builds on the experience gained from these pilot projects and includes provisions to assure efficiency and accountability.

My bill would allow the Forest Service to contract for an array of ecosystem management and ecological restoration services as part of a total land management package with a single contractor. The contractor would be compensated for these services by receiving credit toward the amount owed to the Forest Service for timber harvested as part of the contract. This approach is essentially the same as the purchaser credit system used for many years to compensate timber purchasers for road construction and maintenance associated with a timber sale.

Much of the restoration work needed on national forests could be accomplished under stewardship contracts. Contract activities could include removal of salvageable dead timber; thinning of green stands where needed; pruning of dead or lower limbs to reduce the risk of ground fires climbing these ladder fuels into tree crowns; prescribed burning to reduce excessive fuels; removal or treatment of forest roads to reduce runoff, erosion, and sedimentation of streams; the restoration of ecosystem structure in riparian zones; and tree planting in unregenerated or understocked stands.

The stewardship program is structured to be self-funding. Funds for projects would be derived initially from the value of the mostly small-diameter timber removed in overcrowded areas or urban and wildland interfaces which need immediate treatment to avoid catastrophic fires. Those revenues will be placed in a stewardship account. The Secretary of Agriculture would be authorized to supplement that account with appropriate funds to allow the projects to be integrated with other forest management programs.

Mr. Speaker, I believe stewardship contracts hold much promise for addressing forest health problems. The wildfires raging in the Western States offer ample evidence for a long-term approach to forest health.

Many coniferous forests east of the Cascades and in the Sierra region of California are in serious need of immediate and effective forest restoration. These forests show significant stress because of unnatural species balance and overpopulation of trees per acre. Nearly a decade of drought has exacerbated moisture and nutrient stress in these overcrowded stands. Opportunistic insect and disease populations have soared, and large areas of dead and dying trees have resulted. Allowed to accumulate, this dead timber becomes a huge fuel load which, when ignited results in the uncontrollable wildfires of historic proportions now burning across Idaho and the West.

Mr. Speaker, scientists and forest managers have recommended the implementation of new and innovative processes to improve forest resource conditions.

But, the current authority granted to land managers does not provide for the distribution of receipts of revenues from timber and other forest products to accomplish ecosystem restoration work under a single contract.

With the advent of ecosystem management, recent reductions in Forest Service and Bureau of Land Management budgets and personnel, and the loss of a reliable Federal timber supply, stewardship contracts hold promise for helping to resolve forest health problems and the economic crises occurring in many timber-dependent communities across the West.

I urge my colleagues to join me in support of legislation to address forest health problems of our national forests, including the authorization of stewardship contracts, with the passage of the National Forest Stewardship Contracting Act of 1994.

TRIBUTE TO GERALD M. McCAFFREY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Gerald M. McCaffrey, vice president of the Macomb Intermediate School District Board of Education. Jerry is retiring from the board after 11 years of devoted service.

Jerry first became officially active in education when he was elected to the Fraser Public Schools Board of Education in 1970. He served the students and the community of Fraser, MI, for the next 20 years. During this time, Jerry earned respect from parents and teachers, as well as his colleagues on the board. I have had the opportunity to work with Jerry on many occasions and was pleased when he was chosen by his peers in 1983 to serve on the Intermediate School District's board. He also was selected to represent the Macomb County School Board as its president.

A strong sense of family led Jerry to become involved in our educational system. In fact, his strong desire to see his children receive the best possible education first inspired him to work on the school board. With 12 children and 17 grandchildren, Jerry has had a large stake in seeing quality education for his family and our community.

Jerry's enthusiasm and commitment to the community extends well outside the educational forum. He has served as a commissioner on the Macomb County Board and on the Macomb County Parks and Recreation. He also enjoys officiating at high school football, baseball, softball, and volleyball events.

After 24 years of personal and professional devotion to the community through his role in public education, Jerry will hand the reins of responsibility to a new board member. Although he will be missed, he intends to devote his time to being a full time grandparent. There is a certain sense of justice in knowing that Jerry's desire to end his public service is for the same reason he became involved—a commitment to his family.

After more than two decades of dedicated public service, I wish my friend Jerry McCaffrey and his family all the best in retirement. And I ask my colleagues to join me in offering heartfelt congratulations and a sincere thank you for a job well done.

IN HONOR OF THE RETIREMENT OF JERRY PRINCE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Jerry Prince of McLeansboro, IL, on his retirement from McLeansboro Junior High School. For 31 years, Jerry served the people of southern Illinois as an educator and musician who unselfishly shared his musical talents with our children and our community. It is a privilege for me to enter into the CONGRESSIONAL RECORD a recent article from the Southern Illinoisan featuring Jerry Prince's dedicated career as a music director.

END OF THE CIRCUIT

(By Linda Sickler)

Jerry Prince isn't sure where his musical talent came from.

There weren't many musical opportunities in the one-room country school Prince attended as a child "Obviously they didn't have a band," he said.

Except for a grandmother who played piano, Prince's family wasn't particularly musical. But somehow, somewhere, he got a talent that has taken him and his students to the top and kept them there.

Prince, the music education coordinator and director of bands at the McLeansboro Junior High School, is retiring after 31 years of teaching. He's getting out at the age of 51 because of the state's five-and-five retirement program, but he's leaving behind a rich legacy of music.

Ninety-seven percent of Prince's students have received first place ratings in regional and state band contests over the past 31 years. His bands have received "Best of Class" awards at the Illinois State Fair in Springfield four years in a row.

When the junior high jazz band breaks into rousing versions of "Heartbreak Hotel" and "Blue Suede Shoes," it is easy to see why. "Can you believe they are seventh and eighth graders?" Prince asked proudly.

Prince himself learned to play trumpet as a fifth grader. But it wasn't until his grandfather took him to a recital by the U.S. Marine Band that he realized he wanted to play an instrument.

"She said she would buy me a horn," Prince said. "It just happened that the concert featured a trumpet solo, so I said I wanted a trumpet. If it had been a tuba solo, I probably would have wanted a tuba."

The trumpet was ordered promptly from the Spiegel catalog and Prince started taking lessons. "They cost 50 cents a lesson," he said.

When the county schools near McLeansboro were consolidated, Prince came into town to the East Side School. "I attended the same school where I'm teaching now," he said.

At East Side, Prince began formal band lessons, which continued throughout high school. "I actually was the band director for three months my senior year because they fired the other guy," he said with a laugh.

"I guess that was what got me interested in music education. I got a scholarship to attend SIU in music education."

Once again, Prince got an early start. "I started teaching before I got my degree," he said.

Prince started his teaching career as a circuit rider, teaching in six schools in Franklin, Saline and Hamilton counties. "There were circuit riding judges, preachers and teachers," he said.

"I drove 100 miles a day and bought a new car every year. Of course, gas was only 27 cents a gallon. I got a lot of good experience then, experience I wouldn't trade."

Each school provided a different set of students with a different set of circumstances. Prince said he had no trouble learning all the students names.

Circuit-riding teachers were a necessity. Without teachers who were willing to go from school to school, many districts would not have been able to provide music education.

"At that point in time, the medium-size rural schools could not afford band," Prince said. "I started many band programs from scratch."

When he was hired, he was one of just three circuit-riding teachers left in the state. The other two quit before Prince, making him the last.

After seven years of making the circuit, Prince accepted a job with the McLeansboro district, even though it meant a $5,000 salary cut. "I had just gotten married and built a new house, so I thought it was time to give up circuit riding," he said.

As a fellow educator, I commend Jerry Prince for his commitment to building and shaping the lives of our children through music and the arts. The musical programs Jerry Prince nurtured at McLeansboro Junior High School have touched the hearts and minds of many children, leaving them with a gift they can carry with them for a lifetime. Along with the people of the 19th Congressional District, I thank Jerry Prince for his 31 years of dedicated service as an educator and musician and I wish him and his family good health and happiness in the many wonderful years that await them.

A MEANINGFUL APPROACH TO HEALTH CARE REFORM

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. BUYER. Mr. Speaker, in the debate of health care reform alternatives, it is important to place health care reform into a proper perspective. This is a two-part process. The first part is an analysis of our current problems in health care and the second is rational and meaningful solutions to the problems.

First, difficulties with the current system. The problems with our current system are two-fold and intertwined: Cost and access to insurance to pay for care. It is important to remember that there is a difference between access to care and access to insurance to help pay for that care. No one in America is denied care based upon the ability to pay. Our laws expressly forbid hospital emergency rooms from refusing to treat patients on this criteria. While hospital emergency rooms are used too frequently instead of doctor's offices or even self-medication, care is available to all.

With regard to insurance accessibility to help pay for health care, there are Americans who do not have insurance. Who are they? The very poor have Medicaid, a program in which the States and the Federal Government jointly spend billions of dollars. The elderly have Medicare, which also costs billions of dollars. Therefore, those without insurance are not poor and are not old.

Who, then, are the people without access to insurance? The commonly cited statistic is that approximately 37 million Americans are without any form of health insurance. Forty-seven percent of these are full-time/full-year workers in small firms, that have less than 10 employees. Thirty-eight percent worked less than full time. Sixteen percent are unemployed. The uninsured also tend to be young and 39 percent had incomes twice the poverty level or greater. One other interesting thing to note is that people in male-headed or two-parent families are the greatest percentage of those with insurance—86 percent. Of female-headed families with children—82 percent had insurance: 35 percent from employment and 44 percent from Medicare/Medicaid.

This problem with access to insurance is compounded by cost. Literally, thousands of people have been priced out of the insurance market. Why is this? First, individuals have to buy insurance with after-tax dollars. Self-employed individuals don't fair much better—they only get to deduct 25 percent of their costs of insurance. General Motors, IBM, and other Fortune 500 companies get to buy their insurance with before-tax dollars. They have a 100 percent writeoff of health insurance.

In addition, individuals and the self-employed and small firms do not have the benefits of large groups to pool risks. It is not unusual for small firms to have insurance premiums skyrocket or policies be cancelled outright if one individual on the policy—an employee or a dependent of an employee—comes down with a serious illness, like cancer.

Furthermore, to buy health care insurance, small firms face the fact that States have mandated certain benefits that must be carried in all policies sold. Some studies indicate that State mandated benefit laws can increase the cost of insurance by as much as 30 percent. Heart transplants are mandated coverage in Georgia; liver transplants are mandated in Illinois; hairpieces are mandated in Minnesota, and deposits to a sperm bank are mandated coverage in Massachusetts. State mandated benefit laws prohibit small firms and individuals from buying coverage that is tailored to their needs and their budgets.

Second, solutions to the cost and access problems. Despite these difficulties, there is some good news on the health care front. First and foremost, Americans have the best quality health care in the world. We are the leading exporting country of pharmaceuticals, for example. While no one wants to diminish the quality, it is important to understand that the driving force behind our high quality of care is our free enterprise system that fosters competition and innovation. Anything that restricts the ability of the market to develop new products, seek their introduction into the market, and have consumers purchase them, will stifle our high quality care. One such restriction is price control or caps.

The second piece of good news is that the States and the private sector have begun to respond to rising costs in the health care market and have had some success. It seems that Washington is the last to get into the act. Health care prices increased 5.4 percent in 1993—the lowest increase in 20 years. This is a continuation of a downward trend—9.6 percent in 1990; 7.9 percent in 1991; and 6.6 percent in 1992.

Nonetheless, there are things that Congress can do to deal with the problems of access and cost. I support these reforms and find continuing with the status quo unacceptable. First, insurance market reforms will make insurance available to many, many more people. These include portability—the ability to take your insurance with you should you leave your job. It would end "job lock." Denial of pre-existing exclusions—reasonable reform would enable individuals with pre-existing conditions to buy insurance and would end cancellation of policies to small firms and individuals when people get seriously ill.

Voluntary purchasing groups—small businesses would be able to form insurance pools with others for the purchase of health insurance. They would get the same market clout that large corporations enjoy. Here, we already have success stories. In my district, a group of employers in Lake, Porter, and LaPorte Counties have voluntarily joined together to gain market clout to buy health care coverage for their employees. Typically, the employers in the alliance enjoy savings of 10 percent to 40 percent and can access 11 different health plans. These employers also can access an innovative occupational medicine program. One of the obstacles that alliance faces is in the area of employers with employees with pre-existing conditions. Insurance reforms will help the alliance and more people will have coverage.

In 1993, California allowed businesses with 5 to 50 employees to join voluntary purchasing groups. After just one year of implementation, premiums for small businesses in the group declined by over 6 percent and nearly 12,000 previously uninsured individuals obtained coverage through the group.

Another insurance market reform would be making available medical savings accounts. With medical savings accounts, employees elect a high-deductible, low-cost policy and employers deposit funds into an account for the employee to cover routine medical bills. In Indiana, Golden Rule Insurance Co., has used this device. Golden Rule Insurance Co., deposits $2,000 a year into a medical savings account for employees who choose a $3,000 family deductible. Employees at Golden Rule have the option of a traditional policy with a $500 deductible and a 20-percent copayment up to a maximum of $1,000. In 1993, 80 percent of employees chose the medical savings account option. In 1994, the number is up to 90 percent. In 1993, Golden Rule health costs were 40-percent lower than they otherwise would have been.

Medical malpractice reform—many people argue that defensive medical practice doesn't really exist and even if it does there is not appreciable increases in medical costs. This is not an accurate portrayal of what happens in the real world. In Indiana, 20 years ago, due to the strong leadership of our former Governor, Dr. Otis Bowen, medical malpractice reforms were put in place. The reforms included: caps on damages, sharp limits on contingency fees, and prohibitions on double recovery. Today in Indiana, an orthopedic surgeon pays on average $10,875 per year in malpractice insurance. In Michigan, an orthopedic surgeon pays $108,762—10 times as much.

The Competitiveness Center of the Hudson Institute just completed a study of medical malpractice at a major hospital in Indiana. It found that medical liability added $450 in direct and indirect costs for every admission—and this in the State with commendable malpractice reform on the books—Nationwide, the estimate of costs to our health care system due to medical malpractice liability is at least $15 billion a year.

Malpractice reform should include all medical liability disputes to be initially resolved by a dispute resolution process, prior to entering court. There should be a cap on noneconomic damages at $250,000 and limits on attorneys' contingency fees. There should also be limits on a liability of the defendant to the proportion of negligence and discourage frivolous court actions by requiring the plaintiff to pay the defendant's legal fees, if the plaintiff loses. I would also like to apply medical malpractice reform to medical device and drug manufacturers, with exceptions for fraud, misrepresentation or withheld information.

Tax fairness—self-employed individuals and others who buy individual policies should receive the same tax treatment when it comes to health insurance as the Fortune 500. Farmers, small businesses, and others should be able to deduct 100 percent of the premium from their taxes.

Probations on State-mandated benefits—this would lower the cost of insurance and let plans be tailored to actual needs.

Under served areas should have better access to care—this is especially important to rural areas. I have supported efforts on the House floor to increase funding for community health centers. Community health centers provide care to low-income working families in a cost-effective and efficient setting. I supported an amendment offered by Congressman PORTER to shift $100 million to community health centers from the administrative overhead budgets of three Cabinet departments. This would have funded an additional 125 community health centers serving an additional 848,000 Americans. It would have doubled the outreach grants to rural areas.

Mainstreaming Medicaid—we should seek methods to bring the Medicaid population into the existing health care network. This would mean giving States flexibility to use Medicaid funds to place recipients into managed-care networks or allow States to purchase private insurance.

Administrative reforms—the paperwork tiger must be tamed. More bureaucracy from Washington is not the solution to this. We must streamline and standardize the paperwork that drives increased costs in administrative overhead. In a survey of nursing homes in my district, the biggest complaint was that the nursing staff spent more time on paperwork than they did on providing care to residents.

According to one study, if Congress did only three things, it would increase coverage to over 90 percent. These three things are: insurance market reforms, tax fairness of insurance, and subsidies to low-income individuals. These three things would also cover about 97 percent of all potentially covered health spending and there is room to do more reforms with the private sector which I advocate. The last thing we need to add to our system is more taxes, more bureaucracy, more Government regulation, more Federal entitlement programs, more litigation, price controls and rationing.

We can bring greater access and cost control to our health care system in a sensible manner that builds upon our free market system. This is the reform that would work the best and preserve the high quality found in American health care.

THE ELECTRONIC ANTI-STALKING ACT OF 1994

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. MFUME. Mr. Speaker, today I am introducing the Electronic Anti-Stalking Act of 1994.

The Electronic Anti-Stalking Act would amend section 223, title 47 of the United States Code which prohibits the use of a telephone to annoy, abuse, threaten, or harass any person. The act would extend "telephone" to mean any communications by means of computer modem or any other two-way wire or radio telecommunications device.

This new era of emerging technologies and expanding communications capabilities brings with it unforeseen innovations in how individuals conduct their professional and personal business. These new technologies bring us the benefits of efficiency, speed, accuracy, and access to unlimited sources of information. The information superhighway will soon become a reality accessible to all American citizens, and will provide our economy with renewed growth.

Along with these and other benefits from the new information superhighway, come the dangers of abuse and misuse. Last spring, a man stalked a woman in Michigan via E-mail stating, among other things, that "this letter thing is the least of many things I could do to annoy you."

Mr. Speaker, there have been numerous other reports of harassing and threatening messages.

The information superhighway has the ability to improve the quality of life for all Americans. Men and women should be able to utilize this new technology in a safe and nonthreatening environment. The Electronic Anti-Stalking Act will enable users of electronic communications to travel the information highway free of harassing and threatening messages.

TRIBUTE TO MELBA TEMPLE

HON. DON JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. JOHNSON of Georgia. Mr. Speaker, as students and teachers across this country prepare to return to school, I would like to take this opportunity to recognize one of the teachers in my district. Mrs. Melba Temple retired at the end of the last school year after teaching kindergarten and pre-school for 51 years in Hartwell, GA.

In 1943, Mrs. Temple opened her Kiddie Kollege and Little Red Schoolhouse at the corner of Athens and Arthur Streets. Every year, she welcomed groups of bright shining faces, opening her arms and her heart to these children as they took their first steps away from home. For 51 years, she gave them their first experience in education, preparing them to be readers, painters and mathematicians. For 51 years, she took children into her lap to read stories, praise their efforts, and soothe their scraped knees.

Recently, a number of her students returned to the Kiddie Kollege to honor her on her retirement. Looking across the room full of adult faces who had their first taste of learning in her classroom, one was reminded again of this simple but powerful fact—one person can make a difference. Mr. Speaker, it is not an overstatement to call Mrs. Temple a hero. She is a true American hero for her work in creating good citizens for our country.

JEAN BIXBY SMITH—A WELL-DESERVED TRIBUTE TO A LEADER IN COMMUNITY INVOLVEMENT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, August 21, 1994

Mr. HORN. Mr. Speaker, earlier this year, I was privileged to be present at a community tribute at the Long Beach Day Nursery to one of Long Beach, CA's most devoted volunteers—Jean Bixby Smith. She was being honored for 25 years of devoted service to the Day Nursery which had been founded by Florence Bixby in 1912.

Jean Bixby Smith is a descendent of some of California's major 19th century pioneers. Originating in Maine, the Bixbys came West to become involved in the gold exploration of the 1840's and 1850's. They rapidly realized that supplying the miners provided a greater certainty of income than mining for gold. Some of the family began extensive ranching near San Juan Bautista and then moved south into what is now the Palos Verdes Peninsula, Long Beach, and Orange County.

Wherever they moved, the Bixbys contributed to their community. When a need arose, they were the first to volunteer and the first to serve. And, they cared about their less fortunate fellow citizens. Jean's parents, Llewellyn and Betty, set the example for family service the 20th century. Whether meeting the needs of children, assuring adequate health care, the development of the city, or the evolution of the Port of Long Beach, members of the Bixby family have been involved.

Jean's devotion to her community matches that of her parents. She currently serves as the president and chief executive officer of the Bixby Land Co. In addition, she is deeply involved in many volunteer activities. I have had the pleasure of serving with Jean in the various efforts of the United Way Regional Board and Campaign for the 23 cities in southeastern Los Angeles County. To each activity, Jean has brought common sense, a gift for organization, and eloquence in explaining a needy, program to those in the community.

At the celebration of the 25th anniversary of the Long Beach Day Nursery, I was deeply moved by the special accolade authored and delivered by Jean's friend, Kathie Crawford, also of Long Beach. It closely captured what Jean's decades of unselfish devotion to her hometown has meant to all of us. It is titled, "When I Think of Jean Bixby Smith, I Think of * * *," and I offer it for entry in the RECORD.

WHEN I THINK OF JEAN BIXBY SMITH, I THINK OF * * *

A 30 year friendship, community involvement based on heritage, commitment, knowledge and love for Long Beach, intelligence, a keen sense of humor, a capable, knowledgeable lady, a rapport with and an interest in children, years of teaching 3rd grade in Garden Grove, the great good fortune of Megan and Scott Crawford and Malinda McCulloch in having had Jean's influence and involvement in their lives, the many children of Tichenor Clinic who learned to swim in her weekly sessions, friends from childhood, from college, from volunteer activities and business connections, from several generations and many communities, a love for home and hearth, garden and kitchen, a talent for sewing and needlework, six generations of black and brown labradors with puppies and dog shows and championships, garden and flowers and, paraphrasing a pillow she did in needlepoint, she has bloomed where she was planted, a sailor, tennis player and golfer, family: Raymond, Betty and Bix, young Bix and Barbara, devoted aunt to Mark, Brett, and Grant Bixby and Michael Blackwell, connections to the peninsula and the beach, Alamitos Heights, Rancho Los Cerritos, Scripps College and Claremont, service to Red Cross and United Way, her Junior League presidency, Rotary, Community Hospital, frequent member of citizen panels, task groups and committees for the city of Long Beach and the Long Beach Unified School District, my daughter says the most impressive to her is Jean's energy and vitality, her myriad of involvements, but a close second is her ability to put her hair up without looking in a mirror, great companion for visiting museums and art galleries, attending plays and musicals, discussing a book, enjoying the Symphony or seeking out the interesting and unique in Southern California and beyond, 25 years of children attending the Long Beach Day Nursery who have benefitted from her service to the Nursery, a volunteer, contributor, leader, worker, and friend whose efforts for the nursery include wallpapering the now-remodeled area that was once called the sick room, wall-papering with just barely enough paper (donated of course), with skill learned in one free session at a wall-paper store, on the hottest day of the century as shown by the thermometer on the savings and loan on the corner each time we stepped outside; I think of a remarkable friend, a doer and a giver who has enriched her community and most especially, the Long Beach Day Nursery, with her contributions of time, talent and love.

SENATE—*Monday, August 22, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we present our petitions in prayer to Him whose ineffable name is above all other names, the Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights * * *. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed * * *".—Declaration of Independence.

Eternal God, Sovereign of the universe, with unspeakable gratitude we thank Thee for the faith and vision of our Founding Fathers who conceived a political system in which the power belongs to the people. Thank Thee for people-sovereignty, the foundation of America.

It is gratifying, God, to see the response of the people to the health and crime bills. As we approach election, we pray that all the people will be awakened to the incredible legacy they have and will exercise their sovereignty. Realizing that we have one of the lowest voting averages in the industrialized West, move upon the people so that they will recognize the gift God has given them and respond by voting.

Forgive us, Lord, who have abdicated our sovereign responsibility as citizens and revive us to take hold.

In the name of the Lord of history we pray. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order.

Under the previous order, leadership time is reserved.

MORNING BUSINESS

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business until 10:30 a.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Does the majority leader plan to put a limitation on the time for Senators to speak during that period?

Mr. MITCHELL. I ask unanimous consent that the Senators may speak for up to 10 minutes each during that period.

The PRESIDENT pro tempore. I thank the majority leader.

Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the House yesterday passed a historic crime bill.

As I have stated publicly on many, many occasions, the most recent being last Friday, the Senate will take up the crime bill as soon as possible following House enactment.

I have advised the minority leader that it is my intention, therefore, at 10:30 a.m. today, to seek unanimous consent to proceed to the crime bill. If an objection is made and unanimous consent cannot be obtained to proceed to the bill, then I will make the motion to proceed to the bill at 6 p.m. today.

Under our rules, that motion is not debatable, and there will then be a vote on the motion to proceed to the bill at that time if consent is not previously obtained.

The distinguished Republican leader requested the opportunity to consult with his colleagues until 10:30 this morning. That is, of course, a reasonable request, and one which I immediately agreed to. Therefore, I will have a further announcement with respect to proceeding on the crime bill at 10:30, and at that time I will, in any event, make a unanimous-consent request to proceed to the bill.

I hope very much that it will be granted and that we can proceed to debate on that very important measure. It has, as all Senators know, been the subject of substantial discussion, negotiation, and debate in the House of Representatives prior to its passage yesterday.

I congratulate the House leadership, the Speaker, the majority leader, and others, as well as all of those House Members, Democratic and Republican, who joined together to pass this important legislation in the House.

I hope very much that the same will occur in the Senate, and that a bipartisan majority of the Senate will support the bill and enable us to pass it promptly. It is a very important measure, balanced as between providing additional police for crime prevention, providing substantial funding for the construction of prisons to enable the more effective security for those who have engaged in violent crime, and additional prevention programs to seek to encourage people, and particularly young people, to engage in productive and not criminal actions in our society.

So, Mr. President and Members of the Senate, it is a very important measure, one which I hope we can begin discussion on today, and which I hope we can pass promptly. Therefore, I will await the response of our colleagues, and in any event will return at 10:30 this morning to seek unanimous consent to proceed to that bill.

Mr. President, seeing no other Senator seeking recognition, I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 1 p.m. today the Senate proceed to the consideration of the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act; that there be debate only today on that conference report; and that the time between now and 1 p.m. be for a period for morning business during which Senators be permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the several requests are granted.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation.

Under this agreement, the Senate will take up the crime conference report beginning at 1 p.m. today. There will be no rollcall votes today. There will be debate only on the conference report.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We will, I hope, be able to complete action on that measure in the near future. It is, as I said earlier, a very important bill. Now that the House has acted, I believe it important that the Senate complete action and send the measure to the President.

The period between now and 1 p.m. will be for morning business during which Senators will be permitted to speak therein for up to 10 minutes. I anticipate that there will be debate during that period on the crime bill as well.

I thank my colleagues for their cooperation.

I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. Further proceedings under the call will be waived.

The Senator from North Dakota is recognized for a period of time not to exceed 10 minutes.

THE CRIME BILL

Mr. DORGAN. Mr. President, I noted over the weekend that the House of Representatives has passed the crime bill conference report. I intend to vote for the crime bill conference report when it comes to the Senate.

I watched the debate over the last 10 days or so on the crime bill and, as is usually the case, political debate is stretched so thin you can often see through it. There are, I think, merits on both sides of the questions that have been raised about this crime bill. Those who say there was too much spending in it may be right. There may be some valid arguments that in certain areas of spending it could be trimmed back—and was. Those who argued that the other side was calling legitimate prevention programs pork were right as well. But the fact is the conference committee has worked its will on the bill and it has now gone to the House and will come to the Senate. I hope very much the Senate will adopt the conference report.

It is important for us to understand the U.S. Congress passing a crime bill will not solve the crime problem in this country. That is going to be solved by individual responsibility and by people in the communities, in the homes and the neighborhoods, in the cities and the States. But we can help. We can do some things that are constructive that will honestly help, and we do that in this bill.

Well over 90 percent of the crime in this country is committed and prosecuted and investigated in the jurisdiction of local governments, so it is not in most cases a Federal crime. Less than 10 percent of crimes are involved with Federal jurisdiction. That is why I say we ought to understand that this bill in itself will not stop crime. But, the bill does address some very chronic issues that people around the country know about and that local governments face.

A substantial amount of the violent crime in this country is committed by a very small minority of the criminals. About two-thirds of all violent crime in America is committed by about 8 percent of the criminals. These are criminals who adopted crime as a career, and they understand and we understand that prison for them has become a revolving door. They are in and they are out and in and out and back on the streets far too quickly—to victimize another innocent American once again. This bill starts to get tough with them and says three strikes and you are out.

It says let us open up some hard core prison cells by putting nonviolent prisoners in some nonviolent facilities with barbed wire and put violent criminals in secure cells and keep them there.

Does this bill have some prevention programs in it? Yes, it does. But does anybody doubt people who are addicted to drugs and are involved in a life of crime have to get off the addiction if they are going to cease the crime? The fact is, we have far more addicts who seek treatment for drug addiction than we have places to give drug addiction treatment and counseling, and this bill addresses part of that.

Is that pork? Is that unnecessary spending, when somebody who wants to shed a drug addiction goes to a center and they say, "Sorry, we don't have any room. We can't take you. Take your addiction back on the street, commit more crime"? That is what is happening. It is not pork to have a prevention program in the crime bill to provide more addiction treatment, more addiction counseling for those who are addicted to drugs.

I hope my colleagues in the Senate will understand this is a good crime bill and one that we really ought to pass this week and one I think will advance the interests of this country in fighting this epidemic of violent crime.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, the crime bill is going to cost something in the neighborhood of $30 billion, give or take, over an extended period of time. I noted last Friday, talking about money, that this Government will experience another set of costs—far greater than that $30 billion—caused by actions of the Federal Reserve Board. Is it not interesting that we debate at great length spending of tens of billions of dollars on something we desperately need, a bill to put resources together to fight crime, and there is no debate and no thoughtful discussion on what the Federal Reserve Board has done in the last 6 months?

I wonder if my colleagues know in the five interest rate increases in 6 months by the Federal Reserve Board—in which they went in a room, locked the door, and made decisions in secret to increase interest rates five times—what they have done is increase Federal spending by $110 billion between now and 1999 by increasing the cost of funding our debt? No debate; no lengthy discussions; the Federal Reserve Board secretly goes in a room and makes the decision. In fact, most of the folks in that room have their banking connections and I am sure they represent them well—and they decided to increase interest rates five times. It will increase the cost of borrowing for the Federal Government, in effect increase spending by the Federal Government, $110 billion between now and 1999.

One of my colleagues on the other side says, "If the Federal Reserve Board protected us against a wave of inflation that was going to come in the future and extended this country's economic recovery, that would be a bargain." Does anybody in this Chamber have any credible evidence that there is inflation over the horizon? That inflation is on the rise? There is no evidence I am aware of. Inflation has decreased for 3 successive years. There is no evidence of renewed inflation. Yet the Federal Reserve Board has taken action to increase interest rates five successive times. What they have done is put the brakes on the American economy.

I brought their pictures to the floor of the Senate several times because I think, even though they operate in secret, we ought to at least share with the American people who these folks are and what they look like. I hope one day soon we can address the question of whether we ought to have a Federal Reserve Board under these circumstances making these kinds of decisions with this consequence to the American economy and to the American people.

HEALTH CARE

Mr. DORGAN. Let me, having said that, and compared the cost of the crime bill to what the Fed is doing, turn to one other brief topic, health care.

As I have watched and listened to the debate on health care, it has been interesting to try to understand the connection between what the American people want and what is being discussed here in Washington, DC. I noted the distinguished President pro tempore of the Senate gave a speech last week. I was not on the floor to hear it, but I heard part of it on my television set in my office and then I rushed over to his office to get a copy of the speech. I thought it was a very thoughtful speech, a very interesting speech.

Unfortunately, we do not have much credibility these days. The U.S. Congress does not have a great deal of credibility with the American people. Why? There are a lot of reasons for that. There is a cottage industry out there of magazine shows and news shows and others that try to hold us up to the light and say, "Look at this ugly imperfection here; isn't this grotesque?" It is not just true with this institution, it is true with every institution in America. We have now become—not just Congress, but other institutions as well—fodder for the "infotainment" industry. You entertain by looking at that institution or the other institution and saying, "Isn't this awful? Isn't this ugly?"

It is imperfect. We know that this place is imperfect. I come from a town of 350 people, and this place is very much like my hometown. We have a lot of wonderful people, basically solid, honest people who work hard and want to do the right thing. They try to do the best job they can. We also have a few people who make mistakes. When a Member of this body makes a mistake, it is on the front page of the paper someplace. That is the difference.

In health care, frankly, I think we sometimes become more ambitious than we should. The American people, I am convinced, have said to the Congress, "We want you to do something about health care because health care costs too much. Frankly, when health care costs too much, it is priced out of the reach of too many of the American people, and we would like you to do something about that."

And Congress, as is generally its desire, I think, wants to delve into this and construct a system, construct a big mechanism to try to deal with it. But I do not think the American people are saying, "Go to Washington and change the health care delivery system; the health care delivery system does not work." I do not think that is what they were saying.

They were saying, do something about health care costs, because for most people—middle-income families, businesses, and our governments—health care costs are skyrocketing. What does that mean? It means too many other families, especially the most vulnerable ones, cannot afford the cost of health care

I gave some examples of these costs the other day. I will give just a couple again. The average person would ask—and these are all people who have come to me—"Why does it cost $300 to put three stitches in my son's index finger?"

"Why did it cost $18,000," one woman asked, "for 3 days in the hospital and the use of the operating room for 4 hours, not including physicians' fees?"

"Why did outpatient surgery cost," a woman writes, "$13,000 with a hospital stay from 8 a.m. to 2 p.m.?"

That is what they ask. They ask why in the United States does it cost $38,000 for coronary artery bypass surgery and in Ontario, the exact same surgery costs $16,600? Why does it cost $5,700 for a simple appendectomy in the United States when in Ontario, Canada, it costs not $5,700 but $2,500? Those are the questions they ask.

What has happened is, we have seen plans to construct massive changes in the health care delivery system and, frankly, very few initiatives to deal with costs. Because the debate has become increasingly a debate about how do we cover people instead of how do we deal with costs.

I am convinced we can never, ever resolve the question of coverage until we resolve the issue of skyrocketing costs. I will say again, none, not one of the plans being offered—the Finance Committee plan, the Mitchell plan, the Dole plan, or the Senate mainstream group's plan—contains costs.

We now spend 14 percent of our gross domestic product on health care, Canada spends 10, and no other country spends 10. The President made the point that this spending makes us noncompetitive. We have less money available for investment because we are spending so much more on health care. Under every single plan, including those proposed by conservatives, health care costs in this country will increase from 14 to 19 percent and, in most cases, 20 percent of GDP. That is not success. We must, in my judgment, address the question of health care costs.

If we address that question, we will ratchet up even further the opposition to what we are doing in health care. But honestly, we ought to shine the spotlight on how do we deal with the skyrocketing costs of health care?

I intend to offer an amendment on costs. I think we ought to have a target out there at some point, a target that says we think we ought to aim for no more than 15 percent of GDP committed to health care. We ought to have a target. Right now, there is no target. The sky's the limit, whatever it costs. We will construct the system, debate coverage and whatever it costs it will cost.

In my judgment, that is not a satisfactory answer. Pharmaceutical companies are charging an arm and a leg for what they do. The head of one pharmaceutical company makes as much money as the salaries of every U.S. Senator combined. They say, "We need these high prices for prescription drugs because we need money for research and development." Well, that is fine, but then why do you pay your CEO's so much?

Insurance companies—we have one insurance company that pays the CEO over $50 million in compensation and stock options.

There is a lot of money at stake in this question of health care cost containment, and that is why the fear of real cost containment has all these special interests weighing in, in a very aggressive way.

We have not even gotten to real cost containment, but that is what the debate ought to be. All the special interests in the country have now weighed in with television advertisements, radio advertisements, and there is a new approach to grassroots lobbying that has nothing to do with grass and nothing to do with roots. Let me describe it.

It is facilitated telephone calling. Let us assume you are an insurance industry and you decide, "I don't like what those folks are going to do up on Capitol Hill. We want to continue to make as much money as we feel like making. I don't like what they are doing to us." So they hire a company in Washington, DC, and they say to that company, "Would you go out and put together a grassroots organization for me?" And they will do that.

So this Washington, DC, company puts together a phone bank, probably in Washington, DC, or some other area. So the phone bank gets lists of people, and the lists of people are called and a telephoner says, here is the circumstance, "How do you feel about that?"

And the caller says, "Well, I don't like that."

They say, "Let me make a deal for you. I tell you what we will do; we will hook your call right now to your Senator and you tell him that."

Let me give you a telephone call we got the other day. This is a fairly good example. We do not tape calls or anything like that. This is a staff person of mine in the office who said it was just an interesting call so she, just from memory, jotted it down.

This was from a small business person who called my office. Here is what the small business person said:

"I was just transferred by the small business people"—that would have been the phone bank people hired by the Washington group to create grassroots lobbying—"I was just transferred by the small business people to your office. Do you know what I'm supposed to tell you? It was something to do with voting."

My office staff person said, "No, sir, I have no idea. Didn't they tell you what this was about?"

The caller said, "Something to do with the health plan, I think. Is that up for voting now?"

My staff person said, "They are working on it. Do you have an opinion you would want to forward" to the Senator?

The caller said, "Not really. I don't know how I feel yet. I told that lady that when she called, but she said she was going to transfer me" to your office "anyway."

My staff person said, "Well, call back when you do know where you stand and we'll forward that information to the Senator."

This is new grassroots advertising. This is a radio ad that says "Call 1-800," and they get a facilitator and the facilitator says, "OK, if you feel that way about that issue, we will hook you into your Senator's office."

There was a radio ad in North Dakota partially funded by the pharmaceutical manufacturers, and when you listen to the message, you think, "Boy, that is the kind of message I would buy into," and somebody calls the 1-800 number and, guess what? They immediately get passed into my office. That is grassroots lobbying.

They spend $50 or $100 million on that sort of thing. Can you affect public opinion? You bet your life you can. If we get involved in the kind of fight we ought to be involved in to contain costs in health care, do you think we are not threatening some of the biggest, healthiest, wealthiest corporations in this country? You better believe we are. Do you not think they would spend $50 or $100 million just like that to save their skin? You better believe they will.

And you think it is not effective? Just see what has happened so far and then wonder what happens when we really confront cost containment.

It is very difficult in these circumstances to legislate effectively and to legislate in a manner that really accomplishes what the American people want us to accomplish. It is not unusual to get a call these days from someone who says, "I don't want Government to have anything to do with health care," and then you discover this is said by somebody who is on Medicare. It is not unusual to go to a town meeting and have someone stand up at the town meeting and say, "Government is awful, Government is the problem; we need to get Government out of health care," and then find out, as I did, that 75-year-old person just had open heart surgery paid for by Medicare, not making any connection that the Medicare system is a health care system that was established by that very Government.

We need to address the health care system. If there are people here who stand up and say, "Let's not bother with this; let's let the private sector do it," they are wrong. There is not competition in health care, as Adam Smith envisioned, with pricing as a competitive regulator. It does not exist.

In health care, competition means higher prices. One hospital does open heart surgery, and the other one has to do open heart surgery. One gets an MRI, the other wants to get an MRI. That is how they compete, and it means higher prices.

The market system has not worked. We must do something in the U.S. Congress to deal with skyrocketing costs in health care. If we do not put the brakes on health care costs, then we will have failed. And at the end of the day, those who say let us do nothing about health care costs ought to understand that consigns us to a circumstance where more and more and more American people are going to be priced out of an increasingly expensive health care system.

So my hope is that in the coming weeks we in the Congress will decide we have a lot more to agree about than to fight about. I hope that most of us understand that the costs of health care, having risen now to over 14 percent of GDP, on their way to 20 percent, are costs which are out of control. I hope we all understand that we must do something about health care costs.

Mr. President, I thank you for your patience.

I yield the floor and make a point of order that a quorum is not present.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California [Mrs. FEINSTEIN] is recognized to speak for 10 minutes as in morning business.

THE CRIME BILL

Mrs. FEINSTEIN. Mr. President, I rise to speak on the crime bill. I do so as a Californian, as the former mayor of a large California city, and as a U.S. Senator. I also do so with extreme pride in what I saw happen this weekend in the House of Representatives. I sat glued to my television screen yesterday as I watched Members of the House stand and come forward for very short remarks—generally in the vicinity of 1 minute—to tell how and why they were going to vote on this very important bill.

What I saw and heard, Mr. President, was a new kind of bipartisanship. Members of the so-called opposition party came forward to say: "Yes, this bill is important and, yes, we have had our differences, but we were called into the room to meet with Democrats and to reconcile those differences, and now, 46 of us can stand up and vote affirmatively for this bill."

I am hopeful, Mr. President, that this same spirit of bipartisanship will prevail in the Senate this afternoon, tomorrow and throughout the debate on the crime bill conference report, because I believe that this is an extraordinarily important bill.

I know when I ran for mayor—this was a long time ago, back in 1979—San Francisco had a spiraling homicide rate and a spiraling crime rate. I ran on the commitment to bring the police department up to its fully authorized strength, and to reduce response time by a squad car to an A-priority call to 2 minutes. It took me a number of years to get there, but I was able to increase the size of the police department to its fully authorized strength and was able to lower response time to 2 minutes. In the course of doing so, we reduced crime in San Francisco by 27 percent.

Why did we take that approach? We did so because if you can get an officer to a crime, you can find witnesses to interview who have not disappeared, evidence that is not cold and, as a result, a better chance of making an arrest and sustaining a successful prosecution.

That result is what this crime bill—an important crime bill for law enforcement all across this Nation—will facilitate. And that is why the rank and file of virtually every police department and virtually every chief of police in America have come together to say, "We support this crime bill. We need the resources it will provide us."

It is correct, Mr. President, that the crime bill does not fully fund 100,000 police officers for 6 years. It will, however, provide matching funds to local jurisdictions all over America to give them the financial boost they need to expand their police departments with brand new police officers. The bill says, in essence, that the future is community policing, police who walk beats.

I doubled the number of beat cops while I was mayor in San Francisco. I found that community policing works because the police who walk the streets know the bad guys. They know when outside criminals invade their neighborhoods, neighborhoods whose residents they know by their first names. People come to know and trust their local police officer as a human being, not as someone who is unknown to them, but someone who is part of their neighborhood, whom they respect, and with whom they can share confidences and information. And this yields arrests and it produces safety.

Mr. President, I also rise this morning to thank the Members of this Senate who were part of the conference committee and, in particular, the chairman of the Judiciary Committee, JOSEPH BIDEN of Delaware, who—with motivation, staying power and integrity—did a superior job, I think, and in crafting this bill. Senator HATCH, ranking member of the Judiciary Committee also deserves our thanks.

I also want to express special thanks to two other members of the conference committee: Senators METZENBAUM and DECONCINI for their work, not only in building a solid significant bill, but for their coauthorship and unflagging support of the assault weapons legislation. They stood up for it and they kept it intact as the America public has demanded.

Before turning to the issue of assault weapons, Mr. President, I would like to discuss for a moment the key differences between the crime bill as approved by the Senate, the initial conference report, and the final report approved by a bipartisan majority of the House of Representatives last night.

Law enforcement: When the bill left our Senate, there was a total of $12.236 billion reserved for law enforcement at all levels of government. The final bill increases such funding by $291 million for law enforcement, for a total of $13.451 billion. So law enforcement is up in this final bill.

Prisons: When the bill left the Senate it included $6.5 billion in it for prisons. As recrafted by the conference committee and approved by the House yesterday, it had $9.07 billion in it for prisons. That is an increase of $1.4 billion.

With regard to prevention programs, those of us who have worked in the big cities of America know that some work better than ours. We also know, however, that you have to fight crime in the streets every day before it happens, not just in the jails and courtrooms and prisons of our Nation after crime has already been committed. We must give our children alternatives to a life on the streets and the death and destruction that too often these days accompanies it.

For prevention, when the bill left the Senate, it provided $9.512 billion. Yesterday, that amount was decreased by the bipartisan conference by $1.695 billion to $7.054 billion. So the bill is down in prevention programs, many of which have been combined into a block grant of $377 million. Communities, mayors, boards of supervisors, and city councils can allocate those funds as their local priorities dictate.

In sum then, the bill is down nearly $1.7 billion for prevention. It is up $1.4 billion for prisons, up $291 million for law enforcement. The total cost of the bill is $30.205 billion. The conferees have crafted, and the House has approved by a bipartisan majority, a balanced bill that—in my view will reduce crime in America.

My hope, Mr. President, is that the spirit of bipartisan cooperation and commitment to producing a crime bill that triumphed yesterday in the House will inform the debate that we have begun in the Senate. There is no doubt in my mind that people of this country want this bill, and there is no doubt in my mind that this bill will be helpful to communities all across this Nation.

For California alone, this bill means the possibility, if local jurisdictions are willing to maintain their shares, of 10,000 additional police officers. For one of the most deeply troubled and crime-plagued cities in America, Los Angeles, this bill could mean more than 1,500 additional community police. That is a big deal. Truly it is a big deal. If you have 1,500 more police officers you are able to put on the streets, that means more arrests, that means faster response time, that means better evidence, that means more successful convictions, and that means that the bad guys are taken off of the streets.

Finally, Mr. President, I believe that one of the difficult parts for some in this crime bill has been legislation Senators METZENBAUM, DECONCINI, and I authored in this Senate—the legislation which had to do with assault weapons. Although no comprehensive statistics are maintained by the FBI or Bureau of Alcohol, Tobacco and Firearms, I accept that assault weapons are used in a comparatively small proportion of gun crimes perpetrated in this Nation. But that does not tell the real story. Something is happening in America that I first noted in the early 1980's.

It began for me in 1984 when James Huberty walked into a McDonald's drive-in restaurant with an Uzi and blasted away at the dinner hour; 21 people were killed and 19 were wounded as they sat enjoying their burgers and fries. I distinctly remember thinking at the time that I never expected such a crime in California. During the 6 years that I sat on a parole board in the 1960's and reviewed cases and set sentences, there were no crimes like this. There were no assault weapon crimes.

Five years later, a drifter named Patrick Purdy purchased an AK–47 assault rifle, walked onto a Stockton, CA, schoolyard, and just indiscriminately began firing. He mowed down 34 children, killing 5 of them.

Later the same year, assault weapon invaded the workplace—at a printing plant in Kentucky, an employee upset at losing his job strapped on an AK–47, two MAC–11 assault pistols and six handguns and began blowing his former coworkers away. Eight were killed and twelve were injured.

Massacres like this one have since been repeated in post offices and firms across America, no more notoriously than just over a year ago on the 'secure' 31st floor of a high-rise building at 101 California Street in San Francisco. In that now infamous rampage, a disturbed and disgruntled client walked in with twin Intratec TEC DC–9 assault pistols. When the shooting finally stopped, eight lay dead and six others were wounded. Can any of us forget the taped voice of a young woman named Michelle Scully talking to a 911 operator as she held her dying husband, alternately begging him not to die and pleading with the operator saying, "Please come. My husband is dying, I can't stop the bleeding."

As my staff and I began to research news stories about assault weapons by computer, we found that we could only pull such reports from papers in about two-thirds of the United States. But even with that partial sample, one fact that came quickly to light truly shocked me. What I saw was that assault weapons were becoming the weapon of choice of youngsters in our Nation—youngsters.

I later talked with a woman in Virginia by the name of Byrl Phillips-Taylor, whose son was killed by another youngster who was younger, just jealous of him, with an assault weapon, just mowed down and killed with an AK–47. I also met another mother from Seattle, who had just moved her child to what she thought was a safer school district. Her daughter was standing in front of the school. Young people in a car came driving by with an assault weapon, firing indiscriminately, and a 16-year-old girl's life was snuffed out.

Youngsters who used to end fights by bloodying someone's nose now settle grievances—real and imagined—with assault weapons. Rambo is alive and well in young America.

I believe, Mr. President, that many if not most of the votes against the crime bill last night in the House, the hidden votes, were cast by Members who, rather than side with the chiefs of police and the police officers of this Nation, capitulated to the National Rifle Association instead. I say to my colleagues in the Senate, with respect, that we in this body cannot ignore the police of America who are fighting a battle in which they are outgunned.

I heard a graphic example from those front lines recently, Mr. President. The women of the House and the Senate held a joint press conference last week. I had dedicated an earlier press conference to a police sergeant in Houston, TX, by the name of George Rodriguez. At that time, he lay dying from multiple bullet wounds inflicted by a MAC–11 assault pistol. Thankfully, he pulled through and was able to join us to tell us his story from the front lines.

He told us that outside Houston he had made a routine traffic stop. He pulled up to the car, left the car, and walked up to the automobile he was stopping. The man just cracked the door open, pointed the assault weapon outside, did not turn around and did not aim, and fired a burst of bullets in seconds, some of which hit Sergeant Rodriguez. Two are still lodged in his chest.

That weapon was this weapon called an M–11. And that weapon had a big clip. One of the problems with all of these weapons is that they come equipped with clips of 20 or 30 bullets, but you can buy clips that fit into them that are up to 100 bullets. Therefore, no one has a chance to get the weapon from you and they become cop killers.

Assault rifles kill cops even more effectively than pistols like the MAC-11. I learned this when Christy Lynn Hamilton, a 45-year-old rookie police officer in Los Angeles—and mother of two—was killed with an AR-15. The muzzle velocity of that gun, and many other rifles, is such that the bullet went through the car door, and can easily pierce standard bulletproof vests. That is why police are very strongly opposed to these weapons, because they are outgunned by them. They have no chance. They have no chance to draw their service revolver. And when they draw their service revolver, they have to aim it. With most of these weapons, you can just spray fire and not aim.

So the question comes: Do we want our young people to be able to have these weapons? Do we want the unstable amongst us to be able to gain these weapons? Are our streets, our schools, our playgrounds, our parks going to be safer with these weapons or without these weapons?

I think the answer is very clear. The Senate agreed that the answer was clear. The House of Representatives has debated it fully and has decided that America, as a Nation, is better off if these weapons are not manufactured, if they are not sold, and if they are not transferred.

The hidden agenda behind much of the opposition to the crime bill has, in my view, come from people who say, "We have a right to have these weapons." Then what we would say, in return, is, if this legislation passes, take this legislation to the courts and let the courts decide. Does the Second Amendment in fact say weapons of war, weapons made solely for military use—and every one of these weapons is made solely for military use to kill large numbers of people in close combat—provide every individual with a constitutional right to own these weapons or does Government have a responsibility to regulate their use, to prohibit their use, when they believe the welfare of the majority is protected?

I know one thing that this legislation will achieve in the future if given the chance. Our children will not be able to own these weapons. Drive-by shooters will not be able to buy these weapons. Gangs will not be able to buy these weapons. Grievance killers will not be able to buy these weapons. And I think that is a singular improvement.

Mr. President, as part of a group that began to work on the health bill in a bipartisan way—where sometimes up to 20 Senators, about half of us Democratic and about half of us Republican, sat down in a room without very much air and talked about health care—I came to really see the value of working in a bipartisan way to solve big problems, of being able to listen to each other, move as close to the center as possible, and go on from there.

It seems to me that is what happened in the conference committee and in the House of Representatives on this crime bill. There was a lot of debate, a lot of discussion; debate that went on all night—at least three nights of which I am aware—that produced a bill that was bipartisan to a great extent. And I think, and I am hopeful, that will be the case in this body later.

I say to my colleagues, this bill has been debated. The House of Representatives, bringing the perspective of 435 Members, each one representing about a half million people, debated the bill, amended the bill, passed a rule, defeated a motion to recommit yesterday, and finally passed a crime bill.

It seems to me that the people of this Nation want us to get on with other business. They do not want us to replicate the same debate again.

So I am very hopeful that we will see the same bipartisan spirit in this body that existed in the other body and that we will see the politics of consensus rather than division prevail in the Senate. That those Republicans who voted with us on the crime bill when it left the Senate will once again be proud to stand and say, "I am helping this Nation. I am putting police on the streets. I am building prisons. I am providing program funds to mayors and city councils and boards of supervisors. I am aiming to increase border control. I am battling against an increase in violence against women with this bill, and I will vote 'aye' when the crucial moment is at hand."

Once again, Mr. President, let me thank the conferees, particularly the Senate conferees and let me express my hope that today, or tomorrow at the latest, we will be able to send to the President the toughest, the smartest, the most balanced and the most effective anticrime bill in the history of this Nation for a people who very badly need the help.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

THE HEALTH CARE LEGISLATION

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes in morning business.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, I have today worked on what I think is a careful analysis of the mainstream proposal, a critique of Senator CHAFEE's and other Senators' work. I am going to be sending a letter out to colleagues, and I think this letter reflects a very thoughtful critique. I hope it will be helpful to everyone in how they evaluate this set of proposals that Senator CHAFEE and others are now presenting.

I made the appeal on Friday, and I make the appeal again, especially to the media, that I just wish that all of us, all of us here, would forget all of the labels, left, right, center, and for that matter sort of forget the kind of horse-race mentality of what is ahead, what is in, what is out, and just analyze these proposals as to whether or not they would represent a step forward for the people we represent.

I think ultimately that is a decision that you, Mr. President, as a Senator from North Dakota, will have to make and that I will have to make, and that all of our colleagues will have to make.

I would like to summarize what I had to say Friday, and this will be part of this letter. And then I will want to add to that critique today because we now know more about Senator CHAFEE's proposal as Senator CHAFEE and others have been gracious enough to provide briefings for our staffs. I will summarize Friday's analysis, and then I will build on that with today's analysis and concerns.

First of all, by eliminating the employer mandate in the Mitchell trigger—remember, this Mitchell bill had this trigger—the proposal would take us a step even further away from ensuring affordable coverage for working families and individuals.

What I am simply saying is that I think this is one of the difficulties which Senator CHAFEE and others have run into with this proposal. Without employers contributing their fair share, it is difficult to figure out how to finance coverage. If you are going to have subsidies to enable individuals up to 200 percent of poverty to purchase health care, that is fine. But then once you get into $30,000, $35,000, $40,000 middle-income working families, you have a plan that does not deal with the question of how to make that coverage affordable to them.

So that is the first problem. That is a fundamental problem.

Second, the subsidies and tax deductions for individuals with no employer contribution required could result in employers reducing coverage while enjoying a Government-subsidized bailout. And then, because the subsidy pool is limited, the proposal could fail to increase the number of insured.

This is extremely important. If you are not going to require employers to provide coverage, and if you are going to provide individuals with tax deductions to purchase coverage, and are going to provide subsidies for those individuals, then there is every incentive in the world for employers just to drop people. The employers would say, "If the Government is going to do it, let the Government cover people". This could become, by the way, a huge problem, a huge problem. The Congressional Budget Office pointed to this kind of problem once we started planning to give subsidies and tax deductions to people working for companies so they could individually purchase their coverage.

The real issue here is whether or not, again, we end up spending a lot of money to subsidize employers. And if we only have a limited amount of money anyway, then we could have a real squeeze on people, both the low- and moderate-income people who we are trying to give coverage to and a new group of citizens who could be very well dropped. I have to say that this is a fundamental flaw with this plan.

Third, the proposal would reduce the size of insurance pools which would raise community-rated premiums for small businesses and individuals. I do not think I did a good job explaining this on Friday, Mr. President. The problem is, if you reduce the employer threshold from 500 to 100 or below, in terms of those businesses that would be within these insurance pools, then you do not have much of a base to spread risk over. We started out saying we wanted to help the small business people. But if you move to such a narrow base, then it is fine for companies with more employees than that, but if small businesses are in community rating with Medicaid recipients and others—I think it is clear they are going to pay higher premiums. So the whole issue of community rating is fine, but it depends on what community you are in as to whether or not you are going to be able to afford the premium. This proposal puts small businesses, I think, at a very severe disadvantage compared to the Mitchell bill.

Finally, I talked about the proposed malpractice reforms. I think the problem—at least the present course with this—is that the direction of what has been proposed by the mainstream group protects insurance companies and doctors, but not consumers. There has to be balance here.

Today—and this will be a part of the letter I sent out to colleagues today—I want to make some additional points on the mainstream group's proposals. First of all, it appears there are going to be deductions that will be available for high-deductible catastrophic plans as well as for the two basic plans, the standard and the less than standard. This is another incentive to segment the insurance market and accelerate what actuaries call premium death spiral. I wish we did not have to use all this technical language. The long and short of it is this: If you are young and healthy, you are going to have the incentive to purchase the high-deductible catastrophic plans. Then you are out of the pool. If we go to community rating, it continues to go up for others who are paying for sicker people. If the healthy people drop out, the rate continues to go up for those that are left in the standard premium pool, and more drop out. It simply does not work when you get into this kind of segmentation.

Second of all—and this is extremely important—the Chafee mainstream proposal prevents States from going further than Federal reforms. I do not understand that. I am a big believer in States being the laboratories for reform, a big believer in grassroots political culture. I see no reason why States cannot do better than what the Federal Government has done. From reading this, States like Maryland, Vermont—and I do not know where Hawaii fits in; that would be an interesting question—New York, Washington, Minnesota, and Oregon, what steps these States have taken that go further than the Federal Government could be eliminated. That progress might not be permitted. In addition, States which want to go single payer would not have the option of including large multi-State employers, which would be a major barrier to an effective system.

So it strikes me that when you have a set of proposals which are supposed to be a step forward but which essentially prohibit States from doing better than the Federal reforms, with States not getting the chance to define what they want to do, I think that is a serious flaw, not a step forward.

Third of all, the whole question of parity that Senator DOMENICI and I have worked on really for several years now for mental health and substance abuse services would not be secure. All other benefits would be determined by a board that would not be accountable to the public. We want some clear language, like we had in the Labor and Human Resources Committee bill, which makes it clear that we no longer want to have this discrimination where we treat mental illness as if it is not diagnosable and curable—and it is—and we essentially treat people differently with caps on how long they can stay in hospitals, and on what kinds of cure they can receive. We need language that makes it clear that there will be parity that ends that discrimination.

Fourth, there is no protection for consumers by a public or nonprofit agency. This is really important. We have had some debate on the Mitchell bill and, before that, the bill that we reported out of Labor and Human Resources Committee. I know that on the floor of the Senate Senators came out here—and Senator REID from Nevada was articulate. He said: Wait a minute, some of this attack on bureaucracy like an office of consumer affairs set up at the State level to represent consumers—this is not bureaucracy with gnashing of teeth, this is, in fact, a role for the public sector to be there to defend and advocate for consumers. To eliminate the office for consumer advocacy means that consumers may not have a right to go to court if health plans violate the rules, including discrimination in enrollment. We know the power of the insurance industry at the State level. To set up an organization where consumers would have some strong advocacy and strong representation would be a step forward. To eliminate that is a step backward. I mean, consumers do have to be in the decisionmaking loop. They do have to be represented.

Mr. President, I think one of the most serious flaws in the mainstream group's proposal is that there would be no expansion of public health programs. At the very time that we are trying to talk about how you deliver care out into the communities where people live, at the very time that doctors in Minnesota tell me—doctors, by the way who work for the prestigious Mayo Clinic, and what not—that they wish, in retrospect, they had more of a public health orientation in their training. They see public health outreach as being key to the foundation of preventive health care, how we save dollars by delivering care in the community on the front end, and we do not have any resources for expansion of public health.

One of the reasons I supported the bill that came out of Labor and Human Resources Committee is that we put a priority on expanding public health. We know if you make that investment, in the shortrun, in the medium run, and in the long-run, you will be much better off. It is not a step forward to not have any real expansion for public health programs.

Sixth in the list of additional weaknesses with the mainstream group proposal is that community-based providers in underserved communities could very well be eliminated by provisions that would merely require—and I am going to use the language—health plans to contract with the "reasonable number of essential community providers as determined by the Secretary, defined strictly as rural health clinics and existing federally qualified health centers."

Mr. President, many community-based providers fall into neither category. As we move away from community-based providers—some of the most important work that we are doing with community-based clinics—we have language that could lead to their elimination. It is not a step forward; it is a step backward, especially if you are talking about underserved populations.

I think this is a thoughtful critique, and this is for the consideration of colleagues, and I think it will be discussed and debated—before we get into a left, right, center, and all the rest, let us analyze these proposals and see if they are a step forward or not. Finally, I have one last point.

The opportunity to cover long-term care would be lost once again. I have to repeat that. The opportunity to cover long-term care would be lost once again. The life-care program contained in the Clinton and the Labor Committee and the Mitchell bill would be eliminated. In other words, people would have to buy long-term care insurance on the private market, which has never, never worked.

In fact, I think some of the discussion on the floor has not been as nearly as accurate as it should be. Lots of people in North Dakota and Minnesota when they hear long-term care is going to be covered, they think it is the catastrophic expenses when in a nursing home. We were not going to be covering nursing home expenses, although that would be covered in a single-payer plan. We were going to cover long-term care as defined as home based care.

What we did, we essentially structured a life-care program which would be a public insurance program that people could purchase at a price they could afford. We said, at least as a backup let us have that.

That is eliminated.

I mean, Mr. President, we start out talking about health care reform. I cannot even count the number of Senators who came to the floor—I am sure it was well over a majority—who talked about their parents or their grandparents, someone, who, toward the end of life had all of their resources depleted because they had been in a nursing home, that that is wrong. The great Senator from Minnesota, Hubert Humphrey, talked about that, that that is wrong. It is not right for people at the end of their lives—on the backs of people who built this country—to have to be faced with this kind of uncertainty.

The life-care program which was contained in the Labor Committee bill, in the Clinton bill, and the Mitchell proposal, which I do not think went far enough—I think we should have covered long-term care, including nursing homes at the beginning—was a step forward. At least it would make that policy affordable for people to buy the insurance themselves against this.

That is eliminated.

So, Mr. President, I believe we are talking about a set of proposals—everybody wants the call themselves mainstream. Everybody wants to say they are in the middle. Everybody wants to say it is bipartisan. But it cannot be the lowest common denominator. It cannot be something with a fancy name and a title that does not work for people in our States. It cannot be something where we make a claim that we just simply are not going to be able to support.

We start out talking about universal coverage, dignified affordable care for people out in the community where people live, and now I fear we have a set of proposals which I think are going to have a very negative effect on the people we represent.

If people are worried that it might be worse for them than it is right now, they certainly have reason to worry if the employers have an incentive to drop them. They certainly have a reason to worry if they are small businesses expecting that we would be in an insurance pool that would give them some bargaining power. That very well might not happen. They have every reason to worry what is called malpractice reform will end up hurting them as consumers, and once again the insurance companies get their way. They have every reason to worry that the cost containment built into these plans—I think the weakness of the Mitchell bill is you have fail-safe automatic cut in subsidies. If cost exceeded revenue, the fail-safe provision was the cuts in the subsidy for the people, to enable people to afford it, as opposed to caps on insurance premiums.

Why are we not lowering insurance premiums and having some limit on them? The CBO told us that is the way to have effective cost containment.

That is taken off the table, a capitulation to political power.

To conclude, I want to list again six or seven other critical points that I hope colleagues will look at. If I am wrong, fine. Let us have the debate and the discussion.

I think the tax deductions for the high-deductible catastrophic plans—that is that the way it appears—is going to lead to segmentation of the insurance market. I think it is profoundly wrong and mistaken to say the States would be prevented from going farther than the Federal reforms. I think we have to clarify language and guarantee parity in mental health care. I know my colleague from New Mexico, Senator DOMENICI, agrees with me. I think we cannot move away from protection for consumers.

That is exactly what the mainstream proposals do. I think it is sadly mistaken not to have an expansion of public health programs because everybody that studies health care policy in this country tells us that should be a priority. I think to begin to move away, or to have language that can very well eliminate some of our most important community-based providers, is a huge step backward as well.

Finally, at the very minimum we ought to have a live-care program contained in this legislation which will at least enable people to have a chance to be able to afford some kind of insurance against the catastrophic expenses that come with, for example, nursing home care.

Mr. President, as I said, this critique I present on the floor of Senate is a letter to colleagues. I hope they will look at this. I hope we will debate these points one by one. And I hope that my colleagues, Democrats and Republicans alike, will just put all the labels in parentheses, put all of this sort of political discussion about what is ahead and what is not ahead in parentheses, and analyze the substance of it—analyze the substance of it. Let us not go to something that becomes the lowest common denominator where we can sort of claim credit for having done something positive, but it might well not work with people we represent.

I am all for a reform bill if it is going to work for the people we represent. I am for a step forward even if it is not everything I believe in. I am not for going backward. I believe there are serious questions about the mainstream proposals that have to be answered. At this point in time I think there are some fundamental flaws and weaknesses to what some of my colleagues have presented.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized for 10 minutes.

HEALTH CARE REFORM—SELF-EMPLOYMENT TAX

Mr. GRASSLEY. Mr. President, even though we are going to start work on the crime conference report, there is still before the Senate the very important issue of health care reform.

The more that I have had a chance to look into the Mitchell-Clinton bill before us, the more disappointed and the more distressed I get.

When we get back on the bill, there is an amendment that I will be offering to strike one—and who knows how many—hidden taxes that are buried within this 1,400 page bill. This is the majority leader's bill, the third printing of that bill. The bill has gotten longer as there has been more printing.

The hidden tax that I am referring to is here in section 7203, and it is on page 1226. I hope that people will look at that tax so that they know the one I am specifically referring to.

It is a tax that will detrimentally affect many farmers and rural small business people. It is a new tax on the self-employed that amounts to an immediate employer mandate on self-employed individuals who employ one or more employees. You know, for the most part, employer mandates in this bill are put off until they might be triggered in under some future period of time if 95 percent of the people do not have health insurance by a certain trigger date.

What is worse about this employer mandate is that this new tax is hidden in a section that purports to actually increase the deduction for self-employed people from the expired 25 to 50 percent. Now, that is something that I and the Presiding Officer would very much support, because in our rural areas, our farmers are entitled to more than the 25-percent deduction. I think he and I would say that they are entitled to the 100-percent deduction that people who were employees of corporations have through the corporation deduction.

But this purports to raise the deduction. And that certainly sounds good, Mr. President, because in the farm areas and all of our small rural towns, there are ordinary self-employed people who buy individual insurance and pay for it out of pocket after tax dollars. Unfortunately, they have been discriminated against in the past by only being allowed to deduct that 25 percent of their health care premiums, and from time to time that has lapsed and had to be reauthorized. And it is lapsing this year.

The Mitchell-Clinton bill appears to improve the situation somewhat by supposedly increasing the deduction to 50 percent. But, the discrimination is continued under the Mitchell-Clinton bill compared to corporations that can deduct at a full 100 percent of their cost.

I have supported the 100-percent deductibility for many years. It is interesting to note that the American Farm Bureau Federation has estimated that a typical family of 4 at a 15-percent tax level, that a full tax deduction, meaning 100 percent, could generate over $1,200 in savings for that family per year.

But, Mr. President, what you need to do on page 1226 is read just a little further. If you do go through paragraph (2)(B), you will find this stated in the bill:

> If the taxpayer has one or more employees in a trade or business with respect to which such taxpayer is treated as an employee within the meaning of section 401(C), the deduction under paragraph (1) shall not exceed the portion of the amount paid which is equivalent to the largest employer contribution made on behalf of any such employee for coverage under a certified standard health plan.

After you get through this mouthful of circumventing legalese, you will see that the Government requires, simply put, any self-employed person, if they have any employees, to contribute at least 50 percent of the employee's health care premium or the self-employed does not get his or her own 50 percent deduction.

In other words, if you are a farmer or a small business person and you do not provide benefits to an employee, beginning in 1996, you are hit with a sizable tax increase.

That is right, Mr. President. Under the Mitchell-Clinton bill, a 50-percent employer mandate kicks in on the self-employed at the beginning of 1996, and if you do not comply, the Government slaps you with a tax penalty.

Now, as with other provisions of this bill, the proponents may attempt to say that nothing in this bill actually says the self-employed have to pay their employees' premiums. But, again, if the self-employed do not provide health benefits under the Mitchell-Clinton bill, then they do not get their own tax deduction, which amounts to a tax increase or an actual tax penalty. If they provide less than 50 percent contribution to their employees' health plan, their own deduction is reduced proportionately.

Mr. President, under Mitchell-Clinton, we are told that businesses with under 25 employees would be exempt from any future employer mandate. We are told that the self-employed deduction is going to be increased to 50 percent. Mr. President, we are told lots of things.

The fact is that the Mitchell-Clinton bill discriminates against farmers and self-employed small business people by continuing to deny a 100-percent deduction and by denying any deduction at all unless they provide health benefits to their employees.

So, Mr. President, you may have farmers who are getting a 25-percent deduction today. We are telling them that that is going to increase to 50 percent. But if they have an employee and they do not pay at least half of their employee's health benefits, then those farmers may not get the 50-percent deduction. If they do not pay 25 percent of what an employee gets, they will not even get the present 25-percent deduction they get today. So, consequently, this is a hidden tax. It is an employer's mandate, and it should be struck from the bill. 3

Mr. President, I want to quote two short paragraphs from the Des Moines Register, unrelated to what I just said about a specific provision in this bill, but related to the issue of health care reform.

This is in a small section called "Notables and Quotables."

It is from introductory remarks from Christopher DeMuth, president of the American Enterprise Institute at a health care conference in Washington, a short time ago.

> It is fashionable at the think tanks to wring our hands over the legislative sausage factory on Capitol Hill. Yet this year's health care debate has—so far—been a model of serious deliberation. A great heap of terrible legislative proposals has been rejected, in defiance of well-organized political and media promotion, have been discovered by the public and the Congress to be unsound and worse. That serious threats to the vitality of American medicine have been averted is genuine progress. To be sure, many positive and badly needed reforms have been lost in the shuffle—but maybe only postponed. The year has not been a waste of time but a time of public education, which with any luck will have laid the groundwork for better proposals and policies to come.

(Mr. BYRD assumed the chair.)

Mr. GRASSLEY. I hope this quote will fit in very well with the very good remarks given by the President pro tempore last Thursday, as I recall, in his statement, in asking us to take a reality check on the whole issue of health care reform.

I am sorry I do not have the entire speech by Christopher DeMuth. But as president of the American Enterprise Institute, maybe anybody interested in that entire speech could contact him for that.

I yield the floor.

THE IMPORTANCE OF INDONESIA

Mrs. FEINSTEIN. Mr. President, last November I rose to speak on the subject of Indonesia and the importance of keeping a dialog with that country to promote human rights. At that time, I was able to report on some measures the Indonesian Government had taken to improve its performance on human rights. In June I was pleased to note that the Indonesian Government had allowed visits by the International Committee of the Red Cross and was withdrawing troops from East Timor. Unfortunately, these advances were accompanied by a crackdown on freedom of the press and on labor activists.

Recently, in conjunction with the foreign operations appropriations bill, the human rights record of Indonesia was discussed again. After the bill was passed by both Chambers, but before it went to conference, some disturbing events occurred in East Timor. On July 14, 18 or more students were injured when security forces in East Timor broke up a peaceful demonstration. The students had been protesting the treatment of Catholic nuns who were registering for classes. This occurred less than 3 weeks after an incident in which soldiers committed sacrilegious acts in a Catholic church south of Dili.

The calendar is also a reminder that too much time has passed without a resolution to the problems surrounding the status of East Timor: 1996 will mark 20 years since Indonesia annexed the former Portuguese colony. The United States has taken the position that the people of East Timor have not been given an opportunity to exercise their right of self-determination. Indonesia has taken far too long to comply with U.N. Security Council resolutions that call for the withdrawal of Indonesian armed forces from East Timor and for respect for its population's right of self-determination.

We are therefore once again faced with the dilemma of formulating an approach to Indonesia that balances our concern for human rights with our realization that Indonesia is an important Asian ally of the United States. I have advocated a carrot and stick approach, in which we continue to criticize human rights abuses and take appropriate actions if and when these abuses continue. It would, however, be a mistake to cut off our contact with Indonesia; economic, political, and military cooperation should continue, so that it may remain a tool for promoting improvements in human rights.

The Congress has recognized these concerns in the approach it has taken in the foreign operations appropriations bill. The two Chambers have agreed to codify the existing policy of not selling Indonesia small and light arms and crowd-control equipment until the Secretary of State reports that human rights improvements have occurred. This prohibition on sales is carefully crafted to focus on those military items that could be used for repressing the East Timorese population, and for this reason I support it.

Nevertheless, the United States will not institute an across-the-board prohibition on the sale of other military items to Indonesia—as some have proposed that we do—partly because these items are not of a nature to be used for human rights violations and partly because we recognize the importance of maintaining a relationship with the Indonesian military. Because of the significant role of the military in the Indonesian Government, this relationship is crucial to any influence we can exert over the future direction of Indonesian policy.

The United States also recognizes that there are limits to this military relationship and that those limits may also depend on progress in human rights. Arms sales to Indonesia still need to be scrutinized on a case-by-case basis as authorized by the Arms Export Control Act, and Congress will continue to act as a watchdog over that process.

Last year, Congress expressed its intention to cut off military training to Indonesia by denying Indonesia funding for the International Military Education and Training Program [IMET]. The clearly expressed will of the Congress was flouted when Indonesia was allowed to pay for its military training. The prohibition on IMET has been included once again this year. I hope that—in the future—Indonesia will make sufficient improvements in its human rights policy that we can once again offer it IMET. Under the expanded IMET Program, information on international human rights conventions, human rights laws in the recipient's country, and appropriate behavior of military personnel are emphasized. I believe that this training would be appropriate for Indonesian military personnel and would lead to an improvement in human rights practices in that country. I have also asked myself whether it is at all likely that members of the Indonesian military would receive human rights training if they did not receive it under IMET.

In order to promote human rights in East Timor, the United States must be engaged in a constructive relationship with Indonesia. We have an opportunity to establish and build on such a relationship through the growing economic importance of Indonesia to the Pacific rim and, in particular, to California. I believe that trade will contribute to Indonesia's prosperity and decrease its propensity to use repression to achieve political goals. Our expanding economic ties will contribute to the goal of human rights improvements, but we must continue to attempt a delicate balance. Engaging in this dialog will require continuous monitoring and adjustment of our policy to achieve the desired results.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,671,523,175,439.78 as of the close of business Friday, August 19. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,918.40.

THE CONFERENCE AGREEMENT ON THE FEDERAL ACQUISITION STREAMLINING ACT

Mr. ROTH. Mr. President, today Senator GLENN and I are filing the conference agreement on the Federal Acquisition Streamlining Act [S. 1587]. This bill addresses many problems in the Federal buying system, a system plagued by multibillion-dollar cost overruns, programs that are years or even a decade behind schedule, incentives that encourage spending rather than cost-cutting, and top-heavy bureaucratic agencies that rely on detailed regulations rather than good judgment. The Government has trouble purchasing modern technologies that we can buy at the local WalMart or Kmart. Defense Department studies find that it takes 16 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Not surprisingly, a July 1993 Defense Science Board found that: "without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security."

Early in this process, as the ranking member on the Governmental Affairs Committee, I asked the General Accounting Office to give me a report on its recent investigations of procurement horror stories. The GAO report identified hundreds of instances where procurement problems arose ranging from the way agencies determine their needs to poorly administered contracts; cost, schedule, and performance problems; funding and budgeting problems; and weaknesses in the acquisition work force. Clearly, the GAO report underscored the need for comprehensive reform.

Mr. President, I have long maintained that Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. Over the years my conclusion has not changed: Without major cultural and structural change, Americans won't get the results they deserve. Cost and schedule overruns will continue, the Government will pay more than it should for goods and services; and the taxpayer will pick up the inflation tab.

Real procurement reform must be comprehensive. It must hold Government employees and contractors accountable for results. It must remove impediments to efficiency, such as the maze of specifications and regulations that hinder the purchase of commercial items. It must reward those who produce and penalize those who do not.

As the ranking Senate Republican conferee, I am pleased that the conference report on the Federal Acquisition Streamlining Act contains comprehensive reforms. In achieving this agreement, we had good bipartisan cooperation from both House and Senate conferees. The conference agreement represents an appropriate balance between oversight and streamlining.

In a nutshell, the agreement makes it easier for the Government to rely on the commercial marketplace to develop and refine its needs. It allows broad use of commercial practices when the Government buys commercial items. It repeals or substantially modifies 225 statutes that provide little or no value to the Government's purchases of goods and services. It establishes significantly streamlined procurement procedures for small dollar purchases and commercial items. For small purchases, it also will transform the paper-intensive procedures into a computer-based paperless system. With respect to acquisition management, the agreement changes the incentive structure for the acquisition work force, rewarding those who save time and money and improve quality, while penalizing those who perform poorly. It also requires agencies to establish procedures that focus on results when those agencies choose to develop Government-unique items.

I want to highlight several key provisions in the conference agreement. First, the bill establishes a top-level measure of how well agencies are managing acquisition programs. This will help Congress determine whether horror stories are unique events or systemic problems. It requires agencies to achieve 90 percent of budget, schedule, and performance requirements; and requires the Defense Department to reduce by 50 percent the time it takes to field new weapons. If programs are significantly behind schedule or over budget, the agency must terminate them or justify continued funding. This will enable Congress to hold agencies accountable for their performance in managing purchases.

Second, the agreement requires that decisions to fund items developed uniquely for the Government be based on results. Today, these decisions are based on a consensus among interested parties. When the bill is implemented, the decisions will be made on whether an item meets requirements, is within budget, and is available when needed.

Third, the conference agreement directs agencies to tie pay and other incentives to program performance rather than the size of a manager's budget. The pay-for-performance provisions are extremely important to the overall success of the bill because they provide an incentive for members of the acquisition work force who find ways to fulfill needs at the lower prices and shortened time lines associated with buying commercial items. The pay-for-performance language will restore accountability to the Federal buying system.

Fourth, the legislation reverses the preference for buying Government-unique items. It requires use of commercial items, unless it is shown that they do not meet actual Government needs. It also streamlines the purchase of commercial items by exempting them from Government-unique certifications and accounting requirements. Coupled with the new incentive system, this bill provides a real opportunity for overcoming the so-called not-invented-here syndrome that has prevented Government from buying commercial items to do its work.

Fifth, the bill implements pay for performance for contractors, including use of contractor's past performance in decisions for future work, tying profits to results instead of costs, and tying payments to achievement of measurable results.

Sixth, the conference agreement improves the use of operational and live fire testing as an objective check and balance on the Defense buying system. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to making sure weapons work before they are given to those who must depend on them in battle. If the Defense Department would embrace independent testing, it would reduce the cost and dissent associated with finding problems late in the acquisition process. The agreement ensures the independence of the testing function. Moreover, it requires the Defense Department to focus its acquisition decisions on results, and testing provides such objective data.

Mr. President, I remain concerned about one aspect of the buying system that the Congress has not addressed. The organization is a large bureaucracy with layer upon layer of management and dozens of buying organizations. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and provide no value added.

Quite frankly, Mr. President, I do believe that there should be a reduction in the layers of the buying bureaucracy. I am confident that the bill will result in efficiencies that will permit reducing this bureaucracy. But, the bill before us today does not require a reduction in the roughly 20 layers of management in the Federal buying system. I intend to pursue legislation in the future that will get rid of excess layers in the buying system.

A decade ago, I sponsored the legislation to create a commission to fix the problems in the Defense buying system. That bill led to the creation of the Packard Commission. My colleagues may remember that I also sponsored legislation to implement several Packard Commission recommendations. Some proposals were enacted, but many were considered too bold. The conference report on the Federal Acquisition Streamlining Act contains key Packard Commission recommendations, and I am happy that, after 9 years, the Congress is acting. I am pleased to join with Senator GLENN and my fellow conferees in urging the passage of the conference agreement.

HAWAII SPEAKS ELOQUENTLY TO ALL OF HOPE, PEACE, AND UNITY

Mr. INOUYE. Mr. President, on August 21, 1959, 35 years ago, the State of Hawaii became the 50th State of this great Nation. After nearly 40 years of congressional debates, investigations, hearings, and visitations, we achieved what so many of us in the Territory of Hawaii deeply desired.

The State of Hawaii has come a long way since 1959 and I am very proud of the achievements of the people of Hawaii. I believe Hawaii has proven to be a credit to our Nation. The following brief report will give you some insight into the tremendous changes that have taken place in the 50th State over the past 35 years.

Back in the fifties, times were very different. In those days, the concept of statehood for a group of tiny islands in the middle of the Pacific Ocean seemed far-fetched to many. However, the admission of Alaska removed the doubts of those who felt the United States should be one contiguous land mass.

Statehood for Hawaii was not a sudden or impulsive idea. During the debate on statehood for Hawaii in the House of Representatives in March 1959, there were no fewer than 88 bills pending that would have, if enacted, admitted Hawaii as a State. The people of Hawaii, through our territorial legislature, had petitioned the Congress for statehood on 17 different occasions. That spirit of determination is still alive and growing in Hawaii, and our small but mighty State is leading the Nation in some important areas.

We have heard much recently about "the Health State." I am proud to say that our babies have the lowest infant mortality rate among the 50 States. Our kupuna, or elderly, population is among the healthiest. In 1959, approximately 41 percent of the population had comprehensive health insurance. Today, 96 percent of Hawaii's population is covered, and we enacted a new plan just 3 weeks ago designed to bring coverage up to 100 percent.

Our territory of 600,000 American citizens in 1959 has almost doubled in 35 years. No territory, with the exception of Oklahoma, ever possessed a population as large as Hawaii's at the time it sought statehood in the Union. Consider these facts in 1959. Hawaii brought into the U.S. Treasury $166 million in taxes, putting Hawaii ahead of 10 States as taxpayers. The per capita income of Hawaii was $1,821, ranking it 25th amongst the States, and the total income was more than in eight States. Current per capita income is more than 24 times that original amount and last year the people of Hawaii contributed $4.3 billion to Federal coffers in the form of taxes.

We have worked diligently to make our State education system the best it can be, and I believe we have done a good job. Our young people are choosing higher education at ever-increasing rates. Hawaii boasts several Blue Ribbon Schools. Thirty-five years ago, Hawaii's college student population was also one of the highest per capita in the Nation. Just after statehood, 10,000 were enrolled in higher education programs. Today over 60,000 are choosing that path. We have developed specialized programs for the most underserved group in our State, the native Hawaiians, and are better preparing our school-age children for learning with Head Start Programs. We know that it is not necessary for our children to travel to the mainland for a top-notch education. Admissions at the University of Hawaii on Oahu and in Hilo and at the community colleges on Oahu, Maui, Kauai, and Hawaii have gone up consistently, and we are expanding this excellent system every year to make it accessible to students on all islands.

In 1959, sugar was king; 974,000 tons of sugar were produced in Hawaii. Times have changed, and the closure of two more sugar plantations will challenge Hawaii yet again. Despite this trend, the sugar industry is still a strong and important part of Hawaii agriculture.

Hawaii is looking ahead to many new agribusiness ventures, including enhancing markets for tropical fruit, macadamia nuts, flowers, forest products, aquaculture, and tropical plants that can provide an important source of pharmaceutical and herbal products.

My family came to Hawaii from Japan to work in the plantations, along with people from Portugal, China, Korea, and the Philippines. The plantations hold an enormous economic and cultural history for all of Hawaii's people. That will never be forgotten, but I look forward to the new opportunities that the present era will bring for Hawaii agriculture.

Thirty-five years ago, when the Members of Congress debated the suitability of Hawaii as a State, there were questions of Americanism. Let me give you an example. During World War II, the loyalty and patriotism of Americans of Japanese ancestry living in Hawaii were called into question. When we finally received the call to duty in early 1943, 1,500 Hawaii volunteers were sought by the U.S. Army. In less than a week, 15,000 had volunteered. And Hawaii was not yet a State.

We continue our strong commitment to military service. Just 2 years before statehood 59,000 military personnel were stationed in Hawaii, and an additional 25,000 were Federal employees. Hawaii is still home to several large defense installations, and we continue to demonstrate our support for our Nation's military. In addition, we are now involved in creating a state of the art medical facility for veterans, to better serve the people of Hawaii who generously put their lives on the line for us.

It is clear that none of the concerns expressed in those years preceding statehood have become reality. Hawaii did not fall to communism. Hawaii's distance has not diminished the strength of the United States, but in fact has enhanced its military and economic power. Further, Hawaii remains one of the greatest examples of a multiethnic society living in relative peace.

The people of Hawaii have been devoted for many decades to the ideals of America. That devotion has been written into the pages of world history on the battlefields of Europe, the Pacific Ocean, Korea, Vietnam, and Desert Storm and in the many civic, economic and cultural achievements Hawaii has shared with the rest of the United States.

So, as we celebrate our 35 years of statehood, the people of Hawaii hope to inspire their fellow Americans who can experience in Hawaii the idealism, spirit, and opportunities envisioned by our Founding Fathers for all citizens. I believe that Hawaii speaks eloquently to all of hope, peace, and unity.

HONORING FRANK LITHERLAND

Mr. DURENBERGER. Mr. President, I rise today to commemorate the passing of a truly great citizen of Minneapolis. Frank Litherland—"Big Frank" to the many of us who were his friends—was a true patriot whose service to his country began with his heroic combat role in World War II and continued with a long and exemplary civilian career in real estate.

Frank was born in 1924 in a cabin on a logging camp in Koochiching County. As a teenager, he already showed the initiative that would make him a great success in later life. He worked part-time unloading salt bags at the Morton Salt Co. and was enrolled in the University of Minnesota High School Gifted Students Program.

In 1942, Frank enlisted in the U.S. Army and attended jump school. After obtaining Airborne Ranger status, he served in Sicily, North Africa, and Normandy with the 82d Allied Airborne.

He played a significant role in the liberation of Europe—a role we commemorated earlier this year at the 50th anniversary ceremonies of the D-day landing. On D-day, he was dropped behind enemy lines to secure landing areas for the British glider units.

In Belgium during the Battle of the Bulge, he was taken prisoner by the Germans. After they took his boots from him—to prevent him from making an escape attempt—he stole the boots of a German soldier and escaped all the way back to Allied lines.

His active service earned him a Silver Star, two Bronze Stars, and four Purple Hearts.

Sidelined by serious wounds in early 1945, he came back to America. Only 21 years of age, he had already lived a full and productive life. But his life was just beginning.

In November 1946, he married Carol—who would be the mother of his three children—Gail, Mark, and Craig.

In 1947, they came home to Minneapolis. Frank worked at Warner Hardware and the Twin City Arsenal, and by 1952 he was able to form his own construction business.

His next move was into the real estate business. He served as vice president of Bermel Smaby Realty before forming his own company, Jackson-Litherland & Associates.

I met Frank when I served Gov. Harold LeVander in the late 1960's. He represented veterans and realtors honestly and persistently. When I showed signs of interest in public service, he encouraged me—advised me—and supported me.

Throughout my years of service to Minnesotans in the Senate, Frank provided wise counsel—especially on behalf of the men and women who, like himself, had served their country in time of war.

The passing of Frank Litherland is deeply mourned not only by Carol and the children, son-in-law Bob Marcotte, daughter-in-law Rikka, and grandchildren Chad, Stacee, Regan, Sara, Mathew, and Krysta—but by all of us who were Frank's friends. I know that I am just one of many who will miss him deeply, and I ask my colleagues to join me in commemorating his passing.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of a report of the committee of conference on H.R. 3355.

The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 21, 1994.)

The PRESIDENT pro tempore. The Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. Mr. President, we are now, I assume, on the conference report on the crime bill. To put it another way, as I see it, we finally are one step, one last step, away from getting a significant crime bill to the President's desk.

It seems that it is my responsibility, along with Senator HATCH and others, to report what changes that the House of Representatives made and we, the Senate conferees, concurred in as distinguished from what we passed in the crime bill back in November in this body by an overwhelming vote—I think only 2 people voting "no"—from what we passed in the House-Senate conference a couple of weeks ago.

Today, as we begin consideration of the crime bill that from my perspective has basically been 6 years in the making, the crime conference report is supported, even after its second incarnation coming out of the conference committee and being passed by the House over the weekend, by every law enforcement organization in the Nation:

I ask unanimous consent to have printed at this place in the RECORD a listing of that support for the crime bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE CRIME BILL

POLICE GROUPS

Fraternal Order of Police [FOP]
National Association of Police Organizations [NAPO].
International Brotherhood of Police Officers [IBPO].
National Sheriffs' Association [NSA].
International Association of Chiefs of Police [IACP].
National Organization of Black Law Enforcement Executives [NOBLE].
National Trooper's Coalition.
Major Cities Chiefs.
International Union of Police Associations [IUPA].
Police Foundation.
Police Executive Research Forum [PERF].
Federal Law Enforcement Officers Association [FLEOA].

PROSECUTOR GROUPS

National District Attorneys Association.
National Association of Attorneys General.

CITY AND COUNTY ORGANIZATIONS

National Conference of Republican Mayors and Municipal Elected Officials.
National Conference of Democratic Mayors.
United States Conference of Mayors.
National League of Cities.
National Association of Counties [NACO].

POLICE OFFICIALS/DEPARTMENTS

William Bratton, Commissioner, New York Police Department.
Matt Rodriguez, Superintendent of Police, Chicago.
Phil Keith, Chief of Police, Knoxville, Tennessee.
Charlie Austin, Chief of Police Columbia, South Carolina.
Joseph Croughwell, Chief of Police, Hartford, Connecticut.
Prince George's County Police Department.

MAYORS

Rudolph W. Giuliani, Mayor of New York, New York.
Richard J. Riordan, Mayor of Los Angeles, California.
Richard M. Daley, Mayor of Chicago, Illinois.
Kay Granger, Mayor of Fort Worth, Texas.
Bob Lanier, Mayor of Houston, Texas.
George O. Stewart, Mayor of Provo, Utah.
Franklin T. Gerlach, Mayor of Portsmouth, Ohio.
Warren H. Haggerty, Jr., Mayor of Reading, Pennsylvania.
Raymond J. Parker, Jr., Mayor of Jeffersonville, Indiana.
John W. Morrow, Jr., Mayor of Gainesville, Georgia.
Paul Helmke, Mayor of Fort Wayne, Indiana.
Jim Naugle, Mayor of Fort Lauderdale, Florida.
Robert P. Morris, Mayor of Chambersburg, Pennsylvania.
Norm Rice, Mayor of Seattle, Washington.
Jerry Abramson, Mayor of Louisville, Kentucky.
Michael White, Mayor of Cleveland, Ohio.
Paul Soglin, Mayor of Madison, Wisconsin.
Kurt Schmoke, Mayor of Baltimore, Maryland.
Emanuel Cleaver, Mayor of Kansas City, Missouri.
Dennis Archer, Mayor of Detroit, Michigan.
Cardell Cooper, Mayor of East Orange.
Rita Mullins, Mayor of Palatine.
Mike Peters, Mayor of Hartford, Connecticut.
Ed Rendell, Mayor of Philadelphia, Pennsylvania.

REPRESENTATIVES OF THE NATIONAL LEAGUE OF CITIES

Sharpe James, Mayor of Newark.
Tom Werth, Mayor of Rochester, Michigan.

OTHER CITY OFFICIALS

Butch Montoya, Manager of Safety, Denver, Colorado.

REPRESENTATIVES OF THE NATIONAL ASSOCIATION OF COUNTIES

Neal Potter, County Executive, Montgomery County, Maryland.
Doug Bovin, Commissioner, Delta County, Michigan.
Randy Johnson, County Commissioner, Hennepin County, Minnesota.
Arthur Blackwell, Chairperson, Board of Commissioners, Wayne County, Michigan.
Mary Boyle, Commissioner, Cuyahoga County, Ohio.
Julia Gouge, Carroll County, Maryland.
Earline Parmon, County Commissioner, Forsyth County, North Carolina.
Prince Preyor, County Commissioner, Madison County, Alabama.

VICTIMS GROUPS

National Organization for Victim Assistance [NOVA]

OTHER ORGANIZATIONS AND ENTITIES

Handgun Control, Inc.

Mr. BIDEN. This bill is unique in two respects.

First, unlike any other authorization bill, as no one knows better than the chairman of the Appropriations Committee, our Presiding Officer and President pro tempore of the Senate, this bill pays for what it promises right in the bill through the violent crime control trust fund, which i wish I could, as I have said before on the floor—I wish I could say I was smart enough to have thought of; that it was my idea. But, in fact, it was the brainchild of two leading Republicans and the leading Democrat, the Presiding Officer. The bottom line, to use that trite phrase, is it is a mechanism by which what is promised in this crime bill is paid for in a trust fund.

The trust fund now holds $30.2 billion in savings related to the Federal Work Force Reduction Act over the next 6 years. Put in simple terms for those listening to this debate, as the Presiding Officer knows better than anyone, this President, President Clinton, has reduced the Federal work force to a level lower than any time since I have been a U.S. Senator—and that has been 22 years—and if I am not mistaken, and I will stand corrected if I am, I believe all the way back to the administration of John F. Kennedy in the early 1960's.

In addition to that, he has suggested, and we have legislated in the Congress, that we will further reduce that work force by over almost a quarter of a million people over the next 6 years. That is in absolute numbers. They are the absolute total reduction.

So what is happening here is we have asked the various committees with jurisdiction and the various offices at the executive and legislative level—the Office of Management and Budget, the Congressional Budget Office, and so forth—how much money is going to be available in savings from this cut in the work force, the Federal work force, over the next 6 years.

I might add, we have exempted in that work force cut, Federal law enforcement officers as part of that. So we are not stealing from Peter to pay Paul. We are not suggesting that we are adding more police and we are adding more law enforcement and at the same time cutting Federal law enforcement. We are not doing that.

So I know the Presiding Officer and my colleague from Utah, the ranking member of the committee, understand this full well. But sometimes our jargon here in the Senate is very confusing to people listening to debate.

So to say it again, this bill pays for itself. It pays for what it promises, not by new taxes but by the reduction in the work force. They are tax dollars. We will hear people who still want to oppose this bill notwithstanding they got a bipartisan result out of the House on the weekend—I am confident we will hear Members come to the floor and say this is another Democratic big spending bill and it is going to raise your taxes.

The Presiding Officer has the unfortunate distinction of almost every time I come to speak on this bill he is the Presiding Officer, and I have spoken on this bill a lot, as he will recall. He has heard me say time and again the legitimate argument to be made, by my friends on the Republican side who choose to make it, is that this crime bill will in fact not allow a further reduction in taxes. It will not increase taxes.

There are two arguments we made here on the floor, as the Presiding Officer will remember. When the Presiding Officer and others came up with the idea of the trust fund, some stood up and said, "Wait a minute, this saving which we all acknowledge is going to come from cutting the Federal work force, the number of bureaucrats, we should take those savings and reduce the deficit by that number. That is what we should do with it." That is a legitimate point. That is a reasonable argument. Notwithstanding the fact this President has presided over a reduction in the deficit—3 years in a row, the projected deficit being reduced beyond what anyone thought—it is not illogical, nor is it bad policy to argue we should reduce it even further and we should take the savings we get from cutting the Federal work force, the Federal bureaucrats, and reduce the deficit.

In November of last year, the vast majority—I forget the exact vote, 94 of us or 95 of us, Democrat and Republican—said no, we think the crime problem in America is so great, is so dire, is so serious that we have to put a plan in place that will last for 5 years so law enforcement officers can plan ahead, like we do with the Defense Department.

We do not say to the Defense Department, we are going to build a plane this year, and maybe next year we will or will not. We, in effect, say, here is what we are going to commit to in the outyears so you know, you can plan.

We basically said for the first time here for American law enforcement—by law enforcement I mean State judges, Federal judges, local prosecutors, State prosecutors, local law enforcement, FBI, Drug Enforcement Administration, prison officials, that is what I mean by the totality of law enforcement—we have said in this crime bill, we are not only going to appropriate for next year, we are going to make a promise; we are going to set up a trust fund. So we tell them, "You can plan on *x* amount of dollars from the Federal Government to help you in the States to fight crime over the next 5 years," and we have now said 6, although we cannot bind the sixth year, as the Presiding Officer knows better than I do. But it is a commitment. It is a hard commitment for the 5 years.

So if my friends argue against this bill and want to come back and argue that the trust fund should be going to reduce the deficit instead of fighting criminals, that is legitimate. That is a legitimate argument, and there are some policymakers who would argue that is the better thing to do, and I do not criticize anyone who says that.

But I do take issue with anyone—you hear people I am sure either because they have not had time to think it through or for some other motivation, will come and say, "This means $30 billion in new taxes, and it's a big spending program over 6 years"—they will not even say over 5 years, they will say $30 billion in new taxes. That is not correct. That is not, in my view, a legitimate argument. The first is, the second is not.

So back to my main point. This bill pays for what it promises by trading Federal bureaucrats for cops, Federal bureaucrats for prison cells, Federal bureaucrats for State judges, Federal bureaucrats for State prosecutors. That is what this bill does in simple basic terms.

As explained in detail by Chairman SASSER, the chairman of the Senate Budget Committee, the trust fund, and I quote, "guarantees that the money will be available. It achieves real savings, locks them in and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose."

I ask unanimous consent that the entire letter from the chairman of the Budget Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, June 16, 1994.

DEAR CONFEREE: In recent weeks, the crime trust fund in the Senate crime bill has been attacked as more "smoke-and-mirrors" budgeting. As chairman of the Senate Budget Committee, I've seen my share of budget gimmicks. I've also watched a number of crime bills pass through this chamber which promised plenty, but delivered little money to back those promises.

My examination of the Senate version of the Crime bill reveals a fundamentally different approach from any previous government commitment on crime. In the past, critics have rightly pointed out that many of the programs authorized in crime legislation never received the necessary funding to get them off the ground.

This bill creates a separate trust fund which guarantees that the money will be available. Instead of merely promising new programs, this bill delivers dollars to back its commitments. It identifies a real source of funding, and it sets aside that pool of money exclusively to pay for the purposes authorized in the crime bill. This will work.

First, the trust fund, as well as the Federal Workforce Restructuring Act, achieves real, scorable reductions in spending on the Federal workforce. These laws do this by imposing enforceable caps on Federal full-time equivalent positions.

Next, the Violent Crime Reduction Trust Fund language reduces the caps on discretionary spending. This ensures that the Congress cannot use these savings for any other purpose. If any Senator sought to spend this money—to spend in excess of the newly-lowered caps—for any purpose other than the crime bill, then any other Senator could raise a point of order that would take 60 votes to waive. Furthermore, if the Senate waived the point of order or otherwise passed a law that exceeded these newly lowered caps, then the law requires the President to order across-the-board cuts to lower the level of appropriated spending down to the level of the newly-lowered caps. This is real enforcement.

Finally, the crime bill creates the Violent Crime Reduction Trust Fund itself, and deposits into that trust fund exactly the amount of money by which the bill lowers the appropriations caps. The bill then provides that Congress may spend this amount of money on the purposes authorized in the crime bill without triggering a point of order or across-the-board cuts.

In sum, the Violent Crime Reduction Trust Fund achieves real savings, locks them in, and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose. The Senate endorsed the trust fund on a bipartisan basis. It is not a gimmick. It represents exactly the kind of honest budgeting which all members of Congress can, and should, support.

Sincerely,
JIM SASSER,
Chairman.

Mr. BIDEN. Mr. President, the second point I would like to make—and I am not suggesting the presence of my friend from Utah will be the reason for what I am about to say—the second point I would like to make before the hysteria begins on this debate—and there will be no hysteria from my friend from Utah; there never is, but there will be on this floor. We will hear some unusual assertions relative to this bill which bear little or no relationship to fact.

Although I have been here a long time, not nearly as long as the Presiding Officer, but 22 years is a fair amount of time to be in one place, I have never had the experience I had this weekend, I might say, to my colleagues. And that is, I had the distinction and the honor of being the only U.S. Senator, for the most part, and then one of only two, Senator HATCH being the other, who was able to spend 3 days in a row, 4 days in a row until 5 o'clock in the morning on average with my Republican and Democratic House Members, with a group of the Republican leadership, the Democratic leadership and Republican freshmen, as well. It was a real eyeopener as to how the House works differently than the Senate works. Truly, it was an education.

What I found over there is because everyone thinks they are an expert on crime, there was a lot of misinformation, unintentionally generated. First, quite frankly, I thought this was somewhat disingenuous in the meetings I was in. I would be in a meeting with three or four Republicans and five or six Democratic leaders, and they would turn to me: "Joe, OK, what about this?" And they would make assertions—and sometimes Democrats as well—make assertions that bore no relationship to what the bill actually did.

At first I thought, wait a minute, people are misleading people. But I later found out—and I say this in all sincerity—that this is stuff that Senator HATCH and I and the Presiding Officer deal with every day and it is complicated legal and constitutional issues, is not understood by everyone. I say bluntly, I do not have nearly the expertise of the Presiding Officer and my friend from Utah on the health issue. My friend from Utah is the ranking member on the Judiciary Committee and was the ranking member on the Labor Committee. He knows the health care issue inside and out. When they start talking about HCFA's, PCVA's—

all these acronyms—I have to literally go to the book.

When you start talking about the fourth amendment, the sixth amendment, the second amendment, I do not have to go to the book because that is all I have primarily been doing for the last 20 years in this place.

I want to make it clear when I say hysteria, you will hear people come to the floor in support and opposition to this bill who will say this bill does certain things that it does not do. Not because they are being in any way malevolent or misleading but because it is kind of complicated and particularly for some who are not lawyers. I know in the public at large, it is an asset not to be a lawyer. But it is a mild liability not to be a lawyer when you are understanding some of the arcane and complicated features of the criminal justice system.

The second point I would like to make, as we engage in what hopefully will be a short debate, meaning we will be able to vote on this crime bill conference report tomorrow and we will not be obstructed by procedural roadblocks to keep from being able to vote on it—we could vote for this thing tonight at 5 o'clock, 6 o'clock. That is possible. I doubt whether that will occur, and I fear what may happen is we may have a protracted, fractious and mildly partisan debate that may take place as the last stop on the train before this significant bill gets to the President's desk.

So my purpose here is to take a little bit of time before the white hot heat of the battle begins to lay out what I—challenge is the wrong word—I suggest to my colleagues is what is, in fact, in this bill. The first principle is this bill pays for what it promises.

The second point I want to make is that the bill attacks crime on two fronts: Punishment and prevention. And for the first time since I have been responsible for authoring these primary bills on the Senate side, for the first time it does both at the same time, I say to the President of the Senate: Violent criminals, the premise of the bill, and it follows through on the premise, the violent criminals must be removed from our communities and put behind bars for longer periods of time.

Last year in the States, there were a total of 30,000—not Federal Government—in the States, 30,000 violent criminals who were convicted by a jury or pled guilty, found guilty or pled guilty after all their constitutional rights were granted to them. There were 30,000 violent criminals convicted who never served 1 day in jail—not 1 day in jail. They were let free, and the reason for that was the States have no prison space, and roughly 37 States—it fluctuates, I say to the Presiding Officer—but I think it is 37—now it is 32 States are under Federal court orders or court orders by their own States relating to overcrowding.

So we decided to go after violent criminals, and we did that by increasing penalties; we did that by putting more cops on the street. But one of the most important ways we did that was to provide the States the money to build new prison cells. So they do not go through what they go through in a city, which I love and know well, beyond my State, the city of Philadelphia. Every Friday, or almost every Friday—I think it is every Friday—I am sure there are exceptions based on the holidays and the like, but every Friday the city judges who are in the court of general jurisdiction, that is, the court that tries felonies, get together in their conference room.

What happens, I say to the Presiding Officer, is that they are given a list by the city prison system and the county jail system, and it has the names of 20, 30, 50, 100 people on it. It says to the distinguished court sitting in private, you must release 10 of these people or 20 or 30 or 50. You must release them. They have not served their time. They have not finished their sentence. They, in fact, should stay in jail, but because, judges, we convicted x number of people this week in the city court system and they have been sentenced to jail as felons this week, we do not have any place to put the new guys, so you have to let somebody out of jail who has not finished their term, who is a violent criminal, because we have to put a new violent criminal in jail. And it is better to let somebody out who has served at least a little bit of time than not to put someone in who has served no time.

Now, it reminds me—and I said this last week and I was not being facetious—of the choice, Barabbas or Jesus, Barabbas or the Lord. Who do you let out? Well, they are letting a lot of "Barabbi" out, a lot of guys named Barabbas are being let out of jail, and they are going right back on the street and they are raping; they are murdering; they are killing.

If you think that is hyperbole, if you think that is an exaggeration, pick up the newspaper in any town or city in which you live and there will not be a week that goes by you do not read the following: John Doe was arrested today for allegedly raping Mary Smith. John Doe, a convicted rapist, having served only 18 months of a 12-year sentence, was rearrested today. In every one of our States, every one of our cities of any consequence in size, every one of our newspapers in our States runs headlines like that every day of the week.

Now, what we do here is we target violent criminals in one piece of this major legislation. The violent criminals are provided for in this bill in a number of ways. One, we toughen penalties. And, two, there is in this conference report that is coming over almost $3.7 billion more for prisons than we passed out of this body in November.

In November, when we passed the Senate crime bill, that—get the exact number, please. Find out the exact number that voted for this bill. I know only two voted against it, but I do not recall how many were absent. Ninety-five Senators voted for the crime bill that we sent over to the House of Representatives that had only $6.5 billion and $500 million of that was for juveniles, which we want to deal with as well, who are hardened kids who should be in maximum security type places for juveniles.

Now, the bill I am bringing back here, I say to the Chair and my colleagues, has $9.7 billion—$3 billion-plus more than we passed out of here. So we are bringing back a tougher bill than left here. And 95 Members thought the one that left here was tough enough to vote for it.

Now, that is the second way we deal with these violent criminals in this crime bill, because we provide the money for the States, I say to the Presiding Officer, to build 105,000 new prison cells and to maintain them, and to keep them open—105,000.

Excuse me. Now it is up to 125,000 because we dropped the operating costs out of it in terms of what they could do. This changes every day. It gets tougher every day. But we have money for 125,000 State prison cells—not Federal prison cells, State.

Excuse me for checking here. I just want to make sure I am accurate. It is 125,000 new prison cells that the States over the next 6 years will be able to build.

That is a big deal, I say to my colleagues in the Senate, because what it does is those 30—if we had that money out there now and they were built, none of those States would have let out those 30,000 prisoners. They would have kept those people who were in the prison cells longer than they now keep them.

So we also target, though, in terms of punishment, nonviolent offenders, nonviolent offenders who still should be punished. They must be moved to more cost-effective, lower security systems—not for their sake because you want to be nice to them, but because of the taxpayers.

It does not make any sense to put someone—as JOHN GLENN has said repeatedly on this floor, if a Quonset hut was good enough for me as a marine, although I got a little round-shouldered sleeping up against that curved wall, if a Quonset hut was good enough for me, somebody who is a nonviolent offender, who we do not have to worry about breaking out, why should that person be in a cell with lighting that meets certain specs with the following, and so on. He said if a Quonset hut is good enough for a marine, it is good enough for a nonviolent offender. Flip up some barbed wire, put up a fence, provide a Quonset hut, make them work when they are in those boot camps. Good enough for him, good enough for our soldiers to go through that without the barbed wire, it is certainly secure enough and good enough; we should not have to provide any more for these offenders.

So we put them in jail. That has a concomitant effect, and that is, it frees up even more space to keep hardened criminals. So if I take the nonviolent offender out of a cell that costs my State $30,000 a year to build, maintain, and run, and put him into a boot camp on a cot in a Quonset hut that is sanitary, clean, good health provided, meets the eighth amendment requirements for 40 percent less cost, it makes sense for us to do that.

So we deal with nonviolent offenders by providing money for lower security prisons, money for boot camps to ensure that there are enough first-time, nonviolent offenders freeing up prison space for hard-core criminals.

Today, right now, these offenders get off easy, I say to the Presiding Officer. The crime bill encourages States to mandate, when they have these people in prison, drug testing and treatment and strict supervision in the prison. We are not talking about saying, well, rather than put that first-time drugee who has been convicted of a felony in jail, "Let's just put him in treatment," meaning he or she is out on the street, has all his or her freedom. That is not what we are saying.

We are saying, instead of what you did last year—last year, after having served some or all of that sentence, prisoners in the State system—you see those movies like "Cool Hand Luke" where the fellow serves his time in jail, and as he walks out of the prison gates, with all the doors clanging behind him, he gets to the main gate and some hard-looking prison officer says, "Here is your bus ticket," and they give him a bus ticket and meal money and send him home.

Last year, when they gave a bus ticket and a meal to 200,000 of those people, they gave it to somebody who is still addicted to drugs as they walked out the door. I want everybody to understand what I just said; 200,000 people, after having served this time in jail, walked out of jail addicted to drugs. They said, "How could that be?" Well, I am preaching to the choir. I see the Senators from Maryland and Utah are here. And the Senator from West Virginia, our Presiding Officer, knows that there are drugs in prisons. They continue to get drugs in prison. They get smuggled in. So that is why they are still addicted.

I want to remind everybody what they already know. But it is worth reminding them; that is, that a cocaine addict, a drug addict, a heroin addict, a speed addict, an addict—and there are about 6 million of them in America—the average addict commits 154 crimes a year. I do not mean the average drug user, or addict. These are the folks that are, as they say in the jargon, "strung out, hooked." They commit 154 crimes a year, most of them felonies.

There is a real simple reason they do that. Their dads and moms do not own banks. They need money to buy these drugs. So they steal, they rob, and they do it usually while they are high on this stuff. When they are high on this stuff and they steal and they rob, sometimes they gratuitously shoot and kill people.

So we let out of jail 200,000 people who are addicted to drugs.

What are they going to do when they get out? They served their time. So you cannot say they did not serve their time. They served their time. But what do they do? By the time that bus gets them into the center of the city, they are getting their next hit. But this time they do not have any money. They do not have anything to trade off like they traded off in prison. They trade off meals, cigarettes, money from their friends on the outside. They trade off everything.

What do they do? They find my wife or a school teacher coming out of the mini-mart, after teaching all day, going to get the groceries. They find her in a parking lot. They find me as I walk from here to the train station to commute home. They find the guy running the 7-Eleven Store, the mini-mart. They find the gas station operator. That is where they get the money.

What we do in this bill, Mr. President? It is not brain surgery. This is not rocket science. We say we provide money to the States to encourage them to set up in the prison system—for their nonviolent folks, as well as their violent folks—drug treatment and testing to test these people randomly to find out whether they are using.

Mr. President, at first—when I say at first—when this drug problem started in earnest 15 years ago, we thought without the body of scientific information we now have that the only way you treated an alcoholic, a drug abuser, or a polyabuser, was if they saw the Lord; they came and said, you know, "I am down as far as I can go." That Frank Sinatra movie from years ago, "The Man With The Golden Arm." It was not until they hit the bottom that they could be helped. That is factually not true. We have found there is no distinction between the help afforded someone who is forced into treatment and someone who voluntarily goes in; none. There is success in treatment programs which I will go into at a later date in this debate.

But, to sum up, we provide many things for the nonviolent offender, one of which is boot camps, which are cheaper for the taxpayer. Another one is drug testing. We encourage the States—we do not give them all the money to do that, we do not have the money to do that, but we encourage them to go forward.

The other thing we do is we provide $1 billion in here for drug courts over the next 6 years. Let me explain how the drug courts work. This is again how we deal with nonviolent offenders. There were 1.4 million people last year who are drug users, convicted of violating the law. They are young, under the age of 28, first-time drug users, low-level people.

Of those 1.4 million, having pled guilty or convicted, there are the following alternatives: They plead guilty, and we put them in prison. There are laws that say if you violate with even a small amount of drugs in States, and federally, you are eligible to go to prison. Or we could say we put you on probation, but you are under intense supervision. Or we can say you are on probation and we will see you later. If we do not arrest you again, you are OK. There are all kinds of things the States do. When I say "we," the Federal Government gets these people, and they put them in jail. They get convicted at the Federal level. You go to jail, and you serve 85 percent of your time. But the States do not do it that way.

So last year 1.4 million young, nonviolent, first-time drug users were convicted—not accused—convicted. Of that 1.4 million people, 800,000 of them got some sort of test, treatment, imprisonment or probation. But for the 600,000 of them, every one is an accident waiting to happen; 600,000 of them got no supervision, no testing, no treatment, no jail. They were released.

They are not all bad people. They are not all horrible people. Some of them are. The one kid who never tried anything in his life and is at a party, tries once, the cops come in, and nail them, and it is "Oh, my God."

That happens. It really does. We know that from our life experiences. We know that from our children, from our children's friends, and our neighbors' children. It is sad. But it is true. But some of them have been users for a while, and just got caught this first time.

So what happens when we let them out with no help, no supervision, no punishment? They go back in, and use it again. And in the process, they violate not only a law, but they violate somebody else's rights.

So in this bill, we set up a thing called drug courts. The model, not precisely the same, is what happened in Dade County, FL. In Dade County, FL, where they have a gigantic problem because of the drug trade in southern Florida, and all of the South American drugs coming through there, like all the ports of entry, like New York and the Southwest, now the Northwest with heroin coming in through the triad from Hong Kong; they have a serious problem. They decided several years ago they were going to set up a new system because they realized that the portion of the 600,000 people they let out after being convicted, with no supervision, just ended right back again as second offenders. But in the meantime, maybe they broke somebody's leg, stole somebody's car, or maybe they committed a fatal act and killed somebody in the process.

So what happened was they set up the following system. They said we are going to spend more money. If we divert this first-time offender in the main court system, into the drug court system—and, by the way, I need not tell the Presiding Officer, and I certainly do not have to tell the Senator from Maryland, being from a large city like Baltimore.

One of the biggest complaints of the local judges is that their courts are clogged with drug cases. They do not get to the even more serious criminal cases. So everybody in the States has been saying, "Divert these people; do not let them off free like you are doing now. Almost half of them get off scot-free. Divert them into a separate court system." Well, Dade County came up and said, "We will do that." So all these low-level nonviolent offenders got diverted into this drug court system.

Here is the deal: They get convicted in that system if they meet the criteria of being low level, being young, being first-timers, and being nonviolent—that is the key, being nonviolent. What happens is they say, OK, we are not going to put you in jail, but here is the deal: First, you are now signing a piece of paper where you are subject to random testing. Any time your probation officer says, "Come here, Charlie," you walk in and you take the urinalysis or the blood test, and if you flunk it, you go to jail.

The second thing is, if you are in school, you have to stay in school. If you drop out of school, you go to jail. If you have a job and you lose your job, unless it is through no fault of your own and you seek another job with the help of the probation officer, you go to jail and you get put into a drug treatment program. If you do not stay in that program, you go to jail.

You pick up 500,000—in terms of the money—of the 600,000 people that are out there. When we cut my drug court provision from $1.3 billion to $1 billion, we lost the ability to pick up 100,000 of these kids. So now I cannot advertise to you that these drug courts get all 600,000; they only get 500,000 of them. But it is a big deal. Keep in mind that nothing happens to them now—nothing.

In the State of Florida, the numbers on recidivism dropped drastically. I think—and I will get the exact number for the RECORD—roughly 43 percent of the people who were arrested for the first time in Dade County prior to this drug court being set up got rearrested; almost half. Since the drug courts were put in, 3 percent got rearrested. That is a big deal. That means 40 percent of these people were not committing crimes against all of us. But right now, 600,000 walk the streets.

Another thing we did to deal with nonviolent offenders in this bill, and people who are not offenders yet but we know they are going to become offenders—Mr. President, I know of no one more committed to the Constitution and its principles than the President pro tempore. He and I, and everybody on this floor, know that we cannot, even if we identify somebody we know is going to end up being in the criminal or drug stream, we cannot say: We are going to brand you and put you in jail.

But the truth is, we all know enough about human nature, I will bet you—I do not know who knows much more about human nature than the distinguished junior Senator from Maryland—I will bet you I can take her into my wife's school, to the playground, and we can watch for a couple hours, and she can point and say: I will make you a bet that these are the kids that are going to get caught up; because we know they have no parents, or they have parents that are in trouble, or they are kids who are doing very poorly in school and they cannot read, and they have no self-esteem, or they live in neighborhoods or communities and hang with people in the drug stream or the crime stream. It does not take a brilliant person to figure that out.

But you cannot go from there and say: We now convict you and put you over here. But we can say, from the term of art used "at-risk children," we can pay more attention to them and guide them away from the drug stream and guide them away from the crime stream to a life of productivity. Again, this is not rocket science. Our mothers and fathers knew about this 50 years ago. But the way we deal with those at-risk kids is they need alternatives to drugs and violence. The bill offers tested programs, like Boys Clubs and Girls Clubs, to give kids a safe place to go after school and a reason to say no to drugs and crime.

Let me point out something. I am not just making up the Girls Clubs and Boys Clubs and saying things like, gosh, they are good things, like apple pie in America, and that is a good thing to do, and I have a progressive hope and a prayer that they work. I have evidence that they work. The statistics relative to Boys Clubs and Girls Clubs, studied over the last decade, the past 10 years or so, Mr. President, are astounding. If you have, for example, a public housing project with the same demographic makeup as another public housing project—and I will submit for the RECORD these studies—if you have two housing projects of the same demographic makeup, the same amount of crime and problems, and you put a Boys Club or a Girls Club in the basement of this housing project, and none over here, guess what you see a year later? The incidents of drug use, arrests, and violent crime committed in the project that has a Boys Club and a Girls Club is—measurably, demonstrably, and able to be proved—less.

My staff gives me these statistics, which I will read into the RECORD. A recent independent evaluation has reported that housing projects with clubs experience 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack use than do projects without the clubs.

You say, well, that does not solve the problem, Mr. BIDEN. Let me ask you, how many cops do you have to hire to be in those projects to reduce juvenile crime by 13 percent, drug activity by over 20 percent, and cut by a quarter the use of crack in those projects? Again, not rocket science, not brain surgery; just what our moms and dads have told us from the time we were kids. I have said it before on the floor, and I will say it again. The expression my mom used, that I heard a thousand times, and maybe it is because she is Irish, and the Irish have a particular way of saying it, and maybe then in ethnic neighborhoods that are Polish, black, Jewish, or whatever, there is a different way of saying it, but she used to say: "An idle mind is the devil's workshop."

How many parents decide when they are going to go someplace and leave their children in the custody of someone else, or when their children are home and in a tough situation where there are neighbor kids they do not want them playing with, how many parents decide they had better find another activity for their child? Why is this such a strange concept for some of my Republican friends to understand? A vast majority do understand it and agree with it. Senators DOMENICI, DANFORTH, and DURENBERGER, and a whole range of them, believe very strongly in some of these programs. But that is how we deal with nonviolent offenders.

One of the things we would like to do is not only demonstrate what the key provisions of this conference report are—the community policing, the prison, and boot camps, the fact that we set up these drug courts for nonviolent offenders, the fact that we have youth violence initiatives in this, including a whole range of initiatives that have been proven they are not a hope and a prayer, that we have significant money for rural crime in here, all of which I will speak to, because the one thing I want to make sure everybody understands before this debate opens up is what is in this bill and what is not in this bill.

Let me move back now if I may to explaining the major pieces of this bill.

First, to reiterate, we pay for what we promise.

Second, there is an entire mechanism in here whose focus from the beginning has been on violent criminals. We do that in a number of ways.

One of which I will speak to that I have not yet is community policing. The so-called conference report, which I will refer to from now on as the crime bill, provides $8.8 billion—$8.8 billion—to put 100,000 new police officers on the streets and in our neighborhoods in community policing efforts.

Now I keep hearing Charlton Heston. I really loved Charlton Heston in "The Ten Commandments" and I liked the way he rode a chariot. I wish I were as handsome and articulate and had that voice that he has. I wish I had his money. I wish I had a lot of things he has.

But I wish he had the facts. It would be nice if he had the facts.

Now I know the NRA is paying for these ads. I am told the NRA is paying for the ads he has been doing. It is kind of interesting. The NRA, to the best of my knowledge, has not spent a penny for an ad on television to talk about guns. All of a sudden, they have become the pork chop watchers; they are the antiporkers, which is a nice thing. I am glad to know we have another group out there making sure we do not waste money. I think that is neat. And it is awfully generous of them, if that is their concern, to spend their hard-collected dollars from their membership.

But, funny thing. They never mention guns. Now maybe they do and maybe I have missed the commercials.

But Charlton Heston gets on and he talks. And my wife said to me—I got home the other night, I say to my friend from Utah—and she said, "JOE, you've been telling me now for a year that that bill you wrote had money for 100,000 police officers." This is literally true. "I have told everybody I teach with that that is the case. And I saw Charlton Heston last night"—I thought, like, you know, he stopped at the house or something: "I saw Charlton Heston."

"I saw Charlton Heston last night and he said there are only 22,000 cops in there. JOE, I thought you told me there were 100,000."

Well, you know, I guess it goes to the question of Charlton Heston's impact even on my family.

But let us talk about what it does. Charlton Heston says the crime conference report will fund only 22,000, not 100,000, new police officers. That is a quote. He gets on TV and he looks into the camera and he says, "Only 22,000, not 100,000."

Let us talk about the facts. The conference report does buy 100,000 new police officers. It provides $8.8 billion in total funding to implement community policing programs. This includes $7.5 billion to cover $75,000 per officer for 100,000 new cops.

Now I guess the way he comes up with the 22,000 is he says, "OK, how many cops could you buy with $8.8 billion if the States did not do anything?" I assume that is how he comes up with the number. I assume also that he says that the cops cost a lot more money than $75,000.

He says they cost $70,000 a year. I do not know how many of you hire your cops back home for $70,000 a year. I guess he is just used to being in Hollywood, where they pay a lot of money for those things. I saw "Beverly Hills Cop." Maybe those guys in those fancy police stations get paid 70,000 bucks a year.

Charlton Heston, I guess, is used to getting $70,000, I assume, for being seen drinking a Coca-Cola from the Coca-Cola Bottling Co.

But, for most of us, $70,000 a year is a lot money. And for a guy a couple of years ago who was picked as the poorest man in the U.S. Congress—yours truly—$70,000 is a lot of money for me. But I guess for Moses—I mean Charlton Heston, it is not a lot of money, so he thinks every cop costs 70,000 bucks. He also thinks, I guess—and I believe he thinks he is telling the truth; but the NRA is giving him the facts, which should be a tipoff—he says, I assume—I have not spoken to him—I assume when he says 22,000 cops, he says "OK, $70,000 a year per police officer, and the States do not have to do anything."

Now he is also a big States rights guy, you know—we do not tell States what to do. The NRA and he would be the first ones to say, "We do not want a Federal police force."

What we do here, just so nobody misunderstands, and what we have been doing, we say to the police officers, and to the cities, and to the States, what we have been saying for the last several years. We say, "Look, you want help hiring local police officers? Here is the deal. We will provide some extra money. We will kick in this amount if you kick in this amount to hire."

Not an irrational concept, you know. We had $150 million available to us over the last few years and we said to the States, "Do you want to get a piece of this? Do you want to get a piece of this $150 million for police officers?" They said, "Yeah." We said, "What you have got to do is, for every dollar you get, you have to kick in a dollar to hire new police."

Cities and States lined up. We did not have enough money to go around by a long shot. This is the same principle here. We say, "Look, we have got $8.8 billion and it is here in a pot. You do not have to ask for any of this $8.8 billion, but if you do, you do have to kick in your piece to hire your cops."

These are not Federal cops. These are people who will be wearing a Wilmington, DE, blue police uniform; these will be people wearing the two-tone brown uniform of the New Castle County Police Department; these are people who will be wearing the blue and gray uniform for the Delaware State Police. They will answer to the Governor, the mayor, the county executive, not to JOE BIDEN, not to the FBI, not to the President.

So let me tell the NRA, there are 100,000 police.

The fact of the matter is, that $75,000 we put up and we say you put up $75,000 and that will fund for the next 6 years, for the entirety of that time; those cops for the next 3 years, you get them and you increase them.

So, it is true. We are not funding 100,000 new cops for every single solitary person.

This is a highly unusual thing to suggest, Mr. President—but I do want to finish this statement and, to be very blunt about it, there is a very important phone call that I have been asked to take. And in a moment, if that person is still on the phone, I am going to suggest the absence of a quorum.

So what we do to pay for these police is, we pay for 100,000 of them and we pay for them by providing $75,000 per police officer, not every year but for the totality of the time that this bill is in place.

Mr. President, I would like to ask my friend, although it is totally within my right to ask for a call of the quorum, whether or not he would mind if I suggested the absence of a quorum for 3 minutes to take a phone call and then come back and complete my statement?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. BIDEN. Mr. President, let me thank again my friend from Utah for being so gracious. The phone call was from the President. He wanted to know where ORRIN HATCH was on this bill, and I told him he is right with us all the way, Mr. President, and not to worry.

No. It was the President. I apologize. He was asking me something about this, and I appreciate the graciousness of my friend from Utah in allowing me to take the call.

So the community policing I was talking about a moment ago does, in fact, provide for 100,000 community police. In all of the United States there are only 540,000 or thereabouts police officers—in all the United States of America, not counting Federal law enforcement officers—all State and local law enforcement officers, there are only a little over half a million of them. And we are going to add 100,000 new local police officers. That is going to increase by 20 percent all of the police in the United States of America. So, theoretically, in every community out there, for every five cops you have you are going to get one more. It is a big deal. It is a big, big deal.

But there is another thing even more important than that. Not only do you get more police, but in order to get any of these new police, you have to have community policing in your neighborhood. Right now policemen—in their defense, because they are shorthanded in most places—have had to move to higher technology and squad cars in order to cover the same amount of territory. When my dad was growing up in Wilmington, DE, there was a cop who walked the beat. There was a guy like in the old movies, the Mickey Rooney movies, you know, where there is a cop walking along, flipping his baton and saying, Hi, Charlie, and stepping into the local corner grocery store to get his coffee and so on. That is community policing.

Guess what. It works. It builds confidence between the people in the community and the police, which is particularly necessary in the high-crime neighborhoods, in the neighborhoods where we have a high concentration of minority population who are distrustful of the police if all they see is the person in the squad car going around. But it is more expensive. It is more time consuming, but it works.

In Houston, TX, where they initiated community policing, the crime rate dropped—I believe it was 17 percent. I was going to say 19. My staff just corrected me—17 percent.

A 17-percent drop in the crime rate when they took people out of their cars and put them on the beat and they walked the street.

There are only a few things we know for sure. We know if you put a police officer on this street corner, and no police officer on this street corner, and there is a crime going to occur, it is much more likely that that crime will be committed on the corner where there is no police officer. It sounds simple. We know crime often occurs when there is no policeman, and when it occurs where there is a policeman, an arrest usually occurs.

So how do we deal with violent criminals? By putting police officers on the street. So what this 100,000 police will do is not only take the 100,000 police, add 100,000, increase the total number of police in America almost 20 percent—I think it is 19 percent—but it does one other thing. It leverages those so we end up with almost 650,000 police officers on the street. They are not there now.

You say, "Well, BIDEN, we can put those 540,000 on the street without any of this stuff." You are right. But you know why it does not happen? It does not happen for a simple reason: The police do not like this kind of approach without more help.

Let me tell you, in some sections of my State and neighboring States, if I am a police officer, I can ride through in a squad car or I can walk through. I know what I want to do, I want to ride through, I do not want to walk through, and you cannot blame me.

So when the mayor says, "Chief, I've got a great idea. Let's shift to community policing," the police go, "Whoa, wait a minute, wait a minute." And there is a resistance, with good reason, because they say there are not enough of them to walk on the street, there are not enough of them to provide protection for each other.

Now, the mayor will say, "OK, tell you what, chief, the choice is yours. You can get another"—in my State of Delaware—"you can get another 1,000 or more cops, 1,250 cops," and we only have in the whole State of Delaware 1,700 police officers. "You can get another 1,200 police," or, in the city of Wilmington, you can get another 150 police, or whatever, "but here is the deal. You have to take your existing 350 and move them into community policing." Now the chief has something to go back to his men and women with.

He says, "Hey, we've got to go to community policing, but I tell you what, instead of riding in a squad car by yourself, you are going to be walking on a beat with a partner." Then it is OK. So we can leverage. We can leverage the number of police officers who are in community policing, and that will affect violent crime in the United States of America.

I went through the statistics, and I will not do it again, about the number of violent criminals we let out of jail, but the 105,000 new prison cells will keep in jail.

I also want to point out that there is flexibility built into the community policing for local police departments who can use some of this money, not only to hire new police officers, but also to allow them to buy higher technology equipment.

For example, there is a system we have federally that has all the fingerprints in the United States of America. If they take the criminal records of people who are convicted criminals and/or people who are escapees, or people who are on the lam, as they say, if we give the States the money and help them, they take all their records and they send them down to Washington, DC. Then there is a little machine we can give to the police officers. They usually put them in squad cars, but they can also hook them on their belt. When you arrest John Jones for a traffic violation, for loitering, or something else, all you have to do is have John Jones stick his thumb in this little machine and it will pop up on the screen whether John Jones is a convicted felon that you are looking for. That is a pretty big deal. Technology is available. We provide for the ability of the major cities and the small cities and towns to get this kind of equipment in order to deal with tracking down, apprehending and dealing with violent criminals.

I have spoken about the drug courts and I have spoken about the youth violence, how we deal with violent offenders. I will speak at a later date about what are significant prevention programs that are left.

I might point out to my Republican colleagues, we took out most of the prevention money. I forget how much exactly we had in the crime bill as it left the U.S. Senate when we sent it over there. We had roughly $4.3 billion in prevention money. The old conference report increased that, according to my Republican friends, to something around—they argue that it was up to $7.4 billion. So what the House leadership, with the Republican minority, did, in my presence, over the last 2 days, is they cut the prevention money from $7.4 billion in that conference report to $6 billion, or to put it another way, they cut $1.3 billion out of what they call pork.

What is left? What is left is about $1.7 billion more than we passed here. But what is in there is everything that my Republican friends, like Senators DOMENICI and DANFORTH and DURENBERGER and others, along with Democrats, wanted in this bill. We preserved that. But I will come back and talk about that during this debate.

The other thing that is preserved in this conference report is something that is near and dear to the heart of my friend from Utah and for me; and that is the rural crime provisions.

Rural crime is on the rise, and it is on the rise at a faster rate in rural America than in any other part of America. According to the most recent report from the FBI, violent assaults rose 30 times faster in rural America than in our 25 largest cities in America. And the number of rapes rose more than 9 percent in the rural counties in America while decreasing by nearly 4 percent in urban America.

So there was a 13-point shift—more rapes by 9 percent in rural America, fewer rapes in urban America. And as I said, in terms of violent assaults in rural America, it rose 30 times faster than in urban America.

Drugs are also an increasing menace in rural States. The number of arrests for drug abuse violations in rural America jumped almost 23 percent in 1992.

To meet that challenge, the crime bill provides almost a quarter of a billion dollars—$245 million—in drug crime fighting money to help States and localities hire police—different than the hiring under the community policing—to hire police specifically to fight drug-related crime in rural America.

Half of this money will be divided among the 19 rural States, and the remaining half, I say to the chagrin of my friend from Massachusetts, this is one time where the rural States did very well. The rural States get half of this money, the 19 most rural States in America. The other half goes to the rural communities in the other States. But it all goes to rural America, something that my friend from Utah has fought hard for, along with the Senator from Delaware.

Now, we also establish rural drug enforcement task forces in every Federal judicial district encompassing significant rural lands.

Put another way, every place where we have a Federal presence in the State that is overwhelmingly rural, we set up the task forces, which the Senator from Massachusetts thought about 20 years ago here and set up those task forces that the last Justice Department tried to do away with.

But we do that in rural America now because in rural States like mine, where the largest city has 85,000 people in it, the next largest is about 28,000 people, in rural States like mine, what happens is the drug traffic from Washington, DC, moves over to Sussex County in Delaware, and the drug trafficking from New York City and Baltimore moves over there because they are saturated in those metropolitan areas.

Now, they have small police forces. They are not trained in nor have the technology of the DEA, the Federal drug enforcement agency, and the FBI. So we provide money here for those 1-, 2-, 3-, and 5-person law enforcement agencies in towns of 2-, 5-, 10-, 15-, 20,000 people. And we provide the money for them to set up these task forces so they get the help—run by the local people. It is a big deal.

In addition to all of this local help for rural areas and community policing, we put in here $1 billion for the Byrne grants, which my staff did not even list here as a major portion of this—$1 billion. I challenge any one of my colleagues to go home and ask their local police what is the single, most significant thing the Federal Government has done for them so far. Do you know what they will tell you? They will tell you the Byrne grants, named after a police officer who was killed.

These grants are to provide $1 billion to the States to set up drug enforcement mechanisms that work very well in the large cities and small cities, rural and urban America. So we put $1 billion in there.

I see my friend from Pennsylvania, who endorsed this bill. He is one of the guys who, because he was a former prosecutor in Philadelphia, PA, as the DA, knows more about this than 95 percent of us. This is a big deal, this additional $1 billion. It is money to go to local law enforcement.

The bill also directs the Director of the Federal Law Enforcement Training Center in Glynnco, GA, to develop special courses specifically devoted to training rural, State and local law enforcement officers in the investigation of drug trafficking and related crimes.

I do not know how many people listening to this on C-SPAN or hearing it in the gallery visiting from their various States, I do not know how many of them fail to understand—I think all do—if they come from a small town, you cannot expect the small town law enforcement officer to know all the ins and outs of the drug trade. It changes every day. We have an entire Federal agency called the Drug Enforcement Administration that has trouble keeping up.

And so what we ask in this bill, the Senator from Massachusetts and myself, is to make sure they train local people down in the most advanced training center in the world.

I might add, by the way, Russia is asking us to train their law enforcement officers. Everybody is asking us to train their law enforcement officers. The Germans, the Italians are trying to get us to help train their drug enforcement officers to deal with the drug trade and Mafia and all the rest.

How do we expect the two- and three-person police force to do that? So we put in here, what the Senator from Massachusetts asked for, to make sure we get the local people trained with our experts down in Glynnco, GA, the same place that the Russians are asking us to train their people, the same place that the Italians are asking their people to be trained, the same place that every law enforcement agency in the world wants to go. We set it up and say you have to train our folks. Again, that is a big deal.

Now, I will make two more points. Then I will yield. The patience of my friend from Utah is almost unlimited but I may be getting to the point of limiting it. One is that we add in here, to the chagrin of some of my colleagues, the death penalty.

I happen to support the death penalty. I respect people who view the death penalty as being a violation of the eighth amendment, or even more basically the average American who does think the death penalty is wrong, as just simply being immoral. I respect that. There are decent, honorable Republicans and Democrats, people of all faiths, who think you never have a right to take a life—the State has no right to take a life. Put the person in jail forever with no probation, no parole, but do not take their life.

I wish I could say I felt that strongly about that and found a moral objection to it. I cannot in good faith say that. So when I wrote this original bill, I added back into the Federal statutes over 50 death penalties—50 circumstances in which, if a person is convicted of a crime at a Federal level, they are eligible for the death penalty.

Now, I say very forthrightly to the half dozen of my colleagues who oppose the death penalty—and it is probably a larger number than that—I say to them they should not be misled. There is money in here for the death penalty. In addition, the bill authorizes over 70 increased penalties—70, seven zero—70 increased penalties in new offenses covering violent crimes, drug trafficking, and gun crimes. These include, for example, increased penalties for drug dealing in drug-free school zones, for the use of semiautomatic weapons in committing a Federal crime, for drunks driving where you have a child in the car.

Many of you know children, and when you were children you would be put in the position where your favorite uncle comes over and goes to the picnic, is drunk, and then says to you, "Come on. We're going home." You look at your uncle, and you know you should not get in the car, but you get in the car because you are trained not to disobey your father, your mother, your uncle, your aunt.

Children get killed in that circumstance. We cannot expect them to monitor the behavior of their families, monitor the behavior of adults, but we can expect, if my bill passes, that if a drunk driving accident occurs and you have a child in the car, you are going to be in deep trouble, and we double the penalties for that. I realize that is not a big thing to most people, but it is a big thing to me.

We increase penalties from that all the way to mandatory requirements for a jail sentence if you commit a crime with a gun. And not unimportantly in my view—and this is a big issue with Charlton Heston and a lot of other people—we ban assault weapons. For the first time we ban assault weapons.

I do not know many deer that need to be taken down with an AK-47, nor do I know any hunter being able to fire an AK-47 with any degree of accuracy. They are not designed to be accurate. They are designed to kill. They are designed to kill human beings. Human beings.

I asked the leading medical doctors in America testifying before my committee, who run the major trauma centers in America, why is it that last year when I wrote a report saying we would have more murders than any time in our history, why did I turn out to be right? Why were there over 23,700 or 23,800 murders in America? Is it because more people are being shot?

One brilliant doctor, heading a major trauma center in one of our four largest trauma hospitals in America, a woman doctor said: "Senator, I have headed this trauma center for a number of years. We have become so sophisticated we have removed a bullet, a .22 caliber bullet from the brain of a person and they lived, and lived a healthy life. We have removed low caliber bullets from people's hearts, from parts of people's bodies which would ordinarily kill them. We have become very sophisticated. But, Senator, when you fire a .45 caliber bullet or a 9 millimeter bullet into someone's body and it goes to their lung, it does not lodge in their lung. It blows their lung out of their body, out of their body."

Those of you who do not know much about guns—and I do not pretend to be an expert—if I took a .22 caliber pistol, with the reporter standing before me, and I fired into his shoulder, he would recoil like that.

If I took a 9 millimeter gun and fired it into him, it would knock him, lift him up, and move him over that table and bang his head into the marble. He has just moved. I have no intention of doing that to him; I want to make it clear.

But all kidding aside, this doctor stood up behind the witness chairs—the Presiding Officer knows how we do that; a table just like that one in front of me here—stood up and said, "Senator, let me tell you, it used to be that we would see single-shot wounds when they had an emergency and they were taken into the emergency room. Now, Senator, the bullet wounds start—" she bent down and said, "They start at the ankle and end at the neck."

My friend from the State of Nevada, the Presiding Officer, knows about guns; he knows why that is: Because they are high-caliber weapons that are semiautomatic, and when you pull the trigger, they go like that, unless you are very well schooled in the use of them. So you have these kinds of wounds.

We held that hearing and pointed that out. She said, "The reason more people are dying—and it is why it is murder and not assault with a deadly weapon; they are murdered, they die—is we cannot repair them. When they are shot with a low-caliber bullet, we can repair them. When they are shot with a high-caliber bullet, it takes away vital organs and they die. When they are shot once, we have a chance. When they are shot five times in one incident, we tend to not be able to help them live."

Then, not too long ago, one of the magazine programs, "20-20" or "60 Minutes" did a program where they pointed out—and we acknowledged; we showed it—I believe a decade ago, maybe a little longer, the average number of bullet wounds of a person taken into an emergency ward was 1.1; by and large, single-shot wounds. Now, that average is something like 2.4 or 2.6. I ask that the RECORD be kept open for me to be able to give the exact number.

But the point is, it is a reflection of these guns that are of higher caliber, meaning bigger pieces of lead, bigger pieces of bullets, with greater force, and designed when they go into your body to do things differently than ordinary bullets. Instead of going into your body in a straight line and going straight out, they are designed, when they go into your body, to tumble, to spin around, to rip your insides up and out. What do you need that for, as a sports person? You do not.

So what we have done is outlawed some of these military-style assault weapons.

The last point of a major piece that is in this bill that I would like to speak to is the thing I must admit is the nearest and dearest to my heart, and the thing I have worked on harder—this is parochial, I acknowledge—than anything I have ever worked on in 22 years; that is, the Violence Against Women Act.

Mr. President, this is a comprehensive approach to fighting all forms of violence against women, combining a broad array of needed reforms to change both our laws and our attitudes. They include the following:

Funding for local law enforcement to set up special units focused on aggressive prosecution of sexual assault and family violence. Let me give you a little insight.

They did a study in Washington, DC, which is not very different than any other study in America, than any city they could have picked. They asked: "How many times, when a police officer showed up on the scene who was called to an emergency where a woman was being beaten by her boyfriend, her live-in, her acquaintance, or her husband, was the boyfriend, the acquaintance, the live-in, the husband arrested, even where the woman was bleeding?" The woman was bleeding. They get called, and the woman is bleeding. They show up on the scene, and the man is there, and the woman is bleeding, or the man is taken off and the woman is bleeding. In 85 percent of the cases, no arrest was made.

Did you hear what I just said? Eighty-five percent of the time, a woman is more in jeopardy in her home, more in jeopardy in her bed with her husband or her boyfriend, a woman is more in jeopardy with the man that she loves than any other place in America. Let me explain something to you. You say, "Well, obviously the reason these police did not make an arrest is the woman would not swear out a complaint."

Let me tell you something. If Chris, my expert on criminal law, sitting next to me, and I get into a fight outside on the Capitol steps, or downtown in Washington, and we are fistfighting on a corner and he is beating me up or I am beating him up—it would be more likely he would be beating me up, because he is younger and stronger—if he is beating me up and a police officer comes up, the police officer is not going to turn to him or to me and say, "Do you wish to swear out a warrant for the arrest of this person?" They are going to arrest us both on what they call information. Somebody committed a crime.

So they immediately arrest both of us and put us in a paddy wagon. If I am standing there and somebody calls, and I am bleeding, standing on the corner, and he is standing next to me, the cop does not come up to me and say, "Sir, do you want to swear out a warrant for his arrest?" They put us in a paddy wagon.

On the other hand, the person who handles the remainder of the criminal justice agenda for me, Demetra, sitting here, who is about to give birth to a child—say I am her boyfriend and I slap her, even in her pregnant state. What happens in your home States when the cop comes up and sees that? Does he automatically arrest me? What does he do? The first thing he does is, he says, "Do you want to swear out a warrant against him?" What do most women say? They say no. Why? I am 6 feet 1, 190 pounds, and not a bad athlete. She is 6 inches shorter than I am, and 100 pounds lighter than I am. She knows when she looks at me and looks at the cop and says, "Yes, I am going to swear out a warrant for his arrest," that I am going to get out of jail and then I am really going to be mad.

For you men listening who do not appreciate that, let me ask how many of you when you were kids and you are in the schoolyard and the bully was beating you up—you are down on the ground; he is beating you up, and you have a clear shot at his nose. How many of you hit him? Not many of you. Why did you not? You knew that if you hit him in the nose, that would really make him mad.

Do you think I am kidding? Ask yourself, you men, ask yourself how the psyche works and how yours works the next time you say, "Why will she not swear out a warrant?" I will ask you, how many of you hit the bully? Not many, I know.

It is about time attitudes change. This bill, this Violence Against Women Act, goes a long way toward changing it. Guess what? If a cop shows up and does not arrest, they lose Federal funds. There has to be a presumption, not a conviction, of arrest because we want to put the woman in the position where she is able to look at that bully, that thug, who hit her, and say, "I did not do it. I did not swear out the warrant. There is nothing I can do about it." It will give her some cover. It is human nature. All these laws affect human nature. And I want to affect that small portion of the male population whose human nature is sick in the way in which they deal with the women they allegedly love.

We also provide in this legislation funding for battered women's shelters and for victims' services. Do you know why the vast majority of the children that are on the street and that are homeless with their mothers are there? Because they get beat up at home; because their mothers get beaten in front of their children, and the mother has no place to go. So her last resort is the street.

Do you know we have three times as many animal shelters in America as we have shelters for battered women? My lost dog has a better opportunity to be sheltered until I can find her than my daughter, were she married to someone who beat her—God forbid, the son-of-a-gun who beats my daughter.

It makes me angry. But for the first time we do something about this. We provide money for these shelters for women, so they have a clean, healthy place to go. Women stay in that environment where they are beaten because they have no financial resources to move. We take practical steps like funding more lights and security cameras at bus stops and adjacent parking lots, in parks, and in subway stations, to increase the safety for women who are in the workplace.

I do not believe any of my colleagues here would disagree with this, but some letters I get from constituents around the country say this to me: Well, the women should not be out working.

One of the reasons why we need this additional security lighting is that lights are a phenomenal disinfectant, I say to the Presiding Officer. When they put electric lamps instead of gas lamps in London, the crime rate dropped by almost 30 percent, because people do not commit crimes under glaring lights for fear of being seen—unless they are on dope or on speed.

Many of you know women who now have jobs just like men where they are required to work until 12 a.m. or 1 o'clock in the morning. How many women reporters who have covered this have the same deadline the male reporters do and have to walk to that parking lot in the center city, not at 5 in the afternoon when thousands of people are going there, but at 1 o'clock in the morning when no one else is going there? How many women who clean these offices along with the men have to leave that office building at 1 a.m. in the morning and stand at the bus stop to catch the last bus? Women are in the workplace. And women are now in circumstances where they are exposed because of the physical vulnerability—nothing else—to predators.

There are identifiable high crime rates. How many of you people would tell your daughter who is 20 years old working for a company, that it is all right to walk into a parking lot late at night? I recently visited someone in the hospital, a family member, up in Philadelphia. It is one of the great hospitals, the hospital of the University of Pennsylvania. What do they have? When you are leaving at 11 o'clock when they close down the visiting hours, you go to the parking lot, and the University of Pennsylvania hospital has armed guards that will take you to your car.

We should help. If you are a woman and you have been put in that circumstance because of the nature of the work force changes, we should make those high-crime areas safer, and the best way to do that is by light.

Most important, the Violence Against Women Act creates, for the first time, a civil rights remedy for victims of crimes motivated by gender bias. By the way, we found that lawyers rape, doctors rape, businessmen rape, just like thugs rape, like anybody rapes. This idea that only poor folks rape is malarkey. So I wanted to do something to empower women like they have never been empowered before. Five-hundred or a thousand years ago, or 800 years ago, in our English prudential system, the way it used to work is that if you committed a wrong against me, I would go and hire the sheriff and the sheriff would go arrest you. I would then have you taken before a judge, and if the judge found you guilty, I would pay for your imprisonment. I, the victim, controlled the agenda. Out of a need to deal with equity and allow poor people the same rights, we started—and to make the case 100 years ago, even 300 years ago, it used to be when you read the docket, it would say the case of Biden versus Smith, not the State of Delaware versus Smith. Biden versus Smith. The victim. At least I was empowered.

In order to change things, we had the State step in and take the part of the victim. But in the process, something got lost. Victims were disenfranchised. How many of you know somebody who was a victim, who got a phone call from the prosecutor saying, you know, we decided to reduce the charges against Charlie, and instead of hold him for robbery, we have decided to reduce the charge to whatever, a lesser charge, or we decided we are not going to go forward with the prosecution. You are the victim and you are sitting out there, and you do not have anything. You have no say.

Women in America particularly have no say. But one thing I did in this bill, which a lot of people did not like, is created a civil rights cause of action. If a woman can prove the crime of violence committed against her was strictly because of her gender—and that is a high hurdle to cross—then not only does she have the right to be in a situation where the State goes after the person on a criminal charge, but she can say: By the way, Jack, I am suing you and I am taking you into Federal court. And after they lock you up in jail for the crime you committed against me, I am going to get a judgment against you, and I take your Mercedes, I take your house, I take your car, I take your bank account. I am going to penalize you just like if there was an automobile accident where you caused me injury. I am going to be empowered to take you to court, to take your property if I can that you did this bad thing to me. It will empower women more than anything that has happened in the recent past where they have been victimized.

One other thing we do in here that is not in the violence against women legislation—speaking of victims. Right now, if you are a victim of a crime—like my mother who is on Social Security, who is in her seventies and looks like she is in her fifties. Say she is shopping and comes out, and someone grabs her purse and, in the process, knocks her down and she breaks her hip or leg and has hospital bills and is laid up; he takes her money, and what happens? You find the guy or woman who did it, you take him to trial, you prove beyond a reasonable doubt he did it, you put him in jail and fine him.

Where does the fine go? The fine goes to the State. What is the rationale for that? It is to cover the cost of the State entering into and taking on the responsibility to incarcerate this person. Logical notion. But what happens to my mom? My mom is out $50 or $500. My mom is out the medical cost and the bills.

So we have written into this conference report something different than was in the original bill. Now there is a penalty and provision that the person who is the victim must be compensated by the defendant as a nondischargeable debt. We also increase the victim's fund. Senator THURMOND and I, along with many others, years ago passed a provision setting up a fund, some of which comes from forfeiture money, where the State can compensate out of this fund a victim who has lost something of monetary value. So we are, for the first time, really turning our attention to the victim. And we can never make them whole. But there are two parts to this equation. One is get the bad guy and punish the bad guy. The second is take the victim and try to restore them. The victim has been the forgotten person.

(Mr. AKAKA assumed the chair.)

Mr. BIDEN. Mr. President, we also provided here for the victim through the help of the Senator from Utah. Actually it may have been his idea. We provide that when you show up at trial—the judge is about to sentence John Doe for the crime against my mother. Up to now my mom does not get to go in court and stand before the judge and say, "Judge, let me remind you what this guy did to me." My mom does not get to say a word. But under this bill, my mom gets to show up, and my mom gets to stand there and say, "Judge, before you sentence this man, let me remind you what happened to me." Or the family of a murder victim is able to come in and say, "Judge, let me remind you what is at stake here, what happened to my family."

This is the most victim-friendly bill we ever passed. It is about time.

Now, there were two things that I heard a lot about on this floor over the last couple weeks. One was that we do not deal with sexual predators in this legislation. Let me tell you what we did in this bill we are about to vote on, or whenever we are going to be allowed to vote on it. There are two things we did.

One, it explicitly allows a community to be notified when a sex offender is released from prison into the community. All sex offenders must keep the law enforcement agencies apprised of their whereabouts for 10 years after their release. And sexual predators, as defined by that worst class of offenders, must register with the police for the rest of their lives.

A sexual predator who is released from jail, nobody in America will not know where that person has moved. So if you live on a street that that person has moved on to and that person is adjudged a sexual predator, you will know that person lives in your neighborhood so we do not end up with a horrible situation like we did in many places. The most celebrated case unfortunately was a young girl named Megan in New Jersey recently. They must register for life.

Guess what? If in fact the State does not set up one of these registries to accommodate this because they do not like this bill, they lose 10 percent of the police money they most care about, the so-called Byrne grants.

The second thing I heard a lot about on the floor is the so-called safety valve, a concept which at one point a number of my Republican friends supported, and I did not support, but I kept hearing and seeing little cards handed out. They were quite amusing. They were handing out little monopoly cards saying, "You pass this crime bill and you are going to let 10,000 drug dealers out of jail," because they said there is a provision—and they were right about only one part—there was a provision saying those who had been convicted in the past, who were still in jail under a minimum mandatory sentence, would be eligible to apply for an earlier release based upon the grounds that they were nonviolent when they were convicted. They did not use a gun or a knife; a child was not involved, and so on, a whole list of things, and they said this is retroactive.

I suggested, along with others in the compromise in the House, that we take out this retroactive provision of this law for the safety valve will apply to no one who is presently in jail. So they better take back their monopoly cards because they no longer mean anything. They did not mean anything when they handed them out. Now for sure there is no retroactivity in this legislation relative to the issue of the so-called safety valve.

We also added what a number of my colleagues have wanted on the Senate side, mandatory HIV testing for anyone who is charged with rape, whether they are found guilty or not. There is mandatory pretrial—pretrial—HIV testing with any person charged with rape.

So, the three things I heard most about were:

This is a terrible bill.

There is too much pork in it. We cut $3.5 billion out of the bill, so-called pork, which was not pork in the first place. Prevention money, $3.5 billion, is taken out.

There was not enough money for the prisons in the bill. We added $3.2 billion more prison money.

Third, that it has a retroactivity provision that lets all these people out of jail. We struck the retroactivity. It is not part of this bill.

Fourth, people charged with crimes of rape are not able to be tested to see if they are HIV positive so their victims can know. We have mandatory HIV testing.

The other thing I heard the most about was the predators, and that is that as to sexual predators, the community did not have to be manditorily notified and that it did not include enough people. It is everything and more than anybody asked for.

Lastly, there is one thing in here that I must tell you I do not like. I want the RECORD to reflect it. Senator DOLE and Congresswoman MOLINARI on the House side had a provision that I think is, quite frankly, outrageous, but my colleagues all liked it. Even though I authored this bill, this is one provision I did not author.

The bill says that for anybody who is charged with a sexual crime of violence or child molestation, there is going to be a different set of rules that apply to them when they go to trial.

Right now, Mr. President, if the reporter is charged with bribery or robbery—I keep picking on these people; they are nice folks and they would not be charged with anything—but if he were and he goes to trial, and the prosecutor wants to bring in someone who says, in eighth grade he stole my wallet, to prove this is the guy who has always been stealing his whole life, the court says that is crazy, you cannot do that. This has nothing to do with this crime, and it happened 31 years ago, or in the reporter's case 15 years ago. You cannot do that. If you are charged with burglary, you cannot have someone say, "By the way, when I was 26 I lent him my car and he never brought it back." "Did you ever go and report it to the police?" "No." "Was he ever charged with the crime?" "No." What proof do you have? All the witnesses are dead. It happened 40 years ago. It is just my word.

The court says, "That is crazy."

For 800 years we said that is a crazy idea to let people come in and do that. It has nothing to do with the crime.

Most all of my friends, about 80 on the Senate floor and about 300 of them on the House floor, said if it is a child molestation case or if it is a crime of sexual violence, allegation of sexual violence against a woman, the prosecutor not only can bring in evidence that relates to the crime, but can go out and find anybody who at any time in the past, a day after, 2 years before, 50 years before, who will allege that the defendant did something like that to them then.

Can you imagine how prejudicial that is going to be? You have a son who is 21 years old. He is being accused of rape. He did not do it. Or more importantly you have an employer who is 55 years old, who has a disgruntled employee who charges him with rape. It does not happen often but it can happen.

Now what happens? The prosecutor, instead of just having to deal with that witness and those facts, is able to go out and find anybody who is willing to say, "By the way, when he was 21 years old when we were parked in the car he physically molested me," without any proof of anything. Now, the people who might have been around to prove that that was not the case, the couple you double dated with in the front seat of the car, are dead. But you have a witness, the one person sitting there, who says, "But that happened to me 25 years ago."

And now, the defendant's lawyer can get up and cross-examine that person and say, "How do you know that?" and on and on and on. But how do you, in effect, defend yourself against one trial, two trials, three trials? The one trial you are in, you can bring your witnesses, it is contemporaneous, you can say, "No, I wasn't there. The rape happened at 10 o'clock and I have four witnesses that say I was at Charley's Smoke Shop at 10 o'clock."

But how about the person who comes in and says, "Twenty years ago, this happened to me"? What can the defendant do?

Then you are supposed to say the jury will not be impacted by that. I think it is a crazy idea. But I am in the minority.

And so, let me tell my friends, who I think subscribe to what I think is a crazy idea, what is in this bill. The Hatch-Molinari language, to the credit of my friend from up Utah, because he is the guy that was over there negotiating. The only two Senators involved in this whole deal was myself —that I am aware of—and the Senator from Utah. We got to know more House Members intimately than we knew before in our lives.

I was making the argument—and he won; he won that this kind of what I would call, not technically, hearsay, but I would call amounts to nothing more than hearsay, should be allowed in.

We are not talking about prior convictions, by the way. We are not talking about not letting the guy who is up for rape and was convicted three times for rape and the prosecutor, say, wants the jury to know he has been convicted three times for rape. There is already Federal rules of evidence to allow that to happen. We are not talking about that.

But, my friend won. Here is what we put in there. The Hatch-Molinari language allowing this kind of evidence in will become law immediately upon the passage of this bill, subject to the following two things: First, they have to wait 150 days to allow the mechanism that—by the way, we do not pass any rules of evidence like this. We had a mechanism set up years ago. A couple of decades ago, we decided we should not write these kinds of laws, rules of evidence; we should give that authority to the Federal courts. And they have set up a judicial conference and they make recommendations and then we either vote for or against those recommendations. If we do not vote against them, they become law, because experts who do nothing but this get to deal with them.

So I must acknowledge that the Senator from Utah compromised a little bit on this. He said we have to wait 150 days before it becomes law, to let the judicial conference look at it and make a judgment. That is the good news from my part.

Now here comes the bad news. If, within the next 150 days after that, we do not affirmatively reject the Hatch-Molinari, et al., law, then it automatically becomes law.

So I am expecting that more enlightened minds, more enlightened perspectives—that is, the Supreme Court and the Federal judges—will, when they look at this proposed law, say, "This is crazy." I do not know; I am hoping they will. If I am wrong on that, then I am totally wrong, and I yield. I am beaten.

But, if they come back and say, "No, this is a bad idea. Here is how we should change the law," then, after they do that, I have 150 days in which to get out here and affirmatively get 51 Senators to vote for that.

I am sure my friend from Utah would not do this to me, but somebody will stand up and require me—because I have to get this done—they will require me to be put in a position where I essentially have to get 60 votes. Because, as I try to pass my law that the judges think this is a good idea, assuming they do outlaw this crazy notion, somebody is going to stand up in this place—it will not be the Senator from Utah, I hope—and say, "Well, we are not going to play fair and let BIDEN try to get 51 votes, we are going to filibuster him, because if we filibuster him and we can make it last 150 days' worth, prevent a vote, then this law automatically becomes law."

Of everything in this crime bill, the only thing that I have a moral, intellectual, and practical aversion to is this last provision I talked about.

Now I cite this not only to not kid anybody who said, "Gee, BIDEN wrote this crime bill and, man, he is tough on crime. I like him for being tough on crime."

I want to have truth in lending here. Do not give me credit for this last tough provision. I do not like it. I think it is wrong. I think it is unfair. I think it violates innocent people's civil liberties. That is the first reason I tell you about this.

But the second reason is to make the concluding point, and then I will yield to my friend, and that is that even I do not like everything in this bill.

How long is this bill? This is a copy of the bill. It is relatively small print. Single spaced, relatively small print, there is a total of 412 pages in this bill.

Now, we have, as my Republican colleagues keep pointing out, a health care bill that is this big. We will soon have an energy bill and a Superfund bill and a lot of bills that are very thick.

I plead with my colleagues, do not insist that every single piece of this omnibus bill be something that you like. Because if we all do that, we will deny forever the additional protection the American people need. There must be some compromise. There must be some compromise.

I will do all in my power, which is obviously and discernibly limited, but I will do all in my power to get rid of the Hatch-Molinari provision, if I can. I will probably lose. But I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe passage of this legislation will make a difference in the lives of the American people.

I believe with every fiber in my being that, if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals. It will not end crime in our time.

Can I answer a question like was asked on one of the talk shows, Evans and Novak, one of the most unusual questions I have ever heard asked? Tell me, they were asking this particular person, what percentage of crime will drop if this bill passes?

What kind of a question is that? I do not know what the percentage will be. But I assure you, America will be safer tomorrow with this passed than if this is not passed. Our lives literally depend on it.

There are few things we can say on this floor and be certain when we say them; that the passage or the rejection of this piece of legislation will affect whether or not someone is alive or dead a year from now, crippled or healthy a year from now, safe in their home or not safe in their home a year from now.

It will not end crime. But thousands of Americans, tens of thousands of Americans, in my view, will live safer, more secure, and happier lives if we take this money that we are getting from firing Federal bureaucrats and hiring cops.

I thank my friends for their indulgence.

I would like to also add one thing the leader and others have pointed out to me. I wanted to debunk the notion that defeat of this crime bill will lead to a Thursday adjournment, until after Labor Day. We are not leaving here until this crime bill is passed. There are 1,000 little methods that are used to convince people—Democrats and Republicans—to vote for or against legislation. The most intriguing one used is: If you vote for this you get to go home. If you vote against this you get to go home.

One of the rumors circulating is, if you just defeat the crime bill, there will be nothing else for the Senate to do, so you get to go home for Labor Day.

I do not want to go home for Labor Day and face my constituency with the defeat of this crime bill. But you are not going to get that chance anyway. If this crime bill is defeated, the one thing you are not doing is going home. That is the one thing you are not doing, is going home.

But I am stopping and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed listening to my colleague here today. I have to say he knows an awful lot about this bill. My only desire is to continue to improve the bill.

We had a bill that went out of the Senate that was $22 billion. This one is $30 billion. That bill was tough on crime, it had all kinds of provisions in it that are no longer in here. Now we have restored some over the weekend—that is through the very energetic efforts of some of our people over in the House of Representatives.

But that $22 billion bill passed the Senate 94 to 4 and had the gun provisions in it. So the gun provisions have never been an issue as far as many of us are concerned compared to having a crime bill that is really tough on crime. That is in spite of the fact that I personally believe that it is a terrible thing to take away the rights of individual, law-abiding sports people—collectors and others who abide by the laws—in the frenzy of people who think these innocent people are the reason why we have problems with so-called assault weapons.

Be that as it may, the bill passed the Senate with the assault weapons in it. The House then came up with a bill that is not nearly as good as the Senate's bill but they upped the ante to $27 billion—that is $5 billion more than the Senate. And keep in mind when we argued about the trust fund here on the Senate floor, we showed that we might, through the Reinventing Government provisions that are cutting 250,000 Federal Government employees—we might be able to raise $21 or $22 billion so that the Senate bill would be fully funded. We go to conference and the conference is stacked with all liberal Democrats—not one moderate, not one conservative among the whole group. And what do they do? They up the ante to $33 billion, $11 billion more than the Senate had that was covered by this so-called trust fund, and $6 billion more than the House itself did. And they larded it up with pork.

There was plenty of pork in it at the $27 billion figure. In fact there was a lot of pork in it at the $22 billion figure. Not nearly as much as the $27 billion bill and nowhere near as much as the $33 billion bill. Over the weekend, because the Members of the House of Representatives, both Republicans and Democrats by the way, in a bipartisan way rejected the almost-always-granted rule by the stacked Rules Committee in the House, Senator BIDEN and I had the privilege of spending all night long Thursday night, Friday night, and Saturday night, working to try to see if we could bring about some order.

I, trying to help our young Republicans over there in the House on the provisions they wanted to try to get in to improve the bill, and Senator BIDEN helping his Democrat counterparts, to try to resolve it. They reduced the pork in this bill $2.0 billion, cut law enforcement to a degree, and cut some other programs that really were funny money anyway.

So now we have a $30 billion conference report here today, $8 billion more than what we passed in the Senate which we felt was a pretty larded bill but nevertheless a tough on crime bill. We were willing to vote for it and accept the lard because it was tough on crime. But somewhere between the Senate bill and this conference report we have lost a lot of provisions.

Frankly, we also wanted to have as priority spending, prison construction, because we are rolling these hardened criminals through the revolving door to such a fast degree that they are just in and out. And they are heroes when they come out. They are not serving enough time. So we need more prison space, and that was the No. 1 priority.

In fact, there were four priorities that we would consider to be basically coequal. Prison space—prison construction: We wanted $13 billion, the House bill had some $13.5 billion, the Senate bill had only $6.5 billion. There is now in this bill $9.8 billion for prisons, but $1.8 billion is for alien incarceration, and so you are talking about $7.9 billion for prisons. That is still a little bit better than the Senate bill but it is approximately $5 billion less than what we think is necessary. But what is not said is that hardly any of that money has to go for prison construction. It is so broadly written they can do all kinds of things with that money besides do prison construction.

No. 2, we wanted cops on the streets. This President, my chairman, Senator BIDEN, and others have continually represented to this country that we are going to have 100,000 new cops on the streets over 6 years. There is absolutely no way that even spending $30 billion as they have done, because there is so much pork in here, there is no way that they are going to get more—it looks to most experts—than 20,000 cops on the street. And then the States will be stuck with paying for them after they will initially get the money. But nevertheless, that was the second priority. We wanted prison construction; we wanted 100,000 police on the street.

The third priority was to keep all kinds of law enforcement provisions. A number of those were taken out. Senate Republicans tried 30 amendments in the conference, to restore to this bill the tough amendments that we had enacted here in the Senate on the Senate floor in the Senate crime bill. We were rejected on all but two and those two were watered down. So in the law enforcement side this bill is deficient.

Fourth, the Biden-Hatch violence against women bill. I personally have fought for that bill from the beginning, along with my colleague Senator BIDEN who deserves a lot of credit on this. But the fact of the matter is, it is in this bill now. I am happy for it. By the way, we do change evidentiary rules. Senator BIDEN was concerned about changing evidentiary rules with regard to prior acts of violence by rapists and child molesters, like that was something we do not do now. We do it in the violence against women bill. Why should we not do it against child molesters and rapists? Especially since both Houses overwhelmingly—at least the Senate overwhelmingly passed it and the House overwhelmingly directed their conferees to put it in. Of course, over there they just completely ignored what the House vote told them to do.

So those are the four basic things we wanted to get done. Naturally there are other things in there that both Senator BIDEN and I fought for and still are in there.

Some have said why would you file a point of order over here? Why do you not just vote on it and take this bill? Because, No. 1, it is larded with pork; No. 2, there are a lot of good tough provisions that are not in there; No. 3, we need to cut back some of the moneys; No. 4, we need to stiffen some of the provisions—and there are other reasons as well. Some are upset because there is $2 billion of walking around money in this bill.

By the way, let us just be honest about it, this is an authorizing bill.

That trust fund does not have $30 billion, nor will it have $30 billion. I have always questioned whether it will really have $22 billion, which is what we estimated it would have when we debated the bill on the Senate floor. And I do not believe it will have that much.

So the fact of the matter is, last week we passed the 1995 Commerce, Justice, State appropriations bill. That funded the first year of the crime bill. We funded the community policing program of $1.3 billion, but only funded prison grants at $24 million. Who is kidding whom? What is likely here, if we adopt this conference report, is we will say all these wonderful things we are going to do for America, and the Appropriations Committee is not going to put the moneys there, because they are not there.

There is a $13 billion deficit in this bill, and let me tell you what will be funded over the next 6 years. It will be all the pork barrel projects that do not do anything against crime. That is what is going to be funded. It is deceitful, but that is really what is going to happen to the American people.

The Dole-Hatch antigang provisions are no longer in the bill.

The Simpson provision, the criminal alien deportation amendment, is no longer in the bill. Under that amendment, a judge could sentence the alien who committed the crime and then immediately issue an order to deport that alien so that after that alien serves time, that alien is automatically deported.

Tough Federal mandatory minimum sentences when criminals use a firearm, no longer in this bill.

Tough Federal mandatory minimum sentences for selling drugs to minors, no longer in this bill.

Tough Federal mandatory minimum sentences for those who employ minors in the sale of drugs, no longer in this bill. Why would that not be in the bill? Do we not want to do something against these people who subvert minors to sell drugs? What is wrong with that provision? Why is it not in here? Because the left, in their wonderful discretion, kept it out because they stacked the committee with total left people and it is tough to get anticrime matters in there because, in all honesty, there is a great concern by many of them for the criminals.

I might add, the Terrorist Alien Removal Act, no longer in this bill. It was in the Senate bill. There are a lot of things that I could talk about.

I want to compliment my friends in the House on the Republican side, and some Democrats as well, for working to restore a few provisions. The Dunn-Zimmer provision—that is the sexual predators provision—was restored. It is good that it was. It is time for communities to know when sexual predators live among them. Why should women not know about that? I heard the complaints over there from some of the liberals that, "My goodness, you'll be infringing upon the rights of that poor sexual predator; people will know who he is." Well, I sure as heck hope they know who he is, and it is about time we do.

You have heard the distinguished chairman of the committee, Senator BIDEN, say that he hates the Molinari-Dole-Hatch provision. That is a provision that allows into evidence prior acts by rapists and child molesters. Why should we not let the juries know and the judges know that these people have a pattern and a series of acts that they have done that have amounted to rape or child molestation, or in some cases both? Why can we not get tough on these people?

I commend my colleagues for putting that in. By the way, what does that amount to? Does that amount to letting somebody put in some allegation 31 years ago into evidence? Of course not. What it does is it simply gives a presumption in favor of bringing it in. The court still has the protective Rules of Evidence to keep it out if it is not fair. Our judges know those rules. They are not going to let in unfair information. But when you have a rapist that has committed acts of rape before, been convicted, we know that it has happened, why should it not come in? The fact is, it should.

I might add, on the mandatory HIV testing, you could not believe the left over there and here, by the way, who whined and moaned and groaned that we want to find out whether these people are HIV positive who rape these women. I kind of put myself in the shoes of the poor woman who has been raped sitting there wondering, "Did that guy have AIDS? Was he HIV positive? Am I going to get it?" That is what these women worry about. Why are we not worried about them?

We were, because those House Members fought to get that in against the desires of many on the left. And I fought to do it and I fought to get that Molinari-Hatch-Dole or Dole-Hatch language in. You bet I did. It is about time we get tough on these sexual predators, these rapists, these child molesters. I am getting tired of it in this society and, by gosh, to their credit, Members of the House did that.

They eliminated the retroactivity in mandatory minimum sentencing. That is good. That will solve the problem of 10,000 to 16,000 early releases of people convicted and sentenced to Federal prison. We think that is good. So those are good things.

Those could not have happened but for a procedural victory over in the House of Representatives. That procedural victory was rejecting the almost always guaranteed rule of the House Rules Committee that is so stacked on the left with liberal Democrats that it is automatic for the rule to be passed. But enough people over there saw through it and said, "We're not going to pass that rule," and when they did not, the left over in the House, and all the rest of the House Members, had to sit down and negotiate what now is this conference report.

I commend them for doing it. They worked all night long Friday night, all night long Saturday, all day yesterday and they passed this conference report. It is better than the prior conference report.

Senator BIDEN and I were there Sunday morning at 2:30 during the discussion. Even the President admits this is a better bill—the President, who was condemning us up here—condemning us up here—for this exercise we had to go through and saying the Republicans are trying to stop his crime bill. First of all, let us understand, the President never sent a crime bill up here. As much as I like him personally, I do not think he knows one-fifth of what is in this bill, and for him to condemn people who wanted to make it better seems to me a little offhand.

After this exercise, caused by a procedural vote and forcing the Democrats to sit down and renegotiate with House Democrats and Republicans who wanted a tougher bill, we now have a bill that even the President admits is better than the conference report before. They would not admit to the pork barrel spending until this conference report was adopted with $2 billion less of it.

I am telling you, there is still a lot of unwarranted pork barrel spending in here. Let us take something like midnight basketball. Is that pork barrel spending? Sure, it is. I happen to be a supporter of midnight basketball. I think it is a great thing. But if we take the language that the liberal Democrats put in there—they were going to have quotas on who could play midnight basketball, have Federal rules as to who could use this money.

Keep in mind, midnight basketball was a President Bush idea. I admit that. It was a great idea, and it was one of his points of light for voluntary support by the communities, raise the voluntary moneys. You know, it was working. People were voluntarily raising the money. They did not need the Federal Government to send money out to them and then tell them who could play and set the rules of the game. That is what these people are doing. No, we had a voluntary system that worked. It was a community system, people got involved and it worked. These people want the Federal Government to dictate who can play and how the league can be operated.

I will go for some of these smaller programs, but what about the Local Partnership Act? That is in here for $1.6 billion. And it is money they just give to the local communities to spend any way they want.

Now, our mayor from New York, Rudolph Giuliani, and almost every mayor in the country, says, "We want that money." Of course, they do. Have you ever seen a mayor who did not want more money from the Federal Government? I can name a few, but they are darned few, let me tell you. Of course, they have their hands out for every nickel they can get from the Federal Government and especially when there are no strings to it like the Local Partnership Act. That is 1.6 billion bucks that could go for law enforcement that is going right down the drain. And the funny thing is the cities get their hands out and they expect to keep that money there, to the detriment of law enforcement.

I can name a number of other programs. I believe in prevention programs. That is what the Violence Against Women Act is. It is $1.6 billion. Nobody has fought harder for it than I have, unless it is Senator BIDEN, and I do not think he has fought any harder than I have. We have fought side by side. We are both proud of it. We both feel it is something that can do a lot of good in this society today.

Right now, I have my charitable golf tournament going on today and tomorrow out in Utah. We are raising $250,000 to $300,000, part of which is going to women in jeopardy programs, battered women shelters, because I feel so strongly about it.

The fact is that is a prevention program, one that will work, one that is needed, one that I am willing to put my money where my mouth happens to be. But some of these are just do-good, give-away programs with no real suggestions on how to do it.

What mayor in his or her right mind would not want that money? I cannot blame them. My mayor of Salt Lake City wants that money, and I do not blame her. Any time you can get free money, it is a wonderful thing. And all you have to do to get it is say we are going to do something about crime.

Well, any altruistic good thing, you can argue, will do something about crime because anything that is good tends to make people good. So we could have millions of programs that we could argue are anticrime programs. But we have scarce resources that I want to go to fighting crime. And in all honesty, when the chips are down, other than trying to get maybe 20,000 police on the streets—and that is about all you are going to get from this bill, if you get that. Some estimate as low as 2,000, while the President is still talking 100,000. That is a joke. Sooner or later, when the chips are down, and the moneys are raised, you mark my words; most of that money is going to go for these pork barrel projects rather than for the anticrime projects. And that is what we are fighting for.

Now, what is my point? My point is that in the House of Representatives, the Republicans were criticized, and the Democrats who voted with them were criticized, for beating a procedural rule. But even today, because they beat that procedural rule, the bill is better than it was before they beat that rule. Even the President admits it is better today. And the reason it is better today is because Republicans and Democrats beat the rule and then forced some of these very good changes.

As many as they did, there are only a comparatively few changes. There is still a lot that needs to be done. So there will be a point of order, I believe, filed, and if we sustain the point of order, then that means we have to sit down and work out some more good changes before we pass this bill. I, for one, will work my tail off to make sure that we get those good changes and that we pass this bill, as I have worked ever so long.

Like I say, I compliment my colleague from Delaware. He was over there all day Friday, all night long Friday, all day Saturday, all night long Saturday, and all day Sunday just like I was. I compliment him for it because he feels deeply about this and would like to have an anticrime crime bill. And I know he is sincere in trying to do so. Well, so am I. And if we win on that procedural vote—it is an important procedural vote—then we will do everything we can to make sure we improve this bill in the best interests of everybody in America.

Now, what I have trouble seeing is why, when we set $22 billion in the Senate crime bill that really is a crime bill, and we are worried about funding that in this trust-fund approach through reinventing government, the gradual getting rid of 250,000 Federal employees, why when the House ups it to $27 billion—and it is clear that they cannot fund it all—why it is going to work better with $30 billion that literally we know we cannot fund.

Mr. President, the most effective prevention program we can enact is one that provides for the swift apprehension of criminals, their speedy trial, and their lengthy incarceration. Now, the conference report before us, even with these good changes, falls far short in that regard.

The report's provision on prisons is too soft. The so-called prison provision permits, if not requires, every dime of its Federal aid to be spent on "alternative correctional facilities"—what we are getting to is the Federal Government taking over the State prison systems—facilities such as halfway houses and the like.

They are essential, but we do not want to have the Federal Government tell us how do it. These are alternatives to the brick and mortar prisons, what the conference report calls "conventional prison space." All of the so-called prison money can and, given the wording of the provision, perhaps must be spent on alternative facilities that free prison space, not on building and operating prisons. We need, instead, an emergency buildup of real prison space if we are going to house these hardened criminals.

Further, all of the money in the prison section is conditioned on the State's adoption of a liberal correctional plan, including diversion programs, job training programs, rehabilitation programs, and treatment programs—further diverting resources away from building real prisons.

The bill spends too little money on prisons even if we can straighten out these problems, and thus far we have not been able to.

The bill spends far too much money on social programs, and the bill remains insufficiently tough on criminals.

Let me add that the President says this bill will put 100,000 new police officers on the street. Independent experts on both sides of the aisle, both the Republicans and the Democrats, say that is poppycock. It may add 20,000 additional police officers to the rolls of the police departments over several years, a fraction of which will be on the street at any one given time.

The President talks of three-strikes-and-you-are-out provision of the conference report, but it affects 500 or less criminals a year. It is almost inconsequential. Those of us who allowed it to pass, and even supported it, we know that. Tough Senate Republican amendments obtained in the Senate crime bill affecting thousands of criminals were dropped in conference.

By the way, the three-strikes provision of the Senate bill was much better and it involved all kinds of people. But they changed that as well.

We have the means substantially to improve this bill. Like I say, a budget point of order lies against the conference report. If it is sustained, which requires 41 Senators to vote against a motion to waive the point of order, I am prepared to seek these substantial improvements. We can do so through bipartisan negotiations in this body just like they did in the House and get a better bill, after which I think the President will say, "By gosh, that is even better yet" and have everybody supporting it, or at least virtually everybody supporting it.

The budget point of order is not intended to kill the crime bill. It is intended to provide the basis for making the bill tougher. Indeed, the course I am proposing parallels the course of action which occurred in the other body. A procedural vote ultimately forced the administration and the House Democratic leadership to deal with the moderate House Republicans. The result is a somewhat improved bill, not one that I approve but somewhat improved. I was there advising but certainly not approving everything they did.

If the budget point of order is sustained in this body, the same negotiation process should occur here and we will get a stronger crime bill. That is my purpose. There is plenty of time left in this session to produce a worthy crime bill, and we can do much better than this conference report before us. Now, I think the American people deserve no less.

Let me recount briefly where we are and how we got here on this crime bill. The Senate passed a crime bill last November after reviewing over 250 floor amendments. It was not a perfect bill, as Senator BIDEN said. I voted for it, however, because I believed its good sections outweighed its bad sections. It passed 94 to 4. The other body took until April to pass a crime bill. It then took the two bodies, controlled by the other side of the aisle, over 3 months to produce a conference report.

This delay occurred through no fault of this side of the aisle.

The conference produced a crime bill much, much weaker than the one which passed the Senate.

Senate Republican conferees offered approximately 30 amendments in conference. I express my appreciation to Chairman BIDEN for facilitating consideration of those amendments. Unfortunately, only two of our amendments, in watered down form, found their way into the conference report. Senate Republican conferees also offered a $28.25 billion 5-year, fully funded, no gimmicks crime bill with 90 percent of its money going to prisons and law enforcement. It was turned down.

When the rule on the conference report reached the House floor, as we all know, it was defeated. Shortly thereafter, following a burst of partisan rhetoric from the administration, negotiations occurred between Members of the other body from both parties, and with the administration. I stress that this was a House, not a Senate, negotiation.

I commend Representatives CASTLE, KASICH, MOLINARI, LAZIO, and others. They got some definite improvements in the bill such as: The mandatory HIV testing of persons charged with rape, a provision of mine in the Senate bill which the conference had initially dropped; the Dole-Molinari-Hatch provision on the admissibility of evidence of prior acts in sex offender and child molestation cases, in a modified form.

They put it off for a year, so that the left in these two bodies could try to kill it. But we are not going to let them kill it.

Other improvements include: The mandatory minimum penalty provision is improved, although it is still not back to the tougher Senate provision; a somewhat improved sex offender notification provision; and $2 billion in pork have been cut from the conference report, a good start which we should build on in the Senate.

I might add that as bad as the original conference was, it did contain some worthy provisions which are still in the bill.

On balance, however, the conference report before us remains too weak. We can do better.

There are several key elements that a crime bill worthy of Senate passage should contain, and which this conference report omits.

A crime bill worthy of the Senate's support should have at least $13 billion in real money for the actual construction and operation of real prisons.

A crime bill worthy of the Senate's support would not condition the States' receipt of prison funds upon the adoption of a liberal correctional plan, which is what this bill requires. In other words, by making these preconditions, the conference report is dictating to the States what they have to do. Frankly, the States do not need this. They are doing a good job, by and large, by themselves in this regard.

A crime bill worthy of the Senate's support should not squander billions of dollars in scarce crime-fighting resources on gauzy social spending schemes straight out of the failed Great Society of the 1960's. I note, Mr. President, that attention has been focused on some of the pork cut from the bill. Let us not lose sight of the pork remaining in it.

A crime bill worthy of the Senate's support should impose stiff mandatory minimum penalties for the use of a gun in a crime. This bill does not.

A crime bill worthy of the Senate's support should impose stiff mandatory minimum sentences for selling drugs to kids.

This bill does not, even though there is a chance to put it in there. While I will never understand the liberal mind, why are they not more concerned about these kids out there?

A crime bill worthy of the Senate's support should retain the many tough provisions passed by the Senate and abandoned by the conference—provisions ranging from the Moseley-Braun-Hatch amendment subjecting 13-year-olds committing certain heinous crimes to prosecution as adults, to the tough Dole-Hatch-Brown Federal antigang provision.

A vote for this conference report is a vote effectively to repeal mandatory minimum sentences for many drug traffickers, conspirators, and dealers—a much broader provision than the Senate adopted in November.

A vote for this conference report is a vote to spend a woefully inadequate amount of money for the construction and operation of prison space. A careful examination of the conference report's provisions on prisons reveals it is much better suited for sound bites by the President and those who favor spending as little as possible on real prisons than it is suited for the actual construction and operation of prison space.

A vote for this conference report is a vote to waste literally billions of dollars in 1960's style social spending boondoggles, rather than spend these precious resources on hard-nosed law enforcement programs and more prison space. This is a cave-in by the President who supported this diversion of crime-fighting funds into social spending boondoggles. This diversion is an effort to appease liberal special interest groups on whom he relies for political support. House Republicans compelled the administration to trim some of the fat. The Senate should cut out the rest of it.

A vote for this conference report is a vote to acquiesce in this administration's cynical, back-door betrayal of the American people concerning the death penalty. This administration has said it will implement by Executive order what it cannot achieve through the legislature, that is, the misuse of statistics to undermine, if not end, the use of the death penalty where it is otherwise merited.

A vote for this conference report is a vote to be soft on crime.

A vote on this conference report is a vote for deficit spending because there is at least $13 billion in deficit spending, assuming we fund the bill, which everybody here knows will never happen. Then again, if they fund most of it, it will be for the pork barrel parts of it.

Of course, that does not apply to the extent of $1.6 billion for violence against women. I do not consider that pork barrel. Even though it is prevention money, it is money that I think will make a difference.

A vote for this conference report is a vote to restrict second amendment rights without any real impact on crime.

Let me turn to each of these concerns.

LIBERAL MANDATORY MINIMUM SENTENCE REFORM

Both the Senate and House crime bills return some measure of discretion to Federal courts to sentence a limited category of convicted criminals below the otherwise applicable mandatory minimum sentence for certain drug offenses. It has been stated repeatedly that there should be some measure of discretion returned to judges in sentencing defendants who are first-time, nonviolent offenders. The House and Senate, however, differ on how to define first-time, nonviolent offenders. In a word, the House provision takes a decidedly more liberal approach than the provision I authored in the Senate crime bill.

The Senate version was adopted as part of a Hatch amendment and passed by a vote of 58 to 42. The Senate voted overwhelmingly to instruct its conferees to insist on its version of the legislation by the even larger margin of 66 to 32.

The Senate version delivers the narrow reform needed to return a small degree of discretion to the courts for a small percentage of nonviolent drug cases. It essentially permits the courts, consistent with the sentencing guidelines, to impose sentences below the mandatory minimums for drug trafficking, distribution, and possession offenses (21 U.S.C. 841, 881, 941), provided the defendant is a first-time, nonviolent offender. Mandatory minimum sentences for violent offenses or for child-related drug offenses are not affected by this measure. Before the court can even consider departing from the mandatory minimum, the court would have to find that each of the following factors have been met:

First, the defendant has "0" criminal history points: Essentially, this means the offense must be the defendant's first felony conviction, with some narrow exceptions.

Second, no injury: The offense did not result in death or serious bodily injury to any person.

Third, no weapon: The defendant did not carry or possess a firearm or other dangerous weapon during the course of the offense, or direct another to do so.

Fourth, not a leader or organizer: The defendant was not an organizer, leader, manager, or supervisor as defined under existing sentencing guidelines. This ensures that a first-time offender, who is nevertheless a major dealer or trafficker, will still face the mandatory minimum sentence.

Fifth, nonviolent: The defendant was nonviolent, in that he or she did not use, attempt to use, or threaten to use force against the person of another during the offense. Any person who uses or credibly threatens violence should face the mandatory minimum penalty.

Sixth, did not own the drugs: The defendant did not own the drugs or finance any part of the offense.

According to the Sentencing Commission, less than 1 percent of mandatory minimum drug defendants would meet all of these factors. If all of these factors are met, a sentencing judge would then be permitted to apply the sentencing guidelines without being bound by the mandatory minimum.

The House version, now part of the conference report, differs in several troubling ways from the Senate proposal.

Under the conference report provision:

First, defendants with prior drug and violent records who managed to avoid substantial prison time are permitted to benefit as first-time offenders; second, defendants with foreign convictions are still considered first-time offenders; third, defendants who sold drugs can benefit; and fourth, defendants who directed others to carry firearms are considered nonviolent, and could benefit from the reform.

INADEQUATE PRISON SPENDING

Mr. President, the conference report spends an inadequate amount of money on prison construction and operation. In fact, not one dime of the so-called prison money must be spent on prison construction and operation.

The other side of the aisle claims to spend $9.8 billion on prisons. Yet, $1.8 billion of that funding is given to the Attorney General to hand over to the States with total discretion to alleviate the costs associated with the incarceration of criminal aliens. Not one dime of the $1.8 billion in alien incarceration grants has to be spent on prison construction.

The remaining $7.9 billion in so-called prison spending is in the misleadingly rugged-sounding program entitled "Violent Offender Incarceration and Truth in Sentencing Grants" section. Yet, not one dime of this money has to be spent on prison construction or operation. Let me repeat that: not one dime of the prison proposal supported by the President must be spent on prison construction or operation.

Rather, the money can be spent on alternative confinement facilities intended to free up existing prison space—not to build new prisons. These programs will ostensibly free up existing prison space facilities like half-way houses for some offenders, and similar alternatives to prison. In other words, all of the money can be spent on soft-headed "alternative confinement facilities" and other alternatives to prison construction and operation. Indeed, I believe the wording of the conference report actually prohibits spending this money on building and operating what it calls "conventional prison space for the confinement of violent offenders."

Moreover, this program requires State recipients to implement a "comprehensive correctional plan." The plan must include, among other things, "diversion programs, particularly drug diversion programs, prisoner rehabilitation, and treatment programs, prisoner work activities, and job skills programs." What do any of these things have to do with locking up violent offenders?

In effect, in order for the States to qualify for the "prison" grants, they have to spend much or all of it on a costly, liberal "corrections" scheme. This is a shell game. Ironically, the so-called truth-in-sentencing Republicans had fought for was opposed by some on the other side of the aisle as being too costly for the States. Yet, they have little trouble requiring the States to implement the Clinton administration's version of appropriate correctional policy—diversion programs, including drug diversion, treatment, and job skills programs—in order to qualify for the prison grants.

To make matters worse, the conference report supporters suggest that the bill conditions as much as 50 percent of the so-called prison grant funding on State implementation of truth-in-sentencing. Yet, State adoption of a determinate sentencing scheme under their proposal will only apply to second-time violent offenders. Furthermore, these grants are subject to the same condition I mentioned earlier—the State must implement a liberal "corrections" scheme.

Moreover, for whatever reason, the other side of the aisle is intent on giving the administration broad discretion to distribute the crime bill money how and where they see fit. Although the other side of the aisle eventually inserted a formula, 15 percent of this prison money is turned over to the Attorney General to do with as she pleases. As well, if the Department chooses to delay allocation of the formula funds long enough, the unallocated formula grants are turned over to the Attorney General's discretionary fund.

The reason criminals serve less than 40 percent of their sentences is not because we have failed to spend precious prison dollars on drug diversion and job skills programs. Our Nation's prisons do not have revolving doors, where murderers are sentenced to 15 years but serve less than 7, and rapists are sentenced to 8 years but serve less than 3, because we have failed to spend an adequate amount of our prison dollars on drug and sex offender "treatment programs" and "post-release assistance."

Our Nation's criminal justice system lacks credibility because we have failed to provide an adequate deterrent to crime and enough places to lock up hardened criminals.

We desperately need an emergency buildup of prison space. A Senate Republican amendment to put $13 billion into the construction and operation of prisons was rejected in conference.

According to the Criminal Justice Institute, our Nation spends approximately $19 billion a year building and operating prisons. The minimum of $13 billion over 4 years in the Republican proposal would have made a significant different in boosting prison capacity.

In over half of our States, at least one prison is under a court-ordered inmate population cap. Seventeen States have emergency release programs to relieve overcrowding. In 1992 alone, 32,999 inmates were released under these programs. Florida accounted for 26,000 inmate releases. These are just the emergency releases. These figures do not include those released on parole after serving less than half of their sentences as a matter of course. And, let me remind my colleagues, we are a very mobile society, and prisoners released in another State can readily show up in our States.

In Florida, the State has initiated a new policy to free-up prison space. Clemency is granted to foreign drug dealers, and they are deported. Recently, Governor Lawton Chiles approved the release of 113 such prisoners, and the program could ultimately release thousands more—the Washington Times, June 10, 1994. The INS is apparently cooperating with Florida in this program. Instead of aiding and abetting the early release of prisoners from State prisons, the Federal Government should be helping States build adequate prison space.

As this example shows, our communities could use these resources to address the prison space problem. Let's put this money into real crime control instead of social programs with a crime control label.

Prisoners who should remain incarcerated are being released for no other reason than a lack of prison space. We must deal adequately with this problem. And I certainly do not want more States emulating Florida's experience.

Regrettably, this may be happening in one fashion or another in some of our States.

A.M. Rosenthal, in a June 3, 1994 column in the New York Times, noted that in 1991,

> 34 States released 326,000 prisoners, 90 percent on parole. Including murderers, they had served 35 percent of their sentences * * * Prisons save lives. Tripling prison population from 1975 to 1989 reduced potential violent crime in 1989 alone by almost 400,000 rapes, murders, robberies and severe assaults.

Mr. Rosenthal noted,

> The cost of imprisoning criminals is as much as $25,000 a year. But the price to society for every murder is estimated at $2.4 million. From 1987 to 1990, the lifetime costs of violent crimes alone are estimated at $178 billion.

The bottom line, simply stated, is: Incarceration of violent criminals reduces violent crime. Convicted criminals should be spending more time serving their sentences.

Yet as the Washington Post reported on July 16, 1994, some States "have been taking a second look at the hard-line anticrime measures and mandatory minimum sentences they enacted in the 1980's" because they do not have adequate prison space.

Some States are looking at what is called "capacity-based sentencing." Under that concept, a State sets sentences based on available prison space. This, of course, has it backward and is a terrible development. Penalties should fit the crime and if there is not enough prison space to house convicted criminals in the States, we should provide the resources to build and operate that prison space. The American people expect and deserve no less.

There is another reason why the conference report is inadequate on prisons. I have always been willing to cooperate with the President's desire to place more police on the street. Of course, many experts believe the administration has vastly inflated the number of police officers its proposal would actually put on the street. But what does the President think these new police officers, if they ever reach the street, are going to do? Sure, they will deter some crimes. But are they not also going to apprehend violent criminals as well? Where will society put these violent criminals? If the conference report is adopted, I will tell you where many of them will wind up: back on the street through the same revolving door plaguing our society today. We do not have enough prison space today. Putting any number of new police officers on the street without a commensurate build up in prison capacity will only turn the revolving door faster.

But my colleagues on the other side of the aisle would rather spend money that ought to go to prisons on yet more social programs. If my colleagues are set on resorting to 1960's style social programs with new labels on them, I respectfully suggest that they get their funding out of existing social spending programs rather than raid a trust fund that is aimed at fighting crime.

WASTEFUL SOCIAL SPENDING IN THE CRIME BILL

Mr. President, I support spending some money on so-called prevention programs. The Senate Republican conferees offered an alternative which included $1.1 billion in smart prevention programs. But the conference report wastes billions of dollars in pure social spending, much of it originating in the other body. This conference report is, in significant part, a resurrection of the President's failed stimulus package. For example, the Local Partnership Act is precisely the wrong kind of program for this bill. In reality, it has nothing to do with fighting crime.

This amorphous program would give local governments $1.62 billion over the next 2 years to spend on three ill-defined purposes: Education to prevent crime, and jobs programs to prevent crime. That is it. There are no other real standards for spending this $1.62 billion.

The provision does list no less than 19 wide-ranging drug treatment, education, job-training, and other social programs on which the $1.62 billion can be spent. But the money under this provision can be spent not only on those 19 social programs, but also on activities substantially similar to those 19 programs, or again, for any other education, job-training, or drug treatment program purporting to prevent crime. The tagline "to prevent crime" is an attempt to convert this Great Society program into an anticrime proposal. By slapping the phrase "to prevent crime" in these purpose clauses, this provides the cover to hijack $1.62 billion in precious crime-fighting resources for anything at all that localities will label "education to prevent crime" or for drug treatment, or for more Government jobs programs. The $1.8 billion would be much better spent in really fighting crime by spending it on prisons.

The General Accounting Office recently reported to Senator DODD that there are seven Federal departments sponsoring 266 prevention programs which currently serve delinquent and at-risk youth. Of these 266 programs, 31 are run by the Department of Education, 92 by HHS, and 117 by the Justice Department.

The GAO found that there already exists "A massive Federal effort on behalf of troubled youth" which spends over $3 billion a year. The GAO went on to report that:

> Taken together, the scope and number of multi-agency programs show that the government is responsive to the needs of these young people * * * . [It] is apparent from the federal activities and response that the needs of delinquent youth are being taken quite seriously.—GAO Report, Federal Agency Juvenile Delinquency Development Statements August 1992.

Despite the findings of the GAO, the conference report throws even more open-ended social spending money at State and local government under a prevention label.

The Model Intensive Grant Program is yet another social spending program, originating in the other body, which does not belong in this conference report. In reality, it has very little to do with fighting crime, and much to do with providing Federal tax dollars to favored social spending programs.

This program gives the Attorney General nearly total discretion to spend $625.5 million in grants to 15 chronic high crime areas. Some of this money might be spent on inadequate police or public safety services, equipment, or facilities. But of course, if any of this money is actually spent on State or local police or police equipment, there are better ways to target help to police than this program, such as the Byrne Grant Program.

Moreover, this $625.5 million can be spent on anything at all, so long as someone does not forget to try to link the spending to crime, no matter how tenuous that link. The conference report says this program's money can be spent on youth programs, deterioration or lack of public facilities, inadequate public services such as transportation, drug treatment, and employment services.

Thus, this big-spending Federal social program could fund public works programs, additional social services, and more job training notwithstanding existing Federal programs in these areas. And there are no real standards in the bill. It is pretty much an old-style giveaway program.

Although police and law enforcement equipment are at least included among the permitted uses for these grants, in my view, the overall focus of this program is wholly inappropriate. Merely calling a program an anticrime measure does not make it so. It makes no sense to spend $625.5 million of scarce crime-fighting money on ill-defined social welfare and public works programs. Our crime crisis is too severe for that.

A stated purpose of this grant program is to compare various crime control and prevention strategies, and determine which ones work. But of course, we already know what works in crime control.

Experience has demonstrated that one very effective way to reduce violent crime is to identify, target, and incapacitate recidivists and violent criminals.

In order to do this, we need to spend more on prisons than the proposed conference report is prepared to do. Let me stress again, briefly, what A.M. Rosenthal wrote in a June 3, 1994 column in the New York Times entitled "Prisons save lives": "Tripling prison population from 1975 to 1989 reduced potential violent crime in 1989 alone by almost 400,000 rapes, murders, robberies and severe assaults."

The Local Partnership Act and the Model Intensive Grant Program, totaling nearly $2.25 billion, originated in the other body.

Instead of spending billions on nebulous social boondoggles with a crime control label, let's spend it on crime control that works. Let us spend it on more prison space.

Instead, seeing that a multi-billion-dollar pot of money has been established to fight crime, advocates of big spending social programs could not resist the urge to raid funds desperately needed for actual law enforcement—for more prison space, more FBI agents, more DEA agents, more Federal prosecutors, more money for local law enforcement—in order to fund yet more social spending. There are those who want to hold down the crime bill's spending on prisons and law enforcement as much as possible. They have the active support of the Clinton administration.

I am not against all so-called prevention programs. But the American people demand that we spend their money wisely. Indeed, in a recent letter to me from the Attorney General in which she conveyed the administration's views on this legislation, Attorney General Reno noted that "in these times of fiscal restraint, we must ensure that the money is spent well." She went on to say that we should "avoid the duplication, waste, and bureaucratic battles that too often accompany government programs."

Now, I agree with General Reno on this. So I am particularly dismayed that the administration supports yet more job-training services in this bill, such as in the Local Partnership Act. It is one more instance where the Clinton administration talks tough, but doesn't deliver.

According to the GAO, in the current fiscal year, there are 154 separate, overlapping Federal employment and training programs which are run by 14 separate executive departments and independent agencies. Within these departments and agencies, 50 different offices are responsible for these programs. The total cost? In fiscal year 1994, nearly $25 billion was budgeted for these programs.

If my colleagues want to spend money on such social spending, let them take it from existing budgets from the Labor Department, HHS, and the Education Department. Do not take it from scarce crime-fighting funds. We know from experience that the swift apprehension and sure incarceration of violent criminals prevents as well as punishes violent crime. If you want to prevent crime, raise its costs substantially.

Let me mention another social spending boondoggle.

The National Community Economic Partnership Program is a total waste of $270 million crime fighting money. Indeed, unlike many of the other social spending programs raiding scarce crime-fighting resources in the conference report, this program does not even make the false pretense of being remotely related to crime or even crime prevention.

I want the American people to know what my friends on the other side of the aisle and the Clinton administration are prepared to waste precious crime-fighting resources on. The purpose of the National Community Economic Partnership is "to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents—now, get this—through the provision of financial and technical assistance to community development corporations."

This crime bill is entitled, by both Houses, the "Violent Crime Control and Law Enforcement Act." Yet, this part of the conference report authorizes that leading Federal crime fighter, the Secretary of Health and Human Services to provide lines of credit to community development corporations so they may "finance projects intended to provide business and employment opportunities for low-income unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas." Let me repeat that last part—this violent crime control and law enforcement bill will fund efforts "to improve the quality of life in urban and rural areas."

Of course, the purpose of addressing violent crime directly, as this bill is supposed to do, is, in fact, to improve the quality of life throughout our country. By helping Federal, State, and local law enforcement agencies apprehend and convict violent criminals and drug dealers, and helping them build prisons in which to incarcerate them, we will do more to improve the quality of life in more parts of the country and for more people than a program like this. I want the funds in this program to go to prison construction or operation, or to local or Federal law enforcement agencies, not to community development corporations.

This is an antipoverty program being funded out of a crime bill. We tried that approach to law and order in the 1960's and it doesn't work. If Congress must spend money on such a program, I urge its sponsors to go to HHS and redirect existing funds to this program. But please keep hands off scarce funds needed to lock up violent criminals.

This program does not even make the pretense of targeting high crime areas—it makes not even the cosmetic reference to crime that other wasteful social programs in this bill make. Not that throwing in a few such phrases will really mask the true nature of this social program any more than those phrases really transform the Local Partnership Act or the Model Intensive Grant Program contained in the conference report into anticrime measures. But those programs at least had the misleading label on them. This one makes no pretense.

Part of the money under this program goes to "grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations or enable such corporations to seek the public and private resources necessary to develop community and economic development projects."

We should not be spending money on enhancing the skills of community development corporation leaders in a crime bill. We should spend that money to incarcerate criminals.

Republican efforts to move wasteful social spending into prisons or into State and local law enforcement through the Byrne Program have been rebuffed by the other side of the aisle in conference.

These three programs alone squander over $2.5 billion in scarce crime-fighting resources on 1960's style social program boondoggles in order to satisfy the special interests on the other side of the aisle. This is neither tough nor smart.

Let me mention another one of the wasteful spending programs in this bill. The so-called Community-Based Justice Grants Program is another particularly egregious example of the misguided view of criminal justice which permeates this bill.

My colleagues on the other side of the aisle would have the public believe that the $50 million that they would spend on community-based justice grants is aid to prosecutors. I believe that it's time to apply some truth-in-labeling. In reality, these millions of dollars would be spent on coddling violent young criminals.

The community-based justice grants will exhume the failed criminal justice policies of the 1960's and 1970's. These grants would require social workers' involvement in the prosecution of criminal cases. Participating prosecutors would be required to "focus on the offender, not simply the specific offense, and impose individualized sanction [such as] conflict resolution, treatment, counseling and recreation programs."

The softheaded sanctions would be imposed not just on nonviolent offenders, but also on individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations * * *." Let me repeat that. The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property."

Instead of punishing these young thugs, this program will only encourage their disrespect and disregard for civilized society by teaching them that committing violent crimes has no real consequences. I cannot think of a more inappropriate lesson to be sending our young people. Violent criminals, whatever their age, need to be treated as such.

Instead of coddling violent youths, this money should be used for law enforcement and prison construction to help implement the true, tough crime control measures the American people are demanding.

Last year, the Congress rejected the President's pork-barrel stimulus package. The American people saw this so-called stimulus package for what it was—a retread of the failed Great Society programs of the 1960's. Having failed to get what they wanted last year with the label "economic stimulus," the big spenders in the administration and Congress have slapped a crime-bill label on these programs. That is not tough and it sure is not smart.

TOUGH PROVISIONS DROPPED IN CONFERENCE

Over 2 long days, Senate Republican conferees offered numerous amendments to the proposed conference report in an effort to toughen the bill and eliminate this wasteful spending. I personally offered 19 amendments, most of which were taken from provisions contained in the Senate-passed crime bill. Of these, nine were accepted in whole or in part by the Senate conferees. All but two were rejected by the House conferees in the initial conference, and both of these were watered down. A few improvements were made in the second conference.

Before I list for my colleagues the tough provisions dropped in the conference report before us, let me mention the three-strikes-and-you're-out issue. The President has trumpeted the conference report's three-time-loser provision. Yet, the impact of any such proposal is directly related to the scope of its qualifying convictions. In my view, the conference report proposal is far too narrow, affecting as few as 500 cases a year.

The Senate-passed crime bill, on the other hand, contained a broad approach to dealing with recidivist, violent offenders. In fact, the Senate-passed bill provided mandatory life imprisonment for two-time losers who sell drugs to children, employ children in the drug trade, or who commit murder. The Senate bill, which federalizes crimes committed with a firearm, would subject thousands of three-time violent offenders and drug traffickers to life imprisonment. I believe this provision, rather than the conference report's narrow proposal, should be included in the crime bill. Indeed, the Senate agreed with me on this point having voted to instruct our conferees to insist on this measure. The Senate's position was rejected by our conferees from the other side of the aisle.

Mr. President, let me list for my colleagues some of the other tough, smart crime control measurers offered during conference by Republican Senate conferees which were rejected or severely weakened by the other side of the aisle. Many of these were passed overwhelmingly by the Senate when we first considered this bill. Among the provisions not included in the conference report:

An effective, fully funded prison provision to provide $13 billion in grants to the States for prison construction, including tough incentives for truth in sentencing—rejected.

A fair formula for distributing prison grants, to ensure that each State gets its fair share—rejected.

Tough Federal penalties for violent juvenile gang offenses, the Dole-Hatch-Brown language—rejected.

The Moseley-Braun-Hatch provision to prosecute violent juveniles 13 and older as adults in appropriate cases—rejected.

Tough Federal mandatory minimum sentences for using a firearm in the commission of a crime, the D'Amato provision—rejected.

Mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime, the Gramm provision—rejected.

Fully restricting so-called drug-court treatment programs to nonviolent, first-time offenders—rejected.

Returning sentencing discretion to judges in a limited number of cases involving first-time, nonviolent offenders—rejected.

Subjecting those convicted of attempting to kill the President to the death penalty when he or she comes close to succeeding—rejected.

Ensuring the swift removal of alien terrorists without disclosing national security secrets in the deportation process, the Smith-Simpson provision—rejected.

Ensuring that criminal aliens are swiftly deported after they have served their sentences, the Simpson provision—rejected.

Stemming the tide of frivolous prisoner lawsuits through reform of the laws governing exhaustion of administrative remedies to prisoner grievances—weakened.

A honest, fully funded trust fund that pays for the crime bill without increasing the deficit—rejected.

Setting priorities for the trust fund, ensuring that prison, police, Federal law enforcement, rural crime, and violence against women programs are funded first—before social programs—rejected.

The Equal Justice Act, which would prohibit both racial discrimination and the inappropriate use of statistics in death penalty cases—rejected.

THE SO-CALLED RACIAL JUSTICE ACT

Mr. President, let me take a minute to expand on this last point. We had hoped that the affirmative prohibition on the misuse of statistics in death penalty cases would not be necessary. But events and statements by the administration make it clear that this hope is misplaced.

The Senate recognizes that the racial quota death penalty provision—the so-called Racial Justice Act—is really a death penalty abolition act. That is why it voted overwhelmingly—58 to 41—to instruct the Senate conferees to reject the RJA. Despite this, House conferees from the other side of the aisle insisted on sending the provision to the Senate after publicly acknowledging that a bill containing it could not pass the Senate. The Senate again rejected it.

Moreover, this administration is being on implementing the so-called Racial Justice Act through unilateral action. According to press reports, the President has entered into a deal with opponents of the death penalty to take such action, either through Executive order or similar directive, after this conference report is acted upon.

The misuse of statistics in applying the death penalty, as the administration and the proponents of the Racial Justice Act favor, could only lead to an unconscionable result—the active and conscious consideration of the race of a defendant during capital sentencing. The result would be a quota system for capital sentencing, rendering the death penalty virtually unenforceable.

Thus, we believe that the Equal Justice Act is now necessary in any true crime bill. The Equal Justice Act protects against racial discrimination in the application of the death penalty. At the same time, it saves the death penalty from a weak administration buckling under to anti-death-penalty forces. It does so by prohibiting the use of statistics in attacks on sentences in capital cases. The Equal Justice Act also contains other provisions identical to provisions of the Senate-passed crime bill: It provides that the court in a death penalty proceeding shall instruct the jury that race and other improper factors may not play any role in its decision. In addition, it provides that each juror will be required to certify that he or she has complied with this instruction.

DEFICIT SPENDING

The conference report is not deficit neutral. It actually increases the deficit by $13 billion in the out-years in order to accommodate the added wasteful social spending programs contained in this bill. And even with this $13 billion in deficit spending, the bill is not fully funded.

The Republican alternative trust fund, as well the original Senate-passed trust fund, is deficit-neutral. It requires a cut in discretionary spending—either through personnel reductions or through cuts to other programs. The Republican alternative in conference was a $28.25 billion, 5-year plan. The conference report before us, however, is a $30 billion, 6-year plan—full funding takes until the year 2000—which proposes $13 billion in deficit spending during its last 2 years. The conference report actually increases the deficit during those years by mandating $13 billion in spending in 1999 and 2000 without extending the budget caps in those years. The bottom line is, the conference report proposes $13 billion in deficit spending to accommodate liberal social spending interests.

ASSAULT ON SECOND AMENDMENT

Lastly, Mr. President, let me briefly discuss one final issue. In addition to all the other flaws in this conference report, its ban on so-called assault weapons takes direct aim at the second amendment rights of law-abiding citizens without making an appreciable impact on the fight against violent crime. This provision is a smokescreen for those who wish to appear tough on crime, but who are unwilling to support tough measures to punish the perpetrators of violent crime.

The so-called semiautomatic assault weapons ban is a misleading substitute for fighting crime. Criminals generally obtain firearms from the black market, from other criminals, or by stealing them, rather than by obtaining them from gun shops or licensed dealers.

This is especially true for so-called assault weapons, which, in any event, are little used in the commission of crimes. Less than 1 percent of all serious crimes involved the use of assault-style weapons. (NRA; drawn from Uniform Crime Reports and State criminological data; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8.) The fact that these firearms are semiautomatic merely means that a round is fed into the chamber when the weapon is fired. They are not machine guns. Indeed, they fire no differently than any semiautomatic hunting rifle.

Moreover, even if criminals are unable to obtain specific semiautomatic firearms, they will obtain other firearms to commit their crimes. This measure is just one more step in an ongoing effort to take firearms out of the hands of law-abiding citizens. Of course, that effort will be magnified if this ban becomes law. The Clinton administration is part and parcel of this effort. It is the most anti-second amendment administration in memory, if not in our Nation's history.

CONCLUSION

Mr. President, I did not come to the decision to oppose this conference report lightly. I have worked long and hard to craft a crime bill that will do what the American people are demanding of us. Indeed, the Senate passed such a bill last November, although it was not a perfect bill. Unfortunately, the conference report before us magnifies the flaws in the Senate bill, adds many more problematic provisions, and strips from the Senate bill many tough and smart law enforcement provisions the Senate passed last year.

Yes, there are some good provisions in the conference report which I would very much like to see become law. I either sponsored or cosponsored a number of these, such as the Violence Against Women Act, the Senior Citizens Against Marketing Scams Act, and the rural crime initiatives.

But the inclusion of a few good provisions cannot make up for the fact that this bill does not fulfill our promise to the American people. It does not provide for an emergency build-up in prison space to stop the revolving door. It wastes billions of dollars on social spending at a time when communities across the Nation, urban and rural, are crying out for true law enforcement assistance. It infringes on the Bill of Rights. It does not include the tough, effective criminal penalties that the American people are demanding. It facilitates implementation of a backroom deal to adopt a racial quota death penalty at the Federal level. And with all of these flaws, it also increases the deficit by $13 billion.

Mr. President, I urge my colleagues to reject the conference report. I urge my colleagues to take the time on the No. 1 issue facing the American people to get it right. We can do better than the crime bill before us. We can do better if we sustain the budget point of order and then fix this bill.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized for 8 minutes.

Ms. MIKULSKI. Mr. President, I thank the Presiding Officer for recognizing me and the distinguished chairman of the Judiciary Committee. I wish to congratulate both Senator BIDEN and his Republican counterpart, knowing that you worked very long and hard over the weekend with our colleagues in the House to fashion a workable crime bill. One that we hope will pass the U.S. Senate within the next few days.

That is why I wish to come to the floor, to lend my support for this legislation, and then try to refashion a compromise on health insurance reform.

Mr. President, America is at war, and we have been invaded. We have been invaded by illegal drugs. We have been invaded by a proliferation of guns. Crime is overriding our streets. And ordinary American people in cities and small towns are being held prisoners of that war in their own neighborhoods, afraid to go out to church meetings at night, reluctant to go to shopping malls on Saturday afternoons, and unable at times to be able to leave, in some of the neighborhoods, their own home at any time.

That is why I hope we pass this crime bill and that we do it within the next 2 days. This crime bill, I believe, meets three tests that the American people have put to us.

No. 1, does it emphasize policing to make sure that we have enough resources to be able to catch the criminals?

No. 2, once we catch them, will we be able to punish them and not continue this revolving door?

No. 3, do we emphasize prevention where we say yes to the young kids who are saying no to drugs and to criminal activity?

In Maryland, as across the Nation, we have seen the compelling need for this bill.

Just recently, a youngster in Baltimore riding on a bike was held up by a gunman armed with a 9 millimeter semiautomatic handgun. The robbers took that bicycle. A 40-year Metro police officer in Landover was shot by a teenager. That young man is now in prison.

We have a 98-year-old man, a distinguished African-American citizen, beaten in his own home, who lapsed into a coma only a few days ago to die in the hospital.

We have a Catholic nun who was brutalized, murdered in her own convent.

Each case is more shocking than the last. Not only is there more crime, but there is more violent crime, and there is more cruel crime. The brutalizing of a Catholic nun, the beating of a 98-year-old citizen that the whole neighborhood loved. Behind every incident, there are families and friends for whom the pain will never go away.

We need to act and we need to stop the delays, and we need to stop the politics. People do not want political rhetoric. They want action. They want results. And that is why I support this crime bill.

It will put 100,000 police officers in communities across America on to the streets. I believe community policing is the best way to reduce crime. In the neighborhood, the neighbors know their local officers. The officers know what is going on in the neighborhood, and they can spot the criminals, spot the crime patterns, and also identify those people in the neighborhood who are defenders of the good.

Part of policing also is being able to control the availability of deadly weapons. I absolutely support the assault weapons ban. Right now the crooks, bums, and thugs are better armed and outgun our police officers.

The weapons that we are talking about outlawing are not those used for hunting deer in western Maryland or shooting ducks on the Eastern Shore. These assault weapons' only purpose is to maintain terror and perpetuate a cycle of violence. Automatic weapons are weapons of war, and they are being used to create war zones on our streets and in our neighborhoods.

Also, I support prevention programs. I do believe we need to invest in prevention. Much has been said about "social pork." I do not know what "social pork" is. But I do know that we need to say yes to the kids who say no. Sure, we cannot fund every good intention, but I do believe we need to make sure that we help the young people who say no to drugs and no to crime, and say yes to going to school, yes to saying their prayers, yes to doing their homework, and yes to trying to stay out of trouble.

When we do that, I believe we will have our most successful efforts. Prevention programs should be structured. They should offer role models. They should be a safe place for kids to go. And we need to be able to say yes to their parents. We need to have policies that will reward work and help families.

I happen to believe that the most important prevention programs are public education, public safety, and public health. I believe that the Elementary and Secondary Education Act that we passed will be the most important crime prevention program. It will teach kids how to read and encourage them to stay in school.

Also I believe we ought to pass universal coverage. Why should we do that? So we can say yes to the mothers and fathers who are going out there working for an honest living.

Public schools, public libraries, access to public health, these are the important things that we need to do.

Finally, the crime bill will provide for tough punishment for the predators in our society. It will require tougher sentences, new prisons, and the death penalty for certain heinous crimes. It does have three strikes and you are out.

We have also included laws that allow a community to be notified when sexual predators are released. I believe this is a very important tool because of the horrible and repugnant lessons we have learned. We need to know this. We have to have this legislation.

We have learned about the shocking sexual attack on Megan Kanka in New Jersey, the kidnaping of Polly Klaas in California, and all of those other children who have been victimized by these sexual predators.

Also we have a component in this bill that will deal with the violence against women, issues related to rape and to other forms of sexual assault and battery.

So, Mr. President, it is time to pass the crime bill. As I said, people want police, they want punishment, and they want prevention. They want results. They do not want rhetoric. They want to see crooks and thugs behind bars in prisons. They do not want to have to stay behind bars in their own homes.

So let us say yes to the crime bill and let us say yes in the next 48 hours.

Mr. President, I yield the floor, and I thank my colleagues for yielding me this time so that I may make those remarks.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I thank the Senator from Maryland for her remarks, and I also thank her for her leadership in this area.

She is one tough Senator. She has been, from the time that she has gotten here and well before that in the House, and has never been reluctant to be as hard and tough on criminals as they come.

As a matter of fact, were I someone who had committed a crime, I would not want to be before her were she a judge. I imagine if the maximum were 10 years I would get 12.

So I thank her for her work, not only in trying to help us get through this final phase, this final little inch we have to go before we cross the line—it has been 6 years in getting here; she has been in on all aspects of this as a House Member for the previous years and here as a Senator.

So I hope we will all be able to celebrate with the American people when we finally cross this last threshold and, as I said, she has been involved from the outset.

Mr. HATCH. Mr. President, I ask unanimous consent, since he has been waiting all afternoon, that following Senator SPECTER's remarks, my colleague from Texas, Senator GRAMM, be recognized to speak on this bill for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I support the crime bill. I believe it has many good features. I believe it has some features which are not so good. I believe that there are many important features which are omitted. But all factors considered, I believe it will be a significant step forward in our fight against violent crime. I say that having spent most of my adult life considering issues of law enforcement or being actively engaged in law enforcement.

When I moved to Philadelphia, PA—after having grown up in Wichita, KS, a small town when I lived there of about 130,000 people, then moving at the age of 12 to Russell, KS, a small town of 5,000, and then coming to college at the University of Pennsylvania, in a big city of some 2 million people—I was astounded by the incidence of violence in a big city.

Soon after graduation from law school in 1959, after practicing in a big law firm for some 3 years, but always being interested in law enforcement and in criminal prosecution, I became an assistant district attorney. The ideas that I have on criminal law enforcement are molded by my 12 years as a prosecutor—4 as an assistant district attorney and then 8 years as a district attorney of Philadelphia, where we had some 30,000 prosecutions a year, including some 500 homicide prosecutions.

As the years have unfolded, we have seen the problems of violent crime, which used to be so heavily concentrated in the cities, spread to smaller communities like Wichita, KS, or like Williamsport, PA, where there is now a tremendous incidence of crime. Crimes are also spreading to small towns like Russell, KS, or to south-central Pennsylvania, where you have gangs like the Crips and the Bloods traveling into small communities.

In the Congress of the United States, we have labored for years without coming up with a major, comprehensive crime control bill. While I think that we could have done a better job than the conference report, which is coming to us from the House of Representatives, I believe that, all factors considered, this bill is a step in the right direction.

I note, Mr. President, that the bill was passed by some 40 votes, 235 to 195, in the House of Representatives. And the balance for passage was provided by 46 Republicans who fought hard and I think made considerable improvements in this bill.

This bill authorizes some $30.2 billion, and it is subject to a point of order under the Budget Act. But, similarly, the $22 billion bill which passed the U.S. Senate by a vote of 94-4 was also subject to challenge on budget considerations. It cannot exceed the budget. We decided at that time by an overwhelming vote, 94-4, to pass the bill even though it exceeded the budget. Why did we do that? We did that because we believed that crime is a big problem in America. According to the polls, it is the No. 1 problem in America, and we thought that when we could not trim it back any further, we would exceed the budget to some extent to pass the bill.

The budget considerations are very complicated because most of the expenditures, even in this $30.2 billion bill, will be paid for by the so-called trust fund from economies and Government. But I think that in our evaluation of this measure, although we can look at the hypertechnical budget considerations, it is not unusual for the Congress to waive the Budget Act; and just as when this bill initially passed the Senate, I believe that now we should enact this bill despite the budget considerations.

The bill has $13.5 billion for police. It has almost $10 billion—$9.9 billion—for prisons. Contrasted with that, there are $5.5 billion in prevention programs, and $1.4 billion in antidrug efforts, which leaves $23.4 billion for the toughest, law enforcement measures, and $6.9 billion for those items which are aimed at prevention. That, Mr. President, in my opinion, is a fair balance, with most of this bill being directed to tough measures against violent crime, with police and prisons, and $6.9 billion directed at crime prevention measures.

I point out initially, Mr. President, that when you talk about crime prevention measures, you are not talking about being soft on crime. You are talking about measures which are designed to prevent crime, are realistic and are effective. When we take a look at the statistics on what happens with rehabilitation measures, you can turn to a 1994 Federal Bureau of Prisons study, which found that 44 percent of the inmates who did not complete any educational program while in prison had been rearrested within 3 years of release. Whereas, 35 percent of those inmates who had completed one or more classes had been rearrested within 3 years of release. So that when a significant number of inmates have educational opportunities, it is a demonstrable and important crime prevention program.

The Alabama Council on Vocational and Technical Education studied recidivism rates for Alabama inmates who took vocational or academic courses over a 4-year period, and they found a 35 percent recidivism rate for the entire population of Alabama prisons. But those who completed vocational or academic courses in prisons averaged only a 5 percent recidivism rate, which I suggest, Mr. President, is a very, very significant impact.

A 1992 Federal Bureau of Prisons study demonstrated that of inmates who received job training and work experience in prison, 86.5 percent obtained a full-time job upon their release, contrasted with 62 percent of other inmates who were able to obtain full-time employment.

It is no surprise that when someone leaves prison as a functional illiterate, without a trade or a skill, and is drug dependent, that that individual and others like him return to a life of crime. So that when we provide some balance—again emphasizing the fact that the overwhelming amount of money for this bill goes to prisons and police—it is a solid investment.

In the area of drug treatment, there is a 5-year study by the National Institute on Drug Abuse of 10,000 individuals in treatment that found that 3 to 5 years after leaving treatment, the proportion of people involved in predatory crimes was reduced by as much as 50 percent.

There are numerous other studies which support the proposition that carefully crafted preventive and rehabilitation programs do make sense. This is not a product which is new or untried. I point to programs in effect during the days of the administration of President Nixon, when certainly no one could say that there was anything but a tough attitude on crime. There were grants made to the city of Philadelphia, when I was district attorney there, that were very meaningful in our fight against violent crime. There was a program on juvenile gang violence in 1970 which was directed against an insurgence and a spree of gang killings, where an effort was made to reduce juvenile gang violence, especially murders, through the expansion of the Youth Service Bureau, concentrating on troublesome, hard-to-reach, dangerous juveniles, concentrating on gang members.

While I was district attorney of Philadelphia in 1970, there was a substantial grant to the juvenile branch of the family court division which provided for voluntary crisis intervention to divert juveniles from formal processing by the police and court. A unit involved in screening, counseling and referral services was designed to service approximately 6,000 juveniles.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. SPECTER. Madam President, that was part of a program which we put into effect in the early 1970's while I was district attorney which sought to divert individuals out of the criminal justice system. It was a novel program on diversion, which has since become a standard part of the Pennsylvania rules of criminal procedure, and which has provided a model for the country.

What was done, succinctly stated, was to bring in individuals who were charged with nonviolent first offenses. So it was not a matter of violence, and it was not a matter of a repeat criminal. In those situations, we took some 8,000 cases out of the criminal justice system of some 30,000 cases. A judge would meet on an informal basis with up to 8 individuals in a day, with nonjury trials, where a judge might be able to try 3, 4, 5 cases, or 6 at the most.

Those individuals were told that if they stayed out of trouble for a year their criminal record would be expunged, but if they got into trouble they would be back in the criminal justice system, they would be prosecuted for a new offense, and they would be prosecuted for the old offense.

The current bill does provide for education, training, research, prevention, diversion, treatment, and rehabilitation, programs that are designed to prevent young children from becoming involved in gangs, programs which are designed to take young people out of the criminal justice cycle.

Overall, I think these programs make sense. Some would like to spend all of the money on prisons or all of the money on police. While I believe that the emphasis ought to be on police and prisons and the tough aspects of law enforcement, this bill is appropriately balanced with about 70 to 75 percent of it being directed to those tougher measures.

When we talk about a program of three strikes-and-you-are-out, it sounds good and it is good rhetoric, but there has to be something in addition to simply that kind of a slogan or that kind of rhetorical toughness if we are to get the judges to impose those kinds of tough sentences.

In my own experience in prosecuting many felony cases, robbery cases, burglary cases which are the backbone of violent crime in our country today, I found it extremely difficult to get Pennsylvania judges, Philadelphia judges, to impose life sentences under the habitual offender statute because at the moment of sentencing it is extremely difficult to get that judge to impose a life sentence if the judge does not feel that there has been some opportunity for realistic rehabilitation.

That is why I think that it is very important to make an effort at early intervention to take an individual out of the crime cycle, and if that person becomes a second offender or a third offender and when the time for sentencing comes, there is an opportunity by the prosecuting attorney to demonstrate to the court that that individual has had a chance with rehabilitation and has failed, then I think it is realistic to get the judge to impose a life sentence for a career criminal and a habitual offender who has been convicted of three or more major offenses. And as we have seen the results only at an early stage from those States which have imposed three strikes-and-you-are-out laws, they simply have not worked because the background has not been set for that kind of tough sentence where the judge is satisfied that a realistic opportunity has been made for that kind of rehabilitation.

Madam President, in articulating these views today, they are not anything new on my own approach to criminal law enforcement. After being elected to the U.S. Senate in 1980, one of the first groups of bills which I introduced in 1981 involved the career criminal bill which provided up to a life sentence for three-time offenders caught in the possession of a gun, a bill that I worked on for several years until it became law in 1984 and has been widely noted as being very, very effective, especially against organized crime and drug dealers. That bill number was S. 1668 in the 1981 session.

Bill S. 1689 provided for incarceration of State prisoners sentenced to life as career criminals in Federal institutions, a concept which has been worked on by many Senators, including the chairman of the Judiciary Committee, on regional jails, to give Federal help to State institutions, which is now significantly embodied in this legislation.

Then there was a bill S. 1690 to provide for rehabilitation requiring States to provide prisoners with a trade before paroling them.

Those ideas of realistic rehabilitation have been ideas which I have introduced repeatedly which were incorporated in the District of Columbia correctional systems when I served as chairman of the appropriations subcommittee of the District of Columbia, and I think have been adopted in the Federal system to a substantial extent and I think will make very, very good sense in this bill.

Madam President, although some may disagree with the provisions at rehabilitation and the provisions for job training, none can disagree with the basic fact that the lion's share of the funding in this bill will be directed at hardcore juvenile offenders and will be directed at the very basic lines of providing more police which are at the core of law enforcement.

There is also no doubt that the provisions on violence against women will fill a very major void in our law enforcement system at the present time. We have had a rash of violence against women following the celebrated incidents of the O.J. Simpson case. I had occasion to visit shelters for women in Harrisburg, PA, and Pittsburgh, PA, during the course of the last several weeks and was really surprised to find an increase in the incidence of violence against women where the male companions of the victims would say in the parlance of the day, "We're going to O.J. you."

We have provided some funding under the appropriations subcommittee for health and human services, but that is relatively minor in terms of what needs to be done in violence against women. Senator BIDEN outlined in some detail the problems in the field, and this legislation will be a very, very significant step forward in a very, very important line.

With respect to the issue of police on the street, the 100,000 police which will be added here—and it is true that there will have to be some local participation, but that is a common practice in the Federal system to offer seed money, to offer 75 percent funding to encourage local communities to add more police to the streets—the data shows that as crime rates exploded between 1950 and 1980, law enforcement resources did not keep pace. Between 1960 and 1980, the number of serious crimes in America grew by some 400 percent from 3.4 to 13.4 million and the number of crimes grew by 460 percent, from 288,000 to 1.3 million. During the same period, the number of full-time police officers in America grew by only 85 percent, from 195,000 to 361,000. Police resources were not expanding in proportion to do the job that they were expected to do and the crime clearance rates declined drastically.

During the 1980's, as there was a response to the need for law enforcement, police forces did grow in proportion to the crime numbers. Between 1980 and 1988, law enforcement ranks grew by 14 percent and at that time the number of serious crimes rose just under 4 percent, with the number of violent crimes rising 16 percent. As police numbers finally grew in proportion to the crime numbers, the arrest clearance rate stopped going down and the crime rates gradually stopped rising.

So it is plain that the provision for more police on the street and the effort of this bill to encourage local communities to hire more police will have a very significant effect based on the statistics of the 1960's, 1970's, and 1980's.

The addition of extra prison space, I would suggest, is really of vital importance. We have some 39 States of the 50 States at the present time under court orders. Some 15 States have had emergency release programs for overcrowding, and some 20,971 inmates were released in 1993, individuals who should have been kept in prison but who were released from prison because there simply was not enough space in the State prisons. The $9.9 billion provided in this bill will be a significant step forward in addressing the very serious shortage of prison space in America.

There is another very important aspect about this legislation, because it has a provision which will require a specific showing that there was a constitutional violation to an individual inmate before a Federal court may impose a cap on the population of any prison. There are many prison caps in effect in the United States today which were entered into under a consent degree without, at the time it was imposed, a showing having been made to demonstrate that there was a violation of the eighth amendment provision against cruel and unusual punishment caused by overcrowding. Such a prison cap is in effect in Philadelphia today. The enactment of this bill will require a specific showing of a constitutional violation against a particular inmate before that or any other prison cap can be enforced or extended. And in cases in which a constitutional violation has been demonstrated, there is a provision in this bill for review of such a prison cap every 2 years to determine if the cap is needed to prevent a constitutional violation. This provision is effective immediately, so a prison authority need not wait for 2 years before seeking review of a prison cap under this bill.

Madam President, in supporting this legislation, I acknowledge a very substantial constituent interest in opposing the gun control provisions which are in here. I have not supported gun control provisions as a general matter because my experience has demonstrated to me that criminals are able to gain guns, able to get possession of guns, no matter what kind of prohibitions may exist. As, for example, when I was district attorney of Philadelphia from 1966 to 1974 and there was a gun ordinance, the criminals had no problem getting their hands on weapons.

But when you take a look at the totality of this bill, the laborious process which has been undertaken to try to get it passed, the very tough battles which were undertaken in the House of Representatives where the bill was very, very substantially improved, on the totality of the circumstances, it seems to me that the national interest requires the enactment of this legislation.

The bill has been improved in very significant aspects. The cost has been reduced by about 10 percent, some $3.3 billion. There was the removal of a provision on retroactive application of the mandatory minimum sentences, going back into the record to make a determination about the so-called mules who had been sentenced under mandatory sentences. And on that subject, it is worth noting the comments of Chief Justice Rehnquist, who is well known for being strong on law enforcement, who spoke in an opinion of "the respectable body of opinion which believes that these mandatory minimums imposed unduly harsh punishment for first-time offenders, for mules"—that is, runners—"who play only a minor role in drug distribution schemes."

So that in this legislation, taken as a whole, there has been very, very considerable improvement.

The one major omission from this legislation which I think is very significant is the omission of revisions to the Federal law on habeas corpus, which is the Latin phrase "to have the body," which is an ancient writ and a very important writ, but one which I think has been overused to destroy the imposition of the death penalty in State criminal prosecutions. Today, when someone is sentenced to death in a State court, it takes an average of 9 years for that case to go through the Federal courts, and some cases are held up for as long as 17 years.

In 1990, the Senate adopted an amendment which I offered to the then pending crime bill which would have abbreviated the time for the pendency of habeas corpus petitions, something which could be done within a range of 2 to 3 years, giving defendants adequate protection with adequate counsel but still retaining the death penalty as an effective deterrent. The death penalty has been declared unconstitutional on two occasions by the Supreme Court of the United States, in 1972 and again in part in 1976. Following those declarations of unconstitutionality, some 37 States have come back and have imposed the death penalty because of the prevailing view that the death penalty is a deterrent against violent crime and is an appropriate weapon in the arsenal against violent crime.

This bill also, Madam President, brings back the death penalty in the Federal law for very important Federal offenses, such as fatal car-jackings, drive-by shootings, terrorism, murder of U.S. citizens abroad through terrorists, and the assassination of an American President. It is indeed an anomaly, Madam President, that if the President of the United States were to be murdered by a criminal conspiracy in Washington, DC, those conspirators, those murderers, would not face the death penalty because there is no death penalty in the District of Columbia and there is no Federal death penalty.

So when you add up all of the pluses and all of the minuses and you take a look at the number of police, with an expenditure of some $13.5 billion, and the additional prisons so badly needed in this country today, $9.9 billion, so that the preponderance of this legislation is directed toward tough law enforcement, and then the $6.9 billion or prevention and antidrug efforts realistically designed to take individuals out of the crime cycle, but if they stay in the crime cycle to set the stage for life sentences for habitual offenders, I think this bill makes sense.

We have been working on this crime bill, Madam President, for years, and it has not survived action by the Congress of the United States. The House of Representatives has just gone through a grueling experience and has passed this bill by some 40 votes, with the majority being provided by 46 Republicans.

When you talk about a point of order on budget considerations, it is true that, on the technicality, that would lie, that could be asserted. But in considering that issue, it should be remembered that the $22 billion-plus crime bill, passed by the Senate by an overwhelming vote of 94 to 4, could have been subjected to that same point of order.

This is not a perfect bill. It is an improved bill. It is a serious step against violent crime in America. I think it ought to be passed by the Senate so it can be signed by the President.

And to those who say that we should not take any action unless the President receives some credit, I would reply, Madam President, by noting that the bulk of the American people today are not likely to give Washington, DC, any credit for anything we have done. But if the President of the United States derives some credit for it, so be it, when the bill is in the national interest.

It is time that the Congress of the United States put politics aside, took a hard look at the serious problem of crime in America, and took a significant step—not a perfect step, but a significant step—forward in the fight against violent crime.

I yield the floor.

Mr. BIDEN. Madam President, I understand that the Senator from Texas has the next 15 minutes. Senator GRAMM was just on the floor and indicated to me that he had to step down the hall for a minute to speak with someone quickly.

I ask unanimous consent to proceed for a few minutes, or until he arrives, on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Immediately upon his arriving, I will yield the floor.

Let me compliment my friend from Pennsylvania. There are a number of things he is that are fine, but one of the things is he is a man of his word. No one in the U.S. Congress, and surely in the Senate, which I know for certain, has worked harder to improve the criminal justice system or to deal more thoroughly with the plight of crime in America than the Senator from Pennsylvania.

We happen to know each other well. We represent neighboring constituencies and we live very close to one another. And I know of the intensity of his commitment to aiding local law enforcement in order to make the streets of his hometown and mine and every other one safer.

So I compliment him. I realize it is not easy politically for him to have made the speech that he made today and taken the position he has taken within his party. But, then again, I have never known politics to be a consideration in what decision he ultimately makes.

But I did want to recognize his leadership and acknowledge that for most of us, that would have been a tough position to take. But he is so accustomed to taking those kinds of stands where he believes something is right regardless——

Mr. SPECTER. Will my colleague yield for a moment?

Mr. BIDEN. I am delighted to.

Mr. SPECTER. I thank the Senator from Delaware for those comments. My own view is that this is not a close question. This crime bill is not a close question. It spends a lot of money, but it spends a lot of money for a very, very important cause.

When you have 435 Members of the House of Representatives, there are a lot of disagreements about how you want to spend the money. There are disagreements about whether it all ought to go for police and prisons or whether some of it ought to go to the inner city on crime prevention. I have seen the inner city of Philadelphia, a really rough, tough town.

When I was district attorney I got Federal grants for crime prevention for gangs. We had a rash of juvenile gang killings, about 60 of them during the summer of 1970, and about that number in 1971. We were in competition with Chicago, Madam President, your hometown, as to which city would have the most gang killings.

When we got this money for juvenile crime prevention, it was very, very well spent. One of the major grants on safe streets was administered by my district attorney's office. When there was another major grant to divert cases out of the criminal courts and try to take people out of the crime cycle, it made a lot of sense.

Since my first days here in 1981, I have tried to get realistic rehabilitation, because the basic proposition is that if you release functional illiterates from jail without training or a skill, they are likely to go back to a life of crime, especially when they are drug dependent. And the statistics have shown that education, job training, and drug rehabilitation work.

My first effort on drug treatment was on Gaudenzia House, back in 1968, a long time ago, when we got Pennsylvania to put up $250,000 for drug prevention. It is important to be tough on crime. I do not think anybody in America has been tougher on crime than I have—tough sentences for tough criminals, refusal to plea bargain, fights with judges, being held in contempt of court by a judge who disagreed with my vehemence on protecting a life sentence for a drug dealer.

But there is also another aspect to law enforcement, and that is crime prevention. This bill is balanced very heavily in favor of police and prisons and lightly on the subject of rehabilitation and job training programs. So that when my colleague from Delaware makes a nice comment, I tell him that it is not a tough choice. There are 46 Republicans in the House of Representatives who provided the margin on this bill. This bill is not a Democratic bill. It was not passed by a majority of Democrats. The majority came from Republicans.

That is not to take any credit for it. It ought to be bipartisan and we ought not talk about Democrats and Republicans. But we hear the talk in corridors and cloakrooms about not wanting to give the President a victory. I do not consider it a victory for the President, just as I did not consider it a defeat for the President when the House did not pass the bill. In the legislative branch, we article I officers have a duty to do our own jobs without respect to what the President has to say.

We have very important issues to consider. There is a lot of dissatisfaction out there in America with the haggling that goes on across party lines. This is a bill which I do not think is a close call at all, and I came and sat here for 2½ hours to get a few minutes on the Senate floor because I wanted to speak early on this bill and I wanted to state the reasons it makes sense for America, whether you are a Democrat or a Republican. The criminals do not check your registration when they make you a victim of crime.

I thank my colleague from Delaware.

Mr. BIDEN. Madam President, I thank the Senator. I, too, agree it is not a close call on the merits. What I was referring to is, although many times on both sides of the aisle Senators occasionally know something is not a close call on the merits, they have a significant tug and pull from their political parties and/or interest groups to not go with what they think is the best call.

Usually, the cover that they find to not go with what they think is the best thing to do is to say that this or that vote is not a substantive vote but a procedural vote, to give them an opportunity to attempt to satisfy two things: One, the fact that they are not backing off a principle; and, two, being able to stick with their party. It happens on the Democratic side. It happens on the Republican side.

My larger point was that that never dissuades the Senator from Pennsylvania. If he thinks on the merits something is right, I have always found him to be willing to take on whomever it was, whether it is his party, occasionally his constituency, an interest group—it has never seemed to get in his way. For that, I compliment him. That is why it is a pleasure to work with him.

It is also a bane to work with him when he is against you because he is so effective. This time, we happen to be together—as we most times are. I compliment him.

One point I would like to make while we are waiting for Senator GRAMM to come and claim the floor—and I will yield when he comes through the door—is that as I finished my earlier comments on this bill, I walked off the floor and one of my colleagues said to me: You know, JOE, if we do not overrule the Budget Act—which is a technical point, which is a fancy way of saying if we keep the bill from becoming law—it is not over, because then we just go back to the House-passed bill that was sent over here.

To the listeners, this will not make much sense, but to Senators, we understand the jargon and the procedural situation here. It is said once we defeat this conference report by that vote—so it is going—then BIDEN and MITCHELL and the key players on this side will go into a room with Republicans who oppose the bill the way it is, and we will just sit down and work out a further compromise and bring the bill back on the floor and we will vote on it.

I have been doing these bills, now, for the last 10 years. I can say without equivocation, absolutely confident that no one can contradict me, there has never been a crime bill that has been open to amendment that has not drawn several hundred amendments. Everyone in this body knows if this crime bill goes down on a procedural vote—like what happened in the House of Representatives 2 weeks earlier—that we are here for the next 3 weeks. We are not going to go home for Labor Day. We are not going anywhere.

The one thing I am convinced of—and I believe I know from my discussions with the majority leader who controls the schedule—and Senator MITCHELL is convinced of, this issue is so important to the American people there is not a chance that we will go home not having resolved passing a crime bill.

So everyone should be on notice that if they think by voting against this bill when the procedural vote comes up today, tomorrow, or the next day, whenever it is, that somehow that means I am going to go into a back room—not a back room; I do not mean that in a pejorative sense—but go into a room with Senators DOLE and GRAMM and HATCH and others, whomever, and we are going to sit down and work out a compromise on further things I would like to see changed in the bill and they would like to see changed, and we are going to come back out on the floor and spit-spat pass it, they are dreaming and they know it.

No one thinks that can happen. One of the things the Senator from Pennsylvania said is he observed how torturous a process it has been to get this bill this far. The American public must be wondering what is going on. They saw the Biden crime bill introduced a year and a half ago that had all this in it—all the cops, the money, and these big numbers for help for local law enforcement in terms of prison cells, and the rest. They know the bill I introduced 4 years ago passed both Houses, passed the conference, passed the House just like this did—got to the same stage. People who do not do this for a living—and thank God, most do not—do not necessarily remember what they learned in their civics classes. They should not remember it. I would not remember it unless I were here.

The way it works is the Senate passes a bill and the House passes a bill. If there are differences, they go sit down, literally, in a room between here and the House; we sit down and we work out the differences. Which is like another House working on it.

Then, when that passes, it is called a conference report. Then that goes to the House of Representatives. They debate it all over again and they vote on it.

Then the last step in the journey is it comes back over here and we vote on the conference report. The only difference between a bill and a conference report is a conference report is not able to be amended.

How many weeks did we spend on the crime bill? Weeks and weeks and weeks—I think there were over 300 amendments that were filed on the crime bill when I introduced it last October.

We did not pass this new crime bill until November. It took from November all the way until the middle of August to get it to the House of Representatives. Then it took, when they did what this outfit is trying to do now, and that is, on a procedural vote, turned down the conference report, it went back into a conference.

The conference took another 10 days. Then it finally got out on a pejorative, angry, contentious session that took place Saturday and Sunday. It took until Sunday evening to finally adopt it. Now it is here on Monday morning.

Does anybody truthfully believe if we turn down all that work that took over a year—almost a year—to get this far, that we are going to be able to turn this down now, the last 10 yards before we score—we already have gone 90 yards—that that is not going to put the ball all the way back to the 20?

Excuse my football analogy here, but that is where we are. Yet, I walk out of this Chamber and I hear one of my Republican friends say, "Well, the Republican leadership says not a problem, we'll just vote this down and we'll get BIDEN to sit down with us and BIDEN will work it out." I like the idea that everybody thinks BIDEN is so powerful. What makes everybody think I can walk in a room, sit down with the Republican leadership and not ask the other 55 Democrats in here and say, "Don't worry, just let me handle this, I will compromise these things. Trust me"—thank God they do trust me. They let me write the bill in the first place, and during the negotiations on the House side, I was the only Democratic Senator because they trusted me, and I was the only one in the conference because they trusted me to give me their proxies because I have been doing it so long. I know what every one of them think after 6 years doing this. I could write a book on every position every single Democrat has on every one of these contentious issues.

But my ability to walk into a room and at the end of this week say, "Well, let's start this from scratch again," then you know what happens? We pass it. Let us assume we can do that. Now that whole thing has to travel back to the House again and they have to vote on it again. Then we have to go to conference again and then we have to adopt a conference report again and then it goes back to the House again and then it will be back here. And I promise you, if you we are able to do that, they will have some other excuse as long as guns were in it. If guns are in this bill, I assure you that the Republican side of the aisle will, in fact, not let something go easily. And I respect their position on guns.

Speaking of guns, I see my distinguished friend from Texas is here. If you notice, every time I say "guns," he puts his hand on his right hip. I guess that is a Texan thing, I do not know. But he is my good friend. He is here and I thank my colleagues for allowing me to explain what I perceive to be the reality of a defeat of this conference report. We are here for a long, long time because we are not going home until we get a crime bill.

I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, thank you for the recognition.

Let me make it clear that I would like to pass a crime bill, I expect us to pass a crime bill and, quite frankly, in listening to the plans of the majority leader, my feeling is that he is overestimating the time required to remedy this problem because I think there is a simple way to fix it.

But before I get into that, let me just say to the chairman of the Judiciary Committee and to our ranking member, while there are many things in the conference report that I am still unhappy about, I do believe the conference report was improved in this round of negotiations in the House, and I want to thank both the chairman and our ranking member for their efforts.

I have enjoyed having an opportunity in the 6 years that we have developed this bill to work with both of them. I have the highest regard for them. As I am fond of saying of our dear chairman, his heart is good, it is just that it has been minted in the sixties and its frame is bent a little to the left. In any case, his intentions are always good, he is always honorable, and I always enjoy working with him.

The House improved the bill—and I think we need to congratulate our colleagues in the House, the Democrats who opposed the rule, it was a courageous thing to do; the Republicans who opposed the rule and hammered out a majority that gave them an opportunity to go back and to delete some $3 billion of pork barrel spending which, in turn, allowed them to marginally improve the crime portions of the bill. It is easy for us in the Senate to say, "Well, there are still a lot of things that should have been done, there is still a lot of pork there, there are still a lot of good, tough anticrime provisions that were adopted in the Senate that were not included in the revised conference report.

All those things are true. But that does not change the fact that fighting with a very small stick in the House, with a very small minority—we had good people working hard to improve a bill that is important to the future of the country. So I want to congratulate them, and what I hope to do in the Senate is to build on their effort.

Let me try to be brief because I know there will be other people today who will want to speak, and certainly in the last 6 years on the subject of crime, I have spoken enough that certainly the Members of this body who are interested in my opinion know what it is. But let me say what I believe is wrong with the bill and what I would like to see fixed.

First of all, the original conference report had an extraordinary provision which at least around here has become known as the get-out-of-jail-free provision. This provision basically tracked the President's agenda which has always been to overturn mandatory minimum sentencing for drug felons. The President and the Attorney General have consistently supported that effort. That effort was fought in the Senate and defeated, but it ended up prevailing in the House and it was part of the first conference report.

What that provision would have done is not only overturn mandatory minimum sentencing for drug felons convicted in the future, but it would have produced the extraordinary specter of going back retroactively and allowing people already in prison to file petitions for shortening of their sentences. We could have had, over time as all those petitions were ruled on, as many as 10,000 people currently in the Federal penitentiary for selling drugs, many of them for selling drugs to minors, who could have been let back out on the streets. I think people were shocked at the possibility of that happening. I am delighted that the conference eliminated this retroactive provision so that the people who are already in jail will serve out their term.

I would like, if we have an opportunity to amend the bill, to go back to the Senate provisions which to me represented a compromise. One of the issues here, Madam President, is this: There are those who say that there are a lot of people who sell drugs who just happened to be in the wrong place at the wrong time; that this person just happened to be at a junior high school trying to sell drugs to our children; society supposedly had done them wrong; it was the first time they had done anything like this; they just happened to stumble in there and maybe sending them to jail for 5 years is too much. I have never bought that logic.

I view selling drugs to children as being a violent crime, and I have no sympathy for these drug traffickers whatsoever. If they sell drugs to children, I want them to go to jail and I want them to be there a long time.

But in trying to work out a crime bill, I think it is important to remind people that there has been a compromise in the Senate and Republicans have done some compromising. As our two colleagues who are here will remember, while I did not want to change the provisions relating to mandatory minimum sentencing and, in fact, I am going to talk about a provision we adopted in the Senate to strengthen them, I agreed to a compromise which we worked out here and with which I think, basically, people were satisfied.

What the compromise said was this: We would give judges some sentencing discretion, but only under the following circumstances: The person involved had no criminal record, including a juvenile record. A lot of people have a massive juvenile record as long as your arm, they have committed violent crimes—and I see our Presiding Officer remembers that her juvenile provision was dropped from this bill. I have not forgotten that myself.

But they have a juvenile record as long as your arm, often they have engaged in violent behavior and committed violent crimes, but with their first drug offense as an adult they might still not go to prison.

So our compromise was that if they had no previous criminal record, they were not carrying a gun or other weapon, they were not the leader of the drug conspiracy and no one was hurt in the crime, that the judge would have some discretion in their cases.

Now, we speculated about how many people that would affect. My view is it would be a couple hundred, no more than 500 people a year who would fall into that category. That was a compromise that I did not like, but I was willing to make to help us pass a crime bill.

I wish to open the bill for amendment, take out the provision that is in the conference report that will overturn mandatory minimum sentencing on a broad basis, and put the very carefully written compromise language of the Senate back in the bill.

Second, we have two amendments which I have offered traditionally in this debate. One amendment proposes 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy, and life imprisonment for a repeat offense. That was adopted in the Senate. It has been adopted on numerous occasions.

What I wish to do is open up this conference report and get an opportunity to offer that amendment again and to put back in this bill stiff mandatory minimum sentencing for selling drugs to children.

It is certainly no secret that I am one of the people in the Senate who believes that gun control is a copout; that it will not be successful in taking guns away from violent criminals. They have plenty of guns, and they are not going to be deterred by a legislated gun ban when they are out killing people. What I wish to do is to try to deal with the criminals who are using these guns.

I offered in the Senate, as I have for 6 years, a provision which was modified and adopted in the Senate. It provided 10 years in prison without parole for anybody who possesses a firearm during the commission of a violent crime or a drug felony, 20 years in prison for discharging the firearm, life imprisonment for killing somebody, and the death penalty in aggravated cases.

That provision has been adopted consistently in the Senate. It was in our bill that went to conference. It was dropped out of the conference report. I would like to have an opportunity to put that back.

I would also like to have two other opportunities. No. 1, I would like to try to do something about the $7 billion of social spending that remains in this bill. I would have to say, Madam President, that I had thought I had seen great creativity in spending the taxpayers' money, but I have to admit that this crime bill reached an all-time global maximum. And it was not midnight basketball. It sounds almost incredible to say it—but a provision would allow someone to apply for money that would be used to train people who sprayed graffiti, to train them to be real artists.

Now, I thought I had seen every bad idea for squandering the taxpayers' money, but I have to admit that one takes the cake.

Now, what I would like to do is to go back and go through this list of $7 billion of social spending, and my own preference would be to strike out every bit of it. This is a crime bill. It is supposed to be about tough sentencing, about putting police officers on the street, about building prisons, and about putting violent criminals in prison. I think most people are surprised to know that we still have $7 billion of social spending in this bill.

My view is that we ought to cut all of that money out and then let committees that deal with social problems try to see where they would like to cut other programs to fund some of these great ideas if they are so moved to do it. My guess is they would not be moved to do it.

So I am hoping to have an opportunity along with my colleagues to offer an amendment—and I would like to do it in one amendment so we do not slow this whole process down—to take out the repeal of mandatory minimum sentencing in the House bill that will eliminate mandatory minimum sentencing for many drug felons and replace it with the strictly constructed compromise we adopted in the Senate—put back mandatory minimum sentencing for gun crimes, 10 years, 20 years, life imprisonment, or the death penalty, put back mandatory minimum sentencing for selling drugs to a minor, and while I would like to take out the whole $7 billion of social spending, my guess is in trying to line up the votes we would end up with a compromise. But, quite frankly, I think we can do better than the House did.

I would like to put back a provision related to treating juveniles as adults in these violent gun crimes. That is something I would like to look at. I am certainly supportive of it.

That basically is what I would like to do. We are going to have a vote on a budget point of order. I would be the first to say that the vote on the budget point of order is basically a vote as to whether or not we are going to open the bill for amendment. If you do not want to open the bill for amendment, if you want to see it pass exactly as it is, then you would vote to waive the Budget Act.

If, on the other hand, you would like to get some more of this pork out of the bill, if you would like to get more mandatory minimum sentencing back in the bill, if you would like to eliminate the provision that will repeal mandatory minimum sentencing for many people who are selling drugs including selling drugs to children, then you are going to want to sustain this budget point of order and open the bill for amendment so that we will have an opportunity to offer these amendments.

Let me say, in conclusion, that while I am eager to get a chance to improve this bill, I do not claim for a moment that there are not good things in this bill. I congratulate our two leaders in the Senate for preserving some of the good things we adopted in the Senate. I congratulate the people in the House who worked to make it better.

My point is simply this. We have a chance to dramatically improve this bill. I believe every amendment I have talked about is going to be adopted by an overwhelming vote in the Senate. The bill will then go back to the House with this amendment in disagreement. I am confident that when they have to vote up or down on it, they will adopt it; we will get a crime bill; the President will be able to celebrate; he will be able to sign the bill and say "Look what I have done," and it will be a good bill that will deal with the crime problem in America.

Why pass a poor bill when we can dramatically improve that bill? So tomorrow, I assume it will be, when we offer this budget point of order, I hope people will vote to sustain it and open the bill for amendment. I, along with others, will offer the amendment that I have outlined. It is a good amendment. I hope people will vote for it. I think then we will have a dramatically improved crime bill. I know there will be others who might want to offer an additional amendment. The focus of my attention on the amendments that I have outlined here. I believe we can make this bill better. The House, with the limited ability they had, with the rules that they have, was able to improve this bill.

Surely, in the Senate, with the rules that we have, with the makeup of the Senate as it is, I think we can do a better job, not erasing what they did but building on it to pass a better bill that will put more criminals in jail, that will guarantee we build more prisons, that will spend the money on police officers and prisons instead of social work.

I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Senator from Texas for his comments. Let me ask a very serious question. The amendment that the Senator is talking about packaging which has the three or four parts he has outlined, some of which I agree with, is he suggesting that if we chose that route, there would be a unanimous consent agreement that would be the only amendment that would be introduced in the entire floor?

Mr. GRAMM. Let me say that I would certainly be willing to sit down and talk to people about how we would deal with it. My objective is to focus on those issues I have outlined.

I think the Senator would be willing to say that those are the things I have consistently fought for on this bill. There are provisions in the bill I do not like. I do not think gun control works. It takes away rights of law-abiding citizens. I think the Senate has spoken on that issue. There may very well be an amendment on that issue from some source.

My focus here is the amendment that I have outlined, and certainly if the Senator wanted to sit down and talk about how we would deal with that amendment and possibly his involvement in it, I would be willing to talk with him. Obviously, I cannot control the actions of every Member of the Senate. But my intention is not to do each of these individually. I assume that we could get the whole package adopted. And it is something that I think we could do relatively quickly.

But obviously, it is all contingent on sustaining the point of order. If we do not sustain the point of order, we will not have an opportunity to offer anything. These are the amendments that I would like to offer.

Mr. BIDEN. I thank the Senator for his answer.

Madam President, let me explain the dilemma we find ourselves in, if we go the route the Senator suggested. As he pointed out when he first stood up, he was very gracious in complimenting the Senator from Utah and me about having worked with us for 6 years on this bill without having a bill. Just so I understand it, and I wish some of the staff of the majority were here because parliamentary maneuvering is not my forte, assuming I have any. But that is not mine. As I understand it, though, and I stand to be corrected if I am wrong, if the point of order were sustained this technical vote we are going to take, it wins—by sustain I mean it wins—then we are back on the only vehicle, thing, we have to amend, which is the House bill that was originally sent over to us.

I ask the Chair if that is correct.

The PRESIDING OFFICER. A House amendment to the Senate amendment to the House bill would be before the body.

Mr. BIDEN. My understanding then, that is fully amendable. We open up the entire process for anyone who has an amendment on anything. Under our rules, it can be anything from abortion to health care to crime. It is totally amendable.

Is that correct, Madam President?

The PRESIDING OFFICER. The amendment would be amendable in two degrees.

Mr. BIDEN. But any subject matter could be raised.

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. And any number of amendments could be raised; 1,000 could be raised.

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. It also is my understanding, and I am not sure of——

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. Not yet, I want to follow through.

Mr. HATCH. It is on that point.

Mr. BIDEN. The vehicle that we would be on—just so my friend from Texas knows at least what I know, and he knows more than I know on this I suspect—the vehicle, although he would not move to take guns out with his amendment, guns would already be out because the vehicle that we have, the House vehicle does not have the assault weapons ban in it, and it does have the Racial Justice Act in it.

So now we are back to square one. We have fought for 6 years over guns. Although he would be satisfied with having this small package of amendments, one of which at least I agree with, the others I could live with, but I compromised with him on those before, I have no problem with it, he and I would be happy as the proverbial clam; no problem. But then Senator FEINSTEIN and others, as would be their right, would say, "Wait a minute, do you mean now assault weapons can continue to be made? And there would be someone standing with an amendment to strike assault weapons?" That is good for at least a week's worth of debate all by itself.

Then, if she prevailed on this side, someone, the distinguished, tall, handsome Senator from Utah here would say, "Oh. Wait a minute. That bill before us has the Racial Justice Act in it." So he would move to amend it, to strike the Racial Justice Act. That has been good in the past for 3 days of debate. I mean that has been the record.

Then you would have all the other amendments that are in order, which means anything is in order. But the one thing we could be guaranteed of is that the whole assault weapons battle starts over again.

I know my friend from Texas was not being disingenuous. But, if we reject the point of order, guns are dead. They have to be affirmatively put back in the bill. That is a mile of difference because right now they are in the bill. They are banned. But if the point of order is sustained, and it falls, then the bill which comes popping up its ugly or handsome head is a bill that has no gun ban in it.

So once again, even though it may not be the intention of the Senator from Texas, this is about guns, guns, bang, bang, shoot-him-dead guns. And we know for 6 years we have debated. We had no crime bill because of guns, guns.

Mr. HATCH. Will the Senator yield on that point?

Mr. BIDEN. I will yield for a question.

Mr. HATCH. Let me say this: Is it not true—it is a lengthy question. Is it not true that we passed the Senate bill with the gun provisions on it 94 to 4? And I think what the distinguished Senator from Texas is saying, if a point of order is sustained, and we are going to get together as we did over this past weekend, and we will have a substitute amendment that at least the vast majority of people here will agree to. And we know that they are not going to agree to an amendment without the gun problem resolved. We believe that everybody knows we are near the end of the process. And what we want to do is improve this bill. I think people here of good will can do that.

The only way we can do that is by sustaining the point of order. When we do that, I think we can sit down, just like the House did this last weekend and get it resolved, hopefully, and have a bill that will pass the Senate at least 94 to 4—if not that, 85 to 15 or whatever it is.

The fact is, I think you would have something to be a far more consensual bill than the one you are trying to present.

Mr. BIDEN. To answer the question, Madam President, that would be possible, if the amendment that the Senator was going to introduce—if this was a single package, and he put the gun ban in it. Does he commit to me that he will put the gun ban in it?

Mr. HATCH. I cannot do that. But I believe that is what will happen. And I believe we can bring people together to do it. We did it once before. The reason we are here is because the Senate crime bill was a good bill. It had the gun provision in it, and 94 Senators voted for it. I believe that we can do a similar thing and adopt much of what the House has done yesterday, while adding some more intelligent anticrime changes that really were overwhelmingly voted up in the Senate to begin with. I believe that if we do that the House is going to take it.

Mr. BIDEN. Madam President, I thank the Senator for his second question. But let me point out a little bit of history.

From the historical standpoint, we passed the Biden crime bill 4 years ago. It had guns in it. No one voted for it when it was here, and the expectation was that when it got to the House it would not have guns. But guess what? They did. And the conference report got here. We had guns.

Guess what? The same people who voted for essentially the same bill the second time decided they will not vote for the bill because now it was real. Now it meant it would become law.

I want everybody to look through this smokescreen here. If my friends are sincere about wanting this, just to make those few little changes they want to improve it, then I stand ready to listen to them. I stand ready for them to give me a unanimous-consent agreement that they will, in fact, only have that amendment that the Senator from Texas talked about, and they will include guns in the bill because it is in the bill now, and that there will be promise of no filibuster on the gun issue. Then we can start to talk.

But guess what? If they do not agree to only those few amendments, it took 6 years now we have been doing this, and they will not agree to put guns back in, or they will not agree that if guns are not put back in, there will be no filibuster, then it would make one thing—at least raise the question of whether or not this was a very clever device in the name of just making sure that schoolchildren cannot be sold dope by somebody who might get out of jail early—a very clever device to do away with the single most contentious issue in the 22 years I have been here that relates to the criminal justice system, and that is guns, guns, guns.

That is what this is about.

Mr. HATCH. Will the Senator yield one more time?

Mr. BIDEN. I will yield for a question, without losing my right to the floor.

Mr. HATCH. Madam President, the Senator has indicated that he would begin to talk if that could be brought about. Everybody over here knows that either this conference report is going to pass—and a lot of people over here are unhappy with it, as are some on the other side—or if we sustain the point of order, we have to sit down and resolve it. I commit to try and resolve it with the distinguished Senator from Delaware, and I have been able to deliver in the past. I do not know that I can deliver, but I believe that we can, because I believe people want a crime bill. I believe they would like it to be the best possible crime bill, and I will do everything in my power to get it there without undue delay.

If there had to be a cloture vote in order to satisfy those who are very concerned about guns, once and for all, I personally believe I can work it so that we can have that within a very short period of time.

Mr. BIDEN. But we would have another vote on guns, right?

Mr. HATCH. I do not know. We would have to see where the good will is. My question is, if we can do that, then it seems to me—I am asking the Senator, Why do we not try to sit down and see if we can resolve it?

Mr. BIDEN. My answer is if cows had wings, they could fly.

Speaking of guns, the distinguished Senator from Idaho has come on the floor—and he is distinguished, and he is from Idaho—and he is a man who feels ardently about the second amendment rights of Americans, who believes fundamentally that a ban on assault weapons violates the second amendment. He is a member of the board of the NRA, if I am not mistaken, and it is not a bad thing to be; it is a good thing.

I will ask him the question, if he is willing to answer: Would he ever agree to a new bill that had guns banned in it under any circumstance? Will he agree to a second shot here? If we took up a bill other than this one, would he agree to add the exact language we have now? Would he agree to add that to a new bill?

He need not answer if he does not want to, but my guess is that, the honorable man that he is, he could not do that. He could not make that agreement. He would be required to fight it. I respect that. I truly do. In his case, I really respect it. This is a man who does not like anything having to do with limiting anything, probably from bazookas to guns. I do not know.

Mr. CRAIG. Madam President, if the Senator will yield, when it comes to constitutional debates, and when it comes to a ban on legitimate firearms, the Senator knows the total parameters of the second amendment debate. He came to the floor last week and spoke of his professorialship in that area.

The Senator knows the bazooka argument is a phony one. But as it relates to whether I would allow any crime legislation to move across this floor that had a ban on legitimate firearms in it without a vote, I would not.

Mr. BIDEN. I respect that, Madam President, and I understand that. It makes my point. It makes my point that we would be moving maybe not back to square one, but assuming that this trek of the crime bill for 6 years was 10 giant steps, this proposal of turning it down through the vehicle of a parliamentary maneuver—wrong word; "maneuver" sounds pejorative—a parliamentary provision, sustained by the Chair on a technical issue where you do not vote for or against the crime bill, that gamble, if it were to succeed, means this crime bill has moved from square 9, where it is now, back to at least square 3. It has taken 6 years to get it to square 9. That would move us at least back to square 3—or, I would argue, back to square 1.

Let us assume further that my friend from Texas—and my mom always says, "You argue with him so much, why do you keep calling him your friend?" He is my friend. It is a tradition. And sometimes I think when people hear us, they say, "What is with these guys and women? Do they not mean what they say?" Seriously, the guy is my friend. I know what will happen.

Let us assume he was correct and, in fact, we could end up with one jumbo amendment that allowed us, after defeating this crime bill that is now at square 9, and we pick up a new bill off the desk, or an old bill off the desk, in effect, and we start amending that; let us assume that there was one giant amendment to that and that I could go in the back room and agree with the Republican leadership on it and say, yes, I will accept it; and assume I could walk into the Democratic caucus with the Presiding Officer and 54 other Democrats and say, look, ladies and gentlemen, I have worked this out; accept it for me; and you all say, look, you have worked so hard, we will do what you want. Assume I come to the floor then, and I say we are all set, and there are no more votes and we voted up or down, and it is now a new package; what happens next? What happens next is that the bill walks down this aisle, all the way across to the House of Representatives, and it starts all over again. All over again.

What happens then is the House of Representatives debates it. Does anybody think that the incredible debate over racial justice is not going to take place again on the floor of the House of Representatives? Does everybody think if these folks here got a chance to reopen it, the Black Caucus will say it is OK for those western guys, they got them to reopen it; but for us to reopen this bill, it would be viewed as being against crime. When they want to reopen the bill, it is not against crime. When the Black Caucus wants to do it and talk about racial justice, it is against crime prevention. What do you think is going to happen to the proguns people over there? Do you think they will say, OK, the Senate has done it; we know they are a superior body, and we are just going to take what they sent back to us on its face? We are just going to go ahead and do that?

Then we are back in the mix again. The whole thing starts over again. It would be easier for me to walk from here to Alaska. I could get to Alaska on foot faster than I could get this crime bill passed if, in fact, we open it up again and start all over.

I see my friend from Alaska here. We go back a long way. He is smiling, which means I am about to get in trouble. If he is looking for me to yield, I will be delighted to yield. But the point is that we are at a spot where this sounds reasonable to say: Look, JOE, just let us vote down this point of order and get to this new vehicle, and we will sit down and work something out and get a better bill. If guns are off the table, if racial justice is off the table, if all the big-ticket items we debated for 6 years and finally got this far—with, I might add, a majority in both Houses being for—keep in mind—I want everybody listening to this debate to understand—my Republican friends are not going to say let us vote and see whether BIDEN has 51 votes for this bill. That is not what they are going to say. The Senator from Texas was straightforward. He always is. This is not about the Budget Act, raise or lower the tax or caps. He says anyway this is about a simple thing: do we want an imperfect bill, from his perspective, to pass or take it back to try to improve it?

To him it is a substantive vote. That is what it is. It is substantive. It is not like everybody does not understand what is going on. It is not like my Republican friends are saying, BIDEN, we are going to test you to see if you have 51 votes to pass it. They are totally within their right. They are going to say: No. BIDEN, we are going to see whether you have 60 votes.

Name me another place in our life's experience where you have to have 60 percent instead of 51 percent?

That is what I am being asked—not asked. They are entitled to that. They are entitled to this vote. I am not suggesting this procedural vote they ask for is somehow wrong to ask for it and they are not within their rights or not within the rules. It is. But it is really a substantive vote.

In order for me to pass the crime bill as it came out of conference, I have to convince 59 of you to vote on this rule, this budget point of order, the way I think you should vote, which is to vote to overrule the ruling of the Chair and say: "Now we are not going to sustain this budget point of order. We are going to waive it. We are going to waive it. So long. It does not count."

We waive it all the time, by the way. It is standard operating procedure. We waive the technicalities of the Budget Act every single year, every month, and almost every day. We waive it. There is nothing unusual about that. But my friends are going to say it is only a little technical problem.

Mr. STEVENS. Madam President, will the Senator yield?

Mr. BIDEN. I am delighted to yield to the Senator from Alaska.

Mr. STEVENS. I witnessed the debate last week in the House and saw how it stretched out. Finally, the leaders of the House sat down in two sort of marathon sessions and put together a more bipartisan approach.

Would the Senator from Delaware not agree with this, that when the bill was before us when we passed the $22 billion bill it was much different from the perspective of this side of the aisle than the bill that came back, this $30 billion bill? Would he not agree with that?

Mr. BIDEN. I will not agree. I am not being argumentative. It is more money but the same major provisions in the same percentage of distribution of each prevention, law enforcement, and prisons is in there. More than everything, in that sense it is a difference, but it is not different in any substantive sense.

Mr. STEVENS. I am spelling my friend from Utah, and I am pleased to have this chance to visit with my friend from Delaware. I intended to speak tomorrow to delineate some of the items that are not in this bill before us now that were in the bill when it passed the Senate before with $22 billion.

Mr. BIDEN. In fairness to my friend from Alaska, there were a number of things that were in the bill as it left the Senate that are not in it now, and there are a number of things that were not in the bill that left the Senate that are in it now. He is correct in that regard. But if I can give——

Mr. STEVENS. If my friend will yield further, I do not have my notes here.

Mr. BIDEN. Yes.

Mr. STEVENS. But if my friend would be willing to sit down with Senator HATCH and others on our side as they did in the House and go through the night and come back to us tomorrow with a Senate version of the reconference version I believe there are some of us who would not see the point of order in the same light.

I think there has only been one side for a reconference. There was a conference. The House then went and reconferenced in those two long meetings and made a change that brought significant bipartisanship to that bill in the House.

That has not been done over here from our perspective because some of the amendments that I as a matter of fact helped author are not in this bill now.

Mr. BIDEN. Madam President, I would be willing to do that if the Senator from Alaska would agree by unanimous consent that all we had to do was get 51 percent to agree on this.

Mr. STEVENS. Madam President, I would say this is the problem with that. This is the Budget Act we are talking about. We are not talking about a Crime Act. We are talking about a Budget Act. The 60 votes is to waive the Budget Act.

I have not voted to waive the Budget Act that I can recall. I believe that the Budget Act is a different mechanism. It is a mechanism we established to set discipline with regard to the deficit.

The Senator from Delaware makes it sound like we are refusing to accept the 51-vote normal procedure for the crime bill. That is not so. The point of order is on the Budget Act, and if the Budget Act point of order is raised, it takes 60 votes. That is my understanding of the situation. But it is not something that is a new procedure we are inventing.

Mr. BIDEN. Madam President, that is not what my point was. The Senator is right on the Budget Act.

But the Senator stood up and said that if I would be willing to sit down with Senator HATCH and himself, and other interested parties who know a lot about this, and the Senator does, then they would be willing to look at the Budget Act in a different light. And then he by way of analogy said "just like the House did."

The House had nothing to do with the Budget Act. The House Republicans and House Democrats—and I was there for every one of the meetings—sat down and in a sense renegotiated the conference report. The reason that that was able to be done is that where the House Democrats and House Republicans disagree they ended up going to the floor and voting, and they only had to get a simple majority. What I am speaking to is not the Budget Act. I am speaking to——

Mr. STEVENS. Will my good friend yield there?

Mr. BIDEN. Surely.

Mr. STEVENS. My friend is missing the fact we do not have a rules committee that can raise a point of order. That happened in the House. They did not have a chance to raise the point of order in the House. We have not waived the point of order. We did not raise the point of order when it was a bill that was a different bill at $22 billion. I think that ought to be noted.

Mr. BIDEN. Madam President, again I was responding to this notion that somehow the House got together and they were able to work out their differences, Democrats and Republicans. Why cannot we do that?

We did. I wonder if the Senator from Alaska knows that Senator HATCH was present with his Republican friends in the House speaking for the Republicans in the Senate just like the Senator from Delaware was present with the Democratic House Members speaking for the Democratic Senators.

So this idea that they renegotiated House Member to House Member without any impact on us is, in fact, not accurate. There was a renegotiation, Democrats and Republicans, me speaking for the Democrats, Senator HATCH speaking for the Republicans, over with the Members of the House of Representatives.

I hope what is coming clear is the difference between the House and Senate. The Senate can hold us up with 60 votes. They cannot do that in the House. There is nothing that requires 60 percent over there. It is 50.1 percent. That is all you need to win over there.

So, if they want to negotiate with me like the House did, I would be willing to consider that if, in fact, it was by the same rules, the same circumstances, where if we disagree we come back on the floor and vote, and if I get 51 votes for my position my position wins; if they get 51 votes for their position, their position wins.

But that is what happens here. I am at the end of the road every time for the last 6 years in order to get a crime bill every time, Madam President, and it is within the rules I acknowledge. Every time I have passed—I say "I," I mean I happen to be the author of the crime bill, OK, and I have had the responsibility because I am chairman of the Judiciary Committee since Senator KENNEDY was gracious enough to leave that post and give it to me. I bless him every night on my knees for he having done that.

But, Madam President, every single time—I see the Senator on the floor—every time I have gotten this desk where the manager of the bill stands in order to get a crime bill I needed 60 votes, every time, every time, not 51—60, because there is a filibuster or there is a point of order, or Chicken Little, the sky is falling, or anything—60 votes.

Now that is their right. And my gun friends know that. They refer to the Senators like FEINSTEIN and METZENBAUM and others who are for an assault weapon ban as the antigunners. I call them the gunners. The gunners know the rules, just like the antigunners know the rules. But the antigunners win 51 votes all the time—not all the time—they have won 51 votes on Brady, and on this. And the gunners, within their rights, say, no, no; you have to get 60.

That is where we are now. That is what this is all about.

So, I see my friend from Massachusetts on the floor, and I assume he is seeking recognition.

Let me conclude by saying all this talk about, "We get out of here," "and you know my friend from Delaware is a reasonable fellow, and we work hard together and he agrees with me on these things," and I do, I happen not to have entered the safety valve GRAMM is talking about. I thought it was a mistake to even bring it up. I was prepared to support minimum mandatory—not "prepared"—I did support some of the minimum mandatory the Senator from Texas has. I do not have any problem with it—but then we get down to guns.

So we stand here and we talk, well, you know, the Senator from Delaware and I can just work this thing out, no problem. That is true, but when I asked him, do you promise not to make us go back and change everything in here, everything that has taken 6 years to get to in here, what my friend from Texas named—this whole bill, as I said before, is single space, small print, and goes about 400 pages; actually more than that. It goes 412, but really only probable, actual legislation, with explanatory, it is like 380 pages or something.

Everything the Senator from Texas talked about could be done in three pages—maybe five.

So, if they only want to fool around with three or five pages, good. I will sit down. We can do that, maybe; if I can get the House to agree they will do that. But that "ain't" what they are taking about, Madam President. What they are looking at is a lot more than just those three or four or five pages. That is what they are looking at. And I think what they are really looking at, if my staff can find the page for me here, the page that deals with assault weapons, I think they are looking at saying, if we were able to just—I will make you a bet. I guess, you know, I will never know whether this will work.

Page 208 of the "Violent Crime Control and Enforcement Act of 1994 Conference Report to Accompany H.R.

3355." I will make you a bet and say if I sat here and I said, OK, here is what I will do. I will take this part from the bottom of the page, take page 209, 210, list all the guns that are legal, and up to page 223, and I will rip those out. I will bet you I could pass this bill in 12 seconds.

Take those pages out. That is what this is all about. They do not want to add three pages. They want to rip these pages out, page 208 to page 223.

Now if they promise me this is not what they want me to fight again for the sixth year in a row and win again on this, let me keep that in, I am willing to talk about anything. I am just a talking fool. I will be happy to listen to anything they want to say. If they promise me by unanimous consent no one will touch any of those pages, I will talk.

Then I have to go to the House and make sure the House promises they will not touch these pages that have been fought over through late into Sunday evening. If those things are out, we can work a lot of things out.

But I respectfully suggest to you that if I asked that, if I stood and asked a unanimous-consent request that such a procedure took place, there would be at least three or four people over there, at a minimum, who would object.

I see my friend from Massachusetts is here. I am delighted to yield the floor so he may have an opportunity to address the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, first of all, I want to express my respect for the leadership of the Senator from Delaware on this issue, and I am sure I speak for the overwhelming majority of the Members of the body on that point. He is a leader on this and so many other issues that relate to the security of our fellow citizens.

I want to commend him for his conscientiousness over the period of recent days in pursuing the provisions of the Senate bill dealing with the community policing and with the assault weapons ban. These items are really at the heart of the bill. Also, he has paid special attention to the prevention programs of this bill. The chairman of the committee has reviewed the final outcome of the conference. As he said, there is about a $1.5 billion difference between the amount of prevention funding that passed here and the amount in the conference report that passed the House with bipartisan support yesterday.

So with any kind of fair consideration, one would have to say that the chairman of the committee and the other members of the conference committee have been true to the feelings and the views of the Members of this body on the important provisions in the Senate-passed crime bill.

Some of the prevention programs in the Senate-passed bill and included in the conference report were offered by Republicans, including my friend from Alaska, Senator STEVENS, who was talking about the prevention programs.

Any Member of this body can talk with law enforcement officers out on the streets of this country right at this moment and they will tell you we need prevention. Any Member can talk to the police officials in our major cities, as I have recently in Boston. Every one of them will tell you that there are young people who violate the law with impunity and they ought to be dealt with in a way that is going to preserve the security of the community and in a way which will remove those individuals from the community. But they will also tell you that there are many young people whose lives can be altered by giving them an opportunity to say "yes" to something in place of a lifestyle which is destructive to them and to the security of others.

This legislation, for the first time in recent years, really for the first time recognizes the importance of the role of crime prevention. I think the bill brings an appropriate focus on preventing crime before it occurs.

So I want to commend Senator BIDEN. He has great responsibilities in other areas, especially as a member of the Foreign Relations Committee and as chairman of important subcommittees there. But in the area of the domestic security of our country, he has really made an extraordinary mark on our national policy. All of us are grateful for his perseverance and his leadership.

As he reminded us a little earlier today, it is an extraordinary set of circumstances that we find ourselves in. The budget point of order that some have threatened to raise could have been brought up at an earlier time when the Senate was considering the crime bill initially. But those Members, many of whom oppose the assault weapons ban did not choose to do so.

We do not need to draw conclusions about the motivations of our friends and colleagues, but we do understand and do appreciate the fact that if this legislation fails on the point of order, then the assault weapons ban falls, the community policing effort falls, as do many other worthwhile provisions of this bill. And if the point of order succeeds, we start out de novo at this late date when we have yet to complete not only this important piece of legislation but also other matters of importance, such as the health care debate which has been temporarily set aside.

Madam President, I urge the Senate to approve the crime bill conference report. This legislation is both tough on crime and smart about fighting crime, and it deserves wide bipartisan support.

A fundamental responsibility of government is to ensure the security of its citizens. But over the last two decades, the rate of violent crime in the United States has almost doubled. Although the battle against crime is primarily a State and local responsibility, the pending measure is a comprehensive and appropriate Federal response to assist governments at all levels in meeting this challenge.

This conference report contains major steps to improve public safety. There is a long overdue ban on semiautomatic assault weapons. There is Federal support for 100,000 community police officers. There is a balanced approach between serious punishment for violent offenders and proven measures that are effective in preventing crime before it occurs. There are provisions to deal more effectively with violence against women. And there are many other provisions to improve all aspects of our law enforcement and criminal justice system.

The assault weapons ban will guarantee that these battlefield weapons and large capacity ammunition clips will no longer be sold to terrorize our communities. The National Rifle Association would have us believe that the debate is about hunting or target practice, but the fact is that these weapons of war are designed to kill as many human beings as quickly as possible.

The TEC–9 and the M–11 have become the weapons of choice for drug dealers and gang members. According to the Bureau of Alcohol, Tobacco and Firearms, assault weapons are at least eight times more likely to be traced to crime than conventional firearms. And because there are so few restrictions on access to firearms, any deranged individual can get his hands on a weapon capable of killing dozens of bystanders with a few sprays of gunfire.

In the past 2 weeks, some had urged that this effort to ban assault weapons be abandoned. Without the formidable opposition of the NRA, we could have passed a crime bill a long time ago. But President Clinton refused to back down from this fight, and I commend him for his persistence. Passing a crime bill with the strong assault weapons ban will be a major victory, and well worth the wait.

This bill also includes $8.8 billion for community police officers and $13 billion for law enforcement overall. These funds are a sound investment in public safety. Community policing is a valuable anticrime strategy in communities across the country. It means more than just more police. It means police who have a stake in the neighborhoods they patrol, who have the training to recognize the conditions that breed crime, and deal with those conditions immediately, in order to prevent crime from happening in the first place.

In February of this year I brought Attorney General Reno to see community policing efforts at work in Dorchester, a neighborhood in Boston.

The police maintain a substation at a community center. Young people come off the street and they go into this center to play basketball, in many instances with the police officers who work in the communities. They have daycare there so the younger children can be supervised prior to the time that a parent might be able to come home.

It is a screening center for vaccination and immunization programs and some other health needs for members of that community. There are translation services, because it is a diverse community, with members of the community volunteering, working with new immigrants and helping them become a part of the community. That has had an impact on reducing crime, by strengthening the social structure.

It ties into Boston City Hospital, working with the professionals there on violence against women and violence against children related to substance abuse. It is also tied back into this community policing. Community policing also helps small entrepreneurs. It provides protection for merchants and helps reduce the amount of pilfering and diversion of products. That is basically a spinoff of a very active successful community policing program.

Its impact in reducing crimes of violence and other crimes in that area has been noted. It is important and very much appreciated by members of the community. Capt. Bob Dunford of the Boston Police Department deserves great credit along with Commissioner Paul Evans and his entire police force.

Captain Dunford described the ways in which police officers and community groups work together to improve neighborhood conditions. The Attorney General heard how the police work in the local community center to provide role models for neighborhood children. Community policing is thriving in Dorchester and elsewhere, and this bill will encourage it.

One of the important features of the community policing initiative is the creation of the Police Corps. Under this program, which is built on the national and community service model, participants drawn from the community will receive scholarships for college in exchange for 4 years of service in a local police department. By emphasizing recruitment from the community, the Police Corps can break down barriers between police forces and the people they serve, and increase respect for the police in the community.

The original Senate crime bill contained a far larger authorization for the Police Corps Program than was included in this conference report, and I hope we can remedy that flaw in the near future.

We have seen where the Teacher Corps Program has worked; we have trained teachers and they have stayed in the community, and they have made a difference in the development of education excellence within various communities. We have the National Service Corps, which is bringing services to underserved areas that are not only in rural communities but also urban areas. That has been very, very successful.

Actually it has been expanded in the Mitchell health care bill. We had a very strong program that was pretty well emasculated during the 1980's, and now under President Clinton it is being expanded. But the concept of service, taking individuals from communities, providing them with education, and having those individuals serve the local community, is something that had support in the House and the Senate and is included in the conference.

More police and more effective punishment are part of the answer to crime. But we need to do more than just react to crime after it occurs. Drug treatment, job training, and antigang programs can help to end the cycle of crime and violence that is destroying our cities.

The evidence is clear. Drug treatment works, especially for addicts in the criminal justice system. Two-thirds of drug addicts who complete a treatment program in prison remain drug-free and arrest-free for at least 3 years.

We have not, until very recent times, been able to get the kind of assistance that is included in this bill, to provide help for individuals who are substance abusers and incarcerated.

But for addicts who get out of prison without undergoing treatment, two out of every three will commit new crimes and be back in prison within 3 years. This crime bill contains $1 billion for special drug courts to treat these low-level, nonviolent drug addicts.

We can understand the broad politics of this issue. People say, "Why look out after people who are in jail who are substance abusers when we do not have all the treatment slots we need outside of prison?" That has been an argument which has been difficult to respond to, other than to try to increase treatment resources for community-based programs. The health bill contains a very, very important provision to provide a comprehensive substance abuse benefit. So we are beginning to deal with substance abuse in a comprehensive way, both as a health issue as well as an issue in the criminal justice system.

The bill also includes a provision I strongly supported to provide funds for economic development to reduce crime in communities with high unemployment and poverty rates. This provision will promote economic growth and opportunity in high crime neighborhoods by assisting small- and mid-sized businesses, and by providing job opportunities for young people who might otherwise resort to crime. This is the only program in the bill that directly creates job and business opportunities in poor communities. One of the best anticrime strategies is a job and this bill supports it.

I am also pleased that the bill includes a comprehensive set of programs aimed at reducing violence against women and providing much-needed assistance to victims of such crimes. Chairman BIDEN deserves tremendous credit for his efforts on the Violence Against Women Act, and I am proud to have had the opportunity to join him in crafting this legislation.

Among the services for victims that this measure funds is a national toll-free domestic violence hotline, a provision we are including in response to concerns expressed by battered women's service groups is Massachusetts and around the country, to revive a hotline that closed 2 years ago for lack of funds.

The bill also contains a provision that Senator HATCH and I sponsored to protect the confidentiality of counseling programs for rape victims.

I see Senator HATCH on the floor, and that is one of the very important provisions in this legislation.

With regard to the hotline program, which was initially supported by the Johnson Foundation, more than 65,000 calls came in over the last year it was in effect. This bill provides limited but important resources to continue the program. The idea is that when an individual calls the hotline, they will be tied right into their local community and into the assets that will be available to that individual who needs the services.

So if you are in Methuen, MA, or in New Bedford, and you have a problem, you dial this one number and it ties you right back into the programs which are available in that community, or as close as possible. The technology is available. This legislation will give the hotline life again, and it is just one small but extremely important program in the Violence Against Women Act.

That act also provides help to prosecutors and to courts in dealing with domestic violence cases, and it will support battered-women shelters in our communities. The act is funded at about $1.6 billion over this 6-year program. It is a matter of enormous importance, and it certainly is one of the very important parts of the bill.

Another Massachusetts model that this legislation builds upon is the community prosecution program developed by the Middlesex County District Attorney Tom Reilly. This initiative encourages crime prevention partnerships among police, prosecutors, and community groups. Such a coordinated approach has proved to be useful in fighting crime in my State, and can benefit other communities through this grant program.

Basically, this program gets the district attorney's office working with a range of social service providers, working with schools in the community, working with parent groups to try to begin to identify those individuals who have a continuing record of violence and disruption and to give greatest attention to those individuals.

This program has had an extremely important impact. The people who are the strongest supporters of it are the school teachers, school administrators, and the parents themselves. The program has improved the whole atmosphere of learning in school systems, freeing the students from threats of violence in those schools. The coordination and seed resources that the program provides have had an important impact within the community.

In addition the bill contains a sensible three-strikes-and-you're-out provision to ensure violent repeat offenders remain in prison where they belong. Lengthy incarceration is essential for violence career criminals. There is also strong support in the bill to help States deal with the challenges of high prison costs and overcrowded prisons. In these important ways, the bill helps to make sure violent criminals actually serve the lengthy sentences that they deserve.

I have long opposed capital punishment as a matter of deeply held principle, and I regret this bill expands the Federal death penalty. There is little credible evidence that the death penalty actually deters crime. In fact, States with the death penalty generally suffer from higher rates of murder and other violent crimes than States without special punishment. I also regret the bill does not include the Racial Justice Act, which is needed to deal with serious problems of racial discrimination in the application of the death penalty.

But this bill contains so many provisions that deserve to be enacted: The assault weapons ban, the support for community policing, the Violence Against Women Act, the crime prevention programs, and many other provisions that are vitally needed.

This far-reaching legislation makes the Federal Government a real partner with State and local governments in the fight against crime. It commits Federal recourses to a balanced strategy of punishment and prevention that holds great promise for improving public safety.

I urge the Senate to approve the strong bill and send it to the President for his signature.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, the debate has been an interesting one today, but it is pretty apparent we had a very good bill that went out of the Senate. It was $22 billion. The House came up with its bill, which was a very bad bill. It was $27 billion. Then the liberal conferees came up with a $33 billion bill. Suddenly, it jumped $11 billion from a really good bill that we passed here.

The bill has been somewhat improved by this last conference, by what the House did. It has not been improved enough.

Frankly, what we would like to do is improve it some more, but the only way we can do that is to sustain a point of order that it violates the Budget Act and then work out the final anticrime materials that have to go into it. That is what we are trying to do here, and that is what we are going to do if we can. We think America would be much better off if we do.

I do not think the distinguished Senator from Delaware has to worry about losing very much. The only thing we will lose is maybe a little bit of time. But we can get this bill so it is much better and would have overwhelming support in both Houses of Congress. That is all I am dedicated to doing and, frankly, I would like to see us have that opportunity.

There is still a lot of pork in this bill. When we passed our $22 billion bill, it was $2.3 billion in prevention programs, part of which was, of course, the violence against women bill on which Senator BIDEN and I have worked so hard. All of a sudden, it jumped to almost $9 billion, and now it is down to $5.3 billion, but $3 billion more than the Senate bill which some thought had too much pork in it as it was. It is time to change that.

Madam President, let us see what we can do in the next day or so, and if we can, it will be for the betterment of our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. GORTON. Mr. President, during the course of the last 10 days, the crime bill has been debated from one corner of this country to another, and I believe debated in a constructive fashion.

A proposal originally presented to the House of Representatives and meant to be presented to the Senate on a take-it-or-leave-it basis has now, in fact, been changed in a number of material ways. It is unfortunate that that crime bill, originally reported from a conference committee, was written largely in secret by a small handful of Members without input either from the law enforcement community or from the vast majority of other Members of both Houses of this Congress that wished to do something constructive in the war against violent crime in the United States.

As a consequence, after its initial setback something more than a week ago, more and more Members read sections of the bill which they did not understand and other sections with which they vehemently disagreed, and the net result was a series of changes which took place late last Saturday evening and Sunday morning in a reconstituted conference committee devoted, unfortunately, more to attempting to make a few changes which would change a handful of votes than it was to examining the entire thrust and direction of that crime bill itself.

Certainly, what we have before us now is improved in at least two directions. It is improved from the point of view of the safety of the people whom we represent, primarily by the restoration of Senate language on sexual predators, language passed unanimously in this body last November and language which the House instructed its conferees to include by a vote of 407 to 13 just a few weeks ago.

It was puzzling, at the very least, to face a conference committee report which ignored both votes in the Senate and the House—not only ignored both votes but which included a distinct right of privacy for convicted sexual predators, a right of privacy which, in my view, might very well have overridden the laws of a number of States like my own which call for the notification of communities when a convicted sexual predator is released into their midst. In any event, whatever the proper interpretation of that first conference committee report, we now have language substantially similar to that which passed the Senate in this bill.

The second area, the second field in which this bill has been improved, of course, is in a modest reduction of programs at the most remotely are tangentially connected with crime or, for that matter, the prevention of crime.

It seemed that in the course of that bill through Congress, from the recommendations of the President, through the House, through the Senate, with the conference committee, nothing was ever subtracted, but a great deal was added, much of it in the form of individual bills introduced by individual Members of the Senate or House; some of which have never been the subject of hearings, others which obviously could not pass upon their own merits but were gathered together under the rubric of crime prevention and included in this bill.

One of them was removed lock, stock, and barrel—the youth employment skills program for $650 million, which would have been, if my numbers are correct, the 157th such uncoordinated program managed by half a dozen to a dozen different Federal agencies. Several of the others were reduced modestly—by, roughly, a 10-percent cut—but remain in this bill.

A few other modest changes have been made in the bill, Mr. President, but I am convinced that this bill still requires substantial improvement so that it can stand as a true step forward in the war against violent crime in the United States.

We here in the Senate who have been simply spectators of the debate in the House of Representatives will shortly have the opportunity to do just that, that is to say, to improve this bill to the point at which it can receive the votes of a wide bipartisan majority of Members of the Senate and, I trust, when it returns to the House, of the Members of the House of Representatives as well.

I wish to speak tonight just to a modest handful of the areas in which I think those improvements should take place.

The first, Mr. President, is connected in a rather interesting way, in my own mind at least, with my former position as attorney general of the State of Washington where, as was the case with the distinguished occupant of the Chair this evening, I was involved in consumer protection.

Mr. President, I am afraid that were it subject to my jurisdiction, I would have to sue the proponents of the proposal to put 100,000 new cops on the beat for false advertising, in utilizing that number in connection with an argument for additional policing, which unites almost all of us in this body.

I would have to do so, of course, because this bill does not provide money for 100,000 new uniformed officers on our streets. To the contrary, if all of the money in this bill were actually utilized for new officers, it would fund fewer, not many more than 20,000 such officers.

Why? Well of course, because this is only a partial subsidy, in fact, a declining subsidy to the cities and counties of the United States of America. And it is assumed in the bill, but never trumpeted by its proponents, including the President of the United States, that the only way in which we can get 100,000 new officers is to have local communities come up with enough money to fund almost 80 percent of the cost of those officers over a 5- or 6-year period. It is in this respect that this bill falls greatly short of what it is advertised to do.

I daresay that most communities in this country, if they could afford to finance 80,000 new police officers, would be doing so where they think appropriate, as they would in many parts of the country from one corner to the other. I know that I have been approached by myriad police chiefs, sheriffs, and for that matter those in the ranks, the police agencies in the State of Washington, with the definitive statement that there is no way their jurisdictions can pick up this massive local share of the expense of creating our proportion of the 100,000 new police officers.

These men and women state that their community budgets are pressed and stretched to the absolute maximum at the present time. They will resent being told that the Federal Government is funding men and women whom it is not actually funding, and whom they will not be actually able to take advantage of while, on the other hand, those who will be hired to administer the social programs in this bill, will presumably be paid for permanently and entirely by the Federal Treasury.

Second, Mr. President, of some close to $9 billion in social programs with only a tenuous relationship to crime prevention in this bill, only some $2 billion or so have been cut by this dramatic debate in the House of Representatives. And that is not nearly enough.

The Local Partnership Act, the model intensive grants, the Community Economic Partnership Program, all of which duplicate present programs in the Federal Government, sometimes duplicating them literally in the hundreds, are only reduced very, very slightly in this bill. The real irony in this connection is that there is a need for money spent on crime prevention. And we have a number of highly successful crime prevention programs which involve partnerships between the Government of the United States and our local government.

In my own State, we have "Operation Weed and Seed" in the city of Seattle, one of approximately 20 such projects going on across the country, which combine police work with community activism, married together with those who are working on social conditions in their communities with those who are enforcing the law in a way which has been immensely constructive. If the crime bill conference wanted to do something with extra money, why not 200 "Weed and Seed" programs rather than 20? Why not take something which has worked and expand it rather than simply creating a whole set of new programs presumably named after their sponsors in areas, many of which have not been successful in the past?

Why not expand a Safe Streets Program? Why not expand Triad? Why not expand DARE? Why not deal with those crime prevention programs with a proven track record rather than simply to add another juvenile program to the 266 we already have, another job training program to the other 155 that we already have? In this case we should be consolidating. We should be determining which ones have been successful and which ones have not been successful, and concentrating on those that have.

Third, and perhaps equally important, is the fact that so many of the tough anticrime measures designed to get violent criminals off the streets, that were included in the Senate bill, are not included in even this conference report. From my perspective, although it may the not be the largest of them, one which is utterly inexplicable has to do with making it easier to take an illegal alien who has committed a serious felony and running through that person's entire deportation proceedings while he is incarcerated so that the deportation takes place immediately upon the ending of a sentence.

I was given an example while I was home over the weekend of an individual, illegal alien, who has been convicted and jailed on nine separate occasions. Yet, the deportation proceedings have never caught up with that individual, so that he is released onto the streets in order to commit other crimes, and still has not been deported from the United States. Making that process easier for criminal illegal aliens in the United States, and that provision being dropped by this conference committee, absolutely begs explanation.

New sentencing provisions that are really tough have been removed. Some penalties for criminal actions with guns have been removed.

We just cannot understand why it is that so many of the provisions which would have accomplished something with respect to the sanctioning of violent criminals in the United States are not a part of this bill. Even when it left the Senate, it had done nothing to reform the endless habeas corpus appeals through the Federal courts.

Well, we could accept that. But when progressively we have lost more and more of the law enforcement, and progressively have more and more duplicative programs with respect to various social goals, we still have a bill, while not unsatisfactory of that originally reported by the conference committee, still needs a great deal of improvement.

Much has been made about the gun provisions and the assault weapons provisions that are still in this bill. There is much speculation by Senators about whether or not the bill would have a better chance without those provisions in it. Mr. President, I voted against those assault weapon provisions when the bill was before the Senate. It seemed to me peculiar that we should aim a law at thousands, perhaps hundreds of thousands, of law-abiding citizens in the United States, with a particular kind of firearm which many of them feel to be their right to hold, in a fashion which almost certainly would have had no impact whatsoever on the use of guns of any kind, including those in violent crimes in the United States today.

Nevertheless, the Senate voted for that provision.

Many of my colleagues voted against that provision.

I, nonetheless, voted in favor of the crime bill as it passed the Senate because, it seemed to me, on balance the good in the bill outweighed the negative elements of that proposal. So I would do this time around, if I felt that the good outweighed the negative or the bad in this proposal. And I am here to say I am convinced that we have exactly just such an opportunity. We can gain that opportunity by turning down the motion to waive the Budget Act and by amending the bill, most particularly in the field of stronger and tougher law enforcement directed at violent criminals in our society, and removing several billions of extra dollars, additional dollars, from the dubious, questionable, marginal, non-law-enforcement elements of the bill itself.

The Senate, in other words, has the same opportunity this week that the House of Representatives availed itself of last week. The House of Representatives in its changes took significant steps in the right direction. The Senate should now follow suit, and if it does so, this Senator for one will be delighted to support a bill which is not as undesirable as it was 10 days ago, but which needs considerable improvement on balance before it becomes the law of the United States of America.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois, Ms. MOSELEY-BRAUN, is recognized.

THE CRIME BILL

Ms. MOSELEY-BRAUN. Mr. President, I had occasion to preside over the Senate for the last 2 hours, and I could not help but be reminded of that old expression that those who love the law and those who love sausages should not watch either of them being made. I had a chance to sit through the rancor and debate around the procedural status of this legislation, and to have occasion to think for a moment how we must appear to the people of the public, who do not know about the rules and about the procedural maneuvers and do not quite understand why it is taking such an extraordinary amount of debate and is such a long, drawn-out process for us to achieve a crime bill in this session of the Congress—a bill, I might add, that the American people want.

I say, Mr. President, in explanation to those people who are more than mystified at this point about what is going on, and the reason this bill has taken such a long time to resolve, and the reason behind all of the rancor and debate and the controversy that surrounds the crime bill, is because it is important—precisely because it is so very important to our country—that we have the clash of interests, we have the clash of perspectives and the clash of ideas going on here in this, the greatest deliberative body in the world. And that is why finalizing and enacting into law this crime bill has not been easy for Senator BIDEN, who has certainly worked on it so many years, or for all of the other people here in Congress who have been so passionate about giving the American people what they want and need.

But, at the same time, because it is so important, I think it is of critical significance that we continue the debate as long as it takes to get our job done.

The Senate first passed the crime bill last November, nearly 8 months ago. At that time, everyone in this body hoped the bill would quickly become law. Unfortunately for all of us, procedural maneuvering and partisan politics has delayed completion of this legislation. But now, at long last, the Senate stands poised to vote on a measure that, for the first time, will devote substantial resources of the Federal Government to the effort to reclaim our streets. As far as I am concerned, Mr. President, this vote is coming not a moment too soon.

By way of background, Mr. President, I come out of a law enforcement family. My father was a police officer, as were my brother and my uncle. I have grown up discussing issues relating to crime and punishment in the criminal justice system in our home all my life. I served formerly as an assistant U.S. attorney in the Northern District of Illinois. I served as a State legislator, as a local elected official, and finally as a U.S. Senator.

For all of these years, Mr. President, crime has been an issue of great public concern. And for all of those years, the level of crime in our society has been unacceptably high. But the challenges posed by violent crime today are greater now than they have ever been.

I do not make that statement easily, but we can no longer ignore the truth. We live in a country where 7-year-olds are gunned down on their way to school, and 9-year-olds bring guns to school for protection. We live in a country where violent crime occurs every 22 seconds. That includes one murder every 22 minutes, one rape every 5 minutes, and one aggravated assault every 28 seconds.

The public, the people, are frightened. Fifty-nine percent of city residents and 57 percent of suburban residents fear becoming a victim of crime. Sixty percent of all Americans limit the places they travel to out of fear of crime. We are in danger of becoming a society of victims.

I can cite statistics such as these for the rest of this evening, but the numbers only serve to illustrate what we already know. I believe the Federal Government must act to help take back our streets, to ensure that every man, woman, and child in this country feels safe in their communities, in their schools and in their homes. That is why it is imperative that Congress send this bill to the President as soon as we can, today or tomorrow. We cannot afford to wait another day.

I want to call the Presiding Officer's attention to our Constitution, the document that all of us love so much and pledged to be faithful to in our work here.

The preamble of this Constitution says:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

I read that because I think it is important for us to be reminded, Mr. President, that ensuring our domestic tranquillity is part of what we were sent here to do. That is our job. It is what we are elected, in part, to ensure. And, more importantly, it is what the crime bill gives us the opportunity to do.

I believe that it is important that we remind every Member of this Senate that ensuring our domestic tranquillity does not mean that we have to ensure a liberal approach to crime or a conservative approach to crime. It does not call for us to ensure the building of more prisons or "grabbing them by the throat," as one of my colleagues likes to say. What this says is that we have an obligation to focus on the needs and interests of the honest people of this country, the needs and interests of the citizens of this country who want to be able to live without the threat of violent crime. I believe this crime bill goes a long way in that direction.

Stories that have been written about this crime bill have tended to focus on the critics of the bill, critics who exist on both sides of the political spectrum. According to the reports, the "liberals" have criticized the bill for focusing too much on the "lock-em-up" approach to solving crime, while the "conservatives" contend that the bill places too much emphasis on prevention. Some critics have urged a vote against the bill because too much money will be spent to build prison cells or to fund boot camps. Others urge a vote against the bill because too much money will be spent to fund programs designed to steer children away from crime and drugs or to provide youth with job training and career opportunities.

Mr. President, I would like to take this opportunity to address those critics—again, on both sides of the political spectrum and, frankly, both sides of the aisle. I certainly hope that those of us in this body will resist such simplistic analyses. Fighting crime is not an either/or decision; it is not a liberal or conservative decision; nor is it a Republican or Democrat decision—or at least it should not be. And it does not just come down to a choice between funding a social program or funding a prison cell. The truth of the matter is that there is no liberal solution to crime, and there is no conservative solution to crime. There is only a cooperative solution.

We are all in this together, and we should be prepared to take what works to fight crime. We should be prepared to take a little bit of this approach and that approach, approaches that have been demonstrated to be effective, in our effort to fight to secure our domestic tranquillity.

Common sense tells us that we cannot focus solely on alleviating the root causes of crime, even though as much as I would like to see that happen, because even if it were successful, those measures might not show any effects for 10 or 15 years down the road. But neither can we simply talk about locking people up and throwing away the key, because once you need to lock someone up you have already failed at what should be the central task of the criminal justice system, which is preventing crime in the first place.

The crime bill we are considering today recognizes both of the realities, that we have to focus on prevention as well as punishment. This bill recognizes that we should be prepared to take what really works to fight crime. Prevention efforts, in my opinion, are important in securing our future and securing our children's future if for no other reason than the old adage that says "a stitch in time saves nine." It makes sense to stop crime before there are victims, even at the same time as we focus in on punishing those who made a victim out of all of us. This bill strikes a balance between prevention and punishment in a way that makes sense.

So let us not focus on just the detractors and critics of this bill. Let us focus on its supporters. This crime bill has the support of the National District Attorneys Association, the National Association of Attorneys General, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs Organization, the International Brotherhood of Police Officers, the National Troopers Organization, the National League of Cities, the United States Conference of Mayors, the National Association of Counties, the National Conference of Democratic Mayors, the National Conference of Republican Mayors, and Municipal Elected officials, just to name a few.

Most important, though, let us focus on the supporters who matter the most, the honest citizens who resent being made victims of crime; the mothers who want to save their boys from gangs; the communities, large cities and rural towns, that want to preserve a quality of life; and the people who want to reclaim the domestic tranquility that the Constitution says is our job to protect.

Why does this bill have so much support? First and foremost this bill will deploy an additional 100,000 police officers on the streets of our cities and towns, exactly where they are needed the most. Police officers hired under the bill will be trained in community policing, a new idea that really is nothing more than the old-fashioned beat cop that existed in the days when my uncle first started on the police department.

Having police walking the streets, as members of the communities, makes all the sense in the world, and as a member of a law enforcement family, I for one am delighted that Congress has recognized the value of encouraging police officers to become part of the community, to walk the streets of the neighborhoods, and to get to know the residents.

Again, simple common sense tells us that the cop on the beat in the neighborhood decreases the likelihood that a crime will be committed in that neighborhood. The addition of 100,000 community police represents a real opportunity not just to make more arrests and prosecute more offenders. It offers a chance for law enforcement agencies throughout the Nation to respond proactively to help deter crime before there is a need for arrest or prosecution.

In my State of Illinois, there should be somewhere in the neighborhood of 2,000 new police added to the police that are already in place. That will be in additional support to the big cities as well as the small towns that have seen a rise in violent criminal activity.

But this bill will not just send out more police officers. It also provides the funds necessary to give States and local law enforcement agencies the tools to do their jobs. The bill provides funds for the Edward Byrne Formula Grant Program to assist State efforts in fighting drugs. It provides money for fighting crime and drug trafficking in rural areas. It provides money to assist States in administering the Brady law, a law that has already proved successful in keeping guns out of the hands of those who should not have them. It provides funds for States to acquire the DNA labs and or technologies in carrying out the fight against crime. And, it provides funds to State courts, prosecutors, and public defenders to assist in the administration of justice.

This bill provides for new death penalty offenses, contains a three-strikes-and-you-are-out provision for repeat violent offenders, contains discretionary authority to try juveniles aged 13 and above as adults, gives the States $9.9 billion to provide boot camps to house hardened criminals.

This bill is very tough on crime. It is, of course, the very provisions I have just cited that made the bill subject to some of the criticism. The bill is too tough, some opponents say. It focuses solely on locking people up once they have committed a crime, but does little to prevent a crime from occurring.

The fact of the matter is this bill achieves a balance of punishment, on the one hand, and prevention, on the other. I for one would never support a bill that focused solely on punishment, but that is not the bill we are considering. This bill is a recognition of the fact that we must do both.

The funding in the bill, frankly, is slanted heavily in favor of the punishment side of the equation. Seventy-seven percent of the money in here is for after-the-fact law enforcement, for police, punishment, and prisons. But 23 percent of the funding is for prevention, and I believe that represents a sea change and step forward in putting together a collective, cooperative approach that will begin to tackle violent crime and help us to reclaim our communities.

Mr. President, if we only concentrate on punishing crime we will never be able to build enough jails and boot camps and prisons to hold all the people that find their way into criminal activity. We already in this country have the highest per capita prison population in the world, yet that has not made our communities any safer. And there is nothing to suggest that the trend is changing.

I would point out to my colleagues and anyone listening that simply locking people up is an awfully expensive way to approach the issue. The taxpayers pay on average $25,000 a year for every person that we put into a jail cell.

It seems to me, and it seems I think to the authors of this bill, that we can do a little bit better to diminish the pipeline to prisons. We can do better to give people an opportunity, an option that will steer them away from criminal activity and save us all the tremendous cost of victimization that we are currently experiencing.

We particularly need to give young people a chance, Mr. President. As President Clinton has stated so eloquently, if we want people to say no to crime, to drugs, and to violence, we must give them something to say yes to.

This crime bill does that, by authorizing money to fund drug education, summer recreation programs, and employment initiatives, programs that will give young people an opportunity to find good jobs and lead productive lives and stay away from the lure of the easy dollar and criminal activity.

This bill will fund programs to allow schools to remain open in the afternoons and evenings, so young people will have an alternative to hanging out on the street corners. And it will fund local crime prevention block grants, which will allow local governments to provide numerous crime prevention programs ranging from gang resistance education, Boys and Girls Clubs, supervised visitation centers for children removed from abusive homes and, yes, even the now-famous midnight basketball program. This bill recognizes the value of crime prevention.

Mr. President, I was the original sponsor here in the Senate of the Midnight Basketball League Training and Partnership Act of 1993. As one who has observed firsthand the benefits that midnight basketball leagues have provided not just in my hometown of Chicago, but in 40 other cities across the Nation, I would like to take a few moments to speak about why it is not only appropriate, but also necessary, that funds for midnight basketball be included in comprehensive crime legislation.

The midnight sports programs are much more than just fun and games. I want to congratulate the media for the articles and the stories on this issue that have pointed that fact out. This is not just about recreation. This is not about basketball. In fact, if anything, the basketball aspect of midnight basketball is probably the least important. If anything, basketball becomes the hook by which we attract young people and give them an alternative to the streets, an alternative to the gangs and a little alternative to destructive activities.

Midnight basketball leagues promote youth development by forming private-public partnerships with local companies and with the police. In Chicago, private sponsors have not only contributed funds to help finance the leagues and the teams, they have also helped midnight basketball leagues design educational and job-related workshops which league players are required to attend after the games. Consequently, these partnerships have provided adolescents with important adult mentors and role models and also demonstrated themselves in helping prevent crime, by providing adolescents with opportunities to play basketball during the hours when most crimes are committed, from 10 p.m. to 2 a.m in the morning.

Midnight basketball leagues have also successfully assigned rival gang members to the same teams, affecting truces both on and off the court. They have been successful everywhere they have been tried. They have kept down crime. They have given people something to say yes to. They have been an exercise that has more than returned the investment that we are called on in this legislation to make.

And so, based on the experience in Chicago, I am proud to say that many of the midnight basketball league players have recently completed their GED requirement—in other words, received their high school diploma—and none of them, Mr. President, were in trouble with the law during the 3 years that this program was evaluated.

That, it seems to me, Mr. President, is well worth the effort. It goes directly to the point that we do better making investments in young people, giving them something to say yes to, providing them alternatives to the gangs and to the crimes, than with simply locking them up.

For my colleagues who have complained about the pork-barrel spending and the wasted dollars used to fund midnight basketball and other prevention initiatives, I would ask them to consider this. In Chicago, midnight basketball leagues have been able to serve 80 youngsters a year at the cost of about $85,000. On the other hand, it cost approximately $20,000 to incarcerate a juvenile for 1 year. And those are strictly the incarceration costs, Mr. President. That does not include what we spend to hire the police to make the arrests, to provide a prosecutor, a court guardian, a judge to hear the case, money for restitution for the victims, et cetera, et cetera. So it seems to me we have a choice. We can choose to spend that money, that $85,000 on 80 youngsters and give them something to say yes to, or we can spend $85,000 on four youngsters to lock them up and throw away the key.

For those in this Chamber who do not live in communities where midnight basketball programs have been run, it may seem like a small thing to do. But I can assure you it makes a huge difference in the lives of young people who have little opportunity. It can make a real difference to young men and women who have the potential to make significant contributions to our society, but ultimately lack the opportunity to make those contributions.

So I ask my colleagues to come and examine these programs. And I would be willing to organize a tour, while I have one of my colleagues on floor who no doubt is a better basketball player than I am, who just indicated he might be interested in doing that. But I would very much like to offer to take my colleagues to see my reality, to see what it is like in the cities and to talk to these young people, to see how desperately they want to avoid the lure of the people of the gangs and the lure of the people of the streets and they want to do the right thing. They just do not have the opportunity.

We can provide them with that opportunity, Mr. President, and this crime bill is a vehicle in which we can do that. I hope that we will not miss this chance to do so.

This summer I had occasion to visit the Robert Taylor Homes with the President of the United States. It was really stunning, because I think that many times, as we talk about these issues, there is almost a disconnect. Some of my colleagues do not necessarily know what urban communities are like, there is a disconnect between the realities they see and what actually goes on, particularly in some of the inner city communities.

The Robert Taylor Homes are not far from where I grew up. In fact, I had an occasion just yesterday to drop off a friend who lives there and who is doing her level best to raise her children and to keep them alive in a community in which she has to walk her children to school for fear of them being shot. I guess the feeling is that she will take the bullet instead of them.

In the Robert Taylor Homes, there is an 89-percent poverty rate. The median family income is $5,400, and unemployment there averages 60 percent. Only 32 percent of the adults have more than a high school education, and 45 percent of the residents are under the age of 14.

When this mix is aggravated by drugs and guns and overcrowding, it is not hard to see why these young people might turn to a life of crime.

That is not to excuse their conduct. In fact, there is no excuse for it. We have to be clear that we insist and demand on individual responsibility for what one does.

But, at the same time, as President Clinton again stated, we have to give these young people something to say yes to. We have to provide them with some alternatives. And, thanks to midnight basketball, the answer to the question, "What else can I do?" is no longer "Nothing."

This is a program that gives them an alternative to the streets, that helps them graduate from school and to find a job.

And in the absence of investment, Mr. President, in other alternatives, it seems to me that this is a small contribution for us to make.

I hope that this debate recognizes, as this bill recognizes, that prevention and programs like midnight basketball have a positive effect, that the Members of this body will see their way clear to supporting this conference report.

Mr. President, this conference report also authorized funds for something called the family unity demonstration project. This provision, which I was proud to cosponsor, was sponsored by my senior Senator from Illinois, Senator SIMON, along with Senator DURENBERGER of Minnesota. This provision will establish five demonstration projects—four at the State level and one at the Federal level—where nonviolent female offenders can reside with their young children. In these centers, women can not only bond with their young children and keep their families together, but they can receive parenting classes, drug treatment, job training, and other educational opportunities.

By allowing nonviolent offenders to live in the community with their children, we can help maintain more stability than if the mother and the child were separated. This serves two very important purposes. First, by allowing the mother to form strong bonds and attachments with her child, we can give the mother a strong incentive to go straight, and help make it less likely that she will become a repeat offender. And second, we can prevent the child from being shuffled endlessly through the foster and group home system that we all know creates so many problems for young children.

The majority of women prisoners are nonviolent offenders, jailed for property or drug crimes. These women can serve their time in the community, alongside their children, without posing any risk to society. I do not mean to say that these women should not pay for their crimes—of course they should. But I believe this will give us an opportunity to provide a win-win situation, where the children are not made victims because of the error of their parents.

And the crime bill also contains what I consider to be one of the most important preventative programs ever to be passed by this Congress, the landmark Violence Against Women Act. Passage of this bill will, for the first time, put the U.S. Congress on record in support of the fact that violence against women is just that—violence.

By now, Mr. President, we have become all too familiar with the frightening statistics on crimes against women. The fact that the rape rate has risen four times as fast as the total crime rate; that one in every three women will be the victim of a rape during her lifetime; or that between 3 and 4 million women are abused in the United States each year.

Yet we also know that despite the high rate of crimes against women, rape and domestic assaults often go unreported. Women are afraid to turn to the justice system for help, fearing that they will be assaulted a second time by a system that blames the victim. All too often, they are correct. Who would believe, in this day and age, that a judge could issue a light sentence to a rapist by asserting that the victim, "ended up enjoying [herself]?" Who would believe that the police could refuse to arrest an abusive husband because his abuse is a "family issue?" But day after day, in courtrooms and police stations throughout the country, such callous and insensitive attitudes prevail.

This legislation gives long-overdue recognition to a disturbing reality. And that is, while crime affects all Americans, it affects women in more insidious ways.

Women who are the victims of rape are nearly nine times as likely as nonvictims to attempt suicide, and are twice as likely to experience serious depression. Rape and sexual assault affect even women who are not victims. Just ask the millions of women who have altered their patterns of behavior to avoid being alone on the street at night for fear of being attacked.

This bill will help ensure women are once again free to walk the streets alone at night if they so choose. It will also help assure those women who are assaulted, despite our best efforts to prevent that, will feel free to turn to the justice system without the fear of being victimized a second time. In short, the Violence Against Women Act will help create a more responsive justice system for our mothers, our sisters, our daughters, and our friends. I applaud Senator BIDEN for his leadership in introducing the Violence Against Women Act, and for including it in this legislation.

Finally, this bill signals our intent to get serious about the gun violence that is plaguing our streets. The crime bill contains a provision to ban the manufacture and sale of 19 deadly semiautomatic assault weapons. I was proud to stand with my colleague from California, Senator FEINSTEIN, as a cosponsor of this amendment, for if any provision is essential to securing our domestic tranquility, it is a ban on assault weapons. I would like to take a moment to discuss what this ban on assault weapons does and doesn't do.

This amendment in no way infringes on the right of legitimate hunters and sportsmen. In fact, it specifically exempts, by name, more than 650 rifles, and it also provides a set of functional characteristics to protect their successors.

What this amendment bans are guns that are designed solely to spray large groups of people with gunfire in a short period of time—guns that are designed not to fire precisely, but to fire quickly. Semiautomatic assault weapons are the weapons of choice for gang members, terrorists, assassins, drug kingpins, grievance killers, and drive-by shooters. These guns have no other purpose but to kill as many human beings as possible as quickly as possible. Hunters have nothing to fear from this bill, unless of course they plan to hunt humans.

The cynical efforts of gun control opponents to derail the crime bill because it contains an assault weapons ban must fail for one reason, and for one reason only: The American public wants an assault weapons ban. The voices of the American public have prevailed over the cries of the special interests, and the crime bill is a stronger bill as a result.

Senator BIDEN spoke earlier about the fact that a great deal of the effort being expended to filibuster or derail this legislation by procedural maneuvering is a direct result of the assault weapons ban. I think that is really unfortunate, Mr. President, because I am one who supports the second amendment, who understands and is sensitive to the concerns of legitimate hunters and honest people who want to have weapons. But certainly no legitimate hunter needs to have an assault weapon as part of a private arsenal. And, certainly, as I have stated previously, given what we have seen time and time again, that assault weapons are the guns of choice for gang members, drug dealers and drive-by shooters, for people who just want to kill other people, our duty to ensure the domestic tranquility requires we pass an assault weapons ban.

I mentioned earlier my visit to the Robert Taylor Homes with the President. We went into a police facility located in the housing development, and saw stacks upon stacks upon stacks of assault weapons which clearly were not being used for any legitimate purpose. These weapons clearly were not being used by anyone who wanted to hunt, and certainly were not being used to protect anyone's security in their home. They were seized from gangbangers and other young people who were on the streets terrorizing the honest citizens who live in the Robert Taylor Homes.

Another critical step in the controlling of gun violence, Mr. President, is getting the guns out of the hands of the 17-year-olds, the 16-year-olds, and yes, even our 12- and 13-year-olds. The fact of the matter is that, today, our Nation's schools are looking less and less like halls of learning and more and more like armed camps. We cannot expect our children to thrive in those kinds of environments. I am proud to have been a cosponsor of the amendment to the crime bill, offered by Senator KOHL, to ban the transfer or possession of a handgun by a minor.

It is almost stunning—in fact people are very often surprised when I tell them—that it is not currently illegal under Federal law for a minor to possess a handgun or for an adult to give a handgun to a minor.

While I do not believe a ban on handgun possession by minors will solve all the problems associated with juvenile violence, I do believe this amendment—along with the provisions already in the crime bill—can continue to make a difference in combating that problem. I cannot imagine—getting back again to the second amendment—I cannot imagine that the founders of our great country intended to grant children unlimited, unsupervised access to the gun of their choice.

My praise for this bill does not mean I believe it is a perfect piece of legislation. I do not know that there is such a thing as a perfect piece of legislation precisely because the process is intended to function, is designed to function, as a process of compromise and give-and-take. We pass the best bills we can, and then we improve them over time.

As a long time opponent of the death penalty I, frankly, do not support the expansion of the death penalty to over 60 crimes in this bill. And, given the overwhelming evidence—and I have spoken to this on this floor more times than I like to think about—but given the overwhelming evidence of discrimination in the application of the death penalty—particularly in the Federal criminal justice system—I regret that the Racial Justice Act was not included in this crime bill. We know that, under the Federal death penalty adopted in 1988 for drug kingpins, a sentence of death has been sought against 36 defendants. Four of those defendants have been white, 4 have been Hispanic, and 28—77 percent—have been black. This despite the fact that 75 percent of defendants charged under that same law have been white.

We also know, because the General Accounting Office has told us based on their evaluation of 28 studies on the effect of race in capital sentencing, that there exists, and I quote, "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty." So I deeply regret that my colleagues in this body did not see the need to accord to those charged with death the same rights as those denied an apartment or fired from a job—the right to use statistics to prove their discrimination claim.

The fact the Racial Justice Act did not receive the support of this body is, in my opinion, regrettable. But President Clinton has pledged that he, along with Attorney General Reno and other supporters of the Racial Justice Act, will work together to see to that the death penalty under the Federal justice system will be administered in a nondiscriminatory, fair, manner. That was the only point that the Racial Justice Act intended to address—that there be some fairness in the application of the law, and that the death penalty be applied based on what a person has done, not who that person is.

I am also disappointed the conference committee chose not to adopt an amendment that I had offered to the crime bill—that passed the Senate with an overwhelming 64 votes—mandating that juveniles who commit serious violent crimes with a firearm be prosecuted as adults. Instead, the conference committee chose to make such prosecutions discretionary.

I am certainly pleased that the conference committee recognized that we can no longer afford to indulge the fiction that young teenagers are incapable of appreciating the seriousness of their actions when they kill or rob or maim someone with a gun. However, I believe the discretionary nature of this provision will function much the way similar provisions in State courts have, with minority youth being disproportionately more likely to be tried as adults than nonminority juvenile offenders. Eliminating the discretion would have eliminated the potential for discrimination in the treatment of juvenile offenders.

But I do not expect to agree with each and every provision in a bill as large and as comprehensive as this one. For me, the decision whether or not to support this bill was not predicated on any one particular provision. Instead, the question was whether or not the bill as a whole was a good one, one that will make Americans feel safer on our streets, in our schools, and in our homes.

In closing, I want to commend Senator BIDEN for all the work he has put into this bill and, frankly, for his patience in guiding it not only through this body, but through the conference committee and through the House of Representatives as well. If anything, the fact that we have a crime bill at all is due in large part to the work of the Senator from Delaware, and I commend him on his tenacity. The fact that it has taken 6 years is probably to be expected, given the kind of emotion that attaches to these issues.

I think the most important thing we have done here is to begin to take positive steps to fulfill our constitutional obligation to ensure domestic tranquility—to begin to give the people out there some hope that the Congress and the Senate and the House are not unmindful of what is going on out in the real world, of what is going on in the streets; that we really are committed to providing honest citizens with the security to which they are entitled. No community of people should be victimized or should have to lose their quality of life because of the activities of a few violent criminals.

This crime bill goes a long way, I believe, in helping us to address this issue. It will not be a panacea. It will not solve crime. You will not see crime go away the day after this bill is signed into law.

But it certainly will give us the tools with which to begin to address an issue that has just gotten worse and worse over time. We will have some tools with which to begin to reclaim our streets. We will have some tools with which to begin to give people the notion that we in Congress are serious about our responsibilities and we are going to try to help them get back the communities in which they live. We are going to begin to try to make the United States a safe place in which to live again.

Again, I encourage my colleagues to pass this legislation, not to allow it to continue to be wrapped up in partisan politics. This is not a victory for President Clinton or victory for the House or victory for the Senate. Instead, it will be a victory for the American people when the crime bill is signed into law.

Mr. President, I yield the floor.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 289. Concurrent resolution providing for an adjournment or recess of the two Houses.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 4603. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 11:52 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2178. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3239. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the efforts of the United Nations and North Atlantic Treaty Organization in Bosnia and Herzegovina; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 544. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes (Rept. No. 103–351).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 194. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes (Rept. No. 103–352).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1848. A bill to provide for disclosure of the bumper impact capability of certain passenger motor vehicles and to require a 5-mile-per-hour bumper standard for such vehicles (Rept. No. 103–353).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3485. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996 (Rept. No. 103–354).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1782. A bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WALLOP:

S. Res. 251. A resolution expressing the sense of the Senate regarding human rights violations in Kashmir and calling for a negotiated settlement to the Kashmir conflict, including India, Pakistan and the people of Kashmir; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 725

At the request of Mr. KENNEDY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 2335

At the request of Mr. BROWN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2335, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require that OMB and CBO estimates for paygo purposes to recognize the increased revenues generated by economic growth resulting from legislation implementing any trade agreement.

S. 2347

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE RESOLUTION 251—RELATING TO THE CONFLICT IN KASHMIR

Mr. WALLOP submitted the following resolution; which was read and referred to the Committee on Foreign Relations:

S. RES. 251

Whereas U.S. policy calls for a solution to the conflict through negotiations between India and Pakistan taking into consideration the wishes of the people of Kashmir and further states that it is up to the people of Kashmir to determine who best represents their interest;

Whereas India and Pakistan have fought two wars over the Kashmir conflict, and tensions in the region continue to escalate;

Whereas India and Pakistan possess the capability to assemble and deliver nuclear weapons;

Whereas reports of significant human rights abuses continue in Kashmir particularly as a result of the excessive and unrestrained force used by the Indian Security Forces against the civilian population;

Whereas the Muslim population of Kashmir has organized the All Parties Hurriyat (Freedom) Conference an umbrella organization of 34 political parties to engage in negotiations with the Indian and Pakistani authorities without precondition;

Whereas the Hurriyat believes that all representatives of the Kashmiri people should be represented in any dialogue including: The Kashmiri Pandits, the Dogra, the leadership of Azad Kashmir, the Ladakhis and all other legitimate representatives of the people;

Whereas the United States Institute of Peace (USIP) in January, 1994 brought together representatives from the central participants to the conflict—India, Pakistan and Kashmir—to engage in a dialogue for peace;

Whereas the USIP concluded that, "It is essential that people of Jammu and Kashmir be central participants in this political process, along with the governments and citizens of India and Pakistan." The report further states that the formation of the Hurriyat could potentially facilitate possible negotiations.

Resolved, that it is the sense of the Senate that—

(1) the United States condemns the use of coercive force being employed by Indian military and paramilitary forces against civilians in Kashmir and similarly denounces any acts of violence by the Kashmiri militants;

(2) the United States urges the government of India to take specific steps to respond to human rights concerns including: Releasing political prisoners; opening Kashmir to international human rights groups and electronic media; permitting the International Red Cross to visit prisons and detention centers; prosecuting security personnel involved in wanton violence against the civilian population;

(3) the United States reiterates the need for all parties to the dispute—the governments of India and Pakistan as well as the legitimate representatives of Kashmir—to enter into negotiations and resolve the conflict peacefully;

(4) the United States Senate urges the Administration to work with the United Nations and the international community to facilitate a peaceful negotiation for the final settlement of the Kashmir crisis.

• Mr. WALLOP. Mr. President, I rise to submit this resolution which seeks to encourage a negotiated settlement to the conflict in Kashmir through dialog between all parties to the conflict—India, Pakistan, and the people of Kashmir. It is my hope that through Senate action the United States will take a leadership role in dealing with this conflict which has the potential to evolve into a nuclear confrontation.

In 1948 and again in 1949, the United Nations passed two resolutions in which the Kashmir people were promised the right to determine their own future through a free and impartial plebiscite. These resolutions were never implemented. To this day the United Nations and the United States recognize that Kashmir is a disputed territory whose final status has yet to be determined.

Kashmir has already been the cause of two wars between India and Pakistan. As a result of this dispute, the two nations have accumulated massive weaponry, including a sophisticated nuclear arsenal, to stare each other down along a U.N.-demarcated cease-fire line.

Mr. President, it is the people of Kashmir who suffer. Their calls for self-determination have been brutally suppressed by India's border security forces. These human rights abuses have been well documented by international human rights organizations including Human Rights Watch and Amnesty International.

There are no democratic freedoms in Kashmir. The political process has been suspended. Court decisions are overruled in the name of state security. Under India's Public Safety Act, the border security forces have the ability to act at will without fear of retribution or justice. This has led to a record number of Kashmiris who have been tortured, and raped, or who die in custody. In the past year, Amnesty International has dedicated two special reports detailing these abuses.

Mr. President, every day, a larger segment of the Kashmiri population becomes alienated. Every day, more Kashmiri youths turn to violence. And every day, those who advocate a peaceful negotiated settlement lose critical support.

Mr. President, serious talks between the involved parties must be initiated.

The Moslem population of Kashmir has organized an umbrella organization consisting of 33 political parties. It is called the All Parties [Hurriyat] Freedom Conference. It was formed in January 1993 to pursue a peaceful dialog with the Indian Government in order to find a resolution to this crisis.

The Government's response to this development has been tragic. They have refused all dialog with the organization and have beaten and imprisoned its leaders.

Today, messengers Abdul Gani Lone, Syed Ali Geelani, and Shabir Shah, all moderate leaders of the Hurriyat, are in jail. Lone and Geelani are both in their sixties and in poor health. These men have been identified as prisoners of conscience by Amnesty International. Mr. President, I would like to commend my colleagues, Senator HELMS and Senator KENNEDY, for drawing attention to their plight and calling for their immediate release.

Mr. President, the United Nations can no longer be silent on this issue. If not for the sake of the people of Kashmir, then for the sake of the stability of South Asia and the United States interest in avoiding a further nuclear buildup on the subcontinent.

Mr. President, as India seeks closer economic relations with the United States, we have not only the opportunity but the obligation to call on India to stop the abuses of the security forces in Kashmir and to encourage a dialog among all parties to the dispute.

The status quo that the United States has established holds grave consequences for the Kashmiri people. Left unattended, the tensions will only increase, placing the subcontinent and, indeed the world, in a dangerous position.

I urge all my colleagues to support this resolution so that 2 or 3 years down the road, we are not faced with a crisis whose cost in human and material resources would be enormous.●

ORDERS FOR TOMORROW

Ms. MOSELEY-BRAUN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Tuesday, August 23; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be a period of morning business with Senators permitted to speak therein up to 5 minutes each, not to extend beyond 10:30 a.m.; that at 10:30 a.m. the Senate resume consideration of the conference report to accompany H.R. 3355 and that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order at the conclusion of Senator SIMPSON's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Ms. MOSELEY-BRAUN. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, my remarks will not be long.

I want to commend the Senator from Illinois. I have come to know her as I work with her on the Judiciary Committee. She is a very fine contributing member to the Senate Judiciary Committee. I very much enjoy my activities and work with her and enjoy her person and admire her ability to bring controversial issues to the floor and to deal with them in a way which usually obtains a productive result.

I remember her work on the crime bill and especially a very controversial provision about handguns and youth. She had the courage to go forward with that. We tried to save that in the conference. I was a member of the conference committee of the Senate, and we all backed that here, but that was one of the several things that fell off the table.

But I do thank the Senator from Illinois, and I want to comment on midnight basketball. I have always been one who said I thought that was a very good provision. Perhaps it was simply because you can see with my elongated, emaciated form, it was a great part of my life, basketball. I came from a very close-knit, loving family. But I was in plenty of trouble and basketball helped me, too, playing it at night in vacant lots. When we built our own home, we put a light on the basketball court, and it was used into the early morning hours by most of the kids in Cody, WY. So I know what that is. It is a very important thing. I commend you. It is not a privileged thing in any way.

I think it is good that in the Block Grant Program now if local governments wish to use those funds in that manner, they can. If it does not fit in other communities, they cannot. But I think you are to be commended for your persistence on that, and it will be a good thing.

Mr. President, I will take just a few moments. I just want to say I worked on this bill, I was on the conference. There has been sufficient improvement but, in my mind, it is not yet a good tough crime bill. It is still a spending bill. The American people have been demanding a crime bill. They have been looking to Congress to "do something" that will have an immediate and recognizable impact on violent crime and want to see that impact now and not later. This bill will not accomplish that result.

When we passed the Senate bill, it was a $22.8 billion crime bill. That bill, I think, had every potential of becoming a good, tough crime bill after conference committee action and that, in my view, is exactly why it passed the Senate by a vote of 95 to 4. I supported it at the time. However, I think it is also safe to say that so many of our colleagues voted for that and did so in the honest expectation that it would be improved in conference and that the levels of spending for social programs would be substantially reduced, and that did not occur.

In fact, Mr. President, the opposite happened. In fact, the absurdly opposite happened. From a bill of $22.8 billion in the Senate, it went to the House and passed with a cost base in it of about $26 billion plus, and we went to conference and came out with $33.5 billion, which was far above a target of either the House or the Senate. So it was loaded up. Funding levels for the various programs were increased by the conference.

The legislation which the Senate is now considering is only a 10-percent reduction in the $33 billion spending programs provided by the original conference committee bill. It is important to note, of course, that the 10-percent reduction also extended to prisons and police programs, too.

So despite what the President said and many of his loyal party members have said, this is not about guns. This is about enacting tough crime legislation which has a focus and establish its priorities. We Republicans want to focus the spending on those priorities in a meaningful manner.

The first priority should be police. We have always said that. A second priority should be prisons. We need more facilities, and we need them now. That is far more important in the eyes of many of us than additional "outreach" or sensitivity programs. Yes, those types of programs when and if they work are very important. But they are a lower priority than the immediate need for more police and more prisons. We should stick to those priorities, Mr. President, and not dilute them with passionate rhetoric or big buck grant programs.

I have been hearing a lot about this legislation from concerned Wyomingites. Most I heard from do not want this bill. Working members of the Wyoming law enforcement community tell me they see no benefit to "police programs" that require States to spend money they do not have just to get some short-term conditioned Federal assistance. They see too many Federal strings attached to all those Federal dollars which, of course, is the eternal truth and often unlearned here. I have a hunch many other State law enforcement officers will feel the same way once they scrutinize these programs and see what the Feds will be demanding from them.

So, unfortunately, this is not good, tough, smart crime legislation. There is still plenty of fat that ought to be cut from this bill. We should substantially pare this bill down, and we should continue to work toward a better product.

In only 10 days, $3 billion of unnecessary and ineffective spending was cut from this bill. If we had another 10 days, we could find another $3- to $10 billion to cut or at least redirect to proven programs which will make our streets safer immediately.

If we could enact legislation that would have an immediate impact on crime, Congress could then revisit these potential programs and their effectiveness and costs of the "prevention" programs. However, "prevention" should be our priority only after we have added more police, prisons, and prosecutors to the front lines of the war on crime. I will be voting against the conference report.

I have one other comment with regard to that, and then I shall conclude. I think it is very important to remember, in this process in the House, the Republican Party was of great assistance to the President of the United States. It is a curious thing to watch the conference committee operate, especially in the House. The Senate conferees had a convivial relationship where we presented our amendments and voted them up or down without blatant partisanship. Whenever the minority Republicans would present an amendment to the House conferees, there was simply a dismissive attitude, an out-the-door-with-you, Charlie, we-are-through-here attitude.

That is not good, and that is what is slowly causing and has caused a tremendous disruption in the House of Representatives. I think that is noticeable to any American.

It is a curious thing that the House consists of a majority of people from both parties who talk continually about protecting minorities—minorities of every single kind, every variety, every legal, every justifiable, every moral issue of the rights of the minority. They come to the aid and comfort of all types of minorities, of any, any, any definition except one, and that is the Republican minority in the House of Representatives. How curious.

So a concerned group of Republicans saved the President's bacon after he railed and ranted about the Republican Party and the NRA after the defeat of the rule many days ago. Those are abusive tactics against the minority Republicans. Fortunately, they do not work in the Senate. Our rules prevent it. And that is a good thing. But I think the President certainly has indicated in more moderate remarks recently that, indeed, he owed a thank you to the Republican Party. Indeed, that is true. We have not been here acting out of gridlock. We have assisted him with many of his legislative endeavors—NAFTA, aid to Russia, many other things—and we will continue to do that. It certainly lessens him in the eyes of the American people when simply it becomes a defensive reaction without credibility or without truth to lash out against the Republican Party. I think that comes perhaps from being a chief executive of a State where the Republican Party was apparently just kind of a wandering band out in the wilderness, but that is not the way it is here in this city.

I just want to say the conference report did delete several sections and substantially altered the expedited deportation process for criminal aliens. We here in the Senate thought that was a good move, that was a good bipartisan provision. They deleted a provision which expanded the list of crimes which trigger expedited deportation procedures. Without this expansion, aliens convicted of some serious crimes will not be subject to these expedited deportation procedures.

Another provision deleted was judicial deportation which allowed only Federal trial courts to issue an order of deportation during the sentencing phase of the trial of an alien convicted of an aggravated felony. The section streamlined the deportation process by allowing the court to order the deportation at the time of criminal sentencing instead of requiring entirely new deportation procedures after the alien had served his or her sentence.

A portion of one provision is deleted which results in allowing a criminal alien who has already been deported to challenge the deportation order.

These criminal aliens have already had the opportunity to use the Federal court appellate process to challenge the original order of deportation. The expedited criminal aliens provision was substantially weakened in the conference report.

First, the conference report deleted the language requiring the alien aggravated felon to be detained until they were deported. Second, they made it more difficult for the Government to prove an alien convicted of aggravated felony is deportable. And thirdly, the conference report allowed an alien aggravated felon full judicial review of the deportation order. By allowing court challenges by these criminal aliens, the "expeditious" nature of the process is a mockery and is undermined.

So what we have again is one of those provisions where we give more due process to an illegal, deportable alien than we do to an American citizen. That is because of the work of the "groups" in America, and they are very good at that. I always say to them, "Button your shirt. Your heart fell out." Nevertheless, that message has not been conveyed to them.

Finally, the conference report eliminated the special procedures for the removal of alien terrorists. I do not know how, yet I was there. But they took it out. We will get it back in because I know that occupant of the chair and myself and others will be working to do some sensible things with legal and illegal immigration in the United States, and what we are going to do to remove from our midst people who do not deserve to be here and who are here illegally, and do that especially with terrorists.

This provision would provide the United States with a new tool to fight international terrorism perpetrated by aliens present in our country.

This special procedure could be used where an alien poses an immediate threat of death or serious bodily harm to either a substantial number of persons, or an individual of political significance.

The conference report deleted a provision which would remove restrictions on Federal, State or local government entities in communicating with the INS regarding the immigration status, legal or illegal, of aliens from the Senate—no.

[Laughter.]

That is a Freudian slip of all time. Certainly I was accused of being a space alien—along with 11 of my colleagues. And that bore strict scrutiny. But without that Freudian slip—

The Senate passed the similar provision 93 to 6 and State and local governments too often contribute to their own immigration problems.

Several major cities have adopted these practices of noncooperation with the INS, and what has happened? It happened during the sanctuary movement where they said we are not going to cooperate with the INS. We will not tell you who is in our community. I think it was never a rational thing. But it came up through the sanctuary movement. It has no bearing now whatsoever, especially when we have our colleagues from border States and heavily affected States saying help us. The Federal Government should pay for this. We are being overrun.

There is one way you guarantee to get overrun. You pass an ordinance that says you cannot communicate to the municipal authorities or the State authorities or with authorities from the INS to tell people about people who are illegal in the community. It is absolutely absurd.

You will note that as we deal with this issue in the future that each and every occasion when some State is asking for support from the Federal Government I will be adding an amendment which has already passed on each and every occasion which says then, if you do that, you will communicate with the INS. You cannot have it both ways.

None of those provisions survived the conference, even though they are important tools to remove criminal aliens, alien tariffs, and illegal aliens.

For those and various other reasons, I will not support the conference report.

I thank the Chair, and realize the lateness of the hour. I appreciate the accommodation.

RECESS UNTIL TOMORROW AT 10 A.M.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senate will stand in recess until the hour of 10 o'clock in the morning, Tuesday, August 23.

Thereupon, the Senate, at 7:16 p.m., recessed until tomorrow, Tuesday, August 23, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 22, 1994:

RAILROAD RETIREMENT BOARD

MARTIN JAY DICKMAN, OF ILLINOIS TO BE INSPECTOR GENERAL, RAILROAD RETIREMENT BOARD, VICE WILLIAM J. DOYLE III.

AMTRAK

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING MARCH 20, 1995, VICE CARL W. VOGT.

CELESTE PINTO MCLAIN, OF CALIFORNIA, TO BE A MEMBER OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF 4 YEARS. (REAPPOINTMENT.)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL:

GORDON G. PICHE
PAUL M. BLAYNEY

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

FRED L. AMES
RICHARD M. LARRABEE III
JOHN T. TOZZI
THOMAS H. COLLINS
ERNEST R. RIUTTA

DEPARTMENT OF DEFENSE

FREDERICK F.Y. PANG, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHAS. W. FREEMAN.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 23, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 24

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Henry J. Cauthen, of South Carolina, and Frank Henry Cruz, of California, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

AUGUST 25

10:00 a.m.

Judiciary

To hold hearings on pending nominations.

SD-226

AUGUST 29

10:00 a.m.

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine the potential health effects resulting from radium nasopharyngeal irradiation treatment.

SD-406

SEPTEMBER 13

2:00 p.m.

Veterans' Affairs

To hold hearings on the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.

SR-418

SEPTEMBER 14

2:00 p.m.

Veterans' Affairs

To hold hearings on pending legislation.

SR-418

SEPTEMBER 21

2:00 p.m.

Veterans' Affairs

Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.

SR-418

SEPTEMBER 22

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, August 23, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Among the blessings of all the days and all the years are the gifts of faith and hope and love, and for these hallowed gifts we offer our thanksgiving. O gracious God, whose nature is to redeem and nurture, to build up and to encourage, we fervently ask that Your will may be done in our lives as it is in Heaven. For the faith to walk with confidence into all the tomorrows, for hope to believe that good will triumph over evil, and for a love that transcends all differences and brings us into a unity of the spirit, we offer these words of prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will Members join me in the Pledge of Allegiance?

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2942. An act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 734. An act to amend the act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes.".

H.R. 1779. An act to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building."

H.R. 4867. An act to authorize appropriations for high-speed rail transportation, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1485) entitled "An act to extend certain satellite carrier compulsory licenses, and for other purposes," and agrees to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Mr. LEAHY, and Mr. HATCH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1908. An act to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans benefits;

S. 2277. An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, and for other purposes;

S.J. Res. 167. Joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week";

S.J. Res. 215. Joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; and

S.J. Res. 216. Joint resolution designating the week beginning September 12, 1994, as "National Hispanic Business Week."

The message also announced that pursuant to Public Law 103–296, the Chair, on behalf of the President pro tempore and in consultation with the chairman of the Finance Committee, appoints Lori L. Hansen of Michigan, for a 6-year term to the Social Security Advisory Board.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Sunday, August 21, 1994:

H.R. 2178. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for the fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

RECENT DEVELOPMENTS IN EFFORTS TO ACHIEVE PEACE IN BOSNIA AND HERZEGOVINA—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–296)

The SPEAKER laid before the House the following communication from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

THE WHITE HOUSE,
Washington, August 22, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I last reported to the Congress on April 12 on our support for the United Nations and North Atlantic Treaty Organization (NATO) efforts to achieve peace and security in Bosnia-Herzegovina. I am informing you today of recent developments in these efforts, including the use of United States combat aircraft on August 5 to attack Bosnian Serb heavy weapons in the Sarajevo heavy weapons exclusion zone.

Since the adoption of United Nations Security Council Resolution 713 on September 25, 1991, the United Nations has actively sought solutions to the humanitarian and ethnic crisis in the former Yugoslavia. Under United Nations Security Council Resolution 824 (May 6, 1993), certain parts of Bosnia-Herzegovina have been established as safe areas. Sarajevo is specifically designated a safe area that should be "free from armed attacks and from any other hostile act."

A mortar attack on Sarajevo on February 4, 1994, caused numerous civilian casualties, including some 68 deaths. The United Nations Secretary General thereafter requested NATO to authorize, at his request, air operations against artillery or mortar positions determined by the United Nations Protection Forces (UNPROFOR) to have been involved in attacks on civilians.

On February 9, 1994, NATO responded to the Secretary General's request by authorizing air operations, if needed, using agreed coordination procedures with UNPROFOR. The North Atlantic Treaty Organization's decision set a deadline for the withdrawal of heavy weapons within 20 kilometers of the center of Sarajevo or for the regrouping and placement of such weapons under United Nations control. As of February 21, 1994, all heavy weapons found within the Sarajevo exclusion zone, unless controlled by UNPROFOR, would be subject to NATO air strikes. In response to the NATO ultimatum, heavy weapons were removed from the exclusion zone or placed in collection sites under UNPROFOR control.

On August 5, 1994, Bosnian Serb forces entered an UNPROFOR heavy weapons collection site near the town of Ilidza and removed several heavy weapons—a tank, two armored personnel carriers, and a 30mm anti-aircraft system. An UNPROFOR helicopter dispatched to monitor the situation was fired upon and was forced to make an emergency landing. UNPROFOR troops were unsuccessful in attempting to regain custody of the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

weapons. As a result, UNPROFOR requested assistance from NATO forces in finding the weapons so they could be retrieved or destroyed. NATO responded by making various French, Dutch, British, and U.S. aircraft available for air strikes, if necessary.

Unable to locate the specific weapons removed from the collection site, UNPROFOR and NATO decided to proceed against other targets in the Sarajevo exclusion zone. Accordingly, on August 5, a U.S. A-10 aircraft strafed a Bosnian Serb M-18 76mm self-propelled antitank gun located inside the exclusion zone. No U.S. personnel were injured or killed nor was U.S. equipment damaged in connection with this action. Later on August 5, the Bosnian Serbs called the UNPROFOR Commander, General Rose, and asked him to call off the attacks. They offered to return the heavy weapons that they had taken from the storage site. General Rose agreed and the weapons were returned to UNPROFOR's control.

I took these actions in conjunction with our allies in order to carry out the NATO decision and to answer UNPROFOR's request for assistance. As I earlier reported to you, our continued efforts are intended to assist the parties to reach a negotiated settlement to the conflict. I have directed the participation by U.S. Armed Forces in this effort pursuant to my constitutional authority to conduct the foreign relations of the United States and as Commander in Chief and Chief Executive.

I am grateful for the continuing support the Congress has provided, and I look forward to continued cooperation with you in this endeavor. I shall communicate with you further regarding our efforts for peace and stability in the region.

Sincerely,

WILLIAM J. CLINTON.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STOKES.

Mr. GORDON in five instances.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1908. An act to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans benefits; to the Committee on Veterans' Affairs.

S.J. Res. 167. Joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 216. Joint resolution designating the week beginning September 12, 1994, as "National Hispanic Business Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 215. Joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2942. An act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility".

ADJOURNMENT

The SPEAKER. Pursuant to the previous order of the House, without objection, the House will stand adjourned to meet at 10 a.m. on Friday, August 26, 1994.

There was no objection.

Thereupon (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Friday, August 26, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3732. A communication from the President of the United States, transmitting his actions in support for the United Nations and North Atlantic Treaty Organization [NATO] efforts to achieve peace and security in Bosnia and Herzegovina (H. Doc. No. 103-296); re-referred to the Committee on Foreign Affairs and ordered to be printed.

3733. A letter from the Assistant Secretary of Defense (Legislative Affairs), transmitting notification of additional program proposals for purposes of Non-Proliferation and Disarmament Fund [NDF] activities, pursuant to 22 U.S.C. 5852; jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3171. A bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes, with an amendment (Rept. 103-714); to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAZIO:

H.R. 5020. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals by unemployed individuals from certain retirement plans; to the Committee on Ways and Means.

H.R. 5021. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on the sale of a principal residence if the taxpayer is unemployed; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 780: Mr. HUGHES.

H.R. 1079: Mr. WILSON.

H.R. 1081: Mr. BACHUS of Alabama.

H.R. 1082: Mr. BACHUS of Alabama.

H.R. 1083: Mr. BACHUS of Alabama.

H.R. 4831: Mrs. MEYERS of Kansas, Mr. DICKS, and Mr. HASTINGS.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER____________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	San Joaquin County
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	Dowling College
Air Taser, Inc, 7307 East Evans Road Scottsdale, AZ 85260	
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	ASSE International Student Exchange Program
Do	Beneficial Management Corp. of America
Do	Liberty Mutual Insurance Co
Do	Merrill Lynch & Co, Inc
Do	Micro Tracers
Do	Thompson & Knight
Tracy Alaimo, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunucations Assn
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International)
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Offcials International)
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	City of North Las Vegas
Do	Jacksonville Chamber of Commerce
Do	U.S. Alcohol Testing Co of America, Inc
Don Allen, P.O. Box 642 Helena, MT 59624	Don Allen & Associates (For:Highway Users Federation)
Robert G. Allen, P.O. Box 11477 Alexandria, VA 22312	National Business Assn
Alliance for A Superfund Action Partnership, 1025 Vermont Avenue, NW Washington, DC 20005	
David L. Allison, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	
Do	Deep Pacific Fishing Co
Do	Fish Forever
Do	North Pacific Fisheries Protection Assn
William J. Althaus, 901 N. Washington Street, #400 Alexandria, VA 22314	National Smokers Alliance
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037	
American Health Information Management Assn, 919 North Michigan Avenue, Suite 1400 Chicago, IL 60611-1683	
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032	
American Oceans Campaign, 725 Arizona Ave., Suite 102 Santa Monica, CA 90401	
Bryan D. Anderson, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Co
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	E-Z-EM, Inc
Do	Northwest Airlines
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Board of Examiners in Clinical Social Work
Do	Johnson & Johnson
Do	L.L. Bean
Do	National Assn of Recording Merchandisers
Do	Neurology Center
Do	Raytheon Company
Do	William M. Mercer, Inc.
Do	Worksite Health Promotion Alliance
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Paine Webber Group, Inc
Deborah McNeal Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	Home Care Aide Assn of America/National Assn for Home Care
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Koyo Corp
Do	Association for Responsible Thermal Treatment
Do	Can Manufacturers Institute
Do	Circus Circus Enterprises, Inc
Do	Great Lakes Museum of Science Environment & Technology
Do	LTV Corp
Do	Westinghouse Electric Corp
Tom Asbridge, 800 4th Street, SW, #319S Washington, DC 20024	American Agriculture Movement, Inc
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washigngton, DC 20006	American Health Information Management Assn
Carol F. Aten, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn
John G. Ayala, 522 E. Broadway San Gabriel, CA 91776	
Richard E. Ayres, 555 13th Street, NW, #500 West Washington, DC 20004	O'Melveny & Myers
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)
Do	Bailey & Robinson (For:Smart Corp)
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Gastroenterlogical Association Foundation
Do	MasterCard International
Do	Smart Corp
James Jay Baker, 1742 N Street, NW Washington, DC 20036	Sporting Arms & Ammunition Manufacturers Institute
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	IOTA Partners
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	CIT PET Systems, Inc
Do	PRC, Inc
Diane L. Baldwin, 200 South Sixth Street Minneapolis, MN 55402	Grand Metropolitan, Inc
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Rayonier
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines))
Anne Banville, 1667 K Street, NW, Suite 330 Washington, DC 20006	CMF&Z Public Relations
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn
Ben F. Barnes, 98 San Jacinto Boulevard, #200 Austin, TX 78701	
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	FireArm Importers Fair Trade Group (FAIR)
Bryan Barry, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee ot Preserve Social Security & Medicare
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Clemson University
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	National Diabetes Research Coalition
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Associated Group
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	National Institute for Citizen Education & the Law
David Berg, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Medical Security
Do	Georgetown University Medical Center
Jessica Berk, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council
Fran Bernstein, 1875 Connecticut Ave., NW, #510 Washington, DC 20009	National Employment Law Project
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Metropolitan Insurance Companies
James B. Biollot, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Principal Group
Do	U.S. Tobacco
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	FHP Inc.
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Forest & Paper Assn
Do	American Sportfishing Assn
Do	Confederated Tribes of the Grand Ronde
Do	Global Forestry Management Group
Do	Hager Hinge Company
Do	Harsch Investment Co
Do	International Paper
Do	Northwest Forest Resource Management
Do	Washington Wheat Commission
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	Capitoline/MS&L (For:Republic of Turkey)
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Coalition for Oxygenate Neutral Clean Air Policy
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	City of Nogales, Arizona
Do	Direct Marketing Assn, Inc
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)
Do	Capitoline/MS&L (For:UNISYS Corp)
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice
Patricia C. Branch, 6453 Browsing Deer Columbia, MD 21045	Children's Defense Fund
Edmund C. Brickfield, 2596-F S. Arlington Mill Drive Arlington, VA 22206	Migrant Legal Action Program, Inc
Carol R. Brophy, 444 South Flower Street, 7th Floor Los Angeles, CA 90071	California Dental Assn
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	MCI Communications
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Tele-Communications, Inc
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Gannett Co, Inc)
Do	League of American Theatres & Producers
Do	Wiley Rein & Fielding (For:MassMutual Life Insurance Co)
Do	Wiley Rein & Fielding (For:U.S. Sprint Communications Co)
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	ESL/TRW

Organization or Individual Filing	Employer/Client
Antoinette Cook Bush, 1440 New York Ave., NW Washington, DC 20005	Skadden Arps Slate Meagher & Flom (For:Cellular Corp of Puerto Rico)
Do	Skadden Arps Slate Meagher & Flom (For:Geotek Communications, Inc)
Do	Skadden Arps Slate Meagher & Flom (For:New World Communications Group, Inc)
Business Software Alliance, 2001 L Street, NW, Suite 400 Washington, DC 20036	
Kevin F. Cahill, 17300 Redhill Avenue, Suite 100 Irvine, CA 92714	Kinder & Associates
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Alliance for Fire & Emergency Management
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Engine Company
Nancy Camm, 1000 Wilson Boulevard, #3012 Arlington, VA 22209-3908	Consumers Bankers Assn
Candace Campbell, 459 Walker Road Great Falls, VA 22066	American Preventive Medical Assn
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Textron Corp
Do	USX Corp
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:Teledyne Ryan Aeronautical)
Mark R. Cannon, One West Forth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Association of Critical-Care Nurses
Do	National Association of Rural Health Clinics
Do	Scholastic
Capitol Link, P.O. Box 9183 Arlington, VA 22219	Southern Research Institute
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062	
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Thicksten Grim & Burgum
William Carney, 523 7th Street, SE Washington, DC 20003	Nuclear Energy Institute
Robert J. Carolla, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009	Consumers Union
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center
Do	Water Replenishment District of Southern California
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Digital Imaging, Inc.
Do	American Superconductor Corp
Do	ATEC/ICTA
Do	California Institute of the Arts
Do	City of Philadelphia
Do	Government Employees Hospital Assn, Inc
Do	Graduate Health Systems
Do	Henry Ford Health System
Do	In Home Health, Inc.
Do	Kids Peace, Inc
Do	Lucas Industries, Inc.
Do	Manpower International
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic
Do	Mercy Hospital & Medical Center
Do	Morehouse School of Medicine
Do	Queen's Health System
Do	Rush-Presbyterian St. Luke's Medical Center
Do	Saint John's Hospital & Health Center
Do	Tudor Investment Corp
Do	Women & Infants' Hospital
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	Pre-Medicine Health Security Coalition
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	The Colonial Williamsburg Foundation
S. David Childers, 1221 East Osborn Road, Suite 104 Phoenix, AZ 85014	Low & Childers, P.C.
Children's National Holiday, 161 Randolph Place, NW, #2-C Washington, DC 20001	
Sandra L. Chiu, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	Health Care Reform Project
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals)
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	LDDS Metromedia Communications, Inc
Do	Massachusetts Bay Transportation Authority
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	American Psychoogical Assn
Do	Economics Americas
Do	University of Vermont
Sarah D. Coates, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Pilot Chemical Corp
Colex & Associates, 1160 North Taylor Street Arlington, VA 22201	Contessa Cruise Lines
Meg Collins, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	Bechtel/Parsons Brinckerhoff
Do	Wampanoag Tribe of Gay Head
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America
Copeland Hatfield Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	State of California
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005	
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Medium-Sized Cable Operators Group
Do	Scala, Inc
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	BankAmerica Corp
Do	CF Industries, Inc
Do	Syntex (USA), Inc
Do	Tobacco Institute, Inc, et al.
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Textron Corp
Do	USX Corp
Jonna Lynne Cullen, 115 S. Royal Street, #A-40 Alexandria, VA 22314	Kessler Associates
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws
Do	Service Station Dealers of America
Richard O. Cunningham, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)
Do	Steptoe & Johnson (For:United Engineering Steels Limited)
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Henderson
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Hercules Aerospace Co
Do	Hercules, Inc
Do	Software Productivity Consortium
Stephanie C. Dance, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc
Jane Danowitz, 1025 Vermont Avenue, NW, Suite 300 Washington, DC 20005	Citizen's Trade Campaign
Ed Dauksz, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Alaska Ocean Seafood
Do	City of Charlevoix
Timothy S. Davis, 1020 Nineteenth Street, NW, #600 Washington, DC 20036	American Express Co
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co
Dewey Square Group, 1001 G Street, NW, Suite 900 East Washington, DC 20001	Wexler Group, et al.
Katherine B. DeCoster, 666 Pennsylvania Avenue, SE, #401 Washington, DC 20003	Trust for Public Land
Cheryl DeSiena, 6815 Laurel Street, NW Washington, DC 20012	Arter & Hadden (For:Association for Responsible Thermal Treatment)
Do	Environmental Defense Fund
Donnelly Group, 1341 G Street, NW, Suite 1040 Washington, DC 20005	Air Products & Chemicals, Inc
Do	Blue Cross & Blue Shield of Texas, Inc
Do	Dow Chemical USA
Do	Holiday Inn Worldwide
Do	Rowland Co
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications
Do	Fuel Cells for Transportation
Do	Institute for Community Development
Do	Personal Communications Industry Assn
Do	Phillipp Brothers Chemicals, Inc
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	American Personal Communications
Do	Fuel Cells for Transportation
Do	Institute for Community Development
Do	Personal Communications Industry Assn
Do	Phillipp Brothers Chemicals, Inc
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Group Health Assn of American
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute
Mallory B. Duncan, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation
Brigid M. Dunne, 850 Sligo Avenue, Suite 300 Silver Spring, MD 20910	Fund for Animals
Dykema Gossett, 1300 I Street, N.W Suite 300 Washington, DC 20005	American Osteopathic Association

Organization or Individual Filing	Employer/Client
Do	William Davidson Institute
DEIP Coalition, One Massachusetts Avenue, NW, #800 Washington, DC 20001	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Koyo Corp)
Do	Association for Responsible Thermal Treatment
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)
Do	Great Lakes Museum of Science, Environment & Technology
Do	Arter & Hadden (For:LTV Corp)
Do	Arter & Hadden (For:Westinghouse Electric Corp)
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott
Steven Engelmyer, 1515 Market Street Philadelphia, PA 19102	Hangley Connolly Epstein Chicco Foxman & Ewing (For:FMC Corp)
Environmental Issues Management, 1350 I Street, NW, Suite 660 Washington, DC 20005	AKT Development Corp
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Mongtomery Area Chamber of Commerce
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Hospital, Inc (For:McLean Hospital)
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care)
Do	Van Scoyoc Associates, Inc (For:Spelman College)
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	National Restaurant assn
Do	Sturm, Ruger & Co
Federal Sector Consultants, 5232 W. Running Brook Road, #301 Columbia, MD 21044	
Martha A. Feichter, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists
Robert M. Ferris, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Defenders of Wildlife
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn
Stephen Finley, 12606 SE 30th, #3 Bellvue, WA 98005	
Charles H. Fischer, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Fish Forever, 1111 Third Avenue, #2500 Seattle, WA 98101	
Gregory M. Fisher, 1201 Connecticut Ave., NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Assn Foundation)
Do	Bailey & Robinson (For:Mastercard International)
Steven A. Fisher, 1015 33rd Street, NW, #610 Washington, DC 20007	American Great Lakes Ports
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	California Desert Coalition
Do	CW Agencies, Inc
Do	Falcon Jet Corp
Do	Lloyd A. Wise Companies
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	Hampton University
Do	Virginia Commonwealth University
Florida Firearms Political Alliance, Inc, 634 North Federal Highway Ft. Lauderdale, FL 33304	
Florida Wetlandsbank, 1800 N. Douglas Road, Suite 203 Pembroke Pines, FL 33024	
Brian Folkerts, 1401 New York Ave., NW, Suite 400 Washington, DC 20005	National Food Processors Assn
Alfred J. Fortin, P.O. Box 860 Honolulu, HI 96808	Hawaii Medical Service Assn
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	Immuno, US
Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	DEIP Coalition
Robert Frankel, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates
Kathleen A. Frawley, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	American Health Information Management Assn
Freeborn & Peters, 311 South Wacker Drive, Suite 3000 Chicago, IL 60606	Boots Pharmaceutical, Inc
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	American Personal Communications
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)
Law Offices of John G. Gaine, 1150 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Managed Futures Assn
Jon T. Gallinger, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.
George Galt, 1000 Thomas Jefferson Street, NW Suite 609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition for Consumers' Picture Rights)
Matthew T. Gannon, 150 Paularino Avenue, #190 Costa Mesa, CA 92626	Nelson Communications Group
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	American Communications... (for: Smokeless Tobacco Council)
Do	Florida Assn of Broadcasters
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	National Assn of Independent Credit Reporting Agencies, Inc
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
Karl Gawell, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Barbara L. Gay, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Alliance for Managed Care
Do	Tensiodyne Scientific Corp
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Northern California Power Agency
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Alliant Tech Systems)
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Association Foundation)
Do	Bailey & Robinson (For:MasterCard International)
Do	Bailey & Robinson (For:Smart Corp)
Pamela Goddard, 408 C Street, NE Washington, DC 20002	Sierra Club
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Mountain-Park Master Conservancy District
Jay Grant, 1000 Connecticut Ave., NW, Suite 810 Washington, DC 20036	National Assn of Health Underwriters
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)
Do	Edwin C. Graves and Associates (For:U.S. Corrections Corp)
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	AT&T Universal Card Services
Do	City of North Miami Beach
Do	Connaught Laboratories, Inc
Do	Cookson America USA
Do	Healthsource, Inc
Do	MetroSound USA, Inc
Do	NBD Bank, NA
Do	Thompson Curtis Bazilio & Associates
Do	Viera Co
Do	Visionhouse
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Aliviane No-Ad, Inc
Do	Arkansas Blue Cross Blue Shield, Inc
Do	Blue Cross & Blue Shield of Oklahoma, Inc
Do	Blue Cross & Blue Shield of Texas, Inc
Do	Blue Shield & Blue Cross of Louisiana, Inc
Do	BP America, Inc
Do	WPS, Inc
Teresa A. Gruber, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan, Inc
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	Assn of California State Attorneys & Administrative Law Jud
Do	California Assn of Professional Scientists
Do	Professional Engineers in California Government
Elizabeth H. Hadley, 600 Maryland Ave., SW, Suite 100 West Washington, DC 20024-2571	American Nurses Assn
Jill M. Hague, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English
Robert W. Haines, 1250 H Street, NW, #500 Washington, DC 20005	Mobile Corp
Mark A. Hall, 1001 North 19th Street, #800 Arlington, VA 22209	TRW, Inc
James Patrick Halloran, 1615 H Street, NW Washington, DC 20062	United States Chamber of Commerce
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Colonial Mortgage Co
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Like Insurance Co
Eugene Harrington, 8100 Oak Street Lorton, VA 22027	National Pest Control Association
Q. Russell Hatchl, 500 N. Washington Street Alexandria, VA 22314-2314	Lloyd Hearing Aid Corp
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co
Do	Burlington Northern Railroad, Inc
Do	CSX Corp
Hawkins Delafield & Wood, 1015 15th Street NW Suite 930 Washington, DC 20005	City of Antonio
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications
Do	Fuel Cells for Transportation
Do	Institute for Communicty Development
Do	Personal Communications Industry Assn
Do	Phillipp Brothers Chemicals, Inc
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn
Do	American Sportfishing Assn
Do	Basic American, Inc

Organization or Individual Filing	Employer/Client
Do	Coastal Conservation Assn
Do	Direct Service Industries, Inc
Do	Hager Hinge Company
Do	McPhillips Manufacturing Co
Do	Pacific Northwest Utility Conference Committee
Do	United Sport Fishermen
Do	Washington Wheat Commission
Paul T. Heilig, 1700 North Moore Street, 20th Floor Arlington, VA 22209	Boeing Co
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Direct Service Industries
Christopher Hicks, 1155 15th Street, NW, Suite 611 Washington, DC 20005	Ethyl Corp
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Association of International Automoblie manufacturers
Do	Great Lakes Museum of Science Environment and Technology
Do	Mescalero Apache Tribe
Do	N-Viro International Corp
Do	SanPellegrino
Do	The Boeing Co.
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines))
Patricia Hlavinka, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn
Sheldon E. Hochberg, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)
Do	Steptoe & Johnson (For:United Engineering Steels Limited)
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Society for Bone & Mineral Research
Do	Centocor, Inc
Do	Ostegenesis Imperfecta Foundation
Do	Paget Foundation
Do	Simrad, Inc
Do	Texas Heart Institute
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:AT&T)
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Community Service Society of New York
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Alliance for Responsible CFC Policy
Do	Combustion Engineering, Inc
Lori Hougens, 419 7th Street, NW, #500 Washington, DC 20004	National Right to Life Committee, Inc
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Caring Grandparents of America
James Daniel Howard, 8201 Greensboro Drive, Suite 1100 McLean, VA 22102	Unisys Government Systems Group
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, P.C. (For:Central Utah Water Conservancy District)
William J. Hull, 401 Carew Tower Cincinnati, OH 45202	Ohio Valley Improvement Assn, Inc
Mark S. Hulshart, 3 Bethesda Metro Center, Suite 215 Bethesda, MD 20814	Oracle Corp
William Thomas Humber, 901 N. Washington STreet, Suite 400 Alexandria, VA 22314	National Smokers Alliance
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Computer Learning Works)
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)
Do	Bailey & Robinson (For:Smart Corp)
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Embassy of the Republic of Bosnia & Herzegovina
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Smithlkine Beecham
Do	Stanton and Associates
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	BC&T
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)
Do	Winburn & Jenkins (For:Illinois Hospital Assn)
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)
Louis Jenny, 1725 K Street, NW, #1212 Washington, DC 2006	National Assn of Water Companies
Douglas F. John, John Hengerer & Esposito 1200 17th Street, NW, Suite 600 Washington, DC 20036	John Hengerer & Esposito
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Can Manufacturers Institute)
Do	Arter & Hadden (For:Cellular Telecomunications Industry Assn)
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)
Do	Arter & Hadden (For:Westinghouse Electric Corp)
Quincy R. Johnson III, 949 Clint Moore Road Boca Raton, FL 33487	Quincy Johnson Associates, Inc
Johnson Smith Dover Kitzmiller & Stewart Inc., 1211 Connecticut Ave., NW, #700 Washington, DC 20036	General Electric
Do	National Assn of Urban Critical Access Hospitals
Keith Jones, 901 Maple Street North Little Rock, AR 72114	Central Arkansas Transit Authority
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce
Kalkines Arky Zall & Bernstein, 1675 Broadway New York, NY 10019-5809	Coalition of Financially Distressed Hospitals
Do	St. Luke's-Roosevelt Hospital Center
Edward J. Kane, 1511 K St., NW Washington, DC 20005	Associated Hospital Service of Maine
Kevin L. Kearns, 220 National Press Building Washington, DC 20045	US Business & Industrial Council
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Public Communications Council
Do	AFLAC, Inc
Do	Borden, Inc
Do	Connie Lee Insurance Co
Do	CNA Insurance Co
Do	Distilled Spirits Council of the US, Inc
Do	Eastern Michigan University
Do	Water Systems Council
Steven B. Kelmar, 555 13th Street, NW, Suite 1260E Washington, DC 20004	Medtronic, Inc
John V. Kenny, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp
Dianne Keppler, 99 Canal Center Plaza, #500 Alexandria, VA 22314	AIADA
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Pharmaceutical Research & Manufacturers of America
Michael R. Kidd, 2201 Cooperative Way Herndon, VA 22071	NAIOP - Association for Commercial Real Estate
James A. Kinder, 10892 Pembroke Drive Santa Ana, CA 92705	
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Pharmaceutical Resources, Inc (PAR)
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Non-Ferrous Founders' Society
Keith A. Kirk, 818 Connecticut Ave, NW, #200 Washington, DC 20006	U.S. English, Inc
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Galena School District)
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business
Peter Kozumplink, 6541 Megill's Court Clifton, VA 22024	City of Monterey, CA, et al.
Marsha H. Kwalwasser, 1840 Century Park East Los Angeles, CA 90067	Northrop Grumman Corp
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp
Stanley W. Landfair, 444 South Flower Street, 7th Floor Los Angeles, CA 90071	California Dental Assn
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	E-Systems, Inc
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Natinal Coalition of Impact Aid Schools
Large States Quality Council, P.O. Box 6174 Westerville, OH 43081-6174	
Terry S. Latanich, 100 Summit Avenue Montvale, NJ 07450	Merck/Medco Managed Care Division
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Bell Atlantic Personal Communications, Inc
Do	Bell South Corp
Do	City of Los Angeles Department of Airports
Do	F.E. Myers
Do	Hughes Aircraft Corp
Do	Hughes Communications Inc
Do	Montrose Chemical Co
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Nevada Resort Assn
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Maritime Resorts, Inc
Do	MGM Grand, Inc
Do	Nevada Resort Assn
Charles Leonard, 1400 L Street, NW, Suite 600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Milk Producers Council
Keith Lessner, 1211 Connecticut Ave., NW Washington, DC 20036	Alliance of American Insurers
Peter Lichtenbaum, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)
Do	Steptoe & Johnson (For:United Engineering Steels Limited)
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Missouri Highway & Transportation Department
Linda A. Lipsen, 1050 31st Street, NW Washington, DC 20007-4499	Association of Trial Lawyers of America
Bryon Little, 220 National Press Building Washington, DC 20045	US Business & Industrial Council
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Can Manufacturers Institute)

Organization or Individual Filing	Employer/Client
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)
Do	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Westinghouse Electric Corp)
Kimberly L. Lohman, 1090 Vermont Ave., NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers
William E. Long, 4550 Connecticut Avenue, #604 Washington, DC 20008	Humane Society of the United States
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	AT&T
Heidi Lovett, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines))
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA
Barbara Lyman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn
Charles A. Machemehl Jr., P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	BFGoodrich
Do	CACI
Do	DDP Delta
Do	FLIR Systems, Inc
James Timothy Mahoney, 108 Gibbon Street Alexandria, VA 22314	Koniag, Inc
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)
Do	Bailey & Robinson (For:Smart Corp)
Christopher Manion, 6332 N. 22nd Street Arlington, VA 22205	American Council for Health Care Reform
Nancy Marcus, 1614 10th Street Arlington, VA 22204	National Treasury Employees Union
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Association for Healthcare Philanthropy
James T. Marrinan, 1200 18th Street, NW, #1000 Wsahington, DC 20036	Community Psychiatric Centers
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn
James L. Martin, 1526 N. Johnson Street Arlington, VA 22209	60/Plus Assn, Inc
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California
William L. Martin II, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)
Do	Steptoe & Johnson (For:United Engineering Steels Limited)
Sandra Windsor Mathiesen, 230 12th Street, SE Washington, DC 20003	Denny Miller Associates, Inc
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	SunAmerica, Inc
Mary C. Mayhew, 77 Water Street Hallowell, ME 04347	Highway Users Federation
Rebecca McAuliffe, 601 13th Street, NW, Suite 850 South Washington, DC 20005	El Paso Natural Gas Co
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	ABB Combustion Engineering, Inc
Do	Nuclear Energy Institute
Do	Science Applications International Corp
Do	Western Resources Council
John P. McCarthy, 173 Spring Street East Greenwich, RI 02818	Highway Users Federation
Karen L. McClure, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	WilTel
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Intermountain Health Care, Inc
Do	Shurfine-Centreal
Tom McDonald, 1100 Huntington Bldg. 925 Euclid Avenue Cleveland, OH 44115-1475	Arter & Hadden (For:American Koyo Corp)
Do	Arter & Hadden (For:Davon, Inc)
Do	Arter & Hadden (For:Hunt Valve Co, Inc)
Terry M. McGann, 1201 K Street, Suite 1850 Sacramento, CA 95814	Western Dental Services
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	ELEKTA Radiosurgery, Inc
Do	Institute for Clinical PET
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	NCR Corp
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Hoechst Celanese Corp
Do	Hoechst Roussel Agri-Vet
Do	Hoechst-Roussel Pharmaceuticals, Inc
Darina McKelvie, Miller & Chevalier, Chtd 655 15th Street, NW Washington, DC 20005	Citicorp Washington, Inc
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications
Do	Fuel Cells for Transportation
Do	Institute for Community Development
Do	Institute for Community Development
Do	Personal Communications Industry Assn
Do	Phillipp Brothers Chemicals, Inc
John R. McLaurin, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Del Webb Corp
Do	Fuji Photo Film, Inc
Laramie Faith McNamara, 1101 17th Street, NW Washington, DC 20036	BankAmerica Corp
James F. McNulty Jr., Box 2265 Tucson, AZ 85702	Del Webb Corp
Do	Don Benneti Moon
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	The Association of Container Reconditioners
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Central Missouri State University
Do	CIVS
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Browsville Economic Development Council
Do	Texas Tech Foundation Texas Tech University
Michaels & Wishner, P.C., 1140 Connecticut Avenue, NW, #900 Washington, DC 20036	Health Industry Group Purchasing Assn
Do	United HealthCare Corp
Do	Value Health, Inc
Leslie K. Miles, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn
H. George Miller, 10615 Huntees Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)
Michael D. Miller, 1455 Pennsylvania Ave., NW, Suite 925 Washington, DC 20004	Pfizer, Inc
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	All Alaskan Seafoods, Inc
Do	First Church of Christ, Scientist
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Laredo
Do	Montgomery County Government, Cable Television Office
William Miner, 888 16th Street, NW Washington, DC 20006	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines))
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Quincy Hospital
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Alliance of American Insurers
Do	Institute of Scrap Recycling Industries, Inc
Robert R. Mix, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officer Assn
George F. Mohrmann, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	Electronic Industries Assn
Do	National Assn of Sured Bond Producers
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)
Do	Capitoline/MS&L (For:UNISYS Corp)
Cynthia Root Moran, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc
Alan Morgan, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Columbia Presbyterian Medical Center
Do	Cornell University
Do	Johns Hopkins Health System Corp
Do	Johns Hopkins University
Do	New York Hospital
Do	Strong Memorial Hospital
Do	Yale New Haven Hospital
Do	Yale School of Medicine
Mary Morningstar, 21 Chandler Street Somerville, MA 02144	Lockheed Corp
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	National Automated Clearing House Assn
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Home Products Corp
Do	Bristol-Myers Squibb Co
Do	Hong Kong Trade Development Council
Do	Johnson & Johnson
Do	Pfizer, Inc
Do	Upjohn Co
Don Muir, 1201 K Street, NW, Suite 1850 Sacramento, CA 95814	Western Dental Services

Organization or Individual Filing	Employer/Client
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Community Learning & Information Network
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Mine Safety Appliances
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp
National Aquaculture Association, P.O. Drawer 1569 Shepherdstown, WV 25443	
National Campaign for Freedom of Expression, 918 F Street, NW, #609 Washington, DC 20004	
National Crop Insurance Services, Inc, 7301 College Blvd., Suite 170 Overland Park, KS 66212	
National Smokers Alliance, 901 N. Washington Street, Suite 400 Alexandria, VA 22314	
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Lockheed Fort Worth Co
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Barr Laboratories
Bob Nicklas, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters
Tom Nickles, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn
North Pacific Fisheries Protection Assn, 4435 Phinney Avenue, North, #202 Seattle, WA 98103	
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn
O'Brien and Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	ARCO
Do	National Wholesale Druggists' Assn
Do	Teachers Insurance & Annuity Assn
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Computer Learning Works)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Adams Cohen & Associates, Inc
Do	Friedman Billings Ramsey & Co
Do	Michigan State University
Do	National Automated Clearing House Assn
Do	Standard Chartered PLC
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Competitive Long Distance Coalition
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	Atlantic Richfield Co
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals)
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)
Mary Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	National Assn of Geriatric Education Centers
Joanne Ogaitis, 777 North Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	American Farm Bureau
Do	American Insurance Association
Do	Champion International Corp.
Do	Circus, Circus Enterprises
Do	Citibank
Do	Fidelity Investments
Do	Mescalero/ Utility Storage Initiative
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications
Do	Fuel Cells for Transportation
Do	Institute for Community Development
Do	Personal Communications Industry Assn
Do	Phillipp Brothers Chemicals, Inc
Daniel Oliver, 3105 Woodley Road, NW Washington, DC 20008	Major League Baseball Players Assn
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Academy of Audiology
Stuart I. Oran, P.O. Box 66100 Chicago, IL 60666	United Airlines, Inc
Wayne Owens, 1615 L Street, NW Suite 700 Washington, DC 20036	United Park City Mines
Wayne P. Pacelle, 9806 Cahart Place Silver Spring, MD 20903	Humane Society of the US
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Bristol-Myers Squibb Co
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	Bristol-Myers Squibb Co
Michael A. Papalia, 101 Constitution Ave., NW Washington, D2 0001	United Brotherhood of Carpenters & Joiners of America
James W. Parrish, 700 SW Jackson, Suite 200 Topeka, KS 66603	Decision Management, Inc
Do	Superfund Improvement Project
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Fox Bennett & Turner
Do	HealthCare COMPARE
Do	International Dairy Foods Assn
Do	Utah Biomedical Industry Council
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	American Medical Security
Do	Chamber of Commerce Health Care Coalition
Do	Charlotte North Carolina Federal Liaison Task Force
Do	Coalition for Local Government Choice on Flow Control
Do	Infinity Broadcasting Corp
Do	Steel Service Center Institute
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	American President Companies
Do	Tyson Foods, Inc
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn
Don Perrin, 300 I Street, NE Washington, DC 20002-4384	US Business & Industrial Council
Phillips S. Peter, 1200 18th Street, NW Washington, DC 20036	Reed Smith Shaw & McClay
Robert L. Peters, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Jim Pierce, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers
Katherine Pinney, 1575 Eye Street, NW Washington, DC 20005-6	American Society of Assn Executives
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT & T
Do	County of Fairfax, VA
Do	InfoAccess, Inc
Do	MCI Communications Corp
Do	Omnipoint Communications, Inc
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Can Manufacturers Institute)
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)
Do	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Hearst Corp)
Do	Arter & Hadden (For:Merck & Co, Inc)
Do	Arter & Hadden (For:Westinghouse Electric Corp)
Diane Pollack, 1120 Connecticut Ave., NW, Sutie 461 Washington, DC 20036	Planned Parenthood Federation of America
Alfred M. Pollard, 900 19th Street, NW, Suite 400 Washington, DC 20006	Bankers Roundtable
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Assn of Exporters & Importers
Do	American Committee for the Weizmann Institute of Science
Do	Ericsson Corp
Do	N.V.W. (USA), Inc
Do	Sanyo North America Corp
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Benson Marine Group
Do	Massachusetts Port Authority
Do	Mining Law Coalition
Do	Seattle Housing Authority
Do	Washington State Hospital Assn
Curtis A. Prins, 4608 Briar Patch Ct. Fairfax, VA 22032	Acclerated Payment Systems
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Chiquita Brands International
Do	National Environmental Trust Fund Project
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Coalition for Patient Rights
Quality Business Solutions, 101 W. 11th Street, Suite 1010 Kansas City, MO 64105	Kansas City Missouri School District
Charles N. Quigley, 5146 Douglas Fir Road Calabasas, CA 91302	Center for Civic Education
Patrick H. Quinn, 601 13th Street, NW, #410 Washington, DC 20005	R. Duffy Wall & Associates, Inc
Linda Rabben, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:National Council of Maubeve Resistance)
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	China External Trade Development Council
Do	Circus Circus Hotel & Resort
Do	Embassy of the Government of India
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	Cooley's Anemia Foundation
Jill C. Redmond, 606 N. Washington Street Alexandria, VA 22314	Society for Human Resource Management
David K. Reese, 1700 North Moore Street, 20th Floor Arlington, VA 22209	Boeing Co
Quentin Riegel, 1331 Pennsylvania Ave., NW, Suite 1500 North Tower Washington, DC 20004-1790	National Assn of Manufacturers
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn
Do	Basic America, Inc
Do	Hager Hinge Company
Do	McPhillips Manufacturing Co

Organization or Individual Filing	Employer/Client
Do	Pacific Northwest Utility Conference Committee
Do	Washington Wheat Commission
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	National Theatre of the Deaf
Do	Puerto Rico Federal Affairs Administration
Arch W. Roberts Jr., 1615 L Street, NW, Sutie 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)
Do	Capitoline/MS&L (For:UNISYS Corp)
Cas M. Robinson, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)
Do	Bailey & Robinson (For:Smart Corp)
Julie Rochman, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers
Robert A. Roe, 1680 Route 23 Wayne, NJ 07470	City of Newark
Do	County of Bergen
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark
Do	County of Bergen
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	The Specialist Association
M. Guy Rohling, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Co (For:May Department Stores)
Lewis Rome, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates
Joseph Ross, Ross & Associates 920 Long Blvd. Lansing, MI 48911	Highway Users Federation
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Democracy Unlimited
Do	Manute Bol
Jeffrey S. Rothstein, 2722 Merrilee Drive, #360 Kansas City, KS 66101	International Brotherhood of Boilermakers...
Ann M. Rowan, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Federal Home Loan Bank of New York
Do	Thorn Americas
Timothy R. Rupli, 601 13th Street, NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc
Matthew Russell, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn
Dean Sackett, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Chemical Bank
Do	Coalition for Employers of the Amish
Do	Fargo-Moorhead Metropolitan Council of Governments
Do	USRowing
Robert S. Salomon III, 7804 Maryknoll Bethesda, MD 20814	DFC, Group, Inc
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tourism Assn
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	City of Sacramento, Dept of Utilities
W. Gary Sauter, 1775 K Street, NW Washington, DC 20006	United Foods & Commercial Workers
John A. Saxton, 801 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Procter & Gamble Co
Mark Scanlan, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America
Tracy A. Schario, 4301 North Fairfax Drive, #360 Arlington, VA 22203-1627	National Utility Contractors Assn
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Association Foundation)
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc
Irene S. Schindler, 1025 Connecticut Ave., NW #1200 Washington, DC 20036	Health Insurance Association of America
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists
Thomas Schoegler, 122 C Street, NW, Suite 310 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)
Sheldon L. Schreiberg, 1300 19th Street, NW Washington, DC 20036	J&B Management Corp
Richard T. Schulze Jr., 1820 Creek Crossing Road Vienna, VA 22182	Caring Grandparents of America
James Sefcik, 1055 N. Fairfax STreet, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp
Howard Segermark, 1701 Pennsylvania Ave., NW, #533 Washington, DC 20006	Segermark Company
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc
William H. Shaker, 5155 N. 37th Street Arlington, VA 22207	
Gilan Shamir, 1511 K Street, NW, Suite 1043 Washington, DC 20005	Council for the National Interest
Kimberly Shark, 1155 15th Street, NW, Suite 660 Washington, DC 20005	Penzoil Co
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	National Assn of State Aviation Officials
Do	National Coalition for Minority Business
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Immuno-U.S., Inc
Do	III(b) Coalition
Do	Task Force for Child Survival & Development
Cathleen Shine, 767 Fifth Avenue New York, NY 10153-0183	Sanford C. Bernstein & Co, Inc (For:Zalman C. Bernstein)
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Mead Corp
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Modland Development Corp
Richard M. Silver, 8803 Brecksville Road Suite 7 Brecksville, OH 44141	
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates (For:L.A. Motley & Co for: Government of the Philippines)
Margaret Simmons, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Federal Express
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Bell Atlantic
Do	Cellular Corp of Puerto Rico
Do	Geotek Communication, Inc
Do	New World Communications Group, Inc
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Bristol-Myers Squibb Co
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn
Lawrence J. Smith, 3111 Stirling Road Fort Lauderdale, FL 33312	Cuban American Foundation
Paul C. Smith, 1776 K Street, NW Washington, DC 20006	National Religious Broadcasters, Music License Committee
Do	Owens-Corning, Inc
Do	Professional Photographers of America
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Cities of Crainville & Carterville, Illinois
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	ARCO Power Technologies, Inc
Do	Litton Inter Optical Systems
Do	Space Express Corp
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Bad River Band of Lake Superior Chippewa
Do	Hopi Tribe
Do	Mole Lake Band of the Sokaogon Chippewa Community
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	RJR Nabisco
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Des Moines Community School District
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	National Restaurant Assn
Mark Steimer, 1667 K Street, NW, Suite 330 Washington, DC 20006	CMF&Z Public Relations
Alan C. Steinbeck, 1600 M Street, NW, Suite 700 Washington, DC 20036	Kennecott Corp
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council
Do	British Steel plc
Do	United Engineering Steels Limited
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Mobile X-Ray Providers of America
Do	National Assn of Urban Critical Access Hospitals
Do	National Medical Enterprises, Inc
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Jones Act Reform Coalition
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	UBA, Inc
Joseph P. Sudbay, 1225 EYE Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance
Maureen A. Sullivan, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans
Sharon Swan, 50 F Street, NW, #1100 Washington, DC 20001	American Organization of Nurse Executives
David A. Sweeney & Associates, 5209 Wyecliffe Ct. Rockville, MD 20853	
Paul E. Sweet, 555 New Jersey Ave., NW Washington, DC 20001	North American Alliance for Traditional Chinese Medicine
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Cable & Wireless, Inc
Do	Philip Morris Management Corp
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Armenian Assembly of America
Jennifer L. Thomas, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Soceity of Clinical Pathologists
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005	
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	(For:National Association of Manufacturers)

Organization or Individual Filing	Employer/Client
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	Cox Enterprises
Do	Natural Disaster Coalition
Do	Omnipoint Corp
Greta Todd, 777 North Capitol Street, #803 Washington, DC 20002	American Assn of Nurse Anesthetists
Lisa Tofil, 240 East Ontario, #400 Chicago, IL 60611	Northwestern Memorial Hospital
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp
John F. Troy, One Tower Square-6MS Hartford, CT 0683	Travelers Insurance Companies
Barbara H. Tucker, P.O. Box 370129 West Hartford, CT 06137	Highway Users Federation
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Confederated Tribes of the Grade Ronde
Do	Harsch Investment Co
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Edison Electric Institute
J. Andrew Usera, 8310-B Old Courthouse Road Vienna, VA 22182	Asociacion de Instituciones Postsecundarias Acreditadas
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Armour Pharmaceutical Co
Do	Caring Grandparents of America
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	Tecogen Division
Do	Thiokol Corp
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Petro Star, Inc
Do	Public Generating Pool
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care)
Do	Van Scoyoc Associates, Inc (For:Spelman College)
Joseph J. Vecchio, 1299 Pennsyvlania Ave., NW Washington, DC 20004	General Electric Co
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	Savings & Community Bankers of America
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Central Transport
Do	National Corporation for Housing Partnerships
Do	Shell Oil Co
Candace C. Vessella, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Scott & White Clinic
Do	X. L. Insurance Co.
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	Lornty Investment Co
Charles O. Walker IV, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America
R. Duffy Wall, 1317 F Street, NW, #400 Washington, DC 20004	Water Quality Assn
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large States Quality Council
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Republic of Haiti
Matthew J. Waters, 12333 Strong Street Fairfax, VA 22033	60/Plus Assn, Inc
Vin Weber, 1020 16th Street, NW, Suite 300 Washington, DC 20036-6	Medco Containment Services, Inc
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	BP Alaska
Robert E. Weigend Jr, 13511 Sringhaven Drive Fairfax, VA 22033	Shemberg, USA
Annette Wencl, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America
Erik H. Werth, 8 Park Plaza, #313 Boston, MA 02116	George Washington University
Barbara West, 311 Massachusetts Ave., NE Washington, DC 20002	Washington Health Advocates
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Alliance for GATT Now
Do	American Forest and Paper Assn
Do	Cease Fire Action Fund, Inc
Do	Coalition to Eliminate Securities Suits
Do	Creative Incentive Coalition
Do	Kamehameha Schools/The Bishop Estate
Do	Medtronic,Inc
Do	New England Power Co
Do	Pitney Bowes, Inc
Do	Recording Industry Assn of America
Do	Safe Building Alliance
Do	Vancouver Bolt & Supply, Inc
Martin Whitmer, 905 16th Street, NW Washington, DC 20006	Laborers' Int'l Union of N.A., AFL-CIO
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Garder Carton & Douglas (For:Rocky Mountain Health Maint Org)
Do	Garder, Carton & Douglas (For:Voluntary Hospitals of America Inc)
Andrew F. Wiessner, Western Land Group 811 Potato Patch Drive Vail, CO 81654	Town of Breckenridge
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Eastman Kodak co
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Synergics Energy Development, Inc
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Boots Pharmaceuticals
Do	DuPont Merck
Do	Zeneca Pharmaceuticals Group
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	(For:American Institute of CPA's)
Do	El Alcalde de la Cindad Capital
Do	Katama Yachts, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Health Industry Manufacturers Assn.
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)
Do	Winburn & Jenkins (For:Illinois Hospital Assn)
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Trucking Assn
Do	Attorney's Liability Assurance Society, Inc
Do	Culligan International Co
Do	Dupont Agricultural Products
Do	James R. Elliott
Do	Hill International, Inc
Do	St. Joseph's Regional Health Center
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	Premack International
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	AGE Westinghouse Transportation Systems, Inc
Do	Braddock Medical Center
Do	Riverside County
Do	Society for Nutrition Education
Mei Lin Wong, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter
J.P. Word, 1601 Rio Grande, #420 Austin, TX 78701	Texas Chiropratic Assn
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Molten Metal Technology
Yankee Microwave, Inc, P.O. Box 567 Naples, ME 04055	
R. Christopher Yatooma, 1212 New York Ave., NW, Suite 300 Washington, DC 20005	National Assn of Arab Americans
60/Plus Assn, Inc, 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through............................, 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	41,925.00	40,295.03
Do	Golden Gate Bridge Highway Transportation District	6,300.00	5,581.40
Do	Reclamation District 1000		
Do	San Joaquin County	26,000.00	21,508.49
Do	Tahoe Basin Assn of Governments	2,000.00	1,902.65
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	16,250.00	88.80
Pamela Abney, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	11,200.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Canadian Shipowners Assn)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,500.00	235.75
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	972.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,357.00	2,101.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
M. Thomas Adkins Jr., P.O. Box 1914 Orange Park, FL 32067-1914	Criminal Justice Society of Florida		
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Mellon Bank Corp	1,000.00	50.00
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, Inc		
Do	Georgia Southern University		
Do	Intel Supercomputing Division		
Do	Livingston Health Care Services		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Palmer Chiropractic University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			18,428.55
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		6,116.00	6,116.00
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	441.84	
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	20,000.00	1,206.57
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		275.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		16,000.00	16,570.38
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	6,432.00
Airports Council International - North America, 1775 K Street, NW, #500 Washington, DC 20066			27,116.80
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	26,500.00	
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Albertson's, Inc	1,065.00	19.00
Do	Alliance of American Insurers	1,826.75	32.00
Do	Amerada Hess Corp		
Do	American Airlines, Inc	7,140.00	133.00
Do	American Financial Corp	67.00	
Do	American Share Insurance Corporation	100.00	
Do	American Telephone & Telegraph Co	10,830.00	190.00
Do	Arthur T. Walker	1,430.00	19.00
Do	ASSE International Student Exchange Program	1,130.00	19.00
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc		
Do	Bolt Beranek & Newman, Inc	250.00	
Do	Chiquita Brands International, Inc		
Do	City of Houston	3,165.00	57.00
Do	Columbia Government Trade Bureau (PROEXPO)	2,915.00	57.00
Do	Cotton Bowl Athletic Assn	425.00	
Do	Disabled American Veterans		
Do	Dow Jones & Co		
Do	Fremont Group, Inc		
Do	General Aviation Manufacturers Assn	6,910.00	95.00
Do	W. R. Grace & Co		
Do	GTECH Corp		
Do	International Bank of Commerce		
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Management Compensation Group		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	8,200.00	152.00
Do	Mellon Bank Corp		
Do	Merrill Lynch & Co, Inc	50.25	
Do	Mesa, Inc	1,400.00	76.00
Do	Metropolitan Transit Authority of Harris County	3,480.00	57.00
Do	Miller Brewing Company	100.00	
Do	Robert Mondavi Winery	2,510.00	38.00
Do	Morgan Stanley & Co, Inc	300.00	
Do	Mortgage Guaranty Insurance Corp		
Do	Mortgage Insurance Cos of America	14,200.00	267.00
Do	Motion Picture Assn of America, Inc	2,645.00	19.00
Do	MAXXAM, Inc		
Do	MCA, Inc		
Do	National Football League	100.00	
Do	Nationwide Mutual Insurance Company	536.00	16.00
Do	New York Public Library	590.00	
Do	Riggs National Corp	100.00	
Do	Ryder System, Inc	3,500.00	57.00
Do	RJR Nabisco, Inc		
Do	Southern California Edison Co	200.00	
Do	Thompson & Knight	195.00	
Do	Time-Warner		
Do	Transamerica Financial Services	9,260.00	171.00
Do	USA Group, Inc	320.00	
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp	1,150.00	
Alabama Council for Rural Housing & Development, P.O. Box 020269 Tuscaloosa, AL 35402	Alabama Council for Rural Housing Development		1,500.00
Tracy Alaimo, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunucations Assn	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International).	1,575.00	70.00
Do	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		250.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	3,900.00	200.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	3,500.00	375.00
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)		
Do	Albertine Enterprises, Inc (For:International Assn of Conventions & Visitor Bureaus).	1,575.00	170.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	1,749.00	155.00
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)		70.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	583.00	45.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,750.00	465.00
Do	Albertine Enterprises, Inc (For:Thermo Electron Corp)	875.00	140.00
Do	United Companies Financial Corp		
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Offcials International).	2,925.00	197.00
Do	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	3,900.00	162.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	6,500.00	455.00
Do	Albertine Enterprises, Inc (For:Greenwich Pharmaceuticals, Inc)		
Do	Albertine Enterprises (For:International Assn of Conventions and Visitor Bureaus).	975.00	165.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	3,249.00	162.00
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)		75.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	800.00	110.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	3,250.00	390.00
Do	Thermo Electron Corp	1,625.00	160.00
Do	United Companies Financial Corp	800.00	110.00
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	4,500.00	300.00
Do	ARCTICO, Inc		
Do	AST Research, Inc		
Do	Beckman Instruments, Inc		250.00
Do	Castle Harlan, Inc		
Do	Council for Superfund Fairness, Inc		250.00
Do	Exide Electronics, Inc	6,000.00	250.00
Do	Fruit of the Loom, Inc	10,000.00	1,500.00
Do	Greenwich Pharmaceuticals		
Do	International Assn of Conventions & Visitor Bureaus	4,500.00	200.00
Do	ITRON and AMR	1,666.00	60.00
Do	National Bareboat Charter Assn		
Do	Polaris Industries, LP		
Do	Potomac Capital Investment Corp	4,999.00	250.00
Do	SMS Corp	5,000.00	600.00
Do	Thermo Electron Corp	2,500.00	250.00
Do	United Companies Financial Corp	1,666.00	60.00
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc	18,750.00	400.00
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	15,000.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Jacksonville	10,550.00	
Do	City of Las Vegas	14,400.00	
Do	City of Virginia Beach	31,500.00	
Do	Computer Sciences Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Dade County Aviation Department	6,000.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Elekta Instruments, Inc	7,500.00	
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	27,000.00	
Do	Institute for Clinical PET	21,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,750.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County-Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Northern States Power Co	9,000.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	15,000.00	
Do	Precision Systems, Inc	3,000.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Sonoma County	6,000.00	
Do	State Road 7 Association, Inc	17,790.00	
Do	Summa Corp	21,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Troy Systems	5,000.00	
Do	U.S. Alcohol Testing Co of America, Inc	12,600.00	
Do	Walter Industries	30,818.43	
Do	Washington Workshops	12,000.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	4,800.00	950.00
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	353.59
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	88.93
William V. Alexander, 1425 Ironwood Drive McLean, VA 22101	American Citizens Abroad	3,000.00	77.11
Do	Federal Express	15,000.00	
Don Allen, P.O. Box 642 Helena, MT 59624	Don Allen & Associates (For:Highway Users Federation)		5,319.89
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,183.03	1,057.78
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	1,325.00	
Robert G. Allen, P.O. Box 11477 Alexandria, VA 22312	National Business Assn		
Alliance for A Superfund Action Partnership, 1025 Vermont Avenue, NW Washington, DC 20005			55,968.56
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			208,541.94
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		19,905.91	5,273.69
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Group: Designs for Education, 1319 F Street, NW, Suite 900 Washington, DC 20004	The First Church of Christ, Scientist	617.50	
William J. Althaus, 901 N. Washington Street, #400 Alexandria, VA 22314	National Smokers Alliance		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		36,617.95	36,617.95
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		19,250.00	19,250.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			6,128.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		44,755.00	44,755.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		52,803.35	52,803.35
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			44,200.62
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		190.41	355.31
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			422.08
American Automobile Manufacturers Assn, 1401 H Street, NW, suite 900 washington, DC 20005		91,635.89	91,635.89
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		304,489.64	304,489.64
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Communications Group, Inc, 950 Herndon Parkway, Suie 450 Herndon, VA 22070		33,348.00	35,337.00
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		914.00	1,355.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		719,093.00	760,113.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		2,170.00	1,000.00
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		178,510.00	178,510.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			198,262.78
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			145,006.63
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			750.00
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037		2,438.00	19,387.84
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		1.75	50.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		458,400.00	121,915.08
American Home Products Corp, 1726 M Street, NW, #1001 Washington, DC 20036			18,899.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,667.30	16,625.53
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036		18,724.00	40,031.33
American Insurance Assn, 1130 Connecticut Avenue, NW, #I000 Washington, DC 20036		9,980.00	9,980.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		448,995.00	146,949.00
American International Group, Inc, 70 Pine Street New York, NY 10270			76,573.46
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		169,054.00	212,832.06
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,875.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		10,000.00	11,298.10
American Library Assn, 50 E. Huron Street Chicago, IL 60611		1,449.00	12,487.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	1,265.68
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		19,904.42	3,504.57
American Medical Assn, 515 North State Street Chicago, IL 60610			618,758.48
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			62,994.11
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		28,190.05	28,190.05
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		100,906.49	100,906.49
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725		22,207.67	22,207.67
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic & Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	53,750.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		420,825.72	342,469.91
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		8,040.94	8,040.94
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			23,859.64
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005			70,665.34
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		110,754.89	118,274.15
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		87,263.00	87,263.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		200.00	200.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			270.50
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			99,059.82
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			44,692.25
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			54.00
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			28,800.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		66,564.34	82,653.32
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW, #710 Washington, DC 20005-3621		11,130.00	45.00
American Wind Energy Assn, 122 C Street NW 4th Floor Washington, DC 20001		82,875.00	49,451.08
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,313.10	13,313.10
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech-Language-Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors		
Do	Kollmorgen Corp	7,500.00	
Do	Northrop Corp	9,000.00	
Do	Tenneco, Inc	32,000.00	
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	37.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Bryan D. Anderson, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Co	360.00	119.15
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	250.00	554.00
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	500.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, 66 S. Pearl Street 8 Albany, NY 12207	KeyCorp	3,846.15	1,409.95
Frederick M. Anderson, Box 2000 - Bldg. 5702 ECIFi, Dix J Fort Dix, NJ 08640-2000			
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.20	
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	8,122.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	7,229.00	
Steven Anderson, 1764 Old Meadow Rd, #350 McLean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,508.00	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	75.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	400.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,384.21
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	8,343.00	8,353.90
Do	Institute of Makers of Explosives		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			21,977.51
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	732.19
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	9,642.50	
William T. Archey, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	50.00	16.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	14,455.18	4,596.39
Do	American Assn of Bioanalysts	30,937.08	5,204.28
Do	American Assn of Occupational Health Nurses	15,574.52	396.36
Do	American Board of Examiners in Clinical Social Work	10,053.19	195.43
Do	American Corporate Health Programs	5,000.00	
Do	Association of Professional Flight Attendants	13,405.92	31.40
Do	Children With Attention Deficit Disorder (CHADD)		455.56

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Health Fund	1,514.30	14.00
Do	Fitness Systems	2,500.01	
Do	Health Commons Institute		
Do	Independent Federation of Flight Attendants	4,570.40	390.96
Do	International Society for Clinical Laboratory Technology	2,000.00	0.55
Do	Johnson & Johnson	5,000.99	
Do	L.L. Bean		
Do	Mercy Hospital of Des Moines, Iowa	1,694.00	
Do	Motor and Equipment Manufacturers Association		
Do	National Parking Association		
Do	Navajo Nation	3,183.66	708.24
Do	Neurology Center	2,310.00	9.85
Do	North American Training Services, Inc	5,464.62	51.04
Do	Raytheon Company	46,923.47	1,845.85
Do	Society for Excellence in Eyecare	2,850.50	20.00
Do	Video Software Dealers Assn	85.00	2.60
Do	Wellness South, Inc	5,000.00	5,809.55
Do	William M. Mercer, Inc.	3,000.00	
Do	Worksite Health Promotion Alliance	10,000.00	
John G. Arlington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	425.00	2,515.74
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		2,240.37
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Corporate Property Investors	416.67	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading	650.93	
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	Federated Investors		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	358.75	159.00
Do	Glaxo, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	1,330.42	
Do	National Coordinating Comm for Multiemployer Plans	13,125.00	308.39
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc	2,810.72	12.75
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute	3,556.75	90.00
Do	Stanford University		
Do	State of Delaware	10,394.25	
Do	State Farm Mutual Automobile Insurance Co	20,570.25	
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Datasat, Inc	1,500.00	99.65
Do	Guam Airport Authority	1,500.00	342.45
Do	Technology for Communications, International		
Do	United Defense LP	500.00	
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	3,489.75	203.50
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn	3,500.00	2,199.00
Do	Cellular Telecommunications Industry Assn	2,400.00	1,596.00
Do	Central & South West Corp	3,000.00	2,171.00
Do	Circus Circus Enterprises, Inc	6,000.00	3,450.00
Do	Citicorp	7,500.00	4,300.00
Do	Electronic Data Systems Corp	3,000.00	1,972.00
Do	ELGARD Corp	1,750.00	1,128.00
Do	Financial Guaranty Insurance Corp	3,000.00	1,849.00
Do	Girling Health Care		
Do	Hearst Corp	4,500.00	2,770.00
Do	Jeffries & Co, Inc	2,250.00	1,550.00
Do	Merck & Co, Inc	1,200.00	1,625.00
Do	National Assn of Broadcasters	5,100.00	3,250.00
Do	Nintendo of America	100.00	67.70
Do	Southwest Florida Enterprises, Inc		
Do	SPRINT	9,100.00	5,700.00
Do	Tesoro Petroleum		
Do	U.S. Long Distance Corp	5,250.00	3,375.00
Do	United Services Automobile Assn		
Do	Westinghouse Electric Corp	4,500.00	2,700.00
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	9,499.98	518.78
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washignton, DC 20006	American Health Information Management Assn	1,368.80	42.00
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		19,729.00	19,729.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		198,103.95	198,103.95
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			73.43
Association of Maximum Service Television, Inc, 1776 Massachusetts Avenue, NW, #310 Washington, DC 20036			433.00
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		7,817.50	723.62
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		25,277.50	25,277.50
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	290.19
Carol F. Aten, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			2,918.00
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			
Deborah Marie Atwood, 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	2,000.00	41.11
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	130.00	
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	4,500.00	
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	U.S. Public Interest Research Group	6,206.88	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,218.90	
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc	10,000.00	2,396.67
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn	1,936.00	
Do	Confederated Tribes of the Grand Ronde	3,696.00	
Do	Global Forestry Management Group	880.00	
Do	Harsch Investment Co	1,672.00	
Do	International Paper	176.00	
Do	Northwest Forest Resource Council	1,056.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	7,312.50	
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			3,516.10
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		45,537.00	144,266.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	1,344.97	4,676.81
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	271.95	38.44
Bebe Bahnsen, 1120 Connecticut Avenue, NW, #461 Washington, DC 20036	Planned Parenthood Federation of America		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Co, Inc	15,000.00	
Do	American Gastroenterlogical Association Foundation	11,150.00	
Do	Blue Cross of Western Pennsylvania	30,000.00	
Do	MasterCard International	27,000.00	
Do	Natural Disaster Coalition	15,000.00	
Do	Oralco Management Services	30,000.00	
Do	Smart Corp	15,000.00	
Do	Utilities Telecommunication Council	2,200.00	
Do	UNISYS Corp	30,000.00	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,043.82
James Jay Baker, 1742 N Street, NW Washington, DC 20036	National Rifle Assn of America	3,257.00	
Do	Sporting Arms & Ammunition Manufacturers Institute	2,475.00	385.00
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Association for Manufacturing Technologies	13,700.00	40.76
Do	BrightStar Group Limited		0.57
Do	Computer & Business Equipment Manufacturers Assn	13,963.40	31.05
Do	Mickey Leland National Urban Air Toxics Research Center	2,900.00	11.70
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		47.42
Do	Westinghouse Electric Corp	12,575.00	13.90
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Association for Cost-Effective Cardiovascular Technology	1,839.36	1,839.36
Do	Canadian Sugar Institute		
Do	Central Reserve Life	456.84	456.84
Do	College on Problems of Drug Dependence (CPDD)	3,763.78	3,763.78
Do	Cominco, Ltd		
Do	Hospital Insurance Forum	47,112.51	47,112.51
Do	Hyatt Corp		
Do	Invacare Corporation	24,957.24	24,957.24
Do	IM&I, Inc		
Do	IOTA Partners	9,905.00	9,905.00
Do	Life Gift Organ Donor Center	9,723.03	9,723.03
Do	Methodist Hospital of Indiana	263.26	263.26
Do	Mitsui & Co (U.S.A.), Inc		
Do	Renal Physicians of Texas	4,643.51	4,643.51
Do	Robert Peterson Enterprises, Inc	394.18	394.18
Do	Schering Berlin, Inc	60,396.64	60,396.64
Do	Soap and Detergent Association		
Do	Society of Cardiovascular & Interventional Radiology	4,825.99	4,825.99
Do	St. Joseph Hospital & Health Center		
Do	Vaulted Aboveground Storage Tanks Assn		
Do	Washington Regional Transplant Consortium		
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Federal Judges Assn	5,959.00	
Do	Hashemite Kingdom of Jordan		
Do	Morrison Knudsen Corp		
Do	Occidental Petroleum Corp	147.50	
Do	Salomon Brothers, Inc	2,511.00	136.90
Do	Southern Star Shipping Co		
Do	WMX Technologies, Inc	285.00	
Diane L. Baldwin, 200 South Sixth Street Minneapolis, MN 55402	Grand Metropolitan, Inc	170.00	501.00
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,500.00	339.05
H. R. Balikov, 333 Thornall Street Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	1,265.63	65.26
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,671.94
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,146.07	1,108.93
Do	City of Modesto	6,600.00	443.44
Do	City of Portland, OR	21,000.00	2,393.98
Do	City University	21,685.50	3,074.79
Do	Clackamas County	21,233.50	2,427.62
Do	CPAFB (Committee to Preserve the American Family Business	11,000.00	1,333.89
Do	Greenbrier Leasing, Inc	41,257.50	4,436.55
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	27,000.00	4,384.73
Do	Oregon Community College Assn	9,000.00	1,316.56
Do	Oregon Department of State Lands	13,500.00	1,308.46
Do	Oregon Department of Transportation	24,300.00	2,508.38
Do	Oregon Graduate Institute of Science & Technology	13,905.00	1,051.69
Do	Rayonier	8,839.00	409.32
Do	Schnitzer Steel Industries	803.60	265.10
Do	Telephone Management Corp		
Thomas M. Balmer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	3,000.00	
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp		2,400.00
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	7,149.00	215.00
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	40.00
Do	Bannerman & Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Reinsurance Corp		
Elizabeth A. Bannigan, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,800.00	
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,175.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,050.00	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,250.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	575.00	
Do	National Hockey League	375.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	418.11
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	353.09	8.00
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		4,470.79
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn		5,528.71
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	17,772.57	1,290.05
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	1,050.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	4,595.00	197.00
Ray A. Barnhart, 2630 Exposition Blvd., #G-10 Austin, TX 78703	Marathon Oil Co	4,500.00	1,291.57
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	3,000.00	
J. Gary Barrett, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike	139.73	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Colleen L. Barry, 1828 L Street, NW, Suite 1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H & R Block)	2,314.09	288.00
Thomas M. Barry, 1401 I Street, nw, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	1,100.00	488.00
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	2,000.00	79.97
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	4,000.00	
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc	2,500.00	200.00
J. Mel Bass, 1401 H Street, NW Washington, DC 20005	American Automobile Manufacturers Assn	10,000.00	
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		
Scott Bass, Piper & Marbury 1200 19th Street, NW Washington, DC 20036	National Nutritional Foods Assn		
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	7,650.00	116.79
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,425.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,170.62
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	6,720.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	524.53
Russell B. Batson, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	62.59
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	True Brit, Inc	1,000.00	50.00
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	875.00	
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	19,286.00	5,160.37
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)	1,725.00	
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	1,697.24
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	2,625.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	312.52
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Associated Group		
Do	Citicorp	18,500.00	450.00
Do	Cook Group	6,601.71	450.00
Do	Illinois Tool Works, Inc	1,407.37	375.00
Do	Lender's Coalition		
Do	National Basketball Assn		
Do	National Soft Drink Assn		
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn	10,000.00	450.00
Do	TENNECO	171,705.26	450.00
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Co	500.00	
Do	Distilled Spirits Council of the U.S.	1,400.00	
Do	Dreyfus Corp	2,500.00	
Do	Energy Transportation Group		
Do	Newmont Mining Corporation		
Do	Parsons Corp		
Do	Southwest Airlines	200.00	
Do	Southwestern Bell Corp	1,000.00	
Do	Stewart & Stevenson Services, Inc	250.00	
Kim Koontz Bayliss, One Massachusetts Ave., NW, Third Floor Washington, DC 20001	United Video, Inc	16,200.00	8,161.20
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	596.65	
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	223.74	714.51
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)		
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	3,300.00	
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	3,000.00	
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	656.15
Deborah Beck, 3820 Club Drive Harrisburg, PA 17110	Therapeutic Communities of America		
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	13,418.93	
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	492.57
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,633.61	25.00
Anita L. Bedelis, Norwest Center Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corp		873.69
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	680.07	
Teresa G. Beeman, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	214.00	
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	1,804.74
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	205.19	
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak, 2100 L Street, NW Washington, DC 20037	Humane Society of the U.S.	8,862.50	196.50
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		89.81
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	3,645.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	609.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	6,300.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		31.29
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,471.96	
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	600.00
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	15,020.18	1,445.99
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		126.64
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	275.00	
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Medical Security	4,000.00	455.27
Do	Biotechnology Industry Organization	5,000.00	850.00
Do	Capital Research & Management Company	1,000.00	340.00
Do	China External Trade Development Council	500.00	90.00
Do	Dow Chemical Co	1,200.00	925.00
Do	Edison Electric Institute	1,000.00	350.00
Do	Elanco Animal Health	1,000.00	350.00
Do	Enseco		
Do	Fox Broadcasting Company	7,000.00	850.00
Do	Friendship in Freedom	500.00	80.00
Do	Georgetown University Medical Center	2,000.00	425.00
Do	Glaxo, Inc	6,000.00	892.46
Do	HealthCare COMPARE Corp	4,000.00	838.18
Do	Mallinckrodt Specialty Chemical Co, Inc	1,000.00	415.00
Do	McDonnell Douglas Corp	500.00	140.00
Do	Metpath	3,000.00	957.90
Do	National Assn of Business & Educational Radio, Inc	3,500.00	725.00
Do	National Soft Drink Assn	3,000.00	435.00
Do	Newscorp, USA	500.00	160.00
Do	Northwest Airlines	2,000.00	415.00
Do	Ogden Martin Systems, Inc	3,000.00	953.34
Do	Orange & Rockland Utilities		
Do	Petroleum Marketers Assn of America	3,000.00	830.00
Do	Philip Morris Co, Inc	4,000.00	986.37
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Methyl Bromide Working Group	3,000.00	2,393.00
Do	Smokeless Tobacco Council	1,000.00	
Jessica Berk, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	1,125.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	365.30	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp	349.00	
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	3,500.00	
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		208.32
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	7,749.00	1,815.92
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	1,203.31
Susan C. Bernstein-Hammann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	500.00	
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessionel de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	439.30
Michael J. Bertelsen, 1401 H Street, NW, #1200 Washington, DC 20005	Investment Company Institute	1,500.00	1,127.77
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	6,231.00	
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	4,750.00	1,667.40
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	372.31
Do	American Assn of Eye & Ear Hospitals	2,250.00	124.18
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	103.02
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	261.55	81.73
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.		7,721.10
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		371.66
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		375.89
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,305.98	
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	23,550.00	
Do	Manville Corp	27,250.00	
Do	South Coast Air Quality Management District	15,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	29,531.25	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	11,401.05	4,930.18
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	1,708.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	2,016.00	109.00
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Central Arizona Water Conservation District		
Do	Chugach Alaska Corp	3,944.00	3,944.00
Do	Florida Coastal Landowners' Coalition	45,923.60	49,700.14
Do	Old Harbor Corp	650.00	
Do	Sealaska Corp	13,098.24	13,098.24
Do	State of Alaska	2,238.00	2,238.00
Do	Tanadgusix Corporation	1,642.56	1,642.56
Do	Wildlife Legislative Fund of America	6,250.00	6,250.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc		
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	9,710.82	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		5.00
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		36,706.00	36,706.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	1,100.00	
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Do	Tea Assn of the USA, Inc		230.03
Black & Decker Corp, 1450 G Street, NW, #445 Washington, DC 20005			17,743.24
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	66.00
Do	American Airlines, Inc	15,000.00	
Do	American Behavioral Healthcare Assn	22,500.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	171.40
Do	Clark Construction Group	9,000.00	4.00
Do	Consortium for Passenger Rail	2,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	82.09
Do	Kashmiri American Foundation	35,000.00	16.15
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	73.96
Do	Morton International	35,000.00	59.00
Do	MGM Grand, Inc	5,000.00	
Do	NEC USA, Inc	37,500.00	
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	30.82
Do	Roger Williams University	3,500.00	104.00
Do	Textron	15,000.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	U.S. Tobacco	30,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	3,750.00	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	191.15
Robert J. Blackwell Jr., 816 Connecticut Avenue, NW, #900 Washington, DC 20006	OHM Corp		
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	2,124.00	
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Electric Generation Assn	4,200.00	39.95
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	1,200.00	
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	17,743.24	404.21
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc	256.25	104.89
Do	Consumers Paint Factory, Inc	175.00	32.81
Do	FHP Inc.	2,000.00	
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	148.33
Do	National Spa & Pool Institute	1,200.00	63.00
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	2,772.00
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	15,840.00	1,768.21
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	2,283.83	
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,256.21
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	8,451.60	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	129.48	
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		100,000.00	100,000.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn		19,500.00
Elizabeth A. Bock, 1111 19th Street, NW, Suite 600 Washington, DC 20036	Mitsubishi Motors America, Inc		
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	4,793.41	747.96
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		25.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	822.00	822.00
Do	American Forest & Paper Assn	2,816.00	3,432.00
Do	American Sportfishing Assn	1,350.00	1,350.00
Do	Basic American, Inc	1,042.50	1,042.50
Do	Coastal Conservatin Assn	1,350.00	1,350.00
Do	Confederated Tribes of the Grand Ronde	5,979.00	5,979.80
Do	Direct Service Industries, Inc	4,845.00	4,845.00
Do	Global Forestry Management Group	1,280.00	1,280.00
Do	Harsch Investment Co	3,277.32	3,369.92
Do	International Paper	256.00	263.00
Do	McPhillips Manufacturing co	1,497.00	1,497.00
Do	Northwest Forest Resource Management	1,536.00	1,776.62
Do	Pacific Northwest Utility Conference Committee	4,845.00	4,845.00
Do	United Sport Fishermen	135.00	135.00
Do	Washington Wheat Commission	1,470.00	1,470.00
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee		
John F. Bohm, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	3,500.00	
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	220.00	
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
Eugene R. Bolo, 1233 Main St., #4000 Wheeling, WV 26003	Ormet Corp		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	897.00	55.75
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bond & Co, Inc, 1414 Prince Street, Sutie 300 Alexandria, VA 22314	Long Island Lighting Co		
Do	MassMutual		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corporation	1,200.00	29.00
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,583.34	423.18
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	2,190.00	
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,848.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Carolyn Boos, 5720 Smetana Drive, Suite 100 Minnetonka, MN 55343	Ag-Chem Equipment Co, Inc	7,500.00	762.86
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	576.00	147.30
Do	Capitoline/MS&L (For:Republic of Turkey)	4,500.00	
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	1,040.00	207.00
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company	1,350.00	1,492.00
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	360.00	
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.		
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	1,500.00	
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,570.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	314.00
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	1,000.00	275.00
Do	Rotter & Bourjaily, Inc	1,000.00	225.00
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	815.86
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,435.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,613.50	
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	5,000.00	797.77
Christopher Bowlin, 1331 Pennsylvania Avenue, NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp		
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	440.00	53.15
Michael D. Boyd, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	235.50	
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co		
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	375.00	356.45
Do	Kemper Investors Life Insurance Company	385.00	277.26
Do	Kemper Corporation (For:Kemper Securities Group, Inc)		
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	173.44	16.00
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,538.00	62.00
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc	15,000.00	
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Export Processing Industry Coalition		
Do	Gordley Associates (For:National Sunflower Assn)		
Do	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	1,200.00	720.00
Do	Coalition for Oxygenate Neutral Clean Air Policy		
Do	Council of Industrial Boiler Owners		
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Enron Corp	1,200.00	720.00
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	1,800.00	1,080.00
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		
Do	Valero Energy Corporation		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority		
Do	City of Nogales, Arizona		
Do	Diamond Management	25,000.00	
Do	Direct Marketing Assn, Inc	5,000.00	
Do	Edmund Scientific Company	2,250.00	106.00
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Association	5,000.00	170.00
Do	American Institute for Foreign Studies	5,000.00	110.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Ft. Worth	7,000.00	255.00
Do	City of Klamath Falls	7,000.00	100.00
Do	City of Tucson	7,000.00	160.00
Do	Coin Coalition	15,000.00	155.00
Do	County of Winnebago	200.00	35.00
Do	Daishowa America Company, Ltd	2,000.00	100.00
Do	Daylight Saving Time Coalition		15.00
Do	Energy Absorption Systems, Inc	8,000.00	130.00
Do	Fort Worth Transportation Authority	5,000.00	190.00
Do	Greater Rockford Airport Authority	5,000.00	120.00
Do	Michigan Consolidated Gas Co	15,000.00	245.00
Do	Southern California Edison	12,000.00	140.00
Do	St. Louis Airport Authority	4,000.00	180.00
Do	United Technologies Corp	4,000.00	105.00
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,594.19	583.48
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Republic of Turkey)	1,800.00	
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	21,000.00	
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,721.81	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,126.48	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Gerald Crispino		
Do	Hewlett-Packard Co	129.00	
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	490.00	
Do	NCube		
Do	Oracle Corp	1,795.00	36.50
Do	Seafarers International Union		
Do	Unisys		
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,930.19	710.85
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	10,500.00	1,824.69
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	121.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	488.49
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	11,809.25	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	8,000.00	75.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	225.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		630.84
Edmund C. Brickfield, 2596-F S. Arlington Mill Drive Arlington, VA 22206	Migrant Legal Action Program, Inc		64.00
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists	540.00	25.00
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	13.65
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,510.00	1,034.00
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,645.00	
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	300.00	
Do	Corning, Inc	3,000.00	
Do	Gordley Associates		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	430.00	
Michael J. Brokovich, 8201 Greensboro Drive, #1000 McLean, VA 22102	Unisys Corporation		1,000.00
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	10,165.63	219.50
Edward J. Brothers, 622 Barbados Drive, #3 Indianapolis, IN 46227			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	150.00
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	18,956.10	319.95
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		33.23
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	680.77	506.17
Jay Ward Brown, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	131.17
Do	Klein & Sakes, Inc (For:Silver Institute)		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	1,500.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,030.00	37.91
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,913.49	172.51
Steven J. Brown, 500 E Street, SW, #920 Washinhton, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	1,318.49
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	65.52	
John J. Brown & Associates, Inc, 50 E Street, SE Washington, DC 20003	Joint Council of Unions, AFL-CIO	500.00	100.00
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	15,000.00	594.28
Thomas H. Brownell, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,482.00	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	2,100.00	
Do	Glass Packaging Institute/Industry Union Glass Container...	1,500.00	
Do	Joint Board of Control for Flathead Irrigation Project	300.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp	1,800.00	
Do	MCI Communications	300.00	
Do	Pegasus Gold Corp	1,500.00	
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	5,000.00	2,582.48
Do	Asset Investors	620.44	715.00
Do	Crystal Creek Homeowners Assn		
Do	La Petite	3,486.30	18,661.37
Do	Liberty Media Corp	579.86	58.62
Do	New Valley Corporation	17,053.29	4,132.07
Do	ORNDA	4,152.60	
Do	Pfizer, Inc	17,053.29	
Do	Rose Medical Center	6,030.27	11,085.11
Do	Tele-Communications, Inc		1,375.50
Do	US West	3,324.12	
Do	Vail Associates, Inc	2,772.60	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York State Mortgage Loan Enforcement & Admin Corp		
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Aurora Health Care, Inc	7,716.25	741.24

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Blood Center of Southeastern Wisconsin	5,444.17	403.21
Do	Children's Hospital of Wisconsin	5,799.50	219.66
Do	Derco Industries, Inc	1,843.75	44.53
Do	Electronic Data Systems Corp	10,600.00	68.38
Do	Loyola University of Chicago	22,983.75	2,382.19
Do	Managed Health Services, Inc	633.75	48.49
Do	Marquette University	24,101.25	1,245.16
Do	Milwaukee Metropolitan Sewerage District	100.00	9.90
Do	Milwaukee Public Museum	596.00	
Do	National Assn of Children's Hospitals & Related Institutions	39,032.50	5,547.68
Do	National Marrow Donor Program	4,595.00	101.23
Do	Oneida Nations	54,215.50	6,430.42
Do	PrimeCare Health Plan	1,835.00	70.22
Do	Rust International	100.00	3.60
Do	Specialty Hospitals	250.00	25.50
Do	Superconductivity, Inc	5,996.25	264.04
Do	TV Network Bingo	6,100.00	40.40
Do	Wisconsin Health Information Network	5,776.25	116.30
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	14,000.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	681.90	216.62
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	33.62
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	47.00
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	3,400.00	959.12
Hayden G. Bryan, 1326 North Lynnbrook Drive Arlington, VA 22201	Advocacy Group		
David Bryson, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Discovery Communications, Inc)	7,362.50	42.76
Do	Wiley Rein & Fielding (For:Gannett Co, Inc)	687.50	
Do	League of American Theatres & Producers		
Do	Wiley Rein & Fielding (For:MassMutual Life Insurance Co)	5,437.50	151.97
Do	Wiley Rein & Fielding (For:U.S. Sprint Communications Co)		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	1,354.99
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	505.00
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	4,000.00	2,170.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	6,080.00	59.00
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp	4,121.70	
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	7,300.00	1,542.61
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc	451.68	
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	600.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	1,000.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	870.00	100.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		160,012.62	1,875.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,543.75	50.02
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	156.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	6,033.94	
Mark R. Burtchi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	4,291.00	793.00
William Burton, Bower & Gardner 110 East 59th Street New York, NY 10022	Continental Insurance Company	3,600.00	4,236.00
Antoinette Cook Bush, 1440 New York AVe., Nw Washington, DC 20005	Skadden Arps Slate Meagher & Flom (For:Cellular Corp of Puerto Rico)	150.00	
Do	Skadden Arps Slate Meagher & Flom (For:Geotek Communications, Inc)	2,000.00	
Do	Skadden Arps Slate Meagher & Flom (For:New World Communications Group, Inc).	10,000.00	
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	1,499.90	1,603.07
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,148.00	151.00
Robert D. Byrne Jr., 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,364.80	
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	4,260.00	
Victoria Calderia, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans		
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Alliance for Fire & Emergency Management	3,125.00	15.90
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	208.03
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	661.05	157.29
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	2,340.00	887.09
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Engine Company	5,400.00	
Do	Allison Transmission	8,190.00	
Do	General Dynamics Land Systems	5,100.00	
Do	McDonnell Douglas Helicopter Company	11,475.00	
Do	Stewart & Stevenson Services, Inc	10,750.00	
Do	Textron Lycoming	750.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Lukens General Industries, Inc	1,440.00	
Do	Potters Industries, Inc	720.00	
Do	Safetran Systems Corporation	10,800.00	
Do	Stimsonite Corporation	960.00	
Do	3M Company	21,189.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,655.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	130,000.00	2,024.00
Do	National Council of Maubere Resistance		7,350.00
Nancy Camm, 1000 Wilson Boulevard, #3012 Arlington, VA 22209-3908	BankAmerica Corp	576.96	607.55
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)	300.00	15.00
Michael C. Camp, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	BellSouth Corp		
Do	Chemical Manufacturers Assn, Inc		
Do	Columbia Gas Systems, Inc		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Pennzoil Co		
Do	Shell Oil Co		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		12,920.31	11,161.45
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,500.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,702.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturers Assn, Inc		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chubb Corp		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Textron Corp		
Do	USX Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)	3,200.00	2,240.00
Do	John G. Campbell, Inc (For:BDM International, Inc)	1,000.00	700.00
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	3,000.00	2,100.00
Do	John G. Campbell, Inc (For:TASC)	8,500.00	5,950.00
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,250.00	
Thomas Campbell, 1301 K Street, NW, #900, East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
W. Donald Campbell, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	5,450.06	81.97
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,100.00
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	7,310.00	15,055.00
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	725.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	450.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	760.72	
Do	Stewart & Stewart (For:Professional Plant Growers Assn)		
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)	6,483.75	
Do	Stewart & Stewart (For:Torrington Company)	6,552.00	
Mark R. Cannon, One West Forth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp	1,673.08	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc	1,849.00	227.00
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center	2,500.00	
Do	Allergan, Inc	1,000.00	
Do	Alliance for Eye & Vision Research	1,500.00	
Do	American Academy of Physician Assistants	1,000.00	
Do	American Assn of Cancer Research	600.00	
Do	American Health Foundation	500.00	
Do	American Soc of Nephrology	5,000.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	500.00	
Do	Autism Society of America	1,000.00	
Do	Balance Pharmaceuticals	500.00	
Do	Bausch & Lomb	500.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	
Do	City of Camden		
Do	Collagen Corp	500.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	11,000.00	
Do	Genzyme Corp	500.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	1,000.00	
Do	Lipomatrix	500.00	
Do	Massachusetts General Hospital	3,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,500.00	
Do	National Coalition for Cancer Research	1,000.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Parking Authority of Camden		
Do	Partnership for Organ Donation, Inc	1,000.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp		
Do	U.S. Healthcare, Inc	1,000.00	
Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc		
Do	Madison County Commission		
Do	Southern Research Institute	1,987.50	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute		
Do	Council on Foundations, Inc	1,395.00	8.27
Do	National Rural Electric Cooperative Assn		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	4,500.00	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn	3,261.00	11.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002		34,170.00	34,170.00
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062			72,728.48
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	1,125.00	
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	80.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates, Inc (For:L.A. MOtley & Co (for Government of the Philippines)).		
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	4,562.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	910.39	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,275.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Carmen & Muss, 1730 Pennsylvania Avenue, NW, #1050 Washington, DC 20006	Richard Cohen	88.50	
Do	Ralvin Pacific Properties, Inc		
Do	120 Church Street Associates		
William Carney, 523 7th Street, SE Washington, DC 20003	Edison Electric Institute	20,000.00	
Do	Nuclear Energy Institute	10,000.00	
Robert J. Carolla, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009	Consumers Union	1,000.00	
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,600.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	6,870.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,230.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,475.79	318.82
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Association of Home Appliance Manufacturers		
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	762.77
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn	8,400.00	908.59
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	196.20
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,250.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	3,001.50	
Do	American Digital Imaging, Inc.	300.15	
Do	American Dredging Co		
Do	American Science and Engineering, Inc		
Do	American Superconductor Corp	2,167.75	123.85
Do	ARCO Chemical Americas Co	7,203.60	42.00
Do	AT&T	7,503.75	20.70
Do	ATEC/ICTA	100.05	22.50
Do	Babson College		
Do	Bentley College	1,800.90	
Do	Bishop Museum	1,033.85	
Do	Boston College	8,570.95	134.40
Do	Boston University	300.15	36.25
Do	Bryant College	2,181.09	7.50
Do	Buena Vista College	4,202.10	79.00
Do	California Community Colleges	300.15	6.60
Do	California Institute of the Arts	8,204.10	30.80
Do	California Pacific Medical Center	500.25	7.50
Do	Capitol American Life Insurance Co		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	1,600.80	32.10
Do	Chemical Manufacturers Assn		
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	667.00	7.50
Do	Children's Hospital of Pittsburgh	3,701.85	45.70
Do	Children's National Medical Center	4,002.00	84.25
Do	City of Fairfield, CA	2,901.45	42.70
Do	City of Philadelphia		
Do	City of Vallejo	300.15	
Do	Clark Atlanta University	3,401.70	
Do	Columbia University	2,501.25	123.40
Do	Connecticut Health System, Inc	3,601.80	22.50
Do	Coriell Institute for Medical Research	400.20	64.50
Do	Crane Company	4,702.35	60.60
Do	Cray Research, Inc	700.35	
Do	Critical Languages & Area Studies Consortium, Inc	100.05	7.50
Do	Delta Airlines	200.10	64.70
Do	Elliott Homes		
Do	Energy Partners		
Do	Englewood Hospital & Medical Center	3,535.10	34.00
Do	Evergreen Airventure Museum	333.50	6.60
Do	Fairleigh Dickinson University	1,300.65	32.00
Do	Federal Express	700.35	19.80
Do	Florida Power Corp		
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	2,801.40	
Do	Fudan Foundation		
Do	Geisinger Foundation	6,770.05	68.20
Do	General Dynamics Corp	39,444.71	381.55
Do	General Nutrition, Inc		
Do	Genetic Design	4,602.30	
Do	Glaxo, Inc	5,002.50	33.00
Do	Gonzaga University	100.05	15.00
Do	Government Employees Hospital Assn, Inc	22,184.42	61.50
Do	Graduate Health Systems		
Do	Hahnemann University Hospital	1,200.60	35.10
Do	Henry Ford Health System	3,701.85	48.10
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	2,601.30	20.70
Do	In Home Health, Inc.	200.10	
Do	Insituform of North America, Inc		
Do	Intercontinental Energy Group	5,002.50	81.70
Do	Jones Intercable, Inc		
Do	Just Say No International	200.10	
Do	Kids Peace, Inc	7,403.70	126.35
Do	Lahey Clinic	2,301.15	20.05
Do	LaSalle University	3,001.50	14.30
Do	Lehigh University		
Do	Lewis and Clark College	100.05	30.00
Do	Loma Linda University Medical Center, Inc - Research	900.45	38.40
Do	Loyola Marymount University	1,500.75	128.00
Do	Lucas Industries, Inc.	2,061.05	108.95
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		
Do	Manpower International	4,902.45	
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic		
Do	McDonnell Douglas Corp	19,809.00	85.70
Do	Medical Center of Central Massachusetts	600.30	
Do	Medical College of Pennsylvania	12,106.05	101.90
Do	Mercy Hospital & Medical Center		
Do	Miami-Dade Community College	2,201.10	84.20
Do	Monterey Institute of International Studies	2,868.10	42.50
Do	Morehouse School of Medicine	18,409.20	
Do	Motion Picture Assn of America		
Do	Mt. Sinai Medical Center of Greater Miami	800.40	
Do	MCSI Technologies	2,101.05	26.40
Do	MOOG, Inc	100.50	19.80
Do	National Assn of Dredging Contractors	11,305.65	363.55
Do	National Jewish Center for Immunology & Respiratory Medicine	100.05	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nature Conservancy	300.15	6.60
Do	New Jersey Instutute of Technology	3,268.30	62.60
Do	New York Medical College	700.35	28.70
Do	Northwestern University	400.20	22.50
Do	Ocean Spray Cranberries, Inc	5,202.60	453.50
Do	Our Lady of Lourdes	8,637.65	48.70
Do	Pennsylvania Educational Telecommunications Exchange Network	3,034.85	
Do	Polaroid Corp	3,801.90	155.20
Do	Polytechnic University	600.30	14.10
Do	Providence & Worcester Railroad Company	4,402.20	
Do	PGA Tour		
Do	Queen's Health System		
Do	Rhode Island Hospital	6,403.20	
Do	Rhone-Poulenc, Inc	3,001.50	
Do	Rochester Institute of Technology	400.20	6.00
Do	Rush-Presbyterian St. Luke's Medical Center	5,402.70	69.90
Do	Sacred Heart Hospital	5,202.60	69.00
Do	Saint John's Hospital & Health Center		
Do	Saint Joseph's University	600.30	33.70
Do	Savings Bank and Life Insurance Company of MA	12,006.00	
Do	Scott County Highway Department	2,001.00	
Do	Smokeless Tobacco Council	80,040.00	
Do	Southeastern PA Consortium for Info. Tech. & Training	3,101.55	13.00
Do	St. Francis Healthcare Foundation of Hawaii	200.10	12.25
Do	St. Norberts College	800.40	78.70
Do	St. Xavier College	3,301.65	30.00
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc		
Do	Tudor Investment Corp		
Do	Tufts University	3,701.85	214.70
Do	Union Memorial Hospital	7,503.75	34.80
Do	Unisys	1,233.95	80.00
Do	University of Dayton	400.20	
Do	University of Detroit Mercy		
Do	University of Hawaii-University of Hawaii Found.	333.65	7.50
Do	University of San Francisco	2,201.10	29.50
Do	University of Southern Mississippi	400.20	30.25
Do	University of St. Thomas	800.40	
Do	Watsonville Community Hospital	2,601.75	
Do	Women & Infants' Hospital	2,401.20	151.25
Do	World Learning	400.65	
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	1,027.80	1,965.55
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		840,640.76	51,952.42
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	3,800.00	
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			51,960.99
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	804.71	115.45
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	ATA Environmental Cleanup Group	962.00	7.00
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jerry L. Chambers, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	5,000.00	
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235		36,500.00	46,921.85
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	16,500.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,100.00	347.55
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	74.67
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	23,901.00	4,875.79
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	18,053.23	385.19
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,695.92	277.96
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Robert L. Chatten, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	7,500.00	104.00
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	59.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			247,379.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,920.14
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		
Do	Bishop Museum		1,000.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	6,178.00	310.21
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		
Do	Isabella Stewart Gardner Museum		500.00
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		1,100.00
Do	National Council for the Traditional Arts	10,000.00	3,109.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,100.00
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		508.16
Do	Shakespeare Theater	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	The Colonial Williamsburg Foundation	1,000.00	108.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,365.00	570.00
Sidonie Chiapette, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	484.17	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	27,499.98	942.21
James T. Christy, 1001 19th Street, NW, North, #800 Arlington, VA 22209	TRW, Inc	20,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			71,990.55
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	12,750.00	2,758.67
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,690.00
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		45.00	45.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		21,566.00	21,889.00
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		945,776.00	216,345.00
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	14,775.00	2,716.90
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	390.00	6.86
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)	13,334.00	80.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)		
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	5,000.00	
Do	Strategic Management Associates (For:Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).	6,000.00	135.00
James F. Clark, P.O. Box 21211 Juneau, AK 99802-1211	Alaska Forest Assn		
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	72.53
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	LDDS Metromedia Communications, Inc	30,000.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	15,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	43,500.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	LDDS Metromedia Communications, Inc	30,000.00	
Do	Massachusetts Bay Transportation Authority	4,167.00	
Do	Metromedia Communications		
Do	Metromedia Company	15,000.00	
Do	RJR-Nabisco Washington, Inc	43,500.00	
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	3,000.00	2,000.00
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (for Bi-State Development Agency)		
Do	Brown & Associates (For:Lambert International Airport)	16,000.00	
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	7,300.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	15,862.50	124.12
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp	600.50	2.60
Do	Government Representatives Cmte Securities Industry Assn		
Do	Institute of International Bankers		
Do	Salomon Brothers, Inc		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	5,050.41	1,271.76
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			261.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	652.29	
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	5,343.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	100.00	
Do	Coalition of Higher Education Assistance Organizations	378.00	
Do	Consumer Bankers Assn	2,200.00	
Do	Diversified Collection Services, Inc	10,033.69	
Do	Ithaca College	2,100.00	
Do	Student Loan Funding Corp of Ohio	3,250.00	
Do	Very Special Arts	490.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		24,359.75	24,359.75
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		3,000.00	
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Consumers' Picture Rights, 1000 Thomas Jefferson Street, NW Washington, DC 20007			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Preserve the Low Income Housing Tax Credit, 1255 23rd Strret, NW, #800 Washington, DC 20037			
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	200.00	
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	2,000.00	40.61
Cochran & Lotkin, 201 Massachusetts Avenue, NE, Suite C-1 Washington, DC 20002	City of South Pasadena Redevelopment Agency	2,000.00	
Do	Learning Tools		
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,325.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,000.00	36.40
Catherine Grealy Cohen, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	1,800.00	60.00
Daniel Cohen, 1211 Connecticut Ave., NW, Suite 800 Washington, DC 20036	International Council of Cruise Lines	23,750.00	
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	650.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	540.00	1,027.03
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	6,766.50	702.50
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	36,225.00	253.84
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		456.77
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,465.00	10.00
Eleanor Cole, 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	1,041.31
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		50.00
Walter S. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 1160 North Taylor Street Arlington, VA 22201	American Stamps, Inc	1,000.00	
Do	Cambridge International, Inc	1,000.00	
Do	Coalition for Employment Opportunities	1,000.00	
Do	Diagnostek, Inc		
Do	DRC, Inc		
Do	National Rehabilitation Hospital		
Do	Orleans Levee District	1,000.00	
Do	RGDC, Inc		
Do	St. Bernard Port, Harbor & Terminal District	2,000.00	
Do	Winston & Strawn		
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	227.50	283.21
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	800.00	93.00
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	American Car Rental Assn	2,930.00	2,930.00
Do	American International Group, Inc	30,000.00	30,000.00
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	2,612.50	2,612.50
Do	Bicycle Manufacturers Assn of America		
Do	Carfax	250.00	250.00
Do	Cast Iron Soil Pipe Institute	980.00	980.00
Do	Coalition for Improved Environmental Audits		
Do	Coalition for Safe Ceramicware		
Do	Crop Insurance Research Bureau	3,915.00	3,915.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International, Ltd		
Do	Hyster	3,001.25	3,001.25
Do	In Re Color Picture Tubes		
Do	Independent Lubricant Manufacturers Assn	1,947.50	1,947.50
Do	Inland Steel Corp	1,450.00	1,450.00
Do	International Crystal Federation		
Do	Leather Industries of America		
Do	Lykes Brothers, Inc	306.00	306.00
Do	Municipal Castings Fair Trade Council	3,123.75	3,123.75
Do	National Assn of Convenience Stores	9,240.00	9,240.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pork Producers Council	5,635.00	5,635.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Oneida, Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	777.00	777.00
Do	Petroleos de Venezuela, S.A.	21,600.00	21,600.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Planar System, Inc	1,912.75	1,912.75
Do	PC Strand Producer Coalition	980.00	980.00
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	5,485.00	5,485.00
Do	Specialty Steel Industry of the United States	6,799.00	6,799.00
Do	Steel Manufacturers Assn		
Do	STG	3,185.00	3,185.00
Do	Tanners Countervailing Duty Coalition		
Do	Total Petroleum	11,580.50	11,580.50
Do	Verson Corp		
Do	Wickland Oil Co		
Meg Collins, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco	583.00	82.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	211.05
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		24.50
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,500.00	132.42
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,050.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	101.57
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			9,779.00
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20026		19,852.48	3,532.71
Common Cause, 2030 M St., NW Washington, DC 20036		2,666,031.00	419,797.88
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		43,000.00	66,225.58
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			4,872.60
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	250.00	49.58
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		389,850.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		10,000.00	44,656.00
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Pfizer, Inc	4,000.00	
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	231.61	270.77
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			3,012.50
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	1,914.59	604.00
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		1,610.00	384.00
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	Rural Community Insurnce Services, Inc	2,400.00	4,506.00
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty	3,000.00	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	70.50
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	777.00	133.00
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers-Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Do	Transportation Institute	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	416.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	36.00
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	1,970.40	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,872.47	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		36,000.00	18,832.32
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			24,298.69
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,370.00
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	2,139.09
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		7,190.00
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			54,007.75
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Billy R. Cooper, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	36,000.00	2.00
Darrell Coover, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	2,000.00	184.00
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,561.47	206.96
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,243.00	
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	460.55
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland		1,417.65
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	507.00	
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	2,088.80	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	913.84	344.70
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,000.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,830.00	433.00
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		4,110.00	4,110.00
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	773.08	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			66,908.73
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005			3,666.54
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		7,584.62	3,652.85
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		38,181.00	38,181.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		1,700.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America	200.00	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons		126.00
Do	American Watch Assn		1,106.20
Do	Anchorage Telephone Utility		
Do	Association of America's Public Television Stations	11,971.00	
Do	Association of Maximum Service Television, Inc	425.00	
Do	Attorneys' Liability Assurance Society, Inc	1,262.50	
Do	Bankers Roundtable	10,030.00	69.00
Do	Bankers Trust Co	780.00	35.00
Do	BankAmerica Corp	3,750.00	95.00
Do	Brown Brothers Harriman & Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Consolidated Natural Gas Company	742.50	
Do	Council for Marketing & Opinion Research	585.00	
Do	CBS Television Network Affiliates Assn		
Do	CF Industries, Inc	8.00	
Do	Erisa Industry Committee	880.00	20.00
Do	International Business Machines Corp		4.00
Do	Investment Company Institute	52.50	
Do	John E. Simon Trust	9,465.00	139.15
Do	John Hancock Mutual Life Insurance Co		
Do	Lutheran Brotherhood		
Do	Merck & Co, Inc		
Do	National Football League		
Do	NationsBank Corp	495.00	
Do	Private Benefits Alliance	412.50	
Do	Procter & Gamble Co		15.25
Do	Public Broadcasting Service		
Do	Syntex (USA), Inc		
Do	Tobacco Institute, Inc, et al.	5,017.00	
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,219.36	62.35
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	416.00	145.00
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	4,669.00	
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Bruce Craig, P.O. Box 640 Charles Town, WV 25414	Conference of National Park Cooperating Associations	71.56	9.20
Do	National Parks & Conservation Association		
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,977.00	595.43
Bill Crandell, 7104 14th Avenue Tacoma Park, MD 20912	Vietnam Veterans of America		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturers Assn, Incn		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Olsten Kimberly QualityCare		
Do	Savings and Community Bankers		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Textron Corp		
Do	USX Corp		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,000.00	
Laura Jeanne Cranston, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn	6,000.00	137.42
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	13,000.00	226.83
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	17,160.00	113.58
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	22.25
Christopher K. Croft, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	475.00	39.68
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	589.66	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Active Acoustical Solutions		
Do	Asarco, Inc	787.50	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Communications Satellite Corp		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	3,762.50	10.00
Do	Helicopter Assn International		
Do	ICF International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Minnesota Mining & Manufacturing Co		
Do	Naitnal Assn of Temporary Services	221.25	8.00
Do	National Assn of Wholesaler-Distributors	15,312.50	10.00
Do	National Risk Retention Assn		
Do	New York Life Insurance Co		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	United Cities Gas Co		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		2,538.49
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	1,008.44
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	1,241.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	208.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	66,716.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	4,082.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	1,378.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	10,946.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	8,268.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	2,366.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)	2,990.00	
Jennifer Cummins, 1616 H Street, NW Washington, DC 20006	National Grange		
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws	2,000.00	21.63
Do	National Assn of Securities & Commercial Law Attorneys	25,000.00	387.57
Do	Service Station Dealers of America	1,000.00	20.00
Do	Songwriters Guild of America	5,250.00	270.05
Do	West Publishing Co	15,000.00	23.71
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
Kevin M. Cunningham, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike	332.50	
William J. Cunningham, 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	17,991.84	851.18
Do	Household Financial Group, Inc	15,000.00	
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn	1,000.00	210.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
James R. Curtiss, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		52.80
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Tempe	29,568.75	61.18
Do	General Atomics	3,309.00	10.00
Do	University of Colorado	12,723.75	152.93
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,536.00	7,660.80
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,835.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Hercules Aerospace Co		
Do	Hercules, Inc	78.00	
Do	Software Productivity Consortium	172.69	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	7,500.00	2,260.50
Do	British Petroleum, America	7,500.00	1,647.99
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	702.21
Do	National Bark & Soil Producers Assn	3,450.00	952.65
Do	Responsible Industry for a Sound Environment	6,000.00	1,245.32
Do	Scotts Companies & Subsidiaries	15,000.00	798.06
Do	ZENECA Ag Products	12,000.00	1,971.66
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	19,531.00	3,184.20
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		1,000.00	437.26
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	4,087.50	1,086.21
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Taxpayer Assets Project	7,500.00	30.00
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	848.05
John E. Daniel, 1800 M Street, NW Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	7,624.82	
Jane Danowitz, 1025 Vermont Avenue, NW, Suite 300 Washington, DC 20005	Citizen's Trade Campaign	2,500.00	
Ed Dauksz, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	80.27
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	4,960.97	682.58
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	230.76	212.60
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,363.60	
Frederick G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,538.47	392.69
Harry Davis, 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	693.48	
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Alaska Ocean Seafood	16,000.00	2,935.00
Do	City of Charlevoix		
Do	Lafarge Corp		
Do	Marinette Marine Corp	15,000.00	150.00
Robert W. Davis Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	656.00
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	Alcoma Packing Company, Inc		
Do	American General Life Insurance Co	990.00	348.85
Do	American Home Life Insurance Co	2,900.00	178.52
Do	American Horse Council	2,970.00	290.34
Do	American Investors Life Insurance	1,200.00	37.25
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.20	348.85
Do	Committee of Annuity Insurers	6,192.00	101.80
Do	Dresser Industries, Inc		
Do	Employers Health Insurance Co	8,400.00	356.65
Do	First Penn-Pacific Life Insurance Co	3,063.50	83.00
Do	Florida Power & Light	366.00	190.50
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	
Do	Hughes & Luce	247.00	19.00
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	1,515.50	45.40
Do	National Business Aircraft Assn	1,500.00	
Do	National Cattlemen's Assn	900.00	348.85
Do	Retired Lives Reserve Group	175.00	4.50
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	461.68
Do	Underwriters of Lloyd's London		
Do	William H. Williams	3,000.00	53.75
Do	Worldspan	500.00	10.00
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co	450.00	14.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	11,850.00	33.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	7,320.00	66.00
Davis Wright & Tremaine, 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101	Association of National Advertisers, Inc	4,514.96	
Do	West Pac Vessel Owners Assn	8,353.39	
Benjamin D. Davol, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	542.00
James M. Day, 900 North Stafford St., #1405 Arlington, VA 22203	American Samoa Government, Office of the Governor		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	11,250.00	195.79
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	4,800.00	35.53
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	269.00	129.75
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	212.00	102.09
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,360.00	640.26
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	15,378.00	1,399.20
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	
William T. Deitz, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	2,325.00	60.45
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	4,867.50	106.60
Do	New Jersey Turnpike Authority	3,570.00	73.81
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	1,264.00	1,400.00
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics	1,000.00	
Do	Westinghouse Electric Corp		
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co	2,000.00	
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	600.00	
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	677.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	1,512.14	
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co	110.44	
Edward M. Desmond, 1250 H Street, NW, #880 Washington, DC 20005	Sterling Winthrop, Inc	24,777.50	
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	3,000.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	241.68
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO	2,772.35	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	1,138.56	
H. Edward DeBee III, 6520 North Western ,Suite 101 Oklahoma City, OK 73116	DeBee & Associates	5,518.00	1,202.48
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc	2,200.00	
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	263.18
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	13,000.00	1,018.19
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	6,000.00	98.00
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,268.00	201.78
Thomas R. DeYulia, 1776 I Street, NW, #700 Washington, DC 20006	CNA Insurance Co		
Gregory G. Diaz, Burke Williams & Sorensen 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	432.00	
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	500.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	935.00	
Do	Apple Computer Corp		
Do	Bear Stearns & Co		
Do	Cigar Assn of America, Inc	500.00	
Do	Cordova District Fishermen United, Inc		
Do	CoreSource	1,176.25	
Do	Electric Generation Assn		
Do	Federal National Mortgage Assn	3,075.00	
Do	Federated Cash Management Systems		
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc		
Do	National Assn of Chain Drug Stores	6,056.25	
Do	National Fed of Societies for Clinical Social Work	12,905.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises		
Do	Pipe Tobacco Council, Inc	500.00	
Do	Smokeless Tobacco Council	2,000.00	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	10,200.00	5,658.00
John Dill, 325 7th Strret,NW #1000 Washington, DC 20004	National Retail Federation	11,500.00	329.42
Robert E. Dillon, Sony Drive, Mail Drop #3F8 Park Ridge, NJ 07656	Sony Electronics, Inc	6,000.00	1,150.00
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	710.91	23.00
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	278.80	281.00
Do	Lumbermens Mutual Casualty Company	2,100.00	1,926.90
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			11,970.00
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		140,524.81	140,524.81
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy	810.00	1,744.80
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	509.77	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	405.27
Sarah R. Dodge, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	4,000.00	
Julie Domenick Doerr, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	244.39	8.00
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	5,531.00	
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,154.00	690.31
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	55.00	15.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp	1,875.00	
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	360.45	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	13,302.00	
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Donnelly Group, 1341 G Street, NW, Suite 1040 Washington, DC 20005	Air Products & Chemicals, Inc	3,000.00	
Do	Dow Chemical USA	22,962.50	
Do	Holiday Inn Worldwide	15,180.00	18.41
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1828 L Street, NW, #1010 Washington, DC 20365	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	2,722.46	211.00
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	170.00	22.00
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	68.80
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	375.00	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	180.00	
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)		
Do	New Jersey Turnpike Authority		
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	465.00	20.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	12,427.50	1,743.63
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		9,181.05
Do	Hercules Engine Co	250.00	3,397.83
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	351.56
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	14,152.50	36.98
Do	City of St. Paul	1,147.50	
Do	Deluxe Corp		
Do	Guam Commission on Self Determination		
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc		
Do	United HealthCare Corp		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	918.00	
Terrie M. Dort, 1200 19th Street, NW, Suite 300 Washington, DC 20036-2401	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc	3,000.00	
Richard J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	116.37
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		1,788.78
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Center on Law & Social Policy/Center on Budget Policy	600.00	
Do	E.I. duPont de Nemours & Co	1,500.00	
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	Medco Containment Services, Inc	999.00	
Do	Metropolitan Life & Affiliated Companies	2,480.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	1,500.00	
Do	United Feather & Down	400.00	
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	Center on Law & Social Policy/Center on Budget Policy...	999.00	999.00
Do	E. I. du Pont de Nemours & Co	3,750.00	3,750.00
Do	Joseph E. Seagram & Sons, Inc	4,500.00	4,500.00
Do	Medco Containment Services, Inc	2,499.00	2,499.00
Do	Metropolitan Life & Affiliated Companies	5,480.00	5,480.00
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	3,750.00	3,750.00
Do	United Feather & Down	1,000.00	1,000.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	108.18	
Steve Doyle, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	3,753.35	33.00
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	20,484.96	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,817.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	270.00	258.00
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	9,840.42	
Do	PHLCORP	18,000.00	74.98
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	7,200.00	
Do	Anheuser-Busch Companies, Inc		
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation		
Do	Federal National Mortgage Assn		
Do	General Motors Corp	533.00	
Do	Goldman Sachs & Co	533.00	
Do	Group Health Assn of American	7,467.00	
Do	Healthcare Leadership Council	7,733.00	
Do	Juvenile Diabetes Foundation International	834.00	
Do	Monsanto Company	1,067.00	
Do	National Cable Television Assn, Inc	1,067.00	
Do	Shell Oil Company	1,600.00	
Do	United Air Lines, Inc		
Do	Warner Communications, Inc	3,750.00	
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	Campo Bank of Mission Indians		
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Crow Creek Sioux Tribe		
Do	Gila River Farms	702.50	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	300.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six, Inc	300.00	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Native American Rights Fund	472.50	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Theresa Mitchell Dudley, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	5,860.10	390.22
Trent D. Duffy, 700 11th Street, NW, Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	14.42	
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute	4,384.60	488.00
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	1,281.00	12.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn		
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	712.59	104.00
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	848.25	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	700.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	24,338.00	
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)		
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	1,031.41
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	451.00	5.00
Amy S. Dwyer, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	4,280.85	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	770.00	
Do	Graham & James (For:National Assn of Dredging Contractors)		
David Dyer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc		
Do	Kaman Diversified Technologies Corp		
Do	Martin Marietta Corp		
Do	Hand Arendall Bedsole Greaves & Johnston (For:Northrop Corp)		
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center	240.00	
Do	Comerica	787.50	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	1,955.00	1,320.00
Do	Ferris State University		
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	1,316.25	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	2,000.00	
Do	Wayne State University	640.00	
Do	William Davidson Institute	1,776.25	
DJR Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022		3,000.00	147.00
Eagle Engineering & Communications Group, Inc, 6100 Lake Forrest Drive, Suite 620 Atlanta, GA 30328			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,980.00	
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,484.84
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	1,834.00	40.00
Do	IMC Fertilizer, Inc	917.00	20.00
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries		
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013	American Determination for Peace Co		10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,650.00	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	1,750.00	
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)	1,200.00	
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	1,500.00	
Do	Arter & Hadden (For:Corning, inc)	2,000.00	
Do	Arter & Hadden (For:ELGARD Corp)	1,000.00	
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)	1,500.00	
Do	Arter & Hadden (For:Hearst Corp)	2,000.00	
Do	Arter & Hadden (For:Jeffries & Co, Inc)	1,125.00	
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	700.00	
Do	Arter & Hadden (For:SPRINT)	3,000.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)	2,250.00	
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	41,143.45	
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	American Fuel Cell & Coated Fabrics Co		
Do	ADT Automotive, Inc	195.00	
Do	Florida WetlandsBank	8,800.00	
Do	National Independent Automobile Dealers Assn	250.00	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		115,516.00	71,319.11
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	3,270.51
Do	Fresno United School District	3,750.00	3,270.51
Do	Long Beach Unified School District	3,750.00	3,270.51
Do	Oakland Unified School District	7,500.00	6,565.14
Do	San Diego Unified School District	5,001.00	4,400.80
Do	San Francisco Unified School District	3,750.00	3,270.51
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.	435.00	
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	108.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		144.15
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	15,681.84	
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	6,325.00	4,425.14
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	2,051.28	
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	17,495.18	109.51
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	26.55
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Earl B. Eisenhart, 66 Canal Center Place, #600 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	779.00
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037		1,200.00	6,954.31
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,366.35
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		250.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	618.50	1,452.39
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	668.51	
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	140.00	
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	5,000.00	2,248.46
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	8,951.25	13.67
Do	St. Charles County	11,250.00	149.07
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	400.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		66,630.48	79,807.04
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,456.36
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	20,638.75	146.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	1.08
Susan Emmer, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,125.00	1,638.69
Employment Policies Institute, 607 14th Street, NW, #1110 Washington, DC 20005			5,769.84
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		2,875.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		173.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	902.00	21.00
Steven Engelmyer, 1515 Market Street Philadelphia, PA 19102	Hangley Connolly Epstein Chicco Foxman & Ewing (For:FMC Corp)	7,874.00	4,556.81
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,720.89
English First, 8001 Forbes Place, #102 Springfield, VA 22151		224,568.22	259,781.97
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn	1,500.00	2,100.00
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	182.41
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	22,500.00	
Do	New York Life Insurance Co		
Do	Northwestern National Life Insurance Co		
Do	PKR Foundation		
Do	Voluntary Hospitals of America, Inc		
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	18,799.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	Panhandle 2000	30,000.00	4,221.23
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	66.00	
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	1,460.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		90.75
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	545.75
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Arrowsmith Shelburne, Inc	3,750.00	
Do	Kaman Diversified Technologies Corp	2,250.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Martin Marietta Corp	6,250.00	
Do	McDonnell Douglas	3,000.00	
Do	Mongtomery Area Chamber of Commerce		
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,332.31	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Hospital, Inc (For:McLean Hospital)		
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).		
Do	Van Scoyoc Associates, Inc (For:Spelman College)	2,000.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	7,200.00	200.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		7,190.00
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	916.00	
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc	2,000.00	28.00
Sarah Evans, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Science		
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform		
Do	California Thrift Assn	5,000.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute	15,925.00	434.12
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).		75.06
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			3,169.33
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	1,500.00	
Do	National Restaurant assn	500.00	
Do	Sturm, Ruger & Co		
Thomas L. Fagan, Jr., 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	3,100.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,495.88	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		25,263.00	11,611.00
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA	500.00	6,702.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001			8,960.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,072.58
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		196,706.00	105,179.27
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	28,664.69
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	9,000.00	
Do	Central Utah Water Conservancy District	33,322.50	472.97
Do	Clark County Nevada	17,597.25	
Do	Clark County Nevada-McCarran International Airport	15,000.00	
Do	Las Vegas Valley Water District	32,133.75	247.44
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	26,825.00	159.60
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	442.80	
Robert C. Fay, 450 E. Higgins Road, #201-E Elk Grove Vilage, IL 60007-1417	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	10,062.50	2,072.09
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,292.00	218.90
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,003.00	609.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		11,669.64	25,614.50
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			7,202.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,575.77	1,575.77
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,500.00	13,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		4,502.00	5,008.68
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			268.95
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	3,071.25	278.64
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		150.00
Martha A. Feichter, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)		
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,410.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)		32.68
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives	20,988.00	29,178.00
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	10.00
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	250.00
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	6,630.00	251.42
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute	685.71	1,147.65
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,812.50	593.15
Do	AT&T	5,625.00	558.07
Do	Dillingham Construction Corp, Inc	7,500.00	595.28
Do	Global Marine, Inc	3,750.00	606.52
Do	Holland America West-Tours	5,625.00	601.66
Do	Mountaineer Gas Co	1,875.00	197.79
Do	Northern Air Cargo	3,750.00	595.44
Do	U.S. Borax, Inc	7,500.00	617.96
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,700.00	825.26
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	27.00
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002			332.00
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	13,021.86	
Amy Finan De Leon, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	582.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		12,750.00	1,268.00
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Stephen Finley, 12606 SE 30th, #3 Bellvue, WA 98005		2,520.00	2,776.50
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		49.25
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	1,435.88	588.08
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	14,562.84	417.82
First National Bank of Boston, 100 Federal St. Boston, MA 02110			3,517.72
Deborah A. Fischione, 1299 Pennsylvania Avenue, N.W., #1275 Washington, DC 20004	Chicago Mercantile Exchange	5,000.00	1,107.21
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	686.15	
Do	Education Legislative Services (For:Fresno Unified School District)	686.15	
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)	686.15	
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	1,377.36	
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	923.29	
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)	686.15	
Dan Fishbein, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	828.75	1,743.00
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	11,213.63	
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	6,000.00	
Gregory M. Fisher, 1201 Connecticut Ave., NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Assn Foundation)		
Do	Bailey & Robinson (For:Mastercard International)		
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	356.20	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		1,560.00
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	33.00
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	576.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	2,970.00	
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	300.00	120.00
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	527.36
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)	2,850.00	
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	Constellation Technology Corp.	5,000.00	
Do	Cray Research, Inc	26,294.98	
Do	Florida State University	10,000.00	
Do	Hampton University	4,000.00	
Do	MEDCO Containment	4,000.00	
Do	University of Alaska	15,000.00	
Do	University of Nevada-Las Vegas	16,731.21	
Do	University of Vermont	28,376.91	
Do	Virginia Commonwealth University	5,340.84	
Do	Westinghouse Electric Corp	7,291.50	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,108.30	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	558.58
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
Do	Real Estate Services Providers Council		
R. D. Folsom, 601 13th St., Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	6,500.00	285.00
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,456.00	16,456.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	1,829.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			8,514.50
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,404.00	1,859.44
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	575.00	
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	3,200.10
Do	American Soybean Assn	400.00	
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004		30,443.00	55,634.62
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine	6,000.00	348.73
Do	AT&T	12,000.00	3,238.77
Do	Chem-Nuclear Systems, Inc	2,456.25	1,268.84
Do	Greenwood Development Corp	3,320.00	717.85
Alissa T. Fox, 311 Massachusetts Avenue, NE Washington, DC 20002	Washington Health Advocates	14,798.00	
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America	11,936.74	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology		
Robert Frankel, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	3,075.00	1,591.00
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	35.00
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)	2,314.89	49.82
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)	1,407.42	13.82
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,662.60	1,469.82
Kathleen A. Frawley, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	American Health Information Management Assn	1,666.50	41.65
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	200.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freeborn & Peters, 311 South Wacker Drive, Suite 3000 Chicago, IL 60606	Boots Pharmaceutical, Inc		
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	American Personal Communications	1,500.00	
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		20.49
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	877.04	
Do	Dairymen, Inc	10,780.00	313.18
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	350.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,100.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	6,000.00	225.00
Fresh Produce Association of the Americas, P.O. Box 848 Nogales, AZ 85621	West Mexico Vegetable Distributors Assn		
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	250.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	7,767.50	110.55
Do	Lonza, Inc	1,814.00	291.22
Do	Virgin Islands Rum Industries, Ltd	390.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	2,500.00	
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)	22.50	74.55
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Summit Energy Storage, Inc		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	25.00
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	9.00
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	1,667.00	549.66
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	600.00	300.00
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	6,930.00	15,941.71
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	3,417.75	7.38
Do	Federal Home Loan Bank Board of Dallas	9,000.00	98.00
Do	Generic Pharmaceutical Industry Assn		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)		
Daniel J. Funsch, P.O. Box 7613 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	350.00	35.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,187.50	
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Central Basin Municipal Water District	7,500.00	43.51
Do	Central Utah Water Conservancy District		
Do	Kamm & Associtès, Ltd		
Do	Las Virgenes Municipal Water District	15,000.00	32.25
Do	Upper San Gabriel Municipal Water District	15,000.00	199.91
Do	West Basin Municipal Water District		278.21
Colleen Furukawa, 1100 Connecticut Avenue, NW, #910 Washington, DC 20036	Coalition for Employment through Exports		
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	6,250.00	
Edward M. Gabriel, 1001 G Street, NW, SUite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,300.00	76.96
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,301.83	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Law Offices of John G. Gaine, 1150 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	1,315.20	21.69
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		135.00
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	182.23	57.00
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composites Fabricators Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	Chemical Manufacturers Asn	2,600.00	1,646.03
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,125.00
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	17,273.00	68.75
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))		
Isabelle Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,753.35	33.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 57 Winfield Street San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	780.00	
Theodore J. Garrish, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Council	8,108.00	
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assns, Inc	14,355.00	1,002.61
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	2,040.19	
Do	Interocean Management Company		
Do	J & B Management Company	26,501.63	
Do	National Assn of Independent Credit Reporting Agencies, Inc	5,327.50	
Do	Pacific Coast Federation of Fishermen's Assn, Inc	2,269.00	
Do	Seafood Consumers & Producers Assn, Inc	4,698.50	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	81,351.38	
Do	USX	9,719.76	
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,697.00	448.78
Philip Gasteyer, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	168.00	
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	300.00	300.00
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		15,000.00
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			50,303.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		2,200.00	
Generic Pharmaceutical Industry Assn, 1620 I Street, NW, Suite 800 Washington, DC 20006		28,896.27	28,896.27
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			2,210.64
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,317.52
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	96.96
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	1,223.10
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	400.00	
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club		
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	3,156.00	132.25
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,915.50	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	22,000.00	228.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibbons & Company, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Company		
Do	Mutual Life Insurance Co of New York		
Do	Natural Disaster Coalition	9,000.00	
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc		
Gail Giblin, 820 First Street, NE, #900 Washington, DC 20002	Turner Broadcasting System, Inc	355.00	
Kenneth W. Gideon, Wilmer Cutler & Pickering 2445 M Street, NW Washington, DC 20037-1420	National Structured Settlement Trade Assn	252.00	284.15
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	1,250.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	1,847.50	30.00
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.00	
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,575.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	1,100.00	
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Astra Holdings Corp)		
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	225.00	
Do	Gadsby & Hannah (For:IPAC)		
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	461.19
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	577.10	185.00
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	1,100.00	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	11,850.00	1,184.06
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	5,697.50	49.63
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	3,900.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	6,500.00	
Do	Robertson Monagle & Eastaugh (For:All Alaska Seafood)	9,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	1,625.00	
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	4,125.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	3,000.00	
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	American Factory Trawler Assn	21,250.00	165.64
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied-Signal Aerospace Co		
Do	Firearms Training Systems, Inc	10,000.00	287.41
Do	Lockheed Corporation	12,000.00	343.29
Do	Oglethorpe Power Corp	6,000.00	167.66
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	231.69
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			2,917.62
Sandra Gjelde, P.O. Box 2367 Silverthorne, CO 80498	Mississippi Band of Choctau Indians (MBCI)	1,400.00	248.20
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	100.00	
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	11,000.04	857.37

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sara B. Glenn, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,000.00	310.33
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Blue Cross of Western PA)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Oralco Management Services (Ormet))		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Advocates for Fertility Treatment		
Do	All Nippon Airways Co, Ltd		
Do	Community Learning & Information Network, Inc		
Do	Convex Computer Corp		
Do	Fanuc, Ltd		
Do	Gold & Leibengood		
Do	Hitachi, Ltd		
Do	Hyundai Motor America	144.23	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Murata Machinery, Ltd		
Do	Southwestern Bell Corp	115.38	
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	40.86
Donald G. Goff, 8003 Rivermont Court Springfield, VA 22153	McDonnell Douglas Corp		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Afin Casa De Bolsa, SA de CV		2,066.00
Do	Amercan College of Cardiology	3,900.00	2,366.00
Do	American Academy of Dermatology	4,000.00	2,366.00
Do	American Academy of Ophthalmology	6,256.00	2,293.00
Do	American Hospital Assn	9,000.00	2,281.00
Do	Beretta U.S.A. Corp	12,040.00	2,366.00
Do	Bridgeport Regional Business Council	11,250.00	2,366.00
Do	Camara Nacional de la Industria Pesquera	24,000.00	2,366.00
Do	Camara Nacional de las Industrias Azucarera y Alcoholera		2,066.00
Do	Caremark, Inc	15,000.00	2,366.00
Do	Cementos Mexicanos (CEMEX)	28,800.00	2,366.00
Do	Chemical Manufacturers Assn, Inc	93.00	2,077.00
Do	Coca Cola Company	4,800.00	2,146.00
Do	College of American Pathologists	6,000.00	2,366.00
Do	Eye Bank Assn of America	5,924.00	2,103.00
Do	Federated Investors, Inc	4,100.00	2,066.00
Do	Fiat, U.S.A., Inc	6,400.00	2,142.00
Do	Genentech, Inc	264,300.00	2,366.00
Do	International Council of Shopping Centers	10,000.00	2,066.00
Do	Investment Company Institute	1,118.00	2,130.00
Do	James Capel & Co	10,000.00	2,366.00
Do	Joint Commission on the Accreditation of Health Care Orgs	55,200.00	2,366.00
Do	Kidder Peabody & Co	5,250.00	2,366.00
Do	Medela, Inc	3,000.00	2,108.00
Do	Mountain-Park Master Conservancy District		2,066.00
Do	Mutual Of Omaha	4,000.00	2,201.00
Do	MAPCO, Inc	13,500.00	2,066.00
Do	MCI Communications Corp	8,000.00	2,366.00
Do	National Football League	1,120.00	2,257.00
Do	National Restaurant Assn	29,250.00	2,366.00
Do	National School Transportation Assn	4,000.00	2,366.00
Do	Nestle USA, INC	1,800.00	2,132.00
Do	Pacific Enterprises	15,000.00	2,366.00
Do	Pennzoil Co	4,000.00	2,358.00
Do	Philip Morris Co	42,393.00	2,366.00
Do	Regional Transportation District	8,000.00	2,366.00
Do	Salomon Brothers, Inc	1,722.00	2,130.00
Do	Thomson-CSF, Inc	3,000.00	2,066.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,090.00
Do	Times Mirror Co	3,960.00	2,302.00
Do	Washington Metropolitan Area Transit Authority	16,500.00	2,066.00
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.	572.50	
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,000.00	350.16
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	812.50	
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			7,150.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	11,250.00	
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	National Assn for the Self-Employed	12,600.00	
Do	Seniors Coalition, Inc		
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	525.00	106.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	3,572.94
James L. Good, 1725 K Street, NW, Suite 1212 Washington, DC 20006	National Assn of Water Companies		
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	483.87	1,490.55
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,831.00	
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,781.00	
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	1,897.79
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	8,416.32
Do	Export Processors Industry Coalition (EPIC)	7,500.00	4,334.81
Do	Iowa Pork Producers Assn	2,500.00	1,849.23
Do	National Sunflower Assn	3,000.00	3,352.47
Do	U.S. Canola Association	9,000.00	3,979.97
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause	4,517.81	
John E. Gordon, 1725 Jefferson Davis Highway, Suite 601 Arlington, VA 22202-3585	Litton Industries, Inc	1,000.00	1,195.70
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	693.99
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee	17,000.00	120.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,046.56	
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	120.86
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	60.00	16.00
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	5,151.50	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Navajo Nation		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	400.00	
Do	Pueblo of Tesuque		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo		
Do	Shoshone Tribe	19,143.50	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Bill Gradison, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	9,069.50	302.50
James E. Graf II, 601 Pennsylvania Avenue, NW Washington, DC 20004	British Telecommunications, plc	5,000.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	130.00	1,846.52
Alexander Graham, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	1,500.00	
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	321.55
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		736.07
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			368.08
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	1,400.00	
James W. Grau, 32 East 57th Street New York, NY 10022	Trump Organization	24,500.00	16,856.99
Clifford S. Graul, 1800 M Street, NW, #325 South Washington, DC 20036	Creative Strategies Group		
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	16,300.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Edwin C. Graves & Associates (For:Brickfield Burchette & Ritts)		
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)	875.00	
Do	Edwin C. Graves and Associates (For:CBI Sugar Group)		
Do	Ed Graves & Associates (For:Emerald Resources Management, Inc)		
Do	Edwin C. Graves & Associates (For:Furman Group)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Ed Graves & Asociates (For:OPEDA)	156.25	
Do	Edwin C. Graves & Associates (For:Republic of Azerbaijan)	156.25	
Do	Capitoline/MS&L (For:Republic of Turkey)	937.50	
Do	Edwin C. Graves & Associates (For:South Dade Land Corp)	225.00	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	1,162.28	254.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	13,730.00	5,672.66
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,700.00	118.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	3,672.00	
Carol J. Gray Storrs, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	1,926.92	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		300.00	300.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			976.25
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	525.43
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	334.24
Marlene Y. Green, 3380 Webster Avenue Pittsburgh, PA 15219-3975			
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	1,181.59
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Drive Plano, TX 75023	Housing Roundtable		320.00
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	5,000.00	1,711.00
Do	DARE AMERICA	8,323.00	1,433.00
Do	National Center for Missing & Exploited Children	10,000.00	835.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Health Alliance, Inc	500.00	500.00
Fred Greene, 316 Teal Crescent Virginia Beach, VA 23456	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	9,904.35	377.58
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,330.52	81.50
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Jim Greenwood, 1350 Eye Street, NM, Suite 1240 Washington, DC 20005	Valero EnergyCorp		
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	94.03
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	100.00
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	4,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 fPenfnsylvania Ave., NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,138.00	33.95
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	83.00
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		25.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc	6,000.00	
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp		10.00
Do	Eli Lilly & Company	125.00	
Do	Maxus Energy Corp		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	175.00	10.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		20.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	500.00	20.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
James E. Grossberg, 505 No. Tustin Ave., Suite 150 Santa Ana, CA 92705	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		473.96
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	58,781.00	
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	2,100.00	133.00
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	2,000.00	50.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	60.27
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan, Inc	2,090.00	24.00
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin, PC (For:Alabama Council for Rural Housing Development)	1,500.00	
Do	Tanner & Guin (For:Morrow Realty Co, Inc)	5,643.50	
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,000.00	10.00
Do	Marine Shale Processors, Inc	1,000.00	55.00
Do	McDermott, Inc	2,000.00	60.00
Do	Walk Haydel & Associates, Inc		
Deborah H. Gum, 9859 Flint Rock Road Manassas, VA 22111	Capital Cities/ABC, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		431,931.43	407,889.27
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	3,562.81
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc	72.00	
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	6,661.21	1,785.96
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Daniel Guttman, 1350 New York Avenue, NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Federal Atomic Trades & Labor Council)		
Do	Spiegel & McDiarmid (For:Special Delegation of the Govt of Austria)		
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	4,000.00	
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	102.00
Elizabeth H. Hadley, 600 Maryland Ave., SW, Suite 100 West Washington, DC 20024-2571	American Nurses Assn	1,700.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)		
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	6,500.00	91.56
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
Jill M. Hague, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	500.00	25.00
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	EuroColumbus		
Do	Nedlloyd Lines (USA) Corp		
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,000.00	162.10
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,625.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	249.07	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		581.69
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	ACX Technologies, Inc	763.00	8.00
Do	Center for Technology Commercialization, Inc	313.50	33.10
Do	Genetics Institute	199.50	0.80
Do	Harcourt Brace & Co	769.50	2.40
Do	Hybridon, Inc	1,824.00	37.90
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Micron Technology, Inc	28,143.00	232.67
Do	Northeastern University	824.00	47.90
Do	Park Electrochemical Corp		
Do	Psychological Corp	3,106.50	159.60
Do	Thinking Machines Corp	85.50	1.80
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	Eagle Engineering & Communications Group, Inc		
Debra J. Hall, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,410.99
J. Michael Hall, 1200 19th Street, NW, 3rd Floor Washington, DC 20036	American Psychological Assn	12,450.00	12,450.00
Do	Society of Nuclear Medicine	15,425.00	15,425.00
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	390.50	
Joseph M. Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	2,192.86
Lawrie Platt Hall, 14901 South Orange Blossom Trail Orlando, FL 32801	Dart Industries, Inc	900.00	1,434.10
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co	500.00	200.00
Robert P. Hall, 325 7th Street NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	210.39
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		250.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	695.88
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	1,750.00	
Do	Bruce Cameron (For:National Council of Maubere Resistance)	1,167.00	
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Bell Atlantic	15,184.50	
Do	NYNEX	15,947.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	2,500.00	129.19
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	8.00
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	2,484.00	5,718.51
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,832.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	34,998.00	18,432.51
Do	Colonial Mortgage Co	15,357.50	883.36
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 1120 Conneciticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Fed of America, Inc		
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	1,900.00	49.95
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,800.00	105.25
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc		
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Like Insurance Co	1,955.20	123.85
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	6,000.00	8.34
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,656.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	1,021.63	
Do	Ingalls Shipbuilding	2,740.38	
Do	Northrop Corp	1,037.49	
Do	Teledyne Industries, Inc	1,504.95	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,800.00	554.35
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Coodination Council for North American Affairs		
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,500.00	
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	121.16
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	1,274.33
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,125.00	
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	525.00	25.90
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	537.81
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	7,500.00	1,200.00
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc	2,500.00	
Do	Coalition of Food Importers Assn	1,200.00	9.50
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	2,600.00	20.50
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	5,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	160.00	4,538.16
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	2,775.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	715.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics	333.33	
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,666.66	
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	1,140.61
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	250.25	36.35
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		503.25
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co	5,002.50	
Do	Burlington Northern Railroad, Inc	7,200.00	31.72
Do	CSX Corp	3,000.00	57.60
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	849.29
Do	Pharmaceutical Manufacturers Assn	21,000.00	
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	3,262.50	3,414.88
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	420.00	
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	E.I. duPont de Nemours & Co	750.00	
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	500.00	
Do	Metropolitan Life & Affiliated Companies	1,000.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	750.00	
Do	United Feather & Down	200.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	6,798.25	80.38
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	1,388.50	11.30
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	475.00	
Do	American Sportfishing Assn	950.00	
Do	Basic American, Inc	475.00	
Do	Coastal Conservation Assn	950.00	
Do	Direct Service Industries, Inc	2,375.00	
Do	McPhillips Manufacturing Co	950.00	
Do	Pacific Northwest Utility Conference Committee	2,375.00	
Do	United Sport Fishermen	95.00	
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth--Protestant Health Alliance	5,469.00	157.00
Steven L. Hayes, 1015 Oneonta Drive Los Angeles, CA 90065	Citizens for an Alternative Tax System		
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	48,992.00	3,039.43
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		22,742.81	22,742.81
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	9,830.00	27.00
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	570.00
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Atomatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Taiwanese Reichsbanknote Creditors Association (TRC)).		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	150.00
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-America Waste Systems, Inc		
Do	MCI Telecommmunications	1,000.00	600.00
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management		
Do	Taiwanese Reichsbanknote Creditors Assn	1,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,987.54	
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	2,500.00	203.40
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Paul T. Heilig, 1700 North Moore Street, 20th Floor Arlington, VA 22209	Boeing Co	7,842.50	125.25
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	
Helicopter Assn International, 1641A South Hayes Street Arlington, VA 22202			17,243.25
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Chugach Electric Assn, Inc	145.91	10.91
Do	Direct Service Industries		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	2,328.00	
Rebecca Poe Henderson, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	3,000.00	189.88
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn/American Thoracic Society	1,141.15	5,785.40
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	2,045.00	
Hennessy Plummer & Griffin, Inc, 12 Sheridan Avenue Albany, NY 12207	American Communications Group, Inc	6,318.00	6,318.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	2,178.85	23.00
Dennis Henry, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	2,025.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	12,000.00	4,429.55
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,585.00	223.82
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		6,821.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Business for D'Oench Duhme Reform		4,695.35
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	450.00	
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	329.59
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	5,250.50
Sydney T. Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	1,200.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	30.05	38.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	857.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,432.00	3,886.84
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	450.00	170.00
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Hoover Group		
Do	Nalco Chemical Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sonoco Products Co	6,313.75	206.92
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	296.00
Thomas M. Hill, 1299 Pennsylvania Avenue, NW, Suite 1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	2,016.25	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	500.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Blue Cross Blue Shield of Florida		
Do	Broward County		
Do	Carpet & Rug Institute		
Do	Fujisawa/Lyphomed		
Do	Greater Cleveland Growth Assn	3,500.00	
Do	Grumman	1,750.00	
Do	Los Angeles Airport	8,700.00	
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Mescalero Apache Tribe	925.00	
Do	Monsanto Co		
Do	Motorola, Inc	3,450.00	
Do	N-Viro International Corp	1,000.00	
Do	Oralcle Corp		
Do	Phillips Petroleum Company		
Do	Port of Cleveland	625.00	
Do	Port Everglades	1,200.00	
Do	Republic of Turkey		
Do	Sallie Mae		
Do	Tera Computer Company		
Do	Union Pacific		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Cynthia Hilton, 4301 Connecticut Ave., NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 2100 Pennsylvania Ave., NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	28,000.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (For:Northwestern National Life)	2,500.00	618.75
Do	Health Policy & Strategy (For:Pan American Life Insurance Co)	2,500.00	618.75
Do	Pioneer Financial Services, Inc	15,057.16	3,867.21
Do	Health Policy & Strategy (For:Washington National)	3,750.00	928.13
Do	Health Policy & Strategy (For:Wausau Insurance Co)	1,250.00	309.38
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	6,678.00	956.14
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	3,000.00	
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,032.29	
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,968.83	
Kristin Hofeditz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	1,230.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance	12,000.00	2,929.07
Do	Froedtert Malt Corp	3,000.00	732.56
Do	National Barley Growers Assn	15,000.00	3,661.74
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,675.00	550.78
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	3,570.96
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
John B. Hofmann, 1311 I Street, Suite 100 Sacramento, CA 95814	California Forestry Assn	2,380.00	2,502.33
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		294.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences	3,612.50	312.69
Do	American Academy of Pediatrics	942.50	8.00
Do	American Coke & Coal Chemicals Institute		
Do	American College of Osteopathic Surgeons	186.75	
Do	American Frozen Food Institute		
Do	American Insurance Assn		49.10
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	1,451.25	9.40
Do	American Society for Bone & Mineral Research	6,283.23	955.55
Do	Amgen, Inc	1,755.00	16.00
Do	Ansell, Inc	50.00	7.30
Do	Arctco, Inc		
Do	Auburn University	6,000.00	1,964.09
Do	Berg Steel Pipe Corp	4,031.25	22.20
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn	21,930.22	1,077.57
Do	Board of Education of the City of New York		222.51
Do	Brother International Corp	5,981.75	1,146.66
Do	Burger King Corp	24,000.00	1,981.23
Do	BE&K Construction		
Do	California State Teachers' Retirement System	7,202.50	
Do	Charles E. Smith Companies		
Do	Cholestech Corp		
Do	Computer & Business Equipment Manufacturers Assn		
Do	CC Distributors, Inc		
Do	Direct Selling Association	13,581.25	
Do	Drummond Company, Inc	12,825.00	928.50
Do	Freightliner Corp		
Do	Genentech, Inc	2,350.00	4.00
Do	General Electric Co	1,132.50	103.61
Do	Glaxo, Inc	75.00	
Do	Government of Haiti	82,500.00	8,135.83
Do	Government of Ontario, Ministry of Economic Develop & Trade		
Do	Grand Metropolitan	5,000.00	606.58
Do	Grocery Manufacturers of America, Inc	5,161.25	104.00
Do	Group Hospitalization and Medical Services, Inc	3,496.10	3,596.53
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	3,969.00	312.60
Do	Humane Society of the U.S.		16.32
Do	Infectious Diseases Society of America, Inc	5,536.25	65.45
Do	International Assn of Amusement Parks & Attractions	12,000.00	135.88
Do	International Hydrolyzed Protein Council	8,481.24	119.79
Do	May Department Stores Co	5,212.50	193.82
Do	Medtronic, Inc		126.81
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	30,768.75	1,018.84
Do	Michigan Consolidated Gas Co		
Do	Monsanto Co	26,924.88	766.38
Do	Mortgage Insurance Companies of America	24,000.00	677.14
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	487.50	36.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Community Health Centers		
Do	National Broiler Council		
Do	National Child Care Assn	3,000.00	877.01
Do	National Consumer Bankruptcy Coalition	14,000.00	2,908.01
Do	National Hospice Organization	2,836.25	
Do	National Osteoporosis Foundation	10,561.00	1,786.04
Do	National Structured Settlements Trade Assn		
Do	National Tissue Bank Council		
Do	Nuexco Trading Corp, et al.		
Do	Ostegenesis Imperfecta Foundation	390.00	99.75
Do	Paget Foundation	481.00	108.35
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	4,721.06	167.74
Do	Private Child Care Providers	12,000.00	856.75
Do	Product Liability Coordination Committee	59,999.90	3,744.44
Do	Rust Engineering	12,751.78	1,014.48
Do	Simrad, Inc		
Do	Society of Critical Care Medicine	428.75	8.00
Do	Southern Company Services	15,000.00	1,391.36
Do	Storage Technology Corp		
Do	Texas Heart Institute	2,484.90	39.75
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	3,360.00	60.00
Do	Virginia Ready-Mixed Concrete Assn		50.89
Do	Vulcan Materials Company	16,928.75	2,880.20
Do	Jim Walter Corp	9,500.00	1,164.33
Do	Williams Telecommunications		
Do	XXSYS Technologies,Inc		
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	150.00	
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	116.75
Do	Home Savings of America	3,000.00	94.50
Do	Stuzin & Camner, P.A.	2,000.00	83.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:AT&T)	933.75	
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	600.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	1,000.00	
Do	Association of Oil Pipe Lines		
Do	Citgo Petroleum Corp	1,250.00	
Do	CALPINE		
Do	Domestic Priorities Leadership Council	500.00	
Do	FMC Corp		
Do	Precious Metals Producers Group	1,750.00	
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	American Life Resources Corp		
Do	Community Service Society of New York	555.00	
Do	Goldberg Godles Wiener & Wright		
Do	Homestead Community Bank		
Do	International Taxicab & Livery Assn		
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida	2,016.00	
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	12,500.00	570.38
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Dietetic Assn	2,000.00	49.90
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,179.80	3,023.07
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201			
Stewart E. Holm, 1875 Eye Street, NW, Suite 775 Washington, DC 20006	Georgia-Pacific Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	96.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033			21,209.82
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Catellus	6,000.00	
Do	City of San Francisco (Water & Power Div)	13,500.00	
Do	Colonial Penn Life		
Do	Combustion Engineering, Inc	4,000.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Destec Energy, Inc		
Do	Ebasco Services	2,700.00	
Do	Entergy Corp	2,250.00	
Do	Ewing Kauffman Foundation		
Do	ENSERCH Corp	3,000.00	
Do	ENSERCH Exploration		
Do	Fluor Corp	2,500.00	
Do	Goldstrike Mine	12,000.00	
Do	Guadalupe Valley Electric Cooperative, Inc		
Do	Hallmark Cards	500.00	
Do	Hubbell, Inc		
Do	International Paper Co	7,500.00	
Do	IFINT, S.A.	1,000.00	
Do	Jena Band of Choctaw		
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	4,000.00	
Do	Mobil Corp	12,000.00	
Do	National Rural Letter Carriers' Assn	900.00	
Do	NorAm Energy Corp.	2,500.00	
Do	Panhandle Eastern Corp	7,400.00	
Do	Pennsylvania Engineering Co		
Do	Phlcorp	2,000.00	
Do	Science Applications Intern Corp	6,000.00	
Do	Trammell Crow Co		
Do	TECO Energy, Inc	7,500.00	
Do	Ultramar, Inc	1,800.00	
Do	Utilicorp United, Inc	6,000.00	
Do	WMX Technology & Services	1,000.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,763.91
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	850.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Grand Trunk Corp	949.03	123.20
Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists		
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,200.00	
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Blair Horner, P.O. Box 18332 Washington, DC 20036-8332	New York Public Interest Research Group	4,516.55	737.66
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Douglass C. Horstman, 1319 Vincent Place McLean, VA 22101	Maytag Co	572.00	40.00
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		11,452.37	10,143.07
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	2,025.79	862.34
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	905.00	
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	19,700.00	43.70
Do	Western-Southern Life Insurance Co	750.00	150.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,710.07	1,884.28
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	4,741.70	4,741.70
Earnest E. Howell, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	4,798.26	99.50
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,967.00	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,406.00	
Do	Marcus G. Faust, P.C. (For:Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,406.00	
Thomas H. Howlett, 601 Pennsylvania Ave.,NW, North Bldg Washington, DC 20004-2688	Ross Dixon & Masback (For:Newsletter Publishers Assn)		
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	GE Aircraft Engines	168.75	
Do	Hughes Aircraft Co	168.75	
Do	Litton Industries, Inc	168.75	
Do	Rockwell International Corp	168.75	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	25,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	7,850.00	238.82
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	2,500.00	343.81
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,625.00	487.26
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,062.43	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University		
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA	400.00	
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J. Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc		508.17
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	963.75
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	998.00	450.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Do	Sammons Enterprises, Inc	11,040.00	741.79
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	UNR Asbestos Disease Claims Trust		
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	15,050.00	
B. Jeanine Hull, 12500 Fair Lakes Circle, Suite 260 Fairfax, VA 22033	LG&E Power, Inc	10,000.00	
William Thomas Humber, 901 N. Washington STreet, Suite 400 Alexandria, VA 22314	National Smokers Alliance		
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe & Co (For:American Rocket Co)		
Do	Keefe Co (For:Computer Learning Works)		
Do	TKC International, Inc (For:Government of Aruba)		
Do	Keefe Company (For:Lockheed Sanders, Inc)		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	26,302.74	44.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	6,435.00	100.34
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	1,250.53
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,902.09	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,400.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	211.53	229.00
Angela M. Hunter, 25 Louisiana Avenue,NW Washington, DC 20001	Health Insurance of America	645.20	162.50
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Lane S. Hurewitz, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Parker-Lafarge, Inc)	237.98	
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Geoffrey B. Hurwitz, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	2,300.00	286.93
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,734.98
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	12,500.00	357.69
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,836.84	
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		844.89
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		5,032.00	5,032.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		62,394.00	62,394.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		1,947.50	1,947.50
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		18,671.50	18,671.50
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		83,888.00	500.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	13,140.00	116.27
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,596.87	
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			61,832.07
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		126,701.60	126,701.60
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	100,000.00	2,237.89
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		24,679.57	37,112.48
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	442.00	83.28
Do	Hercules, Inc	1,181.25	74.55
Do	Wine Institute	1,650.00	
Do	Xerox Corp	2,887.50	50.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		31,007.22	31,007.22
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904			8,933.75
International Gaming Technology (IGT), 5270 Neil Road Reno, NV 89502			
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			75,102.72
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Embassy of the Republic of Bosnia & Herzegovina		
Do	Government of Pakistan	112,500.00	970.14
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,070.25
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	558.58
InterHealth--Protestant Health Alliance, Suite 233N, Court International 2550 University Avenue West St. Paul, MN 55114-1052.		9,306.00	9,306.00
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			34,671.39
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,900.00	1,350.84
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	866.00	163.00
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,737.50	170.88
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		3,858.80	8,752.49
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,125.00	
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	7,270.32	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	250.00	
Israel - Norman Communications Inc., 28 Elm Street Huntington, NY 11743	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,250.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	750.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	1,232.17	
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	15,000.00	
Do	Pacific Lumber Co	7,000.00	
Do	Smithkline Beecham	1,500.00	
Do	Stanton and Associates	10,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Eva Jack, 1825 I Street NW # 400 Washington, DC 20006	Intel Corp	6,000.00	3,767.45
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	236.06	197.00
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	46.51
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	6,892.00	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,500.00	294.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	24,702.34	9,676.27
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,750.00	417.00
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		259.98
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc	72.15	
Do	Primary Glass Manufacturers Council	112.50	
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,750.00	
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,852.00	431.59
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Thomas M. James, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Furman Group	5,375.00	593.24
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	18,757.90	10,137.71
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,668.00	1,668.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Richard B. Jarman, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Co	100.00	10.00
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	13,750.00	4,765.17
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	267.09
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,957.35	472.64
Jeford International's, 2775 South Quincy Street, #520 Arlington, VA 22206	Aerojet-General Corp	250.00	
Do	Northrop Corp	380.00	
Do	Rotary Power International, Inc	150.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Fluor Corporation)		
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:National Assn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)	150.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Safe Steel Container Coalition	1,355.00	
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	470.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,991.84	965.25
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council	10,000.00	44,656.00
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	212.25	
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,262.00	
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,160.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	250.00	
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	750.00	
Do	Arter & Hadden (For:Citicorp)	500.00	
Do	Arter & Hadden (For:Corning, Inc)	100.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)	200.00	
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)	75.00	
Do	Arter & Hadden (For:Hearst Corp)	75.00	
Do	Arter & Hadden (For:Merck & Co, Inc)	50.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	500.00	
Do	Arter & Hadden (For:SPRINT)	100.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	300.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	10,813.00	
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,900.00	398.17
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		1,628.42
Johnson & Gibbs, P.C., 1301 K Street NW Suite 800 East Washington, DC 20005	Permanente Medical Group, Inc	37,800.00	
Johnson Smith Dover Kitzmiller & Stewart Inc., 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	2,500.00	80.00
Do	American Petroleum Institute		
Do	American Psychological Assn	16,500.00	528.00
Do	American Red Cross	11,250.00	360.00
Do	American Transit Services Council	1,750.00	56.00
Do	Apollo Travel Services	500.00	16.00
Do	Appalachian Coalbed Methane Assn	5,000.00	160.00
Do	Arthur Andersen & Co	2,500.00	80.00
Do	Blue Cross & Blue Shield Assn	2,250.00	72.00
Do	Center for Marine Conservation	3,000.00	160.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Central and South West Services, Inc	8,750.00	280.00
Do	City of Broomfield, CO	250.00	8.00
Do	Coal Industry Health Protection Coalition	1,750.00	8.00
Do	Coopers & Lybrand, et al.	21,250.00	720.00
Do	Council for Marketing & Opinion Research	500.00	16.00
Do	Council of Smaller Enterprises (COSE)	32,000.00	1,024.00
Do	CBS, Inc	7,000.00	224.00
Do	COMSAT Corp	2,750.00	88.00
Do	Delta Dental Plans Assn	5,000.00	160.00
Do	Eli Lilly & Co	6,500.00	208.00
Do	Galileo International	500.00	16.00
Do	General Atomics	3,750.00	120.00
Do	Halliburton NUS Environmental Corporation	7,500.00	240.00
Do	Heartland Health Systems		
Do	Hong Kong Trade Development Council	7,000.00	224.00
Do	Human Rights Campaign Fund	3,750.00	120.00
Do	Independent Telephone & Telecommunications Alliance	26,750.00	856.00
Do	Martin Marietta Corp	2,500.00	80.00
Do	McCaw Cellular Communications, Inc		
Do	Merck & Co, Inc	2,500.00	80.00
Do	Motorcycle Industry Council, Inc		
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	250.00	8.00
Do	National Independent Energy Producers	6,000.00	192.00
Do	National Music Publishers Assn, Inc	15,250.00	488.00
Do	Natural Disaster Coalition	10,250.00	328.00
Do	Nuclear Energy Institute	10,000.00	320.00
Do	Software Productivity Consortium	13,750.00	440.00
Do	Travelers	12,500.00	400.00
Do	Waste Management, Inc		
Ann Marie Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc		
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,800.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	5,632.08
Pierce A. Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc		
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	152.62
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,100.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Michael Jones, 516-A C Street, NE Washington, DC 20001	Texas Highway Patrol Assn	4,500.00	4,926.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,500.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	765.13	
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Federated Stores, Inc		
Do	Genentech	1,241.00	
Do	Trans World Airlines		
Do	Upjohn Company	3,725.00	
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Co		
Do	Space Dynamics Laboratory	400.00	
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc	300.00	
Do	International Shipholding Corp	600.00	
Do	Jefferson Parish Council	150.00	
Do	Port of New Orleans		
Do	Turner Broadcasting System, Inc		
G. Harris Jordan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn		
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates, Inc (For:Aerospace Sales Tax Coalition)		
Do	Jordan & Associates (For:City of Livermore)	9,999.99	638.62
Do	Jordan & Associates, Inc (For:City of Provo)	6,000.00	621.14
Do	Jordan & Associates, Inc (For:Sandy City)	7,999.98	608.16
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	18,000.00	18,823.32
Do	Polytechnic University	3,000.00	3,000.00
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	100.00	
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	2,000.00	
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	976.36	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,826.92	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	54,375.00	1,077.70
Do	International Speedway Corp	9,000.00	
Cheryl C. Kagan, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	5,732.10	609.35
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	16,189.40	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	5,600.00	17.00
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	12,878.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	3,480.00	501.45
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp		
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	667.13	
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,045.29
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,307.72	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	2,200.00	71.80
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,134.50	
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	32.00
Paul C. Katz, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	318.60	658.11
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Kathleen Kavanaugh, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	2,000.00	141.41
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,642.91
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	1,335.27
Do	NYNEX Government Affairs	5,625.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Do	Keefe Co (For:Lockheed Sanders, Inc)		
Do	TKC International, Inc (For:Republic of Azerbaijan)		
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn	80.00	70.00
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,790.00	604.60
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	21.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	20,250.00	15,963.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods		
Do	Promotional Products Association International	865.00	94.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company	17.00	
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	900.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Glenn F. Kelly, 2000 M Street, NW, Suite 550 Washington, DC 20036	North American Telecommunications Assn		
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	950.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			560.02
Kemper Securities, Inc, Chicago, IL 60601			
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	2,000.00	
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	7,725.00	
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	Toyota Motor Sales, USA, Inc	3,000.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,406.07
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	8,640.25	2,737.63
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	4,812.50	139.12
Do	Pemco Aeroplex	6,337.50	177.48
Do	Stockton East Water District	6,450.00	421.54
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		3,671.62
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	100.00	10.00
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	24,650.00	100.00
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	8,925.00	164.00
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,043.82
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	787.00	330.00
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)	5,885.00	3,062.83
Do	Kent & O'Connor, Inc (For:American Supply Association)	2,148.00	2,238.63
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	3,719.50	2,990.43
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)	59.00	30.54
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	5,156.00	2,686.32
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	2,855.00	1,693.79
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	3,820.00	1,994.40
William Kenworthy, 1776 I Strret NW #400 Washington, DC 20006	American Nuclear Energy Council	4,500.00	1,523.00
Dianne Keppler, 99 Canal Center Plaza, #500 Alexandria, VA 22314	AIADA	9,090.00	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	592.21
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	802.73	
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	400.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,724.00	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	269.00	129.75
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Associations)	212.00	102.09
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,360.00	640.26
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Kessler & Associates (For:National Assn of Beverage Importers)	9,000.00	
Do	Pharmaceutical Research & Manufacturers of America	5,000.00	
Do	Kessler & Associates, Inc (For:Sandoz Corp)	8,000.00	275.25
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)		727.03
Do	Kessler & Asso (For:Upjohn Corp)	15,000.00	8,450.43
Todd D. Ketch, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,000.00	
Richard F. Kibben, 231 Kiwassa Road Saranac Lake, NY 12983	Business Roundtable		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,541.53
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,466.15	
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,000.00	
Do	Mansfield Center	1,000.00	
Do	Montana Technologies Co, Inc	1,200.00	
Do	Royal Teton Ranch		
Do	Textron Defense Systems	2,890.00	
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	67.80	
James A. Kinder, 10892 Pembroke Drive Santa Ana, CA 92705		5,541.00	210.00
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,063.00	
Lewis O. King, 8407 Greenflint Lane Austin, TX 78759	National Guard Assn of Texas	1,000.00	1,791.66
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	16,800.00	114.00
Do	IMC Fertilizer, Inc	8,200.00	27.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co	336.85	4.40
Do	American Veterinary Medical Assn	550.00	
Do	Ash Grove Cement Co, Inc	505.28	6.60
Do	Atlanta Committee for the Olympic Games	30,285.00	380.00
Do	Banca Nazionale del Lavoro		
Do	Blue Circle America, Inc	505.28	6.60
Do	Charter Medical Corp	9,636.50	15.00
Do	Dragon Products Co	101.06	1.32
Do	Florida Crushed Stone Co	336.85	4.40
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	Glens Falls Cement Co, inc	101.06	1.32
Do	LaFarge Corp	673.70	8.80
Do	Lehigh Portland Cement Co	336.85	4.40
Do	Lone Star Industries, Inc	505.28	6.60
Do	Martin-Marietta	550.00	5.00
Do	Medusa Corp	269.48	3.52
Do	National Cement Company of California	336.85	4.40
Do	North Texas Cement Co	336.85	4.40
Do	Phoenix Cement Company	336.85	4.40
Do	Riverside Cement Co	336.85	4.40
Do	Southdown, Inc	707.39	9.24
Do	Tarmac America, Inc	336.85	4.40
Do	Texas Industires, Inc	336.85	4.40
Do	Texas-Lehigh Cement Co	335.85	4.40
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)		
Do	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Non-Ferrous Founders' Society		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	2,000.00	
Do	National Computer System	1,500.00	
Andrew B. Kingston, 6593 Ives Lane North Maple Grove, MN 55369			
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	552.75
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,347.38	714.88
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	2,000.00	
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corporation	12,562.50	12,575.66
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	836.41
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	2,690.40	50.83
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Galena School District)	12,000.00	
Do	Kito, Inc (For:North Slope Borough)	10,000.00	4,242.51
Do	Kito, Inc (For:Sealaska Corporation)	48,100.00	9,748.18
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	20,000.00	4,415.36
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,521.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	50.00
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,404.00	
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	
Mary Jane Klocke, 1776 EYE Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
James E. Kneale, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,700.00	
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,513.34	
Knights of Columbus, 1275 Pennsylvania Ave., NW, #500 Washington, DC 20004-2404			500.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	345.41
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	8,038.00	297.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	150.00
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	23,124.50	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	22.80
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		725.40
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		97.00
David Kolker, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	32,512.50	5,804.31
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	4,500.00	347.20
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	4,500.00	4,814.86
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		139.00
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	750.00	67.00
Jerome J. Kozak, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Peter Kozumplink, 6541 Megill's Court Clifton, VA 22024	City of Monterey, CA, et al.	14,002.73	1,760.11
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
David M. Krasnostein, 1722 Eye Street, NW Washington, DC 20006	Commercial Finance Assn		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Peter M. Kravitz, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	18,500.00	467.18
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	372.00	
Kreig DeVault Alexander & Capehart, 2800 One Indiana Square Indianapolis, IN 46204	Kreig, DeVault, Alexander & Capehart	3,500.00	
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	C.M. Services (For:Plumbing Manufacturers Institute)	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	2,000.00	60.00
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Victor Krohn, 9401 East Street Manassas, VA 22110	Citizens for an Alternative Tax System		
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	14,400.00	987.56
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	1,458.33	478.40
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	21,249.96	70.90
John R. Kyte, 1331 Pennsylvania Avenue, NW Suite 1500, North Lobby Washington, DC 20004-1790	National Assn of Manufacturers	1,500.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		139.78	139.78
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036			
Marc E. Lackritz, 1401 I Street, NW, Suite 100 Washington, DC 20005	Securities Industry Assn	7,615.20	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp	24.00	
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
A. Gretchen Lamb, 1001 G Street, NW, Suite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc		
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	6,000.00	
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)	5,000.00	
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	2,000.00	
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp		
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation	6,000.00	40.00
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	355.50	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	8,788.19	
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	6,600.00	221.66
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
William C. Lane, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	123.27
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	Boeing Company	7,700.00	600.23
Do	E-Systems, Inc	3,763.00	426.39
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Ropak Corp, et al.	28,000.00	4,784.38
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital, Boston	2,550.00	
Do	Children's Specialized Hspital	750.00	
Do	Health Hill Hospital for Children	750.00	
Do	Hospital for Sick Children	750.00	
Do	La Rabida Children's Hospital Research Center	500.00	
Do	National Assn of Children's Hospitals & Related Institutions	5,250.00	
Do	National League for Nursing	2,625.00	
Do	Tennessee Primary Care Network	300.00	
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	1,876.57
Do	Natinal Coalition of Impact Aid Schools	10,000.00	213.85
Do	New York City Partnership, Inc	6,000.00	1,004.25
Do	School of Visual Arts	6,000.00	538.53
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	552.00	
Christopher D. Larsen, 1220 L Street, NW, #510 Washington, DC 20005	American Resort Development Assn	3,437.50	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	1,421.00	2,876.44
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	8,125.00	3,919.30
Do	Health Policy & Strategy Associates, Inc (For:Blue Cross & Blue Shield of Massachusetts).		
Do	Health Policy & Strategy Associates, Inc (For:Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,096.74
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,127.71
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,572.50
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,548.37
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Digital Equipment Corp		
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	5,579.04	
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc		288.56
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)	2,839.00	
Do	Gadsby & Hannah (For:Consolidated Defense Corp)	635.00	
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	85.00	
Do	Gadsby & Hannah (For:IPAC)		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	143.32
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	3,472.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company	120.91	16.53
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,535.23	182.85
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,500.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc	18,500.00	
Do	Generic Pharmaceutical Industry Assn, et al.	18,000.00	
Do	Maritime Resorts, Inc	2,000.00	
Do	Martin Marietta Corp	6,250.00	
Do	Milliken & Company	15,000.00	
Do	MGM Grand, Inc	5,000.00	
Do	Sears Roebuck & Co	2,750.00	
Do	Transcontinental Properties, Inc	3,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	889.50	710.69
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc		
Laurie A. Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		74,453.77	74,453.77
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150			3,313.38
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,300.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn	6,000.00	
Do	Fabrique Nationale Nouvelle Herstal, S.A.	3,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	190.00
Peter A. Lefkin, 1101 Connecticut Ave., NW, #950 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,463.00
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	1,500.00	514.60
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA	6,000.00	465.67
Do	University of Pittsburgh	30,000.00	3,045.57
Jack Legler, 4301 Connecticut Avenue NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
William Lehman, 711 NE 118 Street Biscayne Park, FL 33161	Blockbuster Entertainment Corp	12,000.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	183.86
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Lent & Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	1,050.00	805.95
Do	Iroquois Gas Transmission Systems	900.00	820.06
Do	J. Makowski Co	300.00	262.74
Do	Mobil Corp	1,560.00	1,037.79
Do	Pfizer, Inc	2,700.00	1,389.24
Do	RBOC-GAPC Task Force	4,500.00	1,401.83
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,815.00	28.00
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	99,041.53	238.00
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		33.50
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	360.15	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	247.18	
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Frito-Lay, Inc	2,500.00	
Do	Milk Producers Council		
Do	Monsanto Co		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,434.00	
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	30.08
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	588.00
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washigngton, DC 20036	American Assn for Marriage & Family Therapy	5,843.00	
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	27,951.92
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Levin & Rosenstein, 1130 17th Street, NW, Suite 314 Washington, DC 20036	Rural Community Insurance Services, Inc	4,000.00	265.45
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	445.72
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	750.00	
Jack W. Lewis, 1101 Vermont Ave., NW Washington, DC 20005	Paperboard Packaging Council	18,200.00	48.88
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Stephanie R. Lewis, 1514 17th Street, NW, #B13 Washington, DC 20036	National Burglar & Fire Alarm Assn	63,757.00	28.00
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,500.00	
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	6,500.00	400.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,643.97	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox Ebensburg Power, Inc	2,000.00	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Feibel-Garek/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,384.62	83.50
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	2,373.31
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	840.00	2,081.00
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	1,500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	193.53
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities	10,584.00	
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			2,477.74
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	1,000.00	20.00
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	1,476.56	
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,779.46	
Do	Michigan Dept of Transportation	19,693.53	
Do	Missouri Highway & Transportation Department	24,558.58	
Do	State of Colorado, Dept of Highways	12,381.66	
Do	State of IL, Dept of Transportation, Div of Water Resources	26,532.82	
Do	Water Reclamation District of Greater Chicago	37,548.61	
Linda A. Lipsen, 1050 31st Street, NW Washington, DC 20007-4499	Association of Trial Lawyers of America	4,500.00	100.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	656.00
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	200.00	
Do	Greater Washington/Maryland Service Station Assn	200.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	200.00	723.00
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	3,026.55
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	18,289.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	400.00	125.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	American Methanol Institute		
Do	Generic Pharmaceutical Industry Assn	33,785.00	230.51
Do	San Francisco Bay Guardian		
John C. Lobert, 499 South Capitol St., SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers		
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	55.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	8,674.96	17.73
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Timothy J. Lockhart, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Lockheed Information Management Services Company, Inc, 300 Frank W. Burr Boulevard Teaneck, NJ 07666		2,072.00	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		3,708.00
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central & South West Corp)	900.00	
Do	Arter & Hadden (For:Citicorp)	2,000.00	
Do	Arter & Hadden (For:Corning, Inc)	1,000.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)	1,500.00	
Do	Arter & Hadden (For:Girling Health Care)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	1,000.00	
Do	Arter & Hadden (For:SPRINT)	1,500.00	
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	2,000.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
Frank P. Lombardo II, 1776 EYE Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,573.20	506.09
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	272.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co	39,000.00	3,448.01
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,350.00	951.34
William E. Long, 4550 Connecticut Avenue, #604 Washington, DC 20008	Humane Society of the United States	8,000.00	313.08
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	AT&T		
Do	General Health, Inc		
Do	J & B Management Company	500.00	300.98
Do	Metropolitan Life Insurance Co	1,400.00	
Do	MicroGeneSys, Inc		
Do	United Companies Financial Corp	750.00	501.88
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	1,668.70	312.69
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,500.00	
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	300.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	15,000.00	19,674.00
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	650.00
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	7,150.00	9.00
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	26.00
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines)).		
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	City of Miami	15,825.00	
Do	City of Miami Beach	18,333.36	
Do	City of Palm Springs	6,000.00	
Do	Houston Independent School District	4,800.00	
Do	Metropolian Dade County	20,000.00	
Do	School Board of Dade County, Florida	16,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			5,852.27
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	387.00	
Do	Pennsylvania Power & Light Co	3,384.00	
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	9,190.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Barbara Lyman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	6,500.00	874.61
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles A. Machemehl Jr., P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	5,018.40	4,253.64
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	29,609.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,182.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	1,244.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02116	New England Mutual Life Insurance Co, ('The New England')	2,125.00	2,553.68
Robb S. MacKie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 WEst Washington, DC 20004	Interstate Natural Gas Assn of America	6,000.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co	2,200.00	32.00
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206-0282	Indy Unlocks, Inc		
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	731.70
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	Mountain Top Technologies, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
Do	TI Group, Inc		
Do	Vision Service Plan		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	9,536.54	259.91
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	9,207.69	248.21
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	6,576.92	114.01
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	16,454.53	14,525.80
Do	Inter-Mountain Forest Industries Assn	15,887.13	14,022.17
Do	Kaibab Forest Products Company	11,347.95	9,952.56
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	11,925.00	297.03
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	1,000.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	239.10
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	4,357.09
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	374.00	25.00
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	16.00
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Appraisal Institute		
Do	Barr Laboratories, Inc		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions		
Do	Chemical Bank	322.50	102.95
Do	City of Hope	4,200.00	24.00
Do	ConCorde Career Colleges, Inc		
Do	Money Store	1,737.50	8.00
Do	NEC USA, Inc	376.25	15.00
Do	Royal Wine Corp		
Do	Western Dental Services, Inc	8,442.50	
Do	World Cup USA 1994, Inc	2,795.00	12.00
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	1,000.00	1,811.35
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	17,037.78	105.75
Katherine W. Maness, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	375.67
Ted Maness, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Christopher Manion, 6332 N. 22nd Street Arlington, VA 22205	American Council for Health Care Reform	1,875.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	2,080.00	570.48
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	741.24	48.12
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			26,108.00
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	370.00	130.00
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	720.00	
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			18,558.02
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co		
Do	Alaska Village Electric Cooperative	12,500.00	368.70
Do	Anchorage Municipal Light & Power	12,480.00	
Do	City of Kake		
Do	INN Electric Cooperative		
Do	Kotzebue Electric Association	4,000.00	237.35
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Marks & Murase, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	150.00	
Do	Association for Healthcare Philanthropy	662.50	61.00
Do	Captiva Erosion Prevention District		
Do	City of Venice, Florida	496.25	18.75
Do	Coalition to Keep Alaska Oil	7,780.00	246.60
Do	Coalition to Repeal the Wright Amendment		
Do	Independent Pilots Assn	1,887.50	41.50
Do	National Society of Fundraising Executives	975.00	57.10
Do	Town of Longboat Key		
Alexandra Maroulis-Cronmiller, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	12,862.00	
Mary E. Marra, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,830.61	
James T. Marrinan, 1200 18th Street, NW, #1000 Wsahington, DC 20036	Community Psychiatric Centers		6,386.12
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	8,100.00	1,481.95
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc		
Edward C. Marshall, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	650.00	
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216			152.02
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	7,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California		
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	23,749.99	342.80
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	487.50	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,638.00	841.70
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,640.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	7,000.00	84.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	549.60	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	15,000.00	4,615.88
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	900.00	72.00
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	917.30	27.00
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	4,303.51
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1667 K Street, NW, #310 Washington, DC 20006	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	9,160.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,479.54	
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		250.00
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,300.62
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	1,875.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	300.00	60.00
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	513.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	16,270.80	200.75
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	32,000.00	8.00
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	1,403.59
Karl J. Mayer, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council, Inc	2,500.00	109.40
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	747.11	603.69
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Automobile Manufacturers Assn		
Do	Arthur Andersen & Co, et al.	487.50	
Do	Attorneys' Liability Assurance Society, Inc		
Do	Bazelon Center for Mental Health Law		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.		
Do	Deutsche Lufthansa A.G.		
Do	Equitable Real Estate Investment Management, Inc		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Aircraft Engines	206.25	
Do	General Electric Industrial & Power Systems		
Do	Group Health Assn of America		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	John Buck Co		
Do	JMB Realty Corp		
Do	L & B Real Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	NICOR, Inc	150.00	
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	St. Paul Companies	412.50	
Do	SunAmerica, Inc		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Do	Women's Legal Defense Fund	137.50	
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers	11,000.00	
Mary C. Mayhew, 77 Water Street Hallowell, ME 04347	Highway Users Federation	500.00	
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	11,713.80	747.46
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Rebecca McAuliffe, 601 13th Street, NW, Suite 850 South Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	18,382.02	63.00
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council		
Do	ABB Combustion Engineering, Inc	3,000.00	64.43
Do	Carolina Power & Light Co	900.00	
Do	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	Edison Chouest Offshore	2,400.00	213.98
Do	General Atomics	2,800.00	204.47
Do	Integrated Resources Group, Inc	3,000.00	232.43
Do	Louisiana Energy Services	1,200.00	
Do	Nuclear Energy Institute	4,500.00	219.31
Do	Science Applications International Corp	6,000.00	709.36
Do	Sealaska Corp	1,800.00	219.31
Do	Tulane University	4,500.00	219.31
Do	Turlock Irrigation District	1,500.00	137.99
Do	Westinghouse Electric Corp	2,940.00	219.32
Do	Yukon Pacific Corp	2,400.00	219.31
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Soc of Cataract & Refractive Surgery	8,017.55	465.36
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		100.00
John P. McCarthy, 173 Spring Street East Greenwich, RI 02818	Highway Users Federation	6,000.00	49.95
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,291.25	634.32
Karen L. McClure, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,105.00	
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	112.00	
Do	Asarco, Inc	112.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Barrick Resources (USA, Inc)	112.00	
Do	Battle Mountain Gold Co	112.00	
Do	Brush Wellman, Inc	112.00	
Do	Coeur d'Alene Mines Corp	112.00	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	112.00	
Do	Cyprus Amax Minerals Company	112.00	
Do	Echo Bay Mines	112.00	
Do	Euro-Nevada Mining Corp, Inc	112.00	
Do	Franco-Nevada Mining Corp, Inc	112.00	
Do	FMC Gold	112.00	
Do	Hecla Mining Co	112.00	
Do	Homestake Mining	112.00	
Do	Idaho Power Company		
Do	Kennecott Corp	112.00	
Do	Magma Copper Company	112.00	
Do	Minorco, USA	112.00	
Do	National Endagered Species Act Reform Coalition		
Do	National Rifle Assn		
Do	Newmont Mining Corp	112.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	112.00	
Do	Phelps Dodge Corp	112.00	
Do	Placer Dome US, Inc	112.00	
Do	Santa Fe Pacific Gold Corp	112.00	
Do	Stillwater Mining Company	112.00	
Do	WilTel	800.00	
Do	World Cup USA 1994, Inc		
McClure Trotter & Mentz, Chtd, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Dart Container Corp	7,092.00	159.45
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,125.00	
Steven A. McCoy, 1300 L Street NW, #900 Washington, DC 20005-4113	North American Export Grain Assn, Inc		817.27
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn	1,350.00	285.46
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,448.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	182.32
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	2,875.00	
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Alaska Seafood Marketing Institute	4,723.00	
Do	American Meat Institute		
Do	Associated Financial Corp	900.00	
Do	ARA Services, Inc		
Do	Blue Cross & Blue Shield of Missouri		
Do	California Avocado Commission	10,789.00	
Do	California Canning Peach Assn	3,572.00	
Do	California Kiwifruit Commission	1,238.00	
Do	California Raisin Advisory Board	10,474.00	
Do	Campbell Soup Company	150.00	
Do	Chiquita Brands, Inc		
Do	Co-Bank - National Bank for Cooperatives	600.00	
Do	Coalition for Employment Opportunities	3,300.00	
Do	Crop Protection Coalition	10,044.00	
Do	Fashion Accessories Shippers Association		
Do	Fundesa		
Do	Good Sam Club		
Do	Harcourt Brace Jovanovich		
Do	Dorothy Holt Estate		
Do	Kmart Corporation		
Do	Minor Crop Farmer Alliance	10,453.00	
Do	Muscular Dystrophy Assn	90.00	
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	National Potato Council	900.00	
Do	North American Assn of State & Provincial Lotteries	1,200.00	
Do	Olin Corporation		
Do	Public Employees Retirement Assn of Colorado	195.00	
Do	PGA Tour, Inc	3,600.00	
Do	Russ Berrie & Company		
Do	Shurfine-Centreal	4,388.00	
Do	Solo Cup Co		
Do	Southland Corporation	2,700.00	
Do	U.S. Mink Export Development Council	3,713.00	
Do	United Development Corp		
Do	VIVRA	11,100.00	
Do	Wear Guard Corp		
Do	Welch Foods, Inc	1,249.00	
Do	World Airways		
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	398.50	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,750.00	
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	18,250.00	199.87
Michael Sean McGavick, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn		
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	7,000.00	1,590.00
James Calvert McGee, 30420 Revells Neck Road Westover, MD 21871-3368			
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	12,877.80	
Elizabeth McGiffert, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union	1,878.00	3,072.00
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	11,316.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,769.11	1,484.34
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	250.00	55.00
Do	AT&T Federal Systems		
Do	NCR Corp	500.00	201.53
Do	NYMA, Inc		
Do	System Resources Corp		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	525.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)		
Do	McGuiness & Holch (For:Arch Mineral Corporation)	1,417.50	
Do	McGuiness & Holch (For:Barr Laboratories, Inc)	90.00	
Do	McGuiness & Holch (For:Consolidated Rail Corp)		
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	5,467.50	
Do	McGuiness & Holch (For:National Assn of Chain Drug Stores)	2,002.50	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	4,162.50	
Do	McGuiness & Holch (For:PepsiCo, Inc)	315.00	
Do	McGuiness & Holch (For:RJR Nabisco)	1,485.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	375.00	149.00
Do	National Council of Agricultural Employers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nisei Farmers League	8,050.00	695.00
Do	Workers Compensation Integrity Stability & Equity (WISE)	2,810.00	
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Allied-Signal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	329.59
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,609.07	416.64
Sandra McKenzie, 2525 Wallingwood, Suite 201 Austin, TX 78746	Texas Committee on Natural Resources		94.05
F.J. McKeown, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	201.39
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	17,417.22	132.20
Timothy P. McKone, 1404 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	17,243.79
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	2,062.50	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)		
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	5,875.00	
Do	Rowan & Blewitt (For:Monsanto Company)	2,562.00	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)	1,062.50	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	125.00	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	1,125.00	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	3,125.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	2,437.50	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,600.00	
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	500.00	
Do	Metropolitan Life & Affiliated Cos	1,000.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	750.00	
Do	United Feather and Down	200.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco Energy Co	3,000.00	175.84
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	13,000.00	809.52
Bob McLean, National Assoc. of Postal Supervisors 1727 King St., Suite 400 Alezandria, VA 22314-2753	National Assn of Postal Supervisors	14,434.00	
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,843.00	358.00
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,367.50	
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		9,669.86
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation	168.27	
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	58.42	322.00
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	700.00	
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott Babcock & Wilcox	4,000.00	3,283.45
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	21,175.00	
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06156	Aetna Life & Casualty	3,500.00	
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Del Webb Corp	1,680.00	
Do	Food Lion, Inc	187.50	
Do	Fuji Photo Film, Inc	1,081.25	8.00
Do	Georgia-Pacific Corp		
Do	Harnischfeger Industries, Inc	12,357.50	
Do	International Assn for Financial Planning	1,950.50	12.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter, Discover & Co	120.00	57.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	610.00	
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
James F. McNulty Jr., Box 2265 Tucson, AZ 85702	Del Webb Corp	5,214.00	1,845.00
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp	1,492.00	548.00
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	220.00
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	18,430.00	566.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	18,232.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	BP America, Inc	5,250.00	
Do	Centerior Energy Corp	7,500.00	
Do	Systech Environmental Corporation		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	17,500.00	
Myron Meche, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.	2,316.00	98.29
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	25,358.99	806.92
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc	350.00	
Do	Cessna Aircraft Company	900.00	
Do	Chandler Evans	1,500.00	
Do	General Atomics	600.00	
Do	Lockheed	1,500.00	
Do	Lockheed Aircraft Service Company	1,500.00	
Do	TCOM, L.P.		
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		15,000.00
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	5,969.00
Do	Chicago Mercantile Exchange	11,250.00	5,969.00
Jeff Mell, JGR & Associates 2600 Douglas Road, #500 Coral Gables, FL 33134	Blockbuster Entertainment Corp	6,000.00	6,000.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006-1301	Central & South West Corp	1,200.00	1,383.65
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	155.94
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	93.40	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	6,160.85	183.50
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses' Assn	10,203.00	49.94
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	24.50
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			20,556.53

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,000.00	75.00
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	161.00
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	271.93
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	200.00	47.00
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	937.30	
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	2,434.00	
Tanya K. Metaksa, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	4,000.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave.NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs	227.50	
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	253.50
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,325.00	
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp	3,669.24	2,139.30
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation	2,000.00	109.00
Do	National Peanut Growers Group	16,320.00	850.76
Do	Ricebelt Warehouse, Inc		185.39
Do	Texas A&M Research Foundation	22,920.00	2,501.41
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	3,379.53
Do	Browsville Economic Development Council	15,000.00	492.56
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	1,535.84
Do	Federal Land Bank Assn	34,118.75	827.33
Do	Hudson Tank Storage Co	4,500.00	64.06
Do	New Mexico State University, College of Agriculture	9,000.00	235.08
Do	New Mexico State University, College of Engineering	9,000.00	163.68
Do	Wellman, Inc	9,000.00	266.06
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	139.83	
Mark A. Micali, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	300.00
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874		1,335.00	
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University		
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	65.59
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			8,012.76
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		206,094.00	49,208.43
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,356.30	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	75.85
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Leslie K. Miles, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	15,576.22	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	1,858.00
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
H. George Miller, 10615 Huntees Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)	504.00	667.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc	2,220.00	4,714.00
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp	1,000.00	
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	39,196.77	16,434.20
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,655.00	408.44
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	1,608.61
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,318.47	
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Jamestown		
Do	City of Laredo		
Do	City of St. Louis, Communications Division		
Do	Montgomery County Government, Cable Television Office		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Alaska Air Group, Inc	1,500.00	1,230.00
Do	All Alaskan Seafoods, Inc	300.00	245.00
Do	Boeing Company	3,000.00	2,460.00
Do	Central Puget Sound Regional Transit Authority	1,500.00	1,235.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	1,230.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	8.00
Do	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Cellular Telecommunications Industry Assn	5,000.00	75.47
Do	Competitive Long Distance Coalition , Inc	12,500.00	318.36
Do	McCaw Cellular Communications, Inc	5,000.00	118.13
Do	National Cable Television Assn, Inc	7,500.00	391.75
Do	Newspaper Assn of America	1,890.00	25.92
Do	Sprint	5,000.00	
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	13,787.68	
Do	Worldspace, Inc		
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Education al & Co-Operative Union of America	10,545.38	650.18
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	2,726.20	137.20
Do	Alliance of American Insurers	20,000.00	134.00
Do	Metropolitan Life Insurance Co		3,389.41
Do	National Assn of Professional Employer Organizations	5,385.00	2,403.82
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	961.76
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,642.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	11,000.00	750.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,144.00	
George F. Mohrmann, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,825.00	
Brian R. Moir, 2000 L Street NW #512 Washington, DC 20036-4907	American Petroleum Institute		
Do	International Communications Assn		
Do	National Assn of Broadcasters		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	256.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	85.00
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	National Assn of Sured Bond Producers	2,000.00	
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Axciom Corp	37.20	
Do	Metropolitan Life Insurance Co	1,922.00	321.35
Do	National Assn of Professional Employer Organizations	1,798.00	
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	3,000.00	40.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,400.00	40.00
Do	Underground Injection Practices Council	1,000.00	45.00
Laura Montgomery, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)		
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for the Manufacturing Technology	1,500.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	200.00	
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Agusta Group)		
Do	Capitoline/MS&L (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:E.H. Industries, Inc)		
Do	Capitoline/MS&L (For:Equifax Corp)	4,400.00	
Do	Capitoline/MS&L (For:Lockheed Corporation)	1,650.00	
Do	Capitoline/MS&L (For:McDonald's Corp)		
Do	Capitoline/MS&L (For:National Association of Broadcasters)	1,375.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	6,875.00	
Do	Capitoline/MS&L (For:U.S. Cane Sugar Refiners Assn)		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,934.96
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,407.00	
Alan Morgan, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	8,111.01	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	869.82	
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Chemical Manufacturers Assn		
Do	City of San Antonio		
Do	Coalition for an Undercharge Relief Bill		
Do	Coalition of Supporters of the Shipping Act		
Do	Financial Institutions Insurance Assn	609.50	23.00
Do	Government of Mexico, Finance Ministry		
Do	National Fuel Gas Distribution Co		
Do	United Distribution Companies		
Do	UGI Utilities, Inc	1,325.00	31.00
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	114.00	
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	3,860.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	500.00	50.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	152.40	871.32
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	413.28	2,119.97
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	977.88	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		21,140.00	
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	777.52
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports	3,422.00	72.00
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	16,887.50	50.00
Do	National Automated Clearing House Assn	3,355.00	34.00
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp	317.50	
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			5,693.50
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	679.35	565.09
Richard Moskowitz, 4301 Connecticut Ave., NW, Suite 300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Kenneth B. Moss, 701 Pennsylvania Ave., #720 Washington, DC 20004	Siemens Corp		
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	6,150.00	500.00
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Bankers Roundtable	540.00	
Kate Moss Company, 1401 Eye Street, NW, #1100 Washington, DC 20005	AOPO (Assn of Organ Procurement Organizations)		
Do	Dean Witter Discover & Co	337.50	
Do	Nations Bank Corp		
Do	Owens-Illinois		
Do	Southwestern Bell Corp	1,012.50	
Do	Trans Union Corp	337.50	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			2,629.19
William S. Mott, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	716.83	
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	6,000.00	
Do	Grumman Aerospace Corp	5,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Home Products Corp		
Do	Bristol-Myers Squibb Co		
Do	Footwear Distributors & Retailers of America		
Do	Hong Kong Trade Development Council		
Do	Johnson & Johnson		
Do	Pfizer, Inc		
Do	Upjohn Co		
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	1,102.87	51.60
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	America's Best Banks		
Do	Long Island Savings Bank		
Do	Mid America Federal Savings Bank		
Do	Northeast Savings, F.A.		
Do	Talman Home Federal Savings and Loan Assn	76,325.00	578.00
Do	Washington Federal Savings Bank		
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN	1,580.00	
Do	Delaware & Hudson Railroad		
Do	Florida East Coast Railway Co		
Do	North American Equipment Dealers Assn	318.75	
Do	Soo Line Corporation	6,187.50	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	47.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	500.00	
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	1,690.75	2,158.00
Do	Laidlaw Environmental Services	22,500.00	4,971.87
Tracy Mullin, 325 7th STreet, NW, #1000 Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	1,687.79
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,600.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	3,000.00	
James P. Murphy, Fleet Financial Group 56 East 42nd St. #355 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	153.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,313.00	175.90
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	7,000.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology	7,050.00	30.00
Do	American Assn of Dental Schools	9,800.00	88.00
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.	225.00	30.00
Do	Cleveland Cliffs Iron Co	1,000.00	10.00
Do	Coalition for Oral Health	3,400.00	24.00
Do	Delaware River Port Authority	1,900.00	18.00
Do	Dynatech Corporation	600.00	11.00
Do	Independence Blue Cross	450.00	11.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	5.00
Do	Iron Ore Assn	1,800.00	15.00
Do	LTV Corporation		
Do	Mine Safety Appliances		
Do	Mutual of New York	500.00	20.00
Do	National Council of Coal Lessors	500.00	11.00
Do	New England Life Insurance Co	800.00	30.00
Do	Pacific Mutual Life Insurance Co	500.00	20.00
Do	Penn Mutual Life Insurance Co	500.00	20.00
Do	PepsiCo	2,500.00	60.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc		
Do	Qualimetrics, Inc	600.00	22.00
Do	Shubert Organization, Inc	1,250.00	15.00
Do	State Mutual Insurance Co	500.00	20.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	3,465.00	38.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp		
Do	Temple University	13,300.00	132.00
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc		
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	525.00	1,060.74
Mutual Life Insurance Co Tax Committee, 751 Broad St. Newark, NJ 07102-3777			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	197.66
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	96.00	
William G. Myers III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	6,461.63	125.60
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc	21,000.00	2,163.36
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI	178.47	40.00
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	1,075.00
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	1,049.02	1,749.67
National Aquaculture Association, P.O. Drawer 1569 Shepherdstown, WV 25443		2,116.80	4,047.95
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		239,200.00	13,645.84
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,437.10	13,210.01
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			3,900.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		185,629.75	185,629.75
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			46,490.75
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			121.15
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			114,081.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		318,298.52	318,298.52
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		39,300.00	17,086.74
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			144.15
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			46,881.34
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		8,000.00	11,630.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,260.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		56,375.87	65,787.43
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,900.00	3,900.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			10,921.47
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		69,165.69	69,165.69
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		1,801,002.00	1,801,002.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		91,039.16	51,000.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	17,956.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		41,152.50	41,152.50
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		5,901.32	28,136.44
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		18,000.00	3,671.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		12,686.76	8,693.98
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037			
National Employee Benefits Institute, 601 Pennsylvania Ave., NW, #750 North Washington, DC 20004			60.00
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		86,493.00	915.00
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		50,867.00	50,867.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	10,950.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			90.75
National Grange, 1616 H St., NW Washington, DC 20006		22,000.00	22,000.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart		
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,406.73
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		59,295.50	44,339.24
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152	International Hearing Society		
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		80,500.00	11,887.32
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			38,897.00
National Leased Housing Assn, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			2,141.27
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			27,801.28
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1420 New York Ave., NW, Suite 1100 Washington, DC 20005		39,392.55	39,392.55
National Retail Federation, 325 7th Street, NW #1000 Washington, DC 20004			35,775.58
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		9,096.76	9,096.76
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			1,583.00
National Smokers Alliance, 901 N. Washington Street, Suite 400 Alexandria, VA 22314			
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,000.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			2,222.72
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,900.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group, Inc	45,615.00	1,995.84
Do	Association of State & Territorial Health Officials	3,500.00	82.12
Do	Instinet		17.64
Do	Reuters North America, Inc	5,625.00	344.05
Do	Triarc Companies, Inc.		5.63
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,361.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		9,938.00	9,938.00
National Truck Equipment Assn, 37400 Hills Tech Drive Farmington Hills, MI 48331-3414			4,204.80
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			54,035.83
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Katherine Beh Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	11,250.00	150.00
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,450.00	
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc		
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	37.50	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		101,322.00	150,736.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea	37,500.00	5,118.03
Do	Government of Jamaica		1,736.32
Do	Islamic Republic of Pakistan	63,299.79	444.87
Do	State of Bahrain		815.54
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Barr Laboratories	125.00	
Do	Marion Merrell Dow		2,278.78
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus, Inc	4,000.00	1,040.00
Do	Federal National Mortgage Assn		
Do	Institute of International Bankers	7,000.00	1,800.00
Do	Investment Company Institute	300.00	275.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	43.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	2,151.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		56,484.03	57,325.22
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,065.15	5,494.79
New West Policy Group, 223 E. Union Street Prescott, AZ 86303	Del Webb Corp	87,801.00	
New York Public Interest Research Group, 9 Murray Street, 3rd Floor New York, NY 10007			4,834.55
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		8,000.00	5,309.00
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.00	100.00
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	319.87
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,850.00	5.00
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,731.04	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,750.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	5,000.00	83.49
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,000.00	
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Jennifer S. Nitchman, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	201.22	
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	180.00	54.62
Allan Noe, 1156 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute		211.96
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			56,739.10
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,268.00	133.00
David F.A. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).		125.00
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	75.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	175.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn	450.00	
Do	Chubb Corp	300.00	
Do	Employers Health Insurance Co	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Insurance Brokers	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	450.00	
Do	Washington National Corp	450.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			1,017.97
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			3,000.00
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,648.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	88.93
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,023.96
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,475.73	318.82
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Kaiser Engineers Hanford	5,151.88	2,599.52
Do	Waste Management, Inc	3,187.50	2,759.45
Do	Westinghouse Hanford Co	5,151.88	2,599.52
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		4,860.47
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Nuclear Energy Institute, 1776 I Street, NW, #400 Washington, DC 20006	American Nuclear Energy Council	590,512.00	72,237.00
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
Nutritional Health Alliance, P.O. Box 25317 Washington, DC 20007		215,576.00	178,964.79
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	4,174.98	523.77
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	Savings & Community Bankers of America		
Do	Transportation Brokers Conference of America		
Lynne M. O'Brien, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	114.33
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	37.59
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
O'Brien and Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser-Busch Companies, Inc	37.50	
Do	Federal National Mortgage Assn	240.00	
Do	Global Technology Systems	75.00	
Do	Health Insurance Assn of America	577.50	
Do	Morgan Stanley & Co, Inc		
Do	Sears Roebuck & Co	210.00	
Do	Teachers Insurance & Annuity Assn		
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	4,775.00	
Kelley E. O'Connor, 666 Pennsylvania Avenue, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	9,693.00	5,069.10
Do	Kent & O'Connor, Inc (For:American Supply Association)	2,148.00	2,248.40
Do	American Warehousemen's Association	6,432.00	3,362.27
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	1,893.00	991.35
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)	38.00	20.44
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Adams Cohen & Associates, Inc	7,500.00	
Do	American Clinical Laboratory Assn	2,250.00	
Do	Associated Credit Bureaus, Inc	215,560.00	
Do	Bear Stearns & Company, Inc	4,420.00	
Do	Citizens Savings Bank		
Do	Coalition for Tax Equity	10,500.00	60.00
Do	Electronic Data Systems Corp		
Do	Evangelical Lutheran Good Samaritan Society		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First Winthrop Corp		
Do	Golden Nugget, Inc		
Do	Government of the Philippines	15,000.00	
Do	Government of Peru	16,500.00	
Do	Green Point Savings Bank		
Do	Health Images, Inc		
Do	Healthcare Financing Study Group	7,300.00	
Do	Institute of International Bankers	20,000.00	2,364.73
Do	MasterCard International, Inc	2,530.00	
Do	Miller & Schroeder		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	O'Sullivan Graev & Karabell		
Do	Pacific Telesis Group	7,840.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Assn	7,500.00	
Do	Standard Chartered PLC	3,400.00	
Do	State Street Bank & Trust Company	6,750.00	
Do	Support Systems International, Inc		
Do	UST	6,000.00	
Do	VISA, USA, Inc	2,530.00	
Do	Westinghouse Electric Corp		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	25,000.00	100.00
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	4,945.00	720.00
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,276.24	237.88
Terri O'Grady-Smith, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,489.48	471.80
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	18,166.25	8,801.41
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,976.00	19.16
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		3,404.23
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,944.00	
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,125.00	2,603.72
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Telephone & Telegraph Co	2,550.00	
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute/Industry Union Glass Cont Program	1,200.00	
Do	Government of Mexico		
Do	JM Family Enterprises, Inc	9,655.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co	1,200.00	
Do	USX Corporation	1,800.00	
Do	Viacom International, Inc		
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,080.00	3,564.89
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	American Society of Composers, Authors & Publishers	6,180.00	115.00
Do	Atlantic Richfield Co	900.00	
Do	New Jersey Turnpike Authority	232.50	
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	Coaxial Communications	1,000.00	31.77
Do	PNC Mortgage Corp of America	2,260.00	78.35
Do	Securities Industry Assn	2,125.00	14.10
Do	The Limited, Inc	1,500.00	27.57
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	14.04	32.35
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn	13,334.00	80.00
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)		
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	5,000.00	
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).	6,000.00	135.00
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	14,700.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	468.39
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,786.55
Mary Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	Great Waters Aquarium	7,500.00	
Do	LTV Steel Company	15,000.00	
Do	National Assn of Geriatric Education Centers	8,000.00	
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,562.28	20.46
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	7,497.04	
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,472.14
Ken M. Odette, 1616 N. Fort Meyer Drive, Suite 1300 Arlington, VA 22209	Information Technology Assn of America	500.00	
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	2,030.77	91.09
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association	800.00	
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,850.00	69.00
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	1,050.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	200.00	
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	2,875.00	157.45
Do	Alliance for Managed Competition	13,820.00	2,323.70
Do	American Assn of Retired Persons	625.00	
Do	American Farm Bureau	300.00	
Do	American Insurance Association	1,125.00	16.00
Do	American International Group, Inc	7,500.00	285.66
Do	Anheuser-Busch Companies, Inc	2,000.00	13.18
Do	Ashland Oil, Inc	750.00	
Do	Association of American Railroads	12,500.00	473.85
Do	Avis, Inc		
Do	Champion International Corp.	1,000.00	
Do	Circus, Circus Enterprises	1,125.00	
Do	Citibank	1,000.00	
Do	Commonwealth Edison	1,875.00	
Do	Federal Express	5,500.00	313.54
Do	Fidelity Investments	107.00	
Do	Ford Motor Co	1,200.00	10.97
Do	General Electric Co	4,000.00	
Do	Hewlett-Packard Co	600.00	17.83
Do	Investment Company Institute	7,500.00	360.42
Do	Jones Intercable, Inc	3,000.00	18.35
Do	Mescalero/ Utility Storage Initiative	750.00	149.77
Do	MCI Communications Corp	1,125.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Cable Television Assn	12,500.00	650.19
Do	Pfizer, Inc	10,675.00	383.31
Do	Phillip Morris, Inc	6,412.00	138.28
Do	Proctor & Gamble Co	1,000.00	
Do	RJR Nabisco, Inc	2,400.00	28.78
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Breakthrough Technologies Institute		
Do	Center on Law & Social Policy/Center on Budget Policy	399.00	
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	500.00	
Do	Metropolitan Life & Affiliated Companies	1,000.00	
Do	Monitor Aerospace Corp		
Do	Time Warner, Inc	750.00	
Do	United Feather & Down	200.00	
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	1,047.45	352.49
Heidi Belz Oliver, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	1,000.00	
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	760.00	
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Allied Pharmaceutical Assn	1,000.00	
Do	Beef Products, Inc		
Do	ConAgra, Inc	1,000.00	
Do	National American Wholesale Grocers Assn	1,250.00	
Do	National Assn of Margarine Manufacturers		
Do	National Assn of Pharmaceutical Manufacturers	4,000.00	
Do	National Food Processors Assn	2,000.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	1,325.00	
Do	Pillsbury Company	500.00	
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc		
Do	Southeastern Poultry & Egg Assn	2,000.00	
Do	Southern Star Shipping Company, Inc		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		31,500.00	8,590.28
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		3,255.40	1,134.72
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	373.68
Robert V. Oswald, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	483.47
Kathleen Galiher Ott, 1001 19th Street North #800 Arlington, VA 22209	TRW, Inc	3,750.00	29.71
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	230.00
Clifford M. Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	844.80
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,453.76
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	194.56
Sally LaHue Owen, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	2,500.00	56.55
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,649.52	546.70
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	48,700.00	11,179.98
Do	Washington State University	2,000.00	1,978.00
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,568.00	92.00
Wayne P. Pacelle, 9806 Cahart Place Silver Spring, MD 20903	Humane Society of the US	4,264.62	455.96
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		76,159.50	21,866.47
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	266.00
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	290.18
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	3,586.95	7,220.09
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas	383.00	535.55
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	1,245.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	16,287.50	295.05
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	500.00	16.00
Do	Bristol-Myers Squibb Co	1,225.00	14.00
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)	1,125.00	
Do	New Jersey Turnpike Authority	1,100.00	150.10
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	45,000.00	40,861.52
Do	Atlantic Richfield Co	27,000.00	7,059.19
Do	Bristol-Myers Squibb Co	20,000.00	4,881.40
Do	Los Angeles County Metropolitan Transportation Authority	10,377.76	8,099.67
Do	New Jersey Turnpike Authority	15,999.50	6,789.96
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn	18,768.75	
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			572.00
Michael A. Papalia, 101 Constitution Ave., NW Washington, D2 0001	United Brotherhood of Carpenters & Joiners of America	402.00	
Jonathan R. Paret, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	3,634.99	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	2,100.00	60.00
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 410 First Street, SE Washington, DC 20003	Nuclear Energy Institute	2,834.00	341.00
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	490.00	
Clayton J. Parr, Kimball Parr Waddoups Brown & Gee 185 South State Street, #1300 Salt Lake City, UT 84147	Energy Fuels Nuclear, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	11,153.84	1,271.74
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	1,150.00	
Do	C. R. Eggs		
Do	Columbia Laboratories, Inc	600.00	
Do	D & F Industries, Inc	600.00	
Do	Federal Judges Association		
Do	Fox Bennett & Turner	700.00	
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,000.00	
Do	Glaxo, Inc	1,500.00	
Do	HealthCare COMPARE		
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	600.00	
Do	International Dairy Foods Assn	500.00	
Do	Motion Picture Assn of America, Inc	2,000.00	
Do	Murdock Healthcare	1,000.00	
Do	Nonprescription Drug Manufacturers Assn	3,200.00	
Do	Office of the Immigration Judges		
Do	Pfizer, Inc	1,200.00	
Do	Recording Industry Assn of America	2,000.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	1,200.00	
Do	Systech Environmental Corp	6,600.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	800.00	
Do	Utah Biomedical Industry Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Utah Natural Products Alliance	1,000.00	
Do	Won-Door Corporation	750.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,485.88	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	1,000.00	
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	5,250.00	
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc		4,175.16
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		4.35
Jerry M. Patterson, Burke Williams & Sorenson 3200 Bristol Street, #640 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	369.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	300.00	
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc		
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination		
Do	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn	500.00	
Do	American College of Gastroenterologists	3,065.00	200.00
Do	American Medical Security	4,050.00	100.00
Do	American Soc of Assn Executives	765.00	20.00
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	11,500.00	390.00
Do	Blair Corporation		
Do	Blue Cross of California	7,115.00	300.00
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology		
Do	Chamber of Commerce Health Care Coalition	585.00	51.00
Do	Charlotte North Carolina Federal Liaison Task Force	4,582.50	78.00
Do	Cherokee Nation of Oklahoma	8,925.00	380.00
Do	Chicago Board Options Exchange		
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati		
Do	Climate Council		
Do	Clorox Company	2,350.00	29.00
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes	5,000.00	
Do	College Savings Bank		
Do	Council on Community Blood Centers	270.00	11.00
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Dole Food Co		
Do	Duty Free Shoppers Group, Ltd		
Do	DuPont-Merck	2,700.00	100.00
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Federation of American Health	3,680.00	120.00
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Freedom to Advertise Coalition	2,550.00	75.00
Do	FAG Kugelfischer Georg Schager KGaA	112.50	
Do	Genstar Container Corp		
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services	15,325.00	37.50
Do	Infinity Broadcasting Corp	15,702.50	
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute	2,995.00	23.50
Do	International Swaps Dealers Assn, Inc	250.00	20.00
Do	International Union of Police Assns	480.00	35.00
Do	Irvin Industries		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	230.00	15.00
Do	Johanna-Dairies, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Landauer, Inc		
Do	Loop, Inc		
Do	Loyola University		
Do	Major League Baseball Players Assn	1,745.00	140.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	4,875.00	282.50
Do	Marathon Oil Co		
Do	Mars, Inc	3,690.00	58.00
Do	Mashantucket Peqush Tribe		
Do	Mass Mutual	2,372.50	25.00
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Mutual Legislative Committee	1,460.00	
Do	MCI Telecommunications, Inc	1,423.75	17.00
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters		
Do	National Assn of Life Underwriters	730.00	6.00
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	3,580.00	20.00
Do	National Cable Television Assn, Inc	68.75	10.00
Do	National Retail Federation (RITAC)	5,660.00	35.00
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	1,680.00	75.00
Do	New York Life Insurance Company	5,015.00	75.50
Do	Newspaper Assn of America	1,255.00	25.00
Do	Northwestern Mutual Life Insurance Co		
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	607.50	40.00
Do	Pacific Lumber Co	13,225.00	72.50
Do	Pepsico, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	2,000.00	
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic of Uganda		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	10,500.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Spat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman		
Do	Susan G. Komen Foundation	2,185.00	190.00
Do	Thomson US, Inc		
Do	Trans Ocean, Ltd		
Do	Travelers		
Do	Triton Container		
Do	TANO Marine Systems		
Do	U.S. Surgical Corp		
Do	U.S. Tobacco Company		
Do	USAir, Inc		
Do	USX Corporation		
Do	Wayne County Michigan	68.75	
Do	Westinghouse Electric Corp		
Do	Woodlands Corp	195.00	
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	80.00	
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	3,500.00	72.24
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	12,900.00	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Institute of Merchant Shipping	5,175.00	
Do	American President Companies	2,175.00	
Do	American Trucking Assns, Inc	525.00	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	16,200.00	147.30
Do	Grocery Manufacturers of America, Inc	22,500.00	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	750.00	
Do	Novo-Nordisk Pharmaceuticals, Inc	950.00	
Do	Tobacco Institute		
Do	Tyson Foods, Inc	1,050.00	
Do	Union Pacific Corp	3,150.00	
Gwen Gampel Paulson, 711 Second Street, NE, #300 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Center for Medicare Advocacy, Inc	3,000.00	461.00
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	100.00
Do	National Comm to Preserve Social Security & Medicare		
Do	Congressional Consultants (For:National Renal Administrators Assn)	6,000.00	202.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	1,377.49
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,115.00	206.13
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Coalition to Preserve the Low Income Housing Tax Credit		
Do	Council for Rural Housing & Development	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Christopher T. Peace, 500 E. Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	7,869.00	636.16
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			14,970.36
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn	1,500.00	
Do	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	195.25
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	5,000.00	655.00
Elin Peltz, 1156 15th Street, NW, #400 Washington, DC 20005	National Agricultural Chemicals Assn		
George D. Pence, 9100 Mill Creek Landing Great Falls, VA 22066	Rabanco Co	1,000.00	300.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,500.00	321.00
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,576.58	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			387.00
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			4,972.00
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024		1,742.00	3,199.58
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	American Cancer Society/Missouri Division		
Do	Association for Governmental Leasing & Finance		
Pepsico, Inc, 700 Anderson Hill Rd. Purchase, NY 10577			31,730.77
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc	500.00	500.00
Do	James River II, Inc		
Do	Puget Sound Power & Light Company		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	837.67
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	162.97	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	1,200.00	110.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	2,062.50	123.24
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	10,495.09	2,648.14
John W. Pestle, Varnum Riddering Schmidt & Howlett P.O. Box 352 Grand Rapids, MI 49501-0352	Michigan Municipal Cooperative Group	2,898.00	1,780.00
Phillips S. Peter, 1200 18th Street, NW Washington, DC 20036	General Electric Co		
Do	Reed Smith Shaw & McClay	250.00	
Bruce L. Petersen, 1899 L Street, NW Washington, DC 20036	National Petroleum Refiners Assn		
Patricia M. Petersen, 6593 Ives Lane North Maple Grove, MN 55369			
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	5,317.00	
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	8,500.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	2,000.00	50.00
Thomas J. Petrizzo, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	700.00	
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	217.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,790.00
C. L. Pettit, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn		
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	6,500.00	
Do	Metro	12,999.99	
Do	Mothers Against Drunk Driving (MADD)	18,000.00	
Do	National Assn for Sport & Physical Education	3,000.00	
Do	New York State Thruway Authority		
Do	Southeastern Pennsylvania Transit Authority	15,000.00	
Do	Toledo-Lucas Port Authority	15,000.00	
Steven J. Pfister, 325 7th Street, NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	167.21
Pharmaceutical Research and Manufacturers of America, 1100 15th Street, NW, #900 Washington, DC 20005		44,363.81	44,363.81
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,550.40	317.10
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	555.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation		2,718.85
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	6,200.00	4,768.33
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	6,200.00	1,000.55
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston	1,200.00	2,317.72
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	13,000.00	
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,345.29	190.35
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,700.00	739.66
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	93.71	28.95
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	3,000.00	
Jeremy Edes Pierotti, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	5,625.00	201.95
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	3,000.00	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn	2,000.00	
Do	Villa Banfi, U.S.A		
Katherine Pinney, 1575 Eye Street, NW Washington, DC 20005-6	American Society of Assn Executives	300.00	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,481.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	County of Fairfax, VA	1,650.00	50.00
Do	Edison Electric Institute		
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	207.52	
Do	Ketchikan Indian Corp	129.12	
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Ottawa Indians		
Do	Michigan Inter-Tribal Council	251.15	
Do	Mille Lacs Band of Chippewa Indians	614.67	
Do	Organized Village of Kake	495.34	
Do	Prairie Band of Potawatomi Indians	570.70	
Do	Red Lake Band of Chippewa Indians	162.75	
Do	Saginaw Chippewa Tribe	7,230.90	
Do	Sitka Tribe of Alaska	10.19	
Do	Yakutat Native Assn	5.16	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Plains Resources, Inc, 1600 Smith Street, #1500 Houston, TX 77002			
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		28,664.71	28,664.71
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	10,930.00	271.17
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	250.00	
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	750.00	
Do	Arter & Hadden (For:Citicorp)	1,000.00	
Do	Arter & Hadden (For:Corning, Inc)	100.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)	200.00	
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)	125.00	
Do	Arter & Hadden (For:Hearst Corp)	150.00	
Do	Arter & Hadden (For:Merck & Co, Inc)	50.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Loeffler & Leath (For:Tesoro Petroleum)	300.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)	325.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Margaret B. Podlich, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)		
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Diane Pollack, 1120 Connecticut Ave., NW, Sutie 461 Washington, DC 20036	Planned Parenthood Federation of America	2,389.13	363.50
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	724.16	
Alfred M. Pollard, 900 19th Street, NW, Suite 400 Washington, DC 20006	Bankers Roundtable	5,653.85	
Do	Savings & Commmunity Bankers of America	4,084.62	68.00
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		1,799.85
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	1,350.00	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	362.75
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	1,027.75
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Wilsons the Leather Experts	1,980.00	
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,991.84	137.00
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	810.54
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	68.00
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Akitsu Shipping Co, Ltd		
Do	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	868.00	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Benson Marine Group		
Do	Brown Forman Corp	75.00	
Do	Burlington Northern Railroad Co	1,700.00	
Do	Business Software Alliance	11,114.00	
Do	Calista Corp		
Do	Computer Systems Policy Project		
Do	Delta Queen Steamboat Company		
Do	Dynasty Cruise Line, Inc		
Do	Empire Cruise Line Ltd.		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America		
Do	Marine Resources Company International		
Do	Maruha Corporation	71.87	
Do	Massachusetts Port Authority		
Do	Microsoft Corp	15,348.00	
Do	Mining Law Coalition		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp		
Do	Nissui Shipping Corp	71.87	
Do	OMI Corp		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchu Marine Corp		
Do	Royal Seafoods, Inc		
Do	Seattle Housing Authority		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	USTF Conference Group		
Do	Washington State Hospital Assn		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Co		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,326.00	109.24
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Curtis A. Prins, 4608 Briar Patch Ct. Fairfax, VA 22032	Adams Cohen Securities, Inc	12,499.99	35.73
Do	American Collectors Assn	15,000.00	
Do	Credit Union National Assn	6,818.19	
Do	National Auctioners Assn	13,749.99	70.18
Do	U-Haul International	15,000.00	41.52
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	930.00	38.50
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	200.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	250.00	
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp	2,875.00	
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		60,101.00	67,401.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		54,694.61	19,344.40
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			178.00
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	3,600.00	120.72
Do	Southwest Airlines Co	4,800.00	111.86
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	15,000.00	
Do	American Methanol Institute	20,000.00	
Do	American Trucking Assns, Inc	12,000.00	
Do	Anheuser-Busch Companies, Inc	20,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	36,000.00	
Do	Boston Capital Partners, Inc	3,000.00	
Do	G-Tech Corporation	18,000.00	
Do	Mexican Department of Commerce & Finance		
Do	Nafta-El Paso Business Development Council	20,000.00	
Do	National Assn of Chain Drug Stores	33,332.00	
Do	Southwest Airlines	9,000.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,875.00	545.08
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	10,535.00	2,351.00
Do	Florida Progress Corp	2,634.00	588.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM	883.30	349.48
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,350.00	
Do	Stratcor	750.00	
Do	Welch Foods, Inc	2,000.00	
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Coalition for Patient Rights	23,788.76	57,320.22
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610		6,997.32	6,997.32
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	10,238.00	
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	
Patrick H. Quinn, 601 13th Street, NW, #410 Washington, DC 20005	Chemical Specialties Manufacturers Assn	1,400.00	597.14
Earl C Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Linda Rabben, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:National Council of Maubeve Resistance)	6,000.00	
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	375.00	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	2,750.00	
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Association of Progressive Rental Organizations	3,000.00	
Do	AT&T		2,262.57
Do	Buena Vista Golf & Country Club	1,000.00	24.02
Do	BP America	1,000.00	
Do	Chabot Observatory & Science Center	2,000.00	266.29
Do	China External Trade Development Council	35,000.00	
Do	City of Chattanooga	1,500.00	
Do	Competitive Long Distance Coalition	1,000.00	
Do	Council of American Overseas Research Centers	1,000.00	
Do	Creative Discovery Museum	1,500.00	62.89
Do	Crystal Holdings Corp	2,000.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Embassy of the Government of India	92,000.00	28,752.29
Do	Foley & Lardner		
Do	Gardner Carton & Douglas	825.00	38.04
Do	Golden Hill Paugussett Tribe	2,500.00	
Do	HealthInfusion, Inc	2,000.00	
Do	ICI Chemical	1,000.00	
Do	IMREG, Inc	1,000.00	
Do	Johnson Controls, Inc	2,000.00	
Do	Jones Intercable	1,514.00	
Do	McDonnell Douglas Corp	1,500.00	
Do	MASSPORT/Commonwealth of Massachusetts		
Do	National Cable Television Assn	12,500.00	454.05
Do	National Medical Care	3,250.00	664.58
Do	Orlando-Orange County Expressway Authority	4,000.00	163.72
Do	Seafarers International Union	1,000.00	
Do	Telecommunications Industry Assn	7,000.00	200.65
Do	Tudor Investment Corp	1,000.00	
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	6,250.00	347.29
Do	Wiley, Rein & Fielding	1,000.00	
Zvi Rafiah, Asia House 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd		
Do	Rafael Armament Development Authority	7,700.00	1,594.00
Do	TAAS, Israeli Industries LTD (IMI)	8,085.00	3,689.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	American Soc of Hematology	500.00	341.10
Do	Association of American Cancer Institutes	2,000.00	951.20
Do	Friends of the NIDCD	600.00	317.30
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)	150.00	
Do	Graham & James (For:Federal Judges Association)	910.00	
Do	Graham & James (For:Federal Magistrate Judges' Assn)	350.00	
Do	Graham & James (For:RR Donnelley & Sons Co)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,625.00	
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	252.20
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Evans Loosley, Inc)		13,282.75
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)	6,149.79	6,451.44
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Kristen M. Rand, 1666 Connecticut Ave. NW Suite 310 Washington, DC 20009	Consumers Union	1,000.00	
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	200.00
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	15,801.19	
Do	Cumberland Packing Company	10,557.21	
Do	Lutheran Medical Center	9,723.95	
Do	Simply Lite Foods Corp	5,719.43	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	1,000.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	675.00	
Robert S. Raymar, One Gateway Center Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	70.25
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		31,635.06	36,254.95
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	670.78	
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	822.40	51.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	23.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	High Speed Rail Maglev Assn	2,862.50	152.85
Do	Mid-America Transplant Association	847.50	35.60
Do	Paging Network, Inc	3,186.50	32.29
Do	Radio-Television News Directors Assn	7,020.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	1,000.00	162.89
R. Brent Regan, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	42.75
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	15,550.00	350.00
Regional Airline Association, 1200 19th Street, NW., #300 Washington, DC 20036-2401		4,602.40	2,150.00
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	17,307.00	840.08
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation		31.35
Do	Embassy of the Republic of Uganda		7,590.99
Do	Interim Government of National Unity of Liberia		
Do	Republic of Guyana	30,330.27	2,961.68
Do	Republic of Nicaragua		2,581.97
Do	Saharawi Arab Democratic Republic		0.36
Do	Supreme Court of Justice of the Republic of Guatemala		764.90
Do	United Front for Multiparty Democracy (Malawi)		0.29
Do	United Republic of Tanzania	115,000.00	1,858.82
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,792.86	
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	12,156.75	328.18
Do	Denver International Airport	1,327.50	57.81
Do	Henschel, Inc	9,748.75	214.10
Do	Kabi Pharmacia, Inc	9,115.00	435.63
Do	Minnesota Power		
Do	MDU Resources Group, Inc		
Do	Nishika Corp		
Do	Parsons Brinckerhoff Quade & Douglas, Inc	6,528.75	276.88
Do	Pride Refining, Inc		
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	South Jersey Transportation Authority		
Do	SPD Technologies	70,346.25	1,316.01
Do	Tucson Electric & Power Co	2,225.00	
Do	United Illuminating Company		
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	656.15
Reinhart Boerner Van Deuren Norris & Rieselbach, 601 Pennsylvania Ave., NW North Bldg., Suite 750 Washington, DC 20004-2612.	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	32.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	1,764.29
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition of Consumers' Picture Rights)		
Do	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Julia Renjilian, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	501.93
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc	1,125.00	788.90
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	525.00	151.51
Resource Management Consultants, Inc, 205 S. Whiting Street, #308 Alexandria, VA 22304		27,501.00	
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		129,603.28	73,841.63
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Osteopathic Healthcare Assn	4,000.00	
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	24,143.63	328.45
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)		
Do	Stewart & Stewart		
David Lyon Reynolds, 444 North Capitol Street, NW Washington, DC 20001	Association of California Water Agencies	1,000.00	
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company	1,771.20	1,951.11
Nicholas S. Reynolds, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	1,337.32
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	10,100.00	68.72
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,786.86	379.88
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	58.29	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,953.00	
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	687.50	4,433.16
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,419.00	23.86
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	35,215.00	633.58
Robert G. Rickles, 3595 Patterstone Drive Alpharetta, GA 30202	Blue Cross and Blue Shield of Georgia		
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	1,145.50
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Earl F. Rieger, 13 Halifax Court Rockville, MD 20850	California Independent Mortgage Brokers Assn	12,000.00	34.36
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc		
Blair A. Rieth Jr., 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	58.50
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	106.00
Karen Rindge, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	2,660.87	81.00
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	252.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		225.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	67.00	
Do	Basic America, Inc	167.50	
Do	Direct Service Industries, Inc	670.00	
Do	McPhillips Manufacturing Co	67.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pacific Northwest Utility Conference Committee	670.00	
Do	Washington Wheat Commission	670.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036		14,352.00	294.75
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	1,615.32	2,304.48
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	6,024.15	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Household Financial Group, Ltd		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,592.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	1,019.71	588.04
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	431.98
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	480.47
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,834.00	4,513.00
Glenn Roberts, 1620 I Street, NW, #925 Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	115.00	
Do	Fragrance Materials Assn	180.00	
Do	International Assn of Color Manufacturers		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,456.36
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	118.81
Cas M. Robinson, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute		
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	510.00	
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	814.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1501 M St., NW, #600 Washington, DC 20005	American International Group, Inc	2,000.00	
Do	Commission on Self-Determination		
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	15,000.00	
Do	Interactive Entertainment Industry Rating System Committee	10,000.00	
Do	Mesa, Inc		
Do	National Venture Capital Association		
Do	Sun Diamond Growers	1,500.00	
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	750.00	
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	General Atomics Technologies	4,800.00	2,521.91
Do	Solid Waste Composting Council	3,021.19	445.95
Do	U.S. Global Positioning System Industry Council	6,000.00	1,337.85
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	255.77
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort Development Assn	3,000.00	
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	439.81
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	2,200.00	
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Robert A. Roe, 1680 Route 23 Wayne, NJ 07470	City of Newark	4,464.26	
Do	County of Bergen	4,464.26	
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark	30,372.71	17,227.24
Do	County of Bergen		17,181.59
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194-0960	CBS, Inc	15,000.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,687.26
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,990.00
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Amercord, Inc		
Do	American Express Co		
Do	Canadian Pulp & Paper Assn		
Do	Canadian Steel Industry Council		
Do	Dofasco, Inc		
Do	Dreyfus Corporation		53.00
Do	Investment Program Assn		
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Major League Baseball Players Assn	1,995.00	45.28
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	R.L. Polk & Company	15,000.00	1,108.67
Do	Republic National Bank		
Do	RPM Securities, Inc		
Do	Shearson Lehman Brothers, Inc		
Do	Wine & Spirits Wholesalers of America, Inc		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,769.50	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	10,000.00	25.00
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp		
Lewis Rome, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	4,800.00	1,195.33
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		1,347.67
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education		
Do	Cabot Corp		
Do	Creative Capital, Inc		
Do	Industrial Development Authority of Ireland		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	3,217.45	719.57
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	24,750.00	15,645.61
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,500.00	
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	4,724.89
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation	5,285.00	5,285.00
Do	Johnson Matthey, Inc	15,800.00	15,800.00
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	4,100.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	14,445.93	25.60
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joseph Ross, Ross & Associates 920 Long Blvd. Lansing, MI 48911	Highway Users Federation	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard D. Ross, 1301 Pennsylvania Ave., NW, #305 Washington, DC 20004	Natural Disaster Coalition	18,000.00	9,732.40
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute		
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Americans United with the Congolese People		
Do	Democracy Unlimited		
Do	Manute Bol	1,000.00	1,000.00
Ross Dixon & Masback, 601 Pennsylvania Ave., NW, No. Bldg. Washington, DC 20004-2688	Newsletter Publishers Assn		
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,108.72
Jeffrey S. Rothstein, 2722 Merrilee Drive, #360 Kansas City, KS 66101	International Brotherhood of Boilermakers...	215.00	
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,282.00	2,789.95
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Conference of State Bank Supervisors		
Do	Eaton Vance Corp		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Republic Boston Capital Corp		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	21,145.80	9,276.66
T. Peter Ruane, 1010 Massachusetts Ave., NW Washington, DC 20001	American Road & Transportation Builders Assn		
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		1,141.84
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	48.79
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil Inc.	500.00	
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,812.50	
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	10,000.00	
Timothy R. Rupli, 601 13th Street, NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060		27,700.00	6,282.00
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	19,385.00	
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Tonda F. Rush, 1525 Wilson Blvd., #550 Arlington, VA 22209	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	400.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	2,000.00	713.10
Do	American Optometric Assn	1,800.00	689.50
Do	American Soc for Medical Technology	700.00	78.50
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	100.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Computer Services, Inc	6,528.00	590.00
Do	Diagnostic/Retrieval Systems, Inc	4,687.00	615.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			30,999.45
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	500.13
Safe Steel Container Coalition, 601 13th Street, NW, 12th Floor Washington, DC 20005		1,355.00	1,355.00
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	663.53
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	6,074.36
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	14,463.60	785.61
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,500.00	72.17
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	187.50	
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		11,040.00	741.79
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	378.31
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	1,837.50	88.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	668.80
Stuart A. Sanderson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn	1,275.96	
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	517.87
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
Arthur R. Sando, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp (COMSAT)		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc	4,200.00	1,165.00
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	7,303.68	709.20
Susan Sarason, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	945.00	103.00
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314		3,572.24	3,572.24
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		213.74
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	115.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		2,644,477.50	62,033.27
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
John A. Saxton, 801 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Procter & Gamble Co	292.00	
Keith Scarborough, One Thomas Circle, NW, #950 Washington, DC 20005	Association of National Advertisers, Inc		4.00
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc	2,500.00	41.00
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	6,500.00	4,797.30
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	466.75	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc	2,497.00	3,190.69
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,455.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	25,100.00	465.49
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		199.75
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	1,800.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,809.54	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	6,425.78	107.00
Rodger Schlickeisen, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	60.10	
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	695.00
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	3,000.00	
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafargo Corp	29,260.00	4,089.15
Mahlon C. Schneider, 1 Hormel Place Austin, MN 55912-3680	Hormel Foods Corporation		280.00
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	8,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	
Do	PepsiCo, Inc	11,369.00	211.00
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			42.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,201.75	960.53
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	777.77
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Elizabeth Schueler, Willard Office Building 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Idaho Conservation League	1,000.00	75.00
Do	Montana Wilderness Assn	1,000.00	75.00
Leslie Schultz, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,276.96	591.58
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates	34,708.23	2,387.61
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		
Do	Southwestern Bell Corporation		
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	3,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	15,150.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	3,000.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	187.50	
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			300.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	49.95
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	326.85
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	20,189.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	848.25	
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,156.00	4,385.60
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	9,879.00	3,809.58
Murray S. Scureman, 5335 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	847.95
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,811.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		12,592.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Ruth L. Segal, 1850 M Street, NW, #1040 Washington, DC 20006	Outdoor Advertising Assn of America	31,250.00	20.45
Edward Segal Communications, 1338 28th Street, NW Washington, DC 20007	National Center for Housing Management		
Howard Segermark, 1701 Pennsylvania Ave., NW, #533 Washington, DC 20006	Segermark Company	4,000.00	13,800.00
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Richard D. Sellers, 2916 Biltmore Ave. Montgomery, AL 36109	National Rifle Assn	3,000.00	569.80
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn		
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX	8,987.00	486.97
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,500.00	766.98
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	3,071.25	127.41
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	5,250.50
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Ship Finance Assn, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co		
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Twin City Pipe Trades Welfare Trust	4,230.00	21.00
Do	Unisys Corp	10,113.75	15.00
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	2,000.00	64.47
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	2,000.00	
William H. Shaker, 5155 N. 37th Street Arlington, VA 22207			
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Gilan Shamir, 1511 K Street, NW, Suite 1043 Washington, DC 20005	Council for the National Interest	305.20	80.70
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,625.00	247.85
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Kimberly Shark, 1155 15th Street, NW, Suite 660 Washington, DC 20005	Penzoil Co	350.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	88.93
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	2,665.62	1,110.00
Do	Pipe Tobacco Council	896.87	277.50
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	2,362.50	1,954.00
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	445.83	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	61.00
Do	Senior Executives Assn	10,000.00	948.69
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Austrian Airline		
Do	Aviall, Inc	601.71	0.67
Do	Bechtel Aviation Services		
Do	Bell Atlantic	2,100.00	
Do	Bismarck Municipal Airport		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chromalloy Gas & Turbine	542.90	19.95
Do	Dallas/Fort Worth International Airport	4,785.80	1,473.78
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Fokker Aircraft, BV		
Do	Institute of International Bankers	13,983.50	
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization		
Do	Metropolitan Insurance Co		
Do	National Assn of State Aviation Officials		
Do	National Automobile Dealers Assn		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business		
Do	National Marine Manufacturers Assn	5,315.40	322.08
Do	North Carolina Air Cargo Airport Authority	5,814.87	460.99
Do	Nuclear Fuel Services, Inc		
Do	Pratt & Whitney	7,432.17	296.89
Do	RJR Nabisco	7,663.00	35.60
Do	Spectrum Astro, Inc		
Do	Summit '93 Health Coalition	8,125.07	500.00
Do	Vulcan Materials Co		
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	600.00	90.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
Gail E. Shearer, 1666 Connecticut Avenue, NE, #310 Washington, DC 20009	Consumers Union	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,526.10	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,334.27
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	167.49	
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
L. Philip Sheldon Jr., 8 West Roseville Road Lancaster, PA 17601	Child Protection Lobby	9,000.00	907.98
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc		
Neal Sher, 440 First Street, NW Washington, DC 20001	American Israel Public AFfairs Committee	24,375.00	3,395.06
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	91,363.65	18,554.86
Do	CFIDS Assn of America	22,500.00	3,509.06
Do	Immuno-U.S., Inc	15,000.00	2,097.07
Do	III(b) Coalition	21,249.99	6,772.28
Do	Task Force for Child Survival & Development	20,000.00	5,869.06
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	10.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	200.00	1,280.00
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	2,000.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation	1,341.41	24.16
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	122.00
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	1,500.00	6,666.64
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	W. K. Kellogg Foundation		
Do	Pharmaceutical Manufacturers Assn	2,430.80	50.00
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Modland Development Corp		17.50
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	41.95
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	53.85	
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:OHM Corp)	1,950.00	
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)		
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)		
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		1,402.00	2,720.00
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	15,000.00	370.50
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc	3,750.00	285.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	68.07
Do	Bannerman & Associates (For:L.A. Motley & Co for: Government of the Philippines).		
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,020.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	C & M Services, Inc		
Do	Cushman & Wakefield		
Do	Walter Harris, et al.		
Do	International Chiropractors Assn	2,000.00	
Do	Life College	3,000.00	
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Structured Settlements Trade Assn	12,000.00	
Do	5600, Inc	300.00	
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,800.00	3,347.39
Do	Elkhart, IN	5,463.47	4,086.90
Do	Gary, Indiana	8,269.42	4,116.81
Do	National Easter Seal Society	7,681.70	3,463.76
Do	Newark, CA	4,991.77	4,132.96
Do	Pierce Transit Authority	5,926.97	3,585.36
Do	Portland, OR	11,494.94	4,721.33
Do	Salt Lake City, UT	8,253.29	4,075.68
Do	San Bernardino, CA	5,604.83	3,952.24
Do	San Leandro, CA	4,810.77	3,909.66
Do	Tacoma Public Utilities	1,654.64	3,502.03
Do	Tacoma, WA	6,378.84	4,101.23
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	Labor-Management Maritime Committee, Inc	2,875.00	389.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	816.41	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	30,000.00	33,322.27
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc	2,220.00	
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc		
Do	American International Group, Inc		
Do	Angelo Brothers Co	853.00	
Do	Armco, Inc	15,000.00	
Do	Bethlehem Steel Corp	15,000.00	
Do	County of San Joaquin, CA		
Do	Dun & Bradstreet		
Do	General Mills		
Do	Inland Steel Industries, Inc	15,000.00	
Do	LTV Steel Company, Inc	15,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies	1,299.00	
Do	National Steel Corp	15,000.00	
Do	Prudential Insurance Co of America	5,000.00	
Do	Sara Lee Corporation		
Do	USX Corp	15,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	457.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	455.37	2.14
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	113.76
Linda Arey Skladany, 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	
Do	Styrene Industry	15,000.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport	322.50	20.00
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,772.50	148.35
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,215.00	
Do	Bristol-Myers Squibb Co	2,760.00	
Do	New Jersey Turnpike Authority		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	658.67
David Sloan, Corporate Strategies International, Inc 4517 Clark Place, NW Washington, DC 20007-2502	Oriental Rug Importers, Inc	750.00	1.03
Do	Pande Cameron & Co of New York		
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	641.73	258.11
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		11,284.88	2,652.08
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	5,000.00	149.15
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	1,374.00	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee	10,625.01	10,275.13
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20024	Xerox Corp		
James E. Smith, One State Street Boston, MA 02109	Century Council	1,600.00	34.00
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Association of the Americas	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	33,729.33	4,355.62
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Lawrence J. Smith, 3111 Stirling Road Fort Lauderdale, FL 33312	Cuban American Foundation	6,500.00	460.50
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,240.00	45.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	837.63	
Paul C. Smith, 1776 K Street, NW Washington, DC 20006	National Religious Broadcasters, Music License Committee		
Do	Owens-Corning, Inc	14,601.50	278.16
Do	Professional Photographers of America	209.00	
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	27,350.00
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	9,000.00	2,500.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	36.00	4,183.16
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	223.89
Tim Smith, 410 1st St., SE Washington, DC 20003	Nuclear Energy Institute	11,809.00	291.00
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	2,825.00	693.50
Do	NYNEX Government Affairs	5,625.00	973.50
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	15,000.00	170.00
Do	City of Eugene, Oregon	1,000.00	
Do	City of Gillespie, IL	6,000.00	100.00
Do	City of Macon	14,000.00	166.00
Do	City of Ontario, California	15,000.00	
Do	City of Springfield, Oregon	4,500.00	
Do	CRASH	20,000.00	135.00
Do	Haarmann & Reimer Corp	6,000.00	80.00
Do	Kansas City Transit Authority	9,999.00	
Do	Lane County, Oregon	4,666.66	
Do	Metropolitan Water Reclamation District of Greater Chicago	21,000.00	
Do	N.Y. Metropolitan Transportation Agency	21,000.00	110.00
Do	National Assn of Foreign Trade Zones	4,000.00	35.00
Do	Port of San Francisco	6,000.00	
Do	San Francisco Public Utilities Commission	12,000.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
David A. Smitherman, Iowa Petroleum Council 218 6th Avenue, #1012 Des Moines, IA 50309-4006	American Petroleum Institute	1,600.50	1,667.39
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		24,366.02	24,366.02
William Snape, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	134.61	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	14,000.00	
Laura Snyder, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 404 3rd Street, SE, #B Washington, DC 20003-1930	Center for Marine Conservation	862.75	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		26,947.88	34,402.17
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			45,000.00
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			8,250.00
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	750.00	14.30
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		70,569.00	15,896.00
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	ARCO Power Technologies, Inc		
Do	Litton Inter Optical Systems		
Do	Space Express Corp		15.00
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	519.71	
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	450.00	54.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	5,000.00	77.00
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,500.00	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	Florsheim Shoe Co	15,351.50	31,506.00
Do	Trek Bicycle Corp	2,089.50	801.97
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Yukon-Kuskokwim Health Corp		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		13,693.72	13,693.72
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			18,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rachel Southworth, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, INc (For:Republic of Azerbaijan)		
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York		1,500.00
Do	New York State Fire Chiefs Assn		1,500.00
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	1,085.91	378.29
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	9,056.89	9,208.77
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avenue, #620 Fairfax, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	4,000.00	141.05
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon	1,940.00	1,136.33
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City of St. Louis Airport Authority		
Do	Des Moines Community School District		
Do	Former Residents of Centralia, Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airports Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Herbert Spira, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	12,875.00	42.85
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	7,500.00	175.00
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	2,490.07	
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	3,950.00	22.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	57.50	
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	11,250.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	2,912.23	
Do	Stewart & Stewart (For:Novus International, Inc)		
Do	Stewart & Stewart (For:SCM Chemicals)		
Thomas J. St. Hilaire, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	178.66
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	805.62
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	2,000.00	1,100.00
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	6,250.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	9,673.00
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	3,000.00	
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Assn	400.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)		11.34
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	3,076.93	257.42
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	13,200.00	2,346.43
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Anna-Maria Stephens, 1111 19th Street, NW, #600 Washington, DC 20036	Mitsubishi Motors America, Inc	270.00	
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	7,817.50	723.62
Do	Bear Stearns & Co, Inc		
Do	Canyon Forest Village Corp	916.50	12.00
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Del Webb Corp		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe	368.00	12.00
Michael Stern, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	3,943.68	1,706.83
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	2,132.00	1,677.08
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management		
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	1,198.00	88.50
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,050.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council	3,188.55	7,550.70
Do	Georgetown Railroad Co, et al.	1,718.17	423.43
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey Glass)	5,873.50	2,951.45
Do	Monsanto Co		
Do	Novus International, Inc		
Do	Professional Plant Growers Assn		
Do	PPG Industries, Inc	5,780.34	1,952.46
Do	Radiation Systems, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		
Do	SCM Chemicals		
Do	Timken Co	90,773.21	19,685.90
Do	Torrington Company	37,500.00	16,788.11
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,174.17	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	5,385.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,177.52
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	7,500.00	
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation	1,050.00	
Do	National Assn of Business PACs	1,500.00	
Do	Springs Industries, Inc	2,050.00	
Carlton A. Stockton, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	119.48	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	578.43
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists		766.52
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
Dena G. Stoner, 2000 L Street, NW #601 Washington, DC 20036	Council for Educational Development & Research	1,375.00	52.00
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	7,475.00	875.73
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	207.10
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,666.00	50.73
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	12,152.40
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn	13,334.00	80.00
Do	MicroGeneSys, Inc		
Do	Mobile X-Ray Providers of America	5,000.00	
Do	Montefiore Medical Center		
Do	National Assn of Urban Critical Access Hospitals	6,000.00	135.00
Do	National Medical Enterprises, Inc		
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	American Plastics Council	2,087.74	11.66
Do	American Trucking Assn, Inc	1,486.48	
Do	Arthur Andersen & Co	375.00	74.95
Do	Coopers & Lybrand	375.00	74.95
Do	Deloitte & Touche	375.00	74.95
Do	Ernst & Young	375.00	74.95
Do	KPMG Peat Marwick	375.00	74.95
Do	Price Waterhouse	375.00	74.95
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	285.68	
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	3,659.00	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,076.92	54.75
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc	1,837.50	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	5,615.00	205.00
Do	Dreyfus Corporation		
Do	Jones Act Reform Coalition	3,832.00	180.00
Do	Rongelap Community	9,212.00	100.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	4,248.80	658.40
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Joseph P. Sudbay, 1225 EYE Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	2,100.00	
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,427.13	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	2,754.00	2,200.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	600.00	
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance	38,168.50	38,168.50
Lauraine D. Sullivan, 151 Farmington Avenue Hartford, CT 06156-3124	Aetna Life & Casualty Co	3,125.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	1,000.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	9,775.00	
Do	Richard J. Sullivan Associates, Inc (For:City of San Leandro)		
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	1,800.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	1,400.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	First Fidelity Bancorporation		775.09
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	11,749.05
Do	City of San Liandro		
Do	Design Professionals Coalition	6,000.00	7,074.05
Do	National Utility Products Company	984.00	1,974.05
Do	Northeast Ohio Regional Sewer District	2,000.00	1,974.05
Do	Water Environment Research Foundation	6,000.00	6,374.05
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	730.00	690.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)		
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	750.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Do	Mullite Co of America		
Do	New York Mercantile Exchange (NYMEX)		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	750.70
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc		
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	15,000.00	3,626.89
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	2,500.00	
Do	Neckwear Assn of America, Inc		
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	2,018.00	
Elizabeth J. Swasey, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike	986.40	
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	560.00	1,078.00
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Paul E. Sweet, 555 New Jersey Ave., NW Washington, DC 20001	North American Alliance for Traditional Chinese Medicine		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,564.25	889.92
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	1,856.25	
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		240.61
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
John F. Swope, P.O. Box 515 Concord, NH 03302	Chubb LifeAmerica		
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute	700.00	1,932.72
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Armenian Assembly of America	30,000.00	22,629.80
Do	AIA, Agriculture Insurance Administrators	25,500.00	11,314.90
Do	China External Trade Develpment Council, CETRA	15,000.00	2,828.72
Do	Marcos D. Katz	30,000.00	22,629.80
Do	Par Pharmaceutical	30,000.00	11,314.90
Do	Rabbi Milton Balkany	22,500.00	8,486.20
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Ronda C. Talley, 750 First Street, NE Washington, DC 20004-4242	American Psychological Assn	2,463.00	90.00
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	57.41
Tanaka and O'Leary, 1050 Connecticut Avenue, NW, #500 Washington, DC 20036-5303	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,771.50	
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Alabama Council for Rural Housing & Development	1,500.00	1,500.00
Do	Morrow Realty Co, Inc	5,643.50	5,693.50
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates	10,000.00	500.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	17,342.22	222.45
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,928.50	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			53.00
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	306.37
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	1,750.00	165.06
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Paul C. Taylor, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,000.44	574.77
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		2,751.67
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Telecommunications Resellers Assn, 1155 Connecticut Ave., NW, Suite 401 Washington, DC 20036			3,255.50
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute		
Donald M. Temple, 1200 G Street, NW, #370 Washington, DC 20005	National Bankers Assn		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,345.00	1,897.98
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	181.82
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	893.00	458.42
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	823.55	21.00
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		564.48	564.48
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington		865.71
Laura I. Thevenot, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	670.65	431.51
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	730.00	38.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	1,940.00	500.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	3,719.50	2,695.88
Do	Kent & O'Connor, Inc (For:U.S. Shoe)		
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jennifer L. Thomas, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Soceity of Clinical Pathologists		112.50
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	800.00	489.00
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,647.26	
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	1,000.00	10.00
Do	BellSouth Corp	5,000.00	10.00
Do	Council for Superfund Fairness, Inc		10.00
Do	Duke Power Co	4,000.00	10.00
Do	Greenwich Pharmaceuticals, Inc		
Do	International Assn of Convention & Visitor Bureaus	2,665.00	10.00
Do	Itron and AMRplus Partners	12,000.00	10.00
Do	National Bareboat Charter Assn		10.00
Do	Polaris Industries, L.P.		
Do	Potomac Capital Investment Corp	12,000.00	10.00
Do	Thermo Electron Corp	2,300.00	10.00
Do	United Companies Financial Corp		10.00
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	681.34	
R. Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Chicago Research & Trading Group, Ltd		
Do	Peter Kiewit Sons', Inc		
Do	Robert Wang		
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	4,080.50	
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Jill Thorne, 1500 SW 5th, #2301 Portland, OR 97201	Round-Up City Development Corp, et al.	2,500.00	390.00
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	2,600.00	231.03
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	3,380.00	1,873.26
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Paula Pleas Timmons, 1150 Connecticut Ave., NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc	6,245.00	2,813.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	1,275.00	
Do	Ameritech	3,450.00	
Do	Anheuser-Busch Companies, Inc	2,775.00	
Do	Association of Trial Lawyers of America	2,887.50	
Do	Capital Cities/ABC, Inc	2,625.00	
Do	Chrysler Corporation	1,575.00	
Do	General American Life Insurance Co	4,606.25	
Do	General Instrument Corp	4,050.00	
Do	H.J. Heinz Co	1,425.00	
Do	Major League Baseball	6,675.00	
Do	National Rifle Assn	3,300.00	
Do	Northern Telecom, Inc	1,575.00	
Do	Northrop Grumman Corp.	5,175.00	
Do	G. D. Searle & Co	7,500.00	
Do	SCEcorp and Subsidiaries	2,475.00	
Do	Union Pacific Corp	2,625.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters	500.00	
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
William C. Tinklepaugh, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		400.62
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		62.70
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	955.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,000.00	
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	292.75
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	8,000.00	
Victor Todd, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition		
Lisa Tofil, 240 East Ontario, #400 Chicago, IL 60611	Northwestern Memorial Hospital	1,200.00	2,100.00
Neil Tonnesen, 5 Wildwood Gardens Port Washington NY11050			
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,468.46	
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	2,126.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,850.75	
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp	1,424.80	3,453.05
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	98.10	
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,375.00	39.90
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,290.18
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,425.00	
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,741.00	4,865.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,589.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	169.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	500.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	180.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)		
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		1,463.53
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	8,006.17	
Michael G. Troop, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	14,000.00	
John F. Troy, One Tower Square-6MS Hartford, CT 0683	Travelers Insurance Companies	2,500.00	
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research	3,000.00	
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	3,200.00	
Barbara H. Tucker, P.O. Box 370129 West Hartford, CT 06137	Highway Users Federation	3,575.00	141.37
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	5,062.50	143.88
Tucker Arensberg, PC, 116 Pine Street Harrisburg, PA 17101	Smokeless Tobacco Council		
Tucker Flyer & Lewis, P.C., 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee		
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Confederated Tribes of the Grade Ronde	203.80	
Do	Harsch Investment Co	285.32	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	161.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	1,900.00
Do	Inland Valley Development Agency	2,400.00	1,900.00
Do	Recovery Engineering	6,000.00	1,050.00
Do	San Bernardino Associated Governments	1,600.00	1,900.00
Do	San Bernardino International Airport Authority		1,900.00
Do	Southern California Regional Rail Authority		1,900.00
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,100.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,859.00	293.68
Terry Turner, 1641 Besley Rd., NE Vienna VA 22182	Seafarers International Union of North America	5,000.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		16,713.00	16,713.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	54,281.25	2,998.44
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	5,000.00	118.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	10,000.00	
Steven J. Twist, 11250 Waples Mill Road Fairfax, VA 22030	NRA CrimeStrike	3,000.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	4,255.00	
U.S. Border Control, 8180 Greensboro Drive #1070 McLean, VA 22102		20,415.25	17,996.24
U.S. Interactive & Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		80,367.75	94,394.90
U.S. Recreational Ski Association, 1315 Gene Autry Way Anaheim, CA 92805			
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Continental Medical Systems		9,300.00
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		12,801.49	12,801.49
Matthew Ubben, 1401 Eye Street, NW, #600 Washington, DC 20005	United Technologies Corp	1,300.00	49.00
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	55,000.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	930.00	130.00
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota	432.00	144.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,690.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac	100.00	
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			23,608.86
United Distribution Companies, 125 West 55th Street, 19th Floor New York, NY 10019			
United Way/Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409.			
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			2,416.50
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc		
Do	American Insurance Assn	15,000.00	78.52
Do	Valanzano & Associates (For:American International Group, Inc)	1,500.00	
Do	Chubb Corporation	4,900.00	797.29
Do	Colonial Life & Accident Insurance Co	22,800.00	2,033.79
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	12,000.00	86.30
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)	781.25	191.56
Do	Kelly Anderson & Associates (For:James River Corp)	2,343.75	275.27
Do	Kelly Anderson & Associates (for U.S. Banknote Corp)		
Paula R. Valente, 2211 Congress Street Portland, ME 04122-0545	UNUM Life Insurance Co of America		
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	8,343.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,725.00
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Miles, Inc	342.00	691.00
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	1,600.00	32.00
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		
Do	Business Roundtable		
Do	City of Tacoma, WA, Dept of Public Utilities		
Do	Clean Coal Technology Coalition	3,738.00	
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	4,850.00	9.25
Do	Geothermal Resources Assn		
Do	GE Industrial & Power Systems	4,602.00	10.00
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Mack Trucks, Inc		
Do	McClure Gerard... (for Mineral Resources Alliance)		
Do	McKesson Corp	181.25	
Do	National Endangered Species Act Reform Coalition		12.00
Do	National Wetlands Coalition	180.00	165.00
Do	Navajo Nation	427.50	
Do	Newport News Shipbuilding		
Do	North Slope Borough	580.00	
Do	Petro Star, Inc	80.00	
Do	Public Generating Pool		
Do	Royal Thai Government, Ministry of Commerce	125.00	
Do	Sacramento Municipal Utility District		
Do	Simpson Paper Co		
Do	Southern California Edison Co		
Do	Toyota Motor Corporate Services of North America, Inc		
Do	Uranium Producers of America		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	500.00	
Do	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Scoyoc Associates (For:Champion International Corp)		
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)		
Do	Van Scoyoc Associates (For:International Paper)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	180.00	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)		
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).		
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	3,750.00	
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	2,000.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)		
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line	1,000.00	50.00
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,613.00	467.79
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	384.00	
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	1,392.72	
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia		
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn		
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	119.46	751.09
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	240.00	1,920.00
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	2,073.07
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	6,341.98
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	2,298.24	3,532.35
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Joseph J. Vecchio, 1299 Pennsyvlania Ave., NW Washington, DC 20004	General Electric Co	250.00	64.50
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Alliance to Keep Americans Working	8,000.00	1,553.85
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	Independent Bankers Assn of America	17,450.00	408.43
Do	Savings & Community Bankers of America	8,284.00	231.45
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Tenneco	680.00	
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Candace C. Vessella, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,325.00	
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	184.62	1,929.00
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	10,500.00	643.63
Do	National Ag Underwriters	22,500.00	1,856.68
Do	National Assn of Crop Insurance Agents	10,002.00	1,961.77
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp	1,900.00	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	91.30
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorneys' Liability Assurance Society, Inc	3,217.50	
Do	Bank Tax Group	3,317.50	
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc	897.50	
Do	Federal Express Corp		
Do	Goldman Sachs & Co	47,643.75	
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Scott & White Clinic	975.00	
Do	Texas Veterans Land Board		
Do	X. L. Insurance Co.	12,420.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,352.16	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		410.50	1.04
Melodie A. Virtue, 4350 North Fairfax Drive, Suite 900 Arlington, VA 22203-1633	Haley Bader & Potts (For:Eagle Engineering & Communications Group, Inc)		
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,937.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological and Cognitive Scienc	56.70	
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	21,717.48	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	312.50	
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)	100.00	67.70
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	24,679.57	1,144.42
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	265.42
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	82.29
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	675.04	101.16
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	4,500.00	629.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	2,250.00	731.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	2,050.00	112.28
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable	20,500.00	12,347.43
Do	J.P. Morgan/Morgan Guaranty Bank	7,500.00	3,814.78
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	475.00	12.50
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges		
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	9,000.00	
Do	University of Pittsburgh Medical Center	15,000.00	
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	700.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn		
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	13,057.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nuclear Energy Council	2,250.00	
Do	American Petroleum Institute		
Do	American Telephone & Telegraph Co	10,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	8,750.00	
Do	Coalition on Superfund	1,340.00	
Do	CSX Corporation	1,875.00	
Do	Federal Home Loan Mortgage Corp	2,425.00	
Do	Kennecott Corp	3,750.00	
Do	Mexican Department of Commerce & Industrial Development		
Do	Mid Continent Oil and Gas Assn	4,500.00	
Do	MBNA America Bank NA	9,600.00	
Do	Northville Industries Corp	3,750.00	
Do	Northwestern Mutual Life Insurance Co	1,875.00	
Do	NEDA/RCRA Project	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pacific Lumber Co	2,250.00	
Do	Sony Music Entertainment, Inc		
Do	Sony Pictures Entertainment, Inc	5,000.00	
Do	Southern Company Services, Inc	1,875.00	
Do	United HealthCare, Inc	3,750.00	
Do	USA Group, Inc	763.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	3,750.00	
R. Duffy Wall, 1317 F Street, NW, #400 Washington, DC 20004	Water Quality Assn	250.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	BHP Holdings (USA), Inc		
Do	Committee on Radioisotopes & Radionucleide Industries II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals I	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Horsham Corp	200.00	
Do	Kimberly-Clark Corp	500.00	
Do	Medical Associates of America		
Do	National Agricultural Chemicals Assn	1,000.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	Sandoz Corporation	1,000.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company		
Do	US Generating Co		
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	8,412.00	
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,400.00	
Do	Alabama Power Co		
Do	American Soc of Farm Managers & Rural Appraisers	3,150.00	
Do	American Sugar Cane League	26,125.00	
Do	Calgene, Inc	6,000.00	
Do	Cash America International	4,000.00	
Do	Cotton Warehouse Assn of America		
Do	Domino Sugar Corp		
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	3,000.00	
Do	National Pawn Brokers Assn, Inc	200.00	
Do	Service Corporation International		
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	946.66
Do	National Assn of Dredging Contractors	15,000.00	
Do	National Rifle Assn of America	35,000.00	991.31
Do	Textron, Inc	15,000.00	587.60
Do	Thiokol Corp	10,500.00	500.03
Do	TRW, Inc	30,000.00	
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,805.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,170.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	200.00	451.18
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	4,500.00	
Barbara F. Warden, 1757 N Street, NW Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)		
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	1,575.00	8.97
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,200.00	537.33
Ann D. Warner, 1220 - 19th Street, NW, Suite 200 Washington, DC 20036	Airports Council International - North America	8,550.00	
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
David L. Warren, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,998.00	
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	405.55
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,000.00	909.76
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	3,500.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,272.40
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service	2,000.00	50.00
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	2,000.00	
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 313 St. Louis, MO 63105			250.00
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	3,900.00	
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	5,500.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,850.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,875.00	110.59
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	1,695.00	262.00
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	500.00	
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	9,226.09	483.13
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Jack Weber, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	2,000.00
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council	2,160.00	5,120.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn	2,500.00	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	BP Alaska	5,000.00	150.00
Do	Envirocare of Utah	9,243.64	450.00
Do	James W. Bunger & Associates		
Do	National Assn of Counties		1,000.00
Do	Rural Utah Public Lands Council	4,000.00	11,000.00
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp	700.00	17.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	840.00	210.00
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	2,300.00	398.11
Deborah Weiner, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,400.00
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.	1,340.41	24.16
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates	900.00	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV	5,651.00	2,762.73
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company	300.00	200.00
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Defense Systems, Inc	4,433.75	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
William J. Welch, 701 Pennsylvania Ave., NW, SUite 610 Washington, DC 20004	Tenneco, Inc	2,736.00	1,277.71
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	14,436.00	80.00
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	2,642.81
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,450.00	
Margaret A. Welsh, 2101 L Street, NW, #405 Washington, DC 20037-1526	Electric Generation Assn	2,077.20	64.75
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Annette Wencl, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	1,500.00	100.00
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.26	2,474.77
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	19,097.04	288.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Barbara West, 311 Massachusetts Ave., NE Washington, DC 20002	Washington Health Advocates	6,342.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	734.41
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	2,000.00	456.79
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	12,770.48	4,015.32
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		3,586.95	9,460.46
Michelle Westover, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc	2,256.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	2,237.13	179.32
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp		
Do	Air Conditioning & Refrigeration Institute	1,721.31	
Do	American Airlines, Inc	9,607.25	242.81
Do	American Dental Assn	200.30	22.30
Do	American Dietetic Assn	6,030.46	95.42
Do	American Public Transit Assn	6,058.98	120.15
Do	AIDS Action Council	3,157.89	
Do	ARCO		
Do	Century Council	5,820.04	909.20
Do	Comcast Corporation	6,375.00	489.75
Do	Consortium of State Maritime Schools	2,640.00	
Do	Creative Incentive Coalition		
Do	Crow Tribal Council	5,384.62	123.53
Do	CINPAC, Inc	1,834.95	60.00
Do	Eastman Kodak Co	40.27	31.00
Do	EG&G, Inc	1,435.08	9.75
Do	Foothills Pipe Line (Yukon) Ltd		
Do	Fortis, Inc	3,543.31	39.50
Do	Fox Bennett & Turner	4,360.47	
Do	FHP	3,998.67	122.97
Do	Soros George		
Do	Guardian Industries Corp	2,756.76	11.00
Do	J.P. Morgan & Co, Inc	1,626.02	8.00
Do	Johnson & Johnson	2,217.22	34.00
Do	Joslin Diabetes Center	3,950.89	65.25
Do	Lamont-Doherty Geological Observatory	2,163.81	259.62
Do	Lederle Laboratories		
Do	Massachusetts Foundation for Excellence in Marine & Polymer	2,910.64	38.00
Do	MetPath, Inc	310.88	21.79
Do	Motion Picture Assn of America, Inc	750.00	10.00
Do	New England Aquarium	3,288.46	14.50
Do	Oceanic Institute	4,137.93	56.50
Do	Ohio Edison		
Do	OIS Optical Imaging Systems, Inc	4,500.00	
Do	Pitney Bowes, Inc	866.22	38.00
Do	Recording Industry Assn of America	6,842.11	38.00
Do	Safe Building Alliance	99.75	38.00
Do	Science Applications International Corp	11,344.54	37.02
Do	St. James Hospital & Health Centers	379.17	
Do	USA NAFTA	108.25	
Do	Vancouver Bolt & Supply, Inc	2,627.17	47.50
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	6,250.00	654.74
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	13,000.00	5,846.11
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
David W. Wheeler, 600 North 18th Street Birmington, AL 35203	Alabama Power Co		
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,678.00	
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	4,000.00	
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	3,517.00	172.00
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	24,000.00	7,667.01
Jerrildine Reed White, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN, Inc	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam	5,000.00	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	693.05	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	243.82
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	2,026.86
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	93.89
Sam White, 1156 15th Street, NW, #400 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	891.00	4.00
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Houghton Mifflin Company		
Geogianna White Ridenour, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp		
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp	100.00	
Do	Metropolitan Life Insurance Co	510.00	30.00
Do	National Assn of Professional Employer Organizations	555.00	
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Bankers Roundtable	3,620.50	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,694.00	268.80
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	2,187.00	
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company	2,300.00	1,521.53
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		278.13
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	6,000.00	
Do	Natural Gas Vehicle Coalition	6,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Association of Progressive Retail org)	7,150.00	69.66
Do	Gardner Carton & Douglas (For:BCF Telecom International, Inc)	23,375.00	1,179.03
Do	Gardner Carton & Douglas (For:Jones Intercable)	30,000.00	7,101.91
Do	Gardner Carton & Douglas (For:Rhone-Poulenc Rorer Pharmaceuticals)	5,720.00	234.43
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	425.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,929.99	2,690.10
Andrew F. Wiessner, Western Land Group 811 Potato Patch Drive Vail, CO 81654	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	2,728.05	28.05
Do	Town of Breckenridge	7,715.84	1,515.84
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airports Council International - North America	17,760.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	500.00	
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)	1,000.00	
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		996.05
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan		
Do	Industrial Technology Institute		
Do	MERRA		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Aeronautical Radio, Inc		
Do	Association of Telemessaging Services, International	3,553.00	48.00
Do	Blade Communications, Inc	250.00	
Do	CBS, Inc		
Do	Eastman Kodak co		14,165.00
Do	Georgetown Industries	1,738.00	35.53
Do	David S. Hess	260.00	1.00
Do	Marine Mammal Coalition		
Do	McGaw, Inc		
Do	Merchants National Bank		
Do	Newspaper Assn of America (NAA)	62.50	42.79
Do	Olan Mills, Inc		
Do	Prodigy Services Company		
Do	Ruddy Institute for Maritime Communications	4,677.00	
Do	U.S. Banknote Corp		
Do	United Parcel Service		
Do	UtiliCorp United	20,453.50	
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,541.67	1,057.24
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships	16,875.00	131.00
Timothy C. Wilkins, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp	14,454.00	552.46
Do	Aetna Life Insurance	37,000.00	3,629.46
Do	American Airlines, Inc		
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	42,773.29	1,376.46
Do	Northwest Hydroelectric Assn	3,685.00	111.00
Do	RECOLL Management Corp		
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Synergics Energy Development, Inc		703.00
Do	Turlock Irrigation District	17,501.50	947.62
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	3,846.00	592.71
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,000.00	200.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,100.00	350.00
Do	Electro Com Automation, Inc	1,350.00	300.00
Do	Mid America Dairymen, Inc	1,200.00	250.00
Do	National Marine Manufacturers Assn	1,300.00	350.00
Do	Pacific Telesis Group	1,200.00	200.00
Do	Riceland Foods, Inc	1,250.00	200.00
Do	Tyson Foods, Inc	1,100.00	250.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc		
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	3,956.10	
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		15,000.00
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	5,930.00	17.74
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	12,595.00	
Do	Association for the Cure of Cancer of the Prostate	1,150.00	
Do	Robert M. Bass Group	325.00	
Do	British Petroleum	3,900.00	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company	2,600.00	
Do	Continental Airlines Holding, Inc.	6,075.00	
Do	Credit Suisse Financial Products USA	855.00	
Do	CIGNA Corp	14,792.50	
Do	CS First Boston (First Boston Corp)	1,800.00	
Do	Dreyfus Corp		
Do	Estee Lauder, Inc	825.00	
Do	Greenwich Capital Markets, Inc		
Do	Kelly Appleman Hart & Hallman	2,975.00	
Do	Keystone Provident Life Insurance Co		
Do	National Assn of Rehabilitation Agencies	442.50	
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	1,150.00	
Do	Norfolk Southern Corp	825.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	590.00	
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	12,357.00	
Do	Physician Corp of America	325.00	
Do	Pittston Co	10,950.00	
Do	Recording Industry Assn of America, Inc	4,500.00	
Do	Sega of America, Inc	4,750.00	
Do	Southern Pacific Transportation Co	8,550.00	
Do	Southwest Airlines	2,400.00	
Do	Student Loan Marketing Assn (Sallie Mae)		
Do	Texaco, Inc	4,420.00	
Do	Turner Broadcasting System, Inc	5,500.00	
Do	TTX Company		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	295.00	
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	250.00	18.00
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,163.96	125.34
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Association of Directory Publishers	605.00	
Do	Browning-Ferris Industries, Inc		
Do	Chemical Leaman Corp	510.00	
Do	Council of Appraisal & Property Professional Societies		
Do	El Alcalde de la Cindad Capital	1,532.00	
Do	Hispanic Information & Telecommunications Network		
Do	Katama Yachts, Inc	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Morgan Guaranty Trust Co	2,612.50	37.50
Do	National Assn of Independent Fee Appraisers	8,700.00	
Do	Sony Electronics, Inc	6,096.00	51.60
Do	Standard Commercial Tobacco Co, Ltd		
Do	Telecommunications Industry Assn	1,325.00	108.69
Do	Time Warner	3,375.00	
Do	Westinghouse Electric Corp	4,698.50	
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc	18,822.00	757.61
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Health Industry Manufacturers Assn.	1,787.50	16.00
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Pepsico, Inc		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	12,000.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	5,384.40	7,597.99
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,114.00	15.00
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,625.32
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	AT&T	3,262.50	23.00
Do	Brown & Williamson Tobacco Corp	2,272.50	44.45
Do	Monk-Austin, Inc	1,687.50	51.40
Do	Standard Commercial Tobacco Corp	1,218.75	51.40
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	31.68
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)	150.00	
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)	150.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Judith A. Winchester, 800 Connecticut Ave., NW, #1200 Washington, DC 20006	Lehman Brothers, Inc	1,500.00	250.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eugene J. Wingerter, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	475.94
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20006	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)	2,700.00	
Do	Wilkes Artis Hedrick & Lane (For:Davis & Camalier Families)		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	987.50	85.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corporation	12,000.00	
Do	American Airlines, Inc	2,010.00	16.00
Do	American Hospital Assn	5,375.00	4.00
Do	American Insurance Assn	1,092.50	22.00
Do	American Trucking Assn		
Do	Attorney's Liability Assurance Society, Inc	8,232.50	35.00
Do	Barr Laboratories, Inc	19,391.25	94.50
Do	Carus Chemical Company	6,286.25	
Do	Colorado Bio/Medical Venture Center	1,040.00	16.00
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company	373.75	7.50
Do	Culligan International Co	3,310.00	
Do	Digital Equipment Corp		
Do	ELGARD Corp		
Do	Federal Intermediate Credit Bank of Jackson		
Do	Fire Island Assn	1,201.25	
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt	540.00	
Do	Hong Kong Trade Development Council		
Do	Illinios State Medical Society	6,517.50	103.00
Do	Lockheed Air Terminal, Inc	1,996.25	21.00
Do	McClure Gerard & Neuenschwander, Inc	1,225.00	
Do	National Assn of Political Action Committees	2,762.50	
Do	National Marine Manufacturers Assn		
Do	Newport News Shipbuilding	75,767.50	1,220.51
Do	Phillips Colleges, Inc	1,145.00	15.00
Do	Port of Pascagoula (Jackson County, MS)	6,918.75	234.38
Do	Public Securities Assn		
Do	Regional Transit Authority	5,816.25	114.97
Do	Southwestern Bell Corp		
Do	St. Joseph's Regional Health Center	116.25	
Do	SPR Task Force for Southeast Mississippi		
Do	Waggoner Engineering, Inc	4,668.75	23.00
Do	Walt Disney Co		
Do	Westinghouse Electric Corp	1,595.00	30.35
Do	Yellow Corp	22,002.50	191.79
Linda M. Winters, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Corporate Health Care Coalition	34,830.00	437.00
Do	Fiberite Corp		
Do	Goldman Sachs	293.00	
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	Monsanto Co		
Do	Navajo Nation		
Do	North American Chemical Company		
Do	North American Chemical Corp		
Do	Organization for International Investment (OFII)	3,315.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Schering-Plough Corp		
Do	Smith Corona		
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc		
Do	World Wildlife Fund		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	443.25	20.75
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,875.00	508.43
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,175.16
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	30,000.00	2,775.37
Do	Braddock Medical Center		370.10
Do	Children's Hospital of Philadelphia	51,000.00	3,009.00
Do	Children's Hospital of Pittsburgh		625.47
Do	Drexel University	15,000.00	907.60
Do	Envirotest Systems	1,200.00	
Do	Episcopal Hospital		625.47
Do	Hospital of University of Pennsylvania Medical Center		625.47
Do	Magee-Womens Hospital	19,500.00	2,607.95
Do	Mercy Health Corporation	15,000.00	2,599.24
Do	National Assn of Urban Critical Access Hospital	45,000.00	5,928.55
Do	North Philadelphia Health System		625.47
Do	Presbyterian University Hospital		439.40
Do	Society for Nutrition Education	7,500.00	750.00
Do	Thomas Jefferson University Hospital		625.47
Do	University of Pennsylvania	37,500.00	2,393.47
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	978.89
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	392.60	35.00
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	500.00	
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,550.00	160.85
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance, Inc		
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	21,000.00	11,124.00
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	191.47
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae	150.00	
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co	450.00	103.60
Woolworth Corp, 233 Broadway New York, NY 10279			3,284.64
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
J.P. Word, 1601 Rio Grande, #420 Austin, TX 78701	Texas Chiropratic Assn	10,000.00	9,795.30
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		21,325.00	12,471.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,176.50	
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
World Federalist Association, 418 7th Street, SE Washington, DC 20003			9,861.43
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	1,500.00	214.65
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	497.50	125.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc	952.77	522.00
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments	2,300.00	58.00
Thomasina R. Wright, 4101 Washington Avenue Newport News, VA 23607	Tenneco, Inc		10,835.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Air Touch Teletrac	6,989.79	54.85
Do	American Assn of Orthodontists	6,625.00	905.69
Do	American Bus Assn	5,625.00	169.72
Do	American Orthotic & Prosthetic Assn	7,415.45	243.69
Do	American President Companies	2,000.00	15.22
Do	American Soc of Assn Executives	3,750.00	131.05
Do	American Soc of Consultant Pharmacists	6,000.00	656.66
Do	Ares-Serono, Inc		
Do	BellSouth Corp	15,360.00	40.55
Do	Bristol-Myers Squibb Co.		
Do	Browning-Ferris Industries	6,008.10	25.00
Do	Committee Against Revising Staggers		
Do	Connaught Laboratories, Inc	7,750.00	192.23
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Crescent Cities Jaycees Foundation, Inc	1,000.00	79.81
Do	CSX Corporation	3,500.00	122.50
Do	Electronic Industries Assn	184.00	40.66
Do	Grand Metropolitan/Pillsbury	3,750.00	205.37
Do	HDTV 1125/60 Group		
Do	Investment Company Institute		
Do	Karsten Manufacturing Co	1,200.00	
Do	Lonesome Dove Petroleum Company		29.00
Do	Manville Corporation	3,033.00	54.60
Do	Martin Marietta	5,625.00	11.64
Do	McDonnell Douglas	1,875.00	35.84
Do	Molten Metal Technology	3,150.00	1,683.93
Do	Montana Department of Transportation	510.00	27.00
Do	Mylan Laboratories, Inc		
Do	National Assn of Beverage Retailers	2,500.00	494.18
Do	National Funeral Directors Assn	8,325.55	373.32
Do	National Retail Hardware Assn	5,340.00	579.11
Do	Neurology Center	2,115.77	1,275.45
Do	North American Phillips Corp	111.56	23.12
Do	Refiners' Coalition for Competitive Markets	1,093.00	
Do	SmithKline Beecham	4,500.00	379.99
Do	Sony Corp of America	250.00	
Do	South Dakota Dept of Transportation	680.00	27.00
Do	St. Gobain	2,250.00	2,049.20
Do	Tobacco Industry Labor Management Committee	19,200.00	196.60
Do	U.S. Telephone Assn	18,750.00	8.00
Do	Westinghouse Airship Industries	2,000.00	116.15
James Wyerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
John R. Wylie, 90 South Cascade Avenue, #1300 Colorado Springs, CO 80903	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	171.31
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	400.00
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	4,688.00	
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	1,779.28
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,685.00	
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,450.00	190.47
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Assn of the Americas	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			870.55
Yankee Microwave, Inc, P.O. Box 567 Naples, ME 04055			1,606.25
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,358.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	1,222.49
Do	FMS Corp	10,000.00	
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,023.85	204.02
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	13,837.39	61.25
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	17,325.00	162.03

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	194.60
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	294.81	
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,486.13	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	213.92
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	5,460.00	240.81
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	11.50
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,498.97
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	Cumberland Packing		
Do	New York Telephone		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,475.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	5,000.00	361.54
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	295.24
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	363.25
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	8,283.34	111.23
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	521.67
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies		
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	2,965.00	144.75
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	14,645.40	441.52
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
965, Inc, 734 9th Street, SE Washington, DC 20003	General Electric Co	100.00	
Do	Kaman Diversified Technologies	125.00	
Do	Tenneco, Inc	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1994 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?

IDENTIFICATION NUMBER__________ ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM ''D.''—*(a)* IN GENERAL. The term ''contribution'' includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a ''contribution.'' ''The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution''—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item ''D'' is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items ''D 5'' (received for services) and ''D 12'' (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under ''D 13'' and ''D 14,'' since the amount has already been reported under ''D 5,'' and the name of the ''employer'' has been given under Item ''B'' on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is ''None,'' write ''NONE'' in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add ''1'' through ''5'')
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add ''6'' and ''7'')

Loans Received—''The term 'contribution' includes a . . . *loan* . . .''—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer ''yes'' or ''no'': ....◆

14. In the case of each contributor whose contributions (including loans) during the ''period'' from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings ''Amount'' and ''Name and Address of Contributor''; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*''Period''* from Jan. 1 through.........................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM ''E''.—*(a)* IN GENERAL. ''The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure''—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item ''E 6'') and travel, food, lodging, and entertainment (Item ''E 7'').

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is ''None,'' write ''NONE'' in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item ''1'')
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add ''1'' through ''8'')
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add ''9'' and ''10'')

Loans Made to Others—''The term 'expenditure' includes a . . . *loan* . . .''—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word ''NONE''.

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: ''Amount,'' ''Date or Dates,'' ''Name and Address of Recipient,'' ''Purpose.'' Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the ''Marshbanks Bill.''
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		22.66
Do	DDP*Delta	41,925.00	37,635.13
Do	Golden Gate Bridge Highway Transportation District	6,300.00	6,237.86
Do	Reclamation District 1000		45.32
Do	San Joaquin County	13,000.00	12,468.99
Do	Tahoe Basin Assn of Governments	3,000.00	2,762.99
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	3,561.30	
Primo L. Acernese, 1001-1003 South 10th Street Allentown, PA 18103	Global Environmental Technologies, Inc		
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	3,083.33	426.43
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			16,228.27
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	250.00	
Stephen Ahnen, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,295.56	490.05
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		422.87	422.87
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	26,500.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dale L. Alberts, 401 East E Street Casper, WY 82601	Rio Algom Mining Corp	7,468.94	17,538.53
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,072.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	5,400.00	664.00
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	64.39
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,245.13	862.73
Alliance to Save Energy, 1725 K Street, NW, #509 Washington, DC 20006			
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	285.00
American Advertising Federation, 1101 Vermont Ave., NW, #500 Washington, DC 20005			
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		100,000.00	77,441.10
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			125,958.14
American Forest & Paper Assn, 1111 19th Street, NW Washington, DC 20036			18,625.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		30,963.00	30,963.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		2.31	138.97
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		575,522.00	154,136.00
American International Group, Inc, 70 Pine Street New York, NY 10270			63,269.78
American Library Assn, 50 E. Huron Street Chicago, IL 60611		2,014.00	10,052.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	853.75
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		21,372.32	6,093.57
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			376.00
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			7,101.24
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		22,750.00	7,790.00
American Oceans Campaign, 725 Arizona Ave., Suite 102 Santa Monica, CA 90401		5,562.00	4,508.00
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		70,398.92	63,682.01
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			24,493.90
American Shooting Sports Council, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339		13,337.14	11,959.84
American Soc for Clinical Laboratory Science, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			13,713.94
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			94,915.95
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			27.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		521,146.00	5,927.38
American Wind Energy Assn, 122 C Street NW 4th Floor Washington, DC 20001		23,260.00	53,546.33
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206			
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		6,602.00	6,602.00
Sara Amundson, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League	114.00	
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501			
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.20	
Jon A. Anderson, 1745 Jefferson Davis Highway, #601 Arlington, VA 22202	AIL Systems, Inc		
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
Jill C. Andrews, 2709 NW 39th Street Oklahoma City, OK 73112	Small Business Alliance on Communications, Inc		
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	100.00	16.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	L.L. Bean	3,000.00	
Do	Wellness South, Inc		
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		8,128.00	8,937.00
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005			
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Seiko Epson		
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,600.00	235.48
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	6,000.00	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,441.90
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			8,326.87
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products	266.65	
Do	City Utilities of Springfield		
Do	Clark Public Utilities		
Do	Colorado River Energy Distributors		
Do	Englehard Corp	8,100.00	
Do	Gerber Products Company		
Do	Government of Romania		
Do	Heart of America Northwest		
Do	Hoffmann-La Roche, Inc		
Do	Northeast Public Power Assn		
Do	Pennsylvania Power & Light		
Do	Sacramento Municipal Utility District		
Do	Source Northwest, Inc		
Do	Southern California Public Power Authority	80.00	
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	1,440.00	30.35
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			392.00
Kelli Back, 1227 25th Street, NW, Suite 610 Washignton, DC 20037-1156	American Managed Care & Review Assn		150.00
William A. Bailey, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
James Jay Baker, 1742 N Street, NW Washington, DC 20036	National Rifle Assn of America	1,925.00	
John A. Baker, 1600 Peachtree Street, NW Atlanta, GA 30309	Equifax, Inc	5,000.00	5,200.00
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	899.44	899.44
Do	American Football Coaches Assn Retirement Trust	12,190.99	12,290.99
Do	Canadian Sugar Institute		
Do	Chubb Corporation		
Do	Cleveland Clinic Foundation		
Do	Cominco, Ltd		
Do	Corroon & Black Corp	899.44	899.44
Do	Council of Insurance Agents & Brokers	1,025.32	1,025.32
Do	Edison Electric Institute	5,166.84	5,166.84
Do	Financial Holding Corp	3,228.46	3,228.46
Do	Fireman's Fund Insurance Co		
Do	Flexi-Van Leasing/Pacific Holding Company	2,716.71	2,716.71
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc	1,025.32	1,025.32
Do	Johnson & Higgins	899.44	899.44
Do	Marsh & McLennan Companies	899.44	899.44
Do	Mitsui & Co (U.S.A.), Inc		
Do	National Assn of Insurance Brokers, Inc	1,025.32	1,025.32
Do	National Assn of Professional Insurance Agents	1,025.32	1,025.32
Do	North American Reinsurance	4,690.23	4,690.23

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rollins Burdick Hunter	899.44	899.44
Do	Sedgwick James, Inc	899.44	899.44
Do	Soap and Detergent Association		
Do	St. Paul Fire & Marine	899.44	899.44
Do	Travelers Insurance Co	16,451.07	16,451.07
Do	United Fidelity Life Insurance	3,228.46	3,228.46
Do	Vaulted Aboveground Storage Tanks Assn		
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc	2,145.00	36.88
Do	AFG Industries, Inc		
Do	AT&T	8,343.30	50.00
Do	Burger King Corp	1,681.50	
Do	Dallas/Fort Worth International Airport Board	484.50	
Do	Day & Zimmerman, Inc	3,560.00	155.00
Do	Dinamo		
Do	Federal Express Corp	1,559.50	
Do	Federal Judges Assn	147.50	
Do	Grand Metropolitan, Inc	295.00	
Do	Hashemite Kingdom of Jordan	647.50	
Do	International Business Machines Corp (IBM)		
Do	Los Angeles County Transportation Commission	10,586.25	
Do	Martin Marietta Corp	2,970.00	36.87
Do	Morrison Knudsen Corp		
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	1,280.00	155.00
Do	Occidental Petroleum Corp		313.50
Do	Pennzoil Co		
Do	Pillsbury Company	973.50	
Do	Salomon Brothers, Inc	4,594.00	
Do	Schering-Plough Corp	18,068.75	
Do	Southern Star Shipping Co	466.00	
Do	U.S. Tobacco, Inc	5,246.00	170.66
Do	United Technologies Corp	4,254.00	102.46
Do	Ventura Port District	2,504.50	310.00
Do	WMX Technologies, Inc		
H. R. Balikov, 333 Thornall Street Edison, NJ 08818	J. M. Huber Corp		
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Chemical Waste Management, Inc		
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,175.00	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,250.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	487.50	
Do	National Hockey League	400.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,633.76	436.53
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		383.64
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	169.90
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Jim Barnes, 1025 Vermont Avenue, NW, #300 Washington, DC 20005	Friends of the Earth	396.58	
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	American Tartaric Products, Inc		
Do	Cummins Engine Company, Inc	82.50	83.07
Do	Department 56, Inc	179.45	10.78
Do	J.G. Durand International	2,718.95	41.00
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		
Do	Marion Merrell Dow, Inc	1,493.83	51.73
Do	Miles, Inc	8,493.15	123.42
Do	Omni USA, Inc		
Do	Polaroid Corp	40,988.09	234.42
Do	Schering-Plough Products, Inc	6,378.09	
Do	Sundstrand Corp		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Ray A. Barnhart, 2630 Exposition Blvd., #G-10 Austin, TX 78703	Marathon Oil Co	4,500.00	51.73
Timothy Barnicle, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Assoc,Inc (For:Education Management Corp)		
Do	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Assocites, Inc)	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Sallie Mae)	1,000.00	1,000.00
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Clemson University		
Do	Georgia Institute of Technology	690.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Auto Repair Equality (CARE)	3,780.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	800.00	769.00
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)		
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	838.00
James R. Baxter, 11820 Edgewater Drive, #311 Lakewood, OH 44107	Associated General Contractors of America		
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Citicorp		
Do	Cook Group	8,659.95	425.00
Do	Illinois Tool Works, Inc		
Do	Joseph E. Seagram & Sons		
Do	Lender's Coalition		
Do	National Basketball Assn		
Do	National Soft Drink Assn		
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn	7,500.00	400.00
Do	Sargent & Greenleaf, Inc		
Do	TENNECO	8,627.71	400.00
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)		
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	2,000.00	
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National PTA		320.00
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,462.36	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	12,874.44	1,446.78
David Berg, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,200.00	234.10
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		
Michael J. Bertelsen, 1401 H Street, NW, #1200 Washington, DC 20005	Investment Company Institute	1,428.57	861.00
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,281.93	
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		460,128.00	6,491.81
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	126.00	
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	139.00
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Do	Tea Assn of the USA, Inc		230.03
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	15,000.00	391.14
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	3,445.65	430.45
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	5,460.00	309.08
Do	Nuclear Assurance Corp	2,400.00	
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc		
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	5,070.96	
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	146.46	7.50
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	9,375.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp		333.47
Bond & Co, Inc, 1414 Prince Street, Sutie 300 Alexandria, VA 22314	Long Island Lighting Co		
Do	MassMutual		
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		245.00
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	15,000.00	100.00
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	122.86
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		583.34
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,597.52	334.50
Cathleen Brady, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,340.00	829.77
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	19,498.76	684.10
Wilbur E. Brewton, 225 South Adams Street, Suite 250 Tallahassee, FL 32302	Taylor Brion Buker & Greene (For:PRIDE of Florida)		
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City	240.00	2,213.00
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	Corn Coalition		
Do	Corning, Inc		
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	PECO Energy Company	10,290.00	1,749.34
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
Michael A. Brown, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc		
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	
Do	Klein & Sakes, Inc (For:Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	18,500.00	1,082.07
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn		
Do	Asset Investors	5,628.30	897.35
Do	Crystal Creek Homeowners Assn	1,624.84	
Do	La Petite	6,777.93	6,266.82
Do	Liberty Media Corp	12,501.77	1,860.48
Do	New Valley Corporation	16,652.41	6,048.18
Do	ORNDA	6,228.00	
Do	Pfizer, Inc	8,128.40	
Do	Rose Medical Center		2,997.06
Do	US West	6,311.90	1,419.58
Do	Vail Associates, Inc	1,038.00	61.46
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp	1,638.00	
Do	New York State Mortgage Loan Enforcement & Admin Corp		
Do	Starrett Housing Corporation	280.00	
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	103.00
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601	School District 63, et al.	440.00	183.14
David Bryson, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Gannett Co, Inc)	1,000.00	
Do	Wiley Rein & Fielding (For:MassMutual Life Insurance Co)	3,562.50	348.43
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	924.03
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		6.00
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club	724.90	
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			41,745.00
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation, Inc	9,000.00	226.01
Do	Metropolitan Transportation Commission	30,762.48	1,115.20
Do	Oakland County, Michigan	9,113.75	333.66
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,480.50	561.00
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,568.29	
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	18,491.67	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp	9,135.72	4,756.60
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	2,000.00	
Do	ADVANTA Corporation	2,500.00	
Do	Community Preservation Corp	250.00	
Do	CRISIS		
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Federation for American Immigration Reform	4,000.00	
Do	Household International	5,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Do	Towers Perrin		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		28.00
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	22.88
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	27.75
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	2,200.00	299.19
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	6,219.02	2,066.02
Do	Polygon Co, Ltd	40,654.72	33,819.71
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	Steel Service Center Institute		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		21,704.84	17,752.66
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,437.76
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,355.00	251.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	450.00	
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth	80.96	
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		1,721.62
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	National Association of Rural Health Clinics	1,000.00	
Do	Scholastic		
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Council on Foundations, Inc	670.00	13.87
Do	National Rural Electric Cooperative Assn		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	166.74
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Kennametal, Inc		
William Carney, 523 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	20,000.00	
Do	Edison Electric Institute	10,000.00	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	511.22
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn	12,500.00	2,877.73
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center	3,000.00	
Do	San Diego County Water Authority	9,000.00	6,089.24
Do	Water Replenishment District of Southern California	2,000.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,230.00	
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,324.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc		
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Cartwright & Riley, 420 C Street, NE Washington, DC 20002	Harris Chemical Group	2,250.00	
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	7,410.00	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Association of Home Appliance Manufacturers		
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	100.00	
Do	American Assn of Homes for the Aging		
Do	American Dredging Co		
Do	ARCO Chemical Americas Co		
Do	AT&T	4,800.00	19.80
Do	Babson College	25.00	
Do	Bentley College	1,100.00	12.00
Do	Bishop Museum	600.00	7.50
Do	Boston College	1,300.00	31.60
Do	Boston University		
Do	Bryant College	2,475.00	113.45
Do	Buena Vista College	1,400.00	174.95
Do	California Community Colleges	1,425.00	70.20
Do	California Institute of the Arts	300.00	
Do	California Pacific Medical Center	675.00	122.00
Do	Capitol American Life Insurance Co		
Do	Center for Health Technologies, Inc		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	150.00	
Do	Chemical Manufacturers Assn		
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	225.00	72.20
Do	Children's Hospital in Michigan		
Do	Children's Hospital of Pittsburgh	425.00	78.85
Do	Children's National Medical Center	1,750.00	39.50
Do	City of Charlotte		
Do	City of Fairfield, CA	2,100.00	128.05
Do	City of Vallejo	1,575.00	7.50
Do	Clark Atlanta University		
Do	Columbia University	850.00	112.30
Do	Community College Assn for Technology Transfer		
Do	Connecticut Health System, Inc	3,900.00	105.00
Do	Coriell Institute for Medical Research	600.00	65.50
Do	Crane Company		
Do	Cray Research, Inc	75.00	
Do	Critical Languages & Area Studies Consortium, Inc		
Do	CSO Partnerships		
Do	Dowling College	510.00	13.20
Do	Elliott Homes		
Do	Energy Partners		
Do	Englewood Hospital & Medical Center	975.00	27.60
Do	Evergreen Airventure Museum	1,625.00	432.66
Do	Fairleigh Dickinson University	1,975.00	37.60
Do	Federal Express		
Do	Florida Institute of Technology	525.00	
Do	Florida Power Corp		
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	325.00	
Do	Fudan Foundation		
Do	Geisinger Foundation	3,450.00	190.85
Do	General Dynamics Corp	375.00	6.60
Do	General Nutrition, Inc	1,200.00	
Do	Genetic Design	600.00	
Do	Glaxo, Inc		
Do	Gonzaga University	1,075.00	
Do	Government Employees Hospital Assn, Inc	1,450.00	51.30
Do	Great Lakes Dredge & Dock Company		
Do	Hahnemann University Hospital		
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	525.00	110.00
Do	Insituform of North America, Inc		
Do	Intercontinental Energy Group	2,325.00	115.60
Do	Jones Intercable, Inc		
Do	Just Say No International	200.00	6.60
Do	Lahey Clinic	1,750.00	42.70
Do	LaSalle University	950.00	22.95
Do	Lehigh University		
Do	Lewis and Clark College	975.00	92.80
Do	Loyola Marymount University	600.00	15.00
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		
Do	McDonnell Douglas Corp		
Do	Medical Center of Central Massachusetts	1,325.00	7.50
Do	Medical College of Pennsylvania	2,225.00	7.50
Do	Medicon		
Do	Miami-Dade Community College	900.00	
Do	Monterey Institute of International Studies	1,200.00	
Do	Morehouse School of Medicine	675.00	
Do	Motion Picture Assn of America		
Do	Mt. Sinai Medical Center of Greater Miami	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Multinational Business Development Coalition		
Do	MCSI Technologies	650.00	38.20
Do	MOOG, Inc	974.80	72.00
Do	National Assn of Dredging Contractors	3,150.00	344.90
Do	National Assn of Realtors		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	75.00	
Do	Nature Conservancy	525.00	16.10
Do	New England Deaconess Hospital Corporation		
Do	New Jersey Instutute of Technology	1,000.00	26.40
Do	New York Medical College		
Do	North Natomas Landowners Assn		
Do	Northwestern University	1,650.00	71.20
Do	Ocean Spray Cranberries, Inc	5,750.00	234.75
Do	Our Lady of Lourdes	300.00	
Do	Pennsylvania Educational Telecommunications Exchange Network	4,050.00	
Do	Petresa Canada, Inc		
Do	Polaroid Corp	300.00	
Do	Polytechnic University	75.00	10.80
Do	Providence & Worcester Railroad Company	5,325.00	138.00
Do	PGA Tour	25.00	
Do	Rhode Island Hospital	25.00	
Do	Rhone-Poulenc, Inc	1,650.00	
Do	Rochester Institute of Technology	225.00	
Do	Rush-Presbyterian St. Luke's Medical Center	4,700.00	16.65
Do	Sacred Heart Hospital	2,775.00	62.90
Do	Saint Joseph's University	675.00	
Do	Savings Bank and Life Insurance Company of MA	100.00	
Do	Scott County Highway Department	1,500.00	18.70
Do	Smokeless Tobacco Council	300.00	
Do	Southeastern PA Consortium for Info. Tech. & Training	1,050.00	15.00
Do	St. Francis Healthcare Foundation of Hawaii	525.00	
Do	St. Norberts College	4,500.00	156.60
Do	St. Xavier College	4,200.00	12.00
Do	State of Indiana, Office of the Governor		
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc		
Do	Tufts University	2,700.00	167.65
Do	Unified Industries, Inc		
Do	Union Memorial Hospital	2,175.00	18.70
Do	Union Switch & Signal		
Do	Unisys	600.00	145.45
Do	University of Dayton	1,350.00	38.50
Do	University of Detroit Mercy		
Do	University of Hawaii-University of Hawaii Found.	825.00	
Do	University of Limerick Foundation	450.00	
Do	University of San Francisco	375.00	
Do	University of Southern Mississippi	450.00	37.50
Do	University of St. Thomas		
Do	Watsonville Community Hospital	350.00	
Do	World Learning		
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	3,500.00	820.00
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		
Do	Neece Cator Barnicle & Associates (For:GMIS)	750.00	750.00
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).		
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).		
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Jean Caudle-Walking Eagle, 5 Point Place Wrightsville Beach, NC 28480	Ovate Internations Development Corp		
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Alabama Power Co	25,833.00	2,854.30
Do	American Nuclear Energy Council	12,000.00	1,529.05
Do	Lockheed Corp		
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno Cavanaugh & Hornig (For:Cooperative Housing Foundation)	551.00	3.85
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	29,079.45	934.59
Do	Reno Cavanaugh & Hornig (For:Housing Assistance Council)	412.50	
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	550.25	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	687.50	
Do	Reno Cavanaugh & Hornig (For:National Assn of Service & Conservation Corps)	721.50	
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	16,006.50	
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
Cindy Thorne Chadwick, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	6,375.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	975.00	
Do	Council of Infrastructure Financing Authorities	1,400.00	
Do	Edison Electric Institute		
Do	Manville Corporation	1,125.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Pre-Medicine Health Security Coalition	24,000.00	
Do	Rite Aid Corp	870.00	
Do	U S West, Inc	1,000.00	
Do	USX Corp		
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235		36,500.00	39,349.14
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	2,653.37
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,100.00	449.46
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz		
Evelyn B. Cherry, 6652 Dovecote Drive Columbia, MD 21046			
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		16,993.54	16,702.29
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Home Sewing & Craft Assn)	1,300.00	1,300.00
Do	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	3,000.00
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	1,400.00
Do	Chwat and Co., Inc (For:Coalition for Fairness in State Taxation)	6,000.00	6,000.00
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	4,500.00
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	800.00
Do	Role Models America, Inc		
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		1,2,939.00	215,669.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)		
Do	Strategic Management Associates (For:Montefiore Medical Center)		
James F. Clark, P.O. Box 212II Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	46.75
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (for Bi-State Development Agency)		
Do	Brown & Associates (For:Lambert International Airport)	24,000.00	
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	869.72	
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	5,343.00	
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		29,347.00	18,999.00
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		1,86,667.00	7,475.61
Coet Combs, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Daniel Cohen, 1211 Connecticut Ave., NW, Suite 800 Washington, DC 20036	International Council of Cruise Lines	23,750.00	88.96
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	4,836.00	
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,692.00	1,038.10
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,543.41
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	1,000.00	
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Douglas B. Comer, 1100 New York Avenue, NW, #300 East Washington, DC 20005	American Financial Services Assn	5,000.00	
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	EG & G/Dynatrend	7,500.00	
Community Service Society, 105 East 22nd Street New York, NY 10010			24,977.00
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas		
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	William M Mercer, Inc		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	6,093.37	
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		132,029.50	3,789.50
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		100,800.00	80,532.00
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	559.28
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	3,271.17	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,000.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	960.61	7,944.17
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		128,508.36	84,144.85
Copeland Hatfield Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	Biomagnetic Technologies	1,505.62	
Do	Dillon Development		
Do	JAYCOR	1,205.55	
Do	ORINCON Corp	3,011.83	
Do	San Diego State University Foundation	18,189.39	
Do	South West Marine	15,054.18	
Do	SAIC, Inc	6,761.52	
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		278.32
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,915.12	
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		7,584.62	3,652.85
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		21,000.00	2,522.58
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Allnet Communications Services, Inc		
Do	Coursen Group (For:Cable Telecommunications Assn)	500.00	
Do	Mas Tec, Inc		
Do	Medium-Sized Cable Operators Group		
Do	Scala, Inc		
Do	White Pine Renaissance		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,219.36	28.46
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn	2,292.00	
Bruce Craig, P.O. Box 640 Charles Town, WV 25414	National Parks & Conservation Association	1,705.00	128.00
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			335.00
Teena Cregan, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	10,325.16	
Ken A. Crerar, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	Council of Insurance Agents & Brokers	4,000.00	50.73
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210		2,175.00	2,175.00
John H. Crosby IV, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	400.00	275.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,264.18	32.00
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	2,629.50	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Asarco, Inc	612.50	10.00
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	3,150.00	10.00
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	9,712.50	10.00
Do	National Risk Retention Assn		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	Singapore Trade Development Board		
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		24,500.00	23,654.57
Barry Cullen, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	
Law Off of Jonathan W. Cuneo, 317 Massachusetts Avenue, NE, #300 Washington, DC 20002	Committee to Support the Antitrust Laws		
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	West Publishing Co	18,000.00	503.00
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	23,750.01	756.25
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	9,302.00	720.93
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			1,000.00
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,835.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	7,500.00	1,278.48
Do	British Petroleum, America	7,500.00	1,366.64
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	617.63
Do	National Bark & Soil Producers Assn	3,450.00	711.39
Do	Responsible Industry for a Sound Environment	6,000.00	716.64
Do	Scotts Companies & Subsidiaries	15,000.00	296.85
Do	ZENECA Ag Products	12,000.00	2,047.07
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:US Telephone Assn)		
Lynnea Bylund Dalton, 304 E. Market Street York, PA 17403	U.S. Independent Microwave Television Assn (USIMTA)		
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	117.64
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Alcoma Packing Company, Inc	370.00	
Do	American General Life Insurance Co	990.00	
Do	American Home Life Insurance Co	1,800.00	34.26
Do	American Horse Council	2,970.00	
Do	American Investors Life Insurance	1,200.00	34.26
Do	Armco Steel Co	2,700.00	103.21
Do	Bethlehem Steel Corp	2,700.00	103.21
Do	Chicago Board of Trade	8,500.20	352.57
Do	Columbia Gas Development Corp	3,000.00	
Do	Dresser Industries, Inc		
Do	Florida Power & Light	765.00	143.00
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	James Graham Brown Foundation		
Do	National Business Aircraft Assn	1,500.00	161.39
Do	National Cattlemen's Assn	900.00	
Do	U.S. Sugar Corp	1,200.00	58.91
Do	Underwriters of Lloyd's London		
Do	William H. Williams	3,000.00	12.00
Do	Worldspan	1,400.00	
Davis Wright & Tremaine, 2600 Century Squaree., NW, #600 1501 Fourth Avenue Seattle, WA 98101	Seattle Times Company		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc	2,880.00	
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)		
Ralph De Gennaro, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth		
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	337.00	161.88
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101	Association of State & Territorial Health Officials		
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	1,264.00	1,400.00
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	6,125.00	34.67
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Constellation Communications, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Daniel B. Denning, 499 South Capital Street, SW, #502 Washington, DC 20003	Martin Marietta Corp		
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Edward M. Desmond, 1250 H Street, NW, #880 Washington, DC 20005	Sterling Winthrop, Inc	24,777.50	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Beneficial Corporation		
Do	General Reinsurance Corp		
Do	Glaxo, Inc		
Do	Goldman Sachs & Co		
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital	820.00	
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	Prudential Insurance Co of America	922.50	
Do	Sealaska Corp		
Do	Tribune Broadcasting Co		
Do	U.S. Telephone Assn		
Do	VIACOM International, Inc		
Mary Dewhirst, 2104 North Scott Street, #30 Arlington, VA 22209	America's Public Television Stations	1,312.50	276.62
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	MacMillan Bloedel, Inc		
Elaine K. Dezenski, 701 Pennsylvania Ave.,NW, SUite 720 Washington, DC 20004	Siemens Transportation Systems		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	20.00
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc		
James U. DeFrancis, 1215 Jefferson Davis Highway, #1500 Arlington, VA 22202-4302	Ebasco Services, Inc	4,012.50	608.00
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	3,610.00	25.44
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,200.00	
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	472.00	11.00
Thomas R. DeYulia, 1776 I Street, NW, #700 Washington, DC 20006	CNA Insurance Co		
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	859.21
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	8,581.00	257.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	1,610.00	1,610.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	126.59
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth	348.00	
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,962.00	399.71
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	13,200.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Donnelly Group, 1341 G Street, NW, Suite 1040 Washington, DC 20005	Air Products & Chemicals, Inc	2,000.00	
Do	Blue Cross & Blue Shield of Texas, Inc	3,600.00	90.06
Do	Dow Chemical USA	22,050.00	85.67
Do	Holiday Inn Worldwide	8,700.00	
Do	Rowland Co	6,250.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	306.73
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		9,173.96
Do	Hercules Engine Co		3,059.79
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations	150.00	
Do	Children's Television Workshop	150.00	99.31
Do	National Captioning Institute	150.00	
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		169,684.00	47,708.00
Michael C. Dotten, 3400 First Interstate Bank Tower Portland, OR 97201	Heller Ehrman White & McAuliffe (For:Chugach Electric Assn, Inc)		
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Directors Guild of America		
Do	Home Shopping Network, Inc		
Do	Profit Sharing Council of America		
Do	Stelco, Inc		
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	54.54
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,980.00	11,951.00
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)		
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	8.25
John V. Dugan Jr., 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics/Space Systems Division	8,268.04	1,346.13
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)	2,700.00	141.23
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission	4,500.00	141.23
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	850.00
Dutko & Associates, Inc, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	105,000.00	543.52
Do	American Soc of Cataract & Refractive Surgery	30,000.00	585.96
Do	Arizona Afiliated Tribes, Inc		
Do	BOC Council	40,000.00	1,375.78
Do	Carpet and Rug Institute	80,000.00	1,987.69
Do	Child Support Council		
Do	Citgo Petroleum Corp	3,000.00	294.28
Do	Communications Satellite Corp	5,000.00	310.82
Do	Creditors Alliance for Freight Undercharge Assets	23,704.67	675.55
Do	CILCORP, Inc	25,500.00	307.22
Do	Domestic Priorities Leadership Council		413.06
Do	DSC Communications Corp	37,997.50	942.47
Do	Earth Observation Satellite Co	20,000.00	1,046.78
Do	Haldor-Topsoe, Inc	40,000.00	32.44
Do	Hart-Culp International		
Do	Hercules, Inc	6,150.00	185.43
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc/ONCOR Communications	10,000.00	518.51
Do	Jewish National Fund	20,000.00	2,507.64
Do	Medallion Knitwear, Inc	1,312.50	
Do	National Accrediting Comm of Cosmetology Arts & Sciences	40,000.00	811.67
Do	National American Wholesale Grocers Assn	9,500.00	372.79
Do	National Cellular Resellers Assn	24,999.00	1,689.14
Do	National Ground Water Assn	27,000.00	764.73
Do	Oklahoma Basic Economy Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PacifiCare Health Systems	62,500.00	3,653.91
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	3,000.00	
Do	Rmax, Inc		
Do	San Xavier Indians Project		
Do	Tiregator, Inc		
Do	Todhunter International, Inc	20,000.00	1,026.21
Do	United Illuminating	4,000.00	
Do	Washington Research Group	12,000.00	724.94
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Hand Arendall Bedsole Greaves & Johnston (For:Northrop Corp)		
DGA International, Inc, 1110 Bonifant Street, #300 Silver Spring, MD 20910	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Eagle Engineering & Communications Group, Inc, 6100 Lake Forrest Drive, Suite 620 Atlanta, GA 30328		500.00	1,769.50
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		25,500.00	2,543.65
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen		
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,105.20	
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	3,800.00	
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes for the Aging		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	125.00	3.24
Electronic Frontier Foundation, 1001 G Street, NW, #950 East Washington, DC 20001			12,524.00
George Elias Jr., 1177 Kane Concourse-PH Miami, FL 33154			
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	4,050.00	677.23
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	155.93
Edward M. Emmett, 1700 North Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League	37,500.00	50.00
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			9,721.92
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ronald K. Ence, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	24,125.00	890.04
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn	1,000.00	500.00
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		1,275.82
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	76.77	
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	1,800.00	3,150.00
Ernst & Young, 1225 Connecticut Ave, #500 Washington, DC 20036	EnvironCol	35,000.00	1,338.00
Sandra Bromberg Eskin, 5609 Jordan Road Bethesda, MD 20816	Center for Science in the Public Interest	36.00	
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Hospital, Inc (For:McLean Hospital)	2,187.50	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	500.00	
Do	Safety Diagnostics		
Do	Van Scoyoc Associates, Inc (For:Spelman College)		
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	6,800.00	255.00
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Sarah Evans, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Science	51.08	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	6,500.00	
Do	Republic of Cyprus	20,500.00	
Janice O. Faiks, 1401 I Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc		
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,292.00	290.30
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,500.00	13,500.00
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			212.00
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,645.00	90.04
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111	Major League Baseball Players Assn		25.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives	105,508.00	25,703.00
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	6,134.00	215.50
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,812.50	589.75
Do	Dillingham Construction Corp, Inc	7,500.00	618.10
Do	Global Marine, Inc	3,750.00	607.55
Do	Holland America West-Tours	5,625.00	611.83
Do	Mountaineer Gas Co	7,500.00	596.95
Do	Northern Air Cargo	3,750.00	508.06
Do	U.S. Borax, Inc	7,500.00	608.06
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	10,000.00	2,031.99
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	34,200.00	601.47
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center		
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		12,525.00	1,514.00
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union	500.00	674.09
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,875.00	131.83
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	1,950.00	210.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	1,900.00	35.00
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	20,840.00	
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Linda Doorfee Flaherty, 1129 20th Street, NW, Suite 200 Washington, DC 20036	Greater Washington Board of Trade	8,335.00	400.00
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	7,500.00	226.44
Do	American Optometric Assn	4,500.00	
Do	Association of American Railroads	9,999.00	
Do	Baxter Healthcare Corp	30,000.00	
Do	Children's Hospital Medical Center of Northern California	3,000.00	
Do	City of Escondido, CA	400.00	
Do	CW Agencies, Inc	22,500.00	52.77
Do	Global Communications Consultants		
Do	Institute of Scrap Recycling Industries	3,000.00	
Do	Litton Computer Services	3,000.00	34.00
Do	Marazul Charters	7,500.00	
Do	MasterCard International		
Do	Merco Consultants		
Do	Minot Area Development Corp	999.99	
Do	National Collegiate Athletic Assn (NCAA)		
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	1,524.00
Do	Nintendo of America, Inc	6,125.00	
Do	Pharmaceutical Coalition (Sandoz)	10,000.00	
Do	Safe Tire Disposal Corporation	12,000.00	
Do	Sony Corp of America		
Do	Syva Company	3,000.00	
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,690.11	55.30
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	3,117.75	120.75
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA	2,682.00	222.75
Carol Tucker Foreman, 1155 21st Street, NW, #1000 Washington, DC 20036	International Women's Health Coalition	1,273.90	5.00
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	International Women's Health Coalition	4,246.32	3,531.47

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Heather Forsgren, 1000 Connecticut Ave., NW, Suite 1202 Washington, DC 20036	Wildlife Legislative Fund of America		
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Holding Companies	3,750.00	
Michael Fortier, 1200 19th Street, NW, Suite 200 Washington, DC 20036-2437	American Managed Care & Review Assn		161.00
Alfred J. Fortin, P.O. Box 860 Honolulu, HI 96808	Hawaii Medical Service Assn	3,900.00	250.00
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
David V. Foster, 555 13th Street, NW Washington, DC 20016	National Leadership Coalition for Health Care Reform	15,000.00	306.27
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,000.00	2,353.23
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		107.50
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Immuno, US		
Do	Johnson & Johnson		58.75
Do	Lederle-Praxis Biologicals		
Do	National Coalition for Cancer Survivorship		
Do	Serono Laboratories, Inc		107.50
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,090.19	65.00
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)		
Do	Nuclear Assurance Corp		
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,337.50	540.67
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	5,038.88	70.36
Do	Dairymen, Inc	10,780.00	335.13
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	22.05	
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	499.76
Do	Gulf Coast Waste Disposal Authority	4,537.00	1,225.10
Do	Los Angeles County Sanitation District	20,870.00	2,834.27
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		169,228.44	182,861.48
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	600.00	200.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,189.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,500.00	
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		30.00
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	6,250.00	
Edward M. Gabriel, 1001 G Street, NW, SUite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc		
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn	7,000.00	4,490.21
John W. Gaillard, 801 Pennsylvania Ave., NW Washington, DC 20004	European-American Chamber of Commerce		
John G. Gaine, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composites Fabricators Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,125.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	23,000.00	
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	Taylor Brion Buker & Greene (For:PRIDE of Florida)	6,288.48	1,257.98
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Generic Pharmaceutical Industry Assn, 1620 I Street, NW, Suite 800 Washington, DC 20006		27,210.46	27,210.46
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	113.00
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	65.90
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,410.00	931.93
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	750.00	
Do	OPCO Wholesale Customer Group	2,500.00	
Do	Public Power Council	1,250.00	
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Alliant Tech Systems)		
Do	Gadsby & Hannah (For:Dyncorp)	225.00	
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atlantic Richfield Company	10,400.00	
Do	Pacific Lumber & Shipping Co	482.71	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	11,850.00	1,411.28
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	100.76
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,062.50	36.00
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western PA)		
Do	Bailey & Robinson (For:Oralco Management Services (Ormet))		
Horace D. Godfrey, 15 Golf Course Road Littleton, NC 27850	Godfrey Associates, Inc		
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,038.00	
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	10,442.64	231.46
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc		
Do	Nike, Inc		
Do	U.S. Generating		
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	40.00
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	National Assn for the Self-Employed	10,200.00	
Do	Seniors Coalition, Inc		
James L. Good, 1725 K Street, NW, Suite 1212 Washington, DC 20006	National Assn of Water Companies	181.70	28.00
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	324.00	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	780.00	1,934.50
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	9,000.00	1,400.00
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	96.15	
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	3,266.21
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	65.00	806.79
Alexander Graham, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	1,500.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,812.45	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	1,400.00	
James W. Grau, 32 East 57th Street New York, NY 10022	Trump Organization	225,000.00	17,874.00
Ruth P. Graves, 600 Maryland Ave., SW, #600 Washington, DC 20560	Reading Is Fundamental, Inc	150.00	9.40
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	750.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		62,741.47	732.94
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		845,331.00	52,601.00
Robert H. Green, 1625 K Street, NW, Suite 1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Stanley C. Green, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Hamilton Standard		
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Health Care Assn	6,000.00	3,673.88
Do	Apogee Outpatient Mental Health Centers		
Do	AT&T Universal Card Services	6,000.00	
Do	Central American & Caribbean Textile & Apparel Council	18,000.00	2,275.30
Do	Chase Bank		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of North Miami Beach	12,000.00	30.19
Do	Connaught Laboratories, Inc	13,164.00	181.49
Do	Cookson America USA	2,500.00	3.88
Do	Dade County	37,500.00	
Do	Healthsource, Inc	4,268.75	155.63
Do	Humana, Inc	23,500.00	576.45
Do	John Alden Life Insurance Co	9,833.25	317.09
Do	MetroSound USA, Inc	6,000.00	36.00
Do	Mount Sinai Medical Center	15,300.00	272.44
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	2,649.32
Do	National Assn of Mortgage Brokers	15,000.00	143.70
Do	National Health Laboratories	15,000.00	1,474.25
Do	NBD Bank, NA	10,000.00	59.38
Do	Torrington Co	36,000.00	1,936.06
Do	Viacom International, Inc	9,000.00	153.78
Do	Viera Co	10,780.50	131.96
Do	Visionhouse	491.40	
Do	Xoma		
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Jim Greenwood, 1350 Eye Street, NM, Suite 1240 Washington, DC 20005	Valero EnergyCorp		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	9,366.00	
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			30,000.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	294.86
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Riley Grimes, 6410 Rockledge Drive, #203 Bethesda, MD 20817	Association of American Cancer Institutes	7,500.00	
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	58,781.00	
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	12,926.29	1,897.04
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Jocelyn A. Guyer, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))		
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	6,000.00	
Do	Association for Health Services Research	3,000.00	
Do	Manor Healthcare, Inc	14,000.00	
Do	Midwest Organ Bank, Inc	1,500.00	
Do	National Assn of Homes & Services for Children	2,000.00	
Do	National Assn of Medical Directors of Respiratory Care		
Do	Puritan Group-Puritan Bennett Corp		
Do	Transtracheal Systems		
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	15,000.00	600.00
Do	Boston Area Mutual Fund Group	20,000.00	600.00
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	4,471.20	1,635.84
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank		18,547.87
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,538,563.00	851,342.00
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	7,291.65	1,328.54
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,520.00	146.02
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc		
Do	Gamma of Illinois, Inc		
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics		
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co	1,667.50	74.44
Do	Burlington Northern Railroad, Inc	1,200.00	
Do	CSX Corp	2,000.00	
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	375.00	319.95
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	8.50
Holly Elisabeth Hazard, 227 Massachsetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League	66.00	
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	589.47	12.00
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011		500.00	58,429.00
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:National Atomatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:IEMCA)		
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		5,400.00
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	222.23
Helicopter Assn International, 1641A South Hayes Street Arlington, VA 22202			17,243.25
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	5,132.32	490.94
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn/American Thoracic Society	1,141.15	5,853.78
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		600.00
Dennis Henry, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc	500.00	
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	175.00
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Hoover Group		
Do	Nalco Chemical Co		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	142.00
Ronald P. Hill, Villanova University 340 Bartley Hall Villanova, PA 19085			
Thomas M. Hill, 1299 Pennsylvania Avenue, NW, Suite 1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	3,900.00	
Cynthia Hilton, 4301 Connecticut Ave., NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	28,000.00	
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	61.00	
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board		
Do	Association of Navajo Community-Controlled School Boards	1,722.70	
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp		
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Metlakatla Indian Community	350.00	19.30
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians	830.00	
Do	National Minority Public Broadcasting Consortia	630.00	
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission	40.00	
Do	Pinon Community School Board		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock Community School Board		
Do	Shiprock Alternative Schools, Inc	222.00	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		94.00
A.R. 'Trey' Hodgkins III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,137.03	454.71
Greg Hodur, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn	6,290.03	490.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	2,160.00	5,646.00
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Visiting Nurse Service of New York		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	87.40
Do	Home Savings of America	3,000.00	116.00
Do	Stuzin & Camner, P.A.	2,500.00	114.50
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Anderman/Smith Operating Co		
Stewart E. Holm, 1875 Eye Street, NW, Suite 775 Washington, DC 20006	Georgia-Pacific Corp	2,500.00	
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,875.00	
Helen D. Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	151.60	
Mark Hopkins, 1725 K Street, #509 Washington, DC 20006-1401	Alliance to Save Energy		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc		1,505.00
Do	Louisiana Pacific Corp		2,540.00
Do	Rogers American Cable Systems, Inc		
Do	Tandy Corporation	12,818.00	40.00
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	273.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	138.94
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		7,944.17	9,253.47
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Earnest E. Howell, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	Roger Sands		
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	13,950.00	
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc		368.87
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,058.04	
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	2,707.53
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe & Co (For:American Rocket Co)		2.00
Do	TKC International, Inc (For:Government of Aruba)		
Do	Keefe Company (For:Lockheed Sanders, Inc)		462.00
Angela M. Hunter, 25 Louisiana Avenue,NW Washington, DC 20001	International Brotherhood of Teamsters		
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	120.00	
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	8,581.00	256.00
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	4,177.00	936.00
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	1,500.00	19.13
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Information Technology Assn of America (ITAA)	450.00	16.45
Do	Irish Immigration Reform Movement (IIRM)	1,055.25	26.37
Do	Kennedy Capital Management, Inc	1,955.25	29.49
Do	McDonald's Corp		
Do	Professionals for Spouse Reunification	2,145.00	21.84
Do	SYDA Foundation		
Independent Bankers Assn of America, One Thomas Circle, NW, #950 Washington, DC 20005-5802		286,203.00	108,232.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		18,040.50	18,040.50
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,250.00	1,400.00
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		134,069.55	134,069.55
International Anticounterfeiting Coalition, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006			
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			47,812.89
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	2,212.50	67.22
Do	Hercules, Inc	2,625.00	37.00
Do	Wine Institute	5,855.50	348.75
Do	Xerox Corp	3,825.00	35.00
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	339.00	40.00
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	14,025.66	
Anthony Iton, 1535 Mission Street San Francisco, CA 94103	Consumers Union	500.00	562.61
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Do	Pacific Lumber Co	7,000.00	
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	1,204.00	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	3,096.25
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	3,135.00	
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc		
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Washington Oil Marketers Assn		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	3,900.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	5,500.00	
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	BC&T	4,500.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	8,580.00	255.00
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,686.14	522.42
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Chicago HMO		
Do	City of Trujillo Alto		
Do	FHP, Inc		
Do	Molson Breweries USA, Inc		
Do	Tidewater Health Care		
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Farm Credit Bank of Wichita		
Jellinek Schwartz & Connolly, 1525 Wilson Boulevard #600 Arlington, VA 22209	ASARCO, Inc	34,086.00	340.86
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,300.00	300.00
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	412.18
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	123.81	
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	646.00	
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,460.00	
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	10,813.00	107.51
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	216.00	
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc	8,242.00	877.70

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	34.00
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	NACCO Industries, Inc	50,857.00	438.75
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Co		
Do	Space Dynamics Laboratory		
Do	Utah State University		
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	1,500.00	
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	15,300.00	438.84
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	589.00
Do	Hotel Employees & Restaurant Employees Int'l Union	54,375.00	1,661.74
Do	International Speedway Corp	9,000.00	
Justice Fellowship Advocates, P.O. Box 17500 Washington, DC 20041-0500			
JMD Associates, Inc, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Engelhard Corp	3,000.00	135.00
Lisa Kahn, 218 D Street, SE Washington, DC 20003	Friends of the Earth	642.88	
Kahn Soares & Conway, 1919 S. Eads St., Suite 103 Arlington, VA 22202-3028	Central Soya/Novamont	15,000.00	3,180.55
Do	Friant Water Users Authority		
Do	Mid-Valley Water Authority		
Do	National Agricultural Chemicals Assn		
Do	Westlake Farms	62.50	3.75
Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp	33,997.13	997.13
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	5,175.00	
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	356.06
Harpreet Kang, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)	329.46	43.25
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,500.00	659.16
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	East Coast Tuna Assn	5,100.00	705.57
Do	Humane Society of the U.S., et al.		
Do	Jan Stenbeck		108.16
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	5,900.00	1,505.01
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,087.50	189.07
S. Steven Karalekas, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	381.91	
Katten Muchin & Zavis, 525 West Monroe, #1600 Chicago, IL 60661-3693	Fujisawa USA, Inc	939.50	108.73
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	339.84	1,292.92
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Morgan Guaranty Trust Co of New York	9,980.75	9,980.75
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		3,500.00
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	NorAm Gas Transmission Company		
David A. Keene & Associates, 919 Prince Street Alexandria, VA 22314	United Seniors Assn	12,000.00	20.00
Jane M. Keffer, Villanova University 340 Bartley Hall Villanova, PA 19085			
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	9,000.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)		
John A. Kelly, Kelly & Assocites, Inc 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc		
Do	Overlook Hospital	10,000.00	
Do	Perdue Farms, Inc	11,250.00	
Joyce Kelly, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hosptial Assn		20.08
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			311.94
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			67.04
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc		
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		4,075.86
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	24,650.00	125.00
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,700.00	788.99
Keystone International, Inc, 1650 University Blvd. NE #408 Albuquerque, NM 87102	International Disarmament Corp		
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	1,641.30
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	Forest Farmers Assn	1,100.00	47.40
Do	Greenpeace USA		
Do	Kiewit Construction Group, Inc		
Do	Kimberly-Clark Corp		
Do	Municipal Electric Authority of Georgia	3,276.00	
Do	National Cardiovascular Network		
Do	Pepsico, Inc		
Do	Software Productivity Consortium		
Do	U.S. Sprint Telecommunications Co		
Do	United Airlines, Inc		
Do	University of Georgia	3,129.50	8.00
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,500.00	
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	13,591.20	5,315.62
Janie A. Kinney, 1500 K Street., NW #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	1,043.28	441.94
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Allegheny Ludlum Corporation		
Do	Central Resource Group, Inc		
Do	Eaton Vance Corp	3,420.89	
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	1,282.50	33.82
Frank D. Kittredge, 1625 K Street, NW Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
Stephan O. Kline, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,438.00	
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	30,000.00	
Do	Mid-Atlantic Medical Services, Inc	18,000.00	
James E. Kneale, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	71.46
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	4,562.50	
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,700.00	
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906	Firearms Coalition	10,000.00	1,100.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	461.54	
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	America's Public Television Stations	1,125.00	118.00
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	306.65	66.68
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	Central Arizona Water Conservation District	7,500.00	
Do	Dolores Water Conservancy District		1,189.66
Do	National Assn of Counties		
Do	Northern Colorado Water Conservation District	4,500.00	
Do	Rio Grande Water Conservation District	3,000.00	1,174.38
Do	Rocky Mountain Health Care Corp	12,225.00	2,787.99
Do	San Juan Water Commission	2,080.00	1,002.56
Do	Shell Oil	10,000.00	410.67
Do	Southern Ute Indian Tribe	13,750.00	3,649.84
Do	Southwestern Water Conservation District, Durango County	55,000.00	8,321.25
Do	Upper Yampa Water Conservancy	3,500.00	1,732.10
Do	Ute Mountain Ute Tribe		
Do	Water Protection Assn of Central Kansas		
Do	Wolf Springs Ranches, Inc	9,000.00	494.77
Peter M. Kravitz, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	18,500.00	288.77
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	1,317.94
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	90.07	
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036		3,916.00	5,843.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			83,806.55
Joseph L. Lach, 337 11th Street, SE Washington, DC 20003	Manville Corporation		
Shirley W. Lach, 337 11th Street, SE Washington, DC 20003			
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
A. Gretchen Lamb, 1001 G Street, NW, Suite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc	1,500.00	
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:National Stripper Well Assn)		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	4,800.00	230.80
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	14,250.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	Boeing Company	6,850.00	760.85
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital Medical Center of Akron	400.00	
Do	Children's Hospital, Boston	1,750.00	
Do	La Rabida Children's Hospital Research Center	875.00	
Do	National Assn of Children's Hospitals & Related Institutions	5,000.00	
Do	National League for Nursing	1,050.00	
Do	Planned Parenthood Federation of America	4,800.00	
Do	Tennessee Primary Care Network	200.00	
Large PRO Consortium, 757 Brooksedge Plaza Drive P.O. Box 6174 Westerville, OH 43081-6174		5,424.00	5,424.00
Christopher D. Larsen, 1220 L Street, NW, #510 Washington, DC 20005	American Resort Development Assn	3,437.50	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Ahlstrom Development Corp		
Do	Alexander & Alexander Services, Inc		
Do	Bristol-Myers Squibb Co	7,500.00	
Do	Digital Equipment Corp	3,726.00	
Do	Imperial County	7,323.50	
Do	Manville Corp		
Do	MCA, Inc	17,127.50	
Do	National Independent Energy Producers		
Do	Republic of Belarus, Ministry of Defense		
Do	Sithe Energies USA, Inc		
Do	Wireless Cable Assn International	9,000.00	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	315.55
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Consolidated Defense Corp)	1,211.25	
Leach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111		41,090.45	19,947.16
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Bruce Lear, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Assn of Professional Employer Organizations	2,000.00	
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Preston V. Lee Jr., 1120 Connecticut Ave., NW, Washington, DC 20036	American Bankers Assn.		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn		
Jack Legler, 4301 Connecticut Avenue NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	19,200.00	3,339.68
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	833.00	180.00
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,812.45	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines		
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause		
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	750.00	
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation		
Jack W. Lewis, 1101 Vermont Ave., NW Washington, DC 20005	Paperboard Packaging Council	18,000.00	57.47
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	9,894.00	170.00
Nicholas A. Lewis, 15th & M Streets., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	453.00
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,500.00	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox Ebensburg Power, Inc		
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Feibel-Garek/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	84.18	22.52
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	165.65
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,203.00	427.00
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	1,500.00	
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	735.17
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons		
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	4,000.00	100.00
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	9,000.00	240.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	16,012.38	
Do	Michigan Dept of Transportation	16,012.38	
Do	Missouri Highway & Transportation Department	24,388.45	
Do	State of Colorado, Dept of Highways	13,473.78	
Do	State of IL, Dept of Transportation, Div of Water Resources	31,801.39	
Do	Water Reclamation District of Greater Chicago	38,708.85	
Lionel Sawyer & Collins, 50 West Liberty Street, Suite 1100 Reno, NV 89501	General Motors		
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623		9,000.00	3,000.00
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Employee Stock Ownership Assn		
Do	General Health, Inc		
Do	Greater New York Hospital Assn		
Do	J & B Management Company	1,000.00	312.95
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc		
Do	United Companies Financial Corp		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	1,090.25	198.62
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	24,102.48	1,415.15
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,738.91	374.73
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Westland Development Corp		
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services	3,000.00	135.00
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	8,700.00	
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	6,500.00	2,529.70
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	7,171.00
LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006			94,755.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Sheila MacDonald, 3231 Beech Street, NW Washington, DC 20015	MacDonald Associates (For:Nonprofits' Insurance Alliance of California)	2,855.00	175.00
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206-0282	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	24,999.00	
Do	MarkAir, Inc	24,000.00	
Do	Sarasota-Bradenton Airport	6,500.01	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	8,495.19	264.78
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	4,658.65	773.72
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	6,576.92	483.69
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	14,575.19	14,006.95
Do	Inter-Mountain Forest Industries Assn	7,992.85	8,309.75
Do	Kaibab Forest Products Company	11,284.02	1,122.80
Do	Northern Arizona University		
R. Gary Magnuson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	475.00
James Timothy Mahoney, 108 Gibbon Street Alexandria, VA 22314	Koniag, Inc	2,887.50	49.33
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	3,956.87
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Oralco Management Services)		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce		82.00
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Vitro, S.A.		2,373.15
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co		
Katherine W. Maness, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	1,860.88
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	1,429.00	2,095.00
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,047.87	220.25
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	16,500.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	12,000.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	CLMA	6,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	U.S. Facilites Corp	6,000.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		3,500.00
Marks & Murase, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc	60.00	2,106.35
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		100.00
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Safari Club International		
Alexandra Maroulis-Cronmiller, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	12,862.00	
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn		
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn	538.00	
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Maryland People's Counsel, 6 St. Paul St., Suite 2102 Fl. Baltimore, MD 21202			
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	422.87	
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,236.00
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	13,500.00	395.00
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	4,932.49
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council	4,500.00	162.50
Do	ABB Combustion Engineering, Inc	1,000.00	
Do	Carolina Power & Light Co	900.00	
Do	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	Edison Chouest Offshore	2,400.00	217.51
Do	General Atomics	2,800.00	151.62
Do	Integrated Resources Group, Inc	3,000.00	257.52
Do	Louisiana Energy Services	1,200.00	
Do	Science Applications International Corp	6,000.00	827.64
Do	Sealaska Corp	1,800.00	161.89
Do	Tulane University	4,500.00	201.70
Do	Turlock Irrigation District	300.00	68.62
Do	Westinghouse Electric Corp	2,820.00	705.50
Do	Yukon Pacific Corp	2,400.00	160.84
Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003	Greater Yellowstone Coalition	4,120.00	1,295.96
Do	Keepers of the Treasures		
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Soc of Cataract & Refractive Surgery	8,133.13	421.18
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	4,500.00	150.00
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn	1,350.00	435.00
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	349.21
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Allergan, Inc	200.00	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Soc of Outpatient Surgeons		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	California Children's Hospital Assn	2,100.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Outpatient Opthalmic Surgery Society		
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	322.00	106.00
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	7,000.00	1,630.00
Gail P. McGrath, JTK Corporation 4205 36th Street, South Arlington, VA 22206	AdminaStar Solutions, Inc		
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	DSE Industry Coalition		
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	13,000.00	1,133.08
Bob McLean, National Assoc. of Postal Supervisors 1727 King St., Suite 400 Alezandria, VA 22314-2753	National Assn of Postal Supervisors	14,434.00	
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	12,440.00	55.05
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)		
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	100.00	
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)		
Do	McLeod Watkinson & Miller (For:United Egg Producers)	175.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,893.35	28.11
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	8,750.00	1,019.25
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,302.50	
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	208.90
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes & Services for the Aging	45.67	25.13
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)		
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	BP America, Inc	7,000.00	
Do	Centerior Energy Corp	7,500.00	
Do	Eltech Systems Corp	6,000.00	
Do	Systech Environmental Corporation	12,500.00	810.00
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			28.00
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Chandler Evans	500.00	
Do	General Atomics	200.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	4,134.38	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
J. Frank Meisamer, 4360 Georgetown Square, Suite 817 Atlanta, GA 30338-6220	American Hospital Assn		
Carol Melton, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Time Warner, Inc	9,250.00	49.24
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al. (For:Hoopa Valley Tribe)		
Paul K. Mengert, P.O. Drawer 10265 Greensboro, NC 27404	Real Estate Management Companies		
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	93.40	
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Amway Corp)	25,999.98	
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	16.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,000.00	269.78
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	232.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	3,035.00	2,892.37
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,822.00	820.08
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Centergas, Inc		
Do	Plato Industries		
Do	Technology Services Group, Inc		
Mark A. Micali, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	350.00
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	11,418.75	
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			7,018.13
Michigan International Trade Coalition, 1760 South Telegraph Road, Suite 207 Bloomfield Hills, MI 48302			
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			18,000.00
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Leslie K. Miles, 1050 31st Street, NW Washington, DC 20007	National Abortion Rigths Action League, Inc	11,038.44	
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co		
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	1,939.50
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc	2,590.00	4,124.00
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	1,148.70	3,329.77
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Psychoanalytic Assn		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	1,400.00	
Do	Blue Cross of California	150.00	
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Federal Savings Bank of Rogers, AR		
Do	FMC Corporation		
Do	General Chemical	2,300.00	
Do	Great Northern Insured Annuity Corp		
Do	Hewlett-Packard Co	1,000.00	
Do	Humane Society of the U.S.		
Do	Land Rover of North America, Inc	400.00	
Do	Leach & English		
Do	Leighton Parks Roper		
Do	Nuclear Fuel Services, Inc		
Do	O'Connor & Associates		
Do	Organization for International Investment	2,750.00	
Do	Pulte Home Corp		
Do	Southwest Marine	22,500.00	
Do	SABIC Marketing Americas, Inc		
Do	Thermal Science, Inc	350.00	
C.G. Pete Milligan, 526 Oak Harbour Drive Juno Beach, FL 33408	American Telephone & Telegraph Co	2,500.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Council on Compensation Insurance		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	1,292.50	271.95
Do	Metropolitan Life Insurance Co		2,065.55
Do	National Assn of Professional Employer Organizations		924.00
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,580.00	
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement		
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	Waste Management, Inc	5,750.00	2,060.14
Michael D. Moore, 601 13th Street, NW, Suite 850 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment, Inc	1,730.77	22.30
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	22,431.60	80.00
Kristen Morris, 1200 G Street, NW< Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn	1,715.00	229.57
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		41,250.00	
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Michael L. Morton, 1301 Pennsylvania Ave, NW, S401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Richard Moskowitz, 4301 Connecticut Ave., NW, Suite 300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Kenneth B. Moss, 701 Pennsylvania Ave., #720 Washington, DC 20004	Siemens Corp		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		19,972.17	19,972.17
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Northeast Savings, F.A.		
Do	Talman Home Federal Savings and Loan Assn		
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education	2,457.29	49.06
Do	Constitutional Rights Foundation	2,250.00	12.90
Do	Equifax, Inc	1,773.20	165.20
Do	Government of Austria	10,070.00	68.26
Do	National Institute for Citizens Education in the Law	2,250.00	12.90
Do	Search Group Inc.	7,765.00	169.43
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	Food Research & Action Center	961.55	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James P. Murphy, Fleet Financial Group 56 East 42nd St. #355 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Constellation Communications, Inc		
Do	Village of Schaumburg		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Robert Musil, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	4,664.00	
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	280.00	
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	17,500.00	279.21
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	1,050.00
National Agricultural Chemicals Assn, 1156 15th St., NW Washington, DC 20005		100.00	254.61
National Aquaculture Association, P.O. Drawer 1569 Shepherdstown, WV 25443		7,140.00	8,585.00
National Assn of Beverage Importers, Inc, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			150.00
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006		14,925.00	150.00
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		59,931.22	144,027.75
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,394,758.08	158,881.52
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		23,000.00	22,110.91
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,600.00	11,630.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		519,263.82	48,365.85
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,774,710.94	13,351.89
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			
National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405		40,254.03	33,257.19
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		29,191.30	
National Comm Against Repressive Legislation, 3321 12th Street, NE Washington, DC 20017		2,447.00	1,555.00
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005		6,035.95	
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		79,707.00	1,494.00
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152	International Hearing Society		
National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904		30,000.00	24,525.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			5,695.50
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			41,555.00
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		241,627.00	79,781.16
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		945,189.28	651,668.03
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,550.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		3,532,775.00	150,948.64
Terry Neese, 2709 39th NW Oklahoma City, OK 73112	Small Business Alliance on Communications, Inc		
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of American	1,446.00	13.00
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	1,668.75	89.27
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,668.75	89.27
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Marion Merrell Dow	75,000.00	3,943.41
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		51.75
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	141.64	
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
K. Michael Neudeck, 7961 South Webster Way Littleton, CO 80123	Michael K. Neudeck		
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	California League of Savings Institutions	7,022.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	325.46
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		84,941.26	84,941.26
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	84.49
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	8,222.21	121.34
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
James A. Noone, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & Noone (For:American Retirees Assn)	3,000.00	
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,762.00	191.00
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	64.39
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,665.00	347.00
Nutritional Health Alliance, P.O. Box 25317 Washington, DC 20007			
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,099.90	
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		179,500.00	
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	Savings & Community Bankers of America		
Do	Transportation Brokers Conference of America		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
O'Brien and Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser-Busch Companies, Inc	262.50	
Do	Federal National Mortgage Assn	1,860.00	
Do	Global Technology Systems	75.00	
Do	Health Insurance Assn of America	585.00	
Do	Morgan Stanley & Co, Inc	1,540.00	
Do	Sears Roebuck & Co	140.00	
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:American Rocket Co)		
Do	Keefe Company (For:Government of Aruba Embassy of the Netherlands)	15,000.00	
Do	Guerra & Assoc (For:Mexico Dept of Commerce & Industrial Development)		
Do	Keefe Co (For:Sanders Associates, Inc)	64,000.00	1,389.33
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	17,243.55	8,396.08
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	843.00	
Do	Associated Credit Bureaus, Inc	21,475.00	
Do	AFL-CIO Maritime Committee		
Do	AFLAC, Inc	4,612.00	
Do	Bear Stearns & Company, Inc	5,990.00	
Do	Citizens Savings Bank		
Do	Coca-Cola Company	615.00	
Do	Colt's Manufacturing Company, Inc		
Do	Concerned Domestic Flower Growers and Handlers		
Do	Connie Lee Insurance Company	1,000.00	
Do	CNA Insurance Co	6,898.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Eastern Michigan University	255.00	
Do	Electronic Data Systems Corp		
Do	Evangelical Lutheran Good Samaritan Society		
Do	First Winthrop Corp		
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	1,398.00	
Do	Green Point Savings Bank	8,100.00	
Do	Healthcare Financing Study Group	5,600.00	
Do	Institute of International Bankers	10,000.00	3,581.41
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Little Six, Inc	23,390.00	
Do	Martin Marietta Corp		
Do	MasterCard International, Inc	2,480.00	
Do	Mercedes-Benz of North America, Inc	210.00	
Do	Miller & Schroeder		
Do	Mullendore & Watt		
Do	Northern States Power Company		
Do	O'Sullivan Graev & Karabell	6,750.00	
Do	Pacific Telesis Group	5,840.00	
Do	Joseph E. Seagram & Sons, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Securities Industry Assn	10,000.00	
Do	Soka University Los Angeles	1,619.00	
Do	State Street Bank & Trust Company	6,750.00	
Do	Student Loan Funding Corp	414.00	
Do	UST	4,225.00	
Do	VISA, USA, Inc	2,480.00	
Do	Westinghouse Electric Corp		
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
Bartley M. O'Hara, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20006	Anheuser-Busch Companies, Inc	2,000.00	
Do	Burlington Northern, Inc	150.00	
Do	Chicago & Northwestern Transportation Co	1,600.00	
Do	International Union of Bricklayers & Allied Craftsmen	3,000.00	
Do	Metpath, Inc	500.00	
Do	Norfolk Southern Corp	2,100.00	
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	2,121.13
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress	30.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	2,050.00	
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn		
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)		
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	2,974.63
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn		65.00
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	1,262.03
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America	282.80	
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	9,450.00	500.00
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	680.00	
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		3,419.85	1,812.43
Raul Ortega, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
David E. Ortman, 218 D Street, SE Washington, DC 20003	Friends of the Earth	27.10	
Robert V. Oswald, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	253.00
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	526.50
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Government of the Republic of Transkei		
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn	18,768.75	
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Auto Repair Equality (CARE)	4,387.00	594.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatchers Department/Bro of Locomotive...)		
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	55.55
Do	Kahn Soares & Conway (For:Friant Water Users Authority)		
Do	Kahn Soares & Conway (For:Mid-Valley Water Authority)		
Do	Kahn Soares & Conway (For:National Agricultural Chemicals Association)		
Do	Kahn Soares & Conway (For:Westlake Farms)	62.50	3.75
Clayton J. Parr, Kimball Parr Waddoups Brown & Gee 185 South State Street, #1300 Salt Lake City, UT 84147	Energy Fuels Nuclear, Inc	2,318.75	1,276.46
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	450.00	
Do	C. R. Eggs		
Do	Columbia Laboratories, Inc	900.00	
Do	D & F Industries, Inc	600.00	
Do	Federal Judges Association		
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	2,500.00	
Do	Glaxo, Inc	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	600.00	
Do	Motion Picture Assn of America, Inc	3,000.00	
Do	Murdock Healthcare	1,500.00	
Do	Nonprescription Drug Manufacturers Assn		
Do	Office of the Immigration Judges		
Do	Pfizer, Inc	2,400.00	
Do	Recording Industry Assn of America	800.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	800.00	
Do	Systech Environmental Corp	4,800.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	2,200.00	
Do	Utah Biomedical Industry Council		
Do	Utah Natural Products Alliance	2,000.00	
Do	Won-Door Corporation	750.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,112.36
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,250.00	
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Assn of Chiefs of Police	9,661.60	4,885.93
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	5,000.00	1,030.00
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	American Institute of Merchant Shipping		
Do	American Soc of Assn Executives		
Do	Liggett Group, Inc		
Do	National Assn of Life Underwriters	3,832.50	46.00
Do	National Assn of Theatre Owners		
Do	Pepsico, Inc		
Do	Project ACTA, Inc		
Do	Self Storage Assn		
Do	Woodlands Corp		
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Embassy of the Government of the Republic of Hungary		
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Lee Peckarsky, 11408 Stonewood Lane Rockville, MD 20853	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)		
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	8,580.00	255.00
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,880.50	
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	7,500.00	1,155.50
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	555.11
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	112.82	786.29
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		13.00
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	865.00	
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Joseph P. Petito, 1800 M Street, NW, #400 Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
C. L. Pettit, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	37,500.00	
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	13,000.00	
Do	Metro	12,999.99	
Do	Mothers Against Drunk Driving (MADD)	25,999.98	
Do	National Assn for Sport & Physical Education	9,000.00	
Do	New York State Thruway Authority	24,000.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority		
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	550.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	468.00	132.01
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		15,366.00	15,611.00
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Direct Marketing Assn	34,606.50	103.20
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	34,768.75	589.48
Do	PCS Action, Inc		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas	1,059.00	1,236.28
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	CBS, Inc	4,000.00	429.55
Do	Fox Broadcasting Group	4,000.00	429.55
Do	Motion Picture Assn of America, iNc	9,000.00	771.36
Do	National Broadcasting Company, Inc	4,000.00	429.55
Do	Satellite Network Programming Committee	9,000.00	771.36
Do	Sega of America, Inc	3,000.00	219.34
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	3,264.56	
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	5,748.02	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			6,521.73
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Westinghouse Electric Company		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	362.56
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute		
Daniel B. Priest, 6808 Brookville Road Chevy Chase, MD 20815	Ecolocorp, Inc		
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Gwenyth Pritchard, 144 Mason Terrace Brookline, MA 02146	Foster-Miller, Inc		
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	930.00	38.50
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	111.96
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	6,850.00	
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	10,535.00	2,766.00
Do	Florida Progress Corp	2,634.00	691.00
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Coalition for Patient Rights	14,487.00	52,037.69
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036			
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp	3,000.00	13,535.43
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	10,238.00	
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	4,130.88
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	1,125.00	40.30
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Athena Global Management		
Do	AT&T	22,500.00	1,375.48
Do	China External Trade Development Council	20,000.00	
Do	Crystal Holdings Corp	2,000.00	
Do	Embassy of the Government of India	138,000.00	42,559.04
Do	Gardner Carton & Douglas	1,383.00	87.58
Do	Investment Management Services (former: Moore Capital)		
Do	Jones Intercable		
Do	National Cable Television Assn	18,750.00	171.78
Do	National Realty Committee		
Do	Soros Fund Management		
Do	Telecommunications Industry Assn	10,500.00	143.96
Do	Tudor Investment Corp	1,000.00	
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			48.02
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)		9,459.22
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)	5,833.20	7,026.79
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
James D. Range, 11240 Waples Mill Road, #101 Fairfax, VA 22030	Waste Management, Inc		
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,979.14
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	3,591.00	1,041.00
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	5,975.00	8,567.00
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation	500.00	
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	2,925.58	56.19
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	608.00
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	143.75
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	United Coconut Assn of the Philippines		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,756.78	417.85
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Kabi Pharmacia, Inc	1,996.25	60.78
William K. Reilly, c/o World Wildlife Fund 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	Golden Gate National Park Assn	4,100.00	62.40
Do	National Wildlife Action, et al.		1,243.67
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Steve Repp, 8536 Cordway Sacramento, CA 95828			
Mark E. Rey, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc		
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	942.00	297.00
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	247.50	
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc	6,000.00	
Do	Old Harbor Native Corp	6,000.00	
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc	2,025.00	97.50
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	368.40
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	162.28	190.20
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association for Governmental Leasing & Finance		
Do	Cahners Publishing Co		
Do	Chicago Educational Television Assn		
Do	Consolidated Rail Corp		
Do	C02 (Carbon Dioxide) Coalition	9,752.00	2,066.00
Do	Goldman Sachs & Co	34,067.00	4,160.00
Do	H.J. Heinz Company		
Do	Harvard Corp		
Do	Magma Copper Co	22,078.00	4,608.00
Do	Merrill Lynch & Co		
Do	National Assn of Independent Colleges & Universities		
Do	National Council of Health Facilities Finance Authorities	750.00	2,579.00
Do	National Theatre of the Deaf		
Do	Natural Gas Vehicle Coalition		
Do	New York State Housing Finance Agency	6,750.00	363.00
Do	New York State Medical Care Facilities Finance Agency	6,750.00	570.00
Do	North American Vaccine, Inc		
Do	Omega Environmental, Inc	5,625.00	1,075.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Orbis International	1,500.00	472.00
Do	Puerto Rico Federal Affairs Administration	6,000.00	252.00
Do	Scholastic, Inc		
Do	Securities Industry Assn		
Do	Town of Vail (Colorado)	6,251.00	563.00
Do	Warburg Pincus Capital Corp	30,451.00	4,894.00
Do	Writers Guild of America, West, Inc	13,553.00	3,471.00
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	423.56
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	998.56
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	73.22	33.73
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Carlos Rodriguez, 1535 Mission Street San Franscisco, CA 94103	Consumers Union	500.00	634.47
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Amercord, Inc		
Do	American Express Co		
Do	Canadian Pulp & Paper Assn		
Do	Canadian Steel Industry Council		
Do	Dofasco, Inc		
Do	Dreyfus Corporation	30,000.00	26.25
Do	Investment Program Assn		
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	R.L. Polk & Company	15,000.00	1,108.67
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	RPM Securities, Inc		
Do	Shearson Lehman Brothers, Inc		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Wine & Spirits Wholesalers of America, Inc		
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments		
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	200.00
Do	City of Moorehead	5,000.00	250.00
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	6,598.80	
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	10,000.00	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Richard Rosen, 6707 Old Dominion Drive, #210 McLean, VA 22101			
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728			
Dan Ross 62536-061, P.O. Box 2000 White Deer, PA 17887-2000			
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,736.54	
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil Inc.	500.00	68.17
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	10,000.00	
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Rust Environment & Infrastructure, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	900.00	
Do	Leech Lake Tribal Council		
Do	West Virginia Hospital Assn	600.00	32.65
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	64,066.63	3,620.13
Do	Delaware Otsego System	9,000.00	3,620.13
Do	Illinois Central Railroad	32,000.00	3,620.13
Do	Investment Counsel Assn of America, Inc	4,417.00	3,620.11
Do	Regional Railroads of America	54,000.00	3,620.11
Do	Turbomeca Engine Corp	39,000.00	3,620.11
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	176.43
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	City of Columbus	4,000.00	172.34
Do	City of North Las Vegas		
Do	Ebasco Services Inc		13.94
Do	Erie County Industrial Development Agency		
Do	Flash Technology Corporation of America		88.36
Do	Goodwill Games, Inc	1,800.00	65.99
Do	Indiana Electric Assn		
Do	Indiana State University	12,420.00	280.04
Do	MSE Corp		
Do	Rose Acre Farms	13,706.70	245.12
Do	United Student Aid Funds	2,500.00	167.00
Do	VASA Brougher, Inc	3,000.00	874.61
Do	1996 Atlanta Paralympic Games	12,000.00	1,446.53
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	5,563.03
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,020.00	320.70
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	302.00
Arthur R. Sando, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp (COMSAT)	2,500.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tourism Assn	10,500.00	3,019.49
Do	National Parks Hospitality Association	7,500.00	607.22
Do	National Tour Assn, Inc	28,587.00	11,430.66
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	8,100.00	3,494.74
Do	ENS Resources, Inc (For:East Bay MUD)	7,407.86	3,201.82
Do	Union Sanitary District		
Do	Western Research Institute	2,760.00	186.06
Margot Freeman Saunders, 1875 Connecticut Avenue, NW, #510 Washington, DC 20009	National Consumer Law Center	1,181.41	
Save Our Children National Alliance, Inc, Collin Creek Crossing P.O. Box 535 Livingston, TX 77351			
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	9,700.00	267.65
Marc Steven Scarduffa, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Scenic America, 21 Dupont Circle Washington, DC 20036			349.80
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	4,831.25	43.18
Do	Tyco International		
Do	Weirton Steel Corporation	5,413.75	141.79
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	23.00
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	43,600.00	
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	21,000.00	2,522.58
Leonard Schneidman, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Jan Stenbeck	990.00	
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			25.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)		
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates		
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Grant County PUD, et al.	1,332.00	35.72
Do	Nichols Institute	3,130.11	98.63
Do	Public Generating Pool	914.20	218.05
Do	Solid Waste Assn of North America	3,451.18	99.81
Do	Tri-Met	14,422.81	176.46
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	8,150.00	981.23
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	15,000.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	3,000.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	9,771.58	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,387.50	111.00
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	20,189.00	
Michael D. Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,471.52	859.20
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	9,792.00	115.67
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters		
Do	Philip Morris Management Corp		
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,300.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Howard Segermark, 1701 Pennsylvania Ave., NW, #533 Washington, DC 20006	Segermark Company	4,000.00	13,000.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		169.26
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		4,31,122.00	1,500,965.00
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Delaware State Bank Commissioner	756.25	
Do	Ship Finance Assn, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co		
Suzanne Shackley, 601 Pennsylvania Ave., NW, #400 Washington, DC 20004	Arco Chemical Company	54.00	
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	9,000.00	3,298.85
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	24,119.68	1,764.01
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	64.39
Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890	Small Business Alliance on Communications, Inc		
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Austrian Airline		
Do	Bechtel Aviation Services		
Do	Bell Atlantic		
Do	Bismarck Municipal Airport		
Do	Fokker Aircraft, BV		
Do	National Business Aircraft Assn		
Do	Rust Engineering	7,663.00	35.60
Patrick A. Shea, 60 South 600 East, # 200 Salt Lake City, UT 84102	Intermountain Health Care		148.51
Do	Kennecott Copper Corp	7,125.00	1,243.50
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	11,368.00	102.97
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	52.00	
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	91,363.65	23,393.19
Do	CFIDS Assn of America	19,500.00	4,675.40
Do	Immuno-U.S., Inc	15,000.00	2,601.06
Do	III(b) Coalition	14,166.66	5,066.39
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
Nancy Shlaes, 840 North Lake Shore Drive, #9E Chicago, IL 60611	American Hospital Assn		
Grant Scott Shotwell, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	2,475.00	
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,367.00	1,544.16
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Sierra Club, 730 Polk Street San Francisco, CA 94109		262,308.60	262,308.60
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment)	2,500.00	119.83
Do	Keefe Company (For:Alarm Industry Communications Committee)	2,500.00	268.78
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	2,700.00	235.65
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	2,250.00	128.70
Do	Chambers Associates, Inc (For:Management Insights)	600.00	74.56
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))		
Do	Chambers Associates, Inc (For:New York Hospital)	1,500.00	68.21
Do	Chambers Associates, Inc (For:PepsiCo, Inc)		
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		26.25
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	15,000.00	330.25
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc	2,500.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	C & M Services, Inc		
Do	Cushman & Wakefield		
Do	Goodwill Industries		
Do	Walter Harris, et al.		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	Pacific Cargoes, Inc		
Do	Rolls-Royce Motor Cars, Inc		
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	9,000.00	
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	Labor-Management Maritime Committee, Inc	2,875.00	233.00
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc	2,200.00	
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,200.00	234.10
Edmund J. Skernolis, 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	Waste Management, Inc	2,125.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	938.40	101.05
Scott Sklar, 122 C Street, NW. Washington, DC 20001	Solar Energy Industries Assn	7,500.00	5,887.81
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Michael P. Skredynski, 1055 N. Fairfax St., #201 Alexandria, VA 22314	U.S. Strategies Corp		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc		
Small Business Alliance on Communications, Inc, 529 14th Street, NW, Suite 200 Washington, DC 20045		24,888.00	24,232.00
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	356.50	
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn		
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	15,100.00
Velma Smith, 218 D Street, SE Washington, DC 20003	Friends of the Earth	1,180.68	
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	36,750.00	1,051.62
Harry Snyder, 1535 Mission Street San Francisco, CA 94103	Consumers Union	500.00	551.00
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Allison Engine Co	70.00	186.75
Do	Digital Systems Group	50.00	
Do	NKF Engineering, Inc	50.00	
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	36.24	104.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	615.00	1,148.30
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,646.99	
James E. Sommerhauser, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Assn of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Bad River Band of Lake Superior Chippewa		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Hopi Tribe		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Mole Lake Band of the Sokaogon Chippewa Community		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Wisconsin Winnebago Nation		
Do	Yukon-Kuskokwim Health Corp		
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York		
Do	New York State Fire Chiefs Assn		1,500.00
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	1,650.00	4,995.82
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avenue, #620 Fairfax, VA 22314			
Wilbur R. Speer, 1275 K Street, NW Washington, DC 20005	National Center for Housing Management		
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon	1,245.00	857.19
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Herbert Spira, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	12,875.00	32.80
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Public Securities Assn		
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Arlan Stangeland, 305 C Street, NE, Apt. 101 Washington, DC 20002	American International Group, Inc		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)	42.50	
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	555.00	14.00
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047		5,730.00	4,418.00
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	41,340.00	838.93
Do	American Insurance Assn	20,700.00	36.58
Do	Johnson & Johnson	13,800.00	25.60
Do	National Health Labs, Inc	17,580.00	
Do	Pfizer, Inc	19,230.00	92.90
Do	Pharmaceutical Manufacturers Assn	17,400.00	116.60
Henry J. Steenstra Jr., 1001 - 19th Street North, Suite 800 Arlington, VA 22201-1722	TRW, Inc	1,486.00	
Charles W. Stellar, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc		
Do	Hillman Properties, Inc		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management		50.00
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	1,198.00	188.95
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	8,904.00	309.00
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Veterans Coalition	3,900.00	480.29
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation		
Do	National Assn of Business PACs	3,375.00	94.73
Do	Springs Industries, Inc	850.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	1,268.75	
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
Dena G. Stoner, 2000 L Street, NW #601 Washington, DC 20036	Council for Educational Development & Research	1,375.00	52.00
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,480.50	415.00
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		1,043.59
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn		
Do	Montefiore Medical Center		
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance		
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	105.00
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	97.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	63.00	
Do	Frank Sullivan Associates (For:Northrop Corp)	109.00	
Do	Frank Sullivan Associates (For:Textron, Inc)		
Do	Frank Sullivan Associates (For:Waste Management Inc)	114.00	
Jay R. Sullivan, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Douglas County Oregon	3,000.00	
Do	Sodak Gaming, Inc	2,000.00	
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance	15,355.60	15,355.60
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Lauraine D. Sullivan, 151 Farmington Avenue Hartford, CT 06156-3124	Aetna Life & Casualty Co	3,125.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)		
Do	Richard J. Sullivan Associates, Inc (For:City of San Leandro)		
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	1,700.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	400.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	4,000.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Securities Industry Assn		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	13,573.67
Do	City of San Liandro		
Do	Design Professionals Coalition	6,000.00	6,543.67
Do	Northeast Ohio Regional Sewer District	3,000.00	3,173.67
Do	Water Environment Research Foundation	6,000.00	7,773.67
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	576.92	
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	750.00	675.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)	69,407.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters		
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	460.00	548.00
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Business Software Alliance	3,593.75	90.00
Do	Chrysler Corp		
Do	Concord Resources Group		
Do	Intermedia Communications of Florida, Inc		
Do	Metropolitan Fiber Systems Communications Co, Inc	34,909.00	174.25
Do	National Asphalt Pavement Assn	1,187.50	27.00
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn	137.50	
Do	Prudential Insurance Co	1,650.00	
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Z. Michael Szaz, 7200 Commerce Street, Suite 101 Springfield, VA 22150	Transylvanian World Federation	2,500.00	
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	1,158.13
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	15,319.85	384.43
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	1,750.00	30.17
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	583.30
Technical Group, Inc, 1300 I Street, Nw, Suite 100 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Telecommunications Resellers Assn, 1155 Connecticut Ave., NW, Suite 401 Washington, DC 20036			1,856.36
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	2,637.86	
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-Third Street, NW Washington, DC 20037	Stelco, Inc		
Richard L. Templeton, P.O. Box 17500 Washington, DC 20041-0500	Justice Fellowship		
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Do	Citicorp Washington	69,407.00	689.80
Do	Massachusetts Bankers Assn	5,064.39	689.80
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company	388.00	
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	450.00	727.00
Kirstin D. Thompson, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	64.39
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	681.34	
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	2,739.00	
R. Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	6,250.00	
Do	Milliken & Company		
Do	National Dual Shop Coalition		
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Paula Pleas Timmons, 1150 Connecticut Ave., NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc	6,245.00	2,813.00
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters	500.00	
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Vought Systems Corp		
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	590.00
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	417.01
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	200.00	421.36
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies		1,177.00
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group	35,000.00	
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	193.09	42.50
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)		
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)		
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		
John P. Truitt, 30420 Revelles Neck Road Westover, MD 21871-3368			
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	4,500.00	
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp	560.00	1,089.60
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,600.00	
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute	1,100.00	30.00
Peter Tyler, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,259.00	
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Caretenders Healthcorp		900.00
Do	City of Las Vegas		2,249.36
Do	Continental Medical Systems		9,300.00
Do	Curaflex Health Services, Inc		
Do	Healthsouth Rehabilitation Corp		10,500.00
Do	Integrated Health Services, Inc		10,500.00
Do	Natl Comm for the Preservation of Social Security & Medicare		
Do	United Parcel Service		
Do	USA Healthnet, Inc		
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	62,000.00	
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota	432.00	1,196.58
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		4,890.43
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	300.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	15,820.98	40.00
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			6,713.86
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	2,849.00	
Jeanette Van DeWater, 262 Pennsylvania Ave., NW Freeport, NY 11520	Friends of NIDCD, Inc	1,033.33	516.86
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Miles, Inc	2,576.00	797.00
Laura Van Etten, 1747 Pennsylvania Ave., NW, #875 Washington, DC 20006-4604	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	31.56
Do	Harsco Corporation	30,000.00	9,767.03
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	31,248.00	1,912.17
Do	American Gas Cooling Center	15,000.00	
Do	Bulova Technologies, Inc		
Do	DGA International		
Do	Electrospace Corporation	10,500.00	85.47
Do	Engelhard/ICC	13,500.00	174.36
Do	Fischer Imaging corp	5,400.00	140.58
Do	E. Bruce Harrison		
Do	Litton Applied Technologies	22,500.00	1,808.25
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	6,666.66	328.41
Do	Miltope Corp	7,500.00	244.82
Do	New York Gas Group	12,600.00	23.96
Do	NCube	7,500.00	1,094.98
Do	OMNI-TECH Medical	3,000.00	
Do	Sea Beam Instruments, Inc	9,000.00	301.81
Do	Southern California Gas Co	24,999.99	1,262.45
Do	Southern Maryland Naval Alliance		
Do	SNECMA	72,000.00	4,401.21
Do	Tecogen Division	2,500.00	58.86
Do	Thermo Trex	7,500.00	71.91
Do	Thiokol Corp	5,000.00	62.17
Do	Vanguard Research, Inc	6,000.00	280.08
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)		
Do	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	500.00	
Do	Van Scoyoc Associates (For:Champion International Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)		
Do	Van Scoyoc Associates (For:International Paper)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	500.00	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)	2,187.50	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)		
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)		
Do	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)		
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)		
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)		
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)		
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	1,350.00	
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line	200.00	10.00
Margaret VanAmringe, 700 13th Street, NW, Suite 950 Washington, DC 20005	Joint Commission on Accreditation of Healthcare Orgs	9,975.00	12,039.00
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	876.50	
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	5,484.62
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	83.78	83.78
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Vedder Price Kaufman Kammhoz & Day, 919 18th Street, NW Washington, DC 20006	Coalition to Preserve Self-Insurance		8,073.70
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	Independent Bankers Assn of America	26,175.00	575.65
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	American Museum of Natural History		
Do	Ameritech	775.00	
Do	Association of American Railroads		
Do	Brown & Root, Inc	290.00	
Do	Burlington Northern, Inc		
Do	Central Gulf		
Do	CliniCorp, Inc		
Do	Commonwealth of Puerto Rico	22,099.50	
Do	David Sarnoff Research Center	100.00	
Do	General Dynamics Corp	5,260.00	
Do	GenCorp	1,292.00	
Do	George Washington University	1,479.00	
Do	Guardian Industries	59.50	
Do	Hughes Communications, Inc	5,346.00	
Do	Hughes Network Systems, Inc		
Do	Insurance Solvency Coalition	4,490.00	
Do	Investment Company Institute	1,485.00	
Do	K Mart Corp		
Do	Kellogg	1,239.00	
Do	Large Public Power Cos		
Do	Manville Corp	4,172.50	
Do	Mars, Inc	6,953.50	
Do	McDonnell Douglas Corp	5,775.00	
Do	Merrill Lynch & Co, Inc	5,490.00	
Do	Michelin North America	2,340.00	
Do	Motion Picture Assn of America		
Do	Northwest Airlines		
Do	NBC	7,256.00	
Do	Puget Sound Power & Light Company		
Do	Tenneco	5,970.50	
Do	Travelers Companies	18,405.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Western Michigan University	1,980.00	
Verrill & Dana, 45 Memorial Circle P.O. Box 957 Augusta, ME 04332-0957	Major League Baseball Players Assn	42,075.00	3,894.24
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	337.50	
Do	California Franchise Tax Board	3,570.00	
Do	California Public Employees' Retirement System	11,206.25	
Do	California State Senate	5,137.50	
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	13,500.00	
Do	State Board of Equalization (Calif)	656.25	
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Transmission Access Policy Study Group)		
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	3,015.00	3,073.15
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	4,000.00	
Do	Mennonite Mutual Aid Assn	10,000.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	9,754.01	237.10
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological and Cognitive Scienc	37.80	
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center	915.38	
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		153,300.00	10,940.00
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	11,250.00	
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	100.00	154.61
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	825.00	
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma	62.50	
Do	Lornty Investment Co	912.00	58.15
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Delta & Pine Land Co of Miss	12,000.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large PRO Consortium	5,375.00	49.00
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	Gabonese Republic		7,561.26
Do	Government of Antigua and Barbuda		1,515.16
Do	Government of Sao Tome e Principe	13,541.66	1,724.70
Do	National Fertilizer Co of Nigeria		
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	15,204.00	233.06
Do	Wisconsin Counties Assn	13,457.40	294.24
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	231.75
Do	American Foundrymen's Society, Inc	75,000.00	3,388.29
Do	American Metalcasting Consortium (AMC)	15,000.00	538.49
Do	Cast Metals Coalition	7,500.00	230.24
Do	North American Die Casting Assn (NADCA)	20,000.01	1,426.46
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	502.62
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	10,000.00	501.75
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	3,900.00	
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA	1,581.00	159.00
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	188.61	547.73
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	108.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Envirocare of Utah	9,000.00	450.00
Do	James W. Bunger & Associates	2,000.00	50.00
Do	National Assn of Counties		
Do	Rural Utah Public Lands Council	106,000.00	7,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp	120.00	8.00
Deborah Weiner, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,400.00
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV	380.00	138.67
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes for the Aging		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	19,980.00	241.19
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	65,852.40	11,296.53
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Crow Tribal Council	6,943.89	275.30
Do	Fox Bennett & Turner	2,937.06	34.25
Do	Ohio Edison	1,027.40	37.98
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,337.50
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	27,646.62	2,146.65
Do	Cuyahoga County	10,137.72	509.47
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc		
Do	National Constructors Association	9,999.99	5,450.12
John H. Whitmire, P.O. Box 7271 Houston, TX 77008	Houston Firefighters Relief & Retirement Fund	20,000.00	865.35
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc		
Do	City of Philadelphia	7,500.00	457.00
Do	Health Trust, Inc	2,500.00	62.11
Do	McDonald's Corp	4,000.00	26.00
Do	National Rural Letter Carriers Assn	1,500.00	22.00
Do	Pioneer Seed Co, Inc	3,000.00	31.00
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	2,100.00	735.00
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Chaparral Steel Co		
Do	Club Car, Inc		
Do	Georgetown Industries		
Do	National Assn for Information Services		
Do	Raritan River Steel Co		
Do	Ruddy Institute for Maritime Communications	3,544.50	222.64
Do	UtiliCorp United	1,562.00	
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Edward Rockne Wilkinson, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	23,749.99	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	4,930.00	3,476.00
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	5,371.50	920.19
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	Educational Testing Service		
Do	Swiss Bankers Assn	2,871.50	286.55
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,620.16
Eugene J. Wingerter, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Peggy Winston, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc	240.00	
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	1,000.00	
Do	American Hospital Assn	5,531.25	56.00
Do	American Insurance Assn		
Do	Cellular Telecommunications Industry Assn		
Do	Colorado Bio/Medical Venture Center	1,820.00	64.88
Do	Cooper Tire & Rubber Company	2,700.00	
Do	CSR, Ltd	1,000.00	50.50
Do	D.E. Shaw & Co, L.P.		
Do	Data Transformation Corp	3,000.00	
Do	Financial Guaranty Insurance Co		
Do	Fire Island Assn		
Do	Government of the U.S. Virgin Islands	12,918.50	80.70
Do	GNA Corp	30,000.00	650.00
Do	Jefferies & Co, Inc		
Do	National Bulk Vendors Assn	4,000.00	375.00
Do	Sprint	2,697.50	
Do	U.S. Rice Producers Legislative Group	10,918.12	131.50
Do	Waggoner Engineering, Inc	4,681.25	199.30
Do	Western Peanut Growers Assn	700.00	
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	California Energy Company, Inc	400.00	
Do	Calpine Corp		
Do	Geothermal Resources Assn		
Do	MAGMA Power Co	400.00	
Do	Premack International	150.00	
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	1,773.00	34.00
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	30,000.00	2,152.58
Do	Children's Hospital of Philadelphia	51,000.00	5,469.21
Do	Children's Hospital of Pittsburgh		768.19
Do	Drexel University	15,000.00	623.31
Do	Episcopal Hospital		569.01
Do	Hospital of University of Pennsylvania Medical Center		569.01
Do	Magee-Womens Hospital	19,500.00	3,752.63
Do	Mercy Health Corporation	15,000.00	2,806.83
Do	National Assn of Urban Critical Access Hospital	45,000.00	8,548.28
Do	North Philadelphia Health System		569.01
Do	Presbyterian University Hospital		569.01
Do	Society for Nutrition Education	2,500.00	
Do	Thomas Jefferson University Hospital		569.01
Do	University of Pennsylvania	37,500.00	2,327.53
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	1,000.00	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,750.00	
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	367.50	
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	3,900.00	162.55
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
World Federalist Association, 418 7th Street, SE Washington, DC 20003		22,573.16	9,585.15
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp		
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	501.04
Do	Air Touch Teletrac	8,562.25	
Do	American International Group, Inc	1,542.00	356.02
Do	Bermuda, Government of	3,062.75	245.52
Do	Computing Technology Industry Assn	729.05	71.67
Do	Kohlberg Kravis Roberts & Co	1,816.50	222.43
Do	National Assn of Small Business Investment Companies	1,000.00	19.01
Do	RJR Nabisco	2,750.00	110.98
Do	Westinghouse Airship Industries	6,172.77	1,708.10
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Community Mental Healthcare Council	280.00	
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	4,375.00	
John W. Yago, 1010 Massachusetts Avenue, NW Washington, DC 20001	American Road & Transportation Builders Assn	13,750.00	113.44
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,112.00	310.87
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,577.26	358.39
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		62.00
Lee Zacharias, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn		
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc	200.00	20.00
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		852.00	809.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	124.79	
Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006	Illinois Power		
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	562.62
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	2,475.00	124.25
Joan Levy Zlotnik, 750 First Street, NE Washington, DC 20002	National Assn of Social Workers	10,980.00	
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	

SENATE—*Tuesday, August 23, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we join in prayer to the God of our Fathers, we will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Doctor Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us pray for a number of Senate staff that are ill.

Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133:1.

"E pluribus unum."

"United we stand, divided we fall."

Almighty God, what an incredible phenomenon is the United States of America.

What incredible vision and wisdom our Founders had to conceive a Constitution which is still taken seriously by the Nation more than 200 years later.

Thank You gracious Lord for a union of States of which the Senate is the living symbol. Thank You for a citizenship that is a microcosm of the world. Thank You for our unity with diversity.

God of love and justice, there are so many forces which divide and fragment, may we all resist every issue or nonissue that is destructive. Give grace to seek in plurality of opinion and conviction the blessed unity which is our national legacy.

In His name who is love incarnate. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California [Mrs. FEINSTEIN] is recognized for not to exceed 5 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

CONSEQUENCES OF FAILING TO WAIVE THE BUDGET ACT

Mrs. FEINSTEIN. Mr. President, tedious though it may be, I think it is important to understand exactly what the Republican leadership's proposed point of order to kill the crime bill will and will not do.

To that end, we asked the Congressional Research Service to analyze it. I ask unanimous consent that the CRS' memorandum, dated August 22, be printed in full at the end of my remarks.

The PRESIDENT pro tempore. Without objection, the material will be included at the end of the remarks by the Senator.

(See exhibit 1.)

Mrs. FEINSTEIN. While the crime bill killer's gambit has a well-polished veneer of reasonableness, like all veneers, it just takes a scratch of the surface to show the ugliness underneath.

The bottom line is, if 60 Senators do not vote to waive the Budget Act, because the crime bill creates a trust fund, Congress—not just the Senate—will be back almost at square one in the legislative process. As a result, we will not have a crime bill this year.

Here is why. If the point of order is not defeated—waived, to be technical—the rules of the Congress permit the Senate no choice but to pick up the crime bill as it came to the Senate from the House before the first conference—that is the bill passed by the House after the Senate revised it, not as just refined after two conferences and round-the-clock, bipartisan negotiations this past weekend.

That means, to name just two controversial issues, the Senate will start over with a bill that does not contain the anti-assault-weapons provision and that does contain the Racial Justice Act over which this bill was nearly lost.

To add assault weapons back in, we will need another separate vote in the Senate and before we get to that point, the bill as written now will be subject to unlimited killer amendments.

The same will hold true for amendments to change or strike the racial justice provisions.

And it gets worse from there. Even if the Senate is able to get the bill back to its original Senate-passed form on those two issues—assault weapons in and the racial justice clause out—it will still be subject to other amendments, relevant and not, without limitation. Debate will not be limited either.

But even after all that we still would not be done. It gets worse yet. Assuming that the Senate can reconstruct a reasonable bill despite all those obstacles, and that is quite an assumption, the new Senate bill will have to go back to the House for its review of all provisions not in the preconference version of the original House bill.

Moreover, every provision of the House bill also will be subject to review and amendment unless expressly limited by the Rules Committee. That would provide another venue for unlimited opportunities to take the entire bill down.

At best all of this will take more weeks and months that the American people, our police, our children, can ill afford. More weeks for them to be robbed, raped, shot, and terrified of violence even in their own homes.

Congress has not passed a major crime bill since 1988. When I came to the Senate in 1992 I pledged to work as a member of the Judiciary Committee to break the gridlock that had stalled the crime bill for years. I pledged to support a Republican crime bill, if necessary. I pledged to support a Democratic crime bill, if necessary. But I pledged to do my level best to get a crime bill that had meaning, that truly would fight crime in America.

When I proposed legislation to prospectively ban the manufacture, sale, and possession of semiautomatic assault weapons, I worked with Republicans and Democrats alike. Ten Republicans along with 46 Democrats voted in favor of the amendment which is part of the crime bill conference report. Listening to the debate of the last 24 hours in the Senate, frankly, makes me angry and heartsick. As I understand it, it is the intention of the minority's leadership to reverse its position on the need for the crime bill trust fund—a need eloquently articulated on the floor by the senior Senator from Texas on May 19, 1994. The Senator stated, quoting directly now:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

* * * the first thing I want our conferees to do is stay with our funding mechanism. It was endorsed earlier in the House and has been adopted three times in the Senate. Every time we have gotten down to the goal line, trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the street, and no effective crime bill. We cannot put people in jails we do not have.

These are the words of the senior Senator from Texas who, today, is expected to propose the budget point of order against the crime bill trust fund, against the bipartisan conference report now before the Senate, and, as a result, against a crime bill in this Congress.

I yield the floor.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 22, 1994.

To: The Honorable Dianne Feinstein, Attention: Adam Eisgrau.

From: Richard S. Beth, Specialist in the Legislative Process, Government Division.

Subject: Budget Act Point of Order on the "Crime Bill," H.R. 3355.

This memorandum responds to your request for a description of the procedural situation in the Senate on the conference report on the crime bill, H.R. 3355. The House rejected (210–225) a special rule for consideration of this conference report on August 11, but agreed to recommit the report to the conference committee on Saturday, August 20, and agreed (235–195) to a new report of the conference committee on Sunday, August 21. This conference report is now before the Senate.

The matter submitted to conference was a House amendment to a Senate amendment to the House bill, H.R. 3355. Accordingly, the conference report proposed that both chambers agree to a conference substitute for the House amendment to the Senate amendment to the bill. A point of order was raised in the Senate against the conference substitute on the grounds that it violated the Budget Act.

The Senate may entertain a motion to waive the Budget Act. Senate adoption of this motion would protect the conference report against the point of order, and the conference report could then be voted on. However, to waive the Budget Act in this case would require a three-fifths vote of the full Senate (60 votes).

If the Budget Act waiver is defeated, or not offered, and the point of order is sustained, the conference report as a whole will fall, for a conference report represents a package that cannot be broken up. The Senate will then have before it again the House amendment to the Senate amendment to the bill. The Senate disagreed to this House amendment in order to go to conference, and is therefore still in the stage of disagreement with respect to this amendment.

At this point the Senate would have three alternatives. It could not recommit the conference report to the committee of conference, because the House has dissolved the committee of conference by its action in adopting the conference report. The Senate could, however, move to insist on its disagreement to the House amendment and request a new conference thereon. At such a conference, formally, all points in disagreement between the Senate amendment and the House amendment to it would be subject to renegotiation. Any new conference agreement would have to be accepted anew by both houses of Congress before the bill could be cleared for the President.

Another course of action available to the Senate if the conference report falls on a point of order, would be to entertain a motion to recede from its disagreement to the House amendment and concur in the House amendment. This action would clear the bill for the President, but because it would involve Senate acceptance of the entire original House position it is unlikely in the circumstances.

The third available course of action for the Senate would be to entertain a motion to recede from its disagreement to the House amendment and concur in the House amendment with a further amendment. This motion is known for short as a motion to "recede and concur with an amendment." the "further amendment" proposed in this motion could represent the same substance as the defeated conference report, with certain agreed-upon changes. However, if the "further amendment" contained the same language that made the conference report subject to a Budget Act point of order, the same point of order could be raised against the motion to recede and concur with an amendment, and if sustained, that motion to recede and concur with an amendment would fall. A different motion to recede and concur with an amendment (or simply to recede and concur) could then be offered.

While a motion to recede and concur with an amendment was pending, it would be subject to debate and to amendment in two degrees. In this process all issues dealt with by the conference committee could be reopened, and proposals could be made to bring in additional matters not now dealt with by the bill. If the Senate adopted such an amendment, the body would then have to send this new proposal to the House to see if the House would accept it. Only if the House accepted the same amendment could the measure be cleared for the President.

Under the practices of Congress, the Senate's amendment to the House amendment to the Senate amendment to the House bill would be considered an amendment in the second degree. The House would therefore have before it only the alternatives of concurring in the Senate amendment or disagreeing with it. In the latter case it could also request a new conference. By adopting a special rule for the purpose, the House could also permit itself to concur in the Senate amendment with a further amendment. This further amendment might again raise additional new issues or reopen existing ones. If the House adopted such an amendment, it would then have to send its new proposal back to the Senate to see if the Senate would accept it. The Senate would again have the options of concurring, disagreeing (and going to a new conference), or (by unanimous consent) concurring with a further amendment.

By these means, the process of amendments between the Houses, or of shifting between such amendments and attempts to resolve differences through conference, could in principle continue indefinitely. This memorandum will not pursue any possible additional iterations of the process.

I trust this information meets your needs. Please call me at x78667 if I can be of further assistance.

JACK VALENTI'S VIEWS ON JUDGMENT IN GOVERNMENT

Mr. PRESSLER. Mr. President, I would like to take a few moments to acknowledge a man who is known by all of us and is a friend to many, Jack Valenti. Mr. Valenti, as president of the Motion Picture Association of America for the past 28 years, has been instrumental in linking Washington and Hollywood. For example, Mr. Valenti travels worldwide to new and potential markets, expanding the video, movie, and television industries. This brings billions of trade dollars to the United States. He has helped to overcome barriers to American culture in Europe through the entertainment media.

As a Washington insider since his days as President Lyndon Johnson's special assistant, Jack has been an insightful commentator on governmental procedure and human nature. Recently, the Los Angeles Times published an article he wrote regarding intuition and judgment and the role they play in government. Mr. President, I ask unanimous consent that Jack Valenti's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 9, 1994]

JUDGMENT DAY COMES FOR ALL IN POLITICS

WASHINGTON: BECAUSE MAKING THE RIGHT CALL IS INTUITIVE, WE WILL ALWAYS HAVE INVESTIGATIONS LIKE WHITEWATER

(By Jack Valenti)

Watching a young man writhing under the televised wrath of a Senate committee investigating Whitewater is not a congenial sight. One aches with compassion. Particularly when the young Treasury Department official, laden with academic credentials (Yale, Oxford), a civilized, educated, literate young 28-year-old, stirs in visible discontent. If he had been offered a blindfold and a cigarette, the scene would have been complete.

But his torment is an object lesson in one of the least publicized requisites for any young man or woman who aspires to be in any kind of high public office. The requirement is all the more stringent if that aspiration takes him or her to that icy, thinly populated level of the presidency and the Cabinet.

That requirement is judgment. Sound judgment. Wise judgment. It is the dividing line that marks the difference between the mostly right and the mostly wrong decisions. It is the distinction, as Mark Twain said, "between lightning and the lightning bug." It is not to be found in academic degrees or SAT test scores or grade averages nor does it necessarily reside within the great universities.

Judgment is that inner voice, that tiny elf who lives somewhere in the brain and gut of a public official, and who from time to time whispers. "Go this way; don't do that because it will get you in trouble." It is an intuitive nostril that twitches and notifies the senses whether the political environment that day is fair or foul. It's what separates war from war games. It is a nameless instinct that guides the public person through hidden political mines on which judgmentless mortals blithely step and are blown to bits on the evening news.

The prime specifications for a presidential or Cabinet aide are: loyalty—without loyalty nothing counts—and judgment, which is learned often through bitter experience, or is genetically inherited.

If you examine every great issue that presses against the Oval Office or within the committee rooms of Congress, there is not one where the facts are clear, the direction precise, nor any comfort level in an estimate of results down the road. Every great decision taken emerges from the shadows without a certainty of outcome. Or to put in more mystical terms, as one philosopher said, "Men must leap into faith as they do into darkness, without any reassuring proof that God is there."

In my service in the White House I was never once witness to any presidential decision where the President had all the facts he needed. Inevitably, data, information, knowledge thin out, the pathway grows dim and then the President walks down and unlighted corridor. At the moment when he must decide, it is his judgment—call it instinct, intuition, sixth sense—which he now summons, without any proof he is right.

Perhaps one day, some researcher will come up with a blood test that will gauge the "judgment level" in each of us. Meanwhile, the committee hearings and investigations will continue as they have since the birth of this republic, all targeting the judgment or the lack thereof of discomfitted witnesses.

CONGRATULATIONS TO THE PEOPLE AND CITY OF PHILOMATH, OR

Mr. HATFIELD. Mr. President, every now and then we are fortunate enough to hear a story of perseverance and passion that is a source of inspiration for all. Today, I would like to take a moment of the Senate's time to share such a story and to congratulate those responsible, the city and the people of Philomath, OR.

Philomath is a small timber dependent town of approximately 3,000 people which has been devastated by the current timber crisis. As a consequence, they have been struggling to conquer the resulting unemployment. Mr. President, it is not uncommon to see the communities, that when faced with similar circumstances, lose all hope. However, the citizens of this western Oregon town were not about to let their hope die. Despite the overwhelming circumstances that they faced, the people of Philomath maintained the aspiration, foresight, and courage to meet their challenges head-on. They came to the conclusion that to begin the long road to recovery, they needed a project which the community could rally around. Their answer was to build a new library.

Surprisingly, Mr. President, the word philomath originates from the Greek language and its meaning is "a lover of learning." I cannot think of a more appropriate local project other than the construction of a library for a town with such a noble name to undertake.

However, there was one simple problem facing the city. Building a new library would have been too costly if they used private contractors and used store bought materials. Asking the citizens of the ailing timber dependent town to raise taxes to finance the construction of the library was simply not a feasible option. But the city fathers knew they had to breathe new life into their town and show the community that they were willing to invest in themselves and their children's future.

After a number of fundraisers and through the generous donations of innumerable individuals and businesses, they were still faced with financial constraints. Ultimately, they decided to offset the remaining costs by doing an old fashioned barn-raising with volunteers. Regrettably, because they had received a grant from the Federal Government, they were required to pay all volunteers a wage. Once again, the people of Philomath were presented with what seemed to be an insurmountable obstacle to their goal.

However, these stalwart individuals initiated a campaign against the Federal ruling by appealing to Members of Congress and making direct inquiries to the U.S. Department of Labor. After a long and difficult struggle, and through the shear determination of its citizens, the Federal Government ultimately ruled that the city could use the volunteers to build the library.

Mr. President, the citizens of Philomath have realized their dream of a new library. It is due for completion at the end of this summer and I believe that this small Oregon town, through its ability to rally around a common goal and willingness to participate in public service should be an example and source of encouragement to us all. With persistence and dedication, this community has gallantly hurdled innumerable barriers to complete a library that is the envy of many across the State and which will continue to be a source of pride and accomplishment for future generations. I salute the people of Philomath and thank them for providing an outstanding lesson of the indomitable human spirit.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Monday, August 22, the Federal debt stood at $4,672,637,285,384.26, meaning that on a per capita basis, every man, woman, and child in America owes $17,922.67 as his or her share of that debt.

THE 50TH ANNIVERSARY OF KING MICHAEL OF ROMANIA'S COURAGEOUS ACT

Mr. PELL. Mr. President, this day marks an important anniversary for democrats in Romania and indeed throughout Europe and the United States.

On August 23, 1944, King Michael of Romania played a critical role in the arrest of Marshall Ion Antonescu, Romania's pro-Nazi leader. He was in this way also responsible for allying Romania with the anti-Fascist forces fighting for Europe's freedom. King Michael was supported in this courageous act by various anti-Fascist Romanian political parties. On the 50th anniversary of this noble deed we remember our wartime alliance with the democratic forces of Romania—an alliance interrupted only by Stalin's takeover—which we are now fortunate to be able to renew.

President Truman recognized the contribution of Romania's democrats and awarded the Legion of Merit to King Michael for his courageous efforts. I believe that, today, we too must remember and honor an important ally in the struggle against Nazi tyranny. I would ask that President Truman's citation be printed in the RECORD at this point.

There being no objection, the citation was ordered to be printed in the RECORD as follows:

THE WHITE HOUSE,
Washington, DC.

CITATION FOR THE LEGION OF MERIT
DEGREE OF CHIEF COMMANDER

His Majesty King Mihai I of Rumania rendered exceptionally meritorious conduct in the performance of outstanding service to the cause of the Allied Nations in the struggle against Hitlerite Germany. In July and August, 1944, his Nation, under the dominance of a dictatorial regime over which the King had no control, have allied herself with the Germany aggressors, he, King Mihai I, succeeded in giving purpose, direction and inspiration to the theretofore uncoordinated internal forces of opposition to the ruling dictator. In culmination of his efforts, on 23 August, 1944, although his capitol was still dominated by Germany troops, he personally, on his own initiative, and in complete disregard for his own safety, gave the signal for a coup d'etat by ordering his palace guards to arrest the dictator and his chief ministers. Immediately thereafter, in an inspired country-wide radio address, he proclaimed to the Nation his decision to release Rumania from the Nazi yoke and called upon his Army to turn upon the German troops, and to kill, capture or drive them from the country. Confronted with this forthright and aggressive action on the part of their sovereign, the response of the Rumanian people and the Rumanian Army was wholehearted and immediate, with the result that, in the space of a few days, the greater part of Rumania's territory was liberated from Nazi control, and the main line of German resistance on the Southwestern front was withdrawn over five hundred kilometers to the Northwest. By his superior judgment, his boldness of action and the high character of his personal leadership, King Mihai I has made an outstanding contribution to the cause of freedom and democracy.

HARRY S. TRUMAN.

IMF, WORLD BANK, AND GATT CELEBRATE 50TH ANNIVERSARY

Mr. SMITH. Mr. President, I would like to pay tribute today to the 50th anniversary of the founding of the International Monetary Fund [IMF], the World Bank, and the General

Agreement on Tariffs and Trade [GATT]. These institutions were established at the Bretton Woods Conference in New Hampshire in 1944.

The 1944 Bretton Woods Conference had a significant international impact and served as a turning point in international economics. Among other achievements, the conference established a gold-based global monetary system. Gold now serves as civilization's primary form of money in almost every marketplace in the world.

The Bretton Woods Conference created the IMF, World Bank, and GATT to promote global economic cooperation, enhance growth, increase trade and investment, and increase financial stability in the post-World War II era. They are considered among the world's key development organizations. When established, the main goals of the IMF and the World Bank were to manage the global economy and promote international economic development. GATT has been highly effective in reducing barriers to world trade.

The "Bretton Woods Revisited" reunion, commemorating the 50th anniversary of the founding of IMF, the World Bank, and GATT, will be held October 15–17 at the Mount Washington Hotel in northern New Hampshire. It is sponsored by the Institute for Agriculture and Trade Policy. The reunion will serve as a time for the founders and new members of the organizations to discuss various issues dealing with the world's current and future economic challenges.

Speakers such as Edward M. Bernstein, Harlan Cleveland, Paul H. Nitze, and Tran Van-Thinh are just a few of the 40 founders and original members that will be attending the conference in Bretton Woods this October. As a U.S. Senator representing New Hampshire, and a frequent visitor to Bretton Woods, I am proud to commend the Bretton Woods institutions and the distinguished participants who will be commemorating the 50th anniversary this fall. I hope this reunion in the Granite State is a great success.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The PRESIDENT pro tempore. The Senate now resumes consideration of the conference report accompanying H.R. 3355, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The Senate resumed consideration of the conference report.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, further proceedings will be waived.

The Senator from Wisconsin, [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Mr. President, I rise today to express my opposition to the conference report to the Violent Crime Control and Law Enforcement Act of 1994. Let there be no doubt about the issue or my feelings about this subject: Crime, especially violent crime, has reached a level in this country that is extremely intolerable. That is agreed upon by every Member of this distinguished body.

Where some of us disagree, however, is about what we, the U.S. Congress, can and should appropriately do about it.

I think that at least one fact has escaped the crime bill debates that have taken place in Congress, and that fact is that the architects of our Nation purposely did not establish a national police force and largely left law enforcement as a State and local responsibility. This important aspect of our Federal system, it seems to me, has been lost in a sea of rhetoric and political sound bites.

Historically, the Federal role has been to provide financial and technical assistance to the State and local law enforcement agencies that are charged with combating the overwhelming majority of street crime. We then charged the FBI and the DEA with jurisdiction over highly organized criminal activity and crime involving a substantial interstate nexus; for example, extensive narcotics trade.

However, some Members of this body are no longer committed to this aspect of federalism and local control. They apparently would have us federalize almost every crime that has made a headline anywhere in our Nation. They also propose to override the discretion of our Nation's Federal judges by slapping a mandatory minimum sentence down for each offense. Although I recognize I am part of what is, at least for now, a minority on this subject, I, for one, subscribe to the view that violent street crime, the kind of crime that our constituents are worried about, is still primarily a State and local concern, best left in the hands of local elected and other policymakers and best dealt with by State and local law enforcement officers.

In my opinion, the most appropriate Federal role is to provide assistance to the law enforcement personnel who serve on the frontlines and who at least, under current law, actually handle over 95 percent of all crimes committed. This type of valuable Federal support that we can and should give is exemplified through proven effective programs such as the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. That program provides State and local law enforcement agencies funds to conduct antidrug operations and prevention efforts, such as the rather successful DARE initiatives. This is the type of response which this body should support and promote.

I was, therefore, encouraged by some things I have seen in the bill. I was encouraged to see that at least a portion of the trust fund money is directed toward the funding of this proven crime fighting program, although I feel this program merited more than the share it was allotted.

This bill actually provides less than half of the Byrne grant funding level on an annual basis over the entire duration of the trust fund. I hope that there are plans to provide this additional funding.

I am also encouraged to see in the bill that $245 million has been allotted for rural anticrime and drug efforts, especially in light of the fact that I do not feel the $8.8 billion community policing effort will provide as much assistance to the rural portions of our country as it will to the larger urban areas.

In addition, the $250 million provided for the hiring of additional FBI agents will help crime-control measures, and the $150 million provided for the hiring of additional DEA agents will provide meaningful assistance as well.

As I had the chance to say on this floor during last year's debate on the bill, the assistance of DEA agents in the northern portion of Wisconsin, in particular, will be extremely beneficial to State and local law enforcement antidrug efforts, and I can assure you, Mr. President, that their presence would be welcomed with open arms, to say the least.

I was also pleased to see that at least a majority of the conferees were sensible enough to drop the provision added to the Senate bill that seemingly would have federalized almost every serious crime committed with a gun. This shortsighted proposal would not only have been an unwarranted intrusion into State and local decisionmaking, but could have placed an already stressed Federal court system and thinly stretched law enforcement community into what can only be described as system overload.

The adoption by the conferees of the House proposal to grant judges increased flexibility in the application of mandatory minimum sentences to nonviolent first-time offenders could also be extremely useful, given the growing need to reserve space for those actually convicted of violent crime who pose a threat to our communities.

Even the most conservative estimates from the Justice Department show that there are tens of thousands of low-level, first-time, nonviolent drug offenders serving, on average, over 5 years of Federal prison time, costing approximately $20,000 per year to house.

Mr. President, I was glad to see the conference report provides, and specifically sets aside, funds to provide alternative punishments for these types of offenders and, hopefully, we will revisit this issue in the future and either do away with these rigid sentencing requirements or provide for even more sentencing flexibility in order to save Federal funds and, more importantly, Mr. President, to reserve prison space for the truly dangerous.

Most unfortunately, there are still many measures contained in this crime bill which sound tough but, in reality, will do little to prevent crime.

I am troubled, for example, by provisions such as the hate crime sentencing enhancement provision which may satisfy our need to express revulsion toward these deeply offensive crimes, but at a cost of chilling fundamental protections relating to freedom of expression, even the most offensive and hateful expression.

Mr. President, one of my two major problems with this bill is the impact it will have on the further federalization of the response to crime control. For instance, what will happen 6 years down the road when the trust fund money dries up? There have already been substantial rumblings that the downsizing of the Federal work force will not provide enough savings to fund a good portion of the programs envisioned by this bill.

During the debate in the Senate, I supported the amendment crafted by the Presiding Officer which provided the funding mechanism for the crime bill, since I felt it was important that we do send financial assistance to State and local law enforcement crime control efforts. However, we have all heard that there are questions of whether or not State and municipal budgets will actually have the financial wherewithal to maintain their respective share of the financing of some of the initiatives, such as the community policing program. Under the community policing program, the funding grants will be reduced over 5 years until the State and local government will ultimately be forced to assume the full cost.

Mr. President, I ask, will we have to create another $30 billion trust fund in order to respond to the next crime wave? I am not sure there will be another 250,000 Federal jobs to eliminate, and our Nation's national debt does not leave us with much funding flexibility for the future.

It is my hope that the multitude of crime prevention initiatives contained in this bill will have a significant impact on crime reduction. Placing an additional 100,000 police officers on our Nation's streets, a 20-percent increase over current numbers, and actually engaging them in community policing activities, may result in a measure of success at some level. But, again, what happens when the funding runs out and some of the local governments cannot maintain the funding?

And what happens if violent crime increases? Any criminologist will tell you that the best indicator of future crime rates will be driven by demographics, since young males tend to commit the vast majority of crimes. As their numbers climb, so most likely will crime rates. A major concern of mine is how this body will react to further increases in the rate of crime.

This bill already ties the hands of States that need prison construction funds. It reserves 50 percent of those funds to States, only those States that adopt the so-called truth-in-sentencing law. Will the next crime bill further federalize the crime issue? I am afraid, Mr. President, we will, since crime is just too tempting an issue for many not to politicize and, therefore, the further federalization of crime, including street crime, will become highly probable.

We have already witnessed the push for innovative, yet misguided, ways in which to show that we are getting tough on crime, as evidenced by the effort to federalize crimes involving guns. There are many examples that still remain in this bill of federalization of crimes that trouble me, not that they should not be punished, but I think they should be punished at the State and local level. For example, the creation of a new automobile decal crime. If you remove a decal from a car, that becomes a Federal crime. And even the federalization of drive-by shootings. A drive-by shooting is not inherently an interstate act. Who is to say that State and local officials are not capable of handling that kind of incident as they always have in the past?

What will be next? Perhaps we have already forced upon cash-starved State and local governments an addiction to Federal funds for law enforcement programs. Will the State and local governments be forced to succumb to further federalization efforts of a once primarily local issue in order to qualify for additional funding?

In my opinion, this will only result in an unwarranted intrusion on State's rights, as was already suggested by the National Conference of State Legislators concerning the current bill.

Mr. President, I was a State senator for 10 years in Wisconsin and served as vice chairman of the Wisconsin State Senate Judiciary Committee throughout most of those years, so maybe I listened a little more to the voices raised at the recent meeting of the National Conference of State Legislators. What they said was that they were troubled by the notion of the Federal Government dictating how State and local governments should deal with crime issues. They severely criticized it.

I will read from a letter they sent on June 8, 1994. The NCSL said:

> Making Federal crimes of offenses that are already illegal under State law not only raises federalism concerns, but also is unnecessary and creates false public expectations of the federal commitment. Federalizing gang and juvenile crimes and gun offenses may have the gloss of toughness, but at base such measures are marginally useful tools that contribute to uncertainty in the justice system. The federal government cannot afford to prosecute, and indeed has no intention of prosecuting the vast number of street crimes.

So the NCSL said.

Mr. President, I ask unanimous consent that an article from the Washington Post containing some of the same negative reaction of State officials to this legislation that we are about to adopt be included in the RECORD, along with the June 8 letter from which I just read an excerpt.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 29, 1994]

STATES WARY OF ANTICRIME BILL—LEGISLATORS BALK AT MEASURE'S COSTS, REQUIREMENTS

(By William Claiborne)

NEW ORLEANS, JULY 28.—State legislators from across the country reacted warily to the anti-crime bill approved by congressional negotiations today, some saying they would consider opting out of the $30.2 billion package.

The state lawmakers meeting here said the bill intrudes on states' rights and passes along unacceptable costes for additional police and prisons. They described the bill as an emotional reaction by Congress to the public outcry over violent crime, saying it ignores the long-range impact on state budgets.

"We feel Congress is acting irresponsibly by trying to act like a knight on a white horse and is cavalierly putting the costs on the states," said Delaware state Sen. Robert T. Connor (R), president of the National Conference of State Legislatures.

He predicted some states will opt out of the bill's anti-crime grants because of the costs that will be passed along. But he said that other states battling rising violent crime rates will have no choice other than to assume the new costs.

The bill, legislators also complained, forces states to conform to federal sentencing standards or lose eligibility for billions of dollars in grants for prisons and other anti-crime measures. They said it federalizes many existing state criminal statutes, leading to the potential for double jeopardy, and superimposes federal law on juvenile crime without establishing an adequate juvenile court system.

"We think we are quite capable of writing our own criminal codes without the federal government telling us what we have to do to get their money," said Idaho state Sen. Denton Darrington (R), chairman of the conference's law and justice committee. "This will be a drain on our budgets because we'll have to provide prison space, policemen and additional prosecutors."

"The big question," said Florida state Rep. Elvin L. Martinez (D), "is who ultimately is going to support the operating costs of these new prisons and these policemen?"

Although the anti-crime bill provides funds for 100,000 more police and money for new prisons to alleviate overcrowding, the grants gradually will be reduced over five years until the states assume the full cost.

Some legislators suggested that instead of burdening the states with new prison costs, the federal government should build the proposed regional prisons and lease space to states as cells become overcrowded as a result of more police, tougher sentencing and other anti-crime measures.

Apart from the costs, what appears to rankle legislators most about the anti-crime bill is that states must adopt within three years stringent requirements forcing prisoners to serve at least 85 percent of their sentences.

"We've had 100 percent truth-in-sentencing since 1982. We don't need Congress telling us what we have to do in this area if we're going to be eligible for their money," said Donna Sytek (R), chairman of the Corrections and Criminal Justice Committee of the New Hampshire House of Representatives.

Alabama state Rep. Michael Box (D) said, "The idea of the federal government trying to determine on a national scale how crime and punishment should be dealt with on a state level because it makes some congressmen feel good is repugnant to us. We'll take a very close look at this before we buy into it."

NATIONAL CONFERENCE OF STATE
LEGISLATURES,
Washington, DC, June 8, 1994.

Hon. JOSEPH BIDEN,
U.S. Senate, Chair, Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BIDEN: I am writing on behalf of the National Conference of State Legislatures to urge rethinking of House and Senate versions of H.R. 3355, the crime bills currently awaiting the attention of the conference committee. Criminal justice is principally a matter for state and local government, yet significant elements of each bill ignore that principle. Therefore, while you seek to reconcile these bills with each other, consider ways that you can also reconcile them with principles of federalism .

NCSL's most serious concern with the crime bills, and especially the Senate bill, relates to sentencing mandates, which are imposed without consideration of the impact on state prison populations and the costs associated with operation of facilities.

A three-fold increase in the incarcerated population in the states over the past decade should reassure Congress that states are serious about taking criminals off the streets. In January 1994, the entire prison system of nine states was under a court order or consent decree related to crowding or conditions of confinement. Thirty-three other states had major institutions under court order or consent decree. And, for several years over the past decade, state spending for corrections increased at twice the rate of state general fund expenditures.

Rather than offering aid to states already facing federal court mandates, the crime bills propose that states adopt laws that would increase their prison populations even further before becoming eligible for federal assistance. To be helpful and effective, grants must be much more flexible. That way states can match the funds to their particular needs.

Making federal crimes of offenses that are already illegal under state law not only raises federalism concerns, but also is unnecessary and creates false public expectations of the federal commitment. Federalizing gang and juvenile crimes and gun offenses may have the gloss of toughness, but at base, such measures are marginally useful tools that contribute to uncertainty in the justice system. The federal government cannot afford to prosecute, and indeed has no intention of prosecuting the vast number of street crimes.

We are not rejecting your participation in a partnership in criminal justice. Rather, we are urging that national policy on crime respect the state role in the justice system. NCSL advocates creation of flexible grants that encourage states to work with local governments to craft strategies targeted to the greatest need in each community's fight against crime. This insures the most prudent expenditure of limited resources. In essence, this approach would direct funds through a grant program like the Edward Byrne Memorial and add as options within that program the myriad of new programs being proposed in the crime legislation—from prevention to prisons to police. This suggestion conforms to the sensible recommendation of the National Performance Review.

Our citizens demand and deserve strong and effective criminal justice. As state legislators, we are committed to that end and welcome a constructive contribution from the national government. If, however, the bill reported from the conference is not more sensitive to intergovernmental relations, we may be forced to oppose it.

Thank you for your consideration.

Sincerely,

DENTON DARRINGTON,
Chair, Judiciary Committee, Idaho Senate, Chair, NCSL Law and Justice Committee.

Mr. FEINGOLD. I thank the Chair.

So it is truly ironic, Mr. President, when so many people are saying in the phone calls from back home that the Federal Government is not capable of handling health care reform that we are enacting a bill which so dramatically shifts responsibility for crime control to the Federal Government. We should instead focus on providing meaningful assistance to those on the front lines in the war against crime and resist that temptation to overpromise our constituents what we can really do about crime at the Federal level and what will actually work toward reducing crime.

Mr. President, I now turn to my other primary objection to the conference report. That is that the conference report also kept intact the Senate's needless expansion of the Federal death penalty to cover, according to most estimates, as many as 60 new offenses. Last year's debate during the Senate deliberations over the crime bill I think demonstrated the inherent flaws in the implementation of the death penalty. As I stated during that debate, I am unequivocally opposed to the death penalty. In my view, the death penalty serves no purpose since it has no proven deterrent effect and, in my view, Mr. President, it only adds to a society's violence by teaching us and, most importantly, teaching our children that the way to deal with violence and murder is with more violence and death.

An increase in the use of the death penalty will only add to the vicious circle of violence to which all of us are already subjected. The renewed death penalty is a disgusting and violent spectacle. Only in the last few weeks, in reading only one newspaper, there are accounts of various new death penalty achievements, if you will: A triple execution in one night in Arkansas—this was a modern record for this revolting display; an article in the New York Times from July 31 entitled, "As executions mount so do infamous last words." Now we have a nice, long, ghoulish accounting of the last words of those who were being executed, and perhaps most absurdly an account of a gentleman who is trying to eat his way off of death row. He is trying to gain enough weight so that he can argue that when he is hanged, he will be decapitated and therefore somehow violate the cruel and unusual provisions of the eighth amendment.

Mr. President, I find it hard to understand in a society that is talking about the impact on kids of violent video games how these things do not have if not the same or greater impact of encouraging a culture of violence.

I admire very much the courage of those Senators in this body who have brought up the issue of the video games and the violence that they cause. Let me just briefly read from the comments of two of them. One was the Senator from Connecticut, Senator LIEBERMAN, who said on December 9:

> Every day, the news brings more and more images of random violence, torture, sexual abuse and mayhem right into our living rooms. It seems that violent images permeate more and more aspects of our lives.

Mr. President, I suggest that the death penalty is a tremendous example of promoting more and more violent images into our lives. Here are some of the excellent words of my senior Senator from Wisconsin, HERB KOHL, who also said on December 9, of the video games:

> At the very least, this game sends a tremendously reckless message and turns any effort to discourage youth violence completely on its head. We need to make every effort to reduce this culture of carnage, and we need to make that effort now.

And then the senior Senator from Wisconsin said:

> There should be no dispute that the pervasive images of murder, mutilation and mayhem encourage kids to view violent activity as a normal part of life and that interactive video violence desensitizes children to the real thing.

My point, Mr. President, is that if we are serious about the desensitizing that video games cause, what about kids watching the TV and hearing about that triple execution in Arkansas. Maybe there will be a new video game, "Triple Execution in Arkansas." It encourages a culture of carnage; it encourages a culture of violence, and it is wrong.

Moreover, Mr. President, the expansion of the death penalty also increases the potential for mistakes and ultimately the execution of innocent individuals.

The death penalty is carried out in a discriminatory fashion as well. Recent statistics have provided yet another round of evidence showing that the ultimate penalty is carried out in a discriminatory manner. Under the so-called drug kingpin law adopted in 1988, the death penalty has been sought against 36 defendants, of whom 4 have been white, 4 Hispanic, and 28 black, meaning that 77 percent of the cases in which the death penalty has been sought have involved black defendants. This is despite the fact that 75 percent of the defendants charged under the same statute have been white.

Despite the disturbing new evidence at the Federal level, the Racial Justice Act provision adopted in the House crime bill which would have allowed a defendant to prove discrimination in the application of the death penalty in his or her individual case by statistical evidence showing a pattern of racially influenced death sentences in factually similar cases was vehemently opposed by some, and was ultimately dropped from the conference report in order to ensure the bill's final passage.

I regret that loss in the conference activity.

This pointless expansion of the death penalty and opposition to the means by which to at least ensure a more fair system to administer it comes at a time, in fact in the same year, in which two former Supreme Court Justices who helped shape our Nation's modern death penalty apparatus, have publicly reversed their longstanding support of capital punishment.

First, Justice Harry A. Blackmun, in a stinging opinion in the Callins versus Collins decision before he retired, denounced our system of capital punishment by saying this:

> From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years, I have endeavored—indeed, I have struggled—along with the majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.

Justice Blackmun continued:

> It is virtually self-evident to me now that no combination of procedural rules or substantive regulations ever can save the death penalty from its inherent constitutional deficiencies. The basic question—does the system accurately and consistently determine which defendants are to die?—cannot be answered in the affirmative. The problem is that the inevitability of factual, legal, and moral error gives us a system that we know must wrongly kill some defendants, a system that fails to deliver the fair, consistent, and reliable sentences of death required by the Constitution.

These were the words of Justice Blackmun in one of his last opinions. And just a few months later it was reported in a recent biography that retired Justice Lewis F. Powell, truly one of the chief architects of the current death penalty system, had decided since he left the Court that "capital punishment should be abolished" and that the current manner in which it is carried out "brings discredit on the whole legal system." When asked during an interview conducted in 1991 if he would change any of his votes over his tenure, Justice Powell responded that he would have changed his deciding affirmative vote in McClesky versus Kemp, a decision which held that the 14th amendment alone does not allow the use of statistics to prove race discrimination in capital sentencing.

These wise, retired Justices are sending us a message. In light of these recent declarations, it is that much more troubling that so many Members opposed the Racial Justice Act provision and supported the inclusion of such an unprecedented expansion of the death penalty.

So to conclude, Mr. President, I have to give my tremendous compliments to the efforts of the chairman of this committee, Senator BIDEN, for the enormous amount of work he has done on this bill. There is much in it that has merit, and I was encouraged to see Senator BIDEN pledge his support during the conference deliberation that he would hold hearings on the issue of racial bias in the implementation of the death penalty and the criminal justice system as a whole.

I look forward to seeing the results of that process and hoping we can come back in the 104th Congress and try to address it.

But at this point, Mr. President, I would like to conclude by saying that because of the absurd extension of the death penalty with no real gain coming from it, and because of the greatly increased dangerous trend for federalization of law enforcement, I feel compelled to vote against the conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition?

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas, [Mr. PRYOR].

Mr. PRYOR. Mr. President, I first want to thank the Chair for recognizing me.

Mr. President, I have a few comments that I would like to make about the pending legislation before the Senate at this time.

First, I would like to say that throughout the history of our country, the American people have been united against those external forces which have threatened our freedoms and our liberties. But today, Mr. President, we address a danger I think is just as great—in fact, I think it is greater—and this is the danger that comes from those criminals and those criminal elements who live among us in our very own neighborhoods, in our towns, cities, and counties.

That criminal element is a devastating and pervasive force that we must do everything we can in our time and generation to eradicate. Violence has taken a very heavy toll on this country. The senseless loss of our children, friends, and neighbors leaves all of us with an empty feeling of helplessness and fear. But the American spirit I think is calling us and calling us loudly and strongly to fight back and to fight strongly.

Mr. President, the American people are uniting in this fight, against this problem of violence today. We want to do something to take back control of our communities from these criminals. Many are volunteering their time to neighborhood watch organizations, or to work with at-risk children. But today, we in the U.S. Senate can and must do our part. That time is now. That moment is today.

The crime bill that we have before the Senate is not going to be an answer to all of our problems with crime. It may not stem the tide of crime as much as we would like it to. But, Mr. President, it is going to be a major step. It will be a major attempt to stem the rising tide of violence in America. With more police on the beat, more jails, tougher sentencing for the most violent criminals, our support for this legislation will help to put more violent criminals behind bars. But more police, more prisons, and more dollars in itself is not enough. We must also steer our children away from crime.

This bill will provide those funds to our local communities, and in those local communities where they know the problems the best, they will begin to fight with renewed strength, and with renewed assets against the growing despair caused by lack of education and the absence of safe places for our children to play.

Former Chief Justice Earl Warren of the U.S. Supreme Court once stated:

> The crime problem is in part an overdue debt that the country must pay for ignoring for decades the conditions that breed lawlessness.

I am not totally sure, Mr. President, that I agree 100 percent with Chief Justice Warren's assessment. But I can state that part of that debt which the former Chief Justice was talking about, at least some of it, is coming due today.

I am happy to be able to tell the people of our State of Arkansas that these funds will come from a reduction of 252,000 Federal Government jobs. In other words, eliminate 252,000 Federal Government jobs and plow those savings into a massive and renewed fight against crime and violence.

However, this issue is more than just about dollars and cents. It is difficult, if not impossible, I think, to measure how much money spent on prevention will in turn save money on imprisoning criminals in the future. But I am ready to commit, and I believe my colleagues should be ready to commit, the necessary resources to see if we can keep today's young people out of these new prisons that we are going to construct under and as a result of this legislation.

This approach also makes sense because it will help keep victims from becoming victims, and therefore will help to reduce the fear that is paralyzing our communities. Mr. President, there is no dollar amount that can quantify safety in our homes and on our streets.

In my home State of Arkansas, Mr. President, the capital city is Little Rock. Recently, Little Rock was named as the country's fifth most violent city in America. I repeat that, and I am not proud of it. Little Rock, AR, has recently been named as the country's fifth most violent city in the Nation. It is hard for us to accept. It is impossible for us to explain. But it is not the statistic that bothers me the most. It is the fear for safety. It is the loss of freedom. It is the hate that violence breeds that really bothers me.

In 1993, Mr. President, Little Rock, AR, had 38.4 murders per 100,000 people, a higher percentage rate than New York City or Los Angeles, CA. Already this year, 38 murders have been committed.

Mr. President, Little Rock is a town of less than 200,000. I respectfully submit it is testimony to the fact that violent crime in America is not just occurring in big, massive, sprawling, urban areas of our country.

Most disturbing of all is the increasing occurrence of juvenile murders. While adult murders have remained fairly constant in our city and State, kids killing kids, children murdering children is exploding in our local neighborhoods.

Only last February in Little Rock, on the last night of his life, Taboris Molden, age 15, finished a game of basketball outside his church on the parking lot grounds. He said good-bye to his friends and started to walk the few blocks back home. About a block from his home, a boy only a year older, 16 years of age, in a passing vehicle, leaned out of the car window and fired two gunshots into Taboris Molden. Wounded, Taboris struggled home to his family, to his mother, brothers, and grandmother. He collapsed on the living room floor. Four hours later, he died.

The Little Rock police still cannot find a motive for this murder, but believe it may be gang related. A few days after the murder, a rumor circulated in the boy's neighborhood that this attack was a gang's random act of vengeance for a shooting earlier that day a few blocks from the boy's home.

This can be repeated over and over, State by State, city by city, but those are statistics and numbers. I hold up for you, Mr. President, and my colleagues to see, photos showing the actual faces of the 38 victims who have been murdered in Little Rock, AR, during the year 1994. This is Taboris Molden, who I just made reference to, a handsome 15-year-old who was playing basketball only a few moments before his death on the church grounds parking lot.

Also, here is the picture of a very close personal friend of mine. His name, Andre Simon. Andre Simon was known throughout our State, and perhaps throughout the South, as an individual who had acquired, I would say, the characteristics and the abilities to be known as one of the finest chefs in the entire South. He had a wonderful restaurant named "Andre's" in Little Rock. One Friday night back in February, Andre Simon was in his restaurant visiting with his clients and his customers and had a full house, as usually occurred on Friday night, as it was a very popular place and still is, I might say. Two men walked in with a gun, and in front of all of the people in the restaurant, pulled out a gun and shot Andre Simon, murdering him without warning and without cause. They took, I believe, some $13 from the cash register and casually left the restaurant and fled.

Mr. President, we are fighting a war in our neighborhoods that we are losing. Our children are losing this war. Our elderly people are losing this war. This country, this society is losing this war. What fate awaits Taboris' little brothers and the young people around them who are joining gangs and purchasing guns in an alarming and unprecedented way? It is our responsibility today to make it harder, less alluring for these young people to buy a gun or to join a gang, or to commit a crime.

Under this legislation, gang activity would become a Federal offense with mandatory minimum penalties. It would allow armed offenders who are 13 years or older to be prosecuted as adults for Federal crimes. Mr. President, that is tough medicine. It would prohibit the sale of a handgun to a minor under 18 years of age, and it would make it illegal for a minor to possess a handgun, except with adult supervision in situations such as hunting or ranching.

It is a tough measure. It is also our responsibility, Mr. President, at this moment, at this time, to provide young people with an opportunity to choose a lifestyle that they and their families can be proud of. This legislation would establish a grant program to work with juveniles and gang members under the Juvenile Justice and Delinquency Prevention Act.

It also establishes $1 billion for "boot camps" for first-time juvenile offenders, so that young people who do make the mistake once will not have to go to a high-security prison with hardened criminals, where people are often taught a life of permanent crime.

Mr. President, this crime bill is, I believe, a balanced and a very strong step to combat crime in our country. But its passage can play only a part of what we all must do to help solve these problems. Congress must further work on ways to prevent crime by reforming our welfare system, providing more job training, and looking at new ways to educate the young people of America.

Mr. President, I strongly support the swift passage of the crime bill, so that we can get on with these tasks before us, so that this new era of crime prevention can start working immediately in our neighborhoods like Little Rock, like New York, and like all of the other communities across our great country.

I would also like to take this time to sincerely thank Senator BIDEN, his able staff, and all of those on the committee who have worked so hard and so diligently to bring this important piece of legislation to the floor for a final vote.

Mr. President, it is time to act.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. First of all, let me thank the Senator from Arkansas for his powerful statement. When you see the pictures of innocent people that have been murdered in Little Rock, it translates this debate into personal terms. I thank the Senator for his words.

I also would like to thank Senator BIDEN for a yeoman's job. What a difficult task he has had, and he has given his heart and soul to this. I saw him on MacNeil/Lehrer last night, and he was so impressive.

Mr. President, prevention is not pork, it is crime control before the crime starts. Let me repeat that. Prevention is not pork, it is crime control before the crime starts.

I do not know whether or not President Clinton said that the final product coming out of the House was an improvement over what had been reported out of conference committee. I heard a number of people saying the other night on one of the shows that the President said that. If so, I am in profound disagreement. I do not think cuts in programs to prevent young people from becoming involved in gangs is an improvement. I do not think cuts in job training for young people is an improvement. I do not think cuts in supervised visitation centers to provide a safe place for families with a history of violence is an improvement.

I do not think cuts in substance abuse prevention programs is an improvement. I do not think cuts in assistance to delinquent and at-risk youth is an improvement. I do not think that cuts in community schools, schools that young people can be at over the weekend late at night as an alternative is an improvement.

Mr. President, what is interesting to me about this argument—and I wish there were colleagues on the floor that I could engage in debate, and maybe there will be a time to do that later on—about "prevention is pork," is that the words we hear "prevention is pork" are never the words of the communities affected.

Let us be direct and honest about this. We know where the most violence is. We know the communities that have to deal with this in the most dramatic way. And if we were to listen to those people in the communities that are most affected by the violence, they are saying to us you have to have the money in prevention. You have to put some resources toward making sure our young people have opportunities. But how interesting it is that those who call these prevention programs "pork" and want to keep cutting these programs do not come from those communities, do not know the people in those communities, and I do not think asked the people in those communities at all what they think should be done.

Mr. President, I can just tell you that in meeting with students—students that come from some pretty tough background—students at the Work Opportunity Center in Minneapolis, which is an alternative school, probably about 95 percent African-American, meeting with the students there, many young students who are mothers at a young age and others who come from real difficult circumstances, all of them, all of them said to me: Look. You can build more prisons and you can build more jails, but the issue for us is jobs, opportunity. You will never stop this cycle of violence unless you do something that prevents it in the first place.

That is the voice from the very students and young people that scares so much of America.

Then I turn to the judges, the sheriffs, and the police chiefs, and I call them on the phone in Minnesota, and I ask them what they think. And they say "yes" to community police and "yes" to some other parts of the crime bill, but they all say, if you do not do something on the prevention side, if these young people do not have these opportunities, if we do not get serious about reducing violence at home, Senator, do not believe for a moment that we are going to stop the cycle of violence. I wish that voice was heard more.

Prevention is not pork. It is crime control before it starts. And those that make that argument, I think it is easy for them to make that argument because all too often the people who make the argument do not come from or live in the communities that are most affected by all of this violence and all of this crime.

Mr. President, I am not advocating that we do nothing or that truly dangerous, unrepentant, unsalvageable, hardened criminals not be sent to prison with full sentences, perhaps never to be permitted to walk among us again. I think there are some people who commit violent, egregious crimes, and they should be in prison for the rest of their life, not out in communities. I am also not saying that highly trained police, highly motivated, community-based, sensitive to the people in the communities, cannot make a difference. They are wanted and they are needed.

But these proposals and other proposals like them may well assist us with the criminal of today, but they will do nothing to prevent the criminal of tomorrow. These proposals, even the best, the community police will assist with the criminal of today, but they do nothing to prevent the criminal of tomorrow.

Every 5 seconds a child drops out of school in America. This is from the Children's Defense Fund study, 1994. Every 5 seconds a child drops out of a public school in the United States of America. Every 30 seconds a baby is born into poverty. Every 2 minutes a baby is born with a low birthweight. Every 2 minutes a baby is born to a mother who had no prenatal care.

And, by the way, low birthweight, let me tell you, having been a teacher for 20 years, can quite often mean that that child at birth will not have the same opportunity to do well in school. And not doing well in school and dropping out of school is highly related to crime, a point I want to make in a moment.

Every 4 minutes a child is arrested for an alcohol-related crime. Every 7 minutes a child is arrested for selling drugs. Every 2 hours a child is murdered. Every 4 hours—I have said this before on the floor of the Senate as a father of three children now in their twenties and now a grandfather of two children, this figure I cannot accept—every 4 hours a child commits suicide, takes his or her life in the United States of America. And every 5 minutes a child is arrested for a violent crime.

Mr. President, if we do not get serious about the prevention part, we are not going to stop the cycle of violence. I see pictures on the TV news in Washington, DC, and Minnesota as well, and quite often you have a young person and this young person has been arrested for a violent crime, has murdered someone, and you see that person with no expression on his face, and it is terrifying to me, and I think it is terrifying to the vast majority of citizens in this country. I would not for a moment defend that kind of violence or murder. Murder is never legitimate. That is not my point. The question is, What in the world happened? Do we think infants are born that way? What happened?

All too many young people are growing up in neighborhoods and communities in our country where if they bump into someone or look at someone the wrong way they are in trouble, where there is too much violence in their homes, where violence pervades every aspect of their life. And people who grow up in such brutal circumstances can become brutal. And that should not surprise any of us.

But, Mr. President, let me address the issue of education and crime. This year we passed the Elementary and Secondary Education Act. Altogether about 1.8 percent of our Federal budget goes to the Department of Education. It was $12.35 billion for fiscal year 1995. That is 6 cents on the dollar of what our country spends on education, 6 cents on the dollar. The rest comes from State and local sources. Compare that $12 billion to what we spent on the S&L bailout. That is compared to $250 billion or thereabouts for defense.

Now, Mr. President, all these reports, including "A Nation at Risk"—and I think of Jonathan Kozol's "Salvage Inequalities: Children in America's Schools" about conditions in our schools. If you want to know what makes a difference, all the evidence tells us there is a direct and positive correlation State by State between high school graduation and reduction of crime.

Mr. President, what do we do by way of our investment in education? Let me just, as my colleagues—if you had to go someplace every day that you felt was dangerous where you needed to carry a knife or a gun, you probably would refuse to go. That is the situation in our schools. That is the situation in schools in the Nation's Capital and in all too many communities around the country. Is it any wonder that so many students refuse to go?

Mr. President, could you concentrate on your work if you knew that 10 or 15 Senators had guns in this Chamber? Would you be able to do a good job if you knew that 10 or 15 Senators had guns in the Chamber? Could you concentrate on your work if we did not have adequate heating? Could my colleagues concentrate on their work or would they want to come to the Senate if the toilets did not work, if the building was decrepit, if we did not have adequate supplies, if we did not have anybody to print our bills?

Those are the conditions in many of the public schools in the United States of America. And we do not make a commitment of resources to education for young people, and we think that without making that commitment, without providing those opportunities we are going to reduce the cycle of violence in America? That is, from a law and order point of view, a very naive notion.

Mr. President, there was an interesting study in Hennepin County by a county judge from my own State of Minnesota. This study found that over the last 2 years, there was a higher correlation between high school dropouts and ending up in prison, than cigarette smoking and cancer. It is just an interesting statistic that kind of tells a larger story—a higher correlation between high school dropouts and being incarcerated, winding up in prison, than between cigarette smoking and cancer.

And, as I said before, States with the highest graduation rates tend to have the lowest rate of prison inmates per 100,000 population, and the converse is true.

Mr. President, we are here to extend prison terms. We are here to appropriate more money for building new prisons. I ask you, is that the right message to be sending to young people in this country, especially troubled young people? "We are willing to lock you up, but we are not willing to educate you."

Let me repeat that. "We are willing to lock you up, but we are not willing to educate you."

Mr. President, we have a vote this afternoon. It is going to be a difficult vote for me and I have not yet decided how to vote. I believe that the cuts in the programs that were affected by the House in the prevention programs, as I said at the beginning, do not represent progress. Cutting programs for job training for young people, and substance-abuse programs, and all of that, that does not represent progress. I thought that we had a balance there.

On the other hand, I think the community police and community policing is vitally important. On the other hand, the Violence Against Women Act and the initiatives on domestic violence are extremely important. And the ban on assault weapons, narrowly defined category of assault weapons is important. But I think the cuts in the prevention programs—though there still is some commitment of resources to prevention, which some of my colleagues want to cut—but I think the cuts in the prevention programs make this not nearly as balanced a piece of legislation as it should be.

Mr. President, when we voted on this in the Senate, I remember asking Senator BYRD, was it not true that, above and beyond savings from reductions and retirement of Government employees, we were going to have to further reduce the caps of domestic spending? And Senator BYRD, always being the master of the process and I think having the utmost integrity, said, yes.

So now I say to myself as a Senator, yes, there are good parts to this, but it is also true that some of the prevention programs have been cut in the second conference report.

I voted for the original bill in the Senate expecting the conference committee to do much better on the prevention part. And that means that money spent on this will then come out of some of the discretionary domestic spending that I think is critical, absolutely critical to prevention.

Again, I do not think prevention is pork. I think it is crime control before the crime starts. I think that is a rigorous analysis, and I think the evidence supports me. That is what makes this vote so difficult.

But I do know this, Mr. President, that regardless of the vote, I just hope that Senators and Representatives will not fool themselves. I hope we will listen to the voice of the people most affected. I hope we will listen to the judges and the police chiefs and the law enforcement people that are down in the trenches. And I hope we will understand that there will not be any real national security in the United States of America until we match all of our rhetoric with resources and invest in the health and skills and intellect and character of young people, all young people regardless of gender and regardless of race and regardless of urban or rural.

We do not do that, Mr. President. And, as long as we do not do that, and as long as poverty is on the rise, and as long as whole categories or classes or groups of young people and citizens are walled off from opportunity, we are naive if we believe that we can dramatically reduce this violence.

Yes, let us do what we need to do to assist the victims and to make sure that those people that commit these crimes are punished, but let us do what we really need to do above and beyond that to prevent this violence in the first place.

Mr. President, either we invest in young people now, all young people, or we will pay the interest on this later on. I would argue that that is the most effective way, along with tough law enforcement, that we can truly begin to reduce the violence and the crime in our country.

I hope there will be further debate on this today. I am anxious to debate this pork argument, because I think it is only a slogan. But I think it has nothing to do with the reality of the lives of so many children in this country, and the reality of why we have so much violence in this country, and the reality of what we must do to reduce that violence in our Nation.

I yield the floor

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, I want to congratulate the Senator from Minnesota on his statement. It was very eloquent and indeed addresses an important part of the debate over the crime bill.

Now, I would like to speak on other important issues in our debate over the crime bill—and some of the reasons why this bill had so much trouble getting through the House.

Mr. President, these are frustrating days in Washington. They are frustrating for people outside of Washington also. I think that on some mornings here if I offered an amendment in the Senate to commemorate apple pie as American, we would have a coalition rise up against that because they prefer pumpkin or they prefer mincemeat.

We are, all of us, getting fed up with bickering and with gridlock. I believe the American people want to see progress. They want to see a crime bill.

Is it a Federal responsibility? Basically, it is not. Estimates vary all over the lot, but somewhere between 85 to 90 percent of crimes in America are State offenses—not Federal. But States are overwhelmed by crime and do not have adequate resources to deal with it.

So the Federal Government says, "This is a nationwide problem. Let us address it nationwide. We will help."

And we know that it is just a helping hand. It does not solve the whole problem. Nobody claims it does.

Yet, there are those who want to be supercritical of even this most modest amount of help, saying, "Well, it doesn't do this," or "It doesn't do that."

I agree that this is not a perfect crime bill. It does not have everything I want. It has some things I am not all that crazy about. But I think, on balance, it does a good job. It reflects the sincere concern of those of us in Congress. We want to help.

It is not ill considered. It is product of years of discussions, hundreds of hours of hearings and debate.

The law enforcement community, those across the country who know what it is to be out there fighting crime on the streets have been party to all of these discussions and helped to craft this bill.

So, these provisions did not just come up out of the blue. It is the result of the experiences that law enforcement officials have had out there on the streets. We learned of these things from the cops on the beat and the prosecutors in the courtroom. And that is why the law enforcement community and prosecutors are behind this bill.

I will not read off this whole page I have here neatly typed of all the different law enforcement organizations that are in favor of this bill. But it goes across the whole gamut of all those who are concerned about protecting the American public from crime.

We have a very elaborate criminal justice system in this country. We have detectives and police officers charged with arresting criminals for prosecution. And then we have a justice system. And finally we have a penal system, to carry out the sentences after they have been meted out.

So, it is a three part system. We have those detectives and police officers charged with arresting criminals to be prosecuted by the State. The crime bill before us will allow States to hire up to 100,000 new police officers and this will help local communities not only to bring more criminals to justice, but to deter and prevent crimes from happening.

Will it solve all of our problems? No, not by a long shot. But we are putting more people out there in the first stage of that three-part process, to apprehend those who cannot live in concert and in harmony with the rest of the citizens in this country of ours. We have certain laws and we have people who want to bypass those laws. They say it is easier to rob and steal and grab an old lady's purse on a street corner someplace than it is to go out and get a job and work for a living. We have those in white collar crime who would rather try to gyp somebody out of something than to make a decent and honest living.

So we need to apprehend these people, and this system of ours will permit us to do that. And this bill will give some help in that area. Does it solve all the problems? No.

We have some of the noted actors on TV saying this bill will provide only 22,000 police officers, not 100,000. And there is a debate going about how much it costs per police officer and so on, as if that were the major point. The point is we are trying to help out a little bit by putting more police on the streets to go through this first part of this operation in apprehending those who cannot live in harmony with the rest of their fellow citizens.

So we go out and we arrest somebody—at risk, sometimes, to the lives of the police officers making the arrest. Then they are tried in our court system, the second step. It is a judicial model that is emulated throughout the rest of the world. It is the envy of the world. In the United States of America we afford each person apprehended every safeguard to make sure that his or her constitutional rights as an American citizen are not violated. We afford the suspect a multitude of evidentiary and procedural and substantive challenges and then the opportunity for appeal. And all we have to do is look on TV any day to see how that process works. We have all seen the Simpson case which illustrates just how time consuming, costly, and intricate these proceedings can be. But they do protect the individual's rights and we would not short circuit that one iota.

So a suspect goes through that elaborate system of apprehension and of judicial consideration. Then he or she stands up before a judge and receives a sentence that is meted out according to certain sentencing standards. This is the crucial point at which our system breaks down—at this critical third phase of the system. The third part of the system—the punishment phase that results in deterrence—should be just as certain as the apprehension phase and just as certain as the judicial phase. That third part of our system, the certainty of punishment, is not working because too often there is not prison space for those who are sentenced. This is making a mockery out of our whole system.

We go through all sorts of expenditures to make sure that the apprehension system works, we have an elaborate judicial system that is working, and then once we convict people there is nowhere to put them. The cells are full. So the prison gates have become, too often, revolving doors and they are churning criminals back onto the street. It is forcing judges and prison officials to play a sort of Russian roulette to try to determine who to keep locked up and who to let go; who can go out and rob again, who can steal again, who can attack again, who can hustle drugs again out there.

I noted in March of this year a comment in the Akron Beacon Journal, back home in Ohio. A Canton, OH juvenile court judge is quoted in reference to the lack of detention space. And I quote:

> What it says is I am no longer able to use my discretion in determining what is in the best interests of the child," said Judge David E. Stucki. I am really reduced to a mathematical gatekeeper, and that is wrong. I am not a Ramada Inn reservation clerk—that is what I feel I am being reduced to.

Mr. President, 32 States are now under court orders because of prison overcrowding—under court orders, 32 States. That is almost two-thirds of the States in this country under court order because of prison overcrowding. For the first time in the 190-year history of my home State of Ohio, Ohio's prison population is nearing 41,000 people. The institutions in our State are designed to hold 23,188 prisoners. As we debate this crime bill today, these prisons house 40,928 prisoners. That is 176.5 percent over capacity and growing, and some facilities in Ohio, like the Lorain Correctional Institution and the correctional reception center in Orient, OH, are both running close to 300 percent of capacity.

I toured prisons in one of our major counties a couple of years ago and had meetings with the prosecutors, the judges, the prison officials and so on. The sheriff there told that after people were sentenced in his county, he had to give over 2,900 of them a letter telling them when to come back to start serving their sentence. And the times were up to 18 months from the time they had been sentenced—18 months. They are to go home with a bracelet on to keep them identified or something, watch TV or do something for up to 18 months. In that same major county in Ohio, they had between 50,000 and 75,000 unserved warrants. Why go out and arrest more people when you do not have any place to put them anyway? How silly can it get?

So they have to determine who are the most dangerous—or at least who do they think is the most dangerous. They will let these individuals out today, so we can put some more in. So we let these inmates out so someone else can do some time. So we let the others out early and they serve maybe a third or fourth of their sentence and the whole system becomes a mockery of justice.

What is most frustrating, of course, is that a lot of the criminals passing through the revolving doors are still violent and dangerous individuals and they are going back onto the street because a lot of the space is being taken up by nonviolent offenders. I want to stress that. Over half of those in our prisons are nonviolent offenders. They are not dangerous to themselves or fellow prisoners or each other. And this population will grow as long as we keep on with our mandatory sentences for drug offenses. I would not pull those sentences back at all. But the point I am making here, is that only half of the people in prison truly need what we traditionally think of as the slammer type prison with high security, with locks and viewers and remote controls and all that sort of thing.

We need more prison space. But I do not think we should just start constructing this kind of high-cost prison space. I want to make sure that when prison space that is added, it is added in the most cost effective manner possible. I do not think nonviolent offenders should be locked up in the high security slammers, taking up space. I do not think the taxpayers should be asked to build marble palaces to house these nonviolent offenders.

The average cost of building a prison today is about $50,000 per bed. Does it make any sense to have $50,000-a-bed prisons for drunk drivers or nonviolent drug offenders? Some high-security prisons can cost as much as $100,000 per prison space. One hundred thousand dollars per bed is more than most homes in Ohio cost. It's just incredible. It seems we have to have all sorts of things. We have to have a gym with Nautilus equipment. We have to have air conditioning and TV, and you have to have so much window space for every prisoner. Well, is there an alternative for the nonviolent prisoners? Yes, I think there is.

Mr. President, a couple of years ago, I rose on this floor and made some statements about what I thought one of the solutions for the nonviolent prisoners might be, low-cost incarceration. There have been few times in the 19½ years I have been in the Senate where I received such response from people by making a short statement on the floor.

When I got back to the office, the phones had already lit up because we are now being broadcast via C-SPAN, of course. And I got a ton of mail over the next couple of weeks from Ohioans asking: "Why aren't we pursuing low cost prison construction?"

What was the proposal I made? I hearkened upon the experience tens upon tens of millions of Americans have already had. When I was in the Marine Corps, Mr. President—I spent 23 years in the Marine Corps—I spent a pretty good chunk of my life in something called a Quonset hut. A Quonset hut.

When World War II came along, we really had an emergency; it was a crisis; it was a crisis for the world. We had to mobilize; we had to do things that were necessary. We had to take hundreds of thousands of American people out of their homes and send them off to be trained. There had to be places to put them. There had to be quarters for them. You could not just put them out there to live in mud someplace.

What did we do? We came up with Quonset huts, followed by Butler and other low-cost buildings, at these bases all over the country. And we housed hundreds of thousands of people in those buildings—and quite comfortably, I might add.

Quonset huts were so named because they were manufactured in Quonset Point, RI. You know what they are. They are prefabricated shelters of corrugated metal.

Once I made my statement back years ago, a man from Conneaut, OH, sent in a box one day and in it was a model of a Quonset hut just like this. Everybody has to rise on the Senate floor these days with a prop. We cannot speak anymore without props or charts or podiums as you see sitting all around here. I think if we wanted to decrease the deficit each year maybe we ought to look at some of our chart manufacturing costs around here. I am sure that just the prop budget has gone up to several thousand dollars per year.

This one did not cost the taxpayers anything. The gentleman in Conneaut who sent me this thought that Quonset prisons were a good idea. So he set up a little Quonset hut and sent it to me so I could have it in my office to use when I wanted to talk about this. So here is a prop today that did not cost the taxpayers one nickel. It was sent in from the generous State of Ohio.

There are those who say, well, this type of alternative is too harsh. It would be such a Spartan existence. Well, there are two points I would make to such naysayers. There were tens upon tens of millions of people in this country who spent a significant part of their lives in Quonset huts, including me, and I did not find them all that obnoxious, and they provided quite adequate living from the Arctic to the tropics.

There will be those who laugh at the Quonset hut idea—but will it house people now who are nonviolent prisoners? You bet it will. I figured it up one day. I have spent between 5 and 6 years of my life living in Quonset huts. In fact, my wife Annie and my children and I lived at two different times in half of a standard Quonset hut, once for almost 6 months in a full Quonset hut. They can be quite comfortable. We lived through winter. We lived through summer. I lived in one all winter in northern China with the cold winds coming down from up and beyond the Great Wall of China, but we had the thing sealed and it was quite comfortable. There was not any problem with it. I lived in Guam for almost 2½ years in a Quonset hut in the tropics. You paint them white. They reflect the heat. It was quite pleasant, no problem. I lived in Quonset huts in Quantico, VA, at one time, and at the Marine Corps Station in El Toro, CA.

I only bring up all those experiences to show that these are not intolerable situations, when tens of millions of Americans and their families on occasion have had to live in something as simple as a Quonset hut. We lived through summer without an air conditioner, too. Occasionally one or more of us would break out in a sweat. Wouldn't it be too bad these days if prisoners broke out in a sweat once in a while? That would just be too bad. I think if it is good enough to house millions of Americans through all these years—some of those Quonset huts of 50 or 60 years ago are still standing, still in good shape—if it is good enough to house soldiers and marines serving their country, I think it is good enough for convicted criminals.

They are not plush accommodations, but I do not see anything wrong with having prisoners serving their time in what can be a rather Spartan existence.

Now, I will say this. I have talked to some of the wardens and received some letters from some of the wardens. They did not think too much of this idea, and I can understand that. Wardens like to preside over a nice big operation that is pretty, all set up with nice, big fancy buildings. I can understand that. But are we interested in doing the job and cutting down crime and making sure that every single person convicted serves out their sentence or are we not?

That is the question. Housing nonviolent offenders in some of these prefabricated housing alternatives accomplishes two important things:

First, it ensures that all offenders, regardless of their offense, serve time.

Second, it frees up space in the brick and mortar facilities for violent criminals to serve their full sentences.

I do not know why there are not more States that are under court orders out there saying we will build Quonset huts or Butler buildings or trailers converted over for prison use, as has been done in some areas.

Why are we not doing more of this? We would not even have to put up new prison facilities in most places. Put a Quonset hut on existing prison property, right now, inside the fence. You do not even need new security for them. But if you wanted to establish a new place, why not do it like we did back in the old days.

What is wrong with, say, taking a 500-acre plot of land, putting up some concertina wire and a fence around the thing and putting people in there to live in Quonset huts? If they want recreation, do the same thing we did before. We did not have Nautilus equipment. You ran around the perimeter to get your exercise. What is wrong with that? You want more space per prisoner? Build some more Quonset huts. You can take a crew of about five or six people in about 3 days, one of them reading the instruction book, and you can put up such a facility. I know that because I have done it back during the World War II years.

Mr. President, a number of States are currently using prefabricated housing, at least in part, to begin to alleviate their prison overcrowding problems. One State even utilizes this Quonset approach that I am talking about. In 1984, the Arizona State Prison in Florence, AZ faced a severe overcrowding problem. They came up with what was considered then an ingenious solution. What did they do? They got hold of enough Army surplus material for about 100 Quonset huts, formed some prison work crews to put them up and, lo and behold, the prison was no longer overcrowded. They did it at a fraction of the cost of building other prison space. They did it quickly and, just as importantly, they did it themselves.

I think a hammer in a man's hand can be a real character builder.

And so can a hoe. If I had my way, I think some of the prisoners could be out there growing their own food, also. Have them learn that food does not all just come out of a fast food drive-through window. Some of them might learn something—that tomatoes grow on vines, and peas have pods, and corn can grow in as little as 90 days. Is that not amazing? Truly amazing. They can harvest grown food and maybe even can some of it for winter or spring. Is it a crazy idea that prisoners should grow some of their own food and cut down on costs? I do not think so. I do not think it is a bad idea for Quonset huts either, because they have been used, they are effective, and these types of facilities offer significant cost savings if they are used to a larger degree.

(Mr. BREAUX assumed the chair.)

Mr. GLENN. Our police officers risk their lives to apprehend criminals, and once criminals are caught the public wants them locked up. But the public is also being told we cannot afford to lock them up because jails cost just too much. To me that is ridiculous. We do not have to spend millions upon millions of dollars for palaces for prisoners. Compare some of these places which the prisoners live in to some of the places where their victims live.

So our overcrowded prisons are sending a clear message to criminals. I do not want to see us as a society that talks like Rambo and acts like Bambi; that a career of crime is a career with little or no risk of serving time.

Mr. President, in my home State of Ohio we are not building Quonset huts. But we are building some pre-engineered prefabricated buildings resembling what are called pole barns. These are costing about $10,000 per bed. That is a $40,000 savings per bed. We have also been using some special thick canvas tents like the ones we saw in Desert Storm. That is only running about $5,000 per bed, a fraction, just 10 percent of the average cost normally incurred nationally. They can be comfortable. They can be heated. They are sufficient in the stiffest of Ohio's winters, and are quite livable.

Mr. President, I offered an amendment to the crime bill in the Senate which calls on the Attorney General to encourage this type of low-cost prison construction. It is section 20407 in the bill called efficiency in law enforcement and corrections.

We say in that section that the Attorney General "shall encourage, first, innovative methods for low-cost construction and administration of prison facilities. And second, the use of surplus Federal property."

The language also calls on the Attorney General to assess the "cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing nonviolent prisoners."

What is wrong with that? Yet, we see State after State does not want this. "Oh, that would be degrading, or something." But the Attorney General is encouraged by this bill to use this low-cost type construction in making grants for prison construction.

I think it will make the prison construction money in this bill go a lot further. It is going to make a lot of taxpayers feel a lot better about the way their money is spent.

Mr. President, there is one other issue in this crime bill that I want to discuss just briefly this morning. And that is the provision in the crime bill that has received so much attention—the assault weapon ban.

Mr. President, I served in the military. I have seen this type of weapon being used firsthand. I have seen its effects. These are war-making pieces of equipment. These are antipersonnel devices at their worst. They shower bullets at their target at high rates of fire, hopefully so in a combat situation you can put 8 or 10 slugs into a person before he can move out of the line of fire. You want it to be as lethal as it possibly can be. They can clear a fire zone with devastating severity. We cannot allow them to be used by hoodlums to clear city streets.

Mr. President, I want to applaud the fortitude of the President in pushing to keep this provision in the crime bill. We hear a lot about the right to bear arms. The Supreme Court has ruled repeatedly that the right to bear arms does not mean that every single citizen in this country can be armed to the teeth to whatever degree they desire. That is not what is meant by the right to bear arms. The Supreme Court has multiple decisions. I guess those who want to keep the highly destructive weapons on the street, say it is their right as a citizen to have whatever armament they wish to bear—and they are willing to filibuster the U.S. Senate for this. And they have tried to block action in the House. The assault weapons ban was at the heart of the problems encountered in the House, and it will be the heart of the problem this afternoon when we vote here in the Senate.

We have already had public statements by those who have said what they are going to try to stall the will of the people of this country.

So I applaud the President for his fortitude. But I would say to my colleagues, some on the other side of the aisle, maybe some on our side of the aisle, who want to retain their "right to bear arms" unlimited, unfettered, unregulated—at what level to do they propose to keep this right to bear arms? If we are to have these AK-47-type assault weapons, what are they to be used for? They say, "Well, we want to use them for hunting." I do not know how many times you have to hit a deer or a rabbit or a quail or a duck with a multifiring weapon like that to make sure that it is dead.

I like to hunt. Let me say that starting out. I used to hunt. I have shotguns and rifles at home. So I am not one who says we ban every gun. I would defend the right of people who want to hunt. That is fine. I defend that. I used to enjoy hunting very much. I remember when we lived in Texas going out duck and goose hunting in the morning, and being in the blind having these big Canadian white, Snow Geese coming down on the blind, and seeing them was a sight to see. Yes, I liked to go out and hunt also.

But when we discuss the right to bear arms, shouldn't we also be discussing reasonable limits on destructiveness. Are not we exceeding that level of destructiveness when we say that we want to retain the right of people out here in northeast Washington or wherever to have an AK-47, or any of the other 18 assault weapons that are covered in this legislation? At what level of destructiveness do we cut this off?

Should this also apply to .50 caliber weapons now, which fire thousands of rounds a minute, so that you can set them up on a street corner someplace? Even if you are not firing them, should you have the right to bear those kinds of arms and be a danger to our fellow citizens? If something happens to me and I suddenly lose my mental facilities and want to start shooting at people, should we have that level of destructiveness available to me?

We also have bazookas. Shall we permit bazookas in somebody's home? To do what? Just because they want them there? It is a higher order of destructiveness. My colleague, JIM TRAFICANT, said over in the House the other day that the right to bear arms certainly does not mean every person can put a Stinger missile on their back and start off down the street just because they feel they want it—as some extremist or terrorist group would do. Should we have no restriction on this? What level of restriction do you put on the level of destructiveness?

We sent Stinger missiles over into Afghanistan, and a lot got away and were sold in Iran and, probably, some are in the hands of terrorist groups. Does that not give you a lot of pause? Next time you are making an approach into Washington National Airport, think of who may be in the woods someplace, waiting to shoot, or out at Dulles, or in Los Angeles at LAX.

I will carry it one step further, and I am sure some people will consider it ridiculous. We have developed in this country nuclear weapons, backpack-type nuclear weapons that can be carried by one person. They can be taken in, placed, the dials set, and then you have your nuclear explosion. That used to be highly secretive years ago, but it is widely known now. I would like to see some of the people on TV talking about what a crime this crime bill is if somebody moved in next door and said: I have an atomic bomb in the basement because I have a right to bear arms; I hope you do not mind. We will just keep it over here. I daresay that there would be a house for sale and they would be moving out of that area so fast it would make your head swim.

Is that too much power in the hands of one individual who may go nuts or have that weapon stolen? Nuclear weapons in a backpack. The Russians have them, and we have them. Does the right to bear arms say I can buy one of those from somebody? I am making a point that everybody would say it is ridiculous, and I agree.

Now, going down the ladder of destructiveness, at what level do we say we have a right to bear arms? If it is not nuclear, if it is not a Stinger, if it is not bazooka, then where is it below that, in which we say destructive power in the hands of one individual is so frightening that for the public good that we want to limit this, and you should not have something that can kill 500 people at one time out there on the street.

It just seems to me that makes common sense. To me, you reach the cutoff point with weapons that were designed for war, like AK-47's—and fast firing weapons systems like that which can kill hundreds and hundreds of people; they are designed for that. They are designed for assault. They are called assault weapons. They are not called defensive weapons of multifiring capacity. They are called assault weapons because that is what they are designed to do in war—to spray so much firepower out there that nobody can oppose you when you are making an attack—when you are supported by assault weapons and artillery and all the other weapons of warfare.

Yet, we say we will permit that in our society. There are some who say we have the right to bear arms no matter what the Supreme Court has said, and no matter what the destructiveness of the weapons system. That does not make any sense to me, any more than it would make any sense to say, yes, we have a right to bear arms, so I want a bazooka in my house. I may want to shoot at some robber trying to get away in his car. Or I have a Stinger because I have a belief in something, and I might want to impose my belief on somebody else. Or I might have somebody saying for so many millions of dollars we will sell you an atomic weapon, and you can set the dial and it will go off. How far down that ladder do we come? No atomic bombs are permitted, no Stinger missiles should be out there, no bazookas should be in a person's House, no multifiring weapons system like the AK-47. To me, it is a crazy argument. Yet, we have found the objection—basically the NRA having such sway over in the House that it had a terrible time getting that through over there.

I sometimes think one of our biggest problems around here, to take off in a different direction, is with campaign finance. How great it would be if we could pass campaign reform so that some of the PAC's or other contributors could not hold such sway over some people's minds. Maybe that would be the most constructive thing we could do.

Mr. President, I hope the vote this afternoon is to keep the crime bill alive. It is far from perfect. It has been a long time coming. It gives help to States who need help. It is not set up as a panacea, as something that will solve all of our crime problems. I doubt that for the next few years we will see a tremendous difference whether we pass this bill or not. But is it not a step in the right direction? We know States are hard pressed. We want to see this justice system of ours work, and we want to see more criminal apprehensions out there and we want to see the judicial system prevail—both of which this gives support to.

We also want to make sure that we do not spend a lot of money in a crazy way building big brick and mortar palaces to put prisoners in when 50 percent of the people apprehended are nonviolent prisoners and can be incarcerated in low cost facilities. We can build adequate facilities for these individuals at a lower cost. That way, serving 85 percent of the sentences, as is proposed, would mean something. Now we do not have anyplace to put them to carry that out.

Mr. President, to repeat my last point, I have no doubt that this vote this afternoon will go largely on the basis of those who believe that the right to bear arms, at any level of arms, is permissible. I do not believe that. I think you reach a certain destructiveness level with the weapons systems out there now, and that the public good transcends any of these other considerations. Otherwise, our whole system does not make much sense.

And unless we start locking people up, we are making a mockery of our justice system. I guess that summarizes what I want to say this morning. But I want to repeat that we do not seem to be able to get up and make a statement without having a chart or something available to us around here. I repeat that this model was not made by a Senate employee. A model maker gave me this from Conneaut, OH, when I made a speech like this one on low-cost incarceration a couple years ago, and he thought it was a great idea sending this model of a Quonset hut.

Mr. President and my colleagues in the Senate, let us move ahead on this bill. It deserves support. It does not need more objections and delay. I urge my colleagues to vote for the crime bill this afternoon, as I plan to do myself.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I ask unanimous consent that I may continue my remarks past the 12:30 recess time, if I am still speaking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DECONCINI. I compliment the Senator from Ohio for his outstanding remarks this morning. I think he really puts it so well, and I can only tell one little anecdote—not quite as many as the Senator from Ohio can—about Quonset huts. When I was a young boy, near the University of Arizona there were four square blocks set off with Quonset huts. There was a military unit stationed there during the war, and I went down there with my father to visit a friend. I remember spending some time in this little neighborhood and I thought it was wonderful. What a great little place, all these neat little houses and places the military kept up.

People were not complaining. Of course, housing was short in those days and these were relatively new Quonset huts. They were torn down maybe 15 or 17 years ago when the new medical school was put up. But during that time they were used for student housing and students were glad to have them. They were low cost although they required some maintenance because of their age.

But why we cannot do as the Senator from Ohio points out and put our prisoners in this kind of housing is beyond me. Why do we have to spend thousands of dollars per square foot in some instances, certainly multiple hundreds more than the NRO or CIA or Defense Department is spending on their buildings, to build prisons? That goes beyond my imagination.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. DECONCINI. Yes, I am glad to yield.

Mr. GLENN. Earlier in my statement today I said Arizona has taken the lead in this area. In 1984 Arizona had a prisoner problem. There were not enough places to put them. Arizona bought 100 Quonset huts and put them up. People moved in. They worked fine. They worked very well. There was no problem at all.

That is the State of Arizona, and the Senator from Arizona was the attorney general there at one time. The planning for that may have occurred when he was still the attorney general. I do not know.

Arizona moved forward on this. Other States are beginning to follow. We wrote into this bill to encourage the Attorney General to encourage this by means of where grants go, and so on. There just is not any doubt in my mind. I do not understand the opposition to it. They were not as pretty as big buildings, but they will work and will lock people up and the justice system will mean something for a change.

not become a scofflaw out there. It will mean something. Once they are assigned to a prison term for nonviolent prisoners it can serve a use as well. Arizona takes the lead.

Mr. DECONCINI. I thank the Senator.

When I was a prosecuting attorney rather than attorney general, I had a lot to do with the State prison system. It has been overcrowded for years.

Senator GLENN, as usual, points out a commonsense approach, and that is what this bill is. It is a common-sense approach, and it goes after the problem of crime in this country.

Senator GLENN also pointed out it is not going to instantly lower, or maybe not even lower the crime rate over a year or two, but I can tell you if we do not do something about it, if we do not pass this bill, the crime rate is going to continue to accelerate.

Mr. President, the Senator also pointed out some valid points on guns, and I have some charts on that issue. I did not want to let him down. I brought some charts that show the street sweeper that he mentioned so eloquently in his remarks and I will discuss them momentarily.

I rise today to support the conference report. This bill will put 100,000 new policemen and women on the streets of America. This is a new, innovative, approach and it happened to come from our sitting President, President Clinton. Now we see it being picked at, critics saying, "well, we really do not want these cops. They are rookies. They are new. What we need is investigators, trained detectives, we need people who have communications skills and who can do the investigating work in preparation for trial."

But, in fact, community policing, where it has already been established, works. In Tempe, AZ, they were awarded a very specific grant from the Justice Department to continue a community policing program that they have. And what does that mean? That means that the same police officers will stay in the same neighborhood on their shifts. They will get out on the street. They will knock on the doors and say: "How are you doing today? What is going on? Oh, you heard a gang last night. You heard the shooting last night. What did you hear? What was it? Oh, you saw a car go by."

That does not happen when you are driving around a neighborhood in a patrol car. That is what community policing is about.

There is $75,000 per officer in this bill to keep each officer in the community. Arizona, a small State like we are, will add a minimum of at least 500 and possibly over 1,000 new officers based depending on this program.

I have talked to many of the law enforcement officers in Arizona. They welcome new officers. But they would also like to have other things. They would like to have money to spend on equipment, for overtime, and other programs. Guess what? Overtime, equipment, special programs are also in this bill.

This bill funds prisons. It funds prisons in our States. It helps construct prisons and hopefully the common sense that the Senator from Ohio talked about here would be contemplated as well. A portion of the prison funding is tied to a truth-in-sentencing whereby 85 percent of the sentence must be served by the inmate. If you comply with that you get set aside as a State in a special category for these prison funds for construction. In this regard, this conference report is better than the conference report that we had before the House altered it this last weekend. It raised from $6.5 billion funding for State and local prisons grants, to $7.9 billion. So we have added money to an area where States are so overburdened today, and that is the ability to house prisoners.

The bill provides stiffer penalties for violent crimes. You heard the NRA, the National Rifle Association, say we do not need to eliminate guns; guns do not kill people; people do; what we need are tougher penalties. And when do they come rising and arguing for tougher penalties? Whenever there is even the hint of some restrictions on guns.

So the NRA must support this provision. They support tougher penalties. As a matter of fact, they say we are not tough enough, that they are interested in enhancing tougher penalties.

The bill triples the penalties for criminals who use children to deal drugs near schools or playgrounds. That is a tough penalty. I think it is something that this body ought to favor.

It includes penalties for over 70 criminal offenses dealing mostly with violent crimes, drug trafficking, and gun-related offenses, crimes that leave the public asking why do we not stop them, why can we not get after this problem?

They are asking us, and we have an opportunity to get after these problems by passing this conference report.

The bill provides funding for rural law enforcement. One of the areas that is often left out in law enforcement are rural counties, or a county sheriff or police chief in a small community which maybe has 8 officers or 10 or 12 officers. They generally get left out in Federal programs because supposedly they do not have a crime problem like they do in the metropolitan areas.

But that is not the way it is in rural Arizona. Most all of our rural communities in Arizona are on major highways with tremendous amount of traffic coming through, and a tremendous amount of influence. A tremendous amount of economic benefit is left with that community, but also a tremendous amount of influence; some of it is bad, some of it is criminal. This bill permits these rural communities to participate in these programs.

The Border Patrol, which I have fought for years to enhance and expand gets over $1 billion in this bill. Do you realize what that means to this Nation, not just to the four Southwest border States, but across our borders and into the States that are on the interior? We have an opportunity, if we have the personnel at our border, to stop the undocumented people coming across our borders who often bring contraband.

In Arizona we are short at least 100 Border Patrol officers. This administration has been criticized by Republicans primarily, saying that Arizona did not get enough officers—they only got 33. They are correct. We did not get enough. But it is the first administration in the 18 years that I have been here that has added to the Border Patrol without a congressional initiative. Furthermore, when the Congress did add to the Border Patrol here on the floor, the provision was either dropped in conference, or if it was added in conference and became law, the administration, the Justice Department would fail to assign the people to the border.

In 1992 there was a GAO report that pointed out just that, that funds were taken from Immigration and Naturalization Service Border Patrol officers and used to enforce other areas of the immigration authority.

So this is going to help us in Arizona. This is going to help all Americans by giving some resources to the Border Patrol.

The bill is tough on crime, but in order to develop a long-term strategy of fighting crime, we have to build prisons. We have to have programs that enhance our police officers. We have to have stronger sentences. We have to have better courts. We have to have programs that are going to deal with the neighborhood problems.

Why do young people join gangs? Why do young people go out and shoot each other when they are in a conflict? Why? Because society has changed and because of the tremendous amount of guns that are available.

In this crime bill, there are a multitude of prevention programs. I could craft a crime bill that would add some and subtract some. But these programs, if you want to call them pork, then you ought to be in favor of pork because these programs bring dollars from Washington, DC, to our communities to help get at the problems in the neighborhoods. That is what they do.

For example, the midnight basketball program, which is scoffed at around here and over the weekend in the House of Representatives. The newspaper last week showed a cartoon of people from Congress in a gymnasium where kids were playing basketball, saying, "Hey, you can't play midnight basketball here. Don't take shots in here. Go outside." Of course, outside were a couple of people shooting each other. That is what this program is all about—keeping kids off the streets.

In Arizona, it is a successful program. It is not that we are going to pay anybody to come and play basketball. Nobody is getting a check based on how many points they make. No, they play for fun. But they have to join a team and a league. They have to show up. They have to go through the training. There is some counseling that goes along with it. These are programs that help people help themselves.

So at midnight, in parts of Phoenix that have a high crime rate, there are as many as 70 and sometimes 120 young people playing basketball. And then there are several hundred watching them at 11 o'clock at night, at 12 o'clock at night, in the summertime. We do it out there for obvious reasons—it is so darned hot.

But believe me, it works. I have talked to these kids. Where would they be? They would be out on the streets at midnight. They would be in fights and going around with gangs.

What do they do after they finish basketball? Do they get in the car and go shoot up the neighborhood they are playing in? No, they do like everybody else does at a sports event. They sit around and talk about their good shots and bad shots, and then they go home because they are tired. They are not into crime, as many were before that program started.

A very important program, I believe, is one that the Senator from Delaware has spent the last 6 or 8 years working on, and that is the Violence Against Women Act. It is an act that he crafted, an act that he educated this body on year after year, an act to reduce the abuse that women have had to almost accept in our society.

When I was a prosecuting attorney in Tucson some 20 years ago, we started a program called the Victim-Witness Counselor Program. That program, for the first time, offered victims of rape and other sexual crimes counseling, somebody to talk to them, to prepare them when they had to go to court and be cross-examined by the defense attorney and asked all kinds of questions about their background and what they did that might have precipitated the criminal act that the defendant was accused of; someone that would go home with the victim if their home had been broken into and they had been sexually molested or raped; someone to stay with them, to help them.

That is what this program does. This program provides for that kind of counseling and that kind of assistance to victims, particularly women, and it is something that is long overdue. I am proud that this bill and this conference report contains these provisions.

Money is available here so that communities can keep schools open. Imagine, keeping schools open in the afternoon so kids can play basketball or they can study, so they have a place where they are not going to go out and get beat up or join a gang; and keep them open in the evening so they can use the facilities. It is something that makes sense, common sense, and it is money well spent which will be provided for those schools.

We should not confuse prevention with being soft on crime. This bill punishes those young people who break the law, but those millions of youth who have never been in trouble but have very few positive influences in their life, these prevention programs will keep them from slipping further and further down that slippery slope of being involved in crime and ultimately being in prison.

One such program with which I am very familiar because it was started in Phoenix, AZ, by the Treasury Department under the Bureau of Alcohol, Tobacco and Firearms is called the GREAT program, the Gang Resistance Education and Training program. Based in schools, law enforcement officers are trained for a couple of days on how to prepare and how to pose questions to seventh and eighth graders about how do you deal with it when a friend or a relative is in a gang and they want you to join. This program helps build up the self-esteem necessary to say, "No, I don't need it." How do you think you get out of a gang if you are in it today?

You know, if you want to get into a gang, you have to get beat up by that gang to get into it. That is how you get in. Once you get beat up, you are in. Then, of course, they are supposed to protect you for life and you are supposed to go along with whatever they do. But if you want to get out, you cannot get out. You cannot get out without some community support, without maybe a police officer that you can talk to, without the ability to stand up and feel good about yourself and tell gang members that you are out of here, you do not need this anymore, you are not going to participate.

The program is conducted by trained officers wearing their uniforms, so these young people have an opportunity to see firsthand what a police officer looks like, talks like, what they do in their job, and how to relate to police authority, how to relate to their parents and to their peers. It has reached over 100,000 at-risk students so far in this country, where I believe there are 12 programs now under existence.

This bill would provide for $45 million to expand that program. Nobody is getting paid, except to help train the officers. These officers are volunteers from the local law enforcement and they are the ones who do the work, paid for by their police organization.

The bill also has a drug court, which is very similar to the diversion program that I have spoken of so many times on this floor. It says to a nonviolent drug user: If you comply, we will divert you out of the system. What do you have to comply with? Community service. You have to stay in school or get in school. You have to keep your job or get job training, and attend counseling. If all of those are complied with during the period of your sentence, you stay out of jail. If you fail in one of those requirements, the slammer comes down, you are out of the program, and you are in jail.

In the House last week, we saw with the defeat of the rule and the attempted motion to recommit on Sunday, pure procedural gimmickry. In the House, we saw what I think this body needed to see. We saw all the excuses that have been perpetrated on the American public for why this bill should not be passed. It took some courageous Members of the Republican Party on that side of the aisle to come forward and change their vote after gaining a reduction in some of the spending in the bill.

But do not let anybody think anything different. What that was all about over there was not pork, was not money, was not sentences, was not prisons. It was guns. What this is truly all about in the Senate is also guns.

How else do you explain the fact that none of our colleagues across the aisle raised a budget concern when they were casting 41 out of 42 possible Republican votes in support of the trust fund that funds this bill? The senior Senator from Texas offered a motion to instruct that we voted on here, and I believe over 90 Members, including this Senator, supported, advising the conferees to maintain the trust fund.

What is this trust fund? The trust fund was put together by the able Senator from West Virginia [Mr. BYRD]. There are many of us who were concerned, as Senator BYRD was, that we do not add to the deficit in trying to fight crime. We have to do something better than that.

So there is an effort by this administration to reduce Government employees, and they have succeeded so far, in the first year and a half, in working toward the goal of reducing the work force by 250,000 employees over 5 years. That saves about $30 billion. That is the amount of the trust fund and why it was created, so that those funds will be spent here instead of increasing the deficit to fund this bill.

So, those who now are moving a point of order that the trust fund violates the Budget Act are doing it because guns are in this bill. And if the point of order succeeds and if this conference report fails, then what is pending? What crime bill is pending before the Senate? The crime bill that is pending is the original House crime bill that had no gun ban in it at all. They passed a bill with no gun restrictions.

Then they had a separate vote on a bill on assault weapons outside their crime bill. And in the conference we included the Senate assault weapons provision.

So the budgetary argument here holds no water. Because what we have is a point of order that this violates the Budget Act and thereby we should vote it down. If you vote it down, that means you vote down any restrictions of these assault weapons that are devastating. That is what this vote is all about.

Do not for a minute think we are here voting because some Senators want a tougher penalty here or they want another few hundred million dollars taken out here. The Senator from Delaware just yesterday offered to take their amendments if they would stipulate and agree with the unanimous consent that the gun provision would stay in. Of course, they did not and would not agree to that.

The reason is simple here. This point-of-order vote is a vote on whether or not you want to restrict assault weapons and ban some assault weapons or, do you want to go back to a crime bill that has no assault weapons provision in it and has what is known as the Racial Justice Act relating to the death penalty, which weakens the death penalty, in my judgment.

In the past I have strongly opposed gun control. I have been the Legislator of the Month on behalf of the National Rifle Association—and I thank them for that—because early in my career I stood up to some registration programs that the administration as well as Members of Congress were pushing, and I said "no" and voted against those bills. But I came to the conclusion about 6 years ago that something had to be done about the types of weapons that I am going to show you in a moment.

The weapons used today are not for hunting. These are not sports weapons. There is no sport in using an AK-47 to kill a deer. I have used some of these assault weapons on the range, and you do not want to use them against an animal. You want to use them to kill people, that is all you want to use them for. And that is what they are used for. They were created solely for that purpose—to kill human beings, as many as possible as fast as possible. Moreover, these weapons are often used to gun down law enforcement officials acting in the line of duty. This fact should not be overlooked by anyone and it should be as offensive to the law-abiding sportsmen as it is to someone who has never even picked up a gun.

I have long supported the men and women of the American law enforcement community, but we cannot pretend to stand by these people if we pass a crime bill that does not ban the very weapons that are taking them from us on a day-to-day basis. The assault weapons ban has passed both Houses now and the Senate has included, in both conference reports, the Senate assault weapons ban provisions despite the relentless efforts of the National Rifle Association and other gun lobbies, which refuse to let the will of the American people prevail.

That is what is troubling me most: While the majority of citizens support the assault weapons ban, and yet the National Rifle Association, how that association—as important as it is, with the good work that I must say they have done in training people in safety with use of firearms—will now attempt to keep the American public safer by prohibiting a vote on this conference report that would ban some 19 assault weapons. The simple fact of the matter is that these weapons kill people.

Let me briefly talk about a couple of them.

One is the Tec-9, before you here. It weighs 50 ounces. It is a semiautomatic assault pistol. During the years 1990–93, these accounted for 3,710 of the firearms traced by law enforcement officials nationwide: 838 narcotic investigations, 319 murder cases, and 234 instances of assault.

On July 1, 1993, gunman Gian Luigi Ferri killed eight people and wounded six others at a San Francisco law office using two Tec-9 assault pistols with 50-round magazines. That is one of the weapons that is banned.

The next one is the popular—if you want to call it that—AK-47. These assault weapons are semiautomatic. They were made in Communist countries for sale for military purposes. During the years 1990 to 1993 these firearms accounted for over 2,000 of the firearms traced for law enforcement officials nationwide. The trace included 226 narcotic investigations and 272 murders. On January 17, 1989, some might remember, Patrick Purdy killed 5 small children and wounded 29 others and 1 teacher at the Cleveland Elementary School in Stockton, CA, using a semiautomatic version of the AK-47 assault rifle, imported from the People's Republic of China. That weapon had been purchased from a gun dealer in Oregon and was equipped with a 75-round magazine. Purdy shot 106 rounds in less than 2 minutes. This gun also killed two CIA employees just a year and a half ago right here in northern Virginia.

The last one I will show is the one Senator GLENN spoke about, and that is the Street Sweeper. This gun was produced in South Africa. Actually, it started in Rhodesia but it was produced on a massive scale in South Africa to control the population under apartheid. It was used to kill and to scare, and, indeed, it did it for a number of years. It fires 12 rounds of shotgun shells in less than 3 seconds.

The simple fact of the matter is these weapons have no place in our society, and this bill would take these killing machines off the streets. But rather than do that, we are left to fend off efforts by the NRA and other second amendment groups who would rather kill this bill than acknowledge that they have lost the debate.

How many innocent people are going to have to die before the special interests will get the message? It is time for this body to stand up for the American people and put them ahead of political interests. We ought to stop the games, the parliamentary maneuvering, and start responding to the people who sent us here, and get rid of these weapons, get them off our streets.

I thank and acknowledge Senator METZENBAUM of Ohio, who started this effort long before this Senator got into it and has stayed true to his convictions all during this time. The Senator from California [Mrs. FEINSTEIN], also fought hard for this provision.

Last, I pay tribute to the distinguished chairman of the Judiciary Committee, the Senator from Delaware [Mr. BIDEN]. He worked the entire weekend until 3 and 5 o'clock in the morning with the House Members, in the most persuasive manner, trying to bring about some bill that could pass both Houses and, indeed, would ban guns, have prisons, have community policing—and the bill is before us here today.

I compliment him for his tireless effort, and his staff that worked with him there, as well as Michael O'Leary and Karen Robb of my office, who stayed there throughout the whole process, and who kept me informed, on the phone; I must say I had the easy part of the job.

The Senator from Delaware has crafted a bill in a competent, credible way, and we ought to pass this conference report and not be held up by the maneuvering from some on the Republican side.

I wish to also compliment the senior Senator from Pennsylvania, who spoke out yesterday morning in support of the conference report. Senator SPECTER has a long, distinguished career in law enforcement. He knows what law enforcement people need to combat crime. I compliment those Republicans who can put the people first, ahead of the gun lobbies, and vote for this conference report.

Mr. President, I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, at 12:51 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, there has been a great deal of discussion regarding the Violent Crime Control and Law Enforcement Act of 1994. This past weekend when I was in Vermont, following the crime bill conference, I heard a great deal of it there. It is interesting because I think in my State, as in most other States, people understand the difference between discussions of substance and posturing on procedure. They saw posturing in the other body to kill the crime bill by a procedural effort, doing it in such a way that it allowed those who wanted to back a powerful special interest lobby position to the crime bill to pretend that they were simply trying to abide by some arcane procedure. But people understand gridlock. They understand parliamentary posturing on procedure to avoid hard questions.

What I heard from Vermonters—Republicans, Democrats, and Independents—over and over again throughout the weekend is, do not go down there and cast some kind of procedural vote to duck facing up to this crime bill. If you do not like the crime bill, vote against it. If you like it, vote for it. But do not try to avoid the hard questions of everything from the banning of assault weapons to putting more police on our streets, by casting just a procedural vote.

I agree with them. We ought to stand up, every man and woman in the Senate, and state exactly whether we are for the crime bill or not. Stop the parliamentary games that just add to the gridlock in Washington and do not allow us to answer the real question: Are we for the crime bill or not? I am for it.

I commend Chairman BIDEN for his tireless efforts to get this legislation enacted. In fact, the crime bill we consider today bears his mark, and I commend him for his leadership, his perseverance, and his ingenuity in moving this bill through conference. No one has dedicated him or herself to this issue as much as Senator BIDEN has. I believe both the Senate and the country owe him a debt of a gratitude.

I also would like to say a word about the chairman of the House Judiciary Committee, JACK BROOKS. He is a distinguished Member of Congress, and he deserves our respect. He served his Nation in time of war, and then began his legislative career casting a number of tough, courageous votes in favor of landmark civil rights legislation at a time when it was not popular to do so, especially coming from the part of the country that he does. He has defended our constitutional rights and civil liberties from Government excesses. And he is what he was and has always been—a man of principle and passion, a legislator of first rank and a dedicated public servant.

There were and are disagreements, as we know, on the crime bill. But I think that Chairman BROOKS always worked to deliver a crime bill to the President that would improve the lives of Americans. He did so with a perseverance and determination that reflects our best traditions. reflects our best traditions. Frankly, Mr. President, the Senate and the House—the Congress—the President, and the country were well served by the two chairmen who led this conference.

I support the Biden bill for a number of reasons. It takes strong, necessary steps to turn the tide in our country's serious crime problem. And the bill contains many worthwhile, creative initiatives. Is it a perfect bill? Of course not. We could not pass a bill that would satisfy each and every one of us in every detail. Will it end crime? Sadly, it will not. No one bill can do that. I spent nearly 9 years in law enforcement. I know that it is impossible simply to pass a law to stop crime. We have passed such laws prohibiting a compendium of crimes ranging from murder to auto theft. Simply making an action a crime does not stop it. Good prevention, strong families, and a lot of other things together with law enforcement will help prevent it.

This bill will help in that prevention. It will make our cities, our towns, and our rural areas—also in my own State of Vermont—safer. It will make the lives of our citizens more secure and productive.

The Biden bill includes a commitment to increasing the number of policemen on our streets by as much as 20 percent. It tries a new philosophy of community policing. Again, as a former prosecutor, I have to believe that that will help. But it also includes a substantial commitment to addressing the special needs of rural crime. I offered an amendment establishing a $30 million rural domestic violence and child abuse enforcement program. These funds will be put to very good use in my State. And there are other provisions that enact rural Federal and State task forces. These have proven successful in attacking drug and violent crime in the rural parts of Vermont. The crime bill authorizes $245 million for rural law enforcement.

So many times, Mr. President, the needs of those of us in rural America are so different than in urban America when it comes to rural crime. It is often not like urban America, where a police officer calls for backup and they are 2 blocks away. In rural areas, they might be 30 or 40 miles away, and they might have to travel mountainous roads or difficult terrain to get there. We know that many times the need for communications or recordkeeping, or the ability to bring together the expertise necessary to investigate serious felonies is lacking in rural areas.

This will help us bring some of those tools, so that a criminal committing a crime in rural America will be apprehended with the same degree of sophistication as a criminal committing the same crime in urban America. There should not be safe havens for criminals in any part of our country, rural or urban. Every criminal must know that if they commit a crime, whether in rural or urban America, they are going to be caught and prosecuted and punished. That is the best deterrent to crime and that should be our goal.

The conference report includes a strong Violence Against Women Act, which I have cosponsored during the last two Congresses. It is an important piece of legislation, and I commend Senator BIDEN for his leadership on this issue as well. The Violence Against Women Act will make the lives of women in Vermont and across the country safer.

I also support the Biden bill because it includes a strong commitment to helping hard-pressed State corrections systems. I appreciate the support of Senator BIDEN and the cooperation of Congressman HUGHES of New Jersey in working out a formula for prison grants that, again, recognizes the needs of the small States.

In this bill, there is a substantial commitment to treatment and prevention. Mr. President, if we are serious about fighting crime, we have to do more to prevent our young people from embarking on careers that lead to lives of violent lawlessness. Tough law enforcement will not do that alone. Prevention programs will not do that alone. Some aspects of the prevention program have been criticized as social spending that will not really do anything to stop crime. I have heard that complaint from Members of Congress who have absolutely no experience in law enforcement themselves. They ought to listen to the people who have had experience—criminal justice professionals like police, corrections officials, judges, prosecutors. They will tell you that many of these programs are long overdue. They must be used in conjunction with tough law enforcement to help turn the tide of crime.

That being said, I think the compromise that consolidated and streamlined some of these programs has improved the bill. I think it makes a better balanced approach to the crime problem. Incidentally, I am pleased that Vermont is now assured of sharing in the benefits of the crime prevention block grant. The prevention package is about $1.5 billion more over 6 years than the bill that passed the Senate on a vote of 95-4 last November. Having been a lawyer in a small city in Vermont, I see an extra $1.5 billion as a lot of money. If you compare it to some of the real big-ticket spending, such as the space station, superconducting super collider, B-2 bomber, or star wars, it is sort of a drop in the bucket.

I might add that I think the young people in this country are going to be better served by this expenditure than they were by the far greater expenditures for star wars.

I am pleased to work with Senator BIDEN in including provisions that extend the funding formula for the Federal Victim Assistance Fund that would have expired this year. Any one of us that comes from a small State ought to pay attention to that because it is going to be helpful. In my State, it avoids a cut in the Federal Victim Assistance Program of over 50 percent. These programs are designed to help the victims. These programs are extremely important, and it would have been unconscionable if this legislation had been enacted in a way that would have imposed such extreme hardship on victims' programs in small States.

Let me say a few words about the bill's respect for the proper role of the States in law enforcement. As a former State prosecutor, this is very, very important to me. I was pleased that some of the worst provisions federalizing State crimes were taken out during the conference process. We do not have to call on the FBI to handle every single crime in this country. That is why we have State and local and county law enforcement. We are making some very basic mistakes in the Senate if we assume that we have to start federalizing every crime as though there are no State authorities or local authorities, or that we do not have chiefs of police and police departments or county sheriffs, or whatever else, and as though somehow we do not have State judges and prosecutors. Every one of us—you and the taxes you pay to your own State, me and the taxes I pay to my State—pays for these law enforcement agencies, and we rely on and respect them. We should not say on the floor of the U.S. Senate that we do not trust them anymore; we are going to take this away and give it to a central Government in Washington.

If we feel that there are cases in which State and local authorities are not up to the job, well, then, give them the tools to do it better. The best parts are those that do this. Do not waste valuable Federal resources by federalizing every crime in the book. You do not need to have the FBI come in on every burglary or gas station holdup or small drug deal. Let them handle organized crime, and some of the complex cash transactions that are illegally done in this country.

Let them handle the scourge of narcotics that come into our country and then are distributed through vast, highly organized, extraordinarily well-financed networks.

It does not mean because we do not pass laws against carjackings or murders or stabbings that somehow we favor those. All we are saying is they do not have to be Federal crimes. Every State in the Union has laws on the books against them.

Let the local level do it. If they have something that goes across State lines, if they have something that becomes very complex, then call in the FBI or call in the DEA. We can do that.

I tell you right now I feel the same way today as I did when I carried the badge and I was a prosecutor. I do not want the FBI to be brought into cases that are best handled at the local level.

As I say, there are some very good things in this bill. They outweigh the others. I would like to mention some of the ones I do not like. I am troubled by the expansion of the death penalty. I say this not only because I am opposed to capital punishment, but also because we are basically applying a death penalty in States that have voted against the death penalty. I think the death penalty is a symbolic gesture that really does very little to stop crime, if anything at all. I think it is administered unfairly. I think the issues of race, class, and quality of counsel too often have a determinative impact on who receives this penalty.

Certainly, if you are extremely wealthy and well positioned, you have a far better chance of escaping it than if you are poor and a nobody. It is unfortunate, in my view, that the Racial Justice Act was omitted from the final bill.

That being said, we also know that a significant number of Members of this body disagree with me on that, and I do not intend, as some who may disagree with one or two parts of this bill do, to use procedural methods to hold up this whole bill so the rest of the Senate cannot vote on it.

We voted on these issues. I was on the losing end. You have to look at the overall bill. Are we better off as a Nation with this bill than without it? I say we are better off as a Nation with this crime bill than without it, and we should not hide behind the subterfuge of procedural methods to kill this bill.

We should take the responsibility of casting a vote either for it or against it and be willing to go back to the people in our States and say I was either for it or I was against it and not have a procedural vote that might stop us and go back and say: "I like this part. I do not like that part. If it ever comes to a vote, I will certainly look at it. Of course, you understand by a procedural vote it has gone away." That is wrong. I will guarantee you that virtually every American, no matter what their political background is, will see through that kind of smokescreen. I know the bill would have been killed by filibuster if the Racial Justice Act was included. It was taken out to remove that excuse to block the bill.

Threatening to kill the bill in the name of perpetuating the country's history of discrimination in capital punishment is wrong. I wish the Racial Justice Act could be in, and the expansion of the death penalty in the bill makes it difficult for me to vote for it.

So too does the scale of the bill. It is an ambitious and costly undertaking. We can handle that but only with very tight oversight of the funds used in this bill. It is incumbent upon the Appropriations Committee, the Judiciary Committee, and others, to follow carefully how the bill is implemented. If we find programs are not working that looked good on paper, they should be terminated.

If what we are talking about is really doing something to fight crime, then the work of the Senate on this legislation is far from over. It is very easy as a legislator to pass a bill to say "I am going to be against crime; I am passing this bill." Who in Heaven's name is going to stand on the floor and say I am going to vote for a bill that says I am in favor of a crime? None of us are.

I remember my own legislature would pass bills they thought would help stop crime. It was given to me as a prosecutor then to use them to stop crime. We found some of them did not work. That is why I say that we also have the duty as a legislator to go back to the police, the prosecutors, the judges, the citizens, the victims, everybody involved and say, "Is this program working or not?" If it is not, get rid of it, and let the funds and resources be used for those programs that do work.

If we do not do that, then we are not going to get $30 billion worth of anticrime investment out of here and people are going to be rightly able to say the Federal Government has not done what it should to stop the crime increase.

Let me say a few words about the assault weapons provision. I get very frustrated by some of the loose talk that goes on in the Congress about guns. A lot of people stand up and give great speeches about banning guns, and it is obvious when you hear them talk that they never fired a gun in their life and they do not know one end from another.

I grew up in a State where usually from your early teens you are taking gun safety courses, and certainly most people in my generation owned guns and have owned them from the time they were children. I own many guns, and many weekends when I am home in Vermont I love to target shoot.

I know also that there are many, many semiautomatics that are used for completely legitimate purposes that have no business being prohibited. I own a number of those semiautomatics. They are not going to show up in the prohibited list.

But I also know there are weapons that are designed especially for killing people. Let us talk about something like the Street Sweeper.

Let me speak personally about this. I am not, as most of my colleagues know, an advocate of sweeping gun control. We have one of the highest per capita ownership of guns in America in Vermont. We also have the lowest crime rate in the country. So there is not this direct correlation between gun control and crime rates as some would have you believe.

I happen to think that what would help even more than strict gun control in this country would be some strict family control and maybe going back to basic principles that parents know where their children are, that they teach respect for life, that they teach respect for each other and respect for the rights of each other and instill real values.

But I also know that all the country is not Vermont. I know that there are people who live in terror in our cities, terror that no matter how well they conduct their lives, how law abiding they are, how honest they are, they face the possibility of being killed maybe for $5, maybe because they wore the wrong color clothes, maybe because they just happen to be in the wrong place at the wrong time, even though minding their own business in doing it.

I know the real fear that Americans are feeling in this country, where they face weapons on the streets of America—the greatest democracy in the world—where they face weapons that would be terrible and terrifying on the battlefields of the world, weapons like the Street Sweeper. I do not know, Mr. President, if you have actually seen one of these. I have. It is a horrible weapon if you know what it might do.

Many of us have fired 12-gauge shotguns. We know how destructive it can be, especially at close range. When you make something that looks like the old Thompson submachine gun loaded up with a huge magazine full of 12-gauge rounds, sometimes with rifle slugs, sometimes double ought buckshot and you can virtually tear a wall out of a room with it, when you can wipe out not one victim but a crowd of victims, these are not hunting weapons. These are not sporting weapons. In fact, anybody who is a hunter, anybody who values sporting would be terrified to see someone walking through the woods carrying a weapon of that type. If you would be terrified walking through the woods of your State during hunting season when you at least might be armed yourself and seeing someone coming with a weapon like that, how does somebody feel pulling into a gas station and wondering if someone will come out with a weapon like that or walking down a street and wondering if someone might be carrying that, or coming out of a restaurant and wondering if someone going by in a car will be firing something like that?

Mr. President, we are no longer a country of wild frontiers. I am perfectly willing to foreclose to myself the ability to own some weapons that I believe I could own safely, manage carefully, and would never use in crime, I am willing to give that up for the safety of this country.

We have a very limited number of guns that are banned in this bill. You would think by some who speak about it that we are disarming America. That is not so. Every Vermonter who now owns guns will still own guns when this bill is passes. Every Vermonter will know there are some weapons they may not buy in the future, but no Vermonter is going to buy those weapons to go hunting. They say they may want them for a collector's item. I say to them, collect something else.

This is a time when we have to say to the American people: The carnage on our streets has gone far enough. The terror that Americans face has gone far enough.

This will not stop the carnage, this will not stop the terror, but it will at least give some hope to the American people that Congress is willing to stand up and will not bow to any lobby anywhere, from the right or the left, but we will try to do what is right. And I think we can.

I voted for the Feinstein-DeConcini amendment, because I thought the legislation drew a distinction in a way that would save some lives, remove some of the fear that grips our people, and it would do so without trampling on the right of law-abiding gun owners.

As I said, I will still own guns. My neighbors in Vermont will still own guns. But a lot of Americans, when they see this pass, will at least have some hope that somebody cares about their safety on the streets.

You know, I said earlier that gun control is no magic cure. And those who want to go on the television shows and say, "If we pass this gun control, our streets are safer," are not being honest. It is not enough by any means.

You have to focus on the people who are misusing guns. We need to make sure that people who use guns to hurt others face serious penalties, both as a deterrence and also because justice demands it.

We also need to acknowledge that until this country turns around what is going on in our cities and towns and rural areas—and restores a reasonable notion of what is right and what is wrong in the unfortunate number of young people and others who have gone astray and ventured into a world of crime and drugs—we are not going to stop crime. That is a fact. And just banning guns or hiring police or building prisons or creating social programs or passing crime bills will not change the fact that we have more and more of our young people who are turning to drugs, who grew up with no basic values in their family, who have no sense of community or responsibility not only to others but not even a sense of responsibility to themselves. No matter how many laws we pass, no matter how many police we fund, no matter how many prisons we build, that will not change until we go back to some basic societal values, starting right in our families.

You cannot just tell the schools, you cannot just tell the courts, and you cannot just tell the police to do what parents ought to do right from the beginning.

Talk about gun control. I will tell you what gun control was in my family. If I ever misused a gun when I was growing up, no law would be needed to ban that gun from my use. My father would ban that gun immediately. And there would be no appeal, there would be no second opinion, there would be no question, no parole, no probation. It would be done. And maybe, in a whole lot of other areas, parents ought to go back to doing just that. Maybe it would be a lot better country as a result. But until that day comes, we have some real steps in here that could protect Americans, that could protect every one of us and ought to be passed.

Again, I would say, as I said over and over again, do not hide behind the figleaf of procedural motions to kill this bill, as some are trying to do. Let us stand up and say we are either for it or against it, and then go back and explain that to the people who are called upon to vote for us.

In light of the provisions for funding these measures through the crime trust fund, I am going to support the budget waiver necessary for us to consider and vote upon the crime bill.

I might say, Mr. President, I believe it was 95 Senators who have already voted for that. And, amazingly enough, some of the same Senators who are talking about now carrying out a procedural motion to stop that crime trust fund were the same Senators who stood on this floor congratulating themselves for supporting the crime trust fund, and saying we will put the money there and guarantee that it will be there and used for fighting crime and not used for something else. And now, all of a sudden, they say, "My gosh, this thing will actually pass and we have many powerful lobbyists that do not like some parts of it, so we are going to find a figleaf to stop it."

I am going to vote in favor of this bill. I wish Senators would just confront it head on.

I sat through a lot of those conferences, Mr. President, until 3 or 4 o'clock in the morning. Tris Coffin from my staff was with me. We know what it is like. These are issues that have been debated ad infinitum. Now is the time to come up and vote.

If somebody is against the bill as a matter of principle, opposed to a major portion, then vote against it. I can accept a Member who feels strongly about capital punishment saying he or she cannot vote for this bill. I can accept colleagues who claim they are so opposed to the gun control measures that were passed, incidentally, in this body last November, that now they have changed their minds and they will vote against the bill because of that. But state why you are voting against it. Do not use the procedural fig leaf. Stand up and say why you are voting for or against it.

Mr. President, after all the years of work on this bill, after all the debate, all the votes, all the discussion, I do not think the American people can or should stand further delay and gridlock by Senators. This is a vote for action, not gridlock. Let us have the courage of our convictions to stand up and either vote for it or vote against it. But let us do it on the merits. I think the American people should expect nothing less. They should have nothing less.

Mr. President, I ask unanimous consent that a legislative history on rural crime task forces and computer crime be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY ON RURAL CRIME TASKFORCES

During the conference process, the rural crime title was amended. As a conferee and the author of the Senate conference amendment, and as the person directly involved in negotiating these provisions with House conferees, I would like to say a few words clarifying the legislative intent of these provisions.

When the Senate and the House passed their crime bills, both included provisions establishing rural crime and drug taskforces. The sections of the bill that specified the taskforce membership and cross-designation of federal officers, sections 1402(b), (c) in the Senate bill, and sections 2502, 2503 in the House bill, included provisions that indicated the rural crime taskforces were to enforce Title 18 of the United States Code and the Controlled Substances Act.

When the bill came to conference, these provisions that were included in both bills and were therefore beyond the scope of the conference were dropped in a preliminary draft of the conference bill, apparently inadvertently. In the conference, I offered a technical amendment that among other things, added the language on this point that was omitted from the preliminary draft. This amendment was passed by voice vote in the Senate without dissent.

In discussions with my House counterparts, it became apparent to me that providing some general guidance to the sorts of crimes on which the rural crime taskforces should focus their investigations would be a worthwhile objective to help them prioritize the types of cases where the federal-state joint partnership is best employed. Therefore, after negotiations with House members, language was agreed to that would guide the rural crime taskforces on the sorts of investigations they should pursue. This language was included in a House counteroffer on the rural crime provision, and was accepted by the Senate. The agreed upon language was added to Sec. 1402 of the draft referred to in conference as the Chairman's mark after the phrase "Controlled Substances Act (21 U.S.C. §873(a))" and read "or offenses punishable by a term of imprisonment of 10 years or more under Title 18, United States Code."

I want to emphasize that nothing in this agreed upon language was intended as a limitation on a United States Attorney's prosecutorial discretion or charging authority to prosecute for any offense he or she deems appropriate under the facts and the law. Nor is it a limit on the jurisdiction of the taskforce to report and investigate unlawful activity of any sort that it uncovers in the course of its operations or learns of otherwise. And this language certainly should not be construed as giving any defendant charged with a Title 18 offense punishable by imprisonment for less than 10 years any remedy, defense, jurisdictional claim or other right of action as a result of being investigated by a rural crime taskforce. To provide so would be contrary to the underlying purpose of the crime bill which is to prevent crime and prosecute criminal activities, and would not have been acceptable to me or the conferees. As section 1402(b) of the conference report itself states, the taskforces are to be "carried out under policies and procedures established by the Attorney General."

LEGISLATIVE HISTORY ON COMPUTER CRIME TITLE

Let me also say a few words to clarify the legislative intent with regard to the Computer Crime title that I authored that is included in the crime bill. This provision clarifies the intent standards, the actions prohibited and the jurisdiction of the current Computer Fraud and Abuse Act (CFAA), 18 U.S.C. Sec. 1030. Under the current statute, prosecution of computer abuse crimes must be predicated upon the violator's gaining "unauthorized access" to the affected "federal interest computers." However, computer abusers have developed an arsenal of new techniques which result in the replication and transmission of destructive programs or codes that inflict damage upon remote computers to which the violator never gained "access" in the commonly understood sense of that term. The new subsection of the CFAA created by this bill places the focus on harmful intent and resultant harm, rather than on the technical concept of computer "access."

During consideration of the legislation this year, manufacturers of software raised the issue of whether this statute would criminalize the use of so-called disabling codes which computer software copyright owners sometimes use to enforce their license agreements. These codes may prevent access to or use of the software beyond the scope of the software license agreement of in the event of nonpayment of the license fee or other material breach of the software license agreement.

Although the computer crime provisions prohibit damaging transmissions that occur "without the authorization of the persons or entities who own or are responsible for the computer system receiving the program," it is not the intent of this legislation to criminalize the use of disabling codes when their use is pursuant to a lawful licensing agreement that specifies the conditions for reentry or software disablement. Other legislative history applies to this provision although I have not included it here. Interested parties should look to the floor statements, reports, and hearings about this bill that occurred in prior Congresses for the full legislative history.

Mr. LEAHY. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I rise for two purposes. One is to commend my colleague from Vermont for his excellent statement in connection with the crime bill and the question of procedural motions to be used in order to stand in the way of the passage of the bill. As usual, he brings a very astute analysis of the issues before the Members of the U.S. Senate. I commend him and appreciate his addressing himself so well to this issue.

Mr. President, I ask unanimous consent that the Senator from Ohio be permitted to address the Senate as if in morning business for a period not to exceed 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFICIT REDUCTION AND HEALTH CARE REFORM

Mr. METZENBAUM. Mr. President, I rise to express my exasperation and my dismay at the latest development in the so-called mainstream coalition proposal. It seems that this still-developing proposal is now emphasizing deficit reduction as a key component, reducing the deficit as a component of a health care program. That just takes the cake.

Just when I had thought I had heard almost every harebrained argument on this issue, an even weaker idea surfaces.

Here we are—late in August—desperately trying to figure out a way to help pay for health insurance for the 39 million uninsured Americans and this so-called mainstream group insists that unless health care reform reduces the deficit, we will leave the uninsured not in the mainstream but up the creek.

This is one of the most callow, heartless ideas that I have ever heard of.

I do not yield to any Member of this body in my concern about reducing the deficit. We can reduce the deficit by cutting wasteful spending in 1,000 different ways. We can cut back on defense spending, on the space program, and a host of other areas—but this Senate is never willing to do that. Now this idea comes up we are going to reduce the deficit on the backs of 39 million uninsured people in this country, by somehow enacting a health care bill that is going to save $100 billion.

It is one thing to make certain that health care reform contains costs—and I agree with that; and does nothing to add to the deficit—and I agree with that.

But this is a bill about the health insurance crisis. This is not a bill about the deficit crisis—a crisis created thanks to 12 long years of Republican economic policies.

It is obviously painful to find the money to cover Americans at risk in the health care system. That is not an easy job. But this is simply a gimmick to make it impossible. This is a Trojan horse against real reform.

The Clinton, Kennedy, Moynihan, and Mitchell bills all sought to improve health insurance coverage for the American people, and although I am not totally familiar with the details of it, it is my opinion and my understanding that the original Chafee bill had the same objective in mind.

The Clinton and Kennedy bills financed health insurance through employer and employee contributions and cuts in the rate of increase in Medicare and Medicaid spending.

Both bills adopted national cost containment measures to control total health care spending.

By honestly paying for health care reform and adopting a national cost containment mechanism, both the Clinton and Kennedy bills were able to provide health insurance to all Americans and in the process provide a modest amount of deficit reduction.

The Moynihan and Mitchell bills go half of the way.

Both bills rely on voluntary employer and employee financing and rely heavily on Medicare and Medicaid spending cuts to pay for subsidies to help low-income Americans afford health insurance.

Both bills seek to use untried tax incentives and disincentives to control health care costs—and I support that.

Because Medicare and Medicaid spending cuts are insufficient to provide adequate subsidies to all needy Americans, neither bill raises additional funds for deficit reduction.

Now, out of the heavens, out of the clouds out of the blue—now comes the so-called mainstream proposal. Call it the lame-stream proposal.

This crowed is too chicken to propose adequate employer financing for health insurance.

Now they have become heartless too.

To the 39 million Americans who have no health insurance they say, OK we'll try to help you out a little bit.

We'll cut Medicare for the elderly and Medicaid for the poor and use that money to help the uninsured afford insurance.

But first, we are going to take $10 billion off the top for deficit reduction; $100 billion out of $400 billion in Medicare and Medicaid cuts." How cruel can you be? How crass can you be?

One out of every $4 for deficit reduction out of the backs of the poor, out of the backs of the aged, out of the backs of the disabled? And with no concern, very little, for the uninsured?

So I hope every senior citizen in the country hears this—the so-called mainstream wants to cut Medicare and use the money for deficit reduction.

I hope every disabled and low-income person hears this. The so-called mainstream wants to cut Medicaid for those who already have inadequate health insurance and use the money for deficit reduction.

I hope every doctor, nurse, and hospital hears this. The so-called mainstream wants to cut reimbursement to providers to reduce the deficit.

I hope every employer hears this. The so-called mainstream wants to keep shifting health care costs onto employers so that we can reduce the deficit.

What is going on here?

This is one of the most absurd things I have ever heard of.

The mainstream is trying to turn health care reform into deficit reduction.

Now I am not saying deficit reduction is not important. I am out here on this floor voting time and time again when my colleagues are not, in order to cut some of the spending we have for the space program, in order to cut any number of other military programs.

DALE BUMPERS comes here regularly and offers to cut back on some of these wasteful spending programs in the military and the space program and time and time again he winds up with 39 or 40 votes, and 60 votes against him. It is important to note if we do health care reform right—by insuring all Americans through adequate and honest financing—over the long run we will also positively affect the deficit.

But what I am saying is that until every American has health insurance, until we are willing to pay for reform honestly and adequately, we should not be using health reform to reduce the deficit.

Mr. President, we are getting seriously off course here.

The days are dwindling fast. I do not know if health care reform can be saved.

I, for one, strongly hope that it can.

I will do everything I possibly can to try to compromise, to try to work with those who are trying to move toward a decent national health care program. But the mainstream program is not the way to go.

We can insure all Americans. We are spending far too much on health care already. We must redistribute those moneys to fairly cover and compensate everyone.

Health care reform done right will help our country and our economy. But we must put people first.

We must provide affordable health insurance to all Americans.

I yield the floor.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in opposition to the conference report accompanying H.R. 3355, the so-called crime bill. It was my sincere hope that the Senate-House conferees would report a bill worthy of the American people who are fed up with violent crime. Unfortunately, even after a second round, the conference report has lost its identity as a law enforcement bill and more closely resembles a new social stimulus package for the Democrats.

The President and my colleagues on the other side of the aisle had a wake-up call when the House originally voted against the conference report. The President immediately launched a public relations campaign to salvage the crime bill which had been appropriately stalled because of excessive Federal spending. President Clinton and his aides blamed the Republicans in strong terms for inaction on the crime bill. However, the White House was forced to change strategies when the American people said no to the social spending measure which the President was trying to revive.

Despite efforts by the Clinton administration, the public did not rise to support a social spending plan under the guise of law enforcement. The American people largely disagreed with the President and demanded that Congress fix the crime bill to focus its priorities on law enforcement. So over the course of several days, the President changed his message from blaming the Republicans to one of calling for bipartisan negotiations.

Mr. President, there should be no mistake about this, the Republican party was initially dismissed by the Democrats when they were drafting the crime conference report. Later, they tried to force it through the House of Representatives, again with indifference toward the minority party. It is clear that the Democrats had no intention of allowing meaningful participation in this debate until a significant number of their own party joined Republicans to bring reason to the legislative process. It was at that point the Democratic Party had to negotiate on a number of items in the crime bill with the Republicans.

Where the Democrats had rejected a Republican measure for HIV testing of accused rapists, begrudgingly they now had to accept it. Where the Democrats had rejected our proposal to favorably amend the rules of evidence concerning prior offenses of rape and child abuse, they now had to accept it. Where the Democrats had rejected our proposal requiring mandatory restitution to victims of violent crimes, they now had to accept it. Where the Democrats had rejected our effective language on notification to residents when sexual offenders are released into their community, they now had to accept it. Where the Democrats had rejected a proposal to prosecute 14-year-olds as adults for certain violent crimes, they now had to accept it.

Also, the Democrats had to acknowledge through negotiations that there was an excessive and often duplicative amount of Federal spending for social programs in the conference report. Scrambling for votes to gain passage, the White House and Democratic leaders agreed to reductions in a few of their social programs in the crime bill. This was an incremental process with compromise on pork spending inching along only to the point where they had enough votes for passage.

Mr. President, after a long weekend of meetings, discussions and negotiations, the House trimmed only $3.3 billion from the original cost to be borne by the taxpayers of $33.5 billion.

There are many social programs funded through this bill which have been euphemistically called crime prevention programs. There is almost $7 billion allocated for so-called prevention programs which will do little to reduce violent crime. The expenditures authorized in the conference report harken back to the costly and ineffective programs of the Great Society.

The social welfare spending in the conference report should not be adopted under the guise of law enforcement. One example of excessive social spending in the crime conference report is the Local Partnership Act. This provision will allow President Clinton to hand out $1.6 billion to local governments just prior to the 1996 elections for supposedly crime prevention programs. There have been no hearings on this proposal and essentially there are only vague requirements on how this money will be used to prevent crime.

Another example of scarce law enforcement resources the Democrats wanted for superfluous social spending in the conference report is the Youth Employment and Skills Crime Prevention Program. Fortunately, we were able to finally remove this provision from the conference report. Here, you had a proposal to give a check for $900 million to the Secretary of Labor to hand out for job training, apprenticeships and job experience targeted at youth. Mr. President, this sounds appealing but I hasten to point out that there are currently 154 overlapping Federal employment and training programs which are administered by 14 separate Federal departments and agencies. There are no fewer than 50 different offices within these departments and agencies running these programs with $25 billion which was budgeted for fiscal year 1994. Despite the $25 billion which had already been allocated, the original conference report would have thrown an additional $900 million at this extensive job training system. As I stated earlier, this is one program that the Democrats were forced to abandon to bargain for votes on final passage.

Additionally, the Model Intensive Grant Program within the conference report is another expenditure of tax dollars for social programs having little to do with reducing violent crime. Under this program, President Clinton's administration would have nearly total discretion to give away $625 million in grants for 15 programs on crime prevention. The criteria for receiving money under this program are very general, allowing recipients to assert even the most tenuous links to crime prevention. Further, under this proposal, the Clinton administration selects 15 areas to begin distributing this largess all prior to the 1966 elections.

Some of the arguments that I have heard in support of this type of spending are on behalf of America's youth. There are approprite measures that we can adopt and have adopted to target at-risk youth. In fact, the GAO recently reported that there are already seven Federal departments sponsoring 266 prevention programs for at-risk youth. Of these 266 programs, 31 are administered by the Department of Education, 92 by the Department of Health and Human Services, and 117 by the Justice Department. The GAO found that current Government programs reflect a massive Federal effort on behalf of troubled youth. The GAO report stated the following:

> Taken together, the scope and number of multi-agency programs show that the government is responsive to the needs of these young people * * * [It] is apparent from the federal activities and response that the needs of delinquent youth are being taken quite seriously.

Mr. President, clearly the Federal Government is already spending billions of dollars for delinquent youth. There is room for appropriate Federal programs—and we have passed many—to target delinquent and at-risk youth. Before billions more are authorized, the Congress should debate and determine whether the hard-earned tax dollars of the American people are best spent on more social programs. I do not believe that we should ask the American taxpayers to spend billions in the conference report in such a haphazard manner.

I am pleased that a number of House Republican members were able to have some positive changes made to the conference report. Almost $3.5 billion in Federal spending was cut from the crime bill only after the Democrats had to compromise to ensure passage. This is a good start, but there remains a significant amount of social spending in the crime bill which should be removed. The crime bill continues to be topheavy in 1960's style social spending, and we have an opportunity to right this wrong and produce a crime bill worthy of the American people.

Mr. President, I have been working for years to pass a tough crime bill to assist law enforcement and to reduce the level of violence in this country. There are a number of provisions in this crime bill which should be passed to address violent crime. We need an enforceable Federal death penalty and increased penalties for violent crime. We need mandatory life sentences for conviction on a third violent felony and other important measures in this bill.

It is unfortunate that a Federal crime control plan is being held hostage by social programs which will cost the American taxpayers billions and billions of dollars. The message that I have received from the good people of South Carolina and others across the country is for the Congress to adopt a true crime fighting proposal and not a social welfare bill. the American public wants a crime bill that will address violent crime with tough law enforcement measures and not a return to excessive spending on Federal programs.

I will oppose this conference report and continue to work for an effective crime fighting plan that deserves our support and has the support of the American people.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Iowa.

Mr. HARKIN. Mr. President, in my State of Iowa, robbery rates are up almost 44 percent in our capital city of Des Moines this year over last year, and there has been a 48-percent increase in robberies involving handguns. The rising tide of crime is why it is so important to pass this conference report on the crime bill.

Passage of this legislation will mark the first successful comprehensive crime bill in 6 years.

While I would have written a somewhat different bill, I support this legislation because I believe that the American people deserve energetic action by their National Government to fight the scourge of crime. If every Member insisted that it is my way or no way, we would have 535 different crime bills and absolutely no action.

Since Senate passage of this bill, I have talked to law enforcement officials across my State. One thing I heard again and again was the need for more resources. The police and law enforcement in my State support this bill, Mr. President, as does the chief law enforcement officer of Iowa, Attorney General Bonnie Campbell.

This legislation authorizes and funds some $30 billion over 6 years in anticrime measures, mostly in State and Federal law enforcement, prison construction, and crime prevention measures. Too often authorizing legislation talks big but fails to deliver. They are just promises of authorization with no real money to fund it. This legislation, however, is the most important Federal crime-fighting measure in many years because it will deliver what it promises. It does not just authorize funds; it sets up a mechanism by which we fund these crime-fighting measures.

So what will passage of this bill mean to the people of my State of Iowa? It will mean safer streets and neighborhoods. It means an estimated 1,300 new police officers on the streets, beefing up Iowa police enforcement by nearly 20 percent. Our State would be in line for $20 million more for corrections facilities, an increase of nearly 15 percent. Iowa would receive some $5 million in Byrne grant funding through the trust fund, ensuring the security of these antidrug grants that law enforcement officers across our State have told me are vital.

This bill also establishes innovative programs to combat crime and drug abuse. The "drug court" program that started in Dade County, FL, will be expanded nationwide. This is a State program of intense supervision of youthful drug offenders, including random drug testing. The results in Dade County are encouraging. Ex-offenders are getting off of drugs and keeping out of trouble. Reincarceration rates have fallen from 60 percent in the general population to only 11 percent for drug court graduates.

The bill also gets tough on repeat offenders. The three-strikes-and-you're-out provision will put people who have repeatedly committed violent crimes in prison for life without parole, where they cannot hurt people again. It combats domestic violence through the Violence Against Women Act. Now we are anticipating a point of order against this bill because of the inclusion of the violent crime control trust fund in this bill. This trust fund uses savings from reductions in the Federal work force, and transfers it to crime fighting efforts. This provision was developed by the distinguished President pro tempore, Senator BYRD, and at the time was lauded by all sides. The senior Senator from Texas at the time said that the trust fund would make American history in crime and punishment. He also said that, with the trust fund spending, we could fund both the social approach, including drug treatment and boot camp prisons, and funding for higher security facilities for violent criminals.

In fact, I got the RECORD out from last November 4, 1993. I see where the senior Senator from Texas was talking about using this trust fund. He said, "The Congressional Budget Office scored that amendment as saving $21.8 billion. That is a reduction in Federal work force." He further said, "That gave us the vehicle to fund this crime bill; not just to promise funding, but to actually provide the funds." Further on, he said,

> The proposal of Senator BYRD, which cut the existing spending by $21.8 billion, is that we fund both the social approach of the Democrats, where we keep people in prison for drug abuse, and where as an alternative to incarceration for first-time, nonviolent offenders we have boot camps. But in addition to that we need to build real prisons for real criminals. Someone who kills somebody in this country ought to go to prison.

That is a quote of the senior Senator from Texas. It is my understanding that the senior Senator from Texas is now saying he is in favor of raising a point of order against this bill, that it is not in keeping with the budget control act, the Budget Act.

But last November 4, the senior Senator from Texas was lauding the fact that we used the trust fund to provide the money.

So let us be clear, Mr. President. This point of order is a subterfuge. Nobody wants to change the trust fund. If we eliminated the trust fund to avoid this procedural maneuver, this bill would be much weaker, and every one of us knows that. This is just a way to get the gun provisions out, and stop any crime bill from passing.

The Senator from Texas says that if the point of order is not waived, he will offer an amendment. It would add back a provision he supports providing for mandatory penalties, including the death penalty, for what until now have been State crimes with no Federal nexus.

This mandatory minimum sentencing provision concerning gun crimes was dropped in conference. But this does not mean that there are no tough sentences for gun crimes—it just means that those sentences are imposed by State, rather than Federal, action. My State already has tough laws, which have resulted in Iowa having the 10th lowest rate of violent crime in America.

There is no need for the heavy hand of the Federal Government to impose new sentencing standards on State crimes. It is a violation of one of the last areas of fedralism—the right of a State to control its own criminal law, and the punishment for violation of those laws.

The provision advocated by the Senator from Texas would impose the death penalty in States that currently do not have it, including Iowa. But the fact is, there are eight times as many murders per capita in Texas, which has the death penalty, than in Iowa, which does not. This just goes to show that the death penalty has no proven impact on violent crime. I would suggest that the Senator from Texas look at what we are doing in Iowa, and consider adopting our criminal justice system in his State, because ours obviously seems to be working better. I see no reason at this point for Iowa to adopt the Texas system of justice.

The solution to violent crime is to bring new resources to bear to fight it, as is done in this bill both on the preventive end, providing assistance and resources for young people to keep them off the streets so they do not get involved in gang activity, and on the other end to make sure that those who do violate the law are punished severely.

If a person has proven that they cannot be trusted in society, by being convicted by three violent crimes, then that person should be locked up for life, as is done in this bill. To do that, we need to ensure adequate prison space, as is done in this bill.

But let us be honest about it. The real reason that many Senators are opposing this bill can be summarized in three letters: N–R–A. The gun lobbies have been calling and faxing to tell us that they oppose this bill, and they want to have us kill it. Senators know that they cannot say they are voting against this bill because of the assault weapons provision because everyone knows that at least 78 percent of the people in this country want the assault weapon ban. But they can use some of the other issues, such as a point of order, as a smokescreen to disguise a vote motivated by the gun lobby.

Here is a piece that we got in our office, Mr. President. It is from the Gun Owners of America, Springfield, VA. It says, "Before you vote on the crime bill, remember * * *"—and it quotes here; it says, "'When the gun lobby goes after you, it does have an adverse impact.' Soon to be former State Senator Dave Robertti. Los Angeles Times, June 1994."

Then it says—and I have to give them credit for being open—in heavy black lettering: "Single-issue voters are overwhelmingly pro gun. Translated: Gun owners are much more likely than gun control advocates to be single-issue voters. Be forewarned. There is incredible voter anger brewing outside of the beltway."

Well, at least they are being up front about it.

They are saying that some gun owners are going to be a single-issue voter. I do not know. I am a gun owner. I happen to like guns. I go hunting just about every fall, assuming we get out of here in time this year. I do not belong to this organization. But I have a belief that gun owners are not necessarily single-issue voters. I know too many of them in my home State of Iowa. They do not believe there is any need or any reason for assault weapons in our society. So I think the Gun Owners of America are unnecessarily spreading a lot of fear by telling people who vote for this crime bill that they are going to be a target in the upcoming election by gun owners across America. I do not believe that is true.

It is not true in my State, and I do not believe it is true throughout the country.

Lastly, Mr. President, I keep hearing time and time again, almost ad nauseam, the repetition by the NRA of this mantra that "the right of the people to keep and bear arms shall not be infringed. It is printed in bold lettering right outside their building in downtown Washington. They claim to be quoting the second amendment of the Constitution.

That is what they say. Mr. President, there is a passage in the Bible that says "there is no God." That is right. I can use the Bible to prove that there is no God. It says it right here in Psalm 14, "there is no God." What I did not tell you is that the full sentence says, "The fool has said in his heart that there is no God."

So you see, you can take things out of context and use them as you will. So I can take that out of the Bible and say "there is no God, the Bible tells me so"—unless I use the whole sentence which says, "The fool has said in his heart there is no God."

So what does the second amendment to the Constitution say? Does it say: The right of the people to keep and bear arms shall not be infringed? Partially, just as the Bible says, partially, that there is no God. Here is what the second amendment really says in its entirety:

> A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

As we all know, the framers to the Constitution were very much opposed to a standing army. They had experiences with the British army, and they did not want a standing army here. Instead, they wanted a militia, people in their own homes to be called out like the National Guard in times of emergency. But they wanted them regulated—"A well-regulated Militia." They did not say a rag-tag group of people each having their own gun. The second amendment says, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

I wish the NRA would put the entire second amendment of the Constitution on the outside of their building instead of lifting just a portion of it to further their aims, which is to put more guns on the streets, which in my view will increase the violence that is already all too prevalent in our society.

So, Mr. President, I support the conference report on the crime bill. As I have said, I do not agree with everything in the crime bill. There are some provisions I probably would have changed. I do not happen to be a proponent of the death penalty. But I understand that, as I said, if we all drafted a crime bill to our wishes, we would have 535 of them, and we would not make any progress. So I am willing to swallow hard on that, perhaps, just as long as we do not have the Federal Government imposing on our States the death penalty for crimes which are now entirely controlled by the States.

I know the occupant of the chair represents a State which has not had a death penalty since 1858, if I am not mistaken. I am sure the people of Wisconsin, as well as the people of Iowa, do not want the Federal Government saying here is what you have to do in your criminal justice system. We have done pretty well in Iowa, and we do not need the Federal Government coming in and telling us what we have to do in our criminal justice system.

So, first of all, I hope there is no point of order raised against this, and I hope we can move ahead expeditiously to vote on the crime bill and send it down to the President for his signature. I do hope if in fact a point of order is raised, we have the votes to override that point of order. It is in the best interest of this country to do so.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I want to add my voice to that of the Senator from Iowa, who I think was quite eloquent in his analysis of where we are at this moment on the crime bill. I think it is very important to pass this crime bill, Mr. President. It is very important for the people of my State of California, and it is very important to the people of this country.

For my State, we are looking at an additional 10,200 police officers on the street. We are looking at more boot camps. We are looking at rural law enforcement grants and Byrne formula grants, which help our law enforcement people. We are looking at discretionary grants for drug court programs, and money to help us enforce the Brady law, and more judges, and prosecutors, and public defenders. We are looking for prevention programs.

Let me say, Mr. President, from the bottom of my heart, anyone who says that you can beat the crime problem in this country simply by voting for prisons, I just do not believe have really been honest with themselves or the American people.

Where do I get my advice on my stand here? Basically, from the law enforcement people in my State. I have had a series of four very important summits on violence across my State. My State is very diverse. It ranges from very conservative Republican country to liberal Democrat country, to everything in between. And I would get people around the table, Mr. President, who are in law enforcement and who have been rather conservative on this issue, to social workers and teachers. Mr. President, the good news is that they are coming together. They are coming together with comprehensive solutions. They are telling me:

> Senator, we can no longer have one camp of people saying prevention is the only answer, and another camp of people saying enforcement and punishment is the only answer. We must move together.

Let me say to my friend in the chair that I think he came here to make life better for the people of his State. I think that is the reason we are all here. We have to get out where the people are. We cannot stand these arguments which no longer are relevant, and that basic argument between prevention and punishment is a real relic; it is a relic of years gone by. We must come together.

I was so grateful to the mayor of the city of Los Angeles, Mayor Riordan, who came here to really be a voice for this crime bill. It was a controversial thing for him to do, but he came to Washington, he stayed and lobbied, as did the mayor of New York and the mayor of Philadelphia. They are living with the fact that we have had inaction here on this crime scene front.

Well, Mr. President, we are very close to a breakthrough here. I watched every minute of the debate in the House, and it was a difficult debate. But I think the President was very wise to stand firm on the assault weapons ban. When the crime bill went down the first time, he had two choices. He could have deleted the assault weapon ban and then gotten some of the antigun control Democrats to join him, or he could have kept the assault weapon ban and tried to make some compromises with the more moderate Republicans. He chose to do that, and what we have before us now, it seems to me, is a well-balanced plan.

I want to be honest with you. I would have preferred to see more dollars in there for prevention. But as the Senator from Iowa said, each of us could write the bill in his or her own way. I think the product we have is a good product.

I have here the basic summary of the conference report, which provides for $13.5 billion for law enforcement, Federal and State, $9.7 billion for prisons, $6 billion for prevention, and $1 billion for drug courts.

Actually, what we have, of course, is most of the money going by far and away for law enforcement and prisons and some for prevention and drug courts.

So those who say that there is not enough in there for prisons should only look at the number because we actually see that when we voted on it the bill had $6.5 billion for prisons and now there is $9.7 billion for prisons. So the fact is it is moving in the direction for those who want to put more into enforcement and punishment.

Mr. President, I am very hopeful that our Republicans in the Senate will not choose to filibuster this bill, will not choose to hold this bill up on a parliamentary procedure. I understand they are thinking about doing that right now, that they are meeting about doing that right now, and they may raise a point of order regarding the trust fund that pays for this crime bill. I think it very ironic if they choose to do that.

Mr. President, you and I spent a lot of time presiding in the chair, and it was my good fortune to be in the chair when the Senator from Massachusetts, Senator KERRY, who will be speaking later in this debate, proposed the notion that we think big when it comes to the issue of crime. He made a very eloquent point that the problem is so great that the response must be comprehensive. It struck a chord.

And the next thing you know the Senator from West Virginia [Mr. BYRD], the chairman of the Appropriations Committee, came up with this trust fund idea, and he made the compelling point that if we can take the savings from a reduction in the number of Federal employees and put that money in a crime trust fund we can pay for this bill.

At the time that proposal got a tremendous amount of support from Democrats and Republicans. It was the most heartening time perhaps during the whole year that we have spent on trying to solve issues to see that kind of bipartisanship.

Now the very same Republicans who lauded Senator BYRD, who said, "Senator, you have broken through; we have a very tough deficit problem; we have to pay as you go; we need to pay for the things that have to be done," the very same Senators who praised Senator BYRD and praised Senator KERRY for thinking big are now saying, "Gee, we are going to raise a point of order against this trust fund idea," and this could bring the entire crime bill down.

I think it would be a very sad day to see Members of the other side of the aisle, Republican Senators who praised Senator BYRD's idea of the trust fund, now try and bring the crime bill down on that technicality.

I think the reason I wanted to take the floor today and do a little thinking out loud is that I want the American people to see through those tactics. If a Republican Senator stood up and said "I love this trust fund; it gives us a way to pay as we go; it is a fiscally responsible way to fight crime," if that Republican Senator suddenly changes and says now, "We cannot bring it up because we do not like the trust fund," you have to begin to question what the motivation is.

When you learn the parliamentary rules of this Senate, which is not easy to do, you find out that is the only way they can move if they want to kill this crime bill. And then you have to say, why do they want to kill this crime bill?

I just invite you to read the papers and realize that the National Rifle Association has moved everything over to the Senate side, and they are now pulling out all stops because they are interested in only one thing in this bill, and that is the ban on certain types of assault weapons. They oppose that. They do not want anyone in the Congress telling them that assault weapons are weapons of war, that they do not belong in our streets. They want to have every gun that they want available to everyone in this country. That is the bottom line.

I was fortunate to be at a press conference with the senior Senator from California [Mrs. FEINSTEIN], who has worked so hard on this assault weapons ban, and with us was a police lieutenant who had been brutally attacked by an assault weapon. No one expected him to live. He pulled through it, and he is now working very hard to see that the assault weapon ban remains in this bill. He looked at the assault weapons that were laid out on the table and he whispered to me: "Those are weapons of war. They do not belong on our streets. And the police are outgunned."

So that is what this is about. You will hear speeches, I say to the American people, about every conceivable thing. They are going to say there is too much prevention in this bill. I have already shown you the balance. Most of the money, over 70 percent, goes for law enforcement and prisons and 20 percent goes for prevention.

Again I say let us look at the RECORD. I have here a beautiful speech that was made by the ranking member of the Budget Committee, a wonderful Senator, Senator DOMENICI, and I do not know where he is going to come out on this vote. I sure hope he will be with us and hope he will not go with the point of order. He made the most beautiful speech. I will read it in part. Again I was in the chair when he delivered this speech. He said:

> Madam President, let me tell the Senate a rather enlightening and satisfying experience I had about 7 weeks ago. I was honorary chairman of the second annual Youth Outstanding Unified Roundup * * * Basketball Camp. The objective of this camp is to provide 250 financially deprived youth aged 6 to 16 with free basketball instruction and other life skills training that they could not otherwise afford. In addition, 150 pairs of basketball sneakers were given to those most in need.

He goes on to talk about this truly remarkable mix between a few stars of the university basketball team and these young people, and in the end he says:

> The youth of today have been born into a society that provides little fertile ground for sound physical, mental, and spiritual development.

And he says, and I agree with him:

> Government cannot and should never try to replace the family. Yet we can put forth policies which we hope will strengthen the family or at the very least, fill in those gaps where children are not receiving the support or direction they need and inwardly crave.

That is a quote from PETE DOMENICI, the very articulate Senator from New Mexico, Republican ranking member on the Budget Committee, who praised the fact that we have prevention in this bill.

So you may hear talk that there is too much in this bill. Just remember it is a small positive portion of this bill, No. 1, and, No. 2, it works and we need that prevention. Our Republican colleagues supported that prevention.

You look at the military, young men and women in the military. The military has many programs for recreation. I never heard our Republican colleagues come out here and say that is a waste of money, because they know it is important.

The fact is, as President Clinton has said many times, young people need something to say yes to. And if they are in a program that I used to be when I was a kid growing up in the city, we had night centers, we had places to go after school, we had evening activities, and we were kept busy doing things that were good for us and good for our community.

So when you hear this talk about too much prevention, ask those Republicans why they do not want to strip all the recreation out of the military, ask them why they did not make those speeches when they voted for this bill in the first place, and really ask yourselves why they are against this bill. And the answer will be it is because there is an assault weapon ban in here, and that is really the true agenda and why so many of them want to bring down this bill.

So, Mr. President, in conclusion, let me just say, coming from a State that had the terrible Polly Klaas kidnap and brutal murder, coming from a State where we have had our citizens gunned down in the workplace, I had to see my son who is only 29 years old have to go to a funeral of his law school friend who was working in a building at 101 California Street in San Francisco as a lawyer. He threw himself in front of his wife and took the assault weapon bullets for her, Michelle Scully. Many of you have seen her on national television. There she is begging us to pass this bill.

I come from a State that needs this bill, and I daresay all of my colleagues who are going to be speaking feel the same way in their States. Crime is a national epidemic. It needs a national response. It needs a comprehensive response. We have had the chairman of the Judiciary Committee, Senator BIDEN, working overtime to make sure we have a good bill and we have a good bill.

I would say to my Republican friends who are not currently on the floor perhaps they are still meeting to decide whether or not they will raise this technical point of order and slow us down and try to derail this bill, I say to them, please put the partisan politics aside, say to the National Rifle Association that you are not going to be with them, and let us pass something that is good for the people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in strong support of the crime bill conference report now before us.

This crime bill has been long in the making, Mr. President. The process began last November, when the Senate managed to put aside politics and pass unprecedented, comprehensive anticrime legislation. This bill was far from perfect, but it ended years of absurd debate between liberals and conservatives over whether we need, as a country, to better focus on punishment or policing or prevention. After years of bickering, Congress finally came to the conclusion that we need to do better, much better, at all three.

In recent weeks, however, just as we were on the brink of finalizing a historic conference report, partisan politics and special interests returned like a bad dream to shatter the consensus that had developed.

Thankfully, a reasonable compromise was reached that resulted in House passage of the bill over the weekend. But now, as the Senate prepares to vote on the crime bill conference report, we are faced yet again with procedural obstacles and game playing.

In light of these developments, Mr. President, it is no wonder that people do not trust Washington. We told them months ago that we would do our part to help reduce crime in America, but instead, we are only helping to reduce America's trust in its elected officials.

What is so sad about this state of affairs is that most of us in Congress generally agree about what needs to be done, and this agreement was actually reflected in the bipartisan crime bill passed by the Senate months ago.

Democrats and Republicans agree that we need to put more police officers on America's streets. These police officers will help banish fear and broadcast the message that street crime will not be tolerated.

Democrats and Republicans agree that we need to build more prisons to house violent criminals. Because in the face of statistics which reflect that murderers are only incarcerated for 6 years on average and first-time rapists for less than 4 years, we must do better at keeping predators off our streets.

Democrats and Republicans agree on a range of tougher punishments, including three-strikes-and-you're-out.

Democrats and Republicans agree that we need to take handguns out of the hands of kids, and crack down on adults who peddle firearms to juveniles.

And many Democrats and Republicans agree that we cannot ignore our children—that we cannot allow a culture of drugs and guns and violence to capture their hearts and minds at a young age. Make no mistake about it, Mr. President. There is a battle on for our children. A battle that we cannot allow gangs and crack peddlers to win.

Mr. President, all of these areas of agreement are reflected in the crime bill conference report now before us, which is why it is a good bill and why so many of us support it strongly. What happened to our agreement? Why has it fallen apart? Why are we now—at the last minute—loudly exaggerating minor differences and disagreements, instead of emphasizing common ground?

I appeal to my colleagues. Let us rediscover the reasons that brought us together months ago. Let us move beyond crude political calculation.

Yes, we all have some differences with the crime bill conference report. Certainly, I do. For example, I was disturbed that conferees eliminated the only provision in the crime bill providing funds for States to incarcerate violent juveniles.

With juvenile crime being the leading edge of the crime problem in America, I do not understand how we can neglect juvenile corrections in a $30 billion crime bill.

And yes, we should also recognize that there is work to be done—primarily by the administration, but also by Congress—to ensure that the prevention funds in the crime bill are spent wisely and effectively. We cannot afford—and we will not tolerate—boondogles, no matter how noble the cause. So I intend to hold oversight hearings next month on the juvenile anticrime programs contained in the crime bill.

Because, Mr. President, the crime bill is, in many respects, a promise; it is, at this point, just a commitment to the American people. Exactly how we implement this promise is crucial.

In sum, our work is not done. But, Mr. President, this work cannot begin unless we pass this bill. And by all rights, we should pass this bill, because our areas of agreement far outweigh our differences. I challenge anyone to suggest otherwise. By any reasonable standard, this agreement should translate into support for the crime bill conference report.

Mr. President, let me close by cautioning my colleagues that the American people are not stupid. Out in America's neighborhoods, where crime is reality rather than rhetoric, the people we serve can smell cynical politics and opportunism.

So let us move beyond all that. Our constituents want safe streets, not sloganeering. Let us do our part today, and give them the tough, smart, balanced crime bill now before us.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, and colleagues, there are few, if any, issues that are more important to the people we represent than dealing forthrightly with the problem of crime.

We all understand the bulk of the law enforcement responsibility in this country rests at the State and local level. That has always been the case. But I strongly believe there is an important Federal role that can be played in helping to address the crime problem, and particularly in providing very needed support for local governments as they confront this critical challenge about which people all across the country are so deeply concerned.

That is why I very strongly support the violent crime control and law enforcement legislation now before us. This is a balanced package. It deals with policing, with prisons; in other words, with punishment, with the entire enforcement package. It also deals with the prevention of crime, with a crime prevention package. It would make important strides in reducing gun violence and in addressing drug-related crime. It expands community policing by 100,000 across the Nation.

It will reduce prison overcrowding by providing additional support to State governments for additional prison space and by creating boot camps to take first-time, nonviolent offenders out of the standard prison system and place them in camps that can be more productive in rehabilitation and can free up the prison spaces for the more violent offenders. It includes important new tools, including special court procedures and treatment for drug cases.

It has a variety of preventive programs including educational and community support programs directed for at-risk youth, and directed to keep our young people from getting on the path of drugs and crime to begin with.

If you are going to have a comprehensive approach, you must address the beginning of the problem by cutting down on the number of people who move down down the crime path, as well as by tightening up how we deal with those who do go down that path by increased enforcement, more policing, stricter punishment, and more prison spaces.

This crime bill is designed to work in partnership with State and local governments and to provided the support and resources that are most needed at the local level to fight crime.

This legislation has been developed in close cooperation with police organizations, State and local government groups, and others at the local level who are on the front line in the crime fight.

It contains a ban on assault weapons, prohibiting the future manufacture, sale, or importation of certain military-style, rapid-fire weapons that are used heavily for criminal activity. There are provisions which the law enforcement officials of the country have urged us to enact and have welcomed as being of importance to them.

This bill is supported by every major State and local government and law enforcement organization.

I have here a list of those that are strongly supporting the crime bill: Police groups, prosecutor groups, Governors, mayors, city and county organizations, police departments.

I want to read just one letter that is representative of the kind of support that exists for this legislation. This letter is from the National District Attorneys Association to Chairman BIDEN, chairman of the Committee on the Judiciary, who has done such a skillful job in guiding this bill through the legislative process. I now quote from the letter from the president, Robert J. Deschamps, of the National District Attorneys Association.

> DEAR SENATOR BIDEN: The House of Representatives has finished its long debate on the crime bill and passed the much-needed effort to provide the means to combat this national tragedy. The National District Attorneys Association calls upon the Senate to emulate their colleagues and swiftly end the six-year wait for an effective program to address crime.
>
> As the prosecutors for every town, city and county across the Nation, we have worked long and hard with you, the Congress of the United States, to provide the American people with an initiative that both fights crime and addresses the causes of crime.
>
> Our support has been bipartisan, with the needs of our nation foremost in our efforts. The crime bill has come too far and too much is at stake to have the Senate reject it at this juncture.
>
> As the people's prosecutors, we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress, to give us the means and the leadership to accomplish this task by passing the crime bill without further delay or debate.

From the National District Attorneys Association.

Mr. President, I ask unanimous consent the letter be printed at conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, we have made a number of attempts to pass meaningful crime legislation in recent years but these efforts have not been successful. Today we are on the threshold of enacting the toughest, smartest legislation at the Federal level to address the crime problem that has ever been before us. This is strong legislation. Attacks are now being made upon it that do not square with the facts. And let me just review those very quickly.

First of all, it is asserted that this bill is too heavily preventive. Only 20 percent of the bill is preventive, and I am going to run through some of these programs whose merit is, I believe, manifest. This amount is significantly less than was in the previous conference report. Most of this bill is for law enforcement and prisons but it does provide some prevention money giving us a balanced package. It makes some sense to do preventive programs designed to keep people from becoming criminals in the first place as well as those programs designed to apprehend and punish severely those who have engaged in criminal activity. We ought to be doing an across-the-board approach in order to try to come to grips with this problem that is threatening so many parts of our country.

On the law enforcement side, out of a $30 billion bill, $13.5 billion, 45 percent of it, is for law enforcement. This includes almost $9 billion to put additional police on the streets across our country for community policing efforts. We are doing some of this right now with a program within the Department of Justice, a very limited one, that makes grants to communities in order to institute community policing.

I received a phone call just this morning from the mayor of Ocean City, MD, Mayor Powell. Ocean City is a community which in the summertime becomes a metropolis. It is only a few thousand people in the off season, but in the summer season it is hundreds of thousands of people. You can imagine the kind of law enforcement problems that raises. He urged us to continue our hard efforts for enactment of the crime bill and he pointed out that a small grant which they received earlier in the year for community policing enabled them to put two additional officers on bike patrol in that resort town.

Last night this bike patrol, carrying out its community policing, heard a woman screaming and were able to apprehend a rapist. They now believe that this person apprehended was responsible in the State of Delaware for an unsolved rape that occurred 2 years ago, and may well be the person responsible for a series of rapes that has taken place. This legislation will enhance such community policing many, many times over all across the country. So I urge my colleagues: Support this legislation and put more such police on the street to do community policing.

This legislation will provide for enhanced drug enforcement. It will provide assistance to the FBI, to the DEA, it provides over $1 billion for the Border Patrol and the Immigration and Naturalization Service in order to deal with the problem we confront at our Nation's borders.

It provides support for Federal and State courts, for U.S. attorneys, for State prosecutors. It is designed, in effect, to strengthen the entire criminal justice system—not just apprehending, arresting the criminals, but then bringing them to justice through the court system.

And then it moves from law enforcement to prisons and provides almost $10 billion for prisons. Almost 80 percent of the money in this legislation is for law enforcement and for prisons—just under 80 percent. On the prisons, almost $10 billion—$8 billion of it to States to build and operate prisons and incarceration alternatives such as boot camps which will ensure that additional prison space is available for violent offenders. There is almost $2 billion to provide assistance to the States for the costs of incarcerating criminal illegal aliens.

I already made reference earlier to the provision dealing with firearms, a ban on assault weapons. There is money in this legislation for drug courts, for a program for nonviolent offenders with substance-abuse problems. Participants will be intensely supervised and receive drug treatment. They will be subject to graduated sanctions ultimately including prison terms if they fail random drug tests.

These drug courts, where they have been tried across the country, have proved to be a more effective way of dealing with drug problems for first-time nonviolent offenders.

Finally, let me turn to the preventive programs because it is now being asserted by some, "Oh, this is the basis of our opposition to this legislation." Of course these programs were addressed in the reconvened conference and slimmed down and reduced. But let me just mention what some of these programs are that have been kept in the legislation. People are taking the floor here or in the debate across the country and condemning prevention programs without examining exactly what they do. Often the programs are misrepresented.

There is $6 billion out of a total of $30 billion in the package for the preventive programs. Let me just mention the larger ones amongst them. There is $1.6 billion to fund the Violence Against Women Act. We have been trying to enact that legislation here for a long period of time. Almost 30 percent of the preventive money about which some are now raising questions—I believe in large part as a smoke screen for other reasons—but almost 30 percent of the prevention money is to fund the Violence Against Women Act. It includes funds to increase and train police, prosecutors and judges, to encourage pro-arrest policies; funds for victims' services and advocates; battered women's shelters, rape education and community prevention programs; and increased security in public places. It extends rape shield law protection to civil cases. It is a comprehensive approach to deal with the violence against women problem that we confront in our society. That is an essential program. We must move forward with it.

This legislation provides $1.6 billion for funding for localities around the country for drug treatment and drug education programs. We want to stop, right at the start, people from going down the path of drugs and then crime.

Who can quarrel with that? Who would question the importance of such a program in every part of the country—not just the urban areas of this country? It is clear, increasingly clear, that all across the land—in rural, suburban, and urban areas—we are confronting a rising drug problem.

It provides money for drug treatment of prisoners in State and Federal prisons. We arrest these people; we put them in prison; they have a drug habit; we do not treat the drug habit; eventually they come out of prison; they are right back on drugs; the next thing you know they have committed a crime; and they are right back in prison. So you revolve them around and back into the system, and in the meantime someone out in the community has been the victim of their crime.

There is about $800 million to provide aid for school-based programs—after school, weekends, summer activities—to help make the schools a safe haven for our young people, a place they can go to escape the risks that they confront on the streets in their neighborhoods that are permeated by a life of drugs and crime. It provides inschool assistance to at-risk children. This is a wise investment in the future of our country, and it is certainly a wise investment in achieving a safer society.

Now, those are the major items within the prevention programs. Then we do provide a block grant program to local governments of just under $400 million to try to develop antigang programs, to have sports leagues, to have boys and girls clubs, to have police partnerships. Those programs will work if we will give them a chance to work. The police themselves tell us that such programs are important to building safer neighborhoods.

So, Mr. President, this is a balanced, comprehensive approach to deal with the crime problem. It will deal with policing. It will deal with prisons. It will toughen punishment. This legislation has provisions that provide additional death penalties for certain heinous crimes. It has the three-strikes-and-you-are-out provision, imposing a life sentence for a third violent felony. So it tightens and makes tougher our punishment system. It commits resources in order to do something about crime—for the police, for the support agencies, the prosecutors, the courts, the State and local governments. And, of course, it seeks to deal with prevention programs as well.

Let me make one final observation. Some say they are going to raise a point of order against this conference report because the conference report includes in it a trust fund which would ensure that the savings realized by the downsizing of the Government will be committed to the crime fight.

I know my distinguished colleague from Massachusetts will speak on that. Senator KERRY had a lot to do with developing and pushing that concept forward. What this legislation does is make certain that the savings which come from reducing the size of Government will go to address this major national problem, what some have characterized as the most serious domestic issue in the country.

Now, interestingly enough, apparently some of the Members of this body on the Republican side who were most insistent on the trust fund concept are the ones who are now considering raising a point of order against the crime conference report on the basis of the trust fund.

Now, everyone needs to appreciate that raising a point of order means we then have to have 60 votes in order to waive the point of order, so the majority escalates from 51 to 60. That is why you make the point of order. And, of course, if you fail to get the 60, you can bring down the conference report and throw this whole effort to come to grips with the crime problem back into turmoil.

Why would people who urged the trust fund concept upon us, who took the floor and insisted upon it, who said that this was the way to go, why would they now use this technicality of a point of order against the trust fund, the very concept they were urging, in order to bring down this crime conference report?

I am not going to try to answer that question because I do not think there is any reasonable or decent answer to it. I just want to leave it there for people to think about. But I raised it so there is an understanding of the political dynamics that are taking place with respect to this legislation.

We have to forget those dynamics. We cannot be engaged in that game. This legislation is too important. The problem is too critical for the people of this country. This is good, strong, tough, smart legislation, and it needs to be enacted, and it needs to be enacted now.

Mr. President, I yield the floor.

EXHIBIT 1

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 23, 1994.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: The House of Representatives has finished its long debate on the Crime Bill and passed the much needed effort to provide the means to combat this national tragedy. The National District Attorneys Association calls upon the Senate to emulate their colleagues and swiftly end the six year wait for an effective program to address crime.

As the prosecutors for every town, city and county across the nation we have worked long and hard with you, the Congress of the United States, to provide the American people with an initiative that both fights crime and address the causes of crime. Our support has been bipartisan, with the needs of our nation foremost in our efforts. The Crime Bill has come too far and too much is at stake to have the Senate reject it at this juncture.

As the people's prosecutors we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress to give us the means and the leadership to accomplish this task by passing the Crime Bill without further delay or debate.

Sincerely,

ROBERT L. DESCHAMPS,
President.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Massachusetts is recognized.

Mr. KERRY. I join my colleague from Maryland in expressing support for this bill, but, more importantly, I wish to thank him for his articulate summary of what is contained in this bill and what is at stake here. Indeed, he has left the most important question hanging out there. I may be either bold enough or stupid enough to answer it somewhat in the course of some of my comments, but it is a question that should not avoid the focus of the American people.

It is really extraordinary enough that a bill that is as needed, as important, as crucial to the fabric of American life as this one, it is extraordinary enough that it has traveled such a tortured path to get us where we are today. It is even more extraordinary that after having navigated the legislative minefield, after having passed the Senate by a vote of 94, 95 to 5, after going to conference and having all of the input of the Republicans throughout the conference and agreement, and passing the conference, after then going to the House and finding some contention and being negotiated back and forth through the House, and then finding agreement—and I might add, even in those negotiations having Senator GRAMM, Senator DOLE, and other Republicans present and part of the negotiations—even after those negotiations and the House passes the bill by a steady margin, now it comes back here and we are faced with a situation where it has traveled this incredible journey, a journey really not just of those votes but of 6 years—for 6 years we have been struggling to pass a crime bill, and year after year the gun lobby has succeeded in finding some excuse or another to prevent the American people from getting cops on the streets, prisons built, programs to assist with the inner cities, a real crime bill to deal with the problem of crime in this country, and it is extraordinary to me, Mr. President, that here we are today in an extended session of the Senate hung up over the question of whether a small group may now assert a narrow political interest or a narrow special interest. That is really what we are doing here.

That is, I think, an extraordinary statement about how the real concerns of the American people are blocked and trampled by a small minority for even smaller reasons.

If ever there was an advertisement for campaign finance reform or for some means of getting the U.S. Congress more closely in touch with the real concerns of the American people, this bill makes that argument. This is, I think, my opinion. But having listened to Charlton Heston for these last days, at least in Washington and perhaps all across the country, this is I think the NRA's most brazen, political, myopic, narrow-interest stands. And as we know, small, narrow-interest thinking always provides the most stubborn resistance.

This is a fight that is not touched yet by the larger interests of our Nation except to the degree that people are struggling to pass this bill. So perhaps the scope of reasonableness that we can expect from some of those who represent that interest will be as limited as their vision.

Mr. President, let us understand very clearly. Let us ask the American people to understand what is happening here. America must understand this is not just a point of order. This is not just a technical vote. A vote, if there is a point of order, to sustain the point of order, is a vote to kill the crime bill. That is what we are doing here. A point of order is being raised, a technical point, that wants to suggest to America that something is wrong with this trust funding mechanism in this bill.

Our friends who voted are for this trust fund. Our friends who helped create this trust fund, our friends who praised this trust fund, our friends who stumbled over each other to take credit for this trust fund are now going to come to the floor and suggest that it somehow violates the budget process.

But Senator DOMENICI, one of the smart and astute observers of the Senate who knows the budget as well as anybody, stood up during the debate of Senator BYRD and called to the attention of the Senate during the debate that this was indeed a problem with respect to the budget process. But he then said he thought it was so important to fight crime that we would overlook that and move forward. He urged his colleagues to overlook it.

Indeed, Mr. President, the U.S. Senate voted overwhelmingly to overlook the very point of order that they want to bring back today to kill the crime bill.

Let me read what Senator DOMENICI said that night. Senator DOMENICI said, "I am sure the distinguished chairman"—referring to Senator BYRD—"agrees with me that the pending amendment violates section 306 of the Congressional Budget Act." Senator BYRD said:

> I do concur. I want to be clear that a 60-vote point of order lies. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed it would lie. May I say to the Senator that I will just as zealously guard the legislative process in the future as I have in the past. It was only because of the very extenuating circumstances throughout this country today that I think cry out for solutions that I have taken this approach.

So the Senate was on notice. The Senate was aware. The chairman of the Appropriations Committee, whose jurisdiction this is, together with the Budget Committee—and Senator DOMENICI is on the Budget Committee—both agreed to move on.

Let me quote from Senator DOMENICI:

> I think it is historic. From my standpoint, as money is saved from reducing the work force of the United States, I join in saying if we are going to spend it, we probably ought to spend it for the most serious domestic issue in our country.

The U.S. Senate listened to this distinguished Senator and voted 95 to 5 to send this bill on.

Senator GRAMM, who now talks about bringing this point of order, said at the time:

> We have now put together a bill that is going to approach the crime problem in two ways. It is going to deal with the first offender. It is going to provide boot camps. It is going to try to provide drug rehabilitation facilities. And it is also going to build prisons so that violent predator criminals convicted in State courts end up serving their full term.

Thus said Senator GRAMM, who now contemplates coming back when the bill provides more money for prisons, tougher sentencing, more money for cops, and yet all of a sudden he has found a reason to assert the point of order that every single Republican was willing to ignore previously.

So the Senator from Maryland asked the question, why are we here? Why are we back here now, with a fight as to whether or not we will pass a crime bill for the people of this country? Is it because Charlton Heston understands this better than we do? Is it because there is a political strategy here to prevent the President from signing a bill into law and claiming some constructive effort to help this country deal with this problem? Why else would they do it? Oh, we hear talk of pork and things. I will deal with that in a few moments.

But, Mr. President, let me just say there are two real items of agenda here. One is the agenda of the NRA, and the other is the political agenda. Make Congress look bad. Prove that those Democrats who control Congress cannot get it passed. The American people do not all draw the distinction between filibusters and 60 votes or 40 votes, and they do not draw the distinction unless the media help draw the distinction.

Democrats are prepared to vote for a crime bill today, now, this afternoon. But some Republicans are talking about a technical point of order, which will be a hidden way of voting to kill the crime bill. That is what is at stake. That is gridlock. Mr. President, this is the test of gridlock in Washington. If Americans want to understand why we do not get a crime bill, then ask why this point of order is being raised.

Some will assert, well, it is because there is some pork in here, and so forth. Do you know what this really is about? It is about weapons of war, 19 assault weapons and some other weapons that can be converted into assault weapons, all of which have nothing to do really with the ability of a sports person to go out and enjoy shooting.

Mr. President, I have had a hunting license for the last years. I enjoy going out. I am not somebody who has come to the floor and asserted that we should change the second amendment. I am not somebody who asserts we can ever begin to enforce changing the second amendment in this country. If you do not think we have enough cops today to deal with the normal amount of felonies, how do you think we are going to assert dealing with more private weapons held? And there are weapons held by the Army, Navy, Air Force, Marines, Coast Guard, police, and private security forces all put together. Do you think they are going to stop one of those weapons from getting into their hands?

We are crazy if we think that is our objective in the long run. That is not our objective. But no American is allowed to have an atomic weapon in their backyard. No American is allowed to have an M–1 Abrams tank sitting in their driveway. No American is allowed to go out and buy mortars and grenades and other weapons of war. Why should they be allowed to buy assault rifles that are weapons of war?

I concede that these are not the weapons that are used predominantly as the choice in the commission of crimes in America. Indeed, handguns are, knives are. But they are used. They are used. So to whatever degree they are used, they are inappropriate to be on the streets of America. We are talking about assault weapons, weapons of war; 19 named weapon types, all of them identifiable, all of them frightening even in their appearance, all of them—Berettas, AK–47's, Uzis, street sweepers, Striker 12's—weapons that can spray a whole arena full of people in seconds, that have no purpose other than to try to kill faster. I have never met a sportsman who goes out—one who calls himself a real sportsman—to hunt with these. Whatever sportsman did would spend most of his time picking lead out of whatever was left to eat. Those are weapons of war, Mr. President. They do not belong in the streets of America. That is what this fight is about, because evidently some people somehow believe that we ought to be able to sell those.

I believe, Mr. President, there is a reasonableness in this bill. These weapons should not be stockpiled in the streets of America. They are available today and they, quite simply, should not be. It is that simple. We have heard a lot of subterfuge about what this sort of hiddenly does to sports people.

Let me just draw directly from the bill, Mr. President. The bill specifically exempts more than 650 different hunting and sporting rifles and shotguns, including the Browning and Remington rifles, and replicas and duplicates thereof. In other words, it takes 19 rapid-fire weapons of war and says, no, but it specifically exempts all these other weapons and allows them to be sold. Can we really, in America, find quarrel with a bill that is as clear in its restraint as that?

In addition to those firearms specifically exempted, it exempts from the ban a firearm if it is a manually operated bolt, pump, lever, or slide action, if it is rendered permanently inoperable, such as a machine gun, or if it is an antique firearm, and so forth. I am not going to go through all of these, Mr. President. But the American people should not be misled here. They should not be lied to in fancy television ads or misled to believe this bill is something that it is not.

This is a reasonable approach in an effort to try to deal with the mayhem and chaos on the streets of America today.

Mr. President, how often do we hear from the gun folks the mantra that "guns do not kill people, people kill people." That is what you always hear. I happen to agree with the underlying concept of that. If a gun is lying on the table, unless something kicks it or something happens, it is not going to stand up on its own and shoot somebody. Somebody is going to pick it up. That is what happens in America. Some depraved human being, or crazed person, or somebody who lost their sense of life, or is so down or so angry or so something, picks up a gun and losing all sense of connection to the world and they pull the trigger and we pick up the pieces, and everybody else around them.

So people do pick up a gun and kill. If this is true, it is a very important statement about the limits of what we are going to be able to do, unless we begin to deal with those people, particularly given what I said a moment ago about the numbers of guns there are in America.

So it seems to me, Mr. President, if this is true, and if they mean what they say, if it is really guns that are not the problem, that people are the problem, then it is totally appropriate that this bill focuses on people, and that we put some attention into why it is that people kill people and how people kill people. What do we do about people killing people?

But here we are, and we see that the very people who speak this mantra are prepared to deprive kids of the opportunity to make a better judgment than killing somebody, prepared to deprive America of the very programs that would make a difference in the choices that people make. The stark reality is, Mr. President, that we are raising children in America who are willing to shoot children. They have no stake, no balance to help them discern between good, bad, right and wrong. Literally, too many children are growing up in America today without contact with civilized choices.

I ask my colleagues on the other side of the aisle to think back on their own childhoods and reflect a little bit on the things that made a difference in their lives. I hear these things when I talk to them privately, but somehow that private conversation gets lost between the privacy of the conversation and the public debate on the floor. They would tell you that family made a difference to them, Mr. President. They would tell you that parents who taught them, led them, goaded them, and disciplined them made a difference. They would tell you that teachers made a difference. They would tell you that sports programs and learning personal discipline and teamwork made a difference. They would tell you that the tranquility of their neighborhoods and communities and the fabric of that community made a difference. They would tell you that the absence of violence and the absence of an overdose from the daily culture of this country made a difference. They would tell you that they personally, because of all these other things, had a stake in the world around them and in themselves, and that they came to have some sense of worth and some sense of esteem. And they would tell you that growing out of all of the above, Mr. President, there was that reinforcement that came from a brother, or a sister, or a parent, or uncle, or a grandparent—little things.

I picked up the Boston Globe today when I was flying down from Massachusetts, and on the front page of the Boston Globe today there is a story relevant to this, a story of a Little League team, which is about the Middleboro Little Leaguers who are playing in the Little League World Series. They lost the game. Let me read from one paragraph. It said:

> From near and far, fathers, mothers, neighbors and friends gathered to watch the game on cable television cheering. Though ultimately they had to reconcile a wrenching loss, all along they knew that defeat was as temporary as the day. "There is more at stake," they said, "than the score." "Every one of us has a connection with those boys out there," said Bob Gillis, a liquor retailer in town.

And the story goes on.

Well, Mr. President, it is not just a one-way street; it is not just that a lot of people had a connection with those boys out there. Those boys had a connection with the people back home. Those boys had a connection with each other. They had a connection with something that reinforced a sense of worth and value in themselves, so they began to get a stake in community.

In America today, Mr. President, there are literally millions of kids who never get any of this kind of input. I am talking about any of this kind of input. They do not have a family; they do not have the stake; they do not play in any of these leagues; they do not get the good teacher, or the reinforcement; they do not have the input. Do you know where they get it, Mr. President? They get it from a gang, from each other, from alternative choices. They get it by feeling macho, or big, or by being a member of something, or by picking up a gun or a knife and going along with the initiation, and playing into the fabric of life that is a counterculture. That is where they get it. You can see the difference.

You can walk into any Boys or Girls Club in America and you can see the kids who are getting hold of something, and then you can go back out into the streets of Chicago, Boston, Washington, all over this country, and you can quickly see the kids who are in trouble. These children are abandoned, Mr. President. They are abandoned not just physically, but they are abandoned morally, ethically and spiritually, and they get none of the input that makes a difference in their lives. They are abandoned by the very community that then turns around and holds them accountable for not living up to the standards that that community never was willing to try to spend some money to imbue in them in the first place. That is what happens, Mr. President, and we turn around and wonder why we incarcerate more people in this country than anywhere else on the face of the planet. We can keep on doing that, and we can keep on taking tax dollars and building prisons. We can keep on putting cops on the street forever and ever. It will make no difference.

So we have come to inherit a country in which all over this Nation a kid will stab or shoot another kid to wear his sneakers or hers, to grab a bluejean jacket, or to take their jewelry. That is where we have come. And we are raising more and more of those kids because they have inherited a kind of primitive—a society inherited from the failure of adult America that knows better. Adult America knows better.

Here we are adults, the elected 100 U.S. Senators about to struggle over a point of order that is calculated to kill this bill and deprive us of some of those programs that make a difference in these kids' lives, and people have the temerity, the gall, to come out here and call it pork because it is one of those nice little labels that grabs everything and reduces politics to the simplest, lowest common denominator. That is where we are heading.

How is it now that the gun people, who make so much of the qualities of judgment needed to control behavior with a gun, are willing to abandon the very efforts to help teach the judgment that controls that gun?

There is a kind of know-nothingism loose in America today, Mr. President, a willingness to let slogans substitute for substance and ideas, a willingness to turn each debate or any dialog into a mere political exercise for short-term gain.

We see today some behaving as if pretending that something will not be or is not going to happen, means it is not going to be and it is going to go away. The new governing doctrine of America and American politics today is avoidance, illusion, and irresponsibility.

I have news for those folks, Mr. President, and for America. It does not matter how many prisons we go on building or how many cops we put on the street if we do not do something about the children we raise. We will simply put up more prisons and overwhelm the cops, and ultimately we will surround ourselves with mayhem and chaos.

There is an alternative to all of this. It is an alternative to the violence we see in our streets and to the deprivation of our young, and many of us have experienced that alternative, Mr. President, which is why we feel we have a stake in things around us. But we seem to be unwilling to try to help to guarantee that we are going to get that alternative for those to whom it makes a difference in breaking the absurd cycle of violence that consumes this country today.

Mr. President, it is the difference I talk about for those kids from Middleboro. It is the difference of creating a program that somehow gives these kids a connection with the life around them.

Let me give you a couple examples. These are the programs that our friends want to call pork. There is a police athletic team in Birmingham, AL. The Birmingham Police Department sponsors softball, baseball, basketball, golf teams for kids from disadvantaged neighborhoods.

Is that not amazing, Mr. President? The cops themselves in Birmingham, AL, are sponsoring the very programs that these folks on the other side of the aisle want to call pork. Do you know what the catch is? The kids have to study for at least an hour every night. The program supplies tutors, and you have to maintain a C average in order to be able to play ball.

The police department reports that juvenile crime has dropped by 30 percent in neighborhoods served by the program.

Mr. President, it works. I can go through program after program. Senator BIDEN has done a remarkable job of shepherding this bill, guiding it and nurturing it, and his staff have done equally as fine a job of pulling together information. Here is a "Catalog of Hope, Crime Prevention Programs for At-Risk Children," pages upon pages of stories that make a difference in peoples' lives, and each of them has proven that the percentage of kids who stay out of trouble as a consequence of having these programs available is enormous.

That is an investment in the future. Mr. President, I would rather put $1,000 into this kid at age 11 or 12 or 13 than $30,000 a year for the rest of his or her life when they are sentenced for murder or manslaughter, whatever it is going to be, when they are aged 19. I think most Americans on reflection would not call this pork. They would call this an investment in America's future.

This should not be trivialized and reduced to sloganeering and petty politics. This works.

Let me share another example with you, Mr. President. The juvenile diversion program of Pueblo, CO. This is a program for nonviolent first-time offenders. It requires kids to sign a behavioral contract, and they become involved with a nonprofit agency. The kids are also tutored. They are counseled. They are required to pay restitution to their victims. The program reports—important, Mr. President—the program reports that 83 percent of its graduates are not rearrested.

Now, we can go on and on through the entire country finding thousands of these kinds of programs. This is what is in this bill, not in the law enforcement part of it for which we spend $13.35 billion for community policing, rural law enforcement, drug enforcement, courts and prosecutors, police corps, the Local Partnership Act. It is not in the prison section for which we spend $9.7 billion to build State prisons—State prisons—incidentally, the first time in history. But it is in only the $6.1 billion, less than we are spending on either of the other two components, $90 million for an ounce of prevention to coordinate the crime prevention efforts, $567 million for after-school, weekend, and summer safe-haven programs to provide kids with positive activities and alternatives to crime in the streets.

I was in New Bedford, MA, a few weeks ago, and I had a meeting with the police right out in front of the school. They told me that that school has to shut at 3 o'clock in the afternoon because they do not have the money for the custodian for the school. So here is this enormous building right in the center of this community, shut. Where are the kids? Out on the street, around the drug dealers, prostitutes, pimps. Whose fault is it, Mr. President? Whose fault is it later on when those are the role models that they have assumed?

Well, we have $567 million in here for after school. That is not pork.

The Violence Against Women Act, $1.6 billion, to fight violence against women, to train police, prosecutors, judges and others. That is in prevention, but it is not pork, Mr. President.

There is the community economic partnership for lines of credit to community development corporations for businesses for employment opportunities for low-income employed and underemployed individuals.

There is $383 million for drug treatment programs for Federal prisoners. You know, we have been letting about 200,000 people a year out of jail addicted to drugs. The system is so crazy and without common sense today that we actually know they are getting drugs in prisons. They get smuggled in. We all know they are actually leaving prison addicted to drugs, and we give them an allowance to get on a bus and go home. And what are they going to do? If there is any community within which you ought to be able to get people off of drugs, it is when you have them incarcerated under your control.

I have been in a jail recently in Ludow, MA, where the sheriff, Mike Ash, has an extraordinary program of reaching out to his prisoners, bringing them into drug treatment, helping them get off drugs. I sat and listened to those prisoners tell me that this is the first time in 16 years or 20 years that they have ever had the availability of a program to go straight and that it has made all the difference to them. I have had a kid who was in jail for 15 years tell me what put him in jail was drugs, what kept him in jail was drugs, and it was not until they had this chance that he thought there might be a future for him.

Is that pork? That is what our friends want to call pork. That is what they want to mislabel for the American people and is somehow what ought to stop this crime bill from going forward. I know Charlton Heston does not know that program is in there, Mr. President.

I can go through dozens of other stories, but there are others who are waiting. I simply want to say this bill is a critical bill for this country. I have not been a prosecutor now since the 1970's. I can claim to be one of those in the Senate, along probably with ARLEN SPECTER and PAT LEAHY and maybe JOE BIDEN, and a few others, who actually stood up in front of the judge and asked for someone to go away for the rest of their life.

So I am not going to take a second seat to anybody on the other side of the aisle about what is important to fight crime.

I had the privilege of administering one of the 10 largest district attorneys offices in America. I fought organized crime, violent crime, drugs, we had an arson task force, you name it.

Mr. President, we are dying on the vine in the criminal justice system in this country because it has been stripped of resources for 15 years. We have been going through a slow process of disarmament, of taking away cops, city for city, of unwillingness to face up to building prisons, but simultaneously an unwillingness to have drug treatment and deal with the problems that we face in this country.

It has taken us 20 years to get where we are today. And I say to my colleagues, this bill is not the end. This is the beginning. This is a downpayment on what we are going to need to begin to reclaim the streets and communities of this country. It is a downpayment on what we are going to need to deal with the number of kids who are growing up listening to gunfire or planning their funerals, as we remember reading about in the Washington Post a few months ago.

I hope my colleagues on the other side of the aisle will think very carefully before they ask us, on a technicality, to try to defeat the crime bill.

This vote, America, is not to save money. This is not a deficit vote. The truth is, the only reason there is a technical point of order that might lie is not because this bill spends more money than we are allowed to, but it actually lowers what is called the cap. We have a cap we live under. We are only allowed to spend *x* amount of money in discretionary funding. And instead of lifting that amount of money, this lowers the amount of money.

So our Republican friends, who are the great deficit hawks who say we are wasting too much money in Washington, are actually raising, if they raise it, a point of order that lies only because we are lowering that cap, spending less money. How ironic it would be that the very people who lauded this trust fund, the very people who praised this effort, the very people who voted for this bill, the very people who helped bring us to this moment are now going to complain because we are lowering the amount of money that we are spending. And that is the reality of what is contained here.

Mr. President, you just look around this country right now and you will see violence, drug-ridden reality. We know it. We have seen the institutions of civilized life breaking down around us. We see disintegrated families.

I hear some of my friends say, "Well, the problem is that there really are so many illegitimate births." Yes, there are. You can go to some places in South Side Chicago, in Washington, little parts of Roxbury, Dorchester, Los Angeles, Miami, Detroit and you will find a rate of illegitimate birth at 70 to 80 percent. As a whole, among whites in America it has gone up to about 23 percent. So you have literally millions of kids who are growing up maybe with one parent around, often with both of them gone, and it is no wonder that these kids are out there wandering around without any influence in their lives that makes a difference.

We see crack houses replacing some communities as the focus of life. And I think we see a reality now where we have more young men dying in America today at a rate that exceeds—this is young black men—dying at a rate that exceeds any American war in history.

So these are the stakes. I hope my colleagues on the other side of the aisle will hold back from trying to kill this bill on technicalities and will understand that the real concerns of the American people are to do something serious in the first comprehensive, broad-based, ballistic approach to dealing with crime in this country in 20 years.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, there are two issues here. The first is whether, on a technical point, we will not have the chance to vote on the crime bill. And on that issue, I have no hesitancy in saying I hope we do the right thing. We play party politics around here too often. Democrats do it; Republicans do it. We do not serve the national interest when we do that.

And, on the basis of a technicality, to say we are going to keep the U.S. Senate from voting on a crime bill, that really is a great mistake. It is a technicality because of the trust fund.

Mr. President, here are the people who cosponsored the amendment on the trust fund: Senators BYRD, MITCHELL, and BIDEN our side of the aisle; and Senator ROBERT DOLE, Senator PHIL GRAMM, Senator ORRIN HATCH, Senator PETE DOMENICI, and Senator CONNIE MACK on the other side of the aisle.

And now, with five Republican Senators as cosponsors, they want to stop the bill because of an amendment that was put on at their request. That point of order should not prevail, and I hope and trust we will do the right thing.

There is a second question, where I am not sure how I am going to vote, and that is on the bill itself, on the conference report. It is a better bill, ironically, despite all the noise that we are hearing, it is a better bill than when it emerged from the Senate.

But I cast one of four votes against that bill. The good things in it—this is the positive side—it does do something about assault weapons in our society. If I end up voting for it, one of the reasons I am going to be voting for it is my friends in the National Rifle Association have made such a great noise against it, they have convinced me that there really is merit to this.

But, frankly, I do not see any justification for these assault weapons.

I live, as the Presiding Officer knows, down in deep southern rural Illinois, a lot like rural Minnesota. We have a home, 12 acres, right next to the Shawnee National Forest. I spent part of this last weekend at my home. I saw more deer than people when I was there this weekend. I am around hunters all the time. I have never seen a hunter with an Uzi or an AK-47. We do not need those kinds of weapons for a sports person. So, this really does not make sense.

The Street Sweeper. Why do they call it a Street Sweeper? Do they call it a Street Sweeper because it sweeps the street of garbage? Obviously not. It is because it sweeps the streets of human beings. Why should the Street Sweeper not be made illegal?

Let me just give two more examples. Sydney, Australia—very similar to Los Angeles, CA, in many ways; very similar crime rates. The burglary rate in Sydney, Australia is slightly higher than in Los Angeles. There is one crime dramatically different in Sydney, Australia, and that is murder by firearms. There are 7 percent as many in Sydney, Australia, as in Los Angeles. Why? Because of the gun laws.

Seattle, WA, and Vancouver, BC—very close to each other, very similar ethnic composition, very similar crime rates—with one exception: Murder by firearms. There are 4.8 times as many in Seattle as in Vancouver, BC, just a few miles away. Why? Because of gun laws. That is one of the positive things here.

Drug treatment is stressed—that is one of the positive things—in prisons. A few weeks ago, I went to the Cook County jail. I went voluntarily, I want to assure the Presiding Officer, because they were concerned about the health care bill and what it would do to their health care program. But I went around and visited a number of the prisoners. In one of the minimum security areas where you had about 40 people on cots, a dormitory kind of situation, as I was walking along, one of the prisoners said to me, "I want to get into the drug treatment program and I cannot get in." I turned to the group there and of the 40 prisoners, I said, "How many of you want to get into the drug treatment program?" And about 25 raised their hands.

So I turned to the person who was taking me around and I said, "How many prisoners do you have and how many people are in the drug treatment program?" Well, they had 9,000 prisoners, and 300 in the drug treatment program. We obviously have to do much better than that.

The gun dealer licensing provision that I was able to get into the bill requires applicants to certify that they are in compliance with State and local laws. It permits the Bureau of Alcohol, Tobacco and Firearms to have more time to do an inspection and it requires them also to notify local law enforcement agencies about who the licensees are. Mandatory minimums for people who have been convicted on low-level, nonviolent offenses—give some flexibility to Federal judges. Virtually all the Federal judges favor that. You have everyone from Chief Justice Rehnquist to many, many others who talked about that.

Cash bail reporting—this is a provision I got in at the suggestion of the mayor of Chicago, Richard Daley, who said when someone comes up with a cash bail of $10,000 or more, that ought to be reported to the prosecuting attorneys because frequently that means some drug involvement—that is part of this.

DNA—I held the first hearings on DNA some years ago and got the first authorization for the FBI on this. This puts $65 million in to improve the ability of State and local crime laboratories to perform DNA analysis. And it authorizes the FBI to establish standards. We have standards for fingerprinting; we do not have standards yet for DNA.

The Violence Against Women Act, the chief sponsor is Senator BIDEN, but I have a little piece in there that says judges, who are overwhelmingly male, ought to have sensitivity sessions where they can learn about problems of domestic violence and rape and some of the other problems that women have.

Those are the positive things. Let me mention just two things on the negative side.

One is the imposition of the death penalty for 56 additional causes. It is going to do absolutely nothing to stop crime. It is great speech material for politicians when they get back home to our home States and say, "Oh, we really did something about crime." Canada does not have a death penalty. Mexico does not have a death penalty. None of the Western European nations has a death penalty provision. Only six nations permit the death penalty for people 18 and younger: Iraq, Iran, three other nations—and the United States of America. We are not in very good company on that.

Colman McCarthy had a column on the death penalty. I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 13, 1994]

JUSTICE BY THE DOLLAR

(By Colman McCarthy)

If you were arrested on a homicide charge—as are more than 20,000 people a year—and had a choice of hiring a $600-an-hour defense lawyer or a $15-an-hour one, which would you take?

The question contains an assumption—that you have the wealth to buy the high-priced lawyer and the celebrated competence and legal shrewdness he or she is known for. For O.J. Simpson, a millionaire with pockets that go as deep as his knees, paying for quality counsel was never a question. He could hire an entire front line of lawyers, as if he were still a star fullback with the law's Pro Bowl linesmen—Robert Shapiro, F. Lee Bailey, Alan Dershowitz, Johnny Cochran—running legal interference.

What lay people see as slick attorneys skilled in courtroom trumps and adept at playing to the media is no more than a fulfillment of Canon Seven of the bar's Code of Professional Responsibility: "A lawyer should represent a client zealously within the bounds of the law."

As the Simpson litigation unfolds, the professionalism of the defense attorneys is certain to magnify graphically what everyone in the legal system knows and, regrettably, more than a few condone: Justice is a commodity, with the rich able to buy the finest and the poor often stuck with the worst. For every exquisitely defended Simpson, thousands of accused or convicted murderers are laxly defended. Some have no representation. In Texas, out of 370 inmates on death row, about 60 have no lawyer.

An anthology of horror stories is available about men and women wrongly or sketchily represented by court-appointed lawyers who, if they were car mechanics, couldn't fix flats or change the oil:

In a 1992 Texas murder case, a defendant complained to the judge that his lawyer was sleeping during the trial. The judge ruled: "The Constitution does not say that the lawyer has to be awake." The defendant received the death penalty.

In one-fourth of Tennessee's death penalty cases, court-appointed lawyers lacked the knowledge or experience to offer evidence in mitigation.

Alabama paid two defense lawyers at the rate of $4.05 and $5.32 an hour for their pretrial preparation. Another Alabama defense lawyer asked the judge for a time-out—to read the state's death penalty statute.

A study of lawyers appointed by judges in Philadelphia homicide cases found incompetence so rampant that "even officials in charge of the [legal] system say they wouldn't want to be represented in traffic court by some of the people appointed to defend poor people accused of murder."

These examples and others were cited in the May 1994 Yale Law Journal by Stephen Bright of the Southern Center for Human Rights in Atlanta. In many states, he writes, "the lawyers appointed may not want the cases, may receive little or no compensation for the time and expense of handling them, may lack any interest in criminal law, and may not have the skill to defend those accused of a crime. As a result, the poor are often represented by inexperienced lawyers who view their responsibilities as unwanted burdens, have no inclination to help their clients and have no incentives to develop criminal trial skills. Lawyers can make more money doing almost anything else."

The media have had a hand in prolonging this imbalance. The reporting of non-celebrity homicide trials rarely reveals the quality of lawyering, the compensation, pretrial investigatory work or the skill of the judge toward ensuring a fair trial. Instead of that kind of reporting, many in the media focus on trivia. When Arkansas put to death three men on Aug. 3—a serial execution—USA Today devoted 20 lines in a 114-line story to what the men ate for their last meals.

Nothing in the pending federal crime bill deals with the breakdown of defense law in homicide cases for the poor. Legislatures, courts and bar associations have few qualms in sanctioning two legal systems: one for the moneyed, another for the poor.

If all those accused of capital homicide had the Shapiro-Bailey-Dershowitz-Cochran team defending them, America would have no death rows.

Mr. SIMON. Let me just mention two small paragraphs from it.

In a 1992 Texas murder case, the defendant complained to the judge that his lawyer was sleeping during the trial. The judge ruled: "The Constitution does not say that the lawyer has to be awake." The defendant received the death penalty.

* * * Alabama paid two defense lawyers at the rate of $4.05, and $5.32 an hour for their pretrial preparation. Another Alabama defense lawyer asked the judge for a time-out—to read the State's death penalty statute.

What is clear as you look at the death penalty is, if you have enough money and can get the finest attorneys, you will never receive the death penalty. The death penalty is a penalty we reserve for people of limited means. Any of the people who are in the gallery here today, if they are loaded with money, do not need to worry about ever having the death penalty imposed upon them. But if not, then watch out. It may be imposed upon you.

I ask unanimous consent to have printed in the RECORD an article by Stephen Bright in the Yale Law Journal of May of this year. It is titled, "Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMON. Let me read from this: "Poor people accused of capital crimes are often defended by lawyers who lack the skills, resources, and commitment to handle such serious matters." It goes into great detail. I will not read all these things.

The National Law Journal, after an extensive study of capital cases in six Southern states, found that capital trials are "more like a random flip of a coin than a delicate balancing of the scales" because the defense lawyer is too often "ill-trained, unprepared * * * [and] grossly underpaid."

The Yale Law Journal article continues:

State trial judges and prosecutors—who have taken oaths to uphold the law including the Sixth Amendment—have allowed capital trials to proceed and death sentences to be imposed even when defense counsel fought among themselves or presented conflicting defenses for the same client, referred to their clients by a racial slur, cross-examined a witness whose direct testimony counsel missed because he was parking his car, slept through part of the trial, or was intoxicated during trial.

In the footnote it refers to one case in California, "Counsel, an alcoholic, was arrested en route to court one morning and found to have a blood alcohol level of 0.27"—more than twice the stage you are considered drunk—"yet the court was unwilling to create a presumption against the competence of attorneys under the influence of alcohol."

I could go on. One final point here, Mr. President. We have—and my friend, Senator DOMENICI, was on the floor just a little bit ago. We have worked on this whole problem of deficits. I see Senator HATCH on the floor, and he and I have worked and cosponsored the balanced budget amendment.

What we are doing in this bill is also, for prisons, handing out $9.7 billion to States for prisons. To my knowledge, there has been not a single hearing on this question. If the Federal Government had all kinds of surplus money, it might be a very fine thing to do. We do not have all that surplus money. Aaron Rappaport, from my staff, today gave me the latest statistics. We now have 530 people per 100,000 in our prisons—far more than any other country. South Africa is second with 310 per 100,000.

Venezuela is third at 157 per 100,000. Canada has 109 per 100,000. If putting people away in prison made a country crime free, we would have, by far, the least crime of any country on the face of the Earth.

This bill accepts as the theory that we can just lock them up and throw away the key and we are going to do something. That is one of the things I am concerned about. If you really wanted to do something about crime, then, for example, take a look at the statistics that 82 percent of those in our prisons and jails today are high school dropouts. You do not need to be an Einstein to figure out that you ought to do something.

A majority of those in our prisons today were unemployed when they were arrested. You show me an area with high unemployment, I will show you an area with high crime.

Again, there are two issues. One is the technical issue: Are we going to, because of a technical point of order, keep the U.S. Senate from voting on this conference report on crime? And here I cannot even believe that my friends on the other side of the aisle are going to make any points with the public. I think it is poor politics; it is certainly poor Government. We ought to be able to vote on this and we ought to be able to vote promptly.

The second question is the merits of the legislation itself. As I indicated in my opening remarks, I was one of four to vote against it when it passed the Senate. I am not sure how I am going to vote on it. It is improved from when it passed the Senate. But there are enough good things and bad things in it that I am going to weigh that decision. But the first decision I hope we will make is in the interest of our country and not play political games. Let us let the Senate vote on this legislation.

I yield the floor.

EXHIBIT 1

[From the Yale Law Journal, May 1994]

COUNSEL FOR THE POOR: THE DEATH SENTENCE NOT FOR THE WORST CRIME BUT FOR THE WORST LAWYER

(By Stephen B. Bright*)

After years in which she and her children were physically abused by her adulterous husband, a woman in Talladega County, Alabama, arranged to have him killed. Tragically, murders of abusive spouses are not rare in our violent society, but seldom are they punished by the death penalty. Yet this woman was sentenced to death. Why?

It may have been in part because one of her court-appointed lawyers was so drunk that the trial had to be delayed for a day after he was held in contempt and sent to jail. The next morning, he and his client were both produced from jail, the trial resumed, and the death penalty was imposed a few days later.[1] It may also have been in part because this lawyer failed to find hospital records documenting injuries received by the woman and her daughter, which would have corroborated their testimony about abuse. And it may also have been because her lawyers did not bring their expert witness on domestic abuse to see the defendant until 8 p.m. on the night before he testified at trial.[2]

Poor people accused of capital crimes are often defended by lawyers who lack the skills, resources, and commitment to handle such serious matters. This fact is confirmed in case after case. It is not the facts of the crime, but the quality of legal representation,[3] that distinguishes this case, where the death penalty was imposed, from many similar cases, where it was not.[4]

The woman in Talladega, like any other person facing the death penalty who cannot afford counsel, is entitled to a court-appointed lawyer under the Supreme Court's decision in Powell v. Alabama.[5] But achieving competent representation in capital and other criminal cases requires much more than the Court's recognition, in Powell and in Gideon v. Wainwright,[6] of the vital, importance of counsel and of "thoroughgoing investigation and preparation."[7] Providing better representation today than the defendants had in Scottsboro in 1931 requires money, a structure for providing indigent defense that is independent of the judiciary and prosecution, and skilled and dedicated lawyers. As Anthony Lewis observed after the Gideon decision extended the right to counsel to all state felony prosecutions:

> "It will be an enormous task to bring to life the dream of Gideon v. Wainwright—the dream of a vast, diverse country in which every person charged with a crime will be capably defended, no matter what his economic circumstances, and in which the lawyer representing him will do so proudly, without resentment at an unfair burden, sure of the support needed to make an adequate defense."[8]

More than sixty years after Powell and thirty years after Gideon, this task remains uncompleted, the dream unrealized. This Essay describes the pervasiveness of deficient representation, examines the reasons for it, and considers the likelihood of improvement.

I. THE DIFFERENCE A COMPETENT LAWYER MAKES IN A CAPITAL CASE

Arbitrary results, which are all too common in death penalty cases, frequently stem from inadequacy of counsel. The process of sorting out who is most deserving of society's ultimate punishment does not work when the most fundamental component of the adversary system, competent representation by counsel, is missing.[9] Essential guarantees of the Bill of Rights may be disregarded because counsel failed to assert them, and juries may be deprived of critical facts needed to make reliable determinations of guilt or punishment. The result is a process that lacks fairness and integrity.

For instance, the failure of defense counsel to present critical information is one reason that Horace Dunkins was sentenced to death in Alabama. Before his execution in 1989, when newspapers reported that Dunkins was mentally retarded, at least one juror came forward and said she would not have voted for the death sentence if she had known of his condition.[10] Nevertheless, Dunkins was executed.

This same failure of defense counsel to present critical information also helps account for the death sentences imposed on Jerome Holloway—who has an IQ of 49 and the intellectual capacity of a 7-year old—in Bryan County, Georgia,[11] and William Alvin Smith—who has an IQ of 65—in Oglethorpe County, Georgia.[12] It helps explain why Donald Thomas, a schizophrenic youth, was sentenced to death in Atlanta, where the jury knew nothing about his mental impairment because his lawyer failed to present any evidence about his condition.[13] In each of these cases, the jury was unable to perform its constitutional obligation to impose a sentence based on "a reasoned moral response to the defendant's background, character and crime,"[14] because it was not informed by defense counsel of the defendant's background and character.

It can be said confidently that the failure to present such evidence made a difference in the Holloway, Smith, and Thomas cases. After each was reversed—one of them for reasons having nothing to do with counsel's incompetence—the pertinent information was presented to the court by new counsel, the death sentence was not imposed. But for many sentenced to death, such as Horace Dunkins, there is no second chance.

Quality legal representation also made a difference for Gary Nelson and Frederico Martinez-Macias, but they did not receive it until years after they were wrongly convicted and sentenced to death. Nelson was represented at his capital trial in Georgia in 1980 by a sole practitioner who had never tried a capital case.[15] The court-appointed lawyer, who was struggling with financial problems and a divorce, was paid at a rate of only $15 to $20 per hour.[16] His request for cocounsel was denied.[17] The case against Nelson was entirely circumstantial, based on questionable scientific evidence, including the opinion of a prosecution expert that a hair found on the victim's body could have come from Nelson.[18] Nevertheless, the appointed lawyer was not provided funds for an investigator[19] and, knowing a request would be denied, did not seek funds for an expert.[20] Counsel's closing argument was only 255 words long.[21] The lawyer was later disbarred for other reasons.[22]

Nelson had the good fortune to be represented pro bono in postconviction proceedings by lawyers willing to spend their own money to investigate Nelson's case.[23] They discovered that the hair found on the victim's body, which the prosecution expert had linked to Nelson, lacked sufficient characteristics for microscopic comparison.[24] Indeed, they found that the Federal Bureau of Investigation had previously examined the hair and found that it could not validly be

---

Footnotes at end of article.

compared.[25] As a result of such inquiry, Gary Nelson was released after eleven years on death row.

Frederico Martinez-Macias was represented at his capital trial in El Paso, Texas, by a court-appointed attorney paid only $11.84 per hour.[26] Counsel failed to present an available alibi witness, relied upon an incorrect assumption about a key evidentiary point without doing the research that would have corrected his erroneous view of the law, and failed to interview and present witnesses who could have testified in rebuttal of the prosecutor's case.[27] Martinez-Macias was sentenced to death.

Martinez-Macias received competent representation for the first time when a Washington, D.C., firm took his case pro bono. After a full investigation and development of facts regarding his innocence, Martinez-Macias won federal habeas corpus relief.[28] An El Paso grand jury refused to re-indict him and he was released after nine years on death row.[29]

Inadequate representation often leaves the poor without the protections of the Bill of Rights. An impoverished person was sentenced to death in Jefferson County, Georgia, in violation of one of the most basic guarantees of our Bill of Rights—the right to a representative jury selected without discrimination on the basis of race.[30] African-Americans make up 54.5% of the population of that county, but the jury pool was only 21.6% black, a severe underrepresentation of over 50%.[31] But this issue was not properly raised and preserved by the court-appointed lawyer for the accused. The defendant had the extreme misfortune of being represented—over his protests—by a court-appointed lawyer who, when later asked to name the criminal law decisions from any court with which he was familiar, could name only two: "*Miranda* and *Dred Scott*."[32] As a result of the lawyer's failure to challenge the racial discrimination at or before trial, the reviewing courts held that the defendant was barred from vindication of his constitutional rights.[33]

The difference that representative juries and competent counsel make in capital cases is illustrated by the cases of two codefendants, John Eldon Smith and Rebecca Machetti. They were sentenced to death by unconstitutionally composed juries within a few weeks of each other in Bibb County, Georgia.[34] Machetti's lawyers challenged the jury composition in state court; Smith's lawyers did not because they were unaware of the Supreme Court decision prohibiting gender discrimination in juries.[35]

A new trial was ordered for Machetti by the federal court of appeals.[36] At that trial, a jury which fairly represented the community imposed a sentence of life imprisonment.[37] The federal courts refused to consider the identical issue in Smith's case because his lawyers had not preserved it.[38] He was executed, becoming the first person to be executed under the Georgia death penalty statute upheld by the U.S. Supreme Court in 1976.[39] Had Machetti been represented by Smith's lawyers in state court and Smith by Machetti's lawyers, Machetti would have been executed and Smith would have obtained federal habeas corpus relief.

In these examples, imposition of the death penalty was not so much the result of the heinousness of the crime or the incorrigibility of the defendant—the factors upon which imposition of capital punishment supposedly is to turn—but rather of how bad the lawyers were. In consequence, a large part of the death row population is made up of people who are distinguished by neither their records nor the circumstances of their crimes, but by their abject poverty, debilitating mental impairments, minimal intelligence, and the poor legal representation they received.

A member of the Georgia Board of Pardons and Paroles has said that if the files of 100 cases punished by death and 100 punished by life were shuffled, it would be impossible to sort them out by sentence based upon information in the files about the crime and the offender.[40] A justice of the Mississippi Supreme Court made the same observation about the imposition of death sentences in his state in testimony before the U.S. Senate Judiciary Committee:

"I dare say I could take every death sentence case that we have had where we have affirmed, give you the facts and not tell you the outcome, and then pull an equal number of murder cases that have been in our system, give you the facts and not tell you the outcome, and challenge you to pick which ones got the death sentence and which ones did not, and you couldn't do it."[41]

Although it has long been fashionable to recite the disgusting facts of murder cases to show how deserving of death particular defendants may be,[42] such renditions fail to answer whether the selection process is a principled one based on neutral, objective factors that provide a "meaningful basis for distinguishing the few cases in which the [death] penalty is imposed from the many cases in which it is not."[43] Virtually all murders involve tragic and gruesome facts. However, the death penalty is imposed, on average, in only 250 cases of the approximately 20,000 homicides that occur each year in the United States.[44] Whether death is imposed frequently turns on the quality of counsel assigned to the accused.

II. THE PERVASIVE INADEQUACY OF COUNSEL FOR THE POOR AND THE REASONS FOR IT

Inadequate legal representation does not occur in just a few capital cases. It is pervasive in those jurisdictions which account for most of the death sentences. The American Bar Association concluded after an exhaustive study of the issues that "the inadequacy and inadequate compensation of counsel at trial" was one of the "principal failings of the capital punishment systems in the states today."[45] Justice Thurgood Marshall observed that "capital defendants frequently suffer the consequences of having trial counsel who are ill equipped to handle capital cases."[46] The *National Law Journal*, after an extensive study of capital cases in six Southern states, found that capital trials are "more like a random flip of the coin than a delicate balancing of the scales" because the defense lawyer is too often "ill trained, unprepared . . . [and] grossly underpaid."[47] Many observers from a variety of perspectives and from different states have found the same scandalous quality of legal representation.[48]

These assessments are supported by numerous cases in which the poor were defended by lawyers who lacked even the most rudimentary knowledge, resources, and capabilities needed for the defense of a capital case. Death sentences have been imposed in cases in which defense lawyers had not even read the state's death penalty statute or did not know that a capital trial is bifurcated into separate determinations of guilt and punishment.[49] State trial judges and prosecutors—who have taken oaths to uphold the law, including the Sixth Amendment—have allowed capital trials to proceed and death sentences to be imposed even when defense counsel fought among themselves or presented conflicting defense for the same client,[50] referred to their clients by a racial slur,[51] cross-examined a witness whose direct testimony counsel missed because he was parking his car,[52] slept through part of the trial,[53] or was intoxicated during trial.[54] Appellate courts often review and decide capital cases on the basis of appellate briefs that would be rejected in a first-year legal writing course in law school.[55]

There are several interrelated reasons for the poor quality of representation in these important cases. Most fundamental is the wholly inadequate funding for the defense of indigents. As a result, there is simply no functioning adversary system in many states. Public defender programs have never been created or properly funded in many jurisdictions. The compensation provided to individual court-appointed lawyers is so minimal that few accomplished lawyers can be enticed to defend capital cases. Those who do take a capital case cannot afford to devote the time required to defend it properly. As a result, the accused are usually represented by lawyers who lack the experience, expertise, and resources of their adversaries on the prosecution side.

Many state court judges, instead of correcting this imbalance, foster it by intentionally appointing inexperienced and incapable lawyers to defend capital cases, and denying funding for essential expert and investigative needs of the defense. The minimal standard of legal representation in the defense of poor people, as currently interpreted by the Supreme Court, offers little protection to the poor person stuck with a bad lawyer.

A. The lack of a functioning adversary system

Many death penalty states have two state-funded offices that specialize in handling serious criminal cases. Both employ attorneys who generally spend years—some even their entire careers—handling criminal cases. Both pay decent annual salaries and provide health care and retirement benefits. Both send their employees to conferences and continuing legal education programs each year to keep them up to date on the latest developments in the law. Both have at their disposal a stable of investigative agencies, a wide range of experts, and mental health professionals anxious to help develop and interpret facts favorable to their side. Unfortunately, however, in many states both of these offices are on the same side: the prosecution.

One is the District Attorney's office in each judicial district, whose lawyers devote their time exclusively to handling criminal matters in the local court systems. These lawyers acquire considerable expertise in the trial of criminal cases, including capital cases. There are, for example, prosecutors in the District Attorney's Office in Columbus, Georgia, who have been trying death penalty cases since the state's current death penalty statute was adopted in 1973.

The other office is the state Attorney General's office, which usually has a unit made up of lawyers who specialize in handling the appeals of criminal cases and habeas corpus matters. Here, too, lawyers build expertise in handling capital cases. For example, the head of the unit that handles capital litigation for the Georgia Attorney General has been involved in the work since 1976, the same year the Supreme Court upheld Georgia's death penalty statute. She brings to every case a wealth of expertise developed in seventeen years of litigating capital cases in all the state and federal courts involved in

Georgia cases. She and her staff are called upon by district attorneys around the state for consultation on pending cases and, on occasion, will assist in trial work. It is the normal practice in Georgia that briefs by both the district attorney and the attorney general are filed with the Georgia Supreme Court on the direct appeal of a capital case.

The specialists in the offices of both the district attorneys and the attorneys general have at their call local, state, and, when needed, federal investigative and law enforcement agencies. They have a group of full-time experts at the crime laboratory and in the medical examiner's offices to respond to crime scenes and provide expert testimony when needed. If mental health issues are raised, the prosecution has a group of mental health professionals at the state mental facilities. No one seriously contends that these professional witnesses are objective. They routinely testify for the prosecution as part of their work, and prosecutors enjoy longstanding working relationships with them.

In Alabama, Georgia, Mississippi, Louisiana, Texas, and many other states with a unique fondness for capital punishment, there is no similar degree of specialization or resources on the other side of capital cases. A poor person facing the death penalty may be assigned an attorney who has little or no experience in the defense of capital or even serious criminal cases,[56] one reluctant or unwilling to defend him,[57] one with little or no empathy or understanding of the accused or his particular plight,[58] one with little or no knowledge of criminal or capital punishment law, or one with no understanding of the need to document and present mitigating circumstances.[59] Although it is widely acknowledged that at least two lawyers, supported by investigative and expert assistance, are required to defend a capital case, some of the jurisdictions with the largest number of death sentences still assign only one lawyer to defend a capital case.[60]

In contrast to the prosecution's virtually unlimited access to experts and investigative assistance, the lawyer defending the indigent accused in a capital case may not have any investigative or expert assistance to prepare for trial and present a defense. A study of twenty capital cases in Philadelphia in 1991 and 1992 found that the court "paid for investigators in eight of the twenty cases, spending an average of $605 in each of the eight" and that the court "paid for psychologists in two of them, costing $400 in one case, $500 in the other."[61] It is impossible even to begin a thorough investigation or obtain a comprehensive mental health evaluation for such paltry amounts.

Although the Supreme Court has held that indigent defendants may be entitled to expert assistance in certain circumstances,[62] defense attorneys often do not even request such assistance because they are indifferent or know that no funds will be available.[63] Courts often refuse to authorize funds for investigation and experts by requiring an extensive showing of need that frequently cannot be made without the very expert assistance that is sought.[64] Many lawyers find it impossible to maneuver around this "Catch 22,"[65] but even when a court recognizes the right to an expert, it often authorizes so little money that no competent expert will get involved.[66]

An indigent accused facing the death penalty in Columbus, Georgia, was assigned counsel by the local trial judge, a former district attorney who had tried high profile capital cases on the way to becoming a judge.[67] Neither of the two lawyers appointed had ever tried a capital case before. The lawyers were denied any funds for an investigator or expert assistance. The case was prosecuted by an assistant district attorney with over fifteen years of experience in trying capital and other criminal cases. The defense was unable to investigate the case or present any expert testimony in response to the state's fingerprint and identification technicians, ballistics expert, coroner, and medical examiner.

An Alabama attorney, appointed without co-counsel and granted only $500 for expert and investigative expenses to defend a highly publicized capital case, facing three prosecutors and an array of law enforcement agencies and expert witnesses, described his situation:

"Without more than $500, there was only one choice, and that is to go to the bank and to finance this litigation, myself, and I was just financially unable to do that. It would have cost probably in excess of thirty to forty thousand dollars, and I just could not justify taking those funds from my practice, or my family at that time."[68]

Not surprisingly, the attorney was simply unable to investigate the case properly:

"I could not take days at a time out of my office to do essentially non-legal work. And investigation is necessary, certainly, to prepare a case, but it is non-legal. . . . You're actually pounding the pavement, trying to come up with the same information that a person who is paid substantially less per hour could take care of, I mean, whether it be the investigator for the Sheriff's Department or the District Attorney's office or the F.B.I., or the U.S. Attorney's office. You don't find the U.S. Attorney pounding the pavement, trying to investigate facts. . . . And it just creates a terrible situation when you have to do everything for yourself."[69]

As a result, much of the investigation simply was not done and critical evidence was not presented.[70] With regard to the lack of funds for expert witnesses, the lawyer testified that in civil cases, which constituted ninety percent of his caseload, he would have hired the required experts because failure to do so would have constituted malpractice.[71]

An attorney involved in the defense of many capital cases in Arkansas has described how lawyers in that state are forced to perform "a sort of uninformed legal triage," ignoring some issues, lines of investigation, and defenses because of the lack of adequate compensation and resources.[72] He described the costs of such an approach: "The lawyer pays some in reputation, perhaps, but it is his client who must pay with his liberty or life."[73]

The adversary system often breaks down at the appellate level as well. The poor defendant usually does not receive representation equal to that of the prosecution in a state like Georgia, where on direct appeal of capital cases, specialists in the offices of the Attorney General and District Attorney both file briefs for the state. The poor person sentenced to death may be represented by a lawyer with little or no appellate experience, no knowledge of capital punishment law, and little or no incentive or inclination to provide vigorous advocacy. For example, in one Georgia case, the court-appointed attorney filed a brief containing only five pages of argument, and that only after the Georgia Supreme Court threatened to impose sanctions.[74] The lawyer did not raise as an issue the trial court's charge to the sentencing jury, which was later found by the U.S. Court of Appeals to have violated the Constitution, did not appear for oral argument, and did not file a supplemental brief on the jury instruction issue even after requested to do so by the court.[75] Nevertheless, the Georgia Supreme Court did not appoint other counsel or require adequate briefing. Instead, with nothing more before it than counsel's deficient performance, the court upheld the conviction and death sentence.[76] The death sentence was later set aside by the U.S. Court of Appeals.[77] There have been numerous other instances of grossly deficient representation on appeal in cases of those condemned to die.[78]

B. The Lack of indigent defense programs

In many jurisdictions where capital punishment is frequently imposed, there are no comprehensive public defender systems whose resources can parallel the prosecutorial functions of the district attorney's offices.[79] There are no appellate defender offices that parallel the function of the capital litigation sections of the attorneys general's offices. In fact, there is no coherent system at all, but a hodgepodge of approaches that vary from county to county.

In many jurisdictions, judges simply appoint members of the bar in private practice to defend indigents accused of crimes.[80] The lawyers appointed may not want the cases,[81] may receive little or no compensation for the time and expense of handling them,[82] may lack any interest in criminal law, and may not have the skill to defend those accused of a crime. As a result, the poor are often represented by inexperienced lawyers who view their responsibilities as unwanted burdens, have no inclination to help their clients, and have no incentive to develop criminal trial skills. Lawyers can make more money doing almost anything else. Even many lawyers who have an interest in criminal defense work simply cannot afford to continue to present indigents while also repaying their student loans and meeting their familial obligations.

Some counties employ a "contract system" in which the county contracts with an attorney in private practice to handle all of the indigent cases for a specified amount. Often contracts are awarded to the lawyer—or group of lawyers—who bids the lowest.[83] The lawyer is still free to generate other income through private practice. Any money spent on investigation and experts comes out of the amount the lawyer receives. These programs are well known for the exceptionally short shrift that the poor clients receive and the lack of expenditures for investigative and expert assistance.[84]

A third system is the employment of a group of lawyers or an organization to handle all indigent criminal cases while not engaging in any outside practice. These lawyers are usually called "public defenders," although in some jurisdictions they lack the investigative and support staff that is considered part of a genuine public defender program. Some of these offices employ remarkably dedicated attorneys, whose jobs are nonetheless made almost impossible by overwhelming caseloads and low funding.

For example, the Fulton County Public Defender program, which serves the courts in Atlanta, has achieved nationwide notoriety for its high caseloads—an average of 530 felony cases per attorney for each year plus extraditions, probation revocations, commitment, and special hearings—and grossly inadequate funding.[85] A public defender in Atlanta may be assigned as many as forty-five new cases at one arraignment. At that time, upon first meeting these clients—chained together—for a nonprivate, nonconfidential "interview" in a holding area near the courtroom, she may plead many of them guilty and have them sentenced on the spot. As one public defender described disposing of seventeen indigent defendants: "I met 'em, pled 'em and closed 'em—all in the same day."[86] This system of criminal procedure is known as "slaughterhouse justice." When one lawyer in the office, after closing 476 cases in ten months and still carrying a caseload of 122, asserted her ethical obligation to limit her caseload, she was berated by the trial judge, who refused her request; she was eventually demoted to juvenile court by the director of her office.[87]

A public defender in New Orleans represented 418 defendants during the first seven months of 1991.[88] During this time, he entered 130 guilty pleas at arraignment and had at least one serious case set for trial on every single trial date during the period.[89] In "routine cases," he received no investigative support because the three investigators in the public defender office were responsible for more than 7000 cases per year.[90] No funds were available for expert witnesses. The Louisiana Supreme Court found that, because of the excessive caseloads and insufficient resources the public defender office, the clients served by this system are "not provided with the effective assistance of counsel the [C]onstitution requires."[91]

The structure of indigest defense not only varies among states, it varies within many states from county to county. Some localities employ a combination of these programs. All of these approaches have several things in common. They evince the gross underfunding that pervades indigent defense. They are unable to attract and keep experienced and qualified attorneys because of lack of compensation and overwhelming workloads.[92] Just when lawyers reach the point when they have handled enough cases to begin avoiding basic mistakes, they leave criminal practice and are replaced by other young, inexperienced lawyers who are even less able to deal with the overwhelming caseloads. Generally, no standards are employed for assignment of cases to counsel or for the performance of counsel. And virtually no resources are provided for investigative and expert assistance or defense counsel training.

The situation has further deteriorated the last few years. This is largely due to the increased complexity of cases and the increase in the number of cases resulting from expanded resources for police and prosecution and the lack of a similar increase, and perhaps even a decline, in funding for defense programs.[93] The quality and funding for defense programs often varies greatly from one county or judicial district to another in the same state. Texas, which has one of the largest death row populations and has carried out the most executions since the resumption of capital punishment in 1976,[94] is one of eight states in which indigent defense is handled at the county level with no state funding.[95] Funding for indigent defense varies significantly from county to county.[96] In Louisiana, the indigent defense system is funded by assessments from traffic tickets. As a result, there have been "wide variations in levels of funding," adding to a "general pattern . . . of chronic under-funding of indigent defense programs in most areas of the state."[97] Alabama finances its indigent defense system through a tax on all civil and criminal filings in the court system.[98]

The deficiencies in representation resulting from such haphazard and underfunded approaches have been acknowledged. The vice president of the Georgia Trial Lawyers Association once described the simple test used in that state to determine whether a defendant receives adequate counsel as "the mirror test." "You put a mirror under the court-appointed lawyer's nose, and if the mirror clouds up, that's adequate counsel."[99] It is not surprising that such a dysfunctional system is incapable of providing legal representation in capital cases. Unlike the offices of the district attorneys and attorneys general, there is no structure in many states for training and supervising young lawyers in their initial years of practice to develop a cadre of attorneys who specialize in the defense of complex cases. There are no job opportunities in indigent defense for the young law graduates who want to become criminal lawyers. And, because of the financial incentives, most of those who have or develop good trial skills quickly move on to personal injury work or, if they remain in criminal law, the more lucrative defense of drug, pornography, and white collar cases.

C. Compensation of attorneys: The wages of death

The United States Court of Appeals for the Fifth Circuit, finding that Federico Martinez-Macias "was denied his constitutional right to adequate counsel in a capital case in which [his] actual innocence was a close question," observed that, "The state [Texas] paid defense counsel $11.84 per hour. Unfortunately, the justice system got only what it paid for."[100] What is unusual about the case is not the amount paid to counsel, but the court's acknowledgement of its impact on the quality of services rendered.

As we have seen, in many jurisdictions poor people facing the death penalty are not assigned specialists who work for indigent defense programs, but individual attorneys, often sole practitioners. In some jurisdictions, the hourly rates in capital cases may be below the minimum wage or less than the lawyer's overhead expenses.[101] Many jurisdictions limit the maximum fee for a case. At such rates it is usually impossible to obtain a good lawyer willing to spend the necessary time.

Alabama limits compensation for out-of-court preparation to $20 per hour, up to a limit of $1000.[102] In one rare Alabama case where two lawyers devoted 246.86 and 187.90 hours respectively to out-of-court preparation, they were still paid $1000 each, or $4.05 and $5.32 per hour.[103]

In some rural areas in Texas, lawyers receive no more than $800 to handle a capital case.[104] Generally, the hourly rate is $50 or less.[105] Attorneys appointed to defend capital cases in Philadelphia are paid an average of $6399 per case.[106] In the few cases where a second attorney has been appointed, it is often at a flat rate of $500.[107] A study in Virginia found that, after taking into account an attorney's overhead expenses, the effective hourly rate paid to counsel representing an indigent accused in a capital case was $13.[108] In Kentucky, the limit for a capital case is $2500.[109]

Sometimes even these modest fees are denied to appointed counsel. A capital case in Georgia was resolved with a guilty plea only after the defense attorneys, a sole practitioner and this author, agreed not to seek attorneys fees as part of the bargain in which the state withdrew its request for the death penalty.[110]

In cases involving financial as opposed to moral bankruptcy, Atlanta law firms charge around $125 per hour for their associates, $200 per hour for partners, and $50 to $80 per hour for paralegals.[111] In civil rights and other civil litigation, courts routinely order attorneys fees much higher than those paid to appointed lawyers in capital cases.[112] Paralegals and law clerks in civil rights cases may be compensated at rates equal to or better than what experienced attorneys are paid in capital cases.[113] A new attorney at the Southern Center for Human Rights, straight out of law school, was awarded $65 per hour by a federal court in 1990 for work on a prison conditions case.[114] More experienced lawyers on that case were paid at rates of $90, $100, and $150 per hour. Attorneys appointed to death penalty cases in state courts can never expect compensation at such rates.

A justice of the Georgia Supreme Court recently criticized that court's limitation of attorneys fees in an employment discrimination case.[115] Limiting the attorney to $50 per hour[116] instead of providing the opportunity to recover reasonable attorneys fees would, the justice argued, make it unduly difficult to find lawyers for those who were victims of discrimination and "effectively den[y] many Georgians the key to the courthouse door."[117] At lower rates it is even more difficult to find attorneys for capital cases.

Thus, it is unlikely that lawyers will seek appointments in capital cases when they can earn more handling other types of cases. It is undeniable that "[i]n our pecuniary culture the caliber of personal services rendered usually has a corresponding relationship to the compensation provided."[118] Lawyers who have been appointed to defend the poor in capital trials often vow never to handle another. It is financially disastrous, emotionally draining,[119] and, for the small-town sole practitioner, it may be very damaging to relations with paying clients. Even at $200 an hour, it would be difficult to attract lawyers to handle these cases.

Not surprisingly, a recent study in Texas found that "more experienced private criminal attorneys are refusing to accept court appointments in capital cases because of the time involved, the substantial infringement on their private practices, the lack of compensation for counsel fees and expert expenses and the enormous pressure that they feel in handling these cases."[120] "In many counties, the most qualified attorneys often ask not to be considered for court appointments in capital cases due to the fact that the rate of compensation would not allow them to cover the expense of running a law practice."[121] The same unwillingness to take cases because of the low fees has been observed in other states.[122] Consequently, although capital cases require special skills,[123] the level of compensation is often not enough even to attract those who regularly practice in the indigent defense system.

D. The role of judges: Appointment and oversight of mediocrity and incompetence

Even if, despite the lack of indigent defense programs and adequate compensation, capable lawyers were willing to move to jurisdictions with many capital cases, forego more lucrative business, and take appointments to capital cases, there is still no assurance that those lawyers would be appointed to the cases. It is no secret that elected state court judges do not appoint the best and brightest of the legal profession to defend capital cases.[124] In part, this is because many judges do not want to impose on those members of the profession they believe to have more important, financially lucrative things to do. But even when choosing from among those who seek criminal appointments, judges often appoint less capable lawyers to defend the most important cases.

Judges have appointed to capital cases lawyers who have never tried a case before.[125] A study of homicide cases in Philadelphia found that the quality of lawyers appointed to capital cases in Philadelphia is so bad that "even officials in charge of the system say they wouldn't want to be represented in Traffic Court by some of the people appointed to defend poor people accused of murder."[126] The study found that many of the attorneys were appointed by judges based on political connections, not legal ability. "Philadelphia's poor defendants often find themselves being represented by ward leaders, ward committeemen, failed politicians, the sons of judges and party leaders, and contributors to the judge's election campaigns."[127]

An Alabama judge refused to relieve counsel even when they filed a motion to be relieved of the appointment because they had inadequate experience in defending criminal cases and considered themselves incompetent to defend a capital case.[128] Georgia trial judges have repeatedly refused to appoint or compensate the experienced attorneys who, doing pro bono representation in postconviction stages of review, had successfully won new trials for clients who had been sentenced to death.[129] In several of those cases, the Georgia Supreme Court ordered continued representation at the new trials by the lawyers who were familiar with the case and the client. Despite those precedents, a Georgia judge refused to appoint an expert capital litigator from the NAACP Legal Defense and Educational Fund to continue representation of an indigent defendant, even though the Legal Defense Fund lawyer had won a new trial for the client by showing in federal habeas corpus proceedings that he had received ineffective assistance from the lawyer appointed by the judge at the initial capital trial.[130] And the lower court judges who have been reversed for failing to allow continuity in representation are still appointing lawyers when new cases come through the system. Those new defendants have no one to assist them in securing competent representation.

A newly admitted member of the Georgia bar was surprised to be appointed to handle the appeal of a capital case on her fifth day of practice in Columbus, Georgia. Two days earlier she had met the judge who appointed her when she accompanied her boss to a divorce proceeding. Only after she asked for help was a second attorney brought onto the case. Another lawyer in that same circuit was appointed to a capital case, but after submitting his first billing statement to the judge for approval was told by the judge that we was spending too much time on the case. He was summarily replaced by another lawyer and the defendant was ultimately sentenced to death. For a number of years, judges in that circuit appointed a lawyer to capital cases who did not challenge the underrepresentation of black citizens in the jury pools for fear of incurring hostility from the community and alienating potential jurors.[131] As a result, a number of African-Americans were tried by all-white juries in capital cases even though one-third of the population of the circuit is African-American.

The many other examples of exceptionally poor legal representation documented by the American Bar Association (ABA), the National Law Journal, and others indicate that judges either are intentionally appointing lawyers who are not equal to the task or are completely inept at securing competent counsel in capital cases. The reality is that popularly elected judges, confronted by a local community that is outraged over the murder of a prominent citizen or angered by the facts of a crime, have little incentive to protect the constitutional rights of the one accused in such a killing. Many state judges are former prosecutors who won their seats on the bench by exploiting high-publicity death penalty cases. Some of those judges have not yet given up the prosecutorial attitude.

United States Congressman William J. Hughes, a former New Jersey prosecutor and leader on crime issues in the Congress, observed: "With some of the horror stories we've heard—lawyers who didn't call witnesses, who waived final argument—it is incredible that the courts allowed these cases to move forward."[132] What is even more incredible is that in most of these instances the judges appointed the lawyers to the case.

E. The minimal standard of legal representation tolerated in capital cases

This sad state of affairs is tolerated in our nation's courts in part because the United States Supreme Court has said that the Constitution requires no more. Instead of actually requiring effective representation to fulfill the Sixth Amendment's guarantee of counsel, the Court has brought the standard down to the level of ineffective practice. Stating that "the purpose of the effective assistance guarantee of the Sixth Amendment is not to improve the quality of legal representation," the Court in Strickland v. Washington[133] adopted a standard that is "highly deferential" to the performance of counsel.[134] To prevail on a claim of ineffective assistance of counsel, a defendant must overcome "a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance," show that the attorney's representation "fell below an objective standard of reasonableness,"[135] and establish "prejudice," which is defined as a reasonable probability that counsel's errors affected the outcome.[136]

As Judge Alvin Rubin of the Fifth Circuit concluded:

> "The Constitution, as interpreted by the courts, does not require that the accused, even in a capital case, be represented by able or effective counsel . . . . Consequently, accused persons who are represented by "not-legally-ineffective" lawyers may be condemned to die when the same accused, if represented by effective counsel, would receive at least the clemency of a life sentence.[137]"

Much less than mediocre assistance passes muster under the Strickland standard. Errors in judgment and other mistakes may readily be characterized as "strategy" or "tactics" and thus are beyond review.[138] Indeed, courts employ a lesser standard for judging the competence of lawyers in a capital case than the standard for malpractice for doctors, accountants, and architects.[139]

The defense lawyer in one Texas case failed to introduce any evidence about his client at the penalty phase of the trial. The attorney's entire closing argument regarding sentencing was: "You are an extremely intelligent jury. You've got that man's life in your hands. You can take it or not. That's all I have to say."[140] A United States district court granted habeas corpus relief because of the lawyer's failure to present and argue evidence in mitigation, but the Fifth Circuit, characterizing counsel's nonargument as a "dramatic ploy," found that the attorney's performance satisfied *Strickland*.[141] The lawyer was later suspended for other reasons.[142] The defendant was executed.

Numerous other cases in which executions have been carried out demonstrate that the minimal standard for attorney competence employed in death penalty cases provides little protection for most poor persons accused of capital crimes. The case of John Eldon Smith, the first person executed in Georgia since the death penalty was restored,[143] is not exceptional. Smith's sentence was upheld and he was killed despite a constitutional violation because of his lawyer's ignorance of the law, while his codefendant won a new trial due to the same constitutional violation and later received a life sentence. The *second* person executed in Georgia after Smith was a mentally retarded offender, convicted despite a jury instruction that unconstitutionally shifted the burden of proof on intent; he was denied relief because his attorney did not preserve the issue for review.[144] The more culpable codefendant was granted a new trial on the very same issue.[145] Again, as with Smith and Machetti, switching the lawyers would have reversed the outcomes of the case.

John Young was sentenced to death in the same county as Smith. Young was represented at his capital trial by an attorney who was dependent on amphetamines and other drugs which affected his ability to concentrate. At the same time, the lawyer was physically exhausted, suffering severe emotional strain, and distracted from his law practice because of marital problems, child custody arrangements, difficulties in a relationship with a lover, and the pressures of a family business.[146] As a result, the lawyer made little preparation for Young's trial, where his performance was inept. Young was sentenced to death. A few weeks later, Young met his attorney at the prison yard in the county jail. The lawyer had been sent there after pleading guilty to state and federal drug charges.[147] Georgia executed John Young on March 20, 1985.

James Messer was "represented" at trial by an attorney who, at the guilt phase, gave no opening statement, presented no defense case, conducted cursory cross-examination, made no objections, and then emphasized the horror of the crime in some brief closing remarks that could not be fairly described as a "closing argument." [148] Even though severe mental impairment was important to issues of mitigation at both the guilt and penalty phases, the lawyer was unable to present any evidence of it because he failed to make an adequate showing to the judge that he needed a mental health expert.[149] He also failed to introduce Messer's steady employment record, military record, church attendance, and cooperation with police. In closing, the lawyer repeatedly hinted that death was the most appropriate punishment for his own client.[150] This too was good enough for a capital case in Georgia. Messer was executed July 28, 1988.

In light of Messer's case, one cannot help but wonder what progress has been made since the Supreme Court held that there is a right to counsel in capital cases in *Powell v. Alabama*. The nine black youths tried in Scottsboro, Alabama, in 1931 for the rapes of two white girls were represented by a lawyer described as "an able member of the local bar of long and successful experience in the trial of criminal as well as civil cases" who conducted "rigorous and rigid cross-examination" of the state's witnesses.[151] That is more than James Messer received at his capital trial.

Another case in which the attorney did nothing was that of Billy Mitchell, executed by Georgia on September 1, 1987. Following a guilty plea, Mitchell was sentenced to death at a sentencing hearing at which defense counsel called no witnesses, presented no mitigating evidence, and made no inquiries into his client's academic, medical, or psychological history.[152] A great deal of information of this kind was available and, if presented, could well have reduced the sentence imposed on Mitchell. In postconviction proceedings, new counsel submitted 170 pages of affidavits summarizing the testimony of individuals who could have appeared on Mitchell's behalf. Among them were family members, a city council member, a former prosecutor, a professional football player, a bank vice president, and several teachers, coaches, and friends.[153]

The same ineptitude is frequently tolerated on appeal. The brief on direct appeal to the Alabama Supreme Court in the case of Larry Gene Heath, executed by Alabama on March 20, 1992, consisted of only one page of argument and cited only one case, which it distinguished.[154] Counsel, who had filed a six-page brief on the same issue in the Alabama Court of Criminal Appeals,[155] did not appear for oral argument in the case. Although the United States Court of Appeals later found counsel's performance deficient for failing to raise issues regarding denial of a change of venue, denial of sixty-seven challenges for cause of jurors who knew about the defendant's conviction in a neighboring state arising out of the same facts, and use of the defendant's assertion of his Fifth Amendment rights against him, it found no prejudice.[156]

While such incompetence as has been described here passes muster as "effective assistance of counsel" under the Supreme Court's view of the Sixth Amendment, counsel's performance often fails to satisfy the increasingly strict procedural doctrines developed by the Supreme Court since 1977. Failure of counsel to recognize and preserve an issue, due to ignorance, neglect, or failure to discover and rely upon proper grounds or facts, even in the heat of trial, will bar federal review of that issue.[157] A lawyer whose total knowledge of criminal law is Miranda and Dred Scott may be "not legally-ineffective" counsel under Strickland,[158] but such a lawyer will of course not recognize or preserve many constitutional issues. The result has been what Justice Thurgood Marshall described as an "increasingly pernicious visegrip"[159] for the indigent accused: courts refuse to address constitutional violations because they were not preserved by counsel, but counsel's failure to recognize and raise those issues is not considered deficient legal assistance.[160]

Together, the lax standard of Strickland and the strict procedural default doctrines reward the provision of deficient representation. By assigning the indigent accused inadequate counsel, the state increases the likelihood of obtaining a conviction and death sentence at trial and reduces the scope of review. So long as counsel's performance passes muster under Strickland, those cases in which the accused received the poorest legal representation will receive the least scrutiny on appeal and in postconviction review because of failure of the lawyer to preserve issues.

In applying Strickland, courts indulge in presumptions and assumptions that have no relation to the reality of legal representation for the poor, particularly in capital cases. One scholar has aptly called the idea that bar membership automatically qualifies one to defend a capital case "lethal fiction."[161] The reality is that most attorneys are not qualified to represent criminal defendants and certainly not those accused of capital crimes.[162]

There is no basis for the presumption of competence in capital cases where the accused is represented by counsel who lacks the training, experience, skill, knowledge, inclination, time, and resources to provide adequate representation in a capital case. The presumption should be just the opposite—where one or more of these deficiencies exist, it is reasonable to expect that the lawyer is not capable of rendering effective representation.[163] Indeed, the presumption of competence was adopted even though the Chief Justice of the Supreme Court, who joined in the majority in Strickland, had written and lectured about the lack of competence of trial attorneys.[164]

Another premise underlying Strickland is that "[t]he government is not responsible for, and hence not able to prevent, attorney errors."[165] However, the notion of government innocence is simply not true in cases involving poor people accused of crimes. The poor person does not choose an attorney; one is assigned by a judge or some other government official. The government may well be responsible for attorney errors when it appoints a lawyer who lacks the experience and skill to handle the case, or when it denies the lawyer the time and resources necessary to do the job. In addition, as observed by Justice Blackmum:

"The county's control over the size of and funding for the public defender's office, as well as over the number of potential clients, effectively dictates the size of an individual attorney's caseload and influences substantially the amount of time the attorney is able to devote to each case. The public defender's discretion in handling individual cases—and therefore his ability to provide effective assistance to clients—is circumcised to an extent not experienced by privately retained attorneys.[166]"

The assumption that deficient representation makes no difference,[167] which underlies a finding of lack of prejudice under Strickland, is also flawed.[168] In cases where constitutional violations were not preserved and the defendant was executed while an identically situated defendant received relief for the same constitutional violation, it is apparent that the ineptitude of the lawyer did make a difference in the outcome of the case. In other more subtle but equally determinative ways, competent legal assistance can make a difference in the outcome which may not be detectable by reviewing courts.[169]

A lawyer may muddle through a case with little or no preparation, but it is impossible to determine how the case might have been handled differently if he had investigated and prepared. Other difficulties may be even more difficult to detect. Rapport with the client and the family may lead to cooperation and the disclosure of compelling mitigating evidence that might not be found by a less skillful attorney.[170] Good negotiating skills may bring about a plea offer to resolve the case with a sentence less than death, and a good relationship with the client may result in acceptance of an offer that might otherwise be rejected.[171] Nor are reviewing courts able to determine after the fact the difference made by other skills that are often missing in the defense of criminal cases—such as conducting a good voir dire examination of jurors, effective examination and cross-examination of witnesses, and presenting well-reasoned and persuasive closing arguments.

The prejudice standard is particularly inappropriate for application to deficient representation at the penalty phase of a capital case. It is impossible for reviewing courts to assess the difference that investigation into mitigating circumstances and the effective presentation of mitigating evidence might make on a jury's sentencing decision.

The Supreme Court has consistently reaffirmed that in a capital case any aspect of the life and background of the accused offered by the defense must be considered as "mitigating circumstances" in determining punishment.[172] Those who have tried capital cases have found that the competent presentation of such evidence often results in sentences less than death.[173] But the right to have any of the "diverse frailties of humankind"[174] taken into account is meaningless if the accused is not provided with counsel capable of finding and effectively presenting mitigating circumstances.

A court-appointed defense lawyer's only reference to his client during the penalty phase of a Georgia capital case was: "You have got a little ole nigger man over there that doesn't weigh over 135 pounds. He is poor and he is broke. He's got an appointed lawyer. . . . He is ignorant. I will venture to say he has an IQ of not over 80."[175] The defendant was sentenced to death.

Had that lawyer done any investigation into the life and background of this client, he would have found that his client was not simply "ignorant." Instead, he was mentally retarded. For that reason, he had been rejected from military service. And he had been unable to function in school or at any job except the most repetitive and menial ones. His actual IQ was far from 80; it was 68. He could not do such basic things as make change or drive an automobile. After his death sentence was set aside because of failure to grant a change of venue,[176] an investigation was conducted, these facts were documented, and the defendant received a life sentence.[177]

In another case, an attorney, obviously under the influence of alcohol, came to the Southern Center for Human Rights, in Atlanta, after business hours on a Friday evening. He was clutching part of a trial transcript and said that he needed help preparing his brief to the Georgia Supreme Court for the direct appeal of a mentally retarded man he had represented at trial who had been sentenced to death. The brief was due the following Monday. Nothing had been written for the appeal. It was impossible even to assemble the entire record by Monday. Fortunately, an extension of time was obtained and eventually the case was remanded to the trial court. New counsel subsequently negotiated a life sentence.[178]

In these and other cases previously discussed in Section I, once the facts were discovered and brought out, life sentences were obtained for people previously sentenced to death. But these were cases where by sheer luck the defendants later received adequate representation on appeal or in postconviction proceedings. Many of these cases were returned for retrials for reasons having nothing to do with the poor legal representation at the original trials. But, as shown by the many cases summarized here in which executions were carried out, many of those facing the death penalty never receive the representation that would make such a difference.

III. THE FAILURE TO KEEP THE PROMISE OF GIDEON

The right to counsel is essential to protect all other rights of the criminally accused. Yet this most fundamental right has received the least protection. Nevertheless, many members of the judiciary and the bar—who have a special responsibility to uphold the rule of law in the face of public outrage and revulsion—stand by year after year, case after case, looking the other way, pretending that nothing is amiss, or calling upon someone else to solve the problem, but never engaging in a concerted and effective effort to change the situation. The United States Department of Justice, the state District Attorneys, and state Attorneys General, all of whom should have some concern about the fairness and integrity of the judicial process, use their power and influence to make the situation even worse. As a result, although some solutions to the problem are apparent, the situation continues to deteriorate and, tragically, to be increasingly accepted as the inevitable lot of the poor.

A. Minimal reforms in response to major crisis

Over ten years ago, the ABA and the National Legal Aid and Defender Association found the funding for indigent defense inadequate and deemed the promise of Gideon v. Wainwright unrealized, stating: "we must be willing to put our money where our mouth is; we must be willing to make the constitutional mandate a reality."[179] However, despite many reports with similar warnings,[180] another ABA report in 1993 still found that "long-term neglect and underfunding of indigent defense has created a crisis of extraordinary proportions in many states throughout the country."[181]

In Alabama, ten reports over eleven years pointed out the many defects in representation of indigent defendants.[182] Judges, court administrators, and the bar have recommended reform. A commission proposed in 1988 that the limits on attorneys fees in capital cases be eliminated or raised,[183] but the legislature has done nothing to change the limit on compensation for out-of-court time expended by attorneys in capital cases.[184] As a result, and despite repeated acknowledgement of the problem, the quality of indigent defense in Alabama remains a disgrace.

Limits on compensation have been struck down by courts in a number of states.[185] However, even as courts have recognized the unreasonableness of the low fees, the adverse impact of such low fees on the right to counsel and a fair trial, and their own constitutional duty to do something about it,[186] they have often ordered only minimal, inadequate reforms.

A challenge to Mississippi's limit of $1000 for compensation to lawyers appointed to defend capital cases was rejected by the state's supreme court.[187] The court held that lawyers were entitled to reimbursement for actual costs, including the overhead cost of operating a law office, so that "the attorney will not actually lose money,"[188] but characterized the $1000 fee as "an 'honorarium' or pure profit."[189] One justice published a dissent, which had initially been prepared as the majority opinion, that carefully analyzed how the statutory limit on compensation adversely affected the right to counsel and the administration of justice in violation of the Constitution.[190] However, because that opinion was not supported by a majority of the court, an attorney appointed to defend a capital case in Mississippi, while no longer required to lose money, may still make less than the minimum wage.[191]

The Louisiana Supreme Court, considering a capital case in which assigned counsel was neither compensated nor reimbursed for expenses, held that counsel were entitled to reimbursement for out-of-pocket and overhead costs, overruling contrary state precedent,[192] but held that a "fee for service need not be paid" as long as the time required to defend the case does not reach "unreasonable levels."[193]

The South Carolina Supreme Court struck down that state's statutory limitations on compensation of appointed counsel in capital cases.[194] The statutes provided for $15 per hour of in-court time and $10 per hour of out-of-court time for attorneys, with a limit of $5000 per case for attorneys fees, expert and investigative services, and costs.[195] Even in doing so, however, the court discussed the fee limitations in the context of "the legal profession's traditional and historic role in the general society. It is a role anchored to the postulate that the practice of law is not a marketplace business or commercial venture but, rather, a profession dedicated primarily to service."[196] The court accordingly held that "[t]he appointed attorney should not expect to be compensated at market rate, rather at a reasonable, but lesser rate" to be fixed in the court's discretion at the conclusion of the trial.[197]

One would hope that such an undesirable assignment as defending a person in a capital case would be compensated at rates greater than market rates, not less. In civil rights cases, the undesirability of a case is a factor used to multiply or enhance an attorneys fee award.[198] For example, prison conditions cases have been found to be "undesirable" for purposes of determining whether to enhance attorneys fees.[199] However, legislatures and courts have simply been unwilling to pay sufficient rates to attract lawyers to handle capital cases.

There have been few systematic challenges to the inadequacy of legal representation for the poor, and they have produced only limited results.[200] Some hope of reforming Georgia's indigent defense system appeared when a federal court of appeals held that a challenge to deficiencies in the system stated a claim and should not have been dismissed.[201] However, after a change in the composition of the court, the case was dismissed on abstention grounds.[202] The federal courts also refused on abstention grounds to examine Kentucky's limit on attorneys' compensation in capital cases.[203]

Despite abundant documentation of the enormity of the need for substantive changes, some continue to suggest that the burden of providing counsel to the poor—even in capital cases—may be satisfied by the conscription of members of the legal profession.[204] However, it is the constitutional duty of the state,[205] not of members of the legal profession, to provide indigent defendants with counsel. Responses to the problems posed by ineffective assistance of counsel should be conceived in a way that gives effect to this principle. Georgia, a state in which there have been numerous egregious examples of deficient representation, has no difficulty coming up with local, state, and federal money to prepare for the Olympic Games, but it does not secure or appropriate funding to assure competent representation and equal justice in its courts.[206]

Though it is desirable for more members of the legal profession to shoulder their ethical obligations to provide legal assistance for the poor, the defense of capital cases often requires more expertise, commitment, and resources than individual lawyers are able to offer. And there are too many cases for the lawyers who do respond. Moreover, the absence of indigent defense programs limits the opportunity for young, committed lawyers to enhance their skills and learn to do the job properly. Beyond these difficulties, even the most conscientious lawyer needs proper investigative and expert assistance to defend a capital case.

Moreover, to ask for such major sacrifices for such an overwhelming and thankless job as defending a capital case from a few members of the profession is unreasonable. Judges are not presiding without compensation, and district attorneys are not prosecuting without decent salaries. And most members of the legal profession—particularly those at the high income law firms which have the litigation skills and resources equal to the task—are not being asked to share the burden of defending the poor. The supply of lawyers who are willing to make the sacrifice has never come close to satisfying the desperate needs of the many poor who face the death penalty throughout the country today.

Georgia Chief Justice Harold Clarke's description of Georgia's response to the need for indigent defense applies to most other states as well: "[W]e set our sights on the embarrassing target of mediocrity. I guess that means about halfway. And that raises a question. Are we willing to put up with halfway justice? To my way of thinking, one-half justice must mean one-half injustice, and one-half injustice is no justice at all."[207]

B. The politics of crime and the lack of leadership to remedy the situation

At this time, there appears to be little prospect of achieving even the level of mediocrity that Chief Justice Clarke described. What is needed to provide competent legal representation to any litigant, rich or poor, is no secret. But significant improvement in the quality of representation for the poor is unlikely because of the unpopularity of those accused and the lack of leadership and commitment to fairness of those entrusted with responsibility for the justice system.

A properly working adversary system will never be achieved unless defender organizations are established and properly funded to employ lawyers at wages and benefits equal to what is spent on the prosecution, to retain expert and investigative assistance, to assign lawyers to capital cases, to recruit and support local lawyers, and to supervise the performance of counsel defending capital cases. Judges are not equipped to do this. Management of the defense is not a proper judicial function. And, as previously described, all too often political and other improper considerations influence elected state court judges in their appointment of lawyers to defend those facing the death penalty.

What is needed is a system in which defense counsel's loyalty is to the client and not the judge; and in which defense counsel, as well as the prosecutor, understands the scientific and legal issues in the case and has access to the investigative and expert assistance needed to prepare and present the case. The ABA has promulgated standards for the appointment and performance of counsel in capital cases,[208] which are seldom followed today, but standards mean nothing without capable attorneys and well-funded defender organizations to implement them.[209]

Moreover, it must be recognized that defending capital cases is a most unattractive responsibility for most members of the legal profession. With the increasing number of state and federal capital prosecutions, it will be more and more difficult to find enough capable lawyers willing to defend the cases. It should be recognized that, as in other difficult and undesirable areas of practice, a significant financial incentive, considerably beyond what lawyers receive for far less demanding legal work, will be required.

Such a system would require a substantial commitment of resources. The argument has been made that some jurisdictions do not have the money to attract qualified lawyers and that in some areas, particularly rural areas, qualified counsel is simply not available.[210] But these considerations should not excuse the lack of adequate legal representation in capital cases. There are communities that have no pathologists, hair and fiber experts, evidence technicians, and others needed for the investigation and prosecution of homicide cases. However, when a murder occurs in those communities and is followed by a capital prosecution, the prosecution invariably brings in the experts needed and pays what it costs to do so.

There was a time when many localities did not have capable law enforcement agencies or pathologists, fingerprint examiners, ballistics experts, serologists, and other forensic scientists needed to investigate and prosecute crime. Thee deficiencies were remedied in most places, often with funding from the Federal Law Enforcement Assistance Administration as well as state and local governments. Crime laboratories were built, local police officers were sent to FBI training programs, and pools of experts were developed who travel around states to investigate crime scenes and testify in local prosecutions.

These jurisdictions could also establish defender organizations to provide lawyers with the expertise required to defend capital cases, and the investigators and expert assistance needed to prepare the defense of these cases. What is lacking is not money, but the political will to provide adequate counsel for the poor in capital and other criminal cases. Adequate representation and fairness will never be achieved as long as it is accepted that states can pay to prosecute a capital case without paying to defend one. Adequate representation and fairness will never be achieved until ensuring justice in the courts becomes a priority equal to public concern for roads, bridges, schools, police protection, sports, and the arts.

But the leadership needed to help bring about justice is missing. There was a time when the Attorney General of the United States and the attorneys general in many of the states were concerned not just with getting convictions, but also with fairness, integrity, and the proper functioning of the adversary system.

In that spirit, Attorneys General Walter F. Mondale of Minnesota and Edward J. McCormack, Jr. of Massachusetts, and twenty-one of their fellow attorneys general filed a brief in support of Clarence Earl Gideon's right to counsel in Gideon v. Wainwright.[211] It was out of that same concern that Attorney General Robert F. Kennedy helped secure passage of the federal Criminal Justice Act in 1963. But those days are gone.

Today, the United States Department of Justice, state district attorneys, and state attorneys general use their power and influence to make this shameful situation even worse. They take every advantage of the ignorant, incompetent lawyers foisted upon the poor.[212] They have defended in the courts even the most outrageous instances of incompetence on the part of defense counsel previously described and used the ineptness of counsel as a barrier to prevent courts from addressing constitutional violations in capital cases.

Despite abundant evidence of poor lawyering and egregious constitutional violations in capital cases, the Justice Department and many prosecutors have proposed shortcuts and procedural traps to paper over the problems and speed up the process of sending those sentenced to death at unconstitutional trials to their executions. In response to findings by federal courts of constitutional violations in state capital cases, prosecutors have urged stricter enforcement of procedural default rules to avoid dealing with the violations,[213] not better counsel to avoid those unconstitutional trials in the first place. Justice James Robertson of the Mississippi Supreme Court described as "unseemly" the arguments of that state's attorney general that the court "should hold [the defendant's] claims procedurally barred, not because such would promote the interests of justice, but rather that such would pull the rug out from under [him] when he ultimately seeks federal review of his case."[214] An accommodating Supreme Court has been willing to cut back drastically on the availability of the once great writ of habeas corpus,[215] and prosecutors have supported even more drastic legislative proposals to restrict it further.[216]

Many prosecutors have been unwilling to agree to even the most minor reforms to improve the quality of legal representation received by the poor. Federal legislation was proposed in 1990 that would have restricted imposition of the procedural default doctrines unless states improved the quality of defense counsel. One proposal would have required the establishment of an appointing authority for counsel in capital cases composed either of a statewide defender organization or of a death penalty resource center.[217] The appointing authority would have been responsible for securing qualified counsel and engaging in periodic review to ensure the competence of representation. The legislation would also have set standards for counsel and required payment for counsel "at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases."[218]

This modest proposal evoked vehement opposition from the U.S. Department of Justice and state prosecutors. William P. Barr, then-Deputy Attorney General and later Attorney General, characterized the counsel provisions as "an elaborate and expensive system for appointing counsel" that were "inimical to the principles of federalism inherent in our constitutional system, and to the need for reasonable finality of state criminal judgments."[219] A letter signed by the attorneys general of twenty-three states which have the death penalty described the provisions as "so extreme as to be absurd."[220] The twenty-three attorneys general asserted: "The current problems which beset capital cases are not caused by the qualify of representation they receive" and that "the focus in capital cases should be on the guilt or innocence of the defendant and the sentence he should receive" and not "how many seminars a defense attorney has attended, how well he is paid, and other collateral matters."[221] The National Association of District Attorneys adopted a resolution opposing the legislation, reiterating its support for the procedural default doctrines and "strongly oppos[ing] any legislation" which would "create new requirements concerning the experience, competency, or performance of counsel" beyond Strickland v. Washington.[222]

A bill introduced in 1993 would have required only a "certifying" authority to identify lawyers to defend capital cases, allowing judges to continue to appoint counsel and setting only minimal standards measured in terms of years of practice and number of cases with no inquiry into quality of work.[223] Although representatives of the state attorneys general and district attorneys associations were involved in drafting the legislation,[224] which would, in fact, do little to improve the quality of representation and could even worsen the situation,[225] it was opposed by many prosecutors.[226] One letter circulated among Senators criticized its "expansive and costly appointment of counsel provisions" and quoted the Attorney General of Georgia as saying that, if enacted, the bill would "effectively repeal the death penalty."[227]

Such hyperbolic statements have repeatedly greeted order efforts to improve the quality of legal representation in capital cases. When the Georgia legislature, after years of refusing to appropriate any funds for indigent defense.[228] finally responded grudgingly to the eloquent appeals of the chief justice of the state's supreme court[229] by creating in 1992 a small capital defender program that employed only four attorneys.[230] one district attorney criticized it as a step toward abolishing the death penalty in Georgia.[231] When a report to the Texas Bar described the serious deficiencies of the representation in capital cases in that state, the district attorney in Houston dismissed it as an argument against the death penalty.[232]

The enthusiasm of prosecutors to continue to take every advantage has not been tempered by the poverty and powerlessness of those accused of capital crimes. Nor has the situation motivated a new presidential administration or a new Attorney General to rein in the assaults on the Bill of Rights and habeas corpus or question the power that state courts should be allowed to exercise over the lives of persons who are not provided adequate representation.[233] Instead, the country is engaged in a crime debate in which politicians try to outdo one another in proposing crime bills which simultaneously expand the use of the death penalty and other severe penalties while restricting or eliminating procedural protections. Those who are supposedly leaders dismiss the Bill of Rights as a more collection of technicalities. The debate is exceptionally one-sided. For, as Robert K. Kennedy said long ago, the poor person accused of a crime has no lobby. No member of Congress or a state legislature is likely to receive complaints about the quality of counsel for poor people accused of crimes. But lost in the effort to get tough on crime is concern about the fairness and integrity of the criminal justice system.

Completely missing from the crime debate and from the courts is the notion that if it is too expensive or impractical for some jurisdictions to provide competent counsel and the fairness and reliability that should accompany a judicial decision to take a human life, their power should be limited. If a local trial court cannot comply with the most fundamental safeguard of the Constitution by providing a capable attorney to one whose life is at stake, it should not be authorized to extinguish life. The solution is not to depreciate human life and the Bill of Rights by accepting what is available. Many small communities do not have surgeons, yet they do not rely on chiropractors to perform heart surgery.

Pronouncements about the importance of and the need for counsel do not make quality representation a reality. It has become apparent that the legislatures of most states, particularly those where the death penalty is frequently imposed, are not going to discharge their constitutional duty to appropriate funds and provide competent legal assistance for poor persons in criminal cases. It is also unlikely that the judiciary and bar, after years of neglect, punctuated by occasional moments of hand wringing, will respond effectively to this worsening situation.

IV. THE NEED FOR INDIVIDUAL RESPONSES AND LIMITS ON THE POWER OF THE COURTS

The quality of legal representation in capital cases in many states is a scandal. However, almost no one cares. Those facing the death penalty are generally poor, often members of racial minorities, often afflicted with substantial mental impairments, and always accused of serious, terrible crimes. The crimes of which they are accused bring out anger, hatred, and a quest for vengeance on the part of most people, including judges, prosecutors, and quite often, even those appointed to represent the accused. All of this leads to, at best, indifference and, more often, hostility toward the plight of those accused. And many outside the criminal justice system are indifferent because they are unaware of what passes for justice in the courts. There is a growing cynicism about the importance of due process and the protections of the Bill of Rights. Many of those who hold or aspire to public office find it impossible to resist the temptation to resort to demagoguery to exploit these sentiments.

But this reality does not excuse the constitutional responsibility of the judiciary and members of the legal profession to ensure that even the most despised defendants still receive the highest quality legal representation in proceedings that will determine whether they live or die. Justice William Brennan, with his usual eloquence, once observed in another context,

"It is tempting to pretend that [those] on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustice are not so easily confined. . . . [T]he way in which we choose those who will die reveals the depth of moral commitment among the living."[234]

Unfortunately, what has been revealed about the depth of moral commitment among legislators, members of the bar, and the judiciary is very discouraging. It is unlikely that the promise of Powell and Gideon will ever be fulfilled for most of those accused of criminal violations. Legislatures are unwilling to pay the price for adequate representation, most courts are unwilling to order it, and most members of the bar are unwilling or unable to take on the awesome responsibility of providing a vigorous defense without adequate compensation.

The best hope for most of those facing the death penalty is that capable lawyers will volunteer to take their cases and provide proper representation regardless of whether they are paid adequately or at all. A member of the New York Court of Appeals, citing the ethical obligation of lawyers to recognize deficiencies in the legal system and initiate corrective measures,[235] has urged lawyers to respond to the challenge of seeing that those who face the worst penalty receive the best representation.

"During the civil rights movement of the fifties and especially the sixties, inspired attorneys, not all young neophytes, travelled often at great personal expense and real risk, including their own deaths, to make a difference. That spirit needs to be revived. Right now, it fuels only a few who are to be commended for what they are trying to do, but it has not motivated a sufficient number of people in our profession to do their needed parts, too. Until that conversion comes about, Lady Justice may as well keep her eyes blindfolded so as not to notice with shame the grotesque imbalance in the scales of justice that hang from her fingertips, because of the growing numbers of death penalty cases in this great country that are finally, really finally, resolved under such disproportionate odds and resources.[236]"

Such spirit and commitment are desperately needed. When achieved, they will undoubtedly make a difference for those persons represented. Indeed it is hard to imagine how a member of the legal profession could make a greater difference than by saving a client from execution. But the response of individual lawyers will not be nearly enough to end the systemic problems previously described and provide adequate representation to the thousands of people facing the death penalty in this country.

Lawyers must not only respond, but in doing so they must litigate aggressively the right to adequate compensation, to the funds necessary to investigate, and for the experts needed to prepare and present a defense. Lawyers must also bring systemic challenges to indigent defense systems. Attorneys for the poor—whether in assigned counsel, contract, or public defender systems—must refuse unreasonable caseloads and insist upon the training and resources to do the job right. Where these problems make it impossible for attorneys to discharge their constitutional and ethical obligations, attorneys should frankly declare their inability to render effective assistance.

And lawyers must continue to bear witness to the shameful injustices which are too routine in capital cases. The uninformed and the indifferent must be educated and reminded of what is passing for justice in the courts. The substandard quality of counsel for the poor and the lack of a structure and funding for indigent defense must become part of the debate on crime. The state and federal legislatures should not continue to enact capital crimes without considering the costs of adequate representation for the defendant and, even if the costs are met, whether there is anyone to defend those accused. Lawyers and law students need to be reminded that there continue to be people with desperate, unmet needs for competent representation.[237] They need to be informed that the protections of the Bill of Rights are often denied those most in need of them—poor, minority, and disadvantaged persons facing the death penalty. The danger of silence is not only that lawyers will be unaware of the need, but also that many in society will mistakenly assume that there is a properly working adversary system in the criminal courts.

It is only by the witness of those who observe the injustices in capital cases firsthand that others in society can be accurately informed. This knowledge may prompt questions abut the system and its limits such as: whether the quest for vengeance receives too high a priority over the pursuit of justice in the courts; whether criminal courts should be allowed to dispatch people to their deaths without providing capable lawyers or even one penny for the investigators and experts necessary to present evidence that is constitutionally indispensable to the punishment decision; whether indigent and often mentally limited persons accused of crimes should continue to be denied the protections of the Bill of Rights under the procedural default doctrines because of the ineptness of lawyers they had no voice in choosing; whether the assignment of lawyers to defend the poor should be made by judges who must keep one eye on the next election and, with the other, often wink at the Constitution; and whether courts should continue to demean the Sixth Amendment by employing the *Strickland* v. *Washington* standard for "legally effective counsel."

These questions must be raised vigorously until courts and leaders of the bar realize that the judgments of the criminal courts cannot be seen as legitimate and entitled to respect so long as such poor quality of representation is tolerated. It is only by dealing squarely with these questions that there is hope that the courts will face reality and deliver on the promise of *Powell* and *Gideon* instead of indulging in wishful thinking and hollow pronouncements about the right to counsel. One must hope that a frank discussion of the deficiencies of the system will prompt courts to take their eyes off the embarrassing target of mediocrity and take aim at a full measure of justice for all citizens, especially those whose lives and freedom hang in the balance. One must also hope that some prosecutors, who recognize a higher calling in seeing that justice is done and making the adversary system work than in simply getting convictions and death sentences against inept lawyers, will add their voices regarding the need for adequate representation and limits on the power of the courts. And finally, some law schools must respond and prepare students better for defending criminal cases.

The Louisiana Supreme Court recently faced reality and created a presumption of incompetence of counsel where provision of indigent defense services are so lacking that defendants are not likely to be receiving effective representation.[238] Unless the state is able to rebut the presumption at a pretrial hearing, a trial court is not to let the prosecution go forward until the defendant is provided with reasonably effective counsel.[239] This approach responds much better to the reality of representation for indigents than Strickland. Nevertheless, Justice Dennis pointed out that the court could have done more:

"This court should establish standards by setting limits on the number of cases handled by indigent defense attorneys, by requiring a minimum number of investigators to be assigned to each [public] defender, and by requiring specified support resources for each attorney. If a defendant demonstrates further error due to funding and resource deficiencies, the courts should be instructed to view the harm as state-imposed error, which would require reversal of the conviction unless the state demonstrates that the error was harmless.[240]"

If systemic reforms are not attainable, other state courts could follow the example of the Louisiana Supreme Court and prohibit the prosecution from going forward in the absence of competent counsel. In addition, as long as trial judges remain in the business of appointing defense counsel, conscientious judges who are concerned about fairness can order the appointment of experienced, competent lawyers, and just compensation at enhanced rates for those lawyers. Trial judges could obtain the services of the best members of the profession, those equal to the task of handling the highest stakes in our legal system, but whose time generally is spent in more lucrative pursuits. The appointment of the top litigators, managing partners, and bar leaders from firms in Atlanta, Birmingham, Jackson, New Orleans, Philadelphia, Houston, and Dallas to defend capital cases would undoubtedly change the quality of indigent defense representation in those areas. It is remarkable that courts do not call upon those lawyers to respond to the need.[241] In addition to introducing litigation skills to the cases, the involvement of such lawyers might also result in some of them bringing their considerable power and influence to bear upon the systemic problems, if for no other reason than to avoid future appointments.

Such efforts, while urgently needed, will assure competent representation to only a small percentage of those facing death and, at best, may prompt reforms that will take years to accomplish. In the meantime, many will continue to be sentenced to death at trials where they will receive only perfunctory representation by lawyers who are not equal to the task of defending a capital case and are denied the resources to do the job properly. It is those poor people who will suffer the consequences of the failure of the legislatures and the judiciary to discharge their constitutional responsibilities.

The death penalty will continue to be imposed and new capital statutes enacted with the continuing promise that efforts will be made to improve the quality of counsel in the future. But this is surely backwards. A very high quality of counsel—instead of minimal representation—should not only be the goal, but the reality before a jurisdiction is authorized to take life. Moreover, the promise of adequate counsel is continually broken. It has been over sixty years since the Supreme Court held in Powell v. Alabama that those accused in Scottsboro and all poor people were entitled to a higher level of representation in capital cases than merely being accompanied to their trials by a member of the bar. Yet the representation in many trials today is no better than that provided to the accused in Scottsboro in 1931. This longstanding lack of commitment to counsel for the poor is one of the many reasons that the effort to achieve fairness and consistency in the administration of the death penalty is "doomed to failure."[242]

V. CONCLUSION

Courts have issued many pronouncements about the importance of the guiding hand of counsel, but they have failed to acknowledge that most state governments are unwilling to pay for an adequate defense for the poor person accused of a crime. Unfortunately, the Supreme Court has not been vigilant in enforcing the promise of Powell and Gideon. Its acceptance of the current quality of representation in capital cases as inevitable or even acceptable demeans the Sixth Amendment. It undermines the legitimacy of the criminal courts and the respect due their judgments. No poor person accused of any crime should receive the sort of representation that is found acceptable in the criminal courts of this nation today, but it is particularly indefensible in cases where life is at stake. Even one of the examples of deficient representation described in this Essay is one more than should have occurred in a system of true justice.

Providing the best quality representation to persons facing loss of life or imprisonment should be the highest priority of legislatures, the judiciary, and the bar. However, the reality is that it is not. So long as the substandard representation that is seen today is tolerated in the criminal courts, at the very least, this lack of commitment to equal justice should be acknowledged and the power of courts should be limited. So long as juries and judges are deprived of critical information and the Bill of Rights is ignored in the most emotionally and politically charged cases due to deficient legal representation, the courts should not be authorized to impose the extreme and irrevocable penalty of death. Otherwise, the death penalty will continue to be imposed, not upon those who commit the worst crimes, but upon those who have the misfortune to be assigned the worst lawyers.

FOOTNOTES

*Director, Southern Center for Human Rights, Atlanta, Georgia; J. Skelly Wright Fellow and Visiting Lecturer in Law, Yale Law School; B.A. 1971, J.D. 1975, University of Kentucky. The author has been involved in representation of those facing the death penalty at trials, on appeals, and in post conviction proceedings since 1979. This Essay draws upon those experiences as well as the authorities cited. The author is most grateful to Charlotta Norby for her helpful comments and assistance.

1. Record at 846–49, State v. Haney, No. 7 Div. 148 (Ala. Crim. App. 1989).

2. Nevertheless, both the Alabama Court of Criminal Appeals, Haney v. State, 603 So. 2d 368 (Ala. Crim. App. 1991), and the Alabama Supreme Court, Ex parte Haney, 603 So. 2d 412 (Ala. 1992), upheld the conviction and death sentence in the case.

3. The defendant's other court-appointed lawyer was later disciplined by the Alabama Bar for neglect in two worker's compensation cases, allowing the statute of limitations to run in both cases. Disciplinary Report, Ala. Law., Nov. 1993, at 401.

4. See, e.g., Mullis v. State, 545, So. 2d 205 (Ala. Crim. App. 1989) (person who hired others to rob, kidnap, and kill victim, sentenced to life in prison); Busby v. State, 412 So. 2d 837 (Ala. Crim. App. 1982) (woman charged with capital murder for hiring others to kill her husband, but convicted of noncapital murder); see also Thacker v. State, 556 N.E.2d 1315 (Ind. 1990) (woman who asked three men to kill her husband, gave them money and ammunition, and formed plan with them, not sentenced to death); Murder Victim's Family Settles Case for Cash, Huntsville Times, Aug. 7, 1990, at B1 (charges dropped against woman charged with capital murder for having hired somebody to kill boyfriend when she agreed to surrender $30,000 in retirement benefits to the victim's family).

5. Powell v. Alabama, 287 U.S. 45 (1932). Powell involved seven young African-Americans sentenced to death in Scottsboro, another Alabama community north of Talladega. The Supreme Court concluded that the defendants "did not have the aid of counsel in any real sense" based upon the casual way in which the responsibility for defending the case had been handled, the lack of preparation and investigation by the two lawyers who defended the accused, and community hostility toward the defendants. Id. at 51–57.

6. Gideon v. Wainwright, 372 U.S. 335, 344–45 (1963).

7. Powell v. Alabama, 287

8. Anthony Lewis, Gideon's Trumpet 205 (1964).

9. This Essay deals primarily with the problem at trial and on direct appeal where the state is required to provide counsel for the indigent accused. It does not analyze the equally serious crisis regarding lack of representation and inadequate representation in postconviction review. For such a review, see American Bar Ass'n, Toward a More Just and Effective System of Review in State Death Penalty Cases, 40 Am. U. L. Rev. 1, 79–02 (1990). The Supreme Court has held there is no right to counsel, even in capital cases, in postconviction review. Murray v. Giarratano, 492 U.S. 1 (1989) (plurality opinion).

10. Peter Applebome, Two Electric Jolts in Alabama Execution, N.Y. Times, July 15, 1989, at A6.

11. Holloway v. State, 361 S.E.2d 794, (Ga. 1987).

12. Smith v. Kemp, 664 F. Supp. 500 (M.D.Ga. 1987) (setting aside death sentence on other grounds), aff'd sub nom. Smith v. Zant, 887 F.2d 1407 (11th Cir. 1989) (en banc).

13. Thomas v. Kemp, 796 F.2d 1322, 1324 (11th Cir. 1986), cert. denied, 479 U.S. 996 (1967).

14. Penry v. Lynaugh, 492 U.S. 302, 319 (1989) (quoting California v. Brown, 479 U.S. 538, 545 (1987) (O'Connor, J., concurring)).

15. David Lundy, Bondurant's Costly Death Appeal, Fulton County Daily Rep., Aug. 18, 1989, at 6.

16. Id.; see also Affidavit of Howard A. McGlasson, Jr. at 6, 8, Nelson v. Zant (Super. Ct. Butts County, Ga. 1989) (No. 5387), rev'd, 405 S.E.2d (Ga. 1991).

17. McGlasson Affidavit, supra note 16, at 7.

18. Id. at 6, 15.

19. Id. at 7.

20. Id. at 8.

21. Lundy, supra note 15, at 6.

22. Id.

23. Id. Georgia does not provide counsel for condemned inmates in postconviction proceedings. Nelson was represented first by a lawyer recruited by the NACCP Legal Defense and Educational Fund who sent the record to a lawyer at another firm, which stood the case for postconviction proceedings. Id. Because of his poverty, Nelson was completely at the mercy of these forces with regard to whether he would be represented and the quality of that representation. Many are not as fortunate as Nelson.

24. Id.

25. Nelson v. Zant, 405 S.E.2d at 252.

26. Martinez-Macias v. Collins, 979 F.2d 1067 (5th Cir. 1992).

27. Martinez-Macias v. Collins, 810 F.Supp. 782, 786–87, 796–813 (W.D. Tex. 1991), aff'd, 979 F.2d 1067 (5th Cir. 1992).

28. Id. at 823.

29. Gordon Dickinson, Man Freed in Machete Murder Case, El Paso Times, June 24, 1993, at 1.

30. U.S. Const. amends. VI, XIV; Strauder v. West Virginia, 100 U.S. 303 (1879); see also Whitus v. Georgia, 385 U.S. 545 (1967).

31. Birt v. Montgomery, 725 F.2d 587, 598 n.25 (11th Cir. 1984), cert. denied, 469 U.S. 874 (1984).

32. Transcript of Hearing of April 25–27, 1988, at 231, State v. Birt (Super. Ct. Jefferson County, Ga. 1988) (No. 2360). The lawyer referred to Miranda v. Arizona, 384 U.S. 436 (1966), and Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857). Dred Scott was not a criminal case.

33. Birt v. Montgomery, 725 F.2d at 601.

34. Georgia's "opt-out" provision allowing women to decline jury service was found to result in the unconstitutional underrepresentation of women. Machetti v. Linahan, 679 F.2d 236, 241 (11th Cir. 1982), cert. denied, 459 U.S. 1127 (1983) (applying Duren v. Missouri, 439 U.S. 357 (1979), and Taylor v. Louisiana, 419 U.S. 522 (1975)).

35. Because Smith and Machetti were tried within a few weeks of each other in the same county, "the Georgia provision applied to both juries." Smith v. Kemp, 715 F.2d 1459, 1469 (11th Cir.), application for cert. denied, 463 U.S. 1344, 1345, cert. denied, 464 U.S. 1003 (1983). Smith's lawyers were unaware of the Supreme Court's decision in Taylor v. Louisiana, 419 U.S. 522 (1975), decided six days before Smith's trial started. Smith v. Kemp, 715 F.2d at 1470.

36. Machetti v. Linahan, 679 F.2d at 242.

37. Smith v. Kemp, 715 F.2d at 1476 (Hatchett, J., concurring in part and dissenting in part).

38. Id. at 1469–72; see also id. at 1476 (Hatchett, J., concurring in part and dissenting in part).

39. Gregg v. Georgia, 428 U.S. 153 (1976).

40. Tracy Thompson, Once 'Unfit To Live,' Ex-Death-Row Inmates Winning Parole, Atlanta Const., Mar. 12, 1987, at A1.

41. Habeas Corpus Reform: Hearings Before the Comm. on the Judiciary, 101st Cong., 1st & 2d Sess. 349 (1989–90) (statement of Justice James Robertson of the Supreme Court of Mississippi).

42. See, e.g., Callins v. Collins, 62 U.S.L.W. 3546 (U.S. Feb. 22, 1994) (Scalia, J., concurring in the denial of certiorari).

43. Godfrey v. Georgia, 446 U.S. 420, 427–28 (1980) (quoting Gregg v. Georgia, 428 U.S. 153, 188 (1976) (quoting Furman v. Georgia, 408 U.S. 238, 313 (1972) (White, J., concurring))).

44. Fewer than 300 death sentences have been imposed each year in the United States over the last 20 years. U.S. Dep't of Justice, Bureau of Justice Statistics, Criminal Justice Sourcebook 673, Table 6.132 (1992). There have been approximately 20,000 homicides in each of those years, Id. at 357, Table 3.122; see also id. at 539, Table 5.72 (death imposed in one percent of murder cases in 75 largest counties).

45. American Bar Ass'n, supra note 9, at 16. The ABA's report illustrates the pervasiveness of the problem:

> Georgia's recent experience with capital punishment has been marred by examples of inadequate representation ranging from virtually no representation at all by counsel, to representation by inexperience counsel, to failures to investigate basic threshold questions, to lack of knowledge of governing law, to lack of advocacy on the issue of guilt, to failure to present a case for life at the penalty phase. * * *
>
> * * * Defense representation is not necessarily better in other death penalty states. In Tennessee, for another example, defense lawyers offered no evidence in mitigation in approximately one-quarter of all death sentences affirmed by the Tennessee Supreme Court since the Tennessee legislature promulgated its current death penalty statute.

Id. at 65–67. Among the cases cited by the ABA in support of its description of the inadequate representation in Georgia are: Thomas v. Kemp, 796

F.2d 1322, 1324–25 (11th Cir. 1986) (counsel failed to present any evidence in mitigation), cert. denied, 479 U.S. 996 (1986); Blake v. Kemp, 758 F.2d 523 (11th Cir. 1985), cert. denied, 474 U.S. 998 (1985) (counsel failed to present any evidence in mitigation); Tyler v. Kemp, 755 F.2d 741 (11th Cir. 1985) (counsel had been a member of the bar for only six months prior to his appointment), cert. denied, 474 U.S. 1026 (1985); House v. Balkcom, 725 F.2d 608 (11th Cir. 1984) (counsel not even present during portions of capital trial), cert. denied, 469 U.S. 870 (1984); Francis v. Spraggins, 720 F.2d 1190 (11th Cir. 1983) (counsel conceded guilt at closing argument of guilt phase); Goodwin v. Balkcom, 684 F.2d 794, 817–20 (11th Cir. 1982) (counsel unaware of law, distanced himself from client, and otherwise failed to render effective assistance), cert. denied, 460 U.S. 1098 (1983); Young v. Zant, 677 F.2d 792, 795 (11th Cir. 1982) (counsel failed to provide "even a modicum of professional assistance at any time" during capital trial); Mathis v. Zant, 704 F.Supp. 1062, 1064 (N.D. Ga. 1989) ("In addition to betraying his duty to present what evidence he could on petitioner's behalf, [counsel] delivered a closing argument that the Court in its prior order generously termed an 'apology for having served as [petitioner's] counsel.'"); Johnson v. Kemp, 615 F. Supp. 355, 364 (S.D. Ga. 1985) (counsel failed to present evidence in mitigation), aff'd without opinion, 781 F.2d 1483 (11th Cir. 1986); Cury v. Zant, 371 S.E.2d 647 (Ga. 1988) (counsel failed to get independent psychiatric evaluation of defendant to determine mental competency).

46. Thurgood Marshall, *Remarks on the Death Penalty Made at the Judicial Conference of the Second Circuit*, 86 Colum. L. Rev. 1, 1–2 (1986). Justice Marshall noted that "[t]he federal reports are filled with stories of counsel who presented no evidence in mitigation of their clients' sentences because they did not know what to offer or how to offer it, or had not read the state's sentencing statute." Id.

47. Marcia Coyle et al., Fatal Defense: Trial and Error in the Nation's Death Belt, Nat. L.J., June 11, 1990, at 30. Twelve articles examining the quality of representation in numerous cases in the six states appear in id. at 30–44.

48. Witnesses before an ABA Task Force studying the capital punishment system described the current state of affairs for indigent criminal defendants as "'scandalous,' 'shameful,' 'abysmal,' 'pathetic,' 'deplorable,' and 'at best, exceedingly uneven.'" American Bar Ass'n, supra note 9, at 69; see also Ruth E. Friedman & Bryan A. Stevenson, Solving Alabama's Capital Defense Problems: It's a Dollar and Sense Thing, 44 Ala L. Rev. 1, 32–37 (1992); Bruce A. Green, Lethal Fiction: The Meaning of "Counsel" in the Sixth Amendment, 78 Iowa L. Rev. 433, 491–99 (1993); Tom Wicker, Defending the Indigent in Capital Cases, 2 Crim. Justice Ethics 2 (1983); Jeanne Cummings, Bad Lawyers Tip the Scales of Justice Toward Death Row, Atlanta J.-Const., Apr. 1, 1990, at A1; Anthony Lewis, Crime in Politics, N.Y. Times, Oct. 1, 1990, at A21; Andrea Neal, Death Row Inmates Point to Poor Quality of Lawyers Who Defend Them, L.A. Times, Oct. 29, 1986, at 12; Frederic N. Tulsky, What Price Justice? Poor Defendants Pay the Cost as Courts Save on Murder Trials, Phila. Inquirer, Sept. 13, 1992, at A1 [hereinafter Tulsky, What Price Justice?]; Frederic N. Tulsky, Big-Time Trials, Small Time Defenses, Phila. Inquirer, Sept. 14, 1992, at A1 [hereinafter Tulsky, Big-Time Trials]; Andrew Wolfson & Susan Craighead, Effectivness of Lawyers in Capital Cases Is Questioned, Courier-J. (Louisville, Ky.), Nov. 18, 1990, at 1, 23.

49. A lawyer in one Georgia case conceded his client's guilt and argued for a life sentence at the guilt phase; he continued to plead for mercy even after he was admonished by the trial judge to save his argument on punishment for the sentencing phase. Young v. Zant, 677 F.2d 792, 797 (11th Cir. 1982). A judge in a Florida case took a defense lawyer in chambers during the penalty phase to explain what it was about. The lawyer responded: "I'm at a loss. I really don't know what to do in this type of proceeding. If I'd been through one, I would, but I've never handled one except this time." Douglas v. Wainwright, 714 F.2d 1532, 1556 (11th Cir. 1983), vacated and remanded, 468 U.S. 1206 (1984), on remand, 739 F.2d 531 (11th Cir. 1984), and cert. denied, 469 U.S. 1208 (1985). An Alabama defense lawyer asked for time between the guilt and penalty phases so that he could read the state's death penalty statute. Record at 1875–76, State v. Smith, 581 So. 2d 497 (Ala. Crim. App. 1990). The lawyer in a Pennsylvania case tailored his presentation of evidence and argument around a death penalty statute that had been declared unconstitutional three years earlier because it limited the arguments on which the defense could rely as to mitigating circumstances. Frey v. Fulcomer, 974 F.2d 348, 359 (3d Cir. 1992) (reversing finding of ineffective assistance of counsel).

50. In one Alabama case, one defense lawyer sued co-counsel over attorneys fees before trial and the attorneys were in conflict over personal differences during trial, Daniel v. Thigpen, 742 F. Supp. 1535, 1558–59 (M.D. Ala. 1990); Friedman & Stevenson, supra note 48, at 34. In a Georgia case, one attorney presented an incredible alibi defense while the other asserted a mental health defense that acknowledged the accused's participation in the crime, Ross v. Kemp, 393 S.E.2d 244, 245 (Ga. 1990).

51. Goodwin v. Balkcom, 684 F.2d 794, 805 n.13 (11th Cir. 1982) (defendant called a "little old nigger boy" in closing argument by defense counsel); Ex parte Guzmon, 730 S.W.2d 724, 736 (Tex. Crim. App. 1987) (Mexican client referred to as "wet back" in front of all-white jury by defense counsel); Record Excerpts at 102. Dungee v. Kemp, No. 85–8202 (11th Cir.) (defendant called "nigger" by defense counsel), decided sub nom. Isaacs v. Kemp, 778 F.2d 1482 (11th Cir. 1985), cert. denied, 476 W.S. 1164 (1986).

52. House v. Balkcom, 725 F.2d 608, 612 (11th Cir. 1984), cert denied, 469 U.S. 870 (1984).

53. A judge in Harris County, Texas, responding to a capital defendant's complaints about his lawyer sleeping during the trial at which death was imposed, stated: "The Constitution does not say that the lawyer has to be awake." John Makeig, Asleep on the Job; Slaying Trial Boring, Lawyer Said, Hous. Chron., Aug. 14, 1992, at A35. Defense counsel was found to have slept during a capital trial in Harrison v. Zant, No. 88–V–1640. Order at 2 (Super. Ct. Butts County, Ga. Oct. 5, 1990), aff'd, 402 S.E.2d 518 (Ga. 1991).

54. People v. Garrison, 254 Cal. Rptr. 257 (1986). Counsel, an alcoholic, was arrested en route to court one morning and found to have a blood alcohol level of 0.27. Yet the court was unwilling to create a presumption against the competence of attorneys under the influence of alcohol.

55. See e.g., Morgan v. Zant, 743 F.2d 775, 780 (11 Cir. 1984) (Georgia Supreme Court affirmed death sentence after receiving brief that contained only five pages of argument and was filed only in response to threat of sanctions against the lawyer); Banda v. State, 768 S.W.2d 294, 297 (Tex. Crim. App. 1989) (dissent notes that court-appointed counsel raised a single point of error and the substantive portion of the brief was 150 words); Modden v. State, 721 S.W.2d 859, 860 n.1 (Tex. Crim. App. 1986) ("The points of error are multifarious, contain incomplete or no citations to the record, and fail to state an adequate legal basis upon which complaint is made."); Brief and Argument in Support of Petition for Writ of Certiorari, Ex parte Heath. 455 So. 2d 905 (Ala. 1984) (No. 4 Div. 134) (one page of argument, raising a single issue and citing one case) (set out in full in note 154 infra); Brief for Appellant, Thomas v. State, 266 S.E.2d 499 (Ga. 1980) (No. 36046) (six pages of poorly written argument, citing only nine cases, which failed to raise issues regarding mental incompetence of the defendant, lack of any counsel at the preliminary hearing, mental competency of the state's two key witnesses, vagueness of the aggravating circumstance on which the death sentence rested, and other issues that were later raised in a brief of 70 pages which cited 96 cases in the postconviction appeal of the case to the Eleventh Circuit); see also In re Dale, 247 S.E.2d 246, 248 (N.C. Ct. App. 1978) (due to financial considerations, attorney did not file appeal in capital case); Docket Entry of July 8, 1983, of Clerk of Alabama Court of Criminal Appeals. State v. Waldrop. 459 So. 2d 959 (Ala. Crim. App. 1984) (No. 7 Div. 133) (clerk wrote a letter to appellate counsel, who had not cited any authority in his brief, asking him to include some citation to authority; counsel sent a list of cases); Brief of Appellant, Morrison v. State, 373 S.E.2d 506 (Ga. 1988) (No. 45572) (two pages of argument, citing two cases): Brief of Appellant, Newland v. State, 366 S.E.2d 689 (Ga. 1988) (No. 45264) (62-page digest of the transcript, followed by only three pages of argument, citing not a single case); Brief of Appellant, Cohen v. State, 361 S.E.2d 373 (Ga. 1987) (No. 44457) (four pages of argument, citing two cases).

56. See e.g., Paradis v. Arave, 954 F.2d 1483, 1490–91 (95h Cir. 1992) (defendant represented at capital trial by lawyer who had passed the bar six months earlier, had tried no criminal cases, and had not taken any courses in criminal law, criminal procedure, or trial advocacy in law school); Tyler v. Kemp, 755 F.2d 741, 743 (11th Cir.) (defendant represented at Georgia trial by attorney with little criminal law experience who had been admitted to the bar just a few months before trial), cert. denied, 474 U.S. 1026 (1985); Bell v. Watkins, 692 F.2d 999, 1008 (5th Cir. 1982) (defendant represented at Mississippi capital trial by attorney who had recently graduated from law school and never tried a criminal case all the way to verdict): State v. Wigley, 624 So. 2d 425, 427 (La. 1993) (three of four attorneys appointed to defend two defendants "were civil practitioners with little criminal law experience"); Parker v. State, 587 So. 2d 1072, 1100–03 (Ala. Crim. App. 1991) (defense lawyers asserted they were inexperienced in defense of criminal cases and incompetent to handle a capital case in unsuccessful attempt to withdraw); State v. Leatherwood, Miss. S. Ct. No. DP–70 (trial transcript) (defendant in capital case represented by third-year law student and attorney), rev'd on other grounds, 548 So. 2d 389 (Miss. 1989).

57. See, e.g., Coleman v. Kemp, 778 F.2d 1487, 1494, 1495, 1503, 1516, 1522 (11th Cir. 1985) (one attorney appointed to defend capital cases claimed the appointment was "the worst thing that's ever happened to me professionally"; another stayed on the case because "[t]o refuse would be contempt of court"), cert. denied, 476 U.S. 1164 (1986).

58. An African-American facing the death penalty in Walker County, Georgia, was represented by a white defense attorney whose attitudes on race were described as follows by a federal district court before concluding that the lawyer had not rendered ineffective assistance:

Dobbs' trial attorney was outspoken about his views. He said that many blacks are uneducated and would not make good teachers, but do make good basketball players. He opined that blacks are less educated and less intelligent than whites either because of their nature or because "my grand-daddy had slaves." He said that integration has led to deteriorating neighborhoods and schools, and referred to the black community in Chattanooga as "black boy jungle." He strongly implied that blacks have inferior morals by relating a story about sex in a classroom. He also said that when he was young, a maid was hired with the understanding that she would steal some items. He said that blacks in Chattanooga are more troublesome than blacks in Walker County [Georgia] * * *

Dobbs v. Zant, 720 F. Supp. 1566 1577 (N.D. Ga. 1989) (Denying habeas corpus relief), aff'd, 963 F.2d 1519 (11th Cir. 1991), remanded, 113 S. Ct. 835 (1993). Defendants in other cases have been referred to by their lawyers with racial slurs. See supra note 51.

59. See supra notes 10–13 and accompanying text.

60. In Texas, which has the second largest death row in the nation and has carried out more executions than any other state, the accused is given only one lawyer in many cases. The Spangenberg Group, A Study of Representation in Capital Cases in Texas 156, 157 (1993) (prepared for the State Bar of Texas). In Philadelphia, where the number of people sentenced to death is greater than the combined death rows of 21 of the 36 states which have the death penalty, a capital case is often defended by a single attorney. See Michael DeCourcy Hinds, Circumstances in Philadelphia Consign Killers, N.Y. Times, June 8, 1992, at K1; Tulsky, What Price Justice?, Supra note 48, at A18.

61. Tulsky, What Price Justice?, supra note 48, at A18.

62. Ake v. Oklahoma, 470 U.S. 68, 83 (1985) (indigent defendant has a right to mental health expert where mental health issues are a "significant factor" at trial); see, e.g., Smith v. McCormick, 914 F.2d 1153, 1157 (9th Cir. 1990) ("The right to psychiatric assistance * * * means the right to use the services of a psychiatrist in whatever capacity defense counsel deems appropriate * * *").

63. A survey of lawyers and judges in Texas found that approximately one-half of the attorneys who had handled a capital case and 33% of judges who had recently presided over a capital case indicated that resources were inadequate to pay expert witnesses and attorneys. The Spangenberg Group, supra note 60, at 159; see, e.g., Jeff Rosenzweig, The Crisis in Indigent Defense: An Arkansas Commentary, 44 Ark. L. Rev. 409, (1991) (describing the dilemma of an Arkansas attorney in a capital case who needed a psychiatrist to examine a defendant who had previously been diagnosed as schizophrenic; the lawyer was first told by the judge to find a mental health expert closer to home and then denied funds after he located a local psychologist).

64. In response to the denial of expert assistance for failure to make a sufficient showing in one case, Judge Frank M. Johnson, Jr. pointed out for the dissenters: "[H]ow could [counsel] know if he needed a

microbiologist, an organic chemist, a urologist, or that which the state used, a serologist? How further could he specify the type of testing he needed without first hiring an expert to make that determination?" Moore v. Kemp, 809 F.2d 702, 743 (11th Cir. 1987) (Johnson, J., concurring in part and dissenting in part); see also Stephens v. Kemp, 846 F.2d 642, 646 (11th Cir.) (upholding denial of ballistics expert because of insufficient showing by defense counsel of need for expert), cert. denied, 488 U.S. 872 (1988); Messer v. Kemp, 831 F.2d 946 (11th Cir. 1987) (en banc) (although the only issue at both guilt and penalty phases was insanity and defense counsel made numerous motions for an independent psychiatrist, denial of expert assistance was upheld because of the vague nature of defense counsel's request and counsel's failure to provide any factual basis for his belief that defendant had psychiatric problems), cert. denied, 485 U.S. 1029 (1988).

65. In dissenting in Moore v. Kemp, Judge Johnson observed: "[T]he majority's reading of Ake creates a proverbial 'Catch 22,' making it impossible for all but the most nimble (and prescient) defendant[s] to obtain expert assistance." 809 F.2d at 742 (Johnson, J., dissenting).

66. For example, a review of capital cases in Philadelphia suggested experts were unwilling to consult with defense lawyers because of the meager compensation. Tulsky, What Price Justice?, supra note 48, at A1, A18. One expert observed to a group of defense lawyers that she made more than they did. Id. Another, a University of Pennsylvania professor who takes cases for defense lawyers outside Philadelphia, explained his refusal to be retained by court-appointed counsel in capital cases in Philadelphia: "I like to choose my charities * * *. This is a bad system, and unfair to the defendant." Id.

67. State v. Walker, No. 89 CR 56742-2 (Super. Ct. Muscogee County, Ga. 1991), rev'd on other grounds, 424 S.E.2d 782 (Ga. 1993).

68. Deposition of Richard Bell at 24–25, Grayson v. State (Cir. Ct. Shelby County, Ala. Oct. 10, 1991) (No. CV 86-193).

69. Id. at 62–63.

70. Id. at 56–59.

71. Id. at 29–31, 46–48.

72. Rosenzweig, supra note 63, at 412.

73. Id.

74. Morgan v. Zant, 743 F.2d 775, 780 (11th Cir. 1984).

75. Id.

76. State v. Morgan, 246 S.E.2d 198 (Ga. 1978), cert. denied, 441 U.S. 967 (1979).

77. Morgan v. Zant, 743 F.2d 775 (11th Cir. 1984).

78. For other examples of deficient representation on appeal see supra note 55.

79. Only 11 of the 36 states which have the death penalty have statewide public defender programs. The Spangenberg Group, Supra note 60, at 122, 125. Some of those state public defender programs have specialized full-time capital litigation groups that provide representation in capital cases at trial. Id. Two of those states, New Hampshire and Wyoming, have no one under death sentence. Id. at 119; NAACP Legal Defense & Educational Fund, Death Row USA 1 (Winter 1993). Eight of the states with statewide defense programs have death rows that are comparatively small: Connecticut (5); Delaware (16); Maryland (14); New Jersey (9); New Mexico (1). Id. at 17, 27, 25, 28, 29. This leaves two states with large death row populations, Ohio (127) and Missouri (83), with statewide programs and capital litigation sections. Id. at 26, 29; The Spangenberg Group, supra note 60, at 122. Florida and California, which have two of the country's three largest death rows, have public defender programs, but many capital cases in those states are handled by assigned counsel outside of the public defender system. Florida has an elected public defender in each judicial circuit. Id. at 122–23. California has county public defender agencies in all of its major counties. Id. at 123. Even though these programs cannot handle the huge volume of capital cases in those states, they have annual training programs and provide materials which improve the quality of representation in those states. No similar programs exist in Texas or many other states with large death row populations.

80. Richard Klein. The Eleventh Commandment: Thou Shalt Not Be Compelled To Render the Ineffective Assistance of Counsel, 68 Ind. L.J. 363, 370 (1993).

81. For example, indigent defense boards in Louisiana maintain lists of "volunteer" and "non-volunteer" lawyers and may appoint counsel from either list. La. Rev. Stat. Ann. §15:145(A), (B)(1)(a) (West 1992); State v. Wigley, 624 So. 2d 425 (La. 1993) (involving four "non-volunteer" attorneys, three of whom had little criminal law experience, appointed without compensation to defend two defendants facing the death penalty); State v. Clark, 624 So. 2d 422 (La. 1993) (finding attorney in contempt for refusing to accept armed robbery case without compensation, his fifth felony appointment in four months). In some judicial circuits, it is a requirement that attorneys newly admitted to practice take indigent appointments during their first years in the bar. Jeanne Cummings, In Some Courts, It's "No Contest" for Lawyers Given Indigent Cases, Atlanta Const., Apr. 6, 1990, at A1 (noting requirement in Rome, Georgia, that all attorneys with 15 years experience or less take criminal appointments)

82. "In all too many jurisdictions, the total compensation paid to court-appointed counsel does not even meet their regular hourly overhead costs." Richard Klein & Robert Spangenberg, The Indigent Defense Crisis 5 (1993) (prepared for the American Bar Association Section of Criminal Justice Ad Hoc Committee on the Indigent Defense Crisis). For example, in Virginia, the maximum fee allowable for most felonies is $350. Id. at 6.

83. Richard Klein, The Emperor Gideon Has No Clothes: The Empty Promise of the Constitutional Right to Effective Assistance of Counsel, 13 Hastings Const. L.Q. 625, 679 (1986).

84. Id. at 680. A contract arrangement in one Georgia county required that the attorney pay any investigative and expert expenses out of the $4,265 he was to be paid that year for representing all of the county's indigent defendants. Not surprisingly, often not one penny is spent on either investigative or expert assistance in an entire year in some Georgia counties.

85. See The Spangenberg Group, Overview of the Fulton County, Georgia Indigent Defense System (1990); Peter Appelbome, Study Faults Atlanta's System of Defending Poor, N.Y. Times, Nov. 30, 1990, at B5; Monroe Freedman, Third World Justice, First world Shame, Fulton County Daily Rep., Feb. 8, 1991, at 6–7 (observing "daily, active collaboration" by judges in the "debasement of justice"); see also Sandra McIntosh & Jeanne Cummings, Crisis in the Courts: Inmates Wait Months To See a Lawyer, Atlanta J.-Const., Jan. 6, 1991, at A1.

86. Trisha Renaud & Ann Woolner, Meet Em and Plead Em: Slaughter house Justice in Fulton's Decaying Indigent Defense System, Fulton County Daily Rep., Oct. 8, 1990, at 1.

87. Appeibome, *supra* note 85, at B5; Trisha Renaud & Ann Woolner, *Borsuk Grilled in Fryer Firestorm*, FULTON COUNTY DAILY REP., Oct. 12, 1990, at 1; Richard Shumate, *"I Will Not Acept Any More Cases."* BARRISTER MAG., Winter 1991–92, at 11.

88. State v. Peart, 621 So. 2d 780, 784 (La. 1993).

89. *Id.* A serious case was defined as "one involving an offense necessarily punishable by a jail term which may not be suspended." *Id.* at 784 n.3.

90. *Id.*

91. *Id.* at 790.

92. "The caseload crisis can devastate the morale of often idealistic and dedicated attorneys." Klein, *supra* note 80. at 393–94. In some offices, caseloads make it impossible for even the most competent and well-intentioned lawyers to provide their clients with adequate representation. KLEIN· & SPANGENBERG, *supra* note 82, at 6, 7, 9.

93. Klein, *supra* note 80, at 393, 398, 403–04, 407. For example, Kentucky police and prosecutors received $4.6 million from civil seizure and forfeitures in drug cases and $6 million from drug grants under the Federal Comprehensive Crime Control Act in fiscal year 1990, resulting in an increase of 114% in drug arrests, but the state's public defender program received no money from either source. Edward C. Monahan, *Who Is Trying To Kill the Sixth Amendment?* ABA CRIM. JUST., Summer 1991, at 24, 27–28. When this money is added to state funding, Kentucky's police and prosecutors received $156 million compared to the public defenders receiving $11.4 million. *Id.* at 28. Thus, Kentucky police and prosecutors received $14 for every $1 provided for public defense.

94. Texas had 365 people under death sentence and had carried out 69 executions by October 1993. NAACP LEGAL DEFENSE & EDUCATIONAL FUND, *supra* note 79, at 9, 39. Since 1976, Texas has carried out more than twice as many executions as any other state. *Id.*

95. THE SPANGENBERG GROUP, *supra* note 60, at 151.

96. *Id.* The same variations are also found in other states. A report by a task force on indigent defense appointed by the Governor of Kentucky found that funding per public defender case in one Kentucky county was $44.22, while in another county the funding was $296.44. *The Governor's Task Force on the Delivery and Funding of Quality Public Defender Service Interim Recommendations, reprinted in* ADVOCATE, Dec. 1993, at 8 (published by Ky. Dept of Public Advocacy, Frankfort, Ky.) [hereinafter *Kentucky Task Force Report*].

97. State v. Peart, 621 So. 2d 780, 789 (La. 1993). A study of the system found that there is a "desperate need to double the budget for indigent defense in Louisiana in the next two years." *Id.* (quoting THE SPANGENBERG GROUP, STUDY OF THE INDIGENT DEFENDER SYSTEM IN LOUISIANA 50 (1992)).

98. ALA. CODE §12–19–250 to 12–19–254 (1975).

99. Hal Strauss, *Indigent Legal Defense Called "Terrible,"* ATLANTA J.-CONST., July 7, 1985, at 12A.

100. Martinez-Marcias v. Collins, 979 F.2d 1067 (5th Cir. 1992).

101. For the rates and maximums for each state, see Anthony Paduano & Clive A.S. Smith, *The Unconscionability of Sub-Minimum Wages Paid Appointed Counsel in Capital Cases*, 43 RUTGERS L. REV. 281, 349–53 (1991).

102. ALA. CODE §15–21–21 (a) (Supp. 1992).

103. Smith v. State, 581 So. 2d 497, 526 (Ala. Crim. App. 1990). An opinion of the Alabama Attorney General has since concluded that the sentencing phase of a capital case is to be considered a separate case, allowing a maximum payment of $2000 for out-of-court time at a rate of $20 per hour. Op. Ala. Att'y Gen. No. 91–00206 (Mar. 21, 1991).

104. Marianne Lavelle, *Strong Law Thwarts Lone Star Counsel*, NAT'L L.J., June 11, 1990, at 34.

105. THE SPANGENBERG GROUP, *supra* note 60, at 157.

106. Tulsky, *What Price Justice?*, *supra* note 48, at A18.

107. Tulsky, *Big-Time Trials*, *supra* note 48, at A1, A8. The $500 fee was to encourage lawyers to get experience in capital cases. However, only a handful of lawyers took on cases because of the low compensation, *Id.*

108. Klein, *supra* note 80, at 366.

109. *Kentucky Task Force Report*, *supra* note 96, at 11.

110. Mark Curriden, Fees for Pleas Called Improper, A.B.A. J., May 1993, at 28; Hard Bargain, Nat'l L.J., Nov. 19, 1990, at 12 (editorially); Marianne Lavelle, Cop Plea, But Forfeit Your Fee, Nat'l L.J., Nov. 19, 1990, at 29. Counsel has been forced to appeal to the Georgia Supreme Court to be appointed because the local trial judge had refused to appoint the lawyers who won the defendant a new trial in federal habeas corpus. See Amadeo v. State, 384 S.E.2d 181 (Ga. 1989)

111. Tim O'Reiley, Billing Rates Crept Upward in 1992. Fulton County Daily Rep., Feb. 15, 1993, at 1B; Tim O'Reiley, Lawyers Raised Prices Despite Slump, Fulton County Daily Rep., Jan. 25, 1994, at 1. The rates charged are supposed to be the attorneys' usual and customary prices.

112. See, e.g., Brooks v. Georgia State Bd. of Elections, 997 F.2d 857 (11th Cir. 1993) (remanding voting rights case for assessment of fees between $125 and $175 per hour); Davis v. Locke, 936 F.2d 1208 (11th Cir. 1991) (affirming attorneys fees of $150 per hour in civil rights action against prison guards); Associated Builders & Contractors v. Orleans Parish Sch. Bd., 919 F.2d 374 (5th Cir. 1990) (affirming award of $165–$175 per hour for partners and $100 per hour for associates in suit alleging equal protection violation in connection with school system set-aside construction program); Von Clark v. Butler, 916 F.2d 255 (5th Cir. 1990) (affirming attorneys fees of $100 per hour for preparation time and $200 per hour for in-court time in civil rights claim of excessive use of force in arrest); Cobb v. Miller, 818 F.2d 1227 (5th Cir. 1987) (mandating $90 per hour in civil rights litigation for damages resulting during plaintiff's arrest and conviction); Knight v. Alabama, 824 F. Supp. 1022 (N.D. Ala. 1993) (awarding attorneys fees ranging from $275 per hour for lead counsel to $100–$200 per hour for other attorneys in school discrimination action).

113. See, e.g., Martin v. Mabus, 734 F. Supp. 1216, 1230 (S.D. Miss. 1990) (awarding $35 per hour for paralegal and student law clerk work in voting rights action).

114. Plyler v. Evatt, 902 F.2d 273, 276 (4th Cir. 1990).

115. The court held that where a successful plaintiff was not contractually obligated to pay any fees to her lawyer because the lawyer had been appointed by the Office of Fair Employment practices, the Georgia Fair Employment Practices Act did not allow an award of "reasonable attorneys fees." Finney v. Department of Corrections, 434 S.E.2d 45 (Ga. 1993).

116. The attorney had contracted with the Commission on Equal Opportunity to provide representation for $50 per hour, a fee which had already been paid. Katie Wood, Court Limits Fees in Bias Cases:

Decision Restricting Attorneys Fees Divides High Court, Fulton County Daily Rep., July 6, 1993, at 11.

117. Finney v. Department of Corrections, 434 S.E.2d at 48 (Sears-Collins J. dissenting).

118. Makemson v. Martin County, 491 So. 2d 1109, 1114–15 (Fla. 1986), cert. denied, 479 U.S. 1043 (1987) (quoting MacKenzie v. Hillsborgouh County, 288 So. 2d 200, 202 (Fla. 1973) (Ervin, J., dissenting)).

119. See, e.g., Michael A. Kroll, Death Watch, Cal. Law., Dec. 1987, at 24–27 (describing unwillingness of some lawyers in California to take capital cases because of emotional toll and "burnout").

120. The Spangenberg Group, supra note 60, at 152.

121. Id. at 157.

122. See, e.g., Friedman & Stevenson, supra note 48, at 30; Paduano & Smith, supra note 191, at 333.

123. "Capital cases require perceptions, attitudes, preparation, training, and skills that ordinary criminal defense attorneys may lack." Gary Goodpaster, The Trial for Life: Effective Assistance of Counsel in Death Penalty Cases, 58 N.Y.U. L. Rev. 299, 303–04 (1983); see also Welsh S. White, Effective Assistance of Counsel in Capital Cases; The Evolving Standard of Care, 1993 U. Ill. L. Rev. 323 (describing in detail the "evolving standard of care" for the defense of capital cases).

124. Trial and appellate judges are elected or face retention elections after appointment in most states that have the death penalty. Some of the difficulties that elected judges have in protecting the rights of the accused are described in Thomas M. Ross, Rights at the Ballot Box: The Effect of Judicial Elections on Judges' Ability To Protect Criminal Defendants' Rights, 7 Law & Ineq. J. 107 (1988).

125. See supra note 56.

126. Tulsky, Big-Time Trials, supra note 48, at A8.

127. Id.

128. Parker v. State, 587 So. 2d 1071, 1100–03 (Ala. Crim. App. 1991).

129. Davis v. State, 404 S.E.2d 800 (Ga. 1991); Birt v. Montgomery, 387 S.E.2d 879 (Ga. 1990); Amadeo v. State, 384 S.E.2d 181 (Ga. 1989).

130. Roberts v. State, No. S93A1857, 1994 Ga. LEXIS 200 (Ga. Feb. 21, 1994).

131. See Gates v. Zant, 863 F.2d 1492, 1497–1500 (11th Cir.), cert. denied, 493 U.S. 945 (1989).

132. Marcia Coyle et al., Washington Brief: High Noon for Congressional Habeas, Nat. L.J., July 9, 1990, at 5.

133. 466 U.S. 668, 689 (1984).

134. *Id.*

135. *Id.* at 688–89.

136. *Id.* at 694.

137. Riles v. McCotter, 799 F.2d 947, 955 (5th Cir. 1986) (Rubin, J., concurring).

138. Klein, *supra* note 83, at 634. For an example of the extraordinary lengths to which some courts will go to avoid finding a lawyer ineffective, see Rogers v. Zant, 13 F.3d 384 (11th Cir. 1994), where the court, in reversing a finding by the district court of ineffective assistance in a capital case, stated: "Even if many reasonable lawyers would not have done as defense counsel did at trial, no relief can be granted on ineffectiveness grounds unless it is shown that *no* reasonable lawyer, in the circumstances, would have done so." *Id.* at 386 (emphasis added). Rejecting other decisions by other panels of the same court holding that strategic decisions must be based on investigation, the panel in *Rogers* concluded that "'strategy' can include a decision not to investigate" and that "once we conclude that declining to investigate further was a reasonable act, we do not look to see what a further investigation would have produced." *Id.* at 386–87, 388.

139. Klein, *supra* note 83, at 640–41.

140. Romero v. Lynaugh, 884 F.2d 871, 875 (5th Cir. 1989).

141. *Id.* at 877.

142. *Suspensions*, 56 Tex. B.J., Jan. 1993, at 73.

143. *See supra* notes 34–39 and accompanying text.

144. Stanley v. Kemp, 737 F.2d 921 (11th Cir. 1984), *application for stay denied*, 468 U.S. 1220 (1984).

145. Thomas v. Kemp, 800 F.2d 1024 (11th Cir. 1986).

146. Affidavit of Charles Marchman, Jr. at 1–5, Young v. Kemp, No. 85–98–2–MAC (M.D. Ga. 1985).

147. *Id.* at 7.

148. Messer v. Kemp, 474 U.S. 1008, 1090 (1986) (Marshall, J., dissenting from denial of certiorari).

149. Messer v. Kemp, 831 F.2d 946, 951 (11th Cir. 1987) (en banc), *cert. denied*, 485 U.S. 1029 (1988).

150. Messer v. Kemp, 760 F.2d 1080, 1096 n.2 (11th Cir. 1985) (Johnson, J., dissenting), *cert. denied*, 474 U.S. 1088, 1090 (1986) (Marshall, J., dissenting from denial of certiorari).

151. Powell v. Alabama, 287 U.S. 45, 75 (1932) (Butler, J., dissenting) (quoting decision of Alabama Supreme Court).

152. Mitchell v. Kemp, 483 U.S. 1026, 1026–27 (1987) (Marshall, J., dissenting from denial of certiorari.).

153. *Id.*

154. What follows is the brief in its entirety. The only parts of the brief not set out below are the cover page and certificate of service:

THE RECORD AFFIRMATIVELY SHOWS THAT THE APPELLANT WAS CONVICTED OF THE SAME OFFENSE, WHICH IS PRECISELY THE SAME IN LAW AND FACT IN VIOLATION OF THE 5th AMENDMENT OF THE UNITED STATES CONSTITUTION.

In the opinion of the Court of Criminal Appeals rendered on July 5, 1983, the Court failed to address the issue as to whether or not the Appellant was tried and convicted of the same offense, which is precisely the same in law and fact as the offense of which he was convicted in the State of Georgia.

As the Court pointed out on Page 3 of it's (sic) opinion, there were not cited cases to any Federal case law involving jeopardy in multiple State prosecutions and because there are no Federal cases cited, the Court apparently ignored the law relative to multiple prosecutions for an offense, which are precisely the same in law and fact.

Apparently the Court relied on the case of Hare v State, 387 So. 2 d [sic] 299, 300 (Ala. Crim. App. 1980) in reaching it's [sic] decision in this case. The Hare case can be distinguished simply by looking at the facts in the Hare case, wherein the court in Tennessee was dealing with the offense of possession of drugs in the State of Alabama, which are not precisely the same in law and fact.

The Appellant plead guilty to the offense of murder, which was a lesser included offense of the charge of murder caused and directed by the Appellant under the laws of the State of Georgia and received a life sentence. After the Appellant was sentenced in the State of Georgia to life imprisonment, he was returned to the State of Alabama for the murder of his wife, Rebecca Heath.

Apparently this case is one of first impression in the State of Alabama, and this Court has not ruled on a similar case involving the offense of murder where only one victim is involved.

CONCLUSION

Appellant contends that his constitutional rights guaranteed under the 5th Amendment of the United States Constitution and his rights guaranteed by Article I Section 9 of the Alabama constitution prohibiting Double Jeopardy and Double Punishment have been violated. Further, Appellant contends that he relied upon his guaranteed Constitutional rights as set forth above in pleading guilty to a lesser included offense of murder of his wife, in the state of Georgia, and that the prosecution in the State of Alabama on the offense of murder during the course of kidnapping [sic] of his wife, should be barred.

Therefore, after considering the facts, law and argument of Appellant, a Writ of Certiorari should be issued from this Court to the Court of Criminal Appeals correcting the errors complained of and reversing the judgment of the Court of Criminal Appeals and rendering such judgments as said Court have [sic] rendered in addition to such other relief as Petitioner may be entitled.

Respectfully submitted,

LARRY W. RONEY, ATTORNEY AT LAW, P.C.

Appellant's Brief and Argument in Support of Petition for Writ of Certiorari, at 1–2 Heath v. Alabama, 455 So. 2d. 905 (Ala. 1984). Alabama requires that the brief and petition for certiorari be submitted at the same time. Ala. R. Crim. P. 32.2 (1990). Thus, the Alabama Supreme Court decided Heath's case on the basis of this brief alone.

155. Heath v. Jones, 941 F.2d 1126, 1131 (11th Cir. 1991), cert. denied, 112 S. Ct. 981 (1992).

156. Id. at 1131–37. However, Judge J.L. Edmondson, in concurring, disagreed even with the court's comment regarding counsel's performance. He stated, "I cannot agree that the quality of counsel's performance can be judged much by the length of brief or the number of issues raised .... Effective lawyering involves the ability to discern strong arguments from weak ones and the courage to eliminate the unnecessary so that the necessary may be seen most clearly." Id. at 1141 (Edmondson, J., concurring). The brief in Heath, however, and counsel's failure to appear for oral argument hardly constitute sterling examples of such ability or courage.

157. See Smith v. Murray, 477 U.S. 527, 533–36 (1986); Engle v. Isaacs, 456 U.S. 107, 130–34 (1982); Wainwright v. Sykes, 433 U.S. 72, 88–91 (1977); see also Richard J. Bonnie, Preserving Justice in Capital Cases While Streamlining the Process of Collateral Review, 23 U. Tol. L. Rev. 99, 109–13 (1991); Timothy J. Foley, The New Arbitrariness: Procedural Default of Federal Habeas Claims in Capital Cases, 23 Loy. L.A. L. Rev. 193 (1989).

158. The lawyer who testified that those were the only two "criminal" cases he knew has twice been found to satisfy the Strickland standard. Birt v. Montgomery, 725 F.2d 587, 596–601 (11th Cir. 1984) (en banc), cert. denied, 469 U.S. 874 (1984); Williams v. State, 368 S.E.2d 742, 747–50 (Ga. 1988). See supra note 32.

159. Marshall, supra note 46, at 44 (footnotes omitted).

160. Justice Robert Benham of the Georgia Supreme Court was "struck by the powerful irony" of the majority's refusal to consider an issue of "flagrantly improper" prosecutorial misconduct in one case because it was not preserved by counsel, but holding that counsel was not ineffective. Todd v. State, 410 S.E.2d 725, 735 n.1 (Ga. 1991) (Benham, J., dissenting). The majority disposed of the ineffective assistance claim in four sentences. Id. at 731. The Mississippi Supreme Court refused to consider two issues on direct appeal because they were not properly preserved by trial counsel in Hill v. State, 432 So. 2d 427, 438–40 (Miss. 1983), over a dissent which argued, "We can think of no more arbitrary factor than having nimbleness of counsel on points of procedure determine whether Alvin Hill lives or dies." Id. at 449 (Robertson, J., concurring in part and dissenting in part). The same court later rejected in a single paragraph an assertion that counsel was ineffective. *In re* Hill, 460 So. 2d 792, 801 (Miss. 1984). The dissent argued: "Where two clear cut reversible errors were not available on direct appeal to a condemned defendant solely because his lawyer goofed, that would seem to make a prima facie case for ineffective assistance of counsel." Id. at 811 (Robertson, J., concurring in part and dissenting in part). Other examples are collected in Friedman & Stevenson, supra note 48, at 16–20.

161. Green, supra note 48, at 433, 454.

162. Id. at 476–89.

163. The Louisiana Supreme Court, relying upon its state constitution and laws, has adopted such a presumption where there is a likelihood of inadequate representation. Finding that the "provision of indigent defense services" in one section of court in Orleans Parish "is in many respects so lacking that defendants who must depend on it are not likely to be receiving the reasonably effective assistance of counsel," the court adopted a rebuttable presumption that indigents in that section were not receiving constitutionally required assistance. State v. Peart, 621 So. 2d 780, 791 (La. 1993). The court ordered pretrial hearings where there were questions of adequate representation and instructed the trial court "not [to] permit the prosecution to go forward until the defendant is provided with reasonably effective assistance of counsel," Id. at 792.

164. See, e.g., Warren E. Burger, Remarks on Trial Advocacy: A Proposition, 7 Washburn L.J. 15 (1967); Warren E. Burger, The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates Essential to Our System of Justice, 42 Fordham L. Rev. 227 (1973).

165. Strickland v. Washington, 466 U.S. 688, 693 (1984).

166. Polk County v. Dodson, 454 U.S. 312, 332 (1981) (Blackmun, J., dissenting).

167. "It is the belief—rarely articulated, but, I am afraid, widely held—that most criminal defendants are guilty anyway. From this assumption it is a short path to the conclusion that the quality of representation is of small account." David L. Bazelon, The Defective Assistance of Counsel, 42 U. Cin. L. Rev. 1, 26 (1973).

168. "For a court to be required to engage in speculation about how the trial might have gone if counsel had been effective is to minimize the importance of the sixth amendment right to counsel . . ." Klein, supra, note 83, at 641, see also Ivan K. Fong, Note, Ineffective Assistance of Counsel at Capital Sentencing, 39 Stan. L. Rev. 461, 477–80 (1987).

169. For other shortcomings of the Strickland standard, see Gary Goodpaster, The Adversary System, Advocacy and the Effective Assistance of Counsel in Criminal Cases, 14 N.Y.U. Rev. L. & Soc. Change, 59, 83–85 (1986); Green, supra note 48, at 500–05; Paduano & Smith, supra note 101, at 326–31; Rodger Citron, Note, (Un)Luckey v. Miller: The Case for a Structural Injunction To Improve Indigent Defense Services, 101 Yale L.J. 481, 486–88 (1991).

170. See White, supra note 123, at 340–46.

171. Id.

172. Lockett v. Ohio, 438 U.S. 586, 604 (1978) (holding that sentencer must consider "any aspect of a defendant's character on record . . . that the defendant proffers as a basis for a sentence less than death"); Penry v. Lynaugh, 492 U.S. 302 (1989) (mental retardation must be considered in mitigation); Hitchcock v. Dugger, 481 U.S. 393 (1987) (jury instructions may not limit the jury's consideration of mitigating circumstances); Skipper v. South Carolina, 476 U.S. 1 (1986) (good behavior in prison must be considered as mitigating factor); Eddings v. Oklahoma, 455 U.S. 104 (1982) (troubled childhood must be considered as mitigating factor); Bell v. Ohio, 438 U.S. 637 (1978) (same holding as Lockett).

173. White, supra note 123, at 325–29, 340–42.

174. Woodson v. North Carolina, 428 U.S. 280, 304 (1976).

175. Transcript of Opening and Closing Arguments at 39, State v. Dungee, Record Excerpts at 102, (11th Cir.) (No. 85–8202), decided sub nom. Isaacs v. Kemp, 778 F.2d 1482 (11th Cir. 1985), cert. denied, 476 U.S. 1164 (1986).

176. Id. The court did not address the issue of ineffective assistance of counsel, which had been rejected by the district court.

177. Dungee v. State, No. 444 (Super. Ct. Seminole County, Ga.), on change of venue, No. 87CR–5345 (Super. Ct. Muscogee County, Ga. 1988).

178. See also Paduano & Smith, supra note 101, at 331–33 & nn.201–03 (other examples where life sentences have been obtained for those previously sentenced to death at trials where they were represented by incompetent counsel).

179. American Bar Ass'n & The Nat'l Legal Aid & Defender Ass'n, Gideon Undone! The Crisis of Indigent Defense Funding 3 (1982).

180. Many of the reports are summarized in Klein & Spangenberg, supra note 82, at 10; Klein, supra note 80, at 393.

181. Klein & Spangenberg, supra note 82, at 25.

182. Klein, supra note 80, at 402–03; Friedman & Stevenson, supra note 48, at 23 n.112.

183. Friedman & Stevenson, supra note 48, at 40 n.201. The Alabama Court of Appeals has also urged the Alabama Supreme Court to reconsider its decisions upholding the constitutionality of the $1,000 limit on attorney compensation in criminal cases, observing that "[t]he real value of $1,000 is considerably less today" than when set in 1981 and is "certainly unreasonable." May v. State, No. CR–92–350, 1993 Ala. Crim. App. LEXIS 1076 (1993). However, one of the five members of the court disagreed, arguing that the question of adequate compensation was a matter for legislation. Id. (Montiel, J., dissenting); see also Ex parte Grayson, 479 So. 2d 76 (Ala. 1985), cert. denied, 474 U.S. 865 (1985) (upholding against due process and equal protection attacks Alabama's system for compensating appointed attorneys); Sparks v. Parker, 368 So. 2d 528 (Ala. 1979) (holding that the limit does not constitute unlawful taking of property), appeal dismissed, 444 U.S. 803 (1979).

184. "Many legislators seem to fear that support for funding for defense services in capital cases is somehow the same as support for violent crime." Friedman & Stevenson, supra note 48, at 41–42.

185. DeLisio v. Alaska, 740 P.2d 437, 443 (Alaska 1987); Arnold v. Kemp, 813 S.W.2d 770 (Ark. 1991); White v. Board of County Comm'rs, 537 So. 2d 1376, 1379 (Fla. 1989); Makemson v. Martin County, 491 So. 2d 1109, 1112, 1114 (Fla. 1986), cert. denied, 479 U.S. 1043 (1987); State ex rel. Stephan v. Smith, 747 P.2d 816 (Kan. 1987); State v. Lynch, 796 P.2d 1150 (Okla. 1990); Jewell v. Maynard, 383 S.E.2d 536, 547 (W. Va. 1989).

186. See, e.g., Wilson v. State, 574 So. 2d 1338, 1340 (Miss. 1990). There, in considering a challenge to the $1,000 limit on attorney compensation in capital cases, the Mississippi Supreme Court stated: "[I]f the legislative branch fails its constitutional mandate to furnish the absolute essentials required for the operation of an independent and effective court, then no court affected hereby should fail to act. It is the absolute duty of a court in such latter circumstances to act and act promptly." Id. (quoting Hosford v. State, 525 So. 2d 789, 797–98 (Miss. 1988)). Nevertheless, the court refused to interfere with the legislature's right to expend public funds and allowed Mississippi's limit of $1,000 in compensation for the defense of capital cases to stand. Id.

187. Id.; Pruett v. State, 574 So. 2d 1342 (Miss. 1990).

188. Wilson, 574 So. 2d at 1341.

189. Id.

190. Pruett, 574 So. 2d at 1342, 1343–69 (Anderson J., dissenting).

191. All of the attorneys in the Wilson and Pruett cases received less than the minimum wage. The two attorneys for Wilson documented 779.2 and 562 hours and the two attorneys for Pruett documented 449.5 and 482.5 hours. Each attorney was paid $1,000 for his time. Thus, the rates ranged from $1.28 per hour to $2.22 per hour. Id. at 1348 n.7 (Anderson, Jr., dissenting).

192. State v. Wigley, 624 So. 2d 425, 428–29 (La. 1993) (overruling in part State v. Clifton, 172 So. 2d 657 (La. 1965)).

193. Id. at 429.

194. Bailey v. State, 424 S.E.2d 503, 508 (S.C. 1992).

195. Id. at 505.

196. Id. at 504.

197. Id. at 508.

198. See, e.g., Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 719 (5th Cir. 1974).

199. E.g., Alberti v. Sheriff of Harris County, 688 F. Supp. 1176, 1198–99 (S.D. Tex. 1987) (prison conditions litigation per se undesirable), modified on other grounds, 688 F. Supp. 1210 (S.D. Tex. 1987), aff'd in part and rev'd in part sub nom. Alberti v. Klevenhagen, 896 F.2d 927 (5th Cir. 1990), opinion vacated in part on reh'g, 903 F.2d 352 (5th Cir. 1990) (per curiam).

200. See, e.g., Tucker v. Montgomery Bd. of Comm'rs, 410 F. Supp. 494 (M.D. Ala. 1976); Wallace v. Kern, 392 F. Supp. 834 (E.D.N.Y.), rev'd, 481 F.2d 621 (2d Cir. 1973), cert. denied, 414 U.S. 1135 (1974); State v. Smith, 681 P.2d 1374 (Ariz. 1984). These and other efforts to bring deficient indigent defense systems into compliance with the Constitution are described in Klein, supra note 80, at 410–13. 417–18. See also Paul C. Drecksel, The Crisis in Indigent Criminal Defense, 44 Ark. L. Rev. 363, 387–90 (1991); Caroline A. Pilcher, Note, State v. Smith: Placing a Limit on Lawyers' Caseloads, 27 Ariz. L. Rev. 759 (1985).

201. Luckey v. Harris, 860 F.2d 1012, 1017 (11th Cir. 1988), reh'g denied, 896 F.2d 479 (1989), cert. denied, 495 U.S. 957 (1990).

202. Luckey W. Miller, 976 F.2d 673 (11th Cir. 1992), reh'g en banc denied, 983 F.2d 1084 (11th Cir. 1993).

203. Foster v. Kassulke, 898 F.2d 1144 (6th Cir. 1990).

204. Martin County v. Makemson, 479 U.S. 1043, 1045 (1987) (White J., dissenting from denial of certiorari) ("I discern nothing in the Sixth Amendment that would prohibit a State from requiring its lawyers to represent indigent criminal defendants without any compensation for their services at all."); Wilson v. State, 574 So. 2d 1338, 1341 (Miss. 1990); State v. Wigley, 624 So. 2d 425, 427–29 (La. 1993).

205. State ex rel. Stephan v. Smith, 747 P.2d 816, 835–37, 841–42 (Kan. 1987); Wilson, 574 So. 2d at 1342 (Robertson J., concurring).

206. Another example of the low priority that states give to their obligation to assure equal justice can be found in Kentucky, where the indigent defense budget for 1990 of $11.4 million was four million less than the University of Kentucky's athletic department for the same year. Edward C. Monahan, Who is Trying to Kill the Sixth Amendment? A.B.A. Crim. Just., 24, 52 (Summer 1991). Kentucky's funding for indigent defense for one year would build but four miles of two-lane highway. Id. at 51–52.

207. Chief Justice Harold G. Clarke, Annual State of the Judiciary Address, reprinted in Fulton County Daily Rep., Jan 14, 1993, at 5.

208. American Bar Ass'n, Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases (1990).

209. Standards for the appointment of counsel, which are defined in terms of number of years in practice and number of trials, do very little to improve the quality of representation since many of the worst lawyers are those who have long taken criminal appointments and would meet the qualifications. Such standards can actually be counterproductive because they may provide a basis for denying appointment to some of the most gifted and committed lawyers who lack the number of prior trials but would do a far better job in providing representation than the usual court-appointed hacks with years of experience providing deficit representation.

210. See, e.g., Report of Malcolm Lucas to ABA Task Force Report on the Death Penalty, 40 Am. U. L. Rev., 195, 197 (1990). The expense of providing more qualified counsel is repeatedly urged as a reason to defeat legislation aimed at improving representation in capital cases.

211. 372 U.S. 335, 336 (1963).

212. At the urging of prosecutors, the federal courts and many state courts have increasingly refused to consider constitutional issues even where the failure to raise them as the result of ignorance, neglect, or inadvertent failure to raise and preserve an issue by a court-appointed lawyer. Coleman v. Thompson, 111 S. Ct. 2546 (1991) ("[A]ttorney ignorance or inadvertence is not 'cause'" to excuse filing of notice of appeal three days late, as indigent prisoner "must bear the risk of attorney error") (quotation omitted); Dugger v. Adams, 489 U.S. 401, 406–08 (1989) (barring relief because trial lawyer did not object to jury instructions even though court of appeals had unanimously concluded that death penalty was unconstitutionally imposed due to those instructions); Smith v. Murray, 477 U.S. 527, 539 (1986) (Stevens, J., dissenting) (barring issue not properly raised on appeal even though "[t]he record . . . unquestionably demonstrates that petitioner's constitutional claim is meritorious, and that there is a significant risk that he will be put to death because his constitutional rights were violated") Murray v. Carrier, 477 U.S. 478, 488 (1986) (holding that attorney "ignorance or inadvertence" does not constitute cause to excuse failure to raise Fourteenth Amendment claim in earlier proceeding). Three of these cases—all except Murray v. Carrier—were capital cases. In each of those cases, the defendant has been executed without a determination of the constitutional issue because of the attorney error.

As a result of the complexity of the procedural rules and the lack of familiarity with them by many of the lawyers appointed to defend the poor, executions are now routinely carried out without review by any court of significant constitutional issues because of errors by counsel. See, e.g., Whitley v. Bair, 802 F.2d 1487, 1496 n.17 (4th Cir. 1986) (finding that all 15 issues raised on behalf of Whitley were barred because they had not been properly raised by his trial lawyer), cert. denied, 480 U.S. 951 (1987). Today, it is unusual to see a capital case in which one or more issues presented in federal habeas corpus review is not found to be procedurally barred.

213. For example, the Mississippi Attorney General urged the state's supreme court to invoke procedural bars as means of preventing federal review—charactenzed by the Attorney General as "a Crash Upon the Rocky Shores of the Federal Judiciary"—following findings of constitutional violations in seven of the first eight Mississippi capital cases reviewed by the federal courts. Wheat v. Thigpen, 793 F.2d 621. 626 n.5 (5th Cir. 1986), cert. denied, 480 U.S. 930 (1987) (quoting State's Response, Edwards v. Thigpen. 433 So. 2d 906 (Miss. 1983), cert, denied, 480 U.S. 930 (1987)). The Mississippi Supreme Court adopted the state's position. Edwards v. Thigpen, 433 So. 2d 906 (Miss. 1983).

Similarly, after federal habeas corpus relief was granted to a number of people in Georgia who had been sentenced to death, Georgia amended its state postconviction statute in 1982 to prohibit consideration in state habeas proceedings of issues not raised in compliance with Georgia's procedural rules at trial and on appeal. Ga. Code Ann. §9–14–51(d) (1993). The statute had previously provided that "rights conferred or secured by the Constitution of the United States shall not be deemed to have been waived unless it is shown that there was an intentional relinquishment or abandonment of a known right or privilege * * * participated in by the party and * * * done voluntarily, knowingly, and intelligently." 1967 Ga. Laws 835. 836, §3; 1975 Ga. Laws 1143–44, §1.

214. Evans v. State, 441 So. 2d 520, 531 (Miss. 1983) (Robertson, J., dissenting), cert, denied, 467 U.S. 1264 (1984); see also Hill v. State, 432 So. 2d 427, 444–51 (Miss. 1983) (Robertson, J., dissenting).

215. Justice Stevens has expressed the view that the Supreme Court has "grossly misevaluate[d] the requirements of 'law and justice' that are the federal court's statutory mission under the habeas corpus statute" and instead "lost its way in a procedural maze of its own creation." Smith v. Murray, 477 U.S. 527, 541 (1986) (Stevens, J., dissenting). Justice Blackmun, writing for four members of the Court in Dugger v. Adams, accused the majority of "arbitrarily impos[ing] procedural obstacles to thwart the vindication of what apparently is a meritorious Eighth Amendment claim." Dugger v. Adams 489 U.S. 401, 412–13 (1989).

In addition to the strict enforcement of procedural rules, the Supreme Court has limited the availability of the writ to vindicate constitutional rights by making it more difficult to obtain an evidentiary hearing to prove a constitutional violation, Keeney v. Tamayo-Reyes. 112 S. Ct. 1715 (1992); adopting an extremely restrictive doctrine regarding the retroactivity of constitutional law, Teague v. Lane, 489 U.S. 288 (1989); James S. Liebman, More than "Slightly Retro:" The Rehnquist Court's Rout of Habeas Corpus Jurisdiction in Teague v. Lane, 18

N.Y.U. Rev. L. & Soc. Change 537 (1991); reducing the harmless error standard for constitutional violations recognized in federal habeas review, Brecht v. Abrahamson, 113 S. Ct. 1710 (1993); and restricting when a constitutional violation may be raised in a second habeas petition. McCleskey v. Zant, 499 U.S. 467 (1991).

216. The Justice Department and the association of district attorneys and attorneys general have supported a statute of limitations for habeas corpus cases since one was proposed by a committee appointed by Chief Justice William Rehnquist and chaired by retired Justice Lewis Powell in 1989. Report of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases, 45 Crim. L. Rep. (BNA) 3239 (Sept. 27, 1989). Senator Joseph Biden introduced a bill in 1993 containing a statute of limitations and other provisions regarding habeas corpus which had been drafted in sessions with representatives of the Justice Department, state attorneys general, and state district attorneys, all of whom were said to support the bill. 139 Cong. Rec. S10925–27 (daily ed. Aug. 6, 1993). The bill appears id, at S10927–31.

Some prosecutors have even proposed the virtual elimination of habeas corpus review by extending to all issues the rule of Stone v. Powell, 428 U.S. 465 (1976), which bars federal habeas review of Fourth Amendment claims where there has been a "full and fair" hearing in the state courts. See, e.g., Hearings Before the Senate Comm. on the Judiciary, on S. 88, S. 1757, and S. 1760, 101st Cong., 1st & 2d Sess. 759, 784 (1990) (Testimony of Ala. Assistant Attorney General Ed Carnes, Feb. 21, 1990, urging passage of S. 1971 because that one provision "considered alone" makes it preferable to other legislation); Letter from Alabama Attorney General Don Siegelman and 22 Other State Attorney General to Senator Joseph Biden (Mar. 12, 199) (urging extension of "full and fair" rule to all claims to "accomplish true federal habeas reform") (on file with author); Hearings Before the Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary, 102d Cong., 1st Sess. 172–28 (1991) (Statement of Andrew G. McBride, Associate Deputy Attorney General, Department of Justice).

The "full and fair" provision was included in Section 205 of the Bush Administration's Comprehensive Violent Crime Contr(l Act of 1991, S. 635, 102d Cong., 1st Sess. (1991), sponsored by Senator Strom Thurmond, which was included in the crime bill passed by the Senate on July 17, 1991. S. 1241, 102d Cong., 1st Sess. (1991). However the Senate and House were unable to agree on a crime bill in 1991 so the provision did not become law. Even Chief Justice Rehnquist, who has led the judicial and legislative efforts to restrict habeas corpus, opposed the "full and fair" proposal. Linda Greenhouse, Rehnquist Urges Curb on Appeals of Death Penalty, N.Y. Times, May 16, 1990, at A1. And the Supreme Court, which has cut back repeatedly on the availability of habeas corpus since 1977, refused, in Withrow v. Williams, 113 S. Ct. 3066 (1993), to extend the "full and fair" standard to issues involving violations of Miranda v. Arizona, 284 U.S. 436 (1966).

217. H.R. 4737, §8(b) (1990), reprinted in Hearings Before Subcomm. on Courts, Intellectual Property and the Administration of Justice of the House Judiciary Comm. on H.R. 4737, H.R. 1090, H.R. 1953, and H.R. 3584, 101st Cong., 2d Sess. 3, 11 (1990) [hereinafter House Hearings].

218. H.R. 4737, §8(e)-(g) (1990), House Hearings, supra note 217, at 14–16; see also H.R. 5269, §1307(e)-(g) (1990), House Hearings, supra note 217, at 486–91.

219. Detailed Comments on H.R. 5269 Submitted with Letter from William P. Barr to Thomas S. Foley, Speaker of the U.S. House of Representatives (Sept. 10, 1990), reprinted in House Hearings, supra note 217, at 723, 746–47.

220. Letter from Don Siegelman, Attorney General of Alabama et al., to Jack Brooks, Chairman of the House Judiciary Committee (July 13, 1990), reprinted in House Hearings, supra note 217, at 654, 656.

221. Id. The letter suggests that "delay" and "relitigation" are the major problems.

222. Resolution Opposing Habeas Reform Legislation, reprinted in House Hearings, supra note 217. at 649.

223. The Habeas Corpus Reform Act of 1993, S. 1441, 103d Cong., 1st Sess. §8 (1991) (introduced by Senator Biden on August 6, 1993, 139 Cong Rec. S10925–31 (daily ed. Aug. 6, 1993)). The bill also contained a statute of limitations and other restriction on habeas corpus.

224. 139 Cong. Rec. S10925–27 (daily ed. Aug. 6, 1993). No one involved in the defense of capital cases or representation of petitioners in habeas corpus actions was included by Senator Biden or his staff in the meetings which led to the bill.

225. The bill did not remove the judge as the appointing authority. Most of the incompetent lawyers providing representation would still qualify under the bill's requirements of a certain number of years of practice or trials, but many conscientious and capable young lawyers would be excluded.

226. California Attorney General Daniel E. Lungren asserted that the bill "could appropriately be called the 'Capital Defense Attorney Employment Act of 1993'" and urged its defeat because it would "raise the overall cost of capital litigation by imposing new federal standards" and result in additional litigation. Letter from Daniel E. Lungren to Senator Diane Feinstein (Aug. 13, 1993) at 15 (on file with author). The California District Attorneys Association adopted a resolution opposing any legislation which would:

"[C]reate new requirements concerning the experience, competency, or performance of counsel beyond those required by the United States Constitution as interpreted in Strickland v. Washington. . . ."

"[D]ictate new federal standards concerning the appointment of counsel for state court proceedings or take away the traditional authority to appoint counsel from state court judges. . . ."

"[E]stablish stringent federal qualifications for the appointment of counsel (including the appointment of at least two attorneys beginning at the state trial stage) which would delay death penalty cases by the inability to locate a sufficient number of attorneys who can meet all of the mandatory standards. . . ."

California District Attorneys Association, Resolution Concerning Federal Habeas Corpus Reform Legislation (adopted Aug. 12, 1993) (on file with author).

227. Letter from Senators Orrin G. Hatch, Strom Thurmond, Diane Feinstein, and Richard Shelby to Colleagues (Nov. 2, 1993) (on file with author).

228. Georgia State Senator Gary Parker explained to an American Bar Association committee: "Although many of my colleagues in the legislature realize what is needed—a centralized, truly independent capital defender office staffed by experienced capital trial counsel—they are unquestionably unwilling, as they have demonstrated year after year, to appropriate the funds. . . . Quite to the contrary, support for indigent defense is viewed by many in this state as being soft on crime."

Testimony of Gary Parker to the ABA Task Force on Death Penalty Habeas Corpus, quoted in American Bar Ass'n, supra note 9, at 221 n.38.

229. Harold G. Clarke, Money v. Justice in Georgia ("State of the Judiciary Address" to the Georgia General Assembly), reprinted in Fulton County Daily Rep., Jan. 22, 1992, at 8; Harold G. Clarke, State of the Judiciary (Address to the State Bar of Georgia), reprinted in Ga. St. B.J., Aug. 1991, at 70.

230. Ga. Code Ann. §17-12-91 (1992). There are over 120 capital indictments pending in Georgia at any given time, so the program can handle only a small portion of the cases.

231. Kimball, Perry, Poor People To Get Added Help in Courts, Columbus Ledger-Enquirer, Oct. 6, 1992, at B1.

232. Gary Taylor, Texas Death-Penalty Study Hit, Nat'l. L.J., Apr. 26, 1993, at 3, 50. Taylor quoted Harris County District Attorney John B. Holmes, Jr., as saying: "If you're against the death penalty, argue against the issue. But don't come in the back door with so much financial baggage that the law can't work. That just promotes more disrespect for the law." Id. at 50. Holmes also said that there was "too much habeas." Id.

233. President Clinton used the death penalty to establish his credentials as a "new Democrat" who was tough on crime by returning to Arkansas during the presidential campaign to deny clemency and allow the execution of a severely brain damaged man. See Marshall Frady, Death in Arkansas, New Yorker, Feb. 22, 1993, at 105. President Clinton has supported legislation to make over 50 federal crimes punishable by death.

234. McCleskey v. Kemp, 481 U.S. 279, 344 (1987) (Brennan, J., dissenting).

235. Model Code of Professional Responsibility, EC 2-25, 2-27, 2-29 (1980); Model Rules of Professional Conduct, Rule 6.1 (1983).

236. Joseph W. Bellacosa, Ethical Impulses from the Death Penalty: "Old Sparky's" Jolt to the Legal Profession 29 (Dyson Distinguished Lecture, Oct. 26, 1993) (unpublished manuscript, on file with the Pace University School of Law).

237. See, e.g., Stephen B. Bright, In Defense of Life: Enforcing the Bill of Rights on Behalf of Poor, Minority, and Disadvantaged Persons Facing the Death Penalty, 57 Mo. L. Rev. 849 (1992).

238. State v. Peart, 621 So. 2d. 780, 791 (La., 1993).

239. Id. at 791–92.

240. Id. at 795 (Dennis, J. dissenting); see also Citron, supra note 169, at 501–04.

241. Judges in Knoxville, Tennessee, issued a decree mandating all of the licensed lawyers who reside there to be ready to accept appointment of indigent defendants; even the Knoxville mayor, who had not practiced law for years, was assigned a case. Klein, supra note 80, at 420, 427, 427 n.420. However, it appears that no effort was made to see that those appointed had any litigation skills.

242. Callins v. Collins, 62 U.S.L.W. 3546 (U.S. Feb. 22, 1994) (No. 93-7054) (Blackmun, J., dissenting from denial of certiorari). Justice Blackmun concluded that 20 years of "tinker[ing] with the machinery of death" by the Supreme Court had failed to achieve "the constitutional goal of eliminating arbitrariness and discrimination from the administration of death." He observed "a system that we know must wrongly kill some defendants, a system that fails to deliver the fair, consistent, and reliable sentences of death required by the Constitution." As we have seen, all too often accused does not receive the process that Justice Blackmun hoped would accompany a decision to impose death:

We hope, of course that the defendant whose life is at risk will be represented by competent counsel—someone who is inspired by the awareness that a less-than-vigorous defense truly could have fatal consequences for the defendant. We hope that the attorney will investigate all aspects of the case, follow all evidentiary and procedural rules, and appear before a judge who is still committed to the protection of defendants' rights even now, as the prospect of meaningful judicial oversight has diminished. In the same vein, we hope that the prosecution, in urging the penalty of death, will have exercised its discretion wisely, free from bias, prejudice, or political motive, and will be humbled, rather than emboldened, by the awesome authority conferred by the State. Id.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Utah is recognized.

Mr. HATCH. Madam President, I have been listening to some of the comments of our colleagues on the other side. If they are concerned about money, and if they are concerned about excessive spending, then they ought to be concerned about this bill, because this bill once was $22 billion, which we had jumped from $12 billion. The reason we went to $22 billion is because we decided that that is how much could be saved by the reduction of 250,000 Federal employees over a period of time.

Lo and behold, it goes to the House and they come up with $27 billion. All of a sudden, it goes to conference committee between the House and the Senate, and the committee was stacked with nothing but liberals and it went to $33 billion that the taxpayers are going to have to pay.

Then last week—and I remember when a combination of Democrats and Republicans rejected the rule in the House. How many of us remember back when a House rule of the dominant party that has run the House for most of the last 60 years was rejected on the floor of the House of Representatives? Why, you really have to stretch to remember when it was. It could have been this year. Maybe there was one, but I do not remember one. It was a monumental thing, and I remember that when that rule was rejected, the President found all kinds of fault with Republicans for using a technical procedural advantage.

Let us think about it. They are so used to being crunched into the ground by rules run by a Rules Committee that is overwhelmingly composed of liberal Democrats who get their way on every issue that comes to the House floor and prevents debates, full and open debates on issues. Every issue that comes over there is stacked in advance. Everybody knows it is going to be a liberal Democrat win, and they rejected the rule and the President condemned the Republicans for rejecting it. It could not have happened without Democrats.

More importantly, the Republicans spent, along with some good Democrats and, I might add, Mr. Panetta, Mr. GEPHARDT, Mr. FOLEY, and virtually every liberal Democrat on the House Judiciary Committee, they went into long-term negotiations all day Friday, all night Friday, all Saturday morning, all day Saturday, all Sunday morning, from Saturday evening to Sunday morning, all day Sunday, and they came up with a cut of $2 billion in pork.

I remember Democrats saying that, "My goodness gracious, there is no pork in this bill, it is all essential, it is all for fighting crime." But when that $2 billion came out, plus another $1.3 billion, the President said, this is a better crime bill.

That is all we are trying to do here. We do not want to delay this. We are going to provide a means where we can vote on this finally. I presume the gun language will stay in it because we only had, last time, 43 votes to take it out. And we are going to try and cut the rest of the pork out of this bill, plus we want to strengthen it. By the way, that Senate bill passed with the gun ban in it, so all this talk about guns here today, that is just all baloney and everybody knows it. It is pure poppycock because we lost on that issue and we know it.

It is going to be in a final crime bill if the Democrats want it there, and they seem to want it there. So that is not the issue. The issue is pork, pork, pork. We want to kill the hog. And, frankly, it is strengthening, strengthening, strengthening this bill.

When we passed that Senate bill, that passed here 95–4. I have been saying 94–4. Actually, it is 95–4. Only two Republicans voted against it and two Democrats voted against it. But everybody else supported it, even with the gun language in it, as much as those of us from the West, and other areas of the country, feel that is a horrendously dumb, stupid thing to do, to take away the guns from decent, law-abiding citizens. But we voted for it. The reason we did is because it was a tough-on-crime bill and, on balance, it did more against crime and we were willing to eat the gun aspects. It was tough for us to do, but it was a good bill.

In the process of going to the House and through the conference committee, they took out about 30 tough-on-crime provisions, like mandatory minimum penalties for the sale of drugs to minors. Now who could be against that? But our liberal friends over in the House took it right out of there.

Like mandatory minimum penalties for people who employ a minor in the commission of a crime, of a drug crime. Who could be against that? Who wants minors to be employed in the commission of crimes? But our liberal Democrat friends took that out, too.

Like mandatory minimum penalties for the use of a gun. These people who have been talking about the gun problems of this bill all day long are countenancing in this bill having tough language taken out that would really do something about people who use guns in the commission of crimes. That was taken out by our liberal friends in the House of Representatives.

Deportation of illegal aliens: Why do we not want to deport them when they have committed crimes in our country? Deportation of aliens who have committed crimes in our country. That means the judge can sentence them and at the same time enter an order for deportation and get rid of them in our country so we do not have them out committing more crimes.

No, our liberal friends in the House took that out. And I could go through another 26 or more similar provisions that should be in this bill. They even took out restitution to the victims. Can you believe it? They even took that out of this bill, a simple little thing. When somebody gets harmed and hurt, why can we not give restitution to them?

And they are saying this a tough-on-crime bill? Let me tell you something. There is $11 billion in this bill in discretionary grants. That includes the prison money because not one single penny of it, not one cent has to go for building prison cells, which is what we thought it was for when it left the Senate. The language is so soft they can use it for almost anything that applies to prisons. They do designate that the States are going to have to comply with all kinds of preconditions that the Federal Government wants, and you can bet what those are. Why, those are liberal social welfare conditions. It is unbelievable.

What we want is this. There are 40 Senators who have sent a letter to Senator DOLE saying we want you to negotiate with Senator MITCHELL, and we want to take out the pork in this bill and increase the strength of the anticrime provisions. If we can do that, we will agree to a time agreement on each and every amendment. We will lay out the approach that could be taken, and you can have a crime bill. But it is going to be a lot tougher crime bill, and there is going to be a lot less pork in it unless the Democrats want to vote to keep the pork. That is what it comes down to. It is a fair offer.

I might add, we know that we have lost on the gun issue. We would have to have a motion to strike that. But we presume we will lose because the most votes we got last time was 43. But we want a tougher bill. Frankly, we are willing to fight to get that tougher bill. We are tired of the American people being ripped off by programs that are just social welfare spending programs hidden in a crime bill that everybody used to support. Supporters of social spending boondoggles cannot come here legitimately to the floor with a straight face and get those social welfare spending programs, those boondoggles, passed straight up. So they hide them in this crime bill because the media and everybody else has built this as a moral issue in America, thinking we are just going to let the American people get ripped off one more time when we are now almost $5 trillion in debt, and we are going to let it go by just because it is a crime bill. But it is not even that.

And by the way, we are willing to let a number of prevention programs in here. Violence against women, $1.6 billion is going to be in here. No matter what, we are going to do that.

There are a number of other prevention programs. We are willing to have other provisions that are prevention programs that will help here, that we have agreed to. So it is not just scuttling every prevention program. It is scuttling programs like—let me just give you three illustrations, and then I will be happy to yield. I know my colleague wants to speak.

Here is the National Community Economic Partnership. This is in the bill. I am going to read the bill now, right from the bill, something that is not done very often around here. "Subtitle K. National Community Economic Partnership." Madam President, 270 million taxpayer dollars are going to be spent on this. Listen to this:

> It is the purpose of this chapter to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

Can you imagine that? That is in a crime bill. Why could they not pass that straight up if it is such a good thing. This does not belong in this crime bill, but this bill is filled with that kind of stuff.

Take this one here, which is only another $50 million: Community-Based Justice Program for Prosecutors:

> Grants made by the Attorney General under this section shall be used—
>
> (1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in an effort to reduce

the incidence, and increase the successful identification and speed of prosecution of, young violent offenders.

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense and impose individualized sanctions, designed to deter that offender from further antisocial conduct * * *

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counseling, educational, and recreational programs, that create alternatives to criminal activity.

That is wonderful. Let us do it straight up as a social program. Let us not hide it in here. The reason they do it this way is because we have got hundreds of these programs. We have got billions of dollars of programs. The GAO says we are doing an adequate amount of work in this area.

Why do we do this? Because our liberal friends want to spend some more of your money, and then they want to go home and say how compassionate they are in spending your money. I would be a lot more impressed if they dug into their own pockets and spent their own money.

None of that has much to do with crime. I suppose that if you want to give everybody a free hamburger every day, you could say it is an anticrime activity because it feeds people. Some believe almost any do-good approach will benefit us from a crime standpoint.

No, we have got to get serious about crime. We do not have enough prison cells in this country to keep in the violent criminals, and we have a continual revolving door letting them out into our streets to commit crime again. And that is what we thought we were addressing when we sent the crime bill over there with a 95-to-4 vote.

Had we stayed close to that, my gosh, I would be out here fighting for it with every fiber in my being, but we are not even close to it in this.

Let me give you another illustration. Local Partnership Act. This is $1.62 billion—not million, billion. I do not mean to get so intense about this. Let me just say something here. I will read right out of the bill. It is called the Local Partnership Act:

Payment. The Secretary of Treasury shall pay to each unit of general local government which qualifies for a payment * * *

The sums of money for these three things.

This is all the direction that is given.

Education to prevent crime.

Oh, my goodness, we have all kinds of programs out there to do that now already paid for.

Oh, let us see if the second one works.

Substance abuse treatment to prevent crime.

We are spending billions on that today. Billions.

Or job programs to prevent crime.

We have 154 Federal job training programs in existence right now, and we are spending close to $25 billion—billion dollars, not million, billion—and they want to spend another 1.62 billion of your dollars instead of putting it into prisons or into helping the police or putting cops on the street.

By the way, you have heard the President in every press conference saying we are going to get 100,000 new cops out there for you.

Give me a break. Even at 33 billion bucks, which is how high they went on this, you could not get more than 20,000 police officers out there. And then who inherits the debt? Why, you and me and everybody in our respective States. We are going to have to pay for them when the money runs out here. We will get stuck with them. But we will only have at most 20,000. So what? But why then do they keep saying 100,000? They know that is not true. How can they do that?

I suspect the reason the President says it all the time and believes it is because he did not write this bill. His administration did not send it up. They did not send any crime bill up here. I am not sure anybody down there even knows what is in this bill. In fact, hardly anybody up here does because it was just written Sunday.

But if you read some of the reasoning behind this, you have got to say to yourself, "My gosh. Don't we have enough social programs? Don't you think it is time to start getting tough on criminals?"

I could go on and on, and I know that others want to speak. I will come back and speak later about the discretionary spending in this bill which amounts to $11 billion, and that is not counting the Violence Against Women Act. That is not counting the Local Partnership Act. They are not discretionary. The Violence Against Women is, but the Local Partnership Act is not.

The fact is you are talking about $11 billion they can just spread around almost any way they want to as long as they live within these very generalized items and categories. This is the usual joke of legislation that we go through around here because one party has dominated both bodies for most of our lives.

Let us not even talk party. Let us talk about philosophy. One philosophy has dominated, and that is the liberal philosophy in both parties. That is what we inherit. Instead of getting an anticrime bill with real force and impact, we inherit a bunch of social spending. When Charlton Heston says there are two social workers for every cop that is going to be on the street, that is probably wrong. I think social workers are wonderful people, but we employ as a Federal Government literally hundreds of thousands, if not millions, of them.

But the fact of the matter is this is a bill that ought to go to beef up our police, our prisons, the apprehension, incarceration, and the punishment of criminals. To the extent that we can come up with real prevention programs like the Violence Against Women Act, which is $1.6 billion, I am for it. Anybody who looks at what we are trying to do with the problems in this country would be for it, or for some of the other programs that are in the block grant provision which are basically good programs. There is about $400 million for block grants. We are for those. We can be for real prevention.

But to just throw duplicative programs in here and misleading the American people and talking like we are doing something against crime and having $11 billion in discretionary programs, to just throw money around for whatever they may want to, I think is obscene, and it is wrong. And it is time for us to stand up against it.

That is what the Republicans are doing here. We will show our friends on the other side a way whereby they can face these problems and make their own choices. They have a majority. They can make their own choices, whatever they want. We will show them how to dispose of this bill one way or the other, with time agreements—nobody wants to filibuster it—with straight up votes in a matter of maybe a couple of days. We are willing to roll the dice and see what we can do to cut this fat out of the bill and to increase the anticrime strength of the bill. If we can, we are all going to feel good.

What I would like to see happen is that we make these changes, and I would like to see the President say he would support it, and I think he would. I think he would honestly say, by gosh, they improved the bill again. And if he would do that, I would be really happy. So would we all because we would have been through with the bill. That is what we would like to do. That is what we are here for.

Here in my hands right now are 300 spontaneously generated faxes received today opposed to the crime bill. This is just what I have received. You can imagine the thousands of them all over Capitol Hill from all over our country. They oppose this bill for a wide range of issues. Here is just one example.

Here is one that comes from Paulette J. Murphy in Greenville, from a group called United We Stand America.

As a member of United We Stand America and interested in the debt, deficit, and government reform, I would urge you to turn down this crime bill—

She underlines this.

—and not agree to anything that does more than strengthen our existing laws and approach potential funding for police, prisons, and border guards with no, I repeat "no" Federal strings attached.

I think the people out there are not stupid. They understand what is going on here. I think the game should be over. We have been spending this country into bankruptcy for far too long. There are many of us who are willing to spend more money to really fight crime. But we are unwilling to throw money down the drain on duplicative spending social programs emphasizing social workers over police in this crime bill. We are just unwilling to do it. Even so, at best, even if we get our way here, we will still have some of it because of some of the more liberal approaches toward crime in our society and in our Congress today.

There is a lot more I would like to say. I know there are other Senators who would like to speak.

So I yield the floor at this point.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Madam President, reluctantly I have to state that I cannot support this bill in its present form. I think the Senate should realize that, if this bill passes as it has come to us, we have really seen a change in procedure in the House that will haunt the Senate. We are entitled to participate in the conferences.

This bill went to conference. There was a conference report. It was then defeated in the House and the House has sent us a bill. But it is a bill so dissimilar from the one we sent to the conference, there have been so many things deleted from it, and so many changes made in it that are unfair to the smaller population States, that none of us should support this bill.

I think we have a right to raise this point of order under the Budget Act, and it should be sustained. One of the things that haunts me about the future of this country is the increasing deficit. We have in fact appointed a commission now to deal with entitlements. Yet here we are creating one of the largest entitlements over a 6-year period that we have created in a long time. The estimate of this bill is that it is greater than the estimate we had at the time we approved Medicare. Yet, we are told to ignore the point of order under the Budget Act, to give up the right we have to insist that the Budget Act be complied with.

I just cannot understand that. I see people all over this floor who have talked to me about the increasing deficit and the menace of that deficit to our children and grandchildren, and they are willing to say, let this go because it is crime. What is going to be the next big headline that comes across, gets into conference? A bill pertaining to the health bill, and people say forget about the Budget Act because it is such a big issue? Lately we only deal with big issues.

What about the health bill? Are we to forget the Budget Act in the health bill? That is why we are waiting now. It is to get the numbers from the Congressional Budget Office. No one is waving numbers on this from the Congressional Budget Office. They are ignored entirely.

My good friend from New Mexico is here and can talk about that in a few minutes. I urge everyone to listen to him because I think PETER DOMENICI is one of the leaders in this country trying to—pardon me; it is PETE DOMENICI—trying to deal with the problems of the deficit in the future.

I say, if we do not recognize that the House is changing the procedure to deal with ways to avoid the Budget Act, we do so at our peril. The House bill was sent to us originally as a crime bill and had $27 billion in it. The Senate bill contained $22 billion, was dedicated mostly to law enforcement and prison building, and it, too, was subject to a point of order which was not raised. We had already taken $5 billion off the House version, and it was going to conference. We had some commitments from the people going to conference that they would try to get it back within the Budget Act. And, besides that, we reminded everybody when this bill passed the Senate that the point of order was still there if it did not comply with the Budget Act when it came back. That was ignored by those who went to conference. And now, with the House action, we have a bill that does not look like either the Senate bill or the House bill. It is $30 billion now, Madam President; not the $27 billion, not the $22 billion we reduced it to, but $30 billion. And the distinguished Senator from New Mexico will explain how that involves the most serious breach of the Budget Act that we have seen during this Congress. It is worse than the budget breach that would have been brought about by the stimulus package. It is almost equal to the total of the stimulus package that was defeated on the floor of the Senate.

For those who are really worried about this coming election, they had better sit up and listen because I hear more about the deficit and the growing problem of our national debt than anything even in a small State like my State of Alaska.

I believe we should preserve the rights of the Senate under the Budget Act. That is my first reason for saying I cannot support this bill in its present form.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. DOMENICI. I was going to call you THEODORE.

Mr. STEVENS. I corrected it, Madam President. I did not call him PETER twice. His name is PETE.

Mr. DOMENICI. So now his name is Senator TED STEVENS.

May I ask the Senator a question? Some Members on that side of the aisle have said this budget point of order is technical. Might I ask the Senator from Alaska, when the Senator from New Mexico proposed that we put the firewall back for defense spending and we got 56 votes but we lost because it was subject to a point of order and needed 60 votes— you are an expert in defense; you know what it means to subject the defense budget to the claims of all domestic programs that can take money from it, but the firewall would prohibit it. Do you think that is a technical point of order?

Mr. STEVENS. I answer my good friend that I do not think it was technical then—it certainly destroyed the protection for the defense budget in the future—and it is not technical now. There is no question that this bill increases the deficit over a period of years. I just do not see any reason why we should forgo—as a matter of fact, I think we ought to state categorically that we are going to raise a budget point of order in the future on any bill it applies to. Why should we have a commission to deal with the problem of future budget deficits and stand here and say we are not going to enforce the existing law?

The law says that if you exceed the budget restrictions, you must have the 60 votes to overcome the budget point of order. I think that we are in a different position here. It has been done, but it should not be done in the future, in my opinion.

Secondly, the House stripped from this bill what I considered to be critical crime-fighting tools that were in the Senate bill. When this bill was in conference, the Republican conferees were successful in getting the conference to shift $3.6 billion in social spending to State and local law enforcement grants, representing a sixfold increase in current spending. The Alaska law enforcement officials told me that local law enforcement grants are their No. 1 priority.

Twenty-four hours after that provision was put back in the bill, the conference reversed itself. The social spending was restored and the critical grants to the local law enforcement, the $3.6 billion, was cut. That $3.6 billion was to be distributed under a formula that was fair to small States. The $3.6 billion now, in my judgment, will go largely to urban areas for urban programs, and I believe that provision is unfair to the smaller States. It certainly is not going to provide the moneys that the Senate bill would have provided to local law enforcement in the States that have the smaller populations.

Another part of this conference report, Madam President—and I agree with the Senator from Utah on this that it is very difficult to try to examine this bill that was agreed to in such haste. I saw the conference report myself just a minute ago. Others have had it available sooner. But it is a difficult thing to go over. We had an advance release that was examined by my staff yesterday. The final was here on the desk this morning.

Part of the conference report that I also thought should not be in this bill was the model intensive grant program. That part of the conference report, the model intensive grant program, will let the administration take another $625 million and spend it in 15 big cities. Once again, that was part of the money that was in the bill—in the Senate bill—on a fair distribution in all 50 States. Under this program, small States do not even get an opportunity to compete for a nickel of that money, because the House version of this bill specifically earmarks it to 15 large cities.

I thought that is what the Senate is for. If for no other reason, I would raise a point of order to see to it that the Senate has a right to distribute the money provided for these programs fairly among the States.

The Senator from Utah has already spoken about the Local Partnership Act, which was part of that stimulus package in 1992. It was not intended to fight crime. It has just been stuck in this bill as part of the crime bill because everybody knew in that conference—particularly the conference in the House that did not include any Senate Members—that it was going to be a challenge to the Senate not to raise the point of order on the budget because this was for crime fighting, supposedly.

Yet, here is part of the stimulus measure that the President sent to us in 1992 which was taken out of that before we finally approved a restricted portion or part of that program. And now this Local Partnership Act, as put in the version that came to us from the House, spends $1.6 billion in a series of new social programs that were part of the stimulus program. That is why they were taken out of the stimulus program. It did not have to do with stimulating the economy; it had to do with spending money locally for political purposes. This will be spent on a whole host of social programs as the administration determines, this $1.6 million.

That is pork. The Senator from Utah is absolutely right that that is pork. Pork, for my money, is money spent by the administration for political purposes.

In addition to that, much has been made of the promise of this bill to put 100,000 police officers on the street. Even without regard to the argument of whether it will put 100,000 on the street—because it does not put 100,000 full-time people out there; it adds up to about 20,000—this program means nothing to a State like mine. Its sparse population will mean we will get shortchanged on the money that is available. The minimum amount of money which Alaska would have had from the Senate bill was cut by these conferees by 17 percent. Can you imagine that? A small State loses 17 percent, and the large population States just get money by the billions.

Under the Senate version, again, which was done at $22 billion—and this is at $30 billion—we would have received about $53 million for assistance for crime fighting in our State, true crime fighting. This conference report that we have received now reduces Alaska's share to $44 million. In other words, as it has gone up from $22 to $30 billion, Alaska is one of the small population States, and our total under this bill for crimefighting has come down from $53 million to $44 million.

In addition to that, however, if you look at the $44 million we get, the program contains a hidden unfunded mandate to State and local governments. I think this is another penchant now—particularly of the House, and coming to be of the Senate majority—which I think the public ought to awaken to. It promises 100,000 police officers, but the bill, as I said, really fully funds only 20,000, for 6 years. The States will have to come up with $33 billion because of the mandate, because the commitment is that officers that are hired will be employed for 6 years. States will have to shoulder completely the burden of those new officers after that.

That is, all of the costs involved for the States under this mandate is greater than the total bill before us, Madam President. The State's mandate is to pay $33 billion to keep those officers. But watch the catch-22. The bill will allow the State and local governments not to spend the money for police officers, and if they do not, they do not have the mandate. In other words, if they spend the money for example on social spending and not to meet law enforcement needs, there is no mandate to keep additional people on the streets to fight crime.

I see the distinguished Republican leader here. He wants to make a statement, and I will be happy to continue mine later.

I yield the floor.

Mr. DOLE. Madam President, we have been meeting today on our side, and I think maybe Senator MITCHELL has been meeting with some of his colleagues on the Democratic side, to determine how we may dispose of the pending business, the so-called crime conference report.

Under the Budget Act, the conference report is subject to a point of order. A point of order can be waived.

We can make the point of order. The motion for the point the order is fully debatable. Sixty votes are needed on a waiver.

I will include in the RECORD a letter signed by 41 of my colleagues on the Republican side. Excuse me. It is 40. The letter is to me. I am No. 41.

I think just to summarize the letter without reading it, because it will be in the RECORD, we want a crime bill. We believe there is an opportunity for all of us to come together as we did when we voted on the previous bill here months ago. The vote was 94 to 4. The crime bill left this Chamber at $22 billion. Then it went to $27 billion in the House, and then to $33 billion in the conference.

Most of the additional items, billions and billions of dollars in programs, are social programs, not even prevention programs, and have nothing to do with crime. Some were taken out of the so-called stimulus package, which failed last year, $1.8 billion in a Local Partnership Act that has nothing to do with crime, but it was stuck in there on the House side by someone in the conference without any hearings. None of this billions and billions of dollars of what some would call pork ever had 1 minute of hearings.

The taxpayers wonder: "Have you had hearings on this thing before you spend $2 billion, not $2—$2 billion?"

"No, we do not have hearings on those items like that," because in conference they load it up.

So a number of our colleagues, I think all of the 41 who signed this letter, are concerned about excessive spending. That is the primary concern. And if you are picking up your telephone and you are trying to get into someone's office and cannot, people from all over are calling in about the crime conference report and excessive spending. They are Democrats, Republicans, and Independents. They are from the Midwest, the Far West. They are from the Northeast. They are from everywhere.

There is also concern about some of the provisions which did not survive the conference. I would say there was a modest attempt made by some of the Republicans on the House side which is of some assistance, but the bill is still $30 plus billion, which is about $8 billion more than it was when it left this Chamber.

So we are trying to find some resolution on this side. We hope we might be joined by some of our colleagues on the other side.

Madam President, I ask unanimous consent that the letter be printed in the RECORD with the names of the 41 who signed the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 23, 1994.

Hon. ROBERT J. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: As you know, we are deeply concerned about the escalation of violent crime in our country. We want to pass a tough crime bill, believing that strong federal legislation can make a real difference in the lives of all Americans.

Unfortunately, in its current form, the conference report is seriously deficient in a number of important areas. The conference report, for example, still earmarks billions of dollars for wasteful social programs. It also fails to include a number of important tough-on-crime proposals adopted by the Senate last November.

Bob, we are writing to urge you to initiate negotiations immediately with the Administration and with the Democratic Leadership of the Senate. Unless most of our concerns are resolved, we will support you and vote against the motion to waive the budget point-of-order.

The American people deserve the toughest crime bill possible. We should not lose this opportunity to fix what is wrong with the conference report and make the crime bill even stronger.

Sincerely,

Don Nickles, Strom Thurmond, Larry Pressler, Paul Coverdell, Thad Cochran, Orrin G. Hatch, John Warner, Larry E. Craig, Lauch Faircloth, Robert F. Bennett, ———, Connie Mack, Dirk Kempthorne, Alan Simpson, Kay Bailey Hutchison, Pete V. Domenici, Dan Coats, Mark O. Hatfield, Bob Smith, Jesse Helms, Richard G. Lugar, Slade Gorton, Bob Packwood, Nancy Landon Kassebaum, Judd Gregg, Alfonse D'Amato, Frank H. Murkowski, Christopher S. Bond, Hank Brown, Conrad Burns, Mitch McConnell, Dave Durenberger, Trent Lott, Phil Gramm, Malcolm Wallop, Ted Stevens, John McCain, Chuck Grassley, John H. Chafee, John C. Danforth.

Mr. DOLE. Madam President, I indicated that I went to visit Senator MITCHELL because if a point of order is sustained or if the motion to waive is defeated, then the bill, the House message, is open to amendment, where you have assault gun bans are out of the package and racial justice is in the package.

So we had a long discussion this morning, about a 2-hour conference, and I will ask the Senator from Utah [Mr. HATCH], the ranking Republican, to speak following my statement here giving additional details.

We proposed to Senator MITCHELL, the majority leader, that we would put the language of the conference report before the Senate as a motion to recede from our disagreement with the House amendment and to concur therein with an amendment. In other words, the guns would be in there. That is a concern of many of my colleagues. Then we agreed to a limited number of amendments with time limits on each one of the amendments—and I will ask my colleague in a second to discuss those.

We agreed to a time limit, and then we agreed there will be a cloture vote at a time certain.

I think it is fair to say the majority leader looked at it carefully but suggested an alternative. The alternative would be to go ahead and pass the conference report and send it to the President. It would be signed, and then sometime in September, which is not far away—and I assume we will still be here, having not recessed—there be another bill brought up, and that we could offer these amendments we would like to offer now and Democrats could offer amendments, both sides could offer amendments, and there would be time agreements and there would be a vote, and then that vote would go to the House. And the majority leader was not even smiling when he made this proposal. I thought he surely would be smiling when he made this proposal, but he was not. We had absolutely zero leverage, zero. The House would never take it up. Oh, I guess we could have some votes here in September if it did not take too long.

But I guess the point is we are still hopeful that we can reach some agreement. If not, the point of order will be made, and we will have the vote, and we will see what happens.

I promised everyone in our conference, including the three who did not sign the letter but who may yet join us depending on whether there are good-faith efforts here to negotiate—that is my hope—I promised everyone in that conference that we would make a good-faith effort and a good-faith effort means precisely what it means. If we are playing games on this side, then I do not expect my colleagues on this side to keep their word they gave when they signed the letter.

But I do hope that they will take a look at the proposal, the counterproposal of the distinguished majority leader, and I think if they do, they will understand that I think we are in good faith because if the motion is not waived, then we have a whole different scenario on the Senate floor.

So I take this time so that my colleagues will know precisely what happened. We hope we may have a conference yet later this evening. I had a discussion with the Senator from Utah, Senator HATCH; the Republican whip, Senator SIMPSON; the Senator from Arizona, Senator MCCAIN; Senator GORTON from Washington; and others who were in my office, and I have had a phone conversation with Senator COHEN from Maine.

So we will have a conference. We will consider the leader's proposal, and then I will report back to the majority leader. But I must say, based on preliminary discussions with smaller numbers, I do not think it will be acceptable.

In addition, I gave to the majority leader a list of possible amendments—they have not been decided upon—so he would have everything that we discussed and everything that would be out on the table.

So it seems to me that maybe we are making progress. Maybe we are not. But I want my colleagues to know on this side of the aisle we are making an effort in the best way that we can to carry out the wishes of the Republican conference this morning.

I think I previously asked that the letter be made a part of the RECORD.

I ask unanimous consent to print in the RECORD the "Proposal for Negotiated Crime Bill," that I referred to of which I gave a copy to the majority leader and the distinguished Senator from Delaware [Mr. BIDEN].

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSAL FOR NEGOTIATED CRIME BILL

1. Agreement to put the language of the conference report before the Senate as a motion to recede from our disagreement to the House amendment and to concur therein with an amendment.

2. Agreement to limit the amendments to this language.

3. Agreement to limit time on these amendments.

4. Agreement that there will be a cloture vote at a time certain.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I did not hear the entire statement by the distinguished Republican leader, but I understand it was a restatement of the proposal which he made to me just a short time ago and a report on the discussion that we had at that time, and I would like, if I might, to add my comments in that regard.

The proposal which the Republican leader presented to me contained four points.

First was that by agreement we present to the Senate the current conference report in a form that would make it amendable. As all Senators know, the conference report is the culmination of the legislative process, and under the rules of the Senate, a conference report is not amendable. The legislation which was originally passed in the Senate was fully amendable. That, then, went to a conference with the House and when the conference report returns to the Senate, it is not in amendable form.

The second point was an agreement to limit the amendments to that legislation. And Senator DOLE presented me with a list of 13 proposed Republican amendments.

Third is an agreement to limit the time on these amendments.

And the fourth was an agreement that there will be a cloture vote on the bill at a time certain.

I then responded to the Republican leader by proposing that the Senate be permitted to vote on the crime bill. We are not asking any Senator to vote for or against it, just to permit a vote to occur. And then, in addition to that, that I would commit to bringing up as a separate bill all of these proposed Republican amendments, with the time limits that were proposed, and let the Senate debate and vote on that and other possible amendments that Democratic Senators may wish to take up.

That way, both sides would have achieved what they want. We would have gotten a vote on the crime bill, which is what we want; just a vote. Let us vote on it. They would have had the opportunity to have a full and ample discussion and debate and votes on the amendments or other provisions which they believe the Senate should address.

One of the concerns that I have with the proposal which the Republican leader made is, of course, the mirror image of the concern that is expressed in my proposal. His response, understandably enough, was, "Well, if we take this bill up separately and pass it, how do we know what will happen in the House?" And, of course, the same thing is true for the proposal which he is making. If we take this bill up as proposed and amend it and change it, how do we know what will happen to that in the House? So the same objection applies on each side to the other's proposal.

Second, I pointed out that the proposal made by the Republican leader says to us that, in order to avoid a 60-vote requirement at this time, we agree to a lengthy amendment process, at the end of which we would still have to get 60 votes. That reduces its attractiveness somewhat, since what we are saying is that we want to have a vote. Our colleagues are saying, "No, we want to make the point of order which will require you to get 60 votes." So what they were saying is, "Well, all right, you won't have to get 60 votes at the beginning, but if you accept our offer and go through this whole process, at the end you will have to get 60 votes."

And so, it does, as I say, reduce its attractiveness for the reasons stated.

I indicated to the distinguished Republican leader that I would discuss the matter with Senator BIDEN, the manager of the bill. We want to be accommodating.

But, basically, all we are asking is to let us vote; simply let the Senate vote on the crime bill. That is our request, as clearly and simply as can be stated.

In order to achieve that, we are willing to take up separately all of the proposals that our Republican colleagues say they wish to address, all of the amendments and any more that may be added to this list, at a time and in a circumstance where Senators will have the chance to offer and debate their amendments and vote on them.

I hope that we will be able to reach an agreement on this matter. I think the crime bill is a very important measure, one which has been in the works for a period of several years and which I believe has substantial majority support in the Senate. I think it is rather clear that if we have a vote on the crime bill, a majority of the Senate will vote for it. The question is whether it will be possible to have a vote on it, whether the minority, who opposes it, or others will permit that vote to occur. I hope it will.

We will continue to work together and discuss the matter in good faith. At this time, I think it is required that we have a consultation on both sides and then get back together.

Mr. BIDEN. Will the Senator yield?

Mr. MITCHELL. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Delaware.

Mr. BIDEN. Madam President, I am a little confused by this offer. And I acknowledge I was not part of the discussion and I have just listened to the Republican leader and the majority leader. I want to make sure I understand.

No. 1—and, by the way, I heard the Republican leader talk about telephones. Well, the telephones in the State of Delaware are ringing off the hook—I only speak for Delaware— and they are saying, "Pass the crime bill." They are not talking about pork or pork chops or ribs or anything else. They are saying, "Pass the crime bill. Give me 100,000 cops, build more prisons, and get on with it."

Now that may be different in other States, I acknowledge that. Mine is a small State. And because I have been so involved with this issue, maybe that is the reason that is happening. But in Delaware, it is ringing off the hook in the other way.

No. 2—and I will go back to this point on this budget point of order, which my friend from New Mexico spoke to before I got to the floor.

But No. 3, as I understand this proposal, if we would agree to it, is that we take up what is essentially the thing we want to vote on anyway now, the so-called conference report. This is all kind of confusing to all but we Senators who know about this stuff. But we take up the bill that the House just passed and everybody watched debate it all week and that they passed, and we make that, through an unusual procedure, amendable. And we agree to the things that we will list as amendments and a time agreement on them. And then that becomes, as I understand it, I ask the majority leader, a brand-new bill that has to make its way down the hallway here and go all the way over to the House again. They have to vote on it again. They can amend it, if they want to. They can amend it and then it goes back into a conference and then it comes back here to us after all of that and we are sort of back to square one.

So it takes all that time for that to happen.

So what we are doing is, we are talking about—granted it narrows the process of what we are going to end up sending back—but the House is going to have to decide whether or not they are going to amend it again.

Now I see my distinguished friend from Utah here. And I see two of the brightest staff people in this place here sitting next to him, Mr. Manus Cooney, who is the chief man on the Judiciary Committee, working for Senator HATCH, and Mr. Dennis Shea, who is the guy who always handles the crime issues for Senator DOLE.

And if I am not mistaken, I saw them all weekend; all weekend, I saw them in every meeting I was at in the House of Representatives.

So no one misunderstands here, they negotiated this and the leader of the Republicans under the Judiciary Committee negotiated every one of the amendments that are listed here.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. Sure; without losing my right to the floor.

Mr. HATCH. We did not negotiate. We were invited over by the House leadership to answer questions and help some of the people to understand these issues. Naturally, we did not feel that they cut enough of the pork out of this bill or strengthened the bill enough.

Mr. BIDEN. I see.

Mr. HATCH. So we were there to lend resources and assistance. And in our own humble and feeble way, we tried to do that.

Mr. BIDEN. Madam President, the Senator from Utah or the two staff members, they have always been humble, but I never found them feeble.

To put it another way, let us be real straight about this. I sat in as an invited guest of the Democratic leadership; you all sat in as invited guests of the Republican leadership. We ended up with each other in a room.

You would say things like, "Now, we can't agree with that." Even though you were there with the House Members, you would say or Dennis Shea would say to me, "No, no, the leader can't go along with that." And I would say, "Well, look, we will have trouble passing this through the House."

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will.

Mr. HATCH. If we did say that, and I do not recall doing that, but if we did, we did because we, as Senators, could go along with that. We did not, in our meeting with the House people, tell them what to do. They would have resented that, and rightfully so. But when we were asked, "What do you think about this?", I always candidly gave, like I say, my humble opinion.

Mr. BIDEN. Madam President, that I respectfully suggest is a distinction without a difference. What I am being told by some of the Republicans is that one of the problems is a deal was cut on the House side and the Senate Republicans were not in on it. Well, if they were not in on it I do not know who I was sitting with. What I am not saying is they could control the outcome. All I am saying is—and I am not at liberty, I guess, to list the amendments—every one of the amendments here that are listed, every single one, was the subject of a 72-hour marathon negotiation, every one of them, with the Republicans in the House of Representatives; every single one of these amendments.

Maybe these Republicans in the Senate were not part of it. But I doubt, if

I came over here and said, you know, I was no part of the negotiation; I, JOE BIDEN, was no part of the negotiation this weekend—every press person in this place would look and say, "Hey, BIDEN, I saw you at every meeting. You were mouthing off at every meeting what could be accepted and not. You were in there, saying the Senate will not accept that, the Democrats in the Senate will not accept that, we cannot agree to that." Granted, it was the House who had to make the deal with the House.

Mr. HATCH. Will the Senator yield on that?

Mr. BIDEN. Sure.

Mr. HATCH. The fact of the matter is that we did not sign the conference report. I was there at 2:30, 3 in the morning on Sunday morning, and I refused to sign the conference report and vote for it. All Republican conferees also refused to sign the conference report. We turned it down.

Let me not mislead. We were pleased that the House, basically freshman Congresspeople, negotiated $2.5 billion of pork out of this bill. That pleased me no end. Now there is only $5.3 billion left of real pork in this bill; $5.3 billion does not mean much to some of my colleagues around here, but, you know, in Utah that is a lot of money. I suspect it is in California, too. I know it is in Delaware.

Mr. BIDEN. Madam President, I believe I have the floor. I would say sarcasm does not become my friend as well as——

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. The Chair will ask the galleries to understand that you are guests of the Senate, and will ask you not to register your opinions on the debate that is ongoing.

The Senator from Delaware.

Mr. BIDEN. The point I want to make is this is being characterized as somehow these House folks over there, they just got together and they did this thing and, golly, no one knew what the heck was going on here and nothing happened here. I mean, one of the amendments listed on here is the Gorton amendment, the sexual predator amendment. I pushed to accept the Gorton amendment. I convinced the Democrats to accept the Gorton amendment. The Republicans in the House rejected the Gorton amendment, so help me God, for example.

There are other things in here: Strike assault weapons ban. We spent, all of us who were over in that body for Friday, Saturday, and Sunday—endless hours debating with Democrats who were against the assault weapons ban, as well as Republicans. My point is, all of this has been debated.

I say it for the following reason. Not to suggest that my friends on the Republican side—the minority of the minority who accept or want all these amendments, or some of these amendments—not that they were happy with every agreement. But a lot of the agreements they were happy with. A lot they were not. That is called compromise.

But that is not the point. The point I wish to make is this. Whatever we do here on the floor as we readdress these amendments, which the majority leader is agreeing to allow to happen, but not on this conference report that requires it to go all the way back to the House and be redebated—they just finished. The Republicans and Democrats finished 3 weeks—and 2 marathon nights until 5 o'clock in the morning—on these very things. They have already told us what they think, Democrats and Republicans, in the House.

Now my friends want us to take this same bill, come up with a—which is legitimate, which we have not that I know of done before—take the conference report, which is not amendable, make it the new business as if it were a new bill, and start the process all over again from scratch—from scratch. And then, even if the House, after accepting this changed law—assuming they won these amendments on this side, in a new bill sent back to the House—they then can debate it, amend it, do whatever they want with it. And if they pass a bill, which surely will be different than the one we pass—House and Senate always is that way—then we go back to conference again.

I love my friend from Utah, but I would so much rather get to see my wife for a change instead of him.

We will then sit in a conference until 12 and 1 in the morning, maybe 2 in the morning.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will not yield at this point. I will be happy to yield in a moment.

Mr. HATCH. All right.

Mr. BIDEN. We will go through this whole process again, Madam President, and then we will come back here again. And then we may be faced with the exact same thing—another budget point of order. Which takes me to the budget point of order.

The reason this is a mildly disingenuous exercise is if we do exactly what the Republican leadership wants us to do, there will still be a budget point of order that will lie. Let me explain why this budget point of order—this is dangerous to do with the knowledgable former chairman and ranking member of the Budget Committee—but the reason why there is a budget point of order that lay in the first place is as follows. We established a trust fund. That is a way, I say for those who are listening, to guarantee that there is money there so it does not have to be subjected every year to a new authorization and appropriations process.

We can argue whether or not there is enough money from cuts to go in the trust fund but the trust fund is a principle we do not often use. To the best of my knowledge, we have never used it before, other than the highway trust fund. That is a different thing.

So, we set up this trust fund. The thing that violates the Budget Act is that act, in and of itself. If we decided to put 50 cents in a trust fund, it violates the Budget Act—50 cents. So my friends here—not my friends; some of the press and some of the public and some of the membership here—are a little confused. They think the reason there is a point of order in order is because we passed a $23 billion bill, they passed a $28 billion bill, and we have a $30 billion bill here. That has nothing to do with it. This is a technical point—an important technical point, but a technical point. It is not about spending too much money. It is about us changing the way in which we do business, of establishing a trust fund without it having gone through the Budget Committee first.

The principle: Because, to get technical, it lowers the caps and when you lower the cap—this is all technical jargon no one understands except a few of the people on the floor here, but the bottom line is, it is not about having spent more or less money.

The second point I would like to make about that is, keep in mind, even if we did everything the Republican leader said, even if somehow all this could be done, we are still back here faced with the exact same problem. What happens if, after all this new compromising going on, a bill comes back. And if I add it up, and I guess I am not at liberty to say what the proposed amendments were, but if I add up the amendments, there is a $1.2 billion further cut in prevention programs. That will still leave us with a bill, by the way, that is $6 billion more than the one passed out of here.

If we passed every single Republican amendment that was shown to me, we would still end up with a bill that is close to $30 billion. As I read it—and it is a quick calculation, Madam President—we would end up with a bill that was $29 billion or $28.888 billion. I may be off a little.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will yield when I finish these points.

Mr. HATCH. You are off by $2.8 billion.

Mr. BIDEN. We can debate that. If I have permission, at the appropriate point, I will be happy to enter into the RECORD the list of proposed amendments that were given to me. But I am told that is not appropriate yet, so I will not.

Now, what happens is this budget point of order. The point of order arises because the trust fund is within the jurisdiction of the Budget Committee but was not considered by the committee before being added to the crime bill. Of course, the Senate as a whole carefully considered the trust fund at the time we passed the crime bill on the floor, where it enjoyed overwhelming bipartisan support, and no one raised a point of order.

But every Senator on the floor at the time we did this awful thing of violating the Budget Act—which is a technical change—every Senator on the floor was told that the trust fund was subject to a point of order at that time, back in November, by none other than my friend from New Mexico. On the evening the Senate passed the Byrd amendment that established the trust fund, Senator DOMENICI said:

> I am sure the distinguished chairman—

Referring to Senator BYRD.

> agrees with me that the pending amendment violates section 306 of the Congressional Budget Act.

Said another way, "Listen up, everybody in this body, you like the trust fund, you like the idea, but I want you all to know that it violates the Budget Act."

Then Senator BYRD responded:

> I do concur. I wanted to be clear that a 60-vote point of order does lie against the pending amendment—

The Byrd amendment, that is, the trust fund.

> the distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie. May I say to the Senator, I will just as zealously guard the legislative process in the future as I have in the past. It was only because of very extenuating circumstances throughout this country today that I think cry out for solutions that I have taken this approach.

And after this recognition, Senator DOMENICI joined Senator BYRD in an amendment as an original cosponsor and stated:

> I think this is historic. From my standpoint, as money is saved from reducing the work force of the United States, I join in saying that we are going to spend it, and we probably ought to spend it for the most serious domestic issue in the country.

So this thing that we are now raising a point of order on everybody knew existed but because, as Senator BYRD said, there was an overwhelming emergency—crime in our streets—and an overwhelming need to get police and prisons and the rest out there on our streets, everybody at that time said, "Well, we are, in this extenuating circumstance, by implication going to waive the Budget Act because a point of order was"—anybody could have said, "Hey, you need 60 votes to do this." But it was clear that everybody wanted to do this and everybody thought it was appropriate to do this.

Indeed, since the Senate acted, Republican Senators have insisted that the trust fund be a part of the crime bill. In fact, Senator GRAMM went to the floor of the Senate and offered a motion to instruct conferees to insist that the trust fund be put in place prior to the House-Senate vote.

Why would Republican supporters of the trust fund who on five occasions, after having been told since November, having been told that a point of order lies, having been told that, technically, we are not supposed to do this, having been told by Senator BYRD that crime is such a problem we must do this and not waste any time, having agreed with Senator BYRD that the urgency required that, and then having voted five times—five times—and let me be very precise on what the votes were five times.

The first vote was the Gramm amendment locking in the Federal bureaucracy for fiscal year 1994 to 1999 on October 28, 1994, violating the Budget Act. That was voted 82–14. Almost all the Republicans that I am aware of voted for it, to violate the Budget Act.

Then the Byrd amendment establishing the violent crime reduction trust fund of 1994. That is when BYRD acknowledged, DOMENICI, BIDEN, DOLE and everyone acknowledged, that a point of order lay but no one was going to raise it because this was such an important deal and we voted 95 to 4 to not insist on this technicality.

Then the Gramm amendment to add the violent crime reduction trust fund to the Federal Work Force Restructuring Act of 1993. We voted on that on March 11, 1994, knowing that it violated the Budget Act, just like this does, but knowing it was important to do, and we voted 90–2 to do it, with almost all the Republicans voting.

Then we had a fourth vote, a Gramm motion, because Senator GRAMM, who was one of the authors of this trust fund—it was one of his ideas, he and Senator BYRD—he was worried because the House of Representatives did not have a trust fund mechanism in their bill; that they did it by the normal authorization process, which means there is no guarantee the money would be there. He stood up and he said, "When you go to conference, BIDEN, we, the Senate, instruct you to insist that you don't bring back any bill that doesn't have a trust fund," which—parentheses—violates the budget point of order, violates the Budget Act and a point of order lies.

Mr. WARNER. Madam President, will the Senator yield?

Mr. BIDEN. I will not yield.

Mr. WARNER. Will the Senator yield for a question?

Mr. BIDEN. Not until I finish this point. Then, again, for a fifth time on May 19, 1994, we voted again. This time on a Biden motion to instruct the crime conferees to support the trust fund. That was May 19, 1994. That passed 94 to 4.

To this list, we could add the vote on final passage of the Senate crime bill, which occurred November 19, 1993. That passed 95 to 4. And we could also add the fact that the Federal Work Force Restructuring Act of 1993 passed by unanimous consent on March 11, 1994.

Mr. HATCH. Will my colleague yield?

Mr. BIDEN. I do not yield. In every instance, every single instance, everybody on this floor knew that they violated the Budget Act. Every one of those votes violated the Budget Act. Everybody here knew they violated the Budget Act because my distinguished friend from New Mexico in November said, "By the way"—and I will not go back and read the quote again—"By the way, everyone should know that what we are doing violates the Budget Act."

Mr. HATCH. Will my chairman yield?

Mr. BIDEN. I will not yield. Very clearly, I will not yield.

Now, let me read a few more quotes about this horrendous thing that we are going to vote on where we violated the Budget Act and now they want 60 votes on a point of order because of this terrible thing we did in violating the Budget Act which five times—seven if you count the two votes on setting up, passing the bill out of here, and on the bill to pass by unanimous consent, the Federal Work Force Restructuring Act of 1993.

Mr. DOMENICI. Except that one is not subject to a point of order, I say to my friend.

Mr. BIDEN. I correct myself.

Six times, six times, six times. Now, all of a sudden, we come back with a bill, the same bill, same principle—more money, but keep in mind, as when the Republican Senator from New Mexico gets the floor, he will point out to you it does not matter whether we spent 10 cents in the trust fund or $10 hundred million or $60 billion. The number is irrelevant. It is the establishment of that fund. That is what violates the Budget Act.

That is what requires us to vote, requires me as the manager of this bill to get a crime bill now in America after 6 years of this, requires me not to get 51 votes to do the people's will, because everybody knows there is not only 51 here—I predict to you, if we ever get to it, a straight up or down vote, I predict to you 65 Members of this body vote for it. But I know 55 are for it. I do not guess about it. I know 55 are for it, and they know it. And so instead of allowing us to vote on the crime bill, they are now raising, 6 months—what, November—6 months, 7 months, 8 months later, "Point of order, point of order, 60 votes, BIDEN, don't get by with 51, 60 we want now."

Now, let me go on. Let me read some of the quotes at the time.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will not yield the floor. I will not yield the floor.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. I will be delighted to yield the floor when I am finished.

Now, on November 4, 1993, one of the distinguished Members of this body said:

He—

Referring to Senator BYRD.

was the one who came up with the funding mechanism—

That is, trust fund.

I just want to personally compliment him for it, plus the ability to put this together in the way we are putting it together.

Senator ORRIN HATCH, November 4, 1993.

Senator DOLE:

From day one, Republicans have insisted that any crime bill we pass must be fully paid for. Security has a price and it is a price that we at least attempt to pay by establishing a violent crime reduction trust fund. In the months ahead, we will see whether it lives up to its trust fund commitment.

November 9, 1993.

Point of order lay then requiring 60 votes. Not asked for but pointed out a trust fund is necessary. Then the following quote.

On a motion to instruct, the crime bill conferees, first of all, asked our conferees to stay with the funding mechanism that Senator BYRD offered.

That is, trust fund.

I was a cosponsor of it. It was a broadly supported, bipartisan effort. So the first thing I want our conferees to do is stay with our funding mechanism.

That is, the thing that violates the Budget Act. It says, "In was." It must be, "It was."

It was endorsed earlier in the House and has been adopted three times in the Senate. Every time we have gotten down to the goal line trying to make it law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the street, and no effective crime bill.

"It" meaning the trust fund. Senator PHIL GRAMM of Texas, November 19, 1994.

Mr. DOMENICI. Will the Senator yield?

Mr. BIDEN. I will not yield.

Now——

Mr. DOMENICI. Will the Senator yield for a question?

Mr. BIDEN. I will not yield for a question. I will be happy to yield for the questions and/or the floor when I finish this larger point I wish to make.

Now, to my Republican colleagues, some of whom—I have not heard anyone in particular—I am sure will say this is such an extraordinary thing we have done, the Republicans proposed and passed several times motions to waive a point of order on the budget.

The Treasury-Postal Service appropriations bill. Senators all agreed that this was necessary—72 Senators all agreed that this was necessary based on some changes in the tax structure that were made as part of the repeal of the luxury tax on boats. But this added to the deficit, CBO scoring $6 million for fiscal year 1994, $25 million for fiscal year 1995, because establishing a new system costs more than the tax revenue corrected. Yet on a Republican motion, we waived the Budget Act, even though it did not go through the Budget Committee.

We did it again on Senator NICKLES' motion to waive a section 305(b) point of order prohibiting nongermane amendments, expressing the sense of the Senate that the Senate should adopt a balanced budget constitutional amendment.

Mr. DOMENICI. Will the Senator acknowledge that the previous point of order was not even under the provision that we are talking about?

Mr. BIDEN. But it was a motion to waive the budget point of order.

Mr. DOMENICI. But it was 306.

Mr. BIDEN. But it was a motion to waive the Budget Act.

I would ask unanimous consent that the other one, two examples where Republicans asked to waive a point of order and Democratic proposals that passed, one, two, three, to waive a budget point of order, and several passed during the unemployment compensation debate—one, two, three, four, additional times—I ask unanimous consent that they be placed in the RECORD, and I will be happy to give—I do not have a copy now—a copy without having to wait for the RECORD, to my friend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OTHER BUDGET POINTS OF ORDER

Republican-proposed and passed:

Treasury-Postal-Service Appropriations, 1995 (June 22, 1994): Gorton Motion to Waive to Permit Consideration of the Gorton Amendment Which Prohibits the Use of Any Funds to Enforce an I.R.S. Prohibition against selling dyed diesel fuel to recreational boaters where the person selling the fuel collects the tax and requires IRS to establish collection system to allow the sale of dyed diesel fuel to recreational boaters. 72 Senators all agreed that this was necessary based on some changes in tax structure that were made as part of the repeal of the luxury tax on boats. But, this added to the deficit, CBO-scoring $6 million FY94 and $25 million in FY94, because establishing the new system cost more than the tax revenue collections. (Passed 79 to 20, 42 Republicans and 37 Democrats voted to waive Point of Order.)

Senator Nickles' motion to waive Section 305(b) point of order (prohibiting non-germane amendments), expressing Sense of Senate that Senate should adopt balanced budget Constitutional Amendment. (Passed 63 to 32, All 40 Republicans voting voted for the motion, and were joined by 23 Democrats.)

Republican proposed, to waive Section 306, but none passed:

Senator Craig motion to waive Section 306 to permit consideration of Senator Murkowski amendment expressing Sense of the Senate to eliminate Presidential Election Campaign Fund checkoff and use funds for natural disaster trust fund. (February 10, 1994; Motion defeated, 58 nay to 37 yea; 36 Republicans voted to waive.)

Senator Dole (for Senator Durenberger) motion to waive Section 306 to permit consideration of Senator Durenberger amendment expressing to establish Natural Disaster Relief Trust Fund. (February 10, 1994; Motion defeated, 54 nay to 41 yea; 34 Republicans voted to waive.)

Budget Points of Order have been waived by Unanimous Consent:

Waiver of Point of Order Regarding Senator Heinz' Amendment Regarding Congressional Action to Remove Social Security Trust Funds From the Definition of the Deficit. (Passed by U.C., June 19, 1990)

Waiver of Point of Order Prospectively for a Senator Chafee Amendment Creating a Refundable Tax Credit. (Passed by U.C., September 23, 1992)

Democratic proposed, and passed:

Omnibus Budget Reconciliation Act of 1993: Bumpers Motion to Waive to Permit Consideration of the Bumpers Amendment which Allows States to Withhold a Portion of AFDC Benefits for Families Whose Preschool Children are not Immunized (June 25, 1993, Passed, 69 to 29; Supported by 39 Republicans and 30 Democrats.)

Senator Ford motion to waive Budget Act directing Secretary of Transportation to establish a National Noise Policy, and other changes. (October 18, 1990; Passed 69 to 31; Supported by 30 Republicans and 39 Democrats.)

Supplemental Appropriations Bill for 1990: Motion to Waive Point of Order to Permit Consideration of Hollings-Rudman Amendment to Increase Spending for the State Department. (39 Republicans Support the Motion to Waive, motion passed—62 to 30, April 26, 1990).

Several passed relating to unemployment compensation:

October 27, 1993, motion waived 61 to 39; 8 Republicans voted to waive.

February 4, 1992, Senator Daschle motion to waive agreed to 88 to 8; 34 Republicans voted to waive.

October 1, 1991, Senator Sasser motion to waive agreed to 65 to 34; 8 Republicans voted to waive.

April 26, 1990, Senator Hollings motion to waive agreed to 62 to 30; 2 Republicans voted to waive.

Mr. BIDEN. Madam President, we are in a situation where now we are told we have this great offer made available to us.

Think about this now. If my friends are so concerned about the budget point of order, how can they make an offer to us to amend a conference report—we cannot do that, but amend the thing that is the same as the conference report—that by their own amendment, unless they have other ones they are going to add that I do not know about, will not take the number back down to the 22-point-something we passed out of here and not be willing to say at this point, by the way, before we do this we should send this all back to the Budget Committee.

How can it be OK in this offer to again violate the Budget Act when they want to amend it because it did not turn out quite the way the Republicans in the Senate, although at least 40 Republicans in the House thought it was OK, the crime bill did not turn out exactly the way they wanted? It is OK not to have a budget point of order when it is written the way they want it, even though it violates the Budget

Act in section 306, I believe it is, the same way as the present conference report does.

Mrs. BOXER. Will the Senator yield on that point?

Mr. BIDEN. I will not yield to anyone.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Now, so here we are. We have a proposal made to us, a good faith proposal by the Republican leader saying if you do the following four things—and the majority leader listed them and the minority leader listed them—the end result of which we do them all, we still are in violation of the Budget Act and a budget point of order would still lie.

Now, why is it OK to avoid the budget point of order and the Budget Act when it is a proposal made by the Republicans and it is not OK to avoid the technical point on the Budget Act when it is a proposal debated here, sent over to the House, debated in the House, sent to a conference, rejected in a conference, back to the House, negotiated in the House, back to a conference, passed by a conference, back to the House, passed by the House, and then sent over here for the last action required before your assault weapons ban becomes law, Madam President. Why is it, among many other things, why is it that now, now a budget point of order would lie?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Without losing his right to the floor, will the Senator yield to permit me to make a brief announcement?

Mr. BIDEN. I would be delighted to yield.

The PRESIDING OFFICER. The majority leader is recognized, without objection.

By unanimous consent, the remarks of the majority leader appear at a later point in the RECORD.

Mr. BIDEN. Madam President, do I still have the floor?

Mr. DOMENICI. Maybe the majority leader could ask if we might have an opportunity to ask questions from the floor. Would he ask that for us?

Mr. BIDEN. Madam President, I have never failed to answer questions. I will, but I will not be interrupted until I finish making these points. I will stay here until 3 o'clock in the morning attempting to answer any questions my Republican friends may have, all of which I probably will not know the answer to but I will stay here and answer your questions.

Mr. DOMENICI. I will not have any. I will just state my own case, I am afraid.

Mr. BIDEN. That is fair enough. That is not a problem.

Mr. WARNER. Madam President, I do have a question when the time comes.

The PRESIDING OFFICER. The Senator from Delaware does not wish to yield. He has the floor.

Mr. BIDEN. Madam President, the other point I would like to make here, that I have heard about, beyond the budget point of order, is that this bill is so radically different, radically different from the conference report, from the bill that we passed out of here. This is a radically different bill and what happened in here is all this pork got added to the bill.

Well, let me point out, when the bill left—first of all, the bill, when it left here, was roughly $24 billion total authorization, $22 billion roughly in the trust fund. OK. Now, the part that made up prevention was roughly 23 percent of that bill that we passed out of here, the part that made up prisons was roughly 27 percent, and the part that made up law enforcement, Federal and State, was roughly 50 percent.

Now, after all this 6 months of debating and negotiating and pleading and cajoling on both sides, House, Senate, Republicans, Democrats, interest groups, the handgun control lobby, the NRA, everybody, after all of that we finally bring back from the House of Representatives a new conference report with one last yard to make to have a crime bill before it goes to the President's desk.

This particular bill for the last 6 or 8 months, this issue for the last 6 years, we are that close to putting 100,000 cops on the street in the next 6 years, 125,000 new prison cells, and you know the rest of the list.

Now, what came back? Well, what did we do? People say, "Well, JOE, how in the devil did you get from our $24 billion figure up to a $30 billion figure? How did you do that? You old, big spending, porky liberal, how did you do that? You just piled pork onto this thing."

First of all, there is no pork in this bill. But that is how—how did you do this?

Well, let me tell you how we did it. The House Members, Republicans, Republican House Members insisted that we spend more money for prisons. We voted out of here, 94 to something, a bill that had $6.5 billion in prisons. We brought back a bill, the House sent back a bill that has $9.7 billion in prisons.

That is over $3 billion more in prisons. So now if you take the trust fund and authorization figure that went out of here, we went from $24 billion to $27.2 billion just by adding prisons.

Now what else did we do? We added more money for cops. Pork? Right? Prisons and cops are pork. We added a total of $1.3 billion for more police. Now that gets you up roughly to—what would that be? That would be $27.2 billion, $28.2 billion, almost $28.5 billion. The new bill is $30 billion. So that got us from $24 billion in total authorization and trust fund up to over $28 billion just by the insistence that we have 3.1-something billion more dollars in prisons, and $1.3 billion in more cops. I support both of those things. Does anybody here not want to do more prisons and cops?

Then it is a process. This is called compromise, you know. This is a body made of up 535 people representing hundreds of millions of Americans with different points of view. Some people in the House said, OK, you are going to do that. Then we want to spend more money on prevention. So it went from $4.3 billion to $6 billion. But when the day was done, one other point had to be made. The bill we passed out of here was for 5 years. The bill that was sent back by the House is for 6 years.

So if you take the bill we sent out of here and add the authorization and the trust fund, it is $24 billion for 5 years. That is roughly 4.7—what is 5 into 24; 4.7 or something like that? That is $4.7 billion a year. So if you added a sixth year, if it makes sense to do it for 5 years, then it makes sense to do it for 6, if we are willing to commit to it. So just that alone would get up to $28.7 billion just adding the extra year.

All this pork, all these horrible things we have done, these giveaway programs that, I might add, every police agency in America that I am aware of endorses this conference report. The mayors, the Governors, Democrats, Republicans, Rudy Giuliani, I believe, Mr. Riordan of Los Angeles, Republicans from two of the largest cities in America support this. I know Giuliani does. I think Riordan does.

This whacko notion, these liberal, wide-eyed Johnsonian Democrats that came out here to spend in a prolific way all the hard-earned tax dollars of the American people on pork?

Let us talk about some of the "pork." There is $100 million of Dole pork in this bill, $100 million for gang—in fact, it is a pretty good idea he had. There are several billion dollars of Domenici and Danforth pork in this bill. There are millions of dollars of Durenberger pork in this bill. What is one man's pork is another man's—I do not know—poison.

So, all this stuff about how this changed so radically, just factor in 6 years, not 5. And factor in the increase of $3 billion in prisons plus $3 billion and more than $1 billion in police, and it answers your pork question pretty fast.

This notion that I heard, because people have raised it with me, is we have done all of these things. For example, you hear on the floor that we want to make mandatory sentences for the commission of a crime with a gun, the implication being we do not. It is a mandatory sentence in the Federal system if you commit a crime with a gun. That is not the debate. The debate is whether the Federal Government should tell every State in the Union not what their State laws should be, but federalize them.

What happened to our States rights, friends? Where have they gone? I guess they went with Joe DiMaggio somewhere. Where are they? Where have they gone? They have gone to town because now what they want to do is federalize every gun offense, and get tough.

Let us tell the States of the Union that we want to get tough, and tell them to write their own law. Forget local government. But we have mandatory sentences for the possession of a gun in the commission of a crime at the Federal level, Madam President.

We are told, OK, we want mandatory truth in sentencing for our prison money. That means that right now 41 percent of the States on average only keep their prisoners in 41 percent of the time.

So my Republican friends in a compromise we reached on the Senate floor back in November—seems like 100 years ago—said no State can get any prison money unless they keep their people in jail for 85 percent of the time just like we do at the Federal level in a law written by yours truly and several others.

The Federal Government: You go into a Federal court, and you get convicted. You get hard time, and the judge has no discretion beyond 15 percent. If it is a 10-year sentence, you go to jail for 10 years unless the judge finds mitigating circumstances, in which case you get lucky and you go 8.5 years; or, unless the judge finds aggravating circumstances in which case you get unlucky and you go for 11.5 years. But you go to jail. That does not happen in the States.

So they said, OK, let us make the States get tougher. In order to get any of this money, we want them to keep their people in 85 percent of the time. Crazy idea, because you require the States to have to spend roughly $12 for every dollar they would have gotten from the Federal Government. But let us assume it was a good idea.

You all voted. You, the Senate, voted to instruct me to make sure in conference that we insisted on our position. Guess what? In the conference, the House did not like that idea. But I insisted. And I insisted on a vote. And guess what? Every one of the Republicans voted against this. Then I get a list saying we want 85 percent. People have to stay until 85 percent. Yet the Republicans in the conference, Senator HATCH voted against it, Senator GRASSLEY voted against it, and Senator SIMPSON voted against it. I voted for it. Me, I voted for it. Screwy idea, but I made a promise.

Why do you think they did not vote for it if they wanted it so badly? Because all the Republican Governors called, and said, "Whose whacko idea was this? I will not be able to use the money because I cannot go to my legislature." And in a Senate bill in order to get $3 billion to dive into that pot to build new prisons, I have to spend $60 billion nationwide.

But, talk about a red herring. But yet we had a vote on the floor instructing BIDEN to go to conference and insist on truth in sentencing. I did, and they voted against it. Is not that strange? Is not that the strangest thing you ever heard of?

We are also told that we do not have a sexual predator law in here. We sure do have a sexual predator law in here. We passed the bill that is really something else. It is in the conference report. Do you know? We passed out of here a bill that was a Gorton amendment. The Gorton amendment said that if you are a sexual predator, or judged to be one by a board of experts, then you would have to go in this registry, and then the localities would have to be notified if you did anything against a child or a person under the age of 18. We did better than that. We passed this conference report. If you commit any sexual crime against anyone of any age at any time, and you serve your sentence in jail, you get out of jail, the State must set up a registry of sexual offenders, and for the next 10 years of your life you are branded. And in every neighborhood you walk into, the police must be told you are there, and the public must be notified. That is what is in this bill. And then if you are adjudged to be a sexual predator, which this board determines, you are then on that registry for the rest of your natural life—not 10 years.

I look down here, and they want the Gorton amendment. I will go back to the weak Gorton amendment and water down this bill if they want to do that. I am all ready for that, if they want. Guess what, they all told me in the conferences—and the Republicans do show up at these conferences—that they wanted a stronger bill. Yet, I see a list saying, wait a minute, we want the Gorton amendment as written.

I happen to think the Gorton amendment makes more sense. It does not brand everyone with a scarlet "A" the rest of their lives. If you committed any crime, the rest of your life you are in this box. It says if you are a sexual predator and you are adjudged to be that by psychiatrists and psychologists, you should be branded. I agree. But what we have before the desk is tough as can be. Maybe they are just a little soft on crime. Maybe they just do not want everybody to be branded. I do not like the idea of branding everybody forever. But they tell me they want to be tough. Well, this is tough. This is tough.

I am also told that what they want is they want to make sure that we have the craziest rule I have ever heard of, the one thing I do not like. I fought against it on this floor, I fought against it in the conference, I fought against it in the second conference, and I fought against it when we were in that marathon session with the House Members.

You know what it says? It is called the Dole-Molinari rule of evidence. It says that if you are accused of any crime of sex, of violence against a woman, that for the first time at a Federal level in our entire history, anyone who ever made an accusation against you, even if they kept it silent, never told the police, never swore out a complaint, never were indicted, never were tried, never were convicted, never were spoken to, that prosecutor can go out and find anybody in your past, 6 months to 60 years earlier, who will say: You know he kind of did the same thing to me, too. And you can bring that person in, put them on the witness stand and they can say, yes, he kind of did the same thing to me, too, or the same kind of thing to me, too.

That is revolutionary. But, guess what? It is in this bill—to my great shame, but it is in this bill. You know how it is in this bill? It is in this bill the following way: The Molinari—or I guess they want to call it the Hatch-Dole-Molinari, or Dole-Molinari-Hatch, or whatever they want to call it—that provision is in the bill. When the overall crime bill passes, within 150 days the Judicial Conference, who I think probably thinks this is a crazy idea, has to write a report. They are the experts, the judges who do all this stuff. Once they write the report, we have to wait until we get to that. After that report comes in, if it disagrees with the Molinari provision, then somebody has the burden—I guess it would be me, because I am the only one out of 535 people who feels this way, or one of few. I get to stand up on the floor and say we should not do this. We should do it a different way. And anybody here can filibuster my attempt to change the law. If at the end of another 150 days I do not get a chance to vote, like I have not gotten a chance to vote on final passage of the crime bill for 6 years, I do not get a chance to vote, a highly unusual process takes place: Dole-Hatch-Molinari, et al, becomes the law. And people are saying they want the Dole provision in the bill. Maybe they should read the bill before us. I wish it were not in the bill, but it is in the bill. I could—and I will not—go on with my frustration about this for another hour. But, Madam President——

Mr. DOMENICI. Are you or are you not?

Mr. BIDEN. I am not going to, but I think I have enlightened my friend a little bit. I think a lot of people have not read this conference report. The things I hear about it are pure fiction—fiction. For example, I turn on the TV and Moses is on TV—Charlton Heston—paid for by the NRA. It never mentioned guns, but that is who pays for his ads. I expect we have seen them. They spent millions of dollars. He stands there and is much better looking than I am, sounds a lot better than I do, knows how to look at a camera and says, "This crime bill out there, it does not have 100,000 police in it. It has only 22,000 police officers." My wife says, "JOE, I thought you told me there were 100,000 cops in that bill. Moses says there is not, there are only 22,000." I tried to figure, how can he say that? How could he come up with that? Everybody knows that is simply not true. How could he do that?

I finally figured it out. I do not think he deliberately misled anybody. I think he just read a bad script. What happened was the crime bill—the one before us on the desk here that we are being prevented from voting on; or we are being required to get 60 votes to get a chance to vote on—it has $8.8 billion total funding for implementing community policing programs, $7.5 billion to cover the $75,000 per year cost for 100,000 new officers over 6 years, and the remaining $1.3 billion to cover the cost of implementing and administering the community policing program, which the Republicans said, along with the mayors, they needed more flexibility to implement this. That is why it is there.

The distinguished Presiding Officer wanted more flexibility, and she was right because her cities are better off and community police are better off. So now the basis of this 22,000 as opposed to 100,000 fiction is, I assume, based on an estimate that police officers get paid an average of $70,000 per year, because at that rate the $8.8 billion would pay over 6 years for only 22,000 police officers. I assume that is how they get 22,000. Divide $70,000 per year over a 6-year period into the $8.8 billion and you get roughly 22,000. But, of course, few police make that kind of money. Nationwide, the average is $30,000 per year, not $70,000 per year.

The conference report does require what we have always required—that States, cities, and localities match the commitment in Federal dollars with their own dollars. But this is neither an unfunded mandate, because no city, State or county is required to ask for the money, nor is it an unworkable requirement. Indeed, under President Clinton's fiscal year 1994 police supplemental budget, the exact same matching requirements are in place. And the cities and towns and States stood in line to participate in the program. In fact, the Justice Department could only fund 1 in every 10 cops that the cities applied for with that $150 million.

Mayors and local officials of both parties strongly support this program, because they want real help in putting more cops on the street, more cops on the street to fight crime. So let me tell you how Moses got 22,000 cops, which is mildly disingenuous if he knew better, if he knew the facts. That assumes that we are paying $70,000 per cop and paying the entire salary and we are doing it for 1 year. That will use up all the $8.8 billion. That is not how we fund any of these local programs. That is not how we fund any of the cops. Are my Republican friends saying that they want to fund the total salary, benefits, and retirement of every local police officer? If they do, fine. To get 100,000 cops then, we would have to have roughly $50 billion.

Mr. DOMENICI. Thirty.

Mr. BIDEN. My friend says 30-some. He is better at numbers. I have not added it up. It may be true.

I have not heard anybody stand up here and say we have $37 billion that the States, cities, and counties have to chip in nothing for, not Federal cops, local cops—in Wilmington, blue uniforms; in New Castle, two-tone brown uniforms; in the State, two-tone blue. They will work for the Government, the county, the city, the mayor, the State legislature, the city council, and the county council. They will not answer to me, the Senator from New Mexico, the President of the United States, nor anyone else. Nor should they.

But the Federal taxpayers are saying because crime is such a big problem, we will pay half the salary for the next 6 years for these cops. That adds up to 100,000 cops, Madam President.

Now, my friends can argue whether or not the trust fund money is real and whether or not the reduction of the work force will be equal to that and whether it comes out of this, that, or that—blah, blah, blah—all of which are arguments we love in this city. It just reminds me of when I was a kid in high school. I went to a school where there was a priest named Father Brunick. We studied Aquinas' "Summa Thelogiae." To make the theological point, the argument was how many angels can dance on the head of a pin.

That is what these kinds of arguments are. But $8.8 billion funded half by the cities and half by the Federal Government, with the Federal Government kicking in $75,000 per new officer hired, adds up to 100,000 cops.

But, as I said, I hear "Moses" and others saying it is only 22,000, knowing full well that is not the funding mechanism in here, knowing full well the localities are supposed to come up with half the money for the 6-year period for these police officers.

Since when, if we federalized the police force, name me a time ever, rhetorically speaking, ever in the history of the United States we ever made that kind of commitment to local law enforcement, ever.

Madam President, I was just handed a note. I just received a call from Mayor Riordan, a Republican mayor of one of your cities, your largest city, I believe—Los Angeles—from Mayor Riordan's office, saying that he strongly supports the conference report. He was in town last week lobbying in the House and has been calling Senators urging them to support the bill that is before us that we are required to get 60 votes to even get to vote on that.

The reason I cite that, not that it means every mayor is for it—I was not sure when I said mayors were for it, like Mayor Giuliani, where I picked two of I think the number one and number two largest cities in America with two Republican Mayors for this.

If this is so bad, and they are only going to get, I heard—I think the rest of that ad goes, where Charlton Heston says 22,000 cops, that is less than one cop per precinct. I think they kind of know. I think that is what he says, is it not? One cop per department, not even precinct.

Let me ask you another question, Madam President. I remember the days when you were a mayor. Let us assume, which it is not, that it only was 22,000 cops; would that not be a good thing to do for the cities and the States? If we want to pay for the entirety of the salary, we can get more than 22,000 because the average salary is $30,000.

People here visiting Washington, once they go back home and live in any town under the size of 50,000 people, you go in and ask the police officers how much money they make and come back, or write me and tell me, anybody listening to this, how many of them make $70,000 a year. I want to know. I would like to know.

So even if you take their silly calculation, which says we should pay everything for the cop's salary, if you look at the average salary, and I think we have to look at the average salary, even that would get you to something like 66,000 cops, or 50,000 cops. But this is what you call creative accounting —$70,000 per cop, with the Federal Government paying every penny of it, which was never done before, by the way.

I want to emphasize again, for the $150 million supplemental that everybody in this body, to the best of my knowledge, pled for us and through the leadership, many people on this floor, we got to the appropriations process, and the supplemental appropriation for every one application they got, every one application they could fill responding to the problems of the States for new cops, where they have to put up 50 percent of the money, the localities, they got 10 applications.

So what does that tell you? Do you think when we put this money out and say we will give you 75,000 bucks as long as you match it, that we are not going to get people knocking down the door?

When we pass this bill, God willing and the creek not rising, when we pass this bill, I am prepared to say to any Senator here, any State that does not want their share of this money that has to be matched, send it to Delaware. Send it to Delaware. I promise you, we will use it. Send it to my neighboring State of Pennsylvania, my home State, which I know well. I promise you, they will use it. Send it to New Jersey, my neighboring State, that I know well, where my wife is from. I promise you, they will use it. And I will feel safer because I live in a metropolitan area. I will live in a tri-State area. I live in the Delaware Valley. Anybody who does not want cops, then do not ask for them; send them my way. Send them to Philadelphia, Wilmington, Trenton, the area I live in. And my daughter will be safer, my wife will be safer, my mother will be safer, and I will be safer. And I will be happy.

Now, Madam President, I hear so many of these astounding claims of what is not in this bill and what is in this bill.

At least they stopped talking about midnight basketball. That was a saying. They liked that for awhile, until they found out it was George Bush's 247th point of light, and it was his idea; until they started looking at it and found out that this midnight basketball is going to get the jive folks—black, white, and Hispanic—who live in the inner city, who to try to see if they can be Michael Jordan; when they found out they were keeping schools open, so gangs could come off the street and instead of being out raping my mother, marauding me, robbing the local store, they are in a gymnasium, where the crime rates according to George Bush—in the program he spoke about, he estimated a 60 percent reduction in crime. I do not believe that.

But assume it is only 20 percent. Assume it is 10 percent. If we could reduce juvenile crime in the areas where we had these programs by 10 percent, would we not, out of a multitrillion dollar budget, spend $40 million? I wonder how many people do not want it in their neighborhoods.

Guess what? You do not just play basketball. You have to be involved. You have to be involved in sports. You have to be in school. You have to be in counseling. Whether you win or lose or draw, depending on what your grade-point average of your team is, whether you are involved in extra-curricular activities, kids who do not belong to anything, have no families, and join gangs for identity when they are very young have a different identity.

My folks in here want to call fat putting Girls Clubs and Boys Clubs in public housing projects, where there is overwhelming evidence, empirical data, where you put a Boys Club in a public housing project and not one in another—the same public housing project, same demographics—crime drops 13 percent.

This is not fiction, Madam President. This is how it has worked for the last 10 years. This is not rocket science, which I have said 20 times on this floor. God bless my mother. My mother's expression—your mother probably had a similar expression and every one of our mothers did. My mother being Irish Catholic, going through schools with the nuns, as I did up to eighth grade, and then priests, my mother put it in semi-Biblical terms. My mother always said literally, not figuratively, when some kids get in trouble because the parents were not home or because they were not supervised or no one was watching, and I said, "Mom, can I go over and play with Smitlap—" I pick a name that hopefully no one has—"Can I go over and play with him?" "No, no; those boys are just hanging on the corner together. They have nothing to do." I said, "Mom, but I am not going to do anything wrong."

My mother would look at me, and I am sure Italian mothers and Polish mothers and every ethnic mother in the world has done this, and say, "Joey, remember, an idle mind is the Devil's workshop." Stated another way, "If you ain't got nothing to do, you are going to get in trouble."

My friend from New Mexico has a truly enlightened program in this bill totalling $525 million. They are really good. I strongly support them, and I fought for them in there in this conference. One of them is $125 million for sporting and recreation equipment, meals, and initial physical examination and first aid and nutrition guidance.

It is a good idea. Is that not the Senator's? Well it was a Republican proposal. I thought he cosponsored it. That was, I think, the Senator from Alaska's proposal on Olympic Development Centers. I think the Senator from New Mexico is a cosponsor, if I am not mistaken.

Now, that is three times as much as midnight basketball. But what is it for? Sporting and recreation equipment, meals, an initial basic physical examination, first aid, and nutrition guidance.

What is that? Is that pork or is that chicken or is that fish? Or is that what it really is, useful and real?

Or the other one, $400 million for child-centered activities; $400 million for supervised sports programs, work force preparation and, because it is Republican, entrepreneurship, tutorial and mentoring programs, sporting and recreational equipment, meals, an initial basic physical examination, first aid, and nutrition guidance—$400 million; 10 times midnight basketball, 10 times.

So my friend from New Mexico sponsored, as the chief sponsor or cosponsor, $500 million for physical examinations, $500 million for first aid, $500 million for nutrition guidance, $500 million for meals, $500 million for sporting and recreational equipment.

I guess we are going to buy the best clubs. Rawlings, I used to like Rawlings. I played center field. My Walter Mitty dream was to be a professional ballplayer. I hope we are going to buy professional Rawlings gloves, not some of the cheap Spaulding gloves. And because I have not played for so long, the Spaulding gloves may be more expensive than the Rawlings gloves.

What are we talking about here? This is politics. These are good programs. They are all designed to do the same thing, same principle—give these kids something to say yes to. As the former First Lady used to say, she said, "Just say no." What do they say yes to?

Well, my friend from New Mexico, who is—and I am not being facetious when I say this. He is an expert on children. He has an incredible family. I mean, I truly do not feel like flattering him because he and I are in an argument now, but he has a number of children who are exceptionally talented. I mean that sincerely—doctors, lawyers, worked their way through school on scholarships, the best schools in America.

How did they do it? By unconditional love, genetic inheritance, being bright, and guidance and supervision.

Well, Mr. President, almost 30 percent of all the children born in America last year have no father and they are not likely to ever have a father. They are born out of wedlock, without any possibility of a father ever darkening their doorway. And they are born into poverty, because of a single mother. They need a little help.

And my friend from New Mexico figured that out. Now, granted he might not like one of the other programs. He does not like the CHRIS DODD portion of this program. I think that is the one he does not like. He will tell us which ones he does not like.

But since when did he or any Republican somehow get a license on wisdom where their half billion on recreational equipment is not as good as the Democratic $40 million spent on basketball and tutoring? It is amazing to me around this place.

Granted, he has more experience with children than I do, because he has had two or three times as many. But I am not a bad father, I do not think. It does not take a rocket scientist to figure out how to give a kid something to do.

So I ask all of you who are listening on C-SPAN, is that what BOB DOLE is talking about in writing in to your Congressman talking about pork? Why is Republican attempts to deal in this to help these children somehow not pork, but the Democratic attempts to do this is somehow this barbecued pork?

It is poppycock is what it is. It is politics is what it is. It is partisan politics is what it is. It is gridlock is what it is.

Well, what other little pork programs do we have over here that we can talk about?

We have a Senator Dole-Senator Hatch pork program. But it is not pork, I might add. It happens, I agree it is a good program, I say to my friend from California. It is $100 million. Let me read what it does.

> To develop and provide parenting classes to parents of at-risk youth, to develop and provide training in methods of nonviolent dispute resolutions in youth of junior high school and high school age, to establish sports mentoring and coaching programs in which athletics serve as role models for juveniles to teach that athletics provide a positive alternative to drug and gang involvement.

That is from my good, tough, nonpork-eating friend, Senator DOLE.

But midnight basketball, 2½ times less money than that, that is pork.

Or we have $36 million for the Secretary of Housing and Urban Development, in consultation with the Attorney General, to enter into contracts with the Boys and Girls Clubs of America, to establish Boys and Girls Clubs in public housing, [and for] a report, that details, the effectiveness of the program in reducing drug abuse and gang violence.

That is a Republican House provision, along with a Democratic House provision, a very solid provision.

Is that pork?

(Mr. MATHEWS assumed the chair.)

Mr. BIDEN. I wonder how many of the men in here work as Scoutmasters, as Cub Scoutmasters, as Explorers, give their time to Little League, Pop Warner League, Babe Ruth League, provide their time and energy to raise money for Boys Clubs, Girls Clubs, YMCA's.

Ask them why they do it? Is it because they just have a lot of time on their hands? Is it because they want to go back to their childhood? Is it because they just like spending other people's money, whether it is tax money or volunteer money? Is it because they are frustrated baseball players? Why do they do this?

For the same reason the Federal Government is trying to help localities that do not have the money and do not have the fathers out there to do it. They do it because they know it helps the young boys. And the ones they try to get are who?

Mr. President, you have been involved in every charitable organization in your State. Why did you raise all the money you did when you belonged to outfits like, and I do not know precisely which ones, but like Kiwanis or the chamber of commerce and all these other things? Why did you do that? You did it because you cared about that kid who is left alone. You cared about that kid that has nothing to do.

Is this pork? Well, I can find some Democrats over here that will think BOB DOLE's nonviolent dispute resolution is pork. I am going to have a hard time selling that one in Alabama.

I am going to have a hard time selling that one in Alabama. I am going to have a hard time selling that one to some of my Democratic friends.

But what is the legislating process all about? Since when did anybody get a monopoly on what is good for our children? When did that happen? When did it become a Republican monopoly, and Democrats know nothing about our children?

I want to point out when I wrote the original bill that started this whole process, the so-called Biden crime bill that passed out of here that had the violation of the trust fund, about which the Senator from Utah stood up and said, as it was going out the door, "Can we call it the Biden-Hatch bill?" —do you know how I wrote that bill? I asked the police organizations in this Nation, the Fraternal Order of Police—give me the list, because I invited them all in before I wrote the bill.

But I invited the police organizations in and I said, "What do you need? You guys and women out in the street are getting the living devil beaten out of you." In the last 10 years we have increased the number of urban police by less than 1.1 percent, I say to my friend from California. They are getting beat up. They are putting their lives on the line for us and they are getting beat up.

We needed to have a special bill passed through here, Mr. President, to allow enough money to let the FBI agents buy weapons as powerful as the drug cartels have. They are getting beat up.

So I invited them in. I did not sit up in a room and write this. I did not go visit with the ACLU—which I have great respect for—and write it. I did not call a liberal confab and write it. I did not call Johnsonian liberals, if there are any still alive, and write it. I did not call any big society people and write it.

I called the cops. And they sat in my office, at my conference table, the Fraternal Order of Police, Dewey Stokes and Don Oakhill, the National Association of Police Organizations, Mr. Skully and his executive assistant, the International Brotherhood of Police Officers, national sheriffs, International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, national troopers, major cities chiefs, International Union of Police Organizations, the Police Foundation, Police Executive Research Forum, and Federal law enforcement officers.

I called them all and they came in and sat in my office and I said, "What do you need?"

They said, "The first thing we need is we need more cops." And they said, "The second thing we need is we need more prisons." They did not raise the exclusionary rule. They did not talk about all these other things. And then they said something interesting to me. If anyone doubts this, go ask them. They said, "We cannot do this job alone. You have to do something about changing attitudes. You have to do something about keeping these kids from getting into drugs and crime in the first place. You have to do something about strengthening the family, because"—how many times did we hear this phrase?—"we are at the end of the funnel. We are at the end of the funnel" the police said.

So I started asking them what works? And we went around the country and we listed, for illustrative purposes, this so-called "Catalog of Hope," listing programs that the police, among others, told us about that in their communities work, that help reduce juvenile crime. We put together this whole book, the Judiciary Committee, majority staff—to be very blunt, I do not want anybody to take blame for it—me. And we listed them all—not all. We listed 180 programs the police told us about. Because, guess what they answer if you go home to your hometown and you ask the local police the following question. Say, "I can give you 10 more cops or I can give you 5 more squad cars, or I can give you more weapons, or I can put in this community five drug rehab programs. I can put in this community major recreational activities to take kids off the street at night." Go home and ask your cops—not your social workers, cops—which they prefer. And come back to me and tell me if they do not say, given the choice, "I want those drug rehab centers. I want those facilities that take kids off the street. I want something to keep kids in school." Because what do we do? We give the police and the schoolteachers remnants of the problems that parents do not solve because of the breakdown of the American family.

So, this pork everybody talks about, this thing they talk about—not only do they have their pork in it, but in there are things that the law enforcement communities of our States and cities talk about.

I am going to say something outrageous. I do not think there is anybody in here—there are many people in here have as good a relationship—but I defy anybody in here to show me they have a better relationship with the police organizations of this country —who, I might add, for the last decade have uniformly endorsed this—I am characterized as a wide-eyed liberal Johnsonian Democrat.

Why do they endorse me if I am such a whacko liberal who put this together? Because I listen to them. They told me what they needed. I may be wrong about what is in here. They may be wrong. But let us make it clear the bill that went out of here with billions of dollars worth of prevention programs that 94 of you voted for, that money got in there not by speaking to any social scientist, not by speaking to any social worker, that went out of here because I spoke to the police. I spoke to the prison officials who run the prisons.

How many of you have been in as many prisons as I have—as a visitor, I might add? How many of you have been out there and talked to as many cops? I suspect the one person, many have, but I know the Senator from California has. Probably more than I have. They say they want cops, they say they want guns, they say they want equipment, they say that want more jails, they say they want tougher sentences. But they also say that will not do it. They need some help in the community called prevention. Like what my friend from New Mexico wanted to spend a half a billion dollars on. Like my friend from Utah, who wanted to spend hundreds of millions of dollars on. That is what they want. And I hear this pablum about, "Well, if you pass this bill you are going to get more social workers than you will police."

Do they not realize—maybe I am wrong. Do they not realize people are smarter than that? They know this is malarkey. It is so discouraging. It is so discouraging.

I did an interview on this the other day and somebody said to me—a well-known reporter said, "Boy, you sure are angry." The one thing we are all told when we enter public life is never get angry. It is not becoming of a leader to be angry.

I must tell you, though, I have never been as frustrated in my whole life—never been as frustrated in my whole life, to come this close after 6 years of working with every police organization in this Nation, putting together a bill they have endorsed every time, to be stopped by the NRA and politics.

I want my friends—because I am going to yield the floor and they can have the next 5 hours, and tomorrow they can have another 5 hours. I want them to answer: Why is Senator DOMENICI's program not pork and Senator DODD's program is pork? Why is Senator BRADLEY's program pork and Senator DOLE's program, to have parenting classes and conflict resolution classes, not pork?

Why is that? Why is it that when the cops tell us what they need, we do not pay attention to them? I know, one of my colleagues on the floor last year, when this was being debated, said, "Of course, the cops want it. All they want is money." That is what he said, "All they want is money. BIDEN has bought them out."

Well, go out and ride in squad cars with them. Go up that two-story, three-story walk up, to that family feud that is going on. Pull over that car on the New Jersey Turnpike or on a California freeway at night and not be sure when that person rolls down the window they are not going to put a Mack-9 in your head and blow you away. These women and men put their lives on the line for us.

Why is it that when we pass a major banking bill everybody knows we have a compromise? Everybody knows when you reorganize the banking institutions of America, you are going to have compromise. We are going to have a big bill that is either thick as this or thick as that because it is complicated stuff that you are going to compromise on.

As my mother would say, where does it say in fine print that nothing can pass unless you agree with 100 percent of it? Where does it say that? I am not talking about fundamental principles.

I see my friend who has spoken on this bill at some length, rightfully so. Senator WELLSTONE is here. There are a lot of parts of this bill he does not like on principle, and I admire him for it. But he fought like the devil to get in this bill money to protect women. He fought like the devil to get in this bill places where mothers and fathers who literally beat each other up and cannot even exchange their children in a divorce settlement when it comes time for visitation, where a child will have a safe place to be. Is he out here saying, "You didn't do it all my way, therefore, you don't get any of it"? Why is it that this is the only bill that we get to and people do that?

I want to give you a clue as to why I think why, and I admit, I have no data to support this. I have data to support other things I just said, but I have no data to support what I am about to say. But let me tell you what I think.

I think it is because crime is very important to the American people and dealing with it is very important to the American people. And I think it is because—I am not speaking of my two colleagues on the floor, I am speaking about this generically—I think it is because for the first time, the American people are over what sort of got laid in stone during the Nixon era: The Democrats were soft on crime and Republicans were tough on crime.

Just like during the seventies, I think the Democrats unfairly said: "The Republicans don't like Social Security and we love it." Social Security was automatically—all through the thirties and forties, during the thirties and forties the Republicans opposed it, it was easy to make the public believe when you would stand there in 1975 and say, "You know, if you elect that Republican, you're going to lose your Social Security."

Some Democrats said that, and some of the Republicans they pointed to were as committed to Social Security as any Democrat was. But because the Republican Party historically had been against Social Security, it was an easy hit, it was a cheap shot and it had some resonance out there.

Just like when I first got into politics, even though I come from this background and ran on a law and order platform, I remember the liberals used to say, "BIDEN is an iconoclast." That was what my newspaper called me, an iconoclast because how can he really be progressive and want to lock these people up? I am sure my friend from California gets hit with that all the time. How can you be a progressive and be tough on crime?

I was not wedded to the notion. Every time Richard Nixon, when he was running in 1972, would say law and order, the Democratic match or response was law and order with justice, whatever that meant. And I would say, "Lock the SOB's up."

Just as it is no longer legitimate to say the Republican Party is against, as a matter of course, Social Security, the Republicans are finding out it is no longer legitimate to say the Democrats are soft on crime. Because guess what? What has every major crime bill that has gotten this far been? A Democratic crime bill. A Democratic crime bill. That is the secret. A Democratic crime bill. A Democratic President wants 100,000 cops. A Democratic President wants to build 125,000 new prison cells. That is the secret. And, boy, is that bothersome.

I do not care whether this is a Democratic crime bill or Republican. I really thought it was a bipartisan crime bill. I really thought Senator HATCH signed on. I really thought we had a bipartisan approach to this because I heard all these speeches. Why was it OK to vote 95-4 for a bill that had 23 percent of its money in prevention and then they require us to get 60 votes to vote for another bill that has 23 percent of its money in prevention, with an extra year added on? Geez. I am sure there are parts of this bill, if they are voted on individually, my colleagues would want to vote against.

I told you the ones I want to vote against. I will do all in my power—which probably will not be enough—to stop this crazy notion that you can let accusations into a trial. That is in this bill. I have to acknowledge that. It is in the bill. I hate it. It offends me. It offends my sense of what the Constitution is about. I hate some of the provisions in this bill. But guess what? This bill is a big bill. It does things that cops wanted done. Not everything they wanted done, but I do not know anything here that is done that they did not want done. Maybe something.

Mr. President, this bill, this bill here is imperfect, and it is imperfect. I think it is imperfect. If we pass this bill, a year from now, there will be scores of women who are not raped that would have been raped. There will be anywhere from 10,000 to 20,000 violent criminals who were not in jail last year that will be in jail next year. There are thousands of children who might have gone the route of drugs that may be playing basketball or in

Senator DOMENICI's program, being mentored by a caring, nurturing adult. There are, over the period of time of this bill—how many people will get in in the first year of the drug courts, would you guess? One hundred thousand kids, young people who today are arrested and convicted for drugs that are now walking the streets accidents waiting to happen, who will be subject to random drug testing, who will be subject to drug rehabilitation, and if they do not do that, they go to jail. Now they are just walking the street, accidents waiting to happen.

There will be women in this country who will be able to take that vicious person they live with, if that is the case, and put him in jail. There will be thousands of women in this country who have been victimized by so-called domestic violence who will be able to take that person to Federal court and sue them and take their car and take their house and take their bank account and have their freedom.

Will it stop crime? No. Will it end it? No. Because one thing conservatives and Democrats agree upon, until we end the Nation's appetite for drugs, there will be drugs. Until we rebuild the American family, not as a Government but within the family, our churches, our neighborhoods, our communities, we will not have children who do anything other than lack an identity, lack a sense of self-worth. Until we better our education so we have fewer illiterate people, we will not have a more wholesome environment in which to live. Until we let those 200,000 people out of jail last year addicted to drugs as they walk out of the jail after serving their time, until we make a dent in the number of them that are in fact still addicted, they will on average commit 154 crimes each over a period of a year.

Mr. President, I hesitate to say this because this should not be the reason to pass it, but it is a way of explaining my frustration. I have never worked on anything so hard in my entire life. I have never been more committed to something I truly believe can make a difference in the lives of average Americans. I have never cared so much about anything than the violence against women legislation that is in this bill to change attitudes about how we treat women in this country in my whole life.

I may be wrong. There may be a better way. There may be wasteful money. There will be money wasted in this bill. Name me any endeavor, any company, any family, any undertaking that deals with 250 million or anything approaching that—250 people, not million—where there is not some ability to point out some waste.

But, my Lord, are we going to deny because of some procedural, mildly disingenuous effort to require 60 votes when we are literally on the threshold—if we were able to vote on this tonight, requiring just a majority, just on the bill, we would pass this bill overwhelmingly and by tomorrow the bill would be on the President's desk. It would be law. And by Christmastime applications would have come in, new police would be recruited in the cities, in the States, in the counties, new prison construction would begin.

But, no, they are probably going to kill this bill, Mr. President. They are probably going to kill it. If I had to tell you right now, as best I count, I am at least a vote away. And you know how this place works. That could end up being four votes if it looks like it is going to pass and losing by four votes if it looks like it is going to fail. And you know what that means.

Let no one make any mistake about it. I challenge anyone to stand on this floor and with a straight face say they believe in their heart, not that it is possible but that it is probable if we turn this bill down that there is any possibility that this calendar year we will have not only not 100,000, even if you take Moses' proposal, "Moses" Heston, 22,000, 2,000, 1 additional cop on the street funded by Federal dollars.

Does anybody believe that? Look, we are all grown women and men in this body. We did not get here—we were not hatched here. We did not get dropped out of the ether to get here. We are very different. We have very different perspectives on lives, on families, on histories, on what is right and what is wrong.

But nobody can tell me, nobody can tell me that they believe if we do not waive the point of order that anything, not only meaningful, anything even marginal will get done for another entire year, because the Senator from Maryland knows we come back and it is a brand-new Congress next year. Were I up for reelection, I might not come back. Maybe my voters could conclude they are tired of me. They may conclude in 2 years they are. But it will be a different Senate. It will be a different Congress. Maybe my friend from Utah will be the chairman of the committee because maybe the Republicans will take over the committee, and then they will try it their way. Maybe. But at least it is going to take a whole additional year.

So I hear this sort of plaintive plea, give us a chance just to make it a little bit better, just a little bit better. Just give us that chance. That is all we want to do, just a little bit better.

Do you know what this is kind of like? It is kind of like negotiating a contract for baseball. We got all the different teams and—I do not know how many—players in baseball, and every one of them had their say what the contract should be between the owners and the players. They spend 6 years negotiating it. They go through all the hurdles, get down to the last point, and 41 of them say, "Let's reopen this. I just want to make a few little changes. That's all. Just a few." As if, by making any one of those changes, that will not set a whole series of dominoes in place and have all baseball teams, all the players back at the bargaining table right where they started.

That is what this is, Mr. President. I do not doubt the sincerity of my friends about their willingness to have some of the—I do not doubt some of the sincerity, for example, in truth in sentencing.

I doubt the sincerity. They voted against it in the conference. That I doubt. But of the other amendments I have seen, I do not doubt their sincerity. I do not doubt the sincerity, honesty or integrity of my friend from Utah, who would like to see to it that the Senator from California does not prevail on her desire to get military-style assault weapons off the street not because he wants to see people shot, because he does not believe that causes people to die and he believes it is a violation of the second amendment and he believes it does not work.

I believe in his sincerity, but we have been up and down that hill scores of times and now we are just about to reach the pinnacle and they say, "Wait. Time out. Time out. Let's start all over. We want to go back and try again this thing that was down here at the base mountain lodge. We want to renegotiate that. So climb down off that mountain now, come back down here in the beginning and let us decide which kind of equipment we are going to use to climb the mountain."

I do not doubt his sincerity on the merits of what is in the bill. But I tell you, this is not the way that we should work for the American people. Let me remind everybody in this body that 6 years ago, 5 years ago, 4 years ago, 3 years ago, 2 years ago, the core bill the Senator from Delaware wrote, which had the input from all of you—it was not my bill. I was not the original author. I am just the guy that put it all together because I have talked to all of you for so many years on this. Some were my personal ideas; most were your ideas, Democrats and Republicans. But I put this bill together, or bills like it, and guess what? I always get them passed out of here the first time. They have always gotten to passing the House—changed. I have always gotten them to conference. I have always worked out that haggling between the House and the Senate, 435 Democrats and Republicans over there, 100 Democrats and Republicans here, worked that out. Then we have gotten it back to the House and the House has said OK—close votes—we will go for it.

Then I literally go home and I say to my sons, "I did it. I did it. It's almost there." And then it gets mugged right about the doorway here. What does it get mugged by? It gets mugged by the NRA, who I have always underestimated.

Let me tell you—and I mean this sincerely—I have an incredible amount of regard for their prowess. And they are totally entitled to do what they do. But I never thought I would see a multimillion-dollar NRA campaign on television never mentioning guns. They have gotten smart. They know the American people do not agree with them on guns. They know the American people think we should have a right to own weapons. They know the American people think the second amendment means something. But they know the American people think they are kind of crazy in some of their stands like the one on assault weapons.

So they do not argue about guns anymore. They argue about pork or liberalism or socialism. I do not know what else they are going to argue about. They will probably argue about what school you went to, before it is all over.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BIDEN. I will.

Mr. SARBANES. On this issue of pork, which is the prevention money—they say that is pork—I would like to ask the Senator this question. Is the money to fund the Violence Against Women Act part of the category of prevention that is being labeled as pork?

Mr. BIDEN. Yes.

Mr. SARBANES. In fact, it is 30 percent of the total, is it not?

Mr. BIDEN. Yes, $1.6 billion worth, for battered women's shelters, lighting in parking lots, lighting in bus stops. I mean, yes.

Mr. SARBANES. This I think demonstrates—I think the Senator has made an extraordinarily powerful statement on this bill. I must commend the Senator for the tremendous work he is doing.

But is not almost 80 percent of the money in this bill for law enforcement and prisons?

Mr. BIDEN. Yes; I say yes. Excuse me—77 percent.

Mr. SARBANES. Is for law enforcement?

Mr. BIDEN. Prisons and cops.

Mr. SARBANES. Another 3 percent is for drug enforcement.

Mr. BIDEN. That is right.

Mr. SARBANES. Twenty percent is for prevention.

Mr. BIDEN. That is right.

Mr. SARBANES. The prevention money, a huge chunk of the prevention money, is to fund the Violence Against Women Act. Is that correct?

Mr. BIDEN. Yes, $1.6 billion out of $6 billion is for the Violence Against Women Act.

Mr. SARBANES. Another large chunk of it, as I understand it, is for the Local Partnership Act, a lot of which will be used for drug treatment and drug education.

Mr. BIDEN. That is correct.

Mr. SARBANES. That is another $1.6 billion. Is that correct?

Mr. BIDEN. That is correct.

Mr. SARBANES. Another part of it, as I understand it—I ask the distinguished chairman this—is in excess of about $800 million to create safe havens at our schools and to have school-based programs to try to provide young kids with a safe place to go when they live in a dangerous neighborhood?

Mr. BIDEN. I say to my friend $810 million. That is sponsored by—it is called the Child Centered Activities—Senators BRADLEY, DODD, DANFORTH, and DOMENICI.

Mr. SARBANES. Let me ask a further question: Is not almost about $400 million of this, which would represent about 7 percent of the money, to provide drug treatment for prisoners in Federal and State prisons who have a drug habit, and you want to get them over the drug habit before you put them out in the community so they do not go out in the community with a drug habit and end up committing crimes to sustain their drug habit and go back into prison again? Is that not also under what is called prevention money?

Mr. BIDEN. I say to my friend it is. Make sure you emphasize that they do not get out of jail a day earlier. This is drug prevention. The implication is that with this drug treatment program, you are letting these folks out of jail. They are in jail. They are behind bars going through this drug treatment.

Do you know what we found out? We found out it took us a while—"we" meaning the academic, the professional community, and the medical community—that the success rate for, if you will, forced drug treatment, that is, going to prison and taking drug treatment, and voluntary drug treatment where the person raises their hand and says, "Please help me, I want treatment," is essentially the same.

Mr. SARBANES. Is there not also money in this bill to get at youth gangs, to try to address youth gangs in a way that will shift these young people off of a path that is taking them down the road to crime and violence and get them on a more positive path? Is that not also part of this legislation?

Mr. BIDEN. Yes. It is now, because a number of my colleagues raised issues about too many individual programs, it is now part of a $300 million-plus block grant program.

Mr. SARBANES. To the local government.

Mr. BIDEN. To the local government so they can utilize it for that purpose and the other purposes that are named in that act, which are parts of other programs I expect the Senator is going to mention.

Mr. SARBANES. They can be used as they choose at the local level. Is that is right?

Mr. BIDEN. That is correct.

Mr. SARBANES. As long as they stay within the parameters of the various programs.

Mr. BIDEN. That is correct.

Mr. DOMENICI. Mr. President, I wonder if you might call on the same approach you did when we asked questions. I have been waiting 2 hours now. The Senator will not yield for a question for anything. I do not want to ask a question. I am wondering whether I will be able to speak before the night is over.

Mr. SARBANES. I say to the Senator I did not realize he had been waiting here for 2 hours. I just came to the floor. I really wanted to press an elaboration from the distinguished chairman of the committee about what is in this legislation. It is important, I think, to identify these very important programs that are under the category of prevention, which I think anyone across the country looking at them would regard as highly desirable programs.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. SARBANES. The Senator is entitled to speak at length. He has worked his heart out on this legislation over the years.

Mr. BIDEN. The Senator from New Mexico makes a valid point. I acknowledge that I feel very strongly about it. I acknowledge that my frustration is intense. And it probably should not be. The first year it was not. The third year it was not. The fourth year it became so, and the sixth year it is.

So I think in fairness to my friend from New Mexico, although we are going to have a lot of days to debate this, I will yield the floor to my friend from New Mexico and tell him that I expect we are going to debate this tomorrow, and the next day as well, and maybe the next day, and that I had committed to do a program on this very subject in a location that requires me to catch a train at 8 o'clock in order to get to the location to be on a program to debate this issue with one of my colleagues on the floor here, I believe, at 11:30 tonight.

So I will yield the floor in this moment and suggest that I will come back to the floor any time my colleague from New Mexico, or anybody else, wishes me to answer any questions that they would like to ask me about my views on this bill.

Let me merely conclude by suggesting to the floor the obvious. There is a lot of disagreement about this bill. This is the most far-reaching, significant piece of anticrime legislation that has ever been offered. There is disagreement on all of the pieces of it. If there was agreement—I thought to finally end it—between liberals and conservatives, liberals saying the only thing that makes a difference is prevention, the conservatives saying the only thing that makes a difference is law enforcement, and the recognition of what most of the American people recognize, that we have to be able to walk and chew gum at the same time.

We have to use enforcement, toughened penalties, and prevention. And we may disagree about whether our idea of community policing is the best way to spend the policing money. We may disagree whether or not we should put more money in Federal police and less in local police. We may disagree whether Senator DOMENICI's prevention programs that he sponsored or cosponsored are better or worse than the programs of the distinguished gentleman from the State of Michigan, Mr. CONYERS, in the House of Representatives.

But I hope we do not have any disagreement anymore that spending roughly 20 to 25 percent of the money we have on prevention is a worthwhile thing to do.

I thank my colleagues for their patience and indulgence. I expect, because I do not know that I have 60 votes, we will be back doing this again.

I would be delighted now to yield the floor. I yield the floor to whomever seeks recognition.

Mrs. FEINSTEIN. Will the Senator from New Mexico permit me to make one comment?

Mr. DOMENICI. Certainly.

Mrs. FEINSTEIN. I appreciate that very much.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have been in this body a short time. I have been a mayor for a long time. I have worked with people on the streets. I have worked with kids. I have worked with criminals, and I have attended a lot of funerals.

I have never in my time in this body heard a finer speech or a speech that was more real. And I just want the Senator from Delaware to know that, and to know that I think any mayor in this Nation that was listening to his speech knew it was an absolute 10, and absolutely correct. And I thank him.

Mr. DOMENICI. Mr. President, Senator BIDEN, did I understand that you were going to have to leave shortly? I do not want you to stay. I was invited to the same event.

Mr. BIDEN. I thought you and I were going to be debating on this program tonight.

Mr. DOMENICI. I decided I would stay here. My wife called me a while ago and gave me advice about tonight, and I will share that with you. I am not going to be on that program, but somebody is going to be. I am still sure you have to be.

Mr. BIDEN. I am relieved that you are not going to be, because you are a little too formidable for this debate. So I am delighted. I hope it is not Senator HATCH that is going to be on.

Mr. DOMENICI. I do not think it is him, either.

Mr. BIDEN. I thank you, and I give you my word that I will be back tomorrow, and any time, as long as you want me to answer any questions.

(By unanimous consent the following remarks of Mr. MITCHELL, though given earlier, appear at this point in the RECORD.)

Mr. MITCHELL. Madam President, it is clear that we will not resolve this matter this evening. Discussions are continuing. Accordingly, there will be no rollcall votes today. Debate will continue for as long as the Senators wish to debate the matter. And we will return to the matter on the Senate floor tomorrow.

I thank my colleague for his courtesy.

Mr. DOMENICI. The only thing I regret is because I feel I ought to answer the questions on the point of order and you will not be here. Obviously, we will have more time to discuss that. I want to speak a little bit tonight in Senator BIDEN's absence. Let me say it is quite obvious that he is very sincere about this bill. It is quite obvious that in his own way, he painted one picture of the issue before the Senate. I do not believe that is the only approach to discussing with the Senators and the people what is the issue. I will choose, in the next 15 or 20 minutes—no more than that—to describe it the way I see it.

First, I firmly believe, contrary to my friend from Delaware, that we will get a crime bill. Second, I do not believe the Republicans who want to have an opportunity to amend this bill see it as a means of killing the crime bill. I have been at a Republican conference just this day for 2 hours, and I heard not one single comment about killing this bill.

Third, just so everybody understands the lay of the field, House Members ultimately—and a very small number from our party, from the Republican Party—got to amend a conference report. As a matter of fact, they worked all these hours that my good friend from Delaware was talking about to get a conference report amended.

Now, the entire argument tonight has been that we should not amend it, and that if we do amend it, it is dead. Frankly, I do not believe anyone in this country ought to believe that. Republican Senators, in spite of what was said about Senator HATCH's attendance at these meetings, had nothing to say or nothing to do about amending a crime bill. And the crime bill conference report had not even passed the Senate yet. We were going to pass on a bill that a set of conferees changed dramatically over what our bill was when it passed here.

So I do not want anybody to think that in supporting our Republican leader and telling him in that letter that is in the RECORD that we hope he will approach the Democrat leader and ask for an opportunity to offer some real amendments, I do not think anybody ought to believe that that is going to kill this bill. There are plenty of powerful people, including most Republicans, who want a crime bill.

I will make one other comment. On three different occasions, and again tonight, I heard my friend from Delaware talk about guns. He repeated it in his own way, the way only he can do. I do not believe guns is the issue in the U.S. Senate, and I believe before we are finished, we will show you that it is not. I mean, there is nothing we can do except tell you that it is not part of it. It is not listed in any of the amendments that we intend to offer. Nonetheless, to find a way to describe us in some manner that takes from us any reason that we might have to offer amendments, and ask that we be permitted to, and make that appear to be something that will kill this crime bill and my good friend Senator BIDEN's 6 years of effort, is overstating the case.

Mr. President, let me talk tomorrow on pork. I will be glad to come down and talk in detail about pork tomorrow. But I am going to talk generally tonight about this idea called a point of order. The Budget Act point of order lies against this conference report, and while it will be described, as was described again tonight, as a procedural point of order, with no basis other than the fact that this legislation was not reported from the Budget Committee, let me just suggest that it is far more than procedural. It may be founded on procedure, but in this case, when we were on the floor, I say to the Republican leader—and this Senator is very pleased that everybody on the other side called me an expert when I was on their side for something; that is very nice, and I appreciate that very much, as I know a little about the budget. But the truth of the matter is that I said let us waive the budget point of order under some very, very rigid circumstances. Anybody who thinks the point of order has not been used on that side of the aisle to defeat important legislation that we had on this side of the aisle, under the guise of procedure, let me just tell you one.

One day not too long ago, the Senator from New Mexico, with Senator NUNN from Georgia, offered a very, very important amendment. In fact, if that amendment was adopted, the defense programs of this Nation would not be in the condition they are this year and next year and the year after, because we decided to offer a budget amendment that said there will be a wall between defense spending and all other spending, and once you set the number, you cannot steal from defense to pay for other things. It is called a wall. Guess how many votes we got when the point of order was raised that that had not gone to the Budget Committee? Do you have any idea? It was 58.

So speaking of simple majorities winning things, we lost that because we could not get 60 votes. Frankly, I did not come to the floor and say: We just defeated America's defense posture for the next decade. I stated my case as forthrightly as I could, and I know I have the votes, but I do not have the votes to defeat the point of order. It was raised by the chairman of the Budget Committee, and it became a very, very important issue.

Some 5½ months ago, on this floor, the history of this point of order is very, very simple. Literally, I walked in that door, right in here, to say to my good friend, Senator BIDEN: Senator BIDEN, you have another crime bill, the same old promises, and no money to pay for it. And there was no money to pay for it. Another big hoax, with all of these promises, just authorizing, but no money.

About the time I said that, Senator BYRD walked onto the floor and Senator BIDEN said, "Aha, here comes Senator BYRD. He will provide the money." And he had this very unusual trust fund concept. But let me make sure that everybody understands that then and there, that day, if any Senator did not think the crime bill was a good bill, they could raise the point of order. None chose to, because they thought that bill and that process was good enough for them.

What we are saying now to our leader is what came back out of this conference is not good enough to waive the point of order, and some of us will raise it. There should be no concern on that side of the aisle, unless there are 41 votes on this side of the aisle.

It just happens that from nobody opposing it on the point of order there is a ground swell on our side to oppose it.

Now, what is different about the crime bill that we between Democrat and Republican budget-knowledgeable Senators and Senators not so knowledgeable now than when we said OK? Let me make the case as simply as I can and hopefully with no budgetese in it. I will try.

First, the bill only covered 1995, 1996, 1997, and 1998. It stopped in 1998, and it provided $22 billion of money that only could be used for the crime bill.

So everybody will know, it took the money out of all of the accounts of Government by reducing what we had to spend in each of the ensuing years of 1995, 1996, 1997, and 1998. We literally took $22 billion out and said you cannot spend it anywhere else but here.

So in one swoop we lowered the amount of money available to spend on Government. It had not one single dollar effect on the deficit because what we spend here we did not spend anywhere else, and it was prohibited that it be spent anywhere else. So it was totally budget neutral for the American people. It would not add one penny to the deficit. So whatever you spend it for not one penny to the deficit, 22 billion dollars' worth.

Now, the second point, and this does go to the issue of what was in the bill, and quickly I will tell you what was in the bill that is not in the bill now. We are talking about pork. I do not like the word, but let us use it because everyone is using it. That Senate bill had $3.6 billion in prevention. The bill before us has $7 billion, almost double. That is a big difference. Anybody that thought you could waive the budget point of order the first time may look at this and say why should I do it now; I am waiving the Budget Act on a bill that has $7 billion in preventive spending when the one I voted for in the Senate only had $3.6 billion. That is a pretty big reason.

Second, and equally as important, this new trust fund is not for 4 years. It is for 6 years. And guess what? The $13 billion is spent in the years 1999 and 2000 and, yes, there is no assurance that it will not increase the deficit. As a matter of fact, that $13 billion has no caps on it. We can spend an additional $13 billion on it and increase the deficit and there is nothing prohibiting us from doing that.

So I would say it is $3 billion more in prevention spending, and it is $13 billion more in deficit spending, and that is enough for one Senator, for two Senators, or for 41 Senators to decide they change their mind.

That is plenty of grounds for anybody in this body to change their mind on the point of order, and frankly, if the leader had not offered to here are some amendments, let us strike a unanimous consent agreement, this bill could fall because 41 Senators might think there is too big a change in the bill to justify waiving the point of order again.

That is as best I can say. I do not have the blood in this bill that my friend from Delaware has, but I believe we ought to do something major in crime. I believe we will. And I misspoke. I said there was no nothing in the amendment list that had to do with assault weapons. I understand it is listed and to that extent on the 13 numbered items it is in there. I still maintain my position that it is not going to end up being the issue those people can say it is, but it is not.

So in closing, Senator BIDEN raised so many issues that it is impossible for me to address tonight, but let us just get it straight with reference to the point of order.

The point of order will lie unless 60 Senators decide they do not want it to lie. Yes, it can be raised at any time on a conference report, on anything, even if you have waived it one time before. That is not the issue.

The issue is, are we justified in raising it now? And the answer I give is "yes." Points of order have been raised for far less than this in terms of real dollars. The $13 billion in the last 2 years of this trust fund are not guaranteed in terms of not adding money to the deficit. What we passed here was absolutely deficit neutral.

Second, the prevention programs have gone up $3 billion in this bill versus what we decided here that we would not raise the point of order on.

So, I only rise tonight because in this respect I have been quoted all day long on the floor about the exchange with Senator BYRD regarding this trust fund, and I said what I said then, and I am saying what I am saying tonight. I believe that I am totally justified in saying to the Senate the first time through, well, as far as I am concerned let us do not have the point of order. That did not mean we had to do that. Senator WARNER could have raised it. Anybody could have raised it.

Now with a bill that is substantially different to stand up and say Senators like DOMENICI helped us get this trust fund through, he ought to be for it now and not be talking about a point of order, unless someone is really saying I have some other motives, and frankly my motive is very simple. I believe we can amend this bill, take some money out on the expenditure side, and do not choose my program over others, just reduce the dollar amount and cut any program you want, put it back to the size it was when it left the Senate and in terms of the 2 years 1999 and 2000, I do not know what you can do about it.

But one might come to the floor and say I will raise a point of order unless you put the trust fund back to 4 years and $22 billion, which is what we really agreed to. We had that money to spend it and it would not break the budget. That would be a pretty logical approach. And if someone said, why do not you do that, Senator DOMENICI, since you agreed to that kind of approach the first time through, and frankly because I do not want to kill the bill.

I want a crime bill. I believe we ought to have an opportunity to make amendments, and I think we will come up with a list of amendments that are not unreasonable, and I believe before we are finished with that, in spite of the impassioned plea of my good friend from Delaware about what is in this bill, that we will be able to say this is a great deal, we are passing the Senate, for all intents and purposes it is the best we ever have passed, and it will not necessarily be exactly the one that came out of the second conference through the nights 2 or 3 days ago with a few House Members from each party and no Republican Senators, who had a lot to do with putting the bill together here, and I might say as much as any Senators in terms of getting the budget point of order out of the way.

I believe this Senator had as much to do about that as anyone. I do not think Senator BYRD could necessarily got that through if some of us on our side said "no, it violates the Budget Act."

So, to accuse me of not wanting a bill now or trying to do something that will kill it is certainly misinterpreting my intentions, and I say that very forthrightly. I believe we need an opportunity to be reasonable in some amendments and we will pass a good bill and, lo and behold, the House will pass it, too.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I am pleased to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. WARNER. Mr. President, the Senator yielded for a question.

Mr. MITCHELL. I thought the Senator yielded the floor.

Mr. DOMENICI. No. I said nothing. He asked me if I would yield for a question.

Mr. WARNER. Mr. President, I will be very brief seeing the majority leader here. But I have worked throughout the day with the distinguished colleague from New Mexico, and I share his optimism that this Chamber can work together in a bipartisan way such as to fashion a bill.

Early today I made reference to the fact that the President telephoned me last night. I was very pleased and indeed privileged to get that call. He is our President, and I am happy to work with him. I took it as a very constructive call. He was convivial and conciliatory.

I felt today in the course of our conference rather than go into an immediate confrontation on the point of order that we would at least assemble and show our support for our leader in an effort to negotiate some package of amendments which would, as the Senator from New Mexico said, reduce the dollar amount and also strengthen some of those provisions that this Chamber adopted and incorporated in its own bill.

That was the purpose of my joining with the distinguished Republican leader, the ranking member of the Judiciary Committee, and the Senator from New Mexico, and others, today in trying to bring about this reconciliation.

But my question is, Do you know of any reason why this Chamber cannot work its will in a manner comparable to the manner in which the House of Representatives worked its will?

Should we deprive ourselves of the same rights—and indeed both bodies, in many respects, are coequal in their responsibilities—to work on this conference report in the same manner that the House did?

That was the question I waited for an hour and a half to address the distinguished chairman of the Judiciary Committee, but, as he said, he was very frustrated and could not take any questions. Tomorrow morning I will propound that question. So I lodge the question and place it at the desk to be asked in the morning.

So I ask it of my distinguished colleague.

(Mr. WOFFORD assumed the chair.)

Mr. DOMENICI. Mr. President, I say to the majority leader, I certainly did not intend to delay him indefinitely. I have waited for 2 full hours and Senator BIDEN, perhaps properly, did not even let me ask a question. And I am not whining about that.

I say to Senator WARNER, first, let me compliment him for the idea of the letter that is forthcoming. It was his idea that, instead of going immediately to a point of order, we ought to try the letter and see if our two distinguished leaders might be able to work out a format for a list of amendments.

My answer to his question is this: Leader DOLE offered to the majority leader, as I understand it, an approach that said we could get a unanimous-consent agreement with time agreements referencing the number of amendments that we might have. Frankly, if that occurs, then there would not even be a lengthy debate in this body. That could be done within a time certain. So I believe we probably could do it easier than they did in reconvening their conference and going all night and being there for 3 days. I think we could do it in a half a day of time on the floor.

I thank the Senator for the question. I yield the floor.

Mr. WARNER. Mr. President, I see the distinguished majority leader. Could I pose the same question to him, as to why this body could not, in a manner comparable to the House, work its will on this critical piece of legislation?

I am not prepared to accept this doomsday note that the bill is dead. Indeed, there have been efforts by many over a period of 6 years. What would a few more days mean? What would maybe just a few more weeks mean to such an important piece of legislation?

Mr. President, I thank the distinguished leader for accepting the question.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, let me make a statement which will include a response to the Senator's question.

The Congress is made up of two different bodies—the House and the Senate—which operate under different rules. But the process is harmonized because the Senate takes up a bill separately in a circumstance in which the bill is open to unlimited amendments. The House takes up a bill separately in a process in which the amendments are generally limited. And then the two bodies act on the different legislation. If they both pass the bills and the bills are different, the bills are then considered in what is called a conference committee, comprised of some Members of the House and some Members of the Senate.

They take the actions necessary to comply with the constitutional requirement which says that any bill, in order to become law, must pass both bodies in identical form. And then the conference report goes back to the two bodies for a final vote in a manner in which the conference report is not amendable.

The reason for the rule and the constitutional requirement, of course, is to establish some degree of finality in the process; that is to say, you have to have a process which can ultimately be brought to a conclusion. Otherwise, of course, no action could ever occur.

Mr. President, the Senate has considered major crime bills for 6 years. There have not been 13 amendments, but hundreds of amendments. There have not been a few days of consideration, but months of consideration. And so, no one should be under any impression that any Senator or group of Senators have been deprived of the opportunity to amend the crime bill. We have had amendment after amendment after amendment after amendment, month after month, year after year. Every Senator has had full opportunity to offer any amendment to the crime bill, and many Senators availed themselves of that opportunity.

Now we reach a point where, in order to meet the constitutional requirement of having a bill passed in identical fashion, after the House passed a bill and then the Senate passed a different bill, and after they went to conference and after they reached agreement, the conference report went back to the House. The House effort to vote on that failed on a procedural vote and the matter was reopened and some changes made.

An erroneous statement, inadvertent, I am sure, was made earlier that no Republican Senators participated in the process. In fact, as Senator BIDEN pointed out earlier, Senator HATCH, the ranking Republican on the Judiciary Committee, the Republican manager, was present on the House side during all of the consideration, as was Senator DOLE's assistant and Senator HATCH's assistant, as was Senator BIDEN and his assistant. That does not mean they controlled the process, but they certainly were present, participated in the negotiation and the discussion.

Now the bill has passed the House and comes to the Senate and we are presented with a list of 13 amendments. Another erroneous statement was made, also inadvertent, I am sure, that that list of 13 amendments did not include any reference to the assault weapons ban. Well, of course, No. 12 on the list is to strike the assault weapons ban.

What I have suggested to my Republican colleagues and I suggest to the Senator from Virginia is that all we want to do is to have a vote on the crime bill. Just let us vote. I am not asking the Senator to vote for it. Let us just have a vote. And then I will commit, using my authority as majority leader, to bring up all of these provisions in the list of 13 amendments and as many others as my Republican colleagues want to add—31, 61, 97—and present that to the Senate so that the Senate can then debate those and vote on those.

Now the response I got was, "But if we do that, we don't know what the House will do with that product."

But, of course, that is exactly true of the proposal that would open up the conference report and vote on these 13 amendments, and if any are adopted, we do not know what the House will do with that product.

So it seems to me inconsistent to suggest on the one hand that a proposal to take this up in a manner that leaves some uncertainty because of what the House might do is unacceptable where we make the offer, but acceptable when Republicans make the offer.

Mr. WARNER. Mr. President, there are two very different proposals. Our proposal is that those amendments be considered in the context of a conference report such that they would be incorporated if adopted by this Chamber.

Whereas, Mr. President, the distinguished majority leader suggests two separate pieces of legislation and one may proceed on to the President's desk and the amendments which the distinguished leader has addressed could lie here forever.

Mr. MITCHELL. But under the alternative suggested by the Senator, the one option he did not mention is that none could proceed to the President's desk— which I suggest to my colleague is at least a part of the motivation here.

It is true that under the procedure I proposed, two might go to the President's desk or one might go to the President's desk. But under the procedure suggested by my colleagues, none might go to the President's desk, and that is what we are trying to avoid.

That is to say we do not know what the House is going to do. And the possibility exists—I do not know what the Senator's view is on this crime bill, but there are certainly some who would like to see some of these amendments adopted, go back to the House, and the House not accept it. Maybe they change it some more, maybe they send it back here. Now we have another request for more amendments. Then it goes back to the House and they have another request for amendments, and pretty soon nothing happens.

I think the Senator will concede that is at least a possibility, and it may well be that some of our colleagues have that hope in mind.

Mr. WARNER. Mr. President, I say to my good friend I do not detect on this side any scheme, politically motivated or otherwise. Our distinguished Republican leader in the conference today—he used no tactics of an iron fist. He knew well the tactics of the late Lyndon Johnson. They were not employed. He simply offered to listen to all options, and we settled as a group on the one to bring to you a proposal, which we feel is not unreasonable, to incorporate into this piece of legislation, which will go to the President, certain amendments, assuming they are acceptable on both sides of the aisle.

Mr. MITCHELL. Mr. President——

Mr. WARNER. Mr. President, the distinguished leader has to admit that the bill that passed this Chamber was roughly $22 billion. It then reached $33 billion, a 50 percent increase. That bore little resemblance to the bill on which this Chamber addressed the many amendments which the distinguished leader talked about.

Mr. MITCHELL. Mr. President, if—

Mr. WARNER. And the fact that Mr. HATCH, who then joined in this dispute, was in fact involved in this conference and a number of assistants—I cannot rely on what assistants may or may not have done. Indeed, it is my judgment that nothing less than the full participation by 100 U.S. Senators is going to meet my requirements. And I think we have given the distinguished leader and, indeed, that side of the aisle a very reasonable proposal.

The President spoke about the need for bipartisanship, and I salute the President for crediting that measure of reduction in the House to bipartisanship. He acknowledged it.

Mr. MITCHELL. Mr. President, I thought I had the floor and was responding to a question.

Mr. WARNER. If I could proceed for 30 seconds?

Mr. MITCHELL. Why do I not yield the floor and let the Senator give a speech, which I think is going to happen, and I will get the floor afterwards.

Mr. WARNER. I do not wish to make a speech. I think the most valuable exchanges are when we have a colloquy and not a soliloquy, which we had here for 2 hours by the chairman.

Mr. MITCHELL. I will be pleased to yield the floor to the Senator if he would like.

Mr. WARNER. If I may just engage the leader for 30 more seconds? The President of the United States acknowledged the fact the bill was improved, I say to the distinguished leader. If the other body could improve the bill, there is no reason why this body could not improve the bill and, in due course, we reach a reconciliation and pass a strong bill to help deter crime in this Nation.

I thank the distinguished leader.

Mr. MITCHELL. I thank my friend. Let me say the Senator is denying assertions not made. I do not know where this reference to Lyndon Johnson and strong-arm tactics came from.

Mr. WARNER. Mr. President, I was talking only about our conference and how our leader was very evenhanded in that conference.

Mr. MITCHELL. I am certain of that. I have the greatest affection and admiration for your leader. We work together all the time.

Mr. WARNER. Oh, he is here.

Mr. MITCHELL. But I do not want any suggestion by the Senator denying an assertion to create the impression that I made such an assertion. The denial came out of thin air. There was no allegation of anything. It is as though, having listened to the Senator's speech now, I made a denial that he had committed a crime or something. There simply is no relationship between the denying and anything I said.

Mr. WARNER. I regret if I misspoke. I simply tried to characterize our conference as a very democratic procedure in which all members participated and there was no heavy-handed tactic by our leader and we acknowledged among ourselves that the best course of action was not confrontation in terms of a point of order but to come and present to you through our leader a very reasonable proposal for a relatively small number of amendments to reduce the cost of the bill and strengthen certain provisions along the lines of measures adopted previously by this Chamber.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I thank the Senator for his comments. Reasonableness, like beauty, is of course in the eye of the beholder. I have to think the proposal that I made is more than reasonable. But it was not accepted that way so it is a matter of judgment, highly subjective on both sides, as to what is reasonable.

My feeling is that we have been at this for 6 years on this bill. We have gone through all of the required procedures. There have been hundreds and hundreds of hours of debate. Last November, I am advised, we debated it for 11 days. There were almost 100 amendments.

There should be no suggestion or implication on anyone's part that there has not been the fullest opportunity for the debate of amendments. There has been hardly a subject that has been more debated and been the subject of more amendments than the crime bill. So no one should be persuaded by this discussion that somehow there has not been a chance for amendments. There have been hundreds of amendments over months of debate, bill after bill, on the crime bill.

The question now is whether we bring this to a conclusion or whether we have continued delay, continued discussion in what may well result in no bill at all—no bill at all.

Whether that is anyone's intention or not I do not know, but certainly that is one of the real, potential effects of the course of action that has been suggested—to change this bill in a way that makes it unacceptable to the House, produces no final action there; they change it, they send it back here. Then another demand for more amendments and more changes, and on and on until, of course, no bill passes. Everyone in the Senate knows that the Senate's rules permit delay by a variety of means. One of them is unlimited amendments. The Senate's rules permit any Senator to offer any amendments, as many as he or she wants for as long as he or she wants.

My hope is that we can reach an agreement that would permit us to vote on the crime bill—simply to vote on it. And then I will be prepared to take up any list of amendments, any list of subjects that our Republican colleagues want to have debated and want to have voted on. It seems to me that is a reasonable request.

What we are told is they want to have these subjects debated and voted on. If the Senate passes them, well, then the Senate passes them. If the Senate does not pass them, well, then the Senate does not pass them. That is to say, let us let the Senate work its will on both the amendments and on the bill itself.

It seems to me that is a fair and reasonable request. I accept the fact that others would not find it attractive. But as I said earlier, what is reasonable or not reasonable depends upon your perspective.

Mr. President, did the Senator wish to ask a question?

Mrs. BOXER. I ask the majority leader—I thank the leader for yielding, Mr. President, for a question.

I come from the House of Representatives—there for 10 years. I think when the Senator from Virginia asked the question, "Why can the Senators not have the kind of input that those Republicans had in conference?" I think the majority leader answered it. But I would like to bring that focus even stronger, which is this: In the House, is it not so that we have very strict rules which limit amendments? Sometimes bills are not amendable at all; sometimes they have just a few options. In the Senate, we have the right of unlimited amendments. So I think to say that Senators did not participate to the extent that House Members did, in my view, having served there for 10 years and I think—maybe the Senator from Maryland—he served there.

Mr. SARBANES. Six years.

Mrs. BOXER. So we do have a couple of us on the floor who remember those days. It is quite different. Here a Senator can amend a bill to death and, frankly, I think this is what is going on here. But I say to my friend, my leader, is it not so that the Senators had an unlimited chance, and indeed, offered many of these, such as trying to fight against assault weapons? This was fully debated, was it not, as were other amendments?

Mr. MITCHELL. As the Senator was speaking, I received a note from staff that the Senate considered the crime bill last November for 11 days, during which it considered close to 100 amendments. In that iteration, we had close to 100 amendments and, of course, we had a major crime bill, comprising many of the elements of this bill before the Senate in each Congress for the past three Congresses.

So we have had, in the aggregate, I am certain—although I do not know the number—several hundred amendments that have been offered in the Senate and many, many days of discussion.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. As I understand the approach the majority leader has outlined, since we understand there is a majority for the crime bill, what precludes us from getting to it is the requirement of 60 votes rather than 51.

Your approach, as I understand it, would ensure the passage of a crime bill and perhaps the passage of two crime bills, depending on subsequent action on the list of amendments. The approach that has been suggested by the other side carries with it the very real possibility that there will be no crime bill, because if the amendments are included in the conference—of course, the House has left—they go back to the House and then you are back and forth again. I mean, this process could go on forever.

Obviously, once it is back there, they say, "We're going to take that; we're going to modify that around," it will get changes, modified, come back, it will get modified around here, and we will not get a crime bill. This chance to put police on the street, beef up the prison system, and all the tough measures that are in this legislation, we would then run a very high risk of losing them altogether. It seems to me that is an important distinction between the two approaches.

As I understand, the majority leader indicated that his approach would assure passage of a crime bill. The other approach leaves very much open that there will not be a crime bill; is that correct?

Mr. MITCHELL. That is correct. If I might say, although none of us present in the Senate were here when the Senate's rules were written, it is obvious that the rules regarding conference reports represent an effort to bring finality to a process which otherwise could have no finality; that is to say, it would be virtually impossible ever to get legislation enacted if we are in a situation where in any form at any stage in the process unlimited debate and amendments were permitted. So I think it is a very important consideration.

Mr. SARBANES. The other point I would make, I ask the majority leader, the House, when it then addressed redoing the conference report, did it in the context of not having been able to get a simple majority to move the legislation forward. The Senate has never been given, as yet up to this point with respect to this conference report, an opportunity to test that matter.

In other words, we are precluded, as I understand the current situation, from getting to a straight up-or-down vote on the conference report, which could then pass by a simple majority by the assertion that there will be interposed a point of order which, to get beyond, will require 60 votes rather than 51 votes.

Mr. MITCHELL. The Senator is correct.

Mr. SARBANES. So the Senate is being denied an opportunity which was presented to the House. Now, it is possible if that opportunity were presented and we could not command a majority, then we would have to address the situation in which we found ourselves. But we are not being given the chance to test that.

Of course, it is my strong conviction that if the Senate were allowed to vote on the substance of the conference report on this crime bill, that a majority of the Senate would support it. The only thing that prevents us from getting there is the interposition of this point of order and the requirement of the extraordinary 60 votes—60 out of 100. Not a majority, not a simple majority, but 60 out of 100.

Forty-one people in effect can thwart or frustrate the majority of this body from working its will and passing this very important crime bill.

Mr. MITCHELL. I thank my colleague. Mr. President, I just noted the presence of the distinguished Republican leader. And so as he would have ample opportunity to make any comments he wishes to make, I will yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I will not take but a few minutes. I know the Senator from Texas has been waiting since 5:30 to speak. I think she has had a 3-hour wait here, so I will take just a few moments.

I do not think the American people really care about how many times this goes back and forth because this is all inside baseball. What they want us to do is get it right and make certain it is a tough crime bill and that we are not wasting a lot of their money. I think that is what the average American—they do not understand this conference business and the fact that there was a rule and they could not get a majority so they had to go back to conference and they, in effect, amended the conference report. That was the net result. They had to change the conference report to get the votes.

That is what we are saying. And we hope to demonstrate in framing the debate, we are going to be offering amendments that were offered and passed on this floor by Democrats and Republicans by 2 to 1, 3 to 1 margins, and all these tough amendments were stripped out in conference.

So we are suggesting, we are going to use the rules, section 306 of the Budget Act, which the Democrats have used 26 times in this Congress; Republicans have used it seven times. Twenty-six times, 79 percent of the time it has been used, it has been used by the party on the other side of the aisle to stop legislation.

Is it all right for that side to use it 26 times, and we cannot use it seven times or cannot use it the eighth time because the House has gone home?

I say I do not think the majority leader and I finished our negotiation. We have a good relationship. We understand the leaders have to try our best to make things work. He made a proposal, or I made a proposal; he made a counterproposal. I since suggested another proposal which I will not discuss because we have not had a chance to discuss it privately, and we may have another idea.

We have a conference, the Republicans, at 10:30 tomorrow morning. And I think, no question about it, once we resolve some of these issues, the conference report will pass. But I am not going to suggest we have to just say, "Oh, well; we're powerless to act because we don't want to use the rules and we don't want to stand in anybody's way because the House has gone home." Or, if we send it back, they might not act.

Oh, they will act. This is a very important piece of legislation. I must say, Republican House Members for the first time got a little piece of the action. They were treated like dogs in the conference, the Republicans. They were ignored in the House. And then the President had the gall to say, "Oh, they used a procedural trick" that the Democrats in the House use every time they bring up a rule in the House.

And finally, 58 Democrats said, "We've had enough," and they voted with 100-some Republicans, and they did not get the rule. They were shocked, and they had no choice but to go back and reopen the conference.

That is the way it works. That is the way the system works. Now and then, the minority—this year it happened to be the Republicans—exert their rights and now and then they are successful. Not very often. But now and then, they are successful.

We are all equal in this body, whether you are from California or Texas, Kansas, or any other State. We all have equal rights in the U.S. Senate, and we all represent different groups of different people in different States.

If you ask, in a survey, do you think we should spend $1.8 billion without a hearing in Congress, without even 5 minutes, without one witness, I bet most Americans would say no. They cannot spend $1.8 that they work hard for without saying, "Jimminy, should I do this?" And here they just blithely, on the House side, put in a $1.8 billion Local Partnership Act, without any hearings, which had nothing to do with crime. It was in the stimulus package last year, which was defeated. And we are supposed to say, "Oh, well; that's fine. It's only $2 billion here."

Maybe we should have had a little hearing. Maybe we should have rolled the dice. Maybe we should have said, well, at least we should let the American people know what it is.

Then it is going to go to a lot of cities that have high tax rates. A city like Wichita, KS, may not qualify because it has a low tax rate. There are a lot of inequities in this bill.

Now, I have not been here long—well, I have been here a long time, come to think of it. Generally, if you have a $22 billion bill in this House and a $27 billion bill in the other House, whatever it is, you get together and you split the difference. Well, in this case the $22 billion went to $33 billion and neither House ever talked about a $33 billion bill. They really porked it up—pork, pork, pork—$2 billion here, $700 million there, $300 million here.

And, of course, all the mayors say this is great. The Senator from Delaware said he had a call from the mayor of Los Angeles. Well, I guess if I were the mayor of Los Angeles or the mayor of New York City, I would probably call in, too.

But somebody has to pay for it. Someone has to pay for it. All we suggest in the alternative proposal I made to the majority leader, which we can discuss tomorrow, is that we have some opportunity to offer some of these amendments—some were adopted by big margins in the Senate—and see what happens in the House. They can come back.

We are also willing to have a vote on the Mitchell substitute on the health care bill. Maybe we will have back-to-back votes on the conference report and the Mitchell substitute on health care.

We get a little frustrated being accused of dragging our feet, gridlock, and all these things. We are ready right now to vote tomorrow morning on the Mitchell substitute on health care, and we will try to work out a vote on something here.

So I just suggest that I think—I hope we are sincere on this side of the aisle. We seemed to be this morning. We had a 2-hour conference, very constructive conference, different views, different opinions, different ideas. We finally came together because the Senator from Virginia happened to have talked to the President of the United States last evening, 11 o'clock last night. And he came to the meeting saying is there any way we can do this, that might work it out that might be helpful to the President? And he suggested the letter, a letter to me, signed by 40 of my colleagues, suggesting we negotiate with the Democratic leadership and the administration.

Now, let me also suggest for the RECORD—and the facts are there—my staff director talked to Leon Panetta. When all this came out in the House, he said, "Don't forget Republicans in the Senate have some questions, too." And Mr. Panetta said, "I will be at the Capitol tomorrow. I will come by and see you." I know he is very busy with all these things he has to do, and he was not able to do it.

We also sent word through Newt Gingrich, the deputy leader, Republican leader in the House, and he raised it, as I understand, once at the White House and once at a meeting that "don't think that this action is going to satisfy Republican Senators. You better make certain they are involved."

Now, Senator HATCH was there more or less as an observer. I had staff there as an observer. They were not voting. They did not participate. They did not reject anything, as the Senator from Delaware indicated earlier. They were not voting members. And I was notified what was happening on the House side. But there was never any agreement of any kind that, "Oh, whatever the House does is fine with us."

The House has a habit—I have been in the House—of passing bills and saying, "Just take it or leave it; we are going home." It has been fairly successful over the years.

But I think in this case this bill is so important. We had an amendment taken by unanimous consent, an amendment by the Senator from Wyoming, on criminal alien deportation. If you have illegal aliens, criminals who have committed crimes, they ought to be deported.

What happened to it? It got taken out in conference. We would like to have a vote on it. Let everybody here vote on it. It was accepted the last time that amendment was offered in this body.

We had other amendments, as I said—I think maybe somebody suggested maybe too many amendments. We are prepared, as I told the majority leader informally 30 minutes ago, we will try and reduce the list. We are not trying to drag it out, protract it. We are trying to make a point.

The point is there is too much money in this bill. We left the Senate at what, 3.2? It went up to 9. Now it is 7. There is a lot in here for domestic violence, $1.8 billion, which I think most of us agreed on. That is something we did have hearings on in the Judiciary Committee; the distinguished chairman, Senator BIDEN had hearings. A lot of us participated. A lot of us had bills. So there is no quarrel with that money, and there is probably other parts in here where at least it was brought up in one of the committees and somebody had a chance to testify for or against the effort.

So just so the record is correct, we are well within our rights, and we could exercise our rights just as they are exercised on both sides of the aisle almost on a daily basis. And nobody is saying we cannot.

But we have a disagreement here. We have a President who wants this bill very badly. We do not quarrel with that. We want a good crime bill, too. We think it can be improved. We have got to keep reminding people who only deem it a Federal crime bill, only 5 percent is covered by this bill, only 5 percent of crime, and we are talking about a $30 billion price tag.

There is not any $30 billion trust fund. We were criticized earlier by the Senator from Delaware about how we proposed this trust fund. That was $22 billion. It was not $33 billion. It was $22 billion. The amendment was offered by the distinguished chairman of the Appropriations Committee, Senator BYRD, from West Virginia, because he wanted to make certain, if we were going to pass laws that affected crime, we were going to be tough on crime, we ought to have the money. And I think it was pretty widely supported by Democrats and Republicans. But because we voted for that does not mean we cannot raise questions about anything else in the bill. And that is precisely where we are right now.

Mr. WARNER. Mr. President, will the Senator yield for a brief question?

Mr. DOLE. I will be happy to yield.

Mr. WARNER. Much has been said tonight how 51 votes would carry it but you cannot reach 60. And I say to my distinguished leader, my recollection, when this Chamber acted on its bill, it was 94 to 4 or 5, showing that there was an overwhelming majority of Senators ready to act on a bill which we thought was proper. So this talk tonight about, well, we could do it with 51 but we cannot do it with 60 shows an inherent weakness in this bill and why we should be exercising the rights that we are.

Mr. DOLE. I think that is correct, and again I would say it is suddenly discovered this rule out here, violation of section 306. Democrats discovered it 26 times in this Congress. I guess we have been asleep. We have only used it seven. And you were successful in defeating legislation. One, as the Senator from New Mexico pointed out earlier, was a very important amendment offered by himself and the Senator from Georgia, the chairman of the Armed Services Committee, Senator NUNN, that dealt with our defense. They lost because they could not get 60 votes. They got 58. They could not get 60.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DOLE. I will just say one other thing. There has been an effort by some in the media and by the leaders of the Democrats to say, "Well, this is all NRA."

Mrs. HUTCHISON. Will the Senator yield?

Mr. DOLE. I will be happy to yield and then I wish to close up.

Mrs. HUTCHISON. I just wanted to ask the distinguished minority leader if he remembers another budget point of order on an amendment that I was sponsoring that would have taken the retroactivity out of the largest tax increase in the history of America. There were people sitting out there watching us debate who were paying taxes before we even finished the bill. And in fact, a point of order was raised on my amendment, and we got 58 votes. But we could not prevail because we did not have 60 votes.

So I just wanted to ask the distinguished Republican leader if he remembers that that was another time when the majority did not rule in this body.

Mr. DOLE. That was another time. In fact, we will make the entire list available for the RECORD. I have forgotten all the times it has been used successfully. It has only been used and only prevailed on three times that I recall.

But I want to say one word about the so-called gun lobby, that somehow the NRA, the National Rifle Association, is out there, and that the Republicans are wrapped up in guns. We are all getting a lot of calls. I know a lot of NRA members are pretty decent people.

Guns have never been an issue. It was not an issue in our conference this morning, I might say. But I guess when you sort of look at surveys, well, the Senate has wrapped the guns around the Republicans and they will cave in.

I know the Gun Owners of America, another group, have a little different view. They are blaming me for the Brady bill that passed because I sat here with the majority leader and everybody else had gone home, and we made an arrangement. We let that bill pass. I was picketed, and they called me a traitor, and everything else, and some things I cannot repeat, because that happened. They said it was my fault. I could have stopped it. We are being deluged with calls now saying, "Filibuster, don't cave in. You can do it, stop it. Stop this bill."

I do not think there are enough votes to filibuster that provision. I think that was demonstrated when the crime bill was on the floor before.

But there are a lot of other people calling in too, calling in about pork. Maybe they do not understand what pork is. But they have heard the word. Whenever they think of the Capitol they think of the word. They think about their pocketbooks and who is going to pay for it.

So I just suggest that maybe there are a lot of different agendas around here, a lot of different motives. But I have to think the bill that passed the Senate 94 to 4—I cannot remember the four who voted against it. I do not know who they are. But four voted against it. I think somebody voted "no" because of too many death penalties; two Members for that reason, and two others for the other reasons.

Now, if we were not sincere about a crime bill, we would not have voted for that bill with $22 billion. A lot of these tougher provisions were taken out by the liberals, the House conferees. And that is what happens in these conferences.

The Senator from Wyoming can tell you a story that will curl your hair—it will not curl his. But it will curl your hair. [Laughter]

In 1992, they decided to have a little conference during a football game at half time. So they called the Senator from Wyoming in for the conference. The Democrats did, of course. They never let him do anything after he got there. He missed half the game, and did not have one ounce of input into the conference. I do not think that is the way people think the Government ought to work, that because you have a majority means you get your way, and we just stand aside. Maybe that works for awhile. But it will not work forever.

So we are prepared, as I indicated to the majority leader, to continue to see if we cannot resolve this in a way that protects our rights, and does what he wants to do, to get the conference report to the President as quickly as we can. Hopefully, the section on the proposal which we will discuss tomorrow will be closer to reaching that objective. We will talk about that later.

But I hope that people understand we are going to be in tomorrow at 10:30. We have 41—contrary to an AP story saying someone signed a letter—not going to vote that way. As far as I know, they are. That is what they told us. We did not break any arms in the process. That is not my style, as the Senator from Virginia indicated earlier.

But we are just determined that, even though the Republicans in the House made modest improvements—and I do not know how many voted for the bill finally; I think 50-some provided a margin of victory—we can make changes without throwing this thing off course, and still have a good crime bill which the President can sign hopefully in a matter of days.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague. I will of course, as always, be pleased to consult with him further on the matter and to receive and consider seriously and carefully any proposal which he makes. I would like, if I might, make a few comments about the point of order, and the spending in the bill.

When this bill passed the Senate in 1993, it covered 5 fiscal years beginning with the fiscal year 1994. The bill as it returns to us is extended for 2 additional fiscal years. The amounts of money spent in each of the first 5 fiscal years are less under the conference report than were included in the bill as it passed the Senate. I repeat that. The amounts of money in the first 5 fiscal years covered under the bill are less than they were in the bill which passed the Senate. The increased amount is a consequence of the bill being extended into the fiscal years 1999 and 2000.

So no one should be under any impression that this bill increases the spending in the period covered. It actually decreases it in the period covered, and the reason for the larger amount is that it covers additional years which were not included in the Senate bill.

Second, the point of order which our Republican colleagues will make has nothing to do with the amount of money involved. I repeat. The point of order has nothing to do with the amount of money involved. The point of order relates to a provision of law which requires that any bill which includes a change in law under the jurisdiction of the Budget Committee must be reported out by that committee or a point of order lies.

This bill does include such a provision which reduces the spending caps in discretionary spending so as to make certain that the amounts of money involved will go for crime and crime alone, and not for other purposes. That proposal was initially made by Senator BYRD and was approved by the Senate five times in votes; five times. And the very Republican Senators who are now making a point of order against that provision in the bill lavished praise upon that provision when it was proposed, and voted on, and voted on, and voted on, and voted on again.

Indeed, there was vigorous competition for credit among many of the speakers at that time to try to take credit for the idea, the very idea which is now the object of a point of order against the bill.

I repeat. It is not the amount of money that triggers the point of order. It is the provision reducing the spending caps on discretionary spending so as to ensure that these funds will be used only for crime, and not for other reasons. So I hope everyone understands that.

Now reference is made to the assault weapons ban. First, let us be clear about the will of the American people on this subject. We have heard a lot of talk about telephone calls that have come into the offices, and let us do what the people want. Every one of us knows that organized telephone campaigns are a regular phenomenon in American political life, and we can all energize a group of our own supporters to call us up, and tell us what they think we should do so that we can come out and report that the phones are ringing off the hook, and I have gotten 383 calls today, or 979 calls tomorrow. Clearly in some cases they may be representative of the broader public will. In others, they may represent only an aggressive and energized minority trying to get their view across. We should listen to them, and give them weight. But obviously, ultimately the decision must be ours.

With respect to assault weapons, it is very clear that a ban on these assault weapons is overwhelmingly favored by the American people. The latest public opinion poll shows 77 percent of the American people favor a ban on assault weapons. Previous polls showed as high as 80 percent. That is why there is an obvious effort to downplay the assault weapons ban as a reason for trying to delay or kill this bill and to suggest as an alternative that it has to do with spending. But, in fact, that is a prime factor in the opposition on the part of many Senators, even though it is overwhelmingly favored by the American people.

If we are so concerned with acting in accordance with the will of the people, then should we not be passing a ban on assault weapons, which a most recent poll shows is favored by 77 percent of the American people?

Mr. President, I will not prolong this, because I know the Senators from California, Texas, and Maryland may be waiting to speak.

Finally, reference was made to the fact that some amendments which passed the Senate were dropped in conference. Well, Mr. President, that is a daily, regular part of our process. In fact, I will never forget when I came to the Senate and when I first got on the Finance Committee, Republicans were in control of the Senate, and Republican Senators brought out large tax bills, and I can remember the discussion about, "Well, we will take this amendment and we will drop it in conference," as had Democratic managers of tax bills. Every single Senator stood right here where I am standing at some time in his or her career and heard that statement made. "We will take that amendment now, and we will drop it in conference," so as to avoid a controversy, or to avoid delay, or for other reasons.

No American should be under the impression that there is anything extraordinary or unusual about the fact that a conference report that results from a conference between the House and Senate are two different bills and is not identical to the bill which leaves the Senate. Otherwise, you could never have an agreement. The House passes a bill which has some provisions, the Senate passes a bill which has other provisions, and the only way you can ever get an agreement is to have a compromise, which means that the final result is almost always different from both the House and Senate bills. There is nothing new about that, nothing unusual about that, nothing extraordinary about that, nothing surprising about that. It happens on almost every bill that we discuss.

Senators, of course, have a right to use the rules and to fight for their provisions. But no American should be under the impression that there is something sinister or sneaky or untoward about the fact that the final conference report that comes here is not identical to the Senate bill. Indeed it is not, and I do not ever remember seeing a conference report that was identical to the Senate bill. And the same is true from the House side. They pass a bill that is different, and they then negotiate with the Senate, and they get a conference report that reflects a compromise between the two.

So, Mr. President, I apologize to my colleagues for taking such a long time. I know others wish to speak, and we will remain in session for as long as Senators wish to speak.

I will simply conclude by saying that I hope we can get this done. I hope we can get this bill passed. I think the American people overwhelmingly favor passage of the crime bill. I think they cannot understand all of this delay. I think they cannot fathom why it is we cannot just vote on a bill. Here we have a bill, here we have an institution with Senators ready, willing, and able to vote, but we cannot vote.

Our request is simple: Let us vote on the crime bill.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. EXON). The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I want to associate myself with the comments of my——

Mrs. HUTCHISON. Will the Senator yield for a question?

Mrs. BOXER. Yes; I yield for a question.

Mrs. HUTCHISON. I realize the Senator now has the floor. I have been waiting since 5 o'clock to speak. I wonder how long the Senator might be going.

Mrs. BOXER. I cannot tell the Senator. I do not think I will be too long.

Mrs. HUTCHISON. I will just mention that I have been here since 5 o'clock.

Mrs. BOXER. Many of us have been waiting to speak, and I assure the Senator I will not be too long.

The PRESIDING OFFICER. The Chair simply says that he will try to move back and forth. The Chair had no way of knowing the Senator had been waiting. I recognized the Senator that I thought first sought recognition.

Certainly, the Senator from California has the floor and when she has completed, the Chair will proceed in the usual fashion. I am sure at that time the Senator from Texas will make her wishes known.

The Senator from California has the floor.

Mrs. BOXER. Thank you, Mr. President. As I started to say, I am very pleased to be following the majority leader, because I feel that he has presented a very eloquent case for why we should vote on this crime bill. It seems to me—and I believe to the people of this country—that for a minority to thwart the will of the majority in such a blatant way in such a huge issue as this is simply unfair.

I listened with great interest to the distinguished Republican leader, and he said, "Look, we are going to use the point of order. The Democrats have used the point of order." Indeed, the Senator from Texas intervened at that point and said: Remember, Mr. Minority leader, when I offered an amendment that would say to a group of people in America who were going to be taxed that they should not be taxed retroactively, many voted for a point of order and did not allow that amendment to go through.

I want to address that because I proudly voted for that point of order because I believe that the wealthiest Americans should pay their fair share. I felt that the Senator from Texas was offering an amendment that would have adverse budget consequences and that this tax was hitting the very wealthiest of Americans, the top 1 percent, those who really, in my view, had not paid their fair share while middle-class people had. So I was proud at that point to support that point of order against the Senator from Texas, who believed fervently that she was correct. So I am not ashamed that I have voted for a point of order.

So the point I want to make now is that I do not believe one Democratic Senator ever said to Republican Senators, "You have no right to use the rules." I think what we are saying—or at least what I am saying—here tonight is that the American people have to understand the truth, and the truth is if they raise this point of order and they get their troops to stick together—and whether they will or will not, we do not know—that is in essence the end of the crime bill—the end of this crime bill—and it has taken years, I say to my friends, to get to this point. Frankly, we got to this point in a very bipartisan way, and suddenly to revert to the rules to shatter this incredible compromise, seems to me a very sorry state of affairs.

But let me repeat that the Republicans have every right to use the rules to block the crime bill. But the American people have to understand it. I mean, the Senator from Texas was clear. She said, "When they used the point of order against me, that was it, my amendment was dead." So do not, for 1 minute, I say to the American people, think that this point of order is any different than that point of order. It was meant to kill that amendment, and this point of order is meant to kill this crime bill.

I hope that the people from across this Nation will pick up the phone in the morning and call their Senators and say to these Republican Senators: "Let us vote on the crime bill. Let us have an up-or-down vote."

If the Senator from Texas wants to vote against the crime bill, if she wants to vote against—let us see here—$13.5 billion for law enforcement, for cops on the streets of Houston and Austin, that is fine; she can do it.

If the Republican leader wants to vote against $9.7 billion for prisons for the most violent of criminals, and three-strikes-and-you-are-out, let him do it. He has every right to do it. As a matter of fact, he has every right to bring this point of order.

But let us get back to the basic points of what this bill is—I think the Senator from Delaware said it—let me bring up the issue of prevention. If the Senators want to vote against $6 billion of prevention, if they want to call that any name they want, if they want to make fun of recreational programs that they support over in the military budget—I might say, I never heard one Republican Senator come on the floor and say, gee, we should take away all the recreation that we give to our young men and women in the military—if they want to vote against the prevention in this bill, let them vote against it. Let them tell their mayors. Why, that is fine.

One of the strongest voices for this bill has been Mayor Richard Riordan, Republican mayor of Los Angeles. He is not playing a partisan game. He is a Republican. He traveled from California to beg the Republican Members of the House to vote for this bill even before the so-called bipartisan compromise.

You know, to me it is amazing to see the party that has always said they are the party of law and order stop this bill in its tracks. Could it be political, I ask you, Mr. President? Could it be that they do not want our President to have a victory?

Let me tell you something. This bill is more than a victory for our President, it is a victory for the American people because crime is the No. 1 issue in this country. In almost every State of the Union, and I know certainly in my State—and my phones are ringing off the hook because it is early in California—they are saying: "Senator, do what you can. Do what you can. Be tough. Tell the truth. Tell us what is in this bill. Stop this filibuster and get a chance to vote up or down."

You know, really, you can hide behind procedure, but the bottom line is if you do not like the bill, vote against it. If you do not like the bill, vote against it.

There is $1 billion for drug courts to really take on the issue of drug pushers.

Now, look. Are there things in this bill I would have done differently? Yes. I assure you, every Member of this Senate could write a bill that they would like better than this bill, but this is democracy in action. This bill has been debated and there have been unlimited amendments here. It went on and on for 11 days, let alone for the years before it had been debated, with Senator BYRD making the breakthrough in setting up the trust fund.

Let me tell you where the money is coming from. The American people have to understand there is not a penny of tax in this bill. The money will come from reducing the Federal work force.

So we have a bill that is pay-as-you-go, and it is paid for by a reduction in the Federal work force. Why? Because we all came together in this Senate—it came out of this Senate—and we said the crime situation is a national disgrace. We need a comprehensive response to it. It is expensive, and we are going to pay for it, and we are not going to tax the American people. We are going to cut down the Federal work force. We are going to put the savings in a trust fund. We are going to pay for these prisons. We are going to pay for necessary cops on the streets. We are going to pay for this prevention. And we are going to pay for these drug courts.

So what I want the American people to understand is the reality here. You are going to hear talk about trust funds, conference reports, and a point of order. But the American people should focus on what is in this bill. It is what we all know we need, and it bears repeating so that when people get up to talk, the American people will know the truth on what is in this bill.

No. 1, it is not more money than it was when it left the Senate. The majority leader explained it beautifully and clearly, and I will repeat it. When the bill left the Senate, it covered 5 years. Now it covers 6 years, with actually less spending per year than when it left here. When they say it is so much more money, that is not true. That is not true. As a matter of fact, it is less spending on an annual basis.

When they tell you it has nothing to do with assault weapons, I will tell you this: The one thing about the National Rifle Association is they are very straightforward and direct. They did not say that the Senate debate has nothing to do with assault weapons. You know what they said in public, in the newspapers? They said this is their last chance to kill the assault weapon ban. They are camping out here, absolutely. So when they tell you it is not about the assault weapon ban, just listen to what the NRA is saying.

I also find it interesting, since it is not supposed to be an assault weapon ban—we have the list of proposed amendments that the Republicans want to look at. Guess what, folks? There it is, No. 12—it is down on the list—strike the assault weapon ban. That is the Republican amendment. That flies in the face of 80 percent of the people in this country. And I can assure you that 80 percent of the people in this country, when they get up in the morning, they are going to call their Senators—I hope they do; maybe not 80 percent, but some of those 80 percent—and say, "We want to retain the assault weapon ban. Pass the crime bill. Stop playing games."

I have great respect for my colleagues, my Republican friends. As a matter of fact, I work with them on amendments all the time.

I remember sitting in the chair where you are, Mr. President, when the Senator from New Mexico stood up and made a most eloquent speech about the need for recreation for our kids. As a matter of fact, it was so eloquent that when he finished his remarks, I asked if he would come up to see me, and I said, "Please know that I am with you. You are right. We have to give our kids something to say yes to."

He was as eloquent as he could be, and I read on the floor of the Senate today his remarks. This bill reflects those sentiments that, yes, we do have a problem in America today. We have had 12 years of neglect, and of course nothing we can do could remotely replace a warm and caring and loving family. But we know when those kids are out on the streets at night and they do not have anything to do, there could be trouble, and we are addressing that in this bill. It is smart, it is wise, and if they go off the right track onto the wrong track, we will have the prisons for them. We will have the toughness for them. We will have the boot camps for them. That is what we have done in this bill.

I have seen too many people killed in California from assault weapons. I have visited so many cities where the police tell me they are outgunned. And the Republicans, on a point of order, want to open up this whole debate and try to strike the assault weapon ban.

I say if that is what they want to do, go to it. I hope they will rethink it. But if they want to do it, they have every right, I say to the minority leader. I wish he were here; he is right. He has every right to use the procedure to stymie this bill. But I think there is a price to be paid. People say to me, "Senator, what is the difference between the Republican Senators and the Democrat Senators?" And I talk to them about it.

This is a lesson. This is a lesson, because, I think, as I look at what the Republicans are trying to do, they are trying to stop progress, stop progress on a very important issue that affects the daily lives of all Americans—stop progress. Why? They do not like everything in the bill.

Well, neither do I, Mr. President; neither do I. I would write it differently. I had my chance. As a matter of fact, three of my amendments passed. A couple of them that I could not get support for, I did not even offer them. I could stand here and say I do not like this bill; I am not going to vote for this bill; I am going to use a point of order because I, the Senator from California, do not like everything in this bill; I want some changes.

The majority leader has offered the Republicans, it seems to me, a very generous resolve here, a generous resolution here. He has stated that he would take all the amendments that they want and take them up at a date certain, at a time certain, and debate them, and, in the meantime, get this crime bill passed and stop what is going on in our country—the ravaging of people on our streets, the indiscriminate violence in workplaces.

I said today on the floor, and I will repeat it, I had to see my young, 28-year-old son—and, at my age, that is young—I had to see him torn apart because one of his best friends in law school was shot dead in a law firm in a beautiful, safe building in San Francisco by a maniac who got an assault weapon. As a police lieutenant said to me, "A weapon that is meant for war." Blew him away, injured his wife, killed eight or nine other people.

We have a ban on those weapons of war in this bill. But oh, no, the Republicans say it is not about assault weapons, not at all. It is too much spending, even though the majority leader has explained it is less spending on an annual basis, and even though they put it in their own words when we reopen this conference that they want us to reverse the ban—let me read you their words. "Strike the assault weapons ban," remove it from the bill.

But they do not talk about it. They will never talk about it, because 80 percent of the people in America do not agree with them.

So I say to my Republican friends—and I am going to be yielding the floor shortly—that you do whatever you want in terms of procedure. That is your right. I would defend your right to the end. I have made points of procedure myself. You have every right to do it.

But do not say you are doing it to help the President. Do not say you are doing it to help the crime bill. Do not say you are doing it to make it so much better.

Say the truth. And the truth is, this is a way to kill the bill. We know it. We know a point of order raised, when you need 60 votes to overcome it, is a way to kill a bill. Do not dance around it. Be honest about it. Say, "We want to bring this bill down. We don't want this bill. We don't like the assault weapons ban. We don't like the fact that a Democratic President may get credit for building more prisons, building boot camps, preventing crime, setting up drug courts, and helping our mayors, Republican and Democratic alike."

I thought the mayor of New York was eloquent on the point and took a lot of heat—took a lot of heat for it.

And I would give one more word of advice to my colleagues who claim that the assault weapon ban really is not so important to them. They ought to get courageous and look at the NRA people and say, "Now, I'm usually with you, but this assault weapon thing, this goes too far. Those are weapons of war."

Do you know that our military doctors are being trained in city hospitals. When I heard that, I could not believe it. They are learning how to treat the wounds of war in city hospitals and county hospitals.

So if you have to use a procedure to bring this bill down, that is your option. Go for it.

But I say to the American people, you have about 24 to 48 hours, in there, to make your voices heard. I hope you will pick up the phone tomorrow before you go to work and give a message to your Senator, Democrat or Republican—but it looks to me like almost every Democrat is going to vote to move forward—but let them know that the crime bill is a priority; do not use procedures to block it.

Let us allow a vote on the crime bill and let us attack an issue that is a national disgrace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Thank you. I am very glad to know that no one else has wandered on the floor and I will have my chance to speak.

I do want to say, Mr. President, that this bill is a perfect example of why Americans are frustrated with the way we do business in Congress.

A good bill, costing $22 billion, paid for, passed the Senate. A watered-down version, costing more than $27 billion, not paid for, passed the House. In conference, it turns into a $33 billion bill, not paid for, which, after great hand wringing, turns into a $30 billion bill, not paid for. And we are asked to pass it so we will not be accused of gridlock.

It is a strategy, Mr. President—pass a good bill in the Senate, a bad bill in the House, go to conference and produce an even worse bill, and then accuse those who oppose the final legislation of being obstructionists.

You know, I am new around here. There is no question about that. But I have seen the legislative process before. And the integrity of the conference process is that you pass a bill in the House, you pass a bill in the Senate, and you resolve the differences somewhere in the parameters of the bill. Because if you do not stay within the parameters of the bill, then you do not have any recourse. And you can witness that hour after hour after hour on this floor when they accuse us of gridlock because we are against a bill that is very different from a bill that we passed or the bill that the House passed.

(Mrs. BOXER assumed the chair.)

Mrs. HUTCHISON. Madam President, you cannot go from a $22 billion bill to a $27 billion in the House and compromise at $30 billion and say that you have resolved the differences within the two Houses.

There was a new matter put in that conference committee report that had never been voted on by either House. That takes away the integrity of the conference process.

The only recourse we have is to reopen the process so that we can say we think $30 billion, adding $13 billion to the deficit, should be addressed. And that is what we have asked to do.

Now, my colleague, the Senator from California, said she was proud to have voted against my amendment, which had a point of order raised against it, that would have taken the retroactivity out of the largest tax increase in the history of America.

Well, I happen to think that the majority did not rule then. Every American has a right to know that they will not be taxed retroactively. That is a principle, Madam President, that we must uphold. That is why we have a Constitution. And I believe the Constitution protects us from retroactive taxing. I think that is one of the principles that our Founding Fathers thought was very important.

But the majority did not rule. Fifty-eight Senators supported my amendment, but I did not win because it was a point of order.

But I find that my colleague from California says that we are trying to obstruct justice because we are raising a point of order. What we are trying to do is bring the bill back and amend it more along the lines of what the Senate bill was, which I supported.

I supported the bill when it was a crime bill. But when it turned into social programs that increase the deficit, I could not support it anymore. But I would like to. That is why I am supporting the point of order so that we do have a chance to make it better so we can support it. Because every one of us in every one of our States has a crime problem and we would like to help our States and our local governments the best way we can at the Federal level. And the way to do that is to open this bill back up so it becomes a crime bill again. Americans should be under no delusions about the effect this legislation will have on crime. And taxpayers should make no mistake about the $13 billion in deficit spending that is crammed into this bill.

Madam President, I was one of a large majority of Senators who voted for the Senate anticrime measure passed last year. The foundation of that legislation was funds for new prisons, more police officers, and guaranteed tougher penalties for the worst criminal offenders. It was not perfect then. I would have liked to have seen more anticrime measures even back then. I would like to see habeas corpus reform to stop the endless appeals from people on death row. But we could not even bring up habeas corpus reform. That got killed before it made it to the floor. But I supported that bill because the good outweighed the bad.

It would have provided some help, more police and more prisons for the local and State governments who are on the front lines fighting crime. It would have required stiffer penalties to those who sell drugs to children, those who commit crimes with guns, and violent repeat offenders. It would have kept them behind bars where they belong. And most of all, it was paid for. We did the responsible thing, we paid for it.

Now we have the conference report. The bill we are asked to support, instead of truth in sentencing—the requirement that felons serve at least 85 percent of their original sentences in order for the State to qualify for the Federal prison funds—the conference committee bill asks States to increase the percentage of violent offenders who serve any time in prison. In Texas we call that a very low fence.

Instead of mandatory minimum prison sentences for those who sell drugs to minors or use a gun to commit a crime or use a minor to commit a crime, there is nothing—no set prison time, no mandatory minimum sentence. No matter how terrible a crime is, there is no mandatory minimum sentence in this bill for a first-time offender. That is different from the bill I voted for.

According to its supporters, the pending legislation would put 100,000 police officers on the streets. Do not believe it—$15,000 a year to recruit, train, equip, support, and pay the salary of a police officer? I do not think so, and neither do the mayors that I have talked to. The truth is there is money to hire 100,000 police officers only if local governments foot 80 percent of the cost. The truth is, even at 20 cents on the dollar, all the Federal money runs out in 3 or 4 or 5 years, depending on how the local government might want to take the money.

The Killeen Police Officers Association in my home State met last night, 50 of them. They voted unanimously not to support this bill because they knew that their city was not going to be able to use the money to fund police officers because it was not a Federal grant. It was Federal matching moneys and they knew that their cities could not afford to match. They knew they would lose the money after 3 years.

Even in the one area of law enforcement where the Federal Government does have a direct role, immigration, the conference committee falls short. The Senate bill's requirement of expedited deportation for criminal aliens, people who have committed a crime in this country and they are illegal here anyway, has been deleted. What the conference committee bill contains in abundance is funding for a long list of programs: Art and dance classes, basketball, socialization—to name a few—that may be very worthwhile but which do not belong in an anticrime bill. Depending on whose ox you want to gore, the soft spending in the committee conference bill on these kinds of social programs is $5 to $6 billion.

My constituents might wonder how I can be so casual when I talk about $1 billion. I am not casual about it. It is just that the list of experiments and pet projects and great ideas added to this bill by individual Members, some for the first time in conference committee, are so cleverly embedded in the bill that it is difficult to be precise and I have not been able to get a good number.

Under the heading of big pork, take the Model Intensive Grant Program, $645 million. Under this program the Clinton administration will select 15 cities and they can use the 645 million taxpayer dollars just about however they want to.

Then there are lots of little porks too. There is a provision that establishes standards in a product to be allowed to be labeled "Made in America." Another authorizes a study of how best to introduce new plants and animals into one of our States. There is nearly $3 million to track down missing Alzheimer's patients.

We fought over a lot of these programs last year when they were part of the President's economic stimulus package. They were defeated then. But maybe there are a number of worthwhile incentives that we ought to pursue now. If we want to reconsider all or some of the provisions from that stimulus package, maybe we should vote on them again as a package, or program by program. But let us do it out in the open. Let us not put it in a crime bill because it did not pass the test when it stood on its own. Let us not put it in a crime bill and say let us add to the deficit now. Let us make the decision with the facts. Let us decide that this is something that we are going to do and let us just do it.

It is a dodge to hide behind the social welfare spending in a crime bill. And it is dishonest to level accusations of obstructionism when some of us want to insist on limiting this bill to crime fighting. Because you know what is going to happen.

It has been said many times on this floor we have been working 6 years in this body for a crime bill. When this bill is passed, Members are going to go home and say, "We passed a crime bill." They are not going to take it up again because they are going to say we did it, when, in fact, we are not passing a crime bill that really is going to the heart of the issue. I would rather come back when we will have a real crime bill, when we will put habeas corpus reform in it—which is something the Federal Government can do that really will help our State and local governments—and let us pass a real crime bill so the people of America will know that we have done something that we said we did rather than hiding the ball and putting in social programs that have not made it into other bills but we put it in the crime bill because we know that sounds good.

Madam President, I think Americans understand that the war against crime has to be waged at the local level. They do not expect Congress to send in all the troops to wipe out crime. But they do want some help from the Federal Government. That means investing in more police and more prisons, requiring tougher sentences, more time actually served in prison. The Senate bill passed last year was right on target but the conference committee bill that we are now considering, rejected once by the House of Representatives and narrowly approved not too many hours ago by the House, misses this mark. The money provided for police and prison funding in the conference committee measure can be spent on a whole lot more things than police and prisons. In fact, virtually all of the prison money can be spent for other programs—preventive programs, discretionary programs.

We keep hearing on this floor, hour after hour, more prisons will be built. Yet virtually all of the prison money can be spent for other things. There is a lot of discretionary spending in this bill. When you compare it to the Senate bill, those who are sent to jail are going to be able to get out earlier.

Senator BIDEN made a very effective speech. We could spend every dollar that comes in from our taxpayers on programs that would do good, that would help people with problems that are heartrending. We could do that. But what about the hardworking men and women of this country and the retirees living on fixed incomes? What about them? What about the people who are called on to pay for all of the programs that are very good programs?

It just seems to me that our responsibility to them is to prioritize, to say this is the amount of Federal money we have coming in from our taxpayers, this is the amount we can spend. Let us put it all on the table, and let us decide what the priorities are, right out in the open, not with fancy names, and we are going to try to spend your taxpayer dollars wisely for you. I think that is a commitment that we should make to the American people.

We should leave to State and local governments what is within their realm, and that is crime fighting. We should also let them have the money that they raise at the local level to fight crime instead of sending Federal mandates to the State and local governments with environmental regulations that are making local taxes go up year after year after year because of Federal mandates that are unfunded. Let us let the State and local governments keep the money that they get from the taxpayers, as we should, and let us divide up what our responsibilities are and let us protect the working people and the elderly on fixed incomes from taxes that they just cannot afford to pay—increasing and increasing and increasing—because of all of the good work that we would like to do but we just cannot do them all.

Madam President, little time would be required to improve this bill. The conference committee could look to the original Senate bill's language and substitute it for what is there now. It could simply strip out the pages of irrelevant provisions and programs and restore this bill to its original purpose, and that is crime fighting, police on the streets. If we are going to put police on the streets, let us pay for them. Let us not ask the local communities to come up with more money than we are coming up with. If we are going to do that, let us pay for them. If we say we are going to build prisons, let us build prisons. That is not what this bill does. The American people want us to act, and they have a reason to believe we will act responsibly.

It is more than 1 month before Congress adjourns for this year. We can fix this legislation. We can pass it and we can get it to the President's desk for signature. We can restore real crime fighting and at a pricetag we can afford.

Some of my colleagues have said that a point of order will kill this bill. That is not true. It will not kill this bill. It is going to improve it.

On the House side, they did not take up the bill. They used a rule to try to make it a better bill. They improved it a little bit. They cut $3 billion of pork out of a $33 billion bill. It started out as $22 billion here in the Senate, and it was fully paid for. We can do that. It is not going to kill the bill. We can act responsibly. And then if we do and we can make this a real crime bill again, newspapers across this country will not be editorializing saying, "Hold your nose and vote for it." I think we should have a higher standard than that, especially when we are talking about 30 billion, hard-earned taxpayer dollars.

So I ask my colleagues to sustain the point of order. It is a vote to keep integrity in our budgeting and a vote to keep faith with the American people. We can make this a good bill, a crime-fighting bill, and we can all be proud that we did it responsibly, that we paid for it, that we protected the taxpayer and we protected the innocent victims of our society, and we fulfilled our responsibilities to the American people.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered. The Senator from California.

Mrs. BOXER. I thank the Chair.

The hour is quite late here in the Senate, and I will be just a very few minutes. But I think this debate is very healthy and very good, and the Senator from Texas referenced my remarks and I referenced her remarks. I feel I need to place into the RECORD some of my thoughts briefly on her statement.

Mr. President, when I made my statement, I said I thought the Republicans had every right to use the rules in any way they want to stop anything they want. That is their right. And I think the important thing, however, is that the American people know what is going on here.

What I said in my remarks was that the American people should listen to what the Republicans, who support bringing this crime bill down, are saying. I said listen, they are going to say that this bill costs much more money than when it left the Senate. And sure enough, the first point of the Senator from Texas was that it cost more money. The majority leader has explained very patiently that in fact the bill covers a longer span of time so on an annual basis it is in fact less money. So let us listen to what the Republicans are saying.

Second, my friend from Texas, the Republican Senator, said that when this bill left the Senate, it spent more on prisons and it spent more on law enforcement, and I would like to correct the record. When the bill left the Senate, $12.2 billion was spent on law enforcement, now it is $13.5 billion. When the bill left the Senate, $6.5 billion was going to be spent on prisons, now it is $9.7 billion. Yes, it is over a greater period of time. But in actuality those numbers went up, not down.

So how someone can say that they supported it when it left the Senate, and that is their most important priority, prisons and law enforcement, now turn around when it is more money and say it is not enough money, it just does not make any sense to me.

So I think it is important to listen to the substance of the arguments of the Republicans.

And I also said—and this is really my last point, Mr. President—listen to the Republicans speak because they will never mention assault weapons. They never say that is why they want to bring the crime bill down. And guess what, my friend from Texas never mentioned it once even though in the list of amendments that was submitted to the majority leader, the Republicans said we want to reverse the assault weapon ban. But they do not talk about it because 80 percent of the American people want an assault weapon ban.

So as I say to my friends, I hope they will do whatever they have to do, follow their conscience, but I want the American people to know in this Senator's view there are two reasons why they are using this procedure. One is political: do not let this President have a victory. And two is assault weapons. It is the National Rifle Association. And I say to my friends, look them in the eye; tell them they are wrong. They have gone too far. Weapons of war do not belong on our streets.

Thank you very much, Mr. President.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. EXON. Madam President, as my distinguished colleague from California has just said, the hour is, indeed, late. I am just going to make a few brief remarks, and reserving additional time for myself to become engaged in the debate on the crime bill probably on tomorrow morning or sometime tomorrow.

I have listened with keen interest to the debate. I think, if not every word of it, most of the words of the debate so far. I think it has been very enlightening.

I rise tonight simply to say a very few words, I hope kind words about my friend and colleague, Senator JOE BIDEN, the leader in the Chamber of the crime bill that is before us.

Certainly our distinguished colleague from territory adjoining the District of Columbia has been well-known for a long, long time as not only a very excellent orator but a very dedicated person who chairs, among his other important duties here, the Senate committee of jurisdiction over the crime bill.

I think he has done a totally outstanding job. I have been in the Senate now for 16 years, and I must tell you that I have heard lots of very outstanding presentations, speeches, arguments and rhetoric. I must say that I listened to every word of the remarks made by the chairman of the Judiciary Committee. My heart goes out to him for all the work that he has put in over the years in trying to get a crime bill passed.

Now, I do not agree with all of the positions stated by the chairman of the Judiciary Committee, Senator BIDEN, but I must say that his arguments are most persuasive. And whether you agree totally with him or not, I am just one Member of the Senate who wishes to thank, to salute, to compliment the talented Senator from Delaware for his outstanding address today.

I would hope that the people of the Nation listened with keen interest to what this talented Senator had to say on a problem, the crime problem, that I suspect the Senator from Delaware has as much firsthand knowledge of and what we must do to begin to correct the crime problem as anyone else on either side of the aisle in the Senate.

So I would simply say, Madam President, that while not endorsing everything that has been said by my distinguished colleague from Delaware, I must say his presentation was forceful. It was very direct. I thought it was tremendously interesting because in personal conversations I have had with the Senator from Delaware, parts of this crime bill that he stood at this podium and spoke to eloquently he does not agree with at all and wishes that it could be changed. But when there are 535 of us in the Congress of the United States trying to write a crime bill, it is a foregone conclusion that if any one of us had been writing the crime bill, it would not receive unanimous consent and opinion by the other 534 members of the Congress.

So I simply want to say that any of the Members of the Senate who did not hear the address, which was on point, direct, and forceful, then they missed I think one of the great orations at least this Senator in 16 years has ever heard on the floor of the U.S. Senate.

I compliment my colleague from Delaware, Senator JOE BIDEN, the chairman of the Judiciary Committee. I thank him for his insightful statement and for getting right to the point on many of the problems that trouble many of us on this very important piece of legislation.

With that, Madam President, I will proceed with the duties of this desk to finish up the session of the Senate this day.

MORNING BUSINESS

HONORING JAMES NORMAN HALL

Mr. EXON. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 581, House Concurrent Resolution 215, a concurrent resolution honoring and recognizing James Norman Hall and his contribution to the United States and the South Pacific; that the concurrent resolution be agreed to; that the motion to reconsider be laid on the table; and that the preamble be agreed to; further, that any statement appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 215) was considered and agreed to.

The preamble was agreed to.

FEDERAL ACQUISITION STREAMLINING ACT OF 1994—CONFERENCE REPORT

Mr. EXON. Madam President, I submit a report of the committee of conference on S. 1587 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference and the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) to revise and streamline and acquisition laws of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 21, 1994.)

CONFERENCE AGREEMENT ON S. 1587

Mr. GLENN. Madam President, today we embark on the last stage of a long journey: the passage of the conference agreement on S. 1587, the Federal Acquisition Streamlining Act of 1994. This comprehensive procurement reform effort is aimed at streamlining the acquisition process and fulfilling many of the recommendations of the Vice President's National Performance Review [NPR] for the procurement system.

When I introduced S. 1587 with Senators BINGAMAN, LEVIN, NUNN, BUMPERS, and LIEBERMAN, I pointed out that a year and a half ago, the staffs of our respective committees met to review the laws and regulations of the entire procurement system. This review was rooted in the report of the Acquisition

Advisory Panel assembled pursuant to section 800 of the National Defense Authorization Act for fiscal year 1991, legislation I Introduced in this and other Congresses, notably S. 554, 555, and 556, Senator LEVIN's commercial products legislation, and the NPR.

A lot has happened in the last year and a half since we began this process. After I Introduced the bill last October, we engaged in long discussions with the administration and interested parties. In early 1994, the Governmental Affairs Committee conducted three joint hearings with the Armed Services Committee on S. 1587.

The Committees received testimony on the bill from DOD, GSA, OFPP, GAO, the DOD IG, the ABA, Business Executives for National Security, a coalition of various contractor industry associations including the Acquisition Reform Working Group, the Information Technology Association of America, the Computer and Communications Industry Association, the Small Business Legislative Counsel, the Minority Business Enterprise Legal Defense and Education Fund, and the Computer Business Equipment Manufacturers Association. In short, we heard from the spectrum of interests in the Federal procurement field.

Following the hearings, representatives of the bipartisan leadership of all three Committees reviewed each comment and recommendation proposed during the hearings and in testimony received for the record. Based upon the review, a substitute bill was prepared.

On April 26, 1994, the Governmental Affairs Committee took up S. 1587 and approved the bill as amended by a complete substitute offered by myself and Senators ROTH, LEVIN, and COHEN, on a voice vote. On the afternoon of April 26, the Armed Services Committee met and approved the bill, as amended by the Governmental Affairs Committee, by a vote of 22–0.

This past June, both Houses of Congress took up companion measures on procurement reform. In the House, H.R. 2238 was championed by House Government Operations Committee Chairman JOHN CONYERS, along with ranking minority member WILLIAM KLINGER, and joined by House Armed Services Committee Chairman RON DELLUMS, ranking minority member FLOYD SPENCE, and a collective of other members from committees of outside jurisdiction.

Over the past 2 months, our respective staffs have been plugging away at reconciling the two bills. What we have now, Madam President, is what I believe to be an improved product that represents a fine balance of the many interests affected by our procurement system. Testament to this achievement can be found not only in the range of views reflected in the bipartisan cosponsers of this conference agreement, including Senators THURMOND, SMITH, ROTH, and COHEN, but also in the committees of outside jurisdiction involved in this conference, including House Committees on Small Business, Education and Labor, Judiciary, and Public Works.

We have come a long way, Madam President, and that accomplishment should be noted by my colleagues as we move forward to consider this conference report. We have wrestled year in and year out with these issues, and have failed to enact any meaningful reform.

Why has this been the case? Well, anyone working in this field knows that reform is a tall order. The procurement system impacts across the spectrum of interests in our society, and it has overlaid upon it nonprocurement programs which seek to address various social and economic policy concerns. Reconciling all of these interests and policy concerns has not been easy.

In spite of these difficulties, as we face almost certain budgetary constraints in the short-run, it is imperative that we maximize the efficiencies of our procurement system to assure we can meet the needs of our citizens.

When we began drafting this bill, concerns were raised regarding the administrative burden associated with some of these oversight tools, which resulted in the bifurcation of the government and commercial markets. Thus, we sought to minimize this undesirable consequence of these well-intentioned provisions in an effort to strike a balance between efficiency and oversight.

In addition, we have all heard stories that it is too difficult to do business with the government. From cost accounting standards to socioeconomic laws, the Federal marketplace is represented to be a quagmire of laws and bureaucratic redtape.

Another major criticism of our acquisition process is our proclivity to overspecify our needs to the extent that we tell companies how to manufacture their products. We no longer have the luxury to specify costly processes. Indeed, the section 800 panel and others have called for us to leave this practice and jump into the commercial market like any other large customer. Therein lies the benefits of competition and our national productive capacity. And that change is at the core of S. 1587.

But change is not without risk. We have been forced to examine traditional roles of the Federal procurement system. The Government is not like any other commercial customer. For one thing, it spends precious taxpayer dollars, and thus, is in a position of great public trust. In addition, the Government is expected to foster an array of social policy goals—policy goals that may not exist in the commercial market.

And that's why I refer to our work as a balance. Among the three committees, I believe, we have struck the essential balance to move meaningful reform into the Federal marketplace. S. 1587 seeks to foster and improve:

The acquisition of commercial items;

The streamlined acquisition procedures under an elevated small purchase threshold;

The competitive acquisition process;

The protest and oversight process; and

The procurement integrity and ethics laws.

In addition, the bill streamlines the procurement code through the repeal of redundant and obsolete laws, and it simplifies the system by standardizing Governmentwide thresholds for the Truth in Negotiations Act and statutory contract cost principles.

What we have is an agreement on major improvements that will bring our Federal procurement system into the next century. We are at a critical point, Madam President. For the first time, we have not only both Houses of Congress motivated to enact reform, but also the administration. I implore my colleagues to seize this moment and quickly move to enact this reform measure for the benefit of the system and the Nation as a whole.

At this time, Madam President, I want to take the opportunity to thank Chairmen CONYERS and DELLUMS, Congressmen KLINGER and SPENCE, and the many outside conferees in the House for their tireless work on this agreement. They have gone above and beyond the call of duty in making themselves available and working around the clock everyday of the week to come to closure on the outstanding issues in the respective bills. I also want to thank all of the Senate conferees, Senators NUNN, LEVIN, SASSER, PRYOR, DORGAN, EXON, BINGAMAN, SHELBY, BUMPERS, ROTH, THURMOND, COHEN, MCCAIN, STEVENS, WARNER, and SMITH for their tireless efforts and their spirit of collegiality. At a time when the U.S. Congress is suffering criticism for the way it does business, indeed, sometimes unfair criticism, the efforts of all the conferees manifest what's right with this institution. I am proud to be associated with such dedicated people.

Madam President, I ask unanimous consent to include in the RECORD following my remarks a summary of the conference agreement on the Federal Acquisition Streamlining Act of 1994.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT LANGUAGE AGREED UPON

COMMERCIAL ITEMS

In general

The conference agreement establishes a new Chapter in Title 10 and new provisions in the Federal Property Act that encourage the use of commercial items, and where such items are not available, non-developmental items other than commercial items (NDIs) and makes it substantially easier for federal agencies to purchase such items.

The purchase of proven products such as commercial and NDIs can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications or expensive produce testing.

Expands current definition of commercial items and adds to it commercial service that are sold in substantial quantities in the commercial market and also expands the current non-developmental items definition, establishes requirements to promote consideration of such items, and requires the issuance of regulations to make it easier to buy commercial products. Both the NPR and the Advisory Panel have recommended similar provisions.

Other key features of the conference agreement: The definition of commercial also includes:

Commercial items not yet available in the commercial marketplace if they evolve out of commercial items, based on advances in technology or increases in capability and will be available in time to meet commercial requirements;

leased items and intra-company transfers;

modified commercial items;

goods "customarily" used in the private sector; and

NDIs if the item was developed at private expense and has been sold in substantial quantities on a competitive basis to multiple state and local governments.

The agreement would provide a preference for commercial items and NDI's other than commercial items to clarify that—

to the maximum extent practicable, contract requirements and market research should facilitate the use of commercial items and, where such items are not available, NDIs other than commercial items;

in the procurement process, commercial items would compete on a level playing field with all other products and services; and

agency efforts to train personnel and eliminate contractual impediments should focus on commercial items, rather than noncommercial NDI's

Commercial item exemptions

Reduces impediments to the purchase of commercial items by exempting such purchases from over 30 statutes that are unique to government purchases, and have no counterpart in the commercial sector.

Commercial item purchases would be exempt from the following requirements generally applicable to other federal purchases:

Contingent fees certification.

Procedural requirements of the Anti-Kickback Act.

Contract Work Hours and Safety Standards Act.

Drug-Free Workplace Act of 1988.

Prohibition limiting subcontractor direct sales to the U.S.

Requirement to identify suspended or debarred subcontractors identification of suppliers and sources.

Fly American restrictions.

Procurement integrity certifications.

Federal Water Pollution Control Act certifications.

Clean Air Act certifications.

Inventory accounting requirements.

Prohibition on persons convicted of defense-related felonies.

In addition, the bill would provide that any future enacted provision of law that does not explicitly refer to commercial items, as determined the Federal Acquisition Regulatory Council, would be included on a list of inapplicable statutes in the FAR. Further, this list would also include statutes that are inapplicable to subcontracts under contracts for commercial items.

Trust in Negotiations Act

Amends the Truth in Negotiations Act for Department of Defense to make permanent the $500,000 threshold and to create a new commercial items exception. This would relieve commercial contractors from their number one complaint—the burden of collecting cost data for the government. The Advisory panel recommended a similar exception.

The conference agreement would exempt commercial contracts from the burdensome requirement to provide "cost or pricing data" by:

Retaining the deletion of the post-award price adjustment provision in the original version of S. 1587; requiring agencies to conduct procurements of commercial items on a competitive basis to the maximum extent practicable. Where a commercial item is purchased on the basis of adequate price competition, the purchase would be exempt from cost or pricing data requirements; for items where it is not practical to purchase commercial items on a competitive basis, contracting officers are to seek pricing information, and if this information is adequate to demonstrate price reasonableness, the contracting officer must exempt the acquisition from cost and pricing data requirements. Only if the contracting officer makes a written determination that adequate pricing information is not available may she or he require submission of cost or pricing data; providing audit authority for up to two years after the date of contract award in connection with commercial pricing information on sole source commercial buys; clarifying the statutory exemption for modifications of commercial contracts; and extending the commercial products exemption to cover commercial products that are transferred from one division of a company to another.

In addition, the substitute would:

Provide that contracting officers shall not require certified cost or pricing data in cases where there is adequate price competition or catalog or market pricing. The agreement would clarify, however, that a contracting officer may require submission of other, uncertified information if necessary to determine price reasonableness.

Where the head of the procuring activity makes a written determination that certified cost and pricing information in below-threshold procurements is necessary, the agency may obtain that information unless there is adequate price competition or catalog or market pricing available; and provide that implementing regulations for civilian agencies shall be placed on the FAR, rather than written on an agency-by-agency basis.

The bill codifies TINA for civilian agencies with same provisions as described above.

SIMPLIFIED ACQUISITION THRESHOLD

There is a current "small purchase threshold" of $25,000.

Purchases under $25,000 may use simplified procedures established by regulation in lieu of the detailed "full and open competition" procedures established by statute.

The bill would replace the $25,000 threshold with a new "Simplified Acquisition Threshold" of $100,000, as recommended by both the Vice President's National Performance Review (NPR) and the Advisory Panel.

The bill would establish a $100,000 threshold for 15 different statutes that establish paperwork and record-keeping requirements not applicable in the commercial sector. Purchases below the small purchase threshold would be exempt from these requirements, which apply to other government procurements. These include:

Contingent fees certification.

Contract audit requirements.

Procedural requirements of the Anti-Kickback Act.

The Miller Act.

Contract Work Hours and Safety Standards Act.

Drug-Free Workplace Act of 1988.

Prohibition limiting subcontractor direct sales to the U.S.

Requirement to identify suspended or debarred subcontractors.

Inventory accounting requirements.

Identification of suppliers and sources.

10 U.S.C. 2534, miscellaneous limits on procurement.

This threshold would expand the streamlined process of making small purchases and reduce the amount of staff time needed for such purchases, resulting in substantial savings for the government.

The agreement would extend the simplified acquisition threshold to leases of less than $100,000 per year.

The agreement would continue the requirement that a notice of any procurement over $25,000 be published in the Commerce Business Daily 15 days prior to the issuance of a solicitation.

After the issuance of this notice, however, simplified acquisitions could follow any procedures described in the notice—for example, by shortening the period for the submission of offers.

The agreement would phase out the requirement to publish notice of purchases below $100,000 when electronic commerce procedures and systems are in place.

The agreement reserves contracts, above $2,500 but under the simplified acquisition threshold for small business, and specifically authorizes continued set-asides of all contracts under the threshold for minority small businesses, as recommended by the Advisory Panel.

The agreement would exclude purchases of less than $2,500 from the small business reservation, to make it possible for agency officials to make simplified purchases and credit card purchases.

The agreement establishes a section 1207 program (contracting goal for small disadvantaged businesses) for civilian agencies similar to the program for DoD.

FEDERAL ACQUISITION NETWORK (FACNET)

The agreement calls for the establishment of a Federal Acquisition Network (FACNET) to require the government to evolve its acquisition process from a paper-based process to an electronic process. This electronic commerce process must provide a single face to industry and interoperability within the government.

The agreement sets forth parameters for a FACNET system along functional lines, with parameters set forth for government and private users, and for general functions. These functions are to be implemented by agencies within 5 years of enactment of the Act. FACNET capability can be implemented on a procuring activity basis, and procuring activities or even agencies as a whole may "piggyback" on the systems developed by other agencies.

The agreement allows agencies to use simplified procedures for all contracts below $50,000, while maintaining the streamlined Commerce Business Daily (CBD) notice requirement in sec. 4202 for contracts above $25,000.

The agreement waives the CBD notice requirement and increases the threshold for the use of simplified procedures to $100,000 for agencies or procuring activities which have interim electronic commerce capability. Interim capability includes electronic notice and response.

The agreement also requires any agency that has not achieved full electronic commerce capability by December 31, 1999 to revert back to $50,000 for simplified procedures. Full capability is 75% of suitable acquisitions above $2,500 and below $100,000 conducted through electronic commerce. It involves developing the capability to use electronic procedures for processing certain orders, responding to questions about solicitations, and compiling data about the acquisition process.

Also, upon full government-wide implementation of electronic commerce (75% of all government suitable acquisitions between $2,500 and $100,000), the agreement waives the CBD notice requirements for all contracts below $250,000 that are conducted using electronic commerce.

Until October 1, 1999, the agreement requires procuring activities to continue to provide individual reports on all contracts above $25,000 to the Federal Procurement Data System.

COMPETITION IN CONTRACTING

Full and open competition

The bill retains the essential features of the Competition in Contracting Act (CICA)—full and open competition, with limited exceptions—as recommended by the Section 800 Advisory Panel.

Task orders for advisory and assistance services

The agreement adds a new section to CICA to specifically address task order contracts for advisory and assistance services (e.g., consultants).

A task order contract is a contract that does not specify a firm quantity of services. Such contracts serve a useful purpose, but must be structured carefully to ensure that they are not abused to avoid competition and funnel money to favored contractors.

The new provisions added by the agreement would expressly authorize the use of such contracts, subject to the following:

The duration of the contract is limited to 5 years.

If the contract is to exceed 3 years and the estimated value is in excess of $10 million, then under most circumstances the solicitation must provide for multiple awards—i.e., two or more contractors to have the opportunity, during the period of the contract, to compete for specific tasks under the contract.

These restrictions do not apply to or expand the existing authority to enter into task or delivery order contracts for other goods and services (i.e., for matters other than advisory and assistance services), or the authorities under the Brooks ADP and Books A&E Acts.

Provisions also have been added clarifying agencies authority to enter into task order and delivery order contracts for other than advisory and assistance services.

Acquisition of expert services

The agreement would amend the Competition in Contracting Act to add a new exception, giving agencies the flexibility to retain expert witnesses for use in litigation without going through a competitive process. As is the case with other CICA exceptions, this provision would require agencies to obtain a justification and approval under CICA prior to making a sole source purchase.

BID PROTESTS

Notice and debriefing

There is widespread consensus that the volume of protests is attributable in part to the fact that disappointed offerors lack clear information on why their offers were not accepted.

By requiring contractor debriefings, the agreement provisions should reduce the number of protests that are either without merit or seek information simply to confirm that the award process was fair.

The agreement would:

Require greater detail to be made available with respect to evaluation factors and subfactors;

Establish an accelerated notice, debriefing, and protest schedule.

Notice must be given to all offerors within 3 days after the contract is awarded.

Requests by offerors for debriefings must be made with 3 days after notice of the award is received.

The debriefing, to the maximum extent practicable, must take place within 5 days of receipt of a request, and must contain basic information about the award decision.

Protest adjudication

Authorizes the payment of consultant and expert witness fees (in addition to attorneys' fees) in protests to the GAO and the GSA Board of Contract Appeals (GSBCA), as recommended by the Advisory Panel. These provisions would also limit attorneys fees, except for small businesses, to $150 except where higher fees can be justified. This provision should add uniformity and cost savings to the process.

Addresses frivolous or bad faith protests to the GSBCA, as recommended by the Advisory Panel, by authorizing the GSBCA to dismiss a protest that is frivolous, brought in bad faith, or does not state on its face a valid basis for protest. In addition, as recommended by the NPR, it authorizes the GSBCA to invoke procedural sanctions where a person brings a frivolous or bad faith protest, or willfully abuses the board's process.

Generally, the agreement also would adopt a number of other changes to provisions regarding bid protests to the Comptroller General and the GSBCA.

Specifically, the agreement would: (1) clarify the GSA's authority to revoke a delegation of authority after the award or a contract, where there is a finding of a violation of law or regulation in connection with the contract award; (2) clarify the GSBCA's authority to review contracting decisions that are alleged to have violated a statute, regulation, or the conditions of any delegation of procurement authority; (3) provide for the public disclosure of any settlement agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds; and (4) provide for administrative protective orders to be issued by the GAO in protest cases.

Amends the Comptroller General's authority to provide that the Comptroller General may recommend the payment of attorneys' fees in bid protest cases, rather than directing agencies to pay such fees. The agreement would address questions that have been raised about the constitutionality of existing law.

Other changes in the agreement:

The agreement would adopt an Administration recommendation to authorize agencies to continue the procurement process up to the point of award of a contract, notwithstanding the filing of a pre-award protest, unless the GSBCA determines that the action is not in the best interests of the United States.

The data collection and reporting requirements also have been included.

ACQUISITION MANAGEMENT

The agreement contains the following provisions, based upon modification of the Roth-Cohen proposals:

States a congressional policy that agencies should achieve 90% of cost and schedule goals without reducing product performance or capability; require the establishment and evaluation of cost and schedule goals for DOD and civilian agencies; require the identification and review of programs that are significantly behind schedule, over budget, or out of compliance with performance or capability requirements; require annual reports (based on data from existing management systems) on progress made in implementing the congressional policy; require the executive branch to establish a system of incentives for performance in the acquisition workforce; require DOD to define in regulations a simplified acquisition program cycle that is results-oriented; and provide for exceptional performance awards, as recommended by the Administration.

PILOT PROGRAMS

OFPP Test Program

Authorizes Administrator of the Office of Federal Procurement Policy to conduct a test of alternative and innovative procurement procedures.

Provides for six test programs, with a maximum of one per agency selected to participate in the test.

To be eligible for the test, a program must have a total life-cycle cost of less than $100 million.

Each contract under a test program may not exceed $5 million, with the exception of one program that would not be subject to the $5 million per contract limitation.

The test program could include innovative procedures by waiving 15 specified laws concerning matters such as timing and content of notice of contracting opportunities and prescreening of eligible sources.

Participation in the OFPP Test Program could be undertaken by any agency that is capable of using the full FACNET electronic commerce procedures established by this bill (e.g., notice of contracting opportunities, submission of bids and proposals, response to questions about solicitations, and acquisition data collection).

DOD Acquisition Pilot Programs

Authorizes DOD to test innovative acquisition procedures under DOD's statutory pilot program authority for five programs.

These programs, which were authorized for pilot program status under the National Defense Authorization Act for Fiscal Year 1995, include: (1) fire support combined arms tactical trainer; (2) joint direct attack munition; (3) commercial derivative aircraft; (4) commercial-derivative engine; and (5) joint primary aircraft training system.

For each of the pilot programs, DOD could apply any of the acquisition reforms made by the bill prior to the effective date that would otherwise apply in the bill.

DOD also could test through these programs the application to noncommercial products of any of the commercial product reforms made by the bill.

NASA Mid-Range Procurement Test Program

Authorizes the National Aeronautics and Space Administration to conduct a test of alternative procedures for notice and publication of contracting opportunities by waiving specified provisions of law.

Acquisitions eligible for the test must be limited to a total annual obligation of $500,000 or less.

The total life estimated life cycle cost of acquisitions under the test may not exceed $100 million.

FAA Acquisition Pilot Program

Authorizes the Federal Aviation Administration to test innovative acquisition procedures for one of the modernization programs under the Airway Capital Investment Plan.

The FAA could apply any of the acquisition reforms made by the bill prior to the effective date that would otherwise apply in the bill.

The FAA also could test the application to noncommercial products of any of the commercial product reforms made by the bill.

ESTABLISHING A UNIFORM PROCUREMENT SYSTEM

Amends the procurement laws to promote the uniform treatment of Department of Defense and civilian agency procurements. These changes are, to a great extent, in accord with similar recommendations made by both the NPR and the Advisory Panel.

Amends the Federal Property Act to establish contract cost principles for civilian agencies. Contrast cost principles provide that certain types of costs—such as entertainment costs, lobbying expenses, advertising costs, and so-called "golden parachute" payments—should not be paid by the taxpayers and are not "allowable" on federal contracts.

Establishes cost certification procedures and penalties identical to those that have long been applicable in Department of Defense procurements. The Advisory Panel recommended replacement of the statutory contract cost principles with regulatory cost principles without substantive change. This provision would retain the statutory provisions, and ensure uniform treatment of Department of Defense and civilian agency contracts.

Amends 10 USC 2410, which establishes Department of Defense-unique requirements for the certification of contract claims. The Contract Disputes Act of 1978 establishes government-wide requirements for the certification of claims. These requirements would remain in effect and would be amended to clarify that they govern all claims, including those at the Department of Defense.

ENHANCED THRESHOLD FOR REQUIREMENT TO PREPUBLISH NOTICE OF CONTRACTING OPPORTUNITIES

Provides that when there is government-wide implementation of electronic commerce procedures, the current requirement to publish notice in the Commerce Business Daily of any procurement 15 days before a solicitation is issued would not apply to any purchase at or below $250,000.

TRANSITIONAL PERIOD FOR REPORTS ON INDIVIDUAL CONTRACTS

Continues current requirement for procuring activities to provide reports on individual contracts over $25,000 for a five year period after the bill is enacted. After that time, reports on individual contracts will be required for purchases over the $100,000 simplified acquisition threshold.

OTHER RECOMMENDATIONS ADOPTED

Adopts several dozen other recommendations of the Advisory Panel to streamline and improve the acquisition laws. Some significant examples include:

Providing flexibility for agencies in approving the use of non-competitive procedures when there is a valid justification.

Raising the threshold for application of the contract cost principles to $500,000.

Repealing the requirement for contractor employees to travel at government airfares (which are rarely available to contractors).

Providing consolidated audit provisions for both the Department of Defense and civilian agencies.

Repealing the mandatory use of competitive prototyping in major programs.

Repealing the mandatory use of dual sourcing in major programs.

Repealing and consolidating obsolete and redundant Department of Defense-unique laws.

Mr. NUNN. Madam President, I am pleased to join my colleagues on the Armed Services, Governmental Affairs, and Small Business Committees in supporting the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994.

The current process of procuring equipment and services for our military and civilian agencies takes too long, costs too much, and suffers under a crushing burden of wasteful overhead. Secretary of Defense Bill Perry has articulated a vision of an acquisition system that manages rather than avoids risk, that obtains management data without undue administrative burdens, that eliminates the paralyzing effect of excessive coordination requirements, and that performs oversight functions in a manner that adds value to the process rather than serving as an end unto itself.

The conference agreement represents a bipartisan effort to provide Secretary of Defense Bill Perry and other Cabinet officials with the tools they need to reinvest the Federal acquisition system. This bill gives them the opportunity to transform an outmoded system of regulating defense-dependent industries into a new system that will enable the Government to buy goods and services cheaper and faster, facilitate commercial-military integration, and encourage development of dual-use technologies to meet the defense industrial and technology base requirements of the future.

This bill repeals or substantially modifies over 225 provisions of law to reduce paperwork burdens, facilitate the acquisition of commercial products, enhance the use of simplified procedures for small purchases, strengthen the industrial base that supports national security objectives, and improve the efficiency of the laws governing the procurement of goods and services.

Key features of the conference agreement include:

Transforming the acquisition system from a cumbersome process driven by paperwork to computer-based system readily accessible to Government and private sector users, including small businesses.

Establishing a simplified acquisition threshold of $100,000 to streamline the process of making small purchases and to reduce the amount of staff time needed for such purchases, resulting in substantial savings for the Government.

Facilitating the acquisition of commercial products, which will reduce the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications and expensive testing.

Authorizing pilot programs to test innovative and alternative procurement techniques that go beyond the reforms authorized by the bill.

I ask unanimous consent that a detailed summary of the conference agreement be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. When we began this effort, there was a great deal of skepticism about the ability of the Congress to enact serious acquisition reform. There were many who thought that this effort could not overcome the problems of past efforts, including jurisdictional disputes among congressional committees, distrust between the legislative and executive branches, and the challenge presented by the daunting array of complex acquisition laws.

Madam President, this effort succeeded because many individuals of good will recognized that the system was broken, and were willing to put aside their narrow personal or bureaucratic interests to work for the common good.

I want to commend the bipartisan leadership of each of the cooperating committees and subcommittees, and their staffs, for the diligent attention that they have brought to this subject. The core group consisted of Senators JOHN GLENN, CARL LEVIN, BILL ROTH, and BILL COHEN of the Governmental Affairs Committee, assisted by Tom Sisti, John Brosnan, Peter Levine, Peter Wade, Paul Brubaker, Mark Foreman, and Walt Koscinski. From the Armed Services Committee, Senator THURMOND, and I were jointed by Senators JEFF BINGAMAN and BOB SMITH, and we were assisted by Andy Effron, Jon Etherton, and Don Deline. The Small Business Committee was represented by Senators DALE BUMPERS, and LARRY PRESSLER, who were assisted by Bill Montalto.

The House conferees, led by Representatives JOHN CONYERS, RON DELLUMS, BILL CLINGER, and FLOYD SPENCE, and their staffs, approached this bill in a most cooperative and constructive manner.

From the executive branch, we had excellent support from Secretary of Defense Bill Perry, Deputy Under Secretary of Defense for Acquisition Reform Colleen Preston, and the Administrator for Federal Procurement Policy, Steven Kelman, and their staffs.

I would like to pay particular tribute to several individuals. If there is any one person responsible for the success of this effort, it is Senator JEFF BINGAMAN, chairman of the Subcommittee on Defense Technology, Acquisition and the Industrial Base of the Committee on Armed Services. Long before acquisition streamlining became fashionable, he had the vision to initiate legislation—which was enacted as section 800 of the National Defense Authorization Act for fiscal year 1991—which required DOD to establish a government-industry panel to propose comprehensive reform. He had the tenacity to insist that a distinguished panel be appointed after DOD initially ignored the law, and he has played a leading role fashioning the Federal Acquisition Streamlining Act. Ed McGaffigan and Mike Hammon of his staff have been an integral part of our efforts.

I would also like to pay tribute to our former colleague, Vice President AL GORE. The Vice President's National Performance Review not only provided many important concepts for the bill, he also made enactment of this legislation a personnel priority. At every difficult turn, he has been there to keep the legislation on course, and we are grateful for his efforts.

Madam President, two of the unsung heroes of this effort are Greg Scott, of the Senate Office of Legislative Counsel, and Sherry Chriss, of the House Office of Legislative Counsel. Both Greg and Sherry are part of the team that work with us regularly on the annual National Defense Authorization Act. On Friday night, August 12, we filed this year's defense bill, after a grueling conference, in which the legislative counsel staff worked endless hours, 7 days a week, for over 5 straight weeks. That Friday evening, with hardly a pause to celebrate, Greg and Sherry immediately turned to the Federal Acquisition Streamlining Act, and they have remained on task since then. Their skills and dedication represent an extraordinary commitment to public service. Madam President, I also want to single out Andy Effron the Armed Services Committee's general counsel for special recognition. No one has worked harder or done more to insure this successful outcome.

Finally, I would like to express special appreciation for the outstanding effort by the members and staff of the advisory panel on streamlining and codifying the acquisition laws, which was established as a result of Senator BINGAMAN's initiative. The members of the panel from the private sector took time out from their jobs to take on the daunting task of reviewing the entire body of the acquisition laws. The Government members of the panel took this on as an extra duty. I am sure that many of these individuals had their doubts as to whether their report would lead to meaningful reform. Today, they can see the fruits of their effort in this bill, which is largely based on their report. I ask unanimous consent that a list of the members of the panel and their staff be included in the RECORD at the end of my remarks.

Madam President, this bill is just the beginning, not the end, of the reform effort. We have given considerable discretion to the executive branch to reinvent the acquisition process from the ground up. I urge Bill Perry, Steve Kelman, and Colleen Preston—and their colleagues—to make sound implementation of this legislation their highest priority for the coming year.

EXHIBIT I

PANEL MEMBERS

Pete Bryan, Director, Contract Policy and Administration, Office of the Secretary of Defense.

Allen Burman, Administrator for Federal Procurement Policy.

Anthony Gamboa, Deputy General Counsel, Department of the Army.

Jack Harding, Vice President, Contracts, Raytheon Corporation.

LeRoy Haugh, Vice President, Procurement and Finance, Aerospace Industries Association.

Thomas J. Madden, Partner, Venable, Baetjer, Howard and Civiletti.

Ralph Nash, Jr., Professor of Law, George Washington University.

F. Whitten Peters, Partner, Williams and Connolly.

Gary Quigley, Deputy General Counsel, Defense Logistics Agency.

Major General John D. Slinkard, USAF, Deputy Chief of Staff for Contracting, Headquarters, Air Force Materiel Command.

Rear Admiral W. L. Vincent, USN, Commandant, Defense Systems Management College.

Robert D. Wallick, Partner, Steptoe & Johnson.

Harvey Wilcox, Deputy General Counsel (Logistics), Department of the Navy.

TASK FORCE

Executive Secretary: Donald M. Freedman (DSMC).

Task Force Directors: C. Kenneth Allard, LTC(P), USA (DSMC), Thomas J. Dolan, Jr. (ONR), Susan P. McNeill, Col, USAF.

Task Force Members: JoAnne L. Barreca (DLA), Benjamin B. C. Capshaw, LCDR, USNR (DSMC), James Cohen, Lt Col, USAF, Stuart A. Hazlett (SAF-AQC), Barry Kline (AMC).

C. Jean Kopala, Maj, USAF (DSMC), William E. Mounts (Contract Counsel), Karen O'Brien, CPT, USA (DSMC), Michael J. Renner, Lt Col, USAF, Diane M. Sidebottom (DLA), James Wayne Skinner (NAVSUP).

Jack L. Soesbe, MAJ, USA (DSMC), Theresa M. Squillacote (DSMC), Jerry Stahl (AMC), Donald J. Suda (DLA), Bruce N. Warner (DSMC).

Administrative Staff: Wilma J. Frey (DSMC), Laura J. Neal (DSMC), Linda L. Snellings (DSMC), Megan A. Weaver (DSMC).

S. 1587, THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994, HIGHLIGHTS OF THE CONFERENCE AGREEMENT

Electronic commerce procedures

Requires the Federal Government to transform the acquisition system from a cumbersome process driven by paperwork to an expedited process based upon electronic data interchange.

Requires establishment of a Federal Acquisition Network (FACNET), a computer-based source of information readily accessible to government and private sector users, including small businesses.

FACNET would: Inform the public about a broad array of contracting opportunities; set forth the details of government solicitations; permit electronic submission of bids and proposals; facilitate responses to questions about solicitations; and enhance the quality of data available about the acquisition process.

The system could be used by anyone with access to a personal computer and a modem.

Provides for implementation of electronic commerce procedures in two phases.

The first, or "interim" phase, involves developing the capability to: (1) provide notice of contracting opportunities; and (2) receive bids and proposals through electronic commerce procedures. Efforts already underway by the Administration will provide this capability for many agencies and procuring activities soon after the bill is enacted.

The second, or "full" phase, involves developing the capability to use electronic commerce procedures for processing certain orders, responding to questions about solicitations, and compiling data about the acquisition process. The bill would require that this phase be achieved within 5 years.

Simplified acquisition threshold

Establishes a "simplified acquisition threshold" of $100,000 to streamline the process of making small purchases and to reduce the amount of staff time needed for such purchases, resulting in substantial savings for the government.

Simplified acquisition threshold—waiver of certification and recordkeeping requirements:

Replaces current law, which applies numerous statutory certifications and limitations to small purchases. Many of these statutes have thresholds of $25,000 or below.

Exempts purchases at or below the $100,000 simplified acquisition threshold from the paperwork and recordkeeping requirements of over 15 statutes.

Simplified acquisition threshold—simplified notice of contracting opportunities:

Permits agencies (Or procuring activities) to adopt streamlined procedures for providing notice of contracting opportunities for purchases at or below the $100,000 simplified acquisition threshold.

Under the conference agreement, as soon as an agency (or procuring activity within an agency) achieves the capability of providing notice of solicitations and receiving responses via electronic commerce procedures (i.e., "interim FACNET" capability), it can issue solicitations without prepublication in the Commerce Business Daily.

The requirement for publication in the Commerce Business Daily 15 days prior to solicitation would remain in effect for : (1) purchases over $100,000; (2) purchases at agencies that do not have the electronic notice and response capability; and (3) purchases below the threshold in which the solicitation is not made available through electronic commerce procedures.

Simplified acquisition threshold—simplified response procedures:

Requires government solicitations to specify the time frame for contractors to respond to government solicitations for purchases at or below the $100,000 simplified acquisition threshold.

Requires minimum time frames to be specified in the Federal Acquisition Regulation. Replaces current law, under which solicitations must remain open for at least 30 days.

For purchases over the $100,000 threshold, the 30 day requirement will remain in effect.

Simplified acquisition threshold—other simplified procedures:

Replaces the current "small purchase threshold" of $25,000 with the new $100,000 simplified acquisition threshold.

At present, purchases under the current $25,000 threshold may use simplified procedures established by regulation in lieu of the detailed "full and open competition" procedures established by statute. Simplified procedures require less administrative processing, lower approval levels, and less documentation.

Clarifies that simplified procedures must provide for consideration of all timely offers, and must promote competition to the maximum extent practicable.

Provides for implementation of a higher threshold for these other simplified procedures in two phases:

Upon enactment, the threshold for other simplified procedures would be raised immediately to $50,000 for all agencies.

As soon as an agency (or a procuring activity within an agency) is capable of providing notice of contracting opportunities and receiving bids and proposals via electronic commerce procedures (i.e., the "interim FACNET" capability), the agency could raise its threshold for these other simplified procedures to $100,000. If an agency does not implement the "full FACNET" electronic commerce procedures within 5 years after the bill is enacted, the agency's threshold for use of these "other simplified procedures" would revert to $50,000 until the agency implemented the full FACNET electronic commerce procedures. This provision would not affect any other aspect of the simplified acquisition threshold, which would remain at $100,000.

Simplified acquisition threshold—small business reservation:

Reserves contracts, above $2,500 but under the $100,000 simplified acquisition threshold for small business, and specifically authorizes continued set-asides of all contracts under the threshold for minority small businesses.

Under current law, the small business reservation applies only to contracts at or below a $25,000 threshold.

Simplified acquisition threshold—micro-purchases:

Excludes purchases of less than $2,500 from the small business reservation and most other paperwork requirements applicable to other purchases below the $100,000 threshold.

Enhanced threshold for requirement to prepublish notice of contracting opportunities

Provides that when there is government-wide implementation of electronic commerce procedures, the current requirement to publish notice in the Commerce Business Daily of any procurement 15 days before a solicitation is issued would not apply to any purchase at or below $250,000.

Transitional period for reports on individual contracts

Continues current requirement for procuring activities to provide reports on individual contracts over $25,000 for a five year period after the bill is enacted. After that time, reports on individual contracts will be required for purchases over the $100,000 simplified acquisition threshold.

Commercial items

In general: Encourages the acquisition of commercial end-items and components—including the acquisition of commercial products that are modified to meet government needs.

The purchase of proven products, such as commercial and non-developmental items, can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications and expensive testing.

Exempts commercial items from government-unique certifications and accounting requirements that serve as a disincentive for commercial companies to participate in government acquisitions, and which add to the costs when they choose to participate.

Definition of commercial items:

Enhances the government's access to items from the commercial sector by expanding the scope of products and services that qualify for treatment as commercial items.

Replaces the current definition of commercial items, which is largely limited to products that are sold to the public in substantial quantities at established catalogue or market prices.

Expands the definition of commercial items to include:

Products of a type customarily used by the general public that have been offered for sale in the commercial marketplace.

Products that have evolved from existing commercial products through advances in technology or performance, even if not yet available in the commercial marketplace, if the product will be available in the commercial marketplace in time to satisfy the Federal government's delivery requirements.

Commercial products with minor modifications to meet Federal Government requirements.

Commercial products with modifications of a type customarily available in the commercial marketplace.

Installation, maintenance, repair, and training services if procured in support of a commercial product under terms and conditions available to the general public.

Commercial services offered and sold competitively, in substantially quantities, in the commercial marketplace, based on established catalog prices for specific tasks performed under standard commercial terms and conditions.

Nondevelopmental items (that is, items previously developed for government rather than commercial use) if: (1) the product was developed exclusively at private expense; and (2) the product has been sold in substantial quantities, on a competitive basis, to multiple state and local governments.

The definition includes leased items and intracompany transfers. It does not include real property.

Preference for commercial items:

Establishes a statutory preference for commercial items.

Requires that, to the maximum extent practicable, contract requirements and market research should facilitate the use of commercial items.

Provides a preference for other nondevelopmental items when commercial items are not available.

Requires elimination of contractual requirements that impede acquisition of commercial items.

Commercial item exemptions:

Reduces impediments to the purchase of commercial items by exempting such purchases from the paperwork, recordkeeping, and certification requirements of over 30 statutes that are unique to government purchases, and have no counterpart in the commercial sector.

Provides that any future enacted provision of law that does not explicitly refer to commercial items would not apply to the acquisition of commercial items if placed on the list of exemptions by the Federal Acquisitional Regulatory Council.

Provides that any statute which does not expressly require a prime contractor to "flow down" requirements to a subcontractor would not apply to a subcontractor for commercial items, with very limited exceptions, if placed on the list of exemptions by the Federal Acquisition Regulatory Council.

Truth in Negotiations Act:

Revises the Truth in Negotiations Act (TINA) to address the paperwork burdens that serve as a deterrent to the sale of commercial products to the government.

The Truth in Negotiations Act requires contractors to certify that the cost or pricing data that they provide in connection with negotiated contracts is current, accurate and complete. This involves a very burdensome and time-consuming process of retention, analysis, and production of large amounts of documentation.

Because TINA has no parallel in the commercial marketplace, it has been cited as a major deterrent to the willingness of commercial producers to sell their products to the government. It has also led government contractors to establish costly and duplicative parallel operations for their commercial divisions so that their private sector operations and sales will not be burdened with TINA requirements.

Replaces the current $100,000 TINA threshold for civilian agencies, and the temporary $500,000 threshold at DOD, with a permanent $500,000 threshold applicable to all agencies.

Contracts below the threshold (including contracts for noncommercial items) are exempt from TINA's certification and document production requirements.

Precludes agencies from requiring certified cost or pricing data when a purchase is exempt from TINA (e.g., when there is adequate price competition). A contracting officer may request a contractor to provide the minimum information necessary to determine price reasonableness, but cannot request certified data or the full range of cost and pricing data that would apply above the $500,000 threshold.

Replaces the current TINA exemption for commercial items—which is largely limited to items purchased in substantial quantities at established catalogue or market prices—with a new commercial items exemption.

Applies the bill's expanded definition of commercial items to TINA.

Provides that when a commercial item is purchased on the basis of adequate price competition, the purchase would be exempt from TINA's cost or pricing data submission requirements.

Requires contracting officers to seek uncertified price information, rather than detailed cost or pricing data, in circumstances where commercial items are obtained through an exception to full and open competition. If the pricing information is adequate to demonstrate price reasonableness, the procurement is exempt from the requirement to submit the full range of certified cost and pricing data under TINA. Contracting officers would be required to limit requests, to the maximum extent practicable, to data regularly maintained by the contractor in commercial operations, and would not involve new data collection requirements. The information would be subject to audit for a two year period after contract award.

Pilot programs

OFPP Test Program:

Authorizes Administrator of the Office of Federal Procurement Policy to conduct a test of alternative and innovative procurement procedures.

Provides for six test programs, with a maximum of one per agency selected to participate in the test.

To be eligible for the test, a program must have a total life-cycle cost of less than $100 million.

Each contract under a test program may not exceed $5 million, with the exception of one program that would not be subject to the $5 million per contract limitation.

The test program could include innovative procedures by waiving 15 specified laws concerning matters such as timing and content of notice of contracting opportunities and prescreening of eligible sources.

Participation in the OFPP Test Program could be undertaken by any agency that is capable of using the full FACNET electronic commerce procedures established by this bill (e.g., notice of contracting opportunities, submission of bids and proposal, response to questions about solicitations, and acquisition data collection).

DOD Acquisition Pilot Programs:

Authorizes DoD to test innovative acquisition procedures under DOD's statutory pilot program authority for five programs.

These programs, which were authorized for pilot program status under the National Defense Authorization Act for Fiscal Year 1995, include: (1) fire support combined arms tactical trainer; (2) joint direct attack munition; (3) commercial derivative aircraft; (4) commercial-derivative engine; and (5) joint primary aircraft training system.

For each of the pilot programs, DOD could apply any of the acquisition reforms made by the bill prior to the effective date that would otherwise apply in the bill.

DOD also could test through these programs the application to noncommercial products of any of the commercial product reforms made by the bill.

NASA Mid-Range Procurement Test Program:

Authorizes the National Aeronautics and Space Administration to conduct a test of alternative procedures for notice and publication of contracting opportunities by waiving specified provisions of law.

Acquisitions eligible for the test must be limited to a total annual obligation of $500,000 or less. The total estimated life cycle cost of all acquisitions under the test may not exceed $100 million.

FAA Acquisition Pilot Program:

Authorizes the Federal Aviation Administration to test innovative acquisition procedures for one of the modernization programs under the Airway Capital Investment Plan.

The FAA could apply any of the acquisition reforms made by the bill prior to the effective date that would otherwise apply in the bill.

The FAA also could test the application to noncommercial products of any of the commercial product reforms made by the bill.

Acquisition management

Establishes performance based management concept for major acquisition programs.

Requires agencies to establish cost, performance, and schedule goals for all major programs.

Requires agencies to take corrective action, including program termination where appropriate, when agencies do not achieve, on average, 90 percent of their cost, performance and schedule goals.

Requires agencies to use existing personnel incentives and personnel evaluation systems to enhance the relationship between personnel policies and achievement of cost, schedule, and performance goals in the acquisition process.

Contract goals for small disadvantaged businesses

Establishes for civilian agencies program to achieve a 5% goal for participation of small business concerns owned and controlled by socially and economically disadvantaged persons, with procedures similar to "section 1207" program.

Contract goals for small business concerns owned by women

Establishes a 5% goal for participation by small business concerns owned and controlled by women in each agency's contract and subcontract awards.

Contract formation issues

Alternative sources of supply:

Revises the authority to limit potential offerors when necessary to maintain an alternative source of supply to:

(1) ensure a continuous flow of supplies of services; (2) satisfy a critical need for health, safety, or other emergency supplies; or (3) satisfy projected needs resulting from high demand.

Task orders for advisory and assistance services:

Regulates task order contracts for advisory and assistance services (e.g., consultants).

A task order contract is a contract that does not specify a firm quantity of services.

Such contracts serve a useful purpose, but must be structured carefully to ensure that they are not abused to avoid competition and funnel money to favored contractors.

Establishes the following limitations:

The duration of the contract may not exceed 5 years.

If the contract is to exceed 3 years and the estimated value is in excess of $10 million, the solicitation must provide for multiple awards—i.e., two or more contractors must have the opportunity, during the period of contract, to compete for specific tasks under the contract.

Clarifies the existing authority for agencies to enter into task or delivery order contracts for other goods and services (i.e., for matters other than advisory and assistance services).

These provisions do not apply to contracts regulated by either the Brooks ADP Act or the Brooks A&E Act.

Acquisition of expert services:

Provides on a government-wide basis the authority that several agencies have under current law to obtain expert witnesses for use in litigation without the procedural requirements for full and open competition.

Source selection factors:

Requires the government to disclose the factors and subfactors used in evaluating bids and proposals.

Multiyear contracts:

Authorizes civilian agencies to enter into multiyear contracts where there are sufficient appropriations available under limitations similar to DOD's multiyear contracting authority.

Economy Act purchases:

Limits the authority of a civilian agency to utilize the contracting authority of another agency, similar to the limitations applicable to the Department of Defense.

Contractor past performance:

Requires the Office of Federal Procurement Policy to prescribe guidance regarding consideration of contractor past performance as an evaluation factor in contract award decisions.

Bid protests

Notice of award and debriefing of offerors:

Debriefings should reduce the number of protests that are filed simply to seek information to determine whether the award process was fair.

Establishes an accelerated notice, debriefing, and protest schedule.

Notice must be given to all offerors within 3 days after the contract is awarded.

Requests by offerors for debriefings must be made within 3 days after notice of the award.

The debriefing, to the maximum extent practicable, must take place within 5 days of receipt of a request, and must contain basic information about the award decision.

Protest adjudication: Authorizes the payment of consultant and expert witness fees (in addition to attorney's fees) in protests to the GAO and the GSA Board of Contract Appeals (GSCBA).

Sets a ceiling on such fees at $150 per hour. The ceiling does not apply with respect to protests filed by small businesses.

Authorizes GSBCA to dismiss a protest that is frivolous, brought in bad faith, or does not state on its face a valid basis for protest.

Authorizes GSBCA to invoke procedural sanctions where a person brings a frivolous or bad faith protest, or willfully abuses the board's process.

Clarifies GSA's authority to revoke a delegation of ADP procurement authority after the award of a contract where there is a finding of a violation of law or regulation in connection with the contract award.

Clarifies GSBCA's authority to review contracting decisions that are alleged to have violated a statute, regulation, or the conditions of any delegation of procurement authority.

Requires public disclosure of any settlement agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriate funds.

Authorizes administrative protective orders to be issued by the GAO in protest cases.

Authorizes Comptroller General's to recommend the payment of attorneys' fees in bid protest cases.

This addresses the constitutional separation of powers issue in current law, which authorizes the Comptroller General—a legislative official—to direct executive branch agencies to pay such fees.

Authorizes agencies to continue the procurement process up to the point of award of a contract, notwithstanding the filing of a pre-award protest, if the agency head determines that the action is not in the best interests of the United States.

Contract administration

Establishes government-wide payment protections for first-tier subcontractors and suppliers.

Requires revision of the cost principles to make it clear that costs that are unallowable under the entertainment cost principle may not be reimbursed under any other cost principle.

Replaces the current 18-month time limitation for shipbuilding claims with a provision that conforms the time period for submission of shipbuilding claims to the general six year period applicable to other contract claims.

Extends the authority to use alternative dispute resolution procedures under the Contract Disputes Act until October 1, 1999.

Provides for expedited resolution of contract administration issues by requiring contracting officers to make reasonable efforts to respond within 30 days of any written inquiry from a small business.

Authorizes federal district courts to obtain advisory opinions from the boards of contract appeals.

Provides that agency suspension and debarment actions will have government-wide effect, with limited exceptions.

Operational test and evaluation

Clarifies the independence of the DOD Director of Operational Test and Evaluation from the Under Secretary of Defense for Acquisition.

Assigns responsibility of live fire testing to the DOD Director of Operational Test and Evaluation.

Requires DOD to publish an unclassified version of the annual report on operational test and evaluation.

Authorizes DOD to modify survivability and lethality testing if the Secretary of Defense certifies to Congress that full testing would be unreasonably expensive or impractical.

Provides limits on the number of articles that may be procured under low-rate initial production within the engineering and manufacturing phase of the acquisition cycle.

Uniformity in the procurement system

Amends the procurement laws to promote the uniform treatment of Department of Defense and civilian agency procurements. These changes are, to a great extent, in accord with similar recommendations made by both the National Performance Review and the Advisory Panel on Streamlining and Codifying the Acquisition Law.

Amends the Federal Property Act to establish contract cost principles for civilian agencies. Contract cost principles provide that certain types of costs—such as entertainment costs, lobbying expenses, advertising costs, and so-called "golden parachute" payments—should not be paid by the taxpayers and are not "allowable" on federal contracts.

Establishes cost certification procedures and penalties identical to those that have long been applicable in Department of Defense procurements. The Advisory Panel recommended replacement of the statutory contract cost principles with regulatory cost principles without substantive change. This provision would retain the statutory provisions, and ensure uniform treatment of Department of Defense and civilian agency contracts.

Amends 10 USC 2410, which establishes Department of Defense-unique requirements for the certification of contract claims. The Contract Disputes Act of 1978 establishes governmentwide requirements for the certification of claims. These requirements would remain in effect and would be amended to clarify that they govern all claims, including those at the Department of Defense.

Streamlining the acquisition laws

Repeals or substantially modifies over 225 provisions of law that affect the acquisition system, consistent with the recommendations of the Section 800 Panel and the National Performance Review.

Mr. THURMOND. Madam President, I rise in support of the conference report to S. 1587, the Federal Acquisition Streamlining Act of 1994. This legislation will serve as the foundation for a thorough reform of the manner in which the Federal Government purchases its goods and services. The bill should serve as the first step to change a system that consumes too much time, costs too much, and is insufficiently open to new business participation. It is my hope that it will be embraced by both the executive branch and those in the private sector who wish to sell to the Federal Government.

This legislation, if vigorously applied, will result in the greater use of commercial products by the Government. This will save millions in development costs alone. The streamlined procedures we have authorized should allow for a significant reduction in the acquisition workforce and shall reduce the overhead of businesses who contract with the Government. We have also given the Department of Defense and the civilian agencies the authority to conduct pilot programs to test innovative procedures beyond those in this bill. Should these innovations be proven successful, we may expand them in future legislation.

The House and Senate versions of the legislation were generally similar, but there were differences on key issues. We had to reconcile conflicts in areas such as the relationship between increasing the small purchase threshold above $25,000 and the implementation of an electronic commerce system to allow anyone with a personal computer and phone modem to conduct business with the Government. Some compromises between the Senate and House approaches were inevitable, but the integrity of the streamlining vision has been preserved. In fact, this conference bill is in many ways superior to either the original House or Senate version of the legislation.

I want to commend those of my colleagues who served on the conference committee, especially Senator GLENN, the chairman of the Committee on Governmental Affairs and Senator ROTH, the ranking Republican member; Chairman NUNN of the Armed Services Committee, and Chairman BUMPERS and Senator PRESSLER of the Small Business Committee.

The Federal Acquisition Streamlining Act of 1994 will soon reach the President's desk for his signature. It will then be up to the executive branch agencies to implement the legislation in a manner that leads to true reform of the acquisition process. We expect this effort to be accorded the very highest priority. Funds must be programmed to deploy a fully capable electronic commerce system in the near term. Programs to train Government employees in the use of streamlined commercial practices must be expanded to ensure that the Federal workforce can protect the interests of the taxpayers in the new, more flexible procurement environment. The heads of the agencies must communicate regularly with us on the progress of implementation and inform us of further areas in need of legislative reform.

Congress has spoken in a broad and bipartisan manner in support of this major reform. We must now work to see that the vision of a more efficient, cost-effective, and responsive acquisition system becomes a reality.

Mr. ROTH. Madam President, I rise today as the ranking member on the Governmental Affairs Committee to ask my colleagues to support the conference report on the Federal Acquisition Streamlining Act. There is broad, bipartisan consensus on the need to fix the Federal buying system, and the conference report makes major inroads into many key problem areas. Yesterday I spoke of the major provisions in the conference agreement. Today, I want to focus on the need for this bill.

Madam President, in fiscal year 1994, the Federal Government will buy about $450 billion of goods and services, according to the Congressional Budget Office. With this much money at stake, Congress has a responsibility to ensure that the taxpayer's money is spent well. But Madam President, the Federal buying system is not working well. The GAO stated in its 1993 High Risk Reports that the Federal buying system itself perpetuates fraud, waste, and abuse. They also reported that cost increases on the order of 20 to 40 percent are common on major programs, with numerous programs experiencing much greater cost overruns.

I asked the General Accounting Office to summarize its recent investigations of procurement horror stores. The GAO found it had produced more than 150 reports and testimonies over the last 5 years. For example, the GAO identified NASA contract management actions that caused a weather satellite to fall 3 years behind schedule while cost doubled to $1.7 billion.

In the Defense Department, which accounts for about 70 percent of Federal spending on goods and services, the problems are most evident. While the system is able to produce good weapons, it is wasteful, inefficient, and takes too long to field needed technologies. Virtually every major weapon system currently being developed is experiencing cost and schedule problems. According to the most recent data, Army programs are over budget by as much as 167 percent, Navy programs by as much as 56 percent, and Air Force programs by as much as 169 percent, even after accounting for the effects of inflation and quantity changes. According to a 1991 Defense Sciences Board Task Force study, the time it takes to field a new weapon has increased 60 percent over the last four decades, while creating high technology commercial products takes a fraction of what it did in the 1960's.

On average, it now takes over 16 years for a program manager to accomplish the 840 steps needed to field a new weapon. I understand that the flow chart of these 840 steps takes-up 158 feet of four foot wide paper. Most of these steps are the result of the Congress and the Pentagon Bureaucracy injecting their 2 cents worth. Unfortunately, since each step takes time and time is money, the 2 cents of input turn into millions or billions of dollars in cost overruns and delays in getting the weapon to the field. On the other hand, there is virtually no focus on utilizing new technologies to reduce the cost and time it takes to develop a weapon system, as the Packard Commission had recommended.

The rest of the world is finding dozens of fast, cost-effective ways to adapt commercial technologies to weapons. We must be able to compete in transferring technologies into weapons if we are to protect our soldiers, sailors, and aviators in today's world. The Army's Fiber Optic Guided Missile is an example of the buying system's inability to perform. The Army had the technology available in the early seventies. By 1989, 40 prototype missiles had been successfully tested against both tanks and helicopters. In 1991, the program was canceled for cost and schedule overruns. The result of all of this is that the user does not have the technology, and best estimates indicate that the system is still 10 years away. Meanwhile, according to the Defense Intelligence Agency, Japan and Europe will field a fiber-optic guided missile by 1996 and that the Third World will have those missiles before 2000, long before our soldiers. It does not make sense that countries with less developed economies can field new technology in their weapons faster than the Pentagon.

I have worked for more than a decade to reform the Government's buying system, and over the years my conclusion has not changed: without major cultural and structural reform, Americans will not get the results they deserve. First, agencies rely on a maze of regulations and bureaucratic organizations to prevent horror stories. That approach is expensive, prolonged, and, as the GAO reports illustrate, often ineffective.

Second, the incentives are wrong. Program managers and contractors are rewarded for increasing the size of their program and their budget. For contractors, the higher the contract price, the bigger the profits. There are no incentives for a job well done, but there are penalties for taking risks that may save money. There simply is nothing in Government comparable to the effect of profit-sharing, gain-sharing, or other forms of pay-for-performance. This must change.

If we can fix the buying systems, billions of dollars will be saved. The National Performance Review identified potential savings of $22.5 billion. Last Summer, the Defense Science Board identified $20 billion in potential annual savings for just the Defense Department.

Over the last year, Senator COHEN and I introduced bills to fix the problems in the Federal buying system. I was pleased that the witnesses at all of the hearings on the Federal Acquisition Streamlining Act supported including our proposals in the Senate bill. Consequently, the Senate passed a procurement reform bill that would get rid of the web of unneeded regulation, while tying incentives to performance. The conference report contains most of our proposed reforms.

In a nutshell, the conference report makes it easier for the Government to rely on the commercial marketplace to meet its needs. It allows broad use of commercial practices when the Government buys commercial items. It repeals or substantially modifies 225 statutes that provide little or no value. It establishes significantly streamlined procurement procedures for small dollar purchases and commercial items. For small purchases, it also will transform the paper-intensive procedures into a computer-based paperless system. It requires agencies to re-write procedures to focus on results when they choose to develop Government-unique items, rather than buy a proven commercial item. With respect to acquisition management, the agreement changes the incentive structure for the acquisition workforce, rewarding those who save time and money and improve quality, while penalizing those who perform poorly. It also ties contractor payments to their performance.

I want to reiterate, Madam President, that there should be a reduction in the 20 layers of the buying bureaucracy. But, the bill before us today does not require such streamlining. I intend to pursue legislation in the future that will get rid of excess layers in the buying system.

In summary, there is both a need and an opportunity for reforming Defense acquisition. The time has come for Congress to make some very difficult decisions which have far-reaching impact on the future of our country. The conference report is an important step forward, and I urge the Senate to support its enactment. But, Madam President, I must point out that bureaucracies are inherently unable to reform themselves. I intend to closely watch implementation of this bill to make sure appropriate action is taken. I congratulate my fellow conferees and their staffs for their hard work in crafting this bill.

Mr. LEVIN. Madam President, the conference report before us today—the Federal Acquisition Streamlining Act of 1994—is the most significant procurement reform legislation to be considered by the Senate since the Competition in Contracting Act 10 years ago. This legislation will—

Significantly advance the acquisition of commercial items by exempting them from unnecessarily burdensome government-unique certifications and accounting requirements;

Dramatically simplify the requirements for purchases under $100,000 by authorizing streamlined systems with minimal statutory requirements;

Reduce paperwork burdens by adopting a computer-based procurement system readily accessible to government and private sector users, including small businesses; and

Eliminate redundancy, provide consistency, and provide greater discretion to contracting officials.

I am particularly proud of title VIII of the bill, which would make it easier for the Government to buy commercial products instead of requiring products to be designed to Government-unique specifications. As I explained when I introduced a bill containing similar provisions more than 5 years ago, it only makes sense that commercial items and other off-the-shelf products are less expensive and easier to purchase than new, Government-unique items. The acquisition of commercial products can lower initial purchase costs by reducing or eliminating the need for research and development. Acquisition leadtime can be reduced since commercial products are readily available and can be produced on existing production lines. Because the product is already developed and has been shown to work, the need for detailed design specifications and extensive testing is also reduced.

I first became interested in the commercial products issue in the mid-1980's, when the Packard Commission reported that DOD was wasting billions of dollars by relying on excessively rigid military specification and developing custom-made items when readily available, off-the-shelf products could meet its needs at a fraction of the price. At that time, for example, the Packard Commission reported that the Pentagon was buying specially-designed microchips at prices 3 to 10 times the market prices for similar, commercial products.

In response to the Packard report, I insisted that DOD reduce paperwork requirements and rely more on commercially-available microchips—with savings to the taxpayer that have been estimated at $500 million a year. At the same time, I offered a successful amendment to the DOD authorization bill to implement the broader recommendations of the Packard report by creating a statutory preference for off-the-shelf items and requiring the Pentagon to simplify its specifications and make it easier for commercial contractors to do business with the Government.

Unfortunately, changing the procurement culture is never quite so easy. In 1989, my Governmental Affairs Subcommittee revisited the issue with 2 days of hearings on the progress that DOD had made in implementing my commercial products amendment. Most importantly, DOD made virtually no headway in the effort to tailor its tens of thousands of detailed military specifications to the commercial marketplace. In one case identified at our hearings, DOD reviewed a 37-page military specification for residential heat pumps—and managed to shorten it to 36 pages. In fact, it was only this year—8 years after my original commercial products provision was enacted into law—that DOD finally got around to issuing a policy requiring the use of commercial product descriptions, rather than military-unique specifications, whenever possible.

In our 1989 hearings, we also found that DOD was discouraging commercial companies from bidding on its contracts by including numerous burdensome and unnecessary contract clauses. In response to this problem, I introduced a successful amendment to the 1989 DOD Authorization Act, which required the Pentagon to simplify its specifications, eliminate unnecessary contract clauses, take advantage of commercial quality control systems and commercial warranties, reduce burdensome cost or pricing data requirements imposed on commercial contractors, and report to Congress on any additional steps that needed to be taken to remove impediments to the increased acquisition of commercial products.

The savings from this initiative have been significant. For example, a 1991 study by the Logistics Management Institute found that a single Navy command had been able to save—

Five million dollars by substituting commercial standards for Government-unique specifications for thermal insulation materials;

Some $3.7 million by purchasing general purpose automobiles with standard commercial paint, instead of requiring that all vehicles be painted medium Navy gray;

Five million dollars by purchasing commercially available fire and rescue trucks instead of custom-designed vehicles; and

One million dollars by buying commercially available generators and floodlights, instead of specially designed, DOD-unique floodlights and generators.

Much more remains to be done, however. Over the last two Congresses, for example, I have introduced bills to make these reforms Governmentwide. Each of the bills was approved by both the Senate and the House of Representatives, but in each case, the House action came in the final hours of the session, when it was too late to conference the measure.

Madam President, the bill before us today takes the next step in enabling the Government to take advantage of the economies of the commercial marketplace. This bill, when enacted, will—

Establish new, Governmentwide definitions of commercial items and other off-the-shelf products;

Create a preference for the acquisition of such items;

Require Federal agencies to use simplified procurement specifications to the maximum extent possible;

Exempt purchases of commercial items from Government-unique certifications and accounting requirements that add unnecessary costs and discourage commercial companies from doing business with the Government;

Revise the Truth in Negotiations Act to eliminate Government-unique requirements for cost data in the procurement of commercial items;

Require agencies to conduct market research to determine whether their needs can be met by commercial and off-the-shelf products;

Require the use of uniform, simplified contracts for the purchase of commercial items;

Authorize the use of market acceptance criteria in commercial procurements;

Encourage the consideration of contractors' past performance in decisions to award future contracts;

Permit commercial contractors to use existing quality assurance systems instead of extensive government testing; and

Require Federal agencies to take advantage of commercial warranties.

Taken together, these changes should make it far easier for Federal agencies to take advantage of proven commercial products, instead of reinventing the wheel by paying to develop Government-unique products. I am convinced that the resulting savings will be billions of dollars.

Madam President, the Federal Acquisition Streamlining Act is the product of many months of work by the majority and minority staffs of the Senate Governmental Affairs and Armed Services Committees and their counterparts on the House side. It could not have been brought to this point without the commitment of the three committee chairmen, Senators GLENN, NUNN, and BUMPERS, who have wholeheartedly embraced the goal of acquisition streamlining and made the staffs of their respective Committees available to work on this project over a period of many months. It would not have been possible without the efforts of Senator BINGAMAN, who initiated the section 800 review of the defense acquisition laws and pushed us all to give the panel's report the attention it deserved. And it would not have been possible without the cooperation and support of the ranking Republican Members of the Governmental Affairs and Armed Services Committees and the subcommittees of jurisdiction—Senators ROTH, COHEN, THURMOND, and SMITH.

I would also like to commend the unsung heroes of this effort—the Senate staffers who have put in the endless hours of work necessary to put this bill together. Those staffers include Peter Levine and Roger Martino of my staff; Tom Sisti, John Brosnan, Mark Foreman, Paul Brubaker and Peter Wade of the Governmental Affairs Committee staff; Andy Effron, Jon Etherton, and Don Deline of the Armed Services Committee staff; Bill Montalto of the Small Business Committee staff; and Mike Hammond of Senator BINGAMAN's staff. Without their efforts, there would be no acquisition streamlining bill at all.

Of course, past experience has shown that passing laws is not enough to change the way the acquisition system works. The executive branch has to implement fully and effectively not only the letter, but also the spirit of the new law. When this bill passes the Senate and the House and is signed into law, as I expect it will, I sincerely hope that 2 or 3 years from now when we review its implementation, we will find that the bill has been implemented in the spirit in which it was written, and that real reform has occurred. That will be the true test of our success.

The Federal Acquisition Streamlining Act is an important part of efforts to reinvent Government. I hope our colleagues will join us in supporting this far-reaching measure.

Mr. SMITH. Madam President, I am pleased to report that the conference on S. 1587, the Federal Acquisition Streamlining Act of 1994, has come to a successful conclusion. This legislation should be the basis for an ongoing overhaul of an acquisition system that is slow, cumbersome and very costly. The Federal Acquisition Streamlining Act is by no means the final word on procurement reform, but it is major first step that has only been possible in the current climate favoring fundamental change in government management.

The conference report is the result of an arduous 4-year process begun with the establishment of the Defense Department Acquisition Law Advisory Panel in section 800 of the National Defense Authorization Act for fiscal year 1991. At that time, the prospects for a comprehensive reform of the acquisition process envisioned were questionable. It was only through the persistence of Senator JEFF BINGAMAN, the author of the provision, and Senator DAN COATS, ranking Republican member of the Senate Armed Services Defense Industry and Technology Subcommittee, that the advisory panel was formed with a mandate for broad analysis.

The so-called section 800 report issued by the advisory panel has served as the foundation of the bill we are considering today. We owe the panel members a great debt of gratitude for the amount of time they personally spent on the report. We would not have generated the support for legislative reform had it not been for the excellent quality of that report. I ask unanimous consent that the attached list of the advisory panel members and task force support staff be printed in the RECORD at the close of my statement.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH. I want to commend my colleagues, Senators GLENN, ROTH, NUNN, THURMOND, BUMPERS, PRESSLER, and others for their hard work in bringing this bill through the legislative process. The spirit of bipartisanship and constructive engagement in that process stands as a model for the manner in which complex legislation should be considered. I also want to thank Jon Etherton of the Armed Services Committee staff for his tireless efforts to develop a meaningful acquisition reform package. Jon has been a tremendous asset throughout this process, and I want to take this opportunity to personally recognize his exemplary service.

In conclusion, I urge my colleagues to support the conference report on S. 1587. This legislation will result in a more streamlined and a more open acquisition system. We have raised the threshold for the applicability of most socioeconomic laws to contracts over $100,000. We have established the elements of an electronic commerce system that will allow anyone, especially small business, to access and respond to contracting opportunities with the Federal Government. The legislation also enhances the ability of the Government to purchase commercial products and services resulting in millions in savings to the taxpayers. And we have granted the executive agencies the ability to test even more innovative procurement ideas within special pilot programs.

To be sure, the reform process will have to continue for many years before the vision embodied in this legislation fully transforms the existing system. But, for now, let us lay the foundation by passing the Federal Acquisition Streamlining Act of 1994 with all deliberate speed.

I yield the floor.

EXHIBIT 1

PANEL MEMBERS

Pete Bryan, Director, Contract Policy & Administration, Office of the Secretary of Defense. Allan Burman, Administrator for Federal Procurement Policy. Anthony Gamboa, Deputy General Counsel, Department of the Army. Jack Harding, Vice President, Contracts, Raytheon Corporation.

LeRoy Haugh, Vice President, Procurement & Finance, Aerospace Industries Association. Thomas J. Madden, Partner, Venable, Baetjer, Howard and Civiletti. Ralph Nash, Jr., Professor of Law, George Washington University. F. Whitten Peters, Partner, Williams and Connolly. Gary Quigley, Deputy General Counsel, Defense Logistics Agency.

Major General John D. Slinkard, USAF, Deputy Chief of Staff for Contracting, Headquarters, Air Force Materiel Command. Rear Admiral W.L. Vincent, USN, Commandant, Defense Systems Management College. Robert D. Wallick, Partner, Steptoe & Johnson. Harvey Wilcox, Deputy General Counsel, Department of the Navy.

TASK FORCE

Executive Secretary: Donald M. Freedman (DSMC)

Task Force Directors: [1]Kenneth Allard, LTC(P), USA (DSMC), [1]Thomas J. Dolan, Jr. (ONR), [1]Susan P. McNeill, Col, USAF.

Task Force Members: JoAnne L. Barreca (DLA) [1]Benjamin B. C. Capshaw, LCDR, USNR (DSMC), James Cohen, Lt Col, USAF, [1]Stuart A. Hazlett (SAF-AQC), Barry Kline (AMC).

C. Jean Kopala, Maj, USAF (DSMC), William E. Mounts (Contract Counsel), Karen O'Brien, CPT, USA (DSMC), Michael J. Renner, Lt Col, USAF, Michael Rose, Lt Col. USAFR, Diane M. Sidebottom (DLA).

James Wayne Skinner (NAVSUP), Jack L. Soesbe, MAJ, USA (DSMC), Theresa M. Squillacote (DSMC), Jerry Stahl (AMC), Donald J. Suda (DLA), [1]Bruce N. Warner (DSMC).

Administrative Staff: Wilma J. Frey (DSMC), Laura J. Neal (DSMC), Linda L. Snellings (DSMC), Megan A. Weaver (DSMC).

Mr. MCCAIN. Madam President, the Federal Acquisition Streamlining Act of 1994 is one of the most important pieces of legislation this Congress will consider. The Government procurement process through the slow accretion of rules and regulations over the years has become overly complex and cumbersome. This legislation will introduce badly needed reforms.

In no area is this reform more urgent than with respect to the defense acquisition system. The drive to combat the mounting Federal deficit has placed extraordinary pressure on the defense budget. Since 1985, the defense budget has been reduced by 35 percent. Yet despite this massive and ill-advised cut in defense spending, the Pentagon's budget continues to suffer attacks. The austere budget climate makes it absolutely imperative that we stretch every defense dollar as far as possible.

The cumbersome Federal acquisition process discourages many companies from competing for Government contracts. This reduces participation, thus diminishing competition and raising Government procurement costs. Further, the current process places substantial restrictions and burdens on defense contractors which are unnecessary, the added cost of which lessens the buying power of our defense dollars. Finally, the process has fostered a separation of commercial and military production which impedes cross fertilization between these two sectors of the economy, hindering the full utilization of technological innovation.

If enacted, the Federal Streamlining Act of 1994 would institute major reforms in three principal areas for both general Government and defense procurement. First, simplified acquisition procedures will be expanded to include a significantly larger group of contract actions. Second, the legislation would revamp the acquisition rules to encourage and facilitate procurement of commercially available items whenever feasible, allowing the Government to reap the benefits of low-cost, mass-produced commercial items, rather than commissioning expensive custom-made products. Finally, the legislation would streamline the entire process of contract formation, administration, and award protests.

The Federal Acquisition Streamlining Act is not the last word on procurement reform; it is but a first step. A continued commitment from the Congress is essential. Congress must closely monitor the implementation of this legislation to ensure that unintended and adverse consequences do not arise. All too often in the past the Congress has announced that it had fixed the Government acquisition process, and then cast a blind eye when the touted remedial legislation failed to solve problems or created new difficulties. We must actively review the progress of acquisition reform and make appropriate corrections as prudence and experience require. I am personally committed to addressing any unforeseeable, negative effects of this legislation, to ensure that national security and the public interest are zealously safeguarded.

Further, in the future, the scope of reform must be expanded. This legislation will not reform the acquisition process for multimillion dollar contracts, that work must be taken up by the next Congress. Major acquisitions, particularly those involving defense systems, need to be reformed to enhance competition, cut costs, and best serve the public interest. I look forward to working with my colleagues in the next Congress to continue the process of procurement reform.

Mr. EXON. Madam President, I ask unanimous consent that the conference report be agreed to, and that the motion to reconsider and the motion to lay on the table be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ON THE 50TH ANNIVERSARY OF ROMANIA'S ALLIANCE WITH THE ANTI-FASCIST NATIONS IN WORLD WAR II

Mr. MOYNIHAN. Madam President, I rise today to pay tribute to the heroic contributions made by the Romanian people and their former sovereign, Mihai I, in the struggle against Nazi tyranny. Throughout most of World War II, Romania was allied with Hitler's Germany—an alliance forged by Romania's dictator, General Antonescu. In the summer of 1944, while Allied forces were pushing German forces back on all fronts, the people of Romania did not sit idly by. The deposed king, Mihai I, took full advantage of the opening. On August 23, 1944, King Mihai gave the signal for a coup d'etat by ordering his palace guards to arrest General Antonescu. This done,

---

[1] Denotes Task Force members who assisted in the production of the Executive Summary. The Panel also recognizes the following DSMC staff members for their contributions to this effort: Robert W. Ball, Greg T. Caruth, and Francis N. Scavotto.

King Mihai called upon the army to release Romania from the Nazi yoke and drive the German troops from the country, a task they accomplished in a matter of days. It is appropriate to take a moment to remember the brave actions of the Romanian people 50 years ago today.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:11 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2942. An act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility."

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, announced that the House has passed the following bills, in which in requests the concurrence of the Senate:

H.R. 3433. An act to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

H.R. 4908. An act to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs of the Department of Energy, and for other purposes.

MEASURES REFERRED

The following measure, having been reported from the Committee on Indian Affairs, was referred to the Committee on Energy and Natural Resources, pursuant to the order of July 26, 1994:

S. 2259. To provide for the settlement of the claims of the Confederated Tribe of the Colvill Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

The following bill was read the first and second times, by unanimous consent, and referred as indicated:

H.R. 3433. An act to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 4908. An act to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 528. A bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana (Rept. No. 103–355).

By Mr. INOUYE, from the Committee on Indian Affairs, with amendments:

S. 2259. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Couleee Dam, and for other purposes (Rept. No. 103–356).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 1887. A bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes (Rept. No. 103–357).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 622. A bill to authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes (Rept. No. 103–358).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2413. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

By Mr. LOTT:

S. 2414. A bill to authorize the Secretary of Transportation to issue temporary certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessels *Idun Viking*, *Liv Viking*, and *Freja Viking*; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. HATCH, Mr. BUMPERS, Mr. BOREN, and Mrs. BOXER):

S. 2415. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of partnership investment expenses under the alternative minimum tax; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. WOFFORD, and Mr. WELLSTONE):

S. 2416. A bill to authorize the Secretary of Health and Human Services to award grants and contracts to establish community response teams and a technical assistance center to address the development and support of community response teams; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mrs. BOXER):

S. Res. 252. A resolution to designate the week of March 12–18, 1995 as "National Manufacturing Week"; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL, Mr. MOYNIHAN, Mr. LEVIN, Mr. HELMS, and Mr. BROWN):

S. Con. Res. 74. A concurrent resolution concerning the ban on the use of U.S. passports in Lebanon; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2413. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

PRIVATE RELIEF LEGISLATION

• Mr. AKAKA. Mr. President, today I am introducing a bill for the private relief of Richard Motoso Sakakida of Fremont, CA. My legislation would require the military to review whether the retired lieutenant colonel deserves the Congressional Medal of Honor, Distinguished Service Cross, or Silver Star for actions related to his service in the Philippines during World War II.

Despite many courageous and daring actions he undertook as an Army undercover agent before and during the Japanese occupation of the islands, Colonel Sakakida has never been officially recognized for his service there, largely because much of his work was classified, and therefore unknown, until well after the war. Despite efforts undertaken in his behalf by fellow veterans and Members of Congress to accord him the honors he deserves, the Army has refused to consider his case, citing a statute limiting the Medal of Honor or Distinguished Service Cross to those whose recommendations are received within 2 years of the act justifying the awards, or, in the case of World War II veterans, by 1951.

Mr. President, I believe a brief review of Colonel Sakakida's wartime exploits will convince my colleagues of the need to enact this legislation.

In March 1941, 9 months before the Japanese attack on Pearl Harbor, Richard Sakakida, the son of Japanese parents who immigrated to Hawaii at the beginning of the century, and another nisei from Hawaii became the first Japanese-Americans recruited to the

Army's Counter Intelligence Police [CIP]. This unit would later become the Army Counter Intelligence Corps, or CIC.

Sworn in as a sergeant, Sakakida was sent to the Philippines, then an American possession; his mission was to spy on Japanese with possible connections to the Japanese military. There, Sakakida was able to masquerade as a draft evader from Hawaii and talk himself into being admitted to an all-Japanese residential hotel in Manila. Under cover of a prearranged job, and without any prior training or experience, he succeeded in establishing a clandestine intelligence collection operation out of this hotel room. As a measure of the success of his penetration of the Japanese community, Sakakida was even offered a post with the Japanese Consulate in Mindanao.

The outbreak of war abruptly ended that possibility. Instead of returning to the American side, Sakakida was asked to stay with the Japanese community to continue his work. He relied on sheer resourcefulness to talk his way past unwitting American and Filipino security guards at the gate to the emergency Japanese relocation compound, where Japanese nationals were being detained. His vulnerability was compounded by the fact that only a few men were aware of his secret work. In fact, he was eventually arrested on spy charges by the Philippine Constabulary and subjected to punishing interrogation at Bilibid Prison. Throughout the ordeal Sakakida maintained his cover story, as he was later able to do with his Japanese captors.

Fortuitously, he was eventually recognized by a Filipino agent who was aware of his undercover status; unfortunately, this also compromised his cover among Philippine authorities. A ruse involving his return to the Japanese compound and unceremonious arrest by American agents was staged in an attempt to maintain his cover in the Japanese community, but the rapid advance of the Japanese Army ended hopes for his return to the Japanese. For the first time since he arrived in the islands, he reentered the American fold.

Back in military uniform with the CIP, Sergeant Sakakida was tasked with interrogating Japanese civilians and POW's in Manila, Bataan, and Corregidor. He translated Japanese diaries and combat documents, prepared propaganda leaflets in Japanese, and called upon the Japanese to surrender in loudspeaker broadcasts. He also monitored Japanese air-ground communications and deciphered enemy codes. At Bataan, he singled out and translated a key captured Japanese document that led to the destruction of a large battalion-size force that was attempting a landing there. It was one of the few, perhaps only, major American battlefield successes in a string of setbacks that led to the downfall of Bataan.

When the final surrender of the Philippines became imminent at Corregidor in 1942, General MacArthur ordered Sakakida's evacuation to Australia. In spite of the prospect of certain imprisonment, possible torture, and perhaps execution at the hands of the Japanese, he chose to give up his seat on one of the last escape aircraft to a nisei lawyer. Sakakida was aware that the lawyer had a family and for various reasons would have faced serious reprisals had he been captured. As a result, by his own hand, Sakakida became the only Japanese-American to be captured by the Japanese forces in the Philippines.

Sakakida spent 2 months in a Manila prison, where he would be mercilessly interrogated and tortured. His situation was compounded by the fact that, under existing Japanese law, everyone of Japanese ancestry was considered a citizen of the Empire; thus, Sakakida was viewed as a traitor. He was strung up by the arms in such a way that his shoulders were literally dislocated. His captors forced water into him, and struck his swollen stomach repeatedly; they also burned his body with lighted cigarettes. Incredibly, through it all, Sakakida would adhere to his story that he was a civilian forced to work for the U.S. Army.

After being tortured, Sakakida spent more time in Bilibid Prison, where he underwent more interrogation for alleged treason. When treason charges against him were dropped, he was assigned to work for the Japanese judge advocate of the 14th Army Headquarters, although Japanese counterintelligence agents continued their attempts to elicit his true identity through trick questions and other stratagems. He took advantage of his position to aid secretly a number of allied prisoners of war who were being held there for trial for attempting to escape; Sakakida smuggled food to them and imaginatively interpreted for them during their trials. One of these men, a naval officer who was later to become an Oklahoma supreme court justice, believes he escaped execution only through Sakakida's intervention and assistance during the trial.

During this time, he established contact with the Filipino guerrilla underground, through which he funneled important Japanese troop and shipping information to MacArthur in Australia. Sakakida's reporting from Manila also contributed to the destruction of a major Japanese task force headed for Davao by American submarines that lay in wait for the convoy. The huge Japanese setback abruptly ended the Japanese advance toward Australia, saving it from an invasion.

Sakakida then engineered a daring prison break from Mantinlupa Prison that freed the guerrilla leader Ernest Tupas and 500 of his men. Sakakida himself chose to remain behind in order to continue his intelligence activities from the enemy's midst. Thereafter, Sakakida was able to relay additional tactical information to MacArthur through the guerrillas.

After American forces invaded the Philippines, Sakakida escaped from the retreating Japanese forces at Baguio. During a firefight between American and Japanese troops, he suffered shrapnel wounds in the stomach. For the next several months Sakakida wandered alone in the jungle, living off the land, debilitated by his wound. He finally happened upon American troops, whom he eventually convinced of his identity. At that point, he was informed that the war was over.

Mr. President, this is a thumbnail sketch of Richard Sakakida's record of service in the Philippines. Naturally, it cannot do justice to the full tale of his courage, daring, sacrifice, and endurance. I have omitted many other incidents that displayed Sakakida's courage and fortitude. In fact, for a variety of reasons, including the secrecy surrounding his intelligence activities, his story has never been told in its entirety until relatively recently.

Mr. President, because Sakakida's activities were classified, few were in a position to recommend him for the Medal of Honor or other high awards for valor. Much of what we know is largely anecdotal, because circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Now, time has lifted the veil of secrecy, but many of the records of his activities are missing or were never kept; in addition, many witnesses who could have spoken of his exploits were either killed during the war or have since passed away in the period between the end of the war and the vitiation of the official blackout on Sakakida's operations. In spite of this catch-22 situation, I believe that ample evidence exists to support the awarding of the Congressional Medal of Honor to Colonel Sakakida. I believe this especially in view of the fact that the whole of his activities is informed by a supreme consistency, validated by objective events, that only the truth bears.

Nevertheless, after Colonel Sakakida's story was publicly revealed several years ago, and his record formally brought to the Army's attention by fellow veterans as well as by my Hawaii colleague, Representative PATSY MINK, the Army's Military Awards Branch refused to consider him for the Medal of Honor. The Army, citing the statute I have referred to earlier, stated that Sakakida's recommendation must have been submitted through official military channels shortly after the end of the war, by 1951. The Army refused to consider the special circumstances surrounding Sakakida's case, namely, that the nature of his intelligence work prevented his story from being appropriately considered prior to the delimiting date. In fact, as I have alluded to before, he was officially enjoined from talking about his intelligence activities during World War II until 1972, more than 20 years after the statutory deadline, when they were declassified and he was no longer bound by his secrecy oath. As a result, Colonel Sakakida's contributions to the allied victory have been overlooked by history and by his country.

This is a tragic oversight. Colonel Sakakida has been inducted into the Military Intelligence Hall of Fame. He has been honored repeatedly by his Japanese-American comrades-in-arms, notably members of the all-nisei Military Intelligence Service and the 100th Infantry Battalion/442d Regimental Combat Team. At least one book, and chapters in many others, has been devoted to his wartime accomplishments. And, he has been awarded four different medals by the Philippine Government, including the Philippine Legion of Honor award.

Thus, it seems that everyone but our own Government has recognized Colonel Sakakida's heroic military service in the Philippines. Indeed, the Army has never accorded Sakakida a single award or commendation for bravery associated with his undercover work in the archipelago

Mr. President, I cannot help wondering if Colonel Sakakida's ethnic heritage has had something to do with this slight. While the Army apparently does not keep statistics on the ethnic breakdown of valor awards, one could make the case that Japanese-Americans have been underdecorated with respect to the Medal of Honor.

According to the book, "Nisei: The Quiet Americans," by Bill Hosokawa, no Japanese-American had been awarded a Medal of Honor at the end of World War II. It was only when a member of the all-nisei 100th/442d, the most highly decorated military unit in American history made this known to Congress that the medal was awarded posthumously to one of its members.

Hosokawa noted that a number of the Japanese-Americans in the 100th/442d were recommended for the Medal of Honor, but in each case, somewhere along the line, the request was denied and the lesser, Distinguished Service Cross presented instead. As of the late 1960's, according to Hosokawa, only one other Japanese-American received the Medal of Honor, for his service in the Korean war—I have been unable to find data on Vietnam or post-Vietnam conflicts, which is significant in itself. I have no doubt nisei like Colonel Sakakida suffered racial prejudice at the onset of hostilities with Japan; the unjust internment of Japanese-Americans is proof enough of this.

There have been other allegations of discrimination in the medal awarding process. Apparently, only one black American received the Medal of Honor for World War I service, and that happened only after the Army conducted research to determine if there had been any barriers to black soldiers in the medal recognition process. And, recently, a retired lieutenant colonel who is African-American alleged he was denied the Medal of Honor for his heroics in Korea because of discrimination.

The Army has contracted a second study on black winners of the Medal of Honor in World War II that will presumably throw additional light on this sensitive subject. However, I also understand there are no plans to study Asian-Americans or any other ethnic group. I think this is a shortcoming that should be addressed; I will soon be making a formal request to the Department to correct this oversight.

In any event, Mr. President, whether Colonel Sakakida is a victim of discrimination, an outdated law, or merely circumstance, his record is compelling enough to warrant formal review.

My bill would accomplish this by directing the Secretary of the Army to review Sakakida's World War II military records to determine if he deserves appropriate recognition for his heroic efforts in the Philippines. It would allow the Army to award him the Medal of Honor, Distinguished Service Cross, or the Silver Star free of any statutory time restrictions that may pertain to these awards, provided the review of Sakakida's record is positive.

Let me stress that this bill does not direct the Army to award the Medal of Honor to Colonel Sakakida outright, but to do so only if a review of his records determines that he is indeed deserving of the Nation's highest military decorations.

This bill has the strong support of the Japanese-American veterans organizations as well as the Japanese-American community at large. I also have a letter of support from the Philippine Embassy for this effort. I ask unanimous consent that these messages of support, as well as a copy of the bill, be included in the RECORD.

Mr. President, I do not offer this legislation in Richard Sakakida's behalf. For Richard Sakakida is already amply bestowed with badges of honor—in the scars that deface his body, in the medication he takes to dull the constant pain he suffers from his wounds, and in the silent knowledge that he rendered extraordinary services to the Nation in its time of need. Rather, I offer this legislation in our collective behalf. For in honoring individuals such as Richard Sakakida, we reaffirm the value of the freedoms that men and women like him have sacrificed so much to preserve, and thus do honor to ourselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR AWARD OF MEDAL FOR HEROISM.

(a) REVIEW OF RECORDS.—(1) The Secretary of the Army shall review the military records of Richard M. Sakakida of Fremont, California. The purpose of the review is to determine whether the award to Richard M. Sakakida of a medal or cross authorized under section 3741, 3742, or 3746 of title 10, United States Code, for any action of Richard M. Sakakida in the Philippines during World War II is appropriate.

(2) The determination under paragraph (2) whether the award of a medal or cross is appropriate shall be governed by the standards that apply to the medal or cross concerned under the provision of law authorizing the medal or cross.

(b) AWARD.—Notwithstanding section 3744(b) of title 10, United States Code, the Secretary may award to Richard M. Sakakida of Fremont, California, a medal or cross referred to in subsection (a) if the Secretary determines in accordance with the review required under that subsection that the award of the medal or cross, as the case may be, is appropriate.

JAPANESE AMERICAN VETERANS
ASSOCIATION OF WASHINGTON, DC,
Vienna, VA, August 19, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Veterans Association of Washington, D.C., whose members include many veterans of the Military Intelligence Service of the US Army in the Pacific Theater of Operations during World War II, enthusiastically supports your legislative efforts to encourage the Department of Defense to consider the awarding of the Congressional Medal of Honor to LTC. Richard M. Sakakida, USAF (Ret) in recognition of his heroic deeds as an officer of the US Armed Forces in the Philippines during WW II.

The Japanese American Veterans Association of Washington, D.C. has been very aware of LTC Sakakida's heroic efforts and, accordingly, honored him as one of the first recipients of its American Patriot Award in October of 1993.

LTC Sakakida has been honored with numerous commendations for his dedicated and heroic services and the Congressional Medal of Honor would most certainly be the culmination of national recognition of this gallant warrior's efforts.

The Japanese American Veterans Association of Washington, D.C. appreciates and commends your effort to obtain proper acknowledgement and commendation for LTC Sakakida, which he so richly deserves.

If there is anything we can do to support your efforts, please do not hesitate to call me.

Sincerely yours,
HENRY S. WAKABAYASHI,
President.

JAPANESE AMERICAN VETERANS
ASSOCIATION OF WASHINGTON, DC,
Vienna, VA, July 5, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii,
Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Veterans Association of Washington, D.C. stands in complete support of your effort to have our country award its highest military decoration to Lt. Col. Richard M. Sakakida, USAF (Ret), for his extraordinary service to country and his heroic acts of self-sacrifice while in the Philippines as an undercover agent of the U.S. Army during World War II.

A review of the remarkable deeds and unshakable devotion to duty through the most inhuman of treatment and adverse conditions ranks Lt. Col. Sakakida among those who have served "above and beyond" the call of duty.

The passage of years or the resultant lack of the necessary documentation must not be the basis of denying a great American soldier his due recognition by a nation which he served to loyally and courageously.

Sincerely,

SUNAO ISHIO,
Col. AUS (Ret),
President, JAVA.

MIS NORTHWEST,
Seattle, WA, July 9, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii,
Washington, DC.

DEAR SENATOR AKAKA: The Military Intelligence Service (MIS) Northwest Association wholeheartedly supports the effort to bestow upon Lt. Col. USAF (Ret.) Richard Sakakida the Congressional Medal of Honor.

We understand that this effort has been going on for a number of years without success mainly because of the passage of time and the lack of necessary documentation. Richard Sakakida is a unique American Hero. Time should not be a factor. It is never too late to acknowledge his heroic actions in the Philippines as a CIC agent which could only be classified as services performed "above and beyond the call of duty."

Documentation of his exploits should be properly recorded in the annals of U.S. military intelligence. Any lack of needed documentation could be supplemented by the records of the Philippine government which saw fit to award him the Philippine Legion of Honor medal. Additional documentation could be mustered from some of the 500 Filipino resistance fighters that he liberated.

We appreciate and endorse your effort to have the U.S. Army rightfully recognize the heroism of Richard Sakakida.

Yours truly,

KENICHI (KEN) SATA,
President.

M.I.S. ASSOCIATION OF NORTHERN
CALIFORNIA, INC.,
San Francisco, CA, July 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator From Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am in receipt of a letter from Mr. Sunao Ishio, President of the Japanese American Veterans Association of Washington, DC (JAVA). In this letter he describes your initiative with the backing of other concerned members of Congress, to introduce a private bill for LTC. (Ret) Richard M. Sakakida to award him the Congressional Medal of Honor.

On behalf of the M.I.S. Association of Northern California, I wish to express our wholehearted appreciation and support your worthwhile and meaningful special legislation. Richard Sakakida is a member of our organization and over the past three years, we have endeavored to tell his story and seek recognition of his extraordinary service to his country in time of war. As you may know, he was the keynote speaker of the 50th MIS Anniversary Reunion in San Francisco/Monterey in November 1991. In April 1994 a videotape was made, entitled "Mission to Manila—The Richard Sakakida Story." A copy was delivered to your office.

Also, for the past two years, members of MIS NORCAL have been engaged in two separate actions concerning Richard Sakakida recommendation for the Award of Purple Heart for wounds sustained in the Philippines during WWII and an award for Valor. The latter is for heroic personal sacrifice, including the risk of his own life, to protect and save the lives of fellow American servicemen, while he, himself as a POW of the Japanese Military Forces. We have an unsung hero in our midst, and we welcome this opportunity to assist and support you in obtaining recognition for the highest military decoration of our country for Richard Sakakida.

Sincerely,

THOMAS T. SASAKI,
President.

THE AMERICAN LEGION,
CHICAGO-NISEI POST NO. 1183,
Chicago, IL, August 4, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: As an American Legion Post consisting primarily of Nisei veterans of World War II (and subsequent conflicts), we point with considerable pride at the accomplishments of Richard Sakakida, whose remarkable achievements during WWII went unheralded until recently.

By way of further background, enclosed is an article which appeared in a CIC Journal in 1991. Those of us who met him at recent linguist reunions were overwhelmed with the story.

Further delay in recognition of his heroic exploits would be unconscionable, and we are in full support of your introduction of a private Bill to award him (albeit belatedly) the Congressional Medal of Honor.

Very truly yours,

SAM YOSHINARI,
Post Commander.

ROCKY MOUNTAIN MILITARY
INTELLIGENCE SERVICE VETERANS CLUB,
Denver, CO, August 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: Our MIS Veterans Club has been advised of your very laudable efforts in getting official recognition for Richard Sakakida for his valiant and largely unheralded military efforts before and during World War II in the Philippines. Clearly Richard Sakakida's heroic actions merit the highest recognition that this nation can bestow.

We recognize that the accounts of Sakakida's contributions are largely anecdotal because his circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Also his actions during and after capture by the Japanese precluded any written records.

Our club is composed of veterans with a Military Intelligence background and we all recognize the important contributions made by the citizens of the United States through their knowledge and use of language. We therefore heartily endorse and encourage your efforts in securing belated but well-earned recognition for Richard Sakakida.

Sincerely,

DR. SUEO ITO,
President.

HONOLULU, HI,
July 27, 1994.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The 442nd Veterans Club supports your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lt. Colonel Richard M. Sakakida for is heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-Nisei Military Intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lt. Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully appreciated.

Lt. Col. Sakakida's incredible exploits while serving as an undercover agent in the Philippine are the stuff of legend. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippine Legion of Honor. It is time the United States government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you for your efforts to secure proper recognition for Lt. Col. Sakakida. The 442nd fully supports your initiative.

Sincerely,

HENRY KUNIYUKI,
President, 442nd Veterans Club.

NATIONAL ASIAN PACIFIC
AMERICAN LEGAL CONSORTIUM,
Los Angeles, CA, August 1, 1994.

Hon. Daniel K. Akaka,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: On behalf of the National Asian Pacific American Legal Consortium, I am writing to support your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-nisei Military intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific. Lieutenant Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully acknowledged or appreciated.

Lieutenant Colonel Sakadida's incredible exploits while serving as an undercover agent in the Philippines are legendary indeed. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippines Legion of Honor. It is time the U.S. government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lieutenant Colonel Sakakida. The Consortium fully supports your initiative.

The National Asian Pacific American Legal Consortium is a not-for-profit, nonartisan organization whose mission is to advance the legal and civil rights of Asian Pacific Americans through litigation, advocacy, public education, and public policy development.

Very truly yours,
PHILIP TAJITSU NASH,
Executive Director.

JAPANESE AMERICAN,
CITIZENS LEAGUE,
Washington, DC, July 28, 1994.

The Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA. The Japanese American citizens League (JACL), the nation's largest Asian Pacific American civil rights organization, strongly supports your legislative initiative to require the United States Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida in recognition of his work as a Military Intelligence Service (MIS) Officer.

Colonel Sakakida was among the first to be recruited for all-nisei MIS unit which provided invaluable intelligence support to combat units through the Pacific during World War II. His extraordinary exploits while serving as an undercover agent in the Philippines are legendary and have been well chronicled. The government of the Philippines recently awarded him the Philippine Legion of Honor for his heroic actions as an undercover agent. he was also honored by being installed in the MIS Hall of Fame.

Colonel Sakakida is worthy of recognition by the United States Army for his meritorious service to the military effort during World War II. JACL enthusiastically applauds your efforts to secure proper acknowledgement for him.

Please let me know if there is anything we can do to support your efforts.

Sincerely yours,
KAREN K. NARASAKI,
Representative.

OFFICE OF VETERANS AFFAIRS,
EMBASSY OF THE PHILIPPINES,
Washington, DC. July 25, 1994.

Mr. JOHN A. TAGAMI,
Legislative Assistant, Office of Senator Daniel K. Akaka, Washington, DC.

DEAR MR. TAGAMI: In August 1993 I recommended the award of Philippine Legion of Honor to Lt. Col. Richard Sakakida on the basis of the Military Intelligence report compiled by Diane L. Hamn, (copy enclosed). My recommendation was addressed to his Excellency President Fidel V. Ramos, President of the Philippines through the Secretary of National Defense. This was referred to G2, Armed Forces of the Philippines which went over the attached report. I do not know what exactly happened. I can only surmise that the herein report had been confirmed by records we have in the Philippines and President Fidel V. Ramos approved the award.

Let me tell you that at one time, I was informed that the recommendation may not be approved because of the prescriptive period during which the achievement may be recognized. I was in the Philippines when this question was raised. I made appropriate representation that this prescriptive period be waived, my reason being that the recommendation for the award could not be made earlier because the record of Lt. Col. Sakakida had been declassified very much later.

I understand from Ms. Barbara Joseph that the same objection is being raised in connection with this award of Congressional Medal of Honor. Maybe the same argument may be used.

Sincerely yours,
TAGUMPAY A. NANADIEGO,
Special Presidential Representative.•

By Mr. LOTT:

S. 2414. A bill to authorize the Secretary of Transportation to issue temporary certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessels *Idun Viking*, *Liv Viking*, and *Freja Viking*; to the Committee on Commerce, Science, and Transportation.

AUTHORIZING TEMPORARY COASTWIDE TRADE FOR THREE VESSELS

• Mr. LOTT. Mr. President, today I am introducing legislation which seeks to temporarily authorize the operation of three vessels in the coastwise trade. Ordinarily, I do not favor any legislative relief from section 27 of the Merchant Marine Act of 1920 to allow operation of vessels not constructed in the United States. In this particular instance, however, temporary relief from the Merchant Marine Act will increase jobs in the shipbuilding industry, support the addition of maritime jobs, and expand the maritime transportation base.

I want to point out that the bill I am introducing today protects the U.S.-build requirements of the Jones Act by stipulating that these three vessels are temporarily authorized to operate in the coastwise trade if, and only if, three criteria are met. These criteria are: The owner of these vessels must execute a binding contract for construction of replacement vessels within 9 months of enactment of this provision; all necessary repairs required to operate these vessels in the coastwise trade must be performed in shipyards in the United States; and each of these vessels must be manned by U.S. citizens.

If this legislation is adopted, jobs in the U.S. maritime industry will be increased and new opportunities for maritime passenger transportation in high demand areas will be created. Without this authorization, these opportunities—including the addition of over 100 new shipyard jobs—will not occur.

This legislation is not permanent. Expiration of this legislative authority will occur four years after enactment or upon date of delivery of replacement vessels, whichever comes first. I have intentionally drafted this expiration provision as a protection for the existing U.S. shipyard industrial base.

I appreciate the attention of my colleagues and yield the floor.•

By Mr. DODD (for himself, Mr. HATCH, Mr. BUMPERS, Mr. BOREN, AND Mrs. BOXER):

S. 2415. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of partnership investment expenses under the alternative minimum tax; to the Committee on Finance.

PARTNERSHIP INVESTMENT INCOME ACT

•Mr. DODD. Mr. President, I rise to introduce legislation providing tax relief for general partners of venture capital funds. This legislation is needed to reduce disincentives in our current tax system which discourage entrepreneurial growth and job creation. It is also needed to encourage the continued private sector development of vital new health care technologies.

The legislation will encourage venture capital investment in growth-oriented businesses by permitting a partner in an investment partnership, filing as an individual, to deduct certain investment expenses for alternative minimum tax purposes. This provision was approved by both Houses of Congress in 1992 as part of H.R. 11, the Revenue Act. As my colleagues know, the legislation was vetoed by President Bush.

Venture capital firms play a vital and active role in assisting the development of emerging companies by providing critically needed capital and assistance. Their efforts translate directly into job creation.

Many of my colleagues are well aware of the significant contributions of the industry to capital formation, but less familiar with the crucial role venture capital firms play in developing new medical technologies and health care delivery systems. The venture capital industry devotes approximately one-third of its resources, or $1 billion a year, to health-related companies. Given its significant healthcare contributions, I believe that it is uniquely appropriate to introduce this bill as the Senate continues its historic debate on health care reform.

Examples of successful health care companies that have benefitted directly from venture capital abound. In my State of Connecticut, a number of examples quickly come to mind. In Avon, Value Health started just 7 years ago with venture capital assistance, and has become one of the largest providers of managed health services in the country. The company now employs 3,100 employees, and is projected to generate $900 million in revenue this year. Value Health, which is one of the 100 fastest growing corporations in America, contributes significantly to the economy of our State, which continues to suffer greatly from defense cutbacks.

Another successful example is Merocel Corporation, located in Mystic, CT. Merocel began 4 years ago with the infusion of venture capital. The company now employs over 100 people and generates approximately $10 million in annual revenue. Merocel is one of a few growing employers in southeastern Connecticut providing a critical economic boost to the local economy.

Venture capital provides a critical and invaluable source of funding to the development of improved, and cost-effective health care technologies. According to the National Venture Capital Association, venture capital supported the creation of 8 out of the top 10 firms experiencing major breakthroughs in research and new therapies.

This legislation is needed to bolster the critical role private sector investment plays in advancing our Nation's health care research and development goals.

It is also needed to eliminate financial disincentives in our tax code which impede the development of new, innovative products. Enactment of this legislation will encourage private sector investment and growth.

I urge my colleagues to support this bill.•

By Mr. BRADLEY (for himself, Mr. WOFFORD, and Mr. WELLSTONE):

S. 2416. A bill to authorize the Secretary of Health And Human Services to award grants and contracts to establish community response teams and a technical assistance center to address the development and support of community response teams; to the Committee on Labor and Human Resources.

DOMESTIC VIOLENCE COMMUNITY RESPONSE TEAM ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce the Domestic Violence Community Response Team Act of 1994. It is a bill designed to fortify America's front lines in the fight against spousal abuse and domestic violence in America. Those front lines are not found here in Washington, but in community-based organizations throughout the country.

Domestic violence is a social sickness, and women and children are its most common casualties. Violence against women in the home is a heinous crime being committed behind locked doors and pulled shades in cities and towns across America: studies have shown that one half of all women who are murdered in America are killed by their male partners. Studies have also shown that violence against women in the home causes more total injuries to women than rape, muggings, and car accidents combined.

When a woman is a victim of domestic violence, she needs to have a place to go. She needs someone who knows what her legal rights are, and how to prevent future beatings from occurring. She needs counseling and protection for herself and her children, and she needs support.

I have said again and again that much of what must be done to counter the rising tide of violence in America lies beyond the reach of the Federal Government. The responsibility is shared and the fight must be won by individuals and communities across this country. Mr. President, nothing provides a better example of this than the community-based organizations that work with local law enforcement agencies every day to protect the rights—and the lives—of battered women.

Our police do an outstanding job of fighting crime in our communities, but often they don't have the resources or the time to provide domestic violence victims with the special attention they need. Community Response Teams work in tandem with police to help victims of domestic violence right when a crisis occurs. By working together, community response teams and police can provide victims with the services so essential to them after they have been battered or beaten in their home. The bill I am introducing today will increase the ability of communities to coordinate all the resources available to citizens who are victims of domestic abuse.

The cooperation between volunteers and law enforcement groups is essential to providing services to victims of domestic violence. Such programs exist today, and they work. They are working in towns like South River, NJ. There the community has come together with the local police, led by Chief Frank Eib, to form a community response team that has made a tremendous difference to the well-being of families in the community. With the help of people like Paula Bollentin, a police dispatcher who volunteers her time to help with a crisis intervention team. South River is winning its fight against domestic violence.

Mr. President, South River is a model to emulate, and the legislation I am introducing today will enable communities across the country to do just that. Because it is through partnerships such as the ones that exist between police and crisis intervention teams that communities can best combat the scourge of violence in the home.

Women in my State have been able to find shelter, obtain medical treatment, receive counseling, and protect their children from the rage of violent spouses—all due to the efforts of strong community-based programs. Through them, women can see that they are not alone.

Mr. President, the legislation I am introducing today will increase the ability of communities to pool their resources in the fight against violence in the home. The Domestic Violence Community Response Team Act of 1994 will provide funding to establish new partnerships between community teams the and police, and will enable existing ones to grow. Through this legislation, law enforcement officials will be able to help more women in more big cities and small towns across America.

The bill enables the Secretary of the Department of Health and Human Services to award grants and contracts to organizations whose primary purpose involves working with police to intervene in cases of domestic violence. These teams will have the ability to respond to the specific needs of different racial and ethnic communities across the country. Most importantly, they will work closely with police to provide services to victims of domestic violence.

The bill will also establish a National Technical Assistance Center to provide community-based organizations with information, training, and materials on the development and support of community response teams. This national facility will provide much-needed support to community programs, including help to local groups in starting new programs.

If domestic violence is to be obliterated in our society, we need to provide communities with the resources they need to prevent instances of violence and protect victims from further abuse. The Domestic Violence Community Response Team Act of 1994, by strengthening the partnerships that exist between crisis intervention teams and local police, will help to provide those resources. By doing so it will strengthen the lines of defense that already exist within our communities.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Violence Community Response Team Act of 1994".

SEC. 2. PURPOSE.

The purpose of this Act is to—

(1) establish and strengthen the partnership between law enforcement and community groups in order to assist victims of domestic violence;

(2) provide early intervention and follow up services in order to prevent future incidents of domestic violence; and

(3) establish a central technical assistance center for the collection and provision of programmatic information and technical assistance.

SEC. 3. GRANTS AUTHORIZED FOR COMMUNITY RESPONSE TEAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary"), is authorized to award grants to encourage eligible entities to develop community response teams to combat domestic violence. Grants shall be awarded in a manner that ensures geographic and demographic diversity.

(b) MAXIMUM AMOUNT.—The Secretary shall not award a grant under this section in an amount which exceeds $500,000.

(c) DURATION.—The Secretary shall award grants under this section for a period not to exceed 3 years.

(d) ELIGIBLE ENTITY.—

(1) IN GENERAL.—For purposes of this section, the term "eligible entity" means a nonprofit, community-based organization whose primary purpose involves domestic violence prevention. The organization must have a proven track record of expertise in providing services to victims of domestic violence and collaborating with existing service providers and support agencies in the community.

(2) ADDITIONAL REQUIREMENTS.—An eligible entity shall—

(A) act in partnership with local law enforcement agencies to carry out the purposes of this Act; and

(B) understand, be able to respond adequately to, and if possible reflect the racial, ethnic, and lingual diversity of the community.

(e) ROLE OF COMMUNITY RESPONSE TEAMS.—Community response teams established pursuant to this section shall—

(1) provide community advocates to work (in conjunction with local police) with victims immediately after incidents of domestic violence;

(2) educate victims about the legal process with respect to restraining orders and civil and criminal charges;

(3) discuss immediate safety arrangements and child care needs, and educate victims about resources provided by local agencies;

(4) provide for follow-up services and counseling with local support agencies; and

(5) educate victims regarding abuse tactics, including increased incidence of violence that occurs after repeated episodes of violence.

(f) APPLICATIONS.—

(1) IN GENERAL.—Applications for grants pursuant to this section shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) include a complete description of the eligible entity's plan for operating a community-based partnership between law enforcement officials and community organizations;

(B) demonstrate effective community leadership, commitment to community action, and commitment to working with affected populations;

(C) provide for periodic project evaluation through written report and analysis in order to assist in applying successful programs to other communities; and

(D) demonstrate an understanding of the population to be served (racial, ethnic, and socioeconomic characteristics which influence women's roles and affect treatment).

SEC. 4. TECHNICAL ASSISTANCE CENTER.

(a) IN GENERAL.—The Secretary is authorized to award a contract to an eligible entity to serve as a technical assistance center under this Act. The tedchnical assistance center shall—

(1) serve as a national information, training, and material development source for the development and support of community response teams nationwide; and

(2) provide technical support and input to community programs, including helping local groups start their own programs and providing training for community volunteer staff persons.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" means a nonprofit organization with a primary focus on domestic violence, prevention and a proven track record of expertise in providing technical assistance, information, training, and resource development on some aspect of domestic violence service provision or prevention. An eligible entity shall be selected by the Secretary under this section based on competence, experience, and a proven ability to conduct national-level organization and program development. The eligible entity shall provide the Secretary with evidence of support from community-based domestic violence organizations for the designation of the eligible entity as the technical assistance center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal years 1996, 1997, and 1998 to carry out the provisions of this Act of which $300,000 shall be available for a grant under section 4. Not to exceed 5 percent of any grant made under this Act may be used by the grantee for administrative purposes.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

SENATE CONCURRENT RESOLUTION 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice.

SENATE CONCURRENT RESOLUTION 74—RELATING TO THE BAN ON THE USE OF UNITED STATES PASSPORTS IN LEBANON

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL, Mr. MOYNIHAN, Mr. LEVIN, Mr. HELMS, and Mr. BROWN) submitted the following amendment; which was referred to the Committee on Foreign Relations:

S. CON. RES. 74

Whereas on January 26, 1987, the U.S. Department of State issued a prohibition on the use of U.S. passports in Lebanon, creating in effect a ban on travel to Lebanon by U.S. citizens;

Whereas the ban on travel to Lebanon was instituted during a time of civil war, anarchy, and general lawlessness in Lebanon, when the safety and well-being of U.S. citizens were at particular risk as evidenced by the bombing of the U.S. marine barracks and the U.S. Embassy in Beirut, in which a total of 258 U.S. citizens were killed, as well a by the taking of U.S. hostages by terrorists;

Whereas the civil war in Lebanon ended in 1990 and the last U.S. hostage held in Lebanon was freed on December 2, 1991;

Whereas the security situation in Lebanon was improved demonstrably since the end of the civil war;

Whereas the United States returned its Ambassador to Lebanon on November 28, 1990, and the United States maintains an economic and military assistance program in Lebanon;

Whereas it is estimated that more than 40,000 U.S. citizens traveled safely to Lebanon in 1993 either in defiance of the ban or under current U.S. regulations which permit the use of passports by dual Lebanese-U.S. nationals and in urgent humanitarian cases;

Whereas the government of Lebanon has made considerable progress in reasserting sovereignty and control over significant portions of Lebanon despite the fact that the Taif Accords have yet to be fully implemented;

Whereas The Lebanese government has initiated a 10 year, $18 billion reconstruction effort, and in 1993 awarded more than 100 contracts worth $2.4 billion to business firms for development, reconstruction and consulting projects;

Whereas the ban on the use of U.S. passports in Lebanon creates a major impediment to U.S. firms that wish to bid for contracts in Lebanon;

Whereas it is in the U.S. national interest for U.S. firms to participate in reconstruction of Lebanon, as U.S. participation will bring economic benefit to the United States and help to create a stable and sound infrastructure in Lebanon;

Whereas the U.S. Secretary of State must give paramount consideration to the safety and security of U.S. citizens in regulating their travel abroad;

Whereas in regulating the travel of U.S. citizens abroad, the U.S. Secretary of State has a variety of options, including instituting a Travel Advisory for countries where U.S. citizens are deemed at risk or have been attacked, as has been done for such countries as Bosnia, Rwanda, Somalia, Haiti, Colombia, Peru, the Philippines and Turkey: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) in determining whether to restrict the use of U.S. passports in any country, the Secretary of State should apply consistent criteria;

(2) in deciding whether to extend the ban on the use of U.S. Passports in Lebanon, the Secretary of State should—

(a) give paramount consideration to the need to ensure the safety of U.S. citizens;

(b) give full consideration to the improved security situation in Lebanon, the effect of the ban on the opportunities for U.S. businesses, and the impact of the ban on U.S. interests in Lebanon and the Middle East;

(c) give full consideration to whether U.S. interests would be more effectively served by removing the ban on the use of U.S. passports in Lebanon, and instituting instead a Travel Advisory for Lebanon;

(2) the Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State.

Mr. MITCHELL. Mr. President, today I am submitting legislation, along with Senators DOLE, PELL, MOYNIHAN, LEVIN, HELMS, and BROWN, urging the United States Secretary of State to give full consideration to replacing the ban on the use of United States passports for travel to Lebanon with a travel advisory.

The travel ban was imposed by then-Secretary of State George Shultz in 1987 at the height of the Lebanese civil war, when terrorists were taking United States citizens hostage and Beirut was being leveled. Lebanon's civil war is now over. The last kidnaping of a United States citizen in Lebanon occurred in 1987, and all hostages previously held there have been released.

Lebanon has made great strides since then. The security situation has improved significantly and the Government of Lebanon has extended its control over most of the country. Reconstruction and development efforts are also well underway. Since 1993, the Lebanese Government has awarded more than 100 contracts worth $2.4 billion to businesses for development, reconstruction, and consulting projects.

The United States, however, is missing out on the rebuilding of Lebanon's infrastructure. American firms are losing lucrative contracts because they are not allowed to send personnel to Lebanon. Downgrading the travel ban would allow United States business people to take part in rebuilding the country's economy and would promote United States-Lebanese ties. Countries more dangerous for American travelers than Lebanon, such as Bosnia, Haiti, Colombia and Peru, are only issued a travel advisory. Lebanon should be given the same consideration.

Mr. President, the Secretary of State must determine by August 24, whether the travel ban for Lebanon should be extended. Clearly, the safety of United States citizens must be foremost when considering any change in United States policy regarding travel to Lebanon. The resolution I have introduced today urges the Secretary of State, when reviewing the travel ban, to give paramount consideration to the need to ensure the safety of U.S. citizens.

The concurrent resolution also asks the Secretary of State to fully consider:

Improvements in the overall security situation in Lebanon;

The effect of the travel ban on U.S. business opportunities;

The impact of the ban on United States interests in Lebanon; and,

Whether U.S. interests would be more effectively served by downgrading the travel ban to a travel advisory.

It is my hope that the Secretary of State will fully and seriously consider modifying the prohibition on travel to Lebanon. I share the State Department's concerns about the security of Americans in Lebanon, but also believe that greater United States participation in Lebanon's redevelopment will strengthen peace and stability there. Such involvement will also promote United States exports and enhance longstanding United States-Lebanese ties.

SENATE RESOLUTION 252—RELATING TO NATIONAL MANUFACTURING WEEK

Mr. D'AMATO (for himself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 252

Whereas throughout the history of the United States, manufacturing has contributed substantially to the economic well-being of the Nation;

Whereas manufacturing is an essential yet often overlooked component of the economic foundation of the United States;

Whereas a strong manufacturing industry contributes to continued growth, prosperity, and high-paying jobs in every other sector of the national economy;

Whereas manufacturing directly employs more than 18 million workers, and at least 18 million workers in the service sector depend on a sound manufacturing sector for their jobs;

Whereas manufacturing accounts for many of the highest paying jobs in the economy, and manufacturing wages are 20 percent higher on the average than nonmanufacturing wages;

Whereas in the 1980's, manufacturing increased from 20 to 23 percent of the gross national product and manufacturing productivity in the last decade has increased at an annual rate of 3.6 percent, 3 times faster than the rate at which nonmanufacturing activity has increased;

Whereas the quality revolution has been one of the most important factors contributing to the recent resurgence of manufacturing in the United States;

Whereas manufacturing is an important source of tax revenue for the Federal Government, and State and local governments;

Whereas the continued leadership of the United States in science and technology is inherently linked to the success of manufacturing;

Whereas manufactured goods account for more than 80 percent of the trade deficit of the United States, indicating that manufacturing is especially important to overall national competitiveness and international trade;

Whereas a sound manufacturing economy is an essential precondition for a strong national defense;

Whereas the Nation's school children should be educated about job opportunities in manufacturing; and

Whereas the people of the United States should be educated about the role manufacturing plays in the economy, international competitiveness, and the standard of living of the Nation, and about the challenges and changing nature of manufacturing: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, that the week of March 12–18, 1995, is designated as "National Manufacturing Week," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. D'AMATO. Mr. President, I am pleased to join with my colleague from California in introducing legislation to designate the week of March 12–18, 1995, as "National Manufacturing Week."

This resolution celebrates the important contributions of the manufacturing industry to our economy, national defense, and a way of life in the United States. Too often, Mr. President, this body takes for granted the importance of manufacturing to the U.S. economy. This importance is often clouded by a number of myths which still surround the manufacturing industry. Consider:

Myth 1: We are in a post industrial society.

Reality: In the 1980's, and so far in the 1990's, U.S. manufacturing's direct share of the economy has remained stable at more than one-fifth of the gross domestic product. In addition, nearly one-half of total economic activity depends at least indirectly on manufacturing.

Myth 2: U.S. manufacturing is not globally competitive.

Reality: U.S. exports doubled between 1986 and 1992 and continue to set records. A large trade surplus with Europe and a rebounding surplus with other countries show U.S. products can penetrate the entire spectrum of world markets.

Myth 3: Manufacturing is plagued by low productivity.

Reality: Average productivity growth in manufacturing has been approximately 3 percent a year for 12 years, compared with the national average, which remained close to zero until last year.

Myth 4: Manufacturing is low-technology.

Reality: Nearly three-quarters of research and development spending in the United States is performed by manufacturers. Manufacturing is the main source of advances in technology and innovation.

Myth 5: High Prices? Poor Quality?

Reality: Recent surveys show American manufactured goods today offer greater value and higher quality than at any time in three decades.

Myth 6: Manufacturing jobs are not as good as other jobs.

Reality: Manufacturing workers receive 15 percent higher compensation; 98 percent receive company-paid health benefits; manufacturers spend more than $30 billion a year on education and training.

It is for these and other reasons, Mr. President, that I feel it is important that we recognize and salute the achievements of the manufacturers of America.

Mrs. BOXER. Mr. President, I am pleased to join with my colleague from New York in introducing legislation to designate the week of March 12–18, 1995 as "National Manufacturing Week."

Mr. President, it is not news to anyone that our Nation has lost manufacturing jobs over the past several years. Roughly 2 million jobs in the manufacturing sector have been lost just since 1989. California has been hit especially hard. Last year my State lost roughly 100,000 manufacturing jobs.

Mr. President, we also know that a strong manufacturing base is critical to economic growth and prosperity. In the United States today, manufacturing industries employ over 18 million people whose wages are, on average, 20 percent higher than nonmanufacturing wages. Also, it is widely recognized that a strong manufacturing base is critical to our Nation's competitiveness in an increasingly global marketplace.

California's economy is just now beginning to recover after years of economic downturn. I have great hope that California will make this transition and come out of these tough times better and stronger. My State is home to some of the greatest, most competitive American companies—producers of computers, environmental technologies, and medical devices to name but a few. The success of our manufacturers is key to bringing about economic recovery in California.

Mr. President, I am proud to cosponsor this resolution which recognizes the achievements of the manufacturers of the United States and emphasizes their importance to our Nation's economic prosperity.

ADDITIONAL STATEMENTS

RECOGNITION OF THE WASHINGTON STATE BLUE RIBBON SCHOOLS

• Mr. GORTON. Mr. President, today I would like to recognize the four outstanding elementary schools in Washington State that won this year's prestigious Blue Ribbon Award. Each of these schools demonstrates excellence in education and has implemented outstanding programs and practices.

While at home over the January recess, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators and community members work hard to plan and execute deserve more recognition. I, therefore, promised to recognize, on a monthly basis, a school or school district program that is outstanding and innovative. Custer Elementary, McAlder Elementary, Washington Elementary in Auburn, and Washington Elementary in Mount Vernon are schools deserving and worthy of such recognition.

Blue Ribbon schools are selected based on specific criteria. These include "Conditions of Effective Schooling": leadership, teaching environment, curriculum and instruction, student environment, parent and community support, and organizational vitality. The review panel also considers objective "Indicators of Success" such as: student performance; daily student and teacher attendance rates; students' postgraduation pursuits; school, staff, and student awards; and high student retention and graduation rates.

Again, I congratulate the four Washington State Blue Ribbon Award winners. It is a tribute to the hard work of the teachers, school officials, students, and the commitment of the parents and the community to have such schools representing Washington State. These qualities of excellence are necessary for tomorrow's schools. I hope their mission and vision of excellence in education will continue to spread across Washington State and the country.•

BICENTENNIAL OF BROOKEVILLE, MD

• Mr. SARBANES. Mr. President, today I would like to call to the attention of my colleagues, the bicentennial of Brookeville, MD, one of our State's most historic towns located in rural Montgomery County.

To celebrate this occasion, the town has planned a weekend celebration that includes a reunion of previous residents and descendants, a parade, and a reenactment of President Madison's arrival in Brookeville. The event will also include food, music, and entertainment.

Brookeville was founded in 1794 by Richard Thomas, on land inherited by his wife Deborah Brooke from her father Roger, son of James Brooke, an influential Quaker settler and the largest landholder in the county.

The town was later created by an act of the legislature in 1808. Like many towns being established at the time, it was centered around a mill, had a general store, physician, and blacksmith. Brookeville continued to thrive into the early 19th century to include many houses, two mills, a tanning yard, stores, a post office, two schools, a constable, two physicians, two shoemakers, a seamstress, and a carpenter. During this time the town was a center of commerce and education, serving the surrounding, largely agricultural, area.

Because of its agricultural roots, it is easy to understand how Brookeville served an important role in the development of agriculture. Many of its citizens were part of a noted network of progressive agronomists, like Thomas Moore, who initiated a number of improvements in farming methods that were practiced locally and nationally.

It was in the home of one of these progressive farmers, Caleb Bentley, that President Madison and his staff sought refuge following the British invasion of Washington, DC, during the War of 1812. For 2 days during the occupation of the Capital in 1814, the President conducted the business of the Federal Government from the Bentley home. Today Brookeville is known for being the U.S. Capital for a day.

Following its historic role as the Nation's "second capital," Brookeville continued to thrive until the advent of the automobile in the early 20th century. The car changed mobility patterns and led to the decline of the town's commercial businesses.

Brookeville is unique in that it remains much as it was in the 18th and 19th centuries, retaining its small town charm. Also, descendents of many of the town's earliest settlers continue to live in the area and to enrich its history.

I would like to congratulate the residents, past and present, and their families for planning this bicentennial celebration. The close-knit community has joined together to make the event a truly memorable occasion which will add another dimension to this historic Maryland town.•

ORDERS FOR TOMORROW

Mr. EXON. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, August 24; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each; and that at 10:30, the Senate resume consideration of the conference report to accompany H.R. 3355.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. EXON. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered upon the conclusion of the remarks that I understand are about to be made by the Senator from Texas [Mrs. HUTCHISON].

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, in behalf of the Republican leader, pursuant to Public Law 103–236, appoints the following individuals to the Commission on Protecting and Reducing Government Secrecy:

The Senator from North Carolina [Mr. HELMS]; and Alison B. Fortier of Maryland.

The Senator from Texas.

CORRECTION OF THE RECORD

Mrs. HUTCHISON. Thank you, Madam President.

Madam President, I rise to correct the RECORD relative to the remarks of the distinguished Senator from California after my remarks on the floor earlier this evening.

It was brought out that perhaps there was a discrepancy in the amount of prison money that was in the present bill versus the bill that the Senate passed.

In fact, there is more prison building money in the Senate bill than the conference committee report that we are being asked to vote for now because in the Senate bill, of the $6.5 billion in prison money, $3 billion was set aside for actual prison building with a truth-in-sentencing requirement to be eligible for that amount.

The other $3.5 billion could be used for other purposes, including boot camps and prisons rehabs, and that sort of thing. Whereas, there is more money under the title of "prison building" in the conference committee report. In fact, hardly any of that is actually required to be for prison building. In fact, of the $7.9 billion that is in prison building, $3.95 billion has total discretion to be used by the States, and the other $3.95 billion has other criteria for being able to use that money for prison building, which includes that increased percent of sentences, increased time spent in prison, some for 85 percent service for second time offenders. But, in fact, the actual prison building money was more in the Senate-passed bill than in this conference committee report.

The second issue that was brought up by the Senator from California is that Republicans never mention the assault weapons ban. That is because even those of us who believe in the second amendment, and who believe that you cannot help the crime statistics by taking guns from law-abiding citizens, nevertheless supported this bill when the ban was put in it. The vote was 94–4 or 94–5 when the Senate bill passed, and it had the ban in it.

So why should we be mentioning that? It does not mean that we do not believe in the second amendment, because we do. I am proud to be a believer in the second amendment. I am in Washington, DC, right now where there is a ban on handguns. I do not think that helps the crime rate in Washington, DC, and, in fact, it has not proven that taking guns from law-abiding citizens is going to help the crime rate. So I am happy to mention it. But it is just not an issue here because it was voted down by the Senate. The ban was put in, and many of us supported the bill anyway.

So I wanted to set the record straight because there really is a difference in the Senate-passed crime bill and this conference committee report that really is not a crime bill, and I just do not want to pull the wool over the eyes of the hardworking American public. I think we can do better than that.

I thank the Chair, and I yield the floor.

RECESS UNTIL WEDNESDAY, AUGUST 24, 1994, AT 10 A.M.

The PRESIDING OFFICER (Mr. EXON). Under the previous order, the remarks of the Senator from Texas [Mrs. HUTCHISON] having been concluded, the Senate stands in recess until 10 a.m., Wednesday, August 24.

Thereupon, the Senate, at 10:08 p.m., recessed until Wednesday, August 24, 1994, at 10 a.m.

NOMINATIONS

Exexecutive nominations received by the Senate August 23, 1994:

SELECTIVE SERVICE SYSTEM

GIL CORONADO, OF TEXAS, TO BE DIRECTOR OF SELECTIVE SERVICE, VICE ROBERT WILLIAM GAMBINO, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MARC LINCOLN MARKS, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 2000, VICE L. CLAIR NELSON, DECEASED.

EXTENSIONS OF REMARKS

ROBERT J. SUDDARTH, SERVING WITH DISTINCTION FOR 32 YEARS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 23, 1994

Mr. GORDON. Mr. Speaker, I rise to thank a loyal and dedicated public employee who has served Rutherford County with distinction for 32 years as circuit court clerk, and to congratulate him on his retirement.

I have a feeling that if you were able to look up the phrase "longtime resident" in the dictionary you just might see Robert Suddarth's picture next to it. He moved to Rutherford County in 1946, attended my alma mater, Middle Tennessee State University, and married Mary McKee in January 1947.

After working at the State Farm central office for 7 years, he was elected to his first term as circuit court clerk in 1962. He served that office and the people of Rutherford County with distinction for 32 years.

He will be missed no only by judges, attorneys, officers of the court, and his 30 deputy clerks, but by the police departments in Murfreesboro, Smyrna, Lavergne and, of course, the Rutherford County Sheriffs Department.

Mr. Suddarth has served the community not only professionally but as a volunteer and citizen as well. He has worked assiduously on behalf of the Lions Club, the Sportsmen's Club, the Farm Bureau, and is an active member of the Old Lebanon Methodist Church.

The retirement of Mr. Suddarth leaves more than a trace of sadness for his friends and colleagues, but considerable happiness for his beloved family members who can now spend more time with him: his wife, Mary, who has also served the community as a teacher for 29 years; his daughter, Mary Lou Suddarth-Orr, and son-in-law, Wayne Orr; and his three grandsons, Laurence, Ethan, and Jarred.

TRIBUTE TO RICHARD B. SUTTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 23, 1994

Mr. GORDON. Mr. Speaker, this last week of August marks the end of Richard B. Sutton's 40-year career serving Sumner County. He may be retiring as sheriff, but his career boasts of service in many other capacities. Sumner County is indeed losing an active, dedicated, and loyal public servant.

Sheriff Sutton was first elected sheriff in 1968 and proceeded to serve the maximum of three consecutive 2-year terms. Following this, he was elected general sessions and juvenile judge in 1974, where he spent 8 years helping at-risk youth.

However, the role of sheriff seems to have suited Mr. Sutton perfectly. In 1982, he was reelected. Then in 1986 and 1990, he was reelected to continue in this position. The end of Sheriff Sutton's career as sheriff will, however, come to an end with his retirement August 26, 1994.

Not only has Sheriff Sutton been active in elected office, but he has also been a prominent member of Sumner County, visible on committees and in associations, always willing to help where needed. The exhaustive list includes: Project director of TRAC House for runaways; vice president of the Tennessee Sheriffs' Association; the board of directors of Sheriffs' Youth Town, a correctional camp for youth offenders; vice president of the General Sessions Judges Association; director of Sumner County Volunteer Ambulance Service; a committee member of the United Way Campaign; director of the Mid-Cumberland Council of Governments; a member of the Tennessee Law Enforcement Planning Commission; a member of the Hendersonville Hospital Board of Trustees; and a member of the Hendersonville-White House-Gallatin-Portland Chamber of Commerce. Remarkably, this long list does not include all the organizations with which he has been involved or the awards that have been bestowed on him.

Sheriff Sutton, along with his wife, Tennie, raised three girls in Sumner County. The Sutton family has been supportive through his four decades of public work and are active members of the College Heights Baptist Church.

As for the future, Mr. Sutton plans to spend more time with his wife and daughters. However, for a man with such community spirit, for a man who knows that one person can still make a difference, old habits do not die easily. Fortunately, he does not plan to sever all ties with the organizations and boards of Sumner County.

Please join me in thanking Sheriff Sutton for his 40 years of invaluable service and contribution to Sumner County. We will remember him fondly. Friends can celebrate with the Sutton family August 26 at the National Guard Armory in Gallatin.

THE 40TH ANNIVERSARY OF DR. TOM WALLACE AND FRANKLIN ROAD BAPTIST CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 23, 1994

Mr. GORDON. Mr. Speaker, 5 days from now, Franklin Road Baptist Church in Murfreesboro will celebrate not only its 40th anniversary, but also the 40th anniversary of its pastor, Dr. Tom Wallace, as a member of the clergy.

Brother Wallace has devoted 40 years of his life preaching, helping those in need and working to create a true international congregation through missionary work. He has been at Franklin Road Baptist Church since September 1992 along with his wife, Janith. They have four children, two daughters and two sons, all of whom are married.

Brother Wallace did not know from the beginning that he would enter the clergy. As a young man, he worked at the GMC automobile plant in Pennsylvania. It was not until a few years later, after marriage, that he entered Tennessee Temple in Chattanooga.

From there, Brother Wallace had his first pastorate in Maryland. It was a long road to Tennessee, beginning in Maryland, continuing through Kentucky, and then most of the United States while he traveled as an evangelist preacher for nearly a decade.

However, he quickly found his place in Murfreesboro as the president of the Franklin Road Baptist School, as a leading supporter of the Union Mission in Nashville where he volunteers and as an active member of the Baptist International Missions Inc. Through this organization, he has spoken at missions in Asia, Africa, and South America, where he leads efforts to build a better life for the impoverished.

Franklin Road Baptist Church may be fortunate to have Brother Wallace, but he is also lucky to have found his way to Tennessee. In the 40 years since the church was built, it has been a powerful force in Murfreesboro. The school and the church were built to demonstrate a faith in people and a faith in God. The school was founded for our youth in order to provide them with a sound education and principles; the church was founded for everyone to share in order to establish a close community. I can confirm that these philosophies are alive and working from the welcoming faces and warm hearts that greet me when I come home.

This Sunday, August 28, Murfreesboro will celebrate with Franklin Road Baptist Church. That morning, the 10:30 service will be dedicated to the newly built Sunday Schoolrooms, fellowship hall, nursery, and church staff office. Brother Wallace's predecessor, Dr. Bob Kelley, who was with the church for 17 years, will be the special speaker. In the evening at 6:30, the congregation will celebrate with Brother Wallace, his children and nine grandchildren.

Please join me in remembering Franklin Road Baptist Church and Dr. Tom Wallace on their 40th anniversary and in thanking them for all they continue to offer to Murfreesboro.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

BETHEL BROWN, 28 YEARS OF SERVICE TO SUMNER COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 23, 1994

Mr. GORDON. Mr. Speaker, whoever it was who said that leaders aren't born—they're made—just might have been thinking of Bethel Brown. Over his long career of serving Sumner County, he's done exactly what leaders do: He ensured that our county government—and the people it serves—were both better off than when he assumed office.

After serving Sumner County for 28 years—8 years as county court judge and 12 as county executive—Mr. Brown will retire in September.

As county judge he once married 1,017 couples in a single year. In 1979, he married Mel Tillis and his wife in a ceremony noted by Paul Harvey. The radio broadcaster remarked on Tillis' well-known stuttering problem and quipped, "Judge Brown couldn't sing and Mel Tillis couldn't talk."

It seems that singing is about the only thing Mr. Brown couldn't do or hasn't done in his service to Sumner County. He shepherded it through a period of growth and prosperity so strong that for one period in the 1970's it required the construction of one school a year and the issuance of over $100 million in revenue bonds.

He guided the building boom that included renovating the old courthouse twice, constructing a new administration building and juvenile detention center and renovating the jail three times.

Mr. Brown is rightly proud of his role in guiding Sumner Regional Medical Center to its position as one of the finest in the area.

Taxpayer money was managed so well under this leadership that Sumner County's bond rating increased from A to AA. Because of his foresight and dedication, the only debt Sumner County will owe is one of gratitude: all debt will be retired by 2001.

As lasting and significant as his professional accomplishments are, Mr. Brown has more to be proud of, such as his able executive assistant, Linda Edwards, who also happens to be his daughter.

As he retires he will have more time to spend with his wife, 5 children, and 11 grandchildren.

He has earned it, and all Sumner Countians wish him well.

JOHN B. MANKIN, A CAREER OF SERVICE TO RUTHERFORD COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 23, 1994

Mr. GORDON. Mr. Speaker, whoever it was who said that leaders aren't born—they're made—just might have been thinking of John Mankin. Over his long career serving Rutherford County, he's done exactly what leaders do: He ensured that our county government—and the people it serves—were much better off than when he assumed office.

This Thursday afternoon, August 25, 1994, Rutherford Countians will have an opportunity to give Mr. Mankin something back when attending his retirement reception at the county courthouse.

Rutherford County has grown and prospered under his three terms as county executive and two terms as magistrate and commissioner for the sixth district, and his service on the planning commission guided that expansion in an efficient and orderly way.

Because of his financial management abilities, our bond rating of AA is the best of any county government in Tennessee.

Mr. Mankin's accomplishments are too long to list in their entirety, but none of us will forget that under his tenure a county engineering department and adult activity centers were established, our administrative offices were computerized, a new jail was built, emergency 911 service and permanent ambulance stations were instituted, idle land was sold and a whole host of other governmental services were improved.

Undoubtedly his wife Martha, his children Gaye and Ben and his grandchild, John B. Mankin III, are all as proud of him as we are.

In announcing his retirement Mr. Mankin said, "I have been deeply honored by the people of Rutherford County by being elected for three consecutive terms as their county executive."

Mr. Mankin, we have been honored as well.

SENATE—*Wednesday, August 24, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate Chaplain, Dr. Richard C. Halverson, will lead the Senate in prayer. Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us remember retired Capitol Police Officer Raymond Dextradeur, who is very, very ill in an intensive care unit.

Blessed is the nation whose God is the Lord.—Psalm 33:12.

Eternal God, Lord of history, Ruler of the nations, these are difficult hours in the Senate, filled with pressures, frustration, disappointment which challenge patience, objectivity, and emotions.

Mighty God of righteousness and peace, make Your presence felt in this place. Be Lord in the hearts and minds of Your servants. Guide this prestigious debating society as it struggles with the unprecedented diversity endemic in a democratic republic; inefficient by its very nature, but the best form of government in history—envy of the world.

Blessed Lord, fill this Chamber with Your light and love and peace. In Your name, for the welfare of the Nation and the glory of God. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the Senate will have a period of morning business until 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

At 10:30 a.m., the Senate will resume debate on the pending crime bill. This will be the third day of debate. It is my hope that the Senate will be able to proceed promptly to vote on that measure.

I believe that a substantial majority of Senators favor the bill and will vote for its passage when given the opportunity to do so.

We had a series of meetings yesterday involving an exchange of proposals between the distinguished Republican leader and myself and other interested Senators. We were unable to reach an agreement on how finally to proceed. It is my understanding that we will resume those discussions today. My hope is that we can complete action on this bill promptly.

Mr. President, I reserve the remainder of my leader time, and I yield the floor.

The PRESIDENT pro tempore. The minority leader is recognized.

THE CRIME BILL AND THE HEALTH BILL

Mr. DOLE. Mr. President, I just advised the majority leader that we have a Republican conference at 10:30 a.m., at which time we will discuss the pending crime conference report along with health care and other issues that may come before the Senate.

I guess, as is always the case, there is always some misinformation about what may be happening, and maybe it is because I have given too much information.

But I note this morning in the New York Times, one of our great newspapers, just a flatout inaccuracy in one of the headlines. It says: "Dole Seeks Measure Without Weapons Ban, Asserting He Has Votes To Block Bill." That is just not true. We are not seeking a measure without a weapons ban.

I have made two proposals to the majority leader, one I have discussed, and one we have discussed privately so I will not discuss it here.

But this is just not an accurate representation of the debate, and we will have the debate. There should be a debate. But we should expect accuracy in reporting, notwithstanding the reporters' own views on a particular matter.

I think it is fair to say that there are a number of issues in the crime bill that will be discussed and on which we will either work out some agreement or we will come to the floor hopefully early today and have a vote on the point of order. I think it is important that we do that.

We are prepared also to vote on the majority leader's substitute on the health care bill, and to do that today, maybe, if we finish the other, or maybe tomorrow or Friday or next week.

We want to dispel any perception out there that somehow Republicans are not cooperating or not moving ahead. We are prepared to move ahead. But we have rights, as every Member has rights, and each party has rights, and we intend to protect those rights.

We will have further discussion today on the crime bill and why we believe it should be trimmed back in certain areas on the spending side and why we believe that it should have certain provisions added to the bill, some that passed this Senate by a vote of 2 to 1. One was accepted. The deportation of criminal aliens was accepted and dropped in conference.

I know that is what happens. I know the way it works. Some provisions do not survive conference.

But what did survive conference was voting this bill up with a lot of spending programs that were not envisioned by the Senate when we passed the bill by a vote of 94 to 4. So I guess all but four Senators are on record for a strong crime bill.

I assume in the crime bill, which passed the Senate, there are probably some areas where we probably should have been a little more careful in spending taxpayers' money.

But we are not swayed by the argument that since the House is not here, if we do not do this, something drastic might happen. We believe that the American people expect us to protect their interests, their interests in crime and their interests in spending their money, and we hope we can do that.

If we lose, we lose. But we are prepared to make the best effort we can, and we are prepared to move ahead on health care before we leave, if there is any recess. If not, we are prepared to stay here and do that through the next 2 or 3 weeks and beyond, if necessary.

So I guess the point I would make is I came to the floor just to correct the New York Times, and maybe just the headline is wrong, but it is certainly not what I presented to the majority leader. I think what they are suggesting is if the point of order is sustained, this would be what would happen. But we are trying to avoid that. Maybe we cannot avoid that.

So I just suggest that. And I guess there is a list of suggested amendments that we put together that may not be the final list, but that has been portrayed now by CNN and others that this is the list of amendments that we are going to insist on.

I think I indicated to the majority leader when I gave him the list that these were only proposed amendments and that I gave them to him just so he would have information of what we were thinking about and to have an opportunity to look those over.

Somehow the press is now suggesting that we are insisting on each of these amendments and we do not have a final list. We do have a final list that I will shortly deliver to the distinguished majority leader.

So we will have our own conference and we will then come back and debate the crime bill conference report. This may be the third day we are on the conference report, but it is very important. This is $30 billion; $30 billion is a lot of money.

We think a lot of the money could be taken out and still have a better crime bill. That is the point we are going to try to make. Maybe we will fail; maybe we ought to keep spending money and adding to the deficit. Many of us supported the trust fund suggested by the distinguished Presiding Officer, but that was at a much lower level.

So I look forward to working with the majority leader to see if there is any way to resolve this. If not, we are prepared to have the votes, win or lose. And then we will have the debate about the bill and what happens after that.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to address the issue of funding in the bill, the amounts of money spent, and the reason for the changes, because the suggestion has repeatedly been made that the Senate passed a reasonable or a modest bill in terms of funding and the conference report has come back much larger.

The fact is, Mr. President, that the Senate passed a bill that covered the 5 fiscal years from 1994 through 1998. In the conference report that came back to the Senate, since we have nearly completed fiscal year 1994, the conference report covers 6 fiscal years beginning with 1995 and extending through the year 2000.

In the years which are common to both bills, the amount of spending is actually less in the conference report than it was in the bill which passed the Senate. The only reason there is an increase in the total is that the bill covers 2 fiscal years in the future which were not included in the original Senate bill.

So it is not correct for anyone to believe that there has been a substantial increase in funding over the Senate-passed bill. Because the fact is, I repeat, in the years 1995, 1996, 1997, and 1998, which are the years that are common to both the Senate-passed bill and the conference report, the amount of money being spent under the conference report is actually less than was in the Senate bill. And the Senate bill was approved by a vote of 95 to 4, with almost every single Senator, Democrat and Republican, voting for it, save four Senators. And so no one should be under any mistaken impression that somehow these funds have been ratcheted up during the years covered by the bill.

The increase is attributable entirely in the aggregate to the fact that the bill is extended for a longer period of time. If we had kept the bill running only through 1998, as originally passed in the Senate, the amounts of money would be substantially less.

So I hope all Senators and the American people are not confused by the rhetoric from our colleagues about big spending and more spending. In terms of annual rates in the years covered by the bill, the conference report is less than what they have already voted for overwhelmingly.

Second, everyone should understand that the point of order to be made by our Republican colleagues against the bill has nothing to do with the amount of money involved. It has nothing to do with the amount of money involved. The point of order is directed at a provision in the bill which reduces the spending caps on discretionary spending by the Federal Government and was placed in the bill to ensure that the funds involved will be used exclusively for fighting crime and not for other purposes.

When the distinguished Presiding Officer, with his usual skill, proposed such a mechanism, it was praised by the very Republican Senators who are now making a point of order against that provision in the bill. Indeed, if one goes back and reads the record of debates at the time, as I have done in the last few days, several of the Republican Senators engaged in a competition to suggest that it was really their idea, not the idea of the distinguished Presiding Officer, so as to claim credit for the concept. And it is that very concept which is now the subject of the point of order by our colleagues attacking that provision in this bill as a way of defeating the bill.

And so the issue ought to be clear on those two points, Mr. President—really three points.

First, the amounts of money in the bill are larger because the bill covers a longer period of time. Instead of 1994 through 1998, it is now 1995 through the year 2000. In those years common to both the Senate bill and the conference report, the amount of money is less per year.

Second, the point of order, which is going to be made against the bill by our Republican colleagues has nothing do with the amount of money in the bill. It does not make any difference whether the amounts were larger or smaller or by how much, the point of order did not address the amount of money in the bill.

The point of order addressed the provision in the bill which was placed there to ensure that the money would be used only for fighting crime and not for other purposes. And the very Senators now attacking this bill through this point of order against that provision lavishly praised that provision when it was proposed and voted for it on several occasions.

So no one should be misled or under any misimpression as to what is involved in this challenge to the bill.

Mr. President, I hope we can work this out in a way that permits the Senate to vote on the bill. That is all we want to do. We are not asking our colleagues to vote for the bill. If they want to vote against it, that is their perfect right. But we are asking that we be permitted to vote. I think it is a modest request. I think it is a simple request. I think it is a reasonable request. Let us have a vote on the bill. If it passes, I think it will be good for the American people. If it fails, the American people will be disappointed, but the Senate will have expressed its will on the subject, as is appropriate and as I think the American people understandably desire.

Mr. President, I will have more to say on this subject later, but I did want to clarify those few points.

I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized for 10 minutes.

THE CRIME BILL

Mr. DORGAN. Mr. President, I listened with interest to the remarks of the majority leader. I also listened to the statement by the minority leader in which he indicated we should have a debate and then vote, as he said. I think it is important to point out he was not saying let us vote on the crime bill. If there were a vote on the crime bill, clearly the crime bill would pass the Senate and we would have a crime bill signed by the President very quickly.

What he was saying is let us vote on a point of order that they intend to make, a point of order, I might add, that was not made—although it was available and called to everyone's attention—when the bill originally passed the Senate.

The point of order now will serve as a device to require 60 votes to advance the crime bill—under the guise of objecting to the spending in the crime bill. As the majority leader has just pointed out, that is a specious argument indeed.

In fact, much of the spending that was added in the conference was added at the request of the people on the Republican side of the aisle for more prisons and for the provisions that get tough with criminals. The fact is the average expenditure per year in the 6-year conference report is less than the average expenditure per year in the 5-year bill that passed the Senate by a vote of 95 to 4.

This debate is like a bad migraine headache. It goes on and on and on, and the folks on the other side stand up and protest, "Gee, we are ready to vote. We want to move ahead. We are not obstructionists. We do not oppose anything."

Of course they do. What is this all about? It is because they simply do not want the crime bill to pass—for a number of reasons. And they construct these Byzantine arguments to suggest that it spends too much, and that there is a point of order that is of significant importance to us.

Part of the reason it spends more than they would like is that they demanded the spending. The point of order was in front of them before and they said the point of order did not matter. In fact, they say, the very financing device that enables us to make a point of order is one that we helped create. Of course it was really a creation of the President pro tempore of this body—and a good one, because it said that if we are going to do something in the crime bill we should pay for it.

We found a way to pay for it—by reducing substantially the number of Federal employees, which we were going to do and have done. We are going to use the savings from that reduction to pay for things we need to make this country a safer place.

On the other side of the aisle, when they realized that this innovative device was in fact fiscal conservatism—it was pay-as-you-go, it was do important things that need doing but pay for them while you do them—they not only embraced it, several of them helped claim authorship. Which is fine. But now, to come and say this gives us heartburn and causes us to not want the bill to advance, is a little disingenuous in my judgment.

But that is not why I came to the Senate floor. I came here to mention some very important things in this crime bill and call them to the attention of my colleagues.

We have heard about "three strikes and you're out." We are building more prison space to keep violent criminals in jail. We are being smarter in how we address prison space because we recognize that almost 50 percent of the people in prison are nonviolent. You do not need the most secure prison cell for these nonviolent offenders. You can put them, as Senator GLENN and I successfully urged when we first passed the bill, in lower-security prisons, in Quonset huts with wire perimeters and so on, and open up the prison cells for hardened criminals. To put violent criminals there and keep them there.

Two of my provisions included in this bill are especially important. They probably never will get much notice, but they are very important.

One of them, a sense-of-the-Senate resolution already passed by the Senate in November, said: Victims or victims' families should be able to present testimony prior to sentencing or parole of convicted criminals.

Do you know what happens with criminals? A criminal can commit the most heinous crime you can imagine. When he comes to court, they put a nice necktie on him and a brand new suit and he looks like he just stepped out of the church choir. They bring in the minister, they bring in the neighbor, they bring in the grocer, bring in the barber and say what a wonderful, wonderful young man this is. I want the victim or the victim's family to be present to give testimony that says: "You might think this was a wonderful young person, but let me describe the crime scene to you, and what it did to me, what it did to our family, and what it means to us." That ought to be part of the sentencing and it ought to be part of parole hearings.

Another amendment I authored in this bill will eliminate the automatic presumption that gives every prisoner in the Federal system automatic good time credit against their sentences. Violent offenders should not get good time credit, in my judgment. Those who commit violent crimes should be sent to prison and they should stay in prison until the end of their sentence. Does it cost us more? You bet it does. But those who talk about this as a financial burden are ignoring the cost shifting that happens when you let a violent offender out early to work his or her will on the streets and commit more violent crimes. The cost shift is to the victims of those additional violent crimes committed while that person should have been in jail.

Let me give a couple of examples. The people I will mention were not sentenced in the Federal system, but they are typical of what is happening all across this country.

A fellow named Henry "Little Man" James. I will never forget reading about him. A woman named Patricia Lexie was driving home with her husband on road here in Washington, DC, at 10:30 at night after visiting friends. She was just driving along, and a car pulls up beside them, a fellow pulls out a pistol and shoots Patricia Lexie in the head and kills her. Just like that.

It turns out it is a fellow named Henry "Little Man" James. He had been in jail just days before on an attempted murder charge, as a matter of fact, and was let out on $10,000 bond. It does not take Dick Tracy to follow somebody like this, to find out who is committing violent crimes. This is someone who was in the system but was let back out on the streets to come up behind another car, point a pistol at Patricia Lexie's head, and kill her—because, he said to his friends in the car, "I feel like killing someone," it was reported in the papers.

Another very high-profile crime last year was the killing of basketball star Michael Jordan's father. The only reason I single out this crime is because it was of a higher profile than most crimes. If you look into it, as I did, it is not any different than most violent crimes.

There are two suspects in that murder. One is Daniel Green. Someone we did not know? Someone who was a surprise to us? Oh, no. Like many in the criminal justice system, Daniel Green had a violent record. Sentenced to 6 years in prison after assaulting another boy with an ax. Two years later, with good time credits and parole, he was out.

The other accused murderer was Martin Demery, who was with Daniel Green. Before he allegedly killed James Jordan, he had been indicted for clubbing a 61-year-old store clerk with a cinder block—he put her into a coma—while robbing a market. Eight months after his indictment, he was still free on bond, even though he had failed to appear in court for a hearing.

These are the two people who are alleged to have killed Michael Jordan's father. Strangers to the system? Oh, no. People who had been in the system, people law enforcement officials knew, people who had been indicted, had been charged, had been convicted, had been sent to prison, and then found their way through the revolving door back to the streets again to victimize another innocent American.

This legislation, this crime bill, in a very significant way leads the way across this country to say "three strikes and you're out." For those criminals who have decided crime is a career, for those who have decided, "Victimizing Americans with violent crime, that is my life, that is my occupation," this bill says to them "Then you pursue your occupation behind a prison door because we are going to find you, we are going to prosecute you, we are going to put you in jail, and for the first time you are going to stay in jail." That is what this crime bill does.

It is not perfect. There are some things in it I would rather not see in it. But I am really tired of people taking a look at the best crime bill in the last decade, which moves us in the right direction in fighting violent crime, going out and finding "Moses" to put him on television to talk about the pork in this bill.

The fact is, if Charlton Heston thinks giving treatment to those addicted to drugs is pork, then he does not understand anything about fighting crime. You cannot put someone who is addicted to drugs back on the streets with that drug addiction, because they will commit another crime within a half an hour. They must feed their drug addiction.

We have several million people addicted to drugs in this country but only several hundred thousand slots for them to get drug addiction treatment. On the streets of this city, people will show up today and ask for drug addiction treatment and they will be told, "We do not have an opening. There is a waiting list."

What will they do to feed their addiction today? They will find some innocent American somewhere and they will commit a heinous crime. We must, it seems to me, get tough with hardened criminals, and we must at the same time understand what causes crime, including drug addiction, and dedicate some resources to dealing with drug addiction.

That is why I rise today simply to say this crime bill is a good bill. We ought to pass it. We should not make excuses any longer. It has been through the House, it has been through the Senate, it has been through a bipartisan process. I would say to my colleagues on the other side: No more excuses, let us pass this crime bill and get it done for the American people.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand that under the previous order, at the hour of 10:30, we return to the bill. I will not ask consent to be able to proceed in morning business because I intend to make a comment that is related to the bill itself.

The PRESIDENT pro tempore. The Chair thanks the Senator from Massachusetts.

TRIBUTE TO BERNICE OLSON

Mr. BAUCUS. Mr. President, I wish today to express my thanks and deep appreciation to Bernice Olson of Vaughn, MT. After 14 years of loyal service in my Great Falls office, Bernice is retiring at the end of this month.

During her time on my staff, Bernice has helped thousands of Montanans resolve their problems with the Federal Government. Through her hard work, cheerful disposition, and sense of compassion. Bernice has been a truly outstanding public servant.

I know this because I know Bernice. She cares deeply about people. And that is why she has made a difference for so many Montanans. Over the years, I've often heard from the people Bernice has helped. Let me cite just one example, a couple from Great Falls who were having trouble with the IRS. They wrote:

> Because of the Congressional inquiry done by you and your office, we have a totally different relationship with the IRS—one we can live with. That means we can now sleep at night. I really mean that. And Bernice Olson was instrumental in helping us. She was truly a Godsend. Thank you Senator Baucus! Thank you Bernice Olson!

On behalf of the many Montanans Bernice has helped over the years, I echo that sentiment: Thank you Bernice Olson.

I wish her and her husband Swan the best in retirement. And I know Bernice will enjoy having more time to spend with her two grandchildren, Meghan and Kyla.

SBA PROPAGANDA ON HEALTH CARE REFORM

Mr. PRESSLER. Mr. President, during my opening statement on health care reform, I took the Senate floor to decry the partisanship that has ruled this debate. The partisanship we have witnessed has brought meaningful health care reform to a standstill. As the ranking member of the Senate Small Business Committee, I wish to bring my colleagues' attention to another partisan act—this one orchestrated by the Small Business Administration [SBA].

The SBA recently issued a press release in region VIII, which covers Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. It may also have been sent out by other SBA regional offices. This release was received by my State offices in South Dakota. It outlined the benefits of the Clinton health care plan for small business and gives an example of one small businesswoman who would save money under the Clinton mandate/subsidy system.

The SBA release does not give the real story on health care reform and small business. It gives one viewpoint—the administration's viewpoint. Many small business owners and small business advocacy groups strongly disagree with the administration plan for reform. There is no consensus that an employer mandate is fair or effective in containing costs and providing coverage. These real world experts understand that job loss and wage reduction would be the bottom line. Job loss estimates due to an employer mandate have run from 600,000 to 3.5 million.

I have talked extensively with small business men and women throughout the course of this health care debate. They have told me, in no uncertain terms, that an employer mandate would not protect them—it would put them out of business. An employer mandate of the type proposed in the Clinton/Mitchell bill would cost businesses in South Dakota $266,195,000 by the year 2002.

The release purports to dispel misinformation about President Clinton's health care plan. In fact, the piece compounds misconceptions about health care reform by promoting the Clinton plan. The President's health care plan is dead. Congress is now debating alternatives. Some contain an employer mandate. As if their reliance on such a mandate were not bad enough, they fail even to offer an adequate subsidy system to help small employers. At the same time, there are viable proposals to help small businesses on the table. If the SBA intends to provide objective information on health care reform, shouldn't the agency include a comparison of all the plans and give people the chance to make their own decisions?

I do not feel such propaganda is an appropriate use of SBA funds. Last year, the agency also put out a slick brochure advocating the President's agenda and tested a computer program and toll-free phone line to disseminate information about Clinton health care reform. Along with the ranking member of the House Small Business Committee, Representative JAN MEYERS, I exercised my oversight duties as ranking member and fought to stop those activities. Now, we are in the same position. I said this before and I will say it again: it is not the mission of the SBA to act as a mouthpiece for President Clinton's health care reform agenda.

Reasonable people may disagree, but it appears unreasonable, unlawful, and unethical to use taxpayer funds, supplies, and equipment to lobby for the administration's bill. Federal agencies are prohibited by law from carrying out lobbying activities. This release was sent, unsolicited, to media outlets in my home State and takes a particular viewpoint which can hardly be considered educational.

Accordingly, I have requested that SBA Administrator Erskine Bowles provide me with some answers. I have asked Mr. Bowles to provide me with a list of everyone who received this release; the names of those who directed this effort; whether the General Counsel's Office was consulted as to its legality; and if similar lobbying campaigns have been conducted. I ask unanimous consent that this letter, also signed by three of my colleagues on the Small Business Committee—two of whom also represent region VIII States—be printed in the RECORD immediately following my remarks, together with a copy of the press release.

The SBA release is correct in one respect. We are at an historic moment. The security of thousands of small businesses and their employees are at stake. It is critical that small business owners and their workers understand the stakes and the various proposals for reform. They need access to accurate and complete information to participate in this process. They do not need taxpayer-financed propaganda.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, August 23, 1994.
Hon. ERSKINE BOWLES,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ERSKINE: Enclosed you will find a copy of a press release authored by the Small Business Administration (SBA) Region VIII Administrator, Tom Redder. This release was received last week by Senator Pressler's state offices in South Dakota. We assume similar information was released throughout the country. The release outlines the benefits of the Clinton health care plan for small business and gives an example of one small businesswoman who would save money under the Clinton mandate/subsidy system.

This release does not give the full story on health care reform and small business. It gives one perspective—the administration's viewpoint. Many small business owners and advocacy groups strongly disagree with the administration plan. These people understand that job losses and wage reductions will occur if the administration plan is enacted. Job loss estimates resulting from an employer mandate range from 600,000 to 3.5 million.

We have talked extensively with small business men and women throughout the course of the health care debate. They have told us, in no uncertain terms, that an employer mandate would not protect them—it would put them out of business. For instance, in the first year of implementation alone, an employer mandate of the type proposed in the Clinton/Mitchell bill would cost 1,708 jobs in South Dakota, 922 jobs in Wyoming, 1,784 jobs in Montana and 18,616 jobs in Missouri.

The SBA press release purports to dispel "misinformation" about President Clinton's health care plan. In fact, that release compounds misconceptions about health care reform by promoting the Clinton plan. The President's health care plan is dead. Congress is now debating alternatives. Some contain an employer mandate. As if their reliance on such a mandate were not bad enough, they fail even to offer an adequate subsidy to help small employers. Many alternative plans to help small businesses also are on the table. If the SBA intends to provide objective information on health care reform, shouldn't the agency include a comparison of all the plans and give people the chance to make their own decisions?

As members of the Small Business Committee, we do not feel such propaganda is an appropriate use of SBA funds. The concerns we have outlined here are the same as those expressed to you earlier regarding the SBA health care brochure, computer program and toll-free phone line. It is not the mission of the SBA to act as the mouthpiece for President Clinton's health care reform agenda.

Accordingly, we wish to be provided with a list of all who received this release, not only in South Dakota, but throughout the country. Further, we want to be provided with information about any and all regions which have conducted similar "lobbying" campaigns. We also would like to know who directed this effort. Did the direction come from SBA headquarters? The White House? Who cleared the text of the message? Particularly, we wish to know whether the General Counsel's office was consulted as to its legality.

Reasonable people may disagree, but it appears unreasonable, unlawful, and unethical to use taxpayer funds, supplies, and equipment to lobby for the administration's bill. As you know, federal agencies are prohibited by law from carrying out lobbying activities. The enclosed release was sent, unsolicited, to a variety of states—perhaps to all states. It takes a particular viewpoint which hardly can be considered "educational."

This SBA release is correct in at least one respect. We are at an historic moment. The security of thousands of small businesses and their employees is at stake. It is crucial that small businesses owners and their employees understand the stakes and the various proposals for reform. They need access to accurate and complete information to participate in this process.

We look forward to hearing from you in the very near future.

Sincerely,
LARRY PRESSLER.
CONRAD BURNS.
MALCOLM WALLOP.
CHRISTOPHER BOND.

THE REAL STORY ON HEALTH CARE REFORM AND SMALL BUSINESS IN SOUTH DAKOTA

(By Tom Redder)

This is an historic moment—after 60 years of fits and starts, of road blocks and dead ends, we are finally making real progress toward comprehensive health care reform. For the first time ever, both houses of Congress are simultaneously considering proposals to guarantee all Americans health care that can never be taken away.

As the process moves forward, it is important that we continue to focus the debate on the special needs of small businesses. This is an extremely personal debate: the economic vitality of South Dakota's eighteen thousand small businesses and the health security of South Dakota's more than 243,000 small business employees are at stake. South Dakotans need to know the real story on health care reform and small business.

For small business owners who want to cover their employees, the most important question is "What will I pay?". Small business owners want to know the bottom line—what reform means for their business and their family. They want facts, not ideology.

Regina Jaramillo owns one such business, a small restaurant in Topeka, Kansas, that she inherited from her parents. Through that restaurant, she provides minimum wage jobs for 11 people. Regina pays more than $3,400 a year for health insurance. Yet, that covers only the members of her family—but, none of her employees.

Regina's situation resembles that of thousands of small business owners in South Dakota and the rest of the country.

The facts are that the most reasonable approach, and that of the President, is about building on the current system by providing guaranteed private insurance through the workplace. Quite simply, the President believes that all Americans who get up and go to work each day should have health care coverage.

Today, nine out of ten privately insured Americans get their coverage through an employer. The simplest and least disruptive way to cover everyone is to task employers to share the responsibility. Yet, the question often asked is "Will this be good for the small businesses that do not now cover their workers?" Consider Regina's story:

Under the President's approach, businesses like Regina's—those with fewer than 25 employees and average wages of less than $12,000 a year—would have paid no more than 3.5 percent of payroll to cover all of their employees.

With the President's special discounts for small businesses, Regina would have paid $3,100 to cover all of her workers and her family, while today she pays $3,400 for her family alone. In other words, the President's health care plan would have allowed Regina to cover all 11 of her workers and her family for $300 less than she pays now to cover her family and none of her workers.

Why then are small business owners in Regina's situation so concerned with health care reform?

First, there is a lot of misinformation about the President's plan and other reasonable approaches in Congress. Ideology, not the bottom line, has governed much of the debate.

Second, the difficulties small businesses face in today's health care system make it hard for them to imagine being able to more easily provide coverage.

Little wonder. Consider what Regina faces today. Right out of the starting gate, her firm is likely to be denied coverage. Insurers commonly refuse to cover restaurants. Under a practice called "occupational redlining", entire industries, including everything from oil field operations to lumber mills, are refused coverage at any price because they are considered to be shaky financially or to have high-injury risks.

Regina then has to fill the role of an entire employee benefits department—enrolling her employees, negotiating coverage, and dealing with endless forms.

When her health insurance bill arrives, Regina will likely get hit again. She will likely be charged much more than a large company for the same benefits—as much as 35 percent more. Administrative expenses claim a large part; some small businesses pay up to eight times what large firms pay on these costs.

Once Regina secures a policy, she still faces great uncertainty. Her insurer can raise her rates, drop her from coverage at any point or, if Regina or one of her employees falls seriously ill, exclude that employee or radically raise the rates for the entire company. Just when her family or her employees most need their insurance, it might not be there.

The President's approach would fundamentally change the rules of the game and protect small businesses.

The discriminatory insurance practices under which insurers can refuse to cover certain businesses or exclude people because of pre-existing conditions would be outlawed. Regina and her workers would be guaranteed private health insurance, a comprehensive package of benefits, and a choice of doctors and insurance plans. Entrepreneurs would no longer have to go out on their own and negotiate insurance coverage, or deal with today's high administrative costs, hassle, and paperwork.

Most importantly, the President's approach would ensure that affordable health care coverage is available to small businesses. Substantial discounts—from 25 percent to 85 percent—should be provided for employer of low-wage workers. And through buying groups, small businesses and the self-employed should have the bargaining power they need to get the insurance rates that big businesses and government currently receive.

In Regina's case, that would mean better insurance for her family and her employees—for less than she pays for just her family today.

Will health reform be good for your company, your families and your workers? In the past few days, members of Congress have begun to debate the concept that every job should come with shared health benefits, as many have come to understand that it is an economically sound approach. Simply put, guaranteeing health benefits at work, with structured discounts for small businesses, is good for the economy, good for workers, and good for small business. In fact, the U.S. Employers in South Dakota that currently offer insurance would pay $630 million less in premium payments in the year 2000 than they would have without reform. Small businesses—who pay the most today—would gain the most under reform.

Look beyond the rhetoric. Judge whether offering insurance will help you attract and keep more productive workers. Get the facts, calculate how much you would pay under each plan that is debated, and decide for yourself.

LIMITED TAXES, LIMITED GOVERNMENT

Mr. PRESSLER. Mr. President, Congress should rethink and reshape the role the Federal Government plays in the daily lives of the American people. If we do not act decisively soon to scale back the runaway growth of wasteful and unnecessary Government spending—paid for with exorbitant taxes that punish people for being responsible—our Nation will find itself in dire straits. It is time for the representatives of the people to vote for measures to lower our national debt, and lower the overall tax burden that has been placed on the shoulders of the American people.

In 1917, this body passed the Second Liberty Bond Act, which authorized the Secretary of the Treasury to borrow money up to a specifically designated legislative limit in order to finance Government activities in times of war. In those days, the initial debt ceiling was $11.5 billion. Twenty years ago, the national debt had grown to $486 billion. Today it exceeds $4.6 trillion.

Annual interest on the debt is an astronomical $300 billion. To put this $300 billion interest payment into perspective, the Committee on Appropriations recommended $244 billion in new budget authority for fiscal year 1995 Defense appropriations. When a nation spends more on interest payments on its debt than it does for defense, it is taking the wrong course. We need to remember that the system the Founding Fathers envisioned for America was one of limited government with limited power. Mr. President, we should return to those roots. We must attack wasteful Government spending financed by confiscatory tax rates which penalize our citizens for working hard and staying married.

To deal with this debt, some have called for tax increases, some for spending cuts, and some for both. It should be obvious to everyone that the huge growth of Government and its accompanying entitlements, mandates and regulations is the main reason for our huge deficits. This Government is involved in far too many aspects of its citizens' lives. The Tax Foundation has calculated that when State and local taxes are added to Federal taxes, governments take 37.6 percent of the income of the average family with children. For this reason calls for tax increases are flawed. Our Government already demands enough of its citizens when it comes to taxes.

Thanks to the Heritage Foundation's analysis, the people I represent in South Dakota can now see how much the 1993 Clinton tax increases will cost our State. South Dakota taxpayers will pay a total of $520.2 million more to Washington over the next 5 years because of the Clinton tax law. That is money transferred to the Government that otherwise could have been used for investment in job-creating activities in South Dakota and elsewhere. The so-called soak-the-rich taxes contained in this tax package will cost South Dakotans an extra $225.8 million. My home State's retirees can expect to pay an estimated $42.7 million more in increased Social Security surtaxes. The gas tax increase will take $116.3 million more, and other revenue raisers including higher business, estate, and gift taxes, will take an additional $135.3 million from the pockets of South Dakotans. Taxes that discourage everything from investment and job growth, to getting and staying married, have become an excessive burden on the citizens of this Nation.

As experts have studied the new tax rates, it has become evident that the new system created by the 1993 tax bill unfairly soaks two-earner married couples. It penalizes these families, putting an undue burden on couples trying to make a living. A story concerning the marriage penalty printed in the Sunday, July 10, 1994, Washington Post, states that:

> Combined with changes in the earned income tax credit, the [1993] tax law brings back the so-called "marriage penalty" with a vengeance.

According to a study published by the National Bureau of Economic Research [NBER], in some circumstances, a married couple with two children and earnings totaling $20,000 will pay $3,000 more in income tax than if they were single. Economists Daniel R. Feenberg of NBER and Harvey S. Rosen of Princeton University state in a recent study, "The size of the marriage tax is now quite extraordinary." Their study indicates the tax rate for some lower-income couples this year will be as high as 18 percent of their income.

Feenberg and Rosen calculate that a married couple who earn $10,000 a year with two children, after figuring their standard deduction, personal exemptions, and earned income tax credit, would get a refund of $359 if they filed jointly. If they would divorce, each take a child and file as heads of households, they would each receive a refund of $2,038, or $4,076 between them. This makes their penalty for being married $3,717.

In a time when family values and concerns over the State of the middle class are at the forefront of the national agenda, penalizing our citizens for entering into and strengthening the family bond of marriage stands as a brutal irony. Consider how much of their wealth we ask the average American family to give up so we can spend it for them in Washington, DC. In 1950, the average American family with children paid only 2 percent of its income to the Federal Government in taxes. Today that family pays 24.5 percent.

Charles Adams warns in his latest book, "For Good and Evil: The Impact of Taxes on the Course of Civilization," "In any conflict between liberty and taxes, liberty will give ground." The average family now loses $10,060 per year of its income due to the increase in Federal taxes as a share of family income. This tax loss now exceeds the cost of the average annual home mortgage. It is plain to see that, in America, liberty has been giving ground under the constant onslaught of taxes. This trend must be reversed. The whole notion of just what government should or should not be responsible for has been twisted beyond recognition.

Many people today argue that Americans want expanded government services, but they don't want to pay for them. The result is a national debt that has grown from $1.8 trillion in 1985 to $4.6 trillion today. I think the tide has turned. I am convinced Americans believe it is time for Members of Congress to start making the tough, and sometimes politically painful, decisions that will begin reducing the overall debt. We must not settle for a reduction merely in the overall growth, but a real reduction in the $4.6 trillion principal which is dragging on our Nation's economy.

We should realize our constituents are sick and tired of a government that invades every aspect of their lives with mandates and regulations. Americans are more than ready to start seeing their Government live within its means, just as they must do every single day.

In order to avoid a fiscal emergency, our Government must rethink how it approaches issues that clearly should be assigned to the personal responsibility of the average citizen. Americans have made it clear they would like to be paying the Government less of what they earn. We should oblige them and also cut back on doing for our citizens what they clearly can accomplish for themselves. Our tax policy must return to the ideal outlined by Sir William Blackstone, who said, "Taxes are a portion which each subject contributes of his property to secure the remainder." What we are asking people to contribute now is being misused for purposes that have gone far above and beyond merely securing the remainder of our constituents' hard-earned wealth.

It clearly is time for Congress to begin giving back to the people the responsibility for ordering their daily lives. If we don't take decisive action now, the penalty for inaction truly will fit the crime.

TRIBUTE TO MAXINE SCHOCHENMAIER

Mr. PRESSLER. Mr. President, today I pay tribute to a distinguished South Dakotan whose efforts to improve the education of our young people have been truly exemplary. For 18 years, Maxine Schochenmaier worked for the South Dakota Department of Education. She served as South Dakota's main liaison between the National Association of Federally Impacted Schools [NAFIS], and the Department of Education. More than 50 South Dakota school districts utilize funding from the Impact Aid Program. Maxine worked to secure the maximum funding for school districts that lost tax revenue due to the presence of a Federal Government activity.

Each State has an individual or group of people responsible for working with the NAFIS to secure funds for its impacted districts. Obviously, the better they do their job, the more schools in their States can benefit from this program. Judging by the comments of her colleagues, Maxine stood out as one of the most accomplished and well-respected State program administrators in the country. She maintained the delicate balance among education, politics, and the administration of a complex program.

According to her coworkers, Maxine's integrity and objectivity were always an asset when searching for new and better ideas about how to administer the Impact Aid Program. When formulating policies or resolving conflicts, her straightforward and insightful views always were refreshing.

Maxine balanced her drive to secure funding with an integrity that should be an example to everyone who works with the Federal Government. On one hand, Maxine did everything possible to maximize impact aid benefits for South Dakota schools. On the other, she balanced her efforts on behalf of South Dakota with an appreciation for the fact that this program affects all the States, and that each has an important and valid area of need.

I believe this program is no less important now than when it was created after World War II. Since its enactment in 1951, the Impact Aid Program has grown until today it benefits more than 2 million students across the country. In order to continue its effectiveness, I have worked to ensure the construction portion of the Impact Aid Program is maintained. Out-dated equipment and deplorable school facilities in many parts of the country are distracting from the effective learning environment vital to providing children with an adequate education.

Maxine's efforts were vitally important because education is the key to the future success of any nation and is one investment Congress can always be sure will be worthwhile. I have greatly enjoyed the opportunity to work with her and have benefited from her professionalism and expertise as we try to maintain the effectiveness of the Impact Aid Program.

In South Dakota, Maxine's devotion to the many small schools that rely on impact aid funding has been instrumental in maintaining our standing as one of the top States in educational performance. For her tireless efforts, the students and citizens of South Dakota owe her a huge debt. Through her steadfast commitment to helping children receive a quality education, Maxine made an investment in South Dakota's young people which will pay dividends far into the future. I commend Maxine Schochenmaier for all her efforts and wish her the very best in her retirement from South Dakota Department of Education.

TRIBUTE TO SD NATIONAL SCIENCE FOUNDATION SYSTEMIC INITIATIVE

Mr. PRESSLER. Mr. President, today I pay tribute to a groundbreaking educational program in my home State. The South Dakota Statewide Systemic Initiative [SSI] has had far-reaching effects on educational reform. This 5-year grant program from the National Science Foundation has enabled South Dakota to change the educational perspective of math and science courses from kindergarten through the university level. As a long-time and strong supporter of educational reform, I applaud such initiative.

In the spring of 1991, South Dakota received a National Science Foundation grant to support a program to initiate a more comprehensive approach to math and science education. As an award State, South Dakota has been able to begin a new era in education. While there remains room for improvement, statewide change has made South Dakota a leader in reforming science and math education.

The SSI has improved education in math and science through actual changes in teaching methods. A more hands-on approach to learning is now utilized. Students are encouraged to show what they have actually learned versus what they merely know. Changes also have been made in the areas of student evaluation and assessment to provide more accurate feedback on students' progress under the SSI.

Changes vital to progress in the math and science fields have been possible only through a comprehensive support system set up under the National Science Foundation grant. Guidance through the in-service component; the integration of science and mathematics with one another and with the rest of the curriculum the establishment of a strong network of individuals involved at all levels of education; and the partnering of education with community and State leaders and business and industry all have made SSI one of South Dakota's most successful educational tools.

The impact of the National Science Foundation Systemic Initiative has been immediate. The changes made enable South Dakota students to compete more effectively in today's global economy and better equip them to deal with tomorrow's changes. On a more local but equally important level, in-State businesses, which in the past were forced to recruit elsewhere, now can look to their own State to supply a higher level of skilled workers.

As the linkage between the various educational levels created by the SSI strengthens, an increasing number of students with related majors will emerge from the university system, enabling South Dakota to fill an ever-increasing demand in the math and science related fields.

The program also is instrumental in encouraging the participation of women and minorities in the fields of math and science. The SSI has placed a high priority on eliminating the traditional discrepancies in proportionate enrollment in these areas. For instance, this summer the statewide systemic initiative is collaborating with Sinte Gleska University faculty to provide an inservice program to further the development of native American teachers and others working with native American students. This action is consistent with the SSI's goal of reaching all South Dakota students.

The South Dakota National Science Foundation Systemic Initiative will continue to make a significant impact on students and communities well into the future. The initiative's greatest goal is to continue the expansion of reform, development, and leadership in science and mathematics education. National Science Foundation funding has allowed South Dakota the opportunity to greatly improve its educational system. I commend the efforts of all involved in this extremely important program.

SOUTH DAKOTA VOCATIONAL EDUCATION

Mr. PRESSLER. Mr. President, I rise today to pay tribute to the South Dakota Vocational Education Program's outstanding contribution to the economy and industry of South Dakota.

With approximately 160 secondary and 4 post-secondary vocational educational institutions, South Dakota is in the forefront of school-to-work education.

South Dakota's vocational technical schools help provide a skilled and competent labor force for business and industry in my State. They share the credit for achieving a job growth rate in South Dakota that ranks eighth in the Nation. This has helped maintain South Dakota's unemployment rate at a relatively low 2.9 percent.

Cutting-edge technological education provided by South Dakota's vocational technical institutions helps attract new business to the State. Businesses know South Dakota can provide a work force capable of adjusting to the rapidly changing labor market.

One such program in my State is known as Tech-Prep. Instituted in 1990, it integrates the final 2 years of high school with 2 additional years at one of South Dakota's four technical institutes. Participants receive an associate degree upon completing the 4 years of training. Funding is provided by the Carl D. Perkins Vocational and Applied Technology Education Act, which I voted for in 1990. Currently over 90 secondary school districts are participating in Tech-Prep. The four technical schools involved in the program are the Lake Area Technical Institute in Watertown, the Mitchell Technical Institute, the Southeast Technical Institute in Sioux Falls, and the Western Dakota Technical Institute in Rapid City. All four provide a link to the job market for students who do not wish to pursue a 4-year college degree, but want to learn a valuable skill. According to Betty Widman, current South Dakota Vocational Association president, only 20 percent of new jobs in the future may require a college degree, while 80 percent will need critical job skills. Preventing a potential labor shortage is a primary mission of the South Dakota Vocational Association.

An emphasis on applied academics in vocational training provides young people with the level of education needed for the high-skilled high-wage jobs for the future. Applied academics refer to scientific and mathematical workplace training. Advanced theoretical studies are substituted for real world problem solving. This gives management a well-trained employee who can start immediately, with a minimal of costly on-the-job training.

Along with this emphasis on Tech-Prep, South Dakota's vocational educational schools reach students in remote areas and small cities, especially those in agricultural communities. Let me explain.

In the summer of 1993, South Dakota's Department of Education began using the Rural Development Telecommunications Network [RDTN]. Fourteen satellite sites allow students access to courses previously only available at a single site. Telecourses open up opportunities for many, while simultaneously cutting cost duplication.

Students with disabilities are encouraged to participate in vocational education programs. Tutors, readers, notetakers, and others specialized in aiding disabled students are equipped in every way to make it possible for all to receive a good education. I commend South Dakota vocational educators for their efforts in affirmative outreach and recruitment efforts.

The South Dakota vocational education system also is a leader in providing education and training to incarcerated individuals in the correctional system. Teaching prisoners skills that can provide options for employment upon their return to the community may reduce recidivism. Currently, special attention is given to young offenders—those especially receptive to the opportunities this training offers. Indeed, vocational education offers opportunities to every segment of our population.

In 1980, Karen Dvorak joined my staff and contributed significantly to my efforts for 15 years. She began her career in my Sioux Falls office and finished as my State director. Karen Dvorak graduated from the Mitchell Vocational Technical School in Mitchell, SD. She isn't the only recipient of a vocational education who has worked on my staff.

In 1975, I hired a vocational education student as an intern. To my knowledge, this was the first such case on Capitol Hill. Tod Wells, an appliance-refrigeration student, worked for me in the House during my first term. He pointed out many of the funding problems previously faced by the vocational educational system before enactment of the Carl D. Perkins Act.

Through its ability to adapt to the needs of the people of my State, the South Dakota vocational educational system plays a key role in the economic development of our State. Giving young people rewarding career options while simultaneously creating a highly skilled work force creates incentives for people and businesses to remain and expand in, and even to relocate to, our State. The South Dakota vocational education system is of infinite value to the people of South Dakota. I salute the efforts of all who work in the field.

TRIBUTE TO THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

Mr. INOUYE. Mr. President, over the years, I have been privileged to work closely with the elected leadership of the National Association of Social Workers [NASW], and have been pleased to be of assistance in modifying our various Federal statutes to ensure that members of the association are appropriately recognized as autonomous health care providers.

As we continue our deliberations on the extraordinarily important crime legislation, I wanted to take this opportunity to express my grave concern regarding a number of aspersions that have been raised about members of this honorable and respected profession. The NASW, with its 150,000 members working in every general hospital in the country, in adoption agencies, private practice, and school systems, provides at least 50 percent of all mental health services in the United States. They have dedicated their lives to helping people in this country and they do much to ease human suffering, often with long hours and low pay.

I have been particularly sorry to hear members of our esteemed body malign a profession known for its courage and commitment. In my judgment, to put it mildly, it is simply irresponsible for the National Rifle Association to place advertisements by a renowned movie star maligning social workers as a political maneuver. The irony of these advertisements is the part where it is suggested that "what the public is not being told is a crime." At the very same time, in the very same commercial, they do not disclose what is their probable real purpose—to kill the ban on assault weapons. Instead, they insult our Nation's social workers as a diversion. Furthermore, may I suggest that the assertion they make, and has been made by members of this body, that the bill provides two social workers for every policeman has no basis in fact.

According to the leadership of the NASW, the profession of social work is mentioned only twice in the entire crime conference legislation and one of those times is in relation to a proposed commission. Police around the country acknowledge over and over that they cannot do it alone, and that they need help to prevent crime in the community. They need the help of parents, social workers, teachers, and the clergy, and they need this help badly.

Our Nation's youth, and in particular, our Nation's adolescents, are extraordinarily important to all of us and they truly represent the future of our Nation. In my judgment, we need everyone's help to ensure that these individuals will become productive, useful, taxpaying citizens. I am confident that our Nation's social workers will continue to be in the forefront of this important societal effort.

By unanimous consent, I request that the letter by Mr. Sheldon Goldstein, executive director of the NASW, addressed to Mr. Heston expressing their concern be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
August 17, 1994.

Mr. CHARLTON HESTON,
c/o Mr. JACK GILARDI,
Executive Vice President, International Creative Management, Beverly Hills, CA.

DEAR MR. HESTON: We are dismayed that you agreed to read a script for national broadcast that maligns a profession usually admired for its courage and commitment.

Did the NRA inform you that the National Association of Social Workers (NASW) did not endorse the Crime Bill? Did they tell you that "social worker" appears only twice in the House bill? Did they tell you how they computed the 2 to 1 ratio? Did you bother to ask?

Any one of our 150,000 members would uphold your right to speak out on any issue important to you, even though we disagree. But bashing crime prevention by casting social workers as bad guys is irresponsible at least, and ignorant at best.

Do you really think that the work social workers do is so inconsequential to society that you could so easily dismiss us? I think you should think again.

Sincerely,

SHELDON R. GOLDSTEIN,
Executive Director.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. Many Senators talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control, but take a look at how so many of them vote in support of bloated spending bills that roll through the Senate.

As of Tuesday, August 23, at the close of business, the Federal debt stood—down to the penny—at exactly $4,674,171,453,528.20. This debt, never forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until it had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buckpassing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,674 of those billions—of dollars. In other works, the Federal debt, as I said earlier, stood this morning at 4 trillion, 674 billion, 171 million, 453 thousand, 528 dollars and 20 cents. It'll be even greater at closing time today.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the order, the Senate will now resume consideration of the conference report accompanying the bill, H.R. 3355, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The Senate resumed consideration of the conference report.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, on Monday, I spoke generally of my support for the crime bill conference report. Today I would like to focus on two of the most important aspects of the bill: the assault weapons ban and community policing.

We must ban the military-style assault weapons that are killing men, women, and children on the streets of this country. Weapons like the AK–47, the TEC–9, the M–11, and the SKS assault rifle have no legitimate sporting purpose, and they should no longer be manufactured or sold in any community in America.

Had the assault weapons ban been in effect in December 1992, a deranged teenager could not have gone into a sporting goods store outside of Great Barrington, MA, and purchased a Chinese-made SKS assault rifle for $130. He took that weapon to Simon's Rock College and shot six people, killing two and leaving four others seriously injured. The assault weapons ban in this legislation could have prevented that tragedy, and it should have been enacted long ago. Every day we delay, another deranged person has another opportunity to purchase one of these battlefield weapons and use it to wreak murder and mayhem in this country. It is time to stop that slaughter, and this bill will do it.

Earlier this year I encouraged President Clinton to ban the importation of assault weapons that have poured into the United States by the millions every year from China and former Soviet-bloc nations. The President banned imports of the Chinese weapons in May, but it is only a partial victory. Remaining stocks of those Chinese weapons in this country can still be sold. In addition, domestic assault weapons are as lethal as foreign assault weapons, and they should be banned too.

There are about 2 million assault weapons that were imported, primarily from China, as well as from the Eastern European countries. The action that was taken by the President in May put a halt to the weapons that were being imported from China. Much of the commerce in Chinese weapons was carried out by the Chinese military, so these profits were funneled back to the repressive regime in China.

According to the Bureau of Alcohol, Tobacco, and Firearms, although assault weapons comprise only 1 percent of privately owned guns in the United States, they account for 8 percent of all firearms traced to crime. Assault weapons are eight times more likely to be traced to crime than conventional firearms. Some estimates are even higher than that.

This legislation bans many of the weapons of choice of violent criminals—the Uzi, TEC–9, M–11, and others. But this ban will also protect the public from other assault weapons that are easily concealed or equipped with military enhancements. There is no legitimate purpose for an assault weapon with a folding stock—which makes it easy to conceal. And no sport requires an assault weapon with a threaded muzzle—which allows it to accept a silencer or grenade launcher. These characteristics are designed for the battlefield.

We know the ban on assault weapons will save lives. The Senate knew that when it passed the ban as part of the crime bill last November. The House knew that when it passed the ban as a separate bill in May. We know the ban works, and we must pass it in this crime bill.

Another important public safety initiative in this bill is the firearms dealer provision sponsored by Senator SIMON and cosponsored by Senator BENNETT.

Today there are approximately 280,000 gun dealers in this country. There are more gun dealers in America than there are gas stations or even McDonald's. In 1991, the Bureau of Alcohol, Tobacco, and Firearms issued 270 licenses a day for gun dealers—a total of 91,000 new and renewed licenses that year. Only 37 of the 34,000 requests for new licenses that year were denied.

BATF estimates that only 20 percent of all federally licensed dealers are actually local stores. The rest of the dealers operate out of homes, and garages—and even out of cars and hotel rooms.

BATF also estimates that a majority of these kitchen table dealers acquire a Federal license for the purpose of buying guns in bulk at wholesale prices and in order to avoid State and local laws, such as waiting periods and other restrictions.

For example, a gun dealer would not have to undergo a Brady background check or waiting period, nor would a Virginia kitchen table dealer have to comply with Virginia's one-gun-a-month purchase law.

This legislation requires applicants for gun dealer licenses to be in compliance with State and local laws before a Federal license is issued. It requires BATF to distribute a list of Federal licensees to the appropriate State or local law enforcement agency. And it allows BATF 60 days, rather than the current 45 days, to act on an application for a Federal firearms license in order to ensure that licenses are only issued to qualified applicants.

In this area, we are going to be respectful of the laws and regulations passed by States and local governments. Rather than preempting those laws, we are requiring that federally licensed firearm dealers comply with those laws.

Some people claim that criminals do not buy guns through legitimate dealers. But the facts demonstrate that criminals get guns both legally and illegally. In 1991, the Department of Justice conducted a survey of State prison inmates. They found that more than 27 percent of the inmates had purchased their crime guns from a retail gun dealer.

Extraordinary. Twenty-seven percent of the inmates had purchased their crime guns from a retail gun dealer.

We need to close the loopholes in the law and provide BATF with the capability to enforce the law and reduce the number of guns readily available to criminals.

This bill will also strengthen existing Federal law by prohibiting the possession of handguns by persons under the age of 18. I want to commend our good friend, Senator KOHL, for his leadership in this area. The rates of homicides committed by teenagers increased by over 130 percent between 1985 and 1991. Many of the victims in these cases are themselves teenagers. Gunshot wounds are now the second leading cause of death for this age group.

The causes of violence are complex, but one factor is clear. Handguns are far too accessible to minors. It is a national disgrace that so many children have guns, and we must deal with this problem as the emergency that it is. Fewer children will kill children if they do not have easy access to guns.

I also support the prohibition of possession of a gun by anyone subject to a restraining order or convicted of spousal abuse. That prohibition is included in this bill.

Last year, Kristin Lardner was shot and killed in Boston by a former boyfriend against whom a permanent restraining order had been issued 2 weeks earlier. Such tragedies are not isolated occurrences. In May of this year Donna Bianchi of Revere, MA, was shot and killed by her husband, despite the restraining order she had against him. These individuals even with restraining orders, went out and purchased these weapons and then went back and committed the heinous crimes of murder. This provision will help put an end to tragedies like these.

The final firearm provision included in this bill will expand the definition of armor-piercing ammunition in the 1986 Law Enforcement Officers Protection Act. This provision expands the definition of armor-piercing ammunition to ban certain new varieties of bullets designed to pierce bullet-proof vests widely used by police officers.

I see my friend and colleague, the Senator from Ohio, and he remembers the long battle we had in the Judiciary Committee getting support for the prohibition and banning of this armor-piercing ammunition that could go through bullet-proof vests worn by police officers in this country.

To my best recollection, it took us 4 or 5 years before we were able to gain sufficient support in the Senate to be able to pass this important measure. This conference report continues to upgrade that legislation and takes into consideration the advancement in new technology in armor-piercing ammunition.

This provision is strongly supported by the Federal Law Enforcement Officers Association and the Fraternal Order of Police. Police officers risk their lives every day to protect the public. This provision will help to protect law enforcement personnel from the deadly bullets designed to kill them.

In many other ways in this legislation, the U.S. Senate has an opportunity to demonstrate its unwavering commitment to police officers in every community in the country.

Police chiefs across the country have put out the call for assistance. With unprecedented rates of violent crime, local police departments are saying they need more police on the streets to reclaim neighborhoods and make the streets safer. Their call was answered when President Clinton pledged to put 100,000 community police officers on the streets of America over the next 6 years.

The community policing grants are the backbone of this crime bill. Community policing means more than just putting 100,000 more police officers on the beat. It means police who have a stake in the neighborhoods they patrol, who have the training to recognize the conditions that breed crime, and to deal with these conditions effectively, in order to prevent the crimes that are plaguing those communities.

I took time on Monday to spell out an extraordinary program in Dorchester, MA, that is having a profound impact on the issue of violence and lawlessness in that community. It is an enormously creative program. We take some pride in the fact that the Governor of Massachusetts has indicated the State will be prepared to make the matching grants to local communities that are able to win these community policing grants on the basis of merit. This would ease the burden placed on communities that might be particularly hard pressed. I expect that there would be similar kinds of efforts made in other States as well. There will be competition for these community policing grants, just as there was competition for the supplemental policing grants awarded earlier this year. Eight communities in Massachusetts received community policing grants this year, but many more applied and need more police officers. This bill contains the support for more police officers these communities asked for and need.

Obviously, there should be particular help and assistance in areas of high violence. To provide additional police for those communities is something that I hope the Senate will support by passing this crime bill. We need these officers not only to make our communities safe but to act as positive role models for young men and women.

Community policing has already had a substantial effect in reducing crime in many American cities. Lee Brown, our current drug czar, used it with great success in Atlanta, Houston, and New York.

We all agree on the need to hire 100,000 new community police officers. Both the House and Senate have passed bills supporting this commitment.

Now it is time for Congress to deliver on its promise to the American people. We have heard the call. We cannot afford to turn our backs on the police and the people of this Nation who are counting on us to do what is right.

Many of the communities in my own State are counting on this community policing program. We have built flexibility into the legislation in the conference report so that these community police officers will be available at the earliest possible time. I think that was one of the creative aspects of the conference report.

The public deserves tough, smart action on crime. The Congress owes them no less. We have been negotiating this crime bill for 6 years. The current version represents a bipartisan effort to combat violent crime in communities throughout the United States. The time for delay is over.

We must pass this bill for the police struggling to protect our neighborhoods. We must pass the bill for the victims of violence, so that their tragedies are not in vain. We must pass this bill to keep the faith with 200 million Americans who are counting on us to take strong action against crime.

This bill does the job. It deserves to be passed by the Senate and signed into law by the President as soon as possible—not buried under a phony point of order that is nothing more than a Trojan horse for the National Rifle Association.

Mr. President, I see my good friend from Ohio here. For years, he and I have joined others here in an effort to curtail the proliferation of these weapons of violence. I can remember going back to the 1986 act. In the 1986 act, there were six former Secretaries of Defense, three Republican and three Democrat, who made a special plea to the Members of this body at that time to support a position that many of us have taken, to deregulate long guns. At that time assault weapons did not pose the kind of threat that they do today. We would deregulate long guns but control the manufacture and production of small, concealable weapons, the Saturday night specials, the weapons of choice for those who are committing violence in our communities. These handguns have no hunting purpose whatsoever.

But we were unable to gain support for that position. Except for some of these military assault weapons like the AK-47, the utilization of long guns in homicides are less than 5 percent. They do not pose the kind of threat to the security of our communities as either the assault weapons or the small concealable weapons.

But the National Rifle Association would not have any part of it. We could have made a deal at that time to protect the rights of hunters all over this country and ease the regulation of long guns that are legitimately used for hunting.

But, some Members of the Senate, acting on the behalf of the National Rifle Association, said absolutely not. Those Members thwarted that effort and chose the financial support of the National Rifle Association over the people whose interests they claim to represent.

Mr. President, not only is this a matter of importance for our own country, but it is important to other countries around the world. The Drug Enforcement Agency and the Treasury Department estimate that 40 to 50 percent of all the assault weapons used in the Medellin cartel and by the drug lords in Colombia and in South and Central America are manufactured here in the United States of America. We are exporting these assault weapons at an unprecedented rate.

We say that we care about what is happening with the growth of violence in these countries—the killings of members of the courts and judicial officers, outstanding and courageous journalists, members of political parties that have taken on the crime cartels.

The weapons that are being used to mow those people down and commit those crimes are manufactured, sold, and exported by the United States to those countries and to those drug cartels.

I think all of us recognize that we have to deal with the problems of the manufacture and export of these weapons that ravage young and old people in this society and abroad. We can do much more to prevent these weapons, that are readily available to criminals and drug cartels, from being used on countless innocent victims. We also can do much more to stop the export of a great deal of the chemicals which are used in processing much of the drugs that are eventually shipped back to the United States from South America and other parts of the globe.

In the previous administration there was a significant reduction in personnel used in the inspection and oversight of the export of various kinds of chemicals that eventually find their way into Colombia and other countries that are producing these products.

More can be done, Mr. President, particularly in the area of reducing violence. The U.S. Senate must act on this crime bill.

I hope that we have the opportunity to vote on this very important piece of legislation which had bipartisan support in the House of Representatives and in the Senate when it passed in November of last year. I must commend the President for a willingness to take on a tough and a difficult lobby, the National Rifle Association, on these assault weapons and for standing by his guns.

I commend our Republican colleagues, 46 of whom, in the House of Representatives were willing to deal with this issue and overcome partisanship to pass a strong crime bill for the American people. I had hoped that we would have bipartisan support in the Senate for this bill. I think we will at the time the roll is called. This is a matter of enormous importance. I hope the Senate will take action today to pass this tough, smart, crime bill and bring it to the President's desk.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I rise to commend my friend from Massachusetts for once again taking a leadership role in the whole question of controlling crime in this country. No one has been more active in the effort to bring about a diminution of the number of weapons on the streets of America than the Senator from Massachusetts.

What we are engaged in at the moment is a filibuster. The Senator from Massachusetts referred to how we passed the bill having to do with cop killer bullets. I remember that very, very well because it was Senator MOYNIHAN's bill and it had come to the floor. It was on the floor for about 8 months. We could not move it until one day the Senator from Idaho, who is no longer here, had a bill having to do with wheat in Idaho. At that point, I indicated I was going to put the cop-killer bullet bill on as an amendment to that bill. The Senator from Idaho came over and was very much concerned about that because he was strongly opposed to my amendment and very much in favor of his bill. We worked out an agreement. We got an agreement that we have individual, independent votes on each of those issues and the cop-killer bill having to do with cop-killer bullets. We passed it I think 99 to 1.

I say that just as a preparatory statement to the fact that we are engaged in a filibuster here by the Members of the other side of the aisle, prompted, pushed, and supported by the National Rifle Association. You can call it anything you want. But I know a filibuster when I see one. I think that I probably have been involved in conducting as many filibusters as any Member of this body. Some I have been successful with and some not so successful. But I see a filibuster. I know a filibuster. This is a filibuster. And this is a filibuster against the crime bill prompted, supported, and urged upon the Members of that side of the aisle by the National Rifle Association.

It is shameful. It is absolutely shameful that after 48 or 60—I am not sure how many—Republicans in the House of Representatives joined to bring about the passage of the bill that the President of the United States had fought so hard to bring about and bring to the floor of the House for passage; it is shameful that my colleagues on the other side of the aisle see fit to use a dilatory tactic.

There is no secret about what is happening. This is not a new issue. This is the very same issue that was on the floor when the bill passed, and with respect to which Senators DOLE, GRAMM, and DOMENICI said it was a great procedure in order to fund the crime bill. The whole concept was brought about by reason of the lead the President pro tempore of the Senate, Senator BYRD, who conceptualized the whole idea of the trust fund. They all thought it was a brilliant idea, commended him for it, and now they are on the floor raising a point of order in connection with its usage.

Mr. President, the American people want Congress to pass this crime bill not tomorrow, not next week, not a month from now, not next year. They want it now.

They have made it clear that meaningful gun reform legislation is long overdue. They have made it clear that the Government must provide adequate numbers of police and prisons. They are sick and tired of what is happening on the streets of America. They have made it clear that the programs addressing the root causes of crime are not a matter of coddling but a matter of common sense.

Some of my Republican colleagues are quite determined to bring down this crime bill that the American people so clearly support. It is not enough that Democrats and Republicans came together and worked out compromises in conference, not just once but twice. Those Democrats and Republicans, under the leadership of Senator BIDEN, chairman of the Judiciary Committee, worked all through the night Friday night, and then worked all day Saturday and then worked on Sunday, as well, in order to bring about the compromises that made it possible for the House to pass the bill.

The bill that is before the Senate at this point had bipartisan support in the House or it would not be here before us today. It is not enough because the goal of some is not to pass a compromise crime bill, a comprehensive crime bill. The goal is to promote the special interests of the antigun control lobby and to defeat the will of the American people.

This is incredible. This is politics at its cheapest. This is politics at its worst. This is shameful politics. It is gamesmanship, gamesmanship maybe to win a political point. I am not sure what that political point is, because the American people want a crime bill—the clearly expressed desire of the vast majority of Americans—to ban semiautomatic assault weapons, weapons that have no other purpose than to kill a greater number of people at a faster pace should not be held hostage to a single-minded special interest, the National Rifle Association, by this ill-conceived and ill-timed filibuster.

Seventy-seven percent of the American people want a ban on semiautomatic assault weapons. But a minority of the Senate—because they do not need a majority, just a minority; they only need 41 votes—are determined to keep the Senate from even voting on the measure. What an absurd idea. The leader of the other side comes forward and says, well, we will have 13 amendments we would like to take up, and then after the 13 amendments are taken up, then we may raise this point of order, the very point of order that they are talking about raising at this point. I hope they do not.

I hope more levelheaded Members on the other side will conclude that that is an inappropriate act and the American people do not want it.

Let me be clear. There are plenty of provisions in this bill that I object to; in fact, that I absolutely despise. I am also very disheartened that this bill does not include the Racial Justice Act and habeas corpus reform. These and other provisions I supported did not prevail on the floor or in the conference. But I do not stand here today as an obstructionist, hiding behind some procedural rule, because I lost.

I never thought I would stand on the floor of the Senate and support a bill that provides for 60 new capital punishment offenses because I do not believe in capital punishment. I do not believe that is the answer. But I am saying that I am supporting this bill because I think the total package is right for America. It is what the American people want. It is what I want for my children and my grandchildren.

I hope that we are about the business of solving and not creating problems. I hope we can pass this bill. It is no secret the main reason I support this bill is because it will ban semiautomatic assault weapons. A ban on assault weapons is one of the most obvious and effective anticrime measures that we can take.

Assault weapons are about 17 times more likely to be used in crimes than conventional firearms. The more than 1 million assault weapons that are on the streets of America today, which are manufactured and sold freely and wind up in the hands of felons, drug traffickers, and youth gangs, are literally wreaking havoc and death across this Nation. A crime bill that ignored that reality would not be worthy of the name.

It has been 5½ years since I first introduced a Senate bill to ban semiautomatic assault weapons. It has been a long, hard struggle. And finally, a couple of years ago, we were successful in working with Senator DENNIS DECONCINI of Arizona, and we worked out a procedure where I offered a bill. Then he offered a more mild bill to move in on the banning of semiautomatic assault weapons. We got it through the Senate. That was not enough. We could not conclude its action in the House.

Then Senator FEINSTEIN joined our group and worked zealously and hard in order to make some modifications of that bill, which became a part of the package that was sent over to the House and that is before us at this point in time. I introduced that original bill after 5 children were murdered and 29 others wounded in a hail of bullets in a crowded school yard in Stockton, CA.

I want to say to my colleagues on the other side of the aisle who are parents and grandparents, think for a moment if one of those five in that schoolroom had been one of your loved ones. Think if one of your children or grandchildren had been in that swimming pool when loony came along with a semiautomatic assault weapon and started mowing down the children in the pool.

It has been a long and lonely road for us to get to this point. But the fact is that it is time for us to take those guns out of the hands of the crazies, out of the hands of the criminals, out of the hands of those who have no regard or respect for life.

Law enforcement officials have consistently been on our side. All along, they have been telling us that they are being outgunned by the criminals. They do not carry semiautomatic assault weapons. Organizations like the Children's Defense Fund have been warning us about the growing impact on our children, and labor, medical, religious, civic groups, and business groups have all told us something had to be done. But 41 Members on that side of the aisle say: Oh, no, we want to use a technicality, because the NRA wants us to use the technicality, to keep this bill from being voted on.

It is not until recently that the American people raised their outraged voices demanding that Congress ban assault weapons. My colleagues on the other side aisle, do you not hear those people in America? Are your ears deaf to their pleas to ban semiautomatic assault weapons in this country? This groundswell of anger resulted from the cumulative effect of a long history of bloody massacres that finally took its toll on the collective patience of America.

The American people have made their message to Congress plain: Enough is enough. They are saying that to my colleagues on the opposite side of the aisle—enough is enough; do not try to keep this bill from being voted upon by a minority of the Senate. There simply can be no serious attempt to fight violent crime in this country without doing something to stop easy access to these military-style weapons of war.

Mr. President, all of us who have worked on this bill have been greatly impressed by the knowledge, the commitment, and the leadership of our chairman, Chairman BIDEN. I especially want to thank him for holding a tough line on assault weapons during both conferences and preventing any efforts aimed at weakening this much-needed provision. He knew how strongly I felt, and he knows how strongly I feel. Without the semiautomatic assault weapons provision, I would not be able to support this crime package.

(Mrs. BOXER assumed the chair.)

Mr. METZENBAUM. There are many good points in it, and there are some I am not that happy with. To me, it is sine qua non—that without which there is nothing—the ban on semi assault weapons. Although a few technical changes were made to the assault weapons ban in the new conference report, none of the changes affects the substance or in any way undermines the legislation. Those changes were intended merely to make explicit that the ban on large-capacity magazines—that is, those capable of holding more than 10 rounds of ammunition—applies prospectively only, to magazines manufactured after the effective date of the law. In addition, in order to provide those who lawfully possess exempt magazines more protection against prosecution, it was clarified that the Government has the burden of proof that a person possesses a banned magazine that was manufactured after the effective date.

In addition to the ban on assault weapons, this bill contains other vital measures to combat gun violence which I fully support. One measure will toughen the regulation of federally licensed gun dealers to weed out those selling to drug traffickers and gun runners and to improve efforts to trace guns used in crime. Other provisions will help to keep handguns out of the hands of juveniles, spouses, and child abusers.

The virtual explosion of domestic violence in our society makes it critical that we not only keep guns out of the hands of abusers, but also fight this problem on all fronts. With this purpose in mind, the crime bill encourages local authorities to more actively pursue domestic violence arrests and prosecutions where warranted and to establish shelters that protect and counsel battered women and their families. The bill also creates Federal penalties for spousal abuse and interstate stalking.

Unlike crime bills of the past, this bill contains several provisions that address the root causes of crime. It includes educational and recreational programs to prevent children from becoming involved in the criminal justice system, boot camps for first-time nonviolent offenders, and substance abuse prevention and treatment programs. Some of the opponents of this bill have trivialized the importance of prevention programs such as midnight basketball leagues. But the fact of the matter is that these programs are cheap, simple to execute and, fortunately, they work. Getting kids off the street playing basketball is a lot cheaper than having them on the streets involved in petty crime and major crime as well. Crime fighting does not always have to be complicated, original, or expensive. We all know that constructive physical activity is an effective way to channel all kinds of negative tensions. They can laugh all they want about midnight basketball. But the blood, sweat, and tears from playing a ball game can help avoid the blood, carnage, and tears from criminal activity.

Although the crime bill contains many provisions that will effectively fight crime; unfortunately, it also includes 60 death penalty provisions that will do precious little to make our streets safe again. I never thought I would vote for a bill adding that many capital punishment items—or any capital punishment items. The death penalty, in my opinion, is not an effective deterrent to violent crime. Evidence shows, and former Supreme Court Justices Blackmun and Powell, who in the past upheld the constitutionality of the death penalty, both now state publicly that the death penalty is applied in an arbitrary and racist manner. Justice Powell now concedes that he was wrong to cast the fifth and deciding vote to uphold a death sentence in a case where the defendant sought to offer statistical evidence of racial bias. The Racial Justice Act would have helped to remove the stain of racial prejudice from the death penalty in America. Our failure to adopt this measure morally taints any and all of our crime fighting efforts.

A broader imposition of the death penalty also means that more innocent people will be executed. A writ of habeas corpus is often the only way a defendant can prevent his execution for a crime he did not commit. Incredibly, meaningful habeas corpus relief has been placed in jeopardy by several recent Supreme Court decisions. I had hoped that the crime bill before us would include habeas corpus reform. We must not abandon our efforts to protect this most basic important right. It is a constitutional right that I believe should not be abandoned.

Crime bills of the past have not made a dent in the crime rate in this country. Our battle against crime is doomed if our only goals are to weaken constitutional protections, build more prisons, put more people to death, and impose mandatory minimum sentences that ignore individual circumstances and keep people in jail to ripe old ages. I am proud and grateful to be part of a crime bill that finally breaks with the failed policies of the past. Gun control, prevention and treatment, police, and fair punishment must be a part of the future if we have any hope of a future at all.

But I come back to the original point of this discussion and these comments, and that is I say to my colleagues on the other side of the aisle: You are being unfair to your own constituency. You are being unfair to your own families. You are so wrong about filibustering this crime bill that you ought to stand low and be ashamed of yourself. It is shameful, literally shameful to get 41 Members of the Senate to stand up and block passage of a bill to fight crime in America.

Have you no pride? Have you no character? What kind of sense of responsibility do you have that you want to play this political game? You are going to deny the President of the United States a political victory, but you do not care what happens on the streets of America.

You all voted for the same bill in the past when the same point of order could have been raised and not one of you raised it. You all said it was a great way to proceed, and now you are using a technicality. Shame on you. Shame on you.

A filibuster is not the way to defeat a crime bill. If 51 Members of the Senate do not want to pass this bill, so be it.

But the fact is we have a majority prepared to pass this bill, but you are trying to use the technicality to keep the bill from being voted on. You are trying to use a budget point of order. What an absurdity. What an impropriety.

How can you go home and face your own family under the circumstances? How can you go home and face your constituents? You are wrong. You are as wrong as you could possibly be.

I urge you to reconsider. I urge you to let this bill come to a vote. Let it be voted on up or down. If you do not like it, the NRA does not like it and you want to vote with them, vote "no." But do not use a technicality to defeat the crime bill. The American people want it. Let us have a chance to vote on it on an up-or-down vote.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, would the Presiding Officer state the business before this body?

The PRESIDING OFFICER. The conference report to accompany, H.R. 3355 is the order of business.

Mr. REID. I thank you very much.

Madam President, I rise in support of moving to consideration of the passage of the conference report on the crime bill.

Much of the debate we have heard from opponents of this measure stems from the belief that too much is being done to prevent crime and not enough is being done to punish crime.

Madam President, the State of Nevada has a few more Democrats than Republicans but not many. It is fairly evenly divided. I want the people of the State of Nevada to know that this is a bill that is not a bill that is a Democrat bill or a Republican bill. This is a bipartisan bill. This bill passed almost unanimously just a few short weeks ago, and now because of political gamesmanship, political partisans are trying to take down this bill. There are people who believe that it would be good for the Republican Party to take down this bill. Well, it may be good for some Republicans, but it is not good for the Republicans of the State of Nevada, and I am here on the Senate floor today to tell the Senate that for the Republicans of the State of Nevada and the Democrats of the State of Nevada we need to pass this bill.

Why? Madam President, about 7 percent of the criminals commit almost 80 percent of the violent crime in this country. About 7 percent of the criminals commit about 80 percent of the violent crime in this country.

The reason we need to pass this bill is this will assist not only Federal authorities but State authorities to put away violent criminals. There are numerous other reasons that have been explained on this floor why we need to pass this bill.

Madam President, I have been a police officer. I have worn the uniform. I have worn a badge. I have carried a gun. I have been a prosecutor. After I went to law school, my first job was as a prosecutor. I spent a large number of years of my adult life defending people charged with crime. So I have a little bit of background about criminal activities both from a police standpoint, a prosecutorial standpoint, and defending those charged with crimes.

I want to spend a little time today talking about a buzzword that has been used to say how bad this crime bill is. It is used to deride a crime prevention program that opponents of the crime bill have become obsessed with, the so-called midnight basketball program. Time and time again opponents of this legislation, even though they voted for it previously, are saying this is pork, that the midnight basketball program is pork and, for this reason and a few others, bring it down; we do not need a crime bill.

In fact, the Republican whip in the House has said he thinks the Federal Government ought to be encouraging kids to stay in school and study and not go out and play basketball at midnight. I say to the Republican whip, who I served with in that body, that the midnight basketball does just that. It encourages children to stay in school. It is about mentoring. It is about teaching responsibility. It is about working as a team. It is about working with high-risk youth to assure they stay in school and sometimes go on to college. It is about spending a little more money on our youth today so we do not have to spend a lot more money on them as adults in the future.

How do I know about this program? I know about this program because one of the first programs in the history of our country that dealt with nighttime basketball was a program that started in Las Vegas, NV. It is a great program. It is still in existence, and it is evidence that it is both cost effective and crime preventive.

These leagues were started almost 5 years ago by a man in Las Vegas who worked for the recreation department, a man by the name of Thomas Gholson. He was an energetic leader. He wanted to do something different. He wanted to do something more to justify his paycheck than just go to work every day. He came up with a program. There were kids on the street. You could drive down the streets and see them. They had no place to go and very little parental control.

Thomas Gholson, who understood troubled youth, said: "We are going to start a basketball program. We are going to get as many young people as we can come off the street. We have the gyms we built. We paid millions of dollars for them. Why not use them at nighttime?"

This program in southern Nevada in Las Vegas has kept hundreds and hundreds of young people in school. The organizers serve as important mentors to the many kids who play in this program. They are looked up to. They are respected. And in some instances, in fact more instances than I would like to admit, they are the only role model positive in nature that these young people have.

The person who runs my southern Nevada office is a man by the name of Eric Jordan. He wears on his finger a Super Bowl ring. He played for the New England Patriots in the Super Bowl.

Eric Jordan was raised in southern Nevada. He had good parents. He was able to go to elementary school, high school and college. I have spoken to Eric, and there are not many people who wear a Super Bowl ring. Why? Because it is difficult to make it through high school, college, and certainly through professional football.

But this is the program Eric Jordan said has kept people off the streets. He should know. He was raised in the community.

I would ask opponents of this bill to ask themselves the following questions: Is it wrong for the Federal Government to provide money to programs that teach at-risk youth about the importance of responsible parenting? The obvious answer is no.

Is it wrong for the Federal Government to reach out to at-risk youths and attempt to impart in them the importance of continuing their education? Is it wrong for the Federal Government to spend $5,000 to organize a basketball league for at-risk youths? It takes as much as $50,000 a year to keep a young person in a reformatory, a youth in prison, as much as $50,000 a year. And we are talking about organizing a basketball league for a lot less.

Is it wrong to spend a few dollars to provide alternative activities for youths who are now aimlessly wandering the streets and engaging in random criminal activity?

We read all the time about random criminal activity; people hurt other people for no other reason other than they do not have anything else to do.

Is it wrong for the Federal Government to attempt to make our streets safer to walk at night and now even in the daytime? Is it wrong for the Federal Government to encourage team play and civic behavior? Is it wrong for the Federal Government to make a modest investment in today's at-risk youth in the hopes that by so doing we will prevent future crimes? I say no. If it is, Madam President, vote against this bill, but do not play these games that this is pork as if somebody who is in favor of this is getting some benefit for themselves.

I get as much benefit from this as the rest of the people of the State of Nevada do; that is, if this bill passes, I will get a little more peace of mind. It is not going to eradicate criminal activity in the State of Nevada, but it will give the Federal authorities and the State and local authorities more tools to deal with criminal activity. That is what we need.

Criticisms of this measure, I think, are disingenuous, especially, Madam President, when you consider they voted for it before. And, as the majority leader explained on the floor today, they cannot talk about the numbers. They lose that game, because the only numbers they complained about originally were that it did not give State and local authorities a long enough time to get assistance. So we extended that time. That is where the added dollars come from.

If you look at the findings summary, you find that the trust fund dollars have been set up in this bill. Law enforcement, together with prisons, made up 77 percent of the bill. In the bill now, after the conference report, law enforcement and prisons make up 77 percent of the bill. It did not change a percentage point. It changed it around a little as to how much went to prisons and law enforcement, but they are the same numbers. With prevention and drug courts, it originally started out at 23 percent; after the conference report, 23 percent. It has not changed a percentage point.

I say that we should be able to vote on the bill. The people of the State of Nevada—Democrats, Republicans, and Independents—recognize that these random crimes, these random killings, these random acts of violence are not directed at Democrats, they are not directed at Republicans or Independents, they are directed at people who, by chance, may be Republicans, Democrats or Independents.

This is not a time to be partisan. By being partisan, they stand the chance of bringing down this crime bill. And I say those that are facing election this year or next year or the year after in the Senate should face the voters for bringing down this crime bill because that is what they will do.

This is what the American people really want—crime prevention.

Let us get rid of this program, they say, this midnight basketball program. If the kids are roaming the streets at midnight and engaging in criminal activity, lock them up; arrest them. This will prevent crime and will keep our streets safe.

This is simply not realistic, Madam President. We need to have strong law enforcement. We need to do better with our prisons. We cannot have the rotating prison system that we have. We have to make sure that we have certainty of punishment. Our criminal justice system is breaking down, not because of a lack of severity, but because of lack of certainty of punishment. Punishment is good because it is certain, not because it is severe, and we do not have certainty of punishment. This legislation will help bring about certainty of punishment and maintain the severity when necessary.

So, doing away with the midnight basketball program, as they want to do is wrong. It is a partisan smokescreen, and the American people can see right through it.

Solutions to today's crime problems are not going to be found solely in the construction of more prisons to house America's youth and Nevada youth.

George Allen, whose son is now a conservative Republican Governor in Virginia, George Allen, the famous late football coach of the Washington Redskins, considered a conservative both on the field and off, put it best when he said that the best offense is a good defense. I agree with that philosophy, whether it is liberal or conservative.

Midnight basketball leagues offer effective defensive schemes that we can employ in our fight against crime.

Do Government-run basketball programs prevent crime and provide at-risk youth with greater opportunities to succeed? Yes.

Madam President, I will ask unanimous consent to have printed in the Record an article from the largest newspaper in the State of Nevada. The newspaper is now, in circulation, approaching a quarter of a million. It is entitled "On-Court Lessons Prove Valuable."

I know that the pictures that appear on this cannot go into the Congressional Record, but I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Las Vegas Review-Journal]

On-Court Lessons Prove Valuable

PLAYERS FIND ENJOYMENT AND ENCOURAGEMENT IN A BASKETBALL LEAGUE FOR YOUNG MEN AND WOMEN

(By Marlan Green)

To get along with people. To never give up.

Those are two of many lessons 16-year-old Pharin Wheaton says he's learned through playing basketball in the Late Night Hoops program targeting at-risk youths and young adults in economically disadvantaged neighborhoods.

"Before I was playing basketball, I didn't really want to live because I didn't think I was nothing," Wheaton said, as he watched a game from the bleachers at North Las Vegas Recreation Center.

Then, last year, he joined Late Night Hoops.

"It was like a chance to show I was better," said the soon-to-be Clark High School junior. "I started listening and paying attention. Basketball is like teaching. You won't learn if you don't listen."

Now in its third year, the summer basketball league offers participants age 16 to 25 something to do in the late hours of the night to keep them out of trouble. It also provides the opportunity to interact with professionals—including firefighters, deputy district attorneys, a public defender and a housing authority deputy director—who serve as coaches.

The league, which plays at Doolittle Community Center, North Las Vegas Recreation Center and the Chuck Minker Sports Complex, is sponsored by the Las Vegas and North Las Vegas housing authorities; parks departments from the two cities and Clark County; the Federal Bureau of Investigation; and the county public defender's office and Juvenile Court Services offices.

"This stuff has kept a lot of kids off the streets," said referee Larry Cross. "Basketball brings a lot out of a kid."

Las Vegas Housing Authority Deputy Director Tom Gholson initiated the program, along with Ray and Ross Transport owner Sammie Armstrong, after learning of a similar league in Washington, D.C.

"I've gotten close to a lot of the young men and have been able to try to guide them in a positive direction and have learned that they want the same things as anybody else—an opportunity," said Gholson, who coaches one of the teams.

Often, players decide to get their high school equivalency degrees, go on to college or find jobs, including positions with the housing authority's apprenticeship program, which pays $8.50 an hour while teaching participants a skill, he said.

This year, the program has been expanded to include eight women's teams as well as 16 men's teams.

Diana Cranford, for one, is grateful. "There's nothing else to do around the neighborhood," said the 15-year-old resident of the Marble Manor housing project in West Las Vegas.

Without Night Hoops, she probably would be home watching television, said Cranford, who will be a freshman at Cimarron-Memorial High School this year.

Coaches also detect they're making a difference.

"You see a definite change as far as attitude, as far as they want to do something other than hang out," said Wayne Carrington, Jr., assistant coach of the Aggies.

What Wheaton has learned from Night Hoops has carried over into his school life.

He made the junior varsity basketball team and plans to play on the varsity team next year. His schoolwork has improved, too, Wheaton said, noting he upped his grade-point average last year to 3.0

Wheaton's now setting his sights on college and a sports administration career.

The camaraderie of the teams has meant a lot to Wheaton.

"The guys on the team, they try to like be a dad to you if they see you have no guidance," said Wheaton, who lives with his mother in West Las Vegas and says he is not close to his father.

Program coordinator Will Reed is one person Wheaton said he turns to for guidance.

"You're not going to reach them all, but for the ones that you do reach, it's worth it," said Reed, 26, a former professional football player who grew up in predominantly black West Las Vegas.

Basketball turns out to be a good vehicle because of the relationships players develop with their coaches, said Reed, who played on a Night Hoops team before landing his current job.

"They find out that somebody does care about them. Then they start to think, 'If somebody else can care about me, then I can care,'" he said.

Mr. REID. I do this, Madam President, because this article says it all. And I might add that this newspaper is a very conservative newspaper, editorially. But this is a feature article in that newspaper and it says, as a subheadline, "Players find enjoyment and encouragement in a basketball league for young men and young women."

We in Nevada believe that at-risk youth are more than just young men. We know that there are gangs that consist only of women. We know that some of the gang membership is also made up of women. So the program affects young men and young women.

Let me read just a little bit, Madam President, from what the writer of this article, Marlin Green, wrote.

> To get along with people. To never give up.
>
> These are two of the many lessons 16-year-old Pharin Wheaton says he's learned through playing basketball in the Late Night Hoops program targeting at-risk youth and young adults in economically disadvantaged neighborhoods.

This has been branded, Madam President, as a midnight basketball program. Some of the games go as late as midnight, but also they end earlier than that. It is a night basketball program, popularly known as the Late Night Hoops Program.

Anyway, on with the article.

> "Before I was playing basketball, I really didn't want to live because I didn't think I was nothing," Wheaton said, as he watched a game from the bleachers at North Las Vegas Recreation Center.
>
> Then, last year, he joined Late Night Hoops.
>
> "It was like a chance to show I was better," said the soon-to-be Clark High School junior.

I had two children that graduated from Clark High School.

> "I started listening and paying attention. Basketball is like teaching. You won't learn if you don't listen."

Among other things, the article says:

> It also provides the opportunity to interact with professionals—including firefighters, deputy district attorneys, a public defender, a housing authority deputy director—who serve as coaches.
>
> The league, which plays at Doolittle Community Center, North Las Vegas Recreation Center and the Chuck Minker Sports Complex, is sponsored by the Las Vegas and North Las Vegas Housing authorities; parks departments from the two cities and Clark County; the Federal Bureau of Investigation; and the county public defender's office and the Juvenile Court Services offices.

Do you think the FBI and the Clark County Juvenile Services and the public defender's office and the DA's office are involved in this because they want to make more delinquents? I think they are involved in this program because they are curing delinquency. That is what this program is all about.

> "This stuff has kept a lot of kids off the street," said referee Larry Cross. "Basketball brings a lot out of a kid."

Las Vegas Housing Authority Deputy Director, Tom Gholson—who I spoke about a little earlier—initiated the program, along with Sam Armstrong—a good personal friend of mine—after learning of a summer program in Washington, DC.

> "I've gotten close to a lot of the young men and have been able to try to guide them in a positive direction and have learned they want the same things as anybody else—an opportunity," said Gholson, who coaches one of the teams.

Madam President, I have had the pleasure of watching these young men—I did not see any of the young women—watching the young men. They were so proud of being able to be on a team and being part of something. For most of these young men it was the first time they had ever been part of anything—part of a team—that was constructive in nature.

The article goes on to say:

> Often, players decide to get their high school equivalency degrees, go on to college or find jobs, including positions with the housing authority's apprenticeship program, which pays $8.50 an hour while teaching participants a skill, he said.
>
> This year, the program has been expanded to include eight women's teams as well as 16 men's teams.
>
> Diana Cranford, for one, is grateful. "There's nothing else to do around the neighborhood," said the 15-year-old resident of the Marble Manor housing project in West Las Vegas.

Well, she would have "something to do," paraphrasing, but it would probably not be what we want her to be doing.

> "You see a definite change as far as attitude, as far as they want to do something other than hang out," said Wayne Carrington Jr., assistant coach of the Aggies.

This is a great program. I could not let the time go by with the bashing that the so-called midnight program has taken without defending something that has been good for my community. It is wrong they are trying to bring down the bill for pork. This is pork? If this is pork we need more of it.

I have given the local flavor that I understand very well. Last night at home, as I was resting, trying to doze off, I picked up this week's Time magazine, and sure enough, in Time magazine there is a commentary written by Margaret Carlson. This is the August 29 issue of Time magazine. The article is entitled "Order on the Court."

Madam President, I ask unanimous consent that this article as well as the Levy article be printed in its entirety in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. REID. Margaret Carlson says:

> "Stop the shooter!" shouts the man with the blue bandanna around his head. There's a cop nearby, but he makes no move on the 6-ft. 3-in. teenager who is taking aim. That's because the patrolman is one of about 75 spectators who have dropped by for an Under the Stars basketball game—and the shooter simply wants to sink a basket.

I am not going to read all the article, but I want to read part of it because it makes the point as to the charade going on here in the U.S. Senate about the pork. That is only a subterfuge to kill the bill. The article continues, next paragraph.

> Somehow, though, midnight basketball has become the laugh line of the crime bill. It has come to stand for all that is wrong with liberals and their woolly talk about "root causes."

Madam President, the Senator from Nevada has been called a lot of things in these Senate Chambers but never a liberal, and I support this bill.

> What the ridicule of midnight basketball shows is how mindlessly partisan Congress has become. For the most part Republicans were in favor of the crime bill—including Subtitle F, called Midnight Sports. That was before they realized that they could recapture the law-and-order issue for themselves by stalling the bill. Suddenly the G.O.P. and conservative think tanks—even Charlton Heston, speaking for the National Rifle Association—were all over it. Instead of putting 100,000 police officers on the street, they said, the crime bill would find only 20,000; it would create more social workers than cops; it would also release 10,000 drug dealers.

This is Time magazine, not HARRY REID, even though I certainly underscore and support what they say. The next sentence is: "All those allegations are untrue."

All those allegations are untrue. They are a cover to defeat this crime bill. I repeat, the people of the State of Nevada, Democrats and Republicans, when a violent crime hits them or their family or their friends nobody asks if they are Democrat or Republican. When the ambulance comes, when the police show up, they do not say are you Democrat or Republican or did you register independent? That is not the question. The people of the State of Nevada want something done about crime. This is not a cure-all, but it certainly will go a long way in allowing local police to do more than what they have been able to do.

She goes on to say: "Before civility and politics completely broke down, George Bush"—in case we have forgotten, he was our President, and I might add, a very fine man. I like George Bush a great deal. I prize three letters, handwritten letters, he wrote to me on things I did to support my Republican President. He was grateful and sent me handwritten letters saying that he was grateful. I like George Bush very much.

> Before civility in politics completely broke down, George Bush gave midnight basketball the Republican imprimatur. In 1991 he visited the first such league, in Glenarden, Maryland.

That is right out here not far from where I am speaking.

> "The last thing midnight basketball is about is basketball," President Bush said at the time. "It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60% since this program began."
>
> The program has grown to serve about 10,000 kids in 50 cities. Says David Mitchell, police chief of Prince George's County in Maryland; "You hook them with basketball with all the trappings—in a gym with referees and uniforms and a tournament—and then you teach them lots of other things as well." However, expanding this proven crime stopper to the many thousands of kids who want to join will take more than a patchwork of volunteer coaches, country recreation programs and local businesses to pay for the referees, bus drivers, utilities, uniforms and equipment. The money in the bill—$5 million in 1996, rising to $10 million in 2000—sounds like a lot. But remember: it cost at least $20,000 to lock up one person in prison for a single year.

So I believe if we are going to be bashing on pork we should find another victim and not midnight basketball.

If you take five at-risk youths and organize a forum where they can learn of alternatives to criminal activity and the importance of responsible behavior, we are talking about a taxpayer saving, if we can keep five young people out of prison, of a quarter of a million dollars.

If the issue is whether we ought to be spending money on these kinds of programs, we must also ask questions like this: How can we pay taxpayers' dollars to farmers to ensure they do not harvest wheat or some other crop, that they do not plant, but insist no Federal dollars should be spent to keep our youth out of trouble and on the right track? Maybe we should do away with price support programs and programs dealing with farm subsidies.

I personally think there are some programs we could cut down there. But these programs were developed for real good reasons—to increase farm production, to allow farmers to maintain a price that they could sell their crops.

Prisons, reformatories, are not cheap to run. The costs simply do not stem from incarceration. Prisoners file frivolous appeals once they get in prison. In the State of Nevada, the Federal court system, about 40 percent of the cases filed in our Federal court system are by prisoners. Opponents of this bill bemoan us spending money on prevention but have no problem spending billions to lock people up and allow them to drain away our judicial resources.

There are billions of dollars in this bill for crime prevention, for locking people up, for law enforcement, for drug courts—and I am glad it is there. But do not beat up on the nighttime basketball programs. Call it like it is. You want to defeat this bill because it is a bad bill? You want to defeat this bill so President Clinton may be embarrassed because the bill just passed the House? But do it on that basis, be up front, vote against the bill. Do not do it on this technicality, because the American people will see through this. The people of the State of Nevada—consisting of Democrats and Republicans and some independents—they know a partisan harangue when they hear one.

It is outrageous to accuse those who support this kind of program as being soft on crime. It is a red herring, and those who make this charge know it is a red herring.

I think most people who have gotten to the U.S. Senate have a pretty good record as far as fighting crime, but that is up to their own constituency to determine. But for me, as an example, I support the death penalty. I support cracking down on sexual predators and child molesters. The issue I believe is not whether this is a tough crime bill, but whether it should be killed on a technicality.

The State of Nevada benefits from this crime bill. In dollars and cents, we benefit from this crime bill.

The State of Nevada is going to get more than 500 police officers. That might sound like a lot. The Presiding Officer, I see, and also her colleague from the State of California, have 30 million people in the State of California, and I know 500 police officers does not sound like much. We have about 1.4 million people living in the State of Nevada, and 500 police officers scattered around the State of Nevada will make a significant impact.

Given Nevada's share of the population and the additional $6.5 billion in discretionary dollars, Nevada should expect a total of about $75 million over the next 6 years. Of that total, up to 85 percent can be used to hire police officers and about $11 million can be used to help pay for the training over time, administrative costs, and community policing in Nevada. These are real things that help the State of Nevada. Boot camps—we hope to get some in Nevada.

Byrne enforcement grants—we will get part of those moneys if this bill passes. Madam President, I have not heard anyone on this floor complain about Byrne grants. They are in this bill. They do not complain about them because they work. They help in doing something about illegal drug trafficking.

Rural law enforcement grants—Nevada is going to get money for law enforcement in rural Nevada for drug and crime enforcement. We need that help. About 85 percent of the people of Nevada are in Reno and Las Vegas, maybe a little more. But we have huge, vast areas where tourists use the highways coming to Nevada. These small communities throughout Nevada need help, and we want to give them help. The only way that I can see that they can get the help they need is through this legislation.

There are many other things that we look to for help. Drug court programs—we have a very successful program in Nevada. It started in southern Nevada, championed by a judge by the name of Jack Lehman, a man I practiced law with in the same community for a number of years. I am personally grateful to him that he gave up a lucrative law practice to become a State court judge. He is doing a wonderful job. These drug court programs, which he pioneered in Nevada, will receive money in the State of Nevada, an estimated $4.8 million over the next 6 years for the State of Nevada.

Criminal record systems, we can get some help with. For example, enforcing the Brady law. Judges, prosecutors, public defenders, about $1 million to the State of Nevada.

Madam President, the State of Nevada stands to gain significantly from this legislation. I think it would be a real shame if this legislation did not pass.

Those who oppose these programs, I think, should reexamine their consciences. They are the naysayers who do not believe the Federal Government could and ought to reach out to our Nation's at-risk youth and steer them away from a life of crime and toward responsible civic behavior. They are using nighttime basketball, night hoops, as a ploy to defeat this whole bill. I think it is wrong. Do not tell me this prevention does not work. Preach it to someone else, but not to the people of Nevada. We know that it works.

Arguably, criminal activity has been prevented. Kids were provided with alternatives to hanging out and getting in trouble. And, hundreds of thousands, if not millions, of taxpayers' dollars have already been saved because we are not incarcerating young men and women, but teaching them through mentoring and being part of a team.

So, Madam President, in the State of Nevada, if we can keep 10 kids out of the reformatory in Caliente or in Elko, we can save hundreds of thousands of dollars just in the first year.

I do not really like everything in this bill. There are parts of it I do not like, Madam President. But there is such an overriding goodness in this bill that I am going to support this bill. If this bill were given a fair shot, people on both sides of the aisle would vote overwhelmingly for it. I think it is a shame on a technicality that we may not have that ability.

I ask the people of this country to make sure that we have the ability and the opportunity to vote on this bill.

EXHIBIT 1

ORDER ON THE COURT

(By Margaret Carlson)

Stop the shooter!" shouts the man with the blue bandanna around his head. There's a cop nearby, but he makes no move on the 6-ft. 3-in. teenager who is taking aim. That's because the patrolman is one of about 75 spectators who have dropped by for an Under the Stars basketball game—and the shooter simply wants to sink a basket. Every Tuesday and Thursday night inside Dunbar High School gym—12 blocks from the Capitol and five from one of Washington's most notorious drug markets—the only shots the police have to worry about are lay-ups and free throws.

Somehow, though, midnight basketball has become the laugh line of the crime bill. It has come to stand for all that is wrong with liberals and their woolly talk about "root causes." The criteria set out to define communities eligible for funds—those with a high incidence of joblessness, illegitimacy, AIDS and crime—have been parodied as requiring teams to be made up of HIV-positive, drug-taking pregnant dropouts. And the very name doesn't help. At midnight all the good kids are supposed to be in bed, and anyone who isn't should not be coddled with giveaways. More curfews will do the job and they cost nothing, the critics say. What the ridicule of midnight basketball shows is how mindlessly partisan Congress has become. For the most part Republicans were in favor of the crime bill—including Subtitle F, called Midnight Sports. That was before they realized that they could recapture the law-and-order issue for themselves by stalling the bill. Suddenly the G.O.P. and conservative think tanks—even Charlton Heston, speaking for the National Rifle Association—were all over it. Instead of putting 100,000 police officers on the street, they said, the crime bill would fund only 20,000; it would create more social workers than cops; it would also release 10,000 drug dealers.

All those allegations are untrue. The bill funds 75% of salary and benefits for 50,000 new police officers by the year 2000, with local funds providing the remaining 25%. Moreover, $7 of every $10 in the bill goes toward law enforcement and prison construction. As for the release of drug dealers, judges would be required to review the mandatory minimum sentences and free less egregious criminals—probably 400 at most—to make room for truly violent offenders.

Before civility in politics completely broke down, George Bush gave midnight basketball the Republican imprimatur. In 1991 he visited the first such league, in Glenarden, Maryland. "The last thing midnight basketball is about is basketball," President Bush said at the time. "It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60% since this program began."

The program has grown to serve about 10,000 kids in 50 cities. Says David Mitchell, police chief of Prince George's County in Maryland: "You hook them with basketball with all the trappings—in a gym with referees and uniforms and a tournament—and then you teach them lots of other things as well." However, expanding this proven crime stopper to the many thousands of kids who want to join will take more than a patchwork of volunteer coaches, county recreation programs and local businesses to pay for the referees, bus drivers, utilities, uniforms and equipment. The money in the bill—$5 million in 1996, rising to $10 million in 2000—sounds like a lot. But remember: it costs at least $20,000 to lock up one person in prison for a single year.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, we have been listening for days to arguments on the floor. I would like to bring it to a close, and I would like to be able to resolve these matters. I think we have provided a means to the majority leader where we might be able to do that.

I have been listening to the distinguished Senator from Nevada, and he is a dear friend of mine. He acts as if this money is going to be there. I can tell you what the people in America think. They know it is not going to be there, and I am telling them it is not going to be there.

Who here in this country today believes that this administration is going to cut back on 250,000 Federal employees in order to create this money which, by the way, other committees have already spent, anyway? You have committees that have tapped into this so-called trust fund, assuming that it is going to be there; 250,000 employees under GORE Reinventing Government have to be thrown out—not thrown out, but gradually done away with. When was the last time you saw that happen, in order to get this money?

So we talk about how our States are going to benefit from this money. I would like to know where it is. This country is awash in debt, and here we are talking $30 billion more. Maybe that miracle will occur. I believe in miracles. I have been raised to believe in miracles. I have seen some miracles in my lifetime. But I really lack a certain amount of faith that this Federal Government and this administration is going to somehow find $30 billion over the next 6 years to spend on this bill.

Mr. LOTT addressed the Chair.

Mr. HATCH. Madam President, if I can make one last sentence. In fact, even if—even if—we somehow get rid of those 250,000 Federal employees to fund this trust fund because the Congress, at least the House, has been so profligate, and the conference committee, to go to $33 billion and then back to $30 billion, according to the budget people, we are still going to have a $13 billion deficit. At best, that is what we are going to have.

I do not know about you, but I think the American people are sick with it. They are fed up with it. And now, for us to act like this is all going to happen because of a crime bill, they are just sick of it.

Mr. LOTT. Will the Senator yield for a question?

Mr. HATCH. I will be happy to.

Mr. LOTT. Madam President, the Senator's point is, the truth of the matter is, there will not be funding for a number of these programs. For instance, there will not be 100,000 law enforcement officers put on the streets across this country. And, as a matter of fact, in addition to that, there is at least probably $13 billion, maybe more, that will not be paid for. If it were spent, it would just be added to the deficit.

My question to you on that point, though, is, is it not that one of the things you want to try to address with amendments, that you would like to be able to offer, is to reduce the overall spending level in this bill that went from $5 billion or $7 billion when originally introduced all the way up to $30 billion now? It seems to me we could at least cut back some of the spending in this bill which would just be added to the deficit, if we do not. Is that one of the amendments or series of amendments you will have?

Mr. HATCH. The Senator makes a wonderful point. It is one of the amendments we would have. I just saw on CBS nationwide news this morning a liberal Democratic mayor from Kansas get on and say, "We don't want the money for the police." Why would he say that? Everybody is saying, "We don't have enough police," and that is what we are trying to do with this bill, is it not? He said, "We don't want the money."

You know why, because people do not understand out there—maybe it is time we tell them—that the State has to put up 25 percent of the money in the first year for these new police, but in the second year, they have to put up 50 percent, and in the third year, 75 percent of the money.

They are saying if we had 20—this is what the mayor said, or at least one of the policemen said it and then the mayor confirmed it. If we had 25 percent of the money now, we would be hiring policemen now, and we would be putting them to work. But we do not have the money.

How are they going to have 50 percent the next year and 75 percent the next year? There is not anybody who looks at this who does not realize that we are putting a little more than $1 billion to hiring new police in this country from this bill a year, and that it is not going to a hire 100,000 police even at best. And let us say if you get 20,000 you would be lucky. And then the States are going to wind up footing the bill in the end and policemen are saying, rookie cops are not going to help that much under these circumstances when we are going to pay the bill.

Mr. LOTT. Madam President, I would like to ask the Senator to yield again for one more question before moving on to another subject.

Mr. HATCH. Sure.

Mr. LOTT. I had hoped to make a statement on a whole number of areas, but I think since the ranking member of the Judiciary Committee is here it best I be able to ask him two or three specific questions.

Mr. HATCH. Sure.

Mr. LOTT. A question has been raised, what is pork? Is there pork in this legislation? There are billions of dollars of programs that certainly could be described in that way. As a matter of fact, I have a list here of a number of the programs that are still in this conference report, some of which certainly were not in the bill when it passed the Senate originally, and there are hundreds of millions and billions of dollars. The Model Intensive Grant Programs, which is $625 million, that will go to 15 cities, hand-picked by the administration; the Local Partnership Act, $1.6 billion which takes the form of revenue-sharing grants to be distributed by the Department of Housing and Urban Development for three general purposes. One of particular interest, the National Community Economic Partnerships, the Department of Health and Human Services—not the Justice Department, HHS—would provide $270 million in grants to community development corporations to "improve the quality of life." No pretense of tying the use of these funds to any sort of crime control is made.

Now, let me ask the Senator, the distinguished Senator from Utah, are these some of the projects that could be knocked out by the amendments he would have, some of the programs that clearly do not affect fighting crime in these communities?

Does the Senator have others that he could cite that we could possibly knock out and save money or move that money over into legitimate crime fighting?

Mr. HATCH. Clearly, the conference report still contains billions of dollars of pork barrel projects, or what we would call wasteful social spending programs—wasteful because many of them are duplicative of dozens, if not hundreds, of other programs already in existence. And one of the things the House did this last weekend was knock out the job training part of it. It was almost $1 billion. They knocked it out because we already have 154 job training programs in this country at a cost of almost $25 billion.

I might say the bottom line is these programs are not about crime prevention, as President Clinton likes to claim, but about placating the most liberal wing of the Democratic Party with pure social spending, more of the same.

The Senator mentioned the Model Intensive Grant Programs. That is a program of $625 million of pure pork. Under this program, as the Senator said, 15 cities hand-picked by the administration—my goodness, why would not the Justice Department do that? I guess they do, do they not? They are the administration, are they not? Fifteen cities are going to be the wonderful beneficiaries of this well-intentioned grant program and they are given complete discretion on how to spend this money, and it may be spent on any purpose loosely tied in in the grant application to crime reduction. Goody-goody.

The problem with that is there will not be any money there to do it anyway, or if the money is there to do that, you can guarantee it will not be there for prisons or police or apprehension, prosecution, conviction, incarceration, and punishment of criminals, which is what we really started out to do.

Take the Local Partnership Act. That is $1.6 billion in pure pork, which takes the form of revenue-sharing grants to be distributed by the Department of Housing and Urban Development—the Department of Housing and Urban Development. What made them experts on crime? They are hardly experts on housing and urban development. As I understand it, they have already overspent their budget—for three general purposes: Education to prevent crime, drug abuse treatment to prevent crime, and job programs to prevent crime.

Keep in mind, there are 154 Federal programs, Federal job training programs now paid for by you, the taxpayers, almost 25 billion bucks and they want to give them more for these duplicative programs.

Look, if they want to do these social engineering programs, I might even vote for them if they would do them straight up and not hide them in the crime bill.

Mr. REID. Will the Senator from Utah yield?

Mr. HATCH. I will not yield now because we did not get a chance to talk last night. I waited for 3 hours just for 15 minutes and finally had to leave in despair.

Mr. REID. I only interrupt because the Senator mentioned my name, and I would be happy to respond.

Mr. HATCH. I would be happy to yield for that.

Mr. REID. I appreciate that very much. I will take time responding later.

The Senator said he doubts the trust fund will be funded as a result of cutting back Federal programs.

Mr. HATCH. I not only doubt it. I know those funds are not going to be there and so does the Senator from Nevada.

Mr. REID. The Senator is aware that, for example, in the legislative branch, which is part of the overall cut, we have met our responsibility by cutting personnel by 4 percent, overall administrative accounts by 14 percent. The Federal Government has 3.4 million employees, and this trust fund called for cutting approximately 250,000 people——

Mr. HATCH. Yes, 250,000.

Mr. REID. Out of the 3.4 million employees. I think we can do that easily. We are already well toward that. And I would just say to my friend that it seems very clear we can do that, and the people on that side of the aisle believed that when this bill passed the first time by an overwhelming majority.

Mr. HATCH. We helped.

Mr. REID. To say it would take a miracle is not true.

I would also say to my friend from Utah regarding his concerns about why HUD should be involved in this? We have all read the paper. That is where much of the crime in this country is bred, in the housing developments. The midnight basketball program in Las Vegas started as a result of a person who worked in housing.

Mr. HATCH. If I could take back my time, let me just answer some of that. I commend the Senator if he has been able to reduce spending in the Federal Government on that one small, solitary Appropriations Subcommittee. I believe the Senator has worked hard, but I am talking about $5 trillion of debt now.

Wait just a second. Let me just say what I am going to say. I am talking about $5 trillion of debt, and if I am going to spend crime money, I do not want HUD spending it. I want the Justice Department or somebody who knows something about crime spending it, some department that really deals with criminal problems. And I do not want to have it spent on pure pork social programs when we have got violent criminals running all over this country berserk. Frankly, when you can show me when we have made a real dent in getting those 250,000 employees gone, I might believe this. But even then you are $13 billion in deficit under this $30 billion bill.

Let me just finish the answer to the question.

Mr. REID. I appreciate the Senator yielding. I would ask unanimous consent that a statement regarding the deficit, the trust fund does not add to the deficit—I would not take the Senator's time, but I would ask the remarks be made part of the RECORD.

Mr. HATCH. That would be fine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRUST FUND DOES NOT ADD TO DEFICIT

This point rests on little more than an accounting rule—the Republicans point out (correctly) that in fiscal year 1999 and fiscal year 2000 there are no discretionary budget caps, so there is no budget total agreed to by a congressional budget resolution, so—the argument goes—we cannot guarantee that the crime bill will not add to the deficit in fiscal years 1999 and 2000.

This is a "Red Herring." The trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in 1999 and 2000 will be made from "comparable amounts for budgetary purposes"—in other words, none of us know how many discretionary dollars the Federal Government will have to spend in 1999 and 2000, but whatever the total it will be reduced by $6.5 billion in 1999 and $6.5 billion in 2000.

In plainer English, none of us know exactly how much money is going to be in the Federal Government's discretionary "check book." But, whatever the amount, the trust fund tells us to put aside $6.5 billion of our total in a special checking account—kind of like a "Christmas Club"—that we will only use to pay for the police, prisons and prevention in the crime bill.

The PRESIDING OFFICER. The Senator from Utah has the time and has the floor.

Mr. HATCH. I thank the Chair. Let me continue to answer the question of my friend from Mississippi.

He said, what are some of these programs? We just named $625 million in the Model Intensive Grants Program, pure pork; Local Partnership Act, $1.6 billion—that is with a "B"—pure pork, with the most generalized, generalized description.

Let me give you the National Community Economic Partnership. Now, let us see what this has to do with crime. This is what my Democrat counterparts think we should be doing for crime when we are awash in violent criminals, that is, other than their constant harping on the fact that the whole battle here is over guns.

Give me a break. My side is not fighting guns at all right now. We hate that provision, some of us, but the fact is we lost. What we are fighting is pork. And we are fighting the fact that they took 30-plus anticrime, tough amendments that we passed here by almost unanimous votes in the Senate out of the crime bill in the House.

Mr. LOTT. Will the Senator yield at that point, and I will stop asking questions?

Mr. HATCH. Sure.

Mr. LOTT. I had one other point I wanted to make, and it fits in right there.

Will the Senator explain to me on that point why the strong language that we had in the Senate-passed bill that increased the penalty on criminals that commit crimes while using a handgun was deleted?

I have, for the life of me, tried to figure out why they say they want to get gun control and yet when we try to get tougher on criminals who use handguns, they take that out.

What possible explanation could exist for that?

Mr. HATCH. Does the Senator not realize that there are those on the conference committee—of course, all very liberal—who believe that these people really did not commit the crimes, that they are a product of their environment, and that the environment is so bad that it produces these criminals and they should not be held responsible for it? Why should we be hammering them with tough mandatory minimum sentences when they use a gun because that is what they learn in these tough areas? Unfortunately, there may be a modicum of truth to that. But I think people still have to be held responsible for their actions, but they do not feel the same way. It is apparent.

But back to the Senator's other point. I thought it was a real good question. Look at the National Community Economic Partnerships. The Department of Health and Human Services—get this again. The Department of Health and Human Services—not Justice, not any law enforcement agency, not the FBI, not the DEA, or anything else—they are going to provide $270 million in grants to community development corporations "to improve the quality of life." I think that is wonderful. I just cannot believe how serious about crime some of our colleagues really are.

There is no pretense of tying the use of these funds to any sort of crime control. No. They are hiding it in the crime bill because they think the American people want a crime bill to do something about crime and it is a good opportunity to spend more. That is why it is a $30 billion bill. It can go on and on. I think the point is made. We could go on through 30 programs like this. Some of them are good.

I saw the distinguished Senator from Nevada talk about how midnight basketball works in Nevada. I am for that. I think it is a great. It has been working without Federal Government funding or strings. It has been working on a voluntary basis, and he made the point. I do not care if the HUD employees helps with them. The fact of the matter is it has been working voluntarily. It was one of President Bush's points of light. It was supposed to be a voluntary program. I believe in it. I think midnight basketball is a terrific idea. But the problem is, if you read this bill, you find that there are Federal strings attached to it.

I would like to just point out a few of them, if I can read this fine print. It is very fine print. This is a big bill, as Senator BIDEN said. There is all kinds of nice language like this in here. Let me read this.

> Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with the league's sports games at or near the site of the game.

This is the Federal Government running midnight basketball. You have family outreach in this particular program. I could go on and on. You have them running midnight basketball that has been working well on a voluntary basis without the Federal Government's interference or strings attached, dictating what we have to do in midnight basketball. I am sure we will have a nice set of regulations telling us how to play basketball.

Mr. GRAMM. Will the Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. I was wondering, as the Senator was going through that, if they would have the NBA rules and the college rules and the high school rules?

Mr. HATCH. No. These are inner city rules. They will have Federal rules. The Federal Government knows more about basketball than you and I. They know more about what to do. They will tell us how to hire our policemen and what they should act like. We are going to give them sensitivity training as a matter of fact under this bill. It is unbelievable the strings attached in this bill.

Mr. GRAMM. Will the Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. I see the Senator is caught up in his passion with this bill. And I think there are plenty of reasons to be caught up. If my phone calls and mail are an example of how the American people feel, they are caught up in it, too. But I did want to have one tiny little bit of time.

Under the Local Partnership Act, we are going to give $1.6 billion that will be passed out on the basis of the tax rate in cities so that big taxing cities will get a lot of money and low taxing cities will not get much.

Mr. HATCH. That will encourage lower taxes, will it not?

Mr. GRAMM. But I think the prize of this whole bill is that the mayor of Providence, RI, has said that with $3 million he gets under the Local Partnership Act he has what I believe is the most innovative idea of the whole crime bill. And the mayor of Providence, RI, has proposed this innovative program where you would take people who were convicted of graffiti violations who wrote nasty words on public buildings—we have all seen their work—he would like to take $3 million under the Local Partnership Act, money provided by this bill, and train these graffiti violators to be real artists. The Senator has to admit that this is a man who can have a future in the Federal city.

[Laughter in the galleries.]

There is a man who would have the capacity with powerful ideas—

The PRESIDING OFFICER (Mr. DORGAN). The Chair would ask the galleries to refrain from demonstrations.

Mr. HATCH. Will the Senator yield for a second? The only problem with this is that they have not asked the National Endowment for the Arts to supervise the program of graffiti training.

The PRESIDING OFFICER. The Chair requests that Senators seeking to ask a question of the person who has the floor to actually ask the question of that person.

Mr. LOTT. I would like to ask one final question. I ask unanimous consent to have printed in the RECORD an article from the Washington Times by William Bennett and our colleague, Senator COCHRAN, from my home State of Mississippi, entitled "Where the Pending Crime Bills Fall Short."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 11, 1994]

WHERE THE PENDING CRIME BILL FALLS SHORT

(By William Bennett and Thad Cochran)

By now the figures are all too familiar. Over the past three decades, violent crime in America has increased by more than 500 percent. Yet, nearly 3 out of every 4 convicted criminals are not incarcerated, and fewer than 1 in 10 serious crimes results in imprisonment.

The American public will not accept widespread lawlessness indefinitely. If the rate of violent crime continues to rise, people at some point will look for a police state to restore order. This makes it all the more urgent that we gain control of our streets.

Unfortunately, members of Congress are using the crime issue as a pretext for doing what they do best: increasing federal spending on social programs, while reducing the independence and authority of state and local officials.

The major effect of the crime bills currently making their way through Congress will be to federalize street crime.

Virtually all violent street crime now falls under the jurisdiction of state and local governments. Yet the Senate version of the crime bill detracts from local authority by adding more crimes to the federal code.

The House version would add 66 felonies to the list of crimes eligible for the death penalty, but it would all but do away with the death penalty by enabling a person convicted of a capital crime to argue that his execution would reinforce a pattern of racial discrimination.

Because the burden would be on the state to prove discrimination was not involved, the so-called Racial Justice Act would make it virtually impossible to implement the death penalty. But the worst feature of this provision is the message it sends: that race, not the crime itself, is the most important factor in imposing a death sentence.

Both the White House and Capitol Hill are committed to increasing the number of police. However, even though individual merit is nowhere more important than in the hiring of a police officer, the House bill calls for state and local authorities to adopt racial, ethnic, and gender guidelines in hiring.

Since more than 88 percent of the funding would be controlled by the Executive Branch, these "guidelines" could quickly turn into quotas.

Besides burdening state and local authorities with even more federal rules and regulations, these bills would make states and localities increasingly dependent on Washington's largess. Included in the House version is roughly $9.2 billion in '60's-style social programs to prevent crime. This tax money would fund everything from midnight basketball leagues—with federal rules detailing even the composition of neighborhood teams—to self-esteem classes, arts and crafts, dance classes, physical training programs and conflict resolution training.

If Congress is as serious as its rhetoric about fighting violent crime, it should help provide states and localities with the resources they need to apprehend and lock up felons for their full sentences, and thus put an end to revolving door justice.

For example, it should establish an anti-crime trust fund. Under a proposal by Rep. James Sensenbrenner, Wisconsin Republican, Congress would rebate an amount equal to 2 percent of federal income tax revenues to the states to spend on crime fighting. This would put between $45 billion to $55 billion into the hands of the people on the

> front lines in the war on crime during the next five years.
>
> Because of crowded conditions in many state prison systems, judges are imposing prison caps, which result in early release of criminals. This must stop.
>
> Congress should reform federal rules, such as those surrounding habeas corpus, to prevent convicted felons from tying up the court systems with endless appeals. It should also establish a good faith exception to the exclusionary rule to prevent criminals from beating the rap because otherwise solid evidence was taken in technically imperfect search and seizure operations.
>
> These are just a few of the measures that could have a real impact on violent crime.
>
> Until members of Congress adopt a crime package oriented toward empowering state and local governments, they should refrain from talking tough on crime.
>
> Passage of the policies now being considered would only further erode Congress' already damaged credibility. Congress should salvage the few sound policy options left in the crime bills—such as truth in sentencing provisions—and make a fresh start on a tough problem.

Mr. LOTT. The question is this: The operative sentences in this article are these.

> Congress should reform Federal rules to prevent convicted felons from tying up the court systems with endless appeals. It should also establish a good faith exception to the exclusionary rule to prevent criminals from beating the rap because otherwise solid evidence was taken in technically imperfect search and seizure operations.

In other words, the American people are really looking for a strong crime bill with limits on endless appeals and a good faith rule so that the policemen, law enforcement people, doing their job in good faith will not have the criminals and the evidence thrown out on technicalities.

Here is my question. Are either of those in this bill?

Mr. HATCH. Neither of them are in the bill.

Mr. LOTT. Through all this exercise over the past year, the two most critical points probably in most people's minds are not even in here.

Mr. HATCH. That is right. I have to state why. The reason is because we passed a tough habeas corpus reform bill in the Senate, and the House passed a soft one. When we got to conference, of course, the liberal conference committee dominated all by Democrats just chose the soft provision. Of course, that is one of the reasons why the last crime bill died. It was not the gun. It was for reasons like this that we killed it. The reason the exclusionary rule did not pass is because the House passed a good exclusionary rule and we passed a weak one. When we got to conference the liberal conferees took the weak one, just like they took the weak habeas corpus reform. And, of course, that is another reason that last crime bill died. It was not the gun thing that caused it. It was this.

So it was a conscious decision this time, that since the same Congress exists there was not much we could do about it, leave it to another death of a crime bill that, you know, we did not even bring it up. And I have to say that certainly is a mistake, because you cannot have a tough crime bill without habeas corpus reform and the ending of these endless appeals. So the Senator makes a very good point.

Let me just talk about a couple more of these pork barrel programs. What is pork barrel to the Nation out here may not be pork barrel to some of our more liberal colleagues in the Congress. So I have to at least admit that. I think we have been making a pretty good case of why should HHS and why should other agencies that really do not work daily with the actual problems of crime, except indirectly, be handling these funds? Why should just 15 cities get the bulk of some of these funds?

Let me mention a few more. Community-based justice grants. This is $50 million in grants that would require social workers' involvement in the prosecution of criminal cases. Participating prosecutors would be required to "focus on the offender, not simply the specific offense, and impose individualized sanctions such as conflict resolution, treatment, counseling and recreation programs." The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distributions, hate crimes, civil rights violations, and offenses against personal property." Grants are discretionary with the Attorney General this time.

Police recruitment; $24 million is given to the Attorney General to make discretionary grants to community organizations to "recruit and retain applicants for police departments." Do you not think police departments can do their own recruiting without community organizations doing it?

Ounce of prevention. This is a $91 million program. This program is established to coordinate all of the wasteful spending programs established by this bill. Believe it or not, the council is given $91 million of its own grant money to hand out on a discretionary basis for mentoring, tutoring, and other programs involving participation by adult role models such as programs assisting with employability. We have dozens of those in existence. GAO has said what we are doing for our young people is more than adequate under the current program. So we are going to add money in here because it is a good vehicle, it is going to go through. We may as well hide it in the crime bill and beat our breasts and say how great and compassionate we are in spending all this taxpayer money to help people. It is to be for prevention and treatment programs to reduce substance abuse, child abuse, and abortion counseling as well.

That is what this bill does. There is a lot more to be said. I would feel badly if I did not answer that question a little bit better that my colleague asked.

My colleague from Delaware refers to the Dole-Hatch gangs program, which sounds like a pretty softheaded program. But he wrote that program; he wrote that legislation. Senator Dole and I offered a tough gang amendment which enhanced penalties for gang offenses. When we offered our amendment, we incorporated the Biden gang grants provision. We did so to build bipartisan support to demonstrate our own good-faith efforts in this area. That was written by Senator BIDEN. We put it in our bill.

Senator BIDEN has spoken eloquently about his opposition to the Dole-Hatch-Molinari prior crimes amendment. We decided that there should be an admissibility or at least a presumption in favor of the admissibility of evidence of prior acts by rapists and child molesters. We think the game is up, it is time to get tough on those people. I have to say that Senator BIDEN did speak eloquently about his opposition to that. But in conference he offered this provision as part of the Senate Democrats' offer to the House. He did this early Sunday morning, and I was there. We stood here and accused Senator BIDEN of authorizing this particular provision? Of course not. He does not like it. He does not like the Molinari-Dole-Hatch provision. We do, but he does not. But we are not accusing him of writing it or even supporting it.

To suggest that the gang grants in the Senate bill was written by Senator DOLE is pure bunk. Unfortunately, we have seen a lot of that around here.

I have some more to say, but I notice that the distinguished Senator from California is ready to speak. So I will be happy to relinquish the floor in just 1 minute.

I will say this: The gun issue is no longer an issue and anybody who says it is just plain is not informed or does not realize the negotiations involved. Our side wants basic amendments to do away with pork barrel spending in this bill and to strengthen and toughen the bill again with Senate amendments that were overwhelmingly passed here. That is what we want. We want that opportunity to get our Senate language back in and, as a matter of pride, we Senators ought to do that.

The gun issue, as far as I am concerned—and I believe as far as this side is concerned—is one that we have lost. We feel badly about it. We do not feel good about it. We think it is wrong, and we can give plenty of reasons why it is wrong. But it has been lost.

The real issues are two: Pork, which this bill is filled with, and I have just been making some of those cases. And the tough-on-crime provisions that were stripped out by the liberal House conferees and, I might add, Senate conferees as well, that were in the Senate bill, the Biden-Hatch bill, which was a considerably different bill than this one. I would have fought for it, and did fight for it, all the way through. But it was gone just like that once the liberal conferees decided they were not going to do the really tough things about crime, but they were going to still play this game that they are doing something about crime with your money that is not here, will not be here—not 30 billion dollars' worth—at least $13 billion in deficit, even if you can get all that trust fund money. And I challenge anybody to stand here on the floor and say they know we will get it, especially when we are not doing very much about other deficit problems.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

Mrs. FEINSTEIN. Mr. President, I have been listening to these remarks, and I must say my heart is breaking, because I see a bill that is important to the American people being taken hostage by a minority of this body. Hostage-taking is a Federal crime, and it will be a crime if we do not send the President a crime bill today.

Mr. President, I have just heard the remarks from the distinguished ranking member of the Judiciary Committee that "This is not about guns. We have lost that battle." Mr. President, I saw the list of 13 amendments the Republicans want, and number 12 is—and I quote—"strike the assault weapons ban." It is to strike the assault weapons ban.

Why do people not tell the truth on the floor of this Senate? Why do they not tell the truth so we can deal with it? Why come forward when the Republicans are passing around a piece of paper with 13 amendments, and the 12th amendment says "strike the assault weapons ban," and then say—as the ranking member of the Judiciary Committee just said, "We have lost that battle. We are not going to raise that issue. We admit that the votes are there for the assault weapons legislation."

If that is true, then I make a proposal. There can be a unanimous consent agreement, and we can bring the assault weapons up. The Republican minority can say: we will not make you file for cloture, and we will have an up or down vote on assault weapons, and the bill can go directly to the President for signature, if passed again—as I fully expect that it would be. I challenge them. I challenge them to do that.

I have heard so many arguments that are disingenuous. Let me begin to take them on one by one.

Let us talk for a moment about the funding mechanism of this bill. I wish I were doing campaign commercials: flip-flop, flip-flop. That is what the minority is doing on the issue of the crime bill trust fund. This has been said on the floor again, but still Senators come back and contradict themselves. Let me quote Senator HATCH, November 4, 1993 on the floor of this Senate:

> He, Senator BYRD, was the one who came up with the funding mechanism. I just want to personally compliment him for it, plus the ability to put this together the way we are putting it together.

Now today he is critical.

Second item: Senator DOLE, the minority leader, November 19, 1993:

> From day one, Republicans have insisted that any anti-crime bill we pass must be fully paid for. Security has a price, and it is a price we at least attempt to pay for by establishing a violent crime reduction trust fund. In the months ahead we will see whether we live up to the trust fund commitment.

Senator GRAMM, senior Senator from Texas, May 19, 1994:

> First of all, it [Motion to Instruct] asks our conferees to stay with the funding mechanism that Senator BYRD offered. I was a cosponsor of it. It was a broadly supported bipartisan effort. So the first thing I want our conferees to do is stay with our funding mechanism.

The senior Senator from Texas was referring to the trust fund, and I quote him again:

> Every time we have gotten down to the goal line trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the streets, and no effective crime bill.

Now, suddenly, this very funding mechanism that everybody voted for 95 to 4, that these three distinguished Senators testified on behalf of, is being met by cries of "throw it out, throw it out." Now when the bill is almost passed: "Throw it out. We do not like it. Why do we not like it? Well, we do not like it because we do not think the money will be there."

Let us talk for the moment about whether the money is going to be there or not. The work force reduction of 252,000 Federal personnel has begun. It is already mandated by Federal law.

As a matter of fact, in a crime trust fund analysis just produced by our very own Budget Committee, it is clear that the revenues will be there. After just 5 fiscal years of work force reduction savings, the crime bill will capture in the trust fund more than enough money—over $33 billion—to pay for all 6 years of the programs authorized by this much maligned, and much needed, bill. I also note that those are net savings, which take into account all benefits that will be paid to retiring or terminated workers.

This is not my estimate, this is the Budget Committee's estimate. It is not based on wishful thinking. It is based on a mandatory law which is in place and which is already reducing the Federal payroll.

What is especially interesting about this is the crime bill will cost $30.2 billion over 6 years, but the trust fund will accrue more than $33 billion in just 5 years. Clearly, suggestions to the contrary notwithstanding, the money will be there to pay the bills.

Mr. President, I ask unanimous consent that this document entitled "Crime Trust Fund Comparison" be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME TRUST FUND COMPARISON

[In billions of dollars]

	1994	1995	1996	1997	1998	1999	2000	Total
VCRTF (Senate):								
Budget authority	0.720	2.423	4.267	6.313	8.545	....	....	22.268
Outlays	0.209	1.027	2.493	4.330	6.373	....	....	14.432
CCF (President):								
Budget authority	....	2.423	4.287	5.000	5.500	6.500	....	23.710
Outlays	....	0.703	2.334	3.936	4.904	5.639	....	17.515
Conference proposal:								
Budget authority	....	2.423	4.287	5.000	5.500	6.500	6.500	30.210
Outlays	....	0.703	2.334	3.936	4.904	5.639	6.225	23.740
Savings:								
Budget authority	....	3.113	4.287	6.327	8.394	11.027	NA	33.148
Outlays	....	3.007	4.233	6.234	8.491	10.917	NA	32.882

VCRTF: Violent Crime Reduction Trust Fund in the Senate-passed Crime Bill with CBO estimated outlays.
CCF: CBO Estimate of Crime Control Fund in the President's Budget.
Savings: Savings from the Federal Workforce Reduction Act of 1994 (CBO Estimates).

Mrs. FEINSTEIN. Mr. President, I thank you very much.

Before putting this issue aside let me just note for the record that the Republican crime bill would cost $28 billion. So what the Republicans would propose is $28 billion. What we are talking about is $30.2 billion. Is that a difference worth killing this crime bill over.

A bill that has been through the Judiciary Committee of this Senate, has been subject to amendment for days on end on the Senate floor, was approved in the Senate 95 to 4. A bill that was further honed in not one, but two, bipartisan House-Senate conference committees and ultimately approved by the House with a 40-vote margin provided by Republicans. I think and hope not, Mr. President.

Let me turn now to another of the truly disingenuous claims being made about this bill and the process that produced it. Namely, say the minority, "We were not sufficiently involved in the crime bill conference report." I say to that, nonsense.

At the marathon conference my staff attended around the clock, there were Republican senior staff present. There were Democratic senior staff present. There were Republican legislators present. There were Democratic legislators present. Everybody with a role in the process, and the minority does have a legitimate role in that process, was present. We all saw, if we watched C-SPAN over the weekend, how House Members came forward one after the other with 1-minute speeches to say why they could support the conference report or why they could not support it. So let us be very clear: everybody with a claim to be at the table had a seat and a role in hammering out this crime bill.

The third utterly political and disingenuous argument made against this bill, let us get down to it, is the pork argument. Let me ask another question. Last night I listened for 2 hours as the chairman of the Judiciary Committee, the very distinguished Senator from Delaware, gave what in my view was the best speech I have ever heard on the floor of the U.S. Senate. He spoke with passion, commitment, and knowledge of the law about what was truth and what was fiction in this bill.

One of the questions he properly asked, and I thought about it when I went home and I turned on C-SPAN and I saw him once again, was "Why would the National Rifle Association—the No. 1 gun lobby in this Nation, that has a stranglehold over many Members of both bodies—run a spot with Charlton Heston that talks about pork when we know what they are interested in is the assault weapons ban, when we know what they are interested in is allowing weapons like this, an AK-47, to be sold on the streets of our cities?"

This is a gun, Mr. President, which comes standard with a 30-shot magazine, but can accept magazines—including 100-round clips—that was originally designed and made for troops of the Soviet Union. It is the most widely used semiautomatic rifle in the world. Up to 50 million of them exist. Now, however, it is wielded not just by soldiers, but by gang warriors. It is used by kids. It is used by drive-by shooters. And, as no Californian will ever forget, it was used by a drifter named Patrick Purdy on a Stockton schoolyard to kill 5 children and wound 29 others.

Some of us want to take AK-47's off the streets, and some of us—a majority of the House and Senate, I might add—think that they ought to be banned. Why will the NRA not address the question directly? Why are they spending thousands and thousands of dollars on TV ads to talk about pork?

I will tell you why. Because the American people want the assault weapons ban. Mothers all across this Nation do not want to have to worry about their kids going to school and catching a bullet in the brain as standing in their schoolyards. I am not being dramatic, Mr. President, this happens with regularity across this country. People do not want to be mowed down at work, like the workers in a printing plant in Kentucky where a deranged and disgruntled employee came in with one of these weapons and with 100 rounds in a magazine.

This is not an academic concern. Violence is now the No. 1 killer of workers on the job in my State of California, Mr. President.

Here is another reason for the NRA's sudden interest in quality prevention programs. Because, Mr. President, we want to stop future production of the AR-15. Let me tell you about this weapon. It is a cop killer. Its bullets go through a bulletproof vest. They go through a wall. They go through a car door. They just killed a police officer in Los Angeles that way. Her father was a cop. She raised her kids, went back to the Police Academy and graduated as "Most Inspirational New Officer." Four days later she was dead. That is why we want the free flow of AR-15's to the streets stopped.

The NRA also is involved with this bill on behalf of this weapon and the people who sell it—an M-10 semiautomatic assault pistol. It is a copy of a MAC-10 machine pistol. It is sold with a 32-round magazine, threaded barrel for flash suppressor, and is among the 10 firearms most often traced by Federal agents each year. A version of this gun was used in a 1992 bank robbery in Maryland in which four tellers were taken hostage and two died. Eleven people in Atlanta were convicted of gun trafficking after shipping nearly 1,000 of these guns to New York over 2 years.

Let me tell you about a sergeant in the Houston Police Department, George Rodriguez, who also knows this gun all too well. He made a routine traffic stop and walked up behind the car. The driver of the car had one of these weapons. He cracked open the door and, without even turning around or aiming, he pointed the weapon like this and, because it has a 32-round magazine and an easy trigger, he just began to fire it very rapidly.

He hit this Sergeant Rodriguez, a 32-year veteran of the Houston Police Department, the first Hispanic-American ever in that police department. He hit him. He went down. He lay close to death for 2 months. He then picked himself up with two bullets in his body and insisted that he was well enough to come to Washington last week to deliver a very simple message. He said that the time has come to end this nonsense and to ban these weapons of war.

That is why the NRA is interested in this bill. That is why they are interested suddenly in pork. Does anybody believe the National Rifle Association cares about anything other than the ban on assault weapons that Congress has effectively approved four times, but must get through the Senate one last time before the President can—and this President will—sign it into law? I do not believe that anybody really thinks so.

The NRA knows that these guns are cop killers, that every major police organization in the Nation has pushed hard to get it into law for years. That is why they need another rallying cry. That is why they transparently talk pork, because they have nothing honest to say.

You cannot go up against one of these weapons with a .38 revolver. You cannot. You cannot go up to it with a magnum. You cannot meet this weapon unless you have another assault weapon. That is what is going on here.

And, I must say, the minority is disingenuous. It says that it is not now trying to block passage of the assault weapons legislation. The minority knows, like the NRA, Mr. President, that it too has to pretend publicly even as, in private, it circulates an amendment list that seeks to strip the assault weapons section from the crime bill conference report. There is reason why the truth is not spoken by them either.

There is a new CNN poll, conducted on the 17th of this month, just a week ago. Let us take a look.

Do people want the crime bill? Yes, 46 percent of them favor it; and only 29 percent of them oppose it.

Now, what do they favor in the crime bill? Assault weapons ban: 71 percent of the people of America favor it; 26 percent oppose it. Community notification of sex offenders—89 percent favor it; just 8 percent oppose it. "Three strikes and you're out," on the ballot in California, is in this bill: 74 percent of the people favor it; 21 percent oppose it. Providing dollars to hire more police: 79 percent support it; 18 percent oppose it.

The most maligned program of all, midnight basketball: 65 percent of the people support it; 31 percent oppose it.

These provisions are supported. These provisions are supported. The

American people want this bill, and yet this bill is being held hostage by a Republican minority in the most disingenuous way.

Mrs. BOXER. Will my colleague yield for a question?

Mrs. FEINSTEIN. Of course; I am delighted to yield.

Mrs. BOXER. I am so proud of the senior Senator from California for the work that she has put into this bill and for her tenacity in working against all odds to make sure that weapons of war are no longer going to be on the streets of our cities and counties throughout America if—if—we can get a vote on this bill.

But the question I had for my colleague: She and I were here, and I was sitting in the Chair, when the distinguished Senator from Utah [Mr. HATCH], who is the ranking member on the Judiciary Committee, attacked the trust fund. I have not seen him get so upset in a while. He said this is terrible; the money is not going to be there; this is awful.

I remember, when this bill was initially debated and the idea of a trust fund came up, I recall that Senator HATCH was very supportive of it. So I asked for the RECORD. I would like to ask my colleague if she remembers this.

The Senator from Utah, who now wants to launch a point of order against this bill because of the trust fund, that same Senator said in November:

> I have to say we now have a trust fund, at least in the Senate bill, that I am going to fight with every fiber in my being to keep.

So the Senator from Utah, who now wants to bring down this bill because of the trust fund, which he says now is not a good idea, said he would fight with every fiber in his being to keep it.

And further, he says, "If we can hold on to it,"—meaning the trust fund—"and we intend to, we are going to have a bill that will make a tremendous dent in crime in this society, and it could not without the funding mechanism of the distinguished Senator from West Virginia," meaning Senator BYRD, who thought of the idea of the trust fund.

So I say to my colleague—she used the word disingenuous—is this not outrageous that the very people who praised this trust fund, indeed said they would fight with every fiber of their being to save it, are now going to launch a point of order against the bill because we have a trust fund?

I ask that question of my friend.

Mrs. FEINSTEIN. I say to the Senator, she is absolutely right.

And, even more than that, she was not on the floor—and I am very pleased she is here now—but her very own committee, the Budget Committee, has just done an analysis. As you well know, the mandatory personnel reductions in the Federal work force are now taking place. A law has been passed. They must take place. What the Budget Committee found is, including paying departing employees benefits, that in 5 years, this will produce $33 billion in 5 years, which is $3 billion more than the crime bill requires over 6 years. So the money will be there at the end of 5 years, according to the Budget Committee's analysis.

Mrs. BOXER. If I might, Mr. President, just say to my friend, I appreciate her bringing fiscal responsibility to the floor of this Senate.

All of these arguments we are hearing are a subterfuge. They are make believe; make believe. The real reasons the Republicans do not want this bill—I think there are two—they want to hurt this President. A couple of them are already practically announced for President. I hope the people of America will call those Senators—the minority leader and the Senator from Texas, Mr. GRAMM—on the phone and leave word: "Don't block this bill for your own political ambition." That is not what we are supposed to be about.

I ask unanimous consent that the words of Senator HATCH from November 18—and I have this page of the RECORD—be printed in the RECORD at this time so that the American people can see, when our colleagues get up and blast this trust fund, that a few short months ago they praised it like it was the new solution to the problems of the world.

Mrs. FEINSTEIN. I thank the Senator very much for that helpful addition.

Now, let me dispel another myth promulgated by the minority: That this crime bill is soft on crime. Not so. Not so. Here is the truth. Not my impressions of the bill, or "spin," but a list of what is, in fact, in it:

Death penalties—and many Members of this body are opposed to the death penalty. I happen to favor it, but many Members are opposed. There are presently two Federal death penalty crimes. This bill would take it up to 60 death penalty crimes.

In addition to that, this bill would strengthen sentences on over 70 crimes. I am going to go through those crimes because it is important that people understand.

Semiautomatic weapons, section 401, enhances penalties for using or carrying weapons during Federal crimes of violence or drug trafficking crimes.

Second offense for using or carrying explosives; enhances penalty for second conviction for using or carrying an explosive to commit any Federal felony.

Regarding guns, the list of increased penalties goes on: Smuggling firearms, sentence is up; theft of guns and explosives, sentence is up; revocation of supervised release, mandates revocation of a supervised release and institution of a prison term for a defendant who possesses drugs or firearms in violation of condition of supervised release. So we have toughened provisions after release from a Federal penitentiary.

Revocation of probation mandates revocation of probation for possession of drugs and firearms. Lying on a gun application increases the penalty for lying from 5 to 10 years. Felons possessing explosives, prohibits felons and drug addicts from possessing explosives; explosives destruction, prohibition against transactions involving stolen firearms or stolen guns, up 10 years.

It goes on with these: Using firearms in commission of a felony, up; firearm possession by a violent felon, up; receipt of firearms by nonresidents, up; firearms or explosive conspiracies, up; stealing guns or explosives, up; disposing of explosives to prohibited person, up; interstate gun trafficking, up; drive-by shooting—something that concerns every resident of every big city in this Nation—up to 25 years for shooting into a group of two or more to further an escape from a major Federal drug offense.

Adult prosecution of juvenile offenders—very interesting. Many people are concerned about juvenile crime, understandably so. As you know, we have worked on legislation together, Mr. President, with respect to guns in schools. Many people are very concerned that young people, 16 years old, who go out and kill and rape and maim, be treated as adults. This bill makes possible the prosecution of certain hardcore juvenile offenders as adults.

Let me talk about some drug penalties. We have heard this bill is soft on drugs. Using kids to sell drugs, up to a threefold penalty increase for using youngsters to sell drugs in drug-free zones; drug dealing in public housing, up; drug dealing in drug-free zones, up; drug use in Federal prisons, up; smuggling drugs into prison, up; drug trafficking in prisons, up; selling drugs at a truck stop, up.

Let me go into some other penalties.

Three strikes and you're out—three convictions of serious violent felony or serious drug abuse in this bill and you go to prison for life.

Criminal street gangs, an additional 10-year penalty for a gang member who commits a Federal drug crime or crime of violence and has a previous conviction. Again, using kids to commit crimes enhances penalties for all crimes where defendant used a juvenile or encouraged a juvenile to commit a crime.

Repeat sexual assault offenders, doubles the maximum penalty for repeat sexual assault offenders. The first offense can be Federal or State. That is a major, major change.

Aggravated sexual abuse, Federal penalties; direct sentencing commission to review and recommend enhanced penalties for aggravated sexual abuse; interstate travel to commit spousal abuse, a new Federal offense is created. Sex offenses against victims under the age of 16, broadens the definition of a sex offense as the intentional touching through clothing with intent to abuse, humiliate or harass. It makes it much stronger. Assaults against children, increases the penalty for simple assaults against a youth under 16, creates a new penalty for assaults against youth under 16 resulting in substantial bodily injury.

Hate crimes, something I put in the bill in the Senate. If you commit a felony against another and prosecutors can show beyond a reasonable doubt that the victim of the felony was chosen because of their race, religion, disability, gender, or sexual orientation, the Federal sentencing guidelines are upped by one-third in this bill.

The bill also includes Federal prosecution of 13-year-olds as adults in some instances. Assault—it increases the penalties for assault of a Federal officer, of a foreign official, of U.S. maritime and, within territorial jurisdictions, Congress, Cabinet, Supreme Court, et cetera. Manslaughter, increases the penalty for involuntary manslaughter on Federal territory from 3 to 6 years—doubles it.

Conspiracy to commit murder for hire. It broadens the murder-for-hire statute to include conspiracy to travel interstate to commit murder for hire. Remember, this is a Federal bill so it is those things in the Federal domain.

Then a whole series of civil rights penalty enhancements are included: Conspiracy against rights, deprivation of rights, federally protected activities, religious property, free exercise of religion protected, fair housing broadened, arson—something I know well, in an arson-subject city—increasing the penalties for damage or destruction of property by fire or explosives.

Crimes against the elderly. There is no excuse to steal an elderly person's purse, smash her head against the concrete and crack open her skull—an actual case of which I am aware. No excuse, nothing, justifies that kind of behavior. This directs the sentencing commission to ensure increasingly severe punishment for physical harm imposed on elderly victims. It requires enhanced penalties for the second offense.

Terrorism penalties, a whole series of increased terrorism penalties. I will not go into them in detail, but they are in the bill.

Alien smuggling, counterfeiting, weapons of mass destruction, airport violence, document forgery, maritime violence, white collar penalties, mail fraud, extortion, kidnaping, receiving proceeds of a postal robbery, credit card fraud, insurance fraud, computer crimes, theft of major artworks, scams, et cetera—all strengthened.

Drunk driving with kids—strengthened. It enhances the penalties imposed by a State—by a State, this is interesting—for drunk driving on Federal lands if a child is in the vehicle up to 1 extra year; up to 5 extra years if the minor is seriously injured; up to 10 extra years if the child is killed.

International child pornography, provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside the United States.

It changes the good time, the time accorded to a prisoner who serves time without a disciplinary offense and it strengthens the provision and limits it.

Trafficking in counterfeit goods—and so on.

Mr. President, I ask unanimous consent this entire list be printed in the RECORD at the appropriate place, as a demonstration of how this crime bill actually strengthens Federal penalties.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, what is important about this—because this is not State law—is that it ways implicitly to the States, here are tougher penalties that are producing in the Federal Government which you might use as a model for increasing them in State law. The conference report also: Has 60 death penalties; allows juvenile killers and rapists to be tried and sentenced as adults; funds 120,000 prison cells; includes a 3-strikes-and-you're-out provision; funds 100,000 cops everywhere in America; ups penalties for more than 70 violent crimes; and puts a quarter billion dollars into new prosecutors, and U.S. attorneys.

Is that soft? Are those prison cells upholstered? Will those cops have cap pistols instead of real sidearms? Is the death penalty for carjacking, which I added to the bill, too lenient?

So, Mr. President, I say to my Republican colleagues, the conference report before the Senate is not soft on crime, as they insinuate.

Finally, Mr. President, I want to go to another subject and that is the substance—such as it is—of the so-called pork point raised by the minority.

Forty Republicans say that this bill is full of pork. Well, that's baloney. What the bill has in appropriate proportion is tough law enforcement, prison and prevention—not pork programs. Programs that work:

The conference report before the Senate today spends 45 percent—$13.45 billion—of the money in the bill—all of it real, by the way—on State and local law enforcement assistance;

The report before the Senate today puts 32 percent—$9.7 billion—into prison construction. Half of that money is tied to the requirement that, over the next few years, State prisons assure that criminals serve at least 85 percent of their sentences—the Federal average;

The report before the Senate today puts the balance, just 23 percent—$7.054 billion—into prevention programs that work. In fact, many of the programs were sponsored and supported by my Republican colleagues who know—but may have forgotten—that prevention and pork are two different matters.

Is the Violence Against Women Act pork? It accounts for 23 percent of all the prevention money in this conference report.

Are drug courts that will assure testing and supervision of first-time, nonviolent drug users to unclog our courts and jail violators who would otherwise walk pork? The $1 billion in the bill for those courts accounts for another 14 percent of all prevention money in this bill.

Is the Local Partnership Act, which will give mayors and county supervisors and other local officials the ability to target money to programs that work in their communities—proven programs—pork? I know from my days as mayor of San Francisco that it is not and the Local Partnership Act funding here accounts for another 23 percent of all prevention money in this report.

Taken together, just these three line items in the report account for 60 percent of all prevention money in the bill. In addition to citing these important statistics, let me relate this discussion of prevention to my own personal experience.

I was mayor of San Francisco for 9 years, was a county supervisor for 9 years, that is 18 years in local government. I will never forget one day as mayor walking through the western addition and a woman rushed to me and said, "Mayor, would you please put on a curfew?"

And I said, "Why do you want a curfew?"

And she said, "Because I cannot get my child to come home at night."

And I said, "How old is that child?"

And then she just stunned me, she said, "Ten years old."

And I thought, my goodness, if somebody cannot control their 10 year old, what will happen when that child is 15? 16? 17? 18?

And then I tried as mayor to start my own program with youngsters who either had worse than a 60-percent truancy rate from school or were suspended or expelled for disciplinary reasons, to get the toughest kids I possibly could and work with them. For several years, I tried to work with them. I was a mentor to one of them. That youngster had two family members shot in drug-related disputes and lived in the projects. I traveled regularly through streets inundated with drugs. I saw kids hanging out on the corners with nothing to do.

I learned some things in those 18 years. I found that prevention does work. I found that most police want prevention programs. That is why in my city there is a police fishing program and police take kids fishing, talk to them, get to know them, try to straighten them out. That is why we have what is called a PAL, a Police Athletic League, where police themselves get children together and play games.

I went out myself and read stories to youngsters who had never heard a fairy tale, youngsters who lived in San Francisco who never saw the Golden Gate Bridge, who never saw a tree, who did not know different colors of green, youngsters who did not have a bed or a home in which to sleep. This is all true, Mr. President.

I worked with girls: pregnant, 14 years old. One million of our 14-year-olds become pregnant every year in this country and give birth to single mothers—a child begets a child that she cannot take care of. That is why prevention is important.

That is why working with children is important. That is why mentoring is important. And I respectfully submit to you that is why Republicans, as well as Democrats, propose crime prevention programs. Why is it, though, that when a Democrat proposes a crime prevention program it is pork, and when a Republican proposes a crime prevention program, well, it is real crime prevention?

Project safe works; neighborhood watch works. They develop a sense of one neighbor looking out for another neighbor. They develop a sense of community, and they develop a coordinated sense of goals among members of that community to protect each other. I have seen it work. I know it reduces crime, just as I know cops on the beat, community policing, work. And that is why this bill is so important.

Some of these kids that I worked with I could not change. Others have gotten out of the projects, gotten through school, they are able to work, they have gotten a job because there was a lifeline, somebody who cared, a program that cared in a life where all they eat is fast food, have no adult supervision, they have no bed, many of them, at night, and are shuttled from place to place. They can go someplace where somebody cares, is willing to help them turn around their lives. That is what prevention is all about.

I have been a mayor. I have used Federal moneys. I remember revenue sharing, block grants. I used them. I put $5 million in the police department, put $5 million in the fire department. Yes, it helped me balance a budget. It made our city safer. It hired new police officers.

Two small additional points. First, I have heard on the floor earlier today that, "Well, this does not fully fund 100,000 police officers." As mayor of San Francisco, I was under court order to develop a new wastewater system for the city which cost about a $1.5 billion and was not 100 percent funded by the Federal Government either. If I wanted that money, I had to produce local money to match it. That is not unheard of, not unreasonable.

Second, the suggestion has been made that local jurisdictions will not be interested in matching funds. Well, that certainly was not the Justice Department's experience this year with $150 million in police supplemental hiring grants awarded. These grants, which were awarded according to the same matching requirements as the community policing money in the conference report before us, were amazingly popular. Fact: There were 10 times the number of applications for supplemental police grants by local communities for last year than there were dollars to make available.

Everywhere I go in California, mayors and chiefs of police have said to me, "I wish I could have gotten some of those moneys, we would have found our local match for those funds."

I respectfully submit to those who are holding this bill hostage that local jurisdictions will use these dollars; that they will fund these police officers; that it will increase response time to those "A-priority" calls where it makes a difference sometimes between life and death, often between conviction and acquittal.

Mr. President, youngsters are dying across this Nation. People are dying in their workplace. They are dying when they go to the automatic teller to deposit a check. They are walking down the streets of some of our proudest cities looking over their shoulder at who is behind them.

Do you do it, Mr. President? I do it on occasion. I do it. I do it when I do not see a police car or a police officer and I know I am in a troubled area. I will walk down the center of that sidewalk and I am alert. I know who is behind me and who is to the side of me all of the time. We should not have to live this way in the freest Nation on Earth.

This is the largest crime bill in the history of our Nation. It has been discussed and rediscussed. I must say to the minority, please, the time has come, let us pass this bill. And if, in fact, the unwritten agenda is not really your 12th point to strike the ban on assault weapons, agree to a unanimous consent resolution. Let us vote—50 votes or more—on assault weapons. Let us send it to the President, let us get it signed, and let us take it out of this picture. Otherwise, I must believe that part of the minority's agenda is to stop the United States of America from banning assault weapons.

Mr. President, I believe very deeply that the time for passage of this bill has come, the most important piece of legislation of this session. If we can just vote on it, it will pass overwhelmingly. I ask for that up-or-down vote. Thank you.

I yield the floor.

EXHIBIT 1

NON-DEATH PENALTIES IN CONFERENCE REPORT

GUN PENALTIES

Semiautomatic Weapons (§401) Enhances penalties for using, carrying semiautomatic weapon during federal crime of violence or drug trafficking crime.

Second Offense for Using or Carrying Explosives (§402) Enhances penalties for second conviction for using or carrying an explosive to commit any federal felony (current enhancement—10 years).

Smuggling Firearms (§403) Increases penalty for smuggling a firearm into U.S. to violate a federal or state drug trafficking law or to commit a crime of violence—up to 10 years.

Theft of Guns and Explosives (§404) Provides up to 10 year penalty for stealing a firearm or explosive which has moved in interstate commerce.

Revocation of Supervised Release (§405) Mandates revocation of supervised release and institution of prison term for defendant who possesses drugs or firearm in violation of condition of supervised release.

Revocation of Probation (§406) Mandates revocation of probation for possession of drugs, firearms.

Lying on a Gun Application (§407) Increases penalty for lying on a gun application from 5 to 10 years.

Felons Possessing Explosives (§408) Prohibits felons, drug addicts from possessing explosives.

Explosives Destruction (§409) Authorizes the summary destruction of explosives subject to forfeiture where the explosives cannot be safely removed and stored.

Prohibition Against Transactions Involving Stolen Firearms or Stolen Guns (§411) Prohibits possession, receipt, sale of stolen firearm, ammunition that has moved in interstate commerce—up to 10 years.

Using Firearm in Commission of Forgery (§412) Enhances penalties for using or carrying a firearm in commission of felony counterfeiting or forgery.

Firearms Possession by a Violent Felon (§413) Enhances penalties (depending on number of prior convictions) for gun possession by defendant previously convicted of a violent federal felony or serious drug offense.

Receipt of Firearms by Nonresidents (§414) Prohibits non-license from receiving firearm if not a resident of any state unless for lawful sporting purposes.

Firearms or Explosives Conspiracy (§415) Enhances penalties for conspiracies to violate federal firearms, explosive laws.

Stealing Guns or Explosives from a Licensee (§417) Provides up to 10 years for theft of firearm or explosive from a licensee or permittee.

Disposing of Explosives to Prohibited Person (§418) Prohibits any person from transferring explosives to felon or other prohibited person (current law forbids transfer by licensees)—up to 10 years.

Interstate Gun Trafficking (§420) Increases penalty for interstate gun trafficking—up to 10 years.

Drive by Shooting (§208) Up to 25 years for shooting into group of 2 or more to further or escape from major federal drug offense.

Adult Prosecution of Juvenile Offenders (§614) Expand category of federal offenses for which juveniles may be prosecuted as adults to include receiving a gun with the intent to commit a felony; traveling interstate to get a gun with intent to commit violence, drug trafficking crime; transferring a gun knowing that it will be used in a crime.[1] Directs court to consider extent to which juvenile played leadership role in an organization, or otherwise influenced others to take part in criminal activities in deciding whether to transfer to adult status.

DRUG PENALTIES

Using Kids to Sell Drugs (§615) Up to threefold penalty increase for using kids to sell drugs in "drug free" zones.

Drug Dealing in Public Housing (§616, §1503) Increases penalties for dealing drugs near public housing.

Drug Dealing in Drug-Free Zones (§1505) Enhances penalties for dealing drugs in a drug-free zone.

Drug Use in Federal Prison (§1506) Enhances penalty for simple drug possession in federal prison or detention facility.

Smuggling Drugs into Prison (§1506) Enhances penalty for smuggling drugs into federal prison or detention facility.

Drug Trafficking in Prisons (§1501) Mandates that sentence imposed for providing or possessing drugs in prison be served consecutively to any other drug sentence imposed.

Selling Drugs at a Truck Stop (§1411) Enhances penalties for drug-dealing near truck stops and rest areas.

Cocaine Penalty Study (§3092) Requires Sentencing Commission to submit a report on sentencing disparities regarding crack and cocaine. (House)

OTHER PENALTIES FOR VIOLENT OFFENDERS

Three time Loser (§501) Life imprisonment for 3 convictions of serious violent felony or serious drug offense. (House)

Criminal Street Gangs Additional 10 year penalty for gang member who commits federal drug crime or crime of violence who has previous conviction (state or federal).

Using Kids to Commit Crimes (§5130) Enhances penalties for all crimes where defendant used a juvenile or encouraged a juvenile to commit a crime.

Repeat Sexual Assault Offenders (§3211) Doubles maximum penalty for repeat sexual assault offenders (first offense can be federal or state). (VAWA)

Aggravated Sexual Abuse: Federal Penalties (§3212) Directs Sentencing Commission to review and recommend enhanced penalties for aggravated sexual abuse. (VAWA)

Interstate Travel to Commit Spousal Abuse (§3321) Creates new federal offense to travel interstate or to cause someone else to travel interstate to intimate, harass, or injure. (VAWA)

Sex Offenses Against Victims Under Age of 16 (§3702) Broadens definition of sex offense as the intentional touching through clothing with intent to abuse, humiliate, harass.

Assaults Against Children (§301) Increases penalty for simple assaults against a youth under 16; creates new penalty for assaults against youth under 16 resulting in substantial bodily injury. (House)

Hate Crimes (§2409) Directs Sentencing Commission to enhance sentences at least 3 levels for persons convicted of hate crimes.

Travel Act (§2906) (also see §617) Increases penalty for interstate travel to commit violent crime in furtherance of drug trafficking from 5 to 20 years.

Federal Prosecution of 13-Year Olds as Adults (§1101) Discretionary transfer for 13-year olds who commit assault (with intent to commit murder or felony, with dangerous weapon) murder, attempted murder and with gun: robbery, bank robbery, aggravated sexual abuse, sexual abuse. (House)

Assault (§2901) Increase penalties for assault of: federal officer, foreign officials, official guests, within U.S. maritime and territorial jurisdiction, Congress, Cabinet or Supreme Court, and President and President's staff.

Manslaughter (§2902) Increases penalty for involuntary manslaughter on federal territory from 3 to 6 years.

Conspiracy to Commit Murder for Hire (§2905) Broadens the murder-for-hire statute to include conspiracy to travel interstate to commit murder-for-hire.

Addition of "Attempt" Offenses to Federal Robbery, Burglary, Kidnapping, Smuggling, and Malicious Mischief Statutes (§2969)

Civil Rights Violations (§2903):

Conspiracy against rights. Broadens criminal civil rights conspiracy statute to punish kidnapping, aggravated sexual abuse and attempted murder in connection with civil rights deprivation—up to 10 years.

Official deprivation of rights. Broadens criminal civil rights statute to punish use or attempted use of dangerous weapon, explosives or fire in official rights deprivation—up to 10 years.

Federally protected activities. Broadens criminal civil rights statute to punish use or attempted use of dangerous weapon, explosives or fire in deprivation of federally protected activities, such as voting, serving as juror, or joining labor organization—up to 10 years.

Religious property/free exercise. Broadens statute to punish use or threatened use of dangerous weapon in defacing religious property or obstructing free exercise of religious beliefs—up to 10 years.

Fair Housing. Broadens Fair Housing Act to punish use or threatened use of dangerous weapons or explosives or fire.

Arson (§2907) Increases penalties for damage or destruction of property by fire or explosives.

Extension of Civil Rights Statute (§2911) Extends protection of civil rights statutes to include all persons (now limited to state "inhabitants").

Crimes Against Elderly (§2002) Directs Sentencing Commission to ensure increasingly severe punishment for physical harm imposed on elderly victim; requires enhanced penalties for violent second offenders.

TERRORISM PENALTIES

Failure to Depart (§5005) Increases penalties for failing to depart or reentering the U.S. after an order to deportation, to a maximum of 20 years.

Alien Smuggling (§215) Increases penalties for alien smuggling for profit.

Counterfeiting U.S. Currency Abroad (§721) Extends counterfeiting laws to acts committed overseas.

Terrorist Felonies (§724) Enhances penalties for any felony involving international terrorism.

Weapons of Mass Destruction (§711) Outlaws use of weapons of mass destruction against U.S., Americans overseas—up to life; death penalty if death results.

International Airport Violence (§719) Increases penalties for acts of violence or destruction at international airports—up to 20 years.

Document Forgery (§712, §5124) Enhances penalties for various offenses involving false documents for immigration purposes to 10 years; 15 years if used for drug trafficking; 20 years if used for international terrorism.

Maritime Violence (§701) Up to 20 years for violent acts against maritime navigation (e.g. forcible seizure, property destruction, injury to person).

Violence against Fixed Platforms (§701) Up to 20 years for violent acts against fixed maritime platforms.

WHITE COLLAR PENALTIES

Mail Fraud (§2103) Broadens the mail fraud statute to include use of private interstate carriers to commit fraud.

Receiving Proceeds of Extortion or Kidnapping (§2941) Provides up to 3 years for the knowing receipt of extortion proceeds; up to 10 years for the transport or receipt of ransom.

Receiving Proceeds of Postal Robbery (§2942) Provides up to 10 years for the knowing receipt of postal robbery proceeds.

Credit Card Fraud (§2102) Makes it an offense to: use with intent to defraud another person's credit card; solicit a person to offer credit card or sell information regarding the same; show without permission a person's transaction records.

Insurance Fraud (§2101) Creates a new offense of insurance fraud, including false statements, embezzlement, and obstruction, with maximum penalty of 15 years.

Computer Crime (§2601) Strengthens federal laws in relation to hackers; prohibits transmission of programs to cause damage to, or to deny the use of, a computer or system; provides a civil remedy.

Theft of Major Art Work (§2966) Prohibits and penalizes the theft or procurement by fraud of any object of cultural heritage held in a museum.

Scams (§3901) Enhances penalties for telemarketing and other fraud targeted at senior citizens.

Animal Pests (§5105) Makes it a federal offense to mail non-indigenous species.

Interstate Wagering (§5109) Makes it a federal violation to transmit in interstate commerce information for the purpose of procuring a lottery ticket.

MISCELLANEOUS PENALTIES

Drunk Driving with Kids (§1602) Enhances penalties imposed by state for drunk driving on federal lands if child is in vehicle—up to 1 extra year; up to 5 extra years if minor is seriously injured; up to 10 extra years if child is killed.

International Child Pornography (§824) Provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside the U.S.

Crediting of Good Time (§5101) Amends 18 USC §3624 regarding release of prisoners to change the requirements for violent criminals (serving sentences of more than one year and less than life) to receive good time credit. Such offenders may receive credit of up to 54 days for each year served after the first year of the prisoner's sentence if the Bureau of Prisons determines that the prisoner has displayed exemplary compliance with disciplinary regulations.

Trafficking in Counterfeit Goods (§2904) Increases penalty for trafficking in counterfeit goods or services from 5 to 10 years; increases penalty for second offenders from 15 years to 20 years.

Military Medals and Decorations (§3056) Amends 18 USC §704 to provide a maximum punishment of one year for the unauthorized wearing, manufacturing or selling of a Congressional Medal of Honor (current punishment is up to 6 months); broadens the meaning of the term "sells" as applied to Congressional Medals of Honor to include trades, barters, or exchanges for value. (House)

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Chair recognizes the Senator from Connecticut.

---

[1] Senate bill also included drug possession as transferable crime—mark deletes.

Mr. DODD. Madam President, first of all, before she leaves the floor, let me commend our colleague from California for the eloquence of her remarks. More than anyone in this Congress, the distinguished Senator from California [Mrs. FEINSTEIN], has been the leader on the assault weapons issue.

Over the years, others have tried valiantly to deal with the issue of guns. As a child growing up, I recall in 1959 when my father was a freshman Member of this body offering the first gun control legislation. I think he got three votes. In those days, he was trying to ban the mail order of weapons.

Some who are old enough may remember that in the back of Argosy Field and Stream magazine you could literally send away in the mail and get bazookas and rocket launchers and all sorts of surplus weaponry delivered to you.

In fact, the weapon that was used by Lee Harvey Oswald in the tragic assassination of President Kennedy, the Mannlicher-Carcano rifle, was acquired from a mail order house in Chicago.

By 1968, after the tragic assassinations of President Kennedy, Martin Luther King, Jr., and Robert Kennedy, my father's legislation became law and we were able to ban the mail order of weapons in this country. We then had legislation dealing with the Safe Streets Act, but it was a laborious fight.

My father has been deceased now for almost 25 years, but were he alive today he would be very, very proud of the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. DODD. I might point out, Madam President, Connecticut is the single largest gun-producing State in the United States. So the issue of guns in Connecticut has not just been an issue of law and order. It has been a jobs issue. Colt Manufacturing goes back as a historic supplier of weapons for this country's military and we are very proud of that tradition as well as those of other manufacturers in our State.

So when my father took on the issue of guns more than 30 years ago it was a lonely battle to try and inject some sanity into a process where literally children could apply or send away for a weapon in the mail and receive it.

And I wanted just to express my gratitude to the Senator from California for her untiring determination that we try and deal with the assault weapons issue. All this really does is try and take off the streets weapons that have no value or purpose for a hunter or a sportsman.

A collector can make a case, I understand that, but the argument that somehow these weapons have value for those who engage in the legitimate sport of hunting just has no place, nor do I think anyone accepts or even buys the notion that they have value in that regard.

So I commend her for her efforts, and I am very hopeful, as is she, that before very long, hopefully in the next several days, we will have an opportunity to vote on this issue and that we will be able to pass this crime bill, including the ban on these assault weapons. When that occurs, the American public, and particularly the people of California, will owe a deep debt of gratitude to their Senator.

So I commend the Senator for her efforts.

Mrs. FEINSTEIN. I thank the Senator.

Mr. DODD. Madam President, I want to take a couple minutes, if I may, in this debate just to try to maybe lower the temperature a bit here. I am very hopeful we are going to get to a vote on this issue. But I would just observe, Madam President, that the shrillness of this debate is not helping anyone in this body. I do not think that the impression of this body is necessarily being advanced by the finger pointing that is going on. I do not think people really care or understand the minutia of some of these debates on points of order and procedures and details, motions of one kind or another.

They would like us to do the right thing. I think they believe that there is a legitimate problem in the streets of our country, not just in urban America but in suburban and rural America, that there is a significant problem with crime. They have identified that for us. I think regardless of where one lives or what State one represents that message comes through loud and clear.

I am hopeful that in the next day or so we can vote on this package that has been the subject of debate now for almost the entire 2 years of this Congress. A lot of work has gone into this bill. It is not merely the product of people who sit on this particular side of the Chamber who have the label of Democrat associated with their name. Much of what is in this bill, much of what is good that is in this bill, sprang from the ideas and thoughts of our colleagues on the other side of the aisle, those who wear the label Republican.

I do not believe we are necessarily endearing ourselves to our constituents who do not think of themselves first and foremost as Democrats or Republicans or independents or whatever other political party or association with which they may identify. They think of themselves first and foremost as Americans, and they see this as a problem they would like to have us do something about.

I think the chairman of the Judiciary Committee, Senator BIDEN, Senator HATCH, and many others who have been involved have put together a good bill. It has its flaws. It has its shortcomings.

But in my 14 years as a Member of this body, Madam President, I have yet to see a bill that satisfied everyone or that was perfect in every regard or that did not include some extraneous material from time to time. One can make a case that we ought not to have any such matter in any bill that comes before us, but each and every one of us at one time or another has been guilty of including extraneous matter in a bill that we have asked our colleagues to support. And so I do not think we collectively advance or enhance our own reputations by engaging in a debate that has little or nothing to do with how most people feel in this country which is that we should try to get something done.

So my hope is in these next few days we can come to a vote on this issue. We have had a lot of debates and compromises and conferences, and I think we probably glaze over the eyes of most of our constituents when we engage in that kind of rhetoric.

Again, I would say to my Republican colleagues—and I see the distinguished minority leader has come to the floor—that some of the best aspects of this crime bill originated on the other side of the aisle, and I think those colleagues take great pride in the authorship of these ideas.

My experience is, Madam President, you do not get anything done in this Chamber, in this body, unless it is done in a bipartisan way. I do know from time to time we would like it to be otherwise, but in every piece of major legislation that I have been associated with I have had a major Republican cosponsor.

When it was child care, my major cosponsor was Senator HATCH of Utah, and I never would have passed that bill without his involvement and his participation. On family and medical leave, had it not been for KIT BOND of Missouri and DAN COATS of Indiana and people like JOHN CHAFEE and others, we never ever would have passed family and medical leave legislation. I think it is probably true, if people were to go back and look at some of the major issues before this Congress, particularly before this body, the Senate, that in order to get something done you have to work together. That is how it happens around here. The rules in effect almost require it because of how we are organized and how we are set up to function.

So again I just want to take a moment, Madam President, to try to bring us back to a sense of getting something done. Now, points of order will be raised, whatever. I think we probably should have them raised, let people express their views on various issues—as has happened over the past couple days—and then move on. I think the bill would pass if we had an up-or-down vote.

The bill is changed, no question about it. The conference report added money. Again, change in conference is not a unique experience around here. If it were an unprecedented action, I could understand the concern. But my experience is that this is the nature of a conference and what happens when the House and the Senate meet to resolve differences. Someone once said if the Congress did not exist, we would have fist fights in its place. Hopefully, Congress is a place where you can resolve some of the natural conflicts that our constituents feel and move forward.

So I hope today that we will move forward on this bill with an up or down vote. Also, I would just honestly say that if I could write a crime bill, I might just have a one-page bill that made a block grant and sent the money back to our municipalities and States and let them figure out what they would do with it. I have heard people lecture here day in and day out what ought to be done. I honestly believe most of our police departments do not need to be lectured by their Senators and Congressmen. They go out every day and do a pretty good job under tough circumstances to defend our lives and our property.

To listen to some here from time to time, you would think that the localities did not know what they were doing and needed to be told by their elected representatives how they ought to be doing their business. Obviously, my proposal is not going to happen. Nonetheless, I believe we might have a considerable amount of success in reducing crime if we would just give our communities the resources they need to get out and get the job done.

Second, I would point out—I realize this may be a minority view here in the Senate—I do not think the problem is quite as bad as some have suggested. In fact, the statistics show that crime rates overall are coming down. The problem is that we are seeing an explosion among young people in criminal activity. That is serious. It is almost impossible to turn on the nightly news anywhere in America and not have as the lead story some act of violence that has occurred in our communities. So whether it is a typical event or not, it is indelibly burned in our minds that this is something going on everywhere, all the time, in growing numbers.

In fact, statistics show that overall crime rates are coming down in certain areas. But with certain types of crime there is an increase. We ought to pay attention to the latter. We ought to try to deal with the real problems.

I happen to believe that our police departments and our communities are doing a lot of good things. But as all of us know, the media does not report about planes that fly, they only report about the ones that do not. The fact is that there are people out there doing a good job every day in mentoring programs for young people: Boys Clubs, Girls Clubs, Police Athletic Leagues, and the like are making a difference. We do not hear much about them because they are working. We hear only about the stories that do not work, examples of violence.

The headline in the New York Times this morning about the tragic shooting in the subway of that city yesterday captured our attention. I am trying to keep this in perspective, and have some sense of proportionality about it that is important.

I again emphasize that I hope we do the right thing, and pass this bill. I think our instincts were pretty good several months ago when this body, by an overwhelming vote of 94 to 5, I believe it was, passed the Senate version of the crime bill. It went to conference. Some changes have been made. I think improvements have been made in the bill, that are without any question not to the satisfaction of everyone. I would like more prevention, I suppose, in the bill, than others would have supported. But I am satisfied that the conferees have done a pretty good job.

I have confidence in my colleagues that they do the best they can under the circumstances. They do not always get what they want. But that is the nature of our business. If we all insisted upon getting exactly what we wanted, we would never get anything done. Politics is the art of compromise. Most of the people who serve in this Chamber, regardless of label or political party, understand that and are darned good at compromise, are good citizens, and are strong patriots.

My hope is we will remind ourselves of that particular part of our business, to engage in the art of compromise—that is what I think must be done here—and move on with this bill and try to address some of the other pressing problems that we face in our country.

So my hope is we will have a vote on this, that we will not spend hours and hours pointing fingers at each other, screaming and yelling back and forth as to who cares more or less. I think all of us care about this issue. We all would like to help our constituents back home. We have gotten the product now that has been delivered to us, a product in which many, many people—Republicans and Democrats—have had more than ample opportunity to express their views and ideas. I think now is the time to act, and we should do so.

My hope is the rhetoric will come down and that we will lower the temperature here a bit and get about the business of casting our votes and allowing—as the majority leader said this morning—the Senate to express its will either to support or to defeat this conference report on the crime bill. That is what our constituents want us to do. They do not want us to engage interminably in a debate that just loses them when we start talking about the arcane procedures of this institution. Act either positively or negatively, but please act and decide. That is what we were sent here to do. I think we ought to do it sooner rather than later.

ORDER OF PROCEDURE

Mr. DODD. Madam President, I see the distinguished Republican leader. I want to take a few minutes on another subject, if I may. I will sit down if the Republican leader has some pressing issue to talk about. I will just take 5 minutes, and ask unanimous consent to speak as if in morning business. I apologize to my colleagues for breaking the flow of the debate. I want to take a few moments to address the issue of Cuba.

THE ISSUE OF CUBA

Mr. DODD. Madam President, I think it is important that we discuss the issue of Cuba, and what is going on with the literally hundreds and hundreds of displaced persons. This issue has been the subject of some discussion and debate here in the Senate as to how we ought to proceed.

As of August 22, a little over 7,000 Cubans have arrived in Florida since the beginning of the year. That is nearly double the number of Cubans that sought refuge in the United States in 1993. Clearly, this is a situation that cannot be allowed to continue. However, there does not seem to be any end to it.

In the immediate and short term, I do not believe that the President of the United States will have any other choice but to act to alter a policy that is serving as a very powerful magnet and that is attracting hundreds and thousands of Cubans every day to risk their lives in ill-equipped rafts and boats for the dangerous 90-mile journey to the United States. Despite the criticisms that have been made in this Chamber and elsewhere concerning the President's recent change in policy toward Cuba, I would seriously question whether any President, Republican or Democrat, would sit back and do nothing in the face of what appears to be an open-door policy by Cuban authorities for those Cubans who wish to take to the sea.

Our Nation has the capacity to receive and accept immigrants. We do so far more generously than any other nation on the face of the Earth. But there are tolerance levels as to what we can accept and how much we can manage as a Nation. So the notion that the President has engaged in some dreadful action by diverting these people seeking to leave Cuba for good cause, I think is unfounded and unfair. I think again any President faced with a similar situation would have taken, frankly, a very similar action. But, I think we have to begin to think anew about our approach towards Cuba. I think we need intelligent and creative thinking, not just some of the mindless passion that surrounds this subject and this debate.

Let me just begin by stating something that I think probably should be stated more frequently. I know of no other ethnic group that has contributed more economically, socially, or culturally to the fabric of our country in less time than Cuban-Americans have. In the space of a short 25 years, the people who have left Cuba for good cause because of the intolerable conditions in that country, have made a significant contribution to this Nation.

I was just reading a speech that my father gave on the floor of this Chamber in the spring of 1961 in which he accurately and properly described the events that occurred in Cuba, the literal hijacking of any hopes for democracy in that nation by the forces that took control of that island under leadership of Fidel Castro.

I certainly understand and can relate and identify with the sense of anger and the frustration that Cuban-Americans feel for how they have been treated and how their families have been treated by the Castro government over the years. There is no debate that I know of about our collective outrage and sense of identity with the Cuban-American population of this country for what they feel; what they have been robbed of by the government in Cuba. But having said that, Madam President, I think it is also important that we try to think freshly, if we can, about how to begin to deal with this problem other than just dealing with displaced persons.

First of all, I think it is important to state that the Cuban-American population is not a monolithic population. I think every one of us in this Chamber would be offended if it was suggested somehow that some one person, using my own ethnicity, if I can, speaks for all the Irish-Americans in this country. There is no monolithic view among Irish-Americans about the events in Northern Ireland. There are many different opinions within the Irish-American community about events that occurred in the land for which they have a particular caring. Certainly, I think that can be said of every single constituency represented in this body. To suggest somehow that Cuban-Americans are all of one mind as to how we ought to deal with Cuba is insulting to Cuban-Americans.

There is a diversity of thought among the population of Cuban-Americans as to how we ought to deal with these problems. I think we do them a great injustice by assuming somehow that one or two or three people speak for everyone across generations, across economic and cultural and political feelings and ideas.

So I hope that we might, as we debate and discuss what needs to be done here, listen to the diversity of thought within that community in our own country as to how we ought to approach the problem of Cuba; that we might want to listen to Ernesto Bettencourt and Alicia Torres, who testified before my Subcommittee on the Western Hemisphere a year or so ago on how to deal with Cuba today. Both of those individuals were just as maltreated by the Castro government as anyone else. Yet, they asked us to follow a different path in trying to deal with the problem of Cuba.

Lord knows, we have engaged in diplomatic relations and political discussions with Kim Il-song in North Korea. We now have most-favored-nation status with the People's Republic of China. And we sit down and try and work out a political solution with the leadership of the Serbians in Central Europe. We have watched President de Klerk work with the ANC in trying to resolve the problems of South Africa. We have watched Prime Minister Rabin sit down and try to work out a problem with Arafat and with King Hussein. All over the globe we are watching the political and diplomatic process work with people who absolutely have totally opposing views from one another, and yet they understand the value of that process.

Yet, in this one situation, the nation of Cuba and our relationship to it, we seem to be unwilling to examine and explore alternatives. I am not suggesting they may even work, but we ought to try them. The idea that any government, whether it is this administration or any other administration, could not explore and examine the political and diplomatic channels of how to help resolve the issues that divide two nations is a mistake.

If we continue to engage in this one-faceted situation—if we can find a way to have a political channel open up with Kim Il-song in North Korea, the "dark hole" of nations, if you will, on the globe; and if we can extend most-favored-nation status to the largest Communist, repressive government on the face of this Earth, in my view, we ought to be able to examine and explore new avenues with the island of Cuba.

That is not to endorse or to want to perpetuate the rule of Fidel Castro—quite the contrary—any more than it is to perpetuate the rule or governance of the leadership of the People's Republic of China, or North Korea, or any other oppressive government around the globe.

But to have one isolated example of unwillingness to go forward and not to listen to the diversity of thought and ideas that exist within the Cuban-American community is to make a mistake, and this should change. The cold war is over. Cuba no longer presents the kind of threat it did even a few short months ago.

There is a threat, obviously, to the population of Cuba with the continuation of a repressive government. But that was true in Poland, Czechoslovakia, Hungary, and many other nations, such as the Soviet Union, only a few short months ago. Yet, that chain, that domineering and threatening environment has changed. It changed because we found creative ways to engage in a dialog and discussion with the leadership of those governments at the time when they were oppressive.

All I am asking for here is that the Clinton administration and we in this body not close our eyes, not shut down the possibility of exploring new ways to establish a new foreign policy with the advice, with the consultation, and with the diversity of thought within the Cuban-American community in this country. And, not to assume that one or two people speak for everybody, because I do not believe they do.

So I urge my colleagues here to look at those ideas.

Mr. SIMON. If my colleague will yield. I was over in my office listening, and I want to say to my two colleagues who were on the floor before that what you say makes so much good sense. Our policy toward Cuba is a response to the national passion rather than the national interest. It seems to me that what we might do, recognizing that Castro has one of the worst human rights records of any leader in this hemisphere—but that is also true of China, and we give China MFN status; and obviously China is a much greater long-term threat—would it not make sense to at least take two initial steps: First, to say that we will at least sell food and medicine to Cuba; and second, we will permit Americans who want to travel to Cuba to legally do that and not go through Canada or Mexico or someplace?

Mr. DODD. I say to my good friend—and I thank him for his kind remarks—that I think certainly that ought to be examined and explored. We have a new Secretary General of the OAS, the former President of Colombia, President Gaviria, who, by the way, ended up with the job of Secretary General with the strong backing and support of the United States. He has a unique and special knowledge of Cuba. It seems to me that we ought to be examining and exploring this issue through the OAS. And we do not allow Cuba to be a member of the OAS.

It makes more sense to try to deal with somebody under those circumstances than to engage in perpetual isolation and not even explore ways in which we can facilitate change. Somebody pointed out the other day that one of the reasons that the Polish Government under Ceausescu collapsed was because faxes, phone calls, videos, and information from the West was getting into Poland. We were beginning to have an ability to change people's ideas and views. I think Radio Marti and Television Marti are good ideas; they get information into the island of Cuba. Gerald Ford, President Ford, was absolutely correct when he reversed the policy on the secondary boycott, that did nothing at all except basically hurt our own industries and companies in this country.

There has been a lot of good thinking by Democrats and Republicans on how to approach this problem. And, as the Senator from Illinois has pointed out, we have managed, with other governments that are just as repressive, to find ways to deal with the strong arguments made on the floor of this Chamber that the way to increase human rights or improve human rights in the People's Republic of China was not to extend most-favored-nation status. I think it is a credible argument, that it will in fact improve the situation there.

If we can apply that in the People's Republic of China, where a billion people live under the repressive thumb of a government that denies them their basic human rights, can we not at least explore that with a nation that is sending thousands of people on rickety rafts to our country, people that we then have to house at Guantanamo or some other place, begging other nations to house and keep them at our cost and expense?

I do not think that is a wise course to be following, and it is not good judgment.

I thank my colleague.

Mr. SIMON. I thank my colleague for his leadership.

Mr. METZENBAUM. Madam President, I rise to commend the Senator for addressing himself to this issue this morning. I think he is exactly on target. I think our policy is an absurd one.

As recently as this morning, I was talking with one of our Nation's more famous artists, and he said, "Why is our policy on Cuba what it is?" I said, "I am frank to tell you I do not know the answer, but I am going to discuss it with one of the people I think is more knowledgeable than I, Senator DODD of Connecticut." I am pleased I was on the floor when you addressed yourself to this subject. I identify with the Senator's remarks. I think he is right, and this Nation needs to revisit this issue and change its position.

I think Senator SIMON addressed himself in part to it in saying that we ought to see that we get food and medicine to Cubans. I agree with that, but I think we ought to go further. I cannot explain the contradiction in our policy in doing business with some of the nations of the world whose policies are more repressive, and we give them most-favored-nation status.

I thank the Senator for his remarks and indicate if I can be of help in furthering his views, I am with him.

Mr. DODD. Madam President, lastly, I do not know whether opening up diplomatic and political channels will work or not. But it seems to me we ought to try. We did that in Haiti. Through diplomatic procedures, we tried to resolve the crisis there. Ultimately, it has fallen apart, unfortunately.

I am not suggesting that we ought to exclude some of the options being considered today. But those options ought not to be resorted to prematurely, and we ought to at least explore the possibility of reaching some rapprochement here to some of these problems. If that fails, if Castro is unwilling to do anything at all, then consider these other options, but do not jump to those options before you have given a chance for political and diplomatic efforts to prevail.

On this note, Madam President, I apologize to the minority leader who has been patiently waiting for the floor, and I yield the floor at this moment.

Several Senators addressed the Chair.

Mr. DOLE. Madam President, I will just take 5 minutes.

Mr. DODD. That is a Connecticut 5 minutes?

Mr. DOLE. That is a Kansas 5 minutes.

CUBA SITUATION

Mr. DOLE. Madam President, I have a little different view on Cuba.

We have had this morning a press conference where President Clinton's advisers just announced an expansion of facilities at Guantanamo, indefinite detention of Cuban refugees, and possible safe havens throughout the hemisphere—but not a word about Castro stepping down immediately. Instead of calling around the hemisphere for safe havens, President Clinton's goal should be to make Cuba a safe haven—a safe haven without Castro for all Cubans.

President Clinton's new policy on Cuba has failed. The flow of refugees fleeing Castro's tyranny has accelerated since last Thursday—more than 7,000 since the policy shift. President Clinton's Cuba policy punishes the wrong Cubans: Freedom seekers are apprehended while Castro gets off scot-free.

The continued refugee flow demonstrates once again that Cuba is not Haiti. News reports quote an administration official saying, "It's not clear why the Cubans aren't reacting as expected." It may not be clear to the administration, but it is pretty clear to me: Cubans continue to flee because it is the first time in years they can leave without being shot in the back, murdered at sea, or thrown into a political prison by Castro's regime.

After strong criticism last week, the Clinton administration decided to include some half-measures to increase pressure on Castro. I support efforts to tighten the screws on Castro—including consideration of a blockade as mentioned by White House Chief of Staff Leon Panetta. However, the administration has spent more time denying a blockade is an option than they have developing a strategy to bring freedom to Cuba.

The administration has been quick to interdict Cubans but slow to do anything against Castro. The anti-Castro measures—halting airplane charters, stopping remittances, condemning human rights vioaltions—have not been implemented. Some question their effect on the Cuban people. The administration has no strategy for a transition to democracy in Cuba. They announced a series of stop-gap measures but there is no plan and no long-term policy. There is concern that a hidden agenda of normalization with Cuba will emerge.

The administration will not even call for Fidel Castro to step down immediately. We have all heard months of calls for Cedras and other Haitian military leaders to resign, but there is silence about Castro. Castro has a 35-year track record of murder, tyranny, export of terror, and human rights abuses. Why the reluctance on the part of the Clinton administration's policymakers? Do they think Castro can contribute to a democratic Cuba? I do not know anyone who thinks Castro will be the midwife for Cuban democracy. The administration's first step should be to call for the immediate removal of Castro from power—no conditions, no waffling. Castro's ideology and ambition have created the Cuban crisis, and it will not be resolved while he clings to power.

Second, the administration must make a serious effort to build an international coalition to isolate Castro. Going to the United Nations to condemn Castro's human rights violations is not enough. If tough sanctions are good enough for Haiti, that should be the goal for Cuba. The administration should call an emergency meeting of the Organization of American States to address the lack of democracy in Cuba. Castro's denial of freedom to the Cuban people should be a hemispheric concern—a Latin American problem just as much as it is an American problem.

Third, the administration should approach Canada and our European allies on the Cuban crisis. It is their investment and their tourists which provide Castro far more cash than remittances to help starving Cubans. Castro poses a clear threat to American national security through his cynical export of his people. Our allies need to understand that we will not tolerate continued subsidy of a regime that threatens American security.

It is morally and politically bankrupt to punish Cuban freedom seekers, while letting Castro off the hook. Many Cubans have died in the last few days trying to leave Castro's terror. Castro has now successfully dictated American immigration policy. He should not be allowed to dictate our foreign policy. During the campaign President Clinton promised to support democracy in Cuba and to oppose deals with Castro. Not all of his national security personnel share those views. Many of them were the architects of President Carter's efforts to normalize relations with Castro in the 1970's. This administration has normalized relations with Vietnam, and offered aid to North Korea. Cuba should not be added to that list.

The President should renounce any deals with Castro. He should instead pursue a foreign policy that envisions a Cuba without Castro.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE. Madam President, with reference to the earlier statement on the crime bill, Senator MITCHELL and I will have a meeting a little after 2 p.m. We do not know what will happen at that meeting. We are trying to proceed in good faith on each side. That may or may not be resolved. If not, we will have a vote this afternoon on the point of order.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I will not take long. I know the distinguished Senator from Virginia has been waiting. I have to correct the record.

While I was off the floor, it was suggested by some of my Democratic colleagues that I changed my opinion on the trust fund concept, that the reason that I am critical of this bill and its trust fund is one of political motivation.

That is hardly the case. I will remind my colleagues that I did support the trust fund and its concept in the Senate bill. That was a completely different bill from this bill.

This bill's trust fund is not the same at all. It is not even the same proposal. The old trust fund that was $22 billion, we passed out of the Senate. This one is $30 billion. Clearly, it is $13 billion in deficit. The old trust fund was budget neutral as we passed it on the floor. That is why we did not raise a point of order against it. This one contains $13 billion in deficit spending.

My fellow citizens out in America should just think about that. We have a bill here that is going to spend $13 billion more than we have. The old trust fund was a 5-year plan, which required more spending in the early years. This new trust fund requires nearly half of its spending to be in the years 1999 and 2000. Who is kidding whom? This trust fund promises the country to pay for the crime bill. But it also trusts the Clinton administration to pay for most of it after the 1996 election.

Let me just make another point here, because I think it is important to set the record straight. My colleagues should not misconstrue my support for the original Senate crime bill.

When the Senate bill originally went out, it was the Biden-Hatch bill. It was a tough-on-crime bill, and it did not have the pork in it that we now have in the conference report. Frankly, it was a good bill, and its trust fund was deficit neutral.

I did say this morning that I questioned, and it has been through the ensuing months that I have questioned it, whether this administration will cut 250,000 employees and thus provide the moneys for the trust fund. I really do not believe it will. I do not know anyone else who believes that it will either.

To make a long story short, President Clinton and his allies are suggesting that the conference bill before us is pretty much the same bill we supported in the Senate last November. They know better. I think they are simply putting up a smoke screen to cover their hijacking of scarce crime-fighting resources into Great Society-style social spending boondoggles.

Like I say, the distinguished Senator from Delaware worked long and hard and deserves a lot of credit. I also have worked long and hard. I certainly have worked long and hard to help get the violence against women bill through. And we are going to try to do that before we get through here. We are going to try and pass this bill with that provision intact.

Let me tell you something else. Some of these people have bowed, once again, to their party's liberal wing and they do not want the American people to know it.

The bill I supported in November did not have the $1.62 billion Local Partnership Act in it. We consider that not only deficit spending, but a boondoggle. The Senate bill did not have the $625.5 million Model Intensive Grant Program boondoggle. This is to name just two of the pork provisions, to the tune of nearly $2.25 billion, sent to us by the other body and contained in this conference report. I might add they are two of the programs we would like to remove from the bill.

The original bill I supported in November did have tough mandatory minimum sentences for the use of a gun in a crime. The bill I supported in November had tough mandatory minimum sentences for selling drugs to minors and for using minors in a drug crime.

The bill I supported in November contained the tough Dole-Hatch-Brown antigang provisions, with tough Federal penalties for violent juvenile gang offense. The bill I supported in November contained the Simpson criminal alien removal provision, making it easier to deport criminal aliens after they have served their sentences, rather than letting them walk out of prison and able to commit more crimes. We would like to change that and enact the Simpson criminal alien removal provision. It will be one of the amendments that we will bring up if we are successful on this point of order, or on any agreement the distinguished leaders of this body work out.

The original bill I supported in November contained the Smith-Simpson Terrorist Alien Removal Act, which made it easier to boot out alien terrorists from this country.

The bill I supported in November contained the Moseley-Braun-Hatch provision to prosecute violent juveniles 13 and older as adults for certain heinous crimes. We are tired of these kids—drive-by shootings and all of the other things that they have done. And I commend the distinguished Senator from Illinois for having been the sponsor of that amendment and having made such cogent and eloquent arguments for it on the floor, and she did.

The bill I supported in November fully restricted so-called drug court treatment programs to nonviolent first offenders. This bill goes way beyond that, with money being wasted on hard core offenders. I am not against doing it in theory, if we had unlimited money to spend. Hope still springs eternal in my breast. But why not use those scarce funds for first-time offenders? The current bill does not.

All of these and more are missing from the bill before us. Once President Clinton and his allies, in a conference controlled by liberals from his side of the aisle, got their hands on the Senate bill, these tough provisions went out the window and they larded the bill up with more and more pork programs.

The President and his liberal congressional allies took a Senate bill, which was not perfect, by any means—there were provisions we did not like in it—but which had more pluses than minuses, and both turned it into a vehicle with pork for special interests and softened it considerably.

The Senate bill, apparently, was just too tough on crime for this President. It was only $22 billion, in contrast to the $8 billion more, $30 billion bill we have before us now in this conference.

So nobody should misconstrue my position on the trust fund. It is completely different now than what it was when I argued in favor of it on the floor of the Senate.

I thought it was splendid at the time, but that was last November. The more I think of it and the more I see how this administration is operating and, frankly, the more I see how the Congress is operating, I do not have any real faith that we are going to reduce Federal employment by 250,000. In fact, Federal employment is growing every day. I really doubt seriously that we are going to have the trust fund money to be able to fund this bill.

Last, but not least, even if we did, even if the trust fund worked, the benefits are now put off until 1999–2000, so it will be paid for only after this President is reelected, if he is reelected. And, even if they were, you would still have a $13 billion deficit. We would be spending $13 billion more dollars that we do not have.

Now, I do not think that is the way to do business. I do not think that is the way to run our country. That is one reason why we are raising such Cain here. We are not just going to roll over and play dead because we are outmanned here. We know the Democrats have controlled the Congress for most of the last 60 years. And we know that this administration ignored the Republicans in the Senate. We are just not going to be ignored. We think we are right on these issues. We are going to fight until we at least have a chance to bring these issues up and bring them up in a decent way.

I also understand that the distinguished Senator from California indicated that she thought I was being disingenuous with regard to guns. Well, how can she come to that conclusion? I do not think any Senator on the Democrat side has been in our Republican caucus meetings where we agreed to what the issues are. I have discussed what happened in those meetings. And I made it very clear that the gun issue was not and is not the issue.

Yes, we do not like the ban. We did not like getting beaten on it. We do not like having second amendment rights taken away from the people. We do not like decent, law-abiding sports people losing their right of access to a number of these firearms. But we lost.

And I do not know of anybody on our side who is now trying to make the gun ban issue the major issue. It does not have to be. Moreover, it does not have to be under the proposals that the minority leader is making to the majority leader.

So to even imply that I am disingenuous implies that somebody over there must have a spy in our meetings. A person who just plainly cannot hear well and cannot see well.

Keep in mind, the Senate bill passed 95–4 with the gun ban in it only because the bill otherwise was a tough anticrime bill. Only two Republicans on this side voted against it. And yet, people on this side of the aisle, the Democrat side, have been talking about guns for the last few days because that is the only issue they have. They cannot talk about the bill and the pork issue because they know that the bill is loaded with pork. They cannot talk about tough provisions on crime, even the Moseley-Braun provision, because it is no longer in there. The mandatory minimum provisions for committing crimes with the use of a gun, it is no longer there. Now, what kind of "anticrime" reasoning would take that out?

And, by the way, the two Republicans who opposed this bill when it went out of the Senate did not oppose it because of the gun issue. They opposed it because of the death penalty. And they made that clear.

I guess what I am trying to say is that we are tired of business as usual in this body. We may be a minority and we may get tramped on from time to time, but you are not going to tramp on some of us without an effective fight back.

I have to say, this administration just ignored the Republicans in the Senate, even though Senator DOLE sent a message to the President offering to help in this matter. He offered to cooperate, offered to bring Republicans along, offered to try to resolve the issues. The administration figured, by resolving some issues with a number of young Congresspeople over in the House that they could simply bind the Senate, and the Senate would just roll over and play dead. It just so happens, we do not have to do that, nor will we.

The American people expect more from us. We will give them more. We are going to stay here as long as we have to. If we have to go to a point of order and if we win, we are going to bring up these amendments. If we lose, then the American people are going to lose once again because you are going to have a $30 billion bill loaded with pork. That is likely to be funded first, instead of the prisons, instead of police, instead of law enforcement. And many of these anticrime provisions are not very tough at all in this bill.

When the House defeated the rule, everybody said it was about guns. Senator BIDEN said that on the floor; so did the President. But guns are still in the bill.

And I am telling anybody that thinks that I may be disingenuous that I think it is disingenuous for the Democrats to try to make that the issue when it is not. They have been doing it from word one because they do not have the arguments to uphold the provisions of this bill that we have been talking about. And they know it. They figured they were going to get along by hiding all of the pork in the bill, this 1960's style social spending, because they know that people want a crime bill, a real crime bill.

Well, I am personally sick of it and we are not going to roll over and play dead just because we are a minority.

So, Madam President, I feel deeply about having a crime bill. Nobody wants one more than I do.

I would like to have the Senate crime bill. We cannot get that now. But I would like to reform it and make it a little bit better so that at least when people in this body vote for it they do not have to hold their nose.

Frankly, it is something that needs to be done. Maybe we will be successful, maybe we will not, but we are giving it everything we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Madam President, as the Senate stands deadlocked over a $30 billion crime bill, 5-year-old Andre Grady lies paralyzed and fighting for his life in a Norfolk, VA, hospital, an innocent victim of the kind of violence the crime bill is designed to address.

Last week, while riding his bike outside his grandmother's house at 3 o'clock in the afternoon, Andre was gunned down in a drive-by shooting.

The responsibility for determining who shot Andre now lies with the judicial system.

The responsibility to help prevent senseless violence from claiming more innocent 5-year-olds in Andre's neighborhood—and in neighborhoods all across the Commonwealth of Virginia and the Nation—lies with us today.

We have pending before the Senate the conference report on a $30 billion crime bill that passed this body in a very similar form by a vote of 95 to 4 just 9 months ago.

A bill that focuses on prisons, police, punishment, and prevention.

Let me repeat that, Madam President, this bill focuses on prisons, police, punishment, and prevention.

That means that if this bill passes, more police officers are put on our streets, providing reinforcement for the men and women who currently serve our communities, enhancing the overall safety of our neighborhoods, and providing a real deterrent to those contemplating a criminal act.

If this bill passes, prison sentences are toughened and extended, keeping violent criminals off the streets for greater periods of time.

If this bill passes, prison systems are expanded, allowing for the implementation of tougher and longer sentences.

If this bill passes, juveniles guilty of violent crimes will be treated as adults, ensuring greater fairness to victims and reducing recidivism through tougher sentencing.

If this bill passes, greater access to prevention programs will reduce both the number of young people engaging in violent criminal acts and the number of people falling victim to violent crime.

If this bill passes, expanded provisions to protect women against violent crimes will be implemented.

Very importantly, Madam President, if this bill passes, 19 types of dangerous assault weapons—designed to kill large numbers of human beings—will be outlawed.

The police officers, the sheriffs, the commonwealth's attorney's and the judges in the Commonwealth of Virginia with whom I have spoken support this legislation overwhelmingly. They support it because it gives interested States and localities the resources they desperately need to fund anticrime initiatives on a voluntary basis. This is not a Federal mandate. States and localities simply do not have the capacity to shoulder the entire financial burden alone.

Law enforcement officers have told me they fear turning a dark corner and facing an assault weapon more sophisticated and more deadly then the one they carry to protect our streets and our neighborhoods.

In addition, the Virginia General Assembly is currently reviewing a proposal to eliminate parole in the Commonwealth of Virginia. This has already been done at the Federal level, but to do so in Virginia, we would need an enormous amount of new funding to build and expand prisons. The crime bill could help fund this initiative.

We ought to pass this bill and we ought to do it now.

Virtually every major law enforcement agency in the country has expressed support for it.

It includes $9 billion to hire 100,000 new police officers—a potential $215 million for Virginia.

It includes $9 billion to build new prisons and boot camps—a possible $108 million for Virginia.

It includes $3 billion to enhance activities at the Federal Bureau of Investigations and the Drug Enforcement Agency, and $7 billion for proven and effective crime prevention programs—a guaranteed $108 million for Virginia.

It also includes tough, increased penalties for crimes committed with firearms, for drug use, for drug-trafficking, for sex offenses, for assaults against children, and for "gang" crimes.

In addition, this bill expands the Federal death penalty to cover over 50 new offenses, including terrorism, murder of a law enforcement officer, large-scale drug trafficking, drive-by shootings, and carjackers who murder.

In an effort to keep more prisoners in jail and deter repeat offenders, it eliminates the automatic granting of good time credits and creates incentives for States to adopt truth-in-sentencing guidelines, which requires prisoners to serve at least 85 percent of their terms, and mandates life imprisonment for criminals convicted of three violent felonies or drug offenses.

Some opponents of the bill are now criticizing its price tag—and I am about as tough on Government spending as anyone.

But the indisputable fact is this bill is paid for. It is paid for with the money saved by reducing the Federal work force, by 252,000 positions.

And while I understand some of the concerns about specific provisions in the bill—no bill is ever perfect, and I am convinced that, on balance, it will reduce crime in America and make our streets safer.

It is worth the money we will save from downsizing the Federal bureaucracy.

We cannot continue to just debate this issue. We have been doing that for almost 6 years and we cannot devise parliamentary maneuvers to try to delay its passage further.

We have communities under siege that cannot wait any longer for help and they are counting on us for help.

We have Americans insecure in their own homes and neighborhoods and we have it in our power to help.

And we have a 5-year-old child named Andres, who lies paralyzed in a Norfolk hospital fighting to recover from a senseless gunshot wound when he should be spending an innocent summer afternoon riding his bike in front of his grandmother's house.

Madam President, it is time to act, it is time to pass the crime bill.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, within a relatively short period of time, the Senate is going to get an opportunity to determine whether or not the crime bill before us will be passed entirely unchanged or whether, as was the case in the House of Representatives, it could be improved; not improved in the marginal fashion which took place in the House of Representatives, but dramatically.

Because this crime bill requires a waiver of the Budget Act, voices other than those who crafted the conference committee report, are going to be heard. After a conference committee which added to the pork and subtracted from the law enforcement provisions of the bill which was passed by the U.S. Senate, for myself I am confident that one way or another we are going to get that opportunity to improve this crime bill.

The history of the debate since the original conference committee report is relatively short, and memories are still fresh about the arguments that were made in the White House and in the press and in the House of Representatives immediately following the defeat of the rule for the consideration of the original product of that conference committee.

They were that a crime bill was dead for this year.

They were that this was a sneaky parliamentary trick designed to kill the bill.

They were that the only concern of the opponents were those who wanted to defeat the assault weapons ban.

They were that the bill was as close to perfection as was possible and could not possibly be changed.

During the course of the succeeding week, each of those arguments turned out to be fallacious. In fact, the defeat of the rule, the technical rule, in the House of Representatives, did not mark the end of the crime bill. In fact, it turned out that a handful of dedicated Members, mostly from the minority party, mostly relatively junior, succeeded in removing $2 billion, $3 billion of the pork from the bill, adding at least a handful of good law-enforcement provisions, including one that had been sponsored by this Senator and accepted unanimously by the Senate of the United States.

Lo and behold, those who voted in favor of the bill then in the House of Representatives, the President of the United States said, "Gosh, now we have a better bill than the one that just 1 week ago was defeated." "However," they all reported, "it must be absolutely perfect now because we certainly do not want the Senate of the United States to debate it in detail. We don't want the Senate of the United States to avail itself of the same right to amend, to change before it comes to a final vote that the House of Representatives took."

We hear exactly the same arguments today. First, that the budget point of order is a mere technicality. It is, however, Madam President, something more than a technicality that a budget point of order that was waived last November for a $22 billion bill, might not be waived for a $30 billion bill. In the mind of this Senator at least, who may not have been here long enough to consider several billions of dollars to be a mere technicality, that difference is a profound difference. It is all the difference in the world and overwhelmingly merits a real debate over a point of order and an upholding of that point of order so that this bill can be reduced to being at least roughly the same size it was when it left this body the better part of a year ago.

When a bill is produced, as this one was, not just by one party, at least before the last meeting last Sunday night, but only a handful of Members of even that party, when it includes matters that were not earlier debated, when it excludes matters for which both Houses voted by significant majorities, something is wrong with the procedure and another debate is more than appropriate.

Madam President, this Senator hopes that there will be an agreement involving the majority party and the minority party which will outline and limit both the number of amendments which ought to be considered and the time during which they ought to be debated.

This Senator feels that there is a very real possibility of such an agreement. But if there is not, that we should avail ourselves, as our rights as Senators, to reexamine a number of significant provisions in this bill.

In fact, it seems to me that the very delays on the part of those who say we must pass it in exactly the form in which it was passed by the House, have increased public scrutiny of the bill, have increased public criticism of much that is in this bill, have increased the demands from all across the country, as well as from Senators on this side of the aisle, that we get down to passing a bill which actually does something for our law enforcement and which does not just scatter money widely across the land for whatever any individual Member thinks might have been a good idea.

When we end up in this bill with more than $1.5 billion for a program identical to a program which was proposed as a part of the notorious and unlamented stimulus agreement a year and a half ago, with no changes other than the preamble—then for economic recovery now for crime control—we are not dealing seriously with the fiscal concerns of the people of the United States of America.

Madam President, for this bill to be acceptable, a wide range of programs in the bill which are not directly related to the safety of our people in their homes, on their streets, in their schools, must be removed. We must be serious and focused in our attentions in this bill. And then, Madam President, in the quiet before the storm here early on this Wednesday afternoon, I, at least, express my confidence that we are going to get that opportunity; that Members will be allowed to vote.

I hope—I do not know whether I am correct in this regard or not—that one of the strong law enforcement provisions which can be restored to the bill is one which the distinguished occupant of the chair, at this point, introduced and, I believe, passed unanimously through the Senate relating to violent crimes by juveniles and allowing them, to a greater extent than is the case today, to be tried as adults when they have acted as adults and endangered and wounded and killed people just as adults will.

I hope that is one of the opportunities that we have because it is certainly an example of one of the strong antiviolence provisions of the original proposal in the Senate that simply disappeared from this bill during the course of the meetings of that secret conference committee between the House and the Senate.

Madam President, this Nation needs a crime bill, but it does not need just any crime bill. It needs one that will attack the problem successfully and well, more than by simply a splattering of money across the landscape.

This morning, there was a report on a national network from Kansas City, MO, with a very, very high crime rate, in which the police officers are simply overwhelmed and need more members. The chief of police had discovered, however, that the promise of 100,000 new cops on the beat was a hollow promise, a promise which my jurisdiction, when I was attorney general of the State of Washington, had it extended any further, would have been required to bring a suit to enjoin false advertising, a promise of 100,000 new police officers, with a big asterisk that the beneficiary pay 25 percent of the cost the first year, 50 percent of the cost in the second year, 75 percent of the cost in the third year, and all of it thereafter.

The response there, and the response has been from many of my law enforcement officials, if we had that kind of money, we would have already hired those police officers. But we certainly cannot do it on a partial Federal subsidy for 3 years, a period of time basically that it takes to train them to be good, effective police officers, and then be left with the entire cost ourselves.

This was a promise that was made that is not kept in this bill.

Lord knows, we could have kept that promise with less money than is in this bill if we had switched money from many of this wide range of other programs into this one. I think that you will see, when amendments are proposed, there will be money taken out from projects that looked good to Members on this side of the aisle, that were sponsored by Members on this side of the aisle, as well as those programs which were added either on the other side of the aisle in this body or in the House of Representatives.

We need a lean, mean anticrime bill. This Senate is likely to vote very quickly this afternoon on whether or not that is what we are going to get.

The people of the United States are up in arms over what was sold to them as a crime bill and what they now understand is very largely a pork bill. I look forward to the debate on specific amendments. I look forward to a defense of specific elements in this bill when we can vote on them individually on their own particular merits.

I strongly suspect that there will be a bipartisan majority, joining Members of both parties in this body, to restore crime-fighting measures, to remove money measures which could not pass on their own merit and were hidden away in this bill in hopes that they could be passed without debate, without careful examination.

If we do that, if we follow that kind of debate, we, first, will be responsible to the citizens who sent us here, and, second, we are likely to end up with a bill that I suspect the President will end up signing and saying, my gosh, they improved it still more in the Senate than they did in the House.

The pretense that somehow or another to change one thing in this bill will kill it is exactly that. The pretense that it is perfect at the present time so that we should not touch anything in it is just exactly that. The pretense that it is not filled with pork is just exactly that. And the pretense that it does everything that needs to be done to strengthen the hand of our law enforcement officers is just that.

We have an opportunity to change pretense into reality, and to pass a very good anticrime bill if it is allowed to be amended, as I believe it will, during the course of today and succeeding days.

Mr. BIDEN addressed the Chair.

Mr. BROWN. Will the Senator yield for a question?

Mr. GORTON. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. GORTON. Madam President, I have not yielded the floor.

Mr. BROWN. I asked the distinguished Senator to yield for the purposes of a question.

Mr. BIDEN. I did not hear that part.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. BROWN. There is included in the bill some $6 to $7 billion in spending, often called pork barrel spending but the advocates of that spending describe it as preventive spending. The Senator has a long career in the legal profession, particularly as a prosecutor. How much crime will be reduced by the $6 to $7 billion in new spending that is included in the bill?

Mr. GORTON. My own estimate, I say to my colleague from Colorado, is very little. But I must confess, to a certain extent, that is only an estimate because so much of what is in this bill either duplicates existing programs or is entirely untested that it literally seems to me simply to be a blind throwing away of money in the hopes that somehow or another crime rates might somehow be affected.

I find this particularly strange, I can say to my colleague, from Colorado, because of the fact that there are now being funded, in part by money from the Federal Government, a number of crime prevention programs which have been of demonstrable value in reducing crime. One of them, one particularly close to the heart of this Senator, is the Byrne grants for multijurisdictional drug task forces. Here we had, as recently as January of this year, a proposal by the President of the United States in his budget to wipe them out, to cancel them after 3 or 4 years of increasing success. No single item in this year's budget exercised law enforcement officers in the State of Washington, I know from firsthand experience, and law enforcement officers from across the country as did the cancellation of these Byrne grants. And with a bipartisan majority, ultimately they were restored, first, cautiously in a budget resolution and, ultimately, as recently as last Thursday or Friday, by the appropriations bill for the Justice Department to a point at which they will be increased over last year.

It was a wonderful coincidence for this Senator because that great restoration took place just as we had headlines in newspapers in eastern Washington about a magnificently successful major drug bust conducted by the very teams that were being funded in part by these Byrne grants.

But in a bill that was going to cost ultimately $33 billion, was there anything more for Byrne grants? No. No. Just a whole bunch of new sets of ideas.

There is another program, still new, called weed and seed—aid from the Federal Government to roughly 20 major cities across the country, of which one is located in the State of Washington, which brings together law enforcement officers and various social welfare agencies that zero in on high-crime neighborhoods. It has been a marvelous success in the city of Seattle, and I am told it has been an equal success in a number of other cities across the country. Why not add to a successful experiment like that with respect to crime prevention efforts?

These are only a couple of examples of where we know that this kind of work could work. But instead, where we have 266 job training programs, we will add a 267. We are going to have I think about 155, or we have 266 juvenile programs, and we are going to add two or three more. There is no study of which of those work, no relation, no figuring out what we should add to because it is already highly workable. It is just another set of programs of that sort.

The National Community Economic Partnership, what has that to do at this point with crime prevention? Would we have passed at a time of burgeoning budget deficits a $270 million brand new grant program totally untied to crime statistics at all had we voted on it separately, individually? I think not. But one of the things that we will attempt to do during the course of the rest of this debate by sustaining a point of order is to let the Senate of the United States vote specifically on whether or not its Members think that is the way in which we ought to be spending money.

Mr. BROWN. I might say to the Senator that the contention by the advocates of this pork barrel spending that it would reduce the crime rate flies in the face of our experience. Since 1960, we have seen welfare spending explode from $30 billion to $230 billion, and at the same time we have seen the crime rate not go down but go up, over tripling in that same period.

Mr. GORTON. Almost, I might add, by looking at the chart at the same rate.

Mr. KERREY. Will the Senator from Colorado or Oregon yield for a question?

Mr. BROWN. I might simply follow up that comment with a question. What proof is there——

Mr. BIDEN. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. BROWN. That pork barrel spending will indeed result in lower crime rates?

Mr. KERREY. Will the Senator yield for a question?

Mr. GORTON. I just did. I would like to answer the one that I already yielded to.

Mr. KERREY. Will the Senator yield for another question?

Mr. GORTON. I will after I have taken care of this one.

I think the question asked by the Senator from Colorado was whether or not I have any indication with my background that these programs which we have attacked as spending programs are likely to have a significant impact on reducing crime rates. My response to that is any such question obviously can be answered in any way. Certainly, the experience of the last 20 or 30 years, as outlined on the chart there, would indicate that to so believe that would be a triumph of hope over experience that literally dozens or hundreds of these programs in the past have not been accompanied by any lessening of the crime rate, and to think that doing more of the same thing, particularly by doing it in an uncoordinated fashion, is going to have a dramatic and positive impact on crime is to put it, at least, without significant proof.

I will be happy to yield to the Senator from Nebraska.

Mr. KERREY. I have a very short question of the distinguished Senator from Washington, Madam President, and I suspect, by association, the distinguished Senator from Colorado.

The distinguished Senator from Washington is a lawyer and has a great deal of legal experience, probably has worked with a lot of charts, and knows that if this occurs, thus, this follows.

I am wondering if the distinguished Senator from Washington believes that just because I do a graph that has one line going up, and another line below is going up, that that means necessarily the first line follows the second. I suspect that it would be possible for me to take the very attractive chart of the distinguished Senator from Colorado and show the stock market increased over that period of time. I suspect the stock market would go up in real dollars.

I ask my friend, the distinguished Senator from Washington, would that mean therefore that the stock market went up over that period of time and that we can conclude that the stock market causes increased crime?

I would like to ask question of the distinguished Senator from Washington. He has the floor.

Mr. GORTON. Yes. I appreciate the question from the Senator from Nebraska.

My answer to his question is that, of course, he is correct; that from the point of view of logic courses that he and I both took when we began college, you cannot necessarily put two isolated factors together and show that they have risen or fallen at the same time together and say that one is the cause of the other.

I may say, however, that was not the question that I was asked by the Senator from Colorado. He did not ask me whether or not I thought that the increase in welfare spending had caused the increase in crime on his chart here. He asked me, in light of these two facts, whether I thought that another increase in welfare spending contained in this bill was going to cause a dramatic drop in the crime rate. My answer to that question was no. I was not asked the question whether or not I thought that his welfare spending chart was the cause of the increase in the crime rate.

In any event, the Senator from Nebraska gives me the opportunity to repeat the point for which I came to the floor; that is, there ought to be time in this debate, which essentially has gone on for 1½ years, I think, from the middle of last year when we first began to talk about crime, as to whether or not a number of specific programs in this bill are appropriately a part of a crime bill, or ought to be voted on separately, and whether or not a number of anticrime substantive measures, which were debated and passed by the Senate of the United States and dropped in this bill, ought to be restored.

The only way in which we can have that debate rather than an amorphous, generalized debate on the whole bill is to sustain a point of order raised under the Budget Act, or have a unanimous agreement that we will go to these amendments.

I am here simply to say that these are questions that we ought to allow to be debated in the context of specific amendments aimed at specific grant programs that are included in this bill.

With that, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I sincerely hope my friend from Washington—I wish he had followed the debate up to now like he says he wants to follow it from here on. I find this fascinating. I have always thought my wife, a former Republican, and most of my friends are Republicans, that Republicans grasp concepts as rapidly as Democrats do.

But I am finding that on every issue where the Republican minority, and the minority in the Republican Party, does not like what is going on, they conclude they need more time. I do not think they are really slower. I am sure that is not true.

I do not understand where my friend from Washington was as we debated these points the last 6 years. I do not know where he was the last year when we debated this very point that my brilliant friend—and he is a brilliant man with two advanced degrees, a very fine fellow from Colorado—is about to raise. We have debated that point.

The other thing is that I am also stunned at how so many people who have been around here for a while do not understand how the Congress works, do not understand the Constitution, and the way the process works here. The way the process works is we debate issues on this floor, in this body, that go into a bill that sometimes are not debated on the House side. And the House, golly, they sometimes debate particular aspects of a piece of legislation that we do not debate. That is why we have conference committees. That is the purpose of a conference committee because sometimes one body puts into a piece of legislation something the other body does not. Under the way in which the legislative process was designed to work in this country, instead of going back and repeatedly debating them and debating them on both sides of this Chamber, meaning this end of the Capitol and that end of the Capitol, we have a conference committee to resolve the differences. Maybe that is a surprise to people. I thought everybody knew there were conference committees.

I thought they knew the purpose of conference committees. My friend from Washington says "when this bill is acceptable." I have news for him: It is acceptable to 57 people here. Is that not an unusual thing? It is acceptable—right now. Right now, this bill, which we are going to be put through parliamentary hoops on, is acceptable. The appropriate thing, the proper thing, the precise thing my friend from Washington should say is: When this bill is acceptable to me, SLADE GORTON, and when this bill is acceptable to a minority of us, 41 of us, when we deign to accept it, then the majority of you can have it.

The majority of the House already said this was acceptable. The majority of the Senate is prepared this moment to say it is acceptable. But it is not acceptable. It is not acceptable to my friend from Washington, until he debates things which have already been debated. But it is not acceptable to him.

Second, my friend says things—as I said, I wish he had paid attention to the debate as closely in the past as he said he is going to in the future, because had he paid attention, he would know he made a number of factual misstatements. I will stand here later when he gets to come back to make it clear, if he wants to debate the points I am about to raise, where he is factually inaccurate. He said this bill went out of here—this crime bill—that was just a nice old bill he voted for. Golly, it got over there in that House and they did something different to it, and those old folks got together in that conference committee and they really jerked it around, and one of the results of that was that we cut law enforcement.

I would like to point out to him that we increased the amount of money spent on law enforcement from the bill he thought was a good bill, to the bill he is going to vote down, now by $1.3 billion. Factually, $1.3 billion more money in law enforcement—that was his phrase—now than in the bill he voted for.

Second, factually, we increased the amount of money for prisons $3.2 billion more than in the bill he voted for. This bill we are about to vote on, this conference report, if they ever let us vote, this bill has $3.2 billion more dollars than he voted for.

So if my calculation is correct, there is $4.5 billion more—if you count prisons as law enforcement—law enforcement money in this bill than the bill he thought was so good enough to vote for. So he is factually—not politically, not rhetorically—he is simply factually incorrect. I am sure some of his staff will call that to his attention.

Third, he says it includes matters that were not debated earlier. Guess what? Has he ever found any bill he has ever voted for—see, the public does not understand this because this is not their full-time job to do this. But what we ultimately vote on are not bills. We ultimately vote on conference reports. That is the only thing that ends up becoming a law—a conference report, which is something that the House and the Senate have finally agreed to. We do not have two different Governments here, where the Senate passes a bill and the President can sign the Senate bill, or the House passes a bill and he can sign the House bill. If that were the case, we would teach our kids in school, well, there are House laws and there are Senate laws. But there are not. I understand that one of the great Speakers of the House, Sam Rayburn, used to have a thing he called the "Rayburn board of education," to teach new Members about how the process works.

Conference reports are what we vote on. They are not amendable. Why do my friends think there is a Senate rule and a House rule that says once the conference passes a report and one of the two Houses, the House or Senate, votes for it that the conference is disbanded and they are legally not able to meet again, and then it is not amendable in the other House? I feel a bit insecure talking about the Senate rules with the man back here who literally knows them better than any man has in the history of this body—not this body, but the history of this body. I think he would sustain what I am saying, but he would say it in a more articulate fashion than I am.

I do not understand what these folks are talking about. They know full well you cannot amend a conference report. You can get a concurrent resolution correcting the enrollment at the desk and all this other malarkey, but you cannot amend a conference report without starting a whole new bill over again. They know that. Maybe they do not know it, in which case they now know it, and they will withdraw this approach they are taking. But if they do know it, then they know the truth of what they are saying. They want to kill this bill—or at least start from scratch again.

Madam President, I go back to the point made that police officers are against this bill. Again, for the 50th time, I will put in the RECORD the following number of pages listing all the law enforcement organizations—I will not take the time to read them again—that all endorse the bill.

My friend from Washington was a prosecutor. Maybe that is why he does not understand some of this, because he focused so much on prosecution. But the way in which cops always got help, the way in which he got help when he was a prosecutor, the way in which the States get help from the Federal Government for this law enforcement thing, is not the Federal Government says: By the way, we are doing away with the distinction between State and Federal jurisdiction and we, the Federal Government, from this point on are going to pay your bills. That is not how we do it. That is not how it has been done.

We say: You all need some help and here is the deal. We will put up *X* amount of money if you will put up *X* amount of money. We did that this year in something my friend from Washington, if I am not mistaken—and I may be—strongly supported, another $150 million for a supplemental appropriation in which my friend from West Virginia made sure the police got, and that is how we got it. And that said: Look, for every dollar you want from the Federal Government, you have to put up a dollar. For every single city, State, county, that came to ask for that money that got a penny from the Federal Government, 10 did not get it, because there was not enough money. So that is why we put more money in there.

Why all of a sudden is it, oh, my goodness, you mean to tell me we are not going to pay forever to pay for the salaries of police officers in our cities and the counties from the Federal Government? I mean, is that really what my friend from Washington thought? Holy mackerel, I am sure the staff will straighten him out on that and explain to him—or it may be that he thought that. I do not know. If you were not a local person asking for these moneys and you have never been involved in this, you might think that is what the Federal Government does. Madam President, the Federal Government does not do that, has not done that, is not doing that now. So what is the surprise?

Madam President, my friend says that these Byrne grants are important things. The bill he voted for, where there was $23 billion, had no money for Byrne grants. Yours truly, me, added a billion dollars in this conference report. How can he be unhappy with this conference report on the grounds of Byrne grants when that has a billion dollars in there when he was happy with the bill that went out of here that he voted for that had no money for Byrne grants?

I hope you can understand my sense of confusion here. I hope anybody listening can understand why I am a little confused. It astounds me. It astounds me that a man can come in and say this is a bad conference report because of Byrne grants, and the thing he said was a good deal did not have Byrne grants, and the conference report that he says is a bad thing has the Byrne grant money in it—$1 billion.

Now, Madam President, it was also pointed out by my friend from Washington State—and I will not take all the time to do all that I would like to respond to my friend from Washington—he comes along and he said, "Here is what I want to do." He said, "What we ought to do is we ought to just start this thing all over again from scratch."

Then earlier today, my friend from Utah, who does know all this stuff because he has been an expert on this and deals with it, spoke. It is his jurisdiction. Let me make it clear if it were a telecommunications bill or health care bill, I do not know much about it. I try to understand, but I do not offer myself as an expert. That is not my job to do every single day like this is in the Senate. I am pretending everybody should know everything. I wish they would pay more attention to the debate and not what someone tells them or what they read in the paper some advertisement they see. My friend says this bill is a product of the Democrats "bowing to the liberal wing of the Democratic Party."

Let me define the liberal wing of the Democratic Party. The liberal wing of the Democratic Party is now for 60 new death penalties. That is what is in this bill. The liberal wing of the Democratic Party has 70 enhanced penalties, and my friend from California, Senator FEINSTEIN, outlined every one of them. I gave a list to her today. She asked what is in there to every one of them. The liberal wing of the Democratic Party is for 100,000 cops. The liberal wing of the Democratic Party is for 125,000 new State prison cells.

The liberal wing of the Democratic Party is not the old wing I knew. So if that is what he defines as the liberal wing of the Democratic Party, then I suspect I would like to see the conservative wing of the Democratic Party.

There was another thing my friend from Washington said. I will cease after this. There is so much to say because there is so much misinformation going out on the airways now. My friend from Washington and my friend from Utah said, "This point of order lies," implying it lies because the bill is more expensive than the one that left here. They said: "That is a problem. We ought to get the cost down on this bill."

Let us do that. Get that cost down. They said they are not for anything that did not go out of here at $22 billion. That further confused me because remember when the House of Representatives got hung up on the debate about racial justice and the House of Representatives got hung up on the gun control issue and it looked like the conference would not meet because we could not get the House to agree to come and meet with us, my Republican friends wisely said: "Look. Those Democrats are not making any progress over there. So let us introduce our own bill." And there were big press conferences, and the press came to me and said, "What do you think of that new Republican bill?"

I went back. I thought I remembered that Republican bill that they signed. I do not know if everyone signed on, but they usually do everything together, to their great credit. I do not know how many they got. Maybe it was 40 or 41 on, or maybe all, or maybe 20. I do not remember the number. But a lot of Republicans said, "This is our alternative."

This is the last point I will make, and I will come back to these points after others get to speak. Keep in mind now what the premise of my friend from Utah, my friend from Washington, and possibly my friend from Colorado is: This bill just costs too much money. This conference report with $30.2 billion in a trust fund with real dollars over the next 6 years, that is just too expensive. We should have stayed with a trust fund proposal that was $22-some billion, even though the increase was because we added more cops, we added more prisons, and we added an extra year of commitment to the States.

Is it not kind of fascinating that my friend from Washington says one of the problems he has with the cop provision is we do not promise the States enough, right? Then we add an extra year so they have a commitment for even another year, and he says that one of the problems with this bill is it is 6 years long and it cost too much money, that we commit for too long down the road.

Keep in mind now, if the issue is money, and I would suggest there may be a little bit of—the fancy word we used in this body is being "mildly disingenuous."

I went and got the press release that was attached to the bill of my Republican friends when this conference report was stalled in the House. They had press conferences. They went on television. They went to the floor here. This is from their press conference what they released on June 30, 1994, just a couple months ago or 2 months ago almost now. Guess what the first thing it says in here, and I am quoting.

> The Republican proposal is a deficit neutral $28.24 billion 5-year plan.

I know my friend from Colorado is a bright guy and really is quicker with numbers than I am because he always has charts. That is a more expensive bill than the bill you say is too expensive to vote on because $28.24 billion over 5 years on an annualized basis is more than $30.2 billion over 6 years.

I find incredible the ingenuity of my Republican friends who say the conference report is too expensive, the only bill that made any sense was the bill that went out of here that was much less expensive, but in the meantime we propose a bill that is more expensive. Do you all find that confusing or is it just me?

When I regain the floor after everyone speaks here, I hope one of my Republican friends can explain to me how they could be for $28.24 billion in a trust fund over 5 years, against $30.2 billion for a conference report for 6 years and for a $22.3 billion bill for 5 years.

Again, I have to admit Republicans have always confused me, and I have to admit that particularly minorities within a minority of the Republican Party have confused me the most.

But make no mistake about it, my friend from Washington said, and I am going to get the exact phrase, "when this bill is acceptable," let me be the first to announce, because no one seems to listen, let me announce again the bill is acceptable to over 55 Members of this body. If they let us vote in the next 20 seconds, I promise them I can prove to them that 55 at least, and I suspect 63 or 64, but 55 people are for the bill. It is acceptable right now. But if they want to be petulant and it is not acceptable to them and they want to take their ball and go home, I understand. They can do that. That is the nature of the rules. But the bill is acceptable now, right now. If they let us vote by the day's end, it will be on the President's desk probably tomorrow, and 100,000 cops will start their way to the streets, 124,000 prison cells will start to be built, and tens of thousands of people's lives will be changed because they will not be in jeopardy.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BROWN. Madam President, are we rotating?

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. BROWN. Are we not rotating the speaking, Madam President, which I understand was the agreement with the Republican and Democratic leaders?

The PRESIDING OFFICER. There has been no order to that effect.

The Senator from West Virginia is recognized.

(Mr. CAMPBELL assumed the chair.)

Mr. BYRD. Mr. President, may I say to the distinguished Senator, I will not be long.

Mr. President, after Caesar had spoken in the Roman Senate, protesting against the death penalty, Sallust—meaning Gais Sallustius Crispus, a Roman historian who lived between the years 86 and 34 BC—in his report of the debate, writes that for the accomplices of Catiline, Cato, when called on by the Consul to speak, demanded that they be put to death under the ancient laws of the Republic. From Cato's speech, I quote only the following strain:

> Do you think it was by arms that our ancestors raised the State from so small beginnings to such grandeur. * * *
>
> But there were other things from which they derived their greatness. * * * They were industrious at home, just rulers abroad, and to the Senate chamber they brought untrammeled minds, not enslaved by passion.
>
> "* * * and to the Senate Chamber they brought untrammeled minds, not enslaved by passion."

Mr. President, I have listened to this debate as much as I cared to listen and as much as I could bear to listen at times. I have viewed and listened to it from the chair. I have listened to it from my office and viewed it on the screen, and I have listened to it at home in the evenings.

There has been a great deal of edification in my doing so. But there has also been, I think, Mr. President, too much of the use of political assault rifles. I think there is too much politics involved in this debate. That has struck me, as I have listened to this debate—the crossfire, the sniper fire, the political ambush. And that is not edifying, or informative, or instructive to the people who are watching their television sets throughout the land.

I would like, Mr. President, if I could, just for a few minutes, to speak a bit more seriously and soberly. I do not intend to engage in the Democrat-versus-Republican crossfire, the flowing of partisan charges and countercharges. I hope that I might bring a little more light than heat to the debate in the few words I shall have to say. And I hope that I shall speak with an "untrammeled mind, not enslaved by passion."

Mr. President, there are some Senators who would like to defeat this conference report by means of a 60-vote Budget Act point of order against its consideration. Such a point of order is indeed available to them under section 306 of the Budget Act. That point of order does not relate to the spending provided in this measure. Rather, section 306 prohibits the inclusion of certain budgetary matters in measures not reported by the Senate Budget Committee. Since this measure was not reported by the Budget Committee, yet reduces discretionary spending caps and creates a new category of spending, namely the Violent Crime Reduction Trust Fund, the conference report is subject to such a point of order.

The very same point of order as has been stated on this floor by numerous Senators could have been made against the underlying bill. The Violent Crime Reduction Trust Fund was included in that bill by a Senate amendment, which I offered on November 4 of last year. In fact, the very distinguished Senator from New Mexico [Mr. DOMENICI] and I discussed this very point before the amendment was voted upon in the Senate. The vote on the amendment was 94-4, with the same people who would now raise the point of order voting in favor of the amendment at that time. I might add, Mr. President, that among the cosponsors of the amendment were Senators DOLE, HATCH, GRAMM of Texas, MACK, THURMOND, DOMENICI, MITCHELL, BIDEN, SASSER, KERRY, DODD, DORGAN, CONRAD, D'AMATO, COHEN, LIEBERMAN, BRYAN, WOFFORD, ROBB, HOLLINGS, and LAUTENBERG. Let me go through that list again.

Among the cosponsors of that amendment were Senators DOLE, HATCH, GRAMM of Texas, MACK, THURMOND, DOMENICI, MITCHELL, BIDEN, SASSER, KERRY, DODD, DORGAN, CONRAD, D'AMATO, COHEN, LIEBERMAN, BRYAN, WOFFORD, ROBB, HOLLINGS, and LAUTENBERG.

To act as though this conference report creates some new unforeseen Budget Act point of order is a bit disingenous, to say the least. During the debate on my amendment, Senator DOMENICI stated the following: "I am sure the distinguished chairman agrees with me that the pending amendment violates section 306 of the Congressional Budget Act, which prohibits consideration of legislation under the jurisdiction of the Budget Committee that has not been reported by the Budget Committee. The section 306 point of order can only be waived by an affirmative vote of 60 Senators."

I then responded to the Senator from New Mexico as follows: "I want to be clear that a 60-vote point of order does lie against the pending amendment. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie."

Therefore, Mr. President, it should come as no surprise to any Senator that a section 306 point of order would have lain against that measure or would lie against this measure. We all knew that such a point of order would exist upon the adoption of my amendment, if the conferees agreed to retain it.

Now, that is the way it was.

And all those sayings will I over-swear;
And all those swearings keep as true in soul
As doth that orbed continent the fire
That severs day from night.

The trust fund is a novel concept which should be used only rarely, but crime in this country is a major, major crisis that justifies this approach and the conferees in their wisdom realized that fact.

With regard to the trust fund, as my colleagues will recall, the crime bill passed by the Senate last year authorized 77 percent of trust fund spending for strengthened law enforcement efforts—specifically, 50 percent for increased State and local assistance and strengthened Federal efforts to control our borders; and, 27 percent for State prison construction grants. The remaining 23 percent of the trust fund was authorized for spending on prevention programs. That was last year, when the Senate passed the bill.

The crime bill conference agreement on the floor today has a similar anticrime emphasis, with 77 percent of the trust fund authorized for increased Federal, State and local law enforcement efforts and, again, 23 percent for prevention programs. The only difference—the only difference—is the shift within law enforcement to provide even greater assistance to States for prison construction. In essence, this conference agreement acknowledges the fact that if we want the States to follow the Federal lead and mandate truth-in-sentencing, then we have to help by assisting the States with the funding to build more prisons.

In total, the crime bill conference agreement authorizes nearly $13.5 billion for law enforcement assistance, including $2.6 billion for increased Federal efforts and $10.8 billion for State and local assistance. Of particular note is $8.8 billion to hire additional police officers in communities throughout America; $1 billion to expand the popular and effective Byrne Formula Grant Program; $200 million for additional local prosecutors; $240 million for rural drug enforcement; and $1.2 billion to strengthen border enforcement.

Another $9.7 billion is included in this conference agreement for State prison construction grants and for the reimbursement to the States for the costs of incarcerating illegal criminal aliens.

On the prevention side, a total of $7 billion is included in this conference agreement to support drug courts, implementation of the Violence Against Women Act, drug treatment in State and Federal prisons, and the Local Partnership Act.

So, for those who come to the floor to oppose this crime bill conference agreement and suggest that it is laden with "social programs", let the record show that this simply is not the case. The conference agreement now before this body contains the same emphasis on prevention that my colleagues on both sides of the aisle supported by a vote of 95 to 4 just 9 months ago. Twenty-three percent of the trust fund will support prevention programs—programs that are primarily antigang in focus and which permit localities flexibility in their implementation.

For instance, the term "midnight basketball" has crept into the debate in a very disparaging way. Some State and local communities may prefer to use their grants for midnight basketball, or for 7 p.m. basketball, or 5 p.m. basketball or 6 a.m. basketball; others may want to use their grants for boys and girls clubs; and still others may use their grants for programs to prevent crimes against the elderly. These and others are qualified activities but are not mandates. In the final analysis, local communities—my home town of Sophia—will have the right to choose. They are the ones on the firing line.

This conference agreement provides greater budgetary control than did the Senate-passed bill last year, combined with greater flexibility to fund those programs through the annual appropriations process.

No element of the trust fund is off-budget and a separate sequester process is created to ensure that each year crime trust fund expenditures stay within the amounts provided in the act.

The conference agreement also allows the Appropriations Committees each year to transfer up to 10 percent of the funds authorized from any particular program to any other program. This gives the House and the Senate the opportunity in each of the next 6 years to examine carefully the various programs for which authorizations are provided in this act and to set the funding levels for them in the appropriations bill.

Certain Senators during this debate have stated that the savings in Federal civilian personnel costs, which were anticipated in the creation of this trust fund, will never occur. Therefore, they say that we are, in fact, going to be increasing the deficit if we fully fund the programs authorized in this act. That is simply not correct.

Mr. President, their "words are a very fantastical banquet—just so many strange dishes."

First, the Federal Workforce Restructuring Act of 1994 was enacted into law earlier this year. That is law. And that act sets annual civilian personnel reductions for the Federal Government for each of the years 1994 through 1999. I have here CBO's analysis of the effects of those personnel reductions which, as I have said, are required to be made by law.

The law says they will be made. That is what the law says. I cannot change it. Mr. President, you cannot change it. For that law to be changed, Congress must change it. That is the law. Until Congress changes it, that will be the law.

For 1994, according to CBO, Federal civilian personnel had to be reduced from 2,103,600 to 2,084,600 (a reduction of 19,000 positions); for 1995, such personnel reductions will have totaled 76,475; and by the end of 1999, total Federal civilian personnel reductions will equal 221,300, according to CBO.

Second, the CBO analysis calculates the annual budgetary effects which will occur from the above-stated Federal civilian personnel reductions.

Those reductions are going to be made. The law says so. They have to be made. How they will be made—by attrition, whatever—they will have to be made. That is what the law says. You cannot get around that law.

Now, what are the annual budgetary effects of those personnel reductions which are set in place by law?

Over the period 1994–1999, CBO estimates the savings will be $34.29 billion in budget authority and $33.59 billion in outlays.

Therefore, Mr. President, the facts are that we have enacted into law the Federal Workforce Restructuring Act of 1994 which, unless changed by law, will result in Federal civilian personnel reductions totaling 221,300 positions over the period 1994–1999 and these personnel reductions will result—according to CBO—in budgetary savings totaling $34.29 billion in budget authority and $33.59 billion in outlays.

The Violent Crime Reduction Trust Fund, which is authorized in the pending conference report, will receive annual deposits over the period 1995–2000 which will total $30.2 billion.

Let me say that again. The Violent Crime Reduction Trust Fund, authorized in the pending conference report, will receive annual deposits over the period 1995 to the year 2000 which will total $30.2 billion.

As one can see then, the savings over the period 1994–1999 from the Federal Workforce Restructuring Act of 1994 are more than sufficient to fully cover the entire trust fund authorizations contained in this act. Furthermore, there is no deficit spending in this act. There is no spending in this act at all. This is not an appropriations bill. The spending will only come about in annual appropriation acts.

Let me make clear that any Senator who has problems with some of the funding provisions of this legislation need not kill this bill to have his or her problems addressed.

This is not an appropriations bill. This is an authorization bill. Not one thin dime—not one—not one thin dime is appropriated in an authorization bill. This legislation will be without teeth, as far as funding is concerned, until the Appropriations Committees act each year to fund the provisions of this crime bill. Any Senator can address programs or provisions not to his or her liking at that time. "There are many events in the womb of time which will be delivered." So, Mr. President, if somebody thinks there is pork in this bill, let them offer an amendment to future appropriations bills to remove it.

That will be the time, this will be the place. That will be the legislation on which to act to remove any perceived so-called pork.

No special vehicle is needed for that. There is no need, may I say to my friends on the other side of the aisle in particular, there is no need to attempt to reopen this conference report to do that. Those claims are a ruse to disguise an effort to kill this bill.

If there is the perception that there is pork in this bill, the time to remove the pork is when the appropriations bills come before the Senate each year. That is where the funding is. That is where the money is and if there is pork, that is where the pork will be and any Senator may offer an amendment to remove it.

It is simply not accurate for any Member to claim that there is a need to take down this entire conference report because of dissatisfaction over some funding provisions. The appropriations process is still alive, it is well, and it still remains as a good vehicle and the proper vehicle for addressing the funding specifics of this crime bill.

So let no one hide behind dissatisfaction over one or two provisions in this important crime bill. There will be another turn at bat next year without totally killing this important legislation. I may have changes I will want to try to make at that time. Others may have changes. But, let us not be so insistent on perfection that we take down a major piece of important legislation—one of great benefit to the citizens of this Nation, many of whom have been terrorized by crime in our streets—on the thin, flimsy reed of needing to make a correction here and now. That claim is not justified and just not so.

Mr. President, the people of this Nation are watching this Senate. I hope they are. I hope they do not get turned off by the political sniping, the partisan firing of political assault weapons. They are not watching Democrats or Republicans. They are watching one of the bedrock institutions of their Government. Are we going to prove to them that inside the beltway here we live in a cocoon? Surely we have only to take note of the killing and crime that go on here in the District of Columbia where we meet at this very moment to realize that we have a horrific problem in this Nation concerning violent crime.

No wonder people have questions about the efficacy of their governmental institutions when we behave in this fashion. No wonder people are frustrated with this Congress. We dither and posture and we insist on having our own way while people out there are being brutalized, raped, robbed, and murdered by criminals. How can one claim to be tough on crime and then vote to hold up this bill on a procedural point of order—a point of order that was discussed when this bill was initially before the Senate and that was deemed not useful to raise because of the critical importance—the critical importance—of this bill.

That is why it was not raised. I said it could be raised. Mr. DOMENICI said it could be raised. But we deemed it of such importance at that time to pass the bill that it was not raised.

This is the type of posturing which will ultimately make the Senate an irrelevancy—ultimately make the Senate an irrelevancy—in the life of this Nation. If we cannot respond to the overwhelming violence in this Nation when people are afraid on the streets of their own communities and behind the locked doors of their own homes, perhaps we are already irrelevant.

If we cannot put aside our own small personal nits and picks, our fear of certain special interest groups, our fixation on partisan warfare for an issue as critical and as pervasive as rampant violent crime in our streets, then how do we dare call ourselves Senators?

How can we claim to be representatives of the people when the people's major concern falls upon deaf ears in this body and we trivialize the debate by putting political party first before the people, before the Nation?

In conclusion, let me repeat my endorsement of the crime bill conference agreement before the Senate today and urge my colleagues to support its prompt passage. Enactment of this crime bill will make a difference. It will authorize additional police officers to communities throughout America; it will strengthen Federal enforcement of our Nation's borders; and it will provide the prison beds to prevent the Russian-roulette release of violent offenders before they have served their full sentences.

Mr. President, crime is a terrible problem in our land. Our people fear for the safety of their children and their grandchildren. Metal detectors are becoming familiar fixtures at our schoolhouse doors. How shameful! Our prisons are overflowing. How long is this Senate going to wait to act? How long are we going to let the people "twist slowly in the wind" while we engage in partisan argumentation on this Senate floor? How long will we continue to let the problem of rampant, violent, criminal activity terrorize law-abiding citizens while our monumental egos lock in mortal combat?

Let us pause and remember the words of the Preamble to our Constitution:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Note the words "promote the general welfare." That does not mean the general welfare of a political party. It does not mean the "general welfare" of any one special interest group. Those hallowed words "promote the general welfare" do not mean the general welfare of any Senator's campaign for reelection to this body or to any Senator's campaign for the Presidency, or for any other office.

They mean the "general welfare" of the people of these United States.

Please let us stop this ruinous public display of partisan trench warfare on this floor. Let us remember why we are here, rise to the occasion, act like Senators, and do something that will help us all, regardless of party. There is nothing which would more "promote the general welfare" in the short run than to pass this worthy crime legislation.

People are dying. People are suffering. Lives are being shattered. It is time to come together, for our people, and let this measure pass.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I wish to pay tribute to the distinguished chairman of the Appropriations Committee for his thoughtful discourse. While we come to a different conclusion in this matter, his factual presentation was most helpful in the debate and it provides a basis for working together as we move forward.

Mr. President, I do not intend to take a long time, but I do want to lay before the Senate some of the reasons for raising the point of order. It stems from the fact the conference committee that was appointed was far more liberal than both Houses. Indeed, it drafted a conference committee report that is not only inconsistent with what the American people want but also inconsistent with what both the House and the Senate enacted.

Those are serious charges, but I think it is important for Americans to understand what was left out of this conference report. Let me be specific because it is important to understand that measures which were approved by overwhelming votes in the Senate and which had significant support in the House were just dropped from the conference report.

Included in the items that the conference committee simply omitted from the bill was the criminal alien deportation provision offered by the distinguished Senator from Wyoming.

This measure passed overwhelmingly in the Senate. It calls for the expedited deportation of illegal aliens who have been convicted of violent felonies. Let me repeat that. For someone who is convicted of a violent felony and who is an illegal alien, this provided for their expedited deportation.

The conference committee was so liberal that they left that out of the bill entirely even though this body overwhelmingly approved it. That needs to go back in. It needs to go back in not because it represents my view or another's view but because it represents the view of the American people.

The second provision, the Dole-Hatch-Brown Federal anti-gang provision. As the distinguished President is well aware, in Colorado we have had a number of gang members come in from California, gangs moving from Los Angeles to Denver and Aurora and setting up shop.

If you talk to the Aurora police, you quickly find that they not only know the names of the gangs and that the gangs are the same as the Los Angeles gangs, but the organization is similar. They have literally moved hundreds of gang members from California into the Denver area. They sell drugs; they sell crack cocaine; they engage in a wide variety of violent crimes. There is an urgent need for Federal involvement to address the interstate nature of this violence problem.

One of the roles of the Federal Government is simple identification. Federal assistance in identifying gang members that are traveling across State lines to set up a nationwide gang system is a Federal challenge and ought to be addressed. That has overwhelming support. It was simply dropped by the conference committee. That does not represent the will of this body, nor the will of the American people.

A third provision is the Moseley-Braun prosecution of violent juveniles. This provision passed in the Senate and was dropped by the conference committee, again, defining itself as much more liberal than our membership or that of the House.

What did the Senator from Illinois want to do? She focused on mandating prosecution of violent juveniles as adults in those circumstances where they involved a Federal sexual offense or Federal crimes of violence with a firearm. In those two circumstances of violent crime she asked for juveniles to be tried as adults.

I remember the moving speech that she made on this floor. To take that amendment out and throw it away does not symbolize a real commitment to the wishes of this body or to strong law enforcement. Our distinguished colleague from Colorado, Senator CAMPBELL, has been a leader, both at the State level and the Federal level, in ensuring that those people who use a firearm in the commission of a crime receive strong, tough penalties.

I remember the Campbell amendment that strengthened and toughened penalties for people who misused firearms in that way. The Federal mandatory minimum sentences for using a firearm in the commission of a crime were dropped from our bill and not included in the conference committee's report. It was because the conference committee was far more liberal than this body. They did not represent us when they went to the conference committee.

Men and women of good conscience will disagree on the propriety of mandatory minimum sentences. But there is one such penalty that I find difficult to believe was dropped by the conference committee: mandatory minimum sentences for selling drugs to minors. People who sell drugs to our kids—that is what we are talking about—who sell drugs to our kids or who employ children in the drug trade, deserve a much tougher sentence. That was dropped by our conference committee—once again, far more liberal than this body and far more liberal than the American people.

When the bill left this Senate, it was paid for. There was a total of $22 billion in the crime fund and a $22.3 billion reduction in the discretionary spending caps. That trust fund that passed the Senate was paid for.

Let me quote a letter from the distinguished chairman of the Budget Committee which was introduced into the RECORD on August 22 by the chairman of the Judiciary Committee. Here is a quote:

> Next, the violent crime reduction trust fund language reduces the caps on discretionary spending. This ensures that the Congress cannot use these savings for any other purpose. If any Senator sought to spend this money to spend in excess of newly lowered caps for any purpose other than the crime bill, then any other Senator could raise a point of order that would take 60 votes to waive.

That quote is from the Senator from Tennessee, the chairman of our Budget Committee. That is a very important point because our distinguished appropriations chairman referred to that trust fund and those caps.

Mr. President, the difference between the bill that is before us from the conference committee and the bill that we passed is not just in the amount of money; that is, this bill spends over $30 billion versus the one that left here which was $22.3 billion. The difference is that our bill was paid for and the committee report is not. How is it not paid for? Two years of spending are added during which the discretionary spending caps are not lowered.

So two things are different about this bill as it comes from the conference committee than when it left the Senate. When it left the Senate every penny it spent was paid for by lowering the caps. As it comes back to us, 2 years of spending are added where there are no caps—$6.5 billion in 1999, and $6.5 billion in the year 2000. That is why people have problems with this bill. It is different than what left the Senate. It is not paid for.

I have heard the President on television a number of times talk about how strong a bill this conference report is because he holds it out that it is paid for. It is not paid for. If the President wants a bill that is paid for, he is going to favor the amendments that will be offered after the point of order is made and upheld. If the President means what he says, he does not want the conference report kept in its current form.

That is why there was no need to offer a point of order when it left the Senate: it was all paid for when it left the Senate. When it came back, it was not paid for.

There are some additional changes that occurred. I will not go into all of them. But let me simply sum it up by saying this: What we have before us is dramatically different, and it is dramatically different because it left out some of the strongest anticrime provisions that were included in the Senate. The omission of these tough penalties is a result of the conferees simply ignoring the wishes of the Senate.

That is why this bill has been fussed about in the House and the Senate. It is why it has taken far longer to pass than it should have. It is because we have conferees, theoretically representing the Senate, that have simply forgotten their obligation to the Senate and have not stood up for the specific provisions that we insisted upon once, or even twice. Is this a way most legislatures do business? No; it is not. The State legislatures of most States operate conferences in a dramatically different way. Let me be specific because these are fair changes that we ought to institute here.

First of all, we should demand that the meetings be open. No secret sessions should occur. We should demand that conferees give notice of when they are going to meet. That was not done here either. Members met in secret without public notice.

Third, Colorado and most States allow for minority reports. That is, if the conferees are not able to agree in conference, they allow someone who is not in the majority in the conference to send back a minority report. The purpose of it is simply to make available to the body an alternative so that the bodies can work their will. It is a device to allow the majority in both the House and the Senate to make itself heard. That is not within our rules. And it is a tragedy because it leads to circumstances like this where a bill comes back from conference that not only does not represent the will of the Senate, but does not represent the will of the American people either.

And lastly, there is a dramatic difference that exists between the U.S. Congress and Colorado and most State legislatures. Conferees are normally limited to the scope of the differences. Keep in mind what happened here: This bill came out of the Senate spending $22.3 billion. It went to the House, and they made it $27 billion. It goes to conference, and they compromised on $33 billion the first time and a little over $30 billion the second time. I suppose if you have a sense of humor this appeals to you. To say my position is $22 billion and your position is $27 billion and we are going to compromise on $33 billion or $30 billion may show a lot for your flexibility. But it does not show a darned thing for your math.

This conference committee, so far to the left of this body, ignored the clear wishes of both the House and the Senate. As a consequence, the conference committee denies the House and the Senate the ability to make their will. That is why this point of order is being offered, to simply allow people to vote on the real issues and let the majority of both the House and the Senate work their will.

The real underlying problem with this is the breakdown in our conference system, a breakdown in the system that denies the majority to work its will.

Some have replied that Republicans are trying to stop this bill or slow the bill down. Nothing could be further from the truth. I want a vote on this bill. I want a vote on the real alternatives, and I want to get on with it. I think the American people deserve a strong anticrime bill.

Mr. President, the facts are these. Only 1 out of 10 serious crimes results in imprisonment in this Nation. If there is a question as to why you have a breakdown of law and order, it is because there no longer exists the certainty that if you commit the crime you will do the time. As a matter of fact, 9 out of 10 serious crimes do not result in imprisonment.

We have established the opposite of certainty of punishment. We have adopted a system that provides a high probability of no punishment. Three out of four convicted criminals are not incarcerated. This is part and parcel of why ignoring the mandatory minimum sentences is such a serious matter that ought to be dealt with.

Mr. President, I want to draw the attention of the Members of this body to the chart that I have on my left. It has been suggested by a number of Members of this body that the $6 billion to $7 billion of pork barrel spending in this bill would reduce crime. In fact, it is called that; it is "crime reduction or crime prevention money." The suggestion is that if you spend more money on welfare or programs of this kind, you will reduce crime.

Mr. President, let me acknowledge that there are many good programs, and some could well have that impact. But to suggest that the key to reducing crime is to increase this kind of spending simply is not borne out by the facts. Most State legislatures, when they come up with spending programs, will do something more than just pass them. The conscientious legislators will ask the proponents of the program: Tell me what results you expect. They do not just put the rhetoric out there. They say: Write it down for me. Put it in figures. Whether it is $5 billion more, $6 billion more, or $7 billion more, how much will that reduce the crime rate? What specific results do you expect from the expenditure of public money? That is good budgeting and good common sense. When you spend the taxpayers' dollars, you specifically identify a goal that you expected to accomplish.

The thesis is that this additional spending of $6 billion to $7 billion would reduce the crime rate. Ask yourself what our record has been. Since 1960, welfare spending in the United States has gone from $30 billion up to $230 billion. It is much higher right now. If the thesis that higher spending on welfare items and on Government social programs were the key to reducing the crime rate, you would expect almost an eightfold increase in welfare spending to have reduced the crime rate. If that were your thesis, you would expect almost an eightfold increase would have wiped out crime entirely. What happened to crime? The crime rate tripled at a time when welfare spending exploded almost eightfold. The crime rate tripled.

Mr. President, I am not suggesting that the increase in welfare spending caused the increase in the crime rate. I do not know of strong, valid proof that would show that. But I do know that those figures are relevant to show that an increase in Government welfare programs and an increase in Government social programs are not the key toward reducing the crime rate. There is no other conclusion. If you honestly believe that we can solve this crime rate simply by more spending, please look at the facts. The facts indicate that it has not worked, and I do not believe it will work.

Mr. President, some have said these pork programs can accomplish some good. Let me go through some of them.

The Local Partnership Act is included in the conference report. This is a proposal by Representative Conyers for an economic stimulus. The bill that he introduced, H.R. 5798, which this provision was lifted from, does not even mention crime. Let me emphasize that. The bill does not even mention crime. It was put on the crime bill, frankly, because it could not pass on its own merits. It involves $1.6 billion, and in the words of the original Conyers bill, the legislation is to address "declining social services."

I ask Members to consider whether or not they think this $1.6 billion really is going to reduce crime.

The Model-Intensive Grant program. That is a creative label. It spends $625 million to find meaningful alternatives to crime. This may include a new recreation center in some lucky Member's district, or improved public transportation, or almost anything else you can think of—except criminal punishment. Could some of the money go for a good purpose? Certainly, it could. But should we not, as guardians of the public money and as those who take people's hard-earned savings away from them in taxes, demand specifics before we hand out the dough?

The Family and Community Endeavor Schools Grant Program. This provides $243 million for academic and social development, and educational, social and athletic activities, nutrition services, mentoring programs, and parental training programs. It provides $243 million.

Mr. President, if these programs were the key toward reducing crime, why have the ones we have tried not worked? We have 154 job training programs on the Federal level on the books now—154. I know of nobody who comes to the floor and says they are a ringing success, that they have solved the problem of unemployment. If 154 Federal programs for job training have not worked, why will three new ones in this bill make the difference? The truth is that what is missing is not more Federal grant money or Federal training programs. What is missing is far more serious than that: it is real crime control.

The Community Schools, Youth Services and Supervision Grant Program. This one gives $567 million to private community organizations. The money is earmarked for supervised sports programs, extracurricular, and academic programs, including entrepreneurship, cultural, health programs, social activities, arts and crafts, dance programs, tutorial, and mentor programs. The money can also be used for renovation of facilities. Once again, there is no clear objective and no clear indication of what we are going to get for the funds. Once again, there is duplication of existing services.

There is the Assistance for Delinquent and At-Risk Youth which provides $36 million to fund activities to increase the self-esteem of such youth, assist such youth in making healthy and responsible choices. Mr. President, we have described almost every desirable, nice attribute we can with all these new spending programs. But, once again, they duplicate ones that are in existence, and they lack any clarification, any clear goals or any significant, long-term record of achievement of those goals.

The National Community Economic Partnership gives away $270 million in taxpayer dollars to encourage private investment in distressed local communities. Private investment is encouraged with $270 million in "nonrefundable lines of credit."

Ask yourself: are Government handouts to encourage community economic partnerships the answer to crime?

The key to economic prosperity is not Government handouts. If it were, our growth rate would be the greatest in the world. Think about it for a minute. If the real key to economic progress, either in the inner cities or the Nation as a whole, were more Government handouts and national community economic partnerships and Government subsidies, then why have we not had runaway growth in the last several decades? It is because we have had runaway Government handouts and runaway Government spending.

The truth is that real economic progress is not the product of Government handouts and subsidies. If it were, we would not have a problem to talk about. The truth is real economic growth comes from rewarding people for hard work, allowing productivity and incentive to foster in the society, and letting Government eliminate the regulations that impede the creativity of each individual.

This measure is not a blueprint for increasing economic activity. It is another failed program.

Other pork includes the saturation jobs program, again duplicating 154 existing programs, midnight sports leagues, supervised sports recreation programs, and funds for recreational facilities.

Many of these sound good. But we ought to at least allow a separate vote on these items. We ought to at least ask ourselves if they are real crime prevention measures, how much crime they will prevent, how they will reduce the crime rate, and what we expect from them.

Almost all of these programs duplicate existing programs that have failed, that have not done the job, that have not reduced the crime rate.

It does not mean that we give up. It does not mean that we do not try. But, Mr. President, I personally believe it is appropriate to ask Members to at least vote on these programs. I personally believe it is appropriate to put back into the anti-crime bill the tough penalties and the mandatory minimum sentences that can make our streets safer.

People who use a firearm in the commission of a violent crime ought to do additional time. This crime bill should not be simply an excuse to hand out more Federal money, but it ought to reflect our commitment and our conviction that the safety of our streets is important and worth protecting, that it is far more important than a simple pork barrel bill, that it is far more important than simple Government handouts.

Mr. President, I intend to vote to sustain the point of order if it comes forward. I intend to vote for responsible amendments to put the crime bill back into the form both by Members of this body and by the House intended it to be in.

The President said the crime bill was paid for. We ought to make sure it is paid for. The President talked about 100,000 new policemen. Critics have pointed out that there is only enough money in the bill for 20,000 policemen, not 100,000, and that money is phased out over time. I do not accuse anyone of bad faith coming up with the 100,000 number.

My own estimate is that the difference lies in the ancillary cost, the cost of training policemen, the cost of equipping the policemen, the cost of providing the car, the salary increases and fringe benefits.

I think it would be foolish to think that we are going to get 100,000 new police officers. But I do think we ought to have a chance to work on that, so that we can actually make it happen.

One alternative that I hope will be considered by this body is the suggestion that I received from the mayor of Denver just recently. He suggested we use some of the money for policemen to provide overtime pay to their existing police force which is already trained, already equipped and which can work overtime. By using some of this additional money for overtime pay, we can circumvent the extra costs and make the dollars go further.

And last, Mr. President, let me say this: it is not unreasonable that people who act in good faith and good conscience will come to different conclusions about crime. That is not to suggest that one side has a monopoly on the truth. The truth is that compassion and assistance at times can well be helpful. It is also true that tougher penalties must be used as well.

If we are to solve this problem that goes to the very core and the very heart of American society, we have to be willing to move in both directions. But we must insist that those who represent this body in conference are true to the Senate. We must insist that the conference bill reflects the will of the Senate, the will of the House, and the will of the American people.

The bill, as it comes from the conference, does not do that. The bill, as it comes now from the conference, has eliminated many provisions that the American people strongly support. It includes a number of pork barrel handouts that the American people strongly oppose, and I do not believe we do our job properly if we do not address these issues to make a good, get-tough crime bill.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, the statement I will give to you—but I must say I was listening very carefully to the distinguished Senator from Colorado. I would like to respond to some of the things that the distinguished Senator said.

I have a great deal of respect for the Senator from Colorado. He and I earlier this year both went into the tank on a specific proposal to cut spending, a proposal for which I have been rewarded still with letters from constituents who say they may never vote for me again because of the cut proposal that I put in there. So I appreciate his leadership in that regard.

Let me say, Mr. President, that one of the promises that I made to the people of Nebraska is to do something about crime. Thus, I have spent a lot of time with law enforcement officers, police chiefs, sheriffs, county attorneys, prosecutors, defenders, people who work with children, judges, school teachers, parents, and community leaders. I have spent a lot of time, and I must say that one of the most difficult things that you have with crime is there are not any clear answers, there are not any real simple easy solutions.

But there is one thing I am quite certain about, and that is that the people of Nebraska, if they read this bill, would not judge it to be liberal. Indeed, I expect, and I already know, in fact, that the liberals in Nebraska, particularly those who work on the defense side of the equation, are opposed to the bill. They do not like the death penalty provision. They do not like the mandatory minimum provisions. There are a lot of things in this bill they do not like.

I can understand why a liberal will come to the floor and say "I am against this bill." I would greatly respect that conclusion. I must say I do not understand how someone who says "my philosophy is conservative" comes to the floor after reading the particular bill in question. I know there are liberals in Nebraska who oppose this bill because, in fact, it does take a very tough stance on law and order and, as a consequence, they will have opposition, and I respect and appreciate that.

Second, Mr. President, I heard the distinguished Senator from Colorado talk a lot about the pork in this proposal, particularly the $6 billion over 6 years program for prevention. I noted with great interest that the distinguished Senator from Colorado did not talk about accountability for the money we are spending on prisons or the money we are spending on law enforcement, both of which are about 80 percent of this particular piece of legislation.

As I said, when I talk to law enforcement people in the State of Nebraska, they are not sure any of it is working. I heard a very rock solid conservative chief of police in Grand Island say to me the other day when talking about this piece of legislation which he supports say," I have been arresting people for 30 years and thrown them in jail. I am not sure any of it is working any longer."

This question of accountability, what works and does not work, is not just in prevention. It is also in the area of prisons and law enforcement.

I think an honest person would come to the floor and say, "We are not sure what is going to work. We know that something needs to be done. We know action needs to be taken. Gosh, we do not know."

I, indeed, point out that colleagues are concerned on the preventive side, unlike the law enforcement side and prison side, because of concern for accountability.

We have written in on page 64 language that says that all grant applications have to have specific measurement accounts for youths served by the program. We do not have that kind of outcome requirement for law enforcement or for prisons. We do put it, I think quite appropriately, given the imprecise nature of the programs on prevention area.

The distinguished Senator from Colorado says this bill does not express the will of the American people. I hope we have the debate. My advice to the majority leader is do not lose this debate. Let us come down and look through all 33 titles. Let us read to the American people. Let us tell them what is in this bill. Let them decide, do they want Republicans and Democrats to come together and vote for this piece of legislation?

I must say, based upon my conversations with people in Nebraska who want a conservative approach to law enforcement, and I will speak to that later, I must say my reading of this bill there may be things in there they do not like.

I indicated earlier I expect liberal Nebraskans are going to oppose this bill. They, in general, will say, look, you made a good-faith effort to listen and try to put something in place that will change the way things are going and make our streets and communities safer.

I hear the distinguished Senator from Colorado talking about changes that were made in the House having to do with criminal illegal aliens, gangs, prosecution of violent juveniles, and minimum mandatory sentences. I support all the things that distinguished Senator from Colorado was talking about.

But I say to Americans who are watching this debate, do not believe, by implication, that there is nothing in this bill dealing with criminal illegal aliens or gangs or prosecution of violent juveniles or minimum mandatory sentences.

Again, I say, I expect that liberal Nebraskans in fact will not like titles 13 and 14 and 15 that deal with all of these things.

Again, I hope that the citizens of this country have the opportunity to look at this piece of legislation. I hope this debate provides them with the opportunity to carefully examine it. Is it perfect? No. Do we know what works? Unfortunately, we do not have good guidelines to make absolutely certain this is going to work.

I hear the distinguished Senator from Colorado say, "Well, this is not paid for and that is why I am going to vote against it."

Well, on that basis, there are 100 votes against the defense authorization. On that basis, there are 100 votes against the transportation authorization. It should not come as a surprise to Americans—certainly not the distinguished Senator from Colorado, who, as I said earlier, joined with me, or I with him, going in the tank earlier this year recommending specific lines of $95 billion total of reductions in authorizations—it should not surprise Americans to discover that that goes on with every authorizing piece of legislation.

Mr. President, this debate is about crime. In Nebraska, it is the No. 1 problem for the majority of the people. It is a problem, as I have alluded to, without easy answers. It is a problem which places our moral beliefs into conflict with our need to feel safe in our homes and to feel safe when our children walk to school.

Crime is a problem whose heroic stories are mixed with failures, tragedies, terror, and disgust. It is a problem where the soaring spirit of mankind comes crashing down to earth. We walk away from American crime scenes shocked and dismayed.

It is a problem, Mr. President, which has drawn us to debate one more time a comprehensive crime bill. Given the difficulty of passing this bill, you might guess it to be monstrous in size, complexity, and costs. It is not.

Measured by size or complexity, it is smaller and simpler than the Republican health care bill. In length, it is 368 pages, Mr. President. It contains 33 titles. It is understandable, even by those of us in this body who are not lawyers.

Measured by total dollars spent per year, it is smaller than virtually all of the 13 appropriations bills passed by this Congress each year.

For all the hoopla about pork and waste, the Violent Crime Control and Law Enforcement Act of 1994 authorizes us to spend an average of $5 billion per year, ranging from a low of $2.4 billion in 1995 to $6.5 billion in the year 2000. That average figure is less than one-third as much as we spend per year on foreign aid; less than one-half the amount we spend on the farm bill; and one-ninth of the amount we will spend just to cover the increased cost of Federal health care programs.

If you compare the volume of our speeches about crime or the demand from the citizens of our States to do something about crime with the amount of money we are including in this bill, you are bound to ask what all the huffing and puffing is about. You might ask why we are creating a special trust fund for crime when we do not for foreign aid, or the farm program, or health care? You might ask why, when we are finally debating an issue where Americans are willing to spend money, do we suddenly become unanimously concerned about the deficit?

The simple answer to all three is that we are confused. Uncertainty is the order of the day, even for those of us who have spent a lot of time asking questions and listening to the answers of Federal, State, and local law enforcement officials, prosecutors, defenders, judges, juvenile advocates, educators, and parents explain what they fervently believe needs to be done.

In spite of that confusion and in spite of the high-decibel dispute going on in the Senate this week, this crime bill is noteworthy because in Nebraska Republicans and Democrats agree more than they disagree about what needs to be done. While some here are using this issue for political purposes beyond coming to the aid of the men and women who are fighting the battle against crime, at home there is a lot more consensus on this issue than with most others.

There is consensus in four key areas.

First, there is consensus amongst Nebraskans that our laws must be tougher on the criminals and more understanding of the victims. There is consensus that delays in carrying out punishment or leniency in granting parole has weakened the chain that holds in check the violent impulse of intentional crime.

That is why this bill provides stiff new penalties for violent and drug crimes committed by gangs. It triples penalties for using children to deal drugs near schools and playgrounds. It enhances penalties for crimes using children, and for recruiting or encouraging children to commit a crime.

That is why this bill expands the Federal death penalty to cover about 60 new offenses, including terrorism, murder of law enforcement officers, large-scale drug trafficking, drive-by shootings, and carjackers who murder. It mandates life imprisonment for criminals convicted of three violent felonies or drug offenses. It increases or creates new penalties for over 70 criminal offenses, primarily covering violent crimes, drug trafficking, and gun crimes.

Nebraskans feel like we are being suckers when it comes to immigration enforcement. That is why this bill provides expedited deportation for aliens who are denied asylum. It increases penalties for smuggling aliens and for document fraud. It provides new money for border patrol agents, asylum reform, and other immigration enforcement activities.

Nebraskans of both political parties believe that victims of crime need help. That is why this bill allows victims of violent and sex crimes to speak at the sentencing of their assailants. It also requires child molesters to pay restitution to their victims. And, it prohibits diversion of victims' funds to other Federal programs.

The second area of consensus in Nebraska is that we must come to the aid of our local law enforcement officials in order to increase the likelihood that criminals will be caught, thereby decreasing the incentive to violate the law in the first place. And there is consensus that crime is not a problem confined to our urban areas.

That is why this bill authorizes about $2 billion per year in multiyear grants to be made available to State and local police efforts, including a special provision for rural law enforcement. This is a relatively small amount given the challenges faced by our community police force. The most legitimate criticism of this program is that it is too little and too late to save lives already lost.

There is also consensus that our Federal crime fighters are being asked to do more and more with less and less. That is why this bill authorizes about $500 million per year for the FBI, the Drug Enforcement Agency, Immigration and Naturalization Services, the Border Patrol, the U.S. Attorneys, the Treasury Department, the Justice Department, and the Federal courts combined. This is a rather small pat of butter to cover a rather large piece of toast we have given these agencies in the form of new work to do.

Forty-five percent of this bill's authorization is for law enforcement. Of the $30.2 billion total over the entire 6-year period, $13.5 billion will be available to city police departments, sheriffs offices, courts, prosecutors, and public defenders. If you include the spending for new drug courts that nearly everyone believes is needed to enforce our drug laws, then half of this bill's spending is on law enforcement.

The third area of consensus is that Nebraskans believe we need to change our prison policies. Nebraskans want violent criminals behind bars. They want to build and operate prisons and incarceration alternatives such as boot camps. They want to make certain that sentences are carried out as advertised and, they do not want criminal illegal aliens to be let off the hook.

That is why this bill authorizes about $1.3 billion per year in grants to States to build and operate prisons and incarceration alternatives. That is why this bill authorizes $300 million per year in grants to States for the costs of incarcerating illegal aliens.

Of the total spending in this bill, 32 percent will go to build new prison and incarceration alternatives and operate existing ones. This means that $8 out $10 spent by this bill will go for law enforcement, prisons, and drug courts. Why this is not seen as a major victory for Republicans who have been arguing in favor of this course for years is beyond me.

Fourth, at home there is consensus that we must try again to prevent crime before it occurs. In the words of Omaha Police Chief Jim Skinner "our boat is taking on water."

To be clear, the demand for spending on prevention is as strong with law enforcement officers as it is from social workers. That is not the only difference between prevention in the nineties and social programs in the sixties. In the nineties we do not excuse the adolescent criminal's behavior with theories about society's failure. We do not indulge weaknesses with talk about it being someone else's fault.

We insist upon personal responsibility from parents who must teach the values which are the first line of defense against crime. We require bench marks and taxpayer accountability. We understand the need for demonstrable progress to keep the citizens's trust.

That is why the $1 billion per year available to local communities is allocated the way it is. This is not a top-down effort. This is a partnership which begins with the local community putting forward a plan and matching money. Rather than a Washington-knows-best approach, this crime prevention begins at home.

Before you assume this money is going to be wasted listen to the list of community efforts to be supported. I heard my friend from Colorado list some in a disparaging fashion. I would love to have a debate about each and every one of them. I believe it is important for the American people.

This bill funds community schools for after-school weekend and summer safe-haven programs to provide children with positive activities and alternatives to the street life of crime and drugs.

At almost every townhall meeting, almost every meeting I have with citizens in Nebraska, it is this kind of program they talk about being needed. It comes from law enforcement officers.

This bill funds local efforts to fight violence against women and children. Women and children are the most vulnerable targets of violent crime. Both in and out of the home this American problem is a top priority of urban and rural law enforcement officials.

This bill funds local partnership action for anticrime efforts in drug treatment, education, and jobs; model intensive grants for model crime prevention programs targeted at high-crime neighborhoods; community corporations to stimulate business and employment opportunities.

Again I heard it disparaged earlier. Mr. President, there is no better solution for the problem of crime than finding an individual a job that provides that individual with the dignity, to feel as if he or she has some worth.

This bill provides funding for drug treatment for State and Federal prisoners and crime prevention block grants to be used as local needs dictate.

As I said earlier, crime prevention is not an exact science. There are very few proofs which can be offered to skeptical taxpayers. There are very few guaranteed successes. In truth, any person who enters this field must be prepared for the wrenching pain of failure. Crime prevention is most definitely not for the cynic or the faint of heart.

Still, there is not a community in Nebraska where leaders are not working on projects to fill the holes in the leaking boat. They know the first step is to strengthen the family. They know we must help our children grow up with the values of hard work, discipline, deferred gratification, and, most important, respect for the property of others. They have tough-minded ideas to go with their compassionate hearts. They need a Federal partner, and this bill gives them one.

Contention is not absent from the Nebraska consensus. Two issues stand out. First, a strong, dedicated, and principled minority believe passionately that the death penalty is neither morally justified nor a deterrent against the kinds of crimes which it is applied.

I confess I am not morally comfortable with executions. And I am not persuaded of this penalty's capacity to deter. My decision to support the public taking of a life is based on one belief: In some cases it is the right punishment; in some instances it is appropriate for the crime.

Second, an equally dedicated and principled minority believe that a ban on the manufacture of assault weapons is an unreasonable and unnecessary restriction of Americans' constitutionally guaranteed right to bear arms. While they do not oppose the prohibition in this law of the sale or transfer of a gun to a juvenile or the prohibition of gun sales to, and possession by, persons subject to family violence restraining orders, the ban on assault rifles looks like a dangerous first step on the road to a ban on all guns.

I have concluded this ban on 19 specific weapons, and weapons with specific features, does not represent such a step. For the 1 percent of the crime victims who are on the receiving side of these weapons, and for the police whose lives are at risk, I have concluded this restriction is both necessary and prudent.

However, I also need to be clear that I will defend the right of Nebraskans to own and use guns safely. I do not believe the second amendment is an archaic principle clung to by fanatics and nut cases. I believe it is just as necessary and proper right to extend a free and independent people in the late 20th century as it was in the 18th. Further, I believe that gun ownership is itself a deterrent to crime which is commonly overlooked and understated by too many enthusiasts of gun control.

There is one last specific concern about the assault rifle provisions of this bill which I need to raise on behalf of Nebraskans who worry that this law could be overreaching. The Bureau of Alcohol, Tobacco and Firearms helped compile the list of features that could result in the banning of hand guns, rifles, or shotguns that should not be banned. If this bill becomes law, I intend to hold hearings next year to determine if this definition is too expansive.

The problem of crime will not be completely solved if we can get beyond the political posturing and pass this bill. Instead, we will begin to make a realistic try. Crime is a problem with a solution. Do not think it is not. But do not think we are going to solve this one without doing a lot of things differently.

Crime used to be a problem for other people. You know, it was a big city problem. No, it was an inner-city problem. A problem we could ignore because it was not affecting us in a personal way.

Lately, however, crime has been getting very personal in Nebraska. When a woman is afraid to take a walk at night in Memorial Park in Omaha, crime is getting personal. When parents are afraid to send their child out on Halloween in Central City or out to play in Pierce, crime is getting personal. When North Omaha children sleep on the floor because of drive-by shootings, when South Omaha students talk about friends who have died of gun battles, then crime is getting personal.

Not only is crime becoming personal, its face is changing. A decade ago when the news carried the picture of a person accused or convicted of a violent crime, the image was of someone we did not know. It was a stranger's face. Cartoonists could, and did, draw the stereotypical unshaven, grisly looking character we all loved to fear.

Lately, the faces are becoming more familiar. Lately, they are looking more and more like our own children. Lately, we are not only afraid for our children, we are afraid of them.

That is why there was so much support for the punishment meted out by Singapore authorities, against an American teenager. Caning is tough medicine. In truth it is a method of torture.

It is just as true that American adults and their families are being tortured by teenage hoodlums, gangs, and thieves. We are too often being tortured by children who have become predators showing no regard for the property, privacy, of the rights of others.

This crime bill allows us to begin to take a different direction with crime. It says we have been too lenient with criminals of all ages. It says we have not enforced the discipline children need to distinguish right from wrong. It says that respect for others must be taught, and if it is not learned, disrespect will be punished.

I urge Senators to support the conference report and oppose the Gramm point of order. Nebraskans and all Americans need the changes provided in this legislation, and they need them now.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I will try to be very brief. First of all, I intend to vote for the point of order, and I look forward to voting on a number of amendments that are likely to come forth if, indeed, an agreement is recognized.

It is rather amusing that we should be criticized on this side of the aisle for attempting to improve the crime bill since that is exactly what happened on the House side in the process of reaching an accord. And that accord was reached as a consequence of a number of Republicans joining in a bipartisan effort to improve the crime bill.

I will add, Mr. President, that improvement came directly as a result of the reduction of some of the so-called pork programs that are in this legislation. Why should we not in this body have that same right? Clearly, we should.

I am going to dwell on something a little different from points made by some of my colleagues. This bill, as it stands now, adds \$13 billion to our Federal deficit. I have not yet heard a satisfactory explanation as to how we are going to pay for that. It is simply added to the deficit, and I think the American public is beginning to wake up to the machinations of this bloated Government.

An individual, obviously, can add to his credit card, he can write a check, but he must pay. The Federal Government goes through a budget process, then when it needs it simply adds to the deficit. That addition, in this case, is some \$13 billion.

What have we done in this bill? We started with a Senate crime bill that cost \$22 billion. It went over to the House and was increased to \$29 billion. It went to the conference and increased to \$33 billion and was revised once more and was brought down to \$30 billion. You would think that a compromise would suggest somewhere in the area between \$22 billion and \$29 billion. No, it was not. It was \$33 billion, now down to \$30 billion.

The conference report is one I cannot support, even considering the modifications made by the other body, and I object to the bill for a number of reasons. I think that there is not a tough enough position taken on crime. It has become a means for those who care more about the criminal than the victim. A bill that funds so-called "feel-good" social pork under the banner of "Let's get tough on crime."

You can see the pork in this, but one would ask, "Where's the beef?"

The bill that the President called the toughest, the smartest crime bill ever would have put as many as, it is estimated now, some 16,000 Federal inmates already tried and convicted back on the streets. I will tell you, people in my State do not support that. Not only that, they do not support this crime bill. Our calls have been running 95, 96, 97 to 1. I checked yesterday. We had about 130 calls condemning the crime bill, one in support of it.

If we are going to put these criminals back on the street, what do we really accomplish? It would have made it harder to convict child molesters and rapists. It dropped mandatory community notification of the whereabouts of recently released violent criminals. It dropped mandatory HIV testing of rape suspects. Fortunately, the other body was tough enough and smart enough, as I said earlier, to cut 3 billion dollars worth of pork and force some of these important provisions to be added back to the bill.

I think we need to be tough and smart in the Senate today. As I have said before, when the bill left the Senate it authorized \$22 billion in Federal spending, fully offset—fully offset—by savings from Federal employee reductions.

Well, whether those Federal employee reductions would really ever occur is another question, but at least they identified the funding. When the House added the \$7 billion in spending, the conference added another \$6 billion, as I said, and the revised conference cut \$3 billion.

We are still looking at a bill that is \$8 billion—that is right, \$8 billion, with a big "b"—more expensive than what the Senate passed. Now, \$8 billion later, some Members on the other side of the aisle have said let us stop using the so-called technicalities to change the bill. They are referring to the fact that this bill violates the Budget Act and it takes 60 votes to waive the Budget Act.

Suddenly, it has become convenient for some Members to claim that the Congressional Budget Act, the only method we have to control the deficit—the only method to control the deficit—is somehow a mere technicality. I suggest, what a convenient argument.

Was it a technicality when many on that side of the aisle relied on a similar Budget Act violation to kill a bipartisan effort by 53 Senators to gain control of the deficit by creating a legislative line-item veto? Was it a technicality when they used a similar Budget Act violation to kill a bipartisan effort by a majority of Senators that would have prevented raising the defense budget to pay for social spending?

Mr. President, the American public should not be fooled about so-called technicalities. Raising a point of order under the Congressional Budget Act is the only tool we have to prevent—to prevent, Mr. President—unlimited deficit spending. As all of my colleagues should recognize, the crime bill that left the Senate did not increase that deficit. But the bill that has emerged from conference almost certainly increases the deficit and, I have said, by as much as some \$13 billion.

So in the rush to get this crime bill to the President before Labor Day, I ask, have we forgotten the deficit and the debt? I remind my colleagues that just a month ago, the Office of Management and Budget released its midseason budget review. That report has not been discussed here to any extent, but it should, because that report contains some devastating news about the deficit, news that should keep us up perhaps all night around here as we address our responsibility for fiscal responsibility. It not only showed that the deficit is going back up next year, but that because of higher interest rates, the Government is going to spend an additional \$125 billion—\$125 billion on top of the \$1.173 trillion we already pay—for interest—interest, Mr. President—over the next 5 years.

I was a banker in my former life. We lived on interest. It is like having a horse that eats while you sleep. It goes on and on and on. It is taking a bigger chunk out of our budget—14 percent. Canada—do you know what the Canadian budget interest costs are? Over 20 percent of their budget.

Let us reflect back in December 1980. What was the prime rate in the United States? It was 20.5 percent, December 1980, prime rate. Rates are going up today. If the 1980 rate was applied to the accumulated debt of this Nation today, we would be looking at nearly a third of our budget going to pay interest on the debt. So do not say it cannot happen around here. Oftentimes, what goes around comes around.

Let me leave you with one more statistic, Mr. President. And we are talking about the pork in this bill and the $13 billion of deficit spending. Two years from now interest on our national debt will exceed all spending—all spending—on defense.

That is how far we flip-flopped. Interest does not provide one job. It does not provide any inventory. It does not provide any plant expansion. It simply has to be paid.

So, Mr. President, as we address the reforms on this side, I want to take all the pork out. I want prisons. I want capital punishment. I want what we need to take care of the criminal problem. I am not concerned about midnight basketball. If you want midnight basketball, I think it is appropriate that the States and cities address that. Should that really be a responsibility of the Federal Government? I think it is fine to have all the activities you want, but is it an obligation of the Federal Government? I do not think so. But I think building prisons is. I think having harsh penalties that criminals can understand in advance are, and habeas corpus, which is not in here, unfortunately.

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. I would like to go ahead and finish because I am just about through, and then I would be happy to yield.

So I would ask the President if a mere $13 billion increase in the budget deficit is a technicality. I do not think so, and I do not think the American people believe it.

The simple fact is that this crime bill as it is structured now does not do the job. The bill in reality pays for some 20,000 new policemen nationwide. That is about one new officer for each police department in the Nation. And the problem with it is that the Government picks up the tab on the first 75 percent the first year, 50 percent the next year, the next year it is the other way around, the Federal Government picks up only 25 percent of the tab and in the fourth year that obligation falls on the local government entirely.

In my State of Alaska, every year we have, unfortunately, some 660 people out of 100,000 victimized by serious crime—car theft, larceny, rape, murder. This crime bill is too weak, in my opinion, to make a real difference, and in the opinion of the people in my State who are addressing these problems.

So who is going to benefit? Well, we know that a few politically connected big city mayors—15 of them—are going to benefit from discretionary grants handed out by the Attorney General. Over $5 billion was cut in the $13 billion Senate-passed prison construction bill—$5 billion cut. We need more prisons. The compromise report passed out of the other body actually cut an additional $800 million from the first conference report. My State of Alaska ranks first in the Nation in the cost of corrections and 12th in the Nation in incarceration rates. Prison construction is important to my State and was an important element of the bill the Senate passed. Now there is not even a guarantee that the $7.9 billion remaining will actually go for a sufficient number of prisons. And, of course, the administrative costs are going to come out of that.

Some of the new social programs in this bill sound good but not after it becomes clear that these programs really rob resources from really tough law enforcement programs while increasing—increasing—the deficit, Mr. President—we are not paying for it.

I want the Senate to vote up or down some of these unnecessary programs. The crime bill should not spend $50 million on social workers or a quarter of a billion on community development when the real need is someplace else.

I also want the Senate to vote up or down on important provisions the Senate already agreed to but were dropped along the way.

Nonpermanent aliens convicted of violent crimes should be deported. That was stripped out of the bill. We should insist on tougher Federal penalties for violent street gang crimes. Juveniles who commit Federal sexual offenses as well as other Federal violent crimes ought to be tried, in my opinion, as adults, and we should insist on enhanced mandatory minimum sentencing for selling drugs to minors or employing minors in the drug trade.

But when middle Americans see what they are really getting, that is, a weak crime bill at a price we cannot afford—and we cannot because we are adding to the deficit—they are going to be angry with Congress. They are angry now and rightfully so.

Finally, Mr. President, the conference report contains a ban on certain firearms, and as one who hunts, I am very familiar with these. Unfortunately, it is a ban based on the characterization—I repeat—the characterization of the firearm's appearance, not its functional capability. A ban that is clearly in conflict with the constitutional guarantee that the citizens of this country have the right to bear arms.

The constitutionality of this measure in the face of the second amendment has already been discussed at great length. I would like to see a vote. I want a vote on the right to bear arms with no limitations. We want to see our Members stand up and be counted on this as we should and not hide behind a charade.

Frankly, in my opinion, Mr. President, that is reason enough to oppose the conference report. But even in the absence of this provision, this is simply not a tough crime bill. This is a political bill, and we all know it. This is a bill designed to provide a little political cover for some 30-second TV ads. In my opinion, Mr. President, it is a travesty to ask the American people to pay some $30 billion for that. And that is an additional $13 billion added to the deficit. As a consequence, Mr. President, I urge my colleagues to reject the conference report.

I yield the floor. I would be happy to respond to my friend from Massachusetts.

Mr. KERRY. Mr. President, I thank my friend. I know the Senator from West Virginia has been waiting, and I do not want to disturb the order here. I will wait to respond to a number of issues raised by the Senator. But I really want to raise the most important issue here to dispose of the reality of where we are.

The Senator says that this is not funded and it increases the deficit. I ask the Senator whether or not he has read the conference report, specifically pages 319 through pages 321, in which it is very clearly set out as a matter of law that these reductions must take place; that the money can only be appropriated exclusively for this purpose to the levels set and that unless it is appropriated it cannot be spent.

Now, is the Senator aware of that?

Mr. MURKOWSKI. The Senator is aware of that. The bill does not cap expenditures each year. And I am sure—

Mr. KERRY. That does not in and of itself add to the deficit.

Mr. MURKOWSKI. If I may respond—

Mr. KERRY. That does not in and of itself add to the deficit, does it?

Mr. MURKOWSKI. On the contrary. I would like to have a chance to reply. It certainly does add to the deficit, because there is absolutely no spending cap certain years. And as a consequence, I wonder if the Senator from Massachusetts can identify where it is going to be paid for, specifically, how the $13 billion that is the spending caps and it is an additional amount, not offset specifically by the reduction in Federal employees and not controlled by caps, will be paid for. As far as I am concerned, Mr. President, the Senator and I can debate this in a year from now or 2 years from now and we will, I think, agree we have added $13 billion to the deficit.

Mr. KERRY. Let me ask the Senator, is the Senator from Alaska insinuating or accusing directly or stating that the distinguished chairman of the Appropriations Committee, the President pro tempore of the Senate, who just gave a long address on the Senate floor articulating how this is paid for under law, is he suggesting that that distinguished Senator has misled the entire Senate and the country?

Mr. MURKOWSKI. The Senator from Alaska would respond by specifically stating that there are no caps in certain years and as a consequence——

Mr. KERRY. That is not what I asked the Senator.

Mr. MURKOWSKI. Without the caps, in replying to the Senator from Massachusetts, there is no guarantee that there is adequate ability to offset that additional $13 billion that is just hanging out there.

Mr. KERRY. The Senator from West Virginia——

Mr. MURKOWSKI. We went from $22 billion to $30 billion and the caps were in place 5 years in the Senate bill.

Mr. KERRY. I would say to the distinguished Senator, Mr. President, that this talk about the caps is smoke screen, subterfuge, smoke and mirrors. It is the whole process here. The Senator from West Virginia, the chairman of the Appropriations Committee, has made clear to the Senate and the country that as a matter of law this is paid for by reductions of 252,000 employees. The Senator from Alaska and his friends come to the floor again and again, and they just want to say something and make it true even though it is not true.

I ask the Senator, is he saying the Senator from West Virginia has misled the country in his comments in the Chamber?

Mr. MURKOWSKI. I respond by simply stating the fact that we have an accumulated debt of $4.6 trillion. Now, did that occur by various members of the leadership or committee chairmen misleading us? I do not know how to explain to my friend from Massachusetts the reality, but we have accumulated $4.6 trillion worth of debt. Our deficit this year is $170 billion. How did that occur? It occurred through the good efforts of 100 Senators trying to be responsible. But we are irresponsible in the sense that we are dedicating some—well, it is roughly 14 percent of our budget—to interest on the debt. Now, how did that occur?

Mr. KERRY. Mr. President, I would be delighted——

Mr. MURKOWSKI. It occurred through efforts similar to this.

Mr. KERRY. I would be delighted to answer the question of the Senator from Alaska. When President Carter left office, the debt in this country was less than $1 trillion. When Presidents Reagan and Bush left office, indeed, the debt of this country was over $4 trillion. For the first time in the history of this country since Harry Truman was President of the United States we can now say that we have had the third consecutive year of deficit reduction.

It came about through a reduction bill that every single Republican said was going to bankrupt the country, would not provide new jobs, and was not going to be real deficit reduction.

I ask America. Who do you want to believe? Do you want to believe the people who told you the sky was going to fall in last year when we passed the budget, but nevertheless we have the deficit reduction? Do you want to believe the distinguished chairman of the Appropriations Committee who said this is funded? Or do you want to believe the Senator who just stands on the floor and says we have this debt?

How did it happen? It happened under the watch of President Reagan and President Bush, and I might add with the complicity of the Congress. But never once did they veto those appropriations bills.

So I do not think it is very hard to find the answer for how we got where we are. The question is how we are going to get out of here with this crime bill.

Mr. MURKOWSKI. If I could respond to my friend, I would state the fact and the reality is—he can agree or disagree—the Government is going to spend an additional $125 billion on top of the $1.173 trillion to pay for interest over the next 5 years. Is he suggesting that figure is inaccurate? Because it is not.

Mr. KERRY. No. I am not suggesting that.

Mr. MURKOWSKI. Or that figure occurred because of deficit spending? I would hope he would acknowledge that.

Mr. KERRY. Mr. President, here is the game. We are going around in circles. I asked a question. Is the Senator misleading? We still have not had an answer. I pointed out where in the law it is paid for, and he is talking about interest on the debt. I understand interest on the debt. I supported Gramm-Rudman-Hollings. I have been prepared to vote for balanced budget laws. Let us get it done. But this bill will not increase the deficit. To come out and tell Americans that is going to happen is just incorrect. It is the game that is being played here.

I will await my turn in line. I thank the distinguished Senator from West Virginia. I thank my colleague.

Mr. MURKOWSKI. If I could respond, I would simply challenge my good friend. The position of the Senator from Alaska—if I may respond—is that the first $22 billion was paid for when it left here. There is no way to identify specifically how it is paid for now.

So I simply do not accept the generalization of my good friend from Massachusetts who is claiming that somehow, through a magic reduction of Federal employees, which I think in our lifetime we have yet to see, it is going to suddenly occur and make up this difference.

I would suggest that reality dictates that is not going to be the case. We funded $22 billion. Now there is $13 billion that is not offset. It is out there. We are going to add it to the deficit. We are going to be paying interest on it.

I thank the President. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Alaska yield the floor?

Mr. MURKOWSKI. Yes. I still would be happy to respond to any questions.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before yielding the floor to the Senator from West Virginia, let me say to my friend that I hear his passionate disagreement. But he is not just disagreeing with me. He is disagreeing with what he says. He is disagreeing with what the distinguished President pro tempore of the Senate said.

More importantly, I think he is ignoring what is already happening. There are less Federal employees today than—I think this is correct—since the time of President Kennedy. That has happened during the course of the last year and a half under the performance review. It is happening.

Senators can come to the floor and wish away these realities. But the American people do not want wishes and partisanship, they want facts. And the fact is people are being reduced today. The fact is there is a trust fund. The fact is this money must be appropriated each year. And the U.S. Senate will have to stand here and be accountable for what it does today. If we say we are going to reduce that debt, we can be held accountable in the future. The question is do we want to be?

Mr. DOMENICI. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from West Virginia was to be recognized.

Mr. DOMENICI. Will the Senator from Massachusetts yield for a question?

The PRESIDING OFFICER. Will the Senator from West Virginia yield to the Senator from Massachusetts to yield for a question to the Senator from New Mexico?

Mr. KERRY. I am going to stay on the floor, I say, and I would be happy to have a colloquy.

Mr. DOMENICI. I will stay also and give my remarks. I do not have to ask a question. I thank the Senator for his generosity.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, yesterday every American was made a potential victim of a grave crime. The perpetrators made no effort to conceal their motive or their weapon. They looked at the possibility of enacting an historic, desperately needed anticrime bill, and believe it or not, their reaction was to pull the trigger.

Today, we can only hope this was a temporary moment of insanity.

There is no excuse, no plea, no alibi that could possibly justify a band of Senators ganging up to kill an anticrime, antidrug, antiviolence piece of legislation that they heralded and voted for en masse—by a vote of 95 to 4—less than a year ago.

Nor is there anything subtle about this attack on the crime bill. Now that the stakes are human lives, we had better call it like we see it: Just a few too many Senators are thinking far too much about something called winning seats instead of defending streets.

Let us face it, this is a big election year. More Democrats are up than Republicans. Keep the crime bill from passing this Senate, keep the crime bill from the President's desk, and maybe you will score some points for Republicans.

But what about everyone else? Why worry about the people of our State who still will not be safe? Why think about our police officers who risk their lives every day for the rest of us, and who are begging the Senate to pass this bill? Why give a minute's thought to the criminals and the gangs still on the street, buying more Uzis, selling more drugs, mowing down innocent people?

Never in my wildest dreams did I think that pure politics could lead to this new, all-time low on an issue that is as fundamental as the safety and lives of the American people. How can anyone in the group of 95 Senators, who voted for the crime bill last November, explain this incredible retreat? Has political self-interest really come to this?

When I was listening to the debate last night, I heard at least one Senator ask why it matters if this crime bill sputters for a few days.

First of all, the Republican blockage against this crime bill puts the passage of a crime bill in grave jeopardy, period. The Senators blocking this crime bill have to decide right this minute whether they will let us protect Americans.

But let me point out the reason to get the hurdles out of the way. It is called human lives.

Again, just 10 months ago, on November 19, 95 Senators voted for the passage of this anticrime bill. And thanks to the heroic efforts of the Senator from Delaware, many of our colleagues in both Houses, and the President, we now have the final version, called the conference report, of a bill that is almost identical to the Senate version that those 94 Senators voted for.

In just 6 of those months, 1,829 violent crimes were committed in my State alone—1,829 violent crimes, between December 1993 and May 1994—36 murders, 183 rapes, 419 robberies, 1,191 assaults.

That is why every minute counts. That is why anyone blocking the passage of this crime bill cannot come up with a single excuse for putting politics over the safety of their constituents.

I say to the American people that we need your help. We need you to call your Senators who are forming the blockade against the crime bill to come out and vote for a bill to make you and your families and police officers and our streets more safe. Ask them a simple question. Will you vote to protect me and my family from the terror of crime? Will you do it today?

Every piece of this bill is urgently needed. It has got money to build more prisons for violent criminals. It will set up boot camps for people young enough who maybe can be kept from a lifetime of preying on others. It will slap longer sentences and tougher penalties on criminals that have no business being on our streets. It will put more police officers on those streets. And yes, this bill will give our communities, our schools, our States more funds and more tools to try to prevent crime and channel people into jobs, into classrooms, into places that may convince them that there is a better way.

This crime bill also retains the ban on a very specific list of 19 military-style assault weapons. This one provision, out of a comprehensive piece of legislation that deals with crime on many fronts, has generated the most conflict of all over this bill when it comes to its actual contents.

As the Senator of West Virginia, I understand the concerns about gun control. My State has a proud heritage of hunting and sporting. The vast majority of West Virginians are law-abiding, good people—and my obligation is to defend their rights to protect themselves and their liberties.

But I also feel a sacred obligation to deal with the changing world before us, with its new dangers that rage at our police officers and our people. This is the reason I have voted for this ban on 19 kinds of assault weapons. Because these guns are now, in today's world, the weapons of choice for some of the most dangerous criminals. We simply have to try and keep them from stamping out lives senselessly.

This bill does not say that a ban on military-style assault weapons will end crime. It will not even come close. But this part of the bill is just one of many, many steps we must take at every level, through government and as citizens, to defend ourselves from today's dangers.

West Virginians who worry about the possibility of more restrictions on guns will want to look at the part of this legislative package that actually protects more than 600 other kinds of guns in order to ensure our law-abiding citizens that these are guns that they can legally own and collect.

Police officers and sheriffs in West Virginia, and their fellow officers across this country, have asked us to include this ban on assault weapons. They fear for their lives as they try to defend ours. I think they deserve this response from all of us, as we pledge to give our communities and leaders the many tools—the funds, the punishment, the public commitment—in the rest of this bill to fight crime in every way we know how.

Mr. President, again, this is the crime bill that 95 Senators voted for last November. This is the crime bill that we're trying to enact today. It costs the same amount of money over 5 years that it cost last November, paid out of the same kind of trust fund that 94 Senators voted for last November. It includes virtually the same desperately needed measures to make our people and our police officers safer than it did last November. The only difference between last November and today is whether taking on crime or taking on Democrats is more important.

And the Senators coming up with dozens of reasons to hold up this bill know perfectly well that every single one of us had a chance to contribute to what's in this package and what isn't. This bill includes provisions and programs that resulted from countless hours of negotiation among virtually every Member of this body.

I am upset about this for a reason. My State needs this bill to pass, today, not tomorrow, not next week, not next month.

Most people do not think about West Virginia when they decry America's crime problems. Yes, the problems are much worse in other States and in the big cities. But we all know that crime has made its way to every town and neighborhood.

I have spent a lot of time recently talking about crime with the leaders and police officers and people of my State. In June, I held a statewide summit on crime to learn about the kinds of crime that are preying on our State and to talk about how together we can fight to stop it.

We in West Virginia are seeing our streets and our schools and our communities become less safe. We shudder along with the rest of America at the wave of killings and shootings that fill the evening news and our morning newspapers. We proudly still have the lowest crime rate in the country. But behind that one comforting statistic, West Virginia is experiencing drug trafficking, domestic crimes, gangs, and a startling increase in violent crime.

The people and law enforcement of West Virginia need this crime bill to pass today.

Listen to what Rufus Park, the mayor of Charles Town, WV wrote me:

> It is my strong conviction that the drug problem is much too great for us to solve on our own and with our limited resources, and that we must have assistance from the Federal level.

Listen to what Larry Starcher, a chief judge in Morgantown, wrote me:

> You have my support for the crime bill. While we may not agree with every facet of it, it is a needed piece of legislation—particularly more police officers.

I know that every single Senator has gotten these letters and phone calls from the people of their States who are on the front lines. We are hearing and reading the fears and the needs of law enforcement officials all over America. People who have every reason to expect that selfish politics shouldn't hold a candle up to public safety and to waging the fight against crime.

Those are the voices that we should respond to. Those are the people we should feel most responsible to. Mayors desperate for help to make their towns' streets safe again. Judges begging for the resources to make their courtrooms, once again, more than just revolving doors. Cops already overwhelmed by their jobs and asking for help. Teachers—and students—eager to make schools a refuge from the mean streets, not an extension. And everyday people tired of giving up their neighborhoods to thugs, and now watching a group of Senators throwing up roadblocks to a bill that may make a difference.

This crime bill will make a difference in West Virginia. Some of us worked hard to include grants for rural States like mine, so we finally get some help. There is $1.7 million in rural law enforcement funding in this bill for West Virginia. If we prove that we will keep violent offenders in jail, and we will, West Virginia can get $17 million for more prison space and boot camps. We are guaranteed $44 million to hire more police officers. Our courts and law enforcement officials can apply for grants to keep better track of crimes; beef up our courts; protect more women from the domestic violence that plagues our State; and help our communities with their different crime and drug problems.

At our summit on crime in June, West Virginians heard the tragic news that domestic violence continues to destroy lives and families around our State. This is another reason that passing this crime bill is so urgent. This package includes the Violence Against Women Act, a bipartisan proposal to help the victims of domestic violence. Here is another area where Senator BIDEN has extended steadfast leadership on behalf of Americans and the people of my State, and I am proud to note that I cosponsored his bill.

I have visited a West Virginia shelter for battered women and children, and talked to them about the trauma they have been through in their own homes. They need help and they have already waited far too long for that help. Passing this bill is the only way we can institute a series of steps, including $1.62 billion of real support, to protect and bring relief to these victims.

Since May of this year, two brutal murders occurred in West Virginia where one family member killed another. In one case, a small child watched as her mother was killed, and had to climb over the body to run for help.

How can anyone hear a story like this, knowing there's help for our communities to combat domestic violence, and stand in the way of passing this bill?

West Virginia can start winning the war on crime if and only if the Senate roadblock on this bill comes crashing down.

Mr. President, I am here to beg for sanity. The obstructionists are picking on the innocent. Nothing is worth denying the chance we have today to defend the safety of the American people.

If we are not allowed to pass this bill, things will only get worse. If a Senate blockade prevails, through a budget point of order, through threatening letters, through filibustering or cloture votes, the only winners—the only winners—will be the thieves, the gangs, the cold-blooded criminals that prey on the streets and schoolyards and backyards of every single State in the Union.

For all we talk about taking on crime, now we have a chance to really do it. We can put more police officers on the streets, and those police can be better trained and equipped. We can give judges the ability to keep truly dangerous people where they belong—behind bars—and serve their communities better. We can get to at-risk kids early and keep from them from becoming career criminals that just get carried along through the criminal justice system. We can protect women and kids from being victimized.

Americans deserve so much better. The people of my State deserve so much better. Around this country, citizens are struggling to protect themselves, their children, their fellow citizens. And here they watch a group of Senators protecting some kind of political edge or advantage that I don't even understand.

Mr. President, on behalf of the people I represent, I ask my colleagues to take down the roadblocks. Restore peace and sanity within these walls. Together, we joined as 95 Senators last November and promised help to our people against crime. Together, we must join again, right now, and keep that promise.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The majority leader is recognized.

Mr. MITCHELL. Madam President, I have had several discussions today with the distinguished Republican leader, the most recent one just a few moments ago, and following that discussion I am announcing there will be no rollcall votes today.

The distinguished Republican leader and I have had several discussions, the most recent one in which he presented to me a proposal for how best to proceed with this matter. That proposal was prepared as a result of a Republican Senators caucus held today.

I indicated to my colleagues that it would be necessary for me to convene a meeting of Democratic Senators tomorrow morning for that purpose, following which we will then be prepared to respond to the proposal.

So the debate will continue this evening for as long as the managers wish to do so, but there will be no rollcall votes, and we hope to have an announcement tomorrow morning with respect to the schedule.

I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, as the Senate prepares to take action on the conference report of the crime bill I add my voice to the chorus of those who will support final passage of the bill. It is clear that there is no issue more important in the minds of Rhode Islanders and Americans than the crime epidemic which currently plagues our country. The time for decisive, broad based, and meaningful Federal assistance is long overdue and I am pleased that the 6 years of work that went into forging this crime bill has produced a package which looks as if it will finally turn rhetoric into reality. And here very great and real credit must go to Mr. BIDEN, the Senator from Delaware. Our cities, towns, and neighborhoods will directly benefit from the increased law enforcement, relief from prison overcrowding, tightened and revamped sentencing, and prevention measures in this bill and they need this assistance immediately. If the Senate approves this conference report, I am confident that the President and the administration will act with due haste so that this much needed shot in the arm for our local crimefighting efforts will be administered as soon as possible.

Before I begin to speak to the broader aspects of the bill however, I feel that I must address some confusing and misleading information that has come out in debate today regarding the effect of the bill on a program in our capital city of Providence, RI.

On the floor and on news programs earlier today, it was said that according to the mayor of the Providence, RI, $3 million would go to a program which would have graffiti artists trained to be mural artists. I was not aware of this supposed actual example of what this bill is going to do in my home State, as it has been claimed, so I contacted the mayor's office and inquired as to what this was all about. The answer I received certainly cleared things up and I can tell the Senate unequivocally that this bill will not send $3 million to retrain graffiti violators into mural artists in Providence. Indeed, I ask unanimous consent that a letter I have received from the mayor of Providence, Buddy Cianci, on this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAYOR OF PROVIDENCE,
Providence, RI, August 24, 1994.

Senator CLAIBORNE PELL,
U.S. Senate
Washington DC.

DEAR SENATOR PELL: I am honored that members of the United States Senate have brought Providence, Rhode Island into the national debate regarding the Crime bill. However, there have been some misunderstandings that I would like to clear up.

When the Crime Bill is passed, Providence will not be spending $3 million a year to convert graffiti writers into painters of public murals.

We expect that our entire LPA allocation would be $3 million over six years. Only a small portion of the $500,00 we would receive annually would go to the graffiti program.

You should know that people who live in urban neighborhoods strongly support our efforts to rid the city of graffiti vandalism. Last October, I created a special task force to address this problem. In less than a year, graffiti on more than 1,000 homes and other structures in Providence has been painted over. Meanwhile, about 60 graffiti-writers have been arrested and convicted. The courts assigned these youths to the public service of cleaning graffiti from buildings in their own neighborhoods. To date, about 200 buildings have been cleaned by convicted youths. We have also begun to involve convicted graffiti writers in the painting of public murals in their own neighborhoods.

With LPAA funds, we will develop a comprehensive series of programs to reach socially isolated urban youths, and redirect them towards socially and economically constructive behavior—for themselves and their neighborhoods. We must all remember that it is much cheaper to turn around a teenage boy today than incarcerate a convicted felon tomorrow.

I trust that you will convey to your colleagues the importance of the work we have begun in Providence.

Sincerely,

VINCENT A. CIANCI, JR.,
Mayor of Providence.

Mr. PELL. Madam President, in brief, the letter states that Mayor Cianci had simply been speaking about the $3 million Providence is expected to receive under the Local Partnership Act title of this bill. He then stated that programs like the one already successfully in place in Providence which deals with graffiti violators in a constructive way would be an example of the kinds of prevention and intervention programs that could be allocated with some of these funds. It is absurd, irresponsible, and disingenuous to say that the entire $3 million would go to this one very small program and indeed the mayor firmly states that he has no intention of doing so.

The crime bill purposely, and I believe appropriately, has left the discretion for the use of such funds with the local jurisdictions that receive them for use as they see best. This is wise as I believe that the decisions on how best to deal with crime and develop crime prevention are almost invariably best left to local officials and citizens. In this case, I am confident that the able and articulate mayor of the city of Providence, Mayor Cianci, and his administration, who have incidentally done a fine job of running and managing Rhode Island's largest city, would use any funds received under this bill in an appropriate and fiscally prudent manner to combat crime. And again, should any Senator be concerned, I can tell you that he has told me that the entire $3 million he expects Providence to receive under the LPA will not be allocated to the graffiti program. Incidentally, this program is not a frivolous creation of this bill. It was established following the recommendations of a task force established by the mayor and it is one that is strongly supported by the residents of the city of Providence. I find it disheartening that some have seized on this program, distorted, and misrepresented its scope and the impact that the crime bill would have upon it and encourage my colleagues to stick to the facts in debating the merits of the crime bill.

Regarding the larger specifics of the crime bill, I note that much of the debate in recent days has centered on guns. Of particular concern to members of the National Rifle Association and those elected representatives who subscribe to their beliefs is the ban on certain assault weapons contained in the bill. I have long supported banning such weapons and am pleased that Congress has finally taken some affirmative action to curb the availability of these weapons whose primary and practically sole purpose is simply to kill people. Gun violence is out of control in this country and we must take measures to combat it. Should anyone doubt the prevalence of gun-related violence, I will include for the RECORD a chronology from the Providence Journal which is the latest in a monthly listing of incidents involving gun violence in the State of Rhode Island. The long and ever-growing list of incidents is numbing to read and further evidence that we must take steps to address the menace of guns in our daily lives. I am pleased that this crime bill takes the first steps toward doing so.

Regarding other provisions, I am pleased that this bill will provide for additional police officers throughout the country and that the concept of community policing, or the cop on the beat, is endorsed. I am also particularly pleased that the Violence Against Women Act is included in the bill and that we begin the effort to combat the all-too-common phenomenon of domestic violence in America. These and many other provisions make a serious and constructive effort to address crime at all levels.

I must also state however that this crime bill contains much that I do not particularly like. Most distressing to me is the drastic increase in the crimes for which the death penalty may be applied; an increase from the current 13 to 60. I do not believe in the death penalty and recall that the last time someone was put to death in Rhode Island, it was later shown that he was innocent of the crime of which he was convicted. Consequently, capital punishment has been outlawed in Rhode Island since 1852. I firmly believe that capital punishment does not serve as a deterrent and that in pursuing the death penalty the country is going down a path abandoned long ago because it is not only uncivilized but has also been shown to be ultimately ineffective and often administered in a discriminatory fashion.

Other issues which have troubled me in the debate over this bill include the endorsement of the three-strikes-and-you're-out provision in the bill and the heavy emphasis on incarceration and inflexible punishment rather than crime prevention. The non-sensical accusations that the prevention measures contained in this bill are merely social pork-barelling are truly irresponsible and shortsighted. As a society we must do more to address the root causes of crime and prevent it from happening in the first place rather than just locking people up and throwing away the key. Fortunately, numerous programs were preserved in the conference report and with them, we are headed down the path of truly dealing with crime in a constructive way.

In sum, while I may not like all that is in the bill, I support this bill because the good outweighs the bad. Inevitably when you are dealing with an issue as broad and as contentious as this, compromise is necessary in order to avoid paralysis and gridlock. I commend the President, the Judiciary Committee, and especially its chairman, Senator BIDEN, for their diligent and persistent efforts. Thanks to their dedication we finally have a bill which will truly take a historic step in our Nation's history in the fight against crime.

Madam President, I ask unanimous consent that materials detailing gun-related incidents in Rhode Island printed in the Providence Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal-Bulletin, Aug. 18, 1994]

1994: GUNS IN RHODE ISLAND

Throughout 1994, the Journal-Bulletin will publish a monthly listing of incidents involving guns. The list will be cumulative, allowing readers to see the total number of reported gun incidents for the year. Suicides and attempted suicides are included only if they occurred in a public venue and/or involved police.

Aug. 17: A man with a torn rubber glove over his face storms into a hair salon at 99 Lambert Lind Highway, Warwick, pulls a handgun from a paper bag, robs customers and employees and flees in a car later found abandoned at the Warwick Mall.

Aug. 16: Alphonzo Zeigler, 37, is shot in the back after allegedly beating his girlfriend in front of several witnesses. After the shooting is reported, about 3 a.m., Providence police find Zeigler, critically wounded, huddling in his driveway at 84 Hamilton St. The woman is hospitalized in serious condition. Police say witnesses told them Zeigler hit her several times with a board, but "when we asked them about the shooting, they all said they didn't know anything about that." No gun is found.

Aug. 15: An exchange of threats and insults between two carloads of young people ends in a fatal shooting at Gridley and Bismark Streets, Providence, at 4:30 a.m. Manuel Miranda, 18, of Pawtucket is shot to death and David Daluz, 19, also of Pawtucket, is wounded when they get out of their car. Police stop the other car minutes later and find that Jose Gonsales, 19, of Brockton, Mass., is also wounded. Alderico Mendes, 18, who gives addresses in Stoughton and Brockton, is charged with murder.

Aug. 14: At 2:30 a.m., according to East Providence police, Jon K. Andrews rings the doorbell at 67 Viola Ave., where his ex-wife is staying, and forces his way in by pointing a pistol at the head of the man who lives there. The resident pushes Andrews out and he leaves, but returns just as police arrive. After a chase, police arrest Andrews on Crescent View Avenue near the carousel. Andrews, 30, of 121 Earl Ave., is charged with drunk driving, assault with a dangerous weapon and three felony gun charges, including possessing a firearm after conviction of a violent crime. He has twice been convicted of domestic assault.

Aug. 11: Three masked men burst into a temporary employment agency at 920 Chalkstone Ave., Providence, about 4:45 a.m. and rob three people at gunpoint.

Aug. 11: Leonard Walker, 34, is shot in the groin by one of two would-be robbers, who approach him in a car as he walks on the Route 95 overpass near his home at Dexter Manor, 100 Broad St., Providence. He tells police he was shot when he refused to give them money.

Aug. 10: A .22-caliber handgun is among items reported stolen in a break at Century Plating International Inc., 472 Potters Ave., Providence.

Aug. 4: Ernest E. Chandler III, 18, and a 16-year-old are arrested in a drug raid at Chandler's apartment at 755 Atwells Ave., Providence. Along with marijuana and cocaine, police seize a loaded pistol.

Aug. 2: A resident of Pawtucket's Woodlawn neighborhood reports seeing four masked gunmen threaten another man behind 67 West Ave. and fire about 10 shots into the rear of the house about 10 p.m. Police say they are trying to identify and find the man who was threatened.

Aug. 2: Bernard H. Speaks holds his 5-month-old son hostage at gunpoint in his home at 43 Atlantic Ave., Providence, after a judge grants custody of the child to his estranged wife. Speaks, 52, a state prison guard for nearly 19 years, surrenders after more than two hours of negotiations.

Aug. 1: Jorge Ajaka, 35, of 271 Potters Ave., Providence, allegedly threatens his ex-girlfriend with a gun at her home, 347 Potters Ave. Police arrest him at his home and seize a shotgun and a handgun.

JULY

July 31: Curtis Lee, 20, is shot in the back as he walks away after breaking up a fight between two people at Weybosset and Clemence streets in Providence about 1:50 a.m.

July 29: Four people tell Providence police they were robbed at gunpoint outside 123 Ohio Ave. about 3:45 a.m. by four young men in a small gray car. Moments later police spot a car matching the description on Prairie Avenue, stop it after a short chase and arrest four 17-year-olds. Police find a .38-caliber revolver under a seat.

July 29: A man wakes in his bedroom at 25 Tappan St., Providence, shortly after midnight to find a masked man with a pistol on top of him, he later tells police. Another man stands nearby with a sawed-off shotgun. After a struggle the man with the pistol takes $600 from a night stand, goes downstairs and takes a purse from a woman sleeping on a couch and beer from the refrigerator. Both robbers leave by the front door.

July 29: Luis Tavarez of 25 Massie St., Providence, is hospitalized with an unspecified gunshot injury after a friend reports Tavarez apparently shot himself accidentally in a car outside his house about 5 a.m.

July 28: Kimberly M. Walsh, 23, of North Kingstown is found shot to death in the woods off Route 403, a pistol beside her body.

July 28: Danny Shepard, 17, and a friend are playing with a gun about 11:30 a.m. near Eddy and Nebraska streets, Providence, when the gun fires and a bullet grazes Shepard's head.

July 25: A masked gunman locks a clerk, two patrons and the owner in a cooler at the Coventry Wine and Liquor store, 600 Washington St., Coventry, about 9:20 p.m. and takes an undisclosed amount of money from the cash register.

July 22: Cranston police investigating an alleged drug dealer seize 23 weapons from his home at 251 Capuano Ave., including handguns, shotguns, rifles and crossbows. Four guns are loaded: an AK-47 assault rifle, two snub-nosed .38-caliber revolvers and a .45-caliber pistol with a laser gun sight. Anthony C. Simone Jr., 40, is charged with various drug and weapons offenses.

July 20: Someone reports shots fired at 39 Temple St., Providence, about 9 p.m. Police are met by a crowd of about 50 people they say "turned riotous." After a brawl, police arrest three adults and two juveniles for assault and disorderly conduct, and seize a .25-caliber pistol and a small amount of marijuana.

July 20: A 17-year-old boy is shot in the leg on Chad Brown Street, Providence.

July 20: A masked man enters the Better Bake Shop at 373 Smith St., Providence, at 8:30 a.m., points a gun at an employee and flees with an undisclosed amount of cash.

July 19: Hugo Herrarta and Jose Ruiz are robbed and assaulted by four men, one armed with a shotgun and another with a board, at 146 Burnett St., Providence, about midnight, they tell police. Ruiz is treated for a head cut.

July 19: Fernando Tavares, 23, is fatally shot at 4:30 p.m. as he sits in his car arguing with a man on a bicycle at Parkview Avenue and O'Connor Street, Providence. He manages to drive to a nearby store, where employees call police and rescue workers, but dies a few hours later. A warrant is issued charging a suspect with murder.

July 19: Harvey Monplaiser, 19, of 60 Penn St., Providence, is charged with illegal possession of a .38-caliber pistol and two 17-year-olds are charged with drug possession after residents complain that youths are selling drugs in the area. Police seize a second pistol from the basement of 60 Penn St.

July 18: Responding to a report of gunshots at 2:30 a.m., Newport police hear a man and a woman arguing inside 131 Sims St. Police find five bullets in a bedroom and a disassembled .32-caliber revolver under a mattress. Keith Antone, 29, of 223 Park Holm is charged with possession of a firearm without a permit and possession of a firearm after being convicted of a crime. The conviction was for domestic violence.

July 17: Two men approach Wesley Beckton, 29, and Sterling Washington, 38, as they work on a car on Potters Avenue, Providence. After a brief verbal exchange one of the men pulls a shotgun loaded with birdshot from behind his back and fires on Beckton and Washington, wounding both. They tell police they cannot identify the assailants.

July 14: As Providence police approach an unregistered car they stopped on Wadsworth Street, passenger Charles Abbott, 24, allegedly puts a loaded .38-caliber pistol under the seat. He is charged with possession of a pistol without a license.

July 17: Jesse Robbins, 23, allegedly hides a shotgun under a car seat as Providence police disperse a crowd on Cranston Street about 11 p.m. Robbins is charged with illegal possession of a firearm and possession of a stolen firearm.

July 13: Mirto Troian, 67, of Hillhurst Avenue, Providence, a former custodian for St. Bartholomew Parish, is found shot to death about 5:45 a.m. in front of the parish school on Laurel Hill Avenue. Police find a shotgun nearby and an apparent suicide note in Troian's pocket that says." Thanks St. Bart's for letting me breathe asbestos for 30 years." The current custodian says Troian, a widower, recently had a tumor diagnosed and was very depressed. The pastor says asbestos was cleaned up several years ago.

July 9: In an apparent dispute over a debt, two men in a car shoot at a parked car occupied by a woman and a man, on Ford Street, Providence, at 7:15 p.m. Bullets strike the car and a nearby house. Police later arrest Keith Ware, 28, and Jumanee Orry Jackson, 24, at 70 America St. and seize two handguns.

July 7: Two men with guns and a woman with a knife rob five people of more than $4,000 in an apartment at 11 Babcock St., Providence, being used as a clothing store.

July 3: Ronald Volpe, 39, is shot to death as he trims his hedges at 39 Whipple Court, North Providence. Neighbors tell police Volpe had been feuding with his next-door neighbor, James A. Gallagher, about those hedges for three years. Gallaher is charged with murder; police seize a shotgun and several other weapons from his home.

JUNE

June 27: Keith Singleton, 18, of 27 Goddard St., Providence, is arrested on a warrant charging him with assaulting a woman with a gun on Feb. 22.

June 26: Edgar Berreondo, 29, breaks into Ana Hernandez's apartment at 18 Joseph St., Providence, about 3 a.m. and guns down Hernandez and Elmer Flores, 24. He then kills himself. The day before, Berreondo attacked Hernandez when she refused to resume their relationship, and police advised her to get a restraining order immediately. She was so fearful that she asked her sister to take her two children, 11 and 5, for the night. By morning police have an arrest warrant, but it's too late. In a suicide note to his brother, Berreondo wrote: "I'm desperate. Ana was at fault."

June 24: Rolando Miles, 18, is shot down on Stanwood Street, Providence, and dies on the operating table a few hours later. Witnesses say Miles and another, unidentified man were arguing loudly in the middle of the street when the other man pulled a pistol from his waistband and shot Miles.

June 24: Jose DoSantos of 16 Barnes St., Pawtucket is arraigned on a domestic assault charge for allegedly punching his wife, Violanta DoSantos. Mrs. DoSantos told police her husband showed her a gun, accused her of seeing another man and said if he saw her with him he would shoot them both.

June 24: A passenger tosses a loaded pistol out of a car being followed by Providence police shortly after 2 a.m. Police stop the car on Orange Street and passenger Angel Melendez, 22, is charged with possession of a firearm.

June 22: A Providence woman tells police someone pointed a gun at her at Prairie Avenue and Oxford Street about 1 a.m. Police stop a car matching her description on Pavilion Avenue and seize a loaded handgun from under the seat. Da'ud Nural-Islam, 21 of 64 Camp St. is charged with possession of the gun without a license.

June 21: Gunfire erupts in Providence's Washington Park neighborhood about 8:25 p.m. as Edwin Rodriguez, 17, and Eugenia Vasquez, 18, exchange shots in a dispute over a car, according to police. Rodriguez, standing on his porch at 206 California Ave., is struck in the chest and critically wounded. A 15-year-old relative then shoots Vasquez in the face with a shotgun, later telling police he was trying to protect Rodriguez. Vasquez, of Worcester, Mass., is charged with assault with intent to murder and the 15-year-old is referred to Family Court.

June 21: A woman is raped at gunpoint by a masked man who cut through a screen to get into her apartment, on Tappan Street, Providence, about 1:20 a.m. He then ransacks the apartment and steals $39.

June 20: A woman is raped and two families robbed in a house on Norwich Avenue, Providence, after three men confront the woman's boyfriend outside their home about 9:30 p.m. and put a gun to his head, forcing him back inside. They tie up the woman and the couple's children, and rob them of $40. One man rapes the woman. The other two take the boyfriend upstairs to a neighbor's and force him to knock on the door. When the neighbor opens the door the intruders burst in, tie up that woman and her boyfriend, rob them of $790 and ransack the apartment.

June 20: Vincent Lantigua of 92 Lonsdale Ave. in Pawtucket's Woodlawn neighborhood, fires several shots at his upstairs neighbors, with whom he has been feuding for several weeks, according to police. (Neither neighbor is injured.) Lantigua, 30, is charged with two counts of assault with a dangerous weapon.

June 20: Albert Stokes, 27, is shot in the leg after two men with whom he had been arguing on Houston Street, Providence, return with a .32- or .38-caliber pistol.

June 19: David Scialo holds a gun to another man's head, punches him and threatens to kill him at about 12:30 a.m. near Canal Street and Park Row, according to Providence police. Police find a loaded .25-caliber handgun in Scialo's pocket. Scialo, 26, of Groton St., is charged with assault with a dangerous weapon, carrying a firearm while intoxicated and committing a crime of violence while armed.

June 16: Garrick Ashley of 29 Fairmount St., Providence, is charged with receiving stolen goods after police find him with a loaded handgun at 270 Pumgansett St.

June 15: Adrian Ashby of Providence is shot in the head by an unidentified assailant while a passenger in a car on June Street. He tells police he heard several gunshots. The driver and another passenger take him to the hospital and tell police they heard a single gunshot and didn't see anyone fire a gun. Police say they refused to cooperate further.

June 15: Two women are in a car in front of 29 Hart St., Providence, when two men approach, flash a gun and demand money. The women speed away, one later tells police.

June 12: Christopher Ross of Providence, is shot in the arm during a dispute at Elmwood and Potters Avenues about 10 p.m.

June 11: A 13-year-old boy is charged with possession of a handgun after Providence police find him on Taylor Street about 10:10 p.m., then find a loaded 9mm gun on his backpack.

June 11: Kolawole Azerz, 19, of Providence is shot in the thigh during a dispute at Cranston and Lester Streets about 5:30 p.m.

June 11: Providence police charge Julio Silva, 39, of 207 Camp St. with illegal possession of a firearm, a loaded .25-caliber pistol.

June 9: Arthur DeFusco, 42, of Bristol shoots a dog in the Crandall Road area of Tiverton while looking for his stolen truck, and is charged with a misdemeanor court of discharging a firearm without the permission of the land owner. DeFusco says the dog was chasing him, and he shot in self-defense. (The dog is treated and released to its owner.)

June 9: Four robbers confront Dennis Green of Warwick and two of his friends at the Temple to Music in Roger Williams Park about 6:30 p.m., and shoot Green, 30, in the forearm "simply because he didn't have enough money," according to police.

June 8: Newport police charge Steven F. Borges, 32, and Russell J. Ney, 37, with carrying a concealed weapon after they allegedly try to sell a handgun to patrons at the On Deck Circle bar on Broadway.

June 8: Adriano Diaz, 70, of 62 Stanwood St. fires a shotgun into the air about 3 a.m. He tells Providence police he had been arguing with some men, and when one smashed his car windows he fired a single shot. Police charge him with discharging a firearm within a compact area.

June 5: A male acquaintance threatens a Providence woman with a gun at her home, at 596 Public St., about 11 p.m., she later tells police.

June 4: A Providence woman tells police her boyfriend put a gun to her head and threatened to kill her about 9 p.m. He is not there when police arrive at her home, at 47 Lancashire St.; they seize a clip with six rounds of .32-caliber bullets.

MAY

May 31: An 11-year-old boy tells a counselor at the Camden Avenue Elementary School in Providence that two of his friends were having trouble with some boys in the neighborhood, pooled their money and bought a gun. By day's end police recover a loaded .32-caliber revolver from a 14-year-old.

May 25: A man accosts Vincent A. Paolino, 26, on Raymond Street, Providence, about 10 p.m., demanding money and a telephone. When Paolino refuses, the man pulls out a gun and fires several shots, wounding Paolino as he runs away.

May 25: A 17-year-old girl shoots herself at Exeter-West Greenwich Junior-Senior High School with her father's handgun about 5 p.m., in an apparent suicide attempt. She is hospitalized with a shoulder wound.

May 25: A .38-caliber gun is reported stolen overnight, along with money from the cash register, from Agaty's Store, 148 Sabin St. Pawtucket.

May 24: Two men fire shots down Kossuth and Putnam Streets about 9:30 p.m. while a woman sits on her front steps at 10 Kossuth St. with her two young children, she later tells police.

May 22: A woman tells police a woman she has been feuding with pointed a gun at her at her home, 50 Hamilton St., Providence.

May 18: Rodney M. Perry, 23, is shot and critically wounded outside 14 Louisa St., Providence, across the street from a Boys & Girls Club. Police find at least six shell casings in the street and slugs in nearby occupied houses on Oxford Street. Perry and Khalid Mason, who brought his wounded friend to the police station, decline to give details on what happened.

May 17: State police raid 592 Pippin Orchard Rd., Scituate, and charge Bill Parham, 30, of that address with possessing steroids with intent to deliver and possessing a gun while possessing a controlled substance with intent to deliver.

May 16: Warwick police charge Christopher Woods, 19, with assault with a dangerous weapon after four youngsters say he pointed a shotgun at them in front of his house at 127 Cavalcade Blvd. Woods tells police he was angry because someone in the neighborhood had kicked his car but says he held the unloaded gun by his side, and did not point it at the youngsters.

May 15: Jose Matos, 21, of 18 Derry St., Providence, is shot while riding in a friend's car about 2:10 a.m., he later tells police. The friend got into an argument with another motorist and a passenger in the other car fired at them, striking Matos in the arm.

May 13 and 14: Agents of the attorney general's narcotics strike force seize a pistol and a shotgun, along with drugs, cash and a car, and arrest seven people after investigating alleged drug dealing in and around the Veterans Memorial housing project in Woonsocket. (Seventeen more suspects are arrested on drug charges May 16.)

May 12: A handgun and 50 rounds of ammunition are reported stolen in a break at 57 Raymond St. Providence.

May 11: Two handguns and a watch are reported stolen in a break at 95 Corinth St., Providence.

May 10: Paul Gonsalves, 27, is shot in the leg at a playground on Oxford Street in Providence about 6:30 p.m. He tells police a man he was playing basketball with fouled him, they got into an argument and the other man went to the side of the court where someone handed him a pistol.

May 10: A 20-year-old Providence woman is abducted at gunpoint about 3 a.m. by a man who orders her into his car at the Valley Street and Atwells Avenue, she later tells police. She says he drove to the rear of the Journal-Bulletin's Regional Circulation Center at 55 Valley St. and ordered her from the car.

May 9: Steven Price, 22, who was shot in April after a fistfight, is arrested trying to settle the score, according to Providence police. After shots are reported outside the Living Room nightclub on Rathbone Street, police charge Price, of 268 Indiana Ave., with carrying a pistol without a license. They say he tossed a loaded pistol into a trash container behind the nightclub.

May 8: When a couple pull into their driveway at 166 Sixth St., Providence, a man points a gun at the wife and robs them of $100, they later tell police.

May 8: Providence police, responding to a report of a man with a gun on Chapin Avenue, charge Pedro Ramirez, 22, of 105 Chapin Ave. and Edgar Azurdia, 20, of 83 Ralph St., with possession of a gun without a license.

May 8: Vladimir Vasquez, 22, of 322 Veezie St. is charged with possession of a firearm without a license and firing without a license and firing in a compact area after shots were fired at Carpenter and Courtland Streets, Providence.

May 8: Mary E. Stanford, 24, of 190 Gallup St. is charged with assault with a dangerous weapon and carrying a pistol without a license after allegedly threatening a woman with a gun during a fight at 10 Croyland Rd.

May 8: A charred body, later identified as that of Barry R. Kourmpates of Warwick, is found in Beavertail State Park in Jamestown. An autopsy shows he died of gunshot wounds. Kourmpates, 23, had been released from the Adult Correctional Institutions in March.

May 1: Albert Gonzales, 20, of Pawtucket is shot in the leg in a friend's apartment on Summit Street, Central Falls. Police issue an arrest warrant for the other man.

APRIL

April 29: A .25-caliber semiautomatic handgun and eight rounds of ammunition are reported stolen from an apartment at 160 Cottage St., Pawtucket.

April 29: Gerald Greene of 91 Parade St., Providence, is shot in the chest at Bridgham and Westminster streets. He says two men wearing hoods pulled up in a car, confronted him and, police say, "shot him for unknown reasons."

April 27: Two men come looking for Steven Price, 22, after a fistfight and find him at the Bucklin Street Playground in Providence. One opens fire, wounding Price and a 13-year-old boy who police say was "minding his own business, just playing baseball."

April 27: Adalberto Leal, who stalked Carol A. DiResto and threatened to kill her for months after she ended their relationship, walks into the Warwick hair salon where she works and guns down DiResto, 26, and owner Rocco Ruggiano Jr. He then apparently turns the sawed-off shotgun on himself; police find his body near DiResto's in the basement of the salon, at 1928 Warwick Ave. Four women, including DiResto, had obtained restraining orders against him in the past four years. He was sentenced to probation for violating one; police say they were unable to arrest him for violating the order obtained by DiResto because they couldn't find him.

April 26: Authorities arrest three people in connection with an alleged heroin ring, seizing drugs, money and two loaded semiautomatic handguns. Alejanditio Maldonado, 22, of 13 Yale Ave., Providence, is charged with two counts each of possessing a firearm during a crime of violence and possession of a firearm by an alien, as well as drug counts.

April 26: Jose M. Morales, 25, is shot in the chest after approaching two men tampering with his car, parked behind his apartment at 127 Silver Spring St., Providence.

April 25: Troy Auger, 19, of 69 Mowry St., and Todd Guertin, 17, of 168 Douglas Ave., Providence, tell police three men tried to get them to get out of their car on Mowry Street, then shot at them as they drove off. Guertin is treated for a shoulder wound, and Auguer is hospitalized with a neck wound.

April 23: Michael Harrop, 40, allegedly drives into his former girlfriend's yard at 56 Maple St., West Warwick, about 1:15 a.m. and fires a shot into the air from a 357-Magnum. Harrop, of 3 Schofield St., surrenders an hour later and is charged with several misdemeanors.

April 22: A handgun is seized, along with $17,000 and two vehicles, as police arrest eight suspects in an alleged Warwick-based sports-betting operation.

April 20: A Scituate police officer spots a car with no license plates on Route 116 and signals the driver to stop. After a chase, Rayner J. Vasquez, 18, of Providence is arrested on gun and other charges. Police say he was carrying an unlicensed, loaded .25-caliber pistol.

April 19: Two men approach an attendant at a car wash at 930 Main St., in the Woodlawn neighborhood of Pawtucket bind and rob him at gunpoint and strike him in the head with a pistol.

April 15: Bristol Patrolman Steven P. Calenda is indicted on two counts of assault with a dangerous weapon for allegedly pointing his service revolver at a dispatcher on two occasions in January.

April 14: Robert Volante, 27, of 40 Smart St., Providence, is arrested on several gun charges after police stop his car at Branch Avenue and Vandewater Street, in the North End.

April 12: A 16-year-old boy is charged with illegal possession of a gun found hidden in bedsheets at 151 Reynolds St., Providence. (Police were investigating a report that two youths had assaulted a woman and stolen her pocketbook; another boy found in the house was charged with the robbery.)

April 12: North Smithfield Patrolman Scott Gould is shot at in the Union Cemetery at 1:30 a.m. as he investigates a report that shots had been fired. Charles G. Ventry, 27, of Woonsocket is charged with assault with intent to murder, two counts of assault and carrying a pistol without a permit. Police seize two .38-caliber pistols and nearly 200 rounds of ammunition.

April 11: A teenager tells police a masked gunman and two other men burst into 316 Ohio Ave., Providence, and stole a watch, jewelry, three VCRs and other items.

April 10: Four people are injured and a fifth escapes with a scrape in two drive-by shootings in Providence, about 1 a.m. on Hanover Street and just after 2 a.m. at Hoyle Square. The victims are Hann Han, 24; Sophearak Huy, 21; Frank Franco and Robert Hernandez, 25, all treated for gunshot wounds, and Michael Fantasia, 24, who apparently is grazed by a bullet. Arrested on gun charges are Prathip Prum, 22; Vireak * * *.

April 8: After a car chase from Johnston into Providence ends in a collision, two Johnston police officers corner one of the three suspects behind 10 Whitehall St. He allegedly advances on the officers, threatening them with a knife. While backing up, officer John Sinotte slips, fires a shot and falls several feet off a deck. Ronald Curt, 27, of Providence is charged with assault with a dangerous weapon.

April 8: Roger Daniels, 20, of Newport is charged with selling a 357-Magnum pistol to an undercover agent.

April 7: A 17-year-old girl tells Providence police a man pointed a gun at her stomach in the Dunkin' Donuts on Allens Avenue and robbed her of $20.

April 6: Manny Fortuna is shot on Hamilton Avenue, Providence, by a man demanding money he says Fortuna owes him, witnesses tell police. After Fortuna falls to the ground, the man fires several more shots at point-blank range, then leaves in a car driven by another man. Hospitalized in stable condition, Fortuna, 24, of 56 Tell St., refuses to identify his assailant.

April 6: Two stocking-masked robbers hold up LAR Imports, at 92 Broad St., Cumberland, at gunpoint. Two customers with infants are in the store. The robbers flee in a stolen Jeep.

April 6: Three men rob the Dexter Credit Union, in Central Falls, at gunpoint and flee in a stolen van driven by a fourth man. Minutes later, the van arrives at the home of one of the suspects, 367 Woonasquatucket Ave., North Providence, where police and FBI agents are waiting. One suspect flees, brandishing a gun; another, still in the van, raises a gun above the dashboard. Officers fire at least 10 shots, wounding the three suspects in the van: Jamie Rose, 22, of 27 Robin St., Normand J. Verrill, 31, 30 Kelley St., and Christopher Thibodeau, 36, 217 Webster Ave., all of Providence. David M. Vial, 23, of the Woonasquatucket Avenue address, is arrested nearby a half-hour later.

April 3: Shortly after midnight, a state police SWAT team is sent to the home of a Foster man threatening to commit suicide. After 2½ hours, police, the man's family and a friend talk him out of it.

April 1: Ronald Coppola, 58, of Cranston and Peter Scarpellino, 28, of North Providence are gunned down at point-blank range at the Hockey Fans Social Club, 1362 Plainfield St., Cranston, in what police call an underworld dispute over respect. Police say Antonino Cucinotta, 52, of Johnston believed he had been slighted at the club, returned and shot both victims in the head.

MARCH

March 31: Patrons in Boot's Pub, 1757 Cranston St., Cranston, dive for cover when gunfire sprays through the window about 9:45 p.m. Nobody is hurt. Police find a stolen car on nearby Bolton Street, with spent shell casings in it.

March 29: Manuel Rodriguez, 27, is shot in the chest by one man while another holds him down on the busy sidewalk outside his apartment at 850 Broad St., Central Falls. Rodriguez is critically wounded; police issue an arrest warrant for a man he knows.

March 29: Two men abduct a 14-year-old girl at gunpoint from Broad Street near McDonald's, drive to an apartment in an area she doesn't recognize and rape her, her mother later tells police.

March 28: Diane Blais and Stephen Natalizia of Providence tell police they were sitting in her car at India Point about 10 p.m. when it was struck by another car. Three men got out, one hit Natalizia with a stick and another pulled out a gun and demanded money. The couple jumped back in their car and drive away.

March 27: gas station attendant David A. Rao, 52, fires two shots at a fleeing robber who put a gun to his ribs. The 8:30 p.m. incident, at the busy intersection of Newport and Beverage Hill Avenues in Pawtucket, sets off a controversy over whether Rao was justified in shooting. David E. Hall, 20, of 41 Lowell Ave. is charged with the robbery and, according to police, says the gun he used was a plastic toy.

March 27: Kenneth Butler, 19, tells Providence police he was talking on a telephone outside 343 Elmwood Ave. when two men wearing ski masks drove up and shot him in the finger.

March 27: Providence police seize a .38-caliber revolver from an apartment at 40 Marlboro St. frequented by runaway youngsters.

March 24: A report that someone had fired shots from a car on Laura Street, Providence, leads to the arrest of Peter Duval, 25, of Westport, Mass. Police stop his car on Broad Street and charge him with illegal possession of a gun and marijuana.

March 23: A man is shot in the abdomen outside his home at 69 Hendricks St. Central Falls, at 10:30 p.m. Police decline to identify him.

March 23: Sixteen-year-old Allen McCreedy of Providence is killed instantly when a rifle being handled by his best friend discharges. The shooting, in the basement of the 14-year-old friend's grandparents' home at 100 Donelson St., is accidental; police say the boy didn't know the gun was loaded.

March 23: Fredrick Harris, 35, of 26 Lorraine St., Pawtucket, threatens to "blow away" his girl-friend and shoot another woman with a sawed-off shotgun, according to police. Harris, who is charged with assault, reportedly bought the gun a week earlier.

March 22: A driver making a potato-chip delivery at Elmwood Avenue and Wilson Street about 10 a.m. is robbed at gunpoint of $54, he tells police.

March 22: A resident of 571 Cranston St., Providence, tells police a man threatened him with a gun at his home about 4 p.m.

March 22: When officers arrive at 38 Royal St., Providence, to investigate a report of domestic assault, Eric S. Jones, 27, throws a loaded .380-caliber pistol out the window, according to police. He is charged with domestic assault and possession of a pistol without a license.

March 21: A man points a shotgun at a clerk at the Mutual Gas Station on Mendon Road, Cumberland, and demands money, but is scared off and runs away without any. On July 28, Richard Jacques, 24, of Lincoln is arrested and charged with attempted robbery.

March 21: A distraught man leads state police on a short chase * * * evading a roadblock, then * * * church parking lot for more than an hour, pointing a handgun at his head. Police eventually persuade him to give up the gun, and he is taken to a psychiatric hospital.

March 21: After a traffic confrontation on warren Avenue, East Providence, police arrest Lesonga D. Rankin, 29, for threatening the other driver and his girlfriend with a gun. They seized a loaded 9mm gun, five other guns and ammunition from Rankin's home at 170 Warren Ave. Rankin, a state Training School employee, is charged with assault with a dangerous weapon and possession of a firearm while intoxicated, and fired several days later.

March 21: Providence police seized a loaded .32-caliber handgun from Perry Snead, 23, a motorist they stopped on Pumgansett Street.

March 20: Providence police, responding about 2 a.m. to a report of shots fired at an Erastus Street address in Olneyville, find the ground and the house littered with spent shells of various calibers. They later learn a man was taken from there with a gunshot wound. Andrew Brown, 19, of 15 Peyton St. was hospitalized with what was described as a .40-caliber slug to the back of the head.

March 19: The ex-boyfriend of an 18-year-old Providence woman abducts her from her home at gunpoint and rapes her somewhere in the city, she later tells police.

March 19: Two residents of Benefit Street, Providence, report separate holdups at gunpoint in the neighborhood.

March 19: A woman from Methuen, Mass., tells Providence police a man threatened her with a gun, struck her with a baseball bat and stole $50 while she was walking on Allens Avenue late at night.

March 18: Anthony Morehead, 27, is charged with domestic assault after Patricia Morris, 30, of 20 Van Buren St., Providence, tells police he put a gun to her head and threatened to kill her if she broke up with him.

March 18: A pizza-delivery driver tells Providence police he was robbed at gunpoint on Puritan Street at Huntington Avenue when he stopped to ask for directions.

March 18: A Providence man tells police a gunman stole his jewelry, jacket and car when he stopped at a liquor store at Elma and Broad Streets about 8:30 p.m.

March 17: Jason E. Ferrell, 23, of Providence is treated in a hospital for a wound to his leg that he tells police he suffered when two men confronted him outside 59 Anthony Ave., Pawtucket.

March 16: A shotgun is among items reported stolen in a break at 84 Veazie St., Providence.

March 15: After a dispute in the New York System restaurant on Smith Street, Providence, a man fires five shots into a car. Donald Hannah of Providence and Mark Bergeron of North Providence are treated for injuries. Sean Lewis, 18, of 1715 Chalkstone Ave. is charged with two counts of attempted murder.

March 14: When Rafael Carvallo of Central Falls and his fiancee arrive at McDonald's at 1481 Broad St., Providence, they hear a disturbance and gunshots. Heading back to their car, he feels pain in his foot and realizes he's been shot.

March 14: Shots are fired inside the Charlesgate Apartments for the elderly in Providence during a dispute between the sons of two tenants. Nobody is hit by bullets, but Marilyn Siegel, 70, suffers critical head injuries of undetermined cause. Police arrest her sons Steven and Paul Siegel and seize a cache of guns and ammunition from Mrs. Siegel's apartment, where her sons had been staying.

March 14: A resident of 400 Smith St., Providence, tells police someone apparently fired a bullet through her window.

March 13: Summoned to 691 Mineral Spring Ave. about 3:45 a.m. for a reported shooting, Pawtucket police find John Buco unconscious and bleeding from a gunshot wound, a 357-Magnum on the floor beside him. The next day police say Buco, 33, of 116 Samuel Ave. shot himself accidentally, and he is arraigned in his hospital bed on weapons charges.

March 12: Jazell Robinson, 22, is shot in the back outside Club David on Westminster Street, Providence, by one of two men who ran toward the club brandishing guns. The assailants flee in cars.

March 12: Westerly police charge six people, including three juveniles, after a dispute erupts in gunfire outside a house on Winnapaug Road. (No one is injured.) Within minutes police seize two semiautomatic handguns with obliterated serial numbers from a Pennsylvania man; the next day, in a raid connected with the shooting, they seize a sawed-off shotgun, a machete and marijuana from a house at 7 Pond Rd.

March 11: When Joseph Burton of the Family Court's Bureau of Family Support tries to serve a subpoena on the owner of a business on DeSoto Street, Providence, the man pulls out a gun and chases Burton and a witness away, Burton later tells police.

March 11: An 81-year-old Pawtucket woman tells police that when she answered a knock at her back door a man with a ski mask pushed his way in and robbed her at gunpoint.

March 10: A 14-year-old boy tells Providence police someone fired a gun at him and his 11-year-old friend while they were walking through a cemetery on Douglas Avenue about 6:50 p.m.

March 9: As a Pawtucket man exits Route 95 at noon, a man he knows drives up beside him, points a handgun at him and drives off, he later tells police.

March 8: A Providence couple and their children are sitting in their apartment at 912 Atwells Ave., Providence, when a bullet whizzes up through the floor. Their downstairs neighbor, Celso E. Teixeira, tells police he was working on his AR-15 rifle when the weapon went off. Teixeira, 21, is charged with firing a weapon in a compact area.

March 8: Three men kick in the door of the Bayside Credit Union at 1144 Eddy St., Providence, and one points a gun at a clerk, demanding money.

March 8: Marie A. Gonder, 29 and mother of three, is shot to death in her home on Chaplin Street, Pawtucket. Police charge her husband, Robert O. Gonder, 48, with murder.

March 7: Providence dog officer Scott Scofield says someone fired five shots at him on Jenkins Street.

March 7: After a minor collision in the parking lot of the Living Room, a nightclub on Rathbone Street, the driver whose car was struck gets out and fires four shots from a 9mm handgun through the other's windshield. Jason Odom is hospitalized with wounds in the face and arm.

March 3: Joseph Harbough of 34 Hilarity St., Providence, tells police that two men with guns barged into his bedroom about 1 a.m., pistol-whipped him and robbed him.

March 1: Providence police seize a gun in a drug raid at 889–891 River Ave.

FEBRUARY

Feb. 28: Police break through a heavily barricaded door at 145 Oxford St., Providence, where they seize 94 bags of cocaine and a loaded pistol. Two 18-year-olds are charged.

Feb. 28: Hector Cabevuda tells Providence police that two men, one with a gun, robbed him as he made a call at a public telephone on Broad Street about 8:10 p.m. About 9:30, police stop two suspects on Prairie Avenue and seize a loaded handgun from one, a 17-year-old. He is arrested and referred to Family Court.

Feb. 25: Providence police and federal agents seize a handgun during a drug raid at 183 Eastwood Ave.

Feb. 24: Two men, one with a shotgun and the other with a handgun, enter Fidas Restaurant, 270 Valley St., Providence, about 1:30 a.m. and demand money.

Feb. 23: After a traffic dispute in Pawtucket's Fairlawn neighborhood, Randall S. Lisi, Jr., 19, allegedly places a gun against Vince Lombardi's head, then lifts it slightly and fires, missing Lombardi by inches Lombardi, 25 is struck on the head with a bag of beer bottles as he tries to flee. Lisi, of 280 Langdon St., Providence, and two companions are charged with assault.

Feb. 22: An Economy Cab driver is robbed on Manton Avenue about 1:40 a.m. by two men he picked up in Olneyville. He tells police they threatened him with a gun.

Feb. 19: Two boys, aged 13 and 14, are arrested after a confrontation with other youths in North Smithfield. Police say one of the boys had a knife, the other a gun.

Feb. 17: Alain Moise, 27, a doorman at First Impressions, a South Providence nightclub, is shot to death by a man police say had been thrown out a half-hour earlier. The gunman then fires into the crowd of about 50 customers, wounding Reginald Baptiste, and flees.

Feb. 16: Responding to a report of drug sales in a common hallway at 91 W. Clifford St., Providence police arrest Noel Osborne, 22, of 152 Tell St. at gunpoint as he accosts an occupant with a loaded handgun.

Feb. 16: Two men in ski masks, one with a handgun, rob the Woodlawn Credit Union on Main Street in Pawtucket. It is the fifth armed robbery at an area credit union in three months.

Feb. 15–16: Federal agents and local police in Newport, Providence and Philadelphia arrest two dozen people, seizing drugs and more than 20 assault rifles, sawed-off shotguns and handguns. They say they have broken up a "major violent crime ring" and identify two suspects in a 1993 shooting death.

Feb. 15: Hassan Brown, 22, of 24 Trask St., Providence, is charged with firing a gun in his apartment. Police, investigating a report of shots fired, find Hassan and two friends in the apartment and a handgun and two shell casings on the floor.

Feb. 15: John Murray, owner of Michael Gerard Jewelers, Main Street, West Warwick, shoots and wounds a robber who put a gun to his head and threatened to kill him. Police charge the alleged robber, Danny L. Loaiza, 19, with five felony counts.

Feb. 10: A Providence woman reports that two masked males came through the back hallway of her home on Detroit Avenue, showed handguns and robbed her of cash and jewelry.

Feb. 9: A 17-year-old boy flags down police on Smith Hill and says two boys tried to rob him; one hit him in the head with a gun, leaving a two-inch gash. Police arrest two boys, ages 13 and 17, on Smith Street.

Feb. 9: A Providence man tells police a man who had been feuding with his brother drove by and fired two shots at them.

Feb. 8: Raymond L. Martin, 48, of 326 Plain St., Providence, is arrested after allegedly shooting at a neighbor, Valerie Robinson, during an argument. The shot missed Robinson, but grazed the skull of Rita Hopper, Robinson's niece.

Feb. 7: Johnston police say David Howe, 28, one of two arrested after a drug deal staged by undercover officers, is shot in the shoulder when Detective Melvin Steppo's drawn gun accidentally discharges during a struggle.

Feb. 3: Providence police officer Steven M. Shaw, 27, is shot to death at pointblank range by a robbery suspect inside 110 Benedict St., in the West End. Other police officers return fire and kill Corey Fields, 24, hiding in a closet.

Feb. 1: A tip leads Providence police to the bodies of an unidentified man, shot in the face, and a woman, shot several times in the torso, in adjacent houses on Burnside Street. The woman was later identified as Rosa Jimenez, 23.

JANUARY

Jan. 24: Anabol Garcia, 34, of Pawtucket is shot in the leg near 110 Benedict St. in Providence's West End.

Jan. 24: An argument between partners of an employment agency on Broadway in Providence erupts in gunfire when Hua Thack allegedly fires several handgun rounds into Huy Ly, leaving him in serious condition.

Jan. 24: A man with a nylon stocking over his face robs the Sunoco station at 1620 Post Rd., Warwick, at gunpoint.

Jan. 24: Several men wearing masks, one carrying a handgun, force their way into 109 Sumter St. in South Providence in the early morning, tie up the occupant and rob him.

Jan. 23: Two hooded men, one carrying a handgun, rob five people at 3:30 p.m. at Garcia Auto Sales on Pine Street, Pawtucket.

Jan. 22: Two men, one with a handgun, approach a Central Falls woman outside her house at midnight. Ordered back inside, the woman is raped, her husband pistol-whipped.

Jan. 21: After a six-hour standoff at 36 Winthrop St., West Warwick, the police SWAT team arrests Wayne J. Champlin, 39, who threatened to kill himself. Five weeks earlier, Champlin shot himself in the neck with a shotgun.

Jan. 20: A Pawtucket woman is robbed by three hooded men, two brandishing handguns, who invade her Prospect Heights apartment at night. Her young children and a niece scream, the phone rings and the men flee.

Jan. 18: Two youths,one with a silver gun, order a North Providence man out of his car outside 55 Hope St., Providence., they drive off with the car, picking up another boy and a girl. Police later arrest all four, and link two to the Warwick carjacking.

Jan. 18: At 2 p.m., two gunmen rob the Dexter Credit Union at 934 Dexter St., Central Falls.

Jan. 17: A Warwick woman's car is stolen from her by three youths at the Rhode Island Mall. One points a silver pistol at her.

Jan. 16: Christopher A. D'Angelo, 35, of 178 Old County Rd., Smithfield, is charged with assault for allegedly pistol-whipping a man police said he had picked up in Providence, thinking he was a woman.

Jan. 15: Three men approach a Charlestown man as he sits in the passenger seat of a car parked at 51 Pine St. in downtown Providence at 4:20 p.m. Once brandishes a handgun, they order him out and steal the car.

Jan. 14: A youth shoots and wounds a woman on a street in Chad Brown housing project in Providence.

Jan. 13: James B. McKinney, 36, of Providence allegedly points a gun at a desk clerk of the Comfort Inn in Pawtucket and demands money. He runs. Police chase him and exchange shots. No one is hit. He is later arrested.

Jan. 6: A robber, believed to be a woman, holds up the Quick Mart store at 164 Park Ave., Cranston, brandishing a semiautomatic handgun.

Jan. 6: A man with a gun robs the Fleet National Bank in downtown Providence about 9 a.m. He flees in a car. Police shoot several times. David Posman, 37, is later arrested in Seekonk, Mass.

Jan. 5: A 16-year-old student at Providence's Mount Pleasant High School points a handgun at the neck of another student in a school hallway and threatens to kill him.

Jan. 3: Three men, one brandishing a handgun, rob the Midland Farms convenience store, 136 Spring St., Pawtucket, about 10 a.m.

Jan. 2: Derrick Barnes, 24, of 25 Nicholas Brown Yard, Providence, is shot to death as he sits in a car on Camp Street in Providence's Mount Hope neighborhood. Adrian Hazard, 17, and Derick Hazard, 23, are charged with murder.

Jan. 1: Gail Brown of North Kingstown is shot in the hand at a New Year's Eve party in Warwick's Conimicut section. Police say she grabbed a handgun her husband, Joseph Brown, was pointing at someone else.

A mounting toll

Killed by guns	[1]34
Wounded by guns	55
Reported rapes[2]	5
Reported robberies and attempted robberies[2]	54

[1] Includes 15 suicides.

[2] Involving guns.

Sources: 1994 Journal-Bulletin reports, R.I. Medical Examiner's Office.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, I wanted to just make a record on what was presented earlier to the distinguished majority leader, Senator MITCHELL, on behalf of the Republican conference by the Republican leader.

I ask unanimous consent that the proposal be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIME CONSENT AGREEMENT

I ask unanimous consent that the pending crime conference report be laid aside.

I further ask unanimous consent that the Senate now proceed to S. Con. Res. that would correct the enrollment of the conference report to accompany H.R. 3355, and that it be considered under the following agreement: (with all amendments listed limited to 1 hour, equally divided)

PROPOSED REPUBLICAN AMENDMENTS—AUGUST 24, 1994

Four amendments striking approximately $5 billion in "social spending" from the conference report (excluding funding under the Violence Against Women Act).

Tigthen prison language: elimination of reverter clause, thereby ensuring that funds remain allotted for truth-in-sentencing; elimination of "correctional plan" language that unnecessarily burdens state prison administrators; ensure that prison funding will go to build "brick-and-mortar" prison cells, not just prison "alternatives"; truth-in-sentencing for first-time violent offenders.

Simpson amendment expediting criminal alien deportation.

Gramm mandatory minimum penalties for gun crimes.

Mandatory minimum penalties for selling drugs to minors.

Mandatory minimum penalties for employing minors to sell drugs.

Drop mandatory minimum repeal. Substitute Senate-passed proposal with a requirement that federal prosecutors have a role in the decision to deviate from the mandatory minimum.

I further ask unanimous consent that following the disposition of the above mentioned amendments, if any amendments are agreed to, the conference report be placed back on the calendar and it not be in order in the Senate to consider that conference until the House has adopted the Senate concurrent resolution as amended, if amended.

I further ask unanimous consent that if all of the amendments mentioned above are defeated or tabled, then the Senate proceed to a vote on cloture on the conference report, at a time to be determined by the majority leader, after consultation with the Republican leader, with 2 hours equally divided between the two leaders prior to the cloture vote, and that if cloture is invoked, the Senate proceed to an immediate vote on adoption of the conference report.

Finally, I ask unanimous consent that if the House agrees to the Senate concurrent resolution as amended, then it be in order for the majority leader, after consultation with the Republican leader, proceed to the crime conference report, and there then be 2 hours for debate to be followed by a cloture vote on the conference report, and if cloture is invoked, the Senate proceed to adoption of the conference report, without an intervening action or debate.

Mr. DOLE. Madam President, let me just explain what the proposal was.

In effect, we would lay aside the conference report. We would call up a Senate concurrent resolution, which would accompany the conference report, and then it would be considered under an agreement of 10 amendments, an hour on each amendment, equally divided. Then, if any of the amendments are agreed to, the conference report goes back on the calendar, the concurrent resolution goes to the House, and then the House can either amend it or accept it or do whatever.

If all the amendments are tabled or defeated, then the Senate would proceed to vote on cloture on the conference report, at a time determined by the two leaders.

Then finally, if the House agrees to the concurrent resolution, as amended, after consultation with the Republican leader and the majority leader, the Senate proceed to the crime conference report, and there be 2 hours debate, to be followed by a cloture vote on the conference report. And if cloture is invoked, the Senate proceed to adopt the conference report without any intervening action or debate.

Let me say, just in very quick summary, what this agreement does and what it does not do. I have heard so many different stories, some related by CNN and others that I did not think were quite accurate. The New York Times subheadline was totally inaccurate.

We are taking all the pork out of this. Democrats say what we put in was pork; we said what you put in was pork. Let us just take it all out. As far as the American taxpayers are concerned, that will save them about $5 billion.

We leave in the money for domestic violence, because we have had hearings on that and I think we can justify the $1.62 billion or whatever it is for child abuse, spousal violence, and a lot of other programs in that $1.6 billion.

We also would leave in, I think, about $400 million for drug treatment in Federal and State prisons, because that is prevention. No question about it. Nearly every one of the other programs, which add up to about $5 billion in the House bill or the Senate bill, many without any hearings and many without any justification and many were in fact social programs, will be taken out.

The Local Partnership Act was taken out of the stimulus package, which was defeated last year, $1.8 billion. It had nothing to do with crime and was just stuck in the crime bill on the House side by liberals on the conference.

So that is the first point.

There were 10 amendments, 4 amendments dealing with spending; 4 amendments. And then there will be an amendment to eliminate the reverter clause, to be ensured funds remain allotted for truth in sentencing. Because we are concerned about this bill, many of us thought if you committed a violent crime—underscore violent—you would do your time, or 85 percent of your time. Now it has been changed. Oh, you get to commit the second violent crime before you serve your time, so you get a discount for the first violent crime.

We eliminate a lot of other things in the prison part that Senator HATCH may want to address. He is more of an expert on this than I am. We also try to ensure that the prison funding will go to build brick and mortar: Prison cells, not just prison alternatives.

Then, as I said, we have the truth-in-sentencing for first-time violent offenders. Then we had an amendment adopted in here, offered by the distinguished minority whip, Senator SIMPSON, on criminal aliens, deportation of criminal aliens. It was accepted: Unanimous consent. Nobody was opposed to it. It was dropped in conference. We would like to offer that amendment.

An amendment by the Senator from Texas [Mr. GRAMM] with reference to mandatory minimum penalties for gun crimes. He spoke to that. He can speak to that again. The Senator from Alaska is also interested in that and has been for some time.

Mandatory minimum penalties for selling drugs to minors—what is wrong with that? Is anybody here going to vote against that? We hope not. There ought to be a mandatory sentence for selling drugs to minors.

Mandatory minimum penalties for employing minors to sell drugs—just as reprehensible. There ought to be mandatory penalties. Again, these amendments passed overwhelmingly, with a big margin, and for some reason some were rejected in the conference.

Then we dropped the mandatory minimum repeal and substituted a Senate-passed proposal with the requirement that Federal prosecutors have a role in the decision to deviate from the mandatory minimum because that is something that had been suggested, I guess by the U.S. Attorneys Association. I will yield to Senator HATCH to clarify anything I might have messed up.

Mr. HATCH. These are President Clinton's own prosecutors that we are satisfying here.

Mr. DOLE. It was their request?

Mr. HATCH. That is right.

Mr. DOLE. The thing you did not find in there was any amendments on guns. So there is no guns and no pork. It is pretty clear cut.

We want to join all those who want a crime bill—want a crime bill. Not a spending bill but a crime bill. It is still $25 billion, still $3 billion more than it was when it left the House—even though you added one more year. Still, it is a very massive effort. Recall that Senate bill passed by a vote of 94 to 4. Only four Senators, I think two on each side of the aisle, voted against that bill.

So there is no question about where people stand on this legislation. It is a question where they stand after it was loaded up and became a spending bill; it became a social welfare bill instead of a crime bill. I hope if the majority leader will be able to accept what we think is a reasonable proposal—I must say we have had about 3½ hours of conference. I understand the majority leader has a conference tomorrow morning at 9:30. But we believe this is a fair proposal.

Some are objecting and saying this has to go back to the House. The concurrent resolution, if there are any amendments adopted, have to go back to the House. That is true. So what? It goes back to the House. They act on it. If they accept it then we pass the conference report in the Senate. That can be done in a matter of days. That is my understanding. I would have to check with the Parliamentarian on the House side. Most of these matters can be cleared by Democrats and Republicans in the House and would not take a great deal of time.

So, just to keep the record straight, make it clear, we are cutting out all spending—call it whatever you want. The Senator from Delaware said is it pork or is it chicken or is it fish? Whatever it is, it is out except for domestic violence and drug prevention, Federal and State prisons. We believe it is a step in the right direction.

Keep in mind there are already 260-some programs, Federal programs now. It is not that we are taking the last little program away. We spend about $25 billion already on many of these programs——

Mr. HATCH. On job training alone.

Mr. DOLE. On job training alone; and there are another hundred programs dealing with many other areas. So just so the RECORD will reflect what we did propose to the distinguished majority leader, I hope I have explained it correctly. But it is a $5 billion reduction in spending: $5 billion. It is a lot of money. We are prepared to surrender any amendments—I think on this side it is about $600 million added. But so what? Take it out. Go back and have some hearings, see if you can justify it. If that is the case, maybe it will belong on a bill next year.

I have nothing further to say.

Mr. HATCH. Will the Senator yield for a few questions, just for clarification purposes?

Mr. DOLE. Yes.

Mr. HATCH. What happens if the majority leader rejects this offer?

Mr. DOLE. If the majority leader rejects this, as I have told the majority leader, then we would make a point of order against the conference report. It is subject to point of order under, I think, section 306 of the Budget Act. Then there would be a motion to waive, and if it is waived there would be debate on the conference report. Then it will be voted upon after a cloture vote. If it is not waived, then the bill is open to amendment; the conference report disappears.

Mr. HATCH. Could I ask another question? For 2 days I have seen people on this floor savaging Republicans because they seem to think this is all a gun fight. They seem to think this is all over assault weapons.

When the Republican leader says assault weapons are out, what he means is that, if I am interpreting the Senator correctly, is that we are not even considering the assault weapon ban as in the bill? It is in the bill?

Mr. DOLE. That is correct.

Mr. HATCH. That means nobody is going to raise an issue about it?

Mr. DOLE. I think in the list of amendments we had yesterday, which were only proposed Republican amendments, somebody singled out amendment 11 or 12 which says "strike gun ban."

Mr. HATCH. That is right.

Mr. DOLE. That is no longer in here.

Mr. HATCH. So there would not be a motion to strike the gun ban.

Mr. KERRY. Will the Senator yield for a question?

Mr. DOLE. There would not be a motion to strike it.

Mr. HATCH. So the guns would not be an issue? It is a nonissue?

Mr. DOLE. I think it is a nonissue. Some have tried to make it such, because—for reasons best known to them, but it is not an issue now. It is not in here.

Mr. HATCH. Exactly what I have been saying for 2 days while we have been getting savaged by the other side. There is only one reason they have done that and that is because it is the only issue they have left.

Mr. DOLE. There are a number of issues. I must say—somebody said why do you want to have a cloture vote? I will tell you, if we do not knock out some of the spending, there are a lot of people who will not vote for cloture. If we cannot take out the $5 billion, why should you vote for cloture? You may not adopt some of the enforcement provisions. If we cannot, why should we vote for cloture? Maybe some will say I cannot vote for cloture with a gun ban, but that is going to be just part of the mix. There will be a whole number of reasons why some may or may not vote for cloture, and a vote for cloture means we shut off debate. We are prepared to move as quickly as we can and if we do not have the votes, if we make the point of order and do not have the votes, then we will debate the motion to waive.

Mr. HATCH. Just one last question, Mr. Leader, and that is this. Is it not true that the Simpson amendment expediting criminal alien deportation—in other words when an alien is convicted and sentenced the judge can issue a deportation order right on the spot, so the minute that alien serves his or her term they are gone? They are out of our country and out of our hair and not able to commit any crimes in our land; that the mandatory minimum penalties for gun crimes, that the mandatory minimum penalties for selling drugs to minors, that the mandatory minimum penalties for employing minors to sell drugs, and that the tougher mandatory minimum sentencing statutes, were all in the Senate crime bill and all passed overwhelmingly?

Mr. DOLE. As far as I recall. I would have to doublecheck but we did have the votes down there. I think each passed by rather substantial votes in every case. Maybe one was 58 to 42, I think on the minimum sentence for use of guns.

Mr. HATCH. Quite substantially they passed.

Mr. DOLE. Substantially.

Mr. HATCH. And they were in the original Senate bill?

Mr. DOLE. Right.

Mr. HATCH. So the conference report is considerably different from the original Senate bill?

Mr. DOLE. Right.

Mr. HATCH. And it lacks all this stuff on crime provisions that we all passed here and had motions to instruct to keep in, in conference?

Mr. DOLE. Let me just conclude by saying that the majority leader made a proposal which we looked at, and it, in effect, said sometime later next month we will bring up a bill and you can offer all these amendments on that bill. Then we will send that to the House.

The House might take it up or might not take it up. If they took it up there is no assurance it would pass. Now I understand there may be a further proposal: In addition we will guarantee the House will take it up. What does that guarantee? We do not have any leverage. The only leverage we have now is the conference report, and I have to believe if the shoe were on the other foot and we were trying to say just send it over to the House, we will get them to take it up, they would not buy that.

Mr. HATCH. That is right.

Mr. DOLE. We would not buy that.

So I hope—we have tried to make it clean, tried to make it simple: No guns, no pork, 10 amendments. We are ready to go. If we cannot get that agreement let us have the point of order, win or lose. Let us have the point of order. Let us let the American people know, win or lose, that there is a fundamental difference in philosophy around here and that some people think the way you solve the crime problem is spending billions of dollars you do not need to spend, and others of us feel there are other ways to deal with crime and that is with tough mandatory penalties.

If you sell drugs to minors it ought to be mandatory. If you engage minors to sell drugs it ought to be mandatory. We are ready to vote on those amendments. I think it would be hard to resist, and I think there would be a lot of bipartisanship in not only the debate but in the vote.

Mr. HATCH. If I can ask one last question, one of the arguments is that we are asking the House to vote on this again.

But it seems to me that is precisely what they are asking us to do; is it not?

Mr. DOLE. True, they want us to let the conference report go —the Democrats. They say, let the conference report go, let the President sign the bill, and then we will send the bill over.

Mr. HATCH. Is it not true that the House cut a deal with the President, Leon Panetta, and the House leadership over there, and all we are asking is some of these provisions that we fought hard for on the floor and I fought hard for and Senator BIDEN fought hard for that all of us passed with pretty substantial votes, be given consideration by the House and put back in?

Mr. DOLE. Let me also include, after the list of the proposed amendments which I delivered to the majority leader and also a copy of the agreement—it has already been included in the RECORD—let me also add an editorial from the Wichita Eagle which says the best thing to do with the crime bill is not to pass it because of the spending—because of the spending. And I do believe the American people, despite the spin put on by the other side, are beginning to understand there is a lot of spending in this bill—a lot of spending in this bill.

The Wichita Eagle is not known to be a conservative newspaper in my State, but they have taken a look at it and they decided there is too much spending. We have not justified it.

Madam President, I ask unanimous consent to print that editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle, Aug. 24, 1994]

DIE, CRIME BILL—CRIME-FIGHTING IS A LOCAL RESPONSIBILITY

The most appealing aspect of the $30.2-billion crime bill passed by the House Sunday is that the money to pay for it would come from a 270,000-job reduction in the federal government. The money to pay for all the anti-crime programs created in the bill wouldn't go onto the $4 trillion-and-growing national debt.

A better course for the House, though, would have been to adopt a resolution acknowledging that, yes, Americans are worried about crime and exhorting state and local officials to do something about it—while at the same time eliminating the 270,000 jobs. The savings could have been applied to deficit-reduction. The national debt is a greater threat to Americans' security than crime could ever be.

Besides, there's little reason to expect that the programs in the crime bill will make one whit of difference in the crime rate: not the federal death penalty for 50 new crimes, not the extra 100,000 police officers, not generous new subsidies for prison-building by the states, not the ban on certain kinds of semiautomatic assault rifles, not the three-strikes-you're-out provision for federal crimes, not even the crime-prevention programs that survived congressional cost-cutters' knives.

The real hope for reducing the crime rate lies in neighborhood action against the social forces that turn children to crime. Government has a role in attacking those forces, but the impetus has to come from citizens themselves.

If extra public money is needed to create local or state anti-crime programs, it should be raised from local or state tax bases. Creating such programs at the federal level is less effective, because Washington can't possibly hope to envision and write programs that work equally well in Boston, Spokane, Wash., and Wichita.

The matter now rests before the Senate, where Republicans object to it because of its cost. Good. This thing may collapse yet. If it does, the American people will be just as safe as they are now.

Mr. DOLE. So we will await the conference tomorrow, and I assume at that time there will be another meeting between this Senator and the distinguished majority leader.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I thank my colleague for his comments. I regret that I was not present during all of his remarks and, therefore, am not able to respond to all of them.

I would like to make a few comments on the proposal that has been made and reiterate what I told the distinguished Republican leader, that we will have a conference of our colleagues tomorrow and review the proposal and respond and make what I hope will be an appropriate and acceptable response.

I would like to offer a couple of observations about it, though, particularly as it relates to some of the central concerns on our side.

The Senate recently voted on banning assault weapons, and the vote was 56 to ban assault weapons, 43 not to ban them. It was a decisive vote. It seems clear to all concerned that if the Senate were to vote again on an effort to strike out of the crime bill the assault weapons ban, that effort would fail.

In the House, the vote on the assault weapons ban was much closer, 216–214 with three Members absent and not voting.

Under the existing circumstance, the House does not have the opportunity to amend the crime bill to strike out the assault weapons ban. The Senate does. But the likelihood of striking out the assault weapons ban in the Senate is very small, but it is somewhat greater in the House.

The proposal that the distinguished Republican leader has given us does not include an effort to strike out the assault weapons ban in the Senate where it would almost certainly fail, but it would create a new opportunity to do so in the House where that opportunity does not now exist and where the chances for succeeding in striking out the assault weapons ban would be much higher; in effect, exchanging an existing right in the Senate which has almost no chance of approval for the creation of a new right in the House which does not now exist and where the chances for succeeding are somewhat higher.

So I understand and respect that if someone wants to strike out the assault weapons ban from the crime bill, this proposal makes sense. It is a very carefully thought out proposal in that regard because it gives up the right in the body where the right now exists but where it cannot succeed and creates a new right in the body where the right does not now exist and where it could succeed.

That is one of the factors that we will have to take into account in evaluating the proposal.

Second, under the proposal, no action could occur on the crime bill—none whatsoever—if one or more of the proposed amendments were adopted. If they were adopted as part of the resolution, it would then go to the House of Representatives where it would presumably be fully amendable, and not only could an amendment be offered to strike out the assault weapons ban, but any other amendments could be offered, and no one knows what the result of that would be.

The proposal is not clear on what would occur at that point if the House adopted a concurrent resolution different from that which had previously been approved in the Senate. At least I do not understand what would occur, and we hope to get that clarified.

Now, finally, the proposal is that we vote on a list of 10 amendments which are presented as necessary to correct what is wrong in the crime bill, and yet even if all 10 were adopted to correct what is wrong in the crime bill, a filibuster would still occur and we would have to file cloture and get 60 votes to defeat the filibuster. Well, the question is, if these amendments will correct what is wrong in the crime bill, then why would we need to get 60 votes at the end? Have I misread—

Mr. STEVENS. Will the leader yield?

Mr. MITCHELL. Have I misread the proposal in that regard?

The PRESIDING OFFICER. Does the majority leader yield?

Mr. MITCHELL. Yes.

Mr. STEVENS. That proposed agreement indicates that a cloture vote would take place for certain at a time to be agreed upon, as I understand it. There could be no filibuster. You control that, Mr. Leader.

Mr. MITCHELL. Well, Mr. President, the purpose of a filibuster is to force a 60-vote requirement in a situation which otherwise would only require 51 votes.

Mr. STEVENS. Will the Senator yield further?

Mr. MITCHELL. Certainly.

Mr. STEVENS. That is guns. That is guns. We want a chance to see who is violating the second amendment, but we are willing to do it whenever you are ready.

Mr. MITCHELL. I thank the Senator because I think he has made my point very effectively.

Mr. BROWN. Will the distinguished majority leader yield for a question on guns?

Mr. MITCHELL. Certainly.

Mr. BROWN. Madam President, I respectfully suggest to you, as one on this side of the aisle who voted for the ban on assault weapons, that there is no filibuster here. To suggest that there is a filibuster is a disservice to the Members on this side and to the proposal that was sent to the majority leader.

The fact is this proposal does not guarantee the House of Representatives will get to vote—even one vote—on assault weapons. I know the distinguished leader is aware that amendments that come to the floor in the House are governed through the Rules Committee. It is obviously a much stricter set of rules than we have in the Senate, but to suggest that the Speaker's Rules Committee would permit a vote on assault weapons is something I do not believe would happen.

Second, I would point out that for one who has fought this battle through on this side of the aisle, I think it is very significant that the proposal that has been brought to you is a measure which does not involve a specific amendment to delete the gun ban and, more specifically, clearly does not mandate a vote in the House.

Third, I think it puts the legislation in a form where the ban that has been passed in this Chamber and in the House Chamber will become part of the law, no matter what we do in the form of amendments.

Last, as one who thinks that a ban ought to take place, I believe that allowing the votes in the Senate and a ratification in the House on the questions of pork and the questions of being soft on crime will be the best way to put this bill into the shape it must be in to become law.

To the contrary, it is my belief that by refusing this proposal, that by refusing further votes on important crime control amendments, it will do more harm toward eventually passing a ban on assault weapons than any other course of action we might take.

I thank the distinguished leader for yielding that time.

Mr. MITCHELL. I thank the Senator. If I could just respond briefly to the last comment, I have proposed that the Senate debate and vote on those provisions. Of course, it already has. Every provision there has been debated and voted on in the House, Senate, and I think in the conference, although I was not a member of the conference. And I proposed that. I am agreeable to that. In fact, I will agree to do that whenever the distinguished Republican leader would like, that we bring them up and vote on them.

My concern is that the crime bill not be held hostage to those provisions. That is the only area where we disagree. My concern is that if we do it in the manner suggested, the crime bill will never become law, whereas if the concern is that we take up and debate and vote on these provisions I am agreeable to that. I am agreeable to doing that right away. And then that debate and those votes would occur. The problem is—and this is an appropriate concern the distinguished Republican leader has expressed—there is no guarantee what will happen in the House. But that same argument applies to the concurrent resolution. We have no guarantee what will happen in the House.

Mr. BROWN. I appreciate that. I might simply add one comment on that. For Republicans to have that concern about a House dominated by the Democratic Party is one thing. For the Democratic leader to have that concern about the House actions, which is dominated by his own party and by a Rules Committee that, the last I counted, was 2 to 1, plus 1 Democrat, strikes me as a wholly different concern.

Mr. MITCHELL. Well, I understand and appreciate that. And I have offered as majority leader allowing for a process in the Senate like the Rules Committee.

Would the distinguished Republican leader like me to yield?

Mr. DOLE. Yes. I have been advised that under the House germaneness rule, the gun amendment would not be in order under the rules over there. I will double check it. As I understand the germaneness rule in the House, you could not offer a gun amendment. So that argument goes out the window. And I must say that if I were in the majority leader's position, I would probably say, well, why do we not just bring up a separate bill and you would have all these amendments; you can do it tonight and maybe—and we will even get the House to consider it. We will even go as far as saying they will consider it.

We have already made one of those arrangements on the Brady bill. I do not say the majority leader acts in bad faith. In fact, I guess I would bring up the Brady bill sometime soon. And I even talked to the Speaker.

But I really believe that what we are talking about can be accomplished very quickly, in a matter of days the President could sign the conference report. And we think this can be done. We have already cleared it on the Republican side in the House. The minority party has no objections, said they would not stand in the way of this being cleared even while they may not be in session. Now, they may have to move from pro forma to another type session. That can be done. But there would be no—not every House Member would come back, and according to Mr. GINGRICH there would be no objection to clearing what we propose if in fact some of the amendments were adopted in the Senate concurrent resolution.

So we are not talking about a big delay or taking up a lot of time. But just to say that we will bring up a separate bill and you put your amendments on there and we go ahead and sign the conference report and maybe the House will even agree to consider it, in my view, I do not really believe that is something that we could sell on this side of the aisle.

Mr. MITCHELL. Madam President, if I might just respond on the question of the Brady bill, right here on page 2 of the calendar is the unanimous-consent agreement on the Brady bill that was entered into on November 24, 1993. And that provision provides that any time the Republican leader wants I will bring up the Brady bill amendments. The decision not to bring up those amendments was the decision made by our distinguished colleague, the Republican leader.

The House has not got anything to do with this because unless and until the Senator advises me that he wants this brought up—and I am prepared to do so whenever he asks to do it—there is nothing for the House to do because we have not acted upon it.

So I do not believe that is in any way analogous. If the Republican leader wants me to bring up those amendments, I will do so, and I have told him that, any time he wants. We made that agreement and that commitment. So that is a different situation from the one which we are now describing.

Mr. DOLE. Will the Senator yield?

Mr. MITCHELL. Yes, I will certainly yield.

The PRESIDING OFFICER. Does the Republican leader wish to be recognized?

Mr. MITCHELL. I have the floor, but I will yield to the distinguished Republican leader.

Mr. DOLE. It also occurs to me the House could have done the very same thing that we are proposing. They could have sent us a House concurrent resolution, whatever, and asked us to do something. I mean they had the same right except they went back into sort of a loose rules or conference committee and added some more amendments to the conference committee as they were agreed to by the bipartisan group there.

So this is not anything that is unique, it has never been done before. It is done, maybe not frequently, but there is certainly a lot of precedent for it.

I have not given up yet on the Brady bill. We are still going to have several weeks here, and I am trying to think what I wish to put on it but no good thoughts have come to mind.

Mr. MITCHELL. Well, I just await my friend and colleague.

Mr. GRAMM. Will the distinguished majority leader yield for just one moment?

Mr. MITCHELL. For a question or statement?

Let me finish my statement. Then I will yield the floor.

Mr. GRAMM. It is a question but a little statement building up to it, so the Senator understands the question.

Mr. MITCHELL. If I could finish my own statement, then I will yield the floor. Then the Senator can say anything he wants. I think that is fair to all concerned. Everybody has a chance to do it.

I want to just address the subject of spending which has been much discussed here and was just mentioned by the distinguished Republican leader.

The first point to be made is that the bill which passed the Senate by a vote of 95 to 4 and which I believe was supported by all but two Republican Senators and two Democratic Senators covered 5 fiscal years—from 1994 through 1998, inclusive. The conference report, that is, the measure now before the Senate, covers 6 fiscal years, 1995 through the year 2000. So everyone should understand that it is for a different period of time and a longer period of time. The first bill, 1994 through 1998, the second bill 1995 through the year 2000. In the years which are common to both bills, that is, the 4 fiscal years 1995 through 1998, the amounts of money to be laid out in each year are less in the bill now before the Senate than the bill that was voted by the Senate by a vote of 95 to 4. The spending is actually less in each year.

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Let me finish my statement if I might.

The increase is a result of the two extra years that were added, 1999 and 2000 after dropping off the first year, and since the first year was only part of a fiscal year the amounts were very small. That is the first point.

That is to say, the amounts in the years common to the Senate bill that passed 95 to 4 last fall and the bill now before the Senate are less each year in the bill now before the Senate than they were in the bill that passed.

Now, the second point to be made is that the Republican crime bill here in the Senate was for $28.24 billion over 5 years. The Democrats' proposal is $30.2 billion over 6 years.

Now, this document has been put out by our Republican colleagues. This is the Republican alternative crime bill conference report dated June 30, 1994. And I will read the first two sentences.

> The Republican proposal is a deficit neutral $28.24 billion 5-year plan.

Mr. HATCH. Will the Senator yield on that point? That is important because that is at that point.

The PRESIDING OFFICER. Does the majority leader yield?

Mr. MITCHELL. If I could just finish reading the sentence.

Mr. HATCH. All right.

The PRESIDING OFFICER. The majority leader does not yield.

Mr. MITCHELL. Let me read the two sentences, if I might, and then I will yield for the question.

Again I am reading. This is from the Republican description of the two bills. It is the Republican alternative crime bill. I am advised by my colleague that this was released by the Senator from Utah at a press conference. So the document says, if I could just read the first two sentences:

> The Republican proposal is a deficit neutral $28.24 billion 5-year plan. The Democrat anticipated proposal is a $30.2 billion 6-year plan (full funding takes until the year 2000) which proposes $13 billion in deficit spending.

On the level of spending, the level——

Mr. HATCH. I think at this point——

Mr. MITCHELL. Of $28 billion over 5 years is more money per year than $30 billion over 6 years, which, I think we do not agree on much, but I think we can agree on that.

Mr. HATCH. If the Senator will yield——

The PRESIDING OFFICER. The majority leader does not yield.

Mr. HATCH. I am entitled to ask a question.

The PRESIDING OFFICER. The majority leader has the floor. He does not yield.

Mr. HATCH. He said he would yield for a question.

Mr. MITCHELL. I yield for a question.

Mr. HATCH. Let Senators at least ask questions. You can refuse to answer them.

Mr. MITCHELL. I just said I will yield for a question.

Mr. HATCH. We agree that is what that bill was, 90 percent of it was for law enforcement. It was filed pursuant to a $33 billion conference report. It is a considerably different bill from this one, and it would do something against crime far better, far tougher than the current conference report. Plus it is deficit neutral. The distinguished majority leader admitted that this $30 billion conference report today has a $13 billion deficit.

Mr. MITCHELL. Madam President, just a moment——

Mr. HATCH. That is just what you said.

Mr. MITCHELL. I read from a quotation of your document. That is not a position of mine.

Mr. HATCH. I do not know anyone who disputes it.

Mr. BIDEN. I do. If the Senator will yield for a question, if you wish to find someone who will dispute, it is I.

Mr. HATCH. Is yours deficit neutral—$30 billion?

Mr. BIDEN. Yes.

Mr. MITCHELL addressed the Chair.

Mr. HATCH. Show me how, when, and why.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I do not think that actually was a question. But I have no objection to the Senator making it.

I would like to finish my statement, and let other Senators have the floor. I think everybody will have a chance to speak. I do not want to try to monopolize the debate. I merely want to make one further point about the point of order.

The point of order has nothing to do with the amount of money in the bill. So while a lot of the discussion has intermingled the two and created among many people the impression that the point of order is being made because of the amount of spending in the bill, it should be clear that there is no such relationship. There is no relationship whatsoever.

The point of order is based upon the fact that the crime bill includes a provision which reduces the spending caps now in place on discretionary spending by the Federal Government so as to ensure that the money goes to the crime bill and is not spent for other purposes. It is not the amount of money that triggers the point of order. It is the existence of a provision which reduces the caps, a measure which is within the jurisdiction of the Budget Committee but which was not reported by the Budget Committee. The point of order seeks to strike down the crime bill because this provision is in it.

The point I want to make is that the provision which is being attacked by the point of order was approved knowingly by the full Senate on several occasions. And many of the Senators now proposing and saying they are going to vote for the point of order praised this provision when it was first proposed, lavishly praised it. And, in fact, there was a kind of competition for credit as to whose idea it was in the first place.

So no Member of the Senate and no member of the public should be confused on that point.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MITCHELL. Yes. If I could just finish the sentence——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. The point of order relates to the existence of that provision, and that provision was in the bill which passed the Senate the first time. The Senate was fully aware of it. I acknowledge that not raising it on the bill does not preclude anyone from raising it now. The point of order remains in existence to be exercised as Senators choose. But the point is that it was praised as a means for dealing with this issue. And I believe that it is significant in this debate as we debate and prepare to vote, if we do, on the point of order, which does, of course, require 60 votes to overcome.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MITCHELL. Madam President, I am going to yield the floor and let anybody else who wishes to seek the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the manager of the bill, the Senator from Delaware.

Mr. BIDEN. Madam President, I promise my colleagues I will be only 30 seconds. I ask the majority leader, since I do not know all of the details—I am not sure what the counterproposal of the Republican Party has been here—but is it not true that if, in fact, we accept at this moment every single thing the Republican compromise offered, we would still be in violation of the Budget Act?

Mr. MITCHELL. Yes.

Mr. BIDEN. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will recognize the Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I know that the distinguished majority leader has to leave the floor. But, hopefully, he will be here long enough so that I can at least say, as one who was for the trust fund and urged Members not to support a point of order, I feel that the American people should know that we have changed things substantially since I was for it. Let me tell you how.

First of all, there is nobody that can deny that being for a bill and saying "do not waive the point of order" does not commit a Senator to that position under any circumstances. You can change anything, and because he was for waiving it once does not mean that he ought to be for waiving it all the time.

So I might tell you two things that are very different and that the public ought to know are very different.

No. 1, there is $3 billion more in so-called pork. That is enough to say, "OK, I do not support this approach anymore." I want to use the point of order to deny a bill that I used to be for and, therefore, I was for denying the point of order, but now is different by $3 billion.

Second, it is now 6 years, 2 additional years. So that we will not confuse 5 versus 6, there are 2 brand new years of trust fund in it. I might say to the majority leader I have checked this as carefully as I can. I submit that the $13 billion provided in those 2 years are considerably different than the money that was in the trust fund in the 4 years.

In fact, I can tell the people of this country that I have no doubt that $13 billion will add to the deficit. And if anybody wants to go through this with a fine-tooth comb, I will convince you that we are left with the total attitude to set the budgets in 1999 and 2000. How do we know we are saving this $6 billion when we have not set that budget yet? When we voted for it the first time, the budget for America had a dollar number on it for each of those 4 years.

You knew precisely that you were not adding to the deficit, because you lowered the amount allowed to be spent by $22 billion. Now there is $13 billion in new spending, and I am prepared to say that will add to the deficit. I believe it. I have no confidence that the Congress will literally reduce the deficit sufficiently to account for that. I think they will increase the budget sufficiently to add that in.

So, in summary, this is a totally different trust fund. It is not paid for. Nobody can say to the American people that the second 2 years are budgetarily neutral. I do not believe it. And everybody says the Senator from New Mexico knew so much about this that he talked us all into the trust fund. I have heard five Democrats say it. "Well, Senator DOMENICI, the budget expert, said let us do this."

I am telling you that if I was an expert then, I am an expert now. I do not think I was then, nor am I now. But I can tell you right now that the $13 billion, which is almost half the total bill, is going to cause deficit spending, because there is no way you can guarantee the American public that that trust fund comes out of a reduced budget rather than an increased budget.

Frankly, that is how I see it. And that does not mean that I was for something once and I changed my mind. Of course, I have the right to change my mind because it is a different bill in the ways I have described, and I think it is clearly understandable.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I want to make one point, and I accept the Senator's statement. I said in my statement that obviously not offering a point of order to the bill does not mean that one is bound not to offer it to the conference report. I expressly acknowledged that in my comments.

I make the following point: First, it should be clear that these amounts may be appropriated. That is what it says in the measure. These are amounts that may be appropriated from the trust fund. So just as no one can guarantee what the Senator warned against, so he cannot guarantee that will add to the deficit.

Second, with respect to the caps, the caps are only in existence for 4 of the first 6 years. So since there is no mechanism, since there is no cap in existence, there is no mechanism for imposing or altering the caps in the fifth or sixth years.

Mr. DOMENICI. The Senator is correct. In fact, I say to him that one of the reasons I was for the trust fund was because it only went for the 4 years for which we had caps. That absolutely assured us of the savings. If you went 1 year beyond it, I would have been against the trust fund because we would not be assured of the savings.

Let me make one last point. My good friend, the majority leader, said if you look at the 4 years, there is less spending in 4 years, and there is more spending in the next 2—as if spending is not spending. The truth of the matter is that there is more spending on prevention, or pork, in this bill by $3 billion. There is $3 billion more—not in the first 4 years, but in the 6 years.

Mr. MITCHELL. Mr. President, I will just conclude by saying that my understanding is that the trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in the years 1998 to the year 2000 will be made from comparable amounts for budgetary purposes. That is to say, none of us now knows how many discretionary dollars the Federal Government will have to spend in those 2 years. But whatever the total is, it will be reduced by $6.5 billion in each of those 2 years.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, I think it was very interesting, as we listened to the proposal of the distinguished minority leader, that among the 13 amendments listed—and he read through each of the amendments—none of them pertained to the question of this point of order.

Here we are for several days struggling over a point of order. We have had Senators rise on the floor and talk about the spending and the deficit the point of order is supposed to address. Yet, strangely enough, not one of the proposed Republican amendments to the crime bill pertains to the caps, establishes some sense of savings, or touches on the budget issue in any way. It is not discussed.

What the Senator from Alaska said in a moment of candor on the floor of the Senate in answer to the majority leader was, "That is the guns," and that, in effect, negated what the minority leader himself had said, "This is not about guns." This whole situation is about guns. Because, as the distinguished majority leader pointed out, no one can guarantee, once we amend this bill in any fashion, what the House will do. There is a greater likelihood the House will produce an amendment to strip the gun ban from the bill, and in effect, that is why opponents of the gun ban have raised this point of order. They know that they can use this technical point to initiate an amendment process that will let their forces in the house kill the weapons ban.

So for the American people who are listening now and trying to figure out what this is all about, what is really happening here, a little bit of history may help.

In recent history, in a whole bunch of speeches on the Senate floor, Republicans have talked about how this is not a tough crime bill and how they want to take this bill back and make it tough. Yesterday, when I was on a television show with the Senator from Texas, he blurted out and said, "Everybody in America knows the Democrats are not tough on crime. Republicans have always been tough on crime and, by gosh, we want to get a tough crime bill."

What this is all about is not just guns, but the perception that our friends on the other side of the aisle are fighting for, and that is a perception that they want to try to sell the American people that they are somehow bigger, better, braver, tougher, more willing to incarcerate, more willing to fry, than are Democrats. That is the fight. This is a squabble. This is a squabble that is even in disregard to the political process that we normally undergo around here.

When you pass a bill in the Senate and you pass a bill in the House and it goes to the conference committee, we both appoint conferees and we are represented in the negotiations.

We had people there, and they had people there. Senators were there, Congressmen were there, and they sat down and reached an agreement. It went to the House, and the House passed it. It even went to the House in an extraordinary open negotiation session, which the distinguished chairman and manager of this effort attended, along with Senate Republicans. An agreement was reached, and it went to the floor. Now it comes back to us and it is not amendable under the normal rules of the Senate.

But our friends on the other side are taking advantage of a technicality in order to try, if they can, to open up the gun issue. And if somehow they cannot succeed in that, their game is to try to sell the American people on the notion that they are bigger, better, tougher, stronger, and braver on the subject of crime.

In the meantime, Mr. President, the law sits here unpassed. In the meantime, none of the 100,000 police this bill promises are on their way to the streets of this country.

In the meantime, prosecutors and others in the system are struggling.

Let us put this in its proper perspective, if we may.

Back in the 1960's, the crime rate began to rise. By 1964, crime was an issue in the Presidential elections. So in 1968, enough support had grown up in the country that Congress was able to pass a program called the LEAA, the Law Enforcement Assistance Administration. That program allocated about $7.5 billion over 12 years, expiring in 1980, right at the time when President Reagan came to office.

This program called LEAA, I will tell you as a former prosecutor, is all that stood between those trying to make the system work and implosion.

In 1974, I came into a district attorney's office that had 12,000 backlogged cases. We had people come into the courthouse, and they would say: "This is my sixth visit to the courthouse. The police are never here. The witness cannot be found. You cannot get justice in the system. It does not work."

So we provided some resources, resources that we were able to fund thanks to the LEAA. Resources, Mr. President. Resources that the other side of the aisle leaps to call pork. Whatever they do not like, whenever they want to somehow appeal to the lowest common denominator, they just call a program pork. They find the word that the American people hate that they can quickly attach to something, giving it a pejorative, make it pork. Even if it is a good program, even when it is a program they have sponsored themselves, or voted for, or even fought to put into the bill, they nevertheless turn around and just call it pork today because it serves a political goal of trying to say they are bigger, braver, tougher, stronger on crime. That is what this fight is about, and it is embarrassing.

Now, I will say to you, Mr. President, back in those days when we got that LEAA, the LEAA made all the difference in the world. If you did not have a clerk in a courtroom you could not get documents up from the clerk's office. If you did not have a stenographer, you could not have a court record. If you did not have a police officer to go talk to someone, you did not have a case.

Thanks to the LEAA we were able all across the country—backwoods district attorney offices, major attorney general offices—we were able to enter the modern century in an effort to make a criminal justice system work. I emphasize the word "system."

Now, Mr. President, it is the LEAA that shows why our friends on the other side of the aisle are particularly sensitive about what is going on here today. Because when President Reagan came to Washington in 1980 they killed the LEAA. They killed it, and Republicans ended Federal assistance to the States for crime. Please remember that. A Republican initiative ended the then I think some $1 billion that the Federal Government was giving to the local communities to help solve the problem of crime, and you can measure beginning in 1980—Mr. President, I challenge anybody here to go do it—how police departments in most of the communities in this country began to shrink. The number of cops began to go down.

Back in the late 1960's and the 1970's, we had 3.5 police officers for every violent crime in America. Today we have 4.6 violent crimes for every police officer, and I will say to you, Mr. President that this trend began, was established, and accelerated during the 12 years that a Republican was in the White House.

Now, what did we have for crime bills during all of those Republican years? Don't think that the answer to this question doesn't impact on what is happening here today. During the 12 years from 1980 until 1992 when a Republican sat in the White House, never once did the Republicans propose a crime bill that provided money for building State prisons. We have not had such initiative until 1994, today. Never did they make a commitment to put more cops on the beat. We have not had that until today. They never had a comprehensive bill that covered both deterrence and prevention, an approach to affect both ends of the pipeline—where crime starts and where it ends—until today.

They always approached crime bills in a little piecemeal fashion where they would address one aspect of crime, put a few cops out; the next year they would deal with a couple of laws; the next year maybe there would be a little bit of assistance for this or that.

For 12 years, when there was a Republican in the White House, there was practically nothing that happened in terms of crime. The 1982 bill provided for a $16.5 million expenditure over 3 years. That was the crime bill of 1982, when the Republicans controlled the Senate and they had Ronald Reagan in the White House, that was the best they could do. Some $16.5 million—these people who are here today to try to tell you they are bigger, braver, tougher, and better on crime—when they had the Senate control and the White House, the best they could do to fight crime was to allocate $16.5 million over 3 years. And the ultimate irony is that they didn't even pass that. President Reagan vetoed their little bill. Why? Because it created a centralized drug office at the Cabinet level, which Reagan thought was an overreaction. And what did they do next? Here we go. They didn't even touch on the drug issue for 4 years, and they didn't do anything but.

The 1984 crime bill costs were just nominal. They barely put any money into the effort. In fact, all they did was change a few laws. That was about it—no prison, no police, no prevention.

In 1986, we had a bill—I was here in the Senate at that point and took part in an effort to try to create a drug response, and the bill was purely an antidrug measure. The bill spent $1.7 billion, but didn't do anything for cops, prisons, or prevention. There was nothing in the bill to help the system.

In 1988, the bill was the small sum of $2.7 billion which again went into the unsuccessful war on drugs, and then in 1990 the bill provided about $1.4 billion over 5 years. It had about $300 million for young offenders. It had some alternatives to incarceration. And the rest—most of it—was for drugs.

In 1991—this is very important—in 1991 we had a bill that would have allocated $3.6 billion for prisons and law enforcement, but interestingly enough, not unlike today, the Republicans filibustered that bill. Why did they filibuster that bill that would have produced the most resources in congressional history toward the fighting of crime? They killed it because they objected to the Brady bill, which had to do with reasonable gun control.

So because of their opposition to guns, and their filibuster, they killed the crime bill of 1991, that would have had some money in it for alternative prisons, for substance abuse, and so forth. So they put guns ahead of any of the other priorities of the system.

So, in summary, Mr. President, there is no way to compare the bill we have with us today to any bill that was introduced during the Republican administrations. Today's bill is dramatically more comprehensive, overwhelmingly tougher, and represents a marked advance in this country's approach to crime.

And the reason that our colleagues are so sensitive to what has happened in the last months is that a Democratic President and Congress are finally responding for the first time in 30 years with a major comprehensive bill to try to deal with crime.

Many Senators on this side of the aisle objected, I might add, to major portions of what went into the bill, but they understood we had to compromise. We had people who objected to the amount of money for prisons. We had people who objected to certain mandatory sentences. We had people who objected to the idea of putting more cops on the street. We had Senators who objected to the expansion of the death penalty. We had different concepts of objection.

But all of us overcame our objections because of this notion of compromise.

In order to pass a bill, in order to do something about crime, we were all going to have to give up something.

Now we come back at the last hour and those who were part of the compromise are moving away from the compromise just to get their way. And to get their way, no matter how reckless it is, they will label whatever they want as pork in the hope that the American people will pick up the cry and somehow support what they are doing.

Mr. President, I think people ought to just stop and look at this bill. It is fascinating to me that this bill that they say is not tough is supported by every major law enforcement organization in the country. The National District Attorneys Association wants this bill. They do not think it is weak, as our Republican colleagues seem to. Every single local police entity wants this bill. The National Association of Attorneys General wants this bill. All of our Nation's police organizations want the bill. Let me read some of the organizations' names.

The Fraternal Order of Police wants this bill. The National Association of Police Organizations wants this bill. The International Brotherhood of Police Officers wants this bill. The National Sheriffs Association wants this bill. The International Union of Police Associations wants this bill. The National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Foundation, the Federal Law Enforcement Officers Association.

Ask the National Conference of Republican Mayors if they want this bill, and they will tell you resoundingly that they want this bill.

How is it that a bill that is wanted by every single one of the front line people in the fight for crime is somehow being second-guessed at this point by many people who have never been on the frontline of law enforcement in their lives?

Ask the major cities' chiefs, the National League of Cities, the National Association of Counties. And there are many, many other entities representing the interests of this country in law enforcement who want this bill.

Mr. President, I keep hearing people say, "Well, wait a minute. We want tough stuff. We just don't want the pork. And you folks let this bill go over to the conference and there they took things out."

Mr. President, I just suggest we put that to the test for a moment.

I ask people to measure what was taken out in the conference versus what was put in and then say this is not a tough bill. Yes, the conferees took out a few of the D'Amato-Gramm gun provisions which federalized crimes that do not need to be federalized because they are already a crime at the State level. These crimes already get prosecuted. They do not represent a problem the Federal Government needs to address.

Several criminal youth gang offenses were struck out. They were very minor provisions. There were a few provisions taken out on public corruption. The Senate had two "three strikes and you're out" provisions. They strengthened one. Those who say the conferees took it out are wrong. The conferees really strengthened it. The conference came back with a three-strikes-and-you're-out provision.

And, yes, some mandatory minimums for drug crimes were taken out.

I heard the distinguished minority leader saying, "Who could be opposed to a mandatory sentence for somebody selling drugs to a minor?"

Well, what happens if it is the minor's best friend who is also a minor who sells the drugs? Or what happens if it is somebody who is 20 years old, a college friend who has never been in trouble, who happened to be at a party, and who sold some drugs to another minor? Are we going to put that person in jail for 10 years? I mean, that is the problem; if we are going to reduce all of this to simplistic sloganeering, we create enormous injustices in the process.

We have people today in jail under mandatory sentencing provisions for drug use who have been there for 4 years or 5 years, who are so barely culpable it is sad, who are taking up a cell that should instead house a rapist, an assaulter, a burglar, an armed robber, or a murderer who is not in jail because there are not enough cells. Jails all across America are so full that judges are given a list on a weekly basis and are told to let people out in order to make room for the next group of people coming in.

Part of the reason for this overcrowding is that we have a lot of people in prison for first-time, nonviolent minimal offenses. But they get swept under this broad-brush concept.

Mr. President, that is what was taken out of the bill. So when they say, "This bill changed; this bill was weakened; this bill was plumped up with pork," let us test this, too.

What really happened in conference? Well, $1.3 billion more was added for law enforcement in the conference; $1.3 billion more than the Senate bill that all but two Republicans voted for previously.

And $3.2 billion more was put in the bill for prisons—$3.2 billion more than the bill that all but two of the Republicans voted for previously.

This is what was put in the conference. This is a bill that was supposedly weakened. The conferees injected $4.5 billion more for prisons and law enforcement. The bill also got a $1.8 billion increase for the incarceration of illegal aliens. It got a $1 billion increase for the Byrne grants, which everybody supports. It got $1.2 billion for increase funding for the Border Patrol. It got $307 million in increased funding for Treasury Department enforcement. It got $50 million in increased funding for the DEA; $10 million in increased funding for DNA testing; and $24 million in increased funding for police recruitment.

Mr. President, that is a tougher bill. That is an addition of billions of dollars in order to make this bill even tougher on crime. That was part of the compromise.

And now our friends on the other side want to renege on the compromise and go back on it in order to gain the political advantage of trying to claim that they are somehow tougher on this bill.

And what I have told you is just financial. Let me show what this bill does in penalties.

With this bill, we add 60 new death penalties. That is the largest expansion of the Federal death penalty in the history of the U.S. Congress. And there are people on the other side of the aisle who are opposed to the death penalty, who nevertheless voted for this bill, despite opposition because they understand we need these cops, we need these prisons, and we need this money.

It also adds over 70 new penalties or penalty increases. It has the three-strikes-and-you're-out penalty; mandatory life for defendants convicted of three serious felonies. That is tougher, Mr. President.

The conference authorized adult prosecution of 13-year-olds for serious, violent crimes, which I happen to think raises some enormous problems in the criminal justice system. But people like myself swallowed hard. That is a lot tougher—some would say draconian. But it is in there and it is going to be part of this law if our friends would let the Senate vote on the bill.

The conference added a tougher new penalty to crack down on gangs, and adds up to 10 years for a Federal drug and violent crime committed by a gang member. That is a lot tougher than it was before.

It enhanced the penalty for all crimes where a defendant uses a child or encourages a child to commit a crime. That is a lot tougher than it was before.

And that is only the beginning, Mr. President.

The bill increases the penalties for drive-by shootings, for using a semiautomatic gun during a Federal drug crime or violent crime, for stealing guns and explosives, for interstate gun trafficking, for aggravated sexual abuse, for sex offenses and assaults against children.

It increases penalties on every single one of those.

It increases the penalty for using kids to sell drugs in a drug-free zone. It increases the penalties on use of drug dealing near a public housing project.

It increases penalties on drug dealing near schools and playgrounds. It increases penalties on drug trafficking when you are in prison. It increases penalties on drug smuggling into prison.

And yet we keep hearing our friends come to the floor and say how this bill weakens, how it is not tough on crime.

Mr. President, there is not a criminologist in America worth his or her salt who would not say that this is the toughest crime bill and most comprehensive crime bill ever put forward in the U.S. Congress. But our friends are here to spend several days getting the message out to America—the phony message—that somehow one party is tougher on crime than the other party.

Mr. President, this really is not a party issue. There is not a Democrat or Republican policy on crime. There really is not. I do not think there is a Senator who is soft on crime. I would not waste my time trying to argue that there is a Senator soft on crime. There are different attitudes about what works. There are different sets of priorities about how to deal with crime. And it is precisely those different sets of priorities that brought us to the point of compromise, where some of those people who hated the death penalty, some of those people who hated all of this prison money got some of the money to put into prevention because they think it is smart to reduce the level of crime in ways that are known to work.

Now, some of our friends do not want to do that. Well, some of our friends on this side do not want to spend the money the conference introduced. The point is we are supposed to act like adults in the Senate and come to agreement, and that means compromise.

And that is exactly what took place in the course of the conference and what has brought us here. Our friends know, under the normal procedures, were it not for this technicality that they will assert—maybe—they would not have the ability to propose amendments. They would not be allowed to. They would have to vote to either kill this bill or vote to pass it. And do you know what? It would pass. It would pass, if there were really a vote. And Republicans would vote for it, pork and all. Everyone in the Senate knows it, and everyone in the country ought to know that.

I would like Americans who are listening to this debate to stop for a moment and analyze what the Republicans are calling pork. Call an office, read about it, think about it. Because what we have is a situation where programs that have long been accepted as working and preventing crime are suddenly being labeled "pork."

We have innovative programs that make a difference in the lives of kids that they are being called pork. And if we reduce this debate to a debate where people are allowed to just label something and walk away and everybody in the country believes it because somebody threw out the label, then we are really depriving ourselves of options for the future.

I ask my colleagues, who has walked into a Boys Club and Girls Club—I wonder who has done that recently—and seen and measured what is happening in that Boys Club or Girls Club? And who has considered what is happening to the children in these clubs versus the ones who are not able to get in because there is not enough room?

I was in Brockton, MA, recently. Only 10 percent of the kids in Brockton have access to a Boys Club and Girls Club. So what happens to the other 90 percent who do not get the choice of some shop or woodworking or dance or basketball or any of the other options? What happens to them? They wander around the street. They fall in with a bad lot of people. Everybody knows the pressures parents are under in America today. Everybody knows how many people are growing up in single-parent families or without parents altogether. Everybody understands the culture of violence on television that is used as a babysitter in countless homes in America.

So what happens to these kids who do not get the other options? Here we have a whole host of programs that make a difference in their lives. I have heard about countless programs in recent months talking with these kids. I have heard from them firsthand the difference it has made to be with a group of peers, all of whom have had a moment of trouble, some of whom are on drugs, some of whom have had five brushes with the court and who are at that brink of either going over the end or making it, pulling back. Those kids will tell you of the value of the programs that force them to accept some discipline, that give them some peer reinforcement, that give them a sense of self-esteem and value and perhaps a sense that something out there might work for them in the future. That is what these programs are. And they are being called pork.

There are examples of success in programs that show why this is valuable. It may be boring to some, but we better understand the difference between pork and programs that save kids' lives and rebuild communities. That is what this debate is about.

A 1992 evaluation by Columbia University and the American Health Foundation found that public housing projects with Boys Clubs and Girls Clubs had 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack presence.

Do you know what that means to the crime system of this country? A 25 percent reduction in people on crack? Mr. President, 13 percent fewer visits to the juvenile courts? You know what? These programs save money. If those kids are not going into the court system and they are not going into diversion programs, you do not need as many police. You do not need as many prisons, ultimately. You begin to build your society from the bottom up, where people have a stake in the community, not a sense of alienation and cynicism and loss.

Look at Community Schools in Houston, TX. This program tries to keep their at-risk kids in school instead of simply putting them out on the street. Professionals set up shops in the schools. This is what our friends come to the floor and call welfare programs, because welfare is a pejorative in American politics. Label it welfare. Put the word liberal in there and, by God, you have a real socko slogan going for you. Call it liberal welfare and everybody can hate it, even if it is a good program. That is what we have come to. That is all it takes.

Here is a program called Police Athletic Team in Birmingham, AL. The Birmingham Police Department sponsors softball, basketball, baseball, and golf teams for kids. Imagine that, a police department sponsoring sports programs for kids. We have had people come to the floor and derisively dismiss midnight basketball and arts programs. We are not going to spend money to do these things, we say.

Yet in program after program in America, where we have spent money on this sort of thing, you see kids with 80 percent success rate of not going back into the court system; 60 percent success rate going into employment. They learn something about themselves.

How is it we can all achieve this lofty position of U.S. Senator and mouth the platitudes we mouth, about family, about values, community, and then strip away from people the very ability to build family and values and community? How do we do that and go back and look at people with a straight face?

I am not telling you every single dollar in here will produce a return, but you cannot tell me every single dollar spent on a prison is absolutely going to yield a return. We have seen case after case of people coming out of prison after 15 years, 10 years, whatever, and they will tell you if they had had an opportunity to go straight, they never would have gone into prison in the first place, if somebody had just reached out to them, if somebody had just cared, if somebody had made a difference in their lives.

It is so easy just to come in, in this current mood we are in in America, and call it goo-gooism or do-goodism or whatever. But it works. Why have the Boy Scouts of America and Girl Scouts and Cub Scouts and Brownies worked for years? Why do church entities work? Why do people take their kids to Sunday school or to study the Koran or the Torah or whatever? They do it because there are values transmitted in that process. Because kids learn something.

But so many of the kids in America today are not learning anything except how to hate each other. They are learning how to do violence. They are learning how to not even communicate or be able to talk.

The other day I was in Lynn, MA with about 15 kids at risk. They are in one of these employment programs that have been labeled "pork." And I talked with every one of those kids. I might say, in the years since the 1970's when I was a prosecutor, I have never seen kids as negative, as alienated, as angry, and as incapable of articulating anything as these kids that I met with. I asked them, "What do you do after you get out of this program? What time do you get out?"

"2, 2:30."

"Where do you go?"

"We hang." That was the answer. "We hang."

All you have to do is talk to kids today and find out what hanging means, in terms of some of these communities, and you know what is happening where these programs do not exist.

That is our fault, not theirs. That is our fault, not theirs, because we are unwilling to make the investments that provide them with some alternatives. And I will tell you something, you are not going to rebuild family in America for people who do not have a family, who have no sense of what a family is or means. Where does it come from? Are they just going to walk out on the street and one day, lo and behold, they understand what family means and what relationships mean?

It does not happen that way, does it? We are creating a whole lot of antisocial people, sociopaths—whatever you want to call them—because they do not know how to communicate with each other, let alone with their parents or their family, if they have one. And many of them do not have one.

So I am sick and tired of hearing people come to the floor of the Senate and just throw this credible, big smear tactic on programs, call them pork and "that's it, folks." I am not going to defend every dollar in this bill. There is not anybody who can defend every dollar in any bill in the Senate or in the Congress. But there is a compromise process here, Mr. President. People accept things that they do not like in the larger interests of this country. That is why we had people vote for this bill who hated certain aspects of it, and that is why, I might add, our friends in the conference committee swallowed and took what they had to take because they knew they would not get a bill to the floor of the House otherwise, and they knew they ultimately would not get a crime bill.

I tell you, this is a moment of truth for the United States of America. This is gridlock, and we look silly, we look sick to the American people. They are sitting back there in the last days of vacation, getting kids ready to go back to school and they are wondering, "What is going on down there in Washington? These guys are squabbling about some point of order. We have people being killed in drive-by shootings and they have been fighting for 6 years on this crime bill. People are spending money all over the place trying to influence elections and the concerns of the American people are forgotten and trampled on in the process."

It is a disgrace, and everybody in this country knows that. We can posture and we can pontificate and we can beat our chests, but the American people understand what is really going on.

This bill is a tough bill. This is the first bill I have seen in the 10 years I have been here that comprehensively tries to deal with crime. I say again and again and again to my colleagues, with all due respect, this is a downpayment. And if you do not pay for some of these programs you want to call pork today, you will pay for these programs in the future when you build the next round of prisons and ask for the next group of cops to go out in the street because you have mayhem and chaos that is the end product of the antisocial behavior that we are breeding in this country.

That is the road we are on, Mr. President. That is the road we are on. And I do not care how much we pontificate, this bill has more money and stronger provisions for law enforcement than we have ever seen.

I ask people who listen to this debate and people who write about this debate and people who want to think about this debate, look at the facts. Make your judgment about what is reality here. As Senator MITCHELL pointed out, what came back from the conference is less expensive than the Republicans proposed in their bill, if you factor in the extra year this bill would cover. So, indeed, it is a bigger package, but not because it costs more, because it covers more time.

And finally, do not forget that the money in this bill is subject to appropriation. That means we control it. If we do not want to spend it, it will not be spent in those outyears. So my friends are protected. They are truly protected. And I guarantee, when all is said and done, if somehow the Republicans win and force a change and something is somehow passed, I guarantee you it will not make a difference except negatively in the ability of this country to try to fight crime.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed the remarks of the distinguished Senator from Massachusetts. As usual, he is very eloquent, and I have to say that he is knowledgeable about much of the bill. But there is a difference in philosophy between these two sides.

When he talks about, we have to help Boy Scouts and Girl Scouts, I think that is true. But the Federal Government does not have any role there as far as I am concerned. They have been getting along fine for almost a century now without help from the Federal Government and all the strings that come from it. That is true of midnight basketball on a voluntary point-of-light program by President Bush. It has been working well all over the country, voluntarily, without Federal strings or Federal money, for that matter.

I do not want to take any more time, because the distinguished Senator from Iowa has been waiting for 2 hours to speak. But let me just make this one last point.

I believe in some of these prevention programs, too, that the distinguished Senator has been talking about. They are all over the Federal Government. There are some 266 of them already funded by the taxpayers. I just want to make this point.

The General Accounting Office recently reported that there are already 7 Federal departments sponsoring 266 of these prevention programs which currently—now these are the ones that currently serve just delinquent at-risk youth. There are many hundreds of other programs for others who are not delinquent at-risk youth. So I am only talking about 266 of them that the taxpayers are called upon to pay for. Of these 266 programs, 31 are run by the Department of Education, 92 are run by the Department of Health and Human Services and 117 are run by the Justice Department. And we are currently funding them, many of the programs the distinguished Senator from Massachusetts, my friend, has mentioned.

The GAO found that there already exists, "a massive Federal effort on behalf of troubled youth."

I support that, by the way, which spends over $3 billion a year. The GAO went on to report that, quote again from the GAO, the General Accounting Office—which, by the way, has not been controlled by Republicans for a long time and I question has ever been controlled by Republicans. The GAO says this:

> Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people.

Let me read that again:

> Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people. It is apparent from the Federal activities and response that the needs of

delinquent youth are being taken quite seriously.

That is the GAO report, a Federal agency, Juvenile Delinquency Development Statements of August 1992 and, if anything, we are spending more money today on these programs than we spent then, because this has been updated recently.

I cannot say that I disagree with my good friend from Massachusetts who, I know, knows a lot about these areas, and I commend him for it. We fought side by side on some of the same provisions in this bill. But do not tell me we have to spend another $5 billion on top of what is already being done which the GAO says is more than adequate.

I guess you can spend $100 billion and you would probably be better off in this country, if you had it to spend. There comes a point when we have to say, when it is adequate, why do we not use this money for real anticrime activity, which is what the bill that the majority leader seemed to be criticizing and maybe my friend was—I hope not—the Republican response when the bill was up to $33 billion, it was 90 percent law-enforcement oriented.

I will be glad to spend more money on law enforcement orientation. As a matter of fact, I will just be honest with you, I would give $15 million to Lamar University if I could save that $5 billion. I would have done that over in the House.

One last point. Yes, I was over in the House this last weekend, and I worked very hard to try and help my colleagues over there on various points, but I certainly was not rubber stamping or approving what they did. I was just there to be of help, to be their friend and be there if they needed me. They asked me to come, and I was happy to be there, and I want to say I commend them for what they did.

Others feel differently on the Republican side. They feel like they should have taken a harder stance, whatever. But these were young people over there who literally were negotiating for the first time with the White House and the leadership of the House of Representatives, the Democratic leadership, I say.

I was in essence a U.N. peace observer, really. And I have had people all day on this floor trying to say I approved everything they did. The heck I did. As a matter of fact, the whole battle here is to try to restore to this crime bill those provisions that all of us overwhelmingly voted for here, to try to stop the House from stiffing the Senate on the tough anticrime provisions and to not stiff us anymore with their boondoggle provisions.

We have more than made a case that this bill is filled with matters that we really do not even have much of an idea as to what they are going to do other than just throw money out there to do good with it. Golly, I think it is time for our taxpayers to quit having to do that, quit having to pay for stuff like that.

Let me tell you something. Back to my original point. I really believe the Boy and Girl Scouts of America have done a great job without Federal help, and I think they will continue to do so. And if we would do a lot more without Federal help, this country would be a lot better and a lot better off.

The problem is we have people here in this body and the other body who think nothing can be done right without Federal dollars. I have to tell you, I think more is done wrong with Federal dollars than is done right.

Now, maybe I am out of step. Maybe I just represent a point of view in this country that really is a minority, and people just do not want to listen to it anymore. But I do not believe it. I do not believe that for 1 minute. I know what the people out there think. I think they are sick and tired of us in the interest of doing good—and there is good intention here; I am not finding any fault here—but in the interest of trying to do good with their money, continuing to spend us into bankruptcy.

I think people are sick of it. Even liberal people out there are calling me; they are sick of it. One of the leading mayors of California called me yesterday and said we do not want the crime bill. The obligations that come from it far outweigh the benefits to us here in California. When you really look at the facts and you look at the fine print, it is not worth it to us.

I think we can straighten it out with the amendments that we would like to get adopted, and I personally believe most all of us, if not all of us, will vote for them.

How can you not vote for an amendment to do mandatory sentences for people who sell drugs to kids? Or people who employ minors in the sale of drugs? Or people who use them? I could go on and on.

I know the distinguished Senator from Iowa has been waiting for 2 hours, and I yield the floor. I hope he can get the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KERRY. Mr. President, if I could ask my friend from Iowa just for a quick response to the Senator. I know he has the floor and I would simply ask——

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRASSLEY. If the Senator can do it in less than 2 minutes, the answer is yes.

Mr. KERRY. I will do it in less than 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I appreciate this colloquy, and I thank the Senator from Iowa.

When the Senator uses this concept—and this is part of what is, frankly, either misleading or distorting in this process—he quotes an outdated report, No. 1. He talks about $4.2 billion that was spread out over the years 1988, 1989 and 1990. But most importantly, many of the programs listed are completely unrelated to delinquency prevention. Some of the projects are listed twice.

Only $460 million went for programs targeted to delinquent, at-risk youth. And $2.9 billion of the $4.2 billion he talks about went to job training and vocational programs, not even targeted to delinquent, at-risk youths. Nearly $300 million went into drug-free schools which was all children, again not targeted. So I can run through this.

I ask unanimous consent to put the entire breakdown of this program in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY—"266 PREVENTION PROGRAMS" MISLEADING

Programs totaled only $4.2 billion—over three fiscal years.

Many of the programs listed are completely unrelated to delinquency prevention.

Some of the projects are listed twice.

Only $460 million went for programs that targeted delinquent and at-risk youth.

$2.9 of the $4.2 billion went for job training and vocational programs. It was not targeted at delinquents or at-risk youths.

Nearly $300 million went into drug-free schools, which is for drug education for all children—also not targeted.

123 of the programs received $500,000 or less.

53 of the programs received $100,000 or less.

Many of the listed programs, including DARE, have enjoyed wide, bipartisan support.

BREAKDOWN OF "266 PREVENTION PROGRAMS"

PROGRAM TYPE

Total programs aimed at delinquency: 194

108 of 194 programs: research projects or small-scale demonstration programs

47 programs: training and technical assistance

Just 39 programs: on-going service programs targeted at juvenile delinquents and at-risk youth.

PROGRAM FUNDING LEVELS

53 of 194 programs funded at less than $100,000.

123 of 194 programs funded at less than $500,000.

Nearly two-thirds of total $760 million is in four programs, one of which is drug-free schools.

RESPONSES TO REPUBLICANS ON "266 PREVENTION PROGRAMS"

For months now, Senators on the other side of the aisle have been saying that we don't need to do any more to steer our children away from gangs and drugs, that we don't need to provide them with safe havens from the streets, that we are already doing enough.

For months, they have been saying there are already 266 Federal programs aimed at juvenile delinquency, and that the prevention programs in what is now the crime bill conference report are more of the same, more of what they call "social spending boondoggles."

But let us take a closer look at the 266 programs that my Republican colleagues keep criticizing, over and over, and see what they are talking about, see where they have gone wrong.

According to the GAO report, the outdated report where the Republicans are getting their information, the Federal Government was spending about $4.2 billion on programs for delinquent and at-risk youths.

The first point is, this $4.2 billion was not the funding for just one year. It includes funding for programs and grants that were awarded in 1988, 1989 and 1990. There are even a few thrown in there from 1985 and 1987. So it's not as if each year the Federal Government was spending $4.2 billion.

But let us go ahead and look at that $4.2 billion anyway, that $4.2 that was spent mostly over the course of three years.

$2.1 billion—fully half of the total amount—goes to the Job Training Partnership Act. Now I'm sure I do not have to remind anybody that the JTPA is a program that was championed by both Senator Kennedy and by the former Vice President, Dan Quayle.

Another $850 million paid for vocational education programs. That makes a total of $2.9 billion on job training and vocational programs.

So we actually had a far smaller amount—just $760 million—that was targeted specifically at preventing violence and drug abuse among our young people.

Of that $760 million, nearly two-thirds went into just four programs.

$300 million went to the drug-free schools and communities program. As my colleagues know, I have long fought to increase these funds devoted to anti-drug education and prevention in our schools—the dollars are only sufficient to provide comprehensive anti-drug lessons to about one-half of all America's schoolchildren.

Three other programs took up big chunks of that $760 million, leaving just $278 million to support 190 different delinquency programs.

So the vast majority of all of these programs the Republicans have been criticizing are mostly tiny projects or separate grants.

123 of the programs were funded at $500,000 or less.

And 53 of those cost $100,000 or less.

So only a total of 71 programs, including the big four, were funded at more than a half million dollars. That's nationwide.

108 of those 194 programs are actually research projects, studies of what works and doesn't work, and demonstrations, small-scale tests that each cover no more than a handful of sites across the entire country. These aren't really even separate "programs"—they're really separate, individual "grants."

47 of the grants the Republicans are criticizing are training and technical assistance grants, also small-scale projects that don't involve direct services to kids.

That leaves 39 of the 194 delinquency prevention grants and programs that were ongoing programs that delivered services to at-risk youths or to those caught up in the juvenile justice system.

Just 39 programs—out of the entire 266 the Republicans refer to—actually were full-scale efforts to deliver services to at-risk kids. And most of these are done on a local, limited basis as well.

So the impression given when we hear that there are more than 260 Federal prevention programs is that we have sufficient programs operating everywhere they are needed—in all of the cities and towns across the country—and serving every child we can help. In other words, that the Government is already doing as much as it can, and as much as it should, to stop kids from turning to gangs, crime, and drugs.

But as we've just seen, many of the programs on the list are—or were—limited to one city or a handful of locations, for a limited period of time, or were research projects and technical assistance grants. Others were targeted at special populations, such as Indian tribes and native Hawaiians.

Even the Weed and Seed Program, which is not on this list of 266 because it came about after the list was compiled, is thought of as a nationwide program but it actually operates in just 21 cities. This joint prosecution-prevention program was started by President Bush and Attorney General Barr. I support it. It would make the 267th program on the list. Does that mean the Republicans are now against Weed and Seed too?

Let me also point out that this "266 programs" figure is still more misleading because it includes programs that really have nothing whatsoever to do with providing at-risk kids a safe haven, or an alternative to crime and drugs. They may be worthwhile programs—or not. That is not the debate here. The point is that some of the 266 are not programs for at-risk or delinquent children at all.

Some examples:

The Law School Clinical Experience Program, which, as the name of it suggests, helps law schools fund clinical programs for their law students.

Cognitive analysis of drunk driving teenagers, a research project that was conducted in the late 1980's.

Massachusetts 1987 Safe Roads Act/Traffic Safety Program, another research project that is finished.

So these programs and projects, and others, were included in this count, but they really don't belong.

Also, in the list the Republicans are using, some of the programs are listed twice. The "Gang Community Reclamation Project" in Los Angeles is listed under both the Department of Health and Human Services and the Justice Department; the "Cities in Schools" program is listed under both HHS and Labor.

So when you boil it all down, there was less than $760 million—the more accurate figure is about $565 million—that was targeted at services for delinquents and at-risk youths. When you look at the figures, I think it becomes painfully obvious that we are not doing nearly enough.

And let us also look at the specifics of these few programs and grants that are supported with these few dollars. We keep hearing that they are "social spending boondoggles." Well, let's take a closer look.

$1 million supported the Drug Abuse Resistance Education (DARE) regional training centers, to train State and local law enforcement officers to become DARE instructors in schools. I thought DARE enjoyed wide, bipartisan support. Is that no longer the case?

$1.6 million was allotted to juvenile boot camp programs at three demonstration sites.

About $250,000 went into a comprehensive program of drug testing for juveniles who are arrested.

$100,000 paid for an attempt to raise the voices of victims and witnesses in the juvenile justice system, to get them more involved in and informed about the court process.

Now every one of those programs has consistently received, or would receive, bipartisan support in the Congress.

So the Republicans want to beat up on this bill for "wasting" more money on social programs. Well I think the facts speak for themselves.

We have kids committing crimes we couldn't even imagine just a few decades ago, and unless we pass this bill, we will continue to provide these at-risk children with precious little help and precious little hope of staying out of serious trouble.

Mr. KERRY. But the truth is the GAO report says we are taking it seriously, but it does not say we are doing enough. It does not say we are doing enough. And when only 10 percent of kids in a community are getting the boys and girls clubs, we have all the evidence we need that we are not doing enough. It is very simple.

Now, I never said we should be giving assistance to the Boy Scouts of America. I used them as an example of the kind of fabric building we need to engage in. You can go all over this country and find effort after effort that is desperately in need of this kind of assistance.

So, yes, there is a difference, Mr. President. I guarantee my friends on the other side of aisle—guarantee it, guarantee it—if you do not spend this money now, you will spend it more expensively for substance abuse, drug abuse, alcohol, human abuse, violence against women, and you will pick it up in your hospitals, and in your prisons, and in your insurance policies, and in your communities.

So it is that simple.

I thank my friend from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If I could, without losing my right to the floor, I would like to do a favor to the Senator from Georgia. He asked me if I would give him time to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa yields to the Senator from Georgia.

Mr. NUNN. I thank my friend from Iowa. I know he has been waiting here a long, long time.

Mr. President, as we continue to debate this bill, crime and the violence which surrounds it continues to threaten Americans all across our Nation. We are, again, confronted with calls for effective and immediate solutions to a crime problem that has gone far beyond anything that most Americans would have imagined just 20 years ago.

For example, the subculture of crime and violence has now reached far beyond hardened, streetwise criminals. It now routinely attracts growing numbers of America's youth, our children. The news stories have become shockingly commonplace: youngsters murdering youngsters over sneakers or a leather jacket; indiscriminate killings in our schools; youth gangs protecting territory and seeking respect by unbridled violence and murder; and teenagers who dream only of the power of a bullet and who are utterly blind to the sanctity of human life.

Last year, 2,680 children under the age of 18 were arrested for murder; 4,882 children were arrested for forcible rape; 38,192 children were arrested for robbery; and 58,383 children were arrested for aggravated assault. It is little wonder that, in the minds of many, many Americans, crime is the single most important issue facing our Nation.

Those statistics depict the gravity of only one aspect of the overall problem: to wit, juvenile crime. I raise it to emphasize not only the overwhelmingly serious nature of the crime threat but also the urgency that surrounds our efforts to mobilize a strong and effective anticrime effort.

In that context, we have before us, again, and after much debate and much revision, a comprehensive package of anticrime legislation. I recognize and appreciate the many long hours that went into the very difficult negotiations on this legislation and I commend Senator BIDEN and my other colleagues who have been deeply involved in that process.

By all accounts, those negotiations have produced a revised conference report that is, by necessity, a compromise. The bill is, by no means, perfect and will not immediately cure the crime problem. It has, in my view, strong points as well as weak ones.

Some of this bill's weaknesses result from the process that has generated this bill, as well as the many anticrime and antidrug bills that we have considered before. It has become fairly predictable that every 2 years Congress will be debating a crime bill of some sort—it is a safe guess that, in another 2 years as the next election looms on the horizon, we will be doing this all over again. In an election-year rush to enact tough anticrime measures, I am concerned that Congress may be creating quick fixes that may sound good but, too often raise unrealistic expectations in the public's mind.

I recognize that this bill does provide our law enforcement and crime prevention systems with much needed financial resources, which is a positive step. It also has some worthwhile and valuable substantive provisions. However, I think we need to recognize that many of the real substantive changes in Federal law which law enforcement truly needed have already been accomplished in past anticrime and antidrug bills. I am concerned that we have reached the point where we are simply piling on new Federal offenses and doubling and, in this bill, even tripling, penalties to without any reasonable expectation that this will have a significant impact on the crime problem. I am concerned that this bill provides for a large expansion of Federal criminal jurisdiction and, in many cases, unnecessarily duplicates existing efforts and programs. I have voted for some of these expansions myself, but I think it is time for a thoughtful reconsideration of where we are going with the expansion of Federal jurisdiction.

For example, will the 60 plus new Federal death penalty provisions be utilized to any significant degree when many of those offenses are already covered under existing States statutes? Is it possible that by creating Federal jurisdiction in areas traditionally left to the States, we may be opening the door for more confusion, miscommunication and turf battles among law enforcement agencies? Finally, does doubling or tripling an already heavy penalty have a significant deterrent impact on a potential offender?

In short, I think it is time for the Congress, the executive branch, and our citizens to take a serious look at what really works in the anticrime effort. We owe it to the American public to be honest about what impact they can realistically expect from this crime bill and future crime bills.

In my view, however, this bill's pluses outweigh the minuses—the resources it authorizes will be a big help to our overburdened and underfunded crime fighters. On balance, I believe that it will help strengthen anticrime efforts without impermissibly treading on the legitimate rights of our law-abiding citizens. As such, I intend to vote in favor of the revised crime conference report.

Let me just point out some of the provisions of this bill, which speak to nearly every aspect of the war against crime:

Provides $10.8 billion in needed resources to State and local law enforcement, including:

The sum of $8.8 billion for community policing; $245 million for rural anticrime efforts; $130 million for technical automation grants to law enforcement; $200 million for courts, prosecutors, and public defenders; and $1 billion for programs of intensive judicial supervision of nonviolent offenders with substance abuse problems.

Provides $2.6 billion to Federal law enforcement, including:

The sum of $245 million for the FBI; $150 million for the DEA; $50 million for the U.S. attorneys; $550 million for the Treasury Department; $199 million for the Justice Department; and $200 million for the Federal courts.

Provides $9.7 billion for prison systems, including:

The sum of $7.9 billion for State prisons and incarceration alternatives such as boot camps, 50 percent of which is reserved for violent offender incarceration; $1.8 billion to reimburse States and localities for the cost of incarcerating undocumented criminal aliens; and prohibits the awarding of Federal Pell grants to State or Federal prisoners.

Provides $6.1 billion for crime prevention, including:

An interagency Ounce of Prevention Council to administer $90 million in grants for summer and after school recreation and education; mentoring and tutoring by adult role models; employability and job placement programs; and prevention and treatment for substance and child abuse as well as adolescent pregnancies; $626 million for the model intensive grant program for comprehensive prevention programs in 15 high crime areas; $1.6 billion to combat and prevent violence against women, including training for police, prosecutors and judges; increased victim's services; battered women shelters; rape education and community prevention programs; a national family violence hotline; and increased security in public places; $1.6 billion to local governments for anticrime efforts relating to drug treatment, education and jobs; and provides funding for substance abuse treatment programs in State and Federal prisons.

Enacts provisions designed to help prevent the use of firearms in violent crimes, including:

For a period of 10 years, outlaws the manufacture, possession, and transfer of 19 specified semiautomatic assault type weapons or a replica thereof unless they were owned prior to enactment of this law; for a period of 10 years, outlaws large capacity—over 10 rounds—ammunition feeding devices unless they were owned prior to enactment of this law; provides that during this 10-year period, the Attorney General will study and report on the effects, if any, of this ban on reducing violent and drug trafficking crime; prohibits gun sales to persons subject to family violence restraining orders; and prohibits the sale or the transfer of handguns or handgun ammunition to a minor.

Expands the applicability of the Federal death penalty to over 60 Federal offenses, including:

Large-scale drug trafficking committed as part of a continuing criminal enterprise, even where no death occurred; carjacking, where death results, in cases where the car which was object of the carjacking had been transported, shipped or received in interstate commerce and the carjacker was in possession of a firearm; alien smuggling, where death results; espionage and treason; murder for hire, if the scheme involves travel in interstate commerce or the use of the mails or other facilities of interstate commerce; terrorism, which involves the killing of a U.S. national while such national is outside of the United States; drive-by shootings, where death results, if the shooting is done in furtherance of, or to escape detection of, a major drug offense; sexual abuse, where death results, if the abuse is committed in a special maritime or territorial jurisdiction of the United States, or in a Federal prison; retaliatory murder of witnesses and informants with respect to Federal offenses; murder of Federal grand or petit jurors or Federal court officials in order to obstruct justice; and violating a person's federally protected rights based on race, religion, or national origin, where death results.

Increases or creates new penalties for numerous Federal criminal offenses, for example:

Mandatory life imprisonment upon the third conviction for violent crime or major drug offenses; increases, by up to 10 years, penalties for certain drug or violent offenses if committed by a repeat offender who is involved in a criminal street gang; requires persons convicted of sexually violent offenses to register a current address with the appropriate law enforcement agency and allows for the release of that information where necessary to protect the public; increases or creates Federal penalties for such crimes as drive-by shooting; use of semi-automatic weapons in violent or drug crimes; aggravated sexual abuse; drunk driving where a child is present; interstate gun and drug trafficking; theft of firearms or explosives from interstate shipments; smuggling aliens; and use of children to distribute drugs near schools and playgrounds; authorizes adult treatment of juveniles—age 13 and older—charged with murder, attempted murder, aggravated assault, armed robbery, rape and a variety of other crimes if the juvenile possessed a firearm during the offense; and enhances penalties for telemarketing frauds targeting senior citizens, expands Federal credit card offenses, and creates a new Federal offense of insurance fraud.

In sum, Mr. President, there are many good points to the anticrime package now before us. While I believe we all agree that crime is a very real and very grave threat to Americans, I think we also all recognize that there are many honest disagreements on how to best address that critical problem. The package before us is, in my view, a good-faith effort to reconcile those differences where possible and make a positive contribution to our efforts against crime. On balance, I believe that the provisions of this bill will add many needed tools and resources to those of our citizens who are fighting crime on the front lines, whether in law enforcement efforts, in our prison systems, or in crime prevention programs.

As far as my State of Georgia is concerned, the bill will provide, among other things, an estimated $225 million over the next 6 years for community policing; approximately $102 million for prison grants, including military-style boot camps; $2.9 million for drug and crime enforcement in Georgia's rural areas; and $36 million in direct grants to local governments for education, drug treatment and jobs programs.

Mr. President, I would like to raise an important point relating to funding this bill. I have been very concerned to hear both the President and many of my colleagues, proponents and opponents alike, of the crime bill say this legislation will be fully funded from a trust fund generated by savings made through Federal civilian personnel reductions, including reductions to Department of Defense personnel. Federal civilian employment is to be cut by 250,000 people between 1993 and 1999. DOD has already submitted budget plans to cut 138,000 civilian personnel in this timeframe. But savings from these multiyear personnel reductions in DOD were needed to comply with the administration's overall spending targets for defense through fiscal year 1999. DOD has, in effect, already utilized these savings to meet the declining defense number set forth in the administration budget. I do not know whether this is the case with other departments, but it could be.

I have been concerned, then, that the crime bill appears to count on savings from DOD personnel reduction that have already been taken to meet the Bottom-Up Review budget targets. If that is the case, the crime bill clearly could lead to additional cuts in the Defense budget below the levels the President has advocated this year as necessary to support the Bottom-Up Review. In the alternative, it could mean cutting nondefense discretionary accounts to offset the defense savings not available due to double counting.

Mr. President, I wrote to the President on August 23 to ask him to clarify the situation. Chief of Staff Leon Panetta responded in a letter to me today. To summarize Leon Panetta's response, he has indicated that he does not intend that the outyears DOD budgets be reduced in order to fund the crime bill's trust fund, and he does not intend to require additional cuts in DOD civilian manpower in order to generate funds for that trust fund. Mr. Panetta states:

> First, let me assure you that enactment of the crime bill will not require a reduction in the requested funding levels for the Department of Defense contained in the President's budget for FY 95-99. Consequently, the Department will not be assigned a lower budget target as a result of enactment of this bill. Furthermore, there are no plans to assign funding responsibility to the Department of Defense for any of the new programs, projects or activities established by the crime bill, or for existing anti-crime activities now assigned to other Departments.
>
> The crime bill would require the Secretary of the Treasury to make specified annual transfers into the new trust fund. The budget the President submitted to the Congress in February included FY 95-99 funding for the activities in the crime bill at budget levels consistent with those in the bill. Thus, the President's budget has already set aside the resources to cover the activities in the crime bill.
>
> The Administration has not changed its estimate of civilian personnel reductions in the Department of Defense. The Department could propose additional personnel reductions to offset higher priority requirements that might develop.

Mr. NUNN. Mr. President, I ask unanimous consent to print these letters in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2)

I am grateful to the Chief of Staff on behalf of the President for his reassurance to all of us who are already concerned about the adequacy of the planned funding levels for national defense.

Mr. President, I intend to vote in favor of the revised crime conference report.

However, I think it should be clear to everyone that, for all its good intentions, this bill will not trigger an end to the crime problem in this country. Make no mistake about it—neither this bill nor any other legislative solution is going to erase the very fundamental problems that lie at the root of America's crime epidemic. Laws cannot reverse the disintegration of family and values that this country is witnessing; laws cannot dictate culture and lifestyle; laws cannot control or shape influence of violent television; and, finally, laws cannot create loving and supportive parents and role models for America's children. Those are tasks which must be undertaken by the American people, in our homes, in our schools, in our churches, and in our communities. While I am hopeful that this bill will help in the war against crime, we need to all realize that it is not, by any means, a substitute for a kind of individual and community effort that is needed to truly impact this Nation's crime problem.

Mr. President, to summarize Leon Panetta's response, he has indicated that he does not intend that the outlays, the outyear DOD budget outlays be reduced in order to fund the crime bill's trust fund. He does not intend and the administration does not intend to require additional cuts to DOD civilian manpower in order to generate funds for the trust fund. I will not go into all of his letter because my friend has already been kind enough with the time. I am going to put the complete letter in the RECORD.

Mr. President, I still believe that this whole area of setting up a trust fund needs to be approached very carefully, particularly if there is any possibility of double accounting, but at least this letter makes it clear that the Department of Defense is not going to be hit harder by the administration in terms of this crime bill being taken out of defense.

Mr. President, I thank my colleague for yielding.

EXHIBIT 1

THE WHITE HOUSE,
Washington, DC, August 24, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter and our conversation on Tuesday concerning the crime bill and its relationship to the budget of the Department of Defense.

First, let me assure you that enactment of the crime bill will not require a reduction in the requested funding levels for the Department of Defense contained in the President's budget for FY 95–99. Consequently, the Department will not be assigned a lower budget target as a result of enactment of this bill. Furthermore, there are no plans to assign funding responsibility to the Department of Defense for any of the new programs, projects or activities established by the crime bill, or for existing anti-crime activities now assigned to other Departments.

The crime bill would require the Secretary of the Treasury to make specified annual transfers into the new trust fund. The budget the President submitted to the Congress in February included FY 95–99 funding for the activities in the crime bill at budget levels consistent with those in the bill. Thus, the President's budget has already set aside the resources to cover the activities in the crime bill.

The Administration has not changed its estimate of civilian personnel reductions in the Department of Defense. The Department could propose additional personnel reductions to offset higher priority requirements that might develop.

I appreciate this opportunity to clarify these issues.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

U.S. SENATE,
Washington, DC, August 23, 1994.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As we discussed this morning on the telephone, I hope to be able to support the conference report on the crime bill both on procedural and substantive votes. However, I remain concerned about its financing, and its relationship to and impact on defense spending. I am seeking your clarification on this issue and the answers to a number of important questions.

As I understand it, the crime bill is to be funded from a trust fund with savings generated by civilian personnel reductions, including reductions to Department of Defense personnel. Federal civilian employment is to be cut by 250,000 people between 1993 and 1999. DoD has already submitted budget plans to cut 138,000 civilian personnel in this time frame. But savings from these multiyear personnel reductions in DoD were needed to comply with your Administration's overall spending targets for defense through FY 1999. DoD has, in effect, already utilized these savings to meet the declining defense number set forth in the Administration budget. I do not know whether this is the case with other departments, but it could be.

I am concerned, then, that the crime bill appears to count on savings from DoD personnel reductions that have already been taken to meet the Bottom Up Review budget targets. If that is the case, the crime bill clearly could lead to additional cuts in the Defense budget below the levels you advocated this year as necessary to support the Bottom Up Review. In the alternative, it could mean cutting non-defense discretionary accounts to offset the defense savings not available due to "double counting". In order to explain to my colleagues in the Senate the relationship of funding for the crime bill to the defense budget, I need to receive answers to the following questions as soon as possible:

Will enactment of the crime bill lower the funding available to the Department of Defense below the level contained in the Fiscal Year 1995–99 President's budget for budget function 050?

Will the Department of Defense be assigned any lower budget target, or be assigned a funding "bogie", in order to make funds available for the crime bill?

Will DoD be assigned funding responsibilities for any of the new programs, projects or activities established by the crime bill? In other words, will DoD be asked to finance or to undertake any of these anti-crime activities without a corresponding increase to the total DoD budget?

Will DoD be assigned funding responsibilities for any ongoing anti-crime activities of other departments or agencies of the executive branch so that those funds might be freed up to fund the new activities authorized by the crime bill?

If the crime bill is supposed to be financed solely by savings through separation of civilian personnel, how will those funds be generated if the personnel cuts duplicate the savings assumed by DoD in the bottom Up Review?

Does the Administration assume further savings from further reductions to DoD civilian personnel beyond those already planned? If so, what reductions are assumed, in which fiscal years are they assumed to occur, and what is the cumulative savings assumed through FY 1999?

Will DoD be precluded from using savings from additional civilian personnel cuts, if any, to offset shortfalls in other areas such as inflation?

Since I am getting questions from my colleagues, I would appreciate your answers to these questions prior to the time the Senate starts voting on the crime bill. I would appreciate an opportunity to discuss them with you if that would be helpful.

Sincerely,

SAM NUNN.

Mr. CAMPBELL. Mr. President, I rise today in support of the conference report on the crime bill, a bill that will assure that criminals will pay their debt to society, by serving out most of their sentences; a bill that will put more police officers on the streets; a bill that will attack the crime problem on more than one flank.

I have a unique perspective, from being on every side of the law, so to speak, as a youngster headed for trouble, as a sheriff's deputy and prison counselor, and now as a legislator.

I realize it is important to get violent offenders off the street. I have never believed that we can solve the crime problem simply by locking everybody up. We cannot allow ourselves to ignore the other side of the equation. When you know that it costs an average of $30,000 to keep an offender in prison, it is common sense to direct at least some resources into keeping our young people out of trouble and out of jail.

My colleagues on the other side of the aisle keep using the word "pork" and the phrase "social welfare" when attacking this crime bill. Mr. President, let us not forget that our young people, in particular, need to have alternatives to drugs and gangs. We need employment and job training programs, after-school activities and the like. I agree with President Clinton that if we teach kids to say "no" to drugs, that we also must have some programs and activities that they can say "yes" to.

I have followed a number of such programs in the State of Colorado, and all across the country and would like to highlight today their successes.

Some examples are the Kids, Cops and Cameras Program, a partnership between the Denver Police Department and the Denver Housing Authority that put cameras in the hands of 100 7 to 13 year olds so they could record their views of the world. Citizen resource officer Steve Rickard, who started the program says, and I quote:

> We're trying to give kids a positive image of the police. They see police as arresting people all of the time and sometimes look at us as enemies.

According to Melanie Maes, education coordinator, Denver Housing Authority:

> Most are good kids. They just need a little push. They have had such a hard life and the more good they see in life, the more it will keep them going.

Mr. President, does that sound like a pork barrel or social welfare program? No, it is an alternative that works to instill trust between kids and cops.

Look no further than these headlines:

> Rocky Mountain News, August 3, 1994, "Denver Arrests Fewer Kids, Credit Goes to Police Impact Teams." Federally funded weed and seed storefronts and programs launched by communities that include jobs and recreation, giving teens alternatives to hanging out and getting into trouble.
>
> Rocky Mountain News, August 9, 1994, "Interns hope to work on, Summer Crime-Fighting Programs seek Federal Funds to Extend for a Year". Those funds went to hire young interns to help run programs aimed at fighting violence, assisting crime victims, keeping kids off the streets and helping neighborhoods.
>
> Colorado Springs Gazette Telegraph, July 25, 1994, "Carson Soldiers Give Kids a Chance With Project Ivy Program" they have been teaching children how to combat the temptations of inner-city life.
>
> Greeley Tribune, March 2 1994, "Grant Funds, Teen Parenting Programs." Joyce Jennings, Program Director of the Colorado Children's Trust Fund said: "Parenting is probably the hardest job you can ever have in your life, but we don't train people for it. If we want to have a good future for families we need to put money into it."

Mr. President, I do not condone teen pregnancy, but, we cannot ignore that it exists. I think we must assist those who become parents at an early age, and hopefully they will teach the future generations not to perpetuate the cycle of teen parenthood.

Mr. President, I believe prevention and education programs like these belong in the crime bill and will save us money in the long run. Like all bills that come before Congress, the crime bill is a compromise and no one gets everything he or she wants. It is not wise for people to say that they are interested in fighting crime and then pick apart the bill that would do just that.

It is time that a balance is struck between "lock 'em up" and helping those who sincerely want to avoid the pitfalls of a life of crime to do so.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we had about 41 minutes of time that the junior Senator from Massachusetts used to present a case, and we had about 10 minutes of exchange between that distinguished Senator and the other distinguished Senator, the Republican manager of the bill, Mr. HATCH.

I suppose, for the most part, I do not agree with much of what the Senator from Massachusetts said, but I am going to take exception to but one point that he made. It was his statement about the fact that at the very last hour—those are his words—Republicans, or people opposed to the conference report come up with amendments and points of order to make.

Let us reflect upon doing something in this body or this Congress at the very last hour.

That is an institutional problem we have because it seems like things get done when you get toward recess time or adjournment time.

But the fact of the matter is we passed a bill last November by a very wide margin, 95 to 4. The House passed a bill this spring. It was months before we went to conference. The conference started the third week in June. We met 1 day in that conference. Then the conference did not meet again until the last week in July. So there were 4 or 5 weeks between the time the House passed the bill and the conference met, and we met 1 day just to make opening statements, not to do any arguing. Then it was 4 or 5 weeks in adjournment while, quite frankly, the Democratic Party was trying to figure out among themselves and between themselves and the White House what to do on certain controversial aspects of this bill. Then the conference did meet. Once we started to meet, there were very intense hours of meeting and long hours of meeting.

But if any of the colleagues on the other side want to speak about Republicans coming forth at the last minute with some objection to the conference report and want to offer amendments and points of order, there is a great deal in the way this process works that makes it very difficult not to do things at the last minute, when there is a lot of time wasted, just simply wasted, good time wasted, getting from point A to point B. That is on top of the fact that you know during the months of February, March and April we do not meet in session here very often on Mondays and Fridays. There is just a lot of wasted time in this body. Is it any wonder then that we do not get around to doing things until the last minute?

There could be a large amount of institutional changes made in the way this Congress works. Run it in a more businesslike manner. Then things would not have to be done at the last minute as they are so often done.

I did not come to the floor just to take exception to a small part of what my colleague and friend from Massachusetts said. I came here because I want to make some comments on where we are and why we are where we are, and some advice for the President.

Mr. President, the lesson learned from the recent House vote on the crime bill is exactly what the President called it. And I do not find any fault with what the President said. I only repeat the President because I think the President is right.

I think, if he were consistent in his approach to legislating and cooperating with Republicans and cooperating with the Congress, we would get more done and get more done very much more quickly.

He stated the principle that "bipartisan consensus produces the best legislation." Those were essentially the President's own words.

I wish my colleagues of that original conference committee had the advantages of the President's wisdom when we met in that original conference I already referred to, the last week in July and the first week in August. I would say these things especially to the conferees on the House side and especially to the Democrat Members of the House conference. Had they sought a bipartisan consensus at that time, we could have had a very solid bill. And we could have saved our President an unnecessary and embarrassing defeat that he had when the first conference committee report came up there in the House.

We now find ourselves where we should have been a month ago. I know my colleagues on the House side made their contribution to a better crime bill last week. My Republican colleagues on this side of the Capitol seek to do that now, and that is why we have made an offer to the distinguished majority leader.

The House of Representatives improved the bill between the first conference, when it was defeated on the floor of the House on a procedural matter, and the bill that finally passed the House. It was somewhat improved. But in the light of day following those long night negotiations, we on this side of the Capitol see that their efforts have not gone far enough. It appears that last weekend's negotiations were conducted as a bullfight rather than as a pork fight. My colleagues know that in the bullfight, after the bull is killed, a skillful matador is awarded the bull's tail and the bull's ears. Last week's negotiations cut off the tail and the ears. But that is all. The pork remains.

The crime conference report before us is not paid for. All the money that would be expended in fiscal years 1999 and 2000 would be deficit spending. The Senate bill, unlike the conference report, was paid for. It was a tougher bill, and it had a lot less pork and a lot less wasteful social spending.

The same point of order laid against the earlier bill as against this bill. But this bill is different. It is not as tough on the criminal elements of society. It is still laden with that pork, and, most importantly, it is not paid for. And that is the difference between raising a point of order now and not raising a point of order last November when this bill passed the Senate 95 to 4.

I appreciate the efforts of the House Republicans who responded to some of the very serious problems in that original conference report, and that was one of the reasons that I did not sign the conference report. This time Democrats in the House and the administration at least had to attempt to truly engage in a bipartisan approach.

We have heard that the conference report is not more expensive than the Senate bill because the spending is spread out over a longer period of time on a smaller annualized basis. This is a very strange argument. If the bill provided for $1 trillion to be paid over the next 100 years, would that not be a much more expensive bill? Would it be a cheaper bill if it spent $10 billion in 1 year? Well, of course. The Senate bill had a $22 billion price tag when it passed here and it was paid for. This bill is $30 billion with a deficit increase of $13 billion, and the distinguished ranking Republican member of the Budget Committee has spoken more forcefully about that this very evening than any of the rest of us can.

The number of years that the bill would be in effect is relevant only in that the budget caps were not extended to pay for those additional years. No matter how long you stretch it out, this bill is still a budget buster.

I commend my Republican colleagues in the House for improving the bill in various respects, including the retroactivity in mandatory minimum sentencing, on the HIV testing matter, and on the evidence of prior crimes in sexual assault and child molestation cases, and of course, some cuts in the prevention programs.

While this is a better conference report than before, it is still not worthy of support because the fact that it is not paid for is of highest consideration. And that fact should be a very high consideration. The YES Program was eliminated, and $900 million in prevention programs were cut across the board. And funding for a certain project in the House chairman's district was eliminated. That last one is strictly pork. Nonetheless, the conference report still lists almost $7 billion in social programs, and that does not include money that, while labeled as community-based prosecutors, or prisons, for instance, still is very much social pork barrel spending.

Except for the YES Program, the same objectionable programs remain, just at a slightly reduced figure. The local partnership act vaguely authorizes $1.6 billion for education, supposedly to prevent crime; also for substance abuse programs, supposedly to prevent crime; and a jobs program, supposedly to prevent crime. This is pouring money into a bottomless bucket, as these are the same failed programs.

These programs masquerading as anticrime initiatives are really a way to let the Departments of Labor and Education and HHS, and even some others, ride on the coattails of a crime bill.

When Vice President GORE's own Reinventing Government Program reports criticize the Federal Government's existing job programs as duplicative, as uncoordinated, and as overlapping, we should not want to create more of these programs. The Vice President should not want to create more of these programs because they detract from his very worthwhile efforts on reinventing Government, getting more bang for the taxpayers' dollars, improving coordination of programs, and eliminating some programs, plus eliminating a lot of Government employees. These efforts in this bill are compounding the problems for the Vice President and his whole effort toward reinventing Government. It makes no sense to me to create more tried and failed social programs and then force our grandchildren to pay for them.

The conference report also contains $243 million for a family and community endeavor school grant program. How does this program spend the American people's tax dollars on preventing crime? Well, it does it through social activities, arts and crafts, and dance programs. The money is supposed to be used to train and coordinate social workers and guidance counselors. But, Mr. President, it seems to me that the most effective way to prevent crime—apart from incarcerating the most dangerous repeat criminals who terrorize our streets and neighborhoods—is to instill basic values and a sense of right and wrong. But about the only thing the money in this program cannot be used for is religious instruction. To put it another way, the money can be spent to give children condoms, but not to teach them the Ten Commandments.

The bill is still not tough enough on crime and tough enough on people who commit those crimes. Although 50 percent of the prison money is said to be conditioned on truth in sentencing, that really is not the case, because of the reverter clause. And one of the amendments we Republicans hope to offer is to eliminate that reverter clause and, consequently, make the truth in sentencing program a real tough program. Under this conference report, the prison money for enacting truth in sentencing would still be made available whether or not States get tough and reduce parole.

This means that States will not have as strong an incentive as they should have to enact tough sentencing. Criminals on parole commit a disproportionate number of offenses. This bill will not help to solve that problem the way that the Senate bill did, that same bill that passed 95–4 last year. But, in fact, the money is conditioned on its use for social programs for prisoners, such as drug diversion and job skills. Moreover, the prison money is allocated in part on the basis of the Attorney General's discretion, which means that spending the money will be made on a determination of where will it do the most good for Democratic candidates prior to election.

When the police grants were doled out recently—and that is under another bill—40 percent went to a handful of States that are rich in electoral votes. I am sure that my State of Iowa will not receive its fair share of this money.

The conference report still fails to enact tough measures that were in the Senate bill. The mandatory minimums for using a gun in the commission of a crime were eliminated, as were mandatory minimums for using minors in drug crimes, or selling drugs to those minors.

The conference report even rejected the ability to deport aliens who commit crimes once they have served their sentences. Think about that. First of all, an illegal alien comes to this country. He is here illegally. He commits a crime. Our taxpayers pay to put him in our prisons to keep the dangerous person off the streets. He serves his time. And the conferees who gutted the Senate bill do not even want to make it easy to deport that person out of this country.

The conferees think that it is necessary to have another hearing in this process for this alien, delaying and possibly thwarting the ability of our Government to deport aliens who commit crimes.

I have named a few areas in which I would support efforts to change the bill on the floor. Let me mention another. The conferees showed that they favor the rights of prisoners over the rights of all other litigants, and they did this by accepting only a very small part of my amendment, which was meant to cut down on the number of prisoner lawsuits that can be filed.

These lawsuits are the least meritorious of any civil cases in the Federal courts, and they make up a large portion of the civil docket. Instead of judges being made to devote as much time as they should to important criminal cases, civil rights, important environmental issues, and all the other issues Federal judges must decide, they spend too much time on prisoner lawsuits over—do not laugh at this because this is a real case—denying prisoners chunky peanut butter. The prisoner argued that this denial was violating his constitutional rights against cruel and unusual punishment.

Any tough crime bill—if the word "tough" means anything—will allow our Federal prosecutors and our courts to spend more time on putting prisoners behind bars and less time on deciding whether prisoners have a constitutional right to attend prison chapel in the nude.

(Mr. CONRAD assumed the chair.)

Mr. GRASSLEY. Mr. President, these are real cases.

While citizens are afraid to leave their homes, our Federal courts are wasting their time on cases like these. Changing the rules governing these suits should be the subject of any floor amendment.

Mr. President, we should be very careful before deciding that the deficit should be increased. The House negotiators made improvement, I must admit, but billions remain in this bill for pork-barrel social spending. Even the programs in this bill that are worthwhile bear a very heavy burden of showing that Federal tax dollars should be spent on them.

Not every good program should be a Federal program. Many of the programs in this bill are far from good. The conference report is still not tough enough. There is still room for improvement.

I have indicated some of the areas that we need to improve, and I remind my colleagues that had we a chance in the normal legislative process to make our views heard we would not be on the floor now having to suggest these needed changes. Basically, the House conferees in that first conference, left the Republicans out, went behind closed doors and gutted the strong anticrime provisions in the bill that passed the Senate last November, 95 to 4, and they also added more money for social pork-barrel spending.

What the American people are seeing from the other side, I think, is politics at its craftiest. Machiavelli 400 or 500 years ago could have learned much from the Democrats maneuvering on this crime bill.

It is the stuff from which cynicism about our Government grows. There is a great deal of cynicism at the grassroots, and this process, and particularly the maneuverings of the majority party, does not enhance the situation and respect for this process. The Democrats seem to have a patent on holier-than-thou politics. During the last 24 hours on this floor, we have heard wailing about how badly this bill is needed, how America wants this bill, how a minority, meaning the Republicans, is thwarting the will of the majority.

Now, Mr. President, all these arguments are missing the point. The fact that Republicans are here on this floor trying to improve this bill is a problem of the Democrats own making. It is a result of a strategy that they have used to ignore Republicans in conference. They deal with Republicans only after they get in trouble, like last week. The Democrats decided to sit down and deal with Republicans but only at the last moment.

Now, why should the other side consult with Republicans? After all, the other side, the Democrats, control the Government. They control both the White House and both Houses of Congress, this body 56 to 44.

Well, there are two reasons. The first is that they cannot even get a consensus on major bills for this Nation from within their own party. That is because solutions coming from the White House and the Democratic leadership in Congress are antiquated approaches to solving America's problems. They are hangovers from the 1960's. They are still trying to pass Great Society solutions to the 1990's America. And this crime bill is a perfect example.

Now that antiquated approach to solve our country's problems is why they have to pursue a single vote or a one-vote strategy. Great Society solutions no longer elicit consensus from the America people because after three decades of trial and error we have had too many errors. So the Democrats use their muscle as a majority party to squeak these dinosaurs through the Congress by a single vote or maybe as few as two votes.

Mr. President, Americans need to know this. That is why we are where we are on this crime bill. We are not stopping something that America wants and needs. We are trying to stop a hangover from the Great Society era. What we are trying to do is to stop a dinosaur. It is a bit less of a dinosaur than it was last week, and that is thanks to 42 Republicans in the House, but it is still quacking like a dinosaur. It is loaded with pork and it is loaded with social spending.

We tried that approach. Mr. President, we have tried that approach for three decades. And guess what? It did not work. America is still up to its keister in social spending, and it is up to its keister in good intentions. But do you know what? Crime is still getting worse. These approaches just do not work.

Well, we have gone through this before. We got the same thing in the tax-ridden budgets that the majority party and the White House put together over the last 2 years, the same old tax and spend, another hangover from the Great Society.

Republicans said cut spending first, and we were echoing what the vast majority of Americans were saying. Instead, what did the Democrats cry? They cried "foul." And they cried "gridlock." And they forced tax and spending programs right down the public's throats. They tried the same approach on this crime bill, and it blew up in their faces 2 weeks ago in the House.

They stripped the conference report of tough law enforcement measures and replaced them with more pork and more of those Great Society programs.

It went down in flames in the House. And what did it take, Mr. President? It took 42 Republicans over there on the other side of the Hill to rescue our President from a very embarrassing defeat.

It went down in flames because 58 moderate Democrats thought it was a lousy bill and 42 Republicans worked to improve that bill so it could pass.

And, of course, Republicans are trying to do the very same thing on a health care bill, but they cannot even come close on that bill. The Democrats cannot come close on putting a bill together even on a one-vote strategy. They want to pass a major overhaul of the health care system by one vote just before an election. It is another Great Society solution. Let the Federal Government take over our health care system, but 65 percent of the American people are now pleading with us to hold off until next year. Why? Because they are fearful that we are going to mess up the health care system that Americans already have.

On that issue, my colleague from West Virginia, Senator ROCKEFELLER, has told our entire country that we will get health care reform regardless of what the American people want.

Are we going to force health care reform down the throats of the American people?

So back to this issue. Are we going to force this dinosaur of a crime bill down the throats of the American people?

There is a second reason why the other side, meaning the majority party, the Democrat party, ought to consult with Republicans once in a while on this bill, as well as other major bills. The answer came just last week from the President himself. After moderate Republicans provided him the margin of victory for this crime conference report, he said—

> This is the way Washington ought to work, and I hope it will work this way in the future.

A quotation from President Clinton and one that I agree with.

The President said this crime bill is now better because of a contribution by House Republicans. The President said bipartisan legislation is the best legislation. I will bet the American people will buy that one. This was just last week.

Now in this body, the President and his party are going right back to a bullying strategy. They are telling Republicans to get out of the way, get out of the process. We are being told we got all the help that we needed last week from some moderate Republicans in the House. They are telling us, "Thank you very much."

Mr. President, this is the very same strategy that blew up in their faces 2 weeks ago in the other body the first time that this crime bill was defeated on a procedural motion. And do you know what, Mr. President? It can blow up in their faces again, unless there is a good faith effort to compromise and add more anticrime provisions to this bill and to reduce or get out the pork barrel spending.

That bill in the other body failed because it was not tough enough on crime to satisfy the American people. It has been somewhat improved on the House side, but it still does not meet the public's expectations. If you do not believe me, I ask my colleagues to listen to their constituents who are calling in telling us what we ought to do on this bill.

Mr. President, a bipartisan contribution by Senators on this side of the aisle could help make this a very solid bill that would meet our public's expectations. Right now, it is still a Great Society bill. It is not an anticrime bill, it is an antiquated bill.

What is wrong with working toward consensus, instead of having it bullied through with holier than thou platitudes and admonitions?

There are two issues at stake here. One is the process issue, the other is a substance issue. On the process issue, I would say, ironically, this strategy by the majority party is itself causing gridlock. By the Democrats failing to seek consensus, by failing to allow Republicans to participate to improve this legislation, they have put us where we are today. We are protecting our constitutional rights.

I think the other side only has themselves to blame. And, of course, who is going to suffer? It is our public.

What we are seeing here—that is, what is behind all of the rhetoric coming from the other side—would make Machiavelli green with envy.

The President calls for bipartisan consensus, not as a principle or a practical matter. Rather, he calls for a bipartisan consensus when it suits the

President's needs. Right now, as far as us Senate Republicans are concerned, it must not suit his needs. So we are seeing a classic bait and switch maneuver. First, they will try the bullying tactic. They will say the crime bill is under assault. They will round up the usual arguments. Then, if that does not work, we will let the bill go down and we will blame it on the Republicans. That is what the other side is threatening.

But, Mr. President, does anyone believe that the President, faced with no bill versus a better bill, would not choose a better bill? He will choose the better bill.

This is basically the same choice the President faced last week. And what did the President do last week? He chose a better bill. And where did he get that better bill? He got it with the contribution of House Republicans.

I say we should call the other side's bluff. We should take our case to the American people. If the President is truly sincere about preaching for bipartisanship—and this is something that we Republicans seek—then we can do what it takes right now to pass an effective bill that meets the country's needs; not after the election, but do it right now.

But there is also out there a substance issue. The issue is how we can best fight crime. The Republicans lean heavily toward tough law enforcement. That is what the American people want. They want to fight crime with toughness.

The Democrats lean heavily toward crime prevention—keep the criminals occupied; keep the criminal element diverted and somehow the criminal element will commit less crime. History shows otherwise, that tough measures dealing with criminals are more effective.

Nonetheless, in my view, and in the view of many of my Republican colleagues, there are merits to their approach. But the question is how much?

When this bill left the Senate, there was a proper balance between crime fighting and crime prevention. Through consensus that balance was struck in this body in the first instance, or the bill would not have been approved by this body 95 to 4. But the balanced bill that passed this body 94 to 5 was stripped in conference when liberal Democrats ignored Republicans and they ended up using again the bullying strategy. They cut the toughness from the bill and they beefed up—or rather, should I say, porked up—the prevention.

Now, I have to admit that part of that balance was restored last week with the help of Republicans. So I think what my colleagues on this side want is to have the same opportunity that Republicans had on the other side of the Hill to restore a bit more balance between toughness and prevention, to improve this bill and to give America an effective crime bill.

Had we not been ignored in conference—remember this—had we not been ignored in conference, we would not be here today having to improve this crime bill in the Senate all over again.

The public wants Congress to address the major problems facing the country with a bipartisan consensus—major issues like the Federal budget deficit, like welfare reform, like the downsizing of the Government. We are finding that out also on the issue of health care reform. And if we let ourselves listen, we will find it out on this crime bill. The bullying tactics of the majority run counter to what the public wants from its Congress. You do not reach consensus by bullying the minority.

Does this seem to be a very complicated formula? Well, it is not. But for some reason the Democrats just do not get it.

It is too bad that this debate has been marked by questions of political motives from the other side. Should we not keep this issue out of the gutter? Have they no shame? It seems the upcoming election is getting in the way of a reasonable consensus, and in the way of mutual respect.

When former President Bush finally got the message that the people were disappointed in him, he responded with the now-famous line, "Message: I care." In my view, with the results of a number of major elections over the last 2 years and with the recent polling on party preferences, the Democrats need to be developing a similar message. And it would likely have to be something like this. "Message: I get it."

Mr. President, my colleagues on the other side need to start listening to the American people and to stop listening to those of their leaders who want to ram antiquated programs down the throats of the American public. I have just one simple message to the majority of this body: Stop squealing and start dealing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have been listening for the last 2 days to debate on this bill and clearly people feel very strongly on both sides. One issue is that we are trying to delay this bill or kill this bill because we would like to amend it.

I do not understand this argument because I have seen the process. I saw that the House took the bill up, they debated it, they amended it, they went through the rules processes, and they basically changed the bill from the conference committee report. Now it comes to the Senate and we are talking about changing this bill through amendment and we are being accused of being obstructionist.

Let us look at the bill and see if it is reasonable we should change the bill. The bill left the Senate with some very important features. First and foremost, the bill was paid for—$22 billion, allocated mostly for crime fighting. It was very strong in that area and it was paid for. It went to the House and it turned into a $27 billion bill—not totally paid for. It went to conference and turned into a $33 billion bill.

So we have now a bill that was passed by the Senate by an overwhelming vote, that has been increased by $11 billion. It is not the same bill. It is not even a resolving of the difference between the two Houses. That is what the conference committee is supposed to do, resolve the differences between the Houses. But we have a $22-billion bill that starts, it becomes $27 in the House, $33 in conference, and in fact billions were put in the conference committee report that did not pass either House.

That is not resolving the differences between the two Houses in a conference committee. That is creating a new bill which now, for some reason, it seems that we are supposed to say is unamendable, that we should have no more say in a totally different bill.

Mr. President, $1.62 billion was added in the conference committee report that had actually been turned down by this Senate last year. I do not think we are outside of our prerogatives—and even, indeed, our responsibilities—to say this is not the bill that we passed. It is not even close. It is not a resolving of the differences between the two Houses. And, in fact, it is not really a crime bill anymore.

But we would like to try to make it into a crime bill. We would like to bring it back, try to bring it closer to at least the differences between the two Houses—but closer to the Senate bill. I thought the Senate bill was a pretty good bill. I thought the good outweighed the bad. It did not have some of the things I would like to see in it. I think Congress could make its greatest contribution if we would take up habeas corpus reform, if we would deal with the exclusionary rule, and give our law enforcement officers the tools they need to convict criminals and put them behind bars.

That was not in the Senate bill. But if we have a chance to make this bill stronger in the future, I would like to see us do what the Congress can really do to make a difference in crime. Because we all know that the front line for fighting crime is our local governments. We know that—State and local governments. But I think the Federal Government can give help there, and I would like to be constructive in that regard.

But what we have before us is a bill filled with social spending. In fact, it is over $5 billion in new spending on social programs—30 new social welfare programs in addition to the more than 600 of those programs that are already on the books.

Since 1965, welfare spending increased in real terms by 800 percent, while the number of major felonies is roughly three times the rate it was in the 1960's. So we have increased our social spending and it really has not made a dent. In fact it has not even helped bring down the crime rate. The crime rate continues to soar.

So I would like to talk about the proposed Republican amendments, if the agreement that our Republican leader has offered to the distinguished majority leader comes about. I would like to talk about the amendments because I think they are a step in the right direction. I do not really think they are enough. There are some things I would like to have seen in there, including second amendment rights—but that is not here. But we do have some very constructive amendments.

One of the things that has bothered me the most about the conference committee report is prison funding. We kept hearing about the prison funding, the $7.9 billion in prison funding, when in fact almost all of that funding could be for other than real prisons. It could be in boot camps or drug detention centers or halfway houses—good programs, but they are not prisons.

Under the amendments we would offer tomorrow, we would go back to the concept of the original Senate bill. It would be more for prisons, but it would be real prisons. It would be for building prisons as the people of America would have a right to expect when we say prison building. And at least 50 percent, approximately $3.9 billion, would have truth-in-sentencing requirements to use the prisons. The requirement that 85 percent of a sentence is served.

Right now, you can serve 10 months on a 10-year sentence, or 20 months on a 10-year sentence, and get out. That is not keeping criminals behind bars. What kind of punishment is that? What does that do to let people know they have to pay a price if they commit a crime?

So, over 50 percent of the prison funding would rely on truth-in-sentencing for the use of those prisons. I think that is a major step in the right direction. The other 50 percent at least would be for prison building. So that would be a major step, if the Republican amendments are offered tomorrow.

Senator SIMPSON had an amendment that was accepted overwhelmingly in the Senate, to expedite criminal alien deportations. Right now, after a criminal alien serves a sentence, they have to go through a pretty arduous process—it is another layer—to be deported. This would give the judge the right to immediately say, upon service of the sentence, that criminal alien would be deported, out of our country. It expedites the deportation out of our country. That would be brought back and put into the bill—or at least offered as an amendment.

And mandatory minimum sentences, that was another area where I thought we had some real teeth in the bill: Mandatory minimum sentences for gun crimes, people who commit crimes with a firearm; mandatory minimum sentences for selling drugs to children; mandatory minimum sentences for people who employ minors to sell drugs. That is one of the things that makes it so difficult, is these drug kingpins get kids to sell drugs to kids, and this would give mandatory minimum sentences to those kingpins.

And it would give mandatory minimum sentences for first-time offenders, if they are violent offenders.

All of that would be replaced if we are able to offer the amendments and if the amendments are adopted.

So I think, Mr. President, that we can make some constructive changes in this bill, and I think we have the right to do that as Members of the U.S. Senate when you see a bill that comes back that is not a sincere resolution of the differences between the two Houses.

In fact, I think we would be irresponsible not to try to make this a crime bill rather than a social bill or a social program bill. Some of the areas of this bill are good programs. There are arts and crafts, dancing lessons—they are good projects, I am sure, but they are not crime prevention. They are not going to help us build prisons. They are not going to put police on the streets.

In fact, I wish we could beef up the police on the streets and give more help to our local governments in that area. I do not think it is really fair to say that this bill puts 100,000 police on the streets, because 75 to 80 percent of the funding has to be done at the local level, and the mayors that I have talked to, many of them say, "We can't afford that, so we're not even going to try. We need police officers, but we don't have the 75 percent." So they are not going to make the applications.

I do support the police on the street, I support the prison building, and I would like to make this a crime bill if we possibly can.

So I hope that the majority side allows us to try to make this a better bill, because I think we can make a contribution and, most of all, Mr. President, I think we can keep faith with the American people if we can turn this into the crime bill at least in part—at least I think it will let the American people know that we have tried to do a little better.

So I hope we can do better. I hope we can propose our amendments. I hope they can be accepted. And I hope we can at least try to get criminals behind bars where they belong, and I hope we can have truth in sentencing. I hope we can get criminal aliens out of our country.

I hope that we can spend the money on fighting crime, and most of all, Mr. President, I hope we can pay for it. I hope that we can look the American people in the eye and say, "This is not going to go against the deficit," because when it all comes down to it, we do have a responsibility to the hardworking taxpayers of this country to say that we are not going to add $13 billion to the deficit in a bill that we are calling a crime bill which, in fact, has many social programs that might not meet the priority test and, in fact, many of them have not met the priority test of this body already. They have been stuck into a bill because it is called a crime bill, and that is just not enough to really meet and pass the smell test.

I think the American people understand what is going on here. I think they are educated, and I think they would like for us to put some honesty and integrity back into this system.

So I urge my colleagues to work with us to try to make this a better bill and at least to pay for it so that we will not add to the deficit.

Thank you, Mr. President. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have not made a statement on the crime bill on the floor and will not tonight. But somehow or another, I just have had a hard time accepting that we do not want to have a well-rounded crime bill as it relates to communities.

The distinguished Senator from Texas said the communities are going to pay 80 percent of police officers. I do not believe that is quite right. I am going to look it up. I think it is 50-50. We always have the locals and the States pick up some of it. It is not all free.

So I do not believe the locals pick up 80 percent of police officers on the beat, but I will check that and be sure I am accurate. But we talk about building more prisons, 125,000 more cells to put violent criminals in. I think that is a pretty good bill. I believe we are going to reach the 100,000 new police officers on the street. That is important. But I somehow want something in this bill to prevent kids from getting into trouble and prevent us from having to build additional prisons in the years to come.

So I hope that every community has a society. Some like the arts, some like art museums. We have nature museums. We have nature walks. We have jogging tracks. We have Little League baseball parks. We have—I forget now what league they call it, but small boys and girls playing football. We have parks for them, and try to have a rounded community that fits all aspects of the individuals that are in the community.

I do not look at all this as pork. That is a good name. I grew up on the farm. I understand oink, oink.

So we will get into that a little later. I agree that you can get up here and say all these things are not good and you can have slogans, graffiti artists become artists.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators allowed to speak therein for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO NOBEL LAUREATE TONI MORRISON—AN AFRICAN-AMERICAN CROWN JEWEL

Ms. MOSELEY-BRAUN. Mr. President, there are often footnotes to history that are overlooked by those who chronicle benchmarks of achievement. These are moments to be celebrated and I take this occasion to share in a joyful tribute which the extraordinary poet Maya Angelou hosts for America on September 3, 1994. Dr. Angelou will accomplish what we as a nation have failed to do—and that is to embellish for posterity, the life's work and accomplishments of the newest Nobel Prize winner in Literature, novelist Toni Morrison.

Ms. Morrison is the first American woman to win this single honor in 55 years, the third American over a period of more than two decades, and the only African-American ever. As an element of this historical backdrop, it is noted that the Nobel Committee of the Swedish Academy has selected only two other African-American Laureates since the inception of this momentous ceremony—Dr. Martin Luther King, Jr., and U.N. Ambassador Ralph Bunche—who both were awarded the Nobel Peace Prize.

Of the numerous tributes which followed the announcement of this year's prize for literature, the most animated have been those of her peers. In the words of contemporary novelist Alice Walker:

> No one writes more beautifully than Toni Morrison. She has consistently explored issues of true complexity and terror and love in the lives of African Americans.

Indeed the Nobel Committee's announcement stated that "Ms. Morrison gives life to an essential aspect of American reality" in novels "characterized by visionary force and poetic import."

Calling her "a literary artist of the first rank" the Academy's statement went further to say that "She delves into the language itself, a language she wants to liberate from the fetters of race. And she addresses us with the luster of poetry."

A Princeton University professor, Morrison is the author of "Song of Solomon" winner of the National Book Critics Award, the Pulitzer Award winning "Beloved" published in 1987, the critically acclaimed 1992 work entitled "Jazz," along with other lyrically narrated novels on African-American life. The 1993-94 Nobel Laureate in Literature was born Chloe Anthony Wofford in Lorriane, OH, shortly after the onset of the Great Depression—the second of four children of sharecroppers and the granddaugther of an Alabama slave. Reared in a low-income, integrated neighborhood, Morrison drew from this experience and the nurturing of her parents and inherited a gifted legacy and sense of history which permeates her works. Ms. Morrison, not surprisingly, learned to read at an early age and was the only child in her class to enter first grade with that skill. She would later earn a bachelor's degree in English from Howard University in Washington, DC, and a master's degree in English from Cornell University.

Her academic career would span both historically black colleges and universities including Texas Southern University in Houston, and Howard University as well a New York State University campuses at Albany and Purchase, NY. Ms. Morrison would also distinguish herself in the publishing field through her work as an editor at Random House in Syracuse, NY and as a prolific essayist and playwright.

Toni Morrison, through her creative genius and vision has shown us how our culture teaches us and how our past can influence our future. She gives us the promise of good things to those who are true to their cultural ancestry. Through this tribute, which I offer here in the Senate and on behalf of the Congressional Black Caucus, we express our gratitude for her commitment to literary excellence and inspiration. For Mr. President, in ways that few others have, Toni Morrison gives us inspiration to prevail in times where there is only the beauty and integrity of our language, our spirit, and our history to sustain us.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3240. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a certification relative to the Board for International Broadcasting for fiscal year 1994; to the Committee on Appropriations.

EC-3241. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-3242. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3243. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of the annual energy review for calendar year 1993; to the Committee on Energy and Natural Resources.

EC-3244. A communication from the Acting Inspector General, Department of the Interior, the report entitled "Accounting for Fiscal Year 1992 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC-3245. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "High Cost Hospice Care"; to the Committee on Finance.

EC-3246. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Office of People's Counsel Agency Fund Deposits and Expenditures for Fiscal Years 1992 and 1993"; to the Committee on Governmental Affairs.

EC-3247. A communication from the Assistant Secretary of Education (Office of Post-Secondary Education), transmitting, pursuant to law, the report of final regulations—Ronald E. McNair Postbaccalaureate Achievement Program; to the Committee on Labor and Human Resources.

EC-3248. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on effective care methods for responding to the needs of abandoned infants and young children; to the Committee on Labor and Human Resources.

EC-3249. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the program operations of the Office of Workers' Compensation Programs for fiscal year 1993; to the Committee on Labor and Human Resources.

EC-3250. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Helen Keller National Center for Individuals Who Are Deaf-Blind for the calendar year 1993; to the Committee on Labor and Human Resources.

EC-3251. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-3252. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing and Urban Affairs.

EC-3253. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to India; to the Committee on Banking, Housing and Urban Affairs.

EC-3254. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing and Urban Affairs.

EC-3255. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3256. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3257. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Thailand; to the Committee on Banking, Housing and Urban Affairs.

EC-3258. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the Republic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-3259. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3260. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for July 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment and an amendment to the title:

H.R. 3664. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility (Rept. No. 103-359).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 4647. A bill to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge (Rept. No. 103-360).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 2417. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BAUCUS:

S. 2418. A bill to improve the management of floodplains, to protect and restore the environment in floodplains, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. STEVENS, and Mr. HATFIELD):

S. 2419. A bill entitled the "Library of Congress Financial Reform Act of 1994"; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. 2420. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment and death during the occupation of Guam during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. ROBB):

S.J. Res. 218. A joint resolution designating January 16, 1995, as "Religious Freedom Day"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. COCHRAN, Mr. DASCHLE, Mr. JOHNSTON, Mr. BREAUX, Mr. BUMPERS, and Mr. GRAMM):

S.J. Res. 219. A joint resolution to commend the United States rice industry, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 2417. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee will have 30 days to report or be discharged.

EMERGENCY SPENDING CONTROL ACT OF 1994

• Mr. McCAIN. Mr. President, I introduce legislation, recently approved by the House of Representatives, which would establish procedures to ensure that emergency appropriations bills are not loaded with nonemergency items.

Over the years, Congress has inserted funding for extraneous nonemergency items into bills which must pass to protect public health and safety and provide aid to victims of natural disasters. Because such emergency funding bills are not subject to discretionary spending budget caps, they make an attractive vehicle for members seeking to tack on extraneous items.

This cynical practice takes advantage of dire circumstances and is an abuse of the Federal budget process. The bill would put an end to it, by establishing a new Budget Act point of order against any emergency funding bill which contains nonemergency items. Moreover, it establishes that the amount of any nonemergency spending in an emergency bill will be counted against the relevant budget caps so that such spending does not add to the deficit.

Mr. President, this is a good government piece of legislation. Again, the House passed an identical bill by an overwhelming margin. The Senate should act expeditiously to do the same.•

By Mr. BAUCUS:

S. 2418. A bill to improve the management of floodplains, to protect and restore the environment in floodplains, and for other purposes; to the Committee on Environment and Public Works.

FLOODPLAIN MANAGEMENT, ENVIRONMENTAL RESTORATION, AND RECREATION ACT OF 1994

• Mr. BAUCUS. Mr. President, I introduce a bill which will make some important changes in the way we in the United States deal with floods. It will, in fact, reform our whole approach to the issue. These reforms are based on the recommendations of General Galloway of the U.S. Army Corps of Engineers and his task force, which recently conducted a comprehensive study of the causes of last year's devastating Midwestern flood. The bill also requires the Corps of Engineers to pay more attention to their recreational and environmental responsibilities.

EFFECTS OF FLOOD DISASTERS

Since the 19th century, we have relied on the concept of flood control. Naively, or arrogantly, we assumed we could prevent natural disasters like floods completely. We have now learned to our cost that we cannot.

A little less than a year ago, the flaws in the flood control policy caught up with us. The waters on the Mississippi and Missouri Rivers rose to their highest levels in more than 100 years. In some towns, they were higher than that. They topped records that only science and archeology can determine.

It was the biggest flood in 500 years. It caused over $12 billion in damage to homes, farms, and communities. The Federal Government spent over $6 billion on relief.

And as President Clinton said last month, in a natural disaster "the biggest tragedy is always the human tragedy." Last year's flood killed at least 38 people. This year we lost 30 more in Georgia, Florida, and Alabama. The cost goes beyond deaths—to people made homeless, to families made dependent on handouts, to incomes crippled, to communities broken.

GOVERNMENT POLICY CONTRIBUTES TO FLOOD DAMAGE

There is another dimension to these tragedies. Few of us like to talk about it. Few of us even want to admit that it exists. And this dimension is the contribution of Government policies to flood disasters.

A flood bigger than any in recorded history may be simply a freak of nature. But it may also be a sign of a basically mistaken approach, which makes floods rare but much more devastating than they would otherwise be. General Galloway's task force found that the latter is the case.

In the past, Government incentive policies encouraged people to move to flood plains. And Government building policies made floods rare but large. What were the ingredients?

First, levees. Flood plain land is good agricultural land. At one time, it was too dangerous to farm. But levees, many of them built as public works projects during the Great Depression, made farming in flood plains too tempting to resist.

Second, destruction of wetlands. For many years, we thought of wetlands as worthless swamp. We enacted no laws to protect them. In fact, we tried to drain them. Well, we have found that swamps are anything but worthless. In fact, wetlands are natural sponges. In a natural state, they are the reason we had no disasters like last year's Missouri flood in over 500 years.

Third, easily available flood insurance. You can get insurance on only 5 days notice. So most people figure they can put off buying it until the flood waters start rising. But buying flood insurance is not the first thing you think of when they begin to prepare for floods. So most people never have it when they need it. That means that taxpayers rather than insurance must foot the bill for relief after a flood.

Finally, Government actions may have made flood losses worse in some areas. Structures built by the Government along river banks fuel the pace of the water flows.

WE CANNOT AFFORD A REPEAT

The human and financial tolls of these flood policies are too great. The suffering of the flood victims in the Midwest and in Georgia and Florida shows that the time has come for reform.

Floods are natural disasters caused by forces beyond our control. But if we reform our flood practices, we can reduce the cost in lives and property when floods occur. This does not mean doing away with all levees and other structural solutions. But it does mean that levees should not be an automatic choice for protecting against floods.

Therefore, before people begin building again on the flood plain; before communities raise matching funds for levees; before we throw ourselves back into the policies of the last century; we must develop a new strategy. One that will take our economy, and our natural resources, into the next century.

LEARNING FROM THE PAST

We need to learn from these disasters so that when the next flood occurs, fewer people get hurt. What the Environment and Public Works Committee learned from the report of General Galloway's task force and from two hearings recently held on this subject is that in the future, we need to manage floods, not try to control them.

The time for action is now—when we have the opportunity to prevent future disasters. Congress still has time to incorporate some of the recommendations of the flood task force into current law, and we have an obligation to move quickly.

These reforms will force no farmer to leave the flood plain. But they will help those who do want to move. And I think farmers in these areas should think over their choices carefully.

President Clinton said the flood in Georgia should not make more good farmers leave their land. I disagree. Recurring floods are a good reason for anybody to consider moving to higher ground. And we ought to do all we can to relocate farmers who want to move, and offer incentives for farmers in flood prone areas to relocate.

And while this debate will go on for some time, we may need to make tough choices about letting people stay in areas where no amount of flood protection is sufficient or economically feasible.

But I believe that we can strike the right balance. This bill will put new technology and new ideas to work. It will find new means to leverage private investments. And most important of all, it will change the current worn-out ways of doing business. Altogether, this bill will bring the management of this country's floodplains out of the 19th and into the 21st century.

RECREATION AND ENVIRONMENT AND THE CORPS

A second set of important reforms is contained in this bill. The fact is that all the flood control structures the Corps of Engineers builds take a tremendous toll on the ecosystems they are in. And what little authority the corps has to make its current projects more environmentally sensitive, the Corps does not use. This bill addresses both those problems.

Moreover, the corps is now the largest provider of water based recreation in the Nation. But it does not live up to its responsibilities in this area. That is not news to citizens in my home State of Montana, where local residents face unsafe conditions at corps reservoirs. This bill will force the corps to give recreation its due. It will also give the Corps of Engineers the tools to get the job done.

Mr. President, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Floodplain Management, Environmental Restoration, and Recreation Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—FLOODPLAIN MANAGEMENT

Sec. 101. Water Resources Council.
Sec. 102. Upper Mississippi River system flood management.
Sec. 103. Lower Mississippi River system flood management.
Sec. 104. Missouri River Basin Association.
Sec. 105. Studies.
Sec. 106. River basin management plans.
Sec. 107. Determination of flood control benefits.
Sec. 108. Use of funds for nonstructural measures.
Sec. 109. Levee maintenance and repair program.
Sec. 110. Missouri River floodway project.
Sec. 111. Buy-out funding.
Sec. 112. Watershed approach to flood loss reduction.

TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

Sec. 201. Findings.
Sec. 202. Project modifications for improvement of the environment.
Sec. 203. Aquatic ecosystem restoration.
Sec. 204. Revision of Principles and Guidelines.
Sec. 205. Small recreation and environmental projects.
Sec. 206. Cost share for recreation projects.
Sec. 207. Local cost-share credit for in-kind contributions for environmental and recreation projects.
Sec. 208. Rebuilding recreational facilities after reservoir drawdowns.

SEC. 2. DEFINITION OF SECRETARY.

As used in this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—FLOODPLAIN MANAGEMENT

SEC. 101. WATER RESOURCES COUNCIL.

(a) MEMBERSHIP AND PURPOSES.—Section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended—

(1) in the first sentence, by striking "and the Chairman of the Federal Power Commission" and inserting "the Secretary of Energy, and the Director of the Federal Emergency Management Agency";

(2) in the second sentence, by inserting "(or designees of the heads)" after "agencies"; and

(3) in the third sentence, by striking "designated by the President." and inserting "the Chairman of the Council on Environmental Quality established by section 202 of the National Environmental Policy Act of 1969 (42 U.S.C. 4342). The Chairman of the Council shall report directly to the President.".

(b) DUTIES.—Section 102 of such Act (42 U.S.C. 1962a–1) is amended—

(1) by striking "(a)" and inserting "(1)";

(2) in paragraph (1) (as so redesignated), by striking "and" at the end;

(3) by striking "(b)" and inserting "(2)";

(4) in paragraph (2) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(3) serve as the primary center for assistance concerning the coordination and resolution of interstate and interagency water resources management issues;

"(4)(A) seek to align Federal floodplain management with other broad national goals; and

"(B) serve as an innovative planning and technology clearinghouse for floodplain management;

"(5) not later than March 1, 1996, prepare and submit to Congress a report evaluating the efforts of the Secretary of the Army to change the policies and practices of the Army Corps of Engineers concerning the use of structural solutions to water resources management problems; and

"(6) oversee the activities of—

"(A) the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994;

"(B) the Lower Mississippi River Flood Management Coordinating Committee established under section 103(c) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994; and

"(C) the Missouri River Flood Management Coordinating Committee established under section 104(c) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994.".

(c) Authorization of Appropriations.—Section 401 of such Act (42 U.S.C. 1962d) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Water Resources Council to carry out title I and this title $1,000,000 for each fiscal year.".

(d) Conforming Amendment.—Section 13(e) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912(e)) is amended by striking "section 102(a) of the Water Resources Planning Act (42 U.S.C. 1962a-1(a))" and inserting "section 102(1) of the Water Resources Planning Act (42 U.S.C. 1962a-1(1))".

SEC. 102. UPPER MISSISSIPPI RIVER SYSTEM FLOOD MANAGEMENT.

(a) Definition of Upper Mississippi River System.—Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following new paragraph:

"(1) the terms 'Upper Mississippi River system' and 'system' mean the Mississippi River and the tributaries of the river north of and adjacent to Cairo, Illinois, except for the Missouri River and the tributaries of the river;"; and

(2) in subsection (e), by striking paragraph (2) and inserting the following new paragraph:

"(2) Report.—Not later than 2 years after the date of enactment of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994, the Secretary and the Secretary of the Interior, in cooperation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, and with the approval of the Upper Mississippi River Basin Association, shall prepare and submit to Congress a report that assesses the environmental sustainability of the Upper Mississippi River system, evaluates the programs referred to in paragraph (1), and recommends additional or alternative actions to enhance and protect the long-term ecological integrity of the basin of the Upper Mississippi River system. The report shall use information obtained through the long-term resource monitoring program referred to in paragraph (1)(B) and shall address both watershed and floodplain actions.".

(b) Flood Management Coordinating Committee.—

(1) Establishment.—The Secretary shall establish a committee to be known as the "Upper Mississippi River Flood Management Coordinating Committee" to review and recommend approval or disapproval of the river basin management plan developed under section 106(a).

(2) Membership.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, and the Governors of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(3) Oversight.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(4) Compensation.—A member of the Committee who is an officer or employee of the Federal Government shall serve without additional compensation. A member of the Committee who is a Governor shall not receive any compensation from the Federal Government for the service of the member on the Committee.

SEC. 103. LOWER MISSISSIPPI RIVER SYSTEM FLOOD MANAGEMENT.

(a) Definitions.— As used in this section:

(1) Lower Mississippi River System.—The terms "Lower Mississippi River system" and "system" mean the Mississippi River and the tributaries of the river south of, and adjacent to, Cairo, Illinois, except for the Ohio River and the tributaries of the river.

(2) Mississippi River Commission.—The term "Mississippi River Commission" means the commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641).

(b) Program Authority.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, shall carry out, with respect to the system and consistent with the river basin management plan developed under section 106(b)—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat restoration and enhancement; and

(2) a long-term resource monitoring program.

(c) Flood Management Coordinating Committee.—

(1) Establishment.—The Secretary shall establish a subcommittee of the Mississippi River Commission to be known as the "Lower Mississippi River Flood Management Coordinating Committee" to review and recommend approval or disapproval of projects developed under the programs established under subsection (b) and the river basin management plan developed under section 106(b).

(2) Membership.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Governors of the States of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

(3) Oversight.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.) and coordinate activities with the Mississippi River Commission.

(d) Authorization of Appropriations.—

(1) Flood Management Program.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(1) $13,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(b).

(2) Long-Term Resource Monitoring Program.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(2) $5,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(b).

SEC. 104. MISSOURI RIVER BASIN ASSOCIATION.

(a) Definitions.— As used in this section:

(1) Missouri River Basin Association.—The term "Missouri River Basin Association" means an association of representatives of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota formed for the purposes of cooperative effort and united assistance in the comprehensive planning for the use, protection, growth, and development of the Missouri River system.

(2) Missouri River System.—The terms "Missouri River system" and "system" mean the Missouri River and the tributaries of the river.

(b) Program Authority.—The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, shall carry out, with respect to the system and consistent with the river basin management plan developed under section 106(c)—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat restoration and enhancement;

(2) a long-term resource monitoring program; and

(3) a program for the planning and construction of recreation projects.

(c) Flood Management Coordinating Committee.—

(1) Establishment.—The Secretary shall establish a subcommittee of the Missouri River Basin Association to be known as the "Missouri River Flood Management Coordinating Committee" to review and recommend approval or disapproval of projects developed under the programs established under subsection (b) and the river basin management plan developed under section 106(c).

(2) Membership.—The Committee shall consist of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Governors of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota.

(3) Oversight.—The Committee shall report to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(d) Authorization of Appropriations.—

(1) Flood Management Program.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(1) $13,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

(2) Long-Term Resource Monitoring Program.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(2) $5,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

(3) Recreation Project Construction Program.—There are authorized to be appropriated to the Department of the Army to carry out subsection (b)(3) $2,000,000 for each of the first 5 fiscal years beginning after the date of completion of the river basin management plan under section 106(c).

SEC. 105. STUDIES.

(a) In General.—

(1) UPPER MISSISSIPPI RIVER BASIN LEVEES.—In carrying out the study authorized under title I of the Energy and Water Development Appropriations Act, 1994 (Public Law 103–126), concerning the adequacy of flood control measures on the upper Mississippi River and the tributaries of the river, the Secretary of the Army shall survey the levees (other than a levee that is constructed to less than a 10-year flood protection level and that protects the land of 5 or fewer landowners) in existence on the date of completion of the study. The survey shall be a general assessment of—

(A) the physical condition of each levee;

(B) the estimated economic benefit of the levee to the area protected by the levee;

(C) the estimated environmental impact of the levee; and

(D) the estimated cost of bringing the levee into compliance with the standards of the Army Corps of Engineers where the compliance is necessary.

(2) HYDROLOGY OF UPPER MISSISSIPPI RIVER BASIN.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a study of the hydrology of the Upper Mississippi River basin to determine the systemic effects of structural flood control measures in existence on the date of completion of the study, including the measures assessed under the study described in paragraph (1).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $10,000,000 to carry out this paragraph.

(3) LOCAL DRAINAGE SYSTEMS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Housing and Urban Development, the Secretary shall conduct a study to determine how local drainage systems may be designed and retrofitted to preserve aquatic habitat, limit potential increases in flood discharges, and meet the needs of the areas served by the systems.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $1,000,000 to carry out this paragraph.

(4) FLOODPRONE AREAS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Director of the Federal Emergency Management Agency, the Secretary shall conduct a study of the entire Mississippi River and Missouri River basins to determine the most frequently flooded areas with the greatest loss of human life and property.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army $1,000,000 to carry out this paragraph.

(b) PROHIBITION ON DELEGATION.—Each study required under subsection (a) shall be carried out under the personal direction of the Secretary. The conduct and supervision of the studies may not be delegated below the position of the Deputy Assistant Secretary of the Army having responsibility for civil works.

SEC. 106. RIVER BASIN MANAGEMENT PLANS.

(a) UPPER MISSISSIPPI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Upper Mississippi River system, the Secretary, not later than 2 years after the date of enactment of this Act, shall develop, in consultation with the Upper Mississippi River Basin Association and the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b), a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Upper Mississippi River system.

(2) CONTENTS OF PLAN.—The plan shall provide for the integration of the flood-control facilities in existence on the date of enactment of this Act in the basin of the Upper Mississippi River system into an efficiently functioning flood damage reduction system, including structural and nonstructural measures, that is compatible with the functioning and restoration of the floodplain ecosystem.

(3) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or designees of the Governors;

(B) in consultation with non-Federal interests; and

(C) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(4) DEFINITIONS.—As used in this subsection:

(A) NONSTRUCTURAL MEASURE.—The term "nonstructural measure" means—

(i) the floodproofing of a structure;

(ii) a flood warning system;

(iii) floodplain regulation and management;

(iv) the acquisition of floodplain land for recreational, fish and wildlife, riparian restoration, wetlands restoration, and other public purposes;

(v) relocation; and

(vi) any other measure not involving a structure that is designed to or has the effect of changing the natural flow of a river that floods.

(B) UPPER MISSISSIPPI RIVER BASIN ASSOCIATION.—The term "Upper Mississippi River Basin Association" has the meaning provided in section 1103(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 652(b)(4)).

(C) UPPER MISSISSIPPI RIVER SYSTEM.—The term "Upper Mississippi River system" has the meaning provided in section 1103(b)(1) of such Act (33 U.S.C. 652(b)(1)).

(b) LOWER MISSISSIPPI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Lower Mississippi River system (as defined in section 103(a)(1)), the Secretary, not later than 2 years after the date of enactment of this Act, in consultation with the Upper Mississippi River Flood Management Coordinating Committee established under section 102(b) and the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641), shall develop a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Lower Mississippi River system.

(2) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee; and

(B) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(c) MISSOURI RIVER BASIN.—

(1) IN GENERAL.—To ensure the coordinated development and enhancement of the Missouri River system (as defined in section 104(a)(2)), the Secretary, not later than 2 years after the date of enactment of this Act, in consultation with the Missouri River Basin Association (as defined in section 104(a)(1)) and the Missouri River Flood Management Coordinating Committee established under section 104(c), shall develop a comprehensive river basin management plan that addresses the long-term ecological, economic, and flood control needs of the basin of the Missouri River system.

(2) PUBLIC PARTICIPATION.—In order to provide for the full participation of affected persons and persons interested in floodplain management, the plan shall be developed—

(A) in consultation with the Governors of the States of Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota; and

(B) in a manner that is consistent with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

SEC. 107. DETERMINATION OF FLOOD CONTROL BENEFITS.

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended—

(1) in the second sentence of subsection (a), by striking "Such feasibility report" and inserting "Subject to subsection (e), the feasibility report";

(2) in the second sentence of subsection (b), by striking "Such reconnaissance study" and inserting "Subject to subsection (e), the reconnaissance study"; and

(3) by adding at the end the following new subsection:

"(e) DETERMINATION OF FLOOD CONTROL BENEFITS.—In preparing a feasibility report under subsection (a), or a reconnaissance study under subsection (b), for a water resources project, the flood control benefits determined for the project shall not include the benefits derived from any use of the 100-year floodplain that involves, after the date of initiation of the reconnaissance study for the project—

"(1) the construction of a new structure;

"(2) a substantial improvement to a structure; or

"(3) any other change in an activity in the area of the floodplain in which the project is located that significantly increases the commercial or resale value of property in the floodplain subject to damage from flooding.".

SEC. 108. USE OF FUNDS FOR NONSTRUCTURAL MEASURES.

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)), is amended by adding at the end the following new paragraph:

"(3) NONSTRUCTURAL MEASURES.—

"(A) USE OF FUNDS.—The Secretary may use funds from the emergency fund authorized under paragraph (1) to replace with a nonstructural measure any flood control measure damaged or destroyed by flood.

"(B) OTHER FUNDS.—The Secretary shall consult with the heads of other agencies and other persons in an effort to combine funds from the emergency fund authorized under paragraph (1) with funds available from other Federal programs, and with funds from State, local, and private sources, for the purpose of using nonstructural measures to reduce damage in the event of future flooding.

"(C) MITIGATION PLANS.—At the request of a non-Federal interest with jurisdiction over an area that has been subject to repeat flooding, as identified by the Director of the Federal Emergency Management Agency or as determined pursuant to the study required under section 105(a)(4) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994, the Secretary may use funds from the emergency fund authorized under paragraph (1) to develop a mitigation plan for the area that provides for carrying out 1 or more nonstructural measures to reduce damage in the event of future flooding.

"(D) FUNDING FOR NONSTRUCTURAL MEASURES.—

"(i) MINIMUM FUNDING LEVEL.—Except as provided in clause (ii), not less than 15 percent of all funds expended for each fiscal year by the Secretary for the purpose of flood control (including funds from the emergency fund authorized under paragraph (1) and funds allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)) shall be used for the study, design, construction, and implementation of nonstructural measures.

"(ii) WAIVER.—With respect to a fiscal year, the Secretary may apply to the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.) for a waiver from the minimum funding level established under clause (i). The Water Resources Council may grant the waiver—

"(I) if the Secretary demonstrates, to the satisfaction of the Council, that there are an insufficient number of appropriate nonstructural measures on which to expend the full amount of the funds; and

"(II) only to the extent that the minimum funding level cannot be met because of the insufficiency.

"(E) COST SHARE FOR NONSTRUCTURAL MEASURES.—The Federal share of the cost of an activity relating to a nonstructural measure carried out under this paragraph shall be 75 percent. The non-Federal interests with respect to such a measure shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the measure, but shall not be required to contribute any amount in cash during the construction or implementation of the measure.".

SEC. 109. LEVEE MAINTENANCE AND REPAIR PROGRAM.

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)) (as amended by section 108), is further amended by adding at the end the following new paragraphs:

"(4) LEVEE MAINTENANCE AND REPAIR PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall coordinate and carry out repair and rehabilitation of a levee, after the levee is damaged by a flood or other natural disaster, if the State or local interest with respect to the levee—

"(i) participates in the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) with respect to the levee;

"(ii) carries out routine operation and maintenance and upkeep of the levee;

"(iii) in the case of a levee that provides 100-year flood protection, requires all properties protected by the levee to comply with the national flood insurance program;

"(iv) in the case of a levee that provides less than 100-year flood protection, requires insurance on all structures and crops protected by the levee;

"(v) with respect to the repair and rehabilitation, meets the cost-sharing requirements for flood control projects specified in section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), except that the minimum non-Federal share shall be 20 percent;

"(vi) provides for appropriate environmental enhancements to the land protected by the levee, in coordination with appropriate Federal and State agencies;

"(vii) does not raise the height of the levee immediately preceding or during a flood without the prior agreement of the State and the Army Corps of Engineers; and

"(viii) in the case of a levee not previously subject to the engineering standards of the Army Corps of Engineers (as of the day before the date of the damage), brings the levee into compliance with the standards.

"(B) INELIGIBLE LEVEES.—A levee shall not be eligible for Federal assistance under subparagraph (A) if the Secretary determines that the levee—

"(i) is in a hydrologically inappropriate location, as determined pursuant to the study required under section 105(a)(2) of the Floodplain Management, Environmental Restoration, and Recreation Act of 1994;

"(ii) is inconsistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies after the revision of the Principles and Guidelines pursuant to section 204(a) of such Act; or

"(iii) should be replaced with 1 or more nonstructural measures.

"(C) LEVEE OWNERS MANUAL.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this paragraph, including responsibilities relating to compliance with the Principles and Guidelines referred to in subparagraph (B)(ii). The Secretary shall provide a copy of the manual to each non-Federal interest that receives Federal assistance under this paragraph.

"(ii) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary and may not be delegated below the position of the Assistant Secretary of the Army having responsibility for civil works.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subparagraph.

"(5) LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(A) IN GENERAL.—In meeting the cost-sharing requirements of an activity assisted by the Secretary under paragraph (3) or (4), the non-Federal interest may—

"(i) accept from any source contributions of funds, materials, services, and other items of value, and in-kind contributions, for the purpose of providing a portion of the non-Federal share of the cost of the activity; and

"(ii) provide a noncash contribution described in clause (i) for that purpose.

"(B) DETERMINATION OF VALUE.—A noncash contribution described in subparagraph (A) may be credited towards the non-Federal share of the cost of the activity if the contribution has a positive impact on the activity. The value of the contribution shall be determined in advance of the crediting of the contribution by mutual agreement of the Army Corps of Engineers and the non-Federal interest. If the Army Corps of Engineers denies credit for a contribution, the denial may be appealed to the Secretary.

"(6) DEFINITIONS.—As used in this subsection:

"(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

"(B) NONSTRUCTURAL MEASURE.—The term 'nonstructural measure' means—

"(i) the floodproofing of a structure;

"(ii) a flood warning system;

"(iii) floodplain regulation and management;

"(iv) the acquisition of floodplain land for recreational, fish and wildlife, riparian restoration, wetlands restoration, or other public purposes;

"(v) relocation; and

"(vi) any other measure not involving a structure that is designed to or has the effect of changing the natural flow of a river that floods.

"(C) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

"(i) except as provided in clause (ii), means the rebuilding or repair of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

"(ii) does not include—

"(I) any improvement to the structure; or

"(II) rebuilding or repair described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of the Army.".

SEC. 110. MISSOURI RIVER FLOODWAY PROJECT.

(a) IN GENERAL.—For the purpose of improving the riparian habitat and reducing flood losses along the Missouri River, the Secretary shall pay the Federal share of purchasing, from willing sellers, land along the Missouri River between Sioux City, Iowa, and St. Louis, Missouri. In determining the land to be purchased, the Secretary may use data collected by the Scientific Assessment and Strategy Team for the Interagency Floodplain Management Review Committee, and shall consult with the Secretary of the Interior and the Secretary of Agriculture.

(b) COST-SHARING.—The Federal share of the cost of purchasing a parcel of land under this section shall be not more than 80 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1995 through 2004.

SEC. 111. BUY-OUT FUNDING.

(a) IN GENERAL.—In each fiscal year, the Secretary shall purchase land or easements and relocate willing sellers in floodprone areas, or areas protected by flood control structures that repeatedly fail, as determined pursuant to the study required under section 105(a)(4).

(b) COOPERATION WITH OTHER AGENCIES.—To the maximum extent practicable, the Secretary shall—

(1) combine funds made available under this section with funds of other Federal agencies available for the same purpose; and

(2) cooperate with other Federal agencies to identify areas that, if purchased, would be available to achieve multiple Federal purposes, including a reduction in flood damages, a decrease in the repair and rehabilitation required of flood control structures, and environmental enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SEC. 112. WATERSHED APPROACH TO FLOOD LOSS REDUCTION.

Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (33 U.S.C. 701b), is amended by adding at the end the following new sentence: "The Secretary of the Army shall collaborate with Federal, State, and local agencies during the planning, design, and construction phases of all flood control projects for the purpose of adopting a watershed-wide approach to the reduction of flood losses.".

TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

SEC. 201. FINDINGS.

Congress finds that—

(1) the rivers and reservoirs of the United States are principal sources of water-based recreation for the citizens of the United States;

(2) the water resources described in paragraph (1) provide habitat to numerous species of animals and plant life;

(3) the water resources comprise important ecosystems whose delicate balance is critical to sustaining and preserving the environment and natural resources of the United States;

(4) the provision of recreation and the environmental protection of water resources are proper activities for the Federal Government in cooperation with States, political subdivisions of States, and local governments; and

(5) providing recreational opportunities and protecting the environment are missions of the Army Corps of Engineers of at least equal import to the provision of flood control protection and navigational opportunities along the inland and shoreline waters and harbors and ports of the United States.

SEC. 202. PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT.

(a) PAYMENT OF NON-FEDERAL SHARE THROUGH IN-KIND CONTRIBUTIONS.—Section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)) is amended by inserting before the last sentence the following new sentence: "Not more than 80 percent of the non-Federal share may be in kind, fairly evaluated, including a facility, supply, or service that is necessary to carry out the modification.".

(b) MANDATORY REVIEW OF CONSTRUCTED PROJECTS.—

(1) IN GENERAL.—The Secretary shall annually conduct a review of not fewer than 5 flood control projects, and not fewer than 5 navigation or other projects, constructed or assisted by the Secretary—

(A) in accordance with subsection (a) of section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)); and

(B) to determine the need for environmental restoration projects in river systems impacted by the construction or operation of the flood control, navigation, or other projects for the purpose described in such subsection.

(2) GEOGRAPHIC REPRESENTATION.—With respect to each annual review, the projects reviewed shall be geographically representative of all flood control, navigation, and other projects, constructed or assisted by the Secretary.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act and every 2 years thereafter, the Secretary shall transmit to Congress a report on the results of the review conducted under paragraph (1), including recommendations resulting from the review.

SEC. 203. AQUATIC ECOSYSTEM RESTORATION.

(a) PROGRAM.—The Secretary may pay the Federal share of the cost of carrying out projects, and project components, the primary purpose of which is the restoration of an aquatic ecosystem or a portion of an aquatic ecosystem.

(b) COST-SHARING.—

(1) IN GENERAL.—The Federal share of a project or component described in subsection (a) shall be 75 percent. Any portion of the non-Federal share of the cost of such a project or component (including any portion of a feasibility plan) may be in kind, fairly evaluated, including a facility, supply, or service that is necessary to carry out the project. A non-Federal interest shall not be required to provide all land or interests in land (including any right-of-way) with respect to the project.

(2) PROJECTS OF CRITICAL NATIONAL INTEREST.—

(A) IN GENERAL.—The Federal share of a project or component described in subsection (a) that is of critical national interest shall be 100 percent.

(B) TYPES OF PROJECTS.—A project described in subsection (a) shall be considered to be of critical national interest if—

(i) the purpose of the project is to provide national benefits by protecting and restoring the structure, function, and hydrologic regime of an aquatic ecosystem; and

(ii) the project is located on Federal land or is approved by the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, or the Director of the National Park Service.

(c) RECONNAISSANCE STUDIES.—

(1) IN GENERAL.—Upon the request of, and in coordination with, potential non-Federal interests and the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, or the Director of the National Park Service, the Chief of Engineers of the Army Corps of Engineers may carry out reconnaissance studies for aquatic restoration projects of critical national interest described in subsection (b)(2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $15,000,000 for each fiscal year.

(d) PROJECT RECOMMENDATIONS.—Congress may not appropriate funds for an aquatic ecosystem restoration project under this section unless the project receives a favorable recommendation from the Chief of Engineers of the Army Corps of Engineers and the Secretary of the Interior under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(e) FUNDS FROM OTHER AGENCIES.—

(1) IN GENERAL.—In the case of an aquatic ecosystem restoration project assisted under this section, the Secretary shall coordinate with the heads of other Federal agencies to determine whether conservation funds available to the agencies can and should be used to contribute to the project. The Secretary shall include funds so used as part of the design of the project if the project is approved by the contributing agency.

(2) COST-SHARING.—Funds used for a project under paragraph (1) shall not be subject to the cost-sharing requirements of this section but shall be subject to any cost-sharing requirements applicable to the funds under other laws.

(f) RESPONSIBILITY FOR LAND.—In the case of an aquatic ecosystem restoration project assisted under this section, land or an interest in land may be held or acquired by any person or instrumentality of government, including any Federal instrumentality, considered by the Army Corps of Engineers to be capable of fulfilling the responsibilities of holding and maintaining the land or interest in a manner necessary for successful completion and operation of the project.

(g) APPLICABILITY.—If aquatic ecosystem restoration is only 1 purpose of a project, the provisions of this section concerning cost-sharing, consultation, and approval shall apply to each project component justified in whole or in part by the contribution of the component to aquatic ecosystem restoration.

(h) ENVIRONMENTAL IMPACTS ON AQUATIC SYSTEMS.—

(1) CONSIDERATION OF FISH AND WILDLIFE BENEFITS.—For the purpose of a water resources project carried out or assisted by the Secretary, fish and wildlife benefits shall not be considered segregable benefits but shall be considered part of aquatic ecosystem preservation or restoration benefits.

(2) ENVIRONMENTAL EVALUATIONS.—An environmental evaluation of a water resources project carried out or assisted by the Secretary that affects the physical structure or hydrology of a river, lake, estuary, wetland, or any other component of an aquatic system, shall be based on the impact of the project on all functions of the aquatic system, including the impact on each aquatic organism and terrestrial organism that uses the aquatic system, on water quality, and on downstream and upstream hydrology. In carrying out any such evaluation, the Secretary shall consider the risk that the biological impact of an adverse alteration of the natural hydrology and physical structure of an aquatic system will be different and greater than the impact that can be predicted using scientific knowledge as of the date of the evaluation.

(3) MITIGATION.—In the case of a water resources project that has an adverse effect on the natural hydrology or physical structure of an aquatic system, the focus of mitigation of the effect shall be on efforts to restore the hydrology or structure of the natural system to replicate the acreage and functions lost or negatively impacted by the project.

(4) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Chief of Engineers of the Army Corps of Engineers, in consultation with the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, and the Administrator of the Environmental Protection Agency, shall issue

technical guidance for the implementation of this subsection.

SEC. 204. REVISION OF PRINCIPLES AND GUIDELINES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Principles and Guidelines Advisory Council established under subsection (c), shall revise the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.), to—

(1) establish economic and environmental benefits as co-equal objectives of water resources planning, for the purpose of reviewing projects constructed by the Secretary;

(2) encourage the enhancement of the economic development of the United States; and

(3) encourage the restoration and improvement of the quality of the environment through the management, conservation, preservation, creation, restoration, and improvement of natural and cultural resources and ecological systems.

(b) REVISION OF PLANNING MANUALS.—The Secretary shall use the Principles and Guidelines as revised pursuant to subsection (a) to revise all planning manuals used by the Secretary for the operation and construction of water resources projects as soon as practicable, but not later than 18 months after the date of enactment of this Act.

(c) PRINCIPLES AND GUIDELINES ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Principles and Guidelines Advisory Council" (referred to in this subsection as the "Council"), consisting of the Secretary, the Secretary of the Interior, the Secretary of Agriculture, and 3 members of the public with expertise in water resources planning.

(2) DUTY.—The Council shall advise the Secretary in carrying out subsections (a) and (b).

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), each of the 3 members of the public of the Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which the member is engaged in the actual performance of the duties of the Council.

(B) FEDERAL OFFICERS AND EMPLOYEES.—A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(4) TRAVEL EXPENSES.—While away from the home or regular place of business of the member in the performance of duties of the Council, each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

(5) TERMINATION.—The Council shall terminate on the date that is 18 months after the date of enactment of this Act, unless the Council is temporarily extended by the Secretary after consultation with the appropriate committees of Congress.

SEC. 205. SMALL RECREATION AND ENVIRONMENTAL PROJECTS.

(a) IN GENERAL.—In each fiscal year, the Secretary shall provide for the construction of small projects that—

(1) are for recreation and environmental restoration and related purposes;

(2) are not specifically authorized by Congress; and

(3) the Secretary determines are advisable.

(b) AMOUNT FOR EACH PROJECT.—The amount provided for a project under subsection (a) shall be sufficient to complete Federal participation in the project, except that not more than $5,000,000 shall be provided for a project at a single location.

(c) EXTENT OF PROJECTS.—With respect to a project carried out under subsection (a), the Secretary may not commit to any additional improvements, after the completion of the project, to ensure the successful operation of the project.

(d) SURVEYS AND REPORTS.—The Secretary shall not be required to prepare a survey or report prior to carrying out a project under this section.

(e) ALLOTMENT OF AMOUNTS.—From any amounts made available before, on, or after the date of enactment of this Act for general construction projects of the Department of the Army, the Secretary may allot to carry out this section $40,000,000 for each fiscal year, to remain available until expended.

SEC. 206. COST SHARE FOR RECREATION PROJECTS.

Section 103(c)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(4)) is amended—

(1) by striking "50" each place it appears and inserting "75"; and

(2) by inserting before the semicolon at the end the following: ", and in determining the non-Federal share under this paragraph, the Secretary shall include the fair market value of any land, easement, right-of-way, dredged material disposal area, or relocation provided by the non-Federal interest".

SEC. 207. LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

Section 203 of the Water Resources Development Act of 1992 (33 U.S.C. 2325) is amended by adding at the end the following new subsection:

"(c) LOCAL COST-SHARE CREDIT FOR IN-KIND CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), a non-Federal interest that carries out a project described in subsection (a) may—

"(A) accept from any source contributions of funds, materials, services, and other items of value, and in-kind contributions, for the purpose of providing a portion of the non-Federal share of the cost of the project; and

"(B) provide a noncash contribution described in subparagraph (A) for that purpose.

"(2) DETERMINATION OF VALUE.—A noncash contribution described in paragraph (1) may be credited towards the non-Federal share of the cost of the project if the contribution has a positive impact on the uses of the project. The value of the contribution shall be determined in advance of the crediting of the contribution by the mutual agreement of the Army Corps of Engineers and the non-Federal interest. If the Army Corps of Engineers denies credit for a contribution, the denial may be appealed to the Secretary.

"(3) MINIMUM CASH CONTRIBUTION.—Subject to section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)), the non-Federal interest shall pay not less than 5 percent of the non-Federal share in cash.".

SEC. 208. REBUILDING RECREATIONAL FACILITIES AFTER RESERVOIR DRAWDOWNS.

If a recreational facility at a water resources project carried out or assisted by the Secretary becomes unusable or unsafe for more than 90 consecutive days because of a release of water or reservoir drawdown for any purpose, the Secretary may, at full Federal cost, restore the facility, or build a new recreational facility of a comparable level of development at the lower reservoir level. The Secretary shall seek contribution for the Federal cost from any agency that directs or requests the release or drawdown, including the Department of the Interior and the Department of Energy.

SECTION-BY-SECTION SUMMARY OF THE FLOODPLAIN MANAGEMENT, ENVIRONMENTAL RESTORATION AND RECREATION ACT OF 1994

TITLE I—FLOODPLAIN MANAGEMENT

Section 101 resuscitates the Water Resources Council to coordinate and ensure the consistency of national programs for flood control and flood emergency assistance. The Council will be chaired by the Chairperson of the Council on Environmental Quality. This action was specifically recommended in the Galloway Report.

Section 102 creates a Flood Management Program for the Upper Mississippi region similar to the environmental management program established in Section 1103 of the 1986 WRDA. The Galloway Report recommended that the Corps coordinate with the States on a regional basis to plan for flood mitigation.

Section 103 creates a Flood Management Program for the Lower Mississippi River system. It also requires the Corps of Engineers to devise a system plan for flood management in the Lower Mississippi region, and requires that this be done as part of the Environmental Management Program. The Galloway Report recommended that the Corps conduct regional flood management and planning and consult with the States and encourage them to plan as well.

Section 104 creates a Missouri River Basin Association for the purposes of achieving regional planning and coordination for all the competing uses and interests along the Missouri River. It also creates a Flood Management Program for the Missouri River system. It requires the Corps of Engineers to devise a system plan for flood management in the Missouri River region, and requires that this be done as part of the Environmental Management Program. The Galloway Report recommended that the Corps conduct regional flood management and planning and consult with the States and encourage them to plan as well. Currently, no regional planning body exists for the Missouri River system. This is not intended to impact the Master Manual Review process currently ongoing in the Corps of Engineers Missouri River Division.

Section 105 directs the Secretary of the Army to conduct, under his personal supervision, four studies—(1) a survey of levies in the Upper Mississippi region; (2) a hydrological study of the Upper Mississippi River region to determine how the levies affect each other and river flows; (3) a study of how local drainage systems impact floods; and (4) a study of which areas are the most floodprone in Mississippi and Missouri River regions. These studies were recommended in the Galloway Report.

Section 106 requires the Corps, using the information gathered in the studies required by Section 105 and other information they have available, create comprehensive river basin management plans that address the long term ecological, economic, and flood control needs of each of the Upper Mississippi, Lower Mississippi, and Missouri river basins.

Section 107 prohibits the Corps of Engineers from counting the economic benefit of future development in the 100 year floodplain in order to justify building further flood control projects. The Galloway Report recommends that Government incentives for additional development in the floodplain be eliminated.

Section 108 authorizes the Corps of Engineers to use its levee repair funds for building non-structural measures to replace structural ones after a flood, and requires that 15% of the monies the Corps spends on flood control (excluding specific flood control projects) each year be used to construct and implement non-structural measures. If the Corps of Engineers cannot meet the 15% amount, then the Secretary can apply to the Water Resources Council for a waiver. The Galloway Report recommends that the Corps of Engineers increasingly use non-structural measures to prevent flood losses.

Section 109 sets the criteria for eligibility for the Corps of Engineers' levee repair program. Among these criteria are that local sponsors pay for 25% of the cost of the repair, that the land and improvements protected by the levee be covered by insurance, and that the local sponsor maintain the levee up to Corps standards. In order to assist local governments wanting to participate in the program, in-kind contributions will be permitted to count toward the non-federal share, and the Corps is required to develop an "Owner's Manual" to give guidance to local governments on proper maintenance and operation of levees. The Galloway Report specifically recommends these criteria for the levee repair program.

Section 110 directs the Secretary to create a Missouri River Floodway by purchasing land from willing sellers to create wetlands and rebuild riparian habitat on the Missouri so that water will be held where it falls rather than being flushed downstream and into the Mississippi, thereby exacerbating flooding. $8 million dollars is authorized annually for 10 years for this purpose, and 20% of the cost must be paid by non-Federal interests. The Galloway Report supports the practice of wetlands creation in order to minimize flooding.

Section 111 authorizes the Corps of Engineers to spend up to $25 million to buy out willing sellers in flood prone areas in any region of the country. The Galloway Report recommended more money for buyouts from willing sellers.

Section 112 requires that the Secretary, in planning, designing, and constructing flood control projects, shall work with States to adopt a watershed approach in reducing flood losses. The Galloway Report recommends that States get involved in watershed flood planning.

TITLE II—ENVIRONMENTAL PROTECTION AND RECREATION

Section 201 states that environmental protection and recreation are missions of the Corps of Engineers that are as important as other missions that the Corps performs, such as navigation and flood control.

Section 202 requires that the Secretary of the Army identify every year five project modifications which are environmental restoration projects in river systems impacted by the construction and operation of water resources and navigation projects (Section 1135 projects), and report to Congress on those projects. In addition, it permits in-kind contributions to count toward the local cost share of environmental restoration projects.

Section 203 makes restoration of aquatic ecosystems a mission of the Corps of Engineers. The local cost share for these projects will be 50/50. But for projects of critical national interest, the Federal share of the cost will be 75%. $15 million is authorized for this purpose, and the Secretary of the Army is directed to seek funds for these projects from other agencies.

Section 204 requires that the Secretary of the Army to revise the "Principles and Guidelines" to establish environmental and economic benefits as co-equal objectives for water resources projects considered by the Corps of Engineers. It also creates an advisory council to advise the Secretary on this subject.

Section 205 gives the Secretary authority to construct small recreation projects without specific authorization from Congress. It permits the Corps to use up to $40 million of appropriated but unobligated general construction funds to build these projects. This mirrors a similar authority for the Corps to construct small flood control projects.

Section 206 changes the local cost share requirement for recreation and environmental projects from 50% to 25%.

Section 207 permits non-federal sponsors of projects to count in-kind contributions, such as labor and materials, toward the local cost share requirement for a project. Currently, the Corps can accept in-kind contributions, but they cannot count as the local contribution to a project. Non-federal sponsors must nevertheless must pay 5% of the cost in cash.

Section 208 gives the Secretary authority to rebuild recreation facilities that are made unserviceable due to reservoir drawdowns and releases made for any purpose. The Secretary must seek monies from other agencies, such as the Fish and Wildlife Service, to help defray some of these costs.●

By Mr. PELL (for himself, Mr. MOYNIHAN, Mr. STEVENS, and Mr. HATFIELD):

S. 2419. A bill entitled the "Library of Congress Financial Reform Act of 1994"; to the Committee on Rules and Administration.

LIBRARY OF CONGRESS FINANCIAL REFORM ACT

● Mr. PELL. Mr. President, I rise today in my capacity as the vice chairman of the Joint Committee on the Library of Congress to introduce the Library of Congress Financial Reform Act of 1994. Joining me as cosponsors are fellow Senate members of the Joint Committee, Senator MOYNIHAN, Senator STEVENS, and Senator HATFIELD. This legislation, which we introduce at the request of the Librarian of Congress, primarily assists the Library to continue to make needed improvements in its financial management and administration.

This bill replaces and fundamentally revises S. 345, the Library of Congress Fund Act, which I introduced also at the request of the Librarian in the first session of the 103d Congress. Certain aspects of that bill proved to be controversial, most notably the authority to establish electronic access to the content of the collections as a priced service. This new bill does not ask for such authority. The Library has worked closely with the various library and information communities to assure that this legislation meets their concerns.

One of the main purposes of the bill is to make the Library fully responsive to the recommendations of the General Accounting Office which found significant problems in the Library's financial management and accounting procedures, during the course of a 1991 audit conducted at the request of the Librarian.

Title I establishes a Library of Congress Revolving Fund which will service the various Library programs that are currently supported by fee service gift funds and the reimbursable programs operated by the Federal Research Division and the Federal Library and Information Center Committee [FLICC] under the authority of the Economy Act. The GAO audit found that the Library lacked sufficient statutory authority for its revolving fund activity, and this title corrects that problem.

Title II updates and clarifies the language of 2 United States Code 150, written 1902, which focused on the distribution of surplus catalog cards as the primary means of selling cataloging data. Today, the principal cataloging products sold by the Library are electronic tapes and discs, although conventional catalog cards can be obtained by libraries which have not converted to electronic cataloging. The Library of Congress develops these products to catalog and access its own collections, and once having done so, shares them at little cost with other libraries across the country. This title would authorize the Library to recover costs of distributing these products, and in doing so the Library estimates that it can leverage the $3.3 million which is appropriated for development of the products into revenues of $7.5 million. This title also allows excess receipts from 1 year's sales to remain available in succeeding years to assure a more stable financial base for operation. The amount of receipts available to the Library in each fiscal year will continue to be controlled through the annual appropriations process.

Title III is a revised version of another bill I introduced in this Congress, S. 1665, the Retention of Proceeds Act. It allows the Library to retain, for its own use, income received from two sources: First, sales of surplus materials, and second, restitution for lost, stolen, or destroyed material from the collections. The title also allows the Library to sell surplus materials under very limited circumstances.

Title IV amends the Library's Trust Fund Board Act to permit the Librarian, with the Trust Fund Board's knowledge and approval, to invest gift funds in the same manner as the Board now invests. The bill raises the cap on the amount of funds that the Board may invest from $10 million to $30 million.

Title V amends the law that terminated the Copyright Royalty Tribunal and transferred those functions to the Copyright Arbitration Royalty Panels administered by the Copyright Office and the Library of Congress. The proposed changes are technical in nature and are intended to correct oversights in the law.

Mr. President, I am advised that the Librarian of Congress and his staff have done a systematic job of purifying previous financial reform legislation which had become mired in controversy. The bill we are offering today meets the basic requirements for new authority which the Library needs, while avoiding the problems which plagued the prior efforts. It deserves prompt consideration.●

By Mr. INOUYE:

S. 2420. A bill to amend the Organic Act of Guam to provide for restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam during World War II, and for other purposes; to the Committee on the Judiciary.

GUAM WAR RESTITUTION ACT

● Mr. INOUYE. Mr. President, July 21, 1994 marked the 50th anniversary of the liberation of Guam from Japanese occupation in 1944. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within 3 days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then American nationals. For the first time since the War of 1912, a foreign power invaded U.S. soil. For nearly 3 years, the people of Guam endured wartime atrocities and suffering.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief form the Congress of the Untied States.

Today, I introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. An identical bill, H.R. 4741, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD.

The Guam War Restitution Act would establish a Guam restitution claims fund which would provide specific damage awards to those individuals who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: First, $20,000 for the category of death; second, $7,000 for the category of personal injury; and third, $5,000 for the categories of forced labor, forced march, or internment.

This act would also establish a Guam restitution trust fund to provide restitution to the heirs of those individuals who sustained injuries during the war but died after the war. Eligible heirs would receive restitution in the form of postsecondary scholarships, first-time home ownership loans, and grants for other suitable purposes. In addition, the trust fund could provide research and public educational activities to honor and memorialize the wartime events of Guam.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously limited and flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended to make Guam whole. The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims required congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a 1-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, less could read it. This is particularly important especially since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess Federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civil populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage below $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for their inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks. Secretary Ickes termed the procedures as shameful results.

In addition, a committee known as the Hopkins Committee, was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the U.S. Congress enacted the War Claims Act of 1948—Public Law 80–896—which provided reparation relief to American prisoners of war, internees, religious organizations and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparation under this act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians-American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide for claimants who were nationals at the time of the war and who became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the Guam War Reparation Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided over $390 million in reparations to the Philippines, and over $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan. In addition, the United States provided over $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States Government liquidated over $84 million in Japanese assets in the United States during the war for the express purpose of compensating claims of its citizens and nationals. the United States did not invoke its authority to seize more assets from Japan under article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian Government through local enactments of legislative bills and resolutions, and discussed with congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this act would recognize our Government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guam War Restitution Act".

SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 36. RECOGNITION OF DEMONSTRATED LOYALTY OF THE PEOPLE OF GUAM TO THE UNITED STATES, AND THE SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

"(a) APPLICATION OF SECTION.—This section applies to any Guamanian who would otherwise be eligible to file a claim under the first section of the Act of November 15, 1945 (59 Stat. 582, chapter 483), but failed to meet the 1-year time limitation for filing of death or personal injury claims specified in the first section of such Act, or who suffered other compensable injuries if such Guamanian, an heir to such Guamanian, or next of kin of such Guamanian, meets the criteria for eligibility and other criteria set forth in this section and otherwise meets the requirements for filing a claim under this section, including meeting an applicable deadline for filing the claim.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) AWARD.—The term 'award' means the amount of compensation payable for a claim made by an eligible claimant pursuant to subsection (d)(1).

"(2) BENEFIT.—The term 'benefit' means the amount of compensation payable for a claim made by an eligible claimant pursuant to subsection (d)(2).

"(3) BOARD.—The term 'Board' means the Guam Restitution Trust Fund Board of Directors established under subsection (h).

"(4) CLAIMS FUND.—The term 'Claims Fund' means the Guam Restitution Claims Fund established under subsection (f)(1).

"(5) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during, or as a result of, World War II:

"(A) Death.

"(B) Personal injury.

"(C) Forced labor, forced march, or internment.

"(6) ELIGIBLE CLAIMANT.—The term 'eligible claimant' means an individual who meets the requirements of paragraph (1) or (2) of subsection (d).

"(7) GUAMANIAN.—The term 'Guamanian' means any individual who—

"(A) resided in Guam during the period beginning December 8, 1941, and ending September 2, 1945; and

"(B) was a United States citizen or United States national during the period specified in subparagraph (A).

"(8) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(9) TRUST FUND.—The term 'Trust Fund' means the Guam Restitution Trust Fund established under subsection (g)(1).

"(c) GENERAL AUTHORITY OF SECRETARY AND BOARD; REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may receive, examine, and render final decisions concerning claims for awards submitted pursuant to subsection (d)(1) and claims for benefits submitted pursuant to subsection (d)(2) in accordance with this section. The Secretary may certify and disburse payments from funds made available to the Secretary from the Claims Fund, and the Board may certify and disburse payments from funds made available to the Board from the Trust Fund, in accordance with this section.

"(2) REQUIRED INFORMATION FOR INCLUSION IN CLAIMS FOR AWARDS AND BENEFITS.—A claim for an award or benefit under this section shall be made under an oath administered by an appropriate official (as determined by the Secretary). Such claim shall include the following information:

"(A) The name and age of the claimant.

"(B) The village in which the claimant resided at the time the compensable injury occurred.

"(C) The approximate date on which compensable injury was incurred.

"(D) A brief description of the compensable injury that is the subject of the claim.

"(E) The circumstances that resulted in the compensable injury.

"(F) In the case of an award based on death as the compensable injury, or the case of a claim for a benefit, proof of the relationship of the claimant to the deceased.

"(3) TIME LIMITATION FOR REVIEWING AND CERTIFYING CLAIMS.—Upon receipt of a claim submitted pursuant to this subsection, the Secretary shall examine the claim to determine if the claim conforms with the requirements of paragraph (2), and certify the claim if such claim conforms with such requirements, as expeditiously as practicable, but not later than 18 months after the date of enactment of this section.

"(d) ELIGIBILITY.—

"(1) ELIGIBILITY FOR AWARDS.—To be eligible for an award under this section, the claimant shall meet the following criteria:

"(A) The claimant is a living Guamanian who personally received the compensable injury, except that in a claim for death, a claimant may be the heir or next of kin of the decedent Guamanian.

"(B) The claimant files a claim with the Secretary for a compensable injury that meets the requirements of subsection (c)(2).

"(C) The claimant, at the time of submission of the claim—

"(i) furnishes proof of the compensable injury; or

"(ii) produces affidavits by two witnesses to the compensable injury.

"(D) The claimant files a claim under this section by not later than 1 year after the date of enactment of this section.

"(2) ELIGIBILITY FOR BENEFITS.—To be eligible for a benefit under this section, the claimant shall meet the following criteria:

"(A) The claimant is a living Guamanian who is an heir or next of kin of the decedent Guamanian who personally received the compensable injury and who died after September 2, 1945.

"(B) The claimant files a claim with the Secretary or the Board for a compensable injury that meets the requirements of subsection (c)(2).

"(C) The claimant, at the time of submission of the claim—

"(i) furnishes proof of the compensable injury; or

"(ii) produces affidavits by two witnesses to the compensable injury.

"(D)(i) Except as provided in clause (ii), the claimant files a claim under this section not later than 1 year after the date of enactment of this section.

"(ii) Any individual who proves consanguinity with a claimant and who meets the criteria specified in subparagraphs (A) through (C) may become eligible for a prorated share of benefits accruing to such claim by filing, in accordance with such procedures as the Board may prescribe, a claim with the Board for such prorated share.

"(3) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS.—A claimant for an award or a benefit under this section may only be eligible for an award arising out of one category of compensable injuries specified in subparagraph (A), (B), or (C) of subsection (b)(5).

"(e) PAYMENTS.—

"(1) CERTIFICATION.—The Secretary shall certify each award for which a payment is made under this section. The Board shall certify each benefit for which a payment is made under this section.

"(2) AWARDS.—Except as provided in paragraph (7), upon the certification of an award under paragraph (1), the Secretary shall pay an award from funds made available to the Secretary from the Claims Fund in the applicable amount specified in subparagraph (A), (B), or (C) of paragraph (3) to the eligible claimant who submitted the claim for the award pursuant to subsection (d)(1).

"(3) AWARD AMOUNTS.—The awards paid under this subsection shall be in the following amounts:

"(A) $20,000 for a death.

"(B) $7,000 for a personal injury.

"(C) $5,000 for forced labor, forced march, or internment.

"(4) BENEFITS.—Except as provided in subsection (d)(2)(D) and paragraph (7), upon the certification of a benefit under paragraph (1), the Board shall pay to the eligible claimant who submitted a claim to receive a benefit under subsection (d)(2) a payment from funds made available to the Board from the Trust Fund in an amount equal to the full amount of the benefit in the applicable amount specified in subparagraph (A) or (B) of paragraph (5).

"(5) BENEFIT AMOUNTS.—The benefits paid under this subsection shall be in the following amounts:

"(A) $7,000 for the category of personal injury.

"(B) $5,000 for the category of forced labor, forced march, or internment.

"(6) Refusal to accept payment.—If a claimant refuses to accept a payment under this section, no payment may be made under this section to such claimant after the date on which the claimant refuses the payment, and the amount of the claim shall not be withdrawn from the Claim Fund or the Trust Fund.

"(7) Prorated payments related to claims for the same death.—Payment of the award or benefit relating to death shall be prorated among the heirs or next of kin who are claimants for the same death, as provided in the probate laws of the territory of Guam.

"(8) Order of payments.—The Secretary shall, to the extent practicable, make payments under this section to eligible claimants in descending order on the basis of the age of the claimants.

"(f) Guam Restitution Claims Fund.—

"(1) Establishment.—There is established in the Treasury of the United States the Guam Restitution Claims Fund. The Claims Fund shall consist of such amounts as are deposited in the Fund pursuant to appropriations authorized under subsection (m). The Secretary of the Treasury, with the concurrence of the Secretary of the Interior, shall administer the Claims Fund. Amounts in the Claims Fund shall only be available to the Secretary of the Interior for disbursement pursuant to this section.

"(2) Unobligated funds.—If the Secretary of the Interior determines that all eligible claimants have been paid under this section, the Secretary of the Treasury shall transfer any unobligated funds remaining in the Claims Fund to the Trust Fund on the date that is 60 days after the Secretary of the Interior submits to Congress the final report required under subsection (j)(3).

"(3) Administrative costs.—No administrative cost incurred by the Secretary in carrying out this section shall be paid from the Claims Fund or set off against, or otherwise deducted from, any payment made under this section to any eligible claimant.

"(g) Guam Restitution Trust Fund.—

"(1) Establishment.—There is established in the Treasury of the United States the Guam Restitution Trust Fund. The Trust Fund shall consist of such amounts as are deposited in the Fund pursuant to appropriations authorized under subsection (m) and any interest earned on investment of amounts in the Trust Fund under paragraph (2). The Trust Fund shall be administered by the Secretary of the Treasury.

"(2) Investments.—The Secretary of the Treasury shall invest amounts in the Trust Fund in accordance with section 9702 of title 31, United States Code.

"(3) Uses.—Amounts in the Trust Fund shall be available only for disbursement by the Board in accordance with subsection (h).

"(h) Guam Restitution Trust Fund Board of Directors.—

"(1) Establishment.—There is established the Guam Restitution Trust Fund Board of Directors. The Board shall be responsible for making disbursements from funds made available by the Secretary of the Treasury to the Board from the Trust Fund in the manner provided in this subsection.

"(2) Uses.—The Board may make disbursements from funds made available to the Board from the Trust Fund only for the following purposes:

"(A) To sponsor research and public educational activities in such manner as to ensure that—

"(i) the events surrounding the wartime experiences and losses of the Guamanian people will be remembered; and

"(ii) the causes and circumstances of this and similar events may be illuminated and understood.

"(B) To disburse available funds as benefits to eligible claimants through a revolving fund for such purposes as postsecondary scholarships, first-time home ownership loans, and any other purpose that the Board may determine to be suitable.

"(C) To cover the cost of reasonable administrative expenses of the Board, including expenses incurred under paragraphs (3)(C), (4), and (5).

"(3) Membership.—(A) The Board shall be appointed by the Secretary from nominations submitted by the Governor of Guam. The Board shall be composed of nine members who are not officers or employees of the Federal Government.

"(B)(i) Except as provided in subparagraphs (B) and (C), members of the Board shall be appointed to serve for a term of 3 years.

"(ii) Of the members initially appointed to the Board—

"(I) five members shall be appointed to serve for a term of 3 years, and

"(II) four members shall be appointed to serve for a term of 2 years,

as designated by the Secretary at the time of appointment.

"(iii)(I) Any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which a member was originally appointed shall be appointed to serve for the remainder of such term.

"(II) A member may serve after the expiration of the term of such member until such time as a successor takes office.

"(III) No member may serve for more than two consecutive terms.

"(C) Each member of the Board shall serve without pay, except that each member of the Board shall be entitled to receive reimbursement for travel, subsistence, and other necessary expenses incurred by the member in carrying out the functions of the Board, in the same manner as a person employed intermittently in the United States Government is allowed expenses under section 5703 of title 5, United States Code.

"(D) Five members of the Board shall constitute a quorum, but a lesser number may hold hearings.

"(E) A Chairperson of the Board shall be elected from among the members of the Board.

"(4) Staff.—(A) The Board shall appoint a Director.

"(B) The Board may appoint and fix the pay of such additional staff as the Board may require.

"(C) The Director and the additional staff of the Board—

"(i) may be appointed—

"(I) without regard to section 5311(b) of title 5, United States Code; and

"(II) without regard to the provisions of such title governing appointments in the competitive service; and

"(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

"(5) Administrative support services.—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

"(6) Gifts and donations.—The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under paragraph (2).

"(7) Annual report.—Not later than 1 year after the initial meeting of the Board and annually thereafter, the Board shall transmit to the President and to Congress a report describing the activities of the Board.

"(i) Notice.—

"(1) In general.—Not later than 90 days after the date of enactment of this section, the Secretary shall give public notice in the territory of Guam and such other places as the Secretary considers appropriate concerning the period during which claims may be filed under this section. The Secretary shall ensure that the provisions of this section are widely published in the territory of Guam and such other locations as the Secretary considers appropriate.

"(2) Notice and assistance.—To the maximum extent practicable, the Secretary shall provide prompt notification to all individuals who may become eligible to make a claim for an award or benefit under this section and to assist such individuals in the preparation and filing of claims made under this section.

"(j) Reports.—

"(1) Necessary compensation.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit a report to Congress and the Governor of Guam that contains a recommendation concerning the amount of compensation necessary to fully carry out this section. The report shall include—

"(A) a list of all claims, categorized by compensable injury, which were approved under this section; and

"(B) a list of all claims, categorized by compensable injury, which were denied under this section, and a brief explanation for the reason for the denials.

"(2) Annual report.—Not later than January 15 of the first full fiscal year ending after submittal of the report provided in paragraph (1), and annually thereafter, the Secretary shall submit a report to Congress that contains the following:

"(A) The activities conducted by the Secretary under this section.

"(B) The status of the Claims Fund and Trust Fund.

"(C) Any request for an appropriation that the Secretary determines to be necessary in order to make disbursement from the Claims Fund and Trust Fund.

"(3) Final award report.—At such time as the Secretary determines that all awards have been paid to eligible claimants, the Secretary shall submit a report to Congress and to the Governor of Guam certifying—

"(A) the total amount of compensation paid as awards under this section, by category of compensable injury; and

"(B) the final status of the Claims Fund and the amount of any unobligated funds remaining in the Claims Fund to be transferred to the Trust Fund pursuant to subsection (f)(2).

"(k) Limitation.—

"(1) Limitation on remuneration for services.—Notwithstanding any other provision of law—

"(A) any remuneration provided to any person on account of services rendered on behalf of any eligible claimant, or any association of eligible claimants, in connection with any claim made under this section may not exceed 5 percent of the amount of the claim; and

"(B) any agreement between any person and an eligible claimant or an association of eligible claimants to provide remuneration in an amount that exceeds the amount specified in this paragraph shall be unlawful and void. Any agreement to the contrary shall be unlawful and void.

"(2) Whoever, in the United States or elsewhere in an area under the jurisdiction of the Federal Government, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor and upon conviction, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 12 months, or both.

"(l) DISCLAIMER.—Nothing contained in this section shall constitute an obligation of the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this section are authorized to remain available until expended.".•

By Mr. WARNER (for himself and Mr. ROBB):

S.J. Res. 218. A joint resolution designating January 16, 1995, as "Religious Freedom Day"; to the Committee on the Judiciary.

RELIGIOUS FREEDOM DAY

• Mr. WARNER. Mr. President, I introduce along with Senator ROBB a joint resolution which would designate January 16, 1995, as "Religious Freedom Day."

The birth of this joint resolution goes back to January 16, 1786—the day the Virginia General Assembly adopted "An Act Establishing Religious Freedom for Virginia" written by Thomas Jefferson. This statute was the first to institute the separation of church and state and to secure for all citizens the freedom of worship. The Virginia statute for religious freedom inspired the first amendment and is regarded by scholars, lawyers and religious leaders as one of the most influential documents ever created.

On January 16, 1992, the Virginia General Assembly passed a resolution commemorating the Virginia statute for religious freedom as the precursor for the Bill of Rights. A proclamation was then signed by Governor Wilder and Virginia became the first State to establish a day for the appreciation of religious freedom.

The purpose of this joint resolution is to extend to all the States this opportunity to commemorate our religious freedoms. Therefore, I invite my colleagues to join Senator ROBB and myself in designating January 16, 1995, as "Religious Freedom Day."

I will close my remarks by submitting a letter written by A.E. Dick Howard, a professor at the University of Virginia School of Law, who so eloquently addresses the significance of the Virginia statute for religious freedom. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SCHOOL OF LAW,
UNIVERSITY OF VIRGINIA,
Charlottesville, VA, December 20, 1991.

MS. CAROL NEGUS,
President, Council for America's First Freedom, Richmond, VA.

DEAR MS. NEGUS: The Virginia Statute for Religious Freedom is a document whose historical significance transcends the place and time which gave its birth.

One who delves into the circumstances surrounding the Statute's drafting and enactment will better understand the origins and meaning of religious freedom in America. In 1776, the Virginia Statute was enacted, a more complete statement of religious liberty and thereby come into being.

This history of the Virginia Statute is intertwined with that of the First Amendment to the United States Constitution. The Supreme Court of the United States, in interpreting the First Amendment, has often made reference to the Virginia Statute. That enactment remains a seminal document for any inquiry into the application of the First Amendment's religion clauses even two centuries later.

The Statute's significance is not confined to concerns about church and state or religion in the conventional sense. I can think of no document which more eloquently states Thomas Jefferson's concern for liberating the human mind from any manner of bondage. A splendid emanation of enlightenment thinking at his best, the Statute proclaims that at the heart of our conception of freedom lies freedom to believe what one will.

In an age when many countries are putting a totalitarian past behind them and are laying the foundations for constitutional democracy, the Virginia Statute points the way to aspirations which, if acted upon, would help mute the passions of national and ethnic rivalry. In my own work in Central and Eastern Europe, I have used the Statute as an example of an approach to religious freedom that would be worthy of emulation by constitutional draftsmen in the fledgling democracies.

The Virginia Statute is a document for the ages. I applaud the plans to commemorate its meaning and to undertake public education in its teachings.

Sincerely,

A.E. DICK HOWARD.•

ADDITIONAL COSPONSORS

S. 2287

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 2287, a bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows.

S. 2297

At the request of Mr. METZENBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2297, a bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2378

At the request of Mr. HELMS, his name was added as a cosponsor of S. 2378, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 2391

At the request of Mr. SIMON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2391, a bill to repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Oklahoma [Mr. BOREN], the Senator from Michigan [Mr. RIEGLE], the Senator from Indiana [Mr. COATS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Louisiana [Mr. BREAUX], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on the nomination of Henry J. Cauthen, of South Carolina, to be a member of the Board of Directors of the Corporation for Public Broadcasting on Wednesday, August 24, 1994, beginning at 10 a.m. in room SR-253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CRIMINAL SENTENCING

• Mr. SIMON. Mr. President, I want to bring to my colleagues attention a special report published today in the Washington Times, entitled "Mandatory Drug Sentences Lead to Inequities."

The article highlights the counterproductive policies of our current sentencing practices.

The report cites research published by the Cato Institute, which shows how mandatory prison terms, force violent criminals into the streets and keep low-level drug offenders in jail. And it notes how a broad array of experts—including Edwin Meese, Lee Brown, and pro-gun groups—have recognized the ineffectiveness and injustice of these penalties for drug offenders.

This report demonstrates what I have been saying for years: Before we jump on the bandwagon to spend billions and billions on more prisons, we should reexamine the way we are using our prison resources today. If we did, we would find that we are using too much prison space for nonviolent offenders and not enough for violent ones. As the Washington Times notes, our prison space tripled over the past 15 years. But the number of violent offenders incarcerated remained about the same or lower.

The fact is that we would have enough prison space today if we used our resources more wisely. Unfortunately, even small efforts to bring a little sanity to our sentencing practices run up against political grandstanding. Take, for example, the mandatory minimum safety valve that I sponsored in the Senate, which would allow judges just a little bit of discretion in sentencing low-level, nonviolent offenders, many of whom are serving 5, 10, or 20 years in prison under existing mandatory sentences.

This small effort to restore a sense of proportionality to our criminal justice system has provoked critics to claim that the safety valve would result in the immediate release of 10,000 or more inmates from prison. In fact, as the Washington Times observes, the number would be closer to 1,600. The Bureau of Prisons puts the number even lower, projecting that only 100 to 400 inmates would be immediately released from jail.

It is easy to throw money at our crime problem by building more prisons. The better approach—but the harder approach politically—is to use our existing resources more intelligently. That approach is more effective, more efficient, and more just.

I ask that the full text of the Washington Times article appear in the RECORD at the appropriate place.

The article follows:

[From the Washington Times, Aug. 24, 1994]

MANDATORY DRUG SENTENCES LEAD TO INEQUITIES

(By Nancy E. Roman)

New research suggests that mandatory minimum prison terms, coupled with tough new sentencing guidelines, force violent criminals onto the streets and keep low-level drug offenders in jail.

Take Nicole Richardson.

The 17-year-old high school senior fell in love with Jeff Thompson, a drug dealer who sold cocaine and "ecstasy," a combination of synthetic mescaline and an amphetamine, which produces short-term euphoria.

Shortly after the two started dating, he began selling LSD.

When the federal drug enforcement agents caught one of his suppliers, he informed on Jeff as part of a deal to get a reduced sentence. Undercover agents then telephoned Thompson's home, where Richardson answered and told the agents where to find Thompson to pay him for drugs.

In 1992, when Richardson was in college, she was arrested and charged with conspiracy to distribute and possess LSD with the intent to distribute. Now 20, she is serving a mandatory minimum 10-year sentence in federal prison. Thompson went to prison for five years.

"In all of my experience with guidelines, this case presents to me the top example of a miscarriage of justice," said U.S. District Judge Alex T. Howard Jr. of Alabama, appointed by President Reagan in 1986.

Or take Johnny Patillo, 27.

One day a neighbor offered to pay Patillo $500 to take a package to a Federal Express office in Los Angeles and send it to Dallas.

Patillo, manager at a cable television company, agreed to send the package to Dallas even though he knew it contained illegal drugs. He did not know which type or the amount of drugs in the package.

Patillo was arrested and charged with possession with intent to distribute crack cocaine. He was sentenced to a minimum of 10 years in federal prison, based on the weight of crack cocaine in the package—681 grams.

Judge J. Spencer Letts, a Reagan-appointed federal judge in California, said the case made him face his most difficult dicision—"between my judicial oath of office, which requires me to uphold the law as I understand it, and my conscience, which requires me to avoid intentional injustice."

He said if the package had contained another amount and type of drug, Patillo may have been sentenced only to probation.

"Under this sledgehammer approach, it can make no difference whether [the] defendant actually owned the drugs with which he was caught," Judge Letts said. "Or whether, at a time when he had an immediate need for cash, he was slickered into taking the risk of being caught with someone else's drugs."

JUSTICE BY THE GRAM

In 1986, Congress enacted tough laws that require drug offenders to serve non-negotiable minimum sentences based on weight and type of drugs.

Under these laws, someone dealing in 50 grams of crack cocaine—less than 4 ounces—gets a mandatory minimum sentence of 10 years. If there is a prior conviction of any felony drug offense, a dealer gets a mandatory minimum sentence of 20 years. Under these mandatory minimums, judges are not allowed to even recommend a sentence less than the assigned minimum. Parole boards may not let those convicted out.

By contrast, under federal sentencing guidelines, kidnappers get between four and five years in prison. Those who commit voluntary manslaughter go to prison for between 4¾ years and six years. Assault with intent to commit murder gets from 5½ years to eight years and one month.

Under mandatory minimums, record numbers of drug offenders are being locked up. (In 1992, states sentenced to prison 102,000 drug offenders and 95,300 violent offenders.) But statistics show drug use and dealing is holding fast.

Meanwhile, violent crime is on the rise and many judges, law enforcement officials and policymakers are beginning to conclude that prison space would be better used to incarcerate violent criminals than to lock up the likes of Richardson and Patillo.

"The public doesn't see any redeeming value in drugs per se, but an increasingly large percentage of the population is coming to the conclusion that the drug war is a greater threat to them than drug possession by someone in their neighborhood," said David B. Kopel, research director of Independence Institute, a think tank in Golden, Colo., that advocates a free market and limited government.

Mr. Kopel, a former New York prosecutor, has published a 62-page report called "Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety," in which he argues that federal prisons devote too many resources to drug offenders, at the expense of incarcerating violent criminals.

He said that although his research was based on the federal system, its conclusions apply to state prisons, too, where most of the violent criminals are incarcerated.

"If a society is so intent on sending first-time drug vendors to prison that first-time muggers often do not go to prison, should it be surprising that burglary and mugging increase?" he asks.

Oddly disparate groups are coming to the same conclusion. Reagan- and Bush-appointed judges have opposed mandatory minimum sentences for drug crimes, as has the American Civil Liberties Union. Lee Brown, the Clinton-appointed director of the Office of National Drug Control Policy, opposes mandatory minimum sentences. So does Edwin Meese III, who served as attorney general under President Reagan. Many pro-gun groups oppose mandatory minimums.

"I don't see the point of cluttering up the prisons with a lot of these drug offenders when a lot of them aren't violent criminals anyway," said Larry Pratt, executive director of Gun Owners of America. "If they are not in there for an act of violence, I personally don't believe they should be in jail. Why should I be paying for them?"

RETHINKING THE WAR

Mr. Pratt says just 10 years ago, he was fully behind the "war on drugs."

"It's not a pretty idea to have people destroying themselves with drugs," he said. "But I've come to the conclusion that to the extent that it affects me, there are ways to deal with a guy blowing his brains out with pot."

Not necessary so with a rapist, or an armed robber or a murderer, he said.

In his report, published by the Cato Institute in May, Mr. Kopel tells the story of Kenneth McDuff.

In the early 1980s, McDuff murdered two teen-age boys, raped a girl and snapped her neck with a broomstick. During his trial, law enforcement officers testified that McDuff would kill again if given the chance.

"In 1989, the war on drugs gave McDuff the opportunity," Mr. Kopel narrates.

Although Texas had doubled its prison capacity in the 1980s, it also quadrupled its incarceration of drug offenders. To cope with the increased number of prisoners, the state parole board made it easier to qualify for parole and let McDuff out in 1989.

"Three days later, the naked, strangled body of his first new victim was found," Mr. Kopel says.

McDuff was arrested a year later. He was charged with three murders and investigated for six more.

"Mandatory drug minimums have led to reduced punishment for violent crime," Mr. Kopel says matter-of-factly.

FOCUS ON TIME EQUITY

Mr. Kopel draws on the work of Morgan Reynolds, an economist at Texas A&M University who studied average sentences in Texas. He found that the average time served by violent offenders in Texas dropped from 28 months in 1985 to 24 months in 1991.

His research also showed that the average murderer could expect to serve less than two years in prison; the average rapist, about 23 days.

Patrick Langan, senior statistician with the U.S. Bureau of Justice Statistics, said those figures are artificially low because they include murderers who are never caught and thus get no sentences at all.

When those cases are eliminated, the average time served for murder is more like four years.

Nonetheless, he said, it is clear that politicians and law enforcement have devoted more resources to fighting drug crime. From 1986 to 1990, police increased the number of arrests for drug trafficking by 75 percent. During that same time, they doubled the arrests for trafficking in cocaine and heroin.

In 1987, 36 of every 100 drug convicts went to prison. In 1990, 49 percent were incarcerated.

According to the U.S. Bureau of Justice Statistics, the sentences for robbery, rape, kidnapping and property crimes fell between 1980 and 1990, while the prison sentences for drug offenses nearly doubled.

Mr. Langan said looking at time served in a common set of states between 1988 and 1992, the average time served for robbery was 40 months. It is now 37. Average time served for assault dropped from 24 months to 22 months. Time served for violent offenses in the aggregate dropped from 38 to 36 months. At the same time, time served for drug offenses climbed from 15 months to 16 months. Time served for kidnapping climbed from 40 to 45 months.

While prison space tripled over the past 15 years, the number of violent offenders incarcerated is about the same or lower.

"The people of the United States have paid a tremendous amount of money for this tripling of prison capacity over the past 15 years," Mr. Kopel said. "They are entitled to better than a system that incarcerates about the same number of violent criminals. It ought to be incarcerating three times as many [violent] criminals."

DEGREES OF CRIMINALITY

He said if you envision a prison as a crowded room, you can imagine that as more people get pushed into the front door, some must be let out of the back door.

Because mandatory minimum sentences prevent parole boards from releasing drug offenders before their sentences are served, they are sometimes forced to release an armed robber or rapist instead.

"Take away their discretion to let out a drug offender and they may have to let out the nonrepentant rapist with a 10-to-20-year indeterminate sentence," he said.

Ralph Adam Fine, a judge for the Wisconsin Court of Appeals in Milwaukee, cautions against making policy based on anecdote. "One can always find anecdotal evidence that will shock and horrify," he said, adding that incarceration is the only effective way to deter crime, including drug dealing.

"If society wants to legalize the stuff, then we'll have lots of room in the prisons," said the author of "Escape of the Guilty." "Absent that, I think we've got to build more."

He said locking up drug dealers and users prevents crime because dealers often commit other crimes like robberies and burglaries.

"You get this creep who isn't dealing drugs for the moment," he said. "He's not watching the 'McNeil/Lehrer Report,' he's out there burglarizing."

He said tales of low-level offenders locked away for unusually long prison terms sometimes sound worse than they are. For example, many of those listed as "marijuana only" offenders were actually caught using or dealing in more serious drugs and negotiated a lesser offense.

"However, that said, this hysteria that has been whipped up has led to what I consider to be a lack of proportionality in sentencing," he said. "A civilized society does not send someone to prison for 30 years for marijuana dealing and send murderers and rapists to prison for five years."

DRUG HYSTERIA

So how did this happen?

It was the summer of 1986 and the country was obsessed with a new drug called crack cocaine—said to produce a high more intense and addictive than powder cocaine for less than half its cost.

Late in June, Len Bias, the University of Maryland basketball star, died of a drug overdose, and the obsession became a frenzy. Drugs seemed to be an indiscriminate destroyer.

"Everyone was in shock at the death of Len Bias," said Eric Sterling, president of the Criminal Justice Foundation. "This drug was hyped as the great new devil drug of our times."

Against the backdrop of Mr. Bias' death and the crack hysteria, House Speaker Thomas P. "Tip" O'Neill returned to Washington after a district work period and announced that Congress would put together an omnibus-anti-drug bill, recalls Mr. Sterling, who was then majority counsel to the House Judiciary Committee.

"He was looking to the elections and recalling that the Democrats had been beaten up the month before for being soft on crime," he said.

Mr. Sterling said committee staff cobbled the anti-drug package together out of existing bills (such as one that allowed the Drug Enforcement Administration to go after designer drugs) and a handful of new ideas. One of them was mandatory minimum sentences, aimed at sending a message that society would not tolerate drugs—especially crack.

"I drafted the mandatory minimum sentences; they came out of my word processor," Mr. Sterling said, "And I know how quickly they were written and that they were not well thought out."

For example, penalties are assigned based on the weight of the drug and drug carriers. So the sugar cubes carrying LSD get weighed along with the drug itself.

Mr. Sterling said the biggest problem with the mandatory minimum laws is they snag "conspirators"—girlfriends, family members, anyone who might know about drug deals—and hold them responsible for the full weight of the drug involved in the crime.

The only exceptions to mandatory minimums are for those who exchange information about another's involvement for a lesser sentence.

Julie Stewart, president of Families Against Mandatory Minimums (FAMM), said that's why so many low-level offenders clog the prisons.

"The kingpins do the least amount of time," she said. "The only way to circumvent the minimums is to inform, and the person who is the most culpable has the most information to exchange."

Ms. Stewart founded FAMM in 1991 after her brother, Jeff Stewart, was sent to federal prison for five years for growing 375 marijuana plants with two friends.

The plants were 2 inches tall when he was arrested, and Ms. Stewart said he and his friends had hoped to end up with about 4 pounds each of marijuana.

But two men who were renting Stewart's house told a neighbor about the marijuana. The neighbor reported them to the police. When police arrested the tenants, they told of Stewart's enterprise to avoid prison. Despite prior felony convictions, they got probation because they gave up information leading to another's arrest.

Now Stewart, a former construction worker, is serving his fourth year in prison.

"Prisoners cost $20,000 a year. My brother is costing the taxpayer $100,000. It's nuts," she said. "I'm not against punishing these people, but the sentences should be realistic."

TAKING A SECOND LOOK

Rep. E. Clay Shaw Jr., Florida Republican, who fought for mandatory minimums as a member of the Judiciary Committee in 1986, said it may be time to reconsider them.

"We were doing the right thing at the time," said Mr. Shaw, who represents a South Florida district that stretches 91 miles from West Palm Beach to Miami. "We were drowning in the drug problems we were having.

"In passing those laws, we were attacking what we felt like was a problem in the system. There was too much plea-bargaining going on," he said. "That doesn't mean that we can't go back and look at what we've done—particularly if we are releasing violent people.

"In politics as everything else, people have to take a look at what they did, and if they think they made a mistake, correct it," said Mr. Shaw, who served on the Select Committee on Narcotics Abuse and Control before it was abolished this year. He said the hope was that stringent sentences would deter drug use and dealing. Now he suggests that Congress take a look and see whether it has.

Mr. Brown, the drug-control director and former undercover narcotics cop in New York City, said he doesn't think so.

"The intent was noble, but the results are not," he said. Although casual use of drugs—defined as once a month or less—is down slightly, hard-core use is on the rise, he said.

Mr. Brown sees two problems with mandatory minimum sentences:

The racial disparity that results from harsh sentences for crack cocaine. Although 64 percent of cocaine is consumed by whites, as opposed to 26 percent by blacks, he said more blacks go to federal prison for cocaine offenses.

Too many people go to prison for minor possession of drugs, while more serious violent offenders are let out.

But, Mr. Brown said, politically it is unlikely that members of Congress, who want to appear tough on crime and drugs, will vote to reduce sentences for drug dealers.

"I can't see that," he said.

To illustrate in last week's bloody battle for a crime bill, Republicans targeted a provision that would allow judges out from under mandatory minimums when sentencing first-time offenders. Under the original bill, the provision was retroactive.

Critics said the provision would turn 10,000 drug criminals onto the streets. In fact, because the provision allows judicial review of sentences, the number would be closer to 1,600 according to Mr. Sterling. Part of the deal struck to bring Republicans on board the compromise crime package that passed the House on Sunday was to strip from the bill retroactive review for first offenders sentenced under mandatory minimums.

Mr. Kopel said the actual numbers are not that important, because any prison beds not taken by dope dealers would be free for violent criminals.

"Right now we have a system where a third of the people coming in are drug offenders, as opposed to 7 percent in previous years," Mr. Kopel said. "Would we be safer if the percentage of drug offenders went down and the percent of violent offenders went up?"•

NEW HORIZONS FOR AFFORDABLE HOUSING

• Mr. D'AMATO. Mr. President, the general decline in credit availability for multifamily housing since the Tax Reform Act of 1986 has fallen with special force on the low- and moderate-income sector. Longstanding obstacles to financing apartment buildings have been exacerbated by a number of factors, including a decline of traditional thrift industry lenders, tightening credit and bank capital adequacy standards, and, most importantly, the deep real estate recession, which has yet to be fully and uniformly reversed throughout the country.

The structure of most low- and moderate-income housing markets makes the provision of credit a daunting challenge in even the best of circumstances. Most transactions are small, and many borrowers are unsophisticated with weak or unsubstantiated financial statements. New construction or rehabilitation financing for these transactions would be complex enough, but it is made more so, in many instances, by the necessity for governmental assistance programs to bridge the gap between housing cost affordability. This assistance can take many forms: tax credits, local tax abatements and exemptions, rental subsidies, zoning variances, et cetera. Many transactions, furthermore, will include not one, but several public enhancements. Typically, each has its own requirements and restrictions, and separate government agencies are responsible for their administration.

The private-sector credit system must interact with this complicated market, while, at the same time, evaluating all the usual market considerations. Construction lenders must account for interest rate risks for their take-out financing, lest upward fluctuations in long-term rates during construction make the project unaffordable at the time of completion. Permanent lenders must be sensitive to adverse social or economic conditions which may have a disproportionate effect on low- and moderate-income tenancy. This population is often particularly vulnerable during times of economic downturn.

Given these difficulties, much of this market is underserved. Moreover, with the consolidation of the banking industry, knowledge of local markets has weakened, making it more difficult to accommodate these unique community credit needs. Yet the need for this type of financing is clear. According to the "State of the Nation's Housing," and other reports, the supply and condition of rental housing is inadequate, particularly in our inner cities.

In response, over the past decade and more, a number of specialized lending organizations have been established nationally to deal with the decline of credit resources in our low- and moderate-income communities. These organizations have various forms; they are bank community development companies, loan consortia, local housing agencies, community development loan funds, et cetera. Their emergence has established for this neglect market a credit infrastructure that, while not perfect, has promise for serving much greater needs.

The best of these organizations have adopted various strategies to deal with the structural problems in their respective marketplaces. In New York City, for example, the Community Preservation Corp. [CPC], a not-for-profit corporation organized by 50 commercial banks, savings institutions, and insurance companies, has worked with government to create a one-stop shop for small property owners to receive their private financing and public support for certain types of rehabilitation projects. Here, arrangements with local government are worked out in advance for the approvals necessary to carry the projects through to completion.

The result has been broad participation in programs destined to preserve affordable housing at very low costs. CPC, since being founded in 1974, has lent over $1 billion of public and private funds for the building and renovation of over 35,000 housing units—with virtually no losses. CPC's efforts have been key to rebuilding large areas of New York City. Washington Heights-Inwood in northern Manhattan, a community the size of Richmond, VA, was reinvigorated over an 8-year period as CPC financed more than 7,500 units of renovated housing—more than 10 percent of the housing stock. In Harlem, 3,800 units are either under construction or have been completed, and in the South Bronx, 6,100 units have been financed.

Recently, CPC sponsored a tour of these neighborhoods for the staff of the New York congressional delegation to see how this cooperative approach to low-cost, multifamily development can work. It is important to note that the rehabilitation projects are accomplished without altering the ethnic or economic mix of a given neighborhood. In other words, this is neighborhood revitalization, not gentrification. As these inner-city housing units are renovated, retail and other economic development follows.

The Congress took an important step in furthering this type of private-public partnership through final passage of the Riegle Community Development Banking and Financial Institutions Act of 1994. Not only on the community development side, but also as it relates to incentives for business loan securitization, this legislation should spur greater interest in the type of lending activity which CPC and other specialized multifamily lenders pursue.

The common problem that all of these specialized lenders face is access to long-term credit markets. Banks and thrift institutions are reluctant to hold in portfolio multifamily loans due to high capital requirements and mismatches with their shorter term liabilities. It follows that the continued success and future growth of these types of companies will be dependent, in large part, on their ability to securitize their loan production and sell the resulting securities in the secondary market. This brings the recourse aspect of the Federal banking agencies' risk-based capital rules into play.

Section 350 of the Riegle Community Development and Regulatory Improvement Act, recently approved by Congress, directs the bank and thrift regulatory agencies to review current risk-based capital requirements with respect to assets sold with recourse and, consistent with safety and soundness, promulgate regulations that better reflect the exposure of an insured depository institution to credit risk from transfers of assets with recourse. This section goes on to state that unless necessary for purposes of safety and soundness, the new regulations should not require an amount of risk-based capital for these assets that exceeds the maximum amount of recourse for which such institution is contractually liable under the recourse agreement. Logic dictates that similar risk-based capital treatment should be given to the acquisition of a subordinated interest in a loan or pool of loans by an insured depository institution, to the extent that such subordinated interest represents the same risk to the institution.

As with other problems requiring vast amounts of private sector financing to complement scarce public resources, the rebuilding of the Nation's inner-city neighborhoods will depend on the ability to deliver capital to the point of its most efficient use. Insofar as affordable housing is concerned, that point is centered on those who can cost-effectively build and renovate housing for low- and moderate-income families. I congratulate CPC for its substantial accomplishments over the last 20 years, and its plans for even greater future achievements.●

TRIBUTE TO NATIONAL KIDS VOTING DAY—SEPTEMBER 28, 1994

● Mr. DECONCINI. Mr. President, I rise today to recognize Kids Voting USA and National Kids Voting Day, September 28, 1994.

This program serves to reignite the spirit of democracy in this country by introducing students to the experience of voting on election day at official polling sites across the country as they are accompanied by their parents or guardians.

National Kids Voting Day is significant in that it marks a time when all States can recognize the value of participatory democracy and the right, privilege, and responsibility to vote, since the peoples of so many nations, including our own, have fought and died for the right to this powerful act of liberty. National Kids Voting Day is significant in that it celebrates a program that engages diverse factions, encourages involvement with education in the home and enlightens through activity each community in which it is conducted. National Kids Voting Day is significant in that it acknowledges and acts on the importance of educating our youth about the tenets of a free society of which the responsibility to vote is inherent.

I ask that my colleagues join me in recognizing this valuable program and Nationals Kids Voting Day.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 23 people were killed in New York City by gunshot, bringing this year's total to 644.

The tragedy of gun violence in America continues unabated. Statistics which would once have shocked us have become commonplace. Americans have become desensitized to the killings that go on every day on our streets and in our homes.

Nonetheless, nothing is more disturbing than to read reports such as the one by New York Newsday on Tuesday, August 16. According to the report: "Christine Baez, 5 months, was accidentally shot in the head by her father in their Bushwick apartment." Mr. President, in all likelihood, Christine's father purchased his gun to protect himself and his daughter. How tragic and ironic it is that this very gun took the life of his infant daughter.

According to the October 7, 1993, issue of the New England Journal of Medicine, keeping a firearm in the home increases the likelihood that a death will result by nearly three times. Whether used accidentally or as a means to settle an altercation, the mere presence of firearms in the home puts in jeopardy the lives of thousands of others like Christine Baez.

Mr. President, the problem of accidental deaths and suicides resulting from the use of firearms is indeed severe. But more pressing, however, is the problem of intentional homicides. By the year's end, New York City alone will witness the death of well over 1,000 victims of intentional gun violence. Today, as the Senate resumes consideration of the crime bill conference report, we have a rare opportunity to do something about this senseless violence.

The crime bill before the Senate will keep dangerous assault weapons out of the hands of criminals. It will keep firearms out of the hands of juveniles, who today account for a startling percentage of those committing violent crimes. Finally, the bill contains a provision by the Senator from New York that will ban a new class of armor-piercing cop-killer bullets.

I intend to vote for the crime bill—if only for those important gun and ammunition control measures—and I hope my colleagues will do likewise.●

THE BRAVERY OF WALTER ARP

● Mr. BURNS. Mr. President, we recently celebrated the 50th anniversary of the landing at Normandy, and I heard a lot of stories of bravery by the soldiers there.

Not too long ago, I received a letter from an individual in Ohio who had recalled another act of bravery. Coleman J. Magrish, of Cincinnati, OH, related an account of the courage of Walter Arp. Walter, who is in his eighties now, lives in Ronan, MT.

To call attention to Walter's actions, I would like to enter Colonel Magrish's letter into the RECORD.

SGT. WALTER H. ARP—HEROIC ACTION ON OR ABOUT JUNE 10, 1945, NEAR CHERBOURG, FRANCE

Sgt. Arp rescued a badly wounded American soldier who had stepped on a land mine. He did this by crossing over a barged wire fence into a mined area in order to carry a wounded soldier to safety. Although Sgt. Arp had survived 8 months of combat while in service with the 14th Armored Division, and was in transit to the continental United States, he selflessly conducted the rescue.

Sgt. Arp and I were at a troop staging area called Camp Lucky Strike, near the port of Cherbourg, awaiting shipment back home. To relieve the boredom, we were walking along the coastal road outside of Camp Lucky Strike. To our left were obviously fortified areas extending from the coastal road down to the beaches and the sea. Walter and I saw a well-worn path to a concrete gun emplacement that, based on our combat experience, looked safe. We went down the path toward the sea so we could get a better view of the fortified landing beach.

While we were there, a group of new Infantry replacements arrived to look around. (Even though the war was over, replacements were still being shipped to Europe.) Walter and I returned to the coast road. Suddenly, we both heard the obvious thump of what had to be an exploding land mine. We ran back over the path to the gun emplacement and saw one wounded replacement soldier coming out of the mined area.

He said that his companions were badly wounded and could not move. They were not visible from our vantage point. I was able to commandeer a U.S. Army truck that was passing and go back to the camp for assistance with mine detectors and medics. I sounded the alarm and a large rescue force was mobilized. On returning to the scene, I saw the second replacement on the ground badly wounded where he was being attended by a medic. The third member of their group was fatally wounded.

I found Walter, and while questioning him about what had happened, noted that the back of his fatigue jacket was soaked with blood. I asked him what happened to him. He nonchalantly said that the second man had only been able to make it to about 50 feet from the safe area, so Walter walked into the mine field and picked the man up, piggyback fashion, and brought him out of the fortified mine field.

This was a remarkable and heroic achievement in itself and even more so when you realize that Sgt. Arp was about 38 years old (this was considered old for combat units) at the time and was going home to see his son, who had been born while we were overseas. He also had enough discharge points for release from the Army upon arrival in the United States. In spite of all these factors he risked his life (after surviving all those months of combat) to save the replacement's life.

Since the area was a transient facility, there were no means to report his heroic deed. * * * I was the only one who knew what happened, but in the confusion of being trained for the invasion of Japan, my subsequent discharge, and starting college, his heroic act was forgotten. * * * It seems like the 50th anniversary of D-Day is an appropriate time to honor Walter H. Arp.

C.J. MAGRISH, COL. USAF (RET.)

I agree. I salute Walter Arp and I salute his bravery, for his selfless actions five decades ago deserve recognition.●

SUPPORT OF THE U.S. COURT OF APPEALS DECISION REGARDING THE 1990 CENSUS

• Mr. DECONCINI. Mr. President, on August 8, 1994, the U.S. Court of Appeals reversed a Federal district court decision and affirmed that millions of people were uncounted during the 1990 census. The ramifications of this decision are enormous.

Despite knowing that the 1990 census was off by 5 million, then-Secretary of Commerce Robert Mosbacher chose to use the inaccurate 1990 population figure as the official Federal census population. He chose to use the 19990 figure regardless of the fact that millions of U.S. citizens, many of whom are African-Americans, Hispanics, and Native Americans, were not counted in the official population of the United States. It would be naive to believe that the decision of the Secretary of Commerce was not motivated by political considerations.

The primary issue at hand, however, is not one of partisan politics, but rather it is of fairness—fairness to the millions of people disenfranchised by their lack of representation in the official population count. Millions of Americans are being denied the full extent and benefits of representation. In Arizona alone, over 125,000 U.S. citizens have been denied the true representation to which they are entitled.

In truth, the basic formulas utilized for calculating valuable Federal aid and congressional representation are based on inaccurate data. Valuable Federal programs, from social services to infrastructure development have been inaccurately distributed across the United States because of this decision. This must be rectified.

We must take the appropriate steps to ensure that these U.S. citizens are given the representation that they are entitled under our Nation's Constitution. It is incumbent on the President of the United States to use the most accurate census numbers available.

Therefore, I strongly urge President Clinton to not appeal the U.S. Court of Appeals decision and thereby give the millions of citizens omitted from the 1990 census figures the voice they deserve.•

THE OFF THE STREETS CLUB IN CHICAGO

• Mr. SIMON. Mr. President, I would like to enter into the RECORD three statements from Illinoisans involved with the Off the Street Club in Chicago. The Off the Street Club is Chicago's oldest boy's and girls club, serving the Garfield Park neighborhood since 1900. It is an entirely privately funded community center providing after-school activities for over 3,000 young people a year. The statements of young people like Ricky Rogers and Tamika Boyles, as well as the statement of the club's Assistant Director Arnett Morris express better than I ever could the impact this club has had on the children and community of Garfield Park.

The Off the Street Club is an example of what every community, but especially disadvantaged communities, across the Nation needs. A place for young people to gather and participate in supervised activities. A place for them to build their self-esteem and learn to be part of a supportive community. Too many young people have nowhere to go to escape the violence and trouble on the streets of their neighborhoods. In Garfield Park, youngsters have the Off the Street Club.

I applaud all the staff who grew up at the Off the Street Club and now work there, all the private donors who make the club possible, and especially the young people who take advantage of what the club offers, and then return as adults to give back to their community. I ask that the statements of Ricky Rogers, Tamika Boyles, and Arnett Morris be entered into the RECORD at this point.

The statements follow:

STATEMENT OF RICKY ROGERS

Thanks Ralph.

Hello ladies and gentleman, I have lived on the West Side all my life. We moved off Jackson because it was so bad—shooting, drugs and killing, and my mother thought that any place would have to be better, but we moved just 7 blocks away and it was terrible—a war zone. Even my sister was jumped on and beat-up not long after we moved there.

The first time I went to the store next to the house, there was a crowd of guys who threw up gang signs, selling drugs and threatening. I never went to the store again. I leave for school early in the morning and after school I just go right to Off The Street Club. Then at night I have to get a ride home. It's not that I am scared or a coward, it's just that there are too many gangbangers and they don't care about anything.

Too many people get shot all the time. I'm not complaining—I guess that's just the way it is and I have to live with it. But I came today, not to complain, but to let you know what Off The Street Club means to us.

It's the only place we have to go. It's the only place I feel safe. It means a place where there are still rules, and right and wrong mean something.

Maybe Off The Street Club means I have a future, that Ricky Rogers has a place to grow up. Without always being afraid, or bowing down or selling out. Well, I'm never going to sell out. I've got Off The Street Club, and my head is high. So are my hopes.

Thanks for caring about me.

STATEMENT OF TAMIKA BOYLES

Thank you, Ralph.

Good afternoon to you, ladies and gentlemen. I'm very excited to be here and to be a part of this celebration of the best boys and girls club—underline girls club—that you'll ever find.

I'm not going to talk today about all of the club programs—and I'm in most of them—from the Busy Bee Girls Club with our mentor, Mrs. Moon, or the great acting classes at the Piven Theatre, the Teen Leadership Work Program with Miss Holmes, or the Time To Read Tutoring Program that I've been in for 4 years.

If I started telling all about the great club programs, we would have to stay here and order dinner. What I want to talk about is hard to put into words, but, I and the girls I talk to, think it is as important as anything to us. What I mean is: How girls are treated at Off The Street Club compared to most places we go.

Almost any other place else we go, even at school, we are not treated with respect. The boys say things and try to act in ways that are disgusting and you just get so tired of it all the time. But then you go to Off The Street Club and it's—well—it's just a different world—a whole new way of living together with respect. The boys are not allowed to hang all over you at Off The Street Club and they have to talk with respect too.

But, I want to emphasize something important: At the club, the girls must earn the respect. How we act and dress and talk is a big part of personal responsibility for us. Respect is a two way street at Off The Street Club. I hope I'm not too forward in talking about these things, but it's important to me to have a place where I can feel good about myself, and Ralph said you would understand what I meant.

So, that's what I wanted to tell you today and to thank you if you have any part whatsoever in helping the club because, well, girls my age are often called "Young Lady." But I think, to be a young lady, you need a place to be treated like a lady while you're growing into one. That's what Off The Street Club is giving me. Thank you for listening to me. I love you all, thank you.

STATEMENT OF ARNETT MORRIS

FACING OUR TOMORROWS

I look to Chicago's future—our future—with many strong emotions: deep concern yet unshakable hope, uncertainty eclipsed by bold enthusiasm, troubling fears overshadowed by absolute faith—intense faith in the collective power and will of the many people of our city, from every community, who together form the one great dynamic community we proudly call home, our Chicago.

If America is the hope for the world, and I strongly believe it still is, then Chicago is the hope for America. For, if the American dream is to continue to work, it must do so here in the heartland, in this city that surely reflects all the diversity, urban concerns and promise that empowers the American dream.

At the heart of my vision for effecting positive change in Chicago's communities is a revitalization of the elements that made our land and its cities great in the first place. While we search for answers near and far we must tap the greatest resource, the power we all have within.

Along with solutions in fields as diverse as economics, government and environmental concerns, the vision for Chicago's tomorrows must, at its heart, include strong infusions of true brotherhood, a rededication to the work ethic, the understanding that our children must come first and that, ultimately, we must work together in the certain knowledge that what President Kennedy reminded us of is more timely than ever, "* * * on this earth, God's work must truly be our own."

I will continue to do my best to live out my commitment to Chicago's future by continuing to serve the very needy but very wonderful children of one of its most troubled neighborhoods, always attempting to keep alive in each child the hope for the future that is, and must always be, the birthright of every citizen of the great city of Chicago.

Those ideals come together for me in one sacred place on Karlov Avenue where the essence of the American struggle for a better life meets the inspirational American tradition of charitable giving. The Off The Street Club is at once my cause, my salvation and my privilege.

Through it, with it, I face tomorrow confidently enhancing Chicago's future, as my mentor has taught me, one child at a time.•

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

• Mr. BINGAMAN. Mr. President, last night the Senate approved the conference report on S. 1587, the Federal Acquisition Streamlining Act of 1994. In doing so, it took a historic step toward making the Government work more efficiently and effectively.

Last night we concluded a long process begun in 1991 and 1992 with a comprehensive review of Federal acquisition law directed in section 800 of the national defense authorization for fiscal year 1991. The review panel, which came to be known as the section 800 panel, reviewed over 600 statutes and recommended repeal or amendment of nearly 300. In short, they found a jungle of conflicting, obsolete, and ineffective laws which stifled the Federal acquisition process and wasted the taxpayers' funds in huge amounts.

Their 1992 report was the catalyst for all that followed, both here in the Congress and in the executive branch. I want to commend at the end of this process the fine work which Rear Adm. William Vincent and his colleagues in Government and industry did at its beginning, and I ask unanimous consent that their names appear at the end of my statement.

Mr. President, the section 800 panel laid the foundation, but this bill would not now almost be law without the Vice President's leadership in the National Performance Review. Procurement reform is an idea whose time came years ago, but it took strong leadership at the top to move from idea to reality.

In that spirit, this act empowers the Defense Secretary and the Director of the Office of Federal Procurement Policy, to implement many new, streamlined acquisition procedures. Secretary Perry and Dr. Kelman have spoken passionately about their intention to make the system work more effectively, once legislation enabled them to do so. Mr. President, that time is now.

This legislation reorients the Federal procurement bureaucracy toward the commercial marketplace and makes it easier to buy commercial products and services, cheaper and quicker. For too long, we have had to endure a system that operated with excess layers of unmotivated bureaucracy and overabundant specifications which developed special, government-unique items.

The act raises the threshold for use of new streamlined procedures from $25,000 to $100,000. For acquisitions below that contract value, this bill will clear away burdensome certification and paperwork requirements, while reserving first contracting opportunity for small businesses. Procurements under $100,000 comprise 96 percent of all Federal contracting actions, so the potential for savings is dramatic. The goal is to make those small, low-risk projects as economical and simple as possible for Government to offer and business, particularly small business, to win.

Perhaps the most innovative process improvement in this act is the development of the Federal Acquisition Network, FACNET. The Government is moving into the information age at a breathtaking rate. This bill provides for the implementation of electronic bidding, contracting, negotiation, payment, and other actions now done by hand. The electronic bulletin board will replace the actual bulletin board in place now at many Federal contracting facilities.

After this system is up and running, any small business with a computer and modem will be able to participate in the process, regardless of location or size. This is an especially important feature in a rural State like New Mexico where many small businesses want to contract with the Government, but are too distant to justify the trip to the contracting agency.

Over the past 2 years, the Members of this body and their staffs have worked tirelessly to implement the recommendations of the section 800 panel and the National Performance Review, consider relevant suggestions from small and large businesses, professional associations, citizens groups, and interested individuals.

Last October, Senators GLENN, NUNN, LEVIN, BUMPERS, LIEBERMAN, ROTH, COHEN, and I introduced S. 1587 after months of bipartisan tricommittee staff work. This year, we had the benefit of testimony in three joint Armed Services and Governmental Affairs hearings from all those groups. That testimony was excellent and instrumental in improving on the section 800 panel's recommendations. Additionally, we have held numerous meetings with interested private and government groups.

I commend the leadership of the Government Affairs, Armed Services, and Small Business Committees for their thorough, persistent, and bipartisan dedication to the concept of reform. Senators GLENN and ROTH on the Governmental Affairs Committee have long recognized the need for thoroughgoing reform. Senators NUNN and THURMOND on our Armed Services Committee have worked tirelessly to reform the system in the interest of maintaining a strong defense. Senators BUMPERS and PRESSLER saw reform as an opportunity to provide small firms greater access to the Federal acquisition system.

The leadership from the chairmen and ranking members of the three committees was crucial in insuring that this complex bill was developed, introduced, and moved through the process to last night's approval of the conference report.

At the subcommittee level, where many of the concepts in this bill were developed, I want to acknowledge the leadership of Senators LEVIN and COHEN on the Governmental Affairs Subcommittee on Oversight of Government Management, and Senators COATS and SMITH, who served with me on the Armed Services Subcommittee of jurisdiction over the past 4 years. Senator COATS played a crucial role in 1991 in helping persuade the Pentagon to pursue section 800 mandate and Senator SMITH has pushed throughout the past 2 years for the most comprehensive reform possible.

As with most of our legislation, the heavy lifting is often left to the staff. Senators NUNN, THURMOND, SMITH, and I had the support of some of the best in Congress in Andy Effron and Jon Etherton. Many times, when the drafting process bogged down over some arcane point of acquisition law or congressional process, Andy and Jon cleared away the obstacles with clear reasoning that kept the process moving. Senators BUMPERS and PRESSLER and the entire Small Business Committee benefited from the experience and unique perspective of Bill Montalto, who ably represented the small business community.

In the Government Affairs Committee, Tom Sisti, John Brosnan, and Mark Forman were steadfast in the reform effort. Day after day, they acted as the focal point to interpret, rewrite, and analyze the impact of the voluminous administration, business, and congressional reform proposals we received right up until the conference report was filed. Theirs was a monumental effort, which resulted in many long nights and weekends, but was critical to the success we now enjoy on this bill. Their contribution cannot be overpraised.

Senator LEVIN was served by one of the best minds on the staff, Peter Levine. No one knows this bill better than Peter. Numerous times, when progress seemed elusive, Peter provided clear and incisive solutions to very complex language drafting and interpretation questions.

On my staff, Ed McGaffigan and Mike Hammon were particularly helpful in dealing with important procurement policy in the Defense Department, commercial product acquisition, and the acquisition work force.

Finally, I join Senator NUNN in praising the work of the Senate and House legislative counsels, Gregg Scott and Sherry Chriss, who handled this legislation while simultaneously producing the National Defense Authorization Act for fiscal year 1995. They have worked tirelessly for weeks on end and I hope they both know how much we appreciate their service.

In conclusion, Mr. President, as I said before, this is but the first step. We have crafted comprehensive reform legislation that must be carefully and energetically implemented by the administration. We have sent the message that the emphasis should be on less—less restrictive directives, less use of unnecessary contract language, and less bureaucracy. There must be a cultural change in the acquisition work force away from procedures which are designed to shield contracting personnel from criticism and discourage initiative. The new directives must encourage use of judgement and reward those who do so. That will indeed be procurement reform on a grand scale. That will be reinventing government. The need is real—the time is now.

The list of panel members follows:

PANEL MEMBERS

Pete Bryan, Director, Contract Policy & Administration, Office of the Secretary of Defense.

Allan Burman, Administrator for Federal Procurement Policy.

Anthony Gamboa, Deputy General Counsel, Department of the Army.

Jack Harding, Vice President, Contracts, Raytheon Corporation.

LeRoy Haugh, Vice President, Procurement & Finance, Aerospace Industries Association.

Thomas J. Madden, Partner, Venable, Baetjer, Howard and Civiletti.

Ralph Nash, Jr., Professor of Law, George Washington University.

F. Whitten Peters, Partner, Williams and Connolly.

Gary Quigley, Deputy General Counsel, Defense Logistics Agency.

Major General John D. Slinkard, USAF, Deputy Chief of Staff for Contracting, Headquarters, Air Force Materiel Command.

Rear Admiral W. L. Vincent, USN, Commandant, Defense Systems Management College.

Robert D. Wallick, Partner, Steptoe & Johnson.

Harvey Wilcox, Deputy General Counsel, Department of the Navy.

TASK FORCE

Executive Secretary: Donald M. Freedman (DSMC).

Task Force Directors: C. Kenneth Allard, LTC(P), USA (DSMC), Thomas J. Dolan, Jr. (ONR), Susan P. McNeill, Col, USAF.

Task Force Members: JoAnne L. Barreca (DLA), Benjamin B.C. Capshaw, LCDR, USNR (DSMC), James Cohen, Lt Col, USAF, Stuart A. Hazlett (SAF-AQC), Barry Kline (AMC), C. Jean Kopala, Maj, USAF (DSMC). William E. Mounts (Contract Counsel), Karen O'Brien, CPT, USA (DSMC), Michael J. Renner, Lt Col, USAF, Michael Rose, Lt Col, USAFR, Diane M. Sidebottom (DLA), James Wayne Skinner (NAVSUP), Jack L. Soesbe, MAJ, USA (DSMC), Theresa M. Squillacote (DSMC), Jerry Stahl (AMC), Donald J. Suda (DLA), Bruce N. Warner (DSMC).

Administrative Staff: Wilma J. Frey (DSMC), Laura J. Neal (DSMC), Linda L. Snellings (DSMC), Megan A. Weaver (DSMC).•

SIMPLER STUDENT LOANS

• Mr. SIMON. Mr. President, any new program is likely to encounter some glitches. This is just as true in the Education Department as in the Commerce Department, and it is true in the private sector as well as the public sector. But problems can be minimized through good planning, and by working closely with clients. I am pleased that the Education Department, in putting together the new Direct Student Loan Program at 104 schools this year, has worked with financial aid administrators so that the initial phases of the program have been impressive by anyone's standards.

An inquiry of the participating Illinois schools by Chicago Tribune reporter Frank James found that "the initial results are encouraging." Other reports I have heard have been equally positive.

President Clinton should be commended for his perseverance in seeking these reforms in last year's budget bill, and he should be proud of the student aid team that Education Secretary Richard Riley has put together at the Department. Students, taxpayers, and schools all are benefiting from the changes.

Mr. President, I ask that the Tribune article from July 31, 1994, and an interview with David Longanecker from the Rolling Stone magazine of August 25, 1994, appear in the RECORD following my remarks.

The material follows:

STUDENT LOANS GET SIMPLER—NEW SYSTEM REDUCES PAPER, MIDDLEMEN

(By Frank James)

Student loans rank right up there with term papers and final exams on the list of college ordeals and anxieties.

There's the application process that seems to generate as much paperwork as a short hospital stay. Then the sometimes excruciating wait for the check.

Finally, there's the stress over whether the education that the loan is buying will bring a job that can repay the debt.

But a reform of federal student loan procedures is underway that would change all of this. Four Illinois schools are among 104 nationally helping to introduce the new direct student loan program this summer.

The streamlined approach involves applications made directly to the federal government, which disburses the money directly to students. If the program works, the U.S. Department of Education, which is overseeing the changes, hopes all eligible schools will adopt the new system within five years.

Winners in the process would be students, who receive loans quicker without the bewildering array of forms, and taxpayers, according to direct-lending advocates, including Sen. Paul Simon (D-Ill.), the program's main congressional sponsor.

Losers will be the middlemen—the banks and loan-guarantee agencies—that required all the paperwork and, through their service fees, kept costs of the traditional student loan program unnecessarily high. Understandably, banks and loan-guarantee agencies have emerged as the major opponents of direct lending.

The University of Illinois at Champaign-Urbana, Bradley University in Peoria, Fox College in southwest suburban Oak Lawn and DeVry Institute of Technology in west suburban Addison were the Illinois schools chosen to be in the first wave of this student-loan reform. The initial results are encouraging.

David Pardieck, financial aid director at Bradley, says he's two months ahead of schedule in parceling out federal loan money to students.

Likewise, Craig Munier, a financial assistance official at the U. of I., says his office will disburse federal loan money next month to students in record time—72 hours after receiving their signed promissory notes.

"I've been in financial aid for 20 years, and in that time I've become pretty cynical about the Department of Education and government in general," Pardieck said. "But this time they've pulled it off—at least the first year."

Simon said the new program "benefits everyone except for bankers, the guarantee agencies and the secondary market like Sallie Mae." Sallie Mae is the nickname of the Student Loan Marketing Association, which acquires and resells student loans.

The new program is designed to take advantage of modern efficiencies brought about by computer modems.

In applying for a loan, a student fills out a standardized form and presents it to the college loan office. The office then electronically transmits the form to a private processing company working for the government.

Usually within a few days, the school is electronically notified about whether the loan has been authorized. If so, the school sends a promissory note to the student. The student's loan account, kept by the college, then is credited once the signed note is returned.

By contrast, the current byzantine process requires the student to contact a bank or other financial institution and complete financial-aid forms. Once the loan is approved, it goes to a guarantee agency, which essentially ensures that the bank will get all its money back if the student defaults.

The bank and the guarantor charge fees. They also often spend hours on the phone or days in correspondence with each other or college financial-aid offices to clear up confusion caused by the involvement of so many participants.

Finally, a check appears that the student must then sign over to the school.

So much paper is generated that many critics compare the current system to the health-care industry.

"It's a wonder we have any trees left in the country with all the paperwork," said Sarah Myers, of suburban Baltimore, whose son William attends Bradley in Peoria.

Myers and her husband already have put a daughter through college. They said the old system required them to set aside an entire day during Christmas vacation to fill out the numerous forms. Completing the single new form for a loan for their son took less than an hour.

Bradley is a private university with 6,000 students, 60 percent of whom received federal loans, Pardieck said. he has converted 3,500 of those students to the new program.

Only one family has phoned the school to express concern about the change, Pardieck said. And that was because the student's father missed the convenience of having the monthly payments deducted from his paycheck by his credit union.

The lack of complaints "really says something," Pardieck said.

Besides accelerating the loan process, the new program also addresses repayment with an eye toward cutting the 17 percent default rate.

With direct loans, repayment is pegged to income as well as whether a student's education has paid off.

If a graduate has a low income, then payments can be reduced. And if, after 25 years, there's no indication that the person benefited from his or her schooling.then the government forgives the loan.

"Education is a good investment, and for almost everybody it pays off," said David Longanecker, assistant secretary for postsecondary education at the Department of Education. "But [when] it doesn't, this is the ultimate guarantee. We used to guarantee loans to banks. Now we're guaranteeing them to students."

CLINTON'S CREDIT: THE 72-HOUR STUDENT LOAN

During the '92 campaign, Bill Clinton vowed to "scrap the existing student-loan program" and replace it with one that would allow borrowers to repay loans as a percentage of their income. Of course, he vowed to do a lot of things. But on July 1, the Department of Education begin issuing direct student loans to be repaid on the basis of "income contingency."

In the first year, only 5 percent—about $1 billion—of the total government-backed loan pool will be in direct loans. The remainder will still be handled by banks and other private lenders. But next year the share of direct loans is scheduled to jump to 40 percent and soon after make up the majority of new student lending.

We talked with David Longanecker, the Department of Education's assistant secretary for post-secondary education, about the changes in financing a college education. For further details, call (880) 433-3243.

What is a direct student loan?

A loan that's made directly from the federal government to students through the schools. The capital comes from the federal government. That's quite a bit different from the old loan program, where we essentially paid private banks to provide the capital.

The reason we changed is real straightforward. The old way cost too much, it was impossible for us to manage, and we had all of the responsibility but virtually none of the authority. The authority was controlled by those banks and by some things we called guarantee agencies, which we also paid. We were paying a lot of middlemen. They were doing a nice—a decent job in some respects, but we were paying an awful lot for that.

And they didn't want to provide the repayment terms we believed students needed when they came out of school. We wanted a program where students paid back not based on how much they borrowed but on how much their income allowed them to pay back. So we developed what we call an income-contingent loan-repayment program.

If they get out of school and don't get a great job for a while, that's OK; they won't have to pay so much on their loans. If they take a public-service job or for some reason their investment in themselves doesn't pay off substantially, we'll take the hit as the federal government—and intentionally so. If they go into public law instead of corporate law and as a result give us something back in a different way, then they won't have to pay back as much eventually.

We're also allowing students who took out old student loans who want to convert those into direct loans so that they can participate in income contingency or some of the other features to do that.

Do banks have any role in direct lending?

No, unless they compete as a contractor for the service. We don't actually do this job of servicing these loans ourselves. We've contracted for that service. In the past, banks got paid the same amount whether they provided good or poor service. Now our contracts are based on quality of service. Some people have said we moved away from a privatization model. In fact, we think we moved closer to one. We're now contracting for service on the basis of price and quality; that's what the private market is best at.

If the loan is going directly to the school, does that mean the student doesn't have to mess around getting it before classes begin?

That's correct. We still recommend they apply for financial aid as early as possible so that they get the full array of potential financial assistance. But a student can go to a school now and apply, and that application will be processed by our central processor, determining eligibility for Pell Grants, for student loans, and that will all essentially be available in their account within 72 hours.

You can process this in 72 hours?

Yes. There's a single application form we created so that students can now file for all federal student financial assistance with one form. There used to be an array of forms that a student had to fill out.

Students fill out that new form. They can do that electronically at their school, they can do it on a computer—it's transmitted electronically to us—or they can do it on paper. Either way we will process it as soon as we receive it. Within 72 hours the school will have the eligibility of that student for the various federal programs.

The program began July 1. How's it working?

Everybody is extremely pleased with it at this point. You know, this is a pretty phenomenal feat. This program was passed last August. We selected the institutions for the first phase in November. We selected our contractor in December and since then have been working with institutions to develop the software packages and all. By May 15 we were in a beta testing phase and by June 15 were processing applications.

Was there any model for this program? Or is this something that was hatched fresh?

We'd like to claim it as our genius, but the idea of income contingency has been around for about 25 years.

Does the IRS have a role in collecting?

It may. At the present time it doesn't, except that they give us income information when a student selects income contingency, so they provide us the most recent information on that person each year so that we know what their income is.

The IRS provides that to you?

The IRS provides that. That's their current role. In the future they may actually become a partner in the collection of these loans. If their collection system can provide us with accountability and students with the customer service they deserve, that might be a very viable way for us to go. But we're still investigating.

If direct loans are such a great idea, what took so long?

One reason is that there was so much money being made. The banks, the secondary markets and the others, these folks provided service, no doubt, but they did so in an extremely profitable way. This was the second most profitable component of most banks' portfolios.

They were making risk-free loans, essentially.

Yeah. Their yield was assured, and it was higher than almost anything else in their portfolio. Because they were making that kind of money and there was such an array of actors out there, it was almost politically impossible to change.

What happened that make it possible?

Three things. One is that we had increasing evidence in General Accounting Office reports that the program simply wasn't working, that it was costing too much money and couldn't be managed effectively because of the array of actors. Two, we had the president running on an initiative that couldn't be incorporated effectively into the existing program. Income contingency really required a new design.

And then—I almost hate to say this—almost by accident this program was incorporated into the Omnibus Budget Reconciliation Act last year. It had fiscal impacts, and it was put into a budget bill as a cost saver, because it was going to save about $4 billion.

Once it was in that bill, if people wanted to change it, they had to come up with a requisite amount of savings somewhere else. Nobody could do that. We were in a much stronger political position than if we'd had a separate bill. Those forces I'm talking about now had to attack the entire Omnibus Budget Reconciliation Act, and that really created a dilemma for them.—Francis Wilkinson●

ORDER FOR STAR PRINT—SENATE RESOLUTION 250 AND S. 2409

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senate Resolution 250 and S. 2409 be star printed to reflect the following changes which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Thursday, August 25; that following the prayer, the Journal of proceedings be deemed approved to date, and that the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate resume consideration of the conference report to accompany H.R. 3355.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. FORD. Mr. President, if there be no further business to come before the

Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:59 p.m., recessed until Thursday, August 25, 1994, at 10:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 25, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 29

10:00 a.m.
Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings to examine the potential health effects resulting from radium nasopharyngeal irradiation treatment.
SD–406

SEPTEMBER 13

2:00 p.m.
Veterans' Affairs
To hold hearings on the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.
SR–418

SEPTEMBER 14

2:00 p.m.
Veterans' Affairs
To hold hearings on pending legislation.
SR–418

SEPTEMBER 21

2:00 p.m.
Veterans' Affairs
Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary for Health of the Department of Veterans Affairs.
SR–418

SEPTEMBER 22

9:30 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.
SD–366

SENATE—*Thursday, August 25, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us remember Beth Ormond, who works in the stationery room of the Senate, critically ill with cancer in the hospital.

*O Lord, thou hast searched me, and known me * * * there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether * * *. How precious * * * are thy thoughts unto me, O God! How great is the sum of them! * * * Search me, O God, and know my heart * * * and lead me in the way everlasting.*—Psalm 139:1, 4, 17, 23, 24.

Sovereign God, the psalmist makes it very clear that there is nothing about us You do not know. You know us infinitely more than we know ourselves. Past, present, future, You know us in microscopic detail—our thoughts, our words yet unspoken.

The psalmist informs us that You have a perfect plan for our lives, a plan which promises total fulfillment in all our potential. Gracious Lord, give us grace to take the truth of the psalmist seriously and to walk in Thy way in the confidence that, even "in the valley of the shadow of death," You are with us, and we have nothing to fear; and help us realize that it is never too late to submit to Your perfect plan.

In the name of the King of kings and the Lord of lords. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 25, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3355, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The Senate resumed consideration of the conference report.

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken earlier about the crime bill before us, and I would like to do so again. I do it because I am a member of the Senate Judiciary Committee, and I was one of the conferees who has experienced some very long and difficult conferences on this crime bill. I have seen the debate over 6 years of trying to get a crime bill passed, but I have also seen the work, sometimes until 2 and 3 o'clock in the morning on the committee of conference while we tried to put one together. We are now basically in the 11th hour of the Senate session. We are very close to the time that the Senate will recess for the fall elections, and we see the culmination of 6 years of work on the threshold of passage.

I say that, Mr. President, because if we do not act now, how are we ever going to pass a crime bill? If we proceed in the manner that many of our Republican colleagues have suggested, then basically we are saying we are not going to enact a crime bill this year.

We ought to understand that we have the opportunity and the ability to pass a crime bill now. Or, we can follow the delaying, obstructionist tactics we have seen here and pass nothing. In fact, I think it is fair to say that many are trying to kill this crime bill. It is a two-House strategy that seeks to send the issue back to the House where it will be delayed, where it ultimately will die. We can play this ping-pong match for the rest of the session. The Forrest Gump kind of ping-pong would be nothing compared to what we would do here, and the crime bill will stay in orbit between the two Houses of Congress and it will never come down from orbit and land on the President's desk for his signature. We have seen us move from what had been a procedural dodge to a full-fledged obstacle course in the efforts to obstruct and actually defeat and destroy this crime bill.

Instead of playing procedural games, the Senate ought to stand up and vote. Vote for it or vote against it. But do not duck the issue anymore.

Republicans have told us that they will not allow Senate action on this crime bill without a supermajority or without a filibuster. If that is the case, then we ought to just put in a cloture petition. We ought to then vote for cloture, even if we have to do it this weekend. We ought to vote for assistance to victims, to local police, to battered women, to abused children, to hard-pressed State correctional systems, to fighting drugs, and to fighting and preventing violent crime.

That is what we are voting on. Let us vote for those things and not hide behind some procedural figleaf. If people really want to end this, then set up a vote; up or down on the merits, majority wins; do it today.

Mr. President, I hear from people in Vermont. I hear from people all over the country. They say, "Don't you folks have the courage to stand up and either vote for it or against it?" If you do not like the crime bill, vote "no." If you like it, vote "yes." But do not hide behind this procedural flimflam, because the procedural flimflam allows every Senator to go back home and say, well, I liked this or I did not like that, but they never have to be on record.

Now, we all speak of the courage of our convictions when we run for office. Let us have the courage of our convictions once we get here. Let us vote "yes" or vote "no."

Look at the legislation on which we are voting. It is supported by every major law enforcement organization in the country—the police, the district attorneys, the State attorneys general, the sheriffs, corrections officials, and a host of mayors and Governors, both Republican and Democrat alike.

I spent nearly 9 years in law enforcement myself, Mr. President. This is a good bill. Is it a perfect bill? No. But I have not seen many perfect bills in 20 years here. It is one heck of a lot better than what we have, and it does not deserve being put behind this figleaf of a procedural motion by a minority of Senators who want to kill the bill but do not have the courage to vote against it or a majority of votes to beat it on its merits.

That is really what we have. We have a minority of this body who want to kill this bill, but they do not have the courage to try to defeat it by just voting against it in a normal vote. They want to have it both ways. They want to say how tough they are on crime, but even after the culmination of 6 years of work, they are not going to let the Senate vote on a crime bill. Well, that is wrong, and I think the American people see through it.

Look what has happened. It is opposed by many in the Republican Party and by those who oppose the ban on assault weapons, and they are putting up procedural barriers and maneuvers so they can stop this bill.

Now, if somebody does not want us to ban assault weapons, then just stand up and vote against this bill. But do not pretend that you are standing up to uphold the procedures of the Senate. Baloney.

I heard one of my distinguished colleagues say we have to do this because money was added in a conference report and we could not allow this to go through without a vote requiring a 60-vote supermajority to win. That same Senator stood on the floor of the Senate 3 weeks ago and voted for foreign aid to a middle eastern country that was added in a conference report at 3 o'clock in the morning. It was never voted on by the House nor the Senate. But it was foreign aid to the Middle East. That Senator stood up and voted for it. There was no procedural motion there; no procedural hurdle of a 60-vote requirement. It was a huge amount of money. The Senator did not stand up and say, "Well, gosh, we have to stand up for the procedures. We have to have a 60-vote point of order on this measure as it comes through." No. The Senator was perfectly willing to vote for foreign aid without setting up the procedural motions.

But now we are talking about giving aid to the American people in their streets, and in their cities and towns where they are facing crime. And the same Senators are saying we have to have a procedural vote to stop this one.

Why is it perfectly OK to vote without such a procedure for foreign aid but not for aid to the American cities and towns and to the people who fear crime? I think that is wrong. I think it is wrong. It makes you think that there has to be another reason. Could it be some powerful lobby is pulling the strings and calling the shots? No pun intended.

We have a bill 6 years in the making. It has been considered by the Senate, by the House, by the House-Senate conference, passed by the House and now comes to rest at our door. A clear majority of Senators support it. We should not be maneuvering to avoid our responsibility to vote. If you do not want this bill, vote "no". If you want the bill, vote "yes". But do not vote "maybe." That is what we are doing here. Senators are elected and paid to vote "yes" or "no". They are not elected and paid to vote "maybe". But we have a distinct number of Senators who want to vote "maybe" on this bill. That is wrong. It should not be done.

We have been debating this for 6 years, and during that time many Republicans are saying somehow they are blocked out of this. That is not true. They have influenced the shape and content of this bill. I have been on the floor and heard this debate. I have seen Republican amendments accepted that are part of this bill. I have seen Republican amendments accepted in the Judiciary Committee that are part of this bill. I have seen Republican amendments accepted in the conference that are part of this bill. There are many aspects of the bill that Republicans have supported in the past—more money for police, money for prisons, tougher penalties, death penalties.

As I said earlier this week, the bill bears the mark of Senator BIDEN's tireless efforts. But it also reflects the influence of many Republican Senators who have been working—at least until now—to do something about crime. It includes many of the initiatives that my colleagues on both sides of the aisle for years have been arguing are necessary to reduce crime.

Why can we not go forward now? We know—every one of us knows—this is the only crime bill that could be passed this year. After crime legislation was filibustered for over a year in the 102d Congress, now in the 103d Congress we have legislation that passed the Senate and the House. The House approved it in a bipartisan vote. We had one of the most difficult House-Senate conferences that I have served on in 20 years. And the only step that needs to be taken for us to send it down to the President for his signature is for us to vote for it.

I think it is time to vote. Vote it up or vote it down. Do not vote "maybe". The bill has funding for police, prisons, tougher penalties for violent offenders. It is going to help both urban and rural areas. Eighty percent of the bill is spent on police and prisons. Only 20 percent is spent on prevention. The funding breakdown is $13.5 billion for Federal, State, and local law enforcement; $9.7 billion for corrections, $6 billion for prevention programs. It has $1.5 billion more in prevention money than was in the bill which 95 Senators supported last November. But that is because we go with 6 years and not 5 years. And as the majority leader noted, in the years that are common to both bills, it actually spends less than the bill which passed 95 to 4.

Let us look at what the prevention programs are. Almost a third of it is for the Violence Against Women Act. This is legislation that people in my State strongly support. This is a provision that is also strongly supported by a number of Senators in both parties.

Prevention programs—I know from my own time in criminal justice and law enforcement where, incidentally, Mr. President, I had the highest conviction rate of any prosecutor in our State. So I am not saying this from some Pollyannish view at all. I know it is one thing to get convicts for crimes that have been committed. But we are all a lot better off, victims and society alike, if you can prevent the crime from happening in the first place.

You have drug treatment, drug education, antigang programs, Boys and Girls Clubs, mentoring programs—these things unfortunately in today's society are needed and can help.

I think probably the clearest example of those who know it will help are the police themselves who strongly support these type of programs. And if a Senator feels so strongly about them that he or she thinks that they undermine the other police, prisons, penalties, and enforcement provisions, he or she can always express that view by voting against the bill.

But it is not realistic to say we are going to scrap the whole thing and start over again. It took us 6 years and one Congress full of filibusters to get it this way, and now we have a de facto filibuster, if not a de jure one, going on. It is not fair to the victims, the police, and others who will benefit. To start over with this bill, as every Member of the Senate knows, is not going to happen and cannot happen.

So I see, Mr. President, a number of Senators on the floor who wish to speak. I will yield the floor. Again, we have a chance to vote either "yes" or "no". Some Senators want us to vote "maybe." That is not what the American people want. A vote is what the Senate deserves.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Thank you, Mr. President, for that recognition.

Mr. President, I want to begin by commending our Republican leader, Senator DOLE, for his proposal late yesterday afternoon on how this matter can be considered.

We can go to a vote on waiving the point of order on the budget. But in an effort to get a fair and understandable and agreed to way to consider this matter, our Republican leader came up with a suggestion that we set the conference aside, bring up a Senate concurrent resolution, and that amendments be in order to that.

The leader proposed 10 specified amendments. He went over them, he explained them. The ranking Republican on the committee, Senator

HATCH, went into some more detail on those amendments. Four of those amendments would cut out specific amounts of pork, specific programs, 4 of them, totaling about $5 billion; 6 of the 10 would put back some of the strong crime provisions that had been included in the bill when it passed the Senate last year that 95 of us voted for.

Just one example in the Senate bill: It was agreed to overwhelmingly that there should be stiff mandatory sentences for people that hire juveniles to sell drugs. What a heinous crime. I mean, you have drug pushers going out and using children to sell drugs to affect and destroy the minds of our children. Everybody is for that. But somehow, somewhere, mysteriously, in the conference it disappeared. Who is opposed to strong penalties against drug pushers hiring kids to sell drugs to kids? Nobody is going to stand up on the floor of the Senate and say "Oh. I do not want to have strong penalties on drug pushers using kids." Nobody will do that.

That amendment would pass probably unanimously 100 to nothing. But it is gone. So we have 10 specified amendments, 4 knocking out pork, and it is going to be hard to say that these items are not pork. Clearly they do not help us fight crime in the real world. Six of them would put back strong criminal punishment provisions.

The agreement that was offered would allow 1 hour—not a filibuster, but 1 hour—to debate each of these 10 amendments, and it could be less, equally divided. Both sides would have to say have a vote. Some of these, I presume, would take not that much time and perhaps would be taken without a vote and by agreement. At the end, there would be a cloture vote, but it would not be dragged out, filibustered. Just cast your vote. And if any of those amendments were passed—any one of the 10—then that Senate concurrent resolution would go over to the House.

That is one of the reasons I wanted to speak today, because there is concern about and misrepresentation, I think, about what the rules allow in the House. I wanted to talk a little about that because I spent 16 years in the House, 8 years as the Republican whip and 14 years on the Rules Committee. I spent 14 years on the Rules Committee. So I paid a lot of attention over the years to the rules. Nobody is really an expert on what might happen. It always depends on what the leadership wants to do and, certainly, what the majority party wants to do. But I would like to clear up and clarify what I believe would happen when it went back to the House.

Many times, when I served as the Republican whip, we would get to this point where the House said, "We have taken our action; good-bye, Senate, good luck," and they left town. I always said, "That is great; let us take it to the Senate. Let us vote and leave." They are smart. They voted and left, and here we are.

But what would happen in those conditions if, in fact, the Senate made some alterations in the bill—generally, it was not something that would completely gut a bill—it would come back to the House, the House leaders would run their traps, usually through the whip, to make sure there was not an objection to various provisions, and it was accepted and we all went home.

In this case, the House would be in pro forma session, I believe, tomorrow. But on Monday or Tuesday, they could come back into a regular session, run their traps, and accept this language very quickly, very routinely. It is done all the time.

You might say, well, there will be an objection from one side or the other. I am willing to work with our colleagues on the other side to try to get some understanding, some clarification of what they might do. But if somebody objects, there is a very simple procedure. It is called the Rules Committee. And anybody who thinks that the leadership over there—the Speaker—cannot control what happens on the floor of the House with an iron grip has not paid any attention lately. They just quickly go up to the Rules Committee, and maybe they would not do it Monday or Tuesday, but on September 8 which, by the way, is 2 weeks from today, and really you are talking about 10 days from when they could run their traps and get it cleared. At the most, in 10 days, the Rules Committee would meet and they would come down to the floor of the House with a closed rule.

So all of your fears can be calmed now. There will not be any amendment allowed by Southern Democrats or Republicans on the gun matter. The rule will not allow that. It will be an absolutely closed rule. And for those that might be concerned on the other side that there would be a racial statistic amendment by the Black Caucus, do not worry, the Rules Committee will not allow that. The Rules Committee would report a rule to the floor that would provide for one vote on this Senate concurrent resolution.

Somebody said, "Wait a minute; Republicans still have the option for a motion to recommit with instructions." Under this procedure, the conference rule would not be subject to that. The normal motion to recommit would not be available to the minority or to even a minority of the Democratic Party. No. One vote. So when people say this is going to be a Forrest Gump ping-pong match, it will not be. It certainly does not have to be. It could be, if everybody wants to keep kicking it back and forth. So we could send it back over there, and the House could say: We are not taking that. We are adding amendments. And they could kick it back. What is the tragedy? We are going to be back here September 8 or 12 anyway.

This is an important issue. There are some provisions in this crime package that I am for and I would like to see passed. But I do not think you will see the ping-pong match of the 10 amendments that we have offered, 2 or 3 of them, or all of them. If all of them are accepted, I think you will find the House will have a procedure to have a vote on that and be done with it. I wanted to talk a little bit about that, and I want to repeat my offer to work with the handlers of the bill, or anybody, to talk to our colleagues on the other side, to get a clear understanding of what, in fact, they would do.

Let me come back now to the Senate and some of the complaints we are hearing. "Methinks you doth protest too much." Just give us a vote. Give us a vote. You know, it has been debated back and forth; yes, that is one of my concerns. Major provisions that we voted on in this the Senate last year, major provisions that deal truly with crime and criminals in this country, have been taken out. And any of you that have ever been to a conference between the House and Senate on bills like this—this bill or other bills —know it is quite an experience. If you think it is an open and fair procedure, you have not been there lately.

You talk about how this issue has been debated for 6 years, and do not worry, the conference is open and fair. In the conference 2 years ago, the conferees were called on a Sunday afternoon to come back to the conference, called from a football game to meet on Sunday afternoon, and they rammed it through. What happens every 2 years—and seems like every election year—is the Senate passes a good crime bill; it gets overwhelming votes; it goes to the House, and they pass a bad, weak crime bill, like in this case, a crime bill that is soft on criminals and tough on taxpayers. They will not give it up. They think the way to fix crime is to have more social welfare spending. I do not think there has been any proof that that is the solution to crime.

Anyway, the House has a very weak crime bill. Or as they did this past year, or in the past 6 months, they split it into pieces. They did not want to have one solid bill. They passed several pieces, and then they merged it and took it to conference. And then in conference, it really goes to the dogs. Strong crime-fighting provisions are taken out, pork is added, and when it comes back, it is a whole different animal.

So that is why we are saying it has been substantially altered. The allegation is made that "You just do not want a crime bill." Baloney. I will tell you, that is not true. Yes, this is about gun control—approximately 180 of them—but it is also about unnecessary spending, $13 billion of which will be added to the deficit. It is pork, any way you want to describe it. And it is about toughening up the penalty on criminals in this country. That is what it is all about.

Last year, when the Senate passed this bill, it was not 100 percent perfect. There were provisions in there I did not like, provisions I had voted not to have in there, provisions I had voted to knock out. I did not think that the funding was really very legitimate then, but it was spongy, it was marginal—maybe the funding could have been found for that. Now the years have been changed but, in fact, by changing the years, it makes it even worse and the spending has been increased.

But when the bill passed the Senate, I voted for it. If we improve this bill and add these 10 amendments, I think you will find that this legislation will pass overwhelmingly. It will not be unanimous, or 95–4, but it will be a pretty substantial vote, I am sure of that.

As to the majority leader's proposal, his counter yesterday—and I understand maybe there is another counter on the table—he said just give us a vote on the crime conference report; we will send it on down to the President, and we will have a bill-signing ceremony and you guys, if you do want to offer your amendments, we will play games with you and, of course, it will not amount to anything. Nobody will be looking, nobody will care, and the bill will go nowhere.

Great. We just want to have debates and offer amendments on the floor for our health. No, we want legitimate amendments to be offered and to be available for the Members to consider in this conference report.

So when it is suggested that we move the conference report and then we will have these amendments offered on a separate bill, that is not a legitimate offer. Nobody is going to buy that—not even the press. They bought a lot of this stuff that has been put out about 100,000 cops on the street. Anybody who knows this bill knows that is not true. That is not about to happen. Most cities are going to look at it and say, gee whiz, I am not even going to participate in that.

So let me just emphasize again, this is about pork. It is about the Government trying to provide funds for social programs through the Department of Housing and Urban Development, through the Department of Health and Human Services, grants that are determined by the Attorney General or the Secretary of Housing and Urban Development or HHS based on a formula that is extremely questionable.

So, yes, this is about spending, that we do not need to spend that money, and it is not going to help us fight crime. Some of the preventive spending is fine. I realize that we have to fight the immediate problem of crime with tough criminal penalties and with more prison facilities. But we have to look to the long-term future, what can we do to help move young people away from a life of crime.

I am prepared to think about that and work on that as long as we make sure that the programs we have are directed specifically in fighting crime. Many of these programs that are included are not in that category.

But the thing that offends me the most is the strong crime provisions in many instances have been eliminated or reduced in their effectiveness. I cannot understand my colleagues who say, boy, we need gun control, we need to take 178 or 180 guns away from the American people, the law-abiding citizens, but we do not want to toughen up the penalties on criminals who commit their crimes using a handgun. That is unacceptable.

There is a breakdown in communication somehow. Do you mean it is OK for a criminal to commit a crime using a gun, that we do not want tougher penalties on him so the criminal gets to use guns but the law-abiding citizen has his taken away? I do not understand the juxtaposition there. I would imagine every Senator would vote to toughen up the penalties on criminals who commit crimes using a gun. That was taken out mysteriously. It just disappeared.

So we are asking for an opportunity to vote, too. When the majority leader says let us just vote, that is our response—let us just vote. Let us vote on these amendments. Let us see what happens. Perhaps the Democrats will vote in lockstep, with one notable, courageous exception, hopefully more, but at least one will stand up and say, "I am not buying this garbage; I am not buying this pork; I am not buying this soft on criminal stuff"—at least one. But maybe the rest of them will vote in lockstep against every one of these amendments.

If you defeat them all, we will concede the vote. We will go ahead and go to final passage. There will be no further effort to block it. But we are going to go down with our colors flying on this one. If you think that we have the hottest horseshoe in this case, I think you are mistaken.

The American people have figured this out. This is just another giveaway program, another lard-invested Federal program for programs that are not really going to help prevent crime or fight crime, and the tough criminal provisions, many of them taken out. In fact, the things that the American people really want to change in fighting crime are not even in this bill—no habeas corpus reform; no limits on the endless appeals of convicted felons, convicted violent felons, who have been sentenced to death. No, that is not in there, not even in there. And good faith arrests and seizing of evidence by police, that is not in there. Local law enforcement people who do a great job, they work hard, they arrest and charge a criminal, they get evidence, and the evidence and the criminal are both released on technicalities. "Oh, you didn't say exactly the right magic words under the exclusionary rule." No, that is not in there. The things we really ought to be doing in fighting crimes are not here, but the big spending programs are here.

So, I just ask again, Mr. President, we get a process we can agree to. I do believe our leaders are negotiating in good faith, and there are offers and counteroffers. I assume we are going to come to some sort of agreement here where we will be able to get votes on amendments and then move to final passage. We could do it today. We certainly could do it up or down by noon tomorrow.

We are not interested in endlessly filibustering this issue. We are not trying to take this deal, this thing, whole hog or not, at all. We are not going to do that.

Also, when the allegations are made, oh, it is the minority that is blocking this; it takes a supermajority to allow us to vote, we all know what the rules are here. It is different when you are on the other side of the issue. When it came to product liability, you know a filibuster was fine. When the majority leader, Senator MITCHELL, back in the late eighties was blocking capital gains by using this same 41-vote procedure, or the requirement that it took 60 to stop the debate, it was OK then.

This is not a subversion of the rules. This is the way the rules operate. This is the way the U.S. Senate operates. If you have 60 votes to waive the point of order, let us get it on. If you do not have it—and I do not believe you do—then let us come to an agreement on some amendments we can offer. Let us have our vote. Let us have our final passage.

The House will accept our judgment, and there will not be a way that it can be pulled apart in the House. And I will be glad to work with one and all to make sure that we can make that arrangement.

Then we can all say we passed a better crime bill, one that had a lot of the pork taken out, although probably not all of it, and one that, yes, does have strong penalties on the criminals. Then we can all go home and say we were bipartisan, our leaders worked together, we did the right thing for America.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Mississippi [Mr. LOTT] yields the floor.

The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, yesterday I spoke on the floor and received a couple phone calls from some of my friends in Nevada. I had been talking there about night hoops, night basketball, and in the process of making the speech referred to George Allen, the famous football coach for the Washington Redskins and other professional football teams. However, I misspoke and referred to him as a basketball coach.

The record should be clear that I know that George Allen was a football coach, one of the greatest, that George Allen was famous also for saying that the best defense is a good offense.

My apologies to my friends in Nevada for their thinking I had a lack of knowledge of the athletic world.

Now, Mr. President, I have heard my friend from Mississippi, who I served with in the other body, a person I have the greatest respect for, talk about the crime bill, and there are certain things that I agree that he stated.

But, of course, what I do not agree with is the fact that we all know that the Senators on the other side of the aisle are attempting to kill the crime bill, and I say to my friend from Mississippi and the other Members of the other party that this bill is not a perfect bill, but it is a real good bill, the best we ever had in recent times in dealing with crime.

For many reasons, I agree with those who support the crime bill. For example, there are law enforcement agencies and officers all over the State of Nevada that support the crime bill as there are national police groups like the Fraternal Order of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, the National Sheriffs Association, the International Association of Chiefs of Police, the National Association of Black Law Enforcement Executives, and four more pages.

I agree with them. This is good legislation.

ANTI-ABORTION ADVOCATES

Mr. REID. Mr. President, the reason I stand on the floor today is as a result of concern I have, which was highlighted by a network news interview this morning between two antiabortion advocates. One of the advocates called for the use of lethal force against those who disagreed with his view on abortion.

As a result of that, Mr. President, I rise to speak on the issue of violence in the abortion debate. And I think it is timely during the debate on the crime bill, because there have been a number of unnecessary deaths—murders—because people disagree with the political views of others.

I rise to speak on the use of certain tactics by those involved in the abortion debate. Specifically, I repeat, Mr. President, I am talking about tactics which promote or call for the use of lethal force against those who oppose their views.

What concerns me today is the tactics used by extremist groups associated with the recent massacre that took place in Florida. So today I am going to introduce a sense-of-the-Senate resolution condemning these tactics.

Why is a resolution of the U.S. Senate necessary, Mr. President? It is necessary because, in spite of the murders, there are still letters being circulated, faxes being sent, speeches being given on this very unreligious advocacy.

I have here in my possession a letter written to, "Dear Fellow Pro-lifer." I am only going to read parts of it.

"Greetings in our Lord Jesus Christ!"

What a terrible way to start a letter that deals with death and murder.

> The purpose of this letter is simple and straightforward. It is to inform you of the ministry of the pro-life organization "Defensive Action" and to, hopefully, get you involved * * *.
>
> Five days after the killing of the abortionist in Pensacola, David Gunn, I appeared on the Phil Donahue show to declare that Gunn's killing was biblically justifiable.

He goes on to say:

> I spend a considerable amount of time in conference with pro-life leaders, pastors, scholars and others in seeking to promote this vital biblical truth.

Almost makes you sick to your stomach, Mr. President, to hear these words.

> I have also been on numerous radio talk shows and had several local newspaper articles written on me and the principles I am proclaiming. Defensive Action has also faxed hundreds of press releases proclaiming the justice of Shelly Shannon's defense of the unborn in Wichita, Kansas.

He goes on to say, and of course this had to be someplace in a communication like this:

> If you can send a gift to help offset some of the expenses we have and will incur in proclaiming this truth, we would greatly appreciate it.

There has to be a call for money.

> If you are interested in making a monthly contribution so we can continue to promote these truths, we would also greatly appreciate that. Either way, please pray for this ministry and those incarcerated for using force * * *. Any contributions should be made out to Defensive Action. Thank you.

Now there are other publications. I have only read one. Here is another one, part of a petition, and they are floating around the country.

> We, the undersigned, declare the justice of taking all godly action necessary. . . including the use of force. We proclaim that whatever force is legitimate to defend the life of a born child is legitimate * * *. We assert that—

And it goes on to state the killing was justified and then, sadly, Mr. President, people have signed this indicating that they are a part of religious organizations.

These tactics, as I have indicated, Mr. President, include the solicitation of signatures on petitions that expressly support and justify the use of murderous violence against those who oppose their views.

The individuals and groups behind these letters and petitions are violent extremists and their actions ought to be condemned by this body. That is what the resolution I am going to introduce later today will do.

What I find most odious and most shameful about these tactics is that they are often employed by groups claiming to be organized religions carrying out God's will.

Poignantly, the most eloquent statement renouncing this came recently from Cardinal O'Connor of New York when he said: "If someone has an urge to kill an abortionist"—now this is a Catholic Cardinal speaking—"If someone has an urge to kill an abortionist, let him kill me instead. That is as clearly as I can renounce such madness."

End of quote by Cardinal O'Connor. Cardinal O'Connor's statement, Mr. President, is what I think religion is all about and what it should be, not death to those with whom we disagree.

All of us are familiar with the heated nature of the abortion debate. There is no doubt that this debate elicits some of the strongest emotions that we feel as human beings. However, Mr. President, it is imperative that the discussion be maintained on the playing field of reasonable debate and peaceable dialog. And there is no doubt that these inflammatory tactics drive this debate far beyond this forum.

I do not believe that the U.S. Senate can remain silent and allow extremist forces to fan the flames of hatred and violence. I believe that the great 18th century Irish writer, Oliver Goldsmith, said it best in his only novel, "The Vicar of Wakefield": "Silence gives consent." It is incumbent upon the U.S. Senate to make it unmistakably clear that such tactics are shameful and are to be condemned by all reasonable men and women. Without quick condemnation of these outrageous tactics, I believe that violence will continue.

Mr. President, passionate and vigorous debates on abortion is healthy. These debates represent a participatory and functioning democracy at work. I personally do not always relish these debates. However, I think it is important that I not shy away from the debate here this day. I believe that my pro-life opinion is well known. And while others may disagree with the views that I hold, I hope they respect the fact that these are convictions that I have. However, I also believe just as deeply that this gives me the authority to stand and condemn the tactics now being employed by extremist elements of the pro-life movement.

This debate regarding abortion will continue, as it should. However, it should be conducted and controlled by parties that have respect for the common dignity of all men and women, all mankind. We must continue listening and dialoging and debating. And we must be vigilant in condemning tactics—as I am today, and I ask my colleagues to join with me—tactics that steer us away from what I believe our country and our democracy is all about.

I urge my colleagues to support this resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, in just 2 weeks, my two kids—like millions of kids across this country—will enter their freshman and senior years of high school.

I remember well, Mr. President, when I entered my senior year of high school. My concerns in those days were my family, my future, and my friends.

My kids have those same concerns. But they also have others.

When I went to school, I remember, at the beginning of the school year, seeing on car bumpers and on billboards the school safety campaign slogan: "School's Open, Drive Carefully."

Well, at the beginning of the 1994-95 school year, that slogan seems almost quaint.

This year's slogan is much more complicated and much more threatening. It should be something like: "School's open, walk carefully, look at your classmates carefully, pick your sneakers carefully, wear certain colors carefully, consider working in a postal facility or a San Francisco law firm carefully, ride on the Long Island Railroad carefully, play on certain California school yards—like Stockton's—carefully, consider eating in fast food restaurants carefully, and, most importantly, today, watch the Senate of the United States very carefully. Through a procedural sleight of hand, a minority of this body wants to eliminate the assault weapons ban in this bill.

In 1967, when I entered my senior year of high school, one of the most popular songs of the day was Simon and Garfunkel's: "Sound of Silence."

For America's children in 1994, the "Sound of Silence" has been replaced by the sounds of sirens. The sounds of ambulances filled with critically wounded kids, victims of drive-by shootings, racing to emergency wards, where our doctors and nurses train for combat duty.

If you are a kid in America today, fear of guns is part of your life. It is no protection to be a Senator's son or a policewoman's daughter.

You fear guns. You have seen guns. You have known violence. Kids your age—and younger—have been killed in school, outside of school, near school, at school dances, at schoolmates' parties. You name it; it has happened.

In my hometown of Seattle, there is a group of mothers who have formed a group called MAVIA, Mothers Against Violence In America. Yes, even in America's most livable and most beautiful city, violence has reached an intolerable level.

I have been a Seattle mother for 18 years. As you can imagine, we are not the sit-back-and-take-it type. Over those 18 years, I have fought for preschool programs.

I have baked cakes and conducted book sales so that kids in my community would have greater in-school and after-school resources.

I have worked as a school board member and president and as a State legislator to provide greater opportunities for all of Washington's children.

And in 1994, look at the progress we, as a society, have made: Our moms today are not organizing mothers clubs to provide scholarship money, expanded libraries, or new computer equipment for our kids as they should be.

Mothers in Seattle have organized for something much more basic: their children's personal safety from guns and violence.

And, we in this body, the world's greatest deliberative body, can help them: we can get the assault weapon ban enacted and this crime bill passed.

I know there are things in the crime bill conference report with which all Senators can find fault. There are features of this bill that I do not favor.

I have spoken on this floor many times of my dealing with gang youth throughout my State. These are kids who have no sense of belonging other than to the very gangs which terrorize our communities.

For those kids, an ounce of prevention is worth a pound of prison.

What kids today do not understand is why we, the adults in the U.S. Senate, do not act. In Tacoma, young girls told me they joined gangs because they feel adults do not care about them.

If we do not act on this bill, there will be an outcry in this country the likes of which we have not heard since the time of the Vietnam war.

When I was first in the State legislature, I was in the minority and I realized that I had to reach across the aisle to get any of my bills passed. And so I did.

I applaud the other body for working together in a bipartisan fashion to put together this crime bill conference report. I particularly applaud those Members like Congressman MIKE CASTLE of Delaware, who put partisan concerns aside and worked to fashion a bill that the House could pass, that we could pass, and that the President could sign.

Further, I express my admiration for the mayors of the Nation's two largest cities, Mayor Giuliani and Mayor Riordan, for their commitment to make the streets of our country, in New York, in Los Angeles, and in Seattle and Spokane safe for our kids once again.

And I ask the question, which my kids ask me: Is there no MIKE CASTLE or Rudy Giuliani in the U.S. Senate?

Is there not one or two or three of the minority Members of this Chamber who will put people above partisanship and our children above their personal and political ambitions and help us finally vote out the assault weapon ban?

We have been told over and over and over again by some minority Members that this is not about guns. Senator HATCH has said almost verbatim: "We're not touching the gun ban."

But the truth emerged in yesterday's debate. When the majority leader was questioning the minority as to why we needed a cloture vote—60 votes—to pass this bill, the senior Senator from Alaska [Mr. STEVENS], in his usual blunt and forthright and truthful manner, said, this is about guns.

His reply to the majority leader question was: "That is guns. That is guns. We want a chance to see who is violating the second amendment, but we are willing to do it whenever you are ready."

I say to my colleagues who say this is not about guns: Your argument is dead.

I know there are brave and good people on the other side of the aisle in this Chamber. I know—and all of America knows—that there were 10 brave Republican Members of this body who voted for the assault weapons ban. You know who you are. We know who you are.

Please join us today to get something done to make our kids feel safe. To let our kids be kids again.

Today too many kids look at us and say we adults do not care about them.

As a Seattle mother, who knows from experience, nothing would be better than telling them they are wrong. I want them to know we do care. Let us show them we care about them first and foremost.

Many Members of this body are counting the days until we leave town. I, like many other parents in this Nation, am counting the days until my children start school again. They are fewer and fewer.

I implore my colleagues to pass this bill with the assault weapons ban intact today, so that when that first day of school gets here, I can send my kids off knowing we have taken a step in making their world a safer place.

I yield the floor.

Several Senators addressed the Chair.

Mr. STEVENS. Does the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Washington yield for a question?

Mrs. MURRAY. Yes, I will.

Mr. STEVENS. Mr. President, I first want to thank the Senator from Washington for her kind comment concerning my statement yesterday.

But what is so strange about the cloture process? We had 43 votes against the Feinstein amendment. From my point of view, I, and those of us who represent the people who believe this is the first step toward taking away all guns, indicated we would want to have some comments about that provision of this bill prior to final passage.

We do not want to filibuster. We have already indicated we will enter into a time agreement to limit the amount of comments we make and have a cloture vote. That is we are ready to have a cloture vote. We are not asking for anyone's consent.

What is the difference between that and the time I stood here on the floor and listened to Senator METZENBAUM for 2 days? We had to have the Vice President in the seat of the President of the Senate to table hundreds of amendments, one by one by one. We are not filibustering like that. As I said yesterday, all we want is a record vote to show who supports the second amendment. That is the only way we can get that vote, on a cloture motion.

Why is it that somehow or other, when one of us does this on this side, it is some cause celebre for the other side? Why does the Senator not even mention the fact that we have indicated we will cut short the procedure to prove we are not filibustering? We have said we will agree to 1 hour on each side before the vote on the cloture motion. We know the cloture motion will be laid down the minute we start talking. That has been done before. We are not filibustering.

If there is some way to—you want to approach it another way—we wanted to offer an amendment to delete the Feinstein amendment. The Senator from Maine, the distinguished majority leader, said, no, no, no. He came out and waved that around, everyone waved that around for 3 hours.

Mr. LAUTENBERG. Mr. President, point of order, is a question being asked?

Mr. STEVENS. This is a question. This is a question. I oppose the Senator's entering into this.

Mr. LAUTENBERG. Point of order. Is a question being asked, Mr. President?

Mr. STEVENS. I have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I am asking the Senator from Washington, why is this a cause celebre when we are merely exercising the right of every Senator of the United States?

Mrs. MURRAY. Mr. President, I very much appreciate the question from the Senator from Alaska because, again, I think it proves the point. I have no objection to the request for a cloture vote.

What I have objected to is that I have heard over and over again that this, the 60 votes, has nothing to do with the guns, has nothing to do with the assault weapon ban. I think the Senator from Alaska has pointed out quite directly that there are Members who do object and they are going to require a cloture motion vote because of the assault weapon ban that is in the bill.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alaska has the floor.

Mr. STEVENS. Just for a question. I thank the Chair.

Several Senators addressed the Chair.

Mr. D'AMATO. Mr. President, I have been here for quite a while now.

The PRESIDING OFFICER. The Senator from New York is recognized by the Chair. Mr. D'AMATO.

Mr. D'AMATO. Mr. President, I thank the Chair. I do not intend to take too much time but I do intend to point out something. I am tired of hearing what my objection is to passing the bill as it is, based upon other people's assumptions that it relates to assault weapons and other weapons. That is not the fact. That is absolutely not the case. I read editorials—I do not know where these editorial writers in the Daily News get their information, that I am opposed to this bill carte blanche.

I am opposed to certain provisions, and I think we can improve this bill. I think, for example, some of the sentencing provisions, some of the provisions as relates to seeing to it that when people use guns, they go to jail and they are not just let back out on the street.

The sexual predator provisions that were tightened up by the House as a result of Congresswoman MOLINARI, they assailed it, they chopped her up, they went after her because she said "no", and she was right to say "no", and she got some improvements in the House bill. And we still can do better.

This bill started out as a crime bill. We had tough provisions. We had provisions that said if somebody used a gun in the commission of a crime, automatic, 10 years; shoot the gun, 20 years; kill someone, death penalty—dropped out in conference—out.

Let me tell you what we have in here. We have a pig in a poke—pig in a poke. My mama said, "Don't buy a pig in a poke."

I will tell you, some of the leadership on the other side want to get partisan. I think they are partisan. I think the President, all he wants to do is yell about guns and a hundred thousand mythical police—mythical. There will never be 100,000 new police added as a result of this bill, and I have not seen one newspaper yet take it up and say, let us look at the facts, let us look at numbers. It does not work out that way. Impossible.

If every community put up their 25 percent match, if every community did—and they will not and they cannot, and most mayors tell you they will not do it—you cannot get over 30,000. You are not going to get 20,000, and I am not suggesting to you that 20,000 is not better than none. But do not deceive the people to get up with impunity and say, "There's going to be 100,000 more police." People want more police. They want to feel safe. It is just an extraordinary deviation from the truth. Some people are strangers to the truth. It is built into their character, in their nature. We see it, when you can get on TV and say 100,000 more police. There is not a scintilla of truth. Where are the great editorial writers? Do they talk about that? No. No.

This bill is loaded with pork and fat, and so let me say something right here. We have done some good things and we have gone into the social area, but we have been tough on crime. Violence against women, $1.8 billion. It has some social ramifications but important. It is a crime. When you batter women, we are going to go after you. Should be.

But let me give you one example. I think it is the second biggest piece of lard in here—the Local Partnership Act. Nobody knows what it is. Is it based on statistics? No. $1.6 billion. My mama told me, "Alfonse, don't buy a pig in a poke." That is what we are doing. Here it is. Old piggy and he is at the trough—at the trough—billions of dollars worth of pork, billions, billions. And we used here this little piggy went to market, had a little thing about that.

Man, this piggy is down there. He is eating, and that is your money, taxpayer money, and they have a right to know if it is really being spent to fight crime because they are willing to build prisons, they are willing to help local law enforcement, they are willing to go after the gangs, and they are willing to crack down on domestic violence.

Boy, he is getting big, and let me tell you something, billions of dollars. We should not be talking about it; we should be limited to one amendment—one amendment. Because we try to trim, somehow it is wrong.

Who can tell me about the Local Partnership Act and what it does? I can tell you a little bit about it—$1.6 billion that was stuck in in the House. It started as an economic stimulus package from the Congressman from Detroit, Congressman CONYERS. They trimmed it down.

Let me tell you, in awarding money—by the way, it is $1.6 billion. That is a lot of money. Let us use it to fight crime. Let us use it to build prisons. Let us use it to hire some of the police that we have not provided enough money for. Not to oink, oink and pig it up back in the local municipalities.

Let me tell you something, this bill has no relationship whatsoever to crime. The formulas are based on population and not crime rates. It is based upon other statistics—local contributions, local taxes, so that, for example, the city of Dallas, which has a higher crime rate than that of Detroit, gets $1 for $13 that go to Detroit. Let me ask you, is that a crime-fighting package, LPA? Do we really want to say we should not even have amendments, should not be allowed to offer them here, somehow that is un-American?

Do the editorial writers of the daily news really think that we should not even examine $1.6 billion—this is only one little aspect of the oink, oink. Maybe they think and maybe their mother never read them the rhyme, "Little Piggy Goes to Market," you know, comes back with whatever. I say and the American people say, we ought to pack up this little piggy and send him right back home without that money, cut that $1.6 billion—cut it. It should not be there.

That reminds me of another famous riddle, a little rhyme, and I will conclude with it. I think it makes the point. It goes like this:

President Clinton had a bill, e-i-e-i-o,
And in that bill was lots of pork, e-i-e-i-o.
New pork here, old pork there, here a pork, there a pork, everywhere a pork pork,
The President's bill cost much too much,
And it must be chopped.
With a chop chop here and a chop chop there,
Chop that pork off everywhere,
Then we'll have a bill that's fair, e-i-e-i-o.

[Applause.]

Mr. President, I thank you and I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, we have been witness to lots of interesting things on the floor of the U.S. Senate, the last one, the display of the barnyard. It is a barnyard all right, but it is not the big pig we are looking at. It is other stuff and if it looks like it, feels like it and it smells like it, we know what it is.

Mr. President, the Senate has a big decision before it today. We will permit politics and gridlock and pictures of Porky the Pig to delay enactment of the crime bill, or we are going to pass this legislation without wasting any more of our time, the public's time, or the public's money.

There is nothing more important to any one of us than the personal safety of our families, of our kids, of our wives, our husbands, our parents, our brothers, and our sisters. One does not have to have a crystal ball in front of them to sense the primary concern of the people in this country. I have walked the beat with policemen in New Jersey. I talked to people about their fear of crime in their stores and in their living rooms.

Safety is the most basic responsibility of a Government to its citizens. The minority of Senators—the minority of Senators—in this body who are blocking this legislation ought to listen to the American people. They ought to meet with the people who are shot at, some families who lost members on the Long Island Railroad by a maniac with a gun, assault-type weapon, rapid-fire weapon.

The Senator in the chair, the distinguished colleague from Arizona, and I all served in the military. I carried a carbine. I was supposed to kill the enemy, but I could not get as many shots off with my carbine as some of these guys can with one of these rapid-fire assault weapons.

So they ought to listen to the families who lost kids in school where they should have been learning instead of dying. That is what they ought to do. Let them tell the pork stories to those kids, those nursery rhymes.

Let us put the police on the street where they belong. They ought to hear the families who are afraid to let their children play outdoors or walk to school. They have to hear the families who are worried about their personal security, the elderly who triple lock their doors at night, look around, make sure there is nobody there, all kind of devices to alert somebody. Look what has happened with the burglar alarm business, security business in our country. We are turning into a fortress because we will not stop the criminals dead in their tracks.

They ought to talk to people who worry about their security when they go to work, go out to shop or just go for a drive. They ought to listen to America's brave police officers who struggle to protect the public from criminals who are often better armed than they, the police, are.

Mr. President, contrary to others who do the arithmetic differently, the bill says, and the bill will, put 100,000 new police in America's neighborhoods and on their streets.

Yes, it is going to require some matching funds from the communities. That is the way it ought to be. The average cost of putting a patrol person out there is about $24,000, and if you divide it into the rough $8 billion, you get 100,000—you get more.

In my State of New Jersey, it means 2,800 more officers walking the beat, making the streets safer, and making it more dangerous for the criminals. It will put felons behind bars where they belong with a "three strikes and you're stuck inside" provision, funding for new prisons, and incentives for States to stop letting prisoners out early.

In my State of New Jersey and across the country, criminals serve on the average just half of their original sentence. As a matter of fact, it is in the low 40 percent. When a criminal gets a light sentence, it is often not the judge's fault. There is simply no room in our State prisons or our county prisons or our city jails for more inmates. This bill provides the funding we need to make sure that criminals can be locked away until they no longer pose a threat to the safety of our society.

Mr. President, this bill, thank goodness, will ban 19 types of assault weapons—guns that were manufactured originally for the battlefields, not the neighborhood or not the street corners. It will limit gun possession by juveniles, making playgrounds and schools safer for America's children and freeing parents from the daily anxiety of whether their children will be able to come home from school alive and safe.

It will enable law enforcement officials to alert the community when a sexual predator is in town so that parents can better protect their children from the type of tragedy that befell two families in New Jersey not too long ago—a 7-year-old child raped and murdered by a sexual predator with a reputation and a record for sexual offenses. Had the neighborhood known about this guy, just perhaps, just perhaps, Megan Kanka would be alive today. But we ought to make sure that the Megan Kankas of the future have an extra chance of surviving rather than permitting these sexual deviants to wander the neighborhoods.

It will allow evidence of a defendant's prior sex offenses to be admitted in Federal trials so that repeat offenders will be punished with the stiff sentences they deserve.

It includes a special section to protect women from sexual and domestic violence, including funding for emergency shelters so that women who are threatened by an abusive husband can escape with their children to a safe haven.

Mr. President, last week I visited a coalition center for women who have been battered and sexually abused. Rape is among the least reported crimes. There is a reason for it—because if they report it, they are liable to pay for it with their lives because they cannot escape their environment. There are children often involved and there is no other place to go. We have to be able to help, Mr. President, by having that $1.6 billion available for the Violence Against Women Act.

The bill contains prevention programs that will give children and young adults a safe alternative to the dangerous world of drugs and guns and crime.

With all of these provisions to fight crime and to make life safer for American families, why, Mr. President, are some in this Chamber trying to kill this bill? A television comedian remarked last week that he could not understand how an anticrime bill could face defeat in the House of Representatives. This was before they passed it out. He asked the question, half in jest, but what a message: Did the criminals have such great lobbyists, he asked? Unfortunately, the answer is yes. Mr. President, the answer is yes.

I do not suggest for a moment that anybody in this body wants to defend criminals, but by the action that they are taking, by their unwillingness to put this bill into place and get more cops out there, get the prisons built, get those assault weapons off the street, they are aiding and abetting, again I say without intention, but that is the net result.

Criminals do not have to come to town. They do not have to come to Washington because, deliberately or otherwise, they have one of the best funded, most powerful organizations in town fighting their cause for them, an organization that is willing to scuttle a comprehensive crime fighting package in order to pursue their own extremist, narrow, special-interest agenda, an organization that bought television time and ran distorted ads attacking the prevention provisions of the crime bill without even mentioning the real reason they oppose this comprehensive crime fighting package, an organization whose chief lobbyist was quoted a couple days ago saying they "want to screw the bill up, and anything that screws the bill up," so they said, "is fine with them."

Mr. President, how much longer will we allow the tainted money of the National Rifle Association to drown out the cries of the American gun victims and their families?

When will Congress recognize the NRA lobbyists for what they are?

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER. Will the Senator suspend, please. Galleries are precluded from responding to Senators' statements. Will the Sergeant at Arms please restore order in the gallery.

Mr. LAUTENBERG. Mr. President, the admonition is right, even if they agree with me. We thank them.

Mr. President, how much longer will we allow the National Rifle Association the privilege of determining what legislative action happens in this body?

When will the Congress recognize the NRA lobbyists for what they are—a core of committed ideologues who shut their eyes and ears to the fact that 15,000 Americans were killed by firearms in 1992? The NRA repeatedly says, "Guns don't kill people; people kill people." Of course, it needs a person to pull the trigger. But you cannot pull the trigger if you do not have a gun in your hand. So that is true, but it is also inaccurate and insulting.

Sweden has people; great Britain has people; Japan has people. But in 1990, Mr. President, handguns killed just 13 people in Sweden, 22 people in Great Britain, and 87 people in Japan. I remind everybody the United States, in the United States we lost 10,500 people in 1990. And I will repeat it for the RECORD, just to make it clear. We lost 10,500 of our citizens to guns in 1990; in Japan, 87 people—they are about two-thirds our size—22 people in Great Britain, and 13 people in Sweden. Why? They have people who are angry, people who are maladjusted. What they do not have is the gun to pull the trigger.

The problem is not that we have too many people in America. We just have too darn many guns. You have not ever heard of a drive-by-stabbing or seen any headlines about aggrieved employees going back to their office where they were detected committing multiple murders with baseball bats. Or have you not heard stories about a child who gets a gun from the father's drawer and commits suicide in a desperate moment? That child is not a criminal, but that child took her life. We have seen it too many times in the State of New Jersey and across this country. The bottom line is, Mr. President, fewer guns mean fewer deaths.

The NRA opposed the Brady bill. They even opposed a tax on the black talon, ammunition so diabolical that its manufacturer voluntarily took it off the market. But the NRA objected to that tax.

Mr. President, anybody—anybody—can wait 5 days to get a gun permit. A sportsman can wait. A sportsman does not need a black talon to hit a target or kill a deer. And there is no sport that requires the use of an assault weapon. Let us be honest.

Let us be honest. There may be a lot of sportsmen who belong to the NRA. But leadership of the NRA is sporting within innocent American lives. No one is trying to take away their guns or eliminate the second amendment. But we are trying to save lives and have more order in our society. We do not want to lose our kids to random shootings. We do not want our families assaulted by someone bent on criminal activity. We want to save lives. We want better controls in the sale and use of lethal weapons.

Mr. President, 14 children are killed by gunfire each day in the United States; 14 American children whose lives might be saved by tougher gun laws.

Every hour in America 360 guns roll off the assembly line. We are not trying to stop the line. But we are trying to prevent criminals from getting their hands on assault weapons. We are trying to protect the police who protect us. We are trying to hear the truth rather than the fabrications of the NRA.

Seventy percent of the American people support an assault weapon ban. The least we ought to do is listen to 70 percent of the people and not be misguided by dishonest special interest threats.

Mr. President, it is embarrassing in the U.S. Senate these days to disgrace itself with these obstructionist tactics. When the crime bill passed last year, 95 Senators voted to approve it. Now, suddenly my friends in the Republican Party have abandoned the bill. I hate to be cynical, but it seems to me that their concerns are more about the bill's effect on political fortunes than its effect on the safety of the American people.

I ask my colleagues on both sides of the aisle not to deny the American people a reasonable crime bill for partisan reasons.

We are holding this bill hostage in Washington. Worse than that, we are holding families across this country hostage in their homes.

Mr. President, I hope my colleagues will pass the crime bill without further delay so that we get the cops on the streets, criminals in jail, and assault weapons and guns out of our neighborhoods.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Thank you, Mr. President.

I see my distinguished colleague from Utah on the floor, and also my friend, Senator WELLSTONE from Minnesota, who has been patiently waiting for a long period of time as well.

Mr. President, first of all, I would like to say that those of us who did not have the pleasure of witnessing the singing of the Senator from New York, although it was not illuminating, it was certainly entertaining. And perhaps a little entertainment might be in order at this seemingly more partisan and bitter period of this session of the Senate.

I would urge my colleague from New York to perhaps take some singing lessons, however, before he entertains us again.

THE CUBAN REFUGEES

Mr. McCAIN. Mr. President, I will be brief.

Mr. President, I appreciate the dilemma the administration is currently confronting in the mass exodus of Cuban refugees to the United States. It is a complicated, urgent problem that, as the President noted, is at least in part an attempt by Fidel Castro to control our immigration policy.

As past experience has shown, along with the many politically persecuted Cubans who have joined the exodus and who deserve refuge in the United States, there are certainly many thousands of Cuban prison and mental ward inmates whom Castro has again attempted to export to the United States in the expectation that their arrival on our shores will weaken American opposition to Castro's cruel regime.

With one exception that I will mention in a moment, I support the actions the administration has taken to demonstrate to Castro that his latest, cynical attempt to coerce the United States into terminating the embargo against Cuba will have the reverse effect.

Included in the administration response are the following steps: The termination of charter flights from the

United States to Cuba; the more aggressive use of television and radio broadcasts from the United States to Cuba, supporting Radio Marti with additional broadcasts from United States military aircraft; and the pursuit of a U.N. condemnation of Cuban human rights abuses.

As I said, I support these actions and commend the President for taking them. I do disagree, however, with the administration's decision to cut off remittances from Cuban-Americans to their loved ones who remain trapped in Castro's island prison. I appreciate the fact that these remittances help sustain—to a limited degree—the economy that 35 years of Castro's socialism has devastated. However, the hardship that a curtailment of these remittances would impose on Cubans whose misfortune it is to live in tyranny is too great a cost to make this additional sanction worthwhile.

In fact, there are many aged and elderly citizens of Cuba. Without these remittances, many of them would literally starve to death. It is a mistake. It will increase—not decrease—the pressures for people to leave Cuba, and works in direct contravention, in my view, as it does in Haiti, with our desire to prevent people to have incentives for people not to immigrate.

We cannot forget that the ultimate object of our policy for Cuba is the liberation of the Cuban people from tyranny and deprivation. And while an economic embargo intended to hasten their liberation from tyranny will unavoidably contribute to their current deprivation, we should not exacerbate their misery to such an extent that it becomes impossible for human beings to bear. It is a difficult calibration, I admit. But closer cooperation between the head and the heart will help U.S. policymakers to manage it.

Let us also take this moment, Mr. President, to illuminate the means—the only means—by which Castro can escape the economic embargo imposed against him by the United States—free, fair, and internationally supervised elections. Should Castro at long last succumb to the verdict of history and admit that his aging experiment in Marxism-Leninism has failed utterly, and in recognition of that failure, agree to holding free and fair elections, the United States should be prepared to initiate a series of modifications to the embargo tied to different stages in the election—from the conclusion of an agreement to hold them to the point when it is assured that the verdict of the Cuban people will be respected by Cuba's current leaders. The United States should also be prepared to help provide the means to hold and observe these elections.

The United States should be prepared to provide assistance to Cuba so that, when a definite date is set for free and fair elections in Cuba, the United States will move forward rapidly, and we will provide incentives along the way.

Should Castro, at long last, concede the failure of this regime and recognize his people's longing for the inevitable triumph of democratic values in Cuba by allowing truly competitive and regular elections, then, and only then, should the United States begin to normalize our relationship with Cuba.

Mr. President, the other day the President said he was not going to allow Fidel Castro to dictate our emigration policy. The fact is Fidel Castro is, because there is no carrot here. We have to make it clear that free and fair elections will alleviate the suffering of the Cuban people, and they will also allow Castro to have some incentive to finally recognize the failure of Marxism-Leninism in that small and very unhappy country.

Mr. President, I appreciate the patience of my colleague from Utah.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, we are coming down to the wire here today on this particular conference report. One way or the other, we are going to resolve it. I think we should. I think we have debated it enough.

But I have been absolutely astounded to find out that last week the National Association of Assistant United States Attorneys—the National Association of Assistant United States Attorneys—who took the brave and unprecedented stand of opposing certain aspects of this crime bill are now being threatened by politicians in the Justice Department.

(Mr. REID assumed the chair.)

Mr. HATCH. This organization of the assistant U.S. attorneys, the National Association of Assistant United States Attorneys, represents the nearly 4,000 Federal prosecutors who have to prosecute Federal violent crimes. Nobody is on the front lines more than these 4,000 prosecutors. They are Democrats, Republicans, Independents, and are nonpolitical. They prosecute the Federal violent crimes, the Federal drug cases, and white-collar crime cases, among others. They have the guts, as an organization, to express their opposition to this conference report's mandatory minimum—I should say, to the original conference report's minimum repeal proposal and this conference mandatory minimum repeal proposal in this bill. They had the guts to stand up and speak out, as they should have, in helping us to know what to do to arrive at the appropriate posture legislatively on this bill.

It has come to my attention that some of these prosecutors on the board of the association have been threatened with political reprisals. Worse yet, they have been reportedly threatened with criminal prosecution under 18 United States Code, section 205, the Federal conflict of interest section. I believe that this is the correct section.

How dare the political cronies of the Clinton administration abuse the prosecutorial powers of the Justice Department for political gain so they can get their way on this bill. How dare they subject their own prosecutors to this sort of blackmail. How dare they. I am standing here and I am sending a warning to this administration: I will be watching them regardless of what happens to this bill. If they take any action against these brave men and women who took a position on principle, not politics, and in the interest of justice, there is going to be a sorry day of reckoning for them if it takes every fiber of my being to get us there.

When I heard that this morning, I was absolutely outraged. It shows the lengths to which they would go to get this—I want to be nice about it—so-called crime bill through both Houses of Congress. They have a tremendous majority in the House of Representatives, a tremendous majority in the Senate, and they are having some trouble getting their way. So they play this kind of political games and chicanery.

There are a lot of us who are just plain sick of trying to stop this gravy-sucking hog called the Federal Government and its liberal friends from eating us alive. It is a Federal hog. And some think that the only issue in this bill happens to be the money issues. Those are important, but there are real issues, in addition to the soft language against crime throughout this bill.

The amendments that we have called for would not only take the $5 billion away from the gravy-sucking hog called the Federal Government in this instance. They are sucking the taxpayers dry while this Government gets fatter and fatter, and the people get poorer and poorer, and this country gets worse off. In addition to that, we want to tighten that present language, because it allows them to do almost anything they want to with the money as long as they call it prevention.

I would like to say that this happens to do a lot with the pork in this bill. There are $11 billion in discretionary grants in this bill, and that has to do with pork as well. The Simpson amendment to expedite criminal alien deportation, it seems to me, is critical to this country. What are the people in California going to do if they just indict and convict these criminal aliens, and they get out, and because the Immigration and Naturalization Service is so doggone busy and oppressed and so underfunded, they cannot keep track of them, and they go right out on the street and commit more crimes? This amendment would solve that for California and Arizona and Texas and Florida—you name any of those States where they have this problem. It is one of the few chances to solve the immigration problem in this society, and amazingly the Democrats in the House took it out. We want to put it back in.

What that means is that once a criminal alien is sentenced, the judge can immediately issue an order for deportation to throw that person out of this country the minute they have served their time, so they do not mess up our country anymore, so they cannot just go out and go into the streets and do the same thing they did before this happened. How could anybody be against that? Yet, my colleagues on the other side do not want that amendment. Why? Because they are going to lose on it. If they do not lose, they know darn well the American people are going to hold them responsible for it. I would think that our Congresspeople and Senators from these States would fight their guts out to have that amendment in this bill, which is the opportunity I would like to give them.

Mandatory minimum penalties for use of a gun. How could anybody be against that, if you are really serious about doing something about gun crimes in our society? How about the mandatory minimum penalties for selling drugs to minors? How in the world can you be against that if we are serious about helping our kids and our society? I hear all this talk about prevention being the answer. Well, I agree. We have 266 programs in existence right now on prevention—without this bill. Why can we not do something on mandatory minimum penalties for anybody who sells drugs to our kids? Why? Who would fight against that? Well, I have to tell you, the offer that the majority has sent back to us fights against these amendments.

How about mandatory minimum penalties for employing minors to sell drugs? Who could be against that? But their offer back to us is only to have one vote on the pork and that is it. That does not cover all of the pork. That only covers $5 billion of it. It does not cover all of the discretionary grants in this bill and the poor language and the weak-on-crime language that is in this bill. We are trying to put some tough-on-crime language in this bill, but they do not want to vote on these matters. Why? Because we might win on them. There are enough Democrats over here who voted with us when the programs were in the Senate bill then before. In fact, we were instructed by the Senate—Senator BIDEN and I—to keep them in the conference report. Somewhere along the way, although I fought very hard for them, they were taken out in the back rooms of the conference committee.

Of course, I was not there in the back rooms. I was waiting for them to come out of the back room so I could see what we were going to have to eat.

One program the conference dropped is mandatory minimums. One of our amendments is to restore this program. We want the tougher Senate mandatory minimum language in the final language.

Furthermore, we are willing for first-time offenders, who really have not used guns, have not sold guns, and have not had a gun in their schools, and other types of injustices like that, not have mandatory minimum penalties apply to them. I was the author of that. I am a conservative, but I also see where there is some injustice for these first-time offenders.

What about the Mafia drug lord whose action resulted in the death and killing of hundreds of thousands of our people? What about that Mafia drug lord? That Mafia drug lord, I might add, under the Democrat language of the conference report, because this may be his or her first conviction, is not subject to mandatory minimum penalties. Put back the mandatory minimum language so as to affect the Mafia drug lord.

That is what these folks over here do not want to vote on. Why? Because maybe they can beat us on it, but I do not think they can, because they are going to lose. If they lose, this bill will become much tougher and, I think, would have much more support, certainly from our side.

But the other aspect of that particular amendment is that the Federal prosecutors, these assistant U.S. attorneys from this National Association of United States Attorneys, had the guts to come forth during the House deliberations last weekend and make it clear that they support the Senate language rather than the House language or this conference report language.

Now, there are those who are threatening them politically, threatening them with reprisals for having done that. That is the way this game has been played throughout. I hate to see it.

I cannot understand why the left in this country wants this bill so badly that they are willing to even trample upon the rights of the Federal prosecutors in the process and do it politically. I am sure they did not want anybody to ever find out about this, but this outraged some of the prosecutors so badly they are willing to stand up and say, "We are sick of it ourselves."

I have had more than one of them say, "We think it is a lousy crime bill in its current form and it ought to be defeated."

We have an offer back from the Democrats, from the majority leader, that will allow one vote, one vote on the pork barrel aspects, as we have called them, the $5 billion, although, remember, there is a lot of other pork in this soft language. But they will allow one vote.

The problem is that the rest of the pork will not be affected. It will not come out. We all know that. Then the remaining amendments, which would tighten this bill and make it a tough anticrime bill, at least more than it is, they are unwilling to face. I suspect they are unwilling to face it because we would win on most of them because we won on them before.

Mr. President, I am really concerned. When it gets this tough, when prosecutors are tramped on and treated like this for political purposes, it ought to tell everybody in America what is happening here.

I would like someone from the other side to tell me why these other amendments are so bad, why we should not tighten the prison language, why we should not have an amendment to deport criminal aliens? Why should we have to support them? Why should we have them committing crimes in our country? Why should we not, once they have served their time, get them out of our country? Do you know what that means to California? Do you know what that means to Arizona? Do you know what that means to Florida and each State in this Union, to be honest with you? Right now we do not have that law.

Mandatory minimum for gun sentences—how can anybody be against it? But they are. How about a mandatory minimum for selling drugs to minors? How could anybody be against those? And mandatory minimum penalties for those who employ minors to sell drugs?

I do not know how the point of order is going to go. I can say this: If the point of order is sustained, these will be the amendments that we would offer. These would be the only amendments, and we would deliver our side on this issue if the point of order is sustained. There will not be any other amendments. It will be the deal that we sent over there yesterday: One final cloture vote, which they know they will win, and final passage on the bill ultimately once the House acts on the concurrent resolution.

But we will guarantee that these are the only amendments that we will call up, win or lose on, if we win on the point of order. If we lose, then it is over, and we understand that, and we will accept it. But we will not feel good about it.

Let me just go through that one more time so my colleagues understand why I am so worked up this morning.

Mr. BIDEN. Mr. President, will the Senator yield for a comment?

Mr. HATCH. Yes.

Mr. BIDEN. I listened to every single word the Senator said on television and here. I understand why he says he is worked up.

Mr. HATCH. I am worked up about it.

Mr. BIDEN. There is no need to repeat unless the Senator would like to repeat it.

Mr. McCAIN. Coming from someone who never talks less than 2 hours, that is a very interesting comment.

Mr. BIDEN. I thank my colleague—he is such a generous man—for his pointing that out.

Mr. HATCH. I will be happy to yield without losing my right to the floor.

First, let me just say this, that I personally enjoyed listening to my colleague because he is knowledgeable on this bill and I have respect for him. We worked hard together on many aspects of this bill.

Mr. BIDEN. Yes.

Mr. HATCH. Let me just say this: The discretionary spending in this bill on the prevention side happens to be $1 billion for the drug courts, $625 million for the model intensive grants, $245 million for the family and community endeavor schools, the faceless part of the school, $271 million for the community economic partnerships, which, of course, is going to allow community development corporations to spend this money to improve the communities. By the way, there is a lot of money being spent on that right now. In fact, a lot of these programs are very good programs.

There is $91 million for the ounce-of-prevention grants, $50 million for the community-based justice grants, $24 million for community—not police recruitment, not the police department recruitment of their own police officers—but community efforts to recruit police. I wonder why the police department cannot do that. There is $35 million for delinquent and at-risk youth. Keep in mind there are 266 programs and more than $3 billion already being used for that. You have gang resistance education and training grants, the GREAT Program, $22.5 million. That subtotal comes to $2,363,500,000.

Now on the law enforcement side, here is where the discretionary grants are there. You have community policing, $6.6 billion, contained in very broad language, very broad language, indeed. You have prison grants, $710 million. Again, no real definitive direction on how to spend the money; it is encompassed in very broad language, which we would like to tighten up. It is pork as far as we are concerned if the language is not tightened up. But that will not be solved by the $5 billion of pork. It will be solved by the extra amendments to tighten up the language.

And there is a total of $7.3 billion just in the pork we could control by tightening up the language and making it go for the purpose all of us thought it was going for.

There is $1.8 billion for alien incarceration, but, of course, no alien deportation is proffered. We are going to pay to keep them in our prisons, but we are not going to allow the judge to issue a deportation order.

There is $150 million for Federal assistance to State courts.

That comes to a total of $9.260 billion of just general grant money. And if you add that to the $2,363,500,000, you are talking about $11.623 billion in discretionary grants.

Now, this, of course, is based on an analysis by the Senate Budget Committee. We would like to solve some of those problems. And we could cover, in some of these grants, an awful lot of that and make it go for better purposes.

Mr. MITCHELL. Mr. President, will the Senator yield for a question?

Mr. HATCH. I would be happy to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I inquire whether or not our Republican colleagues are ready to proceed to bring this matter to a conclusion in the following manner: I have proposed an agreement this morning, which my colleague from Utah has rejected. I propose, as soon as the distinguished Republican leader comes to the floor—which we were advised sometime ago would be momentarily—that I present the unanimous-consent request which is the language identical to that presented to me by the distinguished Republican leader, the change being in the amendment, as the Senator from Utah suggested. I understand that will be objected to.

Following that, I understand Senator DOMENICI will be recognized to make the point of order. Following that, I would seek recognition to make the motion to waive the point of order and then the Senate, having debated this matter now for 4 days, I believe it appropriate to vote on it, to bring it to a conclusion one way or the other, vote on the point of order.

If the point of order is sustained, why, then, of course, unless later reversed, the conference report would be defeated. If the point of order is not sustained, I would hope we could proceed to complete action on the bill.

In either event—either that the point of order is sustained or we complete action on the bill—I would hope we could do it promptly. And it would be my intention then to have the Senate adjourn until after Labor Day.

So my question is—I directed it originally to the Senator from Utah; I notice the distinguished Republican leader is present, so I would direct it to him—if we can proceed on this in the manner as suggested and bring this matter to a conclusion one way or the other?

Mr. HATCH. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I am happy to yield for these purposes between the two leaders.

The PRESIDING OFFICER. Yielding to whom?

Mr. HATCH. I am happy to yield for a discussion between the two leaders, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I would like to work it out that the two leaders would have a discussion and then Senator HATCH could be recognized.

Mr. HATCH. I ask unanimous consent that the two leaders be recognized, with the floor coming back to me later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Is the Senator prepared for me to put the request?

Might I ask, is this procedure acceptable, to put the request, it would be objected to, and Senator DOMENICI or some other Senator would be recognized to make the point of order, and I would be recognized to make the motion to waive?

Mr. DOLE. Yes.

Mr. MITCHELL. That is agreeable.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, as Senator HATCH has previously explained, the document I will now read is a proposed agreement, entitled "Crime Consent Agreement," which was prepared by Senator DOLE and presented to me yesterday. The terms of the agreement are unchanged and identical to the form in which it was presented to me; indeed, this is the original document itself.

The document was accompanied by a list of 10 amendments, the first 4 of which related to so-called spending in the bill. The change that is made with respect to our offer is to consolidate the first four amendments on the list we received into a single amendment regarding spending, and that would be the only amendment under this proposal which Senator HATCH has indicated is not acceptable.

Therefore, Mr. President, understanding that there will be objection:

I ask unanimous consent that the pending crime conference be laid aside.

I further ask unanimous consent that the Senate now proceed to a Senate Concurrent Resolution that would correct the enrollment of the conference report to accompany H.R. 3355, and that it be considered under the following agreement: (With all amendments limited to 1 hour, equally divided).

The document then says, "Read list of amendments," but I will simply send the amendment list to the desk, as I have described.

I further ask unanimous consent that following the disposition of the above mentioned amendments, if any amendments are agreed to, the conference report be placed back on the Calendar and it not be in order in the Senate to consider that conference until the House has adopted the Senate concurrent resolution, as amended, if amended.

I further ask unanimous consent that if all the amendments mentioned above are defeated or tabled, then the Senate proceed to a vote on cloture on the conference report, at a time to be determined by the majority leader, after consultation with the Republican leader, with 2 hours equally divided between the two leaders prior to the cloture vote, and that if cloture is invoked, the Senate proceed to an immediate vote on adoption of the conference report.

Finally, I ask unanimous consent that if the House agrees to the Senate concurrent resolution as amended, then it be in order for the majority leader, after consultation with the Republican leader, proceed to the crime conference report.

I believe the word "to" should be inserted in there, so I insert the word "to" proceed.

And there then be 2 hours for debate, to be followed by a cloture vote on the conference report, and if cloture is invoked, the Senate proceed to adoption of the conference report, without any intervening action or debate.

I send the list of amendments to the desk.

The list of amendments follows:

There being no objection, the list of amendments was ordered to be printed in the RECORD, as follows:

LIST OF AMENDMENTS

One amendment striking approximately $5 billion in "social spending" from the conference report, as follows:

Strike Local Partnership Act (Title III, Subtitle J).

Strike Model Intensive Grants (Title III, Subtitle C).

Strike:

Local Crime Prevention Block Grants (Title III, Subtitle B);

Family and Community Endeavor Schools (Title III, Subtitle D, section 30402);

Community-Based Justice Grants (Title III, Subtitle Q);

Urban Recreation (Title III, Subtitle O);

At-Risk Youth (Title III, Subtitle G);

Police Recruitment (Title III, Subtitle H).

Strike:

National Community Economic Partnership (Title III, Subtitle K);

Community Schools (Title III, Subtitle D, section 30401);

Ounce of Prevention (Title III, Subtitle A);

Family Unity Demonstration Project (Title III, Subtitle S, chapter 2);

Gang Resistance Education and Training (Title III, Subtitle X);

Drug Courts (Title V).

The PRESIDING OFFICER. Is there objection to the unanimous-consent request.

Mr. DOLE. Mr. President, reserving the right to object.

I was not on the floor earlier, but the Senator from Utah may have already made the distinction.

We suggested 10 amendments. We get back one amendment and we are told this is something that ought to be acceptable. We had four amendments on spending. They lumped it together in one, and then the other six amendments that we think are fairly important, like expediting criminal alien deportation, mandatory minimum penalties for gun crimes, mandatory minimum penalties for selling drugs to minors, mandatory minimum penalties for employing minors to sell drugs, tightening up truth-in-sentencing, and making certain money is going to be spent for prisons.

We believe that notwithstanding the fact that these amendments passed the Senate at an earlier time, over 30-some amendments, according to the Senator from Utah, were dropped in the conference. And further, with the reservation I assume that it is easier to vote to table this one big pork amendment than a lot of little pork amendments. That is probably a good strategy. Maybe that will be successful—a lot of big pork amendments.

Because we had one which saves $1.62 billion, one of $235 million, one saves $724 million, one to save $2 billion. We were going to have four amendments and ask our colleagues to take a look at each of those. I assume the majority has concluded that if we just lump all these together and throw out all the amendments that nobody wants to vote against, then try to convince enough Republicans to join with Democrats to waive the point of order—the motion.

So therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MITCHELL. I thank my colleague. I do not intend to prolong this discussion. I merely want to say from our standpoint we regarded the offer as a very fair and reasonable one because we accepted the truly extraordinary procedure that was suggested with respect to offering amendments to the conference report. At least in the 6 years I have been majority leader I have no recollection of this procedure ever having been used. And, therefore, we felt that agreeing to this procedure was a major concession. It was something, I would say to my colleague, about which there is a great deal of reservation by many Members of the Senate because, as we all know, conference reports are not amendable under Senate rules and this would have done so.

At the same time, the debate over the past several days has focused primarily on the spending issue and we felt that, further, by having a vote on the spending issue was a major concession.

I can understand the view of my friend and colleague from their standpoint it was not acceptable. But we felt from our standpoint it was a major concession on our part, to make this proposal, and it now having been objected to, I suggest we proceed to the budget point of order and the waiver and then let us vote on the matter and dispose of it.

The PRESIDING OFFICER. The Senator from Utah has the floor?

Mr. MITCHELL. I believe we agreed the Senator from New Mexico would be recognized to make a point of order.

Mr. HATCH. I thought I had the floor.

The PRESIDING OFFICER. The Senator from New Mexico has been yielded the floor by the Senator from Utah for making a point of order.

Mr. HATCH. For that purpose, not losing my rights to the floor—but I formally protect it.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, pursuant to Budget Act section 306, I raise the point of order against the conference report on the basis that it contains matters within the jurisdiction of the Senate Budget Committee, and because it has not been considered by the Budget Committee it is subject to a point of order. I make such a point of order.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I move to waive the Budget Act for the consideration of the conference report.

The PRESIDING OFFICER. The motion to waive, of course, is debatable. The Senator from Utah has the floor. Is the majority leader finished?

Mr. MITCHELL. No, I just ask the Senator if he will yield for me to make a comment.

Mr. HATCH. For that purpose only.

Mr. MITCHELL. I say to my colleagues, we have debated this matter now for 4 days. I believe all Senators are fully aware of the issues involved. I hope we can vote as soon as possible. I propose we vote immediately and whatever the outcome, pursue the alternatives which I suggested, which I repeat again.

If the point of order prevails and the motion to waive fails, in my view there will be no point in remaining in session and I will suggest that we adjourn until after Labor Day.

If the point of order fails and the motion to waive prevails, I believe we should complete action on this bill as soon as possible thereafter, and then adjourn until after Labor Day.

So I hope we can get on with this. The matter having been fully debated, let us bring it to a vote, let us decide it one way or the other at this time.

I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, of course naturally we are going to bring this to conclusion today, one way or the other, at least as far as Senators going home.

I pledge if we sustain this point of order and the other side of the aisle cooperates, and the President is willing, we will deliver a tougher crime bill to the American people. It will take a little while longer but Congress has plenty of time left before it adjourns this fall to send a tough crime bill to the President. We will increase spending on law enforcement, we will target prison spending on building and operating actual conventional prison space—that is if our amendments are adopted. So we would concentrate on actually building and operating actual conventional prison space, not alternative facilities to prisons or other soft-headed approaches to punishment which characterizes the Clinton administration's approach. We will drop the requirement that States must establish a liberal corrections policy, dictated by the Federal Government, before they can receive this money.

We will distribute this money and the other funds in the bill fairly. We will do away with the administration's wide discretion to use the funding in this bill as a virtual political slush fund. We will cut more pork, hopefully all of it, from the bill, not just the amount we are talking about. We will add back tough provisions adopted in the Senate in November but dropped in a conference controlled by the liberals on the other side of the aisle in both Houses. We would add back into the bill tough anticrime provisions such as mandatory minimum penalties for gun crimes. We would add back into the bill tough mandatory minimum penalties for selling drugs to children, or employing them in drug crimes. We would add back the Dole-Hatch-Brown provision providing tough Federal penalties for violent juvenile gang offenses. We would add provisions like the Smith-Simpson Terrorist Alien Removal Act to address the threat of terrorism being imported to our streets. We would add provisions like the Simpson criminal alien deportation provision which expedites the removal of convicted aliens from our country after they do time, and similar other tough provisions.

If the point of order is upheld, we will hear a series of counterproductive partisan blasts from the President and his allies, no doubt about it. I have not engaged in the inside-the-beltway exercise, but after the partisan rhetoric clears, if the President and his allies want a tough crime bill they will be able to get one from this side of the aisle.

I was making my point a little earlier that we already have seven Federal departments sponsoring 266 programs which serve delinquent and at-risk youth: 31 of them in the Department of Education, 92 in the Department of Health and Human Services, 3 in the Department of Housing and Urban Development, 9 in the Department of the Interior, 117 in the Department of Justice, 8 in the Department of Labor, and 6 in the Department of Transportation—all for programs which serve delinquent and at-risk youth; 266 Federal programs. Now we want to add even more. Even though the source of this, of course, is the General Accounting Office of the United States of America, May 5, 1994—this is what they have said here.

They have also said, just to make it abundantly clear, the General Accounting Office recently reported that there are already 7 Federal departments sponsoring, like I say, 266 prevention programs. The GAO found that there already exists "a massive Federal effort on behalf of troubled youth."

They also say:

> Taken together, the scope and the number of multiagency programs show that the Government is responsive to the needs of these young people. It is apparent from the Federal activities and response that the needs of delinquent youth are being taken quite seriously.

Yet, we have all kinds of money in this bill for that purpose.

Now, in the Crime Control Fund, the trust fund proposed by the Democrats as a means of financing this conference report, I think it has been amply explained that is going to increase the deficit by $13 billion if this bill passes in its current form. The crime control fund, as proposed in the Senate-passed bill, was deficit neutral. As proposed in the Republican alternative, deficit neutral—meaning it would not cost the taxpayers additional moneys. Nor would the deficit be increased because the crime control fund in the Senate bill provided for a lowering of the discretionary spending caps by an amount exactly equal to what is transferred into the crime fund.

The proposed Democrat fund in this bill, in this conference report now, on the other hand, lowers the caps through 1998 but extends the crime fund through the year 2000. Almost half of the funding of this bill is concentrated in the last 2 years. So the American people, if this bill passes, if we lose on the point of order and it passes, which would be the case, they are being sold a bill of goods as to how much this is going to do against crime, because most of this funding comes in the last 2 years, 1999 and the year 2000.

The reason that is so—well, there are a variety of reasons that is so. The discretionary caps run through 1998. Therefore, spending after that year without the control mechanism of the caps results in an increase in the deficit.

So you are talking $13 billion in deficit spending under this bill if it passes today, or whenever.

My colleagues on the other side may well argue that the crime bill is paid for by reductions in the Federal work force. However, the only real way to make sure those savings will be used for the crime bill is to limit the possibility that they cannot be spent elsewhere.

The only way to do this is to lower the overall cap on discretionary spending by the amount that is set aside for this crime bill, and they are unwilling to do that. By the way, an awful lot of the spending will be just waste because if we lose on the point of order, we know we would lose on the lumped together amendments suggested by the majority leader and the Democrats. So that is why we are going to go ahead to a point of order.

This is the wasteful spending that will be in the conference report, not in the Senate bill:

Model Intensive Grant Program. They can do whatever they want to, $625.5 million. They can read the language of the bill and claim that it is more specific, but really it is so broad they can do just about anything with it;

Local Partnership Act, $1.6 billion. They can do just about anything they want to with that;

National community economic partnerships, $230 million. I might add, we are going to give money to community development corporations with no mention of fighting crime.

I suppose, the argument will be, "Well, if we can get the community development corporations to do some building, that will help with crime." I suspect if we spend $3 trillion this year and put that in this bill, we can argue that will help crime, to help against crime.

Community based justice grants, $50 million;

Police recruitment, not by police departments but by community organizations, to be established, I guess or brought together. One would think that the police are very capable of recruiting their additional officers, but we are going to put 24 million bucks of the taxpayers' money in there just for police recruitment purposes;

There is $150 million for certain punishment for young offenders. My goodness, they knocked out the Moseley-Braun-Hatch amendment that would have treated youthful offenders who committed heinous crimes the same as adults. That would have done a lot more than spending $150 million to try and fund good old feel-good programs for the punishment of young offenders;

There is $377 million for local crime prevention block grant programs—$377 million;

There is $243 million for family and community endeavor schools, for that grant program. You notice how the word "grant" crops up all the time. That is money you can just go out there and spend. That is money that makes the administration look good. I suppose all administrations have been getting away with this, including Republican administrations, for years, and I am for stopping it now because this country is wallowing in debt.

You have $36 million for assistance for delinquent and at-risk youth.

You have $4.5 million for urban recreation and at-risk youth. That is after 266 programs for at-risk youth already in existence.

I think what we have been trying to do by fighting as hard as we have over these last number of days is to stop this gravy-sucking hog that happens to be the voracious-eating Federal Government and the liberal community from just eating us alive in this country. That is what we are trying to do.

Let me just say, we have been discussing this report for the past several days. During this debate, several of my colleagues have extolled the virtues of the social spending in this bill as vital to our communities, and they stress the need for these programs now.

Well, Mr. President, I would like to point out to these Senators that programs like them are throughout our communities now and many of them have been around for quite a long while. These existing programs may have different names, they may be administered slightly differently from the way these additional, duplicable programs under this bill will be administered or they may even be granted to different organizations, but their purpose is the same as those contained in this conference report. In other words, under the guise we are going to have a tough crime bill, they have hidden all of this money to spend so they can spend and spend and spend and spend and spend some more.

You wonder why I call it a gravy-sucking hog. That is what this bill is. And it is not just the $5 billion we have been talking about. There are so many different grants in here it is unbelievable.

Mr. President, if we examine the social programs included in this conference report, we find that several of them overlap in their purpose and what they are meant to provide to our communities. Many of them, in fact, under the broad goal of crime prevention are actually youth development and services programs. Others are economic and community development programs. And while I agree with the broad goal of those programs where they have had hearings and they have had to justify themselves and we advanced them, I just do not think we should create new additional duplicative programs and pour billions of dollars into them when similar programs already exist. And we are not talking about one or two programs. We have hundreds of domestic assistance programs designed to promote youth, economic or community development.

Now, I admit that not every one of these existing programs overlaps the new programs in this bill, but the vast majority do. This is a game that has been played here for 40 years, and I am trying to put an end to it. If we do not win on the point of order, I just have to say the American people have lost. I may have lost here, but the American people lost. So I am hoping we will sustain this point of order.

Let us just look at one of the new social programs in the conference report before us, the National Community Economic Partnership Program. The purpose of that section of this report, of this conference report, is to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to—get this—economic development corporations. You do not see the word "crime" in there anywhere, although I am sure an argument can be made that anything that does good will help to alleviate crime.

Therefore, my argument: Why do we not spend a trillion dollars if that is the way it is? This is just an authorization bill. What difference does it make?

Mr. President, as I mentioned—I am going to just choose this one area, because there are a lot of them—as I have mentioned before, we already have numerous programs to foster economic and community development. While all of these do not involve community development corporations, they are still funneling money and resources into economic and community development projects across this country.

Let me just cite a few examples and the obligation for fiscal year 1994.

Let me just talk about this Economic Development Corporation language of this bill and the moneys that we are going to duplicatively spend if this bill passes in its current form, if we do not win on the point of order.

Now, I might add, all of these do not involve community development corporations. They are still similar, throwing money into economic development projects across this country.

Let me give a few examples.

The community facilities loans, $75 million; the intermediary relending program, $32.5 million; business and industrial loans, $249 million. These are already existing programs, by the way, that we wonderful Members of Congress have done in our compassionate way. I want you to know that we are all very compassionate around here. We do these things for you people out there. We want you to benefit from these, and you do. So we are really great, are we not? By the way, we do not dig in our pockets any more than anybody else. We are digging into your pockets to pay for all of these.

Let me just keep going through here for a few minutes.

Community facilities loans, it is a mere $75 million. What is that in an almost $2 trillion economy per year?

Intermediary relending programs, $32.5 million, again an inconsequential amount, is it not?

Business and industrial loans, why, that is only $249 million. Do not worry about it. It does a lot of good. It does a lot of good. We are compassionate here.

Rural development grants, that is only $32.35 million; economic development grants for public works and development facilities, $171.9 million.

I submit all these do do good. I submit it. We are doing this for you. Do not worry, our hearts are right. We are doing this all for you.

Economic development, support for planning organizations, $26 million. Every one of us here want to help our States. I am no exception. I do, too.

Economic development technical assistance, $12.5 million; economic development public works impact program. I do not know how many million are in that. Economic development State and local, I do not know how many in that, but the State and local economic development planning is $4.5 million. That is inconsequential. We all know that.

Special economic development and adjustment assistance program, that is $24.1 million—a small amount really in the overall consideration if you think about it. Community economic adjustment, growth management planning assistance, community development block grant—I might add, the other two I do not have the figures for but the community development block grant entitlement grants—I have to admit I support that—it is only $2.871 billion, and it does do a lot of good. In fact, all of these do. I would have a rough time taking any of them out, I have to tell you, because we want to do so much good for you.

Cities programs, $54.36 million; community development block grants technical assistance, I do not know how much that is. I do not have the figure there. Community Development Block Grants States Program, that is only $1.233 billion.

Remember, this is just one of the areas where we spend money for you wonderful people that we love in our States. And we do, we love you. And we are showing our compassion for you because we really do. And I have to say I do love the people in my State, and I want them to have everything that they can.

All these programs help. I am not ridiculing them. They help. I may be ridiculing the total number. Now, that may be what I am doing here. For those who are wondering why I am talking about this, it may be that I am pointing out that we already have so many duplicative programs that why in the world do we need to spend billions of dollars in a crime bill most of which will not be paid for until 1999, the year 2000. Why do we need to do that?

There is good reason for these. Indian Community Development Block Grant Program, Indian loans, economic development. I am for those. Economic grants, economic development, Appalachian regional development, Community Development Revolving Loan Program, loans for small business. We all agree with that. Tennessee Valley region rural development community services block grant, the Community

Development Work Study Program, Empowerment Zones Program, community services block grant, community services block grant. These are duplicative block grants by the way.

Discretionary awards, I do not know what that means. I do not know if I am for that or not. Buildings and Facilities Program, schools and roads, grants to States schools and roads, grants to the counties. I do not have the monetary figure but you can figure they are in the millions and in some cases the billions.

I am just talking about one area. These are the community services areas, just one little area. And yet—well, let us go a little further. Grants to counties, very low to moderate income housing loans, rural housing site loans, cooperative extension service, rural economic develop loans and grants, outdoor recreation, acquisition development and planning, Urban Park Recreation and Recovery Program, minority business development centers, technical preservation services, disposal of Federal surplus real property for parks, recreation and historic monuments, business services—technical assistance and training grants, Volunteers In Service To America, urban community service.

I can go on and on. The point is that—and I am assuming that every one of those programs is good. We have had hearings on them. We have had the appropriate committees investigate them and decide that they are worthwhile for America, and these billions of dollars of duplicative programs are essential. I am willing to admit it.

Then why are we adding billions of dollars more to this particular bill? Why are we doing that and at the same time cutting back on Senate-passed, overwhelmingly Senate-passed amendments that they just tossed out in conference that would really make a difference on crime?

That is what really gets me. I could even spend more if I knew the crime bill really had all these tough provisions in it.

To me that has been more important than the pork barrel parts, although those are important. But the reason I am talking about pork barrel right now is because if we lose on the point of order, we lose on getting the pork barrel out. My friends on the other side will say, "Well, you have had a chance to vote on it." We all know how the vote will turn out. Nobody does not.

My purpose is to show that we already have programs designed to provide the same goals as those contained in this conference report—hundreds, actually thousands of programs, thousands. And I am willing to admit that they are all well-intentioned and most all of them are good. Why do we have to, in a crime bill, hide billions of dollars more? And even if we took the full $5 billion out, what happens to all of the discretionary grant money if we do not allow the other amendments, which the majority leader's approach would not do. I suspect that will all be spent, if it is ever raised, if it is ever appropriated, it will all be spent on discretionary grants.

Now, this is a how-to book, just one little book, on Federal domestic grants. Now, just look at this. That is just one of them. It is a how-to book, how you can get these grants. It lists Federal grants which go to the States and to individuals.

Look at that. We do a good job in the Federal Government. We let people know what we have here to give to them. I agree all these programs—frankly, I suppose they are all good. I know they are—I know, with every fiber in my being, they are all well-intentioned. I know that. My colleagues are very sincere in spending your money. There is no question about it.

They want to do what is right for you, and they are even telling you how to get it. They even outlined it—if you would care to read all of this, that is. I admit there are a lot of people who care to read it. There are people who always have their hands out to the Federal Government. And you know, they are growing every day in this country, people with their hands out to the Federal Government, people who read this one single catalog of Federal domestic assistance every day.

I would suggest that all of you should read it, too. Everybody in America ought to read this. And you will be able to get some of this money, too, maybe, and then we can even spend more of your money. We can hide it in other bills that are touted as being very, very important for us. And we can take away some more if you would let us. I mean, it is fun around here because we have almost $2 trillion—well, no, we have about $1.4 trillion a year to spend around here. There is nothing better than spending. We get credit at home for that, you know. That is why this crime bill has all the spending and all these discretionary grants which we do not even, we do not even try to knock out but we want to tighten the language so that they go for what has been represented here.

I only waved this around because this is doggone ridiculous, I can hardly stand it. There are people who just love that book because that is the way to get more of your dollars.

My purpose today is to show that we already have programs designed to provide the same goals as those contained in this conference report. We do not need to create new programs and pour money into them.

Recent GAO reports show that we have over 150 job training programs—154 to be exact, if I am correct, and I think am—and over 200 new programs. Mr. President, we do not need any more. We need to protect the taxpayers for a change. These programs already exist. And we still have the crime problem in this country. If the current programs—they are everywhere—are not working, if the current overspending of your tax dollars is not working, why put additional moneys in at a time when our country is going broke and when we cannot fix it with the additional money? Why do we not fix the problems we have now and not create a bigger maze of bureaucracy and programs which this bill tends to do—not "tends" to; does.

(Mr. CAMPBELL assumed the chair.)

Mr. HATCH. Mr. President, the purpose of this conference report is to fight crime, not to set up a new system of grants and programs similar to those we already have. The reason all 10 amendments are important, and the reason we have to reject the kind offer of the majority leader to lump all pork into one $5 billion amendment is because we know it would not pass. We would not take it up. We have four amendments so the people would have to stand up and vote. One amendment only has to be voted on once. It is only distasteful once to vote that amendment down. But if we split that into four amendments, we might have one in a few of them. We might have saved the taxpayers' dollars. That is one reason why we do not like this deal.

Our liberal spending colleagues know that with one distasteful vote they can probably get away with that at home and live with it. But they cannot live with passing and removing some of this pork out of the bill through individual, single amendments. But even if that were the case, and it is not—but if it were the case—the more important part of our proposal of 10 amendments is to toughen this bill, to tighten the prison language so the money goes to build prisons instead of for everything related to prisons, which means more and more bureaucracy and more and more social workers. That is why Charlton Heston is saying two social workers for every cop on the street. He is right. He is absolutely right on that. We would tighten that language. We think we would win on that amendment.

They do not want that amendment because the language lets them do as much as they want to and they can help their social worker friends.

We also believe that it is worth the fight to go after these mandatory minimum sentences.

On prison language, I will go back to that. We would tighten that language. We would eliminate the reverter clause. And we would reinforce the truth-in-sentencing provisions of this bill. That means that in order to get the money, the States would have to have people serve 85 percent of their sentences.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Not at this point. I would like to finish this one line of thought, although normally I would.

We want to eliminate the correctional plan provided for in this bill. Again, I hate to tell you this, but the people who wrote this bill know that we here in the Federal Government do a lot better job of telling you what to do than you can do yourselves. We do. We are just better at it. So they in their own enlightened way have actually defined how you get this prison money. You meet their correctional standards. You let the Federal Government tell us how to run our State and local prison systems and, by gosh, you might have a chance of getting money. It is a joke. We want to tighten that language up.

We want to ensure that the prison money will go to build brick-and-mortar prison cells for hardened criminals because there is a revolving door. The States are so burdened right now with the lack of prison space that prisoners are walking in and out of prison almost at will. They go right out to their life of crime because they do not know what to do with them.

We would have truth-in-sentencing for first-time offenders as well.

We would add the Simpson amendment which would expedite criminal alien deportation, get rid of these illegal aliens and get them out of our country. Who could be against that? Why would the majority of us not vote on that? Why? We will never vote on that unless we sustain the point of order. It is that simple. We will never vote on it. We will not take up the prison language unless we sustain the point of order. We will never vote on it.

The Gramm mandatory minimum penalties for the use of guns in crimes, the one thing that could do something about the proliferation of guns. We will never vote on that because the majority leader does not want a vote on it, because he knows we would win.

He knows we would win on the criminal alien language. People are fed up to here.

Where are my colleagues from the affected States who are awash in immigration? Where are they on this floor saying we need to vote on that criminal-alien deportation provision? They know we would win. They do not want to face that. They do not want to tighten this bill in these respect.

Mandatory minimum penalties for selling drugs to minors—how could anybody not want to vote on that or automatically put it in the bill? How about it? I feel so strongly about that that I am almost to the point that I would go with the majority leader's approach if you put that provision in the bill. I would hate to lose all these other good things on tough crime. I would.

What about mandatory minimum penalties for employing minors to sell drugs? Who would think anyone would be against putting that in the bill? But it will never have a chance if we do not sustain the point of order. None of these will. We will not get the pork out of the bill. Of course, we will not if we go with the majority leader's program. They would never do it. They would hold their noses and let those who are up for election this year vote, to the extent they can vote against it. But they would get the 51 votes. There is no question. They would keep the pork in the bill. We know it. They have to keep their side together. Their side spends more than we do.

Mandatory minimum repeals—these assistant U.S. attorneys put their lives on the line to stand up, and then we find that this administration—at least attorneys in the Justice Department have—threatened them with criminal indictments because they have spoken out on this bill.

These are career attorneys. Assistant U.S. attorneys, the National Association of Assistant United States Attorneys comprises nearly 4,000 prosecutors who have to prosecute Federal crimes and Federal violent crimes. They have been threatened with political reprisals. Worse yet, they have been reportedly threatened with criminal prosecution. How dare these people do this? We are never going to vote on these things if we do not sustain a point of order.

I suggest to any who might think of voting to waive the Budget Act that the more important part—what I have been trying to do, even more important than getting the fat out of this bill, although that is extremely important, and I would like to do it, and we would have a better chance if the point of order is sustained—is all of these tough-on-crime provisions that they know we would pass. So they will not let them see the light of day because they are afraid they will pass.

I want to say one last thing before I give up the floor. I notice that the distinguished ranking member of the Budget Committee is here. Let me say one last thing, because I want to let the American people know how cynical the approach is on this bill.

The Clinton administration has promised the Nation that it will put 100,000 new police officers on our streets to combat crime. Republicans believe that placing additional police on the street is a step in the right direction. So Republicans, in a bipartisan effort to assist the President in fulfilling his pledge, have been willing to provide the administration with the funding that is needed to do so. The hiring will be implemented by the crime bill's $8.85 billion cops-on-the-beat program. The $8.85 billion would be spread out over 6 fiscal years. Got that? The $8.85 billion will be spread out over 6 fiscal years.

Unfortunately, it has become evident that the administration's plan on the cost estimate falls far short of the lofty goal of 100,000 police officers. According to recent studies, if one were to include the cost of recruitment, salary, benefits, background checks, and equipment, the actual cost of hiring a new police officer is approximately $71,000 in the first year alone. Accordingly, the total cost of fully funding 100,000 new State and local police officers is closer to $7 billion per year, not just $8.85 billion over 6 years. Or should I say the average of $1.47 billion a year that the conference report provides for.

Yet, as recently as just this last week, the President was saying we are going to get you 100,000 new cops on the street. There is no way. It is cynical. With $8.85 billion spread over 6 years, at $1.47 billion a year, no way can you get 100,000 police on the street. With that particular level of funding, assuming all the funding is dedicated to police hiring, the crime bill only fully pays for the hiring or the retention of the 20,000 police. According to a card-carrying Democrat, John Diluilio, it is estimated that it takes 10 officers to put the equivalent of one officer on the beat around the clock.

Accordingly, the crime bill's cops-on-the-beat program will put only an additional 20,000 around-the-clock officers on the street. That is according to this leading Democrat theorist at Brookings, who is constantly quoted when his expertise meets their needs, but is ignored in this particular case. He is not a Republican. He is a Democrat. The cops-on-the-beat program is intended to provide seed money for State and local law enforcement hiring. It only permits the Federal Government to pay up to 75 percent of an officer's salary. Under the administration's implementation strategy, the Federal share of the salary will be phased out over 3 years. Now get that. Under this bill, even if we spend the full $1.47 billion a year—and that might be higher—if you used every penny, it would provide up to 20,000 cops. Think about it. The Federal Government is only going to pay 75 percent of the officers' salaries.

I just wonder about that. The States and localities—and get this—are expected to pick up the full salary after 3 years and contribute other costs. It is 25 percent in the first, 50 percent in the second, and 75 percent in the third, and 100 percent in the fourth—including the new pension, contributions and health insurance. I have had more than one local leader tell me: Gee, if we had the 25 percent, we would be doing it now. We would be spending the money on police now. But it is only 25 percent that they have to come up with in the first year, and the second year it is 50, the third year 75, and the fourth, 100 percent.

The cops-on-the-beat program no longer requires that grants be used to hire or rehire police officers and provides strong incentives for alternative uses of the money. So it is extremely cynical to say you can have 100,000 police. They have known this for the last 2 months—really since November, as a matter of fact. It is a joke, and yet that is what they are selling the American people on this bill. This is a tragic bill because it could be so good if these 10 amendments were adopted. But they do not even have a chance unless the point of order is sustained.

As much as 3 percent of the $8.8 billion—$260 million of this police money—can be spent on technical assistance grant studies and evaluation. Of the remaining funds, $1.2 billion can be expended in nonhiring grants. Furthermore, the remaining funds, which are supposed to be dedicated to hiring grants, could be used for paying overtime if the Attorney General concludes more police would be deployed by doing so.

None of this is saying that the Federal Government should pick up the full tab for hiring 100,000 State and local police officers. Crime control is, and should remain, primarily a local function. The Federal Government should assist and not supplant the States in this effort. However, the Congress should be forthcoming in the facts surrounding this bill. We have not been. There has never been more disassembling on a bill than I have seen on this one. I will be happy to have it pointed out if we have not. This crime bill is not going to put 100,000 new police officers on the street. Senator BIDEN knows it, the President knows it, everybody knows it. However one chooses to analyze the crime bill's cops-on-the-beat program, the result is the same. It will only fund—if that—a small fraction of the President's promised 100,000 police officers.

Let me just make a comment, and I will be happy to yield the floor. Let me make this point one more time. The more important part of the 10-amendment offering that we made, to me—as much as I hate the pork in this bill, as much as I do not see a justification for hundreds more duplicative programs, or should I say the dozens of programs in this bill that provide for duplicative programs—as much as I hate all that, as much as I hate to see the taxpayers ripped off one more time, and we all know the game here, and anybody that denies that just is not telling the truth in my book; as much as I hate that, the other nine amendments are, to me, more important, because they will make a difference for our kids, they will make a difference against crime, they will make a difference against violence in our society, and they will make a difference against criminal aliens all over our society. I am talking about criminal aliens. We have a lot of honest and decent aliens in our country. So this should not be construed as criticizing them, but just those criminal aliens that are convicted of crimes in our society.

We have removed the gun battle from this. But let me say that something interesting happened to me. I was on C-SPAN, and I mentioned my father-in-law who died a couple years ago. I dearly loved him. He was as honest a person as I have ever met in my life. He was a hardworking farmer, a successful farmer on Utah and Idaho soil, which is very dry. A lot of the soil was used for dry farming. He really worked hard to earn what he owned.

He came to me 1 day and said, "ORRIN, don't you let them take our guns away from us, because a little community like ours"—at that time it was around 500 people but I think it is now around 700 people—"the thing that keeps us free is they know we have guns and we are tough and we are not going to put up with it." He said that to me.

It would keep corrupt people from coming in and taking over our communities, including criminal—and I want to emphasize the word "criminal"—motorcycle gangs. I was not particularly picking on the motorcyclists or the bikers. But I got a lot of calls on this from motorcyclists all over Utah and, frankly, all over the country who know I supported them through the years. And I stood up and voted against the DeConcini amendment, and I said I would do it again.

They said, "Are you talking about us?" I want to make it very clear I am not talking about them.

I promised this morning in a phone call to one of them I would say this on the floor. I am living up to it. I am glad I remembered it. I almost got through it without saying it. I would feel badly if I did not say it.

I had my friend from Colorado indicate to me that bikers are not all bad. I know that he has a Harley-Davidson and enjoys it. So I would not want to offend him either.

The fact is I want to make it clear that I will stand up for bikers. It is the criminal elements that I am talking about. I am talking about gangs in Utah. I am maybe a little upset about it because Utah has become such a popular place and we are getting gangs from elsewhere coming in there and shooting people. That is what we do not want.

His point is true. I do not mean to make this a gunfight. That is over. His point was "Do not take our guns away from us because that is what keeps us free."

I am glad I remembered that and made that particular point.

I ask the indulgence of the Senator from Delaware. I kept my friend and colleague way too long, and I apologize to him.

Mr. BIDEN. No problem.

Mr. HATCH. I really had not intended to speak this long, although I have been encouraged to do so, I might add.

Let me just ask if I could ask unanimous consent to allow our colleague from South Carolina, the senior Senator from South Carolina [Mr. THURMOND], who used to be chairman of the Judiciary Committee, just 5 minutes to make his comments.

I will yield the floor if he will.

Mr. BIDEN. On the condition that I am recognized and then allow me to yield 5 minutes to the Senator from South Carolina before I say anything, that is fine by me.

The PRESIDING OFFICER. The Senator from Utah made the unanimous-consent request?

Mr. HATCH. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I wish to thank the able chairman of the committee. I ask if it is agreeable to make it 7 minutes instead of 5 minutes.

Mr. BIDEN. Of course, I will.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. THURMOND. Mr. President, I rise today to state my support for the point of order that the current crime bill conference report is in violation of the Budget Act.

The conference report now under consideration has fallen short as a true crime control plan. I supported the crime bill adopted by the Senate in November 1993. At that time it was my belief the Congress was moving to send a bill to the President that would address violent crime in a decisive manner.

After the House and Senate met in conference, the price tag on the crime bill had ballooned over $10 billion. The Democrat-controlled conference tacked on a myriad of social programs which will cost the taxpayer billions of dollars and in my opinion do little to reduce violent crime.

Upon consideration of the first conference report to the crime bill, the Republicans in the House and many Democrats joined together and said "no" to the excessive Federal spending in the bill. That conference report was defeated and the President was forced to negotiate with those House Members who stood up to the pork spending and other weakened law enforcement provisions in the bill.

I congratulate my Republican colleagues in the House who were able to gain several important changes in the conference report. The White House and Democratic leadership were careful to negotiate only to the point where they would secure enough votes for passage. Once that was achieved, many remaining serious flaws with the conference report were not considered and pushed aside. Thus, the conference report was narrowly approved by the

House and is now pending before this body.

Mr. President, now we have an opportunity to further improve this bill. The action taken by the House of Representatives tells us that when necessary, President Clinton will negotiate on specific provisions within the bill. All we are asking is an opportunity to consider changes in the conference report to reflect a truly bipartisan crime bill worthy of the American people and our Nation's law enforcement.

The Senate should take steps necessary to improve this bill. We can strengthen provisions to hold violent offenders accountable and we can cut billions in social spending from this bill without compromising our responsibility to address violent crime in this country. At this point, the Senate should uphold a point of order that the crime bill conference report violates the Budget Act. This is the only way that the crime bill can be improved. By upholding the point of order, modifications can be made and we can then pass a crime bill the American people deserve. We must cut the pork in this bill and restore the true crime control measure which were weakened in conference.

I urge my colleagues to support the point of order and oppose any motion to waive the requirements of the Budget Act.

Mr. President, on a related matter I want to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THURMOND. Over the past few days during debate on the crime bill, on several occasions, a Senator on the other side of the aisle stated that a Republican Senator opposing this bill was being "disingenuous."

This disturbed me as we had been acting in good faith to address flaws in the crime bill. It struck me that his comments were in violation of Senate rule XIX. Senate rule XIX states, in part, that "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

Webster's dictionary defines "disingenuous" as lacking sincerity or insincere.

My parliamentary inquiry, Mr. President, is it a violation of rule XIX for a Senator to state that another Senator is engaged in conduct on the Senate floor which is insincere or disingenuous?

The PRESIDING OFFICER. As the Chair understands rule XIX, page 717, paragraph 2, the Senator is correct, and the Chair does agree with the Senator.

Mr. THURMOND. Further, Mr. President, if that Senator is in violation of Senate rules, he may be called to order and may not proceed until the motion to allow that Senator to proceed is agreed to. Is that the case under the Senate rules?

The PRESIDING OFFICER. It is the Chair's understanding that that is the remedy if it is done while the Senator in violation is speaking.

Mr. THURMOND. Mr. President, I do not believe that my colleague on the other side of the aisle would intentionally violate the Senate rules. Those of us seeking modifications to the crime bill are doing so in good faith. In all sincerity and with no disingenuous motive, we take seriously our duty to our constituents and the American people to legislate in a responsible manner.

In a further show of good faith, I know of no Senator who plans to raise the point of order that the Senate rules were violated when our motives were tainted without credibility. However, I felt compelled to raise this issue because our views are strongly and sincerely held that this crime bill can be improved and it should be improved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, what is the motion before the Senate?

The PRESIDING OFFICER. The motion before the Senate is the motion by the majority leader to waive the Budget Act.

Mr. BIDEN. I ask for the yeas and nays on that motion. I am not going to move it.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at present.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. BIDEN. Mr. President, I understand there are other Senators who wish to speak on the Republican side, and I think there are several on the Democratic side.

But basically we are ready to vote.

Mr. President, I would only make two points about what the Senator from Utah has said and what others have said here.

First of all, if you have observed, this is an incredible moving target. Every time my Republican friends stand up and say they just want something done on the bill, on the conference report, to change it, knowing that conference reports are not amendable—the first time it started off, we were told by one of the leading Republicans that they had three amendments. A day later, it was six amendments. Then a day later, it got up to 13 amendments. Then it got down to 9 amendments, broken into several parts; could have been as many as 15 amendments, depending how you read it, never having copies of any of these amendments.

And then, today, I find out that the issue is not pork. We have a new word in the lexicon here, that it is "discretionary spending."

This is not about pork. If we took out every single penny that they call pork, none of which is pork, but even if we take out every single penny we are talking about—which we gave them a chance to do. They have been saying for 4 days, "Let's vote, let's vote. We want to take out the pork," what they call "pork." Fine, give them a vote on it. They do not want to do that.

Now, I heard this morning that there are two new phrases that have crept into this last gasp on this debate to keep the crime bill from becoming law. One is that it is discretionary. Now discretionary is described as the money for the police, the money for the prisons. That is discretionary spending, according to them. So now they want to vote on discretionary spending, too.

I hope everybody gets it clear: They are not for this bill in any incarnation, if I read correctly what they are saying.

If you are against pork—and if they define everything in there that is not for police and not direct spending on police or prisons as pork, which I think they do; maybe some exception. I do not know what it is.

And then you add another, I think he said, $13 billion or $14 billion in discretionary spending, that is police and prisons, and they want to deal with that as well. Then you have a problem here, whereas you can see the target moves here.

Make it clear: This is not about pork. This is about the crime bill.

Now, I will not suggest what motivates them. I will not suggest today that their motivation relates to assault weapons or their motivation relates to a political defeat or success. I will not assert a motivation.

But I will assert a conclusion. They are against the bill, period. How can you be for this bill and say I am against, quote, what they call pork, what we call prevention?

By the way, I might point out, every police agency is for this; every prosecutor is for this.

And I might add, the other thing I heard, by the way, today was—you know, I get these incredible—they are really amazing; I do not know whether incredible violates the Senate rules—but fascinating. How about that—fascinating assertions that those wide eyed liberal big spenders are doing this.

Usually, if my friends on the right want to talk about liberals, what has become sort of the mantra that they use? They say—and it turned out it was in the last Presidential debate about the ACLU. "He is a card-carrying ACLU member." Is that not the usual epithet cast at someone?

I am not a member, but I am proud of the ACLU. I think they are a first-rate organization.

Let me point out, the ACLU is the only outfit that sent a letter that is against this bill. The ACLU is against this bill—card-carrying ACLU. I guess the usual phrase I hear from this side is "superliberals," "whacko lefties." They are the kind of phrases I hear.

The ACLU is against the bill.

Now that is the letter I got—not only I, every Senator who receives ACLU mail—dated August 24, 1994. It says:

> We write on behalf of the American Civil Liberties Union to urge you to oppose the conference report on the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355). While the conference report contains some laudable measures, we are against it.

OK, now, the day before, who do I receive a letter from? Of the last two letters I received, one is from the ACLU against the bill. Now, remember, they are saying, "Anybody for this bill is a big spending liberal. It is a giveaway program, and it is a product and tool of liberals." And the superliberal organization, according to my friend from Utah in the past, has been the ACLU.

The ultimate insult would be, "You are a card-carrying ACLU member." That is even more of an insult than saying, "You are a motorcycle gang guy," although he clarified that, I guess.

Now, who did I get a letter from the day before, dated August 23, 1994? From the National District Attorneys Association. Now, they are the group that I heard mentioned repeatedly in the last 10 years, representing thousands and thousands of State and local prosecutors. These are not the attorneys general, these are not the people who are up there who deal with the Federal Government, these are back home, local prosecutors. And we were told last time that they were against the habeas corpus and this and that.

And they also portrayed them as being conservative, tough law enforcement people. And they are. I am sure there are a few liberals who are prosecutors, but, by and large, this is the group they always hold up and say, "The National District Attorneys Association is not for the ACLU"—they are clearly not for the ACLU—"is not for this habeas corpus, letting people out of jail, soft on crime thing."

Well, here is a second letter I got from the National District Attorneys Association.

It is addressed to "DEAR SENATOR BIDEN," and is dated August 23, 1994. I will put both of these in the RECORD, by the way.

It says:

> As the peoples prosecutors we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress, to give us the means and the leadership to accomplish this task by passing the Crime Bill without further delay and debate.

Signed, Robert Deschamps, a real, live, tough prosecutor.

I ask unanimous consent that both letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
August 24, 1994.

DEAR SENATOR: We write on behalf of the American Civil Liberties Union to urge you to oppose the Conference Report on the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355). While the Conference Report contains some laudable measures such as those which make a credible commitment to addressing the root causes of crime, other features in the bill such as the broad expansion of the Federal death penalty and the so called "three strikes" provision render this bill a net loss for civil liberties.

We are particularly disappointed by the intransigent stand of some in the Senate against the Racial Justice Act. This opposition resulted in that measure being removed from the final Conference Report. We are, however, no less disappointed that so many others have apparently acquiesced in their support of a bill that contains the broadest expansion of the federal death penalty in our nation's history without an equally broad and strong commitment to assuring that the punishment is applied without regard to race.

It is more important than ever to separate the federal role from that of the states' role in crime control and prevention. The fundamental role of Congress in this area should be to insure and guarantee civil and constitutional rights in the enforcement of the criminal laws and to provide resources, support and, when necessary, leadership to the states as they carry out their missions. It is equally important that the Congress seek out and respect the limits of the Constitution.

In our view, the Conference Report utterly fails in these two important respects. It greatly overreaches by federalizing criminal activity at the state level to create dozens of new federal crimes. Other aspects of the Conference Report blatantly ignore the clear mandates of the Constitution. Nowhere is this more apparent than the provision in the bill which makes death a possible punishment when no murder has occurred.

We enclose for your information a detailed analysis of the original Conference Report and later modifications. We believe that a fair reading of these documents should lead you to the conclusion that many of the provisions described should not become the law of the land. Accordingly, we urge you in the strongest possible terms, to oppose the Violent Crime Control and Law Enforcement Act of 1994.

Sincerely,

IRA GLASSER,
Executive Director.
LAURA MURPHY LEE,
Director, Washington Office.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 23, 1994.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: The House of Representatives has finished its long debate on the Crime Bill and passed the much needed effort to provide the means to combat this national tragedy. The National District Attorneys Association calls upon the Senate to emulate their colleagues and swiftly end the six year wait for an effective program to address crime.

As the prosecutors for every town, city and county across the nation we have worked long and hard with you, the Congress of the United States, to provide the American people with an initiative that both fights crime and address the causes of crime. Our support has been bipartisan, with the needs of our nation foremost in our efforts. The Crime Bill has come too far and too much is at stake to have the Senate reject it at this juncture.

As the peoples prosecutors we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress, to give us the means and the leadership to accomplish this task by passing the Crime Bill without further delay or debate.

Sincerely,

ROBERT L. DESCHAMPS,
President.

Mr. BIDEN. The liberal ACLU against the bill; the prosecutors for the bill.

Now, I hope we kind of stop this stuff.

We debated all this at length before. We are ready to vote, and I would like to ask whether or not the Republicans are ready to vote.

Mr. HATCH. I do not think they are right now. The minority leader is working on this matter. I do not know where we are, to be honest with you.

Mr. BIDEN. I will yield the floor in about a minute or two here for everyone else to seek recognition.

But let the record show, we have been told all along we are ready to vote on striking all the prevention money in the bill. We are ready.

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I yield for a question.

Mr. WELLSTONE. Just for a question.

Some of us have been on the floor all morning. We have been anxious to be a part of this debate. But since the debate has gone on for days and days and days, we have just been patient, assuming we were going to vote. Are we about to vote or is this going to go on and on and on?

Mr. BIDEN. As my grandfather used to say, "God willing, and the creek not rising," I think we are getting ready to vote.

I yield the floor. Let us vote whenever we can.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BUMPERS. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Delaware yield for a question?

Mr. BIDEN. Yes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I just wanted to ask the Senator, we are prepared—is he saying we are prepared to vote at any time?

Mr. BIDEN. Right now. Right this instant.

Mr. BUMPERS. The second question is, has the Chair been going back and forth between that side of the aisle and this side in choosing speakers?

Mr. BIDEN. The answer is "yes" thus far. There have been two Republican speakers and one Democratic.

Mr. BUMPERS. Let me just say I am prepared to vote, too. I am probably the only Member of the U.S. Senate who has not spoken on this, but I will be more than happy to go home with that distinction if we can get a vote.

Mr. BIDEN. I will say to my friend it would be the only issue he has not spoken on, on the floor. But he usually enlightens us all when he does, so I would like to hear him speak. But I am ready to vote.

Mr. BUMPERS. The Senator is entirely right. But I am willing to forsake that for the sake of expediency, to get this bill passed. I say to the distinguished chairman, if and when I get a chance to speak on it, I will happily stop in the middle of a sentence if the Republicans are prepared to vote.

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, there is no doubt that the gravest issue confronting America today is the fear of crime. Crime—and especially crime related to illegal drug use—is running rampant in this Nation, and the public expects Congress to do something to curb this increasing wave of lawlessness and violence that threatens the very fabric of our free society. Many are now asking how free are we, really, if we are afraid to go out into the streets at night?

The crime bill coming out of the conference committee provides for 100,000 additional policemen, nearly $10 billion more for new prison construction, military-style boot camps, expanded death penalty provisions, "three strikes and you're out," effective DNA testing, special drug courts, and federalization of drive-by shootings and gang crimes, as well as a number of other excellent features.

At the same time, it is not by any means a perfect bill, and there are objectionable provisions with which I strongly disagree. I have consistently opposed gun control, including the Brady bill. Serious efforts were made to remove the gun control provisions from both the Senate version and the conference report, but they failed.

The gun control provisions in this conference report deal entirely with the future manufacture and sale of assault weapons. There are 19 assault weapons that are banned. I have studied the assault weapons issue carefully, and have come to the conclusion that it is really primarily an issue of symbolism. It is not really a problem for two reasons:

It would be difficult, if not impossible, to find in my State of Alabama a hunter, sportsman, or law-abiding homeowner who uses one of the 19 banned assault weapons. Their rights to hunt, engage in target practice, or protect their families and homes will not be, for all practical purposes, actually affected by the ban in this conference report.

At the same time, very few crimes are committed with assault weapons, although it is true that the crimes which are committed using these weapons are more sensational and therefore gain more media attention.

Therefore, if laws are enacted to ban such assault-style weapons, they will have little effect, since the few hardened criminals who do want to use these guns will find ways to obtain them.

So, the issue is only a symbolic one. This conference report and the good things it does should not be jeopardized by something that affects only a very small number of people and is primarily symbolic.

Congress has tried for 6 years to pass a major comprehensive crime-fighting measure, but each time it has failed because of certain provisions, including those relating to gun control. In the meantime, the problems of crime and drugs have continued unabated. It is now time to act.

The issue comes down to whether or not we are going to pass a crime bill now and start a truly comprehensive effort to stop the onslaught of crime and drugs. In my judgment, the good features of this bill far outweigh its objectionable provisions. As is the case with all omnibus legislation, we have to weigh the good against the bad and support the side that tilts toward doing something substantial for the public. In my opinion, the good outweighs the bad by at least 5 to 1 in this conference report.

The budgetary point of order that has been raised applies to a trust fund into which moneys will flow from previously adopted budget cuts—primarily from a reduced Federal work force. If the point of order is sustained, funds from this budget-cutting approach cannot be used to finance this $30 billion crime bill. If the trust fund method of financing is not used, the funding of this crime bill or any other crime bill we pass will likely have to come from increased taxes or deficit spending. I would much prefer a crime bill to be paid for through budget savings instead of increased taxes or further deficit spending.

For three consecutive Congresses now—since 1989—a comprehensive crime bill has failed to be enacted into law for various reasons. Our failure has always been portrayed as a victory for one political party or particular group and a defeat for the other.

But the truth is, our failure to enact a crime bill will be a victory for criminals and a defeat for law enforcement. Law enforcement officials across this country—those who put their lives on the line every day to protect us—overwhelmingly support this legislation.

It is time to move forward by defeating this point of order. A vote to sustain the point of order is a vote to kill any chances for enacting anticrime legislation this year. It should be defeated.

Mr. President, I would like to have a list of the semiautomatic weapons which are not banned to be printed in the RECORD following my remarks. In this bill 19 assault-style weapons are specifically banned. To a great extent, efforts have been made to show under some type of interpretation that the 600 weapons listed could not be included in any banned group. Included in this list of 600 weapons is practically every rifle or semiautomatic rifle that is used by sportsmen for hunting in the United States. I think this approach shows our citizens they will be able to keep their rifles.

The bill applies only to future manufacturing and sale.

In just glancing over this list, I see included a Winchester model 12 pump shotgun. It is not banned and so on down through the list over 600 similar hunting and defense weapons are not banned.

I ask unanimous consent that list be printed in the RECORD following my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE CONGRESSIONAL RECORD OF AUG. 21, 1994—WEAPONS NOT TO BE BANNED

"APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle

Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine
Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rilfe
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever- Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle
Beeman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle
KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU–33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG–S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM–S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G–90 Single Shot Rifle

Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine
Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle
Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
Beretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F–12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armscor Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 990l Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle
Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR–7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL–22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM–321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles
Anschutz 1418D/1518D Mannlicher Rifles
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700 FWT Bolt-Action Rifle
Anschutz 1700D Graphite Custom Rifle
Anschutz 1700D Bavarian Bolt-Action Rifle
Armscor Model 14P Bolt-Action Rifle
Armscor Model 1500 Rifle
BRNO ZKM–452 Deluxe Bolt-Action Rifle
BRNO ZKM 452 Deluxe
Beeman/HW 60–J–ST Bolt-Action Rifle
Browning A-Bolt 22 Bolt-Action Rifle
Browning A-Bolt Gold Medallion
Cabanas Phaser Rifle
Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT–22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mauser Model 107 Bolt-Action Rifle
Mauser Model 201 Bolt-Action Rifle
Navy Arms TU–KKW Training Rifle
Navy Arms TU–33/40 Carbine
Navy Arms TU–KKW Sniper Trainer
Norinco JW–27 Bolt-Action Rifle
Norinco JW–15 Bolt-Action Rifle
Remington 541–T
Remington 40–XR Rimfire Custom sporter
Remington 541–T HB Bolt-Action Rifle
Remington 581–S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light Arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64–MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle
Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP–1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86–SR Specialty Rifle
McMillan M–86 Sniper Rifle
McMillan Combo M–87/M–88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M–89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M–87 Target Rifle
Parker-Hale M–85 Sniper Rifle
Remington 40–XB Rangemaster Target Centerfire
Remington 40–XR KS Rimfire Position Rifle
Remington 40–XBBR KS
Remington 40–XC KS National Match Course Rifle
Sako TRG–21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG–UIT Rifle
Steyr-Mannlicher SSG P–I Rifle
Steyr-Mannlicher SSG P–III Rifle
Steyr-Mannlicher SSG P–IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A–303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns

Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun
Browning BSA 10 Stalker Auto Shotgun
Browning A–500R Auto Shotgun
Browning A–500G Auto Shotgun
Browning A–500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20
Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11–87 Premier Shotgun
Remington 11–87 Sporting Clays
Remington 11–87 Premier Skeet
Remington 11–87 Premier Trap
Remington 11–87 Special Purpose Magnum
Remington 11–87 SPS–T Camo Auto Shotgun
Remington 11–87 Special Purpose Deer Gun
Remington 11–87 SPS–BG-Camo Deer/Turkey Shotgun
Remington 11–87 SPS-Deer Shotgun
Remington 11–87 Special Purpose Synthetic Camo
Remington SP–10 Magnum-Camo Auto Shotgun
Remington SP–10 Magnum Auto Shotgun
Remington SP–10 Magnum Turkey Combo
Remington 1100 LT–20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT–20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586–VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS–BG-Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS–T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A/Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K–80 Sporting Clays O/U
Krieghoff K–80 Skeet Shotgun
Krieghoff K–80 International Skeet
Krieghoff K–80 Four-Barrel Skeet Set
Krieghoff K–80/RT Shotguns
Krieghoff K–80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Under
Ljutic LM–6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Under
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun
Stoeger/IGA ERA 2000 Over/Under Shotgun
Techni-Mec Model 610 Over/Under
Tikka Model 412S Field Grade Over/Under
Weatherby Athena Grade IV O/U Shotguns
Weatherby Athena Grade V Classic Field O/U
Weatherby Orion O/U Shotguns
Weatherby II, III Classic Field O/Us
Weatherby Orion II Classic Sporting Clays O/U
Weatherby Orion II Sporting Clays O/U
Winchester Model 1001 O/U Shotgun
Winchester Model 1001 Sporting Clays O/U
Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
American Arms Gentry Double Shotgun
American Arms Derby Side-by-Side
American Arms Grulla #2 Double Shotgun
American Arms WS/SS 10
American Arms TS/SS 10 Double Shotgun
American Arms TS/SS 12 Side-by-Side
Arrieta Sidelock Double Shotguns
Armsport 1050 Series Double Shotguns
Arizaga Model 31 Double Shotgun
AYA Boxlock Shotguns
AYA Sidelock Double Shotguns
Beretta Model 452 Sidelock Shotgun
Beretta Side-by-Side Field Shotguns
Crucelegui Hermanos Model 150 Double
Chapuis Side-by-Side Shotgun
E.A.A./Sabatti Saba-Mon Double Shotgun

Charles Daly Model Dss Double
Ferlib Model F VII Double Shotgun
Auguste Francotte Boxlock Shotgun
Auguste Francotte Sidelock Shotgun
Garbi Model 100 Double
Garbi Model 101 Side-by-Side
Garbi Model 103A, B Side-by-Side
Garbi Model 200 Side-by-Side
Bill Hanus Birdgun Doubles
Hatfield Uplander Shotgun
Merkel Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Piuma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun.''.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, I want to first talk about the point of order which I raised, which is before the Senate and the Senate is being asked to waive it. First let me say to everyone here, nobody should be under the impression that the minority party uses points of order to deny the majority party proposals, amendments, or bills that they desire. As a matter of fact, in the 103d Congress, points of order to block legislation have been used 33 times. Of that 33 times, 26 of those were used by the majority party to deny the minority party's bills, amendments, or the like. Only seven times has the minority used the point of order against the proposals that the majority desire. So I do not believe this is a partisan gimmick. This is an absolutely bona fide Budget Act point of order that I raise.

Now let me tell you why. As simply as I can put it, when the bill left the Senate, Mr. President, many were congratulating themselves and saying to Senator BYRD, the chairman of the Appropriations Committee, "You have come up with a good thing. You have generated a trust fund which can be used for things in the crime bill, and nothing else."

But let me tell you what else we said. We said the crime proposals are fully funded. We are going to pay for whatever is in the crime bill up to $22 billion. So we were going to pay in full $22 billion by taking it out of the rest of the budget of the United States, and the budgets for those 4 years were already in place. So you knew when you took this money out you were going to pay for crime, all $22 billion, and you were not going to affect the deficit.

So the truth of the matter is, the bill that left here was 100 percent financed, 100 percent deficit neutral.

Senator DOMENICI urged Republicans not to raise a point of order when it was 100 percent financed, 100 percent certain to be budget neutral. It would add nothing to the deficit.

Why is the Senator from New Mexico raising the point of order now? Here is how I see it: 57 percent of this crime bill's funding—57 percent, not 100—is paid for and will not affect the deficit—57 percent. That is not 100 percent. That means there is 43 percent somewhere else. Yes, Mr. President, 57 percent paid for and budget neutral; 43 percent not paid for and not budget neutral. So 43 percent of this bill, $13 billion, can indeed be added to the deficit and make the deficit worse.

Frankly, as one who works on budgets—and we hear so many Senators talk about we have not defeated this terrible, terrible plague of deficit spending—and I agree—then why should we not raise a point of order when the new proposal crafted in a conference is only 57 percent paid for and deficit neutral and 43 percent in the years 1999 and 2000 are not paid for. No matter how much you say there is a trust fund there, they are not paid for, nor are they budget neutral because we do not even have a budget for those years.

As a matter of fact, I will say for the first time, as I studied this last night, it dawned on me that as this package was put together, there were OMB people there. There were budget people from the White House there, and they would like very much to take as much of that crime funding and move it over and take it out of the 4 years for which we have budgets, because if they can move it out of there, they do not have to pay for it within current budgets. So the more they could slip it out, the least impact they would have on other programs that they want, besides crime, and the more certain they were that they could live with it in the outyears because there is no budget, and you can add to the budget a new $6.5 billion a year, called trust fund for crime, just like you will add HUD next year for 1999 and 2000, whatever billions it is, a program when it comes to 1999 and 2000. This program will be $6.5 billion and we will have to fund it. And since there are no caps or no budget, it will increase those.

Frankly, I am convinced of it. I made the point of order absolutely in good faith on straight budget grounds.

Since the point of order lies every time the bill comes back, even though you waived it the first time, there is another good reason. Another good reason is plain and simple: That the Senate produced a bill which had about $3.6 billion over 5 years—$3.6—for programs that were not directly law enforcement, State or Federal. Some call that pork, some call that prevention—$3.6. That was a very big package. In fact, when this bill first came to the floor, none of that was in and it was kind of startling to everyone that the Senate put some prevention money in. But I guess we started a rage because as the conference occurs, the $3.6 turns into $7. It was sort of a bidding war.

If you got some in the Senate, we get some in the House. If Republicans got some, Democrats get some. And from zero in the Senate when it reported its bill out, it went to $3.6 on the floor of the Senate and then to $7 billion. Let me be more specific on the $7, it is actually $6.9 billion, not $7. But I am using $7 versus $3.6 just to make the point that, indeed—indeed—that pot grew.

That is enough to come to the floor and say, "Look, I waived a point of order on a bill that I thought did this. Now it turns out it does that."

So, frankly, I think it was absolutely necessary that the Senate be advised and the public be advised that while there may be some very good things in this bill—and there are—clearly there are some things that are not so good and clearly there are some things that should not be in it. I cannot pick and choose because, obviously, the bill is here, it is done.

But essentially, I believe we legitimately ought to vote on whether or not we should let this bill get through here with those kinds of budget impacts. Much talk about deficits, much talk about a new commission to help us solve the problems of leaving our children and grandchildren with a legacy and a burden on their shoulders that is actually taxation without representation, without any doubt.

And so here we are in the name of a trust fund that we all like to say does not really count—well, whose dollars are in that trust fund in 1999 and 2000, I say to Senator BROWN? They are dollars, they are tax dollars, and if they add to the deficit, it is $13 billion worth. That was not in the bill that left here.

My second point, I made the one that nobody should be concerned that we abuse this process. Nobody should think the minority party uses this process, this point of order. The record is pretty clear for the 103d Congress that it was used over and over to deny proposals Republicans had. As a matter of fact, a number of them had over 50 votes, and the reason they fell is because you need 60 votes, just like there will have to be 60 votes to overrule the point of order which the Senator from New Mexico made. I know one that had 56 votes. I know one had 58 votes and, nonetheless, lost; points of order raised from that side of the aisle, important pieces of legislation.

My last point is, last night as I was watching a recap of late yesterday afternoon's agenda on the floor and I had heard so much about NRA, I had seen headlines around the country that this is what this was all about, and I heard Senator STEVENS on the floor talk about the need for a cloture vote.

He acknowledged that was for pro-gun people. When I saw that, it dawned on me that we had forgot to tell everybody something. Mr. President, the conference report, if we had none of this going, if we did not raise the point of order, we did not ask for some amendments in a new and different way, none of that, if we just had the conference report here and ready to go, those who want the vote on cloture because it contains guns had that right all along. Nothing new was added to anything.

If TED STEVENS wanted to say, "Well, you are going to have to muster enough to sustain a cloture," he would have said that whether we had all of this going that has been labeled, all being done because of the NRA, that would have been an issue before this body in any event, and I assume it will still be. Whether we win or lose this point of order, there will be that vote required, which was there all along.

Now, my last point is that our leader, Senator DOLE, offered a proposal that makes sense and that is fair, the proposal that was turned down when the majority leader offered him 1 amendment instead of 10.

Now, Mr. President, the Dole amendment, the Dole proposal for 10 amendments, in this Senator's opinion, was very important to the American people and very important to this Senate.

First, we conclude that we ought to have 10 amendments and 1 of them ought to get rid of all of the so-called pork—not Republican, not Democrat, not House, not Senate, all of it, $5 billion. Four amendments had to do with that.

Six amendments had to do with putting back in the bill anticrime, antihabitual criminal, anti-letting felons out on the street when they ought to be in prison amendment. This last one had to do with making sure, when you appropriate all this money for States to build prisons, you build prisons, because the way the bill is couched you do not have to use that money. You can use it for so-called alternatives.

(Mr. KERREY assumed the chair.)

Mr. DOMENICI. Now, I think we would have had a better bill if we had voted those in, and I frankly believe they would have passed, which is the reason they probably were not offered by the majority leader in response to the offer of BOB DOLE, the Republican leader, because I believe it is obvious those amendments would pass. Those are the kinds of amendments that the American people want in a crime bill.

Lately, but for one television program where I watched the mayor of Kansas City, I understand a Democrat mayor—and I understand, if there is a philosophical leaning, he is a liberal Democrat mayor—I saw him on television saying he did not want this package because—I will paraphrase—to the cops on the beat it is a hoax, said he. But then the impression is left that all the policemen must want this.

Well, I do not very often read constituent letters in the Chamber. It is becoming a very much used tool by Senators. But I would like to just share one. I would like to share one that I got on August 24 from a sergeant in the police force:

> As a sergeant with the Albuquerque Police Department, I would like to voice my opposition to the crime bill. I am getting tired of President Clinton and other social engineers of Congress exploiting my profession to promote their social agenda.
>
> During roll call this morning, I listened as a group of officers discussed the crime bill that passed in the House of Representatives. Every officer vehemently disapproved of the bill because of the gun control provision.

But also:

> Wait, America is being told that law enforcement community supports this bill. True, the Fraternal Order of Police and other police associations are endorsing this crime bill. However, this is nothing more than [those who organize these groups] attempting to increase their membership [because they think they are going to get more policemen on the beat.]

Now, this point I call to your attention very, very specifically.

> In New Mexico,

Says this sergeant,

> the prison population, due to limited space, is about 3,500. The number of criminals on probation is roughly 14,500. Thus, the "overcrowding" of our prisons has not prevented Government from "overloading" criminals on our streets. We will never see crime control, until we have criminal control. That means more police, prosecutors, and prisons.

And he goes on indicating the other things he does not support.

Now, Mr. President, there are some saying that Senator DOLE in his proposal which was turned down, which brought us to this point of order, that all of this has been done to kill the crime bill. I do not think there is a chance in the world that this crime bill would have been killed if we would have voted up or down on some or all of the proposals that Senator DOLE made.

It seems that the Senate was asked to sit by and watch conference report No. 1, which failed the House, get changed and amended because certain House people wanted to change it and they changed it.

Incidentally, the occupant of the chair will be interested in this. It was heralded that they cut $3 billion out of the bill, 10 percent, from 33 to 30. Guess what? The $3 billion they cut was not covered by the trust fund. There was not enough money in the trust fund for that. So they were just authorized. So that was another nice gimmick. We have cut $3 billion, but we did not have the money to pay for that $3 billion anyway. I did not have a chance to say that before, but that happens to be the case. I remember that just looking at it. It comes to me as I talk here. But that is true.

So in this Senator's opinion, since we could not, could not have a right, we could not get these amendments voted on, I think the next best thing is to adopt a point of order, not waive it. That will essentially put us in the position where one of two things will happen. A series of amendments will occur or serious negotiations will occur about which we will probably get back to something like letting us vote on the amendments in behalf of the American people that Senator DOLE has tendered to the majority leader.

I ask unanimous consent the letter from the sergeant on our police force, Darren P. White, be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DARREN P. WHITE,
> ALBUQUERQUE, NM,
> *August 23, 1994.*
>
> DEAR SENATOR DOMENICI: As a Sergeant with the Albuquerque Police Department, I would like to voice my opposition to the crime bill. I am getting very tired of President Clinton and the other social engineers of Congress exploiting my profession to promote their social agenda.
>
> During role call this morning, I listened as a group of officers discussed the crime bill that passed in the House of Representatives. Every officer vehemently disapproved of the bill because of the gun control provision. Wait, America is being told that the law enforcement community supports this bill. True, the Fraternal Order of Police and

other police associations are endorsing this crime bill, however, this is nothing more than organized labor selfishly attempting to increase their membership roles with the so-called 100,000 new officers it promises.

In New Mexico, the prison population, due to limited space, is about 3500. The number of criminals on probation is roughly 14,500. Thus, the "overcrowding" of our prisons has not prevented government from "overloading" criminals on our streets. We will never see crime control, until we have criminal control. That means more police, prosecutors, and prisons. Not basketball leagues or teaching convicted drug dealers art and crafts. The only craft a drug dealer should be taught, is art of making license plates.

I urge you to resist this bill if it is laced with programs that do nothing to fight crime.

Thank you.

DARREN.

Mr. DOMENICI. Now, lastly, Mr. President, there has been so much said about the cops on the beat and the community policemen that I am sure every Senator hears a new story every day about what it will do and what it will not do. I got so frustrated about that, I just said to my best people who know how to take things out of a bill, just tell me once and for all, and put it in writing, what this cops on the beat really is all about.

So I have, I think, an authentic, very good analysis. I am going to put it in the RECORD. I am not sure anybody will read it other than those who read CONGRESSIONAL RECORDS. But let me just suggest that there was an interesting article on the front page of the New York Times day before yesterday about the mayor of New York and new cops. And it essentially says Mayor Giuliani is not going to open his training center for new policemen now because he is waiting, to save money.

You understand what that means. That means he is saying I was going to hire new cops anyway, but since the Federal Government may send us some money, I am going to hold up.

There is nothing in this bill that prohibits cities across this land, and they will, from hiring new policemen anyway because attrition yields new ones and most forces add new ones anyway. Nothing in this except some platitudes about not supplanting, but you cannot even interpret it, so I do not believe we have any idea whether we are really adding 10,000 brandnew policemen that would not otherwise be there or not.

But I can tell you for sure. There is nothing like 100,000 possible; nothing like 100,000 possible. Somewhere between 18,000 and 25,000 is probable. But I can tell you that there are a number of scenarios which even say you will not get that many.

Second, it sounds to many, that the Federal Government is going to pay for policemen—100,000 new policemen in this crime bill. But everybody should understand that cities pay over a 3- to 5-year period as much as the Government for policemen, or more. So it is kind of fair to say that the cities and the Federal Government are going to get some new policemen if it works out that way. But certainly, we are not paying for them because $15,000 a year will not pay for a policeman.

Clearly, with so many other things in this bill about what you use this money for, I just would like everybody to have a chance to look at the analysis that I think led to the mayor of Kansas City saying, "I do not want to have anything to do with it." Incidentally, his closing remarks were,

> I think I will be the mayor for 4 more years. I do not want to be here in the fourth year after the 3 years when we hire policemen and then I have to lay them all off because I am not going to have the money to pay for them because the program terminates and expects us to keep them on. Frankly, I do not want to be in that position with my police department.

COPS ON THE BEAT

The Cops on the Beat Program of the crime bill is advertised as providing 100,000 new police officers. But if you look at the purposes for which the funds can be used, and the suballocations for purposes not directly related to hiring additional policemen, it is clear that far, far fewer than 100,000 full-time police officers can or will be hired over the next 6 years.

First, grants can be made for three general purposes, not all of which would result in the hiring of new officers: Rehiring, hiring, and redeployment of police, including up to 20 percent for grants for equipment, technology, and support systems; troops to cops, in which funds are available to hire former members of the Armed Forces; and additional grant projects, which includes 10 eligible activities, only one of which is directly related to hiring additional police officers.

Second, up to 3 percent of the funds appropriated for this program are available for technical assistance grants, or for evaluations and studies by the Attorney General.

Third, funds must be made available for administration of the program itself; the 1995 Justice Appropriations Act allows $11,000,000 of the funds to be used for administration; one can assume a similar level for each of the next 5 years.

Fourth, up to 15 percent of grant funds can be used for purposes other than those authorized under the provision allowing for the hiring of additional police officers. These purposes include such things as: Specialized training to enhance conflict resolution; police participation in multidisciplinary early intervention teams; developing new technologies for crime prevention; developing new administrative and management systems to facilitate the adoption of community policing; and purchasing additional weapons.

None of these purposes is necessarily bad, but they have little or nothing to do with hiring additional police officers.

If you add up all the exceptions and other allocations, it is possible that as little as $6.2 billion of the $8.8 billion will actually be used to pay for the hiring of new police officers.

The authorization allows grants up to $75,000 per officer; if you divided $6.2 billion by $75,000 you get approximately 82,600. The problem is, these grants are provided for up to 5 years; therefore if you divided 82,600 by 5, you get roughly 16,500.

The proponents of this program will make two arguments in this regard: First, the program provides for a 75-percent Federal match, with a declining Federal match over the 5-year period; and second, the $75,000 payment is the maximum Federal share.

Both of these points are correct; however, even if you assume $50,000 per officer as the average support for both new hires and continuing support for existing hires, that only provides you with 24,790.

In addition, while the authorization contains a provision prohibiting the use of Federal grant funds to supplant State or local funds, we all know that money is fungible, and this prohibition will be very difficult to enforce. In the end, many local governments may not hire any more police officers than they originally intended.

Finally, while the declining Federal match frees up additional funds to provide a match for hiring other police officers, it also increases the cost to local governments; that is why the Democrat mayor of Kansas City has already stated that he will not participate in the program.

The bill only says in this regard that grants are reduced and eventually eliminated "looking toward continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support."

We also need to remember that the cost of a police officer involves more than his or her salary: Training, equipment, police vehicles, insurance, pension payments, and other benefit costs must be covered.

The point is, no one really knows how many police officers will be hired through this program. What is very clear, however, is that 100,000 cannot be hired under almost any scenario; the final figure will be close to 20,000.

[In millions of dollars]

Year	Appropriated or authorized	Minus 3 percent technical assistance	Minus administrative	Minus 15 percent other	Minus equipment allocation
1995	1,300	1,261	1,250	1,062	849.6
1996	1,850	1,794.5	1,783.5	1,516	1,212.8
1997	1,950	1,891.5	1,880.5	1,598.4	1,438.6
1998	1,700	1,649	1,638	1,392.3	1,253.1
1999	1,700	1,649	1,638	1,392.3	1,253.1
2000	268	260	249	211.7	190.5
Total	8,768	8,505	8,439	7,172.7	6,197.7

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to take a moment. I do not intend to speak. But the American people want a crime bill and have waited 6 years for it. We have been filibustered on previous bills. The question obviously is we are prepared to vote. We are ready to vote right now.

I respect my colleagues, obviously, who want to speak. That is their right. But the question is why we cannot proceed to a vote. We have had 4 days on the bill. I think every Senator has risen previously on this bill at least once.

The question before the American people is why is the U.S. Senate talking on? When can we vote?

Mr. DOMENICI. I hope the Senator is directing that at me. I am still standing. I made the point of order. I have not had a chance to speak. I just spoke 20 minutes. I do not think that is an inordinate amount of time. It is a very serious issue. In fact many are saying why would we even make the point of order? I want to make the case.

Mr. KERRY. I am personally asking. I wonder if any Senator on the other side can give us a sense of when we might vote.

Mr. DOMENICI. I will leave the floor. I will try to seek the Republican leader out and ask him. I thank the Senator for his question.

Mr. KERRY. I thank the Senator.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Thank you, Mr. President.

The old saying about attorneys says if the law is on your side and the facts are against you, you argue the law. And if the law is against you, and the facts are in your favor, you argue the facts. But if the law and facts are against you, you simply argue. We have seen a little bit of that.

We have seen a strong anticrime bill leave the Senate which was fully paid for, as Senator DOMENICI pointed out, and return from conference with its character deeply changed. I believe it is fair to say that the conference committee had a dramatically different viewpoint than this body did and a dramatically different viewpoint than the people of this country. I want to be specific because I think it points to an enormous problem.

When we begin to explain our democracy, we hold out that it is based on the concept that the people are represented by those they elect. Elected officials are in turn supposed to be represented by the conference committee when two Houses of Congress come together to consider legislation. Unfortunately, we have seen a conference that took our Senate passed crime bill and return from conference with something quite different.

Let me illustrate the problem with specific examples. If you sell cocaine to schoolchildren in this country, the current law says you are going to serve at least a minimum of a year if you are convicted. You are going to go to prison for at least a year. That is the current mandatory minimum sentence.

This body thought you ought to get tough, thought you ought to get tough on people who sell cocaine to our kids in school. I think we were right. This body passed a mandatory minimum term of 10 years in prison. I think it is called for. If you sell cocaine to the children of this country in school, 10 years in prison is appropriate.

What did the conference committee do? The conference committee not only did not adopt the 10-year mandatory minimum sentence that this body adopted, the conference committee did not even leave the current law in place which calls for at least 1-year mandatory minimum sentence for selling cocaine to our kids. The conference committee even eliminated the 1-year mandatory minimum sentence.

Let me repeat that. The conference not only dropped the tough provision that this Senate is in favor of, but they cut back the mandatory minimum sentence that is in existing law. The conference was far more liberal than this body. They were far more liberal than the American people.

The conference report includes a safety valve for mandatory minimum sentences. This safety valve operates by allowing those who are convicted of drug offenses under title 21, United States Code, sections 841, 844 and 846—which are the offenses of selling and possessing drugs and so on—to petition to get out of jail early. The existing offense of selling drugs to a minor is in a separate section, but it implicates the other three sections, or the criminal may simply be charged under them. The conference report says that if you are convicted of selling drugs, you may be able to get out of jail early. That is the very opposite of mandatory minimum sentences.

That conference committee is a runaway conference committee. They may have represented themselves. But they did not represent this body and they did not represent the American people.

If you employ schoolchildren, these are kids in school—incidentally, if somebody really thinks there should be no mandatory minimum sentence for somebody who sells cocaine to their kids, I hope they will come to the floor. I hope they will speak up so the American people know who they are. Current law says if you employ schoolchildren to sell drugs, you are going to serve at least a minimum, at least a minimum, of 1 year in prison. The Senate thought that was not tough enough. This body voted to make that penalty a minimum of 10 years in prison.

The conference committee not only eliminated the mandatory 10 years in prison, they eliminated the 1 year in prison that current law calls for. This is a runaway conference committee, far more liberal than this body, or the American people.

If you sell cocaine to schoolchildren after a conviction for selling marijuana that resulted in a light sentence, current law says you have a 1-year mandatory minimum sentence. The Senate felt so strongly about it, we passed a provision to put the criminal away for life.

This was a tough bill when it left the Senate. If you are convicted for selling schoolkids marijuana and get a light sentence, and then come back and are convicted of selling cocaine, the Senate bill says you are going to jail for life. What did the conference committee do? They dropped our provision that put the criminal away for life.

If there is somebody here who thinks after you sell kids marijuana and are convicted, and then come back and sell schoolkids cocaine that you should not have significant jail time, I hope they will identify themselves. I think the American people want to know. The conference committee did not represent the people of this Senate and I do not believe it represents the people of this country.

Mr. BIDEN. Will the Senator yield on that point for just 10 seconds?

Mr. BROWN. I am happy to yield.

Mr. BIDEN. Did the Senator know that it was tripled for the very same thing the Senator is talking about?

Mr. BROWN. My understanding is the conference committee eliminated the mandatory minimum sentences. Is that not correct?

Mr. BIDEN. Not the 1 year the Senator is talking about, and we did instead triple the maximum penalty. We also instructed the Sentencing Commission, which is mandatory because you have to serve your time you get under those, to increase the penalties for all offenses in which an adult uses a minor.

Mr. BROWN. Let me be clear. The Senator is saying that the mandatory minimum sentence was not repealed?

Mr. BIDEN. That is correct. It is not repealed. The Senator is absolutely correct. It is not repealed.

Mr. BROWN. Let me say to the Senator that my understanding is that the conference committee adopted a safety valve, and it is far from being as strong as when it left this body. The safety valve allows convicted felons to challenge the sentence, and the administrative office of the U.S. Courts estimates that the safety valve will result in 900 released felons per year. That is not HANK BROWN talking. That is the administrative office of the U.S. Courts.

Mr. BIDEN. If the Senator will yield, that is HANK BROWN talking about what the courts said before they know what we did.

Mr. BROWN. So there is no safety valve?

Mr. BIDEN. There is a safety valve. The guidelines for selling drugs to kids is at least 5½ years, which they must serve under the guidelines. No one who sells drugs to kids would make an application because the guidelines are tougher than the minimum sentences, and because the safety value does not apply to that offense. The guidelines are tougher than the mandatory minimum sentences in a majority of the cases. That is why.

When you are going to put in jail thousands of people next year for selling drugs, the administrative office of the courts points out that even before we make the change—what the Senator said—that it would apply to 900 people. One would have to ask themselves, if it would only apply to 900 people, that assumes that we are not getting very many people put in jail. The truth is that thousands of people are being incarcerated under the Federal drug laws, and only 900 would even be eligible to ask. The reason for that is the mandatory minimums are not as strong, in many of the cases, as the guidelines. Bottom line: Nobody who sells drugs to kids and goes to the Federal courts will get anything less than 5½ years. I yield back to the Senator.

Mr. BROWN. I hope the Senator will help us on this, because I think it is a terribly important point. My understanding is that guidelines are not mandatory minimum sentences. The C.F. orders the S.C. to increase the guidelines: either the fine or the maximum sentence or both. In other words, there is no mandatory minimum in the conference report as there was in the Senate passed bill. Mandatory minimums mean exactly that—you have to serve the time, but I am informed that the guidelines do not mandate that minimum service. They allow the judge discretion; they do not dictate the minimum. Most importantly the conference report does not triple the sentence. It says the sentence will be increased, up to triple. There is no guarantee there will be a triple increase, it may only be an increased fine. Is that correct information?

Mr. BIDEN. As we would say, that is a distinction without a difference. The guidelines require you to serve that time in jail. The only difference between a mandatory minimum and a guideline is that we do not allow the sentencing commission to set the mandatory minimum, in effect. We say we are not going to go to the sentencing commission, we are going to, right here, say this is what the sentence is, and the sentencing commission be damned, they can have nothing to do with it.

But once the sentencing commission sets a time for a sentence for a commission of a crime, if the person is convicted under that particular provision of the law, the judge has virtually no discretion, up or down. So let me be explicit. We could pass here a mandatory minimum sentence of 5 years for someone walking sideways across this body, and the sentencing commission could set a 10-year sentence for that. If, in fact, the person was sentenced under the sentencing guidelines, they would get more time in jail than they would if they were sentenced under the mandatory minimum the Congress set. The only difference between a mandatory minimum and a mandatory guidelines is we, the Congress, in one case say if somebody violates the law by selling drugs to kids, what do you think should happen; and the sentencing commission, and whatever they think should happen, that becomes the sentence. In the other case, we say we are not even going to ask the sentencing commission what the penalty should be. We are telling them it should be a minimum of 5 years.

The irony is that the sentencing commission has been tougher than the U.S. Congress and President Bush, and President Clinton, and President Reagan. They have set down sentences that—because there is no parole under the Federal system, because of that, they must serve the time that the sentencing guidelines say. They have a book like this book, and a judge has to open the book and say, all right, John Doe has been convicted of violating section such and such, say, selling drugs to minors. Under the guidelines, I must put that person in jail for *x* amount of years, 10 years, or 9, or 2, or 7. What discretion do I, "Judge BIDEN," have as a Federal judge? I can say, you know, there are mitigating circumstances here, so instead of putting him in jail 10 years, I am putting him in for 8 years and 6 months; or there are extenuating or aggravating circumstances, and I can put him in jail now for 11 years, 6 months. That is the totality of the discretion.

So I point out to the Senator—and I will yield back because others want to speak—there are a total of 18,287 drug defendants. Only 3.4 percent, or 620 of them, would be affected by the so-called safety valve.

I yield.

Mr. BROWN. I want to express my concern with the safety valve in the conference report because it provides a way for criminals to get out of jail early. The administrative offices of the U.S. Courts estimates that the safety valve will result the release of 900 convicted drug felons per year. That is my concern: by moving away from mandatory minimum sentencing toward sentencing guidelines and that safety valve, criminals won't do the time.

When you have a conference committee that has a dramatically different view than the body it represents on legislation, it is quite likely to come back radically different, unless they are willing to follow the will of the body. This Member believes this is precisely what happened. That is why a bill that had tough mandatory minimum sentences when it left this body came back with weaker sentencing and a provision to allow 900 convicted felons out of jail early. That is why a bill that was 100 percent paid for when it left the Senate came back 43 percent unpaid for.

That is why it was important to amend the conference report, as we have suggested, or develop a separate vehicle to be sent back to the House to accomplish that amendment. Members will vote their conscience. Ultimately, the question we have to ask ourselves is: Have we respected the process and the wishes of the people of our States? My answer is that we have not.

This fight is not about guns, as has been pictured in the press. I am one who felt that the ban on semiautomatics was reasonable and I voted that way. But I do not think it is reasonable to add $13 billion to the deficit. I do not think it is reasonable to gut some of the strong anticrime provisions. I do not think it is reasonable for a conference committee to ignore the wishes of the body it is sent to represent. It is not reasonable to represent this as a fight over guns.

The American people want strong, tough laws. That is what Congress ought to deliver. They want an end to the pork barrel spending, and that is what Congress ought to deliver. My hope is that this body will respect the point of order, that it will move to open the bill to amendment, and that we will allow the will of this body to be reflected in statute, not the will of a small, unrepresentative minority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have some remarks I wish to make on the matter before us. However, I had heard that there may be some desire for a vote very, very soon.

In my usual accommodating fashion, I will simply inquire of the managers of the bill and I will withhold my remarks if a vote is imminent. If a vote is not imminent, then I would like to proceed with my remarks.

I inquire of the managers of the bill if I withhold my remarks, will we then be in position to vote now?

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, neither manager of the bill is on the floor at the moment. It is difficult to answer the Senator's question. But I assure him we could get to a vote sooner if he did not make a speech.

Mr. EXON. I simply say, Mr. President, in order to accommodate all, if during my remarks the managers decide it is time to go to a vote on the bill, if they would so advise the Senator from Nebraska, I would forthwith withhold further comments until after the vote.

Mr. FORD. I say to the Senator, there will be other Senators on the other side who are sitting here waiting to make speeches. So I suspect it will be a while before they will allow us to take a vote even though we are ready to vote now.

Mr. EXON. I thank my friend from Kentucky.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. EXON. I yield for a question.

Mr. CRAIG. Let me say in response to the Senator, I am not here to speak on the point of order. I am simply sitting here listening. I do not know if anyone is now waiting on this side. It is not this side now holding up the vote. There is no one here now that I know of.

Mr. FORD. Mr. President, in answer to that, is the Senator ready to vote? We are ready to vote now.

Mr. CRAIG. I do not control the time on this side.

Mr. FORD. There is no time limit.

Mr. CRAIG. I wanted the Senator to understand I am not here to debate the point of order.

Mr. FORD. If there are no other speeches, then we are prepared to vote. We are ready to go. I do not see anybody on the Senator's side who is ready to make a speech, and the Senator from Nebraska has agreed not to speak so I think the Chair could put the question if the Senator is not here to make a speech or delay us.

Mr. BUMPERS. Could we vote, Mr. President?

The PRESIDING OFFICER. Is there further debate?

If there is no further debate——

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, without mental reservation or hesitation, I again have the audacity to come to the floor of the U.S. Senate without multicolored charts, graphs, or other visual aids. I know it is unique and I acknowledge it is old-fashioned, but I will try again to make my point and express my view with words. Please bear with me, as naked as I might appear without an easel or a chart. I do not intend to shock the Senate or violate its decorum.

The Senate is being challenged again to try and ferret out right from wrong or at least the appearance of right or wrong. Facts oftentimes are drowned out by rhetoric and partisan bickering. I hasten to add that there is plenty of room for reasonable difference of opinion, which is what intelligent debate in reaching a majority decision is all about. Now we find ourselves on the crime bill, but regardless of the subject I suggest the same principles apply.

What we say and what we do here, in reaching the final vote stage, is very important and often sets precedence for what we do or do not do in the future.

I am discouraged by the road we are seemingly following on a whole series of issues and procedures that in my view are contributing to a decay—to a decay, I emphasize—in what we all want to do. Reasonable rule of law and lawmaking oftentimes is interrupted.

First, on the matter before us, a point of order is being proposed against the conference report on the crime bill.

The clear technical point of order confronting us requires a 60-vote majority to overcome. It is also clear, and I believe all would agree, that we are being asked to take this action now despite the fact that all knew and understood that we refused to take the identical action several times previously, thereby directly or at least indirectly concluding such a point of order was not necessary.

Let me agree with all of that and simply say that I hope we can keep on course.

Let me digress for a few minutes to alert the Senate to a serious flaw I discovered in reviewing this as it adversely affects our legitimate proceedings. I cite the systematic erosion of the legitimate lawmaking processes with the wholesale granting of nearly unlimited power to the Senate-House conference committees. We are careening down a course, perhaps unwittingly, but careening just as surely. Such procedures are at the expense of and usurp the paramount authority of the House and Senate. The two bodies' floor debate and actions that preceded the floor debate, such as the hours and days of hearings by the appropriate committees and subcommittees of jurisdiction, are being subverted. The conference committees are alarmingly becoming a creature unto themselves. We are increasingly short-cutting the established procedures, including the all important rollcall votes, to the point where we might just as well eliminate all previous consideration, let the conference committees originate all legislation and present their findings to the House and Senate for confirmation and upon passage let the Congress be done with it.

What brings me to this seemingly facetious conclusion? Just take a look at this conference report before us. The House authorized $28.4 billion in spending for the crime bill. The Senate authorized $24.2 billion. If normal and reasonable procedures were followed, the joint House-Senate conference would meet to meld together the two bills and come up with an acceptable compromise between the different amounts approved in the two bodies. Likewise, it would be assumed that language differences would be compromised and resolved within the meaning and intent of the laws passed separately by the House and Senate. In this case, it would appear that the funding levels could not be lower than $24.2 billion in the Senate bill or higher than $28.4 billion in the House bill.

Guess what? The conference committee had originally brought forth a bill totaling $33 billion, nearly $5 billion more than authorized by either the House or Senate. Who gave the authority to the conference committee, clearly designed to compromise within the boundaries of legislation passed by the two bodies, to plow new ground by exceeding the maximum allowed spending total by $5 billion? After initial rejection by the House, it was fortunately reduced by $3 billion to $30 billion.

Please let all understand that I am not criticizing just this conference committee or any of its able members and certainly not the two primary Senate negotiators, Senator BIDEN or Senator HATCH. As much as anything else, they are victims of the system which has developed. It is undoubtedly true that given the strong feelings and opinions that surround the crime bill, they might not have been able to come to an agreement without raising the ante. But I still maintain that such action clearly violates what has been assumed as standard procedures under the rules.

Unfortunately, it has become commonplace by conference committees to originate initiatives not embraced by either body in their extensive lawmaking duties. This conference committee, like others, including possibly ones that I have been a party to, did their thing and took license from what has been going on since 1985 with Gramm-Rudman. It is this drift or avalanche to doing what comes naturally in violation, at a minimum, of what is reasonable for expected of us operating in a two-house democracy that concerns me very much.

I must concede Mr. President, that my suspicion of conference committees stems from a famous Nebraska predecessor of mine in the Senate, George Norris. George Norris served Nebraska with distinction in both the House and later in the Senate. He was, and still is, recognized as a legend in political leadership and parliamentary know-how and possessed a seasoned patience and determination to represent Nebraskans and Americans. Although I met him personally only once when I was young and he was old, I have always admired him greatly. One of the reasons I have always admired my colleague Senator ROBERT BYRD is that the Senior Senator from West Virginia resembles, in my view, as much as any public servant I have ever known, the character, integrity, demeanor, and talent of George Norris. I say that to my colleagues only to demonstrate how genuine George Norris was and how we should learn or relearn one of his prominent warnings; Beware of the Senate-House conference committees.

George Norris, while he was serving Nebraska here in Washington, is given credit for being the father of the Nebraska one-house, nonpartisan, legislature. Some in derision have called it the Nebraska one-horse legislature. It is not perfect, as no one thinks is the case with some elements of all our democratic forms of government. As Governor of Nebraska I was known to take on the legislature sometimes not in the kindest of terms. However, we are not here to discuss the over-all merit or lack thereof of the Nebraska unique legislative system. Nevertheless, one shining success of the one-house legislature is that it does not have, and does not need, conference committees. That was a fundamental ingredient often cited by George Norris in creating the concept of the Nebraska system. I quote what he said in this regard:

> The greatest evil of a two-house legislature is its institution of the conference committee. When a bill passes one house and is amended by the other, however slightly, it then must go to a conference committee, the source of numerous errors and frauds. And in this conference committee the jokers are placed in otherwise good laws. There the bosses and the special interests and the monopolies get in their secret work behind the scenes. There the elimination of a sentence or a paragraph, or even a word, may change the meaning of an entire law.* * * both branches must take or reject it entirely * * * as a matter of practice, it has developed frequently that, through the conference committee, the politicians have the checks, and the special interest the balances.

The potential evils of the conference committees therefore have not been of just recent vintage. Unless bridled they could cause even more difficulties. The course we are on, as demonstrated vividly in this instance again, should be corrected.

I inquired of the Parliamentarian how we got into the present situation. It seems that it was ordained by Gramm-Rudman in 1985. Apparently it evolved because the Senate, without fully appreciating what it was doing, created a precedent by overruling the Chair and eroding the rules which previously placed reasonable restrictions on conference committees. I ask unanimous consent that the text of my letter to the Parliamentarian and his reply in this regard be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Is it time to consider reversing course? We cannot do it immediately or thoughtlessly. It will take time. We do not want to jump from the frying pan into the fire. I suspect that back in the Norris days some reforms were approved. We need to do it again.

But let me return to the matter at hand. In my view we need a crime bill. However, I am not convinced that some warning and reservations should not be stated clearly about some of the overselling of this measure. I intend to support this bill because of the crime wave gripping America. I think it is not a cure-all and it might not be the bill I would write if I were decreed to be the sole author.

But all must realize that there are 535 Members of the Congress and we can't all have our own way. I have listened to this debate in great detail and have some reservations on some parts of this bill. In that context I am not different than many of my colleagues on either side of the aisle. The hard-working and extremely talented chairman of the committee, Senator BIDEN, does not like some portions of the bill. He is not alone. There are, or could be, many reasons to vote against this bill. But to do so would be to say we are not going to do anything on the overriding crime situation.

With that statement, though, let me take issue with some of the statements made by proponents that I think need to be corrected. There are too many overstatements and it should be understood that this measure is a long way from a cure-all on crime, but rather a step in the right direction.

The President, in his letter of August 22, 1994, tends to overemphasize what we should expect from the passage of this bill. Terms like "the toughest, smartest crime bill in our Nation's history" may be accurate on their face, but caution should be exercised in not bringing on unrealistic expectations. The President's phrase "will shut the revolving door on violent criminals" should have inserted the word "some" before violent. The President should have said, "we will shut the revolving door on some violent criminals." This measure should be understood to primarily address Federal court convictions under Federal law, a distinct minority of the arrests and convictions for violent crimes, including rape and murder.

The three-strikes-and-you're-out provision would not be applicable unless at least one of such crimes broke Federal law. The majority of such convictions would not come under the three-strike option that has been well-received by our aggrieved citizens. State laws would have to be changed accordingly to make it applicable in all cases. "Federal death penalties for the most heinous of crimes, such as killing a law enforcement officer," is too expansive since, again, it would apply only to cases of Federal officials or nonfederal officers who were in the act of assisting a Federal officer. The killing of a local policeman or sheriff not involving a Federal statute would not be covered. However, there are many other important considerations that the President mentioned in his letter that are effective and salutary, including 100,000 more police officers on the streets and the almost $8 billion for more prison construction.

My point is that the spending of approximately $5 billion a year, as much as that might sound, is only a small step in the right direction to meet the crime debacle facing America. It's only one-third of 1 percent of our total budget of over $1½ trillion. That's only the equivalent of a couple of bombers or a couple of submarines. There is much more to be done.

With some reservations about some of the money that is being authorized, and given the conclusion that we have an obligation to do something other than wring our hands in Washington, I intend to support the crime bill.

The Republican effort to change this bill again and head it back down the road of no return and near certain defeat, after nearly unanimously voting for it previously in its current not-so-different form, is politically motivated nonsense.

They may have the 41 votes necessary to block passage on a procedural vote. If that is so, they will have effectively killed the crime bill, notwithstanding their protestations of not being politically motivated.

I am still very concerned about the breakdown of supposed restrictions being abandoned in House-Senate conference committees. I hope that this event will spur some constructive corrective action on a bipartisan basis to undo what I feel the Senate unknowingly did in the passage of Gramm-Rudman. I have always thought that measure was a bummer budget-wise, but didn't fully realize what a bomb it also was in destroying the usual check and balance procedures. Long live the unfettered tether of the conference committee. George Norris would not like it. And neither do it.

Mr. President, I ask unanimous consent the letter from the President of August 22, 1994, that I referenced in my remarks, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 22, 1994.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR JIM: This week, the Senate has a historic chance to move us beyond old labels and partisan divisions by passing the toughest, smartest Crime Bill in our nation's history.

I want to congratulate members of Congress in both houses and both parties who have reached across party lines and worked in good faith to produce this Crime Bill. This isn't a Democratic Crime Bill or a Republican Crime Bill—it's an American Crime Bill, and it will make a difference in every town, every city, and every state in our country.

The Crime Bill produced by House and Senate conferees and passed yesterday by Democrats and Republicans in the House achieves all the same objectives as the bipartisan Crime Bill which the Senate passed last November by a vote of 95 to 4.

Many of the central provisions of this Crime Bill were included in the Senate bill:

Nearly $9 billion to put 100,000 new police officers on our streets in community policing;

An additional $4.6 billion for federal, state and local law enforcement (a 25% increase above the Senate bill);

$9.9 billion for prisons (a 30% increase above the Senate bill), coupled with tough truth-in-sentencing requirements that will shut the revolving door on violent criminals;

Life imprisonment for repeat violent offenders by making three-strikes-and-you're-out the law of the land;

Federal death penalties for the most heinous of crimes, such as killing a law enforcement officer;

A ban on handgun ownership for juveniles;

Registration and community notification to warn unsuspecting families of sexual predators in their midst;

A ban on 19 semiautomatic assault weapons, with specific protection for more than 650 other weapons; and

Innovative crime prevention programs, such as the Community Schools program sponsored by Senators Danforth, Bradley, and Dodd, and the Violence Against Women Act sponsored by Senators Biden, Hatch, and Dole.

One of the most important elements of this Crime Bill is the creation of a Violent Crime Reduction Trust Fund, which ensures that every crime-fighting program in the bill will be paid for by reducing the federal bureaucracy by more than 270,000 positions over the next six years. The idea for the Trust Fund came from Senators Byrd, Mitchell, Biden, Gramm, Hatch, and Dole, and the Senate approved it by a vote of 94 to 4. The Trust Fund will ensure that the entire Crime Bill will be fully paid for, not with new taxes, but by reducing the federal bureaucracy to its lowest level in over 30 years.

The Senate led the way in passing these important anti-crime proposals last November, and I urge you to take up this Crime Bill in the same bipartisan spirit that marked that debate. The American people have waited six years for the comprehensive Crime Bill. It's time to put politics aside and finish the job. After all the hard work that has gone into this effort by members of both parties acting in good faith, we owe it to the law-abiding citizens of this country to pass this Crime Bill without delay.

Sincerely,

BILL CLINTON.

EXHIBIT 1

U.S. SENATE,
Washington, DC, August 23, 1994.

Mr. ALAN FRUMIN,
Senate Parliamentarian U.S. Senate, Washington, DC.

DEAR MR. FRUMIN: It is clear that the House-Senate conference on the Crime Bill has authorized more funds than either the House or Senate included in their respective versions of this legislation. Is this fact a violation of the rules? It not, why not?

Is it true under present rules that it is not against the rules of either the House or Senate that a Conference Committee can report legislation above the total dollars authorized by either House and can include any other substantive language not included by either House?

Are there any restrictions whatsoever on House-Senate conferees? Are they required to live within the amounts and intent of the legislation which passed either or both Houses? Can House-Senate conferees act as an independent body and include provisions which were never considered by either House during enactment?

I have been advised by some sources that the Gramm-Rudman law set a precedent which has increased the power of conferees to go beyond what either House passed. Is this correct?

Since your reply will be important to my vote on the Crime Bill Conference Report, I would appreciate an immediate reply.

Sincerely,

JIM EXON,
U.S. Senator.

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, August 23, 1994.

Hon. J. JAMES EXON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR EXON: Thank you for your letter dated August 23, 1994, regarding Senate rules and precedents concerning the authority of House and Senate conferees as it pertains to the conference report on H.R. 3355, the Violent Crime Control and Prevention Act of 1994.

Rule 28, paragraph 2 of the Standing Rules of the Senate provides:

"2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if a matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of representatives has not already acted thereon."

The Senate and House go to conference in one of two ways—either with a bill passed by the first House and amended by only one amendment of the other House, or with a bill passed by the first House and amended by the second House with more than one amendment. Prior to 1985, the standard used to interpret Rule 28, paragraph 2, depended on which of these situations applied. If there was only one amendment in conference, the standard was quite permissive, and conferees could agree to any provision "not entirely irrelevant to the subject matter," contained in either the Senate or House versions of the bill. However, if the Senate and House conferees had more than one amendment committed to them, the standard was quite restrictive, with conferees limited to resolve the differences between the Senate and House provisions.

On June 6, 1932, the Chair declined to sustain a point of order against a conference report on the grounds that the conferees had exceeded their authority, since the matter at issue was "not entirely irrelevant" to provisions sent to conference by either the Senate or House. Again, on August 19, 1982, the Chair declined to sustain a point of order against a conference report on H.R. 4961, the Tax Reconciliation bill, applying the "not entirely irrelevant" standard.

In your letter you refer to a precedent that occurred during consideration of the Gramm-Rudman-Hollings balanced budget amendment that had the effect of expanding the authority of conferees in the Senate. On December 11, 1985, the Senate was considering the conference report on H.J. Res. 372, a bill to extend the public debt which also contained the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). The joint resolution had gone to conference with a series of amendments. A point of order was raised against the report on the grounds that it contained subject matter relating to the balanced budget amendment that was not committed to the conferees by either House. The Presiding Officer applied the restrictive standard used when conferees had a series of amendments committed to conference, and sustained the point of order. However, this ruling was appealed and the Chair overturned by a vote of the Senate. This vote of the Senate had the effect of applying the permissive standard to all conference reports.

As a result of these precedents, in all cases the Senate applies the permissive standard with regard to what conferees may include in their report. In the Senate conferees may include matter in the conference report provided that it is not entirely irrelevant to the matter sent to conference by either house. In the instant case, the two houses went to conference to reconcile differences between the House amendment to the Senate amendment to H.R. 3355. Both amendments were omnibus crime bills drafted as substitutes for each other. Consequently, it is likely that the conference report would meet the rather permissive standard that has been enunciated and equally unlikely that it would violate Rule 28, paragraph 2 of the Standing Rules of the Senate.

I hope this information is useful. Please contact me if I can be of further assistance.

Sincerely yours,

ALAN S. FRUMIN,
Parliamentarian.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I agree with so much of what my colleague from Nebraska has just stated because I, too, am very concerned about how we got to where we are. I have been in a legislature before and I have served in the U.S. Senate for the last year. I always thought the rules were that you pass a bill in the Senate, you pass a bill in the House, and you have a conference to resolve the differences between the two. As my colleague from Nebraska has so ably pointed out, this is not a conference committee report that resolves the differences between two bills. It is a different bill. It is a new bill and, therefore, I think we should be able to amend it.

I am going to ask my colleagues to sustain the point of order so we can the amend this bill. I think Republicans have shown they want a crime bill because the vote that sent this crime bill to the House was 95 to 4. That was an overwhelming support for a crime bill. So I think the sincerity is there. But to ask us now to take a wholly new bill and pass it without amendments I think is unreasonable. I think we will get a crime bill if we sustain the point of order and we put more of the crime fighting back in and we take the deficit spending out.

I once heard a colleague of mine in the State legislature refer to a bill—he said, "We labored mightily and we produced a mouse that has turned into a rat."

I supported the Senate bill because the good did outweigh the bad. But it did not have habeas corpus reform. I think the most important amendment we could make from the Federal Government to the front lines of local law enforcement is habeas corpus reform to stop the endless appeals from death row. We also could help by reforming the exclusionary rule to give our law enforcement officers the ability to do their jobs, to allow them to put people in prison when they have committed a crime and keep them there. That would be real crime fighting, something the Federal Government can do to help our local officials.

Our Senate bill did not have those two things but I would have liked to have had them. But I voted for the bill anyway because it did have good measures in it. It had truth in sentencing. Half of the prison building would have required truth in sentencing—85 percent of a sentence would have had to be served for a State to be able to use the new Federal prisons. The bill we have before us today has some hopefulness that a State will have a bigger percentage of the term served. But it does not really specify. In fact, most of the prison building money does not even have to be used for prison building. One of the amendments that the Republicans wanted to put on this bill was real prison building, bricks and mortar, with truth in sentencing required so we would know the prisons that we build would house the criminals and allow us to get them off the streets instead of pushing them out on the streets because we have overcrowded jails. That is happening in my State right now. We have 50 people walking the streets of Texas who were once on death row because they have been pushed out because of overcrowded prisons.

Mandatory minimum sentences for certain crimes were in the Senate bill—for selling drugs to children or having children sell drugs to children. We all know that is what the drug kingpins do. They do not go out there and sell drugs to children themselves, they get children to do it. And we would have had mandatory minimum sentences for those drug kingpins in the first bill we passed, but it is not in this one. We would have mandatory minimum sentences for people who commit crimes with firearms. Make it tougher on people if they commit a crime with a firearm. That is better than taking away second amendment rights. Let us make a person pay a price for using a gun. That might have some teeth in it. But this bill does not do that.

We passed a bill last year that was $22 billion, paid for—no deficit spending. It was a balanced bill. It had violence against women controls, more sentences, spending for that. This bill has violence against women, too, but it also has billions more than the Senate bill or the House bill, just as Senator EXON said. It was a $22 billion bill when it left the Senate, it was $27 billion when it left the House, it was $33 billion when it came out of the conference committee. That is not a resolution of differences, it is a new bill.

The House went in and made some changes, they cut 10 percent, $3 billion. The President and everybody else praised those House Members for cutting that bill back and said they had improved it. But now we would like to amend the bill, cut it back more and we are accused of being obstructionists. Mr. President, $1.62 billion was put in that bill in the conference committee that was not in either House. In fact it not only was not in either House it was basically a bill that was turned down by the Senate last year.

So I think we should sustain this point of order because this is not a conference committee report. It is a new bill, and I think we should be able to amend this bill if there is sincerity on both sides of the aisle about wanting a crime bill that is a real crime bill.

If we vote for this bill that creates a $13 billion deficit, that has social spending that may be good in another context, but, in fact, is not crime fighting, we are not meeting our responsibilities to the American people. We are not meeting our responsibilities to the hardworking taxpayers of this country who expect us to protect them from more deficit spending.

All of the programs in this bill are good programs. Standing on their own, every one of them will do some good. But the question is, how much more can people pay for? How many times are we going to go beyond the deficit and particularly on an unamendable bill that we cannot amend, that we are not able to come in and say let us prioritize the social spending, let us make it more balanced. We want the spending for the violence against women because it is long overdue and it will help stop the violence against women in this country.

But what about the arts and crafts classes in this bill? What about the dancing classes in this bill? They are good programs. But they are not crime-fighting programs. Let us have a chance to amend them.

We need to meet our responsibilities to the taxpayers of this country and to the victims of crime in this country, because we can pass a real crime bill, Mr. President. We can pass a bill that will do something to help those law enforcement officers on the front lines. We can help the cities that have so much crime, and they do need help, and we can do it by meeting our responsibilities to the taxpayers of this country at the same time. And, Mr. President, this bill does not meet that responsibility.

I hope that my colleagues will vote to sustain this point of order so that we can amend this bill. We have proven our sincerity on the crime bill. Ninety-five of us voted for it last year. It was a different bill than we have before us today. We should not be required to accept this bill without amendments. It is not a conference that resolves the differences between two bills, Mr. President. It is a new bill.

Let us open it up, let us amend it, and we will pass a crime bill from this body.

Mr. EXON. Will the Senator yield?

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Kentucky.

Mr. FORD. Will the Senator give me an opportunity? Since the ranking manager of the bill is on the floor, do you know how many more speakers you will have? We are just speaking because you are. We are ready to vote. I wonder if you have any more speakers.

Mr. HATCH. My understanding is there will be some other speakers. I do not at this present time know who they are.

Mr. FORD. Can you give us some idea?

Mr. HATCH. I wish I could, but I just do not know.

Mr. FORD. You do not know how many of yours are going to speak?

Mr. HATCH. I do not know.

Mr. FORD. Are you ready to vote?

Mr. HATCH. I have been ready to vote since early this morning.

Mr. FORD. Can you help us on your side to reduce the speeches so we might get to a vote?

Mr. HATCH. We are working on that.

Mr. FORD. I suggest that, and I yield.

Mr. HATCH. I suggest the absence of a quorum. I am sorry, my colleague wants to speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President. Before the ranking member of the Judiciary Committee leaves the Chamber, I missed part of the conversation. Did the Senator say there are other speakers on the other side?

Mr. HATCH. As I understand it, there are, but I do not know who they are. They have not informed me, other than there are some who want to speak.

Mr. BUMPERS. I wonder if the Senator can tell us whether or not we are going to vote today on this.

Mr. HATCH. My personal belief is, and if I have anything to say about it, we will.

Mr. BUMPERS. That we will?

Mr. HATCH. That we intend to; at least I do.

Mr. BUMPERS. Mr. President, let me restate what virtually every speaker on this side said. I am prepared to stop in midsentence if somebody says they are ready to vote. I hope that we can get to a vote here shortly.

As I say, I think I may be the only Member of the U.S. Senate who has not spoken on this, and I am not just busting to speak now, if we can get to a vote, knowing full well that no minds are going to be changed at this point anyway.

But as long as we are just caressing the sound of our voices—I love the sound of mine, too, I will go ahead and speak, but first I would like to yield for something or other to the Senator from Nebraska.

Mr. EXON. Mr. President, I appreciate very much your yielding without your losing the right to the floor.

I just want to take a few moments to thank my colleague and friend from Texas for her kind remarks about the statement I made about the conference report. I hope that, if nothing else, this process will alert the Senate to the big, big mistake we made that I referenced back in 1985 when we passed Gramm-Rudman and I inserted in the RECORD so the Senator from Texas and others can read what the Parliamentarian says we have to do.

Having said that, I will simply say, I only took this particular time to enter that into the RECORD and alert the Senator to it because previously I did not have the knowledge of what got us into the situation we are in now.

I will simply say that I do not agree that this latest—not the first nor the last—overstepping of the conference committee by their action should stop us in our tracks and should be the reason not to move ahead with putting this bill into law.

I will simply say to my friend from Texas, I think those who want to get 41 votes to block this maybe do not fully realize, but I warn you once again that if you do that, knowingly or unknowingly, you are killing any reasonable chance for a crime bill to be passed, and with the warts on the bill, with the warts that are caused by what we seem to have general agreement on with regard to overstepping of the bounds of the conference committee, it seems to me that we should point out that this was not the first and will not be the last until we change it. Therefore, I do not think that is a valid reason for not voting to go ahead with the crime bill now.

One last point, and I thank my friend from Arkansas. There has been considerable talk here about the violation of the authorized amounts in both the House and the Senate bill, and I think that is wrong. But I would say to the Senator from Texas and the Senate what the senior Senator from West Virginia told us yesterday. This is only an authorization bill and does not appropriate or allow anything to be spent. I think when this measure is taken up next year, as the chairman of the Appropriations Committee said yesterday, that would be the time when we can whittle, if we want, the amount authorized, because the Appropriations Committee, on which the distinguished Senator from Arkansas serves and knows so well, is the only group that can appropriate even one dime, let alone $30 billion, for this bill.

We will, therefore, have ample opportunity, if indeed we are concerned about the level of spending, to readdress that at the proper time in the appropriations bill.

I thank my friend from Texas for her remarks. I thank my friend from Arkansas for yielding for these remarks.

Mrs. HUTCHISON. Will the Senator yield for just a 1-minute rebuttal? Not rebuttal actually, because I do not disagree with my colleague.

Mr. BUMPERS. I really just came to the floor to direct traffic anyway. Next is the Senator from Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized for a question.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished Senator from Arkansas. I want to say that I, too, am ready to vote. When the leaders have decided everyone has spoken, I hope we can do that expeditiously. But in the meantime, I would just like to say to my distinguished colleague from Nebraska, I do not disagree with him in that I understand this is an authorization. I do not see why allowing amendments of this bill that has so many changes in it would be a problem, because I really do sincerely believe that we can make progress.

But I do think that his point is very important, and it is a bipartisan point, that conference committees should really resolve the differences between two bills because when you vote on a bill, you assume that there is going to be some parameter around the bill that you pass unless it is drastically different from a measure that is passed by the House.

But to have a whole new bill come back in an unamendable form, I think, is a problem for people who did not like the changes. Obviously, if you like the changes, that is a different viewpoint.

I think as Members of the Senate, we can all probably stand together, and perhaps this will be a beginning of a look at conference committees. And perhaps we can come more closely to the bills that are passed from here, or at least resolving the differences without making new additions that were not passed by either House.

Mr. BIDEN. Will the Senator, the traffic cop, yield——

Mr. BUMPERS. Of course.

Mr. BIDEN. Without losing his right to the floor?

Mr. BUMPERS. Of course.

Mr. BIDEN. Mr. President, I thank our traffic police officer today, and if this bill passes, there will be 100,000 more of you before it is over.

Mr. President, I wish to make it real clear it has nothing to do with the leaders. My friend from Texas said "when the leaders are ready to vote." The Democratic leader is ready to vote this very instant. The Democratic whip is ready to vote this instant. All in the Democratic leadership, including the manager of the bill, who is not a Democratic leader, are ready to vote right now. The only one not ready to vote—and there may be very good reasons for it—is the Republican leader. But we are ready to vote right now.

I thank my friend from Arkansas.

Mr. BUMPERS. Mr. President, along the lines of the last thing that the Senator from Texas said, I wish to just start off by saying that when I came to the Senate almost 20 years ago, there was, on legislation such as this where the country was demanding a remedy and where the country's interest and its sense of direction were really at stake, a strong bipartisan spirit in this body. I can remember that on the most controversial issues we never failed to get 15 Republican votes.

Mr. President, regretfully, there has been a sea change in the partisanship, the stridency in this body. There has been a sea change in people's personal attitudes toward each other. It is a living tragedy. We have poll after poll to show that only 15 percent of the people have confidence in Congress to prove what a tragedy it is.

When I first came to the Senate, I used to view all of this from afar. I had my heroes: such as Wayne Morse, Phil Hart, Arthur Vandenberg, and John Connally. I could go on with all of those Senators who were famous in those days. I remember Senator Vandenberg, the father of foreign policy bipartisanship in the Senate. What a great debt this country, at that time at least, owed Senator Vandenberg.

Today Bill Clinton issues a Haitian policy, he issues a Cuban policy, a Bosnian policy, and within 5 minutes of the announcement of those policies, speaker after speaker comes to the floor of the Senate saying, "This is an outrage."

I sometimes mention my brother. He is very dear to me. He called the other day and he said, "That Haitian policy of the President is terrible; it stinks to high heaven." And I said, "Well, what is your Haitian policy?" And the phone went dead.

All I am saying is that the country's interest is served when people come here vowing to their constituents that they believe public service is a noble calling. I think we have lost sight of so much of that. I came here believing that public service is the highest calling. It is the reason I jumped into a field of eight to run for Governor. My father had convinced me that if I did not run for political office and choose public service as a career, I had opted for something less than what I should choose.

He used to quote Sir Walter Scott's words to his son.

On his death bed, he admonished his son to "be good, be honest, because when you come to lie here, nothing else matters."

I have never until recently even questioned my choice of professions. And the reason I did not is because I, like you and every parent, love my children above all else. Anything you can do to preserve this great Nation and our democracy and give it a sense of noble direction that guarantees them a better life, yes, that is the highest calling of which I can think.

Now, here we have a crime bill, and like virtually every bill I have voted on since I have been in the Senate, it does not totally please me. If I were crafting a bill, it would be quite different. I did not craft it, although I tried to help mold it once it was crafted. But here we are addressing a crime bill which purports to address what 25 percent of the people in this Nation say is the No. 1 problem—violent crime. We debated it and debated it in November of 1993, and it passed out of the Senate 95 to 4.

Two of the four Senators voting against were Republicans, Senators DURENBERGER and HATFIELD. Every other Republican voted "Yea." And what were they voting on? Well, one thing they voted on was $4.3 billion worth of "pork," which they now say is awful. We even had "ee-yi-ee-yi-oh" sung by the Senator from New York this morning, with a pig on a chart in the background, saying this bill is full of "pork."

Why was it not pork in November of 1993 when everybody voted "aye," but now it is? It is so transparent, the answer is in the question. While the bill now has $6.1 billion in crime prevention programs, $4.3 billion of that was in the bill when it left here. Everybody thought that was just hunky-dory last year.

I am one who does not apologize for the social programs I vote for and I do not apologize for the crime prevention programs I vote for because this country is in dire need of these programs.

Incidentally, as I watched this debate this week I could not help but think a great crime prevention program for high school kids would be, instead of leaving school and "hanging out," make them watch C-SPAN. I can hear the thunder of eyelids closing right now. They would at least sleep through the time they would otherwise be "hanging out" and getting into trouble.

But did you know where more crime is bred than anyplace else in the country? After school where children otherwise would go home to an empty home—an empty house—oftentimes it is not a home.

So there is a program in the bill that says we will give the school districts some money to start programs to keep these children after school, what you call intervention, to try to prevent what would otherwise be a life of crime. That is pork? Our Lord and Savior would be in favor of that. He was.

I look through all of those programs that our friends on the other side of the aisle call "pork." I remember when I was trying to kill the space station because I felt that $10 billion over 5 years could be better spent elsewhere, such as on student loans and college grants for our children to go to school.

When I was elected Governor—my good colleague, Senator PRYOR is on the floor and he will remember this well—the prisons of Arkansas were under the control of the Federal courts. The whole system had been declared unconstitutional. That is what I inherited as Governor. The Senator remembers it well. People talk about how much it cost to keep an inmate. It was not costing us anything. We had 23,000 acres of farmland, and whatever we took in off the farmland is what it cost to run the prisons. And the inmates, so-called trustees, were the security guards at the prisons.

So I knew I was going to have to get deeply immersed in our prison system because I was insulted and embarrassed that our prison system actually was being controlled by the Federal courts. But I had never been in a prison before. I dreaded going down there. Yet I knew the press was expecting me to go at the first opportunity. So I finally went. I did not sleep for 3 nights afterwards.

I had been hearing legislators talk about Holiday Inn treatment at the prisons. I wish you could have seen the Holiday Inn treatment that these inmates were getting. It was the most barbaric place I have ever been in my life. I got to where I could go without so much equivocation and so on, so much reservation and trepidation, but it was always very trying.

For the people who think prison is a great place today just go visit the nearest one to you and see how you would like to be cooped up in it.

As I walked down the corridors of the prison, those poor inmates would hang on the bars because they knew the Governor had the right and the authority to sign their names and turn them loose any time he chose. The Governor is an authority figure in the prisons.

So I would visit with these inmates. Mr. President, in all the time that I visited prisons in my State, I talked to just one college graduate. That prison at that time housed 1,700 inmates. Today we have over 4,000 inmates. There was one college graduate. And I used to inquire about what they did before they got in trouble. I very rarely talked with anyone that was not essentially a drifter, never had a job, had nobody that cared much whether he had a job or not.

My point is this: My colleagues on the other side of the aisle say they do not like these so-called social programs. However, what if we were to rephrase it. "Do you like crime prevention?" Oh, sure. But if you call it pork or a social program, then it takes on a stigma that makes it almost unacceptable for anybody to favor.

The bane of this Nation is unbelievable; the violence, the incivility. And yet I promise you that building prisons, locking them up and throwing the key away, is a very, very partial answer.

The answer lies in making certain that children have someplace to go after school, making certain they have something to do at night such as the midnight basketball program in North Little Rock, which is a fabulous success. Oh, that is "pork," they argue.

Mr. President, yesterday morning as I drove in, I was listening to National Public Radio. There was a story about the Pepsi-Cola company, in one of the counties adjoining the District of Columbia. The sales manager and one of the interns that Pepsi-Cola had hired for a 6-week stint in that plant were interviewed. Interestingly, 100 people work there and it is African-American owned. They started a summer program for young African-American males, preferably the 17- or 18-year-old variety.

They had this one young intern whom they had chosen. He was so elated about this job he had for a short period of time and is now going on to college. But I can tell you his self-esteem has soared under that program. And after all, self esteem is what it is all about.

One woman called in, and said, "I have brought this to your attention before, and I am insulted that this is only for young African-American males. How about African-American females?" At first blush I thought that was a very good question. So the sales manager said, "The biggest problem we have in this country is the plight of young African-American males. Those are the people who, by the millions, we are not salvaging. An inordinate amount of crime is being committed by them, and we are sticking by our guns and trying to provide opportunities for them." It is not a big deal, and Pepsico is doing this on their own; it does not cost the Federal Government a penny. But I can tell you that they are salvaging young men who otherwise might end up in prison. This is what my colleagues call social programs, or pork.

I am a believer in social programs. I am a believer that because God gave me certain talents and, above all, devoted parents, that I owe more; it is just that simple.

In 1936 my father grabbed my brother and me to go see Franklin Roosevelt who was coming to Booneville, AR, which was 15 miles from my home. We got in our 1935 Dodge and drove 15 miles over a gravel road because my father wanted his sons to see a President. And so when we get there, the train pulls in. There were 3,500 people in this little town. Two men, one standing on each side of Franklin Roosevelt, helped him to the back of the train. They were obviously holding him up. I tugged on my father's sleeve and I said, "Dad, what is wrong with him?" He said, "I will tell you later." So on the way home, he said, "I want to tell you boys something. President Roosevelt had polio, and he cannot walk and he cannot stand up." You will not believe this but a lot of people in America did not even know that because the press did not take pictures of him in a wheelchair. They never allowed anybody to take pictures of the braces on his legs. My father said, "If Roosevelt, carrying 12 pounds of steel on his legs, can be elected President, you boys have good minds and good bodies, so there is no reason why you cannot be President." I thought he was nominating me for the position. It obviously made an indelible impression on me, or I would not be telling you about it today. However, I believe as Franklin Roosevelt believed, that social programs have a role in our lives. I was lucky, because I chose my parents well. Everybody is not so fortunate. But our colleagues on the other side object to that. President Roosevelt brought us sewer systems, running water, paved streets, rural electricity, and on and on.

Mr. President, there are two conclusions from this debate which are inescapable. The opposition to this bill is an anti-Clinton approach, and it is secondly, designed to salvage the National Rifle Association's position, and that is an argument that is unassailable. The people in the House defeated this bill the first time because the National Rifle Association threatened them with their political lives. And why? Because the bill banned 19 military type assault weapons.

Another personal story: My father was a quail hunter, and I started quail hunting with him when I was 12 years old. We used shotguns. Rifles and handguns were absolutely prohibited. He made a great distinction between rifles and shotguns. I had never fired a rifle in my life, and when I went into the Marine Corps at the ripe old age of 18, I went out to the Camp Matthews rifle range for 3 weeks, learning how to shoot an M-1 rifle. I set a record that was not broken on that rifle range for 6 months. I had never fired a rifle before in my life, and I set a record. I had no more than fired that high score until I was sorry, because this colonel came up to me and said, "Son, we are going to make a sniper out of you." Snipers usually last about 10 minutes. I had no interest whatever in being a sniper—a good red-blooded American, I just did not want to see any of it. I do not know how I dodged that, but in the process they took me and showed me what is called a BAR, Browning automatic rifle. It weighed 35 pounds, and you carry it on your back. It was the most awesome thing I had ever seen. It was not a machine gun but a lot more than an M-1 rifle.

Mr. President, that BAR would still outweigh any of these 19 assault weapons that we ban in this bill. But, I can tell you that when it comes to firepower, that BAR was one of the Marine Corps' major weapons, and these assault weapons we are trying to ban fire more rounds at a faster rate.

So we have two things at work here: People who do not want President Clinton to be able to say this is a great victory for the American people and those who want to encourage the right of any lunatic to walk in and buy the most powerful weapon he has the money to pay for.

Finally, Mr. President, a point has been made and made and made. As Mo Udall used to say, "Everything has been said, but everybody has not said it." Not one dime of money can be spent by passing this bill. This is an authorization bill. Senator HOLLINGS chairs the subcommittee in the Senate, and that subcommittee will appropriate the money for virtually everything in this bill.

So to my friends on the other side, let me just say you are going to get bite after bite after bite out of this apple. This is not the end of it. You will get a chance to try to cut every one of these programs, from prison construction to the number of police on the streets, to the battered women program.

In closing, Mr. President, let me just plead with my colleagues to agree with me that this is not a perfect bill, but to also agree with me that this country is going to continue to deteriorate and degenerate, and crime is going to destroy it if we do not wake up and do something dramatic.

This bill is not going to stop the crime rate, but it is a beginning—as I said earlier—until we find programs that provide all Americans with economic well-being, provide all Americans with an education so they can distinguish between the kinds of lives they ought to be living and the kind they live with nobody intervening for them, and make it a bipartisan effort. The American people deserve no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I come to the floor this afternoon to make a brief statement.

I have chosen not to debate at length on this particular matter. I think some of the characterizations have been overblown, certainly on benefits that will flow from this legislation, and perhaps even those who oppose it in terms of its detriment.

I must say I have listened with some dismay at some of the charges being leveled by those on the other side of the aisle to Members over here, and it takes a good deal of patience and restraint in order not to respond in kind.

But I would like to talk for a moment about another issue. The other issue deals with a group of assistant U.S. attorneys. There is an organization called the National Association of Assistant United States Attorneys. A matter has come to my attention which I think is quite disturbing, and it ought to be disturbing to every Member in this Chamber.

I am told that Senator HATCH had released a statement concerning this organization in the past day or two. I would like to comment just briefly about it.

A group of young assistant U.S. attorneys complained about a certain provision in the crime bill. They wrote a letter—I believe Senator BIDEN received a similar letter as Senator HATCH—dated August 17. Let me just read one paragraph. I will insert the full letter in the RECORD. But it says:

> The present crime bill contains a provision which not only severely negates the benefits of "mandatory minimums" for a certain class of offenders, but also permits the filing of 10,000 to 20,000 frivolous lawsuits which would cause prosecutors to spend their time in needless litigation instead of investigating and prosecuting criminals. The present provision would dilute prosecutors' ability to determine if a drug dealer has "substantially" cooperated. In effect, our leverage to get to the suppliers would be eliminated for certain type of drug traffickers. We cannot stand idly by and allow this very effective tool to be taken from us and the citizens we are sworn to protect.

The letter goes on to say considerably more, but that is the gravamen, that is the center of this particular letter.

These young assistant U.S. attorneys feel that their ability to go after drug traffickers will be harmed by the provision in the crime bill that is retroactivity.

They tried to bring this to the attention of the Justice Department.

During the first week in August, a Mr. Jay Apperson, who is an assistant U.S. attorney for the Eastern District of Virginia, Alexandria Division, Larry Leiser, who is president of the association, and Brian Flood, who is an employee of the association went to speak with the Justice Department. They met with Carol Dibattista, who is director of the Executive Office of the U.S. Attorneys Office at the Department of Justice, also with a woman who is legal counsel for the Executive Office, Andy Foist, who is a special assistant to the Attorney General and David Margolis, assistant deputy Attorney General.

I must say that something that was said at that meeting is profoundly disturbing to me.

As they walked into that meeting they were told that they were in violation of title 18, section 205, the Criminal Code, just by being there. Then they said: "We are not interested in prosecuting anyone. In other words, we just want you to know you are in violation of the criminal laws of the United States by virtue of the fact that you are assistant U.S. attorneys" coming in to raise a legitimate complaint about a provision in this legislation.

I find that astonishing, that even the implication, the hint, that somehow these young assistant U.S. attorneys, who are on the front lines fighting the drug dealers, are going to be accused of violating the criminal statutes.

As soon as that express or implied threat was made, Jay Apperson left the room. He did not want any part of it at that point. And the person—I am told at least—who was allowed to speak was a Mr. Brian Flood, who is not an assistant U.S. attorney.

Following this meeting, a number of conference calls were held. The Attorney General, Members of the Senate, were addressing the board of that association, and the board decided notwithstanding the arguments of Members of the Senate and the Attorney General, that they were going to issue a public statement that they were opposed, not to the bill, but to one section of the bill which they felt undermined their ability to deal effectively with drug dealers. So they voted to go public.

Then they issued a letter to both Senator BIDEN—he can correct me on this, if I am wrong—or at least to Senator HATCH. Then complaints started flooding into this association, and some of it is hearsay so I need not go into it now. I think it requires further investigation. But in any event, the board said: "No, we are not going to retract our statement, our public statement. We believe this particular provision is adverse to the Nation's interest."

On August 19, following a number of phone calls coming from Capitol Hill to that association, a letter was sent by DON EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights; JOHN CONYERS, chairman of the Committee on Government Operations; and BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration. They wrote to the Attorney General and I will read that. I will take a few moments.

DEAR MADAM ATTORNEY GENERAL: We have recently learned of an organization called the National Association of Assistant United States Attorneys (NAAUSA). This organization has been lobbying Congress on the crime bill, and has been advocating policy positions that are inconsistent with those taken by the Department of Justice.

We are strong defenders of a citizen's right to lobby Congress, both individually and as a member of an association. However, we believe that the actions of NAAUSA are causing great confusion, because those with whom they communicate may well believe that they represent the positions of the Department

In addition, as you well know, we are in the midst of extremely delicate negotiations on the crime bill, and NAAUSA is advocating reopening issues that have not been in dispute in our efforts to produce a final bill.

We would appreciate your looking into this matter, and letting us know your findings.

Here we have three very senior Members of the House writing to the Attorney General to conduct an investigation or inquiry into this matter, and for her to let those Members know about her findings.

I hope the Attorney General will do much more than that. I hope the Attorney General will look into her own department to find out whether or not, when prosecutors for the Justice Department walk in requesting a meeting and are told they are in violation of the criminal laws of the United States, and that while the Department is not interested in prosecuting these young U.S. attorneys they at least ought to know they are violating the criminal law—I find that outrageous. I find that to be intimidation. I think that is a threat, at the very least an implied one.

I think the whole series of actions following that meeting were designed to shut this organization up along with these young assistant U.S. attorneys on the front lines.

I think the Attorney General has to do a lot of investigation in this to find out whether or not there has been an attempt to shut off the voices of those who have to prosecute the drug dealers, and whether or not it is public policy of this administration, or private policy, to muzzle these young attorneys who are charged with prosecuting the criminals who are violating our laws, saying you are in violation for walking through here, for trying to lobby the Justice Department. You work for the Justice Department, but you are in violation of the criminal laws for disagreeing with our official policy.

How outrageous. That is a scandal in itself. We had enough allegations about interference in trying to shut certain officials up who may have adverse information. Here are people trying to do their job. They feel this particular provision undermined their ability to get criminal convictions of those higher up the chain, and if they could not negotiate with these mandatory minimum sentences hanging over the heads of these individuals, they would be deprived of a very important tool.

So they came to the Attorney General's office saying we object to this provision, and they also contacted Senator BIDEN and Senator HATCH.

I think it is within their constitutional freedoms to do so. Their liberties are protected by this. I think it is within their constitutional right. I think it is their moral obligation.

And for anyone associated with the Attorney General's office, or indeed even the U.S. Senate to suggest that they may be in violation of the law by raising this objection in a private meeting—they had not gone public at this point, in a private meeting—to even hint saying, "We have got title 18 here."

I will submit it for the RECORD. I would like the Justice Department to show me where the members of the Justice Department who come and express an opinion in opposition to a certain provision in pending legislation, is somehow in violation of the criminal laws of the United States.

I would like to have the Justice Department brief me today, tomorrow, next week, and I would like to have the Attorney General conduct her investigation into this organization's activities and tell me what law was violated.

Mr. President, I ask unanimous consent to have these materials printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
ASSISTANT U.S. ATTORNEYS,
Alexandria, VA, August 17, 1994.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The National Association of Assistant United States Attorneys has as its members front-line litigators. Our members represent the United States in all civil and criminal matters. We are our nation's lawyers. Most of our members are prosecutors who work very closely with federal and local law enforcement agents.

In 1987, Congress enacted the Federal Sentencing Guidelines, which, in part, had stiff but appropriate sentencing provisions, incorporating mandatory minimum sentences for certain drug traffickers. Those mandatory minimums have given our prosecutors the ability to get drug dealers to cooperate by forcing them to work with us in giving up their source(s) of supply or face years of incarceration. When their cooperation is deemed to be "substantial" by a committee of Assistant United States Attorneys (or, in some cases, the United States Attorney), their sentences may be reduced by a federal Judge. In fiscal 1993, almost one-fifth of convicted defendants benefited by having their sentences reduced because they cooperated with law enforcement authorities. The results of that cooperation led to the arrest and conviction of numerous drug suppliers and their sources.

The present Crime Bill contains a provision which not only severely negates the benefits of "mandatory minimums" for a certain class of offenders, but also would permit the filing of 10,000 to 20,000 frivolous lawsuits which would cause prosecutors to spend their time in needless litigation instead of investigating and prosecuting criminals. The present provision would dilute prosecutors' ability to determine if a drug dealer has "substantially" cooperated. In effect, our leverage to get to the suppliers would be eliminated for certain types of drug traffickers. We cannot stand idly by and allow this very effective tool to be taken from us and the citizens we are sworn to protect.

The bill's present language is intended to address low-level drug traffickers who are so minimally involved that they cannot have their sentences reduced because they truly cannot provide information or cooperation which would be deemed to be "substantial". In some instances under mandatory minimums (and the Department of Justice's requirement that prosecutors had to charge the most serious provable crime), some injustices occurred. We believe that should be corrected. However, Attorney General Reno fixed this problem some time ago by no longer requiring Assistant United States Attorneys to charge the most serious readily provable offenses if that would result in a miscarriage of justice. In addition, our Association proposed minor revisions to the present bill which would codify the intent to appropriately treat first time low level drug traffickers. We are not opposed to these goals and objectives. We are, however, very much opposed to the way the present bill achieves them.

We believe that prosecutors are in the best position to determine if an individual has cooperated substantially or truly has nothing to offer and therefore meets the other criteria to receive a reduced sentence in accordance with this bill's present language. We have proposed, therefore, that in order to qualify for "safety valve" relief, the current language be amended as follows:

(f)(5) is hereby amended by striking the current language and inserting:

(f)(5) the government certifies that the defendant has timely and truthfully provided to the government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.

We urge the Committee to make the change we have proposed.

Sincerely,

LAWRENCE J. LEISER, AUSA,
President, NAAUSA.

NATIONAL ASSOCIATION OF ASSISTANT UNITED STATES ATTORNEYS POLICY BRIEF

MANDATORY MINIMUMS

The National Association of Assistant United States Attorneys represents frontline federal prosecutors, including criminal narcotics prosecutors and designated Organized Crime Drug Enforcement Task Force prosecutors, charged with enforcing the federal narcotics laws. We are encouraged that "The Mandatory Minimum Sentencing Reform Act of 1994", H.R. 3979, as amended, and adopted by the Committee on the Judiciary's Crime Subcommittee, recognizes the importance of limiting relief from provisions of existing mandatory minimum sentences to those defendants who have made every effort to provide assistance to the government.

The proposed amendment to Section 3553 of Title 18, United States Code, to create a relief mechanism from application of mandatory minimum sentences in certain cases, includes the criteria as set forth in paragraph (5) that the defendant has provided to the government all information the defendant has concerning the offense or other criminal conduct related to the offense.

While we are encouraged by the obvious recognition that any relaxation from mandatory minimum application should be limited to those who provide information to the government, we suggest that the existing language is problematic in its application. The first difficulty arises as to who is in a position to determine whether a defendant has provided the government all information. Only the government is able to make that determination, by comparing the information provided with other evidence of the case. The current language would conceivably allow the defendant to self-servingly state "that's all I know," without the government being in a position to test that assertion by debriefings, polygraph results, etc. In order to assist in this process, the defendant should be required to provide any evidence he can, in addition to information.

Similarly, we are concerned that this relief mechanism not be available to a defendant who has provided information which is not truthful, or to a defendant who in providing certain truthful information, nevertheless, also lies about other aspects or details so as to mislead investigators or obstruct the investigation.

It also should be required that the information be timely. Under the current language, a defendant who goes to trial and is convicted, would presumably be able to stand up at sentencing, tell the government what it has already proved, and avoid the mandatory minimums under this escape provision.

Accordingly, we seek amended language which would require that the defendant must provide timely information, truthful information, other evidence, and that the determination as to whether a defendant has provided all this be by certification by the government. Otherwise the sentencing court will be inundated by litigation calling upon it to make determinations it is not equipped to make.

This is the natural complement to the existing "Substantial Assistance" reduction mechanism currently embodied under Section 3553(e) of Title 18 United State Code. This provision has been responsibly applied by federal prosecutors throughout the country.

It reflects the recognition that the government is in the best position to make such a determination, and provides the incentive to the low-level defendant to work with the government in working up the ladder to identify and target higher-up drug traffickers. The current amendment properly recognizes that there are simply those who are not able to provide "substantial assistance" but who nevertheless have done everything they can to assist.

Simply put, society has a right to ask that a defendant provide all that he knows. If what he knows constitutes "substantial assistance" he will have already earned relief. (18 U.S.C. 3553 (e)). If it does not, and he meets the other requirements of the currently proposed legislation, then justice dictates that he receive a lesser sentence.

The amended language which we have suggested (attached) will assure that defendants continue to have an incentive to cooperate with the United States by providing all truthful information in a timely manner, while allowing those who, through no fault of their own, are simply not in a position to provide "substantial assistance," an opportunity to receive a sentence below current mandatory minimums.

(f)(5) is hereby amended by striking

"(5) no later than the time of the sentencing hearing, the defendant has provided to the Government all information the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. The fact that the defendant has no relevant or useful other information to provide shall not preclude or require a determination by the court that the defendant has complied with this requirement."

and inserting

"(5) the government certifies that the defendant has timely and truthfully provided to the government all information, and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan."

HOUSE OF REPRESENTATIVES,
Washington, DC, August 19, 1994.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We have recently learned of an organization called the National Association of Assistant United States Attorneys (NAAUSA). This organization has been lobbying Congress on the crime bill, and has been advocating policy positions that are inconsistent with those taken by the Department of Justice.

We are strong defenders of a citizen's right to lobby Congress, both individually and as a member of an association. However, we believe that the actions of NAAUSA are causing great confusion, because those with whom they communicate may well believe that they represent the positions of the Department.

In addition, as you well know, we are in the midst of extremely delicate negotiations on the crime bill, and NAAUSA is advocating reopening issues that have not been in dispute in our efforts to produce a final bill.

We would appreciate your looking into this matter, and letting us know your findings.

Sincerely,

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights.
JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations.
WILLIAM J. HUGHES,
Chairman, Subcommittee on Intellectual Property and Judicial Administration.

[From the United States Code, title 18, section 205]

§205 ACTIVITES OF OFFICERS AND EMPLOYEES IN CLAIMS AGAINST AND OTHER MATTERS AFFECTING THE GOVERNMENT

(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, officer or commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(c) A special Government employee shall subject to subsection (a) and (b) only in relation to a covered matter involving a specific party or parties—

(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in subsection (a) or (b) prevents an office or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceeding in connection with those proceedings.

(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rending of advice, investigation, or otherwise, or

(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(h) For the purpose of this section, the term "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contact, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.

(As amended Pub. L. 101–194, Title IV, §404, Nov. 30, 1989, 103 Stat. 1750; Pub. L. 101–280, §5(c), May 4, 1990, 104 Stat. 159.)

FEDERAL SENTENCING GUIDELINES

See §2C1.3.

CODE OF FEDERAL REGULATIONS

Departmental proceedings, representation before Department of Agriculture, see 7 CFR 1.26.

Officers and employees of U.S., claims and matters affecting governmental activities of—

Disqualification of government officers and employees in representation before Board, see 14 CFR 300.11.

Practice of special government employees permitted before Board, see 14 CFR 300.12.

Persons who may practice before Bureau of Alcohol, Tobacco and Firearms, see 31 CFR 8.2.

LAW REVIEW COMMENTARIES

Public service by public servants. Lisa G. Lerman, 19 Hofstra L. Rev. 1141 (1991).

Section 205's restriction on pro bono representation by federal attorneys. Carolyn Elefant, 37 Fed.B.News & J. 407 (1990).

NOTES OF DECISIONS

Agency personnel exchanges 12
Assistance of counsel 9
Class actions 14
Prosecutor and defender exchange programs 11
Representation of relatives 10
Union activities 13

2. Generally

Strict common-law notion of "agency" does not necessarily exhaust meaning of prohibition of this section against officers and employees of United States acting as agent for another in matter affecting United States. U.S. v. Sweig, D.C.N.Y. 1970, 316 F.Supp. 1148.

3. Officers or employees within section

This section which prohibits federal employees from appearing as agent or attorney on behalf of anyone in a proceeding to which the United States is a party bars federal employees enrolled in part-time legal studies from entering an appearance under court rule on behalf of indigent criminal appellants entitled to assignment of counsel, despite contention that role of a law student so appearing is neither that of an attorney nor that of an agent for appellant and that such appearance would not frustrate the legislative intent of this section. U.S. v. Bailey, 1974, 498 F.2d 677, 162 U.S. App. D.C. 135.

Veterans Administration's decision not to accept bid of contractor which had been preselected by Small Business Administration and which was only company negotiating with VA for construction of VA facility was not arbitrary or capricious, and contractor was not entitled to recover its bid preparation and negotiating costs; decision not to award contract was based on appearance of conflict of interest caused by contractor's representation during negotiation process by VA employee, in violation of executive order, VA regulations, and statute prohibiting government employee from acting as agent for anyone in connection with matter in which Government is party or has direct and substantial interest. Refine Const. Co., Inc. v. U.S., 1987, 12 Cl.Ct. 56.

Prosecution of claims

One who was still employee of Federal Trade Commission could not accept any compensation for his legal services in prosecuting class action in which it was alleged that Commission discriminated on account of race in failing to award promotions. Bachman v. Pertschuk, D.C.D.C. 1977, 437 F.Supp. 973.

A government attorney owning a corporation involved in a quit title action with the United States government and having a financial interest in the action is not involved in any real or apparent conflict of interest with his duties and * * *

*   *   *   *   *

§216. PENALTIES AND INJUNCTIONS

(a) The punishment for an offense under section 203, 204, 205, 207, 208, or 209 of this title is the following:

(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

(Added Pub. L. 101–194, title IV, §407(a), Nov. 30, 1989, 103 Stat. 1753; Pub. L. 101–280, §5(f), May 4, 1990, 104 Stat. 159.)

Mr. COHEN. Mr. President, I would like to have the Attorney General conduct an investigation, conduct an investigation into her own department to find out if this is going on; and if this is going on, report back not only to the House Members who wrote this letter, report back to Senator BIDEN, to Senator HATCH or to me, or to any other member of the Senate Judiciary Committee and tell us whether this is the kind of tactic that ought to be employed in trying to insure the passage of legislation the department supports.

Mr. President, I will not take any more time. I see other Members are gathering and would like a vote on this measure.

Let me just indicate for the record that I think the Republicans ought to have an opportunity to vote on the 10 measures that were offered by Senator DOLE, because we feel that the bill that left the Senate was substantially weakened and that spending was significantly increased. We ought to at least have an opportunity to vote on that.

The majority has come back with a counterproposal, which I do not think measures up to an equitable solution to this. So I intend to vote to sustain the point of order, not waive it.

But let me say once again for the Members, I have sat here and at home and watched some of the charges being made by Members on the other side who talked about, "Where is your character?" and "Have you no shame?"

I think it is pretty outrageous conduct, frankly. I debated whether to take the floor to start responding in kind, in terms of the kind of statements being made on the other side. My better judgment tells me not to.

I think there are elements in this bill which are worthwhile in passing. I think, overall, there are measures we can support. But I must say that I find it offensive that Republicans here are being treated even less generously than those in the House. And, having served for 6 years in the House many years ago, I can tell you it is not a pleasant place to be. The majority treats the minority there with absolute and utter contempt. They allow them little, if any, role in the House of Representatives. They steamroll over them every time on every issue.

And I must say that the practice is starting to gain momentum even here. It is getting more partisan here, getting more political here, because the rights of the minority are not being given fair consideration.

So if we are going to start down this path, and we did so a short time ago, when the leader starts offering amendments and filling up trees and the rest do not get their opportunity to vote on our amendments, that poisons the well. There are a lot of those of us on this side who try to work with the majority. When we are not able at least to have a reasonable voice, an opportunity to shape legislation, then I think it is going to harden the lines on this side.

I hope it does not happen. I hope it does not happen. There is a lot of legislation to go. We have a major health care bill that some of us are trying to work on on a bipartisan basis and hopefully we will be constructive and perhaps even successful.

In any event, Mr. President, I want to just conclude my remarks by saying, I feel that Republicans made a reasonable offer to have an opportunity to vote on a series of amendments that would strike some of the funding that would increase the penalties for those who want truth in sentencing—and I believe we ought to have truth in sentencing. A first-time offender for a felony should be required to serve 85 percent of his sentence. If you are using minors to engage in the drug trade or you are selling to minors, you ought to go to prison. If you are committing a crime with a firearm, you ought to go to prison. If you are an alien who has committed a crime and you finished up your sentence, you ought to be deported without further delay.

And if the retroactive portion of this legislation was depriving the front-line U.S. attorneys, assistant U.S. attorneys, from prosecuting cases, they ought to be heard and not muzzled and not threatened overtly or implicitly that they are somehow in violation of the criminal laws of this country.

Mr. President, I yield the floor.

THE CRIME BILL: GOOD FOR THE NATION, GOOD FOR SOUTH DAKOTA

Mr. DASCHLE. It has been 9 months since 95 Senators, liberal Democrats and conservative Republicans alike, joined together to pass a comprehensive crime bill. Our cooperative effort was fueled by a common belief that reducing crime and violence must be one of our most important national priorities. And I think we all still share that belief.

Crime is a problem that affects every single community in America. It affects wealthy neighborhoods as well as low-income housing projects, rural areas as well the inner cities. It is a widespread national problem which cannot be tackled overnight.

Nor is it a problem which can be solved by this legislation alone. However, this crime bill would make significant progress toward a safer society by beefing up law enforcement nationwide, building new prisons, increasing the penalties for criminal behavior, and providing the children of our country with alternatives to drugs and violence.

This legislation would provide $30.2 billion over 6 years for national crime anticrime efforts. Although the price tag seems steep, it's important to note that every dollar provided by the bill would come from cutting civilian employment with the Federal Government.

That's right—this bill will enhance our crime fighting capabilities and pay for it by getting rid of more than 250,000 bureaucrats, not by increasing spending.

The centerpiece of the crime bill is the cops on the beat program, which would allow State and local governments to put an additional 100,000 police officers on the streets in communities nationwide. This would increase the number of State and local law enforcement officers in this country by 20 percent.

For my home State of South Dakota, this bill means a guarantee of at least $44 million to hire more than 500 additional police officers. Common sense tells us that where there is an increased law enforcement presence in a community, there will be better crime prevention and apprehension of criminals in that community.

It's well known that many States are faced with overcrowded prisons and are forced to release violent criminals after they have served only about one-half of their sentences. Again, common sense tells us that we cannot hope to reduce crime if we don't shut this revolving door and keep violent criminals in prison where they belong.

This crime bill would provide $7.9 billion to States to cover the costs associated with the construction of new prisons, ensuring additional space for violent criminals. States can also free up prison cells for violent offenders by using these funds to establish military-style boot camps for those convicted of non-violent crimes. These boot camps have shown promise in test cases and are a prudent use of scarce crime-fighting resources. In fact, the cost of housing an inmate at bootcamp is one-third what it would be for incarceration in a traditional prison facility.

Of these funds, South Dakota can expect approximately $13 million to build and operate prisons and boot camps. And if my State adheres to the truth in sentencing guidelines contained in the bill, guidelines which require violent criminals to serve a greater percentage of their sentences, an additional $13 million is possible.

Strengthening criminal penalties must go hand in hand with expanding prison capacity. Criminal offenders must know that when they break the law, there is a prison cell with their name on it and that they will be in that cell for a longer period of time.

The most well-known sentencing provision in the crime bill is the three-strikes-and-you're-out law. For individuals convicted of a third violent felony, this provision will require that Federal judges hand down mandatory life sentences. This says to criminals that if you persist in pursuing a life of violence, we will insist that you spend your life in jail.

For my home State, perhaps one of the most important aspects of this bill is the special rural crime initiatives. According to the FBI's most recent report, crime in rural areas is rising faster than in any other area in the country. A look at some of the report's statistics illustrates this disturbing trend.

For example, violent assaults in rural areas have increased 30 times faster than in the Nation's 25 largest cities. Rapes in rural areas rose more than 9 percent, while at the same time dropping almost 4 percent in urban areas. And arrests for drug violations rose by 23 percent in rural areas during 1992.

The crime bill recognizes that what may work to fight crime in large cities will not necessarily be successful in rural areas. To address the unique challenges presented by rising crime in rural America, the bill would allot $245 million in assistance to State and local law enforcement. Of this amount, South Dakota is expected to receive approximately $6.5 million.

Additionally, the bill would create drug enforcement task forces in each Federal judicial district in rural America. These task forces would team Federal agents and prosecutors with State and local law enforcement to fully investigate and prosecute drug trafficking cases. In this way, the expertise of the Federal Government in fighting illegal drugs would be shared with rural police officers and sheriffs who have relatively little experience in dealing with such problems.

The crime bill does not stop there when it comes to illegal drugs. Instead, it recognizes the proven success of the Edward Byrne Memorial Formula Grant Program by providing $1 billion for anti-drug efforts in each of the 50 States. In fact, when the President proposed the termination of this program in his fiscal year 1995 budget proposal, more than 90 Senators voted to retain funding for this effective program.

In fiscal year 1995, my home State will receive $2.1 million to help support 17 anti-drug projects, ranging from drug task forces to addiction treatment for juveniles. Because many of these programs would be undercut without Federal support, the Byrne Grant Program is enthusiastically supported by South Dakota's attorney general and various law enforcement officials across the State.

And again, the crime bill does not stop there when it comes to illegal drugs. The bill includes $383 million for treating the drug addictions of prison inmates across the country. This is wise use of crime-fighting funds for two reasons. First, it has been shown that treating the drug addictions of prisoners cuts recidivism rates in half. Without a drug habit to support, these individuals are less apt to return to a life of crime upon their release.

Second, for every dollar spent on drug treatment for criminal offenders, we save $3 through reducing crime and reducing other costs associated with drug addictions. It's not often that you can find a proposal which is good for society and saves money.

And finally, Mr. President, I would like to address the issue of spending on crime prevention programs.

A number of Republican Senators have denounced this bill as too expensive and filled with wasteful social spending. In reality, more than 3 of every 4 dollars authorized by the bill will be used to hire more law enforcement officers and build more prisons. This certainly doesn't sound to me like a bill laden with pork.

It's time to move beyond the rhetoric and to talk in frank terms about what will really help this Nation to overcome its crime problems. I believe we must start by recognizing that we cannot end crime as we know it simply by shutting away today's criminals. It is just as important for us to prevent the Nation's children from becoming the criminals of tomorrow.

Far too many children, in rural and urban areas alike, do not have alternatives to drugs and violence. They do not have afterschool programs and sports leagues. They do not have positive role models in their lives. They do not have anything to keep them off the streets and out of trouble.

Our children are this Nation's future. We owe them the chance to lead fulfilling lives as law-abiding citizens.

The crime bill will provide local governments the opportunity to apply for crime prevention block grants. Because cities and towns know best what resources are already available for their children and what needs currently go unmet, they will decide how these funds are to be spent. For example, localities can establish boys and girls clubs in low-income areas, fund nighttime sports leagues in high-crime areas and programs designed to give young people an alternative to joining a gang.

I suspect the reason that the crime prevention initiatives in the bill have been so roundly denounced is because my Republican colleagues feel that they will get political mileage out of it. That may be a time-honored tradition of our political system. But it is simply wrong to play politics with measures which will have a very real and positive effect on the lives of young Americans.

For 6 years, the Congress has worked on developing a comprehensive response to the problems of crime and violence in our society. This measure before the Senate represents the culmination of that effort. It has been thoroughly debated and is supported by a majority of the Congress and by the President.

This bill has been endorsed by the major law enforcement, prosecutorial and State and local governmental organizations in this country. Supporters include the Fraternal Order of Police, the National Sheriffs Organization, the International Brotherhood of Police Officers, the National Troopers Organization, the National District Attorneys Association, the National Association of Attorneys General, the National League of Cities, the United States Conference of Mayors, and the National Association of Counties.

In short, Mr. President, the Congress has devoted considerable time and effort to fashioning a crime bill which will come down hard on criminals and improve the lives of law-abiding citizens. The American people have waited long enough for this bill. I hope they will not have to wait much longer.

Mr. KENNEDY. Mr. President, I have spoken previously in support of the crime bill, but today I want to talk specifically about the Violence Against Women Act included in the bill.

One of the most compelling reasons to pass this crime legislation is that it contains the Violence Against Women Act—a needed set of the measures to reduce such violence and help the large numbers of women who are victimized by it.

These reforms are urgently needed. Domestic violence is the most common cause of traumatic injury to women in the United States. Nationwide, a woman is attacked and beaten every 18 seconds. In Massachusetts last year, 29 women were murdered in crimes of domestic violence, an average of one every 12 days. Fifteen more have lost their lives to family violence so far this year.

The Violence Against Women Act offers the comprehensive approach that has long been needed to address this worsening problem.

I commend Senator BIDEN for the effective work he has done in preparing these provisions and guiding them through the legislative process. He has done a masterful job.

To reduce domestic violence, the bill provides funds to train and educate police, prosecutors and judges so that violence within the family will be taken seriously and treated as the crime that it is. It creates Federal penalties for crossing State lines to commit spouse abuse. It requires all States to enforce antistalking orders.

To make streets safer for all women, the bill provides funds to assist law enforcement. It increases rape prevention education. It provides grants to prevent crime in public transportation and recreational areas. It encourages women to prosecute their attackers by extending "rape shield" protections to bar irrelevant inquiries into a victim's sexual history. And it creates a civil rights cause of action for victims of gender-motivated crimes of violence.

In addition, the bill contains urgently needed funds to help victims of violence. It supports counselors and shelters for battered women. It includes a provision I sponsored to restore the national toll-free domestic violence hotline, which went out of business 2 years ago for lack of funds.

The national hotline is a lifeline for many women. It averaged over 180 calls a day—65,000 calls a year—in the 5 years it was in operation. The majority of callers were women who had been beaten and believed they were in imminent danger. When they called the hotline, they were directed to resources available in their own communities—shelters, counselors, legal aid, and other forms of assistance.

The Violence Against Women Act also includes a provision that Senator HATCH and I sponsored to protect the confidentiality of counseling programs for rape victims. Courts in some States, including Massachusetts, have recently ordered rap crisis centers to disclose their counseling records to defendants in criminal cases.

The consequences are potentially disastrous. Rape counseling programs are of enormous help in enabling women to cope with the trauma of sexual assault and to recover from its debilitating effects. But these programs can only work if the victims participating in them can be sure that their counseling sessions will remain completely confidential. If there is no guarantee of privacy, women will not seek the counseling they need to help them recover.

The YWCA in Springfield, MA, runs a very successful rape counseling program, as do many YWCA's around the country. Recently, a State court ordered the YWCA to turn over its counseling files to a defendant in a rape case. To protect the victim's privacy, the YWCA initially resisted the court order. But as the penalties mounted for contempt of court, it was forced to comply.

As a result, a number of women have cancelled their participation in that counseling program, and in similar programs in other parts of Massachusetts. That result is tragic and unacceptable.

The provision in the Violence Against Women Act that Senator HATCH and I sponsored encourages States to enact legislation giving the maximum possible protection to the confidentiality of these records, without violating the constitutional rights of the defendant. Clearly, we need to do more to protect the rights of the victims of sexual assault, by preserving the confidentiality of their treatment for the trauma they have suffered. This measure is a major step forward.

No woman who fears crime on the street or violence in her home will have this or any of the other benefits of the Violence Against Women Act if passage of the crime bill is blocked. I urge the Senate to reject the point of order and to approve the bill.

Mr. HELMS. Mr. President, needless to say, I will vote against the conference report on the crime bill. The Democrats stuffed it with pork—about 7 billion dollars' worth, moreover. This bill spends $7 billion on welfare type programs having nothing to do with fighting crime. Welfare programs don't stop crime—if they did, then there would not be a tidal wave of crime engulfing most American cities.

However, I am pleased that the conference report on the crime bill includes the Helms-Gramm-Graham amendment, section 20409, regarding prison overcrowding and the eighth amendment. This amendment will prevent Federal courts from arbitrarily using prison crowding as the basis for imposing prison caps that force States to release early thousands of violent criminals.

Mr. President, I spoke at length about this amendment on November 10, 1993, but I want to take a few minutes to summarize the provisions of this amendment. First of all, this amendment had strong bipartisan support in both Chambers—it passed the Senate by a 68 to 31 vote and an identical provision was included in the House bill.

This amendment is necessary because in deciding if prison crowding constitutes cruel and unusual punishment, some Federal courts presently look at how the conditions affect the entire prison population, instead of the effect the conditions have on the specific inmate.

This broad-brush judicial approach often leads courts to put a cap on the prison population, which limits the number of inmates allowed in the prison. Frequently, a consent decree is agreed upon by both sides before the case goes to trial. As a result, States are thus forced to grant criminals and pretrial detainees early releases from prison. These criminals pose a serious threat to public safety because they often go back to their old habits of robbing and killing people. In my statement back in November, I highlighted a few of the horror stories.

Mr. President, prison caps should be a remedy of absolute last resort. This amendment requires courts to evaluate claims of cruel and unusual punishment based on how prison conditions affect individual inmates, not the effect on the entire prison population.

The standard set forth in this amendment is intended to apply to State correctional facilities as well as local detention facilities, which often have mixed populations of sentenced and pretrial detainees. For example, the Philadelphia prison system, which is under a consent decree, has facilities that contain both types of prisoners.

Furthermore, this legislation is intended to ensure that a Federal court will first make a finding that the prison conditions are, in fact, unconstitutional before it approves a consent decree establishing a population cap.

Finally, this legislation applies to existing consent decrees, including those where the decrees where entered before a finding of a constitutional violation. State and local governments can make an immediate request for a review of the consent decree—State or local governments do not have to wait 2 years to file such a request. A court must modify or terminate the consent decree unless the prisoners can establish that the continued enforcement of the cap is necessary to prevent a constitutional violation. This just makes sense, if the prison conditions no longer violate constitutional rights, then a prison cap is no longer appropriate.

Mr. President, I ask the distinguished ranking Republican on the Judiciary Committee, Mr. HATCH, if my interpretation of this amendment is accurate.

Mr. HATCH. Mr. President, I agree with the explanation of the amendment that the Senator from North Carolina has laid out for the Senate.

Mr. HELMS. Mr. President, as the able Senator knows, the Congressional Research Service concluded that "Congress' power under the 14th amendment and its power over the Federal courts generally do enable it to act in the manner prescribed * * *."—Memorandum of April 20, 1993. I ask the Senator if careful consideration was given to the constitutional issues surrounding this issue.

Mr. HATCH. Mr. President, we did consider the constitutional issues here and we concluded that the approach taken in this amendment is constitutional.

Mr. HELMS. I thank the Senator and I yield the floor.

Mr. HATFIELD. Mr. President, to listen to the debate on this budget point of order by some Members, one would think that the idea of a crime trust fund was unanimously supported in the Senate on previous occasions.

This is not true. When the Senate considered this idea on November 4 of last year, there was a Republican voice of dissent regarding this idea. I voted against it then, and will do so again. I would ask unanimous consent to have my statement from November 4 included in the RECORD following my remarks.

[See exhibit 1.]

Mr. HATFIELD. If my colleagues have had a change of heart regarding this issue, I commend them. To me, opposition to waiving this point of order has nothing to do with holding up the crime bill. This is not an issue of guns—I voted for the ban on military-type weapons—nor is it about trying to delete the misguided death penalties that I oppose in this bill—we lost that fight.

The issue here is taking $30 billion of taxpayer dollars and ignoring the normal budget process in order to create a trust fund. We have some trust funds, such as the highway trust fund, that are dedicated to a specific purpose and independently funded with ongoing revenue sources. But, we have never seen a creature like the one created in this bill.

There is no crime tax or fee to fund this trust fund after 5 years. What will happen to these programs then? When I spoke in November, I mentioned some of the other daunting issues that might deserve special trust fund treatment: housing, child nutrition—many of the needs we meet in discretionary spending.

I support many of the programs offered in this bill. The programs that are worthy can compete within the normal appropriations process for funding. Programs that are not a priority may not receive funding. This is what we do every day on the Appropriations Committee; it is the crux of the constitutional duty of Congress to make these tough decisions.

If these are worthy programs, let the President request the money for them annually, and let Congress decide annually if they are working. It is our job to make these determinations. We should not simply put the whole spending process on automatic pilot.

I will vote to sustain a point of order, not because of assault weapons, not because of so-called pork spending, but

because the trust fund violates the Budget Act, and is the wrong approach to take on this issue.

EXHIBIT 1

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Under the previous order, the Senator from Massachusetts is to be recognized at the conclusion of the remarks of the Senator from California.

Mr. HATFIELD. I did not understand that.

Mr. KERRY. Madam President, I have been in process of ceding here. I want to tie up the floor a while. I will yield to our colleague if he did not have a long statement.

Mr. HATFIELD. I have 5 minutes.

Mr. KERRY. I am happy to yield to the Senator for 5 minutes because I will be longer than that.

If I could have the understanding, Madam President, that the floor would revert to me I would appreciate it, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Madam President, I thank the Senator from Massachusetts. I must confess I did not understand we were under a time agreement at this time.

The PRESIDING OFFICER. There is no time agreement. That was the previous order agreed upon before the Senator from California started to speak.

Mr. HATFIELD. I would be happy to defer back to the Senator from Massachusetts to await my turn to have the floor, but I only want 5 minutes.

Mr. KERRY. Madam President, as I said I am happy to let my colleague go for 5 minutes unless he feels he wants to wait.

Mr. HATFIELD. I appreciate it.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1101

Mr. HATFIELD. Madam President, I just want to speak briefly to the proposition of a trust fund being proposed as a way to fund the crime bill.

Madam President, I cannot be too emphatic to say that I oppose creating new trust funds outside of the normal budget process unless such funds are funded by non-Federal sources or some independent sources.

As important an issue as crime prevention is, and I applaud the committee for its efforts not only this year but in years before, I believe that crime prevention programs can compete successfully with other discretionary programs in the normal budget and appropriations process.

We can get up here on the floor, in my view, and we can argue for a trust fund for funding child nutrition—setting aside discretionary funds within our budget for this worthy purpose. We could argue for a trust fund for Border Patrol needs or for mass transit or for assisted housing or for tax collection or any other vital Federal function. We have many vital Federal needs.

If we create enough special trust funds we can put our entire appropriations process on automatic pilot, pack up and go home.

I do not believe we should do that. We have many tough decisions to make in the appropriations process, but we should not shirk from them just because they are tough decisions.

Let us consider the funding requirements for violent crime and all the needs for its reduction, along with all other demands for Federal discretionary dollars and not create a special trust fund which would fall outside the constraints of the Budget Act, unless the funding would also fall outside of the Federal Treasury.

Now, Madam President, I would like to remind my colleagues of an interesting vote which occurred on this floor on October 27. The Senator from Texas [Mr. GRAMM] had proposed that we take the money dedicated to the superconducting super collider, instead apply it against deficit reduction.

Madam President, it is very interesting. On a Budget Act point of order, there were only two Republicans that voted against the question—Mr. STEVENS of Alaska and myself. Thirty-seven Democrats voted against it. The proponents got only 58 votes. The budget waiver was denied by two votes.

The arguments used were simple. The appropriations process ought to be able to make priorities across the board and to reallocate those dollars saved from the superconducting super collider, rather than earmarking them against the so-called budget deficit, an objective which we all think is very important.

Today, we are hearing the arguments being made from that same side of the aisle that somehow we ought to take these savings made from the President's reinvention of Government and put them in a trust fund for crime prevention.

Madam President, the principle is the same as that we defeated by an interesting combination of 2 Republicans and 37 Democrats on October 27.

Now I just think it ought to be clearly established here that we are talking about a fundamental principle that has been tested on this floor for a worthy cause within the last few weeks. And yet, today, we hear the whole proposition being put to us again, because of the importance of crime—and I do not disagree with the vital importance of crime—but the proposed approach is wrong.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Oregon.

I must say, I am glad I let him speak before me, because everything that I say will be an effort to try to contradict the reservations that have been articulated by the Senator.

I well understand his concerns about trust funds. But this is an issue unlike any other issue that confronts us today.

The argument that I will make is an argument that this is a national emergency, similar to those we have met in many other ways.

I would point my colleague's attention to this chart, which I ask colleagues to focus on. That book that was written, "Keep Your Eye on the Prize", well, let us keep our eyes on the prize.

We are a nation that was willing to spend $120 billion in a couple of years to bail out the savings and loans; a nation willing to spend $100 billion for the Department of Energy weapons cleanup; the Stealth bomber, $44 billion; the space station, $37 billion over 5 or 6 years.

You can run down the list of items.

We just spent $6 billion in a couple of hours of debate to bail out people from the floodwaters of the Midwest. And now we are unwilling to say that we are going to declare a national emergency for the flood of crime which is ripping at the fabric of this country.

Our bill currently has, what, $9.6 billion, up from $5.6 billion last week, and now it is contemplated to rise to $12 billion over 5 years. That is about $2.4 billion a year, when Americans are dying at a rate that is faster than GI's died during World War II.

Madam President, I read to my colleagues the Constitution of the United States from the Senate Manual: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility * * * do ordain and establish this Constitution" of this country.

Our entire Constitution is founded on the notion that we will ensure the domestic tranquillity of this country.

Mr. HATFIELD. Will the Senator yield for just one question?

Mr. KERRY. The Senator would be honored to yield for a question.

Mr. HATFIELD. The Senator, I think, makes an excellent point. I could not disagree with him one iota on the significance and the national character of this terrible issue.

But is the Senator not aware that in the Budget Act we have provisions for emergencies of this kind? All the President has to do is to declare an emergency. And, as a member of the Appropriations Committee for over 20 years, almost without fail, we have responded to those emergencies and we have handled it without establishing a trust fund.

I will respond as a member of the Appropriations Committee, as ranking Republican of the Appropriations Committee, to the money required to fight the war against crime that we consider in this authorization bill. But I will say to the Senator, I do not see where he feels that it is so vital and necessary to establish a trust fund, merely to separate funds from the pool of domestic discretionary moneys for a special purpose.

Mr. KERRY. Madam President, I say to the distinguished Senator, who really, I know, is as committed to doing something—I am not trying to suggest he is not—but who understands the budgeting process very well around here. I wrote a memo to the President the other day suggesting he declare a national emergency. And I have talked with the leadership about it, and others.

There is obviously the dilemma that, when we are trying to live within certain budget constraints, we want to send all the right messages. You do not want, hopefully, to have to come back and declare a budget emergency each year, because we are talking about outyears in the effort to fund here.

So the establishment of a trust fund is a way of guaranteeing to Americans, as well as to the police forces, to the prison construction process, to the guards, to those who are part of what we call the criminal justice system, that, in effect, we are not relying on the vagaries of American politics to come up next year and the next year to meet the need of the deficits. The fund is there; this is for real.

Now I would like to make the argument to the Senator from Oregon as to why I think this is so important. I ask my colleagues to try to strip away what cloaks us so quickly around here, which is this horrible partisan mantle.

I applaud a lot of what the Senator from Texas said a moment ago. I would like to see if we could get both sides together and find the best of a legitimate approach so that we defuse the rhetoric and so that we take the partisanship away and respond, because, while there are differences among us, there ought to be a consensus that this problem—I do not even want to call it a crisis, it is a horribly overused word—that this problem has now reached a level in this country that demands of us a different kind of response. Not a Democratic response, not a Republican response, but, frankly, just a fundamental approach of common sense and downright, sort of back home plain talk that Americans expect of us here.

I would like to suggest to my colleague, the only way you can measure what the approach ought to be here is to put in context what is happening in this country.

Madam President, I want to congratulate the Senator from Delaware, the chairman of the Judiciary Committee, because he has been one of the prime advocates of this. He has pushed and cajoled through all of his years here, and he has brought to the floor year in and year out a bill that has tried to do more than we, his colleagues, were willing to do.

And now we are at a point where we have had a bill that, just in the last week has gone from $5.9 billion to $9.6 billion, now to $12 billion. Something tells me there is something cooking here where people are beginning to make a measurement of what is really at stake.

Madam President, if we are going to decide whether or not to create a trust fund, and if we are going to think realistically about how much money to put into that trust fund, then we need to take a few minutes to try to strip away the politics and think in reality about what is happening to this country of ours, as a consequence of not just crime but a whole set of circumstances that have their own momentum, that have really broken loose and now have a life of their own.

Mr. NICKLES. Mr. President, for years now, many of us have been fighting for a tough, anticrime bill. Unfortunately, the conference report that we have before use today is full of pork-barrel spending and falls far short of meeting the needs of law-abiding Americans. This bill spends billions of dollars on programs that have no connection with fighting crime and spreads money around on new programs and purposes when the Federal Government is already spending billions of dollars for such purposes.

First, there is too much social spending in the bill. The President is trying to pass his failed economic stimulus package by calling it a crime bill. The pork contained in this bill, under the title of "Crime Prevention," is more than double what the Senate passed. In round numbers, the Senate provided $3.6 billion and the conference report provides $6.9 billion, even after the $2.1 billion cut made by the House Republicans.

EXAMPLES

The $1.6 billion for the Local Partnership Act provides revenue sharing grants to localities for education, drug abuse treatment, and job training programs to prevent crime. There are no requirements on how recipients spend the money. Funds are distributed according to a formula which rewards cities with a low population, high unemployment, and a high tax burden.

The $695 million for the Model Intensive Grant Program are grants to be distributed by the Attorney General for crime prevention in chronic high-intensive crime areas. The criteria for the program are very general, allowing recipients to spend money on virtually anything so long as the applicant for the funds claims the spending is linked to crime control no matter how tenuous the link. This includes spending on deterioration or lack of public facilities, and inadequate public facilities such as public transportation, as well as drug treatment. Fifteen cities will be handpicked by the administration to receive these grants.

The $270 million for the National Community Economic Partnership. This antipoverty program provides lines of credit through HHS to nonprofit community development corporations for communities to improve the quality of life. No pretense of tying the use of these funds to any sort of crime control is made.

The $100 million for the Ounce of Prevention Program. This program is established to coordinate all of the wasteful spending programs established by this bill. The Council is given $100 million of its own grant money to hand out on a discretionary basis.

Second, the $13 billion in deficit spending creates a trust fund that is not deficit neutral because it does not extend budget caps in the out years—1999 and 2000. The Senate crime bill capped its spending in every year, 1995–1998. The conference agreement extends the spending 2 years beyond the caps. There is nothing to require Congress to rein in spending in out years.

Third, it expands criminal rights by repealing mandatory minimum sentences for many drug traffickers, dealers, and conspirators. In the original conference report, this provision was applied retroactively and would have resulted in the early release of up to 16,000 prisoners. Thanks to Republican demands in the House, this provision has been changed to only apply prospectively. Nevertheless, prosecutors still do not support this provision because it does not require certification that defendants have provided truthful information in order to qualify for a lesser sentence.

The conference report also removes mandatory minimum sentences for the use of a firearm in the commission of a crime and rejects mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime.

Fourth, prison money equals $7.9 billion. None of the money in this bill that is designated as "prison money" is required to be used for actual bricks and mortar. This money can be used for any purpose that is at minimum remotely connected to prisons. In order to receive any of this money, a State is required to implement a comprehensive correctional plan which must include drug diversion programs and professional training for correctional officers in dealing with violent offenders, prisoner rehabilitation and treatment programs, prisoner work activities, and job skills programs.

Fifth, it only hires 20,000 police at $8.9 billion. Contrary to statements that this bill will provide funding for 100,000 more police on the street, this bill guarantees full funding for only 20,000 permanent new cops over the next 6 years, or one-fifth the number claimed by bill supporters. This is equivalent to adding about one new officer to every police department in the Nation. In addition, the $8.9 billion in grants are distributed by the Attorney General on a discretionary basis. This allows the Attorney General to decide which cities and States receive the community policing funds. This invites handouts to politically connected big-city mayors and politicians.

Sixth, victims restitution: during Senate debate on the crime bill, I offered an amendment that required mandatory restitution to victims of violent crime. That amendment passed and became part of the Senate crime bill. However, the conference report, although providing for mandatory restitution to women and victims of child molestation, fails to include my broader victims' rights reform. The revised conference report does make court-ordered restitution a nondischargeable debt in bankruptcy, but this is a hollow change so long as restitution orders are discretionary with the court.

CONCLUSION

This bill is not the toughest, smartest crime bill in the history of the United States. While deleting good crime control provisions, the bill still ladles out nearly $7 billion on new social programs. This is in addition to the already existing 266 prevention programs which currently serve delinquent and at-risk youth. The Federal Government already spends over $3 billion a year on these programs. Why then are we spending more money on these Great Society style programs at the expense of more prison space to keep violent criminals behind bars?

Senate and House Republicans tried to work with Democrats on a truly bipartisan crime control measure. More than a year ago, Senate Republicans were the first to offer their own anticrime initiative, most of whose provisions were included in the final bill we approved on a bipartisan vote. But since then, congressional Democrats have larded on billions in new spending and weakened tough provisions that the Senate approved.

The problem with this conference report is not partisanship or even special interests. This crime bill is far too soft on crime and far too ladened with congressional pork. In order to produce the toughest, smartest crime bill in the history of the United States, Congress needs to reinstate the tough crime control provisions that were dropped in conference and eliminate the billions of dollars of wasteful social spending.

Mr. BURNS. Mr. President, there are many aspects of the crime bill which I do not agree with. There is too much social spending, too many Federal strings, and Montanans clearly do not support that. One other aspect of the crime bill which Montanans do not agree with is the gun control provision.

Make no mistake about it, I do not support gun control. I never have and I never will. Montanans believe in our constitutional rights—be it private property or the right to bear arms. Montanans are fair people, but this is an issue which most Montanans are not willing to negotiate on—it is plain and simple, this is an issue of the integrity of our Constitution. I am one of those Montanans who believes in our second amendment rights.

There are some other interesting points to raise in this debate. The ban which is included in the crime bill would not just ban the sale and manufacture of 19 semiautomatic weapons. It would ban somewhere between 160 to 182 firearms. The reason we do not know exactly how many would be banned is because the language before us is vague—the people who crafted this language do not know about guns. In fact, on the list of 670 firearms which are exempted, only 85, or 13 percent, are even semiautomatics. Even more alarming is that with this being so broad and vague, it is unclear how the BATF would enforce this language. I do not think giving the BATF more latitude to control guns is wise.

Another ironic point is this provision does nothing to stop crime. Less than 1 percent of all serious crimes involve the use of semiautomatics. All this ban does is infringe upon law-abiding citizens' rights and takes away guns from the sportsmen of Montana and the entire United States.

There are 820,000 people who live in Montana. And I have heard over 10,000 times from Montanans who oppose gun control. Since coming to the Senate, I have received more mail on this issue—with this position—than any other. It is plain and simple, Montana does not believe in gun control and neither do I.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President,

> The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something. The millions who are in want will not stand by silently forever while the things to satisfy their needs are within easy reach.

Franklin D. Roosevelt spoke these words in 1933. Today, these words are as true as when they were first heard over 60 years ago. Throughout American history, each generation has had to face new challenges unknown to its parents.

Today, this generation's challenge is to create a safe community in which our children survive to become responsible adults instead of career criminals. For this reason, I stand in support of the crime bill now under consideration.

Traditionally, crime is a problem that has been dealt with at the local level. Now, crimes that were once of local concern have become national in scope. For example:

High profits from the drug trade have created competition among street gangs to franchise chapters in towns across this Nation, like fast food franchises, with the sole purpose of peddling drugs in our schools; and

Local law enforcement officers who now face greater physical harm from criminals who are better armed and use more sophisticated techniques than the police.

As a result, this Nation, specifically the Federal Government, is boldly experimenting. The Federal Government is stating that it will be a full partner in the local communities' fight. This experiment has been 6 years in the making. Let me reiterate some of its history.

On November 18, 1988, the Anti-Drug Abuse Act of 1988 was signed into law. This act, concerned with stopping the abuse of narcotics and drugs, began the momentum. However, it was realized at the time that there needed to be a more comprehensive approach to the fight against crime.

The Crime Control Act of 1990, started this more comprehensive approach. It contained provisions aimed at: first, rural drug use; second, hired additional DEA and FBI agents; and third, codified a Crime Victims' Bill of Rights in the Federal justice system. Unfortunately, this act was gutted and unable to meet the needs of the communities. Once again, we realized that more had to be done.

On March 12, 1991, Senator BIDEN introduced S. 618. This legislation called for: First, aid to State and local law enforcement agencies; second, increase in penalties for criminals who commit firearm offenses; third, measures for youth violence; fourth, assistance for rural crime and drugs; fifth, drunk driving provisions; and sixth, assistance for victims of crime.

On June 6, 1991, Senator BIDEN introduced S. 1241, which was characterized as the same as S. 618. However, the new legislation included the Brady handgun bill.

After a House-Senate conference agreement, this legislation failed a vote for cloture on November 27, 1991, and it was carried over to the 2d session of the 102d Congress.

Again, a second cloture motion failed on March 19, 1992.

And when a third cloture motion failed on October 2, 1992, the hope for relief to our communities dimmed with the end of the 102d Congress.

In essence, we stand at the threshold of a true opportunity that is within reach, one last hurdle before the finish line.

This bill is not perfect. It contains measures that I did not support. For example, I voted against Senator FEINSTEIN's assault weapons ban because I believe that Congress does not have the expertise to determine what weapons should be prohibited. The role of Congress is to set general policy. The role of Congress is not to manage minutiae.

However, the negatives of the bill are outweighed by the greater good that results from its implementation. In my home State of New Mexico, the bill enjoys wide support from different areas of the community for many reasons.

First, the Fraternal Order of Police, the New Mexico Municipal Police Chiefs, and Richard C de Baca, the secretary of New Mexico's Department of Public Safety support this legislation. This legislation goes after those violent offenders who are committing most of the crimes.

According to the Judiciary Committee, New Mexico will receive approximately 500 additional police officers from this bill. Sheriff Bert W. Delara from Sandoval County states while endorsing this bill that "Regardless of size [referring to the size of his county], crime affects us equally." Mr. President, this bill will help all New Mexico counties regardless of size.

Additionally, New Mexico will receive approximately $26 million for prison grants, including military-style boot camp prisons;

Further, the rural areas of New Mexico will receive approximately $6.5 million for drug and crime enforcement.

Second, the National Association of District Attorneys endorses this bill.

According to the Judiciary Committee, New Mexico will be eligible for an additional $1 million dollars for judges, prosecutors and public defenders.

Third, and last, the New Mexico Municipal League endorses this bill, specifically the Local Partnership Act.

Again, according to the Judiciary Committee, the cities and towns in New Mexico will receive approximately $13.5 million in direct grants.

In summary, our society is faced with new levels of crime that other generations did not have to face. In order to meet these challenges, we must propose new types of solutions and this bill is the answer. It is not perfect. It represents 6 years of delicate compromise and hard work on the part of many people of good will. Our present actions are too important to let this opportunity slip away. Mr. President, this crime bill helps the citizens of New Mexico. It helps all the citizens of this country. I urge the Senate to adopt the conference report.

SEXUALLY VIOLENT PREDATORS ACT

Mr. GORTON. Mr. President, among those provisions I support in the crime bill is title XVII, subtitle A, section 170101, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Section 170101 is the result of two separate bills combined to achieve a similar purpose:

The encouragement of States to register, track, and notify communities about individuals who have been convicted of crimes against children or sexual offenses. The sex offenders component is modeled after elements of Washington State's law that also provides for community notification of dangerous sex offenders.

Some of my colleagues have asked me whether this section represents a minimum or maximum of what States may do in regards to these offenders. Let me make this very clear: Nothing in section 170101 of subtitle A, title XVII limits what States may do. The intent of the legislation is to set only a minimum of what States may do. States wishing to require additional types of offenders and additional requirements are completely free, and encouraged to do so. Our intent is simply to establish a minimum level of requirements regarding sex offenders.

Other colleagues have inquired as to the level of State flexibility in complying with the definitions and other language in this section. Our intent was to allow the broadest level of flexibility to States in complying with these sections and implementing their programs. In addition, we anticipate that the Attorney General will use broad discretion in reviewing State efforts and will provide maximum flexibility.

It should be clear that those States with any type of sex offender and community notification program, including Washington State, would be considered in compliance already. Again, our intent is set forth minimum standards and allow States the broadest discretion in implementing their own programs. That is why States have in effect a full 5 years to comply with section 170101, title XVIV.

As I said at the beginning of my statement, section 170101 of title XVII combines two separate measures: The Jacob Wetterling Act, and the Sexually Violent Predators Act. When such a combination occurs, the result is bound to be less than perfect. Had I opportunities to improve on the language and clarify some sections, I certainly would have done so. If we find that some clarifications need to be made, we will make that our top and immediate priority.

Finally, the overwhelming support for this measure is an indication that Congress feels this measure strikes a proper balance between the constitutional rights of convicted criminals and society's need to protect itself from violent crime. No rights are infringed on in any way under this legislation. Instead, we have taken moderate, but essential steps to bring additional security to our neighborhoods and families from those who would victimize them.

Mr. BAUCUS. Mr. President, I rise in support of the conference report on the crime bill.

I join Montana's Attorney General Joe Mazurek, U.S. Attorney Sherry Matteucci, police officers and prosecutors across the State in calling for the Senate to pass it now.

And I join virtually all Montanans in asking the Senate to stop the posturing, stop the politics, and start doing the people's work.

CRIME PROBLEM GROWING IN MONTANA

We Montanans are proud to call our State "the last, best place." We love our way of life. But in the past several years, it has become very clear to us that even the last, best place is not immune from the germs of crime and hate which have infected so much of the Nation. We have gangs, we have thugs, and we have killers. The problem is already bad, and it is getting worse.

Here are just a few examples.

Mike Salvagni of Bozeman is the county attorney for Gallatin County, population 50,463. His office prosecuted 92 violent crimes in 1990. In 1991, he prosecuted 108 such crimes. In 1992 it was 115, and last year it was 125. Put another way, 1 in every 400 Gallatin County citizens fell victim to a violent crime just last year. And Gloria Edwards, who runs the County's Victim and Witness Support Program, helped 194 people who saw or were victimized by violent crime last year alone.

Just yesterday in Helena, a man went on trial for murdering his 19-year-old fiancee and her 18-month-old baby boy a year ago last June.

Then take Billings. On two occasions, last year police officers apprehended a skinhead on his way to a local bar. Both times, the man had an assault rifle. And both times, he told the police he wanted to kill some Mexicans.

That July, a Billings man shot and killed his sister-in-law. He then grabbed his two young children and fled in his car, with the police in hot pursuit. Once cornered, he attempted to use his own children as human shields while firing at the police.

And last fall, two rival youth gangs met in a confrontation in the parking lot of a Billings fast food restaurant. They beat each other up with baseball bats. One young man took a handgun and shot a rival gang member in the arm.

Finally, remember the winter morning in 1992, when just before the Christmas holidays, a disturbed Montana teenager bought an AK-47 rifle at a store near his college in Great Barrington, MA? He walked straight onto campus and began shooting. He killed two people and wounded four more before he was overcome.

TOO MANY CRIMINALS FOR MONTANA JAILS

These are not just graphic, isolated incidents. Crime is on the rise in too many Montana communities.

In Billings, for instance, a new jail built in 1987 to provide more space for prisoners is already overflowing. The jail was built to hold 138 prisoners. At times it now swells to 170.

L. Chuck Newell, in the Yellowstone County Sheriff's office, tells us of the changes he has observed in his 20 years in the department. He says the community used to have one homicide a year. Now they have four. The coroner's office logs up to 350 deaths a year. Fewer officers handle a caseload that is up by 60 percent. Lieutenant Newell says they are shorthanded at every level.

And the criminals are getting younger. Some of the kids they arrest in Yellowstone County are just 11 or 12 years old.

Then look at Dawson County, by the North Dakota border. With the county seat of Glendive, Dawson County has a population of 9,505, spread out over 2,500 square miles of land. Jerry Navratil, the county attorney, tells me they are sending 20 percent more people to the prison at Deer Lodge than they used to, mostly for burglaries and sexual assaults. This in one of the most tranquil, beautiful, rural places in America. Jerry says the community is stretched very thin. He doesn't know how they can cope without help.

FOCUS FIRST ON PUNISHMENT

Mr. President, this is intolerable. The very first, most important, most critical responsibility of government is public safety. Protection of the citizens. And Montana law enforcement needs the help this bill will provide. It will not solve the problem. But it will help. It will toughen penalties, it will prevent crimes, and it will support law enforcement.

Let us begin with the dramatically tougher Federal crime penalties it establishes. The crime bill's punishment provisions include:

Federal death penalties for 60 crimes ranging from murdering a law enforcement officer, to drive-by shootings, to murders committed during carjackings.

A "three strikes and you're out" provision, requiring life imprisonment without parole for criminals committing three violent felonies or drug offenses. They will be off the streets forever.

Authorizes prosecution of teenagers as adults, when they are accused of murder, attempted murder, aggravated assault, armed robbery, and rape.

WHAT THE CRIME BILL MEANS FOR MONTANA LAW ENFORCEMENT

Tougher punishment is essential. And so is greater Federal support for law enforcement. Let me now state for the record what the crime bill will mean for Montana's prosecutors, prisons, and police in six critical areas.

Passing the crime bill guarantees that Attorney General Mazurek, county prosecutors like Mike Salvagni and Jerry Navratil, police officers like Lieutenant Newell, Governor Racicot and our local officials will receive, at the very least:

Police. Montana will receive at least $44 million over the next 6 years, so

Montana's State government and police chiefs can hire new police officers and buy modern equipment.

Prisons. Montana will receive $12 million for prison grants. This will be used primarily to build new prisons and to construct boot camps for younger offenders.

Rural Crime. Montana will receive $6.5 million over the next 6 years for drug and crime enforcement specifically dedicated to fighting rural crime. This will help Montana train officers to investigate drug trafficking and related crimes. It will give us more DEA agents. And it will help us enforce drug free truck stops and rest areas.

Brady bill. Montana will receive its share of a national $130 million authorization to establish a national instant criminal background check system, and help States improve their criminal records to ensure that local police departments do not bear the burden of carrying out an unfunded Federal mandate.

Drug treatment. Montana will receive $1.5 million over the next 6 years to treat drug-addicted prisoners in Montana prisons. Drug treatment is proven to be one of the most effective ways to prevent recidivism.

Violence against women. Montana will receive $2.9 million in grants for police, prosecutors and victim services, and $1 million in grants to set up shelters for battered women and their children.

TIME TO ACT IS NOW

When this bill emerged from the conference committee, it cost about $7 million more than the Senate bill I had earlier supported. That was too much. I believe the House of Representatives, and the House Republicans in particular, acted appropriately in scaling back the cost. But the time for delay has come to an end.

The Great Falls Tribune wrote on Tuesday, "the Senate should approve a bill most Americans want and that the nation needs." The Billings Gazette followed suit, saying that "the House of Representatives nudged the crime bill off gridlock. But so far the Senate is sitting in the dark, building walls when it ought to be building consensus."

I agree with both. In particular, I think the debate over the crime bill has shown why Americans are angry at politicians. The people are not interested in political maneuvering—they want their Government to do something about America's problems. And they do not see that happening. What they see is posturing, rhetoric, and obstruction.

After watching the interminable Senate debate a couple of days ago, my friend Chuck Merja, a farmer from the town of Sun River, sent me a fairly disgusted fax. He wrote, speaking of both sides:

> If these people had been anybody but adults, they would have had various restrictions put on their lives until and unless they could act in a cooperative manner.

Chuck is absolutely right. It is time to stop shouting and start cooperating to solve America's problems. That is all the people of Montana want. I believe it is all that Americans want. It is time to get to work and pass this bill.

Mr. AKAKA. Mr. President, we have spent 4 days debating whether or not we should take up the conference report adopted by the House. The bill before us represents a balanced approach to making our neighborhoods and our homes safer. We have the opportunity to provide crime-free environments for our families, and we must not delay the passage of this bill any longer.

Despite the complaints I've heard this week, the crime bill retains funding for more policing, more punishment, and more prevention.

This bill will put 100,000 new police officers on the streets, walking the beat, working with citizens to prevent and solve crimes. Under current figures, the Senate Judiciary Committee estimates that Hawaii is guaranteed a minimum of $44 million over the next 6 years, which would assist the State in hiring at least 500 new police officers.

We cannot turn our backs on those who are placing their lives on the line to protect us. We in the Senate can show our support by passing this legislation. This bill includes money for rural law enforcement, implementation of the Brady bill, increased funding assistance for DNA testing and research, and funds for our courts.

The crime bill deals with youth crime and violent young offenders. It includes innovative incarceration programs and tough alternative approaches, such as boot camps, that provide the discipline and training necessary to deter young people from embarking on a life of crime. The measure also supports discretionary authority to prosecute hardened young criminals, 13 years old and above, as adults for the most violent crimes.

A second objective of the crime bill is to ensure that the punishment fits the crime. Despite efforts by law enforcement, too often violent criminals are returned to the streets. The bill includes tougher sentencing procedures, including life imprisonment on a person who commits a serious violent felony under Federal law, after having been previously convicted of two or more serious violent felonies, under Federal or State law.

The measure would also encourage the States, through Federal grants money, to keep violent criminals from being released prematurely due to jail overcrowding.

A third part of this bill would help States and local governments fund programs to steer young people away from crime and gangs through initiatives ranging from antigang programs to police partnerships. States and local governments would retain the flexibility to target areas of need rather than have the Federal Government dictate use. Funds could also be available for triad partnerships between senior citizens and police.

Mr. President, another key provision of the crime bill is the Violence Against Women Act, which I strongly support and cosponsored. It is imperative that the Federal Government provide increased resources to combat sexual and domestic violence through education programs, law enforcement training, and a national domestic violence hotline.

Nearly every major law enforcement organization in the country supports passage of this bill. They are joined by the two largest prosecutor associations and groups representing cities, towns, and counties. All are unanimous in their agreement that swift passage of the crime bill will benefit all citizens.

These men and women, who are on the frontline of the fight against crime, do not believe that this crime bill places too much emphasis on keeping kids out of jails. Rather, they see the bill as a means to strike a balance between prosecution and prevention. In a recent conversation with Honolulu prosecuting Attorney Keith Kaneshiro, he noted that 80 percent of Hawaii's prisoners with drug problems do not receive treatment.

Mr. Kaneshiro said drug treatment in prisons is critical because the bulk of crimes committed in Hawaii are drug related. This includes a dramatic rise in domestic violence cases, partially due to the increased use of crystal methamphetamine, which causes violent behavior.

Again, I wish to emphasize that the conference report is a balanced measure—law-abiding citizens should not live in fear for their safety, nor should children and teenagers dread going to school because a classmate may be armed. We can make a difference, and I urge my colleagues to support the passage of this conference report.

CRIME BILL POINT OF ORDER

Mr. ROTH. Mr. President, I want to express a few concerns I have pertaining to this debate over the crime bill, and specifically this budget act point of order.

My first—and most immediate—concern, Mr. President, regards the people of Delaware, men, women, and children, who are suffering beneath a frightening increase in crime. Over the past 12 years alone: Violent crime has increased over 55 percent in Delaware; manslaughter has increased by 28 percent; forcible rape has increased 158 percent; robberies are up 49 percent; and, murder has gone up a staggering 28 percent.

Something must be done. There's no question that crime in my State is a very serious problem.

Is this a perfect bill? No. In fact, there are a number of improvements I would like to see, and I would support amendments that would strengthen the bill. But the simple fact is that with the dramatic increase in the amount of crime experienced in Delaware these past 12 years, we need a crime bill for certain.

The second concern I have is that the point of order now in question—based on the previous position of this Senate, recorded by vote on several occasions—should not now derail the crime bill.

The pending conference report is subject to a point of order because of the funding mechanism that is the very heart of the legislation. This funding mechanism is the violent crime reduction trust fund, which fences off the savings realized from the reduction of the Federal Government work force. It is to insure that the savings associated with the reduction of more than a quarter million Federal employees are dedicated to fight crime and not frittered away on unnecessary programs.

The point of order lies not because of deficit spending but because the fence around the trust fund was not constructed by the Senate Budget Committee. The trust fund was created, in part, by action taken by the Governmental Affairs Committee, on which I serve as the ranking minority member, to reduce the Federal work force, as well as by action taken by the Judiciary Committee to fight crime. These two themes were married on the Senate floor on two occasions—last November when the Senate considered the crime bill and adopted the Byrd amendment 94–4 and last February when the Senate unanimously adopted the Roth amendment which made the Byrd amendment part of the Federal Workforce Restructuring Act.

When the Senate considered the Federal Workforce Restructuring Act, which mandated a reduction of more than a quarter million Federal employees, my main concern was that the savings would not be used to fight crime but would be wasted on less worthy programs. And I was not alone. So widespread was this concern in the Senate that a motion to instruct conferees to insist on the Roth amendment was adopted 90–2. And when the conference report came back to the Senate without the Roth amendment, it took two cloture votes before the legislation was finally adopted.

The issue for which so many of us fought long and hard was a guarantee that the savings from the Federal Workforce Restructuring Act would be spent on crime. We were concerned—very concerned—that the House crime conferees would insist that the crime bill be subject to regular appropriations and not be funded by a trust fund from savings through Federal employee reductions. We therefore demanded that the trust fund be included as part of the act that created the savings rather than wait for the trust fund to be included here in the crime bill.

The savings from the reduction in the Federal work force will, under the terms of the conference report, be fenced off to be spent only on crime fighting. The fact that the fence was not created by the Budget Committee is a technicality that should not obscure the fact that the trust fund is what so many Senators have so long fought for. This point of order lies only because of our efforts to guarantee that the savings from Federal employee reductions would be spent to fight crime. I do not find that reason very persuasive and therefore cannot support this point of order.

POLICE CORPS PROVISIONS OF THE CRIME BILL

Mr. SPECTER. Mr. President, I am very pleased that the conference report on the anticrime bill contains a provision I have fought long and hard for, one that will make a real difference to public safety, the Police Corps. I am disappointed, however, that the authorized funding for this critical program was cut to only $100 million over 5 years. This sum is simply inadequate.

I introduced the first legislation to create the Police Corps back in 1985 at the suggestion of New York lawyer Adam Walinsky. Since that time, I have supported it and have sought to get it enacted in every comprehensive anticrime bill we have considered. The Police Corps passed the Senate as part of the 1990 anticrime bill, but did not survive conference because of House objections. It again passed the Senate in 1991 and that year was included in the conference report, which was blocked in the Senate because of its habeas corpus reform provisions. After Senator SASSER and I again reintroduced police corps authorizing legislation during this Congress, it was included by the distinguished chairman of the Judiciary Committee in the anticrime bill that passed the Senate. The House included similar provisions in its anticrime bill.

Although there had been earlier speculation that the authorization levels called for in both the Senate and House bills would be cut in conference, supporters of the Police Corps were able to convince the conferees of the importance and merit of the Police Corps, and the funding levels were retained, albeit outside the anticrime trust fund set up by the bill.

Unfortunately, however, when the bill was recommitted to conference, the authorization level was cut back to only $100 million over 5 years. While this amount will now all come from the anticrime trust fund, it is inadequate to do the job conceived of for the Police Corps. I understand that the cut in funds for the Police Corps was due to a misunderstanding and was the unintended effect of an agreement made among certain Members of the House of Representatives to delete funding for programs outside the trust fund. As a result of this unintended cut in funding levels, we will need to return to this issue later this year and seek to increase the authorization.

The Police Corps is not a new idea. It is based on the Reserve Officers Training Corps concept: In return for the Federal Government providing scholarship funds to college students, these students will agree to serve as police officers for 4 years. The Police Corps will tap the sense of duty and commitment that young Americans have always shown to improving their communities and the world. In addition to the ROTC, we have seen this commitment at work in the Peace Corps and most recently in the National Service Program. To these successes will be added the Police Corps, whose graduates will bring their commitment to confront the pressing issue of public safety.

In order to assist hard-pressed communities to hire Police Corps graduates into the ranks of their police departments, the Police Corps Program will now provide a Federal subsidiary of $10,000 per officer per year for each of the 4-year term of service. The 4-year term will reduce the costs to the communities, because most pensions vest after 5 years of service.

The strong bipartisan support of both Houses for the Police Corps provides ample evidence of the promise of this vital program. I am certain that that promise will be redeemed by the service of the dedicated Police Corps graduates who will soon be patrolling our communities, making a real difference in the lives of the American people. I am pleased and proud that this bill will authorize the Police Corps. But as contained in the bill, the Police Corps is only a start, a promise. We will have to redeem that promise by seeking additional authorization levels, and I intend to do so at the earliest possible moment.

I thank the Chair and yield the floor.

ON THE DRUG COURT PROVISIONS OF THE CONFERENCE REPORT

Mr. SPECTER. Mr. President, I wanted to briefly express my strong support for the drug court provisions of the conference report on the omnibus anticrime bill.

In 1989, a blue ribbon commission established by the Philadelphia Bar Association recommended that the city of Philadelphia establish a drug court to take nonviolent, drug using offenders out of the criminal courts and require them to undergo drug treatment. Unfortunately, because of fiscal constraints Philadelphia was unable to establish the proposed drug court. While I have actively sought an appropriation for drug courts since 1990, no such funds were ever appropriated because the program was not authorized. In the 102d Congress, I introduced legislation to authorize Federal financial assistance to States and local communities to enable them to establish drug courts. That idea found its way into the Senate-passed crime bill late November and it was retained in the conference report.

Skimming low-level, drug-using offenders out of the criminal courts would allow these courts to devote their time to trying and punishing the more serious offenders. Requiring them to receive drug treatment would help break the cycle of drug abuse, commission of a crime to support the drug habit, arrest, jail, and release, at which point the offender is back at square one.

It seems to me that the prospect of breaking this cycle would reduce crime, make our communities safer, and lower the costs associated with crime. Money will be saved on police, jails, prosecutors, and courts, not to mention the reduction in losses due to the crimes that will not occur.

Some people question the effectiveness of drug treatment in reducing crime and breaking the cycle of recidivism. Research into the effectiveness of the Dade County, FL, drug court demonstrates that persons who have completed the drug treatment have lower incarceration rates, less frequent rearrests, and longer times to rearrest than similar defendants who did not go through the drug court program. Other studies have demonstrated the success of drug treatment in reducing both drug dependency and recidivism.

I believe that the provisions of this bill authorizing $1 billion over 5 years for drug courts will enable communities throughout the country to establish drug courts to combat drug abuse and stop the cycle of crime before it really starts. As a leading proponent of drug courts, I expect that as Federal funds become available, Philadelphia and other cities will become able to establish and implement drug courts to address the problem of drug-related crime.

I thank the Presiding Officer and yield the floor.

UTAH MOTORCYCLE ENTHUSIASTS

Mr. HATCH. Mr. President, in my home State of Utah there are some 22,000 men and women who are motorcycle enthusiasts. Whether it be for pleasure, sport, or work, they use motorcycles to get to and from their points of destination.

These men and women are, for the most part, good citizens of the State of Utah. They work hard in their communities. In fact, these men and women have biked throughout the State every Christmas in a run to gather toys for needy Utah kids.

They have been leaders in Utah's highway beautification program, leading the antilitter campaign.

They have worked hard with the Utah legislation on bills to help in biker safety, helmet laws, and rider education.

They are not the stereotype bikers from Marlon Brando's "Wild Ones," and yet, I feel, I might have perpetuated that stereotype when I mentioned—earlier this week—that criminal motorcycle gangs might have wanted to terrorize Utah communities.

Earlier this week, I recalled what my father-in-law has said to me on many occasions—do not let Congress take away his right to own a firearm. Every time a ban the gun debate erupts in Congress, folks out West reel back with horror. My father-in-law told me that a criminal element would never go into his small town of 700—because homeowners had the right to own guns, and no person would even think about confronting them. That is how they held the peace. That is how they would combat any of the so-called bad guys.

I inadvertently said—in retelling that story during the debate on this crime bill—that criminal motorcycle gangs could roll into these small towns and terrorize the townspeople, were it not for law-abiding citizens like my father-in-law.

What I should have said was criminal motorcycle gangs might come to Utah. Certainly, there was no intention for me to infer anything about our Utah clubs, or any other law-abiding motorcycle clubs.

Again, let me salute the 22,000 men and women in Utah who use motorcycles, and the millions more across the great country who use cycles as a way of life.

Mr. BIDEN. Mr. President, the Senator from Utah today made a number of statements about this bill—how it is weak and wasteful.

The primary Republican criticism has been of the prevention programs. Here are the facts about those programs.

PREVENTION PROGRAMS IN REVISED CONFERENCE REPORT—SEPARATELY FUNDED PROGRAMS

Violence Against Women Act: $1.62 billion.

Community Schools/FACES: $810 million.

Local Partnership Act: $1.62 billion.

Drug Treatment in Prisons: $270 million.

Model Intensive Grants: $626 million.

Certainty of Punishment for Juveniles: $150 million.

Community Youth Academies: $36 million.

Family Unity Demonstration: $22 million.

National Community Economic Partnership: $270 million.

Urban Recreation and At-risk Youth: $4.5 million.

Gang Resistance Education and Training: $45 million.

VIOLENCE AGAINST WOMEN ACT: $1.62 BILLION

Senator HATCH is a cosponsor.

The $820 billion Law Enforcement and Prosecution Grant Program to fight violence against women assures that at least $410 million will go to police and prosecutors to help catch and convict abusers. That is at least $205 million each to police agencies and to prosecutors. At least $205 million more is guaranteed to go to services for victims of domestic violence.

Another program under the Violence Against Women Act provides $120 million to help State and local police implement pro-arrest programs, so the aggressor goes to jail and cannot resume the beating as soon as the cops leave.

Some $200 million will pay for rape prevention education, to teach boys and girls that just because he spends $10 on a date he is not entitled to sex.

Also $325 million will help pay for more battered women's shelters, so victims do not have to endure continued abuse in the home simply because they have no place else to go.

COMMUNITY SCHOOLS/FACES: $810 MILLION

This Afterschool-Safe Haven Program is the product of much hard work by Senators BRADLEY, DANFORTH, DOMENICI, and DODD. It is in the Republican bill and it provides for: Supervised sports programs, work force preparation, entrepreneurship, tutorial and mentoring programs, and the purchase of sporting and recreational equipment and supplies, meals, an initial physical examination, and provision of first aid and nutrition guidance.

LOCAL PARTNERSHIP ACT: $1.62 BILLION

The House defeated, 247 to 143, a motion that would have instructed conferees to eliminate the LPA, signaling strong support in the House of Representatives for this provision. Indeed, 27 Republicans in the House voted against instructing conferees to eliminate LPA.

This program gets Federal dollars quickly and directly to where they are needed most—to local officials who know best where they are needed on the front lines of this battle. It also gives the local officials the flexibility to use the money to address their most urgent and critical crime prevention problems—such as drug treatment, education, or jobs.

DRUG TREATMENT IN PRISONS: $270 MILLION

The Republicans are always talking about the revolving door, about how criminals shuttle in and out of prisons. Well, we know—and the Republicans know as well, they say it all the time—that the revolving door is fueled by addiction to alcohol and drugs.

And we know from a host of studies—including one by the former drug director, William Bennett—that treating addicted offenders, helping them kick the habit, cuts their crime rates in half. It breaks the cycle of recidivism and shuts the revolving door. It is that simple.

The total $383 million in the conference report for prison treatment is enough to treat nearly 350,000 State and Federal inmates, preventing tens of thousands of crimes that would be committed if these offenders needed fast money for their next fix.

MODEL INTENSIVE GRANTS: $626 MILLION

This initiative targets crime-fighting aid to urban and rural areas that have been especially hard-hit by violence and drug trafficking.

The Model Intensive Grant Program is virtually the same as the Drug Emergency Areas Program that has enjoyed broad bipartisan support in the Senate in previous crime bills, including cosponsorship by Senators GORTON and D'AMATO. And the bipartisan Drug Emergency Area Program is a 5-year effort totaling $1.5 billion, substantially more than what is proposed here.

It brings together law enforcement officials with educators, community leaders, and others to streamline their efforts to relieve the conditions that encourage crime, like an abandoned building that has been taken over by crack dealers, and to provide meaningful and lasting alternatives to involvement in crime, by coordinating with other programs to give kids a place to go besides the streets.

CERTAINTY OF PUNISHMENT FOR JUVENILES

The juvenile justice system is overwhelmed with delinquents but starved for programs that hold these kids accountable, that provide them with meaningful punishments and services that can turn them around before it is too late.

We are always hearing about the kid who shot somebody who had been arrested 10, 15, 20 times. Well the reason is because many of their offenses are not serious enough to send them to a juvenile prison, so they get put on probation. The juvenile probation officers are as overloaded with cases as the probation officers in the adult system.

The result is these delinquents go totally unsupervised, unpunished, and totally undeterred.

This program will help fill this critical gap in the juvenile system, and hold young offenders accountable before they become adult offenders.

COMMUNITY YOUTH ACADEMIES: $36 MILLION

These programs follow on the strategy behind the certainty of punishment programs. They recognize that despite the terrible increase in violent crime among juveniles, the fact is most kids are not out there committing murders and muggings. They are stealing and vandalizing.

FAMILY UNITY DEMONSTRATION: $22 MILLION

These programs keep nonviolent offenders' families together, to reduce recidivism and welfare dependency.

This program allows nonviolent offenders to stay with their small children—kids up to the age of 7—so that they do not grow up without a parent, without the family bonds they need.

It also serves to remind the offenders that they have obligations—not only to society, but to their children as well.

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP: $270 MILLION

This program is a response to a profound lack of capital in communities in need and will make a significant contribution to restoring vitality to our urban streets. The former Secretary of HUD, Jack Kemp, understood the long-term imperative of rebuilding our cities.

URBAN RECREATION AND AT-RISK YOUTH: $4.5 MILLION

This program will provide expanded recreational opportunities in high-crime areas. Having something constructive to do is the most logical alternative to crime in our cities, particularly when school is out.

GANG RESISTANCE EDUCATION AND TRAINING: $4.5 MILLION

One of the most dangerous components of the prevalence of gangs in our cities is the intense peer pressure on kids to join gangs. This program is an ambitious effort to foster personal responsibility and to embolden kids to resist such pressures. This program is to gangs what the DARE Program is to drugs. There is broad support for this concept.

LOCAL CRIME PREVENTION BLOCK GRANT

Some $377 million allotted directly to local governments, based on their jurisdiction's share of violent crime, for the purposes listed below.

OLYMPIC YOUTH DEVELOPMENT PROGRAM

Senators DOMENICI and STEVENS fought for inclusion of this program in the Senate bill. This prevention program says the same thing as the Community Schools Program—money for supervised sports and recreation programs, purchase of sporting and recreational equipment and supplies, hiring of instructors and other staff, provision of meals for participants, provision of an initial basic physical examination, and provision of first aid and nutrition guidance.

BOYS AND GIRLS CLUBS

For boys and girls clubs, $36 million was in the Republican bill.

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

This program is also in the Republican bill, sponsored by Senators DOLE and HATCH. It is "to develop and provide parenting classes to parents of at-risk youth, to develop and provide training in methods of nonviolent dispute resolution to youth of junior high school and high school age, and to establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement."

MIDNIGHT BASKETBALL

Nighttime sports leagues keep kids off the streets and out of trouble. They build values like teamwork, sportsmanship, and personal responsibility. They put youngsters who may have few positive influences in their lives in touch with coaches and parents who care.

The kids won't just be out on the court; in order to play, they must attend job counseling or other educational programs as well.

Republicans have targeted midnight basketball as one of the most egregious cases of wasteful spending in this conference report, even though President Bush honored a midnight basketball league as his 124th Point of Light in 1990.

POLICE PARTNERSHIPS FOR CHILDREN

This program will provide aid to child victims of crime, who suffer violence at a rate five times higher than adults. It puts a protective, comforting net of law enforcement officers and family service workers around small children who have been traumatized by violence, on a 24-hour-a-day basis, so they are there when the children need them the most.

SAFE LOW-INCOME HOUSING

Provides incentives to get police officers to live in the communities they serve, investing them in the livelihood of their neighborhoods and making their neighbors feel safe.

A low-income neighborhood in Portland, OR, Police Chief Charles Moose and his wife bought a home and moved in. The residents say they feel safer knowing he is there, and they have been able to venture out in the evening for the first time in years.

CHILD VISITATION CENTERS

This is another program that is aimed at preserving the family unit. It is designed to strengthen the family and protect children, by providing a supervised place for abusive parents to visit with their kids.

The Carnegie Corp. released a report earlier this year warning of the profound long-term dangers posed to children by exposure to child abuse and family violence. This program tries to soften the trauma these children experience.

YOUTH EMPLOYMENT AND SKILLS

Programs to encourage private employers to hire at-risk teens and young adults, who must avoid crime, drug use, and stay in school to stay in the program.

ANTICRIME YOUTH COUNCILS

There is no greater indication of personal responsibility than individuals who participate in efforts to not only resist crime but also to actively combat it. We owe it to ourselves to encourage efforts such as these, which involve youths in planning responses to violence and in resolving disputes, to give kids a stake in their schools and their communities.

HOPE IN YOUTH

The Carnegie Corp. study cites an example of the Roar Program. In Boston that targets children who are at risk for school failure. The program uses pediatric visits to inspire an interest in reading.

School failure is a significant cause of later delinquency. The hope in youth program recognizes this, and would fund innovative programs like Roar that will make a difference in our future.

GANG PREVENTION SERVICES FOR BOYS AND GIRLS

This program is designed to provide educational, health, career, and other services to at-risk youths who might otherwise elect lives of crime and drugs. Reading, recreation, or drama, have repeatedly turned kids away from drugs and crime.

SAFE SENIORS CORRIDORS

This program seeks to better protect one of society's most vulnerable groups—senior citizens. It establishes greater police presence and supports crime prevention activities by community groups.

At the suggestion of several Republican Representatives, a dozen prevention programs were condensed into one, $377 million local crime prevention block grant.

The $377 million total represents an 8-percent cut from the $409 million total these programs had in the initial conference report.

These dollars will be distributed directly to local governments, according to their share of violent crime.

Each of the key purposes of the dozen programs is included in the block grant, covering everything, including midnight basketball, Olympic youth development centers, boys and girls clubs, gang prevention and enforcement.

Total funding for the block grant is $377 million. The formula allots a minimum 0.25 percent to each State, or roughly $940,000, with the rest allocated based on each State's share of violent crime. The funding goes directly to units of local government, based on their share of their State's violent crime, for the following purposes:

Olympic youth development program for "supervised sports and recreation programs" afterschool and on weekends and holidays.

Boys and girls clubs to establish boys and girls clubs in public housing.

Juvenile drug trafficking and gang prevention grants for "prevention and enforcement programs to reduce the formation or continuation of gangs, and the use and sale of illegal drugs by juveniles."

Midnight basketball. Nighttime sports leagues keep kids off the streets and out of trouble. They build values like teamwork, sportsmanship, and personal responsibility.

Police partnerships for children to provide aid to child victims of crime, who suffer violence at a rate five times higher than adults.

Safe low-income housing provides incentives to get police officers to live in the communities they serve, investing them in the livelihood of their neighborhoods and making their neighbors feel safe.

Child visitation centers designed to strengthen the family and protect children, by providing a supervised place for abusive parents to visit with their kids.

Youth employment and skills for programs to encourage private employers to hire at-risk teens and young adults, who must avoid crime and drug use, and stay in school to stay in the program.

Anticrime youth councils to give students a structure to work with law enforcement and community and school organizations to address issues regarding youth and violence.

Hope in youth targets children who are at risk for school failure with peer counseling, mentoring, 'and outreach programs.

Gang prevention services for boys and girls to provide educational, health, career, and other services to at-risk youths who might otherwise elect lives of crime and drugs, and to support training programs and research efforts.

Safe seniors corridors to establish greater police presence and support crime prevention activities for senior citizens.

Triad for programs for the FBI and U.S. attorneys to prevent crime against the elderly.

Despite the criticism, these programs work.

BOYS AND GIRLS CLUBS

A 1992 evaluation by Columbia University and the American Health Foundation found that public housing projects with clubs experienced 13 percent fewer juvenile crimes; 22 percent less drug activity; and 25 percent less crack presence than projects without clubs.

COMMUNITIES IN SCHOOLS HOUSTON (HOUSTON, TX)

This program aims to keep at-risk kids in school—as opposed to out on the streets committing crimes. Professionals set up shop in the schools and provide one-on-one counseling, mentoring, tutoring, job training, and crisis intervention.

An independent evaluation reported that approximately 90 percent of the kids served by the program are still in school at the end of the school year. In contrast, one-third of students entering high school statewide fail to graduate.

"PAT"—POLICE ATHLETIC TEAMS (BIRMINGHAM, AL)

The Birmingham Police Department sponsors softball, basketball, baseball, and golf teams for kids from disadvantaged neighborhoods. The catch: The kids must study for at least an hour every night—the program supplies tutors—and must maintain a "C" average in order to play.

The police department reports that juvenile crime has dropped 30 percent in neighborhoods served by the program.

SOUTHWEST KEY DAY TREATMENT PROGRAM (AUSTIN, TX)

Southwest Key caseworkers provide round-the-clock tracking of kids who have had a brush with the law, and who are out on probation or parole. The program counsels the kids and their parents, and also requires the kids to attend daily work-related, social skills and recreation sessions.

The Texas Youth Commission reports that the kids who complete the program have a 65-percent lower rearrest rate than kids released from institutions directly into standard parole services.

PROJECT FIRST CLASS MALE (FORT LAUDERDALE, FL)

In this program, counselors meet with at-risk young boys at school and in their homes with an eye toward promoting sexual abstinence and reducing teen pregnancies.

An independent evaluation reports an 85-percent success rate in preventing new pregnancies.

THE PHOENIX HOUSE (NEW YORK, NY)

Phoenix House provides live-in high schools for juvenile drug abusers. In addition to traditional curricula, the program helps kids kick their habits and develop self-esteem, discipline, and personal responsibility.

Phoenix House reports that 85 percent of its graduates remain drug and crime free for the 3 to 5 years that the program charts their progress.

THE JUVENILE DIVERSION PROGRAM (PUEBLO, CO)

This program for nonviolent first-time offenders requires kids to sign a behavioral contract and become involved with a nonprofit agency; the kids are also tutored, counseled, and required to pay restitution to their victims.

The program reports that 83 percent of its graduates are not rearrested in the 2 years the program follows them.

STARS—SUCCESS THROUGH ACADEMIC AND RECREATIONAL SUPPORT (FORT MYERS, FL)

STARS, which has received accolades from Republican Senator CONNIE MACK, provides at-risk kids with positive, adult-guided tutorial and recreational programs.

The Fort Myers Chief of Police reports that, in the last 3 years, the program has led to a 27-percent reduction in juvenile arrests and a dramatic reduction in repeat-offender arrests.

SPECIALIZED TREATMENT SERVICES (MERCER, PA)

This program targets delinquent kids with mental health problems for intensive counseling and academic services.

The program reports that more than 80 percent of the kids who complete the program do not get into serious trouble during the 5 years that they are tracked upon release.

THE CRIME CONFERENCE REPORT—FACT VERSUS FICTION

Fiction: The crime conference report is full of pork.

Fact: Nearly $8 of every $10—was 71 percent, now 77 percent—in the crime conference report is for police, prisons, and Federal and State/local law enforcement.

The crime conference report increases funding from the levels in the Senate-passed bill for prisons, Byrne grants to State and local law enforcement, Federal law enforcement, immigration reform, and drug courts.

Program	CC report funding	Senate funding	Change
Prisons	$9.7 billion	$6.5 billion	Up $3.2 b.
Byrne grants to State/local law enforcement	$1.0 billion	$0	Up $1 b.
Federal law enforcement:			
FBI	$250 million	$250 million	Same.
DEA	$150 million	$100 million	Up $50 m.
Treasury	$550 million	$180 million	Up $370 m.
Criminal aliens/INS reforms	$1.19 billion	$0	Up $1.19 b.
Federal subtotal (also includes U.S. attorneys, DNA, SCAMS, courts, and Justice Department)	$2.637 billion	$1.731 billion	Up $906 m.
Drug courts	$1.0 billion	$1.2 billion	Down $200.

Fiction: The crime conference report funds social welfare programs that have nothing to do with fighting crime.

Fact: The prevention programs in the crime conference report are supported by law enforcement—like the Fraternal Order of Police, the National District Attorneys Association, and the International Brotherhood of Police Officers—who cite prevention programs as critical to a long-term cure for crime.

Many of the prevention efforts funded by the conference report have enjoyed bipartisan support over the years:

PROGRAM AND KEY SUPPORTERS

Violence Against Women ($1.6 billion): Senators BIDEN, BOXER, DOLE, and HATCH.

Community Schools ($810 million): Senators BRADLEY, DODD, DANFORTH, and DOMENICI.

Anti-gang Grants (In $377 million block grant): Senators DOLE and HATCH.

Drug Treatment in Prisons ($383 million): Senator BIDEN and former Drug Director William Bennett.

Olympic Youth (In $377 million block grant): Senators STEVENS and DOMENICI.

Midnight Basketball (In $377 million block grant): President Bush—who honored a midnight basketball league as one of his "points of light" in 1990.

Boys & Girls Clubs (In $377 million block grant): Senators BIDEN, DOLE, and HATCH.

Family Unity ($22 million): Senators SIMON and DURENBERGER.

Model Intensive Grants ($626 million): Senators D'AMATO and GORTON—among others—supported Drug Emergency Areas Act on which these grants are modeled.

Fiction: Sports and recreational activities don't belong in a crime bill.

Fact: Giving at-risk kids an alternative to gangs, drugs, and violence does fight crime. President Bush, in honoring a local Maryland midnight basketball program as one of his Points of Light in 1991, said, according to the New York Times:

> The last thing midnight basketball is about is basketball. . . . It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives. It's not coincidental that the crime rate is down 60 percent since this program began.

Fact: The Republicans put these kinds of crime prevention programs in their latest crime proposal. For example:

Olympic Youth Development Centers: $125 million for "sporting and recreational equipment * * * meals * * * an initial basic physical examination * * * first aid * * * nutrition guidance.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Child-Centered Activities: $400 million for "supervised sports programs * * * workforce preparation * * * entrepreneurship * * * tutorial and mentoring programs * * * sporting and recreational equipment * * * meals * * * an initial basic physical examination * * * first aid * * * nutrition guidance.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Juvenile Drug Trafficking and Gang Prevention Grants: $100 million "to develop and provide parenting classes to parents of at-risk youth * * * to develop and provide training in methods of nonviolent dispute resolution to youth of junior high school and high school age * * * to establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Boys and Girls Clubs in Public Housing: $36 million for "the Secretary for Housing and Urban Development, in consultation with the Attorney General, [to] enter into contracts with the Boys and Girls Clubs of America * * * to establish Boys and Girls Clubs in public housing * * * [and for] a report * * * that details * * * the effectiveness of the programs in reducing drug abuse and gang violence."—July 1994 Republican Crime Proposal, title X, subtitle H.

Fiction: The crime conference report will fund only 22,000—not 100,000 new police officers.

Fact: The crime conference report does buy 100,000 new police officers:

It provides $8.8 billion in total funding to implement community policing programs.

This includes $7.5 billion to cover $75,000 per officer for 100,000 new officers over 6 years.

The remaining $1.3 billion will cover the costs of implementing and administering the community policing programs.

The basis of this 22,000 fiction—an estimate that police officers get paid an average salary of $70,000 per year (at that rate, $8.8 billion would pay $70,000 per year for 6 years for about 22,000 police.) Of course, few police make that kind of money—nationwide averages are about $30,000 per year.

The Conference Report does require that States, cities, and localities match this commitment of Federal dollars with dollars of their own, but this is neither an unfunded mandate—no city or community need apply for the money—nor is it an unworkable requirement.

Indeed, under President Clinton's fiscal year 1994 police supplemental, the exact same matching requirements were in place, and cities and towns stood in line trying to participate in the program. In fact, the Justice Department could only fund 1 of every 10 cops applied for with this $150 million.

Mayors and local officials of both parties strongly support this program because they want the real help in putting more cops on the streets to fight crime.

Fiction: The violent crime reduction trust fund in the crime conference report is now subject to a point of order objection in the Senate.

Fact: The trust fund has always been subject to a technical point of order, now as well as in November when Senators BYRD, MITCHELL, and BIDEN—joined by Senators DOLE, GRAMM, HATCH, DOMENICI, MACK, and others—first offered it as an amendment to the Senate crime bill.

The point of order arises because the trust fund is within the jurisdiction of the Budget Committee, but was not considered by that committee before being added to the crime bill. Of course, the Senate as a whole carefully considered the trust fund at the time the crime bill was on the floor, where it enjoyed overwhelming, bipartisan support. No one raised the point of order objection at that time.

But, every Senator was told that the trust fund was subject to this point of order by none other than Senator DOMENICI on the evening the Senate passed the Byrd amendment establishing the trust fund:

> Senator DOMENICI I am sure the distinguished chairman [Senator BYRD] agrees with me that the pending amendment violates section 306 of the Congressional Budget Act.
>
> Senator BYRD I do concur * * * I want to be clear that a 60-vote point of order does lie against the pending amendment [Byrd amendment]. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie. * * * May I say to the Senator, I will just as zealously guard the legislative process in the future as I have in the past. It was only because of the very extenuating circumstances throughout this country today, that I think cry out for solutions, that I have taken this approach. (November 4, 1993)

And, after this recognition Senator DOMENICI, joined the Byrd amendment as an original cosponsor, and stated:

> I think it is historic. From my standpoint, as money is saved from reducing the work force of the United States. * * * I join in saying if we are going to spend it, we probably ought to spend it for the most serious domestic issue in our country. (November 4, 1993)

SENATE VOTES ON TRUST FUND

Gramm Amendment locking in cuts in federal bureaucracy for FY94–FY99, October 28, 1994—yes: 82, no: 14.

Byrd Amendment establishing Violent Crime Reduction Trust Fund, November 4, 1994—yes: 95, no: 4.

Gramm Amendment to add Violent Crime Reduction Trust Fund to Federal Workforce Restructuring Act of 1993, March 11, 1994—yes: 90, no: 2.

Gramm motion to instruct crime bill conferees to support Trust Fund, May 19, 1994—yes: 66, no: 32.

Biden motion to instruct crime bill conferees to support Trust Fund, May 19, 1994—yes: 94, no: 4.

QUOTES ON BYRD TRUST FUND AMENDMENT

> He [Senator Byrd] was the one who came up with the funding mechanism. I just want to personally compliment him for it, plus the ability to put this together the way we are putting it together.—Senator Hatch, November 4, 1993.
>
> From day one, Republicans have insisted that any anticrime bill we pass must be fully paid for. Security has a price and it is a price we at least attempt to pay by establishing a violent crime reduction trust fund. In the months ahead we will see whether we live up to the trust fund commitment.—Senator Dole, November 19, 1993.
>
> [on motion to instruct crime bill conferees] First of all, it asks our conferees to stay with the funding mechanism that Senator Byrd offered. I was a cosponsor of it. It was broadly supported, bipartisan effort. * * * So the first thing I want our conferees to do is stay with our funding mechanism. It was endorsed earlier in the House and has been adopted three times in the Senate. Every time we have gotten down to the goal line, trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the streets, and no effective crime bill.—Senator Gramm, May 19, 1994.

OTHER BUDGET POINTS OF ORDER

Republican-proposed and passed:

Treasury-Postal Service Appropriations, 1995—June 22, 1994: Gorton motion to waive to permit consideration of the Gorton amendment which prohibits the use of any funds to enforce an IRS prohibition against selling dyed diesel fuel to recreational boaters where the person selling the fuel collects the tax and requires IRS to establish a collection system to allow the sale of dyed diesel fuel to recreational boaters. Seventy-two Senators all agreed that this was necessary based on some changes in tax structure that were made as part of the repeal of the luxury tax on boats. But, this added to the deficit, CBO-scoring $6 million fiscal year 1994 and $25 million in fiscal year 1995, because establishing the new system cost more than the tax revenue collections. (Passed 79–20, 42 Republicans and 37 Democrats voted to waive point of order.)

Senator NICKLES motion to waive section 305(b) point of order—prohibiting non-germane amendments), expressing Sense of Senate that Senate should adopt balanced budget constitutional amendment. (Passed 63–32, all 40 Republicans voting voted for the motion, and were joined by 23 Democrats.)

Republicans proposed to waive section 306 but none passed:

Senator CRAIG motion to waive section 306 to permit consideration of Senator Murkowski amendment expressing sense of the Senate to eliminate Presidential election campaign fund checkoff and use funds for natural disaster trust fund. (February 10, 1994; motion defeated, 58 nay—37 yea; 36 Republicans voted to waive.)

Senator DOLE (for Senator DURENBERGER) motion to waive section 306 to permit consideration of Senator Durenberger amendment expressing to establish natural disaster relief trust fund. (February 10, 1994; motion defeated, 54 nay–41 yea; 34 Republicans voted to waive.)

Budget points of order have been waived by unanimous consent:

Waiver of point of order regarding Senator Heinz' amendment regarding congressional action to remove Social Security trust funds from the definition of the deficit. (Passed by U.C., June 19, 1990.)

Waiver of point of order prospectively for a Senator Chafee amendment creating a refundable tax credit. (Passed by U.C., September 23, 1992.)

Democratic proposed, and passed:

Omnibus Budget Reconciliation Act of 1993: Bumpers motion to waive to permit consideration of the Bumpers amendment which allows States to withhold a portion of AFDC benefits for families whose preschool children are not immunized (June 25, 1993, passed, 69–29; supported by 39 Republicans and 30 Democrats.)

Senator FORD's motion to waive Budget Act directing Secretary of Transportation to establish a national noise policy, and other changes. (October 18, 1990; passed 69–31; supported by 30 Republicans and 39 Democrats.)

Supplemental appropriations bill for 1990: Motion to waive point of order to permit consideration of Hollings-Rudman amendment to increase spending for the State Department. (39 Republicans support the motion to waive, motion passed—62–30, April 26, 1990.)

Several passed relating to unemployment compensation:

October 27, 1993, motion waived 61–39; Republicans voted to waive.

February 4, 1992, Senator DASCHLE's motion to waive agreed to 88–8; 34 Republicans voted to waive.

October 1, 1991, Senator SASSER's motion to waive agreed to 65–34; 8 Republicans voted to waive.

April 26, 1990, Senator HOLLINGS's motion to waive agreed to 62–30; 2 Republicans voted to waive.

Fiction: The crime conference report will add to the deficit or require tax increases.

Fact: The conference report pays for $30.2 billion of programs through the violent crime reduction trust fund, which uses the money saved from cutting the number of Federal bureaucrats the hire cops, build prison spaces, and otherwise fight crime.

The conference report does not contain or require new taxes of any kind.

And the trust fund does not add to the deficit, indeed, the trust fund lowers the budget caps to ensure that all crime spending is deficit neutral.

As explained by JIM SASSER, the chairman of the Senate Budget Committee, the trust fund:

> Guarantees that the money will be available. . . . [It] achieves real savings, locks them in, and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose.

In addition every year these dollars must be appropriated from the trust fund. There is no direct funding. So, the trust fund cannot add to the deficit.

Fiction: The conference report dropped provisions requiring the swift deportation of criminal aliens.

Fact: The conference report includes the summary deportation provision from the Senate bill—with slightly modified language. This provision would speed deportation by eliminating the requirement that a hearing be held and by eliminating layers of appeals.

The conference report also includes $160 million for the Immigration and Naturalization Service to hold deportation hearings in prisons—so criminal illegal aliens will be ready to be deported as soon as they have finished their sentences.

PRISONS

Prison grants: The crime bill provides $7.9 billion in prison grants to States, comprising 50 percent—$3.9 billion—for grants to States which have implemented truth-in-sentencing—that is, second-time violent and serious drug offenders must serve 85 percent of their sentence. This was a House Republican proposal offered by Representative BILL MCCOLLUM, and

Fifty percent—$3.9 billion—for general prison grants to all States, without the truth-in-sentencing requirements.

Alien incarceration: $1.8 billion to reimburse States for cost of incarcerating illegal criminal aliens.

The prison provision in the conference report takes aim at violent offenders. The provision has three purposes:

First, to ensure that prison cell space is available for the confinement of violent offenders.

Second, to free up prison space for the confinement of violent offenders.

Third, to implement truth-in-sentencing laws for sentencing violent offenders.

Every dollar in the conference report's $7.9 billion prison grant program must ensure that prison space is available to put violent offenders behind bars.

The language is explicit: it says that, in order for a State to qualify for the money, it must:

> Provide assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve correctional facilities to ensure that prison cell space is available for the confinement of violent offenders.

That is an explicit condition of the money.

This language lets the States use the money in a way that best maximizes their prison space to get us to the goal: getting violent offenders behind prison bars—whether it's prison construction, or operation, or boot camps which get nonviolent offenders out of expensive prison cells.

States will apply for money to build prisons. The States are clamoring for more prison money. Right now, 34 States are under court order for prison overcrowding.

But States are also in desperate need for money to activate and operate existing prisons:

Utah is planning to build 1,000 prison beds, but the State does not have the money to do it. If we pass this bill, these beds could be filled with violent offenders.

California has 13,000 beds planned but not funded.

The State of Georgia has over 3,000 beds planned and not funded, and 3,000 more already built that are empty due to lack of operating funds.

In South Carolina, over 2,000 beds are empty due to lack of operating funds.

If half of the $7.9 billion is used by the States to build new prisons and half to operate them, this crime bill would fund over 125,000 new prison beds across the country.

MANDATORY MINIMUM FOR DRUG OFFENSES INVOLVING MINORS

This provision provides a 10-year mandatory minimum sentence for someone over 21 who sells drugs to a juvenile—includes low-level marijuana exception; buys drugs from a juvenile—no marijuana exception; uses a juvenile to sell drugs; or uses a juvenile to avoid detection of a drug offense.

Senator GRAMM's proposal also includes a two-time loser provision—someone who twice commits these offenses goes away for mandatory life.

Under the current guidelines, defendants today get at least 5-6½ years, absent mitigating factors, for a first offense of committing these crimes. They can get more if the quantity of drugs is great.

However, other provisions in the crime bill address this problem.

Using kids to sell drugs near schools and playgrounds.—Provides up to triple the penalties otherwise authorized for using a juvenile to sell drugs in a drug-free zone—near schools, playgrounds, video arcades, swimming pools. Under current law, these defendants get at least 5-6½ years for the first offense. By providing for triple the maximum penalty, the Commission will amend the guidelines to provide for an even stiffer sentence.

Solicitation of minor of commit crime.—Directs the Sentencing Commission to enhance sentencing guidelines—for all crimes—where defendant uses juvenile to commit crime or encourages juvenile to commit crime, would thus cover selling drugs to minors or using kids to sell drugs. Directs Commission to take into account variety of factors in fashioning stiffer penalties: severity of crime; number of kids the defendant uses or involves in the crime; and proximity in age between offender and minor.

Under this proposal, a 22-year-old who buys one joint from his 17-year-old buddy goes away for 10 years, mandatory. If he is convicted twice of buying a joint from his buddy—he goes away for life. Period. Ten years for buying one joint; mandatory life for two.

That young man, under the Republican proposal, gets the same sentence as a 40-year-old drug kingpin who sells PCP to a 12-year-old. He gets the same sentence as the guy who sells $100,000 worth of cocaine to an 18-year-old. The 22-year-old should be punished. But to give him the same sentence as the drug kingpin selling to children makes no sense.

That is exactly the problem that Senator HATCH himself, in a very thoughtful law review article in which he criticizes mandatory minimum sentences, points out.

The Senator from Utah wrote:

> Mandatory minimums employ a relatively narrow approach under which the same sentence may be mandated for widely divergent cases.

The Senator also says:

> Mandatory minimums often result in sharp variations in sentences based on what are often only minimal differences in criminal conduct or prior record.

The provisions that are already in the conference report will ensure tougher penalties that make sense, and distinguish between the 22-year-old buying a joint for the first time from his buddy and the 40-year-old kingpin who makes his living selling drugs to 13-year-olds.

When we write sentences, we must make sure that punishment fits both the crime and the criminal. And by directing the sentencing commission to enhance penalties—as opposed to imposing mandatory minimums—we make sure that the kingpin gets a tougher sentence than the first time kid who sells drugs to his friend.

CRIMINAL ALIENS

The Republicans keep claiming that the conference report does not include the Senate provisions on expediting the deportation of criminal aliens. But the conference report does include many of those provisions.

Most important, the conference report includes the Senate's expedited deportation provisions. The conference report eliminates many procedural requirements for deporting illegal aliens who commit crimes in the United States. It eliminates the need to hold hearings, and it virtually eliminates appeals.

The conference report also provides almost $1.2 billion for immigration enforcement. This money will be used for several things: To speed processing of frivolous asylum claims, to add border patrol agents, and to expedite the deportation of criminal aliens after they have finished their sentences.

The conference report also doubles penalties for alien smuggling; creates new penalties for those who are ordered to leave the United States but do not do so; and doubles penalties for those who use false documents to get into the United States.

The conference report is slightly different from the Senate-passed bill. For example, the conference report deletes a provision that would have allowed deportation of legal immigrants—not people who are here illegally—but people who have lived here for decades, solely because they may have committed a minor offense 30 or 40 years ago. This provision would have eliminated the immigration judge's right to even consider whether deportation in a particular case is fair.

Another provision would have required Federal judges to start holding deportation hearings. This might be a good idea, except that the expedited deportation provisions of the conference report eliminated the need for any type of hearing in many of those cases. In addition, forcing Federal judges to learn about complicated immigration laws is a waste of resources when there are already procedures that work.

FEDERALIZATION OF STATE GUN CRIMES

This provision would expand Federal jurisdiction to all State crimes of violence—including property crimes—and drug trafficking in which an offender possesses a gun.

It carries strict mandatory minimum penalties: 10 years mandatory for gun possession during the crime and 20 years for discharging the gun. A second conviction for gun possession means 20 years. Three convictions equals mandatory life.

These penalties for gun possession during State crimes of violence are stiffer than those on the books for the comparable Federal crimes—which carry a 5-year mandatory for using or carrying a gun for the first offense.

This provision is a breathtaking, unprecedented expansion of Federal criminal jurisdiction: It would make every gun crime committed in America a Federal crime.

Today, over 95 percent of criminals are investigated, prosecuted, tried, and incarcerated at the State level, because local police are the experts when it comes to busting street gangs, street thugs, and street punks.

This provision holds out a promise to the American people that will necessarily be broken. The Justice Department recently reported that offenders armed with handguns committed over 900,000 violent crimes in 1992. The total capacity of our Federal prisons today is a little over 80,000.

Federalizing all crimes committed with guns does not lend the weight of Federal authority to the fight against gun violence.

To the contrary: It renders the Federal authority meaningless. For when the Federal system bites off more than it can chew, it erodes the confidence of the American people in the ability of justice to be served.

The conference report provides $9 billion to put 100,000 local police officers on America's streets and in our neighborhoods, compared to $250 million for the FBI.

That is smart policy—helping the States do their job and keeping Federal officers doing what they do best: Investigating and prosecuting complex, multi-state crime organizations and drug rings.

It also reflects the reality that 95 percent of all crime is State crime—and that, for over 200 years, we have gone out of our way not to create a Federal police force and not to federalize State crimes unless there is a compelling Federal nexus.

THE TRUST FUND DOES NOT ADD TO THE DEFICIT

This point rests on little more than an accounting rule. The Republicans point out that in fiscal year 1999 and fiscal year 2000 there are no discretionary budget caps, so there is no budget total agreed to by a congressional budget resolution. So the argument goes, we cannot guarantee that the crime bill will not add to the deficit in fiscal years 1999 and 2000.

This is a "red herring". The trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in 1999 and 2000 will be made from "comparable amounts for budgetary purposes"—in other words, none of us know how many discretionary dollars the Federal Government will have to spend in 1999 and 2000, but whatever the total, it will be reduced by $6.5 billion in 1999 and $6.5 billion in 2000.

We do not know exactly how much money will be in the Federal Government's discretionary "check book." But, whatever the amount, the trust fund tells us to put aside $6.5 billion of our total in a special checking account—kind of like a "Christmas club"—that we will only use to pay for the police, prisons, and prevention in the crime bill.

Mr. COATS. Mr. President, the crime bill, now before the Senate, is substantially different than the $22 billion crime bill that passed the Senate in November 1993.

Rather than a tough-on-crime, bricks-and-mortar bill that put its money where its mouth was, what stands before us now is a social welfare spending boondoggle that could add as much as $13 billion to the deficit but not one penny's worth of crime prevention to any street in America.

Gone are nearly 30 tough-on-crime provisions, including those that would enhance mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime; mandatory minimum sentences for using a gun in the commission of a violent or drug-related crime; the expeditious deportation of illegal aliens who have committed a crime in the United States; and stiff penalties for violent street-gang crimes.

In their place is 10 billion dollars' worth of social welfare programs that will not only do nothing to reduce the rate of crime in our cities, but that also duplicate the work of seven different Federal agencies and over 266 similar programs that have already been funded under the current 1994 fiscal budget.

As former Attorney General Ed Meese recently pointed out, Congress already funds a Juvenile Justice and Delinquency Prevention Program to the tune of $72 million; a Juvenile Gangs and Drug Abuse Program at $5.6 million; a Delinquency Prevention Program worth $13 million; a program for Neglected and Delinquent Children at $35.4 million; a $57 million program of demonstration grants for the prevention of alcohol and other drug abuse among high risk youth; a $10.6 million initiative to curb youth gangs. And more than $442 million for a program called Drug-Free Schools and Communities.

Every year, American cities spend millions of dollars as well on these same anticrime tactics, yet crime continues to rise.

Clearly, if these programs worked, America would have the safest streets in the world. Yet, while the number of programs and the amount of funding rises with every passing year, so does the populations of our prisons and the rate of violent crime in our streets.

Mr. President, this bill does not need $3 million to locate missing Alzheimer's patients, or $45 million to construct six new sports centers for the U.S. Olympic Committee.

It does not need a task force to study nonindigenous plant and animal species and their possible introduction in Hawaii. It does not need a provision that any product with a "Made in the USA" label must have a certain domestic content and be assembled in the United States.

This bill does not need to transfer key dollars away from important law enforcement programs such as the FBI and the DEA.

In short, Mr. President, what we don't need is a potpourri of politically correct social solutions that fund two social workers for every one policeman.

What we do need is a tough crime bill—and one that includes the one provision that was specifically prohibited by the conference bill—the provision that allows the teaching of moral values in schools.

Mr. President, that's the one prevention program America really does need—and the only one that might actually work.

For until Americans are as serious about arresting the moral decay of our society as we are about arresting criminals, we will never get to the root of our crime problem nor reduce the incidence of random and violent crime in our streets.

Mr. President, ultimately, no piece of legislation will win or lose the war on crime. What we are witnessing is the utter breakdown of our culture, and that tide will only be stemmed by repairing the breakdown of our families and restoring moral order to our lives. Broken families lead to broken lives, and broken lives too often lead to lives of crime.

If Congress is really serious about social spending, it will do all it can to help families, not waste their hard-earned tax dollars on programs that won't work.

Mr. BROWN. Mr. President, I rise to express my regret that this crime bill is not the tough, paid for crime bill the Senate passed last November. In contrast to the tough, paid for crime bill we passed, this conference report lets criminals out of jail early, it wastes taxpayer dollars on needless pork projects and duplicative social spending, and it increases the deficit by $13 billion.

I want to make it very clear, as I have before, that to this Senator, this vote is not about guns. This vote is not about assault weapons. I supported the Feinstein amendment to the Senate crime bill, and I would do so again today. I support the assault weapons ban.

My opposition to this bill instead stems from the deep flaws in it which arose from a conference committee that did not adequately represent this body or the American people.

My opposition to this bill stems from the fact that we must accept the early release of 900 convicted drug felons each year if we are to accept the bill.

My opposition to this bill stems from the fact that we must accept a $1.6 billion stimulus package that has nothing to do with crime if we are to accept the bill.

My opposition to this bill stems from the fact that we must accept billions of dollars for things like dance lessons, artistic enrichment, nutritional training, arts and crafts, and sports programs if we are to accept the bill.

My opposition to this stems from the fact that we must accept for the people of the State of Colorado and other States, an increase in the deficit if we are to accept this bill.

I want a tough crime bill that represents the wishes of the American people when it comes to fighting crime. This bill does not meet that test.

I yield the floor.

Mr. SASSER. Mr. President, if I were asked to describe the past 18 months, I would say they have been a remarkable year-and-a-half of accomplishments.

They have been about doing something for working men and women in America.

Doing something about the issues that matter most for people who are struggling for a better life, doing something about the issues which were pushed into the shadows by the previous two administrations.

Over the past year and a half, we slashed the deficit. We cut Government spending. We reduced the size of the Federal work force. We created over 3.8 million jobs. We passed family and medical leave.

Today we stand poised to deliver to the American people legislation to help make them safe and secure in their homes and neighborhoods.

Mr. President, the crime bill now before the Senate is the most far-reaching and comprehensive assault against violent crime in my memory.

I believe it is time that we stopped all of the hand wringing and windy rhetoric about crime. Talking about crime is not going to put a rapist behind bars. Talking about crime is not going to break up a street gang. Talking about crime is not going to stop a hoodlum from mugging your wife or sticking up your store.

No, Mr. President, it is time we stopped talking and acted on the American people's challenge to do something about crime. It is time we took bold and dramatic action against crime. And we can do just that by voting for this bill.

This legislation addresses the epidemic of crime and violence that has swept the Nation—from the cities' mean streets to our once peaceful backroads.

The crime bill before the Senate today is a carefully constructed attack on crime. It is an effective counterpunch against violence and lawlessness.

And, Mr. President, I want to say right from the start that we pay for the resources needed to fight crime. I have seen far too many crime bills pass through this Chamber which promised plenty, but delivered little money to back those promises.

This bill takes a fundamentally different approach. It creates a separate trust fund which guarantees that money will be available to get these crime programs off the ground. It will provide $30.2 billion—the bulk of which will go to put police on the streets and keep criminals behind bars where they cannot threaten law-abiding citizens.

It was my great honor and privilege to work closely with the distinguished President pro tempore, Senator BYRD, to construct the violent crime reduction trust fund.

I believe this is a wonderful concept—the fiscal centerpiece of the legislation—which marries our vow to fight crime to our commitment to fiscal responsibility.

We pay for the war on crime by cutting Federal employment by at least 272,000 positions. Once our task is completed, the Federal work force will reach its lowest level since President Kennedy sat in the Oval Office.

I want to take a moment to explain how the trust fund works. First, the trust fund achieves real, scorable reductions in spending on the Federal work force. We do this by imposing enforceable limits on Federal full-time positions.

Second, the trust fund reduces the caps on discretionary spending. This ensures that the Congress cannot use these savings for any other purpose but to fight crime. This money is specifically earmarked to protect our fellow citizens and their families.

If a Senator sought to spend the money for any other purpose than the crime bill, then that spending would be counted against the newly lowered discretionary caps—not against the crime trust fund. If that spending caused these lowered caps to be breached, then any Senator could raise a point of order that would take 60 votes to waive.

In addition, if the Senate waived the point of order, or passed a law that exceeded the newly lowered caps, the bill requires the President to order across-the-board cuts to lower the level of appropriated spending to the level of those caps. Mr. President, that is real enforcement.

Third and last, the crime bill creates the violent crime reduction trust fund itself. It deposits into that fund the amount of money by which the bill lowers the appropriations caps. Congress may then spend this money only for the purposes authorized in the crime bill without triggering a point of order or the across-the-board cuts.

Now what are we going to do with this money? This legislation recognizes that the war on crime is not going to be won in the Halls of the Capitol. The war on crime is going to be won in States, cities, towns, and counties throughout America. States like Tennessee. Cities like Nashville and Chattanooga. Counties like Cheatham and Bradley.

Most crime is local so the response must be local. It is the local police officer who is on the frontline in the fight against crime. But there are not enough police officers to hold back the tide of crime. They are outnumbered. And it's time we sent in more troops.

Through a matching grant program, the bill before us today will put 100,000 more police officers on the street. This will allow our municipalities to adopt powerful community policing programs. And that's what we need—a community policing program with officers walking the streets, knowing the neighborhoods and building a relationship of trust with residents and local merchants.

I estimate that over the next 5 years, my own State of Tennessee could hire between 1,000 and 2,500 new officers if we pass the crime bill.

And those ranks could be bolstered even further through the police corps initiative which is based on legislation which Senator SPECTER and I introduced.

Our legislation is modeled on the highly successful Reserve Officer Training Corps. In return for scholarship assistance, a student agrees to serve 4 years in a State or local police force upon graduation from college.

The police corps will allow young people to gain the benefits of a college degree. And it will allow local police forces to deploy additional manpower in the fight against crime.

The police corps graduates will also share their experiences with family, friends, and community. I strongly believe this will increase the respect and support for the brave men and women who put their lives on the line for us every day.

The crime bill also includes important new programs to address the problem of domestic violence. The distinguished chairman of the Judiciary

Committee is to be commended for his tireless efforts to combat this terrible scourge.

Sadly, domestic violence is all too common in America. The FBI now estimates that every 15 seconds, a woman is beaten by her husband or boyfriend. Domestic violence is now the leading cause of injury to women. It knows no geographic boundaries. It knows no economic station in life. It also profoundly affects the children in the household.

For too long, domestic abuse has not been taken seriously. It was the crime no one wanted to talk about. Well, this bill speaks to the problem loudly and clearly.

The crime bill provides $24 million to Tennessee for programs to combat violence against women. It provides increased funding for shelters for battered and abused women. It includes Federal penalties for interstate stalking and spousal abuse. It makes gender-based violence a civil rights violation.

I am also extremely proud that the crime bill contains a $154 million rural crime component.

Rural crime is rising at a faster rate than in any part of America. The statistics are numbing.

Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities. Let me repeat that. Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities.

The number of rapes jumped by more than 9 percent in rural counties while decreasing 4 percent in urban America.

In 1992, rural drug arrests rose by 23 percent. As drug enforcement increased along the gulf coast, the drug smugglers moved inland to States like Tennessee which has many small rural airstrips and airports.

The crime bill would not only provide money for hiring more police to fight drug-related crime. It also sets up a rural drug enforcement task force in every Federal judicial district that contains significant rural areas. It allows us to explore new ways to attack the special problems rural law enforcement agencies face.

Other portions of this bill toughen the penalties for crimes and furnish the funds to build prisons and boot camps. It levies the ultimate penalty—the death penalty—for six crimes. I believe the American people are right. Let us stop coddling criminals.

Now, as with any comprehensive bill, there are parts of this legislation which I do not favor. As my colleagues know, I have long been an opponent of gun control. What we need to control are the vicious criminals who prey on our citizens. I therefore opposed the ban on so-called assault rifles contained in the conference report.

But in spite of those misgivings, I believe that the bill as a whole is right on target. We need those additional 100,000 police officers on the street. We need the tougher penalties for violent crime. And we need to provide to our local communities the desperately needed resources and programs that are the core of this legislation.

Despite many worthwhile programs, opponents of the crime bill have attacked it for containing pork. However, conferees have scaled back the bill by more than $3 billion and produced the bipartisan measure we have before us today.

Mr. President, it is time we stopped the talking. It is time that we stood up for the law-abiding, working men and women of America. It is time we answered their pleas for safe streets and neighborhoods in which their children can play and grow. It is time to end the silence on domestic violence. Mr. President, it is time we passed this crime bill.

Mr. MOYNIHAN. Mr. President, I will vote in favor of the conference report on the crime bill. It is admittedly not perfect, but it does include several important provisions that in my view deserve support. Here are five good reasons to vote for this bill:

First, the bill contains a ban on 19 semiautomatic assault weapons. This was approved in the Senate bill as a result of the valiant efforts of the distinguished Senator from California, Senator FEINSTEIN. No one claims that this ban will end gun violence, but these are weapons of war and have no place in civilian hands. Predictably, the National Rifle Association has lobbied hard against this provision. Their behavior is appalling, and they ought to be ashamed.

Second, the bill authorizes $9 billion to put 100,000 new police officers on our streets in community policing. New York City has been a leader in community policing since the tenure of then-Commissioner Lee P. Brown, now Director of the Office of National Drug Control Policy. New York attests that community policing works.

Third, the bill provides for Truth in Sentencing Incentive Grants for prison construction and maintenance. These grants will go only to States which demonstrate that persons convicted of violent crimes serve 85 percent of the sentence imposed. I voted for this provision, in slightly different form, when Senator BYRD offered it as an amendment to the Senate crime bill last November. It passed the Senate by a vote of 94-4.

Fourth, the bill prohibits the possession of handguns or ammunition by—and the sale of handguns or ammunition to—juveniles. This is common sense and long overdue.

Fifth, the bill extends the 1986 ban on armor-piercing cop-killer bullets to a new type of bullets not covered by the 1986 statute. As the Senators from Massachusetts and Ohio, Senators KENNEDY and METZENBAUM, noted on the floor earlier, this provision was adopted by unanimous consent when the Senate considered the crime bill last year. I was the author of the Law Enforcement Officers Protection Act of 1986, which first banned these insidious bullets, and of the amendment in this bill extending the ban to the new type of cop-killer bullets, such as the Swedish M39B. The M39B does not fall under the 1986 ban because of its unique construction: it is made with an extra heavy steel jacket. We must act to ban these new rounds, which can easily pierce bullet-proof vests, before police officers are killed.

These are just a few examples of the worthy provisions in this anticrime legislation. I should also like to add one institutional reason that we must proceed to an up or down vote on the conference report. Our colleagues on the other side of the aisle suggest that we ought not vote on this conference report, but instead should take up the bill passed by the House earlier this year. Or, in the alternative, that we should take up a fully amendable version of this conference report.

That is a prescription for permanent gridlock. Our colleagues ask us to engage in a novel legislative procedure that has no end point. They ask that we disregard the rules under which the Congress operates. Elemental among these is that conference reports are not amendable. This has been well settled since 1796, according to the Senate Historical Office.

The first House to act on a conference report has three options: adopt it, reject it, or return it to the conferees for further consideration. This is what happened in the House of Representatives over the weekend.

Once the first House to act adopts a conference report, however, the conference committee is automatically dissolved. The other Chamber may then only vote up or down on the conference report.

The House of Representatives has adopted this conference report, and the Senate's only task is to adopt it or reject it. If we discard this established procedure to take up a new crime bill which must again be approved by the House and again be approved by a conference, we will set in motion a never-ending cycle. It would be an awful precedent and would prevent us from ever finishing anything.

Mr. President, President Kennedy often said "To govern is to choose." It is time for our colleagues to make their choice on this legislation. Let us now proceed to an up or down vote on the conference report—and let us pass this important legislation.

Mr. LEVIN. Mr. President, I will vote for the conference report of the crime bill because we need to take strong and comprehensive action to fight the rising levels of violence that is occurring on our streets and in our neighborhoods today.

I recognize the bill we are voting on today is not a cure-all nor is it a perfect bill. But it can assist law enforcement officers and State and local governments that are on the front lines in the battle against crime by giving them some of the tools they need to fight crime.

The bill before us includes some provisions that can make a meaningful difference in preventing and punishing criminal activity.

First, the bill includes an important assault rifle provision which restricts the manufacture, transfer, and possession of certain semiautomatic assault weapons by specifying 19 weapons that would be restricted, along with other weapons which meet specified characteristics. At the same time, the amendment makes clear that it does not place restrictions on the firearms that are used for hunting and sporting purposes.

Our police have strongly urged us to adopt this provision, and I was pleased to work with Senator DIANNE FEINSTEIN in getting this provision included in the Senate crime bill through a floor amendment. It is an essential part of the final crime bill package that we are voting on today. In adopting it we stand with our police in the all too real battle against violent crime that they face every day on the streets.

Second, this bill contains the authorization and actual Federal matching funding to assist local communities in putting more police on the streets. Quite simply, increasing the number of police on the streets reduces crime. By increasing police visibility in communities, this bill does more than send the signal that we want to take our neighborhoods back. It increases the tools that enable us to do it. Although the Federal funds provided in this bill are in the form of matching funds and are phased down over 5 years, it is my hope that this funding can be continued after that.

The bill we are voting on today could provide for as much as $300 million in discretionary funds for Michigan over the next 6 years for additional community policing.

Third, the crime bill conference report contains initiatives to reduce gang violence through increasing penalties and through grants to encourage young people to direct their energies to alternative associations and activities. It also takes steps to improve the safety in our schools so that students can concentrate on learning for the next century instead of worrying about the violence in the next hallway.

Fourth, the crime bill conference report also includes increased funding levels for States to implement the background checks that are required by the Brady bill and increased funding for additional technical automation for law enforcement agencies. I offered an amendment to the Senate crime bill requesting that the FBI report to the Congress on how it can accelerate and improve automatic fingerprint systems at the State and Federal level in order to use fingerprints found at the scene of a crime to identify more criminal suspects more quickly and effectively.

These increased funding levels will permit the FBI to establish and improve the technology in this area and may offer significantly enhanced tools to prevent crimes on a number of fronts. This same technology will make it more likely that a criminal who commits one crime will be apprehended before he or she can commit more crimes.

Fifth, I am pleased that the crime bill recognizes the important role that boot camp prisons can play in the corrections system. The bill adds two major opportunities for Federal funding of State boot camp prisons. I have been an early supporter of boot camp prisons because they offer an innovative approach to punishing young, nonviolent offenders. These facilities offer a tough program that teaches discipline and responsibility as well as keeps young offenders away from hardened career criminals. The bill before us includes an amendment that I offered with Senator COATS to improve the boot camp grant program by ensuring that States offer appropriate post-incarceration programs to make sure that the lessons of boot camp stick.

Sixth, I am especially pleased the bill includes the Local Partnership Act in the form I worked to keep in the bill. It provides for $1.6 billion for direct funding to localities around the country for anticrime efforts, such as drug treatment, education and jobs. According to the grant formula for this provision, this translates into $57 million in direct grants to cities and town in Michigan. The wide discretion allowed in this program will permit local governments the flexibility to use the funds for those programs where the need is greatest in the areas of education, drug treatment, and jobs programs.

As a consistent opponent of the death penalty, I wish this bill did not contain the new provisions to impose the death penalty. As I indicated during consideration of the Senate crime bill when I offered an amendment to replace the death penalty provisions with life in prison without the possibility of release, I oppose the death penalty because the judicial system makes mistakes and too many of these mistakes have been made in capital cases.

Each year that we have debated this issue has added to the list of cases in which individuals who had been put on death row were later released because the wrong person was convicted in error. Nor does the death penalty deter crime. In fact, of the 14 States with the highest murder rates, 13 have the death penalty and 1 State does not have the death penalty. Also, the violent images which are so graphically connected to the imposition of the death penalty are part of the atmosphere of violence which is all too pervasive in our communities and homes.

Mr. President, on balance, however, I believe this bill will improve our capacity to fight and prevent crime and merits our support, so I will vote for it.

Mr. GREGG. Mr. President, I oppose the crime bill conference report because it is a $30.2 billion bill which is short on tough crime fighting provisions and long on big Government spending. I find it hard to believe that during a year when taking a bite out of crime has consistently topped most Americans' wish list, that we have before us a bill without teeth for effective law enforcement, which may in the end add to the Federal debt.

At a time when citizens, communities, and law enforcement officials across the Nation are crying out for our help, it seems as if some Members of Congress have turned a deaf ear.

I am disappointed that this bill fails to include tough anticrime measures that would have helped combat some of the worst acts of crime plaguing our communities today.

Last weekend, House Republicans worked to improve the bill which was slightly improved. I regret that the Senate Republicans were denied the opportunity to continue efforts to restore the bill to a true crime fighting measure.

The conference report does not chart a bold new course for attacking our crime problem. It dusts off a failed social spending agenda and gives it a bright shiny new crime label. Rather than attack the problem head-on with tough law enforcement measures, this conference report simply throws money at the problem by creating $7 billion in new prevention and treatment programs. These numerous new social programs duplicate current Federal programs, and in most instances, have only a marginal connection to crime. The Federal Government now has 266 programs that serve delinquent and at-risk youth. The conference report simply adds another layer of unnecessary Government bureaucracy without any attempt to coordinate with existing programs. Additionally, the requirements for these programs are so loose that it is anyone's guess as to whether the funds will actually be used for anything remotely related to crime. In these times of scarce Federal resources, such provisions can only be called irresponsible. In attacking the crime problem, we must balance prevention and treatment efforts with tough penalties so that we will send a clear signal that criminal behavior will not be tolerated. Unfortunately, this bill tips the scales of justice too far in favor of the criminal. It's time that we tip the scales back in favor of the many crime victims and their families.

If this were a serious effort to produce a tough crime fighting measure, why were many of the provisions that passed in the Senate with a wide margin of support removed? The conference report does not include tough mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime. Mandatory restitution to victims of violent crimes was eliminated. The bricks and mortar prison building program was substantially changed so that the funds may not even be used to build prisons to house violent criminals. If this were truly a Violent Crime Control and Law Enforcement Act, then these provisions would have been included and enhanced. Unfortunately, the title of the bill is as misleading as its intentions.

In any bill of this magnitude, we must also be concerned with the budgetary impact. I am deeply concerned with the real potential that this bill has for creating $13 billion of deficit spending in its last 2 years of funding. It is ironic that a crime bill which is touted as protecting our children may, in fact, burden them in later life as their generation attempts to grapple with a Federal debt we have failed to control.

We all deserve a break from the constant fear for our safety, our homes, our children. I voted for a tough crime bill last November, which included tough mandatory minimum sentencing, funding for prisons, and a clear message that the crime problem would be aggressively attacked. Now, it seems that the American people will be burdened with more ineffectual social programs disguised as crime prevention and $13 billion in deficit spending. I am appalled that the anticrime bill that I voted in favor of last year has been replaced by the pro-criminal, anticrime bill that is now before us.

Mr. METZENBAUM. Mr. President, I am pleased that the House and Senate conferees agreed to strike from the House version of the anticrime bill an amendment that would have once again allowed the forced retirement of police officers and firefighters. I am especially pleased that there was strong bipartisan support for striking this provision, particularly among my colleagues in the Senate.

Mandatory retirement is wrong; it is cruel, blatant age discrimination. In 1986 it was outlawed as an employment practice. But, to ease the transition for State and local governments, Congress at that time permitted them to keep mandatory retirement rules and maximum hiring ages for their public safety officers for a temporary phase-out period. We did this even though most State and local governments don't have any maximum hiring or retirement ages.

I was a party to that deal in 1986; so was Senator John Heinz and Senator FORD. So were many of the groups that are now trying to overturn that deal and get mandatory retirement reinstated. They do this despite studies by the FBI Academy, Pennsylvania State University, and others that make clear that age is not a predictor of performance for public safety officers. The only way to know whether someone is able to do the job is to give him or her a fitness test. And these studies and the experiences of hundreds of State and local governments who test for this purpose, prove that such tests are feasible, reliable and desirable.

I hope that State and local governments across this country that previously used mandatory retirement will now comply with the Age Discrimination in Employment Act. I firmly believe they will soon learn that older workers are a fit and vital addition to our Nation's workforce.

CONFERENCE REPORT ON CRIME BILL

Mr. LAUTENBERG. Mr. President, I rise in strong support of the crime bill.

Mr. President, when I grew up in a working class family in Paterson, NJ, it was a different time in a different era. There was a strong sense of family. A strong sense of community. A strong sense of values.

Those days are gone, Mr. President. And, unfortunately, many of yesterday's values are gone as well.

Today, in many ways, the fabric of our society is ripping apart. Too many children are growing up without fathers. The values of work, community and mutual respect are not getting passed down to the next generation. Our streets increasingly are dominated by disorder and filled with fear.

Mr. President, we need to pull together as a society. We need to consolidate and restore order to our streets. We need to reestablish the values of work community, and respect for others. And we need to eliminate the anxiety and fear that lie quietly but powerfully under the surface of American life.

Mr. President, this crime bill will not, by itself eliminate crime or reestablish the old fashioned values of community. But the bill stands as a symbol of a deep national yearning to move back in that direction. A yearning to live our lives with a basic feeling of security. And a yearning to rebuild and restore our social fabric.

It also stands for the proposition that we have to make some basic choices. Choices about where our priorities are as a country. How we want to spend our money. Choices about how to reconcile our basic human compassion and tolerance with the need to protect ourselves and our children from crime.

This crime bill makes those choices. And it's basic message is clear: security must come first. Protecting our children must come first. Restoring order must come first. Restoring our social fabric must come first.

Mr. President, this is not a perfect bill. In many ways, it doesn't go as far as I would like. However, it's an honest attempt to restore a sense of security in our neighborhoods, and to keep dangerous criminals and dangerous weapons away from our children. It will make a real difference.

Mr. President, there isn't time to mention all the important elements of this legislation, but let me just touch on a few highlights.

First, this bill will add 100,000 new police officers around our Nation. Not to sit behind a desk, but to get out on the streets, walking the beat. Community policing like this isn't a new idea, Mr. President. It's an old fashioned idea. A good, old fashioned idea. It made sense when I was growing up. And it makes sense to return to it today.

Second, this bill gets tough on criminals. In doing so, it reaffirms the old fashioned value of individual responsibility. The legislation includes a wide variety of tough penalties, which together should send a strong message to all Americans: you are responsible for your own actions, and if you fail to live up to those responsibilities, you will be held accountable.

I am especially supportive of the three strikes and you're in provision in the bill, under which three-time offenders can be put away for life. With no parole. And no ifs, ands or buts about it.

The bill also encourages States to adopt so-called truth in sentencing laws. These are laws that require criminals to serve at least 85 percent of their sentences. In my view, all States should enact tough laws along these lines.

Mr. President, Americans are sick and tired of criminals getting out of prison after serving only a fraction of their sentences. We read about convicted rapists getting sentenced to 10 years, and then getting out after only 2 or 3. Sometimes quicker. And it's just outrageous. It's not fair to the victim. And it's not fair to the rest of us, whose security is being placed at risk.

Does it cost money to keep criminals behind bars? Yes. But some things are worth it. And personal security is one of those things. There's no excuse, just no excuse, to be letting dangerous criminals out free to roam the streets and prey on innocent Americans.

Another important element of the bill is its ban on assault weapons. These deadly weapons of war have no place on our streets, and should be banned outright. In fact, I wish the conferees had gone further, and omitted the grandfather clause that exempts from the ban weapons that are lawfully possessed at the time of enactment. I realize that opposition from pro-gun Senators would have made it virtually impossible to pass a broader ban at this time. However, I am hopeful that Congress will reconsider this in the future and get all assault weapons off our streets.

There are several other gun control provisions in the bill that I strongly support. For example, the legislation would ban the transfer of handguns to minors, a proposal I have cosponsored. The bill also would tighten the regulation of firearm dealers. There are too many rogue dealers on the loose today, selling guns out of their kitchens or even the trunks of their cars. This has got to stop, and this bill, while not going nearly as far as a related bill I have cosponsored with Senator SIMON, still would make a real contribution.

However, a serious concern of mine about this bill, Mr. President, is its provision to exempt pawn shop redemptions from the Brady law.

As you know, Mr. President, the Brady law generally provides for background checks for people who seek to obtain a handgun. The law was enacted at the end of last year, after we finally broke the legislative stranglehold of the National Rifle Association. I was proud to be a part of that effort. It was a victory of the public interest over the special interests; a victory of sanity over madness.

Unfortunately, Mr. President, the special interests are back. And their effort to unravel the Brady law has now begun to bear fruit.

Under this provision of the conference report, when a felon redeems a gun he or she has pawned, there would be no requirement of a background check. And no requirement of a waiting period. The felon could get the gun back right away, with no hassle, no fuss, and no questions asked.

Mr. President, this backtracking on the Brady law doesn't make any sense to me. After all, criminals often go to pawn shops to hock their guns. Why shouldn't we use the opportunity to catch them, and deny them their dangerous weapons?

After all, convicted felons, drug addicts, and juveniles don't have a right to those guns. To the contrary—they're specifically prohibited under Federal law from possessing firearms. That prohibition was designed to protect the safety of law-abiding Americans. But it isn't worth the paper it's written on if it's not properly enforced.

So I find this exemption deeply disturbing. And I am hopeful that the provision will be reconsidered in the future.

I am very pleased that the legislation includes provisions based on the Violence Against Women Act, which I have cosponsored. Rape, spousal abuse, and other forms of domestic violence are an extremely serious problem in our Nation, and require a strong, multidimensional approach. This bill not only would increase penalties for sexually related offenses, but it would support a variety of prevention and treatment programs. In addition, the bill would help protect rape victims from unfair personal attacks in the trial process.

In addition to measures to protect women and victims of domestic violence, I am especially pleased that the conferees were able to strengthen provisions to provide for notification of the community when a violent sexual predator moves into the neighborhood.

This is a matter of special concern to me because of a recent tragedy in New Jersey. Not long ago, a 7-year-old girl, Megan Kanka, was sexually assaulted and then brutally murdered. The man who has confessed to this outrageous killing already had been convicted of sexually related offenses. Yet when he moved into Megan's community, nobody in the neighborhood was notified of his criminal history. So this convicted sex offender was free to mingle freely with the neighborhood children and to gain their trust. Meanwhile, the children's parents had no idea who he was, or the extreme danger he posed.

This kind of situation is simply intolerable, Mr. President. Something is terribly wrong when a dangerous sex offender can move into a community filled with young children, without any of the neighbors even being notified of his presence. It's time we did something about this, Mr. President. It's long past time.

The conference report takes some significant steps in remedying this unacceptable situation. The bill has been strengthened to allow State and local law enforcement agencies to release information concerning released sexual offenders and sexual predators that is necessary to protect the public. While I would have wanted the bill to include a clear requirement for community notification, the bill produced by the conference committee is an important movement in the right direction.

It is my hope that State and local law enforcement agencies will make broad use of their authority under this provision and take the steps necessary to provide parents and families with the information they need to protect their children. I will continue to work with Senator GORTON on a bill that I have cosponsored with him to make such notification mandatory.

In my view, Mr. President, when you are talking about dangerous sexual offenders moving into a community, the neighboring parents have a right to know. Because nothing is more important than protecting our children.

Mr. President, I also want to briefly note another provision in the bill based on legislation I authored, the Motor Vehicle Theft Prevention Act, which would establish a voluntary theft prevention program for owners of motor vehicles. I will have a separate statement on this proposal that discusses its provisions in more depth.

In conclusion, Mr. President, this is an excellent piece of legislation that deserves prompt enactment. It responds to a real problem, and proposes realistic solutions that are consistent with the values of most Americans. I urge my colleagues to support it.

MOTOR VEHICLE THEFT PROVISIONS IN CONFERENCE REPORT ON CRIME BILL

Mr. LAUTENBERG. Mr. President, the conference report before us includes legislation I authored, the Motor Vehicle Theft Prevention Act, to address the growing national problem of motor vehicle theft.

The Motor Vehicle Theft Prevention Act, or MVTPA, would establish a national framework for State and local vehicle theft prevention programs. The legislation is based on programs operating in various jurisdictions around the country, typically called Combat Auto Theft [CAT] or Help End Auto Theft [HEAT].

Under these programs, a vehicle owner may voluntarily sign a form stating that his or her vehicle is not normally operated under certain conditions, typically between the hours of 1 a.m. and 5 a.m. Decals are then affixed to the vehicle. If a law enforcement officer later sees the vehicle being driven under the specified conditions, the decals provide grounds for establishing the reasonable suspicion necessary to stop the vehicle and make appropriate inquiries.

The MVTPA directs the Attorney General to develop a uniform design for decals and consent forms, so that the program can be taken nationwide. Participation will be entirely voluntary on the part of States, localities, and individual vehicle owners.

Mr. President, the problem of auto theft has increased substantially in recent years. According to the Uniform Crime Report, between 1984 and 1991, motor vehicle theft increased by 61 percent, to almost 1.7 million offenses per year. Around the country, there is an average of one motor vehicle theft every 19 seconds. The total value of stolen vehicles now exceeds $8 billion annually.

There are many dimensions to the vehicle theft problem. To a large extent, stealing cars has developed into a full-fledged industry, run by professionals. Criminal conspirators are stealing cars, sometimes after a buyer gives them an order for a particular part, and selling the parts on the black market. Chop shops are taking in stolen cars, breaking them down, and making large profits. And increasingly, organized rings of criminals are exporting cars abroad, where they may be worth three times more than in the United States.

In many parts of the country, the problem of auto theft is primarily one of juvenile crime. Children, some not even teenagers, are stealing cars at an appalling rate. They start young—sometimes they're barely tall enough to see over the steering wheel. Unfortunately, it doesn't take long for them to become experts, able to enter and steal a car in a matter of seconds.

Beyond the costs and inconvenience to owners, and the higher insurance rates that result, auto theft is also a highway safety problem. Auto thieves, particularly juveniles, often drive recklessly, sometimes to avoid the police, and that leads to death, injuries, and destruction of property.

Clearly, Mr. President, there is no magic formula for eliminating auto theft. Much of the responsibility rests with local and State law enforcement agencies. But auto theft is a crime with a clear interstate dimension. So the Federal Government also has an important role.

About 2 years ago, the Congress approved the Anti-Car Theft Act of 1992, legislation which I strongly supported and which included several proposals that I had sponsored. Among other things, the new law established Federal criminal penalties for carjacking, authorized grants for anticar theft committees, tightened export controls, and strengthened the vehicle parts marking program.

More, however, must be done. And while the MVTPA is no cure-all, it can make an important contribution.

The concept for the MVTPA was first developed in New York City in the mid-1980's by State Senator Leonard Stavisky. New York's program allows law enforcement officials to stop the vehicles of participating owners if the vehicles are being operated between the hours of 1 a.m. and 5 a.m., the period during which most thefts are believed to occur. To participate, an owner must sign a consent form stating that the car is not normally driven during those hours. The owner then gets two decals to place on the rear and side windows, which tell the police that the car may be stopped during the designated hours. Participation is entirely voluntary.

It's a simple, inexpensive, and innovative concept. And by all indications it has been extraordinarily successful.

In New York City, over 70,000 vehicles have participated in the program. In 1990, only 60 were stolen. Cars without decals were about 65 times more likely to be lost to theft.

The success of the program in New York has led to similar success stories around the country. Over 100 jurisdictions have adopted the program, including Dallas, Houston, Philadelphia, St. Louis, St. Paul, and San Diego. New Jersey and New York have programs that operate on a statewide basis. The idea has even been adopted in England, Canada, and Australia.

As a testament to the program's effectiveness, several insurance companies have voluntarily reduced the insurance rates for vehicles that participate in the program.

As I have explained, Mr. President, the Motor Vehicle Theft Prevention Act directs the Attorney General to develop a uniform design for decals and consent forms, so that the program can be taken nationwide.

There are several benefits of establishing a national program. First, it will increase the use of this approach, by increasing its visibility and making it more practical and economical for jurisdictions to participate. Although the idea is spreading rapidly, many local officials remain unfamiliar with the concept. At the same time, many officials, particularly those in small towns, are interested in the program, but do not believe it is cost effective to develop and produce a decal when only a small number may be needed. Mass production of decals and consent forms would enable many more municipalities, particularly smaller towns, to participate.

Greater participation in the program should mean reduced thefts, which also means saved lives, reduced insurance costs, and lower costs of enforcement to the law enforcement and judicial systems.

The second primary benefit of establishing a national framework for the program is that it will help law enforcement officials apprehend thieves who drive stolen cars across State or city lines. Currently, if a car is stolen in one town and driven into another, law enforcement officials in the second town may be unfamiliar with the decals used in the first town and may not be in a position to lawfully stop the car. A uniform design will eliminate this problem.

Mr. President, some have asked how a program like this works, since professional auto thieves should be able, with some work, to scratch off the decals. Most officials I have talked with, believe that the program works because time is of the essence to auto thieves, who typically will enter a car and drive away in a matter of seconds. Many cars are stolen in exposed areas, such as shopping center parking lots. So thieves feel they cannot afford the time to get into a car, climb into the back seat, and scratch off two decals. Also, most decals are manufactured so as to be very difficult to dispose of, and many leave a mark even if they are scratched off.

The bottom line, in any case, is that the program works. The results speak for themselves. And under this bill, if State or local officials are skeptical about the program's likely effectiveness in their jurisdiction, they are free not to participate.

I would also note, Mr. President, that this type of program is entirely consistent with the Constitution's fourth amendment protections against unreasonable searches and seizures. Under well-established constitutional law, the police may stop a vehicle if an officer has a reasonable suspicion of criminal activity. Under this bill, a law enforcement officer will be allowed to stop a car only if the car is being operated under conditions that create such a reasonable suspicion. It is also important to again emphasize that participation in the program is entirely voluntary.

Mr. President, the problem of auto theft is of great concern to law enforcement officials, the insurance industry, and highway safety advocates. This proposal is supported by the Fraternal Order of Police, the Alliance of American Insurers, and Advocates for Highway and Auto Safety.

I also want to express my appreciation to Senator BIDEN for his support and assistance on the Motor Vehicle Theft Prevention Act.

Mr. President, I have prepared several questions and answers about the Motor Vehicle Theft Prevention Act that will help explain the legislation in greater detail. I ask unanimous consent that they be printed in the RECORD at this point, along with other materials related to the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS—MOTOR VEHICLE THEFT PREVENTION ACT

Isn't it wrong to allow car owners to waive the constitutional rights of passengers, or people to whom they might lend their car?

According to well-established constitutional law, a person may consent to be searched under circumstances in which the search would otherwise be unconstitutional, so long as the consent is given voluntarily. However, a law enforcement officer may stop a vehicle without consent, if the officer has a "reasonable suspicion" of criminal activity.

Vehicles may be stopped under the Motor Vehicle Theft Prevention Act (MVTPA) not simply because the owner has consented to be stopped, but also because the existence of a decal on a vehicle being driven under the specified conditions provides grounds for establishing a "reasonable suspicion" of criminal activity.

The "reasonable suspicion" arises because, in order to receive a decal, the owner must sign a certification establishing that: (1) the vehicle is not normally driven under the specified conditions, and (2) "the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner". Therefore, if the vehicle has such a decal, and is being driven under those circumstances, there is an objective, reasonable basis for a police officer to suspect that the car is not being driven with the owner's consent.

To illustrate the point, the decal might be considered the functional equivalent of a large, highly visible placard attached to the rear of a car that says: "If this car is being driven between 1 and 5 a.m. it probably has been stolen." If a police officer sees such a car being driven at 2 a.m., he or she will be entirely justified in stopping the car to see if it has been stolen. In fact, in the case of a decal under the Motor Vehicle Theft Prevention Act, the officer would have an even stronger basis for stopping a vehicle, since decals may be affixed to a vehicle only if the owner personally has signed a written statement certifying that the car is not operated under the specified conditions. In either case, the fact that a passenger has not personally consented to a stop, or may not have seen the placard or decal when he or she entered the car, does not affect a police officer's right to stop the vehicle.

Moreover, under the terms of the legislation, the decal design must include an express statement explaining that the vehicle may be stopped if operated under the specified conditions. The decal must be "highly visible". So, although this is not required by the Constitution, passengers (and drivers other than the owner) will get notice of the possibility that the car may be stopped under certain conditions.

How can this type of program be successful when thieves can just peel off the decals?

The primary goal of the program is not to apprehend auto thieves, but to protect vehicle owners from having their car stolen in the first place. The effectiveness of the program as a deterrent is well established.

In 1990, for example, of 71,000 vehicles participating in the C.A.T. program in New York City, only 60 were stolen. Vehicles without decals were 65 times more likely to be stolen. Many of the other 100-plus jurisdictions that have these programs report similar success.

The demonstrated effectiveness of the program explains why several private insurance companies offer discounts to owners who participate. It also explains why the legislation is endorsed by the Alliance of American Insurers and State Farm, the nation's largest auto insurer, as well as the National Fraternal Order of Police and Advocates for Highway and Auto Safety. In addition, it explains why the concept is spreading so rapidly around the U.S. and abroad.

Why does the program work when professional thieves are able to remove decals? First, decals are produced so as to be very difficult to remove. While professional thieves are able to do so, most cannot afford to spend the time it takes to get into the back seat and scratch the decals off. Vehicles typically are stolen in a matter of seconds. From the perspective of a prospective thief, who needs to escape as soon as possible, the additional time it takes to scratch off the decals makes such a vehicle an unattractive target.

In any case, the bill is entirely voluntary. States and municipalities need not participate if they don't think the program will work. And even in States/municipalities that establish programs, vehicle owners who don't think the decals will help are also entirely free not to participate.

Who will produce the decals?

The Federal government could produce the decals itself, or could procure the decals from private sources. Alternatively, if the Attorney General determines that private firms would produce and market the decals adequately, there may be no need for direct Federal production or procurement of decals. Private firms could simply be allowed to produce the decals and then market them to municipalities and States. If the Attorney General so chose, I would urge her to consider the establishment of quality standards, under her general authority to promulgate regulations under the legislation.

For example, the Attorney General could require manufacturers to get approval for their decals before they are used by participating jurisdictions. This would ensure that decals used accurately reflect the Attorney General's design, and that the appearance of the decals produced by different manufacturers remains uniform.

How quickly must the Justice Department act to make the program operational?

Under the legislation, the program must be developed within 180 days of the date of enactment. No separate appropriation is necessary. I would expect the costs for the program to be borne under the general appropriation to the Department for salaries and expenses. These costs should be very limited, especially if the Attorney General decides not to directly produce or procure decals, but to leave production to the private sector.

Who would distribute the decals and consent forms at the State and local level?

That's left up to the State and local governments under the legislation, though nothing precludes the Attorney General from promulgating regulations on this matter, if appropriate. In New York, administration is handled by police departments.

Would States and localities be allowed, or required, to charge a fee to participants in the consent-to-stop program?

States and localities may charge fees, but they are not required to do so. Many jurisdiction may be able to fund the program from private sector donations.

How can we be sure that law enforcement officials will know what the decals mean?

As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

Can the Attorney General establish more than one set of conditions under which vehicles may be stopped?

Yes. If the Attorney General does so, she must establish separate decal designs and consent forms for each set of conditions. For example, she might use different colored decals to designate different sets of conditions.

Typically, existing programs are based on the use of vehicles during late night hours. It may be best to at least start the program with only one set of conditions, such as driving during the hours between 1 a.m. and 5 a.m. However, in drafting the legislation, I wanted to provide the Attorney General with the flexibility to establish other types of conditions, if they make sense.

For example, it may be appropriate to establish a decal design for vehicles that are not normally operated during business hours. I understand that a program operating in San Francisco in conjunction with the BART transit system operates during daytime hours—to protect owners who commute to work and who park in mass transit parking lots during the day.

Also, since many senior citizens and others do not drive on fast-moving highways, some have suggested that the Attorney General might consider a decal design that allows a vehicle to be stopped if operated on such a highway, or above a certain speed. Another possibility would be to establish a design indicating that the vehicle is not normally operated outside of a given geographical area, such as a county or state. Such a design could include a space for printing the name of the prescribed normal driving area.

Having raised these possibilities, I would urge the Attorney General to be cautious. Before adopting a wide variety of conditions, I would hope that she would take reasonable steps to ensure sufficient interest among vehicle owners. A plethora of conditions could prove needlessly confusing to law enforcement officers.

Can owners take decals off their car if they want to?

Yes. They need not inform anyone or do anything else, although conceivably the Attorney General, or a State or local government, might establish such a requirement.

What happens when you sell your car?

In New York, you must take the decals off when you sell your car. Under the legislation, the Attorney General would have the authority to promulgate regulations requiring owners to remove decals upon sale or transfer of the vehicle.

What if some kids, as a prank, get some counterfeit decals and start putting them on cars. And then someone driving in the car is stopped, without realizing that a decal has been put on his car. Wouldn't the stop violate the driver's constitutional rights, since he has not consented to be stopped?

No. The basis of the stop would be the officer's reasonable suspicion of unlawful activity, not the driver's consent. The presence of the decal will give an officer reasonable suspicion to stop the car (assuming it is being driven under the specified conditions). However, the legislation includes a provision that makes it illegal to affix a theft prevention decal to a motor vehicle unless authorized to so so under the law. The maximum penalty is $1,000.

Once an officer has stopped the car, what kind of questions can he or she ask?

The legislation doesn't say anything about the questions that a police officer asks once the car has been stopped. Police will ask the same type of questions that an officer would ask now if the officer stops a car because of a suspicion that it has been stolen.

For example, the officer might ask the driver for his license and registration forms. If the driver says he doesn't have them, he can ask further questions like: (1) where do you live? (2) how long have you owned the car? (3) from whom did you buy the car? (4) how much did you pay for the car? (5) what model year is the car?

Most police can determine through such questions whether the driver is really the owner, or has the consent of the owner. Also, the police can call their office, which can check the National Crime Information Center (NCIC) computer data bank, which maintains records of cars reported stolen.

How long can an officer hold a car to ask such questions?

The legislation doesn't change the rules about how long the police can hold a car that has been stopped because they suspect it has been stolen. Generally, the stop can only be for a few minutes, unless the police through questions or otherwise, determine that there's probable cause to detain the person further, or to make an arrest.

Does the legislation seek to establish a new form of "reasonable suspicion"?

No, Congress may not change constitutional law, and this legislation does not seek to do so. The bill operates entirely within the existing structure of Fourth Amendment doctrine. It does not change the meaning of "reasonable suspicion"; it works by establishing the factual conditions that give rise to a "reasonable suspicion", as that term is currently defined.

What if a police officer sees a vehicle with a decal being driven under the specified conditions, but happens to know that the car is being driven by the owner and the officer does not have a reasonable suspicion of criminal activity; does the legislation authorize the officer to stop the vehicle simply on the basis of the decal?

No. Under the bill's language, the existence of a decal on a vehicle provides a basis for a stop-and-question procedure "to determine whether the vehicle is being operated by or with the permission of the owner". Signing a consent form constitutes consent to be stopped for this purpose, not to be stopped on an arbitrary basis. Where an officer already knows or believes that the car is being driven by or with the permission of the owner, and has no reasonable suspicion of criminal activity, the legislation does not authorize a stop.

Would police officers be allowed to stop a vehicle on the basis of the driver's race, gender or age?

No. The legislation makes clear that vehicles may not be stopped on the basis of race, color, national origin, gender or age. Stops would be allowed only on the basis of a reasonable suspicion that a vehicle has been stolen.

Are vehicle owners likely to be coerced by police officers to participate in the program?

No. I am not aware of any evidence that this has been a problem in the cities that have adopted CAT or HEAT programs, nor is there any reason to believe that police officers would want to coerce citizens to participate. Moreover, the legislation contains safeguards to ensure that owners understand that participation is entirely voluntary. Under the bill, before obtaining a program decal, an owner must sign a consent form that clearly states that participation in the program is voluntary.

Mr. LIEBERMAN. Mr. President, there has been so much sound and fury on this floor since the Senate began debating the revised crime bill conference report sent over from the House on Monday, I hesitate to add to the din.

But I do want to speak today because the voices of my constituents—particularly the police officers and prosecutors who are on the line fighting crime and violence every day, as well as the victims of crime and the many people who give up their liberties everyday because of fear of crime—are being lost in the partisan noise.

The mayors, police chiefs, prosecutors, school officials, community leaders, domestic violence shelter directors, boys and girls clubs leaders, and citizen community watch groups are simply incredulous. They cannot believe what is happening on the floor of the Senate as they struggle to deal with violent crime on the streets of our cities and towns. They cannot believe that on the eve of what looked like certain passage of a crime bill that might actually give them real help instead of unreal rhetoric from the Federal Government, we may turn our backs on them because some Senators can't support a bill that is very good, but like all things produced by mortals, not perfect.

If given the opportunity we could all think of amendments to improve this bill. I know there are provisions in the bill that Senator BIDEN himself, who has worked so tirelessly and effectively on this bill and others, would like to strike and replace with others. But he recognizes, as do I, that we must operate by consensus here in this democratic body and accept some finality to the process. Not to do so, dooms this bill and every other.

If the outlines of this bill were described to pundits a year ago—80 percent of funds for putting more police on the streets and building more prisons; three-strikes-and-you're-out; 60 death penalties; tougher penalties for gang crimes, drug use, sex offenses, crimes against children and crimes against the elderly; tightening evidentiary rules; treating violent juveniles as adults; more money for courts, prosecutors; and 20 percent of the funds going to prevention programs and all of this to be paid for by cutting Federal Government workers—they might assume that the bill was too conservative to pass.

But it did pass the House. And a very similar bill, which served as its foundation, passed the Senate 95-4 last November.

This is a tough bill. Almost 80 percent of the money will go to our States, cities, and towns for more police and more prisons. To Connecticut, that may mean 1,000 or even 1,500 more police on our streets, and millions of dollars to help the State build enough prison cells so that criminals—especially violent criminals—will one day serve their full sentences. It is a mockery of our system of justice that they so rarely do so now.

Of the remaining 20 percent devoted to prevention, almost one-third will go to helping police, prosecutors, and judges battle violence against women and aid those who provide shelter and assistance to those who have been abused. I have visited shelters all over Connecticut, talked to the women and children they serve, and if it were up to me I would devote even more resources to their support. For too long violence against women was taken as a private matter, a family matter. It is not, violence against women is a crime—a serious crime—it is treated that way in this bill.

The other prevention dollars in the bill are intended to provide some hope to communities desperate to find ways to turn young people away from violent crime. They focus on young people, because that is where we have seen the greatest rise in murder and violence.

They include opening schools in poor neighborhoods after hours to provide safe havens, sports programs, supporting coordination between police and community groups, and drug treatment programs in and out of prisons. Not every program will work, but many will, if what police in Connecticut and my own visits to boys and girls clubs in housing projects throughout the State, a boxing club in Hartford, a high school in New Britain and a baseball league in Bridgeport tell me.

The focus in a crime bill should properly be law enforcement and corrections. The focus of this bill is.

Let us not let the perfect be the enemy of the good. Our communities have been waiting far too long for us to act. Let us do so without further delay.

Mr. HATFIELD. Mr. President, when I spoke against the Senate version of the crime bill last fall, I noted the crisis of spirit facing this Nation. I noted the manner in which our society is embracing violence, and is not moving to address its underlying causes. While there are provisions in this conference report that I can support, it relies too heavily on some of the same misguided notions as the bill that passed last fall. For this reason it is with much frustration that I announce that I cannot support this bill.

The Federal Government can only aim to influence a small portion of the crime that afflicts urban and rural areas all across America. Most crimes are under State and local jurisdiction. It does little good to federalize more crimes, or try to tell the States what is best in their own local communities. In this way, many proposals in this bill are merely symbolic. This is especially true of the vast expansion of Federal death penalties.

The misguided creation of dozens of new death penalty crimes is the most distressing fault in this bill. I strongly believe that violent criminals should be caught, prosecuted, and locked up. If they commit heinous crimes, they should remain in prison, away from law-abiding citizens. But, I have opposed the barbaric act of State-sponsored killing throughout my life because it does nothing to assist in these goals. The death penalty serves only to further pummel even more violence into our decreasingly civilized society while focusing the debate away from the real issues at stake. It does not deter crime more than true life sentence does. It offers us only a fig leaf, nothing more. This is a dangerous trend because it points us away from the real problems facing States, localities, and neighborhoods all across this country who are engaged in trench warfare on the crime problem.

By the time a child is old enough to wield a gun and shoot someone over a vial of crack or over a pair of basketball shoes, we have already lost them. The death penalty will not outweigh their concern about the bullets of a rival gang member. They are not going to stop and think about the death penalty any more than they stop and think about spending the prime years of their life going nowhere in a crowded prison.

Earlier today I noted my opposition to the crime trust fund in this bill. Some of the programs in this bill are very worthy and should be funded, others may not be as worthy. These are the decisions usually made on an annual basis by the Appropriations Committee. Setting aside $30 billion of taxpayer money into a temporary fund that has no revenue source for the future, and has no annual review of these programs, is not in the best interests of the people we are here to represent.

This omnibus crime bill is now over 440 pages long. It concerns me that Congress often creates these enormous pieces of legislation because it does not allow us to vote on the merits of specific proposals. Regardless of my opposition to this bill, I have consistently supported many prevention programs contained in it. I authored one of the programs included in it, to provide for community initiatives attacking domestic violence. Another provision I sponsored would help police ensure the safe return of wandering Alzheimer's victims, freeing police time for pursuit of violent offenders. In addition, I was a cosponsor of the Violence Against Women Act now included in this bill, to improve the safety of women in the home, on the street, and on college campuses.

But, most of the focus of this bill is on incarceration: federalizing more crimes and building more prisons. We cannot afford to keep turning back the clock to the same crime policies that have failed us in the past. We now have almost a million people in our prisons, more per capita than any democratic country in the world. Nevertheless, there were about 2 million violent crimes reported last year. It is obvious we cannot legislate this problem out of existence.

We can keep building more prisons, and we will keep filling them. We can throw billions of tax dollars at incarceration for the rest of our lives. But, where will that leave us? It may leave us with more people wasting away in prison. But, it will not leave us with people who have a decent education, a well-paying job, and a moral sense of direction in their life.

If we are going to face realities here, we are going to have to quit clinging to symbolic gestures and admit the frightening truth that there is only so much that the Federal Government can do about the problem of neighborhood crime. More importantly, the Federal Government may not possess the tools needed to address the real cause of crime in society: the erosion of our moral fiber. Too often we legislate incrementally, looking for the quick political fix while ignoring the long-term causes of the problems.

Penalties that affect small numbers of offenders will not halt the deterioration of a society that not only tolerates but embraces violence in all of its forms. Symbolism makes us feel good, but it rarely works.

The responsibility belongs to each of us, individually, to stand up for the values that have been the bedrock of this Nation and have seen it through all of its crises for over two centuries. We can no longer tolerate dehumanization in our communities. We have a tradition in this country of rising to all challenges that face us. Confronting the crisis of spirit which underlies the violence in our society may be our biggest challenge yet.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed the procedure on the bill with the distinguished Republican leader, the managers of the bill, the distinguished Senators from Delaware and Utah. I will not put a formal agreement, but we have agreed informally that we should bring this matter to a conclusion and that we would proceed with statements of approximately 5 minutes, first by the Senator from Utah, then the Senator from Delaware, then the distinguished Republican leader, and then myself, and then we will vote on the motion to waive the Budget Act.

I now estimate that vote will occur at approximately 4:15.

I inquire of the distinguished Republican leader and the Senator from Utah whether that is an agreeable manner in which to proceed.

Mr. HATCH. That is reasonable.

Mr. MITCHELL. I thank my colleagues.

Mr. HATCH. Mr. President, I am happy to have this long process finally come to a halt, so we can vote and make a determination what we are going to do.

I think everybody understands what the game is here. Everybody understands that we are going to vote on a point of order. If the point of order is sustained, then we will have a concurrent resolution, to which we will try to vote on 10 amendments. Four of them are amendments that would cut pork out of this bill. Six of them are amendments that would strengthen the bill.

So there have been two aspects to our arguments. One is the bill is laden with pork—and we are leaving some in, even at that —and the other is to try to strengthen this bill with the amendments this body voted on and put into our Senate bill but were unceremoniously stripped out of the bill by the House because they do not want it to be as tough a crime bill as we want it to be.

And there is little or no reason to strip out amendments that would require mandatory minimum penalties for people who use a gun in the commission of a crime, mandatory minimum penalties for selling drugs to kids, mandatory minimum penalties for employing kids to sell drugs; that really would give us the right to deport criminal aliens after they serve their time; that would rectify and straighten out the mandatory minimum repeal problems that we have because the language in the conference report is the House soft language.

We want the Senate language which all of us voted for, or most all of us voted for, in order to be tougher against crime and to get those first-time convicted drug lords when we get them.

Last but not least—I have left it to last—we wanted to tighten up the prison language so that we use that money for bricks and mortar, rather than just about anything they want to that they call prisons. We wanted to tighten it up so there is not $11 billion in grants in this bill.

The fact of the matter is, the majority leader has offered to lump these four pork amendments in this gravy-sucking hog bill into one amendment, knowing that he can get 51 votes on his side to defeat us on it and keep those moneys in, and probably release some of his Members to vote against it who might be up this year. We cannot play that charade.

There are two sides to this. We want to cut back on the pork and we want a tougher bill. And the reason they do not want these last six amendments is because we would win on them and the American people would win on them.

Now I am very concerned about it, because I believe that we have to roll the dice. We are going to vote on this point of order. If we win, we win. If we lose, we lose. I will be happy just to get it over with, because it has been a long ordeal and I am happy to accommodate my colleagues on it.

But make no bones about it, there are a lot of promises by this administration as to what this bill will do and it will not. There are not going to be 100,000 police on the street next year or the next year or the next year or the next year. And if there are any police, the States are going to get stuck with the ultimate costs.

There are not going to be the reductions in crime that have been prophesied by those who are pushers of this bill. And, I might add, there are not going to be a lot of things that they say that are tough on crime, because this bill is not tough on crime. Most of this money is going to be used to reelect people they want to reelect.

Mr. President, that is hard language, but that is the way it is. It is the way it has been around here for almost 60 years—business as usual.

We have this Federal Government that is in everybody's lives, that is dominating all of us, and is ferociously sucking all of the taxes out of all of our people through deficit spending to a point where it is wrecking the country. That is what is involved here.

I hope we will vote for the point of order. If we do not, then that is what is going to happen to us. And we are going to point out every year from here on in why the American people have been suckered once again.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Delaware.

Mr. BIDEN. Mr. President, we are—I was going to say finally at an end—but even after we go through this, we still have a cloture vote to go through, so we are not finally at an end, but we are getting there.

A number of things have been said on the floor the last couple of weeks that I am sure every Senator on both sides of the aisle who said them, everything they said, they believed every word they said. And because they have not had a chance, I suspect, to read all of what is in this bill, they have mistakenly—in terms of a factual sense—characterized what this bill does or does not do.

Let me start off by dealing with part of what my friend—these are just several illustrations I will give—my friend from Maine, Senator COHEN—he is truly one of my close friends—he cited two aspects of what he talked about, the National Association of Assistant U.S. Attorneys, one of which related to whether or not someone was going to—had threatened them or not threatened them, whether they could meet. I do not know about that, so I will not respond to that. But on the other part of that, what they were worried about, whether or not that was taken care of substantively in their letter sent to me, and Senator HATCH and I spoke to them on the telephone. They had a telephone conference. They called me. I was on a telephone conference with these individuals after receiving the letter.

They said, "The present crime bill contains provisions which not only severely negate the benefits of mandatory minimums for certain class of offenders but also would permit the filing of 10,000 to 20,000 frivolous lawsuits." Then it goes on. "The bill's present language was intended to address low-level drug traffickers who are so minimally involved that they cannot have their sentences reduced." Then it goes on, "We are not opposed to those objectives," and it says, "This is the language we want corrected," and it gives language.

They told me the thing they most worried about was the retroactive provision. That is the number—that would affect 10,000 to 20,000 people. We took that out. That is not in this bill; rectroactivity—the thing they were concerned about, spoke to me about, I had a telephone conference with them about—is not in the bill.

I do not speak to the second issue. I will look into it as the Senator has asked, about whether or not they were threatened or not threatened. I do not know the facts on that.

No. 2——

Mr. COHEN. Will the Senator yield?

Mr. BIDEN. I only have 5 minutes.

Mr. COHEN. Just the point, if you would have walked into a room and a Justice Department official would say, "You are in violation of the Criminal Code; we are not interested in prosecuting you, but we will sort it all out later"——

Mr. BIDEN. I would fire them.

Again, I do not ever question what my friend from Maine said. I do not know that; that is a different issue from the second point about what things apparently were just misunderstood; we did not have enough time; my Republican friends were not involved in this. We had 11 days of debate on this bill in the Senate in November; 102 amendments were offered.

We then, when we finally got to conference, had 19 hours of open, contemporaneously televised CNN debate between Democrats and Republicans, Republicans and Republicans, and Democrats and Democrats, in the clear sunshine of the klieg lights of CNN, C-SPAN, and other stations.

There were numerous amendments. I do not know how many amendments—29 Republican amendments offered in that process. I do not know what is required to constitute participation, but I thought that was participation.

Third point, on the issue—I am just picking three things. It was said today by one of my colleagues who is an able lawyer and a member of the committee, he sincerely thought that the mandatory minimum sentences for selling drugs to children were repealed in this legislation.

That is factually not true—factually not true. Not only was it not repealed, these minimum mandatory sentences for selling to minors, under a statute that was not touched by the Congress, title 18, United States Code, section 5—859 and 861, there are existing minimum mandatories.

And, in addition to that, two sections were added to that continued existing minimum mandatory. On page 246 of this legislation, sections 14005 and—14006 and 14008, we increased the penalties for those who sell or use minors—increase the penalties—increase them.

Last, this notion that this is not tough. There are 60 new death penalties, brand new—60. There are 70 additional enhancements of penalties; that is, you go to jail longer. This notion that the—the idea the last statement of my distinguished friend from Utah made that this is—I thought he said "a giveaway program for reelection" or something. I do not know what it was.

The point of the matter is what we did between the vote you all voted on in November and the one that came back, the conference report that I brought back in here has an additional $1.3 billion more for law enforcement than when it left here; and it has an additional $3.2 billion for prisons than when it left here.

So it is pure misinformation, unintentionally delivered by couriers on both sides of the aisle, to suggest that, A, there is less money for cops; B, there is less money for prisons, and so on.

This bill will save people's lives. This is necessary. I hope to the Lord we, in fact, waive the budget point of order and get on with the next filibuster.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first let me send to the desk the amendments that we would have offered, had the motion to waive not been approved.

I ask unanimous consent they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Again, I think in our dealing with minors on drugs and those who employ minors to sell drugs, we increased the minimum penalty from 5 to 10 years. I think that is the difference. The Senator from Delaware may have increased the maximum. We increased the minimum penalty. We think it ought to be increased—it was increased.

Mr. BIDEN. That is right—exactly.

Mr. DOLE. Mr. President, I want to begin by thanking my Republican colleagues in the House for their efforts last weekend on the crime bill.

Restoring the key public notification provision of the Megan Kanka law; preventing the retroactive repeal of mandatory minimum sentences for drug offenders, cutting some spending—these are all steps in the right direction and House Republicans deserve credit for hanging in there and making a bad bill a little bit better.

But, Mr. President, what does it say about the liberal leadership in Congress when House Republicans have to resort to legislative trenchwarfare to prevent 16,000 convicted drug dealers from getting out of jail early?

What does it say about the toughness of the so-called crime bill when Republicans have to fight tooth-and-nail to ensure that the public is notified when violent sexual predators are living in their communities?

And what does it say about our crime-fighting priorities when the new and improved crime bill still earmarks billions and billions of dollars not for law enforcement, but for a gaggle of social-spending programs.

Yes, the conference report has been improved, but it still falls far, far short of the tough crime-fighting plan the American people deserve.

So, Mr. President, Republicans here in the Senate want to be helpful. Just like our House colleagues, we want to improve the crime bill, make it stronger, tougher, better—and that's why we would like to offer a series of 10 tough-on-crime and tough-on-pork amendments.

First, there's still too much social spending, nearly 7 billion dollars' worth which happens to be $3 billion more than the amount of social spending contained in the crime bill passed by the Senate last November. Yes, there was some pork in the Senate bill too much pork and, to be fair, Republicans have to confess that we, too, participated in the spending-spree last November.

But we have done something unusual around here, we have gone back home and listened to the American people. And the message we are hearing loud and clear is that the American people do not want a pork bill, they want a crime bill, a tough-on-crime bill.

All the fancy arithmetic can not hide the fact that when the crime bill passed the Senate last November it was a $22 billion measure. The conference report, as it now stands, is still a $30 billion package, nearly a 40-percent increase. So, obviously, somewhere along the way, the crime bill was hijacked by the big-dollar social spenders. That is a fact.

And that's why Republicans are prepared to strike out nearly all of the social spending, all of the pork, nearly 5 billion dollars' worth—so we can pass a lean and mean, 100 percent fat-free crime bill.

We can start with the $1.6 billion Local Partnership Act. This bill was originally introduced in 1992, not as a crime-fighting measure, but as a way to pump Federal dollars into the inner cities. And guess what? The Local Partnership Act happens to reward those cities with high tax rates and high rates of unemployment. So, if you are a place like Wichita, KS, that has managed to keep its economic house in order, you are out of luck. And to my knowledge, there has not been a single hearing—not one—on this measure—even though it proposes to spend nearly $2 billion of the American people's money.

Then, there's the $1 billion drug-court proposal that funds health care, education, housing placement, child care—anything, in other words, but crime control. And again, no hearings.

Another goodie is the national community economic partnerships, a $270 million program administered by the Department of Health and Human Services to provide grants to local community groups in order to, and I quote: "Improve the quality of life." There is not even the pretense of trying to link the spending to fighting crime.

And, let us not forget the $625 million model intensive grant program, which throws Federal money at 15 lucky cities handpicked by the administration. Funding under this program can be used to address such crime problems as the deterioration or lack of public facilities, public transportation, and street lighting.

These are just some of the big-ticket items—and there are little items as well.

Take the community-based justice program, which sounds great in theory until you read the fine print. This $50 million program adopts the criminal as a victim of society approach, requiring prosecutors to: "focus on the offender, not simply the specific offense, and impose 'individualized sanctions' [such as] conflict resolution, treatment, counselling, and recreation programs." The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes, and civil rights violations."

There's also the $5 million urban recreation program, which is designed to improve recreation facilities in our cities. There's the ounce of prevention program, which is more like a $90 million pound of pork. There is something called the family and endeavor schools program, which provides $243 million in grants for sports, arts and crafts, social activities, and dance programs.

And, of course, there is midnight basketball, which is now hidden in the local crime prevention block grant program.

If you think all these programs were added to the crime bill just to give kids something to "say yes to," as President Clinton likes to claim, you are wrong. They are designed not to fight crime, but to placate the most liberal members of the Democrat Party, who have insisted all along that without the pork, there will be no crime bill.

Of course, it is a very high price to pay. According to the General Accounting Office, the Federal Government currently runs 154 job-training programs with an annual cost of $25 billion. Here is the report. GAO also estimates that the Federal Government spends more than $3 billion annually on 266 programs designed to curb juvenile delinquency. Here's another report—prepared by the Charles Stewart Mott Foundation—that lists some of these programs.

So, Mr. President, the Federal effort is already there. We do not need more programs, more duplication, more runaway spending, more debt for our children and grandchildren.

We have spent trillions and trillions of dollars on the Great Society and the War on Poverty, and yet, during the past 30 years, violent crime has increased by a staggering 500 percent. Apparently, we still have not learned.

From day one, Republicans have argued that the most effective prevention program is not the pork barrel, but the prison cell. Too often, criminals who have been arrested, sentenced, and convicted have slid through the revolving prison door—legally, and with tragic consequences. That is why Republicans have insisted that State prison grants be conditioned on the adoption of truth-in-sentencing laws: If a criminal receives a 15-year sentence, he should serve 15 years, not 5 or 10 years, as is so often the case.

Unfortunately, when it comes to keeping violent criminals behind bars, the conference report flunks the credibility test.

For starters, there is no guarantee that a single dime of the money allegedly earmarked for prisons will build a single brick-and-mortar prison cell. As currently drafted, all of the funding can be used for boot camps, half-way houses, and other prison alternatives. So, reading the fine print is critical and Republicans want to offer an amendment that would clean this language up.

In addition, 50 percent of the State prison grants aren't conditioned on any truth-in-sentencing requirement at all. And the other 50 percent is conditioned on a watered-down version of truth-in-sentencing, allowing States to receive the grants if they require that second-time—not first-time—violent offenders serve at least 85 precent of their sentences.

The conference report also contains something called the reverter clause. Under this loophole, any funds allotted for the watered-down version of truth-in-sentencing, remaining available at the end of the fiscal year, will be dumped into the non-truth-in-sentencing pot for the next fiscal year. This means that States that do not want to adopt a truth-in-sentencing law may be able to delay their grant applications until the following year and receive the prison funds with no strings attached.

Yet, when there are strings attached, they are greased with what can only be described as Great Society mumbo-jumbo. For example: in order to receive a prison grant, States must implement something called a "comprehensive correctional plan." The plan must include "drug diversion" programs and "appropriate professional training for corrections officers in dealing with prison rehabilitation and treatment programs, prisoner work activities, and job skills programs."

So, Mr. President, as if they do not have enough to do already, State prison officials will become social workers, as well, courtesy of the great minds in the U.S. Congress.

Again, Republicans want to correct these problems through the amendment process, but our colleagues on the other side of the aisle have precluded us from doing so.

Other tough-on-crime proposals were left on the cutting-room floor: Mandatory minimum penalties for those who use a gun in the commission of a crime; new Federal penalties for gang violence; Senator SIMPSON's proposal to ensure that criminal aliens are swiftly deported once they have served out their sentences; even mandatory restitution for the victims of violent crime. All embraced by the Senate. But all dropped by the liberal conference committee.

And let us not oversell the so-called 100,000 cops on the street proposal. If you read the fine print, the States and localities will be picking up most of the police-hiring tab. In fact, one expert—Princeton University Professor John Diiulio, a registered Democrat and a gun-control advocate—estimates that the crime bill fully funds only 20,000 cops, and only 2,000 around-the-clock police officers.

So, Mr. President, who is kidding whom?

I want to pass a crime bill, and my Republican colleagues want to pass one, too. But if the crime bill is seriously flawed, as it surely is, then it is our responsibility—not as Republicans but as Members of the U.S. Senate—to fix what is wrong and make the crime bill even stronger.

And contrary to what some of my colleagues on the other side of the aisle are saying, the budget point of order is not some "procedural trick" that Republicans have only recently discovered. Senate Democrats have raised budget points of order at least 26 times in the 103d Congress—26 times—including against Senator HUTCHISON's initiative to repeal the retroactive tax increase.

Again, Mr. President: we are prepared to offer 10 amendments. We are prepared to agree to time limits on debate. But we are not prepared to stand by idly as Congress sticks the American people with a $30 billion pork-barrel juggernaut that is more hype than tough-on-crime substance.

I assume the headline will read, "Republicans Hand Clinton a Victory," and it ought to read that way because that is precisely what is going to happen here this afternoon and maybe that is the way it ought to work. That is bipartisanship, I guess. I commend my Republican colleagues in the House for sticking together long enough last weekend to make some changes in the bill. We were not able to do that on our side of the aisle. We tried. We made every effort. We thought we were in good faith and I think we could have saved several billion dollars in spending. But we are not going to have that opportunity because we are going to lose—lose this. But we are going to win with the American people.

I have looked upon this since the start—it is win-win for this side of the aisle. It is going to demonstrate again to the voters that we need more Republicans elected in November. This is an issue that is not going to go away.

This is a bill that left here—we can talk about 4 years, 5 years, 6 years—that sort of makes your eyes glaze over, but it is a $22 billion bill that became a $33 billion bill. That is something I think the American people understand.

I regret I failed as a leader to keep our people together on this side of the aisle. I commend the distinguished majority leader. He is more persuasive with Republicans than I am, and I commend him for it.

But we do the best we can. There were a lot of good changes made on the House side and we thought we could make some additional good changes on the Senate side. And we have not given up, because we will be back next year.

A lot of this is just authorization. It has to be appropriated. We are going to have more numbers next year and we will have a chance to do this one more time. And there will be other legislation coming up this year.

There is no doubt about it, we want a tough crime bill. I know of nobody who does not want a tough crime bill. But I think this has become a big, big spending bill. When the Wichita Eagle in my State, not known as a conservative paper, says let the crime bill die because it costs too much, I think they make a point. And the people across my State of Kansas and across the Midwest and across America know what this is. We are only dealing with Federal crime. This will not touch but 5 percent, and we are about to launch into a $30 billion spending program. There are going to be some good features in anything that big, but it is a big, big spending program.

But we are going to lose. That is the way it works. You win some, you lose some. We would rather win, obviously. We do not have much practice at it. But we are working on it. We would rather win. It is still a $30 billion package. It should have been at most a $25 billion package. We should have a chance to vote on some of these provisions on law enforcement, but we are denied that, too.

And I do not fault the majority, because they made us an offer, which they felt was in good faith. I think they knew in advance they had the votes. So when you have the votes, any offer is in good faith. We thought we made a good faith offer. We had the votes for about 24 hours. That is not bad for our side, keeping people together for 24 hours.

So we are prepared to vote. We do not know when the cloture vote may come. Maybe today, maybe Saturday. I guess that would be the normal course of events. But it just seems to me that once the American people understand—in fact, I understand on "Nightline", the program is going to be: Why are people so fed up with Washington?

Here is example No. 1. No. 1, right here. Let us do business as usual: spend a lot of money and tell people you are going to solve their problems; $30 billion. Somebody has to pay for it. That is why people are fed up with Washington. Everybody says, "Oh, we don't want to stand in the way. Oh, we don't want to hold it up. We don't want to inconvenience anybody, so we're going to vote to move this process along." Why not vote one time for the American people? Why not say we are not going to do anything until we cut spending in this bill? We might go from 18 percent to 20 percent with the American people; maybe, maybe not.

So there are a lot of goodies in this $30 billion package. You can stuff a lot of good things. We have not even figured them all out yet. We are not certain they are going to build one prison cell. That was some of the language we wanted to tighten up, but we never had a chance to tighten it up. We are not certain—I guess we are certain. If you commit a violent crime, you do not do your time. You have to do two violent crimes. You get a discount on the first one, and that will come as a great shock to the American people who are scared to death to be in their homes alone at night, or scared to death in the cities. So there are a lot of things in this bill. I am advised by the distinguished Senator from Utah that 30 tough provisions were dropped in conference.

So we are happy to be able to cooperate and accommodate the majority leader, because I think once you have lost, you have lost, and there is no use dragging this on, on this vote. But there will be other votes. And we are going to continue telling the American people precisely what we have done here today. What we have done here today is say, "You don't know anything about it out in the countryside; we know better. We're the ones in the Capitol. We're not going to listen to anybody outside Washington, and we've been here a long time and we're going to prove we are right." Well, I do not think the American people think we are right. They are opposed to crime, but they learned a long time ago, you do not just solve it by spending $25 billion, $30 billion.

So we congratulate the distinguished majority leader, and we hope that the next time around we may be on the winning side.

EXHIBIT 1

STRIKE THE MODEL INTENSIVE GRANTS

This amendment strikes the $625.5 million Model Intensive Grants program. Under this program, 15 cities are hand-picked by the Administrator, are given complete discretion on how to spend this money, and funds may be spent on any purpose loosely tied in the grant application to crime reduction. This program was not a part of the Senate bill. The amendment is as follows:

"In title III, strike subtitle C."

STRIKE THE LOCAL PARTNERSHIP ACT

This amendment strikes the $1.62 billion "Local Partnership Act" from the bill. The LPA is part of the Administration's repackaged stimulus package which takes the form of revenue-sharing grants to be distributed for 3 general purposes: education to prevent crime, drug abuse treatment to prevent crime, and job programs to prevent crime. Funds are distributed according to a formula which rewards cities with a low population, high unemployment, and a high tax burden. This program was not a part of the Senate bill. The amendment is as follows:

"In title III, strike subtitle J."

STRIKE HOUSE SOCIAL SPENDING

This amendment strikes approximately $737 million in social spending programs which were not a part of the Senate passed crime bill. They include the Local Crime Prevention Block Grant program, the Family and Community Endeavor Schools program, the Community-Based Justice Grants program, the Urban Recreation Program, At-Risk Youth Program, and the Police Recruitment program. The amendment is as follows:

"In title III, strike section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q."

STRIKE SENATE PASSED SOCIAL SPENDING

This amendment strikes over $1.9 billion in social spending programs, some of which were supported by Republicans, from the bill. All of the programs removed by this amendments had passed the Senate as part of the Senate-passed bill, although, in some instances, their authorization levels were increased in conference. The programs removed by this amendment include the National Community Economic Partnership program, the Community Schools program, the Ounce of Prevention program, the Family Unity Demonstration Project, the Gang Resistance Education and Training program, and the Drug Courts program. The amendment is as follows:

"In title III, strike section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X.

"Strike title V."

PRISON GRANTS AMENDMENT

This amendment strengthens the prison grants title of the conference report as follows:

The conference report currently allows the prison funds to be spent on alternative correctional facilities in order "to free conventional prison space". The amendment requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

The amendment removes from the bill a provision which would have conditioned state receipt of the prison grants on state adoption of a comprehensive correctional which would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used to build and operate prisons instead of implementing diversion program and the like.

The amendment also conditions prison grants on state adoption of truth in sentencing for first-time violent offenders. The conference report only required states to ensure truth in sentencing for second-time violent offenders.

The amendment also deletes a reverter clause which provides that truth in sentencing incentive funds which are not quickly spent will be reverted back to non-incentive grants. This reverter clause would essentially remove any incentive to comply with the truth in sentencing grants. The amendment is as follows:

"In title II, strike subtitle A and insert the following:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General which includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled;

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities; and

"(8) if applicable, a description of the eligibility criteria for prisoner participation in any boot camp that is to be funded.

"(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Forty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served in prison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation by 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) and any amount transferred under section 20102(b)(2) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

"'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $175,000,000 for fiscal year 1995;

"(2) $750,000,000 for fiscal year 1996;

"(3) $1,000,000,000 for fiscal year 1997;

"(4) $1,900,000,000 for fiscal year 1998;

"(5) $2,000,000,000 for fiscal year 1999; and

"(6) $2,070,000,000 for fiscal year 2000."

MANDATORY MINIMUM PENALTIES FOR USE OF A FIREARM

This amendment provides a mandatory minimum penalty of 10 years imprisonment for anyone who uses or carries a firearm during a crime of violence or drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum 20 years imprisonment. If death results, the penalty is death or life imprisonment. The amendment is as follows:

"At the appropriate place insert the following:

"SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

"Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: 'Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"'(A) be punished by imprisonment for not less than 10 years;'

"'(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years;' and

"'(C) if the death of a person results, be punished by death or by imprisonment for not less than life.'

"'Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.'."

USE OF MINORS IN DRUG TRAFFICKING

This amendment provides a mandatory minimum sentence of 10 years imprisonment for anyone who employs a minor in drug trafficking activities. The amendment provides for a sentence of mandatory life imprisonment for a second offense. The amendment is as follows:

"SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

"(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

"(1) In subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

"(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: [1]Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provisions of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.[1]"

DRUG SALE TO MINORS

This amendment provides a mandatory minimum prison sentence of 10 years for anyone 21 years of age or older who sells drugs to a minor. The amendment provides for a sentence of mandatory life imprisonment for a second offense. The amendment is as follows:

"SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS.

"(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

"(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

"(2) in subsection (b) (second offense) by inserting after the second sentence 'Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.'."

CRIMINAL ALIEN DEPORTATION

This amendment inserts the Simpson criminal alien deportation provisions which were rejected in conference. Virtually identical legislation was included in the Senate-passed crime bill. The amendment provides for the expedited deportation of non-permanent resident aliens convicted of certain violent felonies upon completion of the prison sentence. The amendment would also allow federal judges to enter deportation orders at the time of sentencing. Once the sentence is served, the criminal is automatically deported. This reform should be restored to the crime bill. The amendment is as follows:

Strike sections 1301, 1302, and 1304 and

At the appropriate place, insert the following:

TITLE L—DEPORTATION OF ALIENS CONVICTED OF CRIMES

SEC. 5001. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense relating to perjury or subornation of perjury if the offense involved causing or threatening to cause physical injury to a person or damage to property;

"(M) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(N) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

"(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

"(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(R) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) Effective Date.—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

SEC. 5002. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) Elimination of Administrative Hearing for Certain Criminal Aliens.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(f) Deportation of Aliens Who Are Not Permanent Residents.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in his discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

"(A) the alien is given reasonable notice of the charges;

"(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

"(E) the final order of deportation is not adjudicated by the same person who issued such order.".

(b) Limited Judicial Review.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) Technical Amendments.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (a)—

(A) by striking "(a) In General.—" and inserting the following:

"(b) Deportation of Permanent Resident Aliens.—

"(1) in general.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) in subsection (b)—

(A) by striking "(b) Implementation.—" and inserting "(2) implementation.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) by striking subsection (c);

(4) in subsection (d)—

(A) by striking "(d) Expedited Proceedings.—(1)" and inserting "(3) expedited proceedings.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) in subsection (e)—

(A) by striking "(e) Review.—(1)" and inserting "(4) review.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)";

(6) by redesignating subsection (f), as added by subsection (a) of this section, as subsection (c);

(7) by inserting after the section heading the following new subsection:

"(a) Presumption of Deportability.—An alien convicted of an aggravated felony shall be deportable from the United States."; and

(8) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(d) Effective Date.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 5003. JUDICIAL DEPORTATION.

(a) Judicial Deportation.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) Judicial Deportation.—

"(1) Authority.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) Procedure.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) Notice, appeal, and execution of judicial order of deportation.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 5004. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety.".

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

SEC. 5005. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) by striking "5" and inserting "10";

(2) in paragraph (2), by striking "15" and inserting "20"; and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

SEC. 5006. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien.".

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.— No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 5007. CRIMINAL ALIEN TRACKING CENTER.

(a) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(b) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

MANDATORY MINIMUM REFORM AMENDMENT

The House bill effectively repeals mandatory minimum penalties for many drug traffickers and dealers in the guise of providing a "safety valve" mandatory minimum penalty exception for first-time, non-violent drug offenders. According to the Administrative Office of the U.S. Courts, this provision could reduce the sentences for as many as 900 drug offenders annually.

The original Senate-passed crime bill contained a much narrower mandatory minimum reform measure which returned a small measure of discretion to federal courts in the sentencing of truly first-time, non-violent drug offenders. In addition, the court would have to find that the defendant did not finance the drug sale, he did not sell the drugs, nor was he a leader or organizer. Generally, it would apply to the so-called "mules." This amendment restores the Senate passed version and also adds a provision which assures that the "safety valve" will not be abused by the courts. This added improvement requires certification by prosecutors that the defendant cooperated with law enforcement.

The Senate voted overwhelmingly to instruct its crime bill conferees to insist on the Senate passed version. That instruction passed by a vote of 66 to 32.

This amendment, in a similar form, passed the Senate by a vote of 58 to 42. In doing so, the Senate rejected the broad mandatory minimum reform approach currently contained in the conference report. The amendment is as follows:

Strike title VIII and insert the following:

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. ___. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 0 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense;

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, Members of the Senate, this is a good, strong, fair, balanced bill. It passed the House of Representatives with a substantial bipartisan majority. I hope it will do the same in the Senate.

This is not about a victory or a defeat for any political party or any political officeholder. This is a victory for the American people who have been scarcely mentioned in this debate, the millions of Americans who live in fear of violence, whose lives are blighted and restricted by that violence, by its threat, by the fear. This bill does not just deal with Federal crimes. It will put 100,000 police officers on the streets of this country, local police officers, to deter and prevent violent crime and to deal with criminal activity when it does occur. And it includes substantial prison funding to assist States in the construction of prisons.

I strongly urge my colleagues to defeat the point of order. Despite all of the talk, this point of order is not about money. This bill passed the Senate just a few months ago by a vote of 95 to 4. Republican Senators voted for it by a margin of 42 to 2. That bill covered 5 fiscal years 1994 through 1998. The conference report before us covers 6 fiscal years, 1995 through the year 2000. And in the 4 years common to both bills, the amount of money spent in the bill before us is less in each year than the amount of money that was in the bill that Republican Senators voted for by a margin of 42 to 2.

There were no complaints about money then. There was lavish praise for the provision now in the bill that is the subject of the point of order. The very people making the point of order to attack this provision in the bill, which ensures that the money will be spent to fight crime and not for other purposes, those very people praised that provision when it was proposed and, indeed, engaged in a competition for credit to suggest that they were responsible for coming up with this suggestion. Now we are told it ought to be subject to a point of order to bring the whole bill down.

Now, Mr. President, and Members of the Senate, an effort has been made here to suggest that because the conference report cannot be amended, there is something wrong or unusual or sinister about that. Every Senator knows, of course, that is not true. Every Senator knows that we debated this bill for 11 days, and 102 amendments were offered. And every Senator knows that in the previous Congress, we debated it for even more days and hundreds and hundreds of amendments were offered to this bill.

Over the past 6 years, no issue has been more debated, no issue has had more amendments offered, no issue has been more lengthily discussed than this issue here. Any implication that anyone is being shut off or cut off or foreclosed from offering amendments is directly contradicted by the record.

We have had more than enough debate. We have had more than enough amendments. We have had 6 years of debate and hundreds of amendments and, finally, there comes a time to act. Finally, there comes a time when delay is no longer an option. Finally, there comes a time when we must stand up and answer the roll: Are we or are we not willing to put our votes where our speeches are and do something about the tide of crime and violence and fear that engulfs so many in our Nation?

That is the only issue before us, and it ought not to matter to a single Senator who gets credit or who does not get credit or which party benefits or which party does not benefit. What ought to matter is what is right for the American people. And this bill is right for the American people. They want it passed. They know that they do not want their children to grow up in a climate of fear, a climate in which no individual can reach the full limit of his or her potential as a free citizen in our society.

The first responsibility of any society—any society—is the physical security of its citizens. Our society is not meeting that test. This bill will help us do so. I urge my colleagues, resist the temptation to take a political action. Do what is right for the people of this country. Defeat this point of order and pass this crime bill.

I yield the floor.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive section 306 of the Congressional Budget Act of 1974, to permit further consideration of the conference report on H.R. 3355.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—61

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—39

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby

Simpson
Smith
Stevens
Thurmond
Wallop
Warner

The VICE PRESIDENT. On this vote, the yeas are 61, and the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive the Budget Act having been agreed to, the point of order falls.

The question is on agreeing to the conference report. Is there further debate?

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, prior to the vote, I discussed with the distinguished Republican leader how best to proceed on this matter following the vote in the event the motion to waive was agreed to. And we have agreed to engage in a colloquy now on the floor restating our private discussions.

Mr. President, I inquire through the Chair of the distinguished Republican leader whether the Senate will now be in a position to act on the conference report, or whether it will be necessary to file a cloture motion to close debate on the conference report.

Mr. DOLE. Mr. President, if the majority leader will yield, I think it will be necessary to file a cloture motion. I am not——

Mr. MITCHELL. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

The Republican leader is recognized.

Mr. DOLE. Under the agreement we were working on, we had an agreement that there would be a cloture vote. We can possibly do it by consent, but we feel it is better to file a cloture motion. I am not suggesting we will wait until Saturday to have the vote, but just as a matter of process and procedure, there would be a record of the cloture motion having been filed. I think the Senator from Idaho wishes to speak, and others wish to speak. We can do it before Saturday, I hope. Today is Thursday.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader.

I send a cloture motion to the desk, and I ask that it be stated.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act:

> Joe Biden, Joe Lieberman, Edward M. Kennedy, Tom Daschle, Jeff Bingaman, Harlan Mathews, Max Baucus, Fritz Hollings, Charles S. Robb, Dianne Feinstein, Dan Inouye, Wendell Ford, Patrick Leahy, Harris Wofford, Dale Bumpers, John Glenn.

Mr. MITCHELL. Mr. President, we will continue our discussions in an effort to determine whether it is possible to reach agreement to have the vote on the cloture motion at a time prior to the time on which the vote would occur under the rules absent any consent agreement.

Under the Senate rules, if no agreement is reached, the cloture motion would ripen for a vote 1 hour after the Senate came into session on Saturday. My hope is that we can agree to reach a conclusion on the matter before then. I understand that that is not possible now and, of course, that is appropriate and understandable.

I now suggest that the debate commence or continue on the matter, and I will discuss the matter further with the distinguished Republican leader and make an announcement as soon as I am able to do so.

Mr. DOLE. I say to the majority leader, we will discuss that on this side, and I will get back to him. I hope there is some hope of that happening.

Mr. MITCHELL. I thank my colleague.

Mr. BIDEN addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, I said this week that we are in the last phase of this process. We have one more hurdle to go to get this crime bill passed. And now we will get down to the single item that has made the difference all along for the last 6 years: Guns. The issue will be assault weapons or no assault weapons. I hope no one has any misunderstanding about that. We are ready to go ahead and debate.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The President pro tempore's point is well taken.

The Senate will be in order. Members will clear the aisles. Members in the rear of the Chamber will cease conversation.

The chairman of the committee, the manager of the bill, the Senator from Delaware, is recognized.

Mr. BIDEN. Mr. President——

The VICE PRESIDENT. The Senators will cease audible conversation. Order has been requested.

The Senators in the well to the left of the Chair will cease audible conversation.

Mr. BIDEN. Mr. President, I want to say that I realize for several of our colleagues, this was a very, very difficult political vote for them to make. It is not my prerogative to thank anyone, because I think what was done here was done truly because we can make a difference with this legislation. Nonetheless, I want to personally thank all of those of you who I called dozens of times and who are willing to cast this vote, Democrats and Republicans alike. I thank you all very much. I just hope we can now bear down. Senators METZENBAUM, FEINSTEIN, and DECONCINI have been the leaders on my side of this issue as it relates to the matter we are about to debate. I am sure you will hear a lot more of them than you will of me, and than you have in the last 6 years on this issue, because they know the issue better than I. I thank everybody for their cooperation.

I yield the floor.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as you know, the assault ban was not part of the offer. That was a matter that, had the offer been accepted or had we won the point of order, we would not have been arguing about the assault ban. But we lost the point of order. Now we must address that ban—a ban which I believe violates the second amendment to the Constitution.

The second amendment protects the individual's right to bear arms—to bear arms to protect the family, to hunt, to engage in sporting activities. The so-called assault weapons ban violates that right. It is based on hysterical fear and is unjustified in both law and in fact. I will continue the fight against the ban and for the second amendment.

Mr. President, the semiautomatic assault weapons ban is a misleading substitute for fighting crime. Criminals generally obtain firearms from the black market, from other criminals, or by stealing them, rather than by obtaining them from gun shops or licensed dealers.

This is especially true for so-called assault weapons, which, in any event, are little used in the commission of crimes. Less than 1 percent of all serious crimes involve the use of assault-style weapons. (NRA drawn from Uniform Crime Reports and State criminological data; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8.) The fact that these firearms are semiautomatic merely means that a round is fed into the chamber when the weapon is fired. They are not machine guns. Indeed, they fire no differently than any semiautomatic hunting rifle.

Moreover, even if criminals are unable to obtain specific semiautomatic firearms, they will obtain other firearms to commit crimes. This measure is just one more step in an ongoing effort to take firearms out of the hands of law abiding citizens. Of course, that effort will be magnified if this ban becomes law. The Clinton administration is part and parcel of this effort. It is the most anti-second amendment administration in memory, if not in our Nation's history.

Furthermore, the number of firearms that would be banned is unclear. That is because not only are certain enumerated firearms, such as Uzi's, Kalashnikovs, and Colt Ar–15s, the civilian version of the M–16, prohibited but unspecified military-looking firearms that have certain features, such as folding stocks, bayonet mounts, flash suppressors, or protruding pistol grips, are also banned. The number of these latter types are unclear, but what is certain is that various and long-used hunting and competition firearms would be banned. Finally, the limitation on magazines to 10 rounds makes little sense since a magazine can be inserted in a moment and it is easy to jury-rig it to hold more rounds. Enforcement will be a big government nightmare.

VAGUE, OVERBROAD, AND UNENFORCEABLE

The proposed ban on semiautomatic firearms is so vague and overbroad that enforcement becomes a nightmare.

How many firearms are banned? One would think that this provision would at a minimum clearly answer this question. Not true. Nineteen named firearms are banned, but also copies, types and replicas, and firearms having certain characteristics or modifications, such as a combination of folding stocks, pistol grips that protrude beneath the action of the weapon, bayonet mounts, flash suppressors, and barrels having threaded muzzles, are also banned. In a response to a series of letters from Senator CRAIG, John W. Magaw, Director of the Bureau of Alcohol, Tobacco, and Firearms, admitted that most of the firearms listed in Senator CRAIG's letter—between 100 and 160, depending on how one counts modified firearms—would be banned as assault weapons types and that the list "should not be considered to be all inclusive."

What is being banned? Although supporter's of this ban claim that only deadly assault-type weapons and their copycat versions are being banned, the ban extends to firearms such as the venerable Springfield M1A rifle, which is now used as a primary competition weapon, and the popular Colt AR–15, the civilian version of the military M–16, used for hunting and sporting purposes. That is because these weapons have military characteristics, such as a bayonet mount, a flash suppressor, or a folding stock, modifications that do not alter the main function or attribute of these firearms one iota. indeed, flash suppressors are typically used to prevent impairment of vision and to reduce recoil, and are, thus, invaluable in sharpshooting competitions. Ironically, President Clinton, during a recent bird-shooting trip to Maryland's eastern shore, borrowed a semiautomatic Benelli M1 Super 90 Field Auto Shotgun to bag his quarry. That is a popular upscale Italian shotgun that is legal. However, if, after these provisions were enacted, the President used the same Benelli model with cosmetic changes, such as the addition of a collapsible alloy or plastic stock and a pistol grip, he would have found himself on the wrong side of the law.

THE MYTH OF APPENDIX A

Appendix A of the assault weapons ban provisions exempts from the definition of a semiautomatic assault weapon a list of 670 specific hunting and sporting firearms. But this number is very misleading. First of all, only 85, less than 13 percent of the 670 firearms listed in the appendix, are even semiautomatic weapons. The appendix includes single-shot .22s, bolt-action shotguns and blackpowder cartridge guns, not exactly items that can be considered military-type weapons. Thus, the list is inflated in order to appear to be exempting more semiautomatic firearms than it does. Moreover, the 670 figure is even further inflated—it lists many model variations of the same firearm. The Remington Model 11–87, a semiautomatic shotgun, appears on the list 10 times; the Remington Model 870 pump shotgun is listed 16 times. And the list does not contain even one semiautomatic handgun. Thus, whole categories of sporting and home defense firearms are not excepted.

THE UNENFORCEABILITY PROBLEM

Because it is unclear how many firearms would be banned and, especially, what would be banned, enforcement could become a nightmare if BATF takes an aggressive position. Given past experience with BATF and the antigun position of the Clinton administration, this concern is very real. This nightmare situation is aggravated by the fact that magazines holding more than 10 rounds are prohibited. Since it is fairly easy to jury-rig magazines to increase round capacity and because magazines are easily concealable, enforcement of this provision is nearly impossible. There are millions of magazines in circulation today, and they are essentially untraceable. And how do you distinguished between magazines that have been grandfathered and newly obtained ones? Since magazines now have no serial or other markings, it would be essentially impossible to prove that a magazine was manufactured at a given time, and therefore impossible to prove that a crime had been committed.

Furthermore, in jurisdictions that have so-called assault weapons prohibitions, compliance has been minimal: 10 percent in California, and approximately 1 percent in Denver, Boston, and Cleveland. (Independence Institute 34, 35). These laws have made criminals out of normally law-abiding citizens.

CALIFORNIA EXPERIENCE

California's experience with its 1989 assault weapons ban, the Roberti Act, demonstrates that such bans are unworkable and that its underlying premises are deeply flawed. The Roberti Act, unlike the prohibition before us, bans only specific firearms. The act bans some firearms, such as the Springfield BM–59, but not almost identical weapons, such as the Springfield twin, the Beretta BM–59. The result, even under this law, has been utter confusion. The California Department of Justice cannot internally agree what weapons are banned. About half of the 65,000 guns registered under the law, which allows current owners to retain their firearms upon registration, are invalid, according to an Associated Press review of registration studies conducted for the California Department of Justice. (David Morris, the Press Enterprise, March 15, 1993, Riverside, CA). In many cases the California Department of Justice accepted registration fees for firearms not covered by the ban because the Department's employees could not understand what guns were covered. Similarly, to lessen confusion, local law enforcement officials have been supplied with folders of photographs of banned weapons. And, more importantly, innocent possessors of lawful firearms have been falsely arrested and prosecuted. These enforcement problems are nothing compared to what would happen if the proposed conference report passes, because of the broader scope of its assault weapons ban provisions.

ASSAULT WEAPON BAN IS UNNECESSARY

I want to respond briefly to several myths about so-called assault weapons. These firearms are not machine guns, which automatically discharge all rounds upon pulling the trigger. Semiautomatic firearms, on the other hand, can only discharge one round at a time. A round is advanced into the chamber after each firing. Semiautomatics do not fire the deadlier, high-power ammunition used by firearms for combat rifles, such as for a Browning Automatic Rifle. Moreover, semiautomatic rifles are commonly owned, approximately 3.3 million Americans own them, are highly accurate, and thus, are especially suited for home and self-defense. Indeed, Professor Gary Kleck, recipient of the American Society of Criminology's 1993 Hindelang Award, has found that firearms—including semiautomatic rifles—are used for self-defense about 2.5 million times annually (Los Angeles Times, April 29, 1994; Orlando Sentinel Tribune, April 10, 1994). Furthermore, some competition rules require semiautomatic rifles, while semiautomatic shotguns are popular for trap, skeet, and sporting clays. Significantly, so-called assault weapons are seldom used in the commission of crimes. Why then the cry for their ban? Because they look like military weapons, they appear menacing. Accordingly, they are the best candidates for the gun control movement's drive ultimately to rip the second amendment entirely out of the Bill of Rights.

CRIME STATISTICS

I want to mention a series of statistics that place a ban on semiautomatic assault weapons in perspective. The fact is, a ban on semiautomatic assault weapons would do little to reduce the incidents of violent crime because such weapons are not the weapons of choice for violent criminals.

PERCENTAGE OF ASSAULT WEAPONS SEIZED BY LOCAL POLICE DEPARTMENTS

In Denver, in 1991, only 14 of the 1,752 guns seized by the Denver police were assault weapons (David B. Kopel, the Washington Times, May 5, 1994, at A18. According to the Colorado Attorney General's Office).

Of 689 guns seized by the Akron, OH, police in 1992, fewer than 1 percent were classified as assault weapons (Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8).

In Baltimore County, in 1990, only two assault weapons were among the 644 logged in the police property room (Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8; Baltimore Police Department firearms submissions).

Reports by all jurisdictions that reported police seizure data from 1980 to 1992 show that assault weapons amount to no more than 3.9 percent of guns seized in any jurisdiction, and are usually about one percent or less (David B. Kopel, the Washington Times, May 5, 1994, at A18.)

ERRONEOUS CONCLUSIONS DRAWN FROM TRACE STATISTICS OF THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Firearms traces track the commercial possession of firearms from the manufacturer or importer to its first retail purchasers. Police can, and frequently do, request traces on firearms recovered at crime scenes, those found and turned in by citizens, or recovered under many other circumstances. Firearms need not have been used to commit violent crimes—indeed, most firearms traced have neither been used to commit, nor have another connection to, violent crimes. The BATF keeps statistics on the number of assault weapons it traces (NRA).

Yet, despite the tenuousness of such statistics, some newspapers erroneously reported in 1989, based on the BATF traces, that the percentage of assault weapons used in violent crimes was 10 percent for Chicago, 19 percent for Los Angeles, 11 percent for New York City, and 13 percent for Washington. In each of those cities, however, police departments conducted complete counts of all assault weapons which had been seized from criminals: 3 percent for Chicago, 1 percent for Los Angeles, 1 percent for New York City, and 0 percent for Washington, DC (Independence Institute 28).

There have been other erroneous conclusions drawn from BATF trace reports as well, including claims that 8 percent to 10 percent of guns used in crimes are assault weapons and that assault weapons are 20 times more likely to be used in crime than other guns. These statistics are misleading for two reasons: First, assault weapons are used in only about 1 percent of gun crimes, and second, BATF traces only 1 to 2 percent of all guns used in violent crime and these guns are not randomly selected. Even BATF admits its statistics are tenuous since traces and the Uniform Crime Reports may not be truly representative of all crimes (David Kopel, the Washington Times, Aug. 5, 1994, at 18; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8; NRA; Independence Institute 29).

Mr. President, in conclusion, this ban is simply unnecessary. It takes away a fundamental right of the American people.

The VICE PRESIDENT. Does the Senator from Alaska seek recognition?

Mr. STEVENS. Yes, Mr. President.

The VICE PRESIDENT. The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, I have seen some demonstrations on this floor of what I call ungentlemanly conduct, but since we now have a couple of ladies, I will call it conduct unbecoming of a Senator. I see no reason for the recent expression from the other side of the aisle that required a cloture motion, because some of us feel we have not been heard.

If you want to look at the RECORD since we got on this bill, more than half—as a matter of fact, I believe their time on the floor since we have been on the bill has been two-to-one. I personally was making a statement on the bill, and when our leader came in, I relinquished the floor to the leader so he could make a statement concerning the negotiations that were going on, and I have not as yet been able to get back to the floor.

It should have been no surprise at all that there are some of us who are very disturbed about this bill. But I find it very unfortunate, after almost 26 years here, to find that my insistence on the exercise of my rights as a Senator somehow or other is leading to comments from the other side of the aisle that I consider to be unbecoming of a Senator. If anybody wants to make a matter of personal privilege about this, I would be glad to yield to you. But as far as I am concerned, that is wrong. It is wrong. We have our rights. One of the first things Mike Mansfield told me is, "Do not forget, every Member of this Senate has equal rights right here. Every Member of the Senate has equal rights right here." I found people interrupting me during conversation and asking a question of another Member. I think the expressions from the other side of the aisle concerning particularly my right to express the feelings of many members of my State very offensive, Mr. President. For that reason, it is going to take a little bit more time to handle this bill.

Mr. President, I believe that we still have a way to go back to work and produce a true crime bill. We are going to talk here not just about guns; we are going to talk about the crime bill still. A true crime bill must deal with stopping criminals and strengthening the entire law enforcement and criminal justice system. I still believe this bill does not do that. We attempted to bring about, through a procedural mechanism, a way to allow the Senate to toughen the crime bill that was weakened by the process that it has gone through so far. I do not think this bill conforms to the budget. It does not conform to the goal of bringing the crime bill into compliance with the goal of improving the law and order system of this country.

The amendments to reduce the cost of the bill which would have been addressed by the point of order cannot now be offered to the bill.

(Mr. FORD assumed the chair.)

Mr. STEVENS. Before I forget, Mr. President, I ask unanimous consent that the comments I made the day before yesterday that were part of this statement appear in the permanent RECORD for this day as interrupted text of my statement in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I might state to the Chair, I did make arrangements with the Reporter's office so that that previous statement could be carried over.

The PRESIDING OFFICER. The Senator is also thoughtful.

Mr. STEVENS. Mr. President, I was particularly concerned with the procedure we had before to bring back into this bill the language that would have tightened the prison language, that would have insisted on mandatory minimum penalties for gun crimes, to ensure prison funding goes to build prison brick and mortar cells and not prison alternatives, to bring about mandatory minimum penalties for selling drugs to minors, and to restore mandatory, not discretionary mandatory, but mandatory minimum penalties for employing minors to sell drugs.

I believe the Simpson amendment expediting criminal alien deportation should have been included in this bill, and I do not believe that we should have included the mandatory minimum repeal provision.

I have some real problems about this bill because I believe the Senate has also yielded now to a strange House procedure. We have allowed the House to take a conference report back to the

House after defeating that conference report. It amended the conference report, called it a conference report again, and sent it to us, and we are treating it like it is a conference report. It is not.

That conference report was not amendable in the House or the Senate. Once having been defeated, they should have sent us a new bill. If they had, we might have had a chance to deal with this appropriately.

What bothers me most, Mr. President, is there are nine States, the congressional delegation from which have a majority in the House. Nine States control the House. Here it takes 25 States plus 1 to control the Senate. A State like mine has one Member of the House. California has over 50. California, New York, Texas, Florida, Ohio, Pennsylvania, Illinois, New Jersey, and Michigan control the House.

I do not believe we should have allowed the House to adopt a procedure which we will live to regret, a procedure which allows the House, through its Rules Committee procedure, to treat a conference report in any way it wishes to treat it.

They have put up some strange rules in the House recently, but the way they handled this conference report, let us suppose they do it on the health care bill. What happens if they do it to one of our appropriations bills?

This is the strangest procedure I have seen in more than 25 years here in the Senate.

I think that there is no question that this bill offends many of us. I have said before how offensive the unfunded mandates are to States like mine.

We get out of the billions of dollars that go to assist law enforcement, we are talking about $44 million under this bill. We get $44 million spread over a period of 6 years and the strings on that $44 million is such that I am sure my State will turn it down because it means we have to match the money with 25 percent the first year, 50 percent the second year, 75 percent the third year, and we are paying it all from there on.

We agree to keep these people on for 6 years, but the mandate is really unfunded. Many of us have been talking about that for a long time, and I believe, Mr. President, that there is a question about that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I talked 2 days ago about the problems of the conferees and the way they dealt with this bill. The conferees eliminated funding incentives for States to make violent criminals serve at least 85 percent of their imposed sentences. I still do not understand that. That provision I felt was critical to reducing violence.

As a former U.S. attorney, I was very interested in the 1988 Department of Justice study that the average violent offender received an 8-year sentence but actually spent less than 3 years behind bars; for the average 8-year sentence, only 37 percent leads to actual periods of time in a prison.

The majority of the violent offenders are back on the streets in less than 2 years, according to that report. Two-thirds are out in 4 years.

I think many people here know what those violent felons do when society lets them out early. They resume their criminal life. The record shows and that report shows the robberies, the beatings, the murders; they continue.

Another study found that 63 percent of violent criminals released from prison were rearrested within 3 years, one-third for extremely violent offenses.

I have long believed that the solution was to make violent felons serve long prison terms and let the world know that a punishment for a crime is going to be fully served.

Once a person commits a violent crime, particularly with a gun, no other deterrent, in my opinion, works, not rehabilitation, not gun control. The only safe choice for a person who has used a gun once for a crime is to spend time, a long time behind bars.

Even though we know incarceration does work, the conferees greatly weakened the provision to make violent criminals serve at least 85 percent of their sentences. While the conference approved needed spending for prisons, none of this money is actually to go for new conventional prison cells. The Senate approved $6.5 billion in prison grants, to build more prison space. The conferees increased the money but insisted that much of the money be spent on rehabilitation programs, not incarceration of criminals.

I said before that $3.3 billion in social spending that is in the conference report, the budget point of order for that has just been set aside by the Senate. That, too, we will live to regret.

There is a 92-percent increase in this bill over the moneys in the Senate bill for programs which are not related to apprehending, convicting, and jailing criminals.

We sent to the conference a bill with tough mandatory gun crime penalties. You want to talk about guns. That is what I was talking about—guns. We have long insisted upon long sentences for abuse of the use of the right to have guns. We sought 10 years for firearm possession during a crime. We sought 20 years for firing a gun during the crime. We sought 30 years for using a machine gun or silencer for a crime. Everyone talks about these bad guns. No one is willing to really punish those who use them.

I think anyone who uses a gun with a silencer, in my judgment, actually shoots at another person, has intended to commit murder and it ought to be treated as an intended murder. The provision to do so was stripped out of this bill by the House.

Those were some of the provisions that we offered, those of us who believe that we have a right to have guns.

We wanted to bring about the death penalty if someone is killed with a firearm. That is the position of those who believe in the second amendment rights—extreme punishment for anyone who abuses those rights. But all of those provisions were taken out of this bill. All of them.

And then people say, "Why do you want to have any debate on this bill?"

Let me repeat again. We requested 10 years for firearm possession during a crime, 20 years for firing a gun during a crime, 30 years for using a machine gun or silencers during a crime, and the death penalty if someone killed a person with a firearm.

What is wrong with that? I do not see anything wrong with it. As a matter of fact, that is what we believe in.

The House rejected those mandatory sentences for gun crimes. We tried to have a procedure to get them back in. And what did they do? They found another strange procedure. When we voted on this bill before the Senate the last time, the House had sent to conference a bill that did not have a provision concerning semiautomatic weapons. It was not in the House bill when it went to conference.

A group of us went over and visited with Members of the House and said, "What happens if the crime bill from our side containing the Feinstein amendment goes to conference?" They said, "There is no way. There is no way that that can come back to the House," because the House has a point of order against a provision coming back to the House on which no hearing has been held, which was not part of the bill that was sent to the conference. That was already discussed here on the floor.

But we went over to check on whether that was truly the case, and we were told it was. So we joined in sending the bill to conference, because we thought that we would face that on another issue.

Mind you, Mr. President, there was another bill that had been passed with that provision in it. We knew we were going to face that provision. That was an entirely different bill. But the House—after we passed this bill, the Senate crime bill—sent to the conference, contrary to the rules of the House and Senate, a bill that dealt with the semiautomatic weapons ban.

Now, people who talk about why we are disturbed about the abuses of the processes of the two bodies of this great legislature on this bill ought to look at what has happened.

I wonder sometimes if we are in control; if the other side will be as restrained as we have been about the tyrannical abuse of the processes of the Congress by Members of the other body and by the Members of the other side of the aisle here on this bill.

Mr. President, I believe that the House, in rejecting mandatory sentences for gun crimes, took the wrong course. They went to the semiautomatic weapons ban which has been discussed here.

Now those firearms are often confused with machine guns. Many people say that we are trying to block machine guns. Machine guns were blocked in the Machine Gun Act years ago. Automatic weapons are barred already. Machine guns are tightly restricted under existing Federal law. We wanted to tighten it even further, to say anybody that used a machine gun and kills someone would face the death penalty. I really think that it is unfortunate that was not done.

The firearms banned in this bill are functionally identical to thousands of firearms that are owned throughout my State and used legitimately day in and day out. They are used lawfully in Alaska, and in many areas of this country. They are used by the people who really believe they have second amendment rights; that they have the right to use those weapons. They view this bill and the Feinstein amendment as a step towards national gun registration, a means to confiscate, a means to bar the ownership and use of guns for the purposes we use them now.

And I have not heard one person on the floor of the Senate pledge that they would not support such measures. We are watching a progression now, one after another, toward adopting a policy as existed in Great Britain for many years, that you could not own guns. I hope everyone noticed they are starting to modify those gun laws in Great Britain.

Many Alaskans have asked, rightly, if they ban these firearms that are functionally identical to the firearms they now own, can Federal restrictions on their weapons that they now have and now use and now need be far behind? I think Alaskans are right to ask that question. I have not heard any answer to it here. I hope maybe some people will come and make a pledge that that is not the case.

This gun ban represents another step in the broader war against the second amendment. It has been estimated there are about 200 million firearms in this country. About one in every other home has a firearm.

Many people forget there are people who buy firearms for self-defense. Less than .02 percent—let me say that again—.02 percent of these guns are misused on an annual basis. About 1 million guns a year are used defensively, for self-defense; about a million.

In fact, there are more instances of guns being used defensively than there are instances of guns being used for arrests in this country.

There is no correlation between the gun ownership rates and crime rates. That is not so. It cannot be demonstrated at all.

Over the first 30 years of this century, American per capita handgun ownership remained stable. The homicide rate increased tenfold. Between 1937 and 1967, handgun ownership rose 250 percent. Now, the homicide rate dropped over this same period as handgun ownership rose.

Let me state that again. Between 1937 and 1967, handgun ownership in this country rose 250 percent. The homicide rate dropped 35.7 percent.

I visited Switzerland many times, Mr. President. It has a militia system. It distributes guns, pistols, and machine guns to every adult citizen. The males are required to have them and keep them at home. Rifle sales are unregulated in Switzerland. And there is almost no gun crime in Switzerland. The overall criminal rate is well under the United States rate. It is well under the crime rate of most European countries, including those that have absolute strict gun control.

Now, I do believe that this bill—a $30 billion bill—contains too much in social programs. It has not included the provisions—I do not know why they do this. I understand a lot of people disagree with us on gun ownership, but why did the House and why did the Senate conferees agree to delete the penalties for the misuse of guns?

The thing that really bothers me, as a former prosecutor, is why did they delete a provision that said if a person used a silencer in the commission of a crime they would be treated as a very violent criminal, as someone who intended to commit murder? I know of no other reason to put a silencer on. In fact, I do not know of anyone who has ever used silencers in terms of sporting or legalized activity.

But we tried to put a heavy penalty on anyone using it in the commission of a crime. Maybe there is some legitimate use for it—I cannot think of one now—but there is certainly no legitimate use for one in a commission of a crime.

We said, anyone that has a silencer and has that silencer during the commission of a crime is guilty of a very heinous crime.

And as one of the people that originated that idea, why should we not punish these people hard? Maybe if we punish people who misuse guns very harshly, others would understand that those of us who want to use guns legally, lawfully, and have them for their own legal use would be less pestered by the kind of legislation that we face now and the criticism that we are receiving during the consideration of this bill.

I hope someone will come out here and tell me why we should not have the same rights as anyone else on the floor of the Senate. The normal handling of a cloture session is 2 days. If it is shorter than that we have agreed to give up some of our rights. I do not remember many people on the other side of the aisle who have given up theirs. I know the distinguished Senator from Ohio certainly did not give up his, when we spent night after night handling his amendments to the natural gas bill. Maybe he can tell me why he is so abusive of us, who are trying to exercise our own rights for a few hours and discuss these provisions.

Again, these are provisions I tried 2 days to follow up on the statement I started on Tuesday. People know I have been back out here, time and time again, to finish this statement.

I cannot believe we ought to be in the position we are in today, where we have to justify the rights we claim under the second amendment. I think there should be more people trying to explain why they believe we do not have those rights. If they explain them forcefully enough I think they will exercise more people to join us in defense of our rights. Because as I said there are more people who use guns defensively in this country than there are police arrests.

Let me tell the Senator, I remember one particular time when General Westmoreland was coming back from Vietnam and I asked him to join me for a day and just relax and go fishing with an old friend of mine, who is now deceased. We were out in Resurrection Bay, near Seward. We were on board the boat already and we arranged for General Westmoreland to be helicoptered to a beach near where we were fishing, and we went to get him in a small boat. We came back on the boat and as Westmoreland got on the boat my good friend, Ken Brady—as I said now deceased—was reeling in an enormous halibut. It was really one of those great and beautiful days in Resurrection Bay; you do see forever. It was actually in early evening, in the summertime—the Arctic summer.

Ken knew he had an enormous, enormous halibut. So he pulled out a handgun, as he should have, as he was reeling this halibut in. I might say, Westmoreland's assistant was a little bit worried when he pulled out that handgun, worried what he was doing with it, but we promptly told him what it was all about.

As Ken got that halibut close enough to the boat that he could really get near it, he took the handgun and tried to shoot him. Just as he did, that halibut jumped up and he took off like a skate, and by the time he stopped he had taken all of the line out of this reel, he was gone just—bam—gone. And, of course, lost.

But the point I am making is I cannot remember going fishing in a boat off Alaska without a gun on board. I cannot remember going into the woods in my State—and I toured through the countryside—without a gun.

I have another memory of a time when I was campaigning and we decided we would film a spot concerning the great fishing in the Karluk River on Kodiak Island. I had a gun with me. One of my friends was along with me, watching the photographer. We were in bear country. I was out fishing with a fly line, with a spinning rod. The kings were there. I was not doing too well, but they were there. He, my friend, said, "Back up." We usually do not back upstream while we are fishing, but I did for a little ways. And he said, "I want you to move a little bit to your left."

I said, "Why would I move to my left?" I looked to my left and here was this enormous Kodiak brown bear, as close to me as the President pro tempore of the Senate is now. And I have that on film. I reeled in and got out of there. But the only thing I am saying to you is we would have been absolute fools to have been in that place without our guns.

We did not shoot the bear. We did not bother the bear and would not have, unless he bothered us. But we have a right to these guns, Madam President. We have a right to them. And many of them have the same—same intrinsic mechanisms that this bill bans, those specific guns.

Are we next? Are we next? Are we going to take away our shotguns? The rifles we use for hunting? The shotguns we use when we go out to get some of the vast number of waterfowl that come to our country, the north country? Are we going to lose our handguns that we carry with us when we are out fishing for halibut?

I really think there has to be some consideration given to those of us who have guns, who believe we have the right to have them, and now see this path, the path being established, without regard to whether it would be more effective to put a deterrent in the system and put these people away who misuse the right to use guns.

Again, if you want to go back and look at it, the provisions we suggested that were in the Senate bill—and as a matter of fact, passed by an overwhelming majority in every instance—were deleted by the House for no reason other than they were guns. They were gun provisions. I have heard the other side of the aisle talk about our gun provisions and I said to the leader the other day, we are going to talk about guns. And everybody thought I was going to stand up here and talk just about the semiautomatic weapons banned in this bill. They do not listen.

I know my good friend from West Virginia listens. But I will tell the Senate, I am going to have some other things to say before I am through. I did not know when this was going to start today. But I believe the country is being pushed by a lobby that is more well financed than the NRA ever was. They believe their destiny is to take guns away from the American people. I have actually seen some of their materials that indicate that the second amendment does not mean what it says.

Madam President, as I started the statement I said I cannot support this bill. I now say I will not support this bill. There is a lot in it that as a former prosecutor I think is necessary. But if you weigh this bill in terms of its provisions to prevent crime, if they are to punish people who commit crime, and its provisions to punish people who misuse their rights to use guns, it is woefully imbalanced.

The moneys we tried to strike out with the point of order are far outweighed by the harm this does to those of us who really believe we have second amendment rights.

I will speak further later on, and yield the floor at this time to my good friend.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from West Virginia.

Mr. BYRD. Madam President, I will only speak for 6 or 7 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

TARA'S SON ON THE BANKS OF THE POTOMAC

Mr. BYRD. Mr. President, anyone genuinely knowledgeable about the United States Senate knows that this is an assemblage of extraordinary and contrasting personalities, of brilliant and sometimes lovably eccentric men and women—in the best sense of that word "eccentric"—drawn from a sometimes dizzying array of backgrounds, with a broad spectrum of expertise and perspectives.

But from time to time, even here in the U.S. Senate, one or another Senator arrives on our scene bearing such qualities and character that cause that Senator to stand out even here.

In this instance, I refer to our much admired friend, the Senior Senator from New York, the Honorable DANIEL PATRICK MOYNIHAN, a Senator who graces the Senate with his logic, eloquence, wit, and taste—one who is niggardly in his use of words but precise in his choice.

Among our colleagues, Mr. President, Senator MOYNIHAN is, as it were, sui generis.

I remember reading the 85 Federalist Papers that were written by John Jay, Alexander Hamilton, and James Madison. And the thought has occurred to me that here in our own midst is a Senator who could very well have joined in the writing of those papers, those essays, in the effort to convince the various conventions in the States, and particularly to convince the people of New York State to support the Constitution that had been written in Philadelphia. PAT MOYNIHAN would have added luster to that illustrious trilogy.

During his long, varied, colorful, and distinguished career, Senator MOYNIHAN has been a stevedore, a college professor, a bartender, an ambassador, a subcabinet member, and a United States Senator. Senator MOYNIHAN has served executive branch roles under both Democratic and Republican Presidents. Even as a working, serving Senator, PATRICK MOYNIHAN still contributes significantly to national scholarship with his articles and his informed speeches. His ineffable serenity and obstinate veracity of vision have, more than once, probed through the mists of the future to foresee coming problems and to suggest solutions which, after time's pages have been turned, proved to be correct and wise.

Senator MOYNIHAN is, indeed, perhaps the nearest example that we have here in the Senate currently of a genuine "Renaissance Man"—an expert in multiple scholarly fields and disciplines, all at once.

Moreover, to know DANIEL PATRICK MOYNIHAN is to understand, perhaps, the wellsprings of the incomparable era of Irish culture during the fifth and sixth centuries A.D., when Ireland was the repository of Classical and Christian civilization against the onslaughts of Nordic and Asian barbarians who toppled the last pillars of Roman authority in Western Europe and established a battery of semi-civilized kingdoms over provinces once ruled by the Caesars.

Senator MOYNIHAN embodies the charm and brilliance of Celticism at its best. To examine the corpus of Senator MOYNIHAN's published works is to come to grips with the reflections of a visionary possessed of a tempered, nearly galaxy-wide view of reality. To paraphrase the famous *Star Trek* epigram, Senator MOYNIHAN's mind has gone where few, if any, minds have ever gone before. Senator MOYNIHAN is a virtual "Davy Crockett of ideas," pioneering and cutting trails into the unknown economic and social wilderness that is the next century.

"In a most blinkered, bespectacled, logic-chopping generation, nature has gifted this man with an eye."

Madam President, a piece in the New York Times magazine of August 7, 1994, captures perhaps better than any recent featured article on Senator MOYNIHAN the breadth, depth, height, and caliber of this outstanding U.S. Senator and American statesman. I ask unanimous consent that this article titled "The Newest Moynihan" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Aug. 7, 1994]

THE NEWEST MOYNIHAN

(By Todd S. Purdum)

"I don't think the air-conditioner adds much," Daniel Patrick Moynihan says, his long, slim fingers fiddling with the vents of a rental van on the morning after Memorial Day. "I'm going to suggest we turn the air-conditioner off. It's a beaut-i-ful day. We don't get many. We just open the windows, you see, and air comes."

The Moyni-van is rolling out of Binghamton, an old shoemaking city in the Southern Tier of New York State, toward the Democratic State Convention in Buffalo. The candidate has just held a small rally on the courthouse lawn in front of a bronze statue of Daniel S. Dickinson, the last New Yorker before him to head the lordly Finance Committee of the United States Senate, in 1850. With that event, Moynihan has formally begun his campaign for a fourth term in an office it once seemed entirely improbable that he would win.

Kevin Ryan, his young driver and personal aide, stammers and begins a balancing act that will last all day: toying with the knobs of the air-conditioner, trying to tune it low enough to escape his boss's notice without suffocating the passengers in the rear seats. But the Senator, who simply rolls up his window the moment the noise of rushing highway makes conversation impossible, is already on to other things. He begins a running discourse on the history, geology, architecture and politics of the cities and counties he is passing through on this brilliant May day, his voice spluttering and stuttering like Jiffy Pop on a campfire.

Now he explains the depth of the Finger Lakes; now the origin of cobblestone houses; now the prevalence of towns like Homer, Marathon and Ithaca, named in a fit of 19th-century republican idealism. As the van approaches Auburn along Route 20—the path Alexis de Tocqueville took on his survey of American prisons in the 1830's—the topic is the past, and the dangers of its casual disregard.

"I have an incom-plete theory," says Moynihan, who is cherished and mocked in Washington for no shortage of the same. "In the 1950's, with a progressive government and newspaper, you got into urban renewal and destroyed everything of value in your town." He is looking out the window, addressing the strip malls and gas stations that make up Auburn's mediocre modernity. "If you'd had a reactionary newspaper, and a grumpy mayor, you might still have it."

Might still have it, indeed. Entering his fourth decade at the center of debate on social policy, Pat Moynihan has become the Grumpy Mayor of America. It is a role he relishes, although it has made for an excruciatingly delicate relationship with a young Democratic White House that often sees him as an impediment to its sweeping goals. His campaign manager, closest adviser, defender and wife of 39 years, Elizabeth Brennan Moynihan, attributes it to a simple problem: "They definitely don't get him."

Getting him has never been easy. He is the only member of the Senate who had an honored seat at the funerals of both Richard M. Nixon and Jacqueline Kennedy Onassis. His Irish soul composed the epitaph for Camelot, answering Mary McGrory's lament the weekend of J.F.K.'s assassination that "We'll never laugh again" with the soft certainty, "Heavens, Mary, we'll laugh again; we'll just never be young again." His Irish wit led the diarist H.R. Haldeman to describe him as the most upbeat presence in the early Nixon White House, the "shot in the arm that the rest of the staff lacks." Moynihan was the prescient heretic and brilliant self-promoter who had the temerity to argue—before Ralph Nader was a household word—that better cars and seat belts, not better drivers, were the key to auto safety; who warned anyone he could find on Saturday, Nov. 23, 1963, that the Federal Government had better get Lee Harvey Oswald into custody to protect his life and avoid conspiracy theories; who accurately prophesized, years in advance and without honor, the collapse of the black family, the fall of the Soviet Union and the havoc that the Reagan revolution would wreak in the form of crippling deficits.

He is the onetime barkeep who (it is often said on Capitol Hill) can be unreliable after lunch and he is the relentless scholar and commentator who has written or edited 16 books—more (it is also said) than most politicians have read. He also just happens to be the most popular politician in his state, with favorable ratings about 60 percent. Six years ago, Moynihan won the state by the largest majority of any contested election in the history of the Senate, carrying 61 to 62 counties.

Now, after 17 years harrumphing and needling and inveighing on his pet topics, from transportation to welfare reform, he finds himself in the seat of Russell Long, the longtime lion of the Finance Committee, wielding power over taxes and Social Security and trade—half the Federal budget. He ascended to the chairmanship when President Clinton plucked Lloyd Bentsen from the post to be Treasury Secretary. It was a swap the Clinton White House has long since had occasion to ponder, since in confronting the challenge of the President's massive proposal for reshaping the nation's health care system, Moynihan has given the Clintons, and much of the rest of Washington, no end of grief. Indeed, the struggle over the health care bill has been nearly as much a test of Moynihan as of the President.

The Senator's cautionary tale of Auburn's missing grump helps explain why. Moynihan has always been more confident perceiving problems than devising solutions, more comfortable pointing than leading. The organizing political principle of his public life has been a restless skepticism of Utopian ideals. Asked to describe his credo, Moynihan at first demurs. "Nothing I want to give a name to," he says. "I'm not a Socialist and I'm not a Libertarian. I was never a Stalinist and I was never a Trotskyite. I guess if I had to say—and I don't have to say, but you asked—it's an avoidance of ideology." He pauses, then adds acidly: "'Which side are you on? If you're not on our side, you're on their side.' There's a different their all the time."

Twenty-four years ago, zealous liberals and sour conservatives in the Senate Finance Committee killed Moynihan's dream, as Richard Nixon's urban policy czar, of providing poor Americans with a guaranteed income. From this and other bitter experiences, Moynihan has developed a wariness that has only increased with age. Now, at 67, he confesses he is not sure that Government can master even the modest challenges he has forced it to spend money on—like converting the old General Post Office into a grand new Penn Station in Manhattan, to redeem the destruction of the old one 30 years ago.

This worries him, and the word he picks to describe it is the physicist's term for the amount of energy unavailable for useful work: entropy. What worries him even more is the thought of making immodest promises and, as he wrote 20 years ago, "the failure of executives and legislators to understand what is risked when promises are made."

"He believes the function of Government is to do good in society, and he's always looking for ways in which it can do good," says James Q. Wilson, the U.C.L.A. social scientist and a friend of 30 years. "But he's also prepared to admit that good intentions are not enough and that sometimes where people set out to do good, evil follows."

The van rolls westward. Moynihan peers out at another town, reading aloud a convenience store sign. "Qwik-Fill Mi-ni Marttt!" he spits in contempt. "Now do we call that progress?"

Outside the Ontario County courthouse in Canandaigua, Moynihan is holding a short rally. "As you all know," he cheerily tells a blank-faced crowd, "this is the courthouse where Susan B. Anthony was tried in 1873 for vot-ing in the election of 1872." Like many Moynihan asides that start out seeming to have no point, this story in fact has one. He tells it to apologize for being late, having dallied too long in nearby Seneca Falls, where the Women's Rights National Historical Park opened last year, thanks in part to the sponsorship of . . . Daniel Patrick Moynihan, who, he notes, won 60 percent of the vote in Ontario County six years ago and would like to again.

Moynihan starts to leave when a combo of high-school students strikes up "Danny Boy." He climbs carefully back up the steep steps, waves to quiet the small crowd and points to the saxophonist.

"Here's a young man," he says, "prac-ti-cing to be Pres-ident!" It is an affectionate reference and the crowd laughs. But its delivery tells much about his relationship with this President. The Senator likes to style himself as the only person to have served in the Cabinet or subcabinet of four Presidents—Kennedy, Johnson, Nixon and Ford—and he has lectured them and their successors for years. When Clinton was still a high-school student shaking Kennedy's hand in the Rose Garden, Moynihan was already correcting Kennedy's arithmetic in the Oval Office as an Assistant Secretary of Labor. Now, as chairman of the Finance Committee, Moynihan has power over virtually every aspect of Clinton's agenda and the public preceptorial between them has fascinated Washington for much of the last 18 months. The two are as stylistically different as it is possible to be: Clinton the ultimate flesh-presser, Moynihan skittish and shy around strangers or a crowd he can't dominate.

Back in the van, Moynihan's face pickles at the memory of Clinton confessing to a young woman on MTV that he wears briefs, not boxers. "I don't mind the question, but how could he have answered? He should have said: 'Young lady, I don't think that's a-pro-priate. Go wash your mouth out with soap!'" On "Meet the Press" a few Sunday mornings after the Buffalo convention, Tim Russert, a former top Moynihan aide, asked the Senator to clarify the President's position on health care. Moynihan smiled cryptically: "Ask him on. He'll come on, you know, if you had a little basketball hoop or something like that around here."

Such references bewilder the White House and even Moynihan's own aides, who profess much mutual respect and affection between the two men. "I was just saying he's a guy who's always jogging and jumping around and doing things like that," Moynihan explained later. "And he goes on television a lot, the way other Presidents have never done. You know, that's something new in Presidential politics, those, you know, talk shows."

In many ways, Clinton is the heir to the centrist Democratic gestalt that Moynihan worked for years to make respectable. As Governor of Arkansas in 1988, Clinton was actively involved in the passage of Moynihan's Family Support Act, which required more work training for welfare recipients along with stricter child support enforcement. Just before the 1992 election, Moynihan's newsletter to constituents pronounced a blessing: "I have to say, I like the idea of a 46-year-old Governor coming to Washington with a zest for new ideas."

But almost from the beginning, there was trouble, and not just over style. "He's cantankerous, but he couldn't obstruct us even if he wanted to," an anonymous top Administration official was quoted as saying by Time magazine, referring to Moynihan. "We'll roll right over him if we have to." Moynihan has spent a good part of the months since showing who would do the rolling. In public and private, he criticized the President's health bill as often as he supported it. Last fall, he dismissed the Administration's cost estimates for a health care bill as "accurate fantasy." When the White House signaled that it might hold off on welfare reform, Moynihan described Clinton's end-welfare-as-we-know-it campaign promise as crass "boob bait for the Bubbas." He added that there was no health crisis and threatened to hold health care "hostage." Later, when asked on live television whether a special prosecutor should look into the Whitewater affair, Moynihan's "Yep" made him the first senior Democrat to say to.

The Finance Committee's chief of staff, Lawrence O'Donnell Jr., who confesses that as a Harvard student he was too intimidated to take Moynihan's class, attributes the frictions partly to junior aides and partly to Moynihan's own candor.

"Pat Moynihan does a very simple thing that at the end of the 20th century has become the most inexplicable trait a politician can have: he says what he thinks."

"He's a brilliant and complex man who speaks his mind," says George Stephanopoulos, the senior Clinton adviser who is often on Moynihan patrol. "Washington isn't always prepared for that. I think we understand Senator Moynihan and that he believes in the President's agenda. That doesn't mean there aren't tactical differences, or realities of the Senate, which he communicates very clearly."

There have been big differences. Moynihan complained that the Clintons' plan was drafted in secret, took too long to produce and ended up too complex to ever draw the bipartisan support he believes is necessary to pass and implement such a major program. From the beginning, he warned that his committee was narrowly divided, and he suggests that the Clintons adhered to a rigid party line long past the time when bipartisan compromise was possible. His own ability to deal, he suggests, was hamstrung by their inflexibility.

In a speech last month, Moynihan also complained that the health debate "has been plagued with press accounts of White House aides doubting this Senator, questioning that committee, detecting hidden motives—the while, of course, hiding themselves behind the anonymous leak." Privately, Moynihan complained that the Clinton plan's tilt against the high-cost medical specialties—the pride of New York's premier hospitals—smacked of 60's radicalism.

The White House and its most ardent Democratic allies countered, sotto voce, that the chairman was simply not on board and that for all his garrulous, accommodating affability he was not stroking his committee and could not deliver the votes. It became a dialogue of the deaf. In the end, Moynihan lost effective control of the narrow 11-to-9 Democratic majority on his committee. In the frantic hours before the July 4 recess, a bipartisan group of moderates produced a bill much less ambitious than Clinton's, one that would not guarantee the President's bottom line of universal coverage. Instead, the bill hopes to provide new subsidies for the poor, intended to cover 95 percent of all Americans by the year 2002; a commission would figure out how to deliver coverage if that percentage was not met. About the best most Democrats would say for the bill was that it kept the legislative process alive and gave the Senate majority leader, George Mitchell, a fig leaf to wrap around the other proposals on the floor.

As usual, Moynihan satisfied neither the liberals nor the conservatives. "If he really believes this was a potential danger to American medicine, there's much more he could have done to fashion a bipartisan bill," says Bill Kristol, the conservative analyst and Moynihan's former teaching assistant at Harvard. "I'm worried that Pat will have failed to influence the outcome in any meaningful way." He adds: "He's never in anybody's camp. In a way, that's admirable. It's also fair to ask, if you are going to be in real politics, don't you have to choose sides?"

Moynihan says with some heat that he was whipsawed between the White House's unrealistic expectations and unexpectedly partisan intransigence from the Republicans. But that reveals the failure of the chairman's single strategy: he had counted on cooperation from Bob Dole, his ally from the 1980's when the two joined forces to rescue the Social Security system. When the support did not materialize, he seemed to have no clear idea where to turn. In his own defense, Moynihan points with pride to his proposal for a trust fund, financed by an assessment on insurance premiums, to support the nation's great academic medical centers and teaching hospitals, which happen to be located overwhelmingly in New York.

"If anyone had a bill out of the Finance Committee four years ago with that much in the way of insurance subsidy, insurance change and commitments, you would have said, 'My goodness, what on earth has happened?'" He adds: "Down in the White House, they never could quite hear us say, you know, that nothing is 100 percent. We don't collect 100 percent of our taxes; the census doesn't count 100 percent of the population."

As staunchly as Moynihan defends the jerry-built bill, however, the fact remains that it was not truly his, merely a bill eked out by a fractious committee. Instead of laying to rest doubts about Moynihan's loyalty and legislative acumen, the bill exacerbated them. The unkind whispering on the Hill was that, by contrast, even Bentsen, the old Texas Tory, would have been a better soldier for his President: unruffled, sly, but in the end willing to twist arms and persuade wavering colleagues, whatever his private doubts. Bentsen even attended a couple of meetings with White House aides and committee members, ready to act as an informal liaison.

The liberals on the Finance Committee were deeply disappointed by Moynihan's performance, though characteristically none are eager to talk about it for attribution. "He's done more clenching of teeth than talking," says one Senate aide, explaining the reluctance of that aide's employer, a Democrat, to offend Moynihan openly.

On the topic he most cares about, welfare, Moynihan's relations with the White House have been much better, mostly because it has done what he wants: stress that welfare cannot be a permanent dependency. After brutally deriding the Secretary of Health and Human Services, Donna E. Shalala, in her confirmation hearings for appearing to back away from Clinton's campaign promises on the topic, he has goaded and prodded, all the while refusing to say exactly what changes he favors.

Indeed, when the President unveiled his welfare reform plan in June, Moynihan was so delighted at Clinton's emphasis on the danger of growing illegitimacy—a Moynihan crusade for three decades—that he said he would co-sponsor the bill, through he thinks its central tenet of ending benefits after two years may be unrealistic. In his first hearing on it last month, he dealt with Shalala like a Dutch uncle and praised her testimony as "historic."

"We've come round to recognizing it, that's the big thing," Moynihan says. "You have to do something about how children are raised in our society. The specifics of a bill, how you're going to finance it or whatever, we've gotta work out."

Such persistence "drives the true believers absolutely nuts," says Moynihan's old friend Roger Kennedy, the director of the National Park Service. "He's not the vagrant, capricious spirit. They are. They focus intensively on something for three months and then move on to something else. He's consistent, slogging along for 30 years on the same thing. And then, when the cavalry runs in, he's still there, worrying about family structure."

If family structure has been Moynihan's most consistent theme, it has also been the most painful subject of his personal and professional life. In part that's because when Pat Moynihan talks about unstable families, he knows what he's talking about. As he said in a rare outburst during an interview with The New York Times nearly three decades ago: "I grew up in Hell's Kitchen. My father was a drunk. I know what this life is like."

In 1937, when Pat was 10, his father, John, an advertising copywriter for RKO Pictures, left home and never saw Pat again. Margaret Moynihan and her three children dropped out of middle-class life in the New York suburbs into an unhappy second marriage and a series of grim apartments. Pat shined shoes, graduated first in his class at Benjamin Franklin High School in East Harlem, worked as a stevedore on the Hudson River piers and ultimately found escape via City College and the Navy's V-12 program, which sent him in 1944 to train at Middlebury College. On the G.I. Bill, he went on to college at Tufts, returning on vacations to tend bar in a tavern his mother had opened near Times Square. He finally broke out for good with a Fulbright Scholarship to the London School of Economics.

Moynihan waves off any attempt to see reflections of his upbringing in his work. "Oh, don't, don't, don't, don't," he says, lightly but firmly. "We don't talk about that. I've been around the world a lot, yeah. But there's less here than meets the eye."

Perhaps, but perhaps only because Moynihan's triumph over a shattered home is one of the exceptions that proves his rule. He began his government career as an aide to Gov. W. Averell Harriman of New York in the mid-1950's, then dipped into academia at Syracuse University before joining the New Frontier in 1961. In 1965, he left Washington for an unsuccessful run for New York City Council President and a return to academia. But it was with a report that year to President Johnson entitled "The Negro Family: The Case for National Action" that he made his biggest policy splash.

In the report, Moynihan warned that rising illegitimacy rates and a "tangle of pathology" posed grave threats to the stability of black families and put at risk the gains in income and equality that blacks had managed to achieve through the civil rights movement. Moynihan saw himself as a liberal watchman on the heights, summoning his country to make whole in reality the revolution already occurring in law.

"From the wild Irish slums of the 19th-century Eastern seaboard to the riot-torn suburbs of Los Angeles," he wrote at the time in a Jesuit magazine, "there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos."

Instead of being praised, Moynihan was bitterly denounced as blaming the victim and fueling racism. He retreated from the fray into what friends say was the most painful period of his life. Even now, he speaks of it only with the tightest reserve. "Well, it has made for difficult weekends, you could say."

It's cold comfort that Moynihan's thesis is barely debated today. "It set a bad example to others who might have carried on that work," he says. "We took a generation to pick it up again."

And the controversy continued. In 1969, after an interlude at Harvard, Moynihan broke with his follow Democrats and returned to Washington as Richard Nixon's chief urban affairs adviser. There, a new storm broke over a memorandum, leaked to The New York Times, in which Moynihan counseled the President to focus on the problems of other minorities and cool overheated rhetoric.

"The time may have come when the issue of race could benefit from a period of "benign neglect,'" Moynihan wrote. The memo was immediately interpreted as calling for neglect of black Americans, and Moynihan was despondent. "Moynihan in to see me, disturbed about staff leaks designed to screw him," Haldeman wrote in his diary on March 31, 1970. "Made point he's ruined in Democratic Party because of the 'benign neglect' memo. He's really distressed, mainly because he has nowhere left to go."

Moynihan moved on—back to Harvard, then to India as Ambassador for Nixon and to the United Nations as chief delegate for Ford. But the controversy never really went away. This year Moynihan's opponent in the Democratic primary for the Senate nomination is the Rev. Al Sharpton, the protean black street protester who made a surprisingly strong run for the Senate two years ago. No one gives Sharpton a chance of doing much more than annoying Moynihan, but he has used his campaign to do just that. "I represent the historic disfavor he's had in the African-American community," says Sharpton, who turned what was to have been a 2-minute speech at the Buffalo convention into a 15-minute broadside against Moynihan. "He rose to fame talking about the black family, and I'm a broken family product." Sharpton goes on to describe himself as the character that Shakespeare (had he written a play about all this) would have introduced at the peak of Moynihan's career "to bring back all the questions."

Indeed, when Gov. Mario M. Cuomo, eager to soothe Sharpton and avoid alienating black voters, went out of his way to meet with the minister in Buffalo, he thanked Sharpton for an innocuous introduction, allowing that it was "benign." The Moynihan forces hit the roof at what they saw as deliberate dig. Since then, half a dozen meetings between the Senator and Governor to discuss the impact of health care legislation were scheduled and mysteriously canceled by Moynihan's office at the last minute.

Moynihan's relations with New York's black political establishment have always been touchy, and they were not helped last year when he made a speech recalling how much more livable the city was 50 years ago. Mayor David N. Dinkins, in an uphill re-election bid, took that as a slap at his stewardship. Even Representative Charles B. Rangel of Harlem—who has endorsed Moynihan—refers to him as "Mon-a-han," in a kind of can't-be-bothered semi-slap. As the fourth-ranking Democrat of the House Ways and Means Committee (the Finance Committee's tax-writing counterpart), Rangel was often called on by its former chairman, Dan Rostenkowski, to find out what on earth Moynihan had meant by some obscure remark. Rangel inevitably returned just as puzzled.

"If he selects his audiences very carefully, those astute enough to understand the papers that he writes, he'll have no problems," Rangel said of Moynihan in a recent interview on the "MacNeil/Lehrer Newshour." But when it's an across-the-board audience and when it appears as though he is indicting rather than providing solutions, I think the professor part of Pat Moynihan has many, many problems." When I asked Rangel to repeat the remarks, he declined, saying he had already heard complaints from Moynihan's staff.

Just last month, Moynihan stepped into controversy again. During a hearing on welfare, he noted that within the next decade half of all American children will be born out of wedlock. That prospect, Moynihan said, marked such a change in the human condition that biologists could talk of "speciation"—the creation of a new species. Sharpton promptly denounced Moynihan as a "Harvard version of Jimmy the Greek," a reference to the Las Vegas oddsmaker who lost his job as a television commentator after saying that black athletes were fleetfooted because they had been bred that way in slavery.

The bitterest pill for Moynihan may be that such criticisms enabled the insurgent Reaganauts to call the problems intractable and retreat from Government spending for the cities and the poor.

"It was the last moment of a kind of expectancy about activism in Washington," Moynihan says of his Family Assistance Plan in the Nixon years. "The problem, then as now," he wrote with typical candor in 1992, "is that no one has a clue as to what it would take for public policy to be sufficient."

On a frigid February day last year, Clinton and Moynihan made a pilgrimage to the home of Franklin D. Roosevelt in Hyde Park, N.Y., where the President pressed for his economic plan. When they reboarded Air Force One, Moynihan banged a table top in the V.I.P. cabin and growled with Falstaffian flair; "Whisky! Get me a whisky!"

Nervous White House aides fluttered for a moment, unsure whether he was joking, until, one of them later recalled, "I think the assumption was, if the Senator wants a drink, bring him a drink."

Moynihan's drinking is a subject his friends and enemies raise matter-of-factly. He drinks, by all evidence, more than most public figures in this era of white wine and designer water, and reporters and Washington insiders collect Moynihan drinking stories like baseball cards. There is Moynihan, asked for a late-night comment on the death of the Irish Republican hunger striker Bobby Sands in 1981, declaiming unintelligible dialogue from "Juno and the Paycock." Moynihan burbling an air-check for the Democratic response to one of President Bush's weekly radio addresses, then snapping into clear voice when the broadcast begins. Moynihan consuming, according to a tablemate, 14 glasses of wine at a recent White House dinner, asking the waiters to keep all three of his glasses—white, red and Champagne—full.

"He's a rogue," one old friend says simply. "Pat's an Irish country person. And he drinks too much. We all know him: he's the smartest guy in town, who doesn't have enough good people to talk to, who exhausts himself and those close to him and"—by drinking—"finds surcease from that enormous intellect. He's a man who could easily be a squire in the west of Ireland. But then there'd be other squires and a bishop and a community to talk to."

In his classic chapter on Irish New York in "Beyond the Melting Pot" in 1963, Moynihan mused on the curse of his race. A dominant social fact of the Irish community is the number of good men who are destroyed by drink. In ways it is worse now than in the past: a stevedore could drink and do his work; a lawyer, a doctor, a legislator cannot."

No one suggests that Moynihan's drinking—which friends say appears to have tapered off a bit with age—has seriously affected his work. On most mornings these days, he leads long and complicated hearings on health care, welfare or trade, perched on his dais like a lanky Jimmy Stewart on a lily pad, praising a colleague, goading a witness, recounting a favorite lesson.

Asked why people talk about his drinking so much, Moynihan says quietly: "People just always have, and there's nothing I can do about it." Asked if it's a problem, he replies, "It's not a problem for me. I'm sitting here, doing my work.

Moynihan's drinking may be the least of his eccentricities. This is a man who, if any aide tells him "the White House called," is sure to interrupt with a peremptory: "No! Houses don't talk. You spoke to a person. Now, who was it? Begin again."

In the Senate, he lives by his own clock. After morning hearings and the twice weekly Democratic caucus lunches, he is apt to repair to the gym and an afternoon of reading and telephoning in his hideaway just off the Senate floor. He'll visit the floor for a speech and return to his office in the late afternoon. He bunches his appointments at the end of the day, sometimes forcing constituents to scramble for the last shuttle back to La Guardia.

He avoids the Washington social circuit and generally dines quietly at home with Liz or close friends. A light sleeper, he reads into the night. Though he affects disinterest in his own press, by 8 or 8:30 a.m. he has read The Washington Post and The New York Times "more thoroughly than the owners of either of those journals," says O'Donnell, chief of staff for the Finance Committee. During the summer, in a former one-room schoolhouse on his farm in the tiny Catskills hamlet of Pindars Corners, Moynihan bangs out his books and scholarly articles.

In an era of handlers and "message" meetings, Moynihan writes his own constituent newsletters (they are as likely to review history as to tout his accomplishments) and rewrites the efforts of consultants into his own distinctive 30-second campaign commercials, with never an actor or gauzy soft-filter in the lot.

He also spends inordinate time checking his footnotes. To show the Senator's sympatico relationship with Clinton, Stephanopoulos reveals that Moynihan keeps up an active correspondence with the President. A recent note praised Clinton's speech to the French National Assembly after the D-Day commemorations, in which Clinton warned of the dangers of resurgent ethnic nationalism. Moynihan suggested that the President gather experts to review the problem, the way the Manhattan Project developed the atomic bomb for F.D.R.

But a follow-up phone call with Stephanopoulos revealed Professor Moynihan's double-edged sword. When Stephanopoulos said he guessed this would be like "Dr. Einstein" coming to the White House, Moynihan broke in.

"Doctor? I don't think he was a doctor," said the Senator. Stephanopoulos, a Rhodes Scholar, apologized for the seeming error, but a couple of days later came another letter from Moynihan, confessing his error and listing Einstein's curriculum vitae. "Even when I turned out to be right, I still felt dumber," Stephanopoulos laughs.

Moynihan's eclecticism has rubbed off on his three grown children. In the Nixon years, when student protesters threatened to burn down his house at Harvard, Moynihan had nothing but contempt for the sons and daughters of privilege who, in his view, had paralyzed the country and destroyed the Johnson Presidency. But Moynihan's worldly success has given his offspring the financial freedom to pursue decidedly nontraditional lives. The eldest son, Timothy, is a sculptor of papier-mâché caricatures. (A life-size Thomas Jefferson stands in Moynihan's office.) Maura is a sometime performer who now works for the Campaign for Tibet. And the youngest, John, is an animator. "And none," Moynihan says drily, "are employed."

The gyroscope that keeps Moynihan balanced is Liz Moynihan, the handsome woman he met in 1954 on the Harriman campaign. An architectural historian and an expert on the Mogul gardens of India, she has been his political alter ego, doing the fund raising that bores him. She also drives—since, Tim explains, "the old man" has a way of spying something distracting out the window and driving off the road.

Liz has her own back channels to all of Washington, including Hillary Rodham Clinton. A recent cartoon in The Washington Post mapping the brain of the prototypical plugged-in Washingtonian included in the folds of the well-kept cortex "Liz Moynihan's phone #".

The Senator has a flash temper and a long memory, but his colleagues agree that Liz Moynihan is steelier. "Sometimes he tells you tough things that you know she's told him to tell you," one Congressman says. "But when you hear it right from her, watch out."

Moynihan's record, as befits a wide-ranging intellect, is more a story of influence on an array of issues than authorship of a passel of big bills, though the Senator can claim his share of those. In 1983, he and Dole worked out a compromise involving higher taxes and fewer benefits to bail out the floundering Social Security system. In 1988, he shepherded his Family Support Act to passage. And in 1991, he used the occasion of a highway reauthorization bill to create the International Surface Transportation Efficiency Act, which appropriated huge new sums for transportation and gave states wide choice in whether to use the money for highways or mass transit.

Though he is often accused of disdaining parochial interests, Moynihan keeps close track of how the Federal Government parcels our revenue to New York, publishing an annual report on the way entitlement formulas favor other parts of the country. And he takes great pride in bringing physical structures—new courthouses and office buildings—to the state. In 1991, he forced the Feds to repay New York $5 billion for the cost of building the Gov. Thomas E. Dewey Thruway four decades ago.

"He's a spectacular votegetter, and I think the reason is twofold," says Raymond B. Harding, the leader of the New York State Liberal Party and a longtime supporter. "He's a marvelous pol, something he manages to hide most of the time. Secondly, he's truly an upstater, in terms of his orientation and knowledge."

After winning the Democratic nomination over a crowded, more liberal field in 1976, Moynihan won an easy victory over the Conservative incumbent, James Buckley. He has been re-elected comfortably since, running strong in Republican districts and protecting his left flank with his outspoken opposition to the Reagan administration's abandoment of the cities.

His opponent this fall is Bernadette Castro, a Republican fund-raiser from Long Island and heir to the convertible sofa business. Moynihan was edgy enough about the money she and her adviser, Edward J. Rollins Jr., might spend to attack him—or to repeat Sharpton's attacks—that he called for her to dismiss Rollins. Rollins caused a firestorm last year with his boast, later retracted, that the campaign organization for one of his clients, Christine Todd Whitman, had paid black groups to suppress turnout in the New Jersey gubernatorial election.

Polls show Moynihan with a commanding lead over all comers, but there is an undercurrent of dissatisfaction on the left.

"Frankly, when I hear a Democratic Senator from the state of New York say that there is no health care crisis in America and suggest that it's O.K. for 3 million Americans to have no health care coverage, that's deeply troubling to me," says Jan Pierce, a vice president of the Communications Workers of America in New York. Pierce recently told a union gathering that he personally could not support Moynihan. "I said while I don't have the courage to endorse Reverend Sharpton, I sure as hell intend to vote for him." The union, which has given money to the Senator for years, supports Moynihan again this year.

For his part, Moynihan appears to be doing his best to enjoy his moment on the mountaintop. But the verdict on what kind of chairman he will ultimately be—whether he can express his will on issues that are not as dear to his hear as welfare—remains open. Will the Senator, who long ago decided, like Henry Clay, that he would rather be right than President, rank as a Great Compromiser in the best sense of the word?

Every day brings a new test. The welfare debate is just beginning, and once again Moynihan will be called on to be a team player in steering a complex bill on a thorny topic whose subtleties and pitfalls he sees too clearly. If health care falls apart, the White House may well be less inclined to humor him. Winning this fourth term would carry him into the millennium and a quarter-century in Congress. Moynihan may yet grow more confident and adept in his command. He isn't getting any younger, though, and sometime seems to grope harder to pluck things from that vast card catalogue in his head.

Being Moynihan, of course, he doesn't talk much about it. But in a recent twilight conversation in his Senate office, surrounded by old silver and boxed foreign editions of his books, Moynihan did pause to reflect, his voice barely audible as he dragged on a Marlboro, one of three he allows himself daily.

"The century began with vast expectations of what government could do and ended up with a huge amount of disappointment," he said, fending off any suggestion that his own goals are too modest. And he insists he is not as complicated as people think. "I don't find myself hard to understand. I find a lot of the things I deal with hard to understand. You know, there's a lot of complexity about the world."

When he argued for seat belts or predicted the decline of the Soviet Union, he adds, the world wasn't quite ready for him. "If you're outside a paradigm, people will think you're crazy. It is by that kind of pattern in the sciences, and what is wanly called social sciences, in which no argument ever gets settled in one generation. A huge argument breaks out, and it just goes on until another generational comes along and it has accepted one or the other views. And no one will say: 'Gosh, oh golly-gee, I got that wrong! My courses for the last 25 years have been wrong, but I have now changed my ways.'"

It is Moynihan's singular satisfaction to have been right about some of the biggest arguments of his time. That he might be wrong this time around on health care is a criticism to be borne, not one to dwell on. As the conversation turns to the well-worn doubts about his party loyalties and legislative skill, Moynihan softens his voice until—after discussing his drinking—he stops altogether.

"May I," he begins hesitantly, "put you on a slightly different course?" He walks to a shelf where a two-foot stack of honorary degrees rest in their colored leather folders. He picks up the top one and displays it. The degree, received this year, is from the University of Rochester. The citation reads in part: "Independent to the bone, he is the vigilant guardian of the nation's well-being. We call to honor Daniel Patrick Moynihan: teacher-politician, thinker-activist, international homeboy and pride of New York." He enumerates other glories: the gold medal on the mantelpiece from Notre Dame, the gold medal of the American Philosophical Society.

"I don't think I've spent my life being denounced," he says. "So why should I go around with a hang-dog look?"

The act is revealing: at the peak of 30 years of accumulated power and respect, at the start of his barony as Finance Committee chairman, he still feels insecure enough to recite his honors for a visitor half his age. Moynihan picks up a clipping from The New York Post, with the latest polls showing his popularity, and turns again to his visitor.

"I get along with people in New York very well. I'm not sitting here"—his voice has now risen almost to a shout—"I'm not complaining! Why are you asking me?"

This Senator knows what he cares about, what is lasting and what is not, and he does not need colleagues, critics or the President of the United States to tell him. The flash of anger quickly past, his voice is silky again.

"Seriously," Daniel Patrick Moynihan says. "Why go on about being misunderstood? I mean, I'm still here."

Mr. BYRD. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CRAIG. Madam President, we have just in the last half-hour taken a procedural vote that largely speaks to how the final vote and outcome on the crime conference will appear, a debate that has now occurred for nearly 3½ days on the conference report to H.R. 3355.

While those who may be observing the Senate recognize that it is a procedural vote, it is a most important vote in how the Senate will ultimately deal with this very important issue. During the course of that debate, a great deal has been said about all parts, all sections and subsections of this conference report and what it may or may not do for the American people.

Many have argued that it is the most sweeping realignment of our criminal justice system and that it will cause America to begin a new direction and a new path in crime control. Others have said that it is a $30-billion-plus piece of pork; that it has become not a crime-fighting measure but, in fact, a welfare measure to deal with everything from midnight basketball to grants to States to do largely what they wish with them if they meet the rather broad definition of crime control.

When this provision left the Senate some months ago it had been thoroughly debated, as the chairman of the Judiciary Committee said, and it had been amended many, many times. It was a provision that many of us voted for. I was one of them. I voted for it even against my better judgment, because there was a provision in it that was very onerous to me and to my colleague from Alaska and a good many others. And that was a provision that actually, for the first time in our history since 1934, banned a firearm. I voted against the ban itself, better known as the Feinstein amendment, and the Senator from California is with us on the floor this evening.

But I had voted for the crime bill because I thought there were some very good provisions in it that would actually reach out and grab the criminal and jerk them back into confinement and out of harm's way, the harm of the free citizen. Those provisions that left the Senate are now largely gone, and we have seen returned to us a bill that is very different in many respects from the one that had left the Senate. But there still remains in it a gun ban. There are those of us, like myself, who would say that that is a direct hit against the rights of free citizens under our Constitution. And I believe that to be very much the case.

I have refrained from coming to the floor these last 3 days because I wanted other issues to be part of the total debate. I wanted the American people to hear, as they heard so clearly from our side, that this was a massive, sweeping new spending program, largely unpaid for, but one in which the majority thought, once again, if you just throw a little money at the problem, somehow the problem gets a little better.

I am going to be around long enough, if I stay healthy, and I suspect many others in this Senate will be, to watch the statistics, to watch those numbers that represent free citizens who will be violated by deviants of this society and robbed of their rights, or their property, or maybe their life, over the course of the next few years. And as we watch those statistics, I hope the American people take stock and take count of the debate that occurred largely on the other side of this room by the other party as they perpetrated an image that H.R. 3355 was going to make the streets of America safer.

I wager very directly and in front of those who are here this evening and the public that might be watching that this will not reduce crime; that it is merely another way to drive up our deficit and to go home offering the American people a political placebo that somehow suggests that life will be just a little better if you trust and rely on your politician, and the Federal Government that he or she supposedly directs and on some occasions administers. I believe that is the contest of the whole issue. I believe that is the important part of some of the debate.

But for the next few minutes this evening let me talk about another very important aspect that some have come to the floor to suggest I really do not have a right to talk about; that somehow I am almost sinister in my intent, if I would suggest that the second amendment of our Constitution means that the citizen has the right to own and bear an arm not for sporting purposes, not for hunting purposes, but in the right of self-defense, in the right of the protection of one's self and one's property as our Founding Fathers so clearly spelled out.

We have another colleague on the floor tonight. He probably will be debating some. He has talked about the NRA as some evil, sinister group who would like to suggest to society that everybody ought to own a gun and walk the streets and use it freely and uninhibited.

Well, the NRA is an old organization, been around over 100 years, who believes as fervently as my colleague from Ohio does in certain things. The one thing they believe in is the right of the citizen under the second amendment. They are not tightly organized. They are not all-powerful. They are a grassroots organization quite typical of a lot of organizations in this country of citizens who come together under a common and oftentimes single interest. Are they strong? Well, they have over 3 million members now.

I must say in all good humor to my colleague from Ohio that every time he stands up, they get a little stronger. They are running now—the organization itself, I am told, since President Clinton came to town picks up about 10,000 new members a month. Why? Many of those members do not even own a gun. But they are very fearful that this President and some in this Congress somehow want to reach out and rob them of their rights under the Constitution.

So they come together in organization and they give of their time and of their resource to try to protect those rights. And they do what every other good interest group does. They pick up their phone and they call their Senator or their Representative, and they say, "Please, please, do something about House Resolution 3355 because it takes away from me the rights that my Founding Fathers gave me under the Constitution."

Madam President, yesterday I went out on the lawn in front of this Capitol building to join with a group of veterans and some 60 other organizations as we introduce a new movement in our country to create an organization to propose to us here in the Senate a constitutional amendment to protect the American flag.

I heard veterans say very important things yesterday. But one of the most significant things that was said, I think, was spoken of our country in general, that we are a very unique country in the sense that we are not all tall and not all short and not all black and not all white; that we are Christians, Jews, atheists, Bhudists, Hindus and people of many other faiths. But for some reason we came together in a country called America. And we came together in this great country of ours under a common set of beliefs: first of all, that we were all free persons; second, that there were certain rights that we just simply would not violate and that had become a collection of human rights that had been treaded upon by other countries, monarchies, authoritarian governments; that amongst those rights were those delineated by the Bill of Rights and the first 10 amendments; and, of course, one of those was the right to bear arms, again, not for sporting purposes. Our Founding Fathers were not interested in that. That was a foregone conclusion. But it was to create a militia of citizens well armed to rise up when necessary and so organized in protection of themselves, their families, their property, their community, and, if need be, their Nation, and, as it was in the Revolutionary War, their Government or their sense of what a government ought to be.

Is that simply historical hokum? Is that something that a Senator ought to come to the floor today and say that our life is so suppressed today and so maligned that we somehow have to give up our rights for the sake of a better day somewhere and someday when they might then be reinstated if we all become good little people again? Well, I hope that is not what they are saying. But I have a sense that is what is being said—that things are so bad in our country today that we have to reach out and take rights away from free citizens for the common good.

That was not the intent of our Founding Fathers. It was to assure that the rights of the individual were protected, oftentimes against the common good, that these individuals' rights were so specified in our Constitution and embodied in what we are today.

So I do believe it is a legitimate debate. I know some shun from it and some run from it because the American people are frustrated. They say, yes. Many say, get the guns off the streets; people are being killed by the use of a firearm in a criminal act by an individual. And they are frustrated and they are angered, and they should be. But what we also understand here is sometimes we have to stand just a little bit beyond the current or the popular idea and say that there is a bigger and a more important issue here; that is, to protect the rights under the Constitution of the free citizen. I firmly believe that is the crux of a very important debate on this whole issue.

There were some who would have been willing even to accept a ban on guns—I am not among those—but who would, if we could, have put tough penalties into this crime bill that said that a criminal would be punished if he or she used a gun in the commission of a crime. You know, somehow it would seem fair, if you reach out and take something away from the free citizen, should you not reach out and take something away from the deviant, the criminal? We said that here in the U.S. Senate some months ago. But when it got over to the House, somehow that all was taken out. Somehow they still wanted to reach out and grab away from the free citizen his or her rights. But they wanted to say to the criminal, well, you are a bad boy or a bad girl and we are going to pamper you and slap you around and put you in prison, but we are not going to make it extraordinarily tough on you if you happen to use a gun in the commission of a crime.

For the life of me—and I think the Senator from Alaska expressed it, too—why is it that somehow the fuzzy liberal mentality says those poor deviants are a product of society, they got misaligned in the socialization process, and we have to reach out and cuddle them; we cannot discipline them and say there are rules and there are lines and you ought to stay in them for the sake of a free civil society? I am confused.

I think the American people are very confused as to why a Senate, Senators, and a House, the House Members, will not stand up and say to the criminal element of this society, you are out; you no longer get to play on the streets. But somehow, no; we will reach out, and in our fright and in our frustration we will take away the right of the free citizen, and we will continue to suggest that the criminal element ought to perform better. Certainly they ought to. But we are not going to be really all that tough on them when it comes to these very important issues of the taking of life and the taking of property.

My guess is that someday in the not-too-distant future after the American people have seen what is embodied in this crime bill, they are going to say to this Congress, "Oh, no, you don't."

That is not what we meant at all. What we meant is for you to get tough on criminals and stay tough on criminals and not to take away our rights or misalign our free citizenship. I think that day will come, and it may be sooner rather than later. But I think that is where I understand the American people are headed.

Now, with that in mind, let me then for the next few minutes talk about an issue that I think is extremely important and how it fits into the whole of all of this debate. But let me say at the first instance there were some things said in the Chamber about rights under the Constitution and what the second amendment does or does not mean.

What I would like to do then is to move from my own words to a book that is currently on the market and selling very well in our country. It is a book that goes through this whole argument in a very methodical and well-documented way. It is a book called "Guns, Crime, and Freedom," a book by Wayne LaPierre. I know Wayne personally. He is the head of the National Rifle Association. But several months ago, because of his frustration as to the lack of understanding on the part of this Government and this Congress, especially as it relates to what all of this means, he set out with a group of scholars to put together a total statement about the second amendment and the right of our free citizens to own and bear arms. And so for the next few minutes, I would like to read directly from that book certain quotes, and one whole chapter, that I think are so profound in what they say and so clear in refuting a variety of the arguments that have been placed here.

I came to the floor the other evening when the Senator from Delaware was debating, and he turned to me and he said, "Oh, there's that gun nut from Idaho."

Now, I know he meant that in good humor. I smiled and he smiled. I did not take it in any way as a malignment. He said, "I bet he would even support the right of somebody to own a bazooka." Now, that is how silly this debate got. That is why I did not engage in it, because that is foolishness in the first degree, and we all know that. And here is why it is foolish.

Artillery pieces, tanks, nuclear devices, and other heavy ordnances—and you have heard these kinds of things talked about here—are not constitutionally protected.

And nobody has ever stood on this floor and attempted to argue that they ought to be.

The second amendment does not provide that any citizen should own a military-type device like a grenade, a bomb, a bazooka, or other devices. But we know under the law, and we know under the Constitution, that the right to bear arms does protect the ordinary small arms—handguns, rifles, shotguns, yes, and even those that we now, under this bill, call assault weapons. They are the semiautos. A Rutgers law professor, Robert Katroll, said it this way:

> It has been argued that assault weapons are far more deadly than 18th century arms.

You have heard the debate here. You have heard of these weapons that spray bullets and mow down children. The Senator from Alaska cleared that one up, I hope. They are not automatic. We know that. But then again, what the heck with truth. Let us go for image. That is, go for the politically correct issue here. And if it brings about a little drama, then so be it.

Interestingly enough, the old blunderbuss of the 18th century was a far more lethal weapon than any semiauto that was ever designed because of the volume and the impact, and if you know firearms, then you know exactly what I am saying.

Well, those are the issues that I think are important here and that deserve to be debated as we wrestle with all of these difficult kinds of things that have been talked about over the last good number of days.

I would now, for the balance of my time, like to talk about crime in the context of the right of the free citizen to own a handgun or a firearm in the protection of themselves. And so what I plan to do for the next few minutes is, by reading it, put an entire chapter of Wayne LaPierre's book in the RECORD. I think it is important because I think it makes a very bold statement about what is going on in America today outside the beltway, that we somehow seem to be sheltered and immune from, because it is of concern to all of us. The chapter I am talking about is called "Arming Against Crime."

Let me read a quote from Neal Shulman, Los Angeles Times, 1992.

> Gun control advocates need to realize that passing laws that honest gun owners will not obey is a self-defeating strategy. Gun owners are not about to surrender their rights and only the most foolish of politicians would risk the stability of the Government by trying to use the force of the State to disarm the people.

So for the next few minutes, the words that I am to speak are not mine. I am quoting directly from the book of Wayne LaPierre. And I think it is important for my colleagues to hear them, and it is important that they be spread upon the RECORD of the Senate as we debate the crime bill and as we discuss the semiauto ban that is within the body of that crime bill. Now, I have just quoted Neal Shulman.

> Writer Neal Shulman must have looked into a crystal ball to have reached the same conclusion found in a public opinion survey conducted by the National Law Journal in March of 1994.

That is the opening paragraph of chapter 11.

Roy Sherman, staff reporter for the National Law Journal, reported the results in the April 18, 1994, issue of the National Law Journal, and I quote:

> It is a time of unparalleled desperation about crime.

I think that is exactly what you have heard here in the Chamber of the Senate, a frustration as the Senate has tried to reach out to the American people and work with them in the correction of this sense of desperation. But he said in the poll that was taken in April:

> The mood of the people is decidedly "I will do it myself, and don't get in my way." Today's citizens believe people must take more responsibility for their own protection. They reject Government intrusion on basic civil rights, gun ownership, and the media's display of violence. There is a pervasive willingness to forgive those who commit serious crimes motivated by the preservation of children or self, yet for the lawless who lack compelling excuses, this poll demonstrates literally no mercy at all.

Conducted by Penn and Shulman Associates, Inc., the National Law Journal's second comprehensive survey of public attitudes toward crime in the past 5 years demonstrated this.

Americans made it clear they are not willing to sit back and become victims or allow Government to tamper with their civil liberties. Here is what some of that poll reflected:

Seventy-five percent agreed that police and the justice system cannot protect them and said people have to take on more responsibility for safeguarding themselves.

That is a pretty profound statement. I wonder why they would say that. Well, anybody living in California would know what happened in the Los Angeles riots. When the police came to law-abiding citizens and property owners and said, "We cannot protect you, please get out of the way," many of those folks said, "We will protect ourselves," and they did because they owned a gun and they were willing to stand, as our Founding Fathers would have expected them to, to defend their personal property and their personal rights.

The poll also went on to say that as many as 85 percent said they were unwilling to forfeit basic civil liberties even if it could enhance personal safety.

That says something very loudly about our American people, that while they view personal safety as very important, they are not about to give up their freedoms for that personal safety.

Our majority leader said tonight that it was the responsibility of society to assume the personal safety of all of its citizens. I think what this poll said, or what our citizens said was: While we understand that our Government ought to help us, we really agree with our Founding Fathers. Our real personal safety is our responsibility, and it is the responsibility of every citizen, and 85 percent of the American people said so. Sixty-two percent said the need for guns is increasing. These are free citizens who said the need for guns is increasing, and a majority is unwilling to accept laws that restrict gun ownership greatly.

Eighty-nine percent subscribe to the mother lion defense—we all know what that one is—saying that they would find it compelling if a mother tried to excuse a serious criminal by saying she was trying to protect her children from an abusive father. Again, the right of defending.

More than 75 percent supported the three-strikes-and-you-are-out provision. That provision is here now. And they wanted violent three-time offenders behind bars for life. Why do they say that? Because they know instinctively that as our country began to flush its criminals back onto the streets, nearly 80 percent of the crimes that occur on those streets today are perpetrated by repeat offenders. Instinctively, Americans know if you get them off the streets there is a greater chance that America is not going to be just a little bit safer, but maybe just a lot safer.

Respondents were unmoved by criticisms that older criminals would be kept behind bars at taxpayers' expense. Many of them said—or at least the criminal officials said—that once they get older, they are simply harmless, and the American public said: We do not care. If they are violent then, they are more than likely violent now. Keep them off our streets and keep them out of our neighborhoods. So that is what the American people were talking about.

The bottom line: Americans are upset about crime and soundly reject Government solutions which further infringe upon their rights and their liberties.

This is not me speaking. This is not the NRA speaking. This is the National Law Journal speaking. Clearly, people recognize that legislative and administrative infringement upon their liberties are designed to convenience Government—I thought that was an intriguing word, to "convenience" Government—rather than to solve or curb violent crime.

I think the American public is way out in front of us on this issue, and they said so in this poll taken early this spring. When the public loses faith in the ability or willingness of Government to protect it, people rely more heavily on self-protection. This involves the purchase of firearms and protection devices. They hire security guards, they build walls, they install security systems.

In 1993, $65 billion was spent on private security in this country. All Americans wanted to be protected against crime, not just those who can afford it.

I suspect that is why the Congress has acted in the best way they think they know how. But this document says that the American people are not buying it.

The American Bar Association does not seem to be listening to the American people either. In fact, these lawyers were working against strong crime-fighting measures. They were here in February this year, and the ABA testified before the U.S. House of Representatives, Subcommittee on Crime and Criminal Justice that the criminal justice policy is inordinately tight and tilted toward law enforcement and corrections, and they ought to be weakened. And now you want to know why some of these tough provisions got pulled out. It is because the ABA came and argued that they were too tough. A rather incredible statement, I thought, perhaps self-serving, when today prison is the sentence alternative least used throughout America. And Americans are paying for it with their lives.

Every day in America, hundreds of people are attacked by violent criminals who have been caught and convicted and returned to the streets on probation or early parole. And that was why we finally struggled to get three-strikes-and-you-are-out in this piece of legislation. That is why it has passed several other States. The ABA also testified against mandatory minimum sentences, and against three-strikes-and-you-are-out. But Americans want measures such as these, and the National Law Review survey just flat confirms it.

The Washington Citizens for Justice and the National Rifle Association have been working hard for three-strikes-and-you-are-out on the ballot for years. I think it is a little surprising that the Senate of the United States tonight may adopt a measure that was originally proposed by this "evil" lobby known as the National Rifle Association, because when three-strikes-and-you-are-out came to the ballot in California and in the State of Washington, it was the National Rifle Association and their members who came forward with their money and their votes and pushed it there. Why? Because they were fearful that if we did not ultimately go after the criminal, then politicians would go after the gun. That is exactly what happened.

Out of the desperation of the American people against the current crime wave in America, politicians wanting to answer to the call of Americans are saying we will take these guns off the streets in the name of criminal justice. Yet, Americans know it will not work. That is why groups and organizations who support the second amendment early on went out and began to push issues like three-strikes-and-you-are-out.

In the State of Washington, it was once defeated and put back on the ballot. The National Rifle Association got aggressively behind it. They did so in the State of California. The measure was also included in the crime bill that we passed in the Senate that is now in the final passage. But, interestingly enough, the American Bar Association came and testified against them.

Not only is the ABA at odds with public attitudes, it is out of touch with the reality of America today. In the fall of 1963, the progun forces tried unsuccessfully to block the release of Oregon's Russell Oberminsky. Why would I mention Russell Oberminsky? The reason I am tonight is because he was a multiple killer who was nearly 50 years old. Soon after his release—and he was released because he was nearly 50 and he had repented—the folks in Oregon said it was the wrong thing to do, but it was done.

(Ms. MIKULSKI assumed the chair.)

Mr. CRAIG. This gentleman was arrested for sodomizing a 4-year-old little girl. Perhaps the American Bar Association will send an emissary to that child's family to explain how criminal activities diminish markedly the older you get.

Let me go on to quote from Wayne LaPierre's book.

> In July 1990 a study by a U.S. Department of Justice, Bureau of Justice Statistics, of the 245,650 offenders serving time in State prisons in 1986 for crimes of violence, found that they had victimized an estimated 409,000 persons about 97,300 victims were killed, 51 victims assaulted, and 20,400 others of violent activities. The criminals in prison in the year 1986 alone had killed nearly 50 percent more Americans than died in the Vietnam war.

When is America going to wake up? Or should I rephrase that—when is this Congress going to wake up? America has awakened. That is why they are so concerned about their safety and why they are so concerned that political America will not address their real concern, and that is the control of the criminal.

> As we witness the carnage on the streets perpetrated by criminals released early by parole boards, we are forced to ask would members of parole boards make that gamble if they knew that their lives or the lives of their loved ones depended on that decision? Do they know what the rate of recidivism of violent offenders is?

I have just given you some dramatic statistics. The public has the right to ask the tough questions of the parole boards that release violent criminals before they have served 85 percent of their sentence.

This very important chapter goes on.

> But here are some more important statistics. Doug Bando from Cato Institute was quoted in the Washington Post in 1989 as saying:
>
> Gun control has proved to be a grievous failure, a means of disarming honest citizens without limiting firepower available to those who prey on law-abiding citizens, attempting to use the legal system to punish the weapon rather than the person misusing the weapon is similarly doomed to fail.

We know, as Senators, when we become honest with ourselves, that that is exactly what has happened in every State or every municipality that has in any way ever attempted to control guns.

> Antigun politicians fail to heed such warning and further exacerbate the problem by wasting tax dollars—

And that is what we are about to do tonight.

> —and precious time to pursue nonsensible gun control measures, and all the while the toll of victims continues to mount.

The National Law Journal survey that I have been quoting—or I should say Wayne LaPierre has been quoting—throughout this chapter speaks so clearly to that.

Fifty-three percent of Americans are not satisfied with President Clinton's crime fighting measures, and yet we are saying tonight this is what the President wants. But by recent polls 53 percent of the Americans say this is not going to change crime in America. Fifty-two percent of Americans are not satisfied with the job Janet Reno is doing because they do not think she is tough enough. And 62 percent of Americans said instead of more law enforcement there is increasing need for firearms for personal protection.

Is not it unique that it appears the Congress is going in the opposite direction this evening from the direction the American people want to go?

> While 62 percent overall see the need for firearms for personal protection, 72 percent of blacks now hold that view right along with whites. Blacks consistently have the highest victimized rates and do not believe that gun control measures are the solution to crime.

Let me read that again. That is worth reading. I understand that part of the reason we are doing this tonight is to bring some kind of control to inner-city America where many of its citizens—and many of them black—are being victimized, and yet 73 percent of the blacks are saying do not lock away our guns. The reason they are saying that is because they do not believe this will work and they want to be able to protect themselves.

I think an even stronger message about civil liberty was reflected in that National Law Journal survey. I quote:

> Despite intense concern about crime, losing basic civil liberties will not be tolerated by the American people. Even if doing so might enhance safety, a full 85 percent say they are unwilling to allow police to wiretap phones without prior court approval, and 82 percent say police should not be allowed to randomly search without probable cause.

Here is an important part of this chapter that is worth reading and sharing with you, because I think it shows you the frustration I have with this President and how he treats crime in this country, but more important, how he treats our civil liberties.

We all remember the issue of Chicago's public housing. President Clinton acted almost alarmingly in respect to the residents' fourth amendment privacy protection.

> The Chicago Housing Authority authorized random searches of apartments in Chicago's public housing without warrants or probable cause in clear violation of the Constitution. In a class action suit brought to halt the searches, U.S. District Judge Wayne Anderson stopped the searches in February of this year saying that random searches without probable cause are a greater evil than the danger of criminal activity.

What did our President respond? How did he respond? He instructed "the Justice Department staff to find a way around the Constitution,"—

And that was his quotes, and I quote that.

> A shocking directive for United States President who was sworn to uphold the Constitution.

Is there any reason free citizens are a little worried tonight about a President who says that "This is the most comprehensive and valuable crime measure ever passed by Congress, and I support it?" I think they have reason.

> After the President responded by that kind of shocking directive, the President soon announced his administration's way around the Constitution, adding language to apartment leases that required residents in public housing to waive their rights and grant permission for random searches of their homes.

In other words, if the Constitution will not allow those rights to be taken away, the President would condone forcing the poor to give up their rights or give up their house. The message of the National Law Review survey, which condemns trampling on civil liberties, apparently that survey did not reach the White House.

Eroding civil liberties by door-to-door searches to confiscate guns in public housing sets a dangerous precedent, and this Senate spoke to that. But let me talk about another one.

Carl Day, a West Point graduate and a Vietnam veteran, writing in the Washington Times on February 2 of this year spoke for most Americans who rejected door-to-door searches as crime-fighting tactics when he said, and the chapter quotes:

> All we have to do is tear up the Bill of Rights, shred the Constitution, call out the National Guard, and starting with high-crime areas if this is not perceived to be racist, commence house-to-house searches, seizing all of the guns and other contraband. Roving police and National Guard patrols could set up random roadblocks, stop-and-search vehicles, seize guns, arrest those who possess them. Citizens could be stopped at random and frisked for weapons.

Sound like the America you would like to live in?

Well, he said: "It certainly is not the one that I fought for," meaning Carl Day, West Point graduate and Vietnam veteran.

> Jess McNamara, former chief of police, San Jose, CA, although well known throughout America as a gun hater—and I use that word because that is his word—waded into the gun search controversy in defense of the Constitution protection against search and seizure in the Los Angeles Times on April 17, 1994, and again I quote this chief of police's words.
>
> President Clinton recently asked Attorney General Janet Reno to find ways to circumvent a Federal judge's injunction forbidding random police searches of apartments in a Federal housing development in Chicago. Clinton should have assured tenants that the Federal Government would do all it could to provide whatever level of policing was needed to stop the violence in the complex. Instead, the President pandered to police and the public impatient with rising crime. He urged the department to respond by prosecuting officers who violated people's constitutional rights to assist police in invading those constitutionally protected housing areas. There is no need for any dilution of individual rights that took a century to achieve.

This chief of police went on to talk about the murders, striking the most terror in the hearts of people during this century, have not been serial killers like Ted Bundy, they been Governments that have killed millions of their citizens in the name of social order.

Now I want to make sure that you understand where that statement came from. That came from a former chief of police of San Jose, CA. And he goes on to say, "The authors of the Bill of Rights knew the danger and drafted a document for our protection. We should not let panic erode that protection."

Judging from responses to questions, specifically from the survey that has been quoted extensively in this chapter, it is clear that the American people are sometimes slow to realize what is really going on or are willing to give up benefits and give others the benefit of the doubt, but they are not—let me repeat—but they are not stupid.

The survey shows that since passage of the Brady bill, support for the waiting period on gun legislation has dropped to nearly 58 percent, from the high of 80 percent at the time of its passage. Indeed, support for restricting gun sales has dropped nearly 22 percent. Reacting to the survey's results, the National District Attorneys Association president, William O'Malley, said the interpretation that somebody puts on those statistics is important. "I do not think it is vigilantism or hostility to police or prosecutors or the courts. It is more a recognition that the system is powerless without the support of the community and its participation."

And we all know that. And yet, largely, we have taken away, or are attempting to take away, the right of the ultimate community, and that is the individual citizen working together to protect themselves and their property. O'Malley's interpretation of the National Law Journal data may be skewed a bit. When he suggested a lack of public hostility toward the criminal justice system and instead sees public recognition for the need for community support and participation, he downplays the message Americans are sending in the rest of the poll. People are angry and frustrated with the criminal justice system, and they have said so. Unless, by participation, he means people that intend to protect themselves, he has, I think, misread a portion of the message.

The National Law Journal survey data did not need interpreting or spin doctoring, as might have been attempted here. It is very straightforward and it is very unambiguous. For years, Americans have been attempting to participate in criminal justice reform, and their message has been crystal clear—it was 5 years ago, it is today—get tough on criminals, quit gratuitous plea bargaining, make our streets safe by keeping criminals locked up for their full sentence, and stop probation and parole of violent criminals.

Now that is just one simple sentence and one simple directive from the American people—get tough on crime and get tough on the criminal. The message has far too long fallen on deaf ears.

Citizens, and victims in particular, have been treated as mettlesome and have been shooed away, as one would a small child under our feet. People are saying, enough is enough. The criminal justice system has shifted its focus from protecting the rights of the victims to protecting the rights of the criminal.

Maybe tonight I ought to give just a little credit to this piece of legislation. Maybe we have edged it back ever so slightly in that direction, even though the House and the conference struck out a lot of those get-tough-on-criminal provisions.

We have all heard of the castle doctrine. The castle doctrine is an ancient common law doctrine with origins going back at least to Roman law. It proclaims that one's home is a castle and hence an inhabitant may use all manner of force, including deadly force, to protect it and its inhabitants from attack. Further, the Constitution guarantees basic rights to all persons, including the right to defend life and to protect property. Citizens have a right to expect safety within their homes or vehicles. And I think the criminal justice system has to be refocused to recognize that it must protect victims by keeping criminals behind bars and restoring the absolute rights of law-abiding people to protect themselves, their families, and their property from unlawful intruders and violent attackers without fear of prosecution or civil action.

And yet tonight, we are saying that if you were to acquire, after this becomes law, one of these semiautos and you used it to defend your property and the police discovered that you had used it to defend your property, you would be violating the law.

A person who has unlawfully entered or attempted to enter any person's home, dwelling, residence, or occupied vehicle should be presumed to be entering or attempting to enter with the intent to commit an unlawful act involving force or violence. Thus, any manner of force may be employed in self-defense. That is the castle doctrine. There should be absolutely no duty to retreat from anyplace where a law-abiding person has a right to be.

Citizens support the castle doctrine initiative and other proposals to correct the failure of lawmakers to address the real criminal justice system. A citizens movement to put a three-strikes-and-you're-out initiative on the ballot in the State of Washington, as I mentioned, failed in 1992. It was not until that currently much-maligned National Rifle Association and a Washington citizens justice group stepped up and said, "We will put it back on the ballot and we will use our resources to tell the people of Washington what it is all about" that, on election day, 1993, it did become law. The people did not wait for the sluggish government of the State of Washington to take back their streets. They did it.

And that is part of the message that gets missed in all of this debate around here. Somehow we think the citizens are only the victims, that they do not have the right of self-defense or we are beginning to progressively take away from them their right to defend themselves or we are suggesting or implying, in a criminal provision like this one, that it will be a safer world and therefore they need not worry as much.

In Texas, the people voted an overwhelming 89 percent to deny bail to career criminals and sex offenders and voted by 62 percent to 38 percent to put up $1 billion to increase prison capacity substantially.

They knew in their hearts what researchers have proven. States that increase imprisonment drive down criminal activity and violent crime. The result: A people's victory; a defeat of get-soft-on-criminal politics.

We were tough in the Senate provision. We put up money to build the prisons. What have we got back? Well, we have a document that says we are going to build prisons or we can use the money for other purposes.

Not a mandate, not a direct prescription. It does not fit with three strikes and you are out. You see, the hoax being perpetrated on the floor of the U.S. Senate tonight is simply this. We are going to get tough because three strikes and you are out is in here. But it does not work if you do not build prison capacity to put them back in prison. It just does not work. You are going to shove out all the other prisoners to put these back in? The American people know that. The people of Texas know that. And that is why they voted as they voted, and they voted with their pocketbooks and they got $1 million and they built prison capacity.

So we ban guns. We say to the criminal, we are going to be tough but we are not going to be quite that tough. And we are given some arbitrary language on how the money gets directed for the construction of penal institutions. And it may or may not get used, depending on how it gets directed or how the Attorney General wishes to hand it out. And then we put three strikes and you are out in here? And somehow there is a schism as to how you deal with three strikes and you are out, and you put people away but you have no place to put them. So you shift and you put less violent criminals on the streets? Is that what we are doing here? Yes. In my opinion, that is what we are doing here.

On November 2, 1993, the real leadership in America, the people, spoke to the need for criminal justice reform. Wherever there was an anticrime platform the results showed stunning losses for criminals. In many States the American people have voted for real solutions: Tougher prison sentences and the abolishment of parole in Virginia and Arizona, double prison sentences in Texas, the passage of victims' rights amendments in Illinois, Missouri, Kansas, Colorado, and New Mexico, and a crackdown on gang crime in Arizona, Colorado, Florida, and Utah.

As the Wall Street Journal editorialized in November of last year, under the head, "Criminal Control Beats Gun Control":

> If indeed crime is one of the deciding electoral issues of our era, the adherence to gun control won't be deciding much of anything until they figure out a way to talk in public and creditably about how to control criminals.

In other words, what they are saying to you Senators who want to control guns and you want to take free citizens' rights tonight, is that you will not have credit—or you will not have credibility until you have figured out a way to control the criminal. It just does not work. Let me assure you, we will have time to calculate the statistics to prove that this document will not work, either.

Americans are using the power of their votes to defend their very lives. They know that each year, 60,000 criminals are convicted of serious crimes and they never see prison. And those who do are released after serving an average of a third of their sentence.

I know the chairman tonight said we have gotten a little tougher in those areas. I hope, for the sake of law-abiding citizens, we have. But as is typical, enough loopholes and enough hurdles were provided here to never really see some of these tough criminal provisions get to the streets of America.

We do not have a gun problem in America, Madam President. We have a law enforcement problem. Tough laws are already on the books to remove criminals from society, but they simply have to be used. Existing Federal and State laws must be applied to criminals who use guns, drug users, drug dealers, and other lawbreakers. The laws are already on the books.

Under the Gun Control Act of 1968, as amended in 1968, it is presently—let me repeat this—"It is presently a Federal felony punishable by a 5-year prison term and a quarter of a million dollar fine for a convicted felon to be in possession of an assault weapon." That is the law now. Why, then, are we piling on? Is it because of what I said earlier, the need for a political placebo, the need to go home in an election year and say, "See what I did for you; I took away your rights and I made you safer"? I am fearful it is. Because the 1968 law says you cannot do it now, criminal. If you own an assault weapon, you go to jail.

But what we have found is that our judges say "But pass go. Go through the front door and out the back door. And be a good little boy or a good little girl until you commit another crime, and then we will let you pass through again."

This 1968 Gun Control Act covers firearms that anyone could find possibly defined as an assault weapon. It covers guns with large magazine capacities, pistol grips, flash suppressors; it even covers a single shot .22 rifle. That is the law now on the books, 1968.

Why, then, do these Senators rush to the floor to ban 19 more —maybe really 180—different models of other semiautomatic that they choose to call assault weapons? The reason they call them assault weapons is the cosmetics; it is the pistol grip, the flash suppressor, the magazine. That is already in the law. Why are we piling on? Why are we taking away citizens' rights at this moment? Oh, yes; it is the eve of an election year. I must have forgotten. Could it be there is a bit of politics here?

This article goes on—or this chapter goes on to say:

> In addition, other prohibitions with the same or greater penalties include the use of a firearm in any crime. Selling of a firearm by a convicted felon, alteration of any firearm to a fully automatic firearm, and the use of a firearm during a drug trade.

New law? No. Old law, 1968 law. But the tragedy is, in America today, it is unenforced law. We remember all these criminal activities should result in long, hard jail time for criminals or drug users or drug dealers with assault weapons or any other kind of firearm, shotgun, rifle, pistol, revolver, single shot, machinegun. Why are they not used? Why are we tonight having to defend the right of free citizens when this law is already on the books?

Every victim of every violent crime in which a gun is used ought to demand an answer to this question. And in their own very real and very frustrated way, Americans are doing just that now. They are saying: Give us real crime control, Mr. and Mrs. Politician; and if you do not, we will get us a politician who will.

If Federal law enforcement agents did their job with respect to guns and convicted violent felons, using only the 1968 act as reformed, the gun control that we talk about tonight would not be an issue. We would be a long way toward the solving of violent crime in America. We would be getting the criminals off the streets and into the jail.

Welling up out of my thoughts and my comments tonight comes the obvious question. Senator CRAIG, if you say these laws are already on the books, and that is since 1968, and now we are putting them on the books again, what is our assurance that if they did not work then, they will work now? Guarantee us, Mr. and Mrs. Politician, that what you did in 1968 but you did not back up from 1968, you will back up today.

America and our citizens have a right to be angered. They have a right to ask that question. And they have the right to ask why, if in 1968 this became the law, are we now the victims of violent criminals using guns time and time again? And most importantly, if it is the violent criminal that uses the gun, why tonight do you choose to take the gun away from me, the free citizen?

Think about that. Every convicted criminal in America who picks up a gun could now be in a Federal prison. More importantly, under the 1968 act, they should be in a Federal prison. That is the law. Do you not remember that old television show, "That is the Law"? That is the law, Madam President. But it is not working because it is not enforced. And so, they pass through on their way out to commit another crime.

But other than these existing few statutes, why then are we moving to control guns in this measure tonight? It is a hoax; it is a hoax. If all the gun control proposals now pending before Congress, and there are many others, are the targets of real criminals, why did 68 not work? The answer is that gun control measures are not the targets to go after criminals. They are the targets to go after or restrict free citizens.

Since it is already criminal to purchase and possess even one gun if you are a criminal, why limit the number of guns or types to honest people? The answer: Arresting violent criminals is dangerous; arresting nice, peaceful citizens is safe.

Forcing gun control laws on decent citizens is comparable to Congress passing a law to eradicate cancer by forcing an elderly healthy person to undergo chemotherapy and radiation. It might cure cancer, but it might also kill most of us in the process.

Gun ban laws have accomplished one thing: massive civil disobedience by peaceful, formerly law-abiding citizens. If I have heard it once in the last year, I have heard it a hundred times from my citizens in Idaho, and that is:

> Senator, don't make me a violator of the law. Don't force me to be a lawbreaker in my own land simply because I want the right to own a gun, as my Founding Fathers assured me I would have. Don't pass laws that I can't live by as a free citizen in this country and as a law-abiding citizen.

So let me close, Madam President, because the vote has already been taken, and while it will occur at least twice again tonight, it is very profound what we are about to do. We are about to pass a new crime control measure that puts billions of unpaid, foreign, uncollected dollars out somewhere on the streets of America in the guise that somehow the criminal will become less violent and the world will become a safer place. And we are passing a law tonight that says to the free citizen of our country: You will be just a little less freer tomorrow. And will it change America distinctively tomorrow? No, it will not.

That free citizen will be a little less freer, but what that free citizen is worried about is that the little less freedom becomes a collective kind of thing; that it accumulates and they become a little less freer over time; and that a generation or two from now, because it happened so easily in this country, then we may be increasingly restricted.

So tonight those few who drone on about gun bans, I hope, ultimately get drowned out by angry voices of voters who are rebelling against America's catch-and-release criminal justice system and beginning, as I think they will, to flex their muscles at the ballot box.

Politicians should take note of what people are trying to tell them. It has been a very loud and very audible cry for the last good many months. America is not in control of itself, but you do not make America a safer place by making Americans less free.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I see there are others going to speak, and I have spoken. I want to get back to the one concept that is here, and that is these semiautomatic weapons. As I thought about that subject, I thought about a comment that one of our colleagues on the floor said to me today: "STEVENS, why do you get so uptight about guns?"

So I have decided to take just a few minutes to tell the Senate why I am so uptight about the provisions in this bill.

I want to take you back to the twenties and the early thirties in Indiana. That was a time of the beginning of the Great Depression, at the end of the twenties and on into the thirties, and I lived in Indianapolis. I was living with my grandmother and grandfather. We were what people would call today below the minimum level of income by a long ways. I was about 8 when a World War I vet let me use his .22 rifle and taught me to hunt just a few blocks from our house. Across the railroad tracks, there were some places where there were rabbits. And quite often I learned in the wintertime to go out and shoot rabbits, and I shot them to bring them home. It was not sport, it was for food.

By the time I got into the late thirties, I moved to California, living with my aunt and uncle. My uncle was a World War I vet. He worked very hard as a tool and die maker but he only got 2 weeks vacation a year. One of those 2 weeks we spent hunting and the other of the 2 weeks we spent with my aunt visiting a national park or recreational-type area in California.

But the 1 week of hunting was usually up in northern California. We drove up to an old fort, and I remember so well those days when we were hunting then, because we used the old World War I little pup tents to sleep in, and we had some equipment that we had put together to cook, and we hunted in the rain or we fixed our food in the rain. It did not matter what it was, it was a vacation, but it also was a time we were going for food. We went after the mule tail deer of northern California, and I learned to hunt larger game in northern California.

I did not own a rifle then. I really did not acquire a rifle that I really owned until I moved to Fairbanks in the period following World War II. I graduated from law school and went to Fairbanks. By that time, I was a young attorney. I did not own a handgun, but I did buy a bolt-action rifle. It was a hand-moved bolt action.

But I formed great friendships up there in the hunting expeditions that I had with either shotguns or with my rifle.

Later, when I moved to Anchorage, I bought my first handgun, a .357 Magnum, and I bought a series of shotguns and rifles. As my boys came along, I gave each one of them a gun when they were 13. Again, it would not have been a violation of this, but it was what we call an over-and-under—a .22 rifle on the top and single-shot 20-gauge shotgun below it.

I can remember the days, again, when I had vacations, and they were not often. Year by year, I would take my boys out into the little Susitna country, going out toward Glennallen. It is going eastward from Anchorage. We used pack horses, and a couple of friends would go along. We would hunt one boy with one adult. We took pack horses and went into the wild. That area is now in the national park. In 1980, Congress made that not available to those of us who are not subsistence hunters, and I always regretted the loss of that area because we had a very rustic camp out there.

We took our pack horses out. We had mountains to go up and mountains to come down. We taught our boys how to hang onto the tail of a horse to go up a mountain and how they restrained a horse so it would not break a leg coming down a mountain. We forded streams, and we went hunting.

We, by that time, were after moose. I also hunted for moose in Fairbanks, but the moose hunting trips I remember mostly were with my boys. My first wife, my late wife, Ann, used to say that these were our male bonding sessions, and she approved of them very much.

When you look at what we did over that period of time, first myself as a very young boy and then with my uncle in California, through high school and college ages, those were the times we sat together around the campfire and talked about really what we should be as men.

What bothers me about the semiautomatic provision is that every gun I own today is semiautomatic, with the exception of the handguns. And even one of them is semiautomatic. Why should I not be feeling exactly as the Senator from Idaho says so many of us feel, that this is just the first step? We know this will not work. This will not take riot guns from criminals. They do not get them legally anyway. They do not use them legally.

We tried to put into law tougher provisions for the police to enforce that would make it a serious crime to misuse guns. I spoke earlier about the silencers in particular. I think anyone who uses a silencer is a would-be murderer, and there ought to be appropriate treatment for anyone that has a silencer that is not part of a law-enforcement mechanism.

I do believe the great problem is most people do not understand us. They do not understand us. I was brought up to believe in the right of an individual, particularly a young boy, or a father and a son to have guns and to be able to use them, use them lawfully. We taught our sons—and still the NRA teaches them now—how to use weapons, how to respect them, what our duties are if we have a gun, how we prevent accidents.

But the real problem is I still believe we have those rights. When this law does not work, as the ones that the Senator from Idaho has been speaking of that are on the books do not work because they are not enforced and cannot be enforced, what is next? The ultimate we feel, the ultimate is some sort of restriction on our rights, some further restrictions on our rights.

This bill defines semiautomatic weapons by listing specific weapons, and the Senate is about ready to pass that bill that will confiscate in effect our right to have those weapons and to use them lawfully. The real problem about this as far as I am concerned is not what this bill does so much as the progression it continues.

This Congress has already passed the Brady bill. Four years ago, I suggested a system, and discussed it with the then FBI Director, of using mechanisms similar to the credit card checks when we go into retail stores of every person having a gun card, and we would be required to have this card that would go into a mechanism, would automatically check out whether we have been convicted of any crime. The dealers selling weapons would have a similar concept. Before they even think about selling a weapon, they would have to get information and put it into a national registration of past crimes, particularly those involving firearms.

We could have done that, and it could have been law by now. It would have stopped many people who are not qualified, ought not to have guns, from purchasing guns in the interim period. That was not accepted. Instead, we fought and fought and fought over the Brady bill waiting period, which again has brought nothing but a problem to people who live in rural areas.

But the main point I am making is the progression from the Brady bill which was fashioned in a way that is not going to prevent people who really should not have guns from getting them. It mandated local actions, and court after court across the country has said the States do not have to follow that mandate. It was not funded, and it is not practical.

But beyond that, we come to the definition of these semiautomatic weapons, and again we are not going to take weapons from any criminal. There is no mechanism to prevent a criminal from getting any semiautomatic weapon.

What does it do? It defines a proposition that weapons that have that capability of being transformed into a banned semiautomatic ought to be banned as well. How far is that from my shotgun? How far is that from my automatic rifle? How far is that from my automatic pistol?

I am trying to make this point, too. Are these people really serious that that is the direction they are going? Are they going to tell me that future generations of young fathers in this country are not going to have that experience with their sons, that they cannot, cannot possess semiautomatic hunting rifles?

We believe that is where they are going, and that is where I am coming from. I know that is where they are coming from now because they took out of this bill the provisions we put in it to make it a serious crime to misuse a weapon, particularly to misuse a weapon by a felon.

As the Senator from Idaho says, there has been a law that they cannot even possess a weapon. But to misuse it in connection with a crime ought to intensify the punishment. And we ought to send out the word very strongly that the Congress of the United States expects those laws to be enforced and take action to make certain that they are. The difficulty is those of us who have this kind of background, who believe in guns, love to use guns, who have lived with guns all our lives are now somehow chastised because we are worried about the procedure that is being followed in order to put before the Congress a bill that is just one more step in the progression to take guns away from us.

Now, I think our people are legitimately worried. I am legitimately worried about the effectiveness of the second amendment with this continued erosion of the right to keep and bear arms.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, during debate on the original Senate crime bill, I said it was one of the most important crime bills in American history. When the Senate passed its version of the crime bill, I complimented my colleagues for doing a great service for the American people. I truly believed we had approved a crime bill that was—tough on crime. I remember saying that the trust the American people had placed in Congress had been greatly justified. I regret to say that I cannot repeat those words here today.

The crime bill conference report which has returned from the House is much improved over the bill rejected by the House last week. For example, I am pleased that $3.7 billion was bundled together and is being allocated to the States for block grant programs to combat crime. States and local communities must be given the opportunity to use scarce resources in targeted manners to address particular crime situations, not as bureaucrats in Washington decide.

I am pleased that the House majority has recognized a simple fact—even though they now possess the White House, and a majority in both Houses of Congress, they cannot dictate terms to the minority and expect to have their actions accepted by the American people. Nevertheless, while the original conference report was totally unacceptable; this new version is also out of step with what the American people want from a crime bill.

The crime bill that came back from conference is just that; it is a crime what Congress has done to the bill. It has now gone from a crime bill to a criminal's bill. Much of the good that I supported in the original bill has been dropped.

I must admit I am not an expert in criminal law or procedure. Unlike many of my colleagues, I am not an attorney. However, before coming to this body, I was mayor of Idaho's capital city. As Boise's chief executive, I worked with public safety personnel. I have seen, firsthand, the problems our officers face every day. I have ridden in the patrol cars and walked the beat. I have never met a more committed and honorable group of men and women. What they want from the politicians and the policymakers is to be given the tools to do the job—and then for us to get the heck out of the way.

It is in the State capitols and city halls of America that crime must be fought: 96 percent of the crime in America is committed at the local level. Only 4 percent of all crime is under the Federal jurisdiction. Yet Congress has attempted to represent to the American people we are providing a solution to crime in America. We cannot continue to federalize American law enforcement. During debate on the Senate crime bill, I introduced and had accepted by the majority a sense-of-the-Senate resolution that said that, "local law enforcement must remain the sole prerogative of local government under their respective jurisdictions and authorities." Unfortunately that provision, an acknowledgement of the preeminence of State and local law enforcement, did not survive the conference report.

In my State there is a saying, "Idaho is what America was." But as we look around the country and see the threat of urban crime now creeping into rural communities, my constituents are concerned that instead of Idaho being what America was, Idaho will become what America is.

If we are going to have a crime bill that is tough on crime, why has it been stripped of the tools, and the teeth necessary to get the job done.

This crime bill no longer includes 13 billion real dollars for States to build new prisons. This crime bill erased tough Federal penalties for violent juvenile gang offenses, and mandatory minimum sentencing for use of a firearm in the commission of a crime.

This crime bill eliminated mandatory minimum sentencing for selling drugs to minors or employing minors in a drug crime. This crime bill no longer allows for the prosecution of violent juveniles over the age of 13 as adults. And Mr. President, this crime bill prohibits deporting criminal aliens after they have served their sentence.

In its place the new crime bill is just a collection of dressed up social programs. In some cases they simply substitute the phrase "for crime prevention" for action to prevent crime.

The new crime bill will:

Increase the deficit by $13 billion.

The Local Partnership Act and the National Community Economic Partnerships Act together add $1.8 billion in jobs programs, and loosely controlled educational and substance abuse programs.

The Model Intensive Grant Program is a $625 million giveaway to 15 urban cities with virtually no controls on how the administration will spend the money.

The Community Based Justice Program will require social workers to be involved in criminal cases to assure that prosecutors focus on what is good for the criminals—not the victims. Yes, and all we have to pay for this is just $50 million.

The conferees claim that $9.8 billion is provided for prisons. But of that amount, $1.8 billion is given to the Attorney General to hand out to the States to help pay the cost of incarcerating criminal aliens. Of the $7.9 billion in prison grants remaining, there is no guarantee that the money will be spent to build prisons. Furthermore, the bill requires costly State mandates for a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities. Mr. President, apparently Congress just does not get it. The American people do not want a feel-good approach to prisons. They want to give police, prosecutors, and judges the resources to jail violators and they want prisons available to house them to serve their sentences. They do not want to hire bureaucrats to write regulations on the meaning of a qualifying Federal diversion, rehabilitation, or jobs programs.

I believe we should address the State's needs for prisons and provide alternatives for young people to crime. But the GAO reported that this country now has 266 prevention programs currently serving delinquent and at-risk youth. Of these 266 programs, 31 are run by the Department of Education, 92 by HHS, 117 by the Justice Department and 26-odd programs scattered elsewhere about the executive branch. The GAO found that we have already mounted a massive Federal effort on behalf of troubled youth to the tune of $3 billion a year. Yet, here we go again throwing money at the problem for the sake of saying we have accomplished something. We have no clear idea how we will pay for the programs we have got much less the ones we are adding. What we need is to reassess these programs and coordinate our efforts and our dollars.

The provisions included in this crime bill repeat the same vague social programs over and over again. What we have here is the same jobs bill Congress killed last year rising from the grave. Jobula, the social program vampire, sucking the blood out of our economy to feed its fiendish lust for cash.

When we considered the Brady bill, I spoke to my concern that when we began the process of passing gun control legislation that we would be opening a Pandora's box of legislation limiting the rights of gun owners. During debate of the original Senate bill, I strenuously objected to the ban on semiautomatic firearms, and voted against the measure three times. In the end, however, I supported the bill, as did other of my colleagues, for the following reason: I knew we would have additional opportunities to delete the semiautomatic weapons ban while still producing a strong anticrime package. However, I fear that instead of achieving a strong anticrime package we have produced a budget-busting social programs bill which will continue the process of reducing the rights of law-abiding citizens.

Unfortunately, the conference committee which reconciled the House and Senate versions of the crime bill ultimately failed to produce legislation which will have any serious impact on crime. The committee retained the needless semiautomatic firearm ban and added millions of dollars in pork-barrel spending to the bill. Not only will the crime bill infringe on the rights of gun owners, it will also create several new social programs which will increase the Federal deficit by $13 billion.

Mr. President, I appeal to my colleagues instead of the bill before us let us pass a crime bill that will make our streets, our neighborhoods, and our communities safe again.

It is truly a crime against the American people for Congress to masquerade a jobs bill, new social programs, and pork as a crime bill. We have more important needs in this country than make work programs. We need to get tough on crime, and I am sorry that the efforts we made earlier this year to do just that have been wiped out. It is a crime.

I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SODA SPRINGS, ID.

Senator DIRK KEMPTHORNE,
Federal Building,
Pocatello, ID.

Re: Crime Bill.

DEAR SENATOR KEMPTHORNE: The Clinton Crime Bill is another blatant infringement on our Constitutional rights and individual freedom. The Omnibus Crime Bill creates an enormous Federal Police Force with the power to exercise infinite control over the people. A Gestapo, under control of one person who will not hestitate to use it to force his will on the people. I was relieved to see it killed in the House.

Any bill that imposes gun control of any kind is un-Constitutional. There is no doubt that gun control will have little impact on crime as a whole. Outlaw guns so only criminals have guns. If private ownership of guns is the problem, why do states with no anti-gun laws have the least crime? It is because a potential criminal cannot be sure he is the only one with a gun.

The same as with Health Care, a Federal Crime Bill increases the size and scope of federal control over our everyday lives. It will do little to curtail crime, but will give even more un-controlled power to non-elected government officials. All agencies impose rules that are then enforced the same as laws passed by the House and Senate. I.e., The rules the Forest Service tried to slip in unnoticed.

Both President Clinton and her husband are pushing to gain more individual power over every aspect of our daily lives. They want to be the dictators over a socialistic police state. Clinton was elected on the promise of change. The only change we are getting is a rapidly growing federal bureaucracy, increasing taxes and a loss of our rights, at an execrated rate. Do not vote for any program that increases his power and authority, he already has far too much.

Regardless of when it happened, Whitewater is a very important issue. It is more important and has implications more far reaching than watergate even could. To anyone who has been paying attention, the Clinton's are involved in a massive cover-up, which could even involve murder. Were they ordinary citizens, there is no doubt they would be charged and held without bail. Please keep pushing for an investigation into the whole affair. If you really want to do something about crime, that is a good place to start.

Thank you,

JARED P. LOWE.

BLACKFOOT, ID, *August 24, 1994.*

DEAR SENATOR KEMPTHORNE: I am writing to express serious concerns in regard to passage of the Omnibus Crime Bill. As an American citizen and veteran I ask that you consider my opinion, and also that you do your duty to support and defend the Constitution of the United States of America. My primary concern is the gun ban and the greater constitutional issue that surrounds it. I believe that there are elements within our society and without, internationalists and social engineers, who openly and defiantly vow to disarm the American people. Allow me to inject something here that illustrates my point. I watched Senator Diane Feinstein respond to the question "does your assault rifle ban violate the second amendment to the Constitution?" Her response was "SO WHAT!" I am alarmed with the ease that someone sworn by oath to defend and support our Constitution, can show such utter contempt for it. There are millions of Americans who are sickened by such arrogance. Why wasn't this woman censured? This is a law that will surely not prevent the criminal element from obtaining banned guns, any moor than drug laws keep people from getting drugs. It is an unconstitutional INFRINGEMENT upon law abiding Americans. Why should our government act as though it fears its citizens armed? Crime has been used to scare the American people into accepting something most politicians know, will do precious little to solve our problems, but buys votes for them, at too great a cost.

When Charles Manson was 12 years old he killed his first man, he used a knife. During the next few years he killed 29 others by most accounts, all with knives. According to prosecuting attorney Bugliosi Manson boasted to prison officials after begging them to not let him go, "I'll commit a crime so bad you have to lock me up and never let me go." John Wayne Gasey killed 40 he used the knife. James Wood used a knife to rape, molest, terrorize and murder 15 people we know of. My point is simple, gun bans will not solve the crime problem. Americans have had guns for over 200 years, why are they now the scapegoat? Idaho has one of the highest guns per capita of any state, yes we have crime but not to the extent some of those promoting gun control would lead us to believe we should have. The Federal Prisons Board and the FBI claim 90% of the crimes are committed by 10% of the criminals. If the crime bill is to do anything lasting and meaningful it needs to address the problem of overcrowding, plea-bargaining and lenient judges, the problem does not appear to me to be one of apprehension or a lack of sufficient laws, but rather one of detention. Why turn these menaces to society loose because we don't have room for them in the prison system or enough money to keep them locked up. What good is three strikes if we don't have the money or the room?

One more interesting and very important statistic we never seem to hear about is that although in 1993 13,000 murders were committed in the U.S. in that same year it is estimated that approximately 300,000 murders, robberies, rapes and other assaults were prevented by someone with a gun. To disarm the American people leaving only law enforcement, Federal Para-Military Agencies, etc. and the military with guns sounds like a Police State to me. Our Founding Fathers wisely foresaw this danger and we seem to be oblivious to it. Recognizing the natural tendencies of those in power to dominate and control others, a system of checks and balances was devised to keep the real power in the people, one manifestation of this was the recognization that the God given right to defend oneselves and ones property should always be the primary responsibility of the individual. This right is not granted by the 2nd amendment; it is simply reiterated and reaffirmed by it, and wisely so. Again the intent was to guarantee and protect the ability of the people to defend themselves from tyranny, foreign and domestic. Those willing to give up this right and in-trust their liberties to a ruling elite, the United Nations, Nato or some other New World Order entity made up of non-constitutional, non-elected, non-Americans are in my opinion flirting with slavery.

Please, Mr. Kempthorne, I implore you to utilize the full force of your office and calling to do everything humanly and legally possible to kill this flawed and dangerous legislation. I hope that Mr. Gramm, Mr. Wallop, and particularly Mr. Dole and others will lend their full support to defeat this bill. Regardless of their actions I must ask you again because you are my Senator: I am trusting in you to do the right thing no matter what. If necessary, please filibuster this bill.

Thank you,

CHARLES KOTTER.

My name is Ray L. Johnson. I am a retired Chief of Police. I belong to The National Assn. of Retired Chiefs of Police. I am writing this letter to voice my concerns about the (crime bill) that is now being considered in the Senate. Myself and several other retired Chiefs that I have talked with, believe that this bill does nothing to curb crime. It will do nothing for all the small rural cities and towns where 95% of the police work is done. It will fund about 20,000, not 100,000 new police to work in some police departments in big cities, for about two years at most. Then they will be left with the responsibility of funding those officers and in all probability they won't have the funds. The money that is to be spent for new prisons, will be for Federal prisons, not for State run institutions. And does nothing for the over crowding in the state institutions, as the states will be charged about three times what it would cost them to house a prisoner in state institution, as versed to what the cost would be to house the same prisoner in a federal institution. The ban on assault type weapons, and the almost six thousand per cent tax on various types of ammunition. All this will do is stop law-abiding people from owning certain types of weapons. "It will not" stop any criminal from getting, or using these types of weapons in crimes. They will steal them, or smuggle them in from other countries, or make them. As for the ammunition tax. Criminals don't care how big a tax you put on ammunition, why, because they will "steel" what they need. We don't need 30 more do nothing social programs to add to the approximately 240 do nothing programs we have that don't work. If you want to stop crime? First you reform the juvenile justice system. Kids learn at very early age that the juvenile justice system is a joke. Instead of having kids play ping pong, shuffle board, and have social awareness class. Have the centers run like mini boot camps, give them some discipline, selfasteam, and some direction. Next you make it a capital offense for any crime committed with a gun, also for the sale or possession of (1) ounce or more of any class one substance. Instead allowing endless appeals they would get one, and that would be a review. Any death sentence would be carried out within 30 days of the sentencing. Make all sentences fixed without parole. And run the prison like boot camps. Take out all the T.V.s, all the basketball courts. Stop building country clubs and build prison. Give the military the job of stopping illegal smuggling and immigration. Thus allowing for more cops on the streets. This may not stop crime but it will do more than midnight basket ball will.

Sincerely,

RAY L. JOHNSON.

IDAHO FALLS, ID, *August 18, 1994.*

DEAR SENATOR KEMPTHORNE: I am writing to you to express my opposition on some pending legislation. I urge you to vote against the so-called "Crime Bill". My major objections concerns bans on so-called "assault weapons" which includes high capacity magazines, etc. but I also feel other provisions of this legislation are also ill-advised, including federalization of many crimes formerly under the jurisdiction of state and local municipalities. Based on relatively recent US Marshall/FBI/BATF showing in such incidents as the Randy Weaver case in northern Idaho and the Branch Davidian fiasco in Waco, Texas, I do not feel that the country needs any more such "federal law enforcement" incidents. (I do believe and hope that these were unusual incidents atypical of these agencies, but they did occur in the recent past.) I am skeptical of "3 strikes and you're out" legislation which may be passed without further thought to modifying current prison construction requirements to control costs. Here in Bonneville County, a referendum was recently defeated for an $8 million bond for a new county jail facility mainly because the amount seemed exorbitant and the cost would have to be borne by the taxpayers. I have similar reservations about the funding for the "100,000 new police" clauses of the crime bill.

It would appear to me that a better way to combat crime is for the people to regain control of the judicial system in this country.

I also urge honest consideration of the real costs for proposed "national health care" legislation pending. I have not read enough specifics in the newspaper to be aware of many details concerning a proposed health care reform but previous projections concerning costs given by the President seem ridiculously optimistic to me, and it must be remembered that the costs will be passed on to the business or taxpayers in one way or another. I don't say that some of the proposals have no merit, but I do urge that costs for such "reform" be forecast as accurately as possible prior to any vote by the Congress.

Thank you for considering my opinion in these matters.

Very truly yours.

DALE A. JOLLY.

Mr. KEMPTHORNE. Madam President, in January of this year, I went to Mogadishu as a member of the Armed Services Committee. I went to a ship off the shore of Bosnia. On each of those occasions, I met with military personnel, with the young sailors and marines and the soldiers. I just allowed them to ask me any question they wished. Without exception, those young military soldiers said to me, "Don't let them take our guns away." I said, "Well, what do you mean?"

They said, "We mean when we're back home as citizens with our families and our friends, don't let them take our guns from us." And I said, "Why is that a concern of yours?" And they said, "Because we are well aware of the history of those nations that did not have the right to keep and bear arms; that we're in that business to protect nations like that, that can't protect themselves."

And they said, "We took an oath to protect this Constitution." They said, "And you took an oath to protect the Constitution. And included in there is the second amendment rights. So, Senator, please, remember the oath and don't let them take our guns from us."

Any one of us here, if we met those individuals, would be so proud of them because of their service to the Nation and because of what they were saying. They believe it with all their heart.

I can tell you that in the State of Idaho we have a fierce belief in the Constitution of the United States, and I can say that Idahoans would defend that Constitution with our lives if necessary.

Included in that Constitution, of course, are the second amendment rights, the right to keep and bear arms. Now, there has been much said about these assault weapons. Why in the world would you need them for hunting? Why in the world would you need these assault weapons?

In Idaho, there is a great deal of hunting that takes place, a number of great gun collections in the State of Idaho. But do Idahoans, when they are hunting, empty a clip into an animal that they are hunting?

Of course not. When they are hunting for the sake of food, that would be ridiculous because of the destruction it would cause. You do not do that if you are a hunter. You do not do that if you are a sportsman. You do not do that if you are a marksman because you have much greater respect for that weapon than that.

People say, "But the only way to stop this crime, the only way to stop people from using guns which murder people, is you have to ban guns." That is what this is about, is to totally ban guns.

So what examples can we look to? What about this city of Washington, DC? You should know that Washington, DC has the toughest, or one of the toughest, gun control laws of any city in the country, right here in Washington, DC, since 1977. And handguns are prohibited. You can have a rifle, but it has to be registered. Yet, Washington, DC has one of the highest murder rates of any city in the country. Yet, it has the toughest gun control law on the books. It has been there for years.

Between 1980 and 1993, 4,200 homicides were committed in the District of Columbia. Of those 4,200 homicides, which is an appalling figure, 4 were committed with the use of a rifle. It is allowed in the District of Columbia to have a rifle as long as it is registered. Yes.

Other forms were used in bringing about these homicides—fists, clubs, et cetera, but those handguns that were used in these homicides, guess what? They are illegal. It is against the law to have a handgun in Washington, DC. Yet, they use those to commit a murder.

Where is the logic? Can you tell me that banning those handguns would stop those murders from happening? No. You cannot because that is not the fact. The fact is that gun control legislation does not work.

So then I have to conclude, as do many Idahoans, that you do not need gun control. You need crime control. That is what we are trying to craft in this crime bill. So can you tell me the logic then of when we had language in that bill that said if you use a handgun, if you use a gun in the commission of a crime, there are going to be mandatory minimum sentences that are going to be tough—why were they stricken? Why is that language now out? We have the ban in place, but the law that was going to be tough on the use of those guns, if you use them in a crime, are out. It does not make sense.

Madam President, I submit that we are undermining our second amendment rights with this action in this crime bill, with this ban that is in place. And I have to say to all of the country that this will not be the last assault on our second amendment rights. This will be a continuing effort that will be made ultimately to ban guns in America.

There is another right that I want to mention; that is, the right of local law enforcement. That is the prerogative of local government. You do not want that to be nationalized. It should be handled at the local level.

Well, I offered an amendment that just clarified that. The amendment said—and it was made part of the managers' report, it was accepted by this body—it just said that when we provide these funds that will now put what was to be 100,000 police officers on the street—but it is now closer to 20,000—that when we provide the Federal dollars to do that, that is not to become the federalization, or the first steps toward the federalization, of law enforcement. It also made the strong suggestion that we ought to leave the money at home in the first place, because if a mayor or city council or county commissioners need to have more police officers at home, if the money is left there in the first place, they can use it best rather than to have it go through the Federal Government as the middleman because that is expensive.

As you know, in this formula, the first year that you utilize this, if you do acquire some of these Federal funds, the local community has to pay 25 percent. The next year they have to pay 50 percent. The third year they have to pay 75 percent, and the next year 100 percent, until you have the 6 years that has been acquired. The communities do not have those funds.

I would suggest that it will not surprise me that in a couple of years when the cities now say we do not have the funds, that we are about ready to lose these police officers, the Federal Government will say, we have an idea. We will just provide you the money. We will just crank up that old printing press. But of course, you will have to comply with some more of our Federal regulations. These are the steps for the federalization of local law enforcement.

I say this, Madam President, because we need to point out that language which was added, an amendment that I had submitted that was accepted, is gone. It has been stripped out of this bill. It is not there. I do not understand that. I do not understand it.

We have seen different press conferences where victims have been asked to come forward to talk about their situation. I have met some of the parents of those children that were murdered. Some people would try to suggest that if you are not totally in favor of everything in this crime bill, you are insensitive. Do not tell me I am insensitive. When I see those parents, I cannot help but think about the loss of those children, and I cannot help but think about the loss of the future for those children.

I think about Geraldene Underwood, that little girl from Idaho who was murdered by a fellow that has been in and out of prison, because it is a revolving door. Yet we do not want the tough language that says we are going to keep you there, and, if we have to, we are going to build prisons to keep you there.

So please do not tell me I am insensitive, because I do want a crime bill. But I want a tough crime bill.

This crime bill, as has been pointed out, has taken 6 years to get to this point. And it is no wonder because this seems to be how Congress operates. It takes 6 years. It takes years to do anything because you fill it with pork and just strip it of any meaningful language. And then you try, through rhetoric, to say that this is the answer. This is the tough bill.

Well, this is a tough bill. This bill will be tough on the taxpayers of America. This bill will be tough on those that believe with all their might in our second amendment rights, and this will be tough to explain a few years from now when we realize it did not work.

That is why, Madam President, I am prepared and will vote against this bill, because this is not the answer. Much of the answer, unfortunately, was stripped from the bill, and in its place were put dollar signs. It is very unfortunate.

Thank you Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I supported the motion to waive the Budget Act and I would like to state my reasons for doing so.

First, in many ways I believe that this legislation represents a victory, not a defeat, for principles that have been set forth by Members of my own party. It does provide funds for prisons and for law enforcement. In many ways, the administration and the majority party in Congress have adopted provisions and principles that have been expressed by Republicans for a long period of time. My own view is that in such circumstances Members of my party should claim victory, not defeat.

But I believe that it is very unlikely that any crime bill that can be passed by Congress is going to end up curing the problem of crime. I really do not believe that there is any legislation, however tough, that is going to end the crime problem in America.

I am all for hiring more policemen. I am all for building prisons. I am all for having tough law enforcement and tough laws. And insofar as this legislation provided for that, I think that is fine. But law enforcement itself is not going to make for a lawful society. I wish that it would. I wish that we in government could just snap our fingers and everything would be fine.

We could have prisons that are doubled in size every decade, and we are not going to have a safe society in America. We can have policemen on every corner, and we are not going to have a safe society in America, because much of the problem that we have in this country is with young people. Most people who are in our prisons are under the age of 21. It is amazing. But you call up prison officials and ask the median age of inmates, and the median age will be 21, 22 years old.

Crime oftentimes—most of the time—is the business of young men. And I wish it were the case that young men were going to modify their behavior because they were afraid of the policemen. But I do not think that the basic problem is a law enforcement problem. I think the basic problem is the fundamental breakdown of values in the society, and a breakdown of the family. How is a policeman going to supplant an absent father? If parents do not care what happens to their kids, how is any prison space going to take care of that? If children are released out of school at 3 o'clock in the afternoon, if they have gone to school in the first place, and there are no parents at home, if there is no father to control a son, law enforcement is not going to do the job, no matter how good law enforcement is.

So I support good law enforcement, but I believe that the problem is more deeply rooted in our society than a lack of good law enforcement. I think it is lack of families. I think it is a breakdown of basic institutions in our society. I think it is a weakening of the role of the church. And I think it is kids that are just allowed to run loose.

So what I liked most in this legislation was the prevention. What I liked most in this legislation was that which was so casually labeled pork. I am not saying that all the spending in this legislation was great. It was not, I am sure. However, there is at least a recognition that we have to pay attention to kids. The parents are not going to do it, and I do not know any way of making parents do it. Let us try to figure out some sort of semi-adequate surrogate for families. That was the community school provision in this legislation, to keep schools open, to keep school buildings open 24 hours a day, 365 days a year. I think that is a great idea, because in some of our communities, especially the inner cities, there are precious few resources in those communities outside of the school building. And in some of our communities—I am thinking, for example, of Kansas City, MO, which has been under a court order—the school buildings are just terrific. Why not use them?

A lot of people have taken the floor and belittled midnight basketball. What is wrong with basketball for kids? Why should kids not be using the gyms in school buildings? Why shut the schools down at 3 o'clock and send the kids out on the streets? So I thought that the prevention aspect of this legislation was important—not to say that it was perfect. I am sure any time you try anything, even prevention programs, some of them are going to be successes and some are going to be failures. But I think that the emphasis on prevention was correct in this legislation.

Another reason I supported it was exactly what has been attacked by the previous few speakers, and that is the assault weapons ban. Again, I do not believe that passing the law is going to make everything right. I know that. I know that we are not going to pass a law and suddenly recapture every gun that is loose in society. Of course, we are not going to do that. But I think the time has come for a degree of seriousness in this country. The wheels have come off. What do I mean by the wheels coming off? I mean an 11-year-old boy in St. Louis, MO, who carries an assault weapon on a school bus.

So I think we should ban assault weapons. I think it is the right thing to do.

(Mr. FEINGOLD assumed the chair.)

Mr. DANFORTH. Mr. President, I want to talk about politics, because a number of people in the media have asked me how did I feel about my vote; how did I feel about being one of a handful of Republicans; how have I felt about this last week. The answer is: Lousy, just terrible. Why is that? Because the Senate is a club, in a way, and we all know each other. We talk to each other; we get along with each other; we break bread together on a daily basis. The people who serve with us in the Senate over a period of years become our friends. And those of us who are in politics have a sense of loyalty and belief in our political parties, and it is a serious matter.

For 26 years, I have been in elected politics. I never thought it would be that long when I got into it. I have been a Republican, and I am proud to be a Republican. So how do I feel about voting against my leader? Lousy. How do I feel about voting against a majority of my own party? Lousy. I do not enjoy that. But I thought that this bill was right.

I also believe that the issue as it was presented by many of my colleagues in my party was just not right, because they said that this is a matter of defining the fundamental difference between a Republican and a Democrat.

Mr. President, that is not this issue. Surely, it is not this issue. Surely, the fundamental issue that defines the difference between a Republican and a Democrat cannot be this crime bill. There are plenty of issues that define the difference between us on this side of the aisle and President Clinton.

It is as easy as falling off a log. We do not have to strain for points of difference. President Clinton found them for us last year with his economic program. We believed it was more taxes and more spending. We thought that it was fundamentally bad economics. That brought all Republicans together. We had no problem in uniting against his tax program and against his stimulus package, no problem at all.

Do we have a difference within our party on health care? Yes. We have several bills that have been offered by Republicans, but they are not that far apart, and they are certainly a long way from the Clinton health care program. We do not have the heavy Government hand, the massive approach to health care, the extremism.

President Clinton has made it easy for us to define ourselves. I did not think that was going to be the case. He was supposed to be the centrist President to run as a centrist. Some centrist. He has found the left. That is fine, but that helps us define ourselves as a political party.

There is national defense and all kinds of things. But a crime bill, this a crime bill? Not in the mind of this Senator.

I do not think, Mr. President, that the business of trying to define the differences between Republicans and Democrats or between Republicans in the Senate and the Democratic President means that on each and every issue we have to take to the trenches. It is simple to define the defining issues, but that does not mean that everything has to be trench warfare. It does not mean that we have to fight everything, that we have to defeat everything, that we have to go to battle on every single cause. I do not think so.

So, no, I did not enjoy it, believe me. This has been a tough week for this Senator. I will be glad when the weekend comes. I am going to go fishing.

But it does not have anything to do with the difference between Republicans and Democrats, at least in my mind. I think that we have to try to figure out some ways to function as a country and find some sort of bipartisan consensus on something or other. I mean, it just is not true that the whole fate of America depends on slugging it out day to day in partisan warfare between Republicans and Democrats on each and every issue. That is an exaggeration. It is not each and every issue. It just seems that way.

One of the great things I have experienced in this so-called mainstream coalition effort on health care is that for weeks Democrats and Republicans who have occupied somewhere on the center of the political spectrum have met together virtually every day usually for hours every day in a spirit of collegiality to seek the common ground on one of the most complex issues, maybe the most complex issue ever to face our Government, and that is health care. There are opportunities to work together. I think we should seek them.

It certainly was not my idea, when I entered into public life 26 years ago, that everything, everything, had to be a knock-down, drag-out fight.

So one of the thoughts that was in my mind was if there is some area where it resonates with me I should try to be someone who at least sought some common points across the aisle.

The bill that is before us is not perfect. It is a compromise. That is the legislative process. And that is the reason I think we are here to legislate. This compromise happens to have a number of Republican ideas in it, and I think the bill should be passed.

The point of order on the budget would have resulted, I think, in the death of yet another crime bill, and I could not support that.

For those reasons, Mr. President, I voted to waive the Budget Act.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I might, in opening, say to the Senator from Missouri that the comments made by the President of the United States after the initial defeat of the crime bill rule in the House of Representatives and indeed the statements made by the majority leader on the floor of the Senate today hardly encompassed anything in terms of collegiality or bipartisanship. So I might just state that for the RECORD.

I would like to start, Mr. President, by first of all acknowledging that the votes are cast here. The die has been cast. No one is going to change any votes. We are now going to vote to bring cloture to this issue and resolve it once and for all. The crime bill will be passed. There is not any question about that. That decision was made when the point of order was not sustained about an hour or so ago. I regret that very much.

I do not know what the American people think as they watch the debate here among us. They hear it is a tough crime bill. It is a weak crime bill. It is pork. It is not pork. Senators of excellent reputation say exactly the opposite. Someone must surely be wrong.

So I do not know what the American people think, frankly, of how we conduct our business, although I think I can get a pretty good idea based on the letters, correspondence, and polls that I have seen. I think they are frustrated with us, with good reason. I think they are angry with us, with good reason, because we cannot seem, it seems to me, to at least stand up here on principle often enough to make anything happen. We are always looking for some way to adjust and compromise and wheel and deal, to take something that was once good and weaken it in the name of bipartisanship or something else.

If it is good, I do not care which party it is or how many people are involved or who they are. If it is good, let us pass it. If it is not good, then bipartisanship or collegiality is irrelevant. We should stand for principle and let the chips fall where they may.

That is what it is all about. That is what it was all about with our Founding Fathers when they wrote the Constitution when they set up this Republic. I have said before on the floor of this Senate there were one-third of the people who fought the Revolutionary War. There were one-third of the people who stayed with the king, and one-third of the people who played on both sides to try to get the best deal they could.

It is the same today. It has not changed a bit. It is exactly how it was 215 years ago.

But the situation stands now that we have not sustained this point of order; therefore, we now are not going to have the opportunity to amend this crime bill, and when I say "amend this crime bill" I am basically taking some liberty because all we are trying to do is get some of the provisions back in this crime bill that we passed several weeks ago on the floor of the Senate.

We passed it, and it was a tough crime bill when it passed. But despite all the rhetoric and all of the things you have been hearing for the last 3.5 days, I tell you "Folks, it hain't as tough as it was when it left here—no way." And not only that, it is weaker, very much weaker than it was when it left here.

Now, I heard all these statements about how it is not weaker and it is stronger and tougher, and all that. I hear some of my colleagues say, "But we are now going to send to the President a crime bill that is what everybody wants." They wanted a crime bill, good or bad. We have to give the President a crime bill. That is what he wants. Never mind the fact that it raises the national debt, that it does a lot of social welfare spending and it has nothing to do with crime. Never mind the fact that it weakened many of the provisions that we tried to put in the law as it left the Senate. Never mind all that. But we have to have a crime bill. It does not matter whether it helps the police or whether the police want it. It does not matter whether it helps the American people. But the Senate has to pass a crime bill. The House has to pass a crime bill. It has to go to the President. He has to sign it.

So that happened. That is what is going to happen very shortly. And the President will get his wish and he will get his bill and he will sign it.

Take a look at in the next 3 or 4 years and just see how much crime goes down in America as a result of this monumental piece of legislation which we have now passed.

I have heard all the rhetoric. Let me just give you a few facts.

When we sent this crime bill out of the Senate, it had a provision in there to deny benefits to illegal aliens—illegal aliens getting benefits from the taxpayers of America. It was dropped. It is out. That is a fact.

Benefits to criminals—this tough crime bill—dropped. We are going to have benefits now. Benefits for criminals stay. We tried to take it out. Back. This tough crime bill has that in there.

Handguns in schools. We had a provision in our bill which dealt with that matter in a very straightforward and tough way that would make it pretty sure that students would have to think twice before they brought a handgun to school. Dropped. It is out. This tough crime bill that you have been hearing about on the other side and that has been praised. Dropped.

I ask the American people how they feel about that. Would you like to have a provision that stops a kid from bringing a handgun to school; especially since I have three kids in school? Dropped. It is gone.

How about prisoners working? We had a provision in our bill that said they ought to work. It was dropped. It is out. This tough crime bill took it out. That is a real tough. Oh, the people of the United States of America would be opposed to any of those provisions I just mentioned, not to mention three or four others that are weakening provisions in this crime bill. Every one of them—I am not going to read them all, but some are there.

Death penalty for drug kingpins. Weakened. Anybody opposed to that? The people in the Senate are. They wanted it in this crime bill. They wanted to weaken it.

We did all we could do on this side. All we wanted to do, why we wanted this point of order, was to be able to amend this bill to put those provisions back in. That is all we wanted. We did not need to have it passed, necessarily. We wanted to have the opportunity to have this passed, to vote to put these provisions back, because these provisions were in the bill and they were passed by a majority in this body. That is all we were asking. We were denied the opportunity to do it.

Death penalty for the attempted assassination of the President of the United States. We had it in the bill. Dropped. Dropped. Out.

I could go on and on and on.

The Dole-Hatch provision on gangs. Dropped. Serious juvenile drug offenses; armed career criminals. Dropped. Additional prosecutors for gang prosecution. Dropped. Gone. Tough crime bill, is it not? Terrorist Alien Removal Act. Dropped. Gone. Out. Material support for terrorism. Weakened. Enhanced penalties for terrorism. Dropped. Prisons, truth-in-sentencing incentives grants. Weakened. Prison construction operation. Dropped. The primary purpose of the grants, prison construction operation, that is what we had. Dropped.

On and on and on. I am not going to read them all.

So when you hear that we passed a tough crime bill, it is not true. Period. We had a tough crime bill. We passed it and we sent it to the House. They weakened it and they weakened it further in the conference and they sent it back here and here is what we have.

And all we wanted to do—and Senator DOLE fought hard, very hard, for the past several days and weeks simply to give us that opportunity, and he was denied it. That is a fact. And Senator DOLE deserves a lot of credit, a lot of credit, for what he attempted to do. He should have succeeded. He would have, had it not been for a few votes that were changed.

But we all are accountable for our actions. The American people know where the votes were. They know what is in this bill. And they know what was in it before it left the Senate. They know. They know.

As Senator DOLE said today in his remarks—you could just feel his frustration, and I do not blame him—maybe what we need around here are a few more Republican Senators. And I will tell you, I do not normally make partisan remarks on the floor of the Senate, but I will tell that statement is absolutely right. Do you want to change America? Do you want to get a tough crime bill? Let us get a few more Republican Senators here, or at least folks on the other side of the aisle who want to get tough on crime.

It has taken us 6 years to get this weak bill, because the folks on the other side did not want a tough bill for the past 6 years. That is why we have not had a tough bill and that is why we do not have one now. That is a fact.

There has been a lot of talk about the pork in this bill. I heard Senator BUMPERS on the floor today talking about midnight basketball and how important it is to Little Rock. My response to my colleague is: I think that is wonderful. I hope the people in Little Rock will set up 25 basketball leagues and maybe some football and soccer, maybe handball, I could care less. But pay for it yourselves. Do not ask the taxpayers of America who want a tough crime bill to pay for midnight basketball in Little Rock or anyplace else. It is not right. They do not want that. They want those tough provisions that I just outlined here that were weakened. That is what they wanted; $625 million for a model intensive grant program; $1.6 billion for the Local Partnership Act.

Senator DANFORTH just said a few moments ago on the floor that he was against the stimulus package, and he stayed with us on the stimulus package. The point is, the $1.6 billion for the Local Partnership Act is right out of the stimulus package; right smack out of it. There is nothing new here.

When we were talking about it in those days, it was a stimulus package. That is what the Local Partnership Act was supposed to be.

This Local Partnership Act was born in 1992 when Congressman JOHN CONYERS of Detroit, MI, introduced a bill to spend $5.4 billion on local governments in 1992 and 1993. The bill was dressed up and slimmed down and later reduced to about $3 billion. And in both bills, congressional findings concluded that the United States was in a recession. It said, in the midst of a recession, they need these local services.

Well, we are not in a recession now, most people would say, so now we are going to call it crime prevention. It is not a stimulus; it is not economic any more, Now it is crime. The same thing. It is the same language; exactly the same.

So, now the only difference is the stimulus package wears a badge. It is a cop now. It is a policeman now. It is crime now.

It is the same language, same money, same locations, same recipients, just wears a badge and carries a baton. Same old stimulus and same old formula—the U.S. Congress taking your money as if we are taking it out of the air and sending it down to some district someplace, some locality, telling them what to do, how to spend it, so they can spend it on midnight basketball or something else.

They claim that is tough on crime. That is a crime, just to call it tough on crime, as the Wall Street Journal said.

Mr. President, this bill is absolutely loaded with pork.

Now, everybody that has taken the floor in defense of this, they say, "Oh, these are worthwhile programs. They are so wonderful."

Many of them are. As I said, I would like to see the midnight basketball programs happen and if the local people want to pay for it, good. But should the U.S. Congress do it in its tough crime bill? Not hardly.

There is so much pork in this bill that it defies even talking about it. It has been outlined a thousand times on the floor of the Senate, and I am not going to go through it again.

But we know that we have increased this bill. We have put money in here in the name of crime prevention. And it is a huge amount of money. It is in the billions of dollars and everybody knows it, and it is not crime prevention.

We are talking about prison construction. We had $13 billion in the Senate bill. That is what passed. In this bill, we have $7.9 and everybody thinks that is pretty nice. We have $7.9 billion to build prisons. Yes, we do. But do you know what, there is a loophole in it. They do not have to build prisons. They can build prisons but they do not have to build prisons.

Here is what is going to happen. They are going to probably rent some apartments, maybe some buildings somewhere, and try to figure out how they can get a prisoner out of jail for a weekend pass or work release or something, some way they can get him out so he does not have to serve in prison. He will be in the apartment. They can do that under this bill and call it prison, as long as he is still a prisoner. They can do that.

There are all kinds of alternatives to free up prison space. Anything they can do to free up space, that is what it says. It does not say they have to build prisons. It says they have to free up prison space. OK, we can do it that way. We can house them in a halfway house. There are all kinds of provisions here. We can have a number of halfway houses built with the $6.9 billion to deal with drugs and other problems. They are not necessarily prisons. We will see how many prisons are built out of the $6.9 billion and we will see where they are built. It will be interesting to see where they are built, too.

There are a couple of other things I want to talk about. One that was very close to me was one on alien terrorists. Senator SIMPSON had a provision that passed this Senate overwhelmingly, and it was dropped in this conference. It was dropped from this bill. It provided for the expedited deportation of nonresident criminal aliens convicted of violent felonies upon completion of their prison sentence.

If you had a violent felon who is an alien who commits a crime and serves his time, the Simpson amendment would have said: Let us get him out of here; send him back home; we do not want to spend another nickel on him. That is what it would have done. It would allow the Federal judges to enter these deportation orders at the time of sentencing, so once the sentence is served the criminal is out, gone. What happened? They dropped it. We ought to protect these people, right? That is a good, tough crime bill, to protect somebody who is trying to blow up a building in the United States, or commits murder of a U.S. citizen, somebody who is an alien. But for goodness sake, let us not deport him after he completes his prison term. Let us try to keep him here a little longer. Maybe he can beat the system, get out, still be an illegal alien, and commit another crime so we can lock him up again and pay for him again. We wanted an amendment to put that language back in there so we can deport him. It is gone; we cannot do it.

I had one, as well, on alien terrorists, an amendment that passed the Senate overwhelmingly. It may have been unanimously, I am not certain, but I know it was overwhelmingly. This amendment would have created a new procedure under which the Justice Department could use classified information related to national security to secure the deportation of terrorist aliens. Under current law, such classified material cannot be used—believe it or not—cannot be used to establish the deportability of such terrorists. You cannot use it. So if you know somebody is a terrorist, if you know somebody has the capability of committing a crime like the World Trade Center explosion in New York—you know they are going to do it, you know they have the capability to do it—they have not done it yet. The FBI has the information. So they come and say: Let us deport him. "No, we cannot do that. We have to wait until they blow up the building. After they blow up the building, after we try them, after they serve their time, and after they fool around with the judge a little bit and see if they can beat the system, then we can deport them."

My amendment called for the establishment of a new court comprised of sitting Federal judges to be designated by the Chief Justice, and this special court was modeled on the special court created by the Foreign Intelligence Surveillance Act. This amendment would have relied on the existing statutory definition of a terrorist. It was based on comprehensive legislation that was formulated in the Reagan years, and into the Bush administration as well, in the wake of that World Trade Center bombing, which was committed by terrorist aliens.

I believe this amendment represented a particularly urgent and necessary revision of the law. And so did the Senate, overwhelmingly. That language is taken out. Gone. Taken out. Tough crime bill.

So when I hear all this talk about how tough the crime bill is, it does not do much for this Senator.

There is another one, mandatory restitution to victims of violent crimes. The Senate bill provided for mandatory restitution in Federal court to victims of violent crime. There is not much in here for victims. We have a lot in here to help those poor people who had such difficult childhoods and have all these social problems, who committed these crimes. We are going to give them a lot of help. But there is not too much for the victims.

The conference report, although providing for mandatory restitution to women victims and victims of child molestation, fails to include the broader victims' rights reform that Senator NICKLES was trying to accomplish. It did strengthen some of it, but not enough. So all we wanted, again, was the opportunity to vote; just to offer an amendment to put back what the Senate wanted in in the first place. No, we cannot do it.

You are going to hear and you have heard about this alleged deal here that was offered by the majority side, saying we could have our amendments. The amendments dealt with only budgetary matters. They did not deal with the crime-fighting amendments. Why not? Because they knew that they would pass, because they passed when they left the Senate. They passed in the Senate before, and they knew they would pass again and they did not want it. The liberals in this body did not want it to pass and they knew when they voted for it, when it left the Senate, that it would not pass. They knew it would be taken out in conference or in the House. They knew it all along, and the game plan all along was to do exactly what they did, and they won by two votes on the floor of the Senate today. They won. Two votes.

You think your vote does not count? Two votes would have changed it, and we would have had the opportunity to amend. And those amendments would have passed, every one I mentioned would have passed and would have become law, and the President would have signed the bill. They knew it. That is why the fight was so bitter. It was so bitter on this point of order.

Mr. President, I could go on and on on this. I am not going to. The 100,000 cops issue, which is not 100,000 cops. Everybody knows it. The local communities are picking up at least 80,000, in essence 80,000 of those police officers, by picking up a larger percentage of the costs than we are being told. It is not 100,000 policemen, at least not paid for by the Federal Government.

I do not know why we do not listen to the people who are out there who work in law enforcement. What do they say about it? What do they say will work? The Law Enforcement Alliance of America, which is the Nation's largest coalition of law enforcement, crime victims, and concerned citizens dedicated to making America safer—here is what they say. Here is what they wanted in this bill.

Increase the prison inmate capacity. We did not do it. No guarantees—we might. If those Good Samaritans out there who are going to watch these moneys and see where they go—if they decide, whoever they are, to build these prisons, we will get about 6.9 billion dollars' worth of prisons built. But that is not going to happen. We are going to see halfway houses; we will see little rooms where people can be housed so they do not have to go back to jail and serve in those horrible places. That is what they wanted.

Increase the prison capacity. Do you know what they said? Hire the requisite personnel to operate them. Eliminate the luxuries inside so life in prison is a heck of a lot less attractive than it is now. That is what they said. We did not listen to them.

There is a second point they make. Ban from prisons all weight lifting equipment, martial arts, boxing, and hand-to-hand fighting training used to disarm and kill 20 to 25 percent of all police officers killed in the line of duty. Replace that with calisthenics and reading and writing and basic arithmetic: Job skills. We did not do that.

Federal legislation they would like to see: To provide for the authorization for qualified police officers to carry their sidearm throughout the United States, which will increase police presence by over 600,000 officers. They did not do that.

More prosecutors and judges for localities with case backlogs and reduction of plea bargaining in violent crime, truth in sentencing, exclusionary rule reform to provide good-faith exceptions. We did not do that.

Habeas corpus reform to stop endless appeals in capital punishment cases. We did not do that. This is a tough crime bill though, is it not?

There were dozens of law enforcement organizations and agencies opposing this crime bill from all over America.

The Wall Street Journal, as I said, had an editorial a short time ago that said "This bill is a crime." I do not think you can say it much better than that, because it is. It is a crime. This bill is going to take billions of dollars from the taxpayers of America and send them back into communities, spending the money on things that are not anticrime that we ought not to be spending Federal dollars on.

It is not tightening up the tough provisions that we want and the American people want—habeas corpus, exclusionary rule, truth in sentencing, mandates for people who commit crimes with guns, on and on. We are not doing it.

So it is a crime. The Wall Street Journal is absolutely right. The FBI chief—and I think it has already been said on the floor in previous debate—he himself criticized this bill. He criticized it, and he was reined in, it says, in the Washington Times.

He suggested to a newspaper interviewer that mayors and police officers across the country do not like the bill, and then he was "reined in" by the Clinton administration. I bet he was reined in for speaking out. He is only the No. 1 law enforcement person, with the exception of the Attorney General, in the country. So I suppose he should be reined in if he says he does not like the bill that his President is pushing.

He said,

> From a Federal law enforcement point of view, the one great concern I had is for the funding for the 100,000 police officers which comes from downsizing the Federal Government and specifically the FBI and the DEA.

That is what the point is on all of this money for police officers. We are going to downsize the Federal Government and provide these police officers. Who is going to get downsized? You can bet it will not be the bureaucrats in HUD. You can bet on that. It is going to probably be FBI people.

So he has spoken out.

Mr. President, I want to conclude on another item that was in the bill that really is the purpose of my rising today, which is the issue of gun control and the issue of whether or not it is appropriate to basically ignore the second amendment to the Constitution. And we are ignoring the second amendment to the Constitution. Not only are we ignoring it, we are stepping on it.

I have heard a lot of debate in the last 3 or 4 days about what the Founding Fathers meant about the second amendment. You all know what the second amendment says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Shall not be infringed. That is all it says. I do not know where we get in there that certain types of guns can be banned, waiting periods, all of these things. Where does that come from? How do you get that out of the second amendment?

I can guarantee you that some of our liberal colleagues who have ranted and raved against the second amendment all these years, if it was the first amendment, oh, boy, we would sure be hearing a different tune then.

I have heard all the interpretations of what the Founding Fathers meant. I have heard plenty of it from especially those who supported the Feinstein amendment on the banning of so-called assault weapons.

Let me quote you what the Founding Fathers said. No exaggeration, no focus on my words, their words, period.

Thomas Jefferson:

> No free man shall ever be debarred the use of arms.

So do not anybody try to tell me what he meant. Maybe somebody else's interpretation of what he meant. You heard what he said.

How about John Adams?

> Arms in the hands of citizens may be used at individual discretion * * * in private self-defense.

That is pretty clear. It does not talk anything about hunting or sport. He is talking about self-defense. That is what the second amendment is there for.

James Madison, fairly well known, helped write the Constitution:

> [The Constitution preserves] the advantage of being armed which Americans possess over the people of almost every other nation * * * [where] the governments are afraid to trust the people with arms.

James Madison.

Thomas Payne:

> * * * arms discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property * * * Horrid mischief would ensue were [the law abiding] citizens deprived of the use of them.

Anything in there about gun control or registration or waiting periods or banning any particular type of weapon? Not that I can find.

Jefferson again:

> Laws that forbid the carrying of arms * * * disarm only those who are neither inclined nor determined to commit crimes * * * Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

Thomas Jefferson.

Richard Henry Lee:

> A militia, when properly formed, are in fact the people themselves * * * and include all men capable of bearing arms * * * To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike * * * how to use them.

Sam Adams:

> The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms.

Finally, George Mason:

> I ask, sir, what is the militia? It is the whole people * * * To disarm the people is the best and most effectual way to enslave them * * *

They are all pretty clear to me. I am hearing the most unbelievably wild interpretations of what these men meant. You can tell what they meant because the second amendment is as clear and as concise as any amendment or any language in the Constitution of the United States. There is no doubt about what they meant.

And it is absolutely incredible to me that anybody could believe that banning anything is going to stop the criminal from getting it. We have the toughest gun control law in the world in this city, and when you get home tonight and turn on your radio or pick up the newspaper in the morning, there will be a couple more people murdered with a gun. It happens every day here. You all know that.

So what is the point? Where is this working? Where is the proof here? You are going to deny the private citizen the liberty that he has under this Constitution: The right to keep and bear arms. I hear all this stuff about we cannot use semiautomatic weapons for hunting. I do not want anybody to use a semiautomatic to kill somebody. Who in the world would want that? And very few people do.

So for that, one-half of 1 percent or less, we are going to deny everybody, all the honest law-abiding citizens.

In the Police Magazine in June 1994, there was an editorial written by Dan Burger, who is the editor. I want to quote from that:

> The violent crime problem goes beyond guns. It is deep rooted in our culture. Numerous indicators in our society demonstrate that violence has become an acceptable, even fashionable way, to resolve conflict and solve problems. Innovative methods to address the problem of violent crime need to be pursued. The arguments about gun control need to be separated from crime control so that it becomes clear that it will take more than gun control to effect change.

Continuing:

> This country does not need to abolish guns in order to control crime. Keeping track of firearms through better registration records may benefit investigations of gun-related crime, but stiffer penalties for gun-related crime will carry the message that solving problems with a gun is unacceptable behavior.

This issue is the kind of issue that sounds wonderful on the surface. A majority of the American people probably think it is a good idea. But it is a false issue. It is not the issue. You are not going to deny somebody the opportunity to get one of those weapons if he or she wishes to use it in the commission of a violent crime.

You cannot trample on the Constitution for the sake of .008 percent of the population who will do something that despicable. We should make certain that that individual never, ever walks the streets of society again.

But we do not have the provisions that are tough enough to do that in this bill. They can get out. They can get out. And they will. And they do. And they commit crimes over and over and over again.

But we have to talk about how difficult their childhood was or what social problems they have, or maybe their parents did not treat them right. That is all we hear.

Put them away. That is what the American people want. I support the death penalty, if they are convicted. But even if you do not, if you want to, leave it to the option of the jury, to give them life, and mean life, not 15 years good behavior, with a color TV and a college education and law books. I am sorry; you sacrifice your right to ever walk the streets of society again when you commit a crime like that.

So what do we do? Instead of doing that so they cannot walk the streets of society again, we go after the innocent, law-abiding citizens who want to have a gun for target practice or even just to sit on the mantel. We have to go after them because they might—because they have one—do it.

It is a typical example of the feel-good, false, phony issue that will not resolve the problems, the same reason it has not resolved them here in Washington, DC, the same reason that, unfortunately, people will be killed, probably this evening, unfortunately, with a gun in a city that bans them.

I read in the paper the other day that a Member of our body, who claims to own one of these weapons, happens to live in Washington, DC. Very interesting.

There was a survey done again in Police Magazine. I do not know how scientific it was, but it was simply a message to their readers. These are police officers. They asked the police officers to respond. Do you support any assault weapons bill that would ban importation and U.S. manufacture of specific semiautomatic assault weapons? Eighty-five percent of the police officers responded and said No.

Does gun ownership by citizens increase public safety? Eighty-five percent said Yes.

Does gun ownership by citizens decrease public safety? Ninety percent said No.

Does gun ownership by citizens negatively affect your job? Ninety percent said No.

Should training or certification of gun owners be required by law? And it was essentially 50-50.

Well, the issue of gun control is again on the forefront. It is in this bill. We were accused as Republicans of wanting to stop the bill only because that was in there, which is not true. Part of it, not true. Many Senators, I am sure, felt that way, including myself. I wanted the language out. However, there were many who wanted the opportunity to vote on other things—to vote on the pork, to vote on toughening the provisions of crime.

I wish that just once this Senate and the Congress could pass a tough crime bill that puts the mandates on the violent criminal, on the commission of Federal crimes, and establishes the guidelines for those who commit crimes that are not Federal crimes to put these people away. Three strikes and you are out. I go for one strike and you are out. You commit a violent crime like this, you are gone. You do not get a second chance.

How many times, if you are in a grocery store, do you let the person who is your cashier steal money from you? Once? If you give them a second chance, you are probably crazy. You are not going to give them a third chance.

We do it all the time. All the time. The killer of Michael Jordan's father, repeat offender. You name them, violent crime after violent crime. Very seldom is it the case where it is the first time. It is the repeat offenders, over and over and over again. And we have not dealt with it in this bill. I do not care what anybody tells you. Read it. We have not done it. It is not tough enough. Put them away. That is what the American people want you to do. And we did not do it. We did not even have the opportunity to strengthen it. That is all we wanted to do.

Mr. President, I think I have made my point, but I would just conclude by saying I think, to be very candid, the American people have been cheated by the actions of this Congress on this bill. It is going to be passed. It is going to be signed with a lot of fanfare. The President is going to have a big ceremony. He will be passing out pens and you should all go to sleep when he signs the bill—you will hear the press conference. You will all go to sleep and you will say, Gosh, all the crime is now going to be eliminated in this country. It is just going to drop down like a thermometer mercury when it drops from 80 degrees to 50 degrees in an hour. It is just going to shoot right down, right?

Are you kidding? Come on. It is not going to happen. This is a pork bill. We have spent billions and billions, trillions since the Great Society on exactly this kind of stuff, and what have we got for it? More crime. More drugs. More problems. More inner city problems. Dumping money at problems like this does not work. Having the Federal Government dictate does not work.

Senator DANFORTH mentioned it a little while ago. We are always looking for somebody else to cast blame—it is the family; it is the break up of the family; if a kid gets in trouble, it is not his fault. I guess I have to have—if those doggone guys down there in the Federal Government would just give us midnight basketball, my kid would not have gotten into drugs.

When are we going to assume our responsibility as citizens? I will tell you something. I travel around my State a lot and I meet a lot of people. We all do in our job. But I will tell you, some of the things that this Congress is doing to the American people—we threw tea into Boston Harbor 200 years ago for a lot less, a lot less. The American people are getting fed up with it. I am getting fed up with it. I hope that 3, 4, 5 years from now, when there are those out here saying what a wonderful deal this crime bill was, when we see that the crime does go up, not down, we see these problems are still there, we will get serious. And I hope it will be long before 5 years, hopefully next year, when we get serious and pass a real tough crime bill.

Thank you, Mr. President. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the vote today left us two short of victory in our effort to win the right to offer amendments to this conference report. That was a very close vote. Many of us worked very hard to put together the needed votes to win that right. But we lost.

I must say that our leader on this side of the aisle, Senator DOLE, exerted a tremendous amount of leadership to try to get the number of votes that were required under our rules to offer a series of amendments to cut out $5 billion of pork-barrel spending that will add to the deficit, to toughen up some of the sentencing and the punishment provisions that are aimed at the violent criminals in our society that would do more to punish those who use guns in the commission of violent crimes, and to strengthen the provisions that would ensure that local jurisdictions would have more money to build prisons. But there will be other opportunities to work on those issues later.

I am reminded of something President Lincoln said, I think it was in his second inaugural address nearing the surrender of the South in the Civil War, that there should be malice toward none and charity for all.

I feel that tonight toward all in the Senate, whether on our side of the aisle or the other side of the aisle, on this issue that came down to such a close vote today. There is no doubt that this problem is going to continue to be a serious problem.

Over the last 30 years, we have seen a dramatic increase in criminal activity in our country but particularly in the commission of violent crimes. Over the last 30 years, the crime rate has gone up 200 percent according to the Bureau of Justice Statistics. At the same time, the rate of violent crime—which the bureau classifies as murder, forcible rape, robbery, and aggravated assault—increased 377 percent. This indicates that the rate for violent crime has increased at almost twice that for the overall crime rate. While all crime has doubled over the last three decades, violent crime has almost quadrupled. The American people are demanding that these violent criminals be locked up. But this conference report fails to do what needs to be done, and I plan to vote against cloture on the conference report. We should kill this bill and start over, in my opinion.

Last month George Will said in a July 14 article that appeared in the Washington Post, and I am going to quote:

> This bill may not be the worst legislation Congress has ever cobbled together from trendy intellectual fads and traditional pork, but it is so bad that sensible Senators and Representatives will vote against it for the right reasons, which include respect for federalism—and for the public's intelligence.

Some of the bill's problems, which were described in the article by George Will as "touchy-feely" solutions to crime, include funding for recreation; creation of new Federal task forces and councils; and arts, crafts, and dance programs.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. President, the American people are looking to their local and State law enforcement officials to protect them from this growing wave of crime and violence. They expect the Federal Government to help with resources and financing to support those in local law enforcement who are on the front lines at the street level—not by creating and funding a new bunch of Federal social programs.

I had the pleasure, Mr. President, last April—as a matter of fact, it was on April 4—of traveling around in the city of Jackson and in Hinds County with the local sheriff, Malcolm McMillin, and talking with him about the problems that are encountered by his office on a day-to-day basis dealing with the criminal element in central Mississippi.

He told me a number of things which helped me to better understand what life is like in the real world of crime and law enforcement. One thing he said that I remember, was that public enemy No. 1 in Jackson, MS, is crack cocaine. I challenge you to find anything in this conference report that does anything effective about that problem that is public enemy No. 1. And it is no different in that place than any other city or town in America.

We have to do more about what is really wrong and what is really happening out there and why we have such a wave of violent crime throughout America.

He also pointed out that what they need is jail space. We hear a lot about new prisons, and that is in this bill. That is important. But he is talking about space to lock somebody up who is a threat at that moment to the people in that town, and there is a shortage of jail space. That may be addressed to some extent with the matching funds here. But if you look at those programs in this conference report, they fall far short of what is needed, a small contribution toward the cost of hiring some policemen for some cities and some States. And I challenge you to conclude that this is going to have much of a benefit throughout the country.

Most Americans understand that the violent street crime is committed by a small percentage of the criminal population on a repeat basis. They also understand that more police power, more prison space, more jail space, and tougher sentencing—not arts, crafts, basketball programs, and a new Federal bureaucracy to manage it—are what is really needed to get the criminals off the streets and into jail where they belong.

Under the guise of fighting crime, this legislation creates a whole new panoply of Federal programs which will bring with them new Federal guidelines, rules, and regulations, and a bigger Federal deficit. This is not the kind of crime fighting assistance that America wants or needs.

Mr. President, the citizens of my State have not asked Congress to attack violent crime by creating more Federal social programs, nor do they see the need for more street crimes to be classified as Federal crimes to be prosecuted by the Department of Justice in Washington in an already crowded Federal judiciary. But like many of its recent predecessors, this crime bill takes that approach. It further expands Federal jurisdiction over criminal matters that properly are the responsibility of State and local governments.

The effects of this trend were discussed by the Chief Justice of the United States, who recently said:

> The continuation of the past decade's trend toward large-scale federalization of the criminal law has the enormous potential of changing the character of the Federal judiciary.

His comments were included in a recent publication of the Federal Judicial Center entitled, "On the Federalization of the Administration of Civil and Criminal Justice." That was published by the Federal Judicial Center in 1994.

The article is written by William Schwarzer and Russell Wheeler. I will not ask that the entire article be printed in the RECORD. But I call attention to it because it very persuasively argues that we are going down the wrong track by continually expanding the responsibilities of the Federal law enforcement and judiciary system at a time when State courts have the primary responsibility, State law enforcement and local law enforcement officials have the primary day-to-day responsibility of apprehending the criminals, bringing them to justice, and seeing that the laws are enforced and that the streets are safe.

Just by making a State crime a Federal crime does not solve our crime problem. The center's report notes that the September 1991 meeting of the Judicial Conference of the United States reaffirmed a long-standing position that Federal prosecutions should be limited to charges that cannot or should not be prosecuted in State courts.

Federalization is not a recent concern, but it is now out of control. Congress cannot solve the crime problem by making State crimes Federal crimes.

The trend in federalization has been accompanied by a rise in the overall volume of criminal filings and appeals in the Federal courts. According to the Federal Judicial Center, from 1980 to 1992, annual criminal case filings per sitting judge increased from 58 to 84 cases, as did the proportion of complex and burdensome drug and fraud cases.

Mr. President, we all recognize that the Constitution gives to Congress the power to determine what should and should not be subject to Federal, civil, and criminal jurisdiction. However, we ought also recognize that this power should be exercised with an awareness of its consequences for law enforcement and the administration of justice. It would serve the public interest if we consider more carefully the views of the Constitution's framers that criminal law and its enforcement in our society is primarily a State responsibility, rather than a Federal responsibility.

While the authority to pay part of the costs to help hire more policemen will help in some areas, it will not be a major benefit across the country.

The expensive package of Federal social programs in this bill will have little, if any, real effect on violent crime.

The American people recognize these programs for what they are—an ineffective response that offers little in the way of real solutions to the problem.

Mr. President, I conclude by saying let us put this conference report in the wastebasket where it belongs, and elect some new Congressmen and Senators in November who will be committed to striking out on a new course, taking a different approach and solving the problems that we really have, and not creating a huge $30-plus billion spending bill and claiming that it is going to solve the problem, which it really is not.

EXHIBIT 1

[From the Washington Post, July 14, 1994]

TOUCHY-FEELY CRIME BILL

Have a care, criminals. Congress's crime bill contains severities such as these:

Regarding "midnight sports leagues," which have done nicely without federal supervision, the government shall make grants to leagues in which "not less than 50 percent of the players" are "residents of federally assisted low-income housing" and which serve neighborhoods or communities whose populations have "not less than two percent" of various characteristics, such as "a high incidence of persons infected with the human immunodeficiency virus."

There shall be an "interagency Task Force to be known as the Ounce of Prevention Council," chaired by the attorney general and including the secretaries of housing and urban development, health and human services, labor, agriculture and interior and the drug czar. It shall spend millions on this and that, including arts, crafts and dance programs.

There shall be "partnerships" between law enforcement agencies and groups providing "child and family services." The partnerships' many functions shall include training police "regarding behavior, psychology, family systems, and community culture and attitudes" that are "relevant to dealing with" children who are or might become violent.

The attorney general shall make grants to organizations dealing with "delinquent and at-risk youth" through programs designed to do many things, including "increase the self-esteem" of such youth. Drug dealers may be led into new lines of work by grants funding "mediation and other conflict resolution methods, treatment, counseling, educational and recreational programs that create alternatives to criminal activity."

And so the crime bill goes, through hundreds of pages and billions of dollars—more than $30 billion over six years. This bill is probably not the worst legislation Congress has ever cobbled together from trendy intellectual fads and traditional pork. But it is so bad that some sensible representatives and senators will vote against it for the right reasons, which include respect for federalism—and for the public's intelligence.

Stephen Moore and the Cato Institute, a libertarian think tank, says that a year after a Republican filibuster stopped the president's $16 billion "stimulus" package, the crime bill is "the largest urban cash program to come through Congress since Richard Nixon invented revenue sharing." But of course it is not just urban cash.

Legislators representing rural areas could not allow such a gravy train to roll through the country-side without strewing cash along the way. Hence there is "Title XXV—Rural Crime." And Washington accepts a new challenge: "Subtitle B—Drug-Free Truck Stops and Safety Rest Areas."

This crime bill is a bipartisan boondoggle because of the cachet that currently accrues to any legislation with an "anti-crime" label. But the bill sprays money most promiscuously at Democratic constituencies, the so-called (by themselves) "caring professions"—social workers, psychologists and others who do the work of therapeutic government.

To help with the grandstanding about "toughness," the bill creates scores of new federal death penalty crimes. But it also still contains (as this is written) the "Racial Justice Act" which is designed to end capital punishment. It would do so by allowing appeals based on statistical showings of racial disparities in capital punishment, appeals that would put immobilizing sand in the gears of the government's prosecutorial machinery.

The "Violence Against Women Act" genuflects at every altar in the feminist church. For example, it funds "gender sensitivity" training for judges. And the federal government is going to matriculate: It is off to college to conduct a "campus sexual assault study," a monument to the feminist fiction that in a world infested with predatory males, women students risk life and limb just walking from dorms to libraries, not to mention the terrors of dating.

The current faith is that the sovereign remedy for what ails the nation is yet another crime bill that further federalizes what properly is a state and local responsibility—keeping people safe. So it is no wonder that few politicians pause to wonder about the wisdom of piling federal punishments on acts already heavily punished by state laws.

This accelerating trend contributes to the collapse of self-government as communities slough of responsibilities, even for hiring police and building prisons, onto a distant federal government. And the suggestion that the federal government can produce safe streets accelerates the evaporation of the federal government's prestige because the result will mock the expectations so improvidently raised.

Supposedly "ambitious" bills like the crime bill actually are acts of legislative laziness, a slothful refusal to think and discriminate concerning federal responsibilities and competencies. The crowning irony is that the crime bill will increase contempt for law—and lawmakers.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Thank you, Mr. President. It will not take long for me to summarize my remarks on the events of the day.

I want to associate myself with my friend from Mississippi. I can remember about 3 years ago or 4 years ago when I first came to this body. There was a big debate on this particular piece of legislation, on a crime bill.

Then the Senator from New Hampshire, Mr. Rudman, came into the cloakroom. He said: You know, I just read an interesting article that says 95 percent of the drug busts in America are done by local police or local sheriffs. And here we are trying to put into a crime bill a whole bunch of money for interdiction in the gulf, and for ATF and for DEA and FBI. Why do we not take some of that money out of there and send it to local police forces, whether it be city, county, or State, for that matter, to their board of crime control and let those folks make the decision on how they want to spend their money to deal with this very, very serious situation? Well, that sounds like a pretty good idea to me. Extra uniform policemen, maybe a new car, maybe some communication equipment. I come out of county government. I know what we do with their money. We buy cars, radios and re-equip our people who are on the front line of crime, and that is our police officers, the people on the beat. That sounds like a pretty good idea to me.

We offered that as an amendment, and do you know what? We got beat right down party line. We see some people sitting around here sort of smiling tonight, but never ceases to amaze me—the new folks on the beat, especially on the scene—the liberal mind, the confidence it puts in big bloated central Government, located on the banks of the Potomac in this 13 square miles of logic-free environment to deal with the problems in Billings, MT. It never ceases to amaze me the confidence they have in that. It is unreal. I see why folks scratched their way over these mountains to the West of us to go on the other side so they can go down the Ohio River; and once they got to the Midwest, I can see why they kept right on going, because probably we can say it is a mindset.

Thirty cents of every dollar we appropriate in these programs that was passed here today, and our welfare programs, get to the people we want to help. So why would the Government bureaucracy not lobby this hard to pass this bill? This is full employment for a bureaucrat. That is what it is. It is to set somebody up and tell them to go down there for $8 or $9 an hour. You can go down and watch them play basketball at midnight. Two kids might show up. But the bureaucrat is going to get paid, and it is going to be your tax dollars. That is who will pay it. That is instead of YMCA's and Boys and Girls Clubs and volunteers that come out of the community. You know what these people are telling us? We want our communities back. Get these people out of our communities, and we can take our communities back. That is what they are telling us. This bill does not do it.

Just think about that. Only 30 cents out of every $1 we appropriate gets to the people we want to help. Since 1965, we have spent $5 trillion. That is the amount of the national debt or will be pretty darned quick—$5 trillion on crime prevention programs. You all heard what my friend from Mississippi said, how the crime rate continues to go. It does not start here, folks; it starts in the neighborhoods. That is where it starts.

This bill just does not do it. When it left here, it was paid for. But basically that was kind of a funny situation. But I think it is a good idea, if they follow through on it, and that was a trust fund to pay for it, without raising taxes when it left here. When it came back, only 57 percent of this bill is paid for. The rest of it goes on your national debt and deficit spending.

Let us talk about the guns end of it. I do not like gun control either. I will tell you this: Some of the guns that you have in your house right now that you think you are very comfortable with, under this language you might not think you are so comfortable. They may be illegal. The old M-1 I carried in the U.S. Marine Corps—there are a lot of them in the private sector—could be classified as an assault weapon. No. one, it is a military type and, No. 2, it is a semiautomatic. Which definition are we going to use whenever we start talking about the kind of firearm you have in your house?

I can remember when they got to talking about revolvers, and I owned one of those. I went home to see if I could find it. That is No. 1. I found it, but I could not find the cylinder because we store the cylinder somewhere else other than in the revolver. I found it the other day, though. If somebody invaded my house, I will probably have to beat the guy to death with it, because I could never get it in a position to use it.

That is not the point here. The forefathers—as quoted from my friend from New Hampshire a while ago, I think when they wrote the Constitution, I do not think they really knew what they wanted. But they knew what they did not want. All of these people were born out of feudal systems, so to speak. Private land ownership was important to them, and personal rights, property rights. And the ability to defend oneself. You know what? If you look at all of the countries of the world that have had gun control, do we not learn anything from history? Let us say that even history that I remember as young as I am—I am 60, and that is young; it sounds younger every day—do we not learn anything from history? Every country or society or nation who has had strict gun control has been run over how many times by the tyranny of war and a tyrannical government. Do we not learn anything?

Folks say it cannot happen today. Folks, you are dead wrong, it can happen today. It can happen today. And we will get to a point in this society when, sad to say—and I hope I am gone—but I think our children may see some very tough times ahead.

The liberal mind is a wonderful thing. When they start talking about we can be cute and politically correct and go to our parties where the Grey Poupon set is and think we have done something for America, do not try to sell that to the people in my State of Montana. Do not try to sell that to the people of very many States around here. I heard the statement the other day even on health care when they said, "We are going to have health care reform whether the American people want it or not." Whenever this body or anybody elected at any level of government, whether a county commissioner or a State representative, Governor, Senator, or a President, thinks that they are smarter and wiser and make better decisions than the people, then we are in big, big political trouble. I do not think they are asking us to take care of them.

The provision of the ban on assault weapons is so broad and so unclear that this is a wonderful field of dreams for lawyers. And they will do very well under this language.

I am not real sure the way it is written whether it would stand constitutional scrutiny or whether it would even stand scrutiny under its definition.

So I will vote against cloture and I will vote against this bill. And I will go home, and I will tell my police chiefs that I was not successful or we were not successful in stopping this thing because I do not have one police chief, not one sheriff, not one county commissioner that says they want this bill.

There was talk about 100,000 cops. I stood over there and listened to that today, the 100,000 cops. And there is no more truth in it than you could fly to the moon in a bucket. I doubt if you could get 20,000. It is on a cost share basis, 75–25 the first year, 50–50 the second year, and 25–75 the third year, and then after that you are on your own. The folks in Texas are going to have to pick up that bill after that.

And then I can see maybe the League of Cities and Towns coming in, and they will say: "Well, we ran out of money after the third year. We need a little help here." And then next year on appropriations I can hear it all now. Here they come. Let us fund these programs, and there is no money in the well. We have already gone to the well too many times.

So, just for the firearms, and because this bill is a terrible hoax on the American people, on the people who really want a strong crime bill—we built a new jail in Yellowstone County when I was elected commissioner, and we just finished it during my term there. I know what we need in detention facilities and how we handle our youth. I know it is important. But nothing in this bill guarantees that there will be one brick laid or one steel door built to hold hardened criminals and keep them away from society, whom they are bent on harming.

So, put it altogether. My vote is "no." I wish it would have been different this afternoon where we could have offered some amendments and made it stronger and made it more like when it left here. I supported it then, but I cannot now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I speak to the Senate this evening with an overwhelming sense of disappointment, disappointment because after years of work on behalf of the great majority of the Members of the Senate we came so close and have fallen so far by reason of the failure of this present bill to meet the requirements of the Budget Act.

We were given an opportunity earlier today to cast a vote which would have permitted Members of this body to remove from this bill some 5 billion dollars' worth of social programs that can properly, in the context of these debates, be called pork and at the same time restore to the bill six significant antiviolence law enforcement amendments which had been adopted either unanimously or by large affirmative votes by the Members of the Senate during our extended debate last year.

The Members of the Senate by a narrow margin refused to avail themselves of that opportunity, preferring to deal with a murky whole rather than to separate it into its constituent parts, allow votes on the weakest and most questionable portions of the bill, and then go forward with what could have been at least a significant contribution to the fight against crime and violence in the United States of America.

Having failed to avail ourselves of that opportunity, however, we are now faced with a bill which will submit to the people of the United States a bill, a large bill, a bill for some $30 billion in spending, a bill submitted to the American people by a Congress which, combined with the actions of its predecessors, is responsible for budget deficits well up into twelve digits for as far in the future as we can possibly see.

But perhaps worse than the raw number, $30 billion, is the fact that it is not directed primarily at the fight against violent crime. Much of it goes to social programs which are the first cousins, perhaps the siblings, of a wide range of hundreds of social programs, spending on which has increased over the course of the last 20 years at a rate remarkably parallel to the rate by which violent crime has increased in the United States.

It would, of course, have been inappropriate to say that that social spending was the cause of the rise in the crime rate, but it certainly accompanied it and has not in the past succeeded in reducing it, nor will the similar social spending in this bill.

So the bill spends too much on programs unrelated to our crime rate, but even that which is related to law enforcement is misspent. The terribly false promise of 100,000 new police officers when the money in this bill will pay barely 20 percent of the cost of such new officers has resulted in rejection from cities from one coast to another saying that if we had all that free money, that 80 percent to spend on new police officers, we already would have done so. We cannot responsibly take a short, declining 3-year subsidy when it will take us that long to train an effective police officer. So much of that money will be either unspent or spent for nonpolice purposes.

Another large chunk of the criminal justice spending is for new incarceration facilities defined so broadly that much of it will not be spent on such facilities and all of it that will be, will be subject to minute controls by the Federal Government, by the Department of Justice, over the way in which our State prisons are operated, the rules under which they are operated, the benefits to inmates which must be provided, in a fashion which I suspect will cause many States simply to reject that so-called gift of Federal money.

At the same time that this measure spends or sets its spending priorities in a mistaken fashion, it omits a wide range of true anticrime measures which were agreed to by the Senate during the course of its debate last year.

What explanation is there, Mr. President, for the failure to include a better, more efficient and quicker system for causing the deportation of criminal illegal aliens immediately upon their release from prison? What explanation there is for that omission has never been made, to the knowledge of this Senator, in this body or the other body because it could not be made. But our vote this afternoon prevents us from voting on that as a separate issue.

Tougher penalties for gun crimes, tougher penalties for crimes relating to drugs and minors is omitted from this bill, though voted for by the Senate, strengthening provisions which cannot be restored by reason of this afternoon's vote and others as well.

A balance which may have had too much spending when it left the Senate but at least had strong law enforcement provisions has now moved overwhelmingly the other way, far too much misdirected spending and far too little in the way of law enforcement itself.

In addition, of course, there are omissions which were omissions at the time of our debate last fall: no reform of the habeas corpus system of endless appeals of criminal convictions, the type of appeals that caused most capital punishment sentences to be dragged out over 8, 10, or 12 years.

I think, in summary, that it may well properly be said that this bill does as much for convicted criminals as it does to them, and far more than it does for the victims and potential victims of those violent criminals.

Far better, Mr. President, that we should defeat this bill and start all over again, in spite of the amount of work that we have done on it, than we congratulate ourselves on the passage of a flawed and ineffective proposal, thus slowing down our own and the President's resolve and dedication to doing it right.

So, Mr. President, to return to my first remark, I must vote against invoking cloture. I must vote against this bill. I do so with sorrow and disappointment. I do so because of a magnificent opportunity—a magnificent opportunity—lost.

Mr. President, I ask unanimous consent to have printed in the RECORD various news clippings pertaining to this subject and a letter to me from the Washington State Council of Police Officers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE
COUNCIL OF POLICE OFFICERS,
Olympia, WA, August 25, 1994.
Hon SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SLADE: The Washington State Council of Police Officers, representing approximately 92 percent of all line officers in the state of Washington, would like Congress to pass a crime bill that can make a difference. We believe, however, that the current proposal before the United States Senate should be improved before final passage and support your efforts to re-open the measure.

As law enforcement officers and taxpayers we would like to see less wasteful spending and tougher provisions against violent criminals. Specifically, we believe you should strip some of the social welfare spending that was added in the House of Representatives and restore the truth in sentencing and expedited deportation of criminal aliens measures that were in the original Senate crime bill. While we fully support effective crime prevention programs, this bill is full of suspicious spending items that may lead to more open-ended spending with no real impact on fighting crime.

As you know, our organization believes that the bill has many positive elements, but on balance, the present proposal has too many negatives to gain our support. We hope that the Senate will work to improve this measure and not pass symbolic election year legislation designed for the newspapers, not the streets. Please stand up to political pressure to pass "any" crime bill.

With a little more work and effort, Congress can create a bill that will make a difference, a bill that will get violent criminals off our streets, and a bill that can help make the people of this state feel safer.

That's our goal, and that's our job. That should be Congress' goal as well.

Please do whatever you can do to improve this crime bill. Thanks again for listening to those on the front line.

Sincere Regards,

JAMES C. MATTHEIS, *President,*
Washington State Council of Police Officers.

[From the Seattle Times, Aug. 11, 1994]

HOW THE CRIME BILL BECAME A FISCAL FELONY

The crime bill has something for everyone—100,000 new cops, new prisons, prevention programs, drug courts, assault-weapon ban. Never mind the budget deficit. The White House and Congress are driven by a more urgent reality: Americans are frightened and angry about crime, and there is an election coming up.

Sen. Slade Gorton is right. A well-intended response to a serious national problem has been turned into a $33 billion budget-buster. Responsible lawmakers should stiffen up and vote "no."

That vote may be politically risky. Voters are demanding that their government do something about crime. Alas, the nation can't agree on a strategy. Some want more police and prisons and a federal three-strikes-you're-out law. Others urge tougher gun controls, early intervention and prevention programs.

Some parts of the bill make sense, especially banning assault weapons. There is no reason to keep manufacturing or importing guns whose only purpose is to kill people. And it's certainly time to begin experimenting with programs that attempt to prevent kids from becoming gangsters.

But how do we do that? And at what cost?

The 100,000 cops are a costly illusion. Spread across the country, they hardly will be noticed—particularly by the crooks. Big-city mayors like Seattle's Norm Rice are reluctant to hire more police officers without knowing how they will keep them on the job when the federal money runs out in just four years.

New schools are a far better investment than new prisons. Yet the bill allocates $10.5 billion for prisons while a piddling $400 million school-construction bill is mired in the congressional logjam.

Most lawmakers now agree that you can't end poverty by throwing money at the problem. But the same legislators are now being asked to shovel $33 billion at crime, with little or no promise of making a dent.

Defeat this bill, use the savings to reduce the deficit, and get back to the drawing boards. Take a separate vote on assault weapons; this is not a costly item. Help states that can't afford to build needed prisons on their own. And invest carefully in innovative crime-prevention programs that are either proven or warrant a controlled test. Done this way, Clinton and the Congress can make a difference at a fraction of the cost.

[From the Seattle Times, Aug. 23, 1994]

SENATE CAN IMPROVE ON FLAWED CRIME BILL

The crime bill that passed the House is a $30 billion reminder that Americans are determined to combat crime on their streets, but are nowhere close to a national consensus as to what will work.

The resulting legislation contains some much-needed reforms, particularly the long-overdue ban on military-style assault weapons. But the price is billions of dollars in new spending, approved with an eye toward electoral safety, not safe streets.

It's up to the Senate to trim away some of the ornamentation and politics and provide a sharper, strategic focus. The original bill was deeply flawed—to expensive and weighted toward federalizing more crimes and building more prisons. There was too little targeting of community policing and other longer-range strategies that each community can customize to its particular needs. That bill failed, sending the White House into a tizzy.

The new version—the result of a genuine bipartisan coalition—drew 46 Republican votes, about the margin of victory. But it still spends too much on prisons and grossly exaggerates the number of new police officers to be put on the streets. The real number is probably closer to 40,000, not the much-touted 100,000.

Beefing up urban police is important, but federal funds are largely wasted if they can't be targeted at those cities most in need. The process of compromise diminishes the targeting.

Washington State presents eloquent testimony to the failure of prisons as a crime-fighting strategy. This state has cracked down on criminals, imposing quicker and longer sentences and building prisons to house them. But who feels safer on the streets?

The lack of a clear anti-crime policy reflects the simple fact that political leaders are no more certain than their constituents on how to curb violent crime."

There is enough smart thinking left in this bill to give the Senate something to work with. Senators, most of whom do not face reelection, should trim down the spending on new lock-ups, and make more crime-prevention money available to local and state officials who can tailor programs to the particular needs of their communities.

Keep the weapons ban, an important step toward getting the most-deadly firepower off the streets and the one public-safety measure that is more effective when done by the federal government than city-by-city or state-by-state. But beware of federalizing serious crimes that can best be deterred by local government.

If the House can agree on a mediocre crime bill, certainly a sedate Senate can agree on a smarter one.

PORK PLUS

(By Ted M. Natt)

President Clinton loves to surround himself with police officers and then stage one of his made-for-television events where he thumps hard for the toughest crime bill ever enacted by Congress.

Well the crime bill that is wired to pass the Congress is so larded with pork and welfare programs dreamed up by goofy liberals that it waddles. The bill has $33 billion in spending in it.

Remember this is supposed to be a crime bill.

So why is there $1.8 billion for local governments to augment existing federal programs such as aid to the homeless, education to prevent crime, jobs programs to prevent crime, and substance abuse treatment to prevent crime? Those sound more like social welfare programs.

Why is there $895 million for "Model intensive grants" for 15 high crime areas chosen by the attorney general for programs that "provide meaningful and lasting alternatives to crime"—whatever that means?

Why is there $40 million to run midnight basketball and other sports leagues? You know what you need to qualify for federally sponsored hoop leagues? Half the players must live in public housing. And communities getting the grants must have two of the following characteristics, high crime rates, high drug use, high dropout rates, high pregnancy rates, high rates of HIV infection or high unemployment.

Why is $50 million for youth violence prevention to design programs that should include "alternatives to school suspension * * * and other innovative projects"?

What is the $279 million for something called Family and Community Endeavor Schools? Its stated purpose is "to improve academic and social development by instituting a collaborative structure that trains and coordinates efforts of (public school) teachers, administrators, social workers, guidance counselors * * *." What the dickens does that mean?

Why is 75 percent of the money for hiring new police officers to be spent completely at the discretion of the Clinton administration? The Justice Department knows where more police officers are needed better than local communities do? Since when? It looks more like pork to be doled out by the president's minions.

One of the best ideas in the bill is a Police Corps. It would trade college education scholarships for four years of police work. While the idea is authorized, not a dime of the $25 million earmarked for it is appropriated. It is an unfulfilled promise.

This crime bill runs to 1,400 pages. It is eight inches thick. Can you see 535 congressmen and senators reading all of it before they vote on it? No Democrats can't wait to vote for it because it has $9 billion in social program spending in it.

They want to be able to go home and tell the voters they struck a blow for cracking down on criminals. They will point to the "three strikes, you're out" life sentence provisions (which apply to 1 percent of all crimes).

They won't point to the Hope in Youth program that provides $20 million to fund "advisory organizations in low income communities . . . (to do) strategic planning and evaluate service programs." Now there is a real crime-busting endeavor for sure.

NO ID CARD

One solution proposed for the flood of illegal immigrants in the United States is to issue each U.S. citizen an employment registry card that would be presented to prospective employers.

People with cards could be safely hired. Those without them could not.

The idea sounds an awful lot like a national ID card that would be linked to a huge computer database containing lots of personal information and allowing the government to track each working citizen's whereabouts.

No thank you. America does not need or want national ID cards.

Besides, illegal immigrants would find ways to buy phony ID cards, just as they are able to purchase phony Social Security and Immigration and Naturalization Service "green cards" today.

In a country of 255 million people, somewhere around 2 million are illegal immigrants. If the way to identify those illegal immigrants is to impose a national ID system on the other 99 percent of the population, then you have the tail wagging the dog.

[From the Valley Daily News, Aug. 25, 1994]

CRIME BILL MAINTAINS 'PORK' TENDENCIES

Aside from the rhetoric and the power brokering surrounding the federal crime bill, there remains an overly fat package of pork that needs considerable trimming.

The bill that is now before the Senate and that passed the House 235–195 on Sunday continues the Democrats' penchant for repetitious social programs, too much federal interference in local law enforcement, and too little emphasis on tough crime-fighting.

Senate Republicans should continue to rail against the bill's social service excesses and fight for tough provisions that will get criminals off the streets.

The bill would authorize $13.45 billion for law enforcement, including an $8.8 billion contribution to a program with the goal of putting 100,000 more police on the streets; $9.85 billion for prisons and $6.9 billion for crime prevention, including drug courts. The balance is nearly 45 percent for law enforcement, almost 33 percent for prisons and 23 percent for crime prevention and drug courts.

However, there are so many Catch 22s in these programs, many local jurisdictions say they will be wary of participating. For example, while the bill authorizes 100,000 new police officers, it only funds about 20,000. Cash-strapped cities and counties would have to cough up the matching grants and many will be reluctant to do so.

There are so many federal strings attached to the bill's crime-fighting components, the state's law enforcement associations of officers, and police chiefs and sheriffs have come out against it.

The bill adds numerous social service programs that duplicate many of the 266 federal programs already on the books that aid at-risk youth, at a cost of nearly $25 billion.

The bill also federalizes numerous crimes that have been and should continue under the purview of local law enforcement. While the bill's funding of prisons was increased from $8.3 billion to $9.7 billion in conference committee, the conference weakened the truth-in-sentencing provisions that would have guaranteed prisoners serve at least 85 percent of their sentences.

It still expands the federal death penalty to about 60 new offenses, a move that would further clog the federal courts.

Senate Republicans should stick to their guns by demanding a shift of emphasis from social services to anti-crime provisions, and less emphasis on federalizing local crime, in exchange for their support. As written, the bill doesn't deserve to pass.

SAME CRIME BILL, NEW DEMAGOGUERY

Some members of Congress are inclined to hold off on health care reform until the current paroxysm of election-year hyperbole has run its course. Any chance they might do the same for the crime bill?

This $30 billion behemoth has now gotten so tangled up in pre-election posturing and the president's political fortunes that its actual merits have taken a back seat to silly rhetorical excess.

To such rock-ribbed conservatives as Sen. Phil Gramm, every penny in the bill spent on pre-emptive social intervention instead of law enforcement is now "pork"—despite the fact that he and like-minded Republicans voted for a variety of crime-prevention provisions in earlier versions of the measure.

Democratic leaders, anxious to chalk up a win for their beleaguered president, are laying it on just as thick. Sen. Joe Biden's paean to the bill is a case in point: "As much as anything I have ever voted on, passage of this legislation will make a difference in the lives of the American people," he said Monday, after the bill cleared the House and landed in his chamber.

"Fewer people will be murdered. Fewer people will be victims. Fewer women will be senselessly beaten. Fewer people criminals." To hear Biden talk, the peaceable kingdom is only a floor vote and a presidential signature away.

Yet the bill in question is still what it's always been. A Christmas tree festooned with shiny, hollow, crowd-pleasing nostrums, some hung by conservatives, others by liberals. Despite the minor redecorating it got in the House, it still makes a grand show of federalizing a long list of felonies that traditionally have been handled in state courts.

It still expands the federal death penalty to nearly 60 new offenses—a move that threatens to overwhelm the federal judiciary. It would still try to micromanage community crime-fighting strategies, imposing absurdly detailed restrictions on billions of federal dollars disbursed to state and local governments.

Not that the states couldn't use some help from Washington, D.C. A well-crafted crime bill, stripped of hero provisions and grandstanding mandates, would indeed be something to brag about. But that would require Republicans and Democrats to agree that the safety of America's streets is far too serious an issue to exploit for partisan advantage. Don't hold your breath.

[From the Federal Way News, Aug. 23, 1994]

TATE, KREIDLER CROSS SWORDS AGAIN OVER REVISED CRIME BILL

(By Christy True)

Congressman Mike Kreidler (D–9th) hailed the passage of a newer, slimmer crime bill Sunday night as a "huge victory for the American people in the fight against crime."

Republican Randy Tate, who is challenging Kreidler for his seat in Congress, said the bill still has too much "social spending" at the expense of law enforcement.

"The best prevention is requiring criminals to actually serve time for crimes they commit." Tate said "The lack of respect for the law is the primary root cause of our crime problem."

The bill, a $30 billion package of police officers, prisons and prevention measures, passed the House 235–195. House Democratic leaders succeeded in winning over more Republican votes after $3 billion worth of the prevention measures were cut.

Last week, a $33 billion crime bill was defeated in a procedural vote before it reached the House floor. Critics said the bill had too many expensive prevention measures.

The revised bill, now headed for another battle in the Senate, passed despite the inclusion of a ban on many types of semi-automatic assault weapons, a controversial provision that caused the gun rights lobby to work hard to defeat it.

Kreidler appeared especially pleased that the assault weapon ban survived.

"Today, the House of Representatives stood up for the American people and against the powerful gun lobby that opposes any sensible restrictions on deadly assault weapons," he said in a press release.

Tate said he would have opposed the ban on assault weapons because gun restrictions do nothing to curb crime.

"The criminals are going to break the gun laws anyway. We need laws that are more strict for those who misuse them," he said.

Kreidler also defended the 23 percent of the bill's funding that remained for prevention programs.

"All the talk about too much prevention and pork is just a smokescreen for the real reason some people oppose this bill—people on both sides of the aisle. And that's the gun lobby," his statement said. "I don't think rape prevention, battered women's shelters, counselors for abused women and children, and more prosecutors and police to go after sex offenders constitute 'pork'."

Tate doesn't have a problem with programs to help battered women and other victims, he said, but they don't belong in a crime bill. Some of the programs also duplicate services already available, he said.

[From the Seattle Times, Aug. 23, 1994]

BILL WON'T DO MUCH TO SOLVE PROBLEMS OF CRIME, EXPERTS SAY

(By Angie Cannon)

WASHINGTON.—For all that Congress and the president are going through to get a crime bill passed, you would almost think it was going to make a big difference in the country's crime problem.

But as the Senate wrestles with the bill this week after House approval over the weekend, experts on crime and prevention say there is more politics than problem-solving in what lawmakers are doing.

"Hiring more cops to solve the crime problem is like hiring more ambulance drivers to cure cancer," said Robert Kahle, co-director of the Urban Safety Program at Wayne State University in Detroit. "It's after the fact."

Expanding from two to 60 the number of federal crimes punishable by death "is largely irrelevant to street crime in American cities" said James Q. Wilson, a UCLA management and public-policy professor who has written several books on crime.

And banning assault weapons "could have an effect on these episode occasions when a gunman goes on a shooting spree on a commuter train," said Marvin Wolfgang a criminology expert at the University of Pennsylvania.

James Fyfe, a criminal-justice professor at Temple University in Philadelphia, said the bottom line is: "I don't think anything the federal government can do will make the streets safer in the short term."

Still, the crime rhetoric continued yesterday as debate began in the Senate, where Judiciary Committee Chairman Joseph Biden, D-Del, said the $30 billion crime bill was just "one step away" from President Clinton's desk.

REPUBLICAN STRATEGY

Republicans, however, were maneuvering to make that a tough step. Sen. Phil Gramm R-Texas, who opposes the assault-weapons ban said he planned to use a Senate procedure that would require the bill's supporters to muster 60 votes.

If he succeeds, that would spell the demise of the package that passed the House on Sunday, 235–195, with the help of 46 Republicans, giving Clinton a much-needed political victory.

Clinton launched a full-court press for another victory by lobbying senators yesterday afternoon, just as he and other top aides did with House members all weekend.

But as the political maneuvering continued, some experts questioned an important aspect of the six-year crime bill—and a key campaign promise of Clinton's spending $8.8 billion to put 100,000 more police officers on the streets.

"The emphasis on more law-enforcement officers in many ways is misdirected," Kahle said.

The presence of extra police officers might reduce the fear of crime, "but to think we will have fewer aggravated assaults is a leap of faith," Kahle said. "Whether it will reduce this amount of crime is questionable."

Crime experts also say they fear that cities will get stuck picking up the tab for the additional police officers once the federal grants run out.

Wilson said the 100,000 officers are to be phased in over five or six years, with half going to cities with less than 100,000 people. "That's politics, but it's not where the crime problem is," he said. "Many cities, like Los Angeles and Detroit, need the officers very much, but we shouldn't expect it to make a big difference. The police component is much less than advertised."

SEMIAUTOMATIC WEAPONS

Another big feature of the crime bill is the banning of 19 types of semiautomatic weapons, but some experts say that won't have much effect on the crime rate either.

Although they applaud banning assault weapons as a step in the right direction, experts point out that very few people are killed annually by them. Instead, most homicides are committed by handguns, experts say.

Experts also criticize the expansion of the federal death penalty to cover nearly 60 crimes, including fatal drive-by shootings, carjacking deaths and major drug trafficking, even when the defendant is not directly linked to any specific death.

"It's so silly," said Fyfe. "Most crimes are state crimes. All the federal government can do is legislate for federal offenses. It is absolutely smoke and mirrors."

Joe McNamara, the former police chief in San Jose, Calif., and Kansas City, said the death-penalty provisions is "the most disastrous" part of the crime bill because it will overburden an already clogged federal judiciary.

"It's pure political demagoguery," said McNamara, a research fellow at Stanford University's Hoover Institution. "This is the final nail in the coffin of the federal courts."

'A FEW HUNDRED PRISONERS'

Experts say the three-strikes-and-you're-out provision also amounts to little. That should require life in prison for three-time felons whose last conviction was for violent or drug-related federal crime. But experts say that will affect "at most, a few hundred prisoners."

Crime experts are most optimistic about a portion of the bill that some Republicans have resisted the most—the $6.9 billion in so-called "pork." That money would provide grants for recreation, education and other programs to steer young people away from crime. It also would create special courts to provide treatment and monitoring of first-time non-violent drug offenders.

"There are some respectable and decent things in there dealing with prevention, and an effort to pay attention to things like domestic violence," said Wolfgang.

But as Wolfgang and others conclude, in essence the crime bill "is a symbolic gesture of Congress, trying to say to the American people that they are concerned about crime."

[From the Journal American, Aug. 24, 1994]

VIEW CRIME BILL WITH SKEPTICISM

City officials are right to be concerned about the amount of help available in the federal crime bill now under review in the U.S. Senate. Don't look for any help in the future.

While the federal legislation would provide money for more cops on the beat, it comes in the form of matching grants. That means cities must put up some of the cost. Worse, the federal portion runs out in five years leaving local taxpayers with the full bill for salaries and benefits forever, or lay the officers off.

As Bellevue city manager Phil Kushlan rightly noted, the federal proposal is not a panacea."

As Kushlan and others have sadly learned, partnerships with the federal government often fall short of expectations. The result often falls on the head, and pocketbooks, of local taxpayers. With a program such as police, the pressure would be to keep them on and slash other city services.

If the program becomes law, city officials could and should investigate the particulars. But any investigation must project the pluses and minuses now—and five years into the future.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pick up on the last phrase of my distinguished colleague from Washington, because I had that in my notes.

We have lost a magnificent opportunity, an opportunity that the American public wanted; an opportunity that the American public called every switchboard in this Senate for the last week and pleaded that we seize this opportunity, Mr. President.

The House voted against this bill and then tried to do some repair work. They eliminated $3 billion. Why could this Chamber not have likewise eliminated $3 billion? That is the problem I have with this bill, and regrettably that is the reason, coupled with its weak provisions on law enforcement, that I will cast a vote against this bill.

There is a silence in this Chamber tonight, for the battle in the Congress this year is over. The battle is over in the Congress, Mr. President, but the battle is not over on the streets of the USA. In the cities, small towns, and rural areas, the battle rages on.

What we have to ask ourselves is: Is this piece of legislation going to help? Regrettably, Mr. President, having missed the opportunity to strengthen those provisions, the very provisions that this Chamber voted on with strong majorities and put in the bill that we sent forward last fall in November—those are the provisions that I and others wish to restore now—we have missed an opportunity. And whether there are parts of this bill which are worthwhile, indeed there are, particularly those portions relating to the Violence Against Women Act, which I strongly support. I strongly support helping the States to build prisons. There are features in this bill that I strongly support. Let us hope that there is some help from this bill. But it is a question mark as to how much.

The two things that trouble America most today—putting aside momentarily the street crime—the two things that concern this country are the increased deficit, and unfunded mandates.

This bill, in a sense, contains an unfunded mandate. We offer in this bill to help put additional police on the streets. Mind you, those are not Federal police officers. Those will be police officers hired by the sheriff's department, hired by the cities. We simply offer to pay a part of their salary in each year. That part coming from this bill, assuming there will be sufficient funds in the trust fund—and that indeed is a question mark—those funds drop off. And if those police officers are to stay, there is an unfunded mandate on that small community, on that sheriff's department, on that city, that has to be picked up through property taxes and local taxes.

We have talked about the additional police. But the paycheck is not following. That is an unfunded mandate.

Unfunded mandates and increased deficit spending are two of the major problems facing this country today. This bill could add as much as $12 billion or $13 billion over its life to the national deficit. We have to answer for that problem.

That is why I feel, while the battle is over today, I predict it will be back, perhaps as early as next year, perhaps as early next year after there has been a trial period for this bill to work or not work. You will receive the calls from those mayors today saying, "Oh, please vote for it," they will be calling next year: "Where is the money? We are broke. Should I hire the 10, the 20 police officers that are offered by this bill and then have to fire them in a year or 2 because the funds are inadequate? I cannot raise taxes locally anymore. I simply do not have the money, Mr. Congress."

Yes, we will be back. Only time will tell.

Mr. President, I have had the privilege—and I say it has been a privilege—to work very closely with leader DOLE, the distinguished Republican leader from Kansas, the minority whip Mr. SIMPSON, the ranking minority member, Mr. HATCH, and many others that have worked actively, worked to try and let the U.S. Senate have a voice in this legislation. That was a challenge. It was a reasonable task. Under the leadership of Senator DOLE, we fought a hard battle.

We have a letter. I had a hand in working up the concept of that letter, along with others. Forty Senators signed it and leader DOLE made the 41st. We stood as brothers and sisters. For 2 days, for 2 days, leader DOLE tried to negotiate what I believe was a very reasonable concept: Let us remove amounts of social spending, perhaps as much as the House removed, the $3 billion-plus, and let us strengthen certain provisions, just those primarily that were voted on by this Chamber last November. We had already decided that issue.

But the offer was rejected and today we fell short of the mark of the necessary votes to let the U.S. Senate leave its imprint on this piece of legislation.

I had the opportunity to consult with those—I say consult—visit, talk through that period of time with the Senator from Rhode Island, the Senator from Missouri, the Senator from Kansas, and others. They are people of integrity, people of courage, people of conviction. They voted their consciences, and each of us from time to time in this Chamber must vote our conscience.

I am hopeful that we have not misled the American public with this piece of legislation; portrayed it as something that is going to come and help, to a great extent, their States, cities, small towns, and urban areas. I hope we have not misled them.

But we have fought the good fight on this side. Never once did this Senator try to participate in any dilatory tactics. Never once did this Senator support the Republican leader with the idea that we are trying to just delay the bill or to kill the bill. That was the most specious of all arguments: Kill the bill.

If the House could invoke some changes in the bill, $3 billion, why could the Senate not do likewise? And the hue and cry, "Well, it has to go back to the House." Of course, it has to go back to the House. And who controls the House? The Democratic Party. Not just by a narrow margin but by a very large margin. The leadership of the House could have taken this bill and accepted it, convinced the colleagues to accept that bill, and then it would become law. It would have become law with the action of both Chambers of the U.S. Congress, as laid down by our Founding Fathers, in two Chambers. Not a unicameral legislature, but two Chambers—for a very specific purpose. Unfortunately the U.S. Senate was barred from fulfilling its role in our legislative process.

Momentarily, there will be a vote on cloture. I am going to vote for cloture even though I am dissatisfied with this bill, and even though I will vote against this bill, because it is clear that we have exhausted every single opportunity left to work our will as a U.S. Senate and I have followed that credo in my Senate career that when you have fought the battle and the battle is over, let the Senate go on with its business. But I shall, with a very heavy heart and a very sad heart, cast a vote against this bill because I think we have failed to seize an opportunity, failed to have lived up to our responsibility as a body, and we have failed, as of now, to represent our constituents and, indeed, the American people.

Mr. President, crime remains the No. 1 national issue in the United States today. The Senate in its bill, took action to assist the States with some of the problems confronting their local cities and towns.

But the problem confronting the Senate today is that the legislation before us is not the tough law enforcement bill which was adopted by the Senate in November of 1993.

The legislation now before us has been crafted to meet the wants of many organizations but not the needs of our citizens, or in plain words, the bill is loaded with programs which do not have a direct relationship to fighting crime. I have received over 3,500 telephone calls this week to my office from my constituents. The majority of the callers voiced their opposition to this bill.

Mr. President, our cities and towns need the legal tools and personnel to prosecute effectively and to make sentences tougher so convicted criminals cannot avoid serving their sentences.

The legislation before the Senate today is structured more around creating new social programs as opposed to establishing and enforcing new penalties for acts of violence. People need consequences for their acts and to be held accountable for their crimes.

Mr. President, I cannot support legislation which grew in cost at each step of the legislative process. First, the bill passed the Senate at a cost of $22 billion. The House of Representatives considered their own version of the bill at a cost of $28 billion. Then the conference committee of the House and

Senate added spending to reach an incredible figure of $33 billion. No wonder the House of Representatives properly rejected the bill. A bipartisan group of Representatives made a very modest trimming of $3 billion in social programs spending, but failed to restore tough provisions on crime.

The bill was then sent to the U.S. Senate. The Republican Senators made a stand for 2 days to try and further reduce the social programs and toughen the provisions.

Forty Republican Senators then signed a letter, which was my idea, to their Republican leader, Senator BOB DOLE. The letter expressed a unified position in order to achieve changes in the bill. For 2 days leader DOLE tried hard to negotiate constructive changes in this bill. When the time came to vote, the Republicans were not able to attain the votes necessary to make any changes to the crime bill. I believe the Senate missed an opportunity to strengthen this bill.

Mr. President, this legislation as crafted will increase the deficit of this country by another $13 billion if all the programs are fully funded in the legislation.

This brings me to a second vital point concerning the funding of this legislation.

Mr. President, a trust fund was created by the Senate to fund this legislation when the Senate passed its version of the bill. The violent crime reduction trust fund was created to fund the provisions originally passed by the Senate and not all the provisions which are contained in the new conference report pending before the Senate.

The bill passed by the Senate was to be funded for the years 1995, 1996, 1997, and 1998. The bill provided for $22 billion to fund the programs in the legislation. The trust fund was established for 4 years. The new conference report has been expanded to cover 6 years at a cost of $30 billion.

Mr. President, I do not believe this trust fund will ever contain the full funding necessary to provide the resources needed by the numerous programs in the legislation. This legislation could well mislead the States, cities, and towns for the funding may never come.

Mr. President, the Senate should not create more unfunded mandates to the States. If Federal dollars are going to be directed at law enforcement. I support efforts to reduce the cost of this legislation by another $3 to $5 billion. A few of the programs I would like to see eliminated are the Local Partnership Act and the Model Intensive Grants Program.

Mr. President, I support tougher crime legislation than the legislation which is pending before the Senate. I would support the inclusion in the conference report a number of amendments which where originally in the Senate bill but removed during the conference on the legislation.

Mr. President, a tougher crime bill should include stronger truth-in-sentencing provisions, funding for the building of more prisons, tougher mandatory minimum sentences for adults who use firearms during the commission of a violent crime, and tougher sentences for adults who are convicted for selling drugs to minors or using minors to sell illegal drugs.

Mr. President, these are some of the tough provisions which are missing from the bill before the Senate today. My constituents support a crime bill which contains provisions to combat the rising crime rate and not a bill which will spend more money on numerous social programs.

Mr. DURENBERGER. Mr. President, I rise to express my opposition to this crime bill. I hope to sound a small warning to the U.S. Senate about the price that it will pay for this kind of legislation.

I am leaving the Senate at the end of this year and I am reminded that I seem to be leaving at about the same point that I came in. This bill that we vote on today represents the business-as-usual approach to policymaking that got me elected to this body—to try to make a difference—16 years ago. It is the approach to policymaking that made Washington the butt of a national joke about Members of Congress running around the country throwing money at problems, then moving on to the next place, leaving the money and the problems behind.

While we were at it, we competed with one another to spend the money in our own State so that at election time we can show that we brought home the bacon.

In the early years of my time in the Senate, we followed this course on a wide variety of issues. In 1982, we started down this road on anticrime legislation. In 1982, we did an anticrime bill. In 1986, we did a crime bill that spent $1.7 billion. It was an election year. I remember it well. We lost control of the Senate and the Democrats took over.

Two years later, another election year, we did $2.8 billion, but crime kept going on up.

So in 1990, we threw a lot more money at the problem: $8 billion in 1990, another election year. But still, crime went up.

In 1992, we had another election and we had another crime bill. That one was killed by a filibuster, and guess what happened—crime went down. The fact of the matter is we have crime on a slight—and I emphasize slight—downhill trend. Maybe we ought to quit passing crime bills right here and now.

But of course we did not and we will not. Along we came in 1993 and 1994 with the granddaddy of all crime bills. The Senate passed $22 billion and the House passed $27 billion, and the conference committee got together and they compromised at $33 billion. We just could not get enough of the anticrime enthusiasm of an election year.

Earlier this month we ran into a little bump in the road. The House of Representatives inadvertently failed to pass the rule and the American public started to pay attention to what was the crime bill. And the more they found out about it, the madder they got. The phones started ringing off the hook. As if this way of doing business was not maddening enough, the American people also woke up to the fact we were spending money we do not have. Let us face it, even if we were really buying crime protection, which we are not, we are not paying for it. We are buying it with our children's money and their children's money.

Early in my time in the Senate, I had occasion to visit the State of Texas to make a speech. I asked people what is a good joke to tell in Texas, and I was told: Ask them why there were so many heroes at the Alamo. The answer was because there was no back door.

The reality is—and I remember using this as an analogy—the difference between the Congress and the Alamo is there is a back door. And every even-numbered year, a third of the Senate and all of the House troops out the back door, goes home, and tells everybody how great they are and how great they could be if it were not for all the folks back at the Alamo.

Either that story has been told long enough or people have seen enough, but I have to tell you they are not going to stand it any longer. In the 1970's, about the time I was elected, Jimmy Carter took the Nation's mood for a national malaise, he called it. But what it really was, in a phrase made popular in a movie of that time, was a lot of American people leaning out of the windows of their homes, breaking their pencils, and screaming, "I'm mad as hell, and I'm not going to take it anymore."

That mood is back with us today. The feelings of the 1970's and the 1980's have now turned into the cynicism. We see it in low voter turnout, decreasing respect to the point of no respect for the Nation's institutions and leaders, popular candidacies by sloganeering politicians taking advantage of the public's dismay but falling right back into business as usual when they get to Congress. It is eroding our ability to self-govern and increasing the problems it purports to solve.

I have opposed this bill from the start. I was one of only four Senators who voted against it the first time through. So at the risk of saying I told you so, I just want to reiterate why this bill is not a crime bill. And it is not in the best interests of the United States of America.

We have heard a lot of talk here about the pork in this bill. The Republicans want to take out $5 billion, calling it pork. The Democrats defended that pork as good pork. Everyone seems to agree the other $25 billion is lean meat, not fat.

Mr. President, the American people have caught on to the fact that it is all pork, all $30 billion of it. And we all know it. All you have to do is pick up your telephone back in your office. I do not mean just the 2,000 people who have gotten through to me this week to tell me to oppose this bill. I can tell it by the calls I get in support of this bill. The mayors all over the country, chiefs of police, county commissioners—they have been calling for a week. They are not calling me to tell me we need a weapons ban or we need stiffer sentences or we need new Federal crimes. No, what they want is the money.

They want the grants, the pilot programs, the prison construction, the subsidized police force. They are working on "business as usual," just as we are. And they know that when the pork is being sliced in Washington, you have to make yourself heard to ensure you get your slab, so they call and call again. The city and county officials did not tell me they had planned to hire more police anyway but could not afford it. They did not tell me they could not afford to build any more prisons. I do not think they even know whether they can put the money to good use. They just know that they can get some money, and to them any money is better than no money, so they call. And call again.

With all due respect to my colleagues in the Senate, I do not believe we are making an informed decision about how many police officers we need in this country, about how many prisons we need, or how best to prevent crime in our cities. I still do not know if there are 20,000 cops in this bill or 100,000. I have heard debate back and forth.

But, frankly, I am not sure it makes any difference. Whatever the number is, I know it was arrived at in a wholly arbitrary way. It is not related in any way to the need. Do we really think 20,000 is enough? Is 100,000 too many? What if it was 200,000? Would it be twice? Would we be twice as safe?

It is all pork. It is all bringing home the bacon, and it has nothing to do with crime prevention. We will spread the arbitrary number of cops all over the country and the cities will be there to take the money regardless of the need, because to them, it is business as usual as well.

Well, Mr. President, thanks to this way of doing business, we are $4 trillion in debt in this country. It was $800 billion when I got here. It is $4 trillion today, and the debt is going up, not down. This bill piles $30 billion more on top of that mountain of debt. We are already paying $300 billion a year on interest, and that, too, is going up, not down. That mountain of debt was built over the years by those of us in Washington who make every problem a Federal problem and every solution the infusion of Federal money.

Mr. President, crime will not abate after we pass this bill. It never has as a result of a Federal crime bill, and there is no reason to think this barrel of pork is any different. The American people, if they believe the promises of the promoters of this bill, will be further frustrated and turned off by this Government. And future generations will be further weighed down with the cost of our folly. I have not even touched on my objections to the death penalties in this bill, to the load we are putting on an already overburdened Federal court system, or the waste of time and money in the Justice Department pursuing ever more Federal criminal behavior.

Mr. President, this bill is a waste of money through and through. It was a waste last November when 95 of my colleagues supported it. It is a bigger waste today.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. I thank the Chair and wish the President a good evening.

Mr. President, I, too, rise in opposition to the conference report and will be voting against it.

I think as we reflect on what has happened here in the last several days as we have debated the crime bill, we should recognize the realistic differences between us. There are philosophical differences, Mr. President.

I think it is fair to say on our side, for the most part, we are committed to a philosophy of bringing about control of criminal activity through tough sentencing, new prisons, mandatory jail sentences, ensuring that someone who contemplates committing a crime knows in advance what is before him or her.

I think our friends on the other side look at the criminal activity with the idea of how can we bring about corrections through social reform. In other words, what more can government do? What kind of programs can be initiated to address the criminal element?

Both have merit, Mr. President. And time will tell whether the correct course of action prevailed here, as we recognize that, indeed, those who support corrections by social programs have prevailed in this body.

I find it rather curious to reflect on the action in the House where, through a bipartisan effort, with a number of Republicans, they were able to bring about some positive changes in the crime bill. That was worthwhile. We attempted to do that as a minority in the Senate. Unfortunately, that opportunity did not avail itself.

There has been a great deal of conversation here about funding. It is rather interesting to reflect very briefly that when this bill left the Senate, it was about a $22 billion bill. It went over to the House and increased to $27 billion, then up to $33 billion, then came back at $31 billion.

That in itself is significant. We have debated the issue of whether the pork is in reality another way of bringing about reform through responsible social programs or whether it is unnecessary. But in any event, it is something that we should reflect on and my good friend from New Mexico commented on it at some length yesterday in explaining the unfunded difference of about $13 billion.

So I challenge my colleagues on the other side who say this is fiscally responsible. We are expending $13 billion and simply adding it to the deficit of this country. We are already spending some 14 to 15 percent of our total budget on interest on our accumulated debt. This is going to add to that, Mr. President, and that is irresponsible. It is irresponsible of every Member who supports that funding without identifying a source other than adding to the deficit.

I want to commend the Democrats and the leadership. They stuck together. We got beat. We lost six Republicans. It is going to be very hard for this Senator from Alaska to go back and explain to his constituents why we did not stick together, but I respect the rights of each individual. However, I am disappointed because to me, had we prevailed, we would have had a better crime bill. We had something very positive to contribute.

But perhaps the explanation is that we are on different wavelengths. Perhaps those who saw fit to leave the Republican fold were motivated by the philosophical difference that they perhaps do not support strong criminal penalties but rather reform through social programs. That is an honest difference of opinion and, perhaps that is the best explanation the Senator from Alaska is going to have to offer to his constituents.

However, Mr. President, as a lifelong Alaskan and one who has been raised to respect guns, as I respect all dangerous things of any type, whether it be knives or individuals or animals that occasionally come looking for not just politicians but constituents of mine.

As a young boy, I was given a gun by my father, a .22. It was not a semiautomatic. I learned to shoot. Prior to that, I had a BB gun. I recall one day the BB gun got a little out of control. I was perhaps winging something, and it hit the corner of a plate-glass window of a house across the street.

That evening, it was drawn to my attention that perhaps that was my BB gun that had clipped that plate-glass window. My father confronted me, and I acknowledged that might have been the case but I rather doubted it. He suggested we take a walk, and he invited me to bring my BB gun with me. We walked down to the dock, looked at the water and he said, "Now you know where to put that BB gun," and with great reluctance, I was obliged to throw that BB gun in the bay.

The point is, I was fortunate enough to have someone who cared to advise me on how to handle guns properly. Clearly, if that advice is lacking with many Members in this body and their own personal relationships with their children, that is a situation that is a personal one and I respect it. Obviously, we know what happens to guns that are in the hands of irresponsible people.

But, Mr. President, in my State, guns are very much a part of our lifestyle. I am going to be returning to Alaska tomorrow, I hope, and on the first of September, I am going to take my boys out. We are going to duck hunt. Our season opens the first of September. We have about a 6-week season, then it freezes up and the ducks fly south. They fly a little faster in Alaska because they have not flown so far yet. They are hatched up there. But in any event, we are going to take our shotguns out and, hopefully, get a few ducks. For years before I joined this body and for some years after, I would go sheep hunting with my boys and my daughter, Dall sheep hunting. It is a very, very extraordinary experience—a tough climb 8,000 or 9,000 feet up on top of the mountains. You can only take a full-curl ram. That is a mature, male sheep, at least 7 years old or older.

I tell you, you get to know your sons pretty well when you go through that type of experience. I recognize everybody cannot have that type of experience; they are not fortunate enough. But the point is we use those guns in a responsible manner, and when we see criminals using guns, we are as frustrated as any other person.

The reality is, what do we do about it? Well, there has been an awful lot of conversation and alarm associated with the assault weapons issue. Unfortunately, very few Members of this body understand what an assault weapon is. They are of the opinion that if we take this action, we are going to do something positive about criminals—stop irresponsible people having assault weapons.

I refer to an article in the Wall Street Journal of August 25, which I ask be printed in the RECORD.

It is entitled, "What Is an Assault Weapon?" It is very interesting, and I would encourage my colleagues to reflect on it, because there is a presumption out there among the public that we are talking about automatic weapons.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHAT IS AN ASSAULT WEAPON?

The World's Greatest Deliberative Body has tied itself in knots over the crime bill. The bill's opponents worry about the $33 billion costs, but its defenders say that's all a smoke screen for the National Rifle Association. The most important business of the Republic, they say, is banning assault weapons. So it might be fair to ask, what's an "assault weapon," anyway?

Now, the weapons in question are not machine guns; automatic weapons have been illegal in this country since 1934. Rather, they are semi-automatics, capable of firing shots as fast as the shooter can pull the trigger. But most modern rifles are semi-automatics, and no one yet admits a desire to confiscate hunting rifles. So someone has to decide which semi-automatics are dreaded assault weapons. They tell by looking at the weapon; an assault weapon is in the eye of the beholder.

If you think we jest, we refer you to Senator Dianne Feinstein, the WGDB's leading expert on aesthetics and semantics. The Feinstein amendment, passed by the Senate last November and now part of the pending legislation, spelled out which weapons to ban. She and her aides riffled through their picture albums, picked out 19 weapons they especially didn't like and banned them by name.

One is the Colt AR-15, pictured here along with the Ruger Mini-14, which would remain legal. The two are both semi-automatics firing the same 5.56 mm ammunition. In the hands of a criminal, they could each do the same damage; no more, no less. The difference between the two? The AR-15 looks more menacing because it has a plastic stocks and a pistol grip; that's it.

After listing the 19 aesthetic offenders, the Feinstein brain trust apparently cross-tabulated its critical judgments to draw up a checklist of five aesthetic markets; a folding stock, too large a pistol grip, a bayonet mount, a flash suppressor and a grenade launcher. Two strikes's and it's an assault weapon, the WGDB decided; either a grenade launcher or a bayonet mount is OK, but not both.

Now, we'd agree that ordinary citizens don't have much need for bayonet mounts, but on the other hand, do you know anyone who was mugged with a grenade launcher? Statistics from around the country suggest that few criminals are deranged or dimwitted enough to call attention to themselves by lugging around military looking paraphernalia.

So-called assault weapons are used in only a tiny, tiny fraction of the violent crimes. In 1990, Florida's Commission on Assault Weapons reported that over the previous three-year period, assault weapons were used in 0.14% of violent crimes. In New York City, police confiscated 16,378 firearms in 1988, only 80 of which could be called assault weapons. Even a liberal such as Richard Cohen pointed out in a recent Washington Post column that according to the 1992 Uniform Crime Report, "more people were beaten to death that year (1,114) than were killed by rifles of any kind (698)."

But perhaps the best commentary came from Joseph Constance, deputy chief of police in Trenton, New Jersey. He told the Senate Judiciary Committee last August: "since police started keeping statistics, we now know that assault weapons are/were used in an underwhelming 0.026 of 1% of crimes in New Jersey. This means that my officers are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the streets."

The real question is why the Senate wants to tie itself into knots over so frivolous an issue. Both sides of the gun-control debate see an assault-weapons ban as the first step toward confiscating all firearms, we suppose, and that in turn evokes the ultimate liberal-conservative division over whether the root cause of crime is original sin. This remains in the realm of symbolism, and perhaps the WGDB wants to spend its August evenings striking postures, but in protecting the public from crime, it could scarcely be clearer, the assault-weapons ban would fire a blank.

Mr. MURKOWSKI. Now, a machinegun is an automatic weapon. But automatic weapons have been banned in this country by law since 1934. Rather, what we are talking about are semiautomatic weapons. That is a weapon that is capable of firing shots just as fast as you can pull the trigger, as opposed to a fully automatic where you pull the trigger and it continues to fire.

So what is an "assault weapon"?

Well, as I said, they are semiautomatic weapons capable of firing shots as fast as the shooter can pull the trigger. But most modern rifles are semiautomatic and no one yet admits to a desire to confiscate hunting rifles or shotguns, many of which are automatic.

I own an automatic shotgun. I own a pump shotgun. There is a difference. The difference is you have to operate the receiver on one and the other is gas operated, that is, semiautomatic.

Now, we can reflect on what happened to distinguish assault weapons from other semiautomatics. It happened in this body through the efforts of the Senator from California who identified in her amendment what would be considered an assault weapon. And it is really in the eyes of the beholder. The editorial I have shows it in pictures. One weapon shown is the Colt AR-15, And beneath it is a picture of a Ruger Mini 14.

Now, only one would remain legal. However, the two are both semiautomatics firing the same 5-millimeter ammunition. In the hands of a criminal, they could each do the same thing—no more, no less. The difference between the two is the AR looks more menacing—it really does—because it has a plastic stock and a pistol grip. That is the difference. That is all. One is classified as an assault weapon and the other is not.

So after listing some 19 esthetic offenders, the Senator from California cross-tabulated somehow and came up with a checklist of five esthetic markers to classify what an assault weapon is. It has a folding stock; it has a pistol grip, neither of which have been known to harm anybody. It has a bayonet mount, and it has a flash suppressor.

Now, I do not know anyone who is mugged with a grenade launcher. It is rather interesting to look at some of the statistics. So-called assault weapons, we are told, are only used in a tiny fraction of violent crimes. In 1990, Florida's Commission on Assault Weapons reported that over the previous 3-year period, assault weapons were used in four-tenths of 1 percent of violent crimes in New York City—four-tenths of 1 percent.

Now, consider the action that we have taken in this body. It is interesting to note that in Trenton, NJ, one Joseph Constance, deputy chief of police, told the Senate Judiciary Committee last August:

> Since police started keeping statistics, we now know that assault weapons are or were used in an underwhelming twenty-six one-hundredths of 1 percent of crimes in New Jersey.

He went on to further say that:

> This means that my officers in New Jersey are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the street.

Now, this is reality, Mr. President. This is the terrible problem we have taken on in this crime bill. What we have not done is to ban those criminals that have weapons. What I fear and I want to alert my Alaskan constituents to, is that this is the first step. The assault weapons ban is not going to have a measurable—a measurable—effect on criminal activity. The next effort we are going to see in this body is to ban all semiautomatic weapons, hunting rifles, shotguns. We all thought we were protected by the Constitution, but we are not protected by the mania to do something about crime.

Now, I know how the people in my State feel about the right to bear arms, the right to have their guns and use them in a responsible manner. As long as I am in the Senate, and as long as I am on my two feet, I am going to support the guarantees under the Constitution.

But I warn those responsible gun owners in my State and throughout the United States to beware of what has happened here today under the guise of an assault weapons ban. We are making steps that will threaten sports gun owners, responsible hunters, those who use guns in target practice, the sport-based sporting goods stores, manufacturers, and the National Rifle Association.

We are going to have to maintain a greater vigilance. We are going to have to reflect on the debate that has occurred on this floor in the last several days because those Members of this body who feel we are going to initiate corrective action through social reform are going to have an opportunity to prove their case, to some extent, if they can and if most of the money is not used for administrative purposes. We will see how successful social reform programs are going to be to combat crime as opposed to more prisons, harsher penalties, and mandatory sentencing.

I would hope that the public out there would reflect on the amendments that were offered under the Republican proposal. We wanted to strike some $1.62 billion from the Local Partnership Act and apply it to the Edward Byrne Memorial Law Enforcement Program, a very worthwhile program. But the Partnership Act was a social program.

We want to be tough on crime. Our friends on the other side said no, we want the Model Cities Intensive Grant program at $625 million. We said no, we want to be tough on crime.

We wanted an amendment which will allow us to deport criminal aliens. We did not get it. The Republicans lost on that one.

We wanted mandatory minimum for gun crimes, mandatory minimums so criminals using guns in crimes would know what was going to happen to them for using guns associated with selling drugs, or crimes involving minors. We wanted mandatory minimum reforms.

We wanted a tough crime bill. And our philosophy on the Republican side is you do it by passing harsh legislation that discourages criminal activity. Unfortunately, in my opinion, the opinion of the Senator from Alaska, is that the other side prevailed, and said no, we are going to achieve the same objective but we are going to do it through social programs.

I hope that every one will reflect back on these days because one of us is wrong, very wrong, Mr. President.

Finally, let me again warn responsible owners of guns that a major step backward has been taken today on the right to bear arms. I would hope that those on the other side would reflect on the real difference between what they classify as an assault weapon, which has a horrifying name, and a legitimate semiautomatic shotgun, which I am going to be carrying in my hand on September 1.

ASSAULT RIFLE PROVISIONS

Despite the pressure on Congress to act on gun violence, and the media's loud support, the semiautomatic ban is just not good policy from any number of aspects.

It's also clear that supporters don't see this as a compromise to end debate. They will simply pursue more controls.

The conference report bans 19 types of semiauto rifles, handguns and shotguns by name, and all "look-alikes"—reaching totals in the hundreds. It also bans all magazines over 10 rounds. It excludes from banning now or in the future only about 660 specific firearms out of all those manufactured, including rifles, carbines, muzzleloaders, shotguns, semiauto pistols and revolvers.

The list of exempted firearms is supposed to be, in the author's words, "every single rifle and shotgun—other than those being banned—that has been on the market this year." Despite the claim, it is no such thing. It fails to mention such popular—even some historic—firearms as the M1 Garand, and many others.

The magazine ban would prohibit even some factory issue magazines for a number of the firearms that are supposedly permitted under the bill, such as the Ruger mini-14 and many pistols.

Semi-autos are not a big part of the violence problem. A good indicator that assault rifle use is low is the fact that they comprise a very small share of all firearms seizures. The highest occurrences are 3.9 percent in Oakland, CA; 3.6 percent in Florida; 3 percent in Los Angeles and Washington, DC; and 2 percent or less in other major areas. And let me stress that these figures—low though they are—represent all seizures of so-called assault rifles including many that may never have been used in a violent crime.

It is hard to believe that assault rifles are the so-called weapon of choice when they are so rarely seized. Either the police are doing an atrociously bad job, or we have not been told the truth about semiautomatics.

The reality is that there is no statistically valid evidence of a trend toward semiautomatic rifles. Here are the facts behind the "weapon of choice" argument:

Murders are far more likely to be committed with knives than with any sort of rifle.

Murders are far more likely to be committed with handguns than with any sort of rifle.

Murders are far more likely to be committed with blunt instruments than with any sort of rifle.

Murders are far more likely to be committed with bare hands and feet than with any sort of rifle.

The fact is, rifles—of any type—are used in only a small percentage of murders—less than 4 percent of the murders from 1987 through 1992, with that number decreasing each year since 1989. The number of murders committed with so-called assault rifles is far lower—probably around 1 percent.

This will have no significant effect on criminal access to firearms. The best available data—from BATF itself—indicates that only 7 percent of the firearms—all types, not just semiautos—used in crimes are obtained legally. Because this figure includes all revolvers, shotguns, lever and bolt action rifles, small-bore firearms, and so forth, and all firearms used in domestic quarrels, bar disputes, and so forth—where the weapon is likely to have been purchased legally—it's clear that career criminals, gangbangers and the like actually use legally purchased semiautomatics—or any other legally purchased firearm for only a small portion of their crimes.

We have heard many claims by the proponents of this legislation to the effect that it is supported by police around the country. Indeed, there have been supporting statements made by some police officials. But let's look again. That support is not anywhere near as universal as the proponents want us to believe. The National Association of Chiefs of Police [NACOP] has 11,000 members and feels very much otherwise. In fact, NACOP recently surveyed some 18,000 chiefs of police and 3,000 sheriffs throughout the country.

With an astounding return of over 15 percent of the mail-out surveys—far over the national average of such surveys—NACOP found the following sentiments being held by police chiefs and sheriffs: 88.7 percent do not believe a ban on semiautomatic assault weapons will help reduce crime; 97.4 percent believe criminals will still be able to obtain illegal weapons, even with a ban; and 90.4 percent believe law-abiding citizens should be able to purchase any rifle, pistol, or shotgun he or she chooses for self-protection or recreation.

A similar survey was conducted in June 1993 by the Southern States Police Benevolent Association, which has approximately 11,000 members, who were polled by an independent, objective outside research firm. Of those officers surveyed, over 70 percent have been police officers for more than 5 years, and nearly two-thirds serve in urban areas where the threat of assault weapons is presumably highest.

Some 65.3 percent thought stricter gun control would be the least effective of several options to reduce crime.

And 96.4 percent strongly supported firearms ownership for self-protection.

HUNTING ISSUE

Despite claims to the contrary, many people do use semiautos for legitimate hunting. Many Alaskans have contacted me to say they have purchased semiautomatic AK-type firearms especially for that purpose—not because of the rapid fire capacity, although that can help prevent the escape of wounded animals, but because they are ideal firearms for hunting or personal protection in rugged physical conditions. Their legendary reliability and ability to keep operating after being rained on, snowed on, dropped in salt water, and generally banged around makes them the weapon of choice—not for criminals—but for people whose firearms can mean the difference between eating and not eating that winter.

SECOND AMENDMENT ISSUE

The judicial history of gun control is mixed, even when looking only at Federal actions and not court opinions on actions by States or other jurisdictions. One persistent issue is whether the second amendment bars States from adopting laws that are more narrow, or is solely applicable to Federal actions.

At the Federal level, a key question is whether it only prohibits laws that would impede the formation of State militias, which today have been supplanted by the National Guard, or is an individual right to keep and bear arms for broader purposes.

In arguing that gun control is not unconstitutional, the case most often cited as controlling by gun control advocates is United States versus Miller (1939), the only time this century in which the Supreme Court heard a directly applicable second amendment case. Miller's conviction—for possession of a prohibited sawed-off shotgun outlawed, along with machine guns, during the "gangster" era—was upheld.

However, the Miller case is very weak for the gun control lobby. Because Miller himself was unable to appear, and no briefs were filed nor arguments made on his behalf, the Court heard only one side of the case. Even then, when the Court went against Miller, it only said it lacked proof that his shotgun was a type of weapon that had military value—had it been, Miller would have won.

In essence, although the Court upheld Miller's conviction, its opinion in addressing only whether the shotgun was a military weapon, tacitly recognized that the second amendment is an individual right to keep and bear arms, regardless of actual membership in a militia. The only proviso the Court made was to make it clear that the second amendment applies to weapons having military potential or use.

In looking at what the Founding Fathers intended for the second amendment, the Constitution Subcommittee of the Senate Judiciary Committee in 1982 drew on the historical writings of the founders and their correspondents. It concluded that the framers purpose was to establish an individual right that would serve to prevent the Government from exercising control by means of a standing army. In their mind, the prospect that a Government-backed army would be used against citizens who disagreed with the Government was what we might today call a "clear and present danger."

They wanted citizens to be able to form their own armed militia organizations, absent any Government interference, for the express purpose of defending themselves against the Government. In addition, they drew from early English common law to explicitly recognize the right of an individual to arm himself for protection against outlaws.

When the Bill of Rights was presented, the Senate passed it in 1 day, but first it soundly rejected an amendment that would have limited the second amendment to carrying firearms "for the common defense." That action shows clearly that the Senate also regarded the second amendment to be an individual right.

Many argue that the second amendment is now outdated—that the intent of the Founding Fathers should be ignored by today's Congress, because they could not possibly have foreseen the development of today's society. That is the purest hogwash. Such an argument demeans those who make it and insults those who hear it. We, who are sworn to uphold the Constitution, cannot pick and choose the parts we want to honor and the parts we want to ignore.

This country has grown to greatness thorough many fortunate circumstances and through the hard work and faith of its residents. But most of all it has grown to greatness because the U.S. Constitution gave it firm footing. The rights of freedom of speech, of the press, of religion and of peaceful assembly formed the base for the growth of a healthy, diverse society, along with the rest of the Bill of Rights. But the Founding Fathers also knew full well that all those rights are delicate ones—easily pushed aside by a Government that becomes unbalanced. It is precisely for that reason that they included the second amendment.

Arguing that the second amendment is outdated does not makes it so. But more to the point is this: Even if that were true, it is still the law of the land. If it is outdated, then let those who believe that—work to have it changed. But in the meantime, this Congress should not—and legally it cannot—simply decide to usurp powers of decision that are reserved to all the people

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, in the last day and a half I have not come over to speak on this bill. I have tried to avoid identifying myself with the Senate's chaotic indecision. But given that we are now coming to the end of the debate, I want to make a few points, then summarize my position on the crime bill, and then let others speak.

First of all, I checked with my office a minute ago and I have had a number of calls from Texas about Senator DURENBERGER's comments about a back door at the Alamo. In Texas we are pretty sensitive about the Alamo. I want to be sure we straighten those comments out.

First of all, there were a lot of back doors at the Alamo. In fact James Bonham—since our great Senator from South Carolina, STROM THURMOND, is here on the floor—I note that he, in Aiken, and James Bonham, in Edgefield, were both born in South Carolina. James Bonham rode out the back door at the Alamo through the Mexican lines to find help. And when he could not get anybody to come back to the Alamo with him, he rode back through the Mexican lines into the Alamo to certain death.

So there was a back door at the Alamo. But there were people at the Alamo who were committed to what they were doing. They were committed to Texas being free. And they started there a fight that ultimately made Texas free, brought 11 States into the Union, made America a world power, and changed the course of history.

Mr. President, there are a lot of emotions one can express on a day like today. I guess everybody hates to lose. I hate it I guess as much as most. It must be a little bit like dying, and even in death I am hoping for a reprieve. But I particularly hated losing today. First, as I said, I do not like losing. Second, I had no doubt in my mind and my heart that we were right.

It is a very interesting thing how debates evolve in the Senate. Often you end up with two straw men that both sides create as to what the battle is about. Obviously, to some degree that was the case here. But in my mind what it was all about, and I think that it was demonstrated what it was all about, is that we had a golden opportunity to pass a good crime bill. This crime bill ended up being hijacked. It ended up being hijacked and became something that it did not start out being, and became something that the American people I think have come to understand. They are unhappy about it, and more than unhappy, they are frustrated about it.

First of all, the legislation became something that too often almost every bill becomes that passes the Congress, it became the purveyor of pork. It became a bill where all kinds of things were added to it to spend money, to create political constituencies, to win over votes. We had a long debate on this whole question of pork.

I just simply would like to say that when we have big deficits, when the average American family with two little children is sending $1 out of every $4 that family earns to Washington, DC, I hated to see $5 billion spent basically on social programs. Some may have been good. Some may have been bad. But basically they did not have anything to do with the crime bill.

I would just like to note that the mayor of Providence, RI is unhappy with me and has written me sort of a nasty letter. I am not going to read it. But I would just like to say that the other day on the floor of the Senate I quoted from the New York Times of August 16, what I thought was the award-winning proposal as to how to use the money from this bill.

The mayor of Providence, at least according to the New York Times, hoped to use the $3 million he was going to receive from the Local Partnership Act, which is part of this crime bill, to retrain graffiti violators to be artists. He has subsequently written me a letter—and Senator PELL has given a speech pointing that out—that this was not his only idea. He had lots of other good ideas. I am sorry we do not now know about them. But my guess is we will after all this money is spent.

So I am disappointed that we did not get the pork out. I am disappointed that our real anticrime provisions ended up being dropped. We have all gone through them—10 years in prison without parole for using a firearm in the commission of a violent crime or drug felony; 20 years for discharging it; life imprisonment for killing somebody; the death penalty in aggravated cases.

I cannot for the life of me understand how we are about to pass a bill that bans guns, and yet we are not willing to do anything about the people who use those guns to kill people.

I hear all this talk about new Democrats. But I would have to say that when they get behind closed doors in conference committees, and when the real decisions are made, these new Democrats turn out to be the old-fashioned Democrats who blame society and not the criminal, for crime.

The sad reality is that we know gun control does not work. The District of Columbia has an outright ban on handguns and assault rifles, and you must register a shotgun. But the District of Columbia with the strongest gun ban in America is, per capita, the murder capital of the world. Why? Because they ban guns, but they do not do much about capital crime. They have crime without punishment. It is really an extension of what we have in America.

We wanted to have an opportunity to vote, to impose sanctions, mandatory minimum sentencing against violent criminals that use guns. We were not allowed to do that. We wanted 10 years in prison without parole for selling drugs to a child or for using children in drug felonies. We wanted to remove the Clinton provision in this bill which overturns mandatory minimum sentencing for drug felons, and which in its original form would have let 10,000 drug felons currently in the Federal penitentiary back out on the streets.

Thanks to Republicans in the House and their courage and their leadership, they got rid of the retroactive part of that provision. But when this bill becomes law, mandatory minimum sentencing for drug thugs, which is the law of the land today, will not be the law of the land because judges will then be able to decide whether to impose those sentences.

I want drug thugs to know that if they sell drugs to children, they are going to prison for 10 years, and they are going to serve every day of the 10 years no matter who their daddy is or how they think society has done them wrong. But my view is not going to prevail today.

What would I like to do on the crime bill? Well, I hope we have a Republican majority in the next Congress and, if we do, here is what I would like to do. I would like to go back and overturn this bill and seize as much of this pork money as is not spent. I would like to start building prisons, but I would like to stop building them like Holiday Inns. I would like to put people in jail to work. I do not know why in this country the working people have to pay to keep criminals in jail, but the criminals in jail, by and large, do not work. If we have a space problem, let us put prisoners in tents. Let us declare a national crime emergency, giving us the ability to go out and string up barbed wire around unused military bases.

Republicans do not claim we have the answer to every part of the crime problem, but we have the answer to one part. We do not have to get up every morning, open up our newspaper and read about some violent predator criminal who has been convicted five or six times of terrible crimes, and who is back out on the street, and who has killed somebody's child. We can fix that problem, and if we are given the opportunity to fix it, we are going to fix it.

The news tomorrow obviously will be that the President has won. But the real news ought to be that a great opportunity has been lost. We are going to spend $30 billion, and I admit it, you cannot spend $30 billion without helping somebody. It is impossible. You cannot spend $30 billion without doing some good for somebody. But anybody who looks at this bill is going to know that we are not going to do 30 billion dollars' worth of good for the people who do the work and pay the taxes and pull the wagon in America.

So I am disappointed about losing today, but I am also disappointed about missing a golden opportunity to grab violent criminals by the throat, to throw them in prison, and to keep them there. But this is an opportunity that is not lost forever, and if people are unhappy about this bill, they have an opportunity to do something about it in November.

The interesting thing is, I am amazed at how the American people have discovered that this is not a good bill. I am very pleased, on both health care and crime, that the American people understand what is happening here in Washington, DC. And I do not believe that passing this crime bill is going to be the great bonanza, politically, that some people think it will be.

I suspect that many Americans are going to see it as another cruel hoax, where our money is wasted and where the problem is not dealt with.

Finally, there is one piece of good news today, and that is that the Clinton health care plan is dead. The Clinton plan is dead, Clinton-Mitchell 1 is dead, Clinton-Mitchell 2 is dead, Clinton-Mitchell 3 is dead, and Clinton-Chafee is dead. And all those plans are dead because the American people understand that they are bad bills that would let the Government run health care in America.

I believe the President has lost because he underestimated the ability of the American people to understand that with all of his wonderful talk, the reality is that under his plan, they lost control over their health care.

So the good news today is that while $30 billion is going to be spent inefficiently, and America is not going to get its money's worth, we have taken a gigantic step today by adjourning without passing the Clinton health care bill, and I believe people will have an opportunity in November to cast a vote on that health care plan.

So I believe that today we have given people a clear choice. We had a chance to vote on get-tough provisions, and we cast a vote, and we know now where 39 of our colleagues stood, and we know where the rest stood. It is up to the American people to look at those votes and decide whether or not they reflect their will. In 35 States in the Union, people have an opportunity this November to say whether they agree or disagree on the crime bill and on health care by how they vote at the polls for the Senate. So if you are unhappy about how your Government is running, you have an opportunity to do something about it. I want to urge people to take that opportunity.

I am very proud of the Republican leader today. He did a great job. It was very disappointing for him. In any other city in the world, when adults sign a letter saying they are going to do something, you expect them to do it. But this is Washington, DC, and that was yesterday.

In any case, I believe that a good fight was fought. I believe that those on our side of the aisle were right. I believe the American people will discover that we were right and, hopefully, they will give us an opportunity to do right by giving us a majority in the November elections.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I have spoken against this bill, and I shall not take but a few minutes now. I want to say that this bill will result in some good, but it is not worth the price we are paying. I am opposed to this bill mainly for two reasons. One is the excessive Federal spending. There is almost $7 billion in pork for Federal social programs which should be cut. Already, billions are being spent in this area by the Federal Government. There is no evidence that additional handout programs will reduce violent crime.

We have a debt in this country now of over $4 trillion. Why should we spend over $30 billion here when it is not necessary? I just heard the distinguished Senator from Texas speak, and he brought out some good points.

I want to say this: We ought to try to reduce this deficit and not go spending more of the American taxpayers' money unless it is absolutely necessary, and it is not absolutely necessary here in this crime bill.

The other reason I am opposed to this bill is the multiplications which should have been made are quite a number. We should have included in this bill a number of things. I will just give a few examples.

One is mandatory sentences for selling drugs to minors or using minors in drug crime. That is a very important matter. It should be included in this bill.

Another is mandatory restitution to victims of violent crime. When people commit violent crimes on victims the victims should be allowed to collect restitution.

Another is tough Federal penalties for street gang crimes. We should have included that in the bill. We have to have these tough penalties for these street gang crimes. These gang crimes are very bad in many places.

Now the prosecution of juveniles 13 and up as adults for Federal crimes of violence with a firearm should have been included. Now if juveniles have a firearm and commit a violent crime, they should be tried as adults. And that was left out of this bill. It is a very important matter that should have been included.

Another is the deportation of criminal aliens upon completion of their sentence in the United States. When aliens come here and commit a crime and they suffer for it, we should deport them, not allow them to stay here. We should have put that in this bill.

Mr. President, there are so many things that should have been included in this bill that are not. For those two reasons mainly I am going to oppose it.

There is another thing I want to mention, too. Have we forgotten what federalism is? What is federalism. In other words, the Federal Government has certain powers under the Constitution and all the other powers not mentioned and delegated to the Federal are reserved to the States. That is federalism. And I do not know of any authority here for the Federal Government to go down and provide policemen in a city. That is the responsibility of each city to do that. That is not a responsibility of the Federal Government. And it is just such spending as this that caused us to create this tremendous deficit that we have today of over $4 trillion.

Another thing I would mention is this: Now if we establish this system here that we go and provide policemen for the cities of the Nation, there will be a demand to do more in other ways, and this could be the entering wedge for a national police system in this country, if this thing goes far enough, and I am concerned for us to enter into such a program as this that could be the beginning of a program which the American people do not want.

I think we have to realize this, too, that we have to let the people know that society is not responsible for the crimes. Every individual is responsible for the crime he commits. I am just amazed at the crimes that have increased here. The last figures I have from the FBI are this: A violent crime every 22 seconds, a murder every 22 minutes, a forceable rape every 5 minutes, armed robbery ever 47 seconds, and aggravated assault every 28 seconds.

This bill will not remedy that. In my judgment, we should have focused on crime, crime, crime, and not put all this social money in here to be spent and cost the American taxpayers this large sum.

Mr. President, for that reason, I am going to oppose this bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, the hour is late.

Mr. President, I simply say that we made this great effort today. I was on the conference committee. I watched it operate. I watched the fine work of Senator HATCH. It was an extraordinary experience. We see the result. Now we are at this final juncture of a cloture vote, and it comes down to the issue of the guns, assault weapons.

I will vote against cloture. I will do that for a variety of reasons. But in essence, I will cast this vote because our efforts to enact a good, tough, crime bill, have failed.

We have been thwarted in our efforts to eliminate $5 billion in social spending from the conference report.

My amendment to expedite deportation proceedings against nonpermanent resident aliens who have committed certain violent felonies upon completion of their prison sentence was passed unanimously by the Senate. It was stripped unceremoniously by the conference committee. It is a tough law and order provision. But it isn't in this final product.

Today our efforts to reinsert this legislation into this bill were rejected. That is another reason I will vote against cloture.

Similarly, our efforts to improve this legislation with other modifications which passed the Senate overwhelmingly were "stiffed" by the Democrat majority.

We Republicans wanted to reinsert the provisions for mandatory minimum sentences for selling drugs to children. Likewise, we wanted to reinsert mandatory minimum sentences for using children to sell drugs. They are called "mules" by the drug dealers. We wanted to toughen up the prison provisions and ensure that real money was sent to the States with minimal Federal strings attached. We wanted to reinsert provisions to build real prison cells, not prison "alternatives".

This conference report prohibits law-abiding citizens from owning certain guns and, at the same time, our efforts to even get a vote on an amendment to enhance penalties for gun-related crimes were suffocated by the Democrat majority.

Criminals who use guns will be treated no worse for their offenses after this legislation becomes law. But, the Democrat majority is now telling gun owners who do not commit crimes that their previous law-abiding behavior will now be a violation of the law.

Law-abiding ownership of certain guns is prohibited. But the Democrat majority has refused to allow us to increase punishment for the illegal use of firearms.

I do not understand that logic.

I have seen polls that indicate that 77 percent of the American people want to ban these guns. I can assure you that such polls do not reflect the views of the people of the State of Wyoming, because they believe the second amendment says the right of the people to keep and bear arms shall not be infringed, and there can be no greater infringement than an outright ban. I do not know what it could be. If there is such a support to limit a constitutionally protected right, then it would seem that the proponents might try a constitutional amendment next time.

I submit that they do not follow such a legislative route because the statistics showing such so-called "Great support" are highly inflated.

The Congress, this administration, and the Democrat Party are "tap dancing" on the Constitution.

That, Mr. President, is another great tragedy of this legislation.

Our efforts to increase penalties for violent criminals and to focus more of the funding in this bill on building prisons have been unsuccessful. Most of my Republican colleagues and some stalwart Democrats want to be tougher on violent criminals.

Instead, this legislation would adopt a policy that will treat law-abiding citizens "like" criminals.

Let me just conclude by saying that I voted against the gun ban amendment when it came before the Senate. I continue to strenuously oppose it. But with the exception of this gun ban, the Senate bill had every potential of being an improvement in current criminal law.

We voted on it. It passed here 95 to 4. I thought it merited my support then. However, only the worst of the Senate passed bill survived the conference process.

But we were stiffed on tougher penalties for violent criminals and for drug-related crimes. We were stiffed on eliminating $5 billion in social spending. We were stiffed on getting criminal aliens deported more quickly. We were stiffed in our efforts to maintain the constitutionally protected rights of law abiding citizens under the second amendment.

But we are now faced with something called reality. The sad fact is that those of us who do not support gun control measures do not have the votes to defeat this conference report.

The perception is that this is a tough crime bill. It is not. But that perception has shaped this debate. We can stand here for weeks and debate the defects of this legislation. That would not be fair. Or we could spend until Saturday. That would not be fair. Unfortunately the result of this vote tally will not change. It is quite well preordained.

There is a huge gap between what this bill really is and what the proponents say it is. Unfortunately, the true extent of that gap will only be revealed in the future to the American people over the next 8 weeks and before November 8.

Our priorities are more prisons, tougher penalties, more police, less social spending. The bill, as the Senator from Texas says, has been successfully hijacked by those who still take the view that the criminal is also a victim of society and that the law-abiding citizens must suffer and have their constitutional rights trampled on, all because of the heinous and illegal acts of some violent criminals.

It has been a very difficult day for me dealing with lovely friends, urging, cajoling. It is not a pleasant experience and it has been a very disappointing result. We did our best. We shall lay ourselves down, bleed a little, then bind our wounds, and rise to fight again with renewed numbers on November 8, restored and refreshed and ready for the fray.

Thank you.

Mr. HATCH. Mr. President, I believe we are down to the last three speakers.

Mr. President, I ask unanimous consent that the last speakers be myself for 5 minutes, the distinguished minority leader 5 minutes, and the distinguished majority leader for 5 minutes or less.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I just have a few words to say about this in the end.

There are three reasons why I will vote against cloture and against the conference report.

First is the pork-barrel expenditures which we consider to be 1960's type social spending. I have more than adequately described that, and I do not see how anybody in America would not be concerned about it.

Second is the lack of the tough anticrime amendments that we know would have passed had we been given an opportunity. Had he won on the point of order we would have won those amendments here on the floor and they would have strengthened this bill considerably. I have talked more than adequately about that.

Number three, my colleague from Delaware has argued that the assault weapons ban legislation is only a few pages long. In fact, as I understand it, he took that particular part of the bill and just ripped it right out of the bill. That is the assault ban legislation. He did that the other day.

Mr. President, the Constitution of the United States is only 25 pages long. The second amendment to the Constitution is only one sentence. It says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

"The right of the people."

Now this is one of the enumerated rights in the Constitution. We have spasms around here about unenumerated rights that the Supreme Court has conjured out of penumbras that we uphold every day of our lives, some of the people here.

And here is an enumerated right and we are trashing it by a simple statute.

Should we just tear it out of the Constitution because that one sentence does not agree with us? I submit that if we keep passing these gun bans, we might as well.

The assault weapons ban has 20 specific firearms that are banned. But, according to the ATF, Alcohol, Tobacco and Firearms, 179 firearms are covered or will be covered by this bill. Of course, that is the list as of now.

I remember the days when the ATF took after decent law-abiding citizens until we passed the McClure-Volkmer bill—and I was the leader on the floor to do that—to protect our American citizens, law-abiding citizens, from an overregulatory, overconfiscatory Government agency situation. And now we are going back to the same system, only worse.

What are they going to ban next?

Keep in mind, there were 650 weapons that were exempted by this bill. Count on it, my fellow citizens, they will be back next year.

So we intend to the change the nature of the Senate in this election and we are going to be back next year and we are going to see if we can change this. That is why McClure-Volkmer was passed.

I feel very deeply about the second amendment. I feel very grieved that we are treating it in this shabby fashion. But that is the way it is around here, and that is the way this bill has been.

Mr. President, the various staff members of both the minority and the majority staffs should be complimented for their work on this bill. We have had dedicated, loyal, hardworking decent staff members. I will not name them by name, but I ask unanimous consent that this list be printed in the RECORD to pay appropriate tribute to each and every one of them.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATOR HATCH'S STAFF

Mark Disler, Mike Kenncoy, Larry Block, Sharon Prost, and Manus Cooney.

SENATOR THURMOND'S STAFF

Thad Strom.

SENATOR GRASSLEY'S STAFF

Fred Ansell.

SENATOR SIMPSON'S STAFF

Cordice Strom and Warren Shaeffer.

SENATOR DOLE'S STAFF

Dennis Shea, Elizabeth Green, and Sheila Burke.

SENATOR BIDEN'S STAFF

Cynthia Hogan, Demetra Lambros, Chris Putala, Tracy Doherty, Ankur Goel, Andrew Pepler, Adam Gelb, Lisa Monaco, and Nelson Cunningham.

Mr. HATCH. Mr. President, I have never seen better staffers on either side do a better job in any legislation before this body, and I want to personally compliment them.

Mr. President, I made a definite mistake.

I ask unanimous consent that the unanimous-consent agreement we agreed to a few minutes ago provide an additional 5 minutes for our distinguished chairman of the Judiciary Committee, Senator BIDEN, to be followed by Senator DOLE's 5 minutes and then to be followed by Senator MITCHELL's 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I do not know that we need to take all of the time.

I would just like to say, I have listened to the debate on this portion of the legislation. It started off on a matter that is of legitimate concern to a number of Americans, and that is: Is what is in this legislation relative to assault weapons either a violation of the second amendment or is it the proverbial camel's nose under the tent? Is there an agenda that is hidden beyond what is in this legislation banning assault weapons and not allowing the manufacture of new weapons that have grenade launchers on them or bayonet hooks on them? Is this beyond that? What is it?

A number of people feel very, very strong about those issues and I respect their point of view.

But then I heard the debate sort of go back to this idea that, if you listen to the debate, you would think this bill was designed to enhance the standing of junkies out in the street, to free felons from our jails, and to make sure that we just, under the cover of night, steal the taxpayers' money and spend it on politically worthwhile social contributions in our communities to endear ourselves to the local mayors or the citizenry.

The fact of the matter is that—I will just say it again and I guess we will maybe even say it after this—this whole notion of whether or not it is a tough bill, we, in fact, have very stiff penalties in here for people who molest and/or people who sell drugs to children.

We have significant penalties in here to deal with providing women with some genuine protection, particularly women who are battered and abused by their spouses, their loved ones, those with whom they are familiar.

We have significant legislation in here relative to making sure that 30,000 violent criminals who were convicted last year but never saw a day in jail because there was no prison space, that they serve their time in jail.

I heard my friend from Texas say he wants to be able to put these prisoners in jail, and if there is not enough room in jail, string out barbed wire and put them in tents.

Well, that is what we call boot camps, Mr. President. That is in here. They were against boot camps. Early this morning, I heard my friend from Utah talk about these alternatives to prisons are bad ideas. I heard my friend from Texas talk about we ought to be able to string up barbed wire and put folks in tents. Under this bill, we can string up barbed wire, we can build Quonset huts, and we can put them in boot camps. We can do that.

So, hopefully, what is going to happen is, after this bill passes—God willing, if there are 60 votes to invoke cloture and the President signs it and this bill becomes law—hopefully, what will happen is a little bit like what happened when we passed other legislation.

I heard that if we had passed the President's economic plan a year ago, the sky would fall, unemployment would skyrocket, the budget deficit would escalate, we would have this awful thing that would happen to the economy. There would be apocalypse now.

In fact, it has gone the opposite way. I do not have anybody calling me now. But yet, at the time we voted on it, my phone was ringing and people were saying, "Boy, isn't this awful? What are you going to do about it?"

Now, the deficit has come down compared to what they thought it was going to be. Now we have more employment, now the economy is moving.

The same people with those dire predictions, the same people, by and large, who are talking about this bill, are no longer talking about the economic plan.

I respectfully suggest to my colleagues that within 6 months after we pass this bill, you will see this is as advertised—a very tough, straightforward bill that the cops want, the prosecutors want, and the people need.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the unanimous consent agreement, the Republican leader is now recognized.

Mr. DOLE. Mr. President, I think we have all had a lot of conversation in here. It has been a tough day. Again, I congratulate the winners and also thank my many friends on this side of the aisle because I think we have changed the debate.

When the people wake up tomorrow morning it is going to be sticker shock. I do not care what you call it, you can argue about whether it is 4 years or 6 years or budget point of order or whatever it is. The American people know we are spending a lot of money. So we will mark this date down, we will come back in a couple of years and we will see what happened to the crime rate and we will see what happened to all these prevention programs.

The American people are going to be focused. They are going to be focused in about 2 months on this bill. It is not going to take 2 years. They are going to be focused. We are going to focus the American people on all the ludicrous, ridiculous items in this bill.

So, we have had a good debate this week. We have not debated as long as people on the other side of the aisle, even though they get up and say we are stalling. I think the record will show we have had about 35 percent of the time. But it has been a good debate because it has given the American people the opportunity to understand precisely what we are talking about. We had some ideas. I would say to the Republicans in the House, they supported their leadership and they gave a number of Republicans a chance to change the bill. We could not get that support on this side. That is the way it goes sometimes.

But that is the last vote. We always look to the next vote. We had 10 good amendments. We could have cut $5 billion out of this package and still had a $25 billion bill, much of it good. I do not quarrel with the Senator from Delaware on every issue. In fact, we worked together on domestic violence. We did not touch domestic violence, did not take one dime out of the domestic violence program.

But we will have some examples. They will look good on a 30-second spot, because we want the American people to know we are just throwing away a big pile of their money and they are going to know it all across

America—east coast, west coast, Midwest. This is another example.

Somebody said tonight on Nightline it is going to be, "What's wrong in Washington?" As I said earlier, this is the example of what is wrong. We do not listen to the people. The American people are against crime. They do not think the solution is just spend all the money we have in the Treasury and borrow money and run up a $13 billion deficit for a lot of things that are not going to make any difference—$1.6 billion for the local partnership program that has nothing to do with crime, was taken out of the stimulus package which we defeated last year, and a lot of other billions of dollars in my view that really are not going to make any great difference.

As I said, Mr. President, when the American people wake up tomorrow morning, they are going to suffer an acute case of sticker-shock, for later tonight, the Senate will, no doubt, pass a $30 billion pork-barrel juggernaut masquerading as a crime bill.

There is $1.6 billion for something called the Local Partnership Act, which was first introduced in 1992, not as a crime-fighting measure, but as a way to funnel Federal money into the cities. It is a retread of last year's defeated stimulus package. And guess what? There has not been a single hearing on this program. Not one. And I suspect there are not even five Members of the Senate who could tell me what this program is actually designed to do.

There is $1 billion for a so-called drug court proposal that funds health care, education, housing placement, child care, anything, in other words, but crime control. And again, no hearings.

There is $625 million for the model intensive grant program, which is designed to address such pressing crime problems as the deterioration or lack of public facilities, public transportation, and street lighting.

There is $243 million for something called the family and endeavor schools program, which provides grants for sports, arts and crafts, social activities, and you guessed it: dance programs.

There is $270 million for the National Community Economic Partnerships, a program administered by the Department of Health and Human Services to assist local community groups in order to improve the quality of life. That is right: improve the quality of life. There is not even the pretense of trying to link the spending to fighting crime. And we are talking about $270 million of the American people's money.

The list continues: There is $150 million to develop alternative methods of punishment for youthful offenders. These alternatives include such get-tough measures as after care, education, projects that provide family counseling, other support programs, and get this: innovative projects, whatever that may mean.

There is the ounce of prevention program which is really a $90 million pound of pure, unadulterated pork.

There is $50 million for something called the community-based justice program. This multimillion dollar boondoggle adopts the criminal-as-the-victim-of-society approach, requiring prosecutors to, and I quote; "focus on the offender, not simply the specific offense, and impose individualized sanctions such as: conflict resolution, treatment, counseling, and recreation programs."

There is a $5 million urban recreation program, designed to improve recreation facilities in our cities.

And, of course, there is still midnight basketball.

Even the pork-meisters have gotten their hands on the money allegedly earmarked for prisons. If you read the fine print, you will see there is no guarantee that a single dime—not one dime—will be used to build a single brick-and-mortar prison cell. All of the prison money can be spent on boot camps, halfway houses, and other prison alternatives.

Now, that is what I call a tough crime bill.

And let us not oversell the so-called 100,000 cops on the streets proposal. If you read the fine print, you will see that the States and cities will be picking up most of the police-hiring tab. In fact, one expert—Princeton professor, John Diiulio, a registered Democrat and a gun-control advocate—estimates that the crime bill fully funds only 20,000 cops, and only 2,000 around-the-clock police officers.

So, Mr. President, who is kidding whom? The American people are not dumb. They know when they are being sold a crime bill of goods.

The bottom line is that the crime bill is too much pork and too little punch. Too much hype and too little tough-on-crime substance.

This $30 billion pork package should be defeated, it is not in the best interests of the American people. And it is not the tough crime-fighting plan the American people so very much need and so very much deserve.

I hope, as we look over these alternatives—millions here, $150 million here, $170 million here, innovative projects, other support projects—all these different things sound good. No doubt some will do some good. If you spend enough money you will probably do some good. Maybe if we had a $100-billion crime bill we would do a little more good, or if we had a $200-billion crime bill we would do a little more good.

They have one provision here that says the prosecutors are supposed to "focus on the offender, not simply the specific offense, and impose individualized sanctions such as conflict resolution, treatment counseling, and recreation programs."

That is going to be a big crime preventer. I can already see that working all across America. There is not much in here about the victims. Forget about the victims: We could not have restitution, the amendment by Senator NICKLES. That is too bad, to ask the criminal to make restitution to some victim's family. Do not do that, that might be offensive to somebody who committed a violent crime.

We said, on the violent crime, you are not going to have to serve your time if you only commit one violent crime. It is only if you commit two violent crimes. That is going to be a best seller, too, when the American people understand how we softened that one up.

The Senator from New Hampshire went through a whole list tonight where we dropped it or weakened it or threw it away or whatever.

I have heard all this conversation about 100,000 policemen. I am not an expert, maybe there are going to be 100,000—if you count them five times apiece. But I listened to some expert from New Jersey from Princeton, John Diiulio, a Democrat, on C-SPAN when I was doing a little treadmill. I do not go too fast so I get to listen a lot. He said the most you could get would be 20,000. But the President is going to say we are going to get 100,000, the Senator from Delaware, he says 100,000, so it must be 100,000. We will see what happens a year from now.

I recited yesterday the mayor of Kansas City, MO, who I think in mid-July calculated the cost and said, "We do not want this program." He changed his mind yesterday and came back to Washington, DC, and began to understand the merits of it after he talked to a few people.

But he said it right the first time. You are going to pay 25 percent the first year, 50 percent the second year, 75 percent the third year, and all of it after that. Many cities cannot afford that.

So, Mr. President, I know my time has expired but I hope we would focus, when we vote on this cloture vote. There is still a chance to save a lot of money in this bill by not invoking cloture. There is still a chance to help the American taxpayer and help the American victims and help those who want a real crime bill. We are going to have that vote in about 5 minutes, and I hope we may prevail.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent to waive the live quorum required under rule XXII; that a cloture vote occur immediately following my remarks; and that if cloture is invoked the Senate vote without any intervening action or debate on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, Members of the Senate, tonight's vote marks the end of a 6-year effort—6 years. It is important that the American people understand that this has been a 6-year effort in evaluating the repeated claim that there was no opportunity to amend this bill. That claim is without foundation.

When this bill was before the Senate just a few months ago, it was debated for 11 days and 102 amendments were considered and disposed of. Before that, in two previous Congresses, the crime bill was in the Senate and debated for days and days and days, and many, many other amendments were considered and disposed of. So we have been debating a crime bill for 6 years. We have had endless discussion on the Senate floor. We have considered hundreds and hundreds of amendments. Any suggestion to the contrary is simply erroneous.

We have been debating it long enough. We have been trying to amend it long enough. We have been delaying it long enough. Now, finally it is time to act.

Mr. President, I want to make clear, in an effort to accommodate our colleagues, we went the extra mile to try to permit a vote to occur on what they said was their principal concern and that is the level of spending. Although conference reports are not amendable in the Senate, we agreed to an extraordinary procedure, not utilized in the time that I have been majority leader, to permit a vote on cutting $5 billion from the spending provisions of the bill. That was not agreeable to our Republican colleagues.

Prior to that I offered to take up every one of their amendments and any other amendments that they wanted in a separate bill at any time they wanted, have each one of them voted on and debated on. That was not accepted.

So, Mr. President, I think it is clear that we now are at a point where we can finally act on this bill and any action to the contrary, of not invoking cloture, will simply contribute to further delay and place in jeopardy ever passing this bill.

Let me repeat what I said earlier. Despite the claims about money, money is not the problem in this bill. It never has been. The Senate passed a crime bill just a few months ago by a vote of 95-to-4; 42 out of 44 Republican Senators voted for that bill. It covered 5 fiscal years, from 1994 through 1998. The bill before us covers 6 fiscal years, 1995 through the year 2000. In the 4 years that are common to the two bills, the amount of money in this bill each year is less than the amount of money in the bill that was passed a few months ago. And 42 out of 44 Republicans voted for that bill. There was not a word about money then. There was not a word about pork then. There was not a word about social spending then. Mr. President, 42 out of 44 Republicans voted for a bill that included more spending in each of the years that are common to the bill that was passed then and the bill that is now before the Senate. The fact of the matter is it is not, was not, the issue involved in this debate.

Now we are told here that we should listen to the people. Seventy-seven percent of the American people favor an assault weapons ban, the very thing that for 6 years has been the driving force in opposition to this bill, right to this very moment. Seventy-seven percent of the American people favor a ban on assault weapons, and yet for 6 years we have had a determined effort to deny the will of the American people on that issue.

Mr. President, I hope my colleagues will vote to invoke cloture and to bring this 6-year effort to an end. Six years is long enough to consider any bill. Dozens and dozens of days is long enough to debate any bill. Hundreds and hundreds of amendments are amendments enough on any bill. There must be at some point final action, and this is the point.

I urge all Senators to vote to invoke cloture which, in plain English, means stop talking and vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act:

Joe Biden, Joe Lieberman, Edward M. Kennedy, Tom Daschle, Jeff Bingaman, Harlan Mathews, Max Baucus, Fritz Hollings, Charles S. Robb, Dianne Feinstein, Dan Inouye, Wendell Ford, Patrick Leahy, Harris Wofford, Dale Bumpers, John Glenn.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—61

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NAYS—38

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Stevens
Thurmond

NOT VOTING—1

Wallop

The PRESIDING OFFICER. If not, on this vote the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on adoption of the conference report on H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—61

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—38

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Stevens
Thurmond
Warner

NOT VOTING—1

Wallop

So the conference report was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, the manager of the bill, is recognized.

Mr. BIDEN. Mr. President, let me say that just prior to the vote I was asked by one of the national journalists to answer the question why we seem to fight so much, Democrats and Republicans.

I want to just point out some extraordinary thing that occurred totally unrelated to this vote. I think it is illustrative of notwithstanding how strongly we each feel about our positions on the issues that we still work together and are genuinely friends.

During the midst of this vote, when the cloture vote began Cynthia Hogan, my chief of staff and the person quite frankly who deserves more credit for the passage of this bill than any, including me, said, "Senator, I would like to have you call an executive committee meeting off the floor."

Now the reporters who cover the Judiciary know what that means. That means we are going to have a meeting, a totally separate meeting in order to vote out of committee a total of 14 Democratic nominees for the circuit court of appeals, the district court, and U.S. Marshals and Justice Department personnel, all requiring confirmation of the Senate.

I turned to ORRIN HATCH, and I said, "ORRIN"—because you need Republican cooperation—"will you come off into the Vice President's room right over here and have an official meeting?"

Our Republican colleagues, all but one because they did not know about it, marched off the floor. I called a meeting to order. We had a quorum, which means we have enough to be able to vote legally. I moved that all these people be approved. I have a list here. It is 14.

I moved the nomination of these, all Democratic nominees. The Republican colleagues voted for it. And they are sent to the floor, instead of having to wait an entire month before we can get badly needed judges on the bench. There was cooperation here by our Republican colleagues.

I do not want to overdraw that, but just it is the way that business works around this place with all the hollering and shouting and anger we sometimes display, because we are so wrapped up in the issues. We feel so strongfully about them. Nonetheless, in the end the peoples' business gets done.

And I want to thank my colleagues.

I am going to take another several minutes of the Senate to quite frankly not thank but pay tribute to the people who deserve the credit. It has always been referred to here this has taken 6 years.

Mr. SARBANES. Mr. President, will the Senator yield a moment?

Mr. BIDEN. I am delighted to yield.

Mr. SARBANES. I know the Senator is going to give the credit to all those who helped him, and I know the hour is late. I will be very brief.

Mr. President, I want to simply underscore again the extraordinary job of leadership which the distinguished Senator from Delaware has provided on this crime issue, not just now, but throughout this long process, the number of years in bringing us finally to the point where the Senate has enacted this very smart, tough, crime bill, and I just salute the distinguished Senator from Delaware, my neighbor as it is and my good friend for the extraordinary, extraordinary, committed, dedicated leadership he has provided throughout the consideration of this issue.

Mr. BIDEN. I thank the Senator from Maryland.

Let me talk about the people who do make this work. You know I read an article in the newspaper, and this goes to the Republican staff that I worked with on the committee as well.

It was an article in our hometown paper that talked about not the Judiciary staff, but all staff people, how they all get paid too much money, and so on.

I want to point out that the majority of my key staff people on the Judiciary Committee took pay cuts to take these jobs, substantial pay cuts, tens of thousands of dollars per year in pay cuts. And I think it is shown why we have such good people here because they are, in fact, committed.

I want to start off and again pay tribute to the chief counsel of the Judiciary Committee, Cynthia Hogan. She is smart. She is tough. And I think I can say without any equivocation there is no Democratic or Republican Senator on this floor who does not respect her, and when they ask her themselves and she tells them they absolutely take it to the bank, absolutely just take it to the bank, and the most incredible and important currency in this body in this Senate is one's word.

And you have no idea, Mr. President, how easy my job is when all I have to do is ask Cynthia Hogan. Right now I bet you there are 25 Senators who can tell me Cynthia's office phone number without having to look it up because they are so accustomed to calling her and asking her her opinion or asking her for information, Republican as well as Democrat.

So, Cynthia Hogan and the former chief of staff of this committee, who was in the beginning of this process a fellow who started from the beginning and who is not here. He is here in town. He works in town. He is a fine lawyer, and his name is Mark Gitenstein. He put together this original bill with me, and Ron Klain, who is now with the Justice Department. But it was brought home by Cynthia Hogan.

I mentioned before, as a matter of fact, I saw an article in the paper today, that there is a woman on my staff named Demetra Lambros. Demetra Lambros stayed up every night and these were averaging, if you averaged them 2 o'clock every night, Saturday, Sunday, stayed through. Two of those nights were until 5 in the morning. And I come out of meetings at 5 in the morning in negotiations and see this lovely woman sitting on the marble stairs of the Capitol inside the Capitol with a note pad in hand and answering questions off the top of her head about complicated legal issues. And she was 4 days at that time overdue. She is due to give birth. She was 4 days overdue. She sat here on the floor until about 2 hours ago. She is on the floor back there now.

You are supposed to be home.

I have threatened to fire her. I have threatened everything to get her out of here, but she is so invested in this bill, and I hope I am not embarrassing her but she is now better more than a week overdue, and I think now that her child knows that the crime bill is passed the child is willing to come forth in a safer world because I want to tell you there has to be some reason why she is able to do this. She is an incredibly sharp lawyer.

And Chris Putala—Chris has been someone again who everyone has come to rely on, not just me, all the Members of this Senate, particularly the Democratic Members. He is a first rate lawyer, a man who now when the police of this Nation and their organizations have any questions they do not even bother to call me. They call Chris because they know Chris speaks for me, and they know Chris knows of what he speaks, and they trust him completely. Again it is trust.

And Ankur Goel is a new fellow on our staff, new this year, and he came from working with the Justice Department for the last I think 5 years he had with the Justice Department and came over as a prosecutor and has provided invaluable service.

I know this is boring to many people, but it is important to do this. I do not want to overstate this but I think this if not a historic occasion it is a significant occasion the passage of this bill.

I want their children and grandchildren and parents and husbands and wives to know in the RECORD how much of a part they played.

Mr. President, there was a young woman, one of more than a dozen children, who had worked her way through college, applied to Georgetown Law School, was admitted, a top student at Georgetown Law School, who started off as my appointments secretary, assistant appointments secretary, and she is now someone who has helped write this bill and pass the bill. Her name is Tracy Doherty. And do not be fooled, whoever ends up on the other side of her in the courtroom, by her young and lovely smile, this is one very bright, tough lady and did it all by herself.

The idea that she would be on the floor, being relied upon by everybody when, only 2½ years ago, she was sitting there, doing a very important job, but having no knowledge of the criminal justice system.

And by the way, she did all this while she was still going to school. She was doing it full time and going to school.

And Andrew Plepler. Andrew is new—new in the sense that he has been here for this bill.

Adam Gelb.

I have to get my glasses on to make sure I do not leave anybody out.

Jenna Nober, Mimi Murphy, Lisa Monaco, John Earnhardt, Rick Mihills, Linda Belachew, Susanne Smith, and Joel Vengrin, all of my staff.

And Larry Spinelli of my staff and Jennifer Vollen, who are the ones who had to answer all the questions by everybody about the staff.

And the minority leader's staff—and I feel like the phrase used on this floor today a number of times by my Republican friends—hijacked. They talked about bills being hijacked and ideas.

Well, I have hijacked truly outstanding staff people in this Senate, Anita Jensen and Abby Saffold, and also the entire floor staff here. And I am reluctant to give them back. They have made me look better than I deserve. I thank them for that.

And the ultimate staff person I would like to thank is the majority leader.

As I said in a press conference today—and I tell a tale on myself here. Last night, as we were going in the final throes of this matter, calling every one of the Senators to see where they were on the Democratic side, he turned to Cynthia Hogan, chief counsel, and said, "Let me write some talking points for him," which is what staff people do. He gave me a four-sentence summary of what I should say to Senators. I looked at him, I said, "George, this will never work."

The first three people I called, all hard cases on this issue, I read it, and they said yes. And that was it. They went back to sleep.

So I thank him for his brilliant staff assistance.

And also again, members of Senator HATCH's staff, who we work with every day and who are first rate. They may not want me mentioning them, but I think they know how much respect I have for them personally.

Mark Disler, who is the No. 1 man over there. And Manus Cooney. It seems like Manus and I have been doing crime bills for ever and ever. Sharon Prost, who has been involved in this for years. And Larry Block and Mike Kennedy.

And on Senator DOLE's staff, Dennis Shea.

The thing about dealing with all of them, even though we disagreed, I never have to wonder. When I ask them what the deal is, if they cannot tell me, they do not tell me. If they can, whatever they tell me is what it is.

And, as the Presiding Officer knows, there is, as I said, currency in this place. The people you want to deal with are the people, when you speak to them, you know what they tell you is exactly what they are going to do.

Mr. President, as I said on the floor throughout this week, there is more than one group of people responsible for helping me put this crime bill together.

I want to point out one very important thing. That many of the provisions in this bill, if not the majority of the provisions in this bill, are original ideas and thoughts of Senators on this floor in both political parties. I do not claim to have had the wisdom, knowledge, or foresight to be able to think of the things that are in this bill that I think will make a difference in people's lives.

The only thing in this bill that I wrote from scratch was the Violence Against Women Act. That was a small part of this. Maybe that is why I was so emotionally attached to it. But for every other good idea in this bill, there is a Senator here—and including that one, as well—there is a Senator here who can rightfully claim, Democrat and Republican, that they were the ones that came to me.

One other thing I want to mention. For the past 6 years, the Nation's law enforcement officers and the representatives of their major organizations have basically lived in my office. They have become my friends. They have become people who I have learned to and come to know well and expect whatever they say, that is it. I hope and think they feel the same way about us.

I will miss them camping out in my conference room at 2 and 3 in the morning. I will miss seeing them as much as I do. But I will not miss the fact that we have to go through this again. And for the past 6 years, these law enforcement officers, representing the Nation's 500,000 police officers, sat in my office, around a conference table, working late into the night to craft a crime bill that was so desperately needed by America's front-line crime fighter.

I ask unanimous consent that the names of each of these law enforcement organizations be printed in the RECORD, Mr. President.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Fraternal Order of Police (FOP).

National Association of Police Organizations (NAPO).

International Brotherhood of Police Officers (IBPO).

National Sheriffs' Association (NSA).

International Association of Chiefs of Police (IACP).

National Organization of Black Law Enforcement Executives (NOBLE).

National Trooper's Coalition.

Major Cities Chiefs.

International Union of Police Associations (IUPA).

Police Foundation.

Police Executive Research Forum (PERF).

Federal Law Enforcement Officers Association (FLEOA).

Mr. BIDEN. But, more important than the names of each of these organizations, are the individuals who are able, creative, and talented leaders of these organizations. Each of them represent their membership with great distinction and dedication. And each of them has helped deliver to the Nation's police officers more assistance, more life-saving assistance, more support than any other piece of legislation I can remember in my 22 years in the U.S. Senate.

Indeed, in the past 10 months, these individuals, representing the Nation's police, have helped bring unprecedented change to the country—passing the Brady bill into law, which is now law tonight; passing the assault weapons ban, and passing a fully-funded crime bill which will add 100,000 police to the ranks, build 125,000 more prison cells, and extend a helping hand to literally millions of America's children throughout this Nation through such proven programs as Police Athletic Leagues, Boys and Girls Clubs and many other projects.

I have said on the floor, and I meant it sincerely, in the heat of the debate, these are the women and men who suggested to me and others the prevention programs that should be placed in there. And I have great respect for social workers. We should be doing more in that area. But they did not come from a group of social workers coming in and sitting down with me. They came from a bunch of hard-nosed cops who know the street, know the problems, coming in and setting down and saying, "Joe, this is what we have to do."

So, I thank them because they know better than we do, than I do anyway, what the needs are. And I think it is, if not rare, at least rare in what I have worked on over the years, that we actually ask the people most affected and say, "What do you need?" And they told us. And the overwhelming majority of the U.S. Senate and the House of Representatives voted to give them what they believe they needed tonight.

Now, individuals in this group include—and I have to say, you know, they are all equals—but the first among equals has been, in my view, a guy named Bob Scully. Bob Scully has been a stand-up guy. Every time we have had a problem, he stood there and he has taken heat. And he has been willing to stand up.

But others have been equally as involved in the entire process. Tom Scotto, Ken Lyons, Chris Sullivan, Richard Boyd, Steven Brown, Dewey Stokes; "Bud" Meeks, who I have spent an awful lot of time with; Melinda Lund, Jim Rhinebarger; Johnny Hughes, of the troopers; Sylvester Doughtry.

What is Mark's last name? For years I have been talking to Mark. It is amazing. I have known Mark for so long—and I do not know whether you all have this problem—I have known him for many years and called him Mark but did not realize his last name was Spurrier.

Dan Rosenbalt, Ira Harris, Victor Oboyski, John Pitta, Don Cahill, and many, many others.

I count each of these individuals—many of whom are, as we would say in campaigns, card-carrying Republicans—as my friends. And, quite frankly, we could not have delivered such a sweeping crime bill to the American people without their help.

I thank all of them for their timeless effort and I hope that our collective efforts, of the police and my staff and others in this body who have spent so long trying to put this together—I sincerely hope that what we have done is a good thing for the American people. I sincerely believe what we have done is a good thing for the American people.

But the beauty of this is, if in fact we find 2 years down the road that a particular program is not working the way we intended it to work, this is a trust fund. For 6 years, we have made this commitment. The chairman of the Appropriations Committee, Senator BYRD, has pointed out if a particular program is not working, through the appropriations process, we can change it.

The important thing tonight is we have made a commitment to the American people and the law enforcement community of this Nation that we were going to, as a Federal legislative body in the Federal Government, provide what they asked for—a $30 billion 6-year commitment to put police and prisons and prevention programs back in the cities, none of which was controlled by the Federal Government. The only piece of this entire bill controlled directly by the Federal Government is the money for Federal prosecutors and Federal law enforcement officers, and money for drug treatment in Federal prisons—an important part, but not the main part of this bill.

So it is my sincere hope, and my even more sincere belief, if that is possible, that we did a good thing tonight; that we did a good thing for the American people. One of my colleagues—and I will conclude with this statement—said to me, "Joe, what do you think about putting up with"—and he was not talking about my colleagues, just putting up with, and I do not view it as "putting up"—but "putting up with being in public life? Is it worth it?"

I said, "These are the nights it is worth it." It is worth it tonight, because whether I am right or wrong, and only time will tell, I truly believe with all my heart we did something good. As a friend of mine would say, "We did something serious good" for the American people tonight. I hope that proves to be true.

I thank everyone for their cooperation and their indulgence. I know we have gone a long time, and I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, just one comment or two. I think the words have been spoken tonight: "Sincere," "effort," "dedicated" and "good support." I think the American people will be much better off when we see the result of the long labor—you might say a labor of love, but I do not think I could categorize it that way—but it is has been a labor of interest and sincere desire to make life a little better, not necessarily for ourselves but for our children and the future. That is what it is all about.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent there be a period for morning business with Senators permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE: THE ROAD AHEAD

Mr. DOLE. Mr. President, it has been over 2 weeks since we began the health care debate in this Chamber. We have heard a great many speeches from both Democrats and Republicans, and we have passed a handful of amendments, proposed by both Democrats and Republicans.

Some might say that this is not a lot of progress for 2 weeks of work. I disagree. For something else has happened during the past weeks. More important than hearing from Senators, is the fact that we have also continued to hear from the American people.

In record numbers, the American people have been writing and calling their Senators. And they have been making some requests. That we read the Clinton-Mitchell bill. That we understand the bill. That we know how the Clinton-Mitchell bill will affect their State, their businesses, and their families.

Those are reasonable requests. They are requests that Republicans have been making for some time. And they are requests that Republicans will not compromise on.

And now we are taking a breather. And, so far, the American people are breathing a sign of relief. So far, we have managed to do no harm. So far, we have managed not to destroy the best health care system in the world.

I say "so far" because the debate over this issue is far from complete. There are those who still believe we should pass the Clinton/Mitchell bill or the Clinton/Gephardt bill before we adjourn in October.

I believe, however, that those bills do not and will not have the support of a majority of Senators, and, more importantly, the support and confidence of a majority of Americans.

So, where do we go from here?

Well, my first suggestion would be that we pass the Dole-Packwood bill. But I know that is a tall order in a Democrat controlled Congress.

My second suggestion is one I have made for almost a year and a half. That we pass into the law provisions to help those Americans who cannot afford insurance, who cannot get insurance because of a pre-existing conditions, or who cannot keep insurance due to a job change.

Such a bill would not meet President Clinton's definition of health care reform. But it would make health care more affordable and more accessible to millions of Americans.

When we return in September, Republicans will remain dedicated to strengthening the best health care system in the world.

But make no mistake about it, we will also refuse to rush through any legislation until we understand the meaning, impact, and side effects of every single provision. After all, this legislation involves one-seventh of our economy, and it touches the life of every American.

On a final note, I want to thank the American people for the input they have been providing.

I would hope that you will continue to call in to radio talk shows, continue to write and call your Senators and Members of Congress, and to attend town meetings in your area.

I look forward to resuming this debate in September.

THE VIRGINIA ALLSTARS FROM THE CENTRAL SPRINGFIELD LITTLE LEAGUE

Mr. WARNER. Mr. President, we all know there is a Baseball strike in the Major Leagues, but it is World Series time in the Little Leagues.

The Virginia Allstars from the Central Springfield Little League, Springfield, VA, defeated the Florida Allstars on Thursday, August 18, 1994, to win the Little League Southern Regional Tournament in St. Petersburg, FL. The Virginia Allstars will represent the United States Southern Region in the Little League World Series, held in Williamsport, PA, August 21–27, 1994.

The semifinals are being held today and the Allstars will be playing against the tough Northridge, CA, team.

The road to the Little League World Series is by no means an easy task. The Central Springfield Allstars first practiced as a team, following their regular Little League season, on June 18, 1994, spending the next 2 months going through two-a-day practices in scorching heat and defeating talented opponents.

Advancing through their District 9 Tournament, the Virginia State Tournament, and the Southern Regional Tournament, these young ballplayers compiled a record of 14 wins against just 1 loss. The Southern Regional Tournament was composed of State champions from Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. In order to earn a trip to the World Series, Virginia had to beat an excellent Florida team twice on the last day of the Southern Regional Tournament, which they did in a convincing fashion, avenging an earlier loss to Florida.

The 1994 Virginia State Champions and Southern Region Representatives to the Little League World Series are: Matt Andrews, Andrew Buffington, John Bumpers, Roberto Carrero, Mark Fackner, Mike Fratoe, Tim Grant, Matt Keller, Ricky Kyle, Ethan Lare, Tommy Little, Patrick Malatino, Eric Miller, and Paul Weishar.

The manager of the team is Jim Hamilton, the coaches are George Lare, Tom Ravellette, Tom Smith, and Dave Tinsley. The team mom is Jane Fratoe and the Central Springfield Little League President is Tex Carey.

Mr. President, I wish the Allstars success in their upcoming games and I will give them one piece of advice, keep your eye on the ball and hit it out of the ballpark.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. RIEGLE. Mr. President, I rise this evening to say a few words about the crime bill just passed by the Senate. Much has been made in recent weeks about the bill's shortcomings, especially with respect to its crime prevention measures. In focusing on this aspect of the legislation, however, the bill's opponents have chosen to disregard the $23.2 billion it authorizes for law enforcement and new prison space.

From the standpoint of crime prevention, the crime bill's centerpiece is its authorization of $8.8 billion for 100,000 new police officers. This measure will increase the number of police officers on the streets of America by 19 percent. If there's one fact that we know about crime, it's that it's less likely to happen when a police officer is around. I am proud that this proposal, originally made by President Clinton during the 1992 campaign, has finally been approved by the Congress. Through all of the debate and discussions and amendments and negotiations that have taken place regarding the crime bill, this basic idea of putting 100,000 new police officers on the street has survived intact.

The crime bill also provides tougher sentencing for violent crimes. Criminals convicted of a third violent felony will receive life imprisonment, and the death penalty is extended to apply, for the first time, to more than 60 Federal offenses. The bill gives states an incentive to implement so-called "truth in sentencing" policies, by reserving funds for States whose prisoners serve an average of 85 percent of their original sentences. And to ensure that the States will have enough prison space to put—and keep—violent offenders behind bars, the bill authorizes $7.9 billion to States for prisons and incarceration alternatives, such as boot camps, for nonviolent offenders.

To make sure that all of the funds that are authorized are actually appropriated to pay for the bill's law enforcement and crime prevention programs, the crime bill includes a violent crime reduction trust fund. This trust fund is an innovative mechanism that offsets all crime bill spending by lowering the Government's general discretionary appropriations caps. More particularly, crime bill spending will be offset by savings from the reduction in the number of Federal employees mandated by the Federal Workforce Restructuring Act. Thus, the crime bill contains a built-in mechanism to ensure that the promises it makes will be kept, and that the spending it authorizes will not add to our fiscal deficits.

This crime bill means a great deal for my State of Michigan. It will provide up to 3,400 more police officers on Michigan streets and approximately $300 million in new resources to help fight crime and make our communities safer.

No legislative initiative of this magnitude can be entirely satisfactory to every person. Each one of us, both in this chamber and in the Nation as a whole, can find some provision or program in this crime bill with which to disagree. But on the whole, I believe this crime bill deserves the support of all Americans. We must help the police fight the criminals, this bill gives the police more of what they need to do this difficult job. As President Clinton has said, this is not a Democratic bill or a Republican bill; this is an American bill.

The crime bill is the result of 6 years of work by Democrats and Republicans alike, and embodies innovative ideas from across the political spectrum. It is the most far-reaching anti-crime initiative ever passed by the Congress. Now that the partisan battles surrounding its passage have ended, let us all work together to make sure that the crime bill accomplishes its purpose of reducing crime. The battle over the crime bill has been a battle of words; for this legislation to improve the lives of Americans, those words must now be translated into action.

FINAL PASSAGE OF THE CRIME BILL

Mr. KENNEDY. Mr. President, today's dramatic vote means that the obstructionists have failed, and the country will finally have the far-reaching new tools we need to wage a more effective battle against crime.

The greatest threat we face is no longer overseas, but here on our streets at home, in every community in America. We have to come to grips with crime, and this legislation will do that. It's a balanced bill that puts the right emphasis on each of the three "P"'s—police, prisons, and prevention.

In particular, I commend the six Republicans who broke with their party's misguided tactic of obstruction on the budget point of order earlier today. They're profiles in courage who put the country first, and provided the margin of victory for this gratifying and long overdue step forward in the war on crime.

I also commend the majority leader for his extraordinarily skillful leadership in guiding the Senate safely and successfully through this unconscionable gauntlet of partisan obstruction. Rarely, if ever, has his effective leadership been so clearly on display, and the Nation and the administration owe him a great debt of thanks.

In addition, I commend the chairman of the Judiciary Committee, who has done a brilliant job of preparing this very important legislation. The Senate could not have achieved this victory without his effective leadership and his eloquence.

Today's action is an historic victory for all Americans and a major watershed in the war on crime. Passage of this legislation by the Senate means that President Clinton will sign the strongest, most comprehensive crime bill in our history. This measure is both tough on crime and smart about crime, and it deserves the strong support of the American people.

This legislation is also a significant victory for Massachusetts and every other State. The crime bill will put 100,000 new police on the streets of the Nation over the next 6 years, an increase of 20 percent. Massachusetts will receive approximately $200 million to hire 2,300 new police officers to deal more aggressively and more effectively with the problem of crime in our communities.

We fought hard for a ban on military-style assault weapons to stop the flow of these battlefield weapons onto our streets—and we succeeded. Among the guns that will be banned is the SKS assault rifle that was used to kill two people and wound four others at Simon's Rock College in Great Barrington in 1992. That weapon and weapons like it should never have been available for sale—and from here on, they never will be.

Three quarters of the funding in this bill is for law enforcement and prisons. But police and prisons aren't enough by themselves to deal with crime. We also need help for proven programs that can prevent crime before it occurs. The funds in this bill to reduce violence against women, to support anti-gang programs and to encourage other preventive measures are just as important as the police and prison funds and deserve this support.

This crime bill delivers on our commitment to the American people to deal more effectively with the crime that is plaguing our streets, our neighborhoods, our communities and our entire country. By today's action, the Senate has served the country well, and I am confident this bill will mark the beginning of a new and more effective phase of the all-important war on crime.

NEED TO PASS SUPERFUND REFORM THIS YEAR

Mr. LAUTENBERG. Mr. President, the Senate will recess today until September 12. When we come back, we will have a very full agenda to complete before we adjourn for the year. If we adjourn in early October, as planned, we will have only 20 legislative days remaining. I urge the Senate to move forward quickly at that time to reform the Superfund program by enacting the Superfund Reform Act of 1994, S. 1834.

A year and a half ago, the Senate Superfund subcommittee, which I chair, began a series of hearings on necessary reforms to make this program work better. We heard from over 80 witnesses from every sector affected by this legislation: businesses, environmental groups, community groups, and government officials from the Federal, State, and local levels. EPA reported that, after a troubled start, the Superfund program has successfully completed the cleanup of approximately 240 of the 1,300 National Priority List sites, and cleanup is well underway at the remaining sites. Emergency removals have been undertaken at over 2,400 sites. The Federal Government has succeeded in obtaining cleanup commitments worth over $8.3 billion from responsible parties, saving the taxpayers from this burden. The enforcement program has produced $9 of cleanup from responsible parties for every $1 of government enforcement expenditure.

But, of course there are many problems with the current program. Too much money is going to lawyers and not enough to cleanup. Cleanups are taking longer than they should, and may not be as cost effective as they can be. Small businesses and municipalities are being harrassed with frivolous lawsuits by the real polluters, who are trying to spread the costs of cleanup to other, innocent parties or to taxpayers. Economic development is stifled, as lenders and prospective property purchasers are scared off by the fear of acquiring Superfund liability. Communities are being shut out of the cleanup process.

Over the past 18 months, an unprecedented consensus has grown up around a single package of reform measures—embodied in the bill which Senator BAUCUS and I introduced last February. The administration estimates that this bill will slash private litigation costs in half, speed up cleanups by 20 to 25 percent, reduce the cost of cleanups by 20 percent, and give communities a much greater say in how the sites in their neighborhood should be cleaned up.

The reform package will also create jobs. Tens of thousands of jobs and hundreds of millions of dollars of economic redevelopment will be stimulated by promoting voluntary cleanups of contaminated sites. These provisions stem from separate legislation that I introduced last year, the Voluntary Environmental Cleanup and Economic Redevelopment Act, S. 773. In addition, the Superfund reform bill will shield municipalities and small businesses from the harrassing lawsuits and disproportionate litigation expenditures encountered under the current law. Qualified States, with experience in cleaning up contaminated properties, will be given a much greater role in overseeing the cleanup of sites within their borders, erasing the duplication between State and Federal Governments which has slowed down cleanup in the past.

These are just a few of the sweeping reforms the Superfund bill contains. An unprecedented coalition comprised of traditional adversaries have worked together and support this bill. This coalition includes environmentalists, community groups, the small business community, local officials, lenders, and even the insurance industry. All of them want to fix Superfund and reform the program. I ask unanimous consent to include in the RECORD a list of the groups which support the improvements to the law embodied in my bill.

The importance of reforming Superfund, one of the Federal Government's largest and most complex environmental programs, is reflected in congressional action taken to date. The House Energy and Commerce Committee reported the counterpart bill by a vote of 44 to 0. The House Public Works and Transportation Committee reported the bill unanimously, as did the House Ways and Means Committee. The Senate Environment and Public Works Committee approved the bill by a 13-to-4, bipartisan vote.

Mr. President, we have made significant progress in getting a reform measure approved by Congress during this session. But time is short. Because of the inevitable crunch of business at the end of the session, the enemies of Superfund reform hope to run out the clock and kill the bill by simply declining to act expeditiously.

Mr. President, we have seen gridlock on bill after bill this year. We've seen partisanship and rancor destroy important legislation. For there will be a price to letting the philosophy of gridlock that we have seen too much of this year spill over onto Superfund. If the bill is not passed this year, we'll have more litigation, slower cleanups, higher local tax bills, and the public will lose. The communities who stand to benefit from reform will only twist in the wind for another 2 years—or more—simply because a few key Senators declined to act expeditiously.

Mr. President, I hope we can work in a bipartisan fashion to get this bill enacted into law in the very short time we have left. The Senate should not lose this opportunity and allow the politics of gridlock to kill a package of reforms that can bring economic and environmental benefits to our citizens. The 73 million Americans who live near a Superfund site are counting on us.

SUPPORT FOR THE BILL

As of early August, the following groups have indicated their support of improvements and added fairness embodied in the Superfund Reform Act of 1994:

Aetna Life and Casualty.
AgriBank.
Allied Signal, Inc.
American Automobile Manufacturers Association.
American Bankers Association.
American Baptist Foundation.
American Bible Society.
American Communities for Cleanup Equity.
American Council on Gift Annuities.
American Insurance Association.
American International Group.
American Land Title Association.
American Leprosy Missions, Inc.
American Planning Association.
Ameican Public Works Association.
Amoco Corporation.
Andrews University.
ARCO.
Ashland Oil, Inc.
Associated Builders & Contractors.
Association of American Railroads.
AT&T.
BancOne.
Bank of America.
The Bankers Roundtable.
Bankers Trust Company.
Baptist Foundation of Texas.
Barnett Banks, Inc.
The Boeing Company.
BP America, Inc.
Browning-Ferris Industries.
California Bankers Association.
Chemical Manufacturers Association.
Chemical Specialities Manufacturers Association.
Chevron Corporation.
Childrens Medical Foundation of Texas.
Chrysler Corporation.
The Chubb Corporation.
Ciba Geigy.
Clean Sites.
Commission on Development, United Church of Christ.
The Dow Chemical Company.
DuPont.
ELCA Foundation, Evangelical Lutheran Church of America.
Environmental Capital Corporation.
Environmental Defense Fund.
Equipment Leasing Association.
Farm Credit Bank.
Farm Credit Bank of Baltimore.
Farm Credit Council.
Financial Commissioner, State of Montana.
First Chicago Corporation.
FMC Corporation.
General Board of Discipleship, United Methodist Church.
General Conference of 7th Day Adventists.
General Motors.
Good Shepard Foundation.
Hercules Incorporated.
Hummelstein Iron & Metal, Inc.
Independent Bankers Association of America.
Institute of Scrap Recycling Industries.
Lloyd's of London.
Loma Linda University.
Ludy Bible Institute.
Massachusetts Mutual Life Insurance Co.
The Mennonite Foundation.
Monsanto Company.
Mortgage Bankers Association.
Mt. Holyoke College.
The Municipal Waste Management Association.
The National Association of Counties.
National Association of Surety Bond Producers.
National Association of Towns and Townships.
National Committee on Planned Giving.
National Federation of Independent Business.
The National Paint and Coatings Association.
National Realty Committee.
National School Boards Association.
Natural Resources Defense Council.
New Butte Mining, Plc.
Northwestern University.
Olin.
Printing Industries of America.
Rohm and Haas Company.
Salvation Army.
Savings & Community Bankers of America.
Sierra Club.
Smith College.
Sparten Iron & Metal Corporation.
Trail Chemical Corporation.
Union Pacific Corporation.
The United States Conference of Mayors.
United Way of America.
WMX Technologies.

RANGELAND REFORM COMETH

Mr. DOMENICI. Mr. President, I rise today to discuss an issue I am sure many of you had hoped was taken care of last October. I rise today to remind the Senate, my Western colleagues, and the people of the West that Secretary Babbitt's rangeland reform cometh.

On August 13, 1993, the Secretary proposed his rangeland reform plan which is designed to fundamentally alter the manner in which our Federal lands are managed. Secretary Babbitt's plan would revolutionize Western grazing, bringing it in line with his perception of the expanding urban structure of a new West. The Secretary's plan was revolutionary indeed; rangeland reform galvanized the rural West into action. Refusing to be cast as second-class citizens, people from the rural areas began to work together to stop what many describe as a "war on the West."

Last fall, I led a group of 41 concerned Senators in opposition to Rangeland Reform 1994. I, too, felt that the Secretary of Interior wanted to declare war on the West. Those who opposed my stand last year, predicted that there was no way to stop the Secretary and his vision of a new West. As a matter of fact, Secretary Babbitt threatened to move full-speed ahead to implement his proposal—regardless of Senate opposition and public outcry.

Well, it is 1 year later and we still haven't seen implementation of the Babbitt plan. Nevertheless, I am not here today to claim victory; rather, I am here to remind people that this issue is still as critical today as it was last fall. And, I am here to challenge the Secretary of the Interior to address the concerns of those most personally affected by his proposal.

To the people of the West, no news does not mean good news. Information on Rangeland Reform 1994 has not been forthcoming, and the controversy seems to have subsided. However, things have been far too quiet from the Secretary's office. I am fully aware that the comment period has not yet ended, and that the Secretary has even extended the comment deadline date. What I want my colleagues and the people of the West to know, is that it is very possible that Congress will not be in session when the final rule is released. In other words, it is highly possible that there will be no opportunity for congressional recourse when Secretary Babbitt offers his final plan.

While the Secretary is keeping his own counsel, the Senate Committee on Energy and Natural Resources has held several field hearings in the West. Those hearing have yielded volumes of information in opposition to Rangeland Reform 1994. During the July hearing in Albuquerque, an estimated 9 out of 10 people in attendance were opposed to the Secretary's plans. Mr. Babbitt's mythical new urban West did not materialize. We did not hear from people supporting change, or hear people calling for the expansion of BLM authority, or calling for the recognition of a new Western order. Although the Senate Energy Committee hearing was more convenient to those from urban New Mexico, the people who attended traveled from all corners of the State to voice their concerns.

I would be remiss if I didn't acknowledge Secretary Babbitt's attendance at that Albuquerque hearing in July. The Secretary did attend, he sat among the people in attendance, and he heard the testimony of many groups. I hope he was listening. In the past few months, I have received copies of the comments individuals have sent to the Secretary in regard to his proposal. Well over a thousand concerned New Mexicans have outlined their opposition to rangeland reform. Businessmen and women, ranchers, legislators, and people from all walks of life have forwarded comprehensive comments to both me and the Department of the Interior. All of the comments vary in length and content, but all share two common themes. One, the Secretary's proposal is fundamentally one sided; and two, there needs to be equal sensitivity to needs of the people closest to the land as to the concerns of those living elsewhere.

I would like to share with this body some of the comments both the Secretary and I have received. I have asked my staff to review each of the comments and to make a list of the most common concerns. My staff has informed me that not only were the comments extremely varied, there is not 1, or 2, or 3, or 10 distinct issues that came to the forefront. I was hopeful that I could find the magic key, the most serious flaw or flaws in the proposal and offer a solution. Unfortunately, there is nothing that can be fixed through a change in language. The problem with this proposal is the proposal in itself.

For example, Kathleen Hellman of Capitan, NM, began her litany of concerns with the first provision, appeals and procedures, and ended it with the last, standards and guidelines. Although Kathleen leaves no stone unturned, she repeatedly asserts that the entire proposal is wholly and negatively biased against the Federal lands permittee. She is correct.

Another constituent, Dan Vicenti, is a member of the Navajo Nation. He has taken a different approach: he has prepared comments that encompass a personal and tribal point of view. I quote from Dan's comments: "Where I live, the people are the poorest of the poor in the United States * * * Adding to their devastation as the proposed reform will do, is, of course, contradictory. The BLM should be more logical or at least sensitive to the needs of the Navajo people." Of course, Dan is correct, the Department of the Interior should be sensitive to the needs of those who live with Federal lands as a necessity. I would ask that copies of these letters be placed in the RECORD.

In closing, Mr. President, let me remind my colleagues that the Department of the Interior represents all the people of this country—those who live on the land and those who do not. Secretary Babbitt has received thousands upon thousands of letters and comments that are technical in content, rational by experience, and heartfelt by association.

The managers of the land, business men, women, ranchers, legislators, and people from all walks of life deserve serious consideration. Mr. Secretary, we are holding you accountable for all the promises you have made to all of these people that you would take into account their comments and criticisms. A quick rewrite of last year's plan will not suffice. A Washington-drafted plan is not the answer. The people of New Mexico, the West, and I want to say to the Department of the Interior that any proposed rangeland reform plan must be genuinely reflective of the views of those who use the land, because you, Mr. Secretary, told us you would listen to them. And, for those of us who represent these users of the land, we, too, will be watching—and watching closely.

In August of last year rangelands reform started in the United States. I have made a statement that outlines what has occurred since then and have some samples of the comments that have been made by constituents in my State.

I tried in the statement to make a reminder to the Secretary of Interior regarding rangeland reform that he is committed to throughout our States, that while he came there to listen to people, that that was not the end of that. He would take their comments into consideration.

Frankly, he has received so many from the Western people who were either land users or rural citizens or business men and women in the area, that I close tonight to just issue a reminder to the Secretary that just a small change in his Rangeland Reform 1994 is not going to satisfy his own commitments to the people in the West, my State in the West where he said he would not only listen but take their concerns into consideration.

Considerations are numerous, they are real, and they deserve his consideration, and his final plans should not be a slight modification of what was produced in Washington by a group of Washingtonians. It should be a plan produced out where the people are having, listen to them and taken their concerns into consideration.

Mr. President, I ask unanimous consent to print in the RECORD comments from citizens so it may be read by the executive branch also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RANGELAND REFORM '94,
Washington, DC, July 20, 1994.

To Whom It May Concern:

Following are comments on the Federal Register notice published March 25, 1994, proposing amendments to the Livestock Grazing Administration Regulations at 43 CFR Parts 4, 1780, and 4100. As stated: "The purpose of the proposed changes is to make the BLM's rangeland management program more consistent with ecosystem management, to accelerate restoration and improvement of the public rangelands, to obtain for the public fair and reasonable compensation for the grazing of livestock on public lands, and to streamline certain administrative functions." and, ". . .to provide a mechanism for effective public participation in decisionmaking, and to focus Federal and non-Federal management efforts where they will result in the greatest benefit."

PART 4, TITLE 43, DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Section 4.477, Effect of decision suspended during appeal

The proposed changes are unnecessary and have a wholly negative bias toward the permittee. They violate the right to due process and, by invoking Full Force and Effect immediately, Constitutional rights. They are contradictory to both NEPA Section 102c and the Administrative Procedures Act. Further, they impact private as well as public lands and make no provision for restitution of damages or loss suffered by the permittee in the interim if the federal agency decision is overturned.

The language should not be changed.

PART 1780, COOPERATIVE RELATIONS

Section 1784.2-1, Composition

The proposed changes would abolish a cohesive system of advisory boards and councils, some of which have been in place for over half a century. There is no definition of the charter; how it will be established; or by whom. The proposed makeup of the Multiple Resource Advisory Councils is not balanced; has no provision for making sure environmental and state members have any knowledge of rangeland or any land management; has no residency requirements for environmentalists (i.e. a resident of New York City who is an "environmentalist", but who has never seen more open land than Central Park could sit on a Council which makes decisions for Wyoming); and makes no provision to ensure permittees or ranchers are represented. There is no justification for per diem for environmentalists! MRAC members should not sit on Rangeland Resource Teams, it is a conflict of interest. The terms "industry", "discipline", and "interest" are not defined, and no criteria established for proof of ". . . experience or knowledge of the geographical area . . ."or ". . . demonstrated . . . commitment. . ."or to whom it will be proven.

The existing advisory boards and councils should remain in place.

PART 1780, COOPERATIVE RELATIONS

Section 1784.2-2, Avoidance of conflict of interest

The proposed changes prevent permittees from being involved in the decisionmaking process which directly affects their lives and livelihoods. Who will verify that MRAC members do not hold stock in companies which derive an interest from decisions the members make? The proposed changes, if adopted, should be amended to state: ". . . that no government official or employee should be allowed to serve on a MRAC or RTT.", as they have a direct and vested interest (i.e. their income), and that is a conflict of interest.

Anyone and everyone should be allowed to provide input.

PART 1780, COOPERATIVE RELATIONS

Section 1784.3, Member Service

The proposed changes do not adequately define length of terms. The charter should state that all terms be limited to two (2) years—without exception. No member of the MRAC or RTTs should receive compensation or per diem under any circumstances. MRAC members should be specifically excluded from serving on RTTs, as it would be a conflict of interest.

The outcome of the proposed changes would be self-perpetuating government fiefdoms, funded at enormous cost by the taxpayer. The changes are unacceptable.

PART 1780, COOPERATIVE RELATIONS

Section 1784.5-1, Functions; Section 1784.5-2, Meetings

Inasmuch as, according to the United States Constitution, the Federal government holds no lands within the states, and therefore Federal officers have no authority, these changes are irrelevant.

PART 1780, COOPERATIVE RELATIONS

Section 1784.6-1, Multiple Resource Advisory Councils (MRACs)

The BLM does not have the authority, nor is the criteria set forth, to determine when sections (a)(1) through (a)(3) are applicable. Many terms, including but not limited to "ecosystem" "environmentalist", and "ecoregion" are inadequately defined. The proposed makeup of the MRACs does not include residency requirements. Any course(s) of instruction for MRAC members should be taught at the State Land Grant Institution by tenured professors specializing in Rangeland Management.

PART 1780, COOPERATIVE RELATIONS
Section 1784.6–2, Rangeland Resource Teams (RTTs)

All RTT members should be required to attend the same course(s) of instruction required for MRAC members. The target groups which the RTTs would replace are mandated by federal law (Section 8 of the Public Rangeland Improvement Act of 1978) and there is no authority to change or delete them.

PART 1780, COOPERATIVE RELATIONS
Section 1784.6–3, Technical Review Teams

This is a redundant group. If the MRACs cannot accept and utilize data provided by the RTTs, they will only be more confused by input from additional sources. The stated purpose of Rangeland Reform '94 is, in part: ". . . to streamline . . . administrative functions. . . ." This proposal would have the opposite effect, creating yet another bureaucratic quagmire.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4100.–0–2, Objectives

The language of this section is subjective and vague. Whose values would be applied and what is the definition of "ecosystem"? The changes proposed in Rangeland Reform '94 would effectively eliminate the livestock industry in the Western states and turn many thriving communities into ghost towns. The Federal government has no business micro-managing anything outside its legal boundaries: Washington, DC; post offices; etc. as provided in the United States Constitution.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4100.0–5, Definitions

Active Use—The revised definition violates the Taylor Grazing Act (hereafter referred to as the Act), as well as the Federal Land Policy and Management Act of 1976 (hereafter referred to as FLPMA).

Actual Use—The revision of this definition is unacceptable, as it would extend the authority of the BLM.

Activity Plan—The intent of RR '94 is to maintain or improve range conditions. The inclusion of this new definition would change the intent by using livestock management for other uses and/or values. This is not acceptable.

Affiliate—The use of the term "control" in this definition has a negative connotation. If "Affiliate" is to be used, then the definition should also be applied to MRAC and RTT members' "Affiliates" who may have more influence and more interest in suspending or terminating livestock grazing.

Allotment Management Plan (AMP)—This plan violates federal law (Section 8 of the Public Rangeland Improvement Act of 1978, hereafter referred to as PRIA).

Conservation Use—This provides for the purchase and subsequent retirement of permits and leases by individuals or groups opposed to livestock grazing. It does not make specific provision for "Improving rangeland conditions; or enhancing resource values, uses, or functions" as stated.

Consultation, Cooperation and Coordination—PRIA specifically provides for district grazing advisory boards established pursuant to Section 403 of FLPMA. Therefore, the proposal defined is violation of federal law.

Grazing Lease and Grazing Permit—The proposed definitions do not differentiate between the two. There is no authority for this, as it is not in compliance with the Act.

Grazing Preference—The amended definition strikes "* * * the total number of AUMs of livestock on public lands apportioned * * *" opening a door for the BLM to revise the Act.

Interested Public—Anyone truly interested in participating in the decisionmaking process regarding livestock grazing will comment on Rangeland Reform '94 by July 28, 1994.

Permitted Use—This is not consistent with the intent of the Act and, in fact, eliminates the original adjudication of the Act. The long-term effect will be to adversely affect stability, planning, and the financial value of the permits.

Range Improvement—Once again, the undefined term "ecosystem" is used. Until that term is satisfactorily defined, the amended language contained under "Rangeland Improvement" is unacceptable.

Subleasing—Deletion of this is unacceptable, as it defines two separate leasing arrangements.

Suspension—This is unacceptable, giving the BLM power to arbitrarily force a rancher to reduce his AUMs by issuing a full force and effect decision to place reductions or unused AUMs in a suspension category. It also raises the question; "Is this the same as 'suspended use', which they plan to abolish?"

Temporary Non Use—This should be further defined to prevent the BLM from denying permittees and lessees this status.

Unauthorized Leasing and Subleasing—This is a violation of due process and places an undue hardship on the permittee or lessee.

Utilization—Wildlife definition has been increased by the addition of species and the numbers of wildlife species must be managed to maintain numbers and avoid conflict with livestock. "Insects" should be deleted as a considered factor.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.1, Mandatory qualifications

This section must specify that all applicants for grazing use permits on public land "* * * be engaged in the livestock business." The "satisfactory record of performance" criteria are arbitrary and constitute an invasion of privacy.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.2–1, Base Property

This amended language provides determination that my property, which has fenced pasture, a barn, a home, and water, could qualify as a base for livestock operations. In fact, it is entirely unsuitable. The prior language was more defined and the amended, I believe, violates the Act.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.2–2, Specifying Grazing Preference

This change abolishes the historical preference AUMs adjudicated under the Act. It is a classic government "switch and ditch" maneuver to eliminate livestock grazing by determining "conservation use" to be a legitimate use and not permitting AUMs of grazing for up to ten (10) years. The replacement of "grazing use" with "permitted use" is yet another way of eroding livestock grazing rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.2–3, Transfer of grazing preference

Again, replacing "grazing use" with "permitted use" erodes livestock grazing rights. The new transferee requirements will restrict grazing on lands acquired by "environmental" groups such as the Nature Conservancy and the Public Lands Trust. In addition, permittees and lessees will have more difficulty obtaining financing if leases or permits are issued for three (3) years or less.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.2–4, Allotments

This language destroys the intent of Congress contained in PRIA. No more needs to be said.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.3, Changes in permitted use

This places far too much reliance on the personal integrity and judgment on one person, the "authorized officer". The qualifications and personal interests (see "Affiliate" definition) of the authorized officer may well be in direct conflict with the best interests of the permittee/lesseee and/or "general public". Once again, "ecosystem" is a key term which is not defined.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.3–1, Increasing permitted use

This is in direct violation of Section 8 of PRIA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.3–2, Decreased permitted use

This amendment is not consistent with national requirements, standards, guidelines; nor livestock grazing use patterns and percent utilization factors. End result: rapid reduction in livestock numbers. It is basically a "shell game", relying on visual observations instead of documented and monitored information.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.3–3, Implementing reduction in permitted use

There is no justification for decreasing numbers. It violates the PRIA on several counts. It is totally illegal (under PRIA) and unacceptable.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4110.4–2, Decrease in land acreage

Again, "grazing preference" is replaced by "permitted use". This is not acceptable.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4120.2, Allotment management plans and resource activity plans

This violates Section 8 of the PRIA. All burden and hardship are placed on the permittee or lessee, including the success or failure of the APs, to which the new language requires them to conform.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4120.3–1, Conditions for range improvements

The second sentence in paragraph (f) is redundant. Requiring NEPA compliance will undoubtedly cause permittees and lessees to think more than twice before placing improvements on public land.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA
Section 4120.3–2, Cooperative range improvements

The inclusion of new "cooperators" could adversely affect livestock grazing if "environmental improvements" such as fencing of water sources is implemented. The U.S. government, under the Constitution, has NO right to lands within states, except as provided in the Constitution.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–3, Range improvement permits

These revisions have serious negative impacts on the lessee/permittee, as well as the future of livestock grazing as a whole. Among them: removable range improvement title will be discretionary; all permanent improvements to be held by the government; permittees/lessees may be forced to operate in common due to forage availability; possible impact on collateral interest and net worth statements which may negatively prejudice lending institutions.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–8, Range improvement fund

This new system builds in bureaucratic opportunities to multiply at taxpayer expense, while directing funds everywhere except rangeland improvement. It is also contradictory to Section 401(b)(1) of FLPMA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–9, Water rights for the purpose of livestock grazing on public lands

This would be a federal preemption of state water rights, removing water rights from the private sector. Requiring permittees to assign water rights is extortion. It violates: private property rights; prior appropriation doctrine; the intent of the Guadalupe-Hidalgo Treaty; and states' rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.5 and 4120.5–1, Cooperation in management and with state, county, and federal agencies

The wording of this new section implies the BLM will only cooperate with other entities if, and when, it suits or is advantageous to the BLM.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.1, Applications

The insidious "conservation use" surfaces again and this section, like so many others, violates Section 8 of PRIA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.1–2, Conflicting applications

Why should the BLM oversee other state and federal agencies which have, or should have, management regulations in place?

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.2, Grazing permits or leases

This violates Section 8 of PRIA. In addition, it makes livestock grazing an alternative, rather than the primary use. The "interested public" should not be involved. Paragraph (f) burdens a permit or lease with arbitrary, subjective conditions and terms. "Conservation use" is, again, a means to remove land from grazing use, probably permanently.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.4–1, Exchange-of-use grazing agreements

Completely unacceptable and potentially having the effect of government control over private property.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.5, Ownership and identification of livestock

This is an invasion of privacy and infringes on individual rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6, Terms and conditions

". . . conformance with the national requirements and established standards and guidelines" would negate the value of the permit or lease. The wording of this revision is illogical, impossible to comply with, and wholly inappropriate.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–1, Mandatory terms and conditions

There is no statutory authority for this invasion of private and state trust lands management.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–2, Other terms and conditions

This is a violation of Article V of the Bill of Rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–3, Modification

Violates Section 8 of PRIA. Additionally, "interested public" is not a PRIA target group member and has neither the knowledge nor expertise to evaluate data.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.7–1, Payment of fees

This is excessive and completely disregards the PRIA formula. This would force virtually all sheep ranchers and most cattle growers out of business, creating a "domino effect" on local economies, which would ripple out across the country.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.7–2, Incentive-based grazing fee reduction

What is the "criteria" for this?

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4140.1, Acts prohibited on public lands

This is not within BLM jurisdiction; gives non-livestock producers the right to retire grazing permits; and gives the "interested public" freedoms denied to the lessee/permittee. It also places the permittee/lessee in danger of double jeopardy; while creating rules, laws, and regulations which will eliminate grazing.

PART 4100, Grazing Administration, Exclusive of Alaska

Section 4150.2, Notice and order to remove

This is subjective, based on the decision of the authorized officer, who would have unwarranted authority. Compliance with full force and effect decisions, affecting private and state lands, would be forced unless an administrative law judge granted a stay.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4150.3, Settlement

There is still no clear, concise definition of "ecosystem".

PART 4100, Grazing Administration, Exclusive of Alaska

Section 4160.3, Final decision

This violates the basic principle of "Innocent until proven guilty"; case law (*NRDC* vs. *Andrus*); the intent of Section 9 of the Act; prior court cases (*Thomas* vs. *BLM*); and the local management provision of the Organic Act of 1897. It removes any incentive to settle appeals in a timely manner; denies due process; and full force and effect violates personal rights (life, liberty, and the pursuit of happiness).

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4170.2–1, Failure to use

Existing language should be retained, as the amended version removes ". . . coordination, and cooperation . . .".

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4170.2–2, Penal provisions under the Federal Land Policy and Management Act

The amended language violates due process.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4180.2, Standards and guidelines for grazing administration

This new section fails to set guidelines based on scientific, professional, and/or academic input—the "public" has neither the expertise nor knowledge to determine standards and/or guidelines. The federal agencies do not have the authority to enforce state laws.

SUMMARY

Writing the preceding comments has been a time-consuming exercise, which was really a waste of time as, according to the United States Constitution, the federal government holds neither control of, nor jurisdiction over, lands within the states with the exception of dockyards, arsenals, forts, post offices, and other needful buildings.

KATHLEEN HELLMAN.

RANGELAND REFORM '94

Washington, DC, July 24, 1994.

Re: Comment on Range Reform '94.

DEAR INTERIOR SECRETARY BRUCE BABBITT: My name is Dan Vicenti. I am an enrolled member of the Navajo Tribe of Indians. I am also a grazing permittee on range land located in McKinley County, New Mexico.

I have several concerns in response to the Bureau of Land Management (BLM) proposed rules for grazing on federal lands:

1. It is my understanding that the BLM and the Bureau of Indian Affairs (BIA) were to conduct a study from 1942 through 1955 to determine individual/family based occupancy rights of the Navajo Indians in this area; However, it was never completed. Therefore, the proposed grazing fee increases should not be imposed upon members of the Navajo Tribe for use of public lands until the study is completed. See *U.S.* v. *Tsosie*, 849 F. Supp. 768 (DNM 1994), and *U.S.* v *Dan*, 470 U.S. 39 (1985).

2. Many Navajo people living in this area depend on livestock grazing for a subsistence livelihood. Where I live, the people are the poorest of the poor in the United States. An increase in grazing fees will adversely affect them. Adding their devastation as the proposed Reform will do, is, of course, contradictory to one of stated goals of Rangeland Reform '94. In fact, many people may be subjected to starvation like the people of Africa where the Untied States government is currently sending millions of dollars worth of aid. The BLM should be more logical or at least sensitive to the needs of the Navajo people and should complete said study before imposing the increase in grazing fees. A better or more respectful approach in handling the proposed range reform is the government-to-government route mandated by President Clinton's memorandum dated April 29, 1994 (A copy of President Clinton's memorandum is hereto attached as Exhibit A and made a part of my comments.)

The Navajo Nation government leases lands including federal lands, and many individual members of the Navajo Nation pay grazing fees on lands including federal lands in the so-called "Checkerboard Area" of Navajo land. Much of the "Checkerboard Area" is within the boundaries of Executive Order 709, which, the Navajo Nation is currently contending in the U.S. Courts, extended the boundaries of the Navajo Reservation to enclose many of the sectors of public lands which have been used for years by the Navajo Indians for grazing of livestock. So in addition to receiving isolated comments from individual departments of the Navajo Nation government, Range Reform '94 should be handled formally between the federal government and the Navajo Nation government. BLM's requirement should be a duly enacted resolution of the Navajo Nation Council to show that the Navajo government has considered this matter and voted, either pro or con, on the issue of Rangeland Reform '94.

3. According to the BIA briefing, the first goal of the proposed Rangeland Reform '94 is to "Accelerate restoration and improvement of public range lands to proper functioning condition." This goal might be relevant to conditions of land in other areas, but the public range lands my family uses is desert land which has been kept in a proper functioning condition for as long as sixty (60) years. In fact, for the last ten (10) years or so, my family has been underusing the land. It is all fenced in along with our other lands, so there is no chance that anyone else can be responsible for its condition. Therefore, as far as my family is concerned, we have already achieved the first of the federal government's proposed goals for Rangeland Reform '94. If and when the Reform is imposed, my family should be considered for the proposed incentive cited in the briefing.

Better yet, shouldn't some incentive program be implemented now rather than to penalize and victimize all land users by imposing the proposed huge grazing fee increase? That is unless the intent of Rangeland Reform '94 is to put all federal lands in the hands of the rich. I say this because the poorest of the poor Navajo people who are now using federal lands in the "Checkerboard Area" will not be able to pay the proposed exorbitant grazing fee. A check of the records kept by the Bureau of Indian Affairs and the Navajo Nation will substantiate that my family has a long history of late payment of grazing fees. This is reality. This dilemma will continue until we overcome our family dysfunction problems which polarize for us the last ten years because of family members who are now gone. No matter how much our family intends to make timely payment of grazing fees, family resources must often be used first to handle the inevitable problems caused by the disease of alcoholism. But we are gradually overcoming our handicap despite poverty.

4. In addition, the federal government has a trust responsibility for the Navajo people. As guardian, the Bureau of Indian Affairs should also submit comments to reflect the negative impact Rangeland Reform '94 will have on its wards. We hope that you will respect and heed the BIA's exercise of trust responsibility to act favorably and positively on our behalf.

Suggested Changes: An individual/family based occupancy study must be conducted. Then the Navajo Nation must be consulted and dealt with on a government-to-government basis regarding Rangeland Reform '94 before it is implemented in an adapted form.

These proposed regulations will impact on me in the following ways: As stated above, the proposed exorbitant increase in grazing fees will deprive me and my family of use of public lands. A worsening of my people's suffering as a result of such deprivation will certainly not make me happy.

Others: Other needy Navajos in the "Checkerboard Area" of Navajoland and other Native Americans using federal lands will also be deprived use of the public lands that once belonged to their ancestors. Such a deprivation and the rules as written will enable only the rich, including the exploitative energy companies, to enjoy use of public lands now being used for subsistence by the poor.

Even non-Native American ranchers will be deprived and inflicted undue hardship by the proposed Rangeland Reform '94. Cattle business is at its lowest and cattlemen have never been known to be the richest in the country. The proposed Rangeland Reform '94 will undoubtedly eliminate the ranchers who are currently barely hanging on. So it is hard not to believe that the proposed Rangeland Reform '94 is discriminatory against the poor.

Thank you in advance for considering seriousness of my comments. I look forward to a favorable decision in the matter and hope that the Navajo Nation and the federal government can resolve this matter on a government-to-government basis.

Sincerely,

DAN VICENTI,
Grazing Permittee.

Attachment: Exhibit A

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY
April 29, 1994.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Government-to-Government Relations with Native American Tribal Governments.

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that effect the trust property and/or governmental rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal Programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

IN MEMORY OF ED TYNAN

Mr. BROWN. Mr. President, today members of the community of Denver are mourning the passing of one of its most respected citizens, Mr. Ed Tynan. Colorado has lost a champion of the disadvantaged. We have lost a precious role model. If Ed Tynan were here today, he would not be thinking of spending time on a eulogy but on the future. Ed was a man of action and integrity, not of words.

Mr. President, whenever there was a good cause, Ed Tynan was there to lend a helping hand, and anonymously donate generously to charitable organizations, large and small. Ed Tynan was a strong-willed, generous, compassionate, and caring human being, with an exemplary family. Our sympathies and prayers are with them. Mr. President, we as a people could achieve so much more if we had more dedicated citizens like Ed Tynan.

IN MEMORY OF ALLAN HOUSER

Mr. INOUYE. Mr. President, I rise today to mourn the passing of a world renowned American Indian artist, Mr. Allan Houser, a Chiricahua Apache.

Mr. Houser, who had been fighting cancer since the fall of last year, passed away at his home in Santa, Fe, NM on August 22, 1994.

Allan Houser—Haozous—pronounced ha-oo-zohs, which means "the sound of pulling roots" and refers to the Apache practice of returning thanks to the Earth whenever they took something from it, had earned world-acclaim for his bronze, stone and steel sculptures depicting native Americans. He was critically acknowledged as the "patriarch of American Indian sculptors."

The 80-year-old Chiricahua Apache's art serves as a link between Indian culture and modern American life. His images in stone, steel and bronze communicate on many levels the immutable emotions of family love, dignity and the will to endure. The sources of Allen Houser's images came from the stories, songs and myths his father told and sang about when Allan was a child.

Allan Houser's father was a member of the Chiricahua Apache band which surrendered with Geronimo in 1886. After their surrender, the Apaches were imprisoned for 27 years. Upon their release, Allan was born in 1914 in a small farm outside of Fort Sill, OK. He was the first Chiricahua Apache child born in freedom.

Allan moved to Santa Fe, NM, in the 1930's where he received formal training in drawing and painting. He was self-taught as a sculptor.

From the small farm in Oklahoma, to Los Angeles where from 1941–47 he labored in construction work by day and created his art by night, to the classrooms of the Institute for American Indian Arts where he taught from 1962–75, to the great museums of the world, Allan Houser steadfastly remained true to this art, true to his people, and, above all, true to himself. His work enriches our lives and brings us closer together as we marveled at and bask in the light that his creative genius bestows on the world.

In a career that has spanned more than six decades, Allan Houser has earned the highest possible awards and honors. In 1992, Allan became the first American Indian to receive the Nation's highest art award, the National Medal of Arts. In 1993, he was the recipient of the National Cowboy Hall of Fame's Prix de West award for one of his bronzes. He also received the Ellis Island National Medal of Freedom award, which is presented to honor distinguished Americans who have made significant contributions to the Nation's heritage.

In addition to the American Indian Lifetime Achievement Award, Allan Houser also received two Guggenheim Fellowships for painting and sculpture, the prestigious Palmes Academique from the French Government, the Governor's Awards for Excellence in the Arts in New Mexico and Oklahoma, induction into the Oklahoma Hall of Fame and honorary degrees from the University of Oklahoma, the University of Maine, and Fort Lewis College in Durango, CO.

Allan Houser's works are displayed in prominent museums and public places throughout the world such as the United Nations, the Pompidou Museum of Paris, the Dahlem Museum of Berlin, the British Royal Collection, the National Portrait Gallery and the National Museum of the American Indian, Smithsonian Institution, the Heard Museum, the Museum of New Mexico, the Gilcrease Museum, the State Capitol of Oklahoma, the U.S. Senate, Committee on Indian Affairs hearing room, and the White House.

During the historical Indian tribal leader's meeting with President Bill Clinton on April 29, 1994, Allan Houser presented to the President a sculpture entitled "May We Have Peace". The sculpture is a smaller representation of the full size bronze sculpture presented to the American people from the first Americans in a separate ceremony at the Vice President's residence on April 28, 1994. The 12-foot monumental bronze sculpture was presented to First Lady Hillary Clinton and Mrs. Tipper Gore, who accepted it on behalf of the American people. It was installed at the Vice President's official residence temporarily and will later be moved to the Smithsonian's new National Museum of the American Indian for permanent exhibition when that museum opens in the year 2000. It was Allan Houser's intention that a truly American Indian sculpture needed to be placed in a prominent location in the Nation's capital.

On June 12, 1994, in a private ceremony in Washington, DC President Clinton and First Lady Hillary Clinton presented to their Imperial Highnesses, the Emperor and Empress of Japan, a sculpture piece created by Allan Houser as an official gift from the United States.

Whether viewed as a world renowned artist, gifted teacher, or wise visionary, one point is beyond debate, Allan Houser, through his life and through his art, has gently, but powerfully, touched the world with his profound talent and spiritual energy. Reaching deep into his tribal heritage, Allan Houser has conceptualized and created a body of work that will live for all time as a testament to the spirit and rich cultural traditions of his people. He forged a path for others to follow. Through his art, his life's work, he has raised the hopes and broadened the horizons of countless Indian artists, writers, poets, educators, leaders, and others.

The world has lost a great artist, and Indian Country has lost a great friend. Allan Houser's creative vision and dedication to his art have enriched the world by demonstrating the strength, vitality, and positive spirit of American Indian people. As we mourn his passing, we find comfort in the knowledge that Allan Houser's art endures and serves as a reminder of his artistic mastery, his bold vision, and most of all, his love.

THIRD ANNUAL WEEK OF UNITY IN CHICAGO

Ms. MOSELEY-BRAUN. Mr. President, it is an honor for me to offer my most sincere congratulations to the city of Chicago and the Commission on Human Relations as you proclaim a Week of Unity in Chicago. I applaud the efforts of all the organizers and participants as they focus special attention on the importance of uniting people of all races, religions, and ethnic backgrounds. It is true that our country's strength lies in its diversity, and our democracy grows stronger as more of us participate.

I have known for years that Chicago is one of the world's greatest cities. And, just one of the things that makes Chicago so great is its wide variety of cultures, and that wonderful diversity is a characteristic to be cherished, not feared.

The history of a people is the repository of collective memory, the touchstone of family, culture, and tradition. And it is this history that binds all of us together. The history of our collective unity is the single most important thing that we can offer to our children, the most precious gift we can give to those who will be our future.

On Tuesday of this week President Clinton signed into law a bill I cosponsored, the Martin Luther King, Jr., Holiday and Service Act of 1993. The bill is designed to turn the holiday honoring Dr. King into a day of community service, a day "on," not a day "off."

It is fitting that the President signed the King Holiday and Service Act into law at the same time that Chicago is celebrating its Week of Unity. Dr. King's life was dedicated to fighting for justice and equality not just for African-Americans or the poor, but for all Americans. He shared with us his dream of a society where the doors of opportunity and prosperity were closed to no one, and he challenged us to make that dream a reality.

Dr. King also taught us that our diversity was our strength, not our weakness. He stood and worked against prejudice, discrimination, and hate in all its forms. And in the end, he gave us our most potent weapon with which to fight the evils of poverty, prejudice, and discrimination: a belief in the inherent goodness and dignity of every human being. As Dr. King told us so many years ago,

> Everyone can be great because everyone can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve * * *. You only need a heart full of grace. A soul generated by love. And you can be a servant.

The city of Chicago is to be commended for carrying out the unfinished work of Dr. King. By proclaiming its Week of Unity, Chicago is serving as a role model and creating an environment of respect and harmony among the diverse people of our city. The city is working to assure every resident that he or she is a welcomed and valued member of the community.

This Week of Unity in Chicago reflects the best of America. I salute the citizens of my hometown for their commitment to a strong city and a strong America.

REGARDING CHARLES RAY BLOME, JR.

Mr. BURNS. Mr. President, I rise today to pay tribute to Charles Ray Blome, Jr., a Montana native who recently lost his life while serving his country.

Charles was born March 10, 1960, and spent his adult life in service to the United States. After serving in the Army for 4 years, he joined the Coast Guard and recently earned a promotion to chief marine science technician. It was during an assignment off the Gulf of Mexico that a helicopter crash claimed his life.

This young man leaves behind a wife, Nancy; a son, Charles III; and a daughter, Katie; as well as a father, Charles, Sr.; two sisters, Renae and Betty; and a grandmother, Avanell Blome.

I know that Charles will be missed by his family and friends. May God bless them all

THE DEATH OF GLEASON GLOVER

Mr. DURENBERGER. Mr. President, Minnesota lost one of its outstanding and most capable leaders yesterday with the death of Gleason Glover, retired president of the Minneapolis Urban League.

Gleason will be remembered—and sadly missed—for his straightforward advocacy for all Minnesotans who shared his dream of a more just and caring and humane society.

During his quarter century of service with the Minneapolis Urban League, Gleason Glover was not only a conscience for policymakers and community leaders. He was also a constructive advocate for real changes and improvements in how the community deals with its own most serious and challenging problems.

One good example is the work that Gleason did to better tailor education to meet the diverse needs of Minneapolis public school students. He was a founder of the Urban League Street Academy which was the first of what are now more than a dozen alternative high schools in Minneapolis and St. Paul that are under contract with public school districts. The Street Academy has been an important force in meeting the needs of African-American young people—drawing them back into an educational environment that respects the value and potential of every single student.

Gleason Glover came to Minneapolis in 1967 during a time of deep divisions and tension in his new home community. But, Minnesotans quickly saw the value of this strategy of both firmness and openness approach in dealing with business and government leaders to build a safer and more human city.

As the Governor's chief of staff and later as a corporate public affairs officer and U.S. Senator, I viewed Gleason as a conscience for the entire community. I never had any doubt where he stood. But, I also never doubted the rightness of what he had to say. He was an invaluable resource to me and to my staff of all matters of concern to his community—from civil rights legislation to education to reform to Head Start. I will miss his wise counsel and I will miss his firm hand.

Thank you, Mr. President. I yield the floor.

THE 50TH ANNIVERSARY OF THE BRETTON WOODS CONFERENCE

Mr. GREGG. Mr. President, from October 15 to 17, 1994, at the Mount Washington Hotel in Bretton Woods, NH, there will be a conference commemorating the 50th anniversary of the Bretton Woods Conference held at the original site.

This "Bretton Woods Revisited" weekend will feature speakers who were present at the original conference recollecting on this momentus event in world history, as well as renowned scholars who will comment on the historical impact and future role of the institutions created at the Bretton Woods Conference—the IMF, the World Bank, and, to a lesser extent, the GATT.

In July 1944, leaders of the world came to Bretton Woods to fashion the economic system that was to emerge from the ashes of global warfare. The first and most important accomplishment of the institutions created at the Bretton Woods Conference was the rebuilding of the Western European economies, decimated by the war. That job completed, they turned their attention to maintaining the economic stability which led to the worldwide boom of the 1950's and 1960's.

For the past 25 years, these organizations have attempted to alleviate poverty and foster increased international trade and economic cooperation with sometimes mixed success. However, as the global economy expands and emerges from the cold war, these institutions will continue to evolve, but will remain critically important to the future health of the world economic system.

Mr. President, as a Senator from New Hampshire, I take great pride in the fact the postwar, world economic system was born in my State, and I would urge my colleagues to attend this conference at Bretton Woods, or visit my State any time and discover the beauty and the history of New Hampshire.

MONTANA GUARANTEED STUDENT LOAN PROGRAM

Mr. BAUCUS. Mr. President, it is with great pride that I announce the Montana Guaranteed Student Loan Program in Helena, MT, has achieved the Nation's lowest cohort default rate for Federal family education student loans. The latest figures show Montana's rate for 1992 at 5 percent compared to the Nation's average rate of 15.1 percent—less than a third of the national default rate.

We have a strong tradition of excellence in education in my State. Montanans believe in top-quality education. Montanans believe in hard work and service to one another. And we also believe in personal responsibility. Montanans pay their debts and live up to their commitments. The Montana Guaranteed Student Loan Program combines these elements to provide our students the best possible financial assistance.

In 1987, the Montana Board of Regents agreed that by having local control over loan services we could better assist our students. In 1988, the Montana Guaranteed Student Loan Program office opened in Helena. Not only has this been a proven asset for students, but schools and lenders have benefited as well.

Another component of this successful endeavor is the Montana Higher Education Student Assistance Corporation which services the repayment of the loans. Our schools also play a vital role by providing individual guidance and counseling for students. The combination of these efforts has resulted in the distinction of Montana having our Nation's lowest cohort default rate.

Mr. President, this is indeed an honor for my State. I give my highest commendation to Bill Lannan, director of the Montana Guaranteed Student Loan Program. And I applaud the dedicated efforts of his staff. I also congratulate Montana's students, and their parents who raised them right.

KENTUCKY NATIONAL AIR GUARD IN RWANDA

Mr. FORD. Mr. President, in Congress we fight hard for something, hold hearings, debate on the floor, vote, and then move quickly on to other issues.

Unfortunately, once the issue is off the front page of the paper, our constituents often don't hear about the impact of some of those decisions.

This past year, I fought hard to maintain the number of C–130H transport aircraft at Louisville's 123d Airlift Wing of the Air National Guard.

I did so because keeping the planes with the Air National Guard clearly was in the best interest of the Nation's national security and effectiveness in humanitarian missions.

Soon after resolving this issue, the Kentucky Air National Guard was called to Rwanda on a humanitarian mission. These are the same planes and the same guards men and women who joined other Air National Guard units in Somalia and Bosnia.

Mr. President, I believe the letter I received from Chief Russell D. Leadbetter of the Kentucky Air Guard, provides a simple, but straightforward, reassurance to the people of this country that we did the right thing in keeping the C–130's with the people most qualified to use them.

I ask unanimous consent to submit for the RECORD the following letter from Chief Leadbetter, flight engineer and president of the Kentucky Enlisted Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

August 9, 1994.

DEAR SENATOR FORD. You've worked very hard in behalf of the enlisted and officers in the state of Kentucky. I know you're a very busy man, but I thought perhaps you would like to hear from one of your Kentucky crews in Rwanda flying the relief mission.

We're presently at 28,000 feet in altitude flying past Kilimanjaro which is off our left wing. We left Mombasa, Kenya early this morning (03:30) wakeup) and presently are on our way to Nairobi, from there we fly food supplies to Kigali, the capital of Rwanda. This run will be made by our crew twice daily. The plane is purring and the crew (as always) handling the job like the professionals they are.

Because of your efforts, we and this aircraft are right now doing the job the Government trained us to do. I am the flight engineer on the plane and can truly tell you—where there are problems in the world, there is, and always will be, the National Guard. Whether the Air Guard performs humanitarian aid or looks out for the interest of the United States, you can rest assured the crews of Kentucky will be there with the training and aircraft you helped us retain. . . . Rest assured we'll do you and your efforts proud.

CHIEF RUSSELL D. LEADBETTER,
Flight Engineer,
President, Kentucky Enlisted Asso.

UNITED STATES POLICY REGARDING CUBA

Mr. WALLOP. Mr. President, the administration's recently changed Cuba policy is morally unsustainable and repugnant. This is the first time in the history of the United States that we have criminalized those seeking freedom from a Communist dictatorship. America has made virtual prisoners of war out of those fleeing Communist oppression.

Instead of doing everything possible to put pressure on Castro, we have sought to punish those fleeing from his tyranny. There has been an effective effort to interdict and/or impede any attempt to support and sustain internal opposition to Castro's regime. Instead of doing everything possible to work with the Cuban resistance and to try to expedite the fall of the Castro regime, the administration eases his burden by imprisoning his opposition.

How ironic indeed that this administration talks about invading Haiti to restore democracy but in the case of Cuba has no apparent interest in even putting pressure on Castro. Instead of putting pressure on Castro, the Clinton policy is a response to pressure by Castro. The administration is responding just as Castro wants.

We are transforming the Navy base at Guantanamo Bay from a military installation into a Cuban prison camp for those fleeing oppression. And who will pay the bill for this misguided policy? The Defense budget of course. And this, at the same time that the Deputy Secretary of Defense is telling the military services to cancel or delay their last remaining major modernization programs.

I must seriously question the moral and strategic priorities that motivate such a policy, and call upon the President to rethink America's abandoned commitment to freedom.

COST SHIFTING

Mr. GRAMM. Mr. President, I want to share with my colleagues an outstanding article written by Jerald R. Schenken, M.D., of Omaha, NE, whose clear thinking I commend to my colleagues as the health care debate continues on this floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST SHIFTING: YOU THINK IT'S A PROBLEM NOW

(By Jerry Schenken)

Health Care cost shifting, a system where insured patients are charged more so that the costs of the uninsured or under-insured are paid, represents a major problem for business, for individuals and for taxpayers. It produces such bizarre situations as paying patients being charged two times or more what underpayers—such as Medicare and Medicaid and no-payers pay. These shifts present serious ethical, fiscal, political, social and medical challenges. If anything like the Clinton plan is enacted into law, cost shifting of a much more pernicious extent than we now have is sure to follow. The Clinton's bureaucratic health alliances, price fixing and global budgets and federal control combined with political and demographic forces will assure these shifts. Here's from whom to whom, how and why.

From old to young: The severity of illness—and thus cost of care—rises with age. Community rating of premiums with its age-leveling creates the shift.

From urban to rural: The medical costs driven by poverty, crime, single parenting, etc., are more concentrated in urban areas. Political gerrymandering, as is seen with property taxes, will surely follow.

From cities to suburbs: For the same reason, flight to the suburbs for their lower insurance rates will stimulate political efforts to recapture the fleeing tax base.

From unhealthy lifestyles to those who care: The cost of caring for conditions that follow voluntary decisions to smoke, drink, overeat and underexercise will be transferred to the people who are working to stay well.

From criminals to those who obey the law: Violence, drug abuse, failure to use seat belts and helmets etc. are associated with extremely high medical (not to mention social) cost. In a bizarre way, universal insurance subsidizes this criminal conduct.

From individuals to families: Experts estimate that the Clinton's "community rating" will raise insurance costs to families and reduce it to individuals, compounding the other marriage tax penalty that is already part of current law.

From large states to small ones: Many of the incentives to shift described above are present in populous states. Political pressure in the House of Representatives (one man-one vote) will surely move toward "equalization" and its required shift. Billions are currently being shifted from small rural states such as Iowa and Nebraska to New York, Florida, Michigan, etc., to pay for the higher Medicare costs there.

Insurance represents a tradeoff: voluntary cost sharing (and ultimately shifting) for security and piece of mind. The arrangement is upfront, deemed desirable and entered into voluntarily, at least for the choice of plans. However, clandestine, cost shifts described above have and will create perverse incentives which will interfere with even such consensus reform goals of portability, reinsurability and affordability for most Americans.

Cost shift issues must be analyzed and discussed openly and completely. Shifts must be minimized and their unintended and often undesirable consequences be eliminated. But most importantly we must not allow hidden costs shifts to introduce demand-side incentives into the health care system that will make insurance too costly for all of us and ultimately lead to rationing. And we must certainly not continue the bizarre situation where universal insurance with community based ratings would in effect subsidize illegal criminal activity. There must be a way for those of us who work at being well to be rewarded and those who work at getting ill pay more. Incentives are important.

Practicing Pathologist, Omaha, NE.

USDA DECISION ON FEDERAL MILK MARKETING ORDERS ANOTHER INSULT TO WISCONSIN DAIRY FARMERS

Mr. FEINGOLD. Mr. President, last week, Wisconsin dairy producers were dealt yet another blow by the Department of Agriculture. The recently released Amplified Final Decision on Federal Milk Orders by Secretary of Agriculture Mike Espy is just another sign that career bureaucrats have maintained their stranglehold on this program that systematically discriminates against Wisconsin dairy producers. The apparent lack of substance of the amplified decision is proof positive that this system cannot be rationalized on its merits.

This system, in short, Mr. President, provides dairy farmers higher fluid milk prices the further they are located from Eau Claire, WI. This ridiculous policy was based on assumption about dairy markets that no longer hold true in 1994.

It was based on the assumption that the Upper Midwest is the only surplus milk producing region of the country. But, Mr. President nearly 95 percent of the surplus dairy products sold to the Government come from farmers and plants from the West. In fact, Wisconsin plants have started shipping milk in from the South and Southwest in order to meet our processing needs. The most recent data for this year indicate that supposed fluid deficit areas of the country sell more surplus to the Government than Wisconsin and the entire Midwest region put together.

This system was also based on the assumption that Wisconsin and Minnesota had the lowest milk production costs in the country—this also is no longer true.

It was based on the assumption that we needed to provide price incentives for milk producers in other parts of the country to produce milk for the local market. Not only are incentives no longer necessary due to the high profit nature of dairying in some of these regions, but they are no longer appropriate when technology allows us to easily ship fluid milk anywhere in the country.

Despite all of these facts and at the expense of family dairy farmers in the Upper Midwest, Washington bureaurcrats refuse to let go of this program.

Upper Midwest dairy producers have been fighting the Federal Milk Marketing Order system since 1985 when Congress further distorted milk markets in the Farm Bill. Since that time, Mr. President, Wisconsin has lost over 11,000 dairy farms, in part, due to this antiquated pricing system. Other Upper Midwestern States have fared equally poorly.

While USDA held extensive administrative hearings on reform of Milk Marketing Orders in 1990 and issued their final rule last year just after Secretary Espy joined the Department, very little about this program has changed. I was very disappointed last year to see the new Secretary rubber stamp the policies of a previous administration—an administration that clearly didn't care about dairy farmers. I was optimistic that this Administration would take a different approach on the inequities faced by the Upper Midwest regarding marketing orders. Mr. President, that hasn't proven to be true to date for the dairy farmers in the Upper Midwest.

In anger and frustration, the Minnesota Milk Producers Association challenged the decision of the Secretary by filing suit against him in Federal court. The farmers rightfully charged that the orders unlawfully discriminate against Minnesota producers and create artificially high profits and surpluses in other regions of the country while depressing Upper Midwest milk prices.

Late last year those farmers got their day in court. In April of this year, a District Court Judge ruled that the Secretary's 1993 decision not to change the fluid milk differentials of the Federal Milk Marketing Order System was arbitrary and capricious because the Secretary did not consider factors required under law in his final decision. The Judge ordered Secretary Espy to issue an amplified decision on the differentials within 120 days, which he released last week.

After having met personally with the Secretary to ask him to do the right thing—to propose substantive changes to the orders that would end the discrimination, to put Wisconsin dairy farmers on a level playing field, to do what Congress could not—I was even more disappointed last week to see the Secretary simply reinforce what was already a bad decision.

The Secretary's amplified decision is a slap in the face to Wisconsin dairy producers. The Department attempted to rationalize all of the existing Class I differentials by claiming that the current Minnesota-Wisconsin Price is reflective of national supply and demand conditions which the Department is required to consider by law. The reliance on the M-W price series is incredible given that it is located in the states of Minnesota and Wisconsin—a series that even USDA's National Agricultural Statistics Service believes is no longer statistically reliable based on the dwindling number of both Grade B producers and processing plants.

Mr. President, I will also do everything I can in this legislative body to change the milk orders but I am well aware of the difficulty in pursuing this issue as a legislative matter. I was hopeful that the Secretary would resist the temptation to kick this matter to Congress. I was hopeful that he would have the courage to propose changes which are not necessarily politically popular, but which are honorable and defensible. As I said, Mr. President, I am disappointed. While I and my colleagues have introduced legislation to change Federal Milk Marketing Orders, I am not overly optimistic this body will change a program that benefits most regions of the country at Wisconsin dairy farmers' expense.

I sincerely hope that the producers who raised this lawsuit continue in their efforts to challenge this amplified decision. Despite my best efforts and the efforts of producers and others in Wisconsin dairy industry, it is clear that the Secretary and his staff will never voluntarily change this outmoded and antiquated system. It is a sad commentary on the Department of Agriculture.

THE AIR FORCE RESERVE

Mr. WARNER. Mr. President, I am pleased to stand before you to talk about some of the unsung heroes of today's military—the women and men of the Air Force Reserve. Their contributions so often go unrecognized because they are the consummate professionals. When they put on their Air Force uniforms you cannot tell them from the active force, in appearance or performance.

Let me share with you a summary of some of the operations you will find your friends and neighbors involved in today. For more than 2 years Air Force Reserve C–130 crews, and more recently C–1412 crews, have supported the humanitarian airlift into Sarajevo, Bosnia and Herzegovina. They have flown more than 2,870 sorties and logged more than 5,000 flying hours, all in volunteer-status. I had the honor of flying into Sarajevo on an Air Force Reserve C–130 and so can personally attest to their skill and professionalism.

Air Force Reservists also are flying close air support over Bosnia for the United Nations with A–10 fighters out of Aviano AB, Italy. This is the second time they have shared the Operation Deny Flight mission. Your Reserve also has sent F–16's to fly top cover and relieve active duty units for 2 months over the holiday season. Reserve KC–135 tankers are deployed to Istres, France and Pisa, Italy. A crew from the 940th Air Refueling Group, McClellan AFB, CA, refueled the A–10's that conducted the August 5 air strike against a Bosnian Serb weapon site.

Today, we also find Reserve aircraft and crew airlifting supplies and equipment to Rwandan refugees. Air Force Reserve C–5's and C–141's were part of the first wave and have flown thousands of tons of relief supplies to Rwanda and Zaire for Operation Support Hope. Reserve KC–10 and KC–135 tankers are helping refuel participant aircraft for the long-haul to Africa. The Reserve has 19 airlift crews, several aerial porters and medical personnel committed to the relief effort. Again, all are volunteers.

Stateside, Air Force Reserve C–130s and aircrews of the 302nd Airlift Wing, Peterson AFB, CO have flown throughout the Western States since June helping to control wild fires. These airplanes are equipped with the modular aerial firefighting system, and are used to dump fire retardent on the fires. For the first time every they even had to fly in their home State of Colorado. They went to California first on June 27, then to Arizona, Colorado, Idaho and Washington. The MAFFS can be loaded on the C–130 in 2 hours and filled with 2,700 gallons of retardant in 20 minutes. The entire load is discharged over a fire in 6 to 8 seconds.

Today's Air Force Reserve operations are but a few of what we have seen over the past few years out of a small investment of our tax dollars. During Desert Storm a Reserve crew from the 459th Airlift Wing at Andrews AFB landed the first aircraft in Saudi Arabia and Capt. Bob Swain, a Reservist from the 926th Fighter Group at New Orleans, got the first ever air-to-air kill with an A-10.

They have served in the desert after the war flying top cover over northern Iraq, monitoring the no fly zone, flying support missions in their C-130's in Southern Watch, and spending more than 6 months flying rescue support with their HH-60 helicopters.

I bring you this summary, because most of you are not aware of the extent of the Air Force Reserve's involvement in the day-to-day operations of our Air Force. They have met all of these operational commitments as volunteers while also maintaining other training and support. The Air Reserve Component has flown all of the Central and South American C-130 support for years on a short-tour rotation. Just last week, 65 Washington, DC school children flew to the Air Force Academy aboard an Air Force Reserve C-141 where the Reserve crew served as mentors for applying everyday math and science to the safe and efficient operation of an airplane in flight. At Charleston AFB, the Air Force Reserve is first to convert to the newest airlifter, the C-17, alongside their active duty partners.

I am proud to share this information with you, because I am proud of our Air Force Reserve. They travel the globe doing these important jobs for our country. It is not easy balancing a civilian career, family life and a military career. We owe a thank you to our Reservists, their families and their employers. The simple fact is, we cannot go to war or meet operational commitments without the women and men of the Air Force Reserve, particularly our strategic airlift forces.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business this past Wednesday, August 24, the Federal debt stood—down to the penny—at $4,676,085,711,642.38 meaning that every man, woman, and child in America owes $17,935.90 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

REMARKS ON FLOOD IN SOUTH GEORGIA

Mr. NUNN. Mr. President, I rise this evening to pay tribute to the citizens of middle and south Georgia. In the face of devastating losses, they have endured the recent unprecedented floods with courage and fortitude, and with remarkable compassion for others. I also rise to thank the people and organizations from all over the Nation that have lent us a hand when it was needed. Their caring has sustained and supported our people in a time of great crisis, and all Georgians are grateful.

Because of our topography and the nature of our river systems, Georgia rarely suffers the tragedy of flooding. Indeed, we know of no precedent in modern times for devastation on the scale that befell us when Tropical Storm Alberto roared up into Georgia and then parked over the middle of our State for several days. No one can adequately prepare for 20 inches and more of rain in less than 24 hours. Rainfall in many places was heavier than any since we began keeping records. Standards for flood protection are generally designed with 100-year floods in mind, but many places in Georgia last month experienced flooding beyond levels that could be expected once every 500 years.

Under such extreme conditions, fast-rising waters and 6- and 8-foot waves washed vehicles off roads and bridges into raging creeks and rivers. Giant sinkholes and whirlpools formed without warning, sucking in trees and trucks. Houses and mobile homes were swept off their foundations and crushed by the water's weight. Water and sewage facilities and whole downtown business districts were inundated. Dams and levies were breached. It all happened so quickly that many people were swept from their homes and vehicles before they knew what was happening. In the Americus area alone, 15 people died.

We owe a great debt to the emergency crews—military, police, medical, transportation, and utilities—and to local emergency management directors and city and county officials who dispatched and coordinated their work. Their quick reaction and heroic efforts, sustained over many days, prevented far more injuries and disease, and far greater loss of life.

We mourned with the loved ones of the 31 who died, and rejoiced at the miraculous rescues under hazardous conditions, such as the National Guardsmen who drove their Humvees across washed out bridges to take pregnant women in labor to hospitals. Several courageous civilians lost their lives trying to save others.

Sometimes the exhausting labors succeeded against all expectations. Desperate efforts to prevent the spread of toxic chemicals from a plant in the water's path were rewarded when the flood crested just below the predicted level. Sometimes cruel ironies were played out. Just outside the submerged business district of Montezuma, GA, a clothing plant that had been undamaged by the flood caught fire and there was not enough water pressure to fight the fire. In this area, where economic activity was almost halted by flooded businesses and agricultural losses, an additional 400 people are without jobs due to fire.

Many people in the affected counties depended on public health departments whose facilities and supplies have been damaged or destroyed. Pharmaceutical companies have donated large amounts of supplies, equipment, and cash—some to allow needy patients to receive their medication for as much as 2 years—and the industry has also provided veterinary supplies. Volunteers in boats rescued many stranded animals, and others are giving foster care for animals until owners can be found or are able to care for them again.

I have to say a special word about Gov. Zell Miller. He reacted quickly to prevent loss of life and property as roads, highways, powerplants, electric and telephone lines, health, water, and sewage facilities were cut off or threatened. Gary McConnell and the entire Georgia emergency management team, as well as other State agencies, quickly set in motion all the emergency activities necessary when large numbers of people were forced to evacuate their homes and abandon businesses and were cut off from normal supplies and services. It was the largest emergency mobilization in Georgia history—involving 54 counties. As the scope of the emergency became apparent, President Clinton, James Lee Witt and his Federal Emergency Management Agency staff, and members of the Cabinet acted quickly to mobilize Federal emergency services in the Senate.

Senator COVERDELL and I, with our colleagues in the House, worked together closely to make sure our people got the help they needed from the Federal level. I want to especially thank Senators HOLLINGS, DOMENICI, BUMPERS, COCHRAN, HARKIN, SPECTER, MIKULSKI, GRAMM, and Appropriations Committee chairman BYRD for their assistance in getting $338 million in emergency grants included in the appropriations bills, subject to emergency requests by the President, and authorization for an additional $330 million in loans for homes, businesses, and infrastructure.

The full extent of the damage caused by Tropical Storm Alberto in our State is not yet known, but it may run as high as the damage the Southeast suffered from Hurricane Hugo. Preliminary GEMA and FEMA estimates indicate that infrastructure damage alone will run to at least $202 million and total damage, including homes, businesses, and agricultural assets, at between $400 and $500 million. Georgia State University economists say the total impact may be close to $1 billion. Many of the communities which must replace public facilities and roads will also suffer severe revenue losses. We can only guess at the ultimate cost.

We still cannot say how extensive total agricultural losses will be. Equipment, structures, irrigation and erosion control systems were damaged in addition to livestock and crop losses. One-third of the peanut crop—200,000 acres—have been affected by the water—and nearly 150,000 acres out of 800,000 acres of cotton. Georgia Agriculture Commissioner Tommy Irvin says at least 30,000 acres of cotton, peanuts, and soybeans were totally destroyed.

At the worst point, we had 4,031 families in shelters, but that number does not indicate at the number of Georgians who were forced to leave their homes. The great majority of those displaced were taken in temporarily by relatives and friends, but longer-term housing problems are acute. In several towns, almost all the rental units were made unlivable. So far, 223 households have been moved into travel trailers and mobile homes, and we have 773 travel trailers and 426 mobile homes in staging areas that people will be moved into as fast as the Army Corps of Engineers can build foundation pads and utilities and sanitary facilities can be provided. Another 300 units have been requested.

The Federal Emergency Management Agency [FEMA] has received requests for emergency aid—food, housing, medical—for 24,058 households. More than $14 million in emergency food stamps were provided to 56,000 households.

As I mentioned, the directors of our State and Federal emergency management agencies, Gary McConnell and James Lee Witt, deserve special thanks. They and their people have done a terrific job from the beginning, and they realize that much remains to be done in the months ahead.

The Georgia National Guard, under Gen. William Bland's capable leadership, did a great job. Mayor Tommy Olmstead of Macon told me that, without the National Guard, Macon would have lost the bridges that link the downtown area because of the destructive waters of the Ocmulgee River.

Defense Secretary William Perry quickly sent in regular military personnel to back up the Guard. Army Secretary Togo West and his Assistant Secretary for Logistics, Mike Walker, came to Georgia to visit affected areas and review Army activities. Army Chief of Staff Gordon Sullivan was also personally involved.

Agriculture Secretary Mike Espy, Housing and Urban Development Secretary Henry Cisneros, Transportation Secretary Federico Peña all came to Georgia to see first hand what their departments could do to help, and Secretary Donna Shallala sent Admiral Frank Young, Public Health Service emergency relief coordinator, and Surgeon General Jocelyn Elders. But even before their visits, they had cut through red tape to make emergency aid available immediately.

The personal interest of all these top officials meant a great deal to our citizens.

Lt. Gen. Sam Ebbesen and the Second Army Readiness Group from Fort Gillem capably coordinated all Federal military involvement. Fort Benning conducted numerous medevac helicopter missions. The Army Corps of Engineers was shoring up dikes in the first stages of the emergency and is still preparing sites for mobile homes to provide longer-term housing.

While Robins Air Force Base personnel were working around the clock to dike Robins' own water treatment plant, the base provided flooded cities with radio communications, trucks capable of operating in deep water for emergency missions, sandbags, and equipment for shelters.

Hunter Army Airfield and the Marine Corps Logistics Base provided personnel to operate 94 400-gallon water trailers in Macon and Bibb County. Hunter sent 136 soldiers. The Albany Marine Base provided 600 marines for various relief operations, plus space and equipment in support of State and Federal agencies and Guard operations, and also opened its doors to families in need of a place to stay. Once again, the marines demonstrated that they are neighbors and partners of the people of Albany.

More than 4,000 National Guardsmen and regularly Army and Marine personnel, flew countless emergency missions, aided by members of the Civil Air Patrol. Military personnel strengthened existing dams and erected some new ones. The National Guard and active duty Army soldiers provided more than 500 million gallons of precious drinking water when more than 150,000 residents of Macon lost their water supply for 2½ weeks. Such tasks are often part of military duty, but National Guard troops also were called upon for some special missions. At one site, Guardsmen disposed of more than a quarter of a million drowned chickens that posed a serious health hazard.

All the tireless work of these officials pales in comparison with the courage, self-sacrifice and strength of character demonstrated by the victims of the floods.

There were many tales of terror, and far more of heroism, generosity and neighborliness on a grand scale. A National Guard helicopter pilot flew sorties for medical purposes while his family was in an emergency shelter because their home was under water. Members of a tiny church in southwest Georgia served 2,000 meals to volunteers even though portions of their church building had been damaged by the floods, and many who were serving the meals had been forced to flee their own homes.

Money and volunteers poured in from all over the State and Nation—providing food, clothing, tents, and blankets, medical and building supplies. Truckers hauled emergency supplies free. Distributors supplied free gasoline to emergency vehicles cut off from normal supplies. Telephone companies provided free hotlines. Some stores and lending institutions provided special credit arrangements for flood victims.

Newspapers, radio, and television stations struggled to keep people informed of dangers, where to get emergency services, and cooperated with volunteer groups from around the State to send teams of volunteers who spent days in the mud helping with the cleanup and delivered donated supplies where they were needed. Huge food chains and tiny restaurants fed teams of volunteers organized by corporations and civic and religious groups from throughout Georgia.

Mennonite farmers and their wives came to the aid of their neighbors in mud-covered Montezuma, their numbers soon bolstered by other members of their faith from Pennsylvania, Tennessee, and Kentucky. They rolled up their sleeves and got down in the mud with those trying to salvage their homes, their businesses, and their belongings. The Mennonites are truly a caring and wonderful group of people.

Illinois and Iowa towns that had borne the brunt of last year's floods sent immediate help. Some 6,000 Latter Day Saints—Mormon—volunteers from around the country set up a tent village and joined the cleanup efforts.

The American Red Cross was there with food and shelter while the waters were still rising. The Red Cross has served more than 1 million meals at shelters and mass feedings, continuing to feed people in several shelters until the last people were moved into longer term lodging this past weekend. Some of their workers will remain in South Georgia for the next 12 months as people who have lost everything try to sort out their lives, rebuild, or relocate. I have heard many people say that without the Red Cross, we would not have made it. Mr. Ed Darsey, of Hawkinsville, whose house was completely under water, told me personally, "I will never again wonder where to send my charitable donations. I will send it to the Red Cross," and added, emotionally, "nobody ever again better say anything negative about the Red Cross in my presence."

The list is far too long to give credit to all whose kindness and hard work turned a time of great loss into a time of great caring and comfort as well. Those whom I do not name should not feel that our gratitude is any less because of that. Nevertheless, I cannot help but mention Church World Services, which is made up of many denominations, Golden Harvest Food Bank, World Vision Relief and Development, Adventists Community Services, United Methodists Church on Relief, the Georgia Baptist Convention, the Salvation Army, and a host of other church and civic organizations and concerned citizens.

The Georgia Emergency Management Agency provided emergency aid and set the wheels in motion for getting Federal help. In a short time, thousands of State and Federal workers were in the field taking applications of aid, assessing damage, and coordinating volunteer efforts. Federal agencies will continue to work there for many months, helping towns and cities restore infrastructure and providing mortgage help, small business loans and other aid.

Many who had the least to lose have lost everything, but the floods made no distinction of wealth or rank. Newton's mayor had to move into a travel trailer without utilities when her house was covered by water, but she continued to lead relief efforts.

Most of the hardest-hit communities are in rural areas which were already suffering from economic difficulties. Flooded businesses lost not only inventory but equipment on which owners must continue to make payments. By mid-August the Small Business Administration had approved more than $100 million in grants and low-interest loans for businesses and urban homes.

Unfortunately, there are many other small businesses that already know they would not be able to repay the loans—even low-interest loans—that would be necessary to reopen. Many older homeowners will not be able to start over with the long-term loans needed to rebuild or relocate.

We know that, at best, processing Federal aid takes time. Despite the $17 billion already expended, there are more than 3,000 loan and grant applications still pending from the California earthquake 2 years ago. Many families in the Midwest are just getting money to relocate after last year's floods. Georgia—and the damaged areas of Florida and Alabama—are in for a long struggle to recover and rebuild.

I hope that one important change will come out of this loss, and the flood losses last year—more careful coordination of local, State, and Federal policies and regulations on building in flood plains, flood ways, and flood basins. Expensive public facilities are going to have to be relocated away from these flood prone areas. We managed to avoid potentially horrendous releases of toxic chemicals or wastes this time, but we must not build plants and facilities involving toxic substances in the path of potential floods. No one can anticipate 500-year floods, but our building pattern certainly should consider the area likely to be inundated in 100-year floods.

We have been reminded again of the awesome power and destructive potential of nature.

And we have also been reminded by countless acts of courage and kindness, of the power of the human spirit and the essential goodness of our people in this great land. We in Georgia will be sustained and supported in that awareness by the memories of sacrifice and suffering—and even laughter—shared, as we begin the long road to recovery.

Perhaps it is not a providential sign, but seeing the buildings of Albany State College with water to the rooftops, I took heart at the sight of the college library standing on a hill above the campus—all the books and hard-won human knowledge it housed untouched by the raging water.

TRIBUTE TO WILLIAM M. McDERMOTT, JR. M.D.

Mr. KERRY. Mr. President, I want to take this opportunity to pay tribute to a man who has devoted his life to medicine and to this country, Dr. William M. McDermott. On September 1, 1994, he will retire from the Massachusetts Medical Society where he has served for 9 years as its executive vice president. His dedication to this Nation is exemplary; he served in the U.S. Navy for 21 years, retiring with the rank of rear admiral.

Dr. McDermott's effective leadership has guided the Massachusetts Medical Society and the 16,000 physicians it represents during challenging and exciting times for the medical community. Dr. McDermott's initiative and drive have led the Massachusetts Medical Society to implement many legislative and health policies that have benefited the communities of Massachusetts. He has worked tirelessly with community leaders to address their concerns about health care and health care policies.

Before coming to the Massachusetts Medical Society, Dr. McDermott served as commander of the Naval Medical Command in Washington, DC. In that position he oversaw both a budget in excess of $1 billion and more than 45,000 military and civilian Command personnel involved in providing health care to more than 2 million Navy and Marine personnel and families across the United States and around the globe.

His military career is one of remarkable accomplishment, and included positions as fleet surgeon for the Navy's Commander in Chief, Atlantic Operations; principal medical advisor to the Supreme Allied Commander, Atlantic, for NATO; and Chief of Staff to the Navy's Surgeon General. In all of these positions he has dedicated himself to educating medical professionals and providing exemplary care to all patients.

Bill McDermott has had an extraordinary career and his many contributions to the field of medicine are worthy of high praise. It is an honor for me to commend him and thank him for his service to the United States.

Mr. MATHEWS. Mr. President, I ask unanimous consent that I be permitted to speak up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized for 15 minutes.

THE CRIME BILL

Mr. MATHEWS. Mr. President, let me begin this evening by saying I realize the hour is late. In fact, in less than 60 minutes from now, we will be starting a new day. But we can start this new day with the solid feeling that what we have accomplished here this evening, what culminated here in the votes that took place on this floor today, is going to make for a safer America. It is going to allow us and our communities to feel better about our schools, to feel better about being on our streets, and to feel less fearful—to feel better as Americans.

It has taken a long time to accomplish this. I compliment the chairman, Chairman BIDEN, the ranking Member, and everyone else who had a part in this.

THE SUCRALOSE PROCESSING PLANT

Mr. MATHEWS. Mr. President, there are other problems—I have one in my State of Tennessee—that we have been working on a long time, also. I feel I need to bring this to the attention of my colleagues this evening, because there comes a time when we must act. It appears this may be one of those situations where there will be some Members here who will want to join me in this effort.

Mr. President, the distinguished William Proxmire used to bestow a Golden Fleece Award upon Federal spending projects that represented an extravagant or unjustified use of taxpayers' money. I propose a similar award for Federal agencies whose stubborn regulations and uncompromising behavior steals jobs, economic growth, and progress from the American people. We might call it The Golden Grinch after the Dr. Seuss character who stole Christmas. Whatever we call it, I propose that its first recipient be the Food and Drug Administration.

As I speak, this sucralose processing plant in Newport, TN—in my State—stands idle and another like it is operating at reduced capacity. As a result, the American economy is losing 65,000 jobs, America's gross domestic product is losing almost $7 billion a year, and 14-million diabetics are being denied an important new product in their diets. This is happening, Mr. President, because the Food and Drug Administration has indulged an extensive and unreasonable series of delays in approving sucralose noncaloric sweetener for U.S. consumption.

Sucralose is the culmination of 18 years of dogged investment and marketing cooperation between the United Kingdom's Tate & Lyle and Johnson & Johnson in the United States. In February 1987, J&J's McNeil Specialty Products Co., petitioned the FDA's Center for Food Safety and Applied Nutrition for permission to manufacture and sell sucralose in the United States. The company submitted a 22,000-page petition citing 80 separate safety studies conducted over the 10 previous years.

Mr. President, this bill here has approximately 950 pages in it; 22,000 pages is 22 times the number of pages here in the petition. Before submitting the petition to FDA, 16 internationally renowned experts had reviewed those studies. Independently and collectively, the experts agreed sucralose is safe for its intended use.

What happened after the petition arrived at FDA is an epic of bureaucratic frustration and decision dodging. Let me share the tale.

The FDA's Center for Food Safety and Nutrition spent 3 years reviewing the company's data. In January 1990, the Center's director personally advised the company that the agency review was completed and that FDA was prepared to move forward with approval. We thought we were getting somewhere. In May 1990, the Center actually showed the company a draft regulation approving sucralose in all requested categories.

In August—they were first notified in January they were ready to go.

In August 1990, Johnson & Johnson and McNeil executives were informed by the Director they would start up production of sucralose unless he advised otherwise. The Director reiterated to them in August that he believed FDA would approve sucralose before the year end.

Accordingly, the company set its plans in motion. Production started up in Georgia and Newport, TN. The Newport facility was a new plant. Here is a picture of it as it has been constructed. It was completed in 1989, just 5 years ago, at a cost of $65 million. This plant has been sitting idle during all that period of time.

In September 1990, the company began staffing the facility, eventually hiring 185 employees, because it had been assumed approval was on the way.

Clearly, some of this delay was unavoidable under the circumstances. FDA has many first-rate scientists, and I do not mean to stand here and say they are all a bunch of goofs, but they have a number of first-rate scientists, a number of people who care about the work they are charged with doing. We in Congress sometimes do not do all the things we should do to allow them to do their job. Agency budgets have not always kept pace with agency needs, and the turnover is always a problem.

To the extent we can help FDA do a better job, we will benefit consumers, the public health and the national economy. However, Mr. President, let me stress again, not all the delay in this case is beyond FDA's control.

Further delay resulted from the cumbersome process FDA applies to food additives. Any time a third party submits comments about food prior to its approval, the FDA stops the review process and addresses those comments, although it is not legally required to do so. Evaluating and answering each comment is lengthy and time-consuming. Potentially any outside party could indefinitely delay approval of an additive simply by repeatedly submitting their interpretation of data.

That is precisely what happened with sucralose.

In October 1990, September 1991 and February 1992, a London law firm acting for an unnamed client submitted comments about sucralose to the FDA and other regulatory agencies around the world. In addition, a public interest group submitted four rounds of comments in May 1991, September 1991, March 1992 and December 1992. In each instance, FDA's approval process came to a halt for up to 6 months while FDA reviewed the data and prepared a response.

It is instructive to contrast the behavior of the Australian National Food Authority with that of our FDA. When the Australians received similar comments from the London law firm, they wrote back asking if the firm was acting for another party or whether its comments were those of a firm of solicitors with no particular scientific expertise. The London law firm was never heard from again.

The crucial point, Mr. President, is that the issues raised by these comments were issues that FDA had reviewed and resolved to its satisfaction on at least three previous occasions. They were questions that a group of experts, including former FDA scientists, held to have no human toxicological significance. What is more, the experts said FDA's requirement for a so-called "scientifically defensible" explanation was ungrounded and flouted established principles.

Yet, the saga of sucralose did not end. The FDA wanted further explanations. An FDA Commissioner recused himself from the review. The company approached Health and Human Services proposing a peer review with independent scientists to confirm that sucralose satisfied the legal standard of "reasonable certainty of no harm." FDA would not agree to be bound by findings of a scientific peer review, so the company had no choice but to consider yet one more study, which FDA promised to review promptly. The company began a study in April 1993. It submitted preliminary results in August, and this was 1993. FDA wanted the study extended, and in February and March of this year, the company forwarded final data from the extended study to FDA. It still awaits word from FDA.

While all of this was going on—I should say while all of this was going astray—the World Health Organization endorsed the safety of sucralose. The national authorities of Australia and Canada approved sucralose. The American Diabetes Association and the Juvenile Diabetes Association pled with FDA to approve the product. And sucralose production was suspended in Georgia and Tennessee, putting more than 200 people out of work in a county that has one of the highest unemployment rates in our State.

Mr. President, we all appreciate the importance of a sound food product from the approval process. But we also understand, perhaps more than FDA, the importance of decisions that accept credible authority that are not endlessly postponed and that do not leave the people they affect in limbo.

The jobs of thousands of American families, and billions of dollars in investments, billions of dollars added to our economy depend on those kinds of decisions.

FDA and HHS seem indifferent to mail from Members of Congress. In January 1993, adding to the saga we were talking about, Senator CHAFEE, one of our colleagues, got an answer from Secretary Shalala in April to a letter he had dispatched in January. An April of 1993 letter from Congressman QUILLEN, in whose district this plant is located, was answered in August. A joint inquiry from me and Senator SASSER also drew a response from Secretary Shalala in August. She told us that we could read the Federal Register to learn FDA's decision.

Mr. President, let me point out on this chart the letter which we addressed to FDA through the Secretary and the answer back to us. It says to Senator SASSER and me:

> When all questions of importance regarding the safe use of sucralose are satisfactorily answered, the agency will announce its decision in the Federal Register.

And that is to two of your colleagues, Mr. President, we can read in the Federal Register what they have decided.

I think the time has come for this body to determine some way in which we can elicit response from agencies who have the economic and health heartstrings of the people at their disposal.

Mr. President, I do not want to suggest that we are being unreasonable or that we are asking for action on an untimely matter. As I indicated, 10 years of research went into this product, which is a sweetener made from sugar. Ten years of research went into this project, and then 8 years after that research was submitted to the Food and Drug Administration, we are still awaiting the bureaucracy to work.

Mr. President, 200 people—185 people—have already been hired at this plant. They were hired based upon indications from the Food and Drug Administration that the product was going to be approved. Those 200 people have been laid off now for more than 2 years, and we still have no answer to the questions we asked.

Mr. President, losing these jobs, income, and output is the price Americans and the American economy will pay.

Mr. President, I ask for this agency to be responsive. I ask this body to join me in asking FDA to do that which is clearly indicated by the research that they have. Either approve the product or turn this down and let us use this plant for some other reason.

Clearly, when this product is on the market today, it can be bought in any of these other jurisdictions, it is being used generally, 8 years is long enough for us to decide whether or not the product is safe. I submit the case, Mr. President.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations:

Calendar No. 1093, Calendar No. 1097, Calendar No. 1102 Calendar No. 1118, Calendar Nos. 1134, 1135, 1139, 1147, 1148, 1149, 1150, 51, 52, 53, 54, 55, 56, 57, 58, 59, and all nominations placed on the Secretary's desk in the Foreign Service. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motion to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

U.S. International Development Cooperation Agency

Jeffrey Rush, Jr., of Virginia, to be Inspector General, Agency for International Development.

Department of Defense

William T. Coleman III, of Michigan, to be General Counsel of the Department of the Army.

Department of Energy

Elizabeth Anne Moler, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 1999.

Air Force

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Michael E. Ryan, [redacted].

Environmental Protection Agency

Robert James Huggett, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

William A. Nitze, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

Norma Udall, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 6 years.

Department of State

Brady Anderson, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Dorothy Myers Sampas, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Carl Burton Stokes, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

E. Michael Southwick, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Phyllis E. Oakley, of Louisiana, to be an Assistant Secretary of State.

Richard L. Greene, of Maryland, to be Chief Financial Officer, Department of State.

Curtis Warren Kamman, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Eileen A. Malloy, of Connecticut, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Richard Holbrooke, of New York, to be an Assistant Secretary of State.

James W. Swihart, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert L. Gallucci, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador at Large.

Inter-American Foundation

Neil H. Offen, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1998.

United States Arms Control and Disarmament Agency

Ralph Earle, II, of the District of Columbia, to be Deputy Director of the United States Arms Control and Disarmament Agency.

Nominations Placed on the Secretary's Desk

In the Foreign Service

Foreign Service nominations beginning Joseph Huggins, and ending Richard Scott Sacks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 27, 1994.

NOMINATIONS PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Committee on Commerce, Science and Transportation be discharged from further consideration of the following nominations, that they be placed on the calendar: Henry J. Cauthen, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, and Frank Henry Cruz, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FORD. I further ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The Committee on Commerce, Science, and Transportation reported the following bill, which was ordered referred to the Committee on the Judiciary, pursuant to the order of August 25, 1994:

S. 2375. A bill to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3261. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of the OMB Sequestration update as of August 19, 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1975, to the Committee on Appropriations, to the Committee on Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Special Committee on Aging, to the Select Committee on Intelligence, to the Committee on Indian Affairs, and to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 922. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court (Rept. No. 103-361).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without recommendation without amendment:

S. 2375. A bill to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

Gary Niles Kimble, of Montana, to be Commissioner of the Administraton for Native Americans, Department of Health and Human Services.

Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission for the term of three years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. BIDEN, from the Committee on the Judiciary:

Dennis H. Blome, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael D. Hawkins, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Napoleon A. Jones, of California, to be United States District Judge for the Southern District of California.

John Corbett O'Meara, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Barrington D. Parker, Jr., of New York, to be United States District Judge for the Southern District of New York.

Becky Jane Wallace, of North Carolina, to be United States Marshal for the Middle District of North Carolina for a term of four years.

Robert J. Timlin, of California, to be United States District Judge for the Central District of California.

Roy Allen Smith, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

John W. Caldwell, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

David William Troutman, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years.

Jeremy Travis, of New York, to be Director of the National Institute of Justice.

Jan M. Chaiken, of Massachusetts, to be Director of the Bureau of Justice Statistics.

Nancy E. Gist, of Massachusetts, to be Director of the Bureau of Justice Assistance.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 2421. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2422. A bill to amend the Federal Election Campaign Act of 1971 to require lobbyists who represent foreign nationals to report to the Federal Election Commission contributions made to Federal election campaigns and other political committees; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. BINGAMAN, and Mr. METZENBAUM):

S. 2423. A bill to amend the provisions of title 17, United States Code, to provide for the auction of certain copyrights to financially support the National Endowment for the Arts and the National Endowment for the Humanities, and for other purposes; to the Committee on the Judiciary.

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 2424. A bill to expand the boundaries of the Stones River National Battlefield in Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 2425. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. WOFFORD):

S. 2426. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEFLIN (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. DURENBERGER, Ms. MIKULSKI, Mr. GRASSLEY, Mr. CRAIG, and Mr. HELMS):

S. 2427. A bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 2428. A bill to provide for the management of the airspace over the units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 2429. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office for Women Veterans and an Office for Minority Veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NUNN (for himself and Mr. COVERDELL):

S. 2430. A bill to facilitate recovery from the recent flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto by providing greater flexibility for depository institutions and their regulators, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON (for himself, Mr. METZENBAUM, Mr. DECONCINI, and Mr. BUMPERS):

S. Res. 253. A resolution relating to monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 254. A resolution to direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, and to authorize the Office of the Sergeant at Arms of the United States Senate to intervene and be represented by its counsel of choice, in Kenneth Riggin, et al. v. Office of Senate Fair Employment Practices, No. 94-6004 (Fed. Cir.); considered and agreed to.

By Mr. REID:

S. Res. 255. A resolution to express the sense of the Senate condemning the tactic of soliciting support for the use of violence against abortion providers and activists; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 2422. A bill to amend the Federal Election Campaign Act of 1971 to require lobbyists who represent foreign nationals to report to the Federal Election Commission contributions made to Federal election campaigns and other political committees; to the Committee on Rules and Administration.

THE FOREIGN AGENT AND INTEREST REPORTING ACT

• Mr. CONRAD. Mr. President, today I introduce the Foreign Agent and Interest Reporting Act, FAIR, a bill to require increased disclosure of the foreign interests which may be attempting to influence policy making within our country.

This bill amends the Federal Elections Campaign Act to include a provision requiring foreign lobbyists, known as registered foreign agents, to report to the Federal Elections Commission any contributions they make to candidates and political committees. My bill also requires that they disclose all foreign interests they represent to the FEC and to the candidates that receive their contributions.

As you know Mr. President, foreign countries and companies spend hundreds of millions of dollars per year to hire thousands of lobbyists. Foreign lobbying efforts nearly always focus on influencing important international trade issues. For example, the Mexican Government spent $30 million on lobbyists, media experts, and consultants to promote passage of the North American Free Trade Agreement. While this massive effort did not influence my position on NAFTA, I do have concerns that this extraordinary lobbying effort may have influenced the passage of this bill.

Our Nation has valued the free exercise of speech that is guaranteed by our Constitution. The right to free speech includes an individual's right to speak out on political issues. However, Mr. President, Congress may restrict the speech-oriented activities of foreigners. A dilemma arises when U.S. citizens become advocates for foreign interests. There are no restrictions for these foreign agents because they are also United States citizens.

There are some things we can do within the Constitution to shed some light on the political contributions of those who represent foreign interests. There is an old saying, "Sunlight is the best disinfectant." I think its time to shed some sunlight on this issue. It has been neglected for too long and it is time to bring this issue into the open. Congress can ensure that information detailing the efforts of foreign lobbyists to influence Federal legislation is available to the public. In a democracy, an informed public is the greatest weapon against special interests.

Mr. President, the FAIR act will require full disclosure and reporting of political donations by foreign agents. This bill will disclose the ability of foreign interests to "funnel" funds into candidates' committees through a foreign agent.

There are similar reporting requirements within the Foreign Agents Registration Act. Those reports must be submitted to, and violations of FARA are determined by the Attorney General. However, I believe my bill strengthens the current law by giving the FEC the job of oversight and enforcement. The FEC is our first line of defense against unfair campaigns.

By including disclosure and reporting requirements for foreign lobbyists within the Federal Elections Campaign Act, violations will be pursued and penalties enforced by the FEC. The FEC is able to better police and enforce the reporting requirements of foreign agents. If the FEC believes a violation was knowing and willful, the civil penalty shall not exceed $10,000 or an amount equal to 200 percent of the contribution or expenditure, whichever is greater. The FEC may also refer violations to the Attorney General for enforcement.

Mr. President, in addition to the reporting requirement to the FEC, this bill requires the foreign lobbyist to disclose the foreign interests the lobbyist represents to the political committee receiving such contribution.

My bill also amends the section of the Federal Elections Campaign Act to include lobbyists who represent foreign nationals and expands the definitions within that section.

Mr. President, I believe this bill will significantly improve the disclosure of foreign interest involvement in our country's political process. When this information is readily available, candidates, committees, campaigns, and most importantly the public, will make more informed choices regarding government. The Foreign Agent and Interest Reporting Act takes a much needed step to restoring the public confidence in political campaigns and government by making available information regarding foreign interest involvement in our political process.

I urge my colleagues to support this bill, and I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Agent and Interest Reporting Act".

SEC. 2. REPORTING OF CONTRIBUTIONS TO FEDERAL ELECTION CAMPAIGNS AND OTHER POLITICAL COMMITTEES BY LOBBYIST WHO REPRESENT FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND LOBBYISTS WHO REPRESENT FOREIGN NATIONALS" at the end;

(2) by redesignating subsection (a) as subsection (b);

(3) by redesignating subsection (b) as subsection (a) and amending that subsection to read as follows:

"(a) In this section—

"(1) the term 'agent of a foreign principal' has the meaning stated in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611);

"(2) the term 'foreign national' means—

"(A) a foreign principal, but not including any individual who is a citizen of the United States; or

"(B) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence (as defined in section 1101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

"(3) the term 'foreign principal' has the meaning stated in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611);"; and

(4) by adding at the end the following new subsection:

"(c) A person who is required to register under the Foreign Agents Registration Act (22 U.S.C. 611 et seq.) who makes a contribution to a political committee shall, within 10 days after making the contribution—

"(1) file with the Commission a report, in such form as the Commission may require, stating—

"(A) the name of the political committee to which the contribution was made;

"(B) the amount of the contribution; and

"(C) the name of each foreign national—

"(i) on behalf of whom or which the person acted as an agent of a foreign national within the 12-month period preceding the date on which the contribution was made; or

"(ii) with whom or which the person has an agreement or understanding, as of the date on which the contribution is made, to act as a foreign agent on the foreign national's behalf within the 12-month period following the date on which the contribution was made; and

"(2) provide a copy of the report to the political committee.".•

By Mr. DODD (for himself, Mr. BINGAMAN, and, Mr. METZENBAUM):

S. 2423. A bill to amend the provisions of title 17, United States Code, to provide for the auction of certain copyrights to financially support the National Endowment for the Arts and the National Endowment for the Humanities, and for other purposes; to the Committee on the Judiciary.

THE ARTS ENDOWING THE ARTS ACT OF 1994

• Mr. DODD. Mr. President, I introduce a bill that without costing taxpayers one dime would establish a true endowment for the National Endowment for the Arts and the National Endowment for the Humanities.

This legislation identifies a new, untapped resource—the extension of copyright protection for artistic works—to benefit the arts. In essence, today's art would be supporting tomorrow's through a true endowment.

Authors and artists now enjoy exclusive copyright protection for their lives plus 50 years. After that period ends, the work enters the public domain.

My bill would extend copyright protection for an additional 20 years. The rights to the extra 20 years would be auctioned, with the proceeds going to a Federal trust fund to benefit the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH].

In this way, we would establish a new, stable source of funding for the arts and humanities, without increasing Government spending.

This bill is in no way intended to deprive artists and writers of the fruits of their labor. It would not change in any way the rights they now have.

Our copyright law is based on a balance between the rights of the creator and the rights of the public. Article one of the Constitution gives Congress the authority:

> To promote the progress of science and useful arts, by securing for limited times to authors and inventors exclusive right to their respective writings and discoveries.

This provision of our Constitution ensures that creators receive compensation for their work for limited times—and that phrase is a key one. The Constitution establishes copyright protection, but it also establishes the principle that the protection is not indefinite.

I see this bill as a realistic and sensible approach to arts funding. For the past decade, Federal funding for the arts has suffered through numerous cuts and controversies. Yet, I believe national support for the arts is crucial. Not only do the arts add substantially to the quality of our lives and the lives of all of our communities, they also contribute billions annually to the economy. Just in my State of Connecticut, it is estimated that the arts contribute nearly $500 million to the economy each year.

But we cannot fool ourselves about Federal resources. They are limited. And, while I believe most taxpayers support the good work done by the NEA and NEH, I also believe that artists feel a special need to help protect and promote our artistic heritage. Renewing our commitment to the arts requires creative thinking about new ways for us to accomplish this goal. That's what this proposal aims to do.

I first introduced a bill on this topic in 1990. I have heard a number of comments and criticisms of the proposal since that time, and I have modified the legislation substantially to reflect some of these concerns. I plan to continue to solicit ideas and suggestions and work with members of the Labor Committee, Judiciary Committee, and others interested in arts and copyright law.

I would like to outline in more detail how this proposal would work. The bill would establish a semiannual silent auction for expiring registered copyrights. Copyrights successfully bid upon would transfer to the highest bidder upon expiration and would be extended by 20 years. Copyrights not successfully bid upon would enter the public domain, as under current law. In this way, we would ensure that at no time would the Government possess or hold any copyrights.

The proceeds of the auction would be deposited into a trust fund established by this act. An advisory board would administer the activities under this act and make recommendations to Congress and the appropriators on how the trust fund should be distributed to the NEA and the NEH and how to cover the cost of administering the auction.

I believe it is critically important that the final say over these dollars remain in the hands of the Congress. We have had many debates on funding for the arts over the years—and I have participated in most of those. While that process has not always been enjoyable and I have not always won, I believe continued congressional review and funding is critical to ensuring that NEA and NEH spending reflect the priorities of the Congress and the Nation.

The bill would cover works registered with the Copyright Office as performing arts, periodicals and serials, sound recordings, non-dramatic and literacy works, or visual arts.

The rights of the copyright holder at the time of the auction would not be altered in any way. The holder would be able to exercise all rights associated with copyright ownership until the date of expiration. Those rights would then transfer to the successful bidder. In addition, creators' heirs would continue to be allowed non-commercial use of the work through the fair use doctrine.

In a time of scarce Federal resources, I see this initiative as a means to shore up our support for the arts and humanities in a fresh and creative way. I invite my colleagues' input and advice on this legislation.●

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 2424. A bill to expand the boundaries of the Stones River National Battlefield in Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

THE BOUNDARY EXPANSION OF STONES RIVER NATIONAL BATTLEFIELD ACT

● Mr. SASSER. Mr. President, I introduce legislation to protect a part of our national heritage. My bill will expand the boundaries of Stones River National Battlefield in my home State of Tennessee where a key battle in the Civil War was fought.

Companion legislation has been introduced in the House of Representatives by my good friend BART GORDON. Subcommittee hearings have already been held on Congressman GORDON's bill, H.R. 4266.

Now, I have discussed the historical significance of Stones River National Battlefield on previous occasions, but I would like to review it briefly because I believe it is important that we remember. It is important that we remember the 23,000 soldiers, some in Confederate uniforms and some in Union uniforms, who gave their lives on that battlefield. It is important that we remember the issues surrounding that struggle and it is important that we remember the indelible mark it has left on our great country.

The Stones River Battle, which took place near what is now Murfreesboro, TN, was pivotal in the Civil War. As a result of the hard-won victory at Stones River, Union forces were able to establish a foothold in middle Tennessee which gave them easy access to the Nashville and Chattanooga Railroad. The ability of the Union forces to locate a supply base at this strategic site may well have influenced the outcome of the war. This battle, which was fought in the dead of winter between December 31, 1862, and January 2, 1863, was one of the bloodiest battles of the war. It resulted in the deaths of 28 percent of those who fought in the battle.

Because of the battlefield's proximity to Murfreesboro—indeed parts of the battlefield lie within the city limits—it is increasingly threatened by encroaching development and rising real estate prices. Of the 3,700 acres that the battle encompassed only a small percentage has thus far been preserved.

The bill I am introducing today, along with my good friend and colleague Senator MATHEWS, would protect land that is vital to interpreting Confederate actions on the first day of the battle. The Confederates originally surprised and overwhelmed two of the three divisions constituting Gen. Alexander McCook's right wing of the Union Army. However, Union leaders were able to mount a defense and push back the Confederate tide.

At present, much of the land contained in this boundary expansion is open farmland. A dramatic vista opens to the land where the sweeping Confederate forces brushed through the crumbling Union forces. It is the most dramatic vista on Stones River National Battlefield and arguable the best vista on any major Civil War Battlefield.

Acquisition of this land is crucial to understanding the fateful Civil War battle. It will allow visitors to experience the sense of scale and perspective that can only be attained by standing on the very ground where thousands of Union and Confederate soldiers fought.

I urge expeditious action on this bill and I hope my Senate colleagues will join us in supporting this effort to protect Stones River National Battlefield for future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF BATTLEFIELD.

The first sentence of section 1(a) of the Act entitled "An Act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes", approved December 23, 1987 (16 U.S.C. 426n(a)) is amended by striking out "numbered 327/80,004B, and dated November 1991" and inserting in lieu thereof "numbered 327/80,011, and dated May 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by this Act.●

Mr. MATHEWS. Mr. President, I rise as an original cosponsor and strong supporter of a bill introduced today by the senior Senator from Tennessee, an act to amend the boundaries of Stones River National Battlefield, TN.

The Stones River National Battlefield was the site of a fierce midwinter battle, from December 31, 1862, to January 2, 1863. This significant battle began the Federal offensive to trisect the Confederacy. Adjoining the battlefield is the Stones River National Cemetery with 6,831 interments, 2,562 of which are unidentified.

Mr. President, my fellow Tennesseans and Americans across our country who have a keen interest in the history of the Civil War. The lessons of our history are of the utmost importance to the young people of our country and the preservation of our heritage is a source of pride for young and old. The bill introduced today by the senior Senator from Tennessee will improve the Stones River National Battlefield thereby increasing educational opportunities for the future and preserving the memory of those who gave their lives.

Although this bill is being introduced late in the legislative session, I urge my colleagues to work for its rapid consideration and approval. Expansion of the boundaries to the Stones River National Battlefield will be a greater asset for Tennessee and the United States of America.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. WOFFORD):

S. 2426. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE URBAN DEVELOPMENT ACTION GRANTS

● Mr. LAUTENBERG. Mr. President, I introduce legislation which would extend the Urban Development Action Grant Retention Program and waive the "integrally related activities" clause. Many projects which are essential to the economic development of some of the Nation's poorest cities depend on these UDAG funds. If these UDAG funds are lost, thousands of jobs and millions of dollars of private investment are at-risk of being lost as well.

Initially, the UDAG Retention Program was due to expire on August 24, 1994; I am pleased to report that at my and other Senators' request, including Senators BRADLEY, SASSER, WOFFORD, D'AMATO, LEVIN, FORD, BOND, and THURMOND, HUD agreed to extend the deadline until October 17. At that time, unless the Congress acts, the U.S. Department of Housing and Urban Development will recapture up to $100 million in outstanding UDAG funds. Many cities have important and viable projects that depend upon these funds. If these funds are recaptured by HUD, these job producing projects will be lost, as will the millions of dollars in private investment that are part of these projects. Extending the UDAG Retention Program and waiving the integrally related requirement is vital to the economic health of some of our Nation's poorest cities.

The UDAG program was initiated in 1978 to assist cities and to stimulate economic development activity needed to aid in economic recovery. The UDAG program was designed to foster cooperation between the public and private sectors and mandated that each public UDAG dollar must leverage at least $2.50 in private investments. Successful public-private partnerships are essential for the economic rebirth of our cities. We should strategically target public dollars in an effort to generate a flow of desperately needed private investment. If UDAG funds are lost, millions of dollars of vital private investment will be lost as well.

My legislation will enable cities to work with the private sector on projects that will create jobs, aid existing businesses and retailers, and improve the lives of millions of urban residents. In New Jersey alone, these UDAG funds will assist in building an amphitheater, a performing arts center, a hotel and convention center, retail shopping space, and a senior housing development, to name just a few. Recapturing UDAG funds would cause some of the Nation's poorest cities to lose millions of dollars in Federal funding, potentially thousands of jobs would be lost, and the economic rebirth of these cities will be dealt yet another tragic blow.

Mr. President, these UDAG funds have already been appropriated and this bill does not create any new spending. The remaining UDAG projects under discussion are in some of the Nation's poorest cities where attracting private investment has proven to be a difficult challenge. This has caused extensive delays in completing projects. However, the mayors of many of these cities are determined to see their efforts to a successful conclusion. In many cases, they already have commitments from private developers and investors and just need an exemption from the "integrally related activities" requirement in order to bring the project to completion. We must not desert our cities. We must give them every opportunity to put this money to work attracting private investment and creating jobs. I ask my fellow Senators for their support in protecting these essential UDAG funds.

I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UDAG RECAPTURES.

(a) IN GENERAL.—Section 119(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(g)) is amended by striking the second sentence and inserting the following: "Except as provided in section 232(c) of the Multifamily Housing Property Disposition Reform Act of 1994, during the 18-month period beginning on the date on which the UDAG Retention Program authorized by such section expires, the Secretary shall be prohibited from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants. For the duration of the UDAG Retention Program, the Secretary—

"(1) shall provide technical assistance to grant recipients to adjust, rework, relocate, refine, redefine, or otherwise revise the original UDAG project description to produce a viable UDAG project in accordance with the requirements of this section; and

"(2) shall not impose regulatory requirements that are not statutorily based if such requirements restrict the revision or use of UDAG funding, including any requirement that amendments to an urban development action grant agreement must be for activities that are 'integrally related activities' in relation to the approved project.".

(b) EXTENSION OF TIME PERIOD.—Section 119(t) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(t)) is amended by striking "90 days" each place it appears and inserting "21 months".●

● Mr. LEAHY. Mr. President, I am pleased to join as an original cosponsor to the legislation offered by Senator LAUTENBERG concerning the recapture of unspent Urban Development Action Grant [UDAG] funds by the Department of Housing and Urban Development.

The UDAG Program was particularly well and wisely used by several Vermont communities to provide critical "gap" funding to ensure the success of worthy, job-producing economic development projects that otherwise would not have been possible.

Nowhere in Vermont was UDAG funding more important than in the town of Brattleboro. In 1989 a UDAG award—one of the last made under the program—allowed Brattleboro's leaders to retain more than 200 jobs at the Holstein Association, which was considering a move out of State. The project, construction of a new headquarters building by Holstein, was successful in several respects, including a cost saving of $238,000 in UDAG funds resulting from lower than expected development costs—a rare phenomenon these days for a major commercial building project.

Since October of 1993, town of Brattleboro officials have been discussing the ultimate disposition of these unspent UDAG funds with HUD personnel. The town has concrete plans to invest them in two commercial projects, both involving rehabilitation of two once-productive mill buildings into incubator space for small to medium size companies. It is a worthy plan that has attracted both State and private investment and complements the economic benefits realized by Brattleboro from the Holstein UDAG.

The town of Brattleboro has twice submitted this plan to HUD—first in a preliminary proposal submitted in December of 1993 and then in a final proposal dated June 29, 1994, which the Department is now considering. However, according to the Department, the plan may not strictly meet the Department's regulatory test that requires the new proposal to be "integrally related activities" to the original Holstein UDAG project.

This concerns me for two reasons. First, the town of Brattleboro's proposal involves two bona fide, carefully planned economic development projects that have attracted considerable non-Federal investment. And second, I can find no statutory basis for the "integrally related" regulatory requirement that the Department applies as a test to proposals of this nature. In fact, the words "integrally related" appear only once in HUD's regulations and that is within the definition of a project.

The term "integrally related activities" is a regulatory test which has prevented many communities like Brattleboro from investing unspent UDAG funds in job-creating and tax-generating projects. This legislation will release unspent UDAG funds to these communities, such as Brattleboro, and open the opportunity to invest public funds matched with private money in their local economies, as was originally intended by the Congress.

Mr. President, today I join with Senator LAUTENBERG in sponsoring a bill that will resolve the UDAG recapture problem for Brattleboro and many other communities around the country. It's time to support their efforts to promote economic growth that has been inhibited by this nonstatutorily based regulatory requirement.

The measure will be referred to the Senate Banking Committee. I urge my colleagues on the panel to report the legislation as soon as possible so that the full Senate can consider and approve this important economic development bill.●

By Mr. HEFLIN (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. DURENBERGER, Ms. MIKULSKI, Mr. GRASSLEY, Mr. CRAIG, and Mr. HELMS):

S. 2427. A bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE IMPROVED MEAT AND POULTRY INSPECTION PROGRAM STUDY ACT

Mr. HEFLIN. Mr. President, today on behalf of Senators COCHRAN, DURENBERGER, MIKULSKI, GRASSLEY, PRYOR, CRAIG, HELMS, and myself, I rise to introduce a bill which would authorize the National Research Council's National Academy of Sciences [NAS] to commission a study that would, in 6 months, result in a practical blueprint for an improved USDA meat and poultry inspection program. By improved, I mean one that is scientifically credible, addresses current risks to human health, and is acceptable to consumers, taxpayers, public health officials, producers, and processors.

The purpose of this bill is to expedite meat inspection reforms by requiring a quick, thoughtful, and practical action plan for the Secretary of Agriculture. A modern inspection program should concentrate on the health risks of the 1990's, instead of those identified in 1906 when inspection first started. The current inspection program's institutional lack of focus on modern food safety concerns, such as microbiological hazards, threatens to undermine the credibility of an important Government program.

The General Accounting Office [GAO] has stated "resources that could be more effectively used in a risk-based system are drained away by labor-intensive inspection procedures and inflexible inspection frequencies." Both consumers and the regulated industry deserve more effective and efficient Government service.

In the mid-1980's, the National Academy of Sciences [NAS] concluded in two separate studies that meat and poultry inspection should be converted to control "hazards at their point of entry into the food chain." NAS observed that "controlling, monitoring and verifying processing systems are more effective than relying upon end-product testing to assure a safe product." Yet, in the decade since these NAS reports, USDA has not substantially changed inspection.

The GAO and numerous Senators and Congressmen have urged USDA to shift to a modern, risk-based, hazard analysis critical control point [HACCP] approach to meat and poultry inspection and to provide legislation which would reduce the pathogen problem. Nonetheless, to date, neither USDA nor Congress have acted to regulate or enact any significant statutory reform of the current system.

Fine tuning the existing system through evolutionary change is not enough; fundamental and revolutionary changes are needed. The NAS can provide the forum and guidance necessary to implement such massive change, while assuring the public of the continued safety and integrity of our Nation's food products.

In response to the lack of clear direction, I am introducing this bill as an alternative approach to bring about prompt inspection reform. This bill would require NAS to work with existing outside experts, the National Advisory Committee on Meat and Poultry Inspection, and the National Advisory Committee on Microbiological Criteria for Foods, to produce a blueprint for meat and poultry inspection reform.

Pursuant to this legislation, the NAS would serve primarily as technical experts and facilitators. It would be responsible for the development in 6 months of an objective report laying out the issues in detail and proposing a range of legislative and regulatory options. To do this, NAS would provide a venue where all interests would be invited to work in a cooperative and constructive manner to review and critique these options.

Final recommendations, legislative or regulatory, for action from a neutral, third party, such as NAS, could finally break apart the political and bureaucratic logjam that has prevented needed reforms.

I would hope the NAS report would establish a preeminent meat and poultry food safety system from farm to table. The improved inspection system would focus on preventing and reducing microbiological, chemical, and physical hazards that may endanger human health. Congress would then have the opportunity to act on the NAS recommendations early next year.

In addition, the NAS would also be required to recommend changes to upgrade the current training, education, and management requirements for USDA inspectors, including, for example, the role of inspectors in monitoring, verifying, and auditing new systems such as HACCP. The recommendations would also include a suggested timetable for implementing the new inspection system.

This bill will serve as the fundamental mechanism for moving the Government forward after years of delay. Congressman CHARLIE STENHOLM has introduced similar legislation, H.R. 4562, in the House.

I urge my colleagues to join us in cosponsoring this legislation and swift enactment.

By Mr. AKAKA:

S. 2428. A bill to provide for the management of the airspace over the units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PARKS AIRSPACE MANAGEMENT ACT OF 1994

• Mr. AKAKA. Mr. President, today I am introducing legislation designed to mitigate the impact of aircraft overflights over units of the National Park System. The National Parks Airspace Management Act of 1994 would create a new statutory framework for minimizing the environmental effects of air tour activity on park units.

Briefly, my bill would: Specify the respective authorities of the National Park Service and the Federal Aviation Administration [FAA] in developing and enforcing park overflight policy; impose a general, 3,000-foot minimum altitude restriction on commercial air tour and military operations throughout the park system; establish a new, single standard governing the certification and operation of all commercial air tour operators that conduct flights over national parks; establish a process for developing individualized airspace management plans at parks experiencing significant commercial air tour activity; provide for the designation of flight-free parks; require a variety of safety measures, such as improved aircraft markings, maintenance of accurate aeronautical charts, and installation of flight monitoring equipment; and, establish a National Park Overflight Advisory Council.

As my colleagues are aware, aircraft activity over noise-sensitive areas such as national parks has been increasing in scope and intensity for a number of years, sparking significant public debate and controversy about the safety and environmental impact of overflights. The focus of much of the debate, and much of the controversy, has been the commercial air tour sightseeing industry, which has experienced explosive growth in some areas, most notably at the Grand Canyon and in my own State of Hawaii.

According to a memorandum prepared for a recent House Aviation Subcommittee hearing, the air tour industry has become a $500 million business nationwide; fully half of that revenue, amounting to 800,000 passengers annually, is generated in the Grand Canyon area. Likewise, local news reports indicate that the Hawaii air tour industry, which is centered around tours of Haleakala and Volcanoes National Parks, is projecting record numbers of customers and revenues this year—a staggering 700,000 passengers and $100 million, respectively.

But Arizona and Hawaii are not the only States affected. The House memorandum I referred to earlier also noted significant activity developing in such widely-dispersed locations as Glacier National Park in Montana, the Utah national parks, the Alaska national parks, Mount Rushmore in South Dakota, and the Statute of Liberty and Niagara Falls in New York. In fact, at Great Smoky Mountains National Park, commercial air tour overflights have fostered such opposition that Tennessee has passed legislation attempting to restrict such flights.

Thus, the problems that my bill attempts to address are national, not merely local, in scope and interest. I would venture to say that every Member of this body has, or will soon have, a park in his or her State that is impacted, to a greater or lesser degree, by commercial air tour operations.

Mr. President, the legislation I am offering is by no means the first attempt to deal with this issue through legislation. In 1987 Congress passed the National Parks Overflights Act, Public Law 100–91, which established certain flight restrictions at three parks which were experiencing heavy air traffic. Flights below-the-rim at Grand Canyon were permanently banned and a Special Federal Aviation Regulation [SFAR] was established creating flight-free zones and air corridors there. Less stringent, temporary altitude restrictions were established for Yosemite in California and Haleakala in Hawaii. At Haleakala, all helicopters and fixed-wing aircraft were restricted from flying at altitudes under 9,500 feet above mean-sea-level over Haleakala Crater and other sensitive points.

In addition, the act mandated a 3-year study to determine appropriate minimum altitudes for aircraft overflying national parks. The study was supposed to evaluate the impact of aircraft noise on the safety of park system users and on park values, and provide recommendations to Congress and the administration on ways to mitigate the effects of aircraft noise.

Unfortunately, the minimum altitude restrictions placed on Haleakala, Yosemite, and Grand Canyon as well, by Public Law 100–91 have not adequately addressed the noise and safety problems there, given the explosive growth in air tour activity at these parks. And, of course, the act did not provide mitigation measures for other parks experiencing high levels of air traffic, such as Hawaii volcanoes. As for the park overflights study, which presumably could have provided guidance on this matter, it has yet to be completed, and is now 4 years overdue.

Meanwhile, in Hawaii, outcry over low-level aircraft flights impelled the FAA, the Park Service, the State, and community groups to convene a number of public hearings; all have been characterized by sharp differences of opinion between air tour supporters and anti-noise proponents. It is the safety issue, however, that has taken center stage in my State recently, with two tour helicopters having crashed on the same day last July. Tragically, the crash off the island of Kauai claimed three lives, including that of the pilot and two passengers. According to an article in the Honolulu Star Bulletin, these three deaths raise the fatality count from tour aircraft crashes in Hawaii to 23 since 1992. The FAA has documented 11 accidents in Hawaii in the past 6 months which have resulted in serious injuries or fatalities.

Alarmed by these statistics, the FAA recently advised my office of its plans to: Initiate a comprehensive review of operations and maintenance practices of the Hawaii air tour industry; issue an emergency rulemaking to require that all air tour operators conduct operations under Federal Aviation Regulation part 135; and, establish minimum altitude, weather, and site "stand off" distances to address safety and noise considerations of the community. The FAA's "white glove" inspection has already begun, and the National Transportation Safety Board [NTSB] has announced plans to review the commercial air tour industry in both Hawaii and the Grand Canyon, with hearings to be held in both the Aloha State and Arizona.

Given the number of accidents and resulting fatalities in the last several years, I have welcomed both the FAA's action plan and the NTSB review. I also welcomed, and endorsed the well-documented recommendations the Board has already made as a result of its investigations of air tour accidents in Hawaii. I intend to follow up with the FAA on the status of the Board's recommendations, a number of which have national implications.

Aside from safety, it is also time to act on the environmental impacts of overflights, with particular emphasis on the noise issue. A number of our colleagues, including Congresswoman PATSY MINK, Congressman PAT WILLIAMS, and Senator JOHN MCCAIN, have authored legislation that addresses different aspects of the park overflights problem: Congresswoman MINK proposes to regulate airspace over national parks in Hawaii; Congressman WILLIAMS wishes to establish air tourism as a park concession; and, Senator MCCAIN encourages the development of quiet aircraft technology. Their leadership on this issue is a major reason why the Clinton administration, in sharp contrast to previous administrations, has made a good faith effort to address the noise and environmental impacts of commercial air tour overflights through existing regulatory authorities and mechanisms. The interagency working group formed last December by Secretary Babbit and Secretary Peña has demonstrated that a measure of cooperation between the FAA and Park Service can be achieved in addressing this issue.

Nevertheless, while I appreciate the administration's sincere efforts to address the overflights issue on its own, I believe that only Congress, through legislation, can produce lasting, effective policy on this matter. The simple truth is, this issue cannot be resolved administratively. The FAA and the Park Service, the two agencies with the greatest responsibility in this area, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air commerce; on the other, the Park Service is charged with protecting and preserving park resources; at some point—in this case the regulation of airspace over noise sensitive areas—their interests are mutually incompatible. Only by changing or clarifying their statutory responsibilities with respect to the management of park airspace can they be expected to work together to address the overflights problem.

Mr. President, incompatibility between the FAA and Park Service missions is the single most important reason why an effective, long-term park overflights policy cannot be developed by the administration absent statutory guidance from Congress. It explains why there is such a sharp division on this issue in the community as well, since both proponents and opponents of commercial air tours can call upon their agency of choice to support their respective positions.

Mr. President, the legislation I am proposing today would address this and other barriers to the development of a comprehensive park overflights policy. My bill deals with the commercial air tour overflights issue in a national context, since the safety and environmental concerns which are being debated so vociferously in Hawaii are being echoed at park units scattered throughout the National Park System.

At the outset, my bill establishes a finding that "natural quiet" is a park resource which warrants the same protection afforded other park resources and values.

It creates a new statutory framework for minimizing the environmental effects of air tour activity on units throughout the National Park System, and establishes a 3,000-foot minimum altitude for air tour operations over all units of the National Park System, unless a lower, or higher, minimum altitude is specified in an agreement for a specific park unit among air tour operators, the FAA and the Park Service. In addition, a 3,000-foot minimum altitude is established for military aircraft, unless otherwise agreed to between the Defense Department and the Interior Department.

The bill articulates a regulatory scheme under which the Park Service and the FAA are required to work in tandem to develop operational policies with respect to the overflights problem. It provides for joint administration in many areas while clearly denoting the FAA's primacy on matters related to safety and air efficiency and the Park Service's lead role in identifying the resources to be protected and the best means of protecting them.

My legislation requires the FAA to implement a single standard, through a new subpart of part 135, title 14, Code of Federal Regulations, for certifying commercial air tour operators. Such a uniform standard, which has been recommended by the NTSB, will substantially enhance safety by providing essential consistency in such areas as pilot qualifications, training, and flight and duty time limitations.

It mandates the development by the FAA of a generic operational rule for commercial air tour operations at all National Park System units, subject to modification at individual park units based on negotiations among air tour operators, the FAA, and the Park Service.

The bill requires the development, with public involvement, of individually-tailored park airspace management plans for units significantly affected by overflight activity, as determined by the Director of the Park Service. It calls for good faith negotiations between commercial air tour operators and both the Park Service and the FAA to reach agreement on flights over park areas.

It specifies that the Park Service, in consultation with the FAA and with opportunity for public comment, to develop criteria for, and to designate, "flight-free" parks.

The legislation invokes a three-tiered "enforcement" mechanism—including voluntary compliance with negotiated agreements, imposition of operational rules developed and enforced by FAA, and establishment of Special Federal Aviation Regulations developed and enforced by FAA—in the event that agreement cannot be reached or the impacts of agreed upon overflights are greater than anticipated.

My bill also requires the use of alternative dispute resolution procedures to resolve interagency disagreements as well as those between commercial air tour operators and the regulatory agencies.

It mandates commercial air tour safety initiatives recommended by the National Transportation Safety Board and others, including the installation of a flight monitoring system and the use of identification markings unique to a commercial air tour operator, and the development of aeronautical charts which reflect airspace management provisions with respect to individual park units.

Last but by no means least, the bill establishes a National Park Overflight Advisory Council that would provide advice and recommendations to the Park Service and the FAA on all issues related to commercial air tour flights over park units, and serve as a national forum for interest groups—including representatives of the air tour industry and the environmental community—to constructively exchange views.

Mr. President, I believe that the legislation I am offering today will minimize the adverse effects of commercial air tour flights on park resources as well as on the ground visitor experience, while enhancing the safety of such flights. I believe it is a balanced measure that, through extensive opportunity for public involvement, attempts to accommodate the legitimate concerns of all park users.

Nevertheless, my bill's central premise is that the 367 park units of the National Park System were created because of their exceptional natural or cultural significance to the American people. All of the provisions of the National Parks Airspace Management Act are therefore designed with the protection of park resources as its essential, if not exclusive, goal. For it is self-evident that a park whose values have been corrupted is a park ultimately not worth visiting, by air or land.

Mr. President, as the population soars, and we begin to inhabit lands that were once free of human intrusion, fewer and fewer places remain where we can seek refuge from the demands of civilization and renew our spirits in nature. If each park is a cathedral, Mr. President, then we in Congress are their deacons. It is therefore up to us, the guardians of these supreme natural legacies, to make certain that there will always be sanctuaries in this great land of ours where park visitors can still hear the cry of the eagle on the wing, the plaintive howl of the wolf at sunset, or the wind rustling through a pine forest—places where natural quiet, that ineffable, inimitable quality, is the only fitting condition.

Thank you, Mr. President. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Parks Airspace Management Act of 1994".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Air tour flights over units of the National Park System may have adverse effects on such units.

(2) Congressional concern over the effects of low-level flights on the units of the National Park System led to the enactment of the Act entitled "An Act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units", approved August 18, 1987 (Public Law 100–91; 101 Stat. 674; 16 U.S.C. 1a–1 note). The Act required the Director to identify problems associated with flights by aircraft in

the airspace over the units of the National Park System.

(3) The number of flights by aircraft over units of the National Park System has increased rapidly since the enactment of the Act, and the National Park Service continues to struggle to develop a policy which would achieve an acceptable balance between flights over such units by commercial air tour operators and the protection of the resources in such units and the experiences of visitors to such units.

(4) Visitors to certain units of the National Park System may reasonably expect quiet during their visits to such units, particularly visitors to units established with the specific goal of providing visitors to the units with an opportunity for solitude.

(5) Natural quiet is an inherent resource of certain units of the National Park System. It is in the public interest that natural quiet at such units be conserved in the same manner as other resources under the care and jurisdiction of the National Park Service.

(6) The public has registered a significant number of complaints about commercial air tour flights over certain areas under the jurisdiction of the National Park Service.

(7) Such flights may degrade the experiences of visitors to the affected areas and may have adverse effects on wildlife and cultural resources in such areas.

(8) The Federal Aviation Administration continues to have difficulty controlling adequately commercial air tour flights by aircraft over units of the National Park System that are adversely affected by such flights.

(9) There are significant and continuing concerns about the safety of commercial air tour flights over some units of the National Park System, including concerns for the safety of occupants of the flights, of visitors to such units, of Federal Government employees at such units, and of the general public.

SEC. 3. MINIMIZATION OF EFFECTS OF COMMERCIAL AIR TOUR FLIGHTS OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) PROHIBITION ON FLIGHTS BELOW CERTAIN ALTITUDES.—(1) Notwithstanding any other provision of law and subject to paragraph (2), a commercial air tour operator may not conduct the portion of a commercial air tour flight that takes place over a unit of the National Park System at an altitude that is less than 3,000 feet above ground level.

(2) The prohibition in paragraph (1) may not be construed to prohibit an agreement among a commercial air tour operator, the Administrator, and the Director which establishes a minimum flight altitude for commercial air tour flights of the operator over a particular unit of the National Park System that differs from the minimum flight altitude set forth in that paragraph.

(b) ADDITIONAL ACTIONS TO MINIMIZE EFFECTS.—Notwithstanding any other provision of law, the Administrator and the Director shall jointly take such actions as the Administrator and the Director determine appropriate in order—

(1) to determine the most practical and effective means of minimizing the effects of commercial air tour flights over units of the National Park System;

(2) to implement such means; and

(3) to conduct periodic training of the employees of the Federal Aviation Administration and the National Park Service on matters relating to the implementation of such means.

SEC. 4. DEVELOPMENT OF SINGLE STANDARD FOR CERTIFYING COMMERCIAL AIR TOUR OPERATORS.

(a) COMMENCEMENT OF RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall initiate formal rulemaking procedures for the purpose of prescribing a new subpart of part 135 of title 14, Code of Federal Regulations (relating to air taxi operators and commercial operators), which would specifically cover all commercial air tour operators (as that term will be defined by the Federal Aviation Administration under the subpart) that conduct commercial air tour flights over units of the National Park System.

(b) COVERED MATTERS.—The subpart prescribed under subsection (a) shall contain regulations that address safety and environmental issues with respect to commercial air tour flights over units of the National Park System. In prescribing the subpart, the Administrator shall attempt to minimize the financial and administrative burdens imposed on commercial air tour operators by such regulations.

(c) COMPLETION.—The Administrator shall—

(1) complete prescription of the regulations referred to in subsection (a) not later than the end of the 1-year period beginning on the date of the enactment of this Act; or

(2) if the Administrator does not complete the prescription by the end of that period, submit to Congress a report at the end of that period which report shall—

(A) provide an explanation of the failure of the Administrator to complete the prescription within that period; and

(B) describe the status of the regulations to be prescribed.

SEC. 5. DEVELOPMENT OF OPERATIONAL RULE FOR COMMERCIAL AIR TOUR OPERATIONS OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) REQUIREMENT.—(1) Except as provided in paragraph (2), the Administrator shall initiate formal rulemaking procedures for the purpose of prescribing a single operational rule which would govern the conduct of fixed-wing and rotorcraft flights by commercial air tour operators over the units of the National Park System. The Administrator shall initiate such procedures not later than 90 days after the date of the enactment of this Act.

(2) The Administrator may prescribe separate operational rules governing the conduct of flights by fixed-wing aircraft and by rotorcraft if the Administrator determines under subsection (b)(1) that separate rules are warranted.

(b) CONSIDERATIONS.—In developing an operational rule under subsection (a), the Administrator shall—

(1) consider whether differences in the characteristics and effects on the environment of fixed-wing aircraft and rotorcraft warrant the development of separate operational rules with respect to such craft;

(2) provide a mechanism for the Director to recommend individual units or geographically proximate groups of units to be designated as aerial sightseeing areas, as defined by Federal Aviation Administration Handbook 92.01, dated January 1992; and

(3) provide a mechanism for the Director to obtain immediate assistance from the Administrator in resolving issues relating to the use of airspace above units which issues are of a critical, time-sensitive nature.

(c) COMPLETION.—The Administrator shall—

(1) complete prescription of the regulations referred to in subsection (a) not later than the end of the 1-year period beginning on the date of the enactment of this Act; or

(2) if the Administrator does not complete the prescription by the end of that period, submit to Congress a report at the end of that period which report shall—

(A) provide an explanation for the failure of the Administrator to complete the prescription within that period; and

(B) describe the status of the regulations to be prescribed.

(d) EFFECT ON AGREEMENTS.—Nothing in this section is intended to preclude the Administrator, the Director, and a commercial air tour operator from entering into an agreement under section 7 (including an agreement under subsection (c)(3) or (d)(1) of that section) on the conduct of air tour flights by the air tour operator over a particular unit of the National Park System under different terms and conditions than those imposed by the operational rule or rules prescribed under this section.

SEC. 6. FLIGHT-FREE PARKS.

(a) DESIGNATION OF UNITS.—Not later than 1 year after the date of the enactment of this Act, the Director, in consultation with the Administrator, shall—

(1) prescribe criteria to identify units of the National Park System where air tour flights by commercial air tour aircraft are incompatible with or injurious to the purposes and values for which such units were established;

(2) identify any units of the National Park System which meet such criteria; and

(3) designate such units as units of the National Park System covered by this section.

(b) REQUIREMENTS RELATING TO CRITERIA.—In prescribing criteria under subsection (a), the Director—

(1) shall ensure sufficient opportunity for public comment;

(2) shall give due consideration to the comments and recommendations of the National Park Overflight Advisory Council established under section 10 and of the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity; and

(3) may utilize the authority to engage in negotiated rulemaking under subchapter III of chapter 5 of title 5, United States Code.

(c) EFFECT OF DESIGNATION.—

(1) PROHIBITION.—Except as provided in paragraphs (2) and (3), commercial air tour flights may not be conducted in the airspace over any unit of the National Park System designated under subsection (a)(3).

(2) OPERATORS CONDUCTING FLIGHTS BEFORE 1994.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (4), a commercial air tour operator that conducted commercial air tour flights in the airspace over a unit designated under subsection (a)(3) as of December 31, 1993, may continue to conduct flights in that airspace.

(B) LIMITATION.—The number of commercial air tour flights over a unit that a commercial air tour operator may conduct under this paragraph in any year after 1994 may not exceed the number of such flights that the operator conducted over the unit during 1993.

(3) OPERATORS COMMENCING FLIGHTS AFTER 1993.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (4), a commercial air tour operator that commences, during the period beginning on January 1, 1994, and ending on the date of the enactment of this Act, the conduct of commercial air tour flights in the airspace over a unit designated under subsection (a)(3) may continue to conduct flights in that airspace.

(B) LIMITATION.—The number of commercial air tour flights over a unit that a commercial air tour operator may conduct under this paragraph in any month after December 1994 may not exceed the average number of flights per month that the operator conducted over the unit during the period referred to in subparagraph (A).

(4) EFFECT OF SALE OR DISCONTINUATION OF OPERATIONS.—

(A) PROHIBITION ON SALE.—The authority of a commercial air tour operator to conduct commercial air tour flights under paragraph (2) or (3) may not be sold, conveyed, or otherwise transferred.

(B) DISCONTINUATION.—Upon the discontinuation by a commercial air tour operator of commercial air tour flights over a unit of the National Park System under paragraph (2) or (3), the authority of the air tour operator to conduct such flights over that unit shall terminate.

SEC. 7. FLIGHTS OVER OTHER UNITS OF THE NATIONAL PARK SYSTEM.

(a) NATIONAL PARK AIRSPACE MANAGEMENT PLANS.—

(1) IN GENERAL.—The Director and the Administrator shall establish in accordance with this subsection a plan for the management of the airspace above each unit of the National Park System not designated under section 6 that—

(A) is affected by commercial air tour flights to such an extent that the Director considers the unit to be a unit requiring an airspace management plan; or

(B) is a unit over which—

(i) no commercial air tour flights occurred on or before the date of the enactment of this Act; and

(ii) a commercial air tour operator proposes to conduct commercial air tour flights after that date.

(2) PLAN PURPOSE.—The purpose of a plan under this subsection is to minimize the adverse effects of commercial air tour flights on the resources of a unit of the National Park System.

(b) DEVELOPMENT OF AIRSPACE MANAGEMENT PLANS.—

(1) IN GENERAL.—

(A) AFFECTED UNITS.—The Director and the Administrator shall jointly develop a plan for the management of the airspace above a unit of the National Park System referred to in subsection (a)(1)(A) not later than 1 year after the date of the determination by the Director under that subsection that the unit requires such a plan.

(B) UNITS SUBJECT TO PROPOSED OPERATIONS.—In the case of a unit referred to in subsection (a)(1)(B), the Director and the Administrator shall jointly develop a plan for the management of the airspace over the unit not later than 180 days after the date on which a commercial air tour operator first submits to the Director a proposal referred to in that subsection. The proposal shall include any information that the Director and the Administrator consider necessary in order to evaluate fully the proposal.

(2) TREATMENT OF RELEVANT EXPERTISE.—In developing plans under paragraph (1), the Administrator shall defer to the Director in matters relating to the identification and protection of park resources, and the Director shall defer to the Administrator in matters relating to the safe and efficient management of airspace.

(3) NEGOTIATED RULEMAKING.—In developing a plan for a unit, the Director and the Administrator shall jointly—

(A) determine whether the utilization of negotiated rulemaking procedures under subchapter III of chapter 5 of title 5, United States Code, in the development of the plan is in the public interest; and

(B) if the Director and the Administrator determine that such utilization is in the public interest, develop the plan utilizing procedures for such rulemaking under that subchapter.

(4) COMMENT ON PLANS.—In developing a plan for a unit, the Director and the Administrator shall—

(A) ensure sufficient opportunity for public comment; and

(B) give due consideration to the comments and recommendations of the National Park Overflight Advisory Council established under section 10 and the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity.

(5) RESOLUTION OF PLAN INADEQUACIES.—If the Director and the Administrator disagree with respect to any portion of a proposed plan under this subsection, the Director and the Administrator shall refer the proposed plan to the Secretary of the Interior and the Secretary of Transportation who shall jointly resolve the disagreement.

(6) ASSESSMENT OF EFFECTS OF OVERFLIGHTS.—The Director and the Administrator may jointly conduct any studies to ascertain the effects of low-level flights of commercial air tour aircraft over units of the National Park System that the Director and the Administrator consider necessary for the development of plans under this subsection.

(7) PERIODIC REVIEW.—The Director and the Administrator shall periodically review each plan developed under this subsection. The purpose of the review is to ensure that the plan continues to meet the purpose of the plan under this subsection. The Director and the Administrator may revise a plan if they determine based on such review that such revision is advisable.

(c) FLIGHTS OVER UNITS REQUIRING MANAGEMENT PLANS.—

(1) FLIGHTS OVER UNITS COVERED BY PLANS.—A commercial air tour operator may not conduct commercial air tour flights in the airspace over a unit of the National Park System covered by an airspace management plan developed under subsection (b) unless the commercial air tour operator enters into an agreement with respect to the conduct of such flights under paragraph (3).

(2) FLIGHTS PENDING DEVELOPMENT OF PLANS.—

(A) FLIGHTS BY EXISTING OPERATORS.—

(i) IN GENERAL.—A commercial air tour operator described in clause (ii) may conduct commercial air tour operations in the airspace over a unit described in that clause during the period of the development of an airspace management plan for the unit under this section. The number of such flights during any day in that period may not exceed the average daily number of commercial air tour flights conducted by the air tour operator during the 12-month period ending on the date of the commencement of the development of the plan under this section.

(ii) COVERED OPERATORS.—Clause (i) applies to any commercial air tour operator that conducts commercial air tour flights over a unit of the National Park System for which the Director determines under subsection (a) that an airspace management plan is required if the commercial air tour operator conducts such flights over the unit as of the date of that determination.

(B) FLIGHTS BY POTENTIAL OPERATORS.—Except as provided in subparagraph (A), a commercial air tour operator may not conduct commercial air tour flights over a unit of the National Park System referred to in clause (ii) of that subparagraph during the period referred to in clause (i) of that subparagraph.

(3) AGREEMENT.—An agreement referred to in paragraph (1) is an agreement among a commercial air tour operator, the Director, and the Administrator which provides for the application of relevant provisions of the airspace management plan for the unit concerned to the commercial air tour operator entering into the agreement.

(d) FLIGHT OVER UNITS NOT REQUIRING MANAGEMENT PLANS.—

(1) REQUIREMENT FOR AGREEMENT.—A commercial air tour operator may not conduct commercial air tour flights over a unit of the National Park System for which no airspace management plan is required under this section unless the commercial air tour operator enters into an agreement with the Director and the Administrator relating to the conduct of such flights. The terms and conditions of the agreement shall, to the maximum extent practicable, provide for the conduct of air tour flights by the air tour operator in a manner that minimizes the adverse effect of such air tour flights on the environment of the unit.

(2) FLIGHTS PENDING AGREEMENT.—A commercial air tour operator that conducts commercial air tour flights over a unit referred to in paragraph (1) on the date of the enactment of this Act may continue to conduct such flights during negotiations for the agreement referred to in paragraph (1). The number of such flights during any day in that period may not exceed the average daily number of commercial air tour flights conducted by the air tour operator during the 12-month period ending on the date of the commencement of negotiations for the agreement.

(e) RESOLUTION OF DISPUTES IN ENTERING INTO AGREEMENTS.—

(1) RESOLUTION.—In the event of a dispute between a commercial air tour operator and the Director and the Administrator during entry into an agreement under subsection (c) or (d), the Director, the Administrator, and the air tour operator shall attempt to resolve the dispute using the dispute resolution proceedings authorized under subchapter IV of chapter 5 of title 5, United States Code.

(2) FAILURE OF RESOLUTION.—If the Director, the Administrator, and a commercial air tour operator are unable to resolve a dispute referred to in paragraph (1) using the dispute resolution procedures referred to in that paragraph, the Administrator shall prescribe an operational rule for the unit of the National Park System concerned in accordance with subsection (f)(3).

(f) OVERSIGHT.—

(1) ASSESSMENT OF EFFECTIVENESS OF AGREEMENTS.—The Director shall periodically carry out such studies as are necessary to determine if agreements entered into under subsections (c) and (d) are adequate to minimize the adverse effects of commercial air tour flights on the resources of the units of the National Park System covered by such agreements.

(2) RESPONSE TO INADEQUACY.—If the Director determines under paragraph (1) that one or more agreements referred to in that paragraph are inadequate to minimize the effects referred to in that paragraph, the Director shall—

(A) notify the Administrator and the commercial air tour operator concerned of that determination; and

(B) attempt to resolve the inadequacy utilizing the dispute resolution procedures authorized under subchapter IV of chapter 5 of title 5, United States Code.

(3) ADDITIONAL RESOLUTION AUTHORITY.—

(A) OPERATIONAL RULE.—If the Director, the Administrator, and a commercial air tour operator are unable to resolve an inadequacy in an agreement utilizing the dispute resolution procedures referred to in paragraph (2)(B), the Administrator shall prescribe an operational rule for the unit concerned. The purpose of the rule shall be to minimize the adverse effects of commercial air tour flights on the resources of the unit concerned.

(B) DISPUTES RELATING TO RULE.—If the Director determines that the implementation of an operational rule, and the enforcement thereof by the Administrator, is inadequate in whole or in part to minimize the adverse effects of commercial air tour flights on the resources of the unit concerned, the Director shall—

(i) notify the Administrator and the commercial air tour operator or operators concerned of that determination; and

(ii) attempt to resolve the inadequacy utilizing the dispute resolution procedures authorized under subchapter IV of chapter 5 of title 5, United States Code.

(C) FINAL RESOLUTION.—If the Director, the Administrator, and the commercial air tour operator or cperators concerned are unable to resolve an inadequacy in an operational rule under subparagraph (B), the Administrator shall develop a Special Federal Aviation Regulation (SFAR) covering the unit concerned.

SEC. 8. FLIGHTS BY OTHER AIRCRAFT OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) FLIGHT EMERGENCIES.—No provision of this Act shall apply to an aircraft experiencing an in-flight emergency.

(b) FLIGHTS BY MILITARY AIRCRAFT.—Notwithstanding any other provision of law, military aircraft may not conduct flights in the airspace over a unit of the National Park System below an altitude that is 3,000 above ground level, except as provided for in a Memorandum of Understanding between the Director and the Secretary of Defense.

(c) FLIGHTS FOR COMMERCIAL AERIAL PHOTOGRAPHY.—

(1) IN GENERAL.—An aircraft or rotorcraft engaged in commercial aerial photography may not conduct flights in the airspace over a unit of the National Park Service below an altitude that is 3,000 feet above ground level unless the pilot of the aircraft or rotorcraft receives advance written permission from the appropriate Flight Standards District Office of the Federal Aviation Administration and from the superintendent of the unit of the National Park System concerned.

(2) FEES.—The superintendents of the units of the National Park System may collect fees from the operators of aircraft and rotorcraft engaged in commercial aerial photography. The fees shall be set at such amount as the Director determines necessary to ensure that the United States will receive fair market value for the use of the area concerned and shall, at a minimum, cover all administrative and other costs of providing necessary services associated with commercial aerial photography at such units.

SEC. 9. AIRCRAFT SAFETY.

(a) AIRCRAFT MARKINGS.—

(1) REQUIREMENT.—Each operator of commercial air tour aircraft shall display on each air tour aircraft of the operator the identification marks described in paragraph (2).

(2) IDENTIFICATION MARKS.—The identification marks for the aircraft of a commercial air tour operator shall—

(A) be unique to the operator;

(B) be not less than 36 inches in length (or a size consistent with the natural configuration of the aircraft fuselage);

(C) appear on both sides of the air tour aircraft of the air tour operator and on the underside of the aircraft; and

(D) be applied to the air tour aircraft of the air tour operator in a highly visible color that contrasts sharply with the original base color paint scheme of the aircraft.

(b) FLIGHT MONITORING SYSTEMS.—

(1) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall carry out a study of the feasibility and advisability of requiring that aircraft and rotorcraft operating in the airspace over units of the National Park System have onboard an automatic flight tracking system capable of monitoring the altitude and ground position of the aircraft and rotorcraft.

(2) INSTALLATION OF FLIGHT MONITORING SYSTEM.—If the Administrator determines under the study required under paragraph (1) that the use of automatic flight tracking system in aircraft and rotorcraft is feasible and advisable, then not later than 2 years after the date of the enactment of this Act, each commercial air tour operator that conducts air tour flights in the airspace above a unit of the National Park System shall have an automatic flight tracking system onboard each aircraft and rotorcraft of such air tour operator that conducts such air tour flights.

(3) MONITORING THROUGH SYSTEMS.—

(A) MONITORING.—The Director shall ensure that appropriate personnel of the National Park Service monitor the altitude and position of aircraft and rotorcraft, if any, having a system required under paragraph (2) for purposes of determining that the aircraft and rotorcraft comply with all laws, regulations, and agreements on flights in the airspace over units of the National Park System.

(B) VIOLATIONS.—The Director shall ensure that personnel referred to in subparagraph (A) report to the Federal Aviation Administration any apparent violations of the laws and regulations referred to in that subparagraph.

(c) AERONAUTICAL CHARTS.—The Administrator shall ensure that the boundaries of each unit of the National Park System and the provisions of the airspace management plan, operational rule, or Special Federal Aviation Regulation (SFAR), if any, with respect to each such unit are accurately reflected on aeronautical charts.

(d) PARK VISITOR EDUCATION.—The Director shall develop educational materials for public distribution on air tour flights over units of the National Park System by commercial air tour operators. Such materials shall include the most common flight patterns and routes of such flights.

(e) DATA COLLECTION.—

(1) IN GENERAL.—The Administrator shall collect and publish each year statistical data on commercial air tour flights over the units of the National Park System.

(2) REQUIREMENT FOR INFORMATION.—The information collected under paragraph (1) shall include the following:

(A) The units at which such flights occurred.

(B) The flight hours flown during such flights.

(C) The number of passengers carried during such flights.

(D) The number and type of aircraft safety violations that occurred during such flights.

(E) The number and type of accidents or other incidents involving air tour aircraft that occurred during such flights.

(F) The number and type of disciplinary actions, if any, taken against the pilots of such aircraft with respect to such flights.

SEC. 10. NATIONAL PARK OVERFLIGHT ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the National Park Overflight Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Council shall be composed of 20 voting members appointed jointly by the Director and the Administrator as follows:

(A) Five representatives of environmental or conservation organizations, citizens' groups, and other groups with similar interests.

(B) Five representatives of the commercial air tour industry and organizations with similar interests.

(C) Five individuals from the private sector who—

(i) have an interest in the effects on the units of the National Park System of commercial air tour flights in the airspace over such units;

(ii) are not affiliated with the organizations or groups referred to in subparagraph (A) or the industry or organizations referred to in subparagraph (B); and

(iii) have no substantial financial interest in the management of the airspace over units of the National Park System.

(D) Five representatives of departments or agencies of the Federal Government (other than individuals associated with the Department of the Interior and the Department of Transportation), with the consent of the head of the department or agency concerned, who have regulatory responsibility over land management matters, airspace management matters, or both.

(2) EX OFFICIO MEMBERS.—The Director, or the designee of the Director, and the Administrator, or the designee of the Administrator, shall be ex officio members of the Council.

(3) APPOINTMENT DATE.—Members of the Council shall be appointed under this subsection not later than 90 days after the date of the enactment of this Act.

(4) SELECTION OF CHAIR.—The Council shall elect a Chairperson from among the voting members of the Council.

(5) MEETINGS.—The Council shall first meet not later than 180 days after the date of the enactment of this Act and shall meet thereafter at the call of a majority of the members of the Council.

(c) DUTIES.—The Council shall have the following duties:

(1) To determine the effects on the environment of units of the National Park System of commercial air tour flights in the airspace over such units.

(2) To determine the economic effects of restrictions or prohibitions on such flights.

(3) To solicit and receive comments from interested individuals and groups on such flights.

(4) To develop recommendations for means of reducing the adverse effects of such flights on such units.

(5) To explore financial and other incentives which could encourage manufacturers

to advance the state-of-the-art in quiet aircraft and rotorcraft technology and encourage commercial air tour operators to implement such technology in flights over park units.

(6) To provide comments and recommendations to the Director and the Administrator under sections 6 and 7.

(7) To provide advice or recommendations to the Director, the Administrator, and other appropriate individuals and groups on matters relating to such flights.

(8) To carry out such other activities as the Director and the Administrator jointly consider appropriate.

(d) ADMINISTRATION.—

(1) COMPENSATION OF NON-FEDERAL MEMBERS.—Members of the Council who are not officers or employees of the Federal Government shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code, to the extent funds are available therefor.

(2) COMPENSATION OF FEDERAL MEMBERS.—Members of the Council who are officers or employees of the Federal Government shall serve without compensation for their work on the Council other than that compensation received in their regular public employment, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, to the extent funds are available therefor.

(3) ADMINISTRATIVE SUPPORT.—The Director and the Administrator shall, to the extent permitted by law, provide the Council with such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions.

(e) REPORTS.—The Council shall annually submit to Congress, the Administrator, and the Director a report that—

(1) describes the activities of the Council under this section during the preceding year; and

(2) sets forth the findings and recommendations of the Council on matters related to the mitigation of the effects on the units of the National Park System of flights of commercial air tour operators over such units.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 11. DEFINITIONS.

In this Act:

(1) The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) The term "air tour aircraft" means an aircraft (including a fixed-wing aircraft or a rotorcraft) that makes air tour flights.

(3) The term "air tour flight" means a passenger flight conducted by aircraft (including by fixed-wing aircraft or by rotorcraft) for the purpose of permitting a passenger to the flight to view an area over which the flight occurs.

(4) Except as defined by the Federal Aviation Administration under section 4, the term "commercial air tour operator" means a company, corporation, partnership, individual, or other entity that provides air tour flights for hire to the public.

(5) The term "Director" means the Director of the National Park Service.•

By Mr. AKAKA:

S. 2429. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office for Women Veterans and an Office for Minority Veterans, and for other purposes; to the Committee on Veterans Affairs.

VETERANS LEGISLATION

• Mr. AKAKA. Mr. President, I am today introducing legislation that would establish an Office for Minority Veterans and an Office for Women Veterans within the Department of Veterans Affairs. This bill expands on and modifies H.R. 3013, legislation introduced by Representative MAXINE WATERS and recently approved by the House, that would create a Center for Women Veterans. My bill also builds on Public Law 102–218, which established the position of Chief Minority Affairs Officer [CMAO] within the Department.

Mr. President, women and minority veterans have traditionally been VA's stepchildren. VA has historically ignored the unique problems and needs of female and minority veterans which arise as a result of race, gender, history, geography, culture, or other circumstances. For example, native American veterans who live on reservations lack ready access to many VA facilities. Asian-Americans have been excluded from important medical research, such as research on post-traumatic stress disorder, that would have enabled VA to improve treatment for this particular group of veterans. Employment training services for Hispanic veterans have been hampered by the Department's ignorance of Hispanic culture and language. African-Americans, although overrepresented in the military, have suffered from higher rates of unemployment and homelessness, and filed fewer claims for education and home loan benefits, than any other racial group—problems which VA has yet to confront adequately. For their part, women veterans have suffered from an absence of gender-specific services at VA, such as mammography and sexual trauma counseling, even though women have officially participated in the Armed Forces since 1901.

To address these and other concerns, 3 years ago Congress adopted the CMAO Act, which provided for the designation of an Assistant Secretary of Veterans Affairs who would have overall responsibility for assessing the needs of minority and women veterans, and for evaluating VA policies, regulations, programs, and other activities as they affect such veterans. The underlying purpose of the act was to institutionalize concern for minority and women veterans at a high policy-making level within the Department. Through the CMAO Act, the principal authors of the statute, including the late Senator Spark Matsunaga, Rep. CHARLES RANGEL, and myself, hoped to cultivate sensitivity to the unique circumstances of minority and female veterans, in order that problems specific to such veterans could be anticipated and resolved before they occurred or, when discovered, addressed in routine, expeditious fashion.

While a promising concept in theory, in practice the CMAO Act has been slow to achieve its high expectations. Although the CMAO position was established in December 1991, it was not until 5 months later that the function was assigned to the Assistant Secretary for Human Resources and Administration. However, since this official was also responsible for internal, equal employment opportunity issues, veterans and departmental employees alike confused the responsibility of the CMAO to promote the interests of minority and women consumers of VA services with the responsibility of the Assistant Secretary for Human Resources and Administration to protect the employment rights of minority VA employees. This confusion diluted the effectiveness, and reduced the visibility, of the CMAO position. In addition, no dedicated staff resources were provided to support the CMAO in carrying out his duties under Public Law 102–218. Consequently, the CMAO function was to all intents and purposes moribund during the last administration.

It was not until the current administration, under the leadership of Secretary Jesse Brown, that the CMAO position received the attention and priority it deserved. To his credit, a year ago this month, the Secretary reassigned the CMAO function to the Assistant Secretary for Policy and Planning, to take advantage of that office's statistical and planning capabilities. Secretary Brown also administratively authorized the establishment of a minority affairs office and a women's program office, each staffed by a director and program analyst, to assist the CMAO. Unfortunately, early this year, before the new Assistant Secretary could fully undertake his new CMAO duties, illness tragically took his life. This position remains unfilled to this day, creating a leadership vacuum at the minority affairs and women's program offices.

Today, there are strong indications that the CMAO Act is not functioning as intended. In addition to the absence of a permanent CMAO, veterans and VA employees alike continue to confuse the consumer advocacy role of the CMAO with the equal employment function. Moreover, it is increasingly clear that the budget and staffing for the minority affairs and women's programs offices are inadequate to support the CMAO's broad mandate to evaluate the innumerable policies and programs potentially affecting minority and women veterans. Also, travel and conference dollars are limited, inhibiting the staff's ability to outreach the widely scattered target populations, organize conferences and seminars, and generally educate veterans and Department personnel with respect to minority and women veterans' needs. Finally, because the Assistant Secretary/CMAO lacks operational authority over the respective health and benefits administrations, which actually provide veterans services and benefits offered by the Department, the recommendations of the minority affairs office and the women's programs office are not necessarily accorded the weight or priority they deserve by field personnel.

For these and other reasons, I believe that the CMAO function, as embodied in the women's programs and minority affairs offices, should be elevated from the Assistant Secretary to the secretarial level. Under the scheme outlined in this bill, the Secretary would be directly responsible for the promotion of minority and women veterans' interests, and the respective women and minority veterans offices would be established as statutory rather than administrative entities. I believe that establishing the minority and women veterans' offices as statutory organizations, as well as placing them directly under the Secretary, will make it easier to resolve the problems of visibility, clout, and, presumably, resources that these offices faced under the CMAO.

To underscore the importance of the minority and women veterans offices, to promote their credibility within the agency, and to ensure that the offices are led by competent professionals, the bill calls for them to be headed by career members of the Senior Executive Service. To ensure continuity in operations, the measure also provides for the position of Deputy Director.

To encourage the assignment of adequate resources, the legislation requires that detailed budgets for each office be clearly identified in the Department's annual budget submission to Congress, together with a statement expressing the Secretary's opinion about the adequacy of the proposed budget relative to the offices' statutory duties.

In addition to elevating the two offices, raising the status of the Directors, creating Deputy Director positions, and identifying annual budgets, the bill also establishes parity between women programs and minority programs. Under current law, VA is required to appoint women's coordinators at selected VA medical centers to assist women veterans seeking care. Also under current law, the concerns of women veterans are represented by a statutory advisory committee on women veterans. In the interests of equity and organizational simplicity, the legislation calls for the designation of minority affairs representatives at each regional office and medical center as well as for the establishment of an advisory committee on minority veterans.

Finally, Mr. President, the legislation borrows language from H.R. 3013, as passed by the House, that improves and expands the original CMAO mandate to evaluate and recommend changes in VA policies and programs with respect to women and minority veterans. Under the proposed bill, the women and minority veterans offices are also specifically tasked with disseminating information on, and serving as a clearinghouse for, minority and women's issues. In addition, it calls for the offices to: conduct social and demographic research on the needs of minority and women veterans; assess the adequacy and timeliness of VA services provided such veterans; promote the use of non-VA veterans programs which may assist minority and women veterans; publicize the results of medical research which are of particular significance to veterans who are females or minorities; and encourage inclusion of women and minorities in VA research.

Mr. President, I believe this legislation will significantly enhance VA's ability to provide minority and women veterans with equal access to the services and benefits available to other veterans. It builds logically on legislation I helped draft 3 years ago establishing the original CMAO position, which was enacted on a bipartisan basis. I hope that the measure I am offering today, which improves upon that groundbreaking measure, will again be supported by colleagues from both sides of the aisle.

Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE FOR MINORITY VETERANS.

(a) IN GENERAL.—Section 317 of title 38, United States Code, is amended to read as follows:

"§317. Office for Minority Veterans

"(a) There is in the Department an Office for Minority Veterans.

"(b)(1) There is at the head of the Office a Director who shall be appointed by the Secretary. The Director shall be a career appointee in the Senior Executive Service. In appointing the Director, the Secretary shall give preference to the appointment of a veteran. The Director shall be appointed for a term of six years and may be reappointed for an additional term.

"(2) There is in the Office a Deputy Director who is the principal assistant of the Director. The Deputy Director shall perform such functions as the Director shall prescribe.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Office.

"(d) The Director shall perform the following functions with respect to veterans who are minority group members:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minority group members.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minority group members are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minority group members and the conduct of outreach activities to veterans who are minority group members, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minority group members.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minority group members and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minority group members about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minority group members.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minority group members.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minority group members.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting the health of minority group members which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minority group members.

"(11) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Office to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Office during the preceding fiscal year.

"(g) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following:

"317. Office for Minority Veterans.".

SEC. 2. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following:

"§ 544. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as "the Committee").

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense);

"(iii) the Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior);

"(iv) the Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce);

"(v) the Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services); and

"(vi) the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

"544. Advisory Committee on Minority Veterans.".

SEC. 3. REPRESENTATIVES FOR MINORITY VETERANS AT DEPARTMENT FACILITIES.

The Secretary of Veterans Affairs shall designate an appropriate official at each regional office of the Department of Veterans Affairs and at each medical facility of the Department to serve as the minority affairs officer of the Department at the office or facility. The officials shall perform such functions as the Secretary shall prescribe.

SEC. 4. OFFICE FOR WOMEN VETERANS.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, as amended by section 1(a) of this Act, is further amended by adding at the end the following new section:

"§ 318. Office for Women Veterans

"(a) There is in the Department an Office for Women Veterans.

"(b)(1) There is at the head of the Office a Director who shall be appointed by the Secretary. The Director shall be a career appointee in the Senior Executive Service. In appointing the Director, the Secretary shall give preference to the appointment of a veteran. The Director shall be appointed for a term of six years and may be reappointed for an additional term.

"(2) There is in the Office a Deputy Director who is the principal assistant of the Director. The Deputy Director shall perform such functions as the Director shall prescribe.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Office.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Office to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Office during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1(b) of this Act, is further amended by adding at the end the following new item:

"318. Office for Women Veterans.".

SEC. 5. ADVISORY COMMITTEE ON WOMEN VETERANS.

(a) MEMBERS.—Paragraph (2)(A) of section 542(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu a semicolon; and

(3) by adding at the end the following:

"(iii) women veterans who have experience in a military theater of operations; and

"(iv) women veterans who do not have such experience.".•

ADDITIONAL COSPONSORS

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1875

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1875, a bill to extend caps on defense and non-defense discretionary spending through fiscal year 1998.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2255

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2255, a bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security Equivalent Benefit Account.

S. 2287

At the request of Mr. HATCH, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2287, a bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows.

S. 2312

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 2312, a bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes.

S. 2330

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2336

At the request of Mr. INOUYE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2336, a bill to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2378

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2378, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 2391

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2391, a bill to repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes.

S. 2413

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2413, a bill for the relief of Richard M. Sakakida.

SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the REALTORS Land Institute on the occasion of its 50th anniversary.

SENATE RESOLUTION 253—RELATING TO MONETARY POLICY

Mr. SIMON (for himself, Mr. METZENBAUM, Mr. DECONCINI, and Mr. BUMPERS) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 253

Whereas the Board of Governors of the Federal Reserve System is legitimately concerned about the potential threat of inflation;

Whereas past Congresses and Presidents have compounded the inflation problem by indexing many programs, contrary to the advice of the economics experts of both parties;

Whereas the Congress recognizes its own failure to follow sound fiscal policies, thus making monetary policy even more critical in controlling inflation;

Whereas the Board of Governors of the Federal Reserve System is an independent agency required by law to report to the Congress, implying an advisory role for the Congress;

Whereas higher interest rates can slow home construction and reduce investment in industrial capacity, thereby reducing the Nation's productivity;

Whereas lower unemployment does not necessarily or automatically lead to higher inflation, especially if low unemployment is accompanied by higher productivity; and

Whereas there is evidence that at the present time inflation is not a serious threat to the Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that, in the immediate future, it would be a mistake to raise interest rates further, and that the Secretary of the Senate shall transmit a copy of this resolution to the Board of Governors of the Federal Reserve System.

• Mr. SIMON. Mr. President, earlier this month the Federal Reserve Board raised interest rates by a half percentage point, the fifth rate hike this year.

While I understand the inflationary concerns that have led the Federal Reserve to act, I believe that any further increase in the near future would be excessive and unnecessary, posing a threat to the Nation's economic recovery. Consequently, I rise today, along with Senators METZENBAUM, DECONCINI, and BUMPERS, to offer the following measure, a sense-of-the-Senate resolution declaring that any additional rate increase in the near future would be unwise.•

SENATE RESOLUTION 254—TO DIRECT THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted a resolution; which was considered and agreed to:

S. RES. 254

Whereas, in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*, No. 94-6004, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §288, *et seq.*;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity;

Whereas, in accordance with 28 U.S.C. §2348, as made applicable by section 309(b) of the Civil Rights Act of 1991, 2 U.S.C. §1209(b), the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding. Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices.*

SEC. 2. The Office of the Sergeant at Arms of the United States Senate may as a matter of statutory right intervene and be represented by its counsel of choice in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices.*

SENATE REOLUTION 255—TO EXPRESS THE SENSE OF THE SENATE

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas the public debate concerning abortion elicits strong emotions on all sides of the issue;

Whereas maintaining an ongoing, rational debate is the best way to ensure that the emotional issue of abortion is resolved in a manner that is satisfactory to all parties genuinely interested in resolving this issue;

Whereas the best way to ensure continued debate over abortion is to encourage all participants in the debate to engage in peaceful dialogue and compromise;

Whereas without an ongoing dialogue about abortion, potential participants in the debate will become isolated and marginalized;

Whereas extremist individuals and groups concerned with abortion have refused to engage in public dialogue and substantive debate about the issue, choosing instead to target and terrorize the individuals and groups that disagree with their position;

Whereas these extremist individuals and groups have actively engaged in tactics that sow the seeds of hatred, including soliciting written support in the form of letters and petitions to carry out murderous acts of violence;

Whereas such tactics ignite and fuel the underlying anger often associated with the public debate concerning abortion;

Whereas such tactics are shameful, abhorrent and divisive; and

Whereas the continued use of such tactics only serves to spawn further acts of senseless violence against innocent human beings and in no way advances the cause of the individuals and groups interested in resolving the abortion issue: Now, therefore, be it

Resolved, That it is the sense of the Senate that the tactics of extremist individuals and groups which are designed to sow the seeds of hatred, including soliciting, promoting, encouraging, or carrying out murderous acts of violence against abortion providers and activists, is condemned.

AMENDMENTS SUBMITTED

ALVARO DE LUGO UNITED STATES POST OFFICE ACT OF 1994

HEFLIN (AND OTHERS) AMENDMENT NO. 2574

Mr. FORD (for Mr. HEFLIN for himself, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CAMPBELL, Mr. EXON, Mr. KEMPTHORNE, Mr. LOTT, and Mr. SHELBY) proposed an amendment to the bill (H.R. 4190) to designate the U.S. Post Office located at 41–42 Norre Gade in Saint Thomas, VI, as the "Alvaro de Lugo United States Post Office"; as follows:

On page 2, beginning with line 7, strike out all through line 16 on page 4 and insert in lieu thereof the following:

SEC. 3. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsection (g) of section 5532, subsections (i) and (l)(2) of section 8344, and subsections (f) and (i)(2) of section 8468 of title 5 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 4. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

Amend the title so as to read: "To designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.".

FEDERAL CROP INSURANCE REFORM ACT OF 1994

LEAHY AMENDMENT NO. 2575

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill (S. 2095) to reform the Federal Crop Insurance Program, and for other purposes; as follows:

Beginning on page 49, strike line 22 and all that follows through page 52, line 22, and insert the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to procedures that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

On page 66, line 14, strike "(a)" and insert "(a)(2)".

On page 88, between lines 20 and 21, insert the following new subsection:

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Section 252(e) of such Act (2 U.S.C. 902(e)) is amended

by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agriculture crop disaster assistance.".

On page 88, line 21, strike "(d)" and insert "(e)".

On page 89, between lines 5 and 6, insert the following new section:

SEC. 304. DISASTER ASSISTANCE.

(a) CROP LOSS ASSISTANCE.—The Secretary of Agriculture may provide assistance to producers for crop losses in 1994 due to natural disasters under the terms and conditions of—

(1) chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.,S.C. 1421 note); and

(2) subsections (a)(4), (b)(3), (d), and (e) of section 521 of the Federal Crop Insurance Act (as amended by this Act).

(b) OTHER EMERGENCY ASSISTANCE.—To provide assistance for losses in 1994 due to natural disasters, the Secretary of Agriculture may provide assistance under—

(1) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(2) the emergency watershed protection program of the Soil Conservation Service; and

(3) the emergency community water assistance grant program established under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(c) FUNDING.—

(1) CROP LOSS ASSISTANCE.—Out of available funds of the Commodity Credit Corporation, the Commodity Credit Corporation is authorized to provide to the Secretary of Agriculture, through July 15, 1995, such sums as are necessary to carry out subsection (a).

(2) OTHER EMERGENCY ASSISTANCE.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b).

(3) EMERGENCY REQUIREMENT.—The amounts made available under paragraphs (1) and (2) are designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)). The amounts shall be available only to the extent that an official budget request for specific dollar amounts, that includes designation of the entire amount of the request as an emergency requirement pursuant to such Act, is transmitted by the President to Congress.

(d) DEFINITION OF NATURAL DISASTERS.—As used in this section, the term "natural disasters" includes weather-related insect damage to strawberries.

On page 89, line 6, strike "**304**" and insert "**305**".

On page 89, line 10, strike "August" and insert "October".

On page 89, line 13, strike "August" and insert "October".

On page 89, line 16, strike "(b) EXCEPTIONS.—Sections" and insert the following:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Sections".

On page 89, line 17, strike "and 302," and insert "302, and 304,".

On page 89, between lines 19 and 20, insert the following new paragraph:

(2) EMERGENCY APPROPRIATIONS.—The amendments made by section 303(d) shall become effective—

(A) if this Act is enacted before October 1, 1994, on the date of enactment of this Act; or

(B) if this Act is enacted on or after October 1, 1994, on June 1, 1995.

On page 89, line 20, strike "**305**" and insert "**306**".

DOLE AMENDMENT NO. 2576

Mr. MCCONNELL (for Mr. DOLE) proposed an amendment to the bill S. 2095 supra, as follows:

SECTION 1. USE OF COMMODITY CREDIT CORPORATION FUNDS TO COVER CERTAIN COSTS FOR FALL-PLANTED 1995 CROPS.

(a) DEFINITION OF FALL-PLANTED 1995 CROP.—As used in this section, the term "fall-planted 1995 crop" means a 1995 crop that is insurable under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with a sales closing date that is prior to January 1, 1995.

(b) USE OF FUNDS TO COVER COSTS.—Subject to the other provisions of this section, the Federal Crop Insurance Corporation may use funds of the Commodity Credit Corporation to cover operating and administrative costs of the Corporation referred to in section 516(a)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)) associated with insurance policies issued for a fall-planted 1995 crop under such Act (7 U.S.C. 1501 et seq.).

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds of the Commodity Credit Corporation that may be used under subsection (b) may not exceed $40,000,000.

(d) COMBINED LIMITATION ON AMOUNT OF FUNDS AND EMERGENCY CROP LOSS ASSISTANCE.—The amount of funds of the Commodity Credit Corporation used under subsection (b) and the amount of funds used for fiscal year 1995 to provide emergency crop loss assistance for 1995 crops shall not exceed $500,000,000.

LEAHY AMENDMENT NO. 2577

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Agriculture Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

Sec. 101. Delegation of functions to the Secretary.
Sec. 102. Reorganization.
Sec. 103. Personnel reductions.
Sec. 104. Consolidation of headquarters offices.
Sec. 105. Reports by the Secretary.

TITLE II—NATIONAL APPEALS DIVISION

Sec. 201. Definitions.
Sec. 202. National Appeals Division and Director.
Sec. 203. Transfer of functions.
Sec. 204. Personnel of the Division.
Sec. 205. Notice and opportunity for hearing.
Sec. 206. Informal hearings.
Sec. 207. Rights of participants.
Sec. 208. Division hearings and Director review.
Sec. 209. Judicial review.
Sec. 210. Implementation of final determinations of Division.
Sec. 211. Decisions of State and county committees.
Sec. 212. Prohibition on adverse action while appeal is pending.
Sec. 213. Relationship to other laws.
Sec. 214. Evaluation of agency decisionmakers and other employees.
Sec. 215. Conforming amendments.

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

Sec. 301. Under Secretary for Farm and International Trade Services.
Sec. 302. Farm Service Agency.
Sec. 303. State and county committees.
Sec. 304. International Trade Service.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

Sec. 401. Under Secretary for Rural Economic and Community Development.
Sec. 402. Rural Utilities Service.
Sec. 403. Rural Housing and Community Development Service.
Sec. 404. Rural Business and Cooperative Development Service.

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

Sec. 501. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
Sec. 502. Food and Consumer Service.
Sec. 503. Nutrition Research and Education Service.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

Sec. 601. Natural Resources Conservation Service.
Sec. 602. Reorganization of Forest Service.

TITLE VII—MARKETING AND INSPECTION SERVICES

Sec. 701. Grain Inspection, Packers and Stockyards Administration.

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

Sec. 801. Federal Research and Information Service.
Sec. 802. Cooperative State Research and Education Service.
Sec. 803. Agricultural Economics and Statistics Service.
Sec. 804. Program Policy and Coordination Staff.

TITLE IX—FOOD SAFETY

Sec. 901. Food Safety Service.

TITLE X—MISCELLANEOUS

Sec. 1001. Assistant Secretaries of Agriculture.
Sec. 1002. Removal of obsolete provisions.
Sec. 1003. Additional conforming amendments.
Sec. 1004. Termination of authority.
Sec. 1005. Elimination of duplicative inspection requirements.

SEC. 2. PURPOSE.

The purpose of this Act is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out at the Department.

SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) ADMINISTRATIVE UNIT.—The term "administrative unit" includes—

(A) any office, administration, agency, institute, unit, or organizational entity, or component thereof, except that the term does not include a corporation; and

(B) any county, State, or area committee, as established by the Secretary.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) FUNCTION.—The term "function" means an administrative, financial, or regulatory

duty of an administrative unit or employee of the Department, including a transfer of funds made available to carry out a function of an administrative unit.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

SEC. 101. DELEGATION OF FUNCTIONS TO THE SECRETARY.

(a) DELEGATION OF FUNCTIONS.—Except as otherwise provided in this Act and notwithstanding any other provision of law, all functions and all activities, officers, employees, and administrative units of the Department, not vested in the Secretary on the date of enactment of this Act, are delegated to the Secretary.

(b) EXCEPTIONS TO THE DELEGATION.—This section shall not apply to the following functions and administrative units of the Department:

(1) The functions vested in administrative law judges by subchapter II of chapter 5 of title 5, United States Code.

(2) The functions vested in the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App. 3).

(3) The functions vested in the Chief Financial Officer by chapter 9 of subtitle I of title 31, United States Code.

(4) Corporations and the boards of directors and officers of the corporations.

(5) The functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

SEC. 102. REORGANIZATION.

(a) GENERAL AUTHORITY OF THE SECRETARY.—The Secretary may transfer any function or administrative unit of the Department, including any function or administrative unit delegated to the Secretary by this Act, and any officer or employee of the Department, as the Secretary considers appropriate. The authority established in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any administrative unit of the Department.

(b) AUTHORITY TO TRANSFER RECORDS, PROPERTY, AND FUNDS.—

(1) IN GENERAL.—Subject to section 1531 of title 31, United States Code, the Secretary may transfer any of the records, property, and unexpended balances (available or to be made available for use in connection with any affected function or administrative unit) of appropriations, allocations, and other funds of the Department, as the Secretary considers necessary to carry out this Act, except as otherwise provided in this section.

(2) USE.—Absent prior approval by law, any unexpended balances transferred pursuant to paragraph (1) shall be used only for the purposes for which the funds were originally made available.

(3) ADDITIONAL AUTHORITY.—The Secretary may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions or administrative units, as the Secretary considers necessary to carry out this Act.

(c) PURPOSE OF THE AUTHORITY.—The Secretary shall carry out subsections (a) and (b) with the goals of simplifying and maximizing the efficiency of the national, State, regional, and local levels of the Department, and of improving the accessibility of farm and other programs at all levels. To the extent practicable, the Secretary shall adapt the administration of the programs to State, regional, and local conditions.

(d) EXHAUSTION OF ADMINISTRATIVE APPEALS.—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department;

(3) an administrative unit of the Department; or

(4) an employee or agent of an administrative unit of the Department.

(e) CONFORMING AMENDMENTS.—Section 9 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

SEC. 103. PERSONNEL REDUCTIONS.

(a) DEFINITIONS.—As used in this section:

(1) FIELD STRUCTURE.—The term "field structure" means the offices, functions, and employee positions of all administrative units of the Department, other than the headquarters offices. The term includes the physical and geographic locations of the units. The term shall not include State, county, or area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) HEADQUARTERS OFFICES.—The term "headquarters offices" means the offices, functions, and employee positions of all administrative units of the Department located or performed in Washington, District of Columbia, or elsewhere, as determined by the Secretary.

(b) EMPLOYEE REDUCTIONS.—Subject to subsection (c), the Secretary shall achieve employee reductions of at least 7,500 staff years within the Department by September 30, 1999.

(c) DISTRIBUTION.—The percentage of employee reductions in the headquarters offices under subsection (b) shall be substantially higher than the percentage of employee reductions in the field structure, as determined by the Secretary.

(d) SCHEDULE.—The personnel reductions under subsections (b) and (c) should be accomplished concurrently in a manner determined by the Secretary.

SEC. 104. CONSOLIDATION OF HEADQUARTERS OFFICES.

The Secretary shall develop and carry out a plan to consolidate offices of administrative units of the Department located in Washington, District of Columbia, subject to the availability of appropriations.

SEC. 105. REPORTS BY THE SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report to Congress or any committee of Congress.

(b) LIMITATION.—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) SELECTION OF REPORTS.—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports shall be prepared and submitted in accordance with subsection (b).

TITLE II—NATIONAL APPEALS DIVISION

SEC. 201. DEFINITIONS.

As used in this title:

(1) ADVERSE DECISION.—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to a participant, including a denial of equitable relief, except that the term shall not include a decision over which the Board of Contract Appeals has jurisdiction. The term shall include the failure of a decisionmaker to issue a decision or otherwise act on the request or right of the participant to participate in, or receive payments, loans, or other benefits under, any of the programs administered by an agency. Notwithstanding section 701(a)(2) of title 5, United States Code, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

(2) AGENCY.—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include—

(A) ASCS;

(B) CCC, with respect to domestic programs;

(C) FmHA (including rural housing programs);

(D) FCIC;

(E) RDA (including rural housing programs);

(F) SCS; or

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this title.

(4) ASCS.—The term "ASCS" means the Agricultural Stabilization and Conservation Service or a successor agency.

(5) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the participant, including any materials related to the adverse decision.

(6) CCC.—The term "CCC" means the Commodity Credit Corporation or a successor agency.

(7) DECISIONMAKER.—The term "decisionmaker" means an officer, employee, or committee of an agency who makes an adverse decision that is appealed by an appellant.

(8) DIRECTOR.—The term "Director" means the Director of the Division.

(9) DIVISION.—The term "Division" means the National Appeals Division established by this title.

(10) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FCIC.—The term "FCIC" means the Federal Crop Insurance Corporation or a successor agency.

(13) FMHA.—The term "FmHA" means the Farmers Home Administration or a successor agency.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(15) Hearing record.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) Implement; implementation.—The terms "implement" and "implementation" refer to those actions necessary to effectuate fully and promptly a determination of the Division not later than 30 calendar days after the effective date of the determination.

(17) Participant.—The term "participant" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments, loans, or other benefits in accordance with any of the programs administered by an agency, is affected by an adverse decision made by a decisionmaker.

(18) RDA.—The term "RDA" means the Rural Development Administration or a successor agency.

(19) SCS.—The term "SCS" means the Soil Conservation Service or a successor agency.

(20) State director.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

SEC. 202. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) Establishment of Division.—

(1) Establishment.—The Secretary shall establish and maintain a National Appeals Division within the Office of the Secretary to carry out this title.

(2) APA application.—The provisions of title 5, United States Code, shall apply to all appeals of the Division, including chapters 5 and 7 of such title.

(3) Procedural regulations and policies.—The Secretary shall promulgate procedural regulations and policies to govern the conduct of the business of the Division. The Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(b) Director.—

(1) Appointment.—The Division shall be headed by a Director.

(2) Position classification.—The position of the Director shall be a Senior Executive Service position that shall be filled by a career appointee (as defined in section 3132(a)(4) of title 5, United States Code), who shall not be subject to removal except for cause in accordance with law.

(3) Qualifications.—The Director shall be a person who has substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons employed outside the Government as well as Government employees.

(4) Conforming amendment.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture.".

(c) Direction, Control, and Support.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) Communication With Secretary and Agencies.—The Director shall inform the Secretary and the appropriate agency of problems regarding the functions of the agency that are identified as a result of the activities of the Division under this title. The information provided by the Director may include proposals to resolve the problems identified or otherwise to improve the programs of the agency.

(e) Appealable Decisions.—Subject to section 204(b)(2), if a decisionmaker determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse or of general applicability, and thus appealable. Except for a legal interpretation that may be reversed or modified by the Secretary, the determination of the Director as to whether a decision is appealable shall be administratively final, conclusive, and binding.

(f) Other Powers of the Director.—The Director may enter into contracts and make other arrangements for reporting and other services and make such payments as may be necessary to carry out this title.

SEC. 203. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the date of enactment of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect before the amendment made by section 215(a)(2));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect before the amendment made by section 215(b));

(3) appeals of decisions made by FCIC; and

(4) appeals of decisions made by SCS.

SEC. 204. PERSONNEL OF THE DIVISION.

(a) Appointment, Direction, and Control.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this title. Hearing officers shall be supervised by the Director. All other employees of the Division shall report to the Director.

(b) Legal Counsel.—

(1) In general.—The Director shall employ legal counsel to advise the Director with respect to legal questions affecting the Division. The legal counsel shall not serve as a counsel to any other agency of the Department. This subsection is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and any other Federal agency.

(2) Review by the secretary.—If a hearing officer or the Director disagrees with the General Counsel on a matter of legal interpretation with respect to a program or authority of the Department, the Secretary shall have the authority to make a final determination on the interpretation at the request of the General Counsel. The authority of the Secretary under this paragraph may not be delegated.

(c) Performance Evaluations.—The Director shall establish policies to provide for the evaluation of the Director, hearing officers, and other employees of the Division who are involved in the appeal process under section 208 or the supervision of other employees. The evaluation process shall be designed to ensure and enhance the independence, integrity, and efficiency of the Director and employees of the Division. The actual evaluations shall include evaluations by individuals outside of the Department and may include peer review.

SEC. 205. NOTICE AND OPPORTUNITY FOR HEARING.

(a) Notice Required.—Not later than 10 working days after an adverse decision is made that is adverse to the participant, the Secretary shall provide the participant with the written notice described in subsection (b).

(b) Content of Notice.—The notice required under subsection (a) shall contain a description of the following:

(1) The decision, including all of the reasons, facts, and conclusions underlying the decision.

(2) The appeal and implementation process available to the participant, including the rights and responsibilities of the participant provided by this title.

(3) An opportunity to request a determination by the Director pursuant to section 202(e) concerning whether a decision is appealable, if the decisionmaker determines that the decision is not appealable.

(c) Maintenance of Records.—The Secretary and the Director shall maintain the entire case record and hearing record, respectively, and any additional information from any further appeal proceeding, of the participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the determination.

(d) Joinder.—

(1) Guaranteed loans.—With regard to a guaranteed loan under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), a borrower or applicant who is directly and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the lender joining in the appeal.

(2) Rental housing.—A tenant in rental housing of an agency who is individually, directly, and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the landlord joining in the appeal.

(3) Third parties.—If the Director determines that the receipt of a payment, loan, or other direct benefit by a participant may be directly, substantially, and adversely affected by a determination of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from receiving the payment, loan, or other direct benefit of the participant. If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this title.

(e) Effect of Reversal or Modification of Adverse Decision.—If an adverse decision is reversed or modified by the Division, a decisionmaker may not base any subsequent adverse decision with regard to that appellant on the information that was available to the previous decisionmaker (or could have been available with reasonable diligence on the part of the previous decisionmaker).

SEC. 206. INFORMAL HEARINGS.

If a decisionmaker of an agency makes an adverse decision, the decisionmaker shall hold, at the request of the participant, an informal hearing on the decision.

SEC. 207. RIGHTS OF PARTICIPANTS.

Among other rights, a participant shall have the right, in accordance with this title, to—

(1) appeal any adverse decision;

(2) representation by an attorney or nonattorney throughout the informal hearing and appeals process under this title;

(3) access to, and a reasonable opportunity to inspect and reproduce, the case record at an office of the agency located in the area of the participant; and

(4) an evidentiary hearing.

SEC. 208. DIVISION HEARINGS AND DIRECTOR REVIEW.

(a) Powers of Director and Hearing Officers.—To carry out their responsibilities under this section, the Director and hearing officers—

(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;

(2) shall have the authorities that are provided under section 202(a)(2);

(3) may request such information or assistance as may be necessary for carrying out the duties and responsibilities established under this title from any Federal, State, or local governmental agency or unit of the agency;

(4) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(5) may require the attendance of witnesses, and the production of evidence, by subpoena; and

(6) may administer oaths or affirmations.

(b) Time for Hearing.—

(1) In general.—Except as provided in paragraph (2), an appellant shall have the right to—

(A) request a hearing, not later than 30 days after the date an adverse decision is made; and

(B) have a hearing by the Division on the adverse decision, not later than 45 days after receipt of the request for the hearing.

(2) Reduction or extension.—The Director may establish an earlier deadline for a hearing (or request for a hearing) on an appeal relating to a time sensitive decision, or delay a hearing (or request for a hearing), at the request of an appellant for good cause shown.

(c) Location and Elements of Hearing.—

(1) Location.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) Evidentiary hearing.—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record and hearing record. The hearing officer shall conduct and resolve the hearing (regardless of the hearing format) in a fair and impartial manner and free of undue influence. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) Information at hearing.—The hearing officer shall consider information, including new information, presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the decisionmaker after the hearing to the extent necessary to prevent the appellant or the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant. At the hearing, the agency may not rely on or assert new grounds for the adverse decision, if the grounds were not described in the agency decision notice.

(4) Burden of proof.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(5) Production of record.—An official verbatim record shall be provided by the Division for each hearing before a hearing officer. The appellant or agency representative may record an unofficial record of the hearing.

(6) Standard of review.—In any case pending before a hearing officer, the hearing officer may determine that the adverse decision was in error only if substantial evidence demonstrates that the adverse decision was not correct. For purposes of this paragraph, the evidentiary threshold for substantial evidence is lower than the evidentiary threshold for preponderance of the evidence.

(7) Determination notice.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline pursuant to subsection (b)(2). The hearing officer may include recommendations in the determination notice. If the determination is not appealed to the Director under subsection (d), the notice provided by the hearing officer shall be considered to be a notice of final determination.

(d) Review by Director.—

(1) Referral.—At the request of the appellant or the head of the agency affected by a determination of a hearing officer, the determination of the hearing officer shall be referred to the Director for review.

(2) Appeal by head of agency to Director.—

(A) Review of determination of hearing officer at the request of an agency head.—In exceptional circumstances, if the head of an agency believes that the determination of a hearing officer is contrary to a statute or regulation, or a finding of fact of a hearing officer is clearly erroneous, only the head of the agency may make a written request, not later than 10 business days after receipt of the determination, that the Director review the determination.

(B) Requests for review.—A request for review shall—

(i) include a full description of—

(I) the exceptional circumstances justifying the request for review; and

(II) the reasons that the head of the relevant agency believes that the determination is contrary to statute or regulation, or the finding of fact of the hearing officer is clearly erroneous; and

(ii) be provided to the appellant and the hearing officer at the same time the request is provided to the Director.

(C) Determination of director.—Not later than 10 business days after receipt of the request for review, the Director shall—

(i) conduct a review of the determination based on the case record and hearing record, the request for review under subsection (b), and any additional arguments or information submitted by the appellant or the hearing officer; and

(ii)(I) issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer; or

(II) if the Director determines that the hearing record is inadequate, remand the determination for further proceedings to complete the hearing record, or, at the option of the Director, to hold a new hearing, and notify the appellant, agency, and hearing officer of the remand.

(D) New hearing.—If the Director remands a determination for a new hearing on the adverse decision under subparagraph (C), the hearing officer shall make a new determination with respect to the adverse decision based on the case record and the hearing record.

(E) Finality.—The head of the relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issue.

(3) Appeal by head of agency or appellant to director.—

(A) Use of record.—If the determination of a hearing officer is appealed under paragraph (1), the hearing officer shall certify the hearing record and provide the record to the Director.

(B) New information.—The Director may consider, under extraordinary circumstances, new information in reviewing a determination under this section. The appellant, decisionmaker, and hearing officer shall receive and have the opportunity to comment on the new information.

(C) Actions.—Not later than 30 days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on 1 or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a notice of—

(I) a new evidentiary hearing;

(II) a final determination; or

(III) a remand on certain issues and a final determination on remaining issues.

(D) Recommendations.—The Director may include recommendations in a final determination notice.

(E) Relief.—The Director shall have the same authority as the Secretary to grant equitable relief. Notwithstanding the administrative finality of a final determination, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after a final determination is issued by the Division.

(e) Basis for Determination.—The determination of the hearing officer and the Director shall be based on information from the hearing record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate. The Director shall not reverse the determination of a hearing officer with regard to a finding of fact that is based on oral testimony or inspection of evidence unless the finding of fact is clearly erroneous or the Director is considering new information under subsection (d)(3) with respect to the finding of fact.

(f) Effective Date.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 209. JUDICIAL REVIEW.

A final determination of the Division under section 208 shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code. Notwithstanding section 701(a)(2) of such title, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) IN GENERAL.—On the return of a case to an agency pursuant to the final determination of a hearing officer or the Director under section 208, the agency shall implement the final determination of the Division not later than 30 days after the effective date of the notice of the final determination.

(b) ADDITIONAL AND UPDATED INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), after notice of a final determination is received by the agency—

(A) the agency may not require that additional and updated information be provided by the appellant or considered by the decisionmaker in implementing the final determination of the hearing officer or the Director; and

(B) additional and updated information from any other source may not be used in implementing the final determination.

(2) EXCEPTIONS.—

(A) INTRODUCTION BY APPELLANT.—If additional information is introduced by the appellant during the appeal process and accepted by the hearing officer or the Director, the agency shall consider the additional information in implementing the final determination.

(B) DETERMINATION LETTER.—If the final determination notice specifically states that additional and updated information will be considered in implementing the final determination, the agency shall consider any additional and updated information in implementing the final determination.

(C) SUBSEQUENT ADVERSE DECISION.—Additional and updated information considered under this paragraph may not be used as a ground for a subsequent adverse decision.

(c) IMPLEMENTATION RESPONSIBILITIES.—

(1) STATE DIRECTOR.—Each State director shall be—

(A) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(B) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) AGENCY HEADS.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) PROTECTION OF APPELLANTS' RIGHTS.—

(1) IN GENERAL.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising a right of the appellant under this title or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this title.

(2) CORRECTIVE ACTION.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary) in conformance with civil service laws.

(e) IMPLEMENTATION PROBLEMS.—

(1) ACTIONS BY RELEVANT AGENCY HEAD.—The relevant agency head shall promptly correct any problems that may arise in the implementation of a final determination.

(2) OVERSIGHT.—The Secretary shall assign employees within the Office of the Inspector General whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(3) IDENTITY AND ACTIVITIES OF OVERSIGHT AGENCY.—The Secretary shall notify the Director of the business address and telephone number of employees assigned under paragraph (2). The Director shall include this information in the final determination notice of the Division to an appellant.

SEC. 211. DECISIONS OF STATE AND COUNTY COMMITTEES.

(a) FINALITY.—Each decision of a State or county committee (or an employee of the committee) that administers functions of CCC, or functions assigned to ASCS on the date of enactment of this Act, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(1) appealed under this title; or

(2) modified by the Administrator of ASCS or the Executive Vice President of CCC.

(b) RECOVERY OF AMOUNTS.—No action shall be taken by the CCC, ASCS, or a State or county committee to recover amounts found to have been disbursed as a result of a decision in error if the decision of the State or county committee has become final under subsection (a), unless the participant had reason to believe that the decision was erroneous.

SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE APPEAL IS PENDING.

(a) IN GENERAL.—The Secretary may not take any adverse action against an appellant relating to an appeal while any proceeding authorized or required under this title is pending, including any action that would prevent the implementation of a decision that is favorable to the appellant.

(b) WITHHOLDING.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to then current borrowers and grantees shall not be discontinued pending the outcome of an appeal.

SEC. 213. RELATIONSHIP TO OTHER LAWS.

(a) OTHER RIGHTS.—This title is not intended to supersede or deprive a recipient of assistance from an agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) EQUITABLE RELIEF.—This title is not intended to affect the authority of an agency head to grant equitable relief.

(c) EMPLOYEE RIGHTS.—This title shall neither supersede nor interfere with rights granted to employees or their exclusive representatives by applicable civil service laws.

SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND OTHER EMPLOYEES.

(a) EVALUATION IN ANNUAL REVIEW.—The Secretary shall promulgate regulations to require the evaluation described in subsection (b) as part of the annual review of the performance of decisionmakers, State directors, and agency heads.

(b) PERFORMANCE.—In the review, a decisionmaker, a State director, or an agency head shall be considered to have performed poorly if the decisionmaker, State director, or agency head—

(1) takes action that leads to numerous appeals that result in adverse decisions that are reversed or modified;

(2) fails to properly implement final determinations of the Division;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under subsection (c) or (e)(1) of section 210, whichever applies; or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 210(d).

(c) SANCTIONS.—If a decisionmaker, State director, or relevant agency head has performed poorly (as determined under subsection (b)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, as the case may be, which may include a formal reprimand or dismissal consistent with civil service laws.

SEC. 215. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) FINALITY OF FARMERS PAYMENTS AND LOANS.—Section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence and inserting the following new sentence: "As used in this section, the term 'payment' means any payment under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), any payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this Act, or any loan or price support operation, or the amount of the payment, loan, or price support."; and

(B) in the second sentence, by striking "any such payment" and inserting "a payment".

(2) DETERMINATIONS BY SECRETARY; APPEALS.—Sections 412 and 426 of the Agricultural Act of 1949 (7 U.S.C. 1429 and 1433e) are repealed.

(b) FMHA.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(c) FCIC.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title II of the Department of Agriculture Reorganization Act of 1994, whichever is later".

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

SEC. 301. UNDER SECRETARY FOR FARM AND INTERNATIONAL TRADE SERVICES.

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Farm and International Trade Services (referred to in this section as the "Under Secretary"), to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary shall exercise such functions and perform such duties related to farm and international trade services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Under Secretary for International Affairs and Commodity Programs on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall be considered on and after the date of enactment of this Act to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and International Trade Services.".

(2) Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691) is repealed.

SEC. 302. FARM SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain a Farm Service Agency (referred to in this section as the "Agency") and assign to the Agency such functions as the Secretary may consider appropriate.

(b) HEAD.—

(1) AGENCY.—If the Secretary establishes the Agency, the Agency or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) FCIC.—The Secretary may appoint the Administrator of the Agency, or any other person, to serve as head of the Federal Crop Insurance Corporation.

(c) FUNCTIONS.—Except as provided in subsection (d), the Secretary is authorized to carry out through the Agency—

(1) price and income support, production adjustment, and other related functions;

(2) functions of the Federal Crop Insurance Corporation;

(3) notwithstanding section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), agricultural credit functions assigned prior to the date of enactment of this Act to the Farmers Home Administration, including farm ownership, operating, emergency, and disaster loan functions, and other lending programs for producers of agricultural commodities; and

(4) any other function or administrative unit that the Secretary considers appropriate.

(d) FUNCTIONS NOT ASSIGNABLE TO THE AGENCY.—Except as otherwise determined by the Secretary, functions relating to conservation programs authorized to be assigned to the Natural Resources Conservation Service established under section 601 may not be assigned to the Agency.

(e) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Agency or any successor administrative area, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Agency.

(f) COLLOCATION.—The Secretary, to the maximum extent practicable, shall collocate county offices of the Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(h) CONFORMING AMENDMENTS.—

(1) The second sentence of section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture," and inserting "one additional Under or Assistant Secretary of Agriculture, as designated by the Secretary,".

(2) Section 507(d) of the Federal Crop Insurance Act (7 U.S.C. 1507(d)) is amended by striking "section 516 of this Act," and all that follows through the period at the end of the subsection and inserting "section 516.".

(3) Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or administrative units of the Department of Agriculture as the Secretary may consider appropriate.".

SEC. 303. STATE AND COUNTY COMMITTEES.

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by designating the first through eighth undesignated paragraphs as paragraphs (1) through (8), respectively; and

(2) in paragraph (5) (as so designated) by adding at the end the following new sentence: "The Secretary is authorized, after consultation with the State committee of the State in which the affected counties are located, to terminate, combine, and consolidate two or more county committees established under this subsection.".

SEC. 304. INTERNATIONAL TRADE SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain an International Trade Service (referred to in this section as the "Service") and to assign to the Service such functions or administrative units as the Secretary may consider appropriate and consistent with this Act.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving—

(1) the acquisition of information pertaining to agricultural trade;

(2) market promotion and development;

(3) promotion of exports of United States agricultural commodities;

(4) administration of international food assistance; and

(5) international development, technical assistance, and training.

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—Sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693) are repealed.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.

(a) ESTABLISHMENT.—Subsection (a) of section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended to read as follows:

"(a)(1) There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Rural Economic and Community Development to be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary of Agriculture for Rural Economic and Community Development shall exercise such functions and perform such duties related to rural economic and community development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.".

(b) CONTINUITY OF POSITION.—Any official serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor position established by the amendment made by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Small Community and Rural Development." and inserting "Under Secretary of Agriculture for Rural Economic and Community Development.".

SEC. 402. RURAL UTILITIES SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Utilities Service (referred to in this section as the "Service") and to assign to the Service such functions and administrative units as the Secretary may consider appropriate.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1); and

(2) water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act

(7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

(d) Continuity of the Position.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) Conforming Amendments to the Rural Electrification Act.—

(1) The first section of the Rural Electrification Act of 1936 (7 U.S.C. 901) is amended by striking "there is" and all that follows through "This Act" and inserting "this Act".

(2) Section 2 of such Act (7 U.S.C. 902) is amended by striking "Administrator" and inserting "Secretary of Agriculture".

(3) Section 3(a) of such Act (7 U.S.C 903(a)) is amended—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary,"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary".

(4) Section 8 of such Act (7 U.S.C. 908) is amended—

(A) in the first sentence, by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) in the second sentence, by striking "Rural Electrification Administration created by this Act" and inserting "Secretary".

(5) Section 11A of such Act (7 U.S.C. 911a) is repealed.

(6) Section 13 of such Act (7 U.S.C. 913) is amended by inserting before the period the following: "; and the term 'Secretary' means the Secretary of Agriculture".

(7) Sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)) are amended by striking "Rural Electrification Administration" each place it appears and inserting "Secretary".

(8) Section 403(b) of such Act (7 U.S.C. 943(b)) is amended by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary".

(9) Section 404 of such Act (7 U.S.C. 944) is amended by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary of Agriculture shall designate an official of the Department of Agriculture who".

(10) Sections 406(c) and 410(a)(1) of such Act (7 U.S.C. 946(c) and 950) are amended by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary".

(11) Such Act (7 U.S.C. 901 et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

(f) Miscellaneous Conforming Amendments.—

(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) The second undesignated paragraph of section 401 of the Rural Electrification Act of 1938 (52 Stat. 818; 7 U.S.C. 903 note) is amended by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(3) Section 15 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended by striking "Rural Electrification Administration" and inserting "Secretary".

(4)(A) Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–2) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

(B) Chapter 1 of subtitle D of title XXIII of such Act (7 U.S.C. 950aaa et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) Establishment.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(2) programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law; and

(3) programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008 through 2008d).

SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) Establishment.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service (referred to in this section as the "Service"), and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.);

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.);

(3) sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932);

(4) section 1323 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note); and

(5) the Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services to be appointed by the President, by and with the advice and consent of the Senate.

(b) Duties.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall exercise such functions and perform such duties related to food, nutrition, and consumer services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) Continuity of the Position.—Any official serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) Conforming Amendment.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.".

SEC. 502. FOOD AND CONSUMER SERVICE.

(a) Establishment.—The Secretary is authorized to establish and maintain within the Department the Food and Consumer Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq).

SEC. 503. NUTRITION RESEARCH AND EDUCATION SERVICE.

(a) Establishment.—The Secretary is authorized to establish and maintain within the Department the Nutrition Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities relating to human nutrition research and education.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

SEC. 601. NATURAL RESOURCES CONSERVATION SERVICE.

(a) Establishment.—The Secretary is authorized to establish and maintain within the Department the Natural Resources Conservation Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit of the Department as the Secretary may consider appropriate, programs and activities, including—

(1) title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.);

(2) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.);

(3) the Water Bank Act (16 U.S.C. 1301 et seq.);

(4) section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103);

(5) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(6) title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(7) section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)); and

(8) the Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(c) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Service or any successor administrative unit, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Service.

(d) AGRICULTURAL CONSERVATION PROGRAM.—In carrying out the Agricultural Conservation Program, the Secretary shall—

(1) acting on the recommendations of the Service, with the concurrence of the Farm Service Agency, issue regulations to carry out the program; and

(2) use a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to make the final decision on which applicants are eligible to receive cost share assistance under the program based on priorities and guidelines established at the national and State levels by the Service.

(e) CONFORMING AMENDMENTS.—

(1) Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2)(A) Section 2(2) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001(2)) is amended by striking "the Soil Conservation Service of".

(B) Section 3(2) of such Act (16 U.S.C. 2002(2)) is amended by striking "through the Soil Conservation Service".

(C) The first sentence of section 6(a) of such Act (16 U.S.C. 2005(a)) is amended by striking "Soil Conservation Service" and inserting "Secretary".

SEC. 602. REORGANIZATION OF FOREST SERVICE.

(a) IN GENERAL.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review (September 1993) shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) and identifies any disparities in regional funding patterns and the rationale behind the disparities.

TITLE VII—MARKETING AND INSPECTION SERVICES

SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Grain Inspection, Packers and Stockyards Administration (referred to in this section as the "Administration") and to assign to the Administration such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Administration, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities authorized under—

(1) the United States Grain Standards Act (7 U.S.C. 71 et seq.); and

(2) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(i) by striking subsections (z) and (aa); and

(ii) by redesignating subsection (bb) as subsection (z).

(B) Section 3A of such Act (7 U.S.C. 75a) is repealed.

(C) Section 5(b) of such Act (7 U.S.C. 77(b)) is amended by striking "Service employees" and inserting "employees of the Secretary".

(D) The first sentences of each of sections 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2) and 79a(*l*)(2), respectively) are amended by striking "supervision by Service personnel of its field office personnel" and inserting "supervision by the Secretary of the field office personnel of the Secretary".

(E) Section 12 of such Act (7 U.S.C. 87a) is amended—

(i) in the first sentence of subsection (c), by striking "or Administrator"; and

(ii) in subsection (d), by striking "or the Administrator".

(F) Such Act (7 U.S.C. 71 et seq.) is amended by striking "Administrator" and "Service" each place either term appears and inserting "Secretary".

(2) Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(C) in subsection (e) (as so designated), by striking "subsection (e)" and inserting "subsection (d)".

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

SEC. 801. FEDERAL RESEARCH AND INFORMATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Federal Research and Information Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) agricultural research; and

(2) agricultural information and library services.

SEC. 802. COOPERATIVE STATE RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Cooperative State Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service programs and activities, including—

(1) cooperative research programs; and

(2) agricultural extension and education programs.

SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS SERVICE.

(a) ESTABLISHMENT.—The Secretary may establish and maintain within the Department the Agricultural Economics and Statistics Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) economic analysis and research;

(2) energy-related programs;

(3) crop and livestock estimates; and

(4) agricultural statistics.

(c) STATE AND LOCAL STATISTICAL OFFICES AND PERSONNEL.—The authority provided by subsections (a) and (b) shall not authorize a substantial change in the functions or structures of State and local statistical offices and employees of the offices.

SEC. 804. PROGRAM POLICY AND COORDINATION STAFF.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Program Policy and Coordination Staff (referred to in this section as the "Staff") and to assign to the Staff such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—If the Staff is established and maintained, the Staff shall provide common program policy development for the Federal Research and Information Service, the Cooperative State Research and Education Service, and the Agricultural Economics and Statistics Service.

(c) COMPOSITION.—Not less than 50 percent of the employees of the Staff shall be former employees of the Cooperative State Research Service and the Extension Service, as in existence on the date of enactment of this Act.

(d) RELATIONSHIP TO FUNCTIONS CURRENTLY PERFORMED BY NASS.—The Staff may not—

(1) interfere with statistic collection and reporting; or

(2) compromise the independence or integrity of statistic collection and reporting functions of the National Agricultural Statistics Service as in effect on the date of enactment of this Act.

TITLE IX—FOOD SAFETY

SEC. 901. FOOD SAFETY SERVICE.

(a) MEAT INSPECTION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following new title:

"TITLE V—FOOD SAFETY SERVICE

"SEC. 501. FOOD SAFETY SERVICE.

"(a) IN GENERAL.—The Secretary shall establish and maintain within the United States Department of Agriculture the Food Safety Service (referred to in this section as the 'Service') and to assign to the Service such functions as the Secretary may consider appropriate.

"(b) ASSISTANT SECRETARY FOR FOOD SAFETY.—

"(1) APPOINTMENT.—There shall be in the Service the position of Assistant Secretary for Food Safety (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this section, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

"(3) RELATIONSHIP TO THE SECRETARY.—The Assistant Secretary shall report directly to the Secretary.

"(4) GENERAL POWERS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving food safety under this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), including—

"(A) providing overall direction to the Service and establishing and implementing general policies concerning the management and operation of programs and inspection activities of the Service;

"(B) coordinating and overseeing the operation of all administrative entities within the Service;

"(C) research and inspection relating to meat, meat food products, poultry, and poultry products in carrying out this Act and the Poultry Products Inspection Act;

"(D) conducting educational and public information programs relating to the responsibilities of the Service; and

"(E) performing such other functions related to food safety as the Secretary may prescribe, except that only programs and activities related to food safety, as determined by the Secretary, shall be administered through the Service.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Assistant Secretary, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

"(1) establish such technical and scientific review groups as are needed to carry out the functions of the Service, including functions under this Act and under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.".

(b) POULTRY PRODUCTS INSPECTION.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) by redesignating section 29 as section 30; and

(2) by inserting after section 28 the following new section:

"SEC. 29. ADMINISTRATION.

"The Secretary shall administer this Act through the Assistant Secretary for Food Safety of the Food Safety Service established under section 501 of the Federal Meat Inspection Act.".

TITLE X—MISCELLANEOUS

SEC. 1001. ASSISTANT SECRETARIES OF AGRICULTURE.

(a) ESTABLISHMENT.—There are established in the Department six positions of Assistant Secretary of Agriculture, each to be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—Each Assistant Secretary of Agriculture shall exercise such functions and perform such duties as may be required by law or prescribed by the Secretary, and shall receive compensation at the rate prescribed by law for an Assistant Secretary of Agriculture. The compensation of any person serving as an Administrator shall not be raised by this Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act of February 9, 1889 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is repealed.

(2) Section 604 of the Rural Development Act of 1972 (7 U.S.C. 2212a) is amended by striking subsection (a).

(3) Section 2 of Public Law No. 94-561 (7 U.S.C. 2212b) is repealed.

(4) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by striking subsection (d).

(5) Section 8 of the International Carriage of Perishable Foodstuffs Act (7 U.S.C 2212c) is amended by striking subsection (a).

(d) CONTINUITY OF POSITIONS.—Notwithstanding subsections (a) and (b) and the amendments made by subsection (c), any official serving in any of the positions referred to in this section on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor positions established by subsection (a) and shall not be required to be reappointed by reason of the enactment of this Act.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Assistant Secretaries of Agriculture (7)" and inserting "Assistant Secretaries of Agriculture (six)"; and

(2) by adding at the end the following:

"Administrator, Farm Service Agency, Department of Agriculture.

"Administrator, International Trade Service, Department of Agriculture.

"Administrator, Rural Utilities Service, Department of Agriculture.".

SEC. 1002. REMOVAL OF OBSOLETE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture.";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture.";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.";

(4) by striking "Administrator, Farmers Home Administration.";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture.";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture.";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture.";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture.";

(9) by striking "Director of Science and Education, Department of Agriculture.";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture."; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture.".

SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress recommended legislation containing additional technical and conforming amendments to Federal law that are necessary as a result of the enactment of this Act.

SEC. 1004. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority delegated to the Secretary by this Act to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act; or

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App. 1).

SEC. 1005. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture;

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met; and

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

BOXER AMENDMENT NO. 2578

Mr. FORD (for Mrs. BOXER) proposed an amendment to the bill S. 2095, supra; as follows:

At the end of the bill, insert the following section:

"It is the sense of the Senate that the U.S. Department of Agriculture should carry out its plans to hold public hearings during the month of September, 1994, for the purpose of receiving public input on issues related to the conditions under which poultry sold in the U.S. may be labeled "fresh" and to finalize and publish a decision on this issue as expeditiously as possible thereafter. It is the further sense of the Senate that no person serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should stand to profit, or represent any interest that would stand to profit, from the Department's decision on the issue."

HELMS AMENDMENT NO. 2579

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

STEVENS AMENDMENT NO. 2580

Mr. McCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place add the following:

SEC. . ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11) is amended by inserting before the period at the end of the following: ", except that the Secretary may not reduce the cost of such diet below the allotment in effect for fiscal year 1994".

ADJOURNMENT CONCURRENT RESOLUTION

MITCHELL AMENDMENT NO. 2581

Mr. FORD (for Mr. MITCHELL) proposed an amendment to the concurrent resolution (H. Con. Res. 289) providing for an adjournment or recess of the two Houses; as follows:

On page 1, line 3 beginning with "Thursday strike through "September 8" on line 4 and insert Monday, September 12.

On page 1 line 12 strike "Thursday, September 8, 1994," and insert the following: "Monday, September 12, 1994, or at such time as may be specified by the majority Leader or his designee in his motion to recess and adjourn."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a hearing on the Agreement for Cooperation on Peaceful Uses of Atomic Energy between the United States and the European Atomic Energy Community [Euratom].

The purpose of the hearing is to receive testimony on the importance of the U.S.-Euratom Agreement for Cooperation to the development of civilian nuclear energy programs and on the executive branch's efforts to negotiate a new agreement with Euratom.

The hearing will take place on Thursday, September 29 at 9:30 in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler of the committee staff at 202-224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, August 25, 1994, at 10:30 a.m., in closed session, to receive a briefing on the situation in Cuba.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 25, 1994, at 4 p.m. to receive a closed briefing from the administration on the current situation in Cuba.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, August 25, 1994, at 10:30 a.m. to hold a hearing on the nomination of Stanwood R. Duval, Jr. of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana; John Gleeson, of New York, to be U.S. District Judge for the Eastern District of New York; and R. Samuel Paz, of California, to be U.S. District Judge for the Central District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LITTLE LEAGUE WORLD SERIES

• Mr. DURENBERGER. Mr. President, there was some outstanding baseball played in America this past week and not a single player received a salary. The Little League World Series was played at Williamsport, PA, and the Nation was again reminded that the spirit of competition and a love for the game are the ingredients which have sustained the game of baseball in America for 150 years and made it our national pastime.

But this year's series was special for Minnesotans because we were represented by a team from Brooklyn Center, MN. The U.S. Central Region Champions opened the tournament with an upset victory over Northridge, CA, and ended it with a disappointing loss to Springfield, VA.

I read a quote in the Minneapolis newspaper which I'm sure illustrated the mood of the players and the coaches when Jason Erklouts stated "It was hard. I've never been this important before. I went from nobody to being a star." Luckily, Jason got half of the equation right. These young people were never "nobodies" and, judging from the heart and drive they displayed during their games, they will always be "stars." This says much more about their character than the outcome of a baseball game. That final score will soon be forgotten.

I hope my colleagues will join me in congratulating the players and coaches of the Little Leaguers from Brooklyn Center who reminded us all that the spirit of sportsmanship is alive and well.•

"SENATE'S 'MAINSTREAM' OUT OF TOUCH"

• Mr. SIMON. Mr. President, the St. Louis Post-Dispatch has an editorial titled "Senate's 'Mainstream' Out Of Touch."

I think it might be of interest to my colleagues in the Senate and to those who read the CONGRESSIONAL RECORD.

I ask to insert it into the RECORD at this point.

The editorial follows:

SENATE'S "MAINSTREAM" OUT OF TOUCH

The so-called mainstream coalition of Senate moderates takes pride in the supposedly middle-of-the-road positions it has staked out in the health-reform debate. But its membership, which includes Sen. John C. Danforth, essentially seeks to protect the status quo at the expense of the uninsured.

Fortunately, the group's health-care plan does not mirror the nation's political center. A majority of voters, polls show, think every American deserves a basic package of health-insurance benefits.

Worst of all, this Senate plan falls short of even Majority Leader George Mitchell's bill to cover 95 percent of Americans by the turn of the century. Under the Mitchell bill, at least 14 million Americans still would have no health insurance. Incredibly, the Senate coalition claims the Mitchell bill goes too far. It's safe to say health benefits might be denied to millions more if the mainstreamers get their way.

Yet the compromise proposals of this 15-member Senate group are being embraced as the best way to make some conservatives comfortable with voting for a weakened Mitchell bill. Some liberals, meanwhile, feel compelled to back the compromise for the political sake of President Bill Clinton.

These developments show how Washington has lost its way on the health-care issue. Both parties have forgotten the well-defined premises that initially shaped the debate. One was the health insurance should be portable, in that workers could take it from one job to the next; moreover, they wouldn't be denied coverage if they became unemployed or seriously ill. Senators are only giving up lip service to these principles.

Another premise was cost containment. To the mainstreamers, that means attacking fraud, malpractice awards and so-called gold-plated health plans. Yet these senators object to standby government authority to restrain the genuine sources of medical inflation. These include the oversupply of hospital facilities, beds and high-tech equipment. Rising medical expenses are in part a reflection of these costs. Rather than lauding the health-care industry's 14 percent share of the economy, Mr. Danforth and others should ask hard questions about what Americans are getting—besides out-of-pocket medical bills and shrinking care for the uninsured—for the billions of dollars they're feeding this profit-hungry industry.

Just 14 years ago, the average U.S. family spend $1 for health care for every $11 of pretax income, says a study by Families USA. It says that under current trends, those same families can expect to spend $1 out of every $5 of income for health by the end of the decade in the absence of reforms.

The mainstreamers assail what they see as hidden taxes and big government in the Democrats' bills. Yet they say nothing about unchecked indirect taxes, the financial drain and human pain the current profit-oriented system imposes on everyone.

The Mitchell bill was in bad shape from the start. It imposes no employer mandate; it seeks no serious source of tax revenue to pay for care, and it leaves millions of Americans with no health insurance. That mainstreamers want to weaken even this anemic bill augurs poorly for genuine health reform this year.●

THE EQUITABLE ESCHEATMENT ACT—S. 1715

● Mr. JOHNSTON. Mr. President, on June 24, 1994, I expressed my support for a negotiated settlement of the dispute between Delaware, New York, and Massachusetts and the 47 States that support enactment of S. 1715, the Equitable Escheatment Act. The 47 States which support that legislation have been negotiating in good faith with representatives from Delaware, Massachusetts, and New York accepting the settlement. Subject to New York accepting the settlement, I am pleased to report that the Governors of Delaware and Massachusetts have worked out a compromise which would eliminate the need for legislation.

New York apparently believes it can defeat S. 1715, and is stonewalling this compromise. With 80 cosponsors and the support of 47 Governors, it would be unconscionable for this body to permit one State to thwart the will of the majority. Clearly, the will of the public must prevail. I strongly urge the parties involved to work toward reaching an acceptable compromise on an expedited basis. If negotiations do not result in an equitable compromise in the very near future, the only alternative available to the Senate will be immediate action on S. 1715.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Christine Ciccone, a member of the staff of Senator STEVENS, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 27 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Ciccone in this program.

The select committee received notification under rule 35 for Thomas G. Hohenthaner, a member of the staff of Senator PRESSLER, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hohenthaner in this program.

The select committee received notification under rule 35 for Deanna Tanner Okun, a member of the staff of Senator MURKOWSKI, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 30 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Okun in this program.

The select committee received notification under rule 35 for Kris Hurley, a member of the staff of Congressman MFUME, to participate in a program in Taiwan, sponsored by the Tamkang University from August 24 to August 30, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hurley in this program.

The select committee received notification under rule 35 for William Testerman, a member of the staff of Senator JEFFORDS, to participate in a program in Taiwan, sponsored by the Chinese Cultural University from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Testerman in this program.

The select committee received notification under rule 35 for McLane Layton, a member of the staff of Senator NICKLES, to participate in a program in South China and Hong Kong, sponsored by the Hong Kong General Chamber of Commerce from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Layton in this program.

The select committee received notification under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Singapore, sponsored by the Singapore International Foundation, from August 28 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ashby in this program.

The select committee received notification under rule 35 for Steve Sola, a member of the staff of Senator KASSEBAUM, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 28 to September 11, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Sola in this program.

The select committee received notification under rule 35 for Gare Smith, a member of the staff of Senator KENNEDY, to participate in a program in Mexico, sponsored by the Democracy Foundation from August 19–22, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Smith in this program.●

"LOOK WHO'S DOMINATING THE ARMS TRADE"

● Mr. SIMON. Mr. President, the U.S. role in arms sales has always been a troubling one.

And Members of the Senate, the House, and the administration should be troubled by the latest statistics.

I ask to insert a thoughtful New York Times editorial on the subject into the RECORD at this point.

The editorial follows:

[From the New York Times, Aug. 20, 1994]

LOOK WHO'S DOMINATING THE ARMS TRADE

The Clinton Administration has yet to announce a policy on arms sales. Under this Administration the U.S. is dominating the market for arms as no other country has in recent history. The American share of new arms deals in the third world soared to 73 percent in 1993 from 56 percent in 1992.

Given the dramatic rise, the failure to develop a policy is truly a missed opportunity. The U.S. could use its market dominance to try to get other leading producer countries to agree to restrain the arms trade. It could offer to limit its own sales in return for similar restraint from other countries, starting with the sale of the most advanced weapons to the world's most volatile region—the Middle East.

Instead, the two largest sales for 1993—80 percent of the total—went to that region. Saudi Arabia bought 72 F-15 jet fighters from McDonnell Douglas for $9.5 billion and Kuwait bought 256 M1-A2 tanks from General Dynamics for $2.2 billion.

> With slowed Pentagon procurement, the defense industry cannot expect to fend off decline by pushing its products abroad. U.S. sales to the third world increased just slightly in 1993—to $14.8 billion from $14.6 billion the previous year. That is because the global arms market is shrinking. Third-world arms purchases totaled $20.4 billion in 1993, down 22 percent from 1992 and well below the 1988 peak of $61.5 billion.
>
> As a result, the U.S. arms industry is certain to face further consolidation and shrinkage. That could reduce the little competition left in defense contracting and shut down critical parts of the supply pipeline. The Pentagon needs to study whether it should take a more active role in managing that shrinkage.
>
> It might conclude that it is best left to the dictates of the market. But as with overall sales trends, having no policy seems to be Administration policy. And that is not necessarily the best policy.•

CENTENNIAL OF MOUNT AIRY, MD

• Mr. SARBANES. Mr. President, I want to recognize the centennial of Mount Airy, MD, a beautiful town in central Maryland. Although the community has grown more populous in recent years due to its proximity to both Washington, DC, and Baltimore, the area still consists of mostly rich farmland.

Mount Airy is unique in that the town's Main Street is also the dividing line of two counties. Frederick to the west and Carroll to the east. Not even 2 miles south, the four counties of Frederick, Montgomery, Howard, and Carroll meet at Parrs Spring, which is where the Patapsco River originates.

An old legend purports that Mount Airy received its name from an Irish rail worker who commented, "The weather here is rather airish, maybe we should call it Mount Airy." However the town got its name, no one can dispute its appropriateness.

In 1888, the Robert Garrett Sanitarium was established on North Main Street, so children from Baltimore City could benefit from the pure, dry, cool air during the summer months.

Mount Airy was founded by Henry Bussard who was its principal land owner, developer, and first merchant. The rapid growth of the town can be attributed to the construction of the Baltimore and Ohio Railroad. Work began in the 1830's and moved west from Baltimore with a spur line reaching Mt. Airy near the end of the decade.

As the area grew the local residents applied and received the right from the Maryland Legislature to institute its own local government. This act was approved in 1894 and signed into law by Governor Frank Brown, a Carroll County native. The first mayor was Byron S. Dorsey, owner of the local hardware store.

The town's history is not without tragedy. Mt. Airy has been devastated by three tragic fires. The first, in 1903 destroyed the south end of town except one building which remains today. In 1914 another fire burned buildings north of the railroad tracks with only the feed mill left standing. In 1925 the same north area was destroyed by fire and this time the mill burned.

With sheer determination the citizens proceeded to rebuild their beloved town after each fire and by the 1930's, Mount Airy had one of the largest canning factories in the country, one of the largest flour mills, and was the chicken hatching center of the United States with over 1 million chicks hatched each season.

I would like to congratulate the citizens of Mt. Airy as they celebrate their centennial. They will be celebrating this wonderful occasion with a parade on September 24. The entire town has joined to make this event a success and I wish them well.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the need for health care reform. Today, I would like to tell the story of Carrie Fowler of Plainwell, MI. Carrie is a 19 year old student at Kalamazoo Valley Community College who is studying to be a surgical technician. She lives with her parents, Bonnie and David. Carrie also works as a hostess at a Big Boy Restaurant. Her mother is a teacher's aide working with autistic children at a local school, and her father works for the State of Michigan as a construction technician.

When Carrie was 12 years old, she noticed that her hands were shaky and that it was impossible for her to write neatly. Her parents took her to see a neurologist, who first thought she had a brain tumor. After more testing, Carrie was diagnosed with hydrocephalus.

Hydrocephalus is usually a congenital condition. Abnormal build-up of fluid in the head causes compression of the brain, brain damage, and often causes death. Carrie's case is very unusual because it did not occur until she was 12. No cause has been found for her condition.

Carrie had surgery to install a shunt in her head to drain the water through a tube to her abdomen, and to monitor the pressure of the water on her brain. She has received therapy since then to help her regain the ability to memorize and deal with short term memory loss.

Since age 12, Carrie has had six surgeries to adjust and clean the shunt. The shunt becomes blocked by something as small as the head of a pin. Her last surgery was 20 months ago, when the shunt became blocked and she went into a coma. The bill for that hospital stay totaled over $40,000, all of which was paid for her by her HMO. In fact, her insurance has paid more than $230,000 for her medical care over the last 7 years.

Fortunately, Carrie's father works for the State of Michigan and therefore has excellent family health coverage through an HMO. But this insurance will only cover Carrie until she is 25 or is married, whichever comes first. Carrie must also remain a full-time student to maintain coverage.

Although she leads a very normal life, Carrie will always need a shunt to survive. She does not need any medication or regular medical treatment. She is able to recognize the symptoms, such as certain headaches, that mean she must seek medical care. But because of this condition and the incredible expense of its treatment, Carrie does not look forward to an independent life when she finishes college. She lives in fear of being without health coverage.

Carrie has met a young man, Jon, whom she would like to marry when she is 22. But she is afraid to marry him because if she does, she would lose her health insurance. Jon is also a student now, and knows that they cannot marry, unless one of them finds an employer that provides health insurance that would cover her. Even then, they would be locked into that job for the health benefits it offers.

Because of the pre-existing condition exclusions contained in most health policies, it is unlikely that Carrie will be eligible for any health insurance coverage at all when she reaches age 25.

Carrie is a very courageous young woman who has had to deal with memory loss and six surgeries since the age of 12. She knows that she could face surgery again tomorrow. She wants to marry and have a family, but insurance protection is crucial for that dream to come true.

Mr. President, we must pass a health care bill that will allow young people like Carrie and Jon to live full lives without the desperate fear of not having health coverage affecting their every decision. We need to get rid of pre-existing condition clauses that would deny individuals coverage if they have a chronic condition. And we need community rating, so that everyone can afford to buy coverage they need. I will continue to work with my colleagues to pass a health care reform bill this session.•

"YOU THOUGHT THE COLD WAR WAS DEAD?"

• Mr. SIMON. Mr. President, there is a great deal of attention on Cuba right now, and a great deal of irrationality continues to dominate American policy.

Robert Scheer, former Los Angeles Times national correspondent, recently had a op-ed piece about Cuba.

I know talking sense about Cuba is not politically popular, but it certainly makes sense.

I ask to insert his column into the RECORD at this point.

The column follows:

[From the Los Angeles Times, Aug. 19, 1994]

YOU THOUGHT THE COLD WAR WAS DEAD?

(By Robert Scheer)

Fidel Castro should start futzing around with the rods in his nuclear power plant at Cienfuegos, or hint that he's bought some of the plutonium that's being smuggled out of Russia. Anything to make it look like he's building a bomb. That way the Clinton Administration, following the example of its policy toward North Korea, would feel required to lift the economic embargo that has strangled Cuba for 33 years. Nothing else seems to work to get this Administration to re-evaluate a policy of isolating Cuba that made little sense when the Cold War was on and is simply bizarre in its aftermath.

How in the world can the Clinton Administration justify diplomatic recognition and trade with the communist nations of China, Vietnam and now North Korea while maintaining the trade embargo with Cuba because its a communist country? Is it that the Asian reds are no longer reds, or that they have a better human-rights record, or pose less of a potential military threat?

To argue any of that would be absurd. North Korea is suddenly presented with diplomatic exchange, trade and billions in nuclear technology without even being requested to make the slightest alterations in what remains one of the world's most tightly repressive and bellicose regimes.

The opening to China, and more recently to Vietnam, was justified by reference to those countries being open to foreign investment. The U.S. embargo makes such investments on the part of American corporations, and their foreign subsidiaries, in Cuba illegal. Despite severe U.S. pressure, 112 joint ventures worth $500 million were put into place in the past three years by British, Italian, French and Spanish companies.

U.S. Cuba policy is irrational, yet rarely is Clinton challenged by reporters on the obvious contradiction of continuing the Cold War against Cuba. We blockaded Cuba three decades ago because that small island was judged an outpost of Soviet power. Has Clinton not noticed that the Soviet Union no longer exists?

The sad truth is that Cubans are being denied the benefits of trade afforded the Chinese and Vietnamese because of a hard-line emigré claque in Miami. There is ample evidence that they no longer speak for many Cubans eager to aid relatives on the island, but they are still terrific at intimidation.

One who is clearly intimidated is Bill Clinton. In the 1992 election, he supported the tightening of the trade embargo which George Bush, like Ronald Reagan previously, had opposed. Thanks to Clinton and the Democratic Congress, the embargo was tightened in brazen denial of the changed world reality. This action was condemned by an 88–4 vote in the United Nations. It was a stupidly cruel move that hurt ordinary Cubans while saving Castro the challenges of a more open society.

As Roger Fontaine, former national security aide in the Reagan Administration, wrote:

"The 1992 law is a policy of impoverishing Cubans at the behest of the most militant conservative groups in the emigré community. It is polarizing Cuba—driving many anti-Castro Cubans back into Mr. Castro's camp . . . and enhancing his reputation as a fearless fighter of Yankee capitalism."

But let's say the policy works and we succeed in ratcheting up the misery of ordinary Cubans already suffering from the abrupt withdrawal of Soviet subsidies. Is upheaval and disarray in Cuba really in our national interest? Have we no memory of the Mariel boat lift? Are we really prepared to take in millions of more Cuban refugees when we currently imprison Haitian refugees at our Cuban base in Guantanamo?

We continue to view Castro as nothing more than an outlaw while blindly ignoring our nation's past crimes in his region, including numerous documented efforts to sabotage the Cuban economy and to assassinate Fidel.

His rule has been complex, filled with major achievements as in education and health and profound failure in civil liberty. There is no need to whitewash Castro any more than to continue demonizing him. But surely, if we can get along with the very people whom we fought in Vietnam and Korea, we can heal the wounds left over from the minor skirmish of the Bay of Pigs.

If Clinton fails this test of leadership and allows the situation to deteriorate, the cost in the suffering attendant to internecine warfare in Cuba will make a upheaval of the Mariel boat lift, and the more recent Haitian exodus and Cuban rafters, seem like a Caribbean cruise.●

ACT OF JUNE 8, 1926 AMENDMENT ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 859) a bill to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 859) entitled "An Act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926", do pass with the following Amendment:

Strike out all after the enacting clause and insert:

That section 2 of the Act of June 8, 1926 (ch. 498; 44 Stat. 708), is amended by—

(1) inserting "(a)" before "The conveyance";

(2) striking "States." at the end of the first sentence and inserting in lieu thereof "States, except that such restrictions on conveyances and uses shall not apply to those lands upon which communication facilities were located as of January 1, 1993."; and

(3) adding at the end thereof the following new subsections:

"(b) Reasonable use of an access route in existence on June 1, 1994, across National Forest lands shall be allowed for the repair, maintenance, or improvement of the communication facilities referred to in subsection (a), but the Secretary of Agriculture shall not be required to improve the condition of any such access route or to provide any additional access route for such purposes.

"(c) Recreational activities on the lands identified in section 1, totaling approximately one thousand four hundred and forty acres, may be allowed so long as such recreational use is consistent both with the protection of the watershed and water supply system of the city and with the management objectives for adjacent National Forest System lands. Construction of structures or other improvements associated with such recreational activities shall be permitted only to the extent that the Secretary of Agriculture has determined that such construction would be consistent with protection of watershed and would not adversely affect the resources and values of adjacent National Forest System lands.".

Mr. FORD. I move the Senate concur in the House amendment.

The motion was agreed to.

LINCOLN COUNTY, MT, LANDS TRANSFER ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 597, S. 528, a bill relating to land transfer in Montana; that the committee substitute be agreed to; that the bill be read a third time, passed; and that the motion to reconsidered be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lincoln County, Montana, Lands Transfer Act of 1994".

SEC. 2. CONVEYANCE OF PROPERTY.

(a) As soon as practicable, but in no event not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (hereinafter the "Secretary") shall convey, without consideration, all right, title, and interest of the United States to the following lands located within the boundaries of the Kootenai National Forest, Montana, to Lincoln County, Montana—

(1) approximately 30 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Junior High School" dated August 1994;

(2) approximately 2 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Boyd Cemetery" dated August 1994;

(3) approximately 27.68 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Yaak Ambulance Barn" dated August 1994;

(4) approximately 170 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Landfill" dated August 1994;

(5) approximately 11 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Eureka Administration Site" dated August 1994; and

(6) approximately 99.5 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Old Libby Airport" dated August 1994.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey, without consideration, the timber and mineral rights to approximately 182.04 acres at the new Libby Airport, as generally depicted on the map entitled "Kootenai National Forest Lands—Timber and Mineral Rights Transfer at Libby Airport" dated August 1994, to Lincoln County, Montana.

(c) If the lands referred to in subsection (a) cease to be used for public purposes, such lands shall revert to the United States: *Provided*, That the lands shall not revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

SEC. 3. RELEASE.

Upon the transfer of any lands or interests therein identified in section 2 of this Act to Lincoln County, Lincoln County shall release the United States from any liability for claims relating to such lands or interests therein.

SEC. 4. MAPS.

The maps referred to in this Act shall be on file and available for public inspection in the Office of the Chief of the Forest Service, in Washington, D.C.

Mr. BURNS. Mr. President, I would like to speak in support of the Lincoln County, MT, Public Land Transfer Act, Senate bill 528. This is very important to the northwest corner of my State.

I introduced S. 528 with my colleague from Montana, Senator BAUCUS, over a year ago, and I am glad that this bill is now before the full Senate. S. 528 would transfer a small amount of Federal land controlled by the Forest Service over to the local government.

Lincoln County is in a tough position. The county relies on the use of these public lands because the county is 80 percent federally owned. They have used many of these lands under special use permit. But, as with most things dealing with the Federal Government, there are many loopholes which the county must go through.

This transfer has been on the table for years. These lands under consideration today are important to citizens of Lincoln County. S. 528 will enable Lincoln County to continue to use these lands and acquire small tracts of additional land for its everyday routine.

As a former county commissioner, I can understand the problems faced by the people in this area. Over 72 percent of Lincoln County is owned by the Federal Government. And this ownership often hampers local government's ability to manage for the daily needs of its residents. In addition, the intermingled ownership of the land has caused problems for the Forest Service.

This bill will aid Lincoln County by transferring only 320 acres. The areas include a landfill, airport, a cemetery, and the Libby Junior High School.

This county has the highest unemployment rate of any county in Montana. The county simply doesn't have the ability to buy the land. And, since the county is so heavily owned by the Federal Government, there is really no opportunity for exchange. Mr. President, the transfer of this small amount of land will mean so much to the folks in Lincoln County.

So the bill (S. 528), as amended, was deemed read a third time and passed.

(The text of the bill, as amended, as passed, will appear in a future edition of the RECORD.)

ELECTRONIC FREEDOM OF INFORMATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 594, S. 1782, the Electronic Freedom of Information Improvement Act of 1994; that the committee amendment be agreed to; that the bill, as amended, be deemed read three times, passed, and that the motion to reconsider be laid upon the table; that the title amendment be agreed to; further, that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1994, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) in subparagraph (C) by inserting "and" after the semicolon;

(4) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law; and

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;"; and

(5) in the third sentence by inserting "and the extent of such deletion shall be indicated on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. LIST OF RECORDS MADE AVAILABLE TO THE PUBLIC AND HONORING FORMAT REQUESTS.,

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(3) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(4) adding at the end thereof the following new subparagraphs:

"(B) A list of all records which are made available to any person under this paragraph shall be made available for public inspection and copying as provided under paragraph (2) of this subsection. Copies of all such records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests under this paragraph for substantially the same records, shall be made available for inspection and copying as provided under paragraph (2) of this subsection.

"(C) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(D) An agency shall make reasonable efforts to provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.".

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) PAYMENT OF THE EXPENSES OF THE PERSON MAKING A REQUEST.—Section 552(a)(4)(E) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court may assess against the United States all out-of-pocket expenses incurred by the person making a request, and reasonable attorney fees incurred in the administrative process, in any case in which the agency has failed to comply with the time limit provisions of paragraph (6) of this subsection.".

(c) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is further amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.".

(d) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out "ten days" and inserting in lieu thereof "twenty days".

(e) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: "As used in this subparagraph, 'exceptional circumstances' shall be unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.".

(f) NOTIFICATION OF DENIAL.—The fourth sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(g) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

"(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

"(ii) For purposes of such a multitrack system—

"(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

"(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

"(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency shall determine within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. No more than one day after making such determination the agency shall notify the person making a request for expedited access of such determination, the reasons therefor, and of the right to appeal to the head of the agency. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

"(ii) A person whose request for expedited access has not been decided within 5 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 7 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 2 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

"(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

"(I) threaten an individual's life or safety;

"(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

"(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.".

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9): ", and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made".

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics; and

"(3) the term 'search' means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.".

Amend the title so as to read: "A bill to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes.".

So the bill (S. 1782), as amended, was deemed read the third time, and passed.

(The text of the bill, as amended, as passed, will appear in a future edition of the RECORD.)

ALVARO DE LUGO UNITED STATES POST OFFICE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, H.R. 4190, to designate the U.S. Post Office located at 41–42 Norre Gade as the "Alvaro de Lugo United States Post Office."

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4190) to designate the United States Post Office located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment and an amendment to the title.

The parts of the bill intended to be inserted are shown in italic.

H.R. 4190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, shall, for the period of time during which it houses operations of the United States Postal Service, be known and designated as the "Alvaro de Lugo Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the Alvaro de Lugo Post Office.

SEC. 3. EXCLUSION OF CERTAIN POSTAL EMPLOYEES FROM FEDERAL RETIREMENT PROVISIONS RELATING TO REEMPLOYED ANNUITANTS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(m)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(c) CLARIFICATION.—Nothing in this section shall have the effect of causing any reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

(d) APPLICABILITY.—This section and the amendments made by this section shall apply with respect to temporary appointments commencing on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmasters.".

AMENDMENT NO. 2574

(Purpose: To designate the building located at 41–42 Norre Gade in Saint Thomas, VI, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39 United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes)

Mr. FORD. Mr. President, on behalf of Senator HEFLIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. HEFLIN, for himself, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CAMPBELL, Mr. EXON, Mr. KEMPTHORNE, Mr. LOTT, and Mr. SHELBY, proposes an amendment numbered 2574.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page —, beginning with line 7, strike out all through line 16 on page 4 and insert in lieu thereof the following:

SEC. 3. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsection (g) of section 5532, subsections (i) and (l)(2) of section 8344, and subsections (f) and (i)(2) of section 8468 of title 5 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 4. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

Amend the title so as to read: "To designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Without objection, the bill, as amended, will be read the third time, and passed.

So the bill (H.R. 4190), as amended, was deemed read the third time and passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

So the title was amended so as to read "An Act to designate the building located at 41–42 Norre Grande in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are employed, on temporary basis, to serve as rural letter carriers or rural postmasters."

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 506, S. 1614, the child nutrition bill; that the committee substitute be agreed to; the bill read a third time, and passed; the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Nutrition and Health for Children Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Delivery of commodities.
Sec. 102. Combined Federal and State commodity purchases.
Sec. 103. Nutritional requirements.
Sec. 104. Elimination of whole milk requirement.
Sec. 105. Use of free and reduced price meal eligibility information.

Sec. 106. Automatic eligibility of Head Start participants.
Sec. 107. Use of nutrition education and training program resources.
Sec. 108. Special assistance for schools electing to serve all children free lunches or breakfasts.
Sec. 109. Definition of school.
Sec. 110. Reimbursement for meals, supplements, and milk under certain programs contingent on timely submission of claims and final program operations report.
Sec. 111. Organically produced agricultural products.
Sec. 112. Food and nutrition projects.
Sec. 113. Summer food service program for children.
Sec. 114. Commodity distribution program.
Sec. 115. Child and adult care food program.
Sec. 116. Homeless children nutrition program; demonstration program for the prevention of boarder babies.
Sec. 117. Pilot projects.
Sec. 118. Food service management institute.
Sec. 119. Compliance and accountability.
Sec. 120. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.
Sec. 121. Nutrition education promotion program.
Sec. 122. Information clearinghouse.
Sec. 123. Guidance and grants for accommodating medical and special dietary needs of children with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. School breakfast program.
Sec. 202. State administrative expenses.
Sec. 203. Competitive foods of minimal nutritional value.
Sec. 204. Special supplemental nutrition program.
Sec. 205. Nutrition education and training program.

TITLE III—EFFECTIVE DATES

Sec. 301. Effective dates.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. DELIVERY OF COMMODITIES.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) The Secretary shall deliver, to each State participating in the school lunch program under this Act, commodities valued at the total level of assistance authorized under subsection (c) for each school year for the school lunch program in the State, not later than September 30 of the following school year.";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f), and clauses (i) and (ii) of subsection (g)(3)(A), of section 14 of such Act (42 U.S.C. 1762a) are amended by striking "section 6(e)" and inserting "section 6(c)".

(2) The last sentence of section 16(a) of such Act (42 U.S.C. 1765(a)) is amended by striking "section 6(e) of this Act" and inserting "section 6(c)".

(3) Section 17(h)(1)(B) of such Act (42 U.S.C. 1766(h)(1)(B)) is amended by striking "section 6(e)" and inserting "section 6(c)".

SEC. 102. COMBINED FEDERAL AND STATE COMMODITY PURCHASES.

Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may enter into an agreement with a State agency under which funds payable to the State under section 4 or 11 may be used by the Secretary for the purpose of purchasing commodities for use by schools in the State in meals served under the school lunch program under this Act.".

SEC. 103. NUTRITIONAL REQUIREMENTS.

(a) TECHNICAL ASSISTANCE FOR SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school lunch program under this Act, to schools participating in the school lunch program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) MINIMUM NUTRITIONAL REQUIREMENTS MEASURED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of such Act (42 U.S.C. 1758(a)(1)(A)) (as amended by subsection (a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting the following: ", except that—

"(i) the minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) the minimum nutritional requirements shall be measured by not less than the weekly average of the nutrient content of school lunches.".

SEC. 104. ELIMINATION OF WHOLE MILK REQUIREMENT.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fluid whole milk and fluid unflavored lowfat milk" and inserting "fluid milk, except that a State educational agency may require schools in the State to offer any type or types of milk to students"; and

(3) by adding at the end the following new subparagraph:

"(B)(i) The Secretary shall purchase each calendar year to carry out the school lunch program under this Act, and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat cheese on a bid basis in a quantity that is the milkfat equivalent of the quantity of milkfat the Secretary estimates the Commodity Credit Corporation will purchase each calendar year as a result of the elimination of the requirement that schools offer students fluid whole milk and fluid unflavored lowfat milk, based on data provided by the Director of Office of Management and Budget.

"(ii) Not later than 30 days after the Secretary provides an estimate required under clause (i), the Director of the Congressional Budget Office shall provide to the appropriate committees of Congress a report on whether the Director concurs with the estimate of the Secretary.

"(iii) The quantity of lowfat cheese that is purchased under this subparagraph shall be in addition to the quantity of cheese that is historically purchased by the Secretary to carry out school feeding programs. The Secretary shall take such actions as are necessary to ensure that purchases under this subparagraph shall not displace commercial purchases of cheese by schools.".

SEC. 105. USE OF FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION.

Clause (iii) of section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended to read as follows:

"(iii) The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clause (ii), shall be limited to—

"(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

"(II) a person directly connected with the administration or enforcement of a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); and

"(III)(aa) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

"(bb) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by paragraph (I) or this paragraph.

"(iv) Information provided by a school under clause (iii)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

"(v) A person described in clause (iii) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.".

SEC. 106. AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.

(a) IN GENERAL.—Section 9(b)(6) of the National School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a member of";

(B) in clause (i)—

(i) by inserting "a member of" after "(i)"; and

(ii) by striking "or" at the end;

(C) in clause (ii)—

(i) by inserting "a member of" after "(ii)"; and

(ii) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).": and

(2) in subparagraph (B), by striking "food stamps or aid to families with dependent children" and inserting "food stamps or aid to families with dependent children, or of enrollment or participation in a Head Start program on the basis described in subparagraph (A)(iii),".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on September 1, 1995.

SEC. 107. USE OF NUTRITION EDUCATION AND TRAINING PROGRAM RESOURCES.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f) In carrying out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State educational agency shall, particularly with regard to the responsibilities of the agency under subsection (a)(3), use resources provided through the nutrition education and training program authorized under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) for training aimed at improving the quality and acceptance of school meals.".

SEC. 108. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the second sentence, by striking "In the case of" and inserting the following:

"(B) Except as provided in subparagraph (C), (D), or (E), in the case of"; and

(3) by striking the third and fourth sentences and inserting the following new subparagraphs:

"(C)(i) Except as provided in subparagraph (D), in the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 3 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) during any period of 3 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;
special assistance payments shall be paid to the State educational agency with respect to the school during the period on the basis of the number of lunches or breakfasts determined under clause (ii) or (iii).

"(ii) For purposes of making special assistance payments under clause (i), except as provided in clause (iii), the number of lunches or breakfasts served by a school to children who are eligible for free lunches or breakfasts or reduced price lunches or breakfasts during each school year of the 3-school-year period shall be considered to be equal to the number of lunches or breakfasts served by the school to children eligible for free lunches or breakfasts or reduced price lunches or breakfasts during the first school year of the period.

"(iii) For purposes of computing the amount of the payments, a school may elect to determine on a more frequent basis the number of children who are eligible for free or reduced price lunches or breakfasts who are served lunches or breakfasts during the 3-school-year period.

"(D)(i) In the case of any school that, on the date of enactment of this subparagraph, is receiving special assistance payments under this paragraph for a 3-school-year period described in subparagraph (C), the State may grant, at the end of the 3-school-year period, an extension of the period for an additional 2 school years, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable.

"(ii) A school described in clause (i) may reapply to the State at the end of the 2-school-year period described in clause (i) for the purpose of continuing to receive special assistance payments, as determined in accordance with this paragraph, for a subsequent 5-school-year period. The school may reapply to the State at the end of the 5-school-year period, and at the end of each 5-school-year period thereafter for which the school receives special assistance payments under this paragraph, for the purpose of continuing to receive the payments for a subsequent 5-school-year period. The school shall require submission of applications for free and reduced price lunches, or for free and reduced price lunches and breakfasts, in the first school year of each 5-school-year period for which the school receives special assistance payments under this paragraph, for the purpose of calculating the special assistance payments.

"(E)(i) In the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;
total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to the school at a level that is equal to the total Federal cash reimbursements and total commodity assistance received by the school in the last school year for which the school accepted applications under the school lunch or school breakfast program, adjusted annually for inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the school lunch or school breakfast program.

"(ii) A school described in clause (i) may reapply to the State at the end of the 4-school-year period described in clause (i), and at the end of each 4-school-year period thereafter for which the school receives reimbursements and assistance under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 4-school-year period. The State may approve an application under this clause if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the last school year for which the school accepted the applications described in clause (i).".

SEC. 109. DEFINITION OF SCHOOL.

(a) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in the first sentence—

(A) in subparagraph (A), by striking "under," and inserting "under and";

(B) in subparagraph (B), by striking ", and" and inserting a period; and

(C) by striking subparagraph (C); and

(2) in the second sentence, by striking "of clauses (A) and (B)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1995.

SEC. 110. REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT ON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims submitted to State agencies by eligible schools, institutions, and service institutions for service of meals, supplements, and milk under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) only if—

"(A) the claims have been submitted to the State agencies not later than 60 days after the last day of the month for which reimbursements are claimed; and

"(B) the final program operations report for the month is submitted to the Secretary not later than 90 days after the last day of the month.

"(2) The Secretary may waive the requirements of paragraph (1).".

SEC. 111. ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 110) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall make available, at the request of State educational agencies and schools participating in the school lunch program, information about means for schools to obtain organically produced agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)), such as meats, poultry products, fruits, products made from grains, dairy products, and vegetables that are organically produced.".

"(2) Paragraph (1) shall apply beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with such Act (7 U.S.C. 6501 et seq.).".

SEC. 112. FOOD AND NUTRITION PROJECTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 111) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary, acting through the Administrator of the Food and Nutrition Service or through the Extension Service, shall award on an annual basis grants to a private nonprofit organization or educational institution in each of 3 States to create, operate, and demonstrate food and nutrition projects that are fully integrated with elementary school curricula.

"(2) Each organization or institution referred to in paragraph (1) shall be selected by the Secretary and shall—

"(A) assist local schools and educators in offering food and nutrition education that integrates math, science, and verbal skills in the elementary grades;

"(B) assist local schools and educators in teaching agricultural practices through practical applications, like gardening;

"(C) create community service learning opportunities or educational programs;

"(D) be experienced in assisting in the creation of curriculum-based models in elementary schools;

"(E) be sponsored by an organization or institution, or be an organization or institution, that provides information, or conducts other educational efforts, concerning the success and productivity of American agriculture and the importance of the free enterprise system to the quality of life in the United States; and

"(F) be able to provide model curricula, examples, advice, and guidance to school, community groups, States, and local organizations regarding means of carrying out similar projects.

"(3) Subject to the availability of appropriations to carry out this subsection, the Secretary shall make grants to each of the 3 private organizations or institutions selected under this section in amounts of not less than $100,000, nor more than $200,000, for each of fiscal years 1995 through 1998.

"(4) The Secretary shall establish fair and reasonable auditing procedures regarding the expenditure of funds under this subsection.

"(5) There are authorized to be appropriated to carry out this subsection such sums as are

necessary for each of fiscal years 1995 through 1998.".

SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ORDER OF PRIORITY.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) School food authorities.

"(B) Units of local, municipal, or county government that have demonstrated successful program performance in a prior year.

"(C) Other units of local, municipal, or county government, and private nonprofit organizations eligible under paragraph (7).".

(b) PRIVATE NONPROFIT ORGANIZATIONS.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C).

(c) NON-SCHOOL SITES.—Section 13(c)(1) of such Act (42 U.S.C. 1761(c)(1)) is amended by inserting before the period at the end the following: "or that provide meal service at non-school sites to children who are not in school for a period during the months of October through April due to an unanticipated school closure".

(d) REGISTERED FOOD SERVICE MANAGEMENT COMPANY REPORTS.—Section 13(l)(3) of such Act (42 U.S.C. 1761(l)(3)) is amended by striking "and their program record" and inserting "that have been seriously deficient in their participation in the program,".

(e) MANAGEMENT AND ADMINISTRATION PLAN.—Section 13(n) of such Act (42 U.S.C. 1761(n)) is amended—

(1) in paragraph (2), by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (4) through (12).

(f) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (4), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(g) HEARINGS REGARDING STATE ACTION ON THE BASIS OF FEDERAL REVIEW FINDINGS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) (as amended by paragraphs (1) and (2) of subsection (f)) is further amended by inserting before paragraph (4) the following new paragraph:

"(3) A State shall not be required to provide a hearing to a private nonprofit organization concerning a State action taken on the basis of a Federal review finding with respect to a program carried out under this section. If a State does not provide a hearing to the organization concerning the action, the Secretary, on request, shall provide a hearing to the organization concerning the action.".

(h) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

SEC. 114. COMMODITY DISTRIBUTION PROGRAM.

(a) EXTENSION.—Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1994" and inserting "1998".

(b) NUTRITIONAL CONTENT.—Section 14(b) of such Act (42 U.S.C. 1762a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall improve the overall nutritional quality of entitlement commodities (within the meaning of section 18) provided to schools under the school lunch program to assist the schools in improving the nutritional content of meals served under the program.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of commodities provided to schools under the school lunch program; or

"(B) otherwise provide nutritional content information regarding the commodities provided to schools under the school lunch program.".

SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.

(a) REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.—Section 17(d)(2)(A) of the National School Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(b) USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by a family or group day care home sponsoring organization to conduct outreach and recruitment to unlicensed family or group day care homes so that the day care homes may become licensed.".

(c) INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage States to provide information and training concerning child health and development to family or group day care home sponsoring organizations.".

(d) EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(2) in paragraph (5), by striking "1994" and inserting "1998".

(e) WIC INFORMATION.—Section 17 of such Act (42 U.S.C. 1766) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary shall provide State agencies with basic information concerning the importance and benefits of the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) The State agency shall—

"(A) provide each child care institution participating in the program established under this section, other than institutions providing day care outside school hours for schoolchildren, with materials that include—

"(i) a basic explanation of the benefits and importance of the special supplemental nutrition program for women, infants, and children;

"(ii) the maximum income limits, according to family size, applicable to children up to age 5 in the State under the special supplemental nutrition program for women, infants, and children; and

"(iii) a listing of the addresses and phone numbers of offices at which parents may apply;

"(B) annually provide the institutions with an update of the information on income limits described in subparagraph (A)(ii); and

"(C) ensure that, at least once a year, the institutions to which subparagraph (A) applies provide written information to parents that includes—

"(i) basic information on the benefits provided under the special supplemental nutrition program for women, infants, and children;

"(ii) information on the maximum income limits, according to family size, applicable to the program; and

"(iii) information on where parents may apply to participate in the program.".

SEC. 116. HOMELESS CHILDREN NUTRITION PROGRAM; DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.

(a) HOMELESS CHILDREN NUTRITION PROGRAM.—The National School Lunch Act is amended by inserting after section 17A (42 U.S.C. 1766a) the following new section:

"SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects conducted under this section.

"(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects conducted under this section, including requirements that—

"(A) each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children under the age of 6 at each site; and

"(B) each food service site operated by any of the organizations shall meet applicable State and local health, safety, and sanitation standards.

"(c) PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—A project conducted under this section shall—

"(A) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program established under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of the project.

"(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without submitting an application.

"(d) FUNDING PRIORITIES.—From the amount described in subsection (f), the Secretary shall provide funding for projects carried out under this section for a particular fiscal year (referred to in this subsection as the 'current fiscal year') in the following order of priority, to the maximum extent practicable:

"(1) The Secretary shall first provide such funding to entities and organizations, each of which—

"(A) received funding under this section or section 18(c) (as in effect on the day before the date of enactment of this section) to carry out a project for the preceding fiscal year; and

"(B) is eligible to receive funding under this section to carry out the project for the current fiscal year;

to enable the entity or organization to carry out the project under this section for the current fiscal year at the level of service provided by the project during the preceding fiscal year.

"(2) From the portion of the amount that remains after the application of paragraph (1), the Secretary shall provide funds to entities and organizations, each of which is eligible to receive funding under this section, to enable the entity or organization to carry out a new project under this section for the current fiscal year, or

to expand the level of service provided by a project for the current fiscal year over the level provided by the project during the preceding fiscal year.

"(e) NOTICE.—The Secretary shall advise each State of the availability of the projects conducted under this subsection for States, cities, counties, local governments, and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(f) FUNDING.—

"(1) IN GENERAL.—From funds made available under section 7(a)(5)(B)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)), the Secretary shall expend $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out this section.

"(2) EXCEPTION.—The Secretary may expend less than the amount described in paragraph (1) if there is an insufficient number of suitable applicants to carry out projects under this section. Any funds made available under this subsection to carry out the projects for a fiscal year that are not obligated to carry out the projects in the fiscal year shall remain available until expended for purposes of carrying out the projects.

"(g) DEFINITION OF EMERGENCY SHELTER.—As used in this section, the term 'emergency shelter' has the meaning provided in section 321(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351(2)).".

(b) DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.—Subsection (c) of section 18 of the National School Lunch Act (42 U.S.C. 1769(c)) is amended to read as follows:

"(c)(1) Using the funds provided under paragraph (7), the Secretary shall conduct at least 1 demonstration project through a participating entity during each of fiscal years 1995 through 1998 that is designed to provide food and nutrition services throughout the year to—

"(A) homeless pregnant women; and

"(B) homeless mothers or guardians of infants, and the children of the mothers and guardians.

"(2) To be eligible to obtain funds under this subsection, a homeless shelter, transitional housing organization, or other entity that provides or will provide temporary housing for individuals described in paragraph (1) shall (in accordance with guidelines established by the Secretary)—

"(A) submit to the Secretary a proposal to provide food and nutrition services, including a plan for coordinating the services with services provided under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(B) receive the approval of the Secretary for the proposal;

"(C) be located in an urban area that has—

"(i) a significant population of boarder babies;

"(ii) a very high rate of mortality for children under 1 year of age; or

"(iii) a significant population of homeless pregnant women and homeless women with infants;

as determined by the Secretary; and

"(D) be able to coordinate services provided under this subsection with the services provided by the local government and with other programs that may assist the participants receiving services under this subsection.

"(3) Food and nutrition services funded under this subsection—

"(A) may include—

"(i) meals, supplements, and other food;

"(ii) nutrition education;

"(iii) nutrition assessments;

"(iv) referrals to—

"(I) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(II) the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(III) other public or private programs and services;

"(v) activities related to the services described in any of clauses (i) through (iv); and

"(vi) administrative activities related to the services described in any of clauses (i) through (v); and

"(B) may not include the construction, purchase, or rental of real property.

"(4)(A) A participating entity shall—

"(i) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program under section 17 for free meals and supplements;

"(ii) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the entity; and

"(iii) maintain a policy of not providing services or assistance to pregnant women, or homeless women with infants, who use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(B) The Secretary may modify the meal pattern requirements to take into account the needs of infants, homeless pregnant women, homeless mothers, guardians of infants, or the children of the women, mothers, or guardians.

"(C) The Secretary shall provide funding to a participating entity for services described in paragraph (3) that are provided to individuals described in paragraph (1).

"(5) The Secretary shall impose such auditing and recordkeeping requirements as are necessary to monitor the use of Federal funds to carry out this subsection.

"(6) The Secretary shall periodically report to the appropriate committees of Congress on projects carried out under this subsection.

"(7)(A) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $400,000 for each of fiscal years 1995 through 1998 to carry out this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) Any funds provided under subparagraph (A) to carry out projects under this subsection for a fiscal year that are not obligated in the fiscal year shall be used by the Secretary to carry out the homeless children nutrition program established under section 17B.

"(8) As used in this subsection:

"(A) The term 'boarder baby' means an abandoned infant described in section 103(1) of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 42 U.S.C. 670 note).

"(B) The term 'nutrition education' has the meaning provided in section 17(b)(7) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(7)).".

SEC. 117. PILOT PROJECTS.

(a) FORTIFIED FLUID MILK.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(e)(1) Subject to the availability of appropriations to carry out this subsection, the Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

"(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this Act.

"(3) The fortification requirements for fluid milk for the pilot project referred to in paragraph (1) shall provide that—

"(A) all whole milk in final package form for beverage use shall contain not less than—

"(i) 3.25 percent milk fat; and

"(ii) 8.7 percent milk solids not fat;

"(B) all lowfat milk in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

"(C) all skim milk in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

"(4)(A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot project.

"(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

"(5) Not later than 2 years after the establishment of pilot projects under this subsection, the Secretary shall report to the appropriate committees of Congress on—

"(A) the acceptability of fortified whole, lowfat, and skim milk products to participating children;

"(B) the impact of offering the milk on milk consumption;

"(C) the views of the school food service authorities on the pilot projects; and

"(D) any increases or reductions in costs attributed to the pilot projects.

"(6) The Secretary shall—

"(A) obtain copies of any research studies or papers that discuss the impact of the fortification of milk pursuant to standards established by the States; and

"(B) on request, make available to State agencies and the public—

"(i) the information obtained under subparagraph (A); and

"(ii) information about where to obtain milk described in paragraph (3).

"(7)(A) The pilot projects established under this subsection shall terminate on the last day of the third year after the establishment of the pilot projects.

"(B) The Secretary shall advise representatives of all districts participating in the pilot projects that the districts may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.".

(b) INCREASED CHOICES OF FRUITS, VEGETABLES, LEGUMES, CEREALS, AND GRAIN-BASED PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of fruits, vegetables, legumes, cereals, and grain-based products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

(c) INCREASED CHOICES OF LOWFAT DAIRY PRODUCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of lowfat dairy products and lean meat and poultry products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of the school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

SEC. 118. FOOD SERVICE MANAGEMENT INSTITUTE.

(a) REQUIRED ACTIVITIES.—Section 21(c)(2) of the National School Lunch Act (42 U.S.C. 1769b–1(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "and" at the end of clause (viii);

(B) by redesignating clause (ix) as clause (x); and

(C) by inserting after clause (viii) the following new clause:

"(ix) culinary skills; and";

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(F) training food service personnel to comply with the nutrition guidance and objectives of section 24 through a national network of instructors or other means;

"(G) preparing informational materials, such as video instruction tapes and menu planners, to promote healthier food preparation; and

"(H) assisting State educational agencies in providing additional nutrition and health instructions and instructors, including training personnel to comply with the nutrition guidance and objectives of section 24.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21 (42 U.S.C. 1769b–1) is amended—

(1) in subsection (a)(1), by striking "from" and inserting "subject to the availability of, and from,"; and

(2) by striking subsection (e) and inserting the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated $3,000,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, and $1,000,000 for each of fiscal years 1992 through 1998 for purposes of carrying out subsection (a)(1).

"(2) FOOD SERVICE MANAGEMENT INSTITUTE.—

"(A) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $2,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out subsection (a)(2). The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) ADDITIONAL FUNDING.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out subsection (a)(2) $2,000,000 for each of fiscal years 1995 through 1998. The Secretary shall carry out activities under subsection (a)(2), in addition to the activities funded under subparagraph (A), to the extent provided for, and in such amounts as are provided for, in advance in appropriations Acts.".

SEC. 119. COMPLIANCE AND ACCOUNTABILITY.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Technology Assessment shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that analyzes—

(1) the status of the coordinated review system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 120. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) in recent years, there has been an alarming number of instances of price-fixing and bid-rigging regarding foods purchased for—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(2) effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools;

(3) reducing the incidence of price-fixing and bid-rigging in connection with the school lunch and breakfast programs could save school districts, parents, and taxpayers millions of dollars per year; and

(4) the Comptroller General of the United States has noted that bid-rigging awareness training is an effective means of deterring improper collusion and bid-rigging.

(b) NONPROCUREMENT DEBARMENT.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing the activities.

"(b) DEFINITIONS.—As used in this section:

"(1) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the summer food service program for children established under section 13;

"(C) the child and adult care food program established under section 17;

"(D) the homeless children nutrition program established under section 17B;

"(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

"(F) the school breakfast program established under section 4 of such Act (42 U.S.C. 1773); and

"(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786).

"(2) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods or services in relation to the participation of a local agency in a child nutrition program.

"(3) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(4) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(5) PERSON.—The term 'person' means any individual, corporation, partnership, association, cooperative, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (e), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include a situation in which a contractor is found guilty in any criminal proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods or services to any local agency in connection with a child nutrition program, of—

"(A) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(B) fraud, bribery, theft, forgery, or embezzlement;

"(C) knowingly receiving stolen property;

"(D) making a false claim or statement; or

"(E) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment or for other good cause (as determined by the Secretary), the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 1 year.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 3 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this section shall restrict the ability of the Secretary to—

"(i) reverse a debarment decision;

"(ii) reduce the period or scope of a debarment;

"(iii) grant an exception permitting a debarred contractor to participate in a particular contract to provide goods or services; or

"(iv) otherwise settle a debarment action at any time;

in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action, after taking into account factors set forth in paragraphs (1) through (6) of subsection (e).

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate the nonprocurement debarment proceedings described in subsection (d)(1) against the contractor who has committed a cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person that is not involved in the improper activity that would otherwise result in the debarment;

"(4) is likely to have significant adverse economic impacts on the local economy in a manner that is unfair to innocent parties;

"(5) is not justified in light of the penalties already imposed on the contractor for violations relevant to the proposed debarment; or

"(6) is not in the public interest, or otherwise is not in the interests of justice, as determined by the Secretary.

"(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.".

(c) APPLICABILITY.—Section 25 of the National School Lunch Act (as added by subsection (b)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the effective date of section 25 of such Act.

(d) NO REDUCTION IN AUTHORITY TO DEBAR OR SUSPEND A PERSON FROM FEDERAL FINANCIAL AND NONFINANCIAL ASSISTANCE AND BENEFITS.—The authority of the Secretary of Agriculture that exists on the day before the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities shall not be diminished or reduced by this Act or the amendment made by subsection (b).

SEC. 121. NUTRITION EDUCATION PROMOTION PROGRAM.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 120(b)) is further amended by adding at the end of each the following new section:

"SEC. 26. NUTRITION EDUCATION PROMOTION PROGRAM.

"(a) IN GENERAL.—The Secretary, using amounts received under subsection (d), shall establish a nutrition education promotion program to promote healthy eating habits among participants in the domestic food assistance programs of the Department.

"(b) CONDUCT OF PROGRAM.—In carrying out the program described in subsection (a), the Secretary may—

"(1) develop or assist other persons in developing appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting nutrition education;

"(2) distribute or assist other persons in distributing the materials to appropriate public or private individuals and entities; and

"(3) provide funds to public or private individuals and entities, including teachers, child care providers, physicians, health professional organizations, food service personnel, school food authorities, and community-based organizations for the purpose of assisting the individuals and entities in conducting nutrition education promotion programs to promote healthy eating habits among the participants in the domestic food assistance programs of the Department.

"(c) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements with, and make grants to, Federal agencies, State, and local governments, and

other entities, to carry out the program described in subsection (a).

"(d) GIFTS, BEQUESTS, AND DEVISES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sale of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement on order of the Secretary.

"(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that would ensure that the acceptance of any gifts, bequests, or devises would not—

"(A) reflect unfavorably on the ability of the Secretary to carry out the responsibilities of the Secretary in a fair and objective manner; or

"(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.".

SEC. 122. INFORMATION CLEARINGHOUSE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 121) is further amended by adding at the end the following new section:

"SEC. 27. INFORMATION CLEARINGHOUSE.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a nongovernmental organization described in subsection (b) to establish and maintain a clearinghouse to provide information to nongovernmental groups located throughout the United States that assist low-income individuals or communities regarding food assistance, self-help activities to aid individuals in becoming self-reliant, and other activities that empower low-income individuals or communities to improve the lives of low-income individuals and reduce reliance on Federal, State, or local governmental agencies for food or other assistance.

"(b) NONGOVERNMENTAL ORGANIZATION.—The nongovernmental organization referred to in subsection (a) shall be selected on a competitive basis and shall—

"(1) be experienced in the gathering of first-hand information in all the States through onsite visits to grassroots organizations in each State that fight hunger and poverty or that assist individuals in becoming self-reliant;

"(2) be experienced in the establishment of a clearinghouse similar to the clearinghouse described in subsection (a);

"(3) agree to contribute in-kind resources towards the establishment and maintenance of the clearinghouse and agree to provide clearinghouse information, free of charge, to the Secretary, States, counties, cities, antihunger groups, and grassroots organizations that assist individuals in becoming self-sufficient and self-reliant;

"(4) be sponsored by an organization, or be an organization, that—

"(A) has helped combat hunger for at least 10 years;

"(B) is committed to reinvesting in the United States; and

"(C) is knowledgeable regarding Federal nutrition programs;

"(5) be experienced in communicating the purpose of the clearinghouse through the media, including the radio and print media, and be able to provide access to the clearinghouse information through computer or telecommunications technology, as well as through the mails; and

"(6) be able to provide examples, advice, and guidance to States, counties, cities, communities, antihunger groups, and local organizations regarding means of assisting individuals and communities to reduce reliance on government programs, reduce hunger, improve nutrition, and otherwise assist low-income individuals and communities become more self-sufficient.

"(c) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

"(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, $200,000 for each of fiscal years 1995 and 1996, $150,000 for each of fiscal years 1997 and 1998, and $75,000 for fiscal year 1999. The Secretary shall be entitled to receive the funds and shall accept the funds.".

SEC. 123. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 122) is further amended by adding at the end the following new section:

"SEC. 28. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' means individuals, each of which is—

"(A) a participant in a covered program; and

"(B) an individual with a disability, as defined in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) for purposes of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that the Secretary determines is appropriate.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food service authority, or institution or organization, that participates in a covered program.

"(b) GUIDANCE.—

"(1) DEVELOPMENT.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall develop and approve guidances for accommodating the medical and special dietary needs of children with disabilities under covered programs in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) TIMING.—In the case of the school lunch program established under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary shall develop the guidance as required by paragraph (1) not later than 90 days after the date of enactment of this section.

"(3) DISTRIBUTION.—Not later than 60 days after the date that the development of the guidance relating to a covered program is completed, the Secretary shall distribute the guidance to school food service authorities, and institutions and organizations, participating in the covered program.

"(4) REVISION OF GUIDANCE.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall periodically update and approve the guidance to reflect new scientific information and comments and suggestions from persons carrying out covered programs, recognized medical authorities, parents, and other persons.

"(c) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations provided in advance to carry out this subsection, the Secretary shall make grants on a competitive basis to State educational agencies for distribution to eligible entities to assist the eligible entities with nonrecurring expenses incurred in accommodating the medical and special dietary needs of children with disabilities in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) ADDITIONAL ASSISTANCE.—Subject to paragraph (3)(A)(iii), assistance received through grants made under this subsection shall be in addition to any other assistance that State educational agencies and eligible entities would otherwise receive.

"(3) ALLOCATION BY SECRETARY.—

"(A) PREFERENCE.—In making grants under this subsection for any fiscal year, the Secretary shall provide a preference to State educational agencies that, individually—

"(i) submit to the Secretary a plan for accommodating the needs described in paragraph (1), including a description of the purpose of the project for which the agency seeks such a grant, a budget for the project, and a justification for the budget;

"(ii) provide to the Secretary data demonstrating that the State served by the agency has a substantial percentage of children with medical or special dietary needs, and information explaining the basis for the data; or

"(iii) demonstrate to the satisfaction of the Secretary that the activities supported through such a grant will be coordinated with activities supported under other Federal, State, and local programs, including—

"(I) activities carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(III) activities carried out under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) or by the food service management institute established under section 21.

"(B) REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency under this subsection that are not used by the agency within a reasonable period (as determined by the Secretary).

"(C) APPLICATIONS.—The Secretary shall allow State educational agencies to apply on an annual basis for assistance under this subsection.

"(4) ALLOCATION BY STATE EDUCATIONAL AGENCIES.—In allocating funds made available under this subsection within a State, the State educational agency shall give a preference to eligible entities that demonstrate the greatest ability to use the funds to carry out the plan submitted by the State in accordance with paragraph (3)(A)(i).

"(5) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources to accommodate the needs described in paragraph (1) shall not be diminished as a result of grants received under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 1995 through 2000 to carry out this subsection.".

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) TECHNICAL ASSISTANCE FOR SCHOOL BREAKFAST PROGRAM.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide through State educational agencies technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school breakfast program established under this section, to schools participating in the school breakfast program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide through State educational agencies additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) STARTUP AND EXPANSION OF SCHOOL BREAKFAST PROGRAM AND SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Subsection (g) of section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773(g)) is amended to read as follows:

"STARTUP COSTS

"(g)(1) The Secretary shall make payments, totalling not less than $5,000,000 for each of fiscal years 1991 through 1996, $6,000,000 for each of fiscal years 1997 and 1998, and $7,000,000 for fiscal year 1999 and each subsequent fiscal year, on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(2) Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(3) To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs.

"(4) In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year;

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(5) In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the national school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(6) The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(7) The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(8) Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a breakfast program or a summer food service program for children, respectively.

"(9) Expenditures of funds from State and local sources for the maintenance of the breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.

"(10) As used in this subsection:

"(A) The term 'eligible school' means a school—

"(i) attended by children a significant percentage of whom are members of low-income families; and

"(ii) that agrees to operate the breakfast program established with the assistance provided under this section for a period of not less than 3 years.

"(B) The term 'service institutions' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(B) or (7)).

"(C) The term 'summer food service program for children' means a program authorized by section 13 of such Act (42 U.S.C. 1761).".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) FUNDING FOR HOMELESS CHILDREN NUTRITION PROGRAM.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "paragraphs (2), (3), and (4) of this subsection" and inserting "paragraphs (2) through (5)"; and

(2) in paragraph (5), by striking subparagraph (B) and inserting the following new subparagraph:

"(B)(i) Notwithstanding any other provision of this subsection, of the amounts that are provided under paragraph (1), before making the allocations required under paragraphs (2), (3), and (4), the Secretary shall allocate $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out section 17B of the National School Lunch Act.

"(ii) After making the allocations required under clause (i) and paragraphs (2), (3), and (4), the Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.".

(b) WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Section 7(a) of such Act (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

"(9)(A) If the Secretary determines that the administration of any program by a State under this Act (other than section 17) or under the National School Lunch Act (42 U.S.C. 1751 et seq.), or compliance with a regulation issued to carry out a program pursuant to either of such Acts, is seriously deficient, and the State fails to correct the deficiency within a period of time specified by the Secretary, the Secretary may withhold from the State all or part of the funds allocated to the State under this section and sections 13(k)(1) and 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

"(B) On a subsequent determination by the Secretary that the administration of the program for which the Secretary withheld funds under subparagraph (A), or compliance with the regulation issued to carry out the program, is no longer seriously deficient and is carried out in an acceptable manner, the Secretary may allocate all or part of the funds withheld under subparagraph (A) to the State.".

(c) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking "1994" and inserting "1998".

(d) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in each study or survey of a program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) that is conducted by the Secretary.".

SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (c), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking "Such regulations" and inserting "(1) The regulations"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall develop and provide to elementary schools, through each State agency, model language that bans the sale of competitive foods of minimal nutritional value anywhere on elementary school grounds before the end of the last lunch period.

"(3) The Secretary shall provide to secondary schools, through State agencies, a copy of regulations (in existence on the effective date of this paragraph) concerning the sale of competitive foods of minimal nutritional value.

"(4) Paragraphs (2) and (3) shall not apply to a State that has in effect a ban on the sale of competitive foods of minimal nutritional value in schools in the State.".

SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) DEFINITION OF NUTRITIONAL RISK.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after "health," at the end of subparagraph (C) the following new subparagraph: "(D) conditions that directly affect the nutritional health of a person, such as alcoholism or drug abuse,"; and

(3) in subparagrah (E) (as so redesignated), by striking "alcoholism and drug addiction, homelessness, and" and inserting "homelessness and".

(b) PRESUMPTIVE ELIGIBILITY.—Section 17(d)(3) of such Act (42 U.S.C. 1786(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) Under the procedures, a pregnant woman who meets the income eligibility standards shall be considered presumptively eligible to participate in the program and shall be certified for participation immediately, without delaying certification until an evaluation is made concerning nutritional risk. A nutritional risk evaluation of the woman shall be completed not later than 60 days after the woman is certified for participation. If it is subsequently determined that the woman does not meet nutritional risk criteria, the certification of the woman shall terminate on the date of the determination.".

(c) TECHNICAL CORRECTIONS.—Section 17(e) of such Act (42 U.S.C. 1786(e)) is amended by redesignating paragraph (3) (as added by section 123(a)(3)(D) of the Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101-147; 103 Stat. 895)) and paragraphs (4) and (5) as paragraphs (4), (5), and (6), respectively.

(d) COORDINATION OF WIC AND MEDICAID PROGRAMS USING MANAGED CARE PROVIDERS.—Section 17(f)(1)(C)(iii) is amended by inserting before the semicolon at the end the following: ", including medicaid programs that use managed care providers under section 1903(m) or 1915(b) of the Social Security Act (42 U.S.C. 1396b(m) or 1396n(b)) (including coordination through the referral of potentially eligible women, infants, and children between the program authorized under this section and the medicaid program)".

(e) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—The first sentence of section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: "and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time".

(f) INCOME ELIGIBILITY GUIDELINES.—Paragraph (18) of section 17(f) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

"(18) Not later than July 1 of each year, a State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).".

(g) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

"(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which the funds are collected for the purpose of carrying out the program.".

(h) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in the first sentence of subsection (g)(1), by striking "1991, 1992, 1993, and 1994" and inserting "1991 through 1998"; and

(2) in the first sentence of subsection (h)(2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1990 through 1998".

(i) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking "and administration of pilot projects" and inserting "administration of pilot projects";

(2) by inserting before the period at the end the following: ", and carrying out technical assistance and research evaluation projects of the programs established under this section"; and

(3) by adding at the end the following new sentence: "The Secretary may allow the interagency transfer of funds made available to carry out this paragraph to Federal and other agencies to carry out projects and initiatives that are consistent with program goals.".

(j) BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—

(1) IN GENERAL.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(A) in subparagraph (A)(i)(II), by striking "$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),"; and

(B) by adding at the end the following new subparagraph:

"(E) The national minimum breastfeeding promotion expenditure shall be—

"(i) with respect to fiscal year 1995, the amount that is equal to $21 multiplied by the number of pregnant women and breastfeeding women participating in the program, based on the average number of pregnant women and breastfeeding women during the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii).".

(2) IMPLEMENTATION.—The Secretary of Agriculture may permit a State agency a period of not more than 2 years after the effective date of this subsection to comply with the expenditure required by reason of the amendments made by paragraph (1).

(k) DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E)(i) not later than 1 year after the effective date of this subparagraph, develop uniform requirements for the collection of data regarding the incidence and duration of breastfeeding among participants in the program; and

"(ii) effective beginning on the date of the establishment of the uniform requirements, require each State agency to report the data for inclusion in the report to Congress described in subsection (d)(4).".

(l) SUBMISSION OF INFORMATION TO CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(m) COST CONTAINMENT.—

(1) IN GENERAL.—Section 17(h)(8)(G) (42 U.S.C. 1786(h)(8)(G)) is amended—

(A) in clause (i)—

(i) in the first sentence, by striking "The" and inserting "During each of fiscal years 1995 and 1996, the"; and

(ii) by striking the second sentence and inserting the following new sentence: "If an offer made under the preceding sentence results in the implementation of contracts by 2 or more State agencies, the Secretary shall also make offers in accordance with the preceding sentence during each of fiscal years 1997 and 1998.";

(B) in clause (viii), by inserting after the first sentence the following new sentence: "In conducting an offer under this clause, the Secretary shall attempt to develop and use procurement procedures that are likely to be broadly acceptable among State agencies."; and

(C) by adding at the end the following new clause:

"(ix) If an offer made under clause (i) results in the implementation of contracts by 2 or more State agencies, the Secretary shall promptly offer to solicit bids on behalf of State agencies regarding cost containment contracts to be entered into by infant cereal or infant juice manufacturers, or both, and State agencies. In carrying out this clause, the Secretary shall, to the maximum extent feasible, follow the procedures prescribed in this subparagraph regarding offers made by the Secretary with regard to soliciting bids regarding infant formula cost containment contracts. If the offer of the Secretary to solicit bids regarding cost containment contracts for infant cereal or infant juice, or both, results in the implementation of contracts by 2 or more State agencies, the Secretary shall renew the offer at appropriate intervals.".

(2) REPEAL OF TERMINATION OF AUTHORITY.—Section 209 of the WIC Infant Formula Procurement Act of 1992 (Public Law 102-512; 42 U.S.C. 1786 note) is repealed.

(n) PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State shall not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on the funds is used to carry out the program.".

(o) USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.—Section 17(h) of such Act (42 U.S.C. 1786(h)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of fiscal years 1995 through 1998, the Secretary shall use, for the purposes specified in subparagraph (B), the lesser of $10,000,000 or the amount of unspent funds for nutrition services and administration from the previous fiscal year.

"(B) Funds under subparagraph (A) shall be used for—

"(i) the development of infrastructure for the program under this section, including management information systems;

"(ii) special State projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.".

(p) SPENDBACK FUNDS.—Section 17(i)(3) of such Act (42 U.S.C. 1786(i)(3)) is amended—

(1) in subparagraph (A)(i), by inserting "(except as provided in subparagraph (H))" after "1 percent"; and

(2) by adding at the end the following new subparagraph:

"(H) The Secretary may authorize a State agency to expend not more than 3 percent of the amount of funds allocated to a State under this section for supplemental foods for a fiscal year for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that there has been a significant reduction in rebates provided to the State agency that would affect the ability of the State agency to at least maintain the level of participation by eligible participants served by the State agency.".

(q) ELIMINATION OF DUPLICATIVE MIGRANT REPORTS.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (d)(4), by inserting after "Congress" the following: "and the National Advisory Council on Maternal, Infant, and

Fetal Nutrition established under subsection (k)"; and

(2) by striking subsection (j).

(r) INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.—Section 17 of such Act (42 U.S.C. 1786) (as amended by subsection (q)(2)) is further amended by inserting after subsection (i) the following new subsection:

"(j)(1) The Secretary and the Secretary of Health and Human Services (referred to in this subsection as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers than are served on the date of enactment of the Better Nutrition and Health for Children Act of 1994.

"(2) The initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) the development and implementation of strategies to ensure that, to the maximum extent feasible, new community health centers, migrant health centers, and other federally supported health care facilities established in medically underserved areas provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) The initiative may include—

"(A) outreach and technical assistance for State and local agencies and the health centers referred to in subparagraphs (A) and (B) of paragraph (2);

"(B) demonstration projects in selected States or local areas; and

"(C) such other activities as the Secretaries consider appropriate.

"(4) As used in this subsection:

"(A) The term 'community health center' has the meaning provided in section 330(a) of the Public Health Service Act (42 U.S.C. 254c(a)).

"(B) The term 'migrant health center' has the meaning provided in section 329(a)(1) of such Act (42 U.S.C. 254b(a)(1)).".

(s) FARMERS' MARKET NUTRITION PROGRAM.—

(1) MATCHING REQUIREMENT FOR INDIAN STATE AGENCIES.—Section 17(m)(3) of such Act (42 U.S.C. 1786(m)(3)) is amended by adding at the end the following new sentence: "The Secretary may negotiate with an Indian State agency a lower percentage of matching funds than is required under the preceding sentence, but not lower than 10 percent of the total cost of the program, if the Indian State agency demonstrates to the Secretary financial hardship for the affected Indian tribe, band, group, or council.".

(2) EXPANSION.—Section 17(m)(5)(F) of such Act (42 U.S.C. 1786(m)(5)(F)) is amended—

(A) in clause (i), by striking "15 percent" and inserting "17 percent"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use up to 1 percent of total program funds for market development or technical assistance to farmers' markets if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas, or remote rural areas, where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables.".

(3) NOTIFICATION OF AWARD OF FUNDS.—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended by adding at the end the following new sentence: "The Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 15 of each year.".

(4) MINIMUM AMOUNT OF GRANTS.—Section 17(m)(6)(B)(ii) of such Act (42 U.S.C. 1786(m)(6)(B)(ii)) is amended by striking "$50,000" each place it appears and inserting "$75,000".

(5) STATE PLAN SUBMISSION DATE.—Section 17(m)(6)(D)(i) of such Act (42 U.S.C. 1786(m)(6)(D)(i)) is amended by striking "at such time and in such manner as the Secretary may reasonably require" and inserting "by November 15 of each year".

(6) MAINTENANCE OF EFFORT.—Section 17(m)(6)(F)(iii) of such Act (42 U.S.C. 1786(m)(6)(F)(iii)) is amended by striking "reduce in any fiscal year" and inserting "reduce, in the first full fiscal year of the Federal grant,".

(7) ALLOCATION OF ADDITIONAL FUNDS.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(A) in the first sentence of clause (i), by striking "45 to 55 percent" and inserting "60 percent"; and

(B) in the first sentence of clause (ii), by striking "45 to 55 percent" and inserting "40 percent".

(8) DATA COLLECTION REQUIREMENTS.—Section 17(m)(8) of such Act (42 U.S.C. 1786(m)(8)) is amended by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

"(D) if available, information on the change in consumption of fresh fruits and vegetables by recipients;

"(E) if available, information on the effects of the program on farmers' markets; and".

(9) AUTHORIZATION OF APPROPRIATIONS.—Section 17(m)(10)(A) of such Act (42 U.S.C. 1786(m)(10)(A)) is amended by striking "and $8,000,000 for fiscal year 1994" and inserting "$8,000,000 for fiscal year 1994, $10,500,000 for fiscal year 1995, $12,500,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, and $18,000,000 for fiscal year 1998".

(10) ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS OF DEMONSTRATION PROJECTS.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(11) DEFINITION OF STATE AGENCY.—Section 17(m)(11)(D) of such Act (42 U.S.C. 1786(m)(11)(D)) is amended by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(12) PROMOTION BY THE SECRETARY.—The Secretary of Agriculture shall promote the use of farmers' markets by recipients of Federal nutrition programs administered by the Secretary.

(t) CHANGE IN NAME OF PROGRAM.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(B) Section 685(b)(8) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a(b)(8)) is amended by striking "Special Supplemental Food Program for Women, Infants and Children" and inserting "special supplemental nutrition program for women, infants, and children".

(C) Section 3803(c)(2)(C)(x) of title 31, United States Code, is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(D) Section 399(b)(6) of the Public Health Service Act (42 U.S.C. 280c–6(b)(6)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(E) Paragraphs (11)(C) and (53)(A) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) are each amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(F) Section 202(b) of the WIC Infant Formula Procurement Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(3) REFERENCES.—Any reference to the special supplemental food program established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the special supplemental nutrition program established under such section.

SEC. 205. NUTRITION EDUCATION AND TRAINING PROGRAM.

(a) NAME OF PROGRAM.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking "information and education" each place it appears in subsections (b), (c), (d)(1), and (j)(1) and inserting "education and training".

(b) NUTRITION EDUCATION PROGRAMS.—The second sentence of section 19(c) of such Act (42 U.S.C. 1788(c)) is amended—

(1) in subparagraph (B), by striking "school food service" and inserting "child nutrition program";

(2) by striking "and" at the end of subparagraph (C); and

(3) by inserting before the period at the end the following: "; and (E) providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health".

(c) NUTRITION EDUCATION AND TRAINING.—Section 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

(1) in paragraph (1)(C), by inserting before the period at the end the following: ", and the provision of nutrition education to parents and caregivers";

(2) in the first sentence of paragraph (4), by striking "educational and school food service personnel" and inserting "educational, school food service, child care, and summer food service personnel"; and

(3) in the first sentence of paragraph (5), by inserting after "schools" the following: ", and in child care institutions and summer food service institutions,".

(d) USE OF FUNDS.—Section 19(f) of such Act (42 U.S.C. 1788(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) The funds made available under this section may, under guidelines established by the Secretary, be used by a State educational agency for—

"(A) employing a nutrition education specialist to coordinate the program, including travel and related personnel costs;

"(B) undertaking an assessment of the nutrition education needs of the State;

"(C) developing and carrying out a State plan of operation and management for nutrition education;

"(D) coordinating and promoting nutrition education and training activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, the child nutrition programs);

"(E) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purpose of this section;

"(F) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(G) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children to practice sound eating habits;

"(H) developing means of providing nutrition education to children, and families of children, through after-school programs;

"(I) creating instructional programming for teachers, food service personnel, and parents on the relationships between nutrition and health and the role of the Food Guide Pyramid established by the Secretary;

"(J) encouraging public service advertisements to promote healthy eating habits for children; and

"(K) achieving related nutrition education purposes, including the preparation, testing, distribution, and evaluation of visual aids and other informational and educational materials."; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) A State agency may use an amount equal to not more than 15 percent of the funds made available through a grant under this section for expenditures for overall administrative and supervisory or program purposes in connection with the program authorized under this section if the State makes available at least an equal amount for the expenditures.".

(e) STATE COORDINATORS FOR NUTRITION; STATE PLAN.—Section 19(h) of such Act (42 U.S.C. 1788(h)) is amended—

(1) in the first sentence of paragraph (2), by inserting "and training" after "education"; and

(2) in the third sentence of paragraph (3)—

(A) by striking "and" at the end of subparagraph (D); and

(B) by inserting before the period at the end the following: "; and (F) a comprehensive plan for providing nutrition education during the first fiscal year beginning after the submission of the plan and the succeeding 4 fiscal years".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is amended by striking "nutrition education and information programs" and all that follows through the period at the end and inserting "nutrition education and training programs $10,000,000 for fiscal year 1995 and each subsequent fiscal year.".

(g) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which the funds were received by the State.".

TITLE III—EFFECTIVE DATES

SEC. 301. EFFECTIVE DATES.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on October 1, 1994.

THE BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

Mr. LUGAR. Mr. President, I rise to support legislation before us today to reauthorize the special supplemental nutrition program for women, infants and children [WIC], the summer food service program, the commodity distribution program, the nutrition education and training program, the homeless preschool program, and the State administrative expenses program. The legislation also makes improvements to these programs and those child nutrition programs which are already permanently authorized—the school lunch, school breakfast, child and adult care food, and special milk programs.

Although the fiscal starting-point for this bill was an administration budget that did not provide for any child nutrition program expansions other than WIC, this legislation does include provisions that will make our child nutrition resources go farther. The bill strengthens breastfeeding promotion in the WIC program, gives schools with high rates of free and reduced-price participation greater opportunities for reducing paperwork, and assists with school breakfast and summer food service program start-up and expansion, so that more children will have access to these programs.

The bill also extends a pilot project on alternative eligibility for the child and adult care food program, on which Senator MCCONNELL has done important work, and includes provisions developed by Senator DOLE to improve program accessibility for children with disability-related special dietary needs. At Senator GORTON'S suggestion, the bill includes language on informing summer food service program sponsors of sources of funding to support all-day activities at their sites.

The bill makes administrative improvements to the WIC Farmers' Market Program which were advocated by Senator GRASSLEY, among others. It also includes language development by the distinguished chairman to prevent fraud and bid-rigging in the child nutrition programs by establishing mandatory debarment periods and providing for relevant technical assistance and training for State and local agencies.

I am very pleased that the bill includes legislation I first introduced in 1991 to eliminate the Federal mandate on the types of milk schools must offer with lunch. Current law requires schools to offer whole and low-fat unflavored milk with lunch. My legislation gives local school food service personnel the authority to make the decision. During hearings on reauthorization, the Committee on Agriculture, Nutrition, and Forestry heard testimony in support of my legislation from numerous nutrition experts.

The bill before us allows States and schools to decide what types of milk to serve. Removing the Federal mandates will give school food service professionals more administrative flexibility and assist their efforts to follow the dietary guidelines. I thank the distinguished chairman for including my legislation in his original bill and also thank Senator CRAIG and other members of the committee for assisting in working out a compromise on this provision.

Mr. President, the legislation before us today is the product of much hard work by all the members of this committee and their staffs. I thank the chairman in particular for his leadership on this legislation, and urge my colleagues to support its speedy passage.

Mr. President, I would like to take this opportunity to reiterate that the sole purpose of the optional model language referred to in section 203 of the bill is to provide for expanding the time and place restrictions on the sale in elementary schools of competitive foods of minimal nutritional value, as currently defined.

Mr. LEAHY. There is one additional clarification to the bill that I intend to make at conference. The issue was brought to my attention too late to include in either the bill or the committee amendment to the bill which are before us today.

Section 105 of the bill deals with the use of free and reduced-price meal information. The intent of the provision is to permit the use of such information to identify low-income students for potential eligibility in other programs, while at the same time securing the privacy of those children and their families.

Toward this end, the provision limits the disclosure of data to the eligibility status of the child, prohibiting the disclosure of any specific family information without the written consent of the parent or guardian.

The bill limits disclosure of eligibility status to use for other State or local health or education programs. This unintentionally may be read as prohibiting its use in identifying eligibility for Federal education programs.

In conference I will work to make sure that the language in section 105 is changed to assure the availability of free and reduced-price lunch data for use in the implementation of Federal education programs at the school level.

Senator PELL, chairman of the Subcommittee on Education, Arts and Humanities, is supportive of this change, as it would allow the Congress to permit better targeting of the Chapter 1 program and other Federal education programs on low-income students.

Mr. LUGAR. I agree that this clarification is a good idea. I will work with you in conference with the House to see that this amendment is made to the child nutrition reauthorization bill.

It is my understanding that the committee does not intend for the Secretary of Agriculture, in issuing regulations implementing section 120 of this legislation, to revise the provisions contained in section 3017.220 of title VII of the Code of Federal Regulations.

Mr. LEAHY. That is my understanding as well.

Mr. COCHRAN. Mr. President, the committee amendment to S. 1614 includes language that will direct the Secretary to utilize the Food Service Management Institute at the University of Mississippi to assist in implementing dietary or nutritional initiatives undertaken by the Secretary.

It is my understanding that this would include, but not be limited to, the Secretary's dietary guidelines initiative, if made final, aimed at improving the quality of school meals. I have discussed this with Assistant Secretary Haas and it is my further understanding that from funds appropriated to implement these initiatives, the Department will compensate the institute for any expenses incurred associated with these additional new activities.

Mr. LEAHY. It is my understanding that the Secretary would compensate the institute for these additional expenses including those associated with its assistance in implementing the Secretary's initiative should that initiative be made final.

Mr. LUGAR. This represents my understanding as well.

Mr. COCHRAN. I thank my colleagues for these clarifications. Mr. President, I ask unanimous consent that a copy of a letter from Assistant Secretary Ellen Haas outlining the Department of Agriculture's intentions to utilize the Food Service Management Institute be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: It was a pleasure to speak with you recently to discuss the School Meals Initiative for Healthy Children that Secretary Espy and I recently announced. As you know, the goal of this ambitious proposal is to ensure that our Nation's children have access to healthy meals at school. In the course of our conversation, we discussed how the Food Service Management Institute can contribute to the initiative. Substantial training and technical assistance will be necessary to prepare school food personnel to successfully implement the updated nutrition standards. The Department of Agriculture (USDA) will need a broad coalition of trainers, and nutrition professionals to be successful. I want to assure you that we recognize that the Food Service Management Institute can be a valuable member of this coalition to improve nutrition in the school meals programs.

I understand that under the Senate version of the child nutrition reauthorization bill (S. 1614) USDA could use a non-competitive process to work with the Institute on activities that the Secretary designates as helpful to schools across the nation in implementing the School Meals Initiative.

In this regard, USDA intends to provide funds to the Institute for these additional activities from an account established to implement section 6(a)(3) of the National School Lunch Act established to carry out training and technical assistance efforts related to implementing the School Meals Initiative.

I hope this clarifies our intent, and I look forward to working with you and the Institute.

Sincerely,

ELLEN HAAS,
Assistant Secretary for
Food and Consumer Services.

So the bill (S. 1614), as amended, was deemed read the third time, and passed.

(The text of the bill, as passed, will appear in a future edition of the RECORD.)

FEDERAL CROP INSURANCE REFORM ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 507, S. 2095, the Federal Crop Insurance Reform Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2095) to reform the Federal crop insurance program, and for other purposes

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition and Forestry, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Crop Insurance Reform Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—CATASTROPHIC RISK AND ADDITIONAL COVERAGE INSURANCE

Sec. 101. Authority to offer insurance.
Sec. 102. Catastrophic risk protection.
Sec. 103. General coverage levels.
Sec. 104. Premiums.
Sec. 105. Eligibility.
Sec. 106. Yield determinations.
Sec. 107. Insurance policies.
Sec. 108. Claims for losses.
Sec. 109. Reinsurance.
Sec. 110. Funding.
Sec. 111. Advisory Committee for Federal Crop Insurance.
Sec. 112. Management of Corporation.

TITLE II—NONINSURED ASSISTANCE PROGRAM

Sec. 201. Noninsured assistance program.
Sec. 202. Payment and income limitations.

TITLE III—MISCELLANEOUS

Sec. 301. Ineligibility for catastrophic risk and noninsured assistance payments.
Sec. 302. Prevented planting.
Sec. 303. Conforming amendments.
Sec. 304. Effective dates.
Sec. 305. Termination of authority.

(c) REFERENCES TO FEDERAL CROP INSURANCE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

TITLE I—CATASTROPHIC RISK AND ADDITIONAL COVERAGE INSURANCE

SEC. 101. AUTHORITY TO OFFER INSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available (as determined by the Corporation), the Corporation may insure, or provide reinsurance for insurers of, producers of agricultural commodities grown in the United States under 1 or more plans of insurance determined by the Corporation to be adapted to the agricultural commodity concerned. To qualify for coverage under a plan of insurance, the losses of the insured commodity shall be due to drought, flood, or other natural disaster (as determined by the Secretary).

"(2) PERIOD.—Except in the cases of tobacco and potatoes, insurance shall not extend beyond the period during which the insured commodity is in the field. As used in the preceding sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(3) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).";

(2) by striking subsections (c), (e), (g), (l), and (n); and

(3) by redesignating subsections (b), (d), (f), (h), (i), (j), (k), and (m) as subsections (g) through (n), respectively.

SEC. 102. CATASTROPHIC RISK PROTECTION.

Section 508 (7 U.S.C. 1508) (as amended by section 101) is further amended by inserting after subsection (a) the following new subsection:

"(b) CATASTROPHIC RISK PROTECTION.—

"(1) IN GENERAL.—The Corporation shall offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting when the producer is unable, because of drought, flood, or other natural disaster (as determined by the Secretary), to plant crops for harvest on the acreage for that crop year.

"(2) AMOUNT OF COVERAGE.—Catastrophic risk protection shall offer a producer 50 percent loss in yield coverage, on an individual yield or area yield basis, indemnified at 60 percent of the expected market price, or a comparable coverage (as determined by the Corporation).

"(3) PAYMENT.—A catastrophic risk payment may reflect a reduction that is proportionate to the lack of out-of-pocket expenses associated with the failure to plant, grow, or harvest the crop, as determined by the Corporation.

"(4) YIELD AND LOSS BASIS.—A producer shall have the option of basing the catastrophic coverage of the producer on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(5) SALE OF CATASTROPHIC RISK COVERAGE.—

"(A) IN GENERAL.—Catastrophic risk coverage may be offered by—

"(i) private insurance providers, if available in an area; and

"(ii) at the option of the Secretary that is based on considerations of need, local offices of the United States Department of Agriculture (referred to in this title as the 'Department').

"(B) NEED.—For purposes of considering need under subparagraph (A)(ii), the Secretary may take into account the most efficient and cost-effective use of resources, the availability of personnel, fairness to local producers, the needs and convenience of local producers, and the availability of private insurance carriers.

"(6) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of catastrophic risk protection, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid at the service point, at the local office of the Department, or to the approved insurance provider, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the Department or the approved insurance provider for operating and administrative expenses for the delivery of catastrophic risk protection policies.

"(7) PARTICIPATION REQUIREMENT.—A producer may obtain catastrophic risk coverage for a crop of the producer on land in the county only if the producer obtains such coverage for the crop on all insurable land of the producer in that county.

"(8) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—

"(A) IN GENERAL.—To be eligible for any price support or production adjustment program or any benefit described in section 371 of the Consolidated Farm and Rural Development Act, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop.

"(B) DEFINITION OF CROP OF ECONOMIC SIGNIFICANCE.—As used in this paragraph, the term 'crop of economic significance' means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit catastrophic risk coverage in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) SIMPLIFICATION.—

"(A) CATASTROPHIC RISK PROTECTION PLANS.—In developing and carrying out the policies and procedures for a catastrophic risk protection plan under this title, the Corporation shall, to the maximum extent practicable, minimize the paperwork required and the complexity and costs of procedures governing applications for, processing, and servicing of the plan for all parties involved.

"(B) OTHER PLANS.—To the extent that the policies and procedures developed under subparagraph (A) may be applied to other plans of insurance offered under this title without jeopardizing the actuarial soundness or integrity of the crop insurance program, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.".

SEC. 103. GENERAL COVERAGE LEVELS.

Section 508 (7 U.S.C. 1508) (as amended by section 102) is further amended by inserting after subsection (b) the following new subsection:

"(c) GENERAL COVERAGE LEVELS.—

"(1) IN GENERAL.—The Corporation shall offer plans of insurance that provide levels of coverage that are greater than the level available under catastrophic risk protection under subsection (b). A producer may purchase such a plan only from an approved insurance provider, if the private insurance is available. Nothing in this paragraph restricts the Corporation from offering insurance plans if coverage from private insurance providers is unavailable.

"(2) TRANSFER OF INSURANCE FILES.—If a producer has already applied for catastrophic risk protection at the local office of the Department and elects to purchase additional coverage, the insurance file for the crop of the producer shall be transferred to the approved insurance provider servicing the additional coverage crop policy.

"(3) YIELD AND LOSS BASIS.—A producer shall have the option of purchasing additional coverage based on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(4) LEVEL OF COVERAGE.—The level of coverage shall be dollar denominated and may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation). By the beginning of the 1996 crop year, the Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

"(5) PRICE LEVEL.—The Corporation shall establish a price level for each commodity on which insurance is offered that—

"(A) shall not be less than the projected market price for the commodity (as determined by the Corporation); or

"(B) at the discretion of the Corporation, may be based on the actual market price at the time of harvest (as determined by the Corporation).

"(6) PRICE ELECTIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), insurance coverage shall be made available to the producer on the basis of any price election that equals or is less than the price election established by the Corporation. The coverage shall be quoted in terms of dollars per acre.

"(B) MINIMUM PRICE ELECTIONS.—The Corporation may establish minimum price elections below which levels of insurance shall not be offered.

"(C) WHEAT VARIETIES.—The Corporation shall, over a period of time as determined practicable by the Corporation, offer producers different price elections for varieties of wheat, in addition to the standard price election, that reflect different market prices, as determined by the Corporation. The Corporation shall offer additional coverage for each variety determined under this subparagraph and charge a premium for each variety that is actuarially sound.

"(7) SUBSTITUTE COVERAGE FOR FIRE AND HAIL.—

"(A) IN GENERAL.—For levels of coverage 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the producer may elect to delete from the insurance coverage provided under this title coverage against damage caused by fire or hail, if an equivalent or greater dollar amount of coverage for damage caused by fire or hail is obtained from a private fire or hail insurance provider.

"(B) CREDIT FOR SUBSTITUTE COVERAGE.—On written notice of an election under subparagraph (A) to the company issuing the policy providing coverage under this title and submission of evidence of substitute coverage on the commodity insured, the premium of the producer shall be reduced by an amount determined by the Corporation to be actuarially appropriate, taking into account the actuarial value of the remaining coverage provided by the Corporation. The producer shall not be given a reduction for an amount of premium determined to be greater than the actuarial value of the protection against losses caused by fire or hail that is included in the coverage under this title for the crop.

"(8) STATE PREMIUM SUBSIDIES.—The Corporation may enter into agreements with any State or agency of a State under which the State or agency may pay to the approved insurance provider an additional premium subsidy to further reduce the portion of the premium paid by the producers in the State.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of coverage that is in addition to catastrophic risk protection but less than 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid to the approved insurance provider or the Department, as applicable, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the approved insurance provider or the Department, as applicable, for operating and administrative expenses.".

SEC. 104. PREMIUMS.

Section 508 (7 U.S.C. 1508) (as amended by section 103) is further amended by inserting after subsection (c) the following new subsection:

"(d) PREMIUMS.—

"(1) LEVELS.—

"(A) CATASTROPHIC RISK PROTECTION.—For catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses and a reasonable reserve.

"(B) ADDITIONAL COVERAGE.—For levels of coverage below 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount for operating and administrative expenses (as determined by the Corporation) that is less than the amount established for coverage at 65 percent of the recorded *or appraised average yield and 100 percent of the expected market price, or an equivalent coverage.*

"(C) HIGH COVERAGE.—For levels of coverage of at least 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount to pay the operating and administrative expenses (as determined by the Corporation) on an industry-wide basis as a percentage of the total premium.

"(2) PAYMENT OF PART OF PREMIUM.—For the purpose of encouraging the broadest possible participation, the Corporation shall pay a part of the premium equivalent to—

"(A) for catastrophic risk protection coverage, an amount equal to the premium established under paragraph (1)(A);

"(B) for levels of coverage below 65 percent of the recorded and appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection, an amount equal to the sum of the amount of premium established for catastrophic risk protection coverage and the amount for operating and administrative expenses established under paragraph (1)(B); and

"(C) for levels of coverage at or greater than 65 percent of the recorded and appraised yield and 100 percent of the expected market price, or an equivalent coverage, on an individual or area basis, an amount equal to the sum of—

"(i) the premium established for—

"(I) in the case of each of the 1995 and 1996 crop years, 50 percent loss in yield indemnified at 80 percent of the expected market price;

"(II) in the case of the 1997 crop year, 50 percent loss in yield indemnified at 77.5 percent of the expected market price; and

"(III) in the case of the 1998 and each subsequent crop year, 50 percent loss in yield indemnified at 75 percent of the expected market price; and

"(ii) the amount for operating and administrative expenses established under paragraph (1)(C).

"(3) REDUCTIONS BY PRIVATE PROVIDERS.—If a private insurance provider determines that the provider may provide insurance more efficiently than the expense reimbursement amount set by the Corporation, the private insurance provider may, with the approval of the Corporation, reduce the premium charged the insured by the amount of the efficiency. A reduction pursuant to the preceding sentence shall be subject to such rules, limitations, and procedures as are established by the Corporation.

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—

"(A) IN GENERAL.—The Corporation shall allow an approved insurance provider to offer a producer a plan of insurance that provides a level of coverage that is greater than that provided under catastrophic risk protection at a premium rate determined by the provider if the provider agrees to bear (depending on the type of coverage involved) portions of the underwriting risk, and operating and administrative expenses, that result from the additional level of coverage.

"(B) COMBINED COVERAGES.—To provide the additional level of coverage to an insured producer under subparagraph (A), a provider may combine—

"(i) individual crop insurance coverage; and

"(ii) area crop insurance coverage provided by the Corporation through the provider to the producer that is based on area yields in a manner that allows the producer to qualify for an indemnity if a loss has occurred in a specified area (as defined by the Corporation) in which the farm of the producer is located.

"(C) INDEMNITY.—If a producer qualifies for an indemnity under an area crop insurance policy described in subparagraph (B)(ii), the Corporation shall provide to—

"(i) the provider, an amount that is the lesser of—

"(I) the indemnity under the individual crop insurance coverage; or

"(II) the indemnity under the area crop insurance coverage; and

"(ii) the producer, the remainder of the indemnity.

"(D) SUBSIDY.—If a provider combines individual crop insurance coverage and area crop insurance coverage under subparagraph (B), the Corporation shall pay a part of the premium equivalent to—

"(i) for individual crop insurance coverage, an amount equal to the premium established for catastrophic risk protection coverage; and

"(ii) for area crop insurance coverage, an amount equal to the premium established for 50 percent loss in yield indemnified at 15 percent of the expected market price on an individual basis, plus the amount of operating and administrative expenses for the area coverage (as established under paragraph (1)(C)).

"(E) REINSURANCE AND ADMINISTRATION.—If a provider combines individual crop insurance coverage and area crop insurance coverage under subparagraph (B), the Corporation shall—

"(i) not provide reinsurance, except that the Corporation shall provide reinsurance on—

"(I) the area crop insurance coverage at the request of the provider; and

"(II) the catastrophic risk protection provided under the individual insurance coverage; and

"(ii) reimburse the provider for administrative expenses associated with the area crop insurance coverage, except that the amount of the reimbursement shall be no less than reimbursement provided by the Corporation for comparable area coverage.".

SEC. 105. ELIGIBILITY.

(a) IN GENERAL.—Section 508 (7 U.S.C. 1508) (as amended by section 104) is further amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY.—

"(1) IN GENERAL.—To participate in catastrophic risk protection coverage under this section, a producer shall submit an application at the local office of the Department or to an approved insurance provider.

"(2) SALES CLOSING DATE.—For coverage under this title, each producer shall purchase crop insurance on or before the sales closing date for the crop by providing the required information and executing the required documents. Subject to the goal of ensuring actuarial soundness for the crop insurance program, the sales closing date shall be established by the Corporation to maximize convenience to producers in obtaining benefits under price and production adjustment programs of the Department. Beginning with the 1995 crop year, the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

"(3) RECORDS.—For coverage under this title, each producer shall provide records, acceptable to the Corporation, of previous acreage and production or accept a yield determined by the Corporation.

"(4) REPORTING.—For coverage under this title, each producer shall report acreage planted and prevented from planting by the designated acreage reporting date for the crop and location as established by the Corporation.".

(b) PRODUCER ELIGIBILITY.—Section 520 (7 U.S.C. 1520) is amended to read as follows:

"SEC. 520. PRODUCER ELIGIBILITY.

"Except as otherwise provided in this title, a producer shall not be denied insurance under this title if—

"(1) for purposes of catastrophic risk protection coverage, the producer is a 'person' (as defined by the Secretary); and

"(2) for purposes of any other plan of insurance, the producer is 18 years of age and has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant, or sharecropper.".

SEC. 106. YIELD DETERMINATIONS.

Section 508 (7 U.S.C. 1508) (as amended by section 105(a)) is further amended by inserting after subsection (e) the following new subsection:

"(f) YIELD DETERMINATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Corporation shall implement crop insurance underwriting rules that ensure that yield coverage is provided to eligible producers participating in the Federal crop insurance program.

"(2) YIELD COVERAGE PLANS.—

"(A) ACTUAL PRODUCTION HISTORY.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base for each of the 10 consecutive crop years preceding the crop year for which actual production history is being established.

"(B) ASSIGNED YIELD.—If the producer does not provide satisfactory evidence of the yield of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(C) AREA YIELD.—The Corporation may offer a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss has occurred in an area (as specified by the Corporation) in which the farm of the producer is located. Under an area yield plan, an insured producer shall be allowed to select the level of area production at which an indemnity will be paid consistent with such terms and conditions as are established by the Corporation.

"(D) COMMODITY-BY-COMMODITY BASIS.—A producer may choose between individual yield or area yield coverage or combined coverage (as provided in subsection (d)(4)), if available, on a commodity-by-commodity basis.

"(3) NOTICE.—The Corporation shall ensure that producers are given adequate notice of the applicable yield coverage provisions of this section in advance of the crop insurance application period for the crops to which the provisions first will apply.

"(4) TRANSITIONAL YIELDS FOR PRODUCERS OF FEED OR FORAGE.—

"(A) IN GENERAL.—If a producer does not provide satisfactory evidence of the yield under paragraph (2)(A), the producer shall be assigned a yield that is at least 80 percent of the transitional yield established by the Corporation (adjusted to reflect the actual production history of the producer) if the Secretary determines that—

"(i) the producer grows feed or forage primarily for on-farm use in a livestock, dairy, or poultry operation; and

"(ii) over 50 percent of the net farm income of the producer is derived from the livestock, dairy, or poultry operation.

"(B) YIELD CALCULATION.—The Corporation shall—

"(i) for the first year of participation of a producer, provide the assigned yield under this paragraph to the producer of feed or forage; and

"(ii) for the second year of participation of the producer, apply the actual production history or assigned yield requirement, as provided in this subsection.

"(C) TERMINATION OF AUTHORITY.—The authority provided by this paragraph shall terminate on the date that is 2 years after the effective date of this paragraph.".

SEC. 107. INSURANCE POLICIES.

Subsection (g) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended—

(1) in paragraph (1), by striking "(a)" and inserting "(c)";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) PREPARATION OF POLICIES.—A policy or other material submitted to the Corporation under this subsection may be prepared without regard to the limitations specified in this title, including the requirements concerning the levels of coverage and rates and the requirement that a price level for each commodity insured shall equal the projected market price for the commodity as established by the Corporation. The policy may be subsidized only at an amount equivalent to coverage authorized under this title.";

(3) in paragraph (3)—

(A) in the first sentence, by striking "taking into consideration the risks covered by the policy or other material"; and

(B) in the second sentence, by inserting "with a private insurance provider" after "reinsurance agreement"; and

(4) by striking paragraph (4) and inserting the following new paragraphs:

"(4) REQUIRED PUBLICATION.—Any policy, provision of a policy, or rate approved under this subsection shall be published as a notice in the Federal Register and made available to each person who contracts with or is reinsured by the Corporation under the same terms and conditions as are applicable between the Corporation and the submitting person.

"(5) PILOT COST OF PRODUCTION RISK PROTECTION PLAN.—

"(A) IN GENERAL.—The Corporation shall offer, to the extent practicable, a cost of production risk protection plan of insurance that would indemnify producers (including new producers) for insurable losses as provided in this paragraph.

"(B) PILOT BASIS.—The cost of production risk protection plan shall—

"(i) be established as a pilot project for each of the 1996 and 1997 crop years; and

"(ii) be carried out in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the plan.

"(C) INSURABLE LOSS.—An insurable loss shall be incurred by a producer if the gross income of the producer (as determined by the Corporation) is less than an amount determined by the Corporation, as a result of a reduction in yield or price resulting from an insured cause.

"(D) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.

"(6) ADDITIONAL PREVENTED PLANTING POLICY COVERAGE.—

"(A) IN GENERAL.—Beginning with the 1995 crop year, the Corporation shall offer to producers additional prevented planting coverage that insures producers against losses in accordance with this paragraph.

"(B) APPROVED INSURANCE PROVIDERS.—Additional prevented planting coverage shall be offered by the Corporation through approved insurance providers.

"(C) TIMING OF LOSS.—A crop loss shall be covered by the additional prevented planting coverage if—

"(i) crop insurance policies were obtained for—

"(I) the crop year the loss was experienced; and

"(II) the crop year immediately preceding the year of the prevented planting loss; and

"(ii) the cause of the loss occurred—

"(I) after the sales closing date for the crop in the crop year immediately preceding the loss; and

"(II) before the sales closing date for the crop in the year in which the loss is experienced.

"(7) PILOT TRANSITIONAL YIELD PROGRAM FOR NEW PRODUCERS.—

"(A) INCREASED TRANSITIONAL YIELD.—The Corporation shall offer, to the extent practicable, a transitional yield program for new producers to provide 110 percent of the transitional yield established by the Corporation.

"(B) PILOT BASIS.—The transitional yield program shall—

"(i) be established as a pilot project for each of the 1995 and 1996 crop years; and

"(ii) be carried out in 30 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among new producers for the plan.

"(C) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.".

SEC. 108. CLAIMS FOR LOSSES.

Subsection (i) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended to read as follows:

"(i) CLAIMS FOR LOSSES.—

"(1) IN GENERAL.—The Corporation may provide for adjustment and payment of claims for losses as provided under subsection (a) under rules prescribed by the Corporation. The rules prescribed by the Corporation shall establish standards to ensure that all claims for losses are adjusted, to the extent practicable, in a uniform and timely manner.

"(2) DENIAL OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a claim for indemnity is denied by the Corporation or by the private insurance provider, an action on the claim shall only be brought against the Corporation or Secretary or the insurance provider in the United States District Court for the district in which the insured farm is located.

"(B) STATUTE OF LIMITATIONS.—A suit on the claim may be brought not later than 1 year after the date on which written notice of denial of the claim is provided to the claimant.

"(3) INDEMNIFICATION.—The Corporation shall provide insurance companies, agents, and brokers with indemnification, including costs and reasonable attorney fees, from the Corporation for errors or omissions on the part of the Corporation.".

SEC. 109. REINSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (j) (as redesignated by section 101(3)) and inserting the following new subsection:

"(j) REINSURANCE.—Notwithstanding any other provision of this title, the Corporation shall, to the maximum extent practicable, provide reinsurance, on such terms and conditions as the Corporation determines to be consistent with subsections (b) and (c) and sound reinsurance principles, to insurers (as defined by the Corporation) that insure producers of any agricultural commodity under 1 or more plans acceptable to the Corporation. Each reinsurance agreement of the Corporation with a reinsured company shall require the reinsured company to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the availability of private reinsurance."; and

(2) in subsection (k) (as so redesignated), by striking "provide" and inserting "offer plans of".

SEC. 110. FUNDING.

Section 516 (7 U.S.C. 1516) is amended to read as follows:

"SEC. 516. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPENSES OF CORPORATION.—There are authorized to be appropriated such sums as are necessary to cover the salaries and expenses of the Corporation and the administrative and operating expenses of the Corporation for the sales commissions of agents.

"(2) EXPENSES OF PROVIDERS.—There are authorized to be appropriated such sums as are necessary to cover the administrative and operating expenses of an approved insurance provider for the delivery of policies with coverage that is greater than catastrophic risk protection.

"(b) PAYMENT OF EXPENSES.—

"(1) ADMINISTRATIVE AND OPERATING EXPENSES.—Beginning with the 1996 crop year, the Corporation is authorized to pay, from the insurance fund established under subsection (c), the administrative and operating expenses of an approved insurance provider, other than expenses covered under subsection (a)(1).

"(2) OTHER EXPENSES.—The Corporation is authorized to pay from the insurance fund established under subsection (c)—

"(A) all other expenses of the Corporation (other than expenses covered in subsection (a)(1)), including all premium subsidies and indemnities;

"(B) for the 1995 crop year, all administrative and expense reimbursements due under a reinsurance agreement with an approved insurance provider; and

"(C) to the extent necessary, expenses incurred by the Corporation to carry out research and development.

"(c) INSURANCE FUND.—

"(1) IN GENERAL.—There is established an insurance fund for the deposit of premium income, income from reinsurance operations, and amounts made available under subsection (a).

"(2) SOURCE OF FUNDING.—There are appropriated, without fiscal year limitation, such sums as may be necessary to carry out subsection (b) through the insurance fund.".

SEC. 111. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

The Act is amended by inserting after section 514 (7 U.S.C. 1514) the following new section:

"SEC. 515. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

"(a) ESTABLISHMENT.—The Secretary may establish within the Department a committee to be known as the 'Advisory Committee for Federal Crop Insurance' (referred to in this section as the 'Advisory Committee'), which shall remain in existence until September 30, 1998.

"(b) MEMBERSHIP.—The Advisory Committee shall be composed of—

"(1) the Manager of the Corporation;

"(2) the Secretary or a designee; and

"(3) not fewer than 10 representatives of organizations or agencies involved with the Federal crop insurance program, which may include insurance companies, insurance agents, farm producer organizations, experts on agronomic practices, and banking and lending institutions.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERMS.—Members of the Advisory Committee shall be appointed by the Secretary for a term of not more than 2 years from nominations made by the participating organizations and agencies referred to in subsection (b). The terms of the members shall be staggered.

"(2) CHAIRPERSON.—The Advisory Committee shall be chaired by the Manager of the Corporation.

"(3) MEETINGS.—The Advisory Committee shall meet at least annually. The meetings of the Advisory Committee shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Advisory Committee shall be kept and made available to the public on request.

"(d) PRIMARY RESPONSIBILITY.—The primary responsibility of the Advisory Committee shall be to advise the Secretary on the implementation of this title and on other issues related to crop insurance (as determined by the Manager of the Corporation).

"(e) REPORTS.—Not later than June 30 of each year, the Advisory Committee shall prepare, and submit to the Secretary, a report specifying the conclusions of the Advisory Committee on—

"(1) the progress toward implementation of this title;

"(2) the actuarial soundness of the Federal crop insurance program; and

"(3) the rate of participation in the catastrophic and the additional coverage programs under this title.".

SEC. 112. MANAGEMENT OF CORPORATION.

(a) IN GENERAL.—The second sentence of section 505(a) (7 U.S.C. 1505(a)) is amended—

(1) by striking "program, the Under Secretary" and inserting "program, 1 additional Under Secretary"; and

(2) by striking "responsible for the farm credit programs of the Department of Agriculture" and inserting ", as designated by the Secretary of Agriculture (referred to in this title as the 'Secretary')".

(b) GENERAL POWERS.—Section 506 (7 U.S.C. 1506) is amended—

(1) by redesignating subsections (j) through (n) as subsections (k) through (o), respectively;

(2) by inserting after subsection (i) the following new subsection:

"(j) SETTLING CLAIMS.—The Corporation shall have the authority to make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation.";

(3) in subsection (l) (as so redesignated)—

(A) in the first sentence, by inserting ", and issue regulations," after "agreements"; and

(B) in the second sentence, by striking "contracts or agreements" each place it appears and inserting "contracts, agreements, or regulations";

(4) in subsection (n)(1) (as so redesignated), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) disqualify the person from purchasing catastrophic risk protection or receiving noninsured assistance for a period of not to exceed 2 years, or from receiving any other benefit under this title for a period of not to exceed 10 years.";

(5) in subsection (o) (as so redesignated)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and aligning the margins of each subparagraph with the margins of subparagraph (A) of subsection (n)(1) (as redesignated by paragraph (1));

(B) by striking "(o) ACTUARIAL SOUNDNESS.—The Corporation" and inserting the following:

"(o) ACTUARIAL SOUNDNESS.—

"(1) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1995.—The Corporation";

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by striking "from obtaining adequate Federal crop insurance, as determined by the Corporation" and inserting "(as defined by the Secretary) from obtaining Federal crop insurance";

(D) in subparagraph (C) (as so redesignated)—

(i) by inserting ", agents, and loss adjusters" after "participating producers"; and

(ii) by inserting ", agents, and loss adjusters" after "identify insured producers"; and

(E) by adding at the end the following new paragraphs:

"(2) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1998.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve, on and after October 1, 1998, an overall projected loss ratio of not greater than 1.0.

"(3) NONSTANDARD CLASSIFICATION SYSTEM.—To the extent that the Corporation uses the nonstandard classification system, the Corporation shall apply the system to all insured producers in a fair and consistent manner."; and

(6) by adding at the end the following new subsections:

"(p) LOSS RATIO DEFINED.—As used in this Act, the term 'loss ratio' means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

"(q) REGULATIONS.—The Secretary and the Corporation are each authorized to issue such regulations as are necessary to carry out this title.".

(c) PERSONNEL.—Section 507 (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking ", and county crop insurance committeemen";

(2) in subsection (c), by striking ", in which case the agent or broker" and all that follows through "the agent or broker has caused the error or omission"; and

(3) in subsection (d), by striking "of this Act," and all that follows through "agency".

(d) INFORMATION COLLECTION ON CROP INSURANCE.—Subsection (n) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended to read as follows:

"(n) INFORMATION COLLECTION ON CROP INSURANCE.—The Secretary shall make available to producers through local offices of the Department—

"(1) current and complete information on all aspects of Federal crop insurance; and

"(2) a listing of insurance agents.".

(e) CROP INSURANCE YIELD COVERAGE.—Section 508A (7 U.S.C. 1508a) is repealed.

(f) PREEMPTION.—Section 511 (7 U.S.C. 1511) is amended by inserting after "The Corporation, including" the following: "the contracts of insurance of the Corporation and premiums on the contracts, whether insured directly or reinsured by the Corporation,".

(g) FALSE STATEMENTS.—Section 1014 of title 18, United States Code, is amended by inserting "or a company the Corporation reinsures" after "Federal Crop Insurance Corporation".

TITLE II—NONINSURED ASSISTANCE PROGRAM

SEC. 201. NONINSURED ASSISTANCE PROGRAM.

The Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following new section:

"SEC. 521. NONINSURED ASSISTANCE PROGRAM.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Corporation shall establish a noninsured assistance program to provide coverage equivalent to the catastrophic risk protection insurance described in section 508(b) for crops for which catastrophic risk protection insurance is not available. Crops covered shall include all commercial crops and commodities for which catastrophic risk protection coverage is not available and that are produced for food, fiber, or an industrial crop on a commercial basis but shall not include livestock. Noninsured assistance shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).

"(2) APPLICATIONS.—To be eligible for assistance under this section, a producer shall make a timely application, as required by the Corporation, for noninsured assistance at the local office of the Department.

"(3) RECORDS.—A producer shall annually provide records, as required by the Corporation, of previous crop acreage and yields, or the producer shall accept a yield under subsection (c)(2)(B) determined by the Corporation.

"(4) ACREAGE REPORTS.—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Corporation, by the designated acreage reporting date for the crop and location as established by the Corporation.

"(5) AREA YIELD LOSSES.—

"(A) AREA AVERAGE YIELD.—A producer of a noninsurable crop shall not be eligible for noninsured assistance unless the area (as determined by the Corporation) average yield, or an equivalent measure if yield data are not available, for the crop is less than 65 percent of the expected area yield established by the Corporation.

"(B) PREVENTED PLANTING PAYMENTS.—Subject to subparagraph (A), the Corporation shall make a prevented planting noninsured assistance payment to a producer if the producer is prevented from planting more than 35 percent of the acreage intended for the crop because of drought, flood, or other natural disaster (as determined by the Secretary).

"(C) REDUCED YIELD PAYMENTS.—Subject to subparagraph (A), if, because of drought, flood, or other natural disaster (as determined by the Secretary), the total quantity of the crop that a producer is able to harvest on any farm is less than 50 percent of the expected area yield for the crop (as determined by the Corporation) factored for the interest of the producer for the crop, the Corporation shall make a reduced yield noninsured assistance payment.

"(b) PAYMENT.—The Corporation shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

"(1) the quantity that is less than 50 percent of the established yield for the crop; by

"(2) 60 percent of the average market price for the crop (or any comparable coverage determined by the Corporation); by

"(3) a payment rate for the type of crop (as determined by the Corporation) that—

"(A) in the case of a crop that is produced with a significant and variable harvesting expense, a payment rate that reflects the decreasing cost incurred in the production cycle for the crop that is—

"(i) harvested;

"(ii) planted but not harvested; and

"(iii) prevented from being planted because of drought, flood, or other natural disaster (as determined by the Secretary); and

"(B) in the case of a crop that is not produced with a significant and variable harvesting expense, a payment rate determined by the Corporation.

"(c) YIELDS.—

"(1) IN GENERAL.—The Corporation shall establish noninsured assistance program farm yields for crops for the purposes of this section.

"(2) ACTUAL PRODUCTION HISTORY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base of the 10 crop years immediately preceding the crop year for which production history is being established.

"(B) ASSIGNED YIELD.—

"(i) IN GENERAL.—If the producer does not provide sufficient evidence of the yield (as required by the Corporation) of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(ii) LIMITATION.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(C) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall make noninsured payments that accurately reflect significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

"(d) INCREASED CROP PLANTINGS.—

"(1) IN GENERAL.—If the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, to become eligible for a noninsured assistance payment, a producer must provide detailed documentation of production costs, acres planted, and yield, as required by the Corporation. Except as provided in paragraph (2), a producer who produces a crop on a farm located in a county described in the preceding sentence may not obtain an assigned yield.

"(2) EXCEPTION.—A crop or a producer shall not be subject to this subsection if—

"(A) the planted acreage of the producer for the crop has been inspected by a third party acceptable to the Secretary; or

"(B)(i) the County Executive Director, the District Director, and the State Executive Director recommend an exemption from the requirement to the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service; and

"(ii) the Deputy Administrator approves the recommendation.

"(e) CONTRACT PAYMENTS.—A producer who has received a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by the amount of the production equal to the amount of the contract payment received.

"(f) PAYMENT OF LOSSES.—Payments for noninsured assistance losses under this section shall be made from the insurance fund established under section 516(b). The losses shall not be included in calculating the premiums charged to producers for insurance.".

SEC. 202. PAYMENT AND INCOME LIMITATIONS.

Section 521 (as added by section 201) is further amended by adding at the end the following new subsection:

"(g) PAYMENT AND INCOME LIMITATIONS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) PERSON.—The term 'person' has the meaning provided the term in regulations issued by the Secretary. The regulations shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

"(B) QUALIFYING GROSS REVENUES.—The term 'qualifying gross revenues' means—

"(i) if a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

"(ii) if less than a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

"(2) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive annually under this title may not exceed $100,000.

"(3) NO DOUBLE BENEFITS.—No person may receive a noninsured assistance payment under this title and emergency livestock feed assistance under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) for the same livestock feed or forage loss.

"(4) INCOME LIMITATION.—A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

"(5) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.".

TITLE III—MISCELLANEOUS

SEC. 301. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

The Act (7 U.S.C. 1501 et seq.) (as amended by section 201) is further amended by adding at the end the following new section:

"SEC. 522. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

"If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain catastrophic risk, additional coverage, or noninsured assistance benefits under this Act to which the person is not entitled, has evaded this Act, or has acted with the purposes of evading this Act, the person shall be ineligible to receive all benefits applicable to the crop year for which the scheme or device was adopted. The authority provided by this section shall be in addition to, and shall not supplant, the authority provided by section 506(m).".

SEC. 302. PREVENTED PLANTING.

(a) IN GENERAL.—Effective for the 1994 crop year, a producer described in subsection (b) shall receive compensation under the prevented planting coverage policy provision described in subsection (b)(1) by—

(1) obtaining from the Secretary of Agriculture the applicable amount that is payable under the conservation use program described in subsection (b)(4); and

(2) obtaining from the Federal Crop Insurance Corporation the amount that is equal to the difference between—

(A) the amount that is payable under the conservation use program; and

(B) the amount that is payable under the prevented planting coverage policy.

(b) ELIGIBLE PRODUCERS.—Subsection (a) shall apply to a producer who—

(1) purchased a prevented planting policy for the 1994 crop year from the Federal Crop Insurance Corporation prior to the spring sales closing date for the 1994 crop year;

(2) is unable to plant a crop due to major, widespread flooding in the Midwest, or excessive ground moisture, that occurred prior to the spring sales closing date for the 1994 crop year;

(3) had a reasonable expectation of planting a crop on the prevented planting acreage for the 1994 crop year; and

(4) participates in a conservation use program established for the 1994 crop of wheat, feed grains, upland cotton, or rice established under section 107B(c)(1)(E), 105B(c)(1)(E), 103B(c)(1)(D), or 101B(c)(1)(D), respectively, of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E), 1444f(c)(1)(E), 1444–2(c)(1)(D), or 1441–2(c)(1)(D)).

(c) OILSEED PREVENTED PLANTING PAYMENTS.—

(1) IN GENERAL.—Effective for the 1994 crop year, a producer of a crop of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) shall receive a prevented planting payment for the crop if the requirements of paragraphs (1), (2), and (3) of subsection (b) are satisfied.

(2) SOURCE OF PAYMENT.—The total amount of payments required under this subsection shall be made by the Federal Crop Insurance Corporation.

(d) PAYMENT.—A payment under this section may not be made before October 1, 1994.

SEC. 303. CONFORMING AMENDMENTS.

(a) PRICE SUPPORT PROGRAMS.—

(1) IN GENERAL.—Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 427. CROP INSURANCE REQUIREMENT.

"As a condition of receiving any benefit (including payments) under title I or II for each of the 1995 and subsequent crops of tobacco, rice, extra long staple cotton, upland cotton, feed grains, wheat, peanuts, oilseeds, and sugar and for each of the 1995 and subsequent calendar years with respect to milk, a producer must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.".

(2) RICE.—Section 101B(c) of such Act (7 U.S.C. 1441–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(3) UPLAND COTTON.—Section 103B(c) of such Act (7 U.S.C. 1444–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(4) FEED GRAINS.—Section 105B(c) of such Act (7 U.S.C. 1444f(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(5) WHEAT.—Section 107B(c) of such Act (7 U.S.C. 1445b–3a(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(6) DISASTER PAYMENTS.—Section 208 of such Act (7 U.S.C. 1446i) is repealed.

(b) FARMERS HOME ADMINISTRATION PROGRAMS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following new section:

"SEC. 371. CROP INSURANCE REQUIREMENT.

"(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.

"(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

"(1) a farm ownership loan (FO) under section 303;

"(2) an operating loan (OL) under section 312; and

"(3) an emergency loan (EM) under section 321.".

(c) DISASTER ASSISTANCE.—Subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking chapter 3.

(d) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 506(d) (7 U.S.C. 1506(d)) is amended by striking "508(f)" and inserting "508(i)".

(2) The last sentence of section 507(c) (7 U.S.C. 1507(c)) is amended by striking "508(b)" and inserting "508(g)".

(3) Section 518 (7 U.S.C. 1518) is amended by striking "(k)" and inserting "(m)".

SEC. 304. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective beginning with—

(1) if this Act is enacted before August 1, 1994, the 1995 crop year for the applicable agricultural commodity; or

(2) if this Act is enacted on or after August 1, 1994, the 1996 crop year for the applicable agricultural commodity.

(b) EXCEPTIONS.—Sections 1, 101(1), 112(e), 112(f), and 302, the amendments made by such sections, and this section shall become effective on the date of enactment of this Act.

SEC. 305. TERMINATION OF AUTHORITY.

The authority provided by this Act and the amendments made by this Act shall terminate on September 30, 2000.

AMENDMENT NO. 2575

(Purpose: To improve the bill)

Mr. FORD. Mr. President, on behalf of the Senator LEAHY and others, I send an amendment to the desk and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2575) was agreed to, as follows:

Beginning on page 49, strike line 22 and all that follows through page 52, line 22, and insert the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to producers that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

On page 66, line 14, strike "(a)" and insert "(a)(2)".

On page 88, between lines 20 and 21, insert the following new section:

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Section 252(e) of such Act (2 U.S.C. 902(e)) is amended by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.".

On page 88, line 21, strike "(d)" and insert "(e)".

On page 89, between lines 5 and 6, insert the following new section:

SEC. 304. DISASTER ASSISTANCE.

(a) CROP LOSS ASSISTANCE.—The Secretary of Agriculture may provide assistance to producers for crop losses in 1994 due to natural disasters under the terms and conditions of—

(1) chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) subsections (a)(4), (b)(3), (d), and (e) of section 521 of the Federal Crop Insurance Act (as amended by this Act).

(b) OTHER EMERGENCY ASSISTANCE.—To provide assistance for losses in 1994 due to natural disasters, the Secretary of Agriculture may provide assistance under—

(1) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(2) the emergency watershed protection program of the Soil Conservation; and

(3) the emergency community water assistance grant program established under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(c) FUNDING.—

(1) CROP LOSS ASSISTANCE.—Out of available funds of the Commodity Credit Corporation, the Commodity Credit Corporation is authorized to provide to the Secretary of Agriculture, through July 15, 1995, such sums as are necessary to carry out subsection (a).

(2) OTHER EMERGENCY ASSISTANCE.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b).

(3) EMERGENCY REQUIREMENTS.—The amounts made available under paragraphs (1) and (2) are designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)). The amounts shall be available only to the extent that an official budget request for specific dollar amounts, that includes designation of the entire amount of the request as an emergency requirement pursuant to such Act, is transmitted by the President to Congress.

(d) DEFINITION OF NATURAL DISASTERS.—As used in this section, the term "natural disasters" includes weather-related insect damage to strawberries.

On page 89, line 6, strike "**304**" and insert "**305**".

On page 89, line 10, strike "August" and insert "October".

On page 89, line 13, strike "August" and insert "October."

On page 89, line 16, strike "(b) EXCEPTIONS.—SECTIONS" and insert the following:

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections".

On page 89, line 17, strike "and 302," and insert "302, and 304,".

On page 89, between lines 19 and 20, insert the following new paragraph:

(2) EMERGENCY APPROPRIATIONS.—The amendments made by section 303(d) shall become effective—

(A) if this Act is enacted before October 1, 1994, on the date of enactment of this Act; or

(B) if this Act is enacted on or after October 1, 1994, on June 1, 1995.

On page 89, line 20, strike "**305**" and insert "**306**".

Mr. LEAHY. Mr. President, in April of this year, the Senate voted 98 to 1 to pass a bill to reorganize the U.S. Department of Agriculture. That bill was the result of a bipartisan effort in the Committee on Agriculture, Nutrition, and Forestry to reform a bureaucracy many thought was immune to change.

Today I am proud to bring to the floor another major reform bill developed in a bipartisan manner by our committee. Like the USDA reorganization bill, the Federal Crop Insurance Reform Act of 1994 also achieves what many thought was impossible. By greatly improving the existing crop insurance program and eliminating the authority for ad hoc disaster programs, the bill provides major benefits to both farmers and taxpayers.

Farmers will benefit because the reformed crop insurance program will provide needed predictability and better risk management options. Ad hoc disaster bills are inherently unpredictable, and as a result, farmers do not know what type of help they can expect in times of need.

Rather than relying on the uncertain benefits of annual ad hoc disaster bills, farmers will be able to obtain catastrophic crop insurance coverage for a nominal processing fee. In addition, the bill provides targeted incentives for farmers to purchase higher levels of coverage.

Taxpayers will benefit because the reform bill eliminates the senseless duplication of operating separate crop insurance and disaster assistance programs that cover the same losses on the same crops. In addition, a number of new safeguards will help guard against some of the abuses that have plagued the disaster and crop insurance programs in the past.

Recently the Senate Committee on Agriculture, Nutrition, and Forestry held an oversight hearing on Oversight of the Disaster Assistance Programs. The committee found that millions of dollars have been wasted in annual, ad hoc disaster programs as a result of insufficient production records, payments which do not accurately reflect market prices and the actual cost of production of the crop, and mismanagement.

In sum, past annual, ad hoc disaster programs have been fraught with fraudulent claims, mismanagement, and waste of the taxpayers's money. This bill addresses these problems by:

First, requiring increased reporting requirements for all producers who have received payments, but who have been allowed in the past to provide inadequate documentation to support their claims;

Second, mandating that payment rates be reduced for producers who do not incur production costs because they either did not hire farm labor to harvest a crop, did not harvest the crop, or were prevented from planting the crop;

Third, requiring that the payment be adjusted to reflect yield variations due to differing farming practices;

Fourth, requiring that the payment to a producer who receives a guaranteed payment for production reflect the amount of the guaranteed production; and

Fifth, providing that if the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, a producer must provide detailed documentation of production costs, acres planted, and yield, unless the acreage is inspected or exempted by officials of the USDA.

The Congressional Budget Office estimates that the reform bill will reduce Government outlays for crop insurance and disaster assistance. Over the next 5 years, CBO estimates that the bill will reduce mandatory spending by $187 million, and the need for discretionary appropriations by $75 million.

CBO may underestimate the true savings likely to be achieved by this bill. For one thing, CBO's estimates compare the expected costs of the reformed program to a baseline where ad hoc disaster programs cost just $1 billion per year. In reality, disaster program spending has averaged more than $1.5 billion per year over the last 6 years, so the bill's savings would be even larger against a more realistic baseline.

I would like to thank the administration for developing the reform proposal that served as our starting point, budget conferees for their help in eliminating procedural roadblocks, and Senator LUGAR and other members of the Agriculture Committee for all their help in putting together a solid, bipartisan reform package.

Reinventing Government means more than just changing outdated bureaucratic structures. It also means redesigning Government programs to eliminate duplication and provide better Government services at lower costs to the taxpayer. Earlier this year, the Senate voted to make needed structural changes at USDA. Now it is time to make important programmatic changes as well.

The Federal Crop Insurance Corporation is authorized to offer catastrophic risk coverage to producer's for losses exceeding 50 percent of the producer's yield at a rate of 60 percent of the expected market price for the crop. This catastrophic coverage would cost producers $50 per crop per county, not to exceed $100 per producer. The purchase of catastrophic risk coverage would be a precondition to a producer's eligibility to participate in commodity price support and certain FmHA loan programs.

Insurance coverage in addition to catastrophic risk is offered at varying rates and increased premium subsidies. Noninsured assistance payments are offered for crops not currently covered by Federal crop insurance policies.

The Gramm-Rudman-Hollings budget bill is amended to make it very difficult for the President or Congress to declare an agricultural disaster appropriation as an emergency. Thus, any future crop disaster program would require a budgetary offset.

AMENDMENT NO. 2576

(Purpose: To authorize the Federal Crop Insurance Corporation to use funds of the Commodity Credit Corporation to cover the operating administrative costs of the Corporation associated with insurance policies for fall-planted 1995)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk for Mr. DOLE and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So amendment (No 2576) was agreed to, as follows:

SECTION 1. USE OF COMMODITY CREDIT CORPORATION FUNDS TO COVER CERTAIN COSTS FOR FALL-PLANTED 1995 CROPS.

(a) DEFINITION OF FALL-PLANTED 1995 CROP.—As used in this section, the term "fall-planted 1995 crop" means a 1995 crop that is insurable under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with a sales closing date that is prior to January 1, 1995.

(b) USE OF FUNDS TO COVER COSTS.—Subject to the other provisions of this section, the Federal Crop Insurance Corporation may use funds of the Commodity Credit Corporation to cover operating and administrative costs of the Corporation referred to in section 516(a)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)) associated with insurance policies issued for a fall-planted 1995 crop under such Act (7 U.S.C. 1501 et seq.).

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds of the Commodity Credit Corporation that may be used under subsection (b) may not exceed $40,000,000.

(d) COMBINED LIMITATION ON AMOUNT OF FUNDS AND EMERGENCY CROP LOSS ASSISTANCE.—The amount of funds of the Commodity Credit Corporation used under subsection (b) and the amount of funds used for fiscal year 1995 to provide emergency crop loss assistance for 1995 crops shall not exceed $500,000,000.

FEDERAL CROP INSURANCE REFORM

Mr. DOLE. Mr. President, several weeks ago, the Senate Agriculture Committee passed the Federal Crop Insurance Reform Act of 1994. If enacted, this legislation would provide much needed reform for a crop insurance program which provides little incentive to farmers to participate.

Unfortunately, the Senate has struggled to pass this legislation. At the same time, the AG subcommittee of the Senate Appropriations Committee failed to fund payments to crop insurance companies for their reimbursable expenses during their consideration of the AG appropriations bill.

The net result of these activities is that without crop insurance reform, farmers who plant their crops in the fall of 1994 will not have any crop insurance. No doubt about it, the outcry from rural America will be deafening if producers are denied this important management tool. The consequences could be significant. For example, many banks will not make operating loans to farmers unless the bank has crop insurance payments as collateral for a crop loss.

As a resolution to this problem, I offered as an amendment to the child nutrition reauthorization bill legislation which would resolve this difficult situation by providing money to cover crop insurance companies' reimbursable expenses. My amendment would allow these companies to continue to write crop insurance policies until the Government can decide how best to proceed with the Crop Insurance Reform Act of 1994.

Mr. President, I would point out that this legislation addresses a problem facing not just Kansas wheat farmers, but farmers in many other States as well. The legislation would apply to crops which have a sales closing date before January 1, 1995. Consequently, almonds, barley, citrus, cranberries, grapes, potatoes, and rye are just a few of the crops that will be affected.

Unfortunately, politics have stopped this legislation from passing. The administration opposes my legislative fix fearing that, if passed, it would take pressure off Congress to pass the administration's reform package. Of course, my stop gap bill would not be necessary if the Secretary of Agriculture had not refused to work with Senator HELMS in resolving a personnel problem at USDA. His refusal to resolve this matter has escalated into a situation where a simple personnel problem at USDA could cause the cancellation of thousands of crop insurance policies in the Midwest.

It is truly unfortunate that America's farmers are being held hostage by the Secretary of Agriculture. In the next few weeks, farmers will be going to their bankers to obtain operating loans in order to plant their wheat crop. And when those bankers refuse the loans until they have a commitment of crop insurance payments for collateral I believe those farmers will turn their attention to Washington for help. I encourage the Secretary to act responsibly in his leadership role and do what is necessary to assist America's farmers.

I encourage my colleagues to join me in addressing this unfortunate problem until Congress can act on crop insurance reform.

AMENDMENT NO. 2577

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2577) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 2578

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator BOXER and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2578) was agreed to, as follows:

> At the end of the bill, insert the following section: "It is the sense of the Senate that the U.S. Department of Agriculture should carry out its plans to hold public hearings during the month of September, 1994, for the purpose of receiving public input on issues related to the conditions under which poultry sold in the U.S. may be labeled fresh and to finalize and publish a decision on this issue as expeditiously as possible thereafter. It is the further sense of the Senate that no person serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should stand to profit, or represent any interest that would stand to profit, from the Department's decision on the issue."

Mrs. BOXER. Mr. President, I want to thank the chairman of the Agriculture Committee, Senator LEAHY, for his counsel and assistance on an issue that is very important to consumers in California and across the Nation.

I am grateful to the chairman and the distinguished ranking member of the Agriculture Committee, Senator LUGAR, for agreeing to accept my amendment to S. 2095 to express the sense of the Senate with regard to the issue of accuracy in poultry labeling.

The amendment expresses the sense of the Senate that the Department of Agriculture should carry out its plans to hold public hearings during the month of September, for the purpose of receiving public input on issues related to labeling of poultry sold in the United States and to finalize and publish a decision on this issue as expeditiously as possible thereafter.

It also expresses the sense of the Senate that persons serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should be impartial and free of conflicts of interest.

This amendment represents a breakthrough on an issue that has been at an impasse since 1988. Federal law allows poultry which has been frozen rock hard—to as low as one degree fahrenheit—to be thawed and sold under labels marked "fresh."

In 1988, after extensive study, USDA experts concluded that chicken freezes at 26 degrees, and issued a labeling rule to restrict the use of the term "fresh" to poultry that had never been frozen. A policy memo from the USDA's Food Safety and Inspection Service dated July 11, 1988, stated:

> The word "fresh" may not be used in conjunction with the product name of: * * * Any poultry, poultry part, or an edible portion thereof that has been frozen or previously frozen to 26 degrees Fahrenheit or below.

Unfortunately, the Bush administration chose to stop promulgation of the 1988 rule. The decision to reject the rule was not based on any scientific evidence, but—according to a declaration filed in Federal Court by Dr. Lester Crawford, the Bush administration's chief of the Food Inspection and Safety Service—"as a political compromise." Dr. Crawford also stated:

> I * * *. continue to believe that it is misleading to label poultry that has been frozen to 26 degrees Fahrenheit or below as fresh because such poultry is clearly frozen.

Several States have tried to solve the political problem by passing their own poultry labeling laws regarding the definition of "fresh," including New York, California, Arizona, Oregon, Maine, Alaska, Illinois, Washington, and Puerto Rico. But frozen chicken producers have successfully challenged the California statute, and the U.S. Department of Agriculture has backed their effort, arguing that Federal law preempts State law in this situation. Although the other States' laws have not been challenged, the precedent has been set, and consumers in those States will be at risk until we put Federal law on a firm scientific footing.

Secretary Espy has responded to pressure to adopt the 1988 rule by setting up another task force to review the issue. Mr. President, I am convinced that we don't need another study. This issue has been studied and then studied again and the facts have not changed: fresh is fresh and frozen is frozen.

But if we must have another review, and hold hearings, it is important that we do so with as little delay as possible. In a letter I received yesterday from Michael Taylor, the new Administrator of the Food Safety and Inspection Service, I was assured that the USDA is "committed to resolving this issue as expeditiously as possible." Mr. Taylor also pledged to hold hearings on the issue and to take a position by Thanksgiving.

While I appreciate Mr. Taylor's commitment to resolving this issue, previous promises that hearings would be held and the issue decided have produced only delay and more delay.

My amendment puts the Senate on record that the Department of Agriculture should end the delays and decide this issue as soon as it can.

A few weeks ago fresh poultry producers held an event outside the Rayburn House Office Building featuring frozen chicken bowling. Members of the House actually bowled frozen chickens, clearly labeled as fresh. Even in the heat of a Washington summer the hard-as-rock chickens skated along the floor and knocked down pins as effectively as bowling balls.

Mr. President, this situation is not only absurd, it is grossly unfair to consumers and to the producers of genuinely fresh poultry. Consumers have no way of knowing whether the chickens and turkeys they buy for dinner are really fresh or whether they have been kept frozen for months and thawed out for sale.

And what is the difference? Consumers and some of our best chefs have testified that in terms of taste and texture, fresh poultry is superior to poultry that has been kept frozen. Because of that, consumers are willing to pay a premium price for fresh poultry—as much as 50 cents a pound more. Unfortunately, because of misleading labels, consumers are not always getting what they're paying for.

In addition, producers of genuinely fresh poultry in States like California are at a significant disadvantage as big out-of-State producers of frozen poultry benefit from lower feed costs, lower labor costs, and less stringent health, safety, and environmental standards. This puts 25,000 jobs at risk in California alone.

I am pleased that thanks to the help of the chairman and the Senator from Indiana, we at long last have a timetable for decisionmaking.

Over the next three months the Agriculture Department will have another chance to hear all the views on this issue. They will hear from the big frozen-chicken producers and from the fresh-chicken producers. they will hear from scientists and politicians. But in the end, I hope they listen to American consumers.

Consumers prefer genuinely fresh poultry and they are willing to pay extra for it. It is up to the Federal Government to make sure that they get what they are paying for.

Mr. President, poultry producers should not be allowed to put a "fresh" label on chicken that's been frozen as hard as a bowling ball.

Federal law should not allow chicken to be labeled fresh, even though its been frozen as low as 1 degree Fahrenheit, when we know the chicken freezes below 26 degrees.

Of course not. That is why the Nation's leading consumer organizations, the Attorney General of New York, the State of California, the Washington Post and the Los Angeles times have all been urging the USDA to put an end to this consumer fraud.

This amendment will help end the delays and clear the way for a standard based on sound scientific information, not on politics and emotion.

If the Department of Agriculture sticks to its timetable, Americans will be able to buy fresh turkey for Thanksgiving, confident, for the first time in years, that it is in fact fresh. That would be reason enough to give thanks.

AMENDMENT NO. 2579

(Purpose: To protect the First Amendment rights of employees of the Department of Agriculture)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of Senator HELMS and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2579) was agreed to, as follows:

"SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

AMENDMENT NO. 2580

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2580) was agreed to, as follows:

At the appropriate place add the following:

SEC. . ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11) is amended by inserting before the period at the end the following: ", except that the Secretary may not reduce the cost of such diet below the allotment in effect for fiscal year 1994".

Mr. DASCHLE. Mr. President, I would like to begin by commending Senator LEAHY and the administration for the effort they have put into getting this bill off the ground. Because of that effort, we have the chance today to take a big step toward providing America's farmers with an effective, reliable, and reasonably-priced risk management tool to protect them from natural disasters.

Many of us on the Agriculture Committee have long advocated moving away from dependence on ad hoc disaster programs through a comprehensive reform of the Nation's crop insurance program. As we all know, disaster programs are an imperfect risk management tool. Each year, producers affected by a natural disaster must wait to see if Congress will enact a program, and whether that program will provide them with adequate coverage. Thus, our current system places producers in a perpetual state of financial uncertainty, making it extremely difficult to develop sound financial plans and secure adequate credit.

The proposal we are considering today would change this. By paying minimal administrative costs, producers would be able to purchase catastrophic insurance that offers them protection similar to that provided by recent disaster programs, but on a more stable basis. Most importantly, farmers would be able to count on this coverage, even taking it to the bank as collateral to secure a loan.

This proposal truly is an innovative step forward. It would greatly reduce the uncertainty currently plaguing much of our farm economy. In addition, this new plan would reduce the price of high levels of crop insurance coverage, affording more farmers the opportunity to match their insurance protection to their true level of risk.

The bill before us today also includes a number of other commendable provisions, three of which I would like to discuss in more detail.

First, this bill addresses concerns I raised during a hearing earlier this spring about the way FCIC has been administering prevented planting coverage. Specifically, as a result of FCIC rule changes, there was much confusion in North and South Dakota over whether producers who had excessively wet land as of the April 15 crop insurance signup deadline were eligible for prevented planting coverage. The bill before us includes a provision to clarify this situation and to provide producers with the prevented planting coverage that they were promised.

Second, I am pleased to note the bill requires the Federal Crop Insurance Corporation to market all coverage in a simple dollar amount. Virtually every time I discuss crop insurance with producers in South Dakota, they point out how the way the coverage is presented complicates current coverage levels. They would like to see crop insurance coverage offered in dollars per acre terms similar to hail insurance policies. This makes great sense because most producers measure their input costs in dollars per acre terms, and have a more concrete idea of their insurance needs when coverage levels are expressed in these terms. This bill will finally allow producers to purchase crop insurance in terms they readily understand and are comfortable with.

Third, this bill requires FCIC to institute a pilot program that will increase the coverage levels for beginning farmers in several counties. It is my hope that by decreasing the risk that beginning farmers pose to lenders, this pilot project will provide a model for making credit more accessible. Amassing enough credit to start up a farming operation is one of the most significant barriers facing beginning farmers today. This project is designed to help lower that barrier, and promises to offer us a completely new approach to rejuvenating rural communities by attracting new farmers.

Unfortunately, the reforms embodied in this legislation will not take effect until next year at the earliest. They are, consequently, of no use to the many producers all across the country who already are facing devastating natural disasters this crop year. For these reasons, Senator LEAHY and I drafted an amendment to the crop insurance bill that would provide assistance to all producers whose crops are affected by natural disasters in 1994.

Last summer, the entire country watched as devastation caused by flooding throughout the Midwest paraded across our television screens. Nearly continuous rains reduced much of our Nation's most productive farmland to virtual swampland, filled with water and weeds. In that atmosphere, there was strong and justified public support for a disaster program to help America's hardworking agricultural producers survive the extraordinary difficult year.

Until recently, the agricultural disasters of the current year have not drawn the same publicity. However, for the affected farmers, this year's disasters are equally devastating.

In my State of South Dakota, 15 counties have already been declared Presidential disaster areas because of flooding, and at least 5 more counties have disaster declaration applications pending. There is a total crop loss for many producers in these counties, and they are in desperate need of some relief. In some areas, this is the second year in a row farmers have not be able to produce a crop, pushing them and the rural economies that depend on their success to the edge of financial failure.

South Dakota is not an isolated case. Many other States also have faced destructive natural disasters. Floods have been devastating in Georgia, Florida and Alabama; ice storms hit Mississippi and Arkansas this spring; drought conditions affect several western States; and many other localized disasters have destroyed crops across the country.

Starting next year, the crop insurance bill we are considering today will respond to all of these disasters. We cannot, however, afford to let producers suffer economic hardship this year simply because the government has failed to provide them with an adequate risk management tool.

Mr. President, this bill is not perfect, but it is a step in the right direction. It saves the Government money; it reduces the cost of crop insurance coverage to producers; it simplifies the crop insurance program; it moves us away from our dependence on ad hoc disaster assistance; and it provides disaster assistance for producers who suffer crop losses this year. I urge support for this important legislation.

Mr. DOMENICI. Mr. President, I am supportive of the overall objectives of the crop insurance reform bill but skeptical if the reform will work.

I agree that we should reform crop insurance and agree with the overall policy objectives.

We should remove the uncertainty associated with ad hoc disaster bills and replace it with a program that will adequately protect farmers in a disaster, remove the demand for ad hoc disaster bills, and must be financially sound.

The committee reported bill includes a number of changes to the administration's bill to make it more fiscally sound. However, I am still concerned about the possible future costs.

S. 2095 would provide permanent and indefinite spending authority from the Crop Insurance Fund for the mandatory costs of the new program.

In addition, the bill would eliminate the Department of Agriculture's existing authority to transfer Commodity Credit Corporation funds to the Crop Insurance Fund.

The bill also eliminates the Secretary of Agriculture's discretion to provide disaster assistance through the Commodity Credit Corporation.

The Congressional Budget Office has scored savings of $187 million in outlays over 5 years with this bill.

However, everyone must remember that the conference report on the concurrent resolution on the budget for fiscal year 1995 included $5 billion in new mandatory spending to pay for crop insurance reform.

This program will work only if Congress constrains itself from providing future ad hoc disaster bills.

This will be hard to do based on past experiences.

I am cosponsoring an amendment today with the chairman of the Budget Committee, Mr. SASSER, which would create a hurdle for Congress to provide emergency disaster assistance.

As I stated this is only a hurdle and does not prevent Congress from providing disaster assistance.

The amendment I am cosponsoring would not allow the emergency designation for both discretionary and mandatory agriculture disaster spending.

The President's reform proposal only eliminated the emergency designation for agriculture disaster discretionary spending but both the mandatory and discretionary designations should be eliminated as done in this amendment.

This means that all future agriculture disaster spending would fall under the pay as you go system. If the disaster spending does not include an offset it would require 60 votes to waive the budget act.

Eliminating the emergency designation for both mandatory and discretionary spending is necessary if this new crop insurance program is suppose to replace ad hoc agriculture disaster bills.

Also, the CBO says that the adoption of this amendment would increase the likelihood that the savings estimated would be realized. This is relative to the fiscal year 1995 budget resolution, which assumes future spending of $1.0 billion per year associated with future ad hoc agriculture disaster assistance payments.

I will not support the conference report if this amendment is dropped in conference.

Mr. SASSER. Mr. President, today, I am pleased the Agriculture Committee agreed to accept my amendment to S. 2095. It is cosponsored by Senator DOMENICI—the Budget Committee's ranking member, as well as Senators LEAHY and LUGAR. We offer this amendment to ensure that the crop insurance measure before us incorporates one of the key elements of the President's proposed reforms. Specifically, this amendment removes "agriculture crop disaster assistance" from the list of items which are eligible for the emergency designation under the Budget Enforcement Act.

Mr. President, it is no secret that the Federal crop insurance program has been the subject of constant criticism as being ineffective and costly. Indeed, the program has been the target of reform of administrations both Democratic and Republican for most of the last decade and a half. Though the program has a variety of problems, one of the underlying causes of its failure has been the constant provision of emergency disaster relief for farmers with significant crop losses. Through the years, many farmers have rightly made the calculation that it is wiser to await an ad hoc disaster relief measure rather than enroll in the Federal crop insurance program.

The result of these constant disaster relief bills has been to seriously undermine the effectiveness of the crop insurance program. As many farmers opt out of the program, the financial viability of the insurance is destroyed.

The administration's reform proposal recognizes the inherent obstacle that emergency disaster legislation poses to crop insurance reform efforts. For this reason, along with a myriad of other changes designed to increase program participation, actuarial soundness and to obviate the need for emergency legislation, the administration proposed to create a higher legislative hurdle for ad hoc agriculture disaster bills. Specifically, the plan would subject these bills to a 60 vote point of order if they are not fully offset with other spending cuts.

The amendment I am offering here will implement this very important limitation. By removing agriculture disaster relief from the list of items eligible for an emergency designation, the amendment would create the 60 vote hurdle proposed by the administration.

Mr. President, this amendment represents the very best kind of budgeting. It strikes a balance between fiscal responsibility and responsible policy. On average, the Congress approves an agriculture disaster bill costing about $1 billion each year. The Budget Resolution recognized this fact by incorporating a baseline adjustment reflecting these costs. The sole purpose for this adjustment was to allow the Agriculture Committees to rechannel these funds to create an effective and workable crop insurance program. Inherent to this adjustment was the requirement that the crop insurance reform include the amendment I am offering here.

This amendment enjoys the strong backing of Secretary Espy and the ranking minority member of the Budget Committee, Senator DOMENICI as well as the bipartisan support of the chairman and ranking member of the Senate Committee on Agriculture. It is with this rare spirit of unanimity that I join my colleagues in urging its adoption.

Mr. EXON. Mr. President, I thank the two managers for their prompt action. We do these things very quickly in the Senate. In the case of the crop insurance program, I am delighted it is happening in that fashion. I wanted to say that the speed with which we have passed this bill should be noted, and it was possible only with a great deal of hard work way back early when the crop insurance program had to be remade. It was remade and redone in the Agriculture Committee, and things were going very well. It has been on the schedule here for passage for some time.

Fortunately, earlier today, my colleague, Senator KERREY from Nebraska, called to my attention a fact that I was not fully familiar with, although I knew there were some earlier problems. It seems that my distinguished colleague from North Carolina, Senator HELMS, had a hold on the crop insurance bill. The reason he had a hold on the bill was that—and in my view, Senator HELMS had a good point—he was trying to correct what he thought had been some unfortunate decisions by some employees of the U.S. Department of Agriculture regarding the transfer of one employee of the Department for making what is alleged to be inappropriate remarks with regard to the lenient policies existing, or alleged to have existed, in the Department with regard to homosexuals. Senator HELMS had a hold placed on this bill and was trying to get that corrected to his satisfaction.

When I talked about this, I went over to see Senator HELMS, whom I have worked with on many issues for a long, long time and told him of the adverse effect that not passing this crop insurance bill tonight would have on farmers. Some of the insurance companies were prepared to send out notices to some 12,000 farmers next week—had we not acted on this—saying that their crop insurance program might likely not be renewed. I also visited with Senator DOLE about this. I found that Senator DOLE had already been talking to Senator HELMS about it. I called the Secretary of Agriculture and got him involved, and I might say that we put in a lot of time and effort on this today in getting it resolved—at least up until this point.

Senator HELMS was not totally satisfied, but the Secretary of Agriculture has guaranteed an early hearing in September on this matter that might lay it to rest.

In any event, I want to take a moment to thank Senator HELMS for his consideration and his understanding after I explained to him why it was necessary to pass this bill tonight. Senator DOLE played a very key role, as did the Secretary of Agriculture, and I am pleased that we are passing this measure tonight. It does indicate that in some of the debates we have on the floor, from time to time, there is a lot more understanding between Members of the Senate on all sides of the aisle when matters of this nature come up. Once again, I thank all that had a part in this, and I am pleased that the bill is passing.

I am sorry to interrupt the proceedings. I wanted to make those remarks.

I thank my colleagues from Kentucky for allowing me to take this time.

I yield the floor.

Mr. FORD. Mr. President, have we had third reading.

The PRESIDING OFFICER. No.

If there is no further debate, the question is on agreeing to the committee substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was deemed read a third time.

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar 552, H.R. 4217, the House companion, that all after the enacting clause be stricken, and the text on S. 2095, as amended, be inserted in lieu thereof; the bill be advanced to a third reading, passed, and the motion to reconsider be laid upon the table; and that upon disposition of H.R. 4217 the Senate measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4217), as amended, was deemed read a third time and passed.

(The text of the bill will appear in a future edition of the RECORD.)

MEASURE REFERRED TO THE COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that Calendar No. 603, S. 2375, a bill to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that during the adjournment of the Senate that the Senate committees may file committee-reported legislative and executive calendar business on Wednesday, September 7, from 11 a.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FORD. Mr. President, I ask unanimous consent that Senate proceed to the immediate consideration of Senate Resolution 254, a resolution relating to representation by the Senate legal counsel, submitted earlier today by the distinguished majority leader, Senator MITCHELL, and the distinguished Republican leader; that the resolution be adopted; the preamble be agreed to; and that the statement of Senator MITCHELL appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 254

Whereas, in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*, No. 94-6004, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §288, et. seq.;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288B(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity;

Whereas, in accordance with 28 U.S.C. §2348, as made applicable by section 309(b) of the Civil Rights Act of 1991, 2 U.S.C. §1209(b), the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding. Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

SEC. 2. The Office of the Sergeant at Arms of the United States Senate may as a matter of statutory right intervene and be represented by its counsel of choice in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

Mr. MITCHELL. Mr. President, the case of Kenneth Riggin, et al. versus Office of Senate Fair Employment Practices, pending in the U.S. Court of Appeals for the Federal Circuit, is the second case to reach the judicial review stage of the process for review of claims of discrimination in Senate employment that was created by title III of the Civil Rights Act of 1991.

Petitioners are 10 former members of the Capitol Police who seek judicial review of a final decision, entered in the records of the Office of Senate Fair Employment Practices, rejecting their claim of age discrimination. The petitioners assert that the age discrimination prohibition of the 1991 Civil Rights Act supersedes the 1990 Capitol Police Retirement Act, sections 8335(d) of title 5, United States Code, which, until recently, mandated retirement at age 55. By virtue of the Legislative Branch Appropriations Act for the coming fiscal year the Capitol Police retirement age has been increased to 57.

Under title III of the Civil Rights Act of 1991, cases are adjudicated in independent hearing bonds whose decisions are reviewed by the Ethics Committee. In this case both the hearing board and the Ethics Committee agreed that the Capitol Police Retirement Act had not been superseded by the 1991 Civil Rights Act. Under the statute, following the entry of a final decision in the records of the Office of Senate Fair Employment Practices, aggrieved parties may petition for review in the Federal circuit. In that proceeding, the Office of Senate Fair Employment Practices, where final decisions are entered, is required to be named the respondent.

As petitions for review in the Federal circuit challenge final decisions of a Senate adjudicatory process, under title III the Senate may authorize the Senate Legal Counsel to defend those decisions through representation of the Office of Senate Fair Employment Practices in court. Accordingly, this resolution would authorize the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices in defense of the final decision affirming dismissal of petitioners' claim.

Under section 2348 of title 28, United States Code, which is made applicable by the 1991 Civil Rights Act to the judicial review of Senate employment decisions, a party in interest to administrative proceedings that are under review in court has a statutory right to intervene. To implement that authority, section 2 of the resolution provides that the Office of the Sergeant at Arms, the employing office in this matter, may intervene in this case.

VIOLENCE AGAINST ABORTION PROVIDERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 255, a resolution pertaining to the use of violence against abortion providers and activists, submitted earlier by Senator REID, that the resolution be agreed to and the motion to reconsider be laid upon the table, that the preamble be agreed to and any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 255) was agreed to, as follows:

S. RES. 255

Whereas the public debate concerning abortion elicits strong emotions on all sides of the issue;

Whereas maintaining an ongoing, rational debate is the best way to ensure that the emotional issue of abortion is resolved in a manner that is satisfactory to all parties genuinely interested in resolving this issue;

Whereas the best way to ensure continued debate over abortion is to encourage all participants in the debate to engage in peaceful dialogue and compromise;

Whereas without an ongoing dialogue about abortion, potential participants in the debate will become isolated and marginalized;

Whereas extremist individuals and groups concerned with abortion have refused to engage in public dialogue and substantive debate about the issue, choosing instead to target and terrorize the individuals and groups that disagree with their position;

Whereas these extremist individuals and groups have actively engaged in tactics that sow the seeds of hatred, including soliciting written support in the form of letters and petitions to carry out murderous acts of violence;

Whereas such tactics ignite and fuel the underlying anger often associated with the public debate concerning abortion;

Whereas such tactics are shameful, abhorrent and divisive; and

Whereas the continued use of such tactics only serves to spawn further acts of senseless violence against innocent human beings and in no way advances the cause of the individuals and groups interested in resolving the abortion issue: Now, therefore, be it

Resolved, That it is the sense of the Senate that the tactics of extremist individuals and groups which are designed to sow the seeds of hatred, including soliciting, promoting, encouraging, or carrying out murderous acts of violence against abortion providers and activists, is condemned.

AVAILABILITY OF CREDIT FOR PEOPLE AFFECTED BY DISASTERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 2430, a bill introduced earlier today by Senators NUNN and COVERDELL, regarding the availability of credit for people affected by disasters; that the bill be deemed read a third time and passed; the motion to reconsider laid upon the table and any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2430) was deemed read a third time and passed.

(The text of the bill will appear in a future edition of the RECORD.)

Mr. NUNN. Mr. President, I rise today to introduce legislation on behalf of myself and my colleague, Senator COVERDELL. This legislation, which if enacted, would enhance the availability of credit in disaster areas created by the flooding associated with Tropical Storm Alberto by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of these institutions.

Last year, in response to the Midwest floods, Senator BOND and others sponsored legislation, S. 1273, which provided similar relief for banks impacted by last summer's Midwest floods. Like S. 1273, this bill will help provide credit to individuals and small businesses damaged by the flooding in Georgia, Alabama, and Florida, by giving the Federal bank regulatory agencies the discretion to waive regulations that inhibit the operation of banks operating in disaster areas. The waivers must be made in order to enhance credit availability and be consistent with the financial safety and soundness of the institution.

Last summer, I am informed that many Midwest banks faced problems arising from the provisions in the Truth in Lending Act [TILA]. TILA affects the ability of a consumer to waive the 3-day right of recision on getting funds disbursed from a loan. Midwest bankers found that the pace of construction repair grew exponentially and contractors had difficulty scheduling jobs and work crews when their customers could not get the proceeds from loans on the day the loans were made.

Another example is the need to grant banks more flexibility in dealing with the Expedited Fund Availability Act. This law was designed to force banks to make deposited funds more quickly available to consumers. Banks were still given the ability to hold checks from unknown or suspicious makers for periods of up to 14 days. Georgia banks anticipate that they will begin receiving deposits from their customers from all sorts of places such as charities, church groups, and philanthropic organizations from all over the country. Georgia banks would like the same administrative flexibility made available to their counterparts in the Midwest last summer to handle these situations so that customers can be given their money without the banks taking undue risks.

Another example is the problem some banks in the Midwest ran into difficulty when their customers received insurance checks and deposited them into their accounts pending the use of the funds for repairs. Because these deposits grew quite rapidly, some banks' capital was insufficient to support these deposits and the banks became undercapitalized by regulatory standards. As my colleagues know, there are severe penalties in the FDICIA legislation dealing with undercapitalized banks, and the proposed legislation would allow flexibility to the regulators in these circumstances.

This legislation, like S. 1273, provides Federal banking agencies the flexibility and discretion to waive temporarily regulations—like those mentioned above—to make it easier to extend existing credit lines, to simplify how loans are written, to speed access to funds, and to minimize paperwork.

The bill would require the financial institution to be located within a disaster area or have a significant portion of its service area located in a disaster area. A disaster area is defined as an area determined by the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to be the location of a major disaster.

Before yielding the floor, I would like to make a couple of final notes. Georgia Banking Commissioner Jack Dunn concurs with the need to pursue this legislation. The Georgia Bankers Association supports this legislation, and it is also my understanding that the Treasury Department has no objection to this legislation.

Finally, it is important to keep in mind that this proposed legislation does not give carte blanche authority to the banks to waive any of the provisions of these laws. Rather, it gives such authority to Federal banking regulators to grant waivers and retains their responsibility for continued oversight. As they did last summer and in the aftermath of Hurricane Andrew, I urge my colleagues to support this legislation and join our efforts for its expeditious enactment.

CAMPAIGN FINANCE REFORM

Mr. FORD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on S. 3, the campaign finance reform bill; that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. It is on the record.

HOUSE CONCURRENT RESOLUTION 289—PROVIDING FOR ADJOURNMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 289, the adjournment resolution now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 289) providing for adjournment or recess of the two Houses.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2581

Mr. FORD. Mr. President, I send an amendment to the desk and I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2581) was agreed to, as follows:

On page 1, line 3, beginning with "Thursday" strike through "September 8" on line 4 and insert "Monday, September 12."

On page 1, line 12, strike "Thursday, September 8, 1994," and insert the following: "Monday, September 12, 1994, or at such time as may be specified by the Majority Leader or his designee in his motion to recess or adjourn."

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 289), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, SEPTEMBER 12, 1994

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, September 12; and when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the Calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, on behalf of the majority leader, I would like to announce for the information of the Senate that on Monday, September 12, it is the leader's intention to proceed to S. 2182, the Department of Defense authorization conference report, as well as his intent to seek consent to consider nominations from the executive calendar.

ADJOURNMENT TO MONDAY, SEPTEMBER 12, 1994

Mr. FORD. Mr. President, I now move that the Senate stand in adjournment as provided under the provisions of House Concurrent Resolution 289.

The motion was agreed to; and at 11:40 p.m. the Senate adjourned until Monday, September 12, 1994, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 25, 1994:

DEPARTMENT OF LABOR

TIMOTHY M. BARNICLE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN D. DONAHUE.

THE JUDICIARY

JAMES A. BEATY, JR., OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE RICHARD C. ERWIN, RETIRED.

DAVID BRIONES, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE LUCIUS DESHA BUNTON III, RETIRED.

DEPARTMENT OF STATE

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

NATIONAL COUNCIL ON DISABILITY

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT.)

THE JUDICIARY

HELEN W. GILLMOR, OF HAWAII, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE A NEW POSITION CRATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

OKLA JONES, II, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE FREDERICK J.R. HEEBE, RETIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2000, VICE WILLIAM C. PERKINS, RESIGNED.

THE JUDICIARY

FRED I. PARKER, OF VERMONT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JAMES L. OAKES, RETIRED.

DEPARTMENT OF JUSTICE

JOE BRADLEY PIGOTT, OF MISSISSIPPI, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE GEORGE L. PHILLIPS.

THE JUDICIARY

G. THOMAS PORTEOUS, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE ROBERT F. COLLINS, RESIGNED.

JOHN R. TAIT, OF IDAHO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF IDAHO, VICE HAROLD L. RYAN, RETIRED.

DEPARTMENT OF TRANSPORTATION

VINCENT J. SORRENTINO, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE LEO C. MCKENNA.

DEPARTMENT OF JUSTICE

REGINALD B. MADSEN, OF OREGON, TO BE U.S. MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF 4 YEARS, VICE KERNAN H. BAGLEY, RESIGNED.

NATIONAL SCIENCE FOUNDATION

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ARDEN L. BEMENT, JR., TERM EXPIRED.

DEPARTMENT OF STATE

ALFRED H. MOSES, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

NATIONAL SCIENCE FOUNDATION

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE PETER H. RAVEN, TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ANNE JEANETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 4 YEARS. (NEW POSITION.)

DEPARTMENT OF JUSTICE

RICHARD THOMAS WHITE, OF MICHIGAN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 1996, VICE FRANK H. CONWAY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE

10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AN DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

ANGELITA R. GABATIN [redacted]
WILLIAM L. MICHELS [redacted]
SPENCER G. MITCHELL [redacted]
SAMIR B. SHAMIYEH, [redacted]
PRABHA H. SOLANKI, [redacted]
KENNETH F. STEEL [redacted]

To be lieutenant colonel

WILLIAM A. PARKER, JR. [redacted]
WARREN REESE, [redacted]
RICHARD D. TRIFILO [redacted]

To be major

JEFFREY G. DEMAIN [redacted]
HOBSON E. LEBLANC, [redacted]
KEVIN J. O'TOOLE [redacted]

THE FOLLOWING CADETS, U.S. AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 9353 (B) AND 531, TITLE 10, UNITED STATES CODE, WITH A DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

VIKHYAT S. BEBARTA [redacted]
JONATHAN C. RICE IV [redacted]
ALEXANDRA PALOTAS, [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

STEPHEN M. GOLDEN [redacted]

To be lieutenant colonel

JOHN P. HALFEN III [redacted]

NURSE CORPS

To be lieutenant colonel

DANEEN T. HARRIS, [redacted]

THE FOLLOWING STUDENT OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1994, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON HER GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

JILL A CATALANO, [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, U.S. AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

CHARLES R. MYERS, [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

MICHAEL AUSTIN, [redacted]
CHARLES R. BECKETT [redacted]
RICHARD E. BLAKE, [redacted]
GARY L. BRESS, [redacted]
JOSEPH L. BROCKMAN [redacted]
THEODORE M. BROWN, [redacted]
JULIA J. CLECKLEY [redacted]
ALLEN DAVIS III [redacted]
WILLIAM W. DAVIS, [redacted]
PERSSE K. DEVERELL III [redacted]
ROGER D. DUBS, [redacted]
JOHN J. GOFF, JR. [redacted]
FRANCIS M. HENRICH, [redacted]
ELWYN L. KROPUENSKE, [redacted]
EDWIN S. LIVINGSTON, [redacted]
DRANNAN E. LUNN, [redacted]
EDWARD H. RUSSELL, [redacted]
CLYDE A. VAUGHN, [redacted]
JAMES M. WHEELER, JR. [redacted]
ANEDERSON H. WILLIAMS III [redacted]
JESSICA L. WRIGHT [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

JAMES M. DEICHERT [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

JERRY G. BECK, JR. [redacted]
DELBERT L. BENNETT, JR. [redacted]
JAMES G. CHAPINON [redacted]
STEPHEN D. COLLINS [redacted]
STEVEN W. COOPER, SR. [redacted]
JOHNNY CORBETT, [redacted]
MICHAEL J. CURTIN [redacted]
ALBERT HALLE III [redacted]
RANDALL A. JIPP [redacted]
JOHN G. KING, [redacted]
WARREN H. MANDRELL [redacted]
JAMES R. MASON [redacted]
ROBERT G. MCNAMARA, [redacted]
JAMES J. PETTIT, JR [redacted]
JOSEPH W. REITER [redacted]

MEDICAL CORPS

To be lieutenant colonel

RICHARD EVANS III, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

DONALD L. GRINNELL, [redacted]
L.L. PRILLERMAN [redacted]

DENTAL CORPS

To be lieutenant colonel

ROBERT A. PRUCKLER [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

WILLIAM L. LAXTON, JR. [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

THOMAS M. BYERLY, [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

*IRENE F. LOGAN, [redacted]

MEDICAL CORPS

To be major

DEBRA S. BRESCAN, [redacted]
DOUGLAS L. CLARK, [redacted]
JAMES M. FEELEY [redacted]
ROGER G. GANO, [redacted]
STEPHEN M. SMITH [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3370, AND 1552:

ARMY PROMOTION LIST

To be colonel

BRIAN J. DONOHOE, [redacted]
JAMES E. SWARTZ [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3366, AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

JULIA T. BROWN [redacted]
JAMES M. BRUSEK [redacted]
STEPHEN J. CLAVERE [redacted]
GAREY D. FRITZ [redacted]
CHRISTOPHER C. FRYE [redacted]
ORLANDO H. GRIEGO [redacted]
ROBERT D. HAYNER, [redacted]
DAVID R. HORN, [redacted]
ALEXANDER G. MCLAREN [redacted]
JOEL G. MCWILLIAMS III [redacted]
LOUIS C. RITCHIE, JR. [redacted]
JAMES R. SCERBO [redacted]
KEVIN E. SMITH [redacted]
MICHAEL D. STERNFELD [redacted]
HENRY A. WHITEHURST [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

WILLIAM N. GREENE [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

*WILLIAM D. GEESLIN, [redacted]
EUGENE H. PFEIFFER, [redacted]
STEVEN G. TREADWAY, 1271

To be major

EARNESTINE BEATTY, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

CHRISTOPHER L. BRALEY [redacted]

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

MIKE A. BRYAN, [redacted]
ROBERT W. ERNST [redacted]

PANAMA CANAL COMMISSION

CLIFFORD B. O'HARA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WILLIAM CARL.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MERRILL A. MCPEAK, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, AND TO BE APPOINTED AS CHIEF OF STAFF, U.S. AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8033:

To be Chief of Staff, U.S. Air Force

To be general

GEN. RONALD R. FOGLEMAN, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. ROBERT L. RUTHERFORD, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351 AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ROBERT W. BARROW, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. ROBERT G. CHRISJOHN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. STEFFEN P. CHRISTENSEN, II [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. HARRIS R. HENDERSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. ROBERTA V. MILLS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. HERBERT J. SPIER, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. WILLIAM A. TREU [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. KEITH D. BJERKE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. SAMUEL G. DEGENERES, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM F. DOCTOR, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ROBERT S. DUTKO, SR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. VERNA D. FAIRCHILD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DANIEL J. GIBSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. GARY L. HINDOIEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. TIMOTHY J. LOWENBERG, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM B. LYNCH, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES R. MCKINNEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN R. METZ, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. SCOTT A. MIKKELSEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLAN W. NESS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. KENNETH S. PETERSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. AUSTIN P. SNYDER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RICHARD E. SPOONER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES E. THOMEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RICHARD W. TUTTLE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. SALVATORE VILLANO, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES E. WHINNERY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C) AND 3037:

To be permanent brigadier general

COL. JOHN D. ALTENBURG, JR., [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE CHAPLAIN BRANCH, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. GAYLORD T. GUNHUS, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE DENTAL CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. PATRICK D. SCULLEY, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. JOHN W. MOUNTCASTLE, [redacted]
COL. JOHN C. REPPERT, [redacted]
COL. JOHN S. CALDWELL, JR., [redacted]
COL. ALBERT J. MADORA, [redacted]
COL. JERRY L. SINN, [redacted]
COL. JOSEPH R. INGE, [redacted]
COL. JULIAN A. SULLIVAN, JR., [redacted]
COL. SAMUEL S. THOMPSON III, [redacted]
COL. ROBERT L. NABORS, [redacted]
COL. SAMUEL L. KINDRED, [redacted]
COL. WARREN C. EDWARDS, [redacted]
COL. BURWELL B. BELL III, [redacted]
COL. JAMES E. MITCHELL, [redacted]
COL. EVAN R. GADDIS, [redacted]
COL. REGINAL G. CLEMMONS, [redacted]
COL. DANIEL A. DOHERTY, [redacted]
COL. DAN K. MCNEILL, [redacted]
COL. WILLIAM S. WALLACE, [redacted]
COL. THOMAS R. DICKINSON, [redacted]
COL. ROBERT L. FLOYD II, [redacted]
COL. JOHN J. MARCELLO, [redacted]
COL. GILBERT S. HARPER, [redacted]
COL. PAUL T. MIKOLASHEK, [redacted]
COL. MARY E. MORGAN, [redacted]
COL. EDWARD SORIANO, [redacted]
COL. PHILLIP R. ANDERSON, [redacted]
COL. DONALD L. KERRICK, [redacted]
COL. GEOFFREY D. MILLER, [redacted]
COL. ROGER W. SCEARCE, [redacted]
COL. ROBERT A. GLACEL, [redacted]
COL. ROBERT J. ST. ONGE, JR., [redacted]
COL. CARL H. FREEMAN, [redacted]
COL. PHILLIP R. KENSINGER, JR., [redacted]
COL. STEPHEN R. SMITH, [redacted]
COL. BRYAN D. BROWN, [redacted]
COL. BENJAMIN S. GRIFFIN, [redacted]
COL. BRUCE K. SCOTT, [redacted]
COL. WILLIAM E. WARD, [redacted]
COL. JAMES R. SNIDER, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. STANLEY R. ARTHUR, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (Lower Half)

CAPT. NOAH HALBROOK LONG, JR., [redacted] U.S. NAVAL RESERVE

CONFIRMATIONS

Executive nominations confirmed by the Senate August 25, 1994:

DEPARTMENT OF DEFENSE

WILLIAM T. COLEMAN III, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

DEPARTMENT OF STATE

BRADY ANDERSON, OF ARKANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

DOROTHY MYERS SAMPAS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JEFFREY RUSH, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

CARL BURTON STOKES, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

E. MICHAEL SOUTHWICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

PHYLISS E. OAKLEY, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF STATE.

RICHARD L. GREENE, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT JAMES HUGGETT, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

INTER-AMERICAN FOUNDATION

NEIL H. OFFEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 1998.

DEPARTMENT OF STATE

CURTIS WARREN KAMMAN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

EILEEN A. MALLOY, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RALPH EARLE II, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY.

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1999.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM A. NITZE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

NORMA UDALL, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 6 YEARS.

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE.

JAMES W. SWIHART, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

ROBERT L. GALLUCCI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR AT LARGE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL E. RYAN, [redacted] U.S. AIR FORCE

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JOSEPH HUGGINS, AND ENDING RICHARD SCOTT SACKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 1994.

HOUSE OF REPRESENTATIVES—*Friday, August 26, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EDWARDS of California].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 26, 1994.

I hereby designate the Honorable DON EDWARDS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your spirit surrounds us wherever we might be and Your grace is with us no matter what our circumstance. Though we may forget Your goodness toward us, You are ever our creator; though we are so concerned with our own ways, Your love forgives and strengthens us all the day long. We pray now that Your benediction will bless us and keep us, may Your face shine on us and be gracious unto us, may You look upon us with favor and give us Your peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 215. Concurrent resolution honoring James Norman Hall and recognizing his outstanding contributions to the United States and the South Pacific.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 289. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3355) "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 859) "An act to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) "An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes."

The message also announced that pursuant to Public Law 103-236, the Chair, on behalf of the Republican Leader, appoints Mr. HELMS and Alison B. Fortier of Maryland to the Commission on Protecting and Reducing Government Secrecy.

THE 74TH ANNIVERSARY OF WOMEN'S SUFFRAGE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, on August 26, 1920, the 19th amendment granting women the right to vote in elections became part of the U.S. Constitution. The amendment was first introduced into Congress in 1878.

Our foremothers had to wage a 45-year crusade to get the right to vote. It is only fitting that women today are using that vote to make sure that politicians act on issues they care about.

The power of women's vote resonated yesterday as the Senate passed the omnibus crime bill, which includes the Violence Against Women Act, a historic package of provisions that will finally put some equality into our criminal justice system for women who are victims of domestic violence and sex-based crimes.

Finally, we can go about training police officers, prosecutors and judges about sex-based crimes. Finally, we will be encouraging States to adopt laws for the mandatory arrest of abusive husbands and partners. Finally, the criminal justice system will be changed to be more responsive to women.

While it took 45 long years for women to get the right to vote, it took us only 6 years to pass the Violence Against Women Act. Mr. Speaker, I think that is a tribute to how women have learned to effectively use their vote and their voices in the political process.

So today, on the 74th anniversary of Women's Suffrage, I salute the women of America.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

H. CON. RES. 289

Resolved by the House of Representatives (the Senate concurring), That when the House is in receipt of a message that the Senate has agreed to a concurrent resolution providing for the adjournment of the two Houses to noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, that the House shall stand adjourned in like manner; and that when the Senate recesses or adjourns at the close of business on Monday, August 22, 1994, or any day thereafter, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Clerk read as follows:

Senate amendments:

Page 1, lines 4 and 5, strike out "Thursday, September 8" and insert: *Monday, September 12*

Page 1, line 13, strike out "Thursday, September 8, 1994" and insert: *Monday, September 12, 1994, or at such time as may be specified by the Majority Leader or his designee in his motion to recess or adjourn*

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROWLAND.
Mr. COYNE.
Mrs. MALONEY.
Mr. TRAFICANT.
Mr. LAFALCE.
Ms. FURSE.
Mr. FAZIO.

CONFERENCE REPORT ON H.R. 4624, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 4624), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–715)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 21, 36, 44, 45, 78, 79, 81, 88, 89, 101, 102, 106, 114, 116, 118, 119, 120, 121, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 8, 9, 12, 22, 23, 25, 27, 31, 35, 37, 39, 46, 61, 62, 67, 68, 69, 70, 73, 74, 75, 76, 83, 85, 90, 91, 92, 93, 95, 96, 110, 112, 113, and 115, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$890,600,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,400,000,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$11,083,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$282,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,700,000,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$175,000,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,000,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,279,000,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$290,000,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$42,000,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$955,398,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$42,509,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$145,900,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$215,960,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,554,587,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,280,000,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$126,000,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$250,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 11, 14, 17, 19, 20, 28, 30, 32, 33, 38, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 60, 64, 65, 66, 71, 72, 77, 80, 82, 84, 86, 87, 97, 98, 100, 103, 104, 105, 111, 117, and 123.

Louis Stokes,
Alan B. Mollohan,
Jim Chapman,
Marcy Kaptur,
Esteban Edward Torres,
Ray Thornton,
David R. Obey,
Jerry Lewis,
Tom DeLay,
Dean A. Gallo,
Joseph M. McDade,
Managers on the Part of the House.

Barbara A. Mikulski,
Patrick J. Leahy,
J. Bennett Johnston,
Frank R. Lautenberg,
J. Robert Kerrey,
Dianne Feinstein,
Robert C. Byrd,
Phil Gramm,
Alfonse D'Amato,
Don Nickles,
Christopher S. Bond,
Conrad Burns,
Mark O. Hatfield,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate reducing the fiscal year 1994 funding floor on personnel compensation and benefits by $50,000,000 and to $9,813,265,000.

The House and the Senate each added $111,000,000 above the 1995 budget request for medical care activities. The following represents the changes from the budget estimate agreed to by the conferees:

+$78,054,000 as a general increase to meet veterans health care needs, including the treatment of post traumatic stress disorder and compliance with resident work limits. The increase in funds recommended, together with an increase of approximately $300,000,000 requested for contract employment, will permit the VA to maintain the 1994 hospital staffing levels. It is the conferees' intention that the Secretary have the discretion to determine whether the federal FTE level is 201,508 as proposed in the budget, 205,188 as provided in 1994, or some level in between. Any reduction below the 1994 FTE level is to be offset with increases in contract employment.

+$10,000,000 for new homeless programs.

+$5,000,000 for programs to meet the needs of women veterans.

+$300,000 for a new community-based outpatient clinic in Belmont County, Ohio.

+$550,000 for expansion of the primary health care clinic in Clovis, New Mexico.

+$178,000 for veterans primary health care service in Clayton, New Mexico.

+$1,000,000 for a new community-based outpatient clinic in Monroe, Louisiana.

+$559,000 for community-based outpatient clinics in Wood County and Tucker County, West Virginia.

+$250,000 for a veterans center in Raleigh, North Carolina.

+$750,000 for veterans counseling centers in Bellingham, Washington and the northwest section of the State of Washington.

+$484,000 for an inpatient post traumatic stress disorder unit at the Clarksburg VA Medical Center.

+$5,000,000 for blind rehabilitation services.

+$5,000,000 for the installation of bedside telephones in VA medical centers.

+$1,000,000 for a community-based outpatient clinic in North PLatte, Nebraska.

+$1,525,000 for continuing the demonstration project involving the Clarksburg VA Medical Center and the Ruby Memorial Hospital.

+$900,000 for a regional referral center for Alzheimer's disease and degenerative neurological disorders at the Oklahoma City VA Medical Center.

+$450,000 for expansion of the outpatient clinic in Cambridge, Maryland.

The conferees have deleted without prejudice funding proposed by the Senate to establish up to five centers of excellence in the area of mental illness at existing VA health facilities. A reprogramming of funds for such centers would be considered subsequent to the enactment of authorizing legislation.

Amendment No. 2: Deletes language proposed by the Senate earmarking not more than $500,000 of medical and prosthetic research funds for an epidemiological study of veterans who underwent radium nasopharyngeal irradiation. The conferees have agreed not to earmark funds in the bill, but urge the Department to consider utilizing up to $500,000 of research funds for such a study.

The conferees are concerned that the Office of Management and Budget is including under the full-time equivalent ceiling nonfederal research personnel employed by the nonprofit research corporations, as well as temporary employees. Employees of these nonprofit research corporations are not VA employees, receive no compensation or benefits from VA, and therefore should not count toward the personnel ceiling. The conferees further note that Public Law 100-322 directed that temporary research personnel were to be excluded from any ceiling on full-time equivalent employees of the VA.

DEPARTMENTAL ADMINISTRATION

Amendment No. 3: Appropriates $890,600,000 for general operating expenses, instead of $887,909,000 as proposed by the House and $893,285,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

+$29,443,000 to fund administrative costs of three life insurance programs.

+$16,491,000 for additional staffing, overtime and training to reduce the backlog of veterans benefits claims. This amount includes the $5,400,000 that VA requested be shifted from the guaranty and indemnity program account due to the decrease in housing activity.

+$331,000 reflecting the VA's request to transfer the security office from the Office of Inspector General account.

−$550,000 as a result of VA's request to transfer certain Chief Financial Officer Act activities to the Veterans Health Administration in the MAMOE account.

+$1,600,000 for vocational rehabilitation and counseling to address the backlog of pending cases.

Amendment No. 4: Appropriates $31,819,000 for the Office of Inspector General as proposed by the Senate, instead of $32,219,000 as proposed by the House.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$355,612,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following changes from the budget estimate:

+$6,000,000 for the joint project for the relocation of medical school functions and facility renovations at the Mountain Home VA Medical Center.

+$4,000,000 for the design of a spinal cord injury unit project at the Haley VA Medical Center in Tampa.

+$1,000,000 for the design of a new national cemetery in the Dallas/Fort Worth area.

+$18,100,000 for the new Matsunaga Medical Center in Honolulu, Hawaii.

+$22,900,000 for an ambulatory care addition at the Truman VA Medical Center in Columbia, Missouri.

+$40,985,000 for an ambulatory care addition at the Hayden VA Medical Center in Phoenix.

+$14,000,000 to renovate the Orlando Naval Training Center Hospital for a satellite outpatient clinic/nursing home.

+$2,500,000 for the design of an ambulatory care and clinical addition project at the Eisenhower VA Medical Center in Leavenworth, Kansas.

+$250,000 for the design of a new national cemetery in the Oklahoma City area.

+$17,812,000 for an ambulatory care addition at the Gainesville VA Medical Center.

+$29,200,000 for an ambulatory care addition at the Hampton VA Medical Center.

+$34,800,000 for an ambulatory care addition at the San Juan VA Medical Center.

+$48,600,000 for an ambulatory care addition at the West Haven VA Medical Center.

The conferees are highly supportive of the Department's latest plans to renovate the Reno VA Medical Center. The conferees note that there is $4,300,000 of unobligated funds from the fiscal year 1992 appropriation for this project, and expect the Secretary to request from the Office of Management and budget the reprogramming of unobligated funds by October 1, 1994. The conferees further expect that the fiscal year 1996 budget will include sufficient funds to complete this project as soon as possible.

Amendment No. 6: Deletes language proposed by the Senate earmarking major construction funds for two projects.

Amendment No. 7: Appropriates $16,300,000 for the parking revolving funds as proposed by the Senate, instead of $1,400,000 as proposed by the House. The conferees agree that the additional $14,900,000 above the budget request is for the parking facility for the Honolulu VA Medical Center.

Amendment No. 8: Appropriates $47,397,000 for grants for construction of State extended care facilities as proposed by the Senate, instead of $37,397,000 as proposed by the House.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 9: Appropriates $50,000,000 for the homeownership and opportunity for people everywhere grants program as proposed by the Senate, instead of $100,000,000 as proposed by the House.

Amendment No. 10: Appropriates $1,400,000,000 for the HOME investment partnerships program, instead of $1,275,000,000 as proposed by the House and $1,500,000,000 as proposed by the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $50,000,000 for the National Homeownership Trust Demonstration program.

Amendment No. 12: Inserts change to the heading as proposed by the Senate.

Amendment No. 13: Appropriates $11,083,000,000 for annual contributions for assisted housing, instead of $11,473,019,000 as proposed by the House and $10,600,000,000 as proposed by the Senate. The conferees expect the Department and the Office of Management and Budget to adhere to the 1995 program detailed in the following table:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING, FISCAL YEAR 1995—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
New authority	NA	NA	NA	$11,083,000,000
Recaptures	NA	NA	NA	200,000,000
Transfer from P.L. 103–124	NA	NA	NA	200,000,000
Transfer from (UDAG)	NA	NA	NA	100,000,000
Total available	NA			11,583,000,000
Public housing:				
Public housing development	6,994	85,500	NA	598,000,000
Public housing amendments	NA	NA	NA	50,000,000
Public housing service coordinators (sec. 673)	NA	NA	NA	30,000,000
Indian housing	2,910	96,884	NA	282,000,000
Lease adjustments	NA	NA	NA	21,900,000
Modernization	NA	NA	NA	3,700,000,000
Tenant opportunity program	NA	NA	NA	[25,000,000]
Technical assistance and training	NA	NA	NA	[15,000,000]
Subtotal, public housing	9,904			4,681,900,000
Section 8 and other:				
Elderly:				
Capital grants/rental assistance	9,654	NA	NA	1,279,000,000
Service coordinators (sec. 671/677)	NA	NA	NA	22,000,000
Disabled:				
Capital grants/rental assistance	2,915	NA	NA	387,000,000
Total, elderly/disabled	12,569			1,688,000,000
Incremental rental assistance	62,774	6,857	5	2,785,582,000
Pension fund	[3,402]	6,857	15	[350,000,000]
New initiatives	NA	NA	NA	[1] [400,000,000]
Service coordinators (sec. 674/675/676)	NA	NA	NA	30,000,000
P.H. and housing relocation/replace/opt outs	2,420	6,851	5	82,916,000
Preservation	8,806	NA	NA	175,000,000
Family investment centers	NA	NA	NA	26,342,000
Family self-sufficiency coordinators	NA	NA	NA	17,300,000
Property disposition	5,191	7,128	15	555,000,000
Loan management	5,814	5,160	5	150,000,000
Section 23 conversions	195	4,059	5	3,960,000
Housing opportunities for persons with AIDS	1,058	NA	NA	186,000,000
Lead-based paint	NA	NA	NA	100,000,000
Foster child care	2,107	7,214	5	76,000,000
Special purpose grants	NA	NA	NA	290,000,000
Amendments	NA	NA	NA	735,000,000
Subtotal, section 8 and other	100,934			6,901,100,000
Total, annual contributions	110,838			11,583,000,000
Incremental units (*)	88,412			5,193,582,000

[1] Permissive transfer authority will be included pursuant to authorizing legislation subject to usual reprogramming procedures.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will move to concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *to be added to and merged with the foregoing amounts there shall be up to $400,000,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1995 or are unobligated as of September 30, 1994; and up to $100,000,000 of transfers of unobligated balances from the Urban Development Action Grants program: Provided further, That*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect that approximately one-half of the $400,000,000 will be derived from funds which are recaptured during fiscal year 1995 and one-half from funds that are unobligated as of September 30, 1994, in the vacancy reduction program.

Amendment No. 15: Provides $282,000,000 for Indian housing, instead of $263,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Amendment No. 16: Provides $3,700,000,000 for the public housing modernization program, instead of $3,600,000,000 as proposed by the House and $3,800,000,000 as proposed by the Senate.

The Secretary is not to provide public housing operating subsidies to support the provision of security to the New York City Housing Authority or the City of New York after the merger of the New York City Housing Authority Police Department and the New York City Police Department until the Secretary finds there has been a public hearing conducted under the authority of a legislative body, including Congress, at which the plan for the merger is adequately described by the Chief Executive of the City of New York or his or her designee, and the tenants of the New York City Housing Authority or their representatives have had an opportunity to be heard on the merits of the merger.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $15,000,000 of modernization funds for inspection, technical assistance, oversight and management activities, instead of 0.54 per centum as proposed by the House.

Amendment No. 18: Restores language proposed by the House and stricken by the Senate earmarking $85,000,000 of modernization funds for the Tenant Opportunity Program, amended to earmark $25,000,000.

Amendment No. 19: Reported in technical disagreement. The managements on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$2,785,582,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $350,000,000 of section 8 rental assistance funds for the pension program. The conferees expect that the Department will propose, in its operating plan, the amounts for homeless and disabled units, consistent with authorizing legislation.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following: *: Provided further*, That of the amount provided for rental assistance, a total of up to $400,000,000 may be made available for new programs subject to enactment into law of applicable authorizing legislation

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides up to $400,000,000 for new initiatives of the Department for which authorizing legislation is enacted and which the secretary, subject to normal reprogramming procedures, recommends for funding. The Senate amendment proposed specific earmarks for several of these initiatives including the Community Viability Fund, the Colonias program, and the Neighborhood Leverage Investment program. In addition to these activities, the conferees agree that funding of other new programs may be proposed, including up to $10,000,000 for the New Towns Demonstration program.

Amendment No. 21: Restores language proposed by the House and stricken by the Senate establishing administrative fees for new incremental assistance units at the rate authorized by law.

Amendment No. 22: Earmarks $735,000,000 for amendments to section 8 contracts (other than for section 202 projects) as proposed by the Senate, instead of $1,202,100,000 as proposed by the House.

Amendment No. 23: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 24: Earmarks $175,000,000 for the Preservation program, instead of $100,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

Amendment No. 25: Earmarks $186,000,000 for Housing Opportunities for Persons with AIDS as proposed by the Senate, instead of $156,000,000 as proposed by the House.

Amendment No. 26: Earmarks $100,000,000 for grants to States and local governments for the lead-based paint hazard reduction program, instead of $150,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. The conferees agree that the Department should propose reprogramming additional funds for this program, if needed.

Amendment No. 27: Deletes language proposed by the House and stricken by the Senate earmarking $149,100,000 for the moving to opportunity program. The conferees agree that a reprogramming of existing funds should be proposed in the operating plan for the choice in residency or other authorized program.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That notwithstanding the language preceding the first proviso of this paragraph, $290,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103–715) accompanying H.R. 4624.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement with the following special purpose grants:

+$2,000,000 to the town of Fort Scott, KS for business relocation and related activities.

+$1,500,000 to the city of Wichita, KS for the 21st street corridor improvement project.

+$600,000 to the city of Wichita, KS for capital costs at the Heartspring school for children with disabilities.

+$500,000 for the city of Portland, ME for environmental modifications to community facilities utilizing state of the art architectural techniques.

+$700,000 to the state of Maine for economic development activities for northern Maine.

+$1,000,000 for a rural economic development initiative for the Local Support Initiatives Corporation.

+$700,000 to Salt Lake City, UT for transitional housing and single room occupancy housing for the homeless.

+$100,000 for outreach, trade and export assistance activities of the New Mexico small business development council.

+$900,000 to Taos County, NM for implementation of the Taos County community centers concept to provide basic community services to up to 30 beneficiary communities.

+$2,500,000 to Kansas City, MO for the restoration of Union Station.

+$200,000 to Kansas City, MO for renovation of the main facility at the DeLaSalle Education Center to improve and expand services to troubled students.

+$300,000 to St. Louis, MO for capital costs at Faith House to aid at-risk children.

+$800,000 to St. Louis, MO for child care facilities at Hope house and the Bond center.

+$500,000 to Tulsa, OK for continued revitalization of the Kendall Whittier neighborhood project.

+$600,000 to Ponca City, OK for industrial economic development activities.

+$1,500,000 to the City of San Francisco, CA for transitional housing for homeless mentally disabled persons.

+$1,000,000 to Los Angeles and Hollywood, CA for construction of an emergency shelter for youth run by Covenant House.

+$1,500,000 for completion of construction on the Merced County, CA public health facility.

+$500,000 to Alameda County, CA for continuation of the jobs for homeless consortium.

+$3,000,000 to North Las Vegas, NV for revitalization of the Windsor Park neighborhood.

+$200,000 to Reno, NV for transitional housing activities.

+$1,000,000 to Butte, MT for energy efficiency and resource conservation in public housing throughout Montana.

+$1,500,000 to Billings, MT for clinical lab space.

+$1,000,000 to Missoula, MT for Women's Opportunity and Resource Development, Inc. for homeless assistance for families and women at risk.

+$500,000 for innovative housing research in inner city neighborhoods in the cities of Gary, Indianapolis, Terre Haute, Bloomington, and Columbus, IN, to be conducted through the Housing Futures Institute in Muncie, IN.

+$2,500,000 to the Turtle Mountain Chippewa Indian Reservation in North Dakota for economic development activities.

+$2,000,000 to New York City for the Bedford Stuyvesant Restoration Corporation for renovation of Restoration plaza.

+$2,000,000 to New York City for the Council of Jewish Organization's economic development project.

+$2,000,000 to Lake Placid, NY for capital costs related to economic development activities.

+$1,500,000 for economic development related to science and technology activities in Sioux Falls, SD.

+$2,500,000 for the city of Hartford, CT for continued capital costs at the Hartford children's hospital.

+$1,000,000 for economic development activities in Bridgeport, CT.

+$1,500,000 for Alliance, OH for continued capital costs for assisted living activities at the Alliance Community Hospital.

+$1,000,000 to Seattle, WA for economic development activities.

+$1,000,000 to Seattle, WA and King County, WA for phase II of the Seattle community action capital project.

+$1,000,000 to Tacoma, WA for an affordable housing and economic development revolving loan fund.

+$2,500,000 for Seattle, WA and Spokane, WA for capital costs associated with public science education activities.

+$100,000 for a small business development center in Walla Walla, WA.

+$5,000,000 to the city of Huntington, WV for the construction of a new library.

+$5,000,000 to Shepherdstown, WV for continued capital costs for science and education activities.

+$4,000,000 to Lewisburg, WV for construction of a new ambulatory care clinic.

+$5,000,000 to Beckley, WV for construction of a new library facility.

+$1,000,000 for infrastructure improvements for the central business district of Jacksonville Beach, FL.

+$1,000,000 for affordable housing connected to the Cedar Grove II affordable housing project in Gainesville, FL.

+$1,700,000 to Gainesville, FL for public facilities in the Citizen's Park development.

+$2,000,000 to Polk County, IA for implementation of the Des Moines housing trust.

+$200,000 for hazardous materials recovery activities for Waterloo, IA.

+$1,000,000 to Cedar Rapids, IA for affordable housing activities.

+$500,000 for the southern Iowa housing authority for an innovative affordable homeownership program.

+$1,000,000 to the State of Iowa for continued implementation of the individual home acquisition program.

+$2,200,000 for capital costs to expand social services activities in Portland, OR.

+$2,000,000 for planning and design of urban revitalization activities in Portland, OR.

+$1,200,000 to the State of Oregon for economic development activities in Hood River, OR.

+$5,000,000 for science education facility in Newport, OR.

+$1,000,000 to Brownsville, TX for infrastructure improvements to the port of Brownsville.

+$1,600,000 to the County of Hawaii, HI for affordable housing activities along the Hamakua coast.

+$500,000 to the state of Hawaii for the Hawaii foodbank.

+$2,000,000 for the County of Kauai, HI for infrastructure improvements in the Lihue area.

+$500,000 to New Orleans, LA for the New Orleans recreation department's neighborhood rehabilitation program.

+$1,000,000 to New Orleans, LA for continued operations of the national center for the revitalization of central cities.

+$200,000 to New Orleans, LA for the Odyssey House treatment program.

+$500,000 to New Orleans, LA for homeless activities with Associated Catholic Charities of New Orleans.

+$700,000 to New Orleans, LA for the Mirabeau family learning center.

+$2,500,000 to Boston, MA for revitalization of the Lowell Square housing development.

+$2,000,000 to Springfield, MA for infrastructure and capital improvements connected to the Tapley street operations center.

+$1,000,000 to Boston, MA for renovations to the Boston public library.

+$2,200,000 to Omaha, NE for the Omaha Builds project.

+$200,000 to Kearney, NE for operations at the community education resource center.

+$100,000 to Crete, NE for completion of the Blue Ridge family resource center.

+$1,000,000 to Lincoln, NE for capital costs associated with social service delivery to at-risk children and families.

+$700,000 for continued neighborhood crime intervention activities in Milwaukee, WI.

+$1,500,000 to Trenton, NJ for capital costs related to facilities for substance abuse treatment and intervention.

+$1,000,000 for Newark, NJ for renovation of facilities for treatment of, and services to, infectious disease.

+$1,000,000 for high technology economic development activities in Newark, NJ.

+$1,000,000 to Atlantic City, NJ for facilities for troubled youth.

+$1,500,000 for at-risk children intervention in Camden, NJ.

+$1,500,000 for affordable housing activities in St. Albans, Brattleboro, Windsor, Island Pond, and Barre, VT.

+$2,000,000 for revolving loan funds for the Vermont community loan fund, the northern Vermont development credit union, the Washington County revolving loan fund, the Rockingham revolving loan fund, the northern community investment corporation, and the Vermont job start program.

+$200,000 to Burlington, VT for the Burlington relief campaign.

+$1,500,000 for capital costs associated with public education and scientific literacy activities in Burlington, VT.

+$1,000,000 for anti-crime youth initiative in Washington, DC public housing projects using the Greater Washington Boys and Girls Clubs.

+$1,000,000 to Paris, IL for its Paris Twin Lakes restoration project.

+$1,000,000 to Chicago, IL and other communities throughout the State of Illinois for youth sports activities for at-risk youth.

+$500,000 to Chicago, IL for neighborhood revitalization activities.

+$200,000 for Crainville, IL for the development of infrastructure improvements related to the water supply.

+$1,500,000 for renovation of existing public facilities in Buffalo, NY.

+$1,500,000 for renovation of the central terminal in Buffalo, NY.

+$3,500,000 for community development activities in Yonkers, NY.

+$2,500,000 for Project Social Care MB Inc. for a multi-lingual, multi-service center in Brooklyn, NY to serve elderly Holocaust survivors and immigrants.

+$500,000 to the state of Arkansas for the Arkansas enterprise group for the development of a wood products modernization and market development fund.

+$800,000 for the northern economic initiatives corporation for the creation of economic development revolving loan fund in upper peninsula of Michigan.

+$800,000 for a grant to Albion College in Albion, MI for downtown renovation and economic revitalization.

+$3,000,000 for Focus HOPE in Detroit, MI.

+$800,000 to Virginia Beach, VA for capital costs connected with innovative homeless activities.

+$800,000 to Newport News, VA for the An Achievable Dream program for at-risk youth.

+$1,000,000 to Clinton, TN for infrastructure improvements in the south Clinton.

$600,000 for Lackawanna County, PA for construction of a community center.

+$200,000 to Williamsport, PA for expansion of the Bethune Douglass Community Center.

+$2,000,000 to the state of Pennsylvania for educational telecommunications network.

+$100,000 to Easton, PA for downtown revitalization activities.

+$700,000 to Philadelphia, PA for the Philadelphia development partnership for developing community development corporations.

+$100,000 to Napaskiak, AK for infrastructure costs associated with a community multipurpose center.

+$300,000 to the state of Alaska for the Alaska villages initiative.

+$1,000,000 for the Thunder Child residential Substance Abuse Treatment Center near Sheridan, WY.

+$600,000 for Lebanon, KY for capital construction, equipping and outfitting costs connected with new economic and community development facilities.

+$3,200,000 to Baltimore, MD for continued capital costs for the high technology economic development activities.

+$1,000,000 for the Milton S. Eisenhower Foundation for innovative community policing activities in public housing involving tenant organizations in Los Angeles, CA, Baltimore, MD, Chicago, IL, Columbia, SC, Arkansas, AR, Memphis, TN, Newark, NJ, and San Juan, PR.

+$1,450,000 to the College of Notre Dame of Maryland in Baltimore, MD for capital costs, including equipping and outfitting activities, connected to the renovation of the Knott Science Center.

+$1,450,000 to Villa Julie College in Stevenson, MD for a state-of-the-art computer training program, including construction, other capital activities, equipment, and outfitting for a technology training center.

+$800,000 to the Bay County Building Authority in Bay County, MI, for the continued development of a conference center and for other municipal purposes.

+$500,000 for the rehabilitation and renovation of the Macon Coliseum in Macon, GA, as part of the city's urban revitalization plan.

+$1,000,000 for the development of a national demonstration project at Misericordia Hospital in Philadelphia, PA, for a comprehensive inpatient, outpatient and primary care program in medically underserved communities.

+$1,200,000 for the development of a National Center for the treatment of the hand and upper extremities at the Raymond M. Curtis Hand Center at the Union Memorial Hospital in Baltimore, MD.

+$2,000,000 for the development of an Urban Health Education Center at the University of Detroit Mercy in Detroit, MI.

+$175,000 for Bowie County, TX, to the Domestic Violence Prevention, Inc. for battered women's shelter and related services.

+$1,400,000 for the Ark-Tex Council of Governments in Bowie County, TX, for infrastructure, community or economic development activities.

+$1,275,000 for the East Texas Council of Governments in Kilgore, TX, for infrastructure, community or economic development activities in Wood, Camp, Gregg, Harrison, Marion, Rusk, Upshur, or Panola Counties.

+$400,000 to Nacogdoches County, TX, for infrastructure improvements in the Community of Briar Forest.

+$750,000 to Wood County, TX, for infrastructure improvements in the City of Quitman.

+$1,000,000 for the Henry Ford Health System to initiate the Center for Integrated Urban Care, as part of a regional and national demonstration of urban health care delivery in Mississippi.

+$2,000,000 for the development of a specialized HIV/AIDs health center in Chicago.

+$1,500,000 for a pediatric primary care demonstration program at six sites in Detroit, MI, by the Children's Hospital of Michigan.

+$2,000,000 to the City of Vienna, GA, for infrastructure improvements for water and sewer lines.

+$2,600,000 to the City of Houston, TX, for community development activities.

+$1,400,000 to the City of Worcester, Massachusetts for the Community Health Care Center in Central Massachusetts.

+$750,000 for a jobs program for the Homeless Consortium in Oakland, CA.

+$750,000 to the City of Oakland for a new Sickle Cell Center at Children's Hospital in Oakland, CA.

+$1,000,000 for New Direction, a non-profit veterans organization in southern Los Angeles, CA, which provides educational assistance, medical and legal referrals for homeless veterans.

+$300,000 to Fordham University to construct a new facility to house the Regional Educational Technology Center in Bronx, New York.

+$750,000 for the renovation, expansion, and conversion of a section of Iona College's New Rochelle campus' Ryan Library to house an Information Access Center for women and minority owned businesses in the New York area.

+$500,000 for sewer infrastructure improvements in Gridley, CA.

+$500,000 for the expansion of the Red Bluff Community Center in Red Bluff, CA.

+$500,000 to develop an industry incubation program in the North Highlands area of California, to stimulate economic activities through technology transfer and secondary market industry development.

+$400,000 to the City of Woodland, CA, for restoration and remodeling of a facility for a safe single-room-occupancy residence for low- and very low-income people.

+$300,000 for the development of an innovative multi-purpose, all-services, youth-to-senior center designed to meet the diverse Philadelphia community impacted by AIDS and HIV.

+$300,000 to the City of Chester, PA, for the development of a recreational center designed to meet the poverty-related needs of the community.

+$300,000 for the City of Chester, PA, for the next phase of Operation Seal Out Drugs.

+$125,000 to offset costs incurred by the Freeman School district for construction of a new sewer lagoon in Washington.

+$54,000 for the Spokane Housing Authority for Reclaiming Our Area Residences (ROAR) crime reducing project in Washington.

+$135,000 for the handicapped access project needed to upgrade the Young Women's Christian Association facility in Walla Walla County, WA.

+$1,000,000 for the purchase and renovation to code of a community health center in Dover, New Jersey.

+$100,000 to Morristown, New Jersey for minority, youth facilities.

+$75,000 to Dover, New Jersey for rehabilitation services and out-patient drug and alcohol treatment at the Hope House.

+$1,000,000 for high technology economic development activities in Newark, New Jersey.

+$915,000 to Sparta, New Jersey for senior center and community center expansion.

+$900,000 to Morristown, New Jersey for a transitional housing project for battered women and their children administered by Jersey Battered Women's Service.

+$600,000 for the infrastructure improvement for a sewer system in a subdivision of Jefferson County in St. Louis, MO.

+$1,000,000 to Hillsborough County, Florida for the construction of a community-based facility providing multi-services to individuals with AIDS.

+$1,200,000 for the New York Medical College to develop a community based medical infrastructure project in New York.

+$600,000 for the continued renovation of the Bradley Academy for a multi-purpose community/cultural/heritage and civic center in Murfreesboro, TN.

+$500,000 for the acquisition and renovation of a historical building for a revitalization housing project in Riviera Beach, Florida.

+$1,500,000 for the continued development of a model community-based rural health network headquartered at the Carolinas medical Center in Charlotte, NC.

+$300,000 to rehabilitate uninsured buildings damaged by fire, and provide residential and commercial use in Auburn, N.Y.

+$450,000 for the construction of the Center for Political Participation at the University of Maryland at College Park.

+$1,000,000 for the expansion of St. Mary's Community College in St. Mary's County, MD, for needed educational opportunities.

+$1,050,000 for the renovation of a facility needed to offer coordinated services to an underserved community in Charles County, Maryland.

+$1,500,000 for the National Child Protection and Trauma Center at the Children's National Medical Center in Washington, D.C.

+$500,000 for the initial processing phase of the Housing for Inner-City Neighborhoods research project in the Indiana area.

+$1,000,000 for the Dallas Affordable Housing Coalition and the Dallas Citizens Council to develop and implement a plan for an adequate supply of affordable housing in the Dallas area.

+$500,000 to the City of Toledo, OH, for the continued work in conjunction with the Toledo Area Transit Authority and other agencies to renovate Central Union Terminal through abandoned building demolition and site improvements.

+$2,000,000 to the City of Toledo Farmers' Market to provide indoor and outdoor improvements and renovate the existing Civic Auditorium Building and convert it into an indoor retail market of Ohio.

+$500,000 for the rehabilitation of a youth detoxification facility for juvenile offenders in the central city in Ohio.

+$500,000 to the Cherry-Bancroft-Summit (CBS) Corridors Coalition to be used for redevelopment strategies to strengthen efforts towards revitalization in Ohio.

+$500,000 for the removal of asbestos from an abandoned public school building for use as a Jobs Corps training and employment center for low-income youth in the city of Toledo.

+$300,000 for the Community Alliance Resource Environment, Inc. to upgrade facilities which provide extensive residential treatment, aftercare, and prevention services for inner-city substance abusers in Flint, MI.

+$200,000 for the Flint Housing Commission to increase security to prevent the spate of threats and assaults on senior citizens in Michigan.

+$1,000,000 for the Cradle Beach Camp to support summer recreational opportunities for developmentally, physically, socially and economically challenged children in western New York.

+$250,000 for the Rural Opportunities Inc. of Rochester, NY, to capitalize a revolving loan fund to finance early stage, predevelopment activities for multi-family housing project in New York.

+$1,000,000 for the City of Highland, CA, to correct physical blight and to revitalize the Ware/Cunningham neighborhood.

+$850,000 to the Partnership in Academic Excellence Foundation in Apple Valley, California for capital costs associated with science education activities.

+$500,000 for the Happy Trails Children's Foundation for completion of renovations at the Cooper Home for Abused Children in Apple Valley, CA.

+$1,650,000 to the Redlands Center for Science and Environmental Studies for capital costs associated with a science education facility in Redlands, CA.

+$2,000,000 for a community based cancer patient support project in Loma Linda, CA, including capital costs for an extended outpatient care residential facility combing multidisciplinary cancer approaches.

+$750,000 for the SciTrek science museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta.

+$2,460,000 for the King Center in Atlanta, GA, for continued activities to combat poverty, racism and violence, including technical assistance, direct grants and community capacity-building activities.

+$900,000 to the City of Mount Pleasant Iowa to assist in the construction of low-to-moderate-income housing.

+$750,000 for the New Rochelle Housing Authority to develop a demonstration program for protecting public housing residents from drugs and drug crime in White Plains, New York.

+$1,000,000 for international business and economic development center in Smithfield, Rhode Island.

+$2,000,000 for the acquisition and renovation of a new facility for the organization God's Love We Deliver in New York.

+$160,000 for the infrastructure improvements of the recreational facility in Conshohocken, PA.

+$2,000,000 for an information technology and training network and for related economic development activities in Norristown and Aston, PA, in concert with the Southeastern Pennsylvania Consortium for Information Technology and Training.

+$750,000 for the Habitat Humanity Project in California which provides housing for underserved families.

+$1,000,000 for the Parkland Neighborhood Revitalization program in Louisville, KY.

+$1,500,000 for the Lackawanna Valley Pennsylvania Heritage Authority for renovation and conversion of vacant school buildings located in Olyphant, PA, for use as low- and moderate-income elderly housing.

+$2,500,000 for the National Institute for Environmental Renewal in Lackawanna County, PA, for economic development and job expansions.

+$1,500,000 for the development of a Center for Primary Health and Family Practice Development needed to provide services to underserved residents of Allentown, PA.

+$350,000 for the restoration and renovation of the West Broad Street YMCA in Savannah, GA.

+$2,000,000 for the development of a Comprehensive Family and Child Development Center in Carol City, FL, serving a economically disadvantaged community.

+$1,000,000 for the Township of North Bergen, NJ, for a multi-year comprehensive anti-drug, educational, and job training program targeted to service low-income housing units, and seniors' housing.

+$1,000,000 for the renovation of Jordan Hall at the New England Conservatory in Boston, MA.

+$900,000 for Preston County, WV, to be distributed as follows: $300,000 for Arthurdale Heritage Inc., $100,000 for the Tunnelton Historical Society, and $500,000 for the Kingwood Main Street program to pursue economic development, downtown revitalization, and historic preservation initiatives.

+$1,500,000 for the City of Moundsville, WV, to be divided equally between local housing initiatives and downtown revitalization efforts.

+$1,000,000 for the City of Parkersburg, WV, for economic development and downtown revitalization efforts.

+$600,000 for the City of Wheeling, WV, for educational and recreational opportunities for at-risk youth, and the acquisition and renovation of dilapidated housing.

+$1,000,000 for the George Marshall Home Preservation Fund to develop the George C. Marshall International Center in Leesburg, VA.

+$350,000 for the City of Kensington, MD, to complete conversion of the Town Armory into a community center.

+$4,350,000 to Armstrong County, PA, for the renovation and revitalization of the Kittanning Riverfront Project in Kittanning, PA.

+$26,000 for the upgrade of recreational facilities in Homer City, PA.

+$500,000 to Springfield, MA, for infrastructure and capital improvements connected to the Tapley Street Operations Center.

+$1,000,000 for the renovation and preservation of the Perry School Project for purpose of providing community services to underserved individuals in Washington, DC.

+$1,000,000 for the construction of a community center/conference and office complex in Provo City, Utah.

+$1,000,000 for the University Heights Science Park project for further educational, community, and science developments in New Jersey.

+$1,000,000 for a demonstration revolving loan fund to explore mechanisms for assembling, cleaning, and offering deteriorated urban land for development in New Jersey.

+$1,000,000 for funds to develop the Center for Pacific Rim studies in San Francisco, CA.

+$1,500,000 for Columbia University for the development of Audubon Research Park for biomedical research in New York.

+$250,000 for an economic development and port modernization project at Davisville, Rhode Island.

+$500,000 for the Community Hospital in Alliance, Ohio, to create a Corporate Health Alliance to address heart disease, cancer, and stroke prevention among industrial workers.

+$1,500,000 for a affordable housing development in Santa Fe, NM, to assist low income home buyers in the community.

+$1,000,000 for the Hazard Community College for construction of a community service center in Kentucky.

+$300,000 for the Martin County, Kentucky, to complete lead paint removal at the Inez Community Youth Center.

+$2,000,000 for Pembroke State University to construct a Regional Center for economic, community and professional development in southeastern North Carolina.

+$2,000,000 for DePaul University's library to provide direct services and partnerships with community organizations, schools, and individuals in North Carolina.

+$1,000,000 for the support of the development of affordable housing for persons afflicted with HIV/AIDS in Illinois.

+$1,500,000 for the infrastructure of the Englewood Hospital and Medical Center for an extended breast care center in New Jersey.

+$1,500,000 for the construction of Saint Xavier University Center for Urban Redevelopment and community services in Chicago, IL.

+$2,000,000 for the Twin Cities Opportunities Industrialization Center for construction of a new multi-purpose training, commercial and community service facility in Illinois.

+$15,000 for the Pennsylvania American Legion Homeless Veterans Corporation for the Cypress Street project in Munhall, PA.

+$1,000,000 for the health care project specializing in cardiac care for children's hospital in San Diego, CA.

+$500,000 for program support for the Leadership Institute at Hampton University for activities which address profound social problems in Hampton, VA.

+$1,300,000 for the City of Richmond and the Virginia Commonwealth University for the development of the Richmond Education, Training and Employment Network project.

+$500,000 for the development of a Center for the Prevention of Crime, Violence, Illiteracy, and Poverty at Norfolk State University in Norfolk, VA.

+$250,000 for emergency response rescue equipment for the Santa Rosa Volunteer Fire Department in eastern New Mexico.

+$1,000,000 to Cibola County, NM, for the development of the multi-agency visitor center.

+$750,000 for the Delta Foundation in Greenville, MI, for the establishment of a HUD Urban Revolving Loan Fund.

+$1,700,000 to the City of Little Rock, AR, for community development activities.

+$835,000 for the Little Rock, AR, public housing authority for security improvement and service coordination activities.

+$1,050,000 to the University of Arkansas at Little Rock for a coordinated urban community revitalization program operation in Arkansas.

+$1,000,000 for America's Economic Development Venture for Area Neighborhoods, Communities and Enterprises (ADVANCE) program in the greater San Gabriel Valley, CA.

+$150,000 for San Antonio, CA, Southtown to develop an urban revitalization project to establish a Microenterprise Assistance program.

+$1,600,000 for the National Council of La Raza/Southwest Voter Research Institute to establish and administer a Community Adjustment and Investment Technical Assistance Consortium in California.

+$250,000 for the new Bilingual Foundation of the Arts theater facility in California.

+$1,000,000 for the construction of a Regional Training facility for the fire, police, and volunteer disaster workers in the Los Angeles, California area.

+$750,000 for the development of a center to coordinate academic training programs for physical therapists at Veterans' Administration hospitals in Brooklyn, NY.

+$1,000,000 for a residential and commercial sewer rehabilitation project in Merrillville, Indiana.

+$500,000 for sewer line infrastructure affecting Lake Michigan and surrounding areas in Indiana.

+$500,000 to Applied Technology Center at Onondaga Community College to serve as a comprehensive economic development resource in central New York.

+$500,000 for the demolition and removal of asbestos in a abandoned building for the revitalization of the neighborhood in central New York.

+$1,500,000 for the Mount Cleveland Initiative, a community development project in Kansas City, MO.

+$450,000 to the City of Sardis, MS, to further implement an economic development plan for the region and for development of multiple facilities.

+$1,000,000 for the development of the Lucas Valley Seniors Housing project for use 80 housing units needed for low-income elderly citizens in Marin County, California.

+$750,000 for the Chicago Department of Housing's Homescape Program to rehabilitate and restore housing of persons with low- and moderate-incomes in Chicago.

+$2,000,000 to the Jewish Community Federation of Cleveland, Ohio for a comprehensive system of support services to the frail elderly.

+$1,750,000 to the City of East Cleveland, Ohio for economic and community development activities.

+$1,000,000 to the City of Euclid, Ohio for further development relative to its community reinvestment area in the downtown commercial shopping district.

+$1,000,000 to the Playhouse Square Foundation in Cleveland, Ohio for redevelopment and restoration of the Allen Theater.

+$1,000,000 to the Urban League of Greater Cleveland, Ohio for planning and implementation of a job training and economic preparedness program.

+$750,000 to the City of South Euclid, Ohio for economic and community development activities.

+$500,000 to the East End Neighborhood House in Cleveland, Ohio for community activities associated with the Rites of Passage Institute.

+$500,000 to the Fairfax Renaissance Development Corporation in Cleveland, Ohio for the Caravan Housing Project for housing, renovations and rehabilitation and other related housing activities.

+$500,000 to the Hough Area Partners in Progress in Cleveland, Ohio for economic and community development activities.

+$500,000 to Karamu House in Cleveland, Ohio for development of bicentennial and media center activities.

+$500,000 to the Northeastern Neighborhood Development Corporation in Cleveland, Ohio for the Lakeview Corridor Improvement project for planning and implementation of projects.

+$300,000 for the construction of a shell building with funds to be divided between Roanoke County, VA and Grayson County, VA for completion of Phase I of the Valley TechPark.

+$300,000 for the expansion of the Science and Mathematics Complex at the University of South Carolina.

+$500,000 for the Earth Conservatory for the acquisition of land near Wilkes-Barre, PA for economic and community development purposes.

+$400,000 for public infrastructure improvements and business renewal and development along Martin King Boulevard in Savannah, GA.

+$500,000 to the City of Holyoke, MA to create a Health Center at the Holyoke Children's Museum.

+$1,000,000 for the Center for Community Self Help located in Durham, NC, for homeownership for disadvantaged families.

+$500,000 for the exhibition development at Inventure Place, a national invention resource center in Akron, OH.

+$250,000 for the continued support of the Share the Harvest project in the Ohio area.

+$300,000 for the Community Housing Corporation for site work and environmental assessments in South Bronx, New York.

+$300,000 for the New York City Housing Authority to fund a law enforcement and social initiative for University Avenue Consolidated.

+$2,000,000 for economic development activities related to distance learning programs in Storm Lake, Iowa.

+$1,000,000 to the City of Birmingham, Alabama, to assist in expanding a small business incubator program at the University of Alabama.

+$2,000,000 for the Department of Veterans Affairs for the assistance of veterans who are participating in the 1996 Paralympic Games.

+$300,000 to the Sault Ste. Marie, MI, Community Action Human Resource Authority for a revitalization project with senior citizen housing and related services.

Amendment No. 29: Earmarks $1,279,000,000 for the section 202 housing for the elderly program, instead of $1,158,000,000 as proposed by the House and $1,300,000,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed in said amendment, insert the following: *$2,536,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 31: Deletes language proposed by the House and stricken by the Senate appropriating an advance 1996 appropriation of $800,000,000 for the assistance for the renewal of expiring section 8 subsidy contracts account.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $25,000,000 for the congregate services program, instead of $6,267,000 as proposed by the House. The conferees agree that HUD may utilize unobligated funds for retrofitting frail elderly housing.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $500,000,000 for the severely distressed public housing program pursuant to the authorization in the 1993 Appropriations Act, and including other provisions regarding the utilization of these funds, instead of providing $500,000,000 pursuant to section 24 of the authorizing legislation and permitting up to one-half of one percent of the funds for technical assistance.

The amendment modifies the 1993 Appropriations Act regarding the number and size of the grant applications, requires 1995 implementation grants to be first awarded to communities which received planning grants in 1993 or 1994, earmarks up to $2,500,000 for technical assistance activities, and permits the Secretary to conform the program with subsequently enacted authorizing legislation.

Amendment No. 34: Appropriates $290,000,000 for the drug elimination grants for low-income housing program, instead of $265,000,000 as proposed by the House and $315,000,000 as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the House and stricken by the Senate earmarking $1,500,000 for grants for a demonstration program.

Amendment No. 36: Deletes language proposed by the Senate limiting the allocation of drug elimination grants.

Federal Housing Administration

Amendment No. 37: Appropriates $188,395,000 for the FHA-general and special risk program account as proposed by the Senate, instead of $152,000,000 as proposed by the House.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that apportions general and special risk program costs on a quarterly basis—not more than 25 percent in the first quarter, not more than 50 percent by the end of the second quarter, and not more than 85 percent by the end of the third quarter.

The conferees remain concerned about the Department's violation of the reprogramming guidelines in apportioning credit subsidy for FHA general and special risk insurance fund programs in fiscal year 1994. This action, and the Department's poor estimating ability on the need for credit subsidies, were the principal reasons why a fiscal year 1994 supplemental was required for credit subsidies. While the conferees are cognizant of the need for flexibility in administering these FHA programs, rigorous steps must be taken by the FHA to avoid the need for supplementals in credit subsidies in 1995 and future years. For this reason, the conferees are capping credit subsidies and loan commitment levels for programs in the general and special risk funds at the levels estimated in the general and special risk funds at the levels estimated by the Department in its letter report to the Senate Appropriations Committee of July 26, 1994. Any proposed changes in these amounts which individually, or in the aggregate, are equal to, or exceed $250,000, may not be made without the prior approval of the Committees on Appropriations consistent with the standard reprogramming guidelines. The conferees strongly believe that credit subsidies, consistent with their status as discretionary activities, are clearly and unquestionably subject to the Committees' reprogramming guidelines. As a result, the Department should treat them as such, and include that account in the annual operating plan. The operating plan should specify individual loan commitment and credit subsidies levels, how those levels compare to the original budget request, and the amended budget request specified in the July 26, 1994 report.

COMMUNITY PLANNING AND DEVELOPMENT

Amendment No. 39: Earmarks $44,000,000 of community development grants for section 107 grants as proposed by the Senate, instead of $61,500,000 as proposed by the House. The conferees are in agreement that section 107 funding includes $7,000,000 for insular areas, $3,000,000 for the work study program, $8,000,000 for historically black colleges and universities, $10,500,000 for technical assistance, $6,000,000 for joint community development, $7,500,000 for community outreach, and $2,000,000 for community adjustment planning.

Amendment No. 40: Restores language proposed by the House and stricken by the Senate earmarking $35,000,000 for an early childhood development program, amended to provide $20,000,000.

Amendment No. 41: Restores language proposed by the House and stricken by the Senate earmarking $10,000,000 for a neighborhood development program, amended to provide $5,000,000.

POLICY DEVELOPMENT AND RESEARCH

Amendment No. 42: Appropriates $42,000,000 for research and technology, instead of $40,000,000 as proposed by the House and $44,000,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget estimate:

+$4,000,000 as a grant for the Housing Assistance Council, including $2,000,000 for the rural housing loan fund.

+$1,000,000 as a grant for the National American Indian Housing Council.

+$2,000,000 for the creation of a competitively selected center on violence in public housing.

This amount is in addition to the $2,000,000 for an interdisciplinary center to support research on violence in the National Science Foundation's research and related activities account.

−$5,000,000 as a general reduction, subject to normal reprogramming guidelines.

Management and Administration

Amendment No. 43: Appropriates $955,398,000 for salaries and expenses, instead of $962,173,000 as proposed by the House and $947,398,000 as proposed by the Senate. The Department is to distribute the general reduction, subject to normal reprogramming guidelines.

ADMINISTRATIVE PROVISIONS

Amendment No. 44: Restores language proposed by the House and stricken by the Senate permitting a 1993 special purpose grant for Scranton, Pennsylvania, to be redesignated to another site.

Amendment No. 45: Restores language proposed by the House and stricken by the Senate permitting the reprogramming of urban development action grants in Buffalo, New York.

Amendment No. 46: Deletes language proposed by the House and stricken by the Senate which would raise the Federal Housing Administration loan limit—both ceiling and floor.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate increasing the Federal Housing Administration loan limitation.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the Government National Mortgage Association, during 1995, to issue REMIC securities which involve adjustable rate mortgages.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would deny section 8 contract rent increases in 1995 based on annual adjustment factors whenever the contract rent for a unit in a section 8 new construction, substantial rehabilitation, or moderate rehabilitation project is more than the section 8 fair market rent.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would reduce the annual adjustment factor by one percent in 1995 for section 8 units that did not have tenant turnover at the beginning of the year.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; and in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;".*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This language establishes a preference for working families in section 8 and public housing during 1995.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing refinancing incentives for section 8 projects.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate incorporating certain reforms in the preservation program.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing HUD with the authority for single family non-judicial foreclosures.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the New York City Housing Authority to utilize certain public housing funds already awarded to it for homeownership activities.

TITLE III—INDEPENDENT AGENCIES

Chemical Safety and Hazard Investigation Board

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $1,730,000 are rescinded immediately upon enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores a rescission of funds previously appropriated for the Chemical Safety and Hazard Investigation Board, stricken by the Senate, amended to make the rescission effective upon enactment of this Act.

It is the understanding of the conferees that members of the Chemical Board will soon be nominated. Therefore, it is unlikely that the funds appropriated for fiscal year 1994 can be expended.

Amendment No. 57: Appropriates $500,000 for the Chemical Safety and Hazard Investigation Board, instead of none as proposed by the House and $4,250,000 as proposed by the Senate. The Chemical Safety and Hazard Investigation Board is expected to be established in fiscal year 1995 and this appropriation should provide sufficient start up funds for this new entity.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1996: Provided, That of the funds made available under this heading, up to $10,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $75,815,000: Provided further, That not more than $39,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 59: Appropriates $42,509,000 for salaries and expenses of the Consumer Product Safety Commission, instead of $43,486,000 as proposed by the House and $40,509,000 as proposed by the Senate.

The conferees agree that $1,200,000 shall be made available for the implementation of the Fire Safe Cigarette Act, upon enactment of the corresponding legislation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and proposed by said amendment, insert the following: *$575,000,000, of which $386,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to the following overall allocation for the fiscal year 1995 appropriation:

Americorps Grants	$250,000,000
National Service Trust	145,900,000
Innovation, Assistance, and Other Activities	60,200,000
Service Learning	50,000,000
Program Administration	29,400,000
National Civilian Community Corps	26,000,000
Audits and Evaluations	7,000,000
Points of Light Foundation	6,500,000
Total appropriation	575,000,000

Amendment No. 61: Limits administrative expenses to $29,400,000 as proposed by the Senate, instead of $27,400,000 as proposed by the House.

Amendment No. 62: Limits administrative expenses for State commissions to $14,700,000 as proposed by the Senate, instead of $13,700,000 as proposed by the House.

Amendment No. 63: Limits funds for the National Service Trust Fund to $145,900,000, instead of $125,900,000 as proposed by the House and $155,900,000 proposed by the Senate.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That not more than $14,175,000 of the $145,900,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $6,500,000 for the Points of Light Foundation.

The conferees agree that the Points of Light Foundation, despite its statutory independence and autonomy, is an integral part of the Corporation's mission, and that every effort should be made by the Corporation to involve the Points of Light Foundation in program activities which would benefit from the Foundation's broad community service experiences.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting funds made available to the Corporation, including other appropriation vehicles, from being utilized to pay for any central administrative expenses or expenses related to the National Service program associated with the Corporation.

The conferees agree that the Corporation may enter into personal service contracts, if necessary, in the event any program under the authority of the Corporation is jeopardized as a result of pertinent limitations placed on the Corporation's central administrative expenses.

Amendment No. 67: Appropriates $2,000,000 for the Office of Inspector General as proposed by the Senate, instead of $1,000,000 as proposed by the House.

COURT OF VETERANS APPEALS

Amendment No. 68: Appropriates $9,429,000 for salaries and expenses as proposed by the Senate, instead of $9,289,000 as proposed by the House.

Amendment No. 69: Earmarks $790,000 for the pro-bono legal representation program as proposed by the Senate, instead of $650,000 as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 70: Deletes language proposed by the House and stricken by the Senate establishing one account in fiscal year 1995 for program activities rather than two for "Research and development" and "Abatement, control, and compliance".

To the extent possible, for the fiscal year 1996 budget, the EPA should review the current budget structure and is strongly urged to restructure its accounts. The conferees wish to express concern about the lack of account integrity and hope that the Agency realigns the budget structure that is now in place. The Committees on Appropriations should be consulted during the development process. Should such an undertaking occur too late in the budget process for fiscal year 1996, the Agency is expected to begin immediately to develop a plan for budget structure changes in fiscal year 1997.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project, $350,000,000, to remain available until September 30, 1996: Provided, That not more than $55,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment restores the research and development account to its current structure.

The conferees are in agreement to the following changes to the budget request:

+$700,000 for continued neurotoxicity research.

+$600,000 for continued indoor air research.

+$400,000 for toxicological research.

+$1,700,000 for drinking water research to be conducted by the American Waterworks Association Research Foundation. At least forty percent of these funds should be for disinfectants and disinfection byproducts research.

+$1,020,000 for academic training in the EPA's research office.

+$600,000 for health effects research.

+$300,000 for a model rural drinking water demonstration project in Virginia.

+$600,000 for program research at the Center for Excellence in Polymer Research and Environmental Study.

+$300,000 for the National High Altitude Heavy-Duty Engine Research and Technology Center.

+$300,000 to conduct research at the Environmental Education, Research, and Demonstration Center.

+$120,000 for research of production and management practices to prevent non-point source pollution.

+$300,000 for research at the Small Business Pollution Prevention Center.

+$500,000 for research at the Fresh Water Institute.

+$450,000 for the Adirondacks Destruction Assessment program.

+$500,000 for research on microbial contamination in drinking water.

+$1,000,000 for the experimental program to stimulate competitive research (EPSCoR).

+$450,000 for an aquifer research and demonstration project on drinking water storage and peaking demand and emergencies in Des Moines, Iowa.

+$500,000 for oil spill remediation research at McNeese State University.

+$250,000 for the Urban Waste Management Research Center to address municipal solid waste, sewage, and surface and ground water quality problems.

+$800,000 for research related to the use of oxygenated fuel in the Arctic Region.

+$500,000 for the Oregon Institute of Marine Biology for land margin ecosystem research.

+$600,000 for a PM-10 clean air study in the San Joacquin Valley.

+$500,000 for an urban and environmental research and education center in California.

+$500,000 for the Sacramento River Toxic Pollutant Control Program.

+$735,000 to continue the study of agricultural/livestock pollution abatement.

+$500,000 for the Mickey Leland Urban Air Toxics Research Center.

+$1,000,000 for the National Center for Excellence on Air Toxic Metals, Energy, and Environmental Research.

−$6,000,000 from the environmental technology initiative.

−$10,000,000 from multimedia research.

−$2,300,000 from tropospheric ozone research.

−$11,285,000 as a general reduction, to be taken at the discretion of the Administrator, subject to normal reprogramming guidelines.

The committee of conference is in agreement that credible science is an essential cornerstone to the mission at EPA. The conferees recognize the efforts of the Agency to improve upon its science and its efforts in implementing a more stringent peer-review system. Because the Agency needs to improve upon its current peer review process, the conferees believe that several entities should work together in providing guidance and consultation to the EPA in the development of its peer-review system. The Agency should work with the National Research Council as described in Senate Report 103-311 and the Carnegie Commission in the merit-review process. Further, the EPA is expected to work closely with the appropriate Congressional authorizing and oversight committees. In addition to providing guidance on the development of a merit-based, competitive process, these various entities should provide their expertise and make recommendations concerning the various categories of research at the Agency as well. Finally, it is the intent of the conferees that all research at the Agency, including that conducted in the program offices, be included when developing the research categories and assessing the quality of the research at the Agency. In addition to the reports already requested in the House and Senate reports, the Agency is to provide quarterly status reports on the improvements made to EPA's research.

ABATEMENT, CONTROL, AND COMPLIANCE

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,417,000,000, to remain available until September 30, 1996: Provided, That not more than $304,722,500 of these funds shall be available for operating expenses: Provided further, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement on the following changes to the budget request:

+$3,141,805 for the Clean Lakes programs.

+$1,100,000 for pollution prevention grants.

+$1,000,000 for lead grants.

+$500,000 for lead activities. These funds should be used to prepare for notification and disclosure related to lead-based paint. The conferees urge EPA to focus its primary prevention strategies project on the planning, education and outreach efforts needed to ensure the smooth implementation of lead paint notification and disclosure during real estate transactions.

+$1,200,000 for training grants to small, minority, and women-owned businesses and contractors, of which $300,000 is for lead-based paint abatement and other lead activities, $100,000 is for radon activities, $100,000 is for asbestos activities, $200,000 is for underground storage tank cleanup and $500,000 is for hazardous waste clean up.

+$400,000 for Long Island Sound program activities.

+$1,500,000 for environmental education grants, to be awarded to minority institutions.

+$1,480,000 for a coastal sediment decontamination program in the NY/NJ Harbor.

+$800,000 for the small business ombudsman program.

+$375,000 for the Grand Canyon Visibility Transport Commission.

+$250,000 for water quality protection for the Florida Keys Marine Sanctuary.

+$500,000 for the Washington State coordinated tribal water quality program initiative.

+$2,000,000 for the Southwest Center for Environmental Research and Policy.

+$200,000 for monitoring and clean up activities in Puget Sound. EPA is urged to provide additional funds for these activities.

+$300,000 to support the Ashtubula River Partnership initiative.

+$600,000 for the Spokane Aquifer protection program.

+$880,000 for the clean up of the Maumee River and Bay.

+$300,000 for the Methane Energy-Agriculture Development project.

+$120,000 for a comprehensive water quality management plan for the Skaneatles and Owasco Lakes.

+$300,000 for the Resource and Agricultural Policy Systems initiative, subject to general guidelines set by Agency regulations.

+$450,000 for the National Mine Lands Reclamation Center to demonstrate modified remining practices to resolve acid-mine drainage from abandoned mines.

+$70,000 for studies of the potential detrimental effects of the European Ruffe, a non-indigenous fish to Lake Superior.

+$165,000 to study the uptake of environmental mercury by fish populations.

+$150,000 for high-altitude exhaust emissions compliance testing.

+$180,000 for a groundwater study at Lake Calumet.

+$250,000 for a study of alternative revenue sources for clean water project funding.

+$835,000 for the Caanan Valley Task Force.

+$200,000 for the study of wetland protection and preservation and water quality improvement in the Blackwater River watershed.

+$300,000 for the Susquehanna River wetlands project.

+$600,000 for the development of an integrated waste management/disposal system, subject to general guidelines set by Agency regulations.

+$150,000 for the National Center for Vehicle Emissions Control and Safety for emissions training activities.

+$8,500,000 for rural water assistance activities. These funds are for the National Rural Water Association's training and technical assistance program, NRWA wellhead/groundwater protection program, the Rural Community Assistance Program, the Small Flows Clearinghouse, and the National Underground Injection Council. These funds should be distributed in the same proportion as in fiscal year 1994. The conferees expect that these funds will be used only to provide technical assistance to communities for the new wastewater and drinking water mandates. Also, the conferees urge EPA and these organizations to increase efforts to assist small, rural communities. Finally, these funds should be used to fund existing State water programs, particularly those State programs that match Federal dollars.

+$1,200,000 for ongoing and expanded Earthvision activities.

+$500,000 for OSDBU's environmental justice and monitoring efforts. The conferees direct that these funds be split between activities for monitoring of States' eight percent goal efforts and outreach of environmental justice activities to be carried out by a non-profit minority organization with a proven track record with OSDBU's minority programs.

+$2,000,000 for minority academic institutions.

+$3,000,000 for the small grants program to communities disproportionately impacted by pollution to be administered by the Office of Environmental Justice.

+$1,000,000 for a demonstration program in the Office of Small and Disadvantaged Business Utilization to incorporate small disadvantaged business into the Agency's goals in environmental justice and environmental technology.

+$2,000,000 for the programmatic development of a Great Lakes Center. The emphasis of the center is the interdependence of scientific, environmental and technological activities in the Great Lakes region.

+$1,100,000 for a research and faculty development program involving Hispanic Serving Institutions.

+$200,000 for an emerging environmental technologies initiative for application in defense environmental restoration and agriculture.

+$1,550,000 for lead-based paint worker training grants.

+$900,000 for asbestos worker training grants, through joint labor-management trust funds.

+$800,000 for core TSCA program activities.

+$150,000 for an intergovernmental planning study of contamination of Flathead Lake.

+$400,000 for the dredging and cleanup of Five Island Lake.

+$1,000,000 for water quality improvements for Lake Pontchartrain.

+$1,500,000 for the Onondaga Lake Management Conference.

+$400,000 for the integrated solid waste management planning project for tribal governments in Arizona, through the Intertribal Council of Arizona.

+$600,000 for a collaborative environmental technology effort in Alaska, Montana, Idaho, Oregon, and Washington.

+$375,000 for the establishment of a small public water systems technology assistance center to be housed within the Water Center at Montana State University.

+$430,000 for technical assistance to the State of Alaska for initiatives related to Alaska rural sanitation needs.

+$2,000,000 for the Lake Champlain management conference.

+$2,000,000 to continue a Solar Aquatic Wastewater Treatment Demonstration Program.

+$1,630,000 for wastewater operator training grants under 104(g) of the Clean Water Act.

+$100,000 for the Washington State PM–10 air quality study.

+$225,000 for the Fresh Kills Landfill.

+$225,000 for the Center for Analysis of Environmental Change for an assessment of Pacific Northwest ecosystem research.

+$400,000 to assist the State of Hawaii and the county of Maui to further investigate the causes and to develop and implement solutions to the algal bloom crisis.

+$150,000 for educational activities related to the Heron Haven wetlands and other sites along the Missouri River near Omaha, Nebraska.

+$200,000 for the Sokaogon Chippewa Community to assess the potential environmental impacts of a proposed underground sulfide mine near the reservation.

+$400,000 for continued implementation of the Buzzards Bay comprehensive conservation and management plan.

+$475,000 for the integrated pollution prevention initiative at the New Jersey Institute of Technology.

+$140,000 for the Northeast Waste Management Officials Association to address regional solid waste programs.

+$1,500,000 for the alternate transportation fuels center at West Virginia University.

+$2,000,000 for the Gulf of Maine Council, including $100,000 for the St. Croix International Waterway Commission.

+$400,000 to continue a demonstration project to control methane through the use of fuel cells in the waste water treatment process.

+$1,000,000 for the National Environmental Training Center at West Virginia University.

+$385,000 for restoring the Duck River watershed.

+$100,000 for a sediment contaminant mitigation and prevention project for mercury and PCB in Lake Superior.

+$250,000 for a demonstration project to control zebra mussel infestation in the City of Chicago.

+$100,000 for a technical assistance grant to the Mantua Citizens' Association of the Town of Mantua, VA, for the purpose of assisting the residents of the town in analyzing and understanding the remedial options available for dealing with substances posing a risk to the environment at a tank farm in the vicinity of the town.

+$225,000 for acid mine drainage remediation in the North Branch of the Potomac River.

+$50,000 for the Oregon Division of State Lands for wetlands plants of western Oregon and Washington.

+$250,000 for the Northeast states for a coordinated air use management system.

+$58,195 for Budd Lake, under the Clean Lakes program.

−$58,900,000 from public water system supervision grants. Funding has been moved to the "Water Infrastructure" account.

−$7,000,000 from the Montreal Protocol facilitation fund.

−$6,000,000 from the environmental technology initiative.

−$2,800,000 from international activities.

−$3,000,000 from the "green" programs.

−$5,000,000 from NAFTA-related activities.

−$4,500,000 from climate change plan activities.

−$12,000,000 from administrative expenses.

−$68,251,000 as a general reduction, to be taken at the discretion of the Administrator, subject to the normal reprogramming requirements.

The conferees are concerned that the agency's budget justification documents are not providing sufficient detail. A particular example with which the conferees are disturbed is the wastewater training grant program authorized under 104(g) of the Clean Water Act. While this program is slated for a reduction of 86 percent in the President's fiscal year 1995 budget, no mention is made in the justification to this effect. The conferees wish to make clear that in the future, any program proposed for a major reduction or increase is to be explicitly highlighted in the budget justification.

It has been noted by the Committees on Appropriations that there has been a large number of reprogrammings requested by the Agency. For this reason, the Conferees are limiting the number of reprogrammings submitted by EPA. In addition to the reprogrammings that occur at the time of the submission of the operating plan, the Agency is expected to provide only one other major reprogramming request approximately six months into the fiscal year. In extenuating circumstances, the Committees will entertain additional reprogramming requests.

Amendment No. 73: Provides $922,000,000 for the program and research operations account as proposed by the Senate, instead of $935,000,000 as proposed by the House. Of the amount provided, funding levels as recommended in the House Report 103–555 should be provided to augment current staffing at the Office of Small and Disadvantaged Business Utilization and the Office of Environmental Justice.

The conferees would like to express their general concern about the reorganization of the Office of Administration and Resources Management. It has recently come to the attention of the Committees on Appropriations that this office was in the process of reorganizing. The Agency is expected to solicit input from all sources affected by this reorganization prior to continuing with the development or restructuring of this office.

Although the amount provided for the program and research operations account is not at the level desired by the Agency, the conferees continue to expect that contractor conversion will take place. The committee of conference is highly supportive of this effort and will continue to support the Agency in future years in the conversion of contract employees to in-house employees. Based on figures provided by the Agency, the overall amount provided for PRO in fiscal year 1995 should be sufficient to initiate this effort.

Because a sizable reduction was taken from the salary account, and the Agency may not believe that the level provided is sufficient for contractor conversion, the conferees would welcome a supplemental budget request transferring funds from the program accounts to the program and research operations account should the Agency determine that this is needed in fiscal year 1995. Finally, the conferees expect that the 1996 budget request will continue to include the funds for the contractor conversion effort as well as include the necessary resources to implement the Agency's many programs and tasks.

Amendment No. 74: Deletes center heading as proposed by the Senate.

Amendment No. 75: Appropriates $28,542,000 for the office of inspector general as proposed by the Senate, instead of $44,595,000 as proposed by the House. Funds totaling $16,053,000 are transferred from the Superfund and Leaking Underground Storage Tank accounts to the office of inspector general account, for a total of $44,595,000 for the office of inspector general. The conferees have not included an administrative expense limitation as proposed by the House.

Amendment No. 76: Deletes language proposed by the House and stricken by the Senate creating a new appropriation account entitled Facilities and Nationwide Support.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $43,870,000 for the Buildings and Facilities account as requested in the budget.

The conferees wish to reiterate concerns expressed in House Report 103–555 about the buildings, facilities and support-related items at EPA and expect the Agency to take appropriate steps to review these costs.

Amendment No. 78: Provides $1,435,000,000 for the Hazardous Substance Superfund account as proposed by the House, instead of $1,200,000,000 as proposed by the Senate.

The conferees are in agreement on the following changes to the budget request:

+$14,000,000 for the National Institute of Environmental Health Sciences' basic research grants, of which $2,000,000 is for minority research activities.

+$16,000,000 for the Agency for Toxic Substances and Disease Registry, of which $4,000,000 is for the study of human health impacts of contaminated fish and $4,000,000 is for an existing ATSDR/Minority Health Professions cooperative agreement.

+$2,500,000 for the Gulf Coast Hazardous Substance Research Center.

+$3,000,000 for a minority worker training program. The conferees have included these funds for a worker training program to address the current and projected needs for environmental workers. In establishing these demonstrations, the Agency should give priority consideration to programs with a demonstrated ability to conduct such training activities, and with a demonstrated relationship to contractors engaged in environmental remediation and other services, assuming that the requisite elements of job training and assured employment can be provided by them.

+$3,500,000 for Clark Atlanta Hazardous Substance Research Center.

+$250,000 for a minority outreach program for a Hispanic Serving Institution.

+$5,000,000 for the Mine Waste Technology Pilot program.

−$40,674,600 from administrative expenses.

−$66,778,000, as a general reduction, to be taken at the discretion of the Administrator, subject to normal reprogramming guidelines.

Amendment No. 79: Provides $1,185,000,000 to be derived from the Hazardous Substance

Superfund as proposed by the House, instead of $950,000,000 as proposed by the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate transferring $15,384,000 from the Superfund account to the office of inspector general.

Amendment No. 81: Deletes language proposed by the Senate ensuring that the Administrator is able to conform the Superfund program standards and criteria with subsequent authorization legislation that may be enacted into law.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate transferring $669,000 from the Leaking Underground Storage Tank account to the office of inspector general account.

Amendment No. 83: Deletes language proposed by the House and stricken by the Senate for Water Infrastructure/State Revolving Funds.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

WATER INFRASTRUCTURE/STATE REVOLVING FUND

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control act, as amended, and the Water Quality Act of 1987, $2,962,000,000, to remain available until expended, of which $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended, and shall be available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $771,800,000 shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103–715: Provided, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103–124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103–211, shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by September 30, 1994, these funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103–715: Provided further, That notwithstanding any other provision of law, $1,235,200,000 shall be available upon enactment of clean water state revolving fund authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858), for construction of wastewater treatment facilities for the towns of Ware Shoals and Honea Path, South Carolina, and would include, but would not be limited to, the construction of a connector sewer line, consisting of a main trunk line and four pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, the upgrade and expansion of the Ware Shoals wastewater treatment plant, and the demolition of the Chiquala Mill Lagoon, the Clatworthy Lagoon, the Corner Creek Lagoon, and the Still Branch Lagoon.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amount provided includes the following:

$1,935,200,000 for state revolving funds, of which $700,000,000 is for drinking water state revolving funds. The wastewater revolving funds are to be released upon enactment of authorization legislation but not later than November 1, 1994. The drinking water funds are to be released contingent upon enactment of authorization legislation;

$22,500,000 for making grants under section 104(b)(3);

$100,000,000 for making grants under section 319. These funds are to be released upon enactment of authorization legislation but not later than November 1, 1994;

$52,500,000 for section 510 of the Water Quality Act for the international wastewater treatment plant in Tijuana;

$70,000,000 for public water system supervision grants;

$781,800,000 for grants to cities with special needs, contingent upon authorization legislation but no later than November 1, 1994, as follows:

$100,000,000 for a grant to the city of Boston for a secondary sewage treatment facility;

$47,500,000 for architectural, engineering, and design, and related activities in connection with wastewater facilities in the vicinity of Nogales, AZ, and Mexicali, Mexico, and planning and design of other high priority wastewater facilities in the area of the Mexico border, to control municipal wastewater from Mexico;

$50,000,000 for grants to the State of Texas for improving wastewater treatment in colonias;

$40,000,000 for San Francisco's Richmond transport control wastewater facility for a comprehensive combined sewer overflow system;

$25,000,000 for a grant to the Water Reclamation District of Greater Chicago for a two-phase tunnel and reservoir plan;

$37,000,000 for the City of Waterloo, IA for wastewater treatment facility improvements;

$10,000,000 for a grant to the city of Portland, OR, for the Columbia Slough revitalization project;

$5,700,000 for a grant to the City of St. Louis, MO, for repair and replacement of sewer systems;

$3,700,000 for a grant to the City of Flowood, MS, for the construction of the Hogg Creek interceptor;

$12,000,000 for a grant to the State of New Mexico for wastewater improvements in the South Valley, NM;

$15,000,000 for a grant to the State of Alaska for wastewater sanitation systems in Native and rural Alaska villages;

$5,000,000 for a grant to the City of Freemont, NE for wastewater treatment improvements.

$6,000,000 for a grant to the City of Kearney, NE for wastewater treatment improvements;

$6,000,000 for a grant to Anne Arundel County, MD, for the Communities of Rose Haven and Holland Point for wastewater treatment improvements;

$3,000,000 for a grant to Kansas City, KS, for a major storm sewer improvement project for the Argentine neighborhood;

$1,300,000 for a grant to the City of Topeka, KS, for the extension of sanitary sewer lines to low and moderate income neighborhoods;

$45,500,000 for San Diego wastewater reclamation facility;

$20,000,000 for a grant to Warren County, NY, for wastewater treatment improvements;

$75,000,000 for the Rouge River National Wet Weather Demonstration Project;

$20,000,000 for a grant to the City of Columbus, GA, for construction of a combined sewer overflow advanced demonstration facility;

$1,000,000 for a grant to the City of Jacksonville Beach, FL, for water, sewer and drainage system improvements and construction;

$3,200,000 for a grant to the City of Mt. Pleasant, NJ, for wastewater treatment improvements;

$3,200,000 for a grant to the City of Mt. Arlington, NJ, for wastewater treatment improvements;

$10,000,000 for a grant to the Mojave Water Agency of Apple Valley, CA, for a groundwater recharge demonstration project;

$30,000,000 for a grant to the County of Lackawanna, PA, for a wastewater treatment facility in Jermyn and a combined sewer overflow project along the Lackawanna River;

$3,800,000 for a grant to the City of Gardner, MA, for extension of sewer and water service to areas surrounding Snake and Kendall Ponds;

$6,000,000 for a grant to the Village of Bosque Farms, NM, for construction of a wastewater treatment facility and distribution lines;

$29,900,000 for alternative water source projects in Tampa and St. Petersburg, FL;

$60,000,000 for the Westerly wastewater treatment plant;

$44,300,000 for a grant to the City of Newark, NJ, for combined sewer overflow construction and sewer segment repair;

$6,000,000 for a grant to the City of Biddeford, Maine, for wastewater treatment improvements to upgrade secondary treatment facilities;

$6,000,000 for a grant to the City of Bangor, ME, for wastewater treatment improvements relating to sewage sludge management and disposal;

$8,200,000 for a grant to the City of Laredo, TX, for improvement and expansion of water and sewer infrastructure;

$5,000,000 for a regional water quality research project in Pima County, AZ;

$3,500,000 for wastewater treatment in Bernalillo County, NM;

$4,600,000 for wastewater treatment improvements in Dona Ana County, NM;

$1,500,000 for water infrastructure improvements in Fall River, MA;

$1,500,000 for water infrastructure improvements in New Bedford, MA;

$3,500,000 for wastewater improvements in Union Township, Mifflin County, PA;

$4,300,000 for wastewater improvements in Clearfield County, PA;

$200,000 for wastewater improvements in Southern Fulton County, PA;

$6,500,000 for wastewater improvements in Tyrone Borough, Blair County, PA;

$2,000,000 for the Geysers Effluent Pipeline and Injection Project for wastewater disposal in Yolo and Lake counties, CA;

$1,900,000 for the Jordan River Restoration project; and

$8,000,000 for a grant to the City of Ogden, UT, for rehabilitation of water treatment and distribution systems.

The conferees have included bill language providing that funds appropriated in fiscal year 1994 for "needy cities" shall be released upon enactment of authorization legislation but no later than September 30, 1994, as follows:

$50,000,000 for grants to the state of Texas for Improving wasterwater treatment in colonias;

$10,000,000 for grants to the State of New Mexico for improving wastewater treatment in colonias;

$150,000,000 for a grant to the City of Boston for a secondary sewage treatment facility;

$70,000,000 for a grant to the City of New York for the construction of a wastewater reclamation facility;

$50,000,000 for a grant to the City of Los Angeles for wastewater treatment improvements;

$50,000,000 for Los Angeles County Sanitation Districts;

$35,000,000 for the King County Metro (Seattle, WA) combined sewer overflow project; and

$85,000,000 for Rouge River National Wet Weather Demonstration project.

The conferees are in agreement that the agency should work with the grant recipients on appropriate cost-share arrangements. It is the conferees' expectation that the agency will apply the 45 percent local cost share requirement under Title II of the Clean Water Act in most circumstances.

The conferees urge the Agency to consider that if authorization legislation is not enacted by August 1, 1995, the Agency Request reprogramming some of the funds provided for drinking water state revolving funds to wastewater state revolving funds.

The conferees have included language related to a fiscal year 1990 appropriation for the construction of a connector sewer line for the town of Honea Path, SC.

Amendment No. 85: Inserts heading as proposed by the Senate making a technical correction.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing a limitation stating that none of the funds can be used for the promulgation of a rule concerning a new standard for radon in drinking water.

This provision is intended to preclude the promulgation of a new radon standard. Existing rules and proposed and final rules for other than radon would not be affected. EPA could promulgate the non-radon provisions of the pending rulemaking as required by the court. It is not intended to affect the Agency's actions concerning the final development of such a non-radon rule for such promulgation under the applicable provisions of law.

The conferees are in agreement that this provision will not take effect if the Safe Drinking Water Act Amendments of 1994 are enacted into law to provide a new direction for a radon rule.

Amendment No. 87: Reported in disagreement.

Amendment No. 88: Deletes language inserted by the Senate including a "Sense of the Senate" regarding the environmental self-evaluation privilege. The EPA should consider the "environmental self-evaluation privilege" enacted into law by some states and report its findings and recommendations back to the authorization and appropriations committees.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 89: Appropriates $320,000,000 for disaster relief as proposed by the House, instead of no funds as proposed by the Senate.

Amendment No. 90: Deletes language proposed by the House and stricken by the Senate appropriating $1,980,000 for the subsidy associated with the community disaster loan program. The subsidy is not required since the conferees deleted funds for the community disaster loan program. Funds for the community disaster program are instead provided in Title VI of this Act. A total of $12,500,000 is included in FEMA's disaster assistance direct loan program account.

Amendment No. 91: Deletes language proposed by the House and stricken by the Senate appropriating $3,000,000 for the community disaster loan program account. The conferees note that $50,000,000 in emergency funding is provided for community disaster loans under Title VI of this legislation.

Amendment No. 92: Appropriates $95,000 for administrative expenses of the disaster assistance direct loan program as proposed by the Senate, instead of $145,000 as proposed by the House.

Amendment No. 93: Appropriates $162,000,000 for salaries and expenses as proposed by the Senate, instead of $165,000,000 as proposed by the House. The conferees urge FEMA to comply with the specific reductions recommended in Senate Report 103-311.

Amendment No. 94: Appropriates $215,960,000 for emergency management planning and assistance, instead of $220,345,000 as proposed by the House and $212,960,000 as proposed by the Senate.

The conferees are in agreement on the following changes to the budget request:

+$4,000,000 for emergency management assistance grants.

+$2,500,000 for arson control programs established under the Arson Prevention Act of 1994.

+$15,000 for a warning siren in the City of Van Wert.

+$53,000 for warning sirens in Wood and Fulton Counties, Ohio.

+$500,000 for the Earthquake Engineering Center at the University of Nevada, Reno.

+$950,000 for the earthquake hazard mitigation program with the City of Portland.

+$225,000 for the Vermont Fire Service Training Center.

+$75,000 for a feasibility study for a regional dispatch in Chittenden County, Vermont.

+$250,000 for a grant to the National Academy of Public Administration for a study of the role of the National Guard in disaster response, as described in Senate bill 1697 as introduced.

+$750,000 for a demonstration of a biodegradable, environmentally safe, non-toxic fire suppression liquid which is effective on class A, class B, and many class D metal fires.

−$13,703,000 as a general reduction, to be taken at the discretion of the Director subject to normal reprogramming guidelines.

The conferees are concerned about the proposed rule published by FEMA in the Federal Register on April 1 to implement Section 928 of Public Law 102-550, the Housing and Community Development Act of 1992. Accordingly, the conferees recommend FEMA consult with and receive written direction from the appropriate authorizing committees prior to implementing the proposed rule.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 95: Appropriates $5,573,900,000 for human space flight as proposed by the Senate, instead of $5,592,900,000 as proposed by the House. The conference agreement reflects the following changes from the budget request:

+$10,000,000 for spacelab activities.

−$15,000,000 from payload and utilization operations, to be taken as a general reduction subject to normal reprogramming guidelines.

−$94,000,000 from space shuttle operations. The conferees note offsets of $22,000,000 in reimbursements from the Japanese for a shuttle launch and $13,000,000 not needed for termination costs associated with the advanced solid rocket motor project.

−$30,000,000 from launch site equipment upgrades as a result of terminating the check-out, control, and monitoring system (CCMS-II) for shuttle processing.

−$17,000,000 in space shuttle upgrades to reflect rephasing of the fiber optic cable for the orbiter payload bay.

The conferees agree to cap the space station program's remaining costs through assembly complete (1994-2002) at $17,400,000,000. The agency should initiate a semiannual project status report on the space station, utilizing the baseline estimates for costs and schedule now in place as a result of the 1993 redesign effort. The first such report should be submitted to the Committees on Appropriations in March 1995.

The conferees agree that funds appropriated for the International Space Station Alpha (ISSA) program are intended to be expended for its expeditious development. Consequently, the conferees direct that, for the purpose of offsetting potential contractual liabilities which would accrue only in the event of termination of the ISSA program for the convenience of the government, NASA shall provide for coverage of certain special termination costs from funds other than those obligated to the ISSA prime contract, but from available human space flight appropriations. However, in the event of termination of the ISSA program for the convenience of the government, it is the intent of the conferees to provide such additional appropriations as may be necessary to provide fully for termination payments in a manner which avoids impacting the conduct of other ongoing NASA programs.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Both the House and the Senate provided $5,901,200,000 for the science, aeronautics and technology account. The following represents the changes from the budget request:

+$5,000,000 for the minority university research and education program. This recommendation will provide a $14,700,000 program increase above the 1994 level—to be equally divided between Historically Black Colleges and Universities and Hispanic-Serving Institutions. Of the increase, $3,000,000 is to establish six regional Minority University-Space Interdisciplinary Centers at HBCUs (3) and HSIs (3), and $500,000 is to strengthen science education and technology initiatives for students with disabilities. The conferees have provided additional funding for programs to strengthen research capabilities and increase training opportunities for minorities and other traditionally underrepresented groups in the sciences and mathematics. The conferees have directed these funds to the minority university research and education account in the office of equal opportunity programs.

+$2,000,000 for the Office of Advanced Concepts and Technology to continue the software reuse and artificial intelligence program.

+$3,000,000 for a regional ecosystem computer-based modelling project at the Ohio Supercomputer Center. In making these funds available, the conferees want to make it clear that this is a one-time appropriation, that they do not support by this appropriation the inclusion of this Center into the EOSDIS program, and that they will not make any additional funds available for this project in future years.

+$40,000,000 for the global geospace science mission.

−$15,000,000 from mission operations and data analysis for the global geospace science mission.

+$10,000,000 for mission operations and data analysis for the Hubble telescope to be allocated as follows:

$2,000,000 for the advanced camera instrument, $3,000,000 for the Space Telescope Institute, and $5,000,000 as a reserve consistent with the terms of Senate Report 103–311 on the 1995 budget. The conferees want to make clear that they expect an announcement of opportunity for the advanced camera to be issued shortly, and that it will be part of the 1999 Hubble servicing mission.

−$19,000,000 from the Mars Surveyor program. This decrease is offset by an identical amount in the recovered fee from the Mars Observer program.

−$7,000,000 from launch services for the Cassini program.

+$5,000,000 to life and microgravity sciences for the NASA–NIH protocol.

+$7,200,000 for spacelab payload development to be applied to science experiments displaced due to the proposed termination of several spacelab missions. The remaining amount needed for restoring these payloads, approximately $17,200,000, is to be taken from unobligated balances within life sciences—other than those designated for the NASA-NIH protocol.

+$35,100,000 for the EOS program. Of these funds, $25,000,000 should be allocated for secondary spacecraft development to provide resiliency in their funding and scheduled profiles, $1,500,000 for visualization techniques consistent with Senate Report 103–311, and an additional $8,600,000 for EOSDIS, to be used for program reserves.

−$9,800,000 from space station attached payloads for SAGE–III.

−$10,000,000 from rotorcraft institutes. The conferees note that a proposed rotorcraft center concept was never forwarded as a budget amendment to the Congress. The Committees on Appropriations will consider a NASA reprogramming of up to $6,000,000 for such a center, provided that it is selected on the basis of merit review and that it is equally matched with an appropriation from the Department of Defense in 1995, with a DOD commitment to match NASA funds dollar-for-dollar beyond 1995.

−$8,000,000 from the hypersonic technology initiative.

+$1,500,000 for hypersonic wind tunnels.

−$40,000,000 from the commercial middeck augmentation module.

The conferees have included the full budget request for Landsat. In doing so, $5,000,000 should be fenced until NASA certifies that the condition on future NOAA funding outlined in Senate Report 103–311 is met. This should be addressed in the operating plan.

In deleting the $10,000,000 in additional funds proposed by the Senate for mission communications services, the conferees direct NASA to use any and all TDRSS carryover or reimbursement funds to prevent involuntary RIFs in mission communications services in fiscal year 1995. These funds may not be used for any other activities, including the TDRSS replenishment spacecraft procurement, unless this condition is first addressed. This matter should be addressed in the operating plan.

Amendment No. 96: Inserts center heading as proposed by the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding $10,000,000 of 1993 construction of facilities funds for the Consortium for International Earth Science Information Network.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

NATIONAL AERONAUTICAL FACILITIES

(INCLUDING RESCISSION)

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, $400,000,000, to remain available until March 31, 1997: Provided, That the funds made available under this heading shall be rescinded on July 15, 1995, unless the President requests at least $400,000,000 in the fiscal year 1996 budget request for the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $400,000,000 for the construction of two new aeronautical wind tunnel facilities. These funds have been included because of the conferees' belief that the nation's future manufacturing base in commercial aviation and aeronautics hinges in large part on the availability of these new wind tunnels. This conclusion was also reached by a recently concluded interagency facility strategy on aeronautics and space facilities.

In providing these funds, however, the conferees are concerned by the possibility that any future federal funds needed to complete these facilities not come at the expense of other important programs in the VA, HUD, and Independent Agencies Appropriations bill. Specifically, the conferees do not anticipate providing additional funds for this purpose unless it is made clear that the Administration is committed to this project, and that non-NASA initiatives are not sacrificed to complete their construction. For this reason, the language included in the conference agreement would rescind the $400,000,000 provided unless the Administration requests at least the same amount of funds for the wind tunnel initiative in the fiscal year 1996 NASA budget request.

In addition, the conferees are fencing the availability of the $400,000,000 provided until July 1, 1995. By March 1, 1995, the President should submit a comprehensive plan and strategy to the Committees on Appropriations that meets the following terms and conditions:

First, that states unequivocally whether or not the Administration intends to pursue the construction of these facilities as a national aeronautics initiative.

Second, that outlines the anticipated costs of the project by fiscal year, including the expected federal and non-federal shares of this cost, and an identifiable funding stream for the federal share.

Third, that specifies the anticipated private sector cost-sharing target for the total capital cost of the project, with a range of 10–20 percent of the stated requirement for the project proceeding.

Fourth, that outlines what other federal agencies outside of NASA will contribute as their share for the capital cost of the project. This non-NASA share should be estimated at 10–20 percent of the stated requirement for the project proceeding, and based upon the anticipated usage by other federal agencies once the facility is completed.

Fifth, the relative priority of this initiative in the context of NASA's overall budget be clearly identified so that the Committees on Appropriations know its precise ranking in comparison to other major programs, including space station, Mission to Planet Earth, space science, and the ongoing aeronautics program. This "decision tree" should articulate what programs the agency would be willing to consider reducing or eliminating, if necessary, to facilitate construction of these wind tunnels.

Sixth, a site selection plan on the basis of a competitive process, with a merit-based selection no later than December 1, 1996. The factors for selection should be based on best price and technical merit, including local cost sharing.

Seventh, a strategy for minority and disadvantaged business participation in the construction of the project that equals the eight percent goal required of NASA by Public Law 101–507.

The conferees do not intend to provide any additional funds or approve the release of any of the $400,000,000 provided in this amendment, until or unless all seven conditions are fully satisfied. These conditions should be considered over and above the stipulation in the bill language related to the required 1996 budget request. Upon submission of the Presidential plan, and after the Subcommittees on VA, HUD, and Independent Agencies have received their section 602(b) allocations, the Committees will consider the release of these funds under the conditions of the cap letter from NASA to the Committees of August 9, 1984, and reaffirmed by letter on September 30, 1993.

The conferees expect that this appropriation should be used as an active means to leverage a robust, reliable, and resilient cost-sharing from the private sector, other federal agencies, and state and local governments bidding on potential sites. The intent of the conferees is to guarantee completion of these wind tunnels' construction before the turn of the century if the conditions specified in this conference report can be met.

Amendment No. 99: Appropriates $2,554,587,000 for mission support, instead of $2,549,587,000 as proposed by the House and $2,559,587,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

−$13,000,000 from salaries and expenses funds not needed as a result of the buyout effort in 1994 which achieved a higher than anticipated reduction in employment.

−$35,000,000 as a general reduction, subject to normal reprogramming guidelines.

−$60,000,000 from the TDRSS replenishment spacecraft program. This reduction leaves $40,000,000 in new funds for this activity, consistent with the terms of the NASA "decision tree" provided to the Senate Appropriations Committee earlier this year. In addition, up to $25,000,000 may be used from reimbursement funds for augmenting this procurement, provided that this does not result in any involuntary reductions-in-force in 1995 in space network services or mission communications services.

In deleting the $7,000,000 in additional funds proposed by the Senate for space network services, the conferees direct NASA to use any and all TDRSS carryover and reimbursement funds to prevent involuntary RIFs in mission communications services in fiscal year 1995. These carryover and reimbursement funds may not be used for any other activities, including the TDRSS replenishment spacecraft procurement, unless this condition is first addressed. This matter should be addressed in the operating plan.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *to remain available until September 30, 1996: Provided, That of the amounts made available under the heading "Research and program management" in Public Law 103–211, $18,000,000 are rescinded immediately upon enactment of this Act: Provided further, That an additional $18,000,000, to remain available until September 30, 1995, shall be immediately available for research and program management activities, contingent upon the enactment of the rescission in the preceding proviso before October 1, 1994.*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 101: Appropriates $16,000,000 for the Office of Inspector General as proposed by the House, instead of $16,800,000 as proposed by the Senate.

Amendment No. 102: Restores language proposed by the House and stricken by the Senate reducing amounts available to the National Aeronautics and Space Administration for procurement by $59,003,000, to be derived exclusively from the human space flight account.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate limiting the availability of personnel and related costs and travel expenses to one year and permitting such funds to be used for services provided in the next fiscal year.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate extending funding for the Challenger Center on a permanent basis.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate conveying title to NASA's Slidell Computer Complex to the City of Slidell, Louisiana.

Amendment No. 106: Deletes language proposed by the Senate limiting the obligation of funds to satisfy requirements of the Small Business Innovation Research program.

NATIONAL SCIENCE FOUNDATION

Amendment No. 107: Appropriates $2,280,000,000 for research and related activities instead of $2,216,923,000 as proposed by the House and $2,300,000,000 as proposed by the Senate.

The committee of conference is in agreement on the following changes to the budget request:

+$10,000,000 for civil infrastructure systems.

+$10,000,000 for advanced manufacturing technology.

+$5,000,000 for research within the human capital initiative. The conferees affirm their strong support for this worthwhile program.

+$6,000,000 for a global climate change initiative for a center or consortium for the human dimensions of global climate change.

+$2,000,000 for an interdisciplinary center to support research on violence.

+$1,000,000 to establish a national center for environmental research.

−$33,000,000 from the global climate change initiative.

−$15,000,000 from the high performance computing initiative.

−$54,297,000 as a general reduction to be taken at the discretion of the Director, subject to normal reprogramming guidelines.

For fiscal year 1995, the Critical Technologies Institute has been funded at the budget request of $2,000,000. Of the total amount provided, $50,000 is to complete the review by the National Academy of Public Administration of NSF centers programs.

The conferees are in agreement that the reprogramming threshold for NSF should be $250,000. The Foundation is directed to limit transfers of funds between programs, activities, and subactivities to not more than $250,000 without prior approval of the Committees.

Amendment No. 108: Appropriates $126,000,000 for major research equipment, instead of $105,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

Of the total amount provided, $35,000,000 is for a reappropriation for the LIGO project which is newly funded in this account. Additionally, the conferees are in agreement that the additional $21,000,000 is to complete the total funding requirement for the construction of the GEMINI telescopes.

Amendment No. 109: Appropriates $250,000,000 for academic research infrastructure, instead of $100,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Amendment No. 110: Deletes language proposed by the House and stricken by the Senate delaying the availability of funds for this account until March 31, 1995.

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That $131,867,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996: Provided further, That the funds made available in the preceding proviso shall be rescinded on July 15, 1995, unless the President requests at least $250,000,000 in the fiscal year 1996 budget request for the National Science Foundation for academic research infrastructure activities.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment limits the obligation period for $131,867,000 of funds provided for academic research infrastructure from September 1, 1995 through August 31, 1996, instead of limiting the obligation of $190,000,000 for the same period of time as proposed by the Senate.

The conferees have provided NSF with $250,000,000 for academic research infrastructure activities. Of this amount, $118,133,000 should be used for the standard NSF facilities and instrumentation modernization program, equally divided between the two activities. The remaining funds, which are included entirely in this amendment, $131,867,000, should be allocated for a new interagency facilities and instrumentation modernization program managed by the NSF. Twenty percent of both pots of funds should be allocated to smaller colleges and universities, including historically black colleges and universities, and those institutions of higher learning with an established record of recruitment, retention and graduation of predominantly underrepresented groups in science and technology.

The conferees are deeply concerned about the continued staggering need to address the academic infrastructure backlog in facilities and instrumentation. However, to induce the Administration to support this new initiative, language has been included which would automatically rescind these extra funds unless the President's fiscal year 1996 budget request includes at least $250,000,000 for academic research infrastructure funds for the NSF. The additional funds provided by the conferees in fiscal year 1995 should be part of the cornerstone of a broader federal research infrastructure modernization effort, but they should be clearly managed by the NSF. Funds for this additional program should also be apportioned equally between facilities and instrumentation.

In addition to the NSF program, the National Science and Technology Council, with the cooperation of the OSTP, should develop a five-year interagency research infrastructure strategy, consistent with the terms specified in Senate Report 103–311. This strategy should also specify how increasing numbers of Federal science and technology agencies would participate in similar activities modelled on merit review selection.

Amendment No. 112: Provides $605,974,000 for education and human resources as proposed by the Senate, instead of $585,974,000 as proposed by the House.

The conferees are in agreement on the following changes to the budget request:

+$5,000,000 for EPSCoR.

+$5,750,000 for the advanced technology education and outreach community college grants.

+$1,000,000 for the Model Institution of Excellence Program.

+$750,000 for the Partnerships for Minority Student Achievement.

+$500,000 for summer science camps.

+$1,000,000 for the rural systemic initiative.

+$4,000,000 for the graduate traineeship program.

+$3,000,000 for the urban systemic initiative.

+$1,000,000 for informal science education.

+$1,000,000 to implement a pilot project to establish an interactive telecommunications system among tribally controlled community colleges.

+$2,000,000 to establish a competitive, merit-based program to support the efforts of states to develop electronic libraries.

−$5,000,000 as a general reduction, to be taken at the discretion of the Director, subject to normal reprogramming requirements.

The committee of conference recognizes that NSF has actively supported education activities to encourage participation of women and minorities who are underrepresented in science, engineering and mathematics and persons with disabilities. NSF is encouraged to continue emphasizing this area. Further, the conferees urge NSF to coordinate its programs with related programs in other federal agencies to ensure that federal resources achieve the maximum beneficial effect. The conferees wish to encourage the Foundation to coordinate the several successful programs administered by the Department of Education, which are collectively known as the TRIO programs.

The conferees join in support of the administration's commitment to investment in science and technology and concur with the belief that our Nation's economy and future well being are dependent upon these essential investments. Consistent with the administration's position to invest in science and technology as part of its agenda to build a prosperous economy, the conferees direct each agency under its jurisdiction to establish an intragency economic impact and diversity council to provide guidance and advice with respect to issues in the areas of science and technology as they impact racial and ethnic minorities, women and persons with disabilities who are underrepresented in these fields. The Office of Science and Technology Policy is to monitor and report back to the committees on the creation of these councils by October 31, 1994.

Amendment No. 113: Appropriates $4,380,000 for the Office of Inspector General as proposed by the Senate, instead of $4,000,000 as proposed by the House.

TITLE IV—CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

Amendment No. 114: Restores language proposed by the House and stricken by the Senate appropriating $15,000,000 for the FDIC affordable housing program and allowing the FDIC the flexibility to waive certain provisions of section 40 of the Federal Deposit Insurance Act in order to maximize the efficient use of available funds.

TITLE V—GENERAL PROVISIONS

Amendment No. 115: Deletes language proposed by the House and stricken by the Senate requiring a report from the Resolution Trust Corporation.

Amendment No. 116: Restores language proposed by the House and stricken by the Senate relating to the purchase of American-made equipment and products.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 518. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 118: Deletes language proposed by the Senate expressing the sense of the Senate that United Nations Security Council Resolution 940 does not constitute authorization for the deployment of U.S. armed forces in Haiti.

Amendment No. 119: Deletes language proposed by the Senate reducing the amount of funds available to NASA for procurement by $19,703,000. Amendment number 102 reduced NASA procurement funds by $59,003,000.

Amendment No. 120: Deletes language proposed by the Senate that delays publication, implementation, or enforcement of elderly facility regulations until July 1, 1995. The conferees agree that publication of said regulations should be delayed until June 1, 1995.

Amendment No. 121: Deletes language proposed by the Senate prohibiting the use of HUD funds to provide any individual assistance or benefit based on immigration status.

Amendment No. 122: Deletes language proposed by the Senate condemning the murders of a doctor and escort serving a reproductive health clinic, and urging the Administration to take steps to protect persons who work at, and people who wish to enter, such clinics.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing three supplemental appropriations, all of which are designated as emergency requirements. The first appropriation provides $225,000,000 for the community development grants program to finance housing repairs in areas affected by the Southern California earthquake. Of the total, $200,000,000 is for the City of Los Angeles and $25,000,000 is for the City of Santa Monica.

The second appropriation provides $180,000,000 for the community development grants program to assist states, local communities, and businesses recover from the flooding and damages caused by Tropical Storm Alberto and other disasters. The language also permits up to $50,000,000 to be transferred to the HOME program.

The third appropriation provides $12,500,000 for the Federal Emergency Management Agency's disaster assistance direct loan program account for $50,000,000 in direct loans.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$88,313,837,932
Budget estimates of new (obligational) authority, fiscal year 1995	90,318,793,061
House bill, fiscal year 1995	90,547,927,061
Senate bill, fiscal year 1995	90,116,109,061
Conference agreement, fiscal year 1995	90,118,186,061
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+1,804,348,129
Budget estimates of new (obligational) authority, fiscal year 1995	−200,607,000
House bill, fiscal year 1995	−429,741,000
Senate bill, fiscal year 1995	+2,077,000

Louis Stokes,
Alan B. Mollohan,
Jim Chapman,
Marcy Kaptur,
Esteban Edward Torres,
Ray Thornton,
David R. Obey,
Jerry Lewis,
Tom DeLay,
Dean A. Gallo,
Joseph M. McDade,
Managers on the Part of the House.

Barbara A. Mikulski,
Patrick J. Leahy,
J. Bennett Johnston,
Frank R. Lautenberg,
J. Robert Kerrey,
Dianne Feinstein,
Robert C. Byrd,
Phil Gramm,
Alfonse D'Amato,
Don Nickles,
Christopher S. Bond,
Conrad Burns,
Mark O. Hatfield,
Managers on the Part of the Senate.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 289 of the 103d Congress, the House stands adjourned until noon on Monday, September 12, 1994.

Thereupon (at 10 o'clock and 6 minutes a.m.), pursuant to House Concurrent Resolution 289, the House adjourned until Monday, September 12, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3734. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3735. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3736. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3737. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3738. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3739. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3740. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China ("RPC"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3741. A letter from the President and Chairman, Export-Import Bank of the United

States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3742. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the United Mexican States ("Mexico"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3743. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3744. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the United Mexican States ("Mexico"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3745. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China ("PRC"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3746. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 22-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3747. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 23-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3748. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 24-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GIBBONS: Committee on Ways and Means. H.R. 3800. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes, with an amendment (Rept. 103-582, Pt. 3); to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3396. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes, with an amendment (Rept. 103-632, Pt. 2); to the Committee of the Whole House on the State of the Union.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1277: Mr. ROYCE.

H.R. 1709: Mr. ENGEL, Mr. JOHNSON of South Dakota, Mr. ROMERO-BARCELO, Mr. SAWYER, Ms. PRYCE of Ohio, and Mr. CLAY.

H.R. 1886: Mr. SWIFT, Mr. MCCLOSKEY, Mr. WAXMAN, and Mr. DICKS.

H.R. 4256: Mr. DELLUMS.

H.R. 4399: Mr. DELLUMS.

H.R. 4578: Mr. KILDEE, Mr. LIPINSKI, Mr. HINCHEY, Ms. VELÁZQUEZ, Mr. SABO, Mr. MAZZOLI, Mr. EDWARDS of California, Mr. REYNOLDS, Mr. RANGEL, Mr. SERRANO, Mr. DELLUMS, Mr. KOPETSKI, and Mr. WATT.

H.R. 4654: Ms. MARGOLIES-MEZVINSKY.

H.R. 4944: Mr. KIM.

H.R. 4955: Mr. SCHUMER and Mr. YATES.

H.J. Res. 397: Mr. JOHNSON of South Dakota, Mr. MATSUI, Mr. COLEMAN, Mr. GUTIERREZ, Mr. RANGEL, Mr. HASTINGS, Ms. LOWEY, Mr. JEFFERSON, Mr. KLEIN, Mr. UNDERWOOD, Mr. BACCHUS of Florida, Mr. KLECZKA, Mr. GENE GREEN of Texas, Mr. FARR, Mr. MINGE, Mr. SANDERS, Mr. CALVERT, Mr. MURPHY, and Mr. BROWN of California.

H. Con. Res. 243: Mr. COSTELLO and Mr. TALENT.

EXTENSIONS OF REMARKS

TRIBUTE TO CHRISTOPHER S. ENEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mr. TRAFICANT. Mr. Speaker, 10 years ago on August 24, 1984, U.S. Capitol Police Sgt. Christopher S. Eney was killed in a tragic training accident. On the 10th anniversary of Sergeant Eney's death I want to pay tribute to Sergeant Eney and his courageous widow, Vivian.

Sergeant Eney was killed in an accidental shooting during a training exercise. He was 37 years old and a 12-year veteran of the U.S. Capitol Police. He left behind a wife, Vivian, and two daughters, Shannen and Heather. Vivian and Chris had been married 12½ years. Needless to say, on August 24, 1984, Vivian Eney's life took a dramatic turn. She entered the world of police survivors.

Shortly after Chris' death, Vivian decided to channel her energies toward something positive. She was determined to help others across the country who found themselves as police survivors. Vivian joined a newly formed group—Concerns of Police Survivors [COPS]. COPS is a self-support group, that over the years has become a nationally known and respected organization. The growth and success of COPS as a national advocate for the families of law enforcement officers killed in the line of duty can be attributed in large part to Vivian's energy and leadership.

In addition to testifying before Congress and successfully lobbying to increase the Federal death benefit for police survivors, Vivian has actively expanded COPS national outreach efforts in assisting police survivors. Most significantly, Vivian played a key role in the successful effort to build the National Law Enforcement Officers Memorial in Washington, DC.

As a member of the board of directors of the National Law Enforcement Officers Memorial Fund, Vivian was instrumental in raising the funds necessary to build the memorial and focus national attention on the need to recognize the sacrifices that law enforcement officers have made throughout American history.

Over the past 10 years Vivian has accomplished a lot. Perhaps her most important and significant accomplishment has been the superb job she has done in single handedly raising her two wonderful daughters. Chris would have been proud of the fine job Vivian has done as a single parent.

So, Mr. Speaker, on this the 10th anniversary of Sgt. Chris Eney's tragic death, I salute the memory of a dedicated and talented law enforcement officer. I also salute the fine work his widow has done in preserving his memory and giving of herself to help thousands of police survivors across the country.

A TRIBUTE TO GEORGE DOURIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mrs. MALONEY. Mr. Speaker, I rise to bring to the attention of my colleagues the extraordinary life story of a great American and a constituent who it is my profound honor to represent.

George Douris of Astoria, Queens, is a man I like to call "The Greek Cannon Ball." He can best be described as an activist, a philanthropist, a journalist, and a humanist.

George has been an inspiration to me over the years. He was my mentor early in my career, when I worked for the Hellenic American Neighborhood Action Committee. He founded HANAC in 1969, at the suggestion of Mayor John Lindsay, who provided $75,000 for a survey of the needs of Greek New Yorkers, George and his colleagues wrote a report and received funds for an English as a Second Language School. HANAC began witn $75,000 and seven employees. Today, HANAC has a budget of over $50 million and employs more than 3,000 people. HANAC is testament to George's unique ability to succeed at everything he endeavors to do.

George served in the Army in Korea in the late 1940's. After his father's death in 1947, he returned to New York where he was stationed. He worked as a campaign coordinator for Representative (Col.) James Roe when he ran and won the congressional seat in the Astoria/Flushing area in Queens. That was the beginning of George Douris' illustrious career as a political operative. In 1954, George founded the Hellenic American Political Action Committee.

But George's first love was journalism. He worked with world-famous columnist Jimmy Breslin at the Long Island Star Journal while they attended school together at Long Island University. The two enterprising journalists would leave the newspaper at 3 a.m., take the subway to Brooklyn, sleep 3 hours in an abandoned car, get up, go to a Greek restaurant at the corner for breakfast, and attend class from 6:30 until 11:30 a.m.

George continued his career as a sports writer and then a "People and Food" editor at the Star Journal, a position he held for 8 years. He was also very active in the Greek community which he held so dear. He combined his two passions by starting the Hellenic American World, a weekly newspaper, which he sold 6 months later.

In 1955, a demonstration took place in Istanbul, in which a number of Greek Orthodox priests were killed and the Archbishop's home and property were burned. George and his colleagues worked 25 consecutive hours and wrote an eight-page tabloid newspaper with the true story and pictures of the event. Thanks to his work, the immediate reaction was in favor of orthodoxy, and the killing was stopped. In this respect, George did nothing less than change world history.

Following the 1955 earthquake in Volos, Greece, George organized a fundraiser to aid the victims, which produced more than $20,000. George went to Greece with his wife in 1956 and distributed thousands of aid packages in Volos with the help of the organization CARE.

In the 1960's, George was elected president, lieutenant governor, and governor of American Hellenic Educational and Progressive Association [AHEPA] in New York State. When the Turks invaded Cyprus, AHEPA and George were intensely involved in the relief effort. George met with Secretary of State Henry Kissinger in Washington and demanded that the United States put a stop to using United States arms to attack Cyprus. With the help of Representative Mario Biaggi, George helped obtain $25 million in emergency funds for Cyprus from the United States allotment.

George then went to Cyprus and worked on the first documentary film—narrated by Telly Savalas—about the devastation in Cyprus. When George returned from Cyprus, he was met by Mayor Abe Beame, who gave HANAC a pier on the west side of Manhattan, from which thousands of tons of emergency food, blankets, medical supplies, and a mobile United States medical operation were transported to Cyprus.

In 1966, when John Lindsay was elected mayor, George who was the first Greek-American elected president of the New York Press Club as well as the prestigious Inner Circle, was assigned to room 9, the city hall press room. Mayor Lindsay had a "hot room" in the basement where citizens came to lodge complaints about services. Many Greeks arriving from Greece could not speak English, so the mayor asked George to help out, which he did. After the Long Island Star Journal closed in 1967, George went to the Long Island Press and worked part-time for the United Press.

In 1969, George founded HANAC and started its senior center. Mayor Lindsay later gave George the City of New York Medal for his philanthropic work.

After the Long Island Press folded in 1977, George took a job as a public relations consultant for the Police Benevolent Association and opened his own public relations firm.

During his PBA days, George saw two police officers slain in a Bedford-Stuyvesant hospital. George swore to do something about it, and started a campaign to raise $2 million to put a bullet-proof vest on every police officer. As in most every other venture in his life, George succeeded. New York's Finest are deeply indebted to George to this day.

HANAC has thrived, George's business has boomed. He has received numerous honors, dinners, and medals throughout his life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But he is most proud of his son Thomas, his daughter Litsa and her son Naki. He loves them deeply. And, Mr. Speaker, nearly everyone who has ever known George loves him deeply as well. Thank you.

CONGRATULATIONS TO WOODLAND ALL STARS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Woodland 13-year-old Babe Ruth All-Star Team. On Saturday, August 20, 1994, the Woodland All Stars captured the 1994 Babe Ruth 13-year-old world series title in Concord, NH.

The 1994 Babe Ruth 13-year-old world series champion roster included: Tony Salvemini, manager; Cliff Young, coach; James Wells, coach; Chris Bojorquez, Cesar Fernadez, Diego Genera, Matt Giebel, Joe Giger, Sam Henderson, Jay Jimenez, Eddie Lavorico, Marc Lecair, Isaac Preciado, Mario Quintana, Richard Rowland, Anthony Salvemini, David Saragoza, and Jeff Watson.

On the way to winning the series title, the team amassed an impressive overall postseason record of 15 wins and 1 loss. Their road to the world series title included victories over Elk Grove and Rancho Cordova for the district title, and victories over Oakland, Mountain View, Hayward, and Vallejo for the NorCal title. The team's sole loss in the postseason was to Glendale in the regionals. However, they avenged the loss with a victory over Glendale which, along with their victories over Yuma, Nevada, and Northridge, earned them the Pacific Southwest regional title and a shot at the world series title. The team capped their run with victories over Ashland, Brazoswood, Staten Island, and Jefferson City which earned them the championship title.

Pitcher Anthony Salvemini and second baseman Jay Jimenez were named to the All World Series team. In addition, Anthony was also named the series MVP and Isaac Preciado received the series Sportsmanship Award.

The team's postseason record is as follows:

District Tournament: Woodland 7, Elk Grove 4; Woodland 13, Rancho Cordova 1; and Woodland 4, Elk Grove 3.

NorCal Tournament: Woodland 7, Oakland 2; Woodland 10, Mountain View 6; Woodland 5, Hayward 2; and Woodland 7, Vallejo 1.

Pacific Southwest Regional: Woodland 19, Yuma, AZ 10; Woodland 10, Nevada 0; Woodland 5, Northridge 3; Glendale, AZ 5, Woodland 1; and Woodland 6, Glendale 0.

World Series: Woodland 6, Ashland, KY 5; Woodland 3, Brazoswood, TX 2; Woodland 9, Staten Island, NY 3; and Woodland 6, Jefferson City, MO 3.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring the Woodland 13-year-old Babe Ruth All Stars and I personally extend my sincere congratulations on their winning the Babe Ruth 13-year-old world series title.

SENATE—*Monday, September 12, 1994*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember a number of our people who have passed from this life.

Former Senator Symms' mother; Paul Monaghan, for many years a press reporter; Beth Ormond, from the stationery room; and Officer Dextradeur, here many years in the Senate.

Let us remember their loved ones in their loss.

The kings of the earth set themselves, and the rulers take counsel together, against the Lord, and against his anointed, saying, Let us break their bands asunder, and cast away their cords from us.—Psalm 2:2–3.

Sovereign Lord of history, the psalmist asks a penetrating question: Why do people, nations, and rulers resist Thee and Thy law? Since the Tower of Babel, mankind has been organizing God out of his life, individually and institutionally. Even the church organizes God out of its life.

Dear God, let this not be true of the leadership of our Nation. As our Founding Fathers looked to Thee for protection and direction in establishing a new nation, so may we today. As they depended upon Thee to set our Nation on a course honoring to God and dedicated to the common good, so may we. Grant, O God, that these sacred precincts may be a place of Divine approval and blessing to all peoples.

In the name of the Lord, our God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER TO PROCEED TO CONFERENCE REPORT ACCOMPANYING S. 2182

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report accompanying S. 2182, the Department of Defense authorization bill, at 1 p.m. today.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, pursuant to a previous order, there will be a period for morning business to extend between now and 1 p.m. At 1 p.m., pursuant to the order just obtained, the Senate will proceed to consider the Department of Defense authorization bill conference report. No rollcall votes will be held today in accordance with a decision made prior to the recent recess, and as set forth in a scheduling letter which I sent to all Senators 2 weeks ago.

I have been advised that a request has been made by our Republican colleagues that any votes set for tomorrow occur following the respective party luncheon caucuses and I will, of course, accommodate that request. So there will be no recorded votes prior to the caucuses tomorrow noon, as requested by our Republican colleagues. Any votes that will be required with respect to the Department of Defense conference report and any other matters taken up today or tomorrow morning will be scheduled to occur not earlier than 2:30 p.m. tomorrow.

PAUL MONAGHAN

Mr. MITCHELL. Mr. President, the Senate Chaplain made reference to several people whose passing occurred during the recess. I would like to make just a brief comment about one of them.

Paul Monaghan was a reporter who covered the Congress for several newspapers, including one in my own State of Maine. As a result of that coverage, I came to know and work with Paul Monaghan over many years. He was diligent, fair, and a very good reporter. I personally, and many others who knew and befriended him, will miss him very much.

His death was untimely, as he was a young man, stricken by cancer at a very early age. And his death reminds us of our own mortality, which will come to all of us in time, but comes to some in a too early time.

I extend to all of Paul Monaghan's family the regrets and sympathies of all Members of the Senate.

SCHEDULE

Mr. MITCHELL. Mr. President, we are going to have a busy legislative period in the next several weeks.

As I previously indicated, and now take this occasion to restate, following the Department of Defense authorization bill, we have a number of other important measures to take up.

First, of course, as required by law, we must complete action on the remaining appropriations bills. Several such bills remain. The District of Columbia appropriations conference report will be considered in the near future. I understand the House will be taking up some measures today. So we are going to do the best we can to complete action on those measures prior to the end of the fiscal year. And the Presiding Officer, the chairman of the Appropriations Committee in the Senate, deserves a great deal of credit for moving that legislation so promptly.

We also hope to complete action on a wide range of important measures, including banking, housing, telecommunications, campaign finance, lobbying, and gift reform; the world trade agreement, known otherwise as GATT; some environmental measures; and, of course, health care reform, where I continue to believe that there is time remaining to do a good bill, as there are many areas of agreement among all Senators.

Mr. President, I look forward to a busy and productive period.

I note no other Senator on the floor now seeking recognition, and so I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate is in morning business. Under the order, a Senator may be recognized for not to exceed 10 minutes. The Senator from Indiana [Mr. COATS] is recognized therefore for not to exceed 10 minutes.

Mr. COATS. Mr. President, I thank the Chair.

NO UNITED STATES INVASION OF HAITI

Mr. COATS. I wish to note today that while I do not know for a fact that the United States will invade the island nation of Haiti, all the press reports indicate that the decision has already been made at the White House. The

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

news reports and spokesmen for the administration over the weekend on news shows seem to indicate that an invasion of Haiti is imminent and that the decision has been made; ships are steaming to the Caribbean, troops are being trained; and we are told that any day now we can expect an invasion of that nation.

Mr. President, the President's stated justification for an invasion, to this Senator and I think to many, simply does not hold up. Neither the cause of democracy nor the national security interests of the United States will, in my opinion, be served by an invasion of U.S. Marines of that nation. To the contrary, both the cause of democracy and our national security interests I think can be in the long run significantly undermined if we in fact do use military force to return Mr. Aristide to power in Haiti.

Unlike some of its neighbors, Mr. President, Haiti has never known true democracy. While its brief flirtation with elective politics after the fall of "Baby Doc" Duvalier resulted in Mr. Aristide's election as its President, the country merely substituted one repressive regime for another. And unlike Duvalier, when the country could stand no more, Aristide himself was overthrown.

While a democratic Haiti is certainly a desirable goal, restoring Mr. Aristide to power will not magically produce a democracy in a country where it has never taken root. Democracies cannot be imposed any more than nations can be built, and we do democracy a disservice by using it as an excuse to further what appear to be political rather than democratic goals.

In the same way, America's national security is undermined by diverting valuable human and other resources to a cause that has not been adequately defined as a cause in the national interest.

Mr. President, when Secretary of Defense William Perry conservatively estimated that it will cost $425 million to mount an invasion of Haiti and occupy the island for 7 months, he failed to calculate what is the more likely cost of a prolonged United States occupation. You see, Mr. President, the last time we invaded Haiti to establish democratic rule we had to stay there 19 years, and even that 19-year occupation did not result in a democracy that we had intended or democratic rule for the nation of Haiti.

And so the $425 million is just for the initial cost. We have no way of calculating what that cost will be or how many months we will stay or what the participation of the United States will be once we invade that country. And we have no assurance or no guarantee that any stay, no matter how prolonged, particularly based on past experience, will in any way guarantee any semblance of democracy in that nation.

But, Mr. President, the real cost to America will not be measured in dollars but in a number of other factors that are even perhaps more important than the dollars. First, it will be measured in the further decline of the readiness of U.S. military forces as already stretched defense dollars are once again diverted to nonessential military purposes.

Many of these purposes have not necessarily been purposes with which we might not want to engage. Certainly alleviating starvation in Somalia, certainly attempting to help with the situation in Rwanda were humanitarian interests and gestures of the United States that many have concluded were worth the cost. But as we found, sometimes those missions change and sometimes the initial goals are muddled as we attempt a multilateral effort with other nations and particularly attempt to follow some of the dictates that come from the United Nations.

But those dollars are dollars that are taken out of military readiness, those dollars are taken out of an already stretched and already thin defense budget. We will be debating later today and perhaps tomorrow and the remainder of the week the Department of Defense authorization bill and perhaps the appropriations bill and we will be talking about the very significant decline in defense spending, budgetary commitment for defense purposes, how this affects our defense readiness and potential readiness in the future. So to an already stretched and already reduced over the next 10 years' defense budget we will be committing additional funds, not paid for out of the State Department budget, not paid for out of other functions, but perhaps another supplemental appropriations. I do not know. But certainly it is another strain on defense dollars.

The cost to America will not just be measured in dollars, nor will it just be measured in military readiness. It will also be measured by a continued decline of U.S. prestige as the United States invades a country that is at war with no one and poses no threat to the United States, poses no threat to any other Caribbean or hemispheric nation. What is going on in Haiti has been going on in Haiti for decades. There is no threat to the United States other than the threat of perhaps a flow of immigrants that is a threat caused by the administration's own policy.

But most importantly, Mr. President, it is not the cost in dollars, nor the cost in readiness, nor the cost in decline of U.S. prestige but it is the potential cost measured by tragic, unnecessary loss of life, as many more U.S. military men and women may be asked to pay the ultimate price for a cause that has nothing to do with the national interest.

It is time to put an end to gunboat liberalism. What the Clinton administration is demonstrating is not national strength but a national deception. There is no United States national security interest at stake in Haiti. And there is no reason to risk even one American life. As with Bosnia and Somalia, liberal Democrats now argue that United States credibility is on the line. We have no choice but to invade, they say, but credibility lost by political bungling should not be redeemed by American blood.

During the cold war, gunboat diplomacy may have served a purpose by denying a defined enemy victory or regaining ground lost to the advance of communism. But in the post-cold-war era, gunboat liberalism to establish and maintain democracies where none have even existed serves no purpose at all except to put our own democratic ideals at risk.

Mr. President, we cannot use U.S. soldiers for the purpose of advancing a theory which has not been adequately explained or communicated to the U.S. people, nor to the U.S. Congress. This is a subject that deserves debate. This is a subject that deserves to have the voices of the people heard. This is a subject that ought to be discussed on this Senate floor.

I urge the President to step back from what appears to be a decision that has been made to invade Haiti—to step back, reassess what is in our best national interests, reassess the security threat, consult with the Congress, consult with the American people, and at least explain how and why it is in the United States national security interest that we invade the country of Haiti.

I do not believe it is, and I would urge the President to reconsider.

Mr. President, I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order, the Senator is recognized for not to exceed 10 minutes.

HAITI

Mr. GREGG. Mr. President, we, once again, as a body need to address the issue of Haiti. I want to compliment my colleague from Indiana on his excellent and precise remarks relative to the issue of Haiti. It is critical, Mr. President, as has been discussed on this floor before, that this Nation not use its military in an arbitrary and capricious way, and that we not put our soldiers' lives at risk without a defined policy that gives them guidance and that makes it clear to not only those soldiers but to the American people what it is that they are risking their lives for.

The problem that we confront in Haiti is that this administration's actions, rather than being defined and precise, rather than outlining a clear strategy for where this country should be going and why it should be involved there, has rather been a strategy of confusion, of inconsistency, and has been a strategy which has led to a lack of confidence not only within this body as to the goal of the administration, but amongst the people of this country and, I think, amongst the international community.

I have said before on this floor that before we pursue a military invasion, I believe very strongly that the President has the obligation to come to this Congress, under the terms of the Constitution, and ask for authority to do such. This is not an event that is created as a result of an emergency. This is not an instance where our national interests are suddenly threatened or where American lives are put at risk. This is not an event that has evolved quickly and spontaneously.

Rather, the planned invasion of Haiti is just that—a very planned event. It has been an off-again/on-again plan, obviously, where spokesmen for the administration have said differing and sometimes contradictory things about its purposes and goals. But still there can be no question that the administration has made it clear that it intends to use American military forces in Haiti.

One wonders how they can pursue that course without first coming to the U.S. Congress and asking for authority. If they are not going to come to the Congress and ask for authority—which they have an obligation to do under the Constitution—then they should at least go to the American people and explain what it is that brings us to the brink of going to war with a neighbor in this hemisphere. What is it?

Well, they have outlined three different reasons why we should pursue military action in Haiti, why American lives should be put at risk in that country. The first is that there is an outpouring of refugees which threatens in some way our interests in the United States as these destitute individuals leaving Haiti seek asylum in other countries and end up here in our country. Of course, if that were the cause, we would have to invade a lot of our neighboring countries, like Cuba which is creating much more of a problem with refugees coming here. We might have to invade Mexico. Last year, over 1.2 million Mexicans entered this country, and only 5,000 Haitians illegally entered this country last year.

So the concept that we need to invade in order to stem the flow of refugees is not supported. There is no outrageous flight of refugees from Haiti. And second, if there were, it would be a secondary or even a third-level threat to our immigration policies as compared with some of the other nations in this hemisphere. So that is not a valid statement.

Their second argument is that it is a drug-lord center, a transshipment point for drugs. Well, that is specious on its face. The fact is that Haiti is surrounded by the United States fleet. That is about the last place drug lords are going to go in and out of because of the nature of the military force in the region. Then if we are talking about islands in the Caribbean that transship drugs, Haiti is very close to the bottom of the list compared to the top five or six nations in that region where we have a significant transshipment problem with drugs. So that is just poppycock.

The third reason that is given is, well, we need to replace the dictatorial government which has usurped authority in Haiti with the government elected by the people, headed by Mr. Aristide.

First off, Haiti is not the only country which has a government that is led by thugs. That is not an unusual event, unfortunately. That is a sad commentary on the situation in this hemisphere and on the situation in this world, that there are a number of countries which are led by people who are not what we would consider to be democratic—people who take from their people, who abuse their people and who use military force within their own nation to maintain power. Again, we need look no further than a nation closer to us in this hemisphere—Cuba—as a classic example of that. If we want to look at human rights, repression, abuse of people, and misuse of military force for the purposes of maintaining power, we need to look no further than Cuba as an example. We are not threatening to invade Cuba.

Second, it would be very hard, I think, for any citizen in this country to justify putting an American life at risk for the purposes of reinstituting in power Mr. Aristide. Yes, he may have been democratically elected, but he is not an individual with attractive credentials. It would be hard for myself, as a Senator, and I think for any Senator in this room, to go to a parent—a mother or a father—or to a son or a daughter of a service man or woman who lost their lives or who were severely injured in the streets of Port-au-Prince and say: You did it, and it was for the American interest, and the American interest was, put Mr. Aristide back in place as the President of Haiti.

No Americans should lose their lives, or even be put at risk, for the purpose of putting Mr. Aristide back in power. That is not a justifiable goal.

So this administration has outlined no definable national interest for the use of military force in Haiti. Yet, they insist on moving down this path.

What is the cause behind that insistence? Well, it cannot be that there is a national interest there. Maybe there is a domestic political interest there, and some cynical people would say that. I am afraid that as I watch this administration's policies unfold, I am becoming such a cynical person, because I do not see that they have any other purpose, any other cause than one which would be for the purposes of domestic consumption.

So this Congress, this Senate, should use its authority to participate in the debate in an aggressive way as to whether or not we should be using American military forces in Haiti. The way we should be doing that is by passing a resolution that has some authority and has some teeth which says to the President: Listen, explain to us what your purposes are in Haiti before you invade Haiti. We do not have to tie his hands, as he is the Commander in Chief. We do not have to say: No, you cannot do it under any circumstance without coming for approval here. But we should at least pass a resolution that says that we have authority that you, Mr. President, must explain to the Congress, and therefore the American people, what is the logic of this precipitous action which you appear to be ready to undertake.

That explanation has not been forthcoming, and I regret that. We did pass a resolution in this body that said essentially that, but it was a sense-of-the-Senate. Therefore, the administration has ignored it, and I, therefore, maintain my position which, when I offered an amendment earlier, said that there should be enforcement mechanisms behind that sense-of-the-Senate resolution which would require the President to explain to us his purposes in invading this nation.

The inconsistency which this administration participates in in discussing its policies on Haiti are startling. Again and again, they have said contradictory things. Just this weekend, for example, you had Secretary Christopher and Ambassador Albright giving two opposing views on what the administration expects to do once they invade and take control of Haiti.

Secretary Christopher said that he would not require the military leaders who are presently in charge of Haiti to leave Haiti. Ambassador Albright said yes, they would have to leave Haiti. That is within a half hour of each other. That is a very significant public policy position.

Then we have had the issue of when will and how will American troops get out of Haiti once they are in there. Members of the administration said it will take up to 20,000 troops to invade Haiti. When will they leave?

The PRESIDENT pro tempore. The 10 minutes have expired.

Mr. GREGG. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDENT pro tempore. Is there objection? Is there objection to morning business being extended accordingly?

Hearing no objection, the Senator is recognized for an additional 5 minutes.

Mr. GREGG. I thank the Chair.

Mr. President, the administration has said it will take 20,000 troops to invade Haiti, 20,000 American lives that will be put at risk, and they will be at risk.

It is talked about as if this would occur as an overnight event. Maybe it will. But the fact is that Port-au-Prince is a dangerous place, and keeping peace in Port-au-Prince will be a difficult undertaking and American lives will be at significant risk.

The question is, How do we get the 20,000 troops out of Haiti once there? Once again, the administration is unclear on that policy. They have said that they intend to have a peacekeeping force of 6,000 individuals, half of whom may well be made up of Americans. That is the language that they have used. That means up to 3,000 people, 3,000 American military personnel, will be kept in Haiti for an extended period of time. In fact, Mr. Christopher said it will be through 1996. That is a long time to have American troops walking the streets of Haiti, risking their lives for whatever outrage may be perpetrated on them by some disgruntled faction within a country that has always been extraordinarily violent.

Then we have the fact, where are the rest of the troops going to come from that are going to be used for this peacekeeping undertaking? Well, so far, the report is that the other Caribbean nations that have been petitioned by this administration to participate in this event have made an agreement that they will be willing to offer up to 250 individuals, 250 troops. That is a far cry from the 3,000 or so that are going to be needed to man the peacekeeping effort.

So one suspects that not only will we end up with 3,000 troops there, but we will end up with many more thousands of troops there trying to keep peace in this country, which has an inordinantly long history of violence and fratricide.

Every day that they are there, probably, we are going to have to answer the question, because one American or another will have his or her life threatened in some way, and maybe one will be injured or will unfortunately lose his or her life. Every day they are there, we are going to have to ask the questions: Why did we go; why are we there; and when are we going to get out?

So far, we have no answers to any of those questions. So until this administration comes forward and explains to the American people what is our national interest in Haiti that requires us to put American lives at risk, a minimum of 20,000 in the initial invasion and a minimum of 3,000 over a period of time, as we try to keep peace in that country after we have invaded—what is the national interest? Explain it to us, Mr. President, because I am not aware of it, and I do not think most Members of this body are aware of it. And I do not think the American people are aware of it.

If there is a national interest, once we get in, how are we going to get out?

As the Senator from Indiana mentioned, the last time we invaded Haiti, we went there to be there for 6 months. That was in 1915. We left in 1934, 19 years later.

It is clear from Secretary Christopher's own statement that they expect the occupation to last at least through 1996 and to involve literally thousands of Americans troops. How do we get those troops out? What is the scenario that allows us to remove them from that ravaged country, that country that is so full of violence, that will put so many American lives at risk. We have no definition of goal, and therefore we have no definition of what the end is, and therefore we have no definition of when the American troops will be coming out of that country.

This administration is on the wrong track. Invasion of Haiti is a mistake. It will put at risk American lives without having properly explained to the American people why, and it will be very difficult for those of us who are Senators in this body to go back to our constituents, our friends, and our neighbors if one of their children or one of their husbands or one of their wives shall have died in this invasion, or shall have been severely wounded in this invasion, and look them in the face and say that it was a good purpose that they went for, that it was an American purpose that they fought for, because it is not. And the President seems to be unable to explain to us what is there that causes us to be willing to put at risk those very precious lives.

I yield back the remainder of my time.

TRIBUTE TO ADM. GEORGE E.R. "GUS" KINNEAR II, U.S. NAVY, RETIRED

Mr. SMITH. Mr. President, I rise today to pay tribute to an extraordinary individual who has had a remarkable career in service to his country—Adm. George E.R. "Gus" Kinnear, USN, retired. "Gus" as his friends call him, has spent almost half a century either serving on active duty, or working on behalf of the U.S. Armed Forces.

Born in Mounds, OK, and raised in Brooksville, FL, Gus is now a distinguished citizen of the great State of New Hampshire. He entered the Navy as an enlisted man in 1945, was selected for pilot training, and became a naval aviator in 1948. As with many fine young men of his generation, he participated in the Korean conflict, flying combat missions from the decks of U.S. aircraft carriers.

Following the war, Gus successfully completed studies leading to the receipt of his bachelor's and master's degrees. But the call of his first love, naval aviation, led him back to the air in 1961, and he served in various squadron positions until 1963, when he earned his first combat command as "C.O." of Attack Squadron 106.

In 1966, with 3 years of operational command under his belt, Gus once again took a brief hiatus to attend Stanford University, where he earned a master of science degree in industrial engineering and a doctoral degree in engineering management.

Mr. President, following completion of his doctoral work, Gus again assumed command positions involving greater and greater responsibility. He was given command of a carrier air wing during the Vietnam war, and later, as a flag officer, he commanded a carrier group. Units under his command saw action in the Sea of Japan during the Pueblo incident and in the Tonkin Gulf. He personally flew over 100 combat missions during Vietnam, and to his credit Gus holds the unique distinction among naval aviators of flying more different types of jet aircraft than any other naval aviator, having logged more than 5,000 flying hours and having made more than 950 arrested carrier landings.

The years 1968 to 1971 were also exciting and challenging ones for Gus, but in a different way. As Special Assistant to the Director of Navy Program Planning, and then as a Special Assistant to the Navy Comptroller, he honed his management skills in the business side of the Navy. Again, Gus served with distinction and developed skills that were to serve him well throughout his career.

Upon leaving Washington, Gus assumed command of LSD 32, the U.S.S. *Spiegel Grove*, followed in quick succession by his assignment as commander of one of the Navy's premier naval aviation installations, Miramar Naval Air Station in San Diego, CA. His stay at Miramar was, however, brief. Following his promotion to rear admiral, it was back to Washington. Predictably, Gus was again assigned to billets involving ever-increasing responsibility; first as the Assistant Chief of Naval Personnel and then as Chief of Legislative Affairs in the Office of the Secretary of the Navy. In 1978, he was designated a vice admiral, and assigned as the commander for naval air forces, Atlantic fleet. Finally, in 1981, Gus was promoted to admiral and assumed the prestigious and challenging position of U.S. military representative to the

NATO military community, a position he held until his retirement.

Those who know Gus recognize that he is not a person who can sit idle for long. Following his retirement he went to work for the Grumman Corp., where he advanced to the position of senior vice president for Washington operations. He left Grumman in 1988 to serve as executive vice president and then president of the University of New Hampshire, a position he held until 1992. In October 1992, following 4 years of service as a member of the board of directors of the Retired Officers Association [TROA], he was unanimously selected as TROA's chairman of the board, a position from which he is now retiring.

Mr. President, through Gus' stewardship, the Retired Officers Association continues to play a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the military community—active, reserve, and retired, plus their families and survivors. I will not describe all of his many accomplishments at TROA, but I would like to focus briefly on a few that illustrate the breadth of his concern for our Nation's military people. As chairman, he led the fight for continued access to the military health care system for retirees and directed TROA's efforts to maintain the viability of the commissary system. Taken together, these comprise two of the most important institutional benefits provided as inducements for a career in service.

Under his direction, TROA spearheaded a bipartisan initiative to provide military retirees the same cost-of-living adjustment [COLA] as Federal civilian retirees will receive. His zeal in fighting to compel Congress and the administration to honor past commitments to our service personnel and their families is legendary.

On a national scope, Gus has been a vocal and effective champion of a reasoned, judicious approach to the downsizing of our Armed Forces. As Gus has so appropriately emphasized, if implemented haphazardly, the drawdown will undermine our national security and produce a "hollow" military force. No one in this Nation can speak with greater knowledge and experience on this issue than Gus Kinnear, and his observations are right on the mark.

Mr. President, my closing observation, which I am sure is shared by all my colleagues, is that Admiral Kinnear has been an outstanding leader, in the military, TROA, and on behalf of the entire retired community. His distinguished military service and his unwavering commitment to the cause of freedom throughout the world are an inspiration for those who have followed and will continue to follow in his footsteps. Our wishes go with him for a long life of health, happiness, and continued success. As a former sailor myself, and in keeping with the highest traditions of the Navy, I join with his many friends in wishing Gus "fair winds and a following sea."

THE RECORD OF JUDGE SAROKIN

Mr. HATCH. Mr. President, President Clinton has nominated Judge H. Lee Sarokin to a seat on the U.S. Court of Appeals for the Third Circuit. I have decided that I must vote against this nomination and look forward to explaining my reasons during floor debate. For now, I ask unanimous consent that a memorandum analyzing the record of Judge Sarokin be included in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

JUDGE SAROKIN'S RECORD

H. Lee Sarokin, President Clinton's nominee to the U.S. Court of Appeals for the Third Circuit, was appointed by Jimmy Carter to the federal district court in New Jersey in 1979. Since that time, Judge Sarokin has earned a reputation as a stridently liberal judicial activist who pursues his own ideological agenda in lieu of applying the law. On a broad range of telltale issues, such as crime, quotas and reverse discrimination, pornography, and minimal standards of decency and behavior in public life, Judge Sarokin has sought to impose his own moral vision. In so doing, he has ignored, defied, and even stampeded binding precedent and higher authority, and has flaunted his own biases and sentiments on the sleeve of his judicial robe.

These are not just the views of outside critics. The Third Circuit itself has, for example, lambasted Judge Sarokin for "judicial usurpation of power," for ignoring "fundamental concepts of due process," for destroying the appearance of judicial impartiality, and for "superimpos[ing his] own view of what the law should be in the face of the Supreme Court's contrary precedent." The New Jersey Law Journal (9/14/92) has reported that Judge Sarokin "may be the most reversed federal judge in New Jersey when it comes to major cases." One can expect that these problems will surely be aggravated if Judge Sarokin enjoys the greater freedom of a circuit judge.

Organizations that have announced their opposition to Judge Sarokin's nomination include the Fraternal Order of Police, the Law Enforcement Alliance of America, the New Jersey State Police Survivors of the Triangle, the U.S. Business and Industrial Council, Organized Victims of Violent Crime, the League of American Families, Citizens for Law and Order, Citizens Against Violent Crime, and Voices for Victims, Inc.

This memorandum provides a detailed look at certain of Judge Sarokin's opinions that are all too illustrative of his approach to judging, as well as an overview of his manifestations of bias and ideology in cases and speeches.

I

(*Kreimer* v. *Bureau of Police for the Town of Morristown*, 765 F. Supp. 181 (D.N.J. 1991), rev'd, 958 F.2d 1242 (3rd Cir. 1992))

Facts

Kreimer, a homeless man who lived in various outdoor public spaces in Morristown, New Jersey,[1] frequented the public library in Morristown. According to library staff, Kreimer often exhibited offensive and disruptive behavior, including staring at and following library patrons and talking loudly to himself and others. Also, according to library staff, Kreimer's odor was so offensive that it prevented the library patrons from using certain areas of the library and prohibited library employees from performing their jobs. A logbook instituted to catalog disciplinary problems faced by the library described incidents such as "Kreimer's odor prevents staff member from completing copying task," "Kreimer spent 90 minutes—twice—staring at reference librarians, "Kreimer was belligerent and hostile towards [the library director], and "Patron [was] followed by Kreimer after leaving Library."

In 1989, the library enacted a written policy prohibiting certain behavior in the library and authorizing the library director to expel persons who violated them. The policy included the following rules:

"1. Patrons shall be engaged in activities associated with the use of a public library while in the building. Patrons not engaged in reading, studying, or using library materials shall be required to leave the building. * * *

"5. Patrons shall respect the rights of other patrons and shall not harass or annoy others through noisy or boisterous activities, by staring at another person with the intent to annoy that person, by following another person about the building with the intent to annoy that person, * * * by singing or talking to others or in monologues, or by behaving in a manner which reasonably can be expected to disturb other persons.

"6. Patrons shall not interfere with the use of the Library by other patrons, or interfere with Library employees' performance of their duties. * * *

"9. * * * Patrons whose bodily hygiene is offensive so as to constitute a nuisance to other persons shall be required to leave the building.

"Any patron not abiding by these or other rules and regulations of the library shall be asked to leave the library premises."

After he was expelled from the library at least five times for violating these rules, Kreimer sued the library and others in federal district court, alleging that the library's policy violated the First Amendment and the Due Process and Equal Protection Clauses of the 14th Amendment.

Judge Sarokin's rulings

Judge Sarokin, in granting summary judgment in favor of Kreimer, ruled that the library policy was facially unconstitutional. Judge Sarokin's opinion included the following rulings:

1. The Library Policy Is Not A Reasonable Time, Place, And Manner Regulation. "[A] public library is not only a designated public forum, but also a 'quintessential,' 'traditional' public forum." Government restrictions on access to a public library must therefore be narrowly tailored to serve a significant state interest and must leave open alternative channels of communications. The library policy is not specifically designed to address disruptive activity, and is therefore, not a reasonable time, place, and manner regulation that is narrowly tailored to serve a significant government interest. Denying a patron all access to library materials leaves no alternative channels open to those without private means of access to the quantity and diversity of written communications contained in a library.

Footnotes at end of article.

2. The Library Policy Is Unconstitutionally Overbroad. Rules 1 and 5 are substantially overbroad. In *Brown* v. *Louisiana*, 383 U.S. 131 (1966), the Supreme Court reversed the convictions under a Louisiana breach-of-peace statute of five black men who peaceably protested in a library. The protesters in *Brown* would be prevented from engaging in the same constitutionally protected protest if they staged it in the Morristown library. This demonstrates that rule 1 is substantially and unconstitutionally overbroad. Rule 5 is unconstitutionally overbroad because it excludes patrons for silently staring at another with the intent to annoy. This is no different from the statutes in *Brown* and *Cox* v. *Louisiana*, 379 U.S. 536 (1965), which excluded people from public spaces for activity that annoyed people but that did not actually cause or threaten a disruption.

3. The Library Policy Is Unconstitutionally Vague. Although the library policy is not a penal statute, failure to comply with the policy results in criminal trespass. Accordingly, a criminal sanction is involved, and the policy should be subject to a strict vagueness challenge. Rule 1 is hopelessly vague. Rules 5 and 9 are unconstitutionally vague as well, since the "annoyance" standard is no standard at all, and the "offensiveness" standard is perfectly vague and subject to arbitrary and discriminatory enforcement.

4. The Library Policy Violates Substantive Due Process. Under the Due Process Clause, the government may not penalize, or afford different treatment to, a disfavored, disliked individual or class of people. Rule 9's prohibition on offensive hygiene makes personal attributes such as appearance, smell, and cleanliness determinative factors and is not limited to actual, material disruptions. The policy was designed with the explicit intention of restricting Kreimer's (and other homeless persons') access to the library. This reader-based restriction "is analogous to prohibited speaker-based restrictions. In this case, the restriction is not because of the reader's views, but because of plaintiff's other personal attributes which the library staff finds 'annoying.'"

5. The Library Policy Violates The Equal Protection Clause. The library's effort to exclude homeless persons who may potentially use the library as temporary shelter from the elements violates the Equal Protection Clause. Just as a poll tax for voting draws an improper line based on wealth, so does the library's hygiene rule, since it has a disparate impact on those poor patrons who do not have regular access to shower and laundry facilities.

6. The Library Policy Violates Article I of the New Jersey Constitution. The policy's restrictions are not reasonable.

The Third Circuit's reversal

The Third Circuit, in a lengthy and thorough opinion, unanimously reversed, making the following rulings:

1. A public library is sufficiently dissimilar to a public park, sidewalk, or street that it cannot reasonably be deemed to constitute a traditional public forum. Nor is it a full-scale designated public forum. Instead, under Supreme Court precedent, it is a limited public forum. Restrictions that do not limit those First Amendment activities that the government has specifically permitted in a limited public forum need only be reasonable and not viewpoint-based. The library policy is reasonable.

2. The library policy is not substantially overbroad. The district court's heavy reliance on *Brown* was improper; in fact, the Court in *Brown* specifically relied on the fact that the protesters did not violate any library regulations.

3. The library policy is not unconstitutionally vague. The district court's use of the vagueness standard applicable to criminal statutes was misplaced, since the library policy is civil in nature and a criminal trespass requires a voluntary act distinct from violation of the rules. The policy does not simply proscribe "annoying" behavior; it lists specific behavior deemed to be annoying. The determination whether a person's hygiene is so offensive as to constitute a nuisance involves an objective reasonableness test.

4 and 5. The library policy does not violate due process or equal protection. The homeless do not constitute a suspect class. The policy is not arbitrary, and the library did not act with a discriminatory intent.

6. The library policy does not violate the New Jersey constitution. Under New Jersey Supreme Court precedent, the policy is clearly reasonable.

Analysis

Judge Sarokin's opinion in *Kreimer* is liberal judicial activism at its worst. Each of Judge Sarokin's rulings noted above is not just wrong, but patently wrong. Judge Sarokin does not simply misread precedent; he defies it and distorts it in furtherance of an ideology that prevents a community from enforcing even minimal standards essential to the public good. By effectively giving Richard Kreimer a right to disrupt and disturb a library, Judge Sarokin deprives the mass of citizens of the right to use a library in peace.

As the Wall Street Journal noted in a fine editorial (6/12/91), the conduct that Judge Sarokin protects when engaged in by a homeless man would never be tolerated if done by anyone else: "When a college professor or business executive looks at a woman in a way she considers disturbing, he nowadays may be subject to reprimands, departmental hearings, threats to his job and status, and accusations of sexual harassment. Mr. Kreimer, on the other hand, has been treated as a hero, embraced by the politically correct who have apparently decided that harassing women is acceptable so long as the harasser is homeless."

The following comments correspond to the above-numbered rulings in Judge Sarokin's opinion and should be read in conjunction with the sound criticisms made by the Third Circuit:

1. Judge Sarokin does not cite any precedent in support of his assertion that a library is a traditional public forum. Nor could he, for the assertion is ludicrous under Supreme Court precedent. Judge Sarokin's assertion that the library is a full-fledged designated public forum is also without any support in precedent. Can anyone who has heard a librarian's shush state in good faith that a library is "devoted to assembly and debate"? Remarkably, Judge Sarokin does not even explore the alternative that the library is a limited-purpose public forum.

2. Judge Sarokin's overbreadth analysis misstates the holding of *Brown*. In stating that the *Brown* protesters engaged in a "constitutionally protected protest," Judge Sarokin attributes to the Court a position taken only by a 3-Justice plurality, as Justice Brennan's opinion concurring in the judgment makes clear. What remains of Judge Sarokin's overbreadth analysis is the sort of hyperimaginative hypothesizing that could doom every statute.

3. One wonders how any policy could survive Judge Sarokin's vagueness analysis. The library policy is carefully drafted.

4. On the due process issue, Judge Sarokin's observation that the policy implements a "reader-based restriction" is refuted by his observation that "the restriction is not because of the reader's views." Amazingly, Judge Sarokin places these statements back to back, as though the second bolsters the first.

5. Judge Sarokin's creation of a suspect class defined by poor hygiene or homelessness has no basis in equal protection precedent. His use of disparate impact analysis also defies the Supreme Court's decision in *Washington* v. *Davis*, which makes clear that discriminatory intent (along a recognized suspect line) is necessary to trigger strict scrutiny.

Judge Sarokin's hearing testimony

Judge Sarokin painted a very misleading picture of *Kreimer* at his hearing:

"There were two issues that were presented to me. * * * The first one was whether or not there was a constitutional right of access to the library under the First Amendment. I said that there was, and the Third Circuit agreed. * * * [T]he only issue with which the Third Circuit disagreed was whether or not the regulations were vague and overbroad. They did not disagree about the First Amendment analysis." [46:1–5, 19–22]

Judge Sarokin's summary of *Kreimer* is mistaken or distorted in the following elemental respects:

As noted above, there were at least six separate legal claims decided by Judge Sarokin: (a) whether the library policy was not a reasonable time-place-and-manner regulation under the First Amendment; (b) whether it was unconstitutionally overbroad; (c) whether it was unconstitutionally vague; (d) whether it violated substantive due process; (e) whether it violated equal protection; and (f) whether it violated Article I of the New Jersey Constitution. Judge Sarokin decided each of these claims in Kreimer's favor. The Third Circuit reversed Judge Sarokin on every claim. In short, Judge Sarokin was 0-for-6, not 1-for-2.

The question whether the First Amendment was implicated at all by the library policy was a minor (and easy) part of the determination whether the policy was a reasonable time-place-and-manner regulation. Judge Sarokin properly devoted only about a half-page of his 17-page opinion to this issue, yet he now incorrectly states that this was one of two major issues in the case.

The real question on the basic First Amendment analysis was what standard of review applies. Judge Sarokin held, without any basis in precedent, that a library is both a traditional public forum and a full-fledged designated public forum and that strict scrutiny therefore applied. These holdings are strikingly groundless, and were repudiated by the Third Circuit. In short, the Third Circuit did "disagree about the First amendment analysis"—and it did so vigorously.

Did Judge Sarokin not even recall that he had relied on unprecedented uses of substantive due process and equal protection to strike down the library policy? Is a judge who wields these weapons so carelessly and thoughtlessly fit for elevation to the Third Circuit? These two constitutional provisions, if misused, are among the most powerful available to a judge who seeks to substitute his own views for those of the legislative branch.

In defending his overbreadth analysis in *Kreimer*, Judge Sarokin incorrectly asserted that the Supreme Court in *Brown* v. *Louisiana* "specifically held that that kind of activity [(a silent protest in a library)] could not be prohibited." [48:22–23] In fact, only a 3-Justice plurality took this position, as Justice Brennan's opinion concurring in the judgment emphasizes. Yet, even after Senator Thurmond pointed out Judge Sarokin's error [49:1–7], Judge Sarokin stubbornly persisted in presenting his incorrect account of *Brown* v. *Louisiana* [120:7–16].

II

(*Haines* v. *Liggett Group, Inc.*, 140 F.R.D. 681 (D.N.J. 1992), writ granted, 975 F.2d 81 (3rd Cir. 1992); *Cipollone* v. *Liggett Group, Inc.*, 799 F.Supp. 466 (D.N.J. 1992))

Haines: Facts and rulings

In a personal injury action against cigarette manufacturers, Haines sought discovery of certain documents that the defendant companies said were protected by the attorney-client privilege. Haines argued that even if the documents were within the scope of the attorney-client privilege, the crime-fraud exception applied and annulled the privilege. A magistrate judge determined that the documents were privileged and that the crime-fraud exception did not apply.

Haines appealed the magistrate judge's order to Judge Sarokin. Judge Sarokin ordered the parties to supplement the record with materials from the record in a similar case, *Cipollone*, in which he was the trial judge. He then issued a ruling that the crime-fraud exception did apply and that Haines was entitled to discovery of the documents at issue.

Several aspects of Judge Sarokin's opinion merit attention:

1. Judge Sarokin opened his opinion on this discovery dispute with this prologue:

"In light of the current controversy surrounding breast implants, one wonders when all industries will recognize their obligation to voluntarily disclose risks from the use of their products. All too often in the choice between the physical health of consumers and the financial well-being of business, concealment is chosen over disclosure, sales over safety, and money over morality. Who are these persons who knowingly and secretly decide to put the buying public at risk solely for the purpose of making profits and who believe that illness and death of consumers is an appropriate costs of their prosperity!

"As the following facts disclose, despite some rising pretenders, the tobacco industry may be the king of concealment and disinformation."

2. In holding that the magistrate judge's ruling could not survive under even the "clearly erroneous" standard of review, Judge Sarokin relied not only on the supplemental evidence that he ordered from the *Cipollone* trial but also on his "own familiarity with the evidence adduced at the *Cipollone* trial discussed in the directed verdict Opinion" in that case. 140 F.R.D., at 694. Judge Sarokin stated that having heard the trial evidence in *Cipollone*, he was "in the unique position of being able to evaluate the full scope of evidence supporting plaintiff's crime/fraud contention in the instant case." Id., at 694 n. 12.

3. In a stated effort to show "some of the most damaging evidence" on this crime-fraud exception, Judge Sarokin quoted extensively from those documents as to which privilege had been asserted. Judge Sarokin claimed to be "recognizing the sensitive task of fulfilling the court's duty to support and justify its holding while temporarily preserving the confidentiality of otherwise privileged documents." 140 F.R.D., at 695.

Third Circuit reversal

In a remarkably impressive opinion, the Third Circuit unanimously granted an extraordinary writ vacating Judge Sarokin's order and removing him from the case. The following aspects of the Third Circuit's opinion are noteworthy:

1. Quoting, and commenting on, Judge Sarokin's opening, the Third Circuit stated that Judge Sarokin "issued an opinion and order purportedly addressing the applicability of the crime-fraud exception and not the ultimate merits of the plaintiff's claims, yet the opening paragraphs of the opinion appear to address the merits." 975 F.2d, at 87.

2. The Third Circuit emphasized that a write was an "extreme" remedy to be used "only in extraordinary situations" and that "only exceptional circumstances amounting to a *judicial usurpation of power* will justify the invocation of this extraordinary remedy." 975 F.2d, at 88 (internal quotes omitted and emphasis added).

3. The Third Circuit ruled that under the statute providing that the district court review the magistrate judge's order under the "clearly erroneous" standard, "the district court is not permitted to receive further evidence." 975 F.2d, at 91. It noted that our "common law tradition [does not] permit a reviewing court [(in this case, the district court)] to consider evidence which was not before the tribunal of the first instance." Id., at 92. Because Judge Sarokin considered portions of the *Cipollone* record that were not in the record before the magistrate judge, his order could not stand. Id. at 93.

4. The Third Circuit also held that "fundamental concepts of due process" required that the defendant companies be given a hearing on whether the crime-fraud exception applies. 975 F.2d, at 97.

5. The Third Circuit sharply scolded Judge Sarokin for disclosing the contents of the documents as to which privilege had been claimed:

"This, too, must be said. Because of the sensitivity surrounding the attorney-client privilege, care must be taken that, following any determination that an exception applies, the matters covered by the exception be kept under seal or appropriate court-imposed procedures until all avenues of appeal are exhausted. Regrettably this protection was not extended by the district court in these proceedings. Matters deemed to be excepted were spread forth in its opinion and released to the general public. In the present posture of this case, by virtue of our decision today, an unfortunate situation exists that matters still under the cloak of privilege have already been divulged. We should not again encounter a casualty of this sort." 975 F.2d, at 97.

At his hearing, Judge Sarokin acknowledged only that his disclosure of privileged documents "probably was an error." [33:24]

6. In what the Third Circuit described as "a most agonizing aspect of this case," it then removed Judge Sarokin from the case on the ground that the prologue to his opinion destroyed any appearance of impartiality. The court noted that the prologue stated "accusations" on the "ultimate issue to be determined by a jury" in the case: whether defendants "conspired to withhold information concerning the dangers of tobacco use from the general public." It further noted that Judge Sarokin's remarks were reported prominently in the press throughout the nation. 975 F.2d, at 97–98.

Cipollone

After the Third Circuit removed him from the *Haines* case, Judge Sarokin recused himself from further action in *Cipollone*. His brief opinion on recusal (799 F.Supp. 466) included two notable remarks:

1. "It is difficult for me to understand how a finding based upon the evidence can have the appearance of partiality merely because it is expressed in strong terms."

2. "I fear for the independence of the judiciary if a powerful litigant can cause the removal of a judge for speaking the truth based upon the evidence, in forceful language that addresses the precise issues presented for determination. If the standard established here had been applied to the late Judge John Sirica, Richard Nixon might have continued as President of the United States."

Comments on Haines and Cipollone:

1. The Third Circuit's observations that Judge Sarokin's ruling amounts to a "judicial usurpation of power," is contrary to our "common law tradition," ignores "fundamental concepts of due process," eviscerates the defendants' rights of appeal, and destroys any appearance of impartiality scratches only the surface of Judge Sarokin's betrayal of the role of a Judge in this litigation. Among other things:

Consider some of the many other respects in which Judge Sarokin's prologue is grossly inappropriate: What do his blanket assertions about the values of businessmen say about his ability to preside fairly in any dispute between an individual and a business? To whom is he referring as the other "rising pretenders" to the throne of "concealment and disinformation"?

At his hearing, Judge Sarokin ultimately made only a modest concession: "I concede that the language was strong and maybe unduly strong; and if I could take it back, I probably would." [60:11–13] The fact of the matter is that Judge Sarokin could have taken it back: these were carefully composed written comments, not off-the-cuff oral remarks.

Judge Sarokin also stated that "I was also hoping that I could discourage the tobacco companies from continuing to conceal the risks of smoking and deny that they existed." [110:20–23] This statement vindicates the Third Circuit's concern that Judge Sarokin was broadcasting his opinion on the ultimate issue to be decided by the jury.

Judge Sarokin's reliance in *Haines* on his familiarity with the evidence in *Cipollone* is a flat admission of predisposition and bias. He is "unique[ly] position[ed]" to decide the issue only in the sense that he has already made up his mind.

Judge Sarokin's comments in his recusal opinion in *Cipollone* show that he just doesn't get it. It is bad enough that he does not acknowledge that his prologue did not "address[] the precise issues presented for determination"—whether the magistrate judge had committed clear error in determining that certain documents fell outside the crime-fraud exception to the attorney-client privilege—but instead opined, in flamboyant, media-baiting language, on the ultimate issue to be determined by the jury. It is even worse that he casts aspersions on the judges on the Third Circuit panel by charging that they had not exercised independent legal judgment but rather that a "powerful litigant" had "caused" them to decide as they did.

At his hearing, Judge Sarokin claimed, "I did not mean to suggest in any way that because they [the tobacco companies] were powerful, that the Third Circuit did something they would not otherwise have done. I never meant to convey that in that language." [36:20–24] But that is precisely what he conveyed.

This was not the first time that the Third Circuit had to use the extraordinary writ to overturn a lawless discovery order by Judge Sarokin against these same defendants. See *Cipollone* v. *Liggett Group*, 785 F.2d 1108 (3rd Cir. 1986), granting writ vacating 106 F.R.D. 573.

2. Unchastened by his well-earned scolding, Judge Sarokin personally accepted "the C. Everett Koop Award for significant achievement toward creating a smokefree society," awarded by the New Jersey Group Against Smoking Pollution (GASP). (New Jersey Lawyer, 6/7/93). According to one news account, " Sarokin won the award for sentiments contained" in his *Haines* opinion. (New Jersey Law Journal, 6/7/93.) That a judge would accept an award for an opinion in a particular case is disturbing enough as an ethical matter. That he would do so for a case in which he had already been found to have destroyed the appearance of impartiality is breathtaking in its brazenness.

At his hearing, Judge Sarokin claimed that "[t]hree or four very nice elderly people came up to my chambers" to present the award. "Frankly, I had some doubts about the propriety of taking it, but I just didn't want to hurt their feelings by handing it back to them and saying I can't accept it. * * * I just didn't have the heart to say to them, no, take this back." [117:20–118:6]

Judge Sarokin's admission that he was ruled by his heart rather than his head on this issue of impartiality illustrates the very problem that pervades his opinions.

3. It should be noted that in removing him from *Haines*, the Third Circuit stated that Judge Sarokin "is well known and respected for magnificent abilities and outstanding jurisprudential and judicial temperament." In context, this can only be understood as sugarcoating a bitter pill.

III

(*Blum* v. *Witco Chemical Corp.* ("Blum II"), 702 F. Supp. 493 (D.N.J. 1988), rev'd, 829 F.2d 367 (3rd Cir. 1987))

Facts and ruling

Plaintiffs who prevailed in an age discrimination suit received a statutory award of attorney's fees. Judge Sarokin increased the fee award by a 20% multiplier to compensate for the risk that counsel had undertaken in taking the case on a contingency basis: i.e., and the plaintiffs lost, counsel would have received no payment. On initial review, the Third Circuit remanded so that the district court could apply the approach adopted in an intervening Supreme Court case, *Pennsylvania* v. *Delaware Valley Citizens' Council for Clean Air* 483 U.S. 711 (1987). In addition, the Third Circuit gave extensive guidance on how *Delaware Valley* should be applied. See 829 F.2d 367, 379–382 (3rd Cir. 1987).

On remand, Judge Sarokin first criticized and sarcastically attacked the Supreme Court opinion in *Delaware Valley* and the Third Circuit opinion ordering remand. E.g.:

"The Supreme Court has sent a Christmas gift to this court delivered via the Third Circuit Court of Appeals. It is called 'How To Make an Attorney Fee Multiplier.'" However, the instructions are so confusing and inconsistent that this court has been unable to put the 'gift' together. Before dealing with the specific instructions received, it is necessary to consider what it is that we are to construct. * * *

"The court fears * * * that both the Supreme Court and the Third Circuit Court of Appeals have designed an erector set from which no attorney will ever be able to build a valid claim for a contingency enhancement or multiplier.

"Initially, the Supreme Court has held that determination of this issue requires a marketwide analysis of the legal community and is not to be resolved by considerations of the specific risk encountered in the particular litigation under consideration. This court respectfully submits that evidence of the practices and expectations in non-statutory fee cases [i.e., marketwide] is not relevant. * * * [Moreover,] it is doubtful that analysis of the risk of a specific case can be avoided. * * *

"Reading between the lines of both the Supreme Court and the Third Circuit's opinions in this matter, one may conclude that multipliers or other enhancers are so disfavored as to be virtually non-existent. * * * [T]he proof required by these two decisions is so elusive, burdensome and expensive that the prospect of a hearing to obtain such relief is sufficient in and of itself to discourage counsel who otherwise would undertake such matters." 702 F. Supp., at 494–496 (citizen omitted).

Judge Sarokin nonetheless purported to be "duty bound to apply the decisions above to the facts of this case." 702 F. Supp., at 497. Despite finding that plaintiffs' evidence failed to provide "a basis to make a market-based quantitative finding" and did not include "any substantiated amount by which fees need to be enhanced," Judge Sarokin ordered that a 50% contingency multiplier be added to the attorney's fees awarded. *Id.*, at 500.

Third Circuit reversal

The Third Circuit, in an opinion by Judge Sloviter (a Carter appointee), unanimously reversed. The Third Circuit found that Judge Sarokin had simply defied the Supreme Court's opinion in *Delaware Valley* and the Third Circuit's previous guidance:

"[W]e remanded * * * in light of the Supreme Court's opinion in *Delaware Valley II*. Instead, the district court, without concealing its disapproval of both the Supreme Court's decision and ours, *proceeded in accordance with its own views*." 888 F.2d, at 977 (emphasis added and citation omitted).

The Third Circuit cited "at least four respects" in which Judge Sarokin had deviated from precedent:

1. "It appears that the court proceeded to follow its own view of the relevant market in ascertaining the availability of adequate legal representation."

2. "In making its determination on the risk associated with this individual case, the court failed to follow the clear direction of [the Third Circuit and the Supreme Court]. . . . The district court made no secret of its disagreement with the instruction it received on this issue."

3. "[I]n another departure from the task set for it, the district court established a contingency multiplier for this individual case rather than setting a standard which would be applicable to future litigation within the same market."

4. "Finally, and perhaps most importantly, although the district court concluded that the plaintiffs had failed to meet their burden of proof by not quantifying the contingency premium, the court nonetheless relieved the plaintiffs of their burden of proof." 888 F.2d, at 981–983.

Evidently concerned that Judge Sarokin didn't understand his role as a lower court judge, the Third Circuit concluded:

"[T]he error with the district court's judgment was that the 50 percent multiplier it arrived at was supported only by the court's own intuition. This is precisely what the Supreme Court and this court held is impermissible. Neither the district court nor this court is free to superimpose its own view of what the law should be in the face of the Supreme Court's contrary precedent. Unless and until that Court revises its view or promulgates an opinion of the majority that clarifies the determination that must be made to support a contingency multiplier, the district court and we are bound to the exposition of the law set out in *Blum I*." 888 F.2d, at 983–984.

Comments

1. The particular legal issue at stake in this case is not important. What is important is that, as the Third Circuit itself recognized, Judge Sarokin defiantly refused to follow precedent and instead "proceeded in accordance with his own views" and his "own intuition." Notably, Judge Sarokin did so even while professing to put aside his own criticisms and follow precedent.

2. Judge Sarokin's open contempt for the opinions of higher courts reflects a serious lack of judicial temperament.

3. The Supreme Court ultimately went even further than *Delaware Valley* and held that contingency multipliers are never appropriate. See *City of Burlington* v. *Dague*, 112 S. Ct. 2638 (1992). It this completely repudiated Judge Sarokin's position.

IV

(*U.S.* v. *Rodriguez*, Crim No. 84-18 (D.N.J. 1984))

Facts

Raul Rodriguez was arrested on theft-related charges. At the time of his arrest, he was advised of his rights and provided only minimal information to the police. He spent the night in jail and was then transported to FBI headquarters, where he was handed a form in Spanish advising him of his rights and sitting that (by his signature) he agreed to waive them. He read the first paragraph of the form aloud and signed the form with the false name Lazaro Santana. He then answered certain questions asked of him by an FBI agent. An hour later, he was brought before a magistrate; informed that he was entitled to counsel, he stated that he wished to have counsel appointed for him. From arrest to arraignment, 20½ hours had passed. An FBI agent testified that the purpose of bringing Rodriguez to FBI headquarters instead of directly to the magistrate was to obtain additional information from him.

Despite expressly finding that Rodriguez read the form and was aware of his rights before he spoke with the FBI agent, Judge Sarokin granted Rodriguez' motion to suppress evidence of his statements to the FBI agent. Judge Sarokin offered two reasons in support of his conclusion that Rodriguez did not waive his *Miranda* rights and that his statement should therefore be deemed involuntary:

(1) Rodriguez didn't sign his own name to the waiver form. He signed the name Lazaro Santana. "[I]t does not strain logic to find the use of a name other than one's own to be wholly inconsistent with a voluntary waiver of rights: defendant might well have believed that by using a false name he was not committing himself to anything. *But see United States* v. *Chapman*, 488 F. 2d 1381, 1386 n. 7 (3d Cir. 1971) (contention that signature was not one's own is not relevant to the issue of the voluntariness of the confession)." (Yes, the "but see" cite to contrary Third Circuit authority is part of Sarokin's opinion!)

(2) Upon his appearance before the magistrate—the first point at which he was orally asked, in Spanish, whether he wanted a lawyer—he said he did. This "certainly gives rise to an inference of non-voluntariness with respect to the earlier waiver," especially since the delay between the time of arrest and time of arraignment was long.

Comments

1. Judge Sarokin objects to the fact that the police took Rodriguez to the FBI headquarters rather than directly to a magistrate. Because there is nothing unlawful about this police conduct, Judge Sarokin is forced to concoct another basis for excluding the evidence obtained.

2. The notion that signing an alias is wholly inconsistent with a voluntary waiver is absurd. Rodriguez may simply have been trying to conceal his identity.

3. Judge Sarokin's "but see" citation to controlling Third Circuit precedent is stunning. Does he not regard himself as bound by circuit precedent?

At this hearing, Judge Sarokin claimed that the Third Circuit had held only that the use of a false name is "certainly not dispositive" but could well be relevant. [91:15] Such a claim is contrary to the reading of that precedent made by Judge Sarokin himself in *Rodriguez*. It also finds no support in the Third Circuit case.

Judge Sarokin further stated, "I don't take Third Circuit precedent, set it forth and say, okay, now I am not going to follow it. I just don't operate that way." [115:14–16] There is no question that Judge Sarokin's defiance of precedent is typically less overt. But his unusual candor in *Rodriquez* might well reflect the fact that the opinion was unpublished.

4. That Rodriguez told the magistrate that he wanted a lawyer for assistance at trial is not at all inconsistent with his agreeing to speak with an FBI agent in the absence of counsel.

5. How these two factors could override Judge Sarokin's express finding that Rodriguez read the form and was aware of his rights is baffling.

V

(*Vulcan Pioneers, Inc.* v. *New Jersey Dep't of Civil Services*, 588 F. Supp. 716 (D.N.J. 1984), vacated, 588 F. Supp. 732 (D.N.J. 1984))

In 1980, some New Jersey cities entered into a civil rights consent decree regarding the hiring and promotion of firefighters. The decree set numerical hiring "goals," or quotas, for racial and ethnic minorities. A few years later, Newark, faced with a fiscal crisis, threatened to lay off firefighters. Both nonminority and minority firefighters went back to court to protect their respective interests. The union sought to have seniority honored, as required by state law. The minority firefighters sought to have the seniority system disregarded in favor of preserving the affirmative action quotas.

In May 1984, when a ruling by the Supreme Court in *Firefighters* v. *Stotts* on this very issue was known to be imminent, Judge Sarokin modified the consent decree to require layoffs on a proportional basis rather than according to seniority. Thus, more senior nonminority firefighters were to be laid off in favor of less senior minority firefighters.

In an especially bizarre twist, Judge Sarokin ruled that his order denying whites their seniority rights constituted an unconstitutional "taking" and that the federal government—which vigorously opposed Judge Sarokin's modification of the consent decree—should nonetheless be required to provide compensation for the taking.

Shortly thereafter, the Supreme Court, in the *Stotts* case, effectively reversed Judge Sarokin's decision regarding the layoffs. In his original opinion, Judge Sarokin had expressed sympathy for the nonminority firefighters who would have lost their jobs under his ruling: "Though not themselves the perpetrators of the wrongs inflicted upon minorities over the years, these senior firefighters are being singled out to suffer the consequences." In vacating his own ruling in June 1984, Judge Sarokin changed his tone and attacked the nonminority firefighters:

"The non-minority firefighters and the unions who represent them resisted layoffs in this matter on the ground that they were blameless and innocent of any wrongdoing. But, in reality, they know better. If they have not directly caused the discrimination to occur, many certainly have condoned it by their acquiescence, their indifference, their attitudes and prejudices, and even their humor." 588 F.Supp. at 734.

VI

Judge Sarokin—who describes himself as a "flaming liberal" as a judge[2]—aggressively displays his sentiments and ideology on the sleeve of his judicial robe, especially in the prologues of his opinions. In his own words:

"People have said to me that my opinions read more like editorials or essays than traditional opinions. I have not yet decided whether that is praise or criticism." Comment, "Authority in the Dock," 69 Boston U.L. Rev. 477 (1989).

Here is a sample of Judge Sarokin's sentiments (in addition to those portions of his cases quoted in previous parts of this memorandum):

(*Kreimer* v. *Bureau of Police for Town of Morristown*, 765 F. Supp. 181, 182–183 (D.N.J. 1991), rev'd 958 F.2d 1242 (3rd Cir. 1992)):

"The danger in excluding anyone from a public building because their appearance or hygiene is obnoxious to others is self-evident. The danger becomes insidious if the conditions complained of are borne of poverty * * *.

"[O]ne person's hay-fever is another person's ambrosia; jeans with holds represent inappropriate dress to some and high fashion to others * * *.

"The greatness of our country lies in tolerating speech with which we do not agree; that some toleration must extend to people, particularly where the cause of revulsion may be of our own making. If we wish to shield our eyes and noses from the homeless, we should revoke their condition, not their library cards."

Comments

1. Given the ideological bias manifest in this prologue, it is not surprising that Judge Sarokin proceeded to steamroller or ignore Supreme Court precedent in ruling that the library policy violated numerous First Amendment doctrines, substantive due process, and equal protection. (See Part I for fuller discussion, including Third Circuit reversal.) Judge Sarokin now asserts that his opinion had nothing to do with the fact that Kreimer was homeless. But it is clear from the prologue that this is what motivated Judge Sarokin's lawless ruling.

2. How is the danger of excluding someone based on hygiene "self-evident"? Isn't that just Judge Sarokin's way of skirting the fact that he can't establish his key premise?

3. To note that different people have different standards of taste is not to establish that a community lacks the power to set minimal standards.

4. Why is it presumed that "the cause of revulsion"—Kreimer's offensive odor and disruptive behavior—"may be of our own making"? In fact, Kreimer squandered a large inheritance, turned down job offers, and refused to live in a shelter.

5. Why must we end hopelessness before we can maintain standards of hygiene and behavior in libraries? How can this be reconciled with Judge Sarokin's token disclaimer that "[l]ibraries cannot and should not be transformed into hotels or kitchens, even for the needy"?

(*Galioto* v. *Department of Treasury*, 602 F. Supp. 682 (D.N.J. 1985)):

"In a society which persists and insists in permitting its citizens to own and possess weapons, it becomes necessary to determine who may and who may not acquire them. At issue in this matter is a statute reminiscent of the Dark Ages * * *. To impose a perpetual and permanent [gun] ban against anyone who has ever been committed for mental illness, no matter how ancient the commitment or how complete the cure, is to elevate superstition over science."

Comment

Here's a liberal "two-fer": first disparaging the (politically conservative) right to own guns; then overriding the lines drawn by the legislature.

(*City of Jersey City* v. *Hodel*, 714 F. Supp. 126 (D.N.J. 1989)):

"The issue has been squarely presented: Should a large portion of this park, built in the shadow of the Statue of Liberty, be devoted to mooring the boats of an affluent few or be preserved for the enjoyment of the huddled masses?"

Comment

In fact, neither this issue nor any legal issue was squarely presented: despite his rhetorical flourish, Judge Sarokin dismissed this case as not ripe.

(*Sternberger* v. *Heckler*, No. 84–553 (Oct. 29, 1984)):

"This court has already concluded that the Department of Health and Human Services has no heart, but it appears that its brain is going as well."

(*Plaintiffs' lawyers* v. *defense lawyers* (Speech, ABA, Nov./Dec. 1989)):

"For those of you who represent plaintiffs in toxic tort matters, in addition to making money, I suggest to you that you are performing a vital and significant function. Not only are you seeking and obtaining compensation for those persons who have been injured by our technological society, but, equally, if not more importantly, you have created an awareness in the public that was nonexistent before. * * *. As to those of you who defend these cases, it is a little more difficult to take the high ground; but, there is a risk that frivolous and unsupported claims not only jeopardize the economy or segments of it, but discourage research and development of new products. They also raise costs to the consumer. Therefore, although your efforts may not be viewed as heroic as those of the plaintiff's bar, you likewise serve a vital function in making certain that those companies who are entitled to a defense receive it, and that the frivolous and ridiculous claims are vigorously defended."

Comments

Judge Sarokin exposes his clear bias that plaintiff's lawyers are "heroic" and that toxic tort claims are generally meritorious. What does this do to the appearance of impartiality in a particular case?

At his hearing, Judge Sarokin stated that he thought that his statement "was about as moderate and down-the-middle statement as anybody could make." [110:4–6] That Judge Sarokin, on reflection, still believes that a statement that plaintiff's lawyers are more "heroic" and occupy the moral "high ground" is "down-the-middle" illustrates the problem.

The litigation explosion (Speech, ABA, Nov./Dec. 1989):

"I think that the litigation explosion is a good thing. First of all, it should indicate to all of us that despite the constant criticism of the judicial system, that the people still believe in it, and it is the last place to which they can turn to seek a fair adjudication of their rights and claims. To a large extent the other people have lost confidence in the other branches and look to the courts as their last and final hope."

Comments

Does buying a lottery ticket reflect more one's faith in the lottery system or one's desire to get rich without doing any work? Is Judge Sarokin oblivious to the fact that judicial activism has weakened or emasculated the other branches and thereby contributed to the loss of confidence that people have in them?

FOOTNOTES

---

[1] According to various new accounts, Kreimer squandered a $340,000 inheritance, turned down job offers, and refused to live in a shelter.

[2] In a May 16, 1994, speech to the Federalist Society, Judge Sarokin described his reaction to the New York police commissioner's "crackdown on the squeegee people": "So as a citizen, I applaud the commissioner and his recognition that permitting this type of activity sets the tone of our cities and affects the fabric of our daily lives. But the judge in me, the flame in me, (as in flaming liberal,) says hold on a minute."

TRIBUTE TO GORDON OSBORNE

Mr. GREGG. Mr. President, I rise today to pay tribute to Mr. Gordon Osborne of New Ipswich, NH. On September 19, 1994, the Northern Textile Association [NTA] will present Gordon Osborne with their gold medal for his lifetime of service to the textile industry.

Mr. Osborne began his career in textiles in 1934 when he joined Warwick Mills in New Ipswich, and by 1948 he had become president of the company.

Mr. Osborne has also been active in the NTA for many years, serving as chairman, president, and, currently, treasurer of the organization.

Mr. President, during his career in the textile industry Gordon Osborne has represented the best of the New Hampshire business community, and it is my pleasure to pay tribute to this fine gentleman today on the Senate floor.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. Many Senators talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control, but take a look at how so many of them vote in support of bloated spending bills that roll through the Senate.

As of Friday, September 9, at the close of business, the Federal debt stood—down to the penny—at exactly $4,679,665,237,940.33. This debt, never forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until it had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ has occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,679 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 679 billion, 665 million, 237 thousand, 940 dollars and 93 cents. It'll be even greater at closing time today.

THE JERUSALEM FELLOWSHIPS PROGRAM

Mr. MOYNIHAN. Mr. President, I am pleased to report that the Jerusalem Fellowships Program brought over 120 North American college and graduate students to Israel this past summer, for a unique educational and cultural experience. My distinguished colleague from Pennsylvania, ARLEN SPECTER, and I have enjoyed the privilege of serving as honorary chairman of this exciting program since its inception in 1985.

The Jerusalem Fellows spent 4 weeks touring and studying in Israel. During this period they met individually with Israeli leaders including President Ezer Weizman, Prime Minister Yitzchak Rabin, Former Minister Shimon Peres, Former Prime Minister Yitzchak Shamir, Mayor of Jerusalem Ehud Olmert and members of Knesset Benny Begin and Raphael Eitan.

In every case, there was an opportunity for indepth dialog with these individuals—an unprecedented opportunity for a study mission of college-age students to question cabinet ministers and national leaders. In addition, the fellowships met with Israeli citizens from every walk of life and from every group in that diverse society.

Eighty of the one hundred-twenty Jerusalem fellows had never been in Israel before. They had been selected on the basis of intellectual skills and leadership qualities. I am confident that they will articulate the insights developed during this tour now that they have returned to their campuses throughout North America.

The Jerusalem Fellowships Program was sponsored by Aish HaTorah College of Jewish Studies in Jerusalem, a unique educational institution headed by Rabbi Noah Weinberg, a leading contemporary Jewish philosopher and educator. The program's executive director is Rabbi Chanan Kaufman. The west coast division of this exemplary program is under the honorary chairmanship of our former colleague Governor Pete Wilson. The chairman for the west coast is Barry Goldfarb, a noted industrialist and major philanthropist whose vision and generosity made the west coast program a possibility. Sponsors and members of the advisory committee include:

Ken Abramowitz, Blair Axel, Ariel Berghash, Lon Bernell, Kenneth J. Bialkin, Alan and Mindy Bloom, Abe Briansky, Errol Brick, Herb Caskey, Marc S. Cooper, Kenneth Cowin, Charles Dimston, Mel Dubin, Andrew Duell, Lewis M. Eisenberg, Harold Feld, Marc Feuer, Nina Franklin, Natalio S. Fridman, Alan and Randee Gordin, Joseph A. Gottlieb, Arnold Hochstadt, Jonathan Ilany, George Klein, Samuel Klurman, Andrew E. Lewin, Arthur L. Loeb, Stephen Lovell, David Luchins, Leah and Shalom Mark, Danny Messing, Michael Morris, Jack Nash, Joseph Neustein, I. David Pelton, Pfizer Inc., Lester Pollack, Ephraim Propp, George Rohr, Steven Rones, Daniel S. and Joanna S. Rose Fellowship, Jerry Rubin, Irving Schaffer, Alan J. Shefler, Alan B. Slifka, David and Lili Smilow, Ronald and Nina Spiro, Warren Stieglitz, Judy and Charles S. Temel, Arnold Thaler, Phyllis and Arthur Wachtel, Gila Rosenhaus Wiener.

It is obvious from the response to this summer's program that the Jerusalem Fellowships Program has made a significant contribution toward furthering understanding of Israel among North American young people. I salute all who are involved in this magnificent project.

JIM CAULDER: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise to salute Jim Caulder, an exceptional public servant, who retired last month after more than three decades of dedicated service with the Social Security Administration. Jim joined the agency during the first year of the Kennedy administration, and has been assigned for most of the last two decades to the Social Security office in Columbia, SC. Most recently, he has served as Social Security's liaison officer with a broad range of State and Federal agencies, including South Carolina's congressional delegation. In that capacity, he has been of invaluable assistance to my staff and me on many, many occasions—consistently demonstrating a resourcefulness and can-do attitude that have been a tremendous credit to the Social Security Administration. We have lost a superb public servant, but we are grateful for all he has accomplished. I wish Jim Caulder all the best in retirement.

SUPPORT OF THE BETTER NUTRITION AND HEALTH FOR CHILDREN ACT OF 1994

Mr. SARBANES. Mr. President, Congress demonstrated its support for the health and well-being of our Nation's children through its recent approval of legislation which reauthorizes important Federal nutrition and school lunch programs through fiscal year 1998. The Better Nutrition and Health for Children Act of 1994 will help to ensure that millions of children continue to have access to the food necessary to keep them healthy and learning.

According to data released by the U.S. Census Bureau last fall, 36.9 million Americans lived in poverty in 1992. This increase, from 33.6 million in 1990, represents the largest increase of people living in poverty since the 1960's. More distressing, however, is that children continue to be the poorest age group in the country. Over the past 20 years, the number of American children in poverty has increased by more than 37 percent. Further, the Center on Hunger, Poverty, and Nutrition Policy claims that if child poverty trends continue as they have over the past two decades, nearly 2.8 million more American children will fall into poverty by the year 2000. In a country with our resources, this is simply unacceptable.

A study coordinated by the Food Research and Action Center in 1991 estimated that approximately 5.5 million American children under the age of 12—61,000 in my home State of Maryland—go hungry each month and that millions more are at risk of hunger. Further, the study indicated that hungry children are two to three times more likely than other children to have suffered from individual health problems, such as unwanted weight loss, fatigue, irritability, and headaches. Clearly, it is unreasonable to expect children who are faced with such distractions to function effectively in and outside the classroom.

I would also point out that this legislation is especially important in light of the recent Senate passage of the reauthorization of the elementary and Secondary Education Act. How can the important education initiatives set forth in that legislation succeed if its major participants and benefactors—the children—are too sick and hungry to concentrate in the classroom?

The necessity for adequate funding for these programs is painfully obvious. If our Nation is to succeed in an increasingly competitive world, efforts to guarantee children access to basic nutrition must be maintained and expanded.

For many years, the Federal Government exhibited a strong commitment to funding for food assistance programs. In response to large numbers of American draftees failing their physical examinations because of nutritional deficiencies, President Truman proposed and Congress enacted the National School Lunch Act of 1946. This marked the beginning of congressional focus on food assistance programs. The stated purpose of this legislation was to provide both a market for agricultural production and to improve the health and well-being of our Nation's youth.

Under the influence of President Johnson's broad domestic legislative agenda in the 1960's, the primary purpose of food distribution programs began to shift from surplus disposal to furnishing nutritious food to low-income households with needy children. The issuance of a 1961 Executive order which mandated that the Department of Agriculture [USDA] increase the quantity and variety of foods donated for needy households further established the program's direction. Congress continued to expand food and nutrition programs during the 1960's and 1970's, increasing reimbursements and expanding program eligibility to cover a wider range of low-income families. Critical new programs were put into effect, including the WIC Program and nutrition programs targeting the elderly.

However, after almost 45 years of relatively uninterrupted growth, Federal funding for these critical food assistance programs was drastically cut through the Reagan administration's Omnibus Reconciliation Act of 1981. This measure, which reduced Federal funding for all domestic programs by $35 billion in fiscal year 1992, cut approximately $1.4 billion from child nutrition programs.

The School Lunch Program received the target dollar amount reduction, losing almost $1 billion in fiscal year 1982. The Special Milk Program was cut by 77 percent; grant funding for the Nutrition, Education and Training Program [NET] was cut from $15 million to $5 million; and the Summer Food Service Program was reduced by 54 percent below the expected fiscal year 1982 level.

Efforts to restore some of the cutbacks in these programs began in the mid-eighties with the passage of the food stamp amendments to the 1985 farm bill and the School Lunch and Child Nutrition Amendments of 1986. In 1988, Congress passed the Hunger Prevention Act, major legislation that mandated funding for commodity purchases for soup kitchens and food banks, expanded reimbursements and eligibility for the School Breakfast, Child Care Food, and Summer Food Service Programs, and changed food stamp benefits and eligibility rules.

I am pleased that largely through these congressional efforts, Federal funding for food assistance programs has increased since the cutbacks of the early eighties. Today, these programs also enjoy the support of the Clinton administration. President Clinton's commitment to our Nation's children and low-income families is reflected in his fiscal year 1995 budget request for a $2 billion increase for food assistance programs.

The bill we have approved will increase total spending on nutrition programs and school lunches by approximately $174 million over 5 years and will extend funding for startup and expansion of school breakfast and summer food service programs. It also reauthorizes WIC, school lunch and breakfast programs, the Summer Food Service Program and the Child and Adult Care Food Program.

The WIC Program, which provides food vouchers and nutrition education to pregnant women and young children, is expected to support an average of 7.2 million participants at an average monthly cost of $42.38 per person per month in fiscal year 1995. The General Accounting Office estimates that WIC services to pregnant women who gave birth in 1990 cost the Federal Government nearly $296 million, but could save a projected $1.036 billion in Federal, State, local and private dollars by the year 2008. To date, this important program has served almost 90,000 of more than 210,000 eligibles in my home State of Maryland.

The bill will make children from low-income families who already qualify for Head Start automatically eligible for free meals under the Child and Adult Care Food Program. In order to ensure that children continue to receive nutritious meals, this legislation also reauthorizes the Summer Food Service Program which will appropriate Federal funds for meals served to children by both public and nonprofit organizations during the summertime.

The National School Lunch Program, the oldest of all child nutrition programs, serves more than 25 million meals daily and boasts a 90 percent participation rate of schools nationwide. The average daily participation rate in Maryland is estimated to be around 374,855 children out of a public school enrollment of 763,274. That's nearly half of all children enrolled in the Maryland public school system.

This bill appropriately recognizes that in providing food assistance to needy kids, it is equally important to make certain that the food provided is nutritious. The bill requires that the USDA improve the nutritional value of commodities provided to schools and guarantee that those commodities have nutrition labels. To achieve this goal, USDA has increased the amount of fresh fruits and vegetables that will be offered through schools lunch programs by direct USDA commodity purchases.

The bill also requires the Secretary of Agriculture to give technical assistance to schools and other participants in the program to help in meeting specific nutritional guidelines under the school lunch program. Such assistance would include training in preparation of low-fat forms of common food items and providing special meals for children whose medical conditions dictate unique dietary essentials.

I would like to take this opportunity to recognize one of several school districts from across the country which is already meeting some of the Federal standards for healthier lunches. According to a study published last month by the Public Voice for Food and Health Policy, Maryland's Howard County is one of several school districts currently providing well-balanced meals to its students.

The Washington Post recently reported that among the innovative programs at work in Howard County public schools is a option called Coach's Corner which provides a 1,000 calorie, low-fat meal for athletes and other interested students. In an effort to promote a greater understanding and appreciation of a nutritious diet, Howard County also provides nutrition education to students and faculty and nutrition training to all cafeteria managers.

Improvements made by school districts such as Howard County should serve as models of reform for other school lunch programs across the country.

Finally, I would note that in the context of the current debate on health care reform, this bill takes on an added significance. According to a Harvard University study, every dollar spent on prenatal care through the WIC Program saves as much as $3 in future health care costs. The Department of Agriculture also estimates that every dollar spent on prenatal care through the WIC Program results in a significant Medicaid savings within the first 60 days after birth. In addition to the cost savings, this early investment results in increased birthweight, improved motor and visual skills and a reduction of an anemia among low-income children.

Similar benefits can be found among participants in the school lunch and breakfast programs. The community childhood hunger identification project reports that children who participate in the school lunch program miss fewer school days, enjoy better overall health and improve significantly in standardized achievement test scores. It also stands to reason that healthier children with good eating habits translates into healthier adults with fewer medical problems.

It is estimated that low-income children receive from one-third to one-half of their daily nutrient intake from the school lunch program. Ellen Haas, Assistant Secretary for Food and Consumer Services at the Department of Agriculture, accurately noted that "for low-income children, a school meal is often their only nutritious meal of the day."

Mr. President, I cannot emphasize enough the importance of this legislation. This Nation's long record of supporting child nutrition programs illustrates the high priority we have placed and should continue to place on the health and well-being of our most precious resource—our children. It is not only sound economic policy, but is—put simply—the right thing to do.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DORGAN). Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the conference report to S. 2182, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 12, 1994.)

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Thank you, Mr. President.

Mr. President, I am pleased to open the debate on the conference report on the fiscal year 1995 National Defense Authorization Act.

Senator NUNN, the chairman of the committee, will deliver a statement on the entire conference report when he arrives at 2:30. I plan to focus my brief remarks this afternoon on the work of the Defense Technology, Acquisition and Industrial Base Subcommittee, which I chair and on which Senator SMITH serves very ably as the ranking minority member, and also to make some comments on the work of other subcommittees as it affects my home State of New Mexico.

Mr. President, I believe that this is a sound bill that continues the process of restructuring our defense establishment to new global conditions that we see. In the case of the acquisition subcommittee, this conference report needs to be seen in the context of the conference report on the Federal Acquisition Streamlining Act of 1994, which the Senate approved last month. The fundamental themes of both of these conferences reports are fostering commercial-military integration and making greater use of dual-use technology that we have in our weapons systems.

Why is this approach so important in a post-cold-war world? The reasons are twofold. First, the commercial sector increasingly drives technology important to our national security. Second, commercial-military integration is the most cost-effective approach that we can take in maintaining our defense technology base.

In semiconductors, software, computers, telecommunications, advanced materials, and even sensors, all among the most important future technologies for the Department of Defense, the commercial sector's needs in these areas overwhelm the needs of DOD. Typically DOD buys well under 10 percent of the output of these industries. In the past DOD has too often tried to meet its needs in these areas by relying on a unique defense industrial base separate from the commercial world. That was the approach taken, for example, in the early 1980's in the Very High Speed Integrated Circuit Program. By 1986, Norm Augustine and his colleagues on the Defense Science Board recognized that that approach was unworkable. Instead they proposed to leverage the real commercial semiconductor industry in this country through Sematech, a concept that has served our Nation well in the past 7 years. The heart of that concept is cost-sharing, which saves the taxpayer money both in the development of dual-use technologies and in the acquisition of dual-use products, since DOD can take advantage of the much larger production efficiencies in the commercial world.

Secretary Perry recognizes the need to broaden that approach. Let me briefly quote an excerpt of Deputy Secretary Deutch's commencement address at Northeastern University in June:

> Today, Secretary Perry is responding to these changed circumstances. He is called for greater reliance on commercial goods and services to meet defense needs. He's doing this for two reasons.
>
> First, we can no longer afford the extra cost of maintaining a defense unique technology and industrial base. Second, we find in many fields vital to defense that commercial demand—not defense demand—is driving technological innovation. There is no better example of this than computers. Computers in weapons systems tend to be several generations old because the commercial market is moving so quickly.
>
> For these two reasons, we have developed a growing interest in technology integration via that we call dual-use technology, that is, technology that meets both defense and commercial needs.
>
> There are two advantages to this strategy: First, acquisition costs will be lower because the DOD is taking advantage of the economies of scale and the faster pace of change of technology in the larger commercial market of this country.
>
> The second advantage is the one you hear President Clinton emphasize each time he talks about the importance of government action to increase economic growth and create jobs. That is, when DOD buys commercial products and services or supports dual-use technology, the DOD is strengthening the private sector.
>
> The big change here is that the Department is not just paying attention to technical performance as we did in the past. We have to pay attention to technology integration. Both the larger society and our shrinking budgets demand it.

Mr. President, this bill is entirely consistent with Secretary Perry and Secretary Deutch's vision. It funds the Department's technology base programs at $4.2 billion, the level of the budget request. It fosters dual-use research in a wide range of areas, including additional funding for advanced lithography, flat panel displays, telemedicine, and law enforcement technologies.

Let me briefly mention telemedicine as an example of this new approach. This is a technology which can save the lives of our troops in peacetime and in war by bringing the full capability of modern medicine to remote locations. It is also a technology of great relevance to rural populations in this country. This bill devotes $20 million to initiatives in this area.

Similarly, there is an opportunity to help our law enforcement community at the same time we develop improved technologies for our troops serving peacekeeping functions overseas. The Justice Department and DOD have agreed through a memorandum of understanding to seek such synergies in their respective research programs. This bill authorizes $41 million for the DOD component of that research effort.

This bill also fully funds the technology reinvestment project at $625 million, and provides a total of $751 million in technology reinvestment-related research funds. The technology reinvestment project is really the flagship of DOD's effort to pursue a commercial-military integration approach in its research efforts. It provides defense-unique firms the opportunity to diversify into commercial markets and an opportunity for commercially oriented firms to adapt their technologies to defense uses. The bill also provides $50 million for a loan guarantee program for small- and medium-sized firms, an initiative on which Senator FEINSTEIN took the lead in the Senate. And it allows small businesses 120 days after being selected for a TRP project to obtain venture capital funding for their share of the project.

This bill also provides over half a billion dollars to the DOD Small Business Innovative Research Program. This is a crucial connection for the department to the most innovative component of our commercial sector.

I want to commend Senator SMITH, the ranking member on the Defense Technology, Acquisition and Industrial Base Subcommittee, for his work in the conference and throughout the year on these issues. We, and our House colleagues, Congresswoman SCHROEDER and Congressman STUMP, share a desire to do all we can to foster Secretary Perry's commercial-military integration approach. I was pleased that we were able to be the first subcommittee to complete its work in the conference last month.

I also want to commend the staff on both sides of the aisle who worked so hard on this bill while simultaneously working on the acquisition streamlining act. John Douglas, Andy Effron, and David Lyles on the majority side of the Armed Services Committee, and Jon Etherton and Jack Mansfield on the minority side did yeoman work throughout the year. Jack has gone on to bigger and better things at NASA since our conference concluded. I also want to thank John Gerhart, now at MIT, and Ed McGaffigan of my staff, and Tom Lankford of Senator SMITH's staff for their very hard work and consistently good work this year, as always.

Mr. President, let me conclude by citing some of the other elements of this bill that are particularly important for my home State of New Mexico.

This bill provides $20 million to complete the upgrade of the Los Alamos Neutron Scattering Center for materials sciences purposes as part of DOE's stockpile stewardship program. This funding puts this vital center on a firm foundation for the future.

This bill provides $20 million for the high energy laser systems test facility at White Sands, the heart of the DOD high energy laser program, in my view.

This bill provides $48.6 million for military construction at Kirtland Air Force Base to speed the revitalization of Kirtland's infrastructure.

The bill contains a provision, cosponsored by my senior colleague from New Mexico, Senator DOMENICI, that prohibits any action to retire, or prepare to retire, the F–111 fighter/bomber aircraft at Cannon Air Force Base during fiscal year 1995. This is entirely consistent with the action Secretary Deutch took last month on the fiscal year 1996 budget, and is a strong statement by the Congress in favor of retaining the vital capability of these aircraft until precision munitions become available on our strategic bombers at the turn of the century or beyond.

This bill provides $30 million in new fiscal year 1995 funding plus $35 million in unobligated fiscal year 1994 funds to the Phillips Laboratory for the Air Force component of the reusable space launch vehicle technology program to be carried out in partnership with NASA. Jack Mansfield, as I mentioned earlier, has left the Armed Services staff to take over the NASA reusable launch program and I am confident that the two agencies will work together with the private sector to seek a breakthrough here in low-cost access to space. The DC–X Program, which NASA has now taken over, points the way to a competitive next step in reusable launch vehicles.

This bill contains a provision, authored by Senators WARNER and SARBANES, which moves the cost-of-living allowance for military retirees forward to April 1, 1995, to be consistent with the civil service retiree COLA cost-of-living adjustment. And it also provides a 2.6 percent pay raise for active duty service members, effective January 1, 1995.

The bill contains $49.9 million for the Army's echelon-above-corps communications systems, a program which has helped make Laguna Industries one of the leading, if not the leading, Indian-owned firm supplying equipment to the Pentagon.

And the bill contains additional funding for conventional munitions research at the DOE laboratories, counterproliferation research, the high-speed sled track at Holloman Air Force Base, and excimer laser and thermionics research at Phillips Laboratory. In short, it is considerable improvement over the administration's request earlier this year for New Mexico's military installations and the people who serve there.

Mr. President, I urge my colleagues to give overwhelming support to this conference report, which overall provides $263.8 billion for our national security programs, primarily at DOD and the Department of Energy, about the same level as last year, although eroded by inflation. This is sound legislation, fashioned on a bipartisan basis under the leadership of Senator NUNN and Senator THURMOND, and it will serve our Nation well upon enactment.

Mr. President, I yield the floor. I know my colleague, Senator THURMOND, wishes to make a statement.

The PRESIDING OFFICER. The Chair recognizes Senator THURMOND.

Mr. THURMOND. Mr. President, I wish to thank the chairman of the Armed Services Committee for his capable and tireless efforts on this year's Defense authorization conference. I would also like to thank the other members of the committee and their staffs as well. This is a good bill, but not a great bill. We were able to do a number of essential things. Mr. President, let me give you a few examples:

First, the bill meets our basic needs in modernization and preparedness. Let me cite some highlights:

We kept a number of key weapons systems in production which could spell the difference between victory and defeat in future conflicts.

The conferees also chose to preserve the current inventory of 95 B-52 and 95 B-1 bombers. In addition we directed studies to determine what the bomber mix of the future should be.

The conferees agreed to add funds to improve near-term precision guided weapons.

The bill provides funding and authority for multiyear procurement of small arms to provide the weapons needed by our military services, and to preserve critical elements of the small arms industrial base.

The bill authorizes an increase, above the budget request, for key readiness areas such as depot maintenance, training, recruiting, and real property maintenance.

The conferees authorized an additional $510 million for modernized equipment for the National Guard and Reserve components.

I have indicated to the chairman of the committee that I do not like the allocation of funds within the Guard and Reserve package. I do not believe we have provided a proportionally fair share of these funds to the Army National Guard and Army Reserve. Senator NUNN has agreed that we will work with the Appropriations Committee conferees to ensure that additional funds are added for the Army National Guard in the appropriations process.

Second, Mr. President, this year's bill is good for soldiers and their families.

It authorizes a 2.6-percent pay raise for military personnel starting in January 1995.

It adds $20 million to the budget for continued research into the cause and treatment of the gulf war syndrome.

The bill also adds $76.1 million to the budget request of $3.4 billion for improvements to, and construction of, military family housing.

As the services continue their drawdown, the conferees have chosen to maintain a prudent glide path to reduce military personnel strength and yet make sure those who must leave the services are treated fairly. To ensure fairness for all uniformed personnel, the bill authorizes the expansion of personnel transition benefits in effect for the other services to the Coast Guard.

Third, Mr. President, this year's bill is good for the neighbors of our military communities because it maintains the momentum of the Defense Reinvestment and Conversion Program enacted in 1992.

Please understand that these provisions are good, but nothing to boast about. The authorization bill will keep the Department of Defense functioning for another year, but I have grave reservations about the years to come. This bill represents a barely adequate level of funding. All indicators point to future levels being inadequate. We are witnessing the dangerous divergence of two trends—increasing the commitments of our military forces while cutting the military budget.

Mr. President, let me mention but a few areas in which this bill is not good.

It does not go far enough in funding training for our men and women in uniform.

I mentioned earlier that the conferees chose to maintain a prudent glide path in personnel reductions. In order to do this under current budget constraints, it is necessary to make reductions in other areas; and quite often those areas involve future readiness and modernization of equipment. This cannot be allowed to continue in future years' budgets.

We are not building our airlift capacity at the necessary pace.

We have known for a long time that we do not have sufficient sealift; but, we fail to fix this shortfall because funding is not adequate. What this means is that even if we have the greatest armed forces in the world, they may not be able to deploy to other areas of the world to conduct missions essential to our national security quickly enough and in sufficient numbers. It also means we may not be able to sustain our forces even if we are able to get them to the conflict.

Make no mistake about what is going on here, Mr. President, while this year's bill provides a minimum level of funding for our forces, it does not put us in a position to meet future needs. We cannot remain prepared to fight and win two major regional contingencies, provide the humanitarian response team for world crises, and modernize our forces with the budgets being proposed by the Clinton administration for the next 5 years.

I support this conference report, because the conferees did the best we could within the budgetary limits we were given. The only other alternative is no authorization bill at all. But we must not become complacent because we have provided this minimal level of resources with which to safeguard the Nation's security.

The world is still full of potential crises and challenges to our vital interests. There are a number of things we must do to meet those challenges—maintain adequate forces, stocks of war material, and our technological advantage in weapons and other systems. We must support our men and women in uniform and their families so that their morale is high, and make sure they are well-trained and well-led. Finally, we must spend the taxpayers' money wisely, to get more return for each defense dollar spent.

Mr. President, these are all essential, but they are no substitute for the most compelling requirement of all. We must provide adequate funding for the Armed Forces if they are going to remain capable of protecting the Nation's vital interests.

Recently we have seen increasing signs of the hollowing of our forces. Training is being curtailed and canceled. Just last month, five carrier aircraft squadrons were grounded at Naval Air Station, Whidbey Island in the State of Washington due to lack of funds. In addition, Deputy Secretary of Defense John Deutch announced last month that a number of major military systems will be reviewed for elimination or "stretch-out" because the Department of Defense must use the money to prevent further erosion of readiness. These systems are important elements of the administration's own Bottom-Up Review Force and they are necessary components of future combat capability.

I urge my colleagues to vote for the conference report. But in so doing, I urge them to set their sights on approving future defense bills only when those bills ensure our soldiers, sailors, marines, and airmen have sufficient means to do what America asks them to do often at great personal sacrifice. Since that sacrifice may include laying down their lives, we owe them no less.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KEMPTHORNE. Mr. President, regarding passage of the fiscal year 1995 Defense authorization conference report, I would like to take a moment of the Senate's time to clarify my position on the conference report. As a member of the Senate Armed Services Committee, I played an active role in the DOD authorization conference. I fully agree with the recommendations of the conference but I declined to sign the conference report because of my belief that we are cutting our defenses too deeply and too quickly.

For the last 2 years, I have had the honor of serving with some of the Senate's best national security thinkers.

On the Senate Armed Services Committee, I have watched and learned as members such as Senator NUNN, Senator THURMOND, Senator EXON, Senator WARNER, Senator LEVIN, Senator COHEN, Senator GLENN, Senator MCCAIN, Senator LOTT, Senator SHELBY, Senator COATS, and Senator SMITH, acted to strengthen and promote our Nation's national security interests. In particular, the leadership provided by Chairman NUNN and Senator THURMOND gives me great confidence that the Senate will always have a voice for peace through strength as long as these two patriots guide the Senate Armed Services Committee.

At the same time, I fear that the post-cold-war era has led some to believe that we can make significant cuts to our defenses without any risk. Because of this perspective, the President has proposed, and the Congress has endorsed, large cuts in defense spending. While we have endorsed these cuts in defense spending, our troop commitments have grown and grown. Today, we have United States pilots enforcing a no-fly zone over Iraq; we have troops providing humanitarian relief to the Kurds; we have pilots enforcing a no-fly zone over Bosnia; we have sailors enforcing an economic embargo against Serbia; we have troops in Macedonia monitoring the economic sanctions against Serbia; we have sailors and marines deployed off the coast of Haiti; we have United States military personnel responding to the humanitarian tragedy in Rwanda; and we have 38,000 Americans deployed to deter aggression in South Korea. I know that I have left out a few commitments of U.S. troops but I think my colleagues get the picture.

The death of communism in the Soviet Union and the fall of the Berlin Wall lifted the superpower superstructure which inhibited regional conflicts. In the wake of those monumental actions, a new era of regional conflicts, civil wars, separatism, and humanitarian disasters have ensued.

While not all of these problems threaten U.S. national security interests, America has tried to play a role easing tensions and addressing humanitarian needs. These responsibilities have put tremendous demands on our military forces at a time when we are discharging people and mothballing ships and planes as fast as we can. In other words, our capabilities have declined while our responsibilities have increased. These crisscrossing trends force us to prioritize our objectives in relation to our resources. Unfortunately, I do not see that happening. Instead, I see an administration threatening an invasion of Haiti when no one has explained how that action would promote our national security interests.

Mr. President, I did not come here to critique our national security strategy but I do think we need to focus our declining resources on our most essential objectives. Likewise, I think we need to look closer at the relationship between our defense responsibilities and defense spending. It is my view that our responsibilities now outweigh our capabilities and that is why I oppose the conference report now before the Senate. In addition, unless the world changes dramatically, I will continue to vote against defense bills that do not provide enough funding to meet our national security requirements. I do so without in any way questioning the work of the defense authorization and appropriations committees. It is simply my view that we are not providing these committees with enough resources to adequately meet their responsibilities.

Mr. President, I yield the floor.

Mr. SMITH. Mr. President, I rise today to offer some personal comments concerning the conference report on the fiscal year 1995 Defense authorization bill.

Let me begin by complimenting Chairman NUNN and ranking member THURMOND for their outstanding leadership during a difficult conference with the House. As always, the Senators from Georgia and South Carolina served with distinction, and represented the Senate's interests very effectively. It is an honor to serve with men of such dedication and integrity.

As a member of the Armed Services Committee, I participated actively in the full range of conference negotiations. I believe the conferees did their best to reconcile differences and to safeguard our national security interests within the constraints of the budget allocation. In my view, the conference bill deserves to be presented to the House and Senate for consideration. That is why I signed the report discharging the legislation from conference. However, I will vote against the bill today.

Mr. President, the Clinton administration's 5-year defense plan is both fiscally and intellectually dishonest. Although it claims to support the Bottom-Up Review [BUR] force levels and strategy, it clearly does not. In fact, the GAO recently estimated that the administration's defense program is underfunded by $150 billion. In addition, the BUR force levels and strategy themselves do not support our military requirements. Thus, not only is the structure and strategy inadequate, but the resources to implement that flawed strategy are grossly insufficient, as well.

Based on the abundance of testimony presented to Congress, it is clear that the BUR is fundamentally and fatally flawed. It is equally clear that, contrary to the assertions of Pentagon spin doctors, the BUR was a budget driven, not threat driven, exercise. By all indications, the administration determined exactly how much it wanted pillage from defense, and then utilized the BUR to rationalize the reductions. This is simply unacceptable.

Mr. President, I cannot sit idle and allow our national security to be compromised, and our Armed Forces decimated. The Clinton administration has charted a course that will most certainly do both. Congress must have the courage and the foresight to reject this blueprint for disaster. Merely accepting the budget reductions, and reallocating the resources within accounts is not the answer. It is part of the problem. The resources are inadequate, and to level of reallocation and restructuring can remedy these shortfalls.

While there is much within the bill that I strongly endorse, and worked actively to include, I simply cannot legitimize the administration's defense plan by approving its substance. The distinguished chairman and ranking member have done everything possible to make the best of an impossible situation. But I cannot, in good conscience, support this legislation.

I will vote against the conference report because it inevitably continues the administration's systematic dismantling of our Armed Forces.

The PRESIDING OFFICER. Who now seeks recognition?

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. For what purpose does the Senator seek recognition?

Mr. COATS. I rise to speak on the pending legislation.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, first I would like to commend the chairman and ranking member of the Armed Services Committee for their efforts in guiding this legislation through some very difficult decisions. The process of reporting out a defense authorization bill gets tougher every year. The decisions get tougher every year because we are trying to do what we believe is necessary to preserve our strength, the strength of our national security apparatus, and we are doing it with increasingly limited resources. Those resources are being stretched further every year.

The Armed Services Committee has had to deal with very serious concerns regarding readiness, the health and welfare of our personnel, procurement decisions, and how we allocate our funds. Many difficult issues still need to be addressed. But I do want to commend the chairman and ranking member and those members of the Armed

Services Committee who have worked so diligently to produce legislation under very difficult circumstances.

Mr. President, when presented with last year's budget, this body emphasized that every effort would need to be made to match our forces to the changing requirements of the post-cold-war world. The fall of communism and the demise of the Soviet Union dictated reduced levels of defense spending, and we have now, over the past 10 years, tried to adjust to those reduced levels of defense spending. But as we have done so, we have begun to notice—as I suppose would be inevitable under a declining budget—multiple signs of declining readiness, and that ought to be disturbing to all of us.

While none of us would argue that refocusing of priorities is in order, such refocusing should be based on capabilities and requirements, not on arbitrary budget figures.

Last year, the term "too far too fast" was used by many to express concern about the rapid decline of our military capability. As evidenced by the committee's evaluation of the administration's plan for our continued drawdown, the so-called Bottom-Up Review, that phrase "too far too fast" still fits. The Bottom-Up Review conducted by the administration and the Department of Defense said that our goal should be to have the capability of conducting two nearly simultaneous regional conflicts, and yet I think the evidence is now in: We do not possess that capability. Based on extensive testimony from military leaders at all levels, along with empirical real world facts and figures, we now see that readiness has now slipped beyond the point where the United States is capable of responding to two nearly simultaneous regional conflicts and perhaps is not even capable of mounting one operation on the scale of Desert Shield and Desert Storm.

According to the Department of Defense, 100 heavy bombers are needed to fulfill the war-fighting requirements during one major regional conflict. And from fiscal year 1995 to fiscal year 1999, the number of heavy bombers will drop below 110, well below the number needed to fight and win two regional conflicts at roughly the same time.

As to strategic lift, General Hoar, commander in chief of the Central Command, has stated that requirements during the Somalia relief efforts stretched the Air Force's strategic lift capability to the point where it could not even simultaneously support a small multinational exercise on the same continent, never mind an operation of the magnitude that would be required to sustain a mission in North Korea.

Yet, current events, like the continuing crisis with North Korea, possible future actions in Bosnia, what clearly appears to be a planned United States invasion of Haiti, to say nothing of numerous other trouble spots around the globe, tell us that the world, while changed, is not any less dangerous but perhaps more. That requires us to look at some areas of concern that go to the heart of our military capability and our national security.

It is important, Mr. President, to understand how we got here, what has happened in the last decade.

What most Members now know, and what all of us should know is that this defense bill represents the 10th straight year of declining budgets. Just during the decade of the nineties, defense outlays will decrease by 35 percent, while at the same time, Federal mandatory spending will increase 38 percent, and domestic discretionary spending will increase by 12 percent.

Historically, defense has been cut deeper than domestic programs. We have cut active duty military personnel 32 percent. We have cut reserves 20 percent. We have cut civilian military workers 29 percent. We have cut the number of Army divisions by 45 percent. We have cut battle force ships 37 percent and fighter attack aircraft 40 percent.

Defense outlays, as a share of gross domestic product, is 3.7 percent in 1995, nearly half of what it was just 10 years before. And that will drop. Defense outlays as a percent of gross domestic product will drop to 2.8 percent by 1999, the lowest figure since just prior to World War II.

Mr. President, it has been stated on this floor, and needs to be stated again, that it is defense outlays that are helping to reduce the budget deficit. It is not any other aspect of spending. As the chairman of the Armed Services Committee, Senator NUNN, has said over and over and over, defense has done not only its share of reducing the deficit, it has done more than its share. It is virtually carrying the whole load and it cannot continue to carry the whole load. The Defense Department has commitments and responsibilities all over the globe, to say nothing of the constitutional responsibility to provide for our national security. We are stretching too thin the dollars available to meet those commitments and responsibilities.

Mr. President, since the peak year of fiscal year 1985, we have reduced procurement of ships 80 percent, from 29 per year to 6 per year. We have reduced aircraft procurement 86 percent, from 943 to 127.

We have reduced tanks 100 percent, from a procurement level of 720 in 1985 to zero—zero new tanks—for fiscal year 1995. We have reduced our procurement of strategic missiles 95 percent from 307 in 1980 to 18 in fiscal year 1995. Army divisions, as I have said, are down 45 percent, battle ships down 37 percent, and attack fighter aircraft down 40 percent.

These are significant reductions in hardware and in personnel. We have reduced active military 32 percent from 2,151,000 active duty personnel in 1985 to 1,526,000 for fiscal 1995, moving down to 1.46 million by the end of fiscal year 1999; selected reserves, from 1,128,000 to 979,000 in fiscal year 1995, on the way down to 906,000; and civilian military personnel down 29 percent, from 1,129,000 to a projected 804,000. Who knows how much further that will come down?

Now, where are these cuts coming from? They have come from personnel and they have come from operations and maintenance—two key accounts in the Defense Department budget.

These two accounts generally are the ones that provide the savings because their funds can be spent out faster than any other segments of the defense budget. Procurement spreads out over a number of years, to do the research and development and do the production of various defense hardware items. But it is in operations and maintenance and it is in personnel where the immediate cuts come. The cutbacks have forced the current 5-year defense plan budget to be front-end loaded with massive personnel cuts. In the last 12 months alone, 94,146 armed services personnel have left the military.

The total number of people leaving the military during the 5-year period from fiscal year 1990 to fiscal year 1995 will be 892,000 people. That equates to 14,866 individuals a month or 496 every day. Today, 496 active duty uniformed personnel will leave the military. In the month of September, in this month of September as we meet and debate, 14,866 men and women wearing the uniform will leave the military. And this will happen month after month after month.

Mr. President, we recently received a report from the GAO, the General Accounting Office, projecting that Pentagon programs over the next 5 years will be underfunded by a figure of $150 billion. Current programs—according to GAO—on the books, that this Congress has approved as necessary to our national defense, will be underfunded by $150 billion. GAO identified a number of shortfalls as a result of overstating savings and understating costs.

Now, I would like to quote from some of that report. They indicate that we are $20 billion short on revised inflation adjustments; $1.6 billion short in negative adjustment to unspecified programs in the research and development accounts; $32 billion short in unrealized base closure and defense management report initiative savings; $112 billion in potential cost increases for base closures, weapons systems, personnel pay, environmental cleanup, and humanitarian peacekeeping operations.

So GAO, which has looked at this and which has issued a report in July 1994, estimates that the programs this Congress has determined are necessary to provide for our national security needs for the next 5 years are underfunded by $150 billion.

Does anyone think that this Congress is going to come forth and say OK, we will live up to our commitments, and we will provide the additional $150 billion of funding because we believe in those commitments, we believe those are sound commitments and we need to fund those? I do not think this Congress will do it. So we are saying one thing on the one hand and we are not delivering on the other hand.

Now, in fairness, the Department of Defense does not agree with the GAO analysis. They say GAO has overestimated the underfunding. In fact, I have a letter here from the comptroller of the Department of Defense, John Hamre, who gives a detailed explanation of why the shortfall will not be at the $150 billion level. He does indicate that it could be at least $40 billion short. So we are somewhere between $40 and $150 billion. We are probably closer to the 150 rather than the 40 because I think we understand some of these savings are not going to come in as quickly as we had hoped.

There are discrepancies in different methods of accounting, and GAO and the Department of Defense probably are apart on this, but the bottom line is we are underfunded in terms of the commitments that we have already made. We have made the commitments on the basis that this is what we need to do on a minimal basis. This is not maximum effort. This is what we need to do on a minimum. And even in doing so, we have to admit that it will not be possible to meet the stated goals outlined under the extensive Bottom-Up Review plan outlined by the Department of Defense.

So we are somewhere between $40 and $150 billion short of meeting the goals that Congress has set. Yet we also realize that congressional goals are not always synonymous with Department of Defense goals.

One of the reasons for that is we are engaging our military in all kinds of operations other than what the military is designed for and what military personnel are trained for. This administration has accelerated the use of defense dollars for funding nondefense efforts. Examples that come to mind are environmental cleanup, defense conversion, job retraining, humanitarian aid, and peacekeeping operations.

Should we do these types of things? Yes, without question. But not with crucial defense funds that are needed for readiness, needed for training, needed for personnel, needed to perform the essential functions and tasks of our national security operation.

Since the Persian Gulf war ended, American troops have rescued Kurds in Northern Iraq; they have helped south Floridians after Hurricane Andrew; they have broken the famine in Somalia; they have air dropped supplies to civilians in Bosnia; they blockaded Haiti; they have provided massive relief aid to Rwandan refugees; they have picked up Haitian and Cuban refugees at sea; they are building tent cities for refugees in Guantanamo Bay, Cuba; they have fought forest fires and engaged in a whole number of the other operations that are worthy efforts but are not essential defense missions. Yet, most of these efforts are being paid for out of defense budgets. We are taking from training funds, personnel funds, operation and maintenance funds, in order to fund those other nonessential military operations.

I do not object to using our military in some of these sessions. But it ought to be paid for out of the appropriate Government account—not out of defense.

Mr. President, let me quote from the Chairman of the Joint Chiefs of Staff, General Shalikashvili, who in a recent speech made what I think is an important point. He said:

> When Washington participates in U.N. peacekeeping or relief operations, Government pays about one-third of the cost. But when it undertakes a U.N. mission on its own, as in Rwanda, it picks up the entire bill.

So we are, in a sense, paying twice. We are paying a third of the cost for the U.N. personnel that go in to provide humanitarian relief. And, yet, to the extent that we are using U.S. military personnel, we are also paying 100 percent of that cost.

We have heard about the effects on procurement. Recently Secretary Deutch sent out a memorandum to members of the Defense Resources Board. The subject was "Additional Defense Resources Board Program Alternatives." Secretary Deutch essentially is saying here that, because of this squeeze on the budget, there is going to have to be a review of many of the major procurement items needed by the military in the next 5 years. He told the Department of the Army that they need to review the Comanche Helicopter Program and begin to develop a program alternative that "terminates the Comanche." He said the Army should develop a program alternative that terminates the Advanced Field Artillery System. He told the Department of the Air Force that at least two alternatives to the Joint Primary Aircraft Training System—the JPATS Program—should be developed, deferring the production of JPATS trainer for up to 7 years, and reducing costs by increasing reliance on commercial practices, slower procurement profile, and advanced training;

As to the F-22 fighter program now under development, the Air Force should develop a program alternative that delays the initial procurement of F-22 fighters by up to 4 years;

With regard to precision guided missiles, the Air Force should develop at least two alternative programs; first, cancel the triservice standoff attack missile, procuring other precision guided munitions to perform the mission; and second, retain the standoff attack missile but adding $100 million in the near-term program.

He told the Department of the Navy that under medium-lift replacement, "* * * from the September Defense Board's acquisition meeting on the lift program, the Navy and Marine Corps should submit for review the most promising alternative that cancels the V-22 and replaces it with a helicopter alternative."

As to destroyers, the Navy should develop program alternatives for the DDG-51 procurement in the fiscal year 1996 to the 2001 period.

Secretary Deutch addressed the new attack submarine, saying the Navy should submit an alternative to the new attack submarine program that does not include a submarine in fiscal year 2012.

With regard to the advanced amphibious assault vehicle—the Navy and Marine Corps should develop a program alternative that cancels the program.

These and other concerns are listed in the memo from Secretary Deutch to the military services. It sent shock waves through the military. These are programs that we were counting on for the future to give us that edge we enjoyed in Desert Storm. These are programs that are now being suggested for termination or that other alternatives be developed because we simply do not have the funds to pay for them.

There is a tendency to raid the seed corn of our future when reductions are imposed on our defense budget. This is one area where reductions will assure long-range implications of future readiness of our forces. Our capabilities to respond to threats and risks in the year 2005 and 2010 will be substantially weakened. That credibility will be weakened by the cuts that we make in the 1990's.

If we learned anything in Desert Storm, it was that the weapons used there are weapons that are developed and put on the board, in the research process and development process, years, if not decades, before they are actually needed. It takes time to develop, to test, to do research, to procure and then train, and then finally utilize some of these sophisticated advanced weapons.

To quote General Sullivan, the Army Chief of Staff:

> The fiscal year 1995 budget is our 10th consecutive budget representing negative real growth. We cannot continue in that direction forever, or we will not be ready tomorrow at any level.

Mr. President, this is the reality that we are dealing with in this year's budget. We are not sure what the reality is going to be in next year's budget, or the next 3 or 4 or 5 years' budgets. The squeeze will continue; the shortfalls will continue, and they will probably be exaggerated. They will probably magnify. We have too many programs chasing too few dollars. We have now limited the programs, and we are still short the dollars. We have limited the personnel, and we are still short the dollars. We are facing major shortfalls in funding for our national security, and surely we will pay a tragic price for that at some point in the future.

It is important to understand why readiness is important. The term "readiness" refers to the ability of the military force to deploy quickly and perform initially in wartime the way it was designed to. Readiness is a key aspect of military capability, particularly in a period when conflicts can commence with little warning. All the old rules have been thrown out. All the old cold-war rules of how we prepare and how we deploy and how we build up have been thrown out. We are responding now to new conflicts, sudden conflicts that emerge in unlikely places, places that we have not even heard of before. We have to run to the map to find out where some of these situations even exist and who the protagonists are.

The reason we are so concerned, and the reason we need to protect readiness, is widely understood within the Department of Defense because many of today's senior military leaders were company commanders during the seventies. During that time, they dealt firsthand with the problems of a military which, largely because of problems with readiness, was dubbed "the hollow force." The hollow force 15 years ago did not have the correct blend of weapons, equipment, and trained personnel to make them fully operational. Today's personnel and force structure are more robust. They are being asked to do more with much less, and all indications are that the situation will get worse before it gets better.

In a recent effort to evaluate the readiness of a drawdown force, former Secretary of Defense Aspin formed the Defense Science Board panel to address long-term defense readiness. This readiness task force, as it was designated, was assigned to provide advice to the Department on how to avoid future unreadiness or future hollow Armed Forces. The memories of the seventies are still fresh in the minds of those who were there, and they do not want to see us return to that.

We had that extraordinary commitment in the eighties to rebuild a depleted undermanned, underfunded, undersupported, undertrained national defense system. We made an extraordinary commitment and an extraordinary effort in the decade of the eighties that culminated in one of the most extraordinary engagements in the history of warfare, Desert Storm. There we rewrote the rules for warfare. We accomplished a massive military objective with an incredibly low loss of life and equipment, because we combined, through a decade of extraordinary effort, quality personnel with quality equipment with quality leadership and quality training. We brought it altogether in a synergistic way and we demonstrated to the world via CNN and other networks, the most efficient, effective military the world has ever seen. We engaged in an effort that resulted in victory and accomplished our objectives with minimal loss of life. Senior military people today, those of us in Congress, and Americans, do not want to see us lose that capability. They want us to maintain that edge. They do not want to see us return to the situation we were in 1970.

General Meyers' task force found that the readiness of today's forces is acceptable in most measurable areas. Let me quote to you portions of that report:

> When we state that the readiness of today's forces is acceptable, that does not mean that we do not find pockets of unreadiness. Most of these pockets are a result of changes taking place in the Armed Forces and the turbulence created by these changes. However, we observed enough concerns that we are convinced that unless the Department of Defense and the Congress focuses on readiness, the Armed Forces could slip back into a hollow status.

That is an ominous warning. Let me repeat it.

> * * * unless the Department of Defense and the Congress focuses on readiness, the Armed Forces could slip back into a hollow status.

That should cause all of us concern.

General Meyers' task force reported on some recommendations to prevent this backsliding. He said:

> The following actions need to be supported: One, resources to assess, train, educate, retain high-quality personnel and maintaining the quality of our people should continue to be the Department's top priority.

Again, if we learned anything in the decade of the 1980's, it was that the quality of our personnel made the difference. To retain that quality of personnel requires a commitment that demands a budget adequate to meet the needs of assessing, obtaining, educating, training, and retaining those quality personnel.

Second, General Meyers' task force stated that we need a system that adequately funds contingency operations. We cannot continue to fund these operations, as I mentioned before, by funds that are allocated for defense purposes.

Third, development of measurement systems that better equip resources in the future. The Department should take actions to develop and improve a set of analytical models and other means that can be used to help better understand the relationship between funding, allocation, and future force readiness.

I will read a couple more requirements. We have a special concern about future readiness. The reduction of resources for acquisition raises serious questions about the capabilities of our forces to respond to the challenges of the 21st century.

That goes back to the point I was making earlier. It is decisions made or not made today that affect our capabilities to meet challenges in the next century. We need to focus not only on what is needed in 1995, but what will we need in the years 2005 and 2010 and beyond. Those decisions today are necessary in order to provide us with the correct capability 10 or 15 years in the future.

General Meyers concluded his report by stating:

> The Nation celebrated the 50th anniversary of D-Day during the preparation of this report. It is well to remember that 5 years before D-Day the United States had very hollow forces. Many servicemen died as a result of our unreadiness. Readiness cannot be taken for granted. History has shown how pockets of unreadiness rapidly grow and create hollow forces. We believe that attention to the issues raised in this report and the continued support of Congress for a ready, responsive force will give us a chance to prevent the shortcomings of the past from happening again as the military force evolves and responds to the demands of our unsettled world.

Mr. President, I wish every Member of Congress were forced to memorize that paragraph. The most important line is that "many servicemen died as a result of unreadiness."

The ultimate objective here is to provide for our national defense and meet our national security means with minimal loss of life. Failure to adequately budget funds to maintain the kind of forces we will need in the future ultimately results in loss of life—unnecessary loss of life. Is it expensive? Yes. Is it a commitment? Yes. Are these tough budget times? Yes.

But the ultimate price we pay is the loss of the life of service men and women who make extraordinary commitments to serve in the defense of this Nation. We owe them no less than quality personnel, quality leadership, quality equipment, quality training, and a quality life in the military. If we start cutting back, if we start compromising on this, it is not simply a result that ends up with mismanagement, or waste, or duplication, or shortage of parts; it is the loss of life of America's best young men and women that is the final result. We must keep that in mind as we make our decisions.

Mr. President, as important as these concerns are, the people are just part of the equation, because what the military does with these people is the other part. In 1990, the U.S. Navy was working toward a 600-ship fleet. Today, although it is operating with the same level of commitments worldwide, we have only 346 ships; we are moving toward that. Said one Navy veteran: "We are working 18 hours a day. What more can we ask of our people when there are 360 places to be in and only 346 ships?" Twelve years ago, 22,000 marines were deployed overseas for 6 months or more in fast-response and forward-placed units. Today, 24,000 men and women are deployed, even though the Corps has been reduced by 22,000 during that same period of time. There are just as many commitments, fewer personnel, and longer deployments.

"The end of the cold war notwithstanding," said Marine Commandant Gen. Carl Mundy, "the operating tempo for the Marines has not diminished. It has even picked up. The practice of deploying as many as 30 percent of the Marines away from home will ultimately wear out marines and gear and drive down retention rates and end up with units not combat ready."

We are doing precisely that because of the commitments that this administration and this country have engaged in. We are deploying far more marines than is healthy.

Like the Marines, the Air Force also increased its operating tempo, but mostly as a result of humanitarian peacekeeping tasks. Eighty-thousand U.S. troops were used to support U.N. peacekeeping missions last year. These assignments adversely affected the military's ability to train constructively for its primary mission.

(Mr. DECONCINI assumed the chair.)

Mr. COATS. Each year, according to Air Force Secretary Sheila Widnall, all aircrews spend more than 120 days deployed. Some even spend up to 170 days deployed—despite the goal, determined by our experience with previous "hollow force" shortcomings, of 60-day to 120-day annual deployments.

Lengthy periods of time spent away from home have a direct impact on the military's ability to effectively retrain and prepare for the next operational assignment.

Like the Air Force, Marine Corps units are also not receiving required training in war fighting skills because they are being chopped up for peacekeeping and humanitarian assignments.

According to testimony received in committee, the only way Navy ships were able to meet their operational and training commitments was to use the people and spare parts collected for the rapid decommissioning of other ships and units.

Let us look at some readiness shortcoming examples. The reenlistment rates for midgrade enlisted, the middle managers of our forces, the E–5 and E–6 levels, are now in the 67 percent range. This is down from the mid 80 percent range. This is the group of service members who are left in the force at the end of a massive drawdown in personnel.

The major reason given by those separating from the service is repetitive deployments. The spouse and the family does have impact on future commitments of our force. We do not have volunteer single forces anymore. We have voluntary family forces. A majority of our armed services personnel are married. They have children. They have spouses. That is the commitment we made when we moved from a draft military to an All-Volunteer Force. We want people to make it a career. Those people have families. But they find themselves overseas for deployment more than what a family can reasonably expect or what the service personnel reasonably expected when they enlisted. They are forced to look at the civilian community outside. They say: "I want to serve my country. I understood there is a commitment. I understand I have to be away from home. But this is far more than what I was told. This is far more than what is necessary for me to provide reasonably for the needs of my family."

As to the Army at Fort Gordon, one of every eight vehicles is now in storage to eliminate maintenance and fuel costs that they cannot afford. Battalions that are supposed to be authorized at the 575 personnel level now contain only 474 present for duty, 100 people short of what they ought to be.

Wheeled vehicle mechanics, a special skill area, has only two of every five billets filled. This low number is a direct result of replacing mechanics for deploying units, who continue to be manned at 100 percent.

Marines walk 17 miles to their training ranges because they need to conserve truck fuel, tires, and maintenance.

A top sergeant in the Army recently said, "In these times of uncertainty with the rapid drawdown, deployments and short turn around times, people are deciding to leave rather than to be asked to separate."

Just in the last few months up to seven active duty battalions, five Army and two Marine Corps, have been tasked to fight forest fires in the Western United States. A mechanized infantry battalion on the west coast asked the commander if they could go and fight forest fires. The reason they said was there was insufficient training funds to keep the command active and occupied. They did not want to sit around, so they asked for something to do. They did not have the money to provide the training and keep occupied.

A junior Army officer said: "Since 1991 I have been on four deployments starting with Somalia. If something comes up outside the military and I can get a decent job, you bet I will take it. I cannot provide the emotional support, the physical presence that my family needs if I am constantly on deployment."

We have a significant backlog of maintenance and spare parts requirements. A major Army command in the continental United States is only budgeted for 65 percent of fiscal year 1995 required level of training. Marines are facing the same overseas deployments as they did before the gulf war with two battalions less people, 30,000 fewer marines to fill these commitments. That means more time away from home and less time for career enhancement training. That is having an effect on readiness and, of course, on morale.

The military has been forced to alter the length of the replacement cycle of its buildings. The replacement period for base structures has been increased from once every 50 years to every 100 years. When you build a building now instead of 50 years of life, it has to last 100. There is not a corporation in America that will build a building and say this has to last for 100 years. We have to make it last because we do not have the funds to replace it.

Barracks structures for single service members are currently slated for replacement every 15 years. Now that is being changed to every 24 years. Very little real property maintenance is being accomplished. We do not have the money to do it.

Interviews with Navy carrier pilots indicate that squadrons are cutting back on pilot flying hours during the time the unit is waiting for its next sea deployment. One squadron commander said, "If you do not practice, you do not stay proficient." That makes sense.

The Air Force cut the numbers of AWACS radar aircrews to save money while meeting more and more requirements for overseas deployments. Those aircrews are now facing 200-plus days per year overseas compared to 100 days per year even during the gulf war. This affects reenlistments.

Recruiting quality has begun to drop from recent record levels. When you accept lower quality recruits you place a greater burden on trainers. Lower funding for training exposes lower quality personnel to a greater risk of error.

This is from the September 6 Defense Daily. Let me quote from General Shalikashvili, Chairman of the Joint Chiefs. "The military is beginning to eat into its readiness to fight." He said," Some units are already being forced to cancel training due to lack of funds. The time has come to stop warning that readiness is going to be jeopardized and focus on fixing the problems that are here right now."

General Shalikashvili went on to say: "The best soldier in the tank wins the battle, not the best tank with a mediocre soldier."

Quality of our military men and women, their training and their morale, that is what wins war. War is not an abstract term. It requires people. The most advanced weapons and technology in the world will not win wars without qualified and motivated people.

When the Department of Defense maintains that we will not repeat the mistakes that were made in the seventies, when the last major defense drawdown produced understaffed, poorly equipped and demoralized personnel that is exactly the road down which we are marching today.

We cut the pay increase. We reduce the retirement benefits. Between 70 and 80 percent of all enlisted men and women earn less than $30,000 a year, including food and housing allowances, 45 percent of the Army and 46 percent of the Marine Corps earns less than $20,000 per year.

One of the most disturbing statistics of all, Mr. President, is this: An estimated 17,000 members of our Armed Forces receive food stamps and the number is rising. According to the Department of Defense, the total value of food stamps redeemed at military commissaries in 1993 increased from $24.5 million to $27.4 million. Over 50 percent of military spouses have full-time jobs just to help pay the bills.

When I first ran for Congress in 1980, one of the platforms I ran on was a strong national defense. I do not remember the exact numbers, but I remember making the statement over and over again, as an illustration, that for a nation which asks its young people to sacrifice in defense of this country, it is unconscionable to pay them so little that they have to use food stamps to provide for their basic needs.

And thank goodness we addressed that problem in the 1980's. But now we are heading right back in the same direction, and it is wrong. It is not right.

What kind of people do you think we are going to attract and retain in the military if a significant portion of them can only make it with handouts? They do not want a handout. They want to serve their country. They want to be adequately compensated. They have mouths at home to feed. They have children to educate. They want to put some food on the table.

How demeaning it must be to be a military man or woman in uniform to walk into a commissary and have to redeem food stamps to put milk on the table. Now, what kind of military are we going to have under those circumstances?

Let us look at housing. The housing in our military is a disgrace today. Thanks to Senator INOUYE and Senator STEVENS and members of the Appropriations Committees and authorizing committees, we have passed, not finally, but we are moving along legislation that provides a significant amount of money for new military construction. But, in the meantime, we do not have money to rehab or to fix or repair some of the existing military housing. There is nothing more compelling to a soldier, sailor, airman, or marine than to ensure that his family is well cared for and securely housed during extended periods away from home.

As Army Chief of Staff General Sullivan described it, military personnel are willing to place their lives on the line, work long hours under demanding conditions, accept a lower pay scale than comparable civilian jobs, and ask their families to make sacrifices. But in return, he said, they expect the Nation to take care of their families. That is all they are asking.

If you walked up to a soldier today and said, "We are going to deploy tomorrow to a place in the world you have probably never heard of," he or she will salute and say, "Yes, sir." All they ask in return is that we take care of their families while they are gone. And taking care of their families does not mean putting them in substandard housing and having them qualify for food stamps in order to put food on the table.

More and more, we read about and hear about stories of junior enlisted men sleeping in automobiles waiting for housing to free up. Routine plumbing, exterior painting, and other noncritical maintenance is being abandoned. There are units in bases in America—not overseas, but in America—there are units that you cannot put a family to live in because there are pipes that are leaking and there is paint that is peeling and there is lead in the paint and there are conditions that you just would not put a family in. And yet we do not have the money to fix it up.

At Fort Huachuca, AZ, where common area upkeep has been reduced by half, the result is increased habitat for snakes and vermin. Family units are being closed rather than upgraded or repaired because we do not have the funds.

My colleague, Senator MCCAIN, described the situation as "our military poor." I would put it more bluntly. Are we the new slum landlords of our military men and women? That is not something that we want.

We are starting to see slipping in terms of the qualifications of our new enlistees. It is not great, but it is starting to move in the wrong direction. In the past, 97 percent of new enlistees were high school graduates. That is now decreasing.

What is more, the Pentagon's 1993 Youth Survey—that is the survey that annually measures the inclination of 16- to 25-year-olds to enlist—found that the number of young people who are considering joining the military is declining, a fairly significant decline since 1989 and 1990. What is more alarming is the fact, after a decade of striving and succeeding in reducing from 57 percent to zero the number of category 4 recruits—those in the lowest educational category—the military once again is forced to accept category 4 recruits.

And so, not only are the numbers of personnel of individuals seeking to join the military declining, but the quality of those personnel is declining.

Mr. President, despite downsizing, it is essential that the military continue to be able to attract higher caliber recruits. Yet, since 1989, we have cut the overall service recruiting budget by 60 percent and advertising budgets by 40 percent. We are starting to see that the path we are on will take us to the point where we are losing the quality force that we worked so hard to achieve during the 1980's and early 1990's. We are seeing these pockets of unreadiness take shape with our soldiers, sailors, airmen and marines; not numbers, not statistics, but people. In today's environment, with the continued drawdown, it will be extremely difficult to reconstitute this premier group of people.

It has been said more than once in this body that our men and women in the military are a national treasure and should not be squandered. Secretary of Defense Perry has said, "The benefits of service must match the burdens we ask men and women in uniform to bear."

We listened to the experts out of the Department of Defense. Now let us listen to some base commanders.

On August 15, Maj. Gen. Jerry White, who is the commanding general at Fort Benning, announced immediate cuts in maintenance, staffing and training to offset $1.9 million that the Fort Benning installation must provide to the Training and Doctrine Command's $21 million share of their cuts. They are allocated $1.9 million, so he announced immediate cuts in maintenance. He said only emergency maintenance or repairs will be done on barracks and installation facilities.

Other installations are being asked to make similar cuts, to the dismay of commanders and senior managers. "This is morally wrong," said one senior officer. "You should never put commanders in the position of sending their troops into harm's way, and in the same breath, steal money from their families, their training and their quality of life."

Fort Benning's garrison commander, Colonel Rutledge, echoed that sentiment. "This is not about putting bullets down range," he said. "It is the quality of life of the soldiers and their families that is going to be hurt by this."

Secretary Perry had a report provided to him after field trips taken by the Pentagon's No. 2 man, Secretary Deutch.

> After visits to U.S. troops stationed around the world, Perry has become convinced that high morale is the most important short-term element to maintaining readiness, Deutch said.
>
> The key elements of high morale include good pay, sufficient operations and maintenance funding, better quality housing, day care for troops' children, good medical care, and other items that improve the quality of

life for military personnel and their families, Deutch said.

As the drawdown deepens, the defense officials are haunted by memories of the post-Vietnam hollow military and are determined not to re-create it.

Vice Chairman Admiral Owens said, "Some of the indicators from the 1970's that were linked to the hollow force are beginning to reemerge." "We are trying desperately to do what's best for our people," Owens said. "I have never seen as much attention paid in the Pentagon to maintaining readiness."

I commend Secretary Perry, Secretary Deutch, Admiral Owens, and all those in the Pentagon who are doing everything they can to address this problem, but they are being asked to do "Mission Impossible," because we are not giving them the funds to do what they know they must and need to do minimally to maintain the morale, maintain the quality of life, and maintain the readiness that is essential.

Mr. President, I have talked for a lengthy amount of time here. Whether it is the Army's Fort Benning where waiting time for housing has increased by 5 months, interior painting now can only be done once every 5 years, all noncritical maintenance and repair has been deferred; whether it is Fort Dix where the repair of a fire damaged unit was deferred, maintenance in the fourth quarter of this year limited to emergency repairs only; whether it is Carlisle Barracks, PA, where 56 housing units are awaiting funds for asbestos removal, where Army War College students now have to paint their own quarters on change of occupant; or Fort Huachuca, AZ, which has eliminated exterior painting, reduced the common area and upkeep by half; at Fort Knox, where they have deferred lead-based paint removal; Fort Sill, where they have eliminated routine maintenance, eliminated interior painting and preventive maintenance—on and on and on it goes.

We owe our military people more than this. Our military people are our most valued asset in this country. They are married, they have children—well over 50 percent of the service members now have children. When you have quality people, you have fewer discipline problems. They are easier to train. They complete their obligations. Ultimately they win on the battlefield.

We want to recruit the best that we can. We want quality people to take quality jobs. We owe them quality of life. We want to retain those people by giving them adequate pay, adequate benefits, adequate housing. We want to take care of their families.

The variable with the strongest impact on unit readiness is the soldier's perceptions of the amount of support the unit leaders give soldiers and their families. Ultimately it is the Congress that provides the direction and the funding to those unit commanders and to those families. We are in that chain of responsibility for our military people. We are the ones who ultimately make the decision about what kind of military we are going to have.

Unit readiness is based on the individual service member and his or her readiness. A great deal of research demonstrates the importance of family issues in personnel retention. "You recruit a soldier but you reenlist a soldier's family," is the line that any commanding officer will tell you. Retention is related to separations from family due to duty requirements. It is an important determinant to morale and a key factor in reenlistment decisions.

As I have heard stated to me over and over and over as I visit with troops: "We have made the commitment. We will make the sacrifice. All we ask is that you take care of our families."

Right now we are in a tremendous cost squeeze. It is this Congress that must decide what kind of national defense, what kind of military, what kind of obligation we have to the men and women in uniform and the families that support them. We make that decision. We cannot blame the administration, we cannot blame anybody but ourselves. We are in the chain of command when it comes to providing support for our military personnel. We have an obligation, a constitutional responsibility to provide for the needs of those people—to enlist and retain the highest quality people we can attract; to give them the best training that we can provide; to provide them with the best equipment that this country can produce; to give them the quality leadership necessary to provide the kind of cohesiveness and unit cohesion that ultimately wins wars, if and when conflict is required. That is our minimal obligation. We are beginning to see a return to the time when we are not meeting that obligation.

Now that the chairman has arrived I want to conclude by again stating how hard the chairman and the ranking member, Senator THURMOND, have fought to keep this budget together and provide at least the most minimal of budgeted services for our military under extraordinarily difficult circumstances. But the responsibility goes beyond the committee. The responsibility goes to every Member in this Congress. It is a constitutional responsibility. It is a moral responsibility. It is one we are beginning to see very seriously undermined; and I hope we will focus on these matters because, as I said, ultimately they go to the very heart of who we are as a people, what we stand for, and the provision of our national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I am pleased to lay before the Senate the conference report on national defense before the Senate. This conference report authorizes programs for the Department Defense, national security programs of the Department of Energy, and civil defense for fiscal year 1994.

I know Senator THURMOND has already made his comments. Let me say I think the conferees worked very hard last month to resolve over 1,600 language and funding differences between the House and the Senate versions of this bill. I would like to particularly thank Senator THURMOND, the ranking minority member of the Armed Services Committee, and all the members of the Armed Services Committee, for their cooperation and support throughout the conference.

In a bill this large, much of the work has to be done by the subcommittee chairmen and ranking minority members. Without their efforts, Senator THURMOND and I would never have been able to complete this conference report. Certainly I want to say my counterpart on the House side, Chairman DELLUMS, and Senator THURMOND's counterpart, Congressman SPENCE, and the other conferees from the House, were very cooperative. We had a lot of difficult issues, a lot of difficult decisions, and a lot of disagreements. But we worked in a spirit of cooperation and, thanks to the leadership of Chairman DELLUMS, Congressman SPENCE, Senator THURMOND, and other members of both committees, we were able to work out the difficult and contentious issues in a spirit of good faith in completing this conference report.

Under the circumstances—and I will discuss some of those circumstances a little later—this is a good conference agreement that continues the process of restructuring our defense establishment. The conference report establishes and emphasizes the need to maintain the high quality of men and women entering the service and serving in the Armed Forces. For a long time we have recognized the quality of our personnel was the key to military readiness and the key to our preparedness as a nation.

This conference report continues, within the overall framework of the budget limitations we were dealing with, to emphasize the high quality of American and women that are needed in the Armed Forces and to do all we can to basically carry that out. We increased the funding above the budget request for readiness and training programs, and sustained the reduced pace of weapons system modernization requested in the fiscal 1995 budget.

The conference report preserves critical defense industrial base capabilities, and strengthens the peacekeeping and peace enforcement capability of U.S. military forces. It continues the key areas of the defense conversion and transition programs to help individuals, communities and businesses adjust to the effects of the defense drawdown.

This conference report authorizes $263.8 billion in budget authority for the national defense function for fiscal year 1995, the level requested by the President and agreed to by the Congress in the budget resolution for fiscal year 1995.

Although we have authorized the requested amount, I remain—and have said this on many occasions—increasingly concerned about the projected funding level for national defense over the next several years. In my view, the current budget levels will not be adequate to maintain the current readiness of our forces; to provide for their needed modernization; to support the compensation and quality of life improvements that we all want for our military members and their families, and still support the force structure necessary to carry out the full range of missions that we expect our military forces to be able to perform.

Something has to give because there is not sufficient funding to carry out all of those objectives.

Mr. President, I want to take a few moments to describe for my colleagues some of the most important provisions in this conference report.

In the area of strategic deterrence and arms control, with Senator EXON and Senator LOTT as chairman and ranking member, the conferees preserved bomber force structure options while directing further analyses of bomber requirements; added funds to improve near-term precision bomber weapons; and continued restructuring ballistic missile defense programs to emphasize deployment and development of near-term, ABM Treaty-compliant missile defenses.

Earlier this year, our committee concluded that the Defense Department did not have an adequate plan for the future of our bomber forces. The Senate bill contained a major initiative to preserve the current bomber force levels and industrial production capacity until the Department has had an opportunity to reconsider this whole issue. I am pleased the conference agreement includes all three of the major parts of the Senate's bomber initiative.

First, the conference agreement preserves the current bomber force levels for an additional year by preventing the Department of Defense from retiring any B-52 or B-1 bombers during fiscal year 1995.

Second, the conference agreement adds $77.5 million to the budget for demonstration and procurement of interim precision weapons for the bomber force until the new family of precision-guided munitions are available at the end of this decade.

Finally, Mr. President, the conferees agreed to provide $125 million to preserve the bomber industrial base for 1 year, while the Secretary of Defense reexamines our bomber requirements and capabilities. While this reexamination is underway, the Secretary may obligate up to $100 million to preserve these core capabilities which would take extended periods of time, or substantial expense, to regenerate, and which are in imminent danger of being lost, that are needed to maintain the ability to design, develop, and produce bombers in the near or long term.

Mr. President, there has been some confusion in the media and the trade press about the Enhanced Bomber Capability Fund. Let me try to clarify the situation.

Does the provision permit the Secretary of Defense to keep the major B-2 tooling in place? The answer to that is yes. The estimate is that it would cost $20 million to $30 million during fiscal year 1995 to keep the tooling from being dismantled. But dismantling and storing the tooling and then bringing it back later is estimated to cost well over $100 million and add an extra year to any schedule for more B-2's if the Secretary and the administration decided more B-2's were needed. Under the conference provision, the Secretary may act to prevent substantial future expenses and delays of this type from arising.

Does the provision permit the purchase of B-2 parts and end items to keep the lower tier, stealth-unique vendor base intact? The answer again is yes, so long as the items in question are not long-lead items for additional B-2's. That decision has not been made, and we do not try to in any way preempt that decision, which has to be made first by the Secretary and then by the President before it gets to the Congress.

The best way to keep stealth-unique lower tier vendors in business is to give them new orders for the parts that have already been produced and delivered for the 20 B-2's now on order.

Does the provision permit the Secretary to conduct these activities throughout fiscal year 1995, both while his analyses are underway and after they are completed? Again, the answer is yes. The Secretary may spend up to $100 million of the $125 million provided before his analyses are completed and he reports to the Congress. And once he has reported, he may continue to allocate unobligated balances—up to the entire $125 million in the fund—to sustain the B-2 industrial base; that is, if he has chosen not to use $25 million of that money for an alternative purpose, which is a longer range bomber study.

It is correct that no additional B-2 or long-lead items may be purchased with the bomber industrial fund. That is clear. That was the Senate position going into the conference, and we certainly agreed to that and made that very clear in the conference.

The restructuring of the Ballistic Missile Defense Program initiated in the National Defense Authorization Act for fiscal year 1994 will continue under the conference agreement. The conferees transferred $120 million in ballistic missile defense, BMD, funds for the Brilliant-Eyes space-based sensor system from the Ballistic Missile Defense Organization to the Office of Secretary of Defense, and reduced the request of $3.25 billion by an additional $330 million, to $2.8 billion.

The conferees maintained funding for priority theater missile defense [TMD] programs, including Patriot PAC-3, the Theater High-Altitude Area Defense System [THAAD], and Navy TMD programs.

The conference agreement authorizes the budget request of $648 million for the Milstar satellite communications program. The conferees agreed not to transfer the program from the Air Force to the Navy as proposed in the Senate bill because the Secretary of Defense will propose to Congress a major reform of space systems acquisition in the near future.

I am pleased that the conferees approved the budget request of $400 million for another program, which I think is one of our most important programs, and that is the Cooperative Threat Reduction Program for the states of the former Soviet Union, the so-called Nunn-Lugar funding.

The conference report directs the Department of Defense to develop a multiyear strategy for these programs, establishes guidelines for future implementation, and requires a full accounting of implementation of this program.

The final conference provision I want to mention in this particular area, Mr. President, would repeal the Civil Defense Act of 1950 and transfer the authorities contained in that act to the Stafford Disaster Relief Act. This initiative was taken in the House bill to help consolidate jurisdiction over the Federal Emergency Management Agency under the Public Works Committees, which is consistent with the congressional reform initiative begun last year. After careful review, the Senate conferees agreed to this House provision.

On the subject of coalition defense and reinforcing forces, the conference agreement includes a series of initiatives to strengthen conventional capabilities and improve the production efficiency of key weapons programs. This area is under the jurisdiction of Senator CARL LEVIN and Senator JOHN WARNER, as chairman and ranking member.

In the area of tactical aviation, the conferees approved the budget request of $2.5 billion for development of the F-22 and $1.4 billion for the development of the F/A-18 E/F aircraft, and directed the Office of the Secretary of Defense and the Offices of the Secretaries of the

Navy and the Air Force to pursue a derivative of the Air Force F–22 as a joint program. We also authorized $1.1 billion for the 24 F/A–18 C/D aircraft for the Navy requested in the budget.

For the Army, the conference agreement added $72 million to the budget for buying 6 AH–64 Apache helicopters, and added $150 million to the budget for upgrading 24 OH–58D Kiowa Warrior helicopters, sometimes referred to as the Army helicopter improvement program, AHIP.

The conference agreement contains several important initiatives involving tanks. The conferees authorized multiyear procurement of M1A2 Abrams tank upgrades for the Army, and added $17.9 million for enhanced warfighting capabilities.

A total of $108 million was added to the budget request for 24 additional M1A2 tank upgrades for the Army. The Army would then transfer a comparable number of M1A1 tanks to the Marine Corps Reserve no later than when the M1A2 upgrades are delivered to the Army. Finally, the conferees approved the Senate provision to transfer 84 M1A1 tanks to the Marine Corps as these tanks become excess to the active Army's requirements.

The conferees took several actions to improve U.S. peacekeeping and peace enforcement capabilities, including the addition of $100 million to the budget for advance procurement of commercial airframes to be converted to JSTARS surveillance aircraft. This system, like the Air Force AWACS, is ideally suited to providing sophisticated intelligence and command and control over peacekeeping as well as military operations. The conferees also agreed to add $10 million to the budget request of $12 million for countermine warfare research. Mine warfare is a particularly serious problem in areas where U.S. forces are engaged in peacekeeping operations.

Finally, the conferees agreed to authorize a total of $510 million for equipment for the National Guard and Reserve components. These funds are authorized in generic categories and the conferees directed the National Guard and Reserve components to purchase items of equipment which contribute most directly to supporting the domestic missions of these units.

In the area of regional defense and contingency forces, which has been so ably headed by Senator KENNEDY and Senator BILL COHEN as chairman and ranking member, the conferees approved the budget request of $3.6 billion for one nuclear powered aircraft carrier, CVN–76, $2.7 billion for three DDG–51 Aegis destroyers, and $507.3 million for continued development of the Navy's new attack submarine.

In the area of mobility, the conference agreement authorizes $608.6 million for the national defense sealift fund to continue construction of strategic sealift vessels to implement the mobility requirements study. It adds $220 million to the budget to purchase and convert two additional ships to enhance the current Marine Corps prepositioning ship squadrons. These additional ships will contain an expeditionary airfield, a fleet hospital, seabee equipment, and additional logistics and sustainability items.

The conferees approved the administration's request to enter into the settlement agreement negotiated with the C–17 prime contractor in January 1994. The conference agreement authorizes the budget request for six new aircraft but reduced the fiscal year 1995 procurement request of $2.8 billion by $387.4 million. The conference agreement also authorizes long lead funding for $189.9 million for eight more aircraft, the amount requested in the budget.

I have some reservations about this program and the settlement, but a clear majority of both committees favors the Department's recommended approach.

In the area of defense technology, acquisition and the industrial base, under the leadership of Senator JEFF BINGAMAN and Senator BOB SMITH, the conference agreement maintains the momentum of the Defense Reinvestment and Conversion Program enacted in 1992. The conferees approved the requested amount of $625 million for the Advanced Research Project Agency's technology and reinvestment program, including $50 million for a loan guarantee program for small- and medium-sized defense firms, which will guarantee approximately $2 billion in loans.

I am pleased that the conference agreement includes $25 million, a $10 million increase to the budget, for historically black colleges and universities and minority institutions to increase their capacity to educate scientists and engineers, as well as the requested level of $50 million for the Mentor-Protege Program. Under this growing program, large defense contractors enter into agreements with small and disadvantaged businesses to assist them in upgrading their manufacturing capabilities and their ability to compete for defense contracts.

In the area of defense medical research, the conference agreement authorizes increases to the budget of $40 million, specifically to address health care issues affecting women in the Armed Forces; $20 million for research and telemedicine, whereby doctors can examine and suggest treatment for injured soldiers in remote locations; and $20 million for further research into the causes and possible treatments for the gulf war syndrome.

On the subject of telemedicine, Mr. President, that program is of enormous importance to our military because of the ability to take specialists at Walter Reed, Bethesda, or elsewhere, and have them basically direct field operation medical teams in performing intricate and complicated medical procedures.

Telemedicine is an exciting concept for our entire country because it is technology which can bring to bear the best medical technology to the most remote areas of our country, including many rural areas which are medically underserved.

I believe it can do so and saving substantial, perhaps billions of dollars over a period of time. Most medical technology has been miracle working in its nature in the last 15 or 20 years, but has in most cases cost a lot more money.

In this case, I think we have a chance of improving the quality of medical care, both in the military and in the civilian sector, and at the same time lowering costs because this kind of technology is going to enable people to be treated where they are in many cases rather than traveling long distances to much more expensive areas and hospitals for treatment. So this is, indeed, an exciting program and our committee is doing all we can to help stimulate that program.

In the areas of military readiness and defense infrastructure, under the leadership of Senator JOHN GLENN and Senator JOHN MCCAIN, the conferees authorized an increase of $310 million to the budget request of $7.2 billion for depot-level maintenance programs to reduce the backlog of equipment overdue for repair and to prevent future degradation in equipment readiness.

The conferees agreed to the Senate initiative to authorize an increase of $72 million to the budget request of $534 million for DOD recruiting programs. This increase is needed to ensure that the military services continue to meet their recruit quality goals in an increasingly difficult recruiting environment.

The allocation of work between DOD depots and the private sector was one of the major issues facing the conference. The House bill contained several provisions that would have significantly altered the current law that provides a floor of 60 percent of the total depot maintenance and repair work in each service that must be done in DOD depots. The conferees agreed to provisions that maintain the current allocation of depot maintenance workload between DOD depots and the private sector. In addition, the conference agreement includes a Senate provision that would require DOD, in moving depot maintenance workload out of a DOD depot, to continue public-public competitions—competitions among DOD depots—and public-private competitions—competitions between DOD depots and private sector companies.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

In the areas of personnel and compensation, under the leadership of Senator RICHARD SHELBY and Senator DAN COATS, the conferees maintained a prudent glide path to reduce military personnel strength, and, at the same time, provided for the quality of life of military personnel and their families.

The conference agreement authorizes a 2.6-percent pay raise for military personnel effective January 1, 1995, and approves the payment of a new cost-of-living allowance to service members stationed in certain geographic locations within the continental United States where the nonhousing living costs are significantly above national average.

At the request of Secretary Perry, the conferees included provisions to improve the health care and housing benefits available to dependents of service members who die on active duty. These provisions authorize coverage in the dependents' dental program and full CHAMPUS coverage for up to 1 year beginning on the date of the service member's death, and extend the period dependents are authorized to remain in Government quarters or continue to receive housing allowances from 90 days to 180 days beginning on the date of the service member's death. These changes would be retroactive to October 1, 1993.

The conferees also agreed to require the Secretary of Defense to develop a comprehensive policy on unlawful discrimination and sexual harassment, and to ensure that the Service Secretaries prescribe regulations implementing policies not later than March 1, 1995. The equal opportunity and complaint procedures of each of the military departments, at a minimum, must be substantially equivalent to the procedures of the Army on such matters.

Mr. President, there were the usually large number of general provisions in this conference which were ably handled by a Senate panel headed by Senator BOB GRAHAM and Senator DIRK KEMPTHORNE. This panel handled many of the very complex and controversial policy issues, such as peacekeeping, burdensharing, and Defense Department organizational issues. One in particular I want to mention was probably the most difficult issue for the conference to resolve—United States policy convening the international arms embargo on Bosnia.

After a great deal of discussion and debate, the conferees agreed to a provision that expresses the policy of the Congress that the President should by the end of October formally introduce a resolution at the U.N. Security Council to terminate the international arms embargo on the Government of Bosnia and Herzegovina if the Bosnian Serbs have not accepted the contact group's proposal by October 15, 1994. The President has indicated his willingness to make this effort in the U.N. Security Council. Funding for enforcement of the arms embargo on Bosnia will be terminated no later than November 15 if the Security Council has not lifted the arms embargo on Bosnia and the Bosnian Serbs have not accepted the contact group's proposal. This same provision was adopted by the full Senate during our debate on the Defense Appropriations Act for fiscal year 1995.

Mr. President, as these highlights of the conference agreement indicate, the conferees on the National Defense Authorization Act for fiscal year 1995 reached a sound compromise and produced a good conference agreement.

Before I complete my remarks, I want to again thank Senator THURMOND and all of the members of the Armed Services Committee for their work on this conference. Without the active participation of all of the committee members, we could not have completed the conference.

I also want to thank the staff on both sides of the aisle for their hard work and outstanding help on this conference agreement and throughout the year. Under the very capable leadership of staff director Arnold Punaro, and the minority staff director, Dick Reynard, the majority and minority staffs continued the committee's long tradition of bipartisanship by working closely together to carry out much of the burden of this conference and the conference on S. 1587, another enormously important bill which is not contained in this bill, that is, the Federal Acquisition Streamlining Act of 1994.

That act is working its way through the conference and will hopefully become law in the near future, and it will be the most important acquisition reform, in my view, since World War II. On the acquisition side, this is comparable to what is known on the organizational side as the Goldwater-Nichols legislation. It has not received much attention because so much hard work has been done by so many people over the years that a lot of the controversy has been removed from this major reform, but no one should in any way underestimate the effect of this reform, the good effect it can have over a long period of time. It is not going to be overnight, but over a period of 5 to 10 years it can make an enormous difference in efficiency and effectiveness in defense expenditures.

I would also like to add a special note of appreciation to Greg Scott and Charlie Armstrong of the Senate legislative counsel's office, and Bob Cover, Sherry Chriss, Judy Sheon, and Greg Kostka of the House Legislative Counsel's office for their excellent work on this bill and on S. 1587.

Mr. President, I urge my colleagues to support this conference report.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

THE NOMINATION OF ADM. HENRY H. MAUZ, JR.

Mr. NUNN. Mr. President, sometime this afternoon or tomorrow it would be my hope that the Senate go into executive session to take up the Mauz nomination. The leader has already indicated that would be his intent.

I do not intend to call it up now because I know we are not going to be able to vote on it now, and there will be others coming in I hope this afternoon to debate the defense bill which is the pending business. But in an effort to use the Senate's time in a meaningful way this afternoon, while we are waiting for people who have indicated they want to speak on the DOD bill to come to the floor, I would like to discuss the Mauz nomination because all of my colleagues may be required to vote on or in relation to this nomination as early as tomorrow afternoon.

Mr. President, I urge the Senate to confirm the nomination of Adm. Henry Mauz, Jr., U.S. Navy, to retire in grade. This nomination was received in the Senate on May 10, 1994—4 months ago—and has been thoroughly reviewed by the Committee on Armed Services.

The nomination was reported to the Senate over a month ago by the Armed Services Committee, on August 12, 1994, following a unanimous, 22–0 vote in committee in favor of the nomination.

Mr. President, the committee thoroughly reviewed all issues, including allegations associated with this nomination, in accordance with the committee's standard procedures prior to the unanimous vote on August 12. I will describe in detail the committee's proceedings on this nomination and the results of our review of the issues.

ADMIRAL MAUZ' MILITARY RECORD

Before doing so, I would like to set forth the details of Admiral Mauz' 35-year career in the Navy. That career—his record of service in uniform to our Nation, I believe, must be considered by the Senate in reaching its decision on Admiral Mauz' retirement.

Admiral Mauz has served on active duty continuously since 1959, with numerous shipboard assignments involving lengthy deployments and family separations.

During the war in Vietnam, he served with distinction over a 4-year period in the Western Pacific and in Southeast Asia. His direct combat experience included 13 months of duty as the officer in charge of River Section 543, patrolling the rivers of Vietnam and supporting operations by Navy SEAL's and attack helicopters. His patrols frequently involved firefights and skirmishes with the Viet Cong, who controlled the river banks. For his Vietnam era service, he as awarded the Bronze Star with Combat "V" and the Navy Achievement Medal.

Subsequent to his tours of duty in Vietnam, he served in a series of command and staff positions in which he demonstrated outstanding performance and leadership. His operational actions included emergency deployments to the Mediterranean in the early seventies in response to the Middle East crisis and deployment to the North Arabian Sea in the early eighties in response to the Iranian crisis.

In 1986, he commanded the two carrier Battle Force consisting of the U.S.S. *America* and the U.S.S. *Coral Sea*, which conducted successful strikes against terrorist related targets in Libya. He was awarded the Distinguished Service Medal for these operations.

In 1990, while serving both as the Commander of the Seventh Fleet and Commander of U.S. Naval Forces in the Central Command, he worked with General Schwarzkopf to establish the maritime embargo against Iraq after Iraq invaded Kuwait, and developed the plans for naval involvement in the Persian Gulf war. His performance earned him a second Distinguished Service Medal.

In addition to the decorations previously mentioned, Admiral Mauz's awards include the Defense Superior Service Medal, the Legion of Merit, and the Meritorious Service Medal.

Since July 1992, he has served as the commander in chief, U.S. Atlantic Fleet. He has under his command 224 ships, 1,480 aircraft, 27 bases, 12,000 military officers, 125,000 enlisted personnel, and 10,000 DOD civilians.

Mr. President, I hope that these numbers do not just go over people's heads as they are making their own conclusions about this debate and this vote that we will have on this nomination. Every complaint needs to be checked, and every allegation in this case has been checked. I think the scope of this has to be put in the context of the complaints. We have had two people complain in terms of the allegations we are dealing with, and I will detail these issues in a few moments. Out of the 125,000 enlisted personnel, 10,000 civilians, and 12,000 military officers who served under Admiral Mauz for 2 years in his most recent assignment—this does not count the previous assignments over his entire 35-year career—we have had two complaints. These complaints need to be seriously examined, and they will be. They will be seriously considered by the Senate. This does not diminish the seriousness of the complaints, but it does put them in context. The military nominations we consider involve Navy officers, Air Force officers, Marine officers, and Army officers, who have under their command tens of thousands of people. Thousands of things happen every day in personnel matters—not one or two, but thousands of them. I think this has to be put in that context.

The Atlantic Fleet, which has an annual operations and maintenance budget of $4.6 billion, has been involved in operations ranging from the Arctic North to South America, including supporting the Haiti embargo, the war on drugs, and Cuban migration operations; providing forces for possible Haitian contingency operations; and providing forces for regular deployments to the Mediterranean and Central Command areas.

In short, he is serving, and has served, with distinction in one of the most senior and responsible positions in the Armed Forces of the United States.

Now the Senate is deciding whether his long and distinguished career of naval service warrants retirement in grade as a four-star Admiral; or whether—based on allegations which have not been substantiated—he should receive a two-grade reduction to rear Admiral. Such a reduction would not only constitute a penalty of almost $17,000 per year for the rest of his life, it would also constitute a repudiation of his 35 years of distinguished service. At least that is the way it is perceived by me.

CONSIDERATION OF MILITARY NOMINATIONS BY THE ARMED SERVICES COMMITTEE

Mr. President, to put this nomination in context, I would like to describe the procedures used by the Armed Services Committee to consider general and flag officer nominations—including nominations for three- and four-star officers to retire in grade.

Pursuant to the constitutional responsibility of the Senate to provide advice and consent on the nomination of officers of the United States, the Senate Armed Services Committee considers the promotion of virtually all military officers, as well as the appointment, reassignment, and retirement of all three- and four-star officers. The consideration of military nominations is one of the major activities of the Armed Services Committee. This year alone, we have considered over 600 general and flag officer nominations and over 18,000 other military nominations.

Our review of military nominations is in addition to our action this year on 26 civilian nominations—each of which required hearings. We have discharged this responsibility while also acting on major legislation, including the annual National Defense Authorization Act and the Federal Acquisition Streamlining of 1994.

The committee gives particular attention to general and flag officer nominations. Each such nomination is scrutinized to ensure compliance with the joint service and educational requirements of the Goldwater-Nichols Department of Defense Reorganization Act. In addition, the committee requires the Department of Defense to provide a letter on each general and flag officer nominee, advising the committee as to any substantiated adverse information.

The committee also takes seriously its responsibility to consider allegations submitted by individuals. When the committee receives an allegation which contains information that could provide a basis for rejecting the nomination, the committee forwards the information to the Department of Defense for its review and report back to the committee.

The committee reviews carefully the Department's adverse information letter and the information provided by the Department in response to allegations submitted by individuals. We do not simply defer to the judgment of the Department of Defense. We determine whether the Department's submission provides a sufficient basis for action on the nomination, or whether additional information is needed. When the committee determines that the information provided by the Department is not sufficient to provide a factual basis for considering the nomination, we require additional information.

When there is substantiated adverse information, it is considered by the committee in the course of determining whether to recommend to the Senate that the nomination be confirmed. I want to make it clear that we do not simply defer to the executive branch. In recent years, we have rejected nominees for senior military positions in each of the military departments that we were strongly supported by the Department of Defense.

PROCEEDINGS ON THE MAUZ NOMINATION

On May 10, 1994, President Clinton nominated Admiral Mauz to retire in grade as a four-star admiral, and the nomination was referred to the Armed Services Committee.

On May 17, 1994, Under Secretary of Defense Edwin Dorn submitted the required information letter to the committee. This letter informed the committee that Admiral Mauz was counseled in writing for circumstances involving an official trip to the Naval Air Station Bermuda in November 1992, a well-publicized incident that had been featured on the ABC–TV's "Prime Time Live" program on December 10, 1992.

The letter noted that although the matter involved legitimate official travel by Admiral Mauz, "circumstances that evolved during the planning of the trip created the appearance that the travel was planned and executed as much for the personal recreation of some of the staff and their spouses as it was for the performance of official duties by Admiral Mauz."

The letter also noted that Admiral Mauz and members of his party and spouses were inappropriately provided with ground transportation, and the use of a military driver, while in leave status.

As a result, he was counseled in writing that he should exercise greater care to avoid the appearance of impropriety when scheduling of official travel and use of Government aircraft are combined with leave. He was further counseled that he should exercised greater scrutiny in his use of military personnel while in a leave status.

The DOD letter concluded:

> We have carefully considered this information; it should not preclude favorable consideration of the nomination. When considered in light of Admiral Mauz's performance spanning 35 years of service, proceeding with the nomination is clearly in the best interests of the Department of the Navy and the Department of Defense.

Mr. President, pursuant to the committee's standard procedures, the nomination remained on the committee's calendar pending an opportunity to brief committee members and to discuss the adverse information that had been submitted by DOD. During June, the committee devoted almost all of our attention to markup and Senate floor debate on the National Defense Authorization Act for fiscal year 1995. We simply had no time for the kind of deliberate discussion that was required for this nomination.

The committee was prepared to act on the Mauz nomination in early July, when we received a letter on the nomination from the Government Accountability Project, a nonprofit organization, dated July 11, 1994. In addition to discussing the trip to Naval Air Station Bermuda, the letter raised two additional matters.

First, the letter alleged that Admiral Mauz retaliated against Senior Chief Master-at-Arms George R. Taylor, one of the individuals who had spoken to ABC–TV about travel of senior officers to Naval Air Station Bermuda. The letter alleged that Admiral Mauz and his staff removed Chief Taylor from his duties and attempted to prosecute him for insubordination. The letter implied that Admiral Mauz was also involved in court-martial charges against Chief Taylor at a subsequent duty station, Port Hueneme, which were later dismissed.

Second, the letter alleged that Admiral Mauz was aware of sexual harassment against Lt. Darlene Simmons, a female officer in a subordinate command within the Atlantic Fleet, that he suppressed findings of his own command's inquiry into the matter, and that he failed to order any corrective action on behalf of Lieutenant Simmons.

Mr. President, at the time we received this letter, the nomination had been pending in the committee for over 2 months. Admiral Mauz was not the only one affected. His replacement—and all replacements down the line—were held in abeyance pending action on the nomination. The management of the Navy, the careers of individuals, and the personal plans of families—all were placed on hold pending the confirmation proceedings.

With due regard for the burdens on the Navy, the officers concerned, and their families, the committee recognized its obligation to the Senate to ensure appropriate review of these allegations. The committee followed its normal procedure and directed the Navy to address the issues set forth in the letter.

On July 27, 1994, Adm. Jeremy M. Boorda, the Chief of Naval Operations, responded on behalf of the Navy. The letter from Admiral Boorda contains detailed, factual responses to the allegations against Admiral Mauz. And for any colleagues who would like to look at the letter—it will be placed in the RECORD today—they will have a chance to examine that.

The Navy reported that the allegations of reprisal against Senior Chief Taylor by Admiral Mauz were not substantiated. According to the Navy, there is no substantiated evidence that Admiral Mauz had any role in the proceedings against Senior Chief Taylor in Bermuda or at Port Hueneme. Moreover, the DOD inspector general reviewed the proceedings in Bermuda and determined that they did not constitute a reprisal. In addition, the charges against Senior Chief Taylor in connection with his duties at Port Hueneme ultimately were dismissed by the Navy.

The Navy also determined that the allegations that Admiral Mauz had failed to address the sexual harassment of Lieutenant Simmons were not substantiated. The Navy confirmed that Lieutenant Simmons had been the victim of sexual harassment on board the U.S.S. *Canopus*—there is no question she had been sexually harassed; that is not at issue here—a ship under a subordinate chain of command—but that Admiral Mauz had acted promptly when he was advised of the problem.

The Navy reported that Admiral Mauz' intervention through appointment of Comdr. Cathleen Miller to monitor the case led to removal of the offending officer from the *Canopus* and a meeting of ship's officers in which the CO, the commanding officer, expressly condemned the offending behavior. In addition, when Lieutenant Simmons, a reserve officer, faced termination of her active duty service, Admiral Mauz personally intervened with the Chief of Naval Personnel to have her service extended.

The Navy reported that Lieutenant Simmons allegations against Admiral Mauz had been referred to the Navy inspector general and that the allegations were not substantiated.

At this point, the committee was again ready to consider the nomination. On July 29, the committee received a telephone call from the Government Accountability Project, indicating that they would be providing additional information on the Taylor matter during the week of August 1. The committee met on August 1 and decided to defer action on the nomination in view of the promised imminent receipt of additional information.

The committee received a letter from the Government Accountability Project, dated August 3, 1994, alleging that inquiries by Admiral Mauz' staff concerning the Port Hueneme case represented an attempt to influence the prosecution of Senior Chief Taylor and to intimidate his military defense counsel.

The committee once again deferred action on the nomination so that the allegations could be reviewed.

On August 9, Navy Secretary Dalton responded to the second letter from the Government Accountability Project. The Secretary reported that the allegations were not substantiated. Chargess against Senior Chief Taylor were initiated, processed and dismissed by naval authorities in California without influence or intervention from Admiral Mauz or his staff.

On August 10, during a public hearing on civilian nominations, I outlined a number of items on the committee's agenda, including the likelihood of a vote on the retirement of the nomination of Admiral Mauz. I noted that the committee had been briefed on the nomination during the previous week, and that additional information had been reviewed since that time. I added that I would be recommending, as chairman of the committee, that the nomination be approved.

On August 12, the committee reported the nomination to the Senate. At this point, the nomination had been in the Senate for 3 months, action by the committee had been deferred two times, and all matters had been thoroughly reviewed by the Department of Defense and the committee.

The vote was unanimous, with all the 22 members of the committee voting in favor of the nomination. In reviewing the nomination we had discussed both of these matters, the allegations in both cases, that I have referred to.

In view of the media attention to nomination, the committee directed Senator THURMOND and me to issue a joint statement, summarizing the committee's proceedings and including the relevant correspondence from the Government Accountability Project and the Navy. That statement appeared in the RECORD of August 12, beginning on page 22114.

I might add the Government Accountability Project is a nonprofit organization. It has no connection with the U.S. Government. That is the name of it—the Government Accountability Project. But there is no governmental connection that I know of.

On August 16, Senior Chief Taylor wrote to Senator SHELBY stating that the letters from the Navy were inaccurate and misleading. Senator SHELBY forwarded the letter to the committee. In response to a follow-up call from the committee, the Government Accountability Project submitted a letter from the Senior Chief Taylor on August 9. According to Senior Chief Taylor, Admiral Mauz' alleged improper role in the case I referred to was substantiated because Admiral Mauz' staff had obtained a copy of a motion in that case at the direction of Admiral Mauz, and Admiral Mauz' staff judge advocate had called the prosecutor to tell him that he was upset that the charges had been withdrawn against Taylor.

The committee forwarded this letter to the Navy for review.

Admiral Boorda responded on August 22, 1994, stating that the parties to the conversation do not support Senior Chief Taylor's assertion that the request for the motion was made at Admiral Mauz' personal direction, or that anyone regarded the request as improper.

Mr. President, this is a complicated series of conversations back and forth. It is all detailed in the Navy's response to the committee. It would take 3 or 4 pages of explanation, but the bottom line is there is no evidence that Admiral Mauz had any knowledge of the request. Instead, the evidence is that the material was forwarded at the initiative of Navy attorneys in California, not at the initiative of Admiral Mauz or his staff.

With respect to the allegation that Admiral Mauz's staff judge advocate stated that he was upset that the charges were withdrawn, the Navy reported that the staff judge advocate denies making such a statement. Senior Chief Taylor did not allege in the court proceedings that the staff judge advocate had made such a statement, and the record of proceedings does not contain evidence of such a statement.

But, in any event, relating to the allegations Senior Chief Taylor made to the committee, the staff judge advocate denies making such a statement.

Mr. President, I assume we will have most of the debate on this matter tomorrow. But there are several reasons that I think our colleagues ought to keep in mind why the Senate should act on this nomination now without further delay.

The committee adhered to our well-established procedures to ensure appropriate review of the allegations concerning Admiral Mauz by both the Department of Defense and the committee. The Navy provided detailed responses to the allegations concerning Admiral Mauz. With respect to the allegations concerning Lieutenant Simmons, the Navy concluded:

> Admiral Mauz did not suppress the evidence of any inquiry, did not fail to take corrective action on behalf of Lieutenant Simmons, nor did he fail to follow proper procedures in inquiring into allegations.

With respect to the allegations concerning Senior Chief Taylor, the Navy concluded:

> There is simply no basis whatsoever for any claim that Admiral Mauz took a personal interest in the case involving Senior Chief Taylor.

The committee has relied on these procedures in the past, both with respect to nominations that have been recommended for approval and nominations that have been rejected. There has been no showing that the circumstances of the Mauz nomination require the use of different procedures.

Mr. President, Admiral Mauz has served his country faithfully and with distinction for over 35 years, including combat service in Vietnam, as well as in key operational roles in the Mediterranean and in the Persian Gulf. He continues to serve as commander of the Atlantic Fleet. He was there when America needed him, and he continues to be there at this very moment. His service has not been perfect—and I doubt if there are many, if any, people who have gone through a perfect career—and that was demonstrated by the counseling he received in connection with travel to Bermuda Naval Air Station. No doubt he made a mistake there, a mistake of judgment. In my judgment, however, that lapse in judgment pales in significance when compared to his 35 years of outstanding service.

Finally, I would note that Admiral Mauz' replacement, Adm. Bud Flanagan—who many people in the Senate know; he was formerly Navy liaison—was confirmed by the Senate in June, but he cannot assume his new position until Admiral Mauz retires. The delay in moving Admiral Flanagan has in turn delayed appointment of Admiral Flanagan's successor, which in turn has delayed appointments all the way down the line.

This is most disruptive on Navy's management and very difficult on the officers and families concerned.

Mr. President, this disruption does not mean that serious allegations do not have to be taken seriously. And we have done that. This nomination has been delayed on three different occasions while we checked into each and every allegation. It does mean, however, that we cannot take allegations that do not have substance to them, based on all of our examinations, and make those the focal point of public hearings. If we do that, we go on and on and on with the process. There are times when hearings are required, but that is when we have substantial evidence to back up allegations.

An allegation is not a fact. An allegation is not proof. And we need to keep that in mind. There are too many of these cases now coming before the Senate where allegations are being taken as tantamount to fact. That is simply not the way that any deliberative body adjudicates important matters.

Mr. President, I understand the concern about the allegations made against Admiral Mauz. There are Senators who are legitimately concerned. They have legitimate questions. We have continued to work with those Senators. We are continuing to work with them now. We are getting to any other questions that concern this. I will be glad to send them over and make sure the Navy, Admiral Mauz, or Admiral Boorda, the Secretary of the Navy, or other appropriate people focus on them and give honest and thorough answers to those questions.

So we are not saying there is not room for questions here. There is.

But the committee has taken each allegation and we have gone through it. We have treated them as worthy of review. We did not act on the nomination until there was sufficient time for development of key facts and consideration of that information by the committee. We made that information available to the Senate. Every Senator can reach his or her own conclusion on the merits of the nomination.

In the opinion of the Armed Services Committee, by unanimous vote, after looking at these allegations, the 35 years of dedicated service to the Nation by Admiral Mauz warrants retirement in grade. I urge my colleagues, when we vote on this nomination or in relation to this nomination tomorrow afternoon—I hope we will vote tomorrow afternoon—to vote for his nomination.

Mr. President, I ask unanimous consent that the correspondence to the committee from the Government Accountability Project and responses to these allegations from the Department of Navy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, July 11, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: On behalf of the Government Accountability Project (GAP) I am writing to bring information to the attention of your committee bearing on the merits of the retirement of Admiral Henry Mauz at the "four star" level.

GAP is a non-partisan, non-profit whistleblower protection organization. GAP provides legal representation and other support services to workers both within and outside federal service. Two of our clients, Senior Chief Master-at-Arms George R. Taylor and Lt. Darlene S. Simmons, JAGC, USNR, have had direct, recent experiences with Admiral Mauz and their letters are attached for your consideration [Attachments 1 and 2].

As Senior Chief Taylor's letter indicates, Admiral Mauz misused government facilities and property at the Bermuda Naval Air Station for his and his family's personal use. When these actions were brought to public attention, Admiral Mauz and his staff retaliated against Taylor, stripping him of his duties and attempting to prosecute him for insubordination. Following his transfer to the base at Port Hueneme, California, Taylor was faced with a 48-count court martial on a supposedly unrelated matter. This incident was closely monitored by Admiral Mauz's legal staff for the Atlantic Fleet. All charges against Taylor were subsequently dismissed.

As Lt. Simmons's letter indicates, Admiral Mauz was aware of sexual harassment against Lt. Simmons and the failure of her command to take proper action. Admiral Mauz suppressed the findings of his own command's inquiry into the issue. Despite his personal involvement and knowledge of the situation, Admiral Mauz failed to order any corrective action to be taken on behalf of Lt. Simmons. Finally, the Vice Chief of Naval Operations, Admiral S.R. Arthur, refused to accept a formal complaint from Lt. Simmons alleging dereliction of duty in violation of the Uniform Code of Military Justice against Admiral Mauz.

While the Secretary of the Navy, John H. Dalton, recently ordered corrective action on behalf of Lt. Simmons (an apology, clearing her record, a new duty station and letters of censure for three officers in her former chain of command [see Attachment 3]), no action was taken against any flag commander who was responsible for the ongoing development of this situation over several months.

Besides reprisal for the reporting of wrongdoing, there is one additional common element in these two cases—the role played by the Inspector General of the Atlantic Fleet to cover up the nature and extent of the underlying problems and prevent any further remedial actions.

These two cases, in our minds, bear directly on the merits of the decision before your committee with respect to the appropriate level of retirement grade for Admiral Mauz.

Regardless of how this particular question is resolved, it is clear that the system of accountability within the military and the Military Whistleblower Protection Act, in particular, are broken and in dire need of repair. GAP strongly urges that a comprehensive review of these issues be undertaken by the Armed Services Committee as soon as it is practicable.

Cordially,

JEFFREY P. RUCH,
Policy Director.

PONTE VEDRA, FL,
July 8, 1994.

Senator SAM NUNN,
Chairman, Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: I am writing this letter to express my concern that Admiral Henry Mauz may retire at the Four Star Level, a distinction indicative of extraordinary service. I request that during the deliberation process of this issue the information regarding Admiral Mauz's involvement in the handling of my sexual harassment case be considered. I believe Admiral Mauz was (1) Derelict in his Duty through his culpable inefficient and negligent handling of my case of sexual harassment. (2) Admiral Mauz failed to act on my report of sexual harassment, retaliation and reprisal. I specifically report to you that Admiral Mauz failed to follow those procedures directed by the Department of Defense and the Department of the Navy. (3) Admiral Mauz in his position as Commander In Chief of the Atlantic Fleet Mauz intentionally allowed sexual harassment, retaliation and reprisal by senior officers in my chain of command to go unchecked. Admiral Mauz used his official position to protect those guilty of sexual harassment and then to cover up his inefficient handling of the matter.

Admiral Mauz had knowledge in October 1992 that I was sexually harassed. This harassment was substantiated by a member of his staff, Commander Cathleen Miller. Admiral Mauz was also aware of the failure of my chain of command to handle the matter from May 1992 until October 1992. A command inquiry was conducted in October 1992. This command inquiry substantiated the sexual harassment which I had reported in May 1992. The command inquiry also substantiated the existence of a hostile environment in which I worked from May 1992 until October 1992. Admiral Mauz was familiar with those substantiated facts and took no action.

On December 28, 1992 I suffered reprisal for my report of sexual harassment when I received an adverse fitness report. I reported this retaliation and reprisal directly to the aide of Admiral Mauz. I was assured on that same day that Admiral Mauz was personally involved and that proper corrective action would follow. I relied in good faith on these assurances. My good faith reliance was not justified. Instead of taking corrective action the reprisal was covered up. Admiral Mauz was personally involved in this negligent handling of my report of reprisal. Admiral Mauz was the highest level of leadership in my chain of command.

I then reported the failure by my entire chain of command to properly handle my report of sexual harassment and reprisal to the Department of Defense, Inspector General's office. This report was then referred to the Navy Inspector General. I believe that Admiral Mauz used his position to influence the report from the Navy Inspector General's office in order to protect himself because he knew that he and the chain of command had failed to take appropriate action in my case of sexual harassment.

I actually swore to these facts on a charge sheet for violation of the Uniform Code of Military Justice Article 92 by Admiral Mauz. This charge sheet and supporting memorandum was returned to me without any investigation whatsoever. This too was inappropriate and not in accordance with applicable instructions and orders.

I believe Admiral Mauz has perpetuated the discrimination against women in the U.S. Navy with his failure to take swift and tough action against sexual harassment. I believe his failure to hold anyone accountable in my case of sexual harassment was Dereliction of his duties. One who is derelict in the performance of duty should not be rewarded for extraordinary service.

Sincerely,

DARLENE S. SIMMONS.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, May 12, 1994.

Lt. DARLENE S. SIMMONS, JAGC, USNR,
Naval Legal Service Office, Naval Station, Mayport, FL.

DEAR LIEUTENANT SIMMONS: I am writing to discuss your future in the U.S. Navy. Before doing so, however, I wish to express my profound regret over the harassment that you unfortunately experienced. No one in our Navy or Marine Corps should be treated as you were. My goal is to send the message to every Sailor, Marine, and civilian in our Department that we are to treat others with the same respect and dignity we expect ourselves.

I believe we have made significant progress during the past 18 months to implement a comprehensive program aimed at eliminating sexual harassment from the workforce. As you know, we issued our revised policy guidance in January 1993 and also established an Advice and Counseling Line and an Informal Resolution System. Our Department-wide Reporting and Tracking System will provide us with information on formal complaints, results of investigations and administrative and judicial actions taken to resolve complaints. In March, we released the "Commander's Handbook," a single reference for commanders that addresses investigation, resolution, and prevention of sexual harassment. I thank you for your lessons learned, which were integrated into the first edition. While we have done much, I realize we still have far to go.

After you testified, I directed my staff to thoroughly review the circumstances of your case. Our review leads me to conclude that: you were sexually harassed by a fellow officer aboard USS CANOPUS; he retaliated against you by fostering a hostile work environment and polarizing the wardroom against you; the shipboard chain of command did not correct this environment; and your fitness report for the period 9 February 1992 to 28 December 1992 was improperly handled by the command.

As a result of my review of your case, I am issuing a Secretarial letter of censure to the officer who committed the harassment. The Chief of Naval Operations is also taking action with regard to two other officers in your former chain of command who did not measure up to our standards.

With regard to your specific situation, I recognize that your harassment, and the energy required on your part to address issues springing from it, impaired your ability to demonstrate fully what you can contribute to the Navy. Therefore, I have directed that the Navy make available to you the option to transfer to a new duty station with orders that you be retained on active duty until 1 September 1996. This represents an additional two years beyond the date currently established for your departure from active duty, and will afford you the opportunity to compete again for augmentation to the Regular Navy.

I have been informed that you have applied to the Board for Correction of Naval Records (BCNR) in accordance with 10 U.S.C. 1552 to correct any injustice in your performance records. I have final authority to review the BCNR's recommendation and will direct action to correct your military record as necessary.

While my actions can never wipe the slate clean, they reflect my genuine desire that you have the opportunity to continue to serve, if you wish. Should you nevertheless decide to leave active duty on 1 September 1994, however, I want you to know that you have my respect and gratitude for your Navy service.

I have directed Rear Admiral H.E. Grant, the Judge Advocate General of the Navy, to meet personally with you to discuss your decision.

JOHN H. DALTON,
Secretary of the Navy.

July 8, 1994.

Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR SENATOR NUNN: I would like to introduce myself. My name is George R. Taylor. I am a Senior Chief Petty Officer (E–8) currently on active duty with the U.S. Navy stationed at the U.S. Naval Construction Battalion Center, Port Hueneme, California. Additionally, I am a whistleblower.

Sir, In December 1992, I blew the whistle on fraud, waste, and abuse concerning mismanagement at the U.S. Naval Air Station Bermuda. I would like to give you a very brief rundown on some of the events that transpired and are continuing to unfold in regards to Admiral Henry Mauz Jr., USN, Commander in Chief, U.S. Atlantic Fleet.

In November 1992, Admiral Mauz abused his power and authority as CINCLANTFLT by traveling to NAS Bermuda along with 12 other military and civilian personnel for a five day vacation.

Admiral Mauz was flown to Bermuda at government expense along with the other personnel. During his time on the island, his entire "official" visit consisted of playing golf, dining in the best restaurants, and shopping. This was in fact exposed on national television on ABC New's "Primetime Live" program. I appeared on the show and commented on the behavior of not only Admiral Mauz but numerous flag officers within the Armed Forces who had visited the beautiful island at taxpayer's expense. Additionally, Senator McCain had visited the island with a large group of family members and the nanny for his grandchildren all at taxpayer's expense or at a reduced rate.

As you know, this was not a popular thing for me to do. I was not politically correct. Needless to say, numerous high ranking officers within the Department of Defense were offended. Representative Schroder made arrangements for me to be transferred to NCBC Port Hueneme, CA. I was very naive, I believed in the system. However, I have very little faith left at this time. During the past 18 months numerous things have occurred that in my opinion and the opinion of my attorney have been nothing short of criminal.

Admiral Mauz in my opinion has not only abused his power but is a disgrace to the uniform of the Naval Service. He was a key player in me being charged with over 48 offenses of violating the Uniform Code of Military Justice in a supposed "unrelated to Bermuda situation". His attorney requested and received all legal documents and a brief in regards to my status. All charges were dismissed by Admiral Kelley, CINCPACFLT, 8 months later. Admiral Mauz took a personal interest in the prosecution of a case where nothing had been done wrong.

Senator, there is no doubt that if you or I committed some of the things that Admiral Mauz has, we would have been ran out of town.

As you know, the Navy has gone through a lot. However, I do believe with the current leadership in the Navy things will improve, but in order to correct wrongs and to ensure that senior, military officers do not continue to abuse their power and authority, you should take the lead in retiring Admiral Mauz at a two-star level.

You sir, are in the position to send a message to the entire Armed Forces announcing that misconduct at any level will not be tolerated, also that everyone in the Armed Forces from E1 to O–10 will be held accountable for their actions.

Sir, if you or your staff needs additional information feel free to call me at (805) 388–3915 or my attorney, Jeff Ruch at (202) 408–0034.

Very Respectfully,

GEORGE R. TAYLOR,
MACS(SW) USN.

CHIEF OF NAVAL OPERATIONS,
July 27, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of July 21, 1994 to the Secretary of the Navy which enclosed a letter from the Government Accountability Project, concerning the retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy. I have reviewed the letter as well as the letters from Lieutenant Darlene Simmons and Senior Chief George Taylor that were included. It is my judgment that the allegations in these letters are not correct. Admiral Mauz has served faithfully and well in every assignment including this final one as a four star officer and deserves to retire in grade.

Before turning to these allegations, I want to state that Admiral Mauz is completing a career that exceeds thirty-five years of dedicated service to our Nation. He is scheduled to retire and desires to do so. His relief has been confirmed and is ready to assume the duties of Commander in Chief, U.S. Atlantic Fleet. Admiral Mauz's plans to enter the next phase of his personal and professional life are being delayed as is the assumption of command by the relieving officer. Admiral Mauz's performance has been outstanding throughout his career including, especially including, this final tour as Commander in Chief, U.S. Atlantic Fleet.

With regard to LT Simmons, Admiral Mauz did not suppress the evidence of any inquiry, did not fail to take corrective action on behalf of LT Simmons, nor did he fail to follow proper procedures in inquiring into allegations. Further, the Inspector General of the Atlantic Fleet did not cover-up the nature and extent of underlying problems nor prevent appropriate remedial action in the case.

The case of LT Simmons is an involved one with several complaints, overlapping in time, and inquiries that took place over nearly two years. It is clear that in 1992 LT Simmons was sexually harassed while stationed aboard USS CANOPUS (AS–34). While serving as Legal Officer in that ship she received repeated requests for dates and comments about her physical appearance from another officer who was one rank senior to her and with whom she worked closely in the performance of her duties.

The case was initiated at the shipboard level on 1 June 1992, when LT Simmons reported to the ship's Executive Officer that she was being sexually harassed by another officer. The allegations involved repeated requests for dates and comments about her physical appearance. On 5 June 1992, the officer was counseled and administrative action was taken. He requested retirement from the Navy as was his prerogative.

Unfortunately—and unacceptably—an atmosphere of harassment and hostility persisted, particularly as the retirement of the officer involved was not effective until April 1993, and he remained on duty on the ship. On 9 October 1992, an anonymous DOD IG hot line call and a call by LT Simmons to Congresswoman Schroeder and to the then Assistant Secretary of the Navy, Barbara Pope, raised the visibility of this case.

Admiral Mauz responded promptly when informed of the matter as a result of these calls. To assure fairness and high-level attention, he directed his Special Assistant for Women's Affairs, CDR Miller, to join an investigation by COMSUBGRU 10. Following a briefing by Commander Miller, the offending officer was moved off the ship by the Commanding Officer in October 1992. The CO assembled all officers and told them that LT Simmons had been sexually harassed, condemned this behavior, and emphasized that any harassment would not be tolerated.

LT Simmons states in her letter that Commander Miller substantiated the sexual harassment. That is true. There is no question that LT Simmons was sexually harassed. As the Commander in Chief, U.S. Atlantic Fleet, Admiral Mauz acted promptly and appropriately. He directed the necessary actions to ensure a thorough and timely response to LT Simmons's allegations. The expeditious assignment of Commander Miller to examine the case and ensure that LT Simmons had a direct conduit to his clearly substantiates his personal concern and direct involvement in investigating LT Simmons's allegations.

Nor was this the end of Admiral Mauz's concern. In December 1992, Admiral Mauz returned to this matter. He personally intervened with the Chief of Naval Personnel to extend LT Simmons on active duty and assure her assignment to another command.

At this time also, LT Simmons complained that her transfer fitness report was issued in reprisal. The Inspector General investigation, completed in the spring of 1993, substantiated LT Simmons's original allegations of sexual harassment and also concluded the Commanding Officer of CANOPUS failed to recognize the development of a hostile command climate. Accordingly, the Commanding Officer was counseled by his immediate superior. While the Inspector General concluded the fitness report was not reprisal, the Secretary of the Navy later concluded that he would review, through the Board for Correction of Naval Records, any alleged injustice in her military record and that LT Simmons would be given the option of a new duty station with orders retaining her on active duty until September 1996. The Secretary stated that his decision was based on his recognition that "* * * your [LT Simmons] harassment, and the energy required on your part to address issues springing from it, impaired your ability to demonstrate fully what you can contribute to the Navy." The Secretary's action in correcting the fitness report, intended to provide LT Simmons with an opportunity to continue her naval career, was a decision that only the Secretary is empowered to make.

On his own initiative, Admiral Mauz returned to this matter for a third time in 1993. In a series of actions he manifested his concern that improvements should be made in handling cases of this kind. To effect change in this regard, Admiral Mauz, in April of 1993, issued a policy statement for the "Prevention of Sexual Harassment" to all Atlantic Fleet activities. It addressed Department of the Navy policy and the need for training in place. It tasked every manager, supervisor, and employee, military and civilian, within Admiral Mauz's command with the responsibility for carrying out the DON policy on prevention of sexual harassment.

In June 1993, Admiral Mauz signed a combined LANT/PACFLTINST 5354.1 (Equal Opportunity) that revised the Command Managed Equal Opportunity program and incorporated sexual harassment requirements from a new SECNAVINST.

In September 1993, Admiral Mauz issued a PERSONAL FOR to ensure each commander was cognizant of the contents of the combined LANT/PAC Equal Opportunity instruction. He directed each commander to review the implementation of the program, including sexual harassment, in his command to ensure compliance. ISIC's were directed to include this as a special interest item for command inspections, and were directed to utilize Equal Opportunity Program Specialists in their inspections to the maximum extent possible.

Going well beyond normal bureaucratic requirements, in April 1994, Admiral Mauz returned to this matter again. To assure that fleet priorities and procedures would be as good as they could be, he personally conducted a training session for all flag officers assigned to the Atlantic Fleet. The subject was a case study in sexual harassment, and on addressing it, Admiral Mauz used both information obtained from the inquiry about LT Simmons case and information provided by LT Simmons herself. Finally, Admiral Mauz recognized that additional training was needed beyond what the initial curriculum in sexual harassment provided. Accordingly, he directed the development and distribution of a kit to assist commanders with the investigation and disposition of sexual harassment complaints. This kit formed the nucleus for the newly published Navy Sexual Harassment Handbook.

In January 1994, LT Simmons forwarded allegations of criminal dereliction by Admiral Mauz in the handling of her case. As the facts of the case did not, in fact, justify criminal charges, they were determined to be more appropriate for resolution under the provisions of Article 1150, U.S. Navy Regulations, Redress of Wrong Committed by a Senior, than under the Uniform Code of Military Justice (UCMJ). The allegations were accordingly returned to LT Simmons by the Vice Chief of Naval Operations, on advice of counsel, for forwarding as a matter under Article 1150. In response, LT Simmons indicated she did not desire to pursue an Article 1150 complaint. Nevertheless, LT Simmon's allegations were referred to the Naval Inspector General. The Inspector General found the allegations against Admiral Mauz to be without merit. Admiral Mauz did not influence or attempt to influence, the Inspector General's decision in this matter.

With regard to Senior Chief Taylor, the allegation that Admiral Mauz influenced the charges against Senior Chief Taylor after Senior Chief Taylor arrived at Port Hueneme, California, is without basis.

By way of background, there were charges brought against Senior Chief Taylor after he began his tour of duty in California. These charges addressed irregularities in the manner in which Senior Chief Taylor performed his duties. Senior Chief Taylor declined to have his case heard under Article 15 of the UCMJ, as was his right. As a result, charges were referred to a special court-martial. After charges were referred, Senior Chief Taylor's chain of command in the Pacific decided it was appropriate to move the case out of the Port Hueneme area to ensure an independent review of the case. Accordingly, the charges were considered by a Flag Officer in command in the San Diego area.

Following a newspaper account which stated that the charges against Senior Chief Taylor had been withdrawn in response to allegations of retaliation for his whistle-blowing activity in Bermuda, Admiral Mauz's Executive Assistant asked the senior Staff Judge Advocate to call his counterpart at Port Hueneme for additional information. A call was made and the situation was clarified. The senior Staff Judge Advocate verbally reported his findings to the Executive Assistant who then back briefed Admiral Mauz as to the action he had taken. There was no influence on the case and, in fact, the charged has already been withdrawn at the time of the call.

Subsequently, unbeknownst to either the senior Staff Judge Advocate or Admiral Mauz, a junior Staff Judge Advocate obtained a copy of the defense motion that was the basis for withdrawal of the charges, as well as a copy of the charge sheets, from a friend who was then Officer in Charge, Navy Legal Service Office, Port Hueneme. The Officer in Charge believed that in providing that documentation, he was responding to an official request from Admiral Mauz's staff and acting quite properly he informed Senior Chief Taylor's military counsel of the actions he had taken to comply with that request. While these documents were shared with the senior Staff Judge Advocate, he did not speak of them to any other staff member. Clearly, the junior staff Judge Advocate's inquiry and receipt of documents did not stem from Admiral Mauz. In fact, Admiral Mauz did not become aware of the documents until their existence was revealed during my inquiry into Senior Chief Taylor's allegation preparatory to making this letter response. In this vein, Admiral Mauz's statement to Navy Times on July 21, 1994, that "I don't really recall this, but I think I said ok," to an inquiry regarding the newspaper account was not an accurate recollection. In fact, Admiral Mauz's Executive Assistant states that he, independently and without Admiral Mauz's knowledge, instituted that lawyer's inquiry into the newspaper article. These matters taking place after the withdrawal of charges at Fort Hueneme, could not have had any impact in any event.

The San Diego commander convened an Investigation under Article 32 of the UCMJ to inquire into the matter and make recommendations as to the appropriate disposition. The senior Judge Advocate assigned to conduct the Article 32 Investigation concluded there were reasonable grounds to believe that four offenses should be charged, with a total of seven specifications thereunder. The senior Judge Advocate recommended that the charges be adjudicated under Article 15 of the UCMJ, but noted that should Senior Chief Taylor decline Article 15, referral of the charges to special court-martial would be appropriate. The Commander in Chief of U.S. Pacific Fleet, however, determined that the nature of charges did not warrant referral to court-martial and directed counseling as the appropriate remedy, thereby closing the case.

In summary, Admiral Mauz was not involved in Senior Chief Taylor's case in California. He played no role in the charges themselves or in the disposition of the charges.

Senior Chief Taylor had accused Admiral Mauz of misconduct with regard to Admiral Mauz's travel to Bermuda. As a result of Senior Chief Taylor's allegations regarding Admiral Mauz's travel to Bermuda, the Naval Inspector General conducted a complete and thorough investigation. The investigation did not disclose any misuse of government facilities. The Inspector General determined that Admiral Mauz conducted significant official business while in Bermuda, including an inspection of the air station's facilities, addressing base personnel at an "All Hands" meeting and making calls on the U.S. Consul General and the Governor of Bermuda. Admiral Mauz took two days of leave while in Bermuda, in compliance with Navy guidelines for combining leave and official travel. The Inspector General determined that the scheduling of the trip created the perception of impropriety and that there was a violation in the use of government drivers during the period of time that Admiral Mauz was on leave, as a result of which Admiral Mauz received informal written counseling.

Admiral Mauz did not remove Senior Chief Taylor from his duties or attempt to prosecute Senior Chief Taylor for insubordination as a result of Senior Chief Taylor having publicly accused Admiral Mauz of misconduct, as alleged by Mr. Ruch of the Government Accountability Project. Senior Chief Taylor originally alleged that his Commanding Officer in Bermuda had taken those actions as reprisals for his whistle-blowing activity in Bermuda. After a thorough investigation of the facts surrounding those actions, however, the DoD IG concluded that the actions were warranted under the circumstances and did not constitute reprisal. In fact, at the time the actions were taken, no one was aware of Senior Chief Taylor's whistle-blowing activity. The difficulties Senior Chief Taylor was experiencing in Bermuda preceded any knowledge by naval personnel, including his Commanding Officer and Admiral Mauz regarding his complaints.

Admiral Mauz has served his Navy and Nation for over thirty-five years. He has served in positions of great responsibility and he has served his Nation well.

I have discussed this letter with the Secretary of the Navy and he and I are in complete agreement that Admiral Mauz should be confirmed to retire in his four star grade and that he should be permitted to depart his command in a timely manner.

I am, of course, prepared to provide you any additional information that you or the other members of the Committee may require. Thank you for your consideration. I have sent an identical letter to Senator Thurmond.

Very respectfully,

J.M. BOORDA,
Admiral, U.S. Navy.

ATTACHMENT 3

GAP GOVERNMENT ACCOUNTABILITY PROJECT,
August 3, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR SENATOR NUNN: Last month my client, Senior Chief Master-at-Arms George R. Taylor (USN) wrote to you concerning the pending four-star retirement of Admiral Henry Mauz. In his letter, Senior Chief Taylor wrote that Admiral Mauz had taken "a personal interest" in the prosecution, that was later dismissed, against Senior Chief Taylor and the members of his security detachment. This personal interest raised questions concerning retaliatory motive since the attempted prosecution took place within the Pacific Command at a time when Admiral Mauz served as Commander of the Atlantic Fleet.

In the August 1, 1994 edition of Navy Times, Admiral Mauz told reporter Patrick Pexton that Taylor's allegation was "without foundation" and "nonsense." Mauz told the reporter that his staff contacted Port Hueneme authorities only once and then only for the purposes of learning the status of the case. In fact, Captain Joseph Baggett, the legal advisor to Admiral Mauz, did contact the legal advisor for the base at Port

Hueneme after the withdrawal of the 48-count court martial against Taylor and his detachment on April 9, 1994.

Prior to Captain Baggett's call to Port Hueneme, however, Lt. Noreen Hagerty-Ford, a JAG attorney on Admiral Mauz's staff, contacted Lt. John Tamboer, the supervisor of Taylor's military defense counsel, Lt. Carter Brod. Lt. Hagerty-Ford asked Lt. Tamboer to provide her with a copy of a motion filed by Lt. Brod seeking dismissal of all charges against Taylor on the grounds of "vindictive prosecution" [attached]. Lt. Tamboer refused her request, on the grounds that the Atlantic Fleet had no legitimate reason to obtain defense filings. Lt. Hagerty-Ford called Lt. Tamboer later that same day and demanded a copy of the motion stating that her call was at the personal request of Admiral Mauz. Lt. Tamboer acceded to this direct request from a flag officer and provided a copy of the motion to Lt. Hagerty-Ford.

Admiral Mauz's public statements with respect to his role and the role of his personal staff in the Taylor prosecution do not square with the facts. The lack of candor displayed here is consistent with the "damage control" approach to high profile personnel cases Admiral Mauz has exhibited. More disturbingly, these repeated contacts represent an attempt to influence the prosecution of Taylor and to intimidate his military defense counsel.

As always, if you or your staff desire any further information from my clients, please do not hesitate to contact me.

Sincerely,

JEFFREY P. RUCH,
Policy Director.

NAVY-MARINE CORPS TRIAL JUDICIARY, SOUTHWEST JUDICIAL CIRCUIT, PORT HUENEME, CA

United States versus Taylor, George R., MACS/E-8, 424-86-0238, U.S. Navy.

Special Court-Martial: Motion to Dismiss for Vindictive Prosecution Pursuant to the Fifth Amendment.

Date: 23 March 1994.

1. Nature of Motion. This is a Motion to Dismiss for Vindictive Prosecution filed pursuant to the Fifth Amendment of the U.S. Constitution. This motion is filed as a direct result of an unlawful decision by Commander, Naval Construction Battalion Center, Port Hueneme, to prosecute MACS George R. Taylor, USN, the accused in this case.

2. Summary of Facts.

PRIOR TO MACS TAYLOR'S REPORTING AT NCBC

a. In 1992, MACS George R. Taylor, USN, held the position of Chief of Military Police at Naval Air Station Bermuda. While serving at NAS Bermuda, MACS Taylor produced evidence that the air station existed as a resort for top military officials at the expense of taxpayers. MACS Taylor and another "whistleblower" were featured on the 10 December 1992 episode of ABC's "Primetime Live" (tape of which will be hereinafter referred to as "the Bermuda tape"), which prompted Defense and Inspector General investigations. As a result of MACS Taylor's activities, Congress voted to close the Bermuda base in 1995.

b. MACS Taylor was transferred to Naval Construction Battalion Center, Port Hueneme, (hereinafter "NCBC"), in January 1993, under the protection of the Military Whistleblowers Protection Act.

c. Before MACS Taylor arrived at NCBC, members of the base security department posted an article about MACS Taylor's activities in Bermuda on the security department bulletin board. In addition, members of the security department gathered in a conference room to view the Bermuda Tape.

d. Before MACS Taylor arrived, a file was sent to NCBC from Bermuda which included a non-punitive letter of caution and materials related to MACS Taylor's activities at Bermuda.

e. Prior to MACS Taylor's arrival at NCBC, RADM David Nash, USN, Commanding Officer of NCBC, requested a copy of the Bermuda tape from Kari Lee Patterson, a civilian employee at NCBC. Ms. Patterson delivered the tape to Mr. W.E. Hudson, NCBC Security Officer, who delivered the tape to RADM Nash.

AFTER REPORTING AT NCBC

f. Upon MACS Taylor's arrival, RADM Nash held a meeting with top base officials to discuss the arrival of MACS Taylor.

g. Upon reporting on board NCBC, MACS Taylor was taken to Executive Officer's Inquiry for activities in Bermuda. At the XOI, Taylor was awarded the Nonpunitive Letter of Caution sent from Bermuda. The charge was for disrespect to a commissioned officer at Bermuda.

h. Immediately upon arriving at NCBC, MACS Taylor was directed to meet with LCDR Cole in his office. At that meeting, which was attended by BMCS Kossman, LCDR Cole told MACS Taylor that "this isn't Bermuda" and "You aren't going to get away with that s--t here", or words to that effect.

i. In January 1993, LCDR Cole was called by Jeff Ruch, an attorney with the Government Accountability Project, a public interest organization which was involved with the incident in Bermuda. Mr. Ruch called LCDR Cole to discuss the pending Captain's Mast for Disrespect in Bermuda. After the phone conversation, LCDR Cole confronted MACS Taylor, saying he had just gotten a call from his "liberal lawyers" and "this is bulls--t," or words to that effect. LCDR Cole told MACS Taylor that "they're not gonna get you out of this. * * * This package was sent here. We're going to adjudicate this here", or words to that effect.

j. Approximately one month after MACS Taylor reported aboard, MACS Taylor suggested to LCDR Cole that one of his practices was improper. LCDR Cole had, on several occasions, sent sailors to the Long Beach Brig with full knowledge that there would never be a court-martial. This was typically done on a Friday afternoon, where the magistrate would be unable to release the sailor until the following Monday. When MACS Taylor suggested to LCDR Cole that this practice was improper, LCDR Cole became incensed, telling MACS Taylor "I'm the f---ing lawyer on this base; who made you the base lawyer?", or words to that effect.

k. A meeting to discuss Workman's Compensation issues was held in September 1993 and was attended by LCDR Cole, MACS Taylor, NCBC Executive Officer, NCBC Command Master Chief, and other officials. At the meeting, LCDR Cole confronted MACS Taylor due to rumors he had heard about members of the Special Investigations Unit, of which Taylor was a member, being deputized by the federal government. MACS Taylor denied ever spreading the rumor. LCDR Cole responded by admonishing MACS Taylor for not addressing him as "Sir" when making a statement.

l. In a Memorandum dated 5 September 1993, LCDR Cole requested to the Commanding Officer, NCBC, that MACS Taylor be relieved of his duties. RADM Nash, however, declined to carry out LCDR Cole's request.

m. MACS Taylor has also had numerous personal confrontations with Mr. W.E. Hudson, NCBC Security Officer, since reporting aboard. Mr. Hudson is MACS Taylor's direct superior in the Security Department.

n. On 30 September 1993, MACS Taylor received a performance evaluation which covered the period since MACS Taylor's arrival on board NCBC and was signed by RADM Nash. Taylor received straight 4.0 evaluations on this evaluation. There was no mention whatsoever of any problems with MACS Taylor's performance. MACS Taylor was described as having "great depth of professional knowledge" and a "keen sense of responsibility". He was praised for "drafting and immediate implementation of the department's quality-focused Standard Operating Procedures." He was also praised for conducting a special task force to curtail the flow of drugs onto the base and for assisting civilian police in drug operations.

16 NOVEMBER ARREST

o. On 16 November 1993, MACS Taylor participated in the arrest of CE3 Richard Miller, USN, a deserter who had escaped from the Long Beach Brig. There were three other NCBC police officers at the scene. The arrest took place in the City of Oxnard with the participation of the Oxnard Police. No complaints were made by any persons involved in the arrest. Officers Ernie Eglin and L.E. Robertson of Oxnard Police executed the arrest and believe that MACS Taylor acted entirely properly.

p. On 17 November 1993, Mr. Hudson called MACS Taylor into his office and accused him of acting improperly during the previous night's arrest. Mr. Hudson then discussed with MACS Taylor the possibility of an early retirement for MACS Taylor.

q. On 18 November 1993, Mr. Hudson met with LCDR Cole to discuss this situation. At this meeting, the two men agreed to have Naval Investigative Service investigate MACS Taylor's activities on the night of the arrest.

r. On 22 November 1993, Mr. Hudson informed MACS Taylor that he planned to have NIS investigate the arrest.

s. Pursuant to advice from military defense attorneys, MACS Taylor and each of the other three officers consistently invoked his right to remain silent during the investigation.

t. On 3 January 1994, MACS Taylor was given a Report Chit citing one specification of violation of Article 92 related to the arrest of CE3 Miller. LCDR Cole's signature appears on the Chit for "person submitting report". Along with the Report Chit, MACS Taylor received formal notification of contemplated Nonjudicial Punishment.

u. On numerous occasions after the Report Chit was drafted, LCDR Cole attempted to persuade MACS Taylor and the other three NCBC officers involved to answer questions about the arrest. On or about 3 January 1994, LCDR Cole informed MACS Taylor that the Incident Complaint Report for the incident in question had never been received, and he gave MACS Taylor a direct order to write a report describing what happened on the night in question. MACS Taylor has consistently maintained that he submitted the report immediately after the arrest. Pursuant to advice from LT Carter F. Brod, JAGC, USNR, Defense Counsel, MACS Taylor nevertheless prepared a new report to avoid violating a direct order.

v. When discussing with MACS Taylor his potential Captain's Mast, LCDR Cole ordered

MACS Taylor to sit locked at attention. LCDR Cole told MACS Taylor that he would "add twenty more f--king charges" if Taylor refused Captain's Mast.

w. On or about 6 January 1994, LCDR Cole called LT Brod and asked LT Brod to give MACS Taylor pre-Mast advice. LCDR Cole told LT Brod that MACS Taylor was being really stupid in his attitude and that if he did not accept Mast then they were going to "throw the book at him." LCDR Cole told LT Brod that, if MACS Taylor refused Mast, "we have lots of other stuff on him to use which we will throw on there", or words to that effect.

x. On 10 January 1994, MACS Taylor refused Nonjudicial Punishment.

y. LCDR Cole has made numerous attempts to persuade the other three NCBC officers to discuss the details of the arrest. On 6 January 1994, LCDR Cole told LT Brod in a telephone conversation that "the command is unlikely to dismiss the charges against Senior Chief Taylor but would probably dismiss on the others if they opened up."

z. In a telephone conversation with civilian police lieutenant Byron Frank, which lasted over one hour, LCDR Cole told Lt. Frank that "if you all had just cooperated with the NIS investigation, then you would have just gotten a slap on the wrist", or words to that effect. LCDR Cole stated that "Senior Chief Taylor is manipulating the other three officers. I feel really sorry for them", or words to that effect. LCDR Cole stated that "ABC bailed his a-- out in Bermuda. They won't come to his rescue now", or words to that effect. LCDR Cole asked Lt. Frank, who was also an African-American, "why won't you just tell me what happened? I'm the smartest black attorney in the JAG Corps. Let's just talk brother to brother", or words to that effect.

aa. On 21 January 1994, 48 specifications of UCMJ violations were preferred against MACS Taylor. Many of the specifications related to the 16 November arrest, but 16 of the 47 new specifications related to incidents in April, May and June of 1993.

bb. Naval Criminal Investigative Service conducted an extensive investigation of the charges against MACS Taylor. Included as part of the NCIS investigation were interviews of over twenty-one witnesses. Many of the witnesses, including Petty Officer Pringle, Detective Wunsch and Lieutenant Frank, were asked questions about MACS Taylor's activities in Bermuda.

cc. LT Robert P. Morean, JAGC, USNR, Trial Counsel, conducted several witness interviews at NCBC on or about 15 February 1994. LCDR Cole was present for many of these interviews and occasionally participated in questioning. In the Interview with BMCS Kossman, USN, LCDR Cole corrected BMCS Kossman for giving an answer LCDR Cole believed was incorrect. When MS3(SS) Doyle was interviewed, LCDR Cole was "right there, only two feet away from me." When MS3 Doyle told LT Morean that he felt MACS Taylor was an excellent cop and excellent leader, LCDR Cole stormed out of the meeting and slammed the door. LCDR Cole also assisted LT Morean in the questioning of Dan Gordon, Security Department Training Officer.

dd. On 9 February 1994, LCDR Cole approached DT3 Fredia Wright, USN, who had a son living on base who had been barred from the base for juvenile delinquency. LCDR Cole offered DT3 Wright that her son could continue to live on the base if he would testify in the court-martial of MACS Taylor. LCDR Cole told her that she could disregard the barring notice if her son would cooperate.

ee. On or about 18 February 1994, LCDR Cole discussed the 16 November arrest while teaching a class to new NCBC security officers. While teaching this class, LCDR Cole referred to the four officers who made the 16 November arrest as "the four", and used their arrest as an example of illegal police activities.

OTHER SIMILAR NCBC SECURITY CASES

ff. In the past, there have been several other arrests by NCBC Police with the same characteristics as the 16 November arrest. No prosecution or disciplinary action was taken in any of the other arrests. There have also been egregious cases of clear dereliction of duty by NCBC Military Police where no prosecution was undertaken.

gg. On 23 September 1992, NCBC Detective A. Carpenter, MA1 Woods, USN, and NCBC Detective P. Wunsch arrested EOCN Jason S. Tyree, USN, a deserter from NMCB-40, off-base in the City of Oxnard. The facts of that arrest were effectively identical to those in the case at bar. There was no disciplinary action of any kind taken against any of the officers.

hh. In December 1993, a complaint was filed alleging that GSM2 E.J. Beman used unlawful force in an arrest of a female suspect. The investigation of the incident was handled internally; NCIS was never asked to investigate. Beman was not court-martialed for his actions.

ii. In mid-1992, evidence existed that civilian NCBC police officer Carlos Tangonan used unnecessary force by hitting a suspect in the mouth with a baton. No investigation of any kind was undertaken, and no disciplinary action followed.

jj. On 21 January 1992, F.D. Forbes, a civilian NCBC police officer, arrested a suspect in the City of Port Hueneme by pursuing him on an off-base street, drawing his service revolver and ordering the suspect to freeze. The suspect was unarmed and seen climbing over the base fence from on-base to off-base, which is not an offense under any criminal code. The "suspect" was not charged with any crime. Forbes was not disciplined in any way for making this off-base arrest.

kk. Many members of the NCBC Security Department believe that, based on their knowledge of the facts, the 16 November arrest was entirely legal and consistent with NCBC policy practices.

RECENT FACTS

ll. On 11 February 1994, LCDR Cole offered LT Brod that MACS Taylor could still go to Captain's Mast if he wanted. LCDR Cole told LT Brod that, if MACS Taylor accepted Mast, the charges would include only two specifications of dereliction of duty.

mm. On 9 March 1994, LCDR Cole ordered an administrative questioning of Byron Frank regarding the arrest of 16 November 1993. LT Morean told LT Caroline Goldner, JAGC, USNR, that this was done as a "discovery tool" for the court-martial of MACS Taylor.

nn. On 17 March 1994, LT Morean told LT Brod in a telephone conversation, that "it is my understanding that if everyone had been forthcoming, there would have been no charges. The Admiral just got ticked when everyone clammed up."

3. Statement of Law.

a. R.C.M. 907, MCM 1984. Motions to Dismiss.

b. Fifth Amendment, United States Constitution. "No person shall be * * * compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

c. *Bordenkircher v. Hayes*, 434 U.S. 357 (1978). "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort."

d. *Chaffin v. Stynchcombe*, 412 U.S. 17 (1973). For an agent of the state to pursue a course of action whose object is to penalize a person's reliance on his constitutional rights is "patently unconstitutional."

e. *U.S. v. Davis*, 18 M.J. 820 (AFCMR 1984). For a claim of prosecutorial vindictiveness to succeed, it must be established that the decision to prosecute was based on impermissible considerations such as race, religion, or the desire to prevent the exercise of a legal right. "In the classic prosecutorial vindictiveness case the subsequent charges are harsher variations of the same decision to prosecute." See Also *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983), *Hardwick v. Doolittle*, 558 F.2d 292 (5th Cir. 1977).

f. *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983). "To help simplify prosecutorial vindictiveness claims, the Supreme Court developed a 'presumption of vindictiveness'." 719 F.2d at 361. "Courts in this circuit construing post-*Blackledge* decisions have held that whenever a prosecutor brings more serious charges following the exercise of procedural rights, 'vindictiveness' is presumed, provided that the circumstances demonstrate either actual vindictiveness or a realistic fear of vindictiveness." 719 F.2d at 361.

g. *U.S. v. Krezdorn*, 718 F.2d 1360 (5th Cir. 1983). If the defendant challenges as vindictive a prosecutorial decision to increase the number or severity of charges following the exercise of a legal right, the court must examine the prosecutor's actions in the context of the entire proceedings. If "the course of events provides no objective indication that would allay a reasonable apprehension by the defendant that the more serious charge was vindictive, i.e. inspired by a determination to 'punish a pesky defendant for exercising his legal rights,' a presumption of vindictiveness applies which cannot be overcome unless the government proves by a preponderance of the evidence occurring since the time of the original charge decision altered that initial exercise of the prosecutor's discretion." 718 F.2d at 1365.

h. *U.S. v. Blanchette*, 17 M.J. 512 (AFCMR 1983). "The test for prosecutorial vindictiveness is whether, in a particular factual situation, there is a realistic likelihood of vindictiveness for the preferral of charges against the accused." 17 M.J. at 514.

i. *U.S. v. Hagen*, 25 M.J. 78 (CMA 1987). Once a prima facie case of vindictiveness is made out, the burden shifts to the prosecution to disprove the misconduct. See Also *U.S. v. Garwood*, 20 M.J. at 154 (CMA 1985).

j. *U.S. v. Falk*, 479 F.2d 616, 620 (7th Cir. 1973). If a defendant alleges intentional or purposeful discrimination and presents facts to raise a reasonable doubt about the prosecutor's purpose, then the prosecutor can be called to the stand to testify.

k. *U.S. v. Green*, 37 M.J. at 384 (CMA 1993). "This Court has previously stated that 'in referring a case to trial, a convening authority is functioning in a prosecutorial role'". See Also *U.S. v. Fernandez*, 24 M.J. at 78 (CMA 1987), *Cooke v. Orser*, 12 MJ 335 (CMA 1982), *U.S. v. Hardin*, 6 M.J. at 404 (CMA 1979).

1. In assessing a claim of prosecutorial vindictiveness, the Supreme Court focusses on practices which tend to chill the assertion of defendant's rights. *Blackledge v. Perry*, 417 U.S. 21 (1974), *NC v. Pearce*, 395 U.S. 711 (1969), *Bordenkircher v. Hayes*, 434 U.S. 357 (1978)

4. Discussion.

a. There are essentially three independent bases upon which the prosecution of MACS Taylor is vindictive. The first basis is due to retaliation for MACS Taylor's whistleblowing in Bermuda and his personal relationship with the convening authority's attorney, LCDR Cole. These two issues have been grouped together because they support the premise that MACS Taylor is being prosecuted for who he is, not what he has done. Second, MACS Taylor is being prosecuted for exercising his Constitutional right to remain silent. Third, MACS Taylor is being prosecuted for exercising his right to refuse Captain's Mast.

b. In light of the nature of these charges, the fact that forty-eight total specifications were preferred in this case, in itself, is strong evidence of the government's vindictiveness. An inference can be drawn that by charging MACS Taylor with such a large number of charges, the government intended to intimidate him, "show" him, or otherwise "retaliate" against him for any one of the three bases supporting this motion. The context of these charges, including the content and tone of statements made by the convening authority's attorney, further clarifies that this prosecution was undertaken with a vindictive purpose.

BASIS 1: BERMUDA AND PERSONAL RELATIONSHIP

c. Under this basis, this motion seeks dismissal of all charges pending against MACS Taylor. None of these charges would have been brought but for MACS Taylor's whistleblowing in Bermuda and his personal relationship with LCDR Cole. Pursuant to *U.S. v. Davis* and *Blackledge v. Perry*, these are both impermissible bases for undertaking a prosecution.

d. There is substantial evidence that the convening authority knew about MACS Taylor's activities in Bermuda and had distaste for those activities. RADM Nash requested a copy of the Bermuda tape before MACS Taylor arrived. Articles were posted and the tape was watched at the security department prior to MACS Taylor's arrival. LCDR Cole's statements to MACS Taylor when he arrived at NCBC shows his distaste for MACS Taylor's prior whistleblowing. MACS Taylor was taken to XOI by the convening authority for activities in Bermuda. The convening authority awarded him a letter of caution at this XOI for activities in Bermuda. NCIS, in conducting the investigation of these charges for the convening authority, asked numerous witnesses if they knew anything about the Bermuda incident. Furthermore, LCDR Cole's statement that "ABC bailed him out of Bermuda, they won't come to his rescue here", shows the vindictive tone of LCDR Cole based on MACS Taylor's activities in Bermuda.

e. There is also substantial evidence that LCDR Cole had a personal animosity for MACS Taylor. The statements by LCDR Cole at the meeting upon MACS Taylor's arrival is evidence of that animosity. MACS Taylor questioned LCDR Cole's professionalism by challenging his practice with regard to pretrial confinees. LCDR Cole was incensed at MACS Taylor's complaint. The 5 September 1993 memorandum shows that prior to this arrest, LCDR Cole sought to have MACS Taylor fired from his job. Ever since the first meeting when MACS Taylor reported at NCBC, there have been continual confrontations between the two men.

f. In addition to the evidence of vindictiveness, there is considerable evidence of fact situations similar to those in the case at bar that were not prosecuted. The off-base arrests involving detectives Forbes and Wunsch were very similar to this arrest, and no disciplinary action followed. There was evidence of dereliction by GSM2 Beman, but no disciplinary action was initiated. There was evidence of dereliction by Officer Tangonan, and no investigation was initiated. An examination of these other situations demonstrates that the government would not have ordinarily prosecuted this case but for MACS Taylor's activities in Bermuda and his personal relationship with LCDR Cole.

g. The vigor with which the command initiated this prosecution is further evidence of the other-than-official interest is seeing MACS Taylor prosecuted. For example, NCIS was called in to investigate and devoted a great deal of resources to this investigation. NCIS jurisdiction, however, is normally over major offenses only. LCDR Cole used his influence as base SJA over other legal matters to affect the investigation in this court-martial. LCDR Cole used the pressure of a barring order to enlist the support of an unwilling witness, Doug Lively. He used his administrative power to order a civilian, Byron Frank, to give, against his will, information to use against MACS Taylor. LCDR Cole also actively participated in interviewing witnesses with the Trial Counsel.

h. In sum, there is substantial evidence that this prosecution would not have normally been initiated but for the fact that MACS Taylor was the subject. Dislike of a sailor based on his past legal activities (Bermuda) and his personality is not a permissible basis upon which to initiate a prosecution. For the foregoing reasons, all pending charges against MACS Taylor should be dismissed.

BASIS 2: RIGHT TO REMAIN SILENT

i. Ever since initially being accused of dereliction, MACS Taylor has exercised his Constitutional right to remain silent. There is substantial evidence that all forty-eight charges in this court-martial are a result of vindictiveness due to MACS Taylor's invoking this constitutional right. Under this basis, this motion seeks dismissal of all charges.

j. On 17 March 1994, the Trial Counsel told the Defense Counsel that it was his understanding, based on his discussions with the Convening Authority, that no charges would have been brought but for MACS Taylor's invocation of this right. The Trial Counsel further stated that it was his understanding that the Admiral "got ticked" when MACS Taylor invoked this right. The Trial Counsel's statement is clear evidence that the government's decision to prosecute was based on MACS Taylor's decision to remain silent.

k. In discussing Taylor's court-material charges with Byron Frank, LCDR Cole stated that "if they had just cooperated with NIS, then it would've been a slap on the wrist", implying that the charges would not have been brought at all but for MACS Taylor's invocation of his right to remain silent.

l. LCDR Cole has made numerous attempts at pressuring MACS Taylor to give up his right to remain silent, including attempts to persuade LT Brod and * * * appeals to MACS Taylor. LCDR Cole further told MACS Taylor that if he didn't "open up" there would be "twenty more f---ing charges."

m. The convening authority has taken several other actions which demonstrate the vigor with which it has attempted to get MACS Taylor to give up his right to remain silent. First, LCDR Cole gave MACS Taylor a direct order to write a new Incident Complaint Report, alleging that the original had been lost. Second, LCDR Cole administratively ordered civilian police lieutenant Byron J. Frank, who participated in the arrest, to give details of the arrest. LT Morean described this administrative order as a "discovery tool".

n. In sum, there is considerable evidence that the convening authority was angered by MACS Taylor's silence, and was in fact motivated to prosecute in retaliation for MACS Taylor's silence. In fact, the convening authority expressly told the Trial Counsel that there would not have been a prosecution at all had Taylor not "clammed up". It is evident that all forty-eight charges are in direct retaliation for MACS Taylor's exercise of a constitutional right, the right to remain silent.

o. To allow the government to prosecute as retaliation for exercising the right to remain silent would be to chill the exercise of this important constitutional right. Based on the foregoing, all charges now pending should be dismissed.

BASIS 3: RIGHT TO REFUSE CAPTAIN'S MAST

p. After MACS Taylor refused Captain's Mast, the charges against him rose from one specification of dereliction of duty to 48 specifications in total at special court-martial. There is substantial evidence that the additional 47 specifications were preferred in retaliation for MACS Taylor's refusal to accept Mast. Under this basis, the motion seeks dismissal of all charges added after the refusal of Captain's Mast. The charges sought to be dismissed include all additional specifications related to the 16 November arrest (beyond the one specification from Mast) as well as all specifications related to previous incidents.

q. LCDR Cole explicitly told MACS Taylor and LT Brod that if Taylor refused Mast "there would be twenty more charges" and that he would "throw the book at him". These statements demonstrate LCDR Cole's intentions to retaliate if MACS Taylor refused Mast.

r. Supreme Court and Military decisions support that a large increase in charges after the invocation of a legal right is a strong sign of prosecutorial vindictiveness. Here, the charges jumped from one to forty-eight after MACS Taylor exercised his right to a court-martial. In *U.S. v. Davis*, the court states that the classic prosecutorial vindictiveness case involves a harsher variation of the same decisions to prosecute. Clearly, if the first decision to prosecute was for only one specification, then a second decision for 48 specifications is a harsher variation.

s. In *U.S. v. Martino*, 18 M.J. 526 (AFCMR 1984), the government raised the number of charges after the accused refused NJP. The court held such prosecution to be proper. *Martino* can be distinguished on several bases. First, the court emphasized that the defense counsel asserted prosecutorial vindictiveness with no evidence whatsoever of a vindictive motivation. Further, the government showed evidence of a valid motivation for the difference in number of charges. In the case at bar, however, there is considerable evidence of vindictiveness and there is no evidence of valid government motive for increasing the charges from 1 to 48.

t. In *Bordenkircher v. Hayes*, the Supreme Court held that in the normal give and take of plea bargaining, a prosecutor has valid discretion to increase and decrease the number of charges in order to secure a guilty plea. *Bordenkircher* is distinguishable on several grounds. First, in *Bordenkircher*, the only evident motive on the part of the prosecutor was the non-vindictive motive to receive a guilty plea. In the case at bar, there is considerable evidence of vindictiveness unrelated to the desire to secure a Mast conviction. Second, in *Bordenkircher*, it was not disputed that the defendant was properly chargeable for the additional charges. In the case at bar, however, there is considerable evidence that there was no valid basis for the additional charges. MACS Taylor's performance evaluation of September 1993 shows the convening authority's acknowledgement that there was no case of dereliction for any prior incidents. Third, the additional charges in the case at bar were not part of the course of normal plea bargaining. MACS Taylor was ordered to attention and threatened with more charges if he did not accept Mast. Further, the military relationship between a Lieutenant Commander and a Senior Chief Petty Officer is one of unequal bargaining power.

u. In *U.S. v. Davis*, a claim of prosecutorial vindictiveness was rejected. In *Davis*, however, there were no additional charges brought in the move from Mast to court-martial. In the case at bar, the charges rose from one to forty-eight. Justifying its rejection of the prosecutorial vindictiveness claim, the *Davis* court stated that the classic case of prosecutional vindictiveness occurs when the number of charges is raised.

v. *U.S. v. Blanchette* also involved a rejected prosecutorial vindictiveness claim. That case can be distinguished in that the reason for not charging the accused initially was due to insufficiency of evidence. The court found that the additional charges were justified due to the availability of new evidence. No such evidentiary justifications exist for the government in the case at bar.

w. In sum, because MACS Taylor refused Mast on one specification of dereliction of duty, the convening authority retaliated by preferring forty-seven additional charges against him at a court-martial. The possibility of retaliation is clearly "realistic", and the impression made on the accused is clearly one of intimidation. The statements by LCDR Cole are evidence that the convening authority was in fact motivated by vindictiveness. Dismissing the additional charges would be consistent with Supreme Court and Military case law. To allow vindictive charging as occurred here would be to chill the exercise of a sailor's legal right to refuse Captain's Mast. For the foregoing reasons, all charges beyond the initial specification of dereliction of duty should be dismissed.

5. Evidence.

a. Witnesses. The defense offers the testimony of the following witnesses in support of this motion: Detective Wunsch, Sergeant Forbes, LCDR Cole, MACS Taylor, Lieutenant Frank, Officer Elgin, Officer Robertson, MACS Kossman, Kari Lee Patterson, DT3 Wright, MS3 Doyle, Mr. Hudson, Mr. Flynt, R.J. Bryan, Petty Officer Bassett, Petty Officer Pringle, Andrew Stewart, LT Morean, Petty Officer Beman Officer Tangonan.

b. Documents. The following documents will be presented as evidence in support of this motion: Incident Complaint Report (ICR) for Wunsch arrest, ICR for Forbes incident, report of Beman incident, 5 September 1993 Memorandum from LCDR Cole, Bermuda file, MACS Taylor evaluation, Mast charges, Report chit, NJP Refusal Form, Court-martial charges, letter of caution, Bermuda tape, new ICR for 16 November arrest, Barring notice for Doug Lively.

6. Relief Requested. Pursuant to Basis 1, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 2, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 3, the defense respectfully rests that all charges other than the one specification charged at Mast be dismissed.

7. Oral Argument. The defense desires to make oral argument of this motion.

CARTER F. BROD,
LT, JAGC, USNR,
Defense Counsel.

Date: 23 Mar 94

CERTIFICATE OF SERVICE

I, Lieutenant Carter F. Brod, JAGC, USNR, certify that on this 23rd day of March 1944, I personally served upon government trial counsel a true and correct copy of this Motion.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, August 9, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am responding to your letter of August 5, 1994, concerning the retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy.

The latest GAP letter alleges improper communications between members of Admiral Mauz' staff and persons assigned in the Port Hueneme area who had knowledge of the court-martial case involving Senior Chief Taylor. In order to be able to assure the Committee that we were providing all information relevant to this matter, OPNAV staff spoke with the persons concerned and confirmed the accuracy of those parts of the Chief of Naval Operations' 27 July letter to you that addressed this issue (pages 4 and 5).

Senior Chief Taylor had charges brought against him arising out of actions in November 1993 while serving at the Naval Construction Battalion Center (NCBC), Port Hueneme, California. He had previously requested in writing to be transferred outside the Commander in Chief, U.S. Atlantic Fleet (CINCLANTFLT) chain of command, and the Bureau of Naval Personnel approved that request by assigning him to an appropriate billet in his rating at Port Hueneme. He reported to NCBC Port Hueneme for duty in December 1992.

After referral to trial of the November 1993 charges, the convening authority (NCBC Port Nueneme) decided it was appropriate to move the case out of the Port Hueneme area to ensure the fair and independent disposition of the case. To this end, the convening authority withdrew the charges on March 26, 1994. My inquiry revealed no communications between Admiral Mauz or anyone on his staff and those involved with bringing the charges, and ultimately withdrawing the charges, against Senior Chief Taylor prior to the withdrawal of charges in March 1994.

The proceedings in Senior Chief Taylor's case were mentioned in a short Orlando Sentinel article of March 29, 1994, which appeared in a Pentagon compilation of news articles on 1 April. In describing the withdrawal of charges relating to Senior Chief Taylor's alleged negligent and improper arrest of a service member, the article stated that his attorneys had filed documents "contending the misconduct charges were retaliation for Taylor's comments" in the past regarding Bermuda. Admiral Mauz' Executive Assistant saw the article and asked the senior Staff Judge Advocate to ascertain what, if any, connection there could have been between Senior Chief Taylor's current situation in Port Hueneme and Bermuda. Both officers were confident that CINCLANTFLT had taken no action whatsoever in retaliation against Senior Chief Taylor, and they were understandably concerned that such a suggestion might have been made and believed it important to ascertain the basis, if any, for such an allegation.

The CINCLANTFLT Staff Judge Advocate called the NCBC Staff Judge Advocate, who confirmed the news article was indeed misleading and that there was no suggestion during the proceedings of any involvement by CINCLANTFLT or his subordinates in Senior Chief Taylor's case. The NCBC Staff Judge Advocate explained the charges involved Senior Chief Taylor's law enforcement activities while assigned to NCBC Port Hueneme. The charges included an allegation that Senior Chief Taylor engaged in unauthorized off-base law enforcement activities, including carrying a government-issued firearm off-base. The CINCLANTFLT Staff Judge Advocate recounted this information to the Executive Assistant, who then spoke briefly to Admiral Mauz about the matter. The request for clarification of the short news article was appropriate in order for CINCLANTFLT to ascertain whether there were grounds for investigation into any alleged impermissible actions by anyone under the command of CINCLANTFLT.

Neither Admiral Mauz, nor any other CINCLANTFLT official, was involved with the referral or withdrawal of the charges, which arose solely from events centered in NCBC Port Hueneme nearly a year after Senior Chief Taylor's transfer to that command. On 23 March 1994, Senior Chief Taylor's defense counsel in the pending case filed a "motion to dismiss for vindictive prosecution," alleging the Port Hueneme convening authority had an unlawful decision to prosecute Senior Chief Taylor. The defense motion complained mainly about the vigor with which the Port Hueneme command pursued the charges against Senior Chief Taylor, alleging that members of that command "had distaste" for his previous whistleblowing activities and the charges were being pursued because Senior Chief Taylor exercised his rights to remain silent and to refuse nonjudicial punishment for his alleged improper law enforcement activities. The defense pointed to alleged statements by officials in Port Hueneme suggesting that they had focused inordinate attention on his previous, well-publicized disclosures relating to Bermuda. The defense motion did not allege "personal interest" or any actions or involvement relating to this case by Admiral Mauz or anyone subordinate to him.

With regard to receipt of a copy of the defense motion by a member of the office of the CINCLANTFLT Staff Judge Advocate, the GAP letter is incorrect in stating that this occurred prior to the call seeking clarification of the news article. I have reconfirmed the office of the CINCLANTFLT Staff Judge Advocate received the motion more than a week after the charges were withdrawn. This occurred when the Navy judge advocate assigned to an NCBC Port Hueneme tenant command called some of his lawyer colleagues to offer to send them copies of the document, which he found to be unique and very interesting from a professional perspective. One of these officers was an attorney in the office of the CINCLANTFLT Staff Judge Advocate with whom he had worked closely in the past. The two officers had maintained a close professional association and friendship, and spoke with each other and exchanged faxes regularly on professional issues. The CINCLANTFLT Lieutenant accepted the offer, but upon receipt noticed that portions of it were illegible. In order to obtain a better copy, she called the Officer in Charge, Naval Legal Service Office Detachment, Port Hueneme, who was reluctant to provide the document, despite the fact that it was one of the papers in a public court proceeding, to people who were merely curious about the case and had no official reason to have it. The CINCLANTFLT Lieutenant replied that when allegations relating to a command appear in the press, the command has a valid interest in ascertaining the basis, if any, of such allegations. The Officer in Charge agreed that this was a valid reason and, believing that he had received a reasonable request from the CINCLANTFLT staff, he faxed her a copy. Since the Officer in Charge viewed the call as a CINCLANTFLT request, he so informed Senior Chief Taylor's defense counsel.

The request for the document did not stem from Admiral Mauz. During the further inquiry by OPNAV staff, the Officer in Charge verified the CINCLANTFLT Lieutenant neither demanded a copy of the motion, nor stated that her call was at the personal request of Admiral Mauz. Moreover, the document was not shared outside the CINCLANTFLT Staff Judge Advocate's office. Since the document included no allegations of impropriety by Admiral Mauz or anyone in CINCLANTFLT, and had not been requested by Admiral Mauz or anyone else on his staff, there was no reason for the Staff Judge Advocate to provide the document to, or discuss in with, others.

There is simply no basis whatsoever for any claim that Admiral Mauz took a personal interest in the case involving Senior Chief Taylor. The facts as confirmed by thorough inquiry show the accuracy of Admiral Mauz' public statement categorically denying any such allegation. The communications by members of his staff were permissible and in no way alter this conclusion. There was no attempt or intent in any of these communications to affect the case.

I have sought to answer the GAP letter's claims candidly, thoroughly and accurately in order to assist the Committee in its deliberations on Admiral Mauz' confirmation to retire in his four-star grade. I believe strongly that there is no basis for the GAP claims and that Admiral Mauz' confirmation—and the assumption of command by his successor—should not be further delayed.

I am available at any time to discuss this matter further with you or to provide you any further information you desire. Please do not hesitate to call on me. I have sent a similar letter to Senator Thurmond.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

CAMARILLO, CA.

Senator SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR SENATOR NUNN AND MEMBERS OF THE COMMITTEE: I am writing to address the inaccurate and misleading information provided to the committee concerning my case as it pertains to the retirement status of Admiral Henry Mauz. My primary concerns focus on the involvement of Admiral Mauz and his staff in charges (since dropped) that were brought against me while at Port Hueneme. I believe this involvement, and the Navy's obfuscation of the facts, provide more than enough reason why the committee should hold a full investigation into this matter, before bringing the matter to a vote.

Below is an outline of the most serious errors in the Navy's communications with the committee. It is by no means comprehensive, and full committee investigation would flush out the full details.

I. MANNER BY WHICH MAUZ'S STAFF ACQUIRED DEFENSE PROCEEDINGS

Not only do the Navy responses differ from the actual chain of events, the accounts from Admiral Boorda and Secretary Dalton differ from each other concerning the same events.

Statement from Boorda letter:

"Subsequently, unbeknownst to either the senior Staff Judge Advocate of Admiral Mauz, a junior Staff Judge Advocate obtained a copy of the defense motion that was the basis for withdrawal of the charges, as well as a copy of the charge sheets, from a friend who was then Officer in Charge, Navy Legal Service Office, Port Hueneme. The Officer in Charge believed that in providing that documentation, he was responding to an official request from Admiral Mauz's staff and acting quite properly, he informed Senior Chief Taylor's military counsel of the actions he had taken to comply with the request. While these documents were shared with the senior Staff Judge Advocate he did not speak of them to any other staff member."

Statement from Dalton letter:

"With regard to receipt of a copy of the defense motion by a member of the office of the CINCLANFLT Staff Judge Advocate, the GAP letter is incorrect in stating that this occurred prior to the call seeking clarification of the news article. I have reconfirmed the office of the CINCLANFLT Staff Judge Advocate received the motion more than a week after the charges were withdrawn. This occurred when a Navy judge advocate assigned to an NCBC Port Hueneme tenant command called some of his lawyer colleagues to offer to send them copies of the document, which he found to be unique and very interesting from a professional perspective. One of these officers was an attorney in the office of the CINCLANFLT Staff Judge Advocate with whom he had worked closely in the past. The two officers had maintained a close professional association and friendship, and spoke with each other and exchanged faxes regularly on professional issues. The CINCLANFLT Lieutenant accepted the offer, but upon receipt noticed that portions of it were illegible. In order to obtain a better copy, she called the Officer in Charge, Naval Legal Service Office Detachment, Port Hueneme, who was reluctant to provide the document, despite the fact that it was one of the papers in a public court proceeding, to people who were merely curious about the case and had no official reason to have it. The CINCLANFLT Lieutenant replied that when allegations relating to a command appear in the press, the command has a valid interest in ascertaining the basis, if any, of such allegations. The Officer in Charge agreed that this was a valid reason and, believing that he had received a reasonable request, he faxed her a copy."

The actual chain of events occurred as follows:

The junior Staff Judge Advocate contacted a friend of hers at Port Hueneme, a Lieutenant Wilson. Lieutenant Wilson approached Taylor's defense counsel supervisor, Lieutenant Tamboer, and asked for a copy of the defense proceedings. Lieutenant Tamboer refused the request. The junior Staff Judge Advocate contacted Lieutenant Tamboer directly and said it was a direct request from ADM Mauz. Lieutenant Tamboer then complied with the request.

II. ADMIRAL MAUZ'S INVOLVEMENT IN THE CHARGES AGAINST TAYLOR

Statement from Boorda letter:

"There was no influence on the case and, in fact, the charges had already been withdrawn at the time of the call."

Facts:

This statement is highly misleading. Although the extraordinarily high number of charges (48 total) were withdrawn at the time of the call, approximately two weeks later, Taylor was sent to an Article 32 hearing where he was re-charged.

In fact, the CINCLANTFLT Staff Judge Advocate called the Staff Judge Advocate for the Port Hueneme base, Lt. Cdr. Derrick Cole, to tell him that he was upset that the charges had been withdrawn against Taylor. Lt. Cdr. Cole assured the CINCLANTFLT Staff Judge Advocate that Taylor would be re-charged. This information is in the record of trial. The Navy withdrew charges, in all likelihood, because they were rightly concerned that if the case was brought before a judge, that judge would promptly dismiss the case.

Many of the key people involved in my case, who dispute the Navy's account of the chain of events, would be happy to provide the committee with statements or testify. Please contact me if I can be of any assistance. My work phone is: (805) 982-2007. My home phone is (805) 388-3915. My beeper number is: 1-800-482-3366, ext. 10397. I am at your service.

Very Respectfully,

GEORGE R. TAYLOR,
MACS (SW) USN.

CHIEF OF NAVAL OPERATIONS,
August 22, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to a recent undated letter from Senior Chief George R. Taylor, USN, to "Senator Nunn and Members of the Committee." Senior Chief Taylor's letter was passed from the Armed Services Committee Staff to the Navy Chief of Legislative Affairs on 19 August asking for ". . . the Navy's review of the letter and information therein."

This is the third in a series of letters concerning Senior Chief Taylor and the pending retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy. This most recent letter provides no new allegations or information that have not already been addressed in the prior two letters. Nevertheless, the following paragraphs will address in additional detail each of Senior Chief Taylor's allegations.

With respect to Part I of his letter, Senior Chief Taylor states that the accounts in my 27 July letter and the Secretary of the Navy's 9 August letter ". . . differ from each other concerning the same events." That is not correct. The Secretary's letter simply provided a more detailed description of the interactions between LT Hagerty-Ford (a junior staff judge advocate at CINCLANTFLT), LT Wilson (a legal officer at a Port Hueneme tenant command), and LT Tamboer (OIC Naval Legal Service Office Detachment, Port Hueneme).

The actual chain of events as stated in my 27 July letter and amplified in Secretary Dalton's letter is accurate. LT Wilson, a friend of LT Hagerty-Ford and a judge advocate assigned to a tenant command in Port Hueneme, called LT Hagerty-Ford to offer her a copy of the defense motion. When she received the copy with some illegible parts, LT Hagerty-Ford asked LT Wilson to send a better copy. LT Wilson asked the OIC, LT Tamboer, for a better copy for this purpose, but LT Tamboer was reluctant to provide it for the reasons stated in Secretary Dalton's 9 August letter. LT Wilson so informed LT Hagerty-Ford, who then phoned LT Tamboer to explain her reason for requesting a copy. As stated in attachments 1 and 2, LT Tamboer and LT Hagerty-Ford agree that my previous letter and Secretary Dalton's letter accurately describe their phone conversation. Specifically, LT Hagerty-Ford did not say she was making a direct request from Admiral Mauz. In addition, her statement indicates she never met Admiral Mauz or ever discussed this or any other case with him.

The foregoing reaffirms that Admiral Mauz played no role in a staff member's request for a copy of the defense motion to dismiss Senior Chief Taylor's case.

With respect to Part II of Senior Chief Taylor's letter, my 27 July letter stating that there was no influence exerted on the case and, in fact, that the charges had already been withdrawn at the time of the call, is absolutely accurate and not misleading. CAPT Baggett (Staff Judge Advocate at CINCLANTFLT) called LCDR Cole after the case had been forwarded to COMNAVBASE San Diego for disposition. At the time of the call, LCDR Cole no longer had any influence on the outcome because of the withdrawal of the charges and the case's transfer to a new convening authority. CAPT Baggett states in Attachment 3 that he never called the new convening authority, who later recharged Senior Chief Taylor.

On the final page of his letter, under the section entitled "Facts", Senior Chief Taylor notes that approximately two weeks after the charges against him were withdrawn, new charges were preferred and sent to an Article 32 hearing. He fails to note, however, that this action was taken by a different convening authority, COMNAVBASE San Diego, after a review of Senior Chief Taylor's alleged misconduct and redrafting of charges against him based on his actions in November 1993 as a member of the Naval Construction Battalion Center, Port Hueneme, Security Force.

In his next to last paragraph, Senior Chief Taylor says that CAPT Baggett was "upset" that the charges had been withdrawn and that LCDR Cole assured CAPT Baggett that Senior Chief Taylor would be recharged. CAPT Baggett rejects this in Attachment 3. Moreover, there is no evidence in the record of the Article 32 investigation that supports Senior Chief Taylor's assertions. Secretary Dalton's letter accurately states that the purpose of Captain Baggett's call to LCDR Cole was to clarify information contained in a newspaper article.

The foregoing demonstrates again that Admiral Mauz played no role whatever in Senior Chief Taylor's case in California.

In summary, as stated in the Secretary's and my prior letters, Senior Chief Taylor's accusations are inaccurate and should not be allowed to further delay the confirmation of Admiral Mauz for retirement in the grade of Admiral, which he so deservedly has earned.

I am sending a similar letter to Senator Thurmond.

Very respectfully,

J.M. BOORDA.

GRAND RAPIDS, MI,
August 20, 1994.

TO WHOM IT MAY CONCERN: Regarding the call I received from Lieutenant Noreen Hagerty-Ford of the CINCLANTFLT Staff Judge Advocate office in mid-April, the letters from the Chief of Naval Operations and the Secretary of the Navy to the Senate Armed Services Committee of July 27, 1994 and August 9, 1994, respectively, fairly and accurately describe my part in responding to her request. In April 1994, I was serving as Officer in Charge, Navy Legal Service Office, Port Huename. I have since left the Navy. My April discussion with Lieutenant Hagerty-Ford was about the purpose of her request for a copy of the notice filed by the defense in the Senior Chief Taylor case. She explained that Admiral Mauz was CINCLANTFLT. I knew the motion included allegations about the CINCLANTFLT/Bermuda matter and therefore understood the command (CINCLANTFLT) would want to know about the allegations made in this motion. I recall being very busy when she called and that it did not take long at all for me to make the judgment that it would be appropriate to send her a copy of the motion. I agreed she had provided a valid reason and, believing I had received a reasonable request from the CINCLANTFLT staff, I faxed her a copy and so informed Senior Chief Taylor's defense counsel.

JOHN TAMBOER.

NORFOLK, VA,
August 22, 1994.

TO WHOM IT MAY CONCERN: The letter of 27 July 1994 and Secretary of the Navy's letter of 9 August 1994 are correct in describing my actions in April 1994 in obtaining a copy of the defense motion in Senior Chief Taylor's case. I was first afforded the document by my friend, LT Wilson, whom I know from a previous duty station. The copy I got had some illegible parts, so I called LT Wilson to ask him to send me a better copy. LT Wilson said he would ask LT Tamboer for one. Later that day LT Wilson called me to say LT Tamboer was reluctant to send out copies of the document unless there was a reason for the person to have it. I told him I would call LT Tamboer and ask him for it myself. Just as Secretary Dalton's letter states, I told LT Tamboer that I was on the CINCLANTFLT staff and explained that when allegations are made about a command, as apparently had been made in this case, the command has a valid reason to know about those allegations. LT Tamboer said he was satisfied I had provided a valid reason and agreed to send me a copy. I did not demand the document. I had no reason to do that and I simply do not work that way. It was a short and business-like conversation. I did not say the request was from Admiral Mauz because it most certainly was not. In fact, I am a relatively junior member on a large fleet staff and have never actually met Admiral Mauz or discussed this or any other case with him. No one else asked me to get it either. I did not provide it to anyone outside my office.

———— ————,
LT. JAGC, USNR.

NORFOLK, VA,
August 20, 1994.

TO WHOM IT MAY CONCERN: I became the Staff Judge for Commander in Chief, U.S. Atlantic Fleet, in mid-February 1994. The purpose of my phone conversation on 4 April 1994 with the Staff Judge Advocate at Port Hueneme was exactly as stated in Secretary Dalton's letter of 9 August 1994 to the Senate Armed Services Committee. At no time during the conversation did I indicate the LCDR Cole in any way that I was upset that charges against Senior Chief Taylor stemming from occurrences at Port Hueneme had been withdrawn. LCDR Cole explained that, contrary to an Orlando Sentinel newspaper article, the charges had not been dropped because of retaliation for being a whistleblower at Bermuda. He stated that the charges had been withdrawn and the case had been sent to another convening authority solely due to events at Port Hueneme which had prompted Senior Chief Taylor's defense counsel to raise a motion for dismissal based on vindictive prosecution. Upon being told the real reason for the withdrawal of the charges and transfer of materials pertaining to the case, I believed that the processing of the case had no connection with anything that had happened at Bermuda. The disposition of the investigation of Senior Chief Taylor had already been passed to a command in San Diego to determine independently at the time I talked with LCDR Cole. I had no further conversations with LCDR Cole and I never talked to anyone at San Diego about the case.

JOSEPH E. BAGGETT,
Capt. JAGC, USN.

Mr. NUNN. Mr. President, I know Senator THURMOND has been thoroughly involved in this nomination and I will yield for whatever remarks he would like to make.

I again urge our colleagues—I understand there are hours and hours being requested on this DOD bill. I do not mind that at all. But it is a little frustrating to come back and be told that there were going to be a lot of people wanting to speak on the bill today and there were a number of people who wanted to speak anywhere from 2 hours, 3 hours, and so forth, and have nobody here to speak on the bill.

That is our job and we will be here to do the job. I hope we can conclude this defense authorization before tomorrow afternoon. If there are several hours being requested for people to speak on it and we are here for hours this afternoon with no one speaking, the question is, is it going to cause us to delay tomorrow and not be able to take up other important matters of the Senate?

So I hope anyone who does want to make remarks on the DOD authorization bill would be able to come over and discuss that at this time.

In the meantime, I know Senator THURMOND has already made his statement on the DOD bill, but if he has any comments on the Mauz nomination, even though we are not officially on that nomination, it would probably be an efficient use of time if those could be made now.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to support the nomination of Adm. Henry Mauz to retire in grade. Admiral Mauz has had a long and distinguished career spanning over 35 years of service during some of the most turbulent times in our Nation's history. He has commanded river boats in Vietnam, mighty ships of war, the U.S. 7th Fleet and is currently serving as Commander in Chief, U.S. Atlantic Fleet.

Senator NUNN, the distinguished chairman of the Armed Services Committee, has provided a detailed history of this nomination, so I will not repeat those details, except to reiterate that the Armed Services Committee received this nomination on the 10th of May and has been actively pursuing it ever since.

Mr. President, three allegations have clouded this nomination. The first concerns a trip Admiral Mauz took to Bermuda in November 1992. That incident was the subject of a television news show aired nationally and was thoroughly investigated. Although Admiral Mauz admitted to an error of judgment in this incident, Admiral Mauz was censured by the Vice Chief of Naval Operations for the appearance of impropriety as a result of this incident.

The second issue concerns allegations by Lt. Darlene Simmons that Admiral Mauz had not sufficiently protected her from reprisal in a verbal sexual harassment case.

Mr. President, Lieutenant Simmons concedes that Admiral Mauz was not involved in the incident and that he directed his Special Assistant for Women's Affairs, Commander Miller, to investigate the incident. The investigation led to the offending officer's removal from the ship. Also, Admiral Mauz intervened on behalf of Lieutenant Simmons to extend her tour of duty and her reassignment.

Lieutenant Simmons also believes the admiral let her down by not being more active in protecting her from what she felt to be reprisal in her fitness report.

Mr. President, after extensive review of the allegations, the Armed Services Committee found that Admiral Mauz responded correctly and positively to the incident and did not suppress evidence, cover up allegations, or fail to take corrective action. He intervened with the Chief of Naval Personnel on behalf of Lieutenant Simmons and ensured that she was provided appropriate action in her case.

The third issue involves an allegation from Senior Master Chief Taylor that Admiral Mauz used command influence to punish him for blowing the whistle on the admiral's trip to Bermuda. Master Chief Taylor was the individual who reported Admiral Mauz' trip to NAS Bermuda. Later, Master Chief Taylor had charges brought against him arising from actions while he was serving in California almost a year after leaving Bermuda. The charges were investigated and subsequently dismissed, however, Master Chief Taylor alleged that Admiral Mauz exercised undue command influence in the case in reprisal for the whistle blowing. The Department of the Navy investigated Master Chief Taylor's allegations and determined that there were no communications between Admiral Mauz, or anyone on his staff, with those who brought the charges against Taylor.

Mr. President, I join Chairman NUNN in urging my colleagues to vote in favor of retiring Admiral Mauz in the grade of admiral. He is a fine officer who deserves to retire as an admiral.

Mr. NUNN. Mr. President, again, I urge any of our colleagues who would like to speak on the DOD authorization bill to come over and speak now. We have time this afternoon and we may run into other matters tomorrow, so I hope they will come over and speak.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate resumed consideration of the bill.

REACTIVATION OF THE SR-71 RECONNAISSANCE AIRCRAFT

Mr. BYRD. Mr. President, I am very pleased that the conference committee on the DOD authorization bill has chosen to accept my proposal to reactivate a small, three-plane contingency group of SR-71 reconnaissance aircraft. The SR-71 will be able to provide a timely, flexible, unique reconnaissance capability, at the call of our CINC's worldwide, which is not now available. I am also supportive of a range of development vehicles, unmanned aerial aircraft, or "UAV's," which eventually can partly make up for the gaps in our intelligence which will be filled by the SR-71. But those vehicles are years away from fielding, and in the meantime this contingency group can provide invaluable special radar and optical intelligence that would not otherwise be available by any other means now in America's inventory, including our satellites and other aircraft such as the U-2. I say it is unique because it can defeat deception, as satellites cannot, and it can go anywhere, virtually invulnerable, as our other aircraft cannot.

I believe that the previous administration made a mistake in prematurely retiring this system, in the hope that systems then under development would replace it. But those systems have not come along, and the proposal that I have made would be a frugal, stripped down, modest, contingency group, not a full-fledged 12-plane squadron as was the heart of the previous program. So we have the capability reactivated without high cost, a reinvestment in a proven capability that is well worth the money—particularly in comparison to the cost of the billions that we intend to invest in new systems that may, I emphasize may, be able to take up this intelligence task 5 to 10 years or so down the road.

I understand that there are forces in the Air Force and the Pentagon opposed to this modest reactivation proposal. I suspect that their opposition is based on the fear that we may discover that the very expensive new systems they want to build might be jeopardized by this action. That is not the intent of the proposed new contingency group, but I am all for saving money on redundant and wasteful defense technologies, and if it is redundancy that we are buying, then we need to take a good second look at the billions planned for spending on new technologies. If the buzzword in the Pentagon is to spend money on new toys rather than using effectively and frugally the ones we have already paid for, then the American people would expect us to take a hard, close second look at the new spending plans.

Mr. President, I say it was a mistake for the Bush administration to scrap the SR-71 prematurely and open up a gap in our reconnaissance capabilities. What were their reasons for scrapping this important capability?

The primary reason given in 1989 and 1990 for terminating the SR-71 program was cost. The operating costs for the 12-plane fleet were averaging $250 million each year, for a system that was not then being creatively or effectively employed. This reasoning seems faulty, however, in light of the enormous sums being spent on a new headquarters building for the National Reconnaissance Office [NRO], the agency that builds and operates the intelligence community's satellite systems. To terminate an operational system that to this day has not been surpassed in capability on the basis that it is too expensive to operate, while spending over $300 million just to house the NRO, not on actual intelligence collection systems, is like building the Taj Mahal of Garages when you just sold the car that was to be parked inside. This wasteful, extravagant, and secretive spending is more than three times the amount needed to keep a contingency capability of SR-71 alive to support military commanders in the field.

Creating the 3-plane contingency force at a cost of $100 million, and maintaining it for some $50 million per year, which includes 1 month of operations with 10 mission flights, is far less expensive than developing and fielding new aircraft or satellite systems. After carefully studying the costs of this small program, and after including cost-reducing measures such as basing the contingency force with the NASA-operated research SR-71's in order to share common equipment, I am confident that this contingency group can be reactivated for $100 million. Indeed, in the DOD appropriations bill, the costs for reactivating the program have been capped at that amount.

A second reason given for the termination of the SR-71 program was that the system was no longer needed, since it was not being used well and newer systems were coming. We now know that the new systems have either been canceled or are still some years off. I concede that the SR-71 was not being effectively employed in the 1980's. But now that the static cold war era is over, the blossoming of smaller regional and ethnic conflicts around the globe has created many new requirements for conflict monitoring and humanitarian crisis planning. These requirements could be efficiently supported by limited numbers of SR-71 aircraft flying a small number of well-planned missions. One of the lessons learned from the Persian Gulf War was that the SR-71 was needed to create maps and to monitor activity over large areas. Civilian satellite systems were pressed into service to support humanitarian air drops of food in Bosnia in 1993, but the greater resolution and finer detail achievable by the SR-71 cameras might have made greater precision in air drops achievable. Similar creative use of the SR-71 could support humanitarian efforts in Rwanda and Zaire without drawing national collection systems away from other areas of interest.

Finally, opponents of the SR-71 suggest that America's political authorities lack the will to use the SR-71 to overfly hostile territory. It is true that in 1991, a political decision was made not to overfly Iraq, despite the potential intelligence that might have been gathered for the United States and her allies. I do not believe that one decision, taken by one administration, should forever tie the hands of future administrations. It is far better for our national leaders to have the instrument at hand, to use if necessary, than to deny them the opportunity to use it by assuming that they will never have the political will to overfly a nation if our intelligence needs, and our combat forces at risk, demand it. I applaud the decision made by the conference committee to provide this contingency force, and to keep this tool in our intelligence arsenal.

Mr. WALLOP. Mr. President, I rise to express my deep concern regarding an ill-considered and dangerous provision contained in the defense authorization conference report.

Section 1012 would grant immunity under U.S. law to agents and employees of the United States and foreign countries engaged in interdiction of aircraft suspected of illicit drug trafficking. This provision condones the shoot-down of civil aircraft and all but exempts American and foreign agents from responsibility under U.S. law if an innocent aircraft is accidentally shot down.

This provision was passed in the Senate by voice vote without the benefit of hearings and in the face of significant opposition by affected organizations. Yet it reverses well-established U.S. policy, sets troubling precedents for U.S. and international law and contradicts key international conventions governing civil air safety—conventions promoted by the United States and approved by this body.

It has been argued that this provision is needed so that we can continue assisting Colombia and Peru in their fight against illicit drug trafficking. In fact, this provision is only needed if the United States is willing to condone shoot-down policies of foreign countries.

Although the United States has provided intelligence to support Colombian and Peruvian drug interdiction efforts for years, circumstances surrounding this assistance have now dramatically changed. Both countries have adopted policies of shooting down civil aircraft suspected of illicit drug trafficking. Given this situation, the United States faced a choice: either not participate in such shoot-downs, seek to dissuade Colombia and Peru to abandon their shoot-down policies, or seek an exemption from United States law to allow us to participate in civil aircraft shoot-downs.

Even if we accept the administration's position that United States law prohibits United States officials from assisting foreign countries with drug interdiction if they adopt shoot-down policies, it is far from clear that section 1012 is the correct solution to the dilemma created by Colombia and Peru. By accepting their shoot-down policies without any serious effort to dissuade them, the United States has allowed Colombia and Peru to drive United States policy and thereby to shape United States law. This is unacceptable on its face. Instead, the United States should have made it clear to these countries that shooting down civil aircraft is unacceptable under any circumstances short of a direct military threat.

In choosing to accept Colombia's and Peru's shoot-down policies, the administration has opened up a number of dangerous precedents. Perhaps most troubling, section 1012 blurs the line between law enforcement and national defense. By elevating drug trafficking to the level of a threat to national security—justifying the use of deadly force against civil aircraft—section 1012 fundamentally departs from accepted standards of international law and long-held U.S. policy.

This is not a new issue. Four years ago, when faced with a similar proposal, the Bush administration stood firm in opposition to any law that would involve the United States in the shoot-down of civil aircraft.

In testimony before a House subcommittee in 1990, the Transportation Department's general counsel, Mr. Phillip D. Brady, made the following observations:

> It has been the position of the United States and the world aviation community that international law prohibits the use of weapons against civilian aircraft not posing a clear and present danger, in the military sense, to the security of a nation.
>
> For many years we have opposed, for both legal and safety reasons, other countries' occasionally announced intentions to shoot at civil aircraft. Once such a practice begins, it could have dangerous and widespread consequences that could affect the safety of innocent people worldwide. As the world leader in civil aviation, the United States would have more to lose than any other country in the development of such a practice.

But now, after all these years, the Clinton administration has decided to overturn these precedents, and without any serious debate or discussion. The administration's own legal analysis highlights the import of such a departure. As this analysis points out: "There are of course numerous policy implications from moving away from the existing 'bright line' standard that only self-defense can justify a shoot-down." These implications, however, have received only minimal consideration, and virtually none by Congress.

In 1989, the Senate debated the issue of civil shootdown, but strictly in the context of U.S. drug enforcement efforts. At that time, the Senate voted twice on amendments to authorize U.S. Federal drug enforcement agencies to shoot at aircraft suspected of drugrunning. Although the first amendment passed on August 1, 1989, it was later dropped in conference. I voted against this amendment.

Two months later, a revised version of this amendment was considered, and tabled. I voted against the tabling motion at that time for several reasons. First and foremost, the revised amendment contained stringent conditions and safeguards that would have made it almost impossible for a shootdown to occur, let alone one involving innocents. And second, the amendment would only have indemnified U.S. drug officials. It would not have involved the U.S. military in the shootdown policies of foreign countries. And it would not have made a national security argument to justify such actions. As it turns out, the Senate rejected even this revised approach.

Today, I believe that abandoning our unconditional opposition to shooting down civil aircraft sends a very bad message, even if the rationale—interdicting the flow of illicit drugs—is a worthy one. By making a national security argument to justify such activity, we blur a line that was previously clear. By offering this exception to current practice, we invite others to do the same, perhaps for far less worthy reasons. Recall, after all, that the Soviet Union used a national security argument to justify the shootdown of KAL 007 in 1983.

The only thing the families of the KAL 007 victims ever got was a promise from the United States and the international community that we would never condone, under any circumstances, the deliberate shootdown of a civilian aircraft. The law that the Clinton administration now seeks to undo is the only tangible compensation that these families ever received.

If section 1012 is enacted, we will virtually eliminate legal recourse for the victims of an accidental shootdown in Colombia and Peru. By passing this law, we will encourage Colombia and Peru to become more aggressive in implementing their shootdown policies. Accidents happen all too often without American encouragement.

Under section 1012, once the President certifies that "the country has appropriate procedures in place to protect against the loss of innocent life in the air and on the ground in connection with interdiction" the United States is free to participate in such shootdowns. As a practical matter, no country has an adequate degree of protection against such accidents. Recall that the United States military itself—with the best procedures in the world to protect against the loss of innocent life—has been responsible for such accidents in the past. Why should we have greater confidence in Colombia and Peru? And why should we encourage them in this regard?

Mr. President, I am not alone in expressing concern about this provision. A number of key organizations directly affected by section 1012 have also voiced strong opposition. These concerns have been all but ignored by the administration and by Congress.

The Aircraft Owners and Pilots Association [AOPA] and the National Business Aircraft Association [NBAA] have repeatedly attempted to convince the administration to seek an alternative to participation in a civil shootdown policy. The American Association for Families of KAL 007 Victims has also expressed outrage at this provision. For them, there is no excuse to condone, let alone participate in, a policy that involves the deliberate shootdown of civil aircraft. I ask unanimous consent that letters from each of these associations be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AIRCRAFT OWNERS AND
PILOTS ASSOCIATION,
Frederick, MD, June 23, 1994.

Hon. ROBERT S. GELBARD,
Assistant Secretary, U.S. Department of State, Washington, DC.

DEAR MR. GELBARD: The Aircraft Owners and Pilots Association will vigorously oppose any action by the United States government which would condone or encourage the use of deadly force against civilian aircraft.

We represent the interests of 325,000 members nationwide who take advantage of general aviation aircraft to fulfill their personal and business transportation needs. AOPA members are law-abiding citizens who share the Clinton Administration's desire to curb the use of general aviation aircraft as a tool in the illegal drug trade. But condoning the use of deadly force against civilian aircraft is irresponsible and fundamentally wrong.

Those in Washington who applaud the so-called "shootdown" policies of the Colombian and Peruvian governments cannot have forgotten that wo civilian airliners were shot down in recent years after they were mistaken for military aircraft. Trained military personnel using the most advanced equipment have demonstrated with tragic results that it is possible for a relatively slow-moving airliner to be mistaken for a fast-moving military jet fighter. Considering these horrifying events—one of which involved our own armed forces—how can anyone feel assured that a twin engine Cessna carrying Members of Congress on an overseas fact-finding mission will never be mistaken for an identical twin engine Cessna full of drug smugglers?

There are obvious alternatives to the use of deadly force which are equally effective, and the consequences of mistake are far less likely to result in injury or death. For example, we as pilots know that whatever goes up must come down. Aircraft suspected of drug smuggling activity are going to return to solid ground, one way or another. Utilizing the same modern technology and superior intelligence information which makes it possible to identify a suspected aircraft in the first place, it is merely necessary to continue tracking such an aircraft to its point of destination and apprehend the occupants and their cargo on the ground.

Because of potential multi-national jurisdictional issues, we recognize that additional international agreements might be required to facilitate this approach. We are confident that the State Department is capable of securing the necessary cooperation of other nations in the war on drugs.

And surely any foreign government with sufficient resources and firepower to shoot unarmed civilian aircraft out the sky also has the wherewithal to arrest criminals once they have landed. Aside from reducing the possibility of tragic mistake, it seems to us that such an approach has the added advantage of preserving evidence and potential witnesses who may be able to help lead authorities to their superiors in an international drug smuggling cartel.

We commend those elements of the Clinton Administration which news reports indicate are opposed to encouraging the use of deadly force against civilian aircraft. In the zeal to curtail the debilitating presence of illegal drugs in our society, the United States as the leader of the free world must exercise common sense and maintain its adherence to fundamental moral and legal concepts.

We would appreciate an opportunity to meet with you to discuss our concerns. In the meantime, thank you for considering our views.

Sincerely,

PHIL BOYER,
President.

AOPA LEGISLATIVE ACTION,
Washington, DC.

OPPOSE SHOOTING DOWN CIVILIAN AIRCRAFT

AOPA Legislative Action is opposed to any action by the United States government which would encourage the use of deadly force against civilian aircraft. Language included in the Senate version of the defense authorization bill would condone the use of deadly force against civilian aircraft by Colombia and Peru, which seek to use U.S. intelligence information for the purpose of shooting down aircraft suspected of illegal drug smuggling activity.

We represent thousands of pilots nationwide who take advantage of general aviation aircraft to fulfill their personal and business transportation needs. Our members are law-abiding citizens who share the desire of lawmakers to curb the use of general aviation aircraft as a tool in the illegal drug trade. But condoning the use of deadly force against civilian aircraft is fundamentally wrong.

Those who are attracted by the so-called "shootdown" policies of the Colombian and Peruvian governments must remember that two civilian airliners were shot down in recent years after they were mistaken for military aircraft. Trained military personnel using the most advanced equipment have demonstrated with tragic results that it is possible for a relatively slow-moving airliner to be mistaken for a fast-moving military jet fighter. In addition, the Defense Department recently disclosed details of the cascading series of communications failures which resulted in the accidental shooting down of two U.S. Army helicopters by American F-15 fighters which mistook them for Iraqi aircraft. The Iraqi incident illustrates the potential for tragedy which exists any time deadly force is applied, let alone against civilian aircraft.

Considering these horrifying events—some involving our own armed forces—it is impossible to assure that a twin engine Cessna carrying Members of Congress on an overseas fact-finding mission will never be mistaken for an identical twin engine Cessna full of drug smugglers.

There are obvious alternatives to the use of deadly force which are equally effective, and the consequences of mistake are far less likely to result in injury or death. For example, using the same modern technology and superior intelligence information which makes it possible to identify a suspected aircraft in the first place, it is merely necessary to continue tracking such an aircraft to its point of destination and apprehend the occupants and their cargo on the ground.

If the United States desires to continue sharing intelligence and providing other assistance to Colombia and Peru, it should seek assurances from the governments of those countries with respect to their shootdown activities. Preferably, Colombia and Peru would assure our government that they would engage in no more shootdowns of civilian aircraft. A less desirable alternative would be an assurance that Colombia and Peru would make no use of information or other aid provided by the United States in effecting shootdowns.

NATIONAL BUSINESS
AIRCRAFT ASSOCIATION, INC.,
Washington, DC.

NBAA DEEPLY CONCERNED WITH CLINTON ADMINISTRATION PROPOSAL TO ASSIST FOREIGN GOVERNMENTS WHICH HAVE "SHOOTDOWN" DRUG INTERDICTION PROGRAMS

June 30, 1994, Washington, DC.—The National Business Aircraft Association (NBAA) expressed deep concern today with the announcement late last week of President Clinton's proposal to allow U.S. officials to provide tracking data to foreign governments that want to shoot down suspected drug-smuggling flights.

"The President's proposal, which requires Congressional approval, raises serious aviation safety issues," said NBAA President Jack Olcott. "We agree with the protocol drafted in 1984 by the International Civil Aviation Organization (ICAO) which stated that, in part, '* * * every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered.' The potential for tragic error resulting in the loss of innocent lives is too great to warrant support for the 'shoot down' approach to drug interdiction. In fact and unfortunately, recent history has proven this point," he continued.

"Furthermore, we are proud of the excellent record of NBAA Member Companies with regard to the drug issue. To our knowledge, no NBAA Member Company aircraft has ever been found to have been involved in the smuggling of drugs." He added, "Whether it be Colombia, Peru, or any other country, no foreign government should receive a signal from the United States Government that the 'shoot down' approach is acceptable. And, specifically, NBAA is deeply concerned with the added risk to international flight operations of NBAA Member Companies as they endeavor to compete in the global marketplace should this proposal be approved by Congress."

Olcott concluded, "It is our sincere hope that President Clinton will reconsider his decision and that Congress will reject the proposal if he fails to."

NBAA represents the aviation interests of approximately 3,400 companies which own and operate general aviation aircraft as an aid to the conduct of their business, or are involved with business aviation. NBAA Member Companies earn annual revenues in excess of $3 trillion—a number that is about half of the Gross National Product—and employ more than 16 million people worldwide.

THE AMERICAN ASSOCIATION FOR
FAMILIES OF KAL 007 VICTIMS,
New York, N.Y., August 15, 1994.

Subject: S–2182.

Hon. MALCOLM WALLOP,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WALLOP: We just became aware of the above Bill which we understand is up for a vote.

Section 1012 would grant immunity to authorized employees and agents of the United States and of foreign countries engaged in interdiction of aircraft used in illicit drug trafficking.

We urge you to vote against this amendment to Bill S. 2182.

Eleven years ago we lost 269 of our loved ones precisely because Korean Airlines Flight 007 was interdicted for security reasons by the then Soviet authorities.

By passing this amendment we would set indeed a bad example to the world allowing the destruction of civilian aircraft. In fact passage of this bill would encourage drug traffickers to fill their planes with civilians, and dare our authorities to shoot them down. How would we know who are the innocent and who are the guilty passengers on such planes?

It cannot be the policy of our Government to grant anybody immunity for a decision to terminate a civilian flight, for whatever reason.

Thank you for your attention.

Respectfully,

HANS EPHRAIMSON-ABT,
Chairman.

Mr. WALLOP. Mr. President, those who oppose section 1012 do not want U.S. military personnel or other U.S. Government employees to be liable under U.S. law for merely doing their assigned duties. Nor do they want the United States to be soft on drug trafficking. What they are saying is that U.S. participation in a civil aircraft shootdown policy is not the only alternative and certainly not the best one. Unfortunately, the alternatives have not even been considered by Congress.

Given the legitimate concerns that have been raised, and the fact that section 1012 overturns decades of U.S. policy, it is irresponsible at best for Congress to pass this section without hearings and full debate. This is not a slight modification. It is a large hole in U.S. policy and international practice.

Mr. President, I realize that the Senate is unlikely to defeat the defense authorization conference report based solely on this provision. I, for one, however, will vote against this conference report largely as a result of this provision. I hope that it will never be implemented and that in the future the Congress will come to its senses and rethink this dangerous approach.

REGARDING THE THEATER AIR CONTROL IMPROVEMENT [TACSI].

SMITH. Mr. President, I wonder if I might engage the distinguished chairman and ranking member of the Armed Services Committee in a brief colloquy. It is my understanding that the conferees approved a $7.6 million reduction to the TACSI program, despite the full funding of the budget request for this program in both the House and Senate authorization bills.

Mr. NUNN. The Senator from New Hampshire is correct.

Mr. SMITH. I recognize the need to reduce spending wherever possible, but I am concerned that this cut may produce unintended harm to the Air Force Mission Support System [AFMSS] program, which is the mission, planning portion of the TACSI Program. As my colleagues know, AFMSS consolidates many different and costly mission planning systems into one standard system, consistent with the policy of establishing migration systems in defense procurements. I fear that a reduction of this nature will negatively impact our operational warfighting capability.

Could the distinguished chairman and ranking member comment on this issue?

Mr. NUNN. I would be happy to respond. I am aware of the importance of the AFMSS Program, and share my colleague from New Hampshire's commitment to preserving our Nation's warfighting capabilities. I can assure the Senator that, while the conferees did strive to achieve budget savings, it was not the intent of the conferees to reduce funding for the AFMSS portion of the TACSI Program.

Mr. THURMOND. The distinguished chairman is correct. The reduction of $7.6 million was not done with any prejudice toward the AFMSS Program. Rather, it was an effort on the part of the conferees to avoid creating so-called hollow budget authority, since the House and Senate Defense appropriations bills each reduced the overall funding level for the TACSI Program.

Mr. SMITH. I thank my colleagues for this clarification, and for their support of this important program.

Mr. LIEBERMAN. Mr. President, I am pleased to have been a part of the conference with the House of Representatives on the fiscal year 1995 Defense authorization bill and to have worked under the able leadership of the distinguished chairman of the Senate Armed Services Committee, Senator NUNN. I have advocated for some time now that the Senate should enact a law which would require the United States to lift unilaterally the arms embargo imposed on Bosnia. The amendment which the minority leader, Senator DOLE, and I offered to the Defense authorization bill when it was on the floor on July 1, 1994. That amendment failed by a 50-to-50 tie vote. A Nunn-Mitchell amendment expressed a sense of the Congress on this subject; this amendment was passed with a 52 to 48 vote. The House of Representatives entered conference with an amendment similar to the Dole-Lieberman amendment which had passed the House with a 66-vote margin.

During the authorization conference, I worked to achieve compromise language which would have required unilateral lifting of the embargo consistent with both Dole-Lieberman and the House position. The chairman of the Armed Services Committee offered an innovative and thoughtful proposal which attempted to bridge the gap between the two positions. I felt that this proposal took important steps with regard to the arms embargo, but it stopped short of requiring, as the last step of the process it established, that the President unilaterally lift the embargo if efforts to attain approval of the U.N. Security Council for a multilateral lifting failed. Ultimately, the efforts of those of us in the conference who favored adding to it a unilateral lifting of the embargo failed and the language offered by the Senator from Georgia was accepted as the final conference language by the conferees on August 10.

While I supported and signed the conference report on the Defense authorization bill, I am making this statement so that the record accurately reflects my concern over the final language adopted on Bosnia by the conference.

I should note that there have been subsequent developments on this issue. During consideration of the Defense appropriations bill on August 11, 1994, I joined once again with the Senate Republican leader and offered an amendment requiring the unilateral lifting of the arms embargo no later than November 15, 1994. This amendment was agreed to by the Senate by a vote of 58 to 42. An amendment by Senators NUNN and MITCHELL which was identical to the language agreed to in the Defense authorization conference was also agreed to, by a vote of 56 to 44. Consistent with the position I took in conference, I voted for the amendment on August 11 because I believe it provides the necessary preliminary steps to a unilateral lifting of the embargo as required by the Dole-Lieberman amendment.

Mr. MITCHELL. Mr. President, the Senate has now considered the conference report on the Department of Defense authorization bill. This is an important measure, although it is relatively noncontroversial, and I anticipate, when we finally have a vote on it, it will be approved by a substantial margin.

It had been my hope that the Senate would complete the debate on this measure today, and that we could have a vote tomorrow morning. We then were asked by our Republican colleagues not to have any votes tomorrow until after the respective party lunches and conferences, and I therefore agreed to that. I announced earlier today in response to that request that there would be no votes prior to 2:30 tomorrow.

We then were further asked for additional time to permit Senators who were not present today to be present tomorrow to debate that Department of Defense authorization bill, and I have agreed to that. The time requested was approximately 4 hours, and if we come in at 10 and have the usual recess for the luncheon period, the vote would then occur at about 4:30.

Accordingly, Mr. President, I now ask unanimous consent that the vote on the Department of Defense authorization bill occur at 4:30 p.m. tomorrow, and that the time prior to that be equally divided between the two parties for debate on the matter in the usual form.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am going to have to object, but I do want to say to the leader that we are hopeful we can acquire approval to have the vote some time tomorrow afternoon. It is my understanding that Senator MCCAIN will be here at 10 o'clock in the morning. It will be a debate to begin at 10 o'clock and he will be here to discuss the pending matter.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret that we were not able to get the agreement. I hope that we will be able to tomorrow, that we will be able to vote on this matter tomorrow. It is an important bill on which we must complete action.

INTERSTATE BANKING EFFICIENCY ACT

Mr. MITCHELL. Mr. President, another bill on which action must be completed is the conference report on the Interstate Banking Act. I announced prior to the recess, that is to say, several weeks ago, that this was a matter on which I intended to try to proceed. We are now in the position where we do not know whether or not cloture will be required. There has been a number of objections made by several Senators, and it has been my intention to proceed to that bill this evening for the purpose of filing cloture so that if we are unable to bring this conference report up tomorrow or Wednesday morning, that the cloture motion will ripen and we would have a vote on whether or not to proceed to the bill on Wednesday morning. I frankly hope we could get agreement to vote on cloture tomorrow but that would require consent.

Therefore, Mr. President, I now ask unanimous consent that the Senate proceed to the conference report accompanying H.R. 3841, the Interstate Banking Efficiency Act.

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying H.R. 3841, the Interstate Banking Efficiency Act.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to proceed to H.R. 3841, the Interstate Banking Efficiency Act, occur at 2:30 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Accordingly then, Mr. President, a vote will occur at 2:30 p.m. tomorrow on the motion to proceed to the Interstate Banking Efficiency Act.

I want to make a comment on what has just transpired.

My purpose in wanting to have the cloture motion filed this evening was to have the cloture vote on Wednesday, because, as we all know, the Senate will go into recess on Wednesday at about 2 p.m. because of the Jewish holidays.

Now, I had previously announced that there would be no votes today, Monday, in response to a number of requests from Republican and Democratic Senators. And so what has just occurred is that because I accommodated several Senators in announcing, at their request, that there not be votes today, I have been put in the position where that is now being used to prevent progress on the bill so that we could not get the motion to proceed to the Banking Act this evening.

That means, since it will not be until tomorrow that we can take that up and file the cloture motion, and we have to break on Wednesday for the Jewish holidays, we will not be able to get to that cloture vote until next week. And so a whole week will have been consumed because of the maneuver that has just occurred.

I find myself in a position where, having accommodated the requests of a number of Senators, I am now being penalized in trying to move forward on the legislation that the Senate has to act on because of that accommodation.

There is not anything I can do about it now, but I will say to Senators that it certainly does not enhance the prospects for further accommodation of this type on my part. I want to be as cooperative as I can with as many Senators as possible, but when some of the very people who make the request for accommodation then turn around and use that accommodation as a way of preventing action, or delaying action, it is very difficult to accept and will obviously have to be a factor in connection with future requests for accommodation.

Mr. President, as of now, the one vote we have scheduled tomorrow is on a motion to proceed to the Interstate Banking Efficiency Act. That is a nondebatable motion, and a vote has been set for 2:30. It is my intention to file a motion to invoke cloture on that matter immediately following that vote, if in fact we have not got the matter resolved by then and cannot proceed to final passage of that measure. We will also attempt to complete action on the Department of Defense authorization bill some time tomorrow, and I hope that the suggested cooperation which was mentioned earlier is forthcoming in that regard.

MORNING BUSINESS

LINCOLN COUNTY, MT, PUBLIC LANDS TRANSFER ACT

The text of the bill (S. 528) to provide for the transfer of certain U.S. Forest Service Lands located in Lincoln County, MT, to Lincoln County in the State of Montana, as passed by the Senate on August 25, 1994, is as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lincoln County, Montana, Lands Transfer Act of 1994".

SEC. 2. CONVEYANCE OF PROPERTY.

(a) As soon as practicable, but in no event not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (hereinafter the "Secretary") shall convey, without consideration, all right, title, and interest of the United States to the following lands located within the boundaries of the Kootenai National Forest, Montana, to Lincoln County, Montana—

(1) approximately 30 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Junior High School" dated August 1994;

(2) approximately 2 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Boyd Cemetery" dated August 1994;

(3) approximately 27.68 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Yaak Ambulance Barn" dated August 1994;

(4) approximately 170 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Landfill" dated August 1994;

(5) approximately 11 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Eureka Administration Site" dated August 1994; and

(6) approximately 99.5 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Old Libby Airport" dated August 1994.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey, without consideration, the timber and mineral rights to approximately 182.04 acres at the new Libby Airport, as generally depicted on the map entitled "Kootenai National Forest Lands—Timber and Mineral Rights Transfer at Libby Airport" dated August 1994, to Lincoln County, Montana.

(c) If the lands referred to in subsection (a) cease to be used for public purposes, such lands shall revert to the United States: *Provided*, That the lands shall not revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

SEC. 3. RELEASE.

Upon the transfer of any lands or interests therein identified in section 2 of this Act to Lincoln County, Lincoln County shall release the United States from any liability for claims relating to such lands or interests therein.

SEC. 4. MAPS.

The maps referred to in this Act shall be on file and available for public inspection in the Office of the Chief of the Forest Service, in Washington, D.C.

BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

The text of the bill (S. 1614) to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such acts through fiscal year 1998, and for other purposes, as passed by the Senate on August 25, 1994, is as follows:

S. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Nutrition and Health for Children Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Delivery of commodities.
Sec. 102. Combined Federal and State commodity purchases.
Sec. 103. Nutritional requirements.
Sec. 104. Elimination of whole milk requirement.
Sec. 105. Use of free and reduced price meal eligibility information.
Sec. 106. Automatic eligibility of Head Start participants.
Sec. 107. Use of nutrition education and training program resources.
Sec. 108. Special assistance for schools electing to serve all children free lunches or breakfasts.
Sec. 109. Definition of school.
Sec. 110. Reimbursement for meals, supplements, and milk under certain programs contingent on timely submission of claims and final program operations report.
Sec. 111. Organically produced agricultural products.
Sec. 112. Food and nutrition projects.
Sec. 113. Summer food service program for children.
Sec. 114. Commodity distribution program.
Sec. 115. Child and adult care food program.
Sec. 116. Homeless children nutrition program; demonstration program for the prevention of boarder babies.
Sec. 117. Pilot projects.
Sec. 118. Food service management institute.
Sec. 119. Compliance and accountability.
Sec. 120. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.
Sec. 121. Nutrition education promotion program.
Sec. 122. Information clearinghouse.
Sec. 123. Guidance and grants for accommodating medical and special dietary needs of children with disabilities.
Sec. 124. Inspection of juice and juice products.
Sec. 125. Administration of nutrition programs.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. School breakfast program.
Sec. 202. State administrative expenses.
Sec. 203. Competitive foods of minimal nutritional value.
Sec. 204. Special supplemental nutrition program.
Sec. 205. Nutrition education and training program.

TITLE III—OTHER RELATED PROVISIONS

Sec. 301. Distribution of commodities on certain Indian reservations.

TITLE IV—EFFECTIVE DATES

Sec. 401. Effective dates.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. DELIVERY OF COMMODITIES.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) The Secretary shall deliver, to each State participating in the school lunch program under this Act, commodities valued at the total level of assistance authorized under subsection (c) for each school year for the school lunch program in the State, not later than September 30 of the following school year.";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f), and clauses (i) and (ii) of subsection (g)(3)(A), of section 14 of such Act (42 U.S.C. 1762a) are amended by striking "section 6(e)" and inserting "section 6(c)".

(2) The last sentence of section 16(a) of such Act (42 U.S.C. 1765(a)) is amended by striking "section 6(e) of this Act" and inserting "section 6(c)".

(3) Section 17(h)(1)(B) of such Act (42 U.S.C. 1766(h)(1)(B)) is amended by striking "section 6(e)" and inserting "section 6(c)".

SEC. 102. COMBINED FEDERAL AND STATE COMMODITY PURCHASES.

Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may enter into an agreement with a State agency under which funds payable to the State under section 4 or 11 may be used by the Secretary for the purpose of purchasing commodities for use by schools in the State in meals served under the school lunch program under this Act.".

SEC. 103. NUTRITIONAL REQUIREMENTS.

(a) TECHNICAL ASSISTANCE FOR SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school lunch program under this Act, to schools participating in the school lunch program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) MINIMUM NUTRITIONAL REQUIREMENTS MEASURED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of such Act (42 U.S.C. 1758(a)(1)(A)) (as amended by subsection (a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting the following: ", except that—

"(i) the minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) the minimum nutritional requirements shall be measured by not less than the weekly average of the nutrient content of school lunches.".

(c) DIETARY GUIDELINES FOR AMERICANS.—Section 9 of such Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f)(1) Not later than July 1, 1996, the Secretary, State educational agencies, schools, and school food service authorities shall, to the maximum extent practicable, inform students who participate in the school lunch and school breakfast programs, and parents and guardians of the students, of—

"(A) the nutritional content of the lunches and breakfasts that are served under the programs; and

"(B) the consistency of the lunches and breakfasts with the guidelines contained in the most recent 'Dietary Guidelines for Americans' that is published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) (referred to in this subsection as the 'Guidelines'), including the consistency of the lunches and breakfasts with the guideline for fat content.

"(2)(A) Except as provided in subparagraph (B), not later than July 1, 1996, schools that are participating in the school lunch or school breakfast program shall serve lunches and breakfasts under the programs that are consistent with the Guidelines (as measured in accordance with subsection (a)(1)(A)(ii)).

"(B) State educational agencies may grant waivers from the requirements of subparagraph (A) subject to criteria established by the appropriate State educational agency. The waivers shall not permit schools to implement the requirements later than July 1, 1998, or a later date determined by the Secretary.

"(C) To assist schools in meeting the requirements of this paragraph, the Secretary shall—

"(i) develop, and provide to schools, standardized recipes, menu cycles, and food product specification and preparation techniques; and

"(ii) provide to schools information regarding nutrient standard menu planning, assisted nutrient standard menu planning, and other approaches, including food-based menu systems with nutrient analysis, as determined by the Secretary.

"(D) Schools may use any of the approaches described in subparagraph (C) to meet the requirements of this paragraph.

"(3)(A) Not later than 120 days after the date of enactment of this subsection, the Secretary shall submit to the authorizing committees of Congress a detailed and specific plan that describes the actions the Secretary will take to encourage schools that are participating in the school lunch and school breakfast programs to serve lunches and breakfasts under each program that are consistent with the Guidelines.

"(B) The Secretary shall include in the plan—

"(i) a strategy for providing technical assistance to States, State educational agencies, schools, and school food service authorities to encourage consistency with the Guidelines; and

"(ii) a strategy for informing State child nutrition directors, school food service directors, parents, guardians, and students of—

"(I) the provisions of the Guidelines;

"(II) the importance of implementing the Guidelines; and

"(III) specific suggestions for dietary modifications that would achieve the objectives of the Guidelines.".

SEC. 104. ELIMINATION OF WHOLE MILK REQUIREMENT.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fluid whole milk and fluid unflavored lowfat milk" and inserting "fluid milk, except that a State educational agency may require schools in the State to offer any type or types of milk to students"; and

(3) by adding at the end the following new subparagraph:

"(B)(i) The Secretary shall purchase each calendar year to carry out the school lunch program under this Act, and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat cheese on a bid basis in a quantity that is the milkfat equivalent of the quantity of milkfat the Secretary estimates the Commodity Credit Corporation will purchase each calendar year as a result of the elimination of the requirement that schools offer students fluid whole milk and fluid unflavored lowfat milk, based on data provided by the Director of Office of Management and Budget.

"(ii) Not later than 30 days after the Secretary provides an estimate required under clause (i), the Director of the Congressional Budget Office shall provide to the appropriate committees of Congress a report on whether the Director concurs with the estimate of the Secretary.

"(iii) The quantity of lowfat cheese that is purchased under this subparagraph shall be in addition to the quantity of cheese that is historically purchased by the Secretary to carry out school feeding programs. The Secretary shall take such actions as are necessary to ensure that purchases under this subparagraph shall not displace commercial purchases of cheese by schools.".

SEC. 105. USE OF FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION.

Clause (iii) of section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended to read as follows:

"(iii) The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clause (ii), shall be limited to—

"(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

"(II) a person directly connected with the administration or enforcement of a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); and

"(III)(aa) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

"(bb) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by paragraph (1) or this paragraph.

"(iv) Information provided by a school under clause (iii)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

"(v) A person described in clause (iii) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.".

SEC. 106. AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.

(a) IN GENERAL.—Section 9(b)(6) of the National School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a member of";

(B) in clause (i)—

(i) by inserting "a member of" after "(i)"; and

(ii) by striking "or" at the end;

(C) in clause (ii)—

(i) by inserting "a member of" after "(ii)"; and

(ii) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).''; and

(2) in subparagraph (B), by striking "food stamps or aid to families with dependent children" and inserting "food stamps or aid to families with dependent children, or of enrollment or participation in a Head Start program on the basis described in subparagraph (A)(iii),".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on September 1, 1995.

SEC. 107. USE OF NUTRITION EDUCATION AND TRAINING PROGRAM RESOURCES.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) (as amended by section 103(c)) is further amended by adding at the end the following new subsection:

"(g) In carrying out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State educational agency shall, particularly with regard to the responsibilities of the agency under subsection (a)(3), use resources provided through the nutrition education and training program authorized under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) for training aimed at improving the quality and acceptance of school meals.".

SEC. 108. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the second sentence, by striking "In the case of" and inserting the following:

"(B) Except as provided in subparagraph (C), (D), or (E), in the case of"; and

(3) by striking the third and fourth sentences and inserting the following new subparagraphs:

"(C)(i) Except as provided in subparagraph (D), in the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 3 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) during any period of 3 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

special assistance payments shall be paid to the State educational agency with respect to the school during the period on the basis of the number of lunches or breakfasts determined under clause (ii) or (iii).

"(ii) For purposes of making special assistance payments under clause (i), except as provided in clause (iii), the number of lunches or breakfasts served by a school to children who are eligible for free lunches or breakfasts or reduced price lunches or breakfasts during each school year of the 3-school-year period shall be considered to be equal to the number of lunches or breakfasts served by the school to children eligible for free lunches or breakfasts or reduced price lunches or breakfasts during the first school year of the period.

"(iii) For purposes of computing the amount of the payments, a school may elect to determine on a more frequent basis the number of children who are eligible for free or reduced price lunches or breakfasts who are served lunches or breakfasts during the 3-school-year period.

"(D)(i) In the case of any school that, on the date of enactment of this subparagraph, is receiving special assistance payments under this paragraph for a 3-school-year period described in subparagraph (C), the State may grant, at the end of the 3-school-year period, an extension of the period for an additional 2 school years, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable.

"(ii) A school described in clause (i) may reapply to the State at the end of the 2-school-year period described in clause (i) for the purpose of continuing to receive special assistance payments, as determined in accordance with this paragraph, for a subsequent 5-school-year period. The school may reapply to the State at the end of the 5-school-year period, and at the end of each 5-school-year period thereafter for which the school receives special assistance payments under this paragraph, for the purpose of continuing to receive the payments for a subsequent 5-school-year period. The school shall require submission of applications for free and reduced price lunches, or for free and reduced price lunches and breakfasts, in the first school year of each 5-school-year period for which the school receives special assistance payments under this paragraph, for the purpose of calculating the special assistance payments.

"(E)(i) In the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to the school at a level that is equal to the total Federal cash reimbursements and total commodity assistance received by the school in the last school year for which the school accepted applications under the school lunch or school breakfast program, adjusted annually for inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the school lunch or school breakfast program.

"(ii) A school described in clause (i) may reapply to the State at the end of the 4-school-year period described in clause (i), and at the end of each 4-school-year period thereafter for which the school receives reimbursements and assistance under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 4-school-year period. The State may approve an application under this clause if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the last school year for which the school accepted the applications described in clause (i).".

SEC. 109. DEFINITION OF SCHOOL.

(a) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in the first sentence—

(A) in subparagraph (A), by striking "under," and inserting "under and";

(B) in subparagraph (B), by striking ", and" and inserting a period; and

(C) by striking subparagraph (C); and

(2) in the second sentence, by striking "of clauses (A) and (B)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1995.

SEC. 110. REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT ON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims submitted to State agencies by eligible schools, institutions, and service institutions for service of meals, supplements, and milk under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) only if—

"(A) the claims have been submitted to the State agencies not later than 60 days after the last day of the month for which reimbursements are claimed; and

"(B) the final program operations report for the month is submitted to the Secretary not later than 90 days after the last day of the month.

"(2) The Secretary may waive the requirements of paragraph (1).".

SEC. 111. ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 110) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall make available, at the request of State educational agencies and schools participating in the school lunch program, information about means for schools to obtain organically produced agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)), such as meats, poultry products, fruits, products made from grains, dairy products, and vegetables that are organically produced.".

"(2) Paragraph (1) shall apply beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with such Act (7 U.S.C. 6501 et seq.).".

SEC. 112. FOOD AND NUTRITION PROJECTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 111) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary, acting through the Administrator of the Food and Nutrition Service or through the Extension Service, shall award on an annual basis grants to a private nonprofit organization or educational institution in each of 3 States to create, operate, and demonstrate food and nutrition projects that are fully integrated with elementary school curricula.

"(2) Each organization or institution referred to in paragraph (1) shall be selected by the Secretary and shall—

"(A) assist local schools and educators in offering food and nutrition education that integrates math, science, and verbal skills in the elementary grades;

"(B) assist local schools and educators in teaching agricultural practices through practical applications, like gardening;

"(C) create community service learning opportunities or educational programs;

"(D) be experienced in assisting in the creation of curriculum-based models in elementary schools;

"(E) be sponsored by an organization or institution, or be an organization or institution, that provides information, or conducts other educational efforts, concerning the success and productivity of American agriculture and the importance of the free enterprise system to the quality of life in the United States; and

"(F) be able to provide model curricula, examples, advice, and guidance to school, community groups, States, and local organizations regarding means of carrying out similar projects.

"(3) Subject to the availability of appropriations to carry out this subsection, the Secretary shall make grants to each of the 3 private organizations or institutions selected under this section in amounts of not less than $100,000, nor more than $200,000, for each of fiscal years 1995 through 1998.

"(4) The Secretary shall establish fair and reasonable auditing procedures regarding the expenditure of funds under this subsection.

"(5) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 1995 through 1998.".

SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ORDER OF PRIORITY.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) School food authorities.

"(B) Units of local, municipal, or county government that have demonstrated successful program performance in a prior year.

"(C) Other units of local, municipal, or county government, and private nonprofit organizations eligible under paragraph (7).".

(b) PRIVATE NONPROFIT ORGANIZATIONS.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C).

(c) NON-SCHOOL SITES.—Section 13(c)(1) of such Act (42 U.S.C. 1761(c)(1)) is amended by inserting before the period at the end the following: "or that provide meal service at nonschool sites to children who are not in school for a period during the months of October through April due to an unanticipated school closure".

(d) Registered Food Service Management Company Reports.—Section 13(l)(3) of such Act (42 U.S.C. 1761(l)(3)) is amended by striking "and their program record" and inserting "that have been seriously deficient in their participation in the program,".

(e) Management and Administration Plan.—Section 13(n) of such Act (42 U.S.C. 1761(n)) is amended—

(1) in paragraph (2), by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (4) through (12).

(f) Elimination of Warning in Private Nonprofit Organization Application Relating to Criminal Provisions and Related Matters.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (4), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(g) Hearings Regarding State Action on the Basis of Federal Review Findings.—Section 13(q) of such Act (42 U.S.C. 1761(q)) (as amended by paragraphs (1) and (2) of subsection (f)) is further amended by inserting before paragraph (4) the following new paragraph:

"(3) A State shall not be required to provide a hearing to a private nonprofit organization concerning a State action taken on the basis of a Federal review finding with respect to a program carried out under this section. If a State does not provide a hearing to the organization concerning the action, the Secretary, on request, shall provide a hearing to the organization concerning the action.".

(h) Extension of Program.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

(i) All-Day Activities.—The Secretary of Agriculture shall—

(1) not later than 180 days after the date of enactment of this Act, identify sources of Federal funds that may be available from other Federal agencies for service institutions under the summer food service program for children established under section 13 of the National School Lunch Act (42 U.S.C. 1761) to carry out all-day educational and recreational activities for children at feeding sites under the program; and

(2) notify through State agencies, as determined appropriate by the Secretary, the service institutions of the sources.

SEC. 114. COMMODITY DISTRIBUTION PROGRAM.

(a) Extension.—Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1994" and inserting "1998".

(b) Nutritional Content.—Section 14(b) of such Act (42 U.S.C. 1762a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall improve the overall nutritional quality of entitlement commodities (within the meaning of section 18) provided to schools under the school lunch program to assist the schools in improving the nutritional content of meals served under the program.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of commodities provided to schools under the school lunch program; or

"(B) otherwise provide nutritional content information regarding the commodities provided to schools under the school lunch program.".

SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.

(a) Reapplication for Assistance at 3-Year Intervals.—Section 17(d)(2)(A) of the National School Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(b) Use of Administrative Funds To Conduct Outreach and Recruitment to Unlicensed Day Care Homes.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by a family or group day care home sponsoring organization to conduct outreach and recruitment to unlicensed family or group day care homes so that the day care homes may become licensed.".

(c) Information and Training Concerning Child Health and Development.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage States to provide information and training concerning child health and development to family or group day care home sponsoring organizations.".

(d) Extension of Statewide Demonstration Projects.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (1)(A), strike "25 percent of the children served by such organization" and insert "25 percent of the children enrolled in the organization or 25 percent of the licensed capacity of the organization for children, whichever is less,";

(2) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(3) in paragraph (5), by striking "1994" and inserting "1998".

(e) WIC Information.—Section 17 of such Act (42 U.S.C. 1766) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary shall provide State agencies with basic information concerning the importance and benefits of the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) The State agency shall—

"(A) provide each child care institution participating in the program established under this section, other than institutions providing day care outside school hours for schoolchildren, with materials that include—

"(i) a basic explanation of the benefits and importance of the special supplemental nutrition program for women, infants, and children;

"(ii) the maximum income limits, according to family size, applicable to children up to age 5 in the State under the special supplemental nutrition program for women, infants, and children; and

"(iii) a listing of the addresses and phone numbers of offices at which parents may apply;

"(B) annually provide the institutions with an update of the information on income limits described in subparagraph (A)(ii); and

"(C) ensure that, at least once a year, the institutions to which subparagraph (A) applies provide written information to parents that includes—

"(i) basic information on the benefits provided under the special supplemental nutrition program for women, infants, and children;

"(ii) information on the maximum income limits, according to family size, applicable to the program; and

"(iii) information on where parents may apply to participate in the program.".

SEC. 116. HOMELESS CHILDREN NUTRITION PROGRAM; DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.

(a) Homeless Children Nutrition Program.—The National School Lunch Act is amended by inserting after section 17A (42 U.S.C. 1766a) the following new section:

"SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) In General.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) Agreements To Participate in Projects.—

"(1) In general.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects conducted under this section.

"(2) Eligibility requirements.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects conducted under this section, including requirements that—

"(A) each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children under the age of 6 at each site; and

"(B) each food service site operated by any of the organizations shall meet applicable State and local health, safety, and sanitation standards.

"(c) Project Requirements.—

"(1) In general.—A project conducted under this section shall—

"(A) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program established under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of the project.

"(2) Modification.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) Homeless children eligible for free meals without application.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without submitting an application.

"(d) Funding Priorities.—From the amount described in subsection (f), the Secretary shall provide funding for projects carried out under this section for a particular fiscal year (referred to in this subsection as the 'current fiscal year') in the following order of priority, to the maximum extent practicable:

"(1) The Secretary shall first provide such funding to entities and organizations, each of which—

"(A) received funding under this section or section 18(c) (as in effect on the day before the date of enactment of this section) to carry out a project for the preceding fiscal year; and

"(B) is eligible to receive funding under this section to carry out the project for the current fiscal year;

to enable the entity or organization to carry out the project under this section for the current fiscal year at the level of service provided by the project during the preceding fiscal year.

"(2) From the portion of the amount that remains after the application of paragraph (1), the Secretary shall provide funds to entities and organizations, each of which is eligible to receive funding under this section, to enable the entity or organization to carry out a new project under this section for the current fiscal year, or to expand the level of service provided by a project for the current fiscal year over the level provided by the project during the preceding fiscal year.

"(e) NOTICE.—The Secretary shall advise each State of the availability of the projects conducted under this subsection for States, cities, counties, local governments, and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(f) FUNDING.—

"(1) IN GENERAL.—From funds made available under section 7(a)(5)(B)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)), the Secretary shall expend $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out this section.

"(2) EXCEPTION.—The Secretary may expend less than the amount described in paragraph (1) if there is an insufficient number of suitable applicants to carry out projects under this section. Any funds made available under this subsection to carry out the projects for a fiscal year that are not obligated to carry out the projects in the fiscal year shall remain available until expended for purposes of carrying out the projects.

"(g) DEFINITION OF EMERGENCY SHELTER.—As used in this section, the term 'emergency shelter' has the meaning provided in section 321(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351(2)).".

(b) DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.—Subsection (c) of section 18 of the National School Lunch Act (42 U.S.C. 1769(c)) is amended to read as follows:

"(c)(1) Using the funds provided under paragraph (7), the Secretary shall conduct at least 1 demonstration project through a participating entity during each of fiscal years 1995 through 1998 that is designed to provide food and nutrition services throughout the year to—

"(A) homeless pregnant women; and

"(B) homeless mothers or guardians of infants, and the children of the mothers and guardians.

"(2) To be eligible to obtain funds under this subsection, a homeless shelter, transitional housing organization, or other entity that provides or will provide temporary housing for individuals described in paragraph (1) shall (in accordance with guidelines established by the Secretary)—

"(A) submit to the Secretary a proposal to provide food and nutrition services, including a plan for coordinating the services with services provided under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(B) receive the approval of the Secretary for the proposal;

"(C) be located in an urban area that has—

"(i) a significant population of boarder babies;

"(ii) a very high rate of mortality for children under 1 year of age; or

"(iii) a significant population of homeless pregnant women and homeless women with infants;

as determined by the Secretary; and

"(D) be able to coordinate services provided under this subsection with the services provided by the local government and with other programs that may assist the participants receiving services under this subsection.

"(3) Food and nutrition services funded under this subsection—

"(A) may include—

"(i) meals, supplements, and other food;

"(ii) nutrition education;

"(iii) nutrition assessments;

"(iv) referrals to—

"(I) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(II) the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(III) other public or private programs and services;

"(v) activities related to the services described in any of clauses (i) through (iv); and

"(vi) administrative activities related to the services described in any of clauses (i) through (v); and

"(B) may not include the construction, purchase, or rental of real property.

"(4)(A) A participating entity shall—

"(i) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program under section 17 for free meals and supplements;

"(ii) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the entity; and

"(iii) maintain a policy of not providing services or assistance to pregnant women, or homeless women with infants, who use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(B) The Secretary may modify the meal pattern requirements to take into account the needs of infants, homeless pregnant women, homeless mothers, guardians of infants, or the children of the women, mothers, or guardians.

"(C) The Secretary shall provide funding to a participating entity for services described in paragraph (3) that are provided to individuals described in paragraph (1).

"(5) The Secretary shall impose such auditing and recordkeeping requirements as are necessary to monitor the use of Federal funds to carry out this subsection.

"(6) The Secretary shall periodically report to the appropriate committees of Congress on projects carried out under this subsection.

"(7)(A) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $400,000 for each of fiscal years 1995 through 1998 to carry out this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) Any funds provided under subparagraph (A) to carry out projects under this subsection for a fiscal year that are not obligated in the fiscal year shall be used by the Secretary to carry out the homeless children nutrition program established under section 17B.

"(8) As used in this subsection:

"(A) The term 'boarder baby' means an abandoned infant described in section 103(1) of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note).

"(B) The term 'nutrition education' has the meaning provided in section 17(b)(7) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(7)).".

SEC. 117. PILOT PROJECTS.

(a) FORTIFIED FLUID MILK.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(e)(1) Subject to the availability of appropriations to carry out this subsection, the Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

"(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this Act.

"(3) The fortification requirements for fluid milk for the pilot project referred to in paragraph (1) shall provide that—

"(A) all whole milk in final package form for beverage use shall contain not less than—

"(i) 3.25 percent milk fat; and

"(ii) 8.7 percent milk solids not fat;

"(B) all lowfat milk in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

"(C) all skim milk in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

"(4)(A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot project.

"(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

"(5) Not later than 2 years after the establishment of pilot projects under this subsection, the Secretary shall report to the appropriate committees of Congress on—

"(A) the acceptability of fortified whole, lowfat, and skim milk products to participating children;

"(B) the impact of offering the milk on milk consumption;

"(C) the views of the school food service authorities on the pilot projects; and

"(D) any increases or reductions in costs attributed to the pilot projects.

"(6) The Secretary shall—

"(A) obtain copies of any research studies or papers that discuss the impact of the fortification of milk pursuant to standards established by the States; and

"(B) on request, make available to State agencies and the public—

"(i) the information obtained under subparagraph (A); and

"(ii) information about where to obtain milk described in paragraph (3).

"(7)(A) The pilot projects established under this subsection shall terminate on the last day of the third year after the establishment of the pilot projects.

"(B) The Secretary shall advise representatives of all districts participating in the pilot projects that the districts may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.".

(b) INCREASED CHOICES OF FRUITS, VEGETABLES, LEGUMES, CEREALS, AND GRAIN-BASED PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of fruits, vegetables, legumes, cereals, and grain-based products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

(c) INCREASED CHOICES OF LOWFAT DAIRY PRODUCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of lowfat dairy products and lean meat and poultry products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of the school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

duced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

SEC. 118. FOOD SERVICE MANAGEMENT INSTITUTE.

(a) REQUIRED ACTIVITIES.—Section 21(c)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "and" at the end of clause (viii);

(B) by redesignating clause (ix) as clause (x); and

(C) by inserting after clause (viii) the following new clause:

"(ix) culinary skills; and";

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(F) training food service personnel to comply with the nutrition guidance and objectives of section 24 through a national network of instructors or other means;

"(G) preparing informational materials, such as video instruction tapes and menu planners, to promote healthier food preparation; and

"(H) assisting State educational agencies in providing additional nutrition and health instructions and instructors, including training personnel to comply with the nutrition guidance and objectives of section 24.".

(b) USE OF FOOD SERVICE MANAGEMENT INSTITUTE FOR DIETARY AND NUTRITION ACTIVITIES.—Section 21(d) (42 U.S.C. 1769b-1(d)) is amended—

(1) by striking "(d) COORDINATION.—The" and inserting the following:

"(d) COORDINATION.—

"(1) IN GENERAL.—The"; and

(2) by adding at the end the following new paragraph:

"(2) USE OF INSTITUTE FOR DIETARY AND NUTRITION ACTIVITIES.—The Secretary shall use any food service management institute established under subsection (a)(2) to assist in carrying out dietary and nutrition activities of the Secretary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 21 of such Act (42 U.S.C. 1769b-1) is amended—

(1) in subsection (a)(1), by striking "from" and inserting "subject to the availability of, and from,"; and

(2) by striking subsection (e) and inserting the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated $3,000,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, and $1,000,000 for each of fiscal years 1992 through 1998 for purposes of carrying out subsection (a)(1).

"(2) FOOD SERVICE MANAGEMENT INSTITUTE.—

"(A) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $2,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out subsection (a)(2). The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) ADDITIONAL FUNDING.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out subsection (a)(2) such sums as are necessary for fiscal year 1995 and each subsequent fiscal year. The Secretary shall carry out activities under subsection (a)(2), in addition to the activities funded under subparagraph (A), to the extent provided for, and in such amounts as are provided for, in advance in appropriations Acts.

"(C) FUNDING FOR EDUCATION, TRAINING, OR APPLIED RESEARCH OR STUDIES.—In addition to amounts made available under subparagraphs (A) and (B), from amounts otherwise appropriated in discretionary appropriations, the Secretary may provide funds to any food service management institute established under subsection (a)(2) for projects specified by the Secretary that will contribute to implementing dietary or nutrition initiatives. Any additional funding under this subparagraph shall be provided noncompetitively in a separate cooperative agreement.".

SEC. 119. COMPLIANCE AND ACCOUNTABILITY.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Technology Assessment shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that analyzes—

(1) the status of the coordinated review system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 120. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) in recent years, there has been an alarming number of instances of price-fixing and bid-rigging regarding foods purchased for—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(2) effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools;

(3) reducing the incidence of price-fixing and bid-rigging in connection with the school lunch and breakfast programs could save school districts, parents, and taxpayers millions of dollars per year; and

(4) the Comptroller General of the United States has noted that bid-rigging awareness training is an effective means of deterring improper collusion and bid-rigging.

(b) NONPROCUREMENT DEBARMENT.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing the activities.

"(b) DEFINITIONS.—As used in this section:

"(1) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the summer food service program for children established under section 13;

"(C) the child and adult care food program established under section 17;

"(D) the homeless children nutrition program established under section 17B;

"(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

"(F) the school breakfast program established under section 4 of such Act (42 U.S.C. 1773); and

"(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786).

"(2) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods or services in relation to the participation of a local agency in a child nutrition program.

"(3) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(4) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(5) PERSON.—The term 'person' means any individual, corporation, partnership, association, cooperative, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (e), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include a situation in which a contractor is found guilty in any criminal proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods or services to any local agency in connection with a child nutrition program, of—

"(A) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(B) fraud, bribery, theft, forgery, or embezzlement;

"(C) knowingly receiving stolen property;

"(D) making a false claim or statement; or

"(E) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment or for other good cause (as determined by the Secretary), the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 1 year.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 3 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this section shall restrict the ability of the Secretary to—

"(i) reverse a debarment decision;

"(ii) reduce the period or scope of a debarment;

"(iii) grant an exception permitting a debarred contractor to participate in a particular contract to provide goods or services; or

"(iv) otherwise settle a debarment action at any time;

in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action, after taking into account factors set forth in paragraphs (1) through (6) of subsection (e).

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate the nonprocurement debarment proceedings described in subsection (d)(1) against the contractor who has committed a cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person that is not involved in the improper activity that would otherwise result in the debarment;

"(4) is likely to have significant adverse economic impacts on the local economy in a manner that is unfair to innocent parties;

"(5) is not justified in light of the penalties already imposed on the contractor for violations relevant to the proposed debarment; or

"(6) is not in the public interest, or otherwise is not in the interests of justice, as determined by the Secretary.

"(f) Exhaustion of Administrative Remedies.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) Information Relating to Prevention and Control of Anticompetitive Activities.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.".

(c) Applicability.—Section 25 of the National School Lunch Act (as added by subsection (b)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the effective date of section 25 of such Act.

(d) No Reduction in Authority To Debar or Suspend a Person From Federal Financial and Nonfinancial Assistance and Benefits.—The authority of the Secretary of Agriculture that exists on the day before the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities shall not be diminished or reduced by this Act or the amendment made by subsection (b).

SEC. 121. NUTRITION EDUCATION PROMOTION PROGRAM.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 120(b)) is further amended by adding at the end of each the following new section:

"SEC. 26. NUTRITION EDUCATION PROMOTION PROGRAM.

"(a) In General.—The Secretary, using amounts received under subsection (d), shall establish a nutrition education promotion program to promote healthy eating habits among participants in the domestic food assistance programs of the Department.

"(b) Conduct of Program.—In carrying out the program described in subsection (a), the Secretary may—

"(1) develop or assist other persons in developing appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting nutrition education;

"(2) distribute or assist other persons in distributing the materials to appropriate public or private individuals and entities; and

"(3) provide funds to public or private individuals and entities, including teachers, child care providers, physicians, health professional organizations, food service personnel, school food authorities, and community-based organizations for the purpose of assisting the individuals and entities in conducting nutrition education promotion programs to promote healthy eating habits among the participants in the domestic food assistance programs of the Department.

"(c) Cooperative Agreements and Grants.—The Secretary may enter into cooperative agreements with, and make grants to, Federal agencies, State, and local governments, and other entities, to carry out the program described in subsection (a).

"(d) Gifts, Bequests, and Devises.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sale of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement on order of the Secretary.

"(2) Criteria for acceptance.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that would ensure that the acceptance of any gifts, bequests, or devises would not—

"(A) reflect unfavorably on the ability of the Secretary to carry out the responsibilities of the Secretary in a fair and objective manner; or

"(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.".

SEC. 122. INFORMATION CLEARINGHOUSE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 121) is further amended by adding at the end the following new section:

"SEC. 27. INFORMATION CLEARINGHOUSE.

"(a) In General.—The Secretary shall enter into a contract with a nongovernmental organization described in subsection (b) to establish and maintain a clearinghouse to provide information to nongovernmental groups located throughout the United States that assist low-income individuals or communities regarding food assistance, self-help activities to aid individuals in becoming self-reliant, and other activities that empower low-income individuals or communities to improve the lives of low-income individuals and reduce reliance on Federal, State, or local governmental agencies for food or other assistance.

"(b) Nongovernmental Organization.—The nongovernmental organization referred to in subsection (a) shall be selected on a competitive basis and shall—

"(1) be experienced in the gathering of first-hand information in all the States through onsite visits to grassroots organizations in each State that fight hunger and poverty or that assist individuals in becoming self-reliant;

"(2) be experienced in the establishment of a clearinghouse similar to the clearinghouse described in subsection (a);

"(3) agree to contribute in-kind resources towards the establishment and maintenance of the clearinghouse and agree to provide clearinghouse information, free of charge, to the Secretary, States, counties, cities, antihunger groups, and grassroots organizations that assist individuals in becoming self-sufficient and self-reliant;

"(4) be sponsored by an organization, or be an organization, that—

"(A) has helped combat hunger for at least 10 years;

"(B) is committed to reinvesting in the United States; and

"(C) is knowledgeable regarding Federal nutrition programs;

"(5) be experienced in communicating the purpose of the clearinghouse through the media, including the radio and print media, and be able to provide access to the clearinghouse information through computer or telecommunications technology, as well as through the mails; and

"(6) be able to provide examples, advice, and guidance to States, counties, cities, communities, antihunger groups, and local organizations regarding means of assisting individuals and communities to reduce reliance on government programs, reduce hunger, improve nutrition, and otherwise assist low-income individuals and communities become more self-sufficient.

"(c) Audits.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

"(d) Funding.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, $200,000 for each of fiscal years 1995 and 1996, $150,000 for each of fiscal years 1997 and 1998, and $75,000 for fiscal year 1999. The Secretary shall be entitled to receive the funds and shall accept the funds.".

SEC. 123. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 122) is further amended by adding at the end the following new section:

"SEC. 28. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

"(a) Definitions.—As used in this section:

"(1) Children with disabilities.—The term 'children with disabilities' means individuals, each of which is—

"(A) a participant in a covered program; and

"(B) an individual with a disability, as defined in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) for purposes of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) Covered program.—The term 'covered program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that the Secretary determines is appropriate.

"(3) Eligible entity.—The term 'eligible entity' means a school food service authority, or institution or organization, that participates in a covered program.

"(b) Guidance.—

"(1) Development.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall develop and approve guidances for accommodating the medical and special dietary needs of children with disabilities under covered programs in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) TIMING.—In the case of the school lunch program established under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary shall develop the guidance as required by paragraph (1) not later than 90 days after the date of enactment of this section.

"(3) DISTRIBUTION.—Not later than 60 days after the date that the development of the guidance relating to a covered program is completed, the Secretary shall distribute the guidance to school food service authorities, and institutions and organizations, participating in the covered program.

"(4) REVISION OF GUIDANCE.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall periodically update and approve the guidance to reflect new scientific information and comments and suggestions from persons carrying out covered programs, recognized medical authorities, parents, and other persons.

"(c) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations provided in advance to carry out this subsection, the Secretary shall make grants on a competitive basis to State educational agencies for distribution to eligible entities to assist the eligible entities with nonrecurring expenses incurred in accommodating the medical and special dietary needs of children with disabilities in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) ADDITIONAL ASSISTANCE.—Subject to paragraph (3)(A)(iii), assistance received through grants made under this subsection shall be in addition to any other assistance that State educational agencies and eligible entities would otherwise receive.

"(3) ALLOCATION BY SECRETARY.—

"(A) PREFERENCE.—In making grants under this subsection for any fiscal year, the Secretary shall provide a preference to State educational agencies that, individually—

"(i) submit to the Secretary a plan for accommodating the needs described in paragraph (1), including a description of the purpose of the project for which the agency seeks such a grant, a budget for the project, and a justification for the budget;

"(ii) provide to the Secretary data demonstrating that the State served by the agency has a substantial percentage of children with medical or special dietary needs, and information explaining the basis for the data; or

"(iii) demonstrate to the satisfaction of the Secretary that the activities supported through such a grant will be coordinated with activities supported under other Federal, State, and local programs, including—

"(I) activities carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(III) activities carried out under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) or by the food service management institute established under section 21.

"(B) REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency under this subsection that are not used by the agency within a reasonable period (as determined by the Secretary).

"(C) APPLICATIONS.—The Secretary shall allow State educational agencies to apply on an annual basis for assistance under this subsection.

"(4) ALLOCATION BY STATE EDUCATIONAL AGENCIES.—In allocating funds made available under this subsection within a State, the State educational agency shall give a preference to eligible entities that demonstrate the greatest ability to use the funds to carry out the plan submitted by the State in accordance with paragraph (3)(A)(i).

"(5) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources to accommodate the needs described in paragraph (1) shall not be diminished as a result of grants received under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 1995 through 2000 to carry out this subsection.".

SEC. 124. INSPECTION OF JUICE AND JUICE PRODUCTS.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 123) is further amended by adding at the end the following new section:

"SEC. 29. INSPECTION OF JUICE AND JUICE PRODUCTS.

"(a) DEFINITION OF JUICE AND JUICE PRODUCT.—As used in this section, the terms 'juice' and 'juice product' mean juice and a juice-based product, respectively, for which a United States standard for a grade has been issued by the Secretary under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

"(b) PROHIBITION.—No State, State agency, or local agency shall contract to procure, or make available, juice or a juice product for use in the school lunch program established under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) unless the juice or juice product was processed under in-plant inspection conducted by the Secretary.

"(c) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 270 days after the date of enactment of this Act.

SEC. 125. ADMINISTRATION OF NUTRITION PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations that—

(1) significantly ease the administrative and paperwork burdens on participating schools and families with respect to—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

(2) streamline Federal, State, and local administration of all programs established under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) TECHNICAL ASSISTANCE FOR SCHOOL BREAKFAST PROGRAM.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide through State educational agencies technical assistance and training, including technical assistance and training in the preparation of foods high in complex carbohydrates and lower-fat versions of foods commonly used in the school breakfast program established under this section, to schools participating in the school breakfast program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide through State educational agencies additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) STARTUP AND EXPANSION OF SCHOOL BREAKFAST PROGRAM AND SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Subsection (g) of section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773(g)) is amended to read as follows:

"STARTUP COSTS

"(g)(1) The Secretary shall make payments, totalling not less than $5,000,000 for each of fiscal years 1991 through 1996, $6,000,000 for each of fiscal years 1997 and 1998, and $7,000,000 for fiscal year 1999 and each subsequent fiscal year, on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(2) Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(3) To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs.

"(4) In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year;

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(5) In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the national school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(6) The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(7) The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(8) Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a breakfast program or a summer food service program for children, respectively.

"(9) Expenditures of funds from State and local sources for the maintenance of the breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.

"(10) As used in this subsection:

"(A) The term 'eligible school' means a school—

"(i) attended by children a significant percentage of whom are members of low-income families; and

"(ii) that agrees to operate the breakfast program established with the assistance provided under this section for a period of not less than 3 years.

"(B) The term 'service institutions' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(B) or (7)).

"(C) The term 'summer food service program for children' means a program authorized by section 13 of such Act (42 U.S.C. 1761).".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) FUNDING FOR HOMELESS CHILDREN NUTRITION PROGRAM.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "paragraphs (2), (3), and (4) of this subsection" and inserting "paragraphs (2) through (5)"; and

(2) in paragraph (5), by striking subparagraph (B) and inserting the following new subparagraph:

"(B)(i) Notwithstanding any other provision of this subsection, of the amounts that are provided under paragraph (1), before making the allocations required under paragraphs (2), (3), and (4), the Secretary shall allocate $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out section 17B of the National School Lunch Act.

"(ii) After making the allocations required under clause (i) and paragraphs (2), (3), and (4), the Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.".

(b) WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Section 7(a) of such Act (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

"(9)(A) If the Secretary determines that the administration of any program by a State under this Act (other than section 17) or under the National School Lunch Act (42 U.S.C. 1751 et seq.), or compliance with a regulation issued to carry out a program pursuant to either of such Acts, is seriously deficient, and the State fails to correct the deficiency within a period of time specified by the Secretary, the Secretary may withhold from the State all or part of the funds allocated to the State under this section and sections 13(k)(1) and 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

"(B) On a subsequent determination by the Secretary that the administration of the program for which the Secretary withheld funds under subparagraph (A), or compliance with the regulation issued to carry out the program, is no longer seriously deficient and is carried out in an acceptable manner, the Secretary may allocate all or part of the funds withheld under subparagraph (A) to the State.".

(c) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking "1994" and inserting "1998".

(d) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in each study or survey of a program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) that is conducted by the Secretary.".

SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (c), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking "Such regulations" and inserting "(1) The regulations"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall develop and provide to elementary schools, through each State agency, model language that bans the sale of competitive foods of minimal nutritional value anywhere on elementary school grounds before the end of the last lunch period.

"(3) The Secretary shall provide to secondary schools, through State agencies, a copy of regulations (in existence on the effective date of this paragraph) concerning the sale of competitive foods of minimal nutritional value.

"(4) Paragraphs (2) and (3) shall not apply to a State that has in effect a ban on the sale of competitive foods of minimal nutritional value in schools in the State.".

SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) DEFINITION OF NUTRITIONAL RISK.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after "health," at the end of subparagraph (C) the following new subparagraph: "(D) conditions that directly affect the nutritional health of a person, such as alcoholism or drug abuse,"; and

(3) in subparagrah (E) (as so redesignated), by striking "alcoholism and drug addiction, homelessness, and" and inserting "homelessness and".

(b) PRESUMPTIVE ELIGIBILITY.—Section 17(d)(3) of such Act (42 U.S.C. 1786(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) Under the procedures, a pregnant woman who meets the income eligibility standards shall be considered presumptively eligible to participate in the program and shall be certified for participation immediately, without delaying certification until an evaluation is made concerning nutritional risk. A nutritional risk evaluation of the woman shall be completed not later than 60 days after the woman is certified for participation. If it is subsequently determined that the woman does not meet nutritional risk criteria, the certification of the woman shall terminate on the date of the determination.".

(c) TECHNICAL CORRECTIONS.—Section 17(e) of such Act (42 U.S.C. 1786(e)) is amended by redesignating paragraph (3) (as added by section 123(a)(3)(D) of the Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101-147; 103 Stat. 895)) and paragraphs (4) and (5) as paragraphs (4), (5), and (6), respectively.

(d) COORDINATION OF WIC AND MEDICAID PROGRAMS USING MANAGED CARE PROVIDERS.—Section 17(f)(1)(C)(iii) is amended by inserting before the semicolon at the end the following: ", including medicaid programs that use managed care providers under section 1903(m) or 1915(b) of the Social Security Act (42 U.S.C. 1396b(m) or 1396n(b)) (including coordination through the referral of potentially eligible women, infants, and children between the program authorized under this section and the medicaid program)".

(e) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—The first sentence of section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: "and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time".

(f) INCOME ELIGIBILITY GUIDELINES.—Paragraph (18) of section 17(f) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

"(18) Not later than July 1 of each year, a State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).".

(g) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

"(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which the funds are collected for the purpose of carrying out the program.".

(h) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in the first sentence of subsection (g)(1), by striking "1991, 1992, 1993, and 1994" and inserting "1991 through 1998"; and

(2) in the first sentence of subsection (h)(2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1990 through 1998".

(i) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking "and administration of pilot projects" and inserting "administration of pilot projects";

(2) by inserting before the period at the end the following: ", and carrying out technical assistance and research evaluation projects of the programs established under this section"; and

(3) by adding at the end the following new sentence: "The Secretary may allow the interagency transfer of funds made available to carry out this paragraph to Federal and other agencies to carry out projects and initiatives that are consistent with program goals.".

(j) BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—

(1) IN GENERAL.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(A) in subparagraph (A)(i)(II), by striking "$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),"; and

(B) by adding at the end the following new subparagraph:

"(E) The national minimum breastfeeding promotion expenditure shall be—

"(i) with respect to fiscal year 1995, the amount that is equal to $21 multiplied by the number of pregnant women and breastfeeding women participating in the program, based on the average number of pregnant women and breastfeeding women during the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii).".

(2) IMPLEMENTATION.—The Secretary of Agriculture may permit a State agency a period of not more than 2 years after the effective date of this subsection to comply with the expenditure required by reason of the amendments made by paragraph (1).

(k) DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E)(i) not later than 1 year after the effective date of this subparagraph, develop uniform requirements for the collection of data regarding the incidence and duration of breastfeeding among participants in the program; and

"(ii) effective beginning on the date of the establishment of the uniform requirements, require each State agency to report the data for inclusion in the report to Congress described in subsection (d)(4).".

(l) SUBMISSION OF INFORMATION TO CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(m) COST CONTAINMENT.—

(1) IN GENERAL.—Section 17(h)(8)(G) (42 U.S.C. 1786(h)(8)(G)) is amended—

(A) in clause (i)—

(i) in the first sentence, by striking "The" and inserting "During each of fiscal years 1995 and 1996, the"; and

(ii) by striking the second sentence and inserting the following new sentence: "If an offer made under the preceding sentence results in the implementation of contracts by 2 or more State agencies, the Secretary shall also make offers in accordance with the preceding sentence during each of fiscal years 1997 and 1998.";

(B) in clause (viii), by inserting after the first sentence the following new sentence: "In conducting an offer under this clause, the Secretary shall attempt to develop and use procurement procedures that are likely to be broadly acceptable among State agencies."; and

(C) by adding at the end the following new clause:

"(ix) If an offer made under clause (i) results in the implementation of contracts by 2 or more State agencies, the Secretary shall promptly offer to solicit bids on behalf of State agencies regarding cost containment contracts to be entered into by infant cereal or infant juice manufacturers, or both, and State agencies. In carrying out this clause, the Secretary shall, to the maximum extent feasible, follow the procedures prescribed in this subparagraph regarding offers made by the Secretary with regard to soliciting bids regarding infant formula cost containment contracts. If the offer of the Secretary to solicit bids regarding cost containment contracts for infant cereal or infant juice, or both, results in the implementation of contracts by 2 or more State agencies, the Secretary shall renew the offer at appropriate intervals.".

(2) REPEAL OF TERMINATION OF AUTHORITY.—Section 209 of the WIC Infant Formula Procurement Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is repealed.

(n) PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State shall not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on the funds is used to carry out the program.".

(o) USE OF UNIVERSAL PRODUCT CODES.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) (as amended by subsection (n)) is further amended by adding at the end the following new subparagraph:

"(M)(i) The Secretary shall establish pilot projects to determine the feasibility and cost of requiring States to carry out a system for using universal product codes to assist retail food stores that are vendors under the program in providing the type of infant formula that the participants in the program are authorized to obtain. In carrying out the projects, the Secretary shall determine whether the system reduces the incidence of incorrect redemptions of low-iron formula or brands of infant formula not authorized to be redeemed through the program, or both.

"(ii) If the Secretary determines that the system is feasible, cost-effective, and reduces the incidence of incorrect redemptions described in clause (i), the Secretary shall establish such procedures as the Secretary determines appropriate to require States to carry out the system.

"(iii) The system shall not require a vendor under the program to obtain special equipment and shall not be applicable to a vendor that does not have equipment that can use universal product codes.".

(p) USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.—Section 17(h) of such Act (42 U.S.C. 1786(h)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of fiscal years 1995 through 1998, the Secretary shall use, for the purposes specified in subparagraph (B), the lesser of $10,000,000 or the amount of unspent funds for nutrition services and administration from the previous fiscal year.

"(B) Funds under subparagraph (A) shall be used for—

"(i) the development of infrastructure for the program under this section, including management information systems;

"(ii) special State projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.".

(q) SPENDBACK FUNDS.—Section 17(i)(3) of such Act (42 U.S.C. 1786(i)(3)) is amended—

(1) in subparagraph (A)(i), by inserting "(except as provided in subparagraph (H))" after "1 percent"; and

(2) by adding at the end the following new subparagraph:

"(H) The Secretary may authorize a State agency to expend not more than 3 percent of the amount of funds allocated to a State under this section for supplemental foods for a fiscal year for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that there has been a significant reduction in rebates provided to the State agency that would affect the ability of the State agency to at least maintain the level of participation by eligible participants served by the State agency.".

(r) ELIMINATION OF DUPLICATIVE MIGRANT REPORTS.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (d)(4), by inserting after "Congress" the following: "and the National Advisory Council on Maternal, Infant, and Fetal Nutrition established under subsection (k)"; and

(2) by striking subsection (j).

(s) INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.—Section 17 of such Act (42 U.S.C. 1786) (as amended by subsection (r)(2)) is further amended by inserting after subsection (i) the following new subsection:

"(j)(1) The Secretary and the Secretary of Health and Human Services (referred to in this subsection as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers than are served on the date of enactment of the Better Nutrition and Health for Children Act of 1994.

"(2) The initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) the development and implementation of strategies to ensure that, to the maximum extent feasible, new community health centers, migrant health centers, and other federally supported health care facilities established in medically underserved areas provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) The initiative may include—

"(A) outreach and technical assistance for State and local agencies and the health centers referred to in subparagraphs (A) and (B) of paragraph (2);

"(B) demonstration projects in selected States or local areas; and

"(C) such other activities as the Secretaries consider appropriate.

"(4) As used in this subsection:

"(A) The term 'community health center' has the meaning provided in section 330(a) of the Public Health Service Act (42 U.S.C. 254c(a)).

"(B) The term 'migrant health center' has the meaning provided in section 329(a)(1) of such Act (42 U.S.C. 254b(a)(1)).".

(t) FARMERS' MARKET NUTRITION PROGRAM.—

(1) MATCHING REQUIREMENT FOR INDIAN STATE AGENCIES.—Section 17(m)(3) of such Act (42 U.S.C. 1786(m)(3)) is amended by adding at the end the following new sentence: "The Secretary may negotiate with an Indian State agency a lower percentage of matching funds than is required under the preceding sentence, but not lower than 10 percent of the total cost of the program, if the Indian State agency demonstrates to the Secretary financial hardship for the affected Indian tribe, band, group, or council.".

(2) EXPANSION.—Section 17(m)(5)(F) of such Act (42 U.S.C. 1786(m)(5)(F)) is amended—

(A) in clause (i), by striking "15 percent" and inserting "17 percent"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use up to 1 percent of total program funds for market development or technical assistance to farmers' markets if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas, or remote rural areas, where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables.".

(3) NOTIFICATION OF AWARD OF FUNDS.—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended by adding at the end the following new sentence: "The Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 15 of each year.".

(4) MINIMUM AMOUNT OF GRANTS.—Section 17(m)(6)(B)(ii) of such Act (42 U.S.C. 1786(m)(6)(B)(ii)) is amended by striking "$50,000" each place it appears and inserting "$75,000".

(5) STATE PLAN SUBMISSION DATE.—Section 17(m)(6)(D)(i) of such Act (42 U.S.C. 1786(m)(6)(D)(i)) is amended by striking "at such time and in such manner as the Secretary may reasonably require" and inserting "by November 15 of each year".

(6) MAINTENANCE OF EFFORT.—Section 17(m)(6)(F)(iii) of such Act (42 U.S.C. 1786(m)(6)(F)(iii)) is amended by striking "reduce in any fiscal year" and inserting "reduce, in the first full fiscal year of the Federal grant,".

(7) ALLOCATION OF ADDITIONAL FUNDS.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(A) in the first sentence of clause (i), by striking "45 to 55 percent" and inserting "60 percent"; and

(B) in the first sentence of clause (ii), by striking "45 to 55 percent" and inserting "40 percent".

(8) DATA COLLECTION REQUIREMENTS.—Section 17(m)(8) of such Act (42 U.S.C. 1786(m)(8)) is amended by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

"(D) if available, information on the change in consumption of fresh fruits and vegetables by recipients;

"(E) if available, information on the effects of the program on farmers' markets; and".

(9) AUTHORIZATION OF APPROPRIATIONS.—Section 17(m)(10)(A) of such Act (42 U.S.C. 1786(m)(10)(A)) is amended by striking "and $8,000,000 for fiscal year 1994" and inserting "$8,000,000 for fiscal year 1994, $10,500,000 for fiscal year 1995, $12,500,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, and $18,000,000 for fiscal year 1998".

(10) ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS OF DEMONSTRATION PROJECTS.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(11) DEFINITION OF STATE AGENCY.—Section 17(m)(11)(D) of such Act (42 U.S.C. 1786(m)(11)(D)) is amended by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(12) PROMOTION BY THE SECRETARY.—The Secretary of Agriculture shall promote the use of farmers' markets by recipients of Federal nutrition programs administered by the Secretary.

(u) CHANGE IN NAME OF PROGRAM.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(B) Section 685(b)(8) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a(b)(8)) is amended by striking "Special Supplemental Food Program for Women, Infants and Children" and inserting "special supplemental nutrition program for women, infants, and children".

(C) Section 3803(c)(2)(C)(x) of title 31, United States Code, is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(D) Section 399(b)(6) of the Public Health Service Act (42 U.S.C. 280c–6(b)(6)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(E) Paragraphs (11)(C) and (53)(A) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) are each amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(F) Section 202(b) of the WIC Infant Formula Procurement Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(3) REFERENCES.—Any reference to the special supplemental food program established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the special supplemental nutrition program established under such section.

SEC. 205. NUTRITION EDUCATION AND TRAINING PROGRAM.

(a) NAME OF PROGRAM.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking "information and education" each place it appears in subsections (b), (c), (d)(1), and (j)(1) and inserting "education and training".

(b) NUTRITION EDUCATION PROGRAMS.—The second sentence of section 19(c) of such Act (42 U.S.C. 1788(c)) is amended—

(1) in subparagraph (B), by striking "school food service" and inserting "child nutrition program";

(2) by striking "and" at the end of subparagraph (C); and

(3) by inserting before the period at the end the following: "; and (E) providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health".

(c) NUTRITION EDUCATION AND TRAINING.—Section 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

(1) in paragraph (1)(C), by inserting before the period at the end the following: ", and the provision of nutrition education to parents and caregivers";

(2) in the first sentence of paragraph (4), by striking "educational and school food service personnel" and inserting "educational, school food service, child care, and summer food service personnel"; and

(3) in the first sentence of paragraph (5), by inserting after "schools" the following: ", and in child care institutions and summer food service institutions,".

(d) USE OF FUNDS.—Section 19(f) of such Act (42 U.S.C. 1788(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) The funds made available under this section may, under guidelines established by the Secretary, be used by a State educational agency for—

"(A) employing a nutrition education specialist to coordinate the program, including travel and related personnel costs;

"(B) undertaking an assessment of the nutrition education needs of the State;

"(C) developing and carrying out a State plan of operation and management for nutrition education;

"(D) coordinating and promoting nutrition education and training activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, the child nutrition programs);

"(E) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purpose of this section;

"(F) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(G) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children to practice sound eating habits;

"(H) increasing public awareness of the importance of breakfasts for providing the energy necessary for the cognitive development of school-age children;

"(I) developing means of providing nutrition education to children, and families of children, through after-school programs;

"(J) creating instructional programming for teachers, food service personnel, and parents on the relationships between nutrition and health and the importance of the Food Guide Pyramid established by the Secretary;

"(K) encouraging public service advertisements to promote healthy eating habits for children;

"(L) achieving related nutrition education purposes, including the preparation, testing, distribution, and evaluation of visual aids and other informational and educational materials; and

"(M) coordinating and promoting nutrition education and training activities carried out under child nutrition programs, including the summer food service program for children established under section 13 of the National School Lunch Act (42 U.S.C. 1761) and the child and adult care food program established under section 17 of such Act (42 U.S.C. 1766)."; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) A State agency may use an amount equal to not more than 15 percent of the funds made available through a grant under this section for expenditures for overall administrative and supervisory or program purposes in connection with the program authorized under this section if the State makes available at least an equal amount for the expenditures.".

(e) STATE COORDINATORS FOR NUTRITION; STATE PLAN.—Section 19(h) of such Act (42 U.S.C. 1788(h)) is amended—

(1) in the first sentence of paragraph (2), by inserting "and training" after "education"; and

(2) in the third sentence of paragraph (3)—

(A) by striking "and" at the end of subparagraph (D); and

(B) by inserting before the period at the end the following: "; and (F) a comprehensive plan for providing nutrition education during the first fiscal year beginning after the submission of the plan and the succeeding 4 fiscal years".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is amended by striking "nutrition education and information programs" and all that follows through the period at the end and inserting "nutrition education and training programs $10,000,000 for fiscal year 1995 and each subsequent fiscal year.".

(g) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which the funds were received by the State.".

TITLE III—OTHER RELATED PROVISIONS

SEC. 301. DISTRIBUTION OF COMMODITIES ON CERTAIN INDIAN RESERVATIONS.

Section 3(j) of the Food Stamp Act of 1977 (7 U.S.C. 2012(j)) is amended by adding at the end the following new sentence: "For the purpose of the distribution of commodities under section 4(b), the term 'reservation' includes the geographically defined area or areas (including an urban area or areas) within the boundaries of former reservations in Oklahoma, as defined by the Secretary of the Interior, over which a tribal organization exercises governmental jurisdiction.".

TITLE IV—EFFECTIVE DATES

SEC. 401. EFFECTIVE DATES.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on October 1, 1994.

ELECTRONIC FREEDOM OF INFORMATION IMPROVEMENT ACT

The text of the bill (S. 1782) to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes, as passed by the Senate on August 25, 1994, is as follows:

S. 1782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1994, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) in subparagraph (C) by inserting "and" after the semicolon;

(4) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law; and

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;"; and

(5) in the third sentence by inserting "and the extent of such deletion shall be indicated on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. LIST OF RECORDS MADE AVAILABLE TO THE PUBLIC AND HONORING FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(3) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(4) adding at the end thereof the following new subparagraphs:

"(B) A list of all records which are made available to any person under this paragraph shall be made available for public inspection and copying as provided under paragraph (2) of this subsection. Copies of all such records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests under this paragraph for substantially the same records, shall be made available for inspection and copying as provided under paragraph (2) of this subsection.

"(C) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(D) An agency shall make reasonable efforts to provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.”.

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

“(viii) If at an agency's request, the Comptroller General determines that the agency annually has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.”.

(b) PAYMENT OF THE EXPENSES OF THE PERSON MAKING A REQUEST.—Section 552(a)(4)(E) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: “The court may assess against the United States all out-of-pocket expenses incurred by the person making a request, and reasonable attorney fees incurred in the administrative process, in any case in which the agency has failed to comply with the time limit provisions of paragraph (6) of this subsection.”.

(c) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is further amended—

(1) by inserting “(i)” after “(E)”; and

(2) by adding at the end thereof the following new clause:

“(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.”.

(d) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out “ten days” and inserting in lieu thereof “twenty days”.

(e) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: “As used in this subparagraph, ‘exceptional circumstances’ shall be unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.”.

(f) NOTIFICATION OF DENIAL.—The fourth sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: “Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.”.

(g) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

“(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

“(ii) For purposes of such a multitrack system—

“(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

“(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

“(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

“(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency shall determine within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. No more than one day after making such determination the agency shall notify the person making a request for expedited access of such determination, the reasons therefor, and of the right to appeal to the head of the agency. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

“(ii) A person whose request for expedited access has not been decided within 5 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 7 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 2 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

“(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

“(I) threaten an individual's life or safety;

“(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

“(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.”.

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9): “, and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made”.

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

“(f) For purposes of this section—

“(1) the term ‘agency’ as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

“(2) the term ‘record’ means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics; and

“(3) the term ‘search’ means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.”.

AVAILABILITY OF CREDIT FOR PEOPLE AFFECTED BY DISASTERS

The text of the bill (S. 2430) to facilitate recovery from the recent flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto by providing greater flexibility for depository institutions and their regulators, and for other purposes, as passed by the Senate on August 25, 1994, is as follows:

S. 2430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPOSITORY INSTITUTIONS DISASTER RELIEF.

(a) TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.—

(1) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(2) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in paragraph (1) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(3) TIME LIMIT ON EXCEPTIONS.—Any exception made under this subsection shall expire not later than January 1, 1996.

(4) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System

shall publish in the Federal Register a statement that—

(A) describes any exception made under this subsection; and

(B) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) Deposit of Insurance Proceeds.—

(1) In general.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(A) the institution—

(i) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, on the day before the date of any such determination;

(ii) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(iii) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(iv) has an acceptable plan for managing the increase in its total assets and total deposits; and

(B) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(2) Time limit on exceptions.—Any exception made under this subsection shall expire not later than January 1, 1996.

(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

(A) Appropriate federal banking agency.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(B) Insured depository institution.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(C) Leverage limit.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(D) Qualifying amount attributable to insurance proceeds.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in paragraph (1)(A)(i), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

(c) Banking Agency Publication Requirements.—

(1) In general.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the agency determines that the action would facilitate recovery from the major disaster:

(A) Procedure.—Exercising the agency's authority under provisions of law other than this subsection without complying with—

(i) any requirement of section 553 of title 5, United States Code; or

(ii) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(B) Publication requirements.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(i) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(ii) any similar publication requirement.

(2) Publication required.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(A) describes any action taken under this subsection; and

(B) explains the need for the action.

(3) Qualifying regulatory agency defined.—For purposes of this subsection, the term "qualifying regulatory agency" means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Comptroller of the Currency;

(C) the Director of the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Financial Institutions Examination Council;

(F) the National Credit Union Administration; and

(G) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(4) Expiration.—Any exception made under this subsection shall expire not later than January 1, 1996.

(d) Sense of the Congress.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto.

(e) Other Authority Not Affected.—Nothing in this section limits the authority of any department or agency under any other provision of law.

ALVARO DE LUGO UNITED STATES POST OFFICE

The text of the bill (H.R. 4190) to designate the U.S. Post Office located at 41-42 Norre Gade in Saint Thomas Virgin Islands, as the "Alvaro de Lugo United States Post Office," as passed by the Senate on August 25, 1994, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 4190) entitled "An Act to designate the building located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office", do pass with the following amendments:

Page 2, after line 2, insert:

SEC. 3. EXCLUSION OF CERTAIN POSTAL EMPLOYEES FROM FEDERAL RETIREMENT PROVISIONS RELATING TO REEMPLOYED ANNUITANTS.

(a) Civil Service Retirement System.—Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(m)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(b) Federal Employees' Retirement System.—Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(c) Clarification.—Nothing in this section shall have the effect of causing any reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

(d) Applicability.—This section and the amendments made by this section shall apply with respect to temporary appointments commencing on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to designate the building located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmasters.".

FEDERAL CROP INSURANCE REFORM ACT

The text of the bill (H.R. 4217) to reform the Federal Crop Insurance Program, and for other purposes, as passed by the Senate on August 25, 1994, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 4217) entitled "An Act to reform the Federal crop insurance program, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION. 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FEDERAL CROP INSURANCE REFORM

SUBTITLE A—CATASTROPHIC RISK AND ADDITIONAL COVERAGE INSURANCE

Sec. 1100. Short title; references.
Sec. 1101. Authority to offer insurance.
Sec. 1102. Catastrophic risk protection.
Sec. 1103. General coverage levels.
Sec. 1104. Premiums.
Sec. 1105. Eligibility.
Sec. 1106. Yield determinations.
Sec. 1107. Insurance policies.
Sec. 1108. Claims for losses.
Sec. 1109. Reinsurance.
Sec. 1110. Funding.
Sec. 1111. Advisory Committee for Federal Crop Insurance.
Sec. 1112. Management of Corporation.

SUBTITLE B—NONINSURED ASSISTANCE PROGRAM

Sec. 1201. Noninsured assistance program.
Sec. 1202. Payment and income limitations.

SUBTITLE C—MISCELLANEOUS

Sec. 1301. Ineligibility for catastrophic risk and noninsured assistance payments.
Sec. 1302. Prevented planting.
Sec. 1303. Conforming amendments.
Sec. 1304. Disaster assistance.
Sec. 1305. Use of Commodity Credit Corporation funds to cover certain costs for fall-planted 1995 crops.
Sec. 1306. Poultry labeling, public hearings.
Sec. 1307. Agriculture employees first amendment rights.
Sec. 1308. Adjusted cost of thrifty food plan.
Sec. 1309. Effective dates.
Sec. 1310. Termination of authority.

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

SUBTITLE A—SHORT TITLE; PURPOSE; DEFINITIONS

Sec. 2101. Short title.
Sec. 2102. Purpose.
Sec. 2103. Definitions.

SUBTITLE B—GENERAL AUTHORITIES OF THE SECRETARY

Sec. 2201. Delegation of functions to the Secretary.
Sec. 2202. Reorganization.
Sec. 2203. Personnel reductions.
Sec. 2204. Consolidation of headquarters offices.
Sec. 2205. Reports by the Secretary.

SUBTITLE C—NATIONAL APPEALS DIVISION

Sec. 2301. Definitions.
Sec. 2302. National Appeals Division and Director.
Sec. 2303. Transfer of functions.
Sec. 2304. Personnel of the Division.
Sec. 2305. Notice and opportunity for hearing.
Sec. 2306. Informal hearings.
Sec. 2307. Rights of participants.
Sec. 2308. Division hearings and Director review.
Sec. 2309. Judicial review.
Sec. 2310. Implementation of final determinations of Division.
Sec. 2311. Decisions of State and county committees.
Sec. 2312. Prohibition on adverse action while appeal is pending.
Sec. 2313. Relationship to other laws.
Sec. 2314. Evaluation of agency decisionmakers and other employees.
Sec. 2315. Conforming amendments.

SUBTITLE D—FARM AND INTERNATIONAL TRADE SERVICES

Sec. 2401. Under Secretary for Farm and International Trade Services.
Sec. 2402. Farm Service Agency.
Sec. 2403. State and county committees.
Sec. 2404. International Trade Service.

SUBTITLE E—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

Sec. 2501. Under Secretary for Rural Economic and Community Development.
Sec. 2502. Rural Utilities Service.
Sec. 2503. Rural Housing and Community Development Service.
Sec. 2504. Rural Business and Cooperative Development Service.

SUBTITLE F—FOOD, NUTRITION, AND CONSUMER SERVICES

Sec. 2601. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
Sec. 2602. Food and Consumer Service.
Sec. 2603. Nutrition Research and Education Service.

SUBTITLE G—NATIONAL RESOURCES AND ENVIRONMENT

Sec. 2701. Natural Resources Conservation Service.
Sec. 2702. Reorganization of Forest Service.

SUBTITLE H—MARKETING AND INSPECTION SERVICES

Sec. 2801. Grain Inspection, Packers and Stockyards Administration.

SUBTITLE I—RESEARCH, ECONOMICS, AND EDUCATION

Sec. 2901. Federal Research and Information Service.
Sec. 2902. Cooperative State Research and Education Service.
Sec. 2903. Agricultural Economics and Statistics Service.
Sec. 2904. Program Policy and Coordination Staff.

SUBTITLE J—FOOD SAFETY

Sec. 2951. Food Safety Service.

SUBTITLE K—MISCELLANEOUS

Sec. 2981. Assistant Secretaries of Agriculture.
Sec. 2982. Removal of obsolete provisions.
Sec. 2983. Additional conforming amendments.
Sec. 2984. Termination of authority.
Sec. 2985. Elimination of duplicative inspection requirements.

TITLE I—FEDERAL CROP INSURANCE REFORM

Subtitle A—Catastrophic Risk and Additional Coverage Insurance

SEC. 1100. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Federal Crop Insurance Reform Act of 1994".

(b) REFERENCES TO FEDERAL CROP INSURANCE ACT.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 1101. AUTHORITY TO OFFER INSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available (as determined by the Corporation), the Corporation may insure, or provide reinsurance for insurers of, producers of agricultural commodities grown in the United States under 1 or more plans of insurance determined by the Corporation to be adapted to the agricultural commodity concerned. To qualify for coverage under a plan of insurance, the losses of the insured commodity shall be due to drought, flood, or other natural disaster (as determined by the Secretary).

"(2) PERIOD.—Except in the cases of tobacco and potatoes, insurance shall not extend beyond the period during which the insured commodity is in the field. As used in the preceding sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(3) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).";

(2) by striking subsections (c), (e), (g), (l), and (n); and

(3) by redesignating subsections (b), (d), (f), (h), (i), (j), (k), and (m) as subsections (g) through (n), respectively.

SEC. 1102. CATASTROPHIC RISK PROTECTION.

Section 508 (7 U.S.C. 1508) (as amended by section 1101) is further amended by inserting after subsection (a) the following new subsection:

"(b) CATASTROPHIC RISK PROTECTION.—

"(1) IN GENERAL.—The Corporation shall offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting when the producer is unable, because of drought, flood, or other natural disaster (as determined by the Secretary), to plant crops for harvest on the acreage for that crop year.

"(2) AMOUNT OF COVERAGE.—Catastrophic risk protection shall offer a producer 50 percent loss in yield coverage, on an individual yield or area yield basis, indemnified at 60 percent of the expected market price, or a comparable coverage (as determined by the Corporation).

"(3) PAYMENT.—A catastrophic risk payment may reflect a reduction that is proportionate to the lack of out-of-pocket expenses associated with the failure to plant, grow, or harvest the crop, as determined by the Corporation.

"(4) YIELD AND LOSS BASIS.—A producer shall have the option of basing the catastrophic coverage of the producer on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(5) SALE OF CATASTROPHIC RISK COVERAGE.—

"(A) IN GENERAL.—Catastrophic risk coverage may be offered by—

"(i) private insurance providers, if available in an area; and

"(ii) at the option of the Secretary that is based on considerations of need, local offices of the United States Department of Agriculture (referred to in this title as the 'Department').

"(B) NEED.—For purposes of considering need under subparagraph (A)(ii), the Secretary may

take into account the most efficient and cost-effective use of resources, the availability of personnel, fairness to local producers, the needs and convenience of local producers, and the availability of private insurance carriers.

"(6) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of catastrophic risk protection, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid at the service point, at the local office of the Department, or to the approved insurance provider, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the Department or the approved insurance provider for operating and administrative expenses for the delivery of catastrophic risk protection policies.

"(7) PARTICIPATION REQUIREMENT.—A producer may obtain catastrophic risk coverage for a crop of the producer on land in the county only if the producer obtains such coverage for the crop on all insurable land of the producer in that county.

"(8) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—

"(A) IN GENERAL.—To be eligible for any price support or production adjustment program or any benefit described in section 371 of the Consolidated Farm and Rural Development Act, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop.

"(B) DEFINITION OF CROP OF ECONOMIC SIGNIFICANCE.—As used in this paragraph, the term 'crop of economic significance' means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit catastrophic risk coverage in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) SIMPLIFICATION.—

"(A) CATASTROPHIC RISK PROTECTION PLANS.—In developing and carrying out the policies and procedures for a catastrophic risk protection plan under this title, the Corporation shall, to the maximum extent practicable, minimize the paperwork required and the complexity and costs of procedures governing applications for, processing, and servicing of the plan for all parties involved.

"(B) OTHER PLANS.—To the extent that the policies and procedures developed under subparagraph (A) may be applied to other plans of insurance offered under this title without jeopardizing the actuarial soundness or integrity of the crop insurance program, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.".

SEC. 1103. GENERAL COVERAGE LEVELS.

Section 508 (7 U.S.C. 1508) (as amended by section 1102) is further amended by inserting after subsection (b) the following new subsection:

"(c) GENERAL COVERAGE LEVELS.—

"(1) IN GENERAL.—The Corporation shall offer plans of insurance that provide levels of coverage that are greater than the level available under catastrophic risk protection under subsection (b). A producer may purchase such a plan only from an approved insurance provider, if the private insurance is available. Nothing in this paragraph restricts the Corporation from offering insurance plans if coverage from private insurance providers is unavailable.

"(2) TRANSFER OF INSURANCE FILES.—If a producer has already applied for catastrophic risk protection at the local office of the Department and elects to purchase additional coverage, the insurance file for the crop of the producer shall be transferred to the approved insurance provider servicing the additional coverage crop policy.

"(3) YIELD AND LOSS BASIS.—A producer shall have the option of purchasing additional coverage based on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(4) LEVEL OF COVERAGE.—The level of coverage shall be dollar denominated and may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation). By the beginning of the 1996 crop year, the Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

"(5) PRICE LEVEL.—The Corporation shall establish a price level for each commodity on which insurance is offered that—

"(A) shall not be less than the projected market price for the commodity (as determined by the Corporation); or

"(B) at the discretion of the Corporation, may be based on the actual market price at the time of harvest (as determined by the Corporation).

"(6) PRICE ELECTIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), insurance coverage shall be made available to the producer on the basis of any price election that equals or is less than the price election established by the Corporation. The coverage shall be quoted in terms of dollars per acre.

"(B) MINIMUM PRICE ELECTIONS.—The Corporation may establish minimum price elections below which levels of insurance shall not be offered.

"(C) WHEAT VARIETIES.—The Corporation shall, over a period of time as determined practicable by the Corporation, offer producers different price elections for varieties of wheat, in addition to the standard price election, that reflect different market prices, as determined by the Corporation. The Corporation shall offer additional coverage for each variety determined under this subparagraph and charge a premium for each variety that is actuarially sound.

"(7) SUBSTITUTE COVERAGE FOR FIRE AND HAIL.—

"(A) IN GENERAL.—For levels of coverage 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the producer may elect to delete from the insurance coverage provided under this title coverage against damage caused by fire or hail, if an equivalent or greater dollar amount of coverage for damage caused by fire or hail is obtained from a private fire or hail insurance provider.

"(B) CREDIT FOR SUBSTITUTE COVERAGE.—On written notice of an election under subparagraph (A) to the company issuing the policy providing coverage under this title and submission of evidence of substitute coverage on the commodity insured, the premium of the producer shall be reduced by an amount determined by the Corporation to be actuarially appropriate, taking into account the actuarial value of the remaining coverage provided by the Corporation. The producer shall not be given a reduction for an amount of premium determined to be greater than the actuarial value of the protection against losses caused by fire or hail that is included in the coverage under this title for the crop.

"(8) STATE PREMIUM SUBSIDIES.—The Corporation may enter into agreements with any State or agency of a State under which the State or agency may pay to the approved insurance provider an additional premium subsidy to further reduce the portion of the premium paid by the producers in the State.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of coverage that is in addition to catastrophic risk protection but less than 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid to the approved insurance provider or the Department, as applicable, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the approved insurance provider or the Department, as applicable, for operating and administrative expenses.".

SEC. 1104. PREMIUMS.

Section 508 (7 U.S.C. 1508) (as amended by section 1103) is further amended by inserting after subsection (c) the following new subsection:

"(d) PREMIUMS.—

"(1) LEVELS.—

"(A) CATASTROPHIC RISK PROTECTION.—For catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses and a reasonable reserve.

"(B) ADDITIONAL COVERAGE.—For levels of coverage below 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount for operating and administrative expenses (as determined by the Corporation) that is less than the amount established for coverage at 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage.

"(C) HIGH COVERAGE.—For levels of coverage of at least 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount to pay the operating and administrative expenses (as determined by the Corporation) on an industry-wide basis as a percentage of the total premium.

"(2) PAYMENT OF PART OF PREMIUM.—For the purpose of encouraging the broadest possible participation, the Corporation shall pay a part of the premium equivalent to—

"(A) for catastrophic risk protection coverage, an amount equal to the premium established under paragraph (1)(A);

"(B) for levels of coverage below 65 percent of the recorded and appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection, an amount equal to the sum of the amount of premium established for catastrophic risk protection coverage and the amount for operating and administrative expenses established under paragraph (1)(B); and

"(C) for levels of coverage at or greater than 65 percent of the recorded and appraised yield and 100 percent of the expected market price, or an equivalent coverage, on an individual or area basis, an amount equal to the sum of—

"(i) the premium established for—

"(I) in the case of each of the 1995 and 1996 crop years, 50 percent loss in yield indemnified at 80 percent of the expected market price;

"(II) in the case of the 1997 crop year, 50 percent loss in yield indemnified at 77.5 percent of the expected market price; and

"(III) in the case of the 1998 and each subsequent crop year, 50 percent loss in yield indemnified at 75 percent of the expected market price; and

"(ii) the amount for operating and administrative expenses established under paragraph (1)(C).

"(3) REDUCTIONS BY PRIVATE PROVIDERS.—If a private insurance provider determines that the provider may provide insurance more efficiently than the expense reimbursement amount set by the Corporation, the private insurance provider may, with the approval of the Corporation, reduce the premium charged the insured by the amount of the efficiency. A reduction pursuant to the preceding sentence shall be subject to such rules, limitations, and procedures as are established by the Corporation.

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to producers that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

SEC. 1105. ELIGIBILITY.

(a) IN GENERAL.—Section 508 (7 U.S.C. 1508) (as amended by section 1104) is further amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY.—

"(1) IN GENERAL.—To participate in catastrophic risk protection coverage under this section, a producer shall submit an application at the local office of the Department or to an approved insurance provider.

"(2) SALES CLOSING DATE.—For coverage under this title, each producer shall purchase crop insurance on or before the sales closing date for the crop by providing the required information and executing the required documents. Subject to the goal of ensuring actuarial soundness for the crop insurance program, the sales closing date shall be established by the Corporation to maximize convenience to producers in obtaining benefits under price and production adjustment programs of the Department. Beginning with the 1995 crop year, the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

"(3) RECORDS.—For coverage under this title, each producer shall provide records, acceptable to the Corporation, of previous acreage and production or accept a yield determined by the Corporation.

"(4) REPORTING.—For coverage under this title, each producer shall report acreage planted and prevented from planting by the designated acreage reporting date for the crop and location as established by the Corporation.".

(b) PRODUCER ELIGIBILITY.—Section 520 (7 U.S.C. 1520) is amended to read as follows:

"SEC. 520. PRODUCER ELIGIBILITY.

"Except as otherwise provided in this title, a producer shall not be denied insurance under this title if—

"(1) for purposes of catastrophic risk protection coverage, the producer is a 'person' (as defined by the Secretary); and

"(2) for purposes of any other plan of insurance, the producer is 18 years of age and has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant, or sharecropper.".

SEC. 1106. YIELD DETERMINATIONS.

Section 508 (7 U.S.C. 1508) (as amended by section 1105(a)) is further amended by inserting after subsection (e) the following new subsection:

"(f) YIELD DETERMINATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Corporation shall implement crop insurance underwriting rules that ensure that yield coverage is provided to eligible producers participating in the Federal crop insurance program.

"(2) YIELD COVERAGE PLANS.—

"(A) ACTUAL PRODUCTION HISTORY.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base for each of the 10 consecutive crop years preceding the crop year for which actual production history is being established.

"(B) ASSIGNED YIELD.—If the producer does not provide satisfactory evidence of the yield of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(C) AREA YIELD.—The Corporation may offer a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss has occurred in an area (as specified by the Corporation) in which the farm of the producer is located. Under an area yield plan, an insured producer shall be allowed to select the level of area production at which an indemnity will be paid consistent with such terms and conditions as are established by the Corporation.

"(D) COMMODITY-BY-COMMODITY BASIS.—A producer may choose between individual yield or area yield coverage or combined coverage (as provided in subsection (d)(4)), if available, on a commodity-by-commodity basis.

"(3) NOTICE.—The Corporation shall ensure that producers are given adequate notice of the applicable yield coverage provisions of this section in advance of the crop insurance application period for the crops to which the provisions first will apply.

"(4) TRANSITIONAL YIELDS FOR PRODUCERS OF FEED OR FORAGE.—

"(A) IN GENERAL.—If a producer does not provide satisfactory evidence of the yield under paragraph (2)(A), the producer shall be assigned a yield that is at least 80 percent of the transitional yield established by the Corporation (adjusted to reflect the actual production history of the producer) if the Secretary determines that—

"(i) the producer grows feed or forage primarily for on-farm use in a livestock, dairy, or poultry operation; and

"(ii) over 50 percent of the net farm income of the producer is derived from the livestock, dairy, or poultry operation.

"(B) YIELD CALCULATION.—The Corporation shall—

"(i) for the first year of participation of a producer, provide the assigned yield under this paragraph to the producer of feed or forage; and

"(ii) for the second year of participation of the producer, apply the actual production history or assigned yield requirement, as provided in this subsection.

"(C) TERMINATION OF AUTHORITY.—The authority provided by this paragraph shall terminate on the date that is 2 years after the effective date of this paragraph.".

SEC. 1107. INSURANCE POLICIES.

Subsection (g) of section 508 (7 U.S.C. 1508) (as redesignated by section 1101(3)) is amended—

(1) in paragraph (1), by striking "(a)" and inserting "(c)";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) PREPARATION OF POLICIES.—A policy or other material submitted to the Corporation under this subsection may be prepared without regard to the limitations specified in this title, including the requirements concerning the levels of coverage and rates and the requirement that a price level for each commodity insured shall equal the projected market price for the commodity as established by the Corporation. The policy may be subsidized only at an amount equivalent to coverage authorized under this title.";

(3) in paragraph (3)—

(A) in the first sentence, by striking "taking into consideration the risks covered by the policy or other material"; and

(B) in the second sentence, by inserting "with a private insurance provider" after "reinsurance agreement"; and

(4) by striking paragraph (4) and inserting the following new paragraphs:

"(4) REQUIRED PUBLICATION.—Any policy, provision of a policy, or rate approved under this subsection shall be published as a notice in the Federal Register and made available to each person who contracts with or is reinsured by the Corporation under the same terms and conditions as are applicable between the Corporation and the submitting person.

"(5) PILOT COST OF PRODUCTION RISK PROTECTION PLAN.—

"(A) IN GENERAL.—The Corporation shall offer, to the extent practicable, a cost of production risk protection plan of insurance that would indemnify producers (including new producers) for insurable losses as provided in this paragraph.

"(B) PILOT BASIS.—The cost of production risk protection plan shall—

"(i) be established as a pilot project for each of the 1996 and 1997 crop years; and

"(ii) be carried out in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the plan.

"(C) INSURABLE LOSS.—An insurable loss shall be incurred by a producer if the gross income of the producer (as determined by the Corporation) is less than an amount determined by the Corporation, as a result of a reduction in yield or price resulting from an insured cause.

"(D) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.

"(6) ADDITIONAL PREVENTED PLANTING POLICY COVERAGE.—

"(A) IN GENERAL.—Beginning with the 1995 crop year, the Corporation shall offer to producers additional prevented planting coverage that insures producers against losses in accordance with this paragraph.

"(B) APPROVED INSURANCE PROVIDERS.—Additional prevented planting coverage shall be offered by the Corporation through approved insurance providers.

"(C) TIMING OF LOSS.—A crop loss shall be covered by the additional prevented planting coverage if—

"(i) crop insurance policies were obtained for—

"(I) the crop year the loss was experienced; and

"(II) the crop year immediately preceding the year of the prevented planting loss; and

"(ii) the cause of the loss occurred—

"(I) after the sales closing date for the crop in the crop year immediately preceding the loss; and

"(II) before the sales closing date for the crop in the year in which the loss is experienced.

"(7) PILOT TRANSITIONAL YIELD PROGRAM FOR NEW PRODUCERS.—

"(A) INCREASED TRANSITIONAL YIELD.—The Corporation shall offer, to the extent practicable, a transitional yield program for new producers to provide 110 percent of the transitional yield established by the Corporation.

"(B) PILOT BASIS.—The transitional yield program shall—

"(i) be established as a pilot project for each of the 1995 and 1996 crop years; and

"(ii) be carried out in 30 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among new producers for the plan.

"(C) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.".

SEC. 1108. CLAIMS FOR LOSSES.

Subsection (i) of section 508 (7 U.S.C. 1508) (as redesignated by section 1101(3)) is amended to read as follows:

"(i) CLAIMS FOR LOSSES.—

"(1) IN GENERAL.—The Corporation may provide for adjustment and payment of claims for losses as provided under subsection (a) under rules prescribed by the Corporation. The rules prescribed by the Corporation shall establish standards to ensure that all claims for losses are adjusted, to the extent practicable, in a uniform and timely manner.

"(2) DENIAL OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a claim for indemnity is denied by the Corporation or by the private insurance provider, an action on the claim shall only be brought against the Corporation or Secretary or the insurance provider in the United States District Court for the district in which the insured farm is located.

"(B) STATUTE OF LIMITATIONS.—A suit on the claim may be brought not later than 1 year after the date on which written notice of denial of the claim is provided to the claimant.

"(3) INDEMNIFICATION.—The Corporation shall provide insurance companies, agents, and brokers with indemnification, including costs and reasonable attorney fees, from the Corporation for errors or omissions on the part of the Corporation.".

SEC. 1109. REINSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (j) (as redesignated by section 1101(3)) and inserting the following new subsection:

"(j) REINSURANCE.—Notwithstanding any other provision of this title, the Corporation shall, to the maximum extent practicable, provide reinsurance, on such terms and conditions as the Corporation determines to be consistent with subsections (b) and (c) and sound reinsurance principles, to insurers (as defined by the Corporation) that insure producers of any agricultural commodity under 1 or more plans acceptable to the Corporation. Each reinsurance agreement of the Corporation with a reinsured company shall require the reinsured company to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the availability of private reinsurance."; and

(2) in subsection (k) (as so redesignated), by striking "provide" and inserting "offer plans of".

SEC. 1110. FUNDING.

Section 516 (7 U.S.C. 1516) is amended to read as follows:

"SEC. 516. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPENSES OF CORPORATION.—There are authorized to be appropriated such sums as are necessary to cover the salaries and expenses of the Corporation and the administrative and operating expenses of the Corporation for the sales commissions of agents.

"(2) EXPENSES OF PROVIDERS.—There are authorized to be appropriated such sums as are necessary to cover the administrative and operating expenses of an approved insurance provider for the delivery of policies with coverage that is greater than catastrophic risk protection.

"(b) PAYMENT OF EXPENSES.—

"(1) ADMINISTRATIVE AND OPERATING EXPENSES.—Beginning with the 1996 crop year, the Corporation is authorized to pay, from the insurance fund established under subsection (c), the administrative and operating expenses of an approved insurance provider, other than expenses covered under subsection (a)(1).

"(2) OTHER EXPENSES.—The Corporation is authorized to pay from the insurance fund established under subsection (c)—

"(A) all other expenses of the Corporation (other than expenses covered in subsection (a)(1)), including all premium subsidies and indemnities;

"(B) for the 1995 crop year, all administrative and expense reimbursements due under a reinsurance agreement with an approved insurance provider; and

"(C) to the extent necessary, expenses incurred by the Corporation to carry out research and development.

"(c) INSURANCE FUND.—

"(1) IN GENERAL.—There is established an insurance fund for the deposit of premium income, income from reinsurance operations, and amounts made available under subsection (a)(2).

"(2) SOURCE OF FUNDING.—There are appropriated, without fiscal year limitation, such sums as may be necessary to carry out subsection (b) through the insurance fund.".

SEC. 1111. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

The Act is amended by inserting after section 514 (7 U.S.C. 1514) the following new section:

"SEC. 515. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

"(a) ESTABLISHMENT.—The Secretary may establish within the Department a committee to be known as the 'Advisory Committee for Federal Crop Insurance' (referred to in this section as the 'Advisory Committee'), which shall remain in existence until September 30, 1998.

"(b) MEMBERSHIP.—The Advisory Committee shall be composed of—

"(1) the Manager of the Corporation;

"(2) the Secretary or a designee; and

"(3) not fewer than 10 representatives of organizations or agencies involved with the Federal crop insurance program, which may include insurance companies, insurance agents, farm producer organizations, experts on agronomic practices, and banking and lending institutions.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERMS.—Members of the Advisory Committee shall be appointed by the Secretary for a term of not more than 2 years from nominations made by the participating organizations and agencies referred to in subsection (b). The terms of the members shall be staggered.

"(2) CHAIRPERSON.—The Advisory Committee shall be chaired by the Manager of the Corporation.

"(3) MEETINGS.—The Advisory Committee shall meet at least annually. The meetings of the Advisory Committee shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Advisory Committee shall be kept and made available to the public on request.

"(d) PRIMARY RESPONSIBILITY.—The primary responsibility of the Advisory Committee shall be to advise the Secretary on the implementation of this title and on other issues related to crop insurance (as determined by the Manager of the Corporation).

"(e) REPORTS.—Not later than June 30 of each year, the Advisory Committee shall prepare, and submit to the Secretary, a report specifying the conclusions of the Advisory Committee on—

"(1) the progress toward implementation of this title;

"(2) the actuarial soundness of the Federal crop insurance program; and

"(3) the rate of participation in the catastrophic and the additional coverage programs under this title.".

SEC. 1112. MANAGEMENT OF CORPORATION.

(a) IN GENERAL.—The second sentence of section 505(a) (7 U.S.C. 1505(a)) is amended—

(1) by striking "program, the Under Secretary" and inserting "program, 1 additional Under Secretary"; and

(2) by striking "responsible for the farm credit programs of the Department of Agriculture" and inserting ", as designated by the Secretary of Agriculture (referred to in this title as the 'Secretary')".

(b) GENERAL POWERS.—Section 506 (7 U.S.C. 1506) is amended—

(1) by redesignating subsections (j) through (n) as subsections (k) through (o), respectively;

(2) by inserting after subsection (i) the following new subsection:

"(j) SETTLING CLAIMS.—The Corporation shall have the authority to make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation.";

(3) in subsection (l) (as so redesignated)—

(A) in the first sentence, by inserting ", and issue regulations," after "agreements"; and

(B) in the second sentence, by striking "contracts or agreements" each place it appears and inserting "contracts, agreements, or regulations";

(4) in subsection (n)(1) (as so redesignated), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) disqualify the person from purchasing catastrophic risk protection or receiving noninsured assistance for a period of not to exceed 2 years, or from receiving any other benefit under this title for a period of not to exceed 10 years.";

(5) in subsection (o) (as so redesignated)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and aligning the margins of each subparagraph with the margins of subparagraph (A) of subsection (n)(1) (as redesignated by paragraph (1));

(B) by striking "(o) ACTUARIAL SOUNDNESS.—The Corporation" and inserting the following:

"(o) ACTUARIAL SOUNDNESS.—

"(1) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1995.—The Corporation";

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by striking "from obtaining adequate Federal crop insurance, as determined by the Corporation" and inserting "(as defined by the Secretary) from obtaining Federal crop insurance";

(D) in subparagraph (C) (as so redesignated)—

(i) by inserting ", agents, and loss adjusters" after "participating producers"; and

(ii) by inserting ", agents, and loss adjusters" after "identify insured producers"; and

(E) by adding at the end the following new paragraphs:

"(2) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1998.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve, on and after October 1, 1998, an overall projected loss ratio of not greater than 1.0.

"(3) NONSTANDARD CLASSIFICATION SYSTEM.—To the extent that the Corporation uses the nonstandard classification system, the Corporation shall apply the system to all insured producers in a fair and consistent manner."; and

(6) by adding at the end the following new subsections:

"(p) LOSS RATIO DEFINED.—As used in this Act, the term 'loss ratio' means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

"(q) REGULATIONS.—The Secretary and the Corporation are each authorized to issue such regulations as are necessary to carry out this title.".

(c) PERSONNEL.—Section 507 (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking ", and county crop insurance committeemen";

(2) in subsection (c), by striking ", in which case the agent or broker" and all that follows through "the agent or broker has caused the error or omission"; and

(3) in subsection (d), by striking "of this Act," and all that follows through "agency".

(d) INFORMATION COLLECTION ON CROP INSURANCE.—Subsection (n) of section 508 (7 U.S.C. 1508) (as redesignated by section 1101(3)) is amended to read as follows:

"(n) INFORMATION COLLECTION ON CROP INSURANCE.—The Secretary shall make available to producers through local offices of the Department—

"(1) current and complete information on all aspects of Federal crop insurance; and

"(2) a listing of insurance agents.".

(e) CROP INSURANCE YIELD COVERAGE.—Section 508A (7 U.S.C. 1508a) is repealed.

(f) PREEMPTION.—Section 511 (7 U.S.C. 1511) is amended by inserting after "The Corporation, including" the following: "the contracts of insurance of the Corporation and premiums on the contracts, whether insured directly or reinsured by the Corporation,".

(g) FALSE STATEMENTS.—Section 1014 of title 18, United States Code, is amended by inserting "or a company the Corporation reinsures" after "Federal Crop Insurance Corporation".

Subtitle B—Noninsured Assistance Program

SEC. 1201. NONINSURED ASSISTANCE PROGRAM.

The Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following new section:

"SEC. 521. NONINSURED ASSISTANCE PROGRAM.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Corporation shall establish a noninsured assistance program to provide coverage equivalent to the catastrophic risk protection insurance described in section 508(b) for crops for which catastrophic risk protection insurance is not available. Crops covered shall include all commercial crops and commodities for which catastrophic risk protection coverage is not available and that are produced for food, fiber, or an industrial crop on a commercial basis but shall not include livestock. Noninsured assistance shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).

"(2) APPLICATIONS.—To be eligible for assistance under this section, a producer shall make a timely application, as required by the Corporation, for noninsured assistance at the local office of the Department.

"(3) RECORDS.—A producer shall annually provide records, as required by the Corporation, of previous crop acreage and yields, or the producer shall accept a yield under subsection (c)(2)(B) determined by the Corporation.

"(4) ACREAGE REPORTS.—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Corporation, by the designated acreage reporting date for the crop and location as established by the Corporation.

"(5) AREA YIELD LOSSES.—

"(A) AREA AVERAGE YIELD.—A producer of a noninsurable crop shall not be eligible for noninsured assistance unless the area (as determined by the Corporation) average yield, or an equivalent measure if yield data are not available, for the crop is less than 65 percent of the expected area yield established by the Corporation.

"(B) PREVENTED PLANTING PAYMENTS.—Subject to subparagraph (A), the Corporation shall make a prevented planting noninsured assistance payment to a producer if the producer is prevented from planting more than 35 percent of the acreage intended for the crop because of drought, flood, or other natural disaster (as determined by the Secretary).

"(C) REDUCED YIELD PAYMENTS.—Subject to subparagraph (A), if, because of drought, flood, or other natural disaster (as determined by the Secretary), the total quantity of the crop that a producer is able to harvest on any farm is less than 50 percent of the expected area yield for the crop (as determined by the Corporation) factored for the interest of the producer for the crop, the Corporation shall make a reduced yield noninsured assistance payment.

"(b) PAYMENT.—The Corporation shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

"(1) the quantity that is less than 50 percent of the established yield for the crop; by

"(2) 60 percent of the average market price for the crop (or any comparable coverage determined by the Corporation); by

"(3) a payment rate for the type of crop (as determined by the Corporation) that—

"(A) in the case of a crop that is produced with a significant and variable harvesting expense, a payment rate that reflects the decreasing cost incurred in the production cycle for the crop that is—

"(i) harvested;

"(ii) planted but not harvested; and

"(iii) prevented from being planted because of drought, flood, or other natural disaster (as determined by the Secretary); and

"(B) in the case of a crop that is not produced with a significant and variable harvesting expense, a payment rate determined by the Corporation.

"(c) YIELDS.—

"(1) IN GENERAL.—The Corporation shall establish noninsured assistance program farm yields for crops for the purposes of this section.

"(2) ACTUAL PRODUCTION HISTORY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base of the 10 crop years immediately preceding the crop year for which production history is being established.

"(B) ASSIGNED YIELD.—

"(i) IN GENERAL.—If the producer does not provide sufficient evidence of the yield (as required by the Corporation) of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(ii) LIMITATION.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(C) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall make noninsured payments that accurately reflect significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

"(d) INCREASED CROP PLANTINGS.—

"(1) IN GENERAL.—If the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, to become eligible for a noninsured assistance payment, a producer must provide detailed documentation of production costs, acres planted, and yield, as required by the Corporation. Except as provided in paragraph (2), a producer who produces a crop on a farm located in a county described in the preceding sentence may not obtain an assigned yield.

"(2) EXCEPTION.—A crop or a producer shall not be subject to this subsection if—

"(A) the planted acreage of the producer for the crop has been inspected by a third party acceptable to the Secretary; or

"(B)(i) the County Executive Director, the District Director, and the State Executive Director recommend an exemption from the requirement to the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service; and

"(ii) the Deputy Administrator approves the recommendation.

"(e) CONTRACT PAYMENTS.—A producer who has received a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by the amount of the production equal to the amount of the contract payment received.

"(f) PAYMENT OF LOSSES.—Payments for noninsured assistance losses under this section shall be made from the insurance fund established under section 516(b). The losses shall not be included in calculating the premiums charged to producers for insurance.".

SEC. 1202. PAYMENT AND INCOME LIMITATIONS.

Section 521 (as added by section 1201) is further amended by adding at the end the following new subsection:

"(g) PAYMENT AND INCOME LIMITATIONS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) PERSON.—The term 'person' has the meaning provided the term in regulations issued by the Secretary. The regulations shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

"(B) QUALIFYING GROSS REVENUES.—The term 'qualifying gross revenues' means—

"(i) if a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

"(ii) if less than a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

"(2) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive annually under this title may not exceed $100,000.

"(3) NO DOUBLE BENEFITS.—No person may receive a noninsured assistance payment under this title and emergency livestock feed assistance under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) for the same livestock feed or forage loss.

"(4) INCOME LIMITATION.—A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

"(5) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.".

Subtitle C—Miscellaneous

SEC. 1301. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

The Act (7 U.S.C. 1501 et seq.) (as amended by section 1201) is further amended by adding at the end the following new section:

"SEC. 522. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

"If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain catastrophic risk, additional coverage, or noninsured assistance benefits under this Act to which the person is not entitled, has evaded this Act, or has acted with the purposes of evading this Act, the person shall be ineligible to receive all benefits applicable to the crop year for which the scheme or device was adopted. The authority provided by this section shall be in addition to, and shall not supplant, the authority provided by section 506(m).".

SEC. 1302. PREVENTED PLANTING.

(a) IN GENERAL.—Effective for the 1994 crop year, a producer described in subsection (b) shall receive compensation under the prevented planting coverage policy provision described in subsection (b)(1) by—

(1) obtaining from the Secretary of Agriculture the applicable amount that is payable under the conservation use program described in subsection (b)(4); and

(2) obtaining from the Federal Crop Insurance Corporation the amount that is equal to the difference between—

(A) the amount that is payable under the conservation use program; and

(B) the amount that is payable under the prevented planting coverage policy.

(b) ELIGIBLE PRODUCERS.—Subsection (a) shall apply to a producer who—

(1) purchased a prevented planting policy for the 1994 crop year from the Federal Crop Insurance Corporation prior to the spring sales closing date for the 1994 crop year;

(2) is unable to plant a crop due to major, widespread flooding in the Midwest, or excessive ground moisture, that occurred prior to the spring sales closing date for the 1994 crop year;

(3) had a reasonable expectation of planting a crop on the prevented planting acreage for the 1994 crop year; and

(4) participates in a conservation use program established for the 1994 crop of wheat, feed grains, upland cotton, or rice established under section 107B(c)(1)(E), 105B(c)(1)(E), 103B(c)(1)(D), or 101B(c)(1)(D), respectively, of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E), 1444f(c)(1)(E), 1444–2(c)(1)(D), or 1441–2(c)(1)(D)).

(c) OILSEED PREVENTED PLANTING PAYMENTS.—

(1) IN GENERAL.—Effective for the 1994 crop year, a producer of a crop of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) shall receive a prevented planting payment for the crop if the requirements of paragraphs (1), (2), and (3) of subsection (b) are satisfied.

(2) SOURCE OF PAYMENT.—The total amount of payments required under this subsection shall be made by the Federal Crop Insurance Corporation.

(d) PAYMENT.—A payment under this section may not be made before October 1, 1994.

SEC. 1303. CONFORMING AMENDMENTS.

(a) PRICE SUPPORT PROGRAMS.—

(1) IN GENERAL.—Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 427. CROP INSURANCE REQUIREMENT.

"As a condition of receiving any benefit (including payments) under title I or II for each of the 1995 and subsequent crops of tobacco, rice, extra long staple cotton, upland cotton, feed grains, wheat, peanuts, oilseeds, and sugar and for each of the 1995 and subsequent calendar years with respect to milk, a producer must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.".

(2) RICE.—Section 101B(c) of such Act (7 U.S.C. 1441–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(3) UPLAND COTTON.—Section 103B(c) of such Act (7 U.S.C. 1444–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(4) FEED GRAINS.—Section 105B(c) of such Act (7 U.S.C. 1444f(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(5) WHEAT.—Section 107B(c) of such Act (7 U.S.C. 1445b–3a(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(6) DISASTER PAYMENTS.—Section 208 of such Act (7 U.S.C. 1446i) is repealed.

(b) FARMERS HOME ADMINISTRATION PROGRAMS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following new section:

"SEC. 371. CROP INSURANCE REQUIREMENT.

"(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.

"(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

"(1) a farm ownership loan (FO) under section 303;

"(2) an operating loan (OL) under section 312; and

"(3) an emergency loan (EM) under section 321.".

(c) DISASTER ASSISTANCE.—Subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking chapter 3.

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Section 252(e) of such Act (2 U.S.C. 902(e)) is amended by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.".

(e) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 506(d) (7 U.S.C. 1506(d)) is amended by striking "508(f)" and inserting "508(i)".

(2) The last sentence of section 507(c) (7 U.S.C. 1507(c)) is amended by striking "508(b)" and inserting "508(g)".

(3) Section 518 (7 U.S.C. 1518) is amended by striking "(k)" and inserting "(m)".

SEC. 1304. DISASTER ASSISTANCE.

(a) CROP LOSS ASSISTANCE.—The Secretary of Agriculture may provide assistance to producers for crop losses in 1994 due to natural disasters under the terms and conditions of—

(1) chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) subsections (a)(4), (b)(3), (d), and (e) of section 521 of the Federal Crop Insurance Act (as amended by this title).

(b) OTHER EMERGENCY ASSISTANCE.—To provide assistance for losses in 1994 due to natural disasters, the Secretary of Agriculture may provide assistance under—

(1) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(2) the emergency watershed protection program of the Soil Conservation Service; and

(3) the emergency community water assistance grant program established under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(c) FUNDING.—

(1) CROP LOSS ASSISTANCE.—Out of available funds of the Commodity Credit Corporation, the Commodity Credit Corporation is authorized to provide to the Secretary of Agriculture, through July 15, 1995, such sums as are necessary to carry out subsection (a).

(2) OTHER EMERGENCY ASSISTANCE.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b).

(3) EMERGENCY REQUIREMENT.—The amounts made available under paragraphs (1) and (2) are designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)). The amounts shall be available only to the extent that an official budget request for specific dollar amounts, that includes designation of the entire amount of the request as an emergency requirement pursuant to such Act, is transmitted by the President to Congress.

(d) DEFINITION OF NATURAL DISASTERS.—As used in this section, the term "natural disasters" includes weather-related insect damage to strawberries.

SEC. 1305. USE OF COMMODITY CREDIT CORPORATION FUNDS TO COVER CERTAIN COSTS FOR FALL-PLANTED 1995 CROPS.

(a) DEFINITION OF FALL-PLANTED 1995 CROP.—As used in this section, the term "fall-planted 1995 crop" means a 1995 crop that is insurable under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with a sales closing date that is prior to January 1, 1995.

(b) USE OF FUNDS TO COVER COSTS.—Subject to the other provisions of this section, the Federal Crop Insurance Corporation may use funds of the Commodity Credit Corporation to cover operating and administrative costs of the Corporation referred to in section 516(a)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)) associated with insurance policies issued for a fall-planted 1995 crop under such Act (7 U.S.C. 1501 et seq.).

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds of the Commodity Credit Corporation that may be used under subsection (b) may not exceed $40,000,000.

(d) COMBINED LIMITATION ON AMOUNT OF FUNDS AND EMERGENCY CROP LOSS ASSISTANCE.—The amount of funds of the Commodity Credit Corporation used under subsection (b) and the amount of funds used for fiscal year 1995 to provide emergency crop loss assistance for 1995 crops shall not exceed $500,000,000.

SEC. 1306. POULTRY LABELING, PUBLIC HEARINGS.

It is the sense of the Senate that the United States Department of Agriculture should carry out its plans to hold public hearings during the month of September 1994, for the purpose of receiving public input on issues related to the conditions under which poultry sold in the United States may be labeled "fresh" and to finalize and publish a decision on this issue as expeditiously as possible thereafter. It is the further sense of the Senate that no person serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should stand to profit, or represent any interest that would stand to profit, from the Department's decision on the issue.

SEC. 1307. AGRICULTURE EMPLOYEES FIRST AMENDMENT RIGHTS.

Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals: Provided, That any such individual so removed prior to date of enactment shall be reinstated to his or her previous position.

SEC. 1308. ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting before the period at the end the following: ", except that the Secretary may not reduce the cost of such diet below the allotment in effect for fiscal year 1994.".

SEC. 1309. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title shall become effective beginning with—

(1) if this title is enacted before October 1, 1994, the 1995 crop year for the applicable agricultural commodity; or

(2) if this title is enacted on or after October 1, 1994, the 1996 crop year for the applicable agricultural commodity.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1100, 1101(l), 1112(e), 1112(f), and 1302, the amendments made by such sections, and this section shall become effective on the date of enactment of this Act.

(2) EMERGENCY APPROPRIATIONS.—The amendments made by section 1303(d) shall become effective—

(A) if this title is enacted before October 1, 1994, on the date of enactment of this title; or

(B) if this title is enacted on or after October 1, 1994, on June 1, 1995.

SEC. 1310. TERMINATION OF AUTHORITY.

The authority provided by this title and the amendments made by this title shall terminate on September 30, 2000.

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

Subtitle A—Short Title; Purpose; Definitions

SEC. 2101. SHORT TITLE.

This title may be cited as the "Department of Agriculture Reorganization Act of 1994".

SEC. 2102. PURPOSE.

The purpose of this title is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out at the Department.

SEC. 2103. DEFINITIONS.

As used in this title (unless the context clearly requires otherwise):

(1) ADMINISTRATIVE UNIT.—The term "administrative unit" includes—

(A) any office, administration, agency, institute, unit, or organizational entity, or component thereof, except that the term does not include a corporation; and

(B) any county, State, or area committee, as established by the Secretary.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) FUNCTION.—The term "function" means an administrative, financial, or regulatory duty of an administrative unit or employee of the Department, including a transfer of funds made available to carry out a function of an administrative unit.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle B—General Authorities of the Secretary

SEC. 2201. DELEGATION OF FUNCTIONS TO THE SECRETARY.

(a) DELEGATION OF FUNCTIONS.—Except as otherwise provided in this title and notwithstanding any other provision of law, all functions and all activities, officers, employees, and administrative units of the Department, not vested in the Secretary on the date of enactment of this Act, are delegated to the Secretary.

(b) EXCEPTIONS TO THE DELEGATION.—This section shall not apply to the following functions and administrative units of the Department:

(1) The functions vested in administrative law judges by subchapter II of chapter 5 of title 5, United States Code.

(2) The functions vested in the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App. 3).

(3) The functions vested in the Chief Financial Officer by chapter 9 of subtitle I of title 31, United States Code.

(4) Corporations and the boards of directors and officers of the corporations.

(5) The functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

SEC. 2202. REORGANIZATION.

(a) GENERAL AUTHORITY OF THE SECRETARY.—The Secretary may transfer any function or administrative unit of the Department, including any function or administrative unit delegated to the Secretary by this title, and any officer or employee of the Department, as the Secretary considers appropriate. The authority established in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any administrative unit of the Department.

(b) AUTHORITY TO TRANSFER RECORDS, PROPERTY, AND FUNDS.—

(1) IN GENERAL.—Subject to section 1531 of title 31, United States Code, the Secretary may transfer any of the records, property, and unexpended balances (available or to be made available for use in connection with any affected function or administrative unit) of appropriations, allocations, and other funds of the Department, as the Secretary considers necessary to carry out this title, except as otherwise provided in this section.

(2) USE.—Absent prior approval by law, any unexpended balances transferred pursuant to

paragraph (1) shall be used only for the purposes for which the funds were originally made available.

(3) ADDITIONAL AUTHORITY.—The Secretary may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions or administrative units, as the Secretary considers necessary to carry out this title.

(c) PURPOSE OF THE AUTHORITY.—The Secretary shall carry out subsections (a) and (b) with the goals of simplifying and maximizing the efficiency of the national, State, regional, and local levels of the Department, and of improving the accessibility of farm and other programs at all levels. To the extent practicable, the Secretary shall adapt the administration of the programs to State, regional, and local conditions.

(d) EXHAUSTION OF ADMINISTRATIVE APPEALS.—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department;

(3) an administrative unit of the Department; or

(4) an employee or agent of an administrative unit of the Department.

(e) CONFORMING AMENDMENTS.—Section 9 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

SEC. 2203. PERSONNEL REDUCTIONS.

(a) DEFINITIONS.—As used in this section:

(1) FIELD STRUCTURE.—The term "field structure" means the offices, functions, and employee positions of all administrative units of the Department, other than the headquarters offices. The term includes the physical and geographic locations of the units. The term shall not include State, county, or area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) HEADQUARTERS OFFICES.—The term "headquarters offices" means the offices, functions, and employee positions of all administrative units of the Department located or performed in Washington, District of Columbia, or elsewhere, as determined by the Secretary.

(b) EMPLOYEE REDUCTIONS.—Subject to subsection (c), the Secretary shall achieve employee reductions of at least 7,500 staff years within the Department by September 30, 1999.

(c) DISTRIBUTION.—The percentage of employee reductions in the headquarters offices under subsection (b) shall be substantially higher than the percentage of employee reductions in the field structure, as determined by the Secretary.

(d) SCHEDULE.—The personnel reductions under subsections (b) and (c) should be accomplished concurrently in a manner determined by the Secretary.

SEC. 2204. CONSOLIDATION OF HEADQUARTERS OFFICES.

The Secretary shall develop and carry out a plan to consolidate offices of administrative units of the Department located in Washington, District of Columbia, subject to the availability of appropriations.

SEC. 2205. REPORTS BY THE SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report to Congress or any committee of Congress.

(b) LIMITATION.—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) SELECTION OF REPORTS.—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports shall be prepared and submitted in accordance with subsection (b).

Subtitle C—National Appeals Division

SEC. 2301. DEFINITIONS.

As used in this subtitle:

(1) ADVERSE DECISION.—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to a participant, including a denial of equitable relief, except that the term shall not include a decision over which the Board of Contract Appeals has jurisdiction. The term shall include the failure of a decisionmaker to issue a decision or otherwise act on the request or right of the participant to participate in, or receive payments, loans, or other benefits under, any of the programs administered by an agency. Notwithstanding section 701(a)(2) of title 5, United States Code, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

(2) AGENCY.—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include—

(A) ASCS;

(B) CCC, with respect to domestic programs;

(C) FmHA (including rural housing programs);

(D) FCIC;

(E) RDA (including rural housing programs);

(F) SCS; or

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this subtitle.

(4) ASCS.—The term "ASCS" means the Agricultural Stabilization and Conservation Service or a successor agency.

(5) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the participant, including any materials related to the adverse decision.

(6) CCC.—The term "CCC" means the Commodity Credit Corporation or a successor agency.

(7) DECISIONMAKER.—The term "decisionmaker" means an officer, employee, or committee of an agency who makes an adverse decision that is appealed by an appellant.

(8) DIRECTOR.—The term "Director" means the Director of the Division.

(9) DIVISION.—The term "Division" means the National Appeals Division established by this subtitle.

(10) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FCIC.—The term "FCIC" means the Federal Crop Insurance Corporation or a successor agency.

(13) FMHA.—The term "FmHA" means the Farmers Home Administration or a successor agency.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(15) HEARING RECORD.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) IMPLEMENT; IMPLEMENTATION.—The terms "implement" and "implementation" refer to those actions necessary to effectuate fully and promptly a determination of the Division not later than 30 calendar days after the effective date of the determination.

(17) PARTICIPANT.—The term "participant" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments, loans, or other benefits in accordance with any of the programs administered by an agency, is affected by an adverse decision made by a decisionmaker.

(18) RDA.—The term "RDA" means the Rural Development Administration or a successor agency.

(19) SCS.—The term "SCS" means the Soil Conservation Service or a successor agency.

(20) STATE DIRECTOR.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

SEC. 2302. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) ESTABLISHMENT OF DIVISION.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a National Appeals Division within the Office of the Secretary to carry out this subtitle.

(2) APA APPLICATION.—The provisions of title 5, United States Code, shall apply to all appeals of the Division, including chapters 5 and 7 of such title.

(3) PROCEDURAL REGULATIONS AND POLICIES.—The Secretary shall promulgate procedural regulations and policies to govern the conduct of the business of the Division. The Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Division shall be headed by a Director.

(2) POSITION CLASSIFICATION.—The position of the Director shall be a Senior Executive Service position that shall be filled by a career appointee (as defined in section 3132(a)(4) of title 5, United States Code), who shall not be subject to removal except for cause in accordance with law.

(3) QUALIFICATIONS.—The Director shall be a person who has substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons employed outside the Government as well as Government employees.

(4) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture.".

(c) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, *other than the Director, the authority of the Secretary with respect to the Division.*

(d) COMMUNICATION WITH SECRETARY AND AGENCIES.—The Director shall inform the Secretary and the appropriate agency of problems regarding the functions of the agency that are identified as a result of the activities of the Division under this subtitle. The information provided by the Director may include proposals to resolve the problems identified or otherwise to improve the programs of the agency.

(e) APPEALABLE DECISIONS.—Subject to section 2304(b)(2), if a decisionmaker determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse or of general applicability, and thus appealable. Except for a legal interpretation that may be reversed or modified by the Secretary, the determination of the Director as to whether a decision is appealable shall be administratively final, conclusive, and binding.

(f) OTHER POWERS OF THE DIRECTOR.—The Director may enter into contracts and make other arrangements for reporting and other services and make such payments as may be necessary to carry out this subtitle.

SEC. 2303. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the date of enactment of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect before the amendment made by section 2315(a)(2));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect before the amendment made by section 2315(b));

(3) appeals of decisions made by FCIC; and

(4) appeals of decisions made by SCS.

SEC. 2304. PERSONNEL OF THE DIVISION.

(a) APPOINTMENT, DIRECTION, AND CONTROL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this subtitle. Hearing officers shall be supervised by the Director. All other employees of the Division shall report to the Director.

(b) LEGAL COUNSEL.—

(1) IN GENERAL.—The Director shall employ legal counsel to advise the Director with respect to legal questions affecting the Division. The legal counsel shall not serve as a counsel to any other agency of the Department. This subsection is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and any other Federal agency.

(2) REVIEW BY THE SECRETARY.—If a hearing officer or the Director disagrees with the General Counsel on a matter of legal interpretation with respect to a program or authority of the Department, the Secretary shall have the authority to make a final determination on the interpretation at the request of the General Counsel. The authority of the Secretary under this paragraph may not be delegated.

(c) PERFORMANCE EVALUATIONS.—The Director shall establish policies to provide for the evaluation of the Director, hearing officers, and other employees of the Division who are involved in the appeal process under section 2308 or the supervision of other employees. The evaluation process shall be designed to ensure and enhance the independence, integrity, and efficiency of the Director and employees of the Division. The actual evaluations shall include evaluations by individuals outside of the Department and may include peer review.

SEC. 2305. NOTICE AND OPPORTUNITY FOR HEARING.

(a) NOTICE REQUIRED.—Not later than 10 working days after an adverse decision is made that is adverse to the participant, the Secretary shall provide the participant with the written notice described in subsection (b).

(b) CONTENT OF NOTICE.—The notice required under subsection (a) shall contain a description of the following:

(1) The decision, including all of the reasons, facts, and conclusions underlying the decision.

(2) The appeal and implementation process available to the participant, including the rights and responsibilities of the participant provided by this subtitle.

(3) An opportunity to request a determination by the Director pursuant to section 2302(e) concerning whether a decision is appealable, if the decisionmaker determines that the decision is not appealable.

(c) MAINTENANCE OF RECORDS.—The Secretary and the Director shall maintain the entire case record and hearing record, respectively, and any additional information from any further appeal proceeding, of the participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the determination.

(d) JOINDER.—

(1) GUARANTEED LOANS.—With regard to a guaranteed loan under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), a borrower or applicant who is directly and adversely affected by a decision of the Secretary may appeal the decision pursuant to this subtitle without the lender joining in the appeal.

(2) RENTAL HOUSING.—A tenant in rental housing of an agency who is individually, directly, and adversely affected by a decision of the Secretary may appeal the decision pursuant to this subtitle without the landlord joining in the appeal.

(3) THIRD PARTIES.—If the Director determines that the receipt of a payment, loan, or other direct benefit by a participant may be directly, substantially, and adversely affected by a determination of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from receiving the payment, loan, or other direct benefit of the participant. If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this subtitle.

(e) EFFECT OF REVERSAL OR MODIFICATION OF ADVERSE DECISION.—If an adverse decision is reversed or modified by the Division, a decisionmaker may not base any subsequent adverse decision with regard to that appellant on the information that was available to the previous decisionmaker (or could have been available with reasonable diligence on the part of the previous decisionmaker).

SEC. 2306. INFORMAL HEARINGS.

If a decisionmaker of an agency makes an adverse decision, the decisionmaker shall hold, at the request of the participant, an informal hearing on the decision.

SEC. 2307. RIGHTS OF PARTICIPANTS.

Among other rights, a participant shall have the right, in accordance with this subtitle, to—

(1) appeal any adverse decision;

(2) representation by an attorney or nonattorney throughout the informal hearing and appeals process under this subtitle;

(3) access to, and a reasonable opportunity to inspect and reproduce, the case record at an office of the agency located in the area of the participant; and

(4) an evidentiary hearing.

SEC. 2308. DIVISION HEARINGS AND DIRECTOR REVIEW.

(a) POWERS OF DIRECTOR AND HEARING OFFICERS.—To carry out their responsibilities under this section, the Director and hearing officers—

(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;

(2) shall have the authorities that are provided under section 2302(a)(2);

(3) may request such information or assistance as may be necessary for carrying out the duties and responsibilities established under this subtitle from any Federal, State, or local governmental agency or unit of the agency;

(4) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(5) may require the attendance of witnesses, and the production of evidence, by subpoena; and

(6) may administer oaths or affirmations.

(b) TIME FOR HEARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an appellant shall have the right to—

(A) request a hearing, not later than 30 days after the date an adverse decision is made; and

(B) have a hearing by the Division on the adverse decision, not later than 45 days after receipt of the request for the hearing.

(2) REDUCTION OR EXTENSION.—The Director may establish an earlier deadline for a hearing (or request for a hearing) on an appeal relating to a time sensitive decision, or delay a hearing (or request for a hearing), at the request of an appellant for good cause shown.

(c) LOCATION AND ELEMENTS OF HEARING.—

(1) LOCATION.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) EVIDENTIARY HEARING.—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record and hearing record. The hearing officer shall conduct and resolve the hearing (regardless of the hearing format) in a fair and impartial manner and free of undue influence. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) INFORMATION AT HEARING.—The hearing officer shall consider information, including new information, presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the decisionmaker after the hearing to the extent necessary to prevent the appellant or the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant. At the hearing, the agency may not rely on or assert new grounds for the adverse decision, if the grounds were not described in the agency decision notice.

(4) BURDEN OF PROOF.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(5) PRODUCTION OF RECORD.—An official verbatim record shall be provided by the Division for each hearing before a hearing officer. The appellant or agency representative may record an unofficial record of the hearing.

(6) STANDARD OF REVIEW.—In any case pending before a hearing officer, the hearing officer may determine that the adverse decision was in error only if substantial evidence demonstrates that the adverse decision was not correct. For purposes of this paragraph, the evidentiary threshold for substantial evidence is lower than the evidentiary threshold for preponderance of the evidence.

(7) DETERMINATION NOTICE.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline pursuant to subsection (b)(2). The hearing officer may include recommendations in the determination notice. If the determination is not appealed to the Director under subsection (d), the notice provided by the hearing officer shall be considered to be a notice of final determination.

(d) REVIEW BY DIRECTOR.—

(1) REFERRAL.—At the request of the appellant or the head of the agency affected by a determination of a hearing officer, the determination of the hearing officer shall be referred to the Director for review.

(2) APPEAL BY HEAD OF AGENCY TO DIRECTOR.—

(A) REVIEW OF DETERMINATION OF HEARING OFFICER AT THE REQUEST OF AN AGENCY HEAD.—In exceptional circumstances, if the head of an agency believes that the determination of a hearing officer is contrary to a statute or regulation, or a finding of fact of a hearing officer is clearly erroneous, only the head of the agency may make a written request, not later than 10 business days after receipt of the determination, that the Director review the determination.

(B) REQUESTS FOR REVIEW.—A request for review shall—

(i) include a full description of—

(I) the exceptional circumstances justifying the request for review; and

(II) the reasons that the head of the relevant agency believes that the determination is contrary to statute or regulation, or the finding of fact of the hearing officer is clearly erroneous; and

(ii) be provided to the appellant and the hearing officer at the same time the request is provided to the Director.

(C) DETERMINATION OF DIRECTOR.—Not later than 10 business days after receipt of the request for review, the Director shall—

(i) conduct a review of the determination based on the case record and hearing record, the request for review under subsection (b), and any additional arguments or information submitted by the appellant or the hearing officer; and

(ii)(I) issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer; or

(II) if the Director determines that the hearing record is inadequate, remand the determination for further proceedings to complete the hearing record, or, at the option of the Director, to hold a new hearing, and notify the appellant, agency, and hearing officer of the remand.

(D) NEW HEARING.—If the Director remands a determination for a new hearing on the adverse decision under subparagraph (C), the hearing officer shall make a new determination with respect to the adverse decision based on the case record and the hearing record.

(E) FINALITY.—The head of the relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issue.

(3) APPEAL BY HEAD OF AGENCY OR APPELLANT TO DIRECTOR.—

(A) USE OF RECORD.—If the determination of a hearing officer is appealed under paragraph (1), the hearing officer shall certify the hearing record and provide the record to the Director.

(B) NEW INFORMATION.—The Director may consider, under extraordinary circumstances, new information in reviewing a determination under this section. The appellant, decisionmaker, and hearing officer shall receive and have the opportunity to comment on the new information.

(C) ACTIONS.—Not later than 30 days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on 1 or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a notice of—

(I) a new evidentiary hearing;

(II) a final determination; or

(III) a remand on certain issues and a final determination on remaining issues.

(D) RECOMMENDATIONS.—The Director may include recommendations in a final determination notice.

(E) RELIEF.—The Director shall have the same authority as the Secretary to grant equitable relief. Notwithstanding the administrative finality of a final determination, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after a final determination is issued by the Division.

(e) BASIS FOR DETERMINATION.—The determination of the hearing officer and the Director shall be based on information from the hearing record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate. The Director shall not reverse the determination of a hearing officer with regard to a finding of fact that is based on oral testimony or inspection of evidence unless the finding of fact is clearly erroneous or the Director is considering new information under subsection (d)(3) with respect to the finding of fact.

(f) EFFECTIVE DATE.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 2309. JUDICIAL REVIEW.

A final determination of the Division under section 2308 shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code. Notwithstanding section 701(a)(2) of such title, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

SEC. 2310. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) IN GENERAL.—On the return of a case to an agency pursuant to the final determination of a hearing officer or the Director under section 2308, the agency shall implement the final determination of the Division not later than 30 days after the effective date of the notice of the final determination.

(b) ADDITIONAL AND UPDATED INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), after notice of a final determination is received by the agency—

(A) the agency may not require that additional and updated information be provided by the appellant or considered by the decisionmaker in implementing the final determination of the hearing officer or the Director; and

(B) additional and updated information from any other source may not be used in implementing the final determination.

(2) EXCEPTIONS.—

(A) INTRODUCTION BY APPELLANT.—If additional information is introduced by the appellant during the appeal process and accepted by the hearing officer or the Director, the agency shall consider the additional information in implementing the final determination.

(B) DETERMINATION LETTER.—If the final determination notice specifically states that additional and updated information will be considered in implementing the final determination, the agency shall consider any additional and updated information in implementing the final determination.

(C) SUBSEQUENT ADVERSE DECISION.—Additional and updated information considered under this paragraph may not be used as a ground for a subsequent adverse decision.

(c) IMPLEMENTATION RESPONSIBILITIES.—

(1) STATE DIRECTOR.—Each State director shall be—

(A) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(B) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) AGENCY HEADS.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) PROTECTION OF APPELLANTS' RIGHTS.—

(1) IN GENERAL.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising a right of the appellant under this subtitle or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this subtitle.

(2) CORRECTIVE ACTION.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary) in conformance with civil service laws.

(e) IMPLEMENTATION PROBLEMS.—

(1) ACTIONS BY RELEVANT AGENCY HEAD.—The relevant agency head shall promptly correct any problems that may arise in the implementation of a final determination.

(2) OVERSIGHT.—The Secretary shall assign employees within the Office of the Inspector General whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(3) IDENTITY AND ACTIVITIES OF OVERSIGHT AGENCY.—The Secretary shall notify the Director of the business address and telephone number of employees assigned under paragraph (2). The Director shall include this information in the final determination notice of the Division to an appellant.

SEC. 2311. DECISIONS OF STATE AND COUNTY COMMITTEES.

(a) FINALITY.—Each decision of a State or county committee (or an employee of the committee) that administers functions of CCC, or functions assigned to ASCS on the date of enactment of this Act, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(1) appealed under this subtitle; or

(2) modified by the Administrator of ASCS or the Executive Vice President of CCC.

(b) Recovery of Amounts.—No action shall be taken by the CCC, ASCS, or a State or county committee to recover amounts found to have been disbursed as a result of a decision in error if the decision of the State or county committee has become final under subsection (a), unless the participant had reason to believe that the decision was erroneous.

SEC. 2312. PROHIBITION ON ADVERSE ACTION WHILE APPEAL IS PENDING.

(a) In General.—The Secretary may not take any adverse action against an appellant relating to an appeal while any proceeding authorized or required under this subtitle is pending, including any action that would prevent the implementation of a decision that is favorable to the appellant.

(b) Withholding.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to then current borrowers and grantees shall not be discontinued pending the outcome of an appeal.

SEC. 2313. RELATIONSHIP TO OTHER LAWS.

(a) Other Rights.—This subtitle is not intended to supersede or deprive a recipient of assistance from an agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) Equitable Relief.—This subtitle is not intended to affect the authority of an agency head to grant equitable relief.

(c) Employee Rights.—This subtitle shall neither supersede nor interfere with rights granted to employees or their exclusive representatives by applicable civil service laws.

SEC. 2314. EVALUATION OF AGENCY DECISIONMAKERS AND OTHER EMPLOYEES.

(a) Evaluation in Annual Review.—The Secretary shall promulgate regulations to require the evaluation described in subsection (b) as part of the annual review of the performance of decisionmakers, State directors, and agency heads.

(b) Performance.—In the review, a decisionmaker, a State director, or an agency head shall be considered to have performed poorly if the decisionmaker, State director, or agency head—

(1) takes action that leads to numerous appeals that result in adverse decisions that are reversed or modified;

(2) fails to properly implement final determinations of the Division;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under subsection (c) or (e)(1) of section 2310, whichever applies; or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 2310(d).

(c) Sanctions.—If a decisionmaker, State director, or relevant agency head has performed poorly (as determined under subsection (b)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, as the case may be, which may include a formal reprimand or dismissal consistent with civil service laws.

SEC. 2315. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) Finality of farmers payments and loans.—Section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence and inserting the following new sentence: "As used in this section, the term 'payment' means any payment under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), any payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this title, or any loan or price support operation, or the amount of the payment, loan, or price support."; and

(B) in the second sentence, by striking "any such payment" and inserting "a payment".

(2) Determinations by Secretary; Appeals.—Sections 412 and 426 of the Agricultural Act of 1949 (7 U.S.C. 1429 and 1433e) are repealed.

(b) FMHA.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(c) FCIC.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title II of the Department of Agriculture Reorganization Act of 1994, whichever is later".

Subtitle D—Farm and International Trade Services

SEC. 2401. UNDER SECRETARY FOR FARM AND INTERNATIONAL TRADE SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Farm and International Trade Services (referred to in this section as the "Under Secretary"), to be appointed by the President, by and with the advice and consent of the Senate.

(b) Duties.—The Under Secretary shall exercise such functions and perform such duties related to farm and international trade services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) Continuity of the Position.—Any official serving as Under Secretary for International Affairs and Commodity Programs on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall be considered on and after the date of enactment of this Act to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this title.

(d) Conforming Amendments.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and International Trade Services.".

(2) Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691) is repealed.

SEC. 2402. FARM SERVICE AGENCY.

(a) Establishment.—The Secretary is authorized to establish and maintain a Farm Service Agency (referred to in this section as the "Agency") and assign to the Agency such functions as the Secretary may consider appropriate.

(b) Head.—

(1) Agency.—If the Secretary establishes the Agency, the Agency or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) FCIC.—The Secretary may appoint the Administrator of the Agency, or any other person, to serve as head of the Federal Crop Insurance Corporation.

(c) Functions.—Except as provided in subsection (d), the Secretary is authorized to carry out through the Agency—

(1) price and income support, production adjustment, and other related functions;

(2) functions of the Federal Crop Insurance Corporation;

(3) notwithstanding section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), agricultural credit functions assigned prior to the date of enactment of this Act to the Farmers Home Administration, including farm ownership, operating, emergency, and disaster loan functions, and other lending programs for producers of agricultural commodities; and

(4) any other function or administrative unit that the Secretary considers appropriate.

(d) Functions Not Assignable to the Agency.—Except as otherwise determined by the Secretary, functions relating to conservation programs authorized to be assigned to the Natural Resources Conservation Service established under section 2701 may not be assigned to the Agency.

(e) Use of Employees.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Agency or any successor administrative area, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Agency.

(f) Collocation.—The Secretary, to the maximum extent practicable, shall collocate county offices of the Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) Continuity of the Position.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this title.

(h) Conforming Amendments.—

(1) The second sentence of section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture," and inserting "one additional Under or Assistant Secretary of Agriculture, as designated by the Secretary,".

(2) Section 507(d) of the Federal Crop Insurance Act (7 U.S.C. 1507(d)) is amended by striking "section 516 of this Act," and all that follows through the period at the end of the subsection and inserting "section 516.".

(3) Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or administrative units of the Department of Agriculture as the Secretary may consider appropriate.".

SEC. 2403. STATE AND COUNTY COMMITTEES.

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by designating the first through eighth undesignated paragraphs as paragraphs (1) through (8), respectively; and

(2) in paragraph (5) (as so designated) by adding at the end the following new sentence: "The Secretary is authorized, after consultation with the State committee of the State in which the affected counties are located, to terminate, combine, and consolidate two or more county committees established under this subsection.".

SEC. 2404. INTERNATIONAL TRADE SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain an International Trade Service (referred to in this section as the "Service") and to assign to the Service such functions or administrative units as the Secretary may consider appropriate and consistent with this title.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving—

(1) the acquisition of information pertaining to agricultural trade;

(2) market promotion and development:

(3) promotion of exports of United States agricultural commodities;

(4) administration of international food assistance; and

(5) international development, technical assistance, and training.

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this title.

(e) CONFORMING AMENDMENTS.—Sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693) are repealed.

Subtitle E—Rural Economic and Community Development

SEC. 2501. UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.

(a) ESTABLISHMENT.—Subsection (a) of section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended to read as follows:

"(a)(1) There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Rural Economic and Community Development to be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary of Agriculture for Rural Economic and Community Development shall exercise such functions and perform such duties related to rural economic and community development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.".

(b) CONTINUITY OF POSITION.—Any official serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor position established by the amendment made by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this title.

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Small Community and Rural Development." and inserting "Under Secretary of Agriculture for Rural Economic and Community Development.".

SEC. 2502. RURAL UTILITIES SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Utilities Service (referred to in this section as the "Service") and to assign to the Service such functions and administrative units as the Secretary may consider appropriate.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1); and

(2) water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this title.

(e) CONFORMING AMENDMENTS TO THE RURAL ELECTRIFICATION ACT.—

(1) The first section of the Rural Electrification Act of 1936 (7 U.S.C. 901) is amended by striking "there is" and all that follows through "This Act" and inserting "this Act".

(2) Section 2 of such Act (7 U.S.C. 902) is amended by striking "Administrator" and inserting "Secretary of Agriculture".

(3) Section 3(a) of such Act (7 U.S.C 903(a)) is amended—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary,"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary".

(4) Section 8 of such Act (7 U.S.C. 908) is amended—

(A) in the first sentence, by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) in the second sentence, by striking "Rural Electrification Administration created by this Act" and inserting "Secretary".

(5) Section 11A of such Act (7 U.S.C. 911a) is repealed.

(6) Section 13 of such Act (7 U.S.C. 913) is amended by inserting before the period the following: "; and the term 'Secretary' means the Secretary of Agriculture".

(7) Sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)) are amended by striking "Rural Electrification Administration" each place it appears and inserting "Secretary".

(8) Section 403(b) of such Act (7 U.S.C. 943(b)) is amended by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary".

(9) Section 404 of such Act (7 U.S.C. 944) is amended by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary of Agriculture shall designate an official of the Department of Agriculture who".

(10) Sections 406(c) and 410(a)(1) of such Act (7 U.S.C. 946(c) and 950) are amended by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary".

(11) Such Act (7 U.S.C. 901 et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

(f) MISCELLANEOUS CONFORMING AMENDMENTS.—

(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) The second undesignated paragraph of section 401 of the Rural Electrification Act of 1938 (52 Stat. 818; 7 U.S.C. 903 note) is amended by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(3) Section 15 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended by striking "Rural Electrification Administration" and inserting "Secretary".

(4)(A) Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–2) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

(B) Chapter 1 of subtitle D of title XXIII of such Act (7 U.S.C. 950aaa et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

SEC. 2503. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(2) programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law; and

(3) programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008 through 2008d).

SEC. 2504. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service (referred to in this section as the "Service"), and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.);

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.);

(3) sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932);

(4) section 1323 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note); and

(5) the Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

Subtitle F—Food, Nutrition, and Consumer Services

SEC. 2601. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall exercise such functions and perform such duties related to food, nutrition, and consumer services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this title.

(d) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.".

SEC. 2602. FOOD AND CONSUMER SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Food and Consumer Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq).

SEC. 2603. NUTRITION RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Nutrition Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities relating to human nutrition research and education.

Subtitle G—National Resources and Environment

SEC. 2701. NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Natural Resources Conservation Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit of the Department as the Secretary may consider appropriate, programs and activities, including—

(1) title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.);

(2) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.);

(3) the Water Bank Act (16 U.S.C. 1301 et seq.);

(4) section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103);

(5) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(6) title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(7) section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)); and

(8) the Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(c) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Service or any successor administrative unit, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Service.

(d) AGRICULTURAL CONSERVATION PROGRAM.—In carrying out the Agricultural Conservation Program, the Secretary shall—

(1) acting on the recommendations of the Service, with the concurrence of the Farm Service Agency, issue regulations to carry out the program; and

(2) use a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to make the final decision on which applicants are eligible to receive cost share assistance under the program based on priorities and guidelines established at the national and State levels by the Service.

(e) CONFORMING AMENDMENTS.—

(1) Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2)(A) Section 2(2) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001(2)) is amended by striking "the Soil Conservation Service of".

(B) Section 3(2) of such Act (16 U.S.C. 2002(2)) is amended by striking "through the Soil Conservation Service".

(C) The first sentence of section 6(a) of such Act (16 U.S.C. 2005(a)) is amended by striking "Soil Conservation Service" and inserting "Secretary".

SEC. 2702. REORGANIZATION OF FOREST SERVICE.

(a) IN GENERAL.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review (September 1993) shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) and identifies any disparities in regional funding patterns and the rationale behind the disparities.

Subtitle H—Marketing and Inspection Services

SEC. 2801. GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Grain Inspection, Packers and Stockyards Administration (referred to in this section as the "Administration") and to assign to the Administration such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Administration, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities authorized under—

(1) the United States Grain Standards Act (7 U.S.C. 71 et seq.); and

(2) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(i) by striking subsections (z) and (aa); and

(ii) by redesignating subsection (bb) as subsection (z).

(B) Section 3A of such Act (7 U.S.C. 75a) is repealed.

(C) Section 5(b) of such Act (7 U.S.C. 77(b)) is amended by striking "Service employees" and inserting "employees of the Secretary".

(D) The first sentences of each of sections 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2) and 79a(l)(2), respectively) are amended by striking "supervision by Service personnel of its field office personnel" and inserting "supervision by the Secretary of the field office personnel of the Secretary".

(E) Section 12 of such Act (7 U.S.C. 87a) is amended—

(i) in the first sentence of subsection (c), by striking "or Administrator"; and

(ii) in subsection (d), by striking "or the Administrator".

(F) Such Act (7 U.S.C. 71 et seq.) is amended by striking "Administrator" and "Service" each place either term appears and inserting "Secretary".

(2) Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(C) in subsection (e) (as so designated), by striking "subsection (e)" and inserting "subsection (d)".

Subtitle I—Research, Economics, and Education

SEC. 2901. FEDERAL RESEARCH AND INFORMATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Federal Research and Information Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) agricultural research; and

(2) agricultural information and library services.

SEC. 2902. COOPERATIVE STATE RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Cooperative State Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service programs and activities, including—

(1) cooperative research programs; and

(2) agricultural extension and education programs.

SEC. 2903. AGRICULTURAL ECONOMICS AND STATISTICS SERVICE.

(a) ESTABLISHMENT.—The Secretary may establish and maintain within the Department the Agricultural Economics and Statistics Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) economic analysis and research;

(2) energy-related programs;

(3) crop and livestock estimates; and

(4) agricultural statistics.

(c) STATE AND LOCAL STATISTICAL OFFICES AND PERSONNEL.—The authority provided by subsections (a) and (b) shall not authorize a substantial change in the functions or structures of State and local statistical offices and employees of the offices.

SEC. 2904. PROGRAM POLICY AND COORDINATION STAFF.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Program Policy and Coordination Staff (referred to in this section as the "Staff") and to assign to the Staff such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—If the Staff is established and maintained, the Staff shall provide common program policy development for the Federal Research and Information Service, the Cooperative State Research and Education Service, and the Agricultural Economics and Statistics Service.

(c) COMPOSITION.—Not less than 50 percent of the employees of the Staff shall be former employees of the Cooperative State Research Service and the Extension Service, as in existence on the date of enactment of this Act.

(d) RELATIONSHIP TO FUNCTIONS CURRENTLY PERFORMED BY NASS.—The Staff may not—

(1) interfere with statistic collection and reporting; or

(2) compromise the independence or integrity of statistic collection and reporting functions of the National Agricultural Statistics Service as in effect on the date of enactment of this Act.

Subtitle J—Food Safety

SEC. 2951. FOOD SAFETY SERVICE.

(a) MEAT INSPECTION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following new title:

"TITLE V—FOOD SAFETY SERVICE

"SEC. 501. FOOD SAFETY SERVICE.

"(a) IN GENERAL.—The Secretary shall establish and maintain within the United States Department of Agriculture the Food Safety Service (referred to in this section as the 'Service') and to assign to the Service such functions as the Secretary may consider appropriate.

"(b) ASSISTANT SECRETARY FOR FOOD SAFETY.—

"(1) APPOINTMENT.—There shall be in the Service the position of Assistant Secretary for Food Safety (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this section, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

"(3) RELATIONSHIP TO THE SECRETARY.—The Assistant Secretary shall report directly to the Secretary.

"(4) GENERAL POWERS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving food safety under this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), including—

"(A) providing overall direction to the Service and establishing and implementing general policies concerning the management and operation of programs and inspection activities of the Service;

"(B) coordinating and overseeing the operation of all administrative entities within the Service;

"(C) research and inspection relating to meat, meat food products, poultry, and poultry products in carrying out this Act and the Poultry Products Inspection Act;

"(D) conducting educational and public information programs relating to the responsibilities of the Service; and

"(E) performing such other functions related to food safety as the Secretary may prescribe, except that only programs and activities related to food safety, as determined by the Secretary, shall be administered through the Service.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Assistant Secretary, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

"(1) establish such technical and scientific review groups as are needed to carry out the functions of the Service, including functions under this Act and under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.".

(b) POULTRY PRODUCTS INSPECTION.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) by redesignating section 29 as section 30; and

(2) by inserting after section 28 the following new section:

"SEC. 29. ADMINISTRATION.

"The Secretary shall administer this Act through the Assistant Secretary for Food Safety of the Food Safety Service established under section 501 of the Federal Meat Inspection Act.".

Subtitle K—Miscellaneous

SEC. 2981. ASSISTANT SECRETARIES OF AGRICULTURE.

(a) ESTABLISHMENT.—There are established in the Department six positions of Assistant Secretary of Agriculture, each to be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—Each Assistant Secretary of Agriculture shall exercise such functions and perform such duties as may be required by law or prescribed by the Secretary, and shall receive compensation at the rate prescribed by law for an Assistant Secretary of Agriculture. The compensation of any person serving as an Administrator shall not be raised by this title.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act of February 9, 1889 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is repealed.

(2) Section 604 of the Rural Development Act of 1972 (7 U.S.C. 2212a) is amended by striking subsection (a).

(3) Section 2 of Public Law No. 94-561 (7 U.S.C. 2212b) is repealed.

(4) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by striking subsection (d).

(5) Section 8 of the International Carriage of Perishable Foodstuffs Act (7 U.S.C 2212c) is amended by striking subsection (a).

(d) CONTINUITY OF POSITIONS.—Notwithstanding subsections (a) and (b) and the amendments made by subsection (c), any official serving in any of the positions referred to in this section on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor positions established by subsection (a) and shall not be required to be reappointed by reason of the enactment of this title.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Assistant Secretaries of Agriculture (7)" and inserting "Assistant Secretaries of Agriculture (six)"; and

(2) by adding at the end the following:

"Administrator, Farm Service Agency, Department of Agriculture.

"Administrator, International Trade Service, Department of Agriculture.

"Administrator, Rural Utilities Service, Department of Agriculture.".

SEC. 2982. REMOVAL OF OBSOLETE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture.";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture.";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.";

(4) by striking "Administrator, Farmers Home Administration.";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture.";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture.";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture.";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture.";

(9) by striking "Director of Science and Education, Department of Agriculture.";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture."; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture.".

SEC. 2983. ADDITIONAL CONFORMING AMENDMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress recommended legislation containing additional technical and conforming amendments to Federal law that are necessary as a result of the enactment of this title.

SEC. 2984. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority delegated to the Secretary by this title to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act; or

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App. 1).

SEC. 2985. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture;

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met; and

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the Secretary of the Senate on Friday, August 26, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 289) providing for an adjournment or recess of the two Houses.

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on September 9, 1994, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3355. An act to control and prevent crime.

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

S. 859. An act to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926.

The enrolled bills were signed on today, September 12, 1994, by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 6:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1066. An act to restore Federal services to the Pokogon Band of Potawatomi Indians; and

S. 1357. An act to reaffirm and clarify the Federal relationship of the Little Traverse Bay Band of Odawa Indians and the Little River Bank of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3262. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the United Mexican States ("Mexico"); to the Committee on Banking, Housing, and Urban Affairs.

EC–3263. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the United Mexican States ("Mexico"); to the Committee on Banking, Housing, and Urban Affairs.

EC–3264. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3265. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3266. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of uranium purchases for calendar year 1993; to the Committee on Energy and Natural Resources.

EC–3267. A communication from Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC–3268. A communication from Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report relative to uprating hydroelectric power; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of August 25, 1994, the following report was submitted on September 7, 1994, during the adjournment of the Senate:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1881. A bill to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes (Rept. No. 103–362).

ADDITIONAL STATEMENTS

"WHY PUNISH THE CUBAN PEOPLE?"

• Mr. SIMON. Mr. President, our irrational policy toward Cuba was discussed in a New York Times editorial that makes good sense.

I ask to insert that editorial into the RECORD at this point.

The editorial follows:

[From the New York Times, Aug. 24, 1994]

WHY PUNISH THE CUBAN PEOPLE?

President Clinton's abrupt reversal of 28 years of Cuban refugee policy last Friday looked clumsy enough, but over the weekend he made it worse. Seeking to punish Fidel Castro for unleashing the latest refugee tide, Mr. Clinton ended up also punishing ordinary Cubans. He cut off all cash support from their relatives in the U.S., rather than the 50 percent cut originally announced. By raising the temperature on Cuba when it should be trying to cool it, the Administration could yet convert a rhetorical emergency into a real one.

The package of pressures the President unveiled on Saturday did include two legitimate spurs to greater freedom in Cuba—increased radio broadcasts and a new U.N. initiative on human rights. It also included a cutoff of charter flights from the U.S.—unwise, since Cuban freedom is served by more contacts with Americans, not less.

The Administration suspended the payments because they not only help stretch family budgets but also provide hard currency to Havana as recipients exchange their dollars for goods in special Government-run stores. The policy seems designed to bring Cuba to a political boil by closing off the refugee safety valve and driving down living standards. Presumably that will hasten a popular revolt, but this course entails a pointless risk to the Cuban people since the Castro regime is already withering.

Even in decline, Mr. Castro has again shown his uncanny power to get Washington to tie itself in knots. Following a familiar pattern, the U.S. is overreacting to his provocations and letting domestic politics distort foreign policy priorities.

In any rational calculus, Mexico, with its 92 million people and a North American Free Trade Agreement, should be the Administration's main Latin concern following a critical and tense election. Instead all eyes are fixed on Cuba and continuing efforts to contain the refugee flow, promoted in one frantic day by Attorney General Janet Reno from non-problem to national emergency.

The Administration's new offensive against Havana is supported by Cuban-Americans, who were upset when Washington reclassified those who risk their lives to flee Mr. Castro's economically battered police state as "illegal immigrants" rather than refugees from tyranny. They believe the time has finally come to get rid of the Castro regime, and inflicting increased short-term pain on Cuba's people seems worth the long-term gain.

The voice of a million Cuban-Americans should be heard, but it should not be allowed to drive U.S. policy against humane values and larger national interests. Those values weigh against punishing innocent victims, and those interests do not include detonating a large explosion in the Caribbean. Discontented Cubans do not relish rising up only to be mowed down by a totalitarian regime. They would rather get out and start anew somewhere else. It is unconscionable for Washington to tell them, in effect, no, we will lock you in until you revolt.

Getting rid of Fidel Castro is a job for the Cuban people themselves, not for the U.S. Government or Miami exiles. This cold-war orphan can still annoy the U.S. but poses no serious threat. Instead of gearing up for another round of sterile confrontation, Washington should be spelling out what Cuba could gain, under this regime or a successor, by embracing democracy and respecting human rights. That, rather than increased hunger and misery, might actually encourage those Cubans who remain in Cuba to work for political change.•

POSTAL SERVICE FAILS TO DELIVER FOR VETERANS

• Mr. SMITH. Mr. President, this past Memorial Day, May 30, 1994, I and 81 other Members of the body, sent a letter to Postmaster General, Marvin Runyon, urging that he and the Citizen Stamp Advisory Committee—to which he appoints all members—issue a stamp calling attention to America's commitment to account for POW's and MIA's from past military conflicts.

We were especially interested in having this stamp issued in time for POW/MIA Recognition Day, this coming Friday, September 16. We pointed out that the Service had announced, and issued an AIDS awareness stamp within a couple of months. So we know the Service can move quickly when it wants and thus, there was certainly time enough for the Postal Service to have issued a POW/MIA stamp and have it available for dedication on September 16. It is now September 12 and our letter of May 30 has not even been answered, let alone any action taken on our request, despite numerous follow-up calls from my staff. Let me repeat: 82 Senators have written the Postmaster General and he has not even had the courtesy to acknowledge that he has received the letter, let alone respond in a substantive way. I could suggest, perhaps, that the letters to or from him got lost in the mail, but I do not think that is the case, especially since I personally presented the letter to the Postmaster General's representative in May.

Mr. President, this issue goes right to the center of current Postal Service management problems today. One of the problems I, and others, perceive is a disregard for the role of Congress in oversight of the Postal Service. We do have legislative oversight responsibilities for the Postal Service, and the appropriate committees in both Houses take this responsibility seriously.

But a more immediate problem to me is not just the complete disregard for the views of 82 Senators, but also an apparent disregard by the Postal Service for veterans in general. They not only have ignored the request of 82 Senators and hundreds of thousands of Americans over the last decade who have urged the issuance of a POW/MIA awareness stamp, but they have consistently turned down a stamp honoring the most decorated war veteran of World War II, Audie Murphy. In addition, the Postal Service has continually thwarted any suggestion that they would issue a stamp in remembrance of the brave marines who lost their lives in the Lebanon bombing in 1985. Instead, I recently had the unhappy experience of watching a Postal Service television ad promoting the sale of D-day stamps which featured a buffoonish character in a military uniform. As an aside, I am surprised that more of our veterans organizations have not taken umbrage at this depiction.

Even in terms of living up to the Veterans' Preference Act, the Postal Service has gone to great pains to circumvent the benefits that Congress set forth for hiring and advancement of veterans in all Federal agencies, including the U.S. Postal Service. The Postal Service's recent reorganization is a case in point. The Postal Service management claimed that the veteran's preference did not apply to the Postal Service. However, the Merit Systems Protection Board ruled otherwise and the President agreed and decided not to appeal the matter. However, the Postmaster General was so adamant that he not be required to adhere to veterans' preference laws he announced he would appeal the case with postal attorneys, even though they have no legal standing to do so. Given the fact that they were a sure loser, the Postmaster General soon withdrew his threat. Nevertheless, the perception is that when it comes to veterans' matters, whether it be honoring veterans or faithfully adhering to the laws that protect veterans, the Postmaster General seems to be either oblivious or antiveteran.

The Postal Service has issued stamps honoring entertainers of fleeting importance, intermingled with those of significant stature. But they do not seem to honor American veterans. In defense of the Postal Service they have issued very positive stamps commemorating World War II. But in reality, the World War II stamp series was set in motion before the current postal administration took over. Dealing with veterans matters both as employees and honoring them on stamps would be one way to begin to repair the Postal Service's relationship with Congress and the veterans of America. A simple acknowledgment of a letter signed by 82 Senators would be a welcome long-overdue step.

Mr. President, it is no wonder many of my colleagues have little sympathy for the Postal Service's financial plight when we look at budget matters. They have few friends and seem to go out of their way to offend Members. The ultimate losers in the Postal Service's Congress-be-damned attitude are the mailing public who must pay higher postage rates because of OBRA hits and changes in the revenue foregone appropriations.

Mr. President, the Postal Service stamp division seems to exemplify the "gang that couldn't shoot straight" when it comes to accuracy on the stamps they do issue. I hope it does not become the latest Federal institution to join the Smithsonian and the National Endowment for the Arts where political correctness outweighs historical accuracy and appropriateness in their projects. Stamps are an important and traditional means of commemorating outstanding Americans and events and of teaching American history, and America's commitment to important issues of the day, including the POW/MIA issue.

Mr. President, I would like to inform my colleagues that if the Postmaster General does not take immediate steps to address our concerns, I will offer legislation to instruct the Postal Service to issue a POW/MIA stamp. I hope and expect that there will be many Senators who will join me. Mr. President, I also ask unanimous consent to insert in the RECORD following my statement the entire text of the letter dated May 30, 1994, which was sent to the Postmaster General by 82 U.S. Senators and has not yet been answered.

I would also like to share with my colleagues a few Associated Press articles which came out on September 9, 1994. The articles discuss a number of stamp proposals that have been chosen instead of a POW/MIA stamp. They include Marilyn Monroe, a series on jazz musicians, and cartoon characters Dick Tracy, Popeye, the Yellow Kid, Prince Valiant, and Little Orphan Annie. I ask unanimous consent that these two articles be printed in the RECORD following the letter from 82 Senators.

Mr. President, I remind my colleagues that the Postal Service has received hundreds of thousands of POW/MIA stamp petitions since I first came to Congress in 1985. How many petitions do we really think they have received asking for a "Popeye" stamp? Give me a break.

Mr. President, the leadership of the Postal Service would be wise to get their act together with respect to our Nation's veterans, and they are hereby put on notice that I hold them accountable to the Senate for their complete disregard to our request for a POW/MIA stamp.

It is my understanding, as well, that several national veterans' organizations are also planning to hold the Postal Service accountable when the 1995 stamp program is publicly announced in November. I hope that this matter can be quickly resolved so that we do not have to witness the sad spectacle of veterans picketing at the Postmaster General's office in L'Enfant Plaza.

I thank the Chair, and I yield the floor.

The material follows:

U.S. SENATE,
Washington, DC, May 30, 1994.

Hon. MARVIN RUNYON,
Postmaster General, U.S. Postal Service, Washington, DC.

DEAR MARVIN: We are writing to urge you to approve the issuance of a commemorative stamp honoring American prisoners of war and missing in action personnel.

As you may know, in late 1992 the Senate unanimously adopted an amendment to the Department of Defense Authorization Bill mandating the issuance of a POW/MIA stamp. Although this amendment was removed from the bill in deference to the normal stamp approval process, the conference nevertheless stated its strong support for such a stamp.

The issuance of a POW/MIA stamp is very important to us and, we hope, important to you. As we are sure you realize, it is also important to the families of missing service personnel and to millions of American veterans, including many Postal Service employees.

We are also asking that the normal licensing fee for the stamp design be waived, as was recently done for the AIDS stamp, in order to allow veterans' organizations and POW/MIA family organizations to reproduce the design.

This year marks the 30th anniversary of the capture of Everett Alvarez, a Lieutenant j.g. in the U.S. Navy, who became the first and longest-held American POW in North Vietnam. Lt. Alvarez was released in 1973, during "Operation Homecoming." We are also observing the 50th anniversary of the landing at Normandy, which led to the liberation of Europe and the subsequent release of hundreds of American POWs. Given the recent focus on America's efforts to account for POWs and MIAs, we believe that the release of a POW/MIA stamp would be timely and appropriate.

National POW/MIA Recognition Day is scheduled for September 16, 1994. We suggest that this would be an excellent target date for the unveiling of the stamp. As the expedited approval of the AIDS awareness stamp demonstrated, this date is not unreasonable.

A POW/MIA stamp meets the critical elements normally used for selecting commemorative stamps.

1. American POWs and MIAs have contributed significantly to America and its history.

2. The POW/MIA issue is a theme of widespread national appeal and significance. Indeed, Presidents Reagan, Bush, and Clinton have publicly declared the resolution of this issue to be a matter of "highest national priority."

3. A POW/MIA stamp was last issued on November 24, 1970, over 23 years ago. This far exceeds the policy of not considering stamp proposals if a stamp treating the same subject has been issued in the past 10 years.

4. The Postal Service normally desires the submission of subjects three years prior to the proposed date of issuance. Members of Congress, veterans organizations, and families of POWs and MIAs have been continuously petitioning for such a stamp for well over a decade.

5. As the number of petitions which have already been sent to the Citizens' Stamp Advisory Committee would clearly demonstrate, there is considerable interest in a POW/MIA stamp and, as such, its issuance would generate millions of dollars in postal revenues. Veterans and veterans' organizations, families and friends of POWs and MIAs, military personnel, and supporters, would all be likely to use such a stamp. From a marketing perspective, a POW/MIA stamp would be an excellent choice.

We thank you in advance for your assistance and cooperation in this matter, and we look forward to working with you.

Sincerely yours,

Bob Smith, Bill Roth, Strom Thurmond, Herb Kohl.

Dick Lugar, Barbara A. Mikulski, Kent Conrad, Thad Cochran, Daniel K. Inouye, Alfonse D'Amato, Daniel K. Akaka, Dave Durenberger, Tom Daschle, L. E. Craig, John Breaux, Paul Sarbanes, Jesse Helms, Frank R. Lautenberg, Conrad Burns, Harris Wofford, Jeff Bingaman, Jim Jeffords, Ben Nighthorse Campbell, J. Bennett Johnston, Tom Harkin, Ted Stevens, Kay Bailey Hutchison, Hank Brown.

Judd Gregg, Joe Lieberman, Arlen Specter, Paul Wellstone, Dirk Kempthorne, George Mitchell, Dan Coats, Lauch Faircloth, John Warner, Patrick Leahy, Paul Simon, Al Simpson, Don Riegle, Richard Shelby, John Chafee, Dennis DeConcini, Sam Nunn, Robert C. Byrd, Bob Graham, Bill Cohen, Phil Gramm, John F. Kerry.

Chuck Grassley, Connie Mack, Carol Moseley-Braun, Slade Gorton, Wendell Ford, Jim Sasser, Edward M. Kennedy, Daniel Moynihan, Chuck Robb, Harlan Mathews, Paul Coverdell, Russ Feingold, Bob Kerrey, Patty Murray, Max Baucus, Trent Lott, Harry Reid, Nancy Landon Kassebaum, Christopher J. Dodd, Dianne Feinstein, Frank H. Murkowski, Jay Rockefeller.

Don Nickles, Richard H. Bryan, Larry Pressler, Bob Packwood, Pete V. Domenici, Byron L. Dorgan, Orrin Hatch, Barbara Boxer, Malcolm Wallop.

[From the Associated Press, Sept. 9, 1994]

MARILYN, NIXON, CARTOONS PLANNED FOR STAMPS

WASHINGTON—The post office is looking to Marilyn Monroe and long-running cartoon characters to continue the stamp-collecting success that brought in a quarter-billion dollars last year.

Elvis Presley led the way in a stamp program that raised $30 million more for the financially pressed agency in 1993 than it did a year earlier.

Money from stamp collecting is nearly all profit, since the Postal Service doesn't have to perform any work for stamps collected in albums.

Various poses for the Marilyn Monroe stamp are being considered at the agency, though officials are not expected to repeat the public balloting used to select the Elvis image.

Post office spokeswoman Robin Minard declined to discuss any specific stamps planned for 1995, pointing out that no decisions are official until the agency makes a formal announcement of new stamps in November.

But a stamp honoring the late President Nixon is expected to be part of the 1995 Program. Nixon died last April and presidents are traditionally commemorated on stamps the year following their deaths.

While the Postal Service was keeping mum on other planned stamps, the Washington Post said those would include commemoratives for several jazz musicians including Louis Armstrong the Thelonious Monk and stamps featuring cartoon characters Dick Tracy, Popeye, and Little Orphan Annie, among others.

WASHINGTON.—Marilyn, music and the military are likely candidates for next year's postage stamps.

Various poses of actress Marilyn Monroe are being evaluated for a 1995 stamp, one that officials hope will repeat the runaway success of the Elvis Presley stamp a year ago.

Programs for stamp collectors brought in $250 million last year, led by the success of the king of rock 'n' roll.

And that's nearly all profit for the financially pressed Postal Service, since it doesn't have to perform any work for the stamps saved by collectors and music fans.

Other issues aimed at collectors next year will likely be the final year of the World War II series and stamps commemorating the Civil War.

Postal Service policy calls for presidents to be commemorated on a stamp in the year following their death, so a Richard Nixon stamp can be expected in 1995.

And agency officials are trying to work out copyright details and permission to use several cartoon characters on a series of stamps. This could include such popular figures as Prince Valiant, Popeye, the Yellow Kid and Dick Tracy if the legal complications can be worked out.

Stamps honoring several jazz musicians such as Louis Armstrong and Thelonious Monk also appear likely candidates, although postal officials stressed that final decisions have not been completed with artwork and other research still being evaluated.

A formal announcement of the 1995 postage stamps is expected to be made in November.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Walter Lohman, a member of the staff of Senator McCAIN, to participate in a program in Korea, sponsored by the Korean Ministry of Foreign Affairs from August 29 to September 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lohman in this program.

The select committee received notification under rule 35 for Mike Tongour, a member of the staff of Senator SIMPSON, to participate in a program in Peru, sponsored by the Asociacion Pro Imagen del Peru from August 29 to September 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Tongour in this program.

The select committee received notification under rule 35 for Bobby Franklin, a member of the staff of Senator PRYOR, to participate in a program in Taiwan, sponsored by the Chinese Culture University from August 30 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Franklin in this program.

The select committee received notification under rule 35 for Carter Pilcher, a member of the staff of Senator BROWN, to participate in a program in Hong Kong and Guangchou, sponsored by the Hong Kong General Chamber of Commerce from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Pilcher in this program.

The select committee received notification under rule 35 for Raymond Paul, a member of the staff of Senator JOHNSTON, to participate in a program in Singapore, sponsored by the Singapore International Foundation from August 28 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Paul in this program.

The select committee received notification under rule 35 for Geryld B. Christianson, a member of the staff of Senator PELL, to participate in a program in Peru, sponsored by the Asociacion Pro Imagen del Peru from August 29 to September 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Christianson in this program.•

CONGRESS IS STEALING OUR COLLEGE EDUCATION

• Mr. SIMON. Mr. President, when we were considering eliminating the Pell grants for prison inmates, I was one of those who opposed that policy. It makes sense if prison inmates are never going to get out of prison, but it doesn't make sense when the huge majority of those in our prisons will come out.

We are doing far too little in the way of constructive effort for those in prison. This has been one of the few constructive things.

The New York Times carried an op-ed piece by Jon Marc Taylor, who is a prison inmate in Missouri—I gather in a Federal prison.

Our response to the whole problem of crime has been shortsighted, and there is no better illustration than our taking Pell grants away from those in our prisons who want to pursue further education.

I ask to insert into the RECORD the op-ed piece by Jon Marc Taylor.

The article follows:

[From the New York Times, Aug. 24, 1994]

THERE OUGHT TO BE A LAW (BUT NOT THIS CRIME BILL)

CONGRESS IS STEALING OUR COLLEGE EDUCATION

(By Jon Marc Taylor*)

JEFFERSON CITY, Mo.—On April 19, I "celebrated" my anniversary. On that day I had been locked up for 14 years. I had survived and even grown stronger in the crucible of the keep (as good as any reason to celebrate), but after watching NBC's "Dateline" that evening, I feared I had outlived the best chance any ex-con has of making it once he hits the bricks again.

The lead segment on "Dateline" that night was on prisoners receiving Pell higher education grants to help finance undergraduate college education. A measure denying Pell grants to inmates was up for a vote in the House the next day; the Senate had already passed such a measure.

And now Congress is about to turn the exclusion, incorporated into the crime bill, into the nation's policy on higher education for prisoners.

Since 1982, when I enrolled in a state university's prison extension program, I have managed to complete associate and bachelor's degrees with the help of Pell grants, and then, with the assistance of family, friends and church groups, became the first prisoner in my state to earn a graduate degree. I began a doctoral program in education and completed a few courses before my transfer to another state temporarily stalled that guest. By then, higher education had so enriched my soul that with my own resources I started a second baccalaureate program in criminal justice and psychology.

Over the years, I have witnessed countless changes in my fellow convicts and brother classmates. White and black offenders not only got along but actually and began to respect one another. My fraternity brothers spoke about careers, going straight and, even more remarkable, about being proud of that life style. When prisoner-students got out, a truly remarkable thing happened. They did not come back.

In May, a friend of mine and a two-time loser, who during his second bit enrolled in the prison college program, worked full time and started a family after his release. He is now receiving his bachelor's degree, with honors, in writing. Another acquaintance, who is being released after 15 years, is already enrolled in graduate school. My excellmate, who completed part of his degree in prison, is a manager at a burger chain and attends a nationally ranked university. All three men depended on Pell grants.

Now, it appears that one of the few shining stars I have seen in the dismal galaxy of corrections is fading out.

Its end is due in part to misinformation like the "Dateline" piece, which implied that a miscarriage of justice was transpiring at the expense of Joe (and Jane) College.

The show told us that some 27,000 inmate-students receive Pell grants worth $35 million annually. What was not reported was that $6.3 billion in grants went to 4.3 million students the same year. The report didn't mention that prisoners receive about one-half of 1 percent of all Pell grants.

Then it said that half of those who apply for assistance are denied Pell grants and that inmates unfairly skew the need-based formula to their benefit. We were not told that those denied aid generally come from families with incomes about the $42,000 ceiling set by Congress.

With prisoners expelled from the Pell program, little will change. All students who qualify for grants in a given year receive them. The $35 million "saved" will be distributed to the other recipients; evenly divided, it would amount to less than $5 per semester for each one.

Only vaguely did "Dateline" suggest that prison college programs reduce the likelihood of the participants' return to prison. This seems a strange oversight when the purpose of prisons, aside from deterrence, is to rehabilitate. The debate over the efficacy of rehabilitation has been vitriolic, but there remains little doubt that the better educated the ex-convict, the smaller the chance of recidivism.

That has been documented since the 1970's. In December, the Federal Bureau of Prisons reported a 40 percent recidivism rate for all Federal parolees while among college graduates the rate was 5 percent.

Since it costs $25,000 a year to incarcerate someone, with $11.5 billion invested in concrete and barbed wire in 1990 alone, any program that routinely cuts inmates' return rates in half should be expanded, not eliminated.

The average cost of a skill-related associate's degree earned in prison is $3,000. This is a little over 10 percent of the cost of a single year of incarceration. Yet states are spending more for penitentiaries than universities.

Congress is doing more than shuttering prison college classrooms. To a large extent it is closing the door to hope for a future after release. But hope is the critical ingredient, I have learned. It forms the bulwark against the insanity of dehabilitating incarceration and the corrosive anger of monotonous, petty regimentation.

---

*Jon Marc Taylor, a prison inmate in Missouri, won a Robert F. Kennedy journalism award last year.

Some people argue that inmates have lost the "right" to a college education at public expense. What they fail to consider is that the issue is not rights, but reclaiming humanity. And researchers are finding that it is in the cognitive powers that positive restructuring (rehabilitation, if you will) must take place. We can pay for the opportunity now, or we can pay much more later.

The move by Congress is not surprising. Politicians have been playing to the cheap seats with their ineffectual litany of "get tough on crime." The crime bill will spend more public money on cell blocks—and more poorly educated, untrained offenders will be released back into society. And nothing will change the economic and social conditions that feed the frustrations, ignorance and futile coping attempts that we call crime in America.●

ORDERS FOR TUESDAY, SEPTEMBER 13, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Tuesday, September 13; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately thereafter the Senate resume consideration of the conference report to accompany S. 2182, the Department of Defense authorization bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

THE NOMINATION OF ADM. HENRY H. MAUZ, JR.

Mr. MITCHELL. Mr. President, for the information of Senators, it is also my intention that tomorrow the Senate take up, debate, and vote on a pending nomination. It is on the Executive Calendar printed today, Calendar No. 1140. It is the nomination of Adm. Henry H. Mauz, Jr., to be Adm. of the U.S. Navy. That has been the subject of some discussion among interested Senators over the past few days, and my hope is that we can complete the debate and complete action on that matter tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate at 6:32 p.m., recessed until tomorrow, Tuesday, September 13, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1994:

DEPARTMENT OF THE TREASURY

FRANK N. NEWMAN, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE ROGER ALTMAN, RESIGNED.

EDWARD S. KNIGHT, OF TEXAS, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE JEAN E. HANSON, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

DEVRA LEE DAVIS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)

GERALD V. POJE, OF VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)

AFRICAN DEVELOPMENT FOUNDATION

CECIL JAMES BANKS, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 1995, VICE T.M. ALEXANDER, SR., RESIGNED.

NATIONAL INSTITUTE FOR LITERACY

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 12, 1995, VICE JIM EDGAR, RESIGNED.

LYNNE C. WAIHEE, OF HAWAII, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF 3 YEARS. (NEW POSITION.)

DEPARTMENT OF STATE

CHARLES E. REDMAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

GABRIEL GUERRA-MONDRAGON, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

WILLIAM C. PARADISE
GARY J. STOCK
MICHAEL A. MONTEITH
STEPHEN T. DELIKAT
MICHAEL J. BECHTEL
JACK R. BENTLEY
WILLIAM P. VEITH, JR.
KENNETH KEEFE
ROBERT L. HURST
CHRISTOPHER W. LILLIE
GINA M. WEBBER
JAMES M. FARLEY
JEFFREY A. GABRIELSON
MICHAEL L. SCHAFERSMAN
THOMAS R. CAHILL
ROBERT M. AUSTIN
JOHN J. LAPKE
GUY A. TETREAU
JAMES X. MONAGHAN
STEPHEN P. GARRITY
STEVE M. SAWYER
DUANE M. SMITH
DARRELL C. FOLSOM
DANIEL A. NEPTUN
WILLIAM J. UBERTI
CHRISTOPHER C. COLVIN
GEORGE W. DUPREE
DOUGLAS J. WISNIEWSKI
ROBERT W. NUTTING
BRADLEY M. JACOBS
CHET A. HARTLEY
GREGORY A. KMIECIK
DAVID B. MC LEISH
FRANCIS J. STURM
DAVID C. SPILLMAN
CHRISTOPHER A. ABEL
NORRIS E. MERKEL
WILLIAM D. WIEDENHOEFT
DAN S. TAKASUGI
CHRISTOPHER J. CONKLIN
KEVIN S. COOK
LLOYD M. MC KINNEY
BRIAN J. FORD
CHRISTOPHER T. BOEGEL
DOUGLAS B. LANE
JEFFREY D. STEIB
WILLIAM J. BELMONDO
BRUCE E. VIEKMAN
PATRICK T. KELLY
KENNETH L. KING, JR.
CURTIS L. DUBAY
BRUCE M. ROSS
MICHAEL L. BLAIR
CHARLES S. JOHNSON, JR.
RONALD A. GAN
DAVID C. AURAND
MARK J. FIEBRANDT
WILLIAM R. GRAWE
ROBERT F. CORBIN
STEPHEN L. SIELBECK
JOH M. WATSON
DANA E. WARE
RICHARD J. PRESTON, JR.
FRANCIS A. DUTCH
DANIEL K. OLIVER
KEVIN A. REDIG
JOHN D. MC CANN, JR.
KENNETH L. SAVOIE
STEPHEN J. DARMODY
PETER J. BOYNTON
HERBERT A. BLACK III
NEIL O. BUSCHMAN
DAVID R. KING
THOMAS L. KOONTZ
DANIEL R. MAY
WILLIAM J. SEMRAU
ERIC M. JEWESS
JAMES K. LOUTTIT
JOHN T. COSTELLO, JR.
SUSAN D. BIBEAU
KEITH B. KETOURNEAU
DAVID B. HILL
CHARLES W. HOLMAN
JEFFREY R. PETTITT
RICHARD W. HATTON
ROY A. NASH
JOHN E. LONG
BRUCE D. BRANHAM
JEFFREY D. HOLMGREN
RODRICK M. ANSLEY
SCOTT H. EVANS
MARK P. BLACE
CHARLES D. PRATT
DAVID A. MASIERO
GERALD R. GIRARD
JOHN H. KORN
EDWIN H. DANIELS, JR.
SHANE C. ISHIKI
KEVIN D. KRUMDIECK
EVERETT F. ROLLINS III
STEPHEN J. DANSCUK
PATRICK H. STADT
KENNETH B. PARRIS
MARK P. WATSON
GLENN G. MILLER
SCOTT D. GENOVESE
MARC C. CRUDER
ROBERT E. MOBLEY
TIMOTHY J. LEAHY
DANNY ELLIS
RODNEY D. RAINES III
CLAUDIA P. WELLS
JOSEPH W. BODENSTEDT
ERIC A. ROSENBERG
BRUCE K. HUERTAS
EDWARD O. COATES
GARY E. DAHMEN
CARSTEN L. HENNINGSEN III
MICHAEL S. BLACK
JACK G. ALBERT, JR.
RONALD J. KOCHAN
AL J. BERNARD
MICHAEL E. MAES
MARK D. BOBAL
JAMES F. MC MANUS
DAVID L. SCOTT
PHILLIP M. LITHERLAND
FRANCES L. PROPST
RICHARD A. MC CULLOUGH
JOHN D. BOGLE
DANIEL A. CUTRER
SCOTT A. NEWSHAM
GLENN A. GORTON
GERALD M. SWANSON
WALTER J. REGER
HAROLD W. FINCH, JR.
DAVID J. TALLON
EDWARD G. LE BLANC
ROGER B. GAYMAN
TIMOTHY J. CUNNINGHAM
ERIC J. SHAW
MARY E. LANDRY

THE FOLLOWING RESERVE OFFICER OF THE U.S. COAST GUARD TO BE A PERMANENT COMMISSIONED OFFICER IN THE GRADE OF COMMANDER:

RONALD W. BRANCH

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD OF THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY FOR PROMOTION TO THE GRADE OF CAPTAIN:

THOMAS J. HAAS
LEONARD J. KELLY, JR.

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD OF THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY FOR PROMOTION TO THE GRADE OF COMMANDER:

MARK B. CASE
ROBERT C. AYER

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE RESERVE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8038:

To be chief of Air Force Reserve

MAJ. GEN. ROBERT A. MC INTOSH, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 8351, AND 8374:

AIR NATIONAL GUARD OF THE UNITED STATES

To be major general

BRIG. GEN. THOMAS W. POWERS, [redacted]
BRIG. GEN. DAVID E.B. WARD, [redacted]

To be brigadier general

COL. ROBERT L. BIEHUNKO, [redacted]
COL. JOSEPH L. CANADY III, [redacted]
COL. JAMES H. GRESHIK, [redacted]
COL. STANLEY P. MAY, [redacted]
COL. KENNETH W. MC GILL, [redacted]
COL. GEORGE F. SCOGGINS, JR., [redacted]
COL. MILES B. SCRIBNER, [redacted]
COL. CAROL M. THOMAS, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. PAUL D. MILLER, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WALTER J. DAVIS, JR., [redacted]

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) WILLIAM E. NEWMAN, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral

CAPT. JOHN F. EISOLD, MC [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. JOHN J. SHEEHAN [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

JAMES S. DALRYMPLE [redacted]
RICHARD A. HAND, [redacted]
REED F. HANSON, [redacted]
MICHAEL A. KOLODKA, [redacted]
JAMES W. LAMB [redacted]
MICHAEL B. MC GINTY, [redacted]
LANNY B. MC NEELY [redacted]
ANTONIO MENDIBUR, [redacted]
MICHAEL H. OELRICH, [redacted]
JAMES N. PANKAU, [redacted]
DOUGLAS E. PATON, [redacted]
HARRY J. THOMPSON III [redacted]
BENJAMIN H. TROEMEL, JR. [redacted]
GEORGE B. WARTON II, [redacted]
SCOTT E. WUESTHOFF [redacted]

To be major

DANIEL B. BAKKE, [redacted]
RICHARD J. DIERINGER [redacted]
JUAN S. DINKINS [redacted]
ROLLIN S. DIXON [redacted]
LLOYD W. EAST, JR. [redacted]
SUSAN M. FULLER [redacted]
JOE L. HOGLER [redacted]
RICHARD J. HORAN, [redacted]
RANDALL C. MILLER [redacted]
ROBERT J. RADFORD [redacted]
SETH D. SHEPHERD [redacted]
THOMAS E. STRAIGHT, JR. [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

MEDICAL SERVICE CORPS

To be major

KENNETH R. MC DONOUGH, [redacted]

BIOMEDICAL SCIENCES CORPS

To be colonel

JAMES P. DIXON [redacted]

To be lieutenant colonel

EDWARD J. LUMINATI [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

To be captain

DOUGLAS E. SEIVER [redacted]
DANNY J. WATSON, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

To be second lieutenant

HEIDI A. ALOISE, [redacted]
JEROME J. CHANDLER, [redacted]
ROBERT D. FRANSON, [redacted]
JAMES P. HAMILTON, [redacted]
BRIAN C. HAWKINS, [redacted]
CHRISTIAN M. RANKIN, [redacted]
DENNIS L. SAUGSTAD, JR. [redacted]
JAMES L. WILKINSON, [redacted]

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATE FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531:

To be second lieutenant

DAVID E. HART, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

ALTENHOFEN, CHRISTOPER J. [redacted]
ANDERSON, ARNE J. [redacted]
ANDERSON, CLAUDE D., [redacted]
ANDERSON, NILS, [redacted]
AUGUSTUS, CARL T. [redacted]
AUSTIN, SUSAN J. [redacted]
AYERS, JEFFREY A. [redacted]
BACHSTEIN, JAMES M. [redacted]
BAILEY, LYNN A., [redacted]
BALL, RUSSELL A. [redacted]
BALOUGH, BEN J., [redacted]
BARCOMB, ALAN J., [redacted]
BERINSTEIN, TODD H. [redacted]
BELSON, BRIAN M., [redacted]
BELTRA, LINDA, J. [redacted]
BERINSTEIN, TODD H. [redacted]
BLOTTER, ROBERT H. [redacted]
BOLLINGER, BARBARA K. [redacted]
BONNEMA, CRAIG L., [redacted]
BORGESON, DANA C., [redacted]
BOWLING, LESTER S. [redacted]
BRENNAN, FRANK J., JR. [redacted]
BUCKLEY, RONALD, [redacted]
BURNS, BENNETT S. [redacted]
CAMMARATA, ANGELO C., [redacted]
CAMPBELL, VIVIAN D. [redacted]
CANEVA, DUANE C., [redacted]
CARPENTER, JOEL P. [redacted]
CARROLL, MATTHEW F. [redacted]
CARTER, MARTHA W., [redacted]
CASTELLAN, SUE E.T. [redacted]
CECE, JENNIFER A. [redacted]
CHANNELL, JOHN C., [redacted]
CHAVEZ, BENNIE, [redacted]
CHESKY, JOSEPH, F. [redacted]
CHRISTIE, THERESA L. [redacted]
CHUDACOFF, RICHARD M. [redacted]
CLARK, GORDON B., [redacted]
CLINE, HAROLD S. [redacted]
COLE, JAMES P., JR. [redacted]
COMER, STEWART W. [redacted]
COSS, HAROLD S. [redacted]
CRESCENZI, VICTORIA T. [redacted]
CURRY, MARGARET A. [redacted]
DAVIS, SHARON H., [redacted]
DOCKSTADER, STEVEN [redacted]
DOUGLASS, ANDREW M., [redacted]
EINFALT, ERIC S. [redacted]
ELKINS, DAVID G., [redacted]
ELLIS, ROBERT J. [redacted]
ERNSTER, ALLEN M. [redacted]
EVANS, LARRY A., [redacted]
FAVA, ANTHONY J. [redacted]
FERRER, FERNANDO A. [redacted]
FINK, BRETT R. [redacted]
FITZSIMONS, JOHN P. [redacted]
FLUENT, THOMAS E. [redacted]
FOULDS, KAREN L. [redacted]
FREEMAN, RICHARD K. [redacted]
FRITZ, GERARD D. [redacted]
FROGGE, JAMES M. [redacted]
FUNK, KENT J. [redacted]
FURLONG, CHRISTOPHER B. [redacted]
GABLE, PRESTON S. [redacted]
GAFFNEY, KEVIN C. [redacted]
GEHLE, RANDALL D. [redacted]
GEORGE, ATHANASIUS D. [redacted]
GERMAIN, MICHELLE M. [redacted]
GIBLIN, JOHN M. [redacted]
GIVENS, REGINALD A. [redacted]
GLEASON, LISA A. [redacted]
GLEASON, TIMOTHY P. [redacted]
GNUECHTEL, MICHAEL M. [redacted]
GOALEY, THOMAS J., JR. [redacted]
GODDARD, DANIEL G., [redacted]
GONZALEZ, JULIO [redacted]
GOODSELL, CRAIG W., [redacted]
GRAEVE, JONATHAN P. [redacted]
GREEN, RICHARD [redacted]
GREENLEE, JOSEPH A., III [redacted]
HACK, TERRANCE A. [redacted]
HARBACH, TODD J., [redacted]
HART, KRISTINA E., [redacted]
HAWKINS, MARGUERITE A., [redacted]
HEAPS, ROBERT J., [redacted]
HENDRIE, JENNIE G., [redacted]
HERRING, JUDI C., [redacted]
HERRON, MICHAEL K., [redacted]
HESLINGER, KEITH A., [redacted]
HIER, DODDS S.L., [redacted]
HIGHTOWER, DANIEL J., [redacted]
HIGHTOWER, GEORGE B., [redacted]
HILL, JOHN M., [redacted]
HILL, KEVIN F., [redacted]
HILL, ROBERT A., [redacted]
HILLENBRAND, KARIN M., [redacted]
HINKLEY, DEBORAH A., [redacted]
HOANG, JOSEPH T., [redacted]
HOFFMAN, MARK G., [redacted]
HOPKINS, JON L., [redacted]
HUGHES, MICHAEL G., [redacted]
JACOBS, MICHAEL M., [redacted]
JAHN, TIMOTHY W., [redacted]
JAIME, FRANCISCO., [redacted]
JOHN, PAUL W., [redacted]
JOHNSON, THOMAS M., [redacted]
JONES, BRUCE A., [redacted]
JONES, STEVEN B., [redacted]
JORGENSEN, EDWARD B. [redacted]
JULIANO, JOHN S. [redacted]
KAHLER, DANIEL E. [redacted]
KELLER, SETH M. [redacted]
KELLY, JAMES D. [redacted]
KELLY, KENNETH J. [redacted]
KELSO, THOMAS B. [redacted]
KENDALL, PATRICIA A. [redacted]
KING, JOHN C., [redacted]
KNEE, TREYCE S. [redacted]
KNUTSON, JOHN P. [redacted]
KUONG, ALLAN P. [redacted]
LANE, MICHAEL D. [redacted]
LANE, PENNY C., [redacted]
LE, THONG P. [redacted]
LECLAIR, SUSAN J. [redacted]
LEE, YVONNE R. [redacted]
LEVENTIS, LYNN L. [redacted]
LEWIS, JANE C. [redacted]
LINFESTY, RONALD L. [redacted]
LINGEN, JOAN K. [redacted]
LIPSON, ROBERT S. [redacted]
LIVESAY, CHRISTOPHER H. [redacted]
LOVE, JOSEPH E. [redacted]
LUNDEEN, JEFFREY M. [redacted]
MALAKOOTI, MARK A., [redacted]
MALLAK, CRAIG T., [redacted]
MARCO, PETER A. [redacted]
MARQUAND, WESLEY L., [redacted]
MARTIN, JEFFREY A. [redacted]
MARTIN, ROBERT W., [redacted]
MARTIN, STEPHEN C. [redacted]
MATTHEWS, LELI [redacted]
MATTONI, JOHN, [redacted]
MAYBURY, EDWARD A., JR., [redacted]
MC BREEN, JOSEPH A. [redacted]
MC BRIDE, MARK T. [redacted]
MC CLURE, JEFFREY J. [redacted]
MC DONALD, PATRICIA S., [redacted]
MC DOUGLE, LEON, [redacted]
MC FARLAND, ROBERT M., [redacted]
MC KEEBY, JEFFREY L. [redacted]
MC KINNEY, ELIZABETH T. [redacted]
MEAD, DONALD T., JR. [redacted]
MEANS-MARKWELL, MELISSA [redacted]
METTS, ROBERT E. [redacted]
MILLER, ALAN K. [redacted]
MILLER, OREN F. [redacted]
MITTS, KEVIN G. [redacted]
MOORE, ROBERT C., [redacted]
NARINE, NALAN, [redacted]
NIOSO, ANTHONY W., [redacted]
NORDYKE, BRADLEY W., [redacted]
NUSBAUM, JEAN M. [redacted]
OLSON, CHERYL L. [redacted]
OLSON, PETER H. [redacted]
ORTUNO, MARILYN S., [redacted]
PACHECO, PATRICIA P. [redacted]
PALOMBARO, JAMES F. [redacted]
PAULDING, JOSEPH D. [redacted]
PERROTTA, PETER L. [redacted]
PESCATORE, EARLE M., JR. [redacted]
PETRE, ANNE M. [redacted]
PETRE, JAMES E. [redacted]
PIERCE, SAMUEL J. [redacted]
POLSTON, GREGORY R. [redacted]
POPE, THOMAS, [redacted]
PYE, HAROLD T. [redacted]
RAND, SCOTT E., [redacted]
RAPPOLD, JOSEPH F. [redacted]
RAVAD, GUY, [redacted]
REQUENA, RICARDO, [redacted]
REUER, ROBERT D. [redacted]
RICH, BRIAN W., [redacted]
ROOS, JOEL A., [redacted]
ROTHEN, ROBERTA L. [redacted]
RUPP, JOHN F., [redacted]
SAVIDGE, TODD, [redacted]
SCHERER, PATRICK [redacted]
SCHERMERHORN, THOMAS J. [redacted]
SCHREIBER, LEE R. [redacted]
SCHROEDER, SONYA B., [redacted]
SECHLER, DAVID L. [redacted]
SHAY, SCOTT, [redacted]
SHIN, ALEXANDER [redacted]
SHMORHUN, DANIEL P. [redacted]
SHOPE, TIMOTHY R. [redacted]
SHOWER, LAURA L. F. [redacted]

SKANCHY, KELLY D., [redacted]
SKIDMORE, ROBERT, [redacted]
SONKEN, RONALD S., [redacted]
SORENSEN, MICHAEL D., [redacted]
SOYER, ADAM D., [redacted]
SPIEGEL, ARTHUR, [redacted]
STAMBAUCH, TERRY A., [redacted]
STANLEY, PHILIP F., [redacted]
STOLLE, CHRISTOPHER P., [redacted]
SZWEC, ADRAIN B., [redacted]
TADDEO, JOSEPH R., [redacted]
TAKASHIMA, WILLIAM S., [redacted]
THACKER, CLIFFORD L., [redacted]
THEODORE, NICHOLAS, [redacted]
THOMAS, BRUCE E., [redacted]
THOMPSON, MATTHEW, [redacted]
TIPTON, ELIZABETH E., [redacted]
TOSCANO, JOSEPH D., [redacted]
TOURTELOT, JOHN B., [redacted]
TRIANA, RUDOLPH, JR., [redacted]
TVEDTEN, DANIEL E., [redacted]
UMLAUF, JON T., [redacted]
VELLING, THOMAS E., [redacted]
VERGARA, JOSE G., [redacted]
VYAS, ASHA S., [redacted]
WALTON, SARAH, [redacted]
WARD, JOHN F., [redacted]
WARD, MICHAEL, [redacted]
WARD, SHARON V., [redacted]
WAXMAN, ERNA A., [redacted]
WILDE, WADE W., [redacted]
WILLIAMS, HARRY, [redacted]
WOLF, RICHARD B., [redacted]
YAVORSKI, CHESTER C., [redacted]
YENCHA, MYRON, [redacted]
YEW, KENNETH S., [redacted]
YOUNG, LISA J., [redacted]
ZELLER, KRISTEN C., [redacted]

SUPPLY CORPS OFFICERS

To be lieutenant commander

ACEVEDO, JOSEPH, [redacted]
ADAMS, JOHN M., [redacted]
ALBER, MARY L., [redacted]
ALEXANDER, LESLIE H., [redacted]
ARCHER, DIANNE A., [redacted]
ARMSTRONG, ALDEN D., [redacted]
BAQUER, JEFFREY R., [redacted]
BARNARD, JAMES M., [redacted]
BARNETT, WILLIAM M., [redacted]
BEESON, KIMBERLEY A., [redacted]
BERRY, ERIC D., [redacted]
BINDER, JEANNE E., [redacted]
BLACK, RONALD L., [redacted]
BLAIR, KELLY J., [redacted]
BOOKER, ALLEN D., [redacted]
BORREBACH, DOUGLAS S., [redacted]
BOWER, MARK E., [redacted]
BOWMAN, WILLIAM S., [redacted]
BROADWELL, GARY A., [redacted]
BROOKS, PAUL A., [redacted]
BROWNING, PAUL J., [redacted]
BRUBAKER, THOMAS S., [redacted]
CAMUSO, JOHN W., [redacted]
CANDREVA, PHILIP J., [redacted]
CANTU, JESUS V., [redacted]
CAPLAN, MORRIS A., [redacted]
CARR, JOHNNY L., [redacted]
CHENIER, ROBERT W., [redacted]
CHRISTOPHERSON, RUTH A., [redacted]
COKER, W.W., [redacted]
COLE, ROBERT W., JR., [redacted]
COOK, GLENN R., [redacted]
COPP, DENNIS W., [redacted]
COUCOULES, CLAUDE J., [redacted]
COX, JEFFREY J. S., [redacted]
CUYLER, KENNETH E., [redacted]
CYRUS, CHARLES, [redacted]
DAHL, PETER E., [redacted]
DAVIS, MICHAEL J., [redacted]
DAVIS, RANDALL L., [redacted]
DAVIS, ROBERT E., [redacted]
DIGGES, EDWARD D., [redacted]
DIRAMIO, VICTOR S., [redacted]
DOLAN, JAMES R., [redacted]
DOLLASE, STEVEN W., [redacted]
EGGENBERGER, MARION A., [redacted]
ELLIS, STEVEN B., [redacted]
EVANS, WESLEY M., [redacted]
FABISH, MICHACEL K., [redacted]
FOWLER, DAVID P., [redacted]
GARDNER-BROWN, MATTHEW T., [redacted]
GIORDANO, DEAN J., [redacted]
GONZALEZ, VIDAL E., [redacted]
GRAUER, WALTER A., [redacted]
HANSON, KEVIN T.M., [redacted]
HELLMAN, DAVID H., [redacted]
HENNESSY, JOSEPH P., [redacted]
HERRICK, CRAIG L., [redacted]
HOGENMILLER, MARK E., [redacted]
HOLDEN, SCOTT H., JR., [redacted]
HOLMES, ROBERT D., JR., [redacted]
HOOVER, JAMES H., [redacted]
HORTON, JEFFREY C., [redacted]
HULTS, ROBERT L., [redacted]
INABA, ROBERT M., [redacted]
JONES, MELVIN G., [redacted]
JONES, MICHAEL L., [redacted]
JONES, WILLIAM R., [redacted]
JUNG, JOHN D., [redacted]
KASPRZAK, MARY A., [redacted]
KEITH, KEVIN G., [redacted]
KIM, SIDNEY J., [redacted]
KING, JOHN G., [redacted]
KRNC, JAMES J., [redacted]
LAIRD, TERRY W., [redacted]
LAMSON, ALLEN H., [redacted]
LANMAN, ERIC D., [redacted]
LAROCHELLE, LAWRENCE E., [redacted]
LEEPER, ALBERT M., [redacted]
LEONARD, THOMAS J., [redacted]
LEPP, RICHARD A., [redacted]
LOPEZ, AURTURO A., [redacted]
LYNN, JOHN F., [redacted]
LYONS, TIMOTHY J., [redacted]
MARSHALL, STUART A., [redacted]
MARTIN, LESLIE D., [redacted]
MATO, NICHOLAS K.K., [redacted]
MC CABE, PATRICK O., [redacted]
MC PEAK, MICHAEL B., [redacted]
MEIS, RANDALL M., [redacted]
MIEDZINSKI, ROBERT, F., [redacted]
MOORE, RANDALL W., [redacted]
MORGAN, ANDREW S., [redacted]
MORGAN TIMOTHY M., [redacted]
MORRIS, DAVID K., [redacted]
MULLIN, DREW K., [redacted]
MURRAY, DONN D., [redacted]
NICHOLS, PAUL F., [redacted]
O'BRIEN, CHARLOTTE D., [redacted]
PERSINGER, BEN P., [redacted]
PETERS, JAMES D., [redacted]
PIBURN, JAMES T., [redacted]
PRIMANN, JOHN C., [redacted]
PORT, WILLIAM H., [redacted]
PRY, DAVID A., [redacted]
PURCELL, TERENCE S., [redacted]
RACKAUSKAS, ALFREDO E., [redacted]
REICHART, ROBERT A., [redacted]
ROBBINS SHEILA A.R., [redacted]
SANCHEZ, GUY R., [redacted]
SCHARPNICK, STEVEN R., [redacted]
SCHMITZ, JOSEPH A., [redacted]
SHAPRO, STEPHEN R., [redacted]
SMITH, BARRY R., [redacted]
SMITH, HUGH C., [redacted]
SNODGRASS, ALFRED W., JR., [redacted]
SNYDER, BRION S., [redacted]
SOULET, EUNICEA F. P., [redacted]
SPICER, JOHN S., [redacted]
STANLEY, MARK E., [redacted]
STEM, JACK, L., [redacted]
STILES, MARK A., [redacted]
ST. MORITZ, MARK E., [redacted]
STROH, GREGORY F., [redacted]
THARP, THOMAS A., [redacted]
THAYER, PAUL D., [redacted]
THERRIAULT, ROBERT W., [redacted]
THON, SCOTT R., [redacted]
THORPE, FREDERICK G., [redacted]
TUFTS, ROBERT K., [redacted]
VALLE, CHRISTIAN E., [redacted]
VESEY, LAWRENCE J., [redacted]
WALLNER, MICHAEL H., [redacted]
WATT, DAVID M., [redacted]
WELLMAN, WILLIAM H., [redacted]
WENGER, BRIAN L., [redacted]
WILD, THOMAS S., [redacted]
WOLFE, JEFFREY, S., [redacted]
YODER, ELLIOTT C., [redacted]
YUDISKI, JOSEPH B., JR., [redacted]
ZIMMERMAN, MICHAEL E., [redacted]

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

ADAMS, GEORGE E., [redacted]
ANDERSON, BRUCE M., [redacted]
BARRETT, MILES J., [redacted]
BLACK, JON R., [redacted]
BOCHONOK, SANDRA L., [redacted]
BROWN, RONDALL, [redacted]
BROWN, STEVEN R., [redacted]
CALHOUN, ANDREW, III, [redacted]
CARTER, JOHN K., JR., [redacted]
CRADDOCK, RONALD D., [redacted]
CROMER, DAVID C., [redacted]
DANG, CHIN V., [redacted]
DAWSON, PASCHAL. L., III, [redacted]
DELIS, ROBERT D., [redacted]
DORY, MICHAEL E., [redacted]
DUNHAM, LARRY C., [redacted]
DUNN, DOYLE W., [redacted]
ERESTAIN, ALFONSO E., [redacted]
FAUNTLEROY, WILLIAM K., [redacted]
FELDER, GERALD W., [redacted]
FIX, DONALD P., [redacted]
FRANKLIN, JOHN VICTOR, [redacted]
GOODWIN, MELODY H., [redacted]
GORDY, JOHN C., III, [redacted]
HARKNESS, FURNISS B., JR., [redacted]
HOGAN, TIMOTHY D., [redacted]
HOLLOWAY, DAVID L., [redacted]
HOLMES, WAYNE P., [redacted]
HUNTER, CHARLOTTE E., [redacted]
INGRAM, JAMES A., [redacted]
INMAN, RICHARD W., [redacted]
JOHNSON, PATRICK D., [redacted]
KEANE, ROBERT L., [redacted]
KLARER, MICHAEL E., [redacted]
KOCZAK, MARK W., [redacted]
KREKELBERG, ANNE M., [redacted]
LEONARD, KIM A., [redacted]
MC ALEXANDER, KALAS K., [redacted]
MC CORMICK, PATRICK J., [redacted]
MC GUIRE, DEBRA E., [redacted]
MEEHAN, DIANA L., [redacted]
MORENO, JAIRO, [redacted]
NELSON, TERRY E.E., [redacted]
ORTIZ, RUBEN A., [redacted]
OVERTURF, TIMOTHY L., [redacted]
PARISI, MICHAEL J., [redacted]
POWERS, ROY S., [redacted]
RAMIREZ, ABEL, [redacted]
SEILER, JEFFREY H., [redacted]
SEYB, STOCKTON, K.M., [redacted]
SPALDING, MARY H., [redacted]
STEWART, GARY P., [redacted]
TOKAR, PETER, JR., [redacted]
VEITCH, DONALD P., [redacted]
WAKEFIELD, TIMOTHY E., [redacted]
WEEDEN, GARY P., [redacted]
WILLIAMS, CHRISTOPHER J., [redacted]
WILLIAMS, ROBERT T., [redacted]
WILLIAMS, WILLIE, [redacted]
WOIENSKI, RICHARD, [redacted]
WRIGHT, MICHAEL A., [redacted]
YORTON, MARK B., [redacted]

CIVIL ENGINEER CORPS OFFICERS

To be lietenant commander

ABATE, MICHAEL K., [redacted]
ADDISON, IRENE K., [redacted]
ANDRES, ROBERT E., [redacted]
BALDWIN, MARY K., [redacted]
BECKETT, JAMES P., [redacted]
BELL, SCOTT R., [redacted]
BERCHTOLD, DAVID A., [redacted]
BERNS, MICHAEL J., [redacted]
BOROWY, JEFFREY T., [redacted]
BOUCHER, THOMAS M., [redacted]
BOUIKA, HAROLD A., [redacted]
BRANCH, KENNETH W., [redacted]
BROWN, EDWARD W., [redacted]
BURNS, TIMOTHY W., [redacted]
CAMPBELL, DONALD B., JR., [redacted]
CHANDLER, DONALD R., [redacted]
CLARKE, CARLOS D., [redacted]
CLARKE, ROBERT S., [redacted]
COBLENTZ, WILLIAM L., [redacted]
COOK, RICHARD D., [redacted]
CORDS, WILLIAM F., [redacted]
CREASY, DARRYL K., [redacted]
CROMPTON, RICHARD E., [redacted]
CRUSELLAS, ANTONIO, [redacted]
CUMMINGS, JAMES J., [redacted]
DAMANDA, KEVIN J., [redacted]
DECKER, CHRISTIAN C., [redacted]
DOBSON, HENRY V., JR., [redacted]
DRAPER, JEFFREY D., [redacted]
DUREN, DENNIS L., [redacted]
EDWARDS, JOHN H., [redacted]
EICH, WILLIAM G., [redacted]
FAHEY, ROBERT G., [redacted]
FAULK, DAVID P., [redacted]
FISCHER, STEVEN C., [redacted]
GARCIA, GREGORY A., [redacted]
GAVRISHEFF, ALEXIS M., [redacted]
GENTRY, JAMES E., JR., [redacted]
GEORGES, DAVID R., [redacted]
GIBBONS, PATRICK J., [redacted]
GIBBS, ROBERT J., [redacted]
GLOBOKAR, SUSAN P., [redacted]
GONZALEZ, EDUARD, [redacted]
GRIFFITH, CHRISTOPHER J., [redacted]
HAMILTON, PATRICK J., [redacted]
HARRIS, DAVID W., II, [redacted]
HEDGES, JOSEPH D., [redacted]
HEINZEL, JOHN J., [redacted]
HELVEY, CLETE R., [redacted]
HOEL, JEFFREY S., [redacted]
HOFMANN, TRACY D., [redacted]
HUGGINS, MICHAEL D., [redacted]
JODOIN, JEFFREY J., [redacted]
JOHNSTON, RANDALL J., [redacted]
KING, WILLIAM T., [redacted]
KIWUS, CHRISTOPHER H., [redacted]
LAMBERSON, JEFFREY D., [redacted]
LEEMASTER, MARK L., [redacted]
LIBONATE, MARK R., [redacted]
LIPSKI, MICHAEL, [redacted]
LISTER, SCOTT R., [redacted]
MANNING, CAMERON A., [redacted]
MAURER, CLIFFORD M., [redacted]
MC GARRITY, ROBERT J., [redacted]
MC LEAN, ROBERT A., III, [redacted]
MILLS, STEVEN G., [redacted]
MUILENBURG, BRET J., [redacted]
MYRUM, MARC A., [redacted]
NORWOOD, JOHN S., [redacted]
OPENSHAW, MARK F., [redacted]
OSTER, WILLIAM A., [redacted]
PETOUHOFF, MICHAEL L., [redacted]
POINDEXTER, MARK A., [redacted]
PREBLE, TERENCE G., [redacted]
PREGEL, GEORGE A., [redacted]
RICE, GINGER B., [redacted]
RICE, JOHN D., [redacted]
ROSE, PAUL M., [redacted]
ROSNER, JOHN C., [redacted]
ROWLANDS, WARREN D., [redacted]
ROYSTER, ROLAND H., JR., [redacted]
SAYGER, MARK L., [redacted]
SCHOFIELD, JAMES M., [redacted]

SELLERS, LINDA L. [redacted]
SMITH, SCOTT G. [redacted]
SNOOK, KELLY R. [redacted]
STEVENSON, STEVEN N. [redacted]
STRICKLAN, KIMBERLY K. [redacted]
TAYLOR, GEORGE E., II [redacted]
TROTTA, ANDREW P. [redacted]
TURNER, VERNON R. [redacted]
VANDEVOORDE, JAMES R. [redacted]
WASHINGTON, JULIUS C. [redacted]
WEIL, DAVID K. [redacted]
WESTMORELAND, MICHAEL K. [redacted]
WILLIAMS, MARY J. [redacted]
WILSON, CHARLES K. [redacted]
WORCESTER, JAMES A. [redacted]
ZAPP, KAREN M. [redacted]

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

BRAU, KEITH L. [redacted]
BRILL, JANE M. [redacted]
CABELKA, TODD M. [redacted]
CHARTIER, PAMELA E. [redacted]
EDWARDS, MICHAEL M., [redacted]
GOEHLER, BARRY J. [redacted]
HANNINK, JOHN G. [redacted]
HAYCOCK, STEVEN L. [redacted]
HENNING, DIANE L. [redacted]
HENSON, JEFFREY A. [redacted]
HERLIHY, DAVID K. [redacted]
HUNZEKER, MARK T. [redacted]
JUNG, CHRISTOPHER D. [redacted]
LANG, SCOTT M. [redacted]
LOFTON, LINDA J. [redacted]
MASSEY, CURTIS O., II [redacted]
MCCARTHY, PATRICK M. [redacted]
MIRO, THOMAS E. [redacted]
MUELLER, DOUGLAS J. [redacted]
ORTIZ, LAUREN B. [redacted]
PRICE, ERIC C. [redacted]
REISMEIER, CHRISTIAN L. [redacted]
TIDESWELL, TAMMY P. [redacted]
WARD, BRENDAN F. [redacted]
WILLIAMS, SIDNEY K. [redacted]
YOUNG, LINDA E. [redacted]

DENTAL CORPS OFFICERS

To be lieutenant commander

ALLEN, HENRY T. [redacted]
ALTMAN, SHELLEA J. [redacted]
BOWMAN, MICHAEL J. [redacted]
BREILING, KURT J. [redacted]
BROWN, BARBARA H. [redacted]
BROWN, TERRY L. [redacted]
BYERS, PAUL G. [redacted]
CAMAISA, TED J. [redacted]
CARUSO, ROBERT A., JR. [redacted]
CASTLE, JAMES T. [redacted]
COSTA, GUIDO E. [redacted]
DEVEY, JASON P. [redacted]
FAHNCKE, CHARLES R. [redacted]
FINLEY, CLAYTON A. [redacted]
GARRETT, KATHERINE R. [redacted]
GAUSS, CHESTER B., III [redacted]
GEORGE, ARTHUR T. [redacted]
GRAMKEE, MATTHEW J. [redacted]
GSCHWIND, SANDRA J. [redacted]
GUTER, KLAUS D. [redacted]
HAUN, JONATHAN L. [redacted]
KALANTA, KEVIN T. [redacted]
KOPP, THOMAS A. [redacted]
KUHN, JULIA M. [redacted]
LARSON, DAVID R. [redacted]
LONERGAN, KATHY S. [redacted]
LYNCH, CORNELIOUS T. [redacted]
LYONS, WILLIAM J. [redacted]
MADDEN, JENNIFER M. [redacted]
MASUOKA, LOREN K. [redacted]
MATTIOLI, ROBERT L. [redacted]
MAYER, PETER G. [redacted]
MENACHER, MAXEMILLIAN A. [redacted]
MILIOS, STEVE P. [redacted]
MILLER, JOHN F. [redacted]
MILLER, STUART O., [redacted]
MUNLEY, PATRICK J. [redacted]
NORDSTROM, ERIC D. [redacted]
PETERSEN, DOUGLAS G. [redacted]
QADER, NASREEN S. [redacted]
ROBINSON, PAMELA V. [redacted]
RUBINO, GIACINTO F. [redacted]
RUPPRECHT, ROBERT D. [redacted]
SCHMIDT, KYLE J. [redacted]
SCHULTE, GARRY [redacted]
SHELBURNE, KAREN F. [redacted]
STEINER, PATRICK J. [redacted]
STEVENS, RICHARD W. [redacted]
TALLIO, KELLY [redacted]
TROTTER, BRADLEY S. [redacted]
VOCKROTH, WILLIAM C. [redacted]
WEINERT, BRIAN L. [redacted]
WILLIAMS, DEREK R. [redacted]
YANG, JOSEPH C.K. [redacted]

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

ABASOLO, JENNIFER C. [redacted]
ALEXANDER, KENNETH E. [redacted]
ALKOSHNAW, KAREN, M. [redacted]
AMMONS, MARK S. [redacted]
BEAUDOIN, RICHARD P. [redacted]
BEAUJON, JAN R., III [redacted]
BROGDON, THOMAS D. [redacted]
BROWN, STEVEN L. [redacted]
BURTON, CRAIG L. [redacted]
BYE, EDWARD S. [redacted]
CADY, DEBORAH A. [redacted]
CARLSON, NEAL A. [redacted]
CIOLORITO, LARRY R. [redacted]
COLE, KENNETH A. [redacted]
CONNOR, PAUL E. [redacted]
COOPER, MITCHELL A. [redacted]
COPE, STANTON E., JR. [redacted]
CORPUZ, VICTOR B. [redacted]
DEINNOCENTIIS, VINCENT [redacted]
DELARA, EUGENE M. [redacted]
DIGGS, PATRICIA [redacted]
EKENNAKALU, CHIDIEBERE [redacted]
EVANS, PAMELA J. [redacted]
FERIL, BENJAMIN G.M. [redacted]
FINCH, MICHAEL L. [redacted]
FISHER, STUART B. [redacted]
FRANTZEN, THOMAS A. [redacted]
GALLAND, ROLAND M. [redacted]
GANNON, MARIE E. [redacted]
GARIPAY, ROLAND C. [redacted]
GLENNON, BRENDAN K. [redacted]
GONZALES, RICHARD [redacted]
HALL, REGINA [redacted]
HAYSLETT, BEVERLY J. [redacted]
HENSON, PAUL A. [redacted]
HIPOLITO, ELISEO P. [redacted]
HOLMES, STEPHEN L. [redacted]
HOWARD, CRAIG M. [redacted]
HUERTAS, VICTOR M. [redacted]
HYDE, KAREN R. [redacted]
IVEY, GARY W. [redacted]
JONES, CLAUDIA A. [redacted]
KATO, KAREN S. [redacted]
KNIGHT, WILSON G. [redacted]
KOERNER, SETH D. [redacted]
LANE, TERRY M. [redacted]
LIAM, BENJAMIN D., JR. [redacted]
LINDBERG, AMY D. [redacted]
LINNVILLE, STEVEN E. [redacted]
LUCART, ANN L. [redacted]
LUCAS, CHARLES E., JR. [redacted]
MACINSKI, MICHAEL J. [redacted]
MAHONE, ERNEST M. [redacted]
MARIONI, MARIA L. [redacted]
MAROTTA, DAVID J. [redacted]
MATER, DAVID A. [redacted]
MATHEWS, MICHAEL J. [redacted]
MATHIS, ANTHONY L. [redacted]
MCCORMACK, WILLIAM P. [redacted]
MCNEIL, REGINALD B. [redacted]
MERRITT, JANELLE A. [redacted]
METTILLE, FRANK C. [redacted]
MIHARA, THOMAS G. [redacted]
MILLS, DEXTER R. [redacted]
MONAHAN, MARK C. [redacted]
MONTOYA, EDWIN G. [redacted]
MOSES, DENNIS L. [redacted]
MULL, DAVID D. [redacted]
MUNDT, VICTORIA L. [redacted]
OYOFO, BUHARI A. [redacted]
PACHECO, DANIEL J. [redacted]
PARADISO, CATHERINE A.S. [redacted]
PARKER, JOHN C. [redacted]
PIERCE, ROBERT H., JR. [redacted]
PISKURA, EDWARD S., JR. [redacted]
PRESLEY, STEVEN M. [redacted]
PRIBOTH, TERESA L. [redacted]
RICHARDS, ALLEN L. [redacted]
RODRIGUEZ, AMILCAR [redacted]
SAENZ, EFREN S. [redacted]
SANCHEZ, MICHAEL [redacted]
SANDERS, WILLIAM D. [redacted]
SELLERS, ROGER L. [redacted]
SERVICE, DAVID B. [redacted]
SHAKE, CARON L. [redacted]
SHAW, GARY A. [redacted]
SMALLWOOD, EUGENE F., JR. [redacted]
SMITH, DEBRA K.H. [redacted]
SMITH, ELEANOR J. [redacted]
SMITH, PHILIP A. [redacted]
SMITH, STEWART D. [redacted]
SMOCK, STEPHEN R. [redacted]
SPARKS, REBECCA V. [redacted]
SPRINGLE, CHARLES K. [redacted]
STALCUP, ANNA H. [redacted]
STOREY, WILLIAM L. [redacted]
TAYLOR, ROBERT B. [redacted]
THORNTON, STEPHEN A. [redacted]
VILLAMORA, ALFONSO B. [redacted]
WALTER, PENNY E. [redacted]
WARD, ARTHUR W. [redacted]
WILEY, BRADFORD J. [redacted]
WILLIAMS, GLENN E. [redacted]
ZIEMKE, LISA A. [redacted]

NURSE CORPS OFFICERS

To be lieutenant commander

ABNEY, AVA C. [redacted]
APPLEQUIST, CHRISTIE M. [redacted]
ARMBRUSTER, COLLETTE J.B. [redacted]
ARMEL, THOMAS C. [redacted]
AUBINKELLY, MARIE A. [redacted]
BALLANTYNE, KATHRYN A. [redacted]
BARE, CHERIE L. [redacted]
BARGER, BETH A. [redacted]
BASSETT-MITCHELL, DEBRA D. [redacted]
BAYSIC, FAY M. [redacted]
BEACH, KENNETH B. [redacted]
BEADLE, ANNETTE [redacted]
BERRY, DONNA T. [redacted]
BLEAU, TIMOTHY L. [redacted]
BLUMLING, RICHARD L. [redacted]
BOGLE, MARCIA C. [redacted]
BOWENS, SHIRLEY M. [redacted]
BROWN, DENISE C. [redacted]
BULACH, BONNIE A. [redacted]
BUMBALOUGH, LINDA K. [redacted]
BURNS, CHARLENE P. [redacted]
BURTH, LOURDES E. [redacted]
CADY, MARY W. [redacted]
CARTER, DINETA C. [redacted]
CELLI, MARIAN L. [redacted]
CHAIN, CLINT S. [redacted]
CLAREY, BARBARA F. [redacted]
COPENHAVER, MARK N. [redacted]
COX, JUDITH A. [redacted]
DAVIDSON, TINA A. [redacted]
DAVIDSON-WILSON, LATANYA D. [redacted]
DAVIS, BRENDA [redacted]
DELIZO, CAROLINE V. [redacted]
DEMCHAK, MICHELE G. [redacted]
DENHAM, JOHNNY M. [redacted]
DIGGS, ANNE M. [redacted]
DIONNE, SUSAN E. [redacted]
DOZSA, EDIE H. [redacted]
DULL, NANCY G. [redacted]
FALLS, DEANNA L. [redacted]
FIELDS, COLLEEN D. [redacted]
FILLION, BRONWYN R. [redacted]
FINES, DENISE M. [redacted]
FISCHER, ROBERT A. [redacted]
FLOWERS, KEVIN N. [redacted]
FOTO, PAMELA R. [redacted]
GEE, THERESA S. [redacted]
GIFT, KATHRYN M. [redacted]
GRIMES, JAN F. [redacted]
HANSEN, WAYNE F. [redacted]
HARLOW, KIMBERLY M. [redacted]
HERNANDEZ, REBECCA [redacted]
HILL, DEBORAH L. [redacted]
HOFFMAN, CATHERINE M. [redacted]
HOOD, RAYMOND J. [redacted]
HUGHEN, JANET E. [redacted]
HUGHES, LINDIA G. [redacted]
ISAACSON, KIMBERLY K. [redacted]
IZUMIYA, CYNTHIA W. [redacted]
JACOB, GREGORY B. [redacted]
JENISTA, JANET R. [redacted]
JOHNSON, MAGGIE L. [redacted]
JOHNSTON, EVAN K. [redacted]
JOSEPH, JOANN M. [redacted]
KELLEY, PATRICIA A.W. [redacted]
KESSOCK, CHRISTY, L.D.V. [redacted]
KNIEVEL, ERIC S. [redacted]
KUECK, LYNNE R. [redacted]
LALLY, ANNE M. [redacted]
LANTRY, JAMES W., JR. [redacted]
LARSEN, MARK S. [redacted]
LAVOIE, THERESA M. [redacted]
LESSLEY, LISA E. [redacted]
LING, JEANNE Y. [redacted]
LOY, LOUISE A. [redacted]
MACKELLAR, JENNIFER T. [redacted]
MARCH, SHARI E. [redacted]
MARTIN, TAMARA C. [redacted]
MASTERS, ROBERT J. [redacted]
MCCOY, JENNIFER B. [redacted]
MCDERMOTT, BARBARA A. [redacted]
MCKEON, KATHLEEN A. [redacted]
MICHEL, KATHLEEN, A. [redacted]
MILLER, SUSAN W. [redacted]
MOHAN, GERARD H. [redacted]
MONTGOMERY, KENNETH R. [redacted]
MUELLER, DARLENE A. [redacted]
MUSTELIER, JOSEPHINE [redacted]
NASH, LINDA L. [redacted]
NIEMANTSVERDRIET-MCDONALD, K. [redacted]
OKERSTROM, MARITA R. [redacted]
OLSON, RONALD L. [redacted]
OSHEA-SMITH, ANNA M. [redacted]
OTIS, CAROL B. [redacted]
OWENS, ROCHELLE A. [redacted]
PACKER, DOROTHY G. [redacted]
PARADIS, ROSEMARIE J. [redacted]
PARODI, VIVIENNE A. [redacted]
PAULY, BARBARA E. [redacted]
PENNEBECKER, SUSAN M. [redacted]
PENNINGTON, DEBRA A. [redacted]
PEREZ, VICTORIA G. [redacted]
PETERSEN, PATRICIA B. [redacted]
PETIT, LINDA [redacted]
PFEFFER, DEBORA A. [redacted]
PHILLIPS, RAYMOND E. [redacted]
PIERCE, JAMES R. [redacted]
POTTER, CINDY L. [redacted]
POWERS, REBECCA J. [redacted]
PRITCHARD, WAYNE D. [redacted]
QUINONES, MELISSA [redacted]
ROBERTS, KEITH D. [redacted]
ROYBALBISHOP, LISA M. [redacted]
SABATINOS, JAMES F. [redacted]
SANDERS, SUSANNE M. [redacted]
SCHLIEF, KRISTIN E. [redacted]
SCRUTON, SCOTT D. [redacted]
SHERROCK, DEBORAH A. [redacted]
SHVIEMA, DOROTHY J. [redacted]
SNOW, TERESA E. [redacted]

STEVENS, ROSS R.P. [redacted]
STRICKLAND, BRUCE R. [redacted]
SUBLETT, ELIZABETH S. [redacted]
SULLIVAN, MARY T. [redacted]
SULLIVAN, RITA M. [redacted]
SUMMERS, KATHRYN A., [redacted]
SWATZELL, ELIZABETH A. [redacted]
SWEET, GAIL R. [redacted]
SWINEHART, SUSAN L. [redacted]
TAYLOR, BEVERLY A. [redacted]
TAYLOR, NANCY B. [redacted]
THOMASON, PATRICIA W. [redacted]
TOLBERT, CARLA G. [redacted]
TROUP, LINDA E. [redacted]
TUFTE, LORELIE [redacted]
TURNER, CATHERINE E. [redacted]
UETZ, ANN M., [redacted]
VERHEUL, KAREN L. [redacted]
VILLAROS, ESTEBAN C., JR. [redacted]
WARREN, MARY K., [redacted]
WILLIAMS, RUTH A. [redacted]
WILSON, JUANA M. [redacted]
WRIGHT, DOROTHY B., [redacted]
YORK-SLAGLE, LEANNE M. [redacted]

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

CABLING, BONIFACIO A., [redacted]
COCHRANE, DAVID S., [redacted]
DAVIS, WILLIAM C. [redacted]
DELMUNDO, REYNALDO G., [redacted]
DUGGINS, RODNEY E., [redacted]
FERGUSON, DWIGHT L. [redacted]
HEIMBACH, MARC C., [redacted]
JOHNSON, MICHAEL H., [redacted]
KOCK, LINDBERGH, JR., [redacted]
LEE, LARRY S., [redacted]
MEYER, EDWIN M., [redacted]
NAVEA, JOSE A., [redacted]
PERKINS, OVEL, [redacted]
PIEPER, GEORGE E. [redacted]
PONKO, THOMAS D., [redacted]
PURVIS, DWIGHT L. [redacted]
RAMSEY, EARL D., [redacted]
SEXTON, SCOTT, [redacted]
WILLIAMS, BYRON C., [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 12, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom comes every good gift and every blessed assurance, we interrupt the tasks of the day and pause in this prayer to offer our thanksgivings of life and love. Especially this day we express our gratitude to those who have made our lives fuller and whose spirits have made our spirits more complete. We acknowledge that so much of our own vitality comes from friends who touch our hearts and enlighten our minds, whose enthusiasm and insight and wisdom brighten our days and are a blessing to all. For these and all Your benefits we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania [Mr. WELDON] come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 4190. An act to designate the building located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana;

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such acts through fiscal year 1998, and for other purposes;

S. 1782. An act to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes; and

S. 2430. An act to facilitate recovery from the recent flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto by providing greater flexibility for depository institutions and their regulators, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker, signed the following enrolled bill of Thursday, September 8, 1994:

S. 859, to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926.

And the Speaker signed the following enrolled bills on Friday, September 9, 1994:

H.R. 3355, to control and prevent crime; and

H.R. 3474, to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

APPOINTMENT OF MEMBER TO THE DELEGATION TO ATTEND THE CONFERENCE OF THE INTERPARLIAMENTARY UNION

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, and the order of the House of Sunday, August 21, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on September 8, 1994, did appoint to the delegation to attend the Conference of the Interparliamentary Union to be held in Copenhagen, Denmark from September 12, 1994, to September 17, 1994, the following Member of the House:

Mr. WILSON of Texas.

CALLING FOR VOTE BEFORE TAKING ACTION WITH REGARD TO HAITI

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Mr. Speaker, I care deeply about our Constitution, and I care deeply about our President, and we need to find a way to deal with Haiti that respects both of them. The Constitution vests in Congress the power to decide whether to take this Nation to war. This is not a turf issue. Having Congress act is a means to a more important end, and that is making sure that the country understands and supports such a grave decision. That purpose was well-served by the debate and vote before going into the Persian Gulf war.

Based on what I have heard in the last few weeks at home, Mr. Speaker, a large majority in Colorado does not think we should invade Haiti. We should listen to them, and we should vote on this issue.

NO JUSTIFICATION FOR INVASION OF HAITI

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, the President of the United States is on the verge of committing United States troops to an invasion of our little neighbor, Haiti.

An invasion of that sad little island will be a disaster for everyone involved. We have no vital security interest there that justifies the risk of losing the lives of one American service man or woman.

Mr. Clinton claims to have tried everything to avoid this invasion but we have not even suggested that new elections be held under international supervision.

Mr. Clinton needs to go back to the drawing board on his Haitian policy.

Restoring Mr. Aristide to power is not the same as restoring democracy. Do not confuse one with the other.

Our interest in Haiti should be to relieve the suffering of the Haitian people caused by Mr. Clinton's embargo.

Saving the lives of the suffering Haitian children is a worthy goal; restoring Mr. Aristide to power is not.

We must stop Mr. Clinton's blind rush to waste American lives and prestige in a place where there is no threat to our vital interests.

FEDERAL RESERVE BOARD RAISES INTEREST RATES FOR FIFTH TIME IN THE LAST 7 MONTHS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Federal Reserve Board has once again raised interest rates. In fact, Mr. Speaker, this is the fifth hike in the last 7 months.

Now the Fed said inflation is threatening and the economy is just too strong. Let me ask this question: If the economy is so strong, why is IBM laying off 3,000 workers, and why is K-Mart laying off 5,000 workers? The truth is I have never heard of companies laying off American workers when it was boom time.

I say the fact is we have got a new country club full of rich, high paid bankers who met in secrecy in back rooms without public hearings, raising our interest rates, killing American jobs, and Congress keeps listening to that song and dance. I say it is time for Congress to reevaluate this little country club whose piggy bank just keeps getting fatter and fatter while American workers keep getting a pink slip. Think about it.

PRESIDENT USING HAITI AS A MEANS TO DEMONSTRATE POLITICAL PROWESS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WELDON. Mr. Speaker, as an 8-year member of the Committee on Armed Services and a strong supporter of our men and women in the military, I am extremely concerned by what appears to be an unstoppable movement by our President to invade Haiti sometime this week or in the next several weeks. My constituents over the district work period asked me why he would do this, and they understand that the President is saying it is to restore order and democracy.

Mr. Speaker, I will enter into the RECORD a Survey of Freedom review which looks at all countries nationwide. There are 20 nations in the world with the same type of status as Haiti in terms of freedom, in terms of human rights. I would ask the President if he intends to invade all 20 of these nations.

I would think rather, Mr. Speaker, the reason for the President's action is what was stated by Dante Caputo, the U.N. Special Envoy to Haiti, when he wrote his memo to Boutros-Ghali. He stated in the memo, and I will put this in the RECORD this evening in a special order, that the movement by the President is politically desirable. He further states that this type of action is designed to show, after strong media criticism of the President, the President's decisionmaking capability and the firmness of leadership in the international matters.

Mr. Speaker, not one American life is worthy of this President using Haiti as a means to demonstrate his political prowess.

The 20 Worst Rated Countries: Afghanistan; Angola; Bhutan; Burma (Myanmar); Burundi; China; Cuba; Equatorial Guinea; Haiti; Iraq; Korea, North; Libya; Saudi Arabia; Somalia; Sudan; Syria; Tajikstan; Turkmenistan; Uzbekistan; and Vietnam.

The Six Worst Rated Related Territories: East Timor (Indonesia); Irian Jaya (Indonesia); Kashmir (India); Kosovo (Yugoslavia); Nagomo-Karabakh (Armenia/Azerbaijan); and Tibet (China).

MESSAGE TO CONGRESS: "DON'T RAM HEALTH CARE DOWN AMERICA'S THROAT"

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Congress is returning from the August district work period with one clear message from their constituents: Don't ram a last minute, big-government health care bill through Congress and down America's throat. Nobody is denying the need for reform in our health care system. However, it would be a disaster to scrap what is still the worlds best, for election year political reasons. We need to make incremental changes in the specific areas that are not working.

I do not want to confuse this with just opening the door for further invasion of big-government but specifically needed changes.

Mr. Speaker, we must have the time to thoroughly digest this important legislation and debate the details. It is the responsibility of the majority leaders of this House to provide the elected membership of this body the opportunity to make an informed decision. Not as in the past to simply receive a last minute, backroom deal followed by a forced late-night vote.

□ 1210

ANSWERS ON HAITIAN POLICY REQUIRED BEFORE INVASION

(Mr. EWING asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, President Clinton and members of his Cabinet are beating the war drums for an invasion of Haiti, but they seem to be the only people who want an invasion.

I have spent the past 3 weeks in central Illinois, and I can tell you that there is very little support for an invasion of Haiti. If the President consulted with Congress on this decision, I believe he would find that many Members on both sides of the aisle oppose an invasion, as well as the vast majority of the American people.

Mr. Speaker, what does the United States have at stake in Haiti? What is our national security concern there? Is an invasion worth the loss of American lives? Is an invasion worth millions of dollars it will cost American taxpayers? What will we do after the invasion? When will our troops leave Haiti?

These are all questions which the President has not addressed. Congress and the American people deserve some explanation from the President before he invades Haiti. I hope the President will either make his case or stop beating war drums and stop this potential disaster before it happens.

ON A COLLISION COURSE IN HAITI

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, according to the media, cynics conclude that the President is planning to invade Haiti for a much-needed boost in his drastically falling popularity curve. While the White House denies this is the motivation, the fact is that they have not provided any other explanation that makes sense. Their latest excuse seems to be that the President has gone too far to back down.

Mr. Speaker, this is not some game of chicken. The White House now plans to put 20,000 American troops into harm's way in Haiti. That is no game. Congress cannot wait until we start taking casualties to debate the in appropriateness of using American force in Haiti. Since the President refuses to bring the debate to Congress, Congress should bring the debate to him. I urge my colleagues to cosponsor House Concurrent Resolution 169 and help put Congress back in the Haiti debate.

HOUDINI IN THE WHITE HOUSE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, with the lowest approval rating in 20 years, it is no wonder President Clinton would like to divert the public's eyes as much as America would obviously like to avert them.

Like some latter day Houdini, the President seems to relish constructing ever tougher dilemmas and then conjuring up ever more miraculous escapes.

Regretfully, it is the American people these tricks are really tough on. They are the ones who must pay his higher gas taxes, his higher Social Security taxes, his higher income taxes, and his higher inflation.

In fact, it seems all this is still not enough of a challenge for the White House and that it wants to revise a routine not seen since the Carter administration—stagflation. This really incredible trick has the economy go down while prices still go up.

So right on cue, at the moment of greatest crisis and the November elections, President Clinton wants to escape from his predicament by turning himself into a new Democrat. He intends to do it with the magic spell of family values.

America has seen this trick before and it should not be fooled again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken at the end of the legislative business day, but not before 5 p.m.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4391) to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, as amended.

The Clerk read as follows:

H.R. 4391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act for Fiscal Year 1995".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Federal Maritime Commission, $18,900,000 for fiscal year 1995.

SEC. 3. INDEPENDENT ACTION.

Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by striking paragraph (8) and inserting the following:

"(8) provide that—

"(A) any member of the conference may take independent action on any rate, service item, or level of ocean freight forwarder compensation required to be filed in a tariff under section 8(a) upon not more than 10 calendar days notice to the conference; and

"(B) the conference will include the new rate, service item, or level of ocean freight forwarder compensation in its tariff for use by that member, effective no later than 10 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate, service item, or level of ocean freight forwarder compensation on or after its effective date, in lieu of the existing conference tariff provision for that rate, service item, or level of ocean freight forwarder compensation.".

SEC. 4. PROHIBITION ON DENYING COMPENSATION.

Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)), is amended by striking paragraph (5) and inserting the following:

"(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder, or limit that compensation to less than 1.25 percent of the aggregate of all of the rates and charges applicable under the tariff assessed against the cargo on which the forwarding services are provided; or".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Maritime Commission [FMC] regulates international and domestic ocean common carriers to ensure that ocean transportation is available to shippers on a fair and nondiscriminatory basis and that the practices of ocean common carriers do not adversely impact the commerce of the United States. The FMC is also charged with protecting the rights of U.S. Shippers and carriers from discriminatory foreign shipping policies.

H.R. 4391 authorizes $18,900,000 for the fiscal year 1995 expenditures of this Agency. This amount is identical to that appropriated last year, and slightly higher than the appropriations provided for fiscal year 1995.

This bill includes the text of H.R. 56, a bill introduced by Representative BENTLEY that corrects an inconsistency in a 1986 statute that provided protection to certain freight forwarders. The administration supports this change.

This is a fair bill and I urge the Members' support for it.

Mr. Speaker, I reserve the balance of my time.

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4391 and applaud the chairman of our full committee, the gentleman from Massachusetts [Mr. STUDDS], as well as our ranking member, the gentleman from Texas [Mr. FIELDS], who is on his way to the House floor at this very moment. I also rise to commend the chairman of the Subcommittee on Merchant Marine, the gentleman from Illinois [Mr. LIPINSKI], and our ranking member, the gentleman from Virginia [Mr. BATEMAN], for their work on this piece of legislation.

Mr. Speaker, this is an important piece of legislation and has the full support of our committee. It went through the committee process unanimously and enjoys the support of both Republicans, Democrats, and the administration.

Mr. Speaker, I move for expedited approval of this bill. As our chairman pointed out, during our committee's deliberations we agreed to incorporate into this bill the text of legislation introduced by our distinguished colleague, the honorable gentlewoman from Maryland [Mrs. BENTLEY], who has served in a leadership roll in this institution on Federal maritime issues. This provision will require that ocean carrier conferences equitably treat ocean freight forwarders. It simply expands the scope of language in the 1986 Tax Reform Act which provided certain benefits to freight forwarders who were also customs brokers. It is only fair to provide all freight forwarders these benefits, and not limit it to those forwarders who also perform the services of custom brokers.

I was pleased that the leadership in this body as well as the administration agreed to accept the language of our colleague, Mrs. BENTLEY, and I am happy to support this bill.

Mr. Speaker, I urge our colleagues to support passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Subcommittee on Merchant Marine, the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 4391, the Federal Maritime Commission Authorization Act for fiscal year 1995. H.R. 4391 authorizes the Commission an appropriation of $18,900,000 and will provide the Commission with the financial means to fulfill its regulatory responsibilities to administer various statutes affecting ocean commerce.

The Commission is charged with enforcing U.S. shipping statutes to ensure an equitable trading environment in the ocean transportation industry.

U.S. exports and imports are highly dependent on ocean transportation costs and availability, and the Commission plays an indispensable role to ensure fair market access for American companies in the global transportation marketplace.

I would like to commend Congresswoman BENTLEY for her efforts to secure a provision in H.R. 4391 that would guarantee freight forwarders a minimum rate of compensation. This provision is of vital importance to the mom and pop businesses which are the backbone of our Nation's shipping industry.

I would also like to thank Chairman STUDDS, Mr. FIELDS, and Mr. BATEMAN for their leadership, and I urge adoption of this important legislation.

Mr. WELDON. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Committee on Merchant Marine and Fisheries, our good friend and colleague the distinguished gentleman from Texas [Mr. FIELDS], who just arrived from the airport from his home in Texas.

□ 1220

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 4391, legislation authorizing appropriations for the Federal Maritime Commission [FMC] for fiscal year 1995.

The administration's request for the FMC was for $18,700,000, which was $200,000 less than the agency received last year. Based on testimony given to the Committee on Merchant Marine and Fisheries, it has been determined that this funding level was not sufficient to cover all of the FMC's necessary expenses. When H.R. 4391 was introduced by our committee leadership, the funding level was set at $18,900,000 which represents level funding from last year.

While this legislation represents a modest $200,000 increase over the administration's request, as the Chairman of the FMC, the Honorable Bill Hathaway testified, without this increase the agency simply would not have enough funds to even cover the salaries of their approved personnel.

Mr. Speaker, the programs carried out by this independent agency are critical to the long-term future of the U.S.-flag liner industry and we should provide them with sufficient resources to do their job.

During our committee's deliberations, we agreed to incorporate into this bill the text of legislation introduced by our distinguished colleague from Maryland, the Honorable HELEN BENTLEY. This provision would require that ocean carrier conferences equitably treat ocean freight forwarders. It simply expands the scope of language in the 1986 Tax Reform Act, which provided certain benefits to freight forwarders who were also customs brokers. It is only fair to provide all freight forwarders these benefits, and not limit it to just those forwarders who also perform the services of customs brokers. I am pleased to support this language and compliment Congresswoman BENTLEY for her outstanding leadership in bringing this issue to our attention.

Mr. Speaker, this is a good bill and I urge the Members of this body to join Chairman STUDDS and myself in supporting this legislation.

Mrs. BENTLEY. Mr. Speaker, I rise in strong support of H.R. 4391, the Federal Maritime Commission authorization for fiscal year 1995.

The FMC, an agency I once chaired, is responsible for the regulation of waterborne foreign and domestic offshore commerce of the United States and the assurance that the United States international trade is open to all nations on fair and equable terms. The FMC is an agency too important not to have its authorization bill enacted by the Congress.

Mr. Speaker, this year's FMC authorization legislation is especially important because it contains language of tremendous value to freight forwarders and customs brokers throughout our country. Specifically, H.R. 4391 contains the text of H.R. 56, a bill I introduced designed to extend the 1986 forwarder compensation law to all ocean freight forwarders—action which should have been done years ago.

Mr. Speaker, as you know, freight forwarders form an indispensable link between shippers and carriers in the movement of international cargo. Ocean freight forwarders are the people who arrange the space on ocean carriers for U.S. exports. It is a good analogy to say that freight forwarders are to cargo what travel agents are to people. They are, by and large, totally American small businesses, and like travel agents, are located in virtually every commercial center throughout our country.

Mr. Speaker, back in 1986 Congress passed a critical independent action amendment to the Tax Reform Act, essentially to protect U.S. freight forwarders against unfair practices by steamship conferences, which were granted antitrust immunity in the Shipping Act of 1984. The 1986 amendment established a minimum rate which the steamship conferences acting in concert must pay U.S. freight forwarders, and it permits individual steamship lines to negotiate compensation with freight forwarders.

The independent action provision in the Tax Reform Act was an important first step in protecting hundreds of freight forwarding companies and thousands of their employees throughout the United States and in establishing a more competitive climate in the export trade arena.

Nevertheless, the wording of the independent action provision limits its application to freight forwarders who are also customs brokers. This provision, which discriminates against freight forwarders who are not custom brokers—and runs contrary to common sense—was enacted due to the jurisdictional lines of the committee involved in passage of the measure in 1986.

Therefore, Mr. Speaker, with the passage of the legislation we will be able to correct this discrepancy in the 1986 tax reform bill by placing all ocean freight forwarders on equal footing with respect to the receipt of compensation from ocean common carriers. My amendment provides a more consistent regulatory approach and could serve to eliminate any inequities caused by the current law.

There is no reason not to include all freight forwarders irrespective of whether they are customs brokers. H.R. 56 is noncontroversial legislation, supported by current FMC Chairman William Hathaway that should have been adopted by Congress back in 1986.

In closing, Mr. Speaker, I would like to take a moment to thank the Merchant Marine and Fisheries Committee leadership, especially Chairman STUDDS, Subcommittee Chairman LIPINSKI, Mr. FIELDS, and Mr. BATEMAN for their critical assistance in enabling H.R. 56 to pass the House this year, my last year in the Congress. I would also like to thank our hard working and very capable committee staff on both sides of the aisle.

Mr. Speaker, I again urge quick adoption of this important legislation.

Mr. WELDON. Mr. Speaker, I urge passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders.".

A motion to reconsider was laid on the table.

NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4308) to amend the North American Wetlands Conservation Act to authorize appropriations for allocations under that act for wetlands conservation projects, as amended.

The Clerk read as follows:

H.R. 4308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Act Amendments of 1994".

SEC. 2. MATCHING, REPORTING, AND REVISING REQUIREMENTS.

(a) MATCHING REQUIREMENT.—Section 8(b) of the North American Wetlands Conservation Act (16 U.S.C. 4407(b)) is amended by adding at the end the following new sentence: "In the case of a project carried out in Mexico, the non-Federal share of the United States contribution to the costs of the project may include cash contributions from non-United States sources that are used to pay costs of the project.".

(b) REPORT TO CONGRESS.—Section 10(1) of such Act (16 U.S.C. 4409(a)(1)) is amended in subparagraph (B) by striking "and" after the semicolon, in subparagraph (C) by striking the period and inserting "; and", and by adding at the end the following:

"(D) wetlands conservation projects funded under this Act, listed and identified by type, conservation mechanism (such as acquisition, easement, or lease), location, and duration.".

(c) REVISIONS TO PLAN.—Section 11 of such Act (16 U.S.C. 4410) is amended—

(1) in the first sentence—

(A) by striking "1991" and inserting "1998"; and

(B) by inserting "and Mexico" after "Canada"; and

(2) by striking the second sentence.

SEC. 3. ASSESSMENT OF PROGRESS IN WETLANDS CONSERVATION.

The North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.) is amended by adding at the end the following new section:

"SEC. 19. ASSESSMENT OF PROGRESS IN WETLANDS CONSERVATION.

"Not later than January 31, 1996, the Secretary, in cooperation with the Council, to further the purposes of the Act shall—

"(1) develop and implement a strategy to assist in the implementation of this Act in conserving the full complement of North American wetlands systems and species dependent on those systems, that incorporates information existing on the date of the issuance of the strategy in final form on types of wetlands habitats and species dependent on the habitats; and

"(2) develop and implement procedures to monitor and evaluate the effectiveness of wetlands conservation projects completed under this Act.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS UNDER NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "$15,000,000" and all that follows through the end of the sentence and inserting the following: "$20,000,000 for each of fiscal years 1995 and 1996 and $30,000,000 for each of fiscal years 1997 and 1998.".

SEC. 5. CONSERVATION OF COASTAL WETLANDS.

Section 306(c) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3955(c)) is amended by inserting "in coastal wetlands ecosystems" after "wetlands conservation projects".

SEC. 6. WILDLIFE PARTNERSHIP PROGRAM.

The Partnerships For Wildlife Act (16 U.S.C. 3741 et seq.) is amended—

(1) in section 7103(3) (16 U.S.C. 3742(3)) by inserting "the States and of" after "under the leadership of";

(2) in section 7104 (16 U.S.C. 3743)—

(A) by amending paragraph (2) to read as follows:

"(2) The term 'designated State agency' means the government agency, department, or division of any State that is empowered under the laws of the State to exercise the functions ordinarily exercised by a State fish and wildlife agency.";

(B) in paragraph (4) by striking "section 5(f)" and inserting "section 7105(g)";

(C) in paragraph (8)(A) by striking the period and inserting a semicolon; and

(D) in paragraph (8)(C) by—

(i) striking "section 3(5)" and inserting "section 3(6)"; and

(ii) by striking "(16 U.S.C. 1362(5))" and inserting "(16 U.S.C. 1362(6))";

(3) in section 7104 (16 U.S.C. 3743) by—

(A) redesignating paragraph (8) as paragraph (9); and

(B) inserting after paragraph (7) the following:

"(8) The term 'State' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, or American Samoa.";

(4) in section 7105(d) (16 U.S.C. 3744(d))—

(A) in paragraph (3) by inserting "and" after the semicolon;

(B) in paragraph (4) by striking "; and" and inserting a period; and

(C) by striking paragraph (5);

(5) in section 7105 (16 U.S.C. 3744) by amending subsection (e) to read as follows:

"(e) NON-FEDERAL SHARE OF PROJECTS.—

"(1) STATE SHARE.—Of the total cost each fiscal year of each project carried out with amounts provided by the Secretary under subsection (a), at least ⅓ shall be paid with amounts from State, non-Federal sources, except that if designated State agencies from 2 or more States cooperate in implementing such a project at least 30 percent shall be paid with amounts from such State, non-Federal sources. Payments required by this paragraph may not be in the form of an in-kind contribution.

"(2) PRIVATE SHARE.—Of the total cost each fiscal year of each project carried out with amounts provided by the Secretary under subsection (a), at least ⅓ shall be paid with amounts from voluntary contributions by private entities or persons, except that if designated State agencies from 2 or more States cooperate in implementing such a project, at least 30 percent shall be paid from such sources. Subject to the approval of the Secretary, such contributions for a project may be in the form of, but are not required to be limited to, private cash donations, and the contribution of materials, equipment, or services necessary for the project.";

(6) in section 7105(g) (16 U.S.C. 3744(g))—

(A) by amending paragraph (2) to read as follows:

"(2) The Secretary shall deposit into the Fund amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects."; and

(B) by striking paragraphs (3) and (4); and

(7) in section 7105(h) (16 U.S.C. 3744(h))—

(A) by striking "1995" and inserting "1998"; and

(B) by striking "to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4308 was introduced by Mr. DINGELL, Mr. FIELDS of Texas, Mr. WELDON, and myself. It reauthorizes the North American Wetlands Conservation Act through the year 1998, and makes important changes to further enhance the act's effectiveness. In addition, H.R. 4308 amends the Coastal Wetlands Planning, Protection and Restoration Act to ensure that funds allocated to wetlands conservation projects are used for coastal wetlands ecosystems in coastal States. Finally, the bill reauthorizes the Partnerships for Wildlife Act through fiscal year 1998 at current authorization levels and amends the act to facilitate participation by non-Federal parties.

Wetlands are among the most biologically productive habitats on Earth, serving as breeding and wintering grounds for a diverse array of fish and wildlife species. In the last two centuries, however, more than 50 percent of the wetlands in the lower 48 States have been destroyed. The North American Wetlands Conservation Act was enacted in 1989 to help reverse this disastrous decline by fostering innovative public-private partnerships to protect, enhance, restore, and manage wetland ecosystems throughout Canada, Mexico, and the United States.

By all appearances, the act has been a major success and exemplifies how the Federal Government can work cooperatively with private landowners to protect and restore wetlands. To date, more than $110 million in Federal dollars has generated over $212 million in partner funds, conserving more than 1.3 million acres of wetlands in the United States and Canada alone.

Mr. Speaker, I commend my colleagues from both sides of the aisle for their work to further enhance the act's effectiveness. We have produced a good bill and I urge all Members to join us in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4308, the North American Wetlands Conservation Fund [NAWCF] reauthorization. I would like to commend Chairman JOHN DINGELL, Chairman GERRY STUDDS, and ranking member JACK FIELDS for their hard work in bringing this important measure to the House floor.

On April 28, 1994, Congressman DINGELL and I introduced H.R. 4308, legislation to reauthorize and expand the NAWCF. The bill increases the authorized levels for NAWCF to $20 million for fiscal years 1995 and 1996 and $30 million for 1997 and 1998. It also strengthens the assessment requirements for the program, amends the Partnership for Wildlife Act, loosens the restrictions on funding for projects in Mexico, and requires that moneys derived from the Coastal Wetlands Planning, Protection and Restoration Act are used for projects within the national coastal watershed boundary that benefit coastal wetlands ecosystems. This last provision is not intended to limit Coastal Wetlands Planning, Protection and Restoration Act moneys to saltwater or tidal marshes, but rather to ensure that projects benefiting from these funds are located within the coastal watershed and assist in the preservation of coastal wetlands ecosystems and the migratory birds species which depend on them.

As one of the two Members of the House of Representatives on the Migratory Bird Conservation Commission, which approves funding for NAWCF projects, I have seen first hand the tremendous impact NAWCF has had in protecting and enhancing ecologically critical wetland habitats throughout North America.

The NAWCF is one of the most successful and cost effective wetlands preservation initiatives in existence. The fund operates as a public-private partnership, with Federal grant moneys being matched, often at rates as high as 4 to 1, by private, State, and local moneys. Since its inception in 1989, non-Federal partners have match roughly $100 million in Federal grants with over $200 million of their own resources. To date, the NAWCF has led to the preservation, enhancement, or increased protection of almost 7 million acres of prime wetland habitat in North America.

As successful as the fund has been, much more still needs to be done. The 1993 estimate of North America's breeding duck population is 18 percent below the average of the last 40 years. For certain species, the numbers are far worse. Mallard populations are down 20 percent and the northern pintail population has declined by half.

Habitat loss has played a major role in the decline of these species. Only through the continuation and expansion of programs such as the NAWCF can we head off even greater losses.

Some important States within North America's migratory flyways have yet to set aside critical wetland habitat under the NAWCF program. My own home State of Pennsylvania is one such State.

Currently, I am working with the three counties—Chester, Montgomery, and Delaware—which comprise the Seventh Congressional District to ensure that migratory bird habitats within their boundaries are protected. The counties' participation is made possible by the passage of multimillion dollar open space bond acts in both Chester and Montgomery Counties. I am working to ensure that some of these funds, totaling over $150 million, are used in combination with NAWCF moneys to create the first NAWCF migratory bird habitat protection project in Pennsylvania.

This summer, for the first time, projects that will benefit Pennsylvania's vanishing wetlands ecosystems have been proposed. One of the projects now being considered for funding under NAWCF in Pennsylvania is the Audubon Schuylkill River project.

The Audubon Schuylkill River proposal is a great example of why NAWCF has been such a success. The project proposal, which was drawn up by the Chester County Department of Parks and Recreation, leverages $900,000 in NAWCF grant funding with contributions of land and money totaling $924,700 from Chester County and the Pennsylvania Department of Environmental Resources, and technical, monitoring, and management assistance from seven other partners. Through this joint effort, over 330 acres of prime wetlands and associated uplands will be preserved and an additional 200 acres of wetlands will be enhanced, resorted, or created. If approved, the project will reclaim breeding habitat for species such as the least bittern, American bittern, black rail, bobolink, and the broad-winged hawk, along with 13 species of migratory waterfowl.

On September 23, 1994, I will be joined by members of the North American Wetlands Conservation Council in touring the project site. It is my hope that the Audubon Schuylkill River project will be the first in a long line of important wetlands restoration projects funded by NAWCF in Pennsylvania.

Mr. Speaker, in conclusion I would like to thank Chairmen DINGELL and STUDDS and my committee's ranking member, JACK FIELDS, for their hard work and support in ensuring the timely passage of this vital bill. I encourage all my colleagues to join me in supporting H.R. 4803.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], whose arrival is extraordinarily timely.

Mr. DINGELL. Mr. Speaker, I thank my dear colleague, the gentleman from Massachusetts [Mr. STUDDS], the chairman of the committee, and I also commend my dear friend and colleague, the ranking minority member, and also my very special friend who serves with me on the Migratory Bird Commission. They are great members and they are to be commended for what it is that they have done in presenting this bill to the House.

Mr. Speaker, there has been great and creative work done on the part of both the chairman, the gentleman from Texas [Mr. FIELDS], and the gentleman from Pennsylvania [Mr. WELDON], and I commend them for what they have done.

Mr. Speaker, I rise in support of H.R. 4308, legislation to reauthorize the North American Wetlands Conservation Act.

I want to commend the chairman of the committee, Mr. STUDDS, the ranking minority member, Mr. FIELDS, and one of the chief cosponsors of the bill, Mr. WELDON, for tireless and creative work that went into the bill.

Mr. Speaker, I observe this legislation goes well beyond the original straight reauthorization legislation I introduced. The program created by the statute we crafted several years ago is working well, with a few minor exceptions.

From its inception in 1989, this program has funded 289 wetlands conservation projects in 36 States, 10 Canadian provinces and 8 Mexican States, conserving more than 1.3 million acres of wetlands in Canada and the United States alone. The traditional manner of protecting wetlands is through outright purchase using Federal dollars. This program stretches dollars through cooperative agreements between the Federal, State and nongovernmental organizations. More than $110 million in Federal North American Wetland Conservation Act has generated more than $212 million in so-called partnership funds. That kind of leverage—for Federal money—is hard to find. And it has been private conservation groups such as Ducks Unlimited and the Nature Conservancy that have made substantial commitments of their resources to make the program a success.

My biggest concern is that projects under this program utilize too many short term agreements. In my mind, long term conservation, which is terminology from the original statute, means protecting the resources for at least 25 years, and mostly, in perpetuity. The committee report reinforces this interpretation, and I expect future projects will take this admonition seriously.

The committee made other constructive modifications to my bill to reauthorize the program. Authorizing cash contributions from non-United States sources will create opportunities for more projects in Mexico. The enhanced planning and reporting will give the Council and the Commission more tools to plan future projects, and expand the scope of those projects. My one caution, however, is while project diversity is an important goal, the original intent of the program was, and still is, to protect migratory waterfowl. If we stray too far from this foundation, we may undermine the strength and purpose of the program.

I also want to thank the committee for taking my concerns into account in section 5 of the legislation, dealing with the conservation of coastal wetlands. Language was inserted making reference to official NOAA coastal zone boundary characterization reports that make almost 80 percent of Michigan eligible to qualify to receive project consideration.

Mr. Speaker, this is good legislation and reauthorizes a program marked by success.

I urge its adoption.

Mr. WELDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 4308, a bill that reauthorizes the North American Wetlands Conservation Act.

The purpose of the North American Wetlands Conservation Act is to conserve wetland ecosystems and the species they support, which are primarily waterfowl. This act provides the financial assistance necessary for the implementation of the North American Waterfowl Management Plan, an agreement originally signed in 1986, to reverse our continent's loss of wetlands and to stem the decline in populations of migratory birds.

Wetlands are among the most productive habitats on earth—serving as breeding, nursing, and wintering grounds for an array of fish and wildlife. In the last two centuries, some wetlands in the lower 48 States have been lost. As a result, certain waterfowl and other migratory birds in Canada, Mexico, and the United States have declined. To aid in recovery of waterfowl populations, the United States and Canada signed the North American Waterfowl Management Plan in 1986. This plan is a strategy to increase continental waterfowl populations by restoring and protecting their habitats.

To achieve this, the plan relies upon partnerships of public agencies and private organizations, called joint ventures, to fund and implement wetland conservation projects.

The act seeks to promote public-private partnerships to protect, enhance, restore, and manage wetland ecosystems for migratory birds and other wetland-dependent species in Canada, Mexico, and the United States. Since the act's inception, 275 wetland projects in 36 States, Canada, and Mexico have been funded.

To date, such partnerships have invested over $300 million to protect, restore, and enhance more than 1.2 million acres of wetlands, providing vital habitat for a rich diversity of wildlife species. The plan is recognized in the United States as a model for wetlands management and conservation partnerships.

Mr. Speaker, this bill is a positive step toward protecting, restoring, and managing wetland ecosystems and the species dependent on these areas. I support its adoption.

Mr. WELDON. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I should like to commend the members of the committee who at this point remain uncommended, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4308, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATURAL RESOURCE MANAGEMENT ON MILITARY LANDS ACT OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3300) to amend the Act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations, as amended.

The Clerk read as follows:

H.R. 3300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Management on Military Lands Act of 1994".

SEC. 2. AMENDMENT OF SIKES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title I of the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations", approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to, and in this Act referred to, as the "Sikes Act".

SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS FOR MILITARY INSTALLATIONS, GENERALLY.

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 670a(a)) is amended—

(1) by striking "is authorized to" and inserting "shall";

(2) by striking "in each military reservation in accordance with a cooperative plan" and inserting the following: "on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan"; and

(3) by inserting after "reservation is located" the following: ", except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate".

(b) CONFORMING AMENDMENTS.—Title I, as amended by subsection (a) of this section, is further amended—

(1) in section 101(b) (16 U.S.C. 670a(b)) in the matter preceding paragraph (1) by striking "cooperative plan" and inserting "integrated natural resource management plan";

(2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)) by striking "cooperative plan" each place it appears and inserting "integrated natural resource management plan";

(3) in section 101(c) (16 U.S.C. 670a(c)) in the matter preceding paragraph (1) by striking "a cooperative plan" and inserting "an integrated natural resource management plan";

(4) in section 101(d) (16 U.S.C. 670a(d)) in the matter preceding paragraph (1) by striking "cooperative plans" and inserting "integrated natural resource management plans";

(5) in section 101(e) (16 U.S.C. 670a(e)) by striking "Cooperative plans" and inserting "Integrated natural resource management plans";

(6) in section 102 (16 U.S.C. 670b) by striking "a cooperative plan" and inserting "an integrated natural resource management plan";

(7) in section 103 (16 U.S.C. 670c) by striking "a cooperative plan" and inserting "an integrated natural resource management plan";

(8) in section 106(a) (16 U.S.C. 670f(a)) by striking "cooperative plans" and inserting "integrated natural resource management plans"; and

(9) in section 106(c) (16 U.S.C. 670f(c)) by striking "cooperative plans" and inserting "integrated natural resource management plans".

(c) CONTENTS OF PLANS.—Section 101(b) (16 U.S.C. 670a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking "and" after the semicolon;

(B) in subparagraph (D) by striking the semicolon at the end and inserting a comma; and

(C) by adding at the end the following:

"(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

"(F) consideration of conservation needs for all biological communities, and

"(G) the establishment of specific natural resource management goals, objectives, and timeframes for proposed actions;";

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) shall for the military installation for which it is prepared—

"(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation;

"(B) ensure the integration of, and consistency among, the various activities conducted under the plan;

"(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation;

"(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management;

"(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation; and

"(F) provide for professional enforcement of natural resource laws and regulations;"; and

(5) in paragraph (4)(A) by striking "collect the fees therfor," and inserting "collect, spend, administer, and account for fees therefor,".

(d) PUBLIC COMMENT.—Section 101 (16 U.S.C. 670a) is amended by adding at the end the following:

"(f) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).".

SEC. 4. REVIEW OF MILITARY INSTALLATIONS FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than 9 months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this Act, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than 2 years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this Act; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior

and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by this Act.

(c) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 5. ANNUAL REVIEWS AND REPORTS.

Section 101 (16 U.S.C. 670a) is further amended by adding after subsection (f) (as added by section 3(d) of this Act) the following:

"(g) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

"(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101–511; 104 Stat. 1905); and

"(C) an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.

"(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

"(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committees on Merchant Marine and Fisheries and Armed Services of the House of Representatives and the Committees on Armed Services and Environment and Public Works of the Senate.".

SEC. 6. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS; ENFORCEMENT OF OTHER LAWS.

Title I (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 110; and

(2) by inserting after section 105 the following:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.".

SEC. 7. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 6 of this Act) the following:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.".

SEC. 8. DEFINITIONS.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 107 (as added by section 7 of this Act) the following:

"SEC. 108. DEFINITIONS.

"In this title:

"(1) MILITARY DEPARTMENT.—The term 'military department' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(2) MILITARY INSTALLATION.—The term 'military installation'—

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the head of a military department; and

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the head of a military department.

"(3) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish or wildlife resources.

"(4) UNITED STATES.—The term 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.".

SEC. 9. SHORT TITLE.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 108 (as added by section 7 of this Act) the following:

"SEC. 109. SHORT TITLE.

"This title may be cited as the 'Sikes Act'.".

SEC. 10. COOPERATIVE AGREEMENTS.

(a) COST SHARING.—Section 103a(b) (16 U.S.C. 670c–1(b)) is amended by striking "matching basis" each place it appears and inserting "cost-sharing basis".-

(b) ACCOUNTING.—Section 103a(c) (16 U.S.C. 670c–1(c)) is amended by inserting before the period at the end the following: ", and shall not be subject to section 1535 of that title".

SEC. 11. REPEAL.

Section 2 of the Act of October 27, 1986 (Public Law 99–651; 16 U.S.C. 670a–1) is repealed.

SEC. 12. CLERICAL AMENDMENTS.

Title I, as amended by this Act, is further amended—

(1) in the heading for the title by striking "MILITARY RESERVATIONS" and inserting "MILITARY INSTALLATIONS";

(2) in section 101(a) (16 U.S.C. 670a(a)) by striking "the reservation" and inserting "the installation";

(3) in section 101(b)(4) (16 U.S.C. 670a(b)(4))—

(A) in subparagraph (A) by striking "the reservation" and inserting "the installation"; and

(B) in subparagraph (B) by striking "the military reservation" and inserting "the military installation";

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1) by striking "a military reservation" and inserting "a military installation"; and

(B) in paragraph (2) by striking "the reservation" and inserting "the installation";

(5) in section 102 (16 U.S.C. 670b) by striking "military reservations" and inserting "military installations"; and

(6) in section 103 (16 U.S.C. 670c) by striking "military reservations" and inserting "military installations".

SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 110 (as redesignated by section 6 of this Act) are each amended by striking "1983" and all that follows through "1993," and inserting "1994, 1995, 1996, and 1997,".

(b) PROGRAMS ON PUBLIC LANDS.—Subsections (a) and (b) of section 209 (16 U.S.C. 670o (a) and (b)) are each amended by striking "1983" and all that follows through "1993," and inserting "1994, 1995, 1996, and 1997,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3300, the Natural Resource Management on Military Lands Act, reauthorized the Sikes Act and promises to bring about real improvement in the conservation of fish, wildlife, and other natural resources on our Nation's military installations. Truth is indeed sometimes stranger than fiction, and in this case, the truth is that the bill we bring before you today has the bipartisan support of the Committee on Merchant Marine and Fisheries, the Defense Department, and several conservation organizations.

There is no question that DOD installations—totaling more than 25 million acres nationwide—must be managed, first and foremost, to meet the needs of the military. This bill does nothing to interfere with those purposes—it simply requires installations with significant natural resources to develop and implement an integrated natural resource management plan that requires military activities be conducted in consultation with the military officials responsible for natural resource management. By fostering sound management of each installation's natural resources, we will help conserve these lands' biological diversity, preserve their suitability for troop training and other military exercises, and reduce the likelihood of costly environmental disasters. Quite simply, everyone stands to benefit.

Mr. Speaker, I would like to compliment my good friend, the redoubtable gentleman from Alaska [Mr. YOUNG], for his help in crafting this legislation. I urge my colleagues to join Mr. YOUNG and me in supporting this legislation and demonstrating that environmental protection can be consistent with our military training needs.

Mr. Speaker, I would also like to express my appreciation to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3300, the Natural Resource Management on Military Lands Act of 1993.

Since its enactment in 1960, the Sikes Act has authorized the Department of Defense to enter into cooperative agreements to conserve fish and wildlife resources on military installations. These installations encompass more than 25 million acres of valuable fish and wildlife habitat. This is equal to almost one-quarter of the land protected in the entire National Wildlife Refuge System. Clearly, these lands represent a substantial land base, providing habitat for our Nation's fish and wildlife resources. These lands must, to the extent practicable within the primary mission of national defense, be effectively managed for the protection of these resources.

H.R. 3300 proposes several important changes to the Sikes Act. First, the scope of fish and wildlife resource planning would be broadened to include all natural resource management activities. I am aware that on certain military installations there is little, if any, integration of various activities, which results in inefficient management of those resources. Second, the bill would require a review of our military installations to determine which bases are appropriate for this type of natural resource planning. And, finally, the bill requires an annual review on the implementation of these integrated natural resource management plans.

Mr. Speaker, I would like to compliment Chairman STUDDS and my colleague from Alaska, DON YOUNG, for their diligent efforts to improve the Sikes Act. I think the bill before us will assist in the wise stewardship of these lands by the Department of Defense.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank my good friend and colleague, the gentleman from Texas [Mr. FIELDS], for both his leadership and for yielding time to me.

Mr. Speaker, I rise to commend the leadership of the committee, the gentleman from Massachusetts [Mr. STUDDS], again, and our ranking Member, as well as the gentleman from Alaska [Mr. YOUNG], for the fine work they have done on this piece of legislation.

Mr. Speaker, as a member of both the Committee on Merchant Marine and Fisheries, as well as the Committee on Armed Services, I am very concerned about the way we manage our military lands as it relates to the coordination of fish and wildlife conservation. The Department of Defense controls nearly 25 million acres of natural resources at approximately 900 military installations nationwide.

Mr. Speaker, as was mentioned, the Sikes Act, enacted by Congress in 1960, authorizes a cooperative plan to carry out the planning, development, maintenance, and coordination of fish and wildlife conservation on military lands. Although DOD regulations stipulate that these plans be maintained for their installations, many are not being prepared, implemented, and there is not clear coordination and integration. This legislation, introduced by our colleagues, provides means to have that coordination and integration occur.

Mr. Speaker, this is a good piece of legislation. It is wise and sound, and has the support of both the military, as well as those who are concerned about the conservation of our fish and wildlife resources. Mr. Speaker, I ask all of our colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 3300, the Natural Resource Management on Military Lands Act.

H.R. 3300 not only reauthorizes the Sikes Act but it enhances the stewardship of the 25 million acres of Federal lands managed by the Department of Defense [DOD]. Since its enactment in 1960, the Sikes Act has authorized DOD to enter into cooperative agreements with the Department of the Interior and State fish and wildlife agencies to conserve fish and wildlife on military installations. Unfortunately, while DOD regulations stipulate that fish and wildlife plans be maintained where appropriate, comprehensive natural resource management is far from a reality on many installations. All too often plans are not being prepared, implemented or, where implemented, lack coordination with or integration into other military activities.

There is no disagreement that military lands must be managed first and foremost to meet the military mission. However, there is growing recognition that sound natural resource management benefits the military mission and improves training lands, expanding opportunities for outdoor recreation and ultimately the conservation of the fish and wildlife resources which inhabit those lands.

H.R. 3300 proposes several important changes to the Sikes Act. First, the scope of existing conservation plans which deal exclusively with fish and wildlife would be broadened to integrated plans—with specific management goals and objectives—encompassing all natural resource management activities. Second, all military installations, except those without significant natural resources, would be required to prepare and implement integrated plans. And finally, a Department-wide review would be required of installation compliance, with a report to Congress on its findings.

Mr. Speaker, I would like to thank Chairman STUDDS for his involvement in developing the proposed changes embodied in H.R. 3300. I firmly believe that this bill will greatly assist DOD in the management of the natural resources found at approximately 900 military installations under its jurisdiction. I urge my colleagues to support adoption of this bill.

Mr. FIELDS of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3300, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3300, as amended, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1240

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MONTGOMERY). Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FULL AND OPEN DEBATE URGED ON HAITIAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I take out this special order today to continue the dialog that is so important for this Nation on what our policy should be in regards to Haiti. As an 8-year member of the Committee on Armed Services that has had the opportunity to travel to all of those commitments that we have made around the world with our troops, whether it be at Hurricane Andrew down in Florida Labor Day 2 years ago, or whether it be over in the Middle East leading up to and then involved in Desert Storm and the actions surrounding that activity, or whether it be our humanitarian effort in Somalia, I have had a chance to see our troops in action, to talk to them and to make sure that what we are doing is in fact in their best interest. Mr. Speaker, I am no fair-weather friend of our military. Those who know me on the Committee on Armed Services know that I am a strong supporter of use of military when it is appropriate especially to protect the freedoms and rights that we enjoy as a Nation.

Mr. Speaker, I rise today because I am extremely concerned with what is happening inside the Beltway as it is very evident from comments being made to members of the President's Cabinet that we are preparing to go into Haiti for a major military involvement. We are aware that troops are already being sent, that they are gearing up, that the necessary supplies are being put together, and that in fact we will be within Haiti within the next several days, perhaps next several weeks. What bothers me, Mr. Speaker, is that up until now, the President has not signaled to us that he would want us to have a full and open debate on what our policy should be. Mr. Speaker, that is absolutely outrageous. Whether we agree with the use of force in Haiti or not, we owe it to the American people as we did leading up to the invasion and the action in Desert Storm to have a full and open debate on this issue. This administration has not yet said it would come to Congress to request our support or our denial of such involvement.

Mr. Speaker, we are hearing from our colleagues on both sides of the aisle as we heard today saying that at the least this President needs to have the current situation in Haiti fully debated. Not only is that important but I feel strongly that the direction we are going in regard to Haiti is the wrong one. The President is telling the world that we are going in to restore democracy and protect human rights.

Mr. Speaker, I will insert in the RECORD at this point the list from Freedom Review of this year of the 20 worst rated countries in the world of which Haiti is one:

The 20 worst rated countries: Afghanistan, Angola, Bhutan, Burma (Myanmar), Burundi, China, Cuba, Equatorial Guinea, Haiti, Iraq, Korea, North Libya, Saudi Arabia, Somalia, Sudan, Syria, Tajikistan, Turkmenistan, Uzbekistan, Vietnam.

The 6 worst rated related territories: East Timor (Indonesia), Irian Jaya (Indonesia), Kashmir (India), Kosovo (Yugoslavia), Nagorno-Karabakh (Armenia/Azerbaijan), Tibet (China).

Mr. Speaker, there are 19 other countries that have records and current situations just like Haiti. How do we as a Nation justify sending young American men and women into combat for one of those 20 countries when in fact the other 19 are as bad or perhaps worse in terms of human rights violations? But, Mr. Speaker, what bothers me the most, and I started this dialog back in August of this year, is what is coming out of the United Nations. I have put in the RECORD before, Mr. Speaker, comments and memos from Dante Caputo, the U.N. special envoy to Haiti, comments from meetings and memos he has sent to Boutros-Ghali, the U.N. Secretary-General.

Mr. Speaker, these documents lay out for the American people what is in fact the thought process within the United Nations, that the only reason that President Clinton is proposing to send our troops into Haiti is not necessarily for the stated purpose but rather for political ends.

In fact, Mr. Speaker, let me read one of the memos from one of the meetings that was held on May 24 at the U.N. headquarters. The attendees were the Secretary-General and others, including Danta Caputo.

Mr. Caputo says:

> The Americans will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily.

Mr. Speaker, it is obvious that the United Nations knew back as far as May that we did not in fact hope or expect the sanctions to work, that in fact we had the game plan laid out all along. They even put the time frame in. They said that we would have to invade by the end of August. Then further on we go to an internal memo from Dante Caputo to Boutrous-Ghali, and I quote from this memo:

> In the same fashion, the President of the United States' main advisers are of the opinion that not only does this option (the military option) constitute the lesser evil, but that is politically desirably. Thus we think that the current opposition of public opinion to an armed intervention will change radically, once it will have taken place.

How outrageous, Mr. Speaker. He goes on to further state in his memo:

> The Americans see in this type of action a chance to show, after the strong media criticism of the administration, the President's decision-making capability and the firmness of leadership in international political matters.

Mr. Speaker, I have been here 8 years and I have never seen political decisions impacting our military except on two occasions. The first was when the former Secretary of Defense, Les Aspin, told us in this body that he did not want to send the extra support necessary for our troops to Somalia because of the political atmosphere in Washington. As a result of that, we lost 20 young troops when they were attacked in Somalia and Mogadishu and could not defend themselves. We could not even get the bodies out.

Mr. Speaker, this is the second occasion. We should never be using political decisions and judgments in terms of committing out young men and women to military action. At the least, we should have a full and open debate on this issue and we should allow the American people to hear the arguments pro and con and we should look in detail at the U.N. communications that have occurred internally. Mr. Speaker, I ask Members to speak out on this.

Mr. Speaker, I include the following information for the RECORD.

MEMO FROM DANTE CAPUTO, U.S. SPECIAL ENVOY TO HAITI TO THE SECRETARY GENERAL OF THE U.N. BOUTROS BOUTROS-GHALI

Attention: The Secretary General.
From: Dante Caputo, RSSC.

Over the past fifteen days, I had the pleasure of meeting several times with Mr. Talbott and other officials of the American State Department. I also had some meetings in Paris with M. Alain Juppé, Minister of Foreign Affairs and in Ottawa with Mr. André Oueller, Minister of Foreign Affairs. Moreover, I was able to have some informal conversations with other areas of American political life.

The conclusions that I am drawing today are as follows:

1. The U.S. administration considers that an invasion of Haiti is its best back option.

2. The principal objection to this type of action comes from the fact that "if it is easy to initiate this type of action, it is more difficult to exit from it."

3. In order to resolve this dilemma, the U.S. administration will seek to act in the following manner:

(a) set up a unilateral action, a surgical action, with the eventual participation of several countries in the region so as to give it a certain legitimacy;

(b) put President Aristide back in power; and

(c) it will seek a quick replacement of the armed intervention forces by the [illegible] whose mandate and structure will have been redefined beforehand.

4. This strategy would allow it to capitalize on the experience with such an operation, transferring the political cost on the UN.

5. In the same fashion, the President of the United States's main advisers, are of the opinion that not only does this option constitute the lesser evil, but that is politically desirable. Thus we think that the current opposition of public opinion to an armed intervention will change radically, once it will have taken place. The Americans see in this type of action a chance to show, after the strong media criticism of the administration, the President's decision making capability and the firmness of leadership in international political matters.

6. The position of the friendly countries vis-a-vis this strategy is the following:

FRANCE

France is opposed to the use of force be it multilateral or unilateral. It is ready to participate in a MINUAH under the terms foreseen in July, 1993, that is to say, technical assistance and participation in forming a police force. In an explicit manner, France is opposed to participating in whatever activity that would imply direct police action.

France considers that it is urgent that a meeting of the Four Friends take place at the department head or under secretary level, preferably in New York.

France insists as well on Argentina's participation as a fifth friendly country given that it is a member of the Security Council.

CANADA

Canada does not wish to participate in a multilateral armed intervention force. Canada thinks that in the present situation, there is probably no other alternative to that which the U.S. administration will adopt. In this perspective, according to Minister Ouellet, our problem will consist of knowing how to "manage" this new reality. Canada seems equally disposed to participate in a MINUAH whose mandate will have been redefined. Canada also considers it urgent to call a meeting of the Four Friends.

7. The permanent U.S. Mission has undertaken the necessary steps so that the Security Council comes to a decision very soon on the MINUAH's mandate and structure.—May 23, 1994.

[Report of a discussion of the Secretary General with his Special Representative for Haiti at the United Nations Headquarters, Tuesday, May 24, 1994 at 6:30 p.m.]

Present: The Secretary General, Mr. Gharekhan, Mr. de Soto, Mrs. Green, and Mrs. Seguin-Horton.

Subject: The situation in Haiti. Possibilities for a military intervention by the United States.

The Secretary General says to Mr. Caputo that be well aware of his last summary report.

Mr. Caputo explains that he did not dare present any options and policies to the Secretary General in this report. The fact is that he had lately a large number of informal consulations that are all going in the same direction: The Americans will not be able to stand for much longer, until August at the latest the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily.

The Secretary General wonders if President Aristide could invoke Article 51 of the Charter in order to call for a military intervention.

Mr. de Soto says that the constitution prevents him from doing to.

Minutes From May 24 Meeting Between Dante Caputo and Boutros-Ghali

Mr. Caputo thinks that after having asked for the intervention, Mr. Aristide will condemn it. Moreover, the United States, that wants to obtain the Security Council's blessing, is now actively studying the means to accord a legal protection to this affair.

Mr. de Soto recalls that this idea recently provoked a general protest among the OAS.

What can the United Nations Secretariat do, either to avoid or to encourage this intervention?, asks the Secretary General.

Mr. Caputo predicts a disaster. The United States will make the UN bear the responsibility to manage the occupation of Haiti. "With Aristide as President during two or three years, it will be Hell!" It is not so much the armed intervention itself that we have to avoid. What we do not want, is to inherit a "baby". For the Americans' are fixing to leave quickly. They would not intervene if they had to remain.

Mr. Gharekhan asks Mr. Caputo what he understands by leaving "quickly" replies Mr. Caputo. Who is going to replace the Americans?, asks the Secretary General.

"Us", replies Mr. de Soto.

France, according to Mr. Juppé, is opposed to it, confirms Mr. Caputo. As for Canada, it is committed to strictly limiting its contribution to the formation of a new Haitian police.

The Secretary General believes that in making an effort, the United States will be able to manage to obtain 2,000 French-African troops and a few troops from the Caribbean.

Mr. Caputo says that the United Nations would have to work with a complex force and that it would be difficult for it to mount an operation in a one-month period. Mr. Caputo knows that Argentina, for example, is not very favorable to this idea. He also doubts that Mexico, Brazil or Venezuela would be tempted.

This scenario would be fraught with consequences for the United Nations as well as for this region of the world. Dante Caputo emphasizes that it is harmful that at the conclusion of the cold war, no other answer can be found for such a crisis.

In answer to the Minister's question about the consequences of the American intervention in Panama, Dante Caputo replies that it concerned a different time where the cold war was still taking place. Today, we are right in expecting that other types of means be activated. The United Nations will be perceived as being impotent before the region's problems. They will have to face up to a particularly difficult post-intervention situation.

The Minister remarks that actually, despite the goodwill of the United Nations, its credibility is jeopardized and the [Haitian] military leaders are "laughing at us". The Minister stresses the difficulties of a strict and effective implementation of planned sanctions and expresses its doubt over the possibility of a complete closing of the border.

The Minister shares Dante Caputo's appreciation of the need to make some arrangements in the event of a unilateral intervention. However, the Minister continues to affirm that Canada will not commit itself to hostile activities in Haiti. Canada is ready to favorably consider a United Nations request favoring a peace keeping operation with the view of consolidating a democratic regime, aid programs, and participation in a better equipped MUNUHA. Basically, the Minister concedes that only the United States can wrestle with the [Haitian] military leaders.

To improve our image relative to President Aristide, the Minister believes that the President should participate in the next meeting of the Four Friends. Regarding this meeting, Dante Caputo maintains that it would be preferable if it be held first of all without the President, and that he not participate except after the meeting. In the perspective of managing the post intervention situation, Dante Caputo thinks that it is important that President Aristide can consider himself to be an integral part of the Four Friends' action.

According to the Minister, President Aristide's credibility risks to be stained, if he restored after the U.S. intervention.

The Minister questions himself over the composition, nature and on the willingness of the countries that would be ready to participate in the MINUHA.

Dante Caputo emphasizes that France expressed the wish to participate in the formation of a police force in Haiti and is reticent to do "monitoring". Ambassador Próchette then recalls the difficulties encountered at the moment of recruiting the components of the operation's police force in 1993. Dante Caputo remarks that the question of this police force's role and mandate should be determined as a function of the whole and notes that the countries interested in taking part remain few, in addition to Canada, the United States, Argentina, and France.

The fundamental question remains the post-intervention role, multilateral action being put aside, indicates Dante Caputo. Ambassador Próchette replies that in effect, the United Nations will not vote for this type of action, but could be in favor of a "green light" for a coalition of States that would invite countries interested in topping the [Haitian] military leaders if a very serious incident unfolded. Dante Caputo adds that this American initiative could be blocked by an internal decision process.

The Minister concludes the meeting by recalling that this is an emergency, that Canada wants to play a role, and that he will be guided by the advice and suggestions of Dante Caputo.—Juliette Rémy, May 23, 1994.

The Secretary General recalls that in the past, the United States was able to show that it could mount a multinational force, if only in appearances. "Must we say that we think that a military intervention in Haiti would be negative?"

According to Mr. Caputo, it must first be proposed that the President of the Security Council ask for a closing of the border between Haiti and the Dominican Republic. This measure will have a certain economic and psychological impact.

The Secretary General wonders how it is possible to really close this border. A very clear commitment on the part of the Dominican authorities must be required, replies Mr. Caputo. The Secretary General think that the Dominican government does not have the means to prevent infiltration.

Mr. Caputo considers that the land or sea routes can be controlled if the authorities accept to play the game. In this regard, Mr. Caputo informs the Secretary General that the Americans have proposed to him to accompany them tomorrow to meet President Balaguer in Santo Domingo. Mr. Caputo has not yet replied, but he thinks that he must accept this offer in order to show that he is being active on the diplomatic front.

Replying to a question from the Secretary General, Mr. Gharckhan makes the point that the Security Council specifically mentioned the border in his presidential declaration.

Mr. de Soto thinks that the other friends of Haiti must be made to participate at this meeting, if only through their ambassadors in Santo Domingo.

Nobody can tell if such an operation will succeed or fail, notes the Secretary General.

In addition to closing the border, continues Mr. Caputo, we will have to keep the same political framework set up two months ago if the United States requests.

The Americans are still deeply divided on the Haitian question, there are supporters and detractors of President Aristide.

Mr. de Soto wonders if in fact Mr. Caputo should not go to Port au Prince to challenge the military leaders and try to convince Mr. Cédras, who pretends to be a "negotiator".

Mr. Caputo affirms that he is ready to go to Haiti. The problem is that if his visit fails, and that if it is accompanied by demonstrations by the BRAPH and by a definite "no" from Mr. Cédras, we risk provoking an armed intervention.

Mr. Gharekahan thinks that, in effect, the Americans could feel justified to intervene.

According to Mr. de Soto, this would be the case if it were already August, but if we try now, we still have time, he says.

Mr. Caputo declares that he likes this idea because the United Nations seems to be making every possible effort on the diplomatic front on the condition, of course, of obtaining a meeting with Mr. Cédras. In reply to a question from the Secretary General, he has the means to contact him.

Moreover, Mr. Caputo points out that the French insist a lot on including Argentina in the Group of the Secretary General's Friends. Argentina, who was rather tepid two or three months ago, now seems interested in the question.

The French find in effect that the Argentina's presence would allow a better balance .... Security Council, among the Group of Friends. Venezuela would not be excluded for as much.

Aware of the risk of displeasing Brazil who is also a member of the Security Council, the Secretary General proposes to use the criteria of Argentina's active participation in the search of a solutions to the Haitian problem. Isn't Argentina a frigate that sails in the region to check on the embargo's enforcement?

Mr. Gharkaham believes that he remembers that Mr. Goulding was totally opposed to this idea.

In answer to the Secretary General's question, Mr. de Soto says that Mr. Goulding thinks that including Argentina would bother Brazil.

Mr. Caputo suggests consulting Brazil.

Mr. de Soto points out that Mr. Lulu da Silva, Brazil's presidential candidate, has come out in favor of intervention . . .

Summarizing the situation, the Secretary General proposes to act in the following manner: 1) Mr. Caputo reports tomorrow at Santo Domingo to discuss the border; 2) He makes contact with Mr. Cédras to set up an appointment with him; 3) He goes to Haiti to strengthen his credibility; 4) The Secretariat contacts Brazil to announce the decision to invite Argentina to be part of the Group of Friends; 5) The Secretariat invites Argentina.

Mr. de Soto emphasizes that the MINUAH mandate exists. The United States has met with officers from the [illegible] Department for Peace Keeping to study means of renewing, redefining, and strengthening the Mission. Replying to the Secretary General, Mr. de Soto indicates that the initial mandate foresees 700 to 800 men. The United States is in the process of broadening the scope of MINUAH to a mission, not only of technical assistance, but also one of peace keeping. This would thus be a way to discourage the United States to intervene in showing them how difficult it is to set up the Mission that it would like to see following its intervention.

Mr. Gharakhan thinks that the Secretariat cannot highlight this difficulty since the United States has the means to obtain the necessary troops.

According to Mr. de Soto, the Security Council's hacking can be politically costly to the United States in sofar as it will cause the United States to make concessions.

The Secretary General points out that the United States can even choose to leave forces behind.

Mr. de Soto says that the closest analogy is the one of Panama. The United States knows that the Latin American countries will protest out of principle while at the same time they will be relieved to get rid of Mr. Cédras.

Suggesting to proceed by stages, the Secretary General concludes that they agree on the five points mentioned above. These points already will allow for movement. Mrs. Green, having asked if Mr. Aristide was going to be contacted, the Secretary General replies in the affirmative. He agrees to telephone Mr. Aristide. He suggests to put off until later the more substantial reflections on the question, but keeps in mind the fact that there is a risk of escalation. It should not be forgotten that the Haitian people suffer because of those sanctions.—Fabienno Seguin-Horton, May 25, 1994.

NOTES OF MAY 19 MEETING BETWEEN DANTE CAPUTO AND CANADIAN FOREIGN MINISTER, ANDRE OUELLET

Present: Mr. Stanley E. Gooch, Assistant Vice Minister, Latin American and Caribbean Desk; Mrs. Louise Préchette, Permanent Canadian Representative at the United Nations.

After being warmly welcomed by the Minister, Dane Caputo stresses, first of all, the different options for a solution and relates, for the Minister's benefit, the reactions observed in Paris and Washington. The first option consists of waiting for sanctions put in place to produce the desired effect: the military leaders' departure. In this regard, France and the United States have the same worry of seeing that the border between the Dominican Republic and Haiti be hermetically sealed.

However, stresses Dante Caputo, the United States would not be ready to wait several months for this to produce the desired effect. The second option, consists of using the sanctions as an instrument to support a political strategy. France is in favor of such a scenario and, in this regard, supports the idea of a high level meeting of the Secretary General's Four Friends Countries. The third option consists of using unilateral force, multilateral force, or a combination of the two. France is opposed to this. Concerning the United States position, such as laid out by Strobe Talbot, Dante Caputo thinks that time is short, and that the situation today cannot last beyond July. Dante Caputo emphasizes that Haiti represents a test case for which the United States has to have found a solution before November. The United States supports the return of a reinforced MINUAH (Self defense, protecting sites) without specifying the probable means for the [Haitian] military leaders' departure.

Dante Caputo gives his personal impression of the strategy that the United States would get ready to implement. According to him, the United States cannot wait any longer to obtain the benefits of an action in favor of Haiti for a just cause; it would intervene punctually in order to then cede its place to the MINUAH.

This scenario would be fraught with consequences for the United Nations as well as for this region of the world. Dante Caputo emphasized that it is a shame that at the end of the Cold War, another response cannot be given to a crisis of this type.

To the minister's question on the consequences of the American intervention in Panama, Dante Caputo responded that it was a different time, when the Cold War was still a reality. Today, one has the right to expect other types of means to be implemented. The United Nations will be perceived as being powerless regarding the problems of the region. It would have to deal with a particularly difficult post-intervention situation.

To the minister's question on the existence of another alternative, Dante Caputo answered that the U.S. has served as a restraint for a diplomatic solution, creating a situation where intervention has become almost inevitable.

The minister remarked that in fact, despite the good will of the United Nations, its credibility is being questioned and the military is "laughing at us." The minister underlined the difficulties of a strict and effective implementation of the sanctions planned and shared his doubt regarding the possibility of a total closure of the border.

The minister shared Dante Caputo's view regarding the need to take steps in the case of a unilateral intervention. Nevertheless the minister stated that Canada will not engage in activities hostile to Haiti. Canada is ready to favorably study a U.N. request for a peacekeeping operation, with a view to consolidating a democratic regime, assistance programs, and participation of a better equipped U.N. Mission for Haiti. Basically, the minister conceded that just the U.S. can engage in arm wrestling with the military.

In order to improve our image regarding President Aristide, the minister felt that the president should participate in the upcoming meeting of the four friendly nations. Regarding this meeting, Dante Caputo stated that it would be preferable for it to take place initially without the president and that he not participate except subsequent to the meeting. In the perspective of the question of the post-intervention situation, Dante Caputo felt that it is important that President Aristide be able to consider himself an integral part of the action of the four friendly nations.

According to the minister, if he is reestablished after the U.S. intervention, President Aristide's credibility risks being blemished.

The minister asked about the composition, nature and will of the countries that would be willing to participate in the U.N. Mission for Haiti.

Dante Caputo emphasized that France has expressed the desire to participate in the formation of the police in Haiti and shows a reluctance to doing monitoring, Ambassador Frechette then recalled the difficulties encountered at the time of recruitment of the elements of the police for the 1993 operation. Dante Caputo remarked that the question of the role and mandate of these policemen should be determined according to the panorama and noted that the countries interested in participating are few, namely Canada, the U.S., Argentina and France.

The basic question is the post-intervention role, multilateral action being rejected, Dante Caputo indicated. Ambassador Frechette responded that in fact, the U.N. will not vote for this type of action but it could be in favor of a "green light" for a coalition of states that would invite the countries interested in removing the military from government, if a very serious incident took place. Dante Caputo added that this American initiative could be blocked by an internal decision-making process failing.

The minister concluded the meeting by recalling that there is urgency, that Canada is anxious to play a role and that it will be guided by the advice and suggestions of Dante Caputo. In the probable case where the sanctions did not have an immediate effect and worked in favor of the military, the minister remarked that it would then be necessary to explain why the sanctions are being maintained against Haiti.—Juliette Remy, May 23, 1994.

DO NOT INVADE HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, as talk of invasion of Haiti escalates and indications become more obvious that action is ongoing towards that direction, it is quite clear that Congress has to take up its responsibility to get into the debate, to get into the deliberation that is required under the representative form of government that we have in this Nation.

It is quite clear that we do not have any need to have a debate on the War Powers Act, and it is quite clear that we really do not even need to have a debate on what the President or the White House motivations might be in calling for an invasion of Haiti. But if we are going to use men and women in uniform to go on a mission in harm's way, then we have to have a justification that stands up for the means of our national security, and we need to have an explanation for the parents and the families of those men and women in uniform of what it is that is so important that we who have the responsibility are willing to risk their lives for their Nation. That is a mighty heavy responsibility, and it is one that was carried out I think with an extraordinary amount of honor and prestige and wisdom and feeling and thoughtfulness in this body before the Desert Storm matter.

I think it is exactly the type of thing that is called for now. We need to bring to the people's house on this floor the debate and the deliberation, if truly the White House is going to persist in this course of talking about putting our soldiers and sailors and marines and Air Force people and Coast Guard in harm's way in Haiti, which most of us think and most of our country thinks is a friendly neighboring county to the south of Florida slightly in the Caribbean which, in fact, it is. It has a long history of friendship with the United States and we are clearly set out on a question of an invasion that does not appear to follow any justification whatsoever.

Some who have tried to speculate on motivation, I think are missing the target of what it is that happens to us when we get involved in a shooting war with a country like Haiti. I do not wish to go into the motivation, as I have said. I think we can probably rule out common sense and we can certainly rule out anything like a comprehensive consistent foreign policy. But what we have to look at is the consequences. I think that there is some real irony that some of the policy that is being talked about with regard to Haiti, the blockade using Navy ships, the tight embargo of trade and commerce which is choking the nation to death, those elements as policy actually make some sense. But unfortunately they are being applied to the wrong place. If they were being applied to Castro's Cuba, then it would make some sense.

I believe there is an argument to make for a blockade against Fidel Castro. I believe there is an argument to make against a strong economic embargo forcing our allies or persuading and urging our allies, Mexico, Venezuela, Spain, Germany, Canada, Jamaica, other countries with whom we have close working and trade relationships, to share our goal of drawing the line in the sand and saying it is time for Fidel Castro to go. After all, here we are talking about asking General Cedras and his two colleagues in the military junta which is a temporary military junta, to go, and it is right that we do that. They do not belong there. They need to leave and democracy needs to be restored in Haiti.

The issue is do we do it with the barrel of a gun, our guns? It has never really worked before and I do not think it would work in this case.

When we talk about Haiti today, to make myself perfectly clear, I think we need to do four things.

□ 1250

First, we need to stop the invasion talk and planning. If you invade Haiti you win, but what it is you win you cannot define at this point except a responsibility and an obligation for a long, long expensive involvement of nation-building and we have not even begun to define that.

Second, we should cancel the embargo. It is missing the target. It has missed the target. The junta has not left but it has made misery for the poor people of that country which is about 70 percent of that country.

We certainly should increase our humanitarian relief as a third step. We have supplies waiting to do that now. We cannot get through because of the embargo. People are literally dying from lack of medical attention and food in Haiti today, innocent people.

And finally, we should negotiate with the democratically elected members of their Congress. They call theirs Chamber of Deputies which were elected at the same time as Father Aristide was. So there are possible choices other than invasion which make much more sense, which will yield us better results and a lower cost. That seems to me to be a better foreign policy outline and certainly make more sense.

When we talk about comparing Haiti and Cuba it is ironic to me. Castro has been there some 35 years as an avowed enemy of the United States and a real threat. We have not told him to go, but we have told this military junta we are going to send men and women to throw them out. That just does not make sense.

RECESS

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to clause 12, rule I, the Chair declares the House in recess until 4:30 p.m.

Accordingly (at 12 o'clock and 52 minutes p.m.), the House stood in recess until 4:30 p.m.

□ 1636

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCNULTY) at 4 o'clock and 36 minutes p.m.

ANNOUNCEMENT BY CHAIRMAN OF THE COMMITTEE ON RULES RELATIVE TO PROCEDURES FOR CONSIDERATION OF H.R. 2866, HEADWATERS FOREST ACT

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, the Rules Committee is planning to meet the week of September 19, to consider the bill, H.R. 2866, the Headwaters Forest Act. In order to assure timely consideration of the bill on the floor, the Rules Committee may report a rule that limits the offering of amendments.

The committee made an earlier request for the submission of amendments so that the House could consider the bill before the August break. However, the recess did not allow the committee to meet on the bill as planned. In order to assure the ability to request protection in the rule, the committee has established a new date for Members to submit amendments to the committee.

Any Member who is contemplating an amendment to H.R. 2866 should submit, to the Rule Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, September 14, 1994.

Amendments should be drafted to the bill as introduced.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting this rule.

CONFERENCE REPORT ON H.R. 4624, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. STOKES. Mr. Speaker, I call up the conference report on the bill (H.R. 4624) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, August 26, 1994, at page 24193.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

□ 1640

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

We bring back to the House today the conference report on the fiscal year 1995 VA, HUD, and independent agencies appropriations bill. As always, this was a very difficult bill to conference because it is a bill that demands very difficult choices.

I am pleased to report that the conferees reached agreement on all items in conference, except for amendment No. 87 dealing with regulations on foreign reformulated gasoline. That amendment will be dealt with separately—after the conference report is adopted. It is my intention, at the appropriate time, to offer a motion to insist on the House position regarding amendment No. 87. This would delete the language in the Senate amendment.

I also want to mention that the motion for amendment numbered 123 dealing with emergency supplemental appropriations will contain a technical change.

Mr. Speaker, I believe we have brought back a fair and balanced conference agreement. And, I want to point out that the conference agreement keeps the bill within the section 602(b) allocation for both budget authority and outlays.

I would also point out that the conference outlay total is $164 million below the amount passed by the House. I doubt that Members will have an opportunity to vote this year for an appropriations conference agreement that is $164 million below the House-passed amount.

Let me turn now and highlight the major conference agreements.

For the Department of Veterans Affairs, the bill includes $16.2 billion for the medical care account—an increase of $111 million above the 1995 request. This increase represents the amount the VA estimates is needed to maintain the current services level in 1995. The conference agreement includes $356 million for major construction projects, an increase of $240 million above the 1995 request—and $891 million for the general operating expenses account, including an increase of $16.5 million to reduce the backlog of veterans benefits claims.

For the Department of Housing and Urban Development, the conference agreement totals $24.7 billion, approximately the level as provided in 1994. The conference agreement includes up to $400 million for new HUD programs, subject to enactment of authorizing legislation, and $290 million for important and worthy projects.

The bill also includes $4.6 billion for the Community Development Block Grant Program, an increase of $200 million above the 1994 level; and $1.12 billion, the Department's highest priority, for homeless assistance grants.

Turning to the Corporation for National and Community Service, the conference agreement includes a total of $575 million, an increase of $212 million—or 58 percent—above 1994.

The conference agreement also includes $125 million for the recently authorized Community Development Financial Institutions Program. This important Presidential initiative will help to address the urgent problems of declining economic and social infrastructure, loss of jobs, lack of private enterprise, and deteriorating housing facing many American communities today.

For the programs of the Environmental Protection Agency, we are providing $7.24 billion, an increase of $622 million—or more than 9 percent—above the 1994 level. The conference agreement includes $1.2 billion for the clean water State revolving fund, $700 million for the safe drinking water State revolving fund, $110 million for a new colonias program, and funds for grants for communities with special needs.

Mr. Speaker, at this time I would like to thank the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], for his assistance in making funds available for water infrastructure projects. Without Chairman MINETA'S cooperation and the cooperation of other members of the Public Works Committee, there might not be any funding available for water infrastructure activities.

For the Federal Emergency Management Agency, the conference agreement provides $822 million. This includes $130 million for FEMA's Emergency Food and Shelter Program.

Turning next to NASA, the conference agreement totals $14.377 billion, including $2.1 billion for the space station and $400 million for the construction of two new aeronautical wind tunnel facilities. The $400 million has been included because of the conferees' belief that the Nation's future manufacturing base in commercial aviation and aeronautics hinges in large part on the availability of these new wind tunnels. I would also point out that these funds are contingent upon the administration supporting this effort and requesting the additional funds needed to complete the wind tunnels.

For the National Science Foundation, the conference agreement includes $3.36 billion. This is an increase of more than 11 percent above the 1994 level.

The conference agreement also includes supplemental appropriations—$225 million in HUD's CDBG Program for the Los Angeles earthquake, offset by reductions in existing funds; and $180 million in HUD's CDBG and HOME Programs to assist States, local communities, and businesses recover from the flooding and damages caused by Tropical Storm Alberto and other disasters.

Mr. Speaker, the joint explanatory statement of the committee on conference (House Report 103-715) contains the following technical errors in amendment numbered 28:

On page 16, the $1,000,000 for the Henry Ford Health System is for health care delivery in Michigan, not Mississippi.

On page 17, the $300,000 for development of a recreational center is to be awarded to the city of Philadelphia, PA, not the city of Chester, PA.

On page 21, the $300,000 for Martin County, KY is for lead-based paint removal.

On page 21, the $2,000,000 for De Paul University's library is for services in Illinois, not North Carolina.

On page 21, the $2,000,000 for the Twin Cities Opportunities Industrialization Center is for a facility in Minnesota, not Illinois.

On page 22, the $750,000 is for the Delta Foundation in Greenville, MI, not Michigan.

On page 22, the $150,000 is for the Microenterprise Assistance Program in San Antonio, TX, not California.

Mr. Speaker, I want to thank all of the subcommittee for their active and interested participation in the deliberations that resulted in the development of this bill.

I want to especially thank the ranking minority member of this subcommittee, Mr. JERRY LEWIS, for his cooperation and assistance. It is a pleasure working with him.

Mr. Speaker, I also want to thank the members of our subcommittee staff. We have been fortunate to have an excellent subcommittee staff. They have worked some long, hard hours and they have helped us develop what I think is a very fine bill.

Mr. Speaker, the administration supports this bill. I hope that the Members will support this conference agreement.

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	17,526,446,000	17,626,892,000	17,626,892,000	17,626,892,000	17,626,892,000	+100,446,000
Readjustment benefits	1,050,600,000	1,286,600,000	1,286,600,000	1,286,600,000	1,286,600,000	+236,000,000
Veterans insurance and indemnities	15,370,000	24,760,000	24,760,000	24,760,000	24,760,000	+9,390,000
Guaranty and indemnity program account (indefinite)	466,192,000	362,894,000	362,894,000	362,894,000	362,894,000	-103,298,000
Administrative expenses	56,231,000	70,626,000	65,226,000	65,226,000	65,226,000	+8,995,000
(By transfer)	(99,000)					(-99,000)
Loan guaranty program account (indefinite)	25,136,000	18,664,000	18,664,000	18,664,000	18,664,000	-6,472,000
Administrative expenses	70,716,000	59,371,000	59,371,000	59,371,000	59,371,000	-11,345,000
Direct loan program account (indefinite)	20,000	22,000	22,000	22,000	22,000	+2,000
(Limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	
Administrative expenses	2,863,000	1,020,000	1,020,000	1,020,000	1,020,000	-1,843,000
(Loan level)	(798,000)	(187,000)	(187,000)	(187,000)	(187,000)	(-611,000)
Education loan fund program account	1,032	1,061	1,061	1,061	1,061	+29
(Limitation on direct loans)	(3,571)	(4,000)	(4,034)	(4,034)	(4,034)	(+463)
Administrative expenses	186,000	195,000	195,000	195,000	195,000	+9,000
Vocational rehabilitation loans program account	53,000	54,000	54,000	54,000	54,000	+1,000
(Limitation on direct loans)	(2,477,000)	(1,964,000)	(1,964,000)	(1,964,000)	(1,964,000)	(-513,000)
Administrative expenses	751,000	767,000	767,000	767,000	767,000	+16,000
(By transfer)	(2,000)					(-2,000)
Native American Veteran Housing Loan Program Account	156,000	218,000	218,000	218,000	218,000	+62,000
Total, Veterans Benefits Administration	19,214,721,032	19,452,084,061	19,446,684,061	19,446,684,061	19,446,684,061	+231,963,029
Veterans Health Administration						
Medical care	15,622,452,000	16,121,756,000	16,232,756,000	16,232,756,000	16,232,756,000	+610,304,000
(Transfer out)	(-2,500,000)					(+2,500,000)
Emergency funding	(20,196,000)					(-20,196,000)
Medical and prosthetic research	252,000,000	211,000,000	252,000,000	252,000,000	252,000,000	
Health professional scholarship program	10,386,000	10,386,000	10,386,000	10,386,000	10,386,000	
Medical administration and miscellaneous operating expenses	68,500,000	69,258,000	69,808,000	69,808,000	69,808,000	+1,308,000
(By transfer)	(2,500,000)					(-2,500,000)
Grants to the Republic of the Philippines	500,000	500,000	500,000	500,000	500,000	
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	
Administrative expenses (by transfer)	(52,000)	(54,000)	(54,000)	(54,000)	(54,000)	(+2,000)
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	
General post fund (transfer out)	(-59,000)	(-61,000)	(-61,000)	(-61,000)	(-61,000)	(-2,000)
Total, Veterans Health Administration	15,953,838,000	16,412,900,000	16,565,450,000	16,565,450,000	16,565,450,000	+611,612,000
Departmental Administration						
General operating expenses	826,749,000	843,285,000	887,909,000	893,285,000	890,600,000	+63,851,000
(By transfer)	(2,000)					(-2,000)
National Cemetery System	70,507,000	72,663,000	72,663,000	72,663,000	72,663,000	+2,156,000
Office of Inspector General	31,436,000	32,550,000	32,219,000	31,819,000	31,819,000	+383,000
Construction, major projects	369,000,000	115,466,000	101,966,000	208,000,000	355,612,000	-13,388,000
(By transfer)	(14,000,000)					(-14,000,000)
Emergency funding	(45,600,000)					(-45,600,000)
Construction, minor projects	153,540,000	153,540,000	153,540,000	153,540,000	153,540,000	
Parking revolving fund	1,353,000	1,400,000	1,400,000	16,300,000	16,300,000	+14,947,000
Grants for construction of state extended care facilities	41,080,000	37,397,000	37,397,000	47,397,000	47,397,000	+6,317,000
Grants for the construction of state veterans cemeteries	5,242,000	5,378,000	5,378,000	5,378,000	5,378,000	+136,000
Total, Departmental Administration	1,498,907,000	1,261,678,000	1,292,471,000	1,428,382,000	1,573,309,000	+74,402,000
Procurement savings		-20,742,000	-20,742,000	-20,742,000	-20,742,000	-20,742,000
Total, title I, Department of Veterans Affairs	36,667,466,032	37,105,920,061	37,283,863,061	37,419,774,061	37,564,701,061	+897,235,029
(By transfer)	(16,662,000)	(61,000)	(61,000)	(61,000)	(61,000)	(-16,601,000)
(Limitation on direct loans)	(4,348,571)	(3,225,000)	(3,225,034)	(3,225,034)	(3,225,034)	(-1,123,537)
Consisting of:						
Mandatory	(19,083,764,000)	(19,319,832,000)	(19,319,832,000)	(19,319,832,000)	(19,319,832,000)	(+236,068,000)
Discretionary	(17,583,702,032)	(17,786,088,061)	(17,964,031,061)	(18,099,942,061)	(18,244,869,061)	(+661,167,029)

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Housing Programs						
Homeownership and opportunity for people everywhere grants (HOPE grants)	109,190,000	100,000,000	100,000,000	50,000,000	50,000,000	-59,190,000
Rescission of FY 1992 and FY 1993 HOPE funds	-250,000,000					+250,000,000
Rescission	-86,000,000					+86,000,000
HOME investment partnerships program	1,275,000,000	1,100,000,000	1,275,000,000	1,500,000,000	1,400,000,000	+125,000,000
National homeownership trust demonstration program		100,000,000		50,000,000	50,000,000	+50,000,000
Annual contributions for assisted housing	9,312,900,000	10,263,918,000	11,473,019,000	10,800,000,000	11,083,000,000	+1,770,100,000
Transfer from UDAG		(100,000,000)		(100,000,000)	(100,000,000)	(+100,000,000)
Rescission	-100,000,000					+100,000,000
Emergency funding	(225,000,000)					(-225,000,000)
Assistance for the renewal of expiring section 8 subsidy contracts	4,558,108,000	4,292,000,000	3,705,000,000	2,992,000,000	2,536,000,000	-2,022,108,000
Rescission	-78,000,000					+78,000,000
Advance appropriation for next fiscal year	800,000,000	800,000,000	800,000,000			-800,000,000
Rental housing assistance:						
Rescission of budget authority, indefinite	-40,000,000	-38,000,000	-38,000,000	-38,000,000	-38,000,000	+2,000,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-45,515,000	-66,000,000	-66,000,000	-66,000,000	-66,000,000	-20,485,000
Rent supplement program:						
Rescission of budget authority, indefinite	-32,438,000					+32,438,000
(Limitation on annual contract authority, indefinite)	(-1,544,846)					(+1,544,846)
Homeownership assistance		6,875,000	6,875,000	6,875,000	6,875,000	+6,875,000
Rescission of budget authority, indefinite		-184,000,000	-184,000,000	-184,000,000	-184,000,000	-184,000,000
Congregate services	25,000,000	6,267,000	6,267,000	25,000,000	25,000,000	
Payments for operation of low-income housing projects	2,620,808,000	2,498,000,000	2,900,000,000	2,900,000,000	2,900,000,000	+279,192,000
Severely distressed public housing	778,240,000	500,000,000	500,000,000	500,000,000	500,000,000	-278,240,000
Drug elimination grants for low-income housing	265,000,000		265,000,000	315,000,000	290,000,000	+25,000,000
Community partnerships against crime		265,000,000				
Indian housing loan guarantee fund program account	1,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+2,000,000
(Limitation on direct loans)	(25,000,000)	(22,388,000)	(22,388,000)	(22,388,000)	(22,388,000)	(-2,612,000)
Youthbuild program		50,000,000	50,000,000	50,000,000	50,000,000	+50,000,000
National cities in schools community development program	10,000,000					-10,000,000
Housing counseling assistance	12,000,000	50,000,000	50,000,000	50,000,000	50,000,000	+38,000,000
Flexible subsidy fund	35,747,000	50,000,000	50,000,000	50,000,000	50,000,000	+14,253,000
Emergency funding	(100,000,000)					(-100,000,000)
Federal Housing Administration:						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(84,599,645,000)	(100,000,000,000)	(100,000,000,000)	(100,000,000,000)	(100,000,000,000)	(+15,400,355,000)
(Limitation on direct loans)		(180,000,000)	(180,000,000)	(180,000,000)	(180,000,000)	(+180,000,000)
Administrative expenses	262,810,000	308,846,000	308,846,000	308,846,000	308,846,000	+46,036,000
Offsetting receipts	-267,021,000	-308,846,000	-308,846,000	-308,846,000	-308,846,000	-41,825,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(18,436,205,000)	(20,885,072,000)	(20,885,072,000)	(20,885,072,000)	(20,885,072,000)	(+2,448,867,000)
(Limitation on direct loans)		(220,000,000)	(220,000,000)	(220,000,000)	(220,000,000)	(+220,000,000)
Administrative expenses	192,252,000	197,470,000	197,470,000	197,470,000	197,470,000	+5,218,000
Program costs	147,371,000	188,395,000	152,000,000	188,395,000	188,395,000	+41,024,000
Subsidy - multifamily	-41,957,000	-134,096,000	-134,096,000	-134,096,000	-134,096,000	-92,139,000
Subsidy - single family	-45,172,000	-81,673,000	-81,673,000	-81,673,000	-81,673,000	-36,501,000
Subsidy - Title I	-16,293,000	-24,460,000	-24,460,000	-24,460,000	-24,460,000	-8,167,000
Total, Federal Housing Administration	231,990,000	145,636,000	109,241,000	145,636,000	145,636,000	-86,354,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(185,000,000,000)	(142,000,000,000)	(142,000,000,000)	(142,000,000,000)	(142,000,000,000)	(-43,000,000,000)
Administrative expenses	8,038,000	8,824,000	8,824,000	8,824,000	8,824,000	+786,000
Offsetting receipts	-269,300,000	-262,700,000	-262,700,000	-262,700,000	-262,700,000	+6,600,000
Total, Housing Programs (net)	19,163,766,000	19,708,820,000	20,751,526,000	18,695,635,000	18,597,635,000	-566,131,000
Homeless Assistance						
Homeless assistance grants		1,250,000,000	1,120,000,000	1,120,000,000	1,120,000,000	+1,120,000,000
Emergency shelter grants program	115,000,000					-115,000,000
Supportive housing program	334,000,000					-334,000,000
Section 8 moderate rehabilitation, single room occupancy	150,000,000					-150,000,000
Shelter plus care	123,747,000					-123,747,000
Innovative homeless initiatives demonstration program	100,000,000					-100,000,000
Total	822,747,000	1,250,000,000	1,120,000,000	1,120,000,000	1,120,000,000	+297,253,000

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Community Planning and Development						
Community development grants	4,400,000,000	4,400,000,000	4,600,000,000	4,600,000,000	4,600,000,000	+200,000,000
Emergency funding	(500,000,000)					(-500,000,000)
(Limitation on guaranteed loans)	(2,054,000,000)	(2,054,000,000)	(2,054,000,000)	(2,054,000,000)	(2,054,000,000)	
Capacity building for community development and affordable housing	20,000,000					-20,000,000
Total	4,420,000,000	4,400,000,000	4,600,000,000	4,600,000,000	4,600,000,000	+180,000,000
Policy Development and Research						
Research and technology	35,000,000	40,000,000	40,000,000	44,000,000	42,000,000	+7,000,000
Fair Housing and Equal Opportunity						
Fair housing activities	25,000,000	33,375,000	33,375,000	33,375,000	33,375,000	+8,375,000
Management and Administration						
Salaries and expenses	464,053,000	477,994,000	457,994,000	443,219,000	451,219,000	-12,834,000
(By transfer, limitation on FHA corporate funds)	(444,872,000)	(495,355,000)	(495,355,000)	(495,355,000)	(495,355,000)	(+50,483,000)
(By transfer, GNMA)	(8,038,000)	(8,824,000)	(8,824,000)	(8,824,000)	(8,824,000)	(+786,000)
Total, Salaries and expenses	916,963,000	982,173,000	962,173,000	947,398,000	955,398,000	+38,435,000
Office of Inspector General	36,115,000	36,427,000	36,427,000	36,427,000	36,427,000	+312,000
(By transfer, limitation on FHA corporate funds)	(10,190,000)	(10,961,000)	(10,961,000)	(10,961,000)	(10,961,000)	(+771,000)
Total, Office of Inspector General	46,305,000	47,388,000	47,388,000	47,388,000	47,388,000	+1,083,000
Office of federal housing enterprise oversight	10,700,000	15,451,000	15,451,000	15,451,000	15,451,000	+4,751,000
Offsetting receipts	-10,700,000	-15,451,000	-15,451,000	-15,451,000	-15,451,000	-4,751,000
Administrative Provisions						
Procurement savings		-3,538,000	-3,538,000	-3,538,000	-3,538,000	-3,538,000
FHA mortgage insurance limits		-40,000,000	-40,000,000	-3,000,000	-3,000,000	-3,000,000
GNMA REMICs			-180,000,000	-180,000,000	-180,000,000	-180,000,000
GNMA REMICs II				-30,800,000	-30,800,000	-30,800,000
Non-judicial foreclosure				-10,000,000	-10,000,000	-10,000,000
Total, title II, Dept of Housing and Urban Development (net)	24,966,681,000	25,901,078,000	26,815,784,000	24,745,518,000	24,653,518,000	-313,163,000
Appropriations, fiscal year 1995	(24,776,634,000)	(25,389,078,000)	(26,303,784,000)	(25,033,518,000)	(24,941,518,000)	(+164,884,000)
Advance appropriations for next year	(800,000,000)	(800,000,000)	(800,000,000)			(-800,000,000)
Rescissions	(-609,953,000)	(-288,000,000)	(-288,000,000)	(-288,000,000)	(-288,000,000)	(+321,953,000)
(Limitation on annual contract authority, indefinite)	(-3,544,646)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(+1,544,646)
(Limitation on guaranteed loans)	(290,089,850,000)	(264,939,072,000)	(264,939,072,000)	(264,939,072,000)	(264,939,072,000)	(-25,150,778,000)
(Limitation on corporate funds)	(463,100,000)	(515,140,000)	(515,140,000)	(515,140,000)	(515,140,000)	(+52,040,000)
Consisting of:						
Advance appropriation available	720,000,000	800,000,000	800,000,000	800,000,000	800,000,000	+80,000,000
Appropriations available from this bill	24,166,681,000	25,101,078,000	26,015,784,000	24,745,518,000	24,653,518,000	+486,837,000
Total, title II, fiscal year 1995	24,886,681,000	25,901,078,000	26,815,784,000	25,545,518,000	25,453,518,000	+566,837,000
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,211,000	20,265,000	20,265,000	20,265,000	20,265,000	+54,000
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	2,500,000	4,250,000		4,250,000	500,000	-2,000,000
Rescission	-770,000					+770,000
FY 1994 rescission	-1,730,000					+1,730,000
Total		4,250,000		4,250,000	500,000	+500,000
Community Development Financial Institutions						
Community development financial institutions fund program account		144,000,000		125,000,000	125,000,000	+125,000,000
Consumer Product Safety Commission						
Salaries and expenses	42,286,000	40,009,000	43,486,000	40,509,000	42,509,000	+223,000
Corporation for National and Community Service						
National and community service programs, operating expenses	370,000,000	610,388,000	490,388,000	610,000,000	575,000,000	+205,000,000
Rescission	-5,000,000					+5,000,000
Office of the Inspector General		1,000,000	1,000,000	2,000,000	2,000,000	+2,000,000
Total	365,000,000	611,388,000	491,388,000	612,000,000	577,000,000	+212,000,000

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Court of Veterans Appeals						
Salaries and expenses	9,159,000	9,429,000	9,289,000	9,429,000	9,429,000	+270,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,738,000	12,017,000	12,017,000	12,017,000	12,017,000	-721,000
Environmental Protection Agency						
Research, prevention and program activities			1,800,300,000			
Research and development	338,701,000	363,860,000		350,000,000	350,000,000	+11,299,000
Abatement, control, and compliance	1,352,535,000	1,522,286,000		1,427,000,000	1,417,000,000	+64,465,000
(Limitation on administrative expenses)	(283,000,000)		(250,000,000)	(296,772,500)	(296,722,500)	(+13,722,500)
Subtotal	1,691,236,000	1,886,146,000	1,800,300,000	1,777,000,000	1,767,000,000	+75,764,000
Program and research operations	850,625,000	963,255,000	936,000,000	922,000,000	922,000,000	+71,375,000
Office of Inspector General	27,647,900	28,989,000	28,542,000	28,542,000	28,542,000	+894,100
Transfer from Hazardous Substance Superfund	16,278,000	15,384,000	15,384,000	15,384,000	15,384,000	-894,000
Transfer from Leaking Underground Storage Tanks	669,100	669,000	669,000	669,000	669,000	-100
Subtotal, OIG	44,595,000	45,042,000	44,595,000	44,595,000	44,595,000	
Facilities and nationwide support			174,700,000			
Buildings and facilities	18,000,000	43,870,000		43,870,000	43,870,000	+25,870,000
Subtotal	18,000,000	43,870,000	174,700,000	43,870,000	43,870,000	+25,870,000
Hazardous substance superfund	1,480,853,000	1,498,203,000	1,435,000,000	1,200,000,000	1,435,000,000	-45,853,000
Transfer to OIG	-16,278,000	-15,384,000	-15,384,000	-15,384,000	-15,384,000	+894,000
(Limitation on administrative expenses)	(280,000,000)		(308,000,000)	(308,000,000)	(308,000,000)	(+28,000,000)
Subtotal, Hazardous substance superfund	1,464,575,000	1,482,819,000	1,419,616,000	1,184,616,000	1,419,616,000	-44,959,000
Leaking underground storage tank trust fund	75,379,000	76,684,000	70,000,000	70,000,000	70,000,000	-5,379,000
Transfer to OIG	-669,100	-669,000	-669,000	-669,000	-669,000	+100
(Limitation on administrative expenses)	(7,400,000)		(8,150,000)	(8,150,000)	(8,150,000)	(+750,000)
Subtotal, LUST	74,709,900	76,015,000	69,331,000	69,331,000	69,331,000	-5,378,900
Oil spill response	21,239,000	23,473,000	20,000,000	20,000,000	20,000,000	-1,239,000
(Limitation on administrative expenses)	(7,650,000)		(8,420,000)	(8,420,000)	(8,420,000)	(+770,000)
Water infrastructure / State revolving fund	2,477,000,000	2,650,000,000	2,732,000,000	3,400,000,000	2,962,000,000	+485,000,000
Rescission	-22,000,000					+22,000,000
Pesticide registration fees		-5,000,000				
Procurement savings		-7,525,000	-7,525,000	-7,525,000	-7,525,000	-7,525,000
Total, EPA	6,619,979,900	7,158,095,000	6,988,017,000	7,453,887,000	7,240,887,000	+620,907,100
Executive Office of the President						
Office of Science and Technology Policy	4,450,000	4,981,000	4,981,000	4,981,000	4,981,000	+531,000
Office of National Service	160,000					-160,000
Council on Environmental Quality and Office of Environmental Quality	675,000	997,000	997,000	997,000	997,000	+322,000
Total	5,285,000	5,978,000	5,978,000	5,978,000	5,978,000	+693,000
Federal Emergency Management Agency						
Disaster relief	292,000,000	320,000,000	320,000,000		320,000,000	+28,000,000
Emergency funding	(4,709,000,000)					(-4,709,000,000)
Disaster assistance direct loan program account:						
State share loan		2,418,000	2,418,000	2,418,000	2,418,000	+2,418,000
(Limitation on direct loans)	(25,000,000)	(25,000,000)	(175,000,000)	(175,000,000)	(175,000,000)	(+150,000,000)
Administrative expenses	95,000	95,000	95,000	95,000	95,000	
Community disaster loan			1,980,000			
(Limitation on direct loans)			(3,000,000)			
Administrative expenses			50,000			
Salaries and expenses	160,409,000	167,608,000	165,000,000	162,000,000	162,000,000	+1,591,000
Office of Inspector General	4,350,000	4,500,000	4,400,000	4,400,000	4,400,000	+50,000
Emergency management planning and assistance	212,980,000	220,345,000	220,345,000	212,980,000	215,980,000	+3,000,000
Emergency funding	(15,000,000)					(-15,000,000)
Rescission	-2,000,000					+2,000,000
Emergency food and shelter program	130,000,000		130,000,000	130,000,000	130,000,000	
Administrative provision REP savings	-11,525,000	-11,525,000	-11,525,000	-11,525,000	-11,525,000	
Procurement savings		-1,441,000	-1,441,000	-1,441,000	-1,441,000	-1,441,000
Total, Federal Emergency Management Agency	786,289,000	702,000,000	831,322,000	498,907,000	821,907,000	+35,618,000
General Services Administration						
Consumer Information Center	2,074,000	2,008,000	2,008,000	2,008,000	2,008,000	-66,000
(Limitation on administrative expenses)	(2,415,000)	(2,364,000)	(2,454,000)	(2,454,000)	(2,454,000)	(+39,000)

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Department of Health and Human Services						
Office of Consumer Affairs	2,159,000	2,166,000	2,166,000	2,166,000	2,166,000	+7,000
National Aeronautics and Space Administration						
Human space flight		5,719,900,000	5,592,900,000	5,573,900,000	5,573,900,000	+5,573,900,000
Science, aeronautics and technology		5,901,200,000	5,901,200,000	5,901,200,000	5,901,200,000	+5,901,200,000
Rescission				-10,000,000	-10,000,000	-10,000,000
National aeronautical facilities				400,000,000	400,000,000	+400,000,000
Mission support		2,662,587,000	2,549,587,000	2,559,587,000	2,554,587,000	+2,554,587,000
Research and development	7,549,300,000					-7,549,300,000
Rescission	-63,000,000					+63,000,000
(By transfer from DOD)	(90,000,000)					(-90,000,000)
Advance appropriation, fiscal year 1995	20,000,000					-20,000,000
Space flight, control and data communications	4,853,500,000					-4,853,500,000
Rescission	-32,000,000					+32,000,000
Construction of facilities	517,700,000					-517,700,000
Rescission	-25,000,000					+25,000,000
Research and program management	1,691,508,000					-1,691,508,000
Rescission	-18,000,000					+18,000,000
Reappropriation	18,000,000					-18,000,000
Office of Inspector General	15,391,000	16,000,000	16,000,000	16,800,000	16,000,000	+609,000
Procurement savings		-59,003,000	-59,003,000		-59,003,000	-59,003,000
Total, NASA	14,527,399,000	14,240,684,000	14,000,684,000	14,441,487,000	14,376,684,000	-150,715,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
(Limitation on administrative expenses, corporate funds)	(945,000)	(901,000)	(901,000)	(901,000)	(901,000)	(-44,000)
National Science Foundation						
Research and related activities	1,998,500,000	2,348,297,000	2,216,923,000	2,300,000,000	2,280,000,000	+281,500,000
Rescission from prior appropriations	-5,000,000		-35,000,000	-35,000,000	-35,000,000	-30,000,000
United States polar research programs	158,100,000					-158,100,000
United States Antarctic logistical support activities	62,600,000					-62,600,000
Critical technologies institute	1,500,000					-1,500,000
Major research equipment		70,000,000	105,000,000	150,000,000	126,000,000	+126,000,000
Academic research infrastructure	110,000,000	55,000,000	100,000,000	300,000,000	250,000,000	+140,000,000
Rescission	-5,000,000					+5,000,000
Education and human resources	569,600,000	585,974,000	585,974,000	605,974,000	605,974,000	+36,374,000
Salaries and expenses	118,300,000	130,058,000	123,966,000	123,966,000	123,966,000	+5,666,000
Office of Inspector General	3,997,000	4,380,000	4,000,000	4,380,000	4,380,000	+383,000
National Science Foundation headquarters relocation	5,200,000	5,200,000	5,200,000	5,200,000	5,200,000	
Total, NSF (net)	3,017,797,000	3,198,909,000	3,106,063,000	3,454,520,000	3,360,520,000	+342,723,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	32,000,000	38,667,000	38,667,000	38,667,000	38,667,000	+6,667,000
Selective Service System						
Salaries and expenses	25,000,000	22,930,000	22,930,000	22,930,000	22,930,000	-2,070,000
Total, title III, Independent agencies (net)	25,467,376,900	26,212,796,000	25,574,280,000	26,744,020,000	26,658,467,000	+1,191,090,100
Appropriations	(25,626,876,900)	(26,212,796,000)	(25,609,280,000)	(26,789,020,000)	(26,703,467,000)	(+1,076,590,100)
Rescissions	(-179,500,000)		(-35,000,000)	(-45,000,000)	(-45,000,000)	(+134,500,000)
Advance appropriation, fiscal year 1995	(20,000,000)					(-20,000,000)
(Limitation on administrative expenses)	(580,465,000)	(2,354,000)	(577,024,000)	(623,796,500)	(623,746,500)	(+43,281,500)
(Limitation on direct loans)	(625,000,000)	(625,000,000)	(775,000,000)	(775,000,000)	(775,000,000)	(+150,000,000)
(Limitation on corporate funds)	(945,000)	(901,000)	(901,000)	(901,000)	(901,000)	(-44,000)
TITLE IV						
CORPORATIONS						
Federal Deposit Insurance Corporation:						
FSLIC Resolution Fund	1,171,000,000	827,000,000	827,000,000	827,000,000	827,000,000	-344,000,000
FDIC affordable housing program	7,000,000	15,000,000	15,000,000		15,000,000	+8,000,000
Total	1,178,000,000	842,000,000	842,000,000	827,000,000	842,000,000	-336,000,000
Resolution Trust Corporation: Office of Inspector General	34,314,000	32,000,000	32,000,000	32,000,000	32,000,000	-2,314,000
Total, title IV, Corporations	1,212,314,000	874,000,000	874,000,000	859,000,000	874,000,000	-338,314,000
TITLE V						
GENERAL PROVISIONS						
National Aeronautics and Space Administration procurement reform				-19,703,000		

H.R. 4624 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, 1995

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE VI						
FY 1994 EMERGENCY SUPPLEMENT APPROPRIATIONS						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Community Planning and Development						
Community development grants	....	225,000,000	....	355,000,000	355,000,000	+355,000,000
(By transfer, FY 1994)	....	....	....	(50,000,000)	(50,000,000)	(+50,000,000)
Total funds available	....	(225,000,000)	....	(405,000,000)	(405,000,000)	(+405,000,000)
INDEPENDENT AGENCIES						
Federal Emergency Management Agency						
Community disaster assistance loan	....	....	....	12,500,000	12,500,000	+12,500,000
Total, title VI, FY 1994 Emergency Supplemental	....	225,000,000	....	367,500,000	367,500,000	+367,500,000
(By transfer, FY 1994)	....	....	....	(50,000,000)	(50,000,000)	(+50,000,000)
Grand total (net)	88,313,837,932	90,318,793,061	90,547,927,061	90,116,109,061	90,118,186,061	+1,804,348,129
Appropriations, fiscal year 1995	(88,283,290,932)	(89,581,793,061)	(90,070,927,061)	(90,081,609,061)	(90,083,686,061)	(+1,800,395,129)
Appropriations, fiscal year 1994	....	(225,000,000)	....	(367,500,000)	(367,500,000)	(+367,500,000)
Advance appropriations for next year	(820,000,000)	(800,000,000)	(800,000,000)	....	....	(-820,000,000)
Rescissions	(-789,453,000)	(-266,000,000)	(-323,000,000)	(-333,000,000)	(-333,000,000)	(+456,453,000)
(By transfer)	(106,662,000)	(100,061,000)	(61,000)	(100,061,000)	(100,061,000)	(-6,601,000)
(Limitation on administrative expenses)	(580,465,000)	(2,354,000)	(577,024,000)	(623,796,500)	(623,746,500)	(+43,281,500)
(Limitation on annual contract authority, indefinite)	(-3,544,846)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(+1,544,846)
(Limitation on direct loans)	(654,348,571)	(1,080,613,000)	(1,203,613,034)	(1,200,613,034)	(1,200,613,034)	(+546,264,463)
(Limitation on guaranteed loans)	(290,089,850,000)	(264,939,072,000)	(264,939,072,000)	(264,939,072,000)	(264,939,072,000)	(-25,150,778,000)
(Limitation on corporate funds)	(464,045,000)	(516,041,000)	(516,041,000)	(516,041,000)	(516,041,000)	(+51,996,000)
Emergency Funding	(5,614,798,000)	....	....	....	....	(-5,614,798,000)
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments	-5,943,000	-211,935,000	13,246,000	445,746,000	445,746,000	+451,689,000
Mandatory	20,254,764,000	20,146,832,000	20,146,832,000	20,146,832,000	20,146,832,000	-107,932,000
Discretionary	68,053,130,932	69,960,026,061	70,414,341,061	70,415,023,061	70,417,100,061	+2,363,969,129

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by recognizing the stamina and legislative skill of my chairman, the gentleman from Ohio. We have forged a working relationship on this subcommittee that makes the bill reflect the finest kind of bipartisan and legislative workmanship. I want also to thank all of our colleagues on the subcommittee for their participation and their willingness to work through the many issues which we face in formulating this bill. And I especially want to take this time to note how much I will miss working with our colleague DEAN GALLO who has decided to leave us at the end of the 103d Congress.

Mr. Speaker, we bring to you today a conference report which allocates roughly $90.6 billion in both mandatory and discretionary expenditures. About $70.4 billion of that total is for discretionary spending in the two Cabinet agencies and 21 independent agencies, boards, and commissions that fall within this bill's jurisdiction. The conference report before you this afternoon is actually $164 million less in total spending than the original bill which this House approved by a vote of 344–84 in late June.

We have taken the additional step of incorporating emergency funding related to the continued costs of the Northridge earthquake and Tropical Storm Alberto within our annual bill so as to reduce the need for a separate disaster related emergency supplemental in the early days of the next Congress.

Some of the budgetary pressure that makes things so tight is the result of the growth of government—most particularly in the form of new programs proposed by the current administration. The single largest increase for any agency within this bill—an increase of 55 percent—is for the Corporation for National and Community Service which was initiated just last year. And, frankly, there are some at the White House who are disappointed with our decision to trim $35 million from the President's actual request for the National Service program.

Additionally, this report shepherds in the initial funding of $125 million for the Community Development Financial Institutions program created on a bipartisan and nearly unanimous basis by this Congress just last month (Public Law 103–XXX).

When we began our hearings in preparation for formulating our bill this year there was serious concern about the survival of the International Space Station Alpha Program and the very mission of NASA itself. This conference report contains the funding necessary to move forward with America's manned exploration of space in a fashion that will make it possible for us to incorporate Russia as a partner and take every advantage of Russia's life sciences experience with the existing MIR station.

The chairman and I share the strong desire to influence NASA in the most realistic direction when it comes to expectations about future funding. This conference report caps space station costs at $17.4 billion through assembly complete in the year 2002. Overall, NASA's total agency funding for fiscal 1995 is $14.4 billion—a real reduction of $150 million from last year. For an agency which has doubled its annual funding from about $7.2 billion in 1984 to $14.5 billion last year, with substantial increases each and every year, this is drawing a new and very significant line.

This conference report also allocates funding for the programs of the U.S. Environmental Protection Agency. Since the chairman and I assumed our responsibilities 2 short years ago, we have awaited enactment of bills to reauthorize the Clean and Safe Drinking Water Acts. Earlier this year and last year as well, we set aside moneys for local communities to deal with unmet needs that result from Federal mandates for wastewater treatment and water infrastructure.

This conference report allocates those moneys subject to dates determined in the agreements reached with the House Public Works Committee. We continue to hope that conditioning release of these moneys to dates in the near future will break the deadlock surrounding floor consideration of the various clean water authorization bills and approaches. Absent that, we have an agreement in consultation with the leadership in the authorization committee, that local communities should not have to wait any longer for the EPA to release these funds to hardship communities for projects consistent with the spirit of existing law.

Last, I want to mention two amendments on which we spent the bulk of our time in the conference. The first involves increases in the FHA credit limit. I am wholeheartedly in favor of making first-time home ownership easier for young families because of high median home prices in southern California. I am also in favor of the increases because I believe new home construction and sales are important drivers in improved overall economic recovery and performance.

This House has twice approved the proposed increase in high-cost areas to $172,675. We approved it in late June when this bill originally passed the House and it is also contained in the House passed version of the comprehensive housing reauthorization bill which we passed on July 22. In the interest of comity between the chambers, we deferred these increases and accepted the Senate provision which deals instead with the floor for FHA loans which has not been increased since 1980.

In accepting this provision, House conferees were mindful of two things. The first was that hard choices are a necessity to enacting this conference report into law. Second, we concluded that the likelihood of successfully completing conference on the housing authorization would be enhanced by resolving FHA credit limits in that forum.

Finally we have one issue in true and sincere disagreement. That would be amendment No. 87 which deals with an EPA regulation regarding foreign refinery baseline requirements for reformulated gasoline. The amendment was initiated by the Senate and is in the form of a limitation which would not change existing law. I am on the side of the angels here. I want to accommodate Senator MIKULSKI and the efforts of American refiners to preserve market share. And yet I know that the House has not had a chance to work its will yet on this controversy. So I am anxious to assess the will of this body with the hope that our conclusion will ease final approval of this report by the other body.

In closing, I strongly urge your adoption of this conference report with its endorsement of the continued and positive direction of our chairman, the gentleman from Ohio, LOUIS STOKES.

□ 1650

Mr. STOKES. Mr. Speaker, will the gentleman yield a moment?

Mr. LEWIS of California. I am happy to yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding. I just want to associate myself with the fine remarks the gentleman made concerning our colleague, the gentleman from New Jersey, Mr. DEAN GALLO. He is one of the hardest working and one of the most able Members of this body. He has been a real asset to our subcommittee. The announcement that he was not going to run for reelection, of course, was something that concerned all of us. We certainly wish him all of the best in terms of his current illness and our prayers are certainly with him.

Mr. LEWIS of California. Mr. Speaker, I thank the subcommittee chairman, and I certainly join with him in those remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I thank the gentleman for yielding me the time. I would like to take just a few minutes, Mr. Speaker, to express my deep appreciation to the gentleman from Ohio [Mr. STOKES] for the excellent work he has provided in bringing this conference report to the House today. The same is true of my dear friend, the gentleman from California [Mr. LEWIS].

Mr. Speaker, I rise in support of the conference report. The fiscal year 1995 appropriations conference report for VA, HUD, and independent agencies is one of the most diverse and challenging to be brought to the floor this year. It is challenging because the needs addressed by the bill far outstrip the resources available through the budget allocation.

The VA-HUD conference report is the department store of appropriations bills. It funds everything from VA medical care to NSF research. It funds disaster relief, homeless programs, and the EPA. It funds the Consumer Products Safety Commission, the American Battle Monuments Commission, the National Aeronautics and Space Administration, and the Selective Service.

It represents a family of programs, whose children are pitted against one another in the annual battle for sustenance.

I wish to make it clear that the House Subcommittee on VA, HUD, and Independent Agencies has provided great stewardship of its many charges. The chairman of the subcommittee, my dear friend, the gentleman from Ohio, the Honorable LOUIS STOKES, has served the subcommittee and the Congress with great distinction. He has been forced to make enormously difficult choices, and I have nothing but the greatest respect for the work he has performed. Likewise, the ranking Republican member of the subcommittee, my wise and learned colleague, the gentleman from California, the Honorable JERRY LEWIS, has invested untold hours trying to build the best product out of a difficult budget allocation. In total $90.6 billion is provided in the conference agreement. This is an increase of $2.256 billion over 1994 but still comes in about $1 million under the subcommittee 602(b) allocation.

I am pleased the full funding for NASA's space station of $2.1 billion is provided. We have required NASA to redesign space station *Freedom* to fit within a more realistic funding profile. We did these things to retain our lead in aerospace technology; and to one day realize the benefits of a far-sighted investment in new products, systems, and technologies.

Finally, Mr. Speaker, I am proud to observe that this bill contains $16.565 billion for VA medical care, an increase of $152 million over the President's request and $611 million over the fiscal year 1994 level. It also provides $7.24 billion for EPA programs including over $3 billion for a vital clean water project fund.

Again, Mr. Speaker, I wish to thank my colleagues on the subcommittee for their effort and I strongly recommend approval of the conference report.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the conference report. The amounts included for the Department of Veterans Affairs, the Court of Veterans Appeals, and the American Battle Monuments Commission are very fair, and I wish to commend the gentleman from Ohio, the chairman of the subcommittee, Mr. STOKES, and the ranking minority member, the gentleman from California, Mr. LEWIS, for their good work on behalf of veterans.

This bill includes increases above the administration's request for VA medical care, and VA medical research, for construction of VA medical facilities, for grants to States to build veterans nursing homes, and for the operation of the VA's regional offices which decide claims and counsel veterans. There is a huge backlog of claims at many offices throughout the country, and the additional $16 million provided in the bill, along with implementation of the much-delayed modernization and management-reform efforts by the VA, will help address this major problem.

The veterans health care system is beginning to make changes necessary to make it a customer-driven organization. This bill provides $16.2 billion for medical care in 1995. This is $111 million more than requested by the administration. It provides stable funding support for a system that will provide treatment to almost 3 million veterans next year.

In closing, I want to thank the chairman of the full committee, Mr. OBEY, and the ranking minority member, Mr. MCDADE, and all members of the subcommittee and the full committee for the work they have done on this measure, especially as it relates to veterans.

☐ 1700

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the conference committee report.

Mr. Speaker, today I rise in support of the conference report on H.R. 4624, the VA, HUD, and independent agencies appropriations bill for fiscal year 1995. As ranking minority member of the Veterans' Affairs Committee, I particularly wish to address the veterans' portion of the agreement.

I do appreciate and respect the efforts of the subcommittee chairman, Mr. STOKES, and the ranking member, Mr. LEWIS, and other members of the subcommittee for their hard work and diligence in developing this conference report.

Also, I want to acknowledge the work of Chairman OBEY and ranking minority member, Mr. MCDADE, of the full Committee on Appropriations.

In fact, the Appropriations Committee managers have probably done as well as one might expect in conference with the Senate, especially considering the inadequacies of the administration's budget recommendations with which they began.

I am particularly pleased that the conference report kept in mind VA's infrastructure needs for the delivery of patient care. The agreement significantly increases the capital improvements construction program by providing $355 million for VA facilities. This amount is $250 million above the House-approved level and will help VA make priority upgrades to maintain its valuable capital asset base.

In specific, I am pleased to see the needs of Arizona's veterans recognized in the appropriation of $41 million for an ambulatory care addition at the Hayden VA Medical Center in Phoenix. This construction will help meet the special health care needs of veterans living in Arizona and alleviate the growing stress on the current hospital system.

While I support this conference report, Mr. Speaker, I have some very real concerns that resources for a number of veterans' programs are not keeping pace with what is required.

As I review the spending provided in the other titles of this agreement, I see that many areas of lesser priority are receiving inordinate increases. The HUD title stands out in this regard.

Veterans have clearly expressed a willingness to pull their fair share of the budget reduction load, but the medical care system in particular and the VA in general is already stretched thin by earlier budgets.

Very frankly, the problem facing the VA and the veterans they serve is that Federal spending for veterans' programs in inflation-adjusted dollars has not increased in more than a decade and its overall share of the Federal budget has been steadily eroding.

To continue this trend is to guarantee a perilous diminishment of our commitment to veterans.

I don't desire to fix blame for the past but I do wish to sound an alarm about the course of the future.

Let us face the facts. The VA health care system has been chronically underfunded for more than a decade. The result of this inadequate funding is a system unable to provide timely service to many veterans and barely able to maintain current services to those who received benefits in the past.

The good news is that this conference report appropriates $111 million more than recommended by the President for medical care. The bad news is that this level of funding is far below what is needed to maintain current services and adequate care for veterans. The overall increase for medical care is nearly 40 percent below appropriation increases in any of the past 4 years.

With new claims on VA health services resulting from the Persian Gulf war and the downsizing of our military, the appropriations level in this report can only mean continued chronic underfunding.

Beyond the current delays in services, rationing of care, and veterans waiting in lines just to get an appointment to see a doctor, VA estimates that there is also a $700 million backlog of needed new medical equipment. As one of VA's most critical needs, the backlog is not adequately addressed in this conference report.

Mr. Speaker, the medical care program is the leading edge of our veterans' care system.

Those of us tasked with oversight responsibility of this system cannot continue to stand back and allow the tragic consequence of insufficient funding for VA's medical care.

And while we find it difficult to alter the priorities of current leadership, we can shout our dismay that this group of men and women who proudly wore the uniform of the United States of America are being slowly dropped to an ever lower priority.

Paralleling the needed improvements in veterans' health care are those called for in the VA adjudication system.

A backlog of initial disability claims approaching 700,000 and the Board of Veterans' Appeals 6-year turnaround time reflects a half-dozen years of neglect in funding and support reductions for this area of veteran's care.

VA employees at regional offices are overwhelmed by increasing caseloads, and the veterans they serve are frustrated and discouraged by what many perceive to be the "black hole" of VA adjudication.

I am pleased to see that this report takes a step in the right direction by earmarking $16.5 million for additional staffing, overtime and training to reduce the backlog of veterans benefits claims.

This provision is only a small step. Without additional resources, due process in the current VA system will permanently come to mean long waits in the continually growing backlog of cases.

The Department of Veterans Affairs confirms that the time it currently takes to process an original compensation claim at a VA regional office and render a decision is 226 days.

This time has worsened from 189 days in fiscal year 1993 and 164 days in fiscal year 1992.

Clearly, it is grossly unfair and unjust that the veterans seeking help for a service connected disability or illness is forced to endure these obscene delays in receiving their fair benefits owed by the Government they have served.

So as we look at our duty to do what we can for those who served, I believe, we can do better than what is presented in this measure.

For veterans, I remain hopeful that next year's appropriations measure will go beyond the recommendation our veterans have come to expect from the current administration and respond more favorably to the Nation's commitment to help veterans and their families.

Mr. Speaker, I look forward to the new year.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of this conference report on VA, HUD, and Independent Agencies. This conference report includes funding for many worthwhile and necessary programs which will benefit both this Member's constituents and all citizens of the United States. This Member would like to thank the distinguished chairman of the Appropriations Subcommittee on VA/HUD and Independent Agencies, Mr. STOKES, and the distinguished ranking member of the subcommittee, Mr. LEWIS, for their work in bringing this conference report before us today.

Foremost among the provisions this Member would like to praise is the $3 million to capitalize the Indian Housing Loan Guarantee Program which this Member pushed to authorization. This $3 million will serve to make $22,388,000 in loan guarantees available. The foresight shown by the committee in funding this program is Commendable. This program is necessitated by the fact that the trust status of tribal land has made lenders unwilling to make loans for homes on that land. This program addresses lenders' concerns by providing them with a guarantee on their loans, and keeps the trust status of the land intact by providing that the Federal Government will only liquidate foreclosed properties by selling them to a member of the tribe, the tribe itself, or the appropriate Indian housing authority. It truly will bring a new, much needed dimension to Indian housing. Helping Indian families to buy their own homes instead of necessarily relying on public housing is also a very good move for the American taxpayer.

This Member is also pleased that the Senate has included $282 million for Indian housing new construction direct funding. This level is $19 million over the administration request and the House-passed level. A dire shortage of safe, decent, and affordable housing still exists in Indian country and this level of direct funding is vital to meet the most basic shelter needs of our native people.

This Member also wishes to express his strong support for report language which prohibits the EPA from using funds to implement a final rule concerning radon in drinking water. Without this prohibition, communities across the Nation would be forced to spend billions of dollars to implement a regulation which would result in minimal health benefits since water contributes very little to the public exposure to radon. Because the radon issue is currently being addressed during consideration of the reauthorization of the Safe Drinking Water Act, the proposed prohibition called for in the Senate version is appropriate and necessary.

Also, Mr. Speaker, this Member wants to express his support for the inclusion in this measure of $6 million for rural water assistance activities, and $70 million for public water system supervision grants. There are two very important programs for rural communities. The supervision grants directly funds State programs which implement the Safe Drinking Water Act. Without this funding, States would face another unfunded Federal mandate.

Again, Mr. Speaker, this Member thanks the distinguished chairman of the VA/HUD/Indpendent Agencies Appropriations Subcommittee, Mr. STOKES, and the distinguished ranking member of the subcommittee, Mr. LEWIS, and all the members of the subcommittee for their efforts and assistance.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I rise in support of the VA-HUD-independent agencies appropriations conference report and I commend the gentleman from Ohio and the conferees for their efforts.

I am extremely pleased with the substance of the bill as it pertains to programs in the jurisdiction of the Committee on Science, Space, and Technology and that is why I am supporting the conference report. But I do have some problems with report language that reads more like language that should accompany an authorizing bill than an appropriations bill. And I am quite disturbed that a bill that left the House relatively free of earmarks came back from the conference heavily laden with them.

Before turning to my concerns, however, I would like to commend Mr. STOKES and the conferees for funding science, space, and technology programs in a manner that is consistent with the administration's priorities and the authorizing legislation of the Committee on Science, Space, and Technology.

Let me begin with the NASA budget. This has been a difficult year for all of us in trying to achieve a level of funding sufficient to maintain a balanced space program that includes the space station, as well as important space science programs like Cassini and AXAF.

I am gratified at both the funding levels the conferees have provided and the substance of some of the actions they have proposed. In parallel with this appropriations bill, the Science Committee has been developing an authorization bill, which is now in the other body. There is a great deal of overlap between the two bills on many issues. I hope that this represents a convergence in thinking that will result in a genuine consensus within the Congress on space and aeronautics policy.

I also want to recognize that the conferees showed an outstanding level of leadership in resisting the temptation to exercise micromanagement. They have provided NASA great flexibility to formulate a plan to meet a very constrained budget. In addition, the chairman and his counterpart in the other body have consulted with me throughout the development of this bill. I hope that this is the direction we will see in other appropriation bills in the future.

I also want to commend the conferees for their funding of the National Science Foundation at a level consistent with the administration's overall investment objectives and the Science Committee's authorization bill. In particular, the report begins to address problems of academic research facilities that were inadequately addressed in the administration's request. academic research facilities program. This appropriation will achieve the targeted funding level authorized by the Academic Research Facilities Modernization Act of 1988, and will allow at last for the NSF facilities program to begin to address an estimated $10 billion nationwide shortfall in academic facilities. Over the past 10 years the Science Committee has advocated increased Federal support to prevent the deterioration of the extensive physical research infrastructure at U.S. universities, which was built up with large public expenditures over the past 40 years and which must be upgraded to enable leading-edge research to be pursued. The conferees correctly point out that the NSF cannot alone provide the Federal portion of support required for facilities modernization. A multiagency program is needed involving all Federal agencies which sponsor academic research. I support the conference report requirement that the administration develop a plan for such a multiagency program, which is also a requirement of the NSF Authorization Act of 1994, which passed the House in May.

In other substantive areas, I am pleased that the conferees were able to squeeze out at least a modest increase over last year's funding to support R&D operating expenses at the Environmental Protection Agency and that they funded the President's Office of Science and Technology Policy at the requested level.

As I mentioned earlier, I have some problems with the report language. I am satisfied that the bill itself is not overburdened with efforts to bypass the proper authorizing committees with inappropriate legislative language, but the statement of managers report accompanying the bill does sometimes contain language that would seem better suited to an authorization bill than to an appropriations report. Of course, a process that leaves important authorization bills languishing in the other body is the major culprit here. The House has passed authorizing legislation for all of the major scientific agencies funded by this bill—NASA, NSF, and EPA—but the Senate has acted on none of these bills. I am generally pleased with the policy direction taken in this conference report. But I hope that we in the Congress can continue to work on improving the way we do business so that the important distinction between authorization and appropriations bills can be maintained.

Finally, Mr. Speaker, I am extremely disappointed with the level of earmarks in this conference report. When this bill left the House at the end of June, I was able to commend the subcommittee for keeping academic earmarks near last year's relatively low level. But the bill that has come back from conference includes an amendment in disagreement that contains more academic earmarks—70 million dollars' worth—than were in VA-HUD bills in the bad old days of 1992 and 1993. Numerous other earmarks appear in report language.

We do not get to vote on or amend report language, which does not have the force of law anyway. But we can vote on amendments that are reported back in technical disagreement, and I intend to oppose amendment 28, whose sole purpose is to provide a total of $290 million in earmarks—$70 million for academic institutions—that were not in the original House recommendation for this appropriations bill.

Despite these concerns about earmarks, Mr. Speaker, I believe that, on balance, this is a good report. I urge all Members to support the report but to reject the amendment that is riddled with earmarks.

Academic earmarks—VA/HUD appropriations bill, 1995

Agency—School	*Amount*
HUD:	
Marshall University—construction of a new library	$5,000,000
Shepherd College—capital costs for science and education activities	5,000,000
WV School of Osteopathic Medicine—new ambulatory care clinic	4,000,000
College of West Virginia—new library facility	5,000,000
Portland State University—urban revitalization activities	2,000,000
Oregon State University—science education facility	5,000,000
University of New Orleans—National Center for the Revitalization of Central Cities	1,000,000
Unknown—clinical lab space in Billings, MT	1,500,000
Ball State University—innovative housing research	500,000
Unknown—Center for Integrated Urban Care	1,000,000
University of Redlands—Redlands Center for Science and Environmental Studies	1,650,000
Loma Linda Medical Center—community based cancer patient support project	2,000,000
Albion College—downtown renovation and economic revitalization	800,000
Pennsylvania Educational Telecommunications Exchange Network (i.e., Lehigh, Scranton, Susquehanna, and Wilkes Universities; Albright, King's, Lebanon Valley, Lycoming, Marywood, and Moravian Colleges; Allentown College of St Francis de Sales; College Misericordia; Lehigh Carbon, Luzerne County, Northampton, and Reading Area Community Colleges)	2,000,000
College of Notre Dame of Maryland—renovation of the Knott Science Center	1,450,000
Villa Julie College—computer training center	1,450,000
University of Detroit Mercy—Urban Health Education Center	2,000,000
Fordham University—Regional Educational Technology Center	300,000
Iona College—Information Access Center	750,000
New York Medical College—medical infrastructure project	1,200,000
University of Maryland at College Park—Center for Political Participation	450,000
St. Mary's Community College—needed educational opportunities	1,000,000
Bryant College—international business and economic development center	1,000,000
Southeastern PA Consortium for Information Technology and Training (i.e., Beaver, Cabrini, Chestnut Hill, Eastern, Gwynedd-Mercy, Holy Family, Neumann, and Rosemont Colleges)	2,000,000
University of Scranton—National Institute for Environmental Renewal	2,500,000
New England Conservatory—renovation of Jordan Hall	1,000,000
University of San Francisco—Center for Pacific Rim studies	1,000,000
Columbia University—development of Audubon Research Park for biomedical research	1,500,000
Hazard Community Center—community service center	1,000,000
Pembroke State University—Regional Center for economic, community and professional development	2,000,000
DePaul University—direct services and partnerships with community organizations, schools and individuals in North Carolina	2,000,000

Agency—School	*Amount*
Saint Xavier University Center—Urban Redevelopment and community services	1,500,000
Hampton University—Leadership Institute to address profound social problems in Hampton, VA	500,000
Virginia Commonwealth University and City of Richmond—Richmond Education, Training and Employment Network project	1,300,000
Norfolk State University—Center for the Prevention of Crime Violence Illiteracy, and Poverty	500,000
University of Arkansas at Little Rock—urban community revitalization program	1,050,000
Onondaga Community College—Applied Technology Center as comprehensive economic development resource	500,000
University of South Carolina—expansion of the Science and Mathematics Complex	300,000
Wilkes University—Earth Conservancy for acquisition of land	500,000
Buena Vista College—economic development activities related to distance learning programs	2,000,000
University of Alabama—small business incubator program	1,000,000
Subtotal, HUD	68,200,000
EPA:	
University of Arkansas—Toxicological research	400,000
University of Detroit Mercy—Center for Excellence in Polymer Research and Environmental Study	600,000
Colorado School of Mines—National High Altitude Heavy-Duty Engine Research & Technology Center	300,000
St. Vincent College—Environmental education, research, & demonstration project	300,000
University of Northern Iowa—Small Business Pollution Prevention Center	300,000
Rensselaer Polytechnic Institute—Fresh Water Institute	500,000
Rensselaer Polytechnic Institute—Adirondacks Destruction Assessment Program	450,000
McNeese State University, LA—Oilspill remediation research	500,000
University of New Orleans—Municipal solid waste, and surface and ground water quality research	250,000
University of Oregon—Oregon Institute of Marine Biology for land margin ecosystem research	500,000
University of North Dakota—National Center for Excellence on Air Toxic Metals, Energy, and Environmental Research	1,000,000
Florida International University—Florida Keys Marine Sanctuary	250,000
Southwest Center for Environmental Research and Policy (i.e., New Mexico State University; Arizona State University; San Diego State University; University of Texas, El Paso; and University of Utah) Environmental issues affecting U.S.-Mexico border region	2,000,000
Penn State University and West Virginia University—National Mine Lands Reclamation Center (abandoned mines acid drainage)	450,000
University of Minnesota, St. Paul—Effects of the European Ruffe, a non-indigenous fish to Lake Superior	70,000
University of Minnesota, Duluth—Study of the uptake of environmental mercury by fish populations	165,000
Colorado School of Mines—High-altitude exhaust emissions compliance testing	150,000
Wilkes University—Susquehanna River wetlands project	300,000
Colorado State University—National Center for Vehicle Emissions Control and Safety for emissions training activities	150,000
West Virginia University—Small Flows Clearinghouse	1,240,000
Saginaw Valley State University—Earthvision activities	1,200,000
Montana State University—Small public water systems technology assistance center	375,000
University of Vermont—Lake Champlain management conference	2,000,000
Oregon State University—Center for Analysis of Environmental Change for assessment of Pacific NW ecosystem research	225,000
University of Hawaii—investigate algal bloom crisis	400,000
New Jersey Institute of Technology—Integrated pollution prevention initiative	475,000
West Virginia University—Alternate Transportation Fuels Center	1,500,000
West Virginia University—National Environmental Training Center	1,000,000
Vermont Technical College—Regional training program with Vermont auto dealers (Unspecified	....
Tuskegee University, Charles Drew University, Meharry Medical College, Florida A&M University, Morehouse School of Medicine, Xavier University of Louisiana, and Texas Southern University—Minority Health Professions (hazardous substance investigations)	4,000,000
Lamar University—Gulf Coast Hazardous Substance Waste Center	2,500,000
Clark Atlanta University—Clark Atlanta Hazardous Substance Research Center	3,500,000
Mine Montana College of Mineral Science & Engineering—Waste Technology Pilot Program for emerging cleanup technologies	5,000,000
Subtotal, EPA	32,050,000
FEMA: University of Nevada, Reno—Earthquake Engineering Center	500,000
Subtotal, FEMA	500,000
NASA:	
Ohio State University—Regional ecosystem computer-based modelling project	3,000,000
University of Alaska—Poker Flat Rocket Range upgrade (Unspecified)	....
Subtotal, NASA	3,000,000
Grand total	103,750,000

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise with mixed emotions. While I welcome the conferees' general commitment to VA construction projects, I am a bit perplexed by the process used to select which projects to fund. The conferees added $150 million to the appropriation levels agreed to by the other body, more than tripling the House-passed level for the VA construction account. With this money they have recommended funding for six of the eight ambulatory care projects originally included in the President's Health Investment Fund. These projects were all determined to be critical to the VA's ability to serve veterans in need, underscoring the importance of ambulatory care to today's VA. Strangely, though, not included in the report is funding for the Bay Pines Satellite Outpatient Facility, a project desperately needed to serve more than 150,000 veterans in southwest Florida. Right now, the nearest acute care facility is 150 miles away and the only service facility for these vets is a small, grossly overburdened outpatient clinic. Plans to expand the clinic and add a long-term care facility have been on the VA's schedule for years. Two consecutive Secretaries of Veterans Affairs, one from each party, have committed to the project. Nonetheless, despite being one of the cheapest and most meritorious projects on the investment fund list, this project was one of two inexplicably left out of the conference report. Until now, no distinction was made between the relative merits of the projects included in the investment fund. All were authorized together in this year's authorization bill. Can anyone explain to the 150,000 vets in southwest Florida why their need goes unmet, while 6 other projects made the grade in this bill? Clearly, it could not have been an issue of money. The conference found $155 million for other construction projects, and this project needed only $9.57 million. It could not have been a question of merit, since this project—according to the VA's internal priority rankings—ranks higher than four of the six projects included in the report. Mr. Speaker, I am afraid these unanswered questions are going to reinforce the image that the conference process is not always fair and does not always meet legitimate needs. That is a real shame. I look forward to finding ways to get funds for those two projects left out of this appropriation.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I must say the gentleman has had an extended conversation with me regarding the problem he faces in Florida. I really do very much look forward to working with him in the future, and appreciate his cooperation with the committee.

Mr. GOSS. Mr. Speaker, I appreciate the help of the gentleman from California.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I rise to thank the distinguished chairman and ranking member for the courtesies extended to us for some of the needs that we had in Texas, principally on the border in areas called colonias, and even though we have had a technical legislative problem, that cooperation has been such that hopefully we might be able to resolve the problem down the line.

In all of the other areas of this bill, I appreciate the cooperation where we have interests from our area and from my district.

So I thank the distinguished chairman and the Members of the subcommittee.

□ 1710

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 4624 and congratulate my colleagues on the VA, HUD and Independent Agencies Subcommittee for their hard work and dedication in producing a fine product worthy of strong congressional support.

This bill includes critical funds for several vital programs to Americans, particularly veterans. As citizens, we asked for and received quality and dedicated service from our veterans. In return, we must assure and guarantee veterans the programs and assistance they are due, which include medical and education benefits. I congratulate the conferees for adding an additional $280 million to the administration's budget request.

This bill also includes important funds for NASA such as the space station and the Tracking and Data Relay Satellite System, which provides important communications for many of NASA's important projects, including the space shuttle and the Hubble space telescope. And this bill also includes funding for essential projects under the HUD Special Purpose Grants account. One of these projects will provide $250,000 to enable the Santa Rosa Volunteer Fire Department to purchase needed ambulance rescue equipment.

I strongly support this measure and urge my colleagues to vote "yes" when the House considers the VA, HUD appropriations conference report.

Mr. STOKES. Mr. Speaker, I yield 6 minutes to a distinguished member of the subcommittee, the gentleman from California [Mr. TORRES].

Mr. TORRES. I thank the chairman for yielding this time to me.

Mr. Speaker, I rise in strong support of H.R. 4624, the conference report on fiscal year 1995 appropriations for VA, HUD, and independent agencies. As a member of the subcommittee, I want first to thank the gentleman from Ohio, Chairman STOKES and the gentleman from California, ranking member LEWIS for their excellent work in balancing the many diverse demands on this bill in a commendable fashion.

This is an important bill and it is a good bill. I will just mention briefly a few provisions that are of particular significance to me and the people I represent.

The conferees—under a mechanism negotiated with the authorizing committees of jurisdiction—agreed to release grants and loans to States and localities for drinking water treatment and projects to control water pollution. These critical current-year and next-year funds are of vital importance particularly in communities in meeting clean water quality standards. Among these communities with special needs are greater Los Angeles and the unincorporated areas along the United States-Mexico border.

I am further pleased that the conference report provides more funds than the House approved for the Environmental Protection Agency's operating budget. This increase remains consistent with tight budget realities but will also ensure that EPA has the resources it needs to maintain enforcement operations, implement administrative reforms, and undertake research and development activities.

One last thing to mention about the EPA part of this bill, is its expansion of the EPA's successful Superfund minority outreach program to serve a Hispanic serving institution.

Regarding the HUD provisions, Chairman STOKES, again, struck a fine balance. Like the House bill, the conference agreement provides $2.9 billion in subsidies to help public housing authorities operate public housing projects, and $500 million for assistance to severely distressed public housing projects.

The measure also provides $290 million for drug elimination grants; $50 million for the YouthBuild Program; and $50 million for housing counseling assistance—each extremely important programs to all areas of the country. In addition, the conference report gives a much-needed boost in funding for the construction, rehabilitation, and acquisition of housing units for the elderly.

Each year, the VA, HUD, and independent agencies appropriations bill represents an enormous challenge. Its mission is daunting: to keep our commitment to the Nation's veterans; to maintain the United States' global edge in science and technology; to improve the environment; and to serve the housing needs of citizens throughout the country. It's a tall order, but I believe H.R. 4624 successfully meets these goals. I encourage my colleagues to join me in supporting this very important bill.

Mr. Speaker, I would like to engage the chairman of the subcommittee, the gentleman from Ohio [Mr. STOKES], in a colloquy.

Mr. STOKES. Mr. Speaker, I would be delighted to enter into a colloquy with the gentleman from California.

Mr. TORRES. Mr. Speaker, the conference report before us provides $50 million for YouthBuild, a program that combines the education, training and leadership development of economically disadvantaged youth with the creation of affordable housing.

It is my hope that this additional funding will enable more community-based organizations to receive funding.

The author's of the YouthBuild Program recognized the importance of community based organizations to deliver successful programs.

In fact, under the public law authorizing YouthBuild, community based organizations are to be given "first priority" in receiving technical assistance. Does the chairman agree that community based organizations should be given greater consideration in the award of YouthBuild grants?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the chairman.

Mr. STOKES. I thank the gentleman for yielding. Yes, I agree with the gentleman from California and also recognize that community based organizations should be given special consideration because of their expertise in sponsoring these programs and close ties to the community.

Mr. TORRES. Mr. Chairman, is it correct that a similar organization in your district—the Cleveland YouthBuild Program—was forced to close when funds were not forthcoming.

Mr. STOKES. Yes; that is correct. The competition was tremendous in the first round of funding for this program and many community based groups lacked the resources to compete effectively. During one program cycle last year, YouthBuild Cleveland enrolled 28 youth, 20, or 71 percent, of whom completed the program.

Their participation in the program included the rehabilitation of a house for a homeless family. Everyone of those 20 young people who finished the program landed jobs at an average wage of $6.05 per hour or continued their education or training and one quarter of those kids who lacked a high school diploma received their GED—general equivalency diploma.

Nonprofit, community based groups like YouthBuild Cleveland and many others have a passionate commitment to the disadvantaged young people they serve and clearly understand the needs of their communities.

With this new funding, I am hopeful that HUD will recognize and reward community based groups with the funding they need to implement these vital new programs.

Mr. TORRES. Mr. Speaker, I concur with the remarks of the gentleman from Ohio and I too urge the Department of Housing and Urban Development to recognize and reward community based organizations. I thank the Chairman.

Mr. LEWIS of California. Mr. Speaker, I yield 2½ minutes to my friend and colleague, the gentleman from Illinois, Mr. HARRIS FAWELL.

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, after the general debate is concluded, when the House considers the items of technical disagreement on the VA/HUD bill, Congressman BROWN and I and others from the porkbusters coalition will ask every Member of the House to pay special attention to item No. 28 of the conference report.

We will urge that the House oppose a motion by the gentleman from Ohio [Mr. STOKES]. That motion, if adopted, would add $290 million in HUD special purpose grants to be added to the appropriation.

By defeating the Stokes motion, Mr. BROWN and I will then be able to offer an amendment to cut $283,000 of that $290 million in special purpose grants that are unauthorized.

□ 1720

None of these projects was in the House-passed bill, all but 5 of the 259 projects are not authorized, and none are requested by the administration.

It appears that the conferees cut assisted housing funding, including accounts such as homeless assistance and foster child care, to pay for these unauthorized projects, such as $450,000 for the Center for Political Participation at the University of Maryland. Frankly, I think we had a little too much political participation in the conference on this bill.

They are transfering money from assisted housing projects to finance special purpose grants. The $290 million represents really a wish list of all kinds of favored private and/or public projects, including the Center for Political Participation, which I just mentioned, and also libraries, sewer and water lines, science, and health, and educational facilities, and restorations of railroad stations and municipal plazas, and clinical labs, and economic development projects, whatever that means, business relocations and related activities, industrial development, infrastructure improvements.

Mr. Speaker, I just want to give a flavor of the types of special purpose grants that are in here: Also market developments, downtown renovations, an educational telecommunications network, and even a coliseum.

I will end right there and do not want to take too much advantage of my friends' good help to me, but, after we consider the conference report, the House will begin going through the items on technical disagreement. When item 28 comes up, I and Congressman BROWN will urge a "no" vote on the Stokes motion. A "no" vote on the Stokes motion is a vote to cut $283 million in unauthorized special purpose grants.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I rise to commend the distinguished gentleman from Ohio [Mr. STOKES] and the members of the subcommittee, as well as the ranking minority member, for the fine job they have done in presenting to the House this conference report. We are well-served by the work they have done.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, I would say this to the Members of the House and to the gentleman from California and the gentleman from Ohio:

In the last 2 or 3 days we have read a lot of newspaper accounts about Congress coming for the last 3 weeks. about us polishing our image, about us doing something positive for the American people, and that is what I would like to do. But in doing so, Mr. Speaker, I think that we do need to avoid loading this bill up with special projects.

Now, for this bill, Mr. Speaker, the President asked for so much money, the House passed a bill, the Senate passed a bill, and then it goes into a conference and it is business as usual. We have added $200 million worth of special projects again, and they run all the way from page 11 to page 25 or 28 in this bill.

Now there were a lot of praises going on, a lot of people that were thanking this person or that person for their work. I do not know who to thank for pages 11 to 28 or page 25 of this conference report.

But I can say to my colleagues that, whether we call this pork, or special projects, or whatever, they just go on and on. They start with $2 million for the town of Fort Scott, KS, for business relocation. Why Fort Scott, KS? I mean this was in the House bill. This was not in the Senate bill. The President did not ask for this.

Then, my colleagues, go on over on the next page, and there is $3 million for north Las Vegas for the revitalization of a Windsor Park neighborhood. Go on over, and there is $22 million for the cities of Seattle and Spokane for public education or public science education activities, $5 million to Shepherdstown, WV, for science and education activities, $4 million for Lewisburg, WV, $5 million for Beckley.

I would simply urge this House to oppose these add-ons. I think the people of America are tired of all these special projects. They are tired of us going into conference committees and coming out with $200 million more of these taxpayer-funded programs.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise today to pay my highest respects to the chairman of the committee, the gentleman from Ohio [Mr. STOKES], my good friend and colleague, the gentleman from California [Mr. LEWIS], the ranking member, for their leadership in what I call perhaps the most important bill to recognize American heroes, and I say that because this bill provides adequate funding for our veterans under the leadership of our authorizers, the gentleman from Mississippi [Mr. MONTGOMERY] and our ranking member, the gentleman from Arizona [Mr. STUMP], who so eloquently made the case for support for our veterans.

The appropriators have come through in strong fashion to take care of those special needs that our veterans, our American heroes, have across the country.

But I want to pay my special thanks to the gentleman from Ohio [Mr. STOKES] and the gentleman from California [Mr. LEWIS] for funding $2.5 million for the Arson Prevention Act. This is the first time in recent years that we have made an effort to deal with one of the fastest growing problems in America, that of arson, whether it be the wild land fires in southern California that wreak havoc on homes and businesses, or whether it be the inner-city fires that are occurring, destroying our neighborhoods. Arson has become an epidemic in America. The International Association of Arson Investigators worked very closely with the authorizing committees and the leadership of the gentleman from California [Mr. BROWN], and the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Virginia [Mr. BOUCHER], and the gentleman from New York [Mr. BOEHLERT] to put this Arson Prevention Act through in the last session of Congress. The appropriators now are funding that. There is $2.5 million. It is not a lot of money, but it certainly will go a long way to send a signal that we are serious about assisting the fire and emergency services community in America in dealing with the terrible problem of arson.

Mr. Speaker, I appreciate the leadership of the leadership and of the ranking members in support of the arson prevention effort, as well as for our veterans. The 1.5 million men and women who make up the American fire service appreciate their help as well.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would just like to say to the gentleman that I very much appreciate his ongoing support and interest in this area. I say to the gentleman, "Your contribution to our bill is very helpful."

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, under the Clean Air Act, oil companies are required to begin selling cleaner, reformulated gasoline beginning in January. Many domestic refiners have made great investments since passage of the act to meet this requirement. To establish how much cleaner the gasoline must be, the EPA set 1990 as a baseline and each company must improve by increments from their levels in that year.

Originally the EPA established that for foreign nations it could not determine that accuracy of foreign companies' 1990 numbers, and for all foreign imports a baseline of the average of U.S. companies' numbers would be used. In addition to trouble with verifying foreign numbers, it is also difficult to know exactly where oil in a tanker has all come from.

Notwithstanding these difficulties, Venezuela, which produces very dirty gasoline and exports most of it to the United States has sought special treatment from the Environmental Protection Agency. If the EPA is permitted to approve the Venezuelans' request, the result will be significantly worse air quality in this country.

The Senate language will help prevent this damage to air quality. When in Maryland we are asking employers of more than 100 persons to implement onerous car pooling and commuter requirements; when we are asking industries to undertake massive environmental cleanups; when oil companies like Crown Central are moving to take older, high polluting vehicles off the streets to meet our new clean air standards and protect public health—how can we cut a special deal allowing the Venezuelans to sell dirty gasoline in our Nation that will add the equivalent of pollution from thousands of new vehicles on our streets?

The Senate amendment protects the environment and is consistent with our national goals under the Clean Air Act. At the appropriate time during the consideration of amendments in disagreement, I will urge the House to recede and concur in the Senate position on this issue.

Mr. GILMAN. Mr. Speaker, I rise in support of the conference report for H.R. 4624, legislation providing budgetary authority for the Department of Veterans Affairs [VA], the Department of Housing and Urban Development [HUD] and 19 independent agencies.

I am pleased that this legislation, which guarantees a total of $90.6 billion for fiscal year 1995, provides a total of $37.6 billion for veterans programs. This amount represents an increase of $897 million, from the level appropriated for fiscal year 1994.

By supporting this conference report, we are continuing to provide the benefits, the compensation, and the medical treatment that our veterans so deserve. Specifically, I am pleased that this measure appropriates: $17.6 million for veterans compensation and benefits; $1.29 million in veterans readjustment benefits; and $78 million for the Veterans Loan Guarantee Program.

The conference report, that we are discussing today, is another substantive, veterans legislative accomplishment that we can all be proud of.

From providing compensation and medical benefits to our gulf war veterans to improving VA education programs and reemployment opportunities; the 103d Congress has ensured that our Nation's veterans are provided with the dignity and the respect that they have valiantly earned and for which they are deserving.

Accordingly, I urge my colleagues to join me in supporting this conference report.

Mr. SKAGGS. Mr. Speaker, I'd like to commend Chairman STOKES for his leadership in bringing us a conference report which covers so well such a diverse range of programs as housing, veterans issues, environmental and consumer protection, and science and technology policy—and for doing so under severe budget constraints. These decisions are never easy, particularly when they involve such critical needs.

While this conference report covers many important programs, I'd like to mention three of specific interest to the people of Colorado. All three involve testing or monitoring of exhaust emissions at high altitude, and all have been developed in conjunction with the Environmental Protection Agency [EPA] to address special problems caused by vehicles operating at such altitudes.

Carbon monoxide is emitted in larger amounts and is even more of a health threat at higher altitudes than at sea level. Yet the performance of engines at high altitudes is not well understood.

The 1990 Clean Air Act amendments authorized the National High-Altitude, Heavy-Duty Research and Technology Assessment Center.

This facility contains engine and vehicle testing systems fro measuring emissions associated with gasoline, diesel, and alternative fuels. Data collected by the Center indicates that emissions of carbon monoxide at higher altitudes is 50 to 70 percent greater than at low altitudes.

The development of a data base, which will be used to modify heavy-duty engines, is critical to addressing pollution peculiar to high altitudes. Cities all along the Rocky Mountains will benefit from this data and the conference report provides $300,000 for the Center.

The National Center for Vehicle Emissions Control and Safety [NVECS] at Colorado State University was established by the EPA in 1976 to study alternative rules, vehicle inspection and maintenance, and to test emissions reduction devices. It was designated a high-altitude research, testing, and training center by the 1990 Clean Air Act amendments. NVECS has contributed substantially to the EPA's Vehicle Maintenance Initiative, which is training and retraining automotive technicians who are currently not qualified to inspect, diagnose, and repair today's vehicles. This conference report designates $150,000 for the NVECS program.

Finally, the conference report provides $150,000 for high-altitude exhaust emissions compliance testing conducted by the Colorado Department of Health [CDH]. As a result of tests performed by CDH, in conjunction with EPA, 778,000 vehicles have been recalled since 1989 for repairs to assure compliance with Federal standards. CDH has the only facility officially designated by the EPA Administrator for high altitude, in-use compliance testing.

I thank the chairman and the conferees for their support of these valuable programs which will help address pollution problems particular to high altitude States like Colorado.

Mr. MANZULLO. Mr. Speaker, here the Congress goes again, holding veterans' funding hostage to pork-barrel spending. This years' VA/HUD and Independent Agencies Appropriations Conference Report contains $290 million in unauthorized special reelection projects. This makes it very difficult for any Member of this body who claims to be fiscally responsible to the American taxpayer to vote for this bill.

That is exactly why I introduced legislation last year to separate funding for the Department of Veterans Affairs from all other general appropriations bills. Our veterans should not have to compete for funding from space exploration, housing assistance, environmental protection, no mater how laudable the programs. But especially, veterans funding should not be tied to various pork-barrel projects such as $1,500,000 for street improvements in Wichita, KS, or $2,500,000 for the restoration of Union Station in Kansas City, MO.

My bill, House Resolution 154, would simply require that the existing VA/HUD Appropriations Subcommittee report out two bills—one affecting veterans and the other covering all other items under the subcommittee's jurisdiction. In an era of congressional reform, I don't believe that the House should be creating more legislative bureaucracies, especially in light of the streamlining of the subcommittees on Capitol Hill.

We already have a clean vote on Defense spending and a straight up-or-down vote on military construction projects. Certainly we can have a separate vote on veterans appropriations. It's cynical to pit 259 localized pork projects for Members' districts against veterans health care. Let's separate the two votes, and honor our commitment to our Nation's brave veterans. I urge a yes vote on the Fawell-Brown amendment to cut HUD special purpose grants from this bill and I invite all my colleagues on both sides of the aisle to be fiscally responsible to their constituents and cosponsor my legislation, the Fair Deal for Veterans Act of 1993.

Mr. DELAY. Mr. Speaker, I rise in support of the VA-HUD conference report. This is a tough bill working under a tight budget allocation. Balancing the diverse priorities contained in this funding bill from Veterans and Housing needs to EPA and NASA to name a few, is a very difficult and challenging task.

I'd like to commend the chairman of the subcommittee and our ranking member, the gentleman from California, for the impressive manner in which they have guided this bill through the appropriations process. They have been fair and accommodating and I have enjoyed working with both of them.

As many know, I am an ardent supporter of the international space station which is fully funded in this bill. And I am very pleased with the display of overwhelming support on the vote for this critical project in the House this June.

The space station is about our future; it's an endeavor that holds the promise of new discoveries in medicine, materials, and technology, movement toward the ability of Americans to live and work in space and much more. It's about teamwork with our international partners and a new cooperative working relationship with Russia. I have no doubt that this is an investment that will pay off in great dividends for our country.

I'd also like to take this opportunity to point out report language included in this conference report which I consider to be of significant importance. In essence, the language directs the EPA to look into the environmental self-evaluation privilege enacted into law in Colorado, Kentucky, Indiana, and Oregon.

In the past, if companies have done an environmental self-evaluation, and have disclosed the results, EPA or States with delegated environmental programs have sometimes fined those companies. In Colorado, a company performed a voluntary study not required by law, and kept the regulatory agency informed about the study that identified gross underestimates of air emissions in EPA guidance documents.

The company was rewarded with a $1,000,000 penalty. It is this experience that led to passage in Colorado of a law that creates immunity from certain penalties for voluntarily disclosing instances of noncompliance. The primary purpose of the legislation is to maximize environmental compliance.

In my mind, providing incentives to the private sector to do self-evaluations is the most progressive and efficient way to bring about more complete compliance with environmental requirements.

EPA, however, has consistently opposed this commonsense approach. EPA's Assistant Administrator for the Office of Enforcement and Compliance Assurance has stated that EPA wants to use enforcement to "promote complete compliance with the Nation's environmental laws" by imposing penalties often and in a very adversarial process.

The language included in the conference report gives EPA the obviously needed direction from Congress to consider the implementation of innovative compliance methods for companies and regulated entities that want to comply with environmental laws.

Self-evaluated privileges provide an opportunity to maximize compliance with environmental laws and as a result achieves the primary goal of benefiting the environment. Contrary to EPA's belief, penalties are not the most effective method.

I'd like to thank my chairman and the chairman of the Energy and Commerce Committee for working with me to include this language in the conference report. I look forward to pursuing this issue with the EPA and in the next Congress when my colleague from Colorado, Congressman HEFLEY, will introduce legislation extending the environmental self-evaluation privilege at the Federal level.

Mr. Speaker, I support this conference report and I urge my colleagues to approve it.

Mr. HUGHES. Mr. Speaker, I rise today to express my support for the conference report for VA, HUD, and independent agencies, including my support for the NASA space station.

Mr. Speaker I have consistently opposed funding for the space station in the past because I believe the station's tremendous costs were not sufficiently justified by the promise of its mission. NASA's budget was literally out of control, and management of the space station lacked effective oversight.

In the last year, however, NASA has substantially improved the station program. NASA has redesigned the station and trimmed its work force by over 1,000 employees. It has reduced its bureaucracy, streamlined its contracting process, and eliminated unnecessary duplication. All of these changes will hold down the station's costs. I want to commend Administrator Goldin and the NASA team for the work they have done to correct these problems.

One of my major concerns in the past has been that the station budget was jeopardizing other valuable NASA programs, particularly smaller science. Recently, NASA has demonstrated a genuine commitment to preserving non-station science, even while strengthening the potential for scientific yield from the station. Despite an overall reduction in NASA's budget from fiscal year 1994 to 1995, science spending has increased from $3.3 to $3.35 billion.

The success NASA has had in bringing new international partners into the station project including Russia, has made the station a unique and truly global project. The contributions of our international partners increases the efficiency of the station and bolsters our foreign policy goals. I am especially pleased that our partnership with Russia will accelerate the launch schedule and allow for an expansion of size of the mission crew.

A carefully conceived and fiscally responsible station can certainly improve America's technology base and provide significant medical research opportunities. Technological innovation propels economic growth. The National Academy of Public Administration estimates that every $1 invested in NASA research and development generates over $7 in our economy. The station could also be vital to NASA's own efforts to continue generating advanced technology.

After much thought and consideration, I have concluded that on balance, the station is a worthwhile project which deserves my support.

Mr. Speaker, we must continue to be vigilant in our efforts to trim our deficit. At the same time, we cannot turn a blind eye to the future. We must continue to invest in it, even when we are confronted with budgetary and other problems. We must look at the opportunity the future offers. The NASA space station holds considerable promise and I now believe it is worth that investment.

Mr. SYNAR. Mr. Speaker, I support the motion to insist on the House position regarding amendment in disagreement No. 87 to H.R. 4624, the VA-HUD-Independent Agencies Appropriations Act. The Senate's amendment would prohibit the use of funds to implement the Environmental Protection Agency's proposed regulations for imported reformulated gasoline. Mr. Speaker, this amendment has no place in this bill and I implore my colleagues to reject it.

Nothing about the Senate's amendment makes sense. Proponents of the Senate's position rely on incorrect and distorted information to push for an outcome which could be extremely harmful to consumers and to the U.S. economy and could adversely affect our relations with one of America's most valuable allies and trading partners.

In return, the American people would get nothing of benefit from the Senate amendment—no environmental benefit, no trade benefit, no anything. If we uphold the Senate's position we risk causing gasoline shortages and dramatically higher consumer prices for no reason at all. Do my colleagues really want to explain to their constituents that they voted for higher gasoline prices and potential supply problems without knowing the facts about gasoline imports from Venezuela? I certainly hope not. So let's talk about the facts—and put to rest the many misleading statements which proponents of the Senate amendment have put forward.

Proponents of the Senate amendment claim that Venezuela wants a special deal on reformulated gasoline, a deal which some claim would exempt Venezuelan gasoline from the Clean Air Act and undermine the entire reformulated program. Mr. Speaker, nothing could be further from the truth. In fact, Venezuela merely wants the same treatment that United States refiners will receive under EPA's December rule—the right to use its own baseline for computing emissions reductions. EPA acted in May to correct its previously discriminatory treatment of Venezuela, since Venezuela can document its compliance with United States requirements. And in a highly unusual step, Venezuela is also willing to allow United States inspections of its refinery and export operations in order to satisfy the EPA that it is not violating those United States requirements. Thus, EPA's second corrective regulation, issued in May, makes sense and should not be arbitrarily overruled by an appropriations rider.

Unfortunately, the United States Independent Refiners Coalition wants you to believe that equal treatment for Venezuela would result in higher United States air pollution emissions. Here, too, their argument is simply wrong. In order to make their case, they have used misleading figures on olefin content and ignored inconvenient information about Venezuelan gasoline's superior performance on air toxic standards for benzene and aromatics.

In fact, Venezuela's olefin content for regular grade gasoline, the only grade they export to the United States, is 22 percent. This level is virtually identical to the U.S. average for regular grade gasoline of 20.5 percent, according to the domestic refining industry's own figures.

It is important for Members to realize that since the United States olefin figure is an average, some domestically refined gasoline also exceeds this level and has a higher olefin content than Venezuelan gasoline. Indeed, company-by-company data on 1990 baseline-year United States gasoline composition, collected by the Motor Vehicle Manufacturers Association, show that several United States oil companies sold regular grade gasoline with higher olefin content than that contained in Venezuelan gasoline for the same period—the year that will be used for baseline purposes under the rule. For example, this survey shows that Mobil Oil's regular grade unleaded gasoline contained 26 percent olefins in New York City and 23.1 percent in Boston, figures which were considerably higher than the Venezuelan gasoline that Mobil would like to see banned from the same markets. So if you ask many of those refiners about the olefin content of the regular gasoline which they sell—their answer might surprise you. While you're at it, ask them to explain why so-called dirty Venezuelan gasoline is so much lower than the United States average for air toxic emissions.

Mr. Speaker, this is not to argue for imported gasoline over domestic; the fact is, both are important. Rather, it is merely an attempt to set the record straight in light of the very misleading environmental statements which some have made about this matter.

Some assert that Venezuela is seeking a special deal under the rule. In fact, the opposite is true: Venezuela wants the same deal, and the same standards, as United States refiners. EPA's initial unequal treatment of foreign gasoline gave rise to Venezuela's possible GATT challenge against the December rule. The effect of EPA's December rule, if it had gone unchanged, was to treat foreign companies differently—and more stringently—than U.S. refiners, thereby creating an improper non-tariff trade barrier under GATT. According to EPA, once they had the data and assurances they needed to ensure that Venezuela could and would comply, there was no longer any reason to treat them more harshly than United States refiners. Thus, EPA issued its subsequent regulations in May 1994, which the Senate amendment now seeks to prohibit from being implemented.

In addition, Congress makes a big mistake in ignoring Venezuela's potential GATT challenge on this matter. If Venezuela is successful in making its case, the result could be retaliation against United States products, such as wheat, which the Venezuelans currently import in significant quantities. The result would be a further blow to the U.S. economy.

Finally, adopting the Senate language will create serious supply disruptions for consumers by excluding as much as 100,000 barrels per day of environmentally sound reformulated gasoline from the U.S. market. This disruption in gasoline imports—which accounts for 3 to 5 percent of nationwide domestic gasoline consumption every day—may sound unimportant, but a supply shortage of less than 2 percent in 1973 caused the price of gasoline to more than double. The shortage will be far worse in areas such as the Northeast which are particularly dependent on imported gasoline—as much as 30 percent under certain conditions—although other areas of the country will also suffer ill effects as shortages cause price increases to ripple throughout the Nation.

The two oil price shocks of the 1970's resulted in years of inflation and economic downturn for the United States. One reason for our current relative prosperity is low gasoline prices. Before we take steps that could damage our economic prosperity, we must ask ourselves what we are buying in return. The Senate's amendment on this issue is just the kind of bad deal the economy cannot afford.

Mr. Speaker, I strongly urge my colleagues to look at the facts here—not the myths—and reject the Senate amendment.

Mr. KENNEDY. Mr. Speaker, I rise in strong opposition to Senate amendment 87.

The Senate language to block EPA funds from implementing its reformulated gas regulations is bad policy.

Accepting the Senate provision will have a devastating impact on our Nation. The pending rule is simply meant to subject foreign refiners to the same environmental standards as domestic refiners. This issue boils down to efforts by the U.S. domestic refiners to gain the competitive edge in market share over the domestic independents, who rely on imported oil for their product.

Allowing the EPA to proceed with its reformulated gas rules will have no environmental impact. The domestic refining industry stipulates that Venezuelan and other foreign oil is dirtier than United States gasoline. This simply is not the case.

Taken olefin content for example. The fact is that on olefin, just one of many polluting compounds in gasoline, Venezuelan gasoline is comparable to gas being marketed by many of our own domestic refiners.

Just yesterday, the Motor Vehicle Manufacturers Association released its National Fuel Survey, indicating that Venezuelan oil fared better on olefin content—22 percent in 1990—than many domestic refiners, like Mobil Oil in New York City—26 percent—and Getty—nearly 25 percent—and Texaco—nearly 24—in Philadelphia. A little known fact is that Venezuelan gasoline is actually superior on air standards for benzene and aromatics.

The Senate language will create serious problems for consumers, especially citizens in Northeastern States that count on imported gasoline for as much as 30 percent of their energy needs. Nationwide, we rely on gasoline imports for 3 to 5 percent of domestic consumption each day. The dislocation of imported fuel could potentially raise the price of gasoline 15 to 22 cents per gallon. This will have a dismantling effect on the New England economy, increase inflationary pressures, and will inflict supply shortages throughout the Northeast and the Nation as a whole.

Mr. Speaker, this is a matter of fairness and energy security for our citizens—merely treating domestic importers with the same environmental standards for reformulated gasoline under the Clean Air Act as domestic refiners.

I strongly urge my colleagues to insist on the House position—to ensure that both domestic and imported environmentally sound gasoline can serve our citizens.

Ms. PELOSI. Mr. Speaker, I rise today in support of the conference report on the fiscal year 1995 VA–HUD appropriations bill. I commend Chairman STOKES and ranking member LEWIS for their successful work in crafting this balanced bill designed to meet the many competing needs of the subcommittee's diverse programs and thank them for their attention to programs of particular importance to the people of San Francisco, who I am honored to represent.

I am particularly pleased that the conference report contains $40 million for San Francisco's Richmond transport control wastewater facility for a comprehensive combined sewer overflow system, which will allow the city to complete construction on an important project to limit sewage discharge into San Francisco's coastal waters, as well as $1.5 million for a housing facility for homeless and mentally disabled people of San Francisco and $1 million for the Center for Pacific Rim Studies, a community and economic development initiative designed to enhance the competitiveness of the bay area throughout the Pacific rim. I thank the chairman for report language encouraging prostate research at the San Francisco VA Medical Center. This research will help to increase our knowledge of the prevention and treatment of this tragic disease.

I am also pleased that this fiscal year 1995 bill contains funding for a number of nationwide housing programs with significance for San Francisco. I will note here only two, the AIDS Housing Program [HOPWA], to be funded at $186 million, an increase of $30 million over fiscal year 1994, and HUD's Housing Preservation Program, to be funded at $175 million. Both of these programs have a real impact in providing affordable housing in my community.

Again, I commend Chairman STOKES and the members of the subcommittee for their success with this conference report and urge my colleagues to support it.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the conference report on H.R. 4624, VA/HUD and independent agencies appropriations fiscal year 1995. I would like to commend Chairman STOKES and the conferees for putting together an excellent bill that wisely invests in every American's need for safe, clean housing, addresses the needs of our veterans, and addresses the management of our environment. I strongly support this conference report which addresses the critical needs of New Mexicans and other Americans.

H.R. 4624 expands funding for assisted housing, low-income housing, and homeownership programs. These expanded programs will benefit moderate and low-income people of northern New Mexico who are faced with escalating home prices. The $1.5 million for affordable housing in Santa Fe, NM will allow hundreds of hardworking families to realize the American dream of owning their own home.

I commend the conferees for recognizing the importance of keeping the promises that we have made to the millions of men and women who have risked their lives to defend this country. I would like to thank Chairman STOKES and the conferees for their commitment to primary care services for veterans in rural areas. We cannot provide medical care 300 miles from a veterans home and claim that the veteran has accessible health care. In fiscal year 1994 the committee provided for a clinic in Clovis, NM. The Veterans Health Administration subsequently found over 11,000 veterans in the area who were not being served. I want to thank the committee for providing another $550,000 to expand the Clovis Veterans Clinic to serve rural veterans of eastern New Mexico and west Texas who for decades have been denied the basic health care they earned fighting for this country. The committee has also provided $178,000 for a rural health care in Clayton, NM. These services will provide much needed care to our veterans in the tristate area of New Mexico, Texas and Oklahoma who are now forced to travel for 150 to 400 miles to receive veterans care.

Mr. Speaker, H.R. 4624 will serve our Nation's longterm interest by investing in essential housing, veterans, and environment needs. I am ready to support the conference agreement on HUD/VA and independent agencies fiscal year 1995 appropriations and urge my colleagues to do the same.

☐ 1730

Mr. LEWIS of California. Mr. Speaker, as Doc Syers, who worked with me on our side on this bill, and I yield back the balance of our time, we want to express our deep appreciation to not only my chairman, but also his very fine staff, for creating an environment that is totally nonpartisan, whereby this bill has been able to go forward as effectively as it has.

Mr. Speaker, I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STOKES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 313, nays 61, answered, not voting 60, as follows:

[Roll No. 417]

YEAS—313

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barlow
Barrett (NE)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hayes
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kolbe
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Richardson
Rogers
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stump
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NAYS—61

Allard
Archer
Armey
Bachus (AL)
Ballenger
Barca
Barrett (WI)
Barton
Boehner
Bunning
Burton
Buyer
Castle
Coble
Combest
Cox
Crane
Crapo
Doolittle
Duncan
Ehlers
Fawell
Franks (NJ)
Gekas
Gingrich
Goss
Hall (TX)
Hancock
Hefley
Herger
Hoekstra
Inglis
Istook
Johnson, Sam
Klug
Knollenberg
Kyl
Linder
Manzullo
Miller (FL)
Minge
Moorhead
Myers
Paxon
Penny
Petri
Pombo
Ramstad

Roberts
Roemer
Rohrabacher
Roukema
Royce
Saxton
Schaefer
Sensenbrenner
Smith (MI)
Upton
Walker
Zeliff
Zimmer

NOT VOTING—60

Ackerman
Baker (LA)
Barcia
Becerra
Blackwell
Bryant
Camp
Clinger
Condit
Conyers
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dornan
Dreier
Engel
Ford (MI)
Gallo
Glickman
Grams
Hastings
Hefner
Huffington
Inhofe
Kaptur
Kopetski
Laughlin
Lewis (FL)
Machtley
McCurdy
Miller (CA)
Mink
Murphy
Nadler
Owens
Pickett
Portman
Rangel
Reynolds
Ridge
Ros-Lehtinen
Rostenkowski
Roth
Santorum
Serrano
Slattery
Smith (OR)
Stenholm
Sundquist
Swett
Synar
Thomas (WY)
Torricelli
Towns
Velazquez
Washington
Waxman
Yates

□ 1753

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Dornan against.
Mr. Yates for, with Mr. Grams against.

Mr. ROEMER changed his vote from "yea" to "nay."

Mr. KIM changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. STOKES. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 1, 11, 17, 32, 33, 38, 47, 48, 49, 50, 52, 53, 54, 55, 65, 66, 77, 80, 82, 86, 97, 103, 104, and 105 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendments enumerated in the foregoing unanimous consent request are as follows:

Senate amendment No. 1: Page 8, line 8, after "1996" insert: ": *Provided further*, That of the $15,622,452,000 made available under this heading for fiscal year 1994 in Public Law 103–124, the $9,863,265,000 restricted by section 509 of Public Law 103–124 for personnel compensation and benefits expenditures is reduced to $9,813,265,000".

Senate amendment No. 11: Page 17, after line 24, insert:

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

For the National Homeownership Trust Demonstration program, as authorized by title III of the National Affordable Housing Act, as amended by section 182 of the Housing and Community Development Act of 1992, $50,000,000, to remain available until expended.

Senate amendment No. 17: Page 18, line 19, strike out ".54 per centum" and insert: "$15,000,000".

Senate amendment No. 32: Page 24, strike out lines 13 to 17 and insert:

For contracts with payments to public housing agencies and nonprofit corporations for congregate services programs, $25,000,000, to remain available until September 30, 1995, of which up to $6,267,000 shall be for entities operating such programs in accordance with the provisions of the Congregate Services Act of 1978, as amended, and the balance shall be for programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625).

Senate amendment No. 33: Page 25, strike out lines 2 to 9 and insert:

For the HOPE VI/urban revitalization demonstration program under the third paragraph under the head "Homeownership and Opportunity for People Everywhere grants (HOPE grants)" in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, 106 Stat. 1571, 1579, $500,000,000, to remain available until expended: *Provided*, That notwithstanding the first proviso of such third paragraph, the Secretary shall have discretion to approve funding for more than fifteen applicants: *Provided further*, That notwithstanding the third proviso of such third paragraph, the Secretary may provide funds for more than 500 units for each participating city: *Provided further*, That in selecting HOPE VI implementation grants recipients in fiscal year 1995, the Secretary must first award such grants to those cities or jurisdictions which have received HOPE VI planning grants in fiscal year 1993 or fiscal year 1994: *Provided further*, That the requirement of the immediately preceding proviso shall not limit the Secretary's discretion to limit funding to amounts he deems appropriate, nor shall it prevent the Secretary from guaranteeing that all implementation grant recipients conform with the requirements of the HOPE VI/urban revitalization demonstration program: *Provided further*, That of the foregoing $500,000,000, the Secretary may use up to $2,500,000 for technical assistance under such urban revitalization demonstration, to be made available directly, or indirectly, under contracts or grants, as appropriate: *Provided further*, That nothing in this paragraph shall prohibit the Secretary from conforming the program standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law.

Senate amendment No. 38: Page 29, line 22, after "$20,885,072,000" insert: ": *Provided further*, That of the foregoing amount provided to subsidize program costs, not more than $47,098,750 may be obligated by January 1, 1995, not more than $94,197,500 may be obligated by April 1, 1995, not more than $160,135,750 may be obligated by July 1, 1995".

Senate amendment No. 47: Page 38, after line 2 insert:

Subparagraph (A) of the first sentence of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking clause (ii) and all that follows through "May 12, 1992;" and inserting the following:

"(ii) 75 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size;

except that the applicable dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of the dollar amount limitation in effect under this section for the area on the date of enactment of the Housing Choice and Community Investment Act of 1994 or 38 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size;".

Senate amendment No. 48: Page 38, after line 10, insert:

"Beginning fiscal year 1995, the Government National Mortgage Association shall permit Ginnie Mae II mortgage-backed securities to be eligible as collateral for multiclass securities that such Association guarantees, in accordance with the Notice published at 59 Fed. Reg. 27290 (May 26, 1994) and successor Notices."

Senate amendment No. 49: Page 38, after line 10, insert:

Section 8(c)(2)(A) of the United States Housing Act of 1937 is amended by inserting at the end the following: "However, where the maximum monthly rent, for a unit in a new construction, substantial rehabilitation, or moderate rehabilitation project, to be adjusted using an annual adjustment factor exceeds the fair market rental for an existing dwelling unit in the market area, the Secretary shall adjust the rent only to the extent that the owner demonstrates that the adjusted rent would not exceed the rent for an unassisted unit of similar quality, type, and age in the same market area, as determined by the Secretary. The immediately foregoing sentence shall be effective only during fiscal year 1995.".

The immediately foregoing amendment shall apply to all contracts for new construction, substantial rehabilitation, and moderate rehabilitation projects under which rents are adjusted under section 8(c)(2)(A) of such Act by applying an annual adjustment factor.

Senate amendment No. 50: Page 38, after line 10, insert:

Section 8(c)(2)(A) of the United States Housing Act of 1937, as amended by the immediately foregoing amendment to such section, is further amended by inserting at the end the following: "For any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. The immediately foregoing sentence shall be effective only during fiscal year 1995.".

The immediately foregoing shall hereafter apply to all contracts that are subject to section 8(c)(2)(A) of such Act and that provide for rent adjustments using an annual adjustment factor.

Senate amendment No. 52: Page 38, after line 10, insert:

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following new subsection:

"(aa) REFINANCING INCENTIVE.—

"(1) IN GENERAL.—The Secretary may pay all or a part of the up front costs of refinancing for each project that—

"(A) is constructed, substantially rehabilitated, or moderately rehabilitated under this section;

"(B) is subject to an assistance contract under this section; and

"(C) was subject to a mortgage that has been refinanced under section 223(a)(7) or section 233(f) of the National Housing Act to lower the periodic debt service payments of the owner.

"(2) SHARE FROM REDUCED ASSISTANCE PAYMENTS.—The Secretary may pay the up front cost of refinancing only—

"(A) to the extent that funds accrue to the Secretary from the reduced assistance payments that results from the refinancing; and

"(B) after the application of amounts in accordance with section 1012 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.".

Section 223(a)(7) of the National Housing Act (42 U.S.C. 1751n(a)(7)) is amended in subparagraph (B), by striking "and" at the end; and by inserting, before ": *Provided further*" in said paragraph, the following: "; and (D) any multifamily mortgage that is refinanced under this paragraph shall be documented through amendments to the existing insurance contract and shall not be structured through the provisions of a new insurance contract".

The amendments of the two immediately preceding paragraphs shall be effective only during fiscal year 1995.

Senate amendment No. 53: Page 38, after line 10, insert:

Section 601 of title VI of S. 2281 (103d Cong., 2d Sess), as reported to the Senate on July 13 (legislative day, July 11), 1994 (S. Rep. 103–307), is hereby incorporated into this Act, and such section 601 is deemed enacted into law upon enactment of this Act: *Provided*, That the provisions of such section 601 shall be effective only during fiscal year 1995.

Senate amendment No. 54: Page 38, after line 10, insert:

Title VIII of S. 2281 (103d Cong., 2d Sess), as reported to the Senate on July 13 (legislative day, July 11), 1994 (S. Rep. 103–307), is hereby incorporated into this Act, and such title VIII is deemed enacted into law upon enactment of this Act.

Senate amendment No. 55: Page 38, after line 10, insert:

Notwithstanding any other provision of law, the New York City Housing Authority is authorized to use not more than $12,420,000, from development reservation number NY36P005324 for 100 public housing units previous awarded from funds appropriated under Public Law 101–507 (Nov. 5, 1990), for the purpose of completing a homeownership program involving not more than 463 dwelling units located in Bronx County, in the City of New York, in accordance with a certain submission dated November 16, 1993 made in response to a Notice of Funding Availability issued at 58 Fed. Reg. 41127. The Secretary of Housing and Urban Development shall thereafter add a similar number of existing non-Federal public housing units, designated by the Authority, to the agency's inventory of federally-assisted public housing developments and said units shall, for all purposes other than the repayment of any debt associated with their development or rehabilitation, be considered as if initially developed under title I of the Housing Act of 1937.

Senate amendment No. 65: Page 41, line 12, after "Act" insert: ": *Provided further*, That $6,500,000 shall be made available for the Points of Light Foundation for purposes authorized under title III of the Act".

Senate amendment No. 66: Page 41, line 12, after "Act" insert: ": *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the National Civilian Community Corps, or any portion of any of the Corporation's field offices or staff working on National and Community Service or National Civilian Community Corps programs".

Senate amendment No. 77: Page 44, after line 14 insert:

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $43,870,000, to remain available until expended.

Senate amendment No. 80: Page 45, line 9, after "CERCLA' insert: ": *Provided further*, That $15,384,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1995".

Senate amendment No. 82: Page 46, line 12, after "expenses" insert: ": *Provided further*, That $669,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1995".

Senate amendment No. 86: Page 48, line 15 insert:

None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

Senate amendment No. 97: Page 56, after line 19 insert:

Of the amounts provided under the heading, "CONSTRUCTION OF FACILITIES", for the Consortium for International Earth Science Information Network in Public Law 102–389, $10,000,000 are rescinded.

Senate amendment No. 103: Page 59, after line 2 insert:

Notwithstanding the limitation or the availability of funds appropriated for "Mission support", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1995 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Senate amendment No. 104: Page 60, after line 2 insert:

The fourth proviso in the paragraph under the heading "Science, space, and technology education trust fund" in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 101–404, 102 Stat. 1014, 1028) is amended by striking out "for a ten-year period" and inserting in lieu thereof "hereafter".

Senate amendment No. 105: Page 60, after line 2 insert:

Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration shall convey, without reimbursement, to the City of Slidell, Louisiana, all rights, title, and interest of the United States in the property, including all improvements thereon, known as the Slidell Computer Complex, and consisting of approximately 14 acres in the City of Slidell, St. Tammany Parish, Louisiana: *Provided*, That appropriated funds may be used to effect this conveyance: *Provided further*, That in consideration of this conveyance, the National Aeronautics and Space Administration may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendments of the Senate numbered 1, 11, 17, 32, 33, 38, 47, 48, 49, 50, 52, 53, 54, 55, 65, 66, 77, 80, 82, 86, 97, 103, 104, and 105, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 5: Page 11, line 22, strike out "$101,965,000" and insert: "$208,000,000".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$355,612,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

□ 1800

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 14: Page 18, line 6, after "That" insert: "to be added to and merged with the foregoing amounts there shall be up to $200,000,000 of amounts of budget authority and (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f) which are recaptured during fiscal year 1995; and up to $100,000,000 of transfers of unobligated balances from the Urban Development Action program: *Provided further*, That".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: "to be added to and merged with the foregoing amounts there shall be up to $400,000,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1995 or are unobligated as of September 30, 1994; and up to $1,000,000 of transfers of unobligated balances from the Urban Development Action Grants program: *Provided further*, That".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 19, line 4, strike out "$2,643,000,000" and insert: "$2,144,582,000".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$2,785,582,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 19, line 7, after "1437(o))" insert ": *Provided further*, That of the amount provided for rental assistance, up to $350,000,000 shall be available for the Pension Fund Partnership program, as authorized by section 6 of the HUD Demonstration Act of 1993 (Public Law 103–120); $20,000,000 shall be the Community Viability Fund; $50,000,000 shall be for the Colonias program; and $500,000,000 shall be for the Neighborhood Leveraged Investment Program (LIFT)".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following: ":*Provided further*, That of the total amount provided for rental assistance, a total of up to $400,000,000 may be made available for new programs subject to enactment into law of applicable authorizing legislation".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 21, line 12, after "opportunity" insert: ": *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $135,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in Senate Report 103–311".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $289,500,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103–715) accompanying H.R. 4624, except for the grant of $500,000 for the Earth Conservatory for the acquisition of land near Wilkes-Barre, PA".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. FAWELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAWELL. Mr. Speaker, I merely want to ascertain if either the gentleman from Ohio or the gentleman from California is opposed to this motion.

The SPEAKER pro tempore. Is the gentleman from California opposed to the motion?

Mr. LEWIS of California. Mr. Speaker, I am not opposed.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FAWELL] may claim one-third of the time.

On this motion, the gentleman from Ohio [Mr. STOKES] will be recognized for 20 minutes, the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield myself such time as I may utilize.

Mr. Speaker, I rise in support of my motion on amendment No. 28.

The gentleman states that he is opposed to the earmarking of funds for special purpose grants. We have debated this issue before and those opposed to HUD special purpose grants have always lost.

The subcommittee received a large number of requests for increased funding for different purposes. Some Members requested additional funding for VA programs, including major construction projects. Some Members requested funding for individual EPA water infrastructure projects for communities with special needs. A number of Members have requested funds for HUD's special purpose grants to address special needs in their districts. We attempted to help Members who requested assistance—whether it was for a project in VA, EPA, HUD or some of the other agencies funded in the bill.

Earmarking funds for special projects has been a congressional prerogative for a long time. All knowledge about the various program needs of the communities across the country does not reside solely in the executive branch of the Government.

Mr. Speaker, these are good projects. They are projects that each of the Members had to satisfy our subcommittee were good projects. The subcommittee has meticulously and scrupulously looked into each of these projects. We deem them to be good projects. We urge all the Members to vote "yes" on the conference agreement on amendment No. 28.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in opposition to the Stokes motion to recede and concur in the Senate amendment No. 28 with an amendment. This motion will add $290 million in projects to the bill that were not in the House-passed bill.

Mr. Speaker, the conferees' action in adding these projects, some $290 million in special purpose grants, is a kind of Robin Hood in reverse, cutting from assisted housing funds for low-income people to pay for these unauthorized projects.

What kind of projects are we talking about? Here is almost half a million dollars for the reconstruction of a Center for Political Participation at the University of Maryland. Here is $5 million for a West Virginia construction of a new library. Another $5 million for a science education facility in Newport, OR.

An applied technology center in a community college in central New York takes $500,000.

If we are successful in defeating the Stokes motion, the gentleman from California [Mr. BROWN] and I will offer in a motion to strike $283 million from the funding.

Mr. Speaker, $283 million represents funding for 254 projects which are unauthorized. These 254 projects are unauthorized by the Committee on Banking, Finance and Urban Affairs and are unrequested by the Department of Housing and Urban Development. When the VA-HUD appropriations bill left the House, it was completely clean. The special purpose grants were not included. These grants have long been criticized by Presidents and Members of this Congress as bastions of special interest. But the Senate-passed bill has $135 million in such grants. We have all kinds of grants which are included.

In addition to projects already mentioned, we have funding of sewer and water lines, of science, health and educational facilities, of restorations of railroad stations, municipal plazas. We have funding of clinical labs, economic development—without an explanation of what economic development means, we have funding of all kinds of industrial developments, infrastructure improvements, social service activities, loan funds, market development funds, downtown renovations, telecommunications networks, and the building of a municipal coliseum.

□ 1810

We are funding all this by using $290 million which otherwise would be used for public-assisted housing. I think we all know we shouldn't be doing that. But, I presume as long as these kinds of actions are unnoticed by the pubic, they seem to go on. At least, last year, for the first time in many years, this kind of a raid on low-income housing funds did not take place. But I guess the temptation this year was too great on the conferees.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker we are in the 2-minute drill here. All year our colleagues on the Committee on Appropriations have been working diligently to produce the appropriation bills necessary to fund the Government. They have passed the House and Senate. They have gone into conference and now they are coming out of conference.

When this bill left the House it had no earmarks in it. It now has $290 million of which $70 million are academic earmarks in which my Committee on Science, Space, and Technology has a jurisdictional interest. There are of course in addition to that considerably more earmarks.

The distinguished chairman of the subcommittee said that he had received large numbers of requests for increased funding, apparently between the time the bill left the House and it emerged from conference. I might point out, and I will include tables and charts with my remarks, that 60 percent of these magical requests came from members of the conference committee. The other 40 percent came from close friends of the conferees.

My objection is not to the project. My objection is to the process here. None of these was authorized, none were requested. Apparently they could not meet the criteria for Community Development Block Grants, but they magically appear. There were none in the House bill. The Senate bill had $135 million, and in conference the compromise was to extend it to $290 million. That is the kind of mathematics that puzzles the people of this country, how we would compromise zero and 135 and come up with 290.

The point I have been making now for several years, and I will continue to make it until this situation is corrected, is that we have an orderly process for considering expenditures in this House. Generally speaking they originate with a request. They go to the authorizing committee where they are considered. They are authorized and then, as an authorized program, they go to the appropriators to determine the level of funding.

All of that is thrown out the window here, and we have the members of the Appropriations Committee, all dear friends of mine who exercise tremendous power as illustrated in this conference report, doing what they will, and what they will to do is to use the taxpayers' money to fund in this particular case nearly $300 million of programs, most of which benefit the conferees themselves.

This process will destroy the comity of this House. This will destroy the sense of the members of the authorizing committee that they are coequal members of this particular branch of Government. They are ruining our relationship with the Senate, because as I pointed out, most of this originates in the Senate, and our dear friends on the House Appropriations Committee are almost forced into playing the same game with them, because they could not afford to be out of line with the Senate colleagues.

The grants are also properly balanced between the Republicans and the Democrats. This is the greatest sense of equity that I see in this body. Roughly the same percentage of these grants go to Republicans as there is membership in the House, and that, of course, is intended to build bipartisan support.

This system is pernicious. It must be stopped, and this is the place to stop it with this amendment to this bill.

I urge a "no" vote on the Stokes amendment and a "yes" vote on the Brown-Fawell amendment.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the committee's recommendation of $290 million in appropriations for the HUD special purpose grants account, and I will tell Members why.

Many of these projects fund critical programs and needs in our communities and States that will otherwise go unfunded if this amendment is not approved. It is the only access we have in this system for conditions of dire need.

For example, one of the appropriations in this account would allow the Santa Rosa Volunteer Fire Department to purchase needed ambulance rescue equipment.

I don't know about your rural areas, but let me tell you a little about Santa Rosa and Guadalupe County, NM. Santa Rosa is located 120 miles east of Albuquerque and 150 miles west of Amarillo, TX. Guadalupe County is a rural county with only two ambulance services to cover approximately 3,000 square miles. Within this area, the local fire department responds to any incident that may occur within 214 miles of State and Federal highways, including over 70 miles of Interstate 40. The county does not have an emergency response rescue unit.

At any given time, there are more people traveling through Guadalupe County on I-40 than there are people living in the entire area. And the demands placed upon local officials to fund emergency calls are increasing. Over 55 percent of the fire department's emergency calls are due to accidents on the Federal highway, I-40. This appropriation will provide $250,000 to allow the local fire department to procure emergency response vehicles and equipment that will be used to respond to emergency incidents. The dedicated volunteers of the Santa Rosa Volunteer Fire Department will provide the necessary manpower to enable Guadalupe County to respond in a timely manner and a responsible manner to road accidents and emergencies.

Guadalupe County does not have the tax base to afford good ambulance and rescue services. There is no help from the State government. The Federal Government owns most of the land in the county and the citizens are located in the second lowest per capita income region of the State.

The example serves as an important example of the need that will be addressed by this body's approval of the HUD special purpose grants account. This account lets Congress address and fund important projects and priorities in our communities that will otherwise go unfunded and unattended to.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, here we go again. When the House passed this bill on June 29, we passed out a clean bill. Now we come back with a conference report, and not only do we go here again because we have put in all kinds of pork projects, but interestingly enough, we left here with the crime bill and now we start off with another crime bill. If we take a look at four pages of pork projects, a million dollars for innovative community policing activities, a million dollars for anticrime youth initiatives in Washington, DC, $54,000 for housing authority, $500,000 for the development of a center for the prevention of crime, violence, and illiteracy for the Norfolk State University in Norfolk, VA.

□ 1820

Are these projects necessary? Perhaps. But let us take a look at the process that we have gone through.

These have not gone through the committee process. These have not been authorized by the House.

They were put in through a process of a conference committee, individual Members putting in pork. The Senate put in over 102 unauthorized grants for $135 million. The House conferees responded by adding in $155 million of their own.

These projects have less to do with housing than they do with election-year politics. Imagine how many press releases are going to go out tomorrow if we pass this bill by Members saying, "I delivered for you. I brought home the pork. Remember me in November."

I think the most appropriate thing to do is to vote "no" on this. Support our colleague, the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I yield 2½ minutes to the fine gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, we have an ever-tightening budget on discretionary items, and as a consequence of this tighter spending cap, we thought we were beginning to make headway in getting rid of pork-barrel spending at the national level.

The gentleman from Illinois [Mr. FAWELL] and I formed the Porkbusters' Coalition several years ago, and for several years in a row fought against pork-barrel items in this specific appropriation bill. In 1992 and 1993, we raised the issue of these unauthorized projects being added on by the appropriators or by the conferees, and in 1994 we thought we had won the battle, because finally we had a clean bill.

This year, the House stayed in that vein by producing another bill that was clean of pork-barrel spending. But we have gone to conference committee and found that old habits die hard. Because of the Senate's sins in putting some pork-barrel items in, our conferees could not resist the temptation to lard this bill up with some projects for themselves.

There is a new math at play here. The House sent to conference committee a bill with zero projects and zero funding for special projects. The Senate comes along with 102 special-interest projects totaling $135 million.

Now, under the normal process, you might think the compromise would be halfway between those two numbers, but that is not the way things work when pork-barrel spending is involved. The new math puts in a conference report that has not 102 projects but now 259 projects, not a total of $135 million but now a total of $290 million.

These projects were not authorized by the appropriate policy committee. Why? Because that committee did not deem them to be meritorious. These projects were not requested by the administration, because the departments and agencies involved did not consider them meritorious.

Measured against the normal grant programs that are authorized under law, these projects would be considered ineligible. This is an outrage. These projects in this bill represent an insult to the Members of the House of Representatives who voted for a clean bill, and it is an insult to the American taxpayers who want a clean bill and an end to pork-barrel spending.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, the U.S. Constitution makes it very clear that the responsibility for setting policy rests in the Congress and not in the executive branch.

What we are really arguing about today is whether the President makes the priorities or Congress makes the priorities. What has happened here is that this committee has rearranged the priorities.

It is not a case of new money, and, as a matter of fact, this budget is less than the President proposed. It is less than passed the House originally. But it is a question of what we spend it for.

The committee has decided that there are different priorities in the Congress than in the executive branch.

It is easy to throw around the term "pork barrel." I happen to be familiar with a couple of things in here where one is an assisted-living for a public hospital to help seniors make the transition from the hospital to the private nursing homes. I do not believe that is pork. Another is a small amount of money to develop preventive-medicine techniques for workers in industry to deal with heart problems, to deal with lung problems, to deal with the things that confront us today.

We all say one of the ways to deal with health care is to put more emphasis on preventive medicine, help people stay well. That is exactly what is done by one of these projects.

To use the term "pork" carelessly is a tremendous disservice and a misnomer. It is a case of whether the priority on the expenditures should be made by this body, which has the constitutional responsibility to do so, or whether it should be made by the President and the administration which, under the Constitution, executes the policy we make.

I think the committee has done a responsible job. There may be a couple of projects that you can attack if you do not have all the facts, but I think if you look at many of these projects they are extremely worthwhile, and in the committee's judgment and the judgment of this body should be—this makes good responsible policy as opposed to what happened in the case of the administration.

There is no new money. It is a question of who decides, the Congress or the President, how we expend existing funds.

Mr. FAWELL. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, one step forward, two steps back. That is the dance Congress performs in its effort to fight the deficit.

We pass tough spending restrictions to combat the deficit, then we waive them every time we think they might succeed.

Last year, we defeated the pork-riddled economic stimulus package. This year, many of the same projects are funded under the guise of crime prevention.

One step forward, two steps back.

The bill before us fits the pattern. When it initially passed the House, it was free of HUD special purpose grants, localized projects award without regard to merit or need. That was one step forward.

Today, however, the bill returns with over 250 special purpose grants. These grants were not awarded competitively, most are unauthorized and unrequested, and they will cost over $280 million. Definitely two steps back.

These projects are pork by anyone's definition: unauthorized, unrequested, unexamined. Neither the House nor the Senate voted on a majority of them. They just danced their way into the conference report.

Well, I say this dance has gone on long enough. A vote against the Stokes motion is a vote against irresponsibility. It is a vote against midnight deals and closed-door sessions.

Most importantly, it is a vote for the taxpayer. Oppose the Stokes motion and you will support fiscal responsibility. With a $200 billion deficit, we can not afford to dance any longer.

Mr. FAWELL. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I support the Fawell-Brown motion to strike unauthorized pork projects in the VA–HUD appropriation bill.

Once again 254 special interest pork projects totaling $290 million were slipped into an appropriation bill. All but four of the projects are unauthorized by the committee of jurisdiction and were not requested by the Department of Housing and Urban Development.

These special interest pork projects are a perfect example of why we have an annual budget deficit and a skyrocketing national debt. Again, it is business as usual, with Congress spending and spending and spending, with little or no regard for the taxpayer who must foot the bill.

To stop the funding for these projects, join with me in voting to defeat the Stokes motion, allowing Representatives FAWELL and BROWN to offer a motion to strike the Senate level to $7 million—the total funding level for the four authorized projects including in the bill.

Finally, I would like to commend the gentleman from Illinois. He has tirelessly fought to protect taxpayers dollars from being irresponsibly squandered, and I thank him for his efforts.

Mr. Speaker, I am including at this point in the RECORD a letter dated September 12, 1994, from the National Taxpayers Union, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, September 12, 1994.

Hon. HARRIS FAWELL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FAWELL: The 250,000-member National Taxpayers Union supports your effort to strike 254 projects totalling $283 million in funding during consideration of the FY 1995 VA/HUD Appropriations Conference Report.

In the Senate's version of this bill, appropriators provided $135 million for 102 "special-purpose grants" out of low-income housing funds. The House provided no such funding in its VA/HUD legislation. Yet, conferees decided to "compromise" by adding $155 million to the Senate's provision, for a total of $290 million for 259 special purpose grants. This twisted fiscal arithmetic simply will not compute with overburdened taxpayers.

Unless Congress acts to terminate them, most of these grants will be made for wasteful, unnecessary, or low-priority projects designed primarily to benefit very small constituencies in certain states. The current VA/HUD Conference Report contains $5 million for a new library in Beckley, West Virginia, $450,000 for construction of the Center for Political Participation at the University of Maryland, and $500,000 to an "Applied Technology Center" at Onondaga Community College in New York, to name a few.

All but five of these grants were never authorized by the Committee on Banking, Finance, and Urban Affairs, and were never requested by the Department of Housing and Urban Development. Furthermore, many of these projects have little or no direct connection to veterans affairs or housing issues, for which the bill was ostensibly drafted. Regardless of whatever merit these grants may have, their existence in the Conference Report is a circumvention of the congressional budget process and a contradiction of accountable budget principles. Such additions only reinforce taxpayer skepticism over Congress' ability to maintain fiscal discipline.

Congress must not repeat the debacle of last month's Crime Bill by accepting yet another flawed proposal like the VA/HUD Conference Report. NTU supports your effort to strike $283 million in funding for "special purpose grants" from the VA/HUD Conference Report. A vote to kill $283 million in funding for special purpose grants in the VA/HUD Conference Report will be considered for inclusion as a pro-taxpayer vote in NTU's 1994 Rating of Congress.

Sincerely,

DAVID KEATING,
Executive Vice President.

☐ 1830

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, to the Members of the House, I wonder if you ever stop to think what the words "special purpose" really mean, because I think here today I have heard you trying to embellish the real meaning of "special purpose."

The real meaning of these grants is to meet special needs. I want you to know there is no one here in Washington, bureaucrat or President, who can tell me what I need in my district. And they cannot tell you what you need in your district. I want to say to you that you were sent here to represent your district, to identify these needs which many people cannot identify in block grants or whatever. It is up to you to decide whether or not they were unrequested or not. Are you going to allow an unelected person to make those decisions for you?

That is why many of you have trouble getting back here, because you do not know what is going on in your own district. You do not know whether you need something for the people back there who are in rural areas, who will never be considered in any program here in Washington because they do not have the clout to get it in. But that is why they elected you, so you can come up here and every once in a while give them a little something to take back to them.

Now, they are not asking for all of these things we are talking about that are so pernicious. We have already done those. The billion dollars, trillion-dollar kinds of things. These kinds of things these people cannot ask for. So they are asking you "to get me a million," or "get me $500,000. This is a special need."

I think each of us should vote to support Mr. STOKES' amendment today. Vote down the reason to not have this pass today.

Mr. FAWELL. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I believe that the conferees on conference committees and the leadership of this institution on both sides of the aisle have a trust relationship, both with the American people and with the other Members of this institution. The conferees are to faithfully represent both Chambers to iron out differences and not use the conference process as an opportunity to advance the special interests that they feel are represented or needed by their own States or congressional districts.

The citizens of this great Nation are more than cynical about the work of this institution; they are disgusted. Why?

They are disgusted because Members of this institution are abusing the public trust by favoring their districts, their States, their provincial interests.

Mr. Speaker, this is our opportunity to restore confidence. Let us eliminate this special pork-barrel funding.

Mr. FAWELL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. I thank the gentleman for yielding this time to me.

Mr. Speaker, my colleagues, I know that the appropriators who put these projects into these bills are trying to use this money in a well-intentioned way for the people in this country. But the fact of the matter is we all know what the House rules say. No money shall be expended and appropriated unless already authorized.

The fact is we are violating the rules of the House. We would not even be having this debate on the floor if in fact the Committee on Rules had not waived the rules of the House.

So I ask my colleagues once again how many times are we going to come here to the floor of the House and insist that you obey the House rules?

How many times are we going to ask and come down here and say—and remind everyone what the rules say? Every time this happens, "we are going to do this, next time, we are going to do it next year." It reminds me of my trying to deal with my two teenage daughters, trying to get them to clean up their room. "We will do it tomorrow."

At some point we will have to say enough is enough. I will say to my colleagues today is the day. Today is the day we send the signals to our colleagues on the Appropriations Committee, and we send a message to the Members of the other body that we are not going to do this any more.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I wish to address one or two points brought up by Members during the debate. I was particularly concerned by the statement made by an earlier speaker that the reason for these grants is that the expertise to make these kinds of decisions does not reside solely in the executive branch but resides in the Congress. I would agree with the statement.

Let me point out, however, that the Congress has not acted on this. Congress has been circumvented on this. The fact of the matter is, and I will have this in a table attached to my remarks, one-half of this $300 million went to 8 States represented by 12 members of the conference committee—8 States represented by 12 members of the conference account for $140 million here.

Now I understand that the people who exercise power in the Committee on Appropriations like to use it to the best advantage that they can. I particularly like the way Senator BYRD has occasionally described the appropriation process as one in which most of the Members of Congress are ignorant, they do not understand how it works. He knows how you use power, and he uses it to the benefit of West Virginia.

I am going to steal a march from the distinguished Senator. He likes to quote the classics and so I will quote to you from Thucydides in his "History of the Peloponnesian War," in which the Athenians, at war with Sparta" were negotiating with the neutral Melosians, asking the Melosians to yield allegiance to Athens. And here is how Thucydides describes the negotiations: "In a meeting between Athenian and Melosian envoys during the Peloponnesian War, in which the Athenians demand control of Melos, their envoys said, 'The powerful exact what they can, and the weak grant what they must.' When the Melosians say that they would sooner be slaves, that they will appeal to the gods, the Athenians reply, 'Of the gods we believe and of men we know that, by a law of their nature, wherever they can rule they will. This law was not made by us and we are not the first to have acted on it; we did but inherit it.'"

Mr. Speaker, the appropriators today have inherited that law and they are practicing it. That is wrong and it will destroy the House.

Mr. Speaker, I rise in support of my friend the gentlemen from Illinois, HARRIS FAWELL, an esteemed member of the Committee on Science, Space, and Technology. As Members in this Chamber are aware, I have for some time vigorously opposed earmarks to academic institutions. Of the $290 million earmarked in these special purpose grants, almost 25 percent or more than $68 million appears to go to academic institutions.

I have never tried to assess the quality or merit of every earmarked project. Many of them no doubt—including many in this bill—are probably of high quality. What I do oppose is the irregular process which typifies earmarking. Funds are disbursed for projects that often have nothing to do with an agency's mandate, and without any type of formal review or input from the majority of the Members of Congress. The majority of these earmarks occur in report language where they are protected from congressional scrutiny and debate, not to mention Presidential signature. Nonetheless, agencies treat appropriations reports and associated earmarks with the same weight as law.

This group of special purpose grants provides a classic example of the earmarking process. The House-passed bill had no special purpose grants. The other body passed a bill with $135 million in special purpose grants. Now we are faced with a conference report that contains 259 earmarked projects valued at $290 million. This is an arcane branch of mathematics whereby the compromise between zero and 135 million actually works out to be 290 million.

Where did these projects come from? Only a select handful of our Members, those in the conference, know the answer to that question. Seven States share almost 45 percent of these funds and 60 percent of the earmarked funds go to States which were represented at the conference. A quick review of these projects shows that Congress can work in a bipartisan fashion, at least when it comes to earmarking, because many Members from both sides of the aisle succeeded in lassoing funds for their districts and States. The ratio of Republican to Democratic pork seems to be about the same as the ratio of Republicans to Democratic Members—a triumph of equity in this often partisan body. Some of the very Members in the other body who were most vocal in denouncing the recently passed crime bill as pork-laden were simultaneously engaged in earmarking pork in this bill for their own States.

I hope the same Members in this body who were upset by what they considered to be pork in the crime bill will stand and be counted today. I realize that the decision facing us is a painful one. As I stated earlier, I am sure that many of these projects are useful and will greatly benefit their communities. However I oppose these earmarks, and I hope other Members will also, for two fundamental reasons: the irregular order in which they were brought before the House and the unfair process which allows a small minority of the House and the other body to dole out largess to their parochial projects at the Nation's expense.

I urge my colleagues to support Mr. FAWELL's amendment.

The tabular material referred to is as follows:

HUD SPECIAL PURPOSE GRANTS—STATES RECEIVING MORE THAN $10 MILLION

[In millions of dollars]

State	Amount	Conference committee member
New York	$25.4	D'Amato.
West Virginia	23.0	Byrd, Mollohan.
California	21.9	Feinstein, Torres, Lewis.
Ohio	17.75	Stokes, Kaptur.
Pennslyvania	17.35	McDade.
New Jersey	13.49	Lautenberg, Gallo.
Michigan	10.45	
Maryland	10.15	Mikulski.
Total	[1] 139.49	

[1] 48.1% of total funding.

VA, HUD AND INDEPENDENT AGENCIES CONFERENCE REPORT—HUD SPECIAL PURPOSE GRANTS

ACADEMIC EARMARKS

Total—$68,200,000

$1,500,000 to Billings, MT for clinical lab space.

$500,000 for innovative housing research in inner city neighborhoods in the cities of Gary, Indianapolis, Terre Haute, Bloomington, and Columbus, IN, to be conducted through the Housing Futures Institute in Muncie, IN. (Ball State University)

$5,000,000 to the city of Huntington, WV for the construction of a new library. (Marshall University)

$5,000,000 to Shepherdstown, WV for continued capital costs for science and education activities. (Shepherd College)

$4,000,000 to Lewisburg, WV for construction of a new ambulatory care clinic. (WV School of Osteopathic Medicine)

$5,000,000 to Beckley, WV for construction of a new library facility. (College of West Virginia)

$5,000,000 for science education facility in Newport, OR. (Oregon State University)

$2,000,000 for planning and design of urban revitalization activities in Portland, OR. (Portland State University)

$1,000,000 to New Orleans, LA for continued operations of the National Center for Revitalization of Central Cities. (University of New Orleans)

$800,000 for a grant to Albion College in Albion, MI for downtown renovation and economic revitalization.

$2,000,000 to the State of Pennsylvania for educational telecommunications network. (Lehigh, Scranton, Susquehanna, and Wilkes Universities; Albright, King's Lebanon Valley, Lycoming, Marywood, and Moravian Colleges; Allentown College of St. Francis de Sales; College Misericordia, Lehigh Carbon, Lezerne County, Northampton, and Reading Area Community Colleges)

$1,450,000 to the College of Notre Dame of Maryland in Baltimore, MD for capital costs, including equipping and outfitting activities, connected to the renovation of the Knott Science Center.

$1,450,000 to Villa Julie College in Stevenson, MD for a state-of-the-art computer training program, including construction, other capital activities, equipment, and outfitting for a technology training center.

$2,000,000 for the development of an Urban Health Education Center at the University of Detroit Mercy in Detroit, MI.

$1,000,000 for the Henry Ford Health System in initiate the Center for Intergrated Urban Care, as part of a regional and national demonstration or urban health care delivery in Mississippi.

$300,000 to Fordham University to construct a new facility to house the Regional Educational Technology Center in Bronx, NY.

$750,000 for the renovation, expansion, and conversion of a section of Iona College's New Rochelle campus' Ryan Library to house an Information Access Center for women and minority owned businesses in the New York area.

$1,200,000 for the New York Medical College to develop a community based medical infrastructure project in New York.

$450,000 for the construction of the Center for Political Participation at the University of Maryland at College Park.

$1,000,000 for the expansion of St. Mary's Community College in St. Mary's County, MD, for needed educational opportunities.

$1,650,000 to the Redlands Center for Science and Environmental Studies for capital costs associated with a science education facility in Redlands, CA. (University of Redlands)

$2,000,000 for a community based cancer patient support project in Loma Linda, CA, including capital costs for an extended outpatient care residential facility combining multidisciplinary cancer approaches. (Loma Linda Medical Center)

$1,000,000 for international business and economic development center in Smithfield, RI. (Bryant College)

$2,000,000 for an information technology and training network and for related economic development activities in Norristown and Aston, PA in concert with the Southeastern Pennsylvania Consortium for Information Technology and Training. (Beaver, Cabrini, Chestnut Hill, Eastern, Gwynedd-Mercy, Holy Family, Neumann, and Rosemont Colleges)

$2,500,000 for the National Institute for Environmental Renewal in Lackawanna County, PA for economic development and job expansions. (University of Scranton)

$1,000,000 for the renovation of Jordan hall at the New England Conservatory in Boston, MA.

$1,000,000 for funds to develop the Center for Pacific Rim Studies in San Francisco, CA. (University of San Francisco)

$1,500,000 for Columbia University for the development of Audubon Research Park for biomedical research in New York.

$1,000,000 for the Hazard Community College for construction of a community service center in Kentucky.

$2,000,000 for Pembroke State University to construct a Regional Center for economic, community and professional development in southeastern North Carolina.

$2,000,000 for DePaul University's library to provide direct services and partnerships with community organizations, schools and individuals in NC.

$1,500,000 for the construction of St. Xavier University Center for Urban Redevelopment and community services in Chicago, IL.

$500,000 for program support for the Leadership Institute at Hampton University for Activities which address profound social problems in Hampton, VA.

$1,300,000 for the City of Richmond and the Virginia Commonwealth for the development of the Richmond Education, Training and Employment Network project.

$500,000 for the development of a Center for the Prevention of Crime Violence Illiteracy, and Poverty at Norfolk State University in Norfolk, VA.

$1,050,000 to the University of Arkansas at Little Rock for a coordinated urban community revitalization program operation in Arkansas.

$500,000 to Applied Technology Center at Onondaga Community College to serve as a comprehensive economic development resource in central New York.

$300,000 for the expansion of the Science and Mathematics Complex at the University of South Carolina.

$500,000 for the Earth Conservancy for the acquisition of land near Wilkes-Barre, PA for economic and community development purposes.

$2,000,000 for economic development activities related to distance learning programs in Storm Lake, Iowa. (Buena Vista College)

$1,000,000 to the City of Birmingham, AL to assist in the expanding a small business incubator program at the University of Alabama.

Peer Review Is Best Test for Research Funding

(By Anthony Flint)

The White House unveiled its new national science policy last week, pledging to lead the world in basic science, mathematics and engineering. The policy promises to wean the American research community from the Cold War era, when funds flowed more freely to universities and laboratories.

The government's promise now is to fund researchers who can help fight new wars: economic competitiveness, the environment, health and education. The Clinton administration wants to change the current 60–40 military-civilian split of the $70 billion federal research and development budget to 50–50 by 1998.

If it comes to pass, the US government and industry support for science will be boosted by 15 percent, putting it on a par with science funding in Japan and Germany when figured as a percentage of the national economy.

In large measure, the new emphasis will be on ideas that can be readily turned into products with commercial application. Critics say that will lead to a dangerous industrial policy, where government picks winners and losers incubating in the laboratory, rather than letting a hundred flowers bloom.

Unfortunately, this garden is already overrun with weeds.

New reports suggest that now more than ever, the academic research funding system has been nominally corrupted by pork-barrel appropriations, those multimillion-dollar so-called "earmarked" grants from powerful members of Congress to specific colleges and universities, often tucked into totally unrelated appropriations bills. The practice is so common it has become a kind of industrial policy of its own.

In the early 1980s, only the boldest big universities with the best Washington connections tried to get earmarked funds. These days, just about every self-respecting institution is doing it, assisted by politically savvy government liaison officers and lobbyists. Earmarked projects totaled $11 million in 1982; this year the total is $651 million, according to an annual review by the Chronicle of Higher Education.

Given the composition of institutions here, Massachusetts naturally has received a healthy share of typical earmarks: $2 million from the Department of Defense for burn treatment research for Harvard and Massachusetts General Hospital; $2.4 million from the Agriculture Department for Tufts; $3 million for the University of Massachusetts for a telescope. The state ranks second among the 50 states in total earmarked funds received from 1980 to 1994, according to analysis of data compiled by the Chronicle and the Library of Congress.

The basic objection to earmarking is that the money does an end-run around the traditional system of peer review, which is supposed to channel government money for research and academic projects to the best possible institute or laboratory in a systematic and orderly fashion.

Those who defend earmarking say that while the funds don't go through established channels, the projects are still inherently worthwhile, whether in health research or other areas. And, they say, earmarking is competitive, a kind of peer review of its own, except that universities pitch proposals to their federal legislators.

Some projects seem implausible to the point of absurdity, however: a planetarium for a Michigan community college that has no astronomers, for example, or money for Chesapeake Bay studies for a new Pennsylvania environmental center 180 miles from the nearest soft-shell crab. Earmarked money also regularly goes for facilities renovation or construction that benefits no one more than the university itself: a new dock, a laboratory, a library.

For those in Congress, there's something infectious about bringing home the pork to academic institutions in their districts, and crowing about it in press releases. New labs and libraries and research projects seem so wholesome.

In political terms, the practice feeds upon itself, as members strike horse-trading deals: You support my earmark, I'll support yours. It seems to create a knee-jerk mentality, where members elbow to get their own piece of every pie. Witness Senate minority leader Bob Dole holding up a bill to repair buildings on historically black college campuses because he wanted to tack on $3.6 million for Sterling College in Kansas, whose enrollment is only 3 percent black. (His reasoning: Congress should provide restoration funds for colleges that try to be more diverse).

Those who protest earmarking are swiftly punished. It's an open secret on Capitol Hill that Rep. John Murtha (D-Penn.), one of the biggest players in the academic pork-barrel game, initiated a giant slash in regular Defense Department research funding in partial retribution against California Rep. George Brown, who has criticized the practice. Murtha also has let it be known that he'd like the universities to step up more and defend the practice.

Reform-minded House Appropriations Committee chairman David Obey (D-Wis.) has slashed the discretionary spending accounts of subcommittee chairmen, and is on the lookout for academic earmarks in all 1995 appropriations bills.

But Obey is feeling the heat from both House and Senate leaders to back off a bit.

Is earmarking just the way things work? Maybe. But it certainly favors institutions who can afford lobbyists such as Cassidy & Associates, who helped Tufts, BU and Boston College win more than $130 million in earmarked grants since 1977, according to a recent report by Knight-Ridder/Tribune News Service.

Peer review seems to be the fairest process for awarding research funding. Some kind of equally objective, need based system for awarding funds for facilities also would be desirable. Academia, after all, is supposed to be the ultimate meritocracy.

At a time when research hangs in the post-Cold War balance too much scientific inquiry, is simply going to the highest bidder.

Top Recipients of Academic Earmark Grants

WASHINGTON.—Here are the top recipients of academic earmark grants in Congressional appropriations bills from 1980 through 1994. The rankings and the amounts come from analysis of data compiled by The Chronicle of Higher Education and the Library of Congress. In instances where a single grant was made to more than one university, the money was assumed to be divided evenly. Amounts listed are in millions.

1. University of Pittsburgh, $140.2.
2. Iowa State University, $103.6.
3. University of Alaska, $101.2.
4. University of Hawaii, $100.5.
5. Oregon Health Science Center, $100.5.
6. Louisiana State University, $90.7.
7. University of West Virginia, $80.8.
8. University of Rochester, $68.3.
9. University of Alabama, $67.1.

10. Florida State University, $67.1.
11. Michigan State University, $62.8.
12. Boston University, $56.5.
13. University of North Dakota, $53.5.
14. Tufts University, $51.8.
15. University of Maryland, $51.3.
16. Indiana University, $48.6.
17. Washington State University, $47.0.
18. Loma Linda University, $41.5.
19. University of Illinois, $41.0.
20. Oregon State University, $40.4.
21. North Dakota State University, $39.5.
22. Boston College, $37.6.
23. University of Oregon, $36.2.
24. University of Florida, $35.3.
25. Wheeling Jesuit College, $33.5.

STATE RANKINGS OF ACADEMIC EARMARK GRANTS

WASHINGTON.—Here is the ranking among states and the District of Columbia of recipients of academic earmark grants in congressional appropriations bills from 1980 through 1994.

The rankings and the amounts come from analysis of data compiled by The Chronicle of Higher Education and the Library of Congress.

In instances where a single grant was made to more than one university, the money was assumed to be divided evenly. Amounts listed are in millions.

1. Pennsylvania—$377.2.
2. Massachusetts—$206.2.
3. Oregon—$186.9.
4. Louisiana—$174.4.
5. Florida—$173.4.
6. New York—$165.9.
7. Michigan—$163.0.
8. California—$146.9.
9. Iowa—$138.5.
10. West Virginia—$126.7.
11. Illinois—$104.2.
12. Hawaii—$101.5.
13. Alaska—$101.2.
14. Mississippi—$98.8.
15. North Dakota—$94.8.
16. Alabama—$87.1.
17. Texas—$80.9.
18. Maryland—$80.2.
19. South Carolina—$78.6.
20. Washington.—$76.1.
21. Indiana—$.69.0
22. Wisconsin—$66.9.
23. New Jersey—$65.0.
24. Washington, D.C.—$58.5.
25. Utah—$56.7.
26. New Hampshire—$53.2.
27. Oklahoma—$50.7.
28. Ohio—$48.6.
29. Kansas—$47.5.
30. Arizona—$42.0.
31. Georgia—$41.3.
32. Arkansas—$41.3.
33. Minnesota—$40.8.
34. North Carolina—$39.1.
35. Nevada—$38.7.
36. Nebraska—$31.9.
37. New Mexico—$28.3.
38. Kentucky—$27.1.
39. Connecticut—$26.7.
40. Missouri—$25.1.
41. Maine—$23.5.
42. Idaho—$18.6.
43. Tennessee—$16.6.
44. Colorado—$16.4.
45. Virginia—$15.1.
46. Rhode Island—$14.1.
47. Montana—$9.6.
48. Wyoming—$7.7.
49. South Dakota—$7.6.
50. Vermont—$3.8.
51. Delaware—$0.5.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must say that I rise at this moment only to express no small amount of concern about the description that has been outlined here of the process we have been through.

I raise my voice only because I am concerned that some of those descriptions have cast a shadow upon the work of my chairman, the gentleman from Ohio [LOUIS STOKES]. There is not a chairman in the House who has put in more effort and gone out of his way to communicate with these people who have interests in various aspects of this bill.

The gentleman has indeed reached out, where it was appropriate, to a variety of members, including the appropriate committee chairman as we tried to work our way through this bill. You cannot touch base on every issue, but on significant issues he has certainly made a concerted effort. Indeed, in terms of individual projects where there were concerns about this building for that project, to help solve these problems my chairman said early on to me that we want to be very, very careful about this process because people love to rise on the floor and talk about a thing called pork.

□ 1840

As my colleagues know, Mr. Speaker, generally speaking we all know that pork is defined by Members as a project that is a 100 miles away from their own district. Beauty lies in the eyes of the genuflector as one reviews that part of the process. What does not seem to be appreciated here is that the chairman, in an attempt to measure and evaluate these requests with great care, delayed through the process all the way to the conference, as a matter of fact, because he wanted to make sure that he knew exactly what was involved in the requests by the Members of the House. As a practical fact of life, after the work of the committee, and then going to conference, the chairman has brought this bill back with $164 million less spending than when the bill came out of the House, and in turn, indeed, he has responded to some of those individual requests of Members after the careful evaluation that I have described.

What needs to be understood by the Members is that, if the chairman's motion to recede to the Senate is not passed, it will not reduce the spending in this bill one iota; indeed the money will remain. But the administration will decide how it is going to be spent instead of responding to the criteria established by my chairman and his efforts to satisfy needs of a number of Members of the House.

It is very, very clear in this case that that classic that says that the administration proposes and the Congress disposes applies in a very professional way. My chairman has worked with his colleagues in the other body attempting to make certain that we are very careful about the way dollars were being spent, and at the same time attempt to be as responsive as possible as Members of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Illinois [Mr. FAWELL] is recognized for 2½ minutes.

Mr. FAWELL. Mr. Speaker, I do want to make it clear, by the way, that the amendment which we would offer in the event the amendment offered by the gentleman from Ohio [Mr. STOKES] is defeated, as I hope it would be, will actually cut $283 million.

Now I think it is important for us to understand that nobody is necessarily against the idea of communities being helped from time to time by grants of Federal funds and that indeed is why we have the Community Development Block Grant [CDBG] program. But, under CDBG, Federal funds are distributed to local governments back home by an established formula related to need. Local governments in turn then make grants to worthy private or public entities of their choice within general guidelines of HUD. But those kinds of Federal grants would not be acceptable here because certain Members want federally funded projects which will enable them to be touted as the one who personally brought home a Federal project in his or her district. No hearings were held on these projects. No merit review made. What happened in this HUD conference report? They simply added $110 million to the total Assisted Public Housing appropriations to be spend in fiscal year 1995, and then proceeded to raid and earmark $290 million which was supposed to be spent on low income public housing money and required that the money instead be spent for these 257 special purpose grants. And as has been indicated, most of these grants were simply hard-nosed wish-lists for private or public projects back home, such as: building a municipal coliseum, or a library, or restoring a railroad station, or a municipal plaza, or for various science, education or sundry projects, extensions of sewer and/or water lines et cetera, et cetera, none of which probably would have passed muster if they were to be put through the required review by the authorizing committees.

The Stokes amendment should be defeated.

Mr. LEWIS of California. Mr. Speaker, I have no additional requests for time, but, before I yield back my time, let me mention to my colleague from Illinois, that we have provided very substantial funding in all of those categories. The Chairman has been extremely sensitive through the hearing process, trying to make sure that we were as generous as possible with housing projects, and CDBG programs.

All the money in the world is not available to satisfy every need. To suggest that in some way this chairman would be taking away from veterans, or housing programs, or Community Development Block Grants in order to hand out special projects to say the least, is a distortion of the process. My chairman has been extraordinarily fair to me and the Members of my side of the aisle in his committee process. He has reached out consistently to all the authorizing chairmen involved in the process.

I think this is a very well-balanced and extremely fair bill, and I urge the Members not just to support the bill, but to support the work of the gentleman from Ohio [Mr. STOKES] as well.

Mr. Speaker, I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Speaker, I rise today to urge my colleagues to support the motion to concur with Senate amendment No. 87 to the VA-HUD Appropriations bill. It is not often that agreement can be reached among environmental groups, labor groups, regulators and industry. But with an issue facing us today, they do agree. They're against the proposal to allow special exemptions on the quality of gasoline foreign refiners export to the United States.

In testimony before the Senate Environment and Public Works Committee, the Sierra Club, Defenders of Wildlife, and the Center for International Environmental Law joined the Independent Refiners Coalition in stating that the Venezuelan deal is "flawed trade policy, unsound environmental policy, and nonsensical economic policy." Labor organizations, such as the Oil, Chemical and Atomic Workers Union and the AFL-CIO, have opposed strongly the foreign baseline. The coalitions of State air quality regulators from 17 mid-Atlantic and Northeastern States oppose this proposal as well.

Let us hold foreign refiners to the same environmental standards we've set for our own domestic industry. Vote for the motion to concur with Senate amendment No. 87.

Mr. STOKES. Mr. Speaker, I yield myself the balance of my time, and I shall not take a long period of time to try and close debate this evening. I think it is important for me to try to say a couple of things.

As chairman of the VA-HUD Subcommittee, Mr. Speaker, I have tried to bring a balance to our bill that is reflective of the House. I have tried to approach the needs of the people of this country, the agencies that we serve, and also the Members of this House, in a way that would reflect credibly upon the House.

For a number of months, when we conducted our hearings on this bill, we had a number of Members who came before our subcommittee and asked us for special grants that would address needs in their specific congressional districts. These are needs that did not always fit within the criteria set by certain agencies, but nonetheless, Mr. Speaker, they were needs related to their congressional districts. They were needs related to housing, to health, and to infrastructure in the cities. Often, mayors and commissioners and other public officials also came to urge the Congress to consider these special purpose grants. We, in fact, had more than 300 requests for special purpose grants alone. When we take into account the requests we had from Members for EPA, HUD, and VA projects, we had more than 1,000 requests.

Mr. Speaker, seldom could I walk on the floor of this House without Members asking me to sit down so they could tell me about a special project in their congressional district. Seldom could I sit in my office without Members coming and bringing people from their congressional districts to tell me of their special needs.

We tried to be responsive to the Members of this house. We have tried to be responsive on a bipartisan basis. We tried to treat the Republican Members and the Democrat Members alike. We recognize that they have special needs to serve their constituents, and we tried to serve those needs. We did it saving money because we brought the bill back before the House $164 million below the figure that the House passed. So we, in fact, saved money while we were trying to address the needs of all the Members' constituents.

☐ 1850

We spent a great deal of time, and I appreciate the remarks of my ranking Republican Member, the gentleman from California [Mr. LEWIS]. The gentleman and I often spent hours going over these requests, trying to ascertain that each of the requested projects had the merit for us to include them in the bill.

So I would urge those Members who came to us and asked us to consider the special needs in their congressional districts to vote for the Stokes motion, so that we can try to support all the Members of this House with the special needs of their constituents. I would urge Members to vote "yes" on the Stokes motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FAWELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 180, not voting 65, as follows:

[Roll No. 418]

YEAS—189

Abercrombie
Ackerman
Applegate
Bacchus (FL)
Barlow
Bateman
Bentley
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (FL)
Brown (OH)
Byrne
Calvert
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hansen
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Klink
Kreidler
LaFalce
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Quillen
Quinn
Rahall
Reed
Regula
Richardson
Rogers
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sawyer
Schenk
Schiff
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Stokes
Strickland
Studds
Stupak
Swift
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Unsoeld
Visclosky
Vucanovich
Walsh
Waters
Watt
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Young (AK)

NAYS—180

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)

Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Beilenson
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Browder
Brown (CA)
Bunning
Burton
Buyer
Callahan
Canady
Cantwell
Castle
Clement
Coble
Combest
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Deutsch
Dooley
Doolittle
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Fawell
Fields (TX)
Fingerhut
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hoekstra
Horn
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lucas
Maloney
Mann
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Nussle
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Porter
Poshard
Pryce (OH)
Ramstad
Ravenel
Roberts
Roemer
Rohrabacher
Roukema
Royce
Sanders
Sangmeister
Sarpalius
Saxton
Schaefer
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (TX)
Spratt
Stearns
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Upton
Valentine
Vento
Volkmer
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—65

Baker (LA)
Barcia
Becerra
Blackwell
Bryant
Camp
Clinger
Condit
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dornan
Dreier
Edwards (CA)
Engel
Ford (MI)
Gallo
Grams
Hastings
Hefner
Huffington
Inhofe
Kaptur
Kopetski
Lantos
Laughlin
Lewis (FL)
Machtley
McCurdy
McMillan
Miller (CA)
Mink
Murphy
Nadler
Neal (NC)
Owens
Pickett
Portman
Rangel
Reynolds
Ridge
Ros-Lehtinen
Rostenkowski
Roth
Santorum
Serrano
Slattery
Smith (OR)
Solomon
Stark
Stenholm
Sundquist
Swett
Synar
Thomas (WY)
Torricelli
Towns
Velazquez
Washington
Waxman
Wilson
Wynn
Yates

□ 1912

The Clerk announced the following pairs:

On this vote:

Mr. Nadler for, with Mr. Dornan against.

Mr. Rangel for, with Mr. Grams against.

Mr. Yates for, with Mr. Lewis of Florida against.

Mr. Towns for, with Mr. Smith of Oregon against.

Mr. DEUTSCH changed his vote from "yea" to "nay."

Ms. SCHENK and Messrs. SWIFT, PETERSON of Florida, BATEMAN, and MARTINEZ changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 30: Page 22, line 17, strike out "$3,750,000,000" and insert "$2,992,000,000".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert the following: "$2,536,000,000."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 51: Page 38, after line 10, insert:

"The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii)"; by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;"; and in the penultimate sentence of section 16(c), by striking "under the system" and all that follows up to the period.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; and in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 40, strike out lines 3 to 5.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(RESCISSION)

Of the funds made available under this heading in Public Law 103–124, $1,730,000 are rescinded immediately upon enactment of this Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 58: Page 40, after line 5 insert:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1996, of which $100,000,000 shall become available on September 23, 1995: *Provided*, That of the funds made available under this heading, up to $10,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the costs of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $75,815,000: *Provided further*, That none of the funds made available under this heading may be used for programs and activities of the Bank Enterprise Act.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUNDS PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1996: *Provided*, That of the funds made available under this heading, up to $10,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $75,815,000: *Provided further*, That not more than $39,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 60: Page 40, strike out all after line 24 over to and including "hereafter" in line 1 on page 41 and insert: $610,000,000, of which $411,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 60, and concur therein with an amendment, as follows:

In lieu of the matter stricken and proposed by said amendment, insert the following: "$575,000,000, of which $386,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996."

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 64: Page 41, line 12, after "Act" insert: ": *Provided further*, That not more than $9,450,000 of the $155,590,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act."

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 64, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That not more than $14,175,000 of the $145,900,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act."

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 71: Page 43, after line 13 insert:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $350,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,567,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development."

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 71, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

"RESEARCH AND DEVELOPMENT

"For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $350,000,000, to remain available until September 30, 1996: *Provided*, That not more than $55,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development."

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 72: Page 43, after line 13 insert:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,417,000,000, to remain available until September 30, 1996: *Provided*, That not more than $296,772,500 of these funds shall be available for operating expenses: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of resource conservation and recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 72, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,417,000,000, to remain available until September 30, 1996: *Provided*, That not more than $304,722,500 of these funds shall be available for operating expenses: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 84: Page 47, after line 25 insert:

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $3,400,000,000, to remain available until expended, of which $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; $47,500,000 shall be made available in consultation with the appropriate border commission for architectural engineering, and design, and related activities in connection with wastewater facilities in the vicinity of Nogales, Arizona, and Mexicali, Mexico, and planning and design of other high priority wastewater facilities in the area of the Mexican border, the purpose of which facilities is to control municipal wastewater from Mexico; $50,000,000 shall be for grants to the State of Texas, which shall be matched by an equal amount of State funds from State sources, for the purpose of improving wastewater treatment in colonias in that State; $10,000,000 shall be for a grant to the State of New Mexico, which is to be matched by an equal amount of State funds from State sources, for the purpose of improving wastewater treatment in colonias in that State; $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $369,700,000 shall be for making grants with a 55 percent Federal share for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in Senate Report 103-311: *Provided*, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103-124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available immediately and without further authorization for making grants with a 55 percent Federal share for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in Senate Report 103-311: *Provided further*, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858) for construction of a connector sewer line, consisting of a main trunk line and 4 pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, shall include demolition of Chiquola Mill Lagoon, Clatworthy Lagoon, Corner Creek Lagoon, and Still Branch Lagoon: *Provided further*, That none of the funds provided under this heading for State revolving funds shall be allocated based on the 1992 Needs Survey Report to Congress.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 84, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

WATER INFRASTRUCTURE/STATE REVOLVING FUND

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,962,000,000, to remain available until expended, of which $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended, and shall be available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $781,800,000 shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: *Provided*, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103-124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by September 30, 1994, these funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: *Provided further*, That notwithstanding any other provision of law, $1,235,200,000 shall be available upon enactment of clean water state revolving fund authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858), for construction of wastewater treatment facilities for the towns of Ware Shoals and Honea Path, South Carolina, and would include, but would not be limited to, the construction of a connector sewer line, consisting of a main trunk line and four pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, the upgrade and expansion of the Ware Shoals wastewater treatment plant, and the demolition of the Chiquala Mill Lagoon, the Clatworthy Lagoon, the Corner Creek Lagoon, and the Still Branch Lagoon.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 87: Page 48, after line 15 insert:

None of the funds provided in this Act may be used during fiscal year 1995 to sign, promulgate, implement or enforce the requirement proposed as "Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline" at volume 59 of the Federal Register at pages 22800 through 22814.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House insist on its disagreement to the amendment of the Senate numbered 87.

PREFERENTIAL MOTION OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BOEHNER moves that the House recede from its disagreement to Senate Amendment #87 to the bill, H.R. 4624, and concur in the same.

The SPEAKER pro tempore. The debate is on the motion offered by the gentleman from Ohio [Mr. BOEHNER]. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

□ 1920

Mr. STOKES. Mr. Speaker, I rise in support of my motion to insist on the House position on amendment numbered 87.

I wish to discuss this amendment, which prohibits the promulgation, implementation, and enforcement of a proposed rule by the environmental protection agency concerning the regulation of fuels and their baseline requirements. At issue in this proposed rule is whether, under certain circumstances, imported reformulated gasoline should be calculated using a baseline similar to that used for domestic reformulated gasoline.

Unfortunately, there has been much confusion as well as misinformation about this particular rulemaking and the process used in revising the original EPA decision. I, too, have reservations about the proposed rule and the process used by EPA in proposing this rule—in fact, I signed a letter to the President in June expressing my concern about it and the rulemaking process used. However, I am not here to discuss the contents of the rule or its merits at this time. I am now asking that the House position be retained: that no language concerning the reformulated gasoline rule be included in the bill.

There was no language in our bill when the bill left the House and I am asking that we keep that position.

Basically, the Senate Amendment reopens the Clean Air Act. While this provision can be considered a limitation, which technically is in the jurisdiction of the Appropriations Committee, it does prohibit EPA from acting in any manner on this issue and prevents EPA from making rules under the guidelines of the Clean Air Act—which in this case is the jurisdiction of the Committee on Energy and Commerce. This Appropriations Subcommittee is being asked to include a provision with no hearings or debate by this subcommittee on this particular issue.

It is my understanding that the appropriate legislative committees have, in fact, held hearings on this issue and can more effectively address any deficiencies in the proposed rule. As recently as June 22, 1994, the Committee on Energy and Commerce held oversight hearings regarding the process followed by the EPA, the State Department, and the U.S. Trade Representative in the development of this proposal. This conference report is not the appropriate venue for such a debate.

There is no question that there are many controversial and complex issues surrounding this proposed rule. However, this rule is not yet completed. I would urge those interested in this proposed rule to work through the appropriate channels and process by making comments to EPA rather than circumventing this established process by prohibiting EPA from acting upon this rule. Because this rule is still pending, efforts to upset it legislatively through a rider on an appropriations bill would be quite disruptive to the process.

I would urge my colleagues in the House to insist upon the House position on this matter which is to reject the Senate amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do so, rising with no small amount of trepidation, for I have expressed to the House on a number of occasions today that my chairman, the gentleman from Ohio, LOU STOKES and I have worked very, very closely on this bill and we disagree on absolutely nothing. We do have a little difference in understanding of what this amendment is all about. I must say when this issue arose, I could not help but react to it in a couple of ways. First of all, the issue flows around the admission of Venezuelan oil into this country, oil that is refined in a fashion that provides less in terms of air quality standards than refining that is done in this country. I have reacted in two ways: The first involves my work for many, many years as the chairman of the select subcommittee dealing with air quality in the California State Legislature. During those years, we took major steps moving the direction of putting pressure on American industry, putting pressure on American automobile drivers to do all that we possible could to make sure that emissions from stationary sources or emissions from automobiles were operating at the highest possible level in terms of improving our air quality. This amendment, which was put in the bill by Senator MIKULSKI of Maryland, is designed to make sure that our manufacturers and their market share is protected by making certain that Venezuelan oil and other imported oil meets the same standards.

More importantly, Mr. Speaker, it is very strange in an issue like this to find this combination of people supporting the Mikulski position, thereby supporting the Boehner proposal. The Sierra Club is supporting the Boehner position. Listen to that. The Sierra Club is supporting the Boehner position. The Defenders of Wildlife are supporting the Boehner position. Friends of the Earth are supporting Mr. BOEHNER and my position.

Having said that, there are oil companies, chemical workers, the Atomic Workers Union, Public Citizen, Independent Refiners Coalition, et cetera, et cetera, all have come together miraculously to support the Boehner position. I would like to say that was simply because the gentleman from Ohio [Mr. BOEHNER] and I were supporting that position, but it is Ms. MILUKSKI's impact on this issue that is really making the difference. The gentlewoman from Maryland in our conference expressed very clearly the reality that it would be a serious mistake for us to allow and establish a precedent whereby oil coming from a foreign country, in this case Venezuela, does not have to meet the same standards that oil does that is produced and used by manufacturers here at home. The correct position on this in terms of American refiners' market share is to support the Boehner position. The correct position on this if Members are concerned about improving our air and making sure that we set clear standards regarding manufactured products that will be used in this country is to support the Boehner, Lewis, and Mikulski position and I urge my colleagues to join us in that position.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 2¾ minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Speaker, I rise today to urge my colleagues to support the Stokes motion on H.R. 4624, insisting on the adoption of the House position on foreign refinery reformulated gas imports. In addition to the concerns already raised, I would like to point out that the enactment of the Senate amendment will create a non-tariff trade barrier in violation of the national treatment clause of the GATT. In fact, Venezuela has already filed a GATT challenge.

The principle of non-discriminatory, national treatment that is embodied in GATT for imported products vis-a-vis domestic production is critical to the effective working of the global trading system. Some have contended that GATT provides an exception for measures that are necessary to protect health and the environment, and it is therefore acceptable to discriminate against foreign gasoline. This argument does not hold water. GATT does provide an exception for these measures, but only if they are not applied in an arbitrary or discriminatory manner, are not a disguised restriction on trade, and are necessary under established GATT doctrine. Moreover, a health-related measure is only considered "necessary" if there is not an alternative less inconsistent with GATT that could be expected to achieve the same policy goals.

In the instance under debate, there is a less trade-restrictive means of accomplishing the goals of the Clean Air

Act Amendments of 1990 than enacting the Senate amendment. Namely, foreign refiners should be allowed to comply with the Clean Air Act standards in the same manner as domestic refiners, just as the Environmental Protection Agency has recommended in its proposed modifications to its reformulated gasoline regulations.

The United States has made great strides in recent years toward opening our markets and removing barriers to free trade. It makes no sense to arbitrarily erect a barrier which will wreak havoc in the gasoline market and deny foreign gasoline access to our markets. Currently, the United States imports between 3 and 7 percent of the gasoline it uses each day. A worst case scenario of the effect of the Senate amendment is that all imports would be cut off due to a regulation that has two sets of rules—one for domestic refiners and one for foreign refiners. As we all know, international trade is a two-way street. If we suddenly deny $5 billion in imports, our exports will suffer—make no mistake about it.

We often debate fair trade versus free trade. In this particular instance, they are the same. It is entirely fitting for us to allow foreign refiners to meet the standards of the Clean Air Act in the same manner that is used by domestic industry. It would be entirely inappropriate for us to create two separate standards. Moreover, enactment of the Senate amendment would seriously impact fuel supplies in the U.S. market and I include in the RECORD a letter that I received from a company in my district, State Oil Co., which explains how the Senate provision would severely restrict imports of reformulated gasoline. I strongly urge my colleagues to support the House position on the proposed EPA rule for equal treatment of reformulated gasoline by voting "yes" on the Stokes motion.

Mr. Speaker, I include the letter referred to in my remarks, as follows:

STATE OIL CO.,
Grayslake, IL, September 1, 1994.

Re VA-HUD appropriations—foreign refiner baseline.

Hon. PHILLIP CRANE,
Cannon House Office Building,
Washington, DC.

DEAR MR. CRANE: As a distributor of motor fuels in Illinois and Kentucky, we are writing to you to express our concern regarding the Conference Report on H.R. 4624. This bill contains a provision inserted by Senator Barbara Mikulski, which House conferees refused to agree to, that would forbid EPA from implementing the foreign refiner baseline rule during FY 95.

This provision is of extreme concern to our Company. If this provision is enacted and EPA is prevented from according equal treatment to foreign refiners, there will be significant negative consequences for motor fuel suppliers. The Mikulski provision is an attempt to restrict imports and eliminate competitions from the free market.

As you know, independent motor fuel marketers neither explore for crude oil nor produce petroleum products. Our very existence in the U.S. market is wholly dependent upon the existence of numerous sources of supply, both foreign and domestic. Supplies are already expected to decrease even without provisions like the one pushed by Senator Mikulski. Some foreign refiners have already informed their customers that they will not produce RFG for export to the U.S. If other foreign refiners, who do plan to export RFG to the U.S. are precluded from doing so, our sources of supply will be dramatically reduced. Enactment of this provision would prevent the importation of environmentally-sound RFG. If there is a shortage of supply of RFG, no area of the country will be immune and prices will rapidly escalate.

We are urging you to strenuously object to the approval of this Senate amendment. Not only would its adoption severely limit the available sources of supply for independent marketers, it would set a dangerous precedent, lead to shortage and mean higher prices for consumers. Further, we do not feel Appropriations legislation is the appropriate vehicle for Clean Air Act legislative amendments.

The House will debate the foreign baseline issue soon after you return from the Labor Day Recess. We hope we can count on your vote to reject the Senate amendment. Thank you for your attention to this very urgent matter.

Sincerely,

PETER ANEST,
President.

☐ 1930

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my motion would have the House recede to the Senate and require the EPA to abide by the rule it promulgated last December and not arbitrarily make changes to fulfill a secret deal between the State Department and the Venezuelan Government.

The Senate version of the conference report would prevent foreign refiners from importing a low-quality gasoline that undermines the benefits of the Clean Air Act.

I believe Congress should not allow foreign refiners to be given special exemptions which allow the importation of poorer quality gasoline into the United States while the domestic industry must invest millions of dollars to produce environmentally acceptable gasoline.

The Venezuelans have claimed that they can not meet the stricter standards. In fact, the state-owned company is the third largest oil company in the world. It's American subsidiary—Citgo—has its brand on over 12,500 service stations. Poverty? I do not think so. I think there is another reason.

Domestic oil companies will have to invest $37 billion over the next 10 years to comply with the Clean Air Act, while the industry's total capitalization is valued at only $31 billion. It should not be the policy of this Government to use exemptions from our environmental laws to give foreign competitors an advantage over our domestic companies.

If we allow the importation of gasoline that does not comply with our laws, other sectors may be forced to make greater reductions to ensure overall reductions to meet the Clean Air Act. Congress would be forcing small businesses in the Northeast to bear a greater share of the burden so that foreign gasoline would not have to meet the stricter standard. I for one will not support pushing any more mandates on the backs of our small businesses. We should be doing things to spur economic growth, not further hinder it.

Foreign refiners should not get special treatment. If it is good enough for Venezuela, it ought to be good enough for the domestic producers in our country. I urge my colleagues to support my motion to concur with the Senate.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I strongly urge the House to support the position of the gentleman from Ohio (Mr. STOKES) on this issue. This is no trivial matter and it puts at risk, at great risk, the consumers of gasoline in the 10 largest cities in this country as well as putting at risk a policy we are trying to put in place on the environmental side of the equation.

What is to occur next January is that in these 10 communities there must be a new gasoline that is cleaner. The rule that EPA has put forth now that was under debate here does in fact treat the foreign, namely Venezuelan oil, the same as it treats American oil. The fact is some American companies would like an advantage. I do not blame them. But what is going to happen is about 3 to 4 percent of the supply of gasoline for the Americans next January will not be available unless American refineries can outperform themselves and produce it.

We have a problem already, and that is whether or not we can make this marketplace work next January, because we have a new Government policy that we endorsed during the Bush administration and we endorsed it here in the Congress. We should not now at this late date add another major hurdle to be gotten over because, ladies and gentlemen, if we are wrong in our votes today, and I think it is wrong if we support the Mikulski position, if we are wrong in that, what we will see is a shortage next January with a concomitant price increase that would be anywhere from 10 cents to 50 cents additional cost per gallon to a consumer in these cities. Nobody knows for sure.

If Members do not believe what I am saying and others are saying, look at what happened last January when we phased in the first part of the clean diesel for a much smaller market in this country, for trucking. Some of my colleagues got letters and angry calls from truckers as they saw the price spike for 2 weeks, 3 weeks, and 4 weeks at a time at very high rates. Fortunately it did even out then, so we saw the tempers reduce themselves.

But we are putting at risk the consumers in this country, and I think creating a political backlash to environmental policy that we want to see work. It is very late in the game. The oil industry has rightfully been complaining that we did not have the rules straight and square so they could plan because they are making major investments to meet this policy.

But some in that industry are now wanting us to switch those rules so they will apply differently to Venezuela. Ladies and gentleman, it does not matter whether Members are for or against Venezuela, it matters whether they are for or against making this environmental policy work, it matters whether they are for or against helping the American consumer next January, and this is one in which we will be able to identify who caused the problem, and it will be right here in the House of Representatives, or in the U.S. Senate if this thing goes awry next January.

The prudent thing to do is to support the gentleman from Ohio [Mr. STOKES].

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas, Mr. JOE BARTON.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the Boehner amendment. I think we need to cut right to the chase. This is purely and simply a case of where a foreign refiner is asking for an exemption that is not going to be given to any of our domestic refiners or any other foreign refiners in the world.

Under the Clean Air Act amendments it was decided that in 1995 certain nonattainment areas in this country were going to have to comply with the Clean Air Act by using reformulated gasoline. Under that eventually about one-third of the gasoline in this country is going to be reformulated. In other words, it is going to have a higher oxygen content, and supposedly this is going to reduce nitrous oxides and other VOC's, volatile organic compounds.

The EPA, in trying to comply with the act, set up proposed standards using a complex computer model that was going to require the use of reformulated gasoline according to each refiner's 1990 baseline. It turn out that some of the foreign refiners did not have any data on what their baseline was, so the EPA initially ruled that foreign refiners would have to use kind of an average baseline based on the domestic refiners in this country.

The bottom line is that the EPA said that anybody selling gasoline in the U.S. market had to have a certain oxygen content. Everybody accepted that except Venezuela, and they said, "We can't do that. It is unfair. We do not have the data." So under pressure from the State Department and the U.S. Trade Representative, the EPA set an exemption only for Venezuela. I think that is patently unfair. If we are going to enforce the Clean Air Act, we ought to enforce it uniformly. Let Venezuela challenge under GATT. GATT specifically says each nation can set standards for safety, health, and environment. That is what the EPA is doing. It should be uniform. We should support the gentleman from Ohio [Mr. BOEHNER] and support the Senate position. This is one of those rare occasions where we will be on the side of the energy industry in this Nation, on the side of the environmental community in this Nation, and on the side of the buy American community in this Nation.

Vote for Boehner. Vote yes.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I rise in support of the motion by the distinguished gentleman from Ohio, Chairman LOUIS STOKES.

I am equally sympathetic to the limitation adopted by the Senate because it is consistent with the information provided to the Subcommittee on Oversight and Investigations, which I chair, at its hearing of June 22, 1994. The problem is that the Senate limitation is defective because it is anticipated that the Environmental Protection Agency will finalize its rule in fiscal year 1994, not fiscal year 1995. This fact was communicated to Chairman STOKES in my letter of August 9, 1994, along with my concern about efforts to amend the Clean Air Act directly or indirectly.

I am greatly concerned that the administration, particularly the State Department, entered into agreements with the Venezuelan Government to promulgate such a rule in order to provide Venezuelan refiners with an alternative baseline which could be less environmentally sound and give an advantage to the Venezuelans over United States domestic refiners. As I said at our hearing, the results of our investigation "has caused me to question whether the State Department is functioning here as part of the executive branch of the U.S. Government or a lobbying arm of foreign countries or foreign refiners and suppliers."

Venezuelan gasoline is high in gasoline and olefins. It creates oxides of nitrogen which can exacerbate ozone. Despite this, the EPA apparently contends that the proposed rule is sound because of a volume cap urged by the State Department. I am not convinced.

Since our hearing, the subcommittee has raised additional questions about this special interest rule and the EPA has yet to respond. Possibly, the EPA's failure to act on this rule, is evidence that the EPA has decided that it is not in the public's interest to promulgate this rule. I hope this is the case.

Before closing, I want to stress that I continue to be very concerned that the EPA and the Department of Energy are not adequately on top of the question of whether there will be adequate gasoline supplies in all regions of the country beginning next December. This is a matter of high concern to the Congress and to our subcommittee. I have asked the Energy Information Administration to examine this matter and to provide a report in a few weeks. I assure you that we will hold additional hearings on these matters if we have any inkling of inadequate supplies or price spikes.

□ 1940

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY].

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I would like to commend my chair for the handling of this bill, but from time to time we will disagree on several points; some of them are points that folks consider minor, others consider them major, but we will disagree on this one point.

The issue of importing dirtier oil from foreign countries has haunted me for more than a year now. I rise in support of amendment 87 because foreign refiners should not be able to establish their own RFG baseline. I believe this not only because of the negative environmental impacts of smog-forming contents such as olefins, but also because of the unfair economic disadvantage that is dealt to our domestic refiners when these independent baselines are allowed to exist.

Amendment 87 takes the step we need to put this nightmare to rest. The EPA promulgated its final rule last December, and although it seems sad that we must force the agency to comply with its own rule, it is clearly the only way we can be assured that our environment remains protected and that our domestic refiners are competing on a level playing ground.

Passage of this will mean that the air we breathe from New York City to Norristown—and across this country—will be better, safer, and cleaner.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand in opposition to the amendment of the gentleman from Ohio [Mr. BOEHNER].

This is without question a part of the protectionist past that comes to haunt the consumers of today, not only as an environmental issue but also as a price issue. If any of you happen to have domestic oil companies headquartered in your district, make sure you vote with the gentleman from Ohio [Mr. BOEHNER]. That is the correct vote. I do not want to mislead you.

However, if, on the other hand, all you happen to have is consumers in your district and you want to make sure that you have access to the low price and environmentally acceptable Venezuelan oil, then you better vote no, because at the end of the day that is all it boils down to. This is nothing more than a disguised oil import fee that will allow the domestic oil companies to wall out imported oil.

If you are a consumer driving your automobile in Massachusetts or in Maryland or in Michigan or any other part of this country, all that is going to happen here is that if your particular part of the country is dependent upon imported oil, your prices are going up with no environmental benefit for the country. The only benefit will flow to the domestic oil companies. That is what this is all about. It is oil import fee in a different guise.

How you vote on oil import fee on this floor at other times is how you should vote tonight. It is as simple as that, the domestic oil companies trying to ratchet up the price by keeping out imported oil at the expense of the American consumer, and in many instances, and in this particular case, the American environment as well.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the author of this privileged motion, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker and my colleagues, I find it rather ironic that three of the major high-ranking Members including the chairman of the Committee on Energy and Commerce have come to the well of the House asking us to vote against my motion and basically asking the House to grant the country of Venezuela a break from the Clean Air Act that they wrote.

If I recall correctly, the three gentleman from the committee who were here in the well of the House all voted for the Clean Air Act. This is their bill, and if it is good enough for the refiners in this country, if it is good enough for the consumers in this country, then why is it not good enough for the people of Venezuela who want to export oil to our country?

For them to be down in the well of the House claiming that if we do not allow this cheap, dirty gas in, American consumers are going to pay the bill, I find it just somewhat ironic.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Indiana.

Mr. SHARP. First of all, we dispute this notion that this oil is dirtier.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE], a great fighter for the environment, a Member who has fought all the time she has been here for jobs in America.

Ms. PRYCE of Ohio. Mr. Speaker, it is not often that agreement can be reached among environmental groups, labor groups, regulators and industry. But on this issue they do agree. They are against the proposal to allow special exemptions on the quality of gasoline foreign refiners export to the United States.

In testimony before the Senate Environment Committee, The Sierra Club, Defenders of Wildlife, and the Center for International Environmental Law have joined the Independent Refiners Coalition in stating that the Venezuelan deal is "flawed trade policy, unsound environmental policy, and nonsensical economic policy." Labor organizations, such as the Oil, Chemical and Atomic Workers Union and the AFL–CIO, have opposed strongly the foreign baseline. The coalitions of State air quality regulators from 17 mid-Atlantic and Northeastern States oppose this proposal as well. Why give foreign refiners an advantage over our domestic companies while at the same time undermining the clean air provisions?

Let us hold foreign refiners to the same environmental standards we have set for our own domestic industry. Vote for the BOEHNER motion to concur with Senate Amendment No. 87.

Mr STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I think it is very important we address this question whether this oil is dirtier or cleaner or what is the circumstance on this issue.

I really hold no particular brief for Venezuela. The point is the American consumers are being told somehow they are going to get a dirtier deal, and that is fundamentally untrue.

There are several surveys that exist which compare gasoline which has multiple kinds of chemicals in it with each other.

□ 1950

The fact is nothing different is being done for Venezuela that is not being done for the American refiners. They are being treated the same. For a certain portion of the gasoline, they are allowed to use their 1990 figures, and when you look at their 1909 figures, what you discover is certain prominent American companies that I could name, and I will not name them—they are on the charts—are actually polluting at a greater level for the olefins that people are talking about, even though the national average is less. And those companies will get to go ahead for the next few years and pollute at those levels. If you look at one of the most dangerous chemicals in gasoline they are tightening down on, it is benzene. Many American companies will put out more gasoline with more benzene in it than Venezuela will over the next 3 years. This issue is a red-herring. It is not a question of which is cleaner; it is simply not true. The original rule that was struck down or changed back in December, that rule did treat foreign and domestic differently.

Now, why is Venezuela the issue here? Because they are only ones we are aware of so far that have been willing to make the investment in those refineries in order to meet our new standards. American companies have, naturally, done it. Venezuela is doing it. They are trying to meet this standard.

Now we have a game going here where we can exclude them. That may be all right in another time. I am not worried about that. It might even be reasonable, as argued last year. But you are arguing that 3 or 4 months before this deadline takes effect.

Ladies and gentlemen, you had better be darned right, or we are going to have a shortage next January with very high prices and some angry people are going to ask questions: "Who did this to us?"

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Ohio, Mr. SHERROD BROWN.

Mr. BROWN of Ohio. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to support the motion to concur with Senate amendment No. 87. Under the EPA rule, foreign companies will not be held to the same standards as our domestic producers because they are claiming hardship. The Venezuelans claim they cannot make gasolines that comply with the United States standard because of their own protectionist domestic content laws that get in the way. They claim American companies can buy the essential technology off the shelf and be in compliance quickly and inexpensively. They are complaining about our laws and seeking a waiver because our standards are too high and our technology is too cheap.

Let us not punish American businesses who have followed the law to give advantage to foreign competition. This is a jobs issue, this is an environmental issue, this is a fair trade issue. I ask the House to support the motion to concur with Senate amendment No. 87.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the author of this privileged motion, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, there has been a lot of charges thrown around here on the floor tonight. One of them involves the issue of supply and the issue of price. There is no evidence that any of the reformulated gas shortfalls really do exist as Venezuelans and others on this floor have claimed. I think you also need to consider the fact that new capacity is being brought on line quickly with the addition of significant facilities in the Virgin Islands and in Canada that can meet the specifications of the reformulated gas program as originally adopted.

In the Canadian case, their largest refiner, Irving Oil, brought new capacity on line just to meet the onerous American standards, only to find that the United States stands ready to allow Venezuelan gasoline to push them out of the market.

It is also important to note that in the area in which the Venezuelan gas is marketed, Canadians constitute twice the share of the Venezuelan gasoline. To date, in 1994, the United States has received imported gasoline from more than 17 countries. Only refiners from 2 of the 17 has commented to the EPA on their proposed rule. One of the two, Canadian refiner Irving Oil, opposed granting an exemption to Venezuela.

Opponents claim that if Venezuela is not given the exemption, we will be shorting the market by some 100,000 gallons. In 1993 Venezuela only exported 40,000 barrels a day, and in the first 5 months of this year they have only exported 30,000. Where does the 100,000 number come from?

Venezuela itself has said that under the United States standard they will still be able to produce 52,000 barrels a day. Venezuela supplies only four-tenths of 1 percent of United States gasoline supplies, four-tenths of 1 percent. EPA and the administration also have the power to waive the reformulated gas rules in emergency situations. If such a shortfall were to occur, the rules certainly could be waived.

Why give them the special waiver? Just so we do not have to spend the same capital as U.S. refiners to meet the market standards? Talk about unfairness. Today Members of Congress are getting phone calls from independent dealers all across the country who want a shot at getting this cheaper gasoline to have a competitive advantage in their markets.

I think it is a crime. I think we should not do it.

Let me make just one other point. Venezuela has dedicated $20 billion of capital investment to bring their facilities in line to make this gasoline. But because of low crude prices, they were forced to reduce the amount of investment to $4 billion. Can you imagine what the EPA would say to a U.S. refiner if they were to say, "We can't comply because we have low crude prices, we can't comply with these regulations"? The EPA would laugh. Yet we are going to give Venezuela a special deal. I do not think it is right. Please support my motion.

Mr. LEWIS of California. Mr. Speaker, I have no additional requests for time. So, as I kind of leave this unusual circumstance, a very unusual circumstance where my chairman and I might have a minor disagreement on a technical point, I would close my comments by reminding the Members it is unusual in another way. You have Senator MIKULSKI in the other body supporting our position; Mr. BOEHNER and I are in agreement on this matter. Another unusual combination: This involves the Oil, Chemical, and Atomic Workers Union, Independent Refiners Coalition, American Petroleum Institute, and the Sierra Club, Defenders of Wildlife, Friends of the Earth, and the American Corn Growers Association.

Mr. Speaker, I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. I thank the gentleman for yielding me this additional time.

Mr. Speaker, I just want to make one point. It is an absolute myth that Venezuela is being treated differently. It is an absolute myth that there is an exemption here for Venezuela or for anybody else. Every American refinery, every foreign refinery is to be treated the same in terms of the 1990 baseline for the next 3 years. That is what this is all about. It is equal treatment that it happens to work out if we do it that way, very well for the American consumer.

Mr. STOKES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard some very interesting debate here this evening, not only has it been interesting but it has been informative and educational. But I must tell you it has nothing to do with the VA/HUD bill. If you will recall, when this bill came to the House, there was no discussion about Venezuelan oil, whether it was clean or dirty. There was no discussion, because this is not a matter that comes before the VA/HUD committee. We are not the Committee on Energy and Commerce of the House. You heard from the chairman of the Committee on Energy and Commerce, who said to us that this amendment was included by the other body and it has no business on this bill. I think it is important for the House to realize that. This is why we brought the matter back to the House in true disagreement.

In conference, I made it very clear with my Senate counterpart that the House has not held hearings on this matter, on the VA/HUD bill, and it has no business on our bill. We have no authority to recede and concur to what was never discussed during the House procedures.

So that we understand now where we are—I moved that we insist upon the House position which would require you to vote "yes" on the Stokes motion.

Mr. BOEHNER has a preferential motion that takes precedence over my motion, and his motion is to recede and concur in the Senate amendment. Which means if we accept Mr. BOEHNER's motion to recede and concur that we then accept the amendment that was put on in the other body.

In order to defeat the Boehner motion you will have to vote "no," because his motion comes up first and we would have to vote it down in order to be able then to vote on the Stokes motion to insist on the House position on which we would ask you to vote "yes."

So at this time we are asking that the House vote "no" on the Boehner motion.

Mr. Speaker, I yield back the balance of my time.

□ 2000

The SPEAKER pro tempore (Mr. MCNULTY). All time has expired.

Without objection, the previous question is ordered on the preferential motion.

There was no objection.

The question is on the preferential motion offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 148, not voting 64, as follows:

[Roll No. 419]

YEAS—222

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Boehner
Bonilla
Borski
Brooks
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Castle
Chapman
Coble
Coleman
Collins (GA)
Combest
Costello
Cox
Cunningham
Danner
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dooley
Dunn
Edwards (TX)
Ehlers
Emerson
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutto

Inglis
Inslee
Istook
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kreidler
LaFalce
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McHale
McInnis
McKeon
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Myers
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Poshard
Pryce (OH)
Rahall
Regula
Richardson
Roberts
Rogers
Rohrabacher
Rose
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shepherd
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stearns
Strickland
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Traficant
Upton
Vento
Vucanovich
Walker
Weldon
Williams
Wise
Wolf
Wyden
Young (AK)
Zeliff
Zimmer

NAYS—148

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barcia
Bateman
Beilenson
Berman
Bevill
Bishop
Bliley
Blute
Boehlert
Bonior
Boucher
Brewster
Browder
Brown (CA)
Carr
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Crane
Crapo
Darden
DeLauro
Dellums
Dicks
Dingell
Dixon
Doolittle
Duncan
Durbin
English
Eshoo
Farr
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodlatte
Gordon
Gutierrez
Hamburg
Hamilton
Herger
Hilliard
Houghton
Hughes
Hutchinson
Hyde
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Kennedy
Kennelly
Kolbe
Kyl
Lambert
Lancaster
LaRocco
Levin
Lloyd
Long
Lowey
Manton
Markey
Matsui
McCloskey
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Mineta
Moakley
Mollohan
Morella
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Porter
Price (NC)
Quillen
Quinn
Ramstad
Reed
Roemer
Rush
Sabo
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Sisisky
Skaggs
Smith (IA)
Snowe
Solomon
Spratt
Stokes
Studds
Stump
Swift
Tanner
Torkildsen
Torres
Tucker
Unsoeld
Valentine
Visclosky
Volkmer
Walsh
Waters
Watt
Wheat
Whitten
Woolsey
Young (FL)

NOT VOTING—64

Baker (LA)
Becerra
Blackwell
Bryant
Camp
Clinger
Condit
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dornan
Dreier
Edwards (CA)
Engel
Ford (MI)
Gallo
Grams
Grandy
Hall (OH)
Hastings
Hefner
Huffington
Inhofe
Kopetski
Lantos
Laughlin
Lewis (FL)
Machtley
McCurdy
McMillan
Miller (CA)
Mink
Murphy
Nadler
Owens
Pickett
Portman
Rangel
Ravenel
Reynolds
Ridge
Ros-Lehtinen
Rostenkowski
Roth
Santorum
Serrano
Slattery
Smith (OR)
Stark
Stenholm
Sundquist
Swett
Synar
Thomas (WY)
Torricelli
Towns
Velazquez
Washington
Waxman
Wilson
Wynn
Yates

□ 2022

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mr. Rangel against.

Messrs. PAYNE of New Jersey, CLYBURN, HILLIARD, ACKERMAN, SCHUMER, and WALSH changed their vote from "yea" to "nay."

Mr. SMITH of Texas, Mr. BARLOW, Mrs. VUCANOVICH, Mr. COSTELLO, Mrs. BYRNE, Mr. BORSKI, Ms. CANTWELL, Mr. KLEIN, Ms. BROWN of Florida, and Ms. ROYBAL-ALLARD changed their vote from "nay" to "yea."

So the preferential motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 98:
Page 56, after line 19 insert:

NATIONAL AERONAUTICAL FACILITIES

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, $400,000,000, to remain available until March 31, 1997.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 98, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

NATIONAL AERONAUTICAL FACILITIES

(INCLUDING RESCISSION)

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, $400,000,000, to remain available until March 31, 1997: *Provided*, That the funds made available under this heading shall be rescinded on July 15, 1995, unless the President requests at least $400,000,000 in the fiscal year 1996 budget request for the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100:
Page 57, line 14, after "$2,549,587,000" insert ", to remain available until September 30, 1996".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: , to remain available until September 30, 1996: *Provided*, That of the amounts made available under the heading "Research and program management" in Public Law 103–211, $18,000,000 are rescinded immediately upon enactment of this Act: *Provided further*, That an additional $18,000,000, to remain available until September 30, 1995, shall be immediately available for research and program management activities, contingent upon the enactment of the rescission in the preceding proviso before October 1, 1994.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 111: Page 62, line 10, after "1995" insert": *Provided*, That $190,000,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996."

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 111, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided*, That $131,867,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996: *Provided further*, That the funds made available in the preceding proviso shall be rescinded on July 15, 1995, unless the President requests at least $250,000,000 in the fiscal year 1996 budget request for the National Science Foundation for academic research infrastructure activities.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 117: Page 75, after line 13 insert:

SEC. 517. None of the funds in this Act may be used to reimburse grantees for indirect costs at an amount that differs from procedures in use by Federal agencies on June 1, 1994, or from OMB Circular A-21, as published in the Federal Register on July 26, 1993, on pages 39996 through 39999.

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 117, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 518. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 123: Page 75, after line 13 insert:

TITLE VI EMERGENCY SUPPLEMENTAL APPROPRIATIONS DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California, $225,000,000, to remain available until September 30, 1996, of which $50,000,000 shall be derived by transfer from funds provided under the head "Department of Education, Impact aid" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211): *Provided*, That of the foregoing amount, $200,000,000 and $25,000,000 shall be for the cities of Los Angeles and Santa Monica, California, respectively: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and non-discrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Community development grants", for grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development program as authorized by title I of the Housing and Community Development Act of 1974, to be used to assist States, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, $180,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergecny requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That the Secretary of Housing and Urban Development may waive any provision of law (except for provisions relating to fair housing, the environment, or labor standards) if the Secretary determines such waiver is necessary to facilitate the obligation of the entire amount: *Provided further*, That the Secretary of Housing and Urban Development may transfer up to $50,000,000 to the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, to be used for purposes related to flooding and damage caused by Tropical Storm Alberto and other disasters.

FEDERAL EMERGENCY MANAGEMENT AGENCY

For an additional amount for "Disaster assistance direct loan program account" for the cost of direct loans, $12,500,000, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to be used to assist local governments in recovering from flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $50,000,000 under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That any unused portion of the direct loan limitation and subsidy shall be available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The matter under the heading in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211) is amended by deleting "$950,000,000" and inserting in lieu thereof "$775,000,000".

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves that the House recede from its disagreement to the amendment of the Senate numbered 123, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

TITLE VI EMERGENCY SUPPLEMENTAL APPROPRIATIONS DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California, $225,000,000, to remain available until September 30, 1996, of which $50,000,000 shall be derived by transfer from funds provided under the head "Department of Education, Impact aid" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211): *Provided*, That of the foregoing amount, $200,000,000 and $25,000,000 shall be for the cities of Los Angeles and Santa Monica, California, respectively: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Community development grants", for grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development program as authorized by title I of the Housing and Community Development Act of 1974, to be used to assist States, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, $180,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development may waive any provision of law (except for provisions relating to fair housing, the environment, or labor standards) if the Secretary determines such waiver is necessary to facilitate the obligation of the entire amount: *Provided further*, That the Secretary of Housing and Urban Development may transfer up to $50,000,000 to the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, to be used for purposes related to flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided further*, That the entire amount, including transfers, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount, including transfers, shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster assistance direct loan program account" for the cost of direct loans, $12,500,000, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to be used to assist local governments in recovering from flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $50,000,000 under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That any unused portion of the direct loan limitation and subsidy shall be available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

The matter under the heading in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211) is amended by deleting "$950,000,000" and inserting in lieu thereof "$775,000,000".

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. STOKES].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of a schedule conflict, I was unable to arrive in Washington. As a result, I missed three votes. Had I been in attendance, I would have voted "no" on each of rollcall votes No. 417 and No. 418 and "yes" on rollcall vote No. 419.

PERSONAL EXPLANATION

Mr. COPPERSMITH. Mr. Speaker, due to my unavoidable absence on Monday, September 12, I was unable to record my vote during even rollcalls, Nos. 417 through 419, inclusive. Had I been present, I would have voted "aye" on rollcall No. 417, and I would have voted "no" on rollcall Nos. 418 and 419.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 4624, as well as the Senate amendments reported in disagreement, and that I may include tables, charts and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

POSTPONEMENT OF VOTE ON H.R. 4308, NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS OF 1994

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, the Chair redesignates Tuesday, September 13, 1994, as the time for resumption of proceedings on the motion that the House suspend the rules and pass the bill, H.R. 4308.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. PELOSI). Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5 minutes.

Mr. GOODLING. Madam Speaker, I very seldom ever take or participate in Special Orders. I realize they are expensive to the taxpayer, and I sometimes question the effectiveness. But the topic this evening is so important and so time sensitive, we have very little time left to try to prevent the President from doing what would be the most incredible thing and the worst thing any commander in chief could do, and that would be to send young men and young women into Haiti to lose their lives.

I pleaded in three letters to the President not to make this mistake of sending troops into Haiti. The response I have received is that the administration is committed to restoring democracy. My response to that letter has been, how can you restore something that has never been in the first place? There has never been a democracy in Haiti.

From 1843 to 1915, there were 22 different despots in Haiti.

□ 2030

Only one, only one, ever served their entire time. From the middle of 1880 to 1910, we had eight United States interventions, troops going into Haiti on eight different occasions, from 1880 to 1910.

Did we do anything good for Haiti by doing that? The answer is no. Did democracy take roots while we were there? The answer is no. We went back in again in 1915. This time we stayed for 19 years, 19 years, and again, no roots for democracy took place. Nothing happened good as far as Haiti is concerned.

How long do we stay this time, Madam Speaker? Who knows. We stayed 19 years the last time, and nothing good happened, but this time we could have troops being picked off constantly while we are there trying to keep peace or developing a democracy.

There is no bilateral or unilateral group that can move into Haiti and develop a democracy. It has not happened before; it will not happen now. No security interests for the United States are there, unlike those that were either perceived or were real in the Cuban Soviet concern in the sixties, or the Soviet Grenada concerns in the 1980's, no security interests for the United States.

There are no Americans at risk in Haiti. All those Americans in Haiti at the present time said the only risk they will ever have is if we move into Haiti. Then their lives will be at risk. They are not at risk now. They want us to stay out. That is what we should do.

Madam Speaker, we rightfully helped prevent starvation and death due to illness in Rwanda, and we do that rightfully. At the same time, we have a policy to cause starvation and death due to sickness in Haiti.

Tonight is the night, I would say to the Members, when all of the Members who feel as strongly as I do about this issue have to make it clear to the administration how we feel. Tonight is the night for all of those constituents in everybody's district who feel strongly about the fact that we have no business sending young men and women into Haiti, get the phones ringing at the White House. You may be too late by tomorrow or the end of the week. Do it tonight. No troops, no American young men and women, die in Haiti.

A STRONG DEFENSE FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Madam Speaker, despite the doubling of President Bush's reductions in defense spending since entering office, President Clinton has always promised the American people that he would provide our soldiers, allies, and the American people with defense against missile attacks from the likes of North Korea, Saddam Hussein, Mu'ammar Qadhafi, various Iranians, and other lost souls throughout this world who have access to high and capable technology that might threaten the United States.

No longer do we face a threat from the Soviet Union, thankfully, since the collapse of the evil empire of communism. No longer do we expect the onslaught of some 10,000 or 15,000 missiles, or 35,000 warheads.

However, it is quite possible that we would, at some point in the coming years, face the possibility of one or two incoming ballistic missiles or nuclear-tipped air breathing missiles or the like, and the fact is that we understand that confidential arms control talks are currently going on in Geneva, and have been for the last year, and that President Clinton's State Department and Arms Control and Disarmament Agency are unilaterally giving away our country's ability to test and deploy effective missiles defenses.

Mr. Speaker, under the guise of clarifying the 1972 ABM Treaty—which I would submit does not exist, because that was a treaty between the United States and the Soviet Union, and the Soviet Union does not exist, so there is no ABM treaty—but under the guise of clarifying that treaty, Clinton administration officials have agreed to proposals from the Russian republic, and have offered some of their own, that would prevent us from testing or deploying sea-based, air-based, space-based, and many ground-based theater missile defenses. At the very least, they would restrict those defenses.

Mr. Speaker, these programs include such programs as the Navy's sea-based theater missile defense program, including the upper tier program; the Air Force boost phased intercept program, the space-based programs, and more advanced Army theater high altitude area defense systems. These are the systems that we are developing that will keep incoming missiles from hitting American people.

President Clinton has not told the American people, but the fact is that today, mid-September, 1994, we do not have the capacity to intercept an incoming ballistic missile in any reasonable fashion in this Nation, which means that if an incoming nuclear-tipped warhead were to come by way of outer space into the continental United States, millions of Americans could die. It is that simple.

The Navy theater missile defense, including the upper tier program, has been called one of the most promising and effective near-term missile defense programs we could deploy by Ambassador Hank Cooper, President Bush's missile defense director.

There are various other systems that are ongoing which have proven, likewise, very, very capable. Within the matter of a very short period of time, perhaps two or three years at most, we could actually develop systems which could intercept those missiles and save millions of Americans from being wiped out in a nuclear holocaust.

Madam Speaker, I would like to incorporate in my remarks a column by Mr. Frank Gaffney from the Center for Security Policy, which elaborates on the concern that I have that right now the Clinton administration is negotiating away the speed, the range, the number, the capacity of our current systems, or the systems that we are developing, so we will not necessarily be able to intercept those incoming nuclear or chemically or biologically equipped warheads.

That worries me, Madam Speaker, worries me greatly, worries me that we have already in those negotiations conceded interim limits on sea-based theater missile defense missiles. We have already conceded the prohibition of space-based theater missile defense interceptors and missiles. We have already prohibited bomber deployment of air-based theater missile defense missiles. We have already prohibited nuclear-tipped theater missile defense missiles. We have already limited air-based theater missile defense missile volume.

Those are technical terms, but basically they mean we have conceded already that we will unilaterally not develop that which is technology capable for us to develop, and we will bind our hands, and we will not intercept missiles with certain capacities or capability, even though we have that capability to develop those defenses. That is tying our hands behind our backs and allowing somebody to hit us right in the nose.

Madam Speaker, on the table and not yet agreed to, but possibly which might be agreed to before Boris Yeltsin comes to meet with President Clinton in a summit within a matter of a few weeks, are the possibility of limiting velocity of air-based theater missile defenses, a possibility of limiting land-based theater missile defense systems to a very low velocity, the possibility of limiting all theater missile defense interceptor missile systems in velocity, and the possibility of limiting interceptor ranges of air-based theater missile defense systems.

□ 2040

This does not make sense, nor does it make sense to possibly prohibit testing of theater missile defenses during certain phases of incoming or target missile flight. Yet we are negotiating the prohibition of such testing. Nor does it make sense to limit the theater missile defense which has recently been proposed by Russia and more details are being compiled on that.

Madam Speaker, I would urge the President and the administration and the State Department and everyone answerable to President Clinton not to negotiate away the capacity of the American people to defend ourselves against incoming missiles.

Madam Speaker, I include for the RECORD the decision brief from the Center for Security Policy and Treaty Proposals to Restrict Theater Missile Defense, as follows:

MORE STEPS ON THE SLIPPERY SLOPE TOWARD TERMINATING U.S. THEATER MISSILE DEFENSE OPTIONS

WASHINGTON, D.C.—In recent months, the Clinton Administration has made steady progress in negotiating away what little latitude remains to the United States in developing effective defenses against missile attack. Since the 1972 Anti-Ballistic Missile Treaty essentially precludes useful strategic defense (i.e., those against intercontinental-range missiles), as long as the United States continues to be bound by this treaty, the best hope for acquiring militarily useful and efficient anti-missile capabilities has been through theater missile defense (TMD) which are not constrained by the Treaty. Thanks to Clinton diplomatic initiatives with the Kremlin, however, this option is also about to be permanently foreclosed.

THE LATEST "BREAKTHROUGH"—MORE EROSION IN THE U.S. POSITION

The vehicle for accomplishing such an undesirable goal has been negotiations nominally aimed at developing amendments to the ABM Treaty that would define the differences between limited strategic missile defenses and "unconstrained" TMD systems. In practice, the result of these negotiations has been to develop what amounts to a new Anti-Theater Ballistic Missile Treaty—a document that not only defines but bans the most promising means of defending against shorter-range missile attacks.

The latest developments in these negotiations occurred as a result of meetings held during the week of 11 July when the Clinton Administration dispatched a high level team to Moscow, Kiev, and Minsk to present a new U.S. position on defining TMD demarcation. The American delegation, led by the director of the Arms Control and Disarmament Agency, John Holum, informed its interlocutors that the U.S. was prepared to accept Moscow's standing demand for stringent limitations on the velocities permitted theater anti-missile interceptors. (This concession would round out an earlier, disastrous decision undertaken unilaterally by the Clinton team permanently to ban space-based theater missile defenses).

Specifically, the United States would agree to 3 kilometer/second as an upper limit for deployed ground- and sea-based systems. The Holum team announced, however, that it wanted to preserve the option to test higher velocity systems for "ascent-phase" defense. (This going-in position would have protected the right to test the Navy's promising "Upper Tier" program, but not to deploy it.) At the same time, the U.S. indicated it was amenable to operational restrictions regarding range, payload, and size of an interceptor that would so limit the defensive capabilities of higher velocity ascent-phase interceptors as to render them essentially useless.

THE RUSSIAN RESPONSE: PAR FOR THE COURSE

The Russians are clearly determined to settle for nothing less than restrictions that will preclude promising American defensive technologies. As the Center noted in its 30 June analysis of these negotiations, Moscow appears motivated by two considerations:

"[First,] they already have deployed reasonably effective defenses against short-range missile attack—and even some longer-range missiles—while the U.S. has not. Such a strategic situation has traditionally been viewed by Moscow as a desirable one and the Russians have gone to great lengths in their propaganda and diplomatic machinations to perpetuate it.

"[Second,] the Russians also have another, more practical motivation for demanding the negotiation of limits that would principally have the effect of precluding advanced American theater defense programs. By constraining or precluding particularly those U.S. systems that can be easily retrofitted into existing weapons platforms, Moscow will eliminate competition for the potentially lucrative international market in such defenses. Russian officials have described this market as a "gold mine"; Moscow clearly would like to ensure that its SA-10, SA-12, S-300 and other air-defense/ATBM systems remain best positioned to exploit it."

It is hardly surprisingly, therefore, that the Kremlin reacted to the Administration's proposal by allowing that it represented progress, but did not go far enough in limiting TMD systems under the ABM Treaty. For its part, the Administration was astonished that Moscow would want still more constraints. Therefore, Washington pushed to hold further discussions in the form of an "experts meeting" held in Geneva during the last week of July.

MORE EROSION

On 25 July, the U.S. acting representative to the Standing Consultative Commission, Stanley Riveles, took up the mission of explaining the "logic" behind the U.S. position initially laid out by the Holum's delegation earlier that month.[3] After two weeks of exploring the Clinton Administration's latest capitulation to its demands, Moscow insisted on even more.

On 8 August, the Russian team presented a proposal creatively worded to *look* like an acceptance of the U.S. position. In fact, it amounted to a repackaging of the Kremlin's original demand for 3 kilometer/second velocity limits across the board (i.e., for land-, sea-, and air-based theater missile defense systems). The Russian position boils down to an insistence on an interceptor velocity limit of 3 kilometer/second in *testing and/or deploying* any TMD systems with the exception of a limited number of higher-velocity tests for "ascent phase" defense concepts. In effect, this low limit would kill U.S. plans for Navy's "Upper Tier" missile defense, and every other advanced TMD program the U.S. currently has under development. The Russians also proposed additional, ill-defined restrictions on deployed systems—such as range and operating mode—that would affect *all* U.S. TMD systems and further hamper effective missile defenses.

Riveles either did not recognize that the Russian proposal was even more restrictive than the U.S. position on the table—or, like many others in the Clinton Administration, supports measures to preclude missile defenses of virtually any kind. That same night he transmitted Moscow's proposal to Washington and *asked for permission to accept it!* The Russian proposal circulated through the interagency process on 9 August.

Perhaps concerned that such a swift and abject capitulation would reinforce criticism of how it is conducting these negotiations, the Clinton team declined to approve Riveles' request for instructions, directing him instead to return to Washington on 12 August for consultations. An interagency meeting on the subject is scheduled for 29 August.

If past experience is any guide, it is a safe bet that the upshot will be further erosion in the U.S. position—if not outright acceptance of the latest Russian demands. The Administration's hope apparently continues to be that some deal on theater missile defenses could be signed at the late September summit meeting in Washington between President Clinton and Russian President Boris Yeltsin.

MEANWHILE, ON CAPITOL HILL

In light of a requirement added to the FY1995 Defense authorization bill that requires any "substantive change" to the ABM Treaty to be submitted to the Senate for its advice and consent, the Clinton Administration has been quietly lobbying Senators to minimize any opposition its give-away on missile defenses might encounter. Robert Bell, a member of the National Security Council staff and former Senate staffer, has spent a considerable amount of time meeting with certain Republican Senators trying to convince them that the Clinton Administration truly is committed to effective theater missile defense, notwithstanding its track record in negotiating with the Russians.

This argument largely rests on the contention that the Army's Theater High Altitude Area Defense (THAAD) system has been fully protected by the emerging agreement and its development and deployment will be facilitated by the success of these negotiations. Actually, as noted in the Center's 30 June *Decision Brief*:

"Even the Army's THAAD system . . . will very likely wind up being constrained by the 3 kilometers/second interceptor velocity limitation. The Demonstration and Evaluation (DEMVAL) version of the THAAD system now under development has an interceptor velocity of 2.4 kilometers/second—reduced from 2.6 km/sec a few months ago. Even if the so-called "Objective System" intended ultimately to be deployed can be constrained to velocities less than the limit, future growth options to give the THAAD interceptor more capability will be foreclosed."

Under such circumstances it is not clear that THAAD will have sufficient capability and cost-effectiveness to secure the necessary sustained support required for its procurement and deployment. Indeed, some of the strongest supporters of missile defenses have concluded that any THAAD likely to emerge from these negotiations will not be worth having.

Even though all 44 Republican Senators signed a letter on 22 March 1994 indicating that if the negotiations were to "add constraints on TMD interceptors and sensor characteristics . . . precluding a class of TMD . . . it is unlikely that we would be able to support any such agreement," Bell has reported having "some success" with the targets of his lobbying. He has, for example, told his superiors in the White House that Senator John Warner is 'in my pocket" and will accept the Administration's capitulation on effective missile defenses.

Fortunately, other influential legislators have begun to register their strong opposition to the Clinton effort to garrotte what remains of U.S. options to defend against missile attack. In two similar letters to President Clinton, over 50 senior members of the House of Representatives—including most of that chamber's Republican leadership—have forcefully objected to any action that would negotiate away America's right to effective theater missile defenses. For example, a letter signed by Reps. Newt Gingrich, Dick Armey, Henery Hyde, Floyd Spence and thirty-five other Members of Congress observed:

"We know of no compelling argument for limiting our freedom to pursue theater defense options with the very best technology we are capable of developing . . . No one can now anticipate the technical accomplishments we may be able to achieve in the future. Nor can we know what missile threats to our theater forces will emerge over the next 10, 20 or 30 years. That is why it would be short-sighted in the extreme to accept limits now, after the end of the Cold War, in the context of an ABM Treaty of declining relevance and whose provisions were never intended to limit theater defenses."

THE BOTTOM LINE

Before the Clinton Administration takes any further steps down the proverbial "slippery slope" represented by negotiating new limits on missile defenses with the Russians, the Congress and the American people need to be heard from. The majority appear adamantly opposed to perpetuating the Nation's present, absolute vulnerability to short-range missile attack—a stance incidentally shared, at least rhetorically, by President Clinton himself. Their interests should not be disserved, and their intelligence insulted, by new agreements that will deny the United States the most effective (and perhaps any) theater missile defense options.

TREATY PROPOSALS TO RESTRICT THEATRE MISSILE DEFENSE

INITIAL U.S. PROPOSAL IN 1993.

1—Limit to 5km per second the velocity of target (or incoming) missiles.

PROPOSALS CURRENTLY ON THE TABLE

1—"Interim" limit of 3km/per second on sea-based TMD missiles. (Navy Upper Tier velocity is currently 4 & ½ km/s)

2—Limit velocity of air based TMD defense. (i.e. Boost Phase Intercept (BPI)]

3—Limit land based TMD systems to3km/s velocity. (THAAD system currently 2.6km/s)

4—Limit all TMD (or interceptor) missile systems to 3km/s velocity. Would leave only limited land systems as viable options)

5—Limit interception range of air based TMD missiles.

6—Prohibit space based TMD interceptors/missiles.

7—Prohibit heavy bomber deployment of air based TMD missiles.

8—Prohibit nuclear tipped TMD missiles.

9—Limit re-entry angle of incoming missiles.

10—Limit air based TMD missile volume.

11—Prohibit testing of TMD systems during certain phases of incoming (or target) missile flight.

12—Limits on TMD (unspecified) to be proposed by Russia.

DO NOT INVADE HAITI

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Madam Speaker, I come to the floor tonight with great concern about the beating drums that we are hearing in this country now on the issue of Haiti. Casper Weinberger made a speech here in Washington a number of years ago and I do not have the speech in front of me, but I hope to dig it out and bring it to the floor here in the next couple of days, talking about how the United States makes decisions on when to intervene militarily. He enumerated a number of points that needed to be examined that would essentially serve as a guidepost as to where the United States would commit forces. And in a world that has become much more confused, much more difficult to determine what actions we take, I think this outline of former Secretary Weinberger should be reviewed. I argued this case when we found ourselves involved with an ever-changing mission and role in Somalia and I think that before we would take any precipitous action, we would one more time take a look at the outline of what Mr. Weinberger suggested when we decide or when we try to figure whether we want to commit U.S. forces.

The first question as I recall from that speech is, is it in the United States interest to intervene militarily? I would make the case that there has been no clear definition of how the activities that are currently going on in Haiti directly affect the United States interests. So when it comes to United States interests, clearly the President has not made a compelling case as to how the American people should find themselves in a position of agreeing to go to Haiti because somehow this directly affects what is going on in the United States and directly affects our interest.

Second, Mr. Weinberger said, do we have a plan for getting involved? What exactly are the plans that we have? Frankly, I do not know what the plan is for going to Haiti. I do not know what the plan is for when we get to Haiti. What are we going to do? Are we going to have Mr. Aristide run the government? Is he supported by the people? There is so much confusion across this country about exactly what the plan of the President's is. Until the President can articulate that plan, clearly he does not make the second requirement that Mr. Weinberger outlined in his speech.

Thirdly, is there an exit policy? Once you get in, how do you get out? The last time we went to Haiti, we were there for 19 years. I do not anticipate that the American people would support the idea of the United States having another extended involvement in Haiti. There is no exit plan. There is only hope and a prayer and a wish that we would get in and get out quickly. But frankly without a specific plan, without a specific program, how can we begin to determine what the exit strategy will be?

Then a fourth point that Mr. Weinberger outlined was, do the American people support this military action? He considered that to be critical. You might remember during the gulf war, President Bush traveled across this country outlining the U.S. interest that was involved in terms of invading Iraq, in trying to rescue Kuwait from the dictatorship of Saddam Hussein. He argued what the U.S. interests were. You might remember that former Secretary of Defense Aspin argued what the defenses were. Nukes and oil and aggression had to be stopped. You might remember that President Bush went around the country telling us how we were going to go in and essentially what the plan was, to expel Iraq from Kuwait. And in addition to that, how we were going to exit that particular situation, all of which was designed to garner public support for the military action against Saddam Hussein.

President Clinton has failed clearly to enlist United States support for a variety of reasons. One is because the President has not been able to show us the compelling reason for invading Haiti. He has not been able to show what is in the U.S. interests. He does not have a plan to go in. He does not have a plan when we get there. He does not know how we are going to get out, and he does not therefore have the support of the American people. These are the compelling reasons as to why the House of Representatives, this body, must vote on whether the United States is going to intervene militarily in Haiti.

In this House, we have had many debates about military operations and we have had many debates about whether we would get involved in, for instance, Nicaragua and El Salvador.

DO NOT INVADE HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Madam Speaker, I yield to the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. Madam Speaker, I appreciate the gentleman yielding.

The problem we have here is that for years whenever the United States decided to be involved in any part of the world, it was always demanded that we have a vote. I do not know how many times we voted on Nicaragua and El Salvador, the whole issue of Central America. We demanded a vote when it came to Iraq and I myself told Secretary Baker that there was no way that we could conduct a war against Saddam Hussein without having a vote. The situation in Grenada where it took emergency action, the activity in Panama designed to capture Noriega, which then-Congressman Les Aspin said we were dragging our feet on for too long, were exceptions to this rule. But when we were going to go to war against Saddam, we had the vote and we clearly should have the vote on Haiti, because what the vote would require is for the President to outline the compelling interests as to why we should go.

If the President fails to do it, ladies and gentlemen, we will be on very thin ice, because in this very dangerous and sometimes confused world, we must have a set of principles to guide ourselves when we begin to commit U.S. forces to military action and threaten their safety.

You better have a plan, you better tell people what the plan is, you better tell them what the chances of success are. You better have a way to get out once you have achieved your plan, your goals, and you had best rally the support of the American people. If you do not do those things, you are not going to have a success in foreign policy.

Mr. WALKER. I want to congratulate the gentleman for his statement. I think that it is important to reflect on exactly what the gentleman has said here this evening. I do not think that any of us doubt that the President as commander in chief has the authority to commit our troops worldwide in emergency kinds of circumstances. That is something that a number of us have come to the floor over the years and suggested is the case. However, in the situation of Haiti, it is very clear that we are committing not only for a short duration but possibly for a long duration in that an occupation may be required. In those kinds of instances, it just does not make any sense, first of all, to not even brief the Congress. There has not even been a comprehensive briefing of Congress on the issues involved in Haiti by the President and by his administration.

Second, it is important for there to be a vote indicating that Congress will support the actions as this situation moves forward. Without that vote, there is no assurance that Congress will continue to provide the money that will be necessary to sustain the operation. That will be a terrible thing for our troops, to commit them there, with no understanding of whether or not there is a willingness on the part of Congress to continue that occupation or not.

I think the administration makes a tremendous mistake if they do not move forward with a vote here in the Congress.

Mr. KASICH. If the gentleman will yield, I believe the reason the administration does not want to have a vote is that they do not believe they can win a vote. But also I believe they do not believe they can make a compelling case for why we ought to be involved in this.

Mr. WALKER. Mr. Speaker, that is the point the gentleman makes that I think is so important. That is, that the administration in order to win votes in the Congress at the present time would have to make a compelling case. I think that any administration that is going to commit young men and young women's lives to an operation has the duty to make that kind of compelling case. If they were to come to Congress not having made their case, there is no doubt they would lose such a vote on the floor.

□ 2050

If they can make that case to Congress and can get the concurrence of Congress, then it seems to me they have at that point assured that there is a policy worth risking of American lives. But until that is done, I think you are going to have a hard time convincing Congress and a hard time convincing America that it is worth the lives of our troops for the mission that may be undertaken there.

Mr. KASICH. I would suggest to the gentleman that when we looked at Bosnia and we saw the terrible things that were going on in Bosnia, when we began to take a look at, is there a compelling United States interest, is there a goal that we can achieve, is there an exit strategy, do the American people support this action, the conclusion was no, and that is precisely why we did not engage there.

These rules serve a useful purpose. They allow us to make rational judgments about where the United States should involve itself, and as the gentleman from Pennsylvania said, where we are going to risk the lives of the U.S. military to achieve a goal.

I would ask that this administration come to this House for purposes of having a vote.

Mr. WALKER. I thank the gentleman for his statement.

POSSIBLE UNITED STATES INVASION OF HAITI

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX. Madam Speaker, I would like to permit my colleagues to extend if they wish to do so and continue this debate and discussion on the subject of what we now understand from news reports to be the imminent invasion by United States troops of the island nation of Haiti.

As my colleague pointed out, there has been no discussion or debate in proper fashion of this on the House floor, neither on the Senate floor because the administration has not sought congressional approval. I find it ironic that the same administration sought approval from the United Nations, sought approval from the OAS, sought approval from nations like Tobago, but not from the United States Congress.

Mr. WALKER. If the gentleman will yield, is the gentleman saying that they specifically went to the United Nations and got the vote in the United Nations whereas they have not done the same thing here in the U.S. Congress?

Mr. COX. As the gentleman knows, that is precisely the case. And while the United Nations provides a useful forum for the debate of international matters such as this, its votes are purely advisory for the most part. And while it has authorized the use of all necessary means to reinforce and to restore democracy to Haiti, the United States will be the only nation, only member of the United Nations that will be a taker.

We have been remarkably unsuccessful, the Clinton administration has been remarkably unsuccessful in persuading any other governments in this hemisphere or in Europe to join with us as combatants. As a matter of fact, the best we have been able to do is convince four Caribbean islands in total to commit 266,000 troops, not combatant troops, but for subsequent peacekeeping roles. Canada has turned us down flat. No European nation is willing to participate with us, no nation in this hemisphere will participate with the United States in invading Haiti. There is no support outside of the United States by one member state of the United Nations that has voted for this nevertheless. What they voted to do was to let Uncle Sam carry this burden, and if that is the case, if this is purely an American burden, should we not be debating it here in the U.S. Congress?

My colleague from Ohio pointed out I think absolutely correctly that there are some circumstances in which the Constitution permits unilaterally the Commander in Chief to commit United States troops to combat or to situations that look like war if there is imminent harm to United States citizens or property as was in the case in Grenada or if there is an overriding military need for secrecy as was the case in the Bay of Pigs, if there is a necessary element of surprise as was the case in Libya and in Panama. None of those things exists here. This is the most preannounced invasion in history.

We remember how long it took for those ships to steam down to the Falklands. There was that strange sense that this war will start some day. We all knew it was going to happen, but there certainly was not any secrecy about it. This war is even more obvious than that. General Cedras has been on our American talk shows, he being the victim of an invasion, saying when will the invasion come and so forth.

Mr. KASICH. Let me just suggest to the gentleman, if he will yield, the reason I came to the floor tonight to talk about this is that if we intervene without meeting some of the requirements or some of the standards that Secretary Weinberger laid out about compelling U.S. interests and a plan and an exit strategy and support of the American public, we could really damage our ability in the future to be able to conduct necessary military operations. This would be such a damaging thing for the way in which we conduct foreign policy. That is why I come to the floor and almost plead for the fact that we need to have a vote because it would force this administration to do the things that we need to do before we undertake military action.

If we go without doing it, we create a precedent for reckless behavior on the part of the Executive that the American people will not tolerate.

Mr. WALKER. If the gentleman will yield, the thing that disturbs me about this is I remember very well the time after we lost the 18 lives in Somalia the administration at that point coming up here to brief the Congress on the Somalia mission and their inability at that time to articulate what it was that those young people had died for in Somalia. It met with disgust on Capitol Hill that you had administration officials unable to explain the rationale behind their policy that was costing American lives.

Far better that we have that debate and that rationale is laid out to the Congress before we engage in military action rather than afterwards, and we find out that the mission is not well defined and may in fact be ill-conceived.

So I am hopeful, as the gentleman from Ohio has said, that we will be permitted to have that kind of debate so we do not end up with that kind of a tragic situation.

JUSTICE DEPARTMENT ANNOUNCEMENT OF INTENT TO SEEK PUBLIC ACCESS TO COURT RULINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Madam Speaker, I rise today to discuss an issue of grave concern to one of the largest employers in my district.

I refer to this press release issued by the Department of Justice on September 2, 1994, with the headline, "Justice Dept. Seeks Public Access to Court Rulings."

In effect, the Justice Department is getting ready to spend millions of taxpayer dollars to put America's private sector legal information industry out of business—and put thousands of American taxpayers who work in that industry out of jobs.

According to this press release, the Department is concocting plans, right now, for a new, $100 million-plus, taxpayer-funded Government program to meet needs already being satisfied by the private sector.

First, the Department intends to create and impose an additional new, so-called public citations system for court cases—despite the fact that a docket-case number-based public citation system already exists and serves the legal profession perfectly well.

Second, the Department intends to duplicate, at public expense, legal databases already easily available from the private sector—databases containing millions of court cases.

This announcement particularly shocks and disturbs me because West Publishing Co.—the company specifically singled out by this announcement and targeted for this new government competition—employs, serves and does business with tens of thousands of people I represent.

Madam Speaker, West Publishing is an American success story. It is a homegrown, independent, employee-owned, 102-year-old Minnesota company that has become—in an extremely competitive market—America's preeminent publisher of legal materials.

West makes some 4,000 legal databases available to the general public and to agencies of Government, including the Department of Justice. It does this efficiently and at reasonable cost.

Moreover, some 32,600 public libraries, including around 3,600 law libraries, make legal information available free of charge to anyone who wishes to do the research.

The point is that while the American people are telling us to get to work on deficit reduction, crime control and prevention, better education, better health care, a cleaner environment, more jobs and a host of other things, neither I, Madam Speaker, nor I suspect anyone else in this body, has been approached with complaints about the unavailability of online legal information—or the inadequacy of our citation system.

Beyond the threat to tens of thousands of well-paying private sector American jobs—and beyond the unimaginably high cost to a Federal Government already trillions of dollars in debt—this ridiculous venture into Government information policy by the Department of Justice raises several critical concerns:

It clearly violates the intent and letter of OMB circular A–130, which prohibits Federal agencies from undertaking initiatives already performed by the private sector.

It raises the spectrum of an enormously expensive, taxpayer-funded bureaucracy to create and control a new citation system; place a new citation on millions of existing court cases; collect, store and maintain those cases; purchase and operate software, computer and telecommunications systems; and educate the public and legal community in the use of those systems.

It undermines the emerging, private sector-based national information infrastructure with a broadside attack against intellectual property protection.

It makes a mockery out of the National Performance Review by drawing a Federal agency into a gigantic, wasteful, expensive, incredibly complicated set of tasks that Government cannot possibly perform in an efficient manner.

It impinges on the constitutional principle of separation of powers.

And it raises the very real spector of Government censorship over legal information by eventually making the Department of Justice and the political appointees who operate there the sole source of legal information in America.

Madam Speaker, the Department of Justice is legitimately charged with the task of protecting the American people and advancing the cause of justice. But the Department does not belong in the information business.

Finally, I would remind the Department of Justice that programs of the kind being planned here are subject to the approval and funding authorization of the Congress of the United States. And the Congress is not about to appropriate $100 million in order to put tens of thousands of the people we represent out of work.

□ 2100

Madam Speaker, I appreciate this time to air this very, very serious problem. I know other Members, Republicans and Democrats alike from the Minnesota congressional delegation, will be speaking on the same subject in the days to come to bring this to the attention of our colleagues here in Congress. Madam Speaker, I am including at this point in the RECORD the Department of Justice press release, as follows:

DEPARTMENT OF JUSTICE,
Washington, DC, September 2, 1994.

JUSTICE DEPARTMENT SEEKS IMPROVED PUBLIC ACCESS TO COURT RULINGS

The Justice Department today said it would explore ways to improve public access to federal court opinions, especially by computer, to make legal research more affordable for scholars, public interest groups and users of electronic information.

Currently, most electronic research is done by leasing access to privately owned systems, such as WESTLAW and LEXIS, that electronically search through data bases of federal cases and other materials.

Attorney General Janet Reno said that the Department had received considerable correspondence from members of the legal community concerned about the high cost of electronic access to judicial opinions and the present propriety system most often used to cite federal cases.

Reno said the Department is evaluating various existing non-proprietary methods of citing cases to develop a unified, comprehensive approach acceptable to federal and state courts, attorneys and legal researchers. The Department is also exploring the possibility of a public-domain data base of federal and state judicial opinions. Comment and suggestions from the public are invited, and should be directed to Kent Walker, Counsel to the Deputy Attorney General, U.S. Justice Department, Washington, DC 20530.

At the same time, the Department said it would shortly solicit bids for a computerized legal research system for its own lawyers. The prospective contract would last one year, with four annual options to renew the contract. Because of the relatively short contract periods, the Department expects that the prospective contract would not delay a decision on a new public citation system.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Mr. GEPHARDT), for today and tomorrow, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of official business.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for September 12 and 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. WELDON, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at the request of Mr. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, on September 13.

Mr. GOODLING, for 5 minutes, today.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. COX, for 5 minutes, today.

Mr. LIVINGSTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BOEHLERT.

Mr. MCCOLLUM.

Mr. KING.

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. DORNAN.

Mr. WOLF in two instances.

Mr. GEKAS.

Mr. BLILEY.

Mr. FISH.

Mr. COLLINS of Georgia.

Mr. QUILLEN.

Mr. MCCOLLUM.

(The following Members (at the request of Mr. KLEIN) and to include extraneous matter:)

Mr. REED.

Mr. CLEMENT.

Mr. TORRICELLI.

Mr. STOKES in two instances.

Mr. LANTOS.

Mr. OWENS.

Mr. DELLUMS.

Mr. MONTGOMERY.

Mr. CARDIN.

Mrs. MALONEY.

Mr. POSHARD in three instances.

Mr. MATSUI in two instances.

Mr. STUPAK in three instances.

Mr. HOCHBRUECKNER.

Mr. CARR of Michigan.

Mr. OLVER.

Mr. RICHARDSON.

Mr. BARCIA of Michigan in two instances.

Mr. RAHALL.

Mr. WYDEN.

Mr. KENNEDY.

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. REED.

Mr. FIELDS of Texas.

Mr. HAMILTON in three instances.

Mr. EDWARDS of Texas.

Ms. ROS-LEHTINEN.

Mr. FISH.

Ms. WOOLSEY.

Mr. SYNAR.

Ms. CANTWELL.

Mr. GILLMOR.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana; to the Committee on Natural Resources.

S. 1782. An act to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes; to the Committee on Government Operations.

S. 2430. An act to facilitate recovery from the recent flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institution, and for other purposes.

H.R. 3355. An act to control and prevent crime.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357. An act to reaffirm and clarify the Federal relationship of the Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did, on the following days, present to the President, for his approval, bills of the House of the following title:

On August 19, 1994:

H.R. 2847. An act to amend the Commemorative Works Act, and for other purposes.

H.R. 4790. An act to designate the United States courthouse under construction in St. Louis, Missouri, as the "Thomas F. Eagleton United States Courthouse."

On August 22, 1994:

H.R. 2178. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for the fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

H.R. 4603. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

And on August 23, 1994:

H.R. 2942. An act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility."

ADJOURNMENT

Mr. RAMSTAD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 13, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3749. A communication from the President of the United States, transmitting his request to make available appropriations totaling $16,150,000 in budget authority for the Departments of the Interior and Labor, the Corporation for National and Community Service, and the Legal Services Corporation, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-297); to the Committee on Appropriations and ordered to be printed.

3750. A communication from the President of the United States, transmitting his request to make available appropriations totaling $470,000,000 in budget authority for the Small Business Administration, and to designate the amount as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-298); to the Committee on Appropriations and ordered to be printed.

3751. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3752. A letter from the Assistant Secretary for Atomic Energy, Department of Defense, transmitting a report on measures to improve coordination and oversight of the DOD chemical and biological defense program, pursuant to 50 U.S.C. 1522; to the Committee on Armed Services.

3753. A letter from the Under Secretary of Defense for Personnel and Readiness, transmitting a report on future career management systems for U.S. military officers; to the Committee on Armed Services.

3754. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the status of four savings associations, pursuant to 12 U.S.C. 1441a(k); to the Committee on Banking, Finance and Urban Affairs.

3755. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Analysis of June 1994 Revenue Report", pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3756. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of ADASA's Spending and Contractual Administrative Practices", pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3757. A letter from the Commissioner, National Center for Education Statistics, Department of Education, transmitting the statistical report of the National Center for Education Statistics on the condition of education, pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and Labor.

3758. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Strengthening Institutions Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3759. A letter from the Secretary of Education, transmitting a copy of Final Regulations—State Independent Living Services Program and Centers for Independent Living Program: General Provisions; State Independent Living Services; Centers for Independent Living; and Independent Living Services for Older Individuals Who Are Blind, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3760. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Ronald E. McNair Postbaccalaureate Achievement Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3761. A letter from the Secretary of Education, transmitting the 16th annual report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to 20 U.S.C. 1418(f)(1); to the Committee on Education and Labor.

3762. A letter from the Director of Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the 1993 annual report for the EEOC's Office of Program Operations; to the Committee on Education and Labor.

3763. A letter from the Secretary, Department of Health and Human Services, transmitting the second report on the progress of implementing the Breast and Cervical Cancer Mortality Prevention Act of 1990, pursuant to Public Law 101–354, section 2 (104 Stat. 415); to the Committee on Energy and Commerce.

3764. A letter from the Acting Inspector General, Department of the Interior, transmitting the final audit report entitled "Accounting for FY 1992 Reimbursable Expenditures of EPA Superfund Money, Water Resources Division, U.S. Geological Survey," pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3765. A letter from the Secretary of Health and Human Services, transmitting a report on effective care methods for responding to the needs of abandoned infants and young children, pursuant to Public Law 100–505; to the Committee on Energy and Commerce.

3766. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the third quarter of fiscal year 1994, April 1, 1994 through June 30, 1994, pursuant to 22 U.S.C. 2776(a) and 22 U.S.C. 2766(c); to the Committee on Foreign Affairs.

3767. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 94–33, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund for Palestinian refugees, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3768. A communication from the President of the United States, transmitting notification terminating the suspension of the issuance of licenses for the export to the People's Republic of China of United States munitions list articles, pursuant to Public Law 101–246, section 902(b)(2) (104 Stat. 85) (H. Doc. No. 103–305); to the Committee on Foreign Affairs and ordered to be printed.

3769. A letter from the Assistant Administrator, Bureau for Legislative Affairs, U.S. Agency for International Development, transmitting a memorandum of justification indicating the President's intent to exercise his authority under section 614(a)(1) of the FAA to provide housing guaranty assistance to South Africa, pursuant to 22 U.S.C. 2364(c); to the Committee on Foreign Affairs.

3770. A letter from the Director of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting a report on arms control treaty compliance by the successor states to the Soviet Union and other nations that are parties to arms control agreements with the United States, as well as by the United States itself, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

3771. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Alfred H. Moses, of Virginia, to be Ambassador to Romania, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of Justification for Presidential Determination (94–44) regarding the drawdown of defense articles and services from the stocks of DOD for disaster assistance for Rwanda, pursuant to Public Law 101–513, section 547(a) (104 Stat. 2019); to the Committee on Foreign Affairs.

3773. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3774. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3775. A letter from the Assistant for Legislative Affairs, Department of State, transmitting the President's Determination (94–43) transferring fiscal year 1994 foreign military financing funds to the peacekeeping operations account and use of funds for enforcement of sanctions against Serbia and Montenegro, pursuant to section 610(a) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

3776. A letter from the Assistant for Legislative Affairs, Department of State, transmitting two reports on cases regarding chemical weapons proliferation, pursuant to 22 U.S.C. 2798(b)(2) and 50 U.S.C. app. 2410c(b)(2); to the Committee on Foreign Affairs.

3777. A letter from the Assistant for Legislative Affairs, Department of State, transmitting a report on the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women; to the Committee on Foreign Affairs.

3778. A letter from the Acting Director, Office of Management and Budget, transmitting certification that certain amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are in excess of the amount necessary and will be placed in BIB's currency reserve fund, pursuant to 22 U.S.C. 2877(b); to the Committee on Foreign Affairs.

3779. A letter from the Acting Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 2178, H.R. 2243 and H.R. 2942, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3780. A letter from the Acting Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 2739, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3781. A letter from the Acting Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 4277 and H.R. 868, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3782. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in July 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3783. A letter from the President, Federal Financing Bank, transmitting the fiscal year 1992 management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3784. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend title 31, United States Code, to require executive agencies to verify for correctness transportation charges prior to payment, and for related purposes; to the Committee on Government Operations.

3785. A letter from the Acting Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3786. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year—if any—and the budget year provided by H.R. 4506 and H.R. 4603, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Operations.

3787. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year—if any—and the budget year provided by H.R. 4426 and H.R. 4453, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Operations.

3788. A letter from the Secretary of Housing and Urban Development, transmitting the fiscal year 1993 Federal Housing Administration annual management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3789. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3790. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3791. A letter from the Director, Administrative Office of the U.S. Courts, transmitting recent action taken by the Judicial Conference with respect to health care reform proposals pending in Congress; to the Committee on the Judiciary.

3792. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the association's report of audit for the year ending March 31, 1994, pursuant to 36 U.S.C. 1101(41), 1103; to the Committee on the Judiciary.

3793. A communication from the President of the United States, transmitting an alternative pay adjustment plan for 1995, pursuant to 5 U.S.C. 5303(b) (H. Doc. No. 103–299); to the Committee on Post Office and Civil Service and ordered to be printed.

3794. A letter from the Secretary of Transportation, transmitting the 1992 annual report, "Highway Safety Performance—Fatal and Injury Accident Rates on Public Roads in the United States," pursuant to 23 U.S.C. 401 note; to the Committee on Public Works and Transportation.

3795. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated June 30, 1994, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–300); to the Committee on Public Works and Transportation and ordered to be printed.

3796. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated June 24, 1994, submitting a report with accompanying papers and illustrations (H. Doc. No. 103–301); to the Committee on Public Works and Transportation and ordered to be printed.

3797. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated April 14, 1994, submitting a report with accompanying papers and illustrations (H. Doc. No. 103–302); to the Committee on Public Works and Transportation and ordered to be printed.

3798. A letter from Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated June 24, 1994, submitting a report with accompanying papers and illustrations (H. Doc. No. 103–303); to the Committee on Public Works and Transportation and ordered to be printed.

3799. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated June 30, 1994, submitting a report together with accompanying papers and illustrations (H. Doc. No. 103–304); to the Committee on Public Works and Transportation and ordered to be printed.

3800. A letter from the Secretary of Health and Human Services, transmitting the 1994 Social Security Administration annual report, pursuant to 42 U.S.C. 904, 30 U.S.C. 936(b), 42 U.S.C. 1382(e)(3)(B), and 42 U.S.C. 421(i); to the Committee on Ways and Means.

3801. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the State Department's intent to reprogram fiscal year 1994 funds to support the troops of the Multinational Coalition as they relate to Haiti; jointly, to the Committees on Foreign Affairs and Appropriations.

3802. A letter from the Comptroller General of the United States, transmitting a report on the General Agreement on Tariffs and Trade (GAO/GGD–94–83a); jointly, to the Committees on Government Operations and Ways and Means.

3803. A letter from the Inspector General, National Endowment for the Art, transmitting a report titled "Restrictions on Lobbying", pursuant to Public Law 101–121, section 319 (103 Stat. 752); jointly, to the Committees on Government Operations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries, H.R. 4391. A bill to authorize appropriations for the Federal Maritime Commission for fiscal year 1995; with an amendment (Rept. 103–716). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries, H.R. 4308. A bill to amend the North American Wetlands Conservation Act to authorize appropriations for allocations under that act for wetlands conservation projects; with amendments (Rept. 103–717). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries, H.R. 3300. A bill to amend the act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations; with an amendment (Rept. 103–718). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GEJDENSON:

H.R. 5022. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a permanent, confidential database and toll-free telephone line for the collection of medical information concerning members of the Armed Forces and veterans; to the Committee on Veterans' Affairs.

By Mr. OWENS:

H.R. 5023. A bill to amend the Internal Revenue Code of 1986 to reduce the lowest rate of income tax imposed on taxpayers other than corporations from 15 percent to 12.5 percent, to provide for a carryover basis of property acquired from a decedent, and for other purposes; to the Committee on Ways and Means.

By Mr. STOKES (for himself and Mr. HOBSON):

H.R. 5024. A bill to require that the Director of the National Park Service construct a national training center at the National Afro-American Museum and Cultural Center, and for other purposes; jointly, to the Committees on Natural Resources and Education and Labor.

By Mr. STUMP:

H.R. 5025. A bill to eliminate a maximum daily diversion restriction with respect to the pumping of certain water from Lake Powell, and for other purposes; to the Committee on Natural Resources.

By Mr. TORKILDSEN:

H.R. 5026. A bill to suspend until January 1, 1997, the duty on copper-8-quinolinolate; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 5027. A bill to provide for the applicability of Federal minority setaside requirements to Hispanic-Americans of Spanish or Portuguese origin; to the Committee on Government Operations.

By Mr. RAHALL (for himself and Ms. Cantwell):

H.R. 5028. A bill to make technical corrections to an act preempting State economic regulation of motor carriers; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY:

H.J. Res. 407. Joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 408. Joint resolution to designate June 11, 1995, as "D-day Widows and Orphans National Recognition Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

473. By the SPEAKER; Memorial of the Legislature of the State of Mississippi, relative to the flow of illegal drugs into the United States; to the Committee on Armed Services.

474. Also, memorial of the House of Representatives of the State of Illinois, relative to the 10th amendment to the Constitution of the United States; to the Committee on the Judiciary.

475. Also, memorial of the Legislature of the State of Louisiana, relative to the 10th amendment of the Constitution of the United States; to the Committee on the Judiciary.

476. Also, memorial of the Legislature of the State of Texas, relative to issuance of a commemorative postage stamp in recognition of Texas' 150 years of statehood; to the Committee on Post Office and Civil Service.

477. Also, memorial of the Senate of the State of New York, relative to the U.S. Customs Service establishing an Informed Compliance Center; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. LANTOS introduced a bill (H.R. 5029) for the relief of Billy I. Meyer; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. Gene Green of Texas, Mr. Walker, Mr. Pallone, and Mr. Bachus of Alabama.

H.R. 323: Mr. Bachus of Alabama.

H.R. 349: Mr. Sisisky.

H.R. 411: Mr. Packard.

H.R. 441: Mr. Brown of Ohio.

H.R. 786: Mr. Cox.

H.R. 1110: Mr. Petri.

H.R. 1374: Ms. Kaptur.

H.R. 1517: Mr. Mineta.

H.R. 1552: Mr. Lipinski.

H.R. 1673: Mr. Lehman.

H.R. 1719: Mr. Dreier.

H.R. 1843: Mr. Gingrich and Mr. Emerson.

H.R. 2043: Ms. Cantwell.

H.R. 2050: Mr. Lehman.

H.R. 2175: Mr. Yates.

H.R. 2292: Mr. Serrano, Mr. Hobson, Mr. Ramstad, Mr. Price of North Carolina, and Mr. Ravenel.

H.R. 2293: Mr. Baker of California.

H.R. 2460: Mr. Roberts.

H.R. 2873: Mr. Paxon and Ms. Slaughter.

H.R. 2888: Mr. Spratt.

H.R. 3207: Mr. Frost, Mr. Serrano, Mr. Hastings, Mrs. Clayton, Mr. Gordon, Ms. Eddie Bernice Johnson of Texas, Mr. Jefferson, Ms. DeLauro, and Mr. Dellums.

H.R. 3261: Mr. Emerson.

H.R. 3293: Mr. Regula.

H.R. 3306: Mr. Johnston of Florida.

H.R. 3546: Mr. Andrews of Texas, Mr. Sundquist, Mr. Pomeroy, and Mr. Lightfoot.

H.R. 3560: Mr. Miller of Florida.

H.R. 3645: Mr. Weldon.

H.R. 3687: Mr. Pallone.

H.R. 3727: Mr. Gunderson.

H.R. 3862: Mrs. Meyers of Kansas and Mr. Lipinski.

H.R. 3866: Mr. McCloskey, Ms. Pelosi, Mr. Hoagland, Mr. McNulty, and Mr. Hayes.

H.R. 3971: Mr. King and Mr. Thomas of Wyoming.

H.R. 3987: Mr. McCloskey.

H.R. 4051: Ms. DeLauro.

H.R. 4074: Mr. Andrews of New Jersey and Mr. Sam Johnson of Texas.

H.R. 4091: Mrs. Morella, Mr. Engel, Mr. Brown of California, Mr. Kennedy, Mr. Romero-Barceló, Ms. Woolsey, and Mr. Dixon.

H.R. 4356: Mr. Bachus of Alabama, Mr. Packard, Mr. King, and Mr. Doolittle.

H.R. 4371: Mr. Miller of Florida.

H.R. 4404: Mrs. Byrne, Mr. Foglietta, Mr. Hinchey, Ms. Norton, Mr. Oberstar, Ms. Pelosi, Mr. Conyers, Mr. Petri, and Mr. Owens.

H.R. 4412: Mr. Whitten.

H.R. 4514: Mr. Klein, Mrs. Bentley, Mr. Wise, Ms. Woolsey, Mr. Hamburg, and Mr. Baker of California.

H.R. 4618: Mr. Meehan.

H.R. 4669: Mrs. Maloney, Mr. Meehan, and Mr. Swett.

H.R. 4710: Mr. Serrano.

H.R. 4734: Mr. Owens and Mr. Berman.

H.R. 4742: Mr. Duncan, Mr. Dooley, Mr. Calvert, and Mrs. Vucanovich.

H.R. 4744: Mr. Jefferson, Mr. Hayes, Mr. Skelton, Mr. Dickey, Mr. Rose, Mr. Wilson, and Mr. Thompson of Mississippi.

H.R. 4789: Mr. Greenwood.

H.R. 4805: Mr. Schiff and Mr. Skeen.

H.R. 4826: Mr. Rohrabacher.

H.R. 4830: Mr. Cramer, Mr. Doolittle, Mr. Rogers, Mr. Cox, Mr. Stenholm, and Mr. Pete Geren of Texas.

H.R. 4831: Mr. Emerson.

H.R. 4841: Mr. Lewis of Georgia, Mr. Engel, Mr. Richardson, and Mr. Thompson.

H.R. 4883: Mr. Paxon, Mr. Royce, and Mr. Livingston.

H.R. 4887: Mr. Gejdenson.

H.R. 4893: Mrs. Meyers of Kansas.

H.R. 4897: Mr. Johnson of South Dakota and Mr. Klein.

H.R. 4898: Mr. Johnson of South Dakota and Mr. Klein.

H.R. 4912: Mr. Quinn, Mr. Hastings, Mr. Swett, Mr. Clyburn, Mr. Coppersmith, Mrs. Collins of Illinois, Mr. Rahall, Mr. Costello, Mr. Hayes, Mr. Bevill, Mr. Brown of California, Mr. Dicks, Mr. Edwards of California, Mr. Jefferson, Mr. Stokes, Mr. Laughlin, Ms. Eddie Bernice Johnson of Texas, Mr. Kim, Mr. Horn, Mr. Filner, and Mr. Applegate.

H.R. 4919: Mr. Jacobs.

H.R. 4946: Mr. Yates.

H.R. 4949: Mr. Fingerhut, Mr. Quinn, Mr. Gunderson, and Mr. Zimmer.

H.R. 4971: Mr. Shays and Mr. Wilson.

H.R. 4976: Mr. Filner.

H.R. 5011: Mr. Johnson of Georgia.

H.J. Res. 282: Mr. Livingston and Mr. Barcia of Michigan.

H.J. Res. 327: Mr. Goodlatte.

H.J. Res. 349: Mr. Bevill.

H.J. Res. 376: Mr. Paxon.

H.J. Res. 378: Mr. Gunderson.

H.J. Res. 398: Mr. Wolf, Mr. Myers of Indiana, Mr. Quillen, Mr. Ravenel, Mr. Doolittle, Mr. Engel, Mr. de Lugo, Mr. Lewis of Georgia, Mr. Walsh, Mr. Hutchinson, Mr. Jacobs, Mr. Blute, Mr. Gilchrest, Mr. Baker of California, and Mr. Callahan.

H. Con. Res. 15: Mr. Andrews of Texas

H. Con. Res. 148: Mr. Ridge and Mr. Baker of California.

H. Con. Res. 166: Mr. Menendez, Mr. Ridge, Mr. Shaw, Mr. Bartlett of Maryland, and Mr. Santorum.

H. Con. Res. 199: Mr. Rush.

H. Con. Res. 262: Mr. Bateman, Mr. Bachus of Alabama, Mr. Miller of California, Ms. Dunn, Mr. Lancaster, Mr. Kyl, Mr. Everett, Ms. Slaughter, Mr. Hochbrueckner, Mr. Gunderson, Mr. Petri, Mr. Bonior, Mr. Payne of Virginia, Mr. Coble, Mr. Browder, Mr. Gene Green of Texas, and Mr. Miller of Florida.

H. Con. Res. 268: Mr. Solomon, Mr. Gingrich, and Mrs. Meyers of Kansas.

H. Con. Res. 269: Mr. Hyde, Mrs. Johnson of Connecticut, and Mr. Smith of New Jersey.

H. Con. Res. 270: Mr. Rogers.

H. Con. Res. 276: Mr. Smith of Texas, Mr. Gunderson, Mr. Quinn, Mr. Synar, Mr. Gonzalez, Mr. Wheat, Mr. Mann, Mr. Sangmeister, Mr. Parker, Mr. Solomon, Mr. Brewster, Mr. Spratt, Mr. Dreier, Mr. Poshard, Mr. Zimmer, Ms. English of Arizona, Mr. Lazio, Mr. Volkmer, Mr. Filner, Mr. McCloskey, Mr. Cramer, Mr. Glickman, Mr. McDermott, Mr. Wise, Mr. Hinchey, Mr. Williams, Mr. Coleman, Mr. Peter Geren of Texas, Mr. Payne of Virginia, Mr. Farr, Mrs. Unsoeld, Mr. Goodling, and Mr. Taylor of Mississippi.

H. Con. Res. 281: Mr. Emerson, Mr. Lightfoot, Mr. Rangel, Mr. Saxton, Ms. Ros-Lehtinen, Mr. Cooper, Mr. Schumer, Mr. Yates, Mr. Schiff, and Mrs. Meek of Florida.

H. Con. Res. 282: Mr. Bliley, Mr. Valentine, Mr. Gingrich, and Mr. Walsh.

H. Res. 402: Mr. Sarpalius, Mr. Jefferson, Mrs. Meyers of Kansas, Mr. Frost, and Mr. Hastings.

H. Res. 424: Mr. Livingston, Mr. Bartlett of Maryland, and Mrs. Bentley.

H. Res. 510: Mr. Bateman, Mr. Castle, Mr. Deutsch, Mr. Engel, Ms. Furse, Mr. Gunderson, Mr. Schumer, Mr. Shaw, Mr. Swett, and Mr. Talent.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

125. By the SPEAKER: Petition of office of the attorney general, Jackson, MS, relative to State health care fraud control units; to the Committee on Energy and Commerce.

126. Also, petition of office of the attorney general, Carson City, NV, relative to State health care fraud control units; to the Committee on Energy and Commerce.

127. Also, petition of office of the attorney general, Wilmington, DE, relative to State health care fraud control units; to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. FIELDS of Texas. Mr. Speaker, do the Russians know something we do not?

Mr. Speaker, I recently read an excellent article published in the Washington Times which makes a curious observation about the Clinton administration's Law of the Sea Treaty [LOST]. On July 29, the Clinton State Department bound the United States to this fatally flawed document which may be presented to the Senate for ratification as early as this October. I note that to date, no other industrialized country has ratified this monument to the new international world order.

The article points out that the Russians have expressed misgivings about LOST because it does not sufficiently embrace capitalism. Odd words coming from the former supreme Communist country. This should give the United States serious pause before President Clinton surrenders our sovereignty to an unprecedented United Nations monolithic bureaucracy which will control over 70 percent of the world's surface. President Reagan rightly rejected LOST in 1983; the U.S. Senate should overwhelmingly vote no in 1994.

I commend this article to my colleagues and ask them to join with me in urging Members of the other body to scuttle the Law of the Sea Treaty.

The text of the article follows:

[From the Washington Times, Aug. 16, 1994]

COLLECTIVE PARTS OF THE LOST MACHINERY

(By Doug Bandow)

In Washington bad ideas never die. They simply lie dormant, waiting for a sympathetic bureaucrat or politician to revive them. So it has been with the Law of the Sea Treaty, or LOST, as the agreement, which covers everything from navigation to seabed mining, is appropriately known. Early this month the Senate Foreign Relations Committee held preliminary hearings on the LOST, which the Clinton administration is soon to formally submit to the Senate for ratification.

Treaty negotiations began in 1973 and immediately became part of the Third World's redistributionist campaign against the West. The Carter administration, its delegation led by Nixon apparatchik Elliot Richardson, negotiated a deal that would have essentially created a second United Nations, with the purpose of mulcting industrialized states and distributing the resulting loot to the Third World voting majority.

Luckily, Ronald Reagan was elected before the LOST was concluded; the administration then said no thanks when presented with the completed treaty in early 1982. In the intervening years, the LOST was ratified by such world powers as Fiji, Jamaica, Belize, Cuba, Cameroon, Yemen, Angola, Djibouti and Comoros. No industrialized state, not even the Soviet Union, joined in, however, the LOST looked to be about as effective as the so-called Moon Treaty, which authorizes creation of an "international regime" to govern outer space and which—I am not making this up, to quote humor columnist Dave Barry—took effect 10 years ago in July.

But President Clinton's foreign policy advisers, living up to their reputation as the Carter B-team, decided to revive the LOST. They won a few changes in the most nonsensical provisions, while accepting an overall system—with International Seabed Authority, Enterprise, Council, Assembly and more—that was guaranteed to become yet another multilateral boondoggle. So in late July the United States signed the convention. U.N. Ambassador Madeleine Albright told the U.N. General Assembly that the administration was happy to endorse an agreement that "provides for the application of free market principles to the development of the deep seabed" and that "establishes a lean institution that is both flexible and efficient."

Mrs. Albright's claims did not go unchallenged, however. The next day Russian Ambassador H.E. Ostrovsky rose to state his nation's opposition to the LOST. Though the amendments were "a step forward," he allowed, he doubted that the new agreement could achieve its goals. Of particular concern to Moscow, he explained, was the fact that "general guidelines such as necessity to promote cost-effectiveness cannot be seriously regarded as a reliable disincentive." Already—before the treaty had even gone into force—he pointed to "a trend to establish high paying positions which are not yet required."

On this issue, at least, Russia has become more cost-conscious and capitalist than the United States. But then, this should come as no surprise. After all, so consistently leftwing has been President Clinton's program that he quickly gained a special foreign admirer: former Polish dictator Wojciech Jaruzelski. Gen. Jaruzelski last year publicly apologized for his crackdown on the Solidarity union in December 1981. He acknowledged that communist doctrines were "partly utopian and partly wrong," and emphasized that he retained "the values of the left." What political philosophy did he feel closest to? "Actually, in Clinton's program I see elements I like a lot," he explained.

And why shouldn't the former dictator like what he saw? A faster growing state, increased manipulation of the economy, higher penalties on the most productive and entrepreneurial, nationalization of the health care system, and Orwellian newspeak about reliance on free markets. President Clinton may be more committed to the democratic political process, but he shares with Gen. Jaruzelski a belief in the infinite perfectibility of man by beneficent social engineers running the state.

Nowhere is this more evident than with the LOST. Though obscure, the agreement represents the high tide of international collectivism. Ocean mining is an industry that is best left alone, with just a minimal system to arbitrate any mine site disputes. Thus, the real purpose of the LOST, which creates an expansive and expensive U.N. regulatory regime, is to promote an extortionate "New International Economic Order" under which Western taxpayers underwrite Third World regimes. And this the administration's modest treaty improvements will not change.

But then, we probably should have expected this. Years ago foreign policy analyst Zbigniew Brzezinski predicted that the Soviet and American systems would converge. The collapse of communism made that forecast seem silly. But with Russia haphazardly moving toward the free market and the United States shifting ever more purposefully toward collectivism, it looks like the Clinton administration may bring Mr. Brzezinski's idea to pass.

SALE OF KC-135A TANKER AIRCRAFT TO TURKEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. HAMILTON. Mr. Speaker, Turkey is an important ally with which the United States shares long-standing political, economic and military ties.

On June 14, the Committee on Foreign Affairs was notified, transmittal number 94-19, of the administration's intent to fulfill a request from the Government of Turkey to purchase 10 KC-135A tanker aircraft pursuant to section 516 of the Foreign Assistance Act and section 36(b) of the Arms Export Control Act. This notification represented the first United States sale of in-flight refueling capabilities to Turkey. This sale raised several important policy issues that merited further exploration beyond the information contained in a normal arms sale notification.

On June 24, I wrote to the Secretary of State on this proposed sale. On July 18, I received a response from the Department of State.

The text of the correspondence follows:

DEPARTMENT OF STATE,
Washington, DC, July 18, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of June 24 to Secretary Christopher concerning the transfer of 10 excess KC-135A tanker aircraft to the Government of Turkey (GOT). In supporting this decision, the Administration carefully examined its political and military consequences in great detail.

Turkey is a secular, democratic and pro-western country in a region where U.S. strategic interests in Europe, the Middle East and Central Asia converge. Most other nations in the region are neither democratic nor pro-western. A major supporter of the Coalition during the Gulf War, Turkey continues to provide critical base access and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

support for U.S. and UN humanitarian and sanctions-enforcement operations vis-a-vis Iraq. The United States has a strong interest in ensuring that Turkey's and NATO's defenses in this region are strong.

The provision of NATO-compatible tankers will enhance the security of this important ally and will buttress U.S. and Alliance capabilities. The provision of the tankers will permit the Turkish Air Force to conduct combat air patrols for extended periods of time to defend its southern and eastern borders. These aircraft are based in the West and currently can only operate in the south and east for periods of 30 to 60 minutes. The tankers will save the Turkish Air Force the expense of building new bases in the south and east, where weather conditions often interfere with flight operations and aircraft would be more vulnerable to Iraqi and Iranian missile attack. Additionally, the tankers will allow Turkey to participate more fully in NATO, UN, or other international missions in the region which might be necessary in the future.

We have carefully weighed the effect this transfer could have on the military balance in the Aegean and on Aegean tensions. We concluded that the tankers do not present a significant increase in the threat to Greece. If Turkey had aggressive intentions toward Greece, it could cover Greek territory effectively with its present air capability. We informed the Greek government of the transfer and have received no objection.

We have informed the Government of Turkey that a number of specific conditions would be included in the written transfer agreement for the tankers signed by both sides. These conditions are: 1) access to the tankers by the U.S. and NATO in any NATO contingency; 2) no use of the tankers except in a NATO contingency, self-defense, collective measures requested by the United Nations, or other contingencies as agreed to by the U.S.; and 3) upgrading of the tankers in conformity with NATO standards.

I hope this information is helpful to you. Please do not hesitate to contact us again if we can be of any further assistance.

Sincerely,

WENDY R. SHERMAN
Assistant Secretary Legislative Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 1994.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Department of State, Washington, DC.

DEAR CHRIS: I write with regard to the notification of June 14, 1994, pursuant to section 36(b) of the Arms Export Control Act (transmittal number 94–19), that the United States is proposing to the Government of Turkey an arms sale involving the rework, overhaul and modification of ten KC-135A tanker aircraft transferred as excess defense articles.

There are several policy issues related to this sale that merit further examination. In this regard, I would appreciate your response to the following questions:

Why is it in the U.S. national interest to proceed with this sale at this time?

What mission requirements will the sale of tanker aircraft allow the Turkish Air Force to fulfill that it is unable to fulfill today?

What was the reaction of the Government of Greece to this proposed sale?

What, if any, conditions will the United States attach to the use and deployment of these tanker aircraft?

What, if any, restrictions will the Government of Turkey agree to with regard to the use and deployment of these tanker aircraft?

I appreciate your prompt attention to this matter, and look forward to your early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

TRIBUTE TO MEN AND WOMEN WHO WORK IN IRON ORE INDUSTRY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the many men and women who have dedicated their livelihoods to the iron ore industry in the Great Lakes region. September 19, 1994, marks the 150th anniversary of the discovery of iron ore in the Lake Superior region which includes Michigan, Wisconsin, Minnesota, and Western Ontario.

Iron ore, a valuable component to the industrial machine which drives America, was discovered in the Upper Peninsula of Michigan in 1844. The discovery led to the creation of hundreds of iron ore mines in the region, sparking the settlement of a large portion of the upper Midwest. Furthermore, it advanced the industrial revolution in the United States, led to the development of the magnificent Soo Locks, and boosted the industrial economies of cities from Chicago to Pittsburgh.

Iron ore from the Upper Peninsula of Michigan, Minnesota, Wisconsin, and Ontario was used to build the United States war machine. Virtually everything, from tanks to bombs, bullets to guns, was constructed from iron ore mined in the Lake Superior region. The discovery of iron ore has undoubtedly changed the lives of millions of people not only in our region of the country but around the world as well.

For 150 years men and women of the Great Lakes region have tirelessly toiled to extract this valuable resource from the rocky earth. Iron ore from the Lake Superior region has been used in steel to make everything from skyscrapers and railroads to guitar strings and piano wire, and thousands of industrial and consumer products in between. Not only has it touched the lives of millions of Americans over several generations, iron ore from the Great Lakes region has played an integral part in building America's industrial base.

Mr. Speaker, the men and women who work in the iron ore industry rarely receive the recognition they deserve. On this special occasion, the 150th anniversary of the discovery of iron ore in the Great Lakes region, I would like to thank all the people over the years who have labored in forging America into the great Nation it is today. Congratulations, and best wishes.

IN HONOR OF BILL HOLLOWAY'S 50 YEARS OF SERVICE TO THE DAILY NEWS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Bill Holloway for 50 years of dedicated service to the Robinson Daily News. It is because of Bill Holloway and his colleagues that the Daily News has continued to provide important news and information to the people of the 19th Congressional District.

Bill began his newspaper career in Lawrenceville, IL as a delivery boy when he was just 11 years old. At the age of 14, Bill's family moved to Robinson, IL and he began working for the Daily News, the newspaper he has continued to work for 50 years. Bill's first job with the newspaper included sweeping the print shop floors and taking out the trash. Soon Bill found himself assisting with mailings and then setting type, which was completely accomplished by hand. Bill's dedication and hard work over the years led to him being named the newspaper's production manager.

Besides his 50 years of service to the newspaper, Bill has continued to play an active and important role in the community of Robinson. It seems Bill is always helping an individual in need. Whether it means providing food and clothing to the poor or assisting the elderly with tasks around the house, Bill is always willing to provide help. Bill serves as the president of the board of trustees for the First Baptist Church of Robinson. Bill Holloway has also been a life-long Democrat and an active member of the party for 20 years. Last year Bill became chairman of the Crawford County Democrat Party, a position he holds with pride.

Along with the people of the 19th Congressional District, I congratulate Bill Holloway on his 50 years of dedicated service to the Robinson Daily News, and I wish Bill, his wife, Rita, and their entire family continued happiness and good health in the years ahead.

TRIBUTE TO JOHN B. CAPOGRECO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. MATSUI. Mr. Speaker, I rise today to salute Mr. John B. Capogreco, who is retiring from 30 years of successful and dedicated service to the union membership and labor movement.

Mr. Capogreco graduated from Sacramento High School in 1954. In 1958, he completed sheet metal apprentice training before serving in the U.S. Army between 1960 and 1962.

Upon returning from the Army, Mr. Capogreco began his career with the Sheet Metal Workers. In 1968, he served as a member of the Sheet Metal Apprentice Board for Sheet Metal Local 162; 2 years later, he became the president of the board. From 1972 to 1982, Mr. Capogreco served as the business agent and from 1982 to the present, he has held the position of business manager.

In addition to his involvement with Sheet Metal Local 162, he has been an active member of numerous committees. The numerous organizations who have benefited from his service include: Sacramento-Sierra Building Trades Council; Sacramento Central Labor Council; AFL–CIO; Building Standards Board; County of Sacramento; Western States Council; Health & Welfare Pension for Northern California Sheet Metal Workers; International Association of Sheet Metal Workers; California Apprenticeship Council; Sacramento Joint Apprenticeship Training; and Sheet Metal Workers Local Unions and Councils.

I join Mr. Capogreco's many family and friends who gathered on Saturday evening, September 10, 1994, to salute his accomplishments.

Mr. Speaker, it is with great pleasure that I rise to recognize John B. Capogreco for his unyielding commitment to his profession. I ask my colleagues to join me in congratulating him and wishing him success and happiness in the future.

INTRODUCTION OF THE NATIONAL TRAINING CENTER FOR MINORITY MUSEUM, ARCHIVES, AND HISTORIC PRESERVATION PROFESSIONALS ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. STOKES. Mr. Speaker, I am proud to join with my colleague, Congressman DAVID HOBSON, in introducing the National Training Center for Minority Museum, Archives, and Historic Preservation Professionals Act, a measure to provide for training of professionals in Minority Museum, Archives, and Historic Preservation Studies, and to train minority professionals in these areas.

In legislation enacted in 1976, Congress first recognized that there is a gross underrepresentation of minority museum and archives professionals. In 1978, Congress passed legislation establishing a national commission to develop plans for construction and operation of an African-American museum. The National Afro-American Museum and Cultural Center at Wilberforce, OH, opened to the public in April 1988. The museum has exceeded all expectations in the quality of exhibits, and number of visitors. This museum has one of the largest collections of African-American historical and cultural material in our Nation.

It was the intent of Congress to establish a training center and educational program at the museum. In addition, Congress has more recently directed the National Park Service to undertake efforts to preserve and interpret the Underground Railroad and its significance, not only for African-Americans, but for all Americans. Wilberforce, OH played a major role in the Underground Railroad, and is ideally suited to assist the National Park Service in properly interpreting this important chapter in America's social and cultural history.

Mr. Speaker, a scarcity of minority museum professionals, and people trained in minority museum and archives studies, has resulted in the failure to preserve important minority historical and cultural sites and artifacts. There is currently no institution of higher learning in our Nation which has a curriculum leading to a degree in Minority Museum, Archives, and Historic Preservation Studies. By means of a contract with a consortium of institutions of higher education, a program of study leading to a graduate degree in Minority Museum, Archives, and Historic Preservation Studies will be implemented at the training center.

The National Afro-American Museum and Cultural Center now seeks support from Congress for establishment of the training center. Congress intended that there be a Federal-State partnership to fund the museum, yet thus far, the State of Ohio has assumed almost exclusive financial responsibility for the museum. The State of Ohio assumed this responsibility with the understanding, based on the original legislation, that Congress would provide financial support.

If the intent of the original legislation is to be carried out, the training center must be constructed. The State of Ohio has gone as far as it can without Federal financial support. Completion of the second phase of the project, the construction of the training center, is a prerequisite for implementation of the Museum, Archives, and Historic Preservation Studies Program.

Mr. Speaker, I ask my colleagues to keep in mind the original intent of Congress not only to build a museum, but also to establish a training center with a Minority Museum, Archives, and Historic Preservation Studies Program. The Museum at Wilberforce is already a national treasure. With the establishment of the Museum, Archives, and Historic Preservation Studies Program, a solid foundation will exist for the preservation and presentation of our Nation's African-American and other minority heritage. I urge all my colleagues to support this critical legislation.

A TRIBUTE TO THE HASTON FREE PUBLIC LIBRARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to the Haston Free Public Library of North Brookfield, MA, on its 100th anniversary. I am proud that Massachusetts has a longstanding tradition of support for public libraries, and the Haston Free Public Library is a part of that tradition.

On September 20, 1894, the library was dedicated in the name of Mr. and Mrs. Erasmus Haston of North Brookfield, whose gift of $46,000 paid for the entire construction of the library. Unlike most philanthropists, the Hastons were of the working class. Childless and retired, after many years working in the town's shoe factory, the Hastons wished to provide the town with a modern library building.

The library's dedication was a day of great civic pride for North Brookfield, and the library's tradition of service has only strengthened the community's pride. For 100 years the Haston Free Public Library has encouraged literacy and a love of learning, and served as a crucial resource for both young and old.

In 1894 G. Stanley Hall, then president of Clark University, best articulated the goal and vision of the library when he said:

> May it ever be held a sacred civic trust, may its generous support be not so much an annual duty as an annual joy to every voter and may it forever have a warm place in the heart of every inhabitant of this exalted and thrice beautiful town.

I ask my colleagues to join me in congratulating the Haston Free Public Library on its 100th anniversary, and for its long tradition of service to the community.

CONGRATULATIONS PASTOR JIM HENRY

HON. BOB CLEMENT

OF TENNESSEE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. CLEMENT. Mr. Speaker, we are pleased to welcome to Washington the Reverend Jim Henry, pastor of First Baptist Church in Orlando and the newly elected president of the Southern Baptist Convention.

Selected this June to lead the Nation's largest Protestant denomination, Pastor Henry faces many challenges for which he is well-prepared and well-respected. Indeed, though considered a theological conservative, Pastor Henry was chosen because of his ability to reach out to moderates and seek reconciliation.

Pastor Henry grew up in Nashville, graduated from Georgetown College, KY, and attended the New Orleans Baptist Theological Seminary, where he earned both a bachelor's and master's degree in divinity.

Ordained as a minister in 1960, he began his ministry at Mount Pisgah Baptist Church in Melvin, AL. He then moved to Hollywood Baptist Church in Sledge, MS, and then to Two Rivers Baptist Church in Nashville. Since 1977, he has been minister of the First Baptist Church of Orlando.

Pastor Henry has served his church in a variety of important positions. He was president of the Nashville and the Florida Baptist Pastor's Conference, trustee for the Tennessee Baptist Convention, and for several Baptist colleges, and was an active member of several Southern Baptist Convention committees.

Pastor Henry has preached and taught throughout the Nation and has written extensively, particularly on issues affecting both family and youth. He has also been involved in many civic activities in Nashville and Orlando, with a special emphasis again on helping our youth. He is currently a member of the Central Florida Right to Life Executive Committee and the Orlando Crime Prevention Commission.

Pastor Henry is accompanied to Washington by his wife, Jeanette, his mother, Kathryn, his daughter and son-in-law, Betsy and Danny DeArmas, and family friends, Roxie Mathison and Derrick and Jennifer Huckleberry.

We wholeheartedly welcome Pastor Henry and his family to Washington and wish him godspeed as he assumes his responsibilities leading the Southern Baptist Convention.

U.S. POLICY ON SPENT NUCLEAR FUEL AND ITS REPROCESSING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. HAMILTON. Mr. Speaker, on March 17 I wrote to the Department of State and the Department of Energy seeking clarification of U.S. domestic and international policy regarding spent nuclear fuel and its reprocessing.

On April 14, I received a reply from the Department of State. On August 17, I received a reply from the Department of Energy.

I would like to bring to the attention of my colleagues this exchange of letters. The testimony mentioned in Assistant Secretary Sherman's letter is not printed here; it is available separately from the Subcommittee on International Security, International Organizations, and Human Rights. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1994.

Hon. ROBERT L. GALLUCCI,
Assistant Secretary for Political-Military Affairs, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am writing with regard to the administration's draft environmental assessment which proposes urgent return to the U.S. of spent nuclear fuel from foreign research reactors. I would appreciate your articulation of how such returns of spent fuel will promote U.S. nonproliferation objectives.

I would like to seek clarification of U.S. domestic and international policy regarding spent nuclear fuel and its reprocessing.

Will the U.S. resume development of new low-enriched uranium (LEU) fuels to enable reactor conversion from high-enriched uranium (HEU)?

Does the U.S. plan to require all its own research reactors to convert from HEU to LEU fuels in accord with U.S. policy for foreign research reactors?

What is the U.S. doing to determine the status of spent fuel in countries that did not respond to DOE's survey of foreign research reactors (such as Iran, Pakistan, and South Korea)?

What is U.S. policy toward reprocessing HEU, as well as other fissile material?

What is U.S. policy toward reprocessing of fissile materials by other countries?

Do you support or oppose such reprocessing when it is for civilian purposes?

Could you share with the Committee public statements on your policy with respect to foreign reprocessing for civilian purposes?

A similar letter is being sent to the Honorable Thomas P. Grumbly, Assistant Secretary of Energy for Environmental Restoration and Waste Management, and I would appreciate a coordinated response.

I appreciate your efforts in addressing this important issue.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 14, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of March 17, 1994, about the Administration's draft environmental assessment of urgent-relief acceptance of foreign research reactor spent fuel, and the relationship of such returns of spent fuel to U.S. nonproliferation objectives. This letter responds to your questions relating to the international policy aspects of U.S. policy on return of the spent nuclear fuel from foreign research reactors. The Department of Energy (DOE) will respond to those questions specific to reactor conversions and the status of HEU in other countries.

The Department of Energy is in the process of preparing an Environmental Impact Statement on a policy to accept from foreign research reactors of up to 15,000 spent nuclear fuel elements containing uranium enriched in the United States. The proposed policy would be in effect for a period of up to fifteen years. This Environmental Impact Statement is scheduled to be released in draft form for public comment by the end of December 1994, and the final Environmental Impact Statement is to be completed by the end of June 1995. In the interim, to meet the urgent needs of certain foreign research reactor operators and to avoid failure of a key United States nuclear weapons nonproliferation objective of minimizing the use of highly enriched uranium in civil programs, DOE proposes to accept a small number of foreign research reactor spent fuel elements for storage in an existing DOE wet storage facility.

The State Department strongly supports the efforts of DOE to return a limited number of research reactor spent fuel elements under the Environmental Assessment. We believe that failing to take back these spent fuel elements would harm the Reduced Enrichment for Research and Test Reactors program and damage the ability of the U.S. to pursue its policy of minimizing the civil use of highly enriched uranium, as well as our broader nonproliferation agenda.

The Environmental Assessment is being undertaken as part of a broader United States efforts to prevent the spread of nuclear weapons to additional countries, which is a fundamental foreign policy and national security objective of the United States. A key element of United States nonproliferation policy has been to minimize the use of highly enriched uranium (HEU)—a nuclear weapons usable material—in civil nuclear programs worldwide. Research reactors are of particular concern in this endeavor because the major civil use of HEU is as fuel in nuclear research reactors—reactors that are used for basic science research and the production of radioisotopes for medical, agricultural and industrial uses.

In order to reduce the danger of nuclear weapons proliferation posed by commerce in HEU to fuel research reactors, the United States in the past adopted two mutually dependent policies, the Reduced Enrichment for Research and Test Reactors (RERTR) program and the Offsite Fuels Policy. The RERTR program, initiated in 1978 and still ongoing, is aimed at reducing the demand for HEU by developing high density, low enriched uranium (LEU) fuels—not directly usable in nuclear weapons—to replace the HEU fuels used in both domestic and foreign research reactors.

Forty-two research reactors which use or formerly used HEU of United States origin and which operate at power levels equal to or greater than 1 megawatt have been key participants in the RERTR program since the late 1970s. The program has helped to bring about the conversion to LEU fuel of a significant number of these reactors. Many of the remaining reactors are involved in extensive technical cooperation with Argonne National Laboratory in addressing the various studies and evaluations that are part of the LEU conversion process.

Fifteen of the 42 reactors have been fully or partially converted and three reactors have ordered LEU fuel elements for conversion. Three of these reactors are technically unable to utilize the LEU fuels that are currently available, two reactors do not need to be refueled because their cores will last for the lifetime of the facility, and three reactors have been or plan to be shut down. One reactor which had been reluctant to convert has indicated its willingness to covert to LEU fuel if DOE agrees to take back its spent fuel. The remaining fifteen reactors are in various stages of the conversion process.

Although substantial effort has been invested by reactor organizations, the LEU conversion process in not irreversible. The Offsite Fuels Policy offered reactor operators a lower cost and simpler solution for managing research reactor spent fuel than would have otherwise been available, and thus was seen by the operators, at least after the initiation of the RERTR program, as an essential *quid pro quo* for incurring the substantial, technical and financial expenses of converting to LEU fuel. Foreign governments and reactor operators have indicated since the beginning of the RERTR program that their willingness to participate in that program was contingent upon the willingness of the United States to continue to accept spent fuel from their research reactors. The United States accepted HEU spent fuel under the Offsite Fuels Policy until 1988, when the policy lapsed. (In 1992, the United States also allowed the Offsite Fuels Policy for LEU spent fuel to lapse. The latter policy was established in 1986 as an incentive for research reactors to convert to LEU fuels under the RERTR program.)

Because the United States has not been in a position to take back HEU fuel for over five years, several foreign research reactor operators have run out of storage capacity for their spent fuel. If the United States is unable to accept any near-term foreign research reactor spent fuel shipments, several reactor operators soon will be forced for safety and regulatory reasons to shut down their reactors or ship their spent fuel to the United Kingdom for reprocessing.

The consequences of reactor shutdown resulting from a failure by the United States to accept near-term shipments of foreign research reactor spent fuel would reach well beyond the impacts on affected reactors. It is likely that other reactor operators, believing that the United States had not proven to be a reliable partner, would seek alternatives to reliance on the United States until indigenous solutions for their spent fuel storage issues could be found. Reduced reliance on the United States likely would result in the abandonment of the RERTR program by many of the foreign participants, thus foreclosing the longer-term policy choices to be determined after completion of the Environmental Impact Statement. Indeed, some foreign research reactor operators have stated categorically that, if the United States is unable to accept any near-term spent fuel shipments, they would terminate their participation in the RERTR program, and rely on HEU fuels in the future. Their reasoning is based in large part on the fact that the reprocessing option is only available for HEU fuel, as discussed below.

To avoid shutdown, some reactor operators likely would ship some of their spent fuel to the United Kingdom for reprocessing. Forcing reactor operators to pursue the reprocessing option to avoid shutdown, however, would engender a number of consequences adverse to United States nonproliferation interests. First, if a research reactor were forced to reprocess in order to avoid shutting down, the reactor operator and the foreign government involved would likely perceive that the United States has not kept its part of the bargain which, in their view, was and remains a key condition for their participation in the RERTR program.

Second, while the United States government has full confidence in the physical protection and safeguards systems in place at the United Kingdom Atomic Energy Authority's reprocessing facility in Dounreay, Scotland, reprocessing of spent fuel containing HEU would likely mean that the research reactors pursuing this option would continue operations on the HEU fuel cycle. The research reactor licensing authorities require research reactors to have in place specific means of disposing of their spent fuel, and neither Dounreay nor any other available facility is currently accepting aluminum clad research reactor spent fuel containing LEU for reprocessing. Hence, the research reactors would have to continue to use HEU fuels. This may result in reactor operators delaying or canceling plans to convert to HEU, or, in some cases, reconverting from LEU to HEU fuels, a result which would be directly antithetical to the goal of minimizing the civil use of HEU, and would likely foreclose the longer-term policy choices to be made after completion of the Environmental Impact Statement.

With regard to your question concerning U.S. policy toward reprocessing of fissile materials by other countries for civilian purposes, the United States believes that the growing of quantities of separated plutonium have the potential to raise concerns for the nonproliferation regime. We are urging other nations with programs for the civil use of plutonium to limit the stockpiling of such plutonium. In this connection, I note the joint statement of President Clinton and President Yeltsin of January 14, 1994, in which the two Presidents agreed to cooperate with each other and also with other states to elaborate measures designed to prevent the accumulation of excess stocks of fissil materials and over time to reduce such stocks.

However, the United States does not encourage the civil use of plutonium and, accordingly, does not itself engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes. However, the United States has made it clear that we will not oppose the use of plutonium in civil nuclear programs in Western Europe and Japan where there are well established programs and where states have made comprehensive commitments. We are also engaged in discussion with other states on the need to limit and ultimately reduce and eliminate excess plutonium.

At the same time, the United States actively discourages reprocessing in areas of instability and high proliferation risk such as the Korean pensinsula. The U.S. policy toward reprocessing HEU is the same as our policy toward reprocessing LEU.

I am enclosing a copy of testimony by Robert J. Einhorn, Deputy Assistant Secretary for Non-proliferation, Bureau of Political Military Affairs, Department of State, March 23, 1994, before the subcommittee on International Security, International Organization and Human Rights which addresses in greater depth a number of the questions you have raised in your letter.

I hope this letter is responsive to your concerns. Please do not hesitate to call me if you have any questions.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1994.

Hon. THOMAS P. GRUMBLY,
Assistant Secretary for Environmental Restoration and Waste Mangement, Department of Energy, Washington, DC.

DEAR MR. SECRETARY: I am writing with regard to the Administration's draft environmental assessment which proposes urgent return to the U.S. of spent nuclear fuel from foreign research reactors. I would appreciate your articulation of how such returns of spent fuel will promote U.S. nonproliferation objectives.

I would like to seek clarification of U.S. domestic and international policy regarding spent nuclear fuel and its reprocessing.

Will the U.S. resume development of new low-enriched uranium (LEU) fuels to enable reactor conversion from high-enriched uranium (HEU)?

Does the U.S. plan to require all its own research reactors to convert from HEU to LEU fuels in accord with U.S. policy for foreign research reactors?

What is the U.S. doing to deterine the status of spent fuel in countries that did not respond to DOE's survey of foreign research reactors (such as Iran, Pakistan, and South Korea)?

What is U.S. policy toward reprocessing HEU, as well as other fissile material?

What is U.S. policy toward reprocessing of fissile materials by other countries?

Do you support or oppose such reprocessing when it is for civilian purposes?

Could you share with the Committee public statements on your policy with respect to foreign reprocessing for civilian purposes?

A similar letter is being sent to the Honorable Robert L. Gallucci, Assistant Secretary for Political Military Affairs, Department of State, and I would appreciate a coordinated response.

I appreciate your efforts in addressing this important issue.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

DEPARTMENT OF ENERGY,
Washington, DC, August 17, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Your letter of March 17, 1994, to Assistant Secretary Grumbly has been referred to my Office for a response. We appreciate your interest in the Department's draft environmental assessment proposing the urgent return of spent nuclear fuel of U.S. origin from foreign research reactors. I note that a similar letter, containing the same questions, was sent to Robert L. Gallucci at the Department of State, and we have coordinated our responses. The Department of Energy's responses will address the first three questions which are primarily of a technical nature. The Department of State will respond to the remaining questions which deal with U.S. policy.

Regarding your question about the Department's intentions to resume development of new low-enriched uranium (LEU) fuels, I am pleased to inform you that we are pursuing funding for this effort. Funding required is estimated to be about $19,650,000 over a period of 6 years. If this new fuels development effort is successful, the new LEU fuels with sufficiently high uranium density would be available to permit conversion of additional foreign and domestic reactors. Conversion costs would be in addition to the development costs.

Concerning the conversion of U.S. reactors, at the inception of the Reduced Enrichment for Research and Test Reactor (RERTR) program, there were eighteen university research reactors in the United States using highly enriched uranium (HEU) fuels. These reactors were ordered by the Nuclear Regulatory Commission to convert from HEU fuel to LEU, and eight have completed conversion to LEU fuel. Eight other university reactors are in various stages of the conversion process, and two reactors cannot convert using the LEU fuels that are currently available.

The Department of Energy (DOE) reactors utilizing HEU fuels with steady state power levels exceeding one megawatt thermal are shown in the enclosure. One other U.S. Government reactor, operated by the Department of Commerce, uses HEU fuel and cannot be converted with the LEU fuels now available.

The DOE questionnaire, that you refer to in your letter, was designed to elicit information from those reactors that might be facing possible shutdown due to urgent operational or spent fuel storage problems. It was sent to the 42 research reactors with power levels equal to or greater than 1 megawatt because these are the types of reactors which are of nonproliferation concern due to their present or former use of HEU (it was also sent to a number of TRIGA reactors). Thirteen reactors in nine countries apparently chose not to respond to the questionnaire. We assumed that these reactors did not require urgent relief for their spent fuel problems.

DOE intends to contact all research reactors of all power levels using HEU or LEU fuel of U.S. origin, including those which did not respond to this initial questionnaire, as part of the process of preparing the Environmental Impact Statement for the estimated 15,000 spent fuel elements eligible for return during the 10–15 year period. Obtaining the cooperation of some countries in retrieving their spent fuel may require substantial diplomatic efforts. We will request assistance in these efforts from the Department of State.

We appreciate your interest in these important issues and will be glad to respond to any further questions you may have.

Sincerely,

JOHN G. KELIHER,
Director.

DEPARTMENT OF ENERGY REACTORS UTILIZING HIGHLY ENRICHED URANIUM FUELS

Reactor	Power level (megawatts thermal)	Current status	Conversion status
Advanced neutron source (ANS)	303	Conceptual design complete, line item construction project requested in FY 1995 budget.	No qualified fuel.
Advanced test reactor	250	Operational	No qualified fuel.
Experimental breeder reactor–II	62.5	Operational, planned for shutdown beginning FY 1995	No qualified fuel.
High flux isotope reactor	85	Operational, to be replaced by the ANS	No qualified fuel.
High flux beam reactor	30	Operationl, to be replaced by the ANS	No qualified fuel.
Brookhaven medical research reactor	3	Operational	Feasbile to convert, not funded due to higher priorities and budget constraints.
Annular core research reactor	2	Operational	Feasible to convert, funding to be requested.

100TH ANNIVERSARY OF ENGADINE TOWNSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the town of Engadine, MI which will celebrate the 100th anniversary of its incorporation from September 16 to September 18, 1994.

The rich history of Engadine begins when a train depot was built between Manistique and Trout Lake, where Highway 117 turns off to U.S. 2. The depot was called Kennedy Siding until Sam Peterson, the depot manager named it Engadine because it reminded him of a valley by that name in Switzerland.

Located in the southeastern area of "God's Country," Engadine's location became a gateway to the western Upper Peninsula. Settlers seeking jobs in the timber and mining industries made their long journey from all parts of the world. Engadine was settled by French Canadians, Germans, and Croatians. Then about 50 families from Kentucky settled in providing the local wooden barrel factory with skilled labor. Engadine was a thriving town with a population of around 1,000. Then disaster struck; the barrel factory burnt down and was relocated to Manistique. The town adjusted to the fate that was dealt to them and came back as a dairy center with 50 dairy farms in the area. Engadine boasted of two cheese factories, at one time.

The citizens of Engadine, 200 proud, make up a community that exemplifies the American spirit. If you want to witness the dedication of a small town, visit the Engadine Eagles on a Friday night home game. Everyone in the community is there backing up the Engadine Eagles. Like this small community the Eagles have spirit, courage, and determination. There are only a few small towns across Michigan and the United States that can boast of 100 years of existence. This is what makes Engadine a treasure to northern Michigan.

I am grateful that the residents of Engadine Township are my constituents and would like to congratulate them on the 100th anniversary of their township.

HONORING LUCIAN LINCOLN'S RETIREMENT FROM FREEMAN UNITED COAL MINING CO.

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Lucian A. Lincoln on his retirement from Freeman United Coal Mining Co., a enterprise that has long continued to provide important jobs to the people of the 19th Congressional District.

Since 1986, Lucian has served Freeman United Coal Mining Co. diligently as chairman and chief executive officer. Prior to 1986 he served the company as president. Lucian's enduring dedication to the people and communities of the 19th Congressional District has made him a respected citizen and friend to many.

Besides being an active member of the Marion community, Lucian spends his time away from work golfing and fishing. Lucian is looking forward to the additional time his retirement will provide him to further enjoy his favorite pastimes. Lucian and his wife Mary Lynn are also looking forward to spending more time vacationing in Naples, FL.

I congratulate Lucian on his many years of dedicated service to Freeman United Coal Mining Co. I wish Lucian, his wife, and their entire family good health and happiness in the many wonderful years to follow his retirement.

TRIBUTE TO VERNON J. FREEMAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. MATSUI. Mr. Speaker, I rise today to salute Mr. Vernon J. Freeman, who has recently retired as executive director of the United Christian Centers of the Greater Sacramento Area, Inc.

Mr. Freeman began his career in 1947 when he entered the U.S. Army. In 1949, he entered the U.S. Air Force where he held a variety of positions of leadership in the fields of human relations, personnel, and administrative management until his retirement in Sacramento in 1973.

From 1973–74, he served as the business manager for the Del Paso Heights Elementary School District, making noteworthy accomplishments in facilities, human and material resources, and fiscal accountability.

He then took a position as executive director of the Sacramento Inner City Health Corp. There, he established the Senior Health Day Care Center, a model alternative to social isolation and premature institutionalization of elderly persons.

In 1979, he became the executive director of the United Christian Centers of the Greater Sacramento Area, Inc. The mission of the centers is to provide social, educational, spiritual, and recreational services to persons with special needs so that they may reach their highest potential and become self-sufficient.

One of his most noteworthy accomplishments is the establishment of the Lincoln Training Center, which trains disadvantaged persons in clerical skills. This center runs with the cooperation of IBM and the University of California Davis Medical Center. To date, more than 2,000 students have graduated from the center and 80 to 85 percent have been consistently placed in unsubsidized employment.

Other programs which he has established include the Rosenwald C. Robertson Adult Day Health Care Center which serves up to 60 adults each day to preclude their premature placement in nursing or convalescent homes; the West Sacramento Resource Center, which serves the holistic needs of disadvantaged persons who need jobs, job skills, housing, shelter, and medical/social therapy and food; a transitional shelter which provides temporary housing for nine families at no cost for up to 6 months to enable them to make the transition into permanent housing; and a program named Before and After School where 25 children, 5 to 12 years of age can do their homework and have recreational experiences under the leadership of a licensed teacher.

In addition to his many professional accomplishments, Mr. Freeman has been active in numerous civic and community endeavors. Among the organizations which have benefited from his wisdom and leadership include: Several Toastmasters Clubs, the Urban League, the NAACP, American River College Foundation, Sacramento City Unified School District Board of Education, California Association of Urban School Districts, the United Way, and my own Armed Forces Academy Selection Advisory Committee.

Mr. Speaker, it is with great pleasure that I rise to recognize Mr. Vernon Freeman for his outstanding commitment to the people of Sacramento. I ask my colleagues to join me in congratulating him and wishing him success and happiness in all of his future endeavors.

A TRIBUTE TO MAJ. GEN. PHIL KEARNY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. TORRICELLI. Mr. Speaker, I rise before the House today to congratulate the citizens of Kearny, NJ, on the occasion of their dedication of a new statue in commemoration of their town's namesake. The long awaited arrival of the full size statue of Maj. Gen. Philip Kearny will bridge the gap between yesterday and today by bringing to life a great figure of our past and allowing us to reflect on the significance of our relationship to his contemporaries and their struggle.

Major General Kearny—Fighting Phil Kearny, as he was better known—was the commander of New Jersey's celebrated First Brigade during the Civil War. A superb horseman who had trained in Cavalry techniques with the French army, Kearny led the troops of his Jersey Blues fearlessly into battle, winning him the esteem of his colleagues and the trepidation of his Southern foes. The general's life was cut short at the Second Battle of Bull Run as he was reconnoitering his rear guard on the immediate aftermath of the Union defeat. Posthumously promoted to the rank of major general, Kearny fell in a battle for the principles to which we adhere so firmly today.

Ironically, the statue's presence in Kearny is a product of a near mishap. In 1868, the sculptor Henry Kirke Brown was commissioned by the State of New Jersey to construct the life size statue of Kearny. The original was presented to the U.S. Congress and still claims as its home the hallowed halls of this Capitol Building; two copies were also cast, one having been sent to Michigan and the other to Newark, NJ. In April 1993, the Newark statue fell from its pedestal and toppled to the ground. As it was undergoing reparations, a committee of dedicated citizens from Kearny gathered and raised the funds needed to cast a third copy. On September 10, 1994, the statue will be dedicated to the town and placed in front of the U.S. Post Office there.

Thanks to the dedicated work of the committee's trustees—Walter G. Halpin, Howard Hull, Frank W. Jablonski, Matthew T. McClane, Jr., and William B. Styple—General Kearny will forever stand among those who constitute his legacy, in the town that thought enough of his accomplishments to adopt his name. Generations will be able to regard the likeness of a hero of yesteryear and translate his historic struggle into a message that has meaning for today.

Mr. Speaker, I call on all of my colleagues to join me in congratulating the town of Kearny on this important occasion, and in offering a last salute to Maj. Gen. Philip Kearny—the commander of the Jersey Blues.

TODD ROBINER TRIBUTE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. RICHARDSON. Mr. Speaker, our country has lost another young person to a disease that strikes with no rhyme or reason. Twenty-one-year-old Todd Robiner of Royal Palm Beach, FL, is one of our Nation's most recent victims of this tragic disease.

Leukemia knows no limits or bounds. It randomly hits the weak, the strong, our young and our old. This year alone an estimated 28,600 new cases of leukemia will be diagnosed. The disease will kill an estimated 19,100 persons this year, about 50 each day.

Congress is trying to address this crisis. We provide the National Cancer Institute with about $75 million each year for research on cancer prevention, diagnosis, treatment, rehabilitation, and education. But, clearly more must be done as a cure is not yet within our reach. Each day that passes, we lose more of our promising and productive citizens.

For a better understanding and appreciation of the pain and sorrow caused by leukemia, I urge my colleagues to review the following article written by Rev. John Mangrum which appeared in the Town-Crier of Wellington, FL.

[From the Town-Crier, Aug. 25, 1994]

TODD BATTLED LEUKEMIA FIERCELY

(By Rev. John Mangrum)

On Tuesday we said our goodbyes to him, being grateful for at least these 21 years of the way he lighted all our lives.

Todd Robiner died last Saturday in Shands Memorial Hospital in Gainesville. Dr. Rob and his good wife Carol did me the great honor of inviting me to say some words at his funeral.

Rabbi Steven Westman of Temple Beth Torah said the prayers about him in the centuries old traditions of Israel, God's chosen flock. I spoke of Todd's life, his courage, and his tremendous desire to do well in all he undertook.

It seemed only appropriate to quote from the late Welch poet, Dylan Thomas, who wrote so poignantly of his own father's death: "Do not go gentle into that good night. Rage, rage against the passing of the light . . ."

Dr. Robiner and I went to the same college, Ferris State University in Big Rapids, Mich. The good doctor finished his basic colleges courses at Wayne State University in Detroit. He served in the Army in the artillery. After discharge, he attended Chiropractic school in Illinois, where he met Carol.

Eventually, they moved here—first to Royal Palm Beach where he established his practice, then to Bedford Mews in Wellington.

Their older son, Mitch graduated from the University of South Florida. He was a naturally gifted athlete. There is also a lovely sister named Pam.

It was Todd who wanted more than anything to be skilled and competitive. He became a fiery football player for Palm Beach Lakes High School, a basketball star, and a championship wrestler. He was so good that Knox College in Galesburg, Ill. gave him a full football scholarship.

When Todd arrived there, he had a fine freshman year. When baseball season came around, he had a physical exam. There was an early diagnosis of mononucleosis. It was not accurate. Further tests revealed that he had a tough case of leukemia.

The family brought him home, placing him in Shands Hospital in the University of Florida. He fought competitively and fiercely against the grim malignancy, even journeying up to Johns Hopkins to undertake a grueling series of chemotherapies, along with bone marrow removal, subsequent treatment of it, and painful replanting.

The whole family took turns visiting him up at Shands. Unable to continue athletically, Todd enrolled at Florida in music, becoming an enthusiastic bass guitarist in the famed UF jazz band. We played a record of their music with a solo gig by Todd as part of his memorial.

I was crazy about Todd. The Robiners took me down one night to Forest Hill High School when Todd played against the Falcons. He was into that game on a rainy night, fighting fairly and cleanly for every yard on the ground.

In the tradition of his Faith, may God write him large in the Book of Life. May God grant to the Robiners peace and a real sense that they did everything, sacrificed everything, and showed Todd they were with him right up to that last moment here among us.

The gigantic coincidence and parallel to all of this is that Todd's good friend and constant companion for years out here was football player and wrestler Eric Solohub, who died just a few short years ago from leukemia at such an early age.

We must fight just as hard to find a cure. We must insist that more money and effort will go into study and treatment so that no families we love will have to endure the awful rack of suffering like this.

TRIBUTE TO COL. MICHAEL D. O'BRIEN

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. EDWARDS of Texas. Mr. Speaker, today I want to congratulate Col. Michael D. O'Brien who will retire from the U.S. Army on October 30, 1994, after a long and distinguished career of service to our Nation spanning over 27 years.

Colonel O'Brien was drafted as a private in the Regular Army at the age of 23. He entered service on September 13, 1968 at Shreveport, LA. Following completion of his indoctrination training at Fort Polk, LA, he was retained as a drill sergeant. Just over 1 year later, the young soldier, now a sergeant, entered Officer Candidate School at Fort Sill. Following successful completion of Officer Candidate School, Colonel O'Brien was commissioned a second lieutenant of field artillery in the U.S. Army Reserve on October 31, 1969.

Over the course of his career Colonel O'Brien served in a variety of exceptionally challenging troop and staff assignments in the United States, Germany, Korea, and Vietnam. Virtually every young officer aspires to command soldiers. Most officers today command at the company level only once. The exceptional officer may garner two company-level commands. Mike O'Brien had ample opportunity to practice his craft and hone his skills to a fine edge commanding four different field artillery batteries serving a total of well over 4 years in company-level command.

Obviously, Mike O'Brien stood out from his peers for as an artillery officer he was selected to attend the officers advanced course at the U.S. Army Armor School. Such selection is an indication that an officer has mastered his basic branch skills and is being groomed for positions of much greater responsibility. Following completion of the course, then-Captain O'Brien immediately returned to command, this time for over 2 years with a direct recruiting detachment in Alameda, CA. This was the mid-1970's when serving in the U.S. Army was not a particularly popular option with America's youth. Recruiting duty was tough. Mike O'Brien continued to excel.

As a field grade officer, Colonel O'Brien continued his service in a series of increasingly challenging assignments. He served as battalion operations officer and the executive officer with the 6th Battalion, 10th Field Artillery, a corps artillery unit stationed in Bamberg, Germany. Next was an 18 month stint in the office of the Deputy Chief of Staff for Operations and Plans at Headquarters, Department of the Army. Then it was off to Korea, first as the aide-de-camp to the commanding general of the Combined Field Army, Korea, and then as the operations officer for the Division Artillery, 2nd Infantry Division. Mike then returned to the Pentagon, this time serving in the Office of the Chief of Legislative Liaison as a staff officer.

In July 1987, then-Lieutenant Colonel O'Brien assumed command of the 1st Battalion, 14th Field Artillery Regiment, Fort Stewart, GA. This was a 203mm, self-propelled field artillery battalion providing the 24th Infantry Division with its most devastating firepower. Through sustained superior performance Mike O'Brien provide he had what it took to command over 500 soldiers and their families. Once again Mike O'Brien excelled.

Assignments of increasing responsibility awaited Mike O'Brien and he continued to meet the challenges placed before him. Colonel O'Brien culminated his service as the Deputy Chief of Legislative Liaison for the U.S. Army. He has been exceptionally effective in communicating the Army leadership's message to Congress through countless phone calls, meetings, and trips.

Mike O'Brien is the quintessential leader. He truly embodies those traits of professionalism, integrity, and dependability our Nation has come to expect from its Army officers. When he was needed, he was there. He has served our Nation well, and our heartfelt appreciation and best wishes for continued success go with him as he prepares for his next endeavor.

TRIBUTE TO BRIG. GEN. RICHARD J. VALENTE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today on behalf of a man who has served this country for more than three decades. Brig. Gen. Richard J. Valente will soon retire as commander of the 43d Military Police Brigade, Rhode Island Army National Guard, and we honor him today.

General Valente graduated from LaSalle Academy in Providence, RI in 1955, and received his bachelor of science from Renselaer Polytechnic Institute [RPI] in Troy, NY on June 10, 1960. Upon graduation from RPI, the general was commissioned a second lieutenant through the Reserve Officer Training Corps.

General Valente served in a variety of assignments during his distinguished career. He was appointed to his first command in 1966 as battery commander of B Battery 2/103d Field Artillery. The general later transferred to the U.S. Army Reserve and served as an instructor in the branch officer candidate course as well as the Command and General Staff College. In 1983, he was assigned as executive officer of the 4th Brigade, 76th Division. In 1984, General Valente returned to the Rhode Island Army National Guard. He has held command of the 43d Military Police Brigade since 1988 where his service has been exemplary.

Mr. Speaker, as a 12-year veteran of the U.S. Army and a graduate of the U.S. Military Academy at West Point I salute his dedication. On behalf of my home State of Rhode Island and this Congress, I extend my thanks to Brig. Gen. Richard J. Valente for more than 34 years of distinguished service.

MEDAL OF HONOR WINNER GARY GORDON AND THE VIRTUE OF RESPONSIBILITY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. DORNAN. Mr. Speaker, I urge my colleagues and fellow citizens of this country to carefully consider the words of Carmen Gordon in the following letter to her children about the importance of responsibility. The letter was written after her husband, M. Sgt. Gary Gordon, was killed in combat in Somalia. For his heroic actions on the field of battle, Gary Gordon was awarded this Nation's highest tribute, the Congressional Medal of Honor. Gary and Carmen are true examples of why the United States is the greatest Nation on the face of the earth.

[From the U.S. News & World Report, Aug. 1, 1994]

RESPONSIBILITY

In 1993, Master Sgt. Gary Gordon was killed trying to rescue a fellow soldier in Mogadishu, Somalia. His widow, Carmen, and their two children, Ian, 6, and Brittany, 3, live in Southern Pines, N.C.

MY DEAREST IAN AND BRITTANY,

I hope that in the final moments of your father's life, his last thoughs were not of us. As he lay dying, I wanted him to think only of the mission to which he pledged himself. As you grow older, if I can show you the love and responsibility he felt for his family, you will understand my feelings. I did not want him to think of me, or of you, because I did not want his heart to break.

Children were meant to have someone responsible for them. No father ever took that more seriously than your dad. Responsibility was a natural part of him, an easy path to follow. Each day after work his truck pulled into our driveway. I watched the two of you run to him, feet pounding across the painted boards of our porch, yelling, "Daddy!" Every day, I saw his face when he saw you. You were the center of his life.

Ian, when you turned 1 year old, your father was beside himself with excitement, baking you a cake in the shape of a train. On your last birthday, Brittany, he sent you a handmade birthday card from Somalia. But your father had two families. One was us, and the other was his comrades. He was true to both.

He loved his job. Quite and serious adventure filled some part of him I could never fully know. After his death, one of his comrades told me that on a foreign mission, your dad led his men across a snow-covered ridge that began to collapse. Racing across a yawning crevasse to safety, he grinned wildly and yelled, "Wasn't that great?"

You will hear many times about how your father died. You will read what the president of the United States said when he awarded the Medal of Honor: "Gary Gordon * * * died in the most courageous and selfless way any human being can act." But you may still ask why. You may ask how he could have been devoted to two families so equally, dying for one but leaving the other.

For your father, there were no hard choices in life. Once he committed to something, the way was clear. He chose to be a husband and father, and never wavered in those roles. He chose the military, and "I shall not fail those with whom I serve" became his simple religion. When his other family needed him, he did not hesitate, as he would not have hesitated for us. It may not have been the best thing for us, but it was the right thing for your dad.

There are times now when that image of him coming home comes back to me. I see him scoop you up, Ian, and see you, Brittany, bury your head in this chest. I dread the day when you stop talking and asking about him, when he seems so long ago. So now, I must take responsibility for keeping his life entwined with yours. It is a responsibility I never wanted.

But I know what your father would say. "Nothing you can do about it, Carmen. Just keep going." Those times when the crying came, as I stood at the kitchen counter, were never long enough. You came in the front door, Brittany, saying, "Mommy, you sad? You miss Daddy?" You reminded me I had to keep going.

The ceremonies honoring your dad were hard. When they put his photo in the Hall of Heroes at the Pentagon, I thought, can this be all that is left, a picture? Then General Sullivan read from the letter General Sherman wrote to General Grant after the Civil War, words so tender that we all broke down. "Throughout the war, you were always in my mind. I always knew, If I were in trouble and you were still alive you would come to my assistance."

One night before either of you were born, your dad and I had a funny little talk about dying. I teased that I would not know where to bury him. Very quietly, he said. "Up home. In my uniform." Your dad never liked to wear a uniform. And "Up home." Maine, was so far away from us.

Only after he was laid to rest in a tiny flag-filled graveyard in Lincoln, Maine, did I understand. His parents, burying their only son, could come tomorrow and the day after that. You and I would not have to pass his grave on the way to the grocery store, to Little League games, to ballet recitals. Our lives would go on. And to the men he loved and died for, the uniform was a silent salute, a final repeat of his vows. Once again, he had taken care of all of us.

On a spring afternoon, a soldier from your dad's unit brought me the things from his military locker. At the bottom of a cardboard box, beneath his boots. I found a letter. Written on a small, ruled tablet, it was his voice, quiet but confident in the words he wanted us to have if something should happen to him. I'll save it for you, but so much of him is already inside you both. Let it grow with you. Choose your own responsibilities in life but always, always follow your heart. Your dad will be watching over you, just as he always did.

Love,

MOM.

DEDICATION OF THE HERRITY AND PENNINO BUILDINGS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. WOLF. Mr. Speaker, I am pleased today to recognize two leaders of my community, John F. Herrity and Martha V. Pennino, for their many years of service to Fairfax County and the Commonwealth of Virginia.

Today, in Fairfax, two county government office buildings will be dedicated on behalf of these outstanding former members of the Fairfax County Board of Supervisors. Throughout my years in the Congress, I have gotten to know both Jack and Martha quite well and worked closely with them for the citizens we represented. Both are friends of mine, and I can think of no better honor to have these two buildings named in recognition of Jack and Martha's work.

Jack Herrity graduated from Georgetown University and the Georgetown University Law Center, and following his tenure in the U.S. Coast Guard he began his career as a labor lawyer before starting his own pension planning and insurance business. In 1972, Jack entered public service with his election to the Fairfax County Board of Supervisors, and in 1976 Jack was elected chairman of the board of supervisors.

For 12 years he worked tirelessly as chairman, leading Fairfax County through a period of economic development and population increase. Jack's strong leadership and hard work helped make Fairfax County a highly-respected center of business and culture on the east coast. His dedication to the people of Fairfax County has not gone unnoticed. He has been named as the Citizen of the Year by the Fairfax County Chamber of Commerce as well as the Washingtonian of the Year by the Washingtonian magazine. His service has not been limited to the chambers of government; Jack has also been recognized for his accomplishments by Mothers and Students Against Drunk Driving, the Fraternal Order of Police, the Northern Virginia Training Center for the Mentally Retarded, and the American Heart Association. This last honor, I am sure, is especially important to Jack as he has returned, as he always does, strong following a recent heart transplant.

Martha Pennino has long been a pillar of leadership in Fairfax County. A native Virginian, she has compiled a long and distinguished career in public service. Following her service on the Vienna, VA Town Council, Martha was elected to the Fairfax County Board of Supervisors, where she served as a member for 24 years, 16 of those as the vice-chairman of the board. Her record of accomplishment as a member is impressive. Martha was active in improving everyday government service in Fairfax, especially through her work on task forces to improve water services, tax assessment, fire and rescue services, and zoning.

As with Jack, Martha's record of service to our community went beyond the day-to-day work of the board of supervisors. Martha was the commissioner of the Northern Virginia Planning District Committee and served on the Metropolitan Washington Council of Governments. As a member of the George Mason Board of Visitors, Martha's active participation helped develop George Mason into a leader in the field of higher education, improving the quality of life in northern Virginia and around the region. She has also been recognized by the Washingtonian magazine as the Washingtonian of the Year.

It is an honor for me to join today with Jack, Martha, and their families to recognize this special occasion, and on behalf of Fairfax County and its residents, I want to thank Jack and Martha for their decades of distinguished service and wish them all the best.

RECOUPMENT OF NONRECURRING COSTS ON GOVERNMENT-TO-GOVERNMENT FOREIGN MILITARY SALES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. HAMILTON. Mr. Speaker, as a matter of policy since the 1960's the Department of Defense collected recoupment fees for nonrecurring costs [NC] for research, development, testing and production on all U.S. government-to-government and direct commercial military sales of major defense equipment. At that time, there were no legal requirements mandating that such fees be collected. But it was a matter of policy governing all U.S. military sales.

In 1976, Congress amended the Arms Export Control Act to include a legal requirement for NC recoupment on all U.S. government-to-government foreign military sales. The Department of Defense complied with that requirement and continued to collect NC fees on direct commercial sales as well. In other words, U.S. policy on NC recoupment of military sales remained the same.

That policy changed June 1992, when President Bush decided to seek the elimination of all NC recoupment—both legal and regulatory—requirements. By January 1993, all nonstatutory NC requirements had been eliminated, creating a two-tier policy on U.S. foreign military sales.

Under this structure, the Department of Defense continued to collect NC fees on government-to-government sales of major defense equipment but not on direct commercial sales of such equipment.

The administration has decided to seek the elimination of statutory requirement for NC recoupment and government-to-government sales through the repeal of section 21(e)(1)(B) of the Arms Export Control Act.

I wrote to the Secretary of State on June 20 regarding the administration's legislative request. On August 2, I received a reply from the Department of State.

The text of the correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 20, 1994.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to seek clarification of the administration's request to seek repeal of section 21(e)(1)(B) of the Arms Export Control Act, which requires the Department of Defense to collect pro rata fees to recoup nonrecurring research and development costs on all government-to-government foreign military sales.

Since the 1960s, these fees were collected as a matter of policy on both government-to-government sales and direct commercial sales of major U.S. defense equipment. In 1992, President Bush reversed the policy of collecting these fees on commercial arms sales in an effort to support the U.S. arms industry. The repeal of section 21(e)(1)(B) would complete the reversal of this long-standing U.S. policy.

I would appreciate your response to the following questions:

1. Why is this proposed repeal in the U.S. national interest?

What are the implications of repeal for the overall conduct of U.S. conventional arms sales policies?

2. Would such a repeal constitute a government subsidy for arms sales? If so:

Who would be the beneficiary of such a subsidy; and

What would be the value of such a subsidy, and over what period of time?

What would be the cost to the U.S. government?

3. Does the current non-recoupment of non-recurring costs on commercial arms sales constitute a government subsidy for those sales? If so:

Who is the beneficiary of this subsidy?

What is the value of this subsidy on an annual basis?

What is the cost to the U.S. government?

4. I appreciate the concern expressed about two different U.S. policies on the cost recoupment of non-recurring costs:

What consideration have you given to reversing President Bush's 1992 policy decision on commercial arms sales?

Why is it not in the U.S. national interest to reinstate the collection of fees on direct commercial sales and thereby restore the equal treatment of government-to-government and commercial arms sales?

I appreciate your prompt attention to this matter, and I look forward to your early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 2, 1994.
Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This responds to your letter of June 20th seeking clarification of the Administration's request to repeal section 21(e)(1)(B) of the Arms Export Control Act, which requires the Department of Defense (DoD) to recoup a proportionate share of its nonrecurring costs for research, development, and production (NC) on government-to-government Foreign Military sales (FMS) of items classified as major defense equipment (MDE).

As you correctly noted in your letter, the DoD began to recoup NC, as a matter of policy, on both FMS and direct commercial sales (DCS) in the 1960s. Only with the enactment of the Arms Export Control Act in 1976 did one element of that recoupment policy—pertaining to recoupment on FMS of MDE—become a matter of law. In 1992, the Bush Administration, to assist a U.S. defense industry hard-pressed by the new realities of declining defense budgets at home and increasing competition abroad, eliminated all non-statutory recoupment requirements and announced its intention to seek legislation to repeal the sole statutory requirement for FMS of MDE. The Clinton Administration endorsed this policy and submitted the requisite legislation in August 1993.

The proposed repeal is in the U.S. national interest. By restoring a common recoupment policy for FMS and DCS, repeal will eliminate a substantial cost penalty for FMS (five percent on average; up to 25 percent in some cases) to the benefit of the U.S. Government, U.S. industry, and our friends and allies.

The government-to-government FMS channel enables DoD to support friends and allies' purchases of equipment standard or otherwise interoperable with that of our own forces, which is important to our coalition defense strategy. Government-to-government sales foster close and productive military-to-military relations, important in peacetime as well as in time of conflict. They also enable DoD to combine foreign purchases with its own to achieve procurement efficiencies that benefit all parties. FMS can provide the U.S. Government with greater oversight and control over arms transfers, when appropriate. The government-to-government channel traditionally has provided U.S. industry with the majority of its foreign defense sales. Industry strongly supports repeal and the return to a policy that does not discriminate between commercial and government-to-government sales.

FMS benefits friends and allies by enabling them to utilize the DoD acquisition system to handle their U.S. defense procurements. This is particularly important to the many countries that lack the means to effectively manage complex procurements on their own. It is not to our advantage to require these countries, to incur a price penalty in addition to administrative charges to utilize FMS in the service of our mutual security interests.

This is not to say that FMS always is the most appropriate channel for foreign sales. Direct commercial sales offer their own advantages, particularly greater flexibility, and can be more responsive to certain requirements of friends and allies. However, FMS does offer its own set of distinct advantages, and the United States benefits most by giving friends and allies the choice of channels without applying nonrecurring cost charges to either. It is difficult to see any reason to handle recoupment differently in these channels.

The proposed repeal would have no impact on U.S. conventional arms transfer policies or the careful and completely separate interagency arms sales review process. Repeal will simply enhance the ability of U.S. firms to compete for foreign sales that the U.S. Government is prepared to approve. Repeal would not feed arms proliferation; it will, however, help U.S. defense industry complete with non-U.S. suppliers for meeting legitimate foreign defense requirements.

The proposed repeal would not constitute a government subsidy for arms sales. Nonrecurring costs represent DoD's sunk investment in developing and producing systems for its own forces. Since weapons systems are designed to meet the needs of U.S. forces and not solely for export, DoD incurs, these costs regardless of whether there are any foreign sales. The United States benefits from these sales in terms of their contributions to our own national security objectives and to the U.S. industrial base, including in some cases lower DoD procurement costs.

If effective for sales made after 30 September 1994, repeal would reduce receipts to the U.S. Government through FY99 by an estimated $172M, with the budget impact beginning in FY97. Over time, however, we can expect a loss of receipts even in the absence of repeal, as countries initiating new procurements shift to DCS or foreign suppliers to avoid the FMS recoupment charge.

Early last year, in the context of its review of the proposed Federal Register notice of the previous Administration's elimination of all non-statutory recoupment requirements, reimposition of non-recurring cost recoupment on DCS was considered. The Administration determined that elimination of the recoupment requirement was fully consistent with President Clinton's economic agenda, particularly its interest in assisting the U.S. defense industry to adjust to declining DoD budgets.

U.S. interests are best served by restoring a common recoupment policy for FMS and DCS through repeal of the FMS recoupment requirement. We hope you will support repeal.

I hope we have been responsive to your inquiry. Please contact us if we may be of assistance in any way.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary.

TRIBUTE TO DON REED

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a good friend and an exemplary man, Don Reed, who retired on August 30 after serving 23 years as a State trooper for the Michigan State Police. A pillar in the Kalkaska community, Don has served on the State police force with loyalty, honor, and pride.

Don Reed, a native of Michigan, graduated from Three Rivers High School in Three Rivers, MI. After attending Spring Arbor College for a year, Don decided to join the Navy where he served on the U.S.S. *Kittyhawk* for 4 years. Thus, he began a career dedicated to serving and protecting the lives of others.

Don has served a long and distinguished career as a State trooper. Always placing the needs of others before his own, Don was rewarded for his dedicated and professional service by being named the Trooper of the Year in 1993 for the 7th district. I know firsthand of his hard work, dedication, and professionalism as I was Don's partner in Caro from 1974 to 1977.

Don's storied career, however, was almost cut short one fateful summer in 1991. Don was on a bike when he was struck by a van driving over 50 mph. The impact caused Don to fly over 100 feet through the air. After the accident, it was determined that the only thing that saved Don's life was his bike helmet. Since then Don has diligently worked on bike safety and promoting bike helmet use. Currently, Don has produced two bike safety videos and is a member of numerous bike clubs.

Don's family extends far beyond his wife, Bonnie, and his two children, Holly and Andrew, because Don Reed gives of himself more than life's tangibles. He is strong when strength is needed, and possesses a sense of humor when things are too serious. Always dignified, he helps others before himself.

Mr. Speaker, it is not only my hope, but all of Kalkaska's, that Don will continue to enjoy the fruits of his labor starting with his retirement party. A man of great character, his achievements and contributions remain unparalleled. We can never adequately express our gratitude for his tireless service. Congratulations Don, and best wishes.

IN HONOR OF SHERIFF ELRY FAULKNER OF JOHNSON COUNTY, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor county sheriff Elry Faulkner of Vienna, IL, an American citizen who has dedicated his life to providing quality law enforcement to the residents of Johnson County, IL.

In January, Sheriff Faulkner had the honor of being installed as president of the Illinois Sheriff's Association. In addition to this honor, Sheriff Faulkner received the Illinois Sheriff's Association's Medal of Valor. This award was presented to Sheriff Faulkner in recognition of his exhibited bravery during a shootout in 1979. Sheriff Faulkner survived a shootout with an escaped inmate from the Marion Federal Penitentiary after being shot in the chest.

Elry Faulkner began his law enforcement career in 1968 when Vienna Mayor Paul Gage hired him as a police officer. At the age of 27, Elry was named Johnson County sheriff and has held that position successfully for five terms. Sheriff Faulkner should be especially proud of the kind words his colleagues and constituents have him and his work.

I commend Sheriff Elry Faulkner for 26 years of dedicated service to the people of Johnson County. All of southern Illinois has greatly benefited from his contributions and efforts, as he continuously improves our quality of life. I believe our streets and communities are safer because of the work of Sheriff Faulkner, and for that we should be grateful.

TRIBUTE TO MAJ. GEN. JERRY A. WHITE

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to honor the career and service of one of this country's most distinguished military leaders, Maj. Gen. Jerry A. White.

Born in Raven Rock, WV, Major General White has dedicated his life to the service of his country. Most recently, Major General White has served as commander of the U.S. Army Infantry Center at Fort Benning, GA. There, he has overseen the difficult duty of maintaining the most efficient, effective fighting force in the world on a too rapidly reduced budget.

Throughout his career, Major General White has been the recipient of numerous awards and decorations, among which include the Silver Star, the Distinguished Service Medal, the Legion of Merit, and the Bronze Star.

What has always struck me personally about Major General White has been his concern for his soldiers. Many have dubbed him as the "Soldier's Soldier," a badge I am sure he would display with pride above all his other countless awards and decorations.

I have seen and met many soldiers in my frequent trips to Fort Benning, and I can tell you that his presence will be sorely missed. His career should serve as a model of service to his soldiers and his country, which he holds in equal regard.

It is always a sad day when a man of such high esteem retires his command. But I am confident that his leadership by example over the years have groomed a future generation of leaders who will carry on Major General White's commitment to the defense of the freedoms of every American.

Mr. Speaker, on behalf of the people of Georgia's Third Congressional District, I say thank you to Major General White for a long and distinguished career and to his wife, Linda, for her equal devotion and service to country.

TRIBUTE TO JUDGE SHIRLEY UNDERWOOD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. QUILLEN. Mr. Speaker, I rise to praise the accomplishments of one of my constituents, the Honorable Shirley Baumgardner Underwood of Johnson City, TN.

Judge Underwood has recently been named Outstanding Juvenile Court Judge in the United States by the National Council of Juvenile and Family Court Judges.

The title so deservedly given to Judge Underwood accompanies the council's highest award for Meritorious Service to the Juvenile Courts of America.

The award is in recognition of Judge Underwood's 33 years of service to her city and State as juvenile judge of Johnson City and for her active involvement in several local and State organizations, including her more than 20 years of membership in the NCJFCJ and her past service on that group's executive committee.

Judge Underwood has served as president of the Tennessee Council of Juvenile and Family Court Judges, and in 1986 she was named "Tennessee's Outstanding Juvenile Court Judge of the Year" by her peers.

In 1988, she won the Governor's Tennessee Highway Safety Award in recognition of her Youth Alcohol Safety Program.

She has served on the Tennessee Juvenile Justice Advisory Commission and on the Tennessee Children's Service Commission.

She has been juvenile judge of Johnson City since 1961.

Judge Underwood is a member of Alpha Delta Phi and Alpha Kappa. She holds her B.A. and J.D. degrees from the University of Tennessee. She practiced law with her father in Bristol for almost 10 years before relocating to Johnson City. She is also a former schoolteacher.

The judge is a member of Central Baptist Church of Johnson City and has served as a trustee for the Tennessee Baptist Children's Homes.

Mr. Speaker, I am glad that Judge Underwood, the Nation's Outstanding Juvenile Judge, is a Tennessean, my constituent, and my friend.

TRIBUTE TO THE ANTIOCH BAPTIST CHURCH ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. FISH. Mr. Speaker, I rise to recognize and pay special tribute to the Antioch Baptist Church located in Bedford Hills, NY. This congregation is celebrating its 100th anniversary, the culmination of its many years of devotion and community service. Today, under the leadership of Rev. Rufus A. Strother, the Antioch Baptist Church continues to grow, to provide a place of worship for many in Westchester County, and to reach out to its community.

Since the cornerstone was laid in 1894, for its original church building, Antioch Baptist has undergone many changes. Several moves and considerable remodeling enabled the church to keep up with the increasing size and needs of its congregation. In April 1976 the first service at the new and current home of the Antioch Baptist Church was held.

Reverend Strother not only led his congregation to a new church, but into a new way of thinking. Under his leadership a youth center was built and the youth summer employment program was launched, which identified jobs for young people in local industries. Antioch was also one of the founding members of the North East Westchester Council on Equality which emphasizes the importance of housing, economic opportunity, and education. As an active community church, Antioch Baptist formed in 1983 a social issues committee to maintain a dialogue with politicians and town officials. Today, the social issues committee continues to be an effective means of communication for the community.

Mr. Speaker, I ask all my colleagues to join me in congratulating Reverend Strother, the officers, and the congregation of the Antioch Baptist Church during the celebration of their 100th anniversary. I know they will continue to provide invaluable service to our community in years to come.

BARON VON STEUBEN AND AMERICAN MILITARY TRADITION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. BOEHLERT. Mr. Speaker, as part of the Northern Frontier Project's campaign to share more information about unique and under-reported events and personalities from the New York Colony in the struggle for Independence, I am sharing an excellent speech by West Point historian, Tony Aimone.

Delivered on July 9, 1994, to the Rome Historical Society, this speech celebrates the opening of a special exhibit honoring Baron Frederick von Steuben, "Drillmaster of the Revolution."

Americans will find belonging, pride, and inspiration in the sacrifices and contributions from diverse ethnic peoples from the Northern Frontier in the cause of our Independence.

Tony Aimone.

BARON VON STEUBEN OPENING PROGRAM—200TH ANNIVERSARY OF BARON VON STEUBEN'S DEATH—SATURDAY, JULY 9, 1994—ROME HISTORICAL SOCIETY

Thank you for your introductory remarks. Distinguished guest, ladies and gentlemen of the Rome Historical Society and Mohawk Valley patriotic and historical organizations I bring greetings from the Superintendent of the United States Military Academy, Lieutenant General Howard D. Graves on the bicentennial anniversary of Baron von Steuben's service to the United States. West Point is considered by many people the premier leader development institution in the world. It is not hard to compare many of the leadership qualities of the West Point program with what Baron von Steuben initiated as the "First Teacher" of the American military development.

I will discuss three Baron von Steuben topics today:

1. How Steuben trained and disciplined the American Army?

2. The role of the blue book: As the first guide for American soldiers.

3. Steuben's influence of the American military tradition.

During the course of his life Steuben went by as many as seven German first names, but in America he was known as Frederick William Augustus Steuben (17 September 1730—28 November 1794) He was a legend in his own time and after. Starting at the age of sixteen, Steuben attained no higher rank than an infantry captain. However, he served at the Royal Headquarters as a general staff officer and as one of the aides-de-camp to Frederick the Great. In 1763 Steuben was one of only fifteen officers selected to be taught the art of war under personal supervision of Frederick, but soon after the Seven Years' War, probably because he was not of the hereditary nobility, he was retired from the Army. The significance of Steuben's general staff training and service has not been sufficiently appreciated. During the next twelve years the Baron served as an official to the household of a minor German prince's court.

In 1777 Steuben went to Paris to seek employment. By gaining the support of the French War Minister and persuading the American representatives led by Benjamin Franklin he secured a volunteer position in the Continental Army. Franklin saw in von Steuben the hope of creating a more professional fighting force to take the field against King George III's experienced troops. By his training and experience he brought to Washington's staff a technical training that was unknown in either the French or the British armies at that time.

Washington in a letter to the committee of the Continental Congress on 28 January 1778 said that his original conception of an Inspector General with assistants down to brigade level, was still firm. It would require a combination of competence and good humor to grapple with the problems facing the Continental Army, which was at a low ebb in February 1778.

There was no meat, the horses were dying, and the bare country surrounding the camp was a poor location. Things were even worse than they looked. To begin with, there was no uniform organization of the army. "I have seen a regiment consisting of thirty men, and a company of one corporal!" said Steuben, "nothing was so difficult, and often so impossible as to get a correct list of the state or return of any company, regiment, or corps." Many of the troops were scattered on various fatigue details while several thousand more were being used as officers' servants. This manpower had to be restored to the tactical units to gain the full benefit of training.

Steuben's proposal to stake his fortune upon the success of the cause made a deep impression upon the Continental Congress. He also made a profound impression upon the officers and men of the Continental Army. Washington was so favorably impressed by his practical knowledge and experience that he prevailed upon him to serve as Acting Inspector General and to; undertake the training of the army.

The Baron was up early in the morning of March 19, 1778 while his German soldier servant, Carl Vogel, was dressing his pigtail, he smoked a pipe and drank a cup of coffee. He mounted his horse and rode to the parade ground. Training of the Commander in Chief's guard began with Steuben in charge. Steuben himself trained one squad first, then set his subinspectors, whom Washington had been appointing for several days, to drill other squads, while he galloped about the camp, supervising. Steuben shocked American officers by personally teaching the men the manual of arms and drill, but his success helped to convince them. He disapproved of the British-inspired distance between the soldiers and American officers, who had been content to leave instructions to sergeants. Steuben not only offered a good example, but specifically instructed officers in how to train their own men.

The Baron succeeded, not because he had an exceptionally intelligent military mind, but because he was a diligent organizer who was willing to adapt the principles of professional warfare to the needs of the American soldiers. Steuben decided to start small. He taught a greatly simplified manual of arms, because there was no time to follow elaborate European practices. He had about two months to train a partially experienced Continental Army before the campaign season would commence. The baron learned English as quickly as possible. During the drills he sometimes lost his temper and then he would swear in German and French. At first he only knew one English swear word, "Goddam." When he had exhausted his oaths, he would turn to an aide and say, "Come and swear for me in English!" The outburst were rather comical and they amused the men, who burst into laughter.

As usual some soldiers could not master the new lessons as quickly as the rest and were formed into separate squads of awkward troops for learning the new manoeuvres. New recruits were placed into these squads and had to earn their way out by competence in the mastery of the new ways.

After the model guard company was ready, he extended his system to battalions, then brigades, and in three weeks was able to maneuver an entire division for Washington. His inspectors were his agents. The results of the training were impressive and it did not take long to persuade Washington that Steuben knew what he was doing. Three days after the new drilling began, Washington issued orders to the Army paving the way for Steuben's promotion on March 28 to Inspector General by directing unit commanders to stop all drills under systems then in use and begin preparations to use Steuben's methods. A few days later, he directed them to begin practicing under Steuben's supervision. At that time Washington also appointed four lieutenant colonels to act as subinspectors, while the next day he appointed brigade inspectors for all brigades. By May 5, Steuben's duties were expanded to being responsible for training of all American troops.

No less an improvisation was the way the regulations were first distributed. A unique solution was reached to assure rapid reproduction. There were no printing presses at Valley Forge, while circumstances demanded the fastest possible dissemination of the regulations. One chapter was prepared at a time. To distribute the drill regulations, brigade inspectors wrote out copies for themselves, then entered copies in the orderly books of the brigades and each regiment. From regimental orderly books copies were made for each company, from which each officer and drillmaster made his own copy. It required two to three days for each chapter to be distributed.

Steuben and his staff spent the winter of 1778–1779 in Philadelphia preparing the manuscript of his now famous *Regulations* or "Blue Book." It became the military bible of the Continental Army for drill and field service regulations. The manual contained the essentials of military instruction and procedure adapted to the needs of the American citizen soldier. Writing from memory, he salvaged whatever seemed essential from the Prussian regulations that could be adapted to a system based upon British organization, and in a situation where soldiers were motivated by devotion to the cause and their leader.

No important book has ever been produced under greater difficulties. The Baron first wrote each passage in German which he translated into inelegant French. Pierre Etienne Duponceau, his secretary, translated the text into literary French, but he was no military man. Another aide, Captain Francois Louis de Fleury rewrote the text into workable French. Captain Benjamin Walker translated the French into English. Washington's aides John Laurens and Alexander Hamilton then edited the instructions into a military style, and Steuben memorized the text as well as his broken English allowed.

The manual is illustrated by 38 plates showing the positions of the soldier. Steuben had explicit drawings of the manual of arms and basic troop movements, prepared by Captain Pierre Charles L'Enfant, a military engineer and architect, who later gained fame as the city planner of Washington, D.C.

Despite the printing business shortages of paper, ink, and other materials in Philadelphia, binding proved to be the major obstacle as production dragged through the summer and into the fall of 1779. At last the binders adopted substitutes in order to get the job done. The actual printing of the manual was given to a thrifty Scottsman, named James Aitken. Aitken came up with the idea of using surplus *Pennsylvania Magazine* paper. Three reams of the unused newspaper was used as end and frontice pages for the manuals. Aitken's records show that 2,969 copies were actually printed by November 1779. Among the substitutions was blue paper for half-covers, instead of full leather. That substitution gave Steuben's regulations the name they would bear thereafter—Steuben's "blue book." Few of the original copies printed at Philadelphia in 1779 are extant. Relatively few copies of the subsequent printings are also available.

It immediately became canon for all the military from Washington down and was adopted by Congress in March 1779 as official for the officers and men in the service of the United States. It was composed specifically for the Continental Army and was not a reprint of an European treatise. The manual differed from its predecessors by being written for the wartime use of a national army and not solely for employment by militia units. The handbook, had twenty-five chapters, which covered elementary tactics and army administration. The earlier manuals of arms were full of movements which were not absolutely essential, excessive motions were eliminated. Steuben replaced the three ranks of men with the easier and more efficient two ranks of men. Instructors were requested to refrain from castigating the soldiers with verbal abuse, [something Steuben preached but did not always followed] and were reminded to exercise patience and moderation during training.

The official sanction which had been given by the Continental Congress led to an uniformity of use which had never before been achieved by an American martial handbook. After the passage of the Militia Acts in the early 1790's, virtually all states adopted Steuben's *Regulations* which accounts for the large number of printings in 1794. The "Blue Book" continued to be used as the official drill manual of the United States' militia until it was supplanted in the Militia Act of 1820. By then, its reputation was firmly established with the public and it was the most famous of all American military manuals and one of the most important documents in the history of our country.

Many have paid tribute to the memory of Steuben and to his distinctive contributions to the cause of American independence, but of all testimonials the general probably would have most preferred the 1792 "Creed adopted by the Officers of the American Army at Verplanck's Point," affirming:

"We believe that George Washington is the only fit man in the world to head the American Army . . . that Nathaniel Greene was born a general . . . (and) that Baron Steuben has made us soldiers, and that he is capable of forming the whole world into solid column, and deploying it from the center. We believe in his Blue Book. We believe in General Knox and his artillery. And we believe in our bayonets. Amen!"

Rules were applied to military inspection, which was made a subject of the regulations. But it was not presented as an activity of designated inspectors, rather as a function of command. The regulations made inspection a routine duty of company commanders. At "troop beating," company officers were to "inspect into the dress of their men," to "see that the clothes are whole and put on properly, their hair combed, their accouterments properly fixed and every article about them in the greatest order." Steuben founded the army's long tradition of the Saturday morning inspection, when captains were to "examine into the state of the men's necessaries."

Steuben's signal accomplishment was to train the Continental Army as regular infantry of the line capable of standing up to the British in the field. He perceived that the American units had difficulty in going from column of march into line of battle. The source of the problem was the customary marching formation of a column of files ("Indian file"), stringing the force out impossibly. That was one reason why many units had arrived late at the battles of Brandywine and Germantown. Steuben moved quickly to correct that bad habit, training battalions to occupy no more road space than they would require room in battle. At his instigation, Washington outlawed the column of files. Thereafter, in all situations all sizes of units were to march exactly as they were taught on the drill field. The result was an army that marched faster and deployed faster for battle.

Steuben also wanted the Army to fight as well as to march, and that required weapons instruction. He prepared and taught a simplified manual of arms, with many-fewer movements than those of European armies, and emphasized the use of the bayonet, the essential infantry assault weapon of the day. The bayonets supplemented or replaced the unreliable flintlock muskets. Previously lacking the discipline essential to bayonet charges, American soldiers had shyed away from the weapons. Steuben himself observed that their chief utility in the Continental Army was as spits for roast meat. He turned the Americans into confident bayonet fighters, something they demonstrated within a few weeks at Monmouth.

Washington also commissioned von Steuben with the formation of an elite corps (light infantry) which was to be comprised of hand-picked soldiers. Because of its rapid mobility the corps could be deployed whenever the fighting flared up and likewise, operate loosely, using familiar Indian tactics. This unit—like the entire army—also received its first instruction on the use of the bayonet. The light infantry particularly demonstrated their effectiveness at Stony Point and at Yorktown.

His duties as Inspector General also included his development of a system of property accountability that went far to check the waste of public property which had formerly prevailed in the American army. During the war he grew steadily in popularity throughout the army and grew more and more in Washington's confidence. He was consulted upon all questions of strategic and administrative policy and performed all of the essential functions of a modern general staff officer. During the winter of 1779-1780 he was Washington's representative with the Continental Congress in the efforts to reorganize the army.

The last years of the War Steuben served as Washington's trusted adviser in all military affairs. In the spring of 1783 he assisted Washington in the preparation of a plan for the future defense of the United States and in the arrangements for demobilizing the Continental Army. At the same time he took a leading part in forming the Society of the Cincinnati which helped to keep alive the ideals of the American Revolution. When Washington relinquished command of the army, December 23, 1783, he deliberately made it his last official act to write a letter to the Baron commending his invaluable services to the United States throughout the war.

He continued to write on military affairs, and in his recommendations for a Swiss militia system to supplement the small Regular Army, for the harbor defenses of New York City, and the establishment of a military academy, Steuben continued to contribute to the military needs of the young Republic. His proposals for national defense although not adopted by Congress in his lifetime, foreshadowed the system eventually adopted in 1920.

Long familiar to schoolchildren as the Prussian who drilled the Continental Army at Valley Forge, his memory has served as the principal inspiration for the Inspector General's Department of the United States Army, its successor, and other organizations patterned after it. His genuine concern for individuals, personal integrity, and willingness to devote his time to the training of those less experienced epitomized the standards expected of those who followed him. The relationship he eventually developed with the commander in chief remains the pattern for modern military inspectors.

Steuben was of middle height but superb military bearing when he would don his most respledent uniform. He had a fine soldierly bearing and his manners were graceful and courtly. His picturesque personality made a strong impression upon his contemporaries and the anecdotal history of the Revolution presents him as one of the most conspicuous figures in the esteem and affections of the rank and file of the Continential Army. Through his influence in converting the American army into an effective and highly disciplined military force he was an indispensable figure in the achievement of American Independence. Here he performed an essential service that none of his contemporaries in America was qualified to perform.

A United States Military Academy plaque sponsored by the National Council of the Steuben Society in America located where a majority of cadets and instructors pass daily honors Baron von Steuben:

As Washington's principal advisor he gave military training and discipline to the citizen solders who achieved the Independence of the United States. His service was indispensable to the achievement of American Independence.

IN HONOR OF THE STEELTON HIGH CLASS OF 1944

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. GEKAS. Mr. Speaker, I would like to take this moment to extend my best wishes for a successful 50th reunion to the Steelton High School class of 1944.

The class of 1944 graduated during a time of great trial for our Nation. The fortitude of your class in confronting the Second World War and its aftermath is indeed a proud legacy.

The story of the class of 1944 is an example of the American dream come true. Your class has succeeded in building a close-knit, family-oriented community that your children and grandchildren will cherish for years to come.

Again, congratulations. I wish the class of 1944 the very best.

CENTENNIAL CELEBRATION OF MOST HOLY TRINITY CHURCH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor Most Holy Trinity Roman Catholic Church of East Hampton which is celebrating its centennial this Saturday, September 17, 1994.

Located in East Hampton on the east end of Long Island, Most Holy Trinity was founded as many Catholic churches were in this country by a group of Irish immigrants. At that time there were few Catholics on the east end of Long Island and they all attended St. Andrew's Roman Catholic Church in Sag Harbor. While the church itself was dedicated on September 16, 1894, it did not have a resident pastor until the early 1900's.

The original 50 families were soon joined by succeeding waves of Catholic immigrants including Italians, Poles, Lithuanians, and Hispanics. Today the church once known as St. Philomena's is the place of worship for about 1,200 families.

In addition to being the center of liturgical life for many Catholic families, the parish offers an extensive outreach program caring for the sick and those in need. For many years there was a school attached to the parish and there is now a religious education program and a Spanish apostolate. The Reverend Donald J. Desmond is currently pastor of Most Holy Trinity parish.

I congratulate Most Holy Trinity Church for 100 years of faith and service to one another and the community. Mr. Speaker, Most Holy Trinity has clearly been a special place where people come together to worship God and provide a community for one another.

TRIBUTE TO ST. MARY'S PARISH ON 125TH ANNIVERSARY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. CARR of Michigan. Mr. Speaker, I appreciate this opportunity to extend my congratulations to St. Mary's parish of Williamston, MI, on the occasion of their 125th anniversary.

St. Mary's parish has enjoyed a long history of strength and devotion, that has grown out of commitment to the Catholic Church and to the community. Before the establishment of St. Mary's parish, families were willing to make the 10 mile journey to St. Patrick's Church, often over almost impassible roads, to worship God and take communion. The conviction of the pioneers to continue practicing catholicism is demonstrated by the sacrifice of these families.

The devotion that characterizes St. Mary's parish was originally demonstrated by Jerome and James Waldo. In 1868, the dream of establishing a Catholic church in Williamston came to fruition when the Waldo brothers sold a plot of land to Detroit Bishop Peter Paul Lefevere for a mere 25 cents. Bishop Lefevere agreed to build the first building at a cost of $1100.

One-hundred and twenty-five years later, St. Mary's parish has expanded to include a multitude of services to meet the growing and diverse needs of their members and the community. Today, St. Mary's is reaching out to the community, in cooperation with local organizations, to combat social problems. These programs, including the SHARE program, which gives food subsidies to low-income families, and the Williamston Drug Alliance, a community effort to control drug use in Williamston, have proven successful efforts to support and improve the Williamston area.

Since before the turn-of-the-century, St. Mary's parish has also been able to expand and meet the changing needs of its parishioners. St. Mary's parish has responded to parishioners by undertaking projects such as the establishment of St. Mary's School in 1959, to accommodate the need for Catholic education in Williamston. As a result of this sustained growth, St. Mary's parish enjoys the services of a new building that was erected in 1985. This building is a tribute to the prosperity that a growing membership of over 700 families has brought to the parish.

St. Mary's parish has long been a pillar of the Williamston community. Please join me in recognizing their accomplishments over the past 125 years, and in wishing St. Mary's continued success in the years to come.

JOHN PAUL II AND ROGER TILLES MEET FOR HOLOCAUST COMMEMORATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. KING. Mr. Speaker, I rise today to offer into the RECORD an article that appeared in the summer 1994 edition of the Magazine of Temple Beth-El of Great Neck, NY. It is an account of the recent meeting between Pope John Paul II and Mr. Roger Tilles, a respected businessman and concerned human rights advocate from Long Island.

I commend Roger Tilles for the outstanding leadership he has demonstrated in building bridges between people of all faiths so that the lessons of history can truly be learned. I am proud of the thoughtful and inspiring message Mr. Tilles personally delivered to the Holy Father in remembrance of the victims of the Holocaust. It is my view that every Member of this institution will be inspired by Roger Tilles' message and deeds.

Mr. Speaker, I congratulate Roger Tilles, his wife Jerry, and his good friend Msgr. Thomas Hartman for the hard work and unwavering commitment that made this historic meeting possible. I know that the Tilles' determination flows from their desire to create a better world for their young daughter, Eliana Gabriel, and children of all faiths around the world.

MUSIC BRINGS THE WORLD TOGETHER

(By Roger Tilles)

Dear Friends: Over two years ago, I received a phone call from the noted conductor, Gilbert Levine, who I had not met previously. He had learned of my name from both his appearances at The Tilles Center for the Performing Arts and through some contact at the Vatican who had known of my work with Catholic/Jewish relations here on Long Island.

He mentioned that there was to be a concert that Pope John Paul II wanted to initiate, to be held at the Vatican on Yom HaShoah 1993. Levine indicated that he needed some small assistance in raising funds to bring in a choir and one or two soloists for this event that would be put on by the Vatican.

After two years, and a complete shift in the orientation from a Vatican-produced commemoration to a Tilles Center-produced concert with the encouragement and participation of the Pope, and countless heartaches involved with the roller coaster ride in mounting such an overseas production, the expectation of Levine's and mine (for now I had become a principal sponsor) were far exceeded by the actual event held April 7, 1994.

What started as a small project of assistance, became an event with world-wide historic consequence. I was extremely pleased and proud to be a part of such an event. Whether it was the heightening of the commemoration of the Holocaust due to the release of Schindler's List, the recent killing of Arabs and Jews in Israel, or the recent elections in Italy when the Fascists and blatantly anti-semitic candidates were elected to the majority coalition, somehow the importance of our event was heightened around the world.

Indeed, just a day before the concert, I received a call through Edward Cardinal Cassidy, President of the Vatican's Commission for Religious Relations with the Jews. He said that the Pope wanted to have a dialogue session with our group of sponsors of this event and that I, Rabbi James Rudin of The American Jewish Committee, and Jack Eisner, a leader of the worldwide survivors group, would have an opportunity to present remarks to the Pope, followed by his reaction to what we had said and to the events of the day. When I asked what I should talk about, I was told, anything that I wanted. I did not want to allow the opportunity to pass, by making trite or gratuitous comments.

Therefore, standing before Pope John Paul II, I was probably too nervous to fully comprehend what the occasion would mean to me and the larger community of the world. I tried to put this in context. In Rome, on this day, Jews and Catholics arrived at a historic juncture, the result of their mutual embrace of programs created on Long Island for the purpose of building bridges among people of all colors, creeds, nationalities and faiths, many of which emanated from our own Temple Beth-El.

For the first time since the Nazi death camps were liberated nearly fifty years ago, the Vatican hosted a memorial concert where Catholics and Jews could, together, pay homage to the six million Jews who died at the hands of the Third Reich.

Equally important to its success was the fact that Pope John Paul II wished to confront the revisionists who fifty years later now claim the Holocaust was a fabrication of the Jews. As a Pole who was placed under house arrest by German occupiers, the Pope publicly reminded a world wide audience, "Do not deny the Holocaust."

The reaction to his comments were immediate and electric. Throughout Europe, newspapers echoed Newsday's front page coverage. Broadcasters led their programs with coverage of the ceremony.

Not content just to speak of brotherhood and a recognition of this monstrous crime against the Jews, the Pope made an enormous impact through his actions. Embracing the Jewish community as an equal partner in the search for spirituality, the Pontiff had chairs of equal size placed in the room for himself and the Rabbi representing the Jewish Italian community. In addition, in deference to the interdenominational spirit of this memorial service, he had removed the traditional cross that hangs in the room where the concert was conducted.

Pope John Paul's decision to publicly remind the world that the deeds of Nazi Germany must be remembered will have a profound and long term impact wherever Jews and Catholics live and work. An acknowledgment of another person's pain is often the first step toward creating a real and meaningful relationship based on mutual understanding, respect and appreciation. The Pope has used the world's worst nightmare—Nazi rule—as a bridge to strengthen relations with a community that has viewed Roman Catholicism warily for centuries.

On Long Island, Jewish and Catholic leaders will continue to expand upon their dialogue that confronts bigotry and prejudice, regardless of its target. The Pope's participation in a Holocaust memorial will ensure that swastikas and other symbols of hatred and intolerance will be confronted by Jew and Catholic together in a united effort encouraged by the spiritual leader of the world's Roman Catholics.

Regional programs already underway should be significantly encouraged by the events in Rome. For example, our participation with Msgr. Thomas J. Hartman of the Diocese of Rockville Center is now creating a common ground through Project Understanding which unites Catholic and Jewish youngsters in visits to Israel. Visiting holy places, and learning first hand about the history and experiences of each other's religion, young people are returning to Long Island inoculated against prejudice and strengthened in their own faith.

So, too, our Temple's ongoing dialogue with St. Aloysius Church and our hosting this summer of a group of Northern Ireland Catholics work in a similar manner.

Yet these efforts, as important as they are, are still not enough. The grassroots programs that began here on Long Island and led to the Vatican can be considered only a foundation upon which to build.

In a world assaulted by genocide in the Balkans, human rights violations in China, the emergence of fascism in Italy and the Russian Republics and hate mail on our own front lawns, the Pope has alerted us that all of us have a moral obligation to confront and repudiate prejudice. In a universe where the number of ethically grounded individuals seems to be shrinking, it is no small wonder then that people of differing backgrounds are finding comfort in recognizing the value of their neighbor's faith.

Therefore, I spoke the following words which were to me part of an event of a lifetime:

"Your Holiness,

"Thank you for bringing the power of your commitment to commemorate the Shoah together with the unique power of music.

"I have had the privilege to create with my friend and brother, Monsignor Thomas Hartman of the Diocese of Rockville Center, several programs that bring the spiritual richness of both Catholicism and Judaism together for the benefit of all.

"Indeed, only recently our fifth group of Catholic and Jewish young people from Long Island in New York, where a preponderance of the population is both Catholic and Jewish, returned from their journey to Israel for the Passover and Easter season, where once again they strengthened *their own* religious identities, as they learned to respect and love their friends with a *different religious* identity.

"We have been struck by the awesome power of the young, who have not had the walls built around them, to appreciate the spirituality of those who believe differently and, even more, to be able to love each other *because of that spirituality*. These young people give us the light to see the benefits of mutual respect and understanding.

"This summer, as part of our Synagogue's ongoing dialogue with our local parish church, we will be hosting a group of Catholics from Northern Ireland. Here, as in other attempts to understand and assist each other, we continue the quest. In America, and in the world, we need each other, and together we can continue to be that force for good which brings peace to our planet. For the sake of my three-year-old daughter, Eliana Gabriel, herself a descendant of a concentration camp survivor, and for all the children of our small world, we must continue these programs which are indeed the embodiment of this momentous musical event. In doing so, we remember and honor the Shoah and know that only with love and respect for each other, under God, will we insure that such tragic occurrences will happen 'never again'."

TWO WEEKS IN GOMA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. WOLF. Mr. Speaker, we all have read reports and seen television news accounts of the horrific conditions in Rwanda and in the Rwandan refugee camps in eastern Zaire. Jay Katzen, one of my constituents from Markham, VA, who is a member of the Virginia House of Delegates, recently had the opportunity to visit Goma, Zaire, and witness this tragedy firsthand. Delegate Katzen, a retired U.S. State Department official, has written a moving account of his journey which I would like to share with my colleagues.

I have just returned from seeing things I hope never to witness again: Acts perpetrated by those I had thought were human, before a God I still believe to be full of grace.

Picture as best you can fields of 1.2 million souls, surviving literally cheek by jowl, in an unimaginably degrading state of sanitation. Over 20,000 orphaned children, 30 percent of them likely to die from AIDS. Their elders, suffering from, or only just recovering from cholera, meningitis, dysentery, malnutrition, exposure, or malaria, now await further calamity as the rainy season begins in eastern Zaire, which will bring yet further misery to those camped on volcanic soil separated from the elements only by plastic tenting and banana leaves. Journalists appropriately characterize the diaspora of Rwanda'a Hutu population as apocalyptic.

Some promising signs do exist. 80,000 bodies were being moved into mass graves upon my arrival in Goma 2 weeks ago, as team leader of a Virginia Beachbased Operation Blessing group of eight doctors, nurses, and paramedics. The mortality rate is dropping for the moment. Members of our team went through one large camp of 250,000 at Kibumba, rehydrating those in need intravenously, and moving orphans and those requiring medical care to makeshift hospital units. Others, at Ndosho, ministered to the young, whose casualty rate was devastating. Beds of dying infants, which filled their sweltering, fly-bedeviled "clinic," were emptied each morning and filled again, day after day. I hear their older brothers and sisters, some singing despite their anguish, they dying because of it. Yet others in our team began a dramatic meningitis, measles, polio, and vitamin A immunization program at Mugunga, aimed at helping 50,000 over a 1-week period.

That group was assisted by a large German presence. By the time of my own departure, many of those of us who had arrived as pioneers were being joined or replaced by others. Their dedication and the generosity of their nation's people mark the charitable side of a human nature whose goodness I had every reason to question this past fortnight.

I thank God Almighty for the courage and opportunity He gave me to make this voyage. The people of Rwanda will, I pray, have that same courage and opportunity to reunite, but that prospect appears remote, and great despair remains in the offing. For the moment, while I prefer to think of our modest works of healing, my most searing memories are of the overwhelming hordes, of the pathos, of the wetness, or their cold at night, of the gunfire, the smells, the smoke, and the cries. Of an infant trying to nurse from her dead mother. Of those dying in our arms. And of a man who climbed in among the dead, assuring us he, too, soon would die and, without family to lay him to rest, that he was doing so while he himself still had the energy to move.

THE HISTORIC BURLINGAME TRAIN STATION: 100 YEARS OF SERVICE TO THE COMMUNITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. LANTOS. Mr. Speaker, this September 17 marks the anniversary of a major event in the development of the San Francisco Bay area—the opening of the Burlingame Train Station 100 years ago. This station transported both people and businesses to the region and launched the formation of both the town of Burlingame, as well as the neighboring town of Hillsborough.

This historic site will now celebrate 100 years of continuous rail service to the town of Burlingame. I applaud the combined efforts of the community, the Burlingame Historical Society, and the Burlingame Train Station Centennial Celebration Committee in bringing the appropriate attention to this momentous occasion.

The extraordinary history of this landmark began in 1893 when it was commissioned by the Burlingame Country Club and the Southern Pacific Co. The station's two architects, George H. Howard and J.B. Mathison, designed the building in the Spanish Mission Revival style. According to architectural historians, Burlingame Station has the dual distinction of being the first permanent building that incorporated all the elements of the Mission Revival style and is the last remaining building of this building style in the United States.

At the time of the station's opening on October 10, 1894, the surrounding area was sparsely developed—in fact, the town of Burlingame didn't even exist. Burlingame Avenue, now a busy city street, was then just a tree-lined dirt road. The station's primary use was to deliver freight and passengers to the Burlingame Country Club. The new train service helped increase the area's population, which rose dramatically following the devastating San Francisco earthquake in 1906.

The station was also a boon to the local economy by establishing numerous businesses in the area. In 1907 and 1908, the Burlingame Woman's Club and the Burlingame Masonic Lodge held their charter meetings there as it was the only available location with the capacity to hold 50 people.

In 1908, the town of Burlingame was established, and the increased growth around the Burlingame Country Club led that area to become a separate entity which soon became the town of Hillsborough. Shortly after these events, the Burlingame Train Station was transformed into a central hub for commuters to San Francisco.

More recently, the efforts of the community have helped keep the station operative despite a variety of challenges. Among these challenges was a project in the late 1930's for "straightening" Burlingame Avenue which included plans for the station's demolition. Fortunately for the station, these plans were finally scrapped.

The increased useage of cars, brought about by the construction of superhighways, made train travel less profitable. As a result, the Southern Pacific Co. went into the red and the station fell into disarray, its future looking bleak.

The fate of the station turned when it became a California historic landmark in 1971. Just 3 years later, it was added to the U.S. Department of the Interior's National Register of Historic Places.

Despite these achievements, the station remained in a state of neglect. Help then arrived in the form of both city and State funds and money donated by a volunteer civic group, rescuing the building from continued disrepair. The station was then restored and rededicated in 1986.

Mr. Speaker, today I invite my colleagues to join me in observing the centennial of an important California landmark that played an integral role in the development of the San Francisco Bay area. On December 10, 1893, shortly after the station's commission, the San Francisco Chronicle referred to Burlingame as "the prettiest station on the line." Today, over a century later, that statement still holds true.

TRIBUTE TO THE CREWMEN OF THE U.S.S. "ARCHER-FISH" (SS 311) ON THE OCCASION OF THEIR 16TH REUNION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to the courageous crew of the celebrated submarine U.S.S. *Archer-Fish* (SS 311). The city of Sandusky, OH is currently hosting these brave sailors on the occasion of their 16th reunion since their tour of duty in the Pacific Ocean during World War II was completed.

Built in Portsmouth Naval Shipyard and commissioned on September 4, 1943, the U.S.S. *Archer-Fish* transited the Panama Canal into the Pacific on November 13, 1943, and completed her impressive war service in Tokyo Bay when Japan surrendered on September 2, 1945. During this critical period she conducted seven war patrols against Japanese shipping, including the legendary fifth patrol for which the coveted Presidential Unit Citation was conferred.

It was during this fifth patrol that the crew of the *Archer-Fish* bravely attacked and sunk the destroyer-protected Japanese aircraft carrier *Shinano* on November 29, 1944. This was the largest vessel ever sunk by submarine and the most tonnage recorded by an American submarine during a single patrol.

Mr. Speaker, the city of Sandusky, OH, located on America's North Coast, has a proud seafaring tradition of its own. The citizens recognize the extraordinary heroism and historic contribution to the national effort, that these career seamen and citizen-sailors of the U.S. Navy's renowned silent service have performed.

I ask my colleagues to join me in commending the crew of the U.S.S. *Archer-Fish* on a job well done and wish them future success in all their endeavors.

A TRIBUTE TO MURIEL COLLIER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. DELLUMS. Mr. Speaker, it is with pleasure that I rise to pay tribute to Ms. Muriel Collier on the occasion of her 80th birthday. I am also proud to claim that she is a citizen of the Ninth Congressional District, which I am honored to represent.

Ms. Collier, whose September 7 birthday we are celebrating, is an extraordinary lady. Ms. Collier is a pioneer in several ways; she refused to accept the iron barriers placed against African-Americans from being trained in two top-ranked professional schools, as she refused to accept the same barriers to her being employed as a professional in the health field.

Ms. Collier became the first African-American woman in northern California to be hired as a social worker with the Alameda Social Services Department in Oakland, CA.

Ms. Collier graduated from Oakland High School in 1927 and received her bachelor of arts degree from the University of California, Berkeley, in 1931, and then went on to earn a masters in social work from the University of Chicago in 1934.

Already an experienced social worker, Ms. Collier joined the Red Cross at the inception of World War II and was stationed in Fort Huachuca, AZ, and then Oakland, CA. Following the war, she served as a psychiatric social worker for the Veterans Administration Hospital in Palo Alto, CA, where she worked for 30 years.

In addition to her professional work, Ms. Collier's commitment to public service is exemplified in her contributions to numerous community projects and activities which have inspired others and provided the model so necessary for our youth. She embodies the best in our society, combining education, training, professionalism, humanitarianism, and selfless dedication to others.

It is fitting to pause to wonder at the accomplishment of Ms. Collier. Born eight decades ago into a time that considered higher education and entry into a profession to be a rarity, except for those female members of society who had the highest social status and were financially endowed, she was able to overcome these almost impossible hurdles of resistance against women, and especially against African-Americans.

I join with our civic and community leaders to honor and salute Ms. Muriel Collier, pioneer, dedicated public servant, and trailblazer on her, and our very special day; we look forward to celebrating many more birthdays of this rare jewel amongst us.

A SPECIAL SALUTE TO GENERAL EDUCATION DEGREE RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. STOKES. Mr. Speaker, the impact of a high school education on an individual's personal growth and career success cannot be overlooked. I am pleased to rise today to salute some very outstanding individuals from my congressional district who recently completed the Cleveland Heights-University Heights Adult Basic Literacy Education Program. A total of 59 students were recently honored for completing the program and receiving their general education degrees [GED]. Their success was noted with a special reception and program highlighting this achievement.

For the students, the graduation ceremony represented the culmination of many hours of hard work, dedication, and motivation. I am proud to note the continued support of the adult basic literacy education teachers and staff, and volunteers throughout the community who gave of their time and talents to prepare students for the rigorous GED course.

Mr. Speaker, since its inception, the program has expanded greatly. Many of the graduates will now enter college, reenter the work force, or further their careers. Equipped with a diploma, they are now able to reach any goal. As a strong advocate of education, I am proud to salute the Cleveland Heights-University Heights Adult Basic Literacy Education graduates.

GENERAL EDUCATION DEGREE GRADUATES

Kevin Bernard, Toby Bick, Dorothy Blackwell, Lonzelle Booker, Laurel Brandstetter, Herbert Chambers, William Cheraso, Brian Conner, Elan Crawford, Thomas M. Deskins, David Flanik, Freddie Fleming, David Frank, Sterling Griggs, D'Angelo Harrison, Michelle Harrison, Brenda Ingram, Elizabeth John, Louis Johnson, Mary Jones, Kathy Jonke, Kimberly Karp, Shaun Kavinsky, Janice Lewis, Shari Lynch, Derek Manley, Janet McDonald, Mylon McKenzie, Brandy Miller, and Pamela Minnefee.

Santina Moore, Rual Morgan, Kipper Nichols, Felisha Pope, George Presswood, David Reed, Rhonda Robinson, Vance Rouse, David Rowe, Tracy Salerno, Loren Segal, Raquel Smith, Chad Soble, Kelly Stallworth, Joe Staruch, Margaret Telford, Melissa Thomas, Brenda Thurman, Garret Tysse, Channelle Ward, W. Scott Wengerd, Cornelius White III, Michael Williams, Venston Williams, David Wilson, Jr., Shirelle Woodfolk, Miriam Yarmove, Bernadette Young, and Phil W. Zedner.

INTRODUCTION OF THE CITIZENS' TAX RELIEF ACT OF 1994

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. OWENS. Mr. Speaker, I rise to introduce the Citizens' Tax Relief Act of 1994, a tax cut and tax reform bill that would cut income taxes for every American who pays taxes. Under my bill, a married couple earning an annual taxable income of $30,000 would save $750 per year, or about $30 per biweekly paycheck. The tax revenue lost to the Government would be more than compensated for by eliminating a huge tax loophole that currently permits trillions of dollars of income to remain tax-free.

Here's how this loophole works. Suppose that in 1954, a man bought stock for $5,000, and now that stock is worth $100,000. If the man sells it, he will have a taxable capital gain of $95,000 and will pay at least $27,000 in taxes. But if he dies and leaves the stock to his son, and the son sells it, there is no tax on the capital gain of $95,000.

This loophole permits wealthy American families to pass their property to their children and grandchildren, while completely escaping any income taxes on huge capital gains that have accumulated over a period of decades.

My bill would eliminate this loophole from the Federal Tax Code, and take the revenue generated from that to provide every tax-paying American with a tax cut. That tax cut would be achieved by lowering the first income tax bracket from 15 percent to 12.5 percent, which means a lower tax rate on approximately the first $22,100 of taxable income for an individual, or the first $36,900 of taxable income for a married couple.

My bill also would phase-in the capital gains tax on inherited property by providing lower tax rates for those who pay the taxes in the next few years. This provision would motivate heirs to pay their taxes early, producing an enormous tax revenue windfall for the Government in the years 1995–98. Thus, the Government would have a large pot of money available to improve the quality of education, create jobs, and reform the health care system.

I have made sure that my bill will not punish non-wealthy individuals who happen to own homes which have accumulated substantial value over the years. In fact, my bill provides an exemption from tax on the first $125,000 of capital gains on the sale of inherited homes. Such a provision is already in the tax code for individuals over the age of 55 who sell their homes.

A study by two Cornell University professors estimates that $10 trillion worth of property will be inherited over the next 45 years. That means that there will be several trillion dollars of capital gains that should be taxed. But the Federal Government will lose that money unless the law is changed as I am proposing.

Mr. Speaker, I urge all Members of Congress who care about fairness in taxation to support and cosponsor this legislation.

TRIBUTE TO SCORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to more than 12,000 volunteers who are part of the Service Corps of Retired Executives [SCORE], a service arm of the U.S. Small Business Administration. I would especially like to recognize and honor SCORE's Baltimore chapter of nearly 100 volunteers, which this year is celebrating its 30th anniversary of lending assistance to small businesses.

SCORE is an organization of retired business men and women who donate their time and energy to share their business expertise with the fledgling or struggling small business person. Their goal is to help small business men and women grow and succeed. Through the use of comprehensive workshops and individual counseling sessions, SCORE volunteers assist small business owners with management skills such as finance, administration, and operation. Nationwide, in the past year SCORE volunteers have assisted more than 300,000 small business owners.

The vitality of our economy is dependent on the success of small businesses. SCORE volunteers provide a great resource for anyone interested in starting a business. As retired business men and women, SCORE volunteers are a great source of experience and information for this very important and growing part of our economy.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the expertise and dedication SCORE volunteers bring to our business community.

THIS WE BELIEVE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. MONTGOMERY. Mr. Speaker, in the State of South Carolina, Mr. E. Roy Stone, Jr., is known as "Mr. Veteran." He has held many positions of leadership as a member of the American Legion over the years. A Navy World War II veteran, Past National Commander Stone has represented South Carolina on the National Executive Committee since 1953. He has been chairman of the Committee on Resolutions since 1956.

This year, the American Legion celebrates its 75th anniversary. The September 1994, Special Diamond Jubilee Issue of the American Legion Magazine contains an article written by Commander Stone entitled, "This We Believe." I hope veterans everywhere will read it. Few people know more about the mission of this great veterans organization that my good friend E. Roy Stone. The article is such a good one on the service role of the American Legion over its 75-year history that I believe it should be given the widest possible circulation. The American Legion will continue to remain strong as long as it has members with the leadership qualities of men like the distinguished gentleman from South Carolina.

The article by Mr. E. Roy Stone follows:

THIS WE BELIEVE

ON THE LEGION'S 75TH ANNIVERSARY, WE MUST REDEDICATE OURSELVES TO THE IDEALS OF OUR ORGANIZATION, BE ACTIVE, AND KEEP FAITH WITH OUR FALLEN COMRADES

(By E. Roy Stone, Jr.)

For 48 years, I have had the high privilege of serving on the national level of The American Legion, the world's largest veterans' organization. From the day I walked through a Naval hospital ward in Oakland, Calif., and saw the mutilated bodies of World War II GIs, I knew that I wanted to do something to help veterans and their families.

When I returned to my home state of South Carolina after World War II, I went to our state's only veterans hospital and saw men being put in the hallways—the VA had a waiting list of over 800 GIs. Later, I went to the funerals of some of the men who were stored in the halls because VA didn't have the space to treat them.

After seeing all of this, I became an active Legionnaire—determined that I would try to alleviate crowded conditions in our VA hospitals; give sympathy to the suffering; give strength to the weak; and to keep faith with my fallen friends.

I was determined that their supreme sacrifice would not be in vain. And so I joined The American Legion, whose principles of right and wrong have become an integral part of the American way of life.

On these pages, I want to take an opportunity to salute the ideals that have made The American Legion the unselfish and unequaled champion of the veteran for 75 years.

This we believe:

We believe a veteran is a veteran.

One of the great accomplishments of The American Legion has been making veterans' benefits and rehabilitation a non-partisan issue. If something is good for veterans, the Legion will be for it. And no matter which side of the aisle raises an issue in Congress the Legion hollers the same challenge: "How will this help veterans?"

Legionnaires are Republicans and they are Democrats. They are senators, congressmen, firemen, doctors, lawyers, clergymen, insurance salesmen, grocers, barbers and career military men and women. They are old and they are young. They are rich and they are poor.

The Legion also doesn't make a distinction between officer and enlisted, Army or Navy, Air Force or Marines, Coast Guard or Merchant Marine. All of us have served our country during times of war, and we share a common experience—and in many cases—common sacrifices.

We live with memories of war that humble us and fill us with a sense of spiritual connection to the freedom that Americans enjoy. We have a stake, if you will, in seeing our country live on and grow strong because we witnessed so many give their blood and sometimes their lives toward this end.

While the Legion is nonpartisan, many of you know that there are a lot of politicians in the Legion. We are sort of a cross between a lobbying group and an advocacy organization that looks out for America's veterans. And our 3.1 million members give us a voice that can be heard in small towns and big cities from coast to coast.

We believe that the contributions of America's veterans and their sacrifices have earned them special consideration. But like the team that is the U.S. Armed Forces, no veteran is more or less deserving of that which has been earned with blood.

The Legion is committed to seeing VA live up to the inscription on the plaque that rests on its Washington, DC, headquarters building: "To care for him who shall have borne the battle and for his widow, and his orphan."

We believe promises made to veterans must be promises kept.

The Preamble to the Constitution of The American Legion is an ideal, a set of missions and battles that can never be decisively won or lost—only fought for.

Despite the lessons of history and the proud heritage that should elevate the veteran to the highest degree of respect, there will appear on the horizon those who will want to cut the VA budget, eliminate beds in VA hospitals, and cut down or cut out veterans' benefits. But The American Legion has always maintained that promises made to veterans must be promises kept.

Many short-sighted policy-making officials and their followers will look upon the veteran not as a hero, but as an economic liability. For 75 years, The American Legion, often as a lone voice, has argued for honoring the commitment the nation makes to those it sends into battle: If you serve your country, you will not be forgotten.

When World War II veterans returned home, the Legion—by writing and introducing the GI Bill—made sure they could get an education and successfully assimilate back into society. The GI Bill was—and is—our greatest legislative achievement.

When Vietnam veterans began experiencing Agent Orange related health problems, our Legion stood by them and does to this day. While VA now admits a link between the defoliant and many diseases, those years of denial were tough times for afflicted veterans. The Legion was their only ally.

And when the families of our POW/MIAs could expect no help from the U.S. government and little media attention, the Legion came through with recommendations to end their suffering and obtain the fullest possible accounting.

In veterans affairs and rehabilitation, the Legion has always stood by veterans as they stood by their country in war.

We believe in patriotism and Americanism over all other "isms."

The founders would be very proud of what the Legion has done for this country because The American Legion has always emphasized patriotism and Americanism over all other "isms."

We have pressed for a strong national defense, when others have blindly accepted the lull of peacetime safety.

We have educated America's young men and women in love of God and Country, and helped nurture new generations of great Americans. And we have fought communism and fascism all over the world through our efforts on Capitol Hill.

We believe in a strong America—an America that has the economic and military might to keep democracy alive here at home and overseas.

We believe in keeping faith with our fallen comrades.

On this, the 75th anniversary of The American Legion, we must rededicate ourselves to the ideals of our organization, be active, and keep faith with our fallen comrades. We must gird ourselves for any legislative fight that may become necessary, and see that any veteran who needs hospital or nursing care will have it.

No compromises. Right is right. Wrong is wrong. As we celebrate 75 years of service to community, state and nation, we are proud of our past record of accomplishments. We look forward to an even brighter future.

God preserve our country. God bless The American Legion.

CELEBRATING 100 YEARS OF STABILITY, FRIENDSHIP, AND COMMUNITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to call attention to the 100th anniversary of the Cass City Summer Home Club in Caseville, MI. This club beckons to a time when distances were considered great, and when a summer home was considered to be among one of the most special parts of the year.

The Cass City Summer Home Club celebrated its anniversary at a centennial celebration dinner this past Saturday. I was pleased to join with so many of the club's members in regaling in the fact that what started 100 years ago as a summer recreation association on the Saginaw Bay waterfront has resulted in family friendships lasting generations. When Burt Smalley, a resident of Pontiac who worked as a conductor on the old PO&N Railroad, helped people from Cass City acquire property, little did he know how important he would be to people for years to come.

The early members of the club which was founded in 1894 would ride a train from Cass City to Caseville and then spend several weeks laying out at first a pavilion and dormitory for members of the club. Individual members then built individual cottages which were often handed down from generation to generation, and occasionally sold to new members of the club.

Bill Stevenson, a current member, can trace his family's membership back to his grandmother, Lucy Holmes, who was issued stock on June 9, 1899, the earliest record stock issuance date. David Donnellon can trace his family's ownership back to 1919. The Sandham family can also trace ownership over 75 years. Bessie Maxwell has owned her current lot for 62 years, a club record for ownership by a single individual.

Mr. Speaker, the Anderson, Benkelman, Mason, Stormzand, Sturm, and Vader families can all trace their families' ownership for more than 50 years. Certainly this type of constancy ranks as unique in Michigan, and among an elite few in our Nation's history. With people who spend every summer together, whose families have grown up together, and who look forward to the friendship and community that the Cass City Summer Home Club provides, the centennial of the club is certainly worth celebrating.

I urge all of our colleagues to join me in wishing them a most happy 100th anniversary, with best wishes for at least another 100 years of what has made the Cass City Summer Home Club great.

PAKISTAN'S ASSERTIVE REGIONAL STRATEGY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. McCOLLUM. Mr. Speaker, when former Prime Minister Nawaz Sharief recently acknowledged that Pakistan had nuclear weapons, he was stating the obvious. The extent of the Pakistani nuclear weapons program has long been known, but the current developments of the Pakistani nuclear weapons program are cause for great alarm.

As discussed in the report of the House Republican Task Force on Terrorism and Unconventional Warfare which follows, the primary reason for such an alarm is the evolution of the Pakistani nuclear strategy. Originally, during much of the 1980's, Pakistan was seeking nuclear weapons as a doomsday tripwire to deter a possible Soviet encroachment from Afghanistan. However, during the 1990's, nuclear weapons have become a major instrument of Pakistan's assertive regional strategy with Islamabad's new strategy built on the perceived role of nuclear weapons in the crisis in Kashmir, where, Islamabad, along with Tehran, are sponsoring an escalation of Islamist terrorism.

The overall Pakistani strategic confidence has already been expressed in statements coming out of Islamabad since the fall of 1993. For example, in a recent statement, Pakistani Senator Qazi Hussain Ahmad, recently urged the Bhutto government "to declare jihad on India to save Kashmir Moslems from total annihilation. There is no other way to resolve the crisis." "Let us wage jihad for Kashmir," he said. "A nuclear-armed Pakistan would deter India from a wider conflict," he stressed. The nuclear card is presented as the key to Pakistan's new regional strategy.

Pakistan, in an effort to upgrade its nuclear arsenal, has embarked an energetic effort to modernize its nuclear technology. This has been reflected in the repeated efforts to illegally acquire advanced technology and machinery from the West.

Furthermore, Islamabad considers the development of long-range ballistic missiles a top priority. These missiles will give Pakistan strategic capabilities that go well beyond the need to block an invading enemy or hit key strategic installations. Moreover, these developments are but a part of an overall massive military modernization and buildup, pursued with close cooperation from the People's Republic of China and Iran.

Pakistan also continues to tighten its special relationship with Iran, as demonstrated in the current visit of Pakistan's President Fraooq Leghari to Tehran. While visitng Ayatollah Khomeini's tomb, Leghari stated that working closely together Iran and Pakistan "can serve Islam." In his meetings with Iranian President Hashemi-Rafsanjani, Leghari stated that "all-out cooperation between Iran and Pakistan * * * could help resolve the Moslem world's regional problems." Among the subjects raised with Iranian leaders in this context were the conflicts in Bosnia, Azerbaijan, Kashmir, Afghanistan, and the recent events in the Persian Gulf and Indian Ocean.

While Pakistan in the past has proven itself to be valuable ally in an unstable part of the world, today their actions may be contributing to the instability of the Middle East and south Asia. Therefore, it is my hope that by submitting this information to my colleagues I will have encouraged them to study the recent actions and new direction taken by Islamabad.

The text of the task forces report of August 24, 1994 follows:

[From the Task Force on Terrorism and Unconventional Warfare, House Republican Research Committee, House of Representatives, Washington, DC, Aug. 24, 1994]

PAKISTAN'S NUCLEAR BRINKMANSHIP

On 23 August 1994, during a visit to Kashmir, Nawaz Sharief, the former Prime Minister of Pakistan, declared that Pakistan was a nuclear power. "I confirm Pakistan possesses the atomic bomb," he said. Sharief then warned India that an attack on Pakistan could trigger a nuclear war and declared that an escalation of the crisis over Kashmir because of New Delhi's refusal to surrender Kashmir to Islamabad was inevitable.

Though he was not the first, Nawaz Sharief is perhaps the most authoritative Pakistani to confirm his country's nuclear status. The significance of this confirmation is that it compels Ms. Bhutto's Islamabad to be more forthcoming about Pakistan's evolving nuclear build-up and national strategy, including the recent evolution of the Pakistani nuclear strategy.

The current world view of Ms. Benazir Bhutto's Islamabad is a direct outgrowth of the philosophy of her father—Zulfiqar Ali Bhutto. The political vision of Mr. Bhutto was crystalized as a historical legacy of the 1971 separation of Bangladesh from Pakistan. In the wake of that defeat, Mr. Bhutto came to believe that Pakistan must base its policy on Islam and must look westward—to the so-called "Hub of Islam"—for his country's national strategy.

Bhutto considered Central Asia an extension of the non-Arab Muslim world and believed that Pakistan would bring that region into the Hub in order to expand Islam's non-Arab component. In this view, the active support for the armed liberation struggle in Kashmir was defined by Mr. Bhutto as a way of demonstrating Pakistan's commitment to Islamic solidarity. In this connection, a close relationship with the People's Republic of China (PRC), including Beijing's strategic guarantees and assistance in the development of Pakistan's nuclear weapons, was considered by Bhutto as the foundation of Islamabad's ability to avoid a clash with the US and a possible war with India.

Significantly, Mr. Bhutto stressed that the US was inherently hostile to Islam because it refused to accept the drastic changes in the world order advocated by radical Islam. Indeed, Mr. Bhutto's military nuclear effort was motivated as much by the determination to deliver the so-called "Islamic Bomb" that would make Pakistan a leader in the Muslim world, as by the need to counter-balance India's military nuclear program. For her part, Ms. Bhutto confirmed her belief in these principles during the Fall of 1993.

Pakistan has been looking into the acquisition of nuclear weapons since the early-1960s. After Pakistan's defeat in the 1965 Indo-Pakistani war, Zulfiqar Ali Bhutto vowed to retain a strategic balance with India, including the development of nuclear weapons, at any cost. "If India builds the bomb, we will eat grass or leaves, even go hungry, but we will get one of our own. We have no alternative," he said in 1965.

However, it took the humiliating defeat of 1971, when Indian forces occupied Eastern Pakistan and transformed it into an independent Bangladesh, to truly commit Pakistan to the acquisition of nuclear weapons. In the wake of that war, Mr. Bhutto assembled Pakistan's leading scientists in a tent in Multan in January 1972 where he delivered a passionate speech about the shame of defeat and how imperative it was for Pakistan to have nuclear weapons. Bringing up what seemed a note of caution, Mr. Bhutto pointed to a higher objective when he explained that "this is a very serious political decision, which Pakistan must take, and perhaps all third World countries must take one day * * *." Pakistan was thus committed to a national crash program to have an "Islamic Bomb."

Subsequently, the Pakistani nuclear weapons program really took shape in 1974 when Dr. Abdul Qaeer Khan returned to Pakistan from Europe and convinced Mr. Bhutto that he could build a bomb within 6–7 years. Later, in 1976, Mr. Bhutto secured the PRC's agreement to support the Pakistani military nuclear program with expertise, ranging from scientific and technological assistance all the way to actual weapons-design know-how. Thus, using Chinese weapons technology, Dr. Khan laid the foundations of the Pakistani nuclear weapons arsenal.

However, it was during the 11-year tenure of General Mohammad Zia ul-Haq that Pakistan became a nuclear power and defined a coherent nuclear strategy. The military that seized power in 1977 under General Zia was opposed to the nuclear weapons program, fearing its impact on the military budget. However, there was a widespread recognition that nuclear weapons were Pakistan's only viable deterrence against an Indian conventional onslaught. Indeed, some strategists even urged the recapture of Kashmir under a nuclear umbrella. Consequently, Zia became committed to the nuclear option as a last resort instrument to "save Pakistan."

Moreover, like Mr. Bhutto, Zia gradually came to see in the acquisition of nuclear weapons a key instrument for breaking Pakistan's isolation and for transforming it into the leader of a rejuvenated Muslim world. As he outlined it in a July, 1978 speech, "China, India, the USSR, and Israel in the Middle East posses the atomic arm. No Muslim country has any. If Pakistan had such a weapon, it would reinforce the power of the Muslim world."

However, it was unfolding events, especially the Soviet invasion of Afghanistan in December 1979, which gave Pakistan's fledgling nuclear doctrine its practical character. In early-1980, President Zia ul-Haq learned from the Carter Administration's National Security Adviser, Dr. Brzezinski, that the US had no intention of committing forces to defend Pakistan in the event of a Soviet invasion. As Pakistan's involvement in the war in Afghanistan was growing, Islamabad's doubts about the worth of its alliance with the US also began to mount.

Nevertheless, at first, Pakistan stuck with Zia's doctrine of relying on nuclear weapons as instruments of last resort. However, as time passed, Zia ul-Haq became increasingly prone to a pan-Islamic world view which he expressed by his willingness to facilitate the development of other Islamic, (primarily Iran's), nuclear weapons programs, though not at the expense of Pakistan's own strategic weapons programs. Indeed, it was through its close cooperation with Iran that Pakistan also assisted other radical states, including Libya and North Korea.

Later, in the early-1990s, after coming to power, Ms. Bhutto redirected the Pakistani national strategy still further in order to integrate it into the Trans-Asia Axis dominated by Beijing and the Islamist Bloc dominated by Tehran. This decision was made during the Pakistani negotiations with India on the mutual reduction of tension between the two states. Held between January 1989 and January 1990, the India-Pakistan negotiations were conducted against the backdrop of an assessment by the Pakistani military and intelligence elite that a major clash with India was inevitable and imminent.

With this in view, in February 1990, General Mirza Aslam Beg, then the Pakistani Chief of the Army Staff, went to Tehran to discuss Iran's become Pakistan's primary regional ally, even at the expense of relations with the US, including perhaps an outright confrontation with Washington. Gen. Beg returned from Tehran "greatly reassured." "With the support from Iran promised me, we will win in case of war over Kashmir," he declared.

Soon afterward, Pakistan began a game of brinkmanship with India through the escalation of border clashes in the Siachen Glacier area and in Kashmir itself. The subsequent appearance of a major Indian military exercise not far from the Pakistani border startled the Pakistani High Command, reminding Islamabad of the possibility of a massive Indian reaction to Pakistan's provocations. At the same time, the border clashes and the insertion of terrorists into Indian Kashmir continued to escalate.

Islamabad then decided to prevent an Indian retaliation by invoking the nuclear card. As tension grew and war seemed inevitable, Pakistan hastily assembled at least one nuclear weapon during its "nose-to-nose" confrontation with India in 1990. This led to a hasty intervention by the US and other Western powers, pressuring both New Delhi and Islamabad not to escalate their confrontation. Thus, the new Pakistani nuclear strategy was proved successful.

This was a turning point for Pakistan's national strategy. From this point on, nuclear weapons were no longer considered merely a trip-wire of last resort in the event of a major invasion of Pakistan. Instead, nuclear weapons now became a key to Islamabad's assertive strategy in Kashmir under a nuclear umbrella.

As 1991 dawned, Islamabad increasingly considered the "New World Order" advocated by the US, and especially in the call for non-proliferation, a strategic threat to its independence. "The New World Order does not allow any country in the Third World except the American surrogates to possess nuclear weapons." Fully aware that no single country could confront the US on its own, Islamabad stressed the growing significance of nuclear and military cooperation with other radical states as of crucial importance.

Islamabad acknowledged that "the People's Republic of China and North Korea have been * * * supplying Iran, Pakistan, and other Muslim countries with medium-range missiles and nuclear technology for peaceful purpose." This cooperation now served as a source of support for Islamabad's defiance of the United States, as it was recognized that any alternative would be detrimental to the future of Islam:

"If Pakistan surrenders before the Americans now with respect to the nuclear programme, there will be no limit for such a surrender; because the Americans endeavour to demolish Pakistan's military power and make her a banana republic so that the Muslim World should be enslaved by the US-imposed world order."

It was in the context of this strategic perception that the Pakistani military nuclear capabilities were finally officially revealed. On 21 October 1991, Pakistan, for long a known yet not acknowledged nuclear power, crossed the line and created a precedent. In a Karachi meeting, Dr. Abdul Qadeer Khan, the father of the Pakistani bomb, officially acknowledged that Pakistan was a nuclear power. "It is a fact that Pakistan has become a nuclear power and is at present concentrating on manufacturing sophisticated arms to fulfill its requirements," Dr. Khan stated. Subsequently, the nuclear factor has become a clear and critical factor in the Pakistani national strategy, especially vis-a-vis India and the US.

Against this backdrop, Islamabad is convinced that a major showdown with India, ostensibly over Kashmir, constitutes the key to Pakistan's new position as the linchpin of the PRC-dominated Trans-Asian Axis and the Tehran-led Islamic Bloc. Pakistan and its allies are convinced that any set back for India, no matter how symbolic, will result in New Delhi becoming isolationist. This, in turn, would expedite the consolidation of the Trans-Asian Axis. It has therefore been decided in Islamabad that the decisive crisis aimed at isolating India will be instigated in the form of an escalation of the Islamist terrorist struggle in Kashmir. Ms. Bhutto is confident that Pakistan's growing nuclear capabilities will shield these assertive policies.

Ms. Bhutto is fully aware of her country's nuclear potential because she serves as the chairperson of the National Nuclear Command Authority [NNCA]. The NNCA "determines the state of readiness" of the Pakistani nuclear weapons, and, with Ms. Bhutto's "hand on the button," authorizes their launch through the Army's Joint Operations Center. Gen. Beg disclosed in April 1994 that Pakistan already has "the F-16s, Mirages and the M-11s [ballistic missiles] which we are now getting from China that can carry [nuclear weapons]." Moreover, Pakistan's own "missile programme" is developing "a delivery system with a very effective, accurate guidance system provided on the missiles."

Called the Anza-11, this ballistic missile is a Pakistani derivative of the Chinese M-11. In mid July 1994, Pakistani officials confirmed that the development of the Anza-11 was being accelerated "with Chinese assistance." Visiting Pakistan's nuclear enrichment facility in Multan, Ms. Bhutto warned of an accelerating "missile race" in the region, and was assured that the PRC would provide Pakistan with all the necessary technology and know-how to cope with the new strategic challenge. Meanwhile, Pakistan continues to deploy and install M-11 SSMs in the vicinity of its border with India.

Furthermore, several loyalists of Ms. Bhutto—from the ranks of the military and intelligence services—have intensified their demands for a more assertive stance on nuclear issues. For example, in June 1994, Gen. Hamid Gul, the former Chief of ISI, publicly urged Islamabad to conduct a nuclear test in order to clearly demonstrate the quality and might of the Pakistani nuclear weapons. He argued that such a test would galvanize the Pakistanis to support Islamabad in its pursuit of several national goals and challenges, the liberation of Kashmir being foremost, and would restrain the US from interfering in that endeavor. Gul pointed out that it is imperative for Pakistan to make a clear choice between its continued association with the US and the pursuit of its vital interests along with Iran and the PRC, whom he identified as "the closest friends of Pakistan."

Gul also stressed that the establishment of a declared nuclear posture will determine this transformation. "By exploding the bomb, we will not only destroy the impression of our being submissive to the United States, but will be able to pull back our friends." Islamabad's failure to take a sterner public stand on the pursuit of its joint strategy with Iran and the PRC, Gul believed, already threatens the security of Pakistan by leaving the false impression of a Pakistan restrained by the US. "Our military feels that its defense needs are in danger because of the failure of our foreign policy." Only the establishment of an unambiguous nuclear deterrent can reverse this trend, Gul concluded.

Thus, in early August, N.D. Khan, the Parliamentary Secretary for Foreign Affairs, and other Pakistani senior officials, stressed repeatedly that Pakistan would not curtail its nuclear program irrespective of mounting US pressure. Instead, the High Command announced that Pakistan had embarked on a major build-up of sophisticated weapons, including missiles, in order "to deal with any emergency in the context of India's aggressive designs." Ms. Bhutto was briefed on this emergency program and "agreed in principle to meet the requirements of the Pakistani Army on an urgent basis." Indeed, Pakistani officials later confirmed that Islamabad has resolved "to manufacture [ballistic] missiles and strengthen its defense."

In a similar vein, in mid August, the President of Pakistan, Farooq Ahmad Khan Leghari, visited the Pakistani Air Force [PAF] base in Sargodha, home of its F-16s, to inspect the major exercise called Saffron Bandit—94. In a speech to the PAF officers, the Pakistani President tied together the current military build-up and the crisis in Kashmir. Leghari assured his audience that "the government is fully aware of the defense needs of the country and will equip its Armed Forces with sophisticated weapons for the defense of the motherland." Leghari reiterated Islamabad's "full support to the Kashmiri people despite Indian threats" and stressed his "confidence that Pakistan can meet any threat" resulting from this strategy.

Thus, Benazir Bhutto, for reasons geopolitical and domestic, is personally leading Pakistan into becoming a key and active component in a major global axis aimed at confronting the US and reducing its influence. It is under Ms. Bhutto that Pakistan has increased its participation in the strategic alliance with the PRC and Iran, as well as raised the profile of its confrontation with the US and India. Additionally, nuclear deterrence is considered Islamabad's primary shield against an Indian reaction to, let alone retaliation for, an escalation in Kashmir. Therefore, it seems grimly likely that Ms. Bhutto will only continue to accelerate and expand the Pakistani military nuclear program.

SALUTE TO THE HISPANIC-AMERICAN SPORTS COALITION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a group of youngsters from my district who took part in the Second Annual Latin American Little League World Series over Labor Day weekend. Conducted by La Coalicion Deportiva Hispano-Americana, this program brought 16 little leagues together to compete for the title of Pequena Liga champions of New York.

The Hispanic-American Sports Coalition was founded in 1992 as a vehicle for advancing the opportunities for sports activities in the Hispanic community in New York City. The coalition has grown to include representatives from 26 different countries who participate in a variety of sports in both local and international tournaments. In addition to promoting and organizing sports leagues, the coalition also works with members of the community to fight drug addiction, combat discrimination within the sports community, and rehabilitate local sporting facilities.

Mr. Speaker, I urge my colleagues, as well as my fellow New Yorkers, to take this opportunity to salute the Hispanic-American Sports Coalition for its good work, and the many youngsters who took part in its World Series tournament.

TRIBUTE TO INDUSTRY-EDUCATION ALLIANCE

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. BLILEY. Mr. Speaker, I rise today to support and recognize the significant achievements of the Industry-Education Alliance [IEA], a major training effort to break the cycle of unemployment and government assistance by builders and educators in Richmond, VA.

The IEA is designed to train adult students who are unemployed, underemployed, or dislocated from other industries, for lasting careers in the homebuilding industry. A coalition for Richmond area and national organizations including: the Home Builders Association of Richmond; J. Sargeant Reynolds Community College; the Henrico County Public Schools; the Home Builders Institute; the educational arm of the National Association of Home Builders; the Partnership for American Vocational Education [PAVE]; and the Education and Training Foundation, are involved in a unique education initiative to train people to become skilled carpentry framers.

During a 6-month training period, professional builders teach adult students the math-related concepts associated with homebuilding and the skills necessary to read blueprints and frame homes. Since the start of this program, all of the IEA program graduates have been hired by Richmond area builders, subcontractors and remodelers, earning on average 31 percent above entry level wages.

This year the IEA celebrates its third anniversary of training adults for new careers in America's homebuilding industry. The IEA has been a great boon for my State in both its social and economic contributions. I am very proud of the Richmond IEA programs and salute them for forming one of the Nation's leading school-to-work training models.

CELEBRATING A GOLDEN WEDDING ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize Shirley and Samuel Seiler's golden wedding anniversary on September 11.

Originally from Brooklyn, NY, they met on Coney Island and he asked her to marry him 10 days after they met. They were married in 1944 and have worked together to raise a family, accomplish careers, and now enjoy all the rewards of their labors together.

They have been blessed with three daughters and three grandchildren who fill their lives with joy.

Mr. Seiler attributes the success of his marriage to his wife, who has always supported him in decisions affecting their lives, encouraged him to reach goals he aimed for, and is steadfast in her devotion to her family. Because a successful marriage is a joint effort, Mr. Seiler has contributed as much to reach this joyous celebration.

I want to join with their family and friends in warmest congratulations on their golden wedding anniversary and sincere wishes for many more anniversaries.

INTRODUCTION OF THE INTRASTATE MOTOR CARRIER TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 1994

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Ms. CANTWELL. Mr. Speaker, today I join with Representative NICK JOE RAHALL, chairman of the House Subcommittee on Surface Transportation, in introducing legislation to correct some technical problems in a bill that was recently signed into law. I commend Chairman RAHALL for his leadership on this issue.

On August 8, 1994, the House approved legislation to preempt intrastate trucking regulations. H.R. 2739, conference report on the Federal Aviation Administration authorization contains provisions that preempt State trucking regulations pertaining to prices, routes, and services.

As I have previously stated, I have been concerned that all Members of the House were not afforded the usual opportunities for input, discussion, and votes on this critical issues. This trucking deregulation section was not marked up by the House subcommittee, or full committee, nor was it specifically considered and open to amendment on the House floor. The House had one vote on a wide-ranging aviation bill which contained the trucking deregulation provision. I do not believe that all the possible implications of this legislation were thoroughly studied and considered under the expedited process used for this issue.

In the weeks since the bill passed, serious questions have been raised about the impact that this law could have on curbside recycling programs. Concerns have also been discussed about how towing services could be treated under the law. I do not believe that Members of the House intended to disrupt these recycling programs and towing services with the passage of H.R. 2739.

The bill we are introducing today merely provides a technical correction to H.R. 2739 clarifying that the law does not apply to transportation of garbage and refuse, recyclables pursuant to programs conducted under the auspices of any unit of government, as well as motor carriers providing tow or wrecker services.

I urge my colleagues to support the Intrastate Motor Carrier Transportation Technical Corrections Act of 1994.

INTRASTATE MOTOR CARRIER TRANSPORTATION TECHNICAL CORRECTIONS ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. RAHALL. Mr. Speaker, last month Congress passed H.R. 2739, the Federal Aviation Administration Authorization Act of 1994, which included a provision in section 601 to preempt State economic regulation of intrastate trucking. Today, I am introducing a technical corrections bill to address two items which I do not believe Congress intended to be within the scope of section 601.

The primary thrust of section 601 is to address issues relating to the transportation by motor carrier of general freight and express small packages. The act clearly provides for continued State regulation of safety requirements and the transportation of household goods.

During consideration of this legislation, the question was raised as to how it could affect garbage and refuse collectors. In the conference committee report, it was clearly stated that the motor carrier preemption provision does not preempt State regulation of these entities as garbage and refuse and not considered property. Subsequent to congressional action on H.R. 2739, however, it has been brought to our attention that if the garbage or refuse consists of recyclable materials, the transportation of these recyclable materials would be affected by section 601 as they are considered property having value.

The technical corrections bill I am introducing today would allow economic regulation to continue, where it exists, of the intrastate transportation by motor carrier of recyclable materials in those instances where the transportation is undertaken under the auspices of a unit of local government. In this regard, I would like to commend our colleagues, MARIA CANTWELL who is joining me in introducing this legislation, and PETER DEFAZIO, for their diligence in seeking this correction to section 601. They have brought to my attention that many municipalities have franchised residential solid waste haulers and that under section 601, while a city's ability to franchise and regulate solid waste haulers as it relates to garbage or refuse without value would be maintained, they would have no authority to encourage and regulate residential curbside recycling efforts. I share their view that this inconsistency is not particularly in the public interest.

Another unintended consequence of section 601 involves the question of whether it affects tow truck and wrecker operations.

According to the Interstate Commerce Commission, under this legislation a State may argue that it has the jurisdiction to continue to regulate tow truck operations. Since the bill clearly preserves State authority over safety, a state could maintain that it needs to control tow truck operators as a matter of public safety. Alternatively, a State might assert a Constitutional argument that tow truck operators may be subjected to regulation under the police power.

However, in order to clearly settle this question, I am including in this technical corrections bill a provision to provide for continued State economic regulation of intrastate tow and wrecker services where such regulation exists. Again, in my view, the intent of section 601 was to address issues relating to the transportation by motor carrier of general freight and express small packages. I do not believe there was any intent to affect motor carriers, such as tow truck operations.

Moreover, the public interest would certainly be preserved by the continued economic regulation of tow and wrecker services where States choose to engage in such regulation. In the same fashion as section 601 provided for continued State economic regulation of the transportation of household goods on the basis that these operations often deal directly with the general public for their services, rather than with businesses, so too do tow and wrecker services.

Mr. Speaker, I do not believe this legislation should pose any controversy. Again, it simply clarifies the intent of Congress in enacting section 601 of H.R. 2739.

TRIBUTE TO EAGLE SCOUT MICHAEL T. SACCOCCIA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Michael T. Saccoccia of Troop One in Coventry, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and-or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Michael removed and installed new carpeting at St. Vincent de Paul's Rectory in Coventry, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Michael T. Saccoccia. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has, through its 84 years, honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Michael T. Saccoccia will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

IN SUPPORT OF SENATE AMENDMENT 87 TO H.R. 4624

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. WYDEN. Mr. Speaker, I rise in support of the motion to concur with Senate amendment 87.

EPA's proposed reformulated gasoline rule for foreign refiners is the product of a backroom deal that would undercut the goals of the Clean Air Act and subjugate critical environmental protection to technical trade concerns.

It is an example of what happens when trade policy and environmental policy are made in separate forums, and it is why I have worked to ensure that, in the future, trade agreements will be negotiated with a full understanding of their environmental implications.

EPA needs to back off of this backdoor proposal. It should scrap this rule and start over, following an open process that complies with the Administrative Procedures Act, and it should develop a final rule that protects the domestic environment and satisfies our obligations under international trade agreements.

Mr. Speaker, last December, EPA issued a so-called final reformulated gasoline rule that was challenged before the GATT by Venezuela. Then, after intercession by the State Department, EPA rewrote the rule to respond to Venezuela's concerns. This bizarre rulemaking process, which seemed designed to meet a predetermined outcome, does not seem to be in line with the open process called for in the Administrative Procedures Act.

It is not only the process EPA used that is highly questionable but also the result. When EPA issued its final rule last December, it had good reasons for not giving foreign refiners the authority to establish individual baselines for imported RFG. As the EPA stated in issuing the final rule:

> There is a fundamental distinction between EPA's ability to monitor and enforce regulatory requirements that would apply against domestic as opposed to foreign refiners. Simply put, domestic refiners are subject to the full panoply of EPA's regulatory jurisdiction and compliance monitoring, while not all foreign refiners desiring to produce reformulated and/or conventional gasoline would be subject to EPA's regulatory jurisdiction with equivalent certainty.

Somehow, between December and May, when EPA reversed itself on the foreign refiner issue, the EPA's serious concerns managed to evaporate like fugitive emissions into the atmosphere.

The EPA now seems to be unable to protect the domestic environment without sparking a trade challenge from Venezuela. This situation is exactly the kind of dilemma we will continue to face until the trade and environmental experts start to work together.

Moreover, Mr. Speaker, EPA's arbitrary rulemaking raises serious questions about the validity of other U.S. environmental regulations. During the NAFTA and GATT debates, Members of Congress have been assured that U.S. environmental standards would not be struck down by trade challenges because our rulemaking process was science-based and not arbitrary. However, the reformulated gasoline rulemaking process was almost completely arbitrary and based not on science but on political pressure from the State Department and the Government of Venezuela.

Mr. Speaker, starting with this reformulated gasoline rule, I want to know whether EPA can assure Congress that its rulemaking process is science-based and able to withstand future GATT challenges. Because from this position, it certainly looks as though a flawed process has produced a seriously flawed reformulated gasoline rule that will not only damage our domestic environment but will also hinder our future efforts to integrate reasonable environmental protection with measures to expand trade.

If we vote to support Senate Amendment 87, we can stop this arbitrary fiasco in its tracks and get to the business of producing sensible environmental protection in a way that lives up to our GATT responsibilities.

I urge my colleagues to support the motion to concur.

OPPOSED TO SENATE AMENDMENT 87

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. KENNEDY. Mr. Speaker, I rise in strong opposition to Senate amendment 87.

The Senate language to block EPA from implementing its reformulated gas regulations is a bad policy.

Accepting the Senate provision will have a devastating impact on our Nation. The pending rule is simply meant to subject foreign refiners to the same environmental standards as domestic refiners. This issue boils down to efforts by the U.S. domestic refiners to gain the competitive edge in market share over the domestic independents, who rely on imported oil for their product.

Allowing the EPA to proceed with its reformulated gas rules will have no environmental impact. The domestic refining industry stipulates that Venezuelan and other foreign oil is dirtier than United States gasoline. This simply is not the case.

Take olefin content for example. The fact is that on olefin, just one of many polluting compounds in gasoline, Venezuelan gasoline is comparable to gas being marketed by many of our own domestic refiners.

Just yesterday, the Motor Vehicle Manufacturers Association released its national fuel survey, indicating that Venezuelan oil fared better on olefin content, 22 percent in 1990, than many domestic refiners, like Mobile Oil in New York City, 26 percent; and Getty, nearly 25 percent; and Texaco, nearly 24 percent in Philadelphia. A little known fact is that Venezuelan gasoline is actually superior on air standards for benzene and aromatics.

The Senate language will create serious problems for consumers, especially citizens in Northeastern States that count on imported gasoline for as much as 30 percent of their energy needs. Nationwide, we rely on gasoline imports for 3 to 5 percent of domestic consumption each day. The dislocation of imported fuel could potentially raise the price of gasoline 15 to 22 cents per gallon. This will have a dismantling effect on the New England economy, increase inflationary pressures, and will inflict supply shortages throughout the Northeast and the Nation as a whole.

Mr. Speaker, this is a matter of fairness and energy security for our citizens—merely treating domestic importers with the same environmental standards for reformulated gasoline under the Clean Air Act as domestic refiners.

I strongly urge my colleagues to insist on the House position—to ensure that both domestic and imported environmentally sound gasoline can serve our citizens.

RAWLEY FARNSWORTH: POSITIVE ROLE MODEL FOR GAYS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to a true role model for gay, lesbian, and bisexual youth across the Nation, Rawley Farnsworth.

On Oscar night, March 21, 1994, it was Tom Hanks who paid tribute to Rawley Farnsworth before a television audience of a billion people. Rawley Farnsworth, he said, taught him to "act well the part—there all the glory lies."

It was Rawley Farnsworth who first taught Hanks the basics of acting and inspired him to strive for excellence in his profession. That effort, which began in Skyline High School in Oakland, where Farnsworth taught Hanks, culminated in the Best Actor Oscar that Hanks recently received for his role in the critically acclaimed film, "Philadelphia."

On August 26, 1994, the Triangle Alliance of Marin, a major new gay and lesbian rights organization in my district, is also honoring Rawley Farnsworth by bestowing on him the first annual Lesbian, Gay, Bisexual Role Model/Mentor Award.

This award is of the utmost importance, because it not only recognizes the accomplishments of exceptional role models like Rawley Farnsworth, but it also recognizes the urgent need for positive role models for gay youth. As Rawley Farnsworth himself has said, "Young gay [people] need someone whose footsteps they can follow, someone they can respect. Many young gays think homosexuality is a curse. They need to learn that they can accomplish as much as someone in the straight community."

That is exactly what Rawley Farnsworth's career was all about. Throughout his outstanding career as a drama teacher, Farnsworth taught his students how to excel in their profession. His efforts not only helped create a superstar, Tom Hanks, whose performances have touched us all, but they also inspired and motivated countless other young people who have gone on to make more of themselves than would otherwise have been the case.

Mr. Speaker, a true role model inspires us and teaches us to use our natural talents in ways that we would otherwise not be able. And in this way, Rawley Farnsworth has been a role model to all of us. He has shown us the way, through courage, fortitude, and hard work, to enrich our lives and reach for the stars.

While much progress has been made in recent years, growing up gay in America is still extremely difficult. But because of the valiant efforts of people like Rawley Farnsworth, that process is becoming easier for gay youth across the Nation. And because of people like him, we can begin to dream about a day in which gays, lesbians, and bisexuals will truly enjoy the same rights and the same opportunities as all citizens of this Nation.

Mr. Speaker, the Triangle Alliance of Marin deserves to be commended for recognizing the importance of role models and mentors in the lives of gay, lesbian, and bisexual youth. And Rawley Farnsworth is deeply deserving of the award he is receiving today. There is nothing more worthy of honor than the noble act of helping our young people achieve their very best in this Nation. Not only is Rawley Farnsworth deeply deserving of the Lesbian, Gay, Bisexual Role Model/Mentor Award, he is deeply deserving of thanks from all Americans who value the future of our children.

ABATE: CARING HAWGS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to an organization that is a model for caring about one's own community. ABATE, American Bikers Aiming Towards Education, is a nationwide organization with over 3,400 members in Michigan. On Sunday, September 4, region 7, including Huron, Tuscola, and Sanilac Counties within my 5th Congressional District held a meeting to review its efforts to educate the public and its members about motorcycle riding.

More noticeably, though, is the fact that ABATE region 7, under the leadership of Butch Brown, continues its efforts to give back to the community through very impressive programs. It is beginning its preparations for another annual toy run, in which last year's primary recipients were abused children. It reviewed on-going efforts for a food drive for the needy in their organization and in their community. And many members and community leaders are interested in their next annual bowl-a-thon, which this year helped provide needed funds for three emergency medical teams and support for the Kingston Fire and Rescue Service to purchase its own Jaws of Life. They also helped raise funds to maintain Evergreen County Park in Sanilac County. Their efforts exemplify the best of Americans helping themselves and their neighbors through hard work and dedication.

Mr. Speaker, motorcycle riding is a sport enjoyed by a wide variety of people. Yes, there are those who look like the bike riders that have been romanticized by Hollywood. But there are also many other professionals and housewives who enjoy the thrill of open riding provided by safe motorcycling. Their free spirits have involved them in legislative battles against certain laws their members consider to be unnecessary, and that is why they also like ABATE to be known as meaning "A Brotherhood Against Totalitarian Enactments". People may disagree with their specific proposals, but they must respect their rebel spirit that was a necessary ingredient in our Nation's birth and in becoming the leading supporter of freedom in the world.

Businesses throughout the tri-county area of region 7 have been most supportive of the several fund raising efforts made by ABATE, and are to be commended for their willingness in helping their communities help themselves.

Mr. Speaker, the Harleys and other motorcycles are symbols of their freedom from the confinement that so many of us find at our work or even in our cars. But these Hawgs also demonstrate that the members of ABATE, and region 7 in particular, are on a wonderful road of life caring about the people that are met along the way. I encourage our colleagues to learn about ABATE activities in their own districts and to become involved with people who know how to care, know how to give, and know how to ride the wheels of life.

NATIONAL GUARD PISTOL AND RIFLE TEAMS WIN NATIONAL CHAMPIONSHIPS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1994

Mr. MONTGOMERY. Mr. Speaker, the 1994 national championships were recently held at Camp Perry, OH. The all-guard pistol and rifle teams won the national team championships. The team was composed of members of the National Guard from various States around the country. I wanted to bring the results of these matches to your attention.

The pistol team won the national trophy team championship. The team captain was Lt. Col. Sherman G. Fletcher, Idaho Army National Guard [ARNG] and the coach was M.Sgt. Wilfred Buege, Michigan ARNG. The team members were Sfc. Charles Alexander, Mississippi ARNG; Sfc. Norbert Roth, Montana ARNG; Sfc. Fred Little, Vermont ARNG; and M.Sgt. Merle Carlsgaard, Idaho ARNG.

The rifle team defeated 43 other teams to win the national infantry team trophy. The team captain was CWO Hager L. Hollon, Kentucky ARNG and the M.Sgt. Dale E. Bowman, Maryland ARNG was the team coach. The other team members were S.Sgt. David J. Kerin, Pennsylvania ARNG; Sfc. Peter K. Viau, Vermont ARNG; Spec. Edward M. Scruggs, Colorado ARNG; Maj. Jerry G. Penn, Oklahoma ARNG; Sfc. William G. Kessinger, Illinois ARNG; and M.Sgt. Jonathan N. Shew, Oregon ARNG.

S.Sgt. Kerin won several individual matches, including the national match course for which he received the Daniel Boone trophy plaque as the overall winner.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 13, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Gus A. Owen, of California, to be a Member of the Interstate Commerce Commission.

SR–253

10:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings to examine safety issues relating to truck lengths.

SR–253

10:30 a.m.

Finance

To hold hearings on S. 1834, authorizing funds for programs of the Comprehensive Response, Compensation, and Liability Act (Superfund); to be followed by a hearing and consideration of the nominations of Frank N. Newman, of California, to be Deputy Secretary, Edward S. Knight, of Texas, to be General Counsel, and Stuart L. Brown, of Maryland, to be an Assistant General Counsel, all of the Department of the Treasury.

SD–215

2:00 p.m.

Armed Services

To hold hearings on the nominations of Paul G. Kaminski, of Virginia, to be Under Secretary of Defense for Acquisition and Technology, and Frederick F. Y. Pang, of Hawaii, to be Assistant Secretary of Defense for Force Management.

SR–222

Veterans' Affairs

To hold hearings on pending legislation.

SR-418

SEPTEMBER 21

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

2:00 p.m.

Veterans' Affairs

Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary of Veterans Affairs for Health, and other pending calendar business.

SR-418

SEPTEMBER 22

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.

SD-366

SEPTEMBER 28

9:00 a.m.

Office of Technology Assessment

Board Meeting, to consider pending business.

EF-100, Capitol

SEPTEMBER 29

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, September 13, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 13, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON] for 5 minutes.

CALLING FOR DEBATE ON INVASION OF HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise to continue to express my grave concerns with the path that our President is taking us in regard to an invasion of the small country of Haiti. In USA Today, on August 31, General Shalikashvili was asked to respond to the current situation in Haiti, and I quote him in saying, "We need to understand that, despite the fact that the Haitians don't have a very credible military force, the possibility of casualties is certainly there. We should not be surprised at all by it. It's very important that this Nation understand that."

Mr. Speaker, I am not going to predict massive body bags coming back from Haiti like the liberals did before we went into Desert Storm. I do, as a member of the Committee on Armed Services, have full confidence in our troops and leadership, and I will support them wherever they are sent, but, Mr. Speaker, what is happening here is absolutely outrageous, to invade a country that poses no real or imagined threat to U.S. security, to supposedly restore democracy to a country that has never had a legitimate democracy, to restore a leader to power who has told us publicly not to invade. This President is poised to send 10,000 to 20,000 of our American young men and women into a war zone, but, if we look beyond that, in an article in the New York Times yesterday, September 11, quoting the administration on what they expect will occur, Clinton administration officials are saying they are worried about an invasion of Haiti which could set off a wave of assassinations and reprisals, and they are scrambling to create a police force that would maintain law and order after any military action.

Now, Mr. Speaker, this is the same thing that got us into trouble in Somalia. We went in for a noble purpose, but we stayed too long. We got involved in nation building. Mr. Speaker, the administration now is clearly saying that is what we are going to do here. We are not just going to go in and restore Aristide to power. We are going to nation build. We are going to have our military set up a police department, and our military is going to serve as that police force, at least for an interim period of time, perhaps as much as 9 months, perhaps as much as several years. Top generals in our country are saying, according to the New York Times article, that they want to stop performing police functions as soon as possible and have American soldiers and military police do only specialized tasks like protecting airports and seaports and conducting counterinsurgency missions, but the administration, which foresees a permanent force of about 3,000, has concluded that it is impossible to replace most of the Haitian military and police and is falling back in a model that was used in Panama.

Mr. Speaker, the American people need to have a full public debate on where we are in regard to Haiti. We need to debate what our long-term goals are. We need to debate whether or not we even should be sending our troops to restore Aristide. We need to debate Aristide and his leadership itself or we are going to find ourselves in a prolonged effort, and then trying to get out in a very difficult manner to bring our troops back home. Mr. Speaker, the administration official said the American-dominated phase of the operation could end within 7 months, but we should plan on being there perhaps for as long as several years.

Mr. Speaker, I cannot believe that we are going to take this action without any debate or discussion in this institution. And make no mistake, Mr. Speaker; if we were to take a vote right now in this body, the results would be overwhelming, and they would not be in support of the President's announced policy.

Mr. Speaker, I insert for the RECORD the entire article from the New York Times of September 11, 1994, entitled "Looking Beyond an Invasion, U.S. Plans Haiti Police Force."

[From the New York Times, Sept. 11, 1994]

LOOKING BEYOND AN INVASION, U.S. PLANS HAITI POLICE FORCE

(By Eric Schmitt with Michael R. Gordon)

WASHINGTON, September 10.—Clinton Administration officials say they are worried that an invasion of Haiti could set off a wave of assassinations and reprisals, and are scrambling to create a police force that would maintain law and order after any military action.

Senior Administration officials said the maintenance of civil order after an invasion was the current focus of preparations and a major concern.

With a likely date for an invasion fast approaching, President Clinton and Vice President Al Gore have telephoned a dozen world leaders in the last two days mainly to recruit international monitors to supervise an interim Haitian police force, an Administration official said today.

Although this is a crucial element of the Administration's plan, American officials said other nations had so far pledged only about 200 of the 500 monitors needed, and those commitments, one State Department official said, "are carved in jello."

The Clinton Administration has also differed with the Rev. Jean-Bertrand Aristide, the exiled President whom the invasion would restore to power, over an American plan to retrain and rehabilitate much of Haiti's security forces.

Gen. John M. Shalikashvili, Chairman of the Joint Chiefs of Staff, met this week with Father Aristide in an effort to smooth over a dispute about how many members of the police should be drawn from the present Haitian security forces, whose loyalty to Father Aristide is in question.

What's more, American intelligence experts fear that the most violent wave of attacks by the Haitian military against pro-Aristide groups, as well as possible reprisals by anti-Aristide groups, would take place in the opening hours and days of the invasion, well before any Haitian police force could be trained and installed.

That would leave the American military with the job it wants least: maintaining order in a chaotic, strife-ridden nation in which rival groups would be trying to settle old scores.

In planning for the invasion, the American military is not skimping on force. The United States plans to send about 20,000 troops to restore Father Aristide, including Army troops, marines and Air Force AC-130 gunships and A-10 attack planes.

But top commanders said overcoming Haiti's overmatched military would be the easy part. The hard part will be keeping the peace in a volatile setting where, according to classified intelligence reports, ousted Haitian military leaders are likely to kill supporters of Father Aristide to alter the balance of power within Haiti and insure that they do not play a role in a transitional government.

"THE ISSUE IS DISORDER"

The Clinton Administration recognizes that the American troops will initially have primary responsibility for "restoring basic civil order," a senior official said. But top generals want to stop performing police functions as soon as possible and have American soldiers and military police do only specialized tasks, like protecting airports and seaports and conducting counterinsurgency missions.

"The issue has never been the invasion," an official said. "The issue is disorder right after the invasion. This could make what happened in Panama look like chicken feed." He was referring to the looting and chaos that followed the United States invasion of Panama in December 1989.

Since the military ousted Father Aristide in September 1991, more than 3,000 Haitians have been killed, human rights groups say. Still, American experts argue that for all of the human rights abuses in Haiti, the Haitian military rulers have refrained from allowing more widespread killings in recent months for fear of triggering an American invasion and that the worst may be yet to come.

One reason the Pentagon is planning such a large invasion force of 20,000, a senior Administration official said today, is to shock the Haitian into submission and to control the entire country.

"The key is not just to invade the country—it is to sit on the country," a Government official said.

"HIT LISTS" REPORTED

The Clinton Administration has already received intelligence reports indicating that some local Haitian security forces have "hit lists" of local leaders they think would side with Father Aristide and of others they fear might lead mobs against them, Administration officials said.

American intelligence has also reported that the Haitian security forces might light fires in Cité Soleil, a major slum in Port-au-Prince, and other strongholds of support for Father Aristide. According to one intelligence report, the security forces plan to blame American troops for the fires.

A top official said the White House and Pentagon were seriously concerned about the possibility of widespread disorder and killing.

"It could go both ways," a Government official said. "You could have Government types going out and trying to kill Malval and supporters of Aristide and Aristide supporters seeking retribution." He was referring to Robert Malval, the powerless caretaker Prime Minister appointed by Father Aristide.

Officials declined to discuss their plans to protect supporters of Father Aristide, but acknowledged that establishing order would initially be an American responsibility.

No one can be sure of the scale of the violence, but experts say that the extent of the killings will depend on the ability of the United States and other forces to move quickly to prevent assassinations, engage in effective crowd control and build an effective security structure.

Recognizing the potential for disorder, Administration officials say that building a credible police force is a top priority. Building the force, however, is easier said than done.

One major concern is the makeup of the force. American officials said that Father Aristide was distrustful of rehabilitating much of the existing security forces, and has initially said that no more than 1,500 of the police force should be drawn from the existing Haitian security forces.

PANAMA AS A MODEL

But the Administration, which foresees a permanent force of about 3,000, has concluded that it is impossible to replace most of the Haitian military and police and is falling back on the model used in Panama of rehabilitating existing security forces.

In the meeting with General Shalikashvili, a senior Administration official said, Father Aristide softened his demand but he would still be directly involved in approving which Haitians serve in the police force.

One worry is that the Haitian security forces may flee, making it hard to recruit a force in Haiti. Another is finding and training Haitians outside the country. The Administration may recruit Haitian citizens in the United States and Canada and in refugee camps at Guantánamo Bay, Cuba, to serve with the interim police and work as interpreters and guides for American troops. Among the 1.6 million members of the United States military, only 124 speak Creole, the language most Haitians speak.

Another major problem is recruiting the international monitors who would help supervise the police, much as the United States did with the new police force in Panama after the invasion there.

"A major challenge is getting international police and monitors," said a senior Defense Department official. "We'd like to keep the U.S. military out of the policing business as much as possible."

In the last two days, Mr. Clinton has telephoned nine foreign leaders and Mr. Gore three to round up support for monitors.

"If you're a warm body and have police connections, we'll chase you," one American diplomat said.

CANADA OFFERS 100

Canada has offered 100 monitors and trainers, but only if they are deployed under the United Nations banner and not an American-led invasion force. American, Canadian and United Nations officials are to meet in New York in the next several days to work out a compromise. President Clinton called Prime Minister Yitzhak Rabin of Israel on Thursday to request police monitors.

A senior official said he hoped that the interim Haitian police force would begin to operate in "a week or more," an estimate that some Government officials say is overly optimistic.

Even as the United States helps establish an interim force, it plans to begin training a permanent civilian force. But training Haitian expatriates through a tiny Justice Department program could take four to six months. And the program of the Royal Canadian Mounted Police to train as many as 100 Haitians at its academy in Saskatchewan will take three months.

While the new Haitian police are trying to maintain order, the American-dominated force in Haiti would serve as backup "if there was rioting or looting that was more than the Haitian police force could handle," a senior Administration official said. "We'd be like the National Guard in Los Angeles that would be called upon. The idea is the large force would also be a deterrence to that kind of thing."

A senior official said that American forces would try to capture Haitian military leaders, but would not conduct a manhunt as they did in Panama and Somalia if the leaders escaped.

Administration officials said the American-dominated phase of the operation should end within seven months, with many of the key invasion forces withdrawn within weeks. After that, a 6,000-member United Nations peacekeeping force would take over. It would include about 3,000 American troops and would stay in Haiti until Father Aristide's presidential term expires in February 1996.

WHY THE AMERICAN PEOPLE ARE ANGRY WITH THE WAY CONGRESS WORKS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Maine [Mr. ANDREWS] is recognized during morning business for 5 minutes.

Mr. ANDREWS of Maine. Mr. Speaker, the U.S. Congress just doesn't get it.

Last night, this institution voted to spend hundreds of millions of tax dollars in unauthorized spending for 259 projects that failed to be approved by the authorizing committee of jurisdiction.

Many of these projects were rejected by the authorizing committee after careful consideration. Some were not considered at all. All of them were passed last night, on this floor, after being tacked on, at the last minute, by a conference committee.

No authorization; no approval by the authorized committee or jurisdiction, but hundreds of millions of tax dollars were spent anyway on the floor of this house.

This is wrong. And it is precisely why the people of this country are so frustrated and so angry with the way this institution works.

The House, in its version of the bill, when it went to conference committee, had no dollars in these special projects—these pork barrel projects. The Senate came into the conference committee with 135 million dollars' worth of these types of projects. The compromise between zero on the one hand and a $135 million on the other hand, was $290 million.

This is wrong. And it is why the American people are so frustrated with this institution.

And last night, as this was all going on, it became very clear to me how and why this is all happening. I heard the lobbying. And it went this way: You have to vote for this, because there is something in it for you.

And so it goes. Vote for this pork barrel bill of unauthorized spending, and even though it may be wrong, and even though it violates the very rules of this institution, there's something in it for you. So keep quiet. Go along and you'll get along.

Well, in fact, Mr. Speaker, there was spending in last night's bill that would have helped my district and my State. And I support the projects that were in the bill for my district and my State. I believe that they make sense. And because I believe that they are strong projects, I believe that they would pass a fair and open test of review and scrutiny by the appropriate committee of jurisdiction.

In short, I believe that these projects could stand on their own two feet and walk through the front door in full public view, instead of being slipped through the back door of a pork barrel process that violates common sense and fairness.

And so, I voted against last night's bill even though there was money in it for my district and my State. My vote, Mr. Speaker and Members of the House, will not be bought by the promise of some pork barrel spending in my district so that hundreds of millions of dollars of pork barrel spending can be wasted around this country.

I will not keep quiet. I wont go along to get along, when it comes to this kind of practice.

Passing this bill was wrong. It is why the American people are calling for change in Washington. And I believe that the people of this country are going to keep calling for change until this kind of politics as usual comes to a halt.

Mr. Speaker and Members of this body, the people of this country deserve better. It's about time that they got it.

□ 1140

FLAWED HAITIAN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, here we stand again today with the threat of the use of an American military might on a nearby friendly neighboring country with no apparent justification for that. More signs, more indication, more heating up, more intensity. Why are we invading Haiti? Why are we even talking about this?

I read in the paper today that those who are opposed to our invasion of Haiti using our military force, sending our troops into that country, taking on the Haitian Army and the military, we are oppositionists, we are obstructionists, because we do not agree with the Clinton administration's policy that the only course left in Haiti is to go in there and shoot the place up and throw the military junta out and enforce democracy at the barrel of a gun. I do not think that is going to work, and I do not think most Americans think it is going to work.

I would point out those media folks who suggest that this is a Republican tactic had better look around a little bit, because there are good Americans of all types who are opposed to the invasion of Haiti, and there are many Members on both sides of the aisle, of both bodies, who are very much opposed to using military might to invade Haiti.

I maintain that there is no public support of a significant amount for such an invasion. There certainly is no justification that makes any sense that I have heard. And, even more puzzling, is why have not we had debate in this democratic institution, when we are talking about building democracy in Haiti, and yet we are bypassing one of the protective balances that we have in our own democracy; that is, deliberation in the House of Representatives, to weigh and balance such important matters when we are risking the lives of men and women in uniform in our country.

The White House is out there trying to sell, sell, sell their Haiti policy to our allies, to the American people, to themselves, and, frankly, nobody is buying it.

National Security Adviser Tony Lake has stepped up efforts to rationalize an invasion. First it was, well, it is a nearby country. Then it is, well, they have some drug traffic going in that country. Then it is, well, they may be destabilizing the region by the example they are setting down there. It goes on and on.

This morning we read it is American credibility. We said we were going to do something, so, by gosh, we have to do it. Get out the aircraft carriers, get out the Marines, get out the Air Force, get out our full might of the American Army to establish our credibility.

I wonder if Mr. Lake has weighed the credibility issue against the foolishness issue that is going to appear or the loss we are going to suffer among our other friends and allies in the Western Hemisphere who are going to wonder whether, if they do not do something exactly like we like, we are going to loose the same force on them and establish our form of democracy in their country at the barrel of a gun.

We have also heard justification for this that it is to stop refugee flights and curb gross abuses of human rights. Well, I am telling you, when you start down this road, it is a slippery slope. We have many friendly neighbors, many good people we work with, trading partners, people we know and love, get along with well, who do not happen to be Americans, but happen to be here nearby and have refugee problems and happen to be involved in some drug traffic and have human rights problems going on in their country, as there are in our own country. Countries like Mexico and Canada. In Canada, they have a separatist movement going on up there. Are we going to unleash our military because we do not exactly like the way things are going, because this is a bad example for our environment?

I think not. I think this is a very ill-advised policy that the administration has taken up in Haiti. There is talk now the whole hemisphere is behind it and is going to join us in an invasion force. There are some 17 countries that are going to provide some troops. It turns out that it would be less than 100 troops per country if it means out on an average, and, more than that, they are only going to come in in the second round. That is after the risks have been taken and stability restored by U.S. forces, and then these folks would come in and be peacekeepers, rather than members of an invasion. And there is a very big difference.

An ABC poll released yesterday found that 73 percent of Americans polled oppose United States-led military intervention in Haiti. That is about three out of four Americans. Seventy-eight percent of those polled believe that the administration should ask permission from Congress before they make the decision to go into Haiti—over three out of four.

Many of us are not even worried about the permission question. We are just asking for a rational justification, because I know and every Member knows, as sure as we stand here and participate, that we are regrettably going to be put in the position of explaining casualties to our constituents. When there is military might exercised, there are casualties, and it is our job to deal with that. That is part of a Representative's job. And I want to have a better answer when I have to look somebody in the eye and say ma'am, or sir, your son or daughter gave their life for our country for this purpose.

There has got to be a better purpose than politics of the domestic nature, and that seems to be what is driving our Haiti problem. Now we are talking about getting out our aircraft carriers and doing these others things. I think it is a terrible direction to go, and I hope Americans will speak out and say "no" to the invasion of Haiti.

AGAINST A CLINTON MISADVENTURE IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY. Mr. Speaker, during the past several weeks we have unfortunately seen the Clinton administration move to the brink of armed intervention in Haiti. This step would, in my opinion, would be a tragic mistake.

When we send U.S. military forces to invade another nation, we should at the very least have a compelling national security interest in doing so, a plan for extracting our forces after we accomplish the mission, and broad public support for the undertaking.

Mr. Speaker, the planned invasion of Haiti meets none of these requirements.

Should the Clinton administration carry through with the planned invasion, we will be establishing our beachhead on quicksand.

To understand the quagmire we are getting into, we need only begin with the history of United States involvement in Haiti.

In 1915, the United States invaded and occupied Haiti with, among other things, the intent of restoring civil order and stabilizing the nation's financial crisis. This action was deeply and bitterly resented throughout Haitian society. None of the accomplishments achieved or institutions established by the occupation survived after the removal of U.S. troops in 1934.

There is no indication that the intervention in Haitian affairs planned by the Clinton administration would achieve more success or be any less resented by the populace.

It is also of grave concern, Mr. Speaker, that the return to power of Jean-Bertrand Aristide is the linchpin of our whole Haitian policy. Mr. Aristide has proven in the past to be erratic and unstable. He clearly is not the unifying force needed to restore order to Haiti and move the country forward.

Proponents of the administration's pro-Aristide policy constantly point to the fact that Mr. Aristide was elected with more than 65 percent of the vote. The fact that he was deposed after 7 months in office, however, proves that he has bitter differences with powerful forces in Haiti and that he is unable to resolve these differences in a peaceful and nonconfrontational manner.

Additionally, during the time he was in office, Mr. Aristide showed a disturbing tendency to disregard the Haitian Constitution on such important matters as the appointment of judges and questions surrounding human rights. Aristide's disregard for elected Haitian legislators and failure to condemn mob violence created tensions between the branches of government that helped precipitate Aristide's political demise. These tensions have not gone away in the years since the coup and would present yet another obstacle in the path to political and social order.

It is clear that Mr. Aristide's leadership already faces many difficulties, but these difficulties would only be compounded by the proposed invasion. If Aristide returns to power by the barrel of an American gun, his legitimacy in the eyes of the Haitian people would collapse. Anyone who understands Haitian history must admit that Haitians will bitterly resent anyone who is viewed as an American puppet.

This leads me to my next point. The remarks from the adminsitration's Haiti team have so far concentrated on the invasion and the retoration of Mr. Aristide to power. I have seen no evidence of a comprehensive plan for removing our soldiers and sailors out of harm's way. We must not allow ourselves to be embroiled in a protracted occupation quagmire which could result in the ongoing loss of American lives.

The Secretary of State and others in the Clinton administration have been busy wheedling members of the international community into supporting this ill-conceived expedition to Haiti.

Now the administration is proudly trumpeting the supposed broad support in the international community for an invasion.

Of course, we all know that in reality the troops from other countries which have been pledged to the invasion will be standing on the sidelines while the American troops are standing in harm's way. It is the American troops who will bleed and die.

So the key question is not what the members of the international community think about the planned invasion of Haiti. President Clinton should pay more attention to the views of the American people and less attention to government leaders from other nations.

The American people are overwhelmingly opposed to this misadventure. In the most recent public opinion poll, 73 percent of the people say the United States should not lead an invasion of Haiti. And 78 percent of the people should present the issue to Congress for its consideration.

I have talked with many people in the district I represent in central Florida. I can find no base of support for an invasion of Haiti. The people are dead set against this ill-advised course of action. They do not want to sacrifice one American life on the altar of the Clinton administration's bungled policy.

The American people remember Somalia. They remember the Americans who needlessly died there. They know that lives were lost on a mission which had no realistic goal and in pursuit of a policy that can only be described as incoherent.

The American people remember Somalia and they do not wish to repeat that disastrous experience on an even larger scale.

Whatever the reasons may be that have propelled the President toward an invasion of Haiti, he would do well to listen to the American people. He would do well to heed the demands of the American people and abandon his planned invasion of Haiti.

The United States has no business invading Haiti, and the President has no business initiating an invasion of Haiti without prior action by the Congress.

□ 1050

HEALTH CARE FOR RURAL AREAS

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, one of the almost forgotten areas of the health care debate is America's rural areas. I see our rural areas as the first test—the canary in the coal mine, if you will—of health care reform's success. I say that for two reasons.

First, rural areas are most vulnerable to Government mandates. Minimum wages, Davis-Bacon requirements, and other Federal laws raise the cost of labor and hurt rural economies.

Bill Clinton's employer mandate will have the same effect. A wage tax on employers, like the one included in the President's bill, will impact areas with low costs and labor intensive jobs—rural areas, in other words—the most. Employers in these areas don't have the resources necessary to cope with another wage tax. In the end, people will lose their jobs.

Second, rural health care problems pose the greatest challenge to health care reform. Rural areas have large populations of uninsured, low-income people. If Bill Clinton is going to live up to his promise of universal coverage, he will have to solve the health concerns of rural areas.

In that respect, I have before me a study conducted by the National Center for Policy Analysis conducted in 1991 which looks at rural health care availability around the world.

One conclusion I draw from this study is that rural health care concerns are universal. The problems facing my constituents in eastern Colorado are similar to those experienced in rural Canada or England—limited access, no specialists, poor equipment, etc.

The other conclusion I draw is that national health care is no solution to rural health care's problems. Consider the following findings:

People living in British Columbia's two largest cities receive 55 percent more specialists' services per capita than rural residents. British Columbia's urban residents are 5½ times more likely to receive services from a thoracic surgeon, 3½ times more likely to see a psychiatrist, and 2½ times more likely to receive services from a dermatologist, an anesthesiologist, or a plastic surgeon.

After 40 years of national health care, people in rural England still have to travel to urban areas to access CAT scans and other modern medical technology.

In Norway, residents of Oslo are 15 times more likely to see a specialist than people living in the northern part of the country.

In Brazil's free health care system, urban residents see doctors nine times more often than rural residents.

Venezuela promises free health care to everyone, but all of Venezuela's free health care clinics are located in large cities.

In Mexico, where free health care is a constitutional right, 85 percent of the health care resources are consumed by 35 percent of the population, mostly residing in large cities.

In other words, national health care does not solve the problems facing rural areas. Not only do rural areas remain underserved, but the quality of care in general deteriorates in these countries.

Consider that both Canada and England have severely limited the access, of both rural and urban citizens, to such life saving procedures as open heart surgery and brain scans.

For example, a Canadian is one-third as likely to have access to open heart surgery and one-eighth as likely to obtain a brain scan as an American.

In England, which invented the CAT scanner and coinvented renal dialysis, has the fewest number of CAT scanners per person and one of the lowest dialysis rates in Europe.

In Ontario, hospitals shut down their beds and operating rooms to meet severe government-imposed spending cuts last year during the holiday season.

To save money, Canada is continuing the process of delisting certain cancer and other life saving services. Once they are delisted, Canadians must travel to the United States to receive these treatments.

For Canadians and the English, national health care means lower quality and less quantity for everyone. For people in rural areas, they face a double whammy.

Like their American cousins, living in rural areas means they have less access to health care. Unlike their American cousins, living in countries with national health care means the care they do receive is rationed and of lower quality.

Rural areas pose special problems that we need to tackle in order to ensure quality health care for our rural populations. For the reasons I stated above, however, increasing the role of government in our health care system is not the solution.

To the contrary, the record is clear that excessive government involvement in health care exacerbates the problems of rural areas, lowering access to care while reducing quality. To suggest otherwise is to ignore the experiences of Canada, England, and other countries that have experimented with national health care.

INVASION OF HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. EMERSON] is recognized during morning business for 5 minutes.

Mr. EMERSON. Mr. Speaker, the gentleman from Florida [Mr. GOSS] said that there is an idea afoot that it is only Republican obstructionism that stands in opposition to the invasion of Haiti. I am ordinarily in agreement with my friend, the gentleman from Florida [Mr. GOSS], but quite frankly, I find it difficult in this Chamber, with the exception of certain special interest caucuses, to find hardly anyone, Republican or Democrat, who stands in support of invading Haiti.

Indeed, I would call to the attention of the House something here I want to share. I find that one of the preeminent Democratic leaders in Missouri, our former U.S. Senator, Thomas Eagleton, has made a most poignant and persuasive statement in an article that appeared last Sunday in the St. Louis Post Dispatch in opposition to invading Haiti.

Under the heading, "Haiti Endangers the U.S. Constitution," Senator Eagleton wrote, I want to read, I want to share this, this is so poignant, his statement, that I want to share it with my colleagues and I will offer a little commentary of my own. But he said it so well, I do not want to digress too much from what Senator Eagleton had to say.

> Secretary of State Warren Christopher all but tells us that the decision to invade Haiti has been made. October might be the best made. October might be the best time politically, when there will be no annoying voices around town to object or question why. We already know the name of the first casualty of the Haiti invasion, the Constitution of the United States. The Constitution very clearly gives to Congress the authority to declare war and the President the duty, once war is declared, to wage it as Commander in Chief.

Let us remember, as I am sharing this commentary with you, that Senator Eagleton was the father of the War Powers Act, which so often is referred to in this body.

□ 1100

He is a person who knows this subject of which he speaks. He goes on to say:

> Congress most recently faced up to this responsibility in the Persian Gulf war. On January 12, 1991, the Senate, by a vote of 52 to 47, and the House of Representatives, by a vote of 250 to 183, authorized President George Bush to use American Armed Forces against Iraq.

Mr. Speaker, I very clearly remember the debate at that time. It was in the form of what we called the Bennett resolution: Did Congress have to authorize the President to do what President Bush was proposing to do in the Persian Gulf?

There were those who disagreed. Obviously 183 people voted against authorizing the President to use force against Iraq, but I was one of those who believed that Congress did have to vote, so I was one of the 250 who voted for the Bennett resolution that said Congress did have to vote to authorize such an involvement.

No question about it, the Persian Gulf war was a lot different than this prospective invasion of Haiti. The vital security and economic interest of the United States was at stake there. No such issue is at stake at all here vis-a-vis Haiti.

Senator Eagleton goes on to say:

> The gulf war was, to be sure, a big deal: We sent 400,000 American troops half a world away. Haiti, at least the invading of it, is a little deal: We will send 10,000 troops into a lightly armed, bankrupt nation in our own back yard. In the gulf war, we got in and got our ground forces out expeditiously. In Haiti, we, in some guise or other, are going to be there a while. In the gulf war, we had the assistance of allies like great Britain, France, Saudi Arabia, Egypt, and Syria. In Haiti we will have the vigorous support of troops from Jamaica, Trinidad, Barbados, and Belize, 265 strong.

He goes on and says a lot of other things, and, Mr. Speaker, I will include the entire Eagleton commentary from the St. Louis Post Dispatch of Sunday, September 11, at the conclusion of my remarks in the RECORD, but, Mr. Speaker, I want to go on to pull out a couple of other things that he said that I want you to hear:

"Alexander Hamilton stated," and this is quoting Senator Eagleton, "that in the scheme of orderly governance, certain things were 'so delicate and momentous' that to entrust them 'to the sole disposal' of the President was unwise. Hamilton spelled it out in the Federalist papers."

He concluded that—

> It was the authoritarian powers of the British king that the Framers did not wish to replicate in establishing the executive branch of the Constitution. War was too important to be left to the whims of one man.

Mr. Speaker, I commend to the President his earnest reconsideration of the prospect of invading Haiti. There is a lot wrong there. I think we should pursue our goals and ambitions through an orderly, diplomatic approach, rather than the use of troops. I seriously and sincerely urge the President to reconsider what I think, we all think, he is about to do.

Mr. Speaker, I include for the RECORD Senator Eagleton's article in the St. Louis Post-Dispatch:

[From the St. Louis Post-Dispatch, Sept. 11, 1994]

HAITI ENDANGERS U.S. CONSTITUTION

(By Thomas Eagleton)

Secretary of State Warren Christopher all but tells us that the decision to invade Haiti has been made. October might be the best time politically—when there will be no annoying voices around town to object or question why.

We already know the name of the first casualty of the Haiti invasion: the Constitution of the United States.

The Constitution very clearly gives to Congress the authority to declare war and to the president the duty, once war is declared, to wage it as commander in chief.

Congress most recently faced up to this responsibility in the Persian Gulf War. On Jan. 12, 1991, the Senate, by a vote of 52 to 47, and the House of Representatives, by a vote of 250 to 183, authorized President George Bush to use American armed forces against Iraq.

The gulf war was, to be sure, a big deal: We sent 400,000 American troops half a world away. Haiti, at least the invading of it, is a little deal: We will send 10,000 troops into a lightly armed, bankrupt nation in our own back yard. In the gulf war, we got in and got our ground forces out expeditiously. In Haiti, we, in some guise or other, are going to be there a while. In the gulf war, we had the assistance of allies like Great Britain, France, Saudi Arabia, Egypt and Syria. In Haiti, we will have the vigorous support of troops from Jamaica, Trinidad, Barbados and Belize—265 strong.

The scale of a war, however, does not affect the constitutional requirement for congressional authorization. (Military action can be initiated by "declaring war" or "authorizing" it by resolution.) To the Founding Fathers, all wars were important. James Madison considered war "among the greatest national calamities." Madison wrote, "In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department." George Mason said that he was "for clogging, rather than facilitating war."

Alexander Hamilton stated that, in the scheme of orderly governance, certain things were "so delicate and momentous" that to entrust them "to the sole disposal" of the president was unwise.

Hamilton spelled it out in the Federalist Papers:

The President is the commander in chief of the army and navy of the United States. In this respect, his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature.

It was the authoritarian powers of the British king that the framers did not wish to replicate in establishing the executive branch of the Constitution. War was too important to be left to the whims of one man.

A U.N. Security Council resolution and a resolution from the Caribbean Community and Common Market dealing with Haiti are not the constitutional equivalent of a vote by Congress authorizing the invasion of Haiti by American military forces. Why do we pursue the approval of multinational organizations and ignore the one entity that the Constitution mandates be consulted? Bear in mind, when Haiti is seized by American forces, it is the U.S. Congress that will have to appropriate the money to keep the impoverished nation afloat. No other nation or organization will give them a dime.

But no one seems to care about the constitutional niceties. No member of Congress wants to force the issue. No one is anxious to have his or her fingerprints on the decision.

If all goes well, if but few lives are lost, if we are in and out in a reasonable period of time, then everyone can claim to have been supportive of the effort. Everyone wins. On the contrary, if the mission, over time, is marred by failure or if we have to fund Haiti as something akin to a vassal province, then everyone can say, "I told you so. It never should have happened. It's all Clinton's fault."

On something as dicey as Haiti, it's better to stand up and be counted—afterward. That may not constitute a profile in courage, but it sure as hell beats voting on a hot potato right before an election.

STATUS REPORT ON EFFORTS TO STRENGTHEN THE REGULATORY FLEXIBILITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Mr. Speaker, I am taking this time to bring my colleagues up to date on our efforts to put some teeth into the Regulatory Flexibility Act.

As my colleagues will recall, the Regulatory Flexibility Act, passed in 1980, requires Federal regulators to find ways to minimize the impact of regulations on small businesses and local governments. However, because judicial review is prohibited, most agencies ignore the RFA. Over 250 bipartisan House Members have cosponsored my legislation to allow judicial review of the RFA.

Last spring, Senator WALLOP passed an amendment to the National Competitiveness Act to allow judicial review of the RFA which is similar to our legislation. In July the House voted 380 to 36 to instruct conferees to accept judicial review of the RFA.

Vice President GORE's National Performance Review has made judicial review of the RFA its No. 1 recommendation for the Small Business Administration. In a report released just a few weeks ago, the NPR said, "Several administrative efforts have been made to improve the level of responsiveness to the RFA, but with little success. The fundamental solution is judicial review * * *" The report also said, "A credible threat of lawsuits would give agencies a strong motive to ensure that the RFA is followed."

Despite this strong endorsement, some bureaucrats in the Clinton administration are ignoring the NPR recommendation and are trying to gut judicial review. The Clinton administration has ignored its own announced policy and has proposed a series of crippling restrictions on the ability of courts to enforce the RFA.

For example, the administration wants to prohibit small businesses from filing an RFA suit against an agency unless they or their representatives had filed comments before the rule was finalized. They also want to prohibit judges from immediately staying a rule which violates the RFA. The Clinton administration has proposed several other restrictions on judicial review which would make the RFA as toothless as it is right now. None of these restrictions are contained in the NPR's recommendation.

The administration proposal has been roundly rejected by the small business groups which comprise the Regulatory Flexibility Act Coalition. It would appear that the Clinton administration is more interested in pleasing a few bureaucrats in the OMB and the Justice Department than in reducing the burden of Federal regulations on small businesses and passing one of the NPR's recommendations.

As conferees on the National Competitiveness Act meet I hope they will reject the Clinton administration's Reg Flex ruse and agree to full judicial review of the RFA, as endorsed by a vote of 380 to 36 in this House and recommended by the National Performance Review.

ON RESTORATION OF JEAN BERTRAND ARISTIDE TO OFFICE IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Florida [Mrs. MEEK] is recognized during morning business for 2 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I rise today with great anticipation that the United States of America, along with other members of the international community will finally, after almost 3 years, restore to his rightful office in Haiti Jean Bertrand Aristide.

The election of President Aristide in 1990 brought great hope to the people of Haiti. During his brief 7 months in office, he implemented dramatic reforms of all aspects of the Haitian Government. He balanced the budget, created an honest judiciary, eliminated governmental abuse of citizens, and began literacy campaigns and job creation programs. He was beloved by the people of Haiti.

The violent coup which overthrew the democratic government of Haiti was a great tragedy in our hemisphere. Now, finally, it appears that the Governor's Island Accord will be implemented under United Nations resolutions. Now, finally, President Aristide will be able to return to Haiti to begin to give the people of his country reason for hope.

President Aristide's economic reform program was presented to the international community in Paris just 2 weeks ago. It was unanimously approved by the World Bank, the Inter-American Development Bank, the United States, Canada, France, Japan, the European Community, and other donor nations.

President Aristide is ready to return to Haiti to lead his people to a brighter day. We can only hope that the day dawns soon for those in Haiti who pray to be rescued from the terror in which they now live.

RECESS

The SPEAKER pro tempore (Mr. BACCHUS of Florida). There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 11 o'clock and 10 minutes a.m.) the House stood in recess until 12 noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Reverend Dr. Randel Everett, First Baptist Church, Pensacola, FL, offered the following prayer:

Dear God, You are majestic. The heavens and the earth declare Your glory. Your splendor is evident in all that You have made. Father, these men and women who stand before You, Father, we pray that You will pour out Your blessings upon them. You know their personal needs as well as the burdens that they share for our Nation and even for our world.

Lord, we know that they are hard-pressed on every side, but help them to not be overwhelmed.

Lord, they are perplexed, but do not let them be crushed.

Father, we pray that You might give them wisdom and courage and a vision for the world that You have created for us to enjoy. You are our God, our rock, our fortress, and we take refuge in You.

In Thy name we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KYL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 141, not voting 79, as follows:

[Roll No. 420]

YEAS—214

Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Byrne
Callahan
Cantwell
Carr
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mineta
Minge
Moakley
Montgomery
Murtha
Myers
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swift
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wise
Woolsey
Wyden

NAYS—141

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Brown (CA)
Bunning
Burton
Buyer
Calvert
Canady
Clay
Coble
Cox
Crane
Crapo
Cunningham
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Istook
Jacobs
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCrery
McDade
McHugh
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—79

Abercrombie
Ackerman
Andrews (NJ)
Becerra
Bentley
Bilbray
Blackwell
Boehner
Bryant
Camp
Cardin
Castle
Chapman
Clinger
Collins (MI)
Condit
Cooper
Coppersmith
Deal
DeFazio
DeLay
Derrick
Dickey
Dooley
Dornan
Dreier
Edwards (CA)
Engel
Ford (MI)
Gallo
Gilchrest
Grams
Grandy
Hayes
Hefner
Hoke
Hoyer
Huffington
Inhofe
Johnson (CT)
Kopetski
Laughlin
Lewis (FL)
Machtley
Maloney
McCurdy
McMillan
Mfume
Miller (CA)
Mink
Mollohan
Moran
Morella
Murphy
Nadler
Obey
Owens
Rangel
Ridge
Rostenkowski
Roth
Serrano
Slattery
Smith (IA)
Smith (OR)
Stokes
Sundquist
Swett
Synar
Thomas (WY)
Towns
Velazquez
Washington
Wheat
Whitten
Williams
Wilson
Wynn
Yates

☐ 1224

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentleman from California [Mr. TORRES] come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4217. An act to reform the Federal crop insurance program, and for other purposes.

INTRODUCTION OF DR. RANDEL EVERETT, GUEST CHAPLAIN

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am pleased to introduce my pastor, Dr. Randel Everett, to the House today as our guest Chaplain.

Dr. Everett, who has been the beloved pastor of First Baptist Church in Pensacola, FL, for about 2 years, was born in El Dorado, AR. He received his bachelor of arts degree from Ouachita Baptist University and master of divinity and doctor of ministry degrees from Southwestern Seminary.

Dr. Everett is married to the former Shelia King of Albertville, AL, and they have two children, Jeremy, 18, and Rachel, 15. Prior to coming to Pensacola, Dr. Everett served as pastor of University Baptist Church in Fort Worth and has held other pastorates in Texas and Arkansas. He also served as Chaplain of the Arkansas House of Representatives during the 4 years in which he pastored the First Baptist Church of Benton, AR.

Dr. Randel Everett, who has long been active in denominational and community activities, has preached in Moscow, Ukraine, and other locations overseas. He is an outstanding religious leader, and we are pleased to have him with us today.

THE ADMINISTRATION'S HAITIAN POLICY IS A MISTAKE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the American people clearly do not believe that invading Haiti is worth the life of a single young American. The American people overwhelmingly believe that the administration's Haitian policy is a mistake. It disturbs me that after weeks of public relations, the Congress still is not doing anything to be on record. Let me quote from the Speaker during Desert Storm/Desert Shield. He said, "If such a decision is taken, I think it would be incumbent on the President to seek the approval of the Congress." The Speaker said, "We must share in this decision. We have been elected to do it. The Constitution mandates it, and we would shirk our duty if we easily acquiesce in what the President decides."

The majority leader said, "I think we could be in a constitutional crisis because the Congress feels very strongly that we should be involved in a debate and a vote on that issue. I hope that the President will come to the Congress and ask for a declaration of war, or an approval of the U.N. resolution." The majority leader went on to say, "I think the Congress would show great displeasure with the President riding over the Constitution where it is at its clearest."

□ 1230

I just think that the Congress, since this has become so public and is so clearly opposed by the American people, and is so clearly a risk to the lives of young Americans, I believe the Democratic leadership owes it to schedule, before anything happens, an up-or-down vote in the House.

KEEP GUNS AWAY FROM KIDS

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, today President Clinton signed a comprehensive crime bill, which bans semiautomatic assault rifles and prohibits kids under 18 from buying or possessing a handgun.

The vast majority of gun owners are decent, law-abiding citizens. But more and more assault rifles and handguns are ending up in the hands of our children. Boys who used to fight with fists now carry deadly firepower.

Two 15-year-olds and a 13-year-old in my district were arrested for the murder last month of a little girl, killed by random gunfire as she slept.

Three teenagers were arrested last week in the shooting death of two high school honor students.

And as students returned to school last week, two kids were shot in a gang fight just outside Evergreen High School.

This is crazy. We have to stop the senseless spread of guns and violence among our kids. The crime bill is only one step in this fight. I urge my colleagues to support tough measures to keep guns out of the hands of children.

DO NOT INVADE HAITI, MR. PRESIDENT

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, President Clinton, who could not find a single reason to take up arms against North Vietnam, has apparently decided that American blood and fortune are needed to shoo General Cedras from his palace in Port-au-Prince.

For which cause will American servicemen and women risk their lives? To restore democracy? Hardly. Ousted President Jean-Bertrand Aristide is no friend of freedom and is no friend of the United States.

Columnist Charles Krauthammer writes: "It is a curious American policy that seeks to advance American interests at the risk of American lives by installing an anti-American demagogue." That is not only a curious policy, Mr. Speaker, it is a rotten policy.

Mr. Speaker, I know the President is hungry for a foreign policy success, but invading the poorest country in the Western Hemisphere where the United States has no national interest is not the right way to save face, and is not in the best interests of this country.

SOCIAL SECURITY LIFE CERTIFICATE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when his disability check did not arrive, Mr. Zimmerman of Roanoke, Virginia called the Social Security office and they said, "Mr. Zimmerman you're ineligible to receive any more checks because you're dead." He said, "Believe me, I'm not dead. I'm on the phone." He said, "No, Mr. Zimmerman, you are dead. In fact, you died on August 15."

Mr. Zimmerman went to a doctor. They gave him a certificate, said he was alive. Social Security investigated the certificate and finally said the Social Security office is dead wrong and Mr. Zimmerman is dead right.

Maybe there is a message to all of this. The Lord giveth and the Government taketh away. In America it has gotten so bad that not only does the taxpayer have to prove they are innocent in a tax case in court, now they have to prove they are alive to the Social Security Administration.

Beam me up.

INVASION OF HAITI NOT WORTH AMERICAN BLOOD

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, why on Earth would the President of the United States be considering the invasion of tiny Haiti? Is it because we have an election 8 weeks from now and Mr. Clinton's poll ratings are in the cellar?

Clearly we are not planning to invade Haiti because of the threat that it poses to the United States.

Haiti does not have nuclear missiles aimed at the United States; it does not send subversives into other countries to overthrow their governments.

Haiti has not invaded a neighboring country and put the world energy supply in jeopardy; and, it does not operate as a base for terrorists and drug smugglers.

Haiti is not a threat to the vital interests of the United States.

There is no good reason for Mr. Clinton to undertake this foolish invasion that will cost the lives of young Americans and innocent Haitians.

The people of this country says "no" to an invasion of a tiny country that has done us no wrong. Congress must just say "no" to this senseless adventure.

Mr. Clinton's polls are not worth a drop of our servicemen's blood.

PEACE IN NORTHERN IRELAND

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, for those of us who have prayed for peace in Ireland, these are critical days. All sides have made historic steps forward, but, not surprisingly, a great distance remains.

A lasting peace will not come quickly or easily—history is not soon forgotten. But we must make every effort to encourage dialog. And efforts should be made, as well, to encourage Unionist leaders to support the peace process.

The actions of extremists—on whatever side—cannot be allowed to derail progress. The opportunity to break with the hatred and violence of the past cannot be missed.

President Clinton gave his support to the negotiations, and helped so by granting Gerry Adams a visa. I also salute a former Connecticut Congressman, Bruce Morrison, for his role in helping bring about this accord. We all have those in own districts that have been working for years toward this end. In Connecticut, Richard Lawlor and Tom McBride deserve special recognition.

LET CLINTON LEAD THE CHARGE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton's Haiti policy has been erratic to say the least. His latest moves—preparing to invade Haiti—is unadulterated insanity.

Haiti holds no economic or strategic interest for the United States. It has no nuclear weapons pointed in our direction. Its military barely has enough money to buy uniforms. And its economy is in a shambles and the government we are seeking to restore to power is a disaster.

Yet Clinton is clearly positioning us to do battle. Well, I say it's never too late for Bill Clinton to get a little combat experience. If he's so sure we need to risk the blood of even one American soldier, let him lead the invasion into Haiti. Then all the Members of Congress who support Bill's excellent adventure can be the first wave of troops to hit the beach.

In my view, Haiti is not worth the loss of even one American life. But if we are going to risk lives, let it just be the lives of the policymakers who think war with Haiti is a good idea.

GEORGE LUCAS OF THE MOVIES HONORED FOR INNOVATIONS IN WORKPLACE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the million of Americans who struggle everyday to balance the demands of work and family are our true unsung heroes.

That is why it is fitting that this morning, movie genius George Lucas, the man behind so many big screen heroes, was recognized by Working Mother magazine, and Secretary of Labor Robert Reich for his innovative efforts to create a family friendly workplace.

While Mr. Lucas is truly deserving of this honor, the real winners are the 800 persons employed by Mr. Lucas in Marin County, CA—the area that I am so proud to represent in Congress.

These families that work for George Lucas, are provided benefits such as child care, flex time, paid family, and medical leave, as well as health insurance for domestic partners and their dependents.

Mr. Speaker, Congress would do good to follow the lead of George Lucas by encouraging businesses to ease the burden on working families. On behalf of working parents across this Nation, I say to George Lucas, "Thank you, and may the work force be with you."

□ 1240

REMEMBER PORT-AU-PRINCE?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLANGER. Mr. Speaker, remember the Maine.

Remember the Alamo.

Remember Pearl Harbor.

Remember Port-au-Prince?

Not exactly a stirring reason to invade a country.

Why is the Clinton administration blundering uncontrollably into a half-baked invasion of our tiny neighbor to the south?

Why are we risking American lives to pursue domestic policies in foreign countries?

Mr. Speaker, I have a better alternative to the Clinton policies.

Let us lift economic santions so the poor Haitians will have a chance to eat.

Let us sponsor new elections under United Nations supervision, so we can give the Haitian people a chance to select their own leaders. And let us leave our troops at home.

Remember Port-au-Prince? Let us forget about an invasion.

JOIN IN THE BIPARTISAN SKAGGS RESOLUTION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I proudly join with many in the bipartisan resolution being led by the gentleman from Colorado [Mr. SKAGGS].

And what does it say? It says this House must have a debate on Haiti; of course, we must have a debate on Haiti. There is no reason not to have a debate on Haiti.

We should never commit American lives offshore anywhere without people being fully convinced there is some national interest that is really worth that. At this point, I am not convinced.

I will give the President his chance to come and try and convince us, but I really think to try and evade that convincing of us is wrong constitutionally, is wrong politically, and does not really fall in the way that it should and has in the past.

I hope everybody joins the Skaggs resolution.

HAITI: CONGRESS SHOULD NOT LET PRESIDENT CLINTON LEAD PUBLIC ASTRAY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, by all accounts, President Clinton is leading us into a war with Haiti.

But unlike the wars of our fathers and grandfathers, who participated in conflicts out of deep-set, national principles, this administration is determined to be so short-sighted as to believe that transparent political ends justify America's very real human costs.

President Clinton has stated that he will not seek congressional consent. Instead, he will try and convince the American public that this tiny Caribbean nation is worth needless bloodshed and millions of dollars.

The administration says that we should do this because of our role as the world's only remaining superpower. However, this is precisely the reason we should not be embarking on this foolhardy strategy. And to resort to

"Big Stick" policies is not an approach that will help bolster the United States' international reputation.

Yes, we should be concerned about the situation in Haiti, but no more so than those situations we are dealing with in Bosnia, North Korea, China, and Somalia. President Clinton needs to come to grips with the fact that his policies must be anchored by the true conviction of his principles and not his political concerns.

The invasion of Haiti is not worth one drop of American blood.

ANTICIPATED RULES REQUEST FOR H.R. 3171, DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, pursuant to rule 37 of the House Democratic caucus, I rise to inform Members of my intention as chairman of the Committee on Agriculture to seek a modified open rule that will provide for the consideration of H.R. 3171, the Department of Agriculture Reorganization Act of 1994.

I anticipate seeking floor consideration of the bill next week. At this time it is my intention to request a rule that will require some type of preprinting requirement for amendments.

I want my colleagues on both sides of the aisle to be fully aware of my anticipated rule request so that they will have adequate opportunity to prepare and make available to the Committee on Rules any amendments which they may wish to offer. If any Member has questions, please feel free to contact Mr. Andy Baker, one of our committee counsels, at 225-1663.

Mr. Speaker, I thank my colleagues for their cooperation.

IMPUGNING THE PRESIDENT'S MOTIVES WON'T HELP THE HOUSE FULFILL ITS CONSTITUTIONAL RESPONSIBILITIES

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker and my colleagues, the gentleman from Illinois [Mr. DURBIN], the gentleman from New York [Mr. BOEHLERT], and I are cosponsoring a bipartisan effort to make sure this House fulfills its constitutional responsibilities in the matter of Haiti and votes prior to any invasion.

I have talked extensively with members of the administration about this, and while we disagree about the underlying policy considerations, I am absolutely convinced of the honesty and straightforwardness of their motives. The President is seeking a resolution in Haiti for reasons he thinks are in the national interest and important internationally. It does not serve the purposes of an informed and respectful bipartisan engagement on this issue to have the motives of the President or the administration impugned in the course of a very, very important debate, a debate that ought to be carried out by this body on the merits, with serious regard to our constitutional responsibilities and without suggesting that there are ulterior motives at work.

INSTALL DEMOCRACY, NOT ARISTIDE

(Mr. COX asked and was given permission to address the House for 1 minute.)

Mr. COX. Mr. Speaker, I rise in strong support of the remarks just made by my colleague from Colorado and my other colleague from Colorado preceding him.

President Bill Clinton, Warren Christopher, Madeleine Albright have all told us, they have announced publicly, they intend to invade Haiti upon the authorization of the United Nations, but not the authorization of the United States Congress. Why? Why is Bill Clinton willing to seek a vote of the United Nations but unwilling to seek a vote of the Congress?

The answer is because while he claims that the purpose is to restore democracy to Haiti, the stated objective is to restore the Marxist demagog, John Bertrand Aristide. Just before the erratic Mr. Aristide was ousted, he made the following speech in support of necklacing, the necklacing of his opponents, burning them to death by giving them a necklace filled with gasoline and setting it afire.

He said, "What a nice tool. What a nice instrument. What a nice device. It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it."

Mr. Speaker, if put to a vote, the U.S. Congress will not support a policy based on installing Aristide instead of installing democracy.

LET US DEBATE AND VOTE ON INVOLVEMENT IN HAITI

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, I rise to add my voice to those to support the Skaggs resolution. This resolution was referenced by earlier speakers and by the gentleman from Colorado [Mr. SKAGGS] himself just a minute ago.

The resolution simply calls upon the Congress to schedule a debate and a vote on the issue of American involvement in Haiti. I am one of those Members who is inclined to support the President's position on this issue. I have indicated my support for many of the issues they have undertaken to date, and I am inclined to support the provisions of the U.N. resolution recently approved.

But I do not believe that this is an action that can be taken by the President of the United States without the approval of the U.S. Congress. This is, by any definition, a foreign engagement. The Constitution is very clear on this point. A debate and a vote is required, and the President would do himself a disservice if he proceeded to take action without the kind of debate that will bring the American public behind this decision.

INVASION OF HAITI

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, 73 percent of Americans are against invading Haiti. Probably 80 percent of the Congress is against invading Haiti. Canada will not participate and neither will any other major government in our hemisphere. No European ally has signed on. A few hundred Caribbean military will help as peacekeepers after we win the fight and probably lose a few Americans by storming those beaches.

No American citizens are in immediate danger as was the case in Grenada. Now, there is not going to be any vote in Congress, at least we do not think so right now, and all to put a man of questionable sanity in power who sanctions putting a tire around people's necks and gasoline in it and burning them to death.

Now the President has asked for approval of the United Nations but not approval of the Congress that represents the people of this country.

Let the American people, Mr. President, be heard; please, do not be arrogant where American blood is at stake.

☐ 1250

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRES). Members must address their remarks to the Chair.

CONGRESS SHOULD VOTE BEFORE MILITARY ACTION IS TAKEN WITH REGARD TO HAITI

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, those of us who served in the House in 1991, when we debated the issue of the gulf War, remember that remarkable 2-day period as one of the most elegant and eloquent periods in the history of the House. Every Member, virtually to a person, had an opportunity to talk about the issue from his or her perspective. The President won that vote, we prosecuted the war, it was quick, it was clean, and basically it had the support of the American people.

What I very much fear from what I hear at least, that the White House seems to be devoted to going to war in Haiti without having had this elegant, and eloquent, and complete debate, is that the invasion of Haiti will not have the support of the American people, and we saw what happened during the Vietnam war, which was some years ago, but there we had a difference of opinion on the wisdom of that action which eventually wound up in national discord.

I really believe, Mr. Speaker, that the interest of the White House, of the administration, of the Nation, of the Congress, of all of us together, would be very well served by having this debate and having a vote but not to take action toward Haiti before the vote.

CONGRESSIONAL ANALYSIS AND DEBATE IS WARRANTED BEFORE ACTION IS TAKEN IN HAITI

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, there is great concern for the President's Haitian policy at home and abroad. Nationally people do not understand it, and people feel it. Internationally former U.S. Ambassador to the United Nations, Jeane Kirkpatrick, writes, "Canada turned down appeals to join the force, no European ally of the United States will participate in the military phase of the operation, no major government of this hemisphere will join in the invasion."

This should tell us something. It should tell us that at the very least congressional analysis and debate is warranted. If Bush, Powell, Schwarzkopf, and Cheney had to come before Congress for Operation Desert Storm, then clearly Clinton, and Christopher and Strobe Talbot must be subject to the same effort.

Our allies have said, "We don't have a stake in this." Our neighbors tell us, when we go home, they do not understand it, and we all believe that our military deserves much better than this. They deserve an explanation, and clearly, Mr. Speaker, there is bipartisan support for a congressional debate on this action, and we only hope, and for the military we pray, that the President hears what is going on in the well of Congress today.

LET'S NOT DO IT AGAIN

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, when I visited Haiti a few years ago, I found a fiercely proud and independent people. They threw the French out in 1804, and, while they cannot keep us out, they can inflict bloody casualties. It would be a terrible, terrible misjudgment to invade Haiti.

Mr. Speaker, they may hate the current military dictatorship, but the minute we invade and install Aristide, we will become the object of their resentment and hatred. Going in will be the easy part; getting out will be much more difficult. Once we put Aristide in, then we must prop him up.

The last time we went in, Mr. Speaker, we were there 19 years, and I say, "Let's not do it again. There is no compelling national interest, and, Mr. Speaker, I'm deeply troubled by an administration that eagerly seeks the blessing, approval and sanction of the United Nations and cavalierly dismisses the United States Congress as an irrelevancy."

WHAT ARE THE PRESIDENT'S MOTIVES IN HIS HAITIAN POLICY?

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, Members have come to the well today who say we should not disparage the President's motives in his Haitian policy, but we do not know the President's motives. Mr. Speaker, the President should have the responsibility to inform this Congress of his motives in Haiti before he does anything.

Mr. Speaker, we learned, or should have learned, a lesson in Vietnam. We cannot dictate the government of nations around the world.

I find our policy, between Haiti and China, so inconsistent; how we can accept a dictatorship in one country and deplore it in another? I suggest the President has a responsibility to this body to make his policy known, and his motives.

DEFINE "VICTORY"

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, I have to ask this morning whether we are about to invade Haiti or whether we are going to adopt Haiti. As my colleagues know, we have had this unruly stepchild under our guidance once before, and it was an absolute disaster. The United States won that initial fight easily, too, in 1915, Mr. Speaker, and then spent 19 years chasing and fighting 10,000 armed guerrillas across the countryside.

I do not think we can send a single U.S. soldier to die on the beachhead until we understand how we are going to define victory and how we define when we are going to go home. There is no vital United States interest in Haiti, no strategic threat, no threat to a single American except for the young American soldiers who will soon be ordered to become Haiti's cops.

"When you ad lib a mission, Mr. President, you lose. Look at Vietnam. Look at Somalia. And look at Lebanon."

My constituents do not understand why we want to run the international affairs of Haiti, and frankly, Mr. Speaker, neither do I.

PRESIDENT CLINTON SHOULD REQUEST SURGEON GENERAL'S RESIGNATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, earlier this summer, 87 Members of this House signed a letter to the President calling for the resignation of Surgeon General Joycelyn Elders based on the divisive nature of her use of her office. Subsequently, a number of other Members of the House, both Republican and Democrat, joined in that call.

The White House's response to this letter stated that, while Dr. Edlers' statements were controversial, they served to broaden debate on matters related to public health. In this context, I would like to remark upon a recent statement by Dr. Elders.

In a comment quoted by Margaret Carlson of Time magazine, Dr. Elders caustically described the Catholic Church as "filled with celibate old men in love with the fetus." Ms. Carlson went on to note, "that's enough to offend those of us who believe that abortion should be safe, legal and rare. Imagine the outrage of Catholics."

The type of intolerance and contempt that this latest remark by Dr. Elders exemplifies cannot be tolerated from an elected official. Nor can her recent statement that selling cocaine is not a crime.

Dr. Elders has been given every opportunity to change her ways, but she refuses. Once again, I call for President Clinton to ask for her resignation.

OUR PRESIDENT HAS THE CONSTITUTIONAL RESPONSIBILITY TO COME TO CONGRESS FIRST

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I have listened to the speeches this morning, and it is very clear that with few exceptions my Republican colleagues are expressing their opinions very strongly on the question of Haiti and the question of whether the President should take military action without the approval of Congress. Having served here a few years, Mr. Speaker, I find it curious that this same political party was largely silent when President Reagan invaded Grenada and President Bush invaded Panama, but I will say that some Members on both sides have been consistent when it comes to all of these conflicts.

For those who argue that President Bush came to Congress to ask our approval before the Persian Gulf war, they are rewriting history. The Bush administration begrudgingly acknowledged the fact that they had to face congressional approval, and they put up the good fight, and they prevailed, but there was never any enthusiasm from the Bush administration to adhere to the very clear edicts of our Constitution.

Now we face, I think, a similar challenge today with Haiti before us. There should be an argument on this House floor, and in the Senate as well, as to the wisdom of our policy in Haiti, but that argument, whether it is won or lost by the administration, must be made under the terms of the Constitution.

I am happy to cosponsor the resolution with the gentleman from Colorado [Mr. SKAGGS] and the gentleman from New York [Mr. BOEHLERT] to remind the President of his constitutional responsibility to come to Congress first.

AFTER WE INVADE HAITI, WHAT THEN, MR. PRESIDENT?

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I am very alarmed to see President Clinton's erratic Haiti policy take yet another dramatic turn to one of imminent invasion. Unfortunately, the question is no longer if we invade Haiti, but when we invade Haiti.

I am alarmed because I do not understand how Haiti poses a threat to United States national interests. I am alarmed because most foreign policy experts say a quagmire similar to Somalia awaits the United States in Haiti. It is certainly not worth putting thousands of American lives at risk.

Former Assistant Secretary of State of Inter-American Affairs Elliot Abrams sums it up best:

> After we invade Haiti? What then, Mr. President? When will the troops be withdrawn? When will Haiti become democratic? What if that takes 10 years?
>
> Should our soldiers act as Mr. Aristide's bodyguards? And what if Mr. Aristide misbehaves, jailing opponents or advocating violence against them? Will the administration that put him back in power then take him out? As in Somalia, intervening is easy; it is getting out that will be hard.

Mr. Speaker, at the very least, President Clinton should not put American troops into harm's way without the support of the Congress and the American people. As far as most Nevadans I have talked to are concerned, American troops have no business in Haiti.

□ 1300

EXPANDED WELFARE ENTITLEMENTS WOULD LEAD TO MASSIVE GOVERNMENT SPENDING

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, the frontal assault has been abandoned, but the health care debate is not over. Watch out for a sneak attack. Using misleading labels, some in Congress are trying to push us into another welfare entitlements trap.

The biggest deception is the innocent-sounding suggestion that we develop new Federal subsidies to help low-income families to buy health insurance. But the phrase "low-income subsidies" is a code phrase for expanding our already-troubled welfare system. "Low-income" is being broadly defined to include 63 million or more Americans, even some who already earn up to $36,000 a year.

This is a huge expansion of welfare entitlements. Estimates show these plans would require $80 billion to over $130 billion a year in new Government spending.

This would cost taxpayers more than the 1993 Clinton tax hike, which was the largest in American history.

Government already pays for over 40 percent of the health care in America. Is that not enough? My view is straightforward: Any plan that expands Government spending, or expands the number of people dependent on Government, does not deserve to be called "reform." And it does not deserve to pass.

NO EXCUSE TO INVADE HAITI

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, it is outrageous that the Clinton administration is considering an invasion of Haiti. Choosing sides in Haitian politics is not worth the loss of a single American soldier's life. An American invasion will not restore democracy in Haiti. Aristide is a would-be dictator, whose complicity in human rights violations is documented in national press reports. He has praised torture, jailed political opponents, and threatened others with death.

The only reason an invasion is imminent is political. The Clinton foreign policy needs to demonstrate some backbone, and the President hopes for a bump up in the polls.

Mr. Speaker, we need to debate this issue in the Congress. American troops are not pawns, and this administration should not endanger them to further its voodoo foreign policy.

NO ONE AGREES WITH CLINTON ON HAITI

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, yesterday's Washington Post summed up the doubts of the Nation about the President's policy on Haiti.

It said:

> As President Clinton presses ahead with plans to invade Haiti, it is not clear that such action is in the U.S. national interest or that Clinton can overcome potentially strong opposition from Congress and the U.S. public opinion foreign policy experts say * * *.

The Post went on:

> The experts say that if Clinton flinches from his unequivocal, public threats to use force, he would be regarded as a laughingstock in foreign ministries around the world. His only hope of avoiding such humiliation, without invading, would be if Haiti's military rulers heed U.S. calls to surrender power and leave the Caribbean island republic.

How many times have we heard this plea that America must swallow a bad policy in order to salvage this President?

Somewhere this administration has gotten it backward. It is the President's job to serve the people, not the people's job to serve the President.

America's foreign policy should be about protecting America's interests, not protecting the President from being a laughingstock, or being humiliated as the Washington Post said.

Mr. Speaker, we need a vote on Haiti. We need to let the American people speak through their representatives.

THE WEINBURGER USE-OF-FORCE PRINCIPLES

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, we should consider the Weinburger use-of-force principles, as enunciated in a major speech from the Secretary: When it comes to the United States use of force, No. 1, the question is, is there a direct United States interest in going to Haiti? The President has not shown it.

Is there an achievable goal? The President has not explained it.

Is there an exit policy, a policy for leaving wherever we go with U.S.

force? The President clearly has not shown it.

And do the American people and does the Congress support the military action? Obviously the President has not rallied that support.

If the President of the United States or any President of the United States cannot show a direct U.S. interest, demonstrate an achievable goal, clearly outline an exit policy, and rally the American people and the Congress to support that military action, it should not be undertaken.

Mr. Speaker, we need a debate on this House floor.

VICIOUS MURDERS OF ST. PAUL POLICEMEN EMPHASIZE WHY WE NEEDED CRIME BILL

(Mr. VENTO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, August 26, 1994, was a tragic day for Minnesota; in the community of St. Paul, on my own eastside, two of our finest St. Paul police officers were shot dead.

This inexplicable crime is mourned by the families, their fellow officers, and the whole community and State. The death of Officers Ron Ryan Jr. and Tim Jones remind us in poignant terms of the risk and violence that pervades our Nation's city streets and rural byways.

The assailant was from out of State. He was sleeping in his car in the parking lot of the Sacred Heart Parish, awoke and unstable when pressed, he lashed out with a hail of gunfire that cost Ron Ryan, Jr., his life. As a 2d year patrolman who had already distinguished himself, Ron Ryan was a young man following in his father's career, Ron Ryan Sr. Sadly, Ron Ryan gave his life in performance of his role as a St. Paul law enforcement officer.

Officer Tim Jones, with his canine partner "Laser", found the suspect shortly thereafter in a stored ice fishing house. Before they could act both Officer Tim Jones and the police dog "Laser" were shot and died together. Officer Jones, a national award winning canine officer, again gave his life in the name of doing his job.

Today President Clinton signed the crime bill with provisions for prevention, police, punishment and prisons into law. The President rightly asserted that the task is to convert the 1,000-plus page document now a law into action. To do so we must rely upon the law enforcement and police authorities at the local level; the laws on the books have to be administered and implemented, and that is the role, the responsibility and the duty that Ron Ryan, Jr. and Tim Jones accepted and gave their lives to achieve. This law promises 100,000 additional law enforcement officers to take up that challenge.

Every day on the streets of our Nation, men and women put on a uniform or a badge to carry out the role of maintaining order in our society; they deserve the best tools, resources, and backup available, so they can successfully complete their assignments.

In the final analysis, the burden falls upon these dedicated few, the thin blue line, to maintain law and order.

Mr. Speaker, our community mourns the loss of its dedicated sons and extends our heartfelt sympathy to the very special families and fellow law enforcement officers my hope is that the new Crime Act that President Clinton signed today will be a clarion call across this Nation to reduce the incidents of violence and mark from this point in time a new day and renewal of the ideas of freedom and values of our Nation and a commitment to work together with the law enforcement personnel who we trust with our personal safety. It is important to remember that the price of law and order is not only measured in dollars, but in lives lost.

PUBLIC HEARINGS NEEDED BEFORE ANY INVASION OF HAITI

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the President has made it abundantly clear that he is about to order United States servicemen into battle in Haiti. Though he has sought the approval of the U.N. Security Council and other foreign powers, the President has not yet made his case to the American people or to the Congress that U.S. security and U.S. interests justify the risk to American lives.

Today I called on the chairman of our Committee on Foreign Affairs to hold public hearings to hear from Secretary of State Christopher and Secretary of Defense Perry on this momentous issue. I hope that we will do so, and do it promptly, including considering legislation that reflects the will of the Congress on this issue.

The American people expect no less from us than to debate and examine this matter fully and put ourselves on the record before any U.S. armed personnel put their lives on the line.

NATIONWIDE CONCERN ABOUT HAITI POINTS UP NEED FOR HEARINGS

(Mr. GOSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, there is no question that the subject of the invasion of Haiti is dominating the media, it is dominating conversation in town and around the beltway, and it is dominating conversation across the country. We heard it in special orders last night, in morning business today, and in these 1-minutes now. It is clear that the discussion and the concern about an invasion of Haiti is there.

Why does the Democratic leadership not get the picture and schedule a debate and let us have a vote and let us get about the business of deliberation? What extraordinary irony it is that when we are trying to set the example of democracy in the Western Hemisphere and for the whole globe, we are not following the trend and the pattern, of democracy in our own House, going through the democratic process of representative government, letting each person weigh in on this subject.

We are talking here about something far more than sending a signal. As the distinguished chairman of the Foreign Affairs Committee has said, we should have this debate because we are talking about utilizing the lives of the men and women in the armed services of America. They deserve this consideration, and they deserve our debate.

□ 1310

RESPONSIBILITY OF THE HOUSE TO DEBATE ISSUES AND EXPRESS THE VIEWS OF THE PEOPLE

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, constitutional scholars can view both the War Powers Act and article I, section 8 of the Constitution and argue the implications as to just what the executive branch, embodied by the President, can or cannot do regarding an invasion. But there is no equal intellectual argument to differentiate between scholars as to what the obligation of a Member of the House of Representatives is to the over half million people who call them Congressmen. That obligation is for the people on this floor to discuss, to debate, and to make a deliberative attempt to bring the issues before the public, and then to express the public's views.

Whether those views are binding on the President, whether they are instructive to the President, or whether in his judgment he must indeed differ with those views, or agree with those views, is a consequence. But there is no question that the day this House relinquishes the power to debate and discuss, it relinquishes the power of the people, by and for them, and for that there is never going to be a scholarly constitutional excuse or defense.

CRIME BILL IRONY

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, what an irony that the crime bill President Clinton signs today contains a ban on rifles with grenade launchers and weapons on which you can attach a bayonet, but not a ban on Cessna aircraft.

What an irony it is that a mentally ill veteran who attacked the White House lost his business and could not get proper care from the country he served.

Is it not ironic that it is easier for an illegal immigrant to get Government care and benefits than an American veteran?

Is it not ironic that a thousand armed police could not stop an assault on our fortified White House?

We can put a million police on our streets, build 10,000 prisons and pass a hundred more laws.

But until we change Federal policies that kill business, ignore care for our own, destroy our families and send the wrong message about drugs to our children, and continue a welfare system that rewards failure and penalizes success, we will continue to fail.

And finally, until we return some sense of values, respect for human life and discipline in our classrooms, we will not solve the crime problems facing our Nation.

CONGRESS SHOULD ACT BEFORE INVADING HAITI

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is disturbing to have the news reports that an invasion of Haiti is imminent, particularly since most of Congress has not been consulted on this matter and most of Congress has in fact indicated in one way or another that they do not approve of the direction the administration has been going. This is an administration that went to the United Nations and asked their permission to move in Haiti. It is an administration that went to the OAS and asked their permission to move in Haiti, but has not yet come to the Congress of the United States that is going to have to supply the money and supply the moral backing for this action should it take place.

It seems to me it is absolutely incumbent upon this administration to come to the House of Representatives and come to the U.S. Senate and ask us to act on this matter before the troops are moved. Not to do that, it seems to me, will have an action under way by our military that will lack the moral authority necessary for long-term, sustained military actions.

We have made mistakes like that in the past. We ought to have learned from those mistakes. We ought not make that mistake again.

REQUEST BY MEMBER TO OFFER PRIVILEGED RESOLUTION ON HAITI

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of Mississippi. Mr. Speaker, I have at the Speaker's desk a privileged resolution raising a question of the privileges of the House. I offer that resolution, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. TORRES). Under the rules of the House, the gentleman may announce his intention, but may not call up the resolution at this point.

Mr. TAYLOR of Mississippi. Mr. Speaker, I wish to address the Chair on that matter.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am requesting a vote on a privileged resolution. This resolution is similar to the resolution that passed the House on January 12, 1991. That resolution expressed the sense of Congress that Congress must approve any offensive action against Iraq.

This resolution is a privileged resolution under the rules of the House of Representatives, under rule IX, which states, "Questions of privilege shall be, first, those affecting the House collectively."

Second, section 664 of rule IX entitled "General principles as to precedence of questions of privilege" states that "as the business of the House began to increase, it found necessary to give certain important matters a precedence by rule, and such matters are called 'privileged questions.'"

Section 664 goes on to state, "Certain matters of business, arising under the provisions of the Constitution mandatory in nature, have been held to have a privilege which superseded the rules establishing the order of business."

One provision of our Nation's Constitution that is most clearly mandatory in nature is article 1, section 8, clause 11. It states, "The Congress shall have the power to declare war * * * to raise and support armies, to maintain a navy, to make rule for the Government and regulation of the land and naval forces."

Mr. Speaker, the events of the past few days can lead one to no other conclusion than that the President of the United States intends to wage war against Haiti. As of yesterday, the President had received commitments from 17 heads of state to participate in this war. Last night, the major news networks reported on our Nation's military preparedness for an invasion of Haiti.

This Congress cannot stand idly by and avoid our constitutional duty. The decision to declare war rests solely with the Congress of the United States.

I request that the Chair rule immediately on this resolution, and in making that ruling, abide by section 664 of the House rules, of rule IX, "General principles as to the precedence of questions of privilege."

Once again, it states, "Certain matters of business arising under the provisions of the Constitution mandatory in nature have been held to have a privilege which has superseded the rules establishing the order of business."

Obviously, the decision to go to war with Haiti is directly affected by a provision of the Constitution mandatory in nature.

This resolution is therefore a privileged resolution as defined by rule IX of the rules of the House of Representatives.

The SPEAKER pro tempore. The Chair at this time will read from rule IX. A resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House shall have precedence of all other questions except motions to adjourn only at a time or place, designated by the Speaker, in the legislative schedule within 2 legislative days after the day on which the proponent announces to the House his intention to offer the resolution and the form of the resolution.

The Chair would state at this point that the gentleman may read into the RECORD the form of his resolution.

Mr. TAYLOR of Mississippi. Mr. Speaker, before I do that, I would ask again to be recognized for 1 minute.

The SPEAKER pro tempore. The Chair would advise that the gentleman has had his 1 minute to inform us of his intention and must now read the form of his resolution into the RECORD.

RESOLUTION REGARDING AMERICAN INVOLVEMENT IN HAITI

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute.)

Mr. GLICKMAN. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. TAYLOR] for 1 minute.

Mr. TAYLOR of Mississippi. Mr. Speaker, before I read the resolution, I would like to remind the Speaker and encourage the Speaker to continue reading the rules of the House, because in the next paragraph or so it clearly states that in earlier Congresses, the Speaker would call for this vote immediately. It was only in more recent Congresses that the Speaker began to delay for a couple of days on that motion.

The SPEAKER pro tempore. The Chair is not ruling on the privileged status of the resolution; he is simply reading the rule on notice as amended in the 103d Congress.

Mr. TAYLOR of Mississippi. Mr. Speaker, the resolution reads as follows:

H. RES. —

Whereas, Article I, Section 8 of the Constitution reserves to the Congress the power to declare war; and

Whereas, numerous press and other reports suggest that the Administration is preparing to deploy military forces of the United States of America to invade the Republic of Haiti in a manner likely to be deemed an act of war; and

Whereas, the President of the United States has not requested the Congress to authorize the attack of the Republic of Haiti by military forces of the United States; and

Whereas, the Congress has not specifically authorized the President to use military forces of the United States to invade, assault, or otherwise attack the Republic of Haiti; Now therefore be it

Resolved, That, as a matter of the constitutional privileges of the Congress to declare war, no military forces of the United States shall be used to invade, assault, or otherwise attack the Republic of Haiti until such time that the Congress has specifically authorized, after having been requested to do so by the President, the use of military forces of the United States to invade, assault, or otherwise attack the Republic of Haiti.

□ 1320

The SPEAKER pro tempore (Mr. TORRES). The Chair would state at this time that the gentleman has notified the House of his intention under rule IX.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. The gentleman has stated that intention under the procedures. When would the gentleman's resolution be eligible for consideration?

The SPEAKER pro tempore. As the Chair read previously, the time would be at a time or place designated by the Speaker within 2 legislative days, if the Speaker, in fact, rules that it is privileged.

Mr. WALKER. Well, I will ask that question in a moment. But do I understand then that the gentleman's resolution could come up on Friday when the House is due to be in pro forma session?

The SPEAKER pro tempore. The Chair would not be in position to comment at this time as to when the House will be in session.

Mr. WALKER. Could it come up on Friday?

The SPEAKER pro tempore. Conceivably anything could happen.

Mr. WALKER. Conceivably.

The SPEAKER pro tempore. If that is the next legislative day, yes. It is possible.

Mr. WALKER. Further, the Chair has heard the privileged motion would be available to either the majority or the minority leader to bring to the floor today; is that correct?

The SPEAKER pro tempore. If the Speaker, in fact, ruled that it was a privileged resolution.

Mr. WALKER. That was my parliamentary inquiry. We have heard the resolution. Does it constitute a question of privilege which if brought to the floor today could in fact be voted on by the House?

The SPEAKER pro tempore. The Chair would state to the gentleman that the Chair is not ruling at this time. The Chair is not required to rule.

Mr. WALKER. But it becomes a matter of some concern to the membership whether or not we get a chance to vote today before the House leaves here and get a chance to vote in a timely manner on a matter that may relate to our troops going into battle. It is very important to understand whether or not it is potentially available to bring the language as drafted by the gentleman to the floor yet today. The resolution has been read and it would be valuable for the House to know whether or not such language does constitute a question of privilege that can be brought up later on today.

The SPEAKER pro tempore. The Chair would state to the gentleman from Pennsylvania that the Chair does not make rulings on hypothetical motions until they are in order to be called forth.

Mr. WALKER. As a further parliamentary inquiry, I am not certain why the Chair is ruling it is hypothetical. The gentleman has already announced his language to the Chair. The Chair now has that language before it. This gentleman's parliamentary inquiry is whether or not such language would constitute a question of privilege which could then be brought to the floor by the appropriate Members later on today.

The SPEAKER pro tempore. The Chair would again state that the resolution is not before the House until it is called up. At that point, the Chair would rule.

Mr. WALKER. So the language that was brought by the gentleman under a question of privilege would be eligible to be brought to the floor later on today by either the majority or the minority leader and at that point the Chair would rule upon the language and the House would then have the ability, if it did not agree with the ruling of the Chair, to appeal the ruling of the Chair at that point; is that correct?

The SPEAKER pro tempore. The Chair has read the rule and if a resolution is offered by the leader, the Chair would then have to rule on its propriety at that time.

Mr. WALKER. Just to clarify then, as a further parliamentary inquiry, the language offered by the gentleman from Mississippi could in fact be brought to this floor later on today by either the majority leader or by the minority leader and at that point the Chair could rule one way or the other on whether or not it constitutes a question of privilege that could then be debated for an hour. If the Chair were to rule in favor of the resolution, it would be debated for an hour and the House would get a vote up or down on the questions raised by the gentleman's resolution. If the Chair were to rule against the resolution, it would in fact be within the power of the House to appeal the ruling of the Chair at that point and decide to take up the resolution; is that correct?

The SPEAKER pro tempore. The gentleman recites correctly the normal procedure on questions of privilege.

Mr. WALKER. I thank the Chair.

Mr. HAYES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAYES. Mr. Speaker, by failing to rule, I am making this inquiry, is the Chair in effect ruling that the language of section 9 supersedes that of 664? Therefore, implicit in the Chair's failure to recognize this as a personal privilege would, therefore, mean that the Chair is ruling that the 664 language does not supersede?

The SPEAKER pro tempore. Again, to the gentleman from Louisiana, the Chair is making no such ruling at this time on the issue of privilege. Only on the issue of notice as required by the rules of the 103d Congress.

Mr. HAYES. However, by failing to rule, the Chair is implicitly making that determination, whether it states it as a rule or not.

The SPEAKER pro tempore. The Chair does not agree with the gentleman.

Mr. HAYES. One more parliamentary inquiry. As I understand the role of the Parliamentarian, it is to serve the House as opposed to the executive or legislative branch. Is that a correct determination of the Parliamentarian's role in the system of government?

In other words, if not clear, I will repeat it: if there is a conflict that appears, that has not been resolved by the Supreme Court, appears to be a conflict of the legislative and executive branches, what is the role of the Parliamentarian, to act as an objective observer or to defend the House of Representatives of the United States?

The SPEAKER pro tempore. The Chair is responding to the gentleman as the Chair interprets the rules.

Mr. HAYES. I thank the Chair very much for the response.

APPOINTMENT OF CONFEREES ON H.R. 4299, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence

Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas? The Chair hears none, and without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. GLICKMAN, RICHARDSON, DICKS, DIXON, TORRICELLI, COLEMAN, SKAGGS, and BILBRAY, Ms. PELOSI, and Messrs. LAUGHLIN, CRAMER, REED, COMBEST, BEREUTER, DORNAN, YOUNG of Florida, GEKAS, HANSEN, and LEWIS of California.

From the Committee on Armed Services, for consideration of the defense tactical intelligence and related activities:

Messrs. DELLUMS, SISISKY, and SPENCE.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 601 and 704 of the Senate amendment, and modifications committed to conference:

Messrs. GONZALEZ, KENNEDY, LAROCCO, MCCANDLESS, and CASTLE.

As additional conferees from the Committee on Government Operations, for consideration of section 601 of the House bill, and modifications committed to conference:

Messrs. CONYERS, TOWNS, and CLINGER.

As additional conferees from the Committee on the Judiciary, for consideration of sections 802–04 of the House bill and sections 601, 703–07, and 709–12 of the Senate amendment, and modifications committed to conference:

Messrs. BROOKS, EDWARDS of California, and HYDE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. PORTER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4606, be instructed to insist on the House position with respect to amendment number 152.

□ 1330

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Iowa [Mr. SMITH] is recognized for 30 minutes.

For what purpose does the gentlewoman from California [Ms. WATERS] rise?

Ms. WATERS. Mr. Speaker, it is my understanding that the gentleman from Iowa [Mr. SMITH] is not opposed to the motion to instruct conferees as such. Pursuant to rule XXVIII, I request one-third of the time for debate.

The SPEAKER pro tempore. Is the gentleman from Iowa [Mr. SMITH] opposed to the motion?

Mr. SMITH of Iowa. Mr. Speaker, I am not going to oppose the motion.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] will be recognized for 20 minutes, the gentlewoman from California [Ms. WATERS] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion deals with the so-called 85–15 student loan rule.

The House bill contains a 1-year delay in implementation of this rule that was sponsored by Mr. BONILLA.

The Senate bill has no provision.

Mr. Speaker, the intent of the 85–15 rule is a good one—to eliminate student aid mills and reduce fraud and abuse.

Unfortunately, the rule is poorly written, in my judgment.

The regulation requires that schools participating in the student loan program derive no more than 85 percent of their revenue from the title IV student aid programs.

That is the good part, Mr. Speaker.

Unfortunately, the regulation then uses a very convoluted definition of what constitutes revenue.

In addition, the regulation, which was originally scheduled to take effect July 1, would apply retroactively.

As a result of these problems, the Department estimates that upon taking effect, the regulation would disqualify 30–50 percent of all proprietary institutions—many of which are doing a very fine job.

For instance, schools which provide off-site training to employees of large businesses cannot count those revenues for the purpose of 85–15 unless the training is exactly the same as that provided in their on-site courses.

In other words, the regulation inhibits schools in responding to the private sector and broadening their revenue base through private contracts. The very things the regulation is trying to encourage, it inhibits.

Mr. Speaker, the chairman and ranking member of the Education and Labor Committee support the 1-year delay as do most members of the committee.

During consideration of this bill, the House rejected an amendment to strike the 85–15 delay by a vote of 63 to 365.

I ask that the House insist on its position on this matter in the conference, and retain the 1-year delay of the 85–15 rule.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this motion to instruct conferees.

I have been involved in this fight against dishonest private, post-secondary schools since long before I came to Congress. This issue is troubling for many reasons. What disturbs me most is that bad trade schools take advantage of low-income students who are trying to earn an education. The 85–15 rule is all about preventing bad schools from taking advantage of poor students and the Federal Treasury.

What happens all over America is schools recruit low-income students, extend the maximum student loan, and then fail to provide an education and training that result in jobs for the student. Students then cannot afford to pay back their loan, they default, and a vicious cycle is continued.

Let me tell the Members how it works, Mr. Speaker. We have these private post-secondary schools that go to our unemployment offices, they go to public housing projects, wherever there are poor people and desperate people. They are in the downtown sections of many cities. They are not recruiting the homeless.

I call them the Joe Blow School of Computer Learning with no computers, and many of them really do not have teachers. Many of them are giving kickbacks to students who do not attend classes. They are all over America, and the complaints are many.

Mr. Speaker, I would simply ask the Members of this Congress to poll their districts, and ask their constituents whether or not they have been ripped off by these schools. You know who they are. They have a lot of advertising on television. They are in all of the newspapers. We are watching about $5 billion of American taxpayer money just go down the drain.

Mr. Speaker, I think the Members of Congress and others should ask why is it MAXINE WATERS spends so much time on this issue. Is she not the so-called progressive that is always talking about investment of government resources in our constituents in order to ensure that we have a decent quality of life for all of our citizens?

Yes, Members will oftentimes find me on this Floor advocating investment in human potential, but when I take to this Floor and I say to the taxpayers and the Members of this body, "You are literally giving away the taxpayers' money," who is getting trained?

These schools talk about training truck drivers for $20,000. They talk about dental assistants. Nobody knows what a dental assistant is. They talk about technicians of all kinds. The fact of the matter is, Mr. Speaker, people are not being trained.

Even for those companies who talk about the 85–15 rule will hurt them, why should we pay more to private industries for training when they have these training programs within their own companies? They pay decidedly less money, but we are willing to go in and give away the taxpayers' dollars to private companies for training that they would not pay for.

Mr. Speaker, what happens when a student is ripped off by one of these fly-by-night institutions, and they have not learned anything? Let me tell the Members what happens.

They have not gotten any training, they do not get a job, and they default on the loan. We have innocent young people who are defaulting on loans because they cannot get a job. They have not been trained for anything.

When they do find a job, usually a minimum wage job, then their wages are garnished. They cannot qualify for the earned income tax credit. They cannot get public housing assistance. They cannot get any kind of Federal assistance, because they have defaulted on a loan from which they received no benefit.

How can we as public policymakers claim that we are working on behalf of our constituents when we allow this type of abuse to continue?

Mr. Speaker, many Members of Congress may not be familiar with the type of abuse I am describing. Again, I would ask the Members to poll their constituents through their newsletters, find out how many have been recruited by these private postsecondary schools, and what happened to them. I would bet many of the Members' constituents are being ripped off in ways Members are not aware.

No matter what happens on the 85–15 rule this year, and I desperately hope we resist delay, there will be hearings next year, I am told, at a minimum, to explore problems of bad trade schools, but Members should not allow Congress to get off the hook on holding these hearings.

They are going to be spectacular. Yes, Members are going to be surprised, because if they are advertised, if they are publicized, people are going to come out in large numbers, and we should force Congress to hold these hearings so that we can have those who have been ripped off come before our legislators and let them know what has happened.

Mr. Speaker, my office has received correspondence from all across the country—mostly from lawyers representing low-income students—describing waste, abuse and human tragedy. For example, the Legal Services of Miami sent a letter which reads as follows:

> DEAR CONGRESSWOMAN WATERS: I represent several clients who have been the victims of proprietary trade/vocational schools * * *. Our clients are particularly susceptible to the recruitment tactics employed by these proprietary schools. They are poor, mostly uneducated, and unemployed. Our clients look to these schools for assistance in breaking out of the cycle of poverty. These schools promise training, grants, job placement, and stipends. They often deliver little or no education, large student loan debts, and no assistance with job placement.
>
> I represent a person who is disabled and was solicited by a trade school recruiter while she stood in line to receive public assistance. She was told her education would be paid by grants. She quickly realized she was unable to understand the material. She advised her teacher of this but was told, oh, you can catch on but she never did. She graduated having acquired only a large student loan debt but no marketable skills.
>
> Homeless persons are also easy prey for proprietary schools. One school went so far as to print fliers and hand them to homeless people who stood outside a shelter in downtown Miami. The education received is of no value and the homeless people graduate into a condition which is worse than before. No skills and large debts.

□ 1340

I could go on and on with these kind of stories, but at this time, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from California [Ms. WATERS] has performed a valuable service in bringing this matter to our attention and in pursuing it all this time. However, we did receive a letter from the chairman of the authorizing committee and also from the ranking member and other members of the committee asking us to delay the implementation of the rule for 1 year; the reason being that the rule only became effective July 1, and it was felt that there was not time between July 1 and the time that these schools, including the legitimate schools as well as the ones that we would like to close down, start their school year. So we did relent and include in the bill a provision that there would be a delay of 1 year in implementation of this provision. However, we have also made it clear in the conference report, and I expect it to prevail in the conference, that this is a 1-year provision, we do not expect it to be renewed next year. I will be opposed to a renewing of it next year and I think other members of the subcommittee will, too. But under the circumstances, I felt that the thing to do was to permit it to be implemented a year from now instead of now. So that is the reason it is in the bill.

We had a vote in the House on this when the bill passed the House. The vote was 63 in favor of not delaying the implementation of the rule to 365 against. So the House has spoken. I hope it is not necessary to have a long discussion about it. It would be the same discussion that we had when we were up in the House, but under these conditions I feel, as chairman of the committee, I should go to the conference and try to prevail on the provision that is in the bill.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, the 85–15 rule is a good idea and its implementation should not be longer delayed. This is not a new idea. For many years under the original GI bill, we made it clear to educational facilities across the country that they had to obtain at least 15 percent of their operational funds from sources other than the Federal Government. We are simply suggesting that schools with programs of merit should be able to secure private sources of funding, tuition and fees, from their students, scholarships and grants and loans from entities other than the U.S. Government.

I think it is reasonable to question the value of the programs offered at a school when the only funding source seems to be U.S. Government grants and loans. Quality schools should have a broader base of support and should be able to secure more than 15 percent of their total funding from sources other than the Federal Government.

Mr. Speaker, this legislation was included in the recently passed Higher Education Act. These schools were given 2 years in order to get ready for this 85/15 policy. This did not catch anyone by surprise. The advance warning was of fered 2 years back.

The gentlewoman from California [Ms. WATERS] offers a very reasonable argument. And who better to speak to this issue than someone who represents a district in which these for-profit proprietary schools are prevalent and a district in which the population is of such an income level that they are more likely to qualify for Federal financial aid? As she has testified here today, in far too many instances, the best interests of these students are being violated by these schools who churn them through a program largely to get the money, leaving them with no skills that result in meaningful employment, and also with the debts that accrue as they encumber sizable sums in Federal loan obligations.

Mr. Speaker, this issue represents a classic example of the misallocation of Federal funds. We have limited dollars to help needy students secure educational services in order to be trained for a meaningful job. We cannot afford to waste a single dollar in this part of the budget and yet we are frittering away hundreds of millions of dollars on these for-profit trade schools who simply churn these students with no concern about the students' future employability.

Mr. Speaker, this issue may have been resolved by an earlier vote of this House. But we should not compound the mistake of that vote by another vote today to instruct conferees to stick to the House position. I hesitate to say that the Senate is right, but on this issue, the Senate is right. They have had 2 years to get ready for the 85-15 rule. They do not need another year. We should not delay the implementation of this rule. We should reject the motion from the gentleman from Illinois [Mr. PORTER].

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I rise in the strongest possible support of the position of the gentlewoman from California [Ms. WATERS] and in opposition to the motion to instruct being offered by my colleague, the gentleman from Illinois.

The gentleman from Iowa [Mr. SMITH] stated earlier that on a vote on this question several weeks ago, the House registered its position by a vote of 63 to 365 in favor of the position being supported by the motion to instruct. I would hazard a guess after a few years in this institution that in very short order, many of the 365 Members of this House of Representatives who stood behind these proprietary trade schools will wish they had that vote to cast over again. Like rodents on the deck of a sinking ship, they will be scrambling to try to explain why they are defending institutions which in fact are exploiting the poorest people in America and exploiting taxpayers across the country. How many more cosmetologists, beauticians, and hairdressers do we need at a training cost comparable to what colleges and universities are charging to train engineers and medical specialists?

In fact, the Federal Government is being dragged into this day in and day out. The young people are being dragged into it day in and day out by diploma mills and ripoff programs that promise these kids a job if they will just sign on the dotted line. The kids sign on, they go to a few courses, there is no job, but when it is all over, they are still holding the bag, a debt to the Federal Government which, if they cannot pay, has to be absorbed by taxpayers.

This sort of thing is an outrage. Just a few weeks ago, we were engaged in a debate on this floor about a crime bill and the possibility of a prevention program. Some of the more conservative Members of this body stood up and ridiculed the idea of prevention programs when it came to fighting crime, calling it pure pork. I will tell Members what is pure pork, it is these proprietary schools which are not providing education to kids, which are ripping them off and exploiting them and doing the same thing to taxpayers. The 85-15 rule is sensible, the Senate is right, the motion to instruct should be defeated.

□ 1350

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I realize that much of what we say today may fall on deaf ears. The Career College Association is a very powerful lobby in Congress and they have done an effective job of organizing their members schools to make our Members believe that they cannot exist if the 85-15 rule is put into effect.

Since the House last considered this issue, there have been several newspaper articles and editorials denouncing our action and advocating delay. The Washington Post editorialized against delay. The Los Angeles times also ran an editorial in opposition to a delay.

Let me quote from that article:

> About 5 percent of the Nation's 15 million students in higher education attend trade schools * * * trade schools receive 25 percent of the $20 billion the U.S. Government spends each year on student aide * * * trade schools also account for 76 percent of all student loan defaults.

Let me repeat that:

> About 5 percent of the Nation's 15 million students in higher education attend trade schools * * * trade schools receive 25 percent of the $20 billion the U.S. Government spends each year on student aide * * * trade schools also account for 76 percent of all student loan defaults.
>
> The 85-15 rule was intended to give school owners incentive to offer quality education. This requirement is more than appropriate. But Congress has delayed its implementation for 2 years at the behest of the trade schools lobby * * * trade school students, and taxpayer-funded Federal student loans, should be protected from fraud and abuse. The 85-15 rule must not be delayed further.

This is a scandal, Mr. Speaker, about to happen. Let me quote from the inspector general of the U.S. Department of Education in the last paragraph of a letter to me.

> Because I believe this very valuable purpose is served by the 85-15 rule, I am not convinced that it should be delayed based on arguments by the proprietary trade schools that some percentage of such schools will close if the rule takes effect on schedule. We must be concerned first and foremost about the students who are victimized by inflated tuition prices for training for generally low-wage jobs, and end up defaulting on their student loans. Second, we have not seen data supporting the statistics for potential school closures cited by the proprietary trade schools. Third, we do not know whether schools that maintain they cannot comply with the 85-15 rule have made any serious efforts to do so in the 2 years since the law became effective. Finally, based upon this office's extensive experience auditing and investigating proprietary trade schools in the Title IV programs, we believe it likely that most schools that cannot meet the 15 percent rule have other serious programmatic problems such as high default rates, late refunds and administrative capability problems. I do not believe that good schools—those providing valuable training for reasonable prices—will fall victim to the 85-15 rule.

The inspector general said, "I urge you to reject any attempt to delay or otherwise weakening the 85-15 rule."

Mr. Speaker, I close by saying this is a scandal. Many who are here today supporting not implementing the 85-15 rule and who are doing what they are told to do by this lobby will be the first ones who will try to extricate themselves when it really is known to the American public about our support of this industry, $5 billion or more that are literally being ripped off by this industry that those who are supporting it now are going to have to run and hide from in the future. This is not just pork. This is waste, it is fraud, it is abuse, and the Members of this Congress should not tolerate it.

I ask Members not to support this motion to instruct the conferees to accept the House's actions on this measure. It is not in the best interests of our taxpayers to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I am pleased to yield such time as he may consume to the able and distinguished gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, first of all I am happy to say I have never taken any PAC money in 20 years so, I am not here defending any lobbyists. What I am defending is the opportunity to provide a good education for those people at a time when it is going to be critical, critical to have the best proprietary education we can possibly have.

If we were talking about modern-day history, if we were talking about present-day history I would be right in the well with all three of my colleagues defending what they are saying. They are talking about past history because under the leadership of our chairman, the gentleman from Michigan [Mr. FORD], we have taken the necessary steps to make it past history.

I am not here to defend what happened in the past. It happens in every good-meaning program we ever send out there. We get ripped off because we are not smart enough, and I guess we never could be, to make sure that the rip-off artists are not somehow or other ripped out before they ever get an opportunity.

Asbestos, what a ripoff. It came before my committee. I said one, we better make sure that we allow the local districts to take 1 percent of their Federal dollars to implement whatever it is we are telling them to implement because they do not have any money to do it themselves. No. two, we better make very sure that there are not rip-off artists out there, the only people who are going to be out there telling country schools this is what they have to do. Was it a ripoff? Was it ever a rip-off. Now we are saying that is not right, we should not have done it that way and now we are ripping them off again.

Let me tell Members what is happening in my community, four little towns in the area in which I live with the ADA. I am a strong supporter, a promoter, a pusher of the ADA in the Congress of the United States. What is happening in those small towns, and I suppose all over the country, they are going to every curb where there is a State road or a town road or a city road, and they are making ramps. Members say well, that sounds proper. Certainly it sounds proper. Unfortunately, one block down, two houses down there are no sidewalks, the roots have brought the sidewalk out if there ever was one, and a little bit further down there is a driveway that goes in, no ramp on those driveways, so great, I can now move in on my vehicle and I can go about a half a block, and then I have to turn around and come back. Some places they even have steps down on the private property.

Talk about ripoff, that is exactly what it is. That is exactly what happened here.

That is what happened in Medicare. As I have told hospitals, "You ripped us off, now as a Congress we are ripping you off," and that is what we have done with them the last couple of years.

So let us talk about present history. Let us talk about today. Let us talk about what is happening now as far as proprietary schools are concerned.

First of all, I support the motion to instruct. I oppose the opposition to it because first of all the department was retroactive in the manner in which they handled it. It was to take effect July 1, 1994. There was no 2 years to get ready, and do not tell me there was, because the regulations were not out. No one knew what was going to be in the regulations. They changed every minute down in the department.

So they said, well, we are going to make this effective back to July 1, 1993. Back to July 1, 1993, how could they prepare for that when the law was not to take effect until July 1, 1994?

The rule has already, I might say, caused the closing of good proprietary schools, good proprietary schools, and many more will take place if we do not have the 1-year delay. They did not close because of bookkeeping and accounting practices as a result of fraud and abuse.

□ 1400

They closed because of the retroactivity of the rule. Let me give you one example: Western Medical College in Oregon. This school helped welfare recipients get an education, get jobs, and most importantly, get off of welfare. But the 85–15 rule caused it to close its doors. Now, who gets ripped off? The taxpayer gets ripped off, and all of those students who are enrolled and are halfway through the program, they are now out. They have lost everything, no opportunity for an education, no opportunity for a job, and no opportunity to get any money back from the money that was sent out by the Federal Government.

The delay will allow quality institutions to organize their programs and finances to meet the requirements of 85–15. The delay will not cause or allow for rampant fraud and abuse.

As I indicated, we have taken many steps in the last couple of years that are really proving that we moved in the right direction. First of all, and again under Chairman FORD's leadership, we have put 20 percent of those schools out of business, 20 percent already we have put out of business. How did we do it? We delayed disbursement. We should have done it in the first place. But we were not smart enough to see that far ahead; delayed disbursement, put them out of business in a hurry. They needed the money immediately. The way we were doing it, we were giving it to them immediately. The student did not even know what the program was and did not even know if they wanted it, 2 days later they were gone, the school had the money, and we should have been smart enough to see in advance, but we were not. We changed that. We now delay disbursement. We put caps on default rates, sent another bunch out. We put loan limits, sent another group out, and insisted on good placement statistics, which sent another group out of the program.

But let us not get caught up in the business that all of this is the proprietary schools. Let me tell you, there are many 4-year institutions, and I know we do not want to debate those at this particular time, and we know who they are, whose default rate is far greater than even the worst default rates in many of these proprietary schools, and it was not $4 billion that we lost. It was $2 billion, $2 billion, get your statistics right, and that is down from $3.6 billion in 1991. So it is working, from $3.6 billion down to $2 billion.

But that includes everybody. That includes 4-year institutions, that includes 2-year institutions, and that includes proprietary schools. It is working because we, as an oversight committee, have done what we should have done earlier, and I will admit that, but we are doing it, and we are doing it well.

Student loan default rates have decreased by more than 7 percent from 1990 to 1992. The greatest decline in default rates has been in the proprietary sector, where there is a 10-percent decrease in that time. The actual number of students attending proprietary institutions defaulting on their student loans has decreased by 239,000 between 1990 and 1992.

Yes, more efforts are needed to curb default rates in all institutions. The committee is making those efforts, and we are going to build on what we have done in the last 2 or 3 years. But we have had a very, very effective beginning.

Now, let us not throw the baby out with the bathwater. We need well-trained people from proprietary schools. We cannot do it in 4-year institutions alone. We cannot do it in 2-year institutions alone.

Twenty-five percent of our students, only 25 percent, ever graduate from a 4-year institution, only 25 percent, so when the Secretary of Labor had us bring before you a bill to make sure that we have people properly trained and prepared for the work force, we made that point clear, that we have to do more for the 75 percent. We have been doing it all for the 25 percent, and that is not going to help us in this very competitive world.

I agree wholeheartedly and ask you to support the motion to instruct the conferees and delay this 1 year so that we do not throw out the good institutions that are out there that are preparing the workers that we need for a very competitive work force.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the motion to instruct offered by the gentleman from Illinois [Mr. PORTER].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SMITH of Iowa, OBEY, STOKES, and HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Ms. DE LAURO, Messrs. SABO, PORTER, and YOUNG of Florida, Mrs. BENTLEY, Mr. BONILLA, and Mr. MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4554, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DURBIN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 4554) making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SKEEN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Bill H.R. 4554, be instructed to insist on the House position on the amendments of the Senate numbered 43 and 80.

The SPEAKER pro tempore. Under the rule, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion insists the House conferees sustain the firm position of the House to provide $914 million for the essential operations of the Food and Drug Administration.

Second, Mr. Speaker, my motion instructs the House conferees to support and maintain the House provision giving the Farmers Home Administration the authority to create a loan guarantee program to provide rural rental housing for low- and middle-income recipients.

I think that covers the intent of it.

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good motion. I support it.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the motion by the gentleman from New Mexico. This motion would instruct House conferees to insist on inclusion in the conference report of the House-passed provision providing $1 million for a Farmers Home Administration demonstration program of loan guarantees for multifamily rental housing in rural areas.

On June 17, 1994, the House approved an amendment to H.R. 4554, made by this Member, to transfer $1 million from the 502 Direct Loan Program and reserve it for funding for a Rural Rental Guarantee Program. This 50 project demonstration program to provide Federal loan guarantees for the development of multifamily rental rural housing is included in H.R. 3838 which passed the Banking Committee on June 15, 1994. The amendment specified that the $1 million transfer would become available only upon the enactment of the authorizing legislation.

The demonstration would finance 25 projects in each of fiscal years 1995 and 1996 and would provide a 90-percent guarantee on loans made by private lenders to the developers of rental housing for five or more families.

Current law provides direct loans for the development of rental housing for low- to moderate-income families. The demonstration program will provide for additional housing for moderate income families at a limited cost to the Federal Government. Unlike direct loans, which require appropriations of the whole amount of a loan, loan guarantees only cost the Federal Government the amount of defaults on private loans.

This Member worked with Fannie Mae, the National Association of Homebuilders and the Rural Housing Council and others in creating this program. This new program is based on the highly successful existing 502 middle-income loan guarantee program for individual homeownership in rural areas. This program has a default rate of only 1.59 percent.

Mr. Speaker, this Member is pleased that the House has shown the foresight to fund this program and urges his colleagues to support this motion to instruct to maintain the House position. This Member thanks the gentleman from New Mexico for offering this motion and urges its passage.

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Mexico [Mr. SKEEN].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. DURBIN, Mr. WHITTEN, Ms. KAPTUR, Mr. THORNTON, Ms. DELAURO, Messrs. PETERSON of Florida, PASTOR, SMITH of Iowa, OBEY, SKEEN, and MYERS of Indiana, Mrs. VUCANOVICH, Mr. WALSH, and Mr. MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4602, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DICKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I offer a motion to instruct conferees

The Clerk read as follows:

> Mr. REGULA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4602, be instructed to insist on the House position on amendments numbered 67 and 68.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). The gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes, and the gentleman from Washington [Mr. DICKS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer this motion to instruct on a moratorium that I have offered in the past 4 years. The language has been included in the House Interior appropriations bill since fiscal year 1992, and each year negotiators with the other body have demanded this provision be stricken during the conference.

This year I had hoped comprehensive mining reform legislation would be enacted, as bills had passed both bodies, but as yet the conference has made little progress. I am increasingly less optimistic that reform of this antiquated law will occur in this Congress.

The language in question does not stop mining. It does not require royalties. It does not impose any new reclamation requirements. In short, it simply insures that the taxpayers retain title to the land at the termination of the mining process.

As an example of what has happened, in Denali, we have several thousand acres, 1,300 acres, that were purchased for $6,000 total. We are estimating we will have to pay $22 million to repurchase land that was sold by the Government for $6,000.

□ 1410

I do not want that to happen in the future. In June the Mineral Policy Center released a report which echoed the concerns I have had over this issue for some time. Their report captioned "Golden Patents, Empty Pockets" concludes that unless Congress takes action during the 103d Congress, title to more than $34 billion in mineral resources belonging to the American taxpayers will be signed over to private mining companies for no more than $800,000. Thirty-four billion for $800,000 and with no royalties. Many of these companies with pending patent applications are not even American businesses. We are literally giving our rich mineral resources—our gold, our silver, our platinum—away to foreign interests for bargain basement prices.

It is possibly the biggest travesty in Government and yet it has been happening under an antiquated 1872 law.

The Mineral Policy Center report estimates that since 1872 the Federal Government has given away more than $231 billion of mineral resources belonging to the public, either by patent or by royalty-free mining on public lands.

Now I recognize that these figures do not represent profits to the mining industry. Certainly there are costs incurred in getting these minerals out of the ground, but these figures are a clear indication that the Government is not receiving a reasonable return for the taxpayers under the current law. I find it incomprehensible that we are willing to give away the public lands with virtually no compensation.

Just recently the Secretary of the Interior was forced to approve a patent application of the American Barrick Resources Corp. for 1,038 acres. Those lands hold mineral reserves valued at more than $10 billion. Barrick took title to the land for $5,190 and will pay no royalty on the mineral resources that until the patent was approved were owned by the Federal Government. A Canadian company has secured from the United States title to these valuable lands, something it could not secure from its own government. No other country that I am aware of in the world deeds their land and minerals over to industry without retaining some interest for the Government.

Patent applications have increased as Congress has tried unsuccessfully in recent years to reform the mining law. Currently 613 patents covering 250,000 acres are being processed by BLM. The longer Congress avoids mining reform, the more likely all of the mineral resources are to leave public ownership for the bargain rate of $2.50 to $5 an acre with no chance of gaining royalty payment on the resources.

While many of these 613 applications are too far along in the process to be affected by my amendment, if we adopt my patent moratorium we at least slow the rapid giveaway and maybe will require that both sides get to the bargaining table on mining reform, and that is what should happen. We should get a completion of the mining reform conference. The Mineral Policy Center recommends an immediate patent moratorium and estimates this would save more than $10 billion in recoverable minerals reserved from being privatized by mining companies.

Mr. Speaker, this is the fourth year that the House has adopted this language, and in each of the past three it has been sacrificed for some other cause in conference. If my amendment had been in place in May, the Secretary, and that is in May of this year, would not have been forced to turn over an estimated $10 billion in minerals to a Canadian company. The secretary himself called the land transfer, quote, "the biggest gold heist since the days of Butch Cassidy." While the Barrick travesty is history we can take action to stop further give aways and possibly force the reluctant mining interest to the table for meaningful negotiations on comprehensive mining reform. Absent a patent moratorium, time is on the side of the mining industry. This amendment gives the American taxpayers, the owners of those public lands, a better bargaining position by ending the land giveaways until a more comprehensive solution is reached.

My motion is supported by the chairman of the Natural Resources Subcommittee and by Secretary Babbitt, and I urge the Members to adopt this motion.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to instruct the conferees.

Mr. Speaker, Senate amendments 67 and 68 strike provisions the House included in the bill that would prevent accepting and processing applications for patents and prohibit the actual patenting of Federal lands to claimants under existing mining laws. Similar provisions have been included by the House many times in the recent past and have similarly been rejected by the Senate.

There is no question that the practice of transferring title to Government lands to the private sector for nominal fees, and the subsequent mining of minerals with no compensation to the Government, is one that many of us in Congress believe should be changed. Currently a bill reforming the entire mining law is in a House-Senate conference. Were the conference to conclude with an agreement acceptable to both Houses the provisions we carry in this bill would be unnecessary. However, the outcome of that conference is in some doubt. Absent a permanent change in the law, lands can continue to be transferred to the private sector without adequate compensation. This is why these provisions are important.

I would caution that these provisions will meet with strong opposition in the Senate, both from Senate conferees as well as western mining interests in the Senate as a whole, and are apt to be filibustered in a manner similar to grazing fee provisions in last year's bill, even if agreed to by Senate conferees.

Mr. REGULA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to the motion of the gentleman from Ohio, RALPH REGULA, a colleague of mine on the full Appropriations Committee.

I am sure he is sincere in his view that mineral patenting is a flawed system. The gentleman knows I disagree with him on this matter, as do many western Members. The other body disagrees as well, for the offending provisions in H.R. 4602 were removed in the Senate Appropriations Committee and were not restored on the floor.

Mr. Speaker, there are indeed champions of a mineral patenting overhaul in the other body, indeed, several sit on the Senate Appropriations Committee. Yet, they did not choose to use an appropriations maneuver to effect such reform. Why did they choose not to? Because there is an ongoing mining law reform conference wrestling with the patenting issue as well as broader concerns about hardrock mining in the West.

The insistence of our House conferees on a mineral patent moratorium in the fiscal year 1995 spending bill greatly imperils the likelihood a successful conclusion to the reform conference can be achieved. It's that simple, Mr. Speaker.

A simple freezing of the status quo on mineral patents—something Secretary Babbitt has practically achieved administratively, in derogation of the law, I might add—may well pull the rug out from under efforts to reach comprehensive reform. These reforms are more than just the manner in which tenure is granted, these are changes in the manner in which mining claims are initiated, the lands prospected, discoveries made and developed into mines and the land reclaimed.

Mr. Speaker, I don't wish to seem disingenuous about my position on comprehensive reform. As the ranking member of the authorizing subcommittee on mining, I'm sure many Members will remember my strong views on H.R. 322, the House-passed reform vehicle.

But my opposition to that bill is irrelevant to this debate. I urge a "no" vote from my colleagues on this motion because I truly believe it undermines the effort of the authorizing committee of conference. Furthermore, Mr. Speaker, this would not be the first time an appropriations moratorium on mineral patent issuance has occurred. The fiscal year 1992 bill for the Interior Department attempted to restrict then Secretary Lujan from processing oil shale mining claim patent applications. It is instructive to note what happened to that ban.

An oil shale miner challenged the Department's refusal to process his application for claims near Vernal, UT, in the Federal district court. On July 28, 1992, Judge Bruce Jenkins ruled that the Secretary's duty to process mineral patent applications in a timely fashion was not extinguished by that year's oil shale moratorium provision. Furthermore, it is my understanding that the Justice Department did not appeal the ruling, and the application was subsequently processed.

Mr. Speaker, I think its clear, given this judicial precedent, that if such a moratorium is signed into law this year, mineral patent applicants will simply sue to have it overturned. But why should the Congress make citizens have to litigate a property right like this? It just doesn't make sense to me.

Let's continue to work within the confines of the mining law reform conference to achieve consensus on comprehensive amendments to the manner in which our public lands are used for hardrock mining. That is a tall order, I know, but I believe it remains possible to reach closure this Congress if sham reform such as a patenting moratorium is not substituted in its place.

Mr. Speaker, I urge a "no" vote.

☐ 1420

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of the motion to instruct offered by the gentleman from Ohio [Mr. REGULA]. I thank him for his leadership on this issue.

I think it is absolutely critical to maintain the moratorium in the House bill on the patenting of Federal lands.

There are three general reasons for doing this. No. 1, we need to protect the taxpayers' interests. It is way past time to continue to sell off this land at $2.50 or $5 an acre, the price that was set in 1872, when it might have been a reasonable price. It certainly is not now, given the extremely valuable resources that are at issue here. The General Accounting Office estimates there is something like 64 billion dollars' worth of minerals on Federal lands today. Selling those at $2.50 an acre does not make a whole lot of sense.

The second reason for supporting the moratorium is that we all know or at least hope that we are going to get a mining law reform bill passed sometime soon. When we do, there will be revisions in this area. Obviously, in anticipation, there is a rush to patent claims now. We need to have this moratorium in place so as not to be further ripped off by this rush to patent while awaiting final passage of mining reform.

Finally, there is a strong environmental reason for doing this. Under the provisions of the mining reform bill that we hope to see enacted, we are going to see requirements for reclamation and remediation and other ways of avoiding environmental problems associated with hard rock mining. We need to limit unrestricted patents now so as to enable these protections to be put in place in as many sites as possible where they will be needed.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL], a senior member of the Committee on Natural Resources and an expert on this matter.

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, this land is not your land. This land is not my land. This land is the hardrock mining companies for basically free.

The lands I am talking about are our public lands—rich in minerals such as gold and silver—to which the name of each American is on the deed of title.

Yet, these are the lands under which the mining law of 1872 still, to this day, allows multinational mining conglomerates to seize fee simple title under what is known as a mining claim patent for a mere $2.50 or $5 an acre.

And what type of so-called mining law is this?

Why, a couple of years ago the Arizona Republic carried a story about a gentleman who paid the Federal Government $155 for 61 acres' worth of mining claims. Did he mine these claims? Did he produce mineral wealth from them.

Well, today, these mining claims are the site of a Hilton hotel. The gentleman who patented them now estimates that his share of the resort is worth about $6 million. Not a bad deal, except from the taxpayers point-of-view.

I could cite countless examples of similar situations. There are billions of dollars worth of federally owned minerals that have already been given away. And, there are billions of dollars more, about 34 billion dollars' worth to be precise, that are currently subject to patent applications pending before the Interior Department.

The situation we find ourselves in is that the House of Representatives over the last several years has included a provision to place a moratorium on the further issuance of mining claim patents as part of the Interior appropriation bills.

And, by a 3 to 1 margin, last year this body passed the comprehensive mining law reform bill I am sponsoring. Yet, time and time again we find resistance to these provisions in the other body. Enough is enough. Let us have comprehensive mining law reform.

But as a stop-gap measure, let us support the gentleman from Ohio, RALPH REGULA, in this motion to instruct the House conferees on the Interior appropriations bill to maintain the patent moratorium provision in conference with the Senate.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from Ohio, yielding this time to me.

Mr. Speaker, this attempt to impose a moratorium on future mining patents in my opinion will only serve to diminish the prospects for enacting overall, comprehensive mining law reform this year. I would urge my colleagues to reject this motion to instruct House Members to insist on the patent moratorium adopted by the House earlier this year.

I support responsible, comprehensive reform this year, but simply adopting this piece-meal approach to mining reform will only serve to jeopardize chances for a broader bill. For those who want to see mining law reform should realize that singling out issues such as patenting will only reduce Congress' resolve to enact comprehensive reform this session. Mining law reform must be given the chance to be dealt with in its entirety under the existing conference committee.

Many Members of the House have worked to develop responsible proposals addressing the whole spectrum of mining issues. Resolving the patenting issue should remain one of the key goals of the conference and should be developed within the confines of the conference.

It is unfortunate that the very ardent proponents of mining law reform continue to offer elements of their larger agenda on a piecemeal basis to an appropriations bill. It strikes at the very heart of the legitimacy of their claims that they want reasonable reform of the mining law.

This effort will not serve the best interest of the conference nor achieve the goal of finding a final resolution to mining law reform. I would urge my colleagues to defeat this motion.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Idaho [Mr. LAROCCO], a member of the Committee on Natural Resources.

Mr. LAROCCO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the motion to instruct offered by the gentleman from Ohio [Mr. REGULA].

This motion to instruct would place a 1-year moratorium on patenting of hard rock mining claims. I want to say to my colleagues that we are addressing this issue right now in a comprehensive mining law conference committee, and I would not want to do anything to derail those efforts.

But let me say to my colleagues that I recognize that the gentleman from Ohio is raising legitimate issues. Nobody in my State of Idaho in particular would deny that there have been abuses of the patenting process. But I think what we ought to do is deal with these abuses in a comprehensive way in the conference that is now going on instead of taking these issues in an isolated fashion.

If I may, as we often do in the House of Representatives, let me talk about my district. In 1982, in Shoshone County, in my district, there were 8,400 hard rock mining jobs and associated jobs in the industry. Right now we have about 500. But with the price of silver creeping up, there is a good chance we are going to get those miners back to work and we will have some active mines and we can bring back a restructuring and a rebirth of the mining industry in a proper way. We can do it hopefully with a reasonable reform bill and do it with what is going on right now in the conference. But I do not feel that we should be picking apart this bill right now.

Mr. Speaker, I urge my colleagues to vote no on the motion to instruct. Let me say that I am working as hard as I can to bring about reasonable mining law reform, but I do not think this is the way to do it. Again, in my State, which is known as the Gem State, where we have hard rock mining jobs, I do not want to send those jobs overseas and offshore, so I urge a no vote on the motion to instruct.

Mr. DICKS. Mr. Speaker, it is my honor to yield 3 minutes to the distinguished gentleman from California [Mr. LEHMAN], the chairman of the Subcommittee on Energy and Natural Resources.

Mr. LEHMAN. Mr. Speaker, I thank the gentleman from Washington for yielding this time to me.

Mr. Speaker, I rise in strong support of the motion to instruct.

The House has supported a patent moratorium for several years now as an interim step to achieving comprehensive mining reform. And, we have addressed the overriding need to reform the 1872 mining law, fundamental to which is ending the archaic practice of patenting—or practically giving away—public mineral lands.

As you will recall, the House voted by a 3-to-1 margin last fall to reform the mining law of 1872. The House passed a strong bill, but one that will not harm the mining industry's ability to mine profitably on Federal lands while at the same time allow the Government to keep a fraction of the value of such minerals.

One of the key issues in the mining reform debate is that of patents. Under the 1872 law, which governs mining for precious metals, like gold, silver, and platinum on Federal lands, miners who discover one of these minerals are entitled to a patent—or fee-simple title to the land. Since 1872, the United States had transferred over 231 billion dollars' worth of mineral assets to mining companies, charging minimal administrative costs for the land transfer and no royalty whatsoever.

The bill adopted by the House and reflected in the House counteroffer would eliminate the patenting process.

As many of you know, it is the patenting system which legally forced Interior Secretary Bruce Babbitt to transfer ownership of nearly 2,000 acres of public land in Nevada—land containing $10 billion in gold—to a Canadian-owned mining company for the appalling sum of just $9,765. If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform—we will see more and more such cases in the years to come.

We are trying to resolve this issue, and many more, with the Senate conferees right now. However, we are not optimistic. After receiving an offer from the Senate conferees on June 29, we countered prior to the August recess. We are now waiting to hear back from the Senate. The industry is pushing hard to block reform. The Senate appears entirely undecided about what kind of mining reform to enact, or, for that matter, whether or not to support any kind of mining reform at all.

In the meantime, and in light of the very real possibility that we will not achieve reform this year, we should move to block mining conglomerates from pirating valuable public minerals just because they are able to tie up reform in the Congress.

That is where the provision on a patent moratorium in the Interior appropriations bill comes in.

Unless Congress acts now by enacting H.R. 322 or by enacting this patent moratorium, title to an additional 24 billion dollars' worth of mineral reserves—which rightfully belong to the American taxpayer—will be signed over to international mining conglomerates for the paltry sum of less than $1 million. These companies will win the golden ring simply by paying $5 an acre—and what do the taxpayers get in return? Nothing, an empty pocket.

The patent moratorium is not comprehensive mining reform: but it is a very important interim step.

So, I urge a vote for the motion to instruct. Far from obstructing the work of the mining conferees, it will expedite our work, and will demonstrate that the House—and hopefully the Senate as well—insist that if we cannot achieve real reform, we will at a minimum stop the giveaway of public resources until such time as we do achieve reform.

I congratulate the gentleman from Ohio [Mr. REGULA] for his motion. We should stand in support of it on this floor today.

□ 1430

Mr. REGULA. Mr. Speaker, I yield 10 minutes to the gentleman from Alaska [Mr. YOUNG], the ranking member on the House authorizing committee.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong opposition to the motion of my friend from Ohio, seeking to direct the Secretary to break existing laws even as we labor in conference to change those laws.

Mr. Speaker, rarely have I heard as much disinformation about the existing state of affairs than I have heard about the mining law. At a time when Americans are worrying about jobs and the state of the economy, we are being asked to short circuit an ongoing conference on reform of the mining law which threatens the outcome of that conference.

Many of my colleagues in this body do not agree with me and my colleagues who have miners earning a living in their districts. I do not have an automobile plant in my district, but I would be the last to attempt to short-circuit the process of a conference regarding automobile safety standards by outlawing the sale of gasoline. Especially on an appropriations bill.

Largely because of Secretary Babbitt's insistence on making media appeals on behalf of mining law reform, Congress has spoken in both Houses on the matter. By varying degrees, all concerned about the jobs of Americans in the mining industry want to see appropriate changes to that bill. That is why we are now in conference on an authorizing bill. It makes no sense to alter that now and risk the entire conference.

Mr. Speaker, we have all heard about how under the existing law, you can get public land for as little as $5 an acre. After seeing Secretary Babbitt on TV complaining his being compelled by the courts to issue a mineral patent, Mr. Richard Swainbank, of Fairbanks, AK, wrote the Secretary to ask for an acre. He included a check for $5, and asked that his acre be on a lake in Alaska with a view of mountains. Furthermore, he asked the Secretary, that his acre come complete with gold, platinum, or scandium. Much to his surprise, Mr. Swainbank received a letter from the Department of Interior saying, in essence, that it was not nearly that easy. To quote in brief, "For most individuals, the exploration process leading to the discovery of a valuable mineral deposit may cost several hundreds of thousands of dollars per claim, and that expenditure may lead to nothing if no minerals are found or the BLM mineral examiners determine that the requirements of discovery of valuable minerals have not been met."

So, Mr. Swainbank got his check for $5 back, and did not get his land. Neither, apparently, does anyone else, according to this Department of Interior official.

So, I ask the House: If the idea that you can get land for $5 an acre is dead wrong according to Secretary Babbitt's own Department, and the Congress is already engaged in a conference on meaningful mining law reform, why should we support any measures which could disrupt such reform? I suggest we should not, and urge my colleagues to do the same and defeat the motion.

Let me just add to my friend from Ohio, the author of the motion, that I was in my office when he described the problem of the mining claims in Denali National Park. The gentleman fully knows that we would not be acquiring those lands if they were not added to the park which they should have never been. I have argued long and hard against land grabs which affect private property. I wish that some of my colleagues would listen a little more closely before adding active mining claims like this to national parks. It is not the fault of the miners seeking to work their claims—it is the fault of the Congress whose appetite for new parklands and acquiring private property seems to have no bounds.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, am I not correct that the change of boundaries came out of the gentleman's committee and not ours?

Mr. YOUNG of Alaska. Mr. Speaker, I will agree with the gentleman. The gentleman voted for it. It was not my idea. It was by that time Mr. Udall and Mr. MILLER and the rest of them that voted for it.

Mr. REGULA. It came out of the authorizing process, am I correct?

Mr. YOUNG of Alaska. It did. But I voted against it, remember that, and I talked against it on the floor.

Mr. REGULA. I understand. There has been a lot of talk about this affecting jobs. The mining can go on with the moratorium. There is nothing in the moratorium that stops the mining. So how would it affect jobs?

Mr. YOUNG of Alaska. If you cannot achieve an ultimate goal of the patent on the claim, why should you keep on mining?

Mr. REGULA. I thought the goal was to mine, not to own the land.

Mr. YOUNG of Alaska. Oh, both. Both. It is both. Second, may I suggest to you, we are now working on this process in the conference.

□ 1440

The gentleman knows good and well what he is doing is running around the back door, trying to undo what the conference may not be able to achieve this session. I think that is inappropriate. If the gentleman wants to do this, let the appropriate committees do it, not through the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, what does he think the chances are of getting comprehensive mining reform in this session?

Mr. YOUNG of Alaska. Mr. Speaker, I hope zero, right up front. I hope zero because the bill is a bad bill that left this House. It was a decent bill when it left the Senate, and there now has been a mark put forth that no one could accept. But that is beside the point. We are going through the process.

If the gentleman wants to do all the legislative process in the appropriations bill, let us let him do it. But that is not the way it should be done. This is the back door approach to a solution that can be done through the legislative process and the conference.

If we do not succeed this year, then the House has to come back next year and do the bill right, as they should have done this year, not take and put our jobs overseas and take jobs away from the miners.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, if the gentleman is so pessimistic about the outcome of the conference, he is on the conference committee.

Mr. YOUNG of Alaska. The gentlemen and I sit side by side.

Mr. RAHALL. Mr. Speaker, would the gentleman be willing to help us in that conference committee resolve this issue so this does not become a perennial issue for the House of Representatives?

Mr. YOUNG of Alaska. Mr. Speaker, we will resolve the issue when the gentleman accepts the fact that there are miners and mining industry in this country in the West that need some provisions that the gentleman did not include in the bill that he brought out. He knows it.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, is the gentleman saying that he would support getting conclusion of the conference report?

Mr. YOUNG of Alaska. Mr. Speaker, we support revision of the 1872 mining law. And by the way, we have worked on 37 different changes. The Senate passed the bill, a very good bill, and the House messed it up. It went over there. Then they got a mark from the leading Senator. I should not mention his name. We do not know where we are right now.

Then, fortunately, the gentleman from West Virginia [Mr. RAHALL] has to put up with sitting next to me, and I know it just pains him terribly. I do not have the control that he has. He is in the majority. I do not know who is going to call the conference.

But besides that, there is a meeting of the mind and protection and promotion of mining legitimately. I do not think we have a chance this session.

That is not the point. The point is, we still have the opportunity to do the process. Why go around the back door? I do not understand that at all. I do not think it is the appropriate thing.

My colleagues know my feelings on the other pieces of legislation in the appropriations process, legislating on the authorizing committee. I am surprised that the gentleman from California [Mr. MILLER] is not here right now raising holy heck about this. He is always one who objects to this process.

Mr. RAHALL. Mr. Speaker, if the gentleman will continue to yield, the gentleman from Alaska refers to the actions of the other body. I think it would be important to remind our colleagues that the other body passed this, their so-called reform, by only a voice vote. They are not on record.

We have passed this reform authorization bill this year by an overwhelming bipartisan, along with western members of my party supporting in this effort. So I hope that the gentleman would recognize that there are those from the Western States that represent mining companies and miners who represent the mining industry who recognize that there have been abuses in the past.

What we are trying to do here is correct those abuses along with mining rather than speculating on the public's land.

Mr. YOUNG of Alaska. Mr. Speaker, reclaiming my time, may I suggest respectfully, the gentleman hit it right on the head. In the past.

What this committee has done and has always tried to do is punish for those people in the past. There has been over 37 changes in that mining law. The miners have to apply themselves to every clean air, clean water law today.

Now they are telling the people that they cannot keep their mines. They have to pay money up front.

What we are trying to do is drive the industry over to other countries. By the way, Mexico and all the Scandinavian countries do not charge royalties, and we are trying to charge royalties today. Do not go through the back door.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I appreciate the opportunity to speak for a couple minutes on this issue. I also sit on the mining conference committee and also come from a Western State, where mining is an important industry to our people.

It is important that we recognize what is happening here. We have a mining conference that is now operative between the House and Senate, the committees that are germane to the issue who are working on the issue. And yet here we face in an appropriations bill an effort to put into place a moratorium.

It has been said and just discussed recently that there have been some past circumstances that are continuously pointed to where Members can point to abuses of the system. But I want to reemphasize that those circumstances by and large have already been addressed and in the conference committee itself we are ready and willing to talk about solutions.

One of the solutions, if my colleagues are concerned about a small payment for a patent claim, it has already been agreed to have the payment be made for fair market value or for the surface, a royalty to be paid on the minerals that are taken and reverter deeds that gives land back to the Federal Government when the mining operations terminate. There are reasonable Members willing to work together to find a good solution to this.

What we do not need to see is efforts to go outside the system and put into place a piecemeal approach to solving a problem. In fact, that is going to be counterproductive to helping us get the entire issue resolved in terms of mining reform. We cannot ask those who are involved on the germane committees to come together and work to try to resolve the differences in this country and between the House and the Senate on this issue if we are going to piecemeal it in the appropriations process.

I urge a vote against this motion.

Mr. DICKS. Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Let me again point out to my colleagues, we have had this moratorium through the House, passed the House four times in the last 4 years. Each time it drops out because we are told we are going to have comprehensive mining reform.

We have been promised that for 4 years. Nothing has happened.

We talk about piecemeal. This is not permanent legislation. This is for 1 year only. We are saying, let us not give away another 250,000 acres for $2.50 an acre on these 613 patents that are pending and in the meantime wait for some more mining reform.

That is what we need, and I hope that the commitment I have heard today comes to fruition. But I am getting pessimistic, given the fact that this has been promised for the last 4 years.

Let me emphasize, this does not affect jobs. This moratorium does not in any way effect a requirement of royalties. It does not affect anything having to do with environmental rehabilitation. It does not affect jobs because mining can go on regardless of the moratorium, and so I think it is only responsible that we put in the moratorium so that we can get the comprehensive mining reform and address this problem permanently. If that were to happen, then we could drop this out of our conference report, if we can get that done this year.

Mr. MILLER of California. Mr. Speaker, I strongly support the motion to instruct.

Inclusion of the patent moratorium is more important this year than at any other time in the past. As Members will recall, the House voted by a 3-to-1 margin last fall to reform the mining law of 1872, a Civil War era law that encourages the giveaway of billions of dollars of gold, silver, and other minerals that belong to the American taxpayer. We passed a good bill, a tough bill, but one that will both allow the mining industry to continue to operate profitably, and also allow the taxpayer to recoup some of the value generated by the mining of its metals.

We are now in a conference committee with the Senate, which passed a bill—openly repudiated at the time of its passage—designed to serve only as a ticket to conference.

Now, some 10 months later, serious obstacles stand in the way of achieving mining reform this year. The Senate appears entirely undecided about the scope and design of what is acceptable as policy or can pass that body. There are three, or four, or more factions, each threatening to kill any package that does not meet with their often contradictory views. For a body which often has to function largely by unanimous consent, that is an ominous signal.

One of the key issues in the mining reform debate is that of patents. Under the 1872 law, which governs mining for precious metals, like gold, silver, and platinum on Federal lands, miners who discover one of these metals are entitled to a patent—or fee-simple title to the land from American citizens and the mineral wealth it contains. Since 1872, the United States has let over 231 billion dollars' worth of mineral assets slip through our fingers in this manner, charging minimal costs for the land transfer and no royalty whatsoever.

Now, the position of the House, which this body approved by a 3-to-1 margin, is that we should end the patenting system. We should not give away permanent ownership of the public lands. We don't do that in oil and gas leasing. The States don't do it in hard rock mining. I don't think that many private individuals do it.

The Senate has seen the issue somewhat differently. They propose giving patented ownership of the subsurface resource to the mining company, and having the public retain the surface rights. Then, when all the valuable mineral has been stripped away, ownership of the site would revert to the taxpayers.

This, Mr. Speaker, is the meaning of the phrase, "They get the gold, and we get the shaft." It is a preposterous argument. Although the mining industry claims patenting is critical to its ability to function, no State gives private companies title to its resources, and yet the companies mine on State land. I know of no private citizens who give mining companies title to their land for mineral exploration and production, and yet they mine on private lands.

And while we are discussing the States, I should point out that mining companies pay royalties to States and private landowners, too, unlike on Federal lands.

Under the infamous patenting system, Interior Secretary Bruce Babbitt earlier this year was forced to transfer absolute ownership of nearly 2,000 acres of public lands in Nevada—land containing $10 billion in gold—to a Canadian-owned mining company for the miserable sum of just $9,765. If we do not stop patenting—through mining reform or through a patenting moratorium pending achievement of mining reform—we will see more and more such cases in the years to come.

We are trying to work this issue, and many more, out with the Senate conferees right now. The House conferees have forwarded several offers to the Senate in the last few weeks but have received no positive signs as yet from the Senate.

There are ominous signs that suggest the mining industry may not wish this issue resolved, believing that, at this late date in the congressional session, it may be possible to kill the legislation altogether and with it, reform of the patenting process and the payment of a fair royalty to the American people.

The House, which has repeatedly voted for reform, has included a moratorium on future patents in this Interior appropriations bill. The House wisely included this moratorium because of concerns that, should mining reform fail, Secretary Babbitt would be compelled under the 1872 mining law to continue to virtually hand over ownership of public resources.

No one hopes more than I that we do pass a mining reform law this year. But in the event that we do not—and I must candidly say that it is possible that the mining industry can prevent enactment of reform—we cannot be party to the continued looting of the Treasury by foreign gold companies and others.

So we should include a patent moratorium for two reasons. One, symbolically, we should send a clear message to the mining industry and its spokespeople in the Congress that the House—and hopefully the Senate—are not going to depend solely on the prospect for mining reform; we are taking out an insurance policy in the form of a patent moratorium.

And second, as a practical matter, we should not leave the 1872 law, and particularly the patenting process, on the books should no action be taken on comprehensive reform. If we must defer until next year comprehensive reform for the benefit of the taxpayers who own the resource, we should hold the program in abeyance. For while we may not have agreed on the precise design of reform at the point, virtually everyone agrees drastic reform of the mining program is necessary.

So, I urge a vote for the motion to instruct. Far from obstructing the work of the mining conferees, it will expedite our work, and will demonstrate that the House—and hopefully the Senate as well—insist that if we cannot achieve real reform, we will at a minimum stop the giveaway of public resources until such time as we do achieve reform.

Mr. GILLMOR. Mr. Speaker, I oppose the motion.

Patenting is the last step in a very laborious, time-consuming and expensive process that often costs mining companies millions of dollars. Based on the faith that through diligence and expertise, a properly pursued claim can be ripened into a concrete bundle of property rights known as a patent, companies spend years locating a mineral deposit, recording a claim to it, working and developing it, and turning it into a profit-making endeavor. That is what the mining law of 1872 envisions, and that is what mining companies do.

Mining companies are willing to invest in the search for minerals, in the process creating jobs and tax revenues as well as vital commodities for our Nation's industry, because they know that a successful search for a commerciable deposit can be protected under the law by the rights provided in a patent. Yet again this year, some people are asking the mining industry to continue to invest in and search for and develop mineral deposits and forego the valuable patent rights they seek. It is unfair to continue to ask this year after year based on the prospect that we in Congress will comprehensively fix the mining bill. Results of these reform efforts are at best uncertain again this year.

I have great respect for my friend, Mr. REGULA. He and I have talked at length about the mining bill and patenting in particular, so I am familiar with his justifications. Nonetheless, Congress has been working on mining reform for at least the past 6 years, and each year we ask mining companies to tie up their planning, their activities, their investment for just a little longer by accepting a patent moratorium. I share the concern that a few patents have in the past come back to haunt the taxpayers, but there are better ways to deal with that problem, including better enforcement of existing law, than a patent moratorium.

Mr. DICKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Ohio [Mr. REGULA].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 64, not voting 52, as follows:

[Roll No. 421]

YEAS—318

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (TX)
Ehlers
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Linder
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Mineta
Minge
Moakley
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaugther
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NAYS—64

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bilbray
Burton
Buyer
Calvert
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dunn
Emerson
Fields (TX)
Gillmor
Hall (TX)
Hancock
Hansen
Herger
Hoke
Hunter
Inhofe
Istook
Johnson, Sam
Kingston
Knollenberg
Kolbe
Kyl
LaRocco
Lewis (KY)
Lightfoot
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
Miller (FL)
Molinari
Orton
Packard
Paxon
Pombo
Royce
Schaefer
Skeen
Stearns
Stenholm
Stump
Talent
Tauzin
Thomas (CA)
Vucanovich
Young (AK)

NOT VOTING—52

Ackerman
Becerra
Bentley
Camp
Clinger
Condit
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dornan
Dreier
Edwards (CA)
Engel
Fingerhut
Fish
Ford (MI)
Gallo
Grams
Gunderson
Hayes
Huffington
Kopetski
Laughlin
Lewis (CA)
Lewis (FL)
Machtley
Maloney
McCurdy
Mfume
Miller (CA)
Mink
Mollohan
Nadler
Owens
Rangel
Rostenkowski
Roth
Serrano
Slattery
Smith (OR)
Sundquist
Swett
Synar
Thomas (WY)
Towns
Velázquez
Washington
Wilson
Wynn
Yates

☐ 1509

The Clerk announced the following pairs:

On this vote:

Ms. Velázquez for, with Mr. Dornan against.

Mrs. Maloney for, with Mr. Grams against.

Mr. Nadler for, with Mr. Smith of Oregon against.

Mr. Lewis of Florida for, with Mr. Thomas of Wyoming against.

Mr. ROYCE and Mr. LIVINGSTON changed their vote from "yea" to "nay."

Mrs. COLLINS of Illinois and Mr. CUNNINGHAM changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). Without objection, the Chair appoints the following conferees: Messrs. YATES, MURTHA, DICKS, BEVILL, SKAGGS, COLEMAN, OBEY, REGULA, MCDADE, KOLBE, and PACKARD.

There was no objection.

☐ 1510

APPOINTMENT OF CONFEREES ON H.R. 4650, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1995

Mr. MURTHA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. WALKER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4650, be instructed to agree to the following language:

No funds appropriated under this Act shall be used to deploy United States Armed

Forces to Haiti or otherwise support United States Armed Forces in Haiti for purposes of removing the de facto regime or for subsequent peacekeeping by United States Armed Forces without first obtaining the prior approval of the Congress.

POINT OF ORDER

Mr. MURTHA. Mr. Speaker, I make a point of order against the motion to instruct conferees. The motion instructs conferees to include matter outside the scope of the conferees' authority and is in violation of clause 3, rule XXVIII.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. WALKER] wish to be heard on the point of order?

Mr. WALKER. Mr. Speaker, I do wish to be heard on my motion and on the point of order.

Mr. Speaker, my dear friend, the gentleman from Pennsylvania [Mr. MURTHA], raises the point that the instruction that I have proposed falls outside the scope of the legislation that we have before us.

Mr. Speaker, the problem with the gentleman's point is the fact that we are about to engage, according to media reports and according to announcements from the administration, in an action in Haiti. This is not an action that was contemplated at the time the bills were being drafted either in the House or the Senate.

Moreover, the troops are being deployed at the present time to Haiti under funds appropriated last year, none of which were for the purpose of an invasion of Haiti. In my view, the only place that the House has to legitimately address this issue is in the defense appropriations bill where we can limit funding if we do not believe that this particular action should be taken.

This instruction, while it does not meet the strict interpretation of scope, is certainly within the scope of the moneys that are going to be utilized in the bill that is before us. There is no doubt that if this invasion takes place, the moneys that are going to be appropriated under this bill will be used in Haiti.

This is an instruction assuring that the Congress has acted on this issue and assuring that none of these funds will go forward and be used by our Armed Forces in Haiti until there has been a prior approval by the Congress for that action.

So I think this is a necessary action to take and conferees would then be authorized to place this language into the bills that come back for final action in the House. I would hope that the Chair would rule in favor of this as an entirely appropriate way for the House to engage in the issue of Haiti and assure that the Members of this House have had at least a vote on whether or not to engage in a combatant action in the nation of Haiti.

Mr. MURTHA. Mr. Speaker, I ask for a ruling.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). The Chair is prepared to rule.

The motion offered by the gentleman includes matter not within the scope of differences on any of the Senate amendments being sent to conference. The motion is, therefore, out of order under clause 3 of rule XXVIII.

On page 715 of the Manual it is stated that a point of order may be sustained against a motion to instruct House conferees to address a matter beyond the scope of differences being committed to conference by the 215 Senate amendments.

The Chair sustains the point of order.

MOTION TO INSTRUCT OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. MCDADE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4650, as they resolve Senate amendment numbered 214, relating to fiscal year 1994 funding for Rwanda, be instructed to agree to the following provisos contained in Senate amendment 214:

"*Provided further*, That no funds are available for United States participation in operations in or around Rwanda after October 7, 1994"; and

"*Provided further*, That any change in the mission from one of strict refugee relief to security, peace-enforcing, nation-building or any other substantive role, shall not be implemented without the further approval of the Congress".

Mr. MCDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion is simple and straightforward—it would have the House conferees agree to the limits set by the Senate regarding our military's involvement in Rwanda.

Mr. Speaker, when our troops were dispatched to the Rwanda area beginning in late July, many of us feared what was starting out as a mission of mercy by our troops would be transformed into a more difficult, expensive, lengthy, open-ended, and dangerous mission. Much as our involvement in Somalia changed from relief to peacekeeping, and finally taking sides in a civil war, the terrible conditions in Rwanda could draw our military into a similar quagmire.

The first week in August, our Defense Subcommittee had a chance to relay these concerns directly to the Secretary of Defense in a public hearing. And soon thereafter, the Senate passed this amendment which sets clear guidelines for our military involvement: that the mission be limited to humanitarian relief only, and that it be concluded by October 7 of this year.

Any change in that mission—be it peacekeeping, peace-enforcement, or so-called nation-building activities—or timetable can only occur if specifically approved by the Congress.

It appears the message we were trying to send is being received. Our troops have performed magnificently—helping prevent a massive outbreak of disease and saving thousands of lives. And it appears our military's involvement is now winding down. While the refugee problem still exists, our forces are in the process of handing off the longer term relief requirements to the United Nations and relief agencies.

This motion puts us on record with the Senate to ensure our military's involvement in Rwanda remains limited, and that the transition to other organizations continues. I do not mean to minimize the problems that remain in Rwanda—they are serious and will require enormous effort to resolve. But our Armed Forces are not, and should not, be part of this longer term effort.

And I would hope this would also send a signal regarding similar operations involving our military. At a time when we are cutting our defense budget and military forces drastically, we simply cannot embark on open-ended missions in areas where our national security interests are not at stake. Today we are engaged in a number of such operations besides Rwanda: around Iraq and Bosnia, and in the Caribbean—and as we all know the administration appears committed to an even greater use for our forces in such situations.

Mr. Speaker, we may differ over the policy involved in each of these deployments, but we can all see these missions are pushing our military's resources to the limits. We are hollowing out the force, and unless we change direction at some point we will see our military continue to slide back into the conditions it was in in the late 1970's.

So I ask for your support for this motion, setting sensible limits on our mission in Rwanda.

Mr. MURTHA. Mr. Speaker, I have no objection.

Mr. MCDADE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. MCDADE].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messers: MURTHA, DICKS, WILSON, HEFNER, SABO, DIXON, VISCLOSKY, DARDEN, OBEY, MCDADE, YOUNG of Florida, LIVINGSTON, LEWIS of California, and SKEEN.

There was no objection.

MOTION TO CLOSE CONFERENCE

Mr. MURTHA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MURTHA moves pursuant to rule XXVIII, clause 6(a) of the House rules that the conference meetings between the House and the Senate on the bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 376, nays 0, not voting 58, as follows:

[Roll No. 422]

AYES—376

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer
Sharp
Slattery
Smith (OR)
Sundquist
Swett
Synar
Thomas (WY)
Towns
Velazquez
Washington
Wilson
Wynn
Yates

NOT VOTING—58

Ackerman
Becerra
Bentley
Camp
Clinger
Condit
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dooley
Dornan
Dreier
Edwards (CA)
Engel
Fingerhut
Fish
Ford (MI)
Gallo
Grams
Gunderson
Hayes
Huffington
Inhofe
Kopetski
Laughlin
Lewis (CA)
Lewis (FL)
Machtley
Maloney
Mann
McCurdy
McDermott
Mfume
Miller (CA)
Mink
Mollohan
Nadler
Owens
Payne (VA)
Rangel
Rostenkowski
Roth
Serrano

☐ 1539

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS OF 1994

The SPEAKER pro tempore (Mr. ANDREWS of Texas). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4308, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4308, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 5, not voting 61, as follows:

[Roll No. 423]

YEAS—368

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter

Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Mineta
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Crane
DeLay
Hancock
Johnson, Sam
Stump

NOT VOTING—61

Ackerman
Becerra
Bentley
Berman
Callahan
Camp
Clinger
Condit
Cooper
Coppersmith
DeFazio
Derrick
Dickey
Dornan
Dreier
Edwards (CA)
Engel
Fingerhut
Fish
Ford (MI)
Gallo
Gibbons
Grams
Gunderson
Hayes
Herger
Huffington
Inhofe
Kopetski
Laughlin
Lewis (CA)
Lewis (FL)
Machtley
Maloney
McCollum
McCurdy
McDermott
Mfume
Miller (CA)
Miller (FL)
Mink
Mollohan
Nadler
Owens
Rangel
Rostenkowski
Roth
Serrano
Sharp
Slattery
Smith (OR)

Sundquist
Swett
Synar
Thomas (WY)
Towns
Velazquez
Washington
Williams
Wilson
Wynn

□ 1604

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, due to activities related to the primary elections in my home State of Maryland, I was unavoidably detained earlier today in my district. I therefore missed rollcall votes No. 420, on approving the previous day's journal; No. 421, on the motion to instruct conferees on H.R. 4606, the Labor-HHS-Education appropriations for fiscal year 1995; No. 422, to approve the motion to close the conference committee meeting on H.R. 4650, the Department of Defense appropriations for fiscal year 1995, to the public; and No. 423, to suspend the rules and pass H.R. 4308, the Wetlands Conservation Act Amendments.

Had I been present, I would have voted "aye" on all occasions.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to a malfunction of my pager, I was not aware of votes taking place and inadvertently was absent. If I had been here I would have cast my vote as follows:

I would have voted "yes" on rollcall No. 421, a motion to instruct conferees on appropriations for the Department of Interior.

I would have voted yes on rollcall No. 422, a motion to close portions of the conference making appropriations for the Department of Defense.

I would have voted yes on rollcall No. 423, a motion to suspend the rules and pass H.R. 4308 to authorize appropriations under the North American Wetlands Conservation Act.

PERSONAL EXPLANATION

Mr. WYNN. Mr. Speaker, due to activities related to the primary elections in my congressional district in the State of Maryland, I was unable to cast votes on rollcall votes No. 420, on approving the previous day's journal; No. 421, on the motion to instruct conferees on H.R. 4606, the Labor-HHS-Education appropriations for fiscal year 1995; No. 422, to approve the motion to close the conference committee on H.R. 4650, the Department of Defense appropriations bill for fiscal year 1995, to the public, and No. 423, to suspend the rules and pass H.R. 4308, the Wetlands Conservations Act Amendments.

Had I been present, I would have voted "aye" on each of these votes.

PERSONAL EXPLANATION

Mr. COPPERSMITH. Mr. Speaker, due to my unavoidable absence on Tuesday, September 13, I was unable to record my vote during even rollcalls, Nos. 420 through 423, inclusive. Had I been present, I would have voted "aye" on rollcall Nos. 420, 421, 422, and 423.

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION

(Mr. COX asked and was given permission to address the House for 1 minute.)

Mr. COX. Mr. Speaker, I rise, pursuant to clause 2(a)(1) of rule IX, to announce to the House my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION

Calling for prior Congressional debate and authorization for United States invasion of Haiti.

Whereas, it appears that United States military action against Haiti is imminent; and

Whereas, as a result of this impending military action the rights of this House collectively pursuant to Article I, Section 8 of the Constitution in question, and

Whereas, rule IX of the House of Representatives provides that a privileged motion shall be in order to protect the rights of this House collectively,

Resolved, That pursuant to Article I, Section 8 of the Constitution, the Speaker should immediately schedule a debate and a vote upon the wisdom of a military invasion of Haiti so that such debate and vote can occur prior to the commencement of any such military action.

PARLIAMENTARY INQUIRY

Mr. COX. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). The gentleman will state it.

Mr. COX. Mr. Speaker, given that rule IX provides that the Speaker shall designate a time for debate of a privileged resolution such as this within 2 legislative days and given that the next legislative day is Friday, when we will be only in pro forma session, I would respectfully request that pursuant to rule IX, debate on this privileged resolution be scheduled for Monday.

The SPEAKER pro tempore. The Chair will consult with the Speaker on the gentleman's request.

ADJOURNMENT TO FRIDAY, SEPTEMBER 16, 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 16, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 16, TO MONDAY, SEPTEMBER 19, 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 16, 1994, it adjourn to meet at noon on Monday, September 19, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 21, 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, September 21, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 995) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Employee pension benefit plans.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of rights with respect to a State or private employer.
"4323. Enforcement of rights with respect to the Federal executive agencies.
"4324. Enforcement of rights with respect to certain Federal agencies.
"4325. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS

"4331. Regulations.
"4332. Outreach.

"SUBCHAPTER I—GENERAL

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

"§4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or an employer practice or custom and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3)(A) The term 'employee' means any person employed by an employer.

"(B) With respect to employment in a foreign country, the term 'employee' includes an individual who is a citizen of the United States.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311 of this title.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4317 of this title.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

"(11) The term 'Secretary' means the Secretary of Labor or any person designed by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, performance, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(d)(1) An employer may take an action otherwise prohibited by this section with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer to violate the law of the foreign country in which the workplace is located.

"(2) If an employer controls a corporation incorporated and located in a foreign country, any practice prohibited by this chapter that is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(3)(A) The prohibitions of this section shall not apply to a foreign employer not controlled by an American employer.

"(B) For purposes of this paragraph the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control of the employer and the corporation.

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title, such employment would impose an undue hardship on the employer.

"(2) In any proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title would impose an undue hardship on the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more

than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4317(a)(2)(A) of this title.

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and section 4314 of this title (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following order of priority:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of the position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of a position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

"(3) In the case of a person who has a disability incurred in, or aggravated by, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniformed services for any reason (other than disability incurred in, or aggravated by, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 of this title in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 of this title who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1), consistent with circumstances of such person's case, with full seniority.

"§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312 of this title, such person shall be reemployed in a position of employment as described in section 4313 of this title.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 of this title and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured

an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"§ 4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe procedures for ensuring that the rights under this chapter apply to the employees of such agency.

"(b) In prescribing procedures under subsection (a), the head of an agency referred to in that subsection shall ensure, to the maximum extent practicable, that the procedures of the agency for reemploying persons who serve in the uniformed services provide for the reemployment of such persons in the agency in a manner similar to the manner of reemployment described in section 4313 of this title.

"(c)(1) The regulations prescribed under subsection (a) shall designate an official at the agency who shall determine whether or not the reemployment of a person referred to in subsection (b) by the agency is impossible or unreasonable.

"(2) Upon making a determination that the reemployment by the agency of a person referred to in subsection (b) is impossible or unreasonable, the official referred to in paragraph (1) shall notify the person and the Director of the Office of Personnel Management of such determination.

"(3) A determination pursuant to this subsection shall not be subject to judicial review.

"(4) The head of each agency referred to in subsection (a) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on an annual basis a report on the number of persons whose reemployment with the agency was determined under this subsection to be impossible or unreasonable during the year preceding the report, including the reason for each such determination.

"(d)(1) Except as provided in this section, nothing in this section, section 4313 of this title, or section 4324 of this title shall be construed to exempt any agency referred to in subsection (a) from compliance with any other substantive provision of this chapter.

"(2) This section may not be construed—

"(A) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(B) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"(e) The Director of the Office of Personnel Management shall ensure the offer of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under section 4315(c) of this title that reemployment of the person by the agency is impossible or unreasonable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter after a period of service in the uniformed services is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1)(A) Subject to paragraphs (2) through (6), a person who performs service in the uniformed services shall be—

"(i) deemed to be on furlough or leave of absence while performing such service; and

"(ii) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a practice, policy, agreement, or plan in effect at the commencement of such service or established while such person performs such service.

"(B) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to subparagraph (A) to the extent other employees on furlough or leave of absence are so required. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits which the person would not otherwise be entitled if the person were not on a furlough or leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty service in excess of 31 days to the extent such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) The requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(A) the date of the end of the 18-month period that begins on the date on which the person commences the performance of the service referred to in paragraph (1); or

"(B) the date of the expiration of the person's obligation with respect to such service to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(7) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4317 of this title.

"(c)(1)(A) Subject to paragraphs (2) and (3), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person may elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for not more than 18 months after such absence begins.

"(B) A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(C) In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person who elects to continue health-plan coverage under this subsection shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(3) The period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this subsection shall be the lesser of—

"(A) the 18-month period beginning on the date on which the absence referred to in paragraph (1) begins; or

"(B) the aggregate of the period of the person's service in the uniformed services and the period in which the person is required to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(d)(1) Except as provided in paragraph (2), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage of the person upon reemployment under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(2) Paragraph (1) shall not apply to the condition of a person if the Secretary determines that the condition was incurred or aggravated during active military, naval, or air service.

"(e) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

"(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

"(f)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4317. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. This subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) Except as provided in section 4312(f)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals only to the extent the person elects to make employee contributions or elective deferrals that are attributable to the period of service described in subsection (a)(2)(B). No such contributions or deferrals may exceed the amount the person or employer would have been permitted or required to make had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any employee contribution or deferral to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree but in no event shall such person be afforded a payment period shorter than the length of absence for service for which the payments are due.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the rate the employee would have received but for the absence during the period of service; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Notwithstanding any other provision of this section—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any forfeitures during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, any of its participants, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned or reallocated, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"§4321. Assistance in obtaining reemployment or other employment rights or benefits

"(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"(b)(1)(A) A person referred to in subparagraph (B) may submit a complaint to the Secretary with respect to the matters described in clause (ii) of such subparagraph. Such complaint shall be submitted in accordance with subsection (c).

"(B) A person may submit a complaint under subparagraph (A) if the person claims—

"(i) to be entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(ii) that the employer (including the Office of Personnel Management, if the employer is the Federal Government) has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and to such claimant's employer.

"(c) A complaint submitted under subsection (b) shall be in a form prescribed by the Secretary and shall include—

"(1) the name and address of the employer or potential employer against whom the complaint is directed; and

"(2) a summary of the allegations upon which the complaint is based.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (b). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4322 of this title (in the case of a person submitting a complaint against a State or private employer) or section 4323 of this title (in the case of a person submitting a complaint against the Federal Government).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§4322. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4321(c) of this title;

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of *a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—*

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only a State and local government (as an employer), an employer, or a potential employer, as the case may be, shall be a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this chapter.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"§4323. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board. A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4321(c) of this title;

"(B) has received a notification from the Secretary under section 4321(e) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency or employee to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§4324. Enforcement of rights with respect to certain Federal agencies

"(a) This section applies to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in subsection (a) of section 4315 of this title was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

"(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

"(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4321(d) of this title.

"(d) This section may not be construed—

"(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"§4325. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

"(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"(d) Subsections (b) and (c) shall not apply to the legislative branch or the judicial branch of the United States.

"SUBCHAPTER IV—MISCELLANEOUS

"§4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with respect to States and local governments (as employers) and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4332. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(c) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General of the United States, and the Special Counsel referred to in section 4323(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to an entitlement to rights and benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35 of title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) CREDITABLE MILITARY SERVICE UNDER CSRS.—Section 8331(13) of title 5, United States Code, is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(b) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER CSRS.—Section 8334(j)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(c) CREDITABLE MILITARY SERVICE UNDER FERS.—Section 8401(31) of such title is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(d) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER FERS.—Section 8422(e)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(e) TECHNICAL AMENDMENTS.—Title 5, United States Code, is amended as follows:

(1) In section 8401(11), by striking out "1954" in the flush matter above clause (i) and inserting in lieu thereof "1986".

(2) In section 8422(a)(2)(A)(ii), by striking out "1954" and inserting in lieu thereof "1986".

(3) In section 8432(d), by striking out "1954" in the first sentence and inserting in lieu thereof "1986".

(4) In section 8433(i)(4), by striking out "1954" and inserting in lieu thereof "1986".

(5) In section 8440—

(A) by striking out "1954" in subsection (a) and inserting in lieu thereof "1986"; and

(B) by striking out "1954" in subsection (c) and inserting in lieu thereof "1986".

SEC. 6. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4)(A) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(i) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(ii) the period of time over which the employee wishes to make contributions under this subsection.

"(B) The employing agency may place a maximum limit on the period of time referred to in subparagraph (A)(ii), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f) Amounts paid under subsection (c) or (d) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(g)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(h) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code (as added by section 2(a)), occurs on or after August 1, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is restored or reemployed in a position of employment (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

SEC. 7. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

SEC. 8. TECHNICAL AMENDMENT.

(a) TECHNICAL AMENDMENT.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 9. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4316(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4316. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) INVESTIGATIONS AND SUBPOENAS.—The provisions of section 4325 of title 38, United States Code, as provided in the amendments made by this Act, shall become effective on the date of the enactment of this Act and apply to any matter pending with the Secretary of Labor under section 4305 of title 38, United States Code, as of that date.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that begin before the end of the 60-day period referred to in subsection (a).

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.

SEC. 10. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1994".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"4301. Purposes; sense of Congress.
"4302. Relation to other law and plans or agreements.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Health plans.
"4318. Employee pension benefit plans.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of employment or reemployment rights.
"4323. Enforcement of rights with respect to a State or private employer.
"4324. Enforcement of rights with respect to Federal executive agencies.
"4325. Enforcement of rights with respect to certain Federal agencies.
"4326. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"4331. Regulations.
"4332. Reports.
"4333. Outreach.

"SUBCHAPTER I—GENERAL

"§ 4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

"§ 4302. Relation to other law and plans or agreements

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

"§ 4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3) The term 'employee' means any person employed by an employer.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4318.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5, and any military department (as that term is defined in section 102 of title 5) with respect to the civilian employees of that department.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

"(11) Notwithstanding section 101, the term 'Secretary' means the Secretary of Labor or any person designated by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§ 4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, performance of service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services and shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C).

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d) and to section 4304, any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) except as provided in subsection (f), the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable;

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313, such employment would impose an undue hardship on the employer; or

"(C) the employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

"(2) In any proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances,

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 would impose an undue hardship on the employer, or

"(C) the employment referred to in paragraph (1)(C) is brief or for a nonrecurrent period and without a reasonable expectation that such employment will continue indefinitely or for a significant period,

the employer shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4318(a)(2)(A).

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§ 4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and sections 4314 and 4315 (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312, upon completion of a period of service in the uniformed services, shall be promptly reemployed in a position of employment in accordance with the following order of priority:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 91 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 90 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(3) In the case of a person who has a disability incurred in, or aggravated during, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated during, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with the circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated during, a period of service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"§ 4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312, such person shall be reemployed in a position of employment as described in section 4313.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"§ 4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe procedures for ensuring that the rights under this chapter apply to the employees of such agency.

"(b) In prescribing procedures under subsection (a), the head of an agency referred to in that subsection shall ensure, to the maximum extent practicable, that the procedures of the agency for reemploying persons who serve in the uniformed services provide for the reemployment of such persons in the agency in a manner similar to the manner of reemployment described in section 4313.

"(c)(1) The procedures prescribed under subsection (a) shall designate an official at the agency who shall determine whether or not the reemployment of a person referred to in subsection (b) by the agency is impossible or unreasonable.

"(2) Upon making a determination that the reemployment by the agency of a person referred to in subsection (b) is impossible or unreasonable, the official referred to in paragraph (1) shall notify the person and the Director of the Office of Personnel Management of such determination.

"(3) A determination pursuant to this subsection shall not be subject to judicial review.

"(4) The head of each agency referred to in subsection (a) shall submit to the Select Committee on Intelligence and the Committee on Veterans' Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Veterans' Affairs of the House of Representatives on an annual basis a report on the number of persons whose reemployment with the agency was determined under this subsection to be impossible or unreasonable during the year preceding the report, including the reason for each such determination.

"(d)(1) Except as provided in this section, nothing in this section, section 4313, or section 4325 shall be construed to exempt any agency referred to in subsection (a) from compliance with any other substantive provision of this chapter.

"(2) This section may not be construed—

"(A) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(B) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"(e) The Director of the Office of Personnel Management shall ensure the offer of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under subsection (c) that reemployment of the person by the agency is impossible or unreasonable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1) Subject to paragraphs (2) through (6), a person who is absent from a position of employment by reason of service in the uniformed services shall be—

"(A) deemed to be on furlough or leave of absence while performing such service; and

"(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person performs such service.

"(2)(A) Subject to subparagraph (B), a person who—

"(i) is absent from a position of employment by reason of service in the uniformed services, and

"(ii) knowingly provides written notice of intent not to return to a position of employment after service in the uniformed service, is not entitled to rights and benefits under paragraph (1)(B).

"(B) For the purposes of subparagraph (A), the employer shall have the burden of proving that a person knowingly provided clear written notice of intent not to return to a position of employment after service in the uniformed service and, in doing so, was aware of the specific rights and benefits to be lost under subparagraph (A).

"(3) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits to which the person would not otherwise be entitled if the person had remained continuously employed.

"(4) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to paragraph (1) to the extent other employees on furlough or leave of absence are so required.

"(5) The entitlement of a person to coverage under a health plan is provided for under section 4317.

"(6) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4318.

"(c) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

"(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

"(d) Any person whose employment with an employer is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation, annual, or similar leave with pay accrued by the person before the commencement of such service.

"§4317. Health plans

"(a)(1)(A) Subject to paragraphs (2) and (3), in any case in which a person (or the person's dependents) has coverage under a health plan in connection with the person's position of employment, including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), and such person is absent from such position of employment by reason of service in the uniformed services, the plan shall provide that the person may elect to continue such coverage as provided in this subsection. The maximum period of coverage of a person and the person's dependents under such an election shall be the lesser of—

"(i) the 18-month period beginning on the date on which the person's absence begins; or

"(ii) the day after the date on which the person fails to apply for or return to a position of employment, as determined under section 4312(e).

"(B) A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium under the plan (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986) associated with such coverage for the employer's other employees, except that in the case of a person who performs service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(C) In the case of a health plan that is a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974, any liability under the plan for employer contributions and benefits arising under this paragraph shall be allocated—

"(i) by the plan in such manner as the plan sponsor shall provide; or

"(ii) if the sponsor does not provide—

"(I) to the last employer employing the person before the period served by the person in the uniformed services, or

"(II) if such last employer is no longer functional, to the plan.

"(b)(1) Except as provided in paragraph (2), in the case of a person whose coverage under a health plan was terminated by reason of service in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of such coverage upon reemployment under this chapter if an exclusion or waiting period would not have been imposed under health plan had coverage of such person by such plan not been terminated as a result of such service. This paragraph applies to the person who is reemployed and to any individual who is covered by such plan by reason of the reinstatement of the coverage of such person.

"(2) Paragraph (1) shall not apply to the coverage of any illness or injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the uniformed services.

"§4318. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan (including those described in sections 3(2) and 3(33) of the Employee Retirement Income Security Act of 1974) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. The first sentence of this subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) A person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for the purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall, with respect to a period of service described in subsection (a)(2)(B), be liable to an employee pension benefit plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2) and shall allocate the amount of any employer contribution for the person in the same manner and to the same extent the allocation occurs for other employees during the period of service. For purposes of determining the amount of such liability and any obligation of the plan, earnings and forfeitures shall not be included. For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974, any liability of the plan described in this paragraph shall be allocated—

"(A) by the plan in such manner as the sponsor maintaining the plan shall provide; or

"(B) if the sponsor does not provide—

"(i) to the last employer employing the person before the period served by the person in the uniformed services, or

"(ii) if such last employer is no longer functional, to the plan.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's service in the uniformed services, not to exceed five years.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B) shall be computed—

"(A) at the rate the employee would have received but for the period of service described in subsection (a)(2)(B), or

"(B) in the case that the determination of such rate is not reasonably certain, on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974, under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide information, in writing, of such reemployment to the administrator of such plan.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"§ 4321. Assistance in obtaining reemployment or other employment rights or benefits

"The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"§ 4322. Enforcement of employment or reemployment rights

"(a) A person who claims that—

"(1) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(2)(A) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

"(B) in the case that the employer is a Federal executive agency, such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter,

may file a complaint with the Secretary in accordance with subsection (b), and the Secretary shall investigate such complaint.

"(b) Such complaint shall be in writing, be in such form as the Secretary may prescribe, include the name and address of the employer against whom the complaint is filed, and contain a summary of the allegations that form the basis for the complaint.

"(c) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (a). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4323 (in the case of a person submitting a complaint against a State or private employer) or section 4324 (in the case of a person submitting a complaint against a Federal executive agency).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§ 4323. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.

"(2) A person may commence an action for relief with respect to a complaint if that person—

"(A) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4322(c);

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person claiming a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this chapter.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"§ 4324. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section

4322(e) of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel declines to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b) A person may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board if that person—

"(1) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4322(c);

"(2) has received a notification from the Secretary under section 4322(e);

"(3) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(4) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b). A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency or employee to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (2) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant to a complaint submitted by a person directly to the Board pursuant to subsection (b) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d)(1) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(2) Such person may be represented in the Federal Circuit proceeding by the Special Counsel unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§4325. Enforcement of rights with respect to certain Federal agencies

"(a) This section applies to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in subsection (a) of section 4315 was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

"(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

"(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4322(d).

"(d) This section may not be construed—

"(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"§4326. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

"(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and the district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"(d) Subsections (b) and (c) shall not apply to the legislative branch or the judicial branch of the United States.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"§4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to States, local governments, and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers, except that employees of the Federal Government may be given greater or additional rights.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§4332. Reports

"The Secretary shall, after consultation with the Attorney General and the Special Counsel referred to in section 4324(a)(1) and no later than February 1, 1996, and annually thereafter through 2000, transmit to the Congress, a report containing the following matters for the fiscal year ending before such February 1:

"(1) The number of cases reviewed by the Department of Labor under this chapter during the fiscal year for which the report is made.

"(2) The number of cases referred to the Attorney General or the Special Counsel pursuant to section 4323 or 4324, respectively, during such fiscal year.

"(3) The number of complaints filed by the Attorney General pursuant to section 4323 during such fiscal year.

"(4) The nature and status of each case reported on pursuant to paragraph (1), (2), or (3).

"(5) An indication of whether there are any apparent patterns of violation of the provisions of this chapter, together with an explanation thereof.

"(6) Recommendations for administrative or legislative action that the Secretary, the Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter, including any action that could be taken to encourage mediation, before claims are filed under this chapter, between employers and persons seeking employment or reemployment.

"§4333. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 38.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(2) AMENDMENT TO TITLE 5.—(A) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(B) Subchapter II of chapter 35 of such title is repealed.

(C) The table of sections for chapter 35 of such title is amended by striking out the heading relating to subchapter II of such chapter and the item relating to section 3551 of such chapter.

(3) AMENDMENT TO TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

(c) AMENDMENTS TO TITLE 28.—Section 631 of title 28, United States Code, is amended—

(1) by striking out subsection (j);

(2) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(3) in subsection (j), as redesignated by paragraph (2), by striking out "under the terms of" and all that follows through "section," the first place it appears and inserting in lieu thereof "under chapter 43 of title 38,".

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to benefits under chapter 43 of this title.".

SEC. 4. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(A) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(B) the period of time over which the employee wishes to make contributions under this subsection.

The employing agency may place a maximum limit on the period of time referred to in subparagraph (B), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f)(1) The employing agency may be required to pay lost earnings on contributions made pursuant to subsections (c) and (d). Such earnings, if required, shall be calculated retroactively to the date the contribution would have been made had the employee not separated or entered leave-without-pay status to perform military service.

"(2) Procedures for calculating and crediting the earnings payable pursuant to paragraph (1) shall be prescribed by the Executive Director.

"(g) Amounts paid under subsection (c), (d), or (f) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(h)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(i) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code, occurs on or after August 2, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is reemployed or restored (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) Deem section 8432b(b)(2)(A) of such title to be amended by striking "ending on the day before the date of restoration or reemployment (as applicable)" and inserting "ending on the date determined under section 4(f)(1) of the Uniformed Services Employment and Reemployment Rights Act of 1994".

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) CREDITABLE MILITARY SERVICE UNDER CSRS.—Section 8331(13) of title 5, United States Code, is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(b) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER CSRS.—Section 8334(j) of such title is amended—

(1) in paragraph (1)—

(A) by striking "Each employee" and inserting "(A) Except as provided in subparagraph (B), each employee"; and

(B) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service."; and

(2) in paragraph (2), immediately before the comma at the end of subparagraph (B), by inserting "following the period of military service for which such deposit is due".

(c) CREDITABLE MILITARY SERVICE UNDER FERS.—Section 8401(31) of such title is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(d) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER FERS.—Section 8422(e) of such title is amended—

(1) in paragraph (1)—

(A) by striking "Each employee" and inserting "(A) Except as provided in subparagraph (B), each employee"; and

(B) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service."; and

(2) in paragraph (2), immediately before the comma at the end of subparagraph (B), by inserting "following the period of military service for which such deposit is due".

(e) TECHNICAL AMENDMENTS.—Title 5, United States Code, is amended as follows:

(1) In section 8401(11), by striking out "1954" in the flush matter above clause (i) and inserting in lieu thereof "1986".

(2) In section 8422(a)(2)(A)(ii), by striking out "1954" and inserting in lieu thereof "1986".

(3) In section 8432(d), by striking out "1954" in the first sentence and inserting in lieu thereof "1986".

(4) In section 8433(i)(4), by striking out "1954" and inserting in lieu thereof "1986".

(5) In section 8440—

(A) by striking out "1954" in subsection (a) and inserting in lieu thereof "1986"; and

(B) by striking out "1954" in subsection (c) and inserting in lieu thereof "1986".

SEC. 6. TECHNICAL AMENDMENT.

(a) TECHNICAL AMENDMENT.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 7. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

SEC. 8. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) The provisions of section 4316 of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage (other than health) shall become effective with respect to furloughs or leaves of absence initiated on or after the date of enactment of this Act.

(2) With respect to the provisions of section 4317 of title 38, United States Code, as provided in the amendments made by this Act, a person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue a health plan as provided in such section 4317. If such an election is made, the health plan shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) INVESTIGATIONS AND SUBPOENAS.—The provisions of section 4326 of title 38, United States Code, as provided in the amendments made by this Act, shall become effective on the date of the enactment of this Act and apply to any matter pending with the Secretary of Labor under section 4305 of title 38, United States Code, as of that date.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that begin before the end of the 60-day period referred to in subsection (a).

(g) RIGHTS AND BENEFITS RELATIVE TO NOTICE OF INTENT NOT TO RETURN.—Section

4316(b)(2) of title 38, United States Code, as added by the amendments made by this Act, applies only to the rights and benefits provided in section 4316(b)(1)(B) and does not apply to any other right or benefit of a person under chapter 43 of title 38, United States Code. Such section shall apply only to persons who leave a position of employment for service in the uniformed services more than 60 days after the date of enactment of this Act.

(h) EMPLOYER PENSION BENEFIT PLANS.—(1) Nothing in this Act shall be construed to relieve an employer of an obligation to provide contributions to a penison plan (or provide pension benefits), or to relieve the obligation of a pension plan to provide pension benefits, which is required by the provisions of chapter 43 of title 38, United States Code, in effect on the day before this Act takes effect.

(2) If any employee pension benefit plan is not in compliance with section 4318 of such title or paragraph (1) of this subsection on the date of enactment of this Act, such plan shall have two years to come into compliance with such section and paragraph.

(i) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I shall not object, but I take this time to yield to the gentleman from Mississippi for an explanation of the House amendment to the Senate amendment to H.R. 995.

Mr. MONTGOMERY. Mr. Speaker, the amendments under consideration today reflect a compromise between the House bill (H.R. 995), which we passed in May 1993, and the Senate amendments, which cleared the Senate last November. Since that time, we have been working out our differences and responding to concerns raised about certain aspects of this legislation.

Mr. Speaker, this measure, which would replace current chapter 43, title 38, United States Code, is an update of a measure first enacted by the Congress in 1940, on the eve of World War II. It was one of the most important measures enacted to ensure the readjustment of veterans to civilian life following military service. H.R. 995, as amended, continues what has been our national policy for over 50 years—that is, it assures the citizen-soldier that he or she can return to the civilian job held prior to entering military service and can return without any loss of seniority. Additionally, this compromise clarifies and updates chapter 43 to reflect current employment conditions as well as current conditions of military service.

Mr. Speaker, although the joint explanatory statement accompanying this measure explains the compromise in detail, I'd like to summarize some of the important rights provided to veterans under H.R. 995, as amended:

(1) A servicemember would be free to perform military service of limited duration, either in active military service or in the Reserve, without fear of reprisal or other adverse action by his employer. Except for certain types of military service, the total service may not exceed 5 years.

(2) To address employers' concerns about unexplained absences, the servicemember would now be required to provide notice of impending military service whenever possible, and, when requested by the employer, to document honorable service upon return to civilian employment.

(3) A servicemember who leaves a civilian job would continue to be deemed on furlough or leave of absence and would be entitled to other rights and benefits that are available to other employees on leave of absence.

(4) The bill clarifies the servicemember's right to continue employer-sponsored health insurance.

(5) While guaranteeing a veteran's right to pension benefits which would have accrued during military service, regardless of the nature of the pension plan, the bill would make it plain that pension plans will not have to pay earnings or forfeitures on make-up contributions.

(6) A servicemember returning to Federal employment would be assured that employer-provided and contributory pension benefits could be restored with little if any loss of benefits.

Mr. Speaker, there are several matters related to this important legislation that I want to comment on in more detail. First, I want to express the committee's strong disagreement with the recent decision in *Rumsey* v. *N.Y. State Dept. of Corr. Services*, 19 F.3d 83 (2nd Cir. 1994), which limited the protection given reservists on active duty for training only to "substantial rights" such as discharge, demotion, or failure to promote. While the amended act speaks in terms of "benefit, benefits of employment or rights and benefits," and no longer uses the term "incident or advantage of employment," the intent has always been to have an expansive interpretation, such as that expressed by the sixth circuit in *Monroe* v. *Standard Oil Co.*, 613 F.2d 641, 645 (6th Cir. 1980), aff'd. 452 U.S. 549 (1981). "[I]ncidents or advantages of employment * * * is intentionally framed in general terms to encompass the potential limitless variation in benefits of employment that are conferred by an untold number and variety of business concerns."

Additionally, I want to stress that new section 4311, which prohibits discrimination and related acts of reprisal against persons who serve in the uniformed services, reaffirms that the standard of proof in a discrimination or retaliation case is the so-called but for test and that the burden of proof is on the employer, once a prima facie case is established. This standard and burden of proof apply to all cases, regardless of when the cause of action occurred, except for those new causes of action created in new section 4311(c).

It should be noted that, because of the blurring of the distinctions between the types of military service, for example, active duty versus active duty for training, it is no longer rational or equitable to make rights and obligations under chapter 43 dependent on the distinctions between types of service. Rather, under section 4312 of H.R. 995, as amended, most types of service would be cumulatively considered toward the service limits. Because employment and reemployment are intended to protect noncareer servicepersons, the committee considers this to be an appropriate approach. Accordingly, the measure we are considering today would generally establish a 5-year limitation on total military service during the period of employment with the employer against whom reemployment rights are asserted.

Section 4312(e) of H.R. 995, as amended, would base time limits for applying for reemployment strictly on the length or duration of the military service from which the serviceperson is being discharged or released. Under current law, the deadline for returning servicemembers to report to their preservice employer for reemployment depends on the type of category of service. It is the committee's view that this is a far more rational approach to this issue because both the employer and the serviceperson are affected by the length of time the servicemember is away from his or her civilian employment. The nature of the individual's service is unimportant and has no effect.

I want to also focus on principles related to new section 4313, concerning reemployment positions. This section would address the issue of the position to be granted a serviceperson disabled while in military service, regardless of length of service, and who is not qualified for the "escalator" position after reasonable efforts to accommodate the disability. That obligation would be to reemploy the returning servicemember in an equivalent position in terms of seniority, status, and pay for which the person is qualified or can become qualified with reasonable efforts by the employer. If no such position exists, the nearest approximate position in terms of seniority, status, and pay would be required to be found. If a position other than the "escalator" position is offered to a returning disabled servicemember, full company seniority for all purposes is always to be accorded the disabled serviceperson, regardless of whether seniority follows an employee under other circumstances.

New section 4313 would also require the reemployment of returning servicepersons who are not found qualified for their "escalator" positions for any reason other than disability, regardless of length of service, but who can qualify for a lesser position in terms of status and pay. This provision is primarily intended to deal with employees who return to technologically advanced situations for which they cannot qualify but who can perform in another position not necessarily in their "escalator" line. They, too, would receive full company seniority for all purposes in the new position.

Section 4317 of H.R. 995, as amended, would provide that an employee on military leave shall, at his or her request, be covered by insurance provided by the employer for up to 18 months. This protection is similar to the continuation of health insurance under the so-called COBRA provisions of the Employee Retirement Income Security Act, 29 U.S.C. 1161, et seq., but applies to all individuals entering the uniformed services, without limiting qualifications such as the size of the work force of the person's employer. The individual employee may be required to pay not more than 102 percent of the full cost of continuing insurance coverage, except in the case of persons serving periods of training or service for 30 or fewer days. In the case of these short tours, the employer is required to continue the insurance coverage, and the individual employee may only be required to pay the employee share, if any. Dependents of Reserve component members are entitled to participate in the military health care system, including CHAMPUS, only when the member has been called to serve for at least 31 days. The committee intends new section 4317 to ensure that there is no gap in health insurance coverage of the reservist's family while the reservist is performing military training.

It should be noted that new section 4312(a)(1) would generally require an individual who leaves a civilian job for service in the uniformed services to give written or verbal notice of the forthcoming military absence from employment to his or her employer. Under current law, only a member of the Selected Reserve must notify his or her employer before leaving work for active duty for training or inactive duty for training. There is no current requirement to notify the employer before leaving work for active duty or initial active duty for training. Under the measure we are considering today, an individual who does not indicate in any way that he or she is leaving because of military duty would no longer be protected—unless the exception provided in new section 4312(b) is applicable, but an individual who leaves for two or more reasons, one of which is for military duty, would continue to be protected.

Sections 4316(a) and 4316(b)(1) of the compromise measure would reaffirm that a departing serviceperson is to be placed on a statutorily mandated military leave of absence while away from work, regardless of the employer's policy. Thus, terminating a departing serviceperson, or forcing him or her to resign, even with a promise of reemployment, is of no effect. Accordingly, while away on military leave, the servicemember would be entitled to participate in whatever nonseniority related benefits are accorded other employees on nonmilitary leaves of absence. In contrast, benefits which are seniority based would not be limited to the treatment accorded employees on nonmilitary leaves of absence, but are to be accorded, after reemployment, as if the servicemember had remained continuously employed under the escalator principle. Section 4316(b)(2), however, provides that a person who is absent from a position of employment because of service in the uniformed services and knowingly provides written notice of intent not to return to a position of employment after service in the uniformed service, is not entitled to rights and benefits not determined by seniority. I want to emphasize that the employer would have the burden of proving that a person providing written notice of intent not to return to a position of employment was fully aware of the consequences of this action.

Mr. Speaker, the issue of pension rights and benefits of persons serving in the Armed Forces is an important and sometimes controversial aspect of this legislation. In trying to clarify the status of existing law, the committee has learned that a very powerful industry has developed since the first reemployment rights bill was signed by President Roosevelt in 1940. Although the strength of this industry is not surprising, given the growth of American pension plans, the organized resistance to clarification of existing law with respect to veterans' pension rights stands in marked contrast to the widespread cooperation between employers and the Government in resolving fundamental issues related to veterans' reemployment rights.

This cleft between a supportive and generous employer community, which admittedly bears a burden when employees enter military service, and the at times stingy and antagonistic pension community is a mystery to me, Mr. Speaker. Parts of the pension community apparently fail to understand the necessity for a strong national defense, and that the existing veterans reemployment law imposes justifiable burdens on employers. I say justifiable because we are talking about providing for and contributing to the common defense of this country. The preamble to the Constitution of the United States declared the purpose of this far-reaching undertaking was "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Domestic tranquility, our individual freedoms and liberty, and the general welfare would be unattainable objectives if we did not have a strong common defense. As we learned when our Nation was attacked in 1941, just as our ancestors learned when the United States was invaded in the early part of the 19th century, a strong national defense is the essential underpinning to all of the other purposes of the Constitution.

The linkage between the purposes of the veterans reemployment law and the promotion of the common defense was ignored by some pension industry representatives in their discussion of this legislation, so I wish to remind my colleagues of the importance of this law to our Nation's defense. Most Americans today take for granted that we have a strong and protective military force, but this was not always the case. In the late 1930's, as the storm clouds of war and the leveling effect of tyranny were observed in Europe, our ability to defend this Nation against a determined aggressor was suspect. In spite of the changes in attitude and national policy which resulted from the harbingers of world war, such as the adoption of compulsory military service and a great strengthening of the defense industries, the Nation was stunned by the sudden Japanese attack on Pearl Harbor which destroyed much of the Pacific fleet. It is unlikely the most knowledgeable observers would have predicted this event even 1 year before this act of aggression took place, so it is worth noting how rapidly events on the world stage can unfurl.

Although few would compare the political situation in the world today with that which existed when the first veterans' reemployment rights legislation was enacted in 1940, it is important, Mr. Speaker, to examine the present and future roles of the defense forces of this country. Even as the notion of defending this country against foreign aggressors fades into distant memory, the United States has undertaken a much larger peacekeeping mission worldwide. Our Nation is debating what role the American military should play in response to situations in distant parts of the world involving anarchy, starvation, and allegations of genocide. It's a slightly different question than the one confronted by the Congress on the eve of World War II, but there are similarities. Defending the United States against foreign aggressors is the simple role given such prominence by the authors of the Constitution; however, in view of the prominence of American interests and American personnel throughout the globe, a simplistic reading of this role may make it impossible to fulfill in a meaningful way.

Today, much of our national policy is focused on efforts to strengthen our national economic base—on plans to enable the engine of the national economy to run smoother and stronger, ever more powerful. In a fast-changing world, it too often goes unremarked that the U.S. military strength serves as a deterrent to aggressive leaders throughout the world, thus making it possible for the Nation to do business abroad. Clearly, the perception of a nation willing to respond to aggressive actions harmful to its national interests protects and provides an advantage to American companies operating in a global market.

Mr. Speaker, restoring the citizen-soldier to the position he or she would have obtained had he or she remained continuously employed is the principle which undergirds the veterans reemployment law. In the words of the law, the veteran is to be restored "without loss of seniority." Although there are certain benefits "that might have flowed from experience, effort, or chance to which he cannot lay claim under the statute," *McKinney* v. *Missouri-K.-T. R. Co.*, 357 U.S. 265, 271 (1958), the Supreme Court has determined that if "the benefit would have accrued, with reasonable certainty, had the veteran been continuously employed by the private employer, and if it is in the nature of a reward for length of service, it is a 'perquisite of seniority'" protected by the law. *Alabama Power Co.* v. *Davis*, 431 U.S. 581, 589 (1977). While the Alabama Power decision noted that pension benefits are a current cost of employing potential pension recipients and that current compensation may be reduced in favor of more favorable pension benefits, the Court affirmed that pension plans are a reward for length of service and consequently are a protected perquisite of seniority.

Thus, in 1977, some 37 years after the law was first enacted, the claims of Mr. Davis for pension rights which he earned during World War II were finally settled. Because the amount of an employee's pension benefit is usually not determinable until the end of the employee's tenure with the employer, and is generally calculated at the end of the employee's working life, an employer failure to observe the requirements of the existing law that the veteran be made whole may go unnoticed for several decades. Although Congress has several times amended the veterans reemployment law, it was the administration's 1991 proposal to rewrite the law which brought the question of veterans' rights to employer contributions in certain pension plans to the Congress' attention. In *Alabama Power*, the Supreme Court raised, but refused to decide, the rights of persons who are participants in defined contribution plans. Since there is a clear trend toward increasing employer reliance on such plans, which do not guarantee a particular benefit level to retirees, but which base the ultimate benefit on the employer's and in some cases, the employee's, contribution, the Court's refusal to rule on this issue has caused concern among participants in defined contribution plans who leave jobs for military service and expect to be fully restored when they return. Although there are clear differences in the manner in which defined benefit and defined contribution plans are funded and administered, the distinction between these two types of plans is merely one of convenience and cost so far as the employer is concerned. In both types of plans, the employer makes a payment of a certain amount in order to provide an incentive to the employee to continue working for the employer. The only difference is that in one type of plan, the employer pays an amount calculated by actuaries as necessary to meet a certain benefit level, while in the defined contribution plan, the employer is free to contribute an amount that will not produce any guaranteed benefit level. There is no reason to view this distinction as one that would change the nature of the benefit to the employee.

In 1991, when the Department of Labor transmitted its proposal to recodify the veterans reemployment law, it specifically treated those veterans whose employers happened to maintain a defined contribution plan as second-class citizens. Then-Secretary of Labor Lynn Martin wrote:

> If the employee is a participant in a defined contribution plan, the employee's period of service in the uniformed services will be treated as service with the employer or employers for purposes of vesting but not for purposes of benefit accrual. The exception of defined contribution plans (such as profit sharing plans) from the obligation to provide benefit accruals was made because such accruals represent the contributions actually made to the plan participants' individual accounts, and are more properly characterized as current compensation than as perquisites of seniority.

Uniformed Services Employment and Reemployment Rights Act of 1991 (H.R. 1578), House Report 56, 102d Congress, 1st Sess. 63 (1191).

Mr. Speaker, I think this was a callous and short-sighted position taken by the administration in 1991, and our committee rejected it when we reported the legislation now under discussion as well as the bill which was considered and passed by the House in the 102d Congress. Most employees are not in a position to negotiate the manner in which their employer provides pension benefits, and to attempt to change the character of such a benefit based on the manner in which the employer chooses to pay for it seems disingenuous and conflicts with the underlying principle of the existing law, which is that the returning servicemember is to be made whole.

The House bill and the Senate amendments have both rejected the previous administration's position that pension benefits should be characterized as current compensation. Although it is apparent that defined contribution plans differ from employer to employer and, by definition, offer no guaranteed benefit to qualifying employees, there is not such uncertainty about the amount which an absent employee accrues under defined contribution plans that such benefits should be excluded from the perquisites of seniority. Cf. *Tilton v. Missouri Pacific Railroad Co.*, 357 U.S. 265, 270 (1963) ("To exact such certainty as a condition for insuring a veteran's seniority rights would render these statutorily protected rights without real meaning."). To deny such rights to employees who serve in the military undermines the fundamental principle that the employee should not be disadvantaged by military service.

An additional consequence of the Court's failure to conclusively determine that all pension benefits, including benefits derived from defined contribution plans, are protected perquisites of seniority is the creation of confusion and dissent among the many factions involved in the funding and administration of pension benefits. This confusion is made worse by the fact that when the Congress enacted the Employee Retirement Income Security Act [ERISA] of 1974, it made no provision to deal with the pension rights of returning servicemembers who had faithfully served their country. So far as this committee has been able to learn, there is no reflection of the veterans pension rights at issue here in any of the regulations implementing that law or the laws granting employers favorable tax treatment for contributions made to such plans. The committee has learned that since ERISA does not include specific rules which require make-up contributions, many employers or pension plan administrators may have erroneously concluded that such contributions are not required under existing law. This is not the view of this committee or the House, and since the issue was raised by the administration's 1991 proposal, we have determined to resolve it once and for all. In arriving at our decision, we have not been unmindful of the compliance burden which may result from a clarification of this issue. Further, although we note the interest of the tax-writing committees in clarifying that such employer contributions would be tax-deductible, this issue is not addressed in this legislation because it is not an issue within our committee's jurisdiction.

The Supreme Court determined in *Alabama Power* that service in the military is to be credited for both vesting and benefit accrual purposes because the benefit is a reward for length of service and it is reasonably certain that the benefit would have accrued had the employee not been away in military service. The protections of the law apply equally to both defined benefit plans and defined contribution plans, so long as the specific plan at issue meets the requirement of *Alabama Power*. See *Reilly* v. *New England Teamsters*, 737 F.2d 1274, 1281–82 (2d Cir. 1984). The same would be true of those profit-sharing plans which are rewards for length of service. To the extent that *Raypole* v. *Chemi-trol Inc.*, 754 F.2d 169 (6th Cir. 1985) suggests differently, it is wrongly decided.

The decision in *Raypole* clearly does not reflect the intent of Congress when it drafted the original act. Congress intended to assure civilians called to the colors that they would not be disadvantaged while in service compared to workers whose lives were not similarly interrupted. The *Raypole* opinion, relying on the *Alabama Power* decision, found that when the Supreme Court "expressly withheld its views on whether defined contribution plans are to be treated differently from defined benefit plans * * *" it meant that profit sharing plans were not to receive the full enforcement of this law, see *Alabama Power* Co., 431 U.S. 593 n. 18, 97 S.Ct. 2002, 2009 n. 18 (1977). The result in this case is that a veteran would clearly be denied a benefit which almost certainly would have accrued had he not gone into the service, a benefit which can not be reasonably distinguished from the pension benefits at issue in *Alabama Power*. The decision in *Raypole* ignores the Congress' intent that the law be interpreted broadly so the veteran will "* * * not be disadvantaged by serving his country." See *McKinney* v. *Missouri-Kansas-Texas Railroad Co.*, 357 U.S. 265, 270 (1957).

The *Raypole* court also stated that "[w]e do not believe that Congress intended the Act to operate such that veterans share in the earnings from profits which they did not create at the expense of those who did" in reaching its final conclusion. See *Raypole* at 174. But this reasoning is also at odds with the intent of Congress because this rule as applied would place the veteran in the same position as an employee who had been fired and then eventually rehired. Congress did not intend for this to occur because it weighed the costs to the employer in drafting the original act, and determined that any perceived injustice to employers was more than offset by the benefits gained in achieving domestic tranquility through an adequately manned military. Defined contribution plans, including profit sharing plans, are covered by the act because "no practice of employers or agreements between employers and unions can cut down the service adjustment benefits which Congress has secured the veteran under the Act." See *Fishgold* v. *Sullivan Drydock & Repair Corp.*, 328 U.S. 275, 285 (1946). This coverage applies to all persons who have rights under this act and its predecessors since 1940.

Section 8(h) of the compromise agreement contains two substantive provisions which speak to this issue. First, the bill provides that "[n]othing in this Act shall be construed to relieve an employer of an obligation to provide contributions to a pension plan * * * in effect on the day before this Act takes effect." It is the House's view that returning servicemembers have always been entitled to employer contributions that would have been made during military service, and that the provisions of proposed section 4318 are merely a restatement of the existing law. However, it should be noted that—

> The strong deference accorded legislation in the field of national economic policy is no less applicable when that legislation is applied retroactively. Provided that the retroactive application of a statute is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches.

Pension Benefit Guaranty Corp. v. *R.A. Gray & Co.*, 467 U.S. 717, 729 (1984). Thus, even if this legislation were found to be retroactive, instead of merely clarifying current law which I believe is the case, given the purpose of the law and the means of achieving it, the Congress' power to enact such legislation cannot be doubted. There can be no question about the substantial role which the provision of reemployment rights to former servicemembers has played in our national defense, especially during the time of the All-Volunteer Force. It is one of a number, but certainly one of the most important, inducements to persons to leave civilian life for a time and serve their country. I wish to emphasize that this inducement is not provided to the career soldier, and that it is tailored to be as unobtrusive as possible given the need to recruit young men and women to defend the national interest. The value of this law was most recently demonstrated during the Persian Gulf war, when hundreds of thousands of reservists and National Guard members were forced to leave their civilian jobs to form part of a force which ejected the Iraqi army from Kuwait and preserved a key economic and political alliance with Kuwait.

Second, the bill would provide noncomplying plans with 2 years to bring the terms of those plans into compliance with the act. This compliance may entail recalculating pensions already being paid to employees whose pensions were calculated without the benefit of makeup contributions during the employee's military service. Although pension industry representatives have expressed apprehension about potential noncompliance with this measure or ERISA, the committee has learned from extensive discussion with pension industry experts that noncompliance with pension law requirements is an everyday occurrence, and that there is nothing remarkable about a company discovering a liability that it was previously unaware of and making a multimillion-dollar retroactive contribution to the plan maintained for its employees. In contrast, compliance with the existing veterans reemployment law should not be a multimillion-dollar adjustment, since the number of persons who leave a civilian employer and return to that employer within the time limits established by the law is relatively small. One estimate is that fewer than 30,000 persons would be entitled to such makeup contributions from a defined contribution pension plan in a recent year—fiscal year 1992—with an average per-enrollee makeup contribution of $1,900 covering the entire period of military service. The number of enrollees and amount per enrollee would be much smaller for years prior to 1992.

According to the Congressional Research Service, the percent of workers covered by defined contribution plans more than tripled—from 11 million to 35 million workers—from 1975 to 1990. Spread across the millions of employers and billions of dollars which such plans accept in contributions each year—private pension plan assets exceeded $3 trillion in 1993, while contributions to such plans in 1990 amounted to $75.8 billion—compliance with the existing law, even if it is done with a lump-sum contribution, poses an almost insignificant burden on the employer community.

It should also be noted that the compromise does not include the House-passed provision requiring employers to make up earnings on employer contributions or to reallocate or otherwise add to the veteran's account forfeitures which were distributed to other employees' accounts during the period of military service. To address employer and pension plan administrator concerns about possible noncompliance, the compromise includes a 2-year window for noncomplying plans to make up employer contributions which were required, but not made, under existing law. The committee understands that other technical and conforming changes may also be recommended by the committees with jurisdiction over ERISA and the tax code.

Mr. Speaker, since 1940, this law has protected veterans' employment rights.

Pension rights have been and will continue to be an important aspect of employment seniority. Preserving the veteran's right to such benefits regardless of the way in which such benefits are calculated is consistent with the original intention of the 1940 act, which "was to preserve for the returning veterans the rights and benefits which would have automatically accrued to them had they remained in private employment rather than responding to the call of their country." *Accardi* v. *Pennsylvania R.R. Co.*, 383 U.S. 225, 229–30 (1966). Their response to that call is the basis for all of the bounties which residents of this great Nation enjoy today, and the House honors that response by its action here today.

Mr. Speaker, this compromise is important to our national defense efforts, and I urge all my colleagues to support it. There follows an explanatory statement comparing the House bill, the Senate amendment, and the compromise agreement.

EXPLANATORY STATEMENT ON H.R. 995

H.R. 995 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These measures are H.R. 995, which the House passed on May 4, 1993, (hereinafter referred to as "House bill"), and the text of S. 843, which the Senate passed on November 8, 1993, as an amendment to H.R. 995 (hereinafter referred to as "Senate amendment").

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 995 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned House bill and Senate amendment are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

SCOPE OF COVERAGE

Current law: Section 4301(a) provides that an individual must have left a position (other than temporary) in the employ of an employer in order to perform training or service in the Armed Forces to be eligible for reemployment rights and benefits.

House bill: Proposed new section 4312(a) would provide that an individual must have left a position (other than temporary) in the employ of an employer for voluntary or involuntary service in the uniformed service to be entitled to a leave of absence or, upon completion of service, to reemployment.

Proposed new section 4303(8) would define "other than a temporary position" to mean a position of employment as to which there is a reasonable expectation that it will continue indefinitely.

Senate amendment: Proposed new section 4312(a) is similar to the provision in the House bill, but would not exclude individuals who held temporary positions when they entered the uniformed services from eligibility for reemployment rights and benefits. Also, proposed new section 4303 would not define the term "other than a temporary position."

Compromise agreement: Section 4312(d)(1)(C) would provide that an employer is not required to reemploy an individual if his or her employment prior to military service was for a brief, nonrecurrent period and there was no reasonable expectation that it would continue indefinitely or for a significant period.

The compromise agreement would not, therefore, include a definition of the term "other than temporary position."

PROHIBITION AGAINST DISCRIMINATION AND ACTS OF REPRISAL

Current law: Section 4301(b)(3) provides that an individual may not be denied hiring, retention in employment, or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces.

House bill: Proposed new section 4311 would provide that (1) an individual may not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of present or past application for or membership in a uniformed service, or obligation for future service; (2) an employer is considered to have committed a prohibited act of discrimination or reprisal against an individual if the individual's service, application, or obligation for service was a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the service, application, or obligation for service; (3) an employer may not discriminate against or take any adverse employment action against any individual because that individual has filed a claim under the Act, sought assistance concerning an alleged violation, testified in a proceeding, assisted or otherwise participated in an investigation, or exercised any right under the reemployment law; and (4) the prohibitions regarding discrimination will apply with respect to an individual regardless of whether that individual has performed service in the uniformed services.

Senate amendment: Proposed new section 4311 is substantively identical to the House provision but would extend protection under the reemployment law to employees in a foreign country.

Compromise agreement: Section 4311 does not contain protection for employees in a foreign country.

MAXIMUM PERIOD OF SERVICE FOR COVERAGE

Current law: Under section 4304, an individual is permitted to remain on active duty for a total of four years and still retain reemployment rights. An additional year of eligibility for reemployment rights is granted if an individual remains on active duty beyond the four-year period at the request of, and for the convenience of, the Federal Government. Active duty for training and inactive duty does not count toward the five years.

House bill: Subsections (a) and (c) of proposed new section 4312 would provide for a five-year limit on an individual's cumulative length of absence from a position of employment with the employer by reason of service in the uniformed services for the purposes of reemployment rights and benefits. This would include all types of service except (1) service required beyond five years to complete an initial period of obligated service; (2) service from which the individual, through no fault of his or her own, is unable to obtain a release from service within the five-year limit; (3) service for statutorily mandated training or to fulfill additional training requirements determined by the Secretary of Defense to be necessary for individual professional skill development; (4) service resulting from an order to, or retention on, active duty during a war or national emergency under a law or joint resolution related to a specific crisis situation; (5) service resulting from an order to active duty in support of an operational mission for which personnel have been ordered to active duty in section 673b of title 10, United States Code; (6) service resulting from an order to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or (7) service resulting from an order to active duty by the President of members of the National Guard to suppress an insurrection, repel an invasion by a foreign nation, suppress a rebellion, or execute laws of the United States that the President is unable to execute with the regular army.

Senate amendment: Subsections (a) and (c) of proposed new section 4312 are substantively identical to the House provision, but with additional coverage of Coast Guard personnel ordered to or retained on active duty under circumstances excepted for other uniformed service personnel.

Compromise agreement: Subsections (a) and (c) of section 4312 contain the Senate provision.

APPLICATIONS FOR REEMPLOYMENT

Current law: Section 4301(a) requires that an individual who is inducted into the Armed Forces generally must make application for reemployment within 90 days after separation. Section 4304(a) requires the same application obligation of an individual who enlists in the Armed Forces. Subsections (c) and (g) of section 4304 require that a member of a Reserve component who is ordered to an initial period of active duty for training of not less than 12 consecutive weeks or who is ordered to active duty other than for training under section 673b of title 10, generally must make application for reemployment within 31 days after separation; section 4304(d) provides that all other individuals required to perform active duty for training or inactive duty training must report to work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following the employee's release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control.

Under current law, if an individual is hospitalized incident to active duty, the application for reemployment generally must be made within the foregoing timeframes determined by the individual's type or category of military training or service. However, the application period begins upon discharge from hospitalization of not more than one year instead of beginning on the date of discharge from service.

House bill: Proposed new section 4312(e)(1) would require that (1) if the service was for less than 31 days or for the purpose of an examination to determine fitness to enter service, an individual entitled to reemployment must report to the employer for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following the completion of service and the expiration of eight hours after a time for safe transportation back to his or her residence or as soon as possible after the expiration of the eight-hour period if reporting within that period is impossible or unreasonable through no fault of the individual; (2) if the period of service was 31 days or more but less than 181 days, an individual entitled to reemployment must submit an application to the employer no later than 14 days following completion of service or as soon as possible thereafter if submitting an application within the period is impossible or unreasonable through no fault of the individual; (3) if the period of service was 181 days or more, an individual entitled to reemployment must submit an application no later than 90 days following completion of service or as soon as possible thereafter if submitting an application within the period is impossible or unreasonable through no fault of the individual.

Proposed new section 4312(e)(2) would provide for an extension of the time limits specified in subsection (e)(1) by up to two years if an individual is hospitalized for, or convalescing from, an injury or illness incurred or aggravated by military service. The two-year period would be extended by the minimum time required to accommodate the circumstance beyond the individual's control which makes reporting within the time limit impossible or unreasonable.

Senate amendment: Proposed new section 4312(e)(1) is substantively identical to the House provision, but without possible extension for events beyond the individual's control if the period of service was 31 days or more.

Proposed new section 4312(e)(2) is substantively identical to the House provision.

Compromise agreement: Section 4312(e)(1) contains the House provision regarding service of less than 31 days or for the purpose of an examination to determine fitness to enter service; the House provision regarding service of 31 days or more but less than 181 days, modified to make specific the time beyond 14 days within which the returning employee must make application for reemployment; and the Senate provision regarding service of more than 180 days.

Section 4312(e)(2) includes the provision relating to an extension of time in the case of an illness or injury.

Section 4312(e)(3) provides that a failure to report or apply within the time limits does not automatically forfeit the person's reemployment rights, but subjects the person to the employer's rules, policies, or practices pertaining to absence from work.

DOCUMENTATION UPON RETURN

Current law: No provision.

House bill: Proposed new section 4312(g) would provide that: (1) when reporting for reemployment, an individual, upon request, must provide to the employer documentation to establish the timeliness of the application for reemployment, that the individual did not exceed the applicable time-in-service limitation, and that the character of service was satisfactory; (2) notwithstanding a failure to provide documentation, an employer must reemploy an individual if the failure occurs because such documentation does not exist or is not readily available at the time of the request, with the condition that if, after reemployment, documentation becomes available that establishes that one or more of the eligibility requirements was not met, the employer may terminate the individual's employment and the provision of any rights or benefits afforded the individual prospectively; and (3) it is unlawful for an employer to delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

Senate amendment: Proposed new section 4312(f) contains documentation requirements substantively identical to those in the House bill except that, if an individual is absent from employment for more than 90 days, the employer may require documentation before making retroactive pension contributions.

Compromise agreement: Section 4312(f) contains the Senate provision.

ENTITLEMENT LIMITATIONS

Current law: No provision.

House bill: Proposed new section 4312(i) would provide that entitlement to protection under the reemployment law does not depend on the timing, frequency, duration of an individual's training or service or the nature of that service if the service does not exceed the service limitations and the applicable notice requirements are met.

Senate amendment: Proposed new section 4312(h) is substantively identical to the House provision.

Compromise agreement: Section 4312(h) contains this provision.

POSITION TO WHICH ENTITLED UPON REEMPLOYMENT

Current law: Section 4301(a) provides that a returning servicemember who was absent from an employment position (other than a temporary position) for service in the Armed Forces is generally entitled (1) if still qualified to perform the duties of that position, to be restored to that position or a position of like seniority, status, and pay; or (2) if not qualified to perform the duties of that position by reason of a disability sustained during service, to be offered and employed in a position the duties of which he or she is qualified to perform that will provide like seniority, status, and pay, or the nearest approximation consistent with the circumstances of the individual's case.

Section 4301(b)(2) provides that it is the sense of Congress that an individual must be so restored as to give the individual the status that he or she would have enjoyed but for the absence for service in the Armed Forces.

House bill: Proposed new section 4313(a)(1) would provide that an individual whose period of service was for fewer than 91 days must be reemployed promptly (1) in a position that he or she would have attained by remaining continuously employed, unless the employer can prove that the individual is not qualified or capable of becoming qualified with reasonable efforts by the employer, or (2) if not qualified or capable of becoming qualified for the new position, in the same position that he or she left. Proposed new section 4313(a)(2) would provide for a similar pattern of position offerings for an individual whose period of service was for 91 days or more, with the additional option that the employer may offer a position of like seniority, status, and pay to the new position or, as determined by whether the individual is qualified or capable of becoming qualified, the position that the individual left. Proposed new section 4313(a)(4) would provide that a returning servicemember who is not qualified to be employed in the position that he or she would have attained by remaining continuously employed or in the position that he or she left, for any reason other than disability incurred during the period of service, and who cannot become qualified with reasonable efforts by the employer, must be employed promptly in any other position of lesser status and pay the duties of which he or she is qualified to perform, with full seniority.

Senate amendment: Proposed new sections 4313(a) (1), (2), and (4) are similar to the House provisions but would provide that the employer may offer a position of like status and pay if the period of service was for more than 30 days.

Compromise agreement: Section 4313 generally follows the House bill.

POSITION TO WHICH ENTITLED IF DISABLED

Current law: Section 4307 requires an employer to make reasonable accommodations to the known physical or mental limitations incurred in the military service of an individual to enable him or her to perform the essential functions of a position, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business. The terms "reasonable accommodation" and "undue hardship" have the same meanings as are provided in the Americans with Disabilities Act of 1990 (ADA) (Public Law 101-336; 42 U.S.C. 12101 et seq.).

House bill: Proposed new section 4313(a)(3) would provide that if an individual is disabled because of a disability incurred during, or as a result of, a period of service in the uniformed services and is not qualified to be employed in the position that he or she would have attained if continuously employed or in the position that he or she left for service (even after reasonable efforts by the employer to accommodate the disability), the individual must be reemployed promptly (1) in any other position of similar seniority, status, and pay for which he or she is qualified or would become qualified with reasonable efforts by the employer; or (2) in a position which is the nearest approximation consistent with the circumstances of the individual's case.

Senate amendment: Proposed new section 4313(a)(3) is substantively identical to the House provision.

Compromise agreement: Section 4313(a)(3) contains this provision.

TWO OR MORE PERSONS ENTITLED TO REEMPLOYMENT IN THE SAME POSITION

Current law: Section 4306 provides that in any case in which two or more individuals are entitled to reemployment in the same position, the individual who left first has the prior right to be reemployed in that position, without prejudice to the reemployment rights of the other individual or individuals.

House bill: Proposed new section 4313(b) would provide that in any case in which two or more individuals are entitled to reemployment in the same position and more than one of them has reported for reemployment, (1) the individual who left the position first has the prior right to be reemployed in that position and (2) any individual not reemployed is entitled to be employed promptly in any other position which is equivalent in seniority, status, and pay for which the individual is qualified or would become qualified with reasonable efforts by the employer or in a position which is the nearest approximation consistent with the circumstances of the individual's case.

Senate amendment: Proposed new section 4313(b) is substantively identical to the House provision.

Compromise agreement: Section 4313(b) contains this provision.

REEMPLOYMENT BY THE FEDERAL GOVERNMENT

Current law: Section 4303 provides that any individual who is entitled to reemployment and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Federal government or by the District of Columbia, must be reemployed by that agency or the successor to its functions, or by the District of Columbia. In cases in which the Director of the Office of Personnel Management (OPM) finds that (1) the agency is no longer in existence and its functions have not been transferred to any other agency, or (2) for any reason it is not feasible for the individual to be reemployed by the agency or the District of Columbia, the Director must determine whether or not there is another position in any other agency in the executive branch or in the government of the District of Columbia for which the individual is qualified and which is either vacant or held by an individual having a temporary appointment, and, if such a position exists, the individual must be offered the position and, if the individual so requests, be employed in the position.

In cases in which it is not possible for an individual who is entitled to reemployment rights to be restored to a position that he or she left in the legislative branch and who is otherwise eligible to acquire a status for a transfer to a position in the competitive service, the Director of the OPM is required to search for a comparable position in the executive branch for which the individual having a temporary appointment, and, if such a position exists, it must be offered to the individual. An individual who was employed in the judicial branch must be restored to the position that the individual held immediately before entering the Armed Forces.

House bill: Proposed new section 4314 is similar to current law but would provide that (1) an individual is entitled to be reemployed according to the priorities set out in new section 4313; (2) the District of Columbia government is not considered part of the executive branch; and (3) in a case in which an employer in the legislative or judicial branch, or the adjutant general of a State in the case of a National Guard technician, determines that it is impossible or unreasonable to reemploy an individual who left to serve in the uniformed services and the individual is otherwise eligible to acquire a status for a transfer to a position in the competitive service, the Director of OPM must identify and offer an alternative position in the executive branch.

Senate amendment: Proposed new section 4314 is similar to the House provision but would require the Director of OPM to ensure that an individual whose reemployment in a Federal Government position—to include the legislative or judicial branch—or as a National Guard technician is impossible or unreasonable is offered an alternative position of employment in the executive branch.

Compromise agreement: Section 4314 contains the Senate provision.

REEMPLOYMENT BY CERTAIN FEDERAL AGENCIES

Current law: Although current Chapter 43 does not exempt federal intelligence community agencies—those listed in section 2302(a)(2)(C)(ii) of title 5, United States Code (the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and any Executive agency or unit the function of which is determined by the President to be the conduct of foreign intelligence or counterintelligence activities), section 403(c) of title 50, United States Code, provides that the Director of Central Intelligence may, in his or her discretion, terminate the employment of any officer or employee of the Agency whenever he or she deems such a termination necessary or advisable in the interests of the United States. Other intelligence community agencies have similar authority to make employment determinations with outside review.

House bill: No provision.

Senate amendment: Proposed new section 4315 would provide that the head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 must (1) prescribe procedures for ensuring that veterans' reemployment rights apply to the employees of that agency, and ensure, to the maximum extent practicable, that the procedures for reemployment in that agency are similar to those that apply to other executive branch employees; (2) upon making a determination that the reemployment of an individual is impossible or unreasonable, notify the individual and the Director of OPM of the determination; and (3) on an annual basis, submit to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of individuals whose reemployment with the agency was determined to be impossible or unreasonable during the year preceding the report and the reason for each determination.

Compromise agreement: Section 4315 contains the Senate provision, modified to require the heads of each agency to submit annual reports to the House and Senate Committees on Veterans' Affairs.

GENERAL RIGHTS AND BENEFITS

Current law: Section 4301(b)(1) provides that an individual reemployed under the veterans' reemployment rights law (1) shall be considered as having been on furlough or leave of absence during the period of service, (2) must be reemployed without loss of seniority, and (3) is entitled to participate in insurance or other benefits offered by the employer according to rules and practices relating to employees on furlough or leave of absence in effect with the employer at the beginning of the period of service. Section 4301(b)(2) provides that it is the sense of Congress that the reemployed individual should be so reemployed as to give the individual the status that he or she would have enjoyed if employed continuously during the period of active service.

House bill: Proposed new section 4315(a) would, as in current law, provide that upon reemployment under the veterans' reemployment rights law, a person would be entitled to the seniority and other rights and benefits determined by seniority that the individual had on the date of the beginning of uniformed service plus the additional seniority and rights and benefits the individual would have attained if the individual had remained continuously employed.

Proposed new section 4315(b) would provide that (1) an individual who performs service in the uniformed services would be considered to be on a furlough or leave of absence while in the uniformed services and would be entitled, while away, to rights and benefits, not determined by seniority, relating to other employees on furlough or leave of absence which were established, by contract, practice, policy, agreement, or plan effective at the beginning of the period of service or implemented while the individual is performing service; and (2) the individual may be required to pay the employee cost, if any, of any funded benefit continued to the extent other employees on furlough or leave of absence are required to pay.

Senate amendment: Subsections (a) and (b) of proposed new section 4316 are substantively identical to the House provision, except that subsection (b) would (1) provide that in the case of a multiemployer pension plan, liability will be allocated by the plan or if the plan does not provide, liability would be allocated to the last employer before the period of uniformed service; (2) clarify that the servicemember deemed to be on furlough or leave of absence because of uniformed service would not be entitled to any benefits which he or she would not otherwise be entitled if the individual were not on a furlough or leave of absence; (3) exempt entitlement for health insurance to care and treatment to the extent the individual would be entitled to the same care and treatment from the Federal Government during uniformed service; (4) preserve policy exclusion of disability insurance for persons in service in excess of 31 days; (5) preserve policy war-clause exclusions; and (6) limit the right of continued insurance coverages to the lesser of (a) 18 months from date of absence, or (b) the period of service plus period of notice of intent to return.

Compromise agreement: The compromise agreement addresses the seniority and non-seniority benefits in three sections—proposed new sections 4316 (Rights, benefits, and obligations of persons absent from employment for service in a uniformed service), 4317 (Health plans), and 4318 (Employee pension benefit plans).

Subsection (a) of section 4316 contains the general provisions relating to seniority benefits as set forth in both the House bill and the Senate amendment.

Subsection (b) of section 4316 contains the general provisions relating to non-seniority benefits with a provision, in new subsection 4316(b)(2)(A), that provides that a person otherwise entitled to rights and benefits accorded to other employees on furlough or leave of absence may waive those rights and benefits if the person knowingly provides written notice of intent not to return to employment after military service. Basic waiver law would be applicable to such a knowing waiver.

Subsection 4316(b) contains the Senate provision relating to multiemployee plans, modified to provide that, in the event the last employer is not functioning, liability would be allocated to the plan. Subsection (b) also contains the Senate provision clarifying that a servicemember deemed to be on a leave of absence because of uniformed service is not entitled to any benefits which a person would not be entitled if he or she was not on a leave of absence.

Although the compromise agreement for subsection 4316(b) does not contain the Senate exemptions relating to duplicate federal coverage, disability insurance, or war-clauses, nothing in this law is intended to overrule contract rights of coverage in the area of health, disability, and life insurance.

RETENTION RIGHTS

Current law: Section 4301(b)(1)(A) provides that an individual who was inducted into the Armed Forces and who is then reemployed cannot be discharged from his or her position without cause for one year following reemployment. Subsections (c) and (g) of section 4304 provide that reservists who were ordered to an initial period of active duty for training of not less than twelve consecutive weeks or who were ordered voluntarily or involuntarily to active duty under section 673B of title 10 cannot be discharged from their positions without cause for six months after reemployment.

House bill: Proposed new section 4315(d) would provide that an individual reemployed under this chapter may not be discharged from employment, except for cause (1) if the period of service was more than 180 days, within one year; (2) if the period of service was more than 30 days but less than 181 days, within six months; or (3) if the period of service was less than 31 days, within a period of time equal to the period of service concerned.

Senate amendment: Proposed new section 4316(e) is similar to the House provision except that retention rights would not be provided to individuals serving for less than 31 days.

Compromise agreement: Section 4316(c) contains the Senate provision.

ACCRUED LEAVE

Current law: No provision.

House bill: Proposed new section 4315(e) would provide that any individual who is absent from a position (other than a temporary position) for voluntary or involuntary service in the uniformed services may use, during the period of service, accrued or other leave which the individual could have used if employment had not been interrupted for service.

Senate amendment: Proposed new section 4316(f) is similar to the House provision, except (1) temporary positions are not excluded, and (2) application would be limited to accumulated vacation or annual leave with pay.

Compromise agreement: Section 4316(d) contains the Senate provision, modified to add "similar leave" with pay to the types of leave that could be used.

HEALTH PLANS

Current Law: Section 4301(b)(1)(A) provides, among other things, that any reemployed person "shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into" the Armed Forces.

Section 4301(b)(1)(B) provides that, in the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a servicemember entitled to participate in that insurance, or a health or physical condition of any other individual who is covered by the insurance by reason of the coverage of the servicemember, if (1) the condition arose before or during the individual's period of training or service in the Armed Forces; (2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by the individual in the insurance; and (3) the condition of the individual has not been determined by the Secretary of Veterans Affairs to be service-connected.

House bill: Proposed new section 4313(c)(1) would provide that, notwithstanding the general provision that persons in military service are considered to be on furlough or leave of absence and are entitled to non-seniority rights and benefits which other employees on furlough or leave are entitled to, a person would be entitled to continuation of any insurance provided by the employer, including health insurance, for up to 18 months. The person could be required to pay the entire cost of any insurance benefit, except the person would only be responsible for the employee share of any insurance premium when the person was ordered to service of less than 31 days.

Proposed new section 4315(c)(2) is substantively identical to existing section 4301(b)(1)(B) (dealing with reinstatement of health coverage without exclusions or waiting periods).

Senate amendment: Proposed new section 4316(d)(1), dealing with an employee's right to continue health-plan coverage, would apply if the person's health-plan coverage "would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services." A person who elects continuation coverage could be required to pay 102 percent of the full premium associated with such coverage except, in the case of service of less than 31 days, the person could not be required to pay more than the employee share. A person who elected continuation coverage would not be entitled to such coverage (1) to the extent that the person is entitled to care or treatment from the Federal Government, or (2) if the person failed to notify the employer of the person's intent to return to employment within the periods prescribed in section 4312(e) of the Senate bill.

Proposed new section 4316(d) would provide that, if an individual's coverage under an employer-sponsored health plan is terminated by reason of uniformed service, an exclusion or waiting period may not be imposed in connection with coverage of the servicemember or any other individual covered by the health plan upon reemployment by the employer, if an exclusion or waiting period would not have been imposed had coverage not been terminated. An exception would apply to disabilities that the Secretary of Veterans Affairs has determined to be service-connected.

Compromise agreement: Section 4317 requires the health plan to offer continuation coverage for up to 18 months to persons who have coverage in connection with employment and who are absent from such employment due to military service. The health plan may not require the person to pay more than the employee share for that coverage if the period of military service does not exceed 31 days. If the period of service exceeds 31 days, the employee may be required to pay not more than 102 percent of the full premium under the plan.

The compromise also includes provisions pertaining to allocation of liability in the case of a multiemployer plan and limiting the obligation to continue coverage to the day after the date on which the person fails to apply for or return to a position of employment.

With respect to reinstatement of health plan coverage following a period of service, the compromise generally follows the Senate provision, with a clarification that all persons who are covered by the plan by reason of the reinstatement of the coverage of the person who is reemployed would also have coverage reinstated without the imposition of an exclusion or waiting period.

EMPLOYEE PENSION BENEFIT PLANS

Current law: Section 4321(b)(1)(A) provides that upon reemployment after military service, a person shall be restored without loss of seniority. In *Alabama Power* Co. v. *Davis*, 431 U.S. 581 (1977), the Supreme Court held that pension benefits were protected under the Act as "perquisites of seniority" because the real nature of the benefit is a reward for length of service.

House bill: Proposed new section 4316 would clarify the protection provided pension benefits under the Act. Section 4316 (a)(1)(A) would define the pension plans entitled to protection under the Act as any plan which falls within the definition of an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. s 1002(2), as well as any federal, state or local government plan.

This definition would include profit-sharing plans to the extent that such plans provide retirement benefits to participants.

Sections 4316(a)(2)(A) and (B) would make explicit the rights of reemployed servicemembers in their pension plans, such as no break in employment service would be considered to have occurred, no forfeiture of benefits already accrued would be allowed, and there would be no necessity to requalify for participation in the pension plan by reason of absence for military service.

Section 4316(b)(1)(A) would provide a pension plan with a claim against the employer for amounts that may be required to fund obligations arising under this section. In the case of a multiemployer plan, this provision would enable the plan to pursue its existing remedies under section 515 of the Employee Retirement Income Security Act, 29 U.S.C. 1145, for failure to make the required contributions, in the event that neither the plan nor the collective bargaining agreement pursuant to which the plan is maintained provides for any such funding obligations.

Section 4316(b)(1)(B) would provide that a returning veteran is entitled to have earnings and any employer contribution which is determined without reference to the number of, or compensation of, plan participants credited to such person's pension account to the same extent as they would have been credited had such person remained continuously employed instead of serving in the uniformed service. With regard to forfeitures, this section would permit, but not require, the allocation of forfeitures to such person's pension account.

Section 4316(b)(2) would provide that, if the plan is contributory (i.e., provides for employee contributions as well as employer contributions), the portion of such accrued benefit that is derivable from employee contributions would be required to be calculated only to the extent that the reemployed serviceperson makes the required employee contribution to the plan. No interest or penalty would be charged on the employee contribution, nor would the employee be credited with interest that would have been earned on such contribution. However, if a reemployed serviceperson has withdrawn his or her pension plan monies, in whole or in part, prior to entering military service, such person must be allowed to voluntarily repay the withdrawn amount (together with the interest that would have been earned had the monies not been withdrawn) and receive the appropriate credit in the pension plan. The period of repayment would be subject to negotiation between the employer and employee.

Section 4316(b)(3) would provide that if there is a need to use imputed earnings of an employee to calculate pension benefits during a period when in fact there were no earnings because of the absence in military service, the employee's preservice rate of pay will be used or if no fixed rate was in effect, the average earnings of the 12 months immediately preceding military service shall be used.

Section 4316(c) would require that, where military service might result in additional pension liability, the administrator of a multiemployer pension plan be notified that a contributing employer has reemployed a veteran under chapter 43. Such a notification would provide the plan the opportunity to take whatever steps may be required to protect its interests. Unlike administrators of single-employer pension plans, administrators of multiemployer plans are generally not in a position to be aware of the fact that a contributing employer has reemployed a person who may have a pension claim arising from a period of military service.

Senate amendment: Proposed new section 4317 is similar to the House provisions with some changes (described below).

Section 4317(b)(1) would provide, in the case of a multiemployer pension plan, if the plan does not have a method of allocating liability for a returning servicemember, the last employer employing the person prior to military service shall be liable.

Section 4317(b)(2) would provide, with reference to the repayment of employee contributions, for the repayment period to be no shorter than the length of absence.

Section 4317(b)(4) would not allow earnings on contributions to a plan until the contributions are made and would not allow the reallocation of already allocated forfeitures to a returning servicemember's account.

Section 4317(d) would provide that no action need be taken which would cause the plan, participants, or the employer to suffer adverse tax or other consequences under the Internal Revenue Code.

Compromise Agreement: Section 4318 generally follows the House bill with several modifications.

The first modification is that, in a multi-employer context, section 4318(b)(1)(A) requires allocation of liability first to the plan in whatever manner the plan provides. If there is no provision made, the last employer of such person before military service would be responsible and, if there is no longer a functional last employer, the liability would revert to the plan.

The next modification is that section 4318(b)(2) now provides that repayment of employee contributions can be made over a period of three times the period of military service, not to exceed five years.

Under section 4318(b)(3), for purposes of computing an employer's liability or an employee's contributions, to the extent that they are based on an employee's earnings, the same "reasonable certainty" analysis as is applicable to pay rate cases would be applicable here.

It is the Committees' intent that earnings or losses on contributions made after return from military service not be credited until after the contributions are made and only prospectively and there is no requirement to reallocate already allocated forfeitures to a returning servicemember's account.

The Committees also intend that no pension rights accrue for a period of military service if the servicemember elects not to be reemployed, but the person's vested interest prior to entering military service would remain intact.

ASSISTANCE IN ASSERTING CLAIMS

Current law: Under section 4305, the Secretary of Labor, through the Office of Veterans' Reemployment Rights, is required (1) to render aid in the replacement in their former positions or reemployment of individuals who have satisfactorily completed a period of active duty in the Armed Forces or the Public Health Service and (2) to use existing Federal and State agencies engaged in similar or related activities and the assistance of volunteers.

House bill: Proposed new section 4321 is similar to current law, except that the Secretary would be authorized, rather than required, to use existing Federal and State agencies engaged in similar or related activities and the assistance of volunteers.

Proposed new section 4322 would specify (1) procedures for individuals to file reemployment complaints with the Secretary and (2) that the Secretary is authorized to conduct investigations and make efforts to obtain voluntary compliance from employers.

Senate amendment: Proposed new section 4321 is similar to the House provisions and in addition, would require that in cases in which the efforts of the Secretary to obtain voluntary compliance are unsuccessful, the Secretary must notify the individual who submitted the complaint of (1) the results of the investigation, and (2) the complainant's entitlement to request referral of the claim to the Office of the Special Counsel or the United States Attorney, depending on whether the employer is the Federal government or a State or private employer.

Compromise agreement: Sections 4321 and 4322 contain the Senate provisions.

ENFORCEMENT

State or Private Employer

Current law: Under section 4302, in the case of a private or State employer who fails or refuses to comply with the reemployment laws, (1) the district court of the United States for the district in which the employer maintains a place of business, exercises authority, or carries out its function, has the power, upon the filing of a motion, petition, or other appropriate pleading by the individual entitled to the benefits of the reemployment laws, to require the employer to comply with the reemployment law and to compensate the individual for any loss of wages or benefits suffered by reason of the employer's unlawful action; (2) the United States attorney or comparable official, if reasonably satisfied that an individual who applies for representation is entitled to the reemployment benefits, must appear and act as an attorney for the individual in the amicable adjustment of the claim or in the filing and prosecution of a complaint; (3) no fees or court costs may be taxed against an individual who applies for such benefits; (4) only the employer may be deemed a necessary party respondent; and (5) no State statute of limitations may apply to any proceedings.

House bill: Proposed new section 4322 is similar to current law except that it would provide that (1) if the Secretary of Labor, after investigation, is reasonably satisfied that a violation has occurred and efforts to obtain voluntary compliance are not successful, and if the claimant requests referral for litigation, the Secretary must refer the case to the Attorney General; (2) the Attorney General, if reasonably satisfied that the individual requesting representation is entitled to the rights or benefits sought, may appear and act as attorney for the claimant in the filing and prosecution of a complaint; (3) an individual may be represented before the District Court by a counsel of choice; (4) the court may award an individual who prevails a reasonable attorney's fee, expert witness fee, and other litigation expenses; (5) the court may use its full equity powers to vindicate rights under the Act; (6) a reemployment rights claim may only be initiated by an individual claiming such rights or benefits, not by an employer, prospective employer, or other entity with obligations under the reemployment law; (7) a State will be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer; and (8) if the District Court determines that the employer's failure to comply with the provisions of chapter 43 were willful, the court may require the State or private employer to pay, in addition to the compensation determined to be paid the person, an amount equal to that compensation as liquidated damages.

Senate amendment: Proposed new section 4322 is substantively identical to the House provision.

Compromise agreement: Section 4323 contains these provisions.

Federal Government as Employer

Current law: Section 4303(a) provides that the Director of the Office of Personnel Management is authorized and directed when the Director finds, upon appeal of the individual concerned, that any agency in the executive branch or the government of the District of Columbia has failed or refuses to comply with the provisions of the law relating to reemployment by the executive branch or the government of the District of Columbia, to issue an order requiring compliance and to compensate the individual for any loss of salary or wages suffered by reason of failure to comply, less any amounts received by the individual through other employment, unemployment compensation, or readjustment allowances.

House bill: Proposed new section 4322(e), which applies with respect to the Federal Government as employer, would provide that (1) if the Secretary, after investigation, is reasonably satisfied that a violation has occurred with respect to the Federal Government as employer and efforts to obtain voluntary compliance are not successful, and if the claimant requests that the claim be referred for litigation before the Merit Systems Protection Board (MSPB), the Secretary would be required to refer the case to the Office of the Special Counsel; (2) if the Special Counsel is reasonably satisfied that the individual requesting representation is entitled to the rights or benefits sought, the Special Counsel would be required to appear and act as an attorney for the claimant in filing and pursuing an appeal to the MSPB; (3) if the Special Counsel were to decline to represent an individual after receiving a referral from the Secretary or if an individual were to decide not to apply to the Secretary for assistance or to use the Special Counsel for representation, the individual may be represented before the MSPB by counsel of the individual's choice; (4) if the MSPB concludes that a Federal Government employer has failed or refused to comply with the reemployment laws or that the Director of OPM has not met his or her obligation under the reemployment law, it would require the employing agency or the Director to comply with the law and to compensate the individual for any loss of wages or benefits suffered by reason of the unlawful action; and (5) a claimant would be able to petition the United States Court of Appeals for the Federal Circuit to review a decision of the MSPB in which the claimant is denied the relief sought, but would not be represented by the Secretary or the Special Counsel before the Court of Appeals or the Supreme Court.

Senate bill: Proposed new section 4323 is substantively identical to the House provision but would provide that (1) the individual would be able to be represented before the MSPB by a representative of choice; (2) the MSPB would be able to award the individual reasonable attorney fees, expert witness fees, and other litigation expenses; and (3) an individual would be able to be represented by the Special Counsel in an action for a review of a decision issued by the MSPB, unless the individual was not represented by the Special Counsel before the MSPB regarding this decision.

Compromise agreement: Section 4324 contains the Senate provision.

Federal Intelligence Agency as Employer

Current law: No provision.

House bill: No provision.

Senate amendment: Proposed new section 4324 would provide that any individual employed prior to service in the uniformed services by a federal intelligence agency—those listed in section 2302(a)(2)(C)(ii) of Title 5 (the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or any Executive agency or unit the function of which is determined by the President to be the conduct of foreign intelligence or counterintelligence activities)—would be able to submit a complaint regarding reemployment to the Inspector General of the agency in question, who would be required to investigate and resolve the claim pursuant to procedures prescribed by the head of the agency, which must be, to the maximum extent practicable, similar to the provisions relating to the investigation and resolution of a claim by the Secretary of Labor.

Compromise agreement: Section 4325 contains the Senate provision.

SUBPOENAS

Current law: No provision.

House bill: Subsections (b) and (c) of proposed new section 4323 would provide that the Secretary may (1) require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation and (2) in the case disobedience of a subpoena, may request that the Attorney General apply to a district court of jurisdiction for an order enforcing the subpoena. Subpoena authority would not apply in the case where the employer is the Federal Government.

Senate amendment: Subsections (b) and (c) of proposed new section 4325 are substantively identical to the House provisions, but would not apply the subpoena authority to the legislative and judicial branches of the United States.

Compromise agreement: Section 4326 contains the Senate provision.

REGULATIONS

Current law: Under Section 4303(a), the Director of the Office of Personnel Management (OPM) is authorized and directed to issue regulations relating to the reemployment in the executive branch or in the government of the District of Columbia.

House bill: Proposed new section 4331 would provide that (1) the Secretary of Labor, in consultation with the Secretary of Defense, would be authorized to prescribe regulations with regard to States, local governments, and private employers; (2) the Director of OPM, in consultation with the Secretaries of Labor and Defense, would be authorized to prescribe regulations with regard to the Federal Government as employer, and any such regulations would have to be consistent with regulations pertaining to States and private employers, except that employees of the Federal government may be given greater or additional rights; and (3) may be prescribed by the Merit Systems Protection Board and by the Office of Special Counsel to carry out their responsibilities.

Senate amendment: Proposed new section 4331 is substantively identical to the House provision but (1) would not authorize the Director of OPM to prescribe regulations giving Federal employees greater rights than employees of States and private employers, and (2) would authorize intelligence community agencies to prescribe regulations.

Compromise agreement: Section 4331 contains the House provision, modified to authorize intelligence community agencies to prescribe regulations.

REPORTS

Current law: No provision.

House bill: Proposed new section 4332 would require the Secretary of Labor, after consultation with the Attorney General and Special Counsel, to provide Congress no later than February 1, 1995, and each February 1 annually thereafter, a report concerning actions taken under chapter 43 during the prior fiscal year, including (1) the number of cases reviewed by the Department Labor; (2) the number of cases referred to the Attorney General or the Special Counsel; (3) the number of complaints filed by the Attorney General; (4) the nature and status of each case; (5) an indication of whether there are any apparent patterns of violation of the provisions of this chapter; and (6) recommendations for administrative or legislative action that the Secretary, Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter.

Senate amendment: Section 2(c) would require the Secretary of Labor, the Attorney General, and the Special Counsel to submit a report to Congress, not later than one year after the date of enactment, relating to the implementation of chapter 43.

Compromise agreement: Section 4332 contains the House provision, modified to provide that Congress be provided with an annual report on February 1 of each year for five years, beginning with 1996.

OUTREACH

Current law: No provision.

House bill: No provision.

Senate amendment: Proposed new section 4332 would require that the Secretaries of Labor, Defense, and Veterans Affairs to take appropriate actions to inform individuals entitled to reemployment rights and benefits and employers of the reemployment rights, benefits, and obligations.

Compromise agreement: Section 4333 contains the Senate provision.

EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS

Current law: Section 5303A(b)(1) of title 38 generally provides that an individual who is discharged or released from active duty before completing the shorter of 24 months of continuous active duty or the full period for which called or ordered to active duty is not eligible by reason of that period of active duty for any benefit under title 38 or any other law administered by the VA.

House bill: Section 3 would exclude reemployment benefits under chapter 43 of title 38 from the minimum service requirements.

Senate amendment: Section 3 is identical to the House provision.

Compromise agreement: Section 3 contains this provision.

THRIFT SAVINGS PLAN

Current law: Under current law, Federal and Postal employees who return from active military service have certain reemployment and restoration rights, including the rights to obtain retirement credit under the Civil Service Retirement System (CSRS) or under the basic annuity provisions of the Federal Employees' Retirement System (FERS) for the period of military service. However, Federal and Postal employees who separate from service or who enter leave-without-pay status to perform military service cease to be eligible to make contributions to the Thrift Savings Plan (TSP) or to have their employing agencies contribute to their accounts during their period of military service. The TSP is a deferred compensation arrangement similar to private sector 401(k) plans. The structure of the TSP is based on the premise that contributions by employees must be deferred from current civilian pay in order for an employee to enjoy the tax benefits of deferred income, which are an integral part of the TSP.

House bill: Section 4 would amend title 5, United States Code, principally by adding a proposed new section 8432b, so as to allow Federal and Postal employees who separate or enter leave-without-pay status to perform military service to make up contributions to the Thrift Savings Plan (TSP) missed because of military service. The maximum amount an employee would be allowed to contribute would be equal to the amount an employee would have been eligible to contribute, subject to the applicable statutory maximums, reduced by any contributions actually made during period of military service (since these employees may use military or annual leave to cover periods of military service and since employees on military and annual leave continue to receive civilian basic pay, contributions continue to be made to the Thrift Savings Fund for such periods).

For purposes of any computation under this section, an employee would be, with respect to the period of military service, considered to have been paid at the rate which the employing agency determines would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

An employing agency would be required to give an employee up to two times, and may give an employee up to four times, the length of his or her military service to make up TSP contributions, although an employee may choose to make up contributions sooner. Make-up contributions would have to be made at the same time, in the same manner, and in addition to, contributions the employee is otherwise eligible to make.

If an employee is entitled to agency matching contributions based on make-up contributions, the agency would be required to make such contributions in the same manner as regular matching contributions. Agency matching contributions attributable to employee make-up contributions would be in addition to any matching contributions to which the employee is already entitled.

Upon reemployment or restoration, the employing agency would be required to pay lost earnings on contributions made by the employee as well as any agency automatic contributions to which the employee would have been entitled during the make-up period.

The period of military service would be counted towards service required for vesting in TSP agency automatic contributions, and any separation to perform military service would not cause forfeiture of such contributions if the employee is subsequently reemployed or restored pursuant to chapter 43 of title 38. Persons who received involuntary TSP payments as a result of their separation to perform military service would have the right to restore those payments to the plan.

Employees who have been restored or reemployed before the date of enactment of this Act would be entitled to make up contributions for the period beginning with their absence from civilian service and continuing through either the date of enactment or the first TSP open season from which the employee is eligible, whichever occurs first.

An employee would be allowed to elect, for purposes of transferring TSP account balances to eligible retirement plans or establishing nonforfeitability of account balances of less than $3,500, to have the employee's separation treated as if it had never occurred. An election for these purposes would have to be made within such period of time after restoration or reemployment, as the case may be, and otherwise in such manner as the Executive Director of the Federal Retirement Thrift Investment Board prescribes.

Senate amendment: Section 6 is substantively identical to the House provisions but does not include require the employing agency to pay lost earnings on retroactive contributions.

Compromise agreement: Section 4 follows the House bill with a modification giving the employing agency the discretion to pay lost earnings on retroactive contributions.

REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS

Current law: Some Federal workers—those enrolled in Federal Employees' Retirement System (FERS)—who interrupt their civilian employment to serve on active duty in the military may be required to pay more to receive Federal civilian retirement credit for that service than they would have had to pay had they not gone on active duty.

In order to receive Federal civilian retirement credit for military service, Federal employees who are enrolled in FERS are required to pay 3 percent of their military pay. However, these employees pay only 0.8 percent of the civilian wages to receive retirement credit for their civilian Federal employment. As a result, when 3 percent of such an individual's military pay exceeds 0.8 percent of that individual's civilian pay, the individual would pay a larger dollar amount to receive retirement credit for military time than the individual would have paid had he or she remained in the civilian jobs.

House bill: No provision.

Senate amendment: Section 5 would amend sections 8334(j)(1) and 8422(e)(1) of title 5, United States Code, to provide that in the case of individuals enrolled in FERS (or in the Civil Service Retirement System, which does not have this anomaly) who have their Federal civilian service interrupted by military service and who are reemployed under chapter 43 of title 38 on or after August 1, 1990, the deposit into their retirement benefit program may not exceed the amount that would have been deducted and withheld from basic pay during civilian service if the employee had remained in continuous civilian service.

Section 5 also would amend sections 8331(13) and 8401(31) of title 5, to expand the definition of "military service" for both CSRS and FERS, respectively, by adding to the meaning full-time National Guard duty (as that term is defined in section 101(d) of title 10) if that service interrupts creditable civilian service and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990.

Compromise agreement: Section 5 includes this provision.

INCREASE IN AMOUNT OF LOAN GUARANTY FOR THE PURCHASE OR CONSTRUCTION OF HOMES

Current law: Section 3703(a)(1) of title 38 sets the maximum amount of a VA loan guaranty for loans for the purchase or construction of homes at $46.000, an amount that would support a no-downpayment, VA-guaranteed home loan of $184,000.

House bill: No provision in H.R. 995. Section 1 of H.R. 949, as passed by the House on September 21, 1993, would amend section 3703(a)(1) to increase the maximum loan guaranty to $50,750 and thus increase the no-downpayment VA-guaranteed home loans to $203,000.

Senate amendment: Section 10 is substantially identical to section 1 of H.R. 949.

Compromise agreement: Section 7 includes this provision.

TRANSITION RULES AND EFFECTIVE DATES

Current law: No provision.

House bill: Section 6 of H.R. 995 would provide that (1) except as provided elsewhere, the amendments made by this Act would be effective with respect to reemployment initiated on or after the first day after the 60-day period beginning on the date of enactment; (2) the reemployment provisions contained in chapter 43 in effect on the day before the date of enactment would continue to apply to reemployment initiated before the end of the 60-day period; (3) for the purposes of the five-year service limitation, military service performed prior to the date of enactment would be considered only to the extent that period of military service would have counted toward the service limitations under current law; (4) the anti-discrimination provisions that are added by amendments to this Act would be effective on the date of enactment; (5) the insurance provision would be effective on the date of enactment, except that an individual on active duty on the date of enactment would be able to elect to reinstate or continue insurance coverage for the remaining portion of the 18 months that began on the date of separation from civilian employment; and (6) the disability provisions would be effective with respect to reemployments initiated on or after August 1, 1990.

The provisions of section 4311(a) defining the actions protected from discrimination or reprisal and the standard and burden of proof set forth in section 4311(b) are not additions to the Act but are a codification of existing law.

Senate amendment: Section 9 is substantively identical to the House provision with the additional provision that the provisions of proposed section 4325 regarding investigations and subpoenas would become effective on the date of enactment and apply to any matter pending with the Secretary of Labor.

Compromise agreement: Section 8 contains the Senate provision. It also contains a provision that the notice of intent not to return found in section 4316(b)(2) applies only to furlough or leave of absence rights and benefits under that section and does not apply to or waive any other right or benefit under the Act.

The compromise also provides that nothing in this Act would relieve an employer of an obligation to provide contributions to a pension plan (or provide pension benefits) which is required by the provisions of the existing chapter 43 of title 38, United States Code, in effect on the day before this Act takes effect. Any plan which is not in compliance with the requirements of the law would have two years from the date of enactment to come into compliance with the law.

☐ 1610

Mr. STUMP. Mr. Speaker, continuing my reservation of objection, the Uniformed Services Employment and Reemployment Rights Act of 1994 has been several years in the making. It is bipartisan legislation we can be proud of. I particularly want to commend my good friend, the gentleman from Mississippi, Chairman SONNY MONTGOMERY, for his consistent and tireless leadership on veterans' reemployment rights. He has maintained the focus on this legislative effort until we were able to reach a satisfactory compromise with the Senate.

Also, I want to commend the ranking minority member of the Subcommittee on Education, Training, and Employment, Mr. HUTCHINSON, for his efforts and support on this vital legislation.

Mr. Speaker, I urge my colleagues to support the House amendment to the Senate amendment to H.R. 995.

Mr. Speaker, of course, the compromise with the chairman of the Senate Veterans' Affairs Committee, Senator ROCKEFELLER, and the ranking minority member, Senator MURKOWSKI, enables us to bring this amendment to the floor today. I commend them as well for their willingness to resolve with us the differences between the House and Senate legislation.

Mr. Speaker, Chairman MONTGOMERY has explained the basic legal rights provided by this measure, and I associate myself with his remarks. The careful and clear definition of the rights and obligations between veterans and their employers has never been more important. The current law defining veterans' employment and reemployment rights would be simplified, clarified, and improved. Among other things, enforcement mechanisms would also be strengthened.

It is important for the individual men and women who willingly serve their country in uniform to know their rights to employment are fully protected and will be enforced. It is important for employers to know what is expected of them so that they can conduct their businesses accordingly and without undue burdens. And it is important for the nation to attract high quality people into our armed services, in part through assurances that they will be able to return to their civilian jobs after they have served.

This is a measure which I believe is fair to employees and employers alike because it takes a balanced approach in recognizing their respective needs.

Finally, Mr. Speaker, as Chairman MONTGOMERY observed, H.R. 995 would raise the maximum amount of the VA home loan guarantee from $46,000 to $50,750. This would recognize the current realities of the marketplace and enable more veterans to meet their housing needs.

Mr. Speaker, continuing my reservation of objection, I am glad to yield to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 995, a bill to improve veterans reemployment rights.

In particular, I wish to express my support for the provision in the conference bill which increases the VA loan guaranty from $46,000 to $50,750. This would increase VA no-downpayment loan limits from $184,000 to $203,000 and would keep VA up to date with market changes since Fannie Mae and Freddie Mac now purchase loans up to $203,150 on the secondary market.

Housing prices in certain parts of the country prevent many veterans from buying a home without a downpayment. For example, according to data compiled by the National Association of Realtors, the median sales price of an existing single-family home during calendar year 1993 was $213,000 in Los Angeles, $254,800 in San Francisco, and $349,000 in Honolulu. Thus home loan guaranty purchasers in areas such as these must make significant downpayments in order to acquire a median-priced home.

The increased guaranty would enable many veterans to purchase a home of their choice without a downpayment, which would otherwise be unavailable to them. The higher loan amounts will also produce greater revenues to VA through the loan fee.

H.R. 949, which passed the House last fall contained a similar provision, and I am glad to see that it was incorporated in this bill. Mr. Speaker, I urge favorable consideration of this compromise measure.

Mr. STUMP. Mr. Speaker, I urge the House to support the House amendment to the Senate amendment to H.R. 995, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ANDREWS of Texas). Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

ETHICS POLICY AT THE WHITE HOUSE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, given that President Bill Clinton committed to running the most ethical administration ever, I am continually surprised at the lack of attention to potential ethical problems presented by those with regular White House access with no accountability.

We now have reports coming from the Brazilian press that James Carville is down in Brazil working on the presidential election, a client that he did not disclose on his financial disclosure form filed in July. Is Mr. Carville going to be asked to account for this situation?

The lack of financial disclosure by Tony Coelho is another situation where the White House is apparently allowing broad influence and policy involvement by an individual who retains extensive, lucrative outside business. Mr. Coelho's financial, legal, and business ties to unions, corporations, and pension funds with billions of dollars at stake, make his access to the White House and involvement in personnel and policy matters an area ripe with potential conflicts.

Last month, the New York Times reported on Mr. Coelho's involvement with personnel and policy at the Agriculture Department. As Fred Wertheimer of Common Cause has pointed out, Mr. Coelho is in a "quasi-public, quasi-private" position that could allow his banking company to take advantage of inside information about Government policy.

Is the White House that is now talking about morality and values going to run a values-free ethics policy at the White House?

The American people deserve a full accounting of the interests represented by those who profess to represent the "public interest."

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1994.

Hon. LEON E. PANETTA,
Chief of Staff,
The White House,
Washington, DC.

DEAR MR. PANETTA: Given that as a candidate Bill Clinton committed to running "the most ethical Administration ever," I am again concerned about the stunning lack of attention to potential ethical problems presented by those with regular White House access and no accountability.

The lack of financial disclosure by Tony Coelho is the latest situation where the White House is apparently allowing broad influence and policy involvement by an individual who retains extensive, lucrative outside business. Mr. Coelho's financial, legal and business ties to unions, corporations, pension funds and the like, make his access to the White House and involvement in personnel and policy matters such as are detailed in The New York Times (attached) an area ripe with potential conflicts. As The New York Times described, Tony Coelho is "everybody's Mr. Inside." Given this status and his current role as the lead Democrat spokesman isn't it appropriate that the American people know what outside interests he represents?

While Mr. Coelho says he does not lobby (rather he "consults" or "advises"), his actions in contacting the Agriculture Department last year certainly raise the appearance that he is using his contacts to maximum benefit. As Fred Wertheimer of Common Cause has pointed out Mr. Coelho is in a "quasi-public, quasi-private" position that could allow his banking company to take advantage of inside information about government policy.

I understand from the White House Counsel's office that this matter is under review. I would hope that in an effort to avoid the appearance of conflicts that the new apparent spokesman for the Democrat Party would be open with the public regarding the multitude of business and financial interests that he promotes and represents.

I look forward to hearing from you on this matter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the New York Times, Aug. 19, 1994]

DEMOCRATS' NEW OVERSEER IS EVERYBODY'S MR. INSIDE

(By Stephen Engelberg)

WASHINGTON.—When Congress last year was blocking final Government approval of a genetically engineered hormone that had cost hundreds of millions of dollars to develop, the drug's maker, the giant chemical concern Monsanto, turned for advice to a man renowned for his skills as a legislative strategist.

When Sun Diamond Growers, the California agribusiness, organized a dinner earlier this year to retire the Congressional campaign debt of Henry Espy, brother of Agriculture Secretary Mike Espy, it called on one of the most prolific fund-raisers in the history of the Democratic Party.

And last week, when President Clinton was looking for a gifted political pro who could rebuild the President's popularity and rescue sagging Democratic prospects for the November elections, he chose a man with an encyclopedic knowledge of the nation's Congressional districts.

The man whose expertise is so prized by so many disparate groups? Tony L. Coelho, who left Congress as House majority whip in 1989 for a lucrative career as a New York investment banker amid accusations that he had improperly used his political contacts to arrange and finance a $100,000 junk-bond investment for himself.

Since leaving the House, Mr. Coelho has commuted to New York, where he has learned the intricacies of money management. At the same time, he has kept his hand very much in the Washington game, and the announcement last week that he was accepting a three-month unpaid stint as chief strategist and spokesman at the Democratic National Committee brought mixed responses.

While the coterie of Democratic campaign consultants and career politicians embraced it as a savvy move by a miscue-prone White House, others worried that Mr. Coelho was once again blurring the lines among business, politics and personal interest.

"I'm never happy unless I have several balls in the air," Mr. Coelho said in a recent interview. And that he has.

Since Mr. Clinton's election almost two years ago, Mr. Coelho has served as an informal adviser to the White House, attending several high-level strategy meetings a month. He is raising money for the legal defense fund that will help the President fight whitewater accusations and a former Arkansas employee's sex harassment charges. And his former aides hold important posts in the Clinton Administration.

What Mr. Coelho calls his "extended family" includes Thomas R. Nides, chief of staff to Mickey Kantor, the United States Trade Representative; Marcia L. Hale head of the White House office that deals with governors and state legislators, and Kim Schnoor, senior aide to Agriculture Secretary Espy. Leon E. Panetta, his former colleague in the California Congressional delegation, is now the White House chief of staff and was instrumental in the selection of Mr. Coelho as the new party overseer.

At the same time, Mr. Coelho earns more than $1 million a year as president of a subsidiary of Wertheim Schroder & Company, a New York investment bank that manages nearly $4 billion for pension funds, corporations and well-heeled individuals. Mr. Coelho's contacts, and the investment bank's impressive track record, have made it one of the fastest-growing such companies on Wall Street.

Fred Wertheimer, president of the public-interest lobbying group Common Cause, says Mr. Coelho's roles at the White House and in the Democratic Party put him in a "quasi-public, quasi-private" position that could allow his banking company to take advantage of inside information about government policy. "That's not an argument that he's going to do it," Mr. Wertheimer said. "But it's a dangerous situation."

Mr. Coelho says he gains no business advantages from his ties to the Clinton Administration and never lobbies for companies or friends who need help from the Government, although he acknowledges that clients frequently seek his counsel on the ways of Washington.

"It happens all the time," Mr. Coelho said. "I will give people advice. People will say to me, 'Tony, I'm having this problem with Joe Schmo or X bill or agency.' I will give them my best advice, based on 25 years in government. But if they want something done, I say, 'Go see this law firm or that lobbyist.'"

Mr. Coelho said he saw no reason to disclose a list of his clients, as Mr. Wertheimer of Common Cause has suggested. He agreed that it would be improper for him to remain on Wall Street if he held a paid position in the Democratic Party, saying, "I would have to make a complete break."

Lloyd N. Cutler, who accepted a temporary stint as White House counsel, took a leave of absence from his law firm to do so. And several of the political consultants who advise Mr. Clinton, including James Carville and Paul Begala, have publicly disclosed their client lists.

HELP FOR MONSANTO: "I LOVE NETWORKING"

But both Mr. Carville and Mr. Begala are paid for their work, under contract with the Democratic National Committee. In contrast, Mr. Coelho said, "I don't get a cent."

"I'm an adviser," said Mr. Coelho, who, unlike some of Mr. Clinton's other informal advisers, has never held the permanent pass that grants unfettered access to the White House. "I don't have an office, I don't have hours. I'm a citizen of this country who is advising the people who run my party."

New citizens, however, have his connections or cachet.

Consider how Mr. Coelho advised Monsanto on its struggle to win approval for the genetically engineered hormone, bovine somatotropin, which enhances the milk production of cows. It is a case study of the interlocking relationships that Mr. Coelho can call on. As he put it, "I've lived in this town for 30 years, and I love networking."

At a House hearing in June 1986, Mr. Coelho, then a subcommittee chairman, seemed opposed to the hormone, repeatedly asking why the Agriculture Department had helped develop it when the American dairy industry faced a milk glut. (Mr. Coelho says now that he did not really oppose the hormone and that he held the hearing only to placate a Wisconsin Republican whose vote he needed on his own dairy bill.)

Seven years later, Monsanto's president, Robert B. Shapiro, called Mr. Coelho at the suggestion of a friend. Congress, which Mr. Coelho had long since left, had just imposed a 90-day moratorium on the sale of the hormone and was demanding further study of its economic impact on small dairy farmers. When he called Mr. Coelho, Mr. Shapiro said in an interview, the company was "eager to find people who could give us advice and perhaps be helpful."

Mr. Coelho, who has epilepsy, says he saw the drug as the vanguard of a biotechnology revolution that could bring cures for many diseases. "We need to have breakthroughs," he said, "and, well, here was the first breakthrough, and these people were trying to stop it." Mr. Coelho says he never had business dealings with Monsanto or Mr. Shapiro. His investment bank, a spokesman said, holds stock in neither Monsanto nor any biotechnology company.

After receiving that call from Mr. Shapiro, Mr. Coelho called the Agriculture Department to find out where things stood. Mr. Coelho has some of his strongest ties at Agriculture. Secretary Espy won his first race for Congress, in 1986, with substantial financial help from the Democratic Congressional Campaign Committee, which was then headed by Mr. Coelho. Further, Mr. Espy's selection by Mr. Clinton as Agriculture Secretary came on Mr. Coelho's recommendation. And before the new Secretary picked his staff, Mr Coelho proposed several choices to him; one, Kim Schnoor, a former Congressional aide of Mr. Coelho, became Mr. Espy's domestic counselor.

It was Ms. Schnoor who received the call that Mr. Coelho made to the Agriculture Department to see whether anyone there was blocking approval of the hormone. According to an internal Monsanto memo, Mr. Coelho stood ready to hammer home the company's concerns at a dinner he was planning with Mr. Espy.

The Monsanto memo, dated Sept. 21, 1993, expressed hope that Mr. Coelho would enlist Mr. Espy to persuade Mr. Panetta, then the head of the White House Office of Management and Budget, to "duck" a request from Congress for a study of the hormone's economic effects.

Within a few days, a copy of the internal Monsanto memo was obtained and made public by the Washington-based Foundation on Economic Trends, a group that questions the hormone's safety. The dinner meeting between Mr. Espy and Mr. Coelho never took place.

Nonetheless the hormone received final approval from Congress a few months after the Office of Management and Budget, in completing its study, had concluded that the economic effects of the hormone would be minimal.

Jeremy Rifkin, president of the Foundation on Economic Trends, says the conversation between Ms. Schnoor and Mr. Coelho was inappropriate. The Monsanto memo, he says, is proof that Ms. Schnoor provided "sensitive information to give Coelho ammunition to make Monsanto's case with the Secretary."

Tom Amontree, deputy press secretary at the Agriculture Department, disagrees. He says Ms. Schnoor engaged in a brief conversation with Mr. Coelho in which she explained only that the Office of Management and Budget was handling the study.

In a letter hand-delivered to the Agriculture Department, Mr. Rifkin demanded at the time that the department investigate the incident. But no inquiry was ever undertaken, and Mr. Amontree says the letter from Mr. Rifkin was lost. Mr. Rifkin says he plans to renew his protest this week, this time to Attorney General Janet Reno.

AID FOR THE BROTHER OF AN OLD COLLEAGUE

Six months after the tussle over Monsanto, Mr. Coelho lent a helping hand to a politician in need. This time the beneficiary was Mr. Espy's brother Henry, who had unsuccessfully run for the Secretary's old Congressional seat in Mississippi.

The campaign had left Henry Espy saddled with a $75,000 debt, and his campaign treasurer wrote to Federal election officials that "an enormous amount of individual pledges, against which checks were issued, were not honored subsequent to Mr. Henry Espy's defeat."

Into the breach stepped Mr. Coelho and Richard Douglas, senior vice president of Sun Diamond Growers. Mr. Coelho had many contacts with the company in his years representing a California agricultural district in Congress, and his investment bank now manages about $12 million of Sun Diamond's pension money.

Mr. Douglas, a lifelong friend of Secretary Espy, sent letters on Sun Diamond's stationery inviting prospective contributors to a dinner last March 31. At the dinner, Mr. Coelho says, he gave a 20-minute presentation that reminded the audience that Henry Espy was a "good investment" who would be heard from again in politics. Secretary Espy, Mr. Coelho says, did not attend.

After the dinner, Mr. Douglas wrote to those who had attended. He thanked them for their help with "a most difficult task" and noted that Mr. Coelho stood ready to call other prospective contributors. Mr. Coelho says no one ever asked him to make any such calls, however.

EVERYBODY WANTS TO KNOW A STAR

Mr. Coelho's own return to prominence was not a sure thing in 1989, when he resigned from the House over his purchase of $100,000 in junk bonds from Drexel Burnham Lambert, financed in part with a loan from a troubled California savings and loan association.

After two years of investigation, Mr. Coelho says, he received a letter from the Justice Department informing him that the case had been closed. The Justice Department confirms that it declined prosecution in the matter.

After leaving Congress, Mr. Coelho ruled out the choice of many other former lawmakers: Washington lobbying. Instead, he joined a Wertheim Schroder subsidiary, Wertheim Schroder Investment Services, which had fallen on hard times.

Wertheim Schroder Investment Services manages money for large investors, union-management pension funds, corporations and individuals. Its investment performance has dramatically improved since 1989, and Mr. Coelho's contacts and persuasiveness have helped increase the amount of money it manages to nearly $4 billion, from $700 million.

Steve Kotler, president of Wertheim Schroder & Company, says an investment banking company that performed similarly but without Mr. Coelho's contacts or skills as a manager would need 10 years to achieve that much growth.

Jack Marco, president of a Chicago-based company that is a consultant to 118 union-management pension plans, notes that many firms boast flashy performance numbers. But it is personality, he says, that opens doors.

"Certainly people love to be around a star," Mr. Marco said. "Our clients say it: 'That's somebody that's in the press. I know him. He comes to our meetings. I could call him up today.'"

Mr. Coelho, Mr. Marco said, can get his company's name on a pension fund's short list more easily than many. "But if he didn't have the numbers," Mr. Marco said, "he wouldn't get the money."

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1994.

Hon. LEON E. PANETTA,
Chief of Staff,
The White House,
Washington, DC.

DEAR MR. PANETTA: I am writing regarding the recent news stories regarding the involvement of White House political consultants James Carville and Mandy Grunwald in the ongoing Brazilian presidential election.

From the White House Counsel's office I understand that Mr. Carville has declined to comment on whether or not he is involved in the Brazilian election, but only says that his financial disclosure filing in July was accurate "at that time." In addition, I understand that Mandy Grunwald says she is not involved in the Brazilian election but says others in her firm may be involved. I hope you will look further into this matter. I understand it is of great interest and speculation in the Brazilian press (copy of an article from the Brazilian press is attached) which reports Mr. Carville negotiated this contract in April.

If these individuals or their firms are involved in this election, what kind of payment are they receiving for their services and by what means are they receiving it? If, as reported, a third party is paying them and how has this arrangement been conducted? When were the arrangements made? If others in their firms are receiving any financial compensation in connection with this account, do any of the proceeds go into partnership income? When were negotiations or contracts regarding this matter conducted?

As you know, the White House "Directive" issued by Mack McLarty requiring these political consultants to file financial disclosure has no legal consequence anyway according to the White House Counsel's office. In addition, the crafting of the "Directive" only required that the consultants disclose clients they work "directly" for rather than clients that might produce partnership income from which they draw their income. Thus, as I pointed out in my earlier letter to you on this matter (July 27, 1994 attached) the consultants have not been required to follow the same rules as apply to everyone else required to file financial disclosure forms. Why does the White House continue to play fast and loose with these ethical issues?

Again, I would hope that you would reconsider the wisdom of giving these consultants special treatment and apply the same rules to them as apply to you and all other White House pass holders.

I hope you will also require further clarification on the matter of the involvement of these consultants in the Brazilian election. Having White House inner circle advisers intimately involved in foreign elections seems to be a situation ripe for political problems and conflicts. The American people at least have a right to know about these matters in an upfront and honest manner. Requiring the consultants to file the same forms as you and all other White House pass holders filed and assuring their accuracy would be a start.

I look forward to hearing from you on these matters.

Sincerely,

FRANK R. WOLF,
Member of Congress.

WASHINGTON.—The PSDB [Brazilian Socialist Party] presidential candidate, Fernando Henrique Cardoso, followed closely the selection of the James Carville firm—Carville is an advisor to President Bill Clinton—as campaign advisors. Sergio Motta and Sergio Machado, members of Fernando Henrique's team, Eduardo Jorge Caldas, his ex-cabinet chief, and ex-governor Tasso Jereissati took the bidding in the United States and swore participating foreign companies to absolute secrecy. The [following] information was given to the Jornal do Brasil by a public relations source on condition that we preserve his anonymity.

Carville, introduced to Cardoso by a mutual friend, also a Clinton advisor, won the competition and has already been to Brazil at least three times. Clinton's favorite consultant has two assistants in Brasilia, but another analyst flies to Brazil every other week. Carville's advice could cost a million U.S. dollars.

In July, Carville sent the American Congress a list of his clients, both domestic and foreign, but he did not mention the PSDB. This omission could cause some complications with the Congress. Following is the exchange we had with the public relations person.

"How many companies participated?"

"At least ten were invited to bid. But eight would be a better number. The bulk of the contracts went to Brazilian public relations firms

"Did Brazilian and foreign companies take part in the same bidding?"

"There was no separate bidding for international consultancies."

"When did this take place?"

"In April."

"How long did it take to get an answer?"

"It was decided quickly. Within two weeks."

"Who took care of the bidding for the PSDB?"

"Several people. Sergio Motta, from São Paulo, and Sergio Machado, from Cearè.

Also Eduardo Jorge, Fernando Henrique's cabinet chief. Tasso Jereissati and Fernando Henrique were directly involved in the process and followed the whole bidding."

"Did you request secrecy?"

"And how!" The PSDB asked the bidders to maintain absolute discretion."

"Why did they call on outside companies?"

"The technology developed abroad is more advanced. It revolves more around fine-tuned messages to the voter and is based much more on the results of polls. They do not yet have this analytic capability in Brazil. It is one thing to take polls and enter the date; it is quite another to develop strategies based on these data.

"How many American companies were involved?"

"As far as I know, two. James Carville's company won."

"Is Carville working now?

"Yes."

"How big is his staff in Brazil?"

"From what they tell me, Carville has two assistants in Brasilia. He has been to Brazil three times and should be on his fourth trip right now, as the elections are a month away. If he isn't in Brazil right now, he will be in the coming week."

"How much do consultants get paid?"

"That's hard to say, it depends on the degree of follow-up they do, but for this kind of consulting for five or six months. I would say that the minimum would be $150,000 and the maximum one million dollars, U.S. That amount would be for the whole job."

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1994.

Hon. LEON E. PANETTA,
Chief of Staff,
The White House,
Washington, DC.

DEAR MR. PANETTA: I am writing regarding the recent financial disclosure papers filed by political consultants pursuant to the "Directive" issued by the former Chief of Staff Mack McLarty.

Because of the clever crafting of the "Directive" the papers filed by the political consultants are not even close to those you yourself and other White House staffers filed as an employee of the White House and holder of a 24-hour-a-day access pass. My office has been informed by the White House Counsel's office that these papers don't even have any legal consequence as do those filed by all other staff. Furthermore, the consultants were not required to file any dollar ranges of their assets, list gifts and travel accommodations, or identify accounts on which they work indirectly as well as directly. Once again, the White House has made up unique rules for these consultants.

What is wrong with applying the same rules to the political consultants with White House access passes as apply to all other pass holders? Why do they continue to get special treatment?

The credibility of the White House is at an all-time low. The filings submitted in response to the "Directive" only add to the cynicism and distrust of the White House. I would hope you would fix this situation or stop the charade of "openness."

Sincerely,

FRANK R. WOLF,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE RIGHT OF CONGRESS TO DEBATE AND VOTE ON POTENTIAL INVASION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I think Americans need to know what has been going on here today that may not have been quite so evident by following C-SPAN and some of the remarks in the corridors. A concerted effort has been being made to try and get to the floor of the people's House debate on whether we should invade Haiti or not.

Mr. Speaker, trying to get that debate going has been frustrated at every turn by the Democratic leadership of this House, who do not want that debate to come forward, apparently. We have seen in our 1 minutes, our special orders, in our morning business, a domination of the theme of "Why are we talking about invading Haiti?" Even in the Committee on Foreign Affairs meeting this morning, there was an amendment tacked onto a piece of legislation to try and bring the issue forward through that committee process, which was, by our House rules, properly ruled out of order, but nevertheless, part of the desperation, in a sense, that we need to find a way to get this topic right here on the front row, in the front seat, because that is what we are talking about in America today. That is what is happening right now.

Mr. Speaker, I think it is very important that we understand that the gentleman from California [Mr. COX] has asked for special orders, and others have asked that we provide special types of instructions in conference reports today, and in every turn so far we have been unable to get the main issue to the floor, which I think most Members of Congress want to see, and that is a debate on whether it is a good idea to invade Haiti or not.

Mr. Speaker, there will be people on both sides of that issue, undoubtedly, but most people, I would hope, would favor the idea that the debates should come now, in the House of the people, because that is one of the main reasons we are here. It is one of the reasons we pick up a paycheck, and it seems to me there is no justification for not letting that debate come forward.

□ 1620

Here we are talking about getting ready to launch this invasion, pictures of aircraft carriers, troops loading up, kissing their loved ones goodbye. We are talking even today about calling up the reserves perhaps. We have editorials in the major newspapers in the country speaking on this, all of this going on, despite the fact that the polls, as recently as yesterday, show that three-fourths of Americans do not want to invade Haiti and three-fourths or more do not even understand and are asking us, please take up the issue in Congress before anything happens.

So with that kind of lopsided support to have a debate and to not have an invasion, it strikes me as very curious that the democratic leadership is not letting that issue come forward to the well of the House.

Why would that happen? I do not want to get into the motivation of why President Clinton feels that he has to invade Haiti when there are clearly other choices. But I would suggest that one of the reasons perhaps why the Democratic leadership does not want this to come forward might be found in today's edition of USA Today which I will quote very briefly. I am quoting the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON]. He says:

> Suppose you have a resolution and it's defeated in either House. That just sends a terrible signal to the world about the conduct of American foreign policy.

I think it is important to say that this debate is no longer about sending signals. This debate is about sending America's men and women into harm's way where they could get killed in a military action. That is a very different thing than talking about whether our foreign policy is working well or not. In some places it is and in some places it is not.

I think that it is very clear we have another course besides invasion to solve the problems of Haiti. It is ironic that the Parliament in Haiti just yesterday voted to extend its session so they could continue to negotiate with us. We have an invitation from the parliamentarians from the Chamber of Deputies in Haiti that want to talk with the legislators here, that want to talk with the Government here and work out a solution to this problem. They are not interested in an invasion, either. These were duly elected, democratically elected in free, fair elections, parliamentarians we are talking about. These are not stooges of the military. These are people just like myself and the other Representatives here who were elected in a free democratic election trying to find a solution to help build democracy in that country other than at the barrel of a gun which is what the Clinton administration tells us we now must do.

When we come to the justification of why are we doing that, there is no reasonable answer. It is because Haiti is close, it is because they have a drug problem, it is because this or that. There is no justification.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Weinberger a few years ago in a speech that I keep referring to said five basic things before you used U.S. force:

First, is it in the national interest? The President has not demonstrated that Haiti is in the national interest, for going.

Second, is there a plan, an achievable goal if we intervene? The President has clearly not demonstrated it.

Third, is there an exit strategy, can we get in and can we get out? The President has not even begun to think about the exit strategy.

Fourth, does he have the support of the American people and the U.S. Congress? He clearly does not.

Without meeting those requirements, I would say to the gentleman from Florida, committing military forces without meeting the points that Weinberger so brilliantly stated several years ago will get us into quicksand, not just here but all over the world. It would be a terrible mistake for us to go without forcing a vote here and forcing the President to lay his plans out.

Mr. Speaker, I compliment the gentleman for taking this special order.

Mr. GOSS. I thank the gentleman and am happy to yield to the distinguished gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding and I especially appreciate his willingness to yield on short notice to me so that I might add some thoughts regarding this issue of potential military action in Haiti.

A CALL FOR CONGRESSIONAL APPROVAL OF PROPOSED MILITARY ACTION IN HAITI

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, over the weekend, U.N. Ambassador Madeleine Albright explained on the talk shows that the administration's proposed action in Haiti was merely a police action and directly implied that there was no need to consult the Congress or otherwise seek the support of the American people before going into Haiti.

Mr. Speaker, I resent the implication, and I think the American people reject the suggestion, that the United Nations approval supersedes that of the American people.

Indeed, on August 3, 3 days after the administration received U.N. approval, the Senate unanimously passed a resolution asserting that U.N. approval "does not constitute authorization for the deployment of U.S. Armed Forces in Haiti under the Constitution of the United States or pursuant to the War Powers Resolution."

The latest ABC News poll indicates nearly 75 percent of Americans oppose an invasion of Haiti; Americans oppose an invasion by two-to-one even if it's done in conjunction with a multinational force.

The basic question is: What compelling United States national interest is served by an invasion and occupation of Haiti? This question must be answered by the President to the satisfaction of the American people and this body.

Any attempt by the President to answer this question must fully address both the risks in terms of American lives, and the costs in terms of our Nation's credibility.

Any answer by the President must also address the question of an exit strategy. It must be clear to the American people that this is not another fool's errand which will end only when we are forced out in some ignominious manner.

Having threatened repeatedly to use force, the President has backed himself into a position where his foreign policy credibility—already sorely strained by flip-flops on Bosnia, China and Vietnam, and Haiti—is on the line, and sadly, along with it, the very credibility of the United States is increasingly questioned around the world.

This is not an argument for invading Haiti, but rather for clearly stating the goals of an invasion and limiting them to the concrete and attainable so that the action—however avoidable and regrettable it may be judged—is at least accomplished with the minimum loss of life and national credibility.

Mr. Speaker, the American people will remain opposed, as will I, until President Clinton makes his best case to the Nation that the invasion of Haiti—and the attendant likelihood of American casualties—is vital to the national security and will advance America's interests.

That case has not been made. It will be a very hard case to make. But it must be made if the President is to proceed with the support of the American people.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I want to commend the gentleman for bringing this timely subject again to the podium of the House of Representatives. It is the most current of all issues. Is it not ironic, I ask the gentleman, that the United Nations would approve our action and the Organization of American States would approve our action but the action would be taken without the approval of the U.S. Congress? That is a supreme irony which the gentleman has borne out in his statements.

Mr. ROYCE. It is more than just an irony. It is also quite improper in terms of the Constitution.

HONORING COMMAND SGT. MAJ. JACK WALTERS ON HIS RETIREMENT FROM THE MISSISSIPPI NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise to pay tribute to Command Sgt. Maj. Wilbur Jack Walters, who will retire from the Mississippi National Guard this month.

When he leaves headquarters and Headquarters Company, 298th Maintenance Battalion in Philadelphia on September 28, 1994, Jack will have completed one of the longest and most distinguished careers in the history of the Mississippi National Guard. His service has spanned 42 years and 9 months.

During that career, Jack was awarded the Army Commendation Medal on four separate occasions, the Mississippi Magnoia Medal twice and the Meritorious Service Medal twice. He was also honored by the National Guard Bureau in Washington for Meritorious Service earned during 8 months of active duty with the Bureau.

I know firsthand about Jack Walters' abilities and his devotion to duty, having served with him in the Mississippi National Guard. His vast knowledge and experience will be greatly missed, but Jack has earned his retirement and I salute him for a job very well done.

HEALTH CARE IN GRIDLOCK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, several weeks ago I took this podium to exclaim to the American people that gridlock has come to the aid of the American people. Unlike some of the definitions of gridlock, the paralysis that has set foot in the House of Representatives, the gridlock I am talking about that is beneficial is the one that has set upon us in the health care issue. That gridlock came about because the American people were not ready to accept the bizarre notions that were offered by the administration for a total reform of the health care system by throwing out the current system and bringing in some weird entanglement of benefits and other kinds of connections of health care with which we were not familiar and could not be familiar if we studied them for years. So gridlock came in, stopped us in our tracks, and it is now time to stop, look and listen. It is for that reason that I am introducing today a bill that would create a bipartisan health care reform commission. This would be a commission of 13 members, 11 or 13 members, who would, appointed by the majority leader and by the President and by the minority leader, by the legislative portion of our Government, create a bipartisan commission much like the blue ribbon commission, Mr. Speaker, that saved the Social Security system not too long ago. If Members will recall, that blue ribbon commission, bipartisan in nature, just like I am proposing here, looked at all the problems that were impacting upon the Social Security system, and after a tremendous amount of analysis and taking of testimony and all that goes into preparing documents for the use of the Congress, they came forth with recommendations to the Congress to make the Social Security system actuarially sound way into the next century. The Congress accepted those recommendations from this blue ribbon, bipartisan commission. I would like to see us do the same for the health care issue.

□ 1630

Bring in the experts and have them analyze all that has already been done, not just to debate, the proper debate and very illuminating debate that we have had so far in the Rules Committee in the House, over in the Senate, elsewhere, on the floor here in resolutions and proposals, in the Republican task force and the Democrat working group. All of these things, bring them all to play in a final analysis and examination that will be made by our experts, the ones that we would have a hand in selecting in this blue-ribbon bipartisan commission.

They would also look at, Mr. Speaker, and this is extremely important, they would look at all of the advances that have already been made in health care reform, not by us, not by the legislators sitting here in Washington, but by the folks who are doing the job of health care back in our home communities, back in our districts. I am talking about the doctors, the nurses, the technicians in medicine, the hospitals, the insurance companies, the HMO's that are springing up, the private industry groups that are getting together for helping draft new kinds of methodologies to bring health benefits to their workers and their own constituencies. All of these things which have happened which are far ahead of the curve which we have created in the problem of health care reform ought to be examined and reexamined, and take the best from that and see what can be umbrellaed into a national health care reform system for the year 1995 and thereafter.

But one thing is clear. We cannot do it now, nor should we. Seventy percent of the American people say do not do anything now; wait until 1995. Columnists like Samuelson say the same thing. The National Manufacturers Association and other spokesmen reiterate the same thing. We cannot do anything now.

I talked to Ross Perot last week who is very much interested in some kind of mechanism to allow the experts to analyze our health care system. Here is the opportunity. We do not sacrifice anything. What we do is bring all that we have accumulated in our own individual knowledges and experiences together with those of our constituents and the so-called special interests in the health care issue, which are legion, to be able to in one fell swoop with an overriding examination by this panel of experts, be able to guide us in the future of the health care debate.

Some would say, and I was asked this in the Rules Committee when I appeared before them, "We had a task force. Do you want to do that over again?"

A task force? That administration task force was a secret society that produced secret testimony and produced a secret document that is now the subject of litigation in Federal court. We are not talking about that. We are talking about a blue-ribbon bipartisan commission.

IMMINENT INVASION OF HAITI

The SPEAKER pro tempore (Mr. SANGMEISTER). Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX. Mr. Speaker, President Bill Clinton, Secretary of State Warren Christopher, U.N. Ambassador Madeleine Albright have all announced that they intend to invade Haiti upon the authorization not of the U.S. Congress but of the United Nations, without the authorization of Congress. Why? Why is it that Bill Clinton is willing to seek a vote to invade Haiti from the United Nations but not from the U.S. Congress?

It is because while he claims that the purpose is to safeguard democracy, to defend democracy, the actual stated objective of this military mission is to install a Marxist demagog, Jean-Bertrand Aristide. Just before the erratic Mr. Aristide was ousted from Haiti he made a remarkable speech about necklacing. That is the habit of his own supporters of burning their opponents, their political opponents to death by putting a necklace comprising a tire filled with gasoline around the head of the victims. This is what Jean-

Bertrand Aristide said about necklacing:

> What a nice tool, what a nice instrument, what a nice device. It is a pretty one. It is elegant, attractive, splendorous, graceful and dazzling. It smells good. Wherever you go you feel like smelling it.

If put to a vote, the U.S. Congress would not support a policy built around Jean-Bertrand Aristide. We would support a policy built around freedom and democracy, but not around this erratic Marxist.

We are led to believe that politics has nothing to do with the planned invasion. Notwithstanding the views of Democrats and Republicans in this House, notwithstanding the views as recorded by ABC overnight of 73 percent I believe it was of the American people in opposition to such an invasion, we were led to believe that politics has nothing to do with this. Yet I have here a confidential memorandum, attention the Secretary General of the United Nations from Dante Caputo, U.N. Special Envoy for Haiti, dated May 23.

He says and I quote now from his confidential memorandum:

> Over the past 15 days I had the pleasure of meeting several times with Strobe Talbott and other officials of the American State Department. The conclusions that I am drawing today are as follows: One, the U.S. administration considers that an invasion of Haiti is its best option.

This memo is dated May 23 and reads confidential, and it is based on meetings that this U.N. Special Envoy had with our highest officials in the State Department.

The memo goes on, "In the same fashion the President of the United States' main advisers are of the opinion that not only does this option," the invasion, military invasion of Haiti, "constitute the lesser evil, but that it is politically desirable." Politically desirable. This is on May 23, and we have heard much since then about the desirability of negotiations, not invasion. This memorandum gives the lie to that.

It goes on, "The Americans see in this type of action," the invasion of Haiti, "the chance to show, after the strong media criticism of the administration, the President's decision-making capability and the firmness of leadership in international political matters."

These are terrible reasons to commit U.S. soldiers to combat. We ought not to be thwarting the wishes of this Congress, thwarting the wishes of the American people in order to vindicate a political strategy built around showing the Presidents decisiveness and leadership in international political matters.

The fact is that the verdict is already in on these things. The international community is not willing to participate in an invasion force. Only are they willing to participate afterward, possibly, as members of a peacekeeping organization once the United States unilaterally invades. But if the U.S. is unilaterally going to invade, then why is it that this House, the House of Representatives, will not debate and vote upon the wisdom of an invasion of Haiti?

Today, this House was presented with a proposal for a privileged resolution by one of my Democratic colleagues. Several of my Democratic colleagues, some of them who consider themselves liberals, came in support of the notion that we debate and vote upon the wisdom of an invasion of Haiti. I myself offered my own privileged resolution which under our rules should come up on Monday.

There is no reason, not surprise, not secrecy, not imminent threats of harm to U.S. citizens that would prevent us from debating this question here in the House of Representatives. We must do so at once. It is the duty of every Member of this House to live up to his or her constitutional responsibility under article 1, section 8. It is the Congress of the United States that should make this decision whether to invade Haiti or not.

ADMINISTRATION PLANS FOR INVASION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, we cannot ignore the lessons of our time, nor can this Congress and this President ignore the lessons of just the past 20 months.

Remember, my colleagues, just Somalia. We spent nearly $2 billion in Somalia on military assistance. I am not talking about humanitarian assistance, but $2 billion of taxpayer money in Somalia.

Not only did we spend money, we wasted nearly 36 American lives. I ask how now as we face a President who is bent on sending troops to Haiti, how can we face the parents of the men and women who will serve there and die there, and how will we explain to them that it was in our national interest?

□ 1640

If you look at Somalia, the reports just in the last few weeks are so grim; we spent that money and those American lives, and the situation is just as grim and as sad as it was the day our troops arrived there.

We cannot reverse the clock for the sake of restoring the credibility of President Clinton. We cannot now expend American lives and we cannot really expend hard-earned taxpayer dollars.

Any invasion of Haiti should be an invasion that is led by United Nations forces without United States troops. This Congress and this country spend billions of dollars paying the bill for the United Nations. What we need to do is be paying and providing the leadership for international peace and for international justice, not with U.S. troops.

I believe that it is highly offensive to this Congress, I believe it is highly offensive to the American people for our President to seek the United Nations approval of his action and not allow that question to be debated here on the floor of the people's House.

If we leave questions of sending our troops to the United Nations, what have we done to the U.S. Congress?

Now, let us look at the lessons again of this particular situation and this President and this administration. We must learn from what we have done.

First, when I was a Congressman-elect and it was President-elect Clinton, he said right after the election he would reverse his policy on Haitian immigration into the United States. Look at what that did to my State of Florida. I knew what it would do. I was there in the 1980's and saw what happened with the Mariel boatlift. I telegrammed the President-elect, and you did not have to be a rocket scientist to figure out that we would have thousands of people come in, and I warned him that people would come and people would die, and people came and people died.

We had 42,000 leave Haiti. Our State is not without a heart. We took in 12,000 of those, and the remainder were sent back to Haiti in a disaster created by this President. Even before he had taken office, he began this history of this disaster.

Next we have left in Guantanamo Bay the HIV-infected Haitians. Thirty-three of my colleagues signed with me a request asking the President to override a Department of Justice decision contrary to the law of this Congress and that we passed, and send those HIV-infected back to Haiti. Instead, he ignored our plea, and he sent them into the United States.

What was the result of this failed policy? Those people are dying in my State. I have received letters asking for donations to bury the babies of the Haitian immigrants, another failed policy of this administration.

When will we learn? No State has suffered more than my State of Florida. We are paying the bills for the education, for the hospitalization, and for the welfare of these people when we have people in our own State that we cannot provide for.

Remember, if you will, the further course of history of Haitian policy with this administration. We negotiated an agreement in Governors Island, and we ignored that agreement at Governors Island. It goes on and on, and it is such a sad chapter.

We sailed into Port-au-Prince harbor, and then we sailed away.

Now, I am asking you, Mr. Speaker and my colleagues, we have an opportunity not to make another mistake here. We have an opportunity not to cause another human tragedy, not to cause another financial tragedy to the people of this country.

So I urge you to learn from the lessons of history and not make another mistake in Haiti.

FRUSTRATION WITH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, my colleagues, I want to share with you a frustration I am having with the National Highway Traffic Safety Administration.

On June 16 of this year I wrote to Mr. Christopher Hart, the acting administrator of the NHTSA, and I followed it up with a letter of July 14, 1994, since I received no response. At the time I wrote that June letter, I had been working with that agency for well over a year in behalf of a business in my district.

I asked the National Highway Traffic Safety Administration for an update on their rulemaking concerning compressed natural gas fuel containers. I asked them to provide me any evidence that this proposed rule is moving forward and not simply gathering dust on NHTSA shelves.

Now, why is that important? Well, it is important because some American companies, like Brunswick Corp., are developing space age technology for the 21st century. Their efforts are being frustrated in this instance by the National Highway Traffic Safety Administration, which seems to be struck in a bureaucratic Stone Age.

Although the legislation requiring safety standards for compressed natural gas vehicle systems was signed into law in 1990, 1990, the National Highway Traffic Safety Administration has yet to issue its final rule on the CNG fuel containers. This Member certainly understands and supports the need to protect public safety at levels at least equal to that required for currently approved fuel tanks. However, the National Highway Traffic Safety Administration's inaction and callous delays over the past several years have seriously hindered attempts to market natural gas vehicle fuel tanks made with carbon fiber, which appears to be an entirely safe product, better probably than the existing alternative. The Brunswick Corp., of course, developed their technology for a space program, where it was used to great advantage.

But without a Federal safety standard, potential customers are often reluctant to purchase this new product. If the United States is to compete successfully in the global marketplace and if we are to help our defense-related industries to move into civilian sectors for their business, our businesses cannot continue to run into this kind of bureaucracy and red tape.

Unresponsive agencies, such as the National Highway Traffic Safety Administration, in this instance, had better wake up and realize that people's jobs are at stake. They have cost many a job already on this existing example, and yet there seems to be no urgency on the part of the administration of this agency to look and proceed with a rule. I think there is no excuse for it.

I have been working on this issue with the corporation doing business in my State for well over 2 years, probably 3 years by now, and we have no action. So I believe the only opportunity this Member of Congress has is to embarrass them in the public domain, and I intend to be up on my feet doing just that periodically until we get some action.

I am not asking them to do anything unsafe at all. It is just to move something or give reasons why they are not moving something, to see if, in fact, they can take that paper from the bottom of the stack and actually look at it and proceed.

Mr. Speaker, my colleagues, I thank you for your indulgence and this time.

"ONGI ETORRI" FOR THE BASQUE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, on Tuesday, September 20, I will have the pleasure of welcoming José Antonio Ardanza, the President of the Basque Government in Spain, when he visits Washington, DC. This is a special honor for me because of the close relationship between the Basque country and my home State of Idaho, which has one of the largest concentrations of Basques outside of Spain.

This relationship began a century ago, when the first Basque immigrants trickled into Idaho shortly after statehood in 1890. At that time, the poor economic conditions in Spain compelled them to look for outside opportunities. Many young Basque men came to the Western United States, especially Idaho and Nevada, first to herd sheep.

Through a combination of hard work, education, and strong family values, Basques in the United States have become a classic success story. Today, Americans of Basque descent are in all walks of life from banking to agriculture to law and education. Basques have become an invaluable addition to the makeup of our State.

At the same time, Basque cultural traditions remain alive and well. Idahoans appreciate Basque restaurants, Basque dancing, and Basque cultural festivals. I, myself, have been fortunate to participate in some of these traditions because my wife, Chris, is of Basque ancestry.

In many ways, Idaho's ties with the Basque country are stronger than ever, and therefore the United States' ties with the Basque country are growing stronger. We in Idaho are working to expand cultural, economic and educational exchanges with the Basque country and to continue this relationship into the next century.

President Ardanza's visit next week will mark an important milestone in the development of these exchanges. Since he assumed office in 1985, President Ardanza has made it a priority to open doors of the Basque country, to rejuvenate the Basque economy, and to deal firmly with terrorism in the Basque provinces.

Since President Ardanza's first visit to the United States in 1988, Idaho Governor Cecil Andrus and I have visited the Basque country.

Mr. Speaker, Idahoans are proud of our Basque community. And I will be proud to represent the State of Idaho in welcoming President Ardanza to our Nation's Capital.

□ 1650

CONSIDERATION OF THE DEFENSE APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. SANGMEISTER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California, [Mr. BROWN] is recognized for 60 minutes as the designee of the majority leader.

Mr. BROWN of California. Mr. Speaker, if we stick to our calendar, Mr. Speaker, this distinguished legislative body has just three more working weeks in which to handle some of the most important legislative items of this session. Hopefully, these items will include six appropriations bills, campaign finance reform, GATT implementation legislation, telecommunications legislation, health care reform, and superfund reauthorization as well as our own House reform initiative.

We can anticipate that these issues will be debated at great length and with some passion. That is as it should be. For all the pundits' criticisms of this body for its endless disputation, the fact is that we are charged with helping write the laws and set the direction for the governance of this great Nation. That is important work and its success should not be measured by how much legislation we pass or how quickly we can move a bill off the floor or how little discussion there is about the contents of a bill.

All of us know this, and many of us spend a great deal of our time back in our districts trying to explain to our bosses—the citizens of this Nation—that when we debate and argue and disagree and, ultimately, compromise our differences, we are doing precisely what the drafters of the Constitution expected us to do and precisely what we are sent here to do. It is good and proper work, if slow and laborious.

The alternative to lengthy debates would be to spend almost no time in passing legislation that spends our taxpayers' dollars, regulates our Nation's industries and sets new policy directions.

Do any of us really believe that the Nation really wants us to make decisions about spending billions and billions of their dollars in just a few minutes and without complete information about the contents of the legislation that we endorse?

This is supposed to be a deliberative body—which implies both that we should deliberate—consider, debate, discuss—and be deliberate—act with purpose, with intent. I believe our constituents would be justifiably outraged if they learned we were moving hundreds of billions of dollars in spending out the door of the House without meaningful debate or careful discussion.

Yet that is just what we did almost a year ago in passing the conference report making fiscal year 1994 appropriations for the Department of Defense. That bill came back from conference to the Rules Committee at 5 p.m. on the evening of November 9 and was on the floor at 9 a.m. of November 10. Note that the House had been scheduled to come in at 9:30 a.m. and there was little notice of the earlier starting time.

That bill contained 220 amendments and the statement of managers and conference report stretched across 312 typed pages. However, neither the amendments nor the statement of managers was made widely available to Members prior to passage—the CONGRESSIONAL RECORD containing the conference report was not available until noon—almost 3 hours after we had already passed the legislation.

And the rule that came with the conference report waived all points of order against the bill. Such points of order are the best tool authorizers have to keep appropriations bills free of attempts to legislate. I believe that points of order should never be waived on appropriations bills and I hope that my colleagues will endorse this position as we move toward reforming the rules of the House in the next Congress.

How much time was spent on the rule and conference report? About 15 minutes and both the rule and conference report passed on a voice vote. As I said at the time, "it is difficult to claim that we engage in informed legislative deliberation when we move legislation before Members have even had a chance to see its contents."

That DOD appropriation spent $240 billion in taxpayer dollars. It was the single largest appropriation bill we considered and represents 48 percent of Federal discretionary spending. But we moved it in 15 minutes. That works out to about $16 billion for every minute of consideration.

Some observers might ask whether last year's debate on the DOD appropriation wasn't just a fluke driven by the rush of Members to finish up business and get out of town. That is a reasonable question and I can provide a reasonable answer: No, it was not a fluke. Earlier this year we spent just 30 minutes considering the House DOD appropriation, 15 minutes of which were on a roll call vote on passage, for a bill which again contained $240 billion in spending.

Some of our colleagues who happened to be on the floor at the time can testify that every effort was made to prevent a more extensive debate, block opposition, and slip the bill through before anyone noticed. That effort was bipartisan, with leaders from the majority and minority—normally sticklers for demanding roll call votes and open rules—telling their colleagues to sit down while Mrs. MALONEY attempted to get a roll call vote on her amendment.

In contrast, earlier this year we spent 10 hours over 2 days considering the Commerce, Justice, State, and Judiciary appropriation bill—I remember it vividly because I was in the Chair during consideration. That bill contained just $26.5 billion in spending—just one-tenth the size of the DOD bill. That debate worked out to a mere $44 million per minute.

At that rate, calculated by dollars per minute of debate, it would have taken us over 90 hours to dispense with the Defense bill, 360 times as long as we actually spent. That is probably much longer than is truly necessary, but it does indicate that the Defense bill gets nowhere near the scrutiny of our other appropriations bills.

There is a disturbing pattern emerging here. The Defense appropriation bill, which effectively sets funding and policy on everything from new weapons systems to pay raises for our troops to research initiatives at our Nation's labs and universities, has been slipped through this body in a way that is specifically designed to avoid discussion, deliberation, debate, and amendment.

Both the conference report last year and this year's House bill came up at an unexpected time, outside of the announced schedule, and when Members were unprepared to be on the floor for the bill. As I note above, such activities require the cooperation from the leadership on both sides of the aisle.

This has got to change. All of us are saddened at the declining respect our citizens have for this, the greatest legislative institution in the history of the world. All of us have friends in this body—good, dedicated legislators—who have announced their retirement during the last few years. Candidly, they confess that one of the strongest reasons for leaving is that they are simply tired of the abuse heaped on them by angry constituents and the general disrespect for them and the work they do as Members of Congress.

The loss of these experienced Members is a tragedy for this body and the Nation. For all the shallow popularity of term limits, the fact is that it takes some years here to learn how to legislate, to learn the complexity of the Federal Government, to begin to grasp the connection between actions this body takes and the impact of those actions on the Nation at large, and to learn how to conduct oversight of the executive branch. New Members are wonderful for their enthusiasm, but experienced Members bring hard-earned wisdom; it is the balance between these forces that helps ensure that this body remains effective and relevant.

When we take just a few moments to commit the Nation to spending and policy decisions of enormous, lasting importance, as we did last year with the Defense appropriations bill, we create a situation ripe for exploitation by those pundits and critics who trade on deriding this great institution. What may seem like a necessary expedient to avoid the appearance of disruptive debate actually convinces our critics that we are careless, reckless, and irresponsible in our spending decisions. I do not like that one bit.

I love this institution and am proud of my service in it. I ask, out of respect and affection, the leadership of this great House, to ensure that this year Members are given sufficient time to study appropriations bills, especially that largest of appropriations bills, the Department of Defense appropriation.

I ask for at least 3 days time to elapse between delivery of the statement of managers and conference report and the consideration of that report on the floor of the House, as House rules require.

I ask that the rule accompanying that bill not waive all points of order against the bill. In short, I ask that Members be given a chance to do what our constituents send us here to do: to carefully consider and weigh the implications of the legislation that we pass. For that we must have time—not a lot of time—72 hours provided for in the House rules ought to be adequate.

If that bill comes back to this body for a vote, as it did last year, without the report having been available for three days, without sufficient time for Members to consider the implications of the bill, and with a rule that closes off points of order, I will ask my colleagues to defeat that rule.

As much as we respect and cherish our distinguished friends on the Appropriations Committee, their assurances that we can trust them and don't need to see or review what they have done with our money, are not good enough. Accepting such sweet words would be a dereliction of duty.

I hope that those who desire to reform this institution and those who care—as I do—for the public's perception of this body, and that is a solid majority of my colleagues, will join me in sending a signal that neither we nor our constituents are willing to blindly endorse hundreds of billions of dollars in spending. We demand the right to know what we are voting for.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–1999

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal year 1994, to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64).

COMMITTEE ON THE BUDGET
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of August 26, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on August 4, 1994 (H.Rept. 103–655).

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218 (REFLECTING ACTION COMPLETED AS OF AUGUST 26, 1994)

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal years 1995–99
Appropriate level (as set by H. Con. Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	801,474	(1)
Outlays	954,642	(1)
Revenues	977,699	5,393,061
Current Level over (+)/under(−) appropriate level:		
Budget authority	−437,231	(1)
Outlays	−262,963	(1)
Revenues	−1	−22,139

[1] Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $437.231 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $262.963 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall further below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
House committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−25	−25	0	−75	−75	0
Difference	−25	−25	0	−75	−75	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5,943
Current level	0	0	0	0	0	0
Difference	0	0	−309	0	0	−5,943
Energy and Commerce:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	2	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	2	2	0	10	10	0
Difference	2	2	0	10	10	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	3	0	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2,161	0	0	64,741	0	0
Current level	2,161	0	0	6,545	0	0
Difference	0	0	0	−58,196	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	0	0	0	0	0	0
Difference	0	0	−340	0	0	−5,743
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	−13	−10	−10	−884
Difference	0	0	−13	−10	−10	−1,098
Permanent Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATION FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (August 4, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	13,357	13,945	0	4,197	−13,357	−9,748
Commerce, Justice, State	26,454	24,949	26,346	24,914	−108	−35
Defense	243,432	250,515	0	86,480	−243,432	−164,035
District of Columbia	720	722	0	2	−720	−720
Energy and Water Development	20,493	20,888	20,493	20,884	0	−4
Foreign Operations	13,785	13,735	13,634	13,735	−151	−0
Interior	13,521	13,916	375	5,063	−13,146	−8,853
Labor, Health and Human Services, and Education	69,978	69,819	1,771	41,702	−68,207	−28,117
Legislative branch	2,368	2,380	2,367	2,380	−1	0
Military construction	8,837	8,554	8,836	8,525	−1	−29
Transportation	13,704	36,513	0	24,562	−13,704	−11,951
Treasury-Postal Service	11,741	12,256	0	2,953	−11,741	−9,303
VA–HUD–Independent Agencies	70,418	72,781	813	43,270	−69,605	−29,511
Reserve	2,351	6	0	0	−2,351	−6
Grand total	511,159	540,979	74,635	278,667	−436,524	−262,312

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through August 26, 1994. A summary of this tabulation follows:

[In Millions of Dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget	801,474	1,238,705	−437,231
Outlays	954,642	1,217,605	−262,963
Revenues:			
1995	977,699	977,700	−1
1995–1999	5,393,061	5,415,200	−22,139

Since my last report, dated August 1, 1994, Congress has cleared and the President has signed the Independent Agency Act (P.L. 103-296) and the following appropriation bills: Commerce, Justice, State (P.L. 103-317), Energy and Water (P.L. 103-316), Foreign Assistance (P.L. 103-306), and Military Construction (P.L. 103-307). Congress has also approved the Crime Control Act of 1994 (H.R. 3355) and the Community Development Act of 1994 (H.R. 3474). These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS AUGUST 26, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriation legislation		242,066	
Offsetting receipts	(203,682)	(203,682)	
Total previously enacted	543,453	744,370	977,700
ENACTED THIS SESSION			
Appropriation bills:			
Emergency supplemental appropriations, FY 1994 (P.L. 103–211)	18	(832)	
1994 FHA supplemental (P.L. 103–275)	(2)		
Commerce, Justice, State Appropriations (P.L. 103–317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Energy and water appropriations (P.L. 103–316)	20,687	12,277	
Offsetting receipts	(194)	(194)	
Foreign assistance appropriations (P.L. 103–306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Legislative branch appropriations (P.L. 103–283)	2,367	2,174	
Military construction appropriations (P.L. 103–307)	8,836	2,182	
Authorization bills:			
Federal Workforce Restructuring Act ((P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Independent Counsel Reauthorization Act (P.L. 103–270)	2	2	
Independent Agency Act ((P.L. 103–296)			(2)
Aviation Infrastructure Investment Act (P.L. 103–305)	2,161		
Total enacted this session	74,353	40,244	(2)
PENDING SIGNATURE			
Community Development Act of 1994 (H.R. 3474)	(25)	(25)	
Crime Control Act of 1994 (H.R. 3355)			1
Total pending signature	(25)	(25)	1
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	183,693	170,053	
Total current level [2,3]	801,474	954,642	977,699
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	437,231	262,963	1
Over budget resolution			

[1] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–296.

[2] In accordance with the Budget Enforcement Act, the total does not include $4,893 million in outlays for funding of emergencies that have been designated as such by the President and the Congress, and $125 million in budget authority and $259 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[3] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1994

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994.

This report is to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64), for legislation having spending or revenue effects in fiscal year 1994. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal years 1995 through 1999, to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 13, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of Sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of August 26, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 64 for fiscal year 1994. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the Congressional Record for March 31, 1993, on pages H. 1784–87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on August 4, 1994 (H. Rept. 103-664).

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64 REFLECTING ACTION COMPLETED AS OF AUGUST 26, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Appropriate level (as set by H. Con. Res. 64):	
Budget authority	1,223,400
Outlays	1,218,300
Revenues	905,500
Current level:	
Budget authority	1,221,272
Outlays	1,217,426
Revenues	905,429
Current level over(+)/under(−) appropriate level:	
Budget authority	−2,128
Outlays	−874
Revenues	−71

BUDGET AUTHORITY

Enactment of measures providing more than $2.128 billion in new budget authority for FY 1994 (if not already included in the current level estimate) would cause FY 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1994 outlays by more than $874 million (if not already included in the current level estimate) would cause FY 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1994 (if not already included in the current level estimate) would cause FY 1994 revenues to fall further below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal year, in millions of dollars]

House committee	1994		
	BA	Outlays	NEA[1]
Agriculture:			
Allocation	−65	−66	−60
Current level	−99	−106	−402
Difference	−34	−40	−342
Armed Services:			
Allocation	−128	−128	−128
Current level	−153	−163	−167
Difference	−25	−35	−39
Banking, Finance and Urban Affairs:			
Allocation	0	−338	0
Current level	−417	−915	0
Difference	−417	−577	0
District of Columbia:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Education and Labor:			
Allocation	0	0	118
Current level	−142	−155	−787
Difference	−142	−155	−905
Energy and Commerce:			
Allocation	0	−1,700	−180
Current level	2	−2,398	42
Difference	2	−698	222
Foreign Affairs:			
Allocation	0	0	0
Current level	−35	−35	−3
Difference	−35	−35	−3
Government Operations:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
House Administration:			
Allocation	0	0	0
Current level	1	1	0
Difference	1	1	0
Judiciary:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Merchant Marine and Fisheries:			
Allocation	0	0	0
Current level	−1	3	0
Difference	−1	3	0
Natural Resources:			
Allocation	−117	−112	0
Current level	−74	−78	0
Difference	43	34	0
Post Office and Civil Service:			
Allocation	−66	−66	−77
Current level	−256	−256	−218
Difference	−190	−190	−141
Public Works and Transportation:			
Allocation	2,092	−13	0
Current level	2,092	−13	0
Difference	0	0	0
Science, Space, and Technology:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Small Business:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Veterans' Affairs:			
Allocation	−11	−11	70
Current level	−11	−11	28
Difference	0	0	−42
Ways and Means:			
Allocation	−2,876	−2,054	−2,036
Current level	−1,216	−824	261
Difference	1,660	1,230	2,297
Perm. Select Committee on Intelligence:			
Allocation	0	0	0
Current level	7	7	7
Difference	7	7	7

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (August 4, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,598	14,207	14,595	14,205	−3	−2
Commerce, Justice, State	23,470	23,887	23,470	23,552	0	−335
Defense	240,316	255,151	239,897	255,151	−419	0
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,585	21,689	21,585	−328	0
Foreign Operations	13,444	13,977	12,789	13,977	−655	0
Interior	13,736	13,726	13,727	13,726	−9	0
Labor, Health and Human Services, and Education	68,012	−94	0			
Legislative Branch	2,270	2,262	2,264	2,262	−6	0
Military Construction	10,066	8,759	9,464	8,759	−602	0
Transportation	13,284	34,878	12,435	34,878	−849	0
Treasury-Postal Service	11,469	11,639	11,312	11,639	−157	0
VA-HUD Independent Agencies	68,311	69,976	68,053	69,976	−258	0
Grand total	500,964	538,757	497,584	538,420	−3,380	−337

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through August 26, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,221,272	1,223,400	−2,128
Outlays	1,217,426	1,218,300	−874
Revenues:			
1994	905,429	905,500	−71
1994–1998	5,105,868	5,153,000	−47,532

Since my last report, dated August 1, 1994, Congress has cleared and the President has signed the Foreign Operations appropriation bill (P.L. 103-306), the Commerce, Justice, State appropriation bill (P.L. 103-317), and the Aviation Infrastructure Act (P.L. 103-305). These actions changed the current level of budget authority and outlays.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 (AS OF CLOSE OF BUSINESS AUGUST 26, 1994)

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Appropriation bills:			
Emergency Disaster Supplemental (P.L. 103–211)	(2,286)	(248)	
1994 FHA Supplemental (P.L. 103–275)	([5])	(2)	
Foreign Operations (P.L. 103–306)	99	99	
Commerce, Justice, State (P.L. 103–317)	670	335	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Certain Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Aviation Infrastructure Act (P.L. 103–305)	2,170		
Total enacted this session	192	(211)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,567)	781	
Total current level [3] [4]	1,221,272	1,217,426	905,429
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	2,128	874	71
Over budget resolution			

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66 and P.L. 103–140.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,735 million in budget authority and $9,215 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $800 million in budget authority and $285 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[4] At the request of Committee staff, current level does not include scoring of sec. 601 of P.L. 102–391.

[5] Less than $500 thousands.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON THE BUDGET, REGARDING ADJUSTMENT OF BUDGET RESOLUTION SPENDING ALLOCATIONS TO REFLECT CREATION OF VIOLENT CRIME REDUCTION TRUST FUND

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, the Violent Crime Control and Law Enforcement Act of 1994, which the President signed into law today, establishes a Violent Crime Reduction Trust Fund. Section 310001(f) of that act requires budget authority and outlays from the trust fund to be separated from all other budget authority and outlays in the allocations of spending authority to the Appropriations Committees made under section 602(a) of the Congressional Budget Act.

In order to implement the new procedures in fiscal year 1995, section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act directs the chairmen of the House and Senate Budget Committees to submit revised allocations to the Appropriations Committees under section 602(a) of the Budget Act, reflecting creation of the Violent Crime Reduction Trust Fund.

Accordingly, I hereby submit the following revised spending allocations to the House Appropriations Committee for fiscal year 1995. These allocations are identical to the allocations now in effect, except that the amounts specified by the Crime Control Act have been moved from the general allocations to the new special allocations of budget authority and outlays from the Violent Crime Reduction Trust Fund.

Discretionary appropriations action, fiscal year 1995 (in millions):

	Budget authority	Outlays
General purposes	508,736	540,276
Violent Crime Reduction Trust Fund	2,423	703
Total	511,159	540,979

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. COX, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. BROWN of California) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Member (at the request of Mr. BROWN of California) to revise and extend his remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. CALLAHAN.

Mr. BURTON of Indiana.

Mr. GILMAN in three instances.

Mr. HUNTER.

Mr. SMITH of New Jersey.

Mr. PORTMAN.

(The following Members (at the request of Mr. BROWN of California) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. FRANK of Massachusetts.

Mrs. THURMAN.

Mr. BONIOR.

Ms. MARGOLIES-MEZVINSKY.

Mr. GEJDENSON.

Mr. BERMAN in two instances.

Mr. DIXON in two instances.

Mr. VISCLOSKY.

Mr. SCHUMER in three instances.

Mr. GORDON.

Mr. KILDEE in four instances.

Mr. STARK.
Mr. REED.
Mr. FINGERHUT.
Mr. STUDDS.
Mr. PALLONE.
Mr. MANN.
Mr. CONYERS.
Mrs. MINK of Hawaii.
Ms. ENGLISH of Arizona.
Mr. POSHARD.

(The following Members (at the request of Mr. BROWN of California) and to include extraneous matter:)

Mr. PACKARD.
Mr. BREWSTER.
Mr. ROSTENKOWSKI.
Mr. DE LUGO.
Mr. SARPALIUS.
Mr. KLEIN.
Mr. KREIDLER.
Mr. BARLOW.
Mr. SOLOMON.
Mr. SKELTON.

☐ 1700

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Friday, September 16, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3804. A letter from the Acting Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–306); to the Committee on Appropriations and ordered to be printed.

3805. A letter from the Assistant to the President for Economic Policy, transmitting a report entitled, "Report on Whether Foreign Governments or Companies Have a Coordinated Strategy to Acquire U.S. Critical Technology Companies and Whether Foreign Governments Use Espionage Activities to Obtain Commercial U.S. Critical Technology Secrets," pursuant to Public Law 102–558, section 163 (106 Stat. 4219); to the Committee on Banking, Finance and Urban Affairs.

3806. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the 19th annual report for the year 1993, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

3807. A letter from the Secretary of Health and Human Services, transmitting the annual report on the status and accomplishment of the Youth Gang Drug Prevention Program; to the Committee on Education and Labor.

3808. A letter from the Secretary of Health and Human Services, transmitting the biennial report of the Agency for Toxic Substances and Disease Registry covering the period January 1, 1991, through December 31, 1992, pursuant to Public Law 99–499, section 110(10) (100 Stat. 1641); to the Committee on Energy and Commerce.

3809. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94–48), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3810. A letter from the Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Sweden for defense articles and services (Transmittal No. 94–52), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3811. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs [CCNAA] for defense articles and services (Transmittal No. 94–49), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3812. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94–53), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3813. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94–54), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3814. A letter from the Administrator, U.S. Agency for International Development, transmitting notice that the President has determined that it is important to the security interests of the United States to provide Housing Guaranty loans to South Africa (Presidential Determination No. 94–45), pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3815. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Peter Jon de Vos, of Florida, to be Ambassador to the Republic of Costa Rica, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3816. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 94–51), pursuant to 22 U.S.C. 2776(B); to the Committee on Foreign Affairs.

3817. A letter from the Environmental Protection Agency, transmitting the Agency's annual report for the calendar year 1993 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3818. A letter from the Acting Director, Office of Management and Budget, transmitting a report on the activities of Federal agencies in implementing the Computer Matching and Privacy Protection Act for calendar year 1991, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3819. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's report titled, "Temporary Federal Employment: In Search of Flexibility and Fairness"; to the Committee on Post Office and Civil Service.

3820. A letter from the Secretary, Department of Energy, transmitting Steel Initiative Management Plan research and development activities report for fiscal year 1993, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

3821. A letter from the Administrator, Small Business Administration, transmitting a report on developing a secondary market for loans to small businesses; to the Committee on Small Business.

3822. A letter from the Commissioner of Social Security, transmitting a copy of a plan for a new disability claim process; to the Committee on Ways and Means.

3823. A letter from the Secretary, Department of Labor, transmitting the Department's annual report on the fiscal year 1993 program operations of the Office of Workers' Compensation Programs for the period October 1, 1992, through September 30, 1993, pursuant to 30 U.S.C. 936(b); jointly, to the Committee on Education and Labor and Post Office and Civil Service.

3824. A letter from the Deputy Secretary of Defense, transmitting notification that the Department intends to obligate funds in support of joint research and development programs with the former Soviet Union, pursuant to 22 U.S.C. 5955; jointly, to the Committees on Armed Services and Science, Space, and Technology.

3825. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the Agency's quarterly report for development assistance including the Development Fund for Africa, Special Assistance Initiatives and New Independent States as of June 30, 1994, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

3826. A letter from the Architect of the Capitol, transmitting a copy of the 1993 annual report on solid waste management in the Capitol complex; jointly, to the Committees on House Administration and Appropriations.

3827. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget requests for fiscal year 1996, pursuant to 49 U.S.C. 10387; jointly, to the Committees on Appropriations, Ways and Means, and Energy and Commerce.

3828. A letter from the Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1996, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2919. A bill to amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; with an amendment (Rept. 103–719). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON:

H.R. 5030. A bill to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SAWYER:

H.R. 5031. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio; to the Committee on Energy and Commerce.

By Mr. BREWSTER (for himself and Mr. MCCRERY):

H.R. 5032. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the estate tax imposed on family-owned business interests; to the Committee on Ways and Means.

By Mr. BAKER of Louisiana (for himself, Mr. SARPALIUS, Mr. BARTLETT of Maryland, Mr. HAMILTON, Mr. MCCLOSKEY, Mr. COMBEST, Mr. RAMSTAD, Mr. KYL, Mr. STUMP, Mr. FIELDS of Texas, Mr. BARCIA of Michigan, Mr. HANCOCK, Mr. POSHARD, Mr. GRAMS, Mr. CRANE, Mr. MYERS of Indiana, Mr. KOLBE, Mr. GENE GREEN of Texas, Mr. CALLAHAN, Mr. ROBERTS, Mr. THOMAS of Wyoming, and Mr. GOODLATTE):

H.R. 5033. A bill to eliminate the administrative authority to prohibit the possession or transfer of particular assault weapons; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Ms. SNOWE):

H.R. 5034. A bill to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law; to the Committee on Foreign Affairs.

By Ms. ENGLISH of Arizona:

H.R. 5035. A bill to authorize the Secretary of Agriculture to establish and collect recreation use fees on a temporary basis in connection with the recreational use of the Roosevelt Lake Recreation Area in the Tonto National Forest in the State of Arizona; to the Committee on Natural Resources.

By Mr. GEJDENSON:

H.R. 5036. A bill to enhance access to the benefits of the earned income tax credit by expanding the electronic filing of income tax returns by nonprofit organizations on behalf of individuals eligible for such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 5037. A bill to establish a Bipartisan Health Care Reform Commission to analyze and make recommendations concerning health care reform; jointly, to the Committee on Energy and Commerce, Ways and Means, Armed Services, Post Office and Civil Service, Education and Labor, Veterans' Affairs, and Rules.

By Mr. GREENWOOD (for himself and Mrs. MEYERS of Kansas):

H.R. 5038. A bill to amend the United States Housing Act of 1937 to require certain legal aliens to reside in the United States for a period of 5 consecutive years to be eligible for a preference for occupancy in public housing or for the provision of rental housing assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GREENWOOD:

H.R. 5039. A bill to require unmarried minors who are parents or pregnant to live under adult supervision as a condition of receiving certain welfare benefits, to provide incentives for the establishment by the private sector of homes for such minors, and to provide for rehabilitation grants for housing and services facilities; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, and Agriculture.

By Mr. KLINK:

H.R. 5040. A bill to authorize a program of grants to improve the quality of technical education in manufacturing and other vocational technologies; to the Committee on Education and Labor.

By Mr. MCCOLLUM (for himself, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. MCCLOSKEY, and Mr. SCHUMER):

H.R. 5041. A bill to amend the Immigration and Nationality Act to continue the visa waiver pilot program and to authorize, under certain conditions, the creation of a probationary status for certain participants in the visa waiver pilot program; to the Committee on the Judiciary.

By Mr. MILLER of Florida:

H.R. 5042. A bill to limit the accrual of pension benefits for Members of Congress to 12 years of service, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. MURPHY:

H.R. 5043. A bill to amend title 10, United States Code, to establish procedures for determining that status of certain missing members of the Armed Forces and certain other civilians, and for other purposes; to the Committee on Armed Services.

By Mr. VENTO (for himself, Mr. NEAL of Massachusetts, Mr. BOUCHER, Mr. MOLLOHAN, Mr. TORKILDSEN, Mr. DERRICK, Mr. HINCHEY, Mr. GILMAN, Mr. BARLOW, Mr. BLUTE, Mr. MCNULTY, Mr. FISH, Mr. HAMILTON, Mr. MCCLOSKEY, Mr. COYNE, Mr. REED, Mr. JOHNSON of Georgia, Mr. REGULA, Mr. SAWYER, Mr. WOLF, Mr. BROWN of Ohio, Mr. TRAFICANT, Mr. HOKE, Mr. FINGERHUT, Mr. STRICKLAND, Mr. GILLMOR, Mr. HALL of Ohio, Mrs. UNSOELD, Mr. STOKES, and Mr. RAHALL):

H.R. 5044. A bill to establish the American Heritage Areas Partnership Program, and for other purposes; to the Committee on Natural Resources.

By Mr. TALENT:

H.J. Res. 409. Joint resolution designating October 23, 1994, through October 31, 1994, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Florida:

H. Res. 530. Resolution providing that the House should not consider health care legislation in violation of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or any health care legislation that amends or supersedes that section; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

478. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Medicaid funds; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOEKSTRA introduced a bill (H.R. 5045) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Andrew J.*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 250: Mr. BAKER of California.

H.R. 417: Mr. LEVY, Mr. ROHRABACHER, Mr. LIGHTFOOT, and Mr. ANDREWS of New Jersey.

H.R. 507: Mr. QUINN.

H.R. 539: Mr. LIVINGSTON.

H.R. 702: Mr. PACKARD.

H.R. 780: Mr. MCCLOSKEY.

H.R. 1110: Mr. CANADY, Mr. DORNAN, and Mr. BACHUS of Alabama.

H.R. 1172: Mr. STUPAK.

H.R. 1304: Mr. HINCHEY.

H.R. 1500: Ms. CANTWELL, Mr. COLEMAN, Ms. DELAURO, Mr. JACOBS, Mr. KENNEDY, Mr. LEWIS of Georgia, and Mr. RANGEL.

H.R. 1551: Mrs. MEYERS of Kansas.

H.R. 1793: Mr. ROMERO-BARCELÓ.

H.R. 2088: Mr. MOORHEAD, Mr. PAYNE of Virginia, Mr. SARPALIUS, and Mr. WATT.

H.R. 2467: Mr. ANDREWS of Texas, Mr. BRYANT, Mr. MINETA, and Mr. JEFFERSON.

H.R. 2717: Mr. MCCRERY.

H.R. 3488: Mr. COMBEST, Mr. QUINN, Mr. MCINNIS, Mr. Rohrabacher, Mr. SUNDQUIST, Mr. BLUTE, and Mr. LEVY.

H.R. 3835: Mr. MCCRERY.

H.R. 3871: Mr. MILLER of Florida.

H.R. 3971: Mr. HOLDEN, Mr. WILSON, Mr. LEVY, and Mr. RICHARDSON.

H.R. 4132: Mr. HASTINGS.

H.R. 4142: Mr. ENGEL, Mr. ACKERMAN, Mr. DORNAN, and Mr. COX.

H.R. 4198: Mr. INHOFE and Mr. POMBO.

H.R. 4210: Mr. PAYNE of New Jersey, Ms. NORTON, Mr. MICA, Mr. Hoke, Mr. FROST, Mr. LIPINSKI, Mr. CALVERT, Mr. HASTINGS, Mr. FRANK of Massachusetts, Mr. KOPETSKI, Mr. NEAL of North Carolina, Mr. SCHIFF, Mrs. BYRNE, Mrs. JOHNSON of Connecticut, and Mr. MCNULTY.

H.R. 4225: Mr. FROST and Mr. LEVY.

H.R. 4326: Mr. CARDIN and Mr. LEWIS of Georgia.

H.R. 4411: Mr. THOMPSON.

H.R. 4497: Mr. GUNDERSON, Mr. ABERCROMBIE, Mrs. CLAYTON, Mr. GOSS, Ms. ROYBAL-ALLARD, Ms. LONG, Mr. GILCHREST, Mr. BROWN of Ohio, Mr. BAKER of Louisiana, Mr. KILDEE, Mr. MCHUGH, Mr. HOUGHTON, Mr. QUINN, Mr. LAFALCE, Ms. PRYCE of Ohio, and Mr. SHAW.

H.R. 4517: Mr. GENE GREEN of Texas.

H.R. 4548: Mrs. MINK of Hawaii and Ms. WATERS.

H.R. 4557: Mr. WILSON.

H.R. 4570: Mr. COPPERSMITH and Mr. STUDDS.

H.R. 4646: Mr. DARDEN.

H.R. 4698: Mr. DEFAZIO.

H.R. 4708: Mr. THOMPSON.

H.R. 4779: Mr. GREENWOOD, Mr. HOLDEN, Mr. MCHALE, AND Mr. ROGERS.

H.R. 4792: Mr. ZELIFF.

H.R. 4810: Mr. LAFALCE.

H.R. 4826: Mr. COMBEST and Mr. PACKARD.

H.R. 4830: Mr. HEFLEY.

H.R. 4831: Mr. MCCOLLUM and Mr. EVERETT.

H.R. 4891: Mr. Coleman.

H.R. 4912: Mr. Dellums, Mr. Flake, Mr. Payne of New Jersey, Mr. Edwards of Texas, Mr. Poshard, Mr. Wise, and Mr. Rogers.

H.R. 4936: Mr. Thomas of Wyoming, Mr. Pastor, and Mr. Gallegly.

H.R. 4953: Mr. Gallegly, Mr. Packard, Mr. Calvert, Mr. Royce, Mr. Doolittle, and Mr. Cunningham.

H.R. 4955: Mr. Frost.

H.R. 4964: Mr. Hilliard.

H.R. 4971: Mr. Schumer.

H.R. 4977: Mrs. Morella.

H.R. 4978: Mrs. Morella.

H.R. 4979: Mrs. Morella.

H.R. 4997: Mrs. Schroeder, Mr. Mineta, Mr. Becerra, Mr. Dixon, Mr. Shays, Mr. Ravenel, and Mr. Yates.

H.R. 4998: Mr. Herger, Mr. Hamilton, and Mr. Baesler.

H.J. Res. 113: Mr. Shuster.

H.J. Res. 324: Mr. Hayes.

H.J. Res. 332: Mr. Goodlatte, Mr. Farr, and Mr. Gunderson.

H.J. Res. 384: Mr. McDade, Mr. Borski, Mr. Kasich, Mr. Neal of Massachusetts, Mr. Meeham, Mr. Emerson, Mr. Hughes, and Mr. Leach.

H.J. Res. 397: Mr. Mineta, Mr. Flake, Mr. Pallone, Ms. McKinney, Mr. Tejeda, Mr. Lewis of California, Mr. Waxman, Mr. Bilbray, Mr. Evans, Mr. Ravenel, Mr. Martinez, Mr. Olver, Mr. Quillen, Ms. Eddie Bernice Johnson of Texas, Mr. Owens, Mr. Inslee, Mr. Faleomavaega, Mr. Meeham, Mr. Deutsch, Mr. Engel, Mr. Baker of California, Mr. Becerra, Mr. Kennedy, and Mr. Schumer.

H.J. Res. 398: Mrs. Bentley, Mr. Bartlett of Maryland, Mr. Hayes, Mr. Parker, Mr. Kasich, Mr. Bacchus of Florida, Mr. Martinez, Mr. Underwood, Mr. Thomas of Wyoming, Mr. Dickey, and Mr. Everett.

H.J. Res. 403: Mr. Fish, Mr. Boehlert, Mr. Schiff, Mr. McCloskey, Mr. Ramstad, Mr. Gingrich, Mr. Engel, Mr. Hinchey, and Mr. Lewis of California.

H. Con. Res. 35: Mr. Gordon, Mr. Lehman, Mr. Bacchus of Florida, Mr. Browder, Mr. Hilliard, Mr. Brown of California, Ms. Eshoo, Mr. Farr, Mr. Matsui, Mr. Mineta, Mr. Waxman, Mrs. Meek of Florida, Mr. Darden, Mr. Deal, Mr. Johnson of Georgia, Mr. Lewis of Georgia, Mr. Abercrombie, Mr. Barlow, Mr. Markey, Mr. Meehan, Mr. Olver, Mr. Minge, Mr. Penny, Mr. Sabo, Mr. Parker, Mr. Thompson, Mr. Clyburn, Mr. Spratt, Mr. Frost, Mr. Gonzalez, Mr. Gene Green of Texas, Ms. Cantwell, Mr. Torres, and Mr. Bishop.

H. Con. Res. 212: Mr. Cramer and Ms. Shepherd.

H. Con. Res. 223: Mr. Dellums, Mr. Thompson, and Mr. Gene Green of Texas.

H. Con. Res. 234: Mr. Brown of Ohio, Mr. Fazio, Mr. Hinchey, Mr. Sanders, and Mr. Stokes.

H. Con. Res. 243: Mr. Machtley and Mr. Darden.

H. Con. Res. 269: Mr. Goodling, Mr. Hoekstra, Mr. Hastert, Mr. McInnis, Mr. Barrett of Nebraska, Mrs. Morella, and Mr. Everett.

H. Con. Res. 280: Mr. Torricelli.

H. Con. Res. 281: Mr. McNulty, Mr. Andrews of New Jersey, and Mr. Levy.

H. Res. 372: Mr. Hoekstra.

H. Res. 472: Ms. Molinari, Mr. Bachus of Alabama, Mr. Royce, and Mr. McCrery.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: A petition of Attorney General of Washington, Olympia, WA, relative to health care; to the Committee on Energy and Commerce.

129. Also, petition of President, Parliament of the Republic of Croatia, relative to U.N. Protection Force in the territory of the Republic of Croatia; to the Committee on Foreign Affairs.

130. Also, petition of Asamblea Municipal, Aguadilla, PR, relative to election of the President and Vice President of the United States; to the Committee on Natural Resources.

SENATE—*Tuesday, September 13, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Father in Heaven, we invoke Thy presence in this sanctuary this morning. Nothing here is hidden from Thee. Thou knowest us, individually and corporately, past, present, and future, in microscopic detail. The thoughts of our hearts, the words yet unspoken on our tongues, the desires which we dare not share with anyone—personal needs which we do not wish to admit, even to ourselves—are all known to Thee.

Thou knowest, Lord, the motives which rule our actions. Save us from unworthy motivation which would be dilatory or destructive. Thou knowest the human chemistry which influences this body, causing it to be explosive or peaceful, frustrating or freeing to legislation. May Thy love fill us with compassion for each other and the will to finish the tasks that must be done in these ensuing weeks.

To the glory of God and for the sake of the Nation. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 2182, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND] is recognized.

HAITI

Mr. THURMOND. Mr. President, I am very concerned with the current policy on Haiti and the events precipitated by that policy. While the situation in Haiti is of interest to the United States, there is no strategic necessity, no national emergency, no military or economic threat to the United States or to the world. Our interests focus on humanitarian treatment of the Haitian people and the promotion of democracy in this hemisphere. So why would the most powerful nation on Earth invade this small island nation?

Our foreign policy goal with reference to Haiti seems to be to restore Mr. Aristide to power. While a noble goal, it is misguided. I do not share the administration's view that restoring a person like President Aristide to power will lead to improvement in the humanitarian, economic, or political climate there.

Mr. President, there is much wrong in Haiti besides the overthrow of the freely elected Government. Every sovereign state must have a viable economy to survive and to provide for the welfare of its people. Haiti's economy is in ruin and, except for the elite, the Haitian people have an abysmal quality of life. Our embargo has only made the situation worse. The sanctions against Haiti have not brought General Cedras to a bargaining table. Instead, General Cedras and his friends have become richer while the Haitian people are suffering more than ever.

I do not understand the seemingly irresistible attraction to use military intervention in Haiti. I also do not understand the emphasis this unfortunate situation is being afforded. The foreign policy interests of the United States are complex and far reaching. Haiti should never have emerged as an imperative situation commanding a major portion of the attention and resources of our Nation.

What are our goals? How will we know when we have accomplished these goals? Can anyone in the administration describe what success will look like so that the American people, and the world, will know when we have achieved success? What is our plan for withdrawal?

Mr. President, we learned from our errors in the past that before we use military force we must have specific goals which can be explained to the American people. If we can define our goals, we will be better able to plan for them and we will know when we have achieved them. These tenets are being overlooked or minimized in respect to Haiti. I fear that American men and women will be killed and maimed for some foreign policy goals which are still undefined.

There is a better way. In my Senate floor speech on June 8, 1994, I called on President Clinton to modify our policy toward Haiti. I urged him to work with the Organization of American States to develop a plan for the humanitarian, economic, and political recovery in Haiti. The United States can exercise leadership and further the humanitarian, economic, and political recovery of Haiti. If the administration will tone down the rhetoric, lift the embargo, and enter into firm, meaningful negotiations with the ruling junta, I am confident the current situation can be brought to a bloodless, satisfactory end. The United States can invade a sovereign state and replace the government; or we can demonstrate our strength and humanitarian concern through leadership and diplomacy.

Democracy can be restored in Haiti without putting Mr. Aristide back in the Presidential suite in Port-au-Prince. I would support the administration in any efforts in this arena. I cannot, however, support an attempt to use military force to accomplish these ends.

Mr. President, I supported the Dole-Gregg amendment. I have written to the President urging him not to send our troops to Haiti without congressional approval. I am not suggesting prior approval is necessary under the Constitution. That is a different debate. The fact of the matter is that there is no emergency in Haiti and nation building is not what we should expect of our Armed Forces. We have the most powerful Armed Forces in the world. They are unmatched in their ability to project force and, if necessary, to fight and win. However, we can soon dissipate this fine force if it becomes a police force or is primarily used for, in the current vernacular of the Pentagon, "operation other than war." In order to keep a military force

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

prepared—ready to project force or to fight and win—is a full-time mission. In an already dangerously constrained defense budget, there may not be sufficient resources to maintain readiness now. Deploying forces to occupy Haiti as peacekeepers or police force will consume critical funds and rob units of training opportunities.

It will be a tragedy of the highest proportion if even one soldier, sailor, airman, or marine is killed during the invasion and subsequent occupation of Haiti. Even if the military leaders were to decide not to oppose an invasion by the United States, I expect there will be loyal, patriotic Haitians who will defend their country from a foreign invader. Certainly, we would protect our hearth and homes, why would we expect less of a proud Haitian people? It is unrealistic to assume we will not suffer casualties. Remember Somalia? The marine landing was unopposed militarily. The guerrilla actions came later. It took the events of October 3, 1993, when 18 young men gave their lives to shock us into realizing that we did not have clear objectives and no plan for completing our mission and withdrawing. I certainly remember Somalia. I do not want to remember a similar day in Haiti.

Mr. President, the sense of the Senate is clear—no military action in Haiti without congressional approval. I believe this represents the sense of the people as well. Since there is no emergency, the American people deserve the opportunity to listen to the full debate and, through their elected representatives, express their approval or disapproval of this policy. Once again, I urge President Clinton to lift the embargo, open sincere negotiations with the junta and, within the auspices of the United Nations and the Organization of American States, seek a peaceful solution which preserves the dignity of the Haitian people.

I am pleased to yield to the distinguished Senator from South Dakota.

The PRESIDENT pro tempore. Time is not to be yielded at this point. There is no controlled time.

Mr. THURMOND. Mr. President, I yield the floor.

The PRESIDENT pro tempore. Does the Senator seek recognition?

Mr. PRESSLER. Yes.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for what purpose?

Mr. PRESSLER. To proceed as if in morning business.

The PRESIDENT pro tempore. Is there objection to the Senator from South Dakota proceeding out of order for how much time?

Mr. PRESSLER. For 3 minutes.

The PRESIDENT pro tempore. For not to exceed 3 minutes and to conduct morning business therein for 3 minutes.

The Senator from South Dakota is recognized.

HAITI

Mr. PRESSLER. Mr. President, I join in the remarks of the Senator from South Carolina very strongly, and I commend him for his speech. I shall be very brief because he has spoken so eloquently.

Invading Haiti at this point would be a misuse of our military for political purposes. Invasion of Haiti at this point would be an attempt to control this body, the Senate of the United States, through political use of our military. I object to that as a former second lieutenant who served in the United States Army in Vietnam. That does not give me any more qualifications than any other citizen, but I feel very strongly that when you take all the arguments and the logic for invading Haiti, you could use those same arguments to station troops on every street in Washington, DC.

We have here more than a killing a day. The public interest is safety. Yet our citizens cannot come here and freely move about. There is poverty on our streets. We have such problems right here within a mile of the Capitol among our own people. We could use troops to control the crime here.

So if the President does want to show he can command the military and move them into combat, the same logic could call for stationing troops on every street in Washington, DC.

Taxpayers will pay for an invasion for years. It is not just the cost of an invasion. There will be lawsuits against the United States when trucks destroy bridges and roads. There will be other costs. Once we invade a country, too often we become obligated to support it.

We have plenty of places in our own country in every city, ranging from Indian reservations to inner cities, where there is poverty, crime, and other problems we need to deal with.

So, Mr. President, I hope we do not invade Haiti.

AVIATION TRAFFIC SAFETY

Mr. PRESSLER. Mr. President, in light of the recent plane crash yesterday, I contacted the appropriate committee to call for comprehensive hearings on aviation safety.

It is too early to conclude the specific cause of that tragic accident and I certainly point no finger of blame.

I think the Federal Aviation Administration [FAA] is working hard, but I would like for the Senate to hold, either now or in February or March, comprehensive hearings on Federal aviation safety policy, particularly as to how the National Transportation Safety Board [NTSB] works with the FAA.

There was a serious crash last year claiming the lives of several citizens from my home State of South Dakota, including our Governor. Then there was a deadly crash earlier this year, and now we have this crash of the USAir flight 427 in Pennsylvania. These are terrible tragedies.

Let me be clear. I point no finger of blame at anyone for this most recent crash. I do not know all the facts. Indeed, the NTSB and FAA are working hard to determine its cause. However, we should focus on this serious matter and work with our safety agencies to prevent future tragedies. In my view, we need congressional oversight to be sure that our congressional committees are doing what we are supposed to be doing to promote air safety in this country and protect the safety of the air-traveling public.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I rise in opposition to the pending conference report on the Defense Department authorization.

I intend to speak at length about shortfalls that exist in this conference report, despite the fact that some very hard work and excellent craftsmanship has been a part of this legislation.

But there is no better example of what we have done to emasculate our military capability than was carried this morning on the front page of the Washington Post entitled "Clinton May Request Reservists for Haiti."

> President Clinton may have to ask "several hundred" military reservists to go on active duty to take part in any invasion of Haiti * * *.

Mr. President, when our defense establishment has reached such a stage that in order to invade a country like Haiti, which by last estimates has a force of some 7,000 men, which has no air force, which has no tanks, and which has no artillery, no air force, and we are now required in order to successfully carry out an invasion of Haiti to call up American reservists, men and women in the Reserves, there is a compelling argument that we have cut and cut and cut our defense budget to the degree where we are going hollow, where we are not ready. And in the memorandum of the Under Secretary of Defense, recently published, concerning the cuts that are being contemplated in next year's defense budget, virtually every new weapon system will be on the table for either severe curtailment or for being abolished. Mr. President, we are in serious, serious trouble.

Mr. President, if we have to call up several hundred reservists in order to successfully carry out an invasion of what any military expert will tell you is a few hours' operation, what in the world would we do in the event of a conflict with Korea? What would we do in the event that the Balkan situation explodes and begins to spread into other countries in the area?

Mr. President, I think it is clear from all news reports, from all unofficial sources, that we are going to invade the nation of Haiti. The prediction that I hear is that it could take place as early as next week.

I am sure that that invasion initially will be a success. I have no doubt as to the efficacy and the capability of the men and women in our military to carry out this relatively easy military operation in a short period of time.

The question, however, is what happens after that invasion takes place? Who is going to occupy Haiti? Will Mr. Aristide, who will return as part and parcel of this invasion, receive the support of the people of Haiti? Will those who will seek vengeance on the brutal and oppressive military dictators and their friends be protected by American troops, or will wholesale slaughter take place as we stand by and watch those tragic events take place?

Will there be a repetition of the events of 1915 to 1934, when once before, the United States of America went to occupy Haiti for "a few months" and we stayed 19 years?

No one can argue that Haiti was better off for the experience, nor was the United States of America better off for the experience.

Mr. President, that argument is becoming almost academic, because it is clear again in the newspaper this morning, because the President's National Security Adviser, Mr. Lake, made the case for use of United States power in Haiti by saying that the Nation's "essential reliability" was at stake.

Mr. President, I almost do not argue with that. There is a question of the United States' reliability and credibility because there have been so many threats of invading Haiti.

But why is our credibility at stake? It is because we have threatened, because we continue to say that we are going to invade, that we are almost compelled to do so. And I say "almost" because I agree with the administration that there will be damage to the credibility of the United States if we do not invade after all the threats have been made and all the preparations have been made, and all the statements like "Their days are numbered," "They are going to go," et cetera, et cetera.

But what happens to our credibility if we find ourselves in a quagmire, if we find ourselves in a situation where there is civil unrest, as there was the last time we were there, when we find ourselves in a situation where a mob of people confronts a group of U.S. Marine or Army personnel and we are called upon to fire?

Mr. President, I would suggest to you that if you launch an invasion without the support of the American people, without the endorsement of the Congress of the United States, their elected representatives, and something bad happens, your credibility could not be worse if we have to leave in embarrassment and failure, as the United States ship a year or so ago had to leave the port of Port-au-Prince in disarray when threatened by an unruly mob.

Mr. President, there are many lessons that are learned from the Vietnam war; some of them valid, some of them invalid. Everybody has their different view of the lessons of the Vietnam war and what they were. And there are few lessons of the Vietnam war that the American people are generally in total agreement about.

There is one lesson that the American people are in agreement about, Mr. President, and that is you do not embark on a military exercise without the support of the American people.

Mr. President, an ABC poll last night said, and I quote, "Six out of 10 Americans see no vital national interest at stake in Haiti; 73 percent of the American people do not believe we should invade."

Mr. President, a lot of us give advice to the President of the United States. From those on this side of the aisle, it is usually, and understandably, disregarded.

But I think that the President pro tempore of this body, the senior Members on the Democratic side and one of the most experienced Members of this body, clearly not only now but in its history, the distinguished Senator from West Virginia, would agree with me that you must have the agreement of the American people.

What is the best way to do that? The best way for the President of the United States to do that is to go to the American people and tell them why he is going to send their young men and women into harm's way, and then come to the Congress of the United States and ask for approval.

Now, Mr. President, you and I may disagree as to the constitutionality of the President sending members of the Armed Forces into military involvement overseas. There is a valid constitutional argument about that issue. And I believe that it is a compelling reason why we should revisit the War Powers Act and have a clear and unequivocal provision on whether the President of the United States is required to receive the approval of Congress before he engages in military operations.

There are valid arguments on both sides. I have read extensively and talked extensively to scholars on both sides of this issue. I happen to come down on the side that the President of the United States is not constitutionally required to do so.

I respect and value the arguments of many of my colleagues on this side of the aisle who believe that the President is constitutionally required to do so. But that is not the argument here. The argument here is whether we expect any President of the United States to embark on a military enterprise without the approval of the American people. And I would strongly state that it is clearly in the President's interest, if this enterprise fails, to have done so with the endorsement of the Congress of the United States and the approval of the American people. Without that, his risks politically are dramatically increased, because his critics will correctly say that he embarked on this adventure—and it is an adventure—without the support of the American people and without the endorsement of Congress.

So, Mr. President, I hope that this week—I hope this week, because all reports are that the invasion starts next week—the Congress would act, at least the U.S. Senate, in some fashion. And I would suggest it would be a sense-of-the-Senate resolution.

I would point out that Congress has voted twice—voted twice—once by a vote of 98 to 2 in October of last year and once this past June by 93 to 4, that encourages and urges the President of the United States to come to Congress for approval. I believe the overwhelming majority of the American people, although not well versed on the constitutional aspects of this issue, also strongly believe that Congress should approve or disapprove.

Mr. President, I just want to talk for a second about Grenada and Panama. In both of those endeavors, the President of the United States did not come to the Congress of the United States for approval. I believe that the President of the United States should have, but he did not. But I would also point out that those military enterprises were somewhat different.

In Grenada, there was clearly a dramatically worsening situation. Three hundred American medical school students' lives were at stake. There was a compelling situation that called for U.S. military involvement.

In Panama, even there, the situation was worsening. There were American service personnel who were being harassed and mistreated by Noriega's people. We do have a special interest in Panama because the Panama Canal Treaty, passed through this body after a long and acrimonious debate, states that the United States must defend the security of the Panama Canal.

So, although I do not defend President Bush's failure to consult with Congress and receive the approval of Congress, I would say that those situations were significantly different, where basically this administration can choose the time and place of this invasion. They could wait a week. They could wait a month.

The only problem with delay, from their point of view, obviously, is this harsh embargo is literally starving innocent Haitians to death. Mr. President, I have opposed that embargo strenuously because I do not think it hurts the rich people that live in the hills near Port-au-Prince. I think it hurts poor Haitians, people who really are innocent in this whole debacle.

I would also like to say another word about Mr. Aristide. Mr. Aristide was a freely elected leader of his country. It is clear that Mr. Aristide did not, while in office, exemplify the principles of democracy that we would expect in a freely elected leader.

Now, is Mr. Aristide a terrible person who should not be returned to office under any circumstances? No. But, Mr. President, I would strongly make the argument that Mr. Aristide should be willing to stand for new, free, and fair elections, and in that way I think we would remove one of the major impediments to the departure or at least the stepping down from power of the army militia.

Mr. President, I want to point this out one more time here. We are basing this invasion of Haiti on the premise that the United States reliability is at stake. That is not my version of events. That is the words of the President's National Security Adviser.

I agree that the United States credibility and reliability has been dramatically damaged not just by Haiti but by our actions not matching our rhetoric in places throughout the world.

At least 10 times the President of the United States said we are going to bomb Bosnia. I do not know how many times he has said that we will remove the dictators from Haiti. I do not know how many different statements were made concerning Korea. And I am very concerned about the way that we seem to be making concession after concession to the North Koreans as we speak on an issue that is of vital national security interests, and that is the North Korean nuclear capability.

We have said many things, and the President of the United States and this administration has said many things, and they have not carried through. They have viewed foreign policy statements the same way they view domestic policy statements, where we are basically free to make changes as we view the domestic political opinions shifting.

On foreign policy, this administration has failed to appreciate the fact that the world's superpower is listened to, the world's superpower must be believed, and that the world's superpower cannot be believed if the actions do not match the rhetoric.

So, Mr. President, I am not in the business of predicting. But I have read and studied enough history to predict the following: The invasion of Haiti will be a very efficient military operation. The men and women of our military and equipment that they have today—not in the future but today—is clearly so overwhelming and so superior that anything that ragtag mob of people the Haitians call an army do would be extremely brief. I believe the President will receive some increase in his popularity.

But I want to state clearly and unequivocally I do not believe the President of the United States is doing this for political reasons. I do not believe that. I do not believe any President of the United States would send our young men and women in harm's way for political reasons, and I refuse to accept that premise unless there is some evidence to the contrary.

At the same time, over time we will find ourselves involved in a country that basically has never known democratic traditions, has never had the foundations of a free and democratic society. We will try to put a layer of democracy on that country and start institutions which basically is an enterprise which will take many, many, many years. In the meantime, there will be unrest. How that unrest manifests itself in a worst-case scenario is confrontations between United States military people and Haitian civilians, semiarmed, semiguerrilla, semi-insurgent types of operations which will put us into a tar baby which would be most tragic in the result that American lives are lost.

I wish the President's national security adviser, who is concerned about American reliability, would also ask the following question: How many American lives should we put at risk to restore Mr. Aristide to the Presidency of Haiti?

The other question that needs to be asked by any Member of this body, and is being asked by the American citizens is: What vital national security interests are at stake besides American credibility?

Perhaps the other significant question that must be asked is what is the exit strategy? How do we get out? We restore Mr. Aristide to the presidency of his country and then what? Do we believe the rosy scenario that some paint, that some kind of multinational force of people from all different countries will come in and be able to maintain order in Haiti? I doubt it. On Sunday I was on a program with the Secretary of State and he admitted that American troops would have to be a significant part of any multinational peacekeeping force.

So far, except for the rather rosy scenario that there would be a multinational peacekeeping force, I do not see an exit strategy. I talked to many military people, both active duty and retired, and I have never detected such a level of nervousness about an enterprise as I do about this one. Again, not about our capability to invade but the way out.

Mr. President, I and 33 other Senators wrote a letter to the President on July 12, 1994, concerning the invasion of Haiti, with some serious questions.

The administration's response was, in my view, somewhat disingenuous. But one of the responses—and also a statement by Secretary Christopher on Sunday—has to be responded to. The President's letter says:

> My support for his [Aristide's] return is based on a review of his overall record while in office and is consistent with the policy developed by the Bush administration.

The Bush administration had foreign policy failures. I can make an argument as to whether the Bush administration should have intervened in Bosnia earlier, and to have prevented the situation that evolved there. But let us kid no one. The Bush administration never contemplated an invasion of Haiti. Yes, the overthrow of Aristide was totally unacceptable. Yes, the situation in Haiti was deplorable. Yes, it was condemned by the Bush administration. But no one in the Bush administration contemplated an invasion in order to rectify that situation any more than we contemplate an invasion in many other parts of the world where tragically we have dictatorial and oppressive governments. So let us not kid the American people. Do not take my word for it, ask former President Bush, former Secretary of State Jim Baker, or former national security adviser Brent Scowcroft.

It is with some sadness that I discuss this issue because I am afraid that the American people's wishes are going to be overridden next week. I am afraid there is going to be some family somewhere—perhaps in my State—somewhere in this country who is going to receive a knock on the door and the chaplain is going to be there to tell that family that their son or daughter or their husband or wife has sacrificed his or her life in the invasion of Haiti or perhaps in the effort to democratize that country that has known no democracy. And I suggest the situation in Haiti, as deplorable as it is, as distasteful and odious as those people who are running that country are, is not worth the sacrifice of any American lives.

Mr. President, I would also like to mention in the case of being required to call up reservists for this enterprise, there is also a significant expenditure that again will come out of the defense budget. Estimates are—and the estimates are always low, as the President knows—of some $500 million. We are again seeing the defense budget cut. We are seeing our commitments expanded. We are seeing them stretched thin. I believe we are cutting the defense budget too fast and too deeply. Since

1985 the defense budget has declined by nearly 35 percent with another 10 percent reduction planned by 1999. But that is only the surface aspects of it.

When you look at where the defense dollars are being spent, not only are the cuts in defense spending alarming but then where you look at where all the dollars are going that really have very little to do with the defense of this Nation, it is indeed alarming. I intend to talk about, in my statement, things like environmental cleanups, peacekeeping missions, maintenance of defense-industrial base. We are even going to spend money to keep an industrial base for combat boots. We are going to keep an industrial base for MRE's. We are going to keep an industrial base for submarines that so far has cost us at least $12 billion and it will probably cost us several billion dollars more.

I am seriously concerned that the decline in the defense budget reflected in this document that we are debating today will result in a hollow military force that will be unready to fight and win in future conflicts. The significant and continuing budget cuts have already resulted in the first signs of declining readiness. I am concerned about the deleterious impact of the rapidly declining defense budget on the readiness of our military forces as well as the daily lives of the men and women who serve in the Armed Forces and their families.

A report of the Defense Science Board Task Force on Readiness, which was appointed by former Secretary of Defense Aspin, which was dated June 1, 1994, makes some very cautious statements concerning how to avoid a future hollow Armed Forces. The report refers to pockets of unreadiness that exist today and states, "We observed enough concerns that we are convinced that unless the Department of Defense and the Congress focus on readiness, the Armed Forces could slip back into a hollow status."

Mr. President, I believe the Under Secretary of Defense and Secretary of Defense have taken those warnings to heart. And in response to that, Secretary Deutch wrote to the members of the Defense Resources Board directing that the services explore the idea of terminating the major procurement programs in their budgets. The memorandum directs the services to propose terminating the Comanche helicopter program and the advanced field artillery system for the Army, deferring JPATS, F-22, the TSSAM programs for the Air Force, canceling the V-22 and advanced amphibious assault vehicle programs and significantly slowing the DDG-51 and new attack submarine programs in the Navy.

Mr. President, for the benefit of my colleagues, translated from Pentagonese, that means basically terminating or contemplating terminating every new modernization program in our military—basically terminating them.

The same memorandum directs the Office of the Secretary of Defense to identify potential reductions in overhead and infrastructure, including personnel reductions and related support offices, of more than 4 percent a year. The reason given for these Draconian cuts is, and I quote, "The desire for the pay raise and for improvements in other areas, such as readiness, sustainability and quality of life may require us to shift resources from other POM priorities"—that is future priorities.

Mr. President, what we have done here is present the planners in the Pentagon with a Hobson's choice, the Hobson's choice of either maintaining the high-quality men and women in the military and their readiness by giving them pay raises, by providing them with decent housing, by providing them with quality of life, which is absolutely vital to maintaining an All-Volunteer Force, or cutting virtually every new program that is necessary for the future modernization of our military establishment.

Frankly, as one who has been a strong advocate of maintaining the pay raise and decent housing, et cetera, I find that an unacceptable choice because we can have the highest quality men and women in the world and as ready as they can be, but unless they have the equipment which gives them the overwhelming superiority, such as we saw in Operation Desert Storm, then those men and women are going to die needlessly.

So, I do not think we should be faced with an either/or situation. I think we should maintain readiness. I think we should maintain the quality of men and women, but we should also very carefully understand that, first, we cut out the unnecessary spending. With all due respect, we do not need to increase Milcon, we do not need to increase military construction by some $500 million and, at the same time, cut virtually every new weapon system that we are contemplating.

We cannot spend as much money on environmental cleanup as we have. We cannot spend so much money for peacekeeping that we have in the past. I know the President has stated his strong and deep concerns about continuing funding out of the defense budget of the peacekeeping operations that, frankly, should come from some other source. And also then we get to all this unnecessary spending, ranging in huge size from the B-2 bomber and the *Seawolf* submarine, which are unnecessary—I will not say unnecessary—which are less necessary in today's threat environment than they were during the cold war. And in a very serious setting of priorities, we have to understand that our first priority has to be readily deployable, capable forces that we can send anywhere in the world on short notice in order to fight a conventional conflict.

Mr. President, *Seawolf* submarines and B-2 bombers are nice to have. I was a strong supporter of both before the cold war ended. But we just simply cannot afford it. We have to set priorities. If there is any message in this bill, in this National Defense Authorization Act of 1995, it is that the administration and the Congress have failed to set priorities in keeping with the dramatic reductions of 35 percent reduction in 1985 and an additional 10 percent that is planned by 1999. We have to set priorities or we will end up with kind of a Third World military which has a lot of things to show but really cannot do the job.

Unfortunately, we as a Congress, and the administration as well, have failed to make those tough decisions. We can talk about all the reasons why—the power of different lobbyists, how, when a weapon system is finally adopted, there are subcontractors in basically every district and every State in America and how each of those create jobs and are important, et cetera. Many of those arguments were valid in the days of the early 1980's when we were basically spending whatever it took to fight and win the cold war. And I am very proud of that expenditure. Yes, we are paying the bill for it in the form of an over $4 trillion debt that we have given not only to ourselves but to future generations. But I think it was probably worth it in order to win the cold war, which we did.

But we cannot do it anymore. We have to stop. We have to set priorities. We have to go back and review and pay attention to the Bottom-Up Review, which was carried out by some of the most respected men and women in the military, including former Secretary of Defense Aspin, including former Chairman of the Joint Chiefs of Staff Colin Powell and many others, and stick to that. When the Bottom-Up Review was briefed to the Congress and the American people, I neither saw nor heard any objection to it. Maybe some people had slightly different priorities, but I believe for the first time in a long time it was a document that was well received and said, yes, this is what we need in the post-cold-war era. Why? Because it meets the threats of the post-cold-war era: Proliferation of weapons of mass destruction, the rise of Islamic fundamentalism, the spread of this kind of national strife that we see all over the world from the Balkans to Africa and many other places where it is incipient.

That Bottom-Up Review, unfortunately, if the memorandum of the Under Secretary of Defense is followed, cannot be achieved and, if achieved, which it cannot be, then there is no way it can be sustained.

So we have to go back, Mr. President, and do one of two things: Either re-evaluate this Nation's vital national security interests and change them —and I do not see how you do that, but perhaps there may be some intelligent and well-versed and knowledgeable people who can do that—or we have to do away with the spending which is absolutely peripheral, or not necessary, in order to maintain the Bottom-Up Review, eliminate that spending and, at the same time, if necessary, come back to the Congress of the United States and do what President Clinton said in his last speech before the joint session of Congress. He said, "Do not allow Congress to cut defense spending any more." Let us just do what the President said and, if necessary—and if necessary—increase defense spending to maintain some certain level of capability and readiness.

In testimony before the Senate Armed Services Committee and other public fora, our highest ranking military officers have expressed concern about the serious declines in readiness now evident. Mr. President, the Air Force depot maintenance backlog is currently at $868 million. The Army's depot maintenance account is only funded at 62 percent of requirements. The Marine Corps is suffering severe cutbacks in combat training and in sustainability because funds and time are being redirected to support peacekeeping operations. The Navy afloat inventories have been reduced by 40 percent since 1989 as a result of a desire to save money on spare parts by centralizing storage ashore, but this means that a ship at sea requiring repairs will now have to sit idly while the necessary parts are transported to their location. Army aviator training is funded at only 76 percent of requirements, a level insufficient to make any progress in redressing the shortfall in skilled Army aviators identified in Operation Desert Storm. Cuts in base operations funding have reduced the standard of living of our troops, which translate quickly into lowered morale and reduced readiness.

Mr. President, I think the American people would be astounded to know that this bill, this very important document, represents the new acquisition of 4 ships—4; 1, 2, 3, 4—4 ships and 24 fixed-wing combat aircraft. A $260 billion authorization of expenditure of funds will now authorize 4 ships and 24 fixed-wing aircraft.

I should add that there are additional helicopters and there are additional systems, and so forth, but when we have reached the point where we are procuring a grand total of 4 ships and 24 fixed-wing aircraft, we are spending a lot of money on the wrong things.

Training and operational mistakes are becoming evident in the tragic shootdown of two Black Hawk helicopters by United States fighters over the Iraqi no-fly zone and in the C-130 training crash in Georgia.

September used to be known as the month where the services scrambled to spend funds which would expire if not obligated before the end of the fiscal year. This was known as the 11th hour spending spree.

Now, in the last month of fiscal year 1994, there is no spending spree. Rather, there is not even sufficient money to conduct normal training and maintenance operations.

On the issue again, Mr. President, of the 4 new ships and 24 fixed-wing combat aircraft, the U.S.S. *Inchon* was stationed off the coast of Somalia for approximately 6 months. Those men and women in the Marines on board steamed off the coast of Somalia for approximately 6 months.

Now, Mr. President, I do not know if many Americans know what it is like to sit on a ship, in the heat, off the coast of Africa for 6 months, and I hope that they never have to know. But I do know that it is a very unpleasant, and in some ways debilitating, experience.

Finally, their mission was finished. In Somalia, for all intents and purposes, the United States was gone. The United States was not going to be called upon to carry out any military operations in Somalia. And they came to their home port on the east coast of the United States.

Obviously, they had a very happy reunion with their families, and 12 days later—12 days, count them, 12 days—after they were at home with their wives and husbands and family and friends, guess what? Guess what? They had to go to sea again, Mr. President, and they sat for about 2 months off the coast of Haiti, again sitting there under very difficult conditions.

Mr. President, we cannot keep men and women in the military if you subject them to that. No one in their right mind would stay.

Mr. President, people will not stay in the military under those conditions.

Reports are now coming in that many units are, essentially, shutting down operations. Navy pilots at North Island Naval Air Station are being told they will have no flying time this month. Mission essential equipment is being mothballed to save on maintenance and training costs. Other equipment is being guarded against cannibalization because of a lack of spare parts. Twenty percent of the Army's spare parts bins are empty. Troops are being used at many bases across the Nation to cut the grass, because money is not available to hire civilians. These troops are foregoing training time to do base maintenance. The Army's training and doctrine command, known as TRADOC, has been directed to cut $20 million from its budget during these last few weeks of the fiscal year, funding which means a base operations cut of $1.5 to $2 million from nearly every Army base in America.

Essential base operations funding is being diverted to pay for peacekeeping in Somalia, humanitarian assistance to Rwanda and, of course, the impending invasion of Haiti. These cuts will create a readiness nightmare across the services, especially in the first part of next year.

Training loss cannot be regained. The Chairman of the Joint Chiefs of Staff has warned repeatedly in the past few weeks that we are cutting into readiness to fund nontraditional operations throughout the world. These warnings need to be taken very seriously before the damage to our military force is irreparable and before the first American life is lost.

I understand that the Army's 10th Mountain Group is preparing to deploy in support of the Haiti operation. This unit returned from Somalia in March and has been home less than 6 months. Further, the 10th Mountain Group, which is the only available unit for Haiti deployment, is trained for mountain terrain and not the terrain of either Somalia or Haiti.

Last week, the Secretary of Defense and the Chairman of the Joint Chiefs testified to Congress that a study had been undertaken in the Pentagon to review the possibility of decreasing normal 6-month deployments. This decrease in deployment time would be required in order to keep more assets on hand to react to the growing number of regional crises in the world. We are already looking at changing the way the United States military conducts business in order to accommodate a declining defense budget and escalating commitments. It is apparent that the Department of Defense does not have sufficient funding to maintain its current level of military capabilities.

Mr. President, the most immediate impact of defense budget cuts has been felt by the men and women in the military. They have already suffered a major drop in living standards as a result of past failures to provide pay increases for inflation, or to keep military pay comparable with increases in civilian pay.

For example, the services estimate annual military pay increases have already lagged 8 percent behind inflation in the last 10 years and 12 percent behind private sector pay increases. The military services estimate that some 20,000 enlisted service members and their families are now eligible for food stamps.

I want to repeat that, Mr. President. Twenty thousand enlisted service members and their families are now eligible for food stamps.

President Clinton's proposed budget called for a 1-year freeze on military pay and benefits in fiscal year 1994, and a 1-percent reduction in the annual pay raise based on the economic cost index. Fortunately, the Congress has corrected this authorization to provide a 2.6-percent pay raise in this conference report. In addition, the Congress acted to provide funding to redress an inequity in retired pay COLA's between Federal civilian and military retirees. All retired pay COLA's will be calculated in April rather than putting military retirees at an unfair disadvantage by withholding their raise until October.

Many defense experts have concluded that the already reduced budget does not contain adequate funding for even those programs included in the 5-year plan.

Early this year I released a study prepared by Dr. Anthony Cordesman, which contained Dr. Cordesman's detailed analysis of the Bottom-Up Review force and the 5-year budget. The report concluded that the current future years' defense plan is underfunded by as much as $100 billion. In July, the General Accounting Office estimated that the Department of Defense future years' defense plan may be underfunded by about $150 billion. The General Accounting Office cites shortfalls in the administration's budget from inflation, overstated projected management savings, and potential cost increases for base closures, weapons systems cost, personnel pay, environmental remediation, and peacekeeping operations.

Mr. President, I wish to mention the base closure issue. There have been a couple of, fortunately, aborted efforts in this body to delay the 1995 base closings. I feel very strongly that unless we contemplate a significant increase in the defense budget, it does not make sense to delay the base closings.

We do have to look at the increasing costs associated with environmental remediation, which have been dramatically higher than originally estimated. But at the same time, no reasonable business person would run a business with overhead costs three or four times above the level of business actually being done. We have, for the size of the defense budget, too many bases, and the 1995 Base Closing Commission will probably propose the largest base closing in the history of this country.

I regret that. I regret the impact that may be felt in my own State or in other States. But it does not make sense for us to maintain a huge base infrastructure that does not match up with the level of our force structure.

Returning to the budget shortfall, in a recent response to the GAO report, Comptroller John Hamre noted:

> We do have a problem ranging from $26 billion to as much as $40 billion because of inflation and Congressionally-directed pay raises.

Mr. President, I have great respect and even affection for Mr. Hamre. I think he was one of the very outstanding members we had on the Armed Services Committee staff. I do not agree with Mr. Hamre's numbers. I think that the shortfall probably lies somewhere between the $150 billion that the General Accounting Office estimates and the $40 billion that Mr. Hamre points out. But it is a bit disingenuous to blame a shortfall on "congressionally directed pay raises."

Mr. President, Mr. Hamre and Mr. Deutch and Mr. Perry and everyone else over there in the Pentagon know that we cannot maintain an All-Volunteer Force of high quality unless we raise their pay at least to keep level with inflation.

So to put the blame on Congress for a $40 or $26 billion shortfall for directing pay raises is disingenuous at best, because the administration should have come over with a request for a pay raise as part of their budget. They know they should have. But instead, in the decisionmaking process, what they did in the Pentagon was to say, we will leave the pay raise out of the budget that we send over because we know full well that the Congress will add it on.

So do not blame Congress, I say to Mr. Hamre and others. By the way, I know he does not mean to do so. He is an outstanding individual. But let us not have the impression that we are blaming Congress for a $26 or a $40 billion shortfall because the Congress of the United States is going to raise the pay of the men and women in the military by 2.6 percent. Let us make sure we know how much that percentage is, 2.6 percent, which in the case of an enlisted person, Mr. President, is very little money. Yet, the Department of Defense has acknowledged its serious shortage in funding situation, as I pointed out.

Deputy Secretary of Defense John Deutch has directed the services to explore the idea of terminating virtually every major procurement program in their budgets. I am concerned about that, Mr. President, as I said. I think we are given a choice of two unacceptable options. And, clearly, we cannot take either course without paying a severe penalty for it over time.

(Mr. DASCHLE assumed the chair)

Mr. McCAIN. Mr. President, I fully support the administration's focus on military readiness as its number one defense priority. I do not believe it is their exclusive priority, however. I have been concerned for a number of years now that the funding and attention of readiness have been seriously neglected, and I am alarmed at the continuing downward trend in many readiness indicators. In my view, funding for readiness is still too low. I hope to work with the administration to restore these accounts to the appropriate level.

I believe that the Department of Defense, in recognizing its funding shortfall, is unfortunately focusing on the wrong remedy.

Our military services cannot afford to halt every major procurement program in the budget. Modernization and maintaining our technological edge are nearly as essential to future readiness as training and maintenance are to our near-term readiness. Terminating modernization programs puts in jeopardy the ability of our Armed Forces to fight and win in any future conflict.

Mr. President, the great advantage we have over any other nation is the technological advantage in our weapons system, which is a result of the best minds in the world and the finest defense industries. Despite the unceasing attacks that are made on them, our defense industries have produced the finest weapons systems that the world has ever seen. And an ample affirmation of that is the fact that everybody wants to buy them.

So you cannot just cut every major procurement program without paying a severe penalty. The most preferable option, in my view, would be to insist the President allocate additional resources to the defense budget to make up for shortfalls.

The issue here is one of strategic sufficiency.

Is this administration willing to pay the cost of being a superpower? Is this administration willing to pay the cost of ensuring our future national security? Is this administration willing to invest sufficient resources in national defense today in order to avoid the necessity of fighting to restore our security in the future?

I am a realist. I recognize that it is very unlikely that the administration and OMB will increase the defense budget top line. Therefore, I believe that a more feasible approach would be to look for savings in low priority programs in the defense budget.

I have often spoken on the many nonmilitary expenditures funded in the defense budget programs, such as support for international sporting events, defense conversion, and technology reinvestment projects, nonmilitary university research, environmental remediation, peacekeeping operations, humanitarian assistance, and the like.

Another area of the defense budget that could yield significant savings would be the military construction accounts. Again, I would recommend a temporary moratorium on all military construction. The 1995 base closure round is expected to close more bases than all the previous rounds combined—perhaps as many as 100 bases—and it is ridiculous to begin construction projects on bases which may be closed.

Mr. President, I guarantee you that as bases are in the process of being closed, we will see construction projects taking place on those bases. This is outrageous. It will be throwing defense budget money out the window.

In addition to saving the nearly $1 billion in Member add-ons for unrequested projects, the Department could also save approximately $2 billion in other projects if all construction were halted right now. These areas of the defense budget are not essential to our current and future military readiness and effectiveness. Procurement of modern weapons systems is essential. The Department should look for savings in nonmilitary expenditures of scarce defense dollars.

Again, Mr. President, we should declare a temporary moratorium on all military construction until the 1995 Base Closing Commission makes its recommendations.

I congratulate the authorization conferees for retaining a Senate provision which requires the administration to review the assumptions and conclusions of the Bottom-Up Review and the FYDP to determine the adequacy of resources allocated to national defense. This provision of the bill also expresses the sense of Congress that the President should ensure that the defense budget he submits to Congress provides sufficient resources to support the forces necessary for our national security.

Republican members of the Armed Services Committee have asked for hearings on adequacy of defense funding. I urge the administration to conduct a full and complete review, especially in light of the GAO's estimate of a $150 billion shortfall in future year defense programs and the programmatic decisions that are facing the Department today.

Mr. President, Congress must share a large part of the blame for the skewed priorities in this bill. This year, this budget resolution cuts $500 million in expenditures from overall discretionary funding as a result of the Exon-Grassley amendment, which cut $5 billion over 5 years. Then, it was the decision of Congress to take all of those cuts out of defense; nowhere else. There was nowhere else in this $1.4 trillion budget where we could cut a single penny. We had to take it all out of defense. Mr. President, that was a decision which is almost reprehensible.

Then, to compound the problem, the Appropriations Committee cut the allocation for the Defense Subcommittee and increased the allocation to the Military Construction Subcommittee by $490 million. We increased military construction by nearly $500 million at the same time that we are going to close 100 bases. This transfer was made solely to accommodate congressional add-ons. Rather than protecting the future security of our Nation, we are protecting people's political futures.

We must exercise discipline in our spending habits to ensure that increasingly limited defense budget dollars are spent for high-priority military requirements necessary to our ability to fight and win any future conflict, and not for pork barrel projects.

At the same time, the Department of Defense must take a firm stand in opposing these congressional add-ons. I intend to continue working with Senator GLENN and other members of the Armed Services Committee to ensure that Congress' appetite is restrained.

I want to point out again, Senator GLENN and I set up criteria for military construction projects and also for Federal land transfers. And we had no support from the Department of Defense. I say to the Department of Defense, if they are concerned about things like $500 million cuts in outlays and $490 million being transferred from defense to military construction, they had better stand up.

Another disturbing trend over the past several years is the inclusion of billions of dollars of spending in the defense budget which is not directly related to military capabilities. The Congressional Research Service recently prepared a study of the costs of nondefense activities funded in the defense budget during the 6-year period of 1990 to 1995. The results are astonishing, including environmental remediation of nearly $24 billion. Nearly $24 billion has been spent on environmental remediation. That means environmental cleanups at bases around the country. For defense conversion and dual use programs, nearly $12 billion.

Mr. President, we have found a new word, a new phrase for "pork barrel." It is called "defense conversion." We are using defense dollars to keep companies in business that cannot stay in business and should not stay in business. There are a few that we are helping to really convert. But when I read a list of the money that has been spent on so-called defense conversion, it is nauseating.

In total, the Congressional Research Service reported $52 billion in spending for nondefense programs within the defense budget over the last 6 years—$52 billion. That is not the estimate of the Senator from Arizona, that is the Congressional Research Service's.

This conference agreement funds a number of programs which, in my view, should not take precedence over programs of critical importance to the ability of our military forces to fight and win in the event of a future conflict. For example, the conference agreement includes $400 million for the Nunn-Lugar Former Soviet Threat Reduction Program. This program has been funded at about this level for 4 years now, for a total of $1.4 billion, most of which has only recently been committed for any particular purpose, and most of which has not been spent in the past 3 years. The purpose of the Nunn-Lugar Former Soviet Threat Reduction Program is good. The fact is that very little money has been spent that has been appropriated and authorized in past years, and it is time we stopped until that money is spent.

This bill also contains $3.5 billion for defense conversion—a melting pot of programs designed to assist individuals and industries which have suffered as a result of the defense drawdown. Again, these programs have been funded at a significant level for many years. Let me tell you that the problem with defense conversion is that there are really no criteria or parameters under which we should be spending this money.

So it becomes rife with spending on unnecessary projects, industries, and individuals.

The bill also contains: $13 million—not a lot of money, Mr. President—for Department of Defense support for the Summer and Special Olympics, which was not requested, and I believe should be reimbursed if those games make a profit; $40 million for the Defense Women's Health Center, which was not requested, and which may take away from other ongoing research programs.

The cost of peacekeeping operations consumes billions of dollars every year. The administration requested $300 million in this year's budget to pay our U.N. assessment for peacekeeping operations, traditionally funded out of the State Department budget. Fortunately, it appears that saner heads have prevailed and these funds will not be provided from the Department of Defense.

These misplaced spending priorities must be corrected to ensure that funding is available for the modernization and maintenance of an effective fighting force.

Mr. President, this 1995 Defense Authorization Act authorizes only 24 fixed-wing aircraft and 4 combatant ships, and it is unclear whether the appropriators will set aside sufficient funding for these limited buys.

Procurement funding is at a historically low level. The General Accounting Office projects a $38 million shortfall in funding for the limited number of procurement programs in the defense budget for the next 5 years. The military of the future cannot operate effectively without modern, capable equipment. This budget does not provide for our future technological superiority.

The conference agreement sets aside $510 million for new aircraft and other equipment for the Guard and Reserves. These were not requested by the Guard and Reserves, and the funding for them was taken from other high-priority requirements included in the budget request.

About half of these individual funds are authorized for generic categories of miscellaneous equipment. But the bill specifically authorizes $240 million for the procurement of 10 tactical airlift aircraft for the Guard, for C-130 aircraft. Over the past 5 years, Congress added almost $1.7 billion for C-130 aircraft which were not requested by the President. When will this stop? I fully support the important contributions of the Guard and Reserves to our Nation's security. However, I believe it is unwise to spend money on new equipment for the Guard and Reserves which is not requested by the Pentagon, especially when the Department of Defense is contemplating terminating every major weapons modernization program in the active duty forces, and when there is insufficient funding for training, quality of life, and other necessities.

As I have said, the 1995 base closure round will affect more facilities than all of the previous rounds combined. Some estimates are that the 1995 round will close as many as 100 bases. In addition, the GAO report states that DOD savings estimates from base closings may be vastly overestimated. If these savings are not realized, the Department of Defense will have to cut other programs in order to pay its bills.

Last month, the Senate passed the 1995 Military Construction Appropriations Act, which contained nearly $1 billion in Member add-ons for unrequested military construction projects. I voted against the bill because it is irresponsible to be spending $1 billion for unnecessary building on bases that may be closed during the 1995 base closure round. In fact, as I said earlier, we should institute a temporary moratorium on all military construction during this year pending the outcome of the base closure round.

I find it an interesting coincidence that most of the projects added in that bill just happen to be in the States of Members who sit on the Appropriations Committee. In the Senate, 66 percent of the additional military construction dollars fund projects in the States of the 24 Senators who sit on the Appropriations Committee. In the House, 72 percent of the add-ons were for projects in the States of the 60 Representatives who sit on the House Appropriations Committee. I am sure, Mr. President, that is a pure coincidence.

This 1995 defense authorization conference report before the Senate contains $974 million in Member add-ons for unrequested military construction projects. This is an appalling concession to pork barrel politics.

At the same time, the authorization conferees dropped language in the Senate bill which would have required an expedited screening process for conveyance of Federal lands to State or local entities. This good-Government approach was rejected by the conferees who preferred to put off until next year discussions on establishing some checks and balances in the process of legislating Federal land giveaways. I intend to work with Senator GLENN to develop and enact such a process as quickly as possible.

Mr. President, I want to talk about the defense industrial base for a minute. While there is a continuing decline in the defense budget, many defense firms are suffering financially. The Department of Defense and the Congress have a responsibility to ensure that the essential elements of our defense industrial base are preserved or can be regenerated in the future, if made necessary by issues of national security.

In 1990, the Congress included a provision requiring the Department of Defense to produce a comprehensive defense industrial base report which could be used to assess future industry requirements. Unfortunately, for almost 4 years, the Department of Defense has effectively ignored the law and has failed to produce a report. I am now told that the Department will provide a report to Congress on September 30, but I understand that the report will address only a portion of the issues required by the law. Apparently, the Department of Defense has decided that the report required by the law is not only too difficult to prepare, but they have identified an alternative methodology for addressing this issue.

What the Department must recognize is that the law is the law. A report required under the law must be filed unless the law is changed. I look forward to receiving the report on September 30. Many deadlines have been set and then ignored. This is one which I urge the Department to meet.

Further, while this report will not technically comply with the law, I urge the Department of Defense to provide its response to as much as possible of the requirements of the legally mandated report. Perhaps Congress will find that DOD's proposed methodology is better than that prescribed by law, and then the Congress can work with DOD to amend the law in order to produce the most useful analysis.

At present, in the absence of a recommendation from DOD, the Congress has taken action and has developed a proclivity to set aside slush funds to preserve so-called defense industrial bases. This practice started with the *Seawolf* submarine when Congress provided $540 million to preserve the submarine industrial base. Today the American taxpayers are burdened with paying for two $5.2 billion submarines, two $5.2 billion submarines, and possibly a third submarine in the future, all of which have no military utility in the post-cold-war world.

The defense authorization conference establishes the following defense industrial base set asides: $93 million for a small arms industrial base; $125 million to preserve the bomber industrial base for 1 year, just 1 year for $125 million.

Mr. President, need I point out a bomber is an airplane?

There is $35 million for the tank engine industrial base, and $2 million for the meals ready to eat industrial base. Now we need to spend $2 million to maintain a production base for food.

The Department of Defense has failed to provide any leadership in this area, and porkbarrel projects are filling the void created by that lack of leadership.

Nearly 4 years ago the Congress directed the Department of Defense to prepare a report on the defense industrial base. That report has never been completed. Congress must have the benefit of the Department of Defense views in order to make educated judgments about the need for proliferating numbers of industrial base funds that are being set up.

This bill does include a provision which prohibits expenditures of certain testing dollars until the legislatively mandated report is submitted to Congress. Let us hope this gets the attention of the Department of Defense.

Mr. President, unfortunately, it appears that the authorization conferees may be moving in the direction of earmarking funds for particular institutions or entities which enjoy the favor of some members of either Armed Services Committee. I refer particularly to language in the university research section, the defense conversion section, and in the Department of Energy division.

In each of these areas, institutions are either named specifically or are included by reference to the House report on the bill. This is a shameful move for a committee which has long been opposed to earmarking in the appropriations process.

The Department of Defense is forced repeatedly to seek supplemental funding or reprogramming authority to pay for day-to-day operation in support of peacekeeping commitments throughout the world. Additional funds for offsetting the costs to send to Rwanda, the no-fly zone over Bosnia, and the forming possibility of a Haiti invasion force. More important, additional funds are necessary for the troops in South Korea because of additional aggression from the north.

Many pressing military requirements lack funding. These requirements must be identified and resources must be provided to pay for them.

Rather than leave the impression that this bill is entirely without merit, let me note a few of the very many provisions which I fully support. I previously mentioned the conference report fully funds the 2.6 percent pay raise for military personnel addressing a serious shortfall in the President's budget submission. The full military pay increase is essential to maintain the high quality All-Volunteer Force we have today.

The conference report provides funds to redress the equity in COLA's for retired and civilian retirees. I commend Chairmen NUNN and DELLUMS after much debate for insisting on authorization for full funding to pay those costs.

The technology reinvestment project. Since the inception of the TRP Program, I was concerned it would be used as a slush fund to prop up failing businesses or reward politically connected organizations with defense grants and contracts. Both this bill and the Senate version of the defense appropriations bill will establish controls on this kind of program by requiring the Department of Defense to certify that projects funded with technology reinvestment project dollars must have some military purposes.

The authorization conference additionally requires the General Accounting Office to preserve TRP requirements and identify the military utility or lack thereof for each project previously funded in this act. The conferees included the Senate language limiting the cost for two *Seawolf* submarines under construction to $4.76 billion. This instituted some measure of fiscal responsibility into a program where costs increased out of control since inception.

The conferees also included a sense-of-the-Senate language provision which establishes criteria concerning military construction projects not included in the budget request. These criteria constitute a fiscally responsible approach. The House has also informally agreed to consider these criteria during their deliberations next year.

The conference report fully funds the aircraft carrier. The conferees correctly characterized the ongoing debate over the issue of funding the peacekeeping operation out of the defense budget. This issue is and the larger issue of U.S. military participation in the U.N. peacekeeping operation are matters of great importance on which the Congress is deeply divided. I strongly oppose this administration's proposals and I congratulate the conferees for refusing to authorize defense dollars for peacekeeping.

There are many good programs funded in this bill. I cannot support the bill, however.

First, I cannot endorse the inadequate funding level provided for national security programs.

Second, the spending priorities reflected in this bill are unacceptable. Unnecessary spending for industrial based set asides, questionable grant programs, military construction pork, and other nondefense programs is a waste of scarce defense resources and an embarrassment for the Congress as a whole. The American taxpayers and servicemen and women simply deserve better.

Mr. President, I would again say there are many good things in the bill. I applaud the efforts of the members of the committee and the conferees and the staff. At the same time if we continue to cut defense spending in the way and fashion that we are, not only the overall numbers, but the way that we are spending these defense dollars, we are going to have a national security crisis in this Nation. I have no doubt about it.

The Bottom-Up Review cannot be funded. For the benefit of the RECORD, the Bottom-Up Review envisioned a force structure that specified numbers of ships, planes, Army divisions, Air Force wings, that would be necessary to meet the challenges to this Nation's security well into the next century. That Bottom-Up Review was conducted by the most highly qualified men and women I know. That force structure as envisioned by the Bottom-Up Review cannot be maintained by this bill, and in the view of the General Accounting Office is as much as $150 billion underfunded in the future.

My major opposition to this bill is for that reason. Unless we change our priorities, unless we change our vision, and our view of the threats to our national security we, therefore, cannot meet those challenges the Bottom-Up Review describes and, therefore, we may see the sacrifice of the lives of young men and women in the military in an unnecessary fashion.

Mr. President, let me return for 1 minute, and I note my friend from Pennsylvania has been waiting with great patience. Let us return for the moment to the issue of Haiti.

Mr. President, I do not believe the President of the United States is constitutionally obligated to receive approval of the Congress before invading Haiti. I do believe that the President for every other good reason should receive a vote of approval or disapproval from the Congress of the United States.

The lesson of the Vietnam war which is the most compelling is that you cannot embark on a military enterprise without the support of the American people, and right now 7 out of 10 Americans believe we should not invade Haiti.

I am not in the business of giving advice to the President of the United States primarily because it would not do any good. But I strongly recommend that the President of the United States go to the American people in a nationally televised address and tell the American people why he is going to send young Americans into harm's way and lose the lives of some of them, and why there is a compelling reason to do so, and then he should come back to the Congress of the United States and receive an affirmative vote for doing so.

If he does not, he is setting himself up for a very, very dangerous turn of events. If this invasion, which we all know initially will succeed, causes us to be bogged down in the kind of a tar baby which many military experts predict will happen, civil unrest, urban guerrilla warfare, attacks by certain factions upon other factions for which the United States would have to intervene, the role of the United States military being a palace guard for Mr. Aristide, and the ensuing costs of American lives, can cause this President to see the end of his political career.

So, Mr. President, I believe that if the President of the United States would come forward to the American people and to the Congress of the United States, then he would be best served and the American people would be best served.

So I would hope, Mr. President, that this week knowing there is a religious holiday, knowing it is a short week, we could fully debate and vote on this important issue since all indicators are there will be an invasion of Haiti next week.

Mr. President, I appreciate the indulgence of my colleagues, and I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair, and I acknowledge at the outset my appreciation to my colleague from Texas for permitting me to precede her. I will do so with relative brevity.

HAITI

Mr. SPECTER. At the outset, I state that I both agree and disagree with the Senator from Arizona on his comments as to Haiti. I agree with him on the extraordinarily bad public policy judgment to invade Haiti, but I respectfully disagree with him on the issue of constitutionality and on the issue as to whether the Senate of the United States ought to be in the business of giving advice to the President.

I think that is our role. I think that is our role because, constitutionally, the Senate has extraordinary powers on foreign policy, on treaties, on advise and consent, and the Congress as a whole, both Houses, have extraordinary power on the very basic proposition of declaration of war.

Last week, I wrote to the President a very short letter, which I will read.

> DEAR MR. PRESIDENT: I am very deeply concerned about the announcements coming from your administration that you intend to order an invasion of Haiti. I believe that it is extraordinarily bad judgment for you to order the United States to invade Haiti as a matter of public policy. I believe that you do not have the constitutional authority to order an invasion of Haiti without prior congressional authorization on the current state of the record.

There are two questions posed on the Haiti issue. First, what should the United States public policy be on an invasion of Haiti? And, second, who has the constitutional authority to make that decision?

Mr. President, the Constitution is unequivocal. It is only the Congress of the United States which has the authority to declare war. The executive branch, the President, makes the argument that the President has the constitutional authority to make war. That simply does not make any sense. It does not make any common sense and does not make any legal sense. If the President has the authority to make war, what is the value of the constitutional mandate that only the Congress has the authority to declare war? Absolutely none.

This is a question which I have consistently asked nominees to the Supreme Court of the United States. And it is customary for the nominees to duck that kind of a question. But even the most recent nominee, Justice Breyer, conceded that Korea was a war and the issue of Korea and especially Vietnam show the erosion of the constitutional authority of Congress on its sole authority to declare war.

The analogies of Grenada and Panama are not similar to the Haitian situation. There, at least there was some indicator of an emergency situation for Presidential action, although I will not speak long in defense of the Presidential action there, thinking that the better course in both of those cases would have been to come to the Congress of the United States.

The best analogy is the analogy of United States action in Kuwait, where the United Nations authorized the use of force on January 15. Weeks, months intervened between that declaration and United States preparations to move in to retake Kuwait from Iraq. At that point, many of us spoke out, I among them. It was not a matter of Democrats or Republicans. I said that a Republican President, George Bush, had a constitutional duty to come to the Congress before conducting a military operation in Kuwait. And, similarly, the Democratic President, William Clinton, has the constitutional duty to come to the United States Congress before conducting an invasion of Haiti.

There is no precedent, Mr. President—no precedent at all—in U.S. history for action by the President alone without congressional authority where there is as much time as has elapsed for Congress to act one way or another on this issue. We have had months of the record being established on whatever U.S. interests there are, and under these circumstances it is a clear-cut congressional prerogative.

When we come to the question of what the policy should be, there is an extraordinary list of arguments now being made. The most recent argument, listed No. 1 by administration officials just yesterday, is the credibility of the United States. If our Government is to act on everything that President Clinton declares, we would have a hard time knowing when and where to act with so many changes of policy by President Clinton. He has talked about military action in Bosnia on many occasions. Does that bind the United States? Does that bind the Congress of the United States to military action in Bosnia?

The President expanded the United States operation in Somalia. It was only when the Congress voted to cut off the funds as of March 31 that the United States withdrew the military operation in Somalia.

When you talk about protecting U.S. policy on immigration, we can solve that problem without a war. When you talk about restoring democracy in Haiti, with special emphasis on its being a Western Hemisphere nation, if we are to take that tack, why not around the world? If we are to take that tack even in the Western Hemisphere, there are many nations where we would be intervening.

Haiti has had a 200-year history with very little democracy. We were in Haiti for 19 years after a 1915 invasion. What good did that do? When we talk about the suffering of the Haitians and the human rights issues, that is a matter of enormous concern. But then what about Rwanda, what about Somalia, what about Bosnia, what about north Philadelphia? There are examples given about the rape of a 13-year-old girl, which is atrocious; a murder of a supporter of Aristide. You can go through a litany of crimes in major American cities where there ought to be more help for American citizens.

The figleaf of international support is transparent when the Secretary of State talks about 1,500 from a group of other nations, conceding at the same time that there would be 20,000 U.S. troops involved and the other nations would not have any obligation or intention to come in until the field was secured. So it is U.S. fighting personnel who are going to be exposed to loss of life and limb. This is absolutely unjustified on the state of the record.

I heard about it on the street as I traveled through Pennsylvania during the course of the past recess. I hear about it wherever I go. Last night at the football game in Philadelphia, between the Eagles and the Bears, the principal topic of conversation before the game started was not Randall Cunningham's throwing arm, but what was the United States going to do in Haiti? That is a concern all over this country.

There is no doubt about the sense of the Congress voting 98 to 2 against an invasion of Haiti, the sense of the Senate. When I offered a resolution specifically disallowing the authority of the President to invade Haiti, it was defeated largely along party lines.

Mr. President, on this record, it is clear as a matter of public policy, at least as I see it, that we ought not to invade Haiti. And as a matter of constitutional law, I submit that it is plain that the President ought to come to the Congress before any action on an invasion of Haiti.

Again, I thank my colleague, noting that I have come within the time limit, although it was close.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I certainly do appreciate the Senator from Pennsylvania, both in his comments and also his willingness to stay within the time limit.

OPPOSITION TO INVASION OF HAITI

Mrs. HUTCHISON. Mr. President, I rise in opposition to what appears to be an imminent invasion of Haiti for the purpose of restoring Mr. Aristide to power.

I call upon the President to come to Congress, make the case for what national interests are at stake vital enough to warrant the loss of one American life. I ask the President to seek congressional support in advance of any invasion.

This body has often debated the issue of war powers and the President's authority as Commander in Chief. We are today faced with the real possibility that President Clinton is very close to sending our U.S. military into harm's way, having sought his authority to act in this case not from the U.S. Congress, but from the United Nations.

Since the War Powers Resolution was passed in 1973, Presidents from both parties have questioned the constitutionality of the law which sought to restrict the President's power as Commander in Chief. Even so, all Presidents have selectively complied with the provisions of the War Powers Resolution and have recognized that the President's hand is only strengthened when he seeks and gains the support of Congress and the American people before ordering deployment of military personnel into hostile military environments.

Because Operation Desert Storm was such a brilliant success, few recall today how contentious this issue was when President Bush came to the democratically controlled Congress and sought and gained a resolution in support of Desert Storm. Initially, President Bush did not believe he needed the authority from Congress to act in his capacity as Commander in Chief during Desert Storm. What President Bush did understand, and what I fear is not understood at the White House today, is that when a President makes the case for American involvement and acts in concert with Congress, his authority is strengthened, the resolve of the United States is understood by our allies, and neither our enemies nor our friends can doubt the commitment that the United States is there to stay through the course and see the action through to its conclusion.

Mr. President, the administration claims that there have been numerous consultations with Congress regarding the situation in Haiti. If that is the case, these consultations can only be described as one-way communications by an administration uninterested in addressing the concerns of a majority of our citizens and of a majority of Congress, concerns which remain today.

The administration has simply failed to make a case for the invasion of Haiti. They have failed to inform the American people what interests are sufficiently vital as to warrant the loss of one American life in the invasion of Haiti. The situation in Haiti fails every rational and prudent test for United States military involvement, except one.

Our military is the best trained, best equipped and most capable fighting force in the whole world. No one doubts their ability to make swift work of an invasion of Haiti. But having the military might to conquer a small island is not a justification. No case—no case—has been made that there is a national security interest important enough to warrant or to bring our military forces to assault Haiti's beaches.

Once President Clinton orders an invasion and our people complete the primary task of conquering Haiti, how long will they be required to stay there? What will their role be? And what is the strategy to bring them home? These are the questions for which the American people deserve complete answers. These are the questions, if ignored, for which there are tragic consequences, as we have seen in Somalia and elsewhere. These are the questions which the administration has thus far failed to address.

Some would like to have the American people believe that a U.S. military invasion of Haiti can be compared on moral and military grounds to Operation Urgent Fury in October 1983, when a joint task force of U.S. forces and those of Caribbean nations liberated the island nation of Grenada. This comparison is not only false, it is foolhardy. Those who push this idea are ignorant of history and the concept of collective security arrangements.

Grenada was controlled by a Marxist dictatorship known as the new jewel movement. The island was used as a transshipment point for Soviet bloc weaponry destined for Communist insurgent groups, such as in El Salvador and those in other countries in our hemisphere.

In the spring of 1983, President Reagan pointed these facts out on national television when he showed photographs of the large runway that the Cubans were constructing on Grenada, the extension of which could only have been necessary if there were a military buildup contemplated. The Government of Grenada was actively trying to destabilize countries in this hemisphere that were aligned with us. In other words, they were assisting the potential overthrow of our allies.

There was also a large group of United States medical students enrolled at the military college on Grenada. In the week prior to the invasion, Maurice Bishop was deposed and executed by a more radical faction of the new jewel movement. Martial law was declared on the island and our medical students were not allowed to leave. Attempts to insert intelligence officers on the island to determine how grave the threat was to U.S. citizens met with failure. Anyone who doubts the threat to our young Americans on the island should look at the news footage when U.S. Air Force C–41 aircraft brought them to Charleston Air Force Base and they got down on their hands and knees and kissed the U.S. soil because they were so thankful for a safe return.

Haiti invites no such comparison. Let us look at the timing issue. It was an emergency in Grenada. Clearly an emergency. We needed swift action, and that is what we accomplished. Swift action. We got in, we did our mission, we rescued our Americans, and we got out. President Clinton has been talking about invading Haiti for some time. He has gone to the U.N. and gotten their support. We have been talking for months about the invasion of Haiti. Why not come to Congress? Where is the emergency? The military dictatorship of Haiti cannot export its form of government to other nations in the region, nor does it act as a surrogate for the Cubans to do so.

Since the President has failed to make his case for an invasion to the Congress and to the American people, it is fair to try to answer some of the questions posed by the threatened invasion.

As we look at the situation in Haiti, it is instructive to reflect on the lessons learned in Somalia and ask if an invasion of Haiti and the subsequent requirement for stationing of United States forces would be worth the cost. Let us be clear about the costs of reinstating President Aristide to power.

Military personnel may die. Military personnel may die if we invade Haiti. That is the first cost. I simply do not believe there is any national interest in Haiti significant enough to warrant the loss of one American life. As I see the Clinton administration moving steadily toward the confrontation of Haiti, I am concerned they have so quickly forgotten the lessons of Somalia. There, a humanitarian mission, filled with good intentions, escalated into a combat mission in which American military personnel were killed attempting to capture an elusive warlord. They did not die in furtherance of an American security interest, but they were sacrificed for an ill-conceived United Nations plan to pacify the country and impose a new political order.

This is the same sort of morass the President threatens to involve us in now. Even if the United States were to invade Haiti, drive out the military junta, and reinstate Mr. Aristide to power, the problems which have sent thousands of Haitians to sea would still persist.

Before embarking on a military adventure, we should consider the effects of the steps we have taken thus far in the name of humanitarian goals. It is the United States economic boycott which has destroyed the subsistence economy and reduced Haitians to desperate struggles for food and fuel. It is the United States economic boycott which has wrecked, not the military junta, but which continues to wreck the economy of the poor people in Haiti but not the lifestyles of the military leaders.

Indeed, President Clinton's Haiti adviser, William Gray, recently admitted that it was the increasingly difficult economic conditions which have resulted in the despair which has caused unprecedented numbers of economic refugees.

Mr. President, the United States should act, but it should act in the interests of both our country and the Haitian people. We should not invade Haiti. We must not place one soldier in harm's way in Haiti. But we should lift the embargo. We should repatriate the 15,000 Haitian refugees that are now in Guantanamo Naval Base in Cuba, and in exchange for lifting the embargo, we should encourage another election, a real, free, democratic, election in Haiti.

Recently, I joined several of my colleagues, on both sides of the aisle, in writing to President Clinton to express concern over his policies in Haiti and to express the view that full and complete consultations with Congress were necessary. The response from the White House was not very comforting. In his reply to our letter, he referred to the passage of the U.N. Security Council Resolution 940 as a critical step. He referred to continuing consultations with Congress and added that he would welcome the support of Congress and hopes that he would have the support if he decided that military action in Haiti is required. Apparently, the administration, having persuaded the United Nations, is less concerned about making the case to the American people and to Congress.

The reason the President has not made his case seems clear. There is no case to be made. Indeed, an invasion of Haiti will indirectly weaken our security. It will be hugely expensive— estimates are almost half a billion dollars in the early stages of an invasion, and the costs will amount to one more budgetary assault on a national defense structure that has already been dangerously weakened by too many cuts and by humanitarian missions that are drawing from our military budget.

Most importantly, Mr. President, the American people do not support this invasion. Using the common sense that seems to be lacking here so often, they have concluded that there is no reason for the United States to invade and take over Haiti. They know that no matter how well planned, some Americans may lose their lives, and there will be widows and orphans and shattered lives. I strongly believe there is nothing to be accomplished in Haiti that is worth the price we will have to pay, and I call on the President to either make his case, consult with the Congress, or call off this invasion.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mrs. HUTCHISON. Mr. President, I do want to support S. 2182, the bill that is before us. The post-cold-war era has brought about tremendous changes in our security environment. Shaping our military forces to meet existing and future challenges requires strong leadership of the type that the senior Senators from Georgia and South Carolina have provided to the committee and to the Nation. As we draw down our military forces to the lowest levels since just prior to the outbreak of World War II, we must be mindful that the threats we face are still global in nature and that the readiness and training requirement of a smaller military must be more vigorous, and we must be able to meet the various threats we face.

Mr. President, while I support and will vote for this bill, I am very concerned that continuing cuts in defense spending will leave us with a military force structure that lacks the manpower and materiel to defend the United States and its vital interests. This would be disastrous, not only for the United States but for our allies and for the peace and stability of the world.

We Americans love peace, but one thing the post-cold-war era has taught us is that the world is still a dangerous place to live; that there are still acute threats to our security and peace that we must meet. The Persian Gulf war should have demonstrated clearly to the doubters the folly of imagining evil and aggression has been banished from the globe. The United States has never had the largest army in the world, although we certainly have the best. I doubt many Americans know that currently our country has the 12th largest standing army in the world. While I do not advocate that we have the world's largest army, I do think we need to keep in mind our national security presumptions are based on this 12th largest army having the capability of fighting and winning two major conflicts simultaneously.

Who knows from where the threats will come in the future. But the magnitude of the challenge for our military forces can be imagined from recent history. We could find ourselves fighting a war on the Korean Peninsula or we could see renewed aggression by Saddam Hussein.

Mr. President, one hopes that this scenario is unthinkable, but it is not. To depend on our slimmed down forces to meet these very real and very terrible threats is an extraordinary expectation, but it is one that our men and women in uniform can fight if we give them the support they need. The unequaled capabilities of our forces was displayed during Operation Desert Storm. Even after the cold war drawdown, our Army, Navy, Air Force, and Marines remained the best trained, the best led and the most formidable fighting force in the world. But all that quality and superb capability is, I am afraid, at risk.

The last 5-year plan from the Bush administration established a hard floor below which the consensus of military analysts agreed we could not go without dangerous diminution of our strength. But not only has this administration and this Congress made additional cuts in our defense budget, we face daunting budget shortfalls in the years ahead that threaten further dangerous reductions in our capabilities. According to the General Accounting Office, current defense level spending will fall as much as $150 billion short of what is needed to maintain force levels to provide the equipment we need to fight at optimum effectiveness. At current spending levels, not only must something give but that something could have profound consequences for our military's ability to fight and win.

Consider just one sector of our force structure—air power. Unless we continue to upgrade our combat aircraft, with the most modern models of the F–16 and other proven fighters and with a new generation of high performance tactical aircraft, our troops on the ground and our ships at sea could pay a terrible price in the future. Unless we move ahead with deployment of badly needed, heavy air transport capability, the C–17, our troops and essential materiel may not arrive at the point of conflict in the amount of time that we need.

With the continuing phaseout of B–52's, only a limited number of B–1's and the freeze of additional B–2 acquisitions, we have arrived at the cusp of a critical shortage of strategic bombing capability. The ability to strike at an enemy's nerve and supply center with strategic bombing is an essential component of our strategy to win major conflicts.

Aircraft programs describe only one aspect of what we must do in order to keep our edge militarily. Correspondingly, vital Army, Navy, and Marine programs must be maintained or there could be dire consequences when we next ask our men and women to go into harm's way.

But equipment only describes part of the quality of our force that we are jeopardizing. The people are the backbone of our military, and they are at risk, too. They are the best trained, most highly motivated and most capable in the world. In order to accommodate budget realities, we are encouraging thousands of skilled, combat-experienced soldiers, sailors, and pilots to muster out. When you consider what we invested in them and what they have invested in themselves, and the quality of their performance, the loss is staggering. We can maintain our capabilities with reduced numbers, but that means training is even more important. Our smaller, leaner forces cannot maintain their edge without the resources for constant intensive training, fuel, ammunition, and equipment. Cut training and resources and readiness decline in direct proportion. This is what is happening.

Furthermore, this very serious situation is being exacerbated by spending for what is known as operations other than war. We are spending too little to equip and train our forces for war, but we are calling on them to take new responsibilities that have little or nothing to do with the vital job of protecting our Nation and its interests.

Let me give some examples of how the diversion of forces to nonmilitary duty detracts from their primary mission to deter war and defend our country. One army infantry battalion from Fort Carson was about to be sent to Fort Irwin, CA, to the Army's national training center. There is no military training in the world short of war that equals this training experience for our soldiers. But that battalion, unfortunately, will not be trained this year. Instead, they were sent to Guantanamo Bay to assist with the Cuban refugees.

Clearly, someone has to do this mission. It may be that it is soldiers on active duty that need to do it. But let us understand the cost. These infantry soldiers have lost an invaluable training experience at the National Training Center which may not be replaced. What is the impact on the individual soldier who joined the Army to do the things soldiers do? The answer is simple. He or she sets up tents in Cuba, fights fires in Idaho, takes part in peacekeeping in Somalia, refugee assistance in Rwanda and disaster relief in the United States. What they do not do is train in their military skills. A soldier, sailor, pilot, or marine that is not trained in military skills cannot be morally asked to take part in a major regional conflict.

The policy of diverting our active military personnel to firefighting and police tasks is a policy which I do not think we have fully considered, and it is diverting resources from our defense budget and adversely impacting on the training posture of our forces. We must debate this policy fully in order to determine the proper role of our Armed Forces in peacetime and the resources of our armed services in peacetime.

As we look at a military which is becoming increasingly hollow, it is helpful to reflect on the circumstances which prevailed in 1950. When North Korea launched the Korean war 44 years ago, the first United States forces to arrive on the scene were under the command of Lieutenant Colonel Smith. And they were known therefore as "Task Force Smith." The soldiers of Task Force Smith were brave soldiers. But they were disastrously ill-equipped and having spent the preceding years in peacetime occupation duty, completely unprepared to accomplish their military duties. The Army had not been modernized and their antitank projectiles literally bounced off North Korean tanks. Task Force Smith suffered horrendous casualties.

What had become of the military which had defeated the Japanese and the German military just 5 years earlier? Like today, our military was diverted for every mission possible except military training. And like today, calls for modernization had gone unheeded. They did not call it "Operations Other Than War" then, but occupation duty. The result was the same. The soldiers who were sent to Korea to face the North Koreans were untrained and ill-prepared for the enemy they faced, and thousands of them died as a result.

When the current military drawdown began, Army Chief of Staff, General Sullivan, recalled those dark days at the beginning of the Korean war. And he warned that there must not be any more Task Force Smiths. By this he meant that never again should we send soldiers into combat unless they are well trained and properly equipped with the best weapons available.

But despite General Sullivan's commitment, the fact is that there is every chance that very soon we may be in danger of repeating the mistakes which created the conditions where a Task Force Smith could be committed to fight in a battle they cannot win.

I voted for the 1995 Defense Authorization Act with some very serious misgiving about the level of funding. My concern has only grown since that vote. Soon after the Defense Authorization Act passed, the Deputy Secretary of Defense, John Deutch, announced in a memorandum that 10 of the military's top programs were slated for either elimination or delay.

Included among the systems on Deutch's now famous list are the Air Force's F-22 fighter, and the Marine Corps' B-22 Osprey, the Army's Advanced Field Artillery System, and the Apache helicopter. These systems are considered critical to the overall defense modernization effort and to our defense industrial base. But because the military has been engaged in every mission other than their primary mission, funds are now critically short, and the Pentagon has signaled its intention to barter the military modernization requirements of the future for near term savings. This is at least partially attributable to this administration's commitment of our military to missions unrelated to the main purpose for which we have raised our military, and that is to defend our country.

Mr. President, in closing, I must state my deep concern for the continued decline in our defense expenditures. We cannot continue to coast on our cold war buildup, nor on our gulf war laurels. The military strength which we put in place then is becoming increasingly hollow. Readiness is beginning to suffer, and now the critical modernization needed for the future is being mortgaged to pay for humanitarian, peacekeeping, and disaster relief operations. All are worthy in and of themselves but they take money and resources away from our military's primary mission of defending our country.

We should talk about our humanitarian missions, and we should fund them separately. But I fear we are now repeating the mistakes that we made in the 1930's, the 1950's, and the 1970's. By the end of the current 5-year security plan, our defense spending will have declined by 40 percent in real terms since 1985—almost half. Yet, there are those in this Congress and this administration who would cut even deeper. The first responsibility of our Federal Government is to provide for the common defense. If we continue our current force reductions we risk failing in that responsibility with consequences too terrible to imagine for our children and grandchildren.

I will support the authorization bill now before the Senate, but we must reassess what we are doing. In my view, we are verging on a reckless stripping of our military capabilities. We should downsize our forces but we cannot do so in a way that diminishes our readiness. We must do all we can, as General Sullivan, said to make sure there are no more Task Force Smiths. Never again should we send our soldiers into combat ill-trained, poorly equipped, and unprepared. Soldiers died in Korea because they were unprepared. Sailors died at Pearl Harbor because we were complacent. And Americans will die needlessly again unless we are vigilant.

Mr. President, on April 19, 1951, Gen. Douglas MacArthur appeared before a joint session of Congress. One of the memorable lines he delivered was:

> In war there is no substitute for victory.

As we again face a future full of uncertainty and potential dangers, we should remember that in peace there is no substitute for preparedness.

Mr. BAUCUS. I would like to ask the distinguished chairman of the Armed Services Committee, Senator NUNN, to clarify the intent of the conferees to S. 2182, the DOD authorization bill, with regard to section 3411 of this conference report.

But first, I would like to make a general statement on this provision—which incorporates authority under the Civil Defense Act into the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Emergency management in this Nation needs a new Federal charter, building on the Stafford Act, to clarify Federal, State and local responsibilities and shift the emphasis from the civil defense focus of the cold war to domestic emergencies and natural disasters. The Civil Defense Act was enacted in 1950 at the start of the cold war. At that time, Joseph Stalin ruled the former Soviet Union and nuclear weapons had just entered the Soviet arsenal. For the next 30 years, the threat of attack was the driving force behind the civil defense program.

But in 1981, Congress amended the Civil Defense Act to permit States to spend their Federal civil defense funds to prepare for natural disasters if it did not detract from attack-related civil defense preparedness. And since 1981, we have witnessed dramatic changes in the world and the balance of power.

Our civil defense has the new focus of emergency management. It provides the infrastructure of people and resources that exist today to save lives and protect property when disaster strikes. Civil defense today means emergency management.

In the past several years, we have witnessed the effects of the most devastating disasters in the history of the United States including Hurricanes Hugo, Andrew, and Iniki, the Loma Prieta and Northridge earthquakes, the Midwest floods of 1993, the wildfires in my State of Montana and throughout the West, and the most recent floods in Alabama, Florida, and Georgia this summer. These recent natural disasters demonstrate that civil defense has a national mission of emergency management. The real threat to the American people today comes from tornadoes, earthquakes, fires, floods, hurricanes, chemical spills, and daily threats which are clear and present in thousands of communities across the Nation.

In each disaster cited, the level of response was closely tied to the capabilities of the State and local governments that are supported through the funding that has been authorized by the Civil Defense Act.

Mr. President, civil defense funding is the major Federal source of financial assistance to maintain the baseline emergency management infrastructure at the State and local level. This financial lifeline is critical to building stronger, more consistent emergency management programs to save lives and protect property.

The emergency preparedness measures being transferred to the Stafford Act by this conference report have helped to develop the local infrastructure of both people and resources. This merging of authority is critical to the successful implementation of the disaster assistance and mitigation elements of the Stafford Act.

This shifting of authority is important in that it moves us a step forward in making the Stafford Act a home to all of the legislative steps necessary for a comprehensive response—from preparedness and training, mitigation, response, and recovery. We are shaping and adding to a piece of legislation that will supplement the capabilities of local jurisdictions and States to both prepare and respond. And they will be able to find the authority to do so in one act—the Stafford Act.

The previous scattering of disaster authorities has made it cumbersome for the Federal Emergency Management Agency [FEMA], and its counterparts in the States, to coordinate and combine their efforts. Through this action we are clarifying legislation and improving our emergency management system.

I would like to inquire of the distinguished chairman of the Armed Services Committee—with the repeal of the Civil Defense Act and transfer of this act's authority to the Stafford Act—is it the intent of the distinguished chairman of the Armed Services Committee to consolidate legislative oversight in this area within the jurisdiction of the Environment and Public Works Committee?

Mr. NUNN. I thank my friend from Montana for his question.

Mr. President, a strengthened emergency management structure at the State and local level can prevent many emergencies from becoming major disasters. This emergency management infrastructure can be improved and strengthened by incorporating the Civil Defense Act authorities into the Stafford Act. The consolidation of authority for emergency management into the Stafford Act will streamline the congressional oversight role over disaster programs.

It is the understanding of the conferees that the Office of Management and Budget will transfer the civil defense program from the national security budget function to a domestic discretionary budget account. Along with the shift in legislative authority, the conferees expect a corresponding shift in funding, since the program will no longer have an overriding defense purpose.

The emergency management and preparedness authorities under the Stafford Act are already within the jurisdiction of the Environment and Public Works Committee. As we move from a focus on nuclear attack preparedness to a risk-based, all-hazards approach, it makes sense for the Environment and Public Works Committee to also have oversight responsibilities for the new authority created by this conference report—specifically, title VI of the Stafford Act.

However, should the President's fiscal year 1996 budget request not reflect a shift in funding from the defense budget function into the domestic discretionary budget account, or if Congress does not agree to such a shift, the Armed Services Committee should retain jurisdiction.

Again, I thank the chairman of the Environment and Public Works Committee for his question. I look forward to working with my colleague as we move forward in streamlining the process of emergency management.

Mr. BAUCUS. I thank the distinguished chairman of the Armed Services Committee. I would also like to congratulate him and members of the Armed Services Committee for their tremendous work on this conference report.

Mr. GORTON. Mr. President, I will vote against the fiscal year 1995 Defense authorization conference report because I feel that it does not provide adequate funds to protect our national interests in a still dangerous world.

This marks the 10th consecutive year that we have reduced our defense budget. In that time, we have cut our defense expenditures by 34 percent. We have reduced our military personnel by 23 percent, our ship procurement by 80 percent, and our aircraft procurement by 86 percent. In the next 5 years we will not have an adequate bomber force or strategic lift capability to fight two wars simultaneously.

Most disturbingly, we have reduced our readiness. In a quest to obtain immediate savings we have drastically cut our personnel and maintenance accounts. Our services' Chiefs of Staff have told us that readiness is declining from the Gulf War and that cuts in base operations funding have reduced the standard of living of our troops, and forced us to reduce training.

We have reduced benefits for servicemen and women. We have reduced their pay increase and their retirement benefits. Some 17,000 members of our Armed Services now receive food stamps.

And this budget does nothing to redress these shortfalls. In fact, if we continue to pursue Clinton defense budgets, this situation will dramatically worsen. This year's budget, and the budgets of the next 4 years, do not adequately pay for the programs and benefits that this administration says we need to protect national security. Secretary Perry has admitted to a budget shortfall of $20 billion as a result of underfunded inflation costs. Other credible sources have estimated $60 billion and $100 billion. Regardless, these cuts force our commanders to make difficult choices between combat training and quality-of-life, between readiness and modernization.

Already in Washington State we have had two EA-6B squadrons grounded at Whidbey because of lack of funds—one squadron for 100 days, and another for nearly a month. Last month, the Pentagon threatened the delay or death of nine defense programs, three of which have been contracted out to Boeing. Mr. President, these are the signs of a hollow force. Already, today's Washington Post reports that the administration plans to call up a few hundred reservists in order to invade Haiti. What does this say of our ability to deal with nuclear proliferation in North Korea?

Furthermore, we are continuing to use our defense budget for nondefense purposes, such as environmental cleanup, defense conversion, peacekeeping, disaster relief, and drug interdiction. Since the end of the Gulf War, we have used our military to protect Kurds and Marsh Arabs, to assist Floridians after Hurricane Andrew, to bring food to Somalia, to blockade Haiti, to drop supplies into Bosnia, and to pick up refugees off of Haiti and Cuba. This report includes $3.09 billion to help displaced military personnel, defense contractors and their communities adjust to the decline in defense spending. It includes $1.47 billion for 1994 to cover humanitarian operations in Somalia, Bosnia, Haiti, Southwest Asia, and elsewhere.

All of these programs are fine, but we cannot fund them all with scarce defense budget dollars. Last year, the GAO concluded that:

> For fiscal years 1990 through 1993, DOD allocated at least $10.4 billion to domestic activities. This figure, however, *understates* the full amount spent because data on such activities are incomplete.

We simply cannot use our defense budget in this manner and modernize our Forces and maintain readiness. Earlier this month, General Shalikashvili said:

> The military is beginning to eat into its readiness to fight. Some units are already being forced to cancel training due to lack of funds. The time has come to stop warning that readiness is going to be jeopardized and focus on the problems that are here right now.

This Defense authorization conference report does not adequately address this readiness problem or the shortfall. As we continue to face threats around the world, and consider employing force in areas like Haiti and Bosnia, it is imperative that we act on requirements rather than arbitrary budget figures, and pass an honest defense budget. I will vote against this conference report and I urge my colleagues to do the same.

Mrs. HUTCHISON. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Tennessee, asks unanimous consent that the order for the quorum call be rescinded.

Hearing no objection, the quorum call is rescinded.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Wisconsin, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Michigan [Mr. RIEGLE].

INTERSTATE BANKING AND BRANCHING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

MOTION TO PROCEED

Mr. RIEGLE. I thank the Presiding Officer.

Mr. President, we are now about to begin work on the conference report to H.R. 3841, which has been named the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The Banking Committee passed a substantially similar bill by a vote of 19 to 0 on February 23 of this year, and that bill then later passed the Senate by a voice vote on April 26, again earlier this year.

This conference report was passed by the House on August 4 by a voice vote to, I think, show the broad base of support that exists for this legislation, and that is so because it is very important legislation. There is a strong bipartisan consensus in favor of it, and I urge its swift passage today.

This bill removes current restrictions on interstate banking after 1 year and on interstate bank branching by the date of June 1997. There are a number of provisions in this bill to ensure branching takes place in a manner that preserves the interests of individual States, including that they can apply their consumer protection laws to the branches that come into the State.

It also gives States the right to opt out of interstate branching. Over the past 14 years, each of the previous four administrations has advocated removing these barriers to interstate banking. The Carter administration told Congress back in a 1981 report that restrictions on interstate banking caused "inequities and inefficiencies" and that removing such restrictions would, in their view, serve "the public interest."

Then in April 1983, Treasury Secretary Donald Regan testified on behalf of the then Reagan administration, also before the Banking Committee, and in that testimony in which that administration endorsed congressional efforts to eliminate restrictions on interstate banking, then Secretary Regan noted, and I quote:

> Most such restrictions serve only anticompetitive purposes to the detriment of consumer service and convenience.

Then former Treasury Secretary Brady also advocated removing restrictions on interstate banking and branching. On February 26, 1991, he also told the Banking Committee:

> We have left antiquated laws on the books that prohibit banks from * * * branching across State lines. Banks in California, Michigan and Utah can open branches in Birmingham, England, but not in Birmingham, AL. These laws—mainly enacted in the 1920's and 1930's—are wholly out of touch with reality, and impose unnecessary costs on banks and consumers.

Most recently, our current Treasury Secretary, Secretary Bentsen, stated:

> We currently have a de facto system of interstate banking. But it's a patchwork system, and it's clumsy * * * permitting a true interstate banking system can translate into increased lending, a safer and stronger banking system, and more competitive services for all consumers in all communities.

So eliminating the remaining restrictions on interstate banking will permit banks to better diversify both their deposits and loans and, consequently, provide greater protection to the deposit insurance fund. Geographic restrictions that are now in place make this kind of diversification much more difficult. This tends to leave banks more vulnerable to downturns in local economies where they do their business.

Acting Federal Deposit Insurance Corporation Chairman Hove made this point in his October 5, 1993, testimony before the Banking Committee when he said to us:

> During the 1980's, more than 80 percent of failed-bank assets were in just four States: Texas, Illinois, New York and Oklahoma. Perhaps if there had been more geographically diversified, banks in these States might have been better able to weather the financial storms that beset local and regional energy, agricultural and real estate markets.

The bill also provides for interstate branching within a State. Removing our current restrictions on interstate branching will help promote efficiency in the banking system and again permit banks to serve consumers better. It will reduce administrative expenses for banks that presently operate interstate through separately chartered subsidiary banks of a bank holding company. Permitting expanded bank branching will also increase consumer convenience and reduce banking charges to consumers by increasing the competition. Bank customers will also be better served if they can deal with branches of their home bank when they are out in different States across the country.

Consumers will be rid of the headache of not being able to deposit funds or cash checks from State to State as they commute to work, in many cases across the country, or travel on work purposes, or, for that matter, for recreational purposes as well.

The bill also amends the Community Reinvestment Act to ensure that banks moving across State lines will still serve all the communities in which they operate.

I think we also need to be mindful of making our U.S. banks stronger global competitors around this world economy so that they in turn can help U.S. exporters, meaning that we can put more Americans to work here in the United States making and producing goods and services that can then be sold overseas to foreign buyers. It is interesting that the United States is the only industrial country that restricts bank branching. The globalization of the bank industry means that U.S. banks often cannot afford to continue to base their success on a limited geographic area. Removing the restrictions on bank branching will permit American banks to become stronger global competitors with an enhanced capacity to help U.S. companies sell their goods and services abroad, in foreign markets.

Now, let me briefly say what this bill does. One year after the date of enactment, adequately capitalized and managed bank holding companies would be permitted to acquire control of a bank in any State. Now, States would be permitted to retain provisions setting the minimum age of target banks so long as they require no more than a 5-year age period. Any provisions beyond 5 years would be read as 5 years. Any acquisitions would be subject to a nationwide 10-percent deposit limit and a 30-percent statewide limit except that a State could waive the 30-percent deposit limit or impose a more restrictive limit. The appropriate banking agency with jurisdiction over the transaction would also need to consider the community reinvestment ratings of the insured banks and the views of the State regulators concerning their compliance with applicable State CRA laws.

Beginning then on June 1, 1997, interstate branching would be permitted as banks would be allowed to merge with one another across State lines, creating a main bank with branches. Any merger would be subject to certain concentration, capital, and CRA requirements and would also require regulatory approval. A State could authorize such mergers earlier than June 1, 1997; in contrast, a State could also choose to prohibit branching by mergers by passing legislation to opt out of that arrangement. States may also permit de novo branching into their borders if they adopt legislation to allow it; that is, if they opt in to de novo branching.

This bill also contains important provisions intended to reduce the competitive advantage that foreign banks now enjoy in the U.S. market relative to U.S. banks. This is an issue in which Senator FORD of Kentucky has been particularly interested, and I very much appreciate the help he gave us in reaching a compromise with the House on this matter.

Concerns about foreign bank competitive advantages stem primarily from the fact that the wholesale branches of foreign banks do not pay deposit insurance premiums, nor are they subject to the CRA requirements. To reduce these and other competitive advantages, the conferees adopted several provisions.

A new section of the International Banking Act limits the activities of Cayman Island and other offshore agencies and branches managed from a foreign bank's U.S. offices. It limits offshore activities to only ones that U.S. banks are permitted to manage in their offshore operations.

Another section deals with the types of deposits that may be accepted by the wholesale direct branches of foreign banks. Presently, regulations issued by the FDIC and OCC govern the types of deposits such wholesale branches may accept. Concerns have been expressed that current regulations permit foreign banks to engage in retail deposit taking in their wholesale branches. Since these wholesale branches are not subject to the CRA nor to deposit insurance premiums, this gives foreign banks a cost advantage. The bill directs the OCC and the FDIC to revise these regulations to tighten the types of deposits that wholesale branches can take so they do not receive a competitive advantage over U.S. banking organizations.

Third, the bill amends the International Banking Act to place CRA requirements on interstate branches of foreign banks established through the acquisition of any existing banks or branches which were subject to the CRA at the time of acquisition. This is a very important provision. This will ensure that foreign banks which expand their U.S. market presence by buying existing banks in this country will not have a competitive advantage over U.S. banks that are subject to the CRA. It will also ensure that U.S. banks that are now subject to the CRA will remain subject to the CRA even if they are acquired by a foreign bank for use as a wholesale bank. A related provision prohibits the establishment of branches and offices primarily for the purpose of deposit production. This prohibition against deposit siphoning from the community applies equally to foreign and domestic banks.

So I might just say parenthetically, as I go through some of these provisions, while they are technical in nature, they are very important and they are constructed to provide a very careful balance here to make sure that this bill works in a positive way and that we both foresee and deal with and prevent negative, unintended consequences.

This bill contains also a number of other provisions, including the Texas State homestead provision. Under the Texas Constitution, a lender may not require a home owner to put up his or her homestead as security for a loan unless it is for the purchase of the homestead, to pay taxes on the homestead, or to improve it. The provision reverses an OTS regulation that preempted that part of the Texas State Constitution.

This conference report also contains a number of coin bills including the 1995 Special Olympics World Games Commemorative Coin Act, which authorizes the issuance of 800,000 $1 silver coins to commemorate the 1995 Special Olympics World Games which will be held in New Haven, CT, on July 5 of next year.

Another provision in the conference report permits the FDIC and the RTC as conservator or receiver of a failed depository institution to revive tort claims that had expired under a State statute of limitations.

I might say this bill enjoys very broad support. In addition to support from the administration, this bill also enjoys the strong backing of all the bank regulators, including the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency. It also enjoys the strong support of, among others, the American Bankers Association and the Bankers Roundtable.

Now, passage of this bill will streamline the interstate banking process and remove laws that burden that process. It will increase the safety and soundness of our banking industry and reduce risks to our deposit insurance fund and, of course, reduce the risk then to the American taxpayers who ultimately back that fund.

I believe it will permit banks to operate more efficiently and to serve their customers better and, I think over time, help drive down the cost of banking services to the customers of banking institutions.

Before closing, I wish to thank Senator DODD for his longstanding leadership on efforts to pass interstate banking and branching legislation. I wish to also express my appreciation to Senator D'AMATO, the ranking member of the Banking Committee, whose bipartisan support has helped make passage in this instance of this legislation a near reality, and I believe soon to be a reality in this Congress.

In addition, I want to express my appreciation to all the members of the Senate Banking Committee for helping to shape this important bipartisan legislation and for reporting it out of the committee by a vote of 19 to nothing.

I know from time to time there are issues here that divide the Congress and divide us along partisan lines. I have tried very hard over the last 6 years as chairman of the Banking Committee to avoid that and to work on a bipartisan basis.

I think one measure of that—along with many others, we have moved a vast amount of legislation through on a bipartisan basis—is this issue which came out of the Banking Committee by a vote of 19 to 0. It meant all Members—all Democrats, all Republicans—were voting in favor of the legislation. That, to me, is bipartisanship. That is the way we ought to try to make the Government work. I think the public wants to see that as well.

Finally, I also want to thank my very good friend and colleague, Senator SARBANES, who served on the conference committee, for moving that this important legislation be named after Congressman NEAL and, very graciously, also myself. I greatly appreciate the honor that my colleagues in both Houses have extended to me in adopting this suggestion.

I would say that this meets the test of being what I consider to be a historic piece of legislation. It finally makes a very needed change in the banking law landscape. I hope we can pass it today and send it on to the President for his signature.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I am a strong supporter of community banks. I believe community-oriented, locally owned banks play an important role in the communities they serve. Community banks know their communities; they know their customers.

That knowledge oftentimes makes them better bankers, and that knowledge helps them meet their communities' financial needs more effectively. It is therefore important to note at the outset that the conference report now before the Senate does nothing to impair the ability of well-run community banks to meet the needs of their communities, and that it does nothing to impair their competitiveness.

At the same time, it is clear that the financial services industry in general, and the banking industry in particular, are in a period of major change. Changes in our economy, changes in technology, new competition, new products, and new needs, are just some of the factors driving the changes in our banking industry.

The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 is one important step Congress is taking to enable the banking industry to respond to the forces of change, and to respond in a way that enhances the ability of the banking industry to meet the financial needs of consumers, of farmers, of businesses, all the other interests that depend on it.

Consumers increasingly deal with mutual fund companies that operate nationwide. Mortgages are now increasingly turned into securities that trade on Wall Street. The competitors of banks are increasingly not other banks, but other, usually less regulated, financial services companies that can do much of what a bank can do—and oftentimes more. And these competitors do not face the limitations banks face when trying to enter new markets.

This conference report opens up new opportunities and new choices for banks. It will help some banks who want and need to compete through a large network of offices to do so more efficiently and at less cost, while at the same time protecting the interests of local communities across our Nation.

This legislation passed the Senate by voice vote earlier this year, and passed the House of Representatives by voice vote on its Suspension Calendar. Last month, the House acted on the conference report by voice vote. These voice votes demonstrate the broad support this bill enjoys, and are a clear indication that interstate banking and branching is an idea whose time has come.

I want to take this opportunity, Mr. President, to congratulate the distinguished chairman of the Banking Committee, Senator RIEGLE—whose name is on this bill—for his skill and his leadership in putting this bill together, and in bringing it to this final step in the legislative process.

As my colleagues know, Chairman RIEGLE is retiring at the end of this Congress. I will speak more extensively about the chairman's fine record on another, more appropriate occasion. At this time, however, I would like to commend him for being an active chairman, active in promoting the interests of consumers, and of communities, and active in protecting the interests of the American public. And I want to commend Senator RIEGLE, Mr. President, not just for his leadership on this bill, but also for his leadership on other major initiatives, like the Community Development Banking and Financial Institutions Act, which the President will soon sign into law, and on numerous other banking, housings, consumer protection, and securities bills that he was instrumental enacting during his 6 years as chairman of the Banking Committee.

I also want to thank him for all of the friendship and the courtesies he has shown me during the last 2 years as a new member of the Banking Committee.

Mr. President, I want to make only two other brief points before I conclude. First, I want to comment on the thrift statute of limitations issue that I know is of great concern to my good friend from Ohio, Senator METZENBAUM. As my colleague know, I was a supporter of the broader extension that originally passed the Senate, and I continue to support that kind of broad extension of the statute of limitations. I think the scope and extent of the savings and loan crisis demands that we give the RTC and the Department of Justice—and through them, the American people—every possible chance to recover the maximum amount possible from those whose activities caused the crisis that cost the American taxpayer over $100 billion. I want to make it clear that I would support an amendment broadening the statute of limitations extension as the original Senate bill did on another bill.

Second, I want to note that the conference report contains a provision based on an amendment of mine that will result in a comprehensive review of Federal financial services policies. I think that such a review will help provide us with a framework that will be very helpful as the Banking Committee considers additional financial reforms, and as the committee faces new issues.

I think it is critical that we review our financial system from the viewpoint of how it is meeting the needs of the users of the system—the individuals, the communities, the businesses, the exporters, the farmers, and all those who need and depend on our finance system. We live in capital-scarce times, and that means it is imperative that our financial system provides capital to those who need it in the most cost-effective manner possible. We can no longer tolerate inefficiencies due to outmoded regulation.

I am a relative newcomer to the Senate, but it is already clear to me that we need to take a very hard look at the Federal policies and regulations governing our financial services industry generally, and the banking industry in particular. I think Congress needs to consider which of these policies still make sense, and which are no longer appropriate in this new and rapidly changing environment.

I want to conclude, Mr. President, by again commending the distinguished Senator from Michigan, Chairman RIEGLE, for his leadership in bringing this consensus, bipartisan, legislation to the Senate, and to commend Senator DODD, who has worked on this legislation for a long time, and Senator D'AMATO for his leadership. It is time to pass this bill for the last time. It is time to send it to the President for signature. It is time to make this bill the law of the land.

(At the request of Mr. DOLE, the following statement was ordered printed at this point in the RECORD:)

• Mr. HATFIELD. Mr. President, I am pleased to announce my strong support for the Interstate Banking and Efficiency Act. While I am unable to cast my vote in person due to commitments that have kept me in the West today, I strongly urge my colleagues to support the motion to proceed on this measure.

The legislation before us has strong bipartisan support. This legislation represents an important step forward in modernizing our banking laws and will create a stronger and safer banking system. Interstate branching will make banking services more convenient for millions of Americans, enable small businesses to find new sources of credit, and allow large corporation which operate across State lines to meet their banking and financial needs more efficiently.

Removing obstacles to interstate branching by banks has already been addressed by State throughout our Nation and it is long overdue that the Congress continue that process by doing the same. I urge my colleagues to support consideration of this legislation.•

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to proceed to the consideration of the conference report to accompany H.R. 3841, the Interstate Banking Efficiency Act. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye

Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Boren

NOT VOTING—2

Chafee
Hatfield

So, the motion was agreed to.

INTERSTATE BANKING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report at this time.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 2, 1994.)

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Republican leader on the Senate floor.

As we have discussed previously in a private conversation, it is my hope that we can complete action on this banking bill conference report as soon as possible and today if possible.

I have inquired, and now inquire again, from my colleague whether we will be permitted to go to a vote on this matter today. That is our strong desire to complete action on this measure.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I will get back to what the majority leader said in the next 40 or 45 minutes. I have to do some checking on this side.

I know of no desire to hold up the bill. I know one Senator on this side who has a specific problem. I can get back to the majority leader very quickly.

Mr. MITCHELL. Mr. President, I thank my colleague for that.

In light of that, we will withhold any further action on this matter until such time as the distinguished Republican leader is able to do that consultation and respond.

I thank my colleagues.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I wonder if the managers would permit me to use my morning business time. Is the leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE and Mr. MITCHELL pertaining to the introduction of S. 2431 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who seeks recognition?

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, let me thank all colleagues who voted earlier for the motion to proceed on the interstate banking bill.

Mr. MITCHELL. Madam President, the Senate has voted overwhelmingly to proceed to consideration of the banking bill. We are now awaiting a response by the distinguished Republican leader to my request to have a vote on this matter as soon as possible.

I want to inquire of the manager of the bill whether there is any further debate on this matter or whether we can now return to consideration of the Defense Department conference report, which we are still hoping to get action on today as well.

Mr. RIEGLE. Let me just say to the majority leader, it is my hope that we can finish this bill today. I know of no one on the floor at the moment wishing to speak. I know at some point Senator METZENBAUM will want to raise a point with respect to an issue of concern to him that we have dealt with.

Mr. FORD. Madam President, may I say to the floor manager, that I have about a 5-minute statement in favor of the piece of legislation. I will be glad to make that statement at any time he wishes. I can do it now or later, file it for the RECORD if it is his wish—however.

Mr. RIEGLE. I am wondering, in light of the fact that there are other matters that the majority leader wants to go to, maybe filing the statement for the RECORD.

Mr. FORD. I can do that at a later time. It is perfectly all right with me. I will be glad to file it.

Mr. MITCHELL. Madam President, I believe there will be ample time for the Senator to give his remarks later on. I have just been advised that our Republican colleagues are agreeable to resuming consideration of the Defense Department bill and voting on that at 4:45 today, and that the time between now and then be divided between the two. Therefore, may I suggest to our colleagues that I proceed to get that agreement and, following that, we can resume debate on this matter and any Senator will be able to speak for as long as he or she wants. And at that time, we hopefully will be able to get an agreement on completing action on this bill as well.

Mr. RIEGLE. Today, it would be my hope, yes.

The PRESIDING OFFICER. Has the majority leader yielded the floor?

Mr. MITCHELL. Madam President, I am now advised that there has to be consultation with one additional Republican Senator. So I am not ready at this time to proceed to putting the agreement. So I will at this time suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Madam President, I rise to indicate my support for this legislation, notwithstanding the fact that at an earlier point I had concerns and indicated I was prepared to speak at some length in opposition to it by reason of the action of the conference committee. Let me explain what I am talking about.

When the bill went over to the House, it was satisfactory and did not affect the right of the RTC and the FDIC to bring action against those officers, directors, professionals, and others of savings and loans who had defaulted and were subject to being brought to account in the courts of this country. But when it got to the conference committee, certain Members of the House insisted upon limiting the right of the RTC and the FDIC to bring such actions so that only where you could prove certain intentional misconduct or fraud would it be possible to bring an action. That meant that the hands of the RTC and the FDIC were seriously infringed upon, seriously limited and, in the RTC's own words, they felt that it would cost the Government at least $1.6 billion that they knew about, not counting hundreds of millions in cases that they were yet to file, but by reason of the certain court decisions and the actions of the amendments from the Members of the House, that right was being restricted.

With all due respect, Senators RIEGLE and SARBANES made a spirited effort to keep the House from putting in the egregious language. But by reason of the failure of the Republicans on the conference committee on the Senate side and some of the Democrats, we were not able to prevail. Senators RIEGLE and SARBANES tried their hardest to preserve the Senate position, but the House provision prevailed and, as a consequence, the RTC and the FDIC were limited in their right to go forward, costing the taxpayers of this country literally billions of dollars, $1.6 billion already known, hundreds of millions in other cases yet to be filed against those officers and directors, lawyers and accountants, and other thrift officials who had been guilty of malfeasance, misfeasance, and nonfeasance. The RTC and FDIC were precluded from suing them in the courts.

It was shameful. This Senator had decided and had determined that I would speak at some length and hold up passage of this bill, notwithstanding the tremendous respect I have for the chairman of the committee and the other members of the Banking Committee who have been wonderfully cooperative on this side of the Senate—wonderfully cooperative. I wish I could say the same for some Members on the other side of the aisle. They have been less than cooperative.

But the fact is, there is that limit placed in this bill. So I felt that the only way to preserve the rights of the public was to keep this bill from being enacted into law. That gave me concern because Senator RIEGLE has put much of himself into this bill, and it is a good bill, except for this provision that the House insisted be put into the bill.

Then we learned that the Office of Thrift Supervision had the right, and has the right, to maintain actions on its own, under separate legislative authority, and even has a Federal statute of limitations which is longer than that which was originally contemplated in this bill as it went to the conference. It is an unusual situation. But the sad part was that a responsible leader at the Office of Thrift Supervision, OTS had, by memorandum to members of her staff, indicated that they should not be devoting their time to investigative and enforcement efforts. In fact, the OTS announced this April that it was giving reduced priority to cases involving officials of failed thrifts.

So here you had an agency of Government that had the authority—has the authority—and was not moving forward because somebody over at the OTS said, "Take it easy. We have other priorities. Don't spend your time on this."

I ask unanimous consent that at the conclusion of my remarks, a copy of that memorandum be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Madam President, so we opened discussions with the leadership of the OTS and said to them, that if you will step into this breach, if you will stand up and meet your responsibilities, I would not oppose this bill and I think we can solve the problems and the rights and concerns of the taxpayers of this country would be protected.

With all due respect, Jonathan Fiechter, the acting Director of the OTS, was particularly cooperative. He indicated his willingness to work to do that which had to be done, notwithstanding that earlier memorandum about which I spoke that had been signed by the head of the legal division of the OTS.

And so Senators RIEGLE, BOXER, JOHN KERRY, PATTY MURRAY, and I, sent a letter to Mr. Fiechter and urged him to move on this subject and to strengthen the OTS position.

Madam President, I ask unanimous consent that a copy of the letter signed by the five Senators be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, September 12, 1994.

JONATHAN FIECHTER,
Acting Director, Office of Thrift Supervision, Washington, DC.

DEAR MR. FIECHTER: Recent court decisions substantially limit the ability of the Resolution Trust Corporation (RTC) and the Federal Deposit Insurance Corporation (FDIC), as receivers, to bring legal actions to recover funds against those culpable for thrift failures.

We believe that the Office of Thrift Supervision (OTS), as a regulator, has separate, and different, statutory authority which can protect taxpayers in the event of a shortfall in the RTC and FDIC powers.

The OTS's separate statutory authority includes the authority to seek, on its own initiative, administrative orders and affirmative remedies, including civil monetary penalties and restitution from affiliated parties of failed institutions.

According to the RTC and FDIC, the recent decisions, *FDIC* v. *Cocke*, 7 F.3d 396 (4th Cir. 1993); *FDIC* v. *Dawson*, 4 F 3d 1303 (5th Cir. 1993), *cert. denied*, U.S. Sup. Ct. No. 93–1486 (June 13, 1994); and others in the Federal district courts, jeopardize more than $1 billion in pending claims. If these claims cannot be prosecuted, innocent taxpayers, rather than wrongdoers, will pay.

The OTS can prevent this from happening. For example, although the recent court decisions will prevent the RTC and FDIC from pursuing many pending cases due to the expiration of state statutes of limitations, the OTS is not subject to state statutes of limitations. With regard to officials of failed thrifts, the OTS has a six-year, federal statute of limitations. See 12 USC Sec. 1818(i)(3). The six-year statute of limitations is running out on many pending cases.

We write to urge the Office of Thrift Supervision to utilize its authority in cases where the RTC's and FDIC's ability to protect taxpayers has been limited. Time is of the essence. If the OTS will act, it could recover a significant amount of money for the taxpayers.

Sincerely,

HOWARD M. METZENBAUM.
JOHN F. KERRY.
BARBARA BOXER.
DON RIEGLE,
Chairman.
PATTY MURRAY.

Mr. METZENBAUM. Madam President, I am pleased to say that in a letter dated September 13, the acting Director, Mr. Fiechter, who, as I already said, was very cooperative, responded and said:

> I want to assure you that OTS shares your concern about recent court decisions regarding failed thrift institutions. OTS enforcement policy is committed, to the fullest extent permitted by law, to the vigorous pursuit of individuals and entities whose misconduct caused harm to the thrift industry.
>
> One of our specific supervisory objectives is the recovery of losses from institution-affiliated parties of closed thrifts. The OTS policy will not differentiate between open and closed institutions.

He went on to say:

> We understand that our enforcement authority is different from and independent of RTC and FDIC authorities as receiver and insurer.

He went on to say:

> We also recognize that recent court decisions, including the Supreme Court's denial of certiorari in Dawson, will require a greater OTS commitment of resources. The OTS, therefore, will review and, if necessary, streamline the initiation and pursuit of investigations within the Enforcement Division.

It is a strong letter. It is a strong response to the letter sent by Senator RIEGLE, myself, and three other members of the Banking Committee.

Madam President, I ask unanimous consent that the entire language of the letter addressed by Mr. Fiechter to Senator RIEGLE and myself be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, September 13, 1994.

Hon. HOWARD METZENBAUM,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: This is in response to the September 12, 1994 letter from you and your colleagues concerning the authority of the Office of Thrift Supervision ("OTS") to bring enforcement actions concerning closed thrifts.

I want to assure you that OTS shares your concern about recent court decisions regarding failed thrift institutions. OTS enforcement policy is committed, to the fullest extent permitted by law, to the vigorous pursuit of individuals and entities whose misconduct caused harm to the thrift industry. One of our specific supervisory objectives is the recovery of losses from institution-affiliated parties of closed thrifts. The OTS policy will not differentiate between open and closed institutions.

We understand that our enforcement authority is different from, and independent of, RTC and FDIC authorities as receiver and insurer. OTS' authority is not a backup to the FDIC's and RTC's. We also recognize that recent court decisions, including the Supreme Court's denial of certiorari in Dawson, will require a greater OTS commitment of resources. The OTS, therefore, will review, and if necessary, streamline the initiation and pursuit of investigations within the Enforcement Division. I am also directing the staff to seek a Memorandum of Understanding or other similar formal agreements with the FDIC and RTC to assist the OTS in formulating and funding enforcement actions. This effort will add to a number of existing joint agreements and efforts. We believe that these efforts have been very efficient, recovering millions of dollars for the taxpayers at very little cost to the OTS and the taxpayers.

We look forward to working with you as we implement and carry forward this policy.

Sincerely,

JOHNATHAN L. FIECHTER,
Acting Director.

Mr. METZENBAUM. Madam President, I am pleased to say that by reason of the cooperation of the chairman of the Banking Committee and other members of his committee, and by reason of cooperation of the head of the OTS, this Senator feels we are resolving a problem by going around the corner in order to make it possible to pursue those officers and directors, lawyers and other professionals, and others associated with failed savings and loans who otherwise would have been relieved of their obligations by reason of the House action. I think we have made a step in the right direction. I appreciate the cooperation of all those who have been involved in this effort.

I yield the floor.

EXHIBIT 1

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, January 15, 1993.

Memorandum from Carolyn B. Lieberman, Acting Chief Counsel, re formal examinations and investigations.

To Therese D. Pritchard, Richard Stearns, Bruce Rinaldi, Ken Guido.

During the recent reviews of the enforcement docket with the Regional Directors, it appeared that some cases were initiated without first considering the impact on the current case load, which is an important consideration in view of our increasingly limited resources. Before opening a new formal examination or investigation ("investigation"), it is important that we consider the impact of the proposed investigation on our other work.

To this end, effective immediately, my prior approval is necessary to initiate an investigation. The memorandum recommending initiation of an investigation must include a short summary of the facts giving rise to the investigation and the identity of the known targets of the investigation.

In addition, an investigation may not be commenced without an engagement memorandum executed by the Regional Director or his or her designee. Engagement memoranda must specify the supervisory objective of the action and the time period in which the Regional Director believes enforcement action must be achieved to provide useful supervisory results. The engagement memorandum should specify an investigative plan for achieving the desired supervisory results within the time frame established by the Regional Director. The engagement memorandum must also address the feasibility of completing any necessary investigation no later than thirty days before the end of the period specified by the Regional Director for achieving results.

The cover memorandum transmitting the package to me for review also must identify the lawyers and investigators to be assigned to the matter, the percentage of each lawyer's time that is presently available to handle the matter, and the nature and amount of support that will be required from the supervisory staff. Please also state whether the proposed assignment of attorneys and investigators is likely to result in delays in the completion of other cases and, if so, identify the affected case or cases and specify the length of the anticipated delay.

Finally, in accordance with established procedures, a detailed written plan of investigation must be provided to me within two weeks of initiation of the investigation.

Please distribute this memorandum to your staffs.

Mr. RIEGLE. Madam President, I so appreciate the statement and the leadership of the Senator from Ohio. Few Senators, I think, in the history of this country have given as much or as effectively to the Senate's work than has Senator METZENBAUM. In this area, we have been working as colleagues with a common cause now stretching back many, many years.

In fact, I remember one time during a previous administration, during the Christmas-New Year holiday period, we were on the telephone with one another, and we were jawboning the then Secretary of the Treasury to try to crack down on some of these abuses at that time. So our history together goes back even much further than that, but the Senator from Ohio has been a tireless fighter on this issue.

I think it is fair to say that hundreds of millions, in fact, I think billions, of dollars have been saved and recovered and not otherwise wasted and squandered as a result of his efforts.

When we were in the conference committee with the House, I made arrangements for Senator METZENBAUM to come over, although he is not a member of our committee, to present his views on this issue, and he did so with great effectiveness.

To my disappointment, we were not able to prevail on the vote that we had, although I strongly supported him, as he has noted, and voted with him. We did not have the votes we needed to prevail. I do think that the letter from Jonathan Fiechter, the Acting Director of the Office of Thrift Supervision, which Senator METZENBAUM has inserted in the RECORD, is a very important document. I think it lays down a solid basis for further action here that will mean more financial recoveries.

So I think we have done all we can do within the scope of the leverage that we have to bring at this time in this matter. I appreciate the leadership of the Senator from Ohio on this issue and on the other issues that have come before the Banking Committee.

I might just say again that I think it is rare in the Senate to have someone with the energy and the vision and range of interest of the senior Senator from Ohio, Senator METZENBAUM. He is one of the great ones that has come down the track here and will be greatly missed in the future.

Mr. D'AMATO. Madam President, I rise today in support of the conference report on H.R. 3841, the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994.

The conference report retains many of the provisions in the Senate passed bill, adopts some important provisions from the House-passed bill, and makes pragmatic and reasonable compromises reconciling other differences between the House and Senate passed bills.

Adopting the conference report will significantly advance the development of interstate banking and branching in the United States. This, in turn, will increase the safety and soundness of our banking system, provide increased convenience and services to consumers, and save millions of dollars that are wasted in unnecessary administrative expenses and overhead costs. Funds now being used to pay for unnecessary and duplicative administrative costs will be freed up—making more credit available to our businesses and other consumers.

Interstate banking and branching has been a priority of both Republican and Democratic administrations. In 1991, the Bush administration fought hard for an interstate banking bill similar to the Riegle-Neal bill. That legislation passed the Senate, but not the House. The Riegle-Neal bill, modeled after the 1991 Senate passed bill, is enthusiastically supported by the current administration, academic experts, and industry representatives. According to Federal Reserve Board Governor LaWare, "the elimination of geographic restraints will provide an important tool in diversifying individual bank risk, providing for stability of the banking system, and improving the flow of credit to local economies under duress."

FDIC Acting Chairman Hove, testified before the Banking Committee that full interstate banking will strengthen the Federal deposit insurance funds. Citing the FDIC's experience with bank failures in the 1980's, he noted that the failure of banks to diversify geographically makes them particularly vulnerable to regional economic downturns.

Likewise, the General Accounting Office [GAO] found that 90 percent of the banks that failed in 1987 were in States that allowed only unit banks or limited branching. The GAO noted that "when a bank's assets are not geographically diversified, the quality of its balance sheet can be severely affected by fluctuations in the local economy." Interstate branching will permit banks to diversify their loan portfolio, thus making our banking system less vulnerable to downturns in any particular community or region.

The Congressional Budget Office [CBO] also found that nationwide interstate banking will enable banks to increase geographic and industry diversification, thereby reducing the probability of bank failure and "lead to a healthier and more stable banking system."

As I mentioned, interstate branching will eliminate unnecessary overhead costs, and make banking more efficient. Some of the larger banking companies have estimated that they could each save between $30 and $50 million per year if they were allowed to consolidate their separate bank subsidiaries into branches. These savings will be used to replenish bank capital, thus increasing the ability of the banking industry to provide the credit essential for the continued growth of our economy.

Madam President, the conference report takes into consideration the rights of the States with respect to interstate banking and branching. Section 101 of the legislation repeals a current provision, known as the Douglas amendment, that restricts the ability of a bank holding company to acquire a bank outside of its home State. Instead, the conference report provides that the Federal Reserve Board may approve an application by an adequately capitalized and managed holding company to acquire a bank outside of its home State. However, a State may insist that the out-of-State bank holding company only acquire an existing bank in that State. Further, the State may, if it so chooses, limit the banks that may be acquired to those institutions that have been in existence for a given period of time, up to 5 years. A State may also limit the size of the institution, based on deposit share, that may be acquired, so long as this limitation does not have a discriminatory effect against out-of-State bank holding companies or banks.

The bill also respects State's rights with respect to interstate branching. Under section 102 of the conference report, beginning on June 1, 1997, banks having different home States may merge into one bank with interstate branches. The resulting bank may establish additional branches at any location where the former separate banks could have branched under applicable Federal or State law. However, a State may opt-out of this provision by passing a law prior to June 1, 1997, that specifically prohibits such interstate mergers.

Madam President, the legislation also protects the authority of the States to tax interstate branches in the manner that they determine appropriate, provided of course that the tax does not contravene other Federal statutes or the U.S. Constitution. Thus, this bill in no way affects the taxation authority that a State otherwise possesses.

The authority of foreign banks to establish interstate branches and agencies is dealt with in section 104. This section provides that, with appropriate regulatory approval, a foreign bank may establish and operate branches and agencies outside of its home State to the same extent that domestic banks may establish and operate interstate branches. However, regulatory approval may not be granted if the foreign bank's financial resources are not equivalent to the financial requirements imposed on domestic banks seeking to establish interstate branches.

Under section 105, State bank supervisors are specifically authorized to examine branches of out-of-State State banks, but not branches of national banks, for purposes of determining compliance with State laws and to ensure that the activities of the branch are not conducted in an unsafe or unsound manner. This section also authorizes State banking examiners to enter into cooperative agreements to facilitate regulatory supervision of State banks with interstate branches.

Other provisions of the conference report provide additional protection for consumers. The bill mandates enhanced disclosures when an interstate branch is to be closed, modifies the Communities Reinvestment Act to take into account the development of interstate branching, and prohibits deposit production offices. The Federal Reserve Board is also required to conduct a study of bank fees.

In addition, title II of the conference report contains several provisions that are not related to interstate branching. Among these provisions is one that I authored expressing the sense of the Senate that the President should work to achieve a clearly defined and enforceable agreement with our allies to establish a multilateral export control system to control the export of products and technologies that could jeopardize the national security of the United States.

Also incorporated into this conference report is an array of commemorative coin authorizations. Included in this package are coins to commemorate the 1995 Special Olympics, World Games, and the bicentennial of the U.S. Military Academy at West Point. I am pleased to have been an original cosponsor of the Special Olympic coin bill and to have introduced, along with my esteemed colleague from New York, Congressman HAMILTON FISH, the West Point Bicentennial coin. I appreciate my colleagues' support for including these provisions in the conference report.

Madam President, while I have some reservations about particular compromises agreed to by the conference committee, the conference committee overall took a balanced approach in resolving the differences between the House- and Senate-passed bills. The conference report takes into consideration the historic role of the States in regulating financial institutions, and the concerns of the Federal Government to protect the safety and soundness of our banking system and to avoid losses to the deposit insurance funds and the taxpayer. This legislation will increase the safety of our financial system, and improve the efficiency and delivery of financial products. It will ultimately lead to a healthier and more competitive banking system to efficiently and effectively serve the needs of our economy into the next century.

We should act now to pass this legislation. I urge my colleagues to vote for this bill.

Mr. FAIRCLOTH. Madam President, we live in a world economy. Capital is the lifeblood of the world economy, and market forces are its master. The time has come to lift the ban on interstate banking, and to recognize the reality of those market forces.

Politicians sometimes try to artificially control the flow of capital. They try to defeat the laws of supply and demand. They may even get away with it for a short while. But in the long run—or the not so long run—the tide of market forces will prevail.

If politicians make our capital markets more inefficient than our international competitors, then that capital will just go somewhere else. Socially desirable goals won't be met. Our society will just be poorer.

The ban on interstate banking makes our capital markets less efficient. Perhaps at one time it made sense to ban interstate banking. If it ever did, it does not make sense today.

Today money can move across State lines or across international borders with a few strokes on a computer keyboard. Banning interstate banking doesn't stop the movement of that money. It just makes managing money more inefficient, which in turn makes it less likely that money will enter our banking system in the first place, which in turn makes our economy less competitive.

Interstate banking will make our capital markets more efficient. By recognizing the reality of interstate banking that already exists, we will eliminate hundreds of millions of dollars in Government-created overhead that makes our banking system less efficient.

Banks will no longer have to file mountains of duplicate paperwork for each of their subsidiaries. Customers will no longer have to put up with the Government-created barriers to banking where they live and work.

By reducing the overhead and inefficiency in our banking system, we will lower the cost of capital and make our economy more competitive.

In North Carolina we have had a fiercely competitive banking industry for generations. Our small banks and community financial institutions have done will in that environment.

Our small banks in North Carolina have found their place in the shadow of NationsBank, First Union, and Wachovia. They do not fear interstate banking. They fear Government regulation and overhead that makes it impossible to survive as small independent banks.

We cannot fear the future. We cannot fear the markets. Fear of the future and of markets will not stop the tide of market forces. It will only make us weak, and poorer as a nation.

I urge my colleagues to join me in supporting the interstate banking bill, so that we can make our country a stronger and more prosperous place.

Mr. FEINGOLD. Madam President, I congratulate Senator RIEGLE, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, for his work on this legislation. Though I oppose its fundamental provisions, the chairman deserves credit for his hard work on this legislation.

I thank him for his help in addressing a variety of concerns that I had relating to the ability of States to prepare for the significant changes in the structure of our financial institutions.

And I also thank him for his support for including language to ensure that the new banking system structure will not result in the loss of information that is vital to congressional and regulatory oversight.

But, Madam President, I do have several concerns with the interstate banking and branching bill. First, I am not persuaded that consumers, businesses, and banks, in Wisconsin and elsewhere, will benefit from this legislation.

As chair of the Wisconsin State Senate Banking Committee for 10 years, I participated in a number of debates related to structural and regulatory changes for financial institutions. Perhaps the most important of those bills was legislation to permit regional interstate banking.

I opposed that legislation then, and I oppose this measure now in part because of my concern that our well-managed, conservative, stable Wisconsin banks would be attractive prey for out-of-State financial institutions.

In fact, Madam President, in a matter of only a few weeks after passage of the regional interstate banking bill, Wisconsin lost one of its major bank holding companies to an out-of-State bank holding company.

The ability of the mammoth out-of-State institutions to buy up locally owned banks only increases with national interstate banking, and the loss of locally owned and controlled capital cannot be a benefit for either businesses or consumers.

Second, Madam President, this legislation only accelerates the further concentration of capital throughout the country.

Wisconsin's own former Senator William Proxmire has noted that as banking assets become more concentrated, the banking system itself becomes less stable as there is greater potential for system-wide failures.

Beyond that, the trend toward further concentration of economic power and economic decisionmaking is not healthy for the Nation's economy.

Banks have a very special role in our free market system; they are the rationers of capital. When fewer and fewer banks are making more and more of the critical decisions about where capital is allocated, there is an increased risk that many worthy enterprises will not receive the capital needed to grow and flourish.

A strength of the American banking system has been the strong community and local nature of that system. Locally made decisions made by locally owned financial institutions—institutions whose economic prospects are tied to the financial health of the community they serve—have played a critical role in the economic development of our Nation, and especially for our smaller communities and rural areas.

Madam President, I am concerned that this legislation is inconsistent with that tradition, and for that reason, I oppose the measure.

Mr. DASCHLE. Madam President, today this body has an opportunity to take the final step in approving the Riegle-Neal Interstate Banking and Branching Efficiency Act. This fact is attributable in no small part to the unparalleled dedication and hard work of Senator DON RIEGLE, the chairman of the Senate Banking Committee, and Representative STEVE NEAL, the chairman of the House Financial Institutions Subcommittee.

Both men have distinguished legislative records, and their contributions as Members of Congress will be missed long after their retirements this year. Passage of this legislation bearing their names will serve as a small but meaningful tribute to the leadership roles they have played on the Senate and House Banking Committees for many years.

As we enter the hectic final weeks of this Congress and struggle to sort out a crowded legislative agenda, we should not lose sight of the act that the Interstate Banking and Branching Efficiency Act has negotiated the tortuous path through committee, the floor and conference, and that its enactment will benefit consumers and financial institutions alike. Without this landmark legislation, our banking system will continue to suffer under a confusing jumble of State laws that govern bank expansion across State lines, a situation that truly does not benefit anyone.

Most obviously, the restrictions on interstate banking hamper the ability of banks to make rational, economically driven decisions about where and how to expand their operations. In effect, the various State laws place artificial limits on the ability of banks to respond to market realities, limiting both their efficiency and profitability.

In a time when many of us are extolling the virtues of free and open trade for other sectors of our economy, we owe it to our financial institutions to break down some of the unnecessary trade barriers they face within the country.

Less apparent but equally true is the fact that consumers also suffer from the restrictions States place on interstate banking. Because the limits prevent banks from expanding in response to customer demand, customers are not able to choose from among the full array of banking services that otherwise would be available to them.

Without the benefit of a truly competitive financial services market, consumers frequently suffer from unnecessarily high prices and inconvenient service. The Riegle-Neal act would go a long way toward solving these problems, while still offering depositors adequate and effective protection.

Finally, there is some evidence that soundness of our Nation's banking system is impaired by the inability of banks to expand their operations across State and regional lines. Banks that depend on the economic success of one State or region are particularly vulnerable to the regional recessions that we have experienced throughout the 1980's and early 1990's. Not only do the banks occasionally have trouble staying afloat during regional recessions, but the regions that suffer from them have difficulty turning around their economies because of inadequate credit supplies and skittish lenders.

By allowing freer bank expansion, the legislation we are considering today would reduce the system's exposure to regional economic shocks.

I would also like to note that this legislation contains a provision important to efforts to restore and preserve the Mount Rushmore National Monument. The bill would correct a problem created by the 1990 Mount Rushmore Commemorative Coin Act, which authorized the Mint to sell coins commemorating the 1991 golden anniversary of the Mount Rushmore National Memorial.

The Mount Rushmore situation is unusual. Congress attached a provision to the original Mount Rushmore Commemorative Coin Act that required half of the coin surcharge proceeds to go to the Treasury. Almost no other commemorative coin bills have had this same stipulation. To make up for this requirement, the bill authorized twice the amount of coin sales necessary to fund the project so both the

Treasury and the Mount Rushmore Preservation Society could receive their expected proceeds.

When sales fell far below what was expected and only generated $12 million, only $6 million was left for Mount Rushmore—less than a third of what was expected and not nearly enough to fund the planned budget of the Mount Rushmore Preservation Society.

The interstate banking bill addresses this shortfall in proceeds, by dedicating the first $18.75 million of them to the Mount Rushmore Preservation Society and the remainder of them to the Treasury. In effect, this provision will result in the Government transferring to the preservation society the $6 million the Treasury has already collected.

Without this additional revenue the preservation society's efforts, which have been described by the Department of the Interior and National Park Service as "a model public/private partnership" for protecting and improving our national parks, would not be able to successfully complete its planned renovations.

With this money the preservation society will be able to construct a new interpretive center, which will serve as the centerpiece of the educational program at Mount Rushmore. Through this facility, nearly 3 million Americans and foreign visitors annually will learn how the colossal sculpture was carved and, more importantly, why. The story of America's birth, growth, preservation and expansion will at last be fully told in the interpretive center's exhibit halls and theaters.

Once again, I would like to commend Chairman REIGLE for his patience and skill in guiding interstate banking over the long road to passage. The legislation before us has been thoroughly examined and formulated through a broad and open hearing process. It has enjoyed overwhelming support in subcommittee votes, full committee votes, and on the floors of both Chambers. The conference committee was able to iron out major differences between the House and Senate versions, and the final product has garnered the support of the banking industry and consumer groups alike.

Madam President, the Riegle-Neal Interstate Banking and Branching Efficiency Act is worthy of the distinguished names it carries and worthy of our support. We should not delay any longer in taking this step towards a more efficient, stable, and consumer-oriented banking system.

UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of the conference report accompanying S. 2182, the Department of Defense authorization bill, with the time until 5 p.m. today equally divided and controlled between Senators NUNN and THURMOND, or their designees; that 10 minutes of that time be under the control of Senator GRAMM of Texas; that at 5 p.m., without intervening action, the Senate vote on adoption of the conference report. I further ask unanimous consent that on Wednesday, September 14, there be 7 hours of morning business with the time equally divided and controlled between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Madam President, reserving the right to object——

Mr. THURMOND. Madam President, we have no objection.

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, does the majority leader mean by that there could be no other business taken up tomorrow?

Mr. MITCHELL. No, I do not mean that.

Mr. METZENBAUM. Pardon?

Mr. MITCHELL. No, I do not mean that. We have not set the time for the morning business as of yet. This provides for 7 hours tomorrow, but it does not set the specific time for it.

Mr. METZENBAUM. Other action could be taken if that was decided by the Senate?

Mr. MITCHELL. It could, after the completion of the morning business.

Mr. METZENBAUM. That would mean you could not do that until after 7 hours had expired?

Mr. MITCHELL. If the time is used or, of course, by consent the Senate can agree to interrupt that time and take some other action. The Senate could by consent vitiate this and have no other time.

Mr. METZENBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

OPPOSING MILITARY ACTION IN HAITI

Mr. BAUCUS. Madam President, I rise to state my opposition to military action in Haiti.

The Haitian military junta is illegal, it is brutal, and it is a gross abuser of human rights. Few people doubt that we do have a long-term interest in a Haiti which is politically stable, which is democratic, whose rulers are not involved in drug trafficking, and which does not send refugees across the Caribbean.

The question, though, is whether an American military invasion can create such a Haiti. I believe it cannot. And that is why I oppose it.

American service men and women are well-trained and brave. If they go to Haiti I am confident they will carry out their orders professionally, but they will run into difficulty.

The invasion itself and the initial stages of the occupation will probably be relatively easy. General Cedras and other members of the junta will be removed from power and President Aristide returned.

The problems, however, are likely to come later on. As in Somalia, small gangs of Tonton Macoutes, and other thugs will snipe at American soldiers. We will have to retaliate or simply sit there and take it.

In the long term, the Haitian public, as well as the American public, will tire of the occupation, and we will have to bring the soldiers home. At that point, Haitians will have to solve the problems themselves in their own way. And we have no way to make sure tyranny will not return.

So I think there will be serious practical difficulties as time goes by. But most important is that I do not believe an American military occupation will solve Haiti's deep-rooted problems.

The only way to solve those problems is for Haitians to reach a political settlement among themselves that allows the country to develop a stable democracy. No American soldier or Senator or President can make that happen. We can best contribute to the process through patient diplomatic efforts.

Therefore, I share and admire the administration's commitment to democracy in Haiti. But I believe we cannot restore democracy at the point of a gun. I do not think a military solution to this problem exists. Therefore I urge the administration not to introduce any American military personnel to Haiti, on our own or with the help of neighbors.

If, however, the administration is determined to invade Haiti, I urge that the President seek authorization from Congress.

My own judgment is that this military action would be a relatively small-scale event, similar to the invasions of Panama and Grenada, and that authorization is not absolutely mandatory.

I believe the Constitution and the War Powers Act both indicate that this is the right course. Authorization would also provide—as it did in the gulf war—a degree of public unity, which is now clearly lacking.

I, myself, would vote against authorizing the use of force in Haiti. I urge the administration to avoid it. But if the day comes when we must go down that road, I will do what I can to make the effort succeed and to bring the troops home quickly.

Today, however, we still have time to choose another course. I hope the President will do so.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of the conference report accompanying S. 2182, the Department of Defense authorization bill, with the time until 5 p.m. today equally divided and controlled between Senators NUNN and THURMOND, or their designees, with 10 minutes of that time under the control of Senator GRAMM of Texas; that at 5 p.m. without intervening action, the Senate vote on adoption of the conference report; and that on Wednesday, September 14, there be 7 hours of morning business, with the time equally divided and controlled between the majority and minority leaders, or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, I yield myself whatever time is necessary to complete my statement, and I ask that it appear as in morning business.

The PRESIDING OFFICER. The Senator from New York is recognized to speak as in morning business.

MILITARY ACTION AGAINST HAITI

Mr. D'AMATO. Madam President, I must confess to you that many, many of my constituents have asked me how it is and why it is that the United States would seem to be prepared to undertake a military action against Haiti.

I have to tell you that I find it difficult myself to respond in a logical fashion as to why that should be. More troubling are the statements that come out of the administration, whether they be by Secretary Christopher or Madeleine Albright, our U.N. Ambassador, as it relates to the justification that is being put forth for such an act.

I have to ask myself if the President of the United States can go to the U.N. for approval of such an act, then certainly should not that same consideration be given to the Congress of the United States? Should that case not be made for why it is that an invasion and military action in Haiti is to be undertaken? Should there not be a debate here in the Congress of the United States before the American people?

This is not a question of an invasion or an action being taken in a manner to rescue someone. We had the use of military force in Grenada. One of the reasons that we moved with the speed that we did was that there was the potential for loss of American lives, and Americans were being held hostage at a medical facility there. We quickly extracted our American troops and the U.S. citizens who were endangered there, and this operation was never questioned. That is not the case here.

We have been speaking about this, preparing for this, and now we have a situation where the Haitian junta has been clearly notified of an imminent military engagement. We are not going to be jeopardizing lives by speaking as to whether or not we should or should not invade Haiti. This is not a question where speed and a quick strike is going to make the difference. This really comes down to a question of the justification for independent military action by the President. Haiti is not an unexpected threat to our national security.

I have had people say, well, what about Panama? And I have raised the question that we had American lives at stake and we had vital American interests at stake, the Panama Canal.

In Haiti this is not the case. We have no U.S. lives and no immediate threat to American interests. We do not have the Communists building bases, as they were at that time in Grenada, with both the Soviets and the Cubans making overtures to expand their sphere of influence there.

I would like to note that President Bush sought and received congressional approval prior to the start of the gulf war. He went to the United Nations, but the drums were loud and clear, and he knew that that was not sufficient. If he was going to engage in a military action, he knew that the Congress of the United States should be consulted and there was vigorous debate both for and against.

How is it now that the situation has turned so dramatically? I have heard people say that well, the President and his national security adviser, Mr. Lake, made these pronouncements, and now if he were not to go forward with this "it would jeopardize his standing."

That is not sufficient reason to put any of the lives of our young men and women in harm's way, because of concern over the President's standing. And, by the way, if he has a good case and if there are those in the Congress who feel that he can and he should, well, then, fine; let us do it. But let us not do it in some manner which is not prescribed by law or the Constitution or by logic or emergency. If you have a dire emergency, if U.S. lives are in danger, then we should move, and the President should move quickly, and I would support him in this action. There is no doubt, that is not the case with Haiti.

Now, if this is an invasion and it is being undertaken for political reasons, then, Madam President, it is wrong. It is immoral, and it should not take place. Not one life should be lost or risked for the sake of political advantage.

The people of the United States will rally behind our troops whether we believe in a particular cause or not because they are our young men and our young women. But should we put them into harm's way, should we endanger their lives simply to pump up the polls, as has been suggested? I would say resoundingly no. It does not matter whether one be a Democrat, Republican, liberal, or conservative, they would come down and say, no, we should not be jeopardizing the lives of our young Americans simply for someone or some side to look better in the polls. If that is the reason, then shame on those who would be going forth with an invasion any place at any time.

That is what is taking place here. I would like to know why it is we in Congress should not be consulted. What is the imperative to prevent us from sanctioning such an action?

We know there would be an overwhelming military victory within a relatively short period of time. But do we know what the cost will be in terms of lives as time goes by? How much is this operation costing us? And once we do achieve some military victory, as overwhelming as it might be, what then? What happens then?

How many lives should be placed at risk? I do not think one. But once we have this overwhelming victory and there are no lives lost—and I do not believe that can be the case, I certainly do not think we could assume that—how long will our young men and women be obligated to defend whatever administration comes to power? What will be the role of our soldiers? How long will they have to stay there? Will they then become, in effect, the policemen for this island of 7 million people? How many of them will be required? What happens if there is an insurrection? Whom do they defend? What acts do they take?

Is this nation building? Do we undertake this action in similar cases as it relates to countries, whether they be island countries or others that are in our hemisphere?

Is this the beginning of a new doctrine, that we go to the United Nations and we get permission to use our troops for this kind of military or police action in our own hemisphere?

These are questions that need to be answered. I do not have all the answers. I think the American people, and I think that the young men and women whom we ask to defend this Nation, take an oath and pledge to do so, place themselves at great risk, and they have a right to know why it is and how it is that they will be expected to put their lives on the line in an invasion of Haiti.

Are we going to be calling up reserves? How many reservists?

Again, what about the costs of this action? I have heard some estimates as high as $500 million. Is that $500 million for what period of time? To the end of this budget year, to when? Is it more if we stay there a longer period of time?

I want to see democracy in Haiti. I recognize this is a very complex and difficult issue. I do not believe that we should tolerate the status quo. I think we should use all of our power and wherewithal in concert with our allies to seek a way to bring about freedom and eliminate those totalitarian forces that have taken charge, the colonels and their goons.

We were able to do that without invasion as it related to Baby Doc Duvalier. We got Baby Doc out of there. He was certainly no paragon of virtue. He had the military under his command. We were able to eventually make him an offer he could not refuse and he left Haiti.

I am not suggesting that the administration has not tried, but I suggest that maybe they have not tried hard enough and thoughtfully enough, and have not brought more pressure to bear on the junta, short of invasion.

Let me tell you, there are dictatorships throughout this world. Do we send troops into each one?

It seems to me that no one has justified national interests and goals and what it will cost in terms of lives and the disruption and the damage to our troops and their families.

So I would hope that this action is not being contemplated to justify or to raise someone's stature in the polls, to look politically better, then this is not the way a great democracy should be conducting itself.

I am deeply saddened to think that we even have come to a point where probably more Americans think that this may be taking place for exactly that reason—political advantage. If we have really reached that point in time in the life of this country, it is a very sad commentary about what the greatest democracy on the face of this Earth has come to represent. If it means that we are so desperate for election and for power that we would place in harm's way our young men and women, then how far have we slipped? And what would our forefathers think about our Nation conducting its foreign policy and the use of the military for these purposes?

I hope that is not the case. I hope that they are not attempting to gain political advantage by the use of the military. That would be a very sorry, sorry situation, a very sorry time in the history of this Nation, a nation that has stood up for democracy, yes, whose young men and women have given their lives, shed their blood for the safety of this country, for democracy to beat down the forces that would deprive us and others of freedom.

I do not believe that we should engage in this kind of action until and unless these questions can be fully answered.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I rise today to explain why I am going to vote against the Defense authorization conference report.

I have served in Congress for 15 years and I have always considered myself a very strong supporter of national defense. My dad was a sergeant in the Army. I was born at Fort Benning, GA. I have always believed in a strong defense.

The world has changed dramatically over the last 15 years. We have won the cold war, the Berlin Wall has come down, Eastern Europe has been liberated, and the Soviet Union has been transformed. All of those things were done because America was strong. Even today, in a world where the lion and the lamb are about to lie down together, it is very important that the United States of America be the lion.

I have strongly supported national defense over the years, but this will be the second year in a row that I vote against the Defense Authorization Act. I have done this because I cannot remain silent when we continue the process of tearing down the greatest defense that the world has ever known.

I do not believe that you can justify what we are doing in the way of defense cuts, given the world that we live in. At the very moment when the President is talking about military intervention in Haiti, at a time when we are actually involved in military support activities in Bosnia, at a time when we still are facing a potential confrontation with North Korea over nuclear weapons development, I do not believe that you can justify the cuts in defense that we are making in this authorization bill.

I think even more difficult to justify is the fact that we are spending every penny that we are saving by cutting defense. If we need this money in the future to rebuild defense, we will not be able to get it back because it has already been spent on social programs.

I have one chart here. I know my colleagues want to go ahead and vote on this bill, so I will explain the problem very simply by asking people to look at this chart, which shows defense outlays in real inflation adjusted dollars since 1986. What has happened to defense spending since 1986, with the exception of the gulf war, which is this little peak here, is that defense spending in real dollars has fallen like a rock.

To give you an idea of the problem, this year we are building 4 Navy ships and we are building 28 new fixed-wing combat aircraft, and that is it. Meanwhile, many of our most important modernization programs have been called into question as the Pentagon has finally admitted that the Bottom-Up Review is grossly underfunded. Ten modernization programs, from the new F-22 Air Force fighter plane, which is not scheduled to come into the force until the turn of the century, to the V-22, which will replace the aging CH-46 troop-carrying helicopter, are in the process of being reviewed and are at serious risk of being dismantled.

When America needs its military forces in the future, I want to be sure that I can say that I raised an alarm; that I said I thought we were making a mistake. I do not believe that you can justify this dramatic reduction in real defense spending based on what we see in the world in which we live.

But, Mr. President, the problem is greater than what the numbers show. These numbers give a false picture because much of what we are spending defense money on is not for defense. We have in the bill before us $2.2 billion of expenditures for what is called defense technology conversion and reinvestment. But actually, this money is for an elaborate industrial policy where Defense Department money is used by the Clinton administration to try to dictate investment patterns in American business.

Who could possibly believe that the way to transform defense industry to civilian activity is to have the Federal Government tell them how to do it? Who could possibly believe that you help defense industry find the capacity to create jobs in the private sector of the economy by giving them Government subsidies?

We have in this bill $5.5 billion of expenditures on environmental programs. We have in this bill numerous programs that basically have nothing to do with national defense.

I want to briefly alert my colleagues to several points.

No. 1, we are not building defense down. This is not an orderly reduction justified by the end of the cold war. We have already undertaken and completed that process. What we are doing now is tearing defense down to free up money, every penny of which is being spent on social programs.

No. 2, we are pirating defense spending by taking money that is allocated to the defense budget and spending that money on everything from the environment to health care to industrial policy.

Mr. President, I am concerned that unless this process is reversed, we are going to reach a point where our vital national interests are at stake and the Defense Department is going to be called on to do jobs that it will find difficult to do. I am concerned that if we do not continue our modernization program, we are not going to keep the technological edge that was so important in saving American lives in the gulf war. And, finally, I am concerned that, if these kinds of cuts continue, we are going to destroy our capacity to keep the finest young men and women who have ever worn the uniform of this country in the service.

I am very concerned about what we are doing to defense. It is because I support a strong defense that I am going to vote against this bill.

I am going to continue to speak out on this issue. We cannot justify the cuts that we are making in defense. We certainly cannot justify them when every penny we are saving is being spent on social programs.

HAITI

Mr. GRAMM. Finally, Mr. President, I want to talk about one additional issue.

I read in the polls that 78 percent of the American people oppose invading Haiti.

During the recess, I was all over my State and I was all over the country. In that process, I listened to a lot of people tell me what they thought of our work in Washington, DC.

It was not an A and B report card. A lot of people told me what they thought about Haiti, asked me what I thought was going to happen, asked me if I could give any justification for invading Haiti. I was able to give them a short answer: No.

I did not run into a single person in the State of Texas or a single person in a half dozen other States that I was in during the recess that thought that we ought to invade Haiti.

I remind my colleagues that we have invaded Haiti in the past, and we have never found it to be a fulfilling experience. We have never had trouble getting into Haiti. We have always had trouble getting out of Haiti. The last time we invaded Haiti, we were there for 19 years. I do not understand why the President seems determined to invade Haiti. He does not have my support in that decision. We have demonstrated numerous times that he does not have the support of the U.S. Senate but, more importantly, he does not have the support of the American people.

It is always very serious when a President puts Americans in harm's way—but it is especially dangerous when he does it knowing that the American people do not share his willingness to undertake a mission with such high potential cost.

I know the hour is late on this subject. I know the President has made many statements concerning his position. I hope, Mr. President, that he will reconsider. Backing down on a possible invasion is a lot better than getting Americans killed when our vital national interests are not at stake.

I thank the Chair for his tolerance.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. How much time does the Senator want? I yield an additional 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from South Carolina has yielded 5 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I want to thank our dear colleague, the Senator from South Carolina, for not just his yielding but his leadership on this defense bill. I know it represents his best effort. I know there is nobody in Congress who is a stronger supporter of defense than the distinguished Senator from South Carolina.

Mr. President, I was hurriedly trying to conclude my remarks because I saw your gavel about to come down. Let me go back and restate the point I want to make.

For several months the President has been threatening to invade Haiti, and in the last few weeks, I think the saber rattling has become very loud. We have now gotten down to the moment of truth. I know the President has to be considering what he is going to do next since it seems clear at this point that what he has demanded the Haitians do, they are not going to do.

I hope that the President, in making his final decision, will look not just at the political cost of making a lot of blustery statements and rattling the saber without using it. I hope he will weigh that cost against the potential loss of American life.

One of the important things about the gulf war is that we had a President who told the American people what national interests were at stake. He took the time to explain to the American people what we were going to do in the Persian Gulf and why we ought to do it. And then—ever though he did not have to do it—President Bush came to the Congress and had us vote on whether we supported using American troops in the Persian Gulf. It was a historic debate, a historic moment, and the Congress endorsed the President's policy. We sent troops to the Persian Gulf and we liberated Kuwait, and I think all Americans were proud.

My point is, Mr. President, that was the right way to do it. I think the way the President is proceeding on Haiti is the wrong way to do it. I hope the President will go on television and tell the American people what our policy is and what we are going to achieve by putting Americans at risk.

I have to admit that having read everything that I could on the subject, I do not know the answer to that question, and my guess is most Americans do not.

I hope the President will come to Congress and ask for our support before he makes this decision. I am concerned that if the President acts unilaterally, not having the support of the Congress, not having the support of the American people, that if things go badly—and I hope they do not—that we are going to be right back in the kind of position that we have been in the past where the American people do not support what the President is undertaking.

This is very serious business, and I am hopeful that there can yet be a solution. There is no doubt that if the President commits American troops, that I am going to support any action in Congress to be supportive of those troops. But I do believe that this is a mistake. I think it is a mistake because we do not have a vital national interest at stake in Haiti. I think it is a mistake because the American people do not support it. I think it is a mistake because Members of Congress of both parties do not support it.

One of the problems with going around threatening people that you are going to do things before you have public support to do them, is you end up in the kind of box the President is in today. I hope—I am prayerfully hopeful—that Americans are not going to lose their lives as a result of the situation that the President finds himself in and, therefore, the Congress finds itself in.

I thank our distinguished ranking member of the Armed Services Committee for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. PRYOR. I thank the Chair for recognizing me, and I thank the distinguished manager for allowing me the opportunity to speak for just a few moments this afternoon.

Mr. President, I would like to address the attention of my colleagues to a particular amendment which has been accepted by the various managers of the defense authorization bill.

I truly believe that this amendment is going to result in a much greater efficiency and effectiveness in the way that the Department of Defense performs its work. This provision—it sounds pretty simple—is pretty far-reaching. It is an amendment that I had added to this bill. I am very indebted to the various managers who have accepted this language.

It has two parts which are designed to ensure that the taxpayers of this country are not paying excessive amounts of money to private contractors.

Mr. President, not long ago the Senate passed the Acquisition Reform Act which was intended to make our Federal procurement system easier for the Government to operate and to make it easier for contractors to deal with the Government. While I did support this legislation, I also thought it was important to recognize that in addition to making our system simpler, we should also strive to make it more efficient, and more accountable.

As I have stated, the provision has two parts. The first section requires that the DOD Inspector General review a portion of the existing service contracts at DOD to determine if these contracts have experienced actual cost overruns. This requirement is necessary due to the simple fact that all too many GAO reports, IG reports, and hearings like the ones that I have held on Government contracts, have documented that all too often these contracts awarded to save money actually end up costing more than the Federal employees who were replaced.

This requirement does not prevent DOD from contracting out any services, but it does, for the first time, give us some independent oversight over those contracts once they are awarded. Perhaps if contractors and the DOD know that the Inspector General will be checking up on these particular contracts, then the taxpayers will not be forced to pay for excessive cost growth that occurs all too often when Government work has been farmed out to contractors.

The second part of the amendment addresses those types of contracts that are not now subject to cost comparison. I am speaking about the consulting services contracted out for by the Department of Defense or, as they are sometimes called, advisory and assistance services. If the Department of Defense wants to contract for, let us say, lawn mowing services, they do it with a cost comparison between the contractor and a Federal employee. However, if the Department of Defense wants to contract for planning, for managing, for analyzing, and other such services, then there is absolutely no requirement that they first compare the cost of using Federal employees versus private contractors. This, Mr. President, I have said for a long period of time, absolutely makes no sense.

Mr. President, again this requirement to conduct a cost comparison does not prohibit the Department of Defense from awarding any contract. However, for the first time in our acquisition history, the Department of Defense and others will at least begin asking a very simple and basic question before awarding consulting contracts. That question is this: Is it going to cost more to use Federal workers or private contractors to perform this same work? This is the first time, as a result of the adoption of this amendment, when this particular question is going to be asked. This is the information that any manager, I think, would like before making a decision that would cost the taxpayers large sums of money.

This is a requirement that allows DOD to consider other factors not related to cost when they are performing these comparisons. For example, these other issues could include the availability of DOD personnel, or whether the work is a one-time requirement or a recurring need.

Mr. President, this amendment sets also a dollar threshold for conducting a cost comparison of $100,000. I think this is a reasonable figure, and when the Senate was considering the acquisition streamlining bill there was much discussion of the need to raise the small purchase threshold from $25,000 to $100,000 in order to reduce the paperwork burden on the various agencies involved.

The Senate was informed that the vast majority of contract actions—close to 90 percent, I think—were under this threshold. This means that the agencies could now begin to focus on the larger contracts, those over $100,000. I think the same logic applies to cost comparison for consulting contracts.

For many years, I have been advocating this very simple reform, and I do appreciate the chairman and ranking member of the Armed Services Committee bringing this cost comparison idea to fruition. In conclusion, these two requirements will provide DOD and the Congress with much needed information on the cost of using private contractors. This is a small but a very critical step to take toward a more efficient and accountable Government.

Mr. President, I urge the adoption of this amendment and once again thank the managers.

Mr. President, finally, there are two other amendments which I am very proud to have had accepted as a part of the authorization bill for the Department of Defense. The first amendment, Mr. President, is the early notification of defense contract termination.

This amendment is designed to provide defense workers early notification of the termination of defense contracts. This early notification will make them eligible for JTPA reemployment and training services earlier and enable these workers to begin their job search much earlier, which will shorten the time that they will be without a job.

This amendment will require the Secretary of Defense to notify a defense contractor of the likely termination of a contract within 90 days of the submission of the President's budget to Congress, or within 90 days of the enactment of an appropriations bill. Contractors are subsequently required to notify the subcontractors, who are required to notify the workers.

This requirement currently in law gives the Secretary of Defense 10 days to give notice, which does not provide enough time in many instances for these workers to begin the process of looking for a new job or taking advantage of training opportunities.

Mr. President, I see my friend from Wyoming seeking the floor, but if I might have an additional 2 minutes, I will briefly describe the third amendment included in this authorization bill that I think our colleagues need to know about.

This amendment will make JTPA reemployment and training services available to workers who lose their jobs as a result of reductions in defense exports caused by Government policy decisions.

Workers who lose their jobs because of a base closure or cutbacks in Pentagon procurement, currently qualify for JTPA services and I think, it is only fair that defense export workers who lose their jobs because the Government prohibits the export of their product, should be receiving these same services also.

Mr. President, this is a summary of three constructive amendments, not only in the acquisition area, but also in the job training area, to those workers who are employed by defense establishments within our great country.

Once again, Mr. President, I thank the ranking member of the committee, Senator THURMOND of South Carolina, and the distinguished chairman of the committee, Senator NUNN of Georgia, for their cooperation and their acceptance of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, will the distinguished ranking member, Senator THURMOND, yield time to me?

Mr. THURMOND. Mr. President, I will be pleased to yield to the distinguished Senator 15 minutes.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from South Carolina controls 9 minutes, so the Chair understood the Senator to mean he will yield the remainder of his time to the Senator from Wyoming.

Mr. THURMOND. I believe I only have 9 minutes. I yield the Senator that.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. WALLOP. Mr. President, the Defense authorization bill does not authorize enough defense to keep America strong. It is really a very simple equation. We do not have enough money in here to close the bases authorized for closing by the Base Closure Commission. So savings to be realized down the road are not going to take place.

Mr. President, top gun is not going to fly for a month at a naval air station because they do not have fuel for the aircraft. I am told that three Air Force fighter wings are not able to fly for training. This, just a couple of short years, Mr. President, after the greatest military force the world had ever known was honed and ready.

It would not have required a lot of extra money. It would not have required the same sustained effort that we were in. But it would have required a little bit of common sense, and it has not been applied.

Mr. President, this defense authorization sets the military of the United States to environmental exploration, it sets the military of the United States into job training, and it sets the United States into a lot of displaced worker programs when defense contractors are putting on hold every piece of new research that we have.

Mr. President, this is a disaster. How big a disaster? The Defense Department said we have to call up the Reserves to invade Haiti. To invade that little miserable island nation, we have to have Reserves. We have spent or will have spent two-thirds of $1 billion by the time the invasion of Haiti has been completed. And for that, Americans get not one piece of safety. They get a big piece of politics. They get a big risk to the reputation of the military.

Let me just tell you what is going to happen when the U.S. troops go down there. All of a sudden, they are going to be confronted with somebody trying to take their lives. And in defense of their lives or their unit, they are going to shoot. And somewhere along the line, a child will be killed, a pregnant woman will be killed, or somebody that ought not to be killed will be maimed or shot or wounded by people who have been put into a position under which no rational human could react differently. But all of a sudden, the reputation of the men and women of the armed services of the United States will be sullied and damaged by a President who put them in harm's way, which does not make any sense in the national interest.

Let me move from there to Cuba.

I have had calls from constituents of mine stationed in Guantanamo that the military presence there is not sufficiently armed to defend itself against a growingly restive Cuban population held hostage, imprisoned, by the United States for the crime of seeking freedom. And when the President of the United States joins with that dictator, Castro, to keep these people in prison and to use his secret service to suppress the desires of other people leaving, maybe we ought to rethink this.

Just think about it for a moment. The Cubans held prisoner in Guantanamo are now devoid of hope. There is nothing for them to look forward to—release from Guantanamo, back to Castro's prison; stay in Guantanamo in prison; go to Panama for 6 months and return to prison. They are not going to be let go. There is no hope. No wonder they are getting restless.

This is a policy that has nothing but failure attached to it. What kind of a role is it for the defense forces of the United States to start shooting people who are rioting because all they ever sought was freedom? Make no mistake about it. In controlling the prison population at Guantanamo, sooner or later that restive population is going to force a person of the U.S. Armed Forces, in defending himself or a comrade, to shoot somebody whose only crime is that they want to be free. What have we done? We have joined with Mr. Castro to use his secret police to suppress the rest of that population.

Now, going back to Haiti, we have a government in exile with Mr. Aristide. The Clinton administration denies that anybody ought to be a government in exile for Cuba. They are going to invade Haiti. But they are going to imprison those who seek freedom in Cuba.

Mr. President, no wonder we are going broke in the defense business. We are spending money for things that are not the role of the military. We are spending money to invade a little island nation; $250 million now already spent, and $490 million yet to go if we invade.

Mr. President, something is very, very wrong when Top Gun cannot fly, when Air Force training flights cannot fly, when the Navy is close quartered, when all of the training operations that we have are coming down, down, and down to the hollow Army that we had, only worse, in the Carter years.

Yet, we have money enough to invade Haiti. We have money enough to assign our forces to the command of the United Nations so that not even the President of the United States nor the Secretary of Defense knew when American aircraft had engaged and shot down Serbian planes in Bosnia. We have time enough to assign them to Rwanda and money enough to do all of this, but not to train them for the roles and missions which they have contemplated all these years. Mr. President, something is very, very wrong.

This authorization bill spends money on civilian programs when the funds could better be spent by purchasing and acquiring the equipment, the fuel, and the research that is necessary to keep us alive. Now we are told that the President of the United States is going to cede to the Russians when Boris Yeltsin comes here all manner of controls on tactical ballistic missiles under new agreements on the antiballistic missiles program, and this without submitting those to the Senate of the United States, in violation of the Nunn-Byrd interpretation of the obligations of the executive branch with regard to the treaty.

We do not have money enough to buy our soldiers gas to train. We do have money enough to invade a little island nation and put back in power a man who is every bit the infamous dictator as the one we wish to replace. We do have money enough to tell Mr. Aristide that we are going to have 20,000 troops down there, and 7,000 of them are going to be policemen in his nation.

Mr. President, something is very, very wrong when we have money for these kinds of things but not to train America's young men and women for the kinds of roles that will defend this country from harm should it ever arise again. And if the President of the United States does not believe that the world is still dangerous and that we can fritter away the rest of what we have on this basis, then the President of the United States, Mr. President, is wrong.

This Defense authorization bill is a catastrophe because it does not buy Americans the defense they need with the money we are spending, and yet we have money enough to assign the roles to the Armed Forces that are not their roles. They should not be peacekeepers. They are not social experimenters. They are not environmental folks. They are soldiers, sailors, and airmen, whose role is to defend this country. And we are letting them down.

I thank the Chair.

The PRESIDING OFFICER. The time allocated to the Senator from Wyoming has expired.

There are 21 minutes and 26 seconds remaining.

Who yields time?

Mr. WARNER. Mr. President, I wish to speak on behalf of the bill. Is it possible to inquire——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, on behalf of the managers of the bill on this side, how much time does the Senator need?

Mr. WARNER. Six or seven minutes.

Mr. FORD. Mr. President, I yield the distinguished Senator from Virginia 7 minutes.

Mr. THURMOND. Mr. President, I wish to thank the Senator from Kentucky for his kindness.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I wish to thank the distinguished Senator from Kentucky and also my good friend and colleague, the ranking member on the Senate Armed Services Committee, Senator THURMOND of South Carolina.

Mr. President, I wish to say that I thought the statement of the Senator from Wyoming was a very interesting one. I associate myself with several of his points. I will address one of those points in the course of my remarks. I first want to again compliment the distinguished Senator from Georgia and the Senator from South Carolina and the membership of our committee for again this year compiling what I believe is a very credible piece of work, strengthened as best we can given the restricted resources for our Nation's defense.

We endeavor to take care of those who serve in our military services. We provided a 2.6-percent pay raise—modest, nevertheless a raise—for military personnel, and we enacted other measures to improve their standard of living and quality of life. We also authorized funding to ensure cost-of-living allowances for military retirees, known as COLA's, which were equal to their Federal employee counterparts. This was a matter in which there was a strong contest here in the U.S. Senate, and I was able to lead the effort, along with several others, to have an overwhelming vote. And I hope the men and women in the Armed Forces found it reassuring that the Senate of the United States wants in every way possible to assure them a good quality of life in return for their heroic work on behalf of our national defense and, more important, to ensure freedom for ourselves and that of our allies.

It was essential that Congress provide the final chapter of funding for the next phase of nuclear power, the CVN-76. Incremental funding was provided over the years, but this was the last chapter. I always view our great country in some respects as an island nation, surrounded by the Atlantic and Pacific Oceans. The sea lanes of the world are literally our lifelines of survival in terms of our strategic defense and in terms of our ability to come to the assistance of our allies and, of course, what is quite obvious, our ability to maintain trade and commerce with the other nations of the world in this one-world market that we have today.

Along with other members of the Armed Services Committee, I am concerned that the future years defense plan [FYDP] is seriously underfunded. This has been commented on by almost all of my colleagues in one way or another. We draw the attention of others not on our committee to the comments of the Secretary of Defense and Deputy Secretary of Defense, who have indicated that the FYDP is underfunded by about $40 billion, while the General Accounting Office reports that the underfunding in the outyears is close to $250 billion. This will be a major challenge for the Armed Services Committee next year to try to analyze that disparity and come to some conclusion and a sense of direction.

The Deputy Secretary of Defense in a recent memo asked the military services to consider the cancellation of 22 of the top modernization programs. Recent reports of canceled training, deteriorating maintenance, and other indicators of declining readiness are also of major concern to the committee and reflect serious underfunding to the future years defense budget.

As I look back on the many years I have been privileged to be associated with defense, America has always been on the cutting edge of technology. We have been able to use our vast resources, research and development, and our magnificent industrial base to buy the very best equipment for those who step forward and proudly volunteer to wear the uniform of our military services. I am concerned that we may fall back in our ability to provide the best airplane, the best ship, the best gun—not gold plated, just the best. When we ask the American families and the young people of this Nation to step forward and volunteer, they are entitled to nothing less than the best equipment to provide not only for their own security in the furtherance of their missions, but the ability to protect our Nation.

Mr. President, I heard the Senator from Wyoming touch on this subject. I want to express concern about the way our military forces are being used more and more for missions with less and less military justification. What effect is this having on our services and on the DOD budget? The continuing use of our military forces for humanitarian purposes is having three distinct impacts, in my judgment. I am not opposed to—and, indeed, I have joined with many here to do so—authorizing the appropriations and expressing the desire for our Presidents to employ our Armed Forces in the cause of helping others in their fight for freedom and in the fight to simply survive. But we should stop and think.

I will be recommending to the chairman and ranking member of our committee that our committee in the coming year make an in-depth study with respect to the use of our Armed Forces for missions which do not have a clear military objective. We spend enormous sums of taxpayer dollars to train the men and women in the Armed Forces to perform those military missions which are central to our national defense. But these are borderline situations in many instances, equally putting in jeopardy the safety of those performing the missions, and is very costly in terms of the American taxpayer. But does that erode from their ability to be trained to perform their specific missions? Does it take the dollars that we need to provide a reasonable lifestyle for these individuals?

In that vein, Mr. President, I commend to my colleagues a recent article by Caren Elliott House in the Wall Street Journal. I know this author and have participated with her in several conferences on defense, and she has written a very provocative piece on this.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 8, 1994]

THE WRONG MISSION

(By Karen Elliott House)

ASPEN, CO.—The U.S. military: Are its troops warriors or welfare workers?

As American society wallows in domestic debates over whether bureaucrats should administer health care and crime bills should finance midnight basketball, the same sort of debate is now engulfing the institution whose mission has always been the clearest.

Since the end of the Cold War—and especially under the Clinton administration—U.S. armed forces are being turned away from their historic role of defending the nation's security interests and toward a new, thankless and open-ended task of administering global social welfare.

An institution that is trained and equipped to protect this nation and, when necessary, to wage its wars is now being deployed in the world's Somalias and Rwandas to deal with the shambles of failed political and economic systems by dispensing welfare to hapless victims.

There are several reasons for this.

First, armies follow orders and get things done. Thus, whatever the task at hand, whether building tent cities for refugees or dispensing food to starving children, the military has the men, material, discipline and efficiency to do what failed governments or well-meaning international relief agencies clearly are less capable of doing.

FASHIONABLE PHILOSOPHY

Second, these days the American military is led by a commander in chief who never served in uniform and who largely buys into the fashionable philosophy that the post-Cold War world poses few, if any, threats that require military preparedness or response. For those who hold this optimistic world view, the logical extension is to shrink the U.S. military and to find "peaceful" uses for what remains.

Third, using the military for humanitarian purposes not only "feels" good to well-meaning politicians but, by their Alice-in-Wonderland accounting, has the additional virtue of being "free." Since the military must absorb the costs of these "humanitarian" missions from its own maintenance and operations budget, Congress can duck decisions to set up large international relief brigades or otherwise appropriate new funds for relief work.

Fourth, this "freebie" plays into the hands of political cynics whose interests have less to do with helping starving peoples than with starving the U.S. military. Every $100 million of defense spending for humanitarian relief is that much less spent on the true purposes for which the U.S. armed forces exist. By the same token, sending troops to dispense aid in Somalia or Rwanda preserves the fiction of an activist foreign policy while relieving pressure on the administration to act in places like North Korea, where real national security interests are at stake.

None of this is to argue that the U.S. should not help alleviate human suffering in distant places or foster political stability and economic development in the Third World. The point simply is that the U.S. military is the wrong instrument to advance these purposes.

That the post-Cold War world no longer has Soviet nuclear weapons targeted on U.S. cities doesn't make it a kinder, gentler world devoid of threats to American national interests. The collapse of one enemy—the Soviet Union—doesn't mean the end of history.

What is more, the "freebie" argument is a fallacy. Taxpayers foot the bill whoever dispenses humanitarian aid, and armies do it most expensively of all. More important, dipping into military budgets for humanitarian missions saps the readiness of the armed forces to deter real threats to the U.S., whether those be an Iran or Iraq intent on controlling Mideast oil reserves or a North Korea intent on developing and spreading nuclear bombs.

Using the military as a social welfare agency is ultimately self-defeating. It places U.S. troops in a succession of situations where no U.S. national security interest is demonstrable. As a result, the U.S. public rebels at the first casualties. Somalia, a humanitarian mission launched by George Bush and inherited by Bill Clinton, was a textbook case. So long as Americans could watch their troops dispensing food, they went along; as soon as the public saw pictures of a U.S. serviceman's body being dragged through the streets of Mogadishu, they wanted their troops home.

Such murky missions will eventually undermine public support for engaging the military even in those situations where national interests are at stake. Worse yet, to cut and run at the first deaths undermines American credibility abroad and encourages the world's aggressors. In the end, the more the U.S. military must dabble in nonmilitary missions around the world, the less likely the public will support its use in another genuine crisis like the Persian Gulf War.

Worst of all, nonmilitary missions eventually destroy the fighting capability of a military force. Armies, in the end, are largely composed of young men and women in uniform, not diplomats and philosophers. Such young men and women can be trained as soldiers or as policemen or as aid workers, but not as all three. As former Defense Secretary Les Aspin says in an interview, "If a soldier reacts like a policeman in a military situation, he's dead; if he reacts like a soldier in a police situation, he creates an international incident." The world offers all too many examples of armies like Canada's that have been reduced to relief agencies and those like Israel's that have been undermined by too much policing.

The broader irony, visible at an Aspen Institute gathering of national security experts here, is that political liberals now want to make increasingly liberal use of a weakened U.S. military, while political conservatives want to conserve a stronger U.S. military for fewer but clearer traditional military missions. Not surprisingly, it is the liberal view that dominates the Clinton administration and Congress.

The conservative position, however traditional and consistent, fails to deal with the initial public demand to "do something" when faced with network footage of starving children. For the liberals, there is a larger burden of needing to sort out the many and ambiguous challenges for which they suddenly are all too willing to commit U.S. forces. Do they really want U.S. foreign policy, including military deployments, set by CNN's Christiane Amanpour rather than by a president who defines America's global priorities?

In sifting these dilemmas one need not be heartless to be hardheaded. There's little debate that the U.S., by virtue of its material wealth and moral standing, has a responsibility to help alleviate massive human suffering when and where it occurs. This, however, requires U.S. political leaders to explain forthrightly to Americans that there is likely to be an "emergency" like Rwanda almost every year ad infinitum; that taxpayers must pay serious new money for an adequate humanitarian response; and that large and effective new civilian institutions will be needed to dispense relief.

A sensible policy also should involve, besides political honesty, a realistic reevaluation of the rule of the United Nations. Both liberals and conservatives sought to find common ground in using the U.N. primarily as an international relief agency. As a corollary, liberals should drop the pretense that the U.N. can be an effective agency for the resolution of international disputes. Conservatives, for their part, should recognize that it is better to fund the U.N. than to watch the U.S. military evolve into the Dutch army.

The prerequisite for all of the above is a U.S. administration with a far clearer sense of America's national interests. What, in fact, distinguishes Kuwait, Rwanda, Haiti and Cuba? All entail some element of human suffering, but not all are humanitarian. Kuwait clearly involved U.S. national security and thus merited a U.S. military response. That's because there was an external aggressor, Iraq, and a threat to U.S. oil supplies. By contrast, Rwanda, like Somalia before it and Burundi and others to follow, amounts to a civil war and involves no U.S. interest beyond the humanitarian.

HAITI AND CUBA

Somewhere in between are Haiti and Cuba. Haiti is not a vital security interest for the U.S., but it does involve a flood of refugees to America and a coup against an elected regime in our hemisphere, where the U.S. seeks to promote democracy. Thus, arguably, there is some national interest and some logic to using military force to dislodge the dictators. But if one buys that logic, how much more compelling the argument for using military force against Cuba's dictator, who is actively exporting an invasion of refugees as a weapon against the U.S.? Regrettably we have a U.S. administration that seems incapable of seeing, much less defining, such distinctions.

There is, of course, a third and more likely alternative to either military or civilian response. And that is apathy. It is all too likely that an American public bombarded with flickering images of starving peoples soon will react to them much as we do to nightly local news reports of murders and assorted mayhem on the streets of our own cities. The eyes glaze over, the heart hardens and the faceless victims are ignored. We should wish for better both at home and abroad.

Mr. GRAHAM. Mr. President, I yield 6 minutes to myself to speak on a subject other than that which is currently before the Senate.

The PRESIDING OFFICER. The Senator is recognized.

INTERSTATE BANKING

Mr. GRAHAM. Mr. President, it is my understanding that shortly after the vote on the Defense authorization bill, we may be taking a vote on the final passage of the conference report on interstate banking, and it is to that issue that I wish to make a few remarks.

Mr. President, I am a strong supporter of the basic thrust of the interstate banking conference report, which is to facilitate the interstate branching activities of domestic U.S. banks. In fact, while I was Governor of Florida and chairman of the Southern Growth Policies Board, the Southern States adopted a plan of regional interstate banking which encouraged banks within the Southeast to branch across

State lines. This was a very similar pattern to that which was being adopted at approximately the same time period in the 1980's by the New England States. So we now have a pattern of experience among States in major regions of the country which has given us confidence that we are now ready to move on a nationwide basis to interstate banking.

I am pleased that we have reached this stage. I am pleased that we have done so in a methodical, thoughtful manner, which gives us confidence that the results of nationwide interstate banking will be positive, positive not only to the institutions but positive to the customers of the institutions and to the components of our economy which they support.

However, Mr. President, while I intend to vote for this bill, I wish to make a few comments about a section of the bill which I think moves in a misguided direction and which I hope we will be able to correct over time. That relates to the branching of foreign banks within the United States.

Mr. President, I am talking about banks which are chartered outside the United States and which have been sanctioned to do business within the United States and are now desirous of doing business at multiple locations through branching.

The basic philosophy of this bill is that foreign banks should be treated the same as domestic banks as it relates to their branching across State lines.

That concept—equality, parity of treatment—has a superficial appeal. However, I suggest that we are trying to treat two quite different sets of institutions by the same rules and, therefore, are resulting in, in fact, a different, disparate, and I believe negative consequence.

Foreign banks are different than domestic banks. One, they deal only in wholesale activities. The typical foreign bank does not accept a deposit of less than $100,000. They do not engage in the kind of retail branching that is the bread and butter of domestic banks.

They also are institutions which do not utilize the various Federal deposit insurance programs which are typical of domestic banks.

They also are institutions which have as their primary customer industries involved in the provision of export financing. I will discuss that in somewhat greater detail momentarily.

Under this legislation, however, these specialty foreign banks and their branches are treated in the same manner as a domestic bank which wishes to branch; that is, they can only purchase an ongoing bank; they cannot establish a de novo or new institution. If they acquire an ongoing bank, they must strip it of its retail activities so that it is left as just a wholesale bank, but they are still required to follow regulations which are designed to relate to retail banks such as the Community Reinvestment Act.

I believe, Mr. President, that the practical effect of those similar treatments of dissimilar institutions will be to make it more difficult and less likely that we will have a flourishing set of international bank branches represented across the country, and one of the documents which I will submit for the RECORD is the statement of the Florida comptroller, who is our State banking commissioner, who states that the consequence of this will be to discourage the expansion through branching of foreign banks.

Why is this important other than to a few foreign banks that want to do business in the United States? It is important because these foreign banks and their branches serve a critical role in expanding the export of American businesses.

I was recently in a conversation with an American business person who is involved in the sale of United States agricultural products, primarily in the Caribbean and Latin America, and that individual told me that the typical transaction, let us say, for the sale of an American agricultural product to Argentina is to have an Argentine bank in the United States provide the letters of credit and other export financing which are the essential ingredients to making the transaction viable. Without ready access to these foreign banks and their branches, it makes that transaction a more difficult one.

In my State, we have had an expansion of representatives of foreign banks. In the Miami area alone, there are some 70 foreign banks represented. Those 70 banks have been a very important component of our State's ability to increase its export activities.

This legislation is going to make it more difficult for that type of representation to be available to other communities within our State, and for our State's export community to continue to be able to expand and provide jobs for Americans while we export American agricultural and industrial products.

Mr. President, I make these comments as a means of noting what I consider to be a deficiency in this legislation and in hopes that we will take an early opportunity for a relook at this issue from the perspective of the users of the system as opposed to the providers of the system, and the result of that early relook will be to make the specialized financial capabilities of foreign banks and their branches available to more communities, not less communities, in the United States and, therefore, greater opportunities for jobs for Americans as we contribute to an expanding international export economy.

Mr. President, many countries around the world are currently restructuring their economic and political systems, creating new trade and investment opportunities. No region is more significantly affected by these changes than Latin and South America. The countries in this region are moving toward economic reform, privatizing former government-run industries and liberalizing rules governing foreign trade and investment. According to the Federal Reserve, the resulting inflows of portfolio capital into the region has tripled in the last 3 years.

Implementation of H.R. 3841, the Interstate Banking bill, will negatively impact cities that want to become international trade financing centers and participate in the regional growth by limiting the ability of foreign banks to branch into new States. The development of American financial centers outside New York into international financial centers will not be successful without the direct participation of foreign banks.

Mr. President, I am specifically concerned that the interstate banking bill will make it harder for international banks in the United States to enter additional States including my State of Florida. International banks have played an important role in Florida's economy by providing jobs and trade financing, and increasing trade with our Latin, South American, and Caribbean neighbors. More than 70 foreign banks have offices in Miami.

The Greater Miami Chamber of Commerce International Banking Committee, in conjunction with the Florida Comptroller's Office of International Banking Bureau, has looked at the impact of the interstate bill and the Foreign Bank Supervision Act of 1991 on Florida. I quote from their report which I will submit at the end of this statement:

> TRADE FINANCING AND OTHER BENEFITS
>
> Florida will lose the opportunity to take advantage of the recent trade agreements (NAFTA, Mercousur) and the expected overall growth in world trade if limitations are placed on branching by foreign banks in Florida. It is estimated that within three years of full interstate branching Florida could experience the following benefits:
>
> Trade financing, $2.0 billion.
>
> Salaries and benefits, $22.5 million.
>
> Occupancy (lease and rentals), $3.66 million.
>
> Direct and indirect employment, 860 people.
>
> Limiting foreign bank branching could have a negative impact on Florida's ability to achieve these benefits. Limiting entry of foreign bank branches would in turn place limits on export and wholesale banking activities (pre- and post-export financing, loan participation, and credit enhancement).

Additionally under the Export-Import Bank's foreign guaranteed lender program, the top 10 foreign banks guaranteed $47.4 million in 1988 and have steadily increased their guarantees to

$2,186.5 million in 1993. The top 10 foreign banks have provided $625.1 million through July 31, 1994. Foreign banks in Florida provided no guaranteed loan activity in 1988 but were providing $12.1 million by 1993 and have provided $1.4 million through July 31, 1994.

Finally, a rough estimate by the Canadian Bankers Association indicate the big six Canadian banks have provided approximately $500 million in letters of credit and acceptances for trade financing activity during last year.

Florida has aspired to develop into an even more significant international financial center, particularly for Latin and South America. Yet our ability to reach toward this goal has been severely encumbered. This difficulty occurs first due to the International Banking Act's limitation on foreign banks' interstate activities outside New York. Second the difficulty occurs by the extended delays and procedural redtape that have accompanied their applications to establish offices in the United States in the wake of the Foreign Bank Supervision Enhancement Act of 1991, and now by the procedurally burdensome requirements that will be put into effect by this legislation.

I am separately concerned that foreign banks' direct interstate branching privileges under this legislation, although viewed as equal to those of U.S.-incorporated, FDIC-insured commercial banks, will be seen by our trading partners as de facto unequal. I am concerned that this legislation will only operate in practice to deny foreign banks the equal competitive opportunity to expand geographically in the United States, because of the inherent legal, operational, and marketplace differences between insured U.S. banks and the U.S. wholesale branches of foreign banks. The 1984 U.S. Report to the GATT on Trade in Services observed that equal treatment between inherently unequal domestic and foreign service providers frequently denies national treatment in practice. The superficially equal treatment accorded foreign banks under this legislation is an illustrative case directly on point.

PROVISIONS OF THE BILL

The interstate bill allows international banks to branch to the same extent as domestic banks on a de novo basis. The bill limits the current foreign bank branching system.

The bill would limit this branching ability to one of two ways:

The State legislature must vote to allow interstate branching by domestic and foreign banks on a de novo basis.

It is highly unlikely States will vote to do this any time soon since they would prefer branching to occur by acquisition first.

Second, foreign banks could branch into a new State by acquiring an already established FDIC-insured domestic bank. The foreign bank could buy the retail bank, strip the retail deposits, convert it to a wholesale uninsured bank and fall under the Community Reinvestment Act [CRA]. Foreign banks will find this to be expensive due to the new restrictions now being applicable to foreign banks' U.S. offices. Additionally it is a convoluted way to branch in terms of relatively limited practical value to foreign banks.

Additionally, for the first time the CRA would apply to a financial institution that does not engage in retail banking activities and does not have Federal bank insurance, and in fact is precluded by law from carrying Federal deposit insurance under the Foreign Bank Supervision Enhancement Act of 1991.

Mr. President, let me include for the RECORD a memo from the Florida Comptroller's Office, and I will highlight a letter from the Florida International Bankers Association to my staff, which discuss the impact of this bill on my State. To quote from the Florida International Bankers letter,

> We believe that the disparate treatment of foreign banks will substantially impede trade and international financing activities. Moreover, the de novo branching provisions are contrary to the principle of national treatment of foreign banks.

The Florida Comptroller says,

> The foreign bank branching provisions in the bill make the foreign branch significantly less attractive as an expansion option for those foreign banks wishing to serve Florida. The lack of a viable foreign branch option in Florida limits the ability of United States citizens dealing in trade finance to do business with or take advantage of the trade financing expertise that would be available to them.

I therefore recommend legislation amending this bill to allow States such as Florida to attract foreign banks to establish uninsured wholesale branches outside the State of New York. The amendment would clarify that the States have the ability to expressly permit de novo entry by foreign banks. This would alleviate domestic banking concerns about retail competition from foreign branches and it would allow foreign banks to branch, on a wholesale basis, into the limited States that determine on their own that such branches are in the best interests of their States.

Foreign banks should be given similar flexibility that domestic banks were provided in the Community Development Financial Institutions bill. This flexibility would particularly be helpful in connection with certain provisions of the Foreign Bank Supervision Enhancement Act of 1991 that have resulted in unreasonable delays in approvals by U.S. regulatory authorities of applications to establish offices and related operations in the United States. These delays have also occurred more than a year for the processing of applications by foreign banks merely to establish representative offices.

Representative offices of foreign banks, like loan production offices of U.S. banks, are not even authorized to engage in any business in the United States. Yet, under the Foreign Bank Supervision Enhancement Act, U.S. bank regulatory agencies are subjecting proposals by foreign banks to establish such representative offices to essentially the same application procedures and approval requirements as proposals to establish full branch banking offices and subsidiaries. At the same time, U.S. banks are free to establish loan production offices without any such prior approvals at the U.S. Federal level. The United States cannot afford this regulatory superfluity, and the U.S. financial centers cannot afford this degree of hostility at the U.S. Federal regulatory level toward the international banking organizations the States are working so hard to attract to their cities because of the many benefits they bring with them.

Mr. President, I hope that over the next several years the United States does everything possible to work toward a consistent national treatment policy, and a safe and sound banking regulation and supervision of the U.S. operations of foreign banks. These efforts will enhance the status of our cities as international trading and financial centers. The balance between States rights, national treatment, and overall equivalence of competitive opportunity between U.S. and foreign banks is a goal we should all strive toward.

Mr. President, I ask unanimous consent to print in the RECORD two supporting documents to which I have made reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAX COMMUNICATION

Date: August 12, 1994.

To: Ms. Leslie Woolley, Office of Senator Bob Graham, and Mr. Buz Gorman, Office of Senator Connie Mack.

From: Doug Johnson, Wilbert Bascom.

DEAR LESLIE AND BUZ: Thank you for sending us a copy of the Conference Report on H.R. 3841, the *Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994*. As you requested, we have reviewed the bill's international provisions. Wilbert Bascom, as head of our international banking bureau, was in Miami over the last few days, and, during his trip had the opportunity to discuss the bill with members of the international banking community in Florida.

It is our belief, as regulators, as well as the belief of the industry, that the bill, as drafted unduly restricts the international banking activities of foreign banks in several ways.

GENERAL COMMENTS

The foreign bank branching provisions in the bill make the foreign branch significantly less attractive as an expansion option for those foreign banks wishing to serve Florida.

The lack of a viable foreign branch option in Florida limits the ability of the United States citizens dealing in trade finance to do business with or take advantage of the trade financing expertise that would be available to them.

The public policy desire, as stated in the bill, of ensuring that the domestic branch is not subject to unfair competition from the foreign branch is based on the mistaken impression that domestic and foreign branches serve the same markets, when in fact they do not.

Domestic deposit taking by foreign branches facilitates trade finance, it does not provide additional, and certainly not unfair competition to domestic branches.

DE NOVO BRANCHING

The bill currently does not appear to allow de novo branching for foreign banks, unless a state opts to allow domestic banks to branch de novo.

If this treatment of foreign banks is designed to protect domestic banks from unfair competition from foreign bank branches, it serves no purpose, because foreign Bank agencies and branches do not compete against domestic banks for retail customers. Their markets are totally different.

The Florida international banking community views access to the wholesale deposit market, with a minimum of delay, as a valuable tool to provide an additional funding source for their trade financing activities.

Clarifying that the states have the ability to opt-in for wholesale de novo branching for both domestic and foreign banks would do two things:

It would alleviate domestic banking concerns about retail competition from foreign branches.

It would allow foreign banks to branch, on a wholesale basis, into the limited states that independently determine that such branches are in that state's best interests.

OFFSHORE SHELL BRANCHES

The bill would provide that a U.S. branch or agency of a foreign bank may not, through an offshore shell branch that it manages or controls, manage types of activities that a U.S. bank is not permitted to manage at a foreign branch or subsidiary.

This provision limits the ability of foreign banks to book certain types of investments at an offshore shell branch and in turn manage those investments from a U.S. branch or agency.

The practice of managing off-shore investments (generally booked off-shore for taxation and other reasons) from the United States provides high quality U.S. jobs.

The prohibition of the practice could compel the relocation of the investment management team to a non-U.S. office of the foreign bank—costing the United States jobs.

United States banks might also not be subject to similar limitations on their off-shore activities that they conduct in their host countries.

DEPOSIT-TAKING ACTIVITIES

Foreign bank branches are currently only allowed to accept deposits of less than $100,000 if the total amount of those deposits do not exceed 5% of the branches average deposits.

These deposits allow the bank to provide a fuller range of bank services to those few trade finance customers who are not foreign nationals. In no way does the accepting of these deposits place the foreign bank in competition with the domestic bank for its normal retail customer base.

The bill would require the federal regulatory agencies to, by regulation, lower this current 5% de mimimus standard to 1%.

The committee report states that the public policy objective in lowering the standard is to further restrict the ability of foreign branches to engage to some extent in domestic retail deposit-taking in a manner giving it an unfair competitive advantage over insured U.S. banks and branches.

This perceived competitive advantage does not exist. Foreign branches involved in wholesale banking and trade financing activities serve different markets than U.S. retail banks. There is and will be no unfair competition.

The report further states that the agency's final regulations must take into account the importance of maintaining and improving the availability of credit to all sectors of the U.S. economy.

In that the lower 1% threshold could limit the ability of a foreign branch to fund its trade financing activities, it would be difficult if not impossible to take credit availability into account in any meaningful way when writing this regulation.

Please contact us if you need any further assistance in this matter. We certainly appreciate all of your efforts on our behalf.

[From the Bureau of International Banking, Sept. 3, 1994]

SUMMARY OF NEGATIVE IMPACT OF LIMITED FOREIGN BRANCHING IN FLORIDA

As indicated in the attached appendix, Florida could experience negative impacts in trade financing and other benefits if it does not permit full inter-state branching for foreign banks. The effects of deposit switching, as a result of full inter-state branching, would be minimal.

TRADE FINANCING AND OTHER BENEFITS

Florida will lose the opportunity to take advantage of the recent trade agreements (NAFTA, Mercousur) and the expected overall growth in world trade if limitations are placed on branching by foreign banks in Florida. It is estimated that within three years of full interstate branching, Florida could experience the following benefits:

Trade financing (in billions)	$2.0
Salaries and benefits (in millions)	$22.5
Occupancy (Lease and rentals) (in millions)	$3.66
Direct and indirect employment	860

Limiting foreign bank branching could have a negative impact on Florida's ability to achieve these benefits.

DEPOSIT SWITCHING TO FOREIGN BANK BRANCHES

It is estimated that deposit switching to foreign banks will be minimal and will not exceed one percent of total deposits of Florida state and national banks. Deposits switched will most likely be in excess of $100,000. However, deposit switching may also occur from sources other than Florida, e.g., through branch relocation. It felt that the foreign branches will be able to use these deposits more efficiently since its focus will be on the export sector and wholesale banking.

APPENDIX

The impact disallowing or limiting branching by foreign banks

Interstate branching by foreign banks through acquisition and/or de novo branching would no doubt encourage foreign banks to locate in Florida.

Foreign banks would want to locate in Florida because of the following reasons:

(i) They believe that they would be able to access large deposits (deposits equal or greater than $100,000) that are now held by domestic banks.

(ii) The deposits they would access would be those owned by foreigners and by businesses interested in trade financing and other wholesale banking services that the foreign bank for various reasons may provide more efficiently than domestic banks not involved in such services.

(iii) potential of trade financing is substantial in view of recent trade agreements in the Hemisphere (NAFTA, Mercousur, etc.) and the exploitation of this potential would be facilitated by increased deposit funding.

(iv) While the deposit switching impact will be small, the impact of trade financing, employment and other benefits would be substantial.

Estimated deposit switching to foreign branches

(i) No switching of deposits below $100,000.

(ii) Switching is estimated to be minimal and will be done by large depositors seeking increases in interest rates.

(iii) Switching may also be from sources other than Florida, e.g. through branch relocation, thus enhancing the resources for trade financing in this state. This impact has not been estimated.

Other funding

(i) The trade financing and other activities of foreign bank branches would generate their own deposit resources.

(ii) Deposit switching can be minimized by borrowing to finance asset growth.

Florida exporters and other beneficiaries

Branches of foreign banks would create additional and new types of export and wholesale banking activities (pre-and post export financing, loan participation, and credit enhancement). Limiting entry of foreign bank branches would in turn place limits on export and wholesale banking opportunities. It is estimated that within three years of foreign bank branching, trade financing would increase by $2.0 billion; salaries and benefits, $22.5 million; and employment could increase by 860.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

Mr. GRAHAM. Mr. President, at the request of the Senator from Georgia, managing the time of the Senator from Georgia, will the Chair tell me how much time is remaining?

The PRESIDING OFFICER. There are 4 minutes and 40 seconds remaining.

Mr. GRAHAM. I yield to the Senator from Kentucky.

Mr. FORD. I need some time to talk about the same thing the Senator from Florida talked about, since nobody is going to talk about defense.

Mr. GRAHAM. Is there anyone who wishes to speak?

Mr. FORD. It is positive and not negative.

Mr. GRAHAM. Mr. President, I yield 4 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

RIEGLE-NEAL INTERSTATE BANKING AND BRANCHING EFFICIENCY ACT OF 1994

Mr. FORD. Mr. President, let me follow the Senator from Florida, my good friend, Senator GRAHAM, to say that foreign banks now have $1.2 trillion of the $3.9 trillion business. I think they are doing very well.

Mr. President, I rise in strong support of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. I believe this legislation will mean real progress in a number of ways. It will make our banking system more efficient and competitive. It will offer greater choice to consumers. It will be good for businesses. And it has been carefully structured in a manner which protects important States' rights under our dual banking system and respects the legitimate franchise interests of small community banks.

I compliment the chairman of the Banking Committee, Senator RIEGLE, for his years of hard work and dedication to this particular issue. It is appropriate that the final product bears his name.

Mr. President, I was pleased to play a part in the development of this legislation. In 1991, when there seemed to be a stalemate on this issue, the bankers of my State and many other States came together around a compromise proposal which I offered as a floor amendment at that time. I wish to compliment Ballard Cassady with the Kentucky Bankers Association for the leadership role he played in assembling a national coalition within the banking community. That 1991 compromise amendment which passed the Senate is similar in many ways to the final product we are considering today. I believe it strikes an appropriate balance between competing interests on a very complex issue.

The pending legislation is full of important compromises. There is one in particular which I wish to highlight, because I believe it is an area which we should continue to monitor very carefully. And that involves the language affecting foreign banks.

I would have preferred the original Senate approach on foreign banks, which was simple and straightforward. It said to foreign banks: if you wish to branch interstate, you must play by the same rules as U.S. banks. We will give you the exact same opportunities if you accept the same burdens. You should bear the same costs as U.S. banks if you are going to compete for the same business.

Mr. President, I believe there is growing evidence that foreign banks are increasingly competing for the same loans as U.S. banks. Their market share has grown for commercial and industrial loans as well as commercial real estate loans. Yet our tradition is to treat them as separate creatures. They are a different kind of animal under our traditional view. So foreign banks generally have not had to bear the costs of paying deposit insurance premiums or complying with laws like the Community Reinvestment Act.

All of this has evolved under our interpretation of the concept of "national treatment" under our international agreements. I would suggest to our regulators that they may now be interpreting "national treatment" to mean something that the average U.S. banker neither understands nor supports. It is a very complex area, and it may be time for a reevaluation.

However, given the time constraints involved in putting this legislation together, I believe we reached a fair compromise on foreign banks for the time being.

We are basically saying to foreign banks three important things. First, it should be clear that you are subject to most of the same consumer laws as U.S. banks. This bill specifically mentions 11 different Federal laws which will be extended to foreign banks. Second, if you take retail deposits of less than $100,000 you will have to pay deposit insurance premiums just like U.S. banks, and the definition of "retail" deposits has been tightened. Third, if you branch interstate by acquisition or merger, and you merge with an institution which is subject to the Community Reinvestment Act, you will continue to be subject to CRA just like U.S. banks.

In particular, I would like to compliment Assistant Treasury Secretary Rick Carnell and Pat Mulloy of the Senate Banking Committee staff for their hard work in developing this compromise language. It is a good start, and helps to level the playing field for U.S. banks.

However, I believe we must continue to watch the market trends with respect to foreign banks to make sure they do not have major competitive advantages under this law. This may very well be an area which we will need to revisit in the future.

With those comments in mind, I wish to say again to the floor manager that he has crafted a very positive piece of legislation, and I believe it will contribute toward a more efficient banking sector and a healthier economy. Our State banking commissioner just yesterday suggested that this may be the most significant Federal banking legislation in more than a decade, and I believe he may be right. I compliment the Senator from Michigan for making it a reality.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995 AND MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Republican leader.

Mr. DOLE. Madam President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, before we vote on the conference report to the Defense Authorization Act for fiscal year 1995, I want to take a moment to commend the chairman and the ranking member of the Senate Armed Services Committee for their efforts in hammering out this conference report. While they have done the best they could with what they were given, the fact remains that President Clinton's defense budget and his future years defense plan are inadequate. The fact is, our military is going hollow. And while this bill is probably the best under the circumstances, it represents another step down a disastrous road to unpreparedness.

The fact is, the President's defense plan is simply not sufficient to maintain American security and American leadership. The President's defense plan will not meet his declared objectives of fighting and winning two nearly simultaneous major regional conflicts, and the fact is, even this inadequate force is not funded.

We have all heard of the GAO's conclusions—the budget shortfall of the so-called Bottom-up Review force is $150 billion. And we have all seen the headlines that the Deputy Secretary of Defense, in a memo to the members of the Defense Resources Board, directed the armed services to prepare plans for deeper cuts, including the possible termination of a number of procurement programs required to modernize our forces. While the administration attempts to justify these additional cuts by arguing that these funds are needed for pay raises for the troops and to contribute to the quality of life of the men and women in uniform, the fact remains that the administration ignored these issues in their original budget submission. The Congress saw to it that our readiness accounts received more funding and it was the Congress that saw to it that our soldiers receive adequate pay. Their whole line of argument is an attempt to pit the defense industrial base against the troops and their families. It escapes me why the administration must always ply this phony game of "enemies and victims." Only in this case, American strength is the enemy and American security may be the victim.

As has been often stated by my Republican colleagues, this is the tenth consecutive year that the defense budget has been cut. And under the Clinton administration's budget we are facing another 5 years of slash and burn. I won't repeat the budget analysis. The distinguished ranking Republican, Senator THURMOND, and Senator MCCAIN have both argued the case well. My question is, at what point do we stop this slash and burn of our national security? Next year? The year after? Five more years, as the President wants? Will we have the luxury of a wake up? Or will the realization come too late, as history shows it most always does?

During World War II, it was the leadership of the United States which made victory possible. During the cold war, it was the stalwart leadership of this country that resulted in victory over communist aggression. Now that we have entered a new era, whether we like it or not, the world still looks to the United States for leadership. Leadership on today's world stage still means being militarily prepared to meet any future threat. Leadership requires a commitment to strength. Weakness invites war. These are simple truths, but too easily forgotten.

Yet, if World War II, Korea, the cold war, and Desert Storm have taught us anything, it is the danger of wishful thinking. You cannot just wish threats away. Wishes are no substitute for vigilance and leadership.

We see the signs that we are returning to the hollow forces of the late 1970's. The administration's own panel on readiness recently reported that pockets of unreadiness are already showing up in the Air Force, Army, Marine Corps, and Navy. This is not an honest defense budget. The administration does not have a genuine defense plan. The chairman and the ranking member have done all they can with an inadequate defense budget proposal. While I appreciate the good work of the chairman and ranking member, and while I wish I could support this legislation, I will not endorse another step toward a hollow force.

STATEMENT ON THE SHOOTDOWN PROVISIONS OF S. 2182

Mrs. KASSEBAUM. Madam President, I am deeply disturbed by the so-called shootdown provisions in the conference report for the fiscal year 1995 defense authorization bill.

Section 1012 of the conference report reverses the longstanding U.S. policy of flatly discouraging the use of deadly force against civilian aircraft. Under this legislation, the law of the United States would no longer condemn foreign governments that choose to shoot down civilian aircraft they believe to be involved in drug trafficking. This bill also will permit the U.S. Government to assist foreign governments that choose to use force.

I understand how frustrating it is when the illicit contents and use of an aircraft are known and yet law enforcement agents cannot down that plane. But the alternative in this bill is far worse. To sanction the use of deadly force against civilian aircraft, as this legislation does, is ill conceived. It is a dangerous error of judgment that wisely was rejected by previous administrations.

This bill permits the shooting down of civilian aircraft so long as the plane is reasonably suspected of drug trafficking. And, if that reasonable suspicion is wrong—if an innocent aircraft is mistakenly downed—the bill would shut off legal recourse for survivors or their families. In a deadly game of chance, this legislation lets the United States help foreign governments shoot down civilian planes based on little more than an educated guess. It then shields our Government from liability if the guess is wrong.

Those who advocate this provision argue that it is needed to protect the national security of countries struggling against drug traffickers. But by creating a national security exception to the international prohibition on the use of force against civilian aircraft, the United States will open the door for other countries to do the same. We should not forget that in 1983 the Soviets justified the shooting down of Korean Airlines Flight 007 on national security grounds and that 269 innocent people died as a result.

Madam President, most observers agree that this provision violates international law and U.S. treaty obligations. But legalities are not the most important problem here. The bottom line is that this is plain bad policy. At this point, there is little we can do to remove it from this legislation. But I urge my colleagues to rethink this issue and to take steps in the future to prevent its implementation.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report on S. 2182.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—80

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—18

Bennett
Brown
Coverdell
Craig
Dole
Feingold
Gorton
Gramm
Gregg
Hatch
Kempthorne
Mack
McCain
McConnell
Nickles
Smith
Wallop
Wellstone

NOT VOTING—2

Chafee
Hatfield

So the conference report was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERSTATE BANKING EFFICIENCY ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is considering the conference report on H.R. 3841, the interstate banking bill.

Mr. MITCHELL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. Madam President, I am especially pleased that this legislation contains the 1995 Special Olympics World Games Commemorative Coin Act. The Special Olympics are an international success story. Among other things, they provide a world-class sporting event for athletes with mental retardation and demonstration to a global audience the extraordinary talents, dedication, and courage of persons with mental retardation.

I have been a long-standing supporter of the Special Olympics. Today, nearly 1 million athletes compete in Special Olympics programs throughout the world. There are accredited Special Olympics programs in more than 130 countries.

The 1995 Special Olympics Coin Act directs the Secretary of the Treasury to issue $1 silver coins, emblematic of the 1995 Special Olympics World Games. It mandates that surcharges, collected from the sale of such coins, be paid to the 1995 Special Olympics World Games Organizing Committee to help fund these games.

The Special Olympics are an extraordinarily worthwhile and special international sporting event and I want to express my gratitude and congratulations to Sargent and Eunice Shriver for their tremendous leadership and success in making the games a reality.

HOST STATE AUTHORITY OVER NATIONAL BANKS

Mr. D'AMATO. I would like to bring to the attention of the chairman a concern that has been expressed with regard to section 105 of this bill. The purpose of that section is to authorize host State bank supervisors to examine and bring enforcement actions with respect to interstate branches of State-chartered banks. The section makes a reference to section 5155(g) of the revised statutes, which, considered alone, speaks to branching by national banks. I understand there is a concern that the section could be construed as conferring on States supervisory authority over interstate branches of national banks.

Mr. RIEGLE. This simply is not the case. Section 105 speaks to the supervisory authority of State banking supervisors over interstate State-chartered banks only. The reference is intended to be to State banks that are members of the Federal Reserve System. They have the same authority to establish branches as national banks under section 5155(g).

The reference to section 5155(g) was added by the conferees as a technical and conforming correction. We intended section 105 of the bill to apply to all State banks, but the language actually only referred to State nonmember banks that are subject to section 18(d) of the Federal Deposit Insurance Act. A correction was needed to fill an unintended regulatory gap that may have prevented host State bank supervisors from examining and bringing enforcement actions against State member banks.

The conferees' intent is clearly stated in the official version of the conference report, where we described section 105 as permitting "the appropriate State bank supervisor of a host State to examine branches of out-of-State State banks * * *."

A different section of the bill addresses supervision of interstate branches of national banks. Section 102 of the bill clarifies that under interstate banking, State-chartered banks will continue to be subject to supervision by State authorities, while national banks will remain subject to supervision by the OCC. Where a national bank is subject to State law, section 102(f) of our bill clearly spells out that those State laws "shall be enforced, with respect to such branch, by the Comptroller of the Currency."

Mr. D'AMATO. I appreciate the chairman's clarification of this matter. I am in total agreement with Senator RIEGLE on this point.

I would like to point out that the printed version of the conference report seems to have prompted this concern. As the Senator said, the official version of the conference report clearly states our intention that section 105 apply only to State-chartered banks. Unfortunately, the word "State" in the reference to "State banks" was omitted in the printed version. This error inadvertently suggested that section 105 could speak to supervision of all banks, not just State banks.

Mr. RIEGLE. The official version of the conference report contained the word "State" in reference to the types of banks covered and so that document correctly describes the conferees' agreement concerning the scope of section 105. The omission of the word "State" from the printed version was a printer's error. The official version of the report clearly shows the section is limited to examination and enforcement by host State officials with respect to out-of-State State banks—not national banks. I ask unanimous consent to print the correct version of the conference report description of section 105 in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM HOUSE REPORT 103-651

COORDINATION OF EXAMINATION AUTHORITY REGARDING INTERSTATE BRANCHES

Section 105 permits the appropriate State bank supervisor of a host State to examine branches of out-of-State State banks to assure compliance with host State laws, including those governing banking, community reinvestment, fair lending, consumer protection and permissible activities, and to assure that the activities of the branch are conducted in a safe and sound manner.

The host State bank supervisor, or other host State law enforcement officer (if authorized under host State law) may take appropriate enforcement actions and proceedings regarding the branch.

State bank supervisors are permitted to enter into cooperative agreements to facilitate supervision of State banks operating interstate. Under the Senate-passed bill, such agreements would have been subject to approval of the appropriate Federal regulator. The House-passed bill had no requirement for approval. The Senate receded to the House on this issue. Both bills contained a provision that nothing in the section affected the authority of Federal banking agencies to examine branches of insured depository institutions, and the Conferees included such a provision in the title.

Mrs. MURRAY. Madam President, I rise to discuss an issue that has come to my attention upon closer scrutiny of the Interstate Banking Efficiency Act.

Following conclusion of deliberations of the conference committee, the director of the department of financial institutions in my home State of Washington identified a potential unintended consequence of the wording of section 102 of this bill. This section allows a State to opt out of the interstate branching system by adopting a State law "that—(i) applies equally to all out-of-state banks."

It was the understanding of the director of the department of financial institutions that the intention of this provision was one, to prohibit interstate compacts limited to specific regions of the United States; and 2, to prohibit state legislation that discriminates against national banks doing business in such States.

This bill was not drafted with the intention of creating a disparity between the treatment of State-chartered savings banks and Federal savings banks. I am hopeful that such a situation will not occur.

I ask unanimous consent that the director's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WASHINGTON, DEPART-
MENT OF FINANCIAL INSTITUTIONS,
Olympia, WA, August 16, 1994.

Re Interstate Banking Efficiency Act.

Mr. KERRY KILLINGER, President, Washington Mutual Savings Bank, Seattle, WA.

DEAR MR. KILLINGER: As you are aware, on August 2, 1994 the Conference Committee concluded its deliberations on the Interstate Banking Efficiency Act. I would like to draw your attention to Section 102 Interstate Bank Mergers which creates new Section 44 in the Federal Deposit Insurance Act. There appears to be some unintended results that may impact the competitive viability of state-chartered savings banks to their federal savings association counterparts.

Paragraph (a)(2) of new Section 44 is the state election to "opt out" of the interstate branching provisions. Subparagraph (A) states that, among other things, that the opt out provisions must apply to "all out-of-State banks." Upon inquiry to committee staff, it appears that the intent of this provision was to (1) prohibit the formation of interstate regional compacts and (2) prohibit the possibility that some states may opt out only national banks in order to provide competitive edges for state-chartered financial institution. Thus, the intended purpose of the provision was to assure a "level playing field" among competing financial institutions. However, if it is determined that state opt out legislation must also include savings banks in order for the provision to be operative, state-chartered savings banks are put at a competitive disadvantage compared to their federal savings association counterparts. Since the apparent intent of the provision was to level the playing field, it would not appear that the result against state-chartered savings banks was ever intended.

I would be glad to discuss this issue with you further at any time.

Sincerely,

JOHN L. BLEY,
Director.

Mr. DODD. Madam President, with consideration of the conference report on the Interstate Banking Efficiency Act, we have finally reached the last legislative hurdle to the long-sought goal of nationwide banking and branching.

We have thoroughly debated the merits of interstate banking and branching for many years. At long last, we have arrived at a bipartisan consensus on this important issue. I, and others, have had to compromise and temporarily put aside issues of great importance to us in order to get to this point. I would have liked to see certain banking-related provisions involving bank sales of insurance included in this conference agreement, but their inclusion might have once again unnecessarily delayed enactment of this important legislation. These matters are still important to me and it will continue to pursue them but this was not the right time.

The swift movement of interstate banking legislation through both Houses indicates just how strong this consensus is. In the 103d Congress, the legislation has received almost unanimous support with only one negative vote cast against it throughout its consideration by both Houses.

This overwhelming consensus demonstrates the widespread understanding that it is high time that we allow our banks to branch into other States. The restrictions on bank branching we have had in place are unprecedented in the industrialized world and must be eliminated if our banks are to remain competitive.

Madam President, the positive impact of interstate banking and branching will be widely felt. Full interstate branching will improve bank efficiencies, ease regional economic slumps, boost consumer conveniences, ameliorate the impact of future credit crunches, and enhance the safety and soundness of the banking industry.

Our banking system will benefit, but most importantly, this conference agreement, when enacted, will be a boon to consumers. Bank customers nationwide will be able to enjoy a fuller range of services available in any State in which their bank operates.

This conference agreement before us today takes into account the many concerns that have been raised about interstate banking and branching over the years. It strikes the proper balance between creating a more efficient national banking system and protecting States rights and the dual banking system. It respects the interests of States by giving them a long transition time and requiring branches to abide by applicable State laws.

The conference agreement contains safeguards to preserve safety and soundness by prohibiting undercapitalized institutions from participating in interstate branching. It meets community needs by maintaining community reinvestment act requirements. It ensures competition and diversity of services by providing safeguards against over concentration of banking assets in any one State.

Here is the crux of the conference agreement: Just 1 year after this conference agreement is enacted, a banking organization will be able to operate banks in any or all of the 50 States just 1 year after enactment. Three years after enactment, a bank will be able to establish branches outside its home State, if the State in which the branches would be located permits it. Foreign banks will have comparable authority to domestic banks to establish interstate operations.

SPECIAL OLYMPICS COINS

There are several additional provisions of the conference report I would like to mention briefly. First, the agreement authorizes the minting and issuance of several commemorative coins. One of these coins—which is of particular importance and significance to me—will commemorate the 1995 Special Olympics World Game to be held July 1 through July 9, 1995, in New Haven, CT. The funds raised by a surcharge on commemorative $1 coins will be used to help fund the cost of the games—the largest sporting event in the world in 1995. The games are a world-class competition which will provide an opportunity for very special athletes to demonstrate their talents, dedication, and courage. The coin incurs no net cost to the Government.

Second, I would like to address two provisions that have aroused much controversy and resulted in some opposition to what is otherwise a noncontroversial bill.

STATUTE OF LIMITATIONS/REVIVAL OF CLAIMS

One of my colleagues is very upset about the provision of the conference report—unrelated to interstate banking and branching—that will effectively extend the statute of limitations for tort claims brought by the FDIC and the RTC. The provision is a compromise proposal, put forward by the other body, that narrows the scope of the provision that was attached to the interstate banking bill on the Senate floor. It will allow the FDIC and RTC to revive expired claims involving fraud and intentional misconduct.

I know we will have the opportunity to debate this issue more fully. However, I would just like to take a minute to try and put this matter in perspective. We have debated the issue of extending the statute of limitations and reviving expired claims many times over the last 5 years. The compromise contained in the conference agreement—a rather extraordinary provision allowing for the retroactive revival of expired claims—is very similar to the compromise that has been struck on several other occasions. It is no better and no worse.

The provision has been widely mischaracterized. It is a true compromise that gives both sides something but does not in anyway take away existing authority from the Government to pursue S&L wrongdoers. It enhances the regulators' ability to recover losses from failed financial institutions—maybe not as much as some would like—but it certainly will not hinder the RTC's or FDIC's ability to pursue claims.

While some of my colleagues might not view it as the ideal solution, it is a balanced compromise that is certainly not a reason to vote against or block this very important banking legislation that has been so many years in the making.

TEXAS HOMESTEAD PROVISION

The other part of the conference report to which a few of my colleagues object, would reverse an Office of Thrift Supervision [OTS] regulation that has preempted the so-called homestead provision of the Texas State Constitution. The Texas Constitution prohibits a lender from requiring a borrower to use his or her homestead as security for many types of loans.

This is a very controversial matter within the State of Texas and while I understand that there are strongly held views on both sides of the issue, I would hope that my colleagues would not allow this provision of the conference report to doom the whole interstate banking bill. The conferees struggled with this issue and it was not an easy decision but I'm sure we will have other opportunities to address it.

In conclusion, the wider economic benefits that interstate banking and branching will bring are too important to delay any longer. Full interstate banking and branching authority will cushion the impact of future credit crunches by bringing badly needed capital to impacted region from other parts of the country. Past bank failures and regional economic slumps might have been prevented if banks had been able to hold loan portfolios with greater geographic diversity that interstate banking will provide.

This conference report is well crafted and establishes a sensible and consistent approach which will promote bank efficiency and growth. We have reached an ideal time to act on this enormously critical legislation which will bolster the long term health of our banking system. I strongly urge my colleagues to support this significant change to our current system.

REMARKS ABOUT CHAIRMAN RIEGLE

I would like to take a moment to say a special word of thanks to our outgoing chairman, Senator DON RIEGLE. This may be the last banking bill he manages on the floor of the Senate. Chairman RIEGLE is to be commended for his strong and persistent leadership in bringing this issue before us today.

In recognition of his efforts on this and other important banking legislation over the years, the conferees unanimously voted to name this historic legislation in his and Chairman NEAL's honor. It would certainly be a fitting tribute to him if we could pass this bill now. I can think of no better way to recognize Chairman RIEGLE's great contribution and his successful term as Banking Committee chairman. He has a record of which he can be very proud. I have enjoyed working with him these many years and wish him much future success.

Mr. DOLE. Madam President, today is an important day for the banking community. We have just passed the Interstate Banking Efficiency Act of 1994. This bill, among other things, will enable bank holding companies to acquire banks in any State 1 year after enactment of this legislation, and generally enable a bank to merge with a bank in another State after June 1, 1997.

I voted for final passage of this bill, but I did so with caution and reserve. Many bank mergers have occurred in the banking community in recent years. And there seems to be a clear trend toward these mergers in an effort to provide customers with one-stop shopping for banking products. With banks mergers, come more financial products available to local customers, more efficient and less-costly administration, streamlining of banking operations across the Nation. And competition. But with it also comes, perhaps the end of an era. The possible dwindling in the number of local neighborhood banks. Banks where you were greeted by someone you grew up with. Banks who knew not only your business, but you as a person. Relationship banking that could make the determination to lend your startup business the necessary capital to expand because of who you were, not because of what your credit history looked like. This type of banking is what creates the fuel for our Nation's economy—the small businesses across the country.

I voted for this package because I believe interstate banking will foster competition, and will provide a more varied array of financial products to the local communities that do not yet have such alternatives. But I do so with the hope, the belief, that the banking community and Congress will not forget to continually strive toward a healthy balance of relationship, neighborhood banking, and one-stop shopping.

I also had reservations regarding how this bill would affect State rights and State laws. Through many discussions, and changes, I now feel comfortable that consideration was given to ensuring that State's rights would not be preempted arbitrarily. Under this bill, States have the option to opt-out of this legislation or opt-in prior to the June 1, 1997, effective date. Interpretations concerning the Federal preemption of State laws will undergo a process that is more accessible to the public for comments, more responsible, and more open than what we have had in the past—especially as it relates to community reinvestment, consumer protection, fair lending, and establishment of intrastate branches.

All in all, I think that this is a good bill. It may not be a perfect bill, nor even an excellent bill, but I believe that passage of this bill was inevitable. Even without this bill, many banks are already merging across State lines. This bill clarifies the procedure and the intent of Congress in this area. And this clarification is very much needed. And for this reason, I support the bill.

Mr. ROTH. Madam President, I rise in support of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. As a conferee on the legislation, I believe that the report shows the excellent work of many Members and their staffs, both in the House and the Senate. I wish to express my appreciation particularly to Chairmen GONZALEZ and NEAL as well as to ranking Republican LEACH on the House side, and to Chairman RIEGLE and Senator D'AMATO on the Senate side, for their courtesy, patience, and understanding with respect to my concerns.

This legislation allows bank holding companies to acquire banks in any State in 1 year. It also allows bank holding companies to consolidate their subsidiaries after June 1, 1997, in any State unless that State has opted out of interstate branching by that time.

Therefore, while this legislation does unconditionally authorize interstate banking, the same cannot be said of interstate branching. Instead, the legislation gives the policymakers in each State a choice whether or not to allow interstate branching in their State.

In this legislation, we do not make that policy judgment for any State. Rather, we have attempted to construct for the States a fair choice. To make the choice fair, the legislation seeks to protect State interests in three different ways:

First, the conference report—unlike the House bill—gives each State an ample timeframe, from the date of enactment to June 1, 1997, to decide whether to opt out of interstate branching. The House bill would have allowed interstate branching to occur even before a State decided, thereby creating additional constituent pressure in favor of State approval. But the conferees rejected that approach, with the result that each State has at least until June 1, 1997, to decide without such additional pressure.

I say that each State has at least until June 1, 1997, in that any State that desires additional time beyond that date may simply opt-out before that date. Then, under the legislation, it may opt-in at any later time it finally decides. This is a point that is not well understood by commentators seeking to provide a simplified explanation of the legislation. But this is, indeed, how the legislation works. The 1997 date is there for a State to act by such time or be deemed to have elected interstate branching. But if a State needs more time to resolve tax or enforcement issues, for example, it may affirmatively obtain as much time as it needs under the legislation. Each State has the power to write its own script.

At our committee markup of the legislation, I had filed an amendment to provide each State 3 years to act. The bill at that time only allowed each State a single year. At that time, several other items were also unresolved, so as part of a compromise on these matters, the chairman agreed to allow each State 2 years to act. Thereafter, various State organizations voiced their support for 3 years and I was pleased to join in a successful effort on the Senate floor to extend the date to June 1, 1997. This fulfills the purpose of my 3 years amendment, which was to provide a State such as Delaware, whose general assembly meets every spring, a minimum of three legislative sessions to address this complex subject.

This was one of the major issues resolved in conference, and I am pleased to say that the prerogatives of the States are protected in the conference report.

The second area where the conference report protects State interests is that of State taxation. In providing each State with a fair choice on interstate branching, the last thing we wanted to do is to create a threat to any State's collection of tax revenues. Of course, there is no way we could guarantee to every State that tax collections in future years would be the same as the current level. We cannot make such a guarantee even if we don't pass this legislation.

However, when we were last on the Senate floor considering this legislation, I was able to secure a provision as part of the managers' amendment that makes clear that the authority of the States to tax as they are taxing today remains undiminished by this legislation. I am pleased that the provision is retained in the conference report.

Remember that the legislation provides a choice for each State regarding interstate branching within its State. It is quite conceivable that not all States will make the same election under this legislation. But no matter what choice a State may make, my amendment makes clear that the taxing authority of the State, whether or not it elects interstate branching, remains undiminished by this legislation. Of course, it is equally appropriate to note that nothing in the legislation augments the tax authority of any State.

It is my purpose in espousing my amendment to preserve the status quo in State taxation not only between all tax collectors and all taxpayers but also to preserve the current equilibrium among individual States. Only in this way can tax considerations, which are so important to States in establishing State policy and to banks in determining their future plans, be reduced so that States and banks may consider the banking merits of interstate branching.

When a bank holding company participates in interstate branching, it does not act as some amorphous glob, lacking in distinct legal entities. In adopting a method of taxation, a State is not precluded from treating those entities as it chooses, subject, of course, to any Federal and constitutional restraints. The State of Delaware, for example, treats different entities within a bank's corporate structure differently, treating some as part of the bank, some as distinct taxable entities, and some as either, depending upon the election by the taxpayer. Under this legislation, Delaware will have an undiminished claim on the earnings of the entities it hosts and an undiminished right to maintain or create a tax structure which complements such entities.

This, of course, is true for all the States. My amendment assures that their structural decisions need not be driven by tax considerations and that their tax structure not be driven by interstate branching considerations.

Since this legislation neither decreases nor increases the taxation authority of the States but leaves it where it is today, banks wishing to consider interstate branching will be able to do so more on the basis of banking factors and less on the basis of tax factors. It should be noted, therefore, that my amendment not only protects State interests but taxpayer interests as well.

The third area where State interests are preserved concerns the interstate extension of credit. As members of the Senate Banking Committee will recall, I was the original sponsor of the savings clause in this legislation that provides that nothing in the bill affects section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act. The Senate Banking Committee included the savings clause in the bill reported by the committee and I am pleased to note that the House and Senate conferees have agreed to adopt this provision.

The credit card industry is a very significant component of the economy of Delaware and the United States. Today, without nationwide interstate branching, a bank that provides credit across State lines may, under section 5197 of the revised statutes and section 27 of the Federal Deposit Insurance Act, charge interest allowed by the State where the bank is located. This is true today even if the bank providing the credit is part of a multistate bank holding company.

Thus, if a Delaware bank that is a subsidiary of a bank holding company provides credit to a customer who lives in a second State where another subsidiary bank of that same bank holding company is located, the Delaware bank may collect Delaware loan charges from borrowers in that second State because the bank is located in Delaware, not in the second State.

Now suppose that under this legislation the Delaware bank and the bank in the second State are merged into a single bank with branches in the two States. Can the branch of the consolidated bank that is located in Delaware still collect Delaware loan charges from borrowers in the second State? I raised this question at hearings on the interstate branching legislation last year. At that time the legislation did not include the savings clause.

As part of the hearing record, the FDIC responded in writing to my question that it was uncertain whether interstate branching might adversely affect the right of a Delaware bank to collect Delaware loan charges from borrowers in other States in which the Delaware bank might establish branches. The FDIC response indicated that provisions of the legislation could be interpreted to mean that Congress intended these bills to prohibit exportation of interest rates by an out-of-State bank—the Delaware bank, in my example—into a State in which it operates a branch, thereby restricting 12 U.S.C. 85 and 1831d—the provisions embraced by the savings clause. Moreover, the FDIC said: "It could be argued that Congress intended any bank choosing to operate a branch in another State to be subjected to that State's interest rate limitations. * * *"

This response greatly concerned me. I immediately began to take steps to address this potential threat not only to Delaware's credit card industry but to all banks that extend credit to borrowers who reside outside the State where the bank or, under this legislation, the branch making the loan or other extension of credit is located.

In order to ensure that banks providing credit to out-of-State borrowers would be unaffected by structural changes brought about by interstate branching legislation, I offered the savings clause in committee, and it is now part of this conference report.

The essential point of my amendment is that a branch of a bank that provides credit across State lines may impose its State law loan charges even though there is a branch of that same bank in the State of its customer. The savings clause is intended to preserve this efficiency of uniformity from the credit-provider's viewpoint, notwithstanding formal or structural changes that may occur through mergers within a bank holding company under this legislation. Essentially, the Delaware branch of a bank providing credit remains located in Delaware even if, through a branch, it may be argued that the bank is also located in the State where the borrower resides. The savings clause means that the establishment of a branch in the borrower's State does not defeat the powers that a Delaware bank enjoys today under section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act. Of course, the savings clause is not intended to suggest that when a branch makes a loan to a borrower who resides in the same State as the branch that somehow the branch can use section 5197 of the Revised Statutes or section 27 of the Federal Deposit Insurance Act to impose the loan charges authorized by the laws of some other State. When the branch makes such an in-State loan to a local customer, the law of the State where the branch and the customer are located applies.

The statement of managers expressly refers to the potential of a "branch making the loan or other extension of credit * * *" This language underscores the widespread congressional understanding that, in the context of nationwide interstate branching, it is the office of the bank or branch making the loan that determines which State law applies. The savings clause has been agreed to for the very purpose of addressing the FDIC's original concerns and making clear that after interstate branching, section 5197 of the Revised Statutes and section 27 of the Federal Deposit Insurance Act are applied on the basis of the branch making the loan.

Up to this point, I have assumed that the Delaware branch that made the loan performed all aspects of soliciting, processing, approving, closing, and servicing the loan. But that is not always factually what happens. What use may the Delaware branch make of a branch of that same bank located in the borrower's State without causing the law of the borrower's State to apply? On this point, the analysis of the conferees in fashioning section 101(d) is instructive. This section provides agency authority for banks and, in some cases, savings associations as well.

The conferees were very careful in drafting this agency authority, whereby one bank may use an affiliated bank in another State as its agent with respect to some, but not all, aspects of an interstate loan. What the conferees intended was to allow the principal bank in State A to use an agent bank in State B to assist with deposits and loans in a way that the law of State A would be applicable even though the agent bank in State B helped in some respects. The statement of managers correctly characterizes these permissible functions of the agent as "ministerial." Excluded from the ministerial category are the decision to extend credit, the extension of credit itself, and the disbursal of the proceeds of a loan. The House bill had provided for the disbursal of proceeds within the agency authority, but as the statement of managers points out, the conferees deleted this particular authority and substituted the servicing of the loan.

The rationale for this conference amendment is that the actual disbursal of proceeds—as distinguished from delivering previously disbursed funds to a customer—is so closely tied to the extension of credit that it is a factor in determining, in an interstate context, what State's law applies. Thus, the conferees made certain that such factors were excluded from the agency authorization. In contrast, "ministerial functions * * * such * * * as providing loan applications, assembling documents, providing a location for returning documents necessary for making the loan, providing loan account information * * * and receiving payments * * *" were all included within the authorization, according to the statement of managers.

When one combines the choice-of-law analysis contained in section 101(d) with the savings clause, it is clear that the conferees intend that a bank in State A that approves a loan, extends the credit, and disburses the proceeds to a customer in State B, may apply the law of State A even if the bank has a branch or agent in State B and even if that branch or agent performed some ministerial functions such as providing credit card or loan applications or receiving payments.

Were it any other way, that is, if the branch in State B could not perform at least the ministerial functions of an agent in State B without affecting the authority of the bank in State A to apply the law of State A to the extension of credit to a customer in State B, then Congress would have constructed a significant disincentive to nationwide branching in authorizing agency powers for bank holding companies that do not elect to engage in interstate branching. Such a view misunderstands the basic purpose of the interstate branching provisions of this legislation.

Thus, it is clear that a branch of a multistate bank located in State A that approves a loan application and extends credit to a customer in State B where the bank also has a branch may, under the savings clause, impose loan charges allowed by the law of State A and may, without affecting the applicability of State A's law to such charges, use its State B facility to perform some ministerial functions regarding such extension of credit.

In conclusion, Madam President, this legislation is well-drawn. It provides for interstate banking and erects a framework for the States to decide on interstate branching. It is, for the most part, free of unrelated mischief such as has dogged efforts in the past. Again, I would like to thank Senator RIEGLE, Senator D'AMATO, and other members of the committee who were supportive of my concerns.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—4

Boren
DeConcini
Dorgan
Feingold

NOT VOTING—2

Chafee
Hatfield

So the conference report was agreed to.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Madam President, after the majority leader has spoken, I will make some comments about the bill, and I want to recognize the appropriate staff. I will do that at the conclusion of the majority leader's remarks.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I have had the opportunity to consult with several Members and staff on the remaining matters to be taken up. I will, based upon those discussions, now propound a unanimous-consent request.

I ask unanimous consent that the Senate convene tomorrow, Wednesday, at 9 a.m.; that there be 10 minutes for morning business, and that Senator ROTH of Delaware be recognized to address the Senate for those 10 minutes; that at 9:10 a.m., the Senate proceed to executive session to consider executive calendar No. 1140, the nomination of Adm. Henry H. Mauz, Jr.; that there be 2 hours for debate on that nomination, equally divided and under the control of Senators NUNN and MURRAY; that upon the use or yielding back of the 2 hours, Senator MURRAY be recognized to make a motion to recommit the nomination if she so desires at that time; that if Senator MURRAY elects not to make a motion to recommit, or if a motion to recommit is made and not agreed to by the Senate, then the Senate proceed to vote on the Mauz nomination; and that if the nomination is confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session and proceed to the period of morning business as provided for under the provisions of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, I am advised by Republican staff that there is one Member who has to be consulted prior to this, and, therefore, I withhold the request just presented until such time as that consultation can occur.

I understand that the Senator from Michigan wished to address the subject of the previously passed banking bill. Therefore, I will now defer to him in the hope that if we are able to get this cleared during his remarks he would permit me to propound the request.

Mr. RIEGLE. I thank the majority leader and I will suspend at any time that he is ready to make that request to the Senate.

The PRESIDING OFFICER (Mrs. BOXER). The request is withheld.

The Senator from Michigan is then recognized.

THE INTERSTATE BANKING BILL

Mr. RIEGLE. Madam President, thank you very much. I thank all Senate colleagues for the vote that was just taken. The interstate banking bill that we had before us was passed by a vote of 94 to 4. That is about as close to a unanimous vote as we often get here in the Senate, and I think it shows very strong bipartisan support for this legislation, and for that I am most appreciative.

This will be the last major piece of legislation that I bring to the Senate floor, having served now as chairman of the Senate Banking, Housing, and Urban Affairs Committee for the last 6 years.

During that period of time we had an extraordinary number of major legislative items to deal with. It would not have been possible to do that work successfully without very important bipartisan cooperation, first with Senator Garn, who was my ranking member, and then Senator D'AMATO and my colleagues, Democrats and Republicans, on the committee. I want to make comments about that, but I want now to pay particular attention and tribute to the staff members who have assisted me and the committee not just on this landmark measure just passed, but on a succession of bills over the past 6 years, that I will touch on a little bit later.

With reference to today's interstate banking bill and the successful 94 to 4 passage vote, I particularly want to thank Mr. Pat Mulloy, who is seated here with me. He has worked tirelessly over a long period of time to ensure the enactment of this legislation, and he has done an outstanding job.

Major contributions were made by many others; Kay Bondahagen, Tim McTaggart, Marty Gruenberg, Courtney Ward, and Cindy Lasker, among them.

As with every piece of legislation that we have enacted during my chairmanship, this bill was crafted on a bipartisan basis.

The Republican staff, now under the direction of Senator D'AMATO, earlier Senator Garn, is at present extremely ably led by Howard Menell. It was our great good fortune to have him assume that position when Senator D'AMATO took over and, together with Ray Natter and Laura Unger, along with Frank Polk and J.C. Boggs of Senator ROTH's staff, they deserve special thanks and commendation for their work on this bill and others as well.

I also want to recognize the individual efforts of a number of other staff who have been extraordinarily helpful to me in this session, both on the CDFI bill and now the interstate banking bill. CDFI stands for community development and financial institutions. They include Chuck Marr, Christan Givhan, Jonathan Winer, Andy Vermilye, Michele Jolin, Mark Engman, Bill Mattea, Jim Jones, and Rob Mangas on the Democratic side, as well as Wayne Abernathy, Maggie Fisher, Jon Kamarck, Buz Gorman, Glen Downs, Robert Cresanti, and Denise Ramonas on the Republican side.

I want to continue, but I will digress for a minute to say a lot of the times when people see, for example, I think of the breakdown of the process along partisan lines—we have not had that in our committee over the last 6 years, and I am very proud of that fact. I am proud of the fact that I can stand here and salute Members on both sides of the aisle—both Members and staff—for that kind of bipartisan cooperation. It is the way the system ought to work, and it has worked that way in our committee.

I want to now take a little time to pay special tribute and thank other members of our committee staff who have been so extraordinary in their efforts and instrumental in enabling my period of chairman in the last 6 years to be a particularly productive one for the committee.

I want to touch on some of those items, and I will suspend if the majority leader needs to take the floor.

Looking back to our first efforts in 1989, we passed the historic Financial Institutions and Recovery, Reform and Enforcement Act to deal with the problems of the thrift industry. That was an enormously complex task. It was my opportunity to serve as the conference chairman there, and with the help of HENRY GONZALEZ on the House side and Members on both sides we got that job done.

In 1989, though, we also passed and saw enacted into law the HUD Reform Act, an important piece of legislation; the Export-Import Bank Tied-Aid Credit; the Anti-Terrorism and Arms Export Control Act; the Defense Production Act Amendments of 1989; and the Export Administration Act, also of that year.

Then in 1990, the committee enacted and the President signed into law some major securities legislation, including the Securities Act Amendments of 1990; the Market Reform Act; the Securities Law Enforcement Remedies and Penny Stock Reform Act; as well as the historic National Affordable Housing Act. The committee was also active with respect to the Budget Reconciliation Act and the Omnibus Crime Act.

So 1990 was also a very full, productive, year for us. These are major items. I will not take the time to elaborate on them here now.

In 1991, we again passed major legislation in the banking area with the Federal Deposit Insurance Corporation Improvement Act, another major piece of legislation. We, as well, enacted the Defense Production Act Extensions of 1991, and the Intermodal Surface Transport Efficiency Act of that same year.

In 1992, we enacted the historic Housing and Community Development Act, as well as the Federal Housing Financial Safety and Soundness Act. In that year we also took to enactment the Anti-Money Laundering Act; the Export Enhancement Act; the Defense Production Act Amendments of 1992; and the Depository Institutions Disaster Relief Act of 1992. All of these were major items.

In 1993, the Senate again took the lead in funding the RTC, and we saw enacted the Government Securities Act Amendments of that year; the Limited Partnership Rollup Reform Act; the Depository Institutions Disaster Relief Act; the HUD Demonstration Act; and the Multifamily Housing Act.

Of course, this year we have just passed what I am proud to say carries my name, the Riegle Community Development and Financial Institutions Act, now awaiting the President's signature. And today we have passed here the Interstate Banking bill known as the Riegle-Neal Interstate Banking bill.

Again, I am very proud to see that matter moved to conclusion and now ready for the President's signature.

So in every major area within our committee's jurisdiction—consumer protection, banking, savings and loan, securities, credit unions, financial institutions, deposit insurance, export and foreign trade promotion, and housing and urban development, to name several major areas—we have enacted into law over these last 6 years landmark legislation.

I believe we could now say that the financial services industry today is much safer and sounder and far better capitalized than the one that we were dealing with back in 1989 when the staff and I and the current membership started down this track under my chairmanship. I think it is also fair to say that the American taxpayers are now much better protected with respect to our financial services institutions and our deposit insurance system than they have been in many, many years.

I also want to say that I am especially proud of the record of the committee in the area of consumer items. I have given particular attention to that. Members like Senator METZENBAUM and others have cared greatly about that and have assisted us.

But during the 6 years of my chairmanship, we have amended the Community Reinvestment Act to require public disclosure of CRA ratings; amended the Home Mortgage Disclosure Act to require all insured depository institutions and mortgage banks to maintain logs showing the race, income, and census tract of all mortgage borrowers and applicants; and included in the Federal Deposit Insurance Corporation Improvement Act an amendment requiring banking regulators to refer lending-discrimination cases to the Justice Department and the Department of Housing and Urban Development.

Anybody who has been reading the financial pages recently knows that the Justice Department has been taking action in specific cases to bring to bear remedies in the cases where mortgage discrimination and other discrimination has been taking place. It cannot be tolerated, and these laws, duly on the books and being enforced, are making a difference.

In addition, we passed the Truth-in-Savings Act as part of the Federal Deposit Insurance Corporation Improvement Act in 1991. The Truth-in-Savings Act requires uniformity in the calculation of interest payable on deposits to individual savers in insured depository institutions and prohibits a variety of deceptive calculation practices that have been in widespread use prior to that time.

The Federal Housing Enterprise Safety and Soundness Act significantly expands the mandate of Fannie Mae and Freddie Mac to serve low- and moderately low-income families in inner city neighborhoods by setting specific annual housing goals.

We also amended the Truth-in-Lending Act to provide enhanced consumer protections for certain home equity loans with extremely high interest rates or up-front fees. This legislation also created a special disclosure for reverse mortgages in order to ensure that elderly borrowers, who typically enter into such transactions, are aware of the risks involved.

And in May 1994, the Senate passed the Consumer Reporting Reform Act, which amends the Fair Credit Reporting Act, to comprehensively reform regulation of the credit reporting system.

This is just a partial list.

I might say that earlier in the community development banking bill, we also had several additional items in there. One is to provide for the securitization of small business loans. And that is a matter that, as time goes on, I think will bring a whole new source of capital out of the capital markets and down into loan opportunities and business startup nurturing in our inner cities and elsewhere that otherwise would not be possible.

So a lot has been done, and I am very proud of this record.

I am very grateful and proud of the staff that has done so much of the hard work to make this possible. I suppose every chairman feels this way but I think this record on these issues, for people who understand the significance and the consequences of these matters over the timeframe we are talking about would sustain the view that this has had to be the best professional staff of any committee over this period of time. Certainly, the challenges were the most daunting and difficult, and they have been met one after the other.

There have been a number of our staff members who have moved on over this period of 6 years, but I am extremely grateful to all of them, from the beginning up to the present day.

Extraordinary contributions were made by, among others, Kevin Gottlieb, Don Campbell, Richard S. Carnell, Konrad Alt, Bart Dzivi, Gillian G. Garcia, Darina McKelvie, Kevin Chavers, and Matthew D. Roberts, as well as Bruce J. Katz, Larry Parks, Martha L. Cochran, Lory Breneman, Deborah DeYoung, Cheryl A. Fox, Eileen Gallagher, Taegan D. Goddard, Patricia Hamel, Tara S. Law, Ted Rozeboom, Kim Leslie Shafer, Nancy D. Smith, Michael J. Stein, Laura S. Trachtman, and Angela Chiu.

I also am especially grateful and deeply appreciative to Sharon Heaton, Ken Jarboe, and Jim Tuite, who have all worked in different ways on a number of special matters that I will not enumerate here. They have done exceptional and outstanding work.

So I am very grateful to all of these individuals that I have named. I think around here, people like the ones I am naming, who do not get heard about or get the recognition they deserve, are essential to the work that goes on here that makes such a difference for our country.

Finally, I want to talk about one additional group this year, and stretching back beyond this year, but particularly the productiveness of this year: Mitchell Feuer heads that list; Mark Kaufman, Glenn Ivey, Sarah Bloom-Raskin, as well as Jeannine Jacokes, Clem Dinsmore, Tammy Boyer, and Pat Lawler, who for the past 6 years has done an excellent job as our chief economist and been involved in so many important issues. Ed Malan has done a superior job as the committee's editor, and I would also like to recognize the superb contributions of Sharon Bauman and Elizabeth Rozman, as well as Sarah Frazier.

Finally, saving the most important person for last, I want to thank—and I feel a lot of emotion about this—my friend and my staff director and chief counsel, Steve Harris. Steve is an amazing individual. Steve comes from a very distinguished family. He has carried the traditions of his family, his father, in a way that is truly exceptional. I do not know anybody who works as hard or as long or as well, day in and day out, weekends, through holidays, whatever, and without seeking the limelight. It has always been his practice to give the credit to others, which is a great credit to him. There is no way in the world that we could have done this work over this period of time without the extraordinary leadership and skill and tireless effort of Steve Harris. So I thank him and all the rest of the staff.

So, with that, again, it is a major bill we have passed today. I want to thank all of my colleagues for their help and support. A lot has been done, and we look forward to other challenges ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me commend our distinguished chairman, Senator RIEGLE, the chairman of the Banking Committee, for his efforts on this piece of legislation.

But I would also like to make note, Madam President, that, barring some other circumstance, which this Senator would not be opposed to at all, this may be the last major piece of legislation coming from the Banking Committee in this session of Congress.

I would just like to take a moment to express my deep gratitude, as a member of the Banking Committee, for the leadership of Senator RIEGLE over these past number of years. As a member of his committee, on countless occasions, all of us have our own particular matters of interest. And the job of a chairman is not an easy one, to try to sort out those desires of each of the members of the committee and to try to fashion pieces of legislation to serve the entire Nation. But DON RIEGLE, Chairman RIEGLE, has done that with great success, great fairness, and great equanimity over the years.

And so today, we celebrate the passage of what I think is a very good piece of legislation. I am proud to have played a small part in the drafting of it; in putting it together. I know from time to time I was probably a source of some frustration on a variety of issues that we dealt with, but we all have our points of view and concerns.

I say to my good friend from Ohio, who I am looking at here, we have had our disagreements, honest ones, about what was in the best interest of the country. But, nonetheless, I think we have put together a good bill here.

It is a reflection, Madam President, of the chairman's work over the years. This is not the only example of his good work. It may be the last example of his good work from this committee.

If so, I think all of us in this body, regardless of political persuasion or ideology, whether or not we voted for or against this bill, owe the Senator from Michigan a deep, deep expression of gratitude for his work over many, many years in the U.S. Congress. His presence, his thoughts, his compassion, and his conviction will be missed and the American public will be less well served in many ways because he is not a part of this deliberative process. My commendations to him, my thanks to him, and my best wishes to him as well.

Madam President I would like, if I could, to make a statement. I know my colleague has a matter of some import he would like to address. Let me yield. I have a couple of other matters. I do not know what the order of business is here, but I do have a couple of matters I would like to address regarding Haiti, as well as the situation in Northern Ireland, if I could.

The PRESIDING OFFICER. If the Senator would like to make a unanimous consent request that immediately following the remarks of the Senator——

Mr. DODD. Madam President, I ask unanimous consent immediately following the remarks of the Senator from Ohio that I be recognized for 15 or 20 minutes—up to 20 minutes—on the two matters I have expressed interest in, on Haiti and Northern Ireland.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. I have no objection, but I will seek recognition after the request is granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, a short time ago I propounded a unanimous-consent request under which the Senate would come into session at 9 a.m. tomorrow. Senator ROTH would be recognized for 10 minutes in morning business. At 9:10, the Senate would take up the nomination of Admiral Mauz. There would be 2 hours for debate on that nomination equally divided and, upon the use or yielding back of those 2 hours, Senator MURRAY would be recognized to make a motion to recommit the nomination if she chose to do so at that time; that if she decided not to make such a motion or if she did make such a motion and it was not agreed to by the Senate, then the Senate would proceed to vote on the nomination of Admiral Mauz; and that following disposition of the nomination, the Senate would then have 7 hours of morning business with the time equally divided and under the control of myself and the minority leader.

Now, Madam President, I renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, there has been some confusion on the exact procedure for tomorrow's business. I certainly understand and respect the rights of the Senator from Washington to seek to vote.

However, during the last vote, it was fairly widely disseminated among Republican Senators that there would only be one vote. So many Senators, including the Republican leader, have made plans on that basis.

It comes now somewhat as a surprise that there possibly could be two votes on this. The suggestion has been made that the vote on the motion to recommit be considered the vote on this nomination. We assume that a second vote on confirmation would be identical to the vote on the motion to recommit. Members who voted to recommit would be those who voted against the nomination so it would not affect the outcome of the vote.

However, because the second vote places certain Members, including the Republican leader, in a difficult situation from a time standpoint, I would be constrained to object to that request.

The PRESIDING OFFICER. Objection is heard to the unanimous consent request.

The majority leader.

Mr. MITCHELL. Madam President, I regret the objection.

First, let me say that, although I have not been personally involved in this matter, I have understood for weeks since this matter first came up that Senator MURRAY was considering a motion to recommit the nomination. I regret it has come as a surprise to anyone and that is possibly the lack of communication on our part. But I have been aware of that for some time.

Second, I think it should be clear there are other Senators besides Senator MURRAY who have an interest in this matter and who believe it should be thoroughly explored.

Third, the result of the objection will be that we could still have the same number of votes but at an uncertain time. I am going to be here so it is not a matter of my personal convenience, but I think that leads to greater inconvenience for a large number of Senators.

Unless our Republican colleagues intend to filibuster the nomination to delay any votes from occurring tomorrow, which I do not think they want to do because I think most of them support the nomination, then we are going to be in the position of maybe having one vote or two votes—I do not know how many—after 11, which makes it less convenient for a larger number of Senators. I repeat it makes no difference to me. But I was just trying to accommodate as many colleagues as possible.

Finally, let me say Senator MURRAY has merely reserved her right to make a motion to recommit. She has not said she will do so. She has presented some questions in writing. I understand she is awaiting or has just received the answers to those questions and appropriately wants the opportunity to review them before deciding on how best to proceed. So I understand the reason for the objection but I think it is unfortunate that it produces a result that is less convenient for a large number of Senators.

What I would like to do now is to propose that the 10 minutes of morning business for Senator ROTH, who has just spoken to me and indicated he would be agreeable to doing that this evening following Senator DODD's remarks—that that be accomplished so he be convenienced and the time be saved tomorrow. So, first, I ask unanimous consent that upon the completion of Senator DODD's remarks, which I understand will follow those of Senator METZENBAUM——

Mr. METZENBAUM. Mr. Leader, I have no problem about yielding to Senator DODD. But I have another matter that I wish to bring to the attention of the Senate.

Mr. MITCHELL. And the Senator was waiting.

Would it be agreeable to Senator ROTH to go after Senator METZENBAUM?

Mr. ROTH. May I ask how long that would be?

Mr. METZENBAUM. I would say 10 to 12 minutes.

Mr. ROTH. No objection.

Mr. MITCHELL. Then, Madam President, am I correct in my understanding that Senator DODD has obtained consent that he be recognized to address the Senate for a specified period of time following the conclusion——

Mr. METZENBAUM. Following my remarks concerning Senator RIEGLE.

The PRESIDING OFFICER. That is correct, Senator DODD has 20 minutes following Senator METZENBAUM's remarks.

Mr. MITCHELL. Then I ask unanimous consent that following Senator DODD's remarks, Senator METZENBAUM be recognized to address the Senate as in morning business for up to 15 minutes?

Mr. METZENBAUM. Ten minutes—fifteen minutes. I will not take that much.

Mr. MITCHELL. For up to 15 minutes. That following Senator METZENBAUM's remarks, Senator ROTH be recognized to address the Senate for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to that unanimous-consent request?

Mr. COATS. Reserving the right to object, and I will not object to that request.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I am wondering if the majority leader wants to include in that request a start time for tomorrow for the Mauz nomination debate. Since Senator ROTH will speak this evening, it may be we can advance the beginning times or release some of the time that was reserved for Senator ROTH and that would help expedite the schedule.

Mr. MITCHELL. I was going do that next, but it is so hard to get these agreements. I find it is somewhat better to do them a little bit at a time.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I would like to renew the request I made.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, and I will not object. I just want to explain to the majority leader, I wish to take 5 or 7 minutes to speak about Senator RIEGLE. Immediately thereafter, it is my understanding Senator DODD wishes to speak and has time, 15 or 20 minutes. Subsequent in time to that, I intend to speak on the subject of baseball. I am not sure under the unanimous-consent request that has been provided for.

Mr. MITCHELL. Yes, I have just provided for that, up to 15 minutes.

Mr. METZENBAUM. On baseball?

Mr. MITCHELL. Yes, on any subject you would like. And then following

Senator METZENBAUM's remarks, Senator ROTH will be recognized to address the Senate as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to that request?

Mr. COATS. Madam President, once again, reserving the right to object and, once again, I will not object, I just want to make the point for the RECORD that, to my knowledge, there is no Senator on the Republican side that objects to the procedures and to the rights that the Senator from Washington has asserted. It is certainly within her right to ask for a motion to recommit. It is certainly within her right to ask for a vote on confirmation. We understand that. There is no attempt by any Senator that I know of to filibuster the nomination. I think most Republican Senators will support that nomination.

We were merely trying to accommodate some Republican Senators, and maybe Democratic Senators, who made plans on, apparently, a misunderstanding believing that there would be just one vote. They have made those plans accordingly and some may have already left the Chamber and are leaving town on that basis.

The feeling is that to change their understanding of that without at least attempting to move the procedure in such a way that one vote would be sufficient is something that is not acceptable to those Senators. For that reason, that is why an objection was lodged. I will not lodge an objection to the current unanimous-consent request that is before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I may not object, but I have been waiting now for some time because of the announcement of the Senator from Ohio that he was going to ask for some kind of unanimous-consent request to call up a matter with regard to trust of organized baseball. I intend and want to be here to raise an objection on that when it comes up.

In listening to the discussion, I had assumed that the Senator from Ohio would be making that request in the next few minutes. I am now advised that that request on baseball might follow all of the other unanimous-consent requests for time for speeches.

I would simply like at this time, if anyone could advise the Senator from Nebraska as to how long am I going to be detained here, because I am not leaving town early, but how long I will be detained here this evening to accommodate everyone else so that I might have the opportunity to object when the Senator from Ohio makes his remarks?

Mr. MITCHELL. Madam President, under the proposed agreement, Senator METZENBAUM will be recognized to address the Senate with regard to Senator RIEGLE for up to——

The PRESIDING OFFICER. Fifteen minutes.

Mr. MITCHELL. No. Is there a prior order with respect to Senator METZENBAUM speaking on Senator RIEGLE, parliamentary inquiry to the Chair?

The PRESIDING OFFICER. There is no order yet. But your request was for 15 minutes.

Mr. MITCHELL. No; no.

The PRESIDING OFFICER. The Chair stands corrected.

Mr. MITCHELL. I amend my request. In addition to the speaking times previously proposed, I ask unanimous consent that upon the completion of my remarks and the other consent request I will make, Senator METZENBAUM first be recognized to address the Senate regarding Senator RIEGLE for up to 5 minutes; and that thereafter, the remainder of my request be in effect; and that is, Senator DODD for 20 minutes, Senator METZENBAUM for 15 minutes, Senator ROTH for 10 minutes.

If that is agreed to then, as soon as I can get these orders approved, the Senator from Nebraska will have to wait 35 minutes. So there will be 5 minutes with respect to Senator RIEGLE, 20 minutes for Senator DODD, that is 25; up to 15 minutes for Senator METZENBAUM. A maximum of 40 minutes.

Mr. EXON. I thank my friend. I recognize the difficulty that the leader has. I simply remind the leader and the Senate, once again, having served here for 16 years, I never, ever have been involved in any discussion to say you cannot have more than one vote tomorrow because Senator EXON does not want it. I think that we are deteriorating this place to the situation where it is almost impossible to get anything done.

But in my usual spirit of cooperation, I will be here for 45 minutes, or 1 hour and 45 minutes and I will be here tomorrow without any special attention to be given to the Senator from Nebraska. I only wish some of my colleagues could take a similar view just once in a while. I thank the leader.

Mr. MITCHELL. I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ADM. HENRY H. MAUZ, JR.

Mr. MITCHELL. Madam President, I now ask unanimous consent that at 9 a.m. tomorrow, the Senate proceed to executive session to consider Executive Calendar No. 1140, the nomination of Adm. Henry H. Mauz, Jr.

The PRESIDING OFFICER. Is there objection to that request? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, let me say finally with respect to the Senator from Indiana, I devote a great deal of time and effort to try to accommodate as many Senators as possible. But every Senator knows that one cannot make decisions on travel until an agreement has been reached. I have just spent 20 minutes trying to get an agreement merely lining up four speeches tonight, not any substantive business, just trying to get four speeches. So anybody who decided to leave on the basis of some expectation does so at his or her own risk.

Finally, let me say that I already announced earlier that there would be no votes on Monday of this week and that there would be no votes after 2 p.m. on Wednesday of this week. So the only time the Senate is in session and voting this week is on Tuesday and Wednesday up until 2 p.m. While I like to be as accommodating as possible to everybody, when we shrink the work week for voting down to 1½ days and then someone says, "Well, that's too long a period, we have to shrink it even further to 1 day," it makes it difficult to proceed on this business.

We want to be accommodating. My hope, frankly, is that tomorrow morning, in less than 2 hours, we can dispose of the Mauz nomination and then all Senators who wish to do so can meet their other commitments and we can proceed to the morning business.

I am going to continue to try to accommodate as many Senators as possible but to do so in a manner that permits us to meet our responsibilities and get this done.

Mr. COATS. Will the majority leader yield for an observation?

Mr. MITCHELL. Yes.

Mr. COATS. I appreciate the immense frustration and difficulty of scheduling the majority leader has to undergo practically every day that the Senate is in session. It is fair to point out, however, that the reason the Senate is not in full session this week is that there is a Jewish holiday and we will be breaking for that. We are all, on both sides on this issue, attempting to work out what is best for most Senators, and sometimes that does not always get reconciled in a decision that benefits all.

But, hopefully, in the spirit of cooperation, both sides can work together tomorrow to expedite the debate and to, if possible, have one vote; if not, two votes; but that others will not be unduly inconvenienced.

I do, however, appreciate the majority leader's immense difficulty in setting schedules. I hope it did not have anything to do with his decision to leave the Senate. I was taken by his remark that were he to become Commissioner of Baseball, he would have a 70-percent reduction in frustration in terms of the number of individuals he had to accommodate.

Mr. MITCHELL. I thank my colleague for his generous comments.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, there will be no further rollcall votes this evening. We will now proceed in accordance with the series of orders earlier obtained, and we will try tomorrow morning again to reach an agreement on disposition of the Mauz nomination in a manner that is both consistent with giving full opportunity for Senators to discuss it and debate it and vote on it and also to accommodate as many people as possible.

I especially want to thank the distinguished Senator from Washington, Senator MURRAY, for her patience and cooperation in this matter.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 5 minutes.

TRIBUTE TO SENATOR RIEGLE

Mr. METZENBAUM. Madam President, when I was first elected to the Senate, I met a young fellow by the name of Senator Don RIEGLE. We came to this body together. We have been friends, and we have worked together over that period of time. We never had any disagreements.

Then about 6 years ago, he took on the leadership of the Banking Committee. I want to say that I do not think any chairperson of any committee has ever been more effective, more concerned, more willing to address himself to the issues of the Banking Committee and their responsibilities than has Senator RIEGLE.

There were many occasions when the opportunity for disagreement between him and me was present, but we worked it out, and I think much of that had to do with the fact he shared many of the same concerns I had about protecting the lenders, borrowers, the consumers, those who need protection and do not get protection unless the laws of the United States provide for it.

He has had legislation in the area of banks, savings and loans, the mortgage industry, the SEC—as a matter of fact, in every segment of the financial industry.

Many times, I had found that what he was proposing or advocating caused me some concern, and with no exception, during all of the 6 years of his leadership, we have worked it out and I think, to the best of my recollection, we have always been on the same side.

Don RIEGLE has recognized his responsibility to the industry and his supervision of the laws pertaining to the industry, but he has not forgotten the consumers of this country or the depositors of this country. He has been sensitive to their concerns and has tried to be helpful in enacting legislation. He has not always succeeded, just as none of us in this body always succeed. But with no exception, he was always on the side of seeing to it that those who did business with the financial industry were treated fairly and honestly by the industry itself.

When it came to issues such as mortgage discrimination, which did exist in this country, he played a leadership role. When it came to the Truth in Savings Act, he played a leadership role. I could stand here for the next 15 minutes, even though I only have 5 minutes allocated to me, to talk about all the different pieces of legislation, including the Interstate Banking Efficiency Act that was enacted today. He was willing to stand up against very powerful interests who brought great pressure, such as on the issue that was discussed earlier today having to do with the right of the Government to sue savings and loan officers and directors. He has always been on the right side.

So I say that the Senate will, indeed, lose a giant, and I will lose not a good friend, but I will not see him as often as I see him while we are in the Senate. I wish him well in whatever future career he decides upon, and I express to him on behalf of my colleagues in the Senate, as well as the people of this country, you have paid your dues. You have stood up well. You have fought for the right issues, and the country should be everlastingly grateful to you. Thank you, Senator Don RIEGLE.

Mr. RIEGLE. Madam President, I am sort of overcome by the very gracious remarks of the Senator from Ohio, who has been a mentor in many ways to many of us, not just in our time in the Senate but before that. I am very touched by his remarks.

We have gotten a lot of work done, and I think our laws are stronger and fairer and the people of the country will get a much better and fairer chance to participate within this system. Actually, that is why we all ought to be here, to get that done.

So I am very grateful to the Senator from Ohio for his remarks, and the Senator from Connecticut, who over many long years has had the chance to view this institution and Congress generally, and I feel very proud to be able to associate with them and everyone else in this body.

I thank the Senator.

The PRESIDING OFFICER. The Chair would comment that all the time has just now expired for the Senator from Ohio.

Under the previous order, the Senator from Connecticut is recognized for up to 20 minutes.

Mr. DODD. I thank the Chair.

UNITED STATES INTEREST IN HAITI

Mr. DODD. Madam President, I would like at the outset to express some general thoughts on Haiti, if I may.

It was under the Presidency of George Bush, almost 3 years ago, that a handful of military leaders in the tiny nation of Haiti, only a few miles off the southern coast of our own Nation, overthrew the elected President of that nation and began a reign of terror in that tiny Caribbean country. This illegal and repressive military regime has held onto power in the face of worldwide condemnation, a U.S. naval blockade, and a global embargo on commerce and trade.

Madam President, it has been said over the last several days that Haiti does not deserve to be inflicted with a military invasion, if that option is exercised. Let me state at the outset, I am not enthusiastic at all about such an option. I do not know of anyone who is—certainly not most of the people in this country. But I would also note that we have tried over the last number of years under two administrations now to right a terrible wrong in that country, not just acting alone but in concert with other countries in this hemisphere and around the globe.

We have had countless meetings with organizations, and diplomatic and political efforts, to try to restore a democratic government in that country. We have sought international cooperation to do so. Yet, despite all of those efforts, those handful of people, the military, who hijacked the democracy in Haiti, remain in power.

Many do not think that defending or trying to preserve democracy is a great national security interest. I happen to disagree. I think it is. I think democracy is what most people, if not all, seek to have around the globe as to how they are governed. And certainly, while one does not want to see military power used frivolously or unnecessarily, if we are going to lead in the world at a time when the cold war is over, then I think we are going to have to stand up for those principles where they are threatened or where they have been stolen.

So tomorrow, we are going to have some 7 hours to debate the issue of Haiti and what ought to be done there. But as I listen to some of the people who are talking about this issue, it does not seem to make any difference what happens in Haiti. Let me just remind my colleagues that the wholesale abuse of human rights in this little country is unparalleled in this hemisphere. We have seen other examples of it in the recent past in this hemisphere in places like Argentina and Chile and Paraguay. We have seen it in other nations, in Central American countries. I would love to think that democracy, now that it has been achieved in all but two nations in this hemisphere, all but in Cuba and Haiti, would never again be threatened. Unfortunately, that is not the case. Democracy is a fragile experiment in many nations, and we ought to make sure we are doing everything we can to solidify those democratic gains.

Now, hopefully, that can be done without resorting to military intervention at all. I hope that is not the case. But I also hope that those people who are adamantly opposed to military intervention in Haiti will not simultaneously be offering any kind of comfort to those who stole democracy by suggesting that under no circumstances will this country participate in an effort to try to restore and bring democracy back to that nation, and to give the people of the nation of Haiti a chance to determine their own destiny and their own future.

So in these coming days, I know we are all going to be watching carefully what happens, but I hope the people will exercise some caution, some thought on this matter, rather than just because the polls do not look right, deciding we are not going to do what is right. Had that been the case, President Truman might not have decided to support the Marshall plan.

There have been countless other examples in the conduct of foreign policy that were not popular at a given moment in time but turned out to be the right thing to do. I hope that we remind ourselves here in these coming days that our obligation is to do what is right, not just what the political winds dictate from day to day reading the current polls.

I appreciate that. I am certainly as conscious of them as anyone else. But when it comes to being a leader in the world, to try to exercise responsible authority as the great superpower on this globe, then I think we have to do more than just read polls. We have to try to follow a policy that will help make a difference for people, and in Haiti they are looking to this Nation and to others to see how democracy might be restored, and the thugs who are running the place will not be around that much longer.

Madam President, tomorrow I look forward to engaging in a longer discussion on the subject matter. But I did not want the evening to end without expressing my concern that this heavy-handed rhetoric we are hearing about never, ever, ever in this hemisphere, is heard in a lot of other corners around the globe. We can never say "never, never."

So my hope is, again, that this matter is resolved through diplomatic and political means. But I do not want to be a party to those who are giving comfort to Mr. Cedras and Mr. Francōis and others who murder priests, nuns, and innocent children and dismember those bodies and feed then to the animals on the streets of Port-au-Prince. That goes on every day just a few miles off our shore. Hopefully, we can resolve that problem without exercising the military intervention. But let us not be associated by our aversion to military intervention by suggesting somehow that those who continue to engage in those activities are going to have the benign neglect of the United States of America when it occurs.

IN SEARCH OF A LASTING PEACE IN NORTHERN IRELAND: AN END TO "THE TROUBLES"

Mr. DODD. Madam President, let me turn to a happier subject, if I may, one that has been the subject of great concern over the last two and one-half decades. I refer to Northern Ireland.

I rise this evening to speak today about renewed hopes for peace in Northern Ireland. After a quarter of a century of political conflict and sectarian violence, prospects for peace no longer seem unimaginable.

The reason for this optimism stems from the August 31 declaration by the provisional Irish Republican Army [IRA] of its complete cessation of military operations and its willingness to enter into inclusive negotiations in order to seek a just and lasting settlement to the conflict.

Political leaders in the United Kingdom and Ireland have reacted favorably to these recent developments. The cease-fire was warmly welcomed by Albert Reynolds, the Prime Minister of the Republic of Ireland. While somewhat more reserved in his reaction, Prime Minister John Major of Britain was also greatly encouraged by the IRA's announcement.

And, with more than 40 million Americans of Irish ancestry residing in the United States, President Bill Clinton expressed the hope and expectations of us all in stating his belief that the IRA's decision would "help bring a lasting and just peace to Northern Ireland."

Since 1969 the six counties of Northern Ireland have been the site of a bloody and protracted conflict that has claimed more than 3,100 lives and left more than 30,000 people injured. This tragic affair is only the latest stage of an age-old conflict that is rooted in centuries of ethnic, political and religious hostility. Northern Ireland has been torn between two powerful opposing forces: A Protestant population that mainly favors unification with Britain and a Catholic population that generally favors political ties with the Irish Republic.

The most recent phase of violence erupted in 1969, when British troops were sent to Northern Ireland and peaked in 1972, the year direct rule was imposed by London. Throughout the last 25 years, the challenges that have confronted Northern Ireland have been formidable. Clandestine paramilitary organizations waged bloody campaigns—the IRA a relentless campaign against British rule, and loyalist paramilitary organizations vigilante attacks against suspected IRA supporters. Significant unemployment and economic stagnation have further added to the sense of hopelessness.

While there are few similarities between Northern Ireland and South Africa or Northern Ireland and the Middle East, they do have at least one feature in common: The demands of the warring parties have at some point seemed so far apart and so intractable as to be irreconcilable. In the case of South Africa and the Middle East that has proven to be untrue. Be it South Africa or the Middle East, the momentum of the peace process itself seemed to sweep away many of the real or imaged obstacles to reaching a final agreement. The key ingredient in each case was that all sides were unequivocally committed to finding a solution. I hope such a commitment is developing with respect to Northern Ireland.

The IRA's cease-fire decision last month, in and of itself, will not bridge the sectarian divide that has marked the landscape of Ulster since its creation in 1922, and most visibly since 1969 and the start of "the troubles." But, it can bring an end to the political stalemate that has stood in the way of meaningful efforts to seek a diplomatic solution to the conflict.

Madam President, I have heard skeptical voices question the "Real intentions" behind the August 31 announcement by the IRA, particularly the voices of Protestant unionists politicians. However, I for one believe that Gerry Adams, president of Sinn Fein—the political wing of the IRA—is sincere in his commitment to desist with military operations and in his willingness to try the negotiating track for peacefully ending British rule of Northern Ireland. Mr. Adams' leadership in convincing his colleagues in the IRA of the wisdom of this approach should not be underestimated, nor should the personal risk he has taken in doing so.

In my view, the decision by President Clinton to permit Gerry Adams to enter the United States, last February, was an important factor in Adams' ability to sell the cease-fire proposal. President Clinton deserves credit for making that controversial decision. So too do Senators MOYNIHAN of New York and KENNEDY of Massachusetts and others with a long involvement in Irish issues, who strongly urged the President to act positively on the Adams' visa request in those time sequences and circumstances.

These people have been long involved with the issues involving Ireland. And those who urged the President to act positively with regard to the Adams' visa request I think did so—and I am proud to have been one of them—wisely.

When I met last Friday with Prime Minister Reynolds he told me that the Northern Ireland peace process was at a critical juncture, and that those who want peace must seize upon this historic moment. That conviction inspired him to meet on September 6, with Gerry Adams of Sinn Fein and John

Hume of the Nationalist, Social Democratic and Labor Party [SDLP] to discuss plans for hosting an October, "Forum of Peace and Reconciliation," to which all the political parties of the north are invited to participate in a dialogue for peace.

Prime Minister Reynolds deserves our congratulations and support for his tireless efforts and inexhaustible patience in his quest for a permanent peace for all the peoples of Ireland—north and south.

It was no accident that John Hume was in attendance at last week's meeting in Dublin with Prime Minister Reynolds and Sinn Fein leader Gerry Adams. If I were asked to identify one individual whose work has been indispensable to serious diplomatic attempts to bring peace to Northern Ireland, John Hume would come immediately to mind. John Hume began his political life as one of the first leaders of the movement to bring civil rights and equality to the long-oppressed Catholic community in Northern Ireland. For the last 25 years, John Hume has served in public office in Northern Ireland. He has been elected and reelected to both the British and European Parliaments—and has used these fora, without hesitation, to speak out for justice in the north.

All in all, John Hume has occupied a unique role in the political landscape of Ulster. He and the Social Democratic and Labor Party [SDLP] he leads have long been committed to the nationalist ideal of a united Ireland. Nevertheless, he has consistently spoken out against the ruthless violence of the IRA. By being willing to confront both extremes of the Ulster reality, he has been in a position to play a crucial role in the peace process.

Sixteen months ago, not without some personal political Risk, John Hume began secret political discussions with Sinn Fein's leader Gerry Adams. It was those Hume-Adams talks that prodded Irish and British leaders into more active efforts to reach agreement on a framework for the peace process—encompassed in the Downing Street Declaration of December 15, 1993. The Hume-Adams talks also helped to create the political climate that enabled the IRA to decide to foreswear violence as an instrument for ending British rule. And knowing John Hume as I do, I am confident that he will continue to play a pivotal role as the newly energized peace process gains steam.

British Prime Minister John Major also deserves special congratulations, as well, for making a solution to the crisis in Ulster a priority for his administration. Although he has sought additional clarifications from the IRA concerning its August 31 declaration, he has taken some very constructive steps to further the process. I applaud, for example, his gesture of instructing that British troops in Northern Ireland replace combat helmets with berets—a symbolic but important signal that Britain does have some measure of faith in the IRA's declaration.

Prime Minister Major's continued participation in the peace efforts is critical. Only he can persuade the Unionists that it is in their interest to sit down at the negotiating table and find a political solution to their differences with Ulster's Nationalist Catholic political leaders. Only he is in a position to respond to events as they unfold with gestures designed to build confidence and trust in the negotiating track. Such actions as lifting the broadcast ban on members of Sinn Fein would serve to do so; and in any event, the continuation of the broadcast ban is incompatible with an open political dialog. Returning Republican prisoners currently held in Irish or British jails to Belfast, and downsizing the deployment of British troops in Northern Ireland are also likely to reassure elements of the IRA that there truly is a peace dividend in laying down their arms.

There are those in the United States and particularly in the Irish-American community who are already asking, "What can the United States Government and the American people do to further the peace initiative and end the troubles?" The most important contribution that the United States can make is to assist in the rebuilding of an Ulster economy that has been devastated by decades of conflict and neglect. In the end, peace will be fleeting if there continues to be significant unemployment and economic decay in Belfast.

Both the U.S. public and private sectors have roles to play in revitalizing the Ulster economy. President Clinton has already pledged to provide financial assistance in support of the peace process. I hope that before Congress adjourns next month, we will have given that President whatever authority he needs to make good on his pledge of assistance. More important, in the long run, is the increased interest of the United States private sector in making job-creating investments in Northern Ireland. Without increased employment and economic growth to build upon a political settlement, the permanence of peace is in serious question; in my opinion.

We wait the next steps in the Northern Ireland peace initiative. I am convinced that the moment has arrived to begin the final march toward resolving the troubles so neighbors can live in peace and harmony, without the bullet and the bomb.

Perhaps the historian J. Bowyer Bell stated it best in the concluding sentences of "The Irish Troubles: A Generation of Violence." He wrote,

> It is such a small, lovely island and they are such a grand people * * *. Great issues have been fought out in a small compass but not to resolution or exhaustion. And so for the Irish troubles a generation is gone and a century is running out, but not Irish persistence The Irish, whatever else, are indomitable.

Ultimately, it is that indomitable spirit that will produce the peace that all the men, women, and children of Ireland have long sought and have so long prayed for.

My sincere hope is that they will not be disappointed as this process unfolds.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

THE BASEBALL STRIKE

Mr. METZENBAUM. Madam President, I am about to ask unanimous consent to bring up S. 2380, a bill sponsored by Senator HATCH and myself that is designed to end the baseball strike. Because I do not want to disrupt the Senate's business, I would be happy to limit debate on this bill to 1 hour equally divided. I am willing to take this unusual step because I have no alternative. There are no amendable items currently before the Senate, or I would offer the bill as an amendment to another pending piece of legislation. But the baseball bill cannot wait any longer. If we do not act immediately to end the baseball strike, the owners have threatened to declare the season over as early as tomorrow. No more season, no playoffs, no world series, unless we act immediately.

Today I spoke with Don Fehr, head of the Baseball Players' Association. He stated that if we pass S. 2380, with a few minor clarifications, he will recommend that the players call off their strike immediately and resume the baseball season. I want to repeat that Madam President. Today I spoke with Don Fehr, and he said in unequivocal language that if we pass S. 2380, with a few minor clarifications, he will recommend that the players call off the strike immediately and resume the baseball season.

What that means is quite simple: If we act quickly to pass this bill, the baseball players are willing to complete this season, the playoffs, and the World Series. It is only fair to point out that Don Fehr cannot speak for all of the players, but as the leader of that organization, he is in a position to recommend it, and I have every reason to believe that his recommendation would be accepted.

It is very simple. If we pass this bill, I believe the baseball season will be salvaged. That is why it is so important that we pass this strike-ending baseball legislation immediately—not tomorrow, not the next day, not next week, not after the baseball season is closed, although it is only fair to say that I will not give up in my effort even if the baseball season should be shut down.

Our bill is very simple. It does not eliminate the players' right to strike or the owner's right to lock them out. It is not a blanket repeal of baseball's antitrust immunity—an effort that I have made over a period of many years, but I have not been successful. In the committee it was voted down 10 to 7. I did not have the votes to get it out of committee. But this is a much more limited version. This is a totally knew bill, very limited in its impact. The bill allows the antitrust laws to be invoked only if the owners impose a salary cap or any other terms and conditions on the players. This should take away the owners' incentive to play hard ball and impose unilateral conditions on the players. It should also relieve the players' fear that they need to maintain their strike in order to prevent a salary cap from being shoved down their throats when the season ends.

As everyone knows, I fought hard for years to lift that very exemption that baseball enjoys. It was not a congressional enactment that gave it to baseball. It was the decision by the very distinguished Supreme Court Justice, Oliver Wendell Holmes, who determined that baseball was a sport and not a business. I think the American people now know that it is very much a business—not a small business, a big business. The antitrust laws should be applicable to baseball as it is to football, hockey, soccer, and every other sport in this country.

I believe that revoking the owner's antitrust immunity is the best long-term solution to the mess that the owners and the players have made of major league baseball. However, I decided to offer this compromise bill, with Senator HATCH as a cosponsor, so that we could bring this strike to an end quickly.

The fact is that this legislation has only one purpose: To protect the season for all the fans. It is not for or against a salary cap; it is not for or against revenue sharing; it is not for or against any other proposal the owners have made to the players, and it does not tip the balance of ongoing labor negotiations in favor of the owners or the players.

The fact is I really do not have any special sympathy for the overprivileged owners nor for the very highly paid players, but I care about the fans. This strike is ruining the season for the fans. Right now the big league players cannot use the antitrust laws. If they could, the owners would have to deal with them fairly or face the consequences in a court of law. In other words, what this bill does is it gives the players another tool they can use to avoid striking, go back to work, to bring the strike to a quick end.

The last seven times the baseball players and owners have met at the bargaining table there has been a work stoppage. Seven times across the bargaining table resulted in a work stoppage: a strike or a lockout.

This has not happened in other professional sports because those players could use the antitrust laws to settle labor disputes. Professional basketball players have avoided a strike for 24 years by using antitrust laws. Professional football players have not struck since 1987 because they were able to use the antitrust laws to settle their differences. There has never been a strike in professional hockey over labor issues.

If the antitrust laws applied to baseball, the owners could not force the players to accept unreasonable terms and conditions if their labor negotiations hit an impasse. The players could challenge the owners' unreasonable demands by launching an antitrust suit instead of shutting down the season.

Would that not be a better resolution? Would it not be better to have this matter in the courts rather than have it where it is at the moment with no games being played and nothing happening in baseball? I think that would be a much better deal for the fans, and, frankly, I think it would be a much better deal for the owners as well as the players.

Passing this compromise legislation is the only hope we have of saving the season for the fans and maybe next year's season as well. But it is up to the players and the owners to come to the bargaining table and work out their differences. We, in Congress, cannot make them do that. All we can do is level the playing field so that the owners do not have an unfair advantage over the players because they are immune from our fair competition laws. I, like every other fan in America, want the players to play ball and the owners to play fair. I believe our bill can do just that.

I hope there will be no objection to my unanimous-consent request, but I recognize the rules in the Senate and recognize the right of any Member to object.

Madam President, I ask unanimous consent to bring up S. 2380 for immediate consideration.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. EXON. Madam President, reserving the right to object, I do not suppose there is a person in this body that is more of a baseball fan from longstanding than is the Senator from Nebraska. I am so discouraged and so distraught as a fan that the owners and the players—and they are jointly responsible it seems to me—have brought upon themselves a pattern of these strikes that my long-time friend and colleague from Ohio has brought out with his remarks.

However, I have to feel that it would be a bad precedent indeed for the U.S. Senate in the middle of this kind of a strike or strife, as much as I would like to see the season continued and as much, as a fan, as I would like to see the World Series come about for the annual fall classic, I think that the measure that the Senator from Ohio has authored is something that should be considered, but I think it is an ill-considered move for us as the U.S. Senate to try to step into the breech at this particular point in time. I think it would set a bad precedent. I think it is not essential.

It is very essential for a baseball fan like myself and other fans similarly situated. Certainly it is critical to the interest of the baseball players and the owners of the baseball teams.

I simply will object to this unanimous-consent request because I think a bad precedent indeed would be set here, and I believe that this is not the proper time or action for the U.S. Senate to become involved in the matter of professional baseball.

With those remarks then and assuring my friend from Ohio that I feel and share some of his concerns, I wish to work forward and look forward to working on this again in the future and although the distinguished Senator from Ohio will not be with us next year when we come back and, therefore, will not be able to lead the charge, I will assure him that this is a matter that as one Member of the Senate I will give additional consideration to at the proper time.

But for the reasons that I have expressed, I feel compelled to object to the unanimous-consent request.

The PRESIDING OFFICER (Mr. MATHEWS). Objection is heard.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I expected the objection and I respect the rights of my good dear friend and colleague from Nebraska, and, indeed, I agree with him that there is no greater enthusiastic fan of baseball than is he. He is within his rights in making the objection.

I intend to keep trying to pass this bill to the last moment that I am in this body. Even if we can no longer salvage the season, I want to try to save spring training and next season. I am concerned that there just may not be a next season if we here in the Senate do not do something about the one-sided position we permitted the owners to take.

I respect the fact that the objection has been made, and I yield the floor.

MORNING BUSINESS

ISRAEL AND THE PALESTINIANS—ONE YEAR LATER

Mr. PELL. Mr. President, today, September 13, 1994, is the anniversary of a historic occasion in the march toward a comprehensive peace in the Middle East. Precisely 1 year ago on the south lawn of the White House, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat—with some gentle prodding from President Clinton—shook hands to conclude the signing ceremony for their agreement on mutual recognition. That handshake set in motion a chain of events over the next 12 months that led to the establishment of Palestinian self-government in Jericho and Gaza, and to an agreement for more limited Palestinian autonomy—known as the "Early Empowerment" of the Palestinians—in most of the remainder of the West Bank.

Today's anniversary provides an opportunity to reflect upon the landmark signing ceremony, to assess whether the agreement has lived up to its initial promise, and to ponder what lies ahead in the coming year.

During my time in the Senate, I have attended many functions and ceremonies at the White House. Few of these, however, have been as moving or memorable as the Israel-PLO signing ceremony. Never have I witnessed such a discernable range of emotions and sentiments in a public setting. There was hope that the agreement would bring to a close decades of conflict, mistrust and hatred. There was sadness in the solemn remembrances of lost Israeli and Palestinian sons and daughters. There was an undercurrent of reconciliation in the act of mutual recognition. Above all, there was a sense of certitude among the participants and crowd that history was in the making.

Since the ceremonies and celebrations, however, the Israelis and Palestinians have encountered a great deal of difficulty in implementing the peace agreement. There have been charges of bad faith on both sides, and continuing acts of terrorism—the bombings of innocent Israelis at Afula and Hadeira, and the murder of scores of innocent Palestinians at the Hebron Mosque—have threatened to undermine the process at various times.

I know that many Israelis, and for that matter, many Americans, remain distrustful of the PLO and Chairman Arafat. While I, too, continue to harbor some reservations about Arafat, I think if the last year has proven anything, it is that Arafat and the PLO do represent the will of Palestinian people. Notwithstanding our doubts, we should continue to work with him to advance the prospects for the successful implementation of the peace agreement.

Already the Israel-PLO peace agreement has made the Middle East a safer, more secure place than it was 1 year ago. Equally as important, the agreement has served as a catalyst in Israel's negotiations with other Arab partners, particularly Jordan. My hope is that Israel's negotiations with Syria and Lebanon will now begin to yield some progress.

Mr. President, there are many people to thank and praise for the peace agreement between Israel and the PLO. I want to give special credit to Prime Minister Rabin, who has demonstrated great vision and poise in pursuing negotiations with all of Israel's neighbors. I also wish to thank President Clinton and his administration, which have worked skillfully and diligently on the Middle East peace process. In this regard, I would also particularly praise the work of Secretary Christopher. I hope very much that there is continued success as the Israelis and Palestinians—with the help and support of the United States—embark upon their second year of peace.

THE SIGNING OF THE CRIME BILL

Mr. HATCH. Mr. President, in cities and towns across our country, crime is getting worse.

For example, Utah's gang-related crime problem is getting worse. The Salt Lake Tribune recently reported that Salt Lake County has already seen seven gang-related murders this year. One case involved the murder of a 15-year-old by a 16-year-old named Ben Martinez. Prior to the killing, Martinez had already been arrested seven times for various offenses including weapons offenses and assault. Utah prosecutors will attempt to prosecute Martinez as an adult.

The Republican crime bill amendments, which were stripped from the conference report, would have provided for mandatory adult prosecution for violent juveniles like Ben Martinez; enhanced mandatory minimum penalties; and made such firearms crimes punishable in Federal court. Our efforts to improve the crime bill, had we prevailed, would have also provided over $13 billion to build more prisons for these violent offenders.

Unfortunately, these and several other tough-on-crime measures were not included in the final crime bill.

When asked about how we should deal with recidivist juveniles, Utah's Youth Corrections Director Gary Dalton said, "There has to be a time when we say enough is enough." Utah Detective Kent Cravens said that, "Violent juveniles, ought to get slam-dunked the first time." Yet, does the crime bill President Clinton is signing today slam-dunk violent juveniles? Does it say "enough is enough?" No. Instead, it continues the soft-headed coddling that has gotten us where we are. It does not include the tough-on-crime provisions that Republicans fought for in the Senate.

In a partisan rush to secure a legislative victory at any cost, the other side of the aisle sacrificed substance and padded the bill with still more social spending programs.

For instance, the $50 million community-based justice grants will require social workers' involvement in the prosecution of criminal cases. Participating prosecutors will be required to "focus on the offender, not simply the specific offense, and impose individualized sanctions [such as] conflict resolution, treatment, counselling and recreation programs." These sanctions would be imposed on individuals "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations * * *."

The spuriously labeled "Certain Punishment for Young Offenders" Program provides $150 million for education and job training and aftercare programs for young offenders.

Mr. President, what about the victims—and future victims—of these crimes? When is it time to stop focusing on the offender and start protecting the public?

Senate Republican efforts to improve the bill were rejected because enactment of the crime bill was critical. Today, after nearly 3 weeks of delay, President Clinton will sign the crime bill. During the 3 weeks he was on vacation, Republicans could have made the bill a much tougher, trimmer package.

Even the administration has acknowledged that the crime bill is loaded with wasteful spending. In a recent issue of Newsweek magazine [August 1], an administration official described the crime bill as containing $2 billion in, as he put it, "pure pork." Frankly, the amount of wasteful spending is much higher than what the administration was willing to concede but it is still telling.

As ranking member of the Judiciary Committee, I pledge to do my best to assist the administration in its implementation of the bill. I will be evenhanded, but I expect the effectiveness of this bill will be negligible. A recent Harris poll found that 54 percent of surveyed voters believe that this crime bill contains too much unneeded spending and won't reduce crime [Wall Street Journal, September 9, 1994]. Only time will tell. President Clinton has shown a proclivity for talking about the crime problem. Now we shall see how good he is at doing something about it.

Will the bill place 100,000 new community police officers on the streets? I am not aware of a single neutral expert who has said it will. Already, the administration is seeking to lower expectations. Attorney General Reno announced last week that 40,000—not 100,000—police officers will be hired before the end of President Clinton's term.

This leads me to a second point. The distinguished chairman of the Judiciary Committee has distributed documents that provide detailed estimates of the amount of money each State will receive pursuant to the crime bill. His estimates even purport to provide us with the number of police each State will receive. For instance, according to the Senator's estimates, my State of Utah will hire 997 new local police officers thanks to the crime bill.

However, with all respect to my friend from Delaware—and he is my friend—these estimates are based on sheer speculation and unsupported assumptions. No independent, neutral analyst has ever stated that this bill will fund anywhere near 100,000 police officers, or that the $75,000 per officer limit on which he relies covers the cost of placing an officer on the streets for even 1 year, much less the 3 years of the grants.

Moreover, the vast bulk of the crime bill's policing grants are distributed on a discretionary basis. Yet Senator BIDEN's numbers assume that these funds will be distributed on the basis of population. The fact of the matter is that Congress could have provided for a formula that would have distributed grants pursuant to population. Indeed, my efforts to insert such a formula in conference were rejected by Senator BIDEN and his Democrat colleagues.

Mr. President, the administration and my Democrat colleagues can be sure that the Congress and America will be keeping a close eye on whether the crime bill lives up to its billing. I believe it will not. For this reason, I am pleased to be joining Senator DOLE in Republicans' ongoing effort to deliver to the American people a true, tough, effective crime bill. The legislation we are introducing today is a worthy first step.

THE 75TH ANNIVERSARY OF THE AMERICAN DEFENSE PREPAREDNESS ASSOCIATION

Mr. NUNN. Mr. President, today I want to salute the American Defense Preparedness Association [ADPA] on the occasion of its 75th anniversary. As many of my colleagues know, ADPA was organized after the conclusion of World War I by Army officers and defense industry leaders, who were concerned about the rapid demobilization of the Armed Forces and the consequent adverse impact on the domestic industrial infrastructure that supported U.S. soldiers and sailors at that time.

The association has grown and matured during the last seven decades. It now represents all of the U.S. armed services and the 700 or so defense-oriented corporations which make up the core of our defense industrial base.

Mr. President, an important part of ADPA's work today is education on national security issues. The organization has been at the forefront of efforts to preserve a prudent and capable national security establishment. ADPA has come to be recognized around the world as a principle voice of the U.S. defense industrial base. Over the years, representatives of ADPA have provided valuable testimony before the Armed Services Committee on a broad range of national security issues, including defense industrial base policies and reform of the defense acquisition system.

Mr. President, the vision and the purpose of the ADPA was recently outlined by its president, Retired Army Lt. Gen. Lawrence F. Skibbie:

> While ADPA acknowledges that the U.S. national security establishment—both military and supporting industry—can and should be downsized, we believe the defense industrial base remains a national asset and, while it will contract in accordance with changing national priorities, it must be guided and nurtured as it inevitably becomes smaller.
>
> The United States must retain a military capability sufficient to counter threats on both the strategic and tactical levels. Implicit in this delicate balancing act is the ability to support U.S. Forces in global contingencies, and to construct larger forces if necessary. Fundamental to this capability is a strong industrial base that is structured to respond as conflicts dictate.

Mr. President, I agree with General Skibbie's assessment. The concerns ADPA has raised recently about the rapid build down of our defense establishment are just as valid today as they were in 1919. We must remember and learn from our experience in past build downs. As we continue to reduce and restructure our defense establishment, we must do so in a way that preserves the essential capabilities that we need to protect our Nation's interests today and in the future.

Mr. President, the American Defense Preparedness Association and its members have made major contributions to the security of our Nation during the past 75 years. I hope my colleagues will join me in congratulating this organization on its silver anniversary.

ST. PETERSBURG COMMISSION: BOLD BUSINESS LEADERSHIP

Mr. LUGAR. Mr. President, I want to draw the attention of the Senate to a bold and creative project aimed at assisting the internal reform process in Russia. The project is called the International Action Commission for St. Petersburg and is sponsored by the Center for Strategic and International Studies [CSIS], a respected public policy research institute in Washington, DC. It provides an example of bold business leadership stepping out as a partner with government, and, in many ways, stepping ahead of government, to assist in crucial reform taking place in Russia. In this case, business leaders are contributing to the groundswell of activity in St. Petersburg and the surrounding oblast that is producing remarkable results in the evolution to a democratic government and a market economy underway in this strategic region of Russia.

Complementing their basic business operations in Russia and the region, business leaders in the commission have undertaken numerous actions and entered into various partnerships that provide mutual benefits to them and to St. Petersburg's growth. The commission's actions support an arbitration court nearly formed, an international school in operation, and 21 projects ready for investment in areas ranging from improvements to the heating and hot water system to training for the emerging commercial banks. Commission members have participated in over 12 joint ventures and are associated with $40 million in new investments which have been made or obligated. They also continue to advise the city and key business leaders on what key steps remain to enhance the region's attractiveness to foreign investors. These steps are leading to grass-roots Russian business know-how and innovation, and to permanent structures at the local level that are necessary for a stable market economy and investment growth.

The teamwork between Russia, the United States and our allies reflects the best of our intentions for programs sponsored by the United States Government and the role United States businesses should play globally. Mr. President, I highly commend CSIS and its president, Ambassador David Abshire, for this important initiative and I ask that some descriptive material about the commission's work be inserted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for Strategic & International Studies, Washington, DC, July 11, 1994]

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

EXAMPLES OF BUSINESS GROWTH IN NORTHWEST RUSSIA INVOLVING COMMISSION MEMBERS

Selection of Russian sub-contractors and training of Russian sales force by the Procter & Gamble Company:

Formation of Joint Ventures: Pratt & Whitney—Klimov, Comspan—Businesslink, Booz Allen—Baltic Technical Park, Booz Allen—Leninets.

Rapid development of Gillette-Leninets joint venture.

Start-up of joint ventures with non-commission partners: Kirov—Caterpillar, Signal—International American Products Incorporated, St. Petersburg Clothing Exchange—Amerex.

Leninets award from U.S. Department of Defense of up to $5 million start-up funding for a U.S. joint venture to produce commercial products (July 1994).

22 St. Petersburg companies positioned for further U.S. Department of Defense grants for defense conversion joint ventures.

World Bank, EBRD, Finnish and U.S. government investment interest has been focused on: Priority infrastructure projects of the city; Opening of wholesale terminal market for agriculture products; Energy production and conservation projects—meetings held in Moscow and St. Petersburg; Port Modernization.

Joint business team working on key growth areas: Port Modernization: Port of Maryland, Booz Allen, Finnlines, St. Petersburg Seaport. Energy: Honeywell, Ahlstrom, Metra, Imatra Voyma Oy, Lentek, Lenenergo Agribusiness: State of Maryland, Leningrad Oblast.

Cooperative agreements have been signed: By ICN Pharmaceuticals to modernize and expand a pharmaceutical enterprise and plant in St. Petersburg. Investment will be $40 million and involves a joint venture relationship. By a U.S.-led consortium of U.S. and Russian companies to develop the central historical district of the city. Between a team of the University of Texas and Texas A&M with the St. Petersburg Technical University to develop a business school—$295,000 awarded by USIA.

RJR Nabisco has provided $1.2 million for business education programs conducted by Duke University and St. Petersburg State University.

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

EXISTING ACTIONS PROGRESS REPORT

The 40-minute television presentation aired on St. Petersburg television in late May, informing the people of St. Petersburg and the region on the benefits of foreign investment and creating a positive image of the private enterprise system. A follow-on business news program is proposed.

The Investment and Development Agency of St. Petersburg is being organized for the first two priority development zones of the city. The Agency will assist businesses and investors to search out, organize and facilitate business start-ups and new investments. The public relations firm Edelman has prepared a proposal to publicize these zones as the focus point for investment in St. Petersburg. The St. Petersburg Regeneration Agency has identified funding for market and growth assessments for the central historic district of the city.

Plans for an international arbitration court are nearing completion; the court will be registered in the coming month, and will begin operations by this fall.

Steps are being taken to educate St. Petersburg businesses on the Russian-American Enterprise Fund. RAEF president Gerald Corrigan will describe the fund's operations in detail at a city conference on small and medium-sized business on June 22, 1994. The city previously conducted a highly successful international conference on foreign investment opportunities for Northwest Russia on November 10–12. City officials participated in an investment forum in New York City in April, 1994 jointly sponsored by our commission, the Citizens Exchange Network and American Express.

The commission has assumed a major role in assisting the development of U.S.-Russia exchange programs to bring Russian business persons and other professionals to the U.S. for work experience. Exchange visits began last month to 10 cities. This pilot effort includes 300 Russians from St. Petersburg and three other regions of Russia.

A list of priority projects needed in St. Petersburg was developed and published by the city to attract investor attention. A further prioritization of these projects is under way to propose to world financing organizations, including the EBRD and the World Bank, for funding.

An international school and medical center opened in St. Petersburg last fall. Additional funding is still needed for the international school.

A standing Russian-Western defense industry diversification committee has worked with the U.S. government to ensure equitable consideration of St. Petersburg defense businesses for grants of up to $5 million each to support joint ventures of Russian defense firms with U.S. and other partners for defense diversification. Commission-member Leninets was one of four Russian companies initially selected for this program. 22 other St. Petersburg companies have been identified for the next phase of this program.

Work continues to identify funding sources for a feasibility study for a technopark in the St. Petersburg region; and to attract investors for projects for improved local telecommunications network capacity.

Establishing a system of guarantees remains a priority concern for the commission in the coming months.

The consortium of 24 St. Petersburg and international universities will meet in St. Petersburg on June 9 and 10, and will continue work on actions promoting international cooperation in higher education to assist business growth in St. Petersburg city and region. The first meeting of the consortium occurred in November 1993.

The four new commission working groups which were organized last fall have met regularly beginning in October. This work has led to 20 possible new actions, and the most promising of these actions will be proposed at our plenary session business meeting on June 11, 1994. Action papers on each action will be provided to all commissioners before the plenary session. Focus areas for these groups are: Improvements to Strengthen Banking and Investment Practices, Energy Conservation and Management, More Rapid Modernization and Growth of Agribusiness, Modernization and Development of the St. Petersburg Port Area.

The U.S. government sponsor for the commission, the United States Agency for International Development, has indicated its intention to provide funding to continue the commission until August 1995. This spokesperson stated that their goal is to commit funding to the completion of our most urgent and promising projects. This situation is not yet final; however, as an initial indicator, it is indeed good news.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business Monday, September 12, the Federal debt stood—down to the penny—at $4,680,078,443,187.46 meaning that every man, woman and child in America owes $17,951.21 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

BOSNIA

Mr. DOLE. Mr. President, on July 30—6 weeks ago—the so-called contact group countries met and pledged decisive action in the event of continued Bosnian Serb rejection of the contact group's proposal. At that time we were told that the contact group countries would work together to increase pressure immediately. That has not proven to be the case.

Instead, these countries—including the United States—hemmed and hawed, held more meetings among themselves and stalled just long enough for Slobodan Milosevic to complete his makeover as peacemaker of the Balkans. Not only has Milosevic said that he supports the contact group proposal—which should be no surprise since it rewards the aggressors with half of Bosnia—but he has promised to get tough on his Serb allies by cutting off supplies to them. For the past 3 weeks the Serbian border with Bosnia has reportedly been closed to all traffic except humanitarian goods.

No doubt, the contact group diplomats breathe a sigh of relief as Milosevic seemingly rescues them from the burden of following through on their tough talk. However, their work is not over—they must find a fig leaf for their continued inaction.

And so today, contact group representatives are meeting in Geneva to discuss the posting of around 130 civilian observers on the Bosnian-Serbian border to monitor Belgrade's announced embargo of the Bosnian Serbs. In return for allowing these 130 unarmed monitors on its borders, Serbia will receive some sanctions relief.

Mr. President, I bet that Milosevic is patting himself on the back for this latest maneuver. It costs him nothing. He agrees to 130 monitors who are unarmed, who cannot stop and search vehicles, who are stretched over a long border with 48 crossing points, and in return sanctions are eased and he is on the road to rehabilitation.

Moreover, the costs to the Bosnian Serbs are questionable. The only way to assess the costs of this embargo to Radovan Karadzic and his forces is to estimate what they have stockpiled. How much ammunition do they have? How great are their fuel reserves? Maybe Milosevic knows something that we don't know, such as how long Bosnian Serbs can withstand being cut off from Serbia. The Bosnian Serbs only have to hold out for as long as it takes to get sanctions lifted because once they are lifted they will be difficult to reimpose—even if Milosevic begins supplying arms to the Bosnian Serbs again.

Furthermore, irrespective of whether or not the Milosevic-Karadzic split is real, irrespective of whether border monitors are deployed, greater Serbia exists on the ground—Bosnian Serb Forces still occupy 70 percent of Bosnia and Herzegovina and Krajina Serb Forces still hold 25 percent of Croatia; 2 million Albanians in Kosova are still being repressed.

Mr. President, to sum it up, for admitting that he has been the source of this aggression against Bosnia, Milosevic is being rewarded by the international community.

And how are the Bosnians being rewarded for signing up to the contact group proposal? In short, they are not. The Bosnians are in the same terrible position they were in before they signed and before the contact group made its big, empty promises. They are still being denied the right to self-defense. They are still unprotected by the U.N. Protection Forces. They are still being treated as one of the "parties" or "combatants"—as British officials like to say—rather than as an internationally recognized government and member state of the United Nations with fundamental rights—rights that are identical to those of other nations, including Britain, France, and Russia.

Mr. President, in reference to Haiti, the national security adviser said yesterday that "we must make it clear that we mean what we say." Ironically, while the administration claims its credibility is on the line in Haiti, it is seemingly unconcerned about its lack of credibility in Bosnia. Well, to restore United States credibility with respect to Bosnia, we only need to lift the arms embargo on Bosnia and Herzegovina. And for the President to do that no military force is needed, just political will.

CONGRATULATIONS TO EARL L. WILSON

Mr. HEFLIN. Mr. President, I am pleased to congratulate Mr. Earl L. Wilson, who was recently selected for induction into Alabama A&M University's Athletic Hall of Fame. Mr. Wilson is to be formally inducted into the hall of fame on September 16.

A native of Bessemer, AL, Earl Wilson received his bachelor of science degree at Alabama A&M, where he played football for 3 years and served as team captain in 1958. He went on to obtain his master of science degree at Tuskegee University.

During his career, Earl has served as a high school football coach and administrator. He is currently the principal of A.G. Gaston School in Birmingham, and is a member of the Birmingham alumni chapter of the Kappa Alpha Psi Fraternity; the Kiwanis Club of West Jefferson County; and the Alabama Elks. He was named 1993 Alabama Elk of the Year.

Again, congratulations to Earl Wilson, an outstanding selection for the Alabama A&M University Athletic Hall of Fame.

MIDDLE EAST PEACE: ONE YEAR OF HISTORIC PROGRESS

Mr. LIEBERMAN. Mr. President, 1 year ago this week, the world was filled with hope and anticipation by the announcement of a Declaration of Principles between the State of Israel and the Palestinian Liberation Organization. Over the past year, both sides to that agreement have overcome the legacy of distrust between them to negotiate implementation of the objectives set forth in this landmark document. Despite setbacks, and tasks of enormous difficulty still ahead, the Israelis and Palestinians have summoned the courage to continue moving the peace process forward and to implement the agreement.

Meanwhile, long negotiations between Israel and Jordan toward ending their 46 years of war culminated in the Washington declaration of July 1994, which affirmed the determination of His Majesty King Hussein and Prime Minister Yitzhak Rabin to bring an end to bloodshed and sorrow.

These historic steps in the Middle East peace process have created momentum toward a true and lasting peace in that troubled region. Today, negotiations are continuing among the relevant parties and Syria. I am hopeful that the Syrians too will seize the moment for progress toward peace. The challenges are great, but the opportunity to demonstrate courageous leadership is even greater.

We Americans can be proud of our contribution toward Middle East peace during this past year. President Clinton and Secretary of State Christopher have invested enormous time and effort to this worthy cause; they can be justly proud of their accomplishments. Peace can only come when the relevant leaders of the region demonstrate courage and vision. But America's leaders have worked diligently throughout this period to support, encourage, and facilitate the efforts of the courageous men and women on the ground in the Middle East.

Congratulations are due as well to the people of Israel and to the Palestinians in Gaza and the West Bank for their efforts to implement the agreements despite the sometimes violent actions of those opposed to peace. The peoples of the region know from a long and bitter history that the road of peace is neither smooth nor easy to travel. But men and women who care about the future they are shaping for their children and grandchildren will continue to reject the ways of violence and will persist on the path of peace.

Mr. President, as we mark this first anniversary of the signing of the Declaration of Principles, we can be proud of our role so far. But we must also rededicate ourselves to the goals and methods we are now pursuing. The United States must continue to do everything in its power to foster the Middle East peace process and to demonstrate to the participants the political and economic benefits of cooperation. To do so is consistent with our American national interest in a peaceful Middle East, and is in keeping with our best tradition of leading the way to peace and freedom in the world.

G.L. GUTHRIE MEMORIAL

Mr. BINGAMAN. Mr. President, I rise today on the occasion of the loss of one of New Mexico's great citizens, G.L. Guthrie of Las Cruces, NM.

Known throughout New Mexico as Gus, Mr. Guthrie came to Las Cruces in 1925 to join the faculty of what was then New Mexico A&M College. Two years later he became head of the business administration and economics department. In 1964, when the department was raised to the status of a college, Mr. Guthrie became its first dean. He served in that position until his retirement in 1969.

During his 44-year career at the university, Mr. Guthrie was involved in various phases of its activities in addition to his teaching and administrative duties in the business administration department. During the 1930's he held the position of assistant to the college's president. Because of his deep interest and experience in newspaper work, he was instrumental in establishing the first journalism courses and acted as advisor to the college newspaper, the Round-Up. He also helped organize the university chapter of Sigma Alpha Epsilon social fraternity and was its faculty advisor for many years.

He was deeply involved in community affairs. He was a charter member of the Las Cruces Lions Club and served a term as its president. He worked closely with the Boy Scouts and was a former president of the Dona Ana County Chapter of the Red Cross, as well as being a member and president of both the Mesilla Park School Board and the Las Cruces Union High School Board. In 1953 he was appointed a member of the New Mexico Labor and Industrial Commission by Gov. Edwin Mechem.

Mr. Guthrie was born on June 29, 1904, in Milan, MO, and later he moved with his family to Hereford, TX. In 1929 he married Maude Marie Tully.

In addition to his wife, Mr. Guthrie is survived by two sons, Keith, of Arlington, VA; and Kenneth, who resides in Albuquerque.

Mr. President, while the occasion of the death of G.L. is sad, he will always be remembered for the kindness and warmth that he showed to all. He will be missed.

NEW RUSSIAN-CIS MILITARY ALLIANCE?

Mr. DECONCINI. Mr. President, recently, reports have come to my attention that Russia and other former Soviet Republics might be moving toward the creation of a new military alliance. Apparently, a draft agreement for such a military alliance is to be submitted in early 1995 to the leaders of the CIS that would call for, among other things, the eventual creation of joint armed forces, collective peacekeeping, and a joint air defense system—forces that would, no doubt, be largely dominated by Russia. According to a recent New York Times Op-ed written by freedom House president Adrian Karatnycky, Konstantin Zatulin, chairman of the Russian Parliament's Committee for Commonwealth Affairs, has hinted that Russia may not pressure Ukraine to give up its nuclear weapons should Ukraine and Russia become "strategic partners."

Mr. President, such developments must be monitored closely, given their implications for U.S. strategic and other interests. The prospects of such a union could derail efforts to integrate these New Independent States into Europe, including NATO, following decades of Russian domination. This is particularly troubling considering the possible rise of anti-Western, anti-democratic forces in any post-Yeltsin Russia.

United States policy with respect to the non-Russian New Independent States within the last 6 months has appeared to evolve. We have increasingly recognized their importance and, especially in the case of critically important Ukraine, stressed its independence and territorial integrity. Therefore, I find puzzling and disconcerting recent reports that the United States is prepared to accept an expanded Russian sphere of influence. If true, Mr. President, this cannot help but send the wrong signal to those in Russia who still have not abandoned the goal of recreation of the empire, Equally important, it sends the wrong message—one bound to undermine the recent progress that has been made—to those New Independent States less than eager to once again come under Russia's wing.

Mr. President, while pressing ahead on developing a constructive relationship with Russia, and encouraging positive changes there, we must not waver in our commitment to the independence of the other former Soviet republics. Support for their independence includes well-thought-out policy statements that must not be perceived as even a tacit green light to Russian neo-imperialism. We must also extend concrete, effective, and timely assistance in many areas, such as denuclearization, energy, privitization, the environment, and last, but by no means least, democratic institution building.

Both words and deeds are important in making clear to the world the United States commitment to the independence of the former Soviet Republics.

NATIONAL AND COMMUNITY SERVICE

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to this week's formal launching of the AmeriCorps program—the largest of several youth and community service initiatives that we in the Congress authorized 1 year ago this month.

As its chief Republican cosponsor in the Senate, I'm pleased that this important initiative is now recruiting and placing eager and enthusiastic young volunteers in community organizations and agencies all over America. And, I'm especially proud that one of the satellite-linked locations for yesterday's swearing-in of new volunteers by President Clinton was the University of Minnesota in Minneapolis.

It is appropriate that Minnesota played an important role in officially launching AmeriCorps, Mr. President, because of my State's long history of leadership in service learning and youth community service.

One of the reasons I was an enthusiastic supporter of the national service legislation we approved the last year was the degree of flexibility it offers States and local communities to identify and target their own highest priority needs.

Over the past year, Minnesota has made a special effort to integrate the funding authorized by the Federal AmeriCorps program with its own YouthWorks program—creating an even larger number of service opportunities for my State's young people.

In this first round of AmeriCorps grants, Minnesota has received $2 million in funding which will fund six exciting projects:

The city of St. Paul's Future Force—a 76 member corps to be based at Concordia College.

Pillsbury Neighborhood Service's Community Works—a 24-person crew address urban issues.

Neighborhood House Association's Multicultural Communities in Action—a 26-person crew serving St. Paul's West Side and parts of South Minneapolis.

Twin Cities Youth and Housing Initiative—operated by Two or More, Inc., a group of 25 youths who will build and refurbish Minneapolis homes.

The Southeast Minnesota Initiative Fund—which will work in cooperating with Mankato and Winona State universities.

The Red Lake Tribal Council—which has already sponsored two highly successful Summer of Service programs also funded by the Corporation for National and Community Service.

PROGRAM NEEDS CLEAR FOCUS AND PURPOSE

As one of those who strongly supported the passage of national service legislation, I am also among those who believes this program will need to clarify its focus and purpose. That is especially important in light of the smaller scale at which the new program is being launched.

During the 1992 campaign, then-candidate Clinton drew loud cheers whenever he promised to use national service to ease the financial burdens of college for "millions of American young people and their families."

And, after his election, the new President used the same justification to propose a program that would have cost more than $10 billion over 4 years.

But, recognizing today's fiscal realities, Congress was willing to commit less than 15 percent of the President's earlier $10 billion proposal and only a tiny fraction of his even larger campaign pledge.

NOT A COLLEGE EDUCATION

That means those of us who strongly support national service must acknowledge that it will never play a major role in financing higher education.

At a minimum annual cost of $15,000 to $20,000 per participant, we can't depend on this new program to help meet the rising cost of going to college. Our first priority must be to increase our commitment to currently underfunded Pell grants, and to carefully implement the student loan reforms enacted in last year's budget bill.

NOT THE CCC

Second, it is important to distinguish the new AmeriCorps program from previous national service programs like FDR's Civilian Conservation Corps and the Peace Corps and VISTA programs launched in the 1960's.

Those previous initiatives were Federal programs, totally funded and run from Washington. What this newest initiative does is authorize a decentralized infrastructure for States to use in stimulating community service by young people. It is intended to serve as a broad framework for thousands of different programs tailored to meet the diversity of America's young people and the communities they will serve.

The new AmeriCorps program should also leverage State, local, and private sector support for programs that respond to this diversity and that enjoy strong local ownership. If that happens, the impact of this new initiative will reach far beyond what's possible with the limited Federal funding that today's fiscal realities will allow.

SERVICE LEARNING

Finally, as we launch the AmeriCorps program, much greater recognition must be given to the value of other new programs also authorized last year that encourage nonstipended service learning.

In States all around the country, young Americans from kindergarten through college are demonstrating the value of community service that's creatively integrated into the school curriculum.

In Minnesota, for example, more than 100,000 young people are now participating in school-based service learning programs. These programs are improving educational outcomes and benefiting local communities. And, they're achieving these goals at a fraction of the cost of AmeriCorps and other stipended service programs that dominated last year's national service debate.

WAYNE MEISEL, MY YOUTH SERVICE MENTOR

Mr. President, a driving force behind my own interest in national and community service has been the leadership of Minnesotans. Wayne Meisel—who grew up alongside my own four sons in South Minneapolis—is one of those individuals I have looked to as a mentor on this issue.

That's why I am pleased to report that Wayne was recently recognized for his leadership by the American Institute for Public Service through its Jefferson Award. This prestigious award is used annually to recognize outstanding public service by an individual under age 36.

Wayne Meisel is the founder of COOL—the Campus Outreach Opportunity League, an internationally known platform for students and graduates to lead, sustain, and challenge their peers to service others and to bring about positive change.

In 1983, after graduating from Harvard University, Wayne traveled from campus to campus, effectively using his vision and enthusiasm to start local youth service chapters. COOL now works with 700 colleges and universities nationwide and with international students groups throughout the world.

Working with COOL from 1983 to 1989, Wayne set the tone for organizations run by and for young people. He brought about coalitions between and among individuals, campuses, local communities, and all levels of government. As COOL's director, he conceived and developed "A Day in the Life of Youth Service," an event designed to recognize and support young people in their efforts to serve their communities.

Wayne is now serving as president of New Jersey's Bonner Foundation, where he has created and generated funding for the Bonner Scholars program. This 2,000 member corps of college students requires at least 600 hours of service per year in exchange for college scholarships. Overall, the program provides over 1 million hours of service each year to communities throughout the country.

After passage of 1990 National and Community Service Act, Wayne was appointed by President Bush to the first board of the then-Commission on National and Community Service. From that platform, Wayne argued forcefully for greater involvement of young people themselves in the design and management of youth service programs.

I agree with Wayne's premise that youth involvement is one of the key elements that will determine the long-range success of these programs in local communities all over America. And, in accepting the Jefferson Award, Wayne again made this point in his usual quiet but forceful way.

There is a great deal to be learned from the perspectives that individuals like Wayne Meisel have to offer, Mr. President. And, because of the particular insights Wayne has on the role of young people in national service, I would ask that the full text of his remarks accepting the Jefferson Award be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Chronicle of Philanthropy, Aug. 9, 1994]

TO SERVE THE NATION, YOUTH MUST BE HEARD

(By Wayne Meisel)

National service is now a top theme on the American agenda. Large national organizations are gearing up to receive federal money through the new AmeriCorps program, which has its official kick-off next month. But in all the planning for the new service corps, one voice has been conspicuously absent: that of the young people who played a key role in promoting the national-service movement. It is impossible to have a successful service corps without youth leadership.

The Corporation for National Service—which is in charge of overseeing AmeriCorps and other volunteerism efforts—has yet to give young people a serious role in policy making. Just as one can be a friend of agriculture without being a friend of farmers, so to can the corporation be a friend of youth service without being a friend of young people.

Youth leadership is not just a nice idea. It is a critical element to assuring not only that national service will be a success, but that its participants are motivated by a vibrant and powerful vision of social change and justice. Our ability to make youth leadership a key element of all types of service programs will determine whether the new-found interest in national service will be an inspiration and source of support for young people everywhere—or whether it will end up crushing the spirit and creativity of a young people's movement.

Though well-intentioned, the Corporation for National Service has not given young people the opportunity to lead the movement they created. The federal Commission on National and Community Service—the body that led to the formation of the corporation—had recommended unanimously that applicants be required to demonstrate that young people were involved in creating, operating, and evaluating service programs. Yet when the grantmaking regulations were published and sent out, no mention was made of that requirement. A year and a half later, the requirement has yet to work its way into any of the corporation's regulations or guidelines.

In a move that further limited youth involvement, the corporation dissolved the Youth Voice Committee, which the commission had created to make sure that young people had an opportunity to be involved in the policy-making process. Although corporation officials promised to setup some kind of structure to perform the same tasks as the youth committee, they have not yet done so.

Before it was dismantled, the committee oversaw the creation of "From the Hip," a photojournalistic effort to get young people to define and express what youth service was and what it meant. Hundreds of young people teamed up with adult mentors to take photographs and write stories about youth service. The stories that came back were not just about traditional kinds of service like tutoring kids and serving the elderly; they were also about race, sexuality, politics, and religion.

To create a national-service corps that is relevant to young people, we need to know what they think. But the corporation has not taken any action to figure out what young people value.

Federal officials have done further damage to the youth movement by taking over projects that were designed and run by young people. Case in point: the Road Scholars program run by the Campus Outreach Opportunity League.

For the past decade, COOL has sent staff members out to towns and cities across the country that wanted help developing and strengthening campus-based community-service efforts. Initially, the Commission on National and Community Service made a grant to the Road Scholars program that would have allowed many more communities to be served by COOL. But instead of continuing the league's tradition of getting young people to advise and inspire their peers, the Corporation for National Service withdrew federal support and established its own program to provide the same services as COOL.

You cannot hire someone else to implement another person's or group's vision. Through COOL, Road Scholars were able to lead with authority. They were all recent college graduates with experience building successful service efforts. They were accountable not to a large institution or a government entity but to an idea, a common vision, and a shared value. Perhaps that was threatening to federal leaders. The real question is whether in its new training program, which borrows the techniques developed by COOL, the Corporation for National Service will give young people adequate authority.

Officials of the Corporation for National Service have emphatically denied that they are trying to discourage the youth voice.

But they must realize that the corporation, through its influence and sheer size, controls the youth-service movement. The greatest tragedy in all this is that after working so hard to get to the place we are now, the movement finds itself at its most vulnerable point. The corporation's takeover could leave us with uninspired leadership that fails to articulate a clear and powerful message while creating a bureaucracy that becomes an expression of institutionalized mediocrity.

Although I am critical of what has happened so far, there is much that the Corporation for National Service and the foundation world can do to make national service flourish. Among the steps they can take to bring life, vision, and youth back to what can be the most powerful movement of this decade:

The corporation must put into its regulations a requirement that all its grantees have young people involved in the creation, implementation, operation, and evaluation of their programs.

The corporation and foundations need to realize that for community service to have meaning to a broad range of young people, it has to deal openly with issues of race, gender, class, sexual orientation, politics, justice, and power.

Foundations should take a close look at projects the corporation does not support. Private grant makers should consider giving money to efforts that have the potential to break new ground in the way youth-service efforts are run.

The corporation should be encouraged to identify, develop, and support programs that educate non-profit organizations about the importance of youth involvement in policy making and that train them in ways to win youth participation.

Foundations should be inspired to follow the lead of the Lyndhurst and Echoing Green Foundations, which provide fellowships to young people who want to pursue careers in community service and activism.

Many people have worked hard for national service to become a reality. National service is a call to all Americans—regardless of their age—to serve in their communities and to build the country we all dream about. But for youth service to work, young people must have opportunities to be heard. Youth is the leadership of tomorrow only if we procrastinate.

TRIBUTE TO NEIL HAIGHT

Mr. BAUCUS. Mr. President, I rise in recognition of an outstanding public servant, Neil Haight of Helena, MT.

Neil will soon celebrate 25 years of working for Montana Legal Services Association and low-income Montanans. He started with legal services by managing the Lewistown office from 1969–73, circuit riding through the small rural counties in the heartland of Montana. In 1973, he became the director of the association, a position he still holds today.

As director of Montana Legal Services, Neil has capably steered the organization through those difficult years when its very existence was threatened. Today, Montana Legal Services stands on much more secure ground. Neil now faces the challenge of starting to rebuild the strong statewide organization which he managed to maintain during the 1980's. I cannot think of a better person for the job.

Perhaps Neil's greatest contribution to Montana Legal Services Association has been his constant support for its employees. Even though he likens leading legal services lawyers to herding cats, his strong support of their work has motivated them to achieve major legal advances on behalf of low-income Montanans.

Neil Haight is a class act. He is a credit to the Legal Services Association. And he stands for the very best of public service and the legal profession. Throughout his career, he has put the good of the people of Montana before making money. And, through it all, his wife Betty has stood by his side.

On behalf of the people of Montana, I want to say thank you to Neil and Betty Haight. You have made a difference.

ST. PETERSBURG COMMISSION: CATALYZING BOTTOMS-UP REFORM IN RUSSIA

Mr. WARNER. Mr. President, I want to invite the attention of my colleagues in Congress to a unique international partnership formed by the Center for Strategic and International Studies [CSIS], a distinguished policy research institution in Washington, DC. I refer to the International Action Commission for St. Petersburg, on which I serve, and which is successfully increasing investment and business growth and speeding the process of economic conversion in St. Petersburg city and region. Working under the joint leadership of Dr. Henry Kissinger and Mayor Anatoly Sobchak, the 71 commissioners, comprising leaders of business, government and universities from six nations, play an aggressive and direct role in bringing about an impressive number of positive changes in northwest Russia.

Commission actions are developed and implemented through a framework for cooperation involving 11 joint Russian-Western working groups and a consortium of international universities. These working groups have 26 concrete actions completed or underway in areas ranging from arbitration court development to defense industry conversion and energy conservation. Through these actions, and through the partnership that has created them, the commission has sparked joint venture development, growing private and public investment in the St. Petersburg region, job growth, business education, technical assistance, and the building of structures necessary for a functioning free market economy and stable economic growth. These significant and tangible results not only provide clear benefits to the St. Petersburg region, but they also serve as a model for economic conversion for other Russian cities and regions, and cement a healthy working relationship between American and Russian leaders.

The intense activity taking place in St. Petersburg through this commission, the enthusiastic involvement of so many senior leaders, and the early successes already achieved in this effort, underscore the critical importance—to both Russia and the United States—of strong, bottoms-up change in this strategic region of Russia to accompany top-down reform efforts led from Moscow.

Under the leadership of its president, Ambassador David M. Abshire, CSIS's effort on this project merits our admiration and support. I ask unanimous consent to insert in the CONGRESSIONAL RECORD descriptive information about the commission's work.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for Strategic and International Studies, Washington, DC]

INTERNATIONAL ACTION COMMISSION FOR ST. PETERSBURG

BRIEF OVERVIEW

The International Action Commission for St. Petersburg has moved aggressively to develop and advocate concrete actions which are leading to near-term increases in foreign investment and in Russian and Western business growth in St. Petersburg and the Leningrad Oblast. The commission is co-chaired by Dr. Henry Kissinger and Mayor Anatoly Sobchak. The 71 commissioners are senior leaders of business, government and universities, and are from St. Petersburg, President Yeltsin's cabinet, the U.S., Finland, Sweden, France and the U.K.

The work of the commission is being accomplished by joint Russian-Western working groups which develop promising actions and assist the city, oblast, business community and universities in the timely introduction of these actions. Over 200 persons are involved in the current eight working groups and in a consortium of 26 international and St. Petersburg universities. These eight working groups have 30 actions completed or underway addressing the following areas critical to economic growth and conversion:

Public Education for Business Growth;
Infrastructure Improvement;
Modernization and Development of the Port;
Energy Conservation and Management;
Unstable Business Conditions;
Defense Diversification;
Banking and Investment; and
Agribusiness Development.

The full commission has met in plenary session on three occasions beginning in October 1992 in St. Petersburg, at a 1993 meeting in Baltimore, Maryland and Washington, DC, and returning to St. Petersburg for a June 1994 meeting.

During the June, 1994 plenary session, the commission set a priority on securing needed investment funding for 21 projects developed by the commission working groups over the past year. The commission also agreed to form three new Russian-Western working groups to act on:

Small and Medium Sized Business Growth;
Health Care Improvement; and
Strengthening of Government Processes under New Local and Regional Government.

The three new working groups will meet in St. Petersburg in September 1994, and will propose new actions to be developed, acted upon as quickly as possible. The original eight working groups will guide the funding and execution of developed projects. The commissioners will meet to measure commission progress at a fourth plenary session, scheduled for July, 1995.

This commission is organized by CSIS with Mr. George W. Handy as director and Mr. David A. Pepper as assistant director. Funding is from corporate contributions and a U.S. AID grant.

Cochairs

Henry A. Kissinger and Anatoly Sobchak.

COMMISSION MEMBERS

Europe & the United States

Krister Ahlstrom, President and CEO, A. Ahlstrom Corporation.

Anders Aslund, Director, Stockholm Institute of East European Economics.

Percy Barnevik, President and CEO, ABB Asea Brown Boveri.

Per Benemar, CEO, Petersburg Products International.

Carl Bjornberg, President and CEO, Myllykoski Oy.

Michael R. Bonsignore, Chairman and CEO, Honeywell Inc.

Fred L. Cipriano, Senior Vice President, Booz-Allen & Hamilton.

Robert W. Cox, Chairman, Baker & McKenzie.

Robert Davies, Executive Director, The Prince of Wales Business Leaders Forum.

Georg Ehrnrooth, President and CEO, Metra Corporation.

Bruno Grob, President, Otis Elevator International.

Jukka Harmala, President and CEO, Enso-Gutzeit Oy.

Robert D. Hormats, Vice Chairman, Goldman Sachs International.

Jaakko Ihamoutila, Chairman and CEO, Neste Oy.

Jaakko Iloniemi, Managing Director, EVA.

James D. Jameson, Chairman, Glenair.

Harry Johnston (D–FL), U.S. House of Representatives.

L.J. Jouhki, President, Thomesto Trading Company Ltd.

Seppo Kauppila, Consul General, St. Petersburg, Embassy of Finland.

Jarl Kohler, President, Finnish Forest Industries Federation.

Eugene Lawson, President, U.S.-Russia Business Council.

Joseph I. Lieberman (D–CT), United States Senate.

Harald B. Malmgren, President, Malmgren Group.

Thomas E. Marsh, Regional President, R.J. Reynolds Tobacco International.

Dave McCurdy (D–OK), U.S. House of Representatives.

Jean-Marie Mérillon, Chairman, Crédit Lyonnais Russia.

Jan Meyers (R–KS), U.S. House of Representatives.

Kalevi Numminen, President and CEO, Imatra Power.

Jorma Ollila, President, Nokia Group.

William H. Orton (D–UT), U.S. House of Representatives.

Ambassador Henry Owen, Consultants International.

Milan Panic, President, ICN Pharmaceuticals.

John E. Pepper, President, The Procter & Gamble Company.

Ogden R. Reid, Director, National Patent Development Corporation.

John J. Roberts, Vice Chairman, American International Group.

Blair A. Ruble, Director, Kennen Institute for Advanced Russian Studies.

Robert Rutford, President, University of Texas at Dallas.

Ambassador John D. Scanlan, ICN Pharmaceuticals.

William Donald Schaefer, Governor of Maryland.

S. Frederick Starr, President, Aspen Institute.

Matti Sundberg, CEO, Valmet Corporation.

Peter Wallenberg, First Vice Chairman, Skandinaviska Enskilda Banken.

John Warner (R–VA), United States Senate.

Thomas Wheelock, Chairman, Comspan.

Russia

Vladimir Alexandrov, General Director, Shipbuilding.

Alexander Belyaev, Member, Federal Council.

Alexander Belyakov, Governor, Leningrad Oblast, Member, Federal Council.

Yuri Bokov, General Director, Shipbuilding.

Alexei Bolshakov, Chairman, Railway Project.

Anatoly Chubais, Deputy Prime Minister, Chairman, Committee for Privatization, Russian Federation.

Boris Fedorov, Deputy, State Duma.

Vladimir Gorodniy, Vice President and General Director, Lenvest.

Viktor Ivanov, General Director, Union Industrial & Building Enterprises.

Victor Khalansky, Chief Representative for St. Petersburg, Central Bank of Russia.

Igor Klioutchnikov, Chairman of the Board, St. Petersburg Stock Exchange.

Alexei Kudrin, First Deputy Chairman, of St. Petersburg Government, Chairman, Committee on Economy and Finance.

Vyacheslav Larin, General Director, LenTEK.

Yuri Lvov, Chairman of the Board, St. Petersburg Bank.

Liubov Ogneva, General Director, St. Petersburg Clothes Manufactory.

Vyacheslav Petrov, General Director, Arsenal Production Association.

Vladimir Putin, First Deputy Director, of St. Petersburg Government, Chairman, Committee on External Relations.

Alexander A. Sarkisov, President, Klimov Works.

Peotr G. Semenenco, President, Klimov Plant.

Vladimir Semenov, General Director, Industry and Construction Bank.

Dmitry V. Sergeyev, Deputy Minister of Transportation, Russian Federation.

Anatoly A. Turchak, President, Concern Leninets.

Ludmilla Verbitskaya, Rector, St. Petersburg University.

Vladimir Yakovlev, First Deputy Chairman, of St. Petersburg Government, Chairman, City Development Committee.

Eugene Yelin, President, Currency Stock Exchange.

Valentin P. Zanin, Manager General, Signal.

OVERVIEW

The International Action Commission for St. Petersburg is organized under the coleadership of Dr. Henry Kissinger and Mayor Anatoly Sobchak to support actions which will increase investment and business growth and speed the process of economic conversion in St. Petersburg city and region. The 71 commissioners, senior leaders of business, government and universities from six nations, work through 11 joint Russian-Western working groups and a consortium of international universities to undertake concrete actions having a near term impact on this strategic city and region of Russia. Periodic plenary sessions bring the commissioners together to assess progress, eliminate obstacles and decide on new directions for action.

THIRD PLENARY SESSION

On June 10 and 11, 1994, the International Action Commission for St. Petersburg met in St. Petersburg for its Third Plenary Session. The highly successful session was hosted by co-chairman, Mayor Anatoly Sobchak, and was preceded on June 9 and 10 by a meeting of the commission's international university consortium. The commissioners assessed and agreed upon 33 concrete decisions contributing to investment and business growth in St. Petersburg city and region; highlights included:

$1.6 million dollars in investments to support 12 actions which have been developed by commission working groups and proposed to the U.S. Agency for International Development for funding.

Continued progress on major investment projects in energy, port, agribusiness and other infrastructure areas totaling potentially several hundred million dollars.

Commission agreement to form three new working groups in the areas of small and medium-sized business growth, improved health care and strengthened government processes (the latter with an emphasis on tax and investment incentives, creation of an ombudsman office and law and order).

Approval by commissioners of a schedule for the year ahead with a meeting of commission and working group co-chairmen in February 1995 and a fourth plenary session in July 1995.

Agreement that the priority effort of the commission in the year ahead would be to help secure needed investments and to support their rapid application, in St. Petersburg city and region.

MAJOR ACCOMPLISHMENTS AMONG 30 CURRENT COMMISSION ACTIONS

Television program on Russian-Western cooperation broadcast on June 11 to the 14 million viewers of the St. Petersburg channel.

Voice of America Radio broadcasts across Russia of commission experience.

Guidelines, sponsors and charters for International Arbitration Court organized; registration expected in several months.

One stop shop agency to assist businesses and investors and to speed city development organized.

U.S. Russia-Exchange programs underway with full St. Petersburg participation.

Russian-American Enterprise Fund introduced to St. Petersburg personally by fund chairman, Mr. G. Corrigan.

International School and Medical Center open and operating successfully.

Leninets award of a U.S. government grant for defense industry conversion of $1 to 5 million scheduled for July; all commission defense enterprises are well positioned for additional grants.

University Consortium expanded to 26 international universities with work underway on distance learning, new courses, exchanges and creation of business schools.

PROJECTS DEVELOPED AND READY FOR INVESTMENT ACTION

The following 12 projects ready for funding have been developed from working group actions and proposed to U.S. AID:

Television program follow-on;

Arbitration court start-up;

Investment and Development Agency public relations plan;

Central historic district development;

Technology park business plan and prospectus;

Bank card system start-up;

General banking training;

Energy efficiency zone and company formation;

Business plan for agribusiness wholesale terminal market;

Agricultural skill training;

Feasibility study for port operations improvement; and

Port operations training program.

Negotiations for major funding are underway with commission working group support for projects developed from joint Russian-Western actions in the following areas:

Infrastructure Improvement Program (World Bank);

Stock Exchange Clearing House;

District Heating Project (World Bank);

Energy Efficiency Center & Zone (World Bank);

Energy Master Plan (Finnish Government, World Bank);

Nuclear Energy Project (World Bank);

Agribusiness Wholesale Market (World Bank, EBRD);

Port Operations Improvements (World Bank, EBRD); and

Guarantee Fund for Environmental Improvements.

RETIREMENT OF DORA JEAN PHILLIPS MALACHI

Mr. McCONNELL. Mr. President, the autumnal equinox will bring the onset of dark days to the Congressional Budget Office, for on September 22, Dora Jean Phillips Malachi will retire. Ms. Malachi is completing 28 years of splendid service on Capitol Hill and she will be sorely missed.

Dora Jean left her home in Louisville, KY, to join the staff of Senator John Sherman Cooper in 1966. She served, also with distinction, on the staff of Senator Marlow Cook before joining CBO as one of its earliest employees in 1975. At CBO she has served in a variety of administrative positions, and is currently the administrative secretary to the Assistant Director for Special Studies. Unlike the shorter days ahead, Ms. Malachi, in all her tasks, has been the embodiment of ample sunshine, bringing light and warmth to all those who have had contact with her. Beyond that, her ability to procure the most obscure bit of Hill information with a single well-directed phone call, or to secure for her colleagues entree to almost any event in a city in which entree is the coin of the realm, is legendary. The CBO is a much better place as a result of her service; she leaves behind many friends and admirers.

Mr. President, I can assure you that although Dora Jean Malachi will end her 28th year of Federal service a day short of the 39th birthday, after a decade of work for the city of Louisville and Jefferson County and for the Domestic Insurance Co., no child labor law was broken. I have Ms. Malachi's word on this, and that is good enough for me. This government has been well served by this Kentucky Colonel and we salute her and wish her Godspeed on her well-earned retirement.

GUN VIOLENCE

Mr. LAUTENBERG. Mr. President, I rise today to once again call to the attention of my colleagues a fact that the country is all too aware of: gun violence is destroying America's brightest hope for the future—our children.

Here are just two examples taken from the last month. Just two stories that tell us what can happen when children get their hands on guns.

In High Bridge, NJ, a 13-year-old boy shot and killed an 11-year-old friend over a silly, childhood argument.

In Chicago, IL, an 11-year-old boy shot into a crowd, murdered a girl, and was then killed himself—by a 14-year-old and a 16-year-old.

Both tragedies demonstrate what happens when kids can gain easy access to guns in our streets and in our homes.

At a time when our children should be playing in little league, studying algebra, or going to high school dances, they are engaged in deadly street warfare.

Instead of notebooks and pencils, they carry guns and bullets.

Instead of dreaming about college, 15-year-old boys dream of streets, of gangs, and of semiautomatic handguns.

Instead of planning their sweet 16's, 15-year-old girls sit around and plan their funerals.

One woman brought her grandson to 11-year-old Robert Sandifer's funeral in Chicago. She wanted her grandson to see what could happen if he drifted into the world of gangs and guns. She wanted to teach him a lesson. I hope she did; but I know she taught all of us a lesson. She went up to pay her respects and saw how tiny the body was, how strange it was to see this small corpse dressed for eternity in a coffin. "That's a baby in there," she said.

In the words of a New York Times editorial last week—and I ask for unanimous consent that this editorial be placed in the Record:

> People too young to comprehend death's finality have easy access to death's machines. It gives them status and power. No formula for change will work without a plan to reduce the number of guns on America's streets and in children's hands.

That is what we are trying to do, Mr. President: to get the guns out of our neighborhoods and out of our schools. But each time we try to do it, regressive forces get in the way.

Every day 14 American children—14 kids here in America—are killed by guns.

But every day, the National Rifle Organization gives more than $14 to politicians, orchestrates more than 14 letters, inspires more than 14 phone calls. Few politicians are willing to stand up to such a powerful special interest. So little gets done.

It took us years to pass the Brady bill—a bill which has already proven to be effective and would have saved thousands of lives if it had been passed when it was proposed 10 years ago.

It took us 6 years to get a ban on selected semiautomatic weapons passed. And even then, the NRA wanted to scuttle the entire crime bill—all that money for cops and prisons—if that was the price of keeping semi's in their homes and on our streets.

Well, Mr. President, this time they lost. And we won. Today, President Clinton will sign the crime bill, enacting a ban on 19 different assault weapons and prohibiting gun possession by minors. It is a giant step in the right direction, but we cannot forget that it was almost derailed by the NRA.

We can celebrate today. But we also have to make a commitment today. A commitment to keep going. To keep fighting.

Here is one reason: according to the National Education Association, more than 100,000 students pack a gun with their school things every morning.

Our response was the Gun-Free School Zones Act of 1990 which prohibits the possession of firearms within 1,000 feet of a school. It is a law that can and does work. But it is also a law that is being challenged in the courts.

Next month, the Supreme Court will decide if this law is constitutional. Along with 16 colleagues in the Senate, I have signed a legal brief urging the Court to uphold the law.

We know that guns do not belong in or near America's school yards, and we will continue fighting to keep them away.

We must remember, Mr. President, that this crime bill is not an end to our fight against guns and crime. It is a beginning.

We must restore traditional ideals and the sense of family values. We must give our children the hope and guidance they need to grow up and reject a life of crime. We must continue to fight for reasonable gun control: to stand up to those who put their ideology above the safety of our children.

We have made a start, Mr. President. The crime bill is a step forward. But we have a long way to go. Together, we can get there.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times]

"THAT'S A BABY IN THERE"

The speaker of those words was not, we know, referring to a stroller but to a coffin. She was talking about Robert Sandifer, an 11-year-old accused of murdering another child, who was murdered in turn, probably by his own colleagues in crime. The woman had brought her grandson to look at Robert—as had many other adults in this Chicago neighborhood—in hopes that his small body would serve as a warning: Death is permanent. This is where gangs will take you. Beware.

Much has been made in the media this week of Robert's sad story: Abused and abandoned at 3, cared for variously by a grandmother and child welfare agencies, a gang member at 9. But that neglect cannot be the entire explanation. Neighbors and schoolmates of Robert's alleged killers—brothers aged 14 and 16—say those two had good parents. "Their mother and father are real good, nice people," said one. "They just can't control them." Others talked of losing sons and friends to the streets. Children spoke openly of being thankful each day to make it home from school.

Robert Sandifer has quickly become the symbol of something very big and very wrong in America. His alleged crime, his age and his death have combined to provoke a universal revulsion, a feeling that things have gone too far. The question now is: How to harness this moment?

Last month Congress passed a crime bill aimed at making a dent in the appalling conditions in American cities that lead to tragedies like Robert's. It was the culmination of months of furious debate. Conservatives called for more jail cells and more certain punishment; liberals wanted prevention programs to give kids alternatives to the street culture. A ban on a small number of deadly assault weapons barely passed. The bill itself was mired for weeks in the partisan confusion of competing philosophies on crime. It was saved only by legislators' fear that failure to act would bring disaster on Election Day, since crime has become their constituents' chief preoccupation.

Americans like symbols. Sometimes it takes a particular tragedy to galvanize us, to remove the partisan blinkers from an issue and make it human. Jim Brady's wounding turned the gun debate around, making it respectable for conservatives to support gun control, bringing home the message that gun violence in America needed attention.

Can Robert Sandifer's tragedy do something similar? And if so, what?

Clearly, simply building more jail cells cannot help an 11-year-old so alienated that he must seek approval and kinship from a gang of thugs. Robert's story is as complicated as America's urban disaster. More certain punishment—and, yes, more police and more jail cells—might help to counter the atmosphere of impunity in which urban gangs operate. But just as clearly, city children need a community in which to grow up, some adult structure that will chasten them for doing wrong and show them how to do something right. Too many American children of all races now lack functional families. Boys need career paths other than the drug business; girls need one other than teen-age motherhood that produces more neglected children. No amount of partisan or scholarly disparagement of traditional social programs can change that fact.

Part of what makes this social chemistry volatile is the gun culture. People too young to comprehend death's finality have easy access to death's machines. It gives them status and power. No formula for change will work without a plan to reduce the number of guns on America's streets and in children's hands.

Robert Sandifer's short life and pitiful death—along with the strangers who mourned beside his coffin—illustrate the awful state of America's cities, where even loving parents cannot save children. If they cry out for anything, it is to abandon the demagoguery and partisanship that have characterized the crime debate so far, and to focus some real resources on the neglected cities where the children struggle every day to survive.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 1, 11, 17, 32, 33, 38, 47, 48, 49, 50, 52, 53, 54, 55, 65, 66, 77, 80, 82, 86, 87, 97, 103, 104, and 105, and agrees thereto, that the House recedes from its disagreement to the amendments of the numbered 5, 14, 19, 20, 28, 30, 51, 56, 58, 60, 64, 71, 72, 84, 98, 100, 111, 117, and 123 to the bill, and has agreed thereto, each with an amendment, in which it requests the concurrence of the Senate.

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 3300. An act to amend the act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations.

H.R. 4391. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4554) making appropriations of Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DURBIN, Mr. WHITTEN, Ms. KAPTUR, Mr. THORNTON, Ms. DELAURO, Mr. PETERSON of Florida, Mr. PASTOR, Mr. SMITH of Iowa, Mr. OBEY, Mr. SKEEN, Mr. MYERS of Indiana, Mrs. VUCANOVICH, Mr. WALSH, and Mr. MCDADE as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. BEVILL, Mr. SKAGGS, Mr. COLEMAN, Mr. OBEY, Mr. REGULA, Mr. MCDADE, Mr. KOLBE, and Mr. PACKARD as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SMITH of Iowa, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Ms. DELAURO, Mr. SABO, Mr. PORTER, Mr. YOUNG of Florida, Mrs. BENTLEY, Mr. BONILLA, and Mr. MCDADE as the mangers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4650) a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKY, Mr. DARDEN, Mr. OBEY, Mr. MCDADE, Mr. YOUNG of Florida, Mr. LIVINGSTON, Mr. LEWIS of California, and Mr. SKEEN as the managers of the conference on the part of the House.

The message also announced that House disagrees to the amendment of the Senate to the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference on the disagreeing votes to the two Houses thereon; and orders the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GLICKMAN, Mr. RICHARDSON, Mr. DICKS, Mr. DIXON, Mr. TORRICELLI, Mr. COLEMAN, Mr. SKAGGS, Mr. BILBRAY, Ms. PELOSI, Mr. LAUGHLIN, Mr. CRAMER, Mr. REED, Mr. COMBEST, Mr. BEREUTER, Mr. DORNAN, Mr. YOUNG of Florida, Mr. GEKAS, Mr. HANSEN, and Mr. LEWIS of California.

From the Committee on Armed Services, for consideration of the defense tactical intelligence and related activities: Mr. DELLUMS, Mr. SISISKY, and Mr. SPENCE.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 601 and 704 of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. KENNEDY, Mr. LAROCCO, Mr. MCCANDLESS, and Mr. CASTLE.

As additional conferees from the Committee on Government Operations, for consideration of section 601 of the House bill, and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, and Mr. CLINGER.

As additional conferees from the Committee on the Judiciary, for consideration of sections 802–804 of the House bill and section 601, 703–707, and 709–712 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. EDWARDS of California, and Mr. HYDE.

The message further announced that pursuant to the provisions of 22 U.S.C. 276a–1, and the order of the House of Sunday, August 21, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on September 8, 1994, did appoint Mr. WILSON to the delegation to attend the Conference of the Interparliamentary Union to be held in Copenhagen, Denmark, from September 12, 1994, to September 17, 1994, on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3300. An act to amend the Act popularly known as the "Sikes Act" to enhance fish and wildlife conservation and natural resources management programs on military installations; to the Committee on Environment and Public Works.

H.R. 4391. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3508. An act to provide for tribal self-governance, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 13, 1994 she had presented to the President of the United States, the following enrolled bill:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3269. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-02; to the Committee on Appropriations.

EC–3270. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-81; to the Committee on Appropriations.

EC–3271. A communication from Acting Director of the Office of Dependents Education, Department of Defense, transmitting, pursuant to law, the annual test report of dependents schools for the school year 1993–1994; to the Committee on Armed Services.

EC–3272. A communication from the Assistant to the Secretary of Defense (Atomic Energy), transmitting, pursuant to law, the report relative to the Chemical and Biological Defense Program; to the Committee on Armed Services.

EC–3273. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the U.S. Munitions List articles; to the Committee on Banking, Housing, and Urban Affairs.

EC–3274. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the credit card operations of depository institutions for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 12, 1994:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

H.R. 3672: A bill to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service (Rept. No. 103–363).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes (Rept. No. 103–364).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. GRAMM, Mr. LOTT, Mr. BURNS, Mr. D'AMATO, Mr. NICKLES, Mr. COCHRAN, Mr. MCCONNELL, and Mr. PRESSLER):

S. 2431. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the amount of social spending, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2432. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Year 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S. 2433. A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN:

S. 2434. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 2435. A bill to amend title 28, United States Code, regarding appointment of an independent counsel; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. GRAMM, Mr. LOTT, Mr. BURNS, Mr. D'AMATO, Mr. NICKLES, Mr. COCHRAN, Mr. MCCONNELL, and Mr. PRESSLER):

S. 2431. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the amount of social spending, and for other purposes; to the Committee on the Judiciary.

THE CRIME CONTROL IMPROVEMENT ACT

Mr. DOLE. Mr. President, instead of signing the so-called crime bill, President Clinton should have used today's White House ceremony to send the bill back to Congress marked with four simple letters: V-E-T-O. Veto.

The President should have told Congress to cut out the billions and billions of dollars in wasteful social spending, toughen up the penalties, and send him a new-and-improved crime bill that matches his own tough-on-crime rhetoric.

And that is exactly what Senate Republicans tried to do last month, when we were ready to offer a series of 10 amendments, all designed to improve the crime bill by stripping out the pork and toughening up the weakest parts of the watered-down conference report.

Republicans tried to save the taxpayers nearly $5 billion by cutting such phony crime-fighting measures as the Local Partnership Act, the Model Intensive Grants Program, the National

Community Economic Partnership—even something called the Ounce of Prevention Program, which in reality is not an ounce, but a multimillion dollar ton of pure, unadulterated pork-barrel spending.

Republicans sought to establish mandatory minimum penalties for those vicious criminals who use a gun in the commission of a crime and who sell illegal drugs to children.

Republicans tried to ensure the swift deportation of illegal aliens who have committed violent crimes while in the United States.

Republicans attempted to tighten up the crime bill's prison language so that funds will be used to build "brick and mortar" prison cells, rather than warm-and-fuzzy prison "alternatives" such as half-way houses and juvenile detention centers. Believe it or not, there is no guarantee that one dime of the crime bill's $30 billion will be used to build a single prison cell.

And, Mr. President, last month, Republicans sought to ensure that first-time violent offenders are kept behind bars by encouraging States to adopt real, meaningful truth-in-sentencing reform.

Although a full 2 weeks have elapsed since the Senate's passage of the conference report and today's signing ceremony, Republicans were nonetheless blocked—shut out is the word—from using just several hours to debate our 10 amendments, toughen up the crime bill in the process, and potentially save the taxpayers nearly $5 billion.

So, Mr. President, today's signing ceremony may be a legislative victory for President Clinton, but it is a very expensive lesson for the American people.

The American people are not dumb. They know that the crime bill is more hype than tough-on-crime substances. They know that it fully funds only 20,000 new police officers, not the 100,000 claimed by the administration.

And the American people understand that the most effective way to prevent crime is not with the pork-barrell, but with the prison cell.

Although Senate Republicans came up a bit short last month, this temporary set-back does not mean we have given up. On the contrary: Republicans will continue to push ahead—with greater effort and with even greater resolve—until the American people get the kind of tough, no-nonsense, crime-fighting plan they deserve, and one that is 100 percent fat free.

That is why I am introducing a bill today—the Crime Control Improvement Act—that incorporates all 10 amendments proposed by Republicans during the debate last month: a $5 billion cut in wasteful social spending, tough mandatory minimum penalties for those who use a gun while committing a crime, tough mandatory minimums for those who peddle drugs to minors and employ minors to sell drugs, the swift deportation of criminal aliens. And real truth-in-sentencing for first-time violent offenders, not for the second-time offenders, as the crime bill now provides.

The Senate should have adopted these amendments more than 2 weeks ago. The crime bill would have been vastly improved as a result, and the American people would not be so skeptical today of the overblown claims made by President Clinton and by the bill's most ardent supporters.

No doubt about it, the Senate missed a golden opportunity by preventing Republicans from offering our amendments. But one lost opportunity does not mean we should not keep on trying, and that is exactly what Republicans intend to do in the weeks and months ahead.

Mr. President, I ask unanimous consent that the full text of the Crime Control Improvement Act, as well as a section-by-section analysis, be reprinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Control Improvement Act of 1994".

SEC. 2. ELIMINATION OF MODEL INTENSIVE GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle C.

SEC. 3. ELIMINATION OF LOCAL PARTNERSHIP GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle J.

SEC. 4. ELIMINATION OF LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM, FAMILY AND COMMUNITY ENDEAVOR SCHOOLS PROGRAM, COMMUNITY-BASED JUSTICE GRANT PROGRAM, URBAN RECREATION PROGRAM, AT-RISK YOUTH PROGRAM, AND POLICE RECRUITMENT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q.

SEC. 5. ELIMINATION OF NATIONAL COMMUNITY ECONOMIC PARTNERSHIP PROGRAM, COMMUNITY SCHOOLS PROGRAM, OUNCE OF PREVENTION PROGRAM, FAMILY UNITY DEMONSTRATION PROJECT, GANG RESISTANCE EDUCATION AND TRAINING PROGRAM, AND DRUG COURTS PROGRAM.

The Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) in title III by striking section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X; and

(2) by striking title V.

SEC. 6. AMENDMENT OF VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING INCENTIVE GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled; and

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served inprison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

" 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

" 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $175,000,000 for fiscal year 1995;

"(2) $750,000,000 for fiscal year 1996;

"(3) $1,000,000,000 for fiscal year 1997;

"(4) $1,900,000,000 for fiscal year 1998;

"(5) $2,000,000,000 for fiscal year 1999; and

"(6) $2,070,000,000 for fiscal year 2000.".

SEC. 7. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.".

SEC. 8. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) In subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. 9. MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.'."

SEC. 10. DEPORTATION OF CRIMINAL ALIENS.

(a) EXPANSION OF DEFINITION OF AGGRAVATED FELONY.—

(1) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or

(i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense relating to perjury or subornation of perjury if the offense involved causing or threatening to cause physical injury to a person or damage to property;

"(M) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(N) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

"(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

"(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(R) an attempt or conspiracy to commit an offense described in this paragraph,

including any such offense under Federal or State law or the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to convictions entered on or after the date of enactment of this Act.

(b) DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

(1) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(f) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

"(A) the alien is given reasonable notice of the charges;

"(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

"(E) the final order of deportation is not adjudicated by the same person who issued such order.".

(2) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(A) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(B) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(C) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(3) TECHNICAL AMENDMENTS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(A) in subsection (a)—

(i) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(B) in subsection (b)—

(i) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(ii) by striking "respect to an" and inserting "respect to a permanent resident";

(C) by striking subsection (c);

(D) in subsection (d)—

(i) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(ii) by inserting "permanent resident" after "in the case of any"; and

(iii) by striking "(2)" and inserting "(B)";

(E) in subsection (e)—

(i) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(ii) by striking the second sentence; and

(iii) by striking "(2)" and inserting "(B)";

(F) by redesignating subsection (f), as added by paragraph (1) of this subsection, as subsection (c);

(G) by inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be deportable from the United States."; and

(H) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

(c) JUDICIAL DEPORTATION.—

(1) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(2) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

(d) RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.—

(1) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety.".

(2) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(A) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(B) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

(e) ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.—

(1) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(A) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(B) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(2) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(A) in paragraph (1)—

(i) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(ii) by striking "5" and inserting "10";

(B) in paragraph (2), by striking "15" and inserting "20"; and

(C) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(3) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(f) CRIMINAL ALIEN TRACKING CENTER.—

(1) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(2) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

(g) MISCELLANEOUS AND TECHNICAL CHANGES.—

(1) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien.".

(2) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(3) AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Sections 130001, 130002, and 130004 of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made by those sections are repealed effective as of the date of enactment of this Act.

SEC. 11. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) any criminal history points under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense;

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other law, a defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act, or of a crime of violence for which imposition of a mandatory minimum term of imprisonment is required, shall be sentenced to an additional 5 years' imprisonment.

(d) REPEAL OF TITLE VIII OF VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Title VIII of Violent Crime Control and Law Enforcement Act of 1994 and the amendment made by that title are repealed effective as of the effective date specified in subsection (c).

SEC. 12. EQUITABLE DISTRIBUTION OF DISCRETIONARY GRANTS.

It is the sense of the Congress that all grants authorized under the Violent Crime Control and Law Enforcement Act of 1994 and not required to be distributed according to a formula prescribed by law shall be distributed in a fair and equitable manner that ensures that rural states receive a fair and proportional share of the funds.

THE CRIME CONTROL IMPROVEMENT ACT
SECTION-BY-SECTION ANALYSIS

Section One. Short Title. The Act may be cited as the "Crime Control Improvement Act of 1994."

Section Two. Elimination of the Model Intensive Grant Program. This section strikes the $625.5 million Model Intensive grant program, contained in subtitle C of Title III of the Violent Crime Control and Law Enforcement Act of 1994. Under this program, 15 cities are hand-picked by the Administration and given complete discretion over how to spend the funding. Program funds may be spent for any purpose loosely tied to crime reduction. The Model Cities Intensive grant program was not part of the Senate-passed crime bill.

Section Three. Elimination of Local Partnership Grant Program. This section strikes the $1.62 billion "Local Partnership Act," contained in subtitle J of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The Local Partnership Act was not part of the Senate-passed crime bill.

Section Four. Elimination of House-passed Social Spending. This section strikes approximately $737 million in social spending programs, contained in subtitles B, D, G, H, O, and Q of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The programs eliminated by this section include the Local Crime Prevention Block Grant program, the Family and Endeavor Schools program, the Community-based Justice Grants program, the Urban Recreation program, the At-Risk Youth program, and the Police Recruitment program.

Section Five. Elimination of Senate-passed Social Spending. This section strikes over $1.9 billion in social spending programs, contained in subtitles A, D, K, S, and X of Title III and Title V of the Violent Crime Control and Law Enforcement Act of 1994. All of the programs eliminated by this section had passed the Senate as part of the Senate crime bill. However, in some instances the authorization levels for the programs were increased in conference. The programs eliminated by this section include the National Community Economic Partnership, the Community Schools program, the Ounce of Prevention program, the Family Unity Demonstration Project, the Gang Resistance Education and Training program, and the Drug Courts program.

Section Six. Prison Grants. This section amends subtitle A of Title II of the Violent Crime Control and Law Enforcement Act as follows:

The Act currently allows prison funds to be spent on alternative correctional facilities in order "to free conventional prison space." This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

This section removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

This section also amends the Act to condition prison grants on state adoption of truth-in-sentencing for first-time violent offenders. The Act only requires that states adopt truth-in-sentencing for second-time violent offenders.

Finally, this section amends the Act by deleting a "reverter clause" which provides that truth-in-sentencing grants that are not quickly spent will revert back to non-incentive grants. This reverter clause essentially removes any incentive for states to adopt truth-in-sentencing reform.

Section Seven. Increased Mandatory Minimum Sentences for Criminals Using Firearms. This section establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a crime of violence or drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

Section Eight. Mandatory Minimum Prison Sentences for Those who Use Minors in Drug Trafficking Activities. This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Section Nine. Mandatory Minimum Sentences for Those who Sell Illegal Drugs to Minors. This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

Section Ten. Deportation of Criminal Aliens. This section provides for the expedited deportation of non-permanent resident aliens convicted of certain violent felonies upon completion of the prison sentence. The amendment would also allow federal judges to enter deportation orders at the time of sentencing. Once the sentence is served, the criminal is automatically deported.

This section, originally proposed by Senator Simpson, was included in the Senate-passed crime bill.

Section Eleven. Flexibility in Application of Mandatory Minimum Sentence Provisions in Certain Circumstances. The Senate-passed crime bill contained a narrowly circumscribed mandatory minimum reform measure that returned a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

This section restores the Senate-passed measure and also adds a section ensuring that the so-called "safety valve" will not be abused by the courts. This added improvement requires certification by federal prosecutors that the defendant cooperated with law enforcement authorities.

Section Twelve. Equitable Distribution of Discretionary Funds. This section expresses the Sense of Congress that all grants authorized under the Violent Crime Control and Law Enforcement Act of 1994 and not required to be distributed according to a formula prescribed by law shall be distributed in a fair and equitable manner that ensures that rural states receive a fair and proportional share of the funds.

Mr. MITCHELL. Mr. President, I had hoped that the debate on the crime bill was a thing of the past now that the Senate has acted. But, in light of the comments made by the distinguished Republican leader, I feel constrained to reply.

The first point made and the point repeatedly made during debate on the bill was on the level of spending in the bill, popularly called by our Republican colleagues pork. But the fact of the matter is, of course, that is not the reason why they opposed the bill.

The fact of the matter is that when the Senate passed the crime bill just a few months ago, 42 out of 44 Republican Senators voted for the bill even though it had more spending in each of the years that were common to the two bills.

I want to repeat that. Forty-two out of forty-four Republican Senators voted for a crime bill that had higher levels of spending, more money, than was included in the bill that the Senate passed a few weeks ago in those years which were common to the two bills.

If they are so concerned about spending, why did they all vote for a bill that had more money in it in each of the years common to the two bills than was in the bill they now criticize? The answer is, of course, that is not their concern. That was a made-up excuse at the last minute. Everybody knows that. Every Member of the Senate knows that. The reasons for their opposition to the bill had nothing to do with the spending.

Second, if their concern was about spending, why did they reject the offer that we made which would have permitted a vote on the conference report to cut out $5 billion of the spending? We offered to them, even though conference reports are not ordinarily amendable, that we would permit an amendment to this conference report which would eliminate $5 billion of the spending, and they rejected the offer. They do not want a vote to cut it. They want to talk about voting to cut it.

Finally, Mr. President, I want to make a prediction. When the grants are made for police officers, for prisons, for prevention programs back in each of the 50 States under this crime bill, I predict to you that our Republican colleagues will be right there in the front of the parade, standing there next to the police chief, standing there next to the mayor, holding the scissors in their hands to cut the ribbons for the very programs which they now deride.

I made that prediction a year and a half ago when we took up the economic stimulus program and Republican Senator after Republican Senator got up and denounced the programs in that bill—the community development block grants, for one. I predicted that our Republican colleagues, after standing here on the Senate floor and denouncing the program and the bill, would be out there at home taking credit for the grants made under the CDBG program through the regular appropriations process.

And my prediction proved to be accurate. In case after case, our colleagues, after standing here and calling the CDBG program pork barrel, go back home and say to their constituents, "Look what I got for you." They cut the ribbons, they wave to the crowd, they shake hands with the mayor, they embrace the police chief to take credit for the very things which they stand here and oppose.

I ask all Americans to check your local television news and check your local newspapers when the grants are made under this crime bill. You will see right there, banging into the microphones and brushing up against the photographers and running down the mayors and the police chiefs on the way to get in the front line, our very colleagues who spent so much time here opposing the bill.

But, finally, I want to repeat: Every American should know this has nothing to do with the level of spending.

And I want to repeat this fact over and over and over again: 42 out of 44 Republican Senators voted for a crime bill just a few months ago that had higher levels of spending in it in each of the years that were common to that bill and the bill which passed the Senate a couple of weeks ago—higher levels of spending in each of the years that were common to that bill and the bill that passed the Senate. And the reason this bill that finally passed had more money than the earlier one is that it covered more years.

It is obvious, if you have one bill that covers 5 years and one bill that covers 6 years, and the levels of spending are about the same, the 6-year bill is going to add up to more than the 5-year bill. And, of course, that is what happened in this case. And our colleagues seized upon that, because they obviously did not want to stand up and acknowledge a complete reversal of position as a rationale for reversing their position.

So no American should be fooled by this discussion. The crime bill was a good bill. It was a solid bill. I did not agree with every single provision. I doubt that any one Senator or any one American would agree with every single provision. But, on balance, it will do something for this country.

Most of all, anybody who attended that ceremony this morning could not fail to observe and be struck by the fact that there were so many obviously police men and women there to celebrate this legislation. And police official after police official came up to me and said, "Thank you for what you did for our men and women."

The police men and women of this country form a thin blue line between a civilized and orderly society and the chaos of the human jungle. Every day and every night, thousands of men and women put on a blue uniform, pin the police badge on, and go out and risk their lives so that the rest of use can have some sense of security.

When we voted for that crime bill, we voted for those police men and women. We said to them, "We support you. We know that you risk your lives every day and night. And we know that when you leave home in the morning, your spouse and children don't know if you are going to be back that night."

Every major police organization in this country supported that crime bill enthusiastically, strongly, because they recognize that their men and women are at risk in this society. They are exposed to great risk. They are underpaid. They are not sufficiently recognized. And we chose this one time to say to the police men and women of this country: "We support you. We want to help you. We admire what your are doing."

This bill represents something for them. I hope every Member of the Senate will recognize that.

Mr. President, I yield the floor.

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2432. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

Mr. KERRY. Mr. President, I am pleased to join today with Senator STEVENS to introduce the National Oceanic and Atmospheric Administration [NOAA] Authorization Act of 1994. This bill provides a 1-year authorization for those atmospheric, coastal, ocean, and fishery programs and activities conducted by NOAA that are not authorized specifically by separate statutes such as the Magnuson Fishery Conservation and Management Act or the Coastal Zone Management Act. In addition to the authorization of appropriations for NOAA programs, this bill also contains several legislative provisions. The most noteworthy of these provisions is the mandate for a study of the responsibilities and activities of the NOAA Corps in supporting the missions of NOAA.

Mr. President, NOAA's fundamental mission, stated simply, is to "promote global environmental stewardship." Such a mission, however, is no easy task to achieve. The components of NOAA's mission include: First, conservation, protection, and management of the Nation's fishery resources, marine mammals, and endangered marine mammals; second, protection of the coastal environment including the management of developing coastal economies; third, weather forecasting; and four reliable science-based predictions of climate and global change. NOAA's activities have a direct impact on the Nation's economy whether it is coastal zone management or climate assessment for farmers. We also rely on NOAA to ensure public safety in the protection of coastal communities against hurricanes, and inland communities against tornadoes.

In order to carry out its mission, NOAA identifies three broad priorities for fiscal year 1995 in its strategic plan: First, continued modernization of the Nation's weather services; second, management of our marine resources including maintaining and enhancing coastal ecosystems health management; and third, investment in global change research. After years of underfunding, the budget submitted for fiscal year 1995 finally provides NOAA with the much-needed funding to carry out the priorities set forth by the Agency's strategic plan.

In short, Mr. President, this bill authorizes funding for NOAA's atmospheric responsibilities such as the continuation of weather service modernization, satellite observing systems, and climate and air quality research, and the Agency's oceanic responsibilities such as mapping, charting, geodesy activities, undersea research activities, and fishery programs. Funding also is authorized for necessary program support including construction, operation, and maintenance of facilities, and operations and maintenance of NOAA's ships and aircraft.

NOAA's programs meet many critical environmental and economic needs of this country. I urge my colleagues to support the reauthorization of these vital NOAA programs, and to join Senator STEVENS and me, and the entire Commerce Committee in moving this legislation to enactment.

Mr. STEVENS. Mr. President, I am pleased to cosponsor this bill with Senator KERRY to authorize important National Oceanic and Atmospheric Administration [NOAA] programs for fiscal year 1995.

NOAA's activities are vital to the people of Alaska.

From the information provided by the National Weather Service, to the fishery management efforts of the National Marine Fisheries Service, to the charts provided by the National Ocean Service, Alaskans depend heavily on the services provided by the agencies within NOAA.

In addition to authorizing the broad programs within NOAA, the bill we are introducing today also authorizes two specific projects important to Alaska.

The bill would authorize the Secretary to acquire and install a new weather buoy and three new weather stations in Prince William Sound, AK.

Currently, much of the weather information in Prince William Sound is provided by private vessels operating in the sound.

Much of the time, captains and skippers cannot find out what the weather is like in the sound until they are out in it.

The equipment our bill authorizes would dramatically improve the real-time weather information available to fishermen and to tank vessels operating in Prince William Sound.

It will prevent the loss of life as well as the potential for oilspills.

I would like to thank the Prince William Sound Regional Citizen's Advisory Council for its help in making the need for the new stations known.

The bill also includes language to authorize the Secretary of Commerce to clean up sites and facilities abandoned or conveyed by the Federal Government on the Pribilof Islands.

This property, formerly used by NOAA, contains dump sites, debris, storage tanks, and other hazardous conditions and contaminants, many of which pose risks to public health and to the vast bird and wildlife concentrations on the Pribilofs.

The provision will help to make the cleanup of the Pribilofs the priority that it should be.

It authorizes the Secretary to contract with, and to provide financial and technical assistance and training to the State of Alaska and to local entities in order to obtain their services for the cleanup.

This should help speed up the completion of NOAA's cleanup responsibilities on the Pribilofs.

Our bill would also require the Secretary to contract with local entities to the maximum extent feasible.

The agency can save considerable money by hiring local workers rather than flying in outside workers and paying expensive transportation and housing expenses in these remote islands.

I would like to thank Senator KERRY for his work on this bill.

We hope that our colleagues will support the reauthorization of the important NOAA programs in our bill, and that we can pass the bill into law before the 103d Congress adjourns.

By Mr. KENNEDY (for himself and Mrs. KASSEBAUM):

S. 2433. A bill to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes; to the Committee on Labor and Human Resources.

THE NURSING EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1994

Mr. KENNEDY. Mr. President, today, I am introducing the Nursing Education Consolidation and Reauthorization Act of 1994. This legislation reauthorizes several vital nursing education and training programs.

In the half century since the Federal nursing scholarship program began in 1943, Federal support for nursing education has made a continuing contribution to the Nation's supply of professionally trained nurses and the enhancement of the nursing profession.

The Nursing Training Act of 1964 authorized support for nursing schools and students. The support included grants for construction of new nursing education facilities or renovating existing facilities; project grants to strengthen, improve, or expand nursing education programs, and student scholarships, loans, and loan repayment programs.

In 1983, a report by the Institute of Medicine urged greater attention to recruitment, retention, career mobility, and educational outreach to alleviate the maldistribution of nurses. It also urged advanced training in clinical specialties and primary health care.

In the 1990 report by the Health Resources and Services Administration, the States identified the top two major problem areas in health personnel as the shortage of registered nurses and the shortage of primary care practitioners. There were 49 States that had a shortage of registered nurses, 22 States had an inadequate supply of nurse practitioners, and almost a third of the States reported a shortage of nurse midwives.

One of the main objectives of health reform is to place greater emphasis on primary care and prevention. Nurses will play an increasingly important role as health providers under all of the reform proposals that Congress is considering.

A major source of primary care for medically underserved and rural communities is nurse practitioners and certified nurse midwives. Many hospitals rely solely on nurses for anesthesia services. In fact, they are the only providers of these services in 85 percent of rural hospitals. Without their presence important surgical procedures must often be postponed. Clearly, we need to train more advanced practice nurses, and we need to train them in shorter periods of time.

In light of the growing role of nurses in providing quality health care services, Congress has consistently sought to alleviate the shortage of nurses through the Nursing Training Act.

This legislation will assure attention to high-priority national nursing needs, while allowing flexibility to pursue special initiatives to meet new requirements for nursing services. The multiple existing grant and contract authorities would be consolidated under three headings to achieve this flexibility.

Funds can be used for development and support of training programs, faculty development, model demonstrations, and scholarship and loan assistance. The bill authorizes $67 million for fiscal year 1995 and such sums as may be necessary for the next 2 years.

Investment in nursing education will pay off many times in the availability of better health care, and the delivery of a wide range of health care services. I look forward to working with Congress and the administration to enact this legislation.

I ask unanimous consent that the full text of the legislation may be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Education Consolidation and Reauthorization Act of 1994".

SEC. 2. PURPOSE.

It is the purpose of this Act restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(3) by redesignating subpart III as subpart II;

(4) by striking section 837;

(5) in section 846, by striking subsection (d) and inserting the following new subsection:

"(d) Breach of Agreements for Obligated Service.—

"(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this subsection referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.";

(6) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) Eligible entities.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) School of nursing.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) Collegiate school of nursing.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) Associate degree school of nursing.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) Diploma school of nursing.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) Accredited.—

"(A) In general.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) New programs.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

"(7) Nonprofit.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) State.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) In General.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) Plan.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) Performance outcome standards.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) Linkages.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) In General.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) Maintenance of Effort.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) Awarding of Grants and Contracts.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title.

"(b) Information Requirements.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) Training Programs.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) Duration of Assistance.—

"(1) In general.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) Limitation.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) Peer Review Regarding Certain Programs.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(e), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) Establishment.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

"(1) 2 shall be selected from full-time students enrolled in schools of nursing;

"(2) 3 shall be selected from the general public;

"(3) 2 shall be selected from practicing professional nurses; and

"(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

"(b) Duties.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

"(c) Funding.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 809. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 810. RECOVERY FOR CONSTRUCTION ASSISTANCE.

"(a) In General.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) Notice of Change in Status.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

"(c) Amount of Recovery.—

"(1) Base amount.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2) Interest.—

"(A) In general.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

"(B) Time period.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover if collected.

"(d) Waiver of Rights.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) Limitation on Liens.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) Definition of Advanced Practice Nurses.—For purposes of this section, the term 'advanced practice nurses' means individuals trained in advanced degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs that received funding under this title on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the secretary to require advanced education.

"(c) Authorized Nurse Practitioner and Nurse-Midwifery Programs.—

"(1) In general.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(A) meet guidelines prescribed by the Secretary in accordance with paragraph (2); and

"(B) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(2) Guidelines.—After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs described in paragraph (1).

Such guidelines shall, as a minimum, require that such a program—

"(A) extend for at least one academic year and consist of—

"(i) supervised clinical practice directed toward preparing nurses to deliver primary health care; and

"(ii) at least four months (in the aggregate) of classroom instruction that is so directed; and

"(B) have an enrollment of not less than six full-time equivalent students.

"(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(2) SET ASIDES.—Of the amount appropriated under paragraph (1) for a fiscal year—

"(A) not less than 60 percent of such amount shall be made available for projects to enhance the training and practice of nurse practitioners and nurse midwives; and

"(B) not less than 6 percent of such amounts shall be made available for projects to enhance the training and practice of nurse anesthetists.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged racial and ethnic backgrounds underrepresented among registered nurses by providing student scholarships or stipends, pre-entry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League of Nursing, the Association of American Colleges of Nursing, and the Black Nurses Association.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

"(1) improving nursing services in schools and other community settings;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women;

"(3) providing case management, quality improvement, delegation and supervision, other skills needed under new health care systems;

"(4) developing cultural competencies among nurses;

"(5) providing emergency health services;

"(6) promoting career mobility for nursing personnel in a variety of training settings cross training or specialty training, and among diverse population groups; or

"(7) other priority areas as determined by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997."; and

(8) by redesignating section 855 as section 808, and transferring such section so as to appear after section 807 (as added by the amendment made by paragraph (7)).

SEC. 4. SAVINGS PROVISION AND TECHNICAL AMENDMENTS.

(a) SAVINGS PROVISION.—In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 3, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

(b) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

(c) TECHNICAL AMENDMENTS.—Section 839 of such Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1994, or the date of enactment of this Act, whichever is later.

By Mr. LEVIN:

S. 2435. A bill to amend title 28, United States Code, regarding appointment of an independent counsel; to the Committee on Governmental Affairs.

INDEPENDENT COUNSEL APPOINTMENT AMENDMENT ACT OF 1994

• Mr. LEVIN. Mr. President, on August 5, 1994, the division of the court of appeals which appoints independent counsels selected Kenneth Starr to assume control of the Madison Guaranty investigation. Questions immediately arose about Mr. Starr's recent partisan political activity and whether because of it, he lacked the necessary appearance of independence to handle this matter.

Mr. Starr has recently participated in and cochaired a highly partisan Republican congressional campaign in Virginia. He had also recently participated in a televised debate on the Paula Jones lawsuit, one of the most politically charged cases in recent memory.

In 15 years of operation of the law, no independent counsel appointment has evoked such public skepticism and concern. Ironically, the court had decided against retaining Robert Fiske, the regulatory independent counsel who, by necessity, has been appointed by the Attorney General, because it wanted to ensure, as the court put it, "an apparent as well as an actual independence on the part of the counsel."

On August 12, I wrote the court asking it to apply the same standard to Mr. Starr that it had applied to Mr. Fiske by obtaining a complete accounting of Mr. Starr's recent partisan political activities and issuing a supplemental opinion determining whether these activities impaired the appearance of independence critical to public confidence in the independent counsel process. By formal order, the court responded on August 18 that, because the appointment had already been made, the court has no authority to request additional information from Mr. Starr or to address the appearance issue.

I believe the court chose an excessively narrow reading of its appointment authority. In so doing, it has not only left unanswered the appearance problem of Mr. Starr, but also raised questions about the scope of its authority to reconsider its appointments in light of new and important information.

Because the law does not spell out how an appeal of a court ruling in this area may proceed, legal research was needed to determine the feasibility of filing an appeal to the Supreme Court. A review of the relevant case law suggests, however, that it is highly unlikely that, as a Member of Congress, I have the necessary legal standing to bring such an appeal. Moreover, the question of standing would require months of litigation to resolve, and the pending proceedings could possibly placed a cloud on Mr. Starr's authority to operate. For these reasons, I have decided not to appeal the court's August 18 order.

An alternative to prevent similar problems in the future is to make explicit in the independent counsel law what has been implicit until now—that the court has the obligation to select a person to serve as independent counsel who has no actual or apparent personal, financial, or political conflict of interest. That is the purpose of the legislation I am introducing today. A similar bill has been introduced by Congressman JOHN BRYANT in the House. It is my hope that such a statutory clarification of the court's legal obligation in the appointment process will receive bipartisan support.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFLICT OF INTEREST.

Section 593(b)(2) of title 28, United States Code, is amended by inserting after the second sentence the following: "The division of the court shall appoint as independent counsel an individual who is without an actual or apparent personal, financial, or political conflict of interest.".•

ADDITIONAL COSPONSORS

The following were added as additional cosponsors on September 12, 1994:

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 2046

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2046, a bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health research centers regarding movement disorders, and for other purposes.

S. 2410

At the request of Mr. GRAMM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2410, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from West Virginia [Mr. BYRD], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week".

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 218

1At the request of Mr. WARNER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Dakota [Mr. DORGAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Rhode Island [Mr. PELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 218, a joint resolution designating January 16, 1995, as "Religious Freedom Day."

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution concerning the ban on the use of United States passports in Lebanon.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

ADDITIONAL COSPONSORS

The following were added as additional cosponsors on September 13, 1994:

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 1881

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1881, a bill to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Wisconsin [Mr. KOHL], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1898

At the request of Mr. RIEGLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1898, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations, and for other purposes.

S. 2257

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2257, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

S. 2312

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2312, a bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes.

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 211

At the request of Mr. GRAHAM, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. DORGAN], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. MATHEWS], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 211, a joint resolution to designate the second Sunday in October of 1994 as "National Children's Day."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the United States rice industry, and for other purposes.

SENATE RESOLUTION 70

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROTH. Mr. President, the Committee on Veteran's Affairs would like to request unanimous consent to hold a hearing on the nomination of Kenneth W. Kizer to be Under Secretary for health of the Department of Veterans Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 2:30 p.m. on Tuesday, September 13, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE "CENTURION"

• Mr. D'AMATO. Mr. President, the *Centurion*, our new attack submarine, is a child of Congress. We initiated it, and we established affordability as the primary goal of development.

Unfortunately, the design trade-offs that have shaped the gross characteristics of the ship have cast doubt on the affordability of the program.

I ask that excerpts from the House and Senate Defense Appropriations reports be inserted in the RECORD at this point, so that I may comment on the language.

The material follows:

EXCERPT FROM HOUSE REPORT 103-562

NEW ATTACK SUBMARINE

The budget request includes $508 million in fiscal year 1995 for development of the New Attack Submarine (NAS). The Department of the Navy has reported to the Congress that the total development cost of the NAS is expected to be $3.5 billion and procurement costs are expected to be $57.8 billion. The Committee believes that an investment of this scope must be very carefully reviewed to achieve the highest possible return in capability at the most realistic cost. The Committee further believes that a program of this magnitude deserves special attention early in its development phase to ensure that the Congress and the Department are fully aware of financial implications for the future, in particular the potential drain on budgetary resources available for other Navy shipbuilding programs as well as overall Department of Defense requirements.

Much of the testimony and correspondence received by the Committee this year has concentrated on preservation of the submarine industrial base. The Committee recognizes the importance of this aspect of the NAS program and also notes that the end of the Cold War has not resulted in an end to submarine mission requirements.

At this time the Committee is prepared to offer a limited endorsement of the role NAS plays in the Navy's overall plan for preservation of the submarine industrial base. However, the Committee is concerned that the current plan needs to be refined to control total program cost while keeping open the option for improvements to adequately address the threats of the future.

First and foremost, the Committee has added $100,000,000 to the fiscal year 1995 budget request for Advanced Submarine System Development (P.E. 0603561N). The funding is to be dedicated to improvements in "producibility" with the overall goals to be (1) a reduction in risk associated with the program, (2) a reduction in follow-ship procurement cost to no more than $1.2 billion versus the current estimate of $1.54 billion, and (3) allow for future insertion of new technology. Along these lines, the Committee directs the Navy to incorporate full modular reconfigurability into the design for NAS. Such reconfigurability at a minimum must allow for insertion of large-scale new technologies that become available or adapt the design to shifts in mission focus or operating environment. Such modularity must also include the ability to accept replacement of machinery plant, entire propulsion plant (machinery and reactor), sail, and the forward end, as well as insertion of special mid-hull mission modules forward of the reactor plant.

Second, the Committee recommends a reduction of $137,322,000 for Ship Contract Design (P.E. 0604567N). This is the total amount specified in project F2199 for New Design SSN. The Committee has deferred embarking on the new design effort until completion of producibility studies to reduce future costs. The Committee further recommends a reduction of $62,678,000 for New Design SSN Development (P.E. 0604558N) for similar reasons. The Committee has recommended no reduction to the funding request of $82,412,000 for S9G nuclear propulsion plant development (P.E. 0603570N) since this effort is essentially in its sixth year of development and the Committee believes it is too late to re-think the size and power of the system. However, the Committee directs the Navy to use a portion of the funding requested to continue efforts to find better and cheaper ways to produce the propulsion plant.

The Committee advises the Department of Defense that future funding for NAS will be dependent upon the Secretary of Defense certifying that the follow-ship procurement cost goal of $1.2 billion in constant dollars will be met and that the Navy cost estimate has been verified by an independent Department of Defense cost estimate. In addition, the Committee directs the Secretary of Defense to submit detailed quarterly reports to the Congress on the efforts being undertaken to reduce the cost of the submarine. The first report is to be submitted on March 31, 1995.

EXCERPT FROM HOUSE REPORT 103-321

Submarine plans—Over the next 5 years, in constant fiscal year 1995 dollars, the Navy plans to spend $7,690,000,000 to develop and produce the first new attack submarine and to complete payment on the SSN-23. Over 10 years, the costs would be $18,600,000,000. The Navy plans would develop the new attack submarine as a lower cost alternative to the seawolf program. The Navy argues, that production of one Seawolf every other year is adequate to sustain the nuclear submarine industrial base in the near term, but it must purchase the new attack submarine to lower total costs and, because continuing Seawolf production at this rate would be insufficient to sustain a force structure of between 40 and 55 attack submarines in the long term. Further it argues, that a new submarine design is needed to sustain the industrial base for submarine design capability.

Clearly the concerns expressed by the Navy while not inconsequential are based on costs and future force structure requirements. It appears, based on the 30-year life of the Navy's SSN-688 class submarines, that a shortfall will not begin until the middle of the second decade of the next century, raising questions about the need to finance a new low-cost alternative to the Seawolf during the current 5-year plan. The quandary is how can DOD best protect the industrial base at the lowest cost until it is time to purchase a relatively large number of SSN-688 replacements.

The cost of the Seawolf, at approximately $2,500,000,000, is expensive. However, the first new attack submarine will cost more than $3,100,000,000 to produce, in 1995 constant dollars. This is about 25 percent more than the SSN-23 is expected to cost. Furthermore, in conjunction with ordering the first NAS, the Congress will need to provide an additional $2,068,000,000 to complete development of this alternative submarine. Recently, Deputy Secretary Deutch instructed the Navy to reduce its NAS spending by $1,000,000,000 over the 5-year plan. One alternative would be to delay the NAS. The Committee finds that the NAS program could be delayed 8 years and still satisfy the requirement to maintain an acceptable attack submarine force structure. However, this alone will not sustain the submarine industrial base.

If an alternative submarine construction program continued during this 8-year period, the industrial base could be sustained. The Committee notes, for example, that purchasing one Seawolf every other year through 2004 while delaying continued NAS development until 2003 would cost approximately $4,700,000,000 over the 5-year plan, and $14,400,000,000 over the next 10 years. This amounts to a savings of nearly $3,000,000,000 over the next 5 years and nearly $5,000,000,000 over the 10-year period compared to the current plan. Such an approach would minimize the financial burdens facing the Navy and the Defense Department over this period, and could allow for the much needed recapitalization in other areas, such as Marine Corps amphibious ships.

The Committee shares the Navy's concern that the submarine design base would not be entirely safeguarded by this type of approach. The Committee believes continuation of a technology demonstration program studying advanced submarine concepts, especially with the objective of reducing the costs of the new attack submarine would be a useful and cost-effective method for sustaining these design skills. A $1,000,000,000 program over the 8-year period could offset this need. Together, this approach would still save the Navy nearly $2,400,000,000 over the next 5 years, including more than $900,000,000 next year alone.

The Committee directs the Navy to consider an alternative to the new attack submarine program before going forward to milestone III. The Committee expects this review to be completed before the Navy will need to obligate more than 50 percent of the fiscal year 1995 development funding associated with the new attack submarine. It therefore, directs the Navy to withhold from obligating 50 percent of the fiscal year 1995 new attack submarine funds until the review has been completed and a report on the review has been submitted to the congressional Defense committees.

* * * * *

New attack submarine combat system.—The Committee supports the Navy's stated goal of employing an open hardware and software architecture to connect and operate the 15 command and surveillance subsystems comprising the combat system for the new attack submarine. This goal also attempts to maximize affordability, flexibility, and performance of the combat system. The Committee further believes that an open competition for the combat system should ensure the greatest possible use of open system interfaces and commercial electronics.

The Committee has been informed that the Navy is reconsidering the strategy for developing this combat system. Previous Navy plans to use only current combat systems as the baseline for the new submarine's system were criticized convincingly by an independent panel (the Reynolds panel) chartered by the service. The Committee believes that competition for the new attack submarine combat system at the system level must be pursued to optimize private sector expertise to develop and integrate an affordable, open system architecture using advanced technology. Therefore, the Committee prohibits the use of any fiscal year 1995 funds to develop, modify, or otherwise evolve the current Navy submarine combat systems as candidate systems for the new submarine, except as part of a fully competitive process.

The Committee further directs that no fiscal year 1995 funds shall be obligated for design, development, or integration of a combat system for the new attack submarine until the Assistant Secretary of the Navy (research, development, and acquisition) reports to the congressional defense committees on the service's revised strategy for a competition for a combat system integrator. This report, which shall be submitted no later than December 31, 1994, also shall describe how the service is responding to the specific recommendations and conclusions of the independent panel with respect to development of the combat system.

Mr. D'AMATO. Ultimately, the *Centurion* debate will turn on the definition of affordability. The Navy defines an affordable *Centurion* as anything less expensive than the *Seawolf*. Congress defines an affordable *Centurion* as a submarine that will fit within the shipbuilding and conversion budgets of the future, both the Congressional Research Service and the Pentagon's Cost Analysis Improvement Group have raised this issue. I believe ours is the proper perspective.

If we want to avoid a repeat of the *Seawolf* debacle, we must impose budget discipline now. With the release of fiscal year 1995 funds, and the onset of detailed design, Congress will cede control of the cost and character of the *Centurion* to the Naval Sea Systems Command. Unless we tie the release of fiscal year 1995 funds to specific cost caps, we are likely to find ourselves anguishing over the termination of yet another unaffordable submarine in the not too distant future.●

WE AREN'T DOING MUCH TO KEEP THE PEACE—IT'S UP TO US TO DEFUSE THE RWANDAN TIME BOMB

● Mr. SIMON. Mr. President, during the Labor Day recess, Prof. Ivo H. Daalder of the University of Maryland, and S. Frederick Starr, president of the Aspen Institute and former president of Oberlin College, had excellent op ed pieces on the situation in Rwanda.

The reality is we are responding too late and too feebly to this kind of crisis.

We must learn our lesson.

I wish the Rwanda situation could be the end of this kind of crisis.

We will face more crises along this line, and we have to learn to move more speedily and more effectively.

In that connection, I am also asking to insert into the RECORD an op ed piece I did for the St. Louis Post-Dispatch commenting about how we got where we are and the inadequacy of our response.

I ask to insert all three items into the CONGRESSIONAL RECORD at this point.

The material follows:

[From the Washington Post, Sept. 6, 1994]

WE AREN'T DOING MUCH TO KEEP THE PEACE

(By Ivo H. Daalder)

In Central Africa, the United States launches a massive aid operation to alleviate the suffering of 1.2 million Rwandan refugees. But this only after the Clinton administration had done nothing to stop the genocidal massacre of a half-million people that led to the exodus in the first place. In Bosnia, the United States and its four partners in the "contact group" can only muster agreement on a weak plan for new sanctions. This after the Bosnian Serbs responded to an ultimatum to reach a settlement of the brutal conflict by resuming the strangulation of Sarajevo, with U.N. acquiescence at that.

What's going on here? The most powerful nation on earth stands paralyzed as the world around it is enveloped in chaos. Writing in The Post [op-ed, July 31], Brian Atwood, Clinton's Agency for International Development administrator, suggests that this sudden emergence of chaos represents "a strategic threat that increasingly defines America's foreign policy challenges." His proposed cure: "crisis prevention."

He's right, of course. But what are we to do with those crises that are not prevented? Should we stand by and watch as the terror accompanying chaos unfolds? Is sending transport aircraft and small contingents of military forces on humanitarian operations all the United States can do? Should we deal only with the symptoms and not the causes of today's multiplying crises?

At one-quarter of a trillion dollars annually, the United States spends more on its military than the rest of the world combined. Yet even the limited use of these resources in Rwanda is sufficient cause for the American military to fret about the cost (at less than 0.2 percent of its annual budget) and worry about the impact on the military's fighting edge. No sooner were American forces on the ground in Goma, Zaire, than Gen. Gordon Sullivan, the Army chief of staff, cautioned that "everyone has to recognize that the ultimate purpose of the Army is to fight and win the nation's wars."

And there's the nub of the problem. The failure of the United States to act more forcefully in stemming chaos around the world is not because of the incompetence of President Clinton's leadership as Republicans charge, though incompetent that leadership has been. Nor is it because of the supposed reluctance of the American public to get involved abroad. Polls have shown that most Americans support U.S. intervention along with others to end genocide and other massive violations of human rights. It is rather that the political leadership in this country has accepted the military's insistence that it cannot use even a small portion of the military's abundant resources to engage in what are, after all, small operations, for these are not "the nation's wars."

Becoming involved isn't part of the military's mission statement: to fight not one, but two major wars nearly simultaneously. But after the Cold War, where are these wars to come from? Korea? Perhaps, and the United States should stand ready to fight and win should war come on the peninsula. The Persian Gulf? Maybe, but with the defeat of Iraq and continued containment of Iran, not on a scale of even three years ago. Both at the same time? Highly improbable.

In the meantime, chaos is all around us. Societies are disintegrating, states are failing and innocent people everywhere are the victims of terror, genocide and mass starvation. The United States has the means to do something about many of these crises. Once engaged, the U.S. military performs the tasks of humanitarian relief superbly, and it has unique capabilities to support these operations. The United States also has a singular ability to lead, for once it gets involved, others invariably follow.

But the political leaders in Washington have failed to use the means at their disposal. Like its predecessor, the Clinton administration has blithely accepted the military's longstanding view that the use of force is a question of all or nothing. And since all is too risky and costly, Washington has mostly done nothing. That's unconscionable and a betrayal of the values Americans supposedly hold dear. It's also a massive waste of resources. How long can we afford spending a fifth of the nation's budget on capabilities we're not willing to use?

The fact is, the U.S. faces a critical choice in deciding how to deal with the new strategic threat of chaos: Either we use the military forces we have, or we don't. But if we're just going to stand by watching chaos unfold, let's at the least not waste billions on capabilities we never plan to use.

[From the Washington Post, Sept. 6, 1994]

IT'S UP TO US TO DEFUSE THE RWANDAN TIME BOMB

(By S. Frederick Starr)

The cycle of horror in Rwanda is far from over. This became clear last week to members of a presidential mission touring the region. Led by Rep. Donald Payne (D-NJ.) and C. Payne Lucas of Africare, the multiracial delegation, of which I was a part, inspected the vast refugee camps at Goma, Zaire; met with leaders of the U.N.'s High Commissioner for Refugees and visited hospital and aid facilities in the war-battered Rwandan capital of Kigali. The group also met with the president and prime minister of the new government formed by the Popular Front of Rwanda and interviewed the president and minister of defense of Burundi, the country adjoining Rwanda that could be swept into the holocaust of remorseless killing that cost some 1 million lives in Rwanda itself.

True, the picture we saw had a few bright spots. Americans can take pride in the way the U.S. armed forces and private groups opened supply routes to Rwanada and provided water and sanitation that cut the death rate at the sprawling refugee camps from several thousand a day to barely 100. Beyond this, the Tutsi-dominated government in Kigali seems ready to welcome Hutus into positions of leadership and to discipline members of its army who engage in reprisals against those suspected of having participated in this April's genocide. And in Burundi, a few sober voices genuinely seek reconciliation and democracy as an alternative to a further blood bath in their country.

Yet we also detected danger signs on every side. More than 2 million Hutu refugees from Rwanda have created makeshift "cities" not only in Zaire but in Tanzania, Uganda and Burundi. Among them are thousands who participated in the genocide. The former government of Rwanda never surrendered and instead called for tactical retreat across the border. Its leaders are now in the camps. They have enough money to pay the 25,000-man Hutu army, which is also in the camps and still partially armed. This government in exile also is able to maintain a network of tens of thousands of militiamen throughout the camp system. It clearly intends to return to Rwanda and eventually reclaim the reins of power. Until then, the Hutu army and militia forces have shown themselves to be ready to murder anyone who sets out for home on his own.

Many may soon choose to do so. The approach of the rainy season is threatening to reverse recent gains in sanitation in the camps. Disease-bearing flies already are resistant to several powerful pesticides. Thus, the refugees are caught in a deadly grip between their own exile government and the forces of nature.

The new government within Rwanda can offer little encouragement to those in the camps who yearn to return to a normal life rather than participate in a fresh round of butchery. With neither electricity nor working telephones in its half-deserted capital, it is incapable of providing even the most rudimentary services to the traumatized population. And if further strife erupts, can this Kigali government really control its army of AK-47-wielding 16-year-olds?

Burundi too, remains a tinderbox. Only last October some 100,000 people were slaughtered in this beautiful country adjoining Lake Tanganyika. The international community scarcely took notice. Members of the mission sensed that Burundi's acting president, Pasteur Bizimungu, understands the need for ethnic reconciliation and democracy in his country. But only days before we arrived in the capital of Bujumbura, there were rumors of a coup, and nightly murders in both the city and the countryside have continued for months. These acts of violence are the work of rival ethnic bands, many inflamed by calls for genocide spread by a clandestine Hutu radio station.

What, if anything, can the United States do to avert further horrors in Rwanda and Burundi? It already may be too late, but at least five steps could make a difference.

The former Rwandan army ensconced in the refugee camp near Goma in Zaire must be disarmed. United Nations forces are not authorized to carry out this mission, which will require the cooperation of Zaire's dictator, Mobutu Sese Seko. The United States must work to broker this deal, distasteful though it may be.

Leaders of the former government and army must be separated from the camps at Goma in order to prevent further intimidation of those seeking to leave peacefully and repatriate themselves.

The United States and other countries must provide the aid to reestablish rudimentary infrastructures in Rwanda.

Private organizations should redouble their efforts to improve sanitation in the camps. The U.S. Air Force should again be charged with ferrying supplies as needed.

The United States must work with other countries to establish an international tribunal to bring those responsible for the genocide to justice. This is an essential for social reconciliation among the ethnically divided population of Rwanda. It would provide the strongest possible signal to Burundi as well. The Rwandan government has promised to cooperate with this effort, but genocide should be the concern of all countries.

Our government can and should undertake each of these tasks in consort with other countries, whether through the United Nations or other groupings. This should not be America's responsibility alone, but with both practical and moral issues at stake, the United States should be willing to provide leadership. This country, after all, sat on the sidelines while a million people were hacked to death in April. Our passivity in turn crippled the United Nations' ability to take action when it was most needed.

Now our national attention has shifted to Haiti and Cuba, as if we have somehow fulfilled our moral and political obligations in Central Africa. Nothing could be further from the truth. To walk away from Rwanda and Burundi would be to admit that we have learned nothing from the other instances of genocide in our century, whether in Armenia, under the Third Reich or in Cambodia. It is time to say "never again" and to mean it.

[From the St. Louis Post-Dispatch, Aug. 28, 1994]

OUR NATIONAL RESPONSIBILITY—U.S. SHOULD WORK TO PREVENT TRAGEDY

(By Paul Simon)

The world watches French troops leave southwestern Rwanda in the care of U.N. peacekeeping forces, but few noted another landmark turnover in the Rwanda saga. Aug. 20 marked the departure of Canadian Major-Gen. Romeo Dallaire, who had served as force commander of the U.N. Assistance Mission in Rwanda since its creation last October. He handed the mission's baton to a fellow Canadian and major-general, Guy Tousignant.

Dallaire first came to Rwanda in June 1993 as chief U.N. military observer to a country entering into a shaky peace. Fourteen months and hundreds of thousands of lives later, he leaves behind yet another shaky peace.

Some say the atrocities in Rwanda were permitted to drag on without international response because of U.N. ineptitude. In fact, in Dallaire and his force, the United Nations had a capable team that understood the situation in Rwanda but whose hands were tied by decision-makers in New York and Washington.

The general's pleas for U.N. troop reinforcements fell on deaf ears. His 2,500-strong force, employed to monitor implementation of a peace agreement between the Rwandan Patriotic Front and the government of President Juvenal Habaryimana, had orders to engage in combat only in self defense.

When 10 Belgian peacekeepers were slaughtered in early April, "It ripped the heart out of the operation," said Dallaire. Belgium and Bangladesh pulled out their troops. The 500 or so soldiers who remained, mostly Ghanaians, were forced to look on helplessly as civilians were abducted and murdered. At last, the Canadian had to admit that the lives of his U.N. troops were in significant danger. By the end of April, the U.N. Security Council voted to strip the mission to a bare-bones force of 270.

In a telephone conversation with Sen. James Jeffords, a Vermont Republican, and me on May 12, Dallaire said that if he could get 5,000 to 8,000 troops on the ground quickly he could stabilize the situation inside Rwanda and bring an end to the massacres. A few days later, the Security Council finally agreed to an enhanced force of 5,500. U.S. concerns over "getting bogged down in another Somalia," however, led to a further month-long delay in redefining the mission's strategy and scope. On June 22, U.N. Secretary General Boutros Boutros-Ghali told The New York Times that deployment was still three months away.

That report stunned me. I called the State Department, and it said that the United States would be willing to fly a battalion (800 men) of African forces to Rwanda, but that there were technical hangups. The secretary general for the Organization for African Unity, Salim Salim, visited my office and appealed for help, saying he had commitments from Mali, Ghana, Senegal, Tunisia and Ethiopia for the necessary troops, but no means to get them to Rwanda. His sense of urgency was not shared by many.

In the meantime, Dallaire stretched our thinking about what a U.N. force can do with minimal resources. He came up with his own definition of the rules of engagement—between traditional peacekeeping and more muscular peace enforcement. His lightly armed forces undertook daring rescue operations of civilians across frontlines; he and his staff were tenacious negotiators. He experimented with joint patrols of U.N. and Patriotic Front soldiers to enhance his limited U.N. capacity, allowing a measured transfer of security responsibility.

The United States at last fully reacted to Rwanda—after hundreds of thousands of deaths—when television pictures of the refugees' plight brought the issue into the living rooms of America. Dallaire was then given the opportunity to make his appeal for more troops in person to Defense Secretary William Perry, who, to his credit, visited Rwanda. Suddenly what had been insurmountable administrative and legal obstacles to the deployment of African forces to join the U.N. mission were set aside in the interest of saving lives.

Dallair supported the Clinton administration's decision to move U.S. troops into the region to enhance and safeguard Kigali airport and to set up water purification systems, both critical steps in the humanitarian response. He remained frustrated, however, by the U.S. reluctance to play a larger role. The United States kept its troop mission narrow, in light of post-Somalia considerations about troop security and "mission creep," as well as concern about congressional reaction.

Meanwhile, thousands of relief agency personnel and U.N. troops are operating throughout Rwanda without incident. Many critical needs such as overland distribution of aid and rehabilitation of utilities—items that will increase stability and encourage people to return home—still go unmet for lack of adequate personnel and resources. Approximately 2,000 U.S. troops are in the region, many sitting on their hands.

Rwanda shows us that we need to rethink our mechanisms for crisis response and—more important—crisis prevention. We must examine the changing role for the U.S. military in these efforts, and that means re-evaluating the perceived threats to our national security. If, as I believe, the greatest threat to the world today is instability, then the U.S. role within the United Nations potentially represents the greatest hope for stability. Our continued failure to quicken and strengthen the U.N. mechanism exposes our Achilles heel to would-be aggressors. U.S. leadership and resources are critical to creating an effective multilateral crisis response.

Our political leadership must make a case to the American people that deterring these situations is a cause worth our involvement—sometimes with our troops, sometimes without. We owe it to a future Gen. Dallaire—and to the hundreds of thousands of Rwandans who might have been saved.•

TRIBUTE TO VIETNAM ERA SERVICEMEN FROM CANADA

• Mr. SMITH. Mr. President, I rise today to commemorate the service of Canadians who served in the United States Armed Forces during the Vietnam war.

The United States and Canada have a long history of friendship and cooperation in both peacetime and in war. New Hampshire, with our strong French-Canadian heritage, has for over two centuries held a strong cultural bond with our northern neighbors. As former Canadian Prime Minister MacKenzie King spoke in 1925 regarding Americans who served in the Canadian forces in World War I, "Few countries enjoy the bonds of goodwill and friendship that the United States and Canada share. Our common border remains the largest unguarded frontier on Earth, and our nations have shared triumphs and tragedies throughout history."

Approximately 40,000 Canadians served in the U.S. Armed Forces during the Vietnam war. Many of these men and women volunteered to serve for they had no obligation to military service in this country. Estimates run as high as 400 Canadians killed in action and 4,000 wounded. Of the 58,132 men and women who are listed on the Vietnam Veterans Memorial in Washington, DC, 113 are Canadians. To this day, there are still servicemen of Canadian descent unaccounted for from this conflict.

I am proud to highlight the service of two Canadian resident aliens who served in Vietnam: Gaetan Jean Guy Beudoin and Guy Andre Blanchette, both of Manchester, NH.

Gaetan Jean Guy Beudoin and Guy Andre Blanchette served in the New Hampshire National Guard, 3d Battalion, 197th Artillery during the Vietnam war. In September 1968, the New Hampshire National Guard was activated into Federal service for a year-long tour of duty. During its tour, the 197th Artillery suffered six combat deaths. Five of these deaths occurred on the same day when an Army vehicle struck an enemy land mine. Gaetan Jean Guy Beudoin and Guy Andre Blanchette were killed on that day 1 week before they were scheduled to return home to New Hampshire. New Hampshire and, indeed, their adopted country are proud and grateful for their courageous service.

On July 15, 1995, the Canadian Vietnam Veterans Coalition is hoping to dedicate a memorial to Canadians who gave the supreme sacrifice in Southeast Asia. As a Vietnam veteran, I applaud the efforts by Canadian veterans to memorialize their fallen comrades. I look forward to the day when Canadian citizens will have the opportunity to pay tribute in their capital to their friends and relatives who unselfishly joined forces with the United States during the Vietnam war.•

"THE ARMENIANS IN ETHIOPIA: A COMMUNITY OF SURVIVORS"

• Mr. SIMON. Mr. President, one of the ethnic groups that is not a large group in our country but contributes in a significant way are the Armenians.

Like the Jews, they have been a persecuted people over the years and experienced their own holocaust almost 80 years ago.

Also, like the Jews, they are a scattered people. And recently in the magazine published by the Armenian General Benevolent Union, I read an article about the Armenians of Ethiopia. Because it presents an insight into how a small group survives in another country and in another culture, I thought it might be of interest to my colleagues, and I ask to insert it into the RECORD at this point.

THE ARMENIANS OF ETHIOPIA

(By David Zenian)

ADDIS ABABA.—A Boeing 757 passenger jet has more seats than the number of Armenians living in Ethiopia, but there is more to what a community means than simple arithmetic.

From a high 1,200 to a low of less than 150, the Armenian community today functions despite the drastic loss of manpower. It's school is open, and so is the Armenian church and club.

A handful of activists are keeping the community infrastructures alive in Ethiopia. Prominent businessman Vahag Karibian is busy revitalizing the AGBU which has already financed the purchase of new furniture for the Armenian community school. Others like Arakel Sakadjian are involved with the academic well-being of the school and various aspects of community life.

"It's all a matter of faith in why you need to preserve your culture and heritage. There is nothing old fashioned about this," Archdeacon Vartkes Nalbandian said in a recent interview.

Once a community of influential traders, factory owners and goldsmiths, the Armenians of Ethiopia are gradually resembling a lost tribe, effectively isolated from fellow Armenians not only in such nearby African countries as Egypt and Sudan, but also the rest of the Diaspora and even Armenia.

"We have no newspapers and no organized communication with other Armenian communities. Most of us do not know what is happening in Armenia, and the very little we hear is from the Armenian broadcasts of *Voice of America*.

"We are like a lost tribe which has survived hundreds of years simply by faith and a lot of hard work . . . but the question is for how much longer?" community elder Avedis Terzian said.

"You might find this strange coming from a 90-year-old Armenian born in Ethiopia, but with the wave of emigration the New Armenians are the Armenians of the United States, France, Canada, Australia and other western nations where people have a chance to develop into a new breed of Diaspora Armenians," Terzian said.

Hundreds of Ethiopian-born Armenians have already settled in California and Canada, but for those who have chosen to stay "in the land of our grandfathers", the battle of survival continues.

And given the size of the community, the battle sometimes resembles a full-fledged war.

Take the Armenian Kevorkoff Community School. Opened in 1935, the K-to-elementary school today has about 100 students of which only 11 are Armenians—including six children of mixed parents.

"Our annual budget is 12,000 dollars, and if we were to keep non-Armenians out of the school, we should have closed and gone home a long time ago," says school principal Emma Gueverian.

"Our kids need an Armenian education, and we can sustain that by accepting people from outside the community," she says. The school's weekly schedule includes ample hours of instruction in the Armenian language, history, geography and religion.

Today, the school has a multi-national student body—including the children of several Egyptian embassy diplomats who prefer the Armenian community school over other private institutions because of "the clean family atmosphere at Kevorkoff."

For the academic year ending June, 1994, three Armenian children will graduate from the Armenian elementary school and will, like others before them, hopefully make their way to the Melkonian Educational Institute of the Armenian General Benevolent Union in Nicosia, Cyprus.

But the number of graduates will drop in the coming years if the demographic structure of the community does not improve with new births and less deaths.

According to available figures, two Armenian youngsters will graduate from Kevorkoff in 1995, but none in 1996 and 1997, and only one in 1998, two in the year 1999 and up to three again in the year 2000. Not an encouraging picture, as Archdeacon Vartkes Nalbandian sees it.

The community today consists of about half a dozen under 12 years old, five over 12 years old, 10 between the ages of 20–25, some in their mid-40's and a majority of 60 to 80 year olds.

According to church records for the period 1979–1994, there have been nine Armenian weddings in Addis Ababa, 37 births and 55 deaths.

"This community is not growing in numbers. We are facing a very difficult future," says the electromechanical engineer turned Archdeacon.

The St. Kevork Armenian Church, built in 1934, lost its last "real" clergyman in 1980, leaving the parish in limbo.

"The Armenian and Ethiopian Orthodox churches are very close, but this community was not ready to get a clergyman from a non-Armenian church to bury its dead or baptize its children," Nalbandian said.

"For a while after the last priest left we used a tape recording of Holy Badarak as the centerpiece of our Sunday service. Imagine a handful of people sitting in church listening to the Devine Liturgy on tape," he said.

"This was not adequate, and as an ordained Archdeacon, I somehow took over. Now, for the past 14 years, I am a chemical engineer during the week and a man of the frock on Sundays.

"I do the occasional baptisms and a lot of funerals—and weddings if I am sure of the background of the couples involved. I also do the Holy Badarak every Sunday of the year—without any exceptions," the forty something Nalbandian said after a recent Sunday service at which his wife led the choir and his teenage son played the electronic organ.

"The last wedding was in 1990, and it involved a couple from Canada who wanted to get married in their place of birth for sentimental reasons," he said.

While the Armenian school and Church keep the community together, the Armenian Club helps cover the costs of maintaining the much-needed infrastructure.

And it does that with style.

The "Ararat" Armenian Community Club has in recent years been widely recognized as the "place to be" for Addis Ababa's diplomatic corps and visiting businessmen.

The Club's restaurant, also called Ararat, is "by reservation only" and foreign diplomats and others gladly pay annual membership fees to join.

"This is one of the few places you can eat in Addis Ababa. It serves authentic Armenian food, and it is home cooking at its best," a Swiss diplomat commented recently.

A good income generating enterprise, the Ararat Club and restaurant pay for the facility to stay open, and produce enough cash to help the Armenian school and church balance their budget.

"With such a small community, we have learned to improvise. The old rich Armenians left many years ago, and now we have to take care of ourselves without a single cent of financial aid from outside. It is not easy, but we do it," Nalbandian said.•

KING HUSSEIN AND THE ROAD TO PEACE

• **Mr. DURENBERGER.** Mr. President, as citizens of the world's only superpower it is sometimes difficult for us as Americans to relate to the traditional problems of statecraft. For over two centuries, we were protected by two oceans, and subsequently by the status of being a nearly unchallengeable superpower.

Indeed, one of the most searing experiences of our lifetime was to recognize—in Vietnam—that even our power had its limits.

For most of the world, the United States exists in a state of unimaginable geopolitical luxury. They know that in order to relate to their struggles, we have to invest an enormous effort of the imagination. And too often, we fail to make that effort.

I think that our foreign policies are often weaker as a result of this failure of sympathetic imagination—and I would like today to discuss one particular area in which I have noticed this problem.

The Middle East is legendary for the harshness and complexity of its politics. In this political landscape, survival itself is a virtue, an indication that one has the strength and the prudence to do what's necessary to keep oneself alive.

The State of Israel is an excellent case in point. Surrounded by hostile forces, this island of democracy has succeeded through sheer toughness in bringing its region to the brink of a lasting peace. Our country's emotional ties to the Sate of Israel have made its struggles relatively well known to Americans, though even here our appreciation is somewhat short of being adequate. Another example of strength of character in this region has received even less attention. I am referring to the statesmanship of Hussein ibn Talal, the Hashemite King of Jordan.

It is my contention that the historic Rabin-Arafat peace accord of 1993—and the whole peace process that is currently making progress in the region—would not have been possible without the quite, deliberate, and often misunderstood leadership of King Hussein.

The secret meetings with Israeli officials are now well known. But the interest of King Hussein in a comprehensive peace long predates these relatively recent contacts.

As long ago as the 1950's, Hussein was being branded a "tool of the West" by confrontational pan-Arab nationalists like Nasser of Egypt. And by the late 1960's, radical Palestinian activists were using the territory of Jordan as a staging area for guerrilla raids into Israel.

It is against this background of Arab suspicions King Hussein put down the PLO forces with full-scale military action. In 1970 and 1971, he succeeded in driving the radicals out of Jordan.

His actions brought him to the brink of war with Syria—but he knew that that was a chance worth taking. Though he had treated his Palestinian subjects liberally, he judged correctly that there was no future for guerrilla warfare against Israel. And he would not let Jordan be a party to it.

The Arab community punished him by denying him a role as spokesman for the Palestinians. Again, he judged this a chance worth taking. By expelling the Palestinians, he let the Israeli presence in the region ripen into a fait accompli, decreasing the risk in an eventual recognition of Israel's right to exist.

If King Hussein had launched himself into a primarily rhetorical role, he could easily have expanded his own regional importance, but at the expense of both the long-term interests of the Palestinians and the long-range prospects for peace in the region.

The true statesman must make time his greatest ally. And King Hussein's foreign policy has indeed been based on the principle that was best expressed in English by Shakespeare: "Ripeness is all."

In 1979, recognizing the political lay of the land, he was unreceptive to the idea of playing a role in the Camp David peace process. This established his bona fides with the Arabs.

But 3 years later, in 1982, he was willing to take on a role in the Reagan Middle East peace proposals. On President Reagan's behalf, King Hussein entreated the PLO to accept U.N. Resolution 242 and recognize Israel, or at least allow Jordan to negotiate with Israel on its behalf.

The emotional climate in which Hussein undertook this initiative is perhaps best illustrated by Abu Jihad's shout to reporters: "What's in it for the PLO?"

This is psychologically illuminating. At a time when the PLO was concerned about itself, King Hussein was concerned about the Palestinians.

By this time, he was strong enough to risk failure—so that when Yasser Arafat backed out of the proposed joint Jordanian-Palestinian delegation, thereby dooming the Reagan plan, King Hussein was confident that this would not be he end of the peace process.

Events have proved him correct. And now that the glimmer of hope for the Middle East is getting stronger—and self-rule for the Palestinians is becoming a reality, along with the recognition by the Arab nations that Israel has the right to exist in peace—let us take a moment to thank somebody who played a largely unsung role in making it happen.

Future generations in the Middle East should be grateful to King Hussein for his perseverance. And we in the West would do well to study the example of this Jordanian King who was born in a Jewish hospital, and helped bring to fragile birth a new era in the history of the Middle East.•

SENATE INACTION THREATENS BIODIVERSITY TREATY

• Mr. SIMON. Mr. President, one of the recent pluses that has taken place for the State of Illinois was when Howard Buffett moved from Nebraska to Illinois. He is now serving as vice president and assistant to the chairman for the Archer Daniels Midland Co. of Decatur, IL.

Recently, Howard Buffett had an op-ed piece in the St. Louis Post-Dispatch that merits wider distribution.

Real candidly, until I read his commentary about the need for follow-through on the Rio Earth summit, I was not aware of what is taking place and about the lack of U.S. participation in the follow-through on the Rio Earth summit.

I do recall that at the Rio Earth summit, among the people who were there were Senators ALBERT GORE and JOHN KERRY, both of whom provided leadership.

I know that both these Government leaders continue their interest in this issue, but both in the administration and in Congress, we should make sure we follow through.

I ask to insert Howard Buffett's observations into the RECORD at this point.

The article follows:

[From the St. Louis Post-Dispatch, Aug. 31, 1994]

SENATE INACTION THREATENS BIODIVERSITY TREATY

(By Howard G. Buffett)

A powerful, far-reaching agricultural issue was overlooked by the U.S. Senate, an issue that affects all humankind—the conservation and sustainable use of the world's animals, plants and ecosystems. The world is getting smaller and needs a global effort to preserve its biological diversity; unfortunately, due to inaction, the United States will not participate fully in this effort.

It has been two years since the Convention on Biodiversity was unveiled at the Rio Earth Summit. This November, a conference of the signing parties will convene to finalize the rules of procedure and debate biosafety protocol. However, the United States will be a silent bystander because the Senate recessed without ratifying the treaty by its Aug. 30 deadline. Knowing the impact of biodiversity on medicine, biotechnology, agriculture and pharmaceuticals, it is incomprehensible that the United States has relinquished its negotiating position.

Decisions affecting rules of procedure and biosafety protocol will be made without our input or influence. The Senate may have left Washington without acting on this important issue, but make no mistake about it—the rest of the world will not stand still because we failed to act. This conference will move forward, and our decision not to be at the table reflects poorly on our commitment to future generations.

Every year, the U.S. government spends billions of dollars to idle fertile cropland in an effort to support prices. At the same time, countless developing nations subsidize intensive production on fragile soils. The resources necessary to produce food for the world's nearly 6 billion people are literally eroding daily, even in countries with strong conservation traditions.

We live in a world where fewer than 20 plant species produce 90 percent of the food supply, and we live in a country where more than 99 percent of commercial crop acres are planted with plant species introduced from foreign countries. We are dependent on our ability to constantly adapt varieties of plants and animals to overcome disease and enhance yields necessary to fee our rapidly expanding population. As a country, we rely on the world's supply of diverse plant and animal genetic material. World interdependence has never been more evident than in the struggle to produce food.

Given our country's position among world producers, does U.S. agriculture have anything to fear at the Convention on Biological Diversity? I think the answer is clearly no. Under the convention, we maintain sovereign control over our natural resources and are not subject to binding dispute resolution procedures. The convention provides a framework for developing stores of strategic genetic resources here and abroad.

The foreign germ plasma that boosted the soybean from a green manure crop 50 years ago to one of the nation's leading cash crops today is just one example of material that will find greater protection and development. Hybrid vigor in both plants and animals will be enhanced through increased cooperation under this agreement.

Our position as the world leader in biotechnology requires that we be in a position to educate the rest of the world about the safety of new products and the economic benefits of improved varieties. We cannot influence other nations on these issues if we remain isolated and refuse to embrace this attempt to generate additional understanding.

The greatest benefit to U.S. agriculture, however, might just as well accrue in the area of soil and water conservation. The convention will not force any constraining new conservation regulations on U.S. farmers. U.S. producers have for years been out front on voluntary adoption of conservation practices. Witness the extensive use of no-till farming and the reduction of nitrogen levels in row crop systems. The benefits will come as developing nations reduce unsound farming practices and reliance on monoculture.

If the world's food supply is to keep pace with population growth, the emphasis must shift to producing more on fertile, well-managed soils and less on fragile areas. The United States stands to gain significantly under such a shift. Any move to transfer the billions being paid to idle our most fertile acres into more productive ventures will not only add to the viability of agriculture but boost the U.S. economy as well.

The economy will not be the only area affected. The consumer, when looking at availability of products, quality of products, maintaining reasonable price levels and having access to more nutritious varieties, will also be effected. Whether you observe from a global perspective and are concerned with general food security or whether you localize the impact, the conclusion is the same: Biodiversity is critical to our future.

Examples can vary greatly. When you walk into a store, one out of four drug-related items that you pick off the shelf is derived from a living organism, a product of biodiversity.

We don't always think about biodiversity when eating french fries, but the connection is very real. At least 13 species of potatoes have been used in developing the varieties currently grown in the United States. And the next time you grab a handful of peanuts, remember that this popular food is largely dependent upon germ plasm from abroad.

In the 1970s, U.S. farmers were devastated by a severe disease epidemic referred to as southern leaf blight fungus. The salvation of our corn crop was found in diverse varieties resistant to the disease. It is the closet we have come to breakfast without cornflakes.

Today, the U.S. wheat crop is under siege from a foreign insect known as the Russian wheat aphid. Our only sources of resistance is this pest originated from countries of southwestern Asia and Eastern Europe.

Soybeans, one of the most important agricultural products and exports from the United States, could tremendously benefit from a stronger, disease-resistant variety. Other industries—from walnuts to grapes—depend heavily on the contribution made from biodiversity. The products affected cover every shelf in a grocery store. The consumer should look to the Senate to provide this biological diversity insurance policy.

It is quite clear that U.S. participation in the Convention on Biological Diversity offers no realistic threat to American agriculture. The real fear should come from a lack of cooperation among the world's food-producing nations as we enter the 21st century.•

ADMINISTRATION CODDLING OF FOREIGN DICTATORS

• Mr. D'AMATO. Mr. President, I rise today to again address some very disturbing practices of the Clinton administration in the realm of foreign policy.

In President Clinton and Vice President GORE's campaign book, "Putting People First, How We can all Change America," they write, "A Clinton-Gore administration will never forge strategic relationships with dangerous, despotic regimes." Yet, one need only look back through the first 2 years of this administration's foreign policy to see the beginning of a contrary policy. With six countries which by most standards are recognized as "dangerous, despotic regimes," the administration has held dialogs, contradicted its previous hands-off policy in regard to, or taken preliminary steps toward establishing relations with in some form or another.

With regard to Cuba, at the beginning of the recent refugee crisis, the President said that he would not negotiate with Fidel Castro. Over this past weekend, the United States did just that and allowed Castro to dictate our immigration policy by forcing us to greatly increase the number of Cubans allowed to enter the country, despite claims by the President and the Attorney General that they would not allow Castro to do so.

With regard to Vietnam, the President, over the objections of a great many Vietnam veterans, lifted United States trade sanctions against that country and established liaison offices in both capitals. Vietnam's human rights record is certainly nothing to brag about, and for an administration that claims to be very concerned about the progress of human rights, they seem to be off the mark.

In China, another human rights disaster, the President, when he was a candidate, criticized the Bush administration for its dealings with China. Despite China's human rights record, the Clinton administration has now done just the same. In publicly decoupling human rights practice from trade relations, the President chose to ignore the thousands, perhaps millions of Chinese political prisoners languishing in the Chinese gulags. This is a dangerous step. The linking of human rights with trade has been a well established tenet of American foreign policy for over 20 years. This linkage worked with the former Soviet Union and while China is not the same, China certainly should not be rewarded for its horrible record of abuses.

North Korea, another despotic regime, has been courted by this administration. While the circumstances are different, instead of dealing tough with the Communist thugs in Pyongyang, the administration at first offered economic aid, then trade relations, and now is negotiating with this dictatorship on some form of diplomatic relations. So much for rhetoric on acting tough with Communist tyrants.

Candidate Clinton attacked President Bush for coddling Syria. Well, the President's December 1993 meeting with Hafez al-Asad did little to convince this Senator that the President meant what he said when he vowed to not "cast a blind eye on Syria's human rights abuses and its support for terrorism."

Finally, in Serbia, the administration is talking about partially lifting sanctions on that country, in return for the placement of foreign monitors on its borders. The administration is forgetting that it has been Serbia that has been providing comfort and support to the genocidal murderers in Bosnia.

All told, President Clinton's main foreign policy dealings have been concessions to dangerous, despotic regimes. This is unfortunate considering the fact that his main attacks against President Bush during the campaign were accusations of coddling dictators.

Apparently, this President feels that coddling dictators is more important than condemning them.•

"IS GAMBLING EXPANSION NEVER-ENDING?"

• Mr. SIMON. Mr. President, municipalities, States, Indian reservations, and other entities are desperate for funds, so desperate that more and more are looking to gambling as a source of revenue.

We know from our own history that there are problems with that, exactly how serious the problems are and to what extent we should view this as a serious problem for the future, I do not know.

I do believe it is a subject that ought to be examined and is not now seriously being examined.

Recently, my hometown newspaper, the Southern Illinoisan, had an editorial titled, "Is Gambling Expansion Never-Ending?"

It asks some questions about the State of Illinois that we should be asking around the country.

We cannot expect governments to forego a desperately needed source of revenue, but we also have to recognize that we are creating some future problems for our Nation.

I ask to insert the editorial into the RECORD at this point.

The editorial follows:

IS GAMBLING EXPANSION NEVER-ENDING?

If electronic gambling really attracts bettors to the tracks, then how long will it be before horse-racing becomes an afterthought to the track owners, who now are de facto casino operators? If that occurs, then horse-racing as we know it may no longer exist anyway.

In the never-ending quest for more and more gambling, there's a proposal afloat to put video poker games and slot machines at racetracks to help the horse racing industry compete with riverboat casinos.

Whao! Hold your horses. It's time to stop this upward spiral of anything-goes-to-make-a-buck gambling.

Represetatives for racehorse owners and other racetracks told a legislative panel recently that riverboat gambling has severely cut into their profits since its introduction in 1990. The legislature currently is studying proposals to add more licenses for riverboats.

The horse-racing industry has also opposed casino gambling in Chicago on the grounds that it would further erode the ability to make money.

We recognize that horse racing is the grandaddy of Illinois gambling and that it helps support agriculture in downstate Illinois. But at some point, someone has to develop the intestinal fortitude to say, "the buck stops here."

Givig racetrack operators more gambling tools to compete with other sources makes little sense. It only continues escalating the promise of easy money. And that easy-money appeal that grabs the gambler also grabbed a lot of our state officials along the way.

The horse-racing industry makes a valid point when it says that riverboats have an unfair advantage over racetracks because they can operate 24 hours a day all year. The answer isn't to go hog-wild with yet another tier of gambling in the state.

Horse-racing interests complained in 1986 that the lottery was hurting them. Tracks then received tax cuts and the ability to operate off-track betting parlors. Now riverboats are the villains. Perhaps a combination of revising some restrictions that exist, plus the horse-racing industry itself developing comprehensive marketing strategies, would serve us better than new toys. If electronic gambling really attracts bettors to the tracks, then how long will it be before horse-racing becomes an afterthought to the track owners, who now are de facto casino operators? If that occurs, then horse-racing as we know it may no longer exist anyway.

While many lines have been crossed in the continuing spread of gambling, that doesn't mean a total abandonment of standards. And those standards don't necessarily have to be grounded on morality.

More to the point is the state's willingness to promise grandiose results from "just one more" form of gambling. Heck, we've saved education with the state-run numbers racket; we've saved tourism with riverboat gambling; and we may yet save Chicago with some sort of expanded casino gambling. Surely, we must be fair and save horse-racing as it's existed for 100 years.

The state has yet to realize that the gambling revenue is finite. If we put electronic gaming at horse-tracks, that vicious circle will only continue. Maybe riverboat gamblers will want to wager on animals racing around the decks.

Proponents of all these different measures see dollar signs. More money if we expand, the end of this or that industry if we don't. It's time to call a bluff or two and figure out exactly what the stakes are before we're in over our heads.•

A BIRTHDAY TRIBUTE TO JOHN W. KLUGE

• Mr. BREAUX. Mr. President, if I had to choose one thing about America which makes our country great, it is the ability of a single individual to use his or her God-given talents to the maximum and succeed beyond anyone's wildest expectations. This individual success, of course, is the basis for the overall success of the country.

Far too little attention is paid to the role that individual investors and entrepreneurs play in America's success. We often fail to fully appreciate that these individual investors and entrepreneurs create most of the jobs in this country; they are also frequently on the cutting edge of new technologies and innovation. The genius of the American free enterprise system is that it allows, and even provides the incentives, for an individual to take business risks which reward the individual, at the same time creating opportunities for a better life for all citizens.

Having said this, I would like to salute today perhaps the best living example of the American entrepreneurial spirit. The individual to whom I refer is John W. Kluge, who on September 21 will celebrate his 80th birthday.

No novelist could have created a better example of the American dream come true. John Kluge immigrated to this country with his mother at the age of 8 from Germany. He worked three jobs to pay for his college education.

Mr. Kluge began his remarkable career in communications by acquiring his first radio station in 1946. He eventually purchased 13 radio stations and 7 UHF television stations, and in 1959 he acquired an interest in Metropolitan Broadcasting Corp.—formerly Dumont Broadcasting Corp. Metropolitan Broadcasting Corp., of course, became Metromedia.

Mr. Kluge's interests did not stop with broadcasting; he later became a giant in the cellular and outdoor advertising businesses. His privately held company has been active in the motion picture, hospitality and restaurant businesses, automotive equipment, medical equipment, as well as in computer software and information technology, such as interactive multimedia networks.

The breadth of his undertakings and accomplishments over the years is truly a marvel to behold. How many people have been so successful in so many different fields for so long a period of time? Not very many. And how many people have created as many good jobs for his fellow countrymen? Very, very few.

What is just as remarkable are the simple, basic principles which have guided him. These are captured in his own words:

> If I have any advice it would be don't go into something just for the sake of going into it. Go into something because you really like it, and then do it with a drive and enthusiasm so that it isn't work.
>
> My philosophy all my life has been the pursuit of excellence.
>
> Young entrepreneurs should spend an awful lot of time thinking about what they want to get into. The last thing you want to do, unless it's a very unusual situation, is to invest money. You should have a fund of knowledge of something and out of that you make up your mind. Money is not a fund of knowledge.
>
> Work isn't really work for me. I don't think I have ever "worked" in my life, because "work" to me means that you are really doing something that you don't like.
>
> If we have had any success, it's because we are people-oriented. Assets are cold. What brings them to life are the people who operate those assets. So we have a commitment to the business and to its people.

There is a simplicity and clarity to those quotes that represent the essence of John Kluge. Despite his success, his wealth, and all the honors, he remains unimpressed with himself. "I wouldn't write a book," he once said in an interview, "because saying the word 'I' over and over again would nauseate me."

But Mr. Kluge is more than an incredible successful businessman; he also takes seriously his responsibility to the larger community. Over the years, he has given generously to many good causes, in particular education by endowing many millions of dollars to scholarship funds for minority students.

In short, Mr. President, John Kluge represents the very best of the American dream—hard work, dedication, the willingness to take calculated risks, humility, generosity, and devotion and allegiance to friends and employees who have made possible his success.

So it is with great pleasure that I salute John W. Kluge on his upcoming 80th birthday.•

"RACE AND PERSONAL STANDARDS" SKILLS AND VIRTUE TRANSCEND INFURIATING STEREOTYPES

• Mr. SIMON. Mr. President, recently, my hometown newspaper ran an article by Rachel L. Jones, an alumna of Southern Illinois University in Carbondale, that appeared originally in the Detroit Free Press.

Rachel Jones' article speaks candidly about something that is usually not discussed but should be.

We want to create opportunities for everyone in our society, but we cannot do that by lowering standards. In fact, some of the attempts at lowering standards, clearly, are patronizing attempts at charity that do not recognize that all people have ability, regardless of race, religion, or ethnic background.

I ask to insert the Rachel Jones article into the RECORD at this point.

The article follows:

[From the Southern Illinoisan, Sept. 1, 1994]

RACE AND PERSONAL STANDARDS: SKILLS AND VIRTUE TRANSCEND INFURIATING STEREOTYPES

(By Rachel L. Jones)

Twelve years ago, Newsweek magazine literally gave me my journalistic calling card, the proverbial foot in the door, by publishing my opinion about the use of Black English in America.

I was 21 years old on Dec. 27, 1982, and the only valuable possessions I owned were my mind and the ability to order my thoughts in persuasive, cogent style. In that issue's My Turn column, I wrote that although Black English is a valid part of African-American history, young blacks must be proficient in standard English to succeed in this society.

I ended that column by saying, "I don't think I 'talk white,' I think I talk right."

Then, I was a sophomore at Southern Illinois University in Carbondale. More than a decade later, I'm left shocked by this week's Newsweek cover story on Simpson, called "Day & Night." A so-called psychological profile, it is filled with characterizations of O.J. Simpson's poise, charm and drive for success as "trying to act white."

Make no mistake. I'm not defending Simpson, and stopped being interested in the minutiae of his murder case weeks ago. But whether Simpson committed a double homicide or not, that Newsweek allowed dubious, unnamed sources to decry his fame and wealth as "trying to act white" makes me ashamed I was ever published in that magazine.

As a black woman who has spent my life immersed in language, who has polished and developed my communications skills to advance my career, I'm left thinking that maybe Newsweek never really got it, never really understood what I was trying to say, or forgot over the passing years.

Even at 21, I had a strong sense that race was not the defining issue when it comes to mastering communication in this country. I consider myself very anchored to my ethnicity, proud to be African American. I'm also determined to exploit the tools this society designates as mandatory for success.

Because I was bucking the prevailing Afrocentric, black pride sentiment surrounding the Black English issue, Newsweek editors may have suspected that my heartfelt, youthful opinion would help sell magazines. And maybe they were right. I received almost 500 letters about that column, and virtually all were positive. I spoke on radio talk shows and worked as a student reporter at the New York Times and the Washington Post because of that column. I still receive reprint requests for it, for inclusion in college textbooks.

I read this week's Newsweek cover story with a mixture of dread and disgust. As a child, I heard the same chant over and over: "Why are you trying to act like a white person?" I was threatened and harassed because I liked to read, for using correct English, and for striving to articulate my words as my older brothers and sisters had taught me. To this day, I'm grateful to them for darn near smacking me upside my head to make me think and speak clearly, to communicate my thoughts with confidence and clarity.

UGLY ASSERTIONS

But then as now, the idea that these skills are the domain of white people infuriates me. And if I get started on my diatribe about how this mind-set is rooted in white supremacy, and how labeling the standards of success in this society as "white' does irreversible damage to the self-esteem of young blacks, I know I'll be branded a neo-revolutionary.

So be it. Painting American success as a white attribute smacks of white supremacy. It's another not-so-subtle message to blacks that being black, in whatever guise, will never be good enough in this country, and that the only way to even approach the pinnacle of success is to strip away that blackness and mimic the ultimate standard—white people.

The Newsweek editor who wrote the article, Evan Thomas, says it was not meant to be a commentary on race. Instead, he called it little more than a character sketch based on "a lot of reporting from a lot of O.J.'s friends and acquaintances."

Two lead reporters were black, and based on two months of interviews with several dozen people, Thomas says, he wrote a piece "intended to be a picture of a guy who was tormented."

"We weren't placing a value judgment on the way he was behaving," Thomas says. "But his attempt to fit into a white corporate world where he had to change his style and his manner of speaking was perceived by his friends as an attempt to be white."

But the article went too far. Publishing anonymous criticism of Simpson because he took diction lessons and went to private country clubs is an absolute abomination. Mentioning his "taste for white women" in such a tawdry manner (Unnamed Source: "Most womanizers I know go for any woman, but not O.J.—it was white or nothing") was so far beneath what I used to think were Newsweek's standards that I cringed.

If we follow that logic—that everything he did was to mimic whiteness—where does it stop? Was Simpson's penchant for cocaine and random sex "white" behavior? Are his ego and his domineering, violent nature acting white? And if he's found guilty of the crimes he is charged with, was his homicidal rage another offshoot of his manic drive for whiteness?

That's the irony of this issue. Because after you read that article, you don't come away with the impression that the violent parts of his behavior were attempts to act white. Instead, all the negatives, the pathological, poverty-rooted underpinnings, the drugs and wild sex, are decidedly black.

Thomas doesn't see it that way. Newsweek reporters concluded from their reporting that all this pressure to erase his poor black background and fit into the "white" world, and the attendant rejection by blacks, indirectly contributed to his cracking up.

"O.J. lived two lives, and the constant switching back and forth was an enormous strain," Thomas says.

But I couldn't pin Thomas down on just what the two lives were. Was the charming, affable, articulate Simpson white, and the druggie, sexual predator black? He strenuously denies that Newsweek had that intention, but you'd be forgiven for drawing that conclusion, based on the reporting and writing.

A PROUD HERITAGE

I've wanted an answer to this question all my life: Who's setting the standards? Most of my success as a journalist has come because I've insisted on writing about African Americans wherever I've worked. In health and fitness columns for this newspaper, I make a concerted effort to write about black professionals, and blacks who are active fitness enthusiasts, because it's important to me that our images are prominent and positive, and that our voices are included at the table.

And while I haven't worn my dashiki recently, I consider myself quite Afrocentric, quite aware of my blackness. I'm certainly no Whoopi Goldberg, chafing at the "African-American" label and insisting on being "Just American." One look at my deep, dark skin, and it's obvious that a whole lot of my ancestors came from somewhere on the African continent. I don't need to unearth some Native American, or Asian or slave owner's blood to try and make my blackness more acceptable to white America.

Basically, what I am is an articulate, professional black woman who, like Simpson, pulled herself out of poverty. I wasn't a gang member, nor have I ever had many violent obsessions, but in some ways we were in the same boat at birth.

So am I trying to act white?

I thought I was through answering that question after I left junior high in 1975. I thought I was through even having to think about that question. But the writers at Newsweek felt comfortable presenting this flawed perception that Simpson's rush toward success was "white."

I don't know whether O.J. Simpson is guilty of murder or not. But Newsweek is definitely guilty of setting the issue of what's black behavior and what's white behavior back about 20 years. Following in Time Magazine's clumsy footsteps, Newsweek has lent further credence to W.E.B. DuBois' assertion that the biggest challenge we face today is "the problem of the color line."

And you can't whitewash that issue.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that over the last 21 days, there were 54 homicides by gunshot in New York City. That brings this year's total to 698.

Three weeks ago, in my last report on the death toll by gun violence in New York City, I praised my colleagues in the Senate for passing a crime bill that, among other things, places a ban on 19 types of semiautomatic assault weapons. Six days after the bill passed, an heroic employee of the NBC "Today Show" was murdered on West 49th Street in Manhattan by a crazed North Carolinian with a Chinese-made model of the AK-47. The man had tried to get into the set of the "Today Show" where the whole Nation might have witnessed a massacre. Thank God that did not happen.

Mr. President, assault weapons are designed to fire the greatest number of bullets in the shortest period of time. An Uzi can fire 30 rounds in 5 seconds. These guns are weapons of war; they have no legitimate sporting purposes. They are merely the weapons of choice in this country for terrorists and drug traffickers. It is time we disarm our criminals.

Today I joined the President on the south lawn of the White House as he signed into law the Violent Crime Control and Law Enforcement Act of 1994, thus putting into effect the long-overdue ban on these pernicious weapons. This is a vital step in our fight against the crime epidemic, and it will make a difference.•

GRIDLOCK, GREEDLOCK, OR DEMOCRACY?

• Mr. SIMON. Mr. President, I have reluctantly come to the conclusion that some modification of our filibuster rules are in order.

There should be occasions when more than a majority is needed to pass something. The Constitution spells out eight of those different types of occasions, and I favor a ninth, when we create deficits.

But the filibuster has been so abused that it is used on things that totally lack a major significance.

Recently, our former colleague, Charles "Mac" Mathias, has an op-ed piece in the Washington Post that explains his position. I ask to insert it into the RECORD at the end of my remarks.

If we were to change the rule to 55 to have cloture or something like that, or a requirement that a certain number of people has to sign before 41 Members of the Senate could block consideration for 3 weeks, so that Congress would not, in an emotional frenzy, do something unwise.

I don't know what the modification should be, but I do believe we have abused the filibuster and change is in order.

The article follows:

[From the Washington Post, June 27, 1994]

GRIDLOCK, GREEDLOCK OR DEMOCRACY?

(By Charles McC. Mathias)

When I came to the Senate in 1969, a filibuster was a major event. In order to prevent a majority from voting to pass a bill, determined opponents would refuse to end debate.

Their strategy was to bring all Senate action to a halt until the Senate gave up its attempt to pass the legislation.

It was a rare and awesome maneuver played on the national stage in full glare of the spotlights. It focused national attention on the issue being considered while it reduced the Senate legislative schedule to shreds. Drama mounted as filibustering senators talked through the night and troops brought Army cots to Senate corridors so beleaguered senators could camp on the job for days at a time.

Today, filibusters are far less visible but far more frequent. The filibuster has become an epidemic, used whenever a coalition can find 41 votes to oppose legislation. The distinction between voting against legislation and blocking a vote, between opposing and obstructing, has nearly disappeared. In the last four years alone, the Senate has had to attempt to end filibusters an average of 22 times per year—compared with less than once a year in the half-century before I entered the Senate.

Senators no longer need to talk through the night to sustain their filibuster; they often need not talk through the day or hour. In times past, the majority leader occasionally asked for and received unanimous consent to temporarily suspend the filibuster in order to dispatch some critical business in which time was essential. Thereafter, the filibuster resumed. This practical response to an emergency has now become routine. Today a single senator may simply inform the Senate leaders that he or she won't allow a vote on a particular bill. The Senate then typically agrees to temporarily put that bill aside and move on to other business.

Since the Senate's Rule 22 says it takes 60 senators—three-fifths of the entire Senate—to break a filibuster, 59 senators seeking to take action can be blocked by 41 or fewer. The only reminder that a filibuster is in progress may be an occasional vote on "cloture" to see whether supporters of the bill have been able to assemble the necessary 60 votes. Often the issue simply withers away in obscurity. If the public is aware of the filibuster at all, it often mistakenly assumes that the "gridlock" it sees occurs because a majority can't agree on action.

The majority must accept paralysis or meet the demands of the minority—often by agreeing to legislation so eviscerated or loaded with interest group favors that it can't begin to meet our nation's challenges.

In just the past few years, filibusters have blocked, delayed or forced changes in bills dealing with crime, campaign finance reform, gun control, environmental protection, school improvement, labor law, Head Start, National Service, Hatch Act reform, family medical leave, voting rights, inoculation of children against disease, and dozens of other issues.

Scores of other bills are changed to avoid filibusters. For example, while Americans may be unsure which health care proposal is better, they do know we need action on health care reform. Yet some senators are already suggesting they may block majority action. And in the "bidding war" to find a 60th vote to end or prevent a filibuster, corporations with millions of dollars at stake (and millions to spend) will be on the prowl to find one or two senators willing to demand favorable provisions in return for letting the Senate vote.

Last month the federal government was required by law to sell mining rights to an estimated $8 billion of gold on federal land for only $9,765. Why? Because a threatened filibuster has blocked changes in Gold Rush-era mining laws. So taxpayers convey potential billions in forced sales to mining corporations—and then pay for the cleanup when thousands of used-up mines leak dangerous toxins into streams and rivers.

No principle is more central to democracy than the principle of majority rule. Today, that fundamental principle is in grave jeopardy in the U.S. Senate. Over and over again, Congress' ability to make decisions is thwarted because a minority of senators filibuster.

As a Republican whose party was in the minority for two of my three Senate terms and my entire service in the House, I know the majority must allow adequate time for minority views to be heard. I also know the frustration that fosters the filibuster. On rare occasions, I even succumbed and voted against cloture myself. But it becomes clearer each year where this path leads.

Those who wrote our Constitution struck a delicate balance. Separation of powers, federalism, bicameralism and the Bill of Rights protect minorities. The approval of two-thirds of senators present is required for a few extraordinary actions, such as constitutional amendments and presidential impeachment. But our Founding Fathers understood, as James Madison explained, that if they required more than majority approval for other actions, "the fundamental principle of free government would be reversed. It would no longer be the majority that would rule; the power would be transferred to the minority."

Filibusters are not limited to any party or ideology. The issue is not whether particular bills are good or bad. It is whether we believe in democracy, or a tyranny of the minority. It is whether we want a government capable of making decisions, or one hamstrung by gridlock and greed.

"If the . . . smaller number can overrule the greater," warned Alexander Hamilton, the result will be "tedious delays, continual negotiation and intrigue; contemptible compromises of the public good."

Our Founding Fathers never considered Rule 22, or dreamed that some senators would circumvent majority rule by refusing to allow a vote at all.

To safeguard our democracy, each of us must look beyond our own support or opposition for any particular legislation. We must call upon all senators to respect majority rule, stop abusing the filibuster, and get on with the business of meeting America's challenges.•

BOB MICHEL'S FREEDOM MEDAL

• Mr. SIMON. Mr. President, I was pleased that President Clinton recently awarded the Medal of Freedom to Congressman BOB MICHEL.

He has been a real "class" Member of Congress, who has contributed much to his district, my State, and much more important, to the Nation.

The award was richly merited.

I ask to insert into the RECORD an editorial from the Peoria Journal Star regarding the award of the Medal of Freedom to BOB MICHEL.

The editorial follows:

BOB MICHEL'S FREEDOM MEDAL

We echo the accolades heaped upon Bob Michel by President Bill Clinton Monday in awarding the 38-year Republican congressman the Presidential Medal of Freedom, the nation's highest civilian honor. That it comes from a Democratic president, in an age when rancorous partisanship has made the public's faith in effective government almost nonexistent, makes it all the more meaningful.

Michel "served our nation well, choosing the * * * harder course of conciliation more often than the divisive but easier course of confrontation," Clinton was quoted as saying.

Indeed, we praise Michel today for the same reasons that many in his own party have snubbed him—for trying to make government work rather than fostering gridlock, for practicing pragmatism rather than politics when compromise served the greater good, for trying to be a problem solver rather than a problem maker. Given a choice between a Bob Michel and a Newt Gingrich—or even a Sen. Phil Gramm, who promised just this week to "use every power that I have" to stop a Clinton health plan from becoming law (the key word being Clinton)—we much prefer Bob Michel.

Sure, we have disagreed with Michel here and there over the last four decades, but we also believe that on matters of significance, he genuinely tried to act in the best interests of America and the Peoria area. He tried to do the right thing, and in so doing earned respect on both sides of the aisle. He did not cheapen the term "public servant," but elevated it.

That is why Michel received the Medal of Freedom this week, and why the likes of Gingrich and Gramm probably never will.•

"VIDEODROME"

• Mr. SIMON. Mr. President, recently, the August 13, 1994, issue of the Economist, a British publication, had an article titled, "Videodrome" about television violence and our conduct.

It is of interest because it goes beyond the American studies and points out that there have been similar studies in Israel. Poland, Australia, among other countries that reach the same conclusion—that television violence is a part, if only a small part, of the cause for violence in our society.

For example, the article says "the common-sense view remains that a boy who watches chainsaw massacres all day is going to be a rougher character than the one who favours romantic comedies." They also cite a British study: "Britain designed a more rigorous project in 1978, interviewing 1,500 12- to 17-year-old boys about their viewing habits, backgrounds, school and police records." The report concluded that "high exposure to television violence increases the degree to which boys engage in serious violence."

I ask that the entire article be placed into the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Economist, Aug. 13, 1994]

VIDEODROME

When a judge sentenced the two ten-year-olds who had attacked and killed James Bulger, a toddler, in Liverpool last year, he implied that violent videos might have helped to turn naughty boys into killers. Neither the police nor the prosecution ever claimed such a thing. Nevertheless, it is popular in Britain to believe that "Child's Play 3", a violent video that was found in one of the boys' homes, did play a role in the tragedy. Thus one more exhibit in the case being built up for tightening the rules about film and TV violence.

In fact, it is almost impossible to establish that a particular TV show or video has ever led to a particular crime. "What has never been demonstrated", says James Ferman of the British Board of Film Classification, "is that media violence is either a necessary or a sufficient cause of violence in real life." The film and TV business uses this argument to fend off further restraints on what it produces, particularly in America. Television shows and films reflect society, the industry asserts, rather than influencing it—an argument that they do not, one suspects, make to advertisers. But the commonsense view remains that a boy who watches chainsaw massacres all day is going to be a rougher character than one who favours romantic comedies.

Researchers have been trying to work out the truth for more than 30 years, producing over a thousand studies in America and dozens in Europe. Does screen violence stimulate aggressive behaviour, particularly in children? If so, to what extent? Consensus is elusive in the murky world of the social sciences; but the broad answers seem respectively to be yes, and not a lot.

The best-known study tracked the viewing habits and behaviour of a group of American schoolchildren, starting in 1960 when they were eight years old. Further interviews followed in 1971 and 1982. The researchers found that there was a correlation between the amount of TV violence watched and aggression among the eight-year-olds. There was also a correlation between watching violence at eight and aggressiveness at 19. By the time the guinea-pigs had reached 30, those who had watched most TV violence as children tended to have more criminal convictions, to be more likely to batter their spouses and, in their turn, to have more aggressive children.

Similar studies by the same researchers, Rowell Huesmann and Leonard Eron, in Israel, Poland and Australia have found the same pattern. As Mr. Huesmann sums it up, "early aggression predicts later aggression; and exposure to media violence correlates with early aggression." Mr. Eron concludes that "youngsters, by consistent viewing of violence got more and more aggressive."

In 1972, when concern about rising violence in America was simmering, the surgeon-general's advisory committee on television and social behaviour decided to look further. Researchers assembled a group of four-year-olds. Some were shown violent cartoons, others neutral or positive films. When the two groups were put together, the children who had seen the violent cartoons were more likely to call other children names, hit them or take things from them.

Britain designed a more rigorous project in 1978, interviewing 1,500 12–17-year-old boys about their viewing habits, backgrounds, school and police records. The report concluded that "high exposure to television violence increases the degree to which boys engage in serious violence."

Suggestive evidence also came from a Canadian town to which television was introduced in 1974. Researchers studied the town's children and judged that two years after TV's arrival they were more aggressive than before. Similar before-and-after studies of murder rates in the United States and South Africa have come to the same conclusion. Of course, this suggests only that TV, not necessarily violent TV, has an effect; but the result remains intriguing.

An analysis of 217 studies done between 1957 and 1990 has found that they showed "positive and significant correlation between television violence and aggressive behaviour." The American Psychological Association's commission on violence and youth concluded last year that "there is absolutely no doubt that higher levels of viewing violence on television are correlated with increased acceptance of aggressive attitudes and increased aggressive behaviour."

CHICKEN AND EGG OR STORK AND BABY

It sounds pretty conclusive—and a good case for censorship for children. Yet the evidence is not in fact clear-cut, and even if it were, correlation is not the same as causality. Consider the counter-evidence first. An American attempt in 1982 to repeat the Huesmann/Eron work, and a more recent study in Holland, both found little link between watching and committing violence. Japan is famous for its nasty pornographic comics and gory cartoons, yet it suffers less than other rich countries from violence.

In April the Policy Studies Institute in London published the results of a study in which the authors had interviewed juvenile offenders about their viewing habits, comparing their responses with those of a group of schoolchildren with no criminal records. They found much more overlap than difference between the two groups. The striking thing about the offenders was how little they had in common with each other. None had seen any of the "video nasties" that have recently been provoking public concern. (Three-quarters, though, read one of the tabloid newspapers regularly.) "The most noticeable thing was the chaos and change they were living in," says Ann Hagell, one of the authors. "TV and movies played a relatively small part in their lives."

As for causality, Jonathan Freedman of the University of Toronto, perhaps the best-known sceptic about the effects of TV violence, says that even research showing that a link exists may not support many researchers' claims. Kids who like to play football will watch more football than those who don't; in the same way, aggressive kids are more likely to watch shoot-'em-ups. That says nothing about cause and effect.

Here is the nub of the debate. Even sceptics agree that most of the studies of the subject show some correlation between violence on TV and the real thing: those who watch violent shows tend to be more violent. What they question is whether the watching causes the doing. There is a correlation in Germany between the decline of the stork population and the falling human birth rate. That does not prove that storks bring babies.

Those who believe that there is a link between media and real-life violence say that it is not necessary to prove strict causality, because there are so many influences on human behaviour. An analogy is drawn with smoking. To a purist, it cannot be conclusively proved that smoking causes lung cancer: not everyone who smokes will get it, and some who do not smoke will. But the correlation between smoking and lung cancer is so strong that it is usually accepted as a causal factor. The same is true for violence, say Mr. Huesmann and most others who have looked into the subject. Not so, say Mr. Freedman and his (fewer) allies.

There is, however, a degree of common ground around the idea of "vulnerable minorities—that some media violence can affect some children some of the time. Most children can watch a violent film, or even lots of them, and not go out and fight afterwards. They may feel more aggressive, the same way they may feel like singing after watching "The Sound of Music", but not act on it. But for a few children, often those not bright enough to see clearly the difference between reality and fiction, or without the moral capacity to know right from wrong, watching may indeed be a prelude to acting.

Ron Slaby of Harvard University identifies four ways in which media violence can play itself out in a child's personality: the aggressor effect, an increase in meanness; the victim effect, an increase in fearfulness and mistrust; the bystander effect, an increase in callousness; and the appetite effect, an increase in the desire to see or commit violence. Simple imitation may also play a part. A 1988 study found that the number of railway suicides among West German boys aged 15–19 rose sharply following a TV programme that showed a teenager jumping under a train. Similarly, there was a rise in deaths from Russian roulette after the release of the film "The Deer Hunter".

It is hard to put a figure on the extent to which such an influence is felt, though some brave researchers have tried. Aletha Huston, who works at a research centre on the influence of television on children, estimates that 4–6% of violence can be accounted for by media influence. Such a number may seem significant; but it is worth remembering that violence finds its way on to TV in different guises, not all of them easy to avoid—news, sports and documentary programmes can all show strong stuff, as well as the films and drama that usually draw campaigners' fire.

The impetus to curb media violence is not, however, that it is conclusively linked to real violence; or that reducing screen violence will make much difference. It is that it is easier to regulate what goes out on the tube, or to stop youngsters renting certain videos, than to deal with the more significant social forces for producing rotten kids. Sadly, nobody has yet worked out how to prevent people from being bad parents.•

THE 12 COMMANDMENTS ON MIXING FAITH AND POLITICS

• Mr. SIMON. Mr. President, we are spending a great deal of time these days discussing church-state relations, and one of the most practical examples of balance in this field has been provided by Andrew Herrmann of the Chicago Sun-Times.

It is not a complicated treatise that people should have a hard time understanding but gives down-to-earth, practical advice that I believe Thomas Jefferson and James Madison would find sensible.

I ask to insert it into the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Aug. 27, 1994]

THE 12 COMMANDMENTS ON MIXING FAITH AND POLITICS

(By Andrew Herrmann)

Looks like God did want 100,000 more cops in America

Must have, right?

Just a few weeks ago, a panicky President Clinton was pounding the pulpit in a Maryland church, asking the congregation to pray for the resurrection of his stalled crime bill. "The will of God" was how he described it.

Well, it happened. We've got our crime bill, and that's a good thing. But Clinton's abhorrent manipulation of religion was the worst since the GOP charged the Democrats with "leaving God out" of the last Dem party platform.

Religion is a part of life; politics is a part of life. But how much should the two mix? It's slippery, indeed.

Consider: when Gov. Edgar was growing up, talking politics in his Downstate Baptist church was considered bad form, he said. But early in his political career, Edgar was invited to speak at a black, Chicago church. He started giving a speech about Martin Luther King Jr. "They said 'no, no—talk about what you're going to do if you're elected.' I said this is a pulpit. And they said, 'Well, what are you here for?' "

There are no unbreakable commandments when it comes to religion and politics. But the People for the American Way, a Washington-based liberal group, recently came up with "Twelve Rules for Mixing Religion and Politics." The word rules makes me uneasy, but the list does contain some good ideas.

1. Religious doctrine alone is not an acceptable basis for government policy. Because we all have different religions, religious reasoning is not open to reasonable debate.

2. No religious test for public office. You don't have to be religious to run.

3. Officials have the right to express their private beliefs but no right to use their office to proselytize others. Simply put, it's OK to ask for God's help in crisis but not OK to force personal religious beliefs on the public.

4. Government has a right to demand that religious institutions comply with reasonable regulation and social policy. Not only must priests pay their traffic tickets, but—and this is controversial—when religions get involved in the financial aspects of politics, they should lose their tax-exempt status.

5. Religions can cooperate with government in programs supporting the common good. Religious social agencies do tons of great work with government money.

6. No government approval or disapproval of religion.

7. Political discourse should respect religious differences. No put-downs about "Baptist thinking."

8. No politician should say he or she represents a religion. He or she shouldn't say he speaks for, say, "Christians."

9. Politicians can discuss the moral dimension of public issues. "Murder is morally wrong." But . . .

10. Morality is best applied to common good, not private conduct. "House the homeless, but stay out of their bedrooms."

11. Don't claim to speak for God. Man cannot say that God is on any political side.

12. Religion should not be used as a political club. Pols shouldn't compare religious beliefs to opponent's.

As the authors of the guide correctly conclude: "Those in our political process who use religion to divide Americans, or to create a hierarchy of faith for political purposes, do violence to the political process [*and*] the institution of religion."•

BRIDGING THE GAP

• Mr. SIMON. Mr. President, I have frequently said that one of the most stimulating and thoughtful educators on the American scene today is Albert Shanker, president of the American Federation of Teachers.

I turn to his column regularly when I read the Sunday New York Times.

Recently, he had an article titled, "Bridging the Gap," in which he quotes from an article written by Jeffrey Mirel and David Angus.

I have not seen the original article, but the general thesis that we have to be fair but tough on everyone seems to me to be absolutely sound.

I ask to insert the Albert Shanker column into the RECORD at this point.

The column follows:

[From the New York Times]

WHERE WE STAND—BRIDGING THE GAP

(By Albert Shanker)

One of our most troubling problems is the large and persistent gap between the achievement of white, middle-class students and that of poor, minority youngsters. This gap puts minority children at a terrible disadvantage. It also threatens the health of our democratic society. There is no dispute about the seriousness of the problem, but there is plenty about how to solve it.

Minority kids often go to schools with poor quality curriculums where little is expected of them. Should we set higher standards and work with these youngsters to help them meet the standards? Or is this another form of unfairness? Is it better to try to bring the youngsters along gradually by offering them a curriculum that doesn't expect too much of them?

In "High Standards for All" (American Educator, Summer 1994), Jeffrey Mirel and David Angus reveal that this debate on how to achieve equity in education is nothing new—it goes back at least 70 years. More important, they present evidence that minority youngsters are not turned off by high standards. When more is demanded of them, they produce more. Standards, Mirel and Angus say, are the most powerful lever we have to achieve equity in education.

Early in the 20th century, when large numbers of youngsters from white working-class and minority families began staying in school past the elementary grades, educators were somewhat uneasy. They believed equity demanded that they "educate" these youngsters—which meant keeping them in school until they got their diplomas. But educators had serious doubts about the youngsters' ability to master an academic curriculum—what we would now call a core curriculum—of English, history, mathematics, science and foreign languages. If the kids were pushed into these courses, educators believed, they would drop out in huge numbers.

Their solution was to differentiate and dilute the curriculum. And the result can be clearly seen in the high school course-taking patterns that Mirel and Angus follow over a 60-year period, from 1928 to 1990. The number of different courses that were offered skyrocketed from about 175 in 1922 to 2,100 in 1973—as Mirel and Angus say, "curricular expansion run amok." At the same time, the percentage of academic or core courses being taken went steadily downward. In 1928, over 67 percent of the courses taken were academic; by 1961, the number had dropped to 57 percent. This sounds like the phenomenon described in The Shopping Mall High School—when kids are offered a choice between easier courses and tougher ones, they choose the easier.

The impact on working-class and minority children was particularly significant:

"While these curricular decisions sought to promote equal educational opportunity, in reality they had a grossly unequal impact on working-class and black children. * * * Beginning in the 1930s, these students were disproportionately assigned to non-academic tracks and courses and to academic classes that had lower standards and less rigorous content."

However, that's not the end of the story. Thanks to various reform initiatives, course-taking patterns began to change direction again in the 1970s. Students started taking more academic courses, and the percentage of academic courses has risen steadily until it is now over 66 percent—close to the 1928 high. Minorities have shared in this increase in academic course taking, and it has led to some remarkable changes for African-American and Hispanic students, both in terms of the percentage of academic courses taken and improved achievement, as shown in standardized tests.

For example, in 1982 only 28 percent of African-American students took four years of English, three years of social studies and two years of math and science. By 1990, 72 percent were taking these core courses. Did this increase in the academic course work lead to a big increase in dropouts? Not at all. In fact, the dropout rate for African-American students fell from 18 percent to 13 percent. And SAT scores for these youngsters rose 21 points on the verbal section and 34 points on the math.

The gap that remains between black and Hispanic students and white students is enormous and unacceptable, but the way to close it is to ask more of minority youngsters, not less. Students will not all be able to learn exactly the same material in exactly the same way—though these differences have nothing to do with racial or ethnic background: "The idea that all students should meet high standards (and essentially follow the same curriculum) does not deny that there are educationally relevant differences among individuals in interests and abilities."

Goals 2000 offers states and communities a chance to develop standards and curriculums and assessments that take individual differences in "interests and abilities" into account while pushing all youngsters to achieve their best. As Mirel and Angus warn us, we must be sure that we don't repeat the mistake of 70 years ago and confuse being easy with being fair.•

ORDERS FOR TOMORROW

Mr. EXON. Mr. President, as the acting majority leader and on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. on Wednesday, September 14; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately thereafter, as provided for under the previous unanimous-consent agreement, the Senate proceed to executive session to consider the Mauz nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that upon the conclusion of the remarks of Senator ROTH the Senate then stand in recess as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware has 10 minutes and is recognized.

THE 1-YEAR ANNIVERSARY OF THE NATIONAL PERFORMANCE REVIEW REPORT

Mr. ROTH. Mr. President, last Wednesday marked the 1-year anniversary of the administration's publication of its National Performance Review report. Led by the Vice President, the National Performance Review was an effort to begin a process that has sometimes been described as "reinventing government."

I would like to take a few moments here to comment on the progress to date on the effort.

The NPR report contained 384 recommendations for changes in the way the Federal Government is organized and operates. At the time of its release, I commended the administration on the scope of this effort. While not necessarily agreeing with every single item in the report, I thought the NPR asked many of the right questions about how to make government do more, with less—and that the report's recommendations were generally headed in the right direction. I still feel that way today. Any concerns I have lie largely in the area of execution of the reforms.

Let me say, first, that much of what they have done is commendable—starting with the administration's enthusiastic support for my legislation, the Government Performance and Results Act. This new law, enacted last year, was described by then-OMB Director Leon Panetta as being the foundation for reinventing government. They supported my call for a series of pilot projects in program goal-setting and performance measurement, to be followed by full governmentwide implementation in 1997—and in fact have expanded the number of pilot projects to 71 Federal programs.

I am sure that the administration recognizes what was emphasized in a recent report published by the Brookings Institution, an independent Washington think tank—that the Government Performance and Results Act "may well prove to be the keystone of the Federal Government's reinvention movement," and that it is "the most promising source of glue to hold the movement together and promote the right incentives."

It may seem ironic that a Republican-authored bill is the keystone—the very foundation—of a Democratic administration's major government reform program. Perhaps, but it does show that there are indeed areas where we should be able to work in the kind of bipartisan spirit that the American people expect.

I am also pleased to have been able to work with the administration on two other reforms that rightly fall under the umbrella of reinventing government—procurement reform, and legislation mandating the downsizing of the Federal work force by 272,900 through buyouts and attrition. We are reinventing the Federal procurement system by making it more results-based, rather than process-based. And if we follow on our work force downsizing with a true reinvention of our Federal pay and personnel systems, we will indeed be able to do more, with less.

However, it is here that I must raise one concern I have about implementation of NPR recommendations. I know that the administration plans to propose soon a reform of the Federal personnel system. It is my hope that the proposal will be revolutionary—calling for a comprehensive overhaul of the way we hire, classify, promote, pay, and fire Federal employees. My fear is that what is coming will be just some marginal modifications to the existing system.

But marginal fixes are not enough. Not if we are going to eliminate management layers, giving the remaining managers and supervisors more discretion in their decision-making, while holding them more accountable for program performance. Results-oriented government requires results-oriented management, pay, and personnel systems. The Federal Government is a long way from those kinds of systems. They need reinvention, not modification.

Another concern I have is that I see the various reforms coming out of the National Performance Review as being advanced as a series of discrete, unconnected efforts. Budget process reform is unconnected to financial management reform, which is unconnected to customer service reform, which are all unconnected to civil service reform.

However, to really make reinventing government work, all of these pieces have to be interrelated. The Government Performance and Results Act envisions such an interrelationship—by trying long-term strategic planning, to annual program performance plans, which in turn should be tied directly into agency budgets. The law also encourages giving managers more flexibility, if their pay is linked to improved program performance. Improved customer service should be one key element in a program's annual performance plan.

But what I have not seen from the administration is a real understanding of the need for connecting, in a meaningful way, all of these pieces of government reform. NPR implementation is beginning to look like a scattershot effort—a laundry list of good ideas, but no coherent plan for tying them together into a comprehensive, interconnected scheme. And there does not seem to be an effective strategy for getting congressional support.

As a result, we see things unraveling at times. For example, last October the administration had introduced into Congress H.R. 3400, a 150-page bill containing 70 miscellaneous proposals from the NPR. That has now been whittled-down to a 17-page bill, with a small handful of items, that is still in the process of working its way through Congress.

As I said at the beginning, Mr. President, I applaud the administration—and particularly the Vice President—for the effort begun by the National Performance Review. I know they remain committed to this effort. And I want to help them get it enacted and make it work. But doing so will require more comprehensive policy coordination, better legislative strategizing, and closer cooperation with both sides of the aisle in Congress. And most of all, we must remain bold in our vision of how to reinvent the Federal Government.

Mr. President, I yield the floor.

RECESS UNTIL TOMORROW AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9 a.m., Wednesday, September 14.

Thereupon, at 7:16 p.m., the Senate recessed until Wednesday, September 14, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1994:

DEPARTMENT OF STATE

THOMAS E. MCNAMARA, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT L. GALLUCCI.

JEROME GARY COOPER, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

GERALDINE A. FERRARO, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF COMMERCE

MARTHA F. RICHE, OF MARYLAND, TO BE DIRECTOR OF THE CENSUS, VICE BARBARA EVERITT BRYANT, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JAMES H. DUFF, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

PATRICIA HILL WILLIAMS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000, VICE JAMES R. WHELAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOHN G. LORBER [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HOWELL M. ESTES II [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EVERETT H. PRATT, JR. [redacted]
MAJ. GEN. RONALD W. IVERSON [redacted]

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WARREN A. TODD, JR. [redacted]
COL. STEPHEN N. XENAKIS [redacted]
COL. HAROLD L. TIMBOE [redacted]

EXTENSIONS OF REMARKS

THE ROC'S NAME: SERIOUS BUSINESS

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 13, 1994

Mr. BURTON of Indiana. Mr. Speaker, on October 25, 1971, the U.N. General Assembly passed Resolution 2758 shifting representation for the people of China from the Republic of China [ROC] headquartered on the island of Taiwan, to the Communist government of the People's Republic of China [PRC] in Beijing. Since this time, the ROC and its 21 million people have been treated as second class citizens in most diplomatic circles.

This July, two subcommittees of the House Foreign Affairs Committee in the United States Congress held a joint hearing to discuss a topic that is receiving an increasing amount of international attention: Whether the Republic of China on Taiwan should be admitted to the United Nations. Such a hearing was long overdue. Unfortunately, one important point was never made: That the likelihood of securing this seat will remain slim until the international community starts to embrace the name "Republic of China"—the ROC's official name—instead of the name "Taiwan."

In his opening remarks, Representative TOM LANTOS, the chairman of the Foreign Affairs Subcommittee on International Security, International Organizations and Human Rights, attempted to sidestep the important name question. Lantos said,

> There is a debate among the citizens of Taiwan regarding whether the correct name of their country is the Republic of China on Taiwan or simply Taiwan. Our purpose today is not to get bogged down in internal partisan debate, but rather to promote Taiwan's participation in the international system in a manner that benefits both Taiwan and the international community.

Despite his initial preference to avoid the name question, LANTOS later acknowledged its importance. He conceded,

> You cannot place a proposal before a body, whether this is the Congress of the United States or the United Nations, without referring to an entity by some name. So while it may be an uncomfortable and awkward dilemma, it is a dilemma that needs to be resolved.

He concluded,

> The name issue has to be resolved before steps can be taken to deal with the entity represented by a name.

Like Representative LANTOS, Representative GARY ACKERMAN, the chairman of the Foreign Affairs Asia and Pacific Affairs Subcommittee, also attempted to avoid the important name question. He remarked,

> This hearing is not intended to stake out a position on the name Taiwan may eventually wish to use should it be permitted to join the United Nations. Such questions are best left to the people of Taiwan.

I agree with Representative LANTOS. We have to deal with the name question before we start plotting a strategy to get the ROC a U.N. seat. I also agree with Representative ACKERMAN. The name question should be left to the ROC people. What both Chairmen have missed, however, is that the ROC people have answered the name question. In two recent elections, ROC voters have kept in power the Kuomintang [KMT], a political party which prefers the name "Republic of China" and seeks reunification with China. Yet on both occasions, they could have voted for the Democratic Progressive Party [DPP], which openly endorses the use of the name "Taiwan" and advocates independence. Representative LANTOS and Representative ACKERMAN ignore this reality.

Mr. Speaker, a close look at these elections reveal that support for the name "Taiwan" and independence is marginal. On December 21, 1991, the KMT captured 318 seats—79 percent of the vote—in the 403-seat National Assembly, while the DPP captured just 75 seats. While its margin of victory was smaller, the KMT captured 103 seats in the 161-seat Legislative Yuan elections the following December. The DPP captured 50 seats—30 percent of the vote. Robert Sutter, a specialist in international politics at the Congressional Research Service, offered an explanation for the modest DPP pickup. According to Sutter,

> Heavy publicity focused on so-called money politics and related features, including vote buying.

He added,

> Unlike in 1991, when DPP candidates strongly stressed the issue of Taiwan independence, this year the opposition party handled the question in a low-keyed manner.

So, the DPP actually gained votes by avoiding the independence issue.

According to Nat Bellochi, the chairman and managing director of the American Institute in Taiwan, America's equivalent of a consulate in Taipei,

> Over the last 3 to 4 years, polls have demonstrated that the position of the majority has not changed significantly on the question of independence as a feasible option.

He also noted,

> The pragmatism of the people on Taiwan is evident in how carefully they have approached the issues of independence and the use of the name Taiwan. There is much more vocal support for these two issues here in the Taiwanese-American community, than one finds in Taiwan.

Mr. Speaker, if the name question was a pressing topic "among the citizens of Taiwan" as Representative LANTOS suggested in his opening remarks, then the DPP would have made this question and the independence issue the centerpieces of their campaign in 1992. If changing the Government's name from the "Republic of China" to "Taiwan" and declaring independence were priorities for the ROC people, the DPP would be in power.

While I am disappointed that few of my colleagues in Congress have recognized this reality, it is more disturbing that some have introduced resolutions which identify the ROC as "Taiwan" instead of the "Republic of China." To date, seven different resolutions have been introduced to express Congress' support for giving the ROC representation at the United Nations. Unfortunately, four use the name "Taiwan" instead of the "ROC."

The July hearing focused considerable attention on two resolutions. They were House Concurrent Resolution 148 introduced by Representative GERALD SOLOMON, Republican from New York; and House Concurrent Resolution 166 introduced by Representative ROBERT TORRICELLI, Democrat from New Jersey. The Solomon resolution expresses the sense of Congress that "the Republic of China on Taiwan deserves full participation, including a seat in the United Nations." It currently has 112 cosponsors. The Torricelli resolution says only that, "the 21 million people on Taiwan should be represented in the United Nations." It has 98 cosponsors.

Mr. Speaker, if the United States Congress wants to advance the ROC's admission to the United Nations, it should reject resolutions like Representative TORRICELLI's. While it is well-intentioned, it sends all the wrong signals to Beijing. By not asking for a U.N. seat, it implies that Congress supports other types of representation, such as U.N. observer status. The Palestine Liberation Organization has been represented at the United Nations for years, but it has never had a vote. The ROC does not deserve to be thrown in the same category.

Furthermore, by using the name "Taiwan," the Torricelli resolution creates the impression that Congress supports the independence movement and its supporters in the United States. Beijing has made clear that it will respond to any declaration of independence with military force. With 3 million men in its armed forces and a nuclear stockpile, this threat should be taken seriously. Beijing will never accept the name "Taiwan," because it is the name embraced by the independence advocates and it suggests that the ROC is not part of China.

While Beijing has also objected to the use of the name "ROC," it is clearly more acceptable to them than "Taiwan." First, it does not challenge Beijing's assertion that the ROC is part of China. The ROC also supports unification. Second, ROC is no longer the nameplate of a government which questions Beijing's authority to rule the mainland. In 1991, the ROC abandoned its claim to be the sole legitimate authority on the mainland.

With the recent thaw in ROC–PRC relations, it is not unreasonable to think that Beijing may someday soften its opposition to the "ROC"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

name. Even if it does not, we should begin our U.N. efforts using the ROC name, because it has the support of their people. Lastly, its usage may compel Beijing to give the ROC a seat under a compromise name. Currently, the ROC uses the name "Chinese-Taipei" in the Olympics, "Taipei, China," in the Asian Development Bank, and "Chinese Taipei" in the Asia-Pacific Economic Cooperation forum. Each name suggests that the ROC on Taiwan is still part of China. The name "Taiwan" does not.

According to section 4(2) of the U.N. Charter, new members to the United Nations are elected by decision of the U.N. General Assembly upon the recommendation of the Security Council. If the ROC were to seek admission as a new member, using the name "ROC" or "Taiwan," it would most certainly be vetoed by the Communist regime in Beijing. Fortunately, there is another avenue to U.N. admission. A resolution could be drafted which simply repeals Resolution 2758—the resolution which gave Beijing a seat at the United Nations—and provides dual representation for China. By modifying China's U.N. representation, instead of asking for new membership, this resolution would go directly to the General Assembly and escape a certain PRC veto on the Security Council. The ROC would get representation in the General Assembly and the PRC would retain its seat on the Security Council. This avenue was proposed by John R. Bolton, former Assistant Secretary of State for International Organizations from 1989 to 1993, at the July hearing.

The real obstacle is to make ROC admission palatable to Beijing and dissuade it from withdrawing from the United Nations. To overcome it, the U.N. resolution must clearly state that China consists of both the mainland and the island of Taiwan. It must also state that the objective of providing dual representation for Beijing and the ROC is to facilitate the eventual reunification of their two territories, not prevent it. Such language would assure Beijing about U.N. intentions and reflect the majority opinion in the ROC. It would not, however, preclude the ROC from declaring independence if that course of action ever gained acceptance among the majority of its people.

Mr. Speaker, the United Nations must also make a concerted effort to show Beijing that its own long-term interests will be served by allowing the ROC a place in the world community. Jason C. Hu, the Director General of the ROC's Government Information Office, has emphasized this point,

> The intransigence of the PRC in ignoring or even denying the divided status of the Chinese nation serves no positive purpose to the eventual reunification of the nation. In fact, it creates resentment among their cousins across the straits and even adds fuel to the fire for the promotion of separatism which would surely bring disaster to the Chinese nation.

He added,

> * * * the PRC's understanding and sympathy on the issue would in some way win the minds and hearts of the Chinese on the island and foster a better atmosphere for unification.

Mr. Speaker, today we have a small chance to reverse the sorry state of affairs which has existed since U.N. Resolution 2758 was passed in 1971. Getting a majority necessary to pass a resolution which provides the ROC a U.N. seat will be a difficult task, but it can be done with strong United States leadership. Fairness dictates that we try. However, if we continue to push the name "Taiwan," this small chance will certainly slip away.

TRIBUTE TO WILLIAM WEBB

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to William Webb, who is retiring after a distinguished, 30-year career with the National Park Service. Environmentalists in southern California owe a huge debt to Bill, who spent the last half of his career in Los Angeles. Among his greatest achievements was helping to create the Santa Monica Mountains National Recreation Area in November 1979.

Bill Webb quickly assumed the role of liaison between the William O. Douglas Outdoor Classroom, located in Franklin Canyon, and the National Park Service. In his quiet, dignified way he ensured that the lines of communication remained open. He was always there for the members of the WODOC board.

Prior to his arrival in California, Bill served the National Park Service in a number of posts around the country, including the Virgin Islands National Park Group and the Booker T. Washington National_ Monument. In all cases he played a vital role in the acquisition of scarce park lands for the use and enjoyment of the public.

Tireless and energetic, Bill's devotion to public lands have made him indispensable as an organizer, negotiator, adviser and troubleshooter.

I ask my colleagues to join me in saluting William Webb. His love for the Santa Monica Mountains has endeared him to all Los Angelenos who enjoy this beautiful open space. We all wish him a happy and healthy retirement.

RECOGNITION OF KINGSBOROUGH COMMUNITY COLLEGE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SCHUMER. Mr. Speaker, I rise today to recognize and congratulate Kingsborough Community College of the City University of New York on the occasion of its 30th anniversary.

Our schools and colleges are a source of pride for our communities. This is especially true in the case of Kingsborough Community College, which in the years since it was founded has earned a reputation for excellence, and for the high quality of its liberal arts, science, and career-oriented curricula.

Under the leadership of President Leon M. Goldstein, Kingsborough has, in many ways, become a college for the community, developing a number of programs to effectively meet the educational needs of people of all ages throughout the borough and the city.

Mr. Speaker, as Kingsborough celebrates its 30th anniversary, President Goldstein, the dedicated faculty and administrative staff merit high praise for their vast accomplishments, and for their vision and creative spirit in providing ever-expanding educational opportunities.

TRIBUTE TO DR. CLAUDIA H. HAMPTON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. DIXON. Mr. Speaker, I rise today in tribute to a dear friend and distinguished educator, Dr. Claudia H. Hampton, who passed on August 13, 1994. Renowned for an outstanding career as an educator and as the first African-American to serve on the California State Board of Trustees, Dr. Hampton's innumerable contributions to the field of education leave a lasting legacy for the citizens of the State of California. I am proud to share the following retrospective on the life of this great educator and friend.

Dr. Claudia Hampton began her career as a teacher and elementary school counselor in the Chicago, IL, school system. Moving west, she attended graduate school, earning both her masters and doctorate degrees from the University of Southern California. Shortly thereafter, she began teaching in the Los Angeles Unified School District [LAUSD]. She remained with the LAUSD for two decades during which time her positions included supervisor of Child Welfare and Attendance, director of Community Relations for the Office of Urban Affairs, and director of the Human and School Community Relations Resource Office.

In 1974, while serving as an adjunct multicultural education professor at Pepperdine University, Dr. Hampton was appointed to the board of the California State University [CSU] and College System by then-Governor Ronald Reagan. In 1979, she opened up still another vista by becoming the first woman to serve as chairperson of the board. Dr. Hampton served on the CSU board for 20 years, and was also a key figure on the board of governors of the California Community Foundation.

Her influence extended nationally as a presidential appointee to the Advisory Panel on Financing Elementary and Secondary Education; she was also a member of the Commission for the Review of the Master Plan for Higher Education. In recognition of her exemplary achievements, San Diego State University set up a scholarship in her name from 1976 to 1981. In 1993, former CSU trustee William D. Campbell and his wife Linda established the Claudia H. Hampton Scholarship Fund to help deserving inner-city students attend college.

Dr. Hampton's participation in community service projects reflected the same devotion evidenced in her professional endeavors. Just a few of the organizations of which she was a proud member are the National Council of Negro Women; State board of managers, California Congress, PTA; board of directors, Metropolitan YWCA; executive committee, Los Angeles branch of the NAACP; Women on Target; the American Association of University Women; and the Alpha Kappa Alpha Sorority, Inc. Additionally, Dr. Hampton was deacon of the consistory at Park Hills Community Church.

Deservedly so, Dr. Claudia Hampton was the recipient of accolades from many organizations. The Association of Governing Boards honored Dr. Hampton with the "1994 Distinguished Award in Trusteeship," marking the first time that the California State University system was so recognized. She was awarded resolutions of commendation from the California State Senate, the Assembly, and the Los Angeles City Council. Dr. Hampton also received an award of appreciation from the Republic of Korea's General Counsel. She has been honored by the Los Angeles Council of Black Professional Engineers, the National Coalition of 100 Black Men, and the Los Angeles African-American Women's Political Action Committee.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing and applauding the distinguished career of this outstanding educator. Dr. Hampton was devoted to providing more educational opportunities to children and she spent a lifetime dedicated to that goal. She leaves a lasting legacy for all educators to emulate. I am pleased to celebrate her life and on behalf of the Los Angeles community, I say thank you Dr. Claudia H. Hampton for your contributions to the children and citizens of the State of California. I join her daughter, Kathryn Wallace; her brother General Hudley, Jr.; and other family members and friends in celebrating the life and accomplishments of this renowned and distinguished educator.

KILDEE PAYS TRIBUTE TO GMI ENGINEERING AND MANAGEMENT INSTITUTE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding educational institution in my hometown of Flint, MI, the GMI Engineering and Management Institute. The GMI Engineering and Management Institute will be celebrating its 75th year of providing top technical and managerial talent to our Nation's industry during the week of September 12–16, 1994.

This great educational institution began in 1919 after it was recognized there was a great need for engineers, managers, designers, and technicians in the growing automobile industry. The Industrial Fellowship League of Flint endorsed the opening of a night school under the direction of Albert Sobey and it was named the School of Automotive Trades. In 1924 the school became the Flint Institute of Technology, a 4-year cooperative program was established and more than 600 students were enrolled.

In 1926 General Motors Corp., recognizing the potential of cooperative education, took over financial support of the school and renamed it the General Motors Institute. It began to utilize the school to develop its own engineers and managers. In 1945 the institute added a fifth-year thesis and became a degree granting college committed to cooperative education.

In 1982 General Motors divested itself of ownership of the school. Its name was changed to GMI Engineering and Management Institute. School administrators kept the concept of cooperative education and expand the number of employers. Today, there are more than 500 companies employing GMI students in more than 750 locations throughout North America, Europe, Central America, and the Caribbean.

Industries included under the co-op education concept include automobile industry, delivery services, aerospace, paper products, metallurgical, health care, and financial services.

Ultimately, the greatest statistics are those involving the students. Currently, 75 percent of first-year students graduate on time and 90 percent of GMI seniors have permanent, full-time job offers before graduation.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise before my colleagues today to urge them to join me in paying tribute to GMI Engineering and Management Institute. This great educational institution is a cornerstone in the education community in Flint. It has, and continues to provide, quality education to students from throughout our great country. It is producing the future industrial leaders of this country. As GMI Engineering and Management Institute celebrates its 75th anniversary, I congratulate it for its excellence in education.

NEW RUSSIAN CURRICULUM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. GILMAN. Mr. Speaker, I want to take a moment to point out an event that, while little noticed, exemplifies the progress being made to bring Russia and its people into the community of democratic nations.

This year, for the first time in more than 70 years, children in Russia will begin the school year with textbooks that are free of Communist ideology and propaganda. These new books are being distributed to the nation's 21 million students. Gone are the references to the Great October Socialist Revolution and other falsehoods promoted by the Communist Party. Instead, lessons on democratic rights and accurately depicted historical events have replaced Communist textbooks ladened with discussions of class struggles. The new Russian educational curriculum will also include completely new courses on market economics and business management.

Mr. Speaker, what we are witnessing is a momentous change in education in Russia—and in Russia itself. The knowledge these children gain should help us establish a new constructive relationship with Russia that we all hope for. With such little-noticed but important changes, this rising generation of young Russians promises to produce a group of independent thinkers capable of accepting different points of view and carrying on with the business of building a prosperous, democratic, and peaceful Russia.

AMERICAN HERITAGE AREA PARTNERSHIP PROGRAM ACT OF 1994

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. BARLOW. Mr. Speaker, I rise to urge my colleagues to support H.R. 3707, the American Heritage Area Partnership Program Act of 1994. This program will create an efficient and effective process to enhance and preserve the natural, historic, and cultural resources and recreational opportunities in areas that possess unique cultural traditions and distinctive landscapes.

The Ohio River Corridor is nationally distinctive, flowing through six States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River at the edges of the Commonwealth of Kentucky. The corridor comprises a chain of commercial, industrial, historical, archeological, natural, recreational, cultural, and economic areas that are of significance and importance to the Nation. H.R. 3707 can provide important areas, like the Ohio River Corridor, with technical assistance and guidance through the process of becoming a National Heritage Area.

Support the American Heritage Area Partnership Program Act, and support preserving America's Heritage.

TRIBUTE TO BARBARA KLEINSCHMITT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Barbara Kleinschmitt, who for years has been a leader in the fight for teachers' rights. Since 1983, when she became the founding president of the American Federation of Teachers Staff Guild, Barbara has dedicated herself to the cause of working men and women. There are many teachers who owe a large debt of gratitude to Barbara for her efforts.

It could have been predicted that Barbara would eventually play a prominent role in union activities. Her father organized steel workers in Chicago, and attended the founding convention of the Congress of Industrial Organizations. Her mother was a member of the

International Ladies Garment Workers' Union. Compassion for the working men and women of America is in Barbara's blood.

After 20 years working in various secretarial positions, Barbara took a job as an instructional assistant at Los Angeles Valley College, where she remains employed to this day. In the 1980's, a time of some hostility toward unions, Barbara commenced her involvement with teachers. Along with her role as AFT College Staff Guild President, she became vice president of the California Federation of Teachers and a member of the Coalition of Labor Union women.

In the last decade Barbara has made some major contributions on labor issues, including negotiating three collective bargaining contracts, assisting in 1994 police guild negotiations and negotiating a health/safety article on Video Display Terminals.

I ask my colleagues to join me in saluting Barbara Kleinschmitt, a selfless and dedicated advocate for working people. She is an inspiration to us all.

POSSIBLE INVASION OF HAITI BY THE UNITED STATES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mrs. MINK of Hawaii. Mr. Speaker, it would be political folly for the President to authorize the use of military force to apply police action against another country.

We do not allow any other action by our Government to be empowered by an international organization.

The United Nations took on the Haiti question as a violation of international law and authorized all appropriate action to restore the elected government in Haiti back into power.

U.N. resolutions do not obviate or substitute for the need for each government acting upon these declarations to also independently obtain approval from their own constitutionally elected bodies required to consent to such actions. In the United States this means approval by Congress.

Prior consultation with congressional leaders is not obtaining a vote by the Congress. My leaders cannot speak for me.

There is no need for secrecy. We are amassing our troops, on the seas and on land for the whole world to take note, especially the military forces in Haiti. In fact, the strategy is to gain acquiescence by "show" of intent.

Thus, coming to Congress would not hamper the declared strategy at all.

Mr. President, Congress must be asked to vote on this matter.

RECOGNITION OF PATRICK MURPHY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation. I rise today to recognize one such individual, Patrick Murphy, a lifeguard who recently saved a swimmer at Rockaway Beach.

As my colleagues know, I have a long record of working to make our streets safer and helping our Government to respond to the needs of our citizens. Even so, there can be no comparison to someone who actively saves a human life.

There is a saying that one who saves a life, it is as if he has saved a world. For the family, friends, and associates of the young man that Patrick saved, this is undoubtedly true. I know that we all rest easier knowing that there are brave and expert lifesavers guarding the lives of our loved ones on New York City's beaches.

Mr. Speaker, I hope all my colleagues will join me in expressing my admiration and respect for this young man. I am extremely proud to have him working at Rockaway Beach and wish him all the best in the future.

TRIBUTE TO CARRIE MAE SOLOMON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Mrs. Carrie Mae Solomon, who succumbed on February 24, 1994. God-fearing, righteous, selfless, faithful, full of love, wise, and uplifting. Mrs. Solomon filled every moment of her life with meaning. She always found time for others, and left an indelible impression on everyone she met. I received first-hand knowledge of Mrs. Solomon's genuine spirit through her daughter, Mamie Hardy, who worked on my congressional staff from 1979–83. Just as her mother, Mamie generated a warmth and sincerity of character that was a joy to be around. It is a pleasure to present to my colleagues a synopsis of Carrie Solomon's life, and to share a few reasons why she was held in such high regard.

Born in the small township of Natchitoches, LA, on September 13, 1916, Carrie was one of 16 children born to Oscar and Rose Lee Johnson. The Johnson family did not possess a lot of worldly goods, but they found strength in their love for God and each other. Throughout, Carrie maintained a sunny disposition and a sense of purpose. Although she had no formal schooling beyond the third grade, she taught herself reading, writing, and arithmetic and educated her younger siblings as well. As one of the oldest children, Carrie was no stranger to hard work; it was, perhaps, caring for her brothers and sisters that generated the maternal qualities for which she would become known.

As a young adult, Carrie believed passionately that it was the work of God that brought her to King Solomon, the son of a preacher. King and Carrie lived in the South for several years after their marriage before moving on to California for a better life. Their union was blessed with six children: Alfred, Oscar, Emily, Mamie, JoAnn, and Linda.

Always looking for ways to express her Christian conviction, Carrie found her spiritual home at the Greater Starlight Missionary Baptist Church of Los Angeles in 1953. For more than 40 years, she was a pillar of the church, steadfast and loyal, seeking to do God's work. She not only preached the word, but she lived it, and as the mother of the church, many looked to her for guidance and wisdom.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in honoring Mrs. Carrie Mae Solomon. Although her passage from us was untimely, she was a blessing to all that were fortunate enough to know her. She will be sorely missed by her children, her stepsons Henry James and King, Jr.; grandchildren Kim, Keith, Chris, Anjanette, Tifani, and Paul; great grandson Joshua; as well as an extended circle of family and friends. I join with these loved ones in saying well-done Mrs. Solomon. May her memory continue to shine a light for those who seek to follow her example of charity, endurance, and faith.

COMMEMORATING THE KLOOGA MASSACRE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. GILMAN. Mr. Speaker, 50 years ago Nazi troops in Estonia killed over 2,000 Jews after forcing them to build their own funeral pyres. This terrible atrocity, known as the Klooga Massacre, was commemorated by Estonians and Jews at the site of the massacre on September 1, 1994.

Only a few thousand Jews lived in Estonia before the war. After invading the Soviet-occupied country in 1941, Nazi units and their local supporters and collaborators sought to kill every Jew in the country. The final killings took place in Klooga in 1944 while advancing Soviet troops were only hours away.

In groups of 300, innocent Jewish citizens, children among them, were ordered to build stacks of logs and lie on top of them.

The Nazi officers then shot them and ordered the next group to stack wood on top of the dead and wounded and lie down so that they in turn could be shot. Eventually, those initiating this heinous action set the whole construction ablaze. Only 87 Jews survived this degenerate brutality.

Mr. Speaker, it is important that, as Estonia emerges from the darkness of dictatorship and foreign occupation, its new democratic government has taken special measures to commemorate the Klooga Massacre.

At the September 1st ceremonies, the deaths of these innocent victims were commemorated with the unveiling of a memorial to the victims at Klooga. Members of Israel's parliament participating in the ceremonies expressed the belief that such a heinous and vile act could never be repeated in the new Estonia, where freedom of belief is now the rule.

Mr. Speaker, I join them in commending the Estonian Government for dedicating this memorial and publicly acknowledging the heretofore obscured history of the innocent victims of the Klooga Massacre. I invite my colleagues to take note of this measure by the Estonian Government, which is now engaged in the work of building a new democratic Estonia where such atrocities will never again take place.

KILDEE PAYS TRIBUTE TO MR. DONNY DOUGLAS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding individual, Mr. Donny Douglas. Mr. Douglas is being honored by United Automobile Workers Local 594 with a dedication of the Donny Douglas Labor Library on Saturday, September 17, 1994.

Donny Douglas has been a giant in the labor movement in Pontiac, MI. He has been committed to empowering the members of his union through education and training. During his tenure as president of local 594 he has given his union brothers and sisters the opportunity to express themselves so that they can develop their potential.

Donny Douglas began his career with General Motors in October 1959. He became a pipefitter within the plan and progressed through the ranks of his union. He began his union career as a production committeeman for 6½ years. He then became the editor of the local 594 newspaper. After this he was elected financial secretary of local 594 where he served for 6 years. In 1981 he was elected president of local 594. He has served continuously in this position since 1981. He is currently the longest serving president of a major local union within the UAW in the country.

Under Donny Douglas UAW Local 594 has flourished. It has been at the forefront of the development of education and training programs within the UAW. There is no question that Donny Douglas has been a major influence in UAW Local 594. His outstanding leadership abilities and excellent communication skills have served his union well. The decision to honor Donny Douglas by naming the library in his honor is the cornerstone of his union career.

Mr. Speaker, it is indeed an honor and pleasure for me to rise today to pay tribute to Donny Douglas. He is an inspiration to me and many other individuals who work closely with organized labor. I know that by naming this great facility in his honor, his union brothers and sisters are expressing their gratitude for his selfless dedication to his union.

PROTECT THE RIGHTS OF ARAB-AMERICANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. BONIOR. Mr. Speaker, I would like to take this opportunity to express my concerns about the antiterrorism provisions contained in the crime bill. During the gulf war, the FBI conducted a number of inappropriate interviews of leading members of the Arab-American community. Without any basis other than their ethnic background, Arab-Americans were asked about their political beliefs. These interviews cast a cloud of suspicion over an entire community.

I support efforts to combat terrorism and violent criminal acts, but we must not trample the very rights we are trying to defend in the process. I deeply appreciate the efforts of my colleague DON EDWARDS to protect these first amendment freedoms, as he has many times over the years. He has added important provisions to ensure that antiterrorist investigations are carried out in accordance with the Constitution.

Along these lines, I would like to make clear that these provisions should in no way apply to the deportation case against Palestinians in Los Angeles, which has become known as the LA Eight. In this case, the defendants provided support for the legal, humanitarian activities of a group that also committed terrorist acts. They are not accused of "knowing or intending" that their support be used in the preparation or carrying out of a crime as required by this bill.

The INS is pursuing the deportations based on what I believe is an overly-broad interpretation of the 1990 Immigration Act. Under this interpretation, which was formulated by the Bush administration, any alien who provides any type of support to an organization who engaged in terrorist activity would be deportable. This could include South African exiles who contributed to Nelson Mandela's speaking tour and Nicaraguans who gave money to the Contras.

It is my deep hope that the antiterrorism provisions of this bill will be properly interpreted to protect the rights we so dearly cherish. It is also my deep hope that a new interpretation of the 1990 Immigration Act will be issued so that all who come to this country legally know that their freedom will be protected.

REWARD WORK, NOT WELFARE, FOR LOW-INCOME FAMILIES, SUPPORT THE EARNED INCOME CREDIT EASY FILING ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. GEJDENSON. Mr. Speaker, today I am announcing an initiative to help working families and to encourage welfare recipients to enter the work force. As many people already know, the earned income credit is a work incentive and supplement for low-income wage earners.

But for the credit to work as effectively as possible, we need to make sure that those who are eligible have a full understanding of its benefits, and are able to receive the credit with minimal assistance. Many people who are eligible for the earned income credit are those who work in part-time, temporary, low-wage jobs. They may collect welfare benefits for a few months between jobs which are seasonal or temporary in nature. These workers, who have the hardest time staying off welfare, but who work whenever they can, are also the least likely to file for the credit.

But too often, those who are trying to work their way off welfare lose a substantial portion of their well-deserved tax credit to high commercial tax preparation fees and exorbitant interest rates charged for instant refunds. A typical earned income credit filer is charged $70 to $100 to prepare very simple paperwork and obtain an instant refund. The earned income tax credit is meant to go into the pockets of low-income workers, not tax preparation firms.

The fee for an instant refund is actually a very high interest rate loan. Instant refund fees range from $25 to $39. If a taxpayer pays $25 for an instant $2,000 refund, which would have arrived in 2 weeks, the effective annual interest rate is 32.5 percent. The same fee for an instant $1,000 refund would represent a 65 percent interest rate.

Today I am introducing the Earned Income Credit Easy Filing Act, a bill to help working people who are trying to stay off welfare get the full benefit of the credit to which they are entitled. I urge my colleagues to support this legislation.

First, the bill would require the Treasury Secretary to recruit outreach counselors from the local community to help low-income wage earners understand the credit and to assist them in preparing their own returns. Second, the bill would require the Treasury to promote its free tax clinics more effectively through means appropriate to reach the low-income community. Third, the bill would direct the Treasury to expand existing electronic filing pilot programs to increase the number of nonprofit social service entities which participate in electronic filing.

I wish to thank Dr. Lynn M. Olson of the American Academy of Pediatrics for her valuable research, which provided the foundation for the development of this legislation, and Ms. Kate Jesberg Gonzalez of the Washington, DC, Department of Income Maintenance, for bringing Dr. Olson's research to my attention.

"YOU ARE SO BEAUTIFUL" DAY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. GORDON. Mr. Speaker, on Sunday, September 18, a vital and dynamic group of people will be honored for all that they have contributed to our communities and our lives. Senior citizens constitute the backbone of our Nation—they created all that we enjoy today, led us through World War II and the Depression, prosperous times, and the birth of technology. In recognition of this, the Stones River United Methodist Church in Murfreesboro has designated a special day to celebrate and honor seniors in the community.

It is fitting that the theme of the day is "You Are So Beautiful." It is also fitting that seniors of all denominations from Rutherford County and surrounding areas will be included in the celebration. Beginning at 2, three speakers, selected readings, and a special repertoire of singing will mark the afternoon.

The first speaker, Jane Vaughn, a community activist and director of Even Start, an educational program for children and parents, will address the theme "You Are So Beautiful." Following Ms. Vaughn will be Flora Blackman and Gloria Spann, both prominent evangelist speakers. The afternoon will also include readings by Francis Henry and singing by local groups. The Vaughn Singers from Smyrna, the McCullough Family, Albert Richardson, and the Stones River Trio will all perform. Another highlight of the service will be the presentation of a plaque to pay special tribute to all the seniors of Stones River United Methodist Church. Immediately following the celebration is a reception with snacks and beverages for the seniors and all who attend the service.

It is refreshing that the seniors of middle Tennessee will be shown by friends and family how much they mean to each and every one of us. A caring and appreciative community is the glue that binds not only our Nation, our cities, and our rural areas together, it brings individual people together. On September 18, a most deserving and valuable portion of middle Tennessee will enjoy their day of honor, while the rest of the community has a rare opportunity to tell them how beautiful they are.

RECOGNIZING THE 125TH ANNIVERSARY OF THE WEST LAUREL HILL CEMETERY OF BALA CYNWYD, PA

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I want to recognize and commend the West Laurel Hill Cemetery of Bala Cynwyd, PA, on the occasion of its 125th anniversary.

West Laurel Hill Cemetery is one of the oldest garden-type, permanent resting places in the entire United States. It is also a bird sanctuary and arboretum, with thousands of trees, shrubs, and flowering plants. The cemetery is an architectural gem. It has one of the most elaborate collections of marble and granite mausoleums in the Commonwealth of Pennsylvania. The cemetery is not just a desirable final resting place, but it is also an excellent point of interest offering educational and highly informative historical tours.

The list of those who are interred at West Laurel Hill is long and quite prestigious. Some of the more noteworthy are:

Publisher Cyrus H.K. Curtis (1850–1933), founder of the Curtis Publishing Co., and onetime publisher of the Saturday Evening Post.

Television pioneer Dave Garroway (1913–82), who hosted the "Today Show," TV's first morning news and entertainment program.

The founder of Mother's Day, Anna M. Jarvis (1864–1948).

Founder of the Sun Oil Co., Joseph Newton Pew, Sr. (1848–1912).

The "Father of Baseball," Harry Wright (1835–95) who organized the first professional team, the Cincinnati Red Stockings.

Justus C. Strawbridge and Isaac H. Clothier, founders of Strawbridge & Clothier Department Stores.

The Dorrance family, inventors of condensed soup, and owners of Campbell's Soup, Inc.

Soldiers of the American Revolution. About 50 soldiers from the Revolutionary War are buried at West Laurel Hill.

Mr. Speaker, I salute the West Laurel Hill Cemetery for its excellence, high standards, continuation of tradition, and especially for honoring those who have gone before us, remembering their good works as a heritage and foundation upon which our country's present and its future shall stand.

PRIVATE PROPERTY RIGHTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. PACKARD. Mr. Speaker, landowners in America are fed up. The Federal Government is infringing upon our constitutional right to manage our personal property. We must stop this governmental trespass before all private property becomes public property.

Twenty years ago the Federal Government passed the Endangered Species Act. Originally intended to protect animals, the act hurts humans. Federal bureaucrats abuse their power and use endangered species as tools for Government intervention and regulation.

It is time to stop Government's encroachment on our forgotten fifth amendment rights. There are too many reported cases of animal rights overshadowing human rights.

When you can lose your job in the State of Washington because of an owl, or lose your home in California because of a rat; when a multimillion dollar development can be held hostage by a handful of rodents something is wrong.

Environmental legislation must be radically reformed to take into account its impact on the human population.

Mr. Speaker, I ask my colleagues to protect the rights of their constituents and to uphold the Constitution. We must stop Federal bureaucrats from inviting themselves onto our land. We must protect the sanctity of private property.

UNITED NATIONS POPULATION CONFERENCE REJECTED CLINTON PUSH FOR ABORTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SMITH of New Jersey. Mr. Speaker, as an onsite observer from September 3 to 10 of the Cairo conference on population, and having followed developments during the past year, I can tell you that there is a reality gap between the results of the conference and what has been reported by many news organizations.

That is not to say that the news media is necessarily at fault. Many of you may be aware that the media was not allowed to observe the informal proceedings of the main committee, where most of the discussions took place and support and disagreements were expressed. Consequently, the press and others have relied on the spin placed on the proceedings by the U.S. delegation, the chairman and vice-chairman of the main drafting committee—International Planned Parenthood Federation [IPPF] President Fred Sai and Ambassador Nicolaas Biegman—and U.N. Population Fund [UNFPA] head and conference Secretary-General Nafis Sadik, as well as statements by the Vatican and pro-life NGO's.

But all spin aside, Mr. Speaker, it is clear that the basic and fundamental goal of the pro-life delegations and NGO's was achieved: This document cannot be used to pressure or coerce sovereign nations that have laws on their books protecting unborn children to promote abortion as a method of family planning. This is a clear defeat for the Clinton administration which, despite its recent backpeddling, has made worldwide access to abortion on demand a primary foreign policy objective. The administration's position couldn't have been clearer than when Secretary of State Christopher enunciated it in a cable to all diplomatic and consular posts last March:

> 6. The United States has two main goals for the ICPD: 1) to develop an international consensus on a comprehensive approach to population issues, and 2) to provide an impetus to the global mobilization of resources devoted to population programs.
>
> 7. A comprehensive strategy begins with the need to ensure universal access to family planning and related reproductive health services, including access to safe abortion.
>
> 17. The Untied States believes that access to safe, legal and voluntary abortion is a fundamental right of all women. . . . [T]he United States delegation will also be working for stronger language on the importance of access to abortion services.

I, as well as many others, would have liked to see the conference delete all reference to abortion from the document, since abortion should not be a factor in either the regulation of population growth or the promotion of development. Nevertheless, even with the pervasive influence of IPPF—present in over 60 country delegations—the participation of numerous UNFPA-funded delegates, the large, abortion-promoting U.S. delegation, and the support of 123 U.S. Agency for International Development [AID] funded, non-U.S. delegates—in other words, despite the whole lopsided makeup of this conference—the nations of the world rejected abortion as a method of population control and reiterated consensus language adopted at the Mexico City conference in 1984 which said that: "In no case should abortion be promoted as a method of family planning."

One of Mr. Clinton's first acts after he came into office in January 1993 was to repeal the United States implementation of the Mexico City doctrine which prevented United States foreign assistance from going to NGO's which "perform or actively promote abortion as a method of family planning." Of the 100 to 200 NGO's which received foreign assistance for population programs over the prior 10 years, only IPPF and Planned Parenthood Federation of America refused to abide by this policy. Last year, after Mr. Clinton signed the executive memorandum nullifying the Mexico City policy, AID pledged $75 million over 5 years to IPPF.

The Clinton administration placed itself even farther out of the mainstream in 1994 by seeking to repeal the Helms amendment to the Foreign Assistance Act of 1973 which states that "None of the funds * * * may be used to pay for the performance of abortions as a method of family planning * * *."

The Clinton administration, and a few other pro-abortion countries, objected to the Mexico City language and had it bracketed at the PrepCom III meeting in New York last April. When those brackets came off in Cairo, the nations of the world were repudiating the position of Tim Wirth and the Clinton administration.

But retaining the Mexico City language was not the only pro-life victory. The conference also made it clear that abortion should not be part of safe motherhood programs. Much was made of the Vatican and others requesting brackets around this term at PrepCom III, but the reality is that this term is not new and some safe motherhood programs do in fact contain abortion as an element. Once this term was clarified to mean only health care for mothers and their children before, during, and after delivery, all brackets were dropped.

The modification of the definition of "reproductive health" was another victory for prolifers and defeat for Bill Clinton and Tim Wirth.

In the draft document which came out of New York in April, language was bracketed which would have declared a right to abortion as a method of fertility regulation. The term fertility regulation has a specific meaning given to it by the World Health Organization [WHO]. According to WHO, it contains 4 elements: Family planning, abortion, breastfeeding, and delayed marriage. The delegates rejected the concept of an international right to abortion by changing the term fertility regulation to family planning which had already been defined in section 8.24 to exclude abortion.

Section 7.4 enumerates the components of "reproductive health" and included "pregnancy termination" which was bracketed at PrepCom III. I understand that this has been changed or redefined to exclude elective abortion.

Finally, at the plenary session today, up to 20 countries expressed reservations about some aspect or aspects of the program of action, and most of these reservations have to do with ambiguities in the language and the implied recognition given to abortion where it is not against the law. With so many countries voicing problems with the document, it can hardly be called a consensus document no matter how many times that is asserted.

So the bottom line is that the Clinton administration, with its abortion-minded, abortion-promoting agenda, was a clear loser in Cairo.

But we must not expect this setback to stop Tim Wirth and the Clinton administration, as the repeal of the Mexico City policy clearly demonstrated, this administration will continue to fund IPPF and other organizations which seek to undermine and change the laws in countries that provide limitations on abortion. Moreover, we can expect to see the State Department and its allies involved in the international conference on women to be held in Beijing next year to achieve what it failed to get in Cairo.

It is the business of Congress and the American people to continue to be watchdogs to ensure that the U.S. Government does not exert pressure on nations—whether directly, through the United Nations, or through its influence with international organizations—to accept abortion as a right or as a method of family planning.

TRIBUTE TO DR. DONALD BYRD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus and the Congressional Black Caucus Foundation, to bring to the attention of my colleagues the cultural achievements and contributions of Dr. Donaldson Toussaint L' Overtoure Byrd. In a sense this honor is a direct outgrowth of House Concurrent Resolution 57 passed in the 100th Congress which declared jazz a rare and valuable American treasure. On this occasion, I am delighted to present to the 103d Congress, a living testament of this national treasure, Dr. Donald Byrd. As an educator, performing artist, composer, trumpeter, flugelhornist, and bandleader, he has been and continues to be one of the most influential figures in jazz.

It is an additional pleasure to bring this tribute because I have had the distinct privilege of being a friend of Dr. Byrd and an avid fan of his work. As an artist, he has made an unprecedented contribution to our national music. After establishing himself as one of the most celebrated jazz trumpeters of his times, Byrd successfully branched out to explore new artistic venues. For example, Dr. Byrd has worked in plays, theater, spiritual music, and experimented with opera music. This characteristic is common to many other jazz legends including the late John Coltrane.

He began his education in Detroit, which was home to some of jazz music's most important artists. Byrd was inspired by the sounds of Motor City including the three Jones Brothers, Tommy Flanagan, Barry Harris, Kenny Burrell, Billy Mitchell, Yusef Lateef, and Betty Carter. He attended Cass Technical High School for its outstanding music curriculum and continued his music studies at Wayne State University where he received his bachelor of music degree in 1954.

In 1955 Byrd arrived in New York quickly establishing himself as a major recording artist recording with John Coltrane, Max Roach, Sonny Rollins, and Thelonious Monk. During that period, Byrd became a member of Art Blakey and the Jazz Messengers and brought with him a trumpet style influenced by the great Clifford Brown that served as a transitional link from Brown to future messengers Lee Morgan and Freddie Hubbard. As critic Barry Kernfeld wrote in the New Grove Dictionary of Jazz, "following the death of Clifford Brown in 1956, Byrd, was for a few years arguably the finest hard bop trumpeter. He had not only a masterful technique * * * but also a beautiful tone."

Byrd's own Blue Note recordings in the 1960's and 1970's established him as a leader, with two of his most famous discoveries being pianist—composers Herbie Hancock and Duke Pearson. Byrd recorded in a wide variety of contexts: from his synthesis of jazz, choral, and spiritual influences on his landmark "A New Perspective" in 1963, to his popular jazz/funk/fusion recordings "Black Byrd," "Street Lady," and "Places and Spaces" of the early to mid-1970's. Moreover, Byrd has also influenced popular music and in the mid-1970's he formed the Blackbyrds, a jazz-tinged group made up of Howard University students.

Jazz education has occupied a significant part of his career. He received a masters of arts degree in music education from the Manhattan School of Music, and a doctorate from Columbia University. As an educator, his accessibility to students has made him both famous and popular. During the early 1970's, Byrd created and developed jazz curriculums at Rutgers, Hampton Institute, Howard University where he served as chairman of Black Music Department, North Carolina Central University, Oberlin, the New School, and Queens College. Moreover, Dr. Byrd has served as a consultant and chairman to the music program of National Endowment for the Arts, and was one of the founding board members of the National Jazz Service Organization.

As we honor the career of this great artist one thing remains crystal clear: that the pioneering work and art of Dr. Donaldson Toussaint L' Overtoure Byrd has provided a rich legacy of jazz music for our youth to learn from, build on, and carry forth into the 21st century. May he long continue to inspire musicians and music supporters as well.

NOTHING KILLS LIKE TOBACCO

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KREIDLER. Mr. Speaker, anyone who reads a newspaper has seen a series of ads from the R.J. Reynolds Tobacco Co., claiming that the Government is trying to ban cigarettes as part of a plot to take away the constitutional rights of Americans. These ads are truly a tribute to the creativity of the advertising and tobacco industries. But they are ludicrously misleading.

For the benefit of those who want a different point of view, I am including in the CONGRESSIONAL RECORD an op-ed article that appeared in the Seattle Post-Intelligencer on September 2, 1994, by Astrid Berg, executive director of the American Lung Association of Washington. Ms. Berg provides a welcome dose of factual information and common sense to counteract the distortions of the tobacco company ad campaign.

Instead of a pointless and unenforceable ban on tobacco products, she urges further restrictions on young people's access to tobacco, reductions in levels of addictive nicotine in cigarettes, and truth in tobacco advertising and promotion. Given the lengths the industry will go to profit from the only consumer product on the market which kills people when used as intended, this last goal presents the greatest challenge.

I commend this article to all those who need an antidote to the distortions of Reynolds' ad campaign.

THERE IS NOTHING THAT KILLS LIKE TOBACCO

(By Astrid Berg)

With its recent full-page ad in the Seattle Post-Intelligencer and other major newspapers around the country, the R.J. Reynolds Tobacco Co. has reduced the tobacco control debate to fear-mongering at its worst.

Its earlier ads were ridiculous enough to warrant a chuckle, suggesting that restricting tobacco use would next lead to a ban on books, movies, music, even buttermilk. But this time the ad campaign takes a sinister turn, featuring gun-toting police officers and dire predictions. "Will the homes of 'known' smokers be raided? Will we be encouraged to inform on our neighbors? Has the Government given any thought to the consequences?"

That's Government with a capital G, in case you hadn't noticed. Not unlike the capital P on Prohibition. The tobacco industry is fond of capital letters—they make things more ominous.

The truth is that neither the American Lung Association nor its fellow tobacco control advocates has called for a ban on cigarettes. We realize that there are nearly 50 million people who smoke in this country, and such a ban would be both foolish and cruel. How then might we gradually reduce and eliminate tobacco use without making people suffer? There are three approaches we can integrate toward an effective solution:

Restrict youth access to tobacco products. The overwhelming majority of people who smoke started the habit as young teens. The tobacco companies like to argue that smoking is an adult choice, but in reality it's a young person's choice that becomes an adult addiction. Let's get rid of cigarette vending machines, the sale of single cigarettes in convenience stores, free samples of tobacco products and promotional items, and then make sure that tobacco is available only in adult venues.

Reduce the nicotine in cigarettes to nonaddictive levels. If smoking were truly a choice, fewer people would smoke. Anywhere from 70 percent to 80 percent of all smokers would like to quit. The problem is that nicotine is addictive, a conclusion recently confirmed by a federal advisory panel to the Food and Drug Administration. By gradually reducing the nicotine level in cigarettes over the next 10 to 20 years, we could satisfy the needs of the current population of smokers, while at the same time preventing youthful experimentation from becoming a lifelong addiction. Then smoking would be a choice, and we would no doubt see fewer smokers.

Demand truth in cigarette advertising and promotion. The evidence about tobacco is irrefutable: It is quite capable of causing disease and premature death when used exactly as intended by the manufacturer. Promoting cigarettes with cartoon characters and slogans such as "Alive with Pleasure" and "You've Come a Long Way, Baby" belies their addictive and dangerous nature. Do we run afoul of the First Amendment by restricting tobacco industry advertising? Legal and medical experts writing for the Journal of the American Medical Association suggest that, "The cigarette, in its popularity, danger and lack of regulation, is an unusual product, requiring unusual public interventions."

From movie popcorn to hot dogs, it seems everything is bad for you these days. But to compare the effects of too much margarine on your toast to a tobacco addiction is a deadly miscalculation. The tobacco industry would like you to lump cigarettes as a risk factor in with a Big Mac habit or that second cup of coffee. Don't do it. Because nothing—absolutely nothing—kills like tobacco. It is the single greatest underlying cause of premature death in this country, racking up more than 400,000 deaths a year. You underestimate tobacco's impact if you regard it as just another one of our many vexing public health problems. Combine all the deaths in this country due to alcohol, cocaine, heroin, homicide, suicide, fires, AIDS and car accidents and you still won't equal the number of deaths due to tobacco-related illnesses. It is a health crisis of gargantuan proportions.

So tobacco kills, so what? We've all got to die of something right? Of course. But what will your life be like before you die if you're checking out because of tobacco? What's it like to get around with only 30 percent of your lung capacity? What's the cost of a hospital stay and surgery to remove a cancerous lung tumor? How much of your monthly pension check will you spend on the inhaler you need to puff on every two hours just so you can get a breath? Health care for smoking-related illnesses took at least $50 billion out of our pockets in 1993, according to the federal Centers for Disease Control and Prevention. That means smoking accounts for at least 7 percent of all health care costs in the United States. And if you're a nonsmoker who still thinks it's someone else's problem, consider this: The federal government and state governments pay for more than 43 percent of all smoking-attributed medical expenditures, and more than 60 percent for those over the age of 65.

Is that a reason to dislike people who smoke or to punish them in some way? Absolutely not. Is it a reason to aggressively challenge the power of an industry that places profits above human pain and suffering? Absolutely.

One of the most offensive tactics of the tobacco industry has been its attempt to elevate smoking to a "right." It has cloaked itself in the Bill of Rights, a document that embodies the basic tenets of fairness and freedom in our society, to protect its greed. Smoking in public places isn't a right, it's a choice. And because recent research confirms that one person's choice to smoke may affect the health of another, we have sought to restrict involuntary exposure to secondhand smoke.

The government regulates hundreds of things that affect the public health, from speed limits on highways to the temperature at which restaurants cook meat. We rely on government to protect us from hazards and dangers, and that is why it is appropriate that legislation govern tobacco use.

The only "right" the tobacco industry is trying to protect is its perceived right to continue to reap phenomenal profits at the expense of profound pain and suffering. Every American should be outraged at their crass and selfish commercialization of this country's ideals.

It took decades to learn what we know about tobacco use and the tobacco industry now it's time to do something about it. Don't fall for the cigarette manufacturers' scare tactics when they summon up the specters of Government, Big Brother, and Prohibition. Think instead of using capital letters on words such as Addiction, Disease and Premature Death.

KILDEE HONORS THE HISPANIC INDEPENDENCE AWARDS CEREMONY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to the Hispanic Independence Awards Ceremony that will be held on Saturday, September 17, 1994, at Mott Community College in my hometown of Flint, MI.

September is National Hispanic Heritage Month and the Hispanic Independence Awards Ceremony kicks off a month-long celebration of Hispanic culture, ideas, and achievements in Genesee County. Continuing the tradition of the past 5 years, the Hispanic community will once again honor individuals who have selflessly committed themselves to making Flint and Genesee County a better place in which to live.

Each award is named for a prominent deceased member of the Hispanic community who exemplified the ideals espoused by the award. The Pedro Mata Leadership Award is given to a person who has provided leadership, encouragement, and influence in the Hispanic community. This year's recipient is Mr. Lee Gonzales. The Tano Resendez Award for community service is given to a person who has dedicated personal efforts to promoting civic and cultural activities. The award this year is being given to Mr. David Arceo. The Joe Benevidez Award for education is presented to a person who has supported educational issues relating to Hispanics of all ages. Mr. David Solis is this year's recipient. The Labor Involvement Award is being given to Henry Acevedo for his efforts to increase community awareness, improve the quality of life, and open doors for Hispanics. The Bruno Valdez Arts and Entertainment Award is presented to a Hispanic artist who has promoted Hispanic culture through professional and personal activity. The award this year is being given to Mr. Ramon Hill. The Veterans Award is given to a member of the Hispanic community who has honorably served in the U.S. Armed Forces. Mr. Santiago Garcia is being honored with the award this year.

To honor those of the Hispanic community just starting to pursue their life goals, the Pedro Mata, Jr. Scholarship Award, the Joe Benevidez Scholarship Award, and the United Women of Michigan Scholarship Award will be presented to area students of Hispanic descent. The purpose of these awards is to foster a commitment to community service and encourage continued education.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to join me in congratulating the winners of these awards. The recipients are to be commended for their dedication, commitment, and leadership to the Hispanic community of Flint and Genesee County.

VICTIMS OF ILLICIT DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. GILMAN. Mr. Speaker, the costs associated with illicit drugs are well known to most Americans. Costs such as increased crime—often violent in nature—extensive health care expenses, lost worker productivity, and destroyed lives, especially among the young are but just a few which inevitably flow from illicit narcotics.

However, there is another deadly cost as well. A lesser known fact, involves the tragic loss of life among our law enforcement agents and police personnel from our war against drugs, is often not fully appreciated by many Americans.

Most recently, our Nation lost five young and courageous special agents of the DEA, who died in a plane crash while on an operation in Peru against the cocaine traffickers. Another DEA agent was also killed in the line of duty earlier this year here at home in Arizona.

These most recent deaths of Federal drug enforcement agents, along with their State and local law enforcement counterparts often killed in the line of duty from drug related incidents, are also part of the tragic costs of the illicit trade in narcotics.

Mr. Speaker, I request that a letter I sent to the DEA Administrator Tom Constantine, following the recent deaths of the five DEA agents in Peru, be printed at this point in the RECORD. It reflects the debt of gratitude that we in this Nation owe the families and friends of these, and all other law enforcement officers, who pay the ultimate sacrifice in the battle against drugs.

DEA Special Agents Frank Fernandez, Jr., Jay W. Seale, Meredith Thompson, Juan C. Varus, and Frank S. Wallace, Jr. who died recently in Peru, are American heros. Their sacrifices, and the memories of others, who have also died in the line of duty fighting the scourge of drugs, must not be forgotten by our Nation, nor their fellow countrymen, who they served so courageously, and very proudly.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 1994.

Hon. TOM CONSTANTINE,
Administrator, Drug Enforcement Administration, Washington, DC.

DEAR TOM: Those of us who have long been involved in the struggle against illicit drugs have always realized that there is a terrible cost associated with the drug trade and trafficking. No greater cost however, could have been imagined than the loss of the five young, courageous, and valiant DEA agents, recently killed in a plane crash in Peru during an operation.

These brave and courageous U.S. law enforcement officers have given their lives in service of their fellow countrymen, as had the DEA agent killed in the line of duty earlier this year in Arizona.

This nation would have been adversely affected by far more illicit cocaine headed from the Andes to the U.S., absent the efforts of many courageous U.S. military personnel, and our law enforcement agents, such as these DEA agents killed in Peru. There they are fighting the traffickers on the front lines at the source, alongside personnel from the host countries. We must continue these agents' valiant efforts against the scourge of drugs, which is destroying so much of our society today.

Words are a small comfort at this time to the families and friends of these five agents who have made the ultimate sacrifice in the battle against illicit drugs. As a grateful and proud nation, we honor and greatly appreciate the sacrifices they have made in service of their nation, its fellow citizens, and especially our young.

Please express my gratitude for these brave sacrifices and my sincere condolences to all of the families of the DEA agents lost in Peru, and in Arizona.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member.

RECOGNITION OF DR. JULIAN HOLTZMAN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation. I rise today to recognize one such individual, Dr. Julian Holtzman, who after years of service is retiring as medical director of Coney Island Hospital.

As medical director he has led the ambulatory care programs and served as medical staff liaison to the community with great success. He was the founding president of the Coney Island Hospital Medical Group PC, and was the leader of CIMG–PC's successful implementation of the hospital's fee for service plan. He recently retired as president of the King's County Medical Society and is currently the chairman of its board of governors.

Dr. Holtzman has gained the respect and admiration of the entire medical staff and community. They have certainly benefited from his tireless service and dedication. As he begins his retirement, I know that his time will be well spent with his wife Rosanne and his three children Joseph, John, and Matthew; but I know that his presence at Coney Island Hospital will be sorely missed.

Mr. Speaker, I would like to take this opportunity to ask my colleagues in the U.S. House of Representatives to join me in wishing Dr. Holtzman all the best and commending him for his lifetime of service and leadership.

NATIONAL REHABILITATION WEEK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise to call attention to the week of September 18 through 24 which marks "National Rehabilitation Week." National Rehabilitation Week recognizes not only the individuals who have learned to cope with their disabilities, but also the dedicated health care professionals who have contributed to the rehabilitation field through research, education, and therapy. Moreover, the Rehabilitation Institute of the Methodist Hospitals in Gary and Merrillville, IN recognizes and values the educational, social, and humanitarian contribution of its many citizens with disabilities.

The Rehabilitation Institute of the Methodist Hospitals of Northwest Indiana has prospered in its role to facilitate assistance to the physically and mentally challenged. Moreover, this exceptional institute ensures that these citizens prevail in an active and vigorous lifestyle. I am proud and honored to have the Rehabilitation Institute of the Methodist Hospitals' quality and progressive rehabilitative facilities in Gary and Merrillville, IN.

I join my colleagues in saluting September 18 through 24 as National Rehabilitation Week. Furthermore, I encourage all citizens to renew their committment to people with disabilities, and I commend the efforts to rehabilitative medicine in improving the quality of life for them. Millions of Americans with disabilities are able to achieve independence and lead productive lives with the assistance of rehabilitation therapy. These exceptional citizens have found hope, spirit, and dignity through the services of rehabilitative medicine.

CONGRATULATIONS TO THE CINCINNATI SYMPHONY ORCHESTRA

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize the Cincinnati Symphony Orchestra on their achievement of becoming one of only five orchestras in the United States to reach their Centennial season. Founded in 1895, the Cincinnati Orchestra is now the ninth largest symphony in the United States and is only 1 of 18 orchestras that perform year-round.

Ever since their first performance on January 17, 1895, the Cincinnati Symphony Orchestra has continually brought a wonderful array of culture and music to the community. To this date they have recorded 163 works and released 77 recordings. In 1966 the Cincinnati Symphony Orchestra, under Max Rudolf, became the first American orchestra to make an around-the-world tour. In 1987, Maestro Lopez-Cobos' first recording with the Cincinnati Symphony Orchestra, de Falla's The Three-Cornered Hat, was named Record of the Year by Record Review.

The Cincinnati Symphony Orchestra performs at Cincinnati Music Hall which is one of the largest halls in the United States. They are the official orchestra for the Cincinnati May Festival, the Cincinnati Opera and the Cincinnati Ballet.

I extend my warmest congratulations to all of the members of the Cincinnati Orchestra. They should be justifiably proud of their accomplishments.

HONORING 300TH ANNIVERSARY OF HARWICH, MA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. STUDDS. Mr. Speaker, I rise today to honor a great American town, Harwich, MA, which was incorporated exactly 300 years ago tomorrow. From its beginning—when Gov. William Phips signed the Act of Incorporation on September 14, 1694—Harwich has been wedded to the sea.

Fishing has always been vital to the town, and that tradition continues today. The ocean is now the main attraction for tourism, the town's principal industry.

In the mid-19th century, Harwich was one of the three largest fishing centers on Cape Cod. By 1849, 48 ships employed 577 men and boys, sailing from wharves up to 1,000 feet long. Five years earlier, Sidney Brooks founded Pine Grove Seminary, one of the country's first schools of navigation.

Around the same time, businessmen in Harwich began developing the first commercial production of cranberries by implementing a system of bogs. In 1855, the booming business led to the founding of two banks—the Bank of Cape Cod and Cape Cod Five Cents Savings Bank—and the construction of the Exchange Building, then the tallest building on the Cape.

By 1884, a new, even taller, Exchange Building had taken its place, and it became the center of business, political and cultural events on the Cape.

Soon thereafter, Harwich started turning into a popular summer retreat, with seasonal cottages, guest houses, tea rooms and three hotels popping up. Gradually, the town became known as a beautiful resort, a distinction it still holds today.

To commemorate the town's 300th birthday, the residents of Harwich have planned a spectacular celebration tomorrow, capped off by a laser light show specially designed for the occasion.

With its natural beauty—and economic base of light industry and tourism—the town of Harwich is poised to prosper for at least 300 more years. Mr. Speaker, I'm certain I speak for the entire Congress when I say to the residents of Harwich: "Congratulations and good luck. May the town continue in good stead for another 300 years."

THE CRIME BILL

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, as the President holds a ceremony marking the signing of the crime bill, I rise today to once again underscore the reason why the middle-class families of Arizona's Sixth Congressional District need the bipartisan crime bill.

In just the last week there have been three prominent incidents in my district which highlight the reasons why I worked so strongly for passage of the crime bill.

On September 5, Flagstaff Police Sergeant Pat Tarr was shot during a routine traffic stop. Sergeant Tarr was shot in the abdomen, just under his bulletproof vest, by an Iowa resident who is out on parole. Sergeant Tarr is now in serious, but stable condition.

On Friday, September 9, two Apache Junction High School students shot themselves in the head, in an apparent double-suicide. These two young girls, both 14 years old, used a single handgun which was brought to school, to take their lives.

And just yesterday, two youths robbed a furniture store manager in Phoenix using a semiautomatic weapon.

These three events highlight why the crime bill is so important to the working middle-class families in my district. The families in Arizona's Sixth Congressional District know what they need: they need more police and fewer criminals on the street; they need guns out of schools and out of the hands of thugs, and they need their streets and their homes safer.

The crime bill will help the police on the street by providing more cops on the beat and by encouraging States to adopt truth in sentencing legislation that requires that convicts serve at least 85 percent of their sentence.

The crime bill will provide help for our youth. It will provide block grants to our cities and communities so that they can decide how best to provide activities and education to keep kids away from guns and drugs.

The crime bill will ban 19 assault weapons, just like the one used in the robbery to the furniture store in Phoenix.

And the crime bill will help combat violence against women by strengthening antistalking provisions, providing training for rape prevention, and instituting a domestic violence hotline. The bill will help protect women and families in their homes and their communities.

Finally, after 6 years of inaction on the issue of crime, a President of the United States will sign into law a crime bill that will help middle-class families. The crime bill will help rid our streets, schools, and homes from the fear of violent crime, and will provide our communities and families with the tools necessary to help beat this problem.

I encourage the administration to quickly release funding in the crime bill to help communities like those in Arizona's Sixth Congressional District.

TRIBUTE TO DOUG MEADOR

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SARPALIUS. Mr. Speaker, I rise today to pay tribute to a great American, a great Texan, and a great resident of the 13th Congressional District of Texas. Doug Meador, a retired rural letter carrier from Borger TX, is admired and loved by everyone who has the privilege of knowing him.

The residents of Borger attest to the fact that Doug is one of those rare people who always has an optimistic attitude and tries his best to help anyone he knows through difficult times. I personally consider him one of the finest individuals I have ever met. He is constant in his friendship and tireless in his efforts to help others.

In the past year Doug and his lovely wife, Johnnie, have been faced with adversities that might have made lesser people despair, but they have faced great odds with unwavering faith and determination to go forward and live life to the fullest.

This Saturday, September 17, 1994, a group of loyal friends in Borger will be honoring Doug's dedication by observing "Doug Meador Day." I join them in this tribute and offer a sincere thank you to Doug for his friendship.

ON THE PASSING OF LOREDON L. BOYNES, SR.

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. DE LUGO. Mr. Speaker, the Virgin Islands lost one of its most esteemed and accomplished native sons when Loredon L. Boynes, Sr. died August 27, 1994 as a result of a tragic fire at his home in Philadelphia.

An accomplished sportsman and musician, he was best known as an expert seaman and successful entrepreneur, two skills that he combined to create and develop one of the most successful transportation companies in the territory.

Captain Boynes, as he was affectionately called, did more than establish a ferry boat service between St. Thomas and St. John and the British Virgin Islands; he brought the people who lived on them and visited them closer together and he linked their islands with the rest of the world.

Back in the 1950's travelers could take as long as a day and a half to make the journey by sea between St. John and St. Thomas across Pillsbury Sound, a voyage that today takes about 20 minutes by ferry boat.

In 1964 Loredon Boynes and Victor Sewer established a regular ferry boat service, a move that was to play a key role in the long-term growth and development of both islands, particularly St. John.

Just last May, the dock at Cruz Bay, St. John, where Loredon's ferry boats have picked up and delivered thousands of passengers over the years, was named in his honor, one that could not have been more fitting in recognition of his contributions to the community he loved.

Loredon's recent tragic death was a great loss to the Virgin Islands. He will be sorely missed by his family and many friends. Yet, we must take some measure of comfort to know that Loredon Boynes has left a lasting legacy, one that should serve as an example to others.

Captain Boynes loved the sea, loved life, and loved people. He worked hard to earn his skills and he took pride in them. He applied his knowledge and put it to practical and positive use, not just for himself but on behalf of his community.

The people of St. John and all the Virgin Islands will miss Captain Boynes. I know that I will miss Loredon very much. For more than two decades I counted him as a very special friend and one whom I admired greatly.

KILDEE HONORS BISHOP KENNETH POVISH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding individual, Bishop Kenneth Povish. Bishop Povish is going to celebrate in 1995, 45 years of priesthood, 25 years as a bishop and 20 years as the Bishop of the Diocese of Lansing.

Bishop Kenneth Povish was born in Alpena, MI. He attended parochial grammar and public high schools in Alpena. He was awarded his bachelor of arts degree by the Detroit Sacred Heart Seminary in 1946. He earned his master's degree in education from the Catholic University of Washington, DC in 1950. He also attended classes at St. Joseph's Seminary in Grand Rapids, MI, Georgetown University, and Northern Michigan University.

Bishop Povish was ordained a priest in 1950 in Saginaw, MI. He began his pastoral duties at the St. Ignatius parish in Rogers City, MI. He became assistant at St. Hyacinth Catholic Church in Bay City, MI in 1952. He held a number of assignments within Michigan until he became a member of the founding faculty at St. Paul's Seminary in Saginaw, MI. There he taught Latin, history, and religion. He was dean of the college department from 1960 until 1966. In 1966 Monsignor Povish became pastor at St. Stanislaus in Bay City. During this time, Bishop Povish served as diocesan director of the Confraternity of Christian Doctrine which trained more than 400 lay catechists.

In 1970 Monsignor Povish was named a Bishop by Pope Paul VI. Bishop Povish was assigned to Crookston, MN. Bishop Povish was named as the Bishop for the Lansing, MI diocese in 1975. He has served in the position continuously since that time. As bishop of the Lansing diocese, Bishop Povish recognized that there were people in his flock who suffered from alcoholism. He has written extensively on this subject and has created the Bishop's Council on Alcoholism. His objective with the establishment of this council was to address the problem of alcoholism within the Catholic community. Bishop Povish is also a weekly contributor to the Catholic Weekly newspaper with a column entitled, "The Way, Truth and Life." There is no question that Bishop Kenneth Povish has been a driving force in the Catholic community throughout mid-Michigan. Indeed his influence on the entire community has been positive.

Mr. Speaker, I am especially pleased to stand before my colleagues in the U.S. House of Representatives to praise Bishop Kenneth Povish. He has long been a personal friend and spiritual adviser to me. He is man of the greatest personal integrity and highest moral character. He has risen to a position of authority within the Catholic Church because of his unwavering commitment to the principles of the teachings of Jesus Christ. I am most thankful for my friendship with Bishop Povish, and I am most thankful for his commitment to the faith.

MIDDLETOWN VFW PAYS TRIBUTE TO POW'S AND MIA'S

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. PALLONE. Mr. Speaker, on Friday, September 16, 1994, the Middletown, NJ, Post 2179 of the Veterans of Foreign Wars will hold candlelight services in honor of our Nation's prisoners of war and missing in action.

Mr. Speaker, like most of our colleagues in this Congress and most of the American people, I feel very strongly that we must never forget our service men and women whose whereabouts remain unaccounted for. Furthermore, we should not let any nation off the hook that has any knowledge or responsibility for our POW's and MIA's. I was opposed to the decision last year to lift the trade embargo against Vietnam because I believed that the Vietnamese officials had not done nearly enough to provide an accounting of the fate of Americans left behind. There is compelling evidence that at least 80, and possibly many more Americans could have been left behind in 1973 when their comrades in arms—supposedly all of our prisoners—came home. Now that the trade embargo has been lifted, I believe that we should use the opportunity of the increased commercial ties with Vietnam to press for a full accounting of those missing Americans. I firmly believe that we should not grant Vietnam diplomatic recognition until all records are opened, full access to crash sites and other locations is permitted, and complete investigations of other sightings are pursued.

Additionally, we should use our new relationship with Russia to follow up on statements and documents offered by President Boris Yeltsin that American prisoners from Vietnam—and also from earlier wars—were kept in the Soviet Union. President Yeltsin has indicated that he wants to be a friend of the United States and his country clearly needs our help and support. We must insist on a complete opening of all the dark secrets from the Soviet Union as one of our conditions for friendlier relations. We should also see to it that our own Government provides a full accounting to families.

Mr. Speaker, to the families of POW's and MIA's who have agonized for decades over what happened to their loved ones in a time of war, we owe at the very least the peace of mind that comes with knowing their fate. I salute the members of the Middletown VFW—and servicemen and women all over the country—who are fighting to keep alive the memory of their missing comrades. By their loyalty to their comrades, they ensure that the rest of us will never forget the sacrifices of those brave Americans who served their country at a terrible personal risk.

IN HONOR OF SHERIFF ELRY FAULKNER OF JOHNSON COUNTY, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor County Sheriff Elry Faulkner of Vienna, IL, an American citizen who has dedicated his life to providing quality law enforcement to the residents of Johnson County, IL.

In January, Sheriff Faulkner had the honor of being installed as president of the Illinois Sheriff's Association. In addition to this honor, Sheriff Faulkner received the Illinois Sheriff's Association's Metal of Valor. This award was presented to Sheriff Faulkner in recognition of his exhibited bravery during a shootout in 1979. Sheriff Faulkner survived a shootout with an escaped inmate from the Marion Federal Penitentiary after being shot in the chest.

Elry Faulkner began his law enforcement career in 1968 when Vienna Mayor Paul Gage hired him as a police officer. At the age of 27, Elry was named Johnson County Sheriff and has held that position successfully for five terms. Sheriff Faulkner should be especially proud of the kind words his colleagues and constituents have for him and his work.

I commend Sheriff Elry Faulkner for 26 years of dedicated service to the people of Johnson County. All of southern Illinois has greatly benefited from his contributions and efforts, as he continuously improves our quality of life. I believe our streets and communities are safer because of the work of Sheriff Faulkner, and for that we should all be grateful.

THE HEALTHY COMMUNITIES INITIATIVE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. ROEMER. Mr. Speaker, increasingly complex health, social, and environmental issues confront communities across this great Nation of ours. The world we live in today is fragmented by conflict on civil and social planes.

The involvement of individuals, neighborhoods, communities, and whole cities to find positive solutions that are realistic, equitable, lasting, and foresighted is essential. We must bring a diversity of people from across improbable boundaries together to rethink our approaches to the issues that ultimately affect our good health, quality of life, and general well-being. We have an obligation to create and implement a shared vision for our own future and the future of generations who follow us.

Mr. Speaker, there is a group of over 100 volunteers from all walks of life in St. Joseph County, IN which is about the business of taking on this great task. They have created, and are now moving forward to implement, a shared vision of a healthier St. Joseph County by the year 2015. They have found common ground on which to build bridges toward better and more cost-efficient delivery of health care services; streamlined inter-community local government coalitions that eliminate duplication of costly services; and perhaps most important, are working with the families and youth in their community to boost self-sufficiency, pride in learning, and the revival of basic common values.

Mr. Speaker, it would be timely and appropriate for our colleagues here in Congress to join me in congratulating the wonderful and lasting work of this dedicated group of individuals. These Hoosiers have volunteered a great deal of time and effort to this great task, and the vision of sharing they have created through the Healthy Community Initiative of St. Joseph County is truly a model program for communities everywhere in our country.

IN HONOR OF DR. FORTUNATO LATTARULO

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mrs. THURMAN. Mr. Speaker, today I rise to pay tribute to a couple whose lives together epitomize the kind of personal commitment, service to community and faith in the future that made America the envy of the world it is today.

On September 10, Fortunato "Doc" Lattarulo of Port Richey, FL reached one of life's great milestones; his 100th birthday. And if that accomplishment wasn't enough, at a dinner party that night at the Regency Park Civic Center, "Doc" and his wife also celebrated their 69th wedding anniversary.

Mr. Speaker, Dr. and Mrs. Lattarulo were married on September 26, 1925 at St. Patrick's Cathedral in New York City. Dr. Lattarulo was a general practitioner specializing in gynecology and obstetrics in Manhattan from 1921 to 1979. He was associated with the New York Department of Health, the Transit Authority and Mother Cabrini and Columbus Hospital. Thousands of people in the New York area owe their good health to the skill and conscientiousness of Dr. Lattarulo.

Dr. and Mrs. Lattarulo raised a wonderful family. Son Emil, following in his father's footsteps, is a practicing physician in White Plains, NY. Son Charles also lives in White Plains. And daughter Josephine Molinari lives with her family in New Rochelle, NY. Dr. and Mrs. Lattarulo are also blessed with seven beautiful grandchildren and five great-grandchildren.

Dr. Lattarulo is a member of the American Medical Society, the Bronx Medical Society, and the Regency Park Civic Association. To this day, Dr. Lattarulo contributes articles about medical issues to the association newsletter.

Mr. Speaker, Dr. Lattarulo was a dedicated physician and family man for many years. If all he did was serve his patients to the best of his ability, that in itself would be worthy of commendation. But Dr. Lattarulo and his wife went far beyond that standard of excellence.

Their dedication to their community, and to helping the less fortunate, is legendary. Over the years, Dr. Lattarulo administered to those in need often knowing there was no payment possible. That didn't matter when someone was sick. And both Dr. and Mrs. Lattarulo understood the need for community involvement and became active in any number of projects that enriched their community.

That spirit of living to give continues to this day. As we rightfully honor this loving couple, we also pay tribute to their strong beliefs, in each other, in their family and in their community. I am very proud to call Dr. and Mrs. Lattarulo my constituents and wish them many more years of happiness together.

TRIBUTE TO DON WEBSTER

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. FINGERHUT. Mr. Speaker, I rise today and invite the Members of the House of Representatives and all people across our country to join with me and the people of the 19th District of Ohio in recognizing the 30 years of service Don Webster has contributed to the Cleveland airwaves. Since 1964 Don Webster has been one of the most popular and best recognized television personalities in northeast Ohio. He has worked both on the air and behind the scenes in station management and is currently the weathercaster Monday through Friday for Newschannel 5 at 6 pm and 11 pm.

Don Webster began his broadcasting career in his native Canada at CKPC radio in Brantford, ON, as a writer and reporter. He also worked at CKOC in Hamilton and CKGM in Montreal in various capacities. Later he went on to work in production and on-the-air at CHCH television in Hamilton/Toronto.

As a naturalized American citizen, Don started with WEWS TV 5 in 1964. He served as the host of a variety of programs, but is best remembered for his involvement with the nationally-syndicated show Upbeat. Besides hosting this rock-and-roll program for 7 years, Don was instrumental in the program's development and production.

A former pilot, Don's interest in flying and sailing led him to extensive training in meteorology. This background eventually led to his position as weathercaster for Newschannel 5 from 1971 to 1982. During this period Don also hosted The Ohio Lottery Show for 9 years and Academic Challenge for over a decade. Don was again instrumental in developing a new program, Live On Five, and for its first 2 years on the air served as the cohost of the news/information program. The success of this program boosted Don to the position of executive assistant to the general manager, and eventually, station manager for WEWS.

In 1989, Cleveland viewers were able to convince Don to return to his first love, working on the air. Don Webster has been a integral part of Cleveland television for 30 years and I join with all the residents of the 19th District of Ohio in recognizing the tremendous contribution Don Webster has made to northeast Ohio.

60TH ANNIVERSARY OF THE ADULT SCHOOL OF MONTCLAIR

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor the Adult School of Montclair, NJ on the distinguished occasion of its 60th anniversary celebration.

The Adult School of Montclair was officially established during the Depression when the slogan "Time is constant in moneyless days" was used.

Initially, the Adult School of Montclair responded to the changing interests, needs, and diversities of the times by providing an exceptionally well-rounded variety of options. During its first term in the spring of 1934, approximately 500 students were able to select from 17 courses. Presently, the Adult School offers its 3,000 students more than 120 different courses each term. In addition, the Adult School provides an assortment of notable speakers, sponsored unique music and art lectures, and has presented many programs that have been both informative and inspirational.

Through the years, the school has assisted many individuals in Montclair and has made many contributions to the community. It has been a constant source of renewed opportunity to those who are looking to work hard and better themselves.

For these reasons, I take great pleasure in asking my colleagues to join me in commemorating the Adult School of Montclair for its 60 years of service and dedication.

THE GRENADA MODEL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. CALLAHAN. Mr. Speaker, I submit for the consideration of the House an editorial from the September 10, 1994, Mobile Press Register discounting arguments that Grenada set a precedent for a United States invasion of Haiti.

It is refreshing to me to have access to a newspaper that is light years away philosophically from the liberal east coast media. I am frequently in agreement with the Mobile Press Register's editorial staff and these comments on President Clinton's plans to invade Haiti are right on target.

It appears unlikely that we will have an opportunity to vote on the question of military force in Haiti, but I urge my colleagues to consider the points made in this editorial.

[From the Mobile Register, Sept. 10, 1994]

THE GRENADA MODEL: A DISASTER OF DECEIT

As the unspecified hour for President Clinton's splendid little invasion of Haiti draws closer, it becomes ever clearer that the heart of this misadventure is a lump of slippery political calculations. Consider, for example, that the president sought and got approval (prearranged) from the United Nations—thus creating an illusion legitimacy—but will not dare seek approval from Congress. He knows the improbability of getting it.

When asked how the president escapes his constitutional duty to seek congressional approval for an invasion, a White House official said they regard "the Grenada model" as "more appropriate" to the circumstances. He was alluding to President Reagan's decision to invade Grenada in 1983 without Congress' approval.

The Clinton administration shows breathtaking arrogance in trying to pass off an analogy between the radically different circumstances of Haiti today and Grenada in 1983. Recall a few of the differences.

1. The United States was asked to intervene in Grenada. Less than a week after Grenada's Marxist prime minister was murdered and fractional violence broke out, the chairman of the Organization of Eastern Caribbean States (of which Grenada was a member) asked President Reagan to intervene, which he did immediately.

No one has asked president Clinton to intervene in Haiti, where there is no emergency. The Clinton administration has been posturing and threatening Haiti's military dictators for months trying to frighten them off.

2. Americans on Grenada were in immediate danger. After murdering the prime minister, the ruling faction declared martial law. About 1,000 Americans on the island, mostly medical students, were put on 24-hour curfew and told that violators would be shot on sight. The island was in chaos.

Americans in Haiti don't face any danger remotely comparable to that perilous emergency. Many have told reporters they don't want to be "rescued" by an invasion force.

3. We had a strategic interest in Grenada. This was a time when, having a secure base in Cuba, the Soviet Union was busily establishing outposts throughout Latin America and the Caribbean. On Grenada, Cubans were building a 10,000-foot runway clearly intended for military aircraft, and Grenada had no air force. After invading the island, U.S. forces uncovered plans for equipping 10,000 troops. Their purposes would not have been for the defense of Grenada.

We have no strategic interest in Haiti. With the Cold War over we don't even have a strategic interest in Cuba.

Much discussion these days centers on why so many hold Mr. Clinton in such low esteem. Here is one answer. "The Grenada model" is so wildly inappropriate to Haiti's circumstances that the analogy insults one's intelligence. How could Americans not lose respect for an administration that would put our troops at risk and seek public approval through such an obvious ruse?

HISTORIANS MUST REMEMBER OUR HONORED VETERANS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. HUNTER. Mr. Speaker, I would like to encourage my colleagues to read the following editorials on the proposed *Enola Gay* exhibit at the Smithsonian. The commentaries underscore the importance of that mission to our honored veterans, and reflect sentiments that must not be forgotten by historians.

[From the Wall Street Journal, Aug. 29, 1994]

WAR AND THE SMITHSONIAN

The Smithsonian Institution's mania for revising American history is in evidence again, this time in the National Air and Space Museum's proposed exhibit on the Enola Gay, the B-29 that delivered the atom bomb to Hiroshima. In presenting the Japanese as the prime victims of the Pacific War, and American museum has rewritten history as never before.

Now this is saying a lot considering that the Smithsonian curators' allegiance to the current canons of political virtue and related humbug have been evident since the National Museum of American Art's 1991 exhibit on the American West. There the show's creators outdid one another in absurdity with commentaries attacking the Pilgrims as capitalists lacking "true pioneer spirit," the Western settlers as rapacious brutes, and the founding and development of America generally as a criminal capitalist venture.

More recently, this page took note of a Smithsonian TV special inviting multicultural admiration of a New Guinea tribe for whom cannibalism is "a well-functioning example of how a complete criminal justice system works." The program made, as it were, no bones about its view that we "can learn from people like this."

What we can learn from the proposed Enola Gay exhibit scheduled to open in May is a question that has already evoked furious protest from veterans and military historians. The picture that emerges from the script is of a besieged Japan yearning for peace. This Japan lies at the mercy of an implacably violent enemy—the United States—hell-bent on total victory and the mass destruction of women and children. And why? "For most Americans, this war * * * was a war of vengeance. For most Japanese, it was a war to defend their unique culture against Western imperialism."

Now removed from the script—though only after the Air Force Association and other critics weighed in—the line tells everything about the mind-set behind the show. So does the script's not-so-subtle suggestion of the Nuremburg war crimes defense in its reference to the American pilots who were just "following orders." The scriptwriters disdain any belief that the decision to drop the bomb could have been inspired by something other than racism or blood-lust.

The show's assemblers evidently want no truck with facts like the massive Japanese buildup on the southern island of Kyushu and plans for a battle to the death, revealed by the ULTRA code-breakers, that would by all estimates have resulted in more than a million American casualties and the deaths of more Japanese than perished at Hiroshima and Nagasaki. In the show's original plan, Japanese imperial adventures get comparatively slight mention. For the planners, indeed, the war and its carnage seem to have begun in August of 1945.

Under mounting pressure, museum director Martin Harwit agreed that more balance was needed. The script has since been altered somewhat—but its spirit remains intact. What can't be altered is the clear impression given by the Smithsonian that the American museum whose business it is to tell the nation's story is now in the hands of academics unable to view American history as anything other than a woeful catalog of crimes and aggressions against the helpless peoples of the earth. Mr. Harwit gave an interview a few years ago in which he explained that "We just can't afford to make war a heroic event where people could prove their manliness and then come home to woo the fair damsel."

It is a curious view, this—that it is the role of a national museum to exclude, in the interest of our moral betterment, any recognition of heroism in battle. Given this view it is especially curious to note the oozing romanticism with which the Enola show's writers describe the kamikaze pilots. These are the Japanese suicide pilots whose noble rituals, rites of purification, letters to their mothers and general spiritual beauty are adoringly detailed in the script. These were, the script elegiacally relates, "youths, their bodies overflowing with life." Of the youth and life of the Americans who fought and bled in the Pacific there is no mention.

Under fire from Members of Congress, the architects of the Enola Gay exhibit now promise still another effort at a balanced script. The real question is not whether these tortured and reluctant efforts finally succeed. The question is what is going on at the taxpayer-funded Smithsonian—and for how long it is going to be allowed to continue.

[Letters to the Editor]

THEY WOULD'VE FOUGHT TO THE DEATH

The Smithsonian Institution's proposed exhibit on the Enola Gay is an insult to all veterans and especially to me ("War and the Smithsonian," Review & Outlook, Aug. 29). When the atomic bomb was dropped on Hiroshima, I was a prisoner of war in northern Japan working in a copper mine. I had served on Bataan, made the Death March and survived 42 months of brutal treatment by the Japanese. In my prison camp in Hanawa, Japan, in late June, machine guns were brought in the camp to kill all the American and British prisoners. All camp commanders were ordered to ensure that our liquidation would occur when American troops landed in Japan. That order, which I have read, was issued by Field Marshall Count Hisaichi Terauchi. That order, which would've resulted in the killing of more than 400,000 POWs, was not implemented due to the bomb drop that stopped the war.

The bomb not only saved me and other POWs, but it also saved Japan. I saw the caves; I saw the spears; I saw the bunkers—all for the purpose of fighting to the death. Invasion by American troops would have resulted in millions of deaths in Japan.

JOHN R. WOOD

Sarasota, Fla.

I lived in Japan from September 1944 until after the surrender. My own ivory tower of observation of the Japanese people was not as high as the Smithsonian Director Martin Harwit's is today.

In August 1944, all Japanese women aged 18 through 40 were to make themselves available for wartime service wherever needed. By the spring of 1945 all females left out of this group were being trained for home defense. The summer of 1945 found the roads choked with marching and screaming civilians consisting of children as young as 10 and women in their 60s and often older.

They were armed with bamboo spears, bows and arrows, and kotchas, a kind of lethally shaped garden hoe. As they marched they screamed their songs of allegiance to the emperor. It was an awesome sight to see these fanatics so eager to die for their cause. I believe that no amount of jawboning would have swayed them from their course.

J.D. MERRITT

St. James City, Fla.

One might think that the spectacle of this country's national history museums being rife with anti-American bigots would be an only-in-America sort of thing. In fact it's not.

Fully a 110 years ago, Gilbert and Sullivan, in "The Mikado," found the phenomenon so plentiful that they put on the Lord High Executioner's list of candidates for deserved oblivion the "idiot who praises, with enthusiastic tone/All centuries but this, and every country but his own."

JOHN STEELE GORDON

North Salem, N.Y.

Even the revised Smithsonian script engages in pseudo-history by insinuating that the United States is to blame for the unfortunate sufferings of the Japanese people rather than those really responsible; the leaders of wartime Japan, including Emperor Hirohito.

The exhibit's bias is particularly deplorable when considered within a broader context. As you correctly ask, how do the planners account for their arrant disregard of the historical record? Inconceivably, the original plan overlooked the atrocities committed by Japan and its army, which were legion: the colonization of Korea, the invasion of Manchuria, the subsequent Rape of Nanking, the surprise attack on Pearl Harbor, Nazilike medical experiments on Chinese prisoners, the Bataan Death March, the drafting of Asian men into forced labor camps and Asian women into enforced prostitution.

For these and other misdeeds several Japanese military and political figures were tried and convicted of war crimes. Likewise, why does the exhibit ignore interpretations that the use of the atom bomb was justified? Notwithstanding the lamentable civilian casualties, the Enola Gay's mission ensured the speedy end of World War II, and thus saved countless American, as well as Japanese, lives.

Most disturbing, the tone of the display reinforces Japanese revisionism about the war. Just one month ago, Shin Sakurai, minister of the environment, publicly asserted that Japan "did not intend to fight a war of aggression during the Second World War." Further, he implied that there were positive dimensions to his country's occupation of several Asian nations. This outbreak of historical amnesia correctly cost him his job, but the damage had been done; Mr. Sakurai's insensitive comments opened old wounds throughout the region. More so, they followed on the heels of an audacious remark by another Japanese minister claiming that recent studies have exaggerated the severity of the Rape of Nanking.

Tomichi Murayama, the new Japanese prime minister, is trying to correct these views; he knows that otherwise Japan will never assume a more responsible role in international relations. Nevertheless, despite growing pressure from its neighbors, the Japanese government has not yet compensated the thousands of Korean, Thai Filipino and Vietnamese "comfort women" coerced into prostitution by the Japanese army, nor those men herded into labor camps. Plus, the ministry of education refuses to revise high school history textbooks that downplay Japanese aggression; for example, they label Japan's invasion of Manchuria an "advance."

It is clear, then, that the organizers of the Smithsonian exhibition are rewriting the past; they do so to further their own agenda, not that of the American people, whom they are meant to serve. You are right to demand that the final exhibit be historically accurate. Our nation's sacrifices during World War II—a war that the U.S. did not start, but with the help of its allies finished—deserve nothing less.

JOSEPH MORRISON SKELLY

Stamford, Conn.

The Smithsonian officials admiring the last-ditch, desperate Kamikaze actions after the Japanese navy and air force had virtually ceased to exist, while giving no thought to the Americans they killed, is unbelievable.

My navy cruiser Houston was torpedoed in October 1944. The A-bomb saved hundreds of thousands of my compatriots from death or injury in the projected home-island invasion. They estimated a half-million Japanese would also die. These are far greater numbers than those Japanese killed in the two cities that were bombed.

I'm so glad my friend Pat DiGiacomo, who survived the Bataan Death March and spent four years of the war as a slave working in the coal mines in northern Japan, is no longer alive to hear this drivel.

Mr. Harwit, do not tell me of Hiroshima. Tell me of the initial imperialist aggression at Pearl Harbor, the Philippines, Corregidor, and yes, tell me of Hong Kong, Singapore and the Rape of Nanking.

JAMES E. POTTER

Albany, Ga.

SELECTIONS BY ROFEH INTERNATIONAL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, for some time now I have been privileged to share with my colleagues and the rest of the country a report on the people selected to be honored by ROFEH International, a very important and creative charitable organization furthering quality health care in our country. As the following statement indicates, ROFEH was established under the direction of Grand Rabbi Levi Horowitz, who is known as the Bostoner Rebbe, and is administered by the New England Chassidic Center which he heads. Grand Rabbi Horowitz has become an acknowledged international expert on medical ethics, and on the question of how best to see that people are able to get access to the first rate medical care which we in Boston are privileged to offer the rest of the country. On November 6, at the annual dinner of the New England Chassidic Center, two men who have been especially helpful will again be honored by ROFEH. I am pleased to take this opportunity to call to attention the excellent work done by this organization. We talk a lot about volunteerism and how important it is. It is for this reason that I think it very appropriate that I share with my colleagues and the rest of the country two extraordinary examples of men of great talent, commitment, and dedication to helping others. Both Alan Solomont and Bernard Lown are leaders in their field. I have benefitted myself from the advice they have given to me and my colleagues on a number of issues—Dr. Lown has been a leader in the fight for a rational approach toward nuclear weapons, and Alan Solomont has distinguished himself by his work to provide compassionate care for older people in need. I should add that while I have worked with Mr. Solomont, my mother, in her capacity as chair of the Massachusetts Association of Older Americans, has an even closer working relationship with him and shares the very high opinion of Mr. Solomont that motivates the people at ROFEH.

Grand Rabbi Horowitz and his colleagues ought to be congratulated for their important ongoing work, and for honoring two such outstanding individuals as Bernard Lown and Alan Solomont. I ask that the following explanation of ROFEH and the reasons for the selection of these two men be printed here.

ROFEH International, is a very important charitable program run by the New England Chassidic Center under the direction of Grand Rabbi Levi Horowitz, known as the Bostoner Rebbe. Rabbi Horowitz a leading authority in the filed of medical ethics, has put his ethical concerns into practice through ROFEH International, a medical referral organization that helps make the excellent medical care in the Boston area available to many of people, and provides housing and other forms of assistance that make it possible for them to come to Boston for treatments. Rabbi Horowitz and the others who work so hard in ROFEH are entitled to celebrate their accomplishments, as they will on November 6, at the annual dinner of the New England Chassidic Center.

Two men in particular will be honored for the work they have done through ROFEH to benefit others. The 1994 Man of the Year is Alan Solomont, who has a long family relationship, and is a staunch supporter of the New England Chassidic Center in his works; is the very successful founder of the ADS Group. The Group provides management, development and consulting services to nursing homes, assisted living and other senior living facilities in New England. Joining Mr. Solomont as an honoree is Dr. Bernard Lown who will receive the coveted Harry Andler Memorial Award. Dr. Lown is one of the world's leading cardiologists and founder and former Co-President of International Physicians for the Prevention of Nuclear War (IPPNW). In 1985 IPPNW was awarded the Nobel Peace Prize for its "considerable service to mankind by spreading authoritative information and by creating an awareness of the catastrophic consequences of atomic warfare." Dr. Lown and Dr. Chazov accepted the Peace Prize on behalf of IPPNW. Dr. Lown is Professor of Cardiology Emeritus at the Harvard School of Public Health and Senior Physician at Brigham and Women's Hospital in Boston; he is in active cardiology practice at the Lown Cardiovascular Center in Brookline, Massachusetts.

Mr. Alan Solomont is President, Chief Executive Officer, and founder of the ADS Group, which provides management, development and consulting services to nursing homes, assisted living and other senior living facilities in New England. Mr. Solomont is Past Vice Chairman of the Board of Trustees of the University of Massachusetts and is Past Chairman of the Board of Trustees of the University of Lowell. He is currently a member of the Boards of: Odyssey Therapeutics; University Hospital at Boston University Medical Center; the Massachusetts Hospital Association; the Jewish Fund for Justice; Jewish Community Housing for the Elderly; and the Combined Jewish Philanthropies of Greater Boston. He is also on the

Executive Committee of the Anti-Defamation League of New England an is past president of VNA Home Care Inc. of Greater Lawrence. Active in local and national political organizations. Mr. Solomont served as Vice Chairman of New England Business Executives for Clinton/Gore and was recently elected Treasurer of the Massachusetts Democratic Party.

Mr. Solomont's career in health-care spans almost two decades and includes extensive management experience. Mr. Solomont is a past president of the Massachusetts Federation of Nursing Homes, the largest and oldest organization of long term care providers in Massachusetts and remains on its Board of Directors. Active in state and national political affairs, Mr. Solomont has been an advisor to state and federal officials on matters related to health-care, the elderly and long term care. He is recognized as a national expert on long term care and lectures frequently to other health-care providers, public officials, consumer groups and lay persons.

Mr. Solomont is the recipient of numerous awards including the 1993 Entrepreneur of the Year Award, sponsored by Inc. Magazine, Merril Lynch and Ernst & Young, and the prestigious Miamonides Award for health-care service by the Anti-Defamation League. He is also the author of various publications.

Mr. Solomont is married to Susan Lewis, Director of Corporate Development for WGBH Educational Foundation. They live in Weston with their two daughters.

Dr. Lown is a pioneer in research on sudden cardiac death. He invented the defibrillator and the cardiovertor and introduced the drug Lidocaine, used worldwide to control disturbances of the heartbeat. Recent work demonstrated the role of psychological and behavioral factors in regulating the heart, and current research focuses on the impact of adverse psychological stresses on cardiac performance. Dr. Lown is author or co-author of three books and over 400 articles that have been published in leading medical journals worldwide.

Dr. Lown has had a long-standing interest in international cooperation. In 1974–75 he presided over the USA-China Physicians Friendship Association, and he served as coordinator of several USA- USSR studies in cardiovascular disease. Over the past 30 years he has lectured and met with leading health and political figures worldwide, the most recent being the Eighth Indira Gandhi Lecture in New Delhi, India.

Dr. Lown has been instrumental in involving physicians worldwide in working for the prevention of nuclear war and nuclear arms proliferation and in raising public awareness of the devastating consequences of nuclearism on health and environment on a massive global scale. He was founder and first president of Physicians for Social Responsibility in 1961. In June 1979 Dr. Lown wrote to a leading Soviet physician, Academician Evgueni Chazov, Director General of Cardiovascular Institute of the USSR, suggesting the formation of International Physicians for the Prevention of Nuclear War. IPPNW was established one year later in 1980. Since that time IPPNW membership has grown to more than 200,000 physicians in 80 nations. IPPNW has held eleven international congresses; the 11th congress convened in October 1993 in Mexico City.

Dr. Lown is also the recipient of the George F. Kennan Award, the Gandhi Peace Prize, and the first Cardinal Medeiros Peace Award, as well as numerous honorary degrees and other awards in the USA and abroad.

Dr. Lown graduated summa cum laude from the University of Maine and received his M.D. degree from Johns Hopkins University School of Medicine. He and his wife Louise have three children and five grandchildren.

Guest speaker for the evening will be Dr. Lawrence H. Schiffman, Professor of Hebrew and Judaic Studies at New York University's Skirball Department of Hebrew and Judaic Studies and in the Department of Near Eastern Languages and Literature. He was a Fellow of the Institute for Advanced Studies of the Hebrew University in Jerusalem as part of a research group dealing with the Dead Sea Scrolls. He is one of the editors of a new journal, Dead Sea Discoveries, published by E.J. Brill.

"WHAT WAS TOLD WAS WRONG"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. STARK. Mr. Speaker, I'd like to include in the RECORD a letter from the Swedish Minister of Health regarding certain untrue things said by the Senator from North Carolina about health care in Sweden.

In 1980, Sweden and the United States were spending about the same percentage of GNP on health. We will soon be spending 15 percent and the Swedes will be spending a smaller portion on health than they spent 15 years ago. Pretty impressive. More impressive: the Swedes have health insurance for all their people; we leave one in six uninsured. As the Minister says, "that something needs to be done to give the Americans more care for less money seems obvious."

The Minister reports that waiting lines are reduced. In a society that is spending a little over half what we spend, it is amazing there are not longer lines. Long lines in the American system should not occur, because we are spending so much more on health.

It would be silly for a Senator to say that our society, which spends so much, can't insure all its people and avoid long lines. To say that would be to say that Americans are less competent and less smart than Swedes.

MINISTRY OF HEALTH AND
SOCIAL AFFAIRS,
Stockholm, Sweden, September 5, 1994.

U.S. Senator JESSE HELMS,
Washington, DC.

SENATOR: It has come to my knowledge that the Swedish example has a role in your campaign against the discussed health care reform in your country. The voters in North Carolina have got letters in which things are said about the health care in a handful of countries—including Sweden. What was told was fortunally wrong.

My aim is not to interfere with the debate on a health care reform in the USA, even if a brief study of your current situation reveals problems to control costs; in 1980 USA and Sweden used more money on health care than any other country, about 9 per cent of our countries respective GDP. This was at the time considered horrendous.

The improvements in Sweden's health care services have since then been undisputable. During the same period the GDP percentage of the Swedish health care has even decreased somewhat, at present to 8.5 per cent. At the same time the American health care expenses have skyrocketed up to 15 per cent of your GDP, going up every year. This is notable, especially since the American population on average is so much younger than that of Sweden. That something needs to be done to give the Americans more care for less money seems obvious.

Now, what is it that you have said on Sweden?

"Or, do we want the kind of health care they have in Sweden where the wait for an ordinary diagnostic heart x-ray can take up to eleven months to receive—and then wait another eight months for critical heart surgery?"

(page two, letter dated "Tuesday Morning")

This is your description of Swedish health care. The purpose is to convince people that changes toward a health care system more like the Swedish would be harmful. But never mind the purpose, what is said about Sweden is untrue.

Sweden like many countries, has had problems with waiting lists. These waiting lists have not—as you suggest—concerned care which is necessary for patients' survival; critical heart surgery has of course always been performed as fast as is medically motivated. We have, however, had problems with waiting lists for treatments like hip replacements, cataracts etc. Bad enough.

My first initiative as Minister of Health in the non-socialistic government was to introduce a reform to eliminate waiting lists. The reform, called the Care Guarantee, has now been in function for two and a half years and the waiting lists have virtually disappeared.

To get a heart x-ray you will have to wait for six weeks, to get an operation about five. This is close to what is manageable, no surgeon would normally like to have shorter times for planning operations than three weeks, unless the condition of the patient is critical. And in that case, as said, the operation is carried out immediately.

Senator, I understand that your idea of how good health care to reasonable costs can be delivered differs from mine. I do not expect or intend to convince you with this letter that a health care reform is necessary for your country's economy, and for the well-being of the American people. But I do hope that you will not use my country's name in the future, at least without first checking facts.

Faithfully yours,

BO KÖNBERG,
Minister of Health.

TRIBUTE TO JASON ROGER CYR

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jason Roger Cyr of Troop 11 in Coventry, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn

21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Jason worked with the Coventry Food Bank to move their inventory when they moved to a new building.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jason Roger Cyr. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Jason Roger Cyr will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

FAMILY BUSINESS PRESERVATION ACT

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. BREWSTER. Mr. Speaker, today my colleague, JIM McCRERY, and I are introducing the Family Business Preservation Act, legislation which is designed to lessen one of the most dangerous impediments to the continued existence of family businesses in America—the irrational rules for applying the Federal estate and gift tax to family-owned businesses.

Currently, the Federal estate tax has a maximum rate of 55 percent. This is substantially higher than the maximum income tax rate which is set at 36 percent, or 39.6 percent if you include the surtax on incomes over $250,000. Of course, this 55 percent does not apply to income generated by business property. It applies to the value of the property itself. A recent Tax Foundation study concluded that an estate tax rate of 55 percent has the same disincentive effect on entrepreneurs as a maximum income tax rate of 70 percent. Congress long ago determined that a 70 percent income tax rate is unreasonable. I doubt that anyone would seriously argue the contrary today.

When you think about it, an estate tax at 55 percent requires a family to enter into a leveraged buyout of the Government's newly created 55 percent interest in the family's business or farm, just at the worst possible time—the death of a major ownerparticipant.

What happens all too often is that the family simply cannot borrow enough money to pay off the Government and the business cannot borrow enough money to redeem enough of the decedent's interest to allow the estate to pay the tax. The family is forced to sell the business, often to large agribusiness or other corporations who have no ties to the community and little concern about the welfare of the business employees.

Contrast this with what happens when a major shareholder in a publicly traded corporation dies. The estate can easily sell enough stock to pay the estate tax because there is a market for the stock. The corporation may have different owners, but the corporation continues as before—without being crippled with extraordinary new debt.

However, this threat to the continued existence of family businesses is not merely an isolated hardship to some unfortunate families. Mr. McCRERY and I are convinced that this "accordion" effect which shrinks family-owned businesses every time a family member dies is not only a significant factor in the concentration of agribusiness and reduction in the number of family farms but also a major disincentive to economic growth in this country.

Family-owned businesses generate about 60 percent of our gross domestic product. During the 1980's, family-owned businesses accounted for an increase of more than 20 million private sector jobs. During that same period, employment in Fortune 500 companies decreased by 3.5 million.

We need to do our best to assure that irrational tax laws do not create drags on job creation and job retention for workers all across this country. Experience shows us that we cannot rely solely on large corporations to create new jobs in this country. We need family businesses to grow and prosper if we want to employ Americans.

The legislation Mr. McCRERY and I am introducing today will safeguard and encourage family businesses in several ways. First, it will reduce the estate tax rate when at least half the value of the estate is in a family-owned business. If the heirs continue to be active in the business, the maximum rate on the family business interest will be 15 percent. If the heirs are not active in the business, but keep it in the family, the tax rate will be 20 percent. However, if the heirs do not keep the business for at least 10 years, then the estate tax savings will be recaptured.

This should be a strong incentive for successful entrepreneurs to keep working and creating jobs, rather than selling out to others. It won't lock in heirs who do not have the interest or aptitude for the business, but it will discourage selling out to large companies who have no concern for the local community and local jobs.

Second, the legislation will provide an alternative valuation date of 40 months after the death of the decedent for family-business property. This will go a long way to resolving estate valuation disputes where the value of the business is closely tied to the skills of the decedent.

Third, the legislation will index the so-called unified estate and gift tax credit for inflation so that inflation will not continue to erode the amount of the estate that is exempted from estate tax. The unified credit, which effectively exempts from tax estates valued at less than $600,000, was last increased in 1981. It should be increased for inflation since then. The least we can do is make certain that no further erosion takes place.

Finally, the bill will allow hard-working individuals to give up to 15 percent of their earned income each year to family members without being subject to gift tax. This will not apply to investment income and, unlike gifts to charity, there will be no income tax deduction. However if an individual wants to make a gift to a member of his family in a year when he has earned some money, the tax laws should not discourage it.

I recognize that with the little time left and the crowded legislative schedule, this bill will not be enacted this year. I am hopeful, however, that introducing this legislation now will provide a vehicle to focus attention on this very important issue and will significantly enhance the chance of success next year.

Mr. McCRERY and I hope that our colleagues will keep in mind that, according to the Internal Revenue Service, business assets, which are defined to include closely held stock, farm assets, limited partnerships, and other non-corporate businesses, comprise just over 12 percent of estates. This bill is not unrealistic. It does not repeal the estate tax. It will not cause an unacceptable drain on Federal revenues.

This legislation is simply a well-targeted, effective incentive to create jobs for Americans by not allowing the Federal Government to take more than its fair share of a family business at the death of a major participant in the growth and success of that business.

TRIBUTE TO JANAE A. FULLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SKELTON. Mr. Speaker, today I wish to recognize an outstanding Missourian, Janae A. Fuller, for her excellent work as the site administrator at the Battle of Lexington State Historic Site and Anderson House. Her matchless accomplishments as administrator have dramatically increased tourism in Lexington, MO.

As administrator, Janae oversees the site of a 3-day Civil War Battle, September 18, 19, and 20, 1861. The acres on this historic site have never been developed and contain a home that dates back to 1853. This home, the Anderson House, was used as a hospital during the battle. The restored home, battlefield, visitor center, and beautifully developed gardens are all under the supervision of Janae.

An increase in tourism is, in part, due to many of the special events that are held annually at the Battle of Lexington State Historic Site. The events include a Valentine Day tea party, kite flying contest, summer garden party, and an August star gazing event. At Christmas, the Anderson House is decorated with a 1850's decor for an open house. The 2-day Battle of Lexington reenactment occurs every 3 years.

In addition to Janae's commitment to the Battle of Lexington State Historic Site, she is very involved with other Lexington community programs. Her activities include, vice president of the Lexington Historical Association, grant researcher for the Lexington Tourism Bureau, a member of Lexington Garden Club, and United Methodist Church were she sings in the choir.

Janae's work as the site administrator for the past 7 years has generated tourism for the State of Missouri and has also helped revitalize Lexington. Missouri is fortunate to have Janae's commitment and I commend her for her fine work.

SARATOGA DAR CHAPTER CELEBRATES THEIR 100TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. SOLOMON. Mr. Speaker, this Monday, September 19, 1994, the Saratoga chapter, Daughters of the American Revolution, will celebrate its 100th anniversary.

It is fitting that the Saratoga area should host a strong DAR chapter. Its anniversary date coincides with a local battle that many experts claim was one of the most decisive in history. I am speaking, of course, of the battle of Saratoga, which turned the tide in our Revolutionary War, and enhanced the prestige of our Nation in the eyes of the world.

The Saratoga chapter of the DAR held its organization meeting on August 30, 1894, in Parlor A of the United States Hotel. Presiding was Ellen Hardin Walworth, who was also one of the founders of the National Society of DAR. The first recording secretary was Anna Maxwell Jones. The first regent of the Saratoga chapter was Miss Katherine Batcheller, who was appointed by Mrs. Caroline Scott Harrison, National Society president general and wife of U.S. President Benjamin Harrison.

The 44 regents have included Louise Hill Mingay, Nellie Flohnas Hayden, Florence Skidmore B. Menges, who was also a State historian, Lillian Ford Andrews, Evelyn Barrett Britten, and Helen Roblee Towne. The president regent is Eldonna Heath Butler.

So you can see, Mr. Speaker, the history of Saratoga chapter, DAR, has been a long and distinguished one, and in the finest tradition of one of the most patriotic organizations in America.

I'm extremely proud of these grand ladies and everything they have done to advance patriotism and commemoration of our birth as a nation.

Mr. Speaker, I ask all Members to join me in congratulating the Saratoga chapter, Daughters of the American Revolution, on the occasion of their 100th anniversary, and in wishing all the best as they enter their second century.

HELP HOSPITALIZED VETERANS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1994

Mr. MONTGOMERY. Mr. Speaker, I rise to inform my colleagues regarding the continuing excellent efforts put forth by various veterans' service organizations. Today, I would draw their attention to a nonmembership organization named Help Hospital Veterans [HHV].

Chartered in 1971, HHV now operates from a small warehouse in San Diego, CA, with only one goal in mind: to assist our Nation's veterans during a critical period in their lives by making a variety of arts and crafts kits available to them through the 171 Department of Veterans Affairs medical centers and 50 Department of Defense hospitals. HHV provides more than 60 different types of kits including paint-by-numbers, leather crafts, latch hooks, poster art, and model, to highlight a few. Since its inception, HHV has delivered more than 13 million therapeutic arts and crafts kits to our Nation's hospitalized veterans. Clearly, HHV accounts for the overwhelming number of all arts and craft kits utilized in our VA and military hospitals.

Obviously, this effort is funded solely by the generosity of numerous Americans who want to express their appreciation and support of our many hospitalized veterans while they are in their rehabilitative process. These kits provide many hours of constructive and creative activities to occupy the minds and hands of our hospitalized veterans, as well as daily reminding them that they have not been forgotten.

As HHV approaches its 25th anniversary, a leading financial publication recently cited it as one of the best charities in the country. I, too, would like to recognize HHV and add my thanks for the wonderful assistance it provides to our veterans. Its patriotic and gallant efforts are truly worthy of our admiration.

SENATE—*Wednesday, September 14, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. BYRD).

The PRESIDENT pro tempore. This morning, as we bring our petitions to the God of our fathers, the Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us thank God for the memory of former Senator Jack R. Miller, of Iowa, who served two terms in the Senate, as his family mourns his death which occurred August 29. And let us remember them in prayer.

And then let us pray silently for the rapid, total recovery of Gerald Hackett, Jr., from a serious illness.

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

Baruch Hashem. Blessed be the name of the Lord.

God of Abraham, Isaac, and Israel, this evening at sunset begins Yom Kippur, the Day of Atonement, the most solemn of Jewish holy days devoted to prayer, fasting, and repentance. We thank Thee for its reminder that forgiveness and cleansing from sin require the shedding of blood and the repentance of the people of God. We who are followers of Yeshua, grateful for the Jewishness of our faith, praise God for this High Holy Day. May Thy blessing rest upon Your people, Israel, and may we who follow Yeshua, with them take seriously blood atonement and repentance.

Give us ears to hear and hearts to respond to the glorious promise of God in II Chronicles 7:14: *If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.*

To the glory of God we pray. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Adm. Henry H. Mauz, Jr., which nomination the clerk will report.

NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The assistant legislative clerk read the nomination of Adm. Henry H. Mauz, Jr., to be placed on the retired list in the grade of admiral.

The PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I rise to speak against the invasion of Haiti and to make an observation.

The PRESIDENT pro tempore. If the Senator will pardon the interruption, the Senate is in executive session.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDENT pro tempore. Is there objection to the request that the Senator be permitted to speak for 5 minutes as in legislative session, and as in morning business, for the conduct thereof? Hearing no objection, the Senator is recognized for not to exceed 5 minutes.

THE UNITED STATES INVASION OF HAITI

Mr. PRESSLER. Mr. President, I rise in opposition to the United States invasion of Haiti. It is my observation that it would be unwise for us to send troops to invade and to occupy that country.

Let me make another observation. If you take the exact criteria that are being used to justify the invasion of Haiti, you could use those same criteria to say we should invade the District of Columbia, our Nation's Capital. That may sound a little preposterous upon first hearing it, but the fact of the matter is that an average of over one American is being killed per day on the streets of the District of Columbia by criminals and gangs. Schools in the District of Columbia had to be closed for a week because of disorder and problems just recently. Public housing in the District of Columbia has been taken over by the Federal judiciary because of corruption and ineptitude.

Public safety of the citizens of the District of Columbia is at stake. Human rights are being violated, certainly, when over a person a day is being killed and as many as five or six are being seriously wounded. These are American citizens.

The Mayor of the District of Columbia has, at one point, called for stationing troops in the District of Columbia to restore order.

This may sound far-fetched, but if you use the exact same criteria that are being used to justify the invasion of Haiti, you could justify the invasion and the stationing of troops in the District of Columbia, where we would be saving American lives, providing safety for American citizens, and helping with poverty in our own country.

Mr. President, I think it is very strange that this invasion is being approached the way it is. It is planned, it is public, but the Congress is not voting. In the case of Grenada it was a surprise exercise.

In the case of the Middle East, it was not a surprise exercise; therefore, a vote was sought in this body, by President Bush, and we had a debate and I spoke here from this desk on that issue. I think we should have a vote in the Congress precisely because the planned invasion of Haiti is not a surprise.

I think it is very strange that this invasion will occur in October. I believe that it is being planned in part for political reasons to help a President restore his party at the polls. That may sound cynical. But why has it been delayed so long?

I would finally make the observation, and I make this as a former second lieutenant and first lieutenant, who served in Vietnam, in the United States Army: I believe the second lieutenants and the first lieutenants and other soldiers serving in the Army are being used for political purposes in Haiti if we send them there.

The American taxpayer will have an enormous bill to pay. It will be glorious the first day because our troops will go in, and face really no opposition. But then problems will start to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

occur, just as in Somalia. Our taxpayers will have to pay for bridges that our trucks drive over. We will be building infrastructure in Haiti that we should be building in the District of Columbia or on the Indian reservations of South Dakota, where immense poverty and a high rate of prenatal deaths due to alcoholism are abundant, in addition to all sorts of other problems.

We have problems in our own country that will not be solved as a result of the money we spend in Haiti, which, in the long run, largely will be lost.

Then, after we are in Haiti for a few months, disturbances against our troops will begin. Some of our troops will be killed. They will have to return fire. There will be lawsuits against the United States.

If we really believe Aristide is going to restore democracy, we are fooling ourselves. It is true he was freely elected, but Hitler was freely elected in one of the fairest and freest elections in German history, and he did not rule like a democrat. If we look at Aristide's record, he did not rule like a democrat when he was in power. He urged judges to give his political opponents the death sentence. He urged necklacing; that is, putting a tire around the necks of his political opponents and pouring gasoline into it and lighting it as a punishment for people who disagree with him politically.

Young Army lieutenants—second lieutenants and first lieutenants—and sergeants and noncommissioned officers are going to be used to restore this person to power who has no intention of implementing, and no concept of building democracy once he is back in power.

This is a sad day for the United States. I hope that the President of the United States will come to this Senate for a vote. It differs greatly from Grenada, which was a surprise operation. In this case we have a situation with plenty of time. The Senate is not doing much else. We could have a debate and vote on it. But the majority party will not allow us to have that vote. We should make that point to the American people. It is sad that in this election season, we find ourselves in this state of affairs.

Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER].

NOMINATION OF ADM. HENRY H. MAUZ, JR., TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF ADMIRAL

The Senate continued with the consideration of the nomination.

Mr. DURENBERGER. Mr. President, I rise today during this debate over the retirement of Admiral Mauz to suggest to my colleagues that they support the majority and support the Armed Services Committee recommendation with regard to Admiral Mauz and also to take just a few minutes to discuss the larger issue of sexual harassment in the U.S. Navy.

I need tell none of my colleagues that we faced this precise issue of allegations earlier this year when Admiral Kelso's retirement was before the Senate. I voted then to give Admiral Kelso retirement at the four-star grade because I felt it was improper and unfair to have a trial of Admiral Kelso's conduct on the floor of the U.S. Senate. It seemed to me that we had a lot of allegations, but we had no certainty, we had no conviction, no process by which Admiral Kelso could defend himself from the allegations or where his accusers could have their side vindicated. It struck me at the time that the floor of the U.S. Senate is a very poor place to try to come to judgment on contentious factual issues, and I said so at the time.

Mr. President, I have become something of an expert, if there is such a thing, on the subject of sexual harassment in the Navy over the last year, largely due to the experiences of one of my constituents, Lt. (jg.) Rebecca Hansen. It has now been reported all over the country that I ended the career of a great admiral, Adm. Stanley Arthur, when I held up his nomination for the commander of the U.S. Forces in the Pacific because of a role he did not ask for but accepted in the Hansen case.

Mr. President, that is not true. The Navy did it to him, with, I suspect, the unwitting help of the Senate Armed Services Committee. But, there again, the problem is not me or even Admiral Arthur, but the absence of a sensible process in the Navy and in the congressional oversight process to handle allegations of sexual harassment.

In the Hansen case, I asked the Navy, starting on April 7, 1993, in much the same way that I have asked hundreds of Federal agencies over 16 years in the U.S. Senate, to explain how it made decisions and arrived at conclusions in a specific matter involving my constituent, Lt. (jg.) Rebecca Hansen.

What I experienced from April 1993 until June 1994 was, with more than 1 year of correspondence and meetings, some of which I was personally involved in, was a system that avoided responsibility, answered direct questions with indirect answers, and otherwise resisted any attempt to find out why they treated a constituent of mine the way they did.

And I must say, without exaggeration—I do not need to do that anymore, since I am leaving this place, Mr. President—in 16 years, I have never seen anything like the way the Navy tried to avoid answering simple, direct questions in the case of Rebecca Hansen.

Finally, in total frustration, on April 28, 1994, more than a year after this effort on my part began, I took what was an extraordinary step for me of putting a hold on Admiral Arthur's nomination. I am not one of the people in this place that does that sort of thing. I say it was an extraordinary step because with regard to constituent service matters, I have never been put in the position before where I had to resort to this particular tactic simply to get straight answers out of a Federal Government office. But I felt at the time that the Navy would not evade my questions—I hoped they would not—if I did this, and that the Navy would not want to put Admiral Arthur at risk.

Mr. President, I was dead wrong. Rather than talk to me, the Navy called the chairman of the Armed Services Committee, or someone, and asked how long the nomination could be held up. And for reasons I will never understand, the Navy decided to withdraw the nomination rather than hold anyone accountable in the Hansen case. Perhaps someone else knows the reason why Admiral Arthur's nomination was withdrawn. But it is remarkable to me, in the context of today's debate, that the Navy would go to such lengths as withdrawing the nomination of Admiral Arthur in order to avoid dealing with the reaction of Navy personnel to the acknowledged sexual harassment in the Hansen case. It is not at all surprising, based on my experience, that they would lay off on me the responsibility for their decision.

I want to thank especially my colleague from Virginia, Senator WARNER, who has been a longtime member of the Armed Services Committee and former Secretary of the Navy, for his particular efforts and for those of the leadership of the committee in helping us get the real story of the Hansen case out after the fact.

It is remarkable to me that the U.S. Navy, after having gone through the identical experience with Admiral Kelso, would now present Admiral Mauz' retirement without any greater efforts to get to the bottom of the allegations against him. I read carefully the remarks Monday of my colleague from Georgia, the chairman of the Armed Services Committee, in which he acknowledged, and I would acknowledge, the terrific efforts the committee went to to find out the truths of the allegations against Admiral Mauz.

But with all due respect, getting the Navy's version of disputed facts, based on the findings of a Navy inspector general, is not a fair or reasonable process. It is instructive to me that a civilian court of law in the Paula Coughlin case recently ruled inadmissible the Navy inspector general's report on the grounds it was unreliable.

I would note that in the Hansen case there was also an inspector general's report, but I was told, Mr. President, personally, by both the Navy and the staff of the Armed Services Committee I was not permitted to see that report. Hence, I was left to my own devices to get information. And to this day I have no idea if the Hansen inspector general's report is worth the paper it is written on.

Mr. President, as I said in the beginning, I intend to vote to give Admiral Mauz his retirement at the four-star rank. And I will do so, albeit reluctantly, because I think it is unfair to give credence to mere allegations in a forum where he has no voice, the floor of the U.S. Senate.

I agree with my colleague from Georgia, Senator NUNN, who said on Monday, and I will quote:

> An allegation is not a fact. An allegation is not proof.

And continuing to quote my colleague:

> We need to keep that in mind. There are too many of these cases now coming before the Senate where allegations are being taken as tantamount to fact. That is simply not the way that any deliberative body adjudicates important matters.

I end the quote from my colleague by endorsing his analysis of the situation, and I agree with him.

All I can say is that blind reliance on the Navy to investigate itself and report on its findings is not much better. And that is 16 years of experience.

So I have written a letter to my colleagues who have the responsibility of oversight, which is a near impossible situation given how fast things change in this place, suggesting to them what I will now suggest to all of my colleagues and to the Navy, that it is kind of a sad spectacle to see repeated again and again and again allegations coming up at a time when a person is ending an otherwise most honorable career in the Navy.

It is my view that victims of harassment must have confidence that they have a forum to bring their complaints, a forum where they can get a fair hearing, where they will not be subverted by what is often called the old boys network, and where they will not be victimized further with retribution or retaliation carried out by cronies of their harassers.

At the same time, those accused of sexual harassment must have a forum where they can defend themselves from unfair allegations, a place where they can clear their names and vindicate their decisions and their behavior, and a forum in which a traditionally and historically male-dominated service, in which officers retiring today are no more nor less sensitive than males of the same generation in other walks of life, can have their behavior put in perspective, so outstanding careers are not jeopardized by the acknowledged need to eliminate gender bias. This is not the place to do that.

Finally, I say we in the Senate need a process where we are confident that whatever we decide in any given case, we are deciding it on the merits, on the true facts, after a full and fair hearing and deliberation.

Mr. President, Stanley Arthur will retire from the Navy someday. He does not deserve to retire with any kind of a cloud over his head. He deserved to command the Pacific forces, but the Navy decided otherwise. The Navy, not I, made that decision. The Navy, not I, will cause this predicament to be repeated if they and the oversight committees cannot agree on how to deal fairly with constituent concerns and naval history.

No one will be satisfied with the decision we make today, whichever way it goes, because there is no factual record upon which to deliberate, no conclusion, no conviction that we are operating with full knowledge of the facts.

So I leave here and I leave it to future Congresses and the Navy to decide how that is to be done. My staff has been briefed by the Navy on their efforts to establish just such a procedure, and it appears to me that the Navy is making a good start. But along with that procedure we need to see the determination of the Navy, from the Secretary on down, to implement the procedure with fairness and with certainty.

The case of Admiral Mauz does not give evidence of that determination. I think he deserves what he has asked of us today, and I support the leadership in their efforts to see that he does get it, and I will support that effort here today as well. I hope the next case that comes up will demonstrate we have chosen and are on a different and a better course.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, will the Senator answer one question he raised before he leaves the floor?

We all have a lot of thinking to do about how these nominations are handled. I think the Navy and the military services are going to have increasing cases of complaints, some of which are going to be valid. Inevitably, according to human nature, some of them are not going to be invalid. Some people are going to deserve punishment for the sexual harassment, and some people are going to be innocent victims of allegations of individuals who have not somehow made the kind of progress in the military they expected to make and therefore are looking for reasons for that and looking for ways to place blame.

So this is a difficult area. The military has gone through difficult transitions before. This is going to be a difficult transition that is going to be with us some time, and I think our committee has urged and will continue to urge the Department of Defense to come up with expeditious, fair, and objective ways of judging these cases. And they are working on that.

But I think we all have to understand that this is a challenge for the military. We are making positions available for women in the military which are overdue and which they can perform very well. But there are significant changes taking place here, and it is going to require judgment on the part of all.

One point the Senator from Minnesota made that I think needs correction is he mentioned that this was strictly a Navy investigation. That is the normal course of events. If the DOD IG is required to review and supervise every service investigation of one-on-one misconduct, whether it is sexual or otherwise, there would be hundreds of thousands of cases of such in the military.

I do not think we in this body sometimes put in perspective the number of people out there in the military and the number of incidents that take place, some of them sexual harassment-type cases, some of them other type cases. For instance, Admiral Mauz had under his command 175,000 people.

Now, Admiral Mauz right now is out there on duty in the Navy, and he is one of the key players in preparing for whatever may take place in Haiti, perhaps within the next few days or weeks. If somebody this morning has a one-on-one offense, whether sexual harassment or not and the captain of a ship under his command—he has over 200 of them—takes action, I personally do not want Admiral Mauz involved in that now. He has things he has to do. He has to supervise the security of the country and the Navy, the Navy's role. So I do not want the four-star commander out there to have to be involved and be responsible, and not for us to start creating the climate on the floor of the Senate that they are responsible to supervise and make sure that every detail of every administrative or even court martial proceeding against an individual is handled properly.

There is a whole chain of command. They are ultimately responsible. The four-star admirals are responsible for supervising and for creating a climate, and all of that, and they should be held accountable for that. But if a captain of a ship makes a misjudgment in how they handle an administrative matter or a doctor basically—and in this case, according to the Navy, all the information we have, the doctor who recommended psychiatric confinement and examination for this particular complainant did not know that she had ever lodged a sexual harassment complaint. We have that on the word of the Secretary of the Navy. They looked into it.

So, if there was a misjudgment about the doctor here, it had nothing to do, according to the Navy, with the sexual harassment complaint that this individual had filed. He did not know about it.

I do not think this body wants to hold a four-star admiral responsible for that kind of detail unless we want to say to them that we no longer want them to worry about Haiti, Bosnia, Somalia, or the safety of the fleet. They have responsibility for over 200 ships and over 175,000 people. If we start creating the climate—I know it would be inadvertent and not intentional—that our top military officials are responsible to personally supervise and intervene in virtually every kind of conflict out there, we are asking the impossible. We are about to set a kind of expectation that can cause the military services and our overall national security some severe jolts.

The individuals involved in these cases need to be treated properly. The chain of command needs to set the tone, and needs to set the climate. They need to make sure that their people are carrying out the overall policy, and they need to take prompt action when it comes to their attention that something has gone wrong. They need to discipline people who do not adhere to the policy of the Navy.

But to hold them responsible—I know the Senator is not in this case, and I recognize his remarks. I know he is supporting the committee position on this. But I hope we do not create a climate that is so unrealistic that it does damage to the top commanders' ability to do their No. 1 job which is, after all, to protect the security of this Nation. That is the number one job.

In this case, although I do not think it happens in all cases, there are not enough people in the DOD IG. We would have to have tens of thousands of them if we are going to have the DOD IG supervise everything that happens in the Navy, Army, Air Force, and Marine level. But in this case, because of the significance of it, and because in this case the victim really was sexually harassed—there is no doubt about that; there is no dispute it; she was; and the persons who did that deserve punishment and received punishment —but in this case the DOD IG did review the Navy IG report in both of these matters, both the Taylor matter and Simmons matter.

The Senator mentioned no one outside the Navy, but the DOD IG reviewed both of these cases and concurred with the Navy IG finding. I wanted to make that clear to the Senator. I submit that to him.

Mr. DURENBERGER. Mr. President, I intend to be brief.

I acknowledge the contribution that my colleague from Georgia has made to this particular discussion that I raised this morning. Maybe I will just make three points as he has talked.

First, he believes he is correct. I do not know that there is any priority that Haiti all of a sudden takes priority over gender bias or anything else. I think the responsibility—whether it is the Commander in Chief or a particular admiral in a particular area of responsibility—the responsibility is to make sure that the goals and the objectives that are set and the strategy are implemented by appropriate tactics.

To that extent, I agree with what my colleague said about there needs to be a system in place. There needs to be a climate that is encouraged. There needs to be an environment in which people understand the standards of the U.S. Navy, whether the issue is gender bias or whether it is any other kind of an issue that involves the people, the professionals in that institution. That is a responsibility that creates a climate in order to have a system that everyone understands, and then to enforce that.

Clearly, an admiral who is responsible for a large command cannot be responsible for something that is going on directly who said what to whom on a particular ship at a particular time. But it strikes me that admiral, he or she, is responsible in the sense that in a particular case rules are violated, there is a general lack of respect within a particular command, and that is ignored after someone complains about it. Of course, the person at the top is responsible whether they were there or they were not there. I hope that is clear.

Second, I think it is important for people to understand that the response indicated it was not just the Navy that looked at it. It was the Department of Defense.

I hope that my colleague from Georgia and the other members of the Armed Services Committee understand that we are all in this together. The process of transition from an all-male, basically or a male-dominated institution to something else is a very difficult transition. It is more difficult in the Navy than in any other service I would suggest, although I as an old Army man I have a certain bias with regard to the subject. But it is more difficult in the services where people normally carve out a career, and as a tradition—which is hundreds of years old—it is more difficult there than IBM, or the company I came from, or this place. It is incredibly difficult.

But I would hope that the Navy, the DOD, and my colleagues on the Armed Services Committee will acknowledge that because of the nature of the office that each of us holds, whether we are on the committee or not, we are all in this together in helping the Navy, or the armed services in general through this transition period. And in my particular case, the Lt. (jg.) Rebecca Hansen case, I am not approached as a member of the Armed Services Committee. I am approached in the traditional fashion which is as her Senator.

So I have my own experience with how the Navy is in transition. It was not a very pleasant experience. But I do not want to go into the details of that particular case because I do not want to try that on the floor of the U.S. Senate, any more than I think we should try the Admiral Mauz case on the floor of the U.S. Senate.

But I want my colleagues on the committee to understand. I say this particularly as I leave. There are always going to be 100 people, the Senators from Washington, Georgia, South Carolina, Minnesota, wherever it may be, involved at least in this body in this transition. And the way in which the Navy handled the Hansen case demonstrated clearly to me that I am not part of this transition—just the way in which they answered the questions, the way in which they dealt with it, the way in which they dealt with Stanley Arthur, laying off on me the fact that a great admiral, according to them, cannot get a command. They lay off on me because I am doing constituent service. There is no evidence that I would keep a hold on him forever, or over anything. They just made a decision to jerk him knowing that, as it turns out, half the people that have any experience at the Navy thinks it is my fault because I am a difficult politician and that is the way the politicians operate; and the other half think it was the Navy's fault, which happens to be right in this particular case.

But I feel badly for Admiral Arthur as I do for Admiral Mauz or anyone else, particularly if Admiral Mauz is right in the middle of an invasion, which most of us are going to object to. That is a pretty tough line. It is hard to get down to the line when you have all of that sort of stuff stacked against you.

So I want my colleague from Georgia, for whom everyone in this body and outside of body has such incredible respect, to understand that my reason for bringing up my particular experience at this time in this context and suggesting to my colleagues that no matter what he or they may think of the Mauz case, that I think the committee deserves to be supported in their judgment in this case. But the committee also needs to understand that there will always be 100 of us involved at any given time in this process of transition, and the Navy has to understand that, and the oversight process needs to reinforce that so we are not back here with the next admiral or the next whatever going through this trial by politician on the floor of the U.S.Senate.

Mr. NUNN. I thank the Senator from Minnesota. I do understand that. I understand that our committee is basically the agent of this larger body and that we report—in effect, to all 100 Senators—and all 100 Senators are the only ones who can make the decisions. The committees make decisions. But they are all subject to the floor and all confirmations are subject to the floor.

Every Senator has the right to raise these questions. And we do our very best to respond to every question that is raised by any Member of Senate in the correspondence of any nomination. We have done that over and over again. We will continue to.

What we are going to discuss in just a few minutes—I do not want in any way to preempt the remarks of my friend and colleague from Washington—whether the committee should have a formal hearing on this nomination. I hope that the Senate will agree with the committee that we do not need a formal hearing.

But we simply cannot do our job and have formal hearings on each contested nomination or on each nomination where there is an allegation or even a serious allegation. If we feel that the Navy or the investigating body has not done the job properly, or if we feel that we cannot get the information without having hearings, if we feel anyone is misleading the committee, or there is not good faith, I think hearings are in order. We have had them frequently, and we will again. But I hope the Senate will keep in mind our committee jurisdiction. We have 73 civilians that are appointed to go through our confirmation process in the Department of Defense. Unfortunately, those rotate. So 73 is not a one 4-year deal; it is many more than 73 when you consider all of the people that drop out. We now have six nominations out here that have been pending, civilians, top DOD civilians, that have been pending for 6 weeks, top people in the Department of Defense, that one person or another has some problem with. In most cases, we do not even know what the problem is, and they are being held up. I do not know what the problem is, and I am chairman of the committee. We cannot get those passed. These are top people that are supposed to be in place running the Department of Defense.

In this Congress, we have had 61,112 military people come through our confirmation process—61,112. Out of that many, we have had 1,085 general or flag officers—1,085. If we are going to have a hearing on, let us say, even 10 percent, 1 out of 10 of those we may get some complaint about, then we will do nothing but have hearings on general and flag officers. We probably will never get to the civilians.

The scope and magnitude of what we are dealing with here is what I hope our colleagues will put into some context. That does not excuse anybody from looking into each serious allegation. I emphasize that. But the procedure by which we do that has to be thought through. We cannot have a formal hearing on all of those.

While I have had six civilians out here that have been held up for some 6 weeks now, we have a hearing again this afternoon on two more top civilians that have not yet had a hearing. We hope to have a hearing and get them confirmed. But the committee gets a little discouraged—I do as chairman, and I know the ranking member does—when we are having a hearing on two more people. And what am I to tell them? Well, the last six are still pending from 6 weeks ago. They were on the floor. When the committee recommended them, there were no problems that we knew of. They are still pending. You are going to take a job in the Department of Defense—and one individual is coming out of the private sector. I have known him a long time. He is a very top individual. I do not know how much he is sacrificing, but I think it is several hundred thousand dollars a year. It is probably closer to a million, my staff tells me, having looked at the financial records. He is sacrificing millions of dollars, and he has already, in all likelihood, disassociated himself from many of the commercial activities he has. When he comes before the committee today, I am supposed to say to him—and I say to my friend from Washington, it has nothing to do with this; I am talking about civilians now, but I am giving the scope of the committee activity. I am supposed to say to him or her, well, on the last group that came through, we do not know what the problem is. Six of them are on the floor and they have been held up for 6 weeks. We cannot get them through. And we are not going to be in but 4 more weeks, so we will be back next January or February, and I hope you have a good time in the next 3 or 4 months waiting for confirmation.

This process is getting out of hand. Individual holds are getting out of hand on the floor. People are having holds on nominations for purposes that have nothing to do with the nominee. That is not the case here. This case is based on the nominee, and my comments are on my larger frustration and have nothing to do with the Mauz nomination. People are holding up nominations time after time for some larger strategic purpose or, in some cases, for leverage purposes, in terms of something they want the Department of Defense to do—sometimes legitimate and sometimes questionable.

I think the process is getting out of hand. It is getting out of hand. My frustration is not with the Mauz nomination per se. Senator MURRAY from Washington, and others who raise questions on this nomination, as well as the Senator from Minnesota on the Arthur nomination, those were related to the nominee. Those matters dealt with the merits of the case on the nominee, whether we agree or disagree.

Where the real abuse is occurring is when the hold on the nomination has nothing whatsoever to do with the nominee. And if we continue to do this in this body, then what we are going to do is we are going to end up lowering the quality of people willing to serve the country, not just in defense jobs, but other jobs. It may already be happening. But we have an awesome responsibility under the Constitution of the United States in confirming people. Our committee takes that very seriously and will continue to. But this whole body is going to have to take it seriously, too, collectively and individually.

Somehow the leadership of this body, and all of us involved in it, are going to have to address this question. Again, I am not speaking on nominees, where there is a problem with the nomination itself, but particularly, the frustration is with other cases that we have going on right now, which have nothing to do with the nominees but simply larger purposes. The larger picture of what kind of people are going to be willing to serve this country, I think, is increasingly coming into play.

Mr. DURENBERGER. Mr. President, I appreciate that. For the benefit of the Chair and for the benefit of my colleagues, my response to my colleague's remarks will be brief.

First, I acknowledge that this part of the process does get out of hand. I think the whole business of holds is way out of hand in this place. I acknowledge that. It is not just in this case, it is in every other case. I acknowledge that there are ideologues putting holds on people because they disagree on ideology. We also know that leverage has become an important part; leveraging something out of somebody for something has become another way, as my colleague has pointed out. I deplore both of those.

I cannot leave the floor and leave the subject that brought me to the floor without restating the fact that in this particular case—and I talk not about the Mauz case but about how I come to the floor on the Mauz case because of the situation with regard to Admiral Arthur and Lt. (jg.) Rebecca Hansen. All this Senator wanted out of the Navy was a response, not a specific action, not to reinstate her. And I did not want to be put in the place of Solomon, to cut the woman in half, or the Navy in half, or Admiral Arthur in half; I just wanted an answer. That is my point. I cannot get a direct answer because the Navy is on the defensive because of Tailhook and sexual harassment and some changes in command. But that is all this Senator wanted.

That is the only reason I have ever put a hold. I rarely do it. That is the only reason I have ever done that in this process, to the best of my understanding.

I met with the new Chief of Naval Operations at one point, and we went through this issue. He said, "You should talk to the inspector general." I said, "Fine," and within 2 hours the Navy inspector general was there and I talked to him. He said, "Well, obviously, Senator, you have not read the

IG report." I said, "You are absolutely right, Admiral, I have not. Where is it?" He said, "I cannot give it to you, but they have it in the committee." I called the committee and they said, "Yes, we got it," and I never got to see it. I do not think I should be the judge in a particular case, but at some point each of us has to bring some judgment to bear in each of these constituent cases. It was not, in my case, my constituent, right or wrong, because I have a responsibility to my country, to the oath I took, to the Navy, and to my constituents. But I could not get that job done in that particular context.

Mr. NUNN. Will the Senator yield on that point?

Mr. DURENBERGER. Yes, I am happy to.

Mr. NUNN. I am informed by staff and have been for some time—and the Senator from Minnesota and I have not had a chance to talk on this; he raises a very legitimate question—that our practice in the committee is not to have staff read the IG report but to require Senators to read the IG report.

The Senator should check with his staff. But my staff advises me that the Senator's staff was informed, that the Senator could read the report, but not his staff. I believe that was right before recess. The Senator was able to get on a plane to go out of town. I think the staff was not permitted to read the report, but the Senator is always entitled to read the report.

I want to make sure to clarify that if we have any miscommunication between our staffs, that needs to be clarified also.

Mr. DURENBERGER. Mr. President, I acknowledge what my colleague said. I do not know if that is the case or is not the case.

I merely want to say that I did not have the opportunity to read the report. But whether I did or I did not, and if I had read the report and if the Navy had responded, if the Navy had given me the answers to four questions as quickly as they gave the committee 2 feet of information within 48 hours when this issue became public, if they had done that, that would not be any reason to have a hold on this nomination.

My point here is simple. Whether he has to go through a hearing process or not, Admiral Mauz will get his four stars. Stanley Arthur is not going to get his opportunity.

I just want to make the point that it is not my fault, it is not Rebecca Hansen's fault, that he did not get it. It is the fault of the U.S. Navy. They made the decision to jerk him from the appointment to command the Pacific. For whatever reason they did that, that is their decision.

But right, wrong; appropriate, inappropriate, it simply says, and I will leave the floor by repeating this, that the Senator from Washington, the Senator from Minnesota, whoever that will be next year, as well as the members of the Armed Services Committee, are all in this process together.

I want my colleagues also to know, particularly my colleague from Washington, and others, that the chairman is right about the effort that the committee puts in on hearings. In fact, the unfortunate thing in the Rebecca Hansen case is, the hearing took place after the fact but, in fact, the committee and its staff devoted endless hours to trying to find out what it was that went wrong in the Hansen case.

That is why I particularly complimented my colleague from Virginia, who read an entire letter, I think, to the full committee that I had written, and put in a lot of time looking at this matter after the fact. After the fact is not going to help anybody.

Ahead of the fact, the Senator from Georgia has stated the problem: How many hours in the day, how many days in the week, how many weeks in the year do you have to discharge your responsibility as a member of the Armed Services Committee in its many facets? And, is it the most appropriate function of the committee to be dealing with sexual harassment charges, or anything else? Is there any other—or better—forum in which these matters should be dealt with? I happen to think there should be a different forum or a different process that is separate and apart from this.

With that, Mr. President, I thank my colleagues for their patience, and I particularly thank my colleague from Georgia for his responsiveness as well.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Washington [Mrs. MURRAY], is recognized.

Mrs. MURRAY. I thank the President.

Before the Senator from Minnesota leaves the floor—I do have a motion I am going to make in just a minute—I did want to comment that I agree with him. I do not want to be Solomon in the case of Admiral Mauz. I do not believe anyone here on this floor does.

I believe there ought to be a fair and open process by which the nominations are brought to us. And I agree with the Senator from Minnesota that if we could rely on the Navy's responses we would not be requesting these kinds of hearings. But until all of us have the confidence of that—I share with the Senator his nonconfidence in that system at this point—we are going to have to rely on ourselves as a Senate in our process here in order to make these determinations.

We need a fair, open process and a fair hearing for all sides, and that is why I am about to make the motion that I am going to make. And in response to several other comments that were made in the last half hour or 45 minutes I just feel it is imperative that we do look at the process. If there is a problem with the process, we should change it. But we are here today because there is no other process, and it is the process that we are required as Senators to vote on this nomination.

I believe strongly, and I will again and again, we should not trample on the rights of an individual in the name of expediency. I believe that today and I will continue to believe it throughout my career.

To say that Haiti is one of the reasons that we should have expediency, I have to say I think that not only is a red herring, but if we start creating a climate that young men and women within the service cannot count on their chain of command, then how can we count on them to do their job to protect the security of this Nation?

MOTION TO RECOMMIT

Mrs. MURRAY. Mr. President, I move that the nomination of Adm. Henry J. Mauz, Jr., to retire in grade be recommitted to the Committee on Armed Services with instructions to hold a public hearing on the nomination and not report the nomination back to the Senate until the committee has held the hearing.

I send that to the desk.

The PRESIDENT pro tempore. The question is on the motion to recommit.

Does the Senator from Washington seek recognition?

Who seeks recognition?

The Senator from Georgia.

Mr. NUNN. Mr. President, I have a very brief response to the Senator from Washington. Maybe I did not make my point here on Haiti.

I did not say that Haiti was going to supersede this nomination or any of the issues. What I said was—and I thought I made it clear—that the four-star admirals in charge of the fleet cannot get involved in the initial outset of one-on-one type transgressions in the Navy. It cannot work that way. There are 172,000 people in the Navy.

I would venture in our own offices, usually, when there is a problem between staff personnel, and usually our office staffs are 40, 50, or 60 people total, depending on the size of the State, sometimes it is weeks before we know about those personnel problems. It depends on one's office. Even in our own office we have our administrative assistants basically to carry that out.

My point was not, as the Senator from Washington just referenced, that Haiti superseded individual rights. That was not my point. If that was anyone's understanding of what I said, then I hope it will be clarified.

My point is the top people in the military who are responsible for making plans for all sorts of contingencies that involve our national security, cannot—and I do not think we want them to—be involved in the beginning stages of conflicts between individuals and even court-martial offenses. There are thousands and thousands and thousands of courts-martial in the military every year, and the top people have to set the climate and the procedures and eventually review in the chain of command, what is done. And when actions are taken that are unfair to individuals, they have a command responsibility to correct those.

I know that is the understanding of the Senator, but they do have other responsibilities. That was my point.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Washington [Mrs. MURRAY], is recognized.

Mrs. MURRAY. Thank you, Mr. President.

I will speak now to my motion to recommit this. I want to be very clear about why I am making this motion. In no way do I seek to pass judgment on any of the allegations that have been made regarding the nomination of Admiral Mauz. I think that sentence bears repeating: In no way do I seek to pass judgment on any of the allegations that have been made regarding the nomination of Admiral Mauz.

I am making this motion because in my review of the allegations surrounding this nomination, more questions have been raised than answered. And I believe that the allegations raised against Admiral Mauz are sufficiently troubling to merit an open and full public hearing.

Since this nomination was reported out of committee, I have devoted a great deal of time to reviewing this situation. After meeting with the Navy and the committee and reviewing what information is available to the public, I have concluded that the only way to resolve the conflicting issues is to hold an open public hearing. I know several other Senators agree with me, including Senators MIKULSKI, MOSELEY-BRAUN, BOXER, and FEINSTEIN, and I appreciate their support in this process.

I would hope and I do continue to want to believe, that after such a hearing, the Senate could vote 100 to 0 to confirm Admiral Mauz in grade, because there would be no lingering doubts and because the hearing would provide a place where the record could be clarified once and for all.

But before I address the specific situation with regard to Admiral Mauz, let me make an important point for the record with regard to how the Senate deals with these matters generally. I would rather not be here today, involved in consideration of this issue. I know this vote is not convenient, and it is certainly not comfortable for any of us to be doing this. But I strongly believe we cannot step on individuals' rights for the sake of expediency, as I said before.

The rules we work by today say that the Senate must vote to confirm the retirement in grade of any three or four star flag officers. Typically, the Senate votes on these issues by voice, without debate. To me, the process of approving this high honor is not something we should do by rote, and it is not simply a formality. If we want to change the rules so that the Senate does not have to vote on these nominations, fine, let us do so. But for now, each Senator must answer to his or her vote. And there is another issue I need to clarify for the record. I have never put a hold on this nomination or sought delay. I have simply sought answers.

As my colleagues know, the committee reported out the nomination on August 12. Shortly thereafter, I inquired as to how thorough the review had been of the allegations, and the extent to which members of the committee had formally deliberated on this nomination through a hearing process. I was unsatisfied that all questions had been answered.

In good conscience, I informed the committee, I could not allow the nomination to be voted on by voice, and I requested a rollcall vote. At that point, the Navy came to me with information in an attempt to answer my questions. Unfortunately, as I shall clarify later in my remarks, some of the information provided to me by the Navy was conflicting and simply inaccurate.

Other members looking at this had growing concerns. Five of us wrote to ask the committee to hold a hearing before asking the Senate to consider this nomination last week. The committee continues to believe a hearing is unnecessary, and that is why we are here today. But if the Navy had provided straight answers from the beginning, there is a very good chance we would not be debating this issue this morning, and I have made the following point in the past, and I shall make it here again today: The American people deserve to know that when the U.S. Senate votes to confer high honor on our Nation's military leadership, we do so with clear justification and solid grounding in the facts of an individual's career.

It is my firmly held belief that those whom we honor in the U.S. Senate should serve to a higher standard. They should serve our Nation beyond reproach. Each Senator should be able to say to the thousands of young men and women coming behind that he who is honored is in fact a role model for their own lives as they shape their military careers.

We must be able to tell the American people that those who are honored by this body have passed the highest test—they are the figures to whom we as parents can point to with pride and say we want our children to grow up just like them. With regard to the nomination before us today, we simply do not have enough information, in my view, to determine if Admiral Mauz meets this test or not.

As you know, Admiral Mauz is currently serving as the commander in chief of the U.S. Atlantic Fleet. On May 10, 1994, he was nominated by President Clinton to retire in grade as a four-star admiral.

Navy Lt. Darlene Simmons alleges inappropriate action by Admiral Mauz with respect to the investigation and disposition of her sexual harassment case. In addition, Senior Chief George Taylor alleges that Admiral Mauz inappropriately used Government assets and retaliated against him because he was a whistleblower. Both Lieutenant Simmons and Senior Chief Taylor have written to the Senate Armed Services Committee, expressing the view that Admiral Mauz should not be retired at four stars.

Some may ask why a hearing is necessary when the Navy has already conducted their own investigations into the allegations, and in both cases, found them to be without merit?

Unfortunately, my answer to that is that at this point in time, the investigative capabilities of the Navy simply do not have the confidence of the public. The Senate Armed Services Committee has rightly assigned a special advisory board to review the investigative capabilities of the Defense Department generally, so that recommendations can be made for all the services—and especially the Navy—to improve their internal investigative processes. This special advisory board will be issuing its findings later this year. I believe the report of the advisory board will provide very useful guidance on this problem and establish a roadmap whereby Congress and the American people can regain confidence in investigations performed by the U.S. military.

In the meantime, we are left with an imperfect process in which to evaluate the cases that are ultimately brought to the Senate for confirmation. Thus, if there is a case like the one before us, where serious and troubling concerns have been raised, it seems to me quite appropriate that a public hearing should be held, so that the views of all involved—all involved—can be aired.

I want to briefly review the two cases that are relevant to Admiral Mauz' nomination, because it is important to understand the scope of the concerns raised. I think it is undisputed by the Navy and by the committee that in both the Taylor case and the Simmons case, the individuals involved were greatly wronged.

First, let me review the case of Lt. Darlene Simmons.

The Navy supports and has substantiated the charge by Lt. Darlene Simmons that she was sexually harassed while stationed abroad the U.S.S. *Canopus*. Lt. Simmons served as the legal officer of that ship. During her service as a lawyer there, she received repeated requests for dates and comments about her physical appearance from another officer who was her supervisor and with whom she worked closely. She filed a complaint to the ship's executive officer on June 1, 1992.

On June 5, 1992, according to the Navy:

> The (offending) officer was counseled and administrative action was taken. He requested retirement from the Navy as was his prerogative. Unfortunately—and unacceptably—an atmosphere of harassment and hostility persisted, particularly as the retirement of the officer involved was not effective until April 1993, and he remained on duty on the ship. On October 9, 1992, an anonymous DOD IG hot line call and a call by Lt. Simmons to [a member of Congress] and to the then Assistant Secretary of the Navy, Barbara Pope, raised the visibility of this case.

Shortly thereafter, the offending officer was removed from the ship. The Navy maintains that once Admiral Mauz knew of the problem in October, he took swift and appropriate action.

Lt. Darlene Simmons maintains, however, that Admiral Mauz knew her claim of sexual harassment had been substantiated by a Navy investigation, knew she was still being forced to work in a junior position to her harasser, and did nothing until the case went public to correct the situation. During the process, she was repeatedly retaliated against, and no one was ever held accountable. She repeatedly asked for a report to be issued on her case, but none ever was.

Lieutenant Simmons testified last spring before the House Armed Services Committee on the general issue of sexual harassment in the military. Lieutenant Simmons states:

> I was sexually harassed on the *Canopus* from December 1991 until May 1992. The Navy's zero tolerance policy of sexual harassment was in place in May 1992 when I made my complaint. Action directed by those guidelines was not taken and procedures implemented were not followed. I have attempted to work within the system for over 2 years and the system has failed to address the issues or to hold anyone accountable for the failure.
>
> Despite repeated reports to my chain of command and the Department of Defense Inspector General's Office there has never been an independent investigation conducted into the facts surrounding my complaint of sexual harassment.

During the course of Darlene Simmons' 2-year ordeal to bring an end to the sexual harassment and to hold the system accountable, she was retaliated against in a variety of ways. Her harasser was not removed from his position of authority over her for many months after she filed her complaint. Ultimately, Lieutenant Simmons was ordered to undergo a psychiatric evaluation, where she was placed in a locked psychiatric unit. She was found fit by a Navy doctor after a 24 hour observation period, but she was nonetheless forced to remain locked up in the psychiatric unit for 4 days. And then, according to Lieutenant Simmons' testimony confidential information regarding her psychiatric evaluation was wrongfully disseminated in retaliation for her reporting of sexual harassment.

Following these many humiliations, she asked her command to both stop the malicious gossip, and hold accountable those who were responsible for the wrongful disclosure. No disciplinary action was taken.

In December 1992, Lieutenant Simmons was transferred from her ship. On the occasion of her transfer, she received what she viewed to be an adverse fitness report. Since there was nothing in her record to substantiate the adverse report, she concluded it was given in retaliation for her reporting of sexual harassment.

By this time, she had taken her case to the office of Admiral Mauz. According to her testimony, an aide to Admiral Mauz said that the admiral was personally involved in her case, and that the "matter would be handled."

Shortly thereafter, she received another unsatisfactory fitness report. According to her testimony, "Admiral Mauz' office said they could do nothing to assist me."

From this ordeal Darlene Simmons concludes,

> I relied on my chain of command to protect me from reprisal and to take swift and tough action when there was reprisal. My good faith reliance was not justified; instead my chain of command used the opportunity to cover up another act of reprisal.

Eventually, Lieutenant Simmons filed charges against Admiral Mauz for dereliction of duty.

The Naval inspector general looked into the case and determined the allegations by Lieutenant Simmons' against Admiral Mauz to be without merit. According to the Navy, Admiral Mauz responded to the complaints of Lieutenant Simmons in an appropriate manner and took corrective action on her behalf.

I now want to speak to the case of Senior Chief George Taylor.

Senior Chief George Taylor is currently stationed at U.S. Naval Construction Battalion Center, Port Hueneme, CA, and considers himself a whistleblower.

Senior Chief Taylor maintains that he was retaliated against by Admiral Mauz because he "blew the whistle on waste, fraud, and abuse concerning mismanagement at the U.S. Naval Air Station in Bermuda." Taylor maintains that in November 1992, Admiral Mauz abused his power and authority by traveling to Bermuda along with 12 other military and civilian personnel for a 5-day vacation. At the time, Taylor was serving as Chief of Military Police at Naval Air Station Bermuda.

Taylor asserts:

> Admiral Mauz was flown to Bermuda at government expense along with other personnel. During his time on the island his entire "official" visit consisted of playing golf, dining in the best restaurants, and shopping * * *.

In the months following his public whistleblowing, Taylor was charged with over 48 offenses of violating the Uniform Code of Military Justice, which the Navy said were "unrelated to Bermuda." Ultimately, all charges were dismissed, but Taylor maintains they were related to his whistleblowing against Admiral Mauz, and that Admiral Mauz was a "key player" in bringing up the charges.

Chief Officer Taylor maintains that Mauz tried to influence and pressure the investigation, and to intimidate Taylor's military defense counsel.

According to the Navy,

> Admiral Mauz was not involved in Senior Chief Taylor's case in California. He played no role in the charges themselves or in the disposition of the charges * * * Regarding Bermuda * * * the Naval inspector general conducted a complete and thorough investigation. The investigation did not disclose any misuse of government facilities. The IG determined * * * that the scheduling of the trip created the perception of impropriety and * * * Admiral Mauz received informal written counseling.

So what to make of these two serious cases, where clearly two members of our Nation's armed forces were greatly wronged? Both have asked that we in the U.S. Senate hold their chain of command accountable—in this case, Admiral Mauz.

I would like to make it clear that as I have attempted to sort out the information on these cases, the staff of the Armed Services Committee has been extremely helpful in attempting to get answers to my questions, and I commend and thank the committee for their efforts.

In my meetings and exchanges with the Navy, however, I have been left with more questions than answers. At times the information provided to me by the Navy has been conflicting and downright inaccurate. Other times, it has been helpful and clear. But I would not be here today, requesting this hearing if the responses from the Navy had consistently been reliable and accurate, and that is truly unfortunate and deeply troubling.

Thus, without a public hearing on these issues, and without full confidence in the Navy's investigative capabilities, I can not in good conscience bestow honor on the leadership, while brushing aside the concerns of a junior officer and one of our Nation's enlisted personnel.

Again I find myself down here on this floor talking about leadership and the chain of command. I respect the chain of command. Frankly, my colleagues, we are part of that chain of command. The people who elect us are at the top. They expect us to exert leadership when we see problems.

Imagine if Darlene Simmons were your daughter. She goes to law school; she enters the Navy. She finds herself in a situation where her superior is constantly propositioning her. Her work environment becomes unbearable so she complains to her chain of command. She gets locked up in a psychiatric unit. Material evidence on her case is mysteriously lost. Her medical information is leaked to her colleagues so that her working environment becomes, once again, unbearable. The Navy issues what she feels are adverse fitness reports and she is further discredited.

If she were my daughter—or my son—I would be confused and angry. If she were yours, so would you.

And we would ask questions and demand answers.

And so I am doing so today, before I case my vote on this nomination.

I urge my colleagues to join me in this motion to instruct, so that a full public hearing can be held.

As I have said in the beginning of my statement, I am not offering this motion based on the allegations of these two individuals. I am simply standing up for the rights of our military personnel to be heard—and to be taken seriously.

Let us have a hearing. We can clear the air. And then maybe we can vote 100 to 0 to confirm this nomination.

In the meantime, let this debate serve as yet another plea to the Navy in particular, and the Defense Department more generally, to do whatever is required to restore confidence and integrity into the military's investigative capabilities.

Mr. President, I request the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I spoke at length on the nomination of Admiral Mauz to retire in grade on Monday. That nomination was submitted on May 10. It has been pending now for over 4 months. It has been thoroughly reviewed by the Committee on Armed Services. It was reported favorably to the Senate on August 12, 1994, with the Senate voting 22 to 0 in favor of the nomination. The nomination has been pending in the Senate since August 12, 1994.

I would start by saying the Senator from Washington has asked some legitimate questions. As she observed, we have done everything we can to facilitate the answer to those questions. I believe as late as last night we were communicating with her staff about the Navy answers to those questions. I hope she has gotten the answers, at least to all the questions that were posed to us. She is certainly entitled to that information. It is the committee's duty to do everything it can to facilitate that information. We hope we have performed that duty. I certainly think these are questions that needed to be answered by the Navy. I think the Senator was certainly within her rights and duties and responsibilities to pose those questions. I hope the answer to them has helped clarify this overall matter for the Senate.

Admiral Mauz has had a long and distinguished career, which I detailed Monday. Highlights include direct combat experience in patrolling the rivers of Vietnam, command of the forces which conducted successful strikes against terrorist related targets in Libya, establishment of the maritime embargo against Iraq after Iraq invaded Kuwait, and development of the plans for naval involvement in the Persian Gulf war. He presently is serving as the commander in chief, U.S. Atlantic Command, one of the most senior and responsible positions in the Armed Forces of the United States.

The Committee on Armed Services has thoroughly reviewed this nomination. We have considered information from the Department of Defense concerning informal counseling he received related to travel to the Naval Air Station at Bermuda. We have considered material submitted by the Government accountability project, a nonprofit private organization, which alleged: First, that Admiral Mauz retaliated against senior chief master-at-arms, George R. Taylor, one of the individuals who has spoken to the news media about travel of senior officers to Naval Air Station Bermuda; and second, that Admiral Mauz was aware of sexual harassment against Lt. Darlene Simmons, a female officer in a subordinate command within the Atlantic Fleet, that he suppressed findings of his own command's inquiry into the matter, and that he failed to order any corrective action on behalf of Lieutenant Simmons.

The committee twice deferred action on the nomination so that the initial allegations from the Government accountability project, and subsequent material submitted by that organization, could be reviewed. The committee obtained detailed, factual, responses from the Department of the Navy on these issues, which demonstrated that Admiral Mauz had not retaliated against Senior Chief Taylor, and that he had taken reasonable actions to address the sexual harassment of Lieutenant Simmons.

The committee considered this information, and voted 22 to 0 to recommend confirmation on the nomination. On August 12, I placed in the RECORD the communications from the Government accountability project and the responses from the Navy so that it would be available to all Senators. On Monday, I included that material in the RECORD, along with material that the Government accountability project submitted after the nomination was reported, and the Navy's responses to that material.

On Monday, I informed Senators that if they had further questions about this matter, I would endeavor to obtain official responses from the Navy. Senator MURRAY provided me with a number of questions on behalf of herself and a number of other Senators.

I would like to note, Mr. President, that the questions raised by Senator Murray identified areas in which further clarification was desirable. Since the nomination was reported, Senator MURRAY and her staff have endeavored to keep the committee informed of her concerns.

The issue of sexual harassment is important, and we have had the opportunity to work closely with Senator MURRAY, Senator MOSELEY-BRAUN, and others in crafting key reforms in this year's Defense authorization bill on the issues of investigations and protections against reprisals. Their initiative, their involvement, and cooperation has been very helpful in developing legislation to deal with this difficult issue.

We received responses from the Navy last evening to the questions we received yesterday, and provided the material to Senator MURRAY and the other Senators who had participated in drafting the questions. We then worked with those Senators last evening to develop followup questions, which were also answered last night. The responses to both sets of questions confirm the committee's view that Admiral Mauz took appropriate action with respect to the issue of sexual harassment against Lieutenant Simmons, and that he had no involvement in the proceedings against Senior Chief Taylor.

I think one thing that has come to the attention of the committee since Monday—I do not know whether our colleagues have focused on this, demonstrates to some degree what we are having to deal with here. After debate concluded on Monday, the committee received a copy of a "Dear Senator" letter from the Government accountability project which apparently was distributed to all Senators. This letter, dated September 9, 1994, concerns a new issue, an entirely new issue—I have not discussed this at all with the Senator from Washington—involving Admiral Mauz. The letter from the Government accountability project encloses excerpts from an investigation into inappropriate racial and ethnic remarks from a naval commander not under Admiral Mauz's direct supervision—under his overall command but not his direct supervision—who was the commanding officer of an air antisubmarine squadron, a subordinate command in the Atlantic Fleet.

The investigation substantiated that the remarks were made. The officer retired. The individual who submitted the complaint had an adverse performance evaluation removed from the file.

The letter from the Government accountability project attempts to tie Admiral Mauz to this matter by asserting,

> Admiral Mauz took no action to discipline Commander Brower. Admiral Mauz allowed

Commander Brower to retire honorably, without any disciplinary action, at full pay and benefits. * * * Admiral Mauz' turning a blind eye toward racial harassment is demonstrative of a larger pattern.

This is from the Government accountability project. That sounds pretty bad. It sounds like Admiral Mauz personally condoned racial harassment. The facts do not support such a conclusion.

I come back to the fact we have to distinguish between allegations and facts, and that is always an important distinction. Navy Secretary Dalton, after we submitted that letter, as we did on others to him, advised the committee that the matter—this matter, on the racial improprieties—was handled entirely through inspector general channels and by a subordinate command. The matter never came to the attention of Admiral Mauz.

There was no requirement in regulation or practice for it to be brought to his attention. The Government accountability project asked us to hold Admiral Mauz accountable for the manner in which a subordinate unit handled a disciplinary matter, a matter which he never knew about, never came to his attention.

I ask unanimous consent that the letter from the Government accountability project and the response to these issues from Secretary Dalton be printed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, the fact this incident did not come to Admiral Mauz' attention should come as no surprise. As Secretary Dalton notes in his letter, there were three levels of command between him and the command where the incident took place. These matters are not handled by the four-star top people, they are handled at a lower level. As the commander in chief of the Atlantic Command, Admiral Mauz has under his command 224 ships, 1,480 aircraft, 27 bases, 12,000 military officers, 125,000 enlisted personnel, 10,000 DOD civilians. How many of us in our office with 50 or 60 people look into every allegation against anybody in our office by another person?

Mr. MCCAIN. Will the Senator yield?

Mr. NUNN. I say zero, until it gets to a level we have to review it because it has not been able to be solved at a lower level. We are responsible to set the climate. We are responsible for fairness, equity, and justice in our office. We are responsible in the final review when matters are not settled at a lower level. But if we were responsible for every personnel dispute in an office of 50 or 60 and we sat there and looked at them all day long, which we would do, we would never get to the floor of the Senate, probably never get to a committee meeting.

Admiral Mauz had 125,000 enlisted people and 10,000 DOD civilians under his command. He also is doing things that some people in this country might think are significant: Supporting the Haiti embargo, the war on drugs, Cuban migration operations, providing forces for possible Haitian contingency, and providing forces for deployment to the Mediterranean and Central Command areas. I am just saying, Mr. President, and I will yield to my friend from Arizona——

Mr. MCCAIN. Just for a question.

Mr. NUNN. We have to put this in perspective. There are thousands of personnel actions taken everyday with respect to members of the Armed Forces. Although our forces are the best trained and best disciplined in history, there are still many disciplinary problems, and there always will be and always have been in the history of the military forces. Military commanders convene over 9,000 courts-martial per year. They administer over 80,000 nonjudicial punishments. The responsibility for disciplinary action is exercised primarily by subordinate commanders, not by fleet commanders-in-chief.

I yield to my friend for a question.

Mr. MCCAIN. I would like to ask a question of the Senator from Georgia. I heard and I believe the Senator from Washington said the U.S. Senate is in the chain of command. I do not know if the Senator from Georgia heard that.

Mr. NUNN. I did not hear that. What I interpreted was the Senator was saying overall responsibility. I do not know whether she used the words "chain of command."

Mr. MCCAIN. The Senator from Washington obviously does not understand the meaning of "chain of command." The chain of command is clear. I think she should be provided with what the chain of command is: It flows from the Commander in Chief, who is the President of the United States, and the fact is when the Senator from Washington does not even know what chain of command means, it gives some damage to the credibility of her argument.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. I yield to my colleague, the Senator from Washington, for a question or brief observation. I want to retain my right to the floor.

The PRESIDING OFFICER. The Senator yields for a question.

Mrs. MURRAY. First of all, I inform my colleague from Arizona, I am capable of answering a question.

In response to your question, I am talking about responsibility, and I believe strongly we are in the chain of command in terms of responsibility: Responsible to our constituents who we serve and responsibility to the members of the armed services when they have legitimate complaints.

Mr. NUNN. Mr. President, my point is, to hold our commanders in chief in the field responsible for each disciplinary proceeding undertaken by their subordinate commanders would set an impossible standard. It is impossible. Anybody looking at it would know it is impossible.

The latest communication from the Government accountability project is helpful in putting the issues surrounding Admiral Mauz in perspective. Allegations of misconduct are easily made, but before we adopt those allegations as fact, we need to think carefully. We must hold our military officers to a high standard. We must ensure allegations are investigated. Some are substantiated. Many are not.

Reading the latest letter from the Government accountability project, one would think Admiral Mauz was involved in the investigation, the review, and condoning improper racial remarks, but the facts are he was not.

Likewise, there was no evidence—no evidence—that he was involved in a reprisal against Senior Chief Taylor. We have to rely on the Navy to investigate these matters. We cannot become, in our committee, a factual arbiter trying to determine the facts in each case. If we do, we will never be able to perform our duties. That is, basically, an administrative or judicial function. The legislative bodies have investigating subcommittees. I head one and I know. I know something about what it takes to investigate in terms of the facts. You have to put people under oath. You have to swear them in. You have to have depositions, witnesses, you have to know what is happening in each case. You have to look at all the data so you can cross-examine.

This is not a normal function for a committee. Every now and then you get into it. The Judiciary Committee has gotten into it a couple of times when they, I am sure, would have preferred not to. Sometimes it happens. When it does, you better recognize and you better get yourself some investigators and investigative staff. You better put on your judicial outfits because it is a different kind of hearing.

You are trying to decide who is telling the truth in various situations. That is something we cannot do on nominations unless the executive branch has demonstrated they cannot handle it themselves. In those cases, sometimes we have to do it. But if it becomes the rule rather than the rare exception, then we are going to change the fundamental nature of the nomination process.

With respect to Lieutenant Simmons—and that is the focus, I know, of some very legitimate concern here on the floor—the evidence is that when the matter was brought to Admiral Mauz' attention, he took reasonable actions to monitor the investigation and he took reasonable actions to monitor the actions of subordinate commanders. He did not simply delegate this matter to subordinate command. He gave it his personal attention.

The direct involvement of his personal assistant for women's affairs, Comdr. Cathleen Miller, led to the prompt removal of the offending officer from Lieutenant Simmons' ship. Admiral Mauz personally intervened two times with the Chief of Naval Personnel to ensure Lieutenant Simmons was retained on active duty. She was a Reserve officer. He took that action twice. Through Commander Miller, his aide, he ensured that Lieutenant Simmons had an opportunity to communicate directly with his office throughout the conduct and review of this investigation.

He implemented a series of specific training and policy actions to combat sexual harassment. Some may argue he should have done more. Some may argue that. I do not agree. But it simply cannot be argued with any factual basis that Admiral Mauz turned a blind eye toward sexual harassment. The facts do not support that.

Mr. President, turning briefly to the motion. The motion is, as I understand the motion that has been made that we will vote on, is that the nomination of Henry J. Mauz, Jr., to retire in grade, be recommitted to the Committee on Armed Services with instructions to hold a public hearing on the nomination and not report the nomination back to the Senate until the committee holds the hearing.

The first observation I would make is to ask my colleagues, do we really want to have public hearings on these kind of matters? Do we want Admiral Mauz, who has served 35 years in his career, to come up when the committee by 22 to 0 has already reported that there is not a factual basis because the Navy has found there is not a factual basis—and we have relied on the Navy in the factual matters here—do we want to have a committee have the allegations come up and all be made again against Admiral Mauz and have him come up, pull him out of the Atlantic and say, "Come up and answer these things again. We have gone through this for 2½ months. We have your answers and the Navy's answers, but we want to do this in the public." Do we really want to do that?

I do not think we do. With respect to Lieutenant Simmons—she was a victim in this case, there is no doubt about that. She was a victim. She was mistreated. The people who mistreated her were dealt with. Maybe not as severely, maybe not as promptly as should have been done, but they were dealt with. They were dealt with. Admiral Mauz was not responsible for her victimization. He did what he could when it came to his attention to deal with it. Do we want her to come up? Do we want the doctor to come up who the Navy now tells us—the doctor who confined her—that he did not know about the sexual harassment charges?

Admiral Mauz did not know about the confinement. The doctor who confined her did not know she had brought sexual harassment charges. Do we want to have a public hearing? Do we really want to do that concerning Lieutenant Simmons and her private medical matters?

The committee made no judgment on any of that. We did not think it was necessary to make any judgment on her medical condition because she was an innocent victim. That would come up in terms of a defendant saying that she had some alleged medical problem. That would be a defense argument. She was the innocent victim from our point of view. She does not, in my opinion, deserve to be called up before the Senate. She testified before the House on the general issue of sexual harassment. I do not think her medical record was put into play there.

This is a matter of privacy. If she comes up and if the allegation is that Admiral Mauz was somehow behind the doctor's confinement of her for 3 or 4 days in some type of psychiatric environment, then her medical record has to be put in play and the doctor who made that decision is going to have to be brought up.

We are not talking about a day's hearing. We are talking about weeks. We are talking about weeks. I do not think we could finish this kind of hearing in any kind of responsible way in the next 2 or 3 or 4 weeks. I think the only responsible way to do an investigation the way this resolution envisions it is to take depositions. We have to know what is public and what is private. I do not want to be responsible, as the chairman of the committee, to have a doctor come up and talk about why he confined a patient without knowing in advance of what exactly he is going to say.

This means we have to take depositions. That is the only responsible way to do it. That is the way I run an investigative committee. We do not bring up witnesses without advance preparation. We do not bring people in to make allegations that we are not familiar with. We do not want to become a forum for people to take potshots at anyone else in a free publicity forum so that, without investigating in advance, we bring up a witness who can make any kind of charge. Those things have to be done in advance with affidavits and depositions.

My staff right here, with all the things going on in the world, some of my key people have spent the last 6 days not doing anything but working on nominations—not just this one, but this has been one of the main ones.

Mr. President, there are responsible ways to have hearings. I think the Senate of the United States learned it is difficult to have a factual kind of dispute before the Senate of the United States in a committee. The Judiciary Committee found that out in the Anita Hill case. You have to know when to go into a private hearing. You have to know when matters go into the personal reputation of individuals which, in accordance with the Senate rules, allow closed hearings.

Closed hearings, under the Senate rules, are hearings where the committee has the authority to make a determination—and I think responsibility—"when matters will tend to charge an individual with crime or misconduct or disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or will represent a clearly unwarranted invasion of the privacy of an individual."

Mr. President, if we have hearings on this matter, I can assure you that we are going to have to do it correctly. If we have hearings on the matter, we are not going to go in and just bring up witnesses. You have to have some idea of where you are going in a hearing and what has to be closed and what gets into invasion of privacy. The very people who are basically being addressed here in terms of concern could end up being the very people who have their own rights of privacy violated.

Mr. President, there is a lot more to this than people might think. There are all sorts of other reasons why I differ with this motion. I disagree with the suggestion that the committee did not do everything we were supposed to do and can do in this case. We have spent 3 months on it.

The committee adhered to our well-established procedures to ensure appropriate review of the allegations concerning Admiral Mauz by both the Department of Defense and the committee. The Navy provided detailed responses to the allegations concerning Admiral Mauz. With respect to the allegations concerning Lieutenant Simmons, the Navy concluded: "Admiral Mauz did not suppress the evidence of any inquiry, did not fail to take corrective action on behalf of Liuetenant Simmons, nor did he fail to follow proper procedures in inquiring into allegations." With respect to the allegations concerning Senior Chief Taylor, the Navy concluded: "There is simply no basis whatsoever for any claim that Admiral Mauz took a personal interest in the case involving Senior Chief Taylor." The material provided by the Navy cites detailed, specific facts in support of these conclusions.

The committee in this case relied on the procedures it has used in the past, both with respect to nominations that have been recommended for approval and nominations that have been rejected. There has been no showing that the circumstances of the Mauz nomination require the use of different procedures.

We have answered or gotten answers to every question that has been asked. To bring Admiral Mauz back in here now and to put him up on the witness stand in front of the committee in public and have him basically again have to go over everything and all these allegations, when we already have gotten answers to each allegation, just does not make any sense.

Mr. President, I will not belabor the point. There are other people who want to speak on this matter. I would just conclude by saying that I think it would be unfair to Admiral Mauz, as well as others, to have such a proceeding. He has served his country faithfully and with distinction for over 35 years, including combat services in Vietnam, as well as in key operational roles in the Mediterranean and the Persian Gulf. He continues to serve as Commander in Chief of the Atlantic Fleet. He has been there when America needed him over the years, and he is right there now when America needs him.

His service has not been perfect or without fault. I doubt if there are many officers or many of us who have served without fault. In his case, his lack of perfection was demonstrated by the counseling he received in connection with travel to the Bermuda Naval Air Station. In my judgment, however, that lapse in judgment pales in significance when compared to his 35 years of outstanding service. His retirement should be a time to honor his service, while certainly looking at any allegations against him, which we have done.

A public hearing on this nomination, regardless of the result, I think would be a very bitter and undeserved end to that career. In my judgment, a public hearing at this time on allegations which have been found to be unsubstantiated in accordance with the committee's standard procedures would be inappropriate.

So I oppose the motion on the nomination. I wish to also include in the RECORD Secretary of Defense Bill Perry's letter to the committee dated September 12. Secretary Perry, speaking for the Clinton administration, stated:

> Admiral Mauz has served his nation for over 35 years. His proven record of exemplary service has * * * clearly earned the honor of retirement with four stars.

Secretary Perry added:

> Admiral Mauz's relief has been confirmed by the full Senate and is ready to assume command. The operational demands of the Atlantic Fleet area of responsibility make it essential that we proceed with a smooth and timely transition. I strongly endorse the administration's and the committee's recommendation that Admiral Mauz be confirmed to retire in his four star grade and request expeditious Senate action.

Mr. President, this is not simply the Navy supporting Admiral Mauz. This is also the Secretary of Defense. Now, I am the first one to say, when the military is wrong, when the Navy is wrong, when the Secretary of Defense makes errors, this committee has a responsibility to correct them. We have no information that would lead us to conclude that the Secretary of Defense, the Secretary of the Navy, or the Chief of Naval Operations have made errors. We have no indication of that. In another case we do have indications they made errors, the Glosson case. We sent it back for another whole review with an independent panel. We did not try to resolve all that factual dispute ourselves. We sent it back over to the Department of Defense because we did not think they had done an adequate job and asked them to have an independent panel.

In this case, there is no indication that the Navy or that the Secretary of Defense or others in the responsible overall command did not do a thorough job of investigating each of these allegations, and I hope that our colleagues will agree that this nomination should be approved and approved today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the retirement in grade confirmation of Admiral Henry H. Mauz, Jr. will be debated and voted on by the full Senate some time this week.

Admiral Mauz has served his nation for over thirty-five years. His proven record of exemplary service has included combat and positions of significant responsibility. Notably, Admiral Mauz commanded River Patrol Boats during the war in Vietnam, commanded USS AMERICA Battle Group in 1986 during the air strikes against terrorist related targets in Libya, served as Commander, U.S. Naval Forces Central Command during Operation Desert Shield, and, as Commander in Chief, U.S. Atlantic Fleet, has been responsible for operations ranging from the Arctic North to South America, including Haiti, Cuba and the War on Drugs. Admiral Mauz has clearly earned the honor of retirement with four starts.

This nomination was sent to the Senate four months ago and was cleared by the Armed Services Committee last month by a unanimous vote. Recently, a recorded vote on the confirmation was requested because of the allegations raised by two Navy servicemembers. These cases were exhaustively addressed by the Department of the Navy prior to submission of the confirmation, and the specific subsequent allegations were investigated in response to several queries from the Committee. After its own thorough investigation, the Committee concluded that these allegations were unsubstantiated.

The Administration believes that the Committee has conducted a thorough and impartial investigation of this matter and agrees with the Committee's conclusions that further inquiry is simply not warranted.

As you know, Admiral Mauz's relief has been confirmed by the full Senate and is ready to assume command. The operational demands of the Atlantic Fleet are of responsibility make it essential that we proceed with a smooth and timely transition. I strongly endorse the Administration's and the Committee's recommendation that Admiral Mauz be confirmed to retire in his four star grade and request expeditious Senate action.

I have sent a similar letter to Senator Thurmond.

Sincerely,

WILLIAM J. PERRY.

EXHIBIT 1

GOVERNMENT ACCOUNTABILITY
PROJECT, NATIONAL OFFICE,
Washington, DC, September 9, 1994.

DEAR SENATOR: The Government Accountability Project (G.A.P.) is a non-profit, whistleblower protection organization. G.A.P. is gravely concerned about the pending retirement of Admiral Henry Mauz at the four-star level. Admiral Mauz has repeatedly failed to discipline officers in his command who have been found guilty of racial, sexual and whistleblower harassment.

Attached is documentation of Admiral Mauz's failure to hold an officer in his command accountable for an outrageous pattern of racial harassment and discrimination. The case involves Petty Officer Steven Barr, a 17-year veteran of the U.S. Navy with an unblemished record. Although the Navy did remove a retaliatory adverse performance evaluation from Petty Officer Barr's record, the Navy's statement that, "Appropriate corrective action has been taken" is incorrect. Admiral Mauz took no action to discipline Commander Brower. Admiral Mauz allowed Commander Brower to retire honorably, without any disciplinary action, at full pay and benefits.

Please read these excepts from the Navy's investigation into Commander Brower's record of racial harassment and decide if Admiral Mauz did the right thing.

Admiral Mauz's turning a blind eye toward racial harassment is demonstrative of a larger pattern. As G.A.P. has informed the Senate, Admiral Mauz has a history of failing to hold officers accountable for their actions of sexual and whistleblower harassment:

Lieutenant Darlene Simmons was sexually harassed aboard the U.S.S. Canopus in 1992. Despite her requests for relief that she filed up the chain of command—all the way to Admiral Mauz—she was forced to endure a retaliatory psychiatric lock-up and remained under her harasser's command for weeks. Although Simmons was ultimately vindicated and received a letter of apology from the Secretary of the Navy, Admiral Mauz failed to punish the officers responsible.

Senior Chief George Randell Taylor blew the whistle on the improper use of Naval Air Station Bermuda as a resort for high-level Navy officers and specifically implicated Admiral Mauz. Since his transfer to Port Hueneme, California, Taylor has been a target for harassment that includes being charged with forty-eight counts of dereliction of duty. Although Taylor has been cleared of any wrongdoing, G.A.P. has evidence that Admiral Mauz has directly and improperly interfered in Taylor's case.

These cases demonstrate that Admiral Mauz has repeatedly condoned violations of the law and naval regulations by officers in his command. Unfortunately, the Senate Armed Services Committee has never held a hearing concerning Admiral Mauz's record. His lack of respect for the law—and sailors who report violations—offers ample justification for the Senate to deny the high honor of four-star retirement.

Thank you for your consideration. Further documentation of the cases involving Petty Officer Barr, Lieutenant Darlene Simmons and Senior Chief Taylor are available upon request. Please contact Jeff Ruch or Christy Law at G.A.P. if we may be of further service.

DEFENSE/NAVY HOTLINE COMPLETION REPORT AS OF 3 AUGUST 1992

1. Name of Official Conducting the Investigation;

2. Rank and Grade of Official;

3. Duty Position and Contact Telephone Number of Official;

4. Organization of Official;

5. Hotline Control Number: DOD Hotline 920483

6. Scope of Examination, Conclusions, and Recommendations:

a. An unidentified caller made allegations concerning racial statements made by Commander Michael R. Brower, USN, Commanding Officer, Air Anti-Submarine Squadron Two Two (VS-22). The source alleged that Commander Brower made racial statements such as the following:

"Black personnel should be concerned about drugs because all blacks do drugs and sooner or later they will be wiped off the planet."

In conjunction with the Dr. Martin Luther King holiday during which the squadron was in a working status, "I do not have any blacks in VS-22, just sailors."

"I am the White Knight of this squadron."

"Drugs came to this country from black musicians who performed overseas and brought drugs back to us."

While talking to a junior officer who said he may have the HIV virus, "I will make you a tall black basketball player, then you can have AIDS."

Routinely telling black personnel, "You are a credit to your race," or if a black service member came to mast, "You are a disgrace to your race."

Used the term "nigger".

During a meeting of first class petty officers at which a report that a black airman had allegedly stolen a car was mentioned, "Black petty officers should hold their heads down because it does not look good on you that a black person stole."

"I am now your Great White Father."

"Blacks are more likely to do drugs than anyone else."

b. It was alleged that Commander Brower ordered certain personnel to go to schools to talk about Black History Month because Commander Brower knew he was in trouble.

c. It was alleged that Commander Brower was unfair towards * * *

d. AMH1 Steven A. Barr, USN, alleged unfair treatment as a result of a special adverse evaluation and withdrawal of AMHC recommendation resulting from his inability to complete Enlisted Aviation Warfare Specialist (EAWS) qualifications within Commander Brower's time-frame.

e. An investigation of each allegation was completed. The investigation consisted of review of available documents as well as personal interviews with 35 squadron personnel. The persons interviewed included individuals of all ethnic backgrounds.

h. Findings as to allegations that racial statements were made.

(1) A substantial number of the personnel interviewed indicated they heard Commander Brower say some of the alleged statements in some form. Additionally, some interviewees reported hearing Commander Brower make the following additional statements:

(a) Refer to various squadron members as a "fat nigger", "black nigger", and "jew boy."

(b) "Catholics are fish-eaters. Non-catholics are pagans."

(2) Various motivations were attributed to these statements. Some personnel believe Commander Brower to be a racist, others believed he was trying so hard not to be a racist that he wound up sounding like one.

(3) There was a climate within the command that allowed a perception that racism existed. Interviewees reported that other people, particularly * * * used terms like "nigger" and "blue gums" without any adverse consequences.

i. Findings as to the allegation that AMH1 Barr was given an unwarranted adverse evaluation.

k. Additional findings:

(1) Commander Brower's Change of Command was 22 April 1992. He is presently under training for ultimate assignment as the Air Department Head on board USS CONSTELLATION homeported in San Diego, California.

(2) * * *A number of enlisted personnel stated that they were embarrassed during the endless "dressing down" of junior officers that occurred in their presence. Several enlisted personnel stated he would turn to them and say, "I eat officers for breakfast." Junior officers were afraid to bring anything controversial up the chain of command. Feelings of racial disharmony would not be discussed up the chain of command. This further alienated enlisted personnel.

(3) Commander Brower has submitted a Letter of Retirement to be effective June 1993.

DEPARTMENT OF THE NAVY,
NAVAL INSPECTOR GENERAL,
Washington, DC, July 30, 1993.

AMH1 STEVEN BARR, USN,
Jacksonville, FL.

DEAR PETTY OFFICER BARR: I am responding to your complaint of reprisal and inappropriate racial behavior on the part of Commander Brower, your former Commanding Officer at VS-22.

An investigation conducted at my request by the Commander in Chief, U.S. Atlantic Fleet, found your allegations to be substantiated. Appropriate corrective action has been taken. Additionally, I have been informed that the adverse performance evaluation that was drafted by CDR Brower was never issued to you. My staff confirmed with BUPERS that the performance evaluation was not submitted; however, there is no record of a performance report for that same period of time (1 Dec 91–3 Apr 92). I would appreciate it if you would provide my office with a copy of the evaluation you eventually received for the time in question.

Pursuant to DOD Directive 7050.6, I have enclosed a redacted copy of the report of investigation for your information and retention. Be assured that the Navy will not tolerate such improper behavior on the part of commanding officers, nor will it allow any type of reprisal against sailors reporting the improper behavior.

Thank you for bringing this matter to my attention.

Sincerely,

D.M. BENNETT

THE SECRETARY OF THE NAVY,
Washington, DC, September 13, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding at the request of your Committee to the Government Accountability project letter of September 9, 1994 which raises allegations regarding Admiral Mauz's involvement in the case of Petty Officer Steven Barr. Petty Officer Barr initiated this case with a call to the Naval Inspector General on April 10, 1992. Admiral Mauz assumed command of the Atlantic Fleet on July 13, 1992.

Petty Officer Barr's complaint to the Naval Inspector General concerned racially insensitive comments made by his then-Commanding Officer of Air Anti-Submarine Squadron Twenty Two (VS 22), Commander Brower. The Naval Inspector General assigned the investigation to the Atlantic Fleet Inspector General who, in turn, assigned the investigation to Commander, Strike-fighter Wings, Atlantic (COMSTRKFIGHTWINGLANT), the first flag officer in the chain of command.

The investigation was completed on August 3, 1992 and forwarded via the chain of command to the Naval IG by Commander, Strike-Fighter Wings, Atlantic on August 10, 1992. In enclosure (1), COMSTRKFIGHTWINGLANT concluded that some of the statements alleged to have been made by Petty Officer Barr's commanding officer were substantiated. COMSTRKFIGHTWINGLANT personally counselled Commander Brower on August 6, 1992 regarding ". . . his unacceptable use of language and his insensitivity to the creation of a command environment unquestionably supportive of equal opportunity . . . ."

The results of the investigation were forwarded by enclosures (2) and (3) to the Naval Inspector General. The Naval IG approved the results of the investigation involving the actions taken against Commander Brower, closed the case and informed Petty Officer Barr of the results. As noted by the informed Petty Officer Barr of the results. As noted by the CINCLANTFLT IG in enclosure (3), Commander Brower was no longer in command and had submitted a Letter of Retirement, on April 22, 1992, to be effective June 1993. Commander Brower's change of command was also on April 22, 1992, 12 days after Petty Officer Barr's complaint to the Naval IG.

This case was appropriately addressed by the Naval Inspector General and the chain of command. There were three levels of command between CINCLANTFLT and the Commanding Officer of VS 22. Admiral Mauz had no personal involvement with this case and acted appropriately in relying on officers and flag officers within his chain of command to resolve the matter. It is important to note that the Naval Inspector General letter of July 30, 1993 (included in the GAP letter) advised Petty Officer Barr of the results of the investigation. Petty Officer Barr has never expressed concern or dissatisfaction of the Naval IG with the results or the outcome of the investigation.

In sum, after reviewing the allegations raised by the Government Accountability Project and the Navy's actions, I am satisfied that Admiral Mauz had no personal involvement with this case and that it was handled by the Naval Inspector General and the chain of command.

I have sent a similar letter to Senator Thurmond.

Sincerely,

JOHN H. DALTON.

Mr. NUNN. Mr. President, I ask unanimous consent that correspondence concerning the Mauz nomination be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Sept. 12, 1994]

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, July 11, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: On behalf of the Government Accountability Project (GAP) I am writing to bring information to the attention of your committee bearing on the merits of the retirement of Admiral Henry Mauz at the "four star" level.

GAP is a non-partisan, non-profit whistleblower protection organization. GAP provides legal representation and other support services to workers both within and outside federal service. Two of our clients, Senior Chief Master-at-Arms George R. Taylor and Lt. Darlene S. Simmons, JAGC, USNR, have had direct, recent experiences with Admiral Mauz and their letters are attached for your consideration [Attachments 1 and 2].

As Senior Chief Taylor's letter indicates, Admiral Mauz misused government facilities and property at the Bermuda Naval Air Station for his and his family's personal use. When these actions were brought to public attention, Admiral Mauz and his staff retaliated against Taylor, stripping him of his duties and attempting to prosecute him for insubordination. Following his transfer to the base at Port Hueneme, California, Taylor was faced with a 48-count court martial on a supposedly unrelated matter. This incident was closely monitored by Admiral Mauz's legal staff for the Atlantic Fleet. All charges against Taylor were subsequently dismissed.

As Lt. Simmons's letter indicates, Admiral Mauz was aware of sexual harassment against Lt. Simmons and the failure of her command to take proper action. Admiral Mauz suppressed the findings of his own command's inquiry into the issue. Despite his personal involvement and knowledge of the situation, Admiral Mauz failed to order any corrective action to be taken on behalf of Lt. Simmons. Finally, the Vice Chief of Naval Operations, Admiral S.R. Arthur, refused to accept a formal complaint from Lt. Simmons alleging dereliction of duty in violation of the Uniform Code of Military Justice against Admiral Mauz.

While the Secretary of the Navy, John H. Dalton, recently ordered corrective action on behalf of Lt. Simmons (an apology, clearing her record, a new duty station and letters of censure for three officers in her former chain of command [see Attachment 3]), no action was taken against any flag commander who was responsible for the ongoing development of this situation over several months.

Besides reprisal for the reporting of wrongdoing, there is one additional common element in these two cases—the role played by the Inspector General of the Atlantic Fleet to cover up the nature and extent of the underlying problems and prevent any further remedial actions.

These two cases, in our minds, bear directly on the merits of the decision before your committee with respect to the appropriate level of retirement grade for Admiral Mauz.

Regardless of how this particular question is resolved, it is clear that the system of accountability within the military and the Military Whistleblower Protection Act, in particular, are broken and in dire need of repair. GAP strongly urges that a comprehensive review of these issues be undertaken by the Armed Services Committee as soon as it is practicable.

Cordially,

JEFFREY P. RUCH,
Policy Director.

PONTE VEDRA, FL,
July 8, 1994.

Senator SAM NUNN,
Chairman, Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NUNN: I am writing this letter to express my concern that Admiral Henry Mauz may retire at the Four Star Level, a distinction indicative of extraordinary service. I request that during the deliberation process of this issue the information regarding Admiral Mauz's involvement in the handling of my sexual harassment case be considered. I believe Admiral Mauz was (1) Derelict in his Duty through his culpable inefficient and negligent handling of my case of sexual harassment. (2) Admiral Mauz failed to act on my report of sexual harassment, retaliation and reprisal. I specifically report to you that Admiral Mauz failed to follow those procedures directed by the Department of Defense and the Department of the Navy. (3) Admiral Mauz in his position as Commander In Chief of the Atlantic Fleet Mauz intentionally allowed sexual harassment, retaliation and reprisal by senior officers in my chain of command to go unchecked. Admiral Mauz used his official position to protect those guilty of sexual harassment and then to cover up his inefficient handling of the matter.

Admiral Mauz had knowledge in October 1992 that I was sexually harassed. This harassment was substantiated by a member of his staff, Commander Cathleen Miller. Admiral Mauz was also aware of the failure of my chain of command to handle the matter from May 1992 until October 1992. A command inquiry was conducted in October 1992. This command inquiry substantiated the sexual harassment which I had reported in May 1992. The command inquiry also substantiated the existence of a hostile environment in which I worked from May 1992 until October 1992. Admiral Mauz was familiar with those substantiated facts and took no action.

On December 28, 1992 I suffered reprisal for my report of sexual harassment when I received an adverse fitness report. I reported this retaliation and reprisal directly to the aide of Admiral Mauz. I was assured on that same day that Admiral Mauz was personally involved and that proper corrective action would follow. I relied in good faith on these assurances. My good faith reliance was not justified. Instead of taking corrective action the reprisal was covered up. Admiral Mauz was personally involved in this negligent handling of my report of reprisal. Admiral Mauz was the highest level of leadership in my chain of command.

I then reported the failure by my entire chain of command to properly handle my report of sexual harassment and reprisal to the Department of Defense, Inspector General's office. This report was then referred to the Navy Inspector General. I believe that Admiral Mauz used his position to influence the report from the Navy Inspector General's office in order to protect himself because he knew that he and the chain of command had failed to take appropriate action in my case of sexual harassment.

I actually swore to these facts on a charge sheet for violation of the Uniform Code of Military Justice Article 92 by Admiral Mauz. This charge sheet and supporting memorandum was returned to me without any investigation whatsoever. This too was inappropriate and not in accordance with applicable instructions and orders.

I believe Admiral Mauz has perpetuated the discrimination against women in the U.S. Navy with his failure to take swift and tough action against sexual harassment. I believe his failure to hold anyone accountable in my case of sexual harassment was Dereliction of his duties. One who is derelict in the performance of duty should not be rewarded for extraordinary service.

Sincerely,

DARLENE S. SIMMONS.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, May 12, 1994.

Lt. DARLENE S. SIMMONS, JAGC, USNR,
Naval Legal Service Office, Naval Station, Mayport, FL.

DEAR LIEUTENANT SIMMONS: I am writing to discuss your future in the U.S. Navy. Before doing so, however, I wish to express my profound regret over the harassment that you unfortunately experienced. No one in our Navy or Marine Corps should be treated as you were. My goal is to send the message to every Sailor, Marine, and civilian in our Department that we are to treat others with the same respect and dignity we expect ourselves.

I believe we have made significant progress during the past 18 months to implement a comprehensive program aimed at eliminating sexual harassment from the workforce. As you know, we issued our revised policy guidance in January 1993 and also established an Advice and Counseling Line and an Informal Resolution System. Our Department-wide Reporting and Tracking System will provide us with information on formal complaints, results of investigations and administrative and judicial actions taken to resolve complaints. In March, we released the "Commander's Handbook," a single reference for commanders that addresses investigation, resolution, and prevention of sexual harassment. I thank you for your lessons learned, which were integrated into the first edition. While we have done much, I realize we still have far to go.

After you testified, I directed my staff to thoroughly review the circumstances of your case. Our review leads me to conclude that: you were sexually harassed by a fellow officer aboard USS CANOPUS; he retaliated against you by fostering a hostile work environment and polarizing the wardroom against you; the shipboard chain of command did not correct this environment; and your fitness report for the period 9 February 1992 to 28 December 1992 was improperly handled by the command.

As a result of my review of your case, I am issuing a Secretarial letter of censure to the officer who committed the harassment. The Chief of Naval Operations is also taking action with regard to two other officers in your former chain of command who did not measure up to our standards.

With regard to your specific situation, I recognize that your harassment, and the energy required on your part to address issues springing from it, impaired your ability to demonstrate fully what you can contribute to the Navy. Therefore, I have directed that the Navy make available to you the option to transfer to a new duty station with orders that you be retained on active duty until 1 September 1996. This represents an additional two years beyond the date currently established for your departure from active duty, and will afford you the opportunity to compete again for augmentation to the Regular Navy.

I have been informed that you have applied to the Board for Correction of Naval Records (BCNR) in accordance with 10 U.S.C. 1552 to correct any injustice in your performance records. I have final authority to review the BCNR's recommendation and will direct action to correct your military record as necessary.

While my actions can never wipe the slate clean, they reflect my genuine desire that you have the opportunity to continue to serve, if you wish. Should you nevertheless decide to leave active duty on 1 September 1994, however, I want you to know that you have my respect and gratitude for your Navy service.

I have directed Rear Admiral H.E. Grant, the Judge Advocate General of the Navy, to meet personally with you to discuss your decision.

JOHN H. DALTON,
Secretary of the Navy.

July 8, 1994.

Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR SENATOR NUNN: I would like to introduce myself. My name is George R. Taylor. I am a Senior Chief Petty Officer (E–8) currently on active duty with the U.S. Navy stationed at the U.S. Naval Construction Battalion Center, Port Hueneme, California. Additionally, I am a whistleblower.

Sir, In December 1992, I blew the whistle on fraud, waste, and abuse concerning mismanagement at the U.S. Naval Air Station Bermuda. I would like to give you a very brief rundown on some of the events that transpired and are continuing to unfold in regards to Admiral Henry Mauz Jr., USN, Commander in Chief, U.S. Atlantic Fleet.

In November 1992, Admiral Mauz abused his power and authority as CINCLANTFLT by traveling to NAS Bermuda along with 12 other military and civilian personnel for a five day vacation.

Admiral Mauz was flown to Bermuda at government expense along with the other personnel. During his time on the island, his entire "official" visit consisted of playing golf, dining in the best restaurants, and shopping. This was in fact exposed on national television on ABC New's "Primetime Live" program. I appeared on the show and commented on the behavior of not only Admiral Mauz but numerous flag officers within the Armed Forces who had visited the beautiful island at taxpayer's expense. Additionally, Senator McCain had visited the island with a large group of family members and the nanny for his grandchildren all at taxpayer's expense or at a reduced rate.

As you know, this was not a popular thing for me to do. I was not politically correct. Needless to say, numerous high ranking officers within the Department of Defense were offended. Representative Schroder made arrangements for me to be transferred to NCBC Port Hueneme, CA. I was very naive, I believed in the system. However, I have very little faith left at this time. During the past 18 months numerous things have occurred that in my opinion and the opinion of my attorney have been nothing short of criminal.

Admiral Mauz in my opinion has not only abused his power but is a disgrace to the uniform of the Naval Service. He was a key player in me being charged with over 48 offenses of violating the Uniform Code of Military Justice in a supposed "unrelated to Bermuda situation". His attorney requested and received all legal documents and a brief in regards to my status. All charges were dismissed by Admiral Kelley, CINCPACFLT, 8 months later. Admiral Mauz took a personal interest in the prosecution of a case where nothing had been done wrong.

Senator, there is no doubt that if you or I committed some of the things that Admiral Mauz has, we would have been ran out of town.

As you know, the Navy has gone through a lot. However, I do believe with the current leadership in the Navy things will improve, but in order to correct wrongs and to ensure that senior, military officers do not continue to abuse their power and authority, you should take the lead in retiring Admiral Mauz at a two-star level.

You sir, are in the position to send a message to the entire Armed Forces announcing that misconduct at any level will not be tolerated, also that everyone in the Armed Forces from E1 to O–10 will be held accountable for their actions.

Sir, if you or your staff needs additional information feel free to call me at (805) 388–3915 or my attorney, Jeff Ruch at (202) 408–0034.

Very Respectfully,
GEORGE R. TAYLOR,
MACS(SW) USN.

CHIEF OF NAVAL OPERATIONS,
July 27, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of July 21, 1994 to the Secretary of the Navy which enclosed a letter from the Government Accountability Project, concerning the retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy. I have reviewed the letter as well as the letters from Lieutenant Darlene Simmons and Senior Chief George Taylor that were included. It is my judgment that the allegations in these letters are not correct. Admiral Mauz has served faithfully and well in every assignment including this final one as a four star officer and deserves to retire in grade.

Before turning to these allegations, I want to state that Admiral Mauz is completing a career that exceeds thirty-five years of dedicated service to our Nation. He is scheduled to retire and desires to do so. His relief has been confirmed and is ready to assume the duties of Commander in Chief, U.S. Atlantic Fleet. Admiral Mauz's plans to enter the next phase of his personal and professional life are being delayed as is the assumption of command by the relieving officer. Admiral Mauz's performance has been outstanding throughout his career including, especially including, this final tour as Commander in Chief, U.S. Atlantic Fleet.

With regard to LT Simmons, Admiral Mauz did not suppress the evidence of any inquiry, did not fail to take corrective action on behalf of LT Simmons, nor did he fail to follow proper procedures in inquiring into allegations. Further, the Inspector General of the Atlantic Fleet did not cover-up the nature and extent of underlying problems nor prevent appropriate remedial action in the case.

The case of LT Simmons is an involved one with several complaints, overlapping in time, and inquiries that took place over nearly two years. It is clear that in 1992 LT Simmons was sexually harassed while stationed aboard USS CANOPUS (AS–34). While serving as Legal Officer in that ship she received repeated requests for dates and comments about her physical appearance from another officer who was one rank senior to her and with whom she worked closely in the performance of her duties.

The case was initiated at the shipboard level on 1 June 1992, when LT Simmons reported to the ship's Executive Officer that she was being sexually harassed by another officer. The allegations involved repeated requests for dates and comments about her physical appearance. On 5 June 1992, the officer was counseled and administrative action was taken. He requested retirement from the Navy as was his prerogative.

Unfortunately—and unacceptably—an atmosphere of harassment and hostility persisted, particularly as the retirement of the officer involved was not effective until April 1993, and he remained on duty on the ship. On 9 October 1992, an anonymous DOD IG hot line call and a call by LT Simmons to Congresswoman Schroeder and to the then Assistant Secretary of the Navy, Barbara Pope, raised the visibility of this case.

Admiral Mauz responded promptly when informed of the matter as a result of these calls. To assure fairness and high-level attention, he directed his Special Assistant for Women's Affairs, CDR Miller, to join an investigation by COMSUBGRU 10. Following a briefing by Commander Miller, the offending officer was moved off the ship by the Commanding Officer in October 1992. The CO assembled all officers and told them that LT Simmons had been sexually harassed, condemned this behavior, and emphasized that any harassment would not be tolerated.

LT Simmons states in her letter that Commander Miller substantiated the sexual harassment. That is true. There is no question that LT Simmons was sexually harassed. As the Commander in Chief, U.S. Atlantic Fleet, Admiral Mauz acted promptly and appropriately. He directed the necessary actions to ensure a thorough and timely response to LT Simmons's allegations. The expeditious assignment of Commander Miller to examine the case and ensure that LT Simmons had a direct conduit to his clearly substantiates his personal concern and direct involvement in investigating LT Simmons's allegations.

Nor was this the end of Admiral Mauz's concern. In December 1992, Admiral Mauz returned to this matter. He personally intervened with the Chief of Naval Personnel to extend LT Simmons on active duty and assure her assignment to another command.

At this time also, LT Simmons complained that her transfer fitness report was issued in reprisal. The Inspector General investigation, completed in the spring of 1993, substantiated LT Simmons's original allegations of sexual harassment and also concluded the Commanding Officer of CANOPUS failed to recognize the development of a hostile command climate. Accordingly, the Commanding Officer was counseled by his immediate superior. While the Inspector General concluded the fitness report was not reprisal, the Secretary of the Navy later concluded that he would review, through the Board for Correction of Naval Records, any alleged injustice in her military record and that LT Simmons would be given the option of a new duty station with orders retaining her on active duty until September 1996. The Secretary stated that his decision was based on his recognition that "* * * your [LT Simmons] harassment, and the energy required on your part to address issues springing from it, impaired your ability to demonstrate fully what you can contribute to the Navy." The Secretary's action in correcting the fitness report, intended to provide LT Simmons with an opportunity to continue her naval career, was a decision that only the Secretary is empowered to make.

On his own initiative, Admiral Mauz returned to this matter for a third time in 1993. In a series of actions he manifested his concern that improvements should be made in handling cases of this kind. To effect change in this regard, Admiral Mauz, in April of 1993, issued a policy statement for the "Prevention of Sexual Harassment" to all Atlantic Fleet activities. It addressed Department of the Navy policy and the need for training in place. It tasked every manager, supervisor, and employee, military and civilian, within Admiral Mauz's command with the responsibility for carrying out the DON policy on prevention of sexual harassment.

In June 1993, Admiral Mauz signed a combined LANT/PACFLTINST 5354.1 (Equal Opportunity) that revised the Command Managed Equal Opportunity program and incorporated sexual harassment requirements from a new SECNAVINST.

In September 1993, Admiral Mauz issued a PERSONAL FOR to ensure each commander was cognizant of the contents of the combined LANT/PAC Equal Opportunity instruction. He directed each commander to review the implementation of the program, including sexual harassment, in his command to ensure compliance. ISIC's were directed to include this as a special interest item for command inspections, and were directed to utilize Equal Opportunity Program Specialists in their inspections to the maximum extent possible.

Going well beyond normal bureaucratic requirements, in April 1994, Admiral Mauz returned to this matter again. To assure that fleet priorities and procedures would be as good as they could be, he personally conducted a training session for all flag officers assigned to the Atlantic Fleet. The subject was a case study in sexual harassment, and on addressing it, Admiral Mauz used both information obtained from the inquiry about LT Simmons case and information provided by LT Simmons herself. Finally, Admiral Mauz recognized that additional training was needed beyond what the initial curriculum in sexual harassment provided. Accordingly, he directed the development and distribution of a kit to assist commanders with the investigation and disposition of sexual harassment complaints. This kit formed the nucleus for the newly published Navy Sexual Harassment Handbook.

In January 1994, LT Simmons forwarded allegations of criminal dereliction by Admiral Mauz in the handling of her case. As the facts of the case did not, in fact, justify criminal charges, they were determined to be more appropriate for resolution under the provisions of Article 1150, U.S. Navy Regulations, Redress of Wrong Committed by a Senior, than under the Uniform Code of Military Justice (UCMJ). The allegations were accordingly returned to LT Simmons by the Vice Chief of Naval Operations, on advice of counsel, for forwarding as a matter under Article 1150. In response, LT Simmons indicated she did not desire to pursue an Article 1150 complaint. Nevertheless, LT Simmon's allegations were referred to the Naval Inspector General. The Inspector General found the allegations against Admiral Mauz to be without merit. Admiral Mauz did not influence or attempt to influence, the Inspector General's decision in this matter.

With regard to Senior Chief Taylor, the allegation that Admiral Mauz influenced the charges against Senior Chief Taylor after Senior Chief Taylor arrived at Port Hueneme, California, is without basis.

By way of background, there were charges brought against Senior Chief Taylor after he began his tour of duty in California. These charges addressed irregularities in the manner in which Senior Chief Taylor performed his duties. Senior Chief Taylor declined to have his case heard under Article 15 of the UCMJ, as was his right. As a result, charges were referred to a special court-martial. After charges were referred, Senior Chief Taylor's chain of command in the Pacific decided it was appropriate to move the case out of the Port Hueneme area to ensure an independent review of the case. Accordingly, the charges were considered by a Flag Officer in command in the San Diego area.

Following a newspaper account which stated that the charges against Senior Chief Taylor had been withdrawn in response to allegations of retaliation for his whistle-blowing activity in Bermuda, Admiral Mauz's Executive Assistant asked the senior Staff Judge Advocate to call his counterpart at Port Hueneme for additional information. A call was made and the situation was clarified. The senior Staff Judge Advocate verbally reported his findings to the Executive Assistant who then back briefed Admiral Mauz as to the action he had taken. There was no influence on the case and, in fact, the charged has already been withdrawn at the time of the call.

Subsequently, unbeknownst to either the senior Staff Judge Advocate or Admiral Mauz, a junior Staff Judge Advocate obtained a copy of the defense motion that was the basis for withdrawal of the charges, as well as a copy of the charge sheets, from a friend who was then Officer in Charge, Navy Legal Service Office, Port Hueneme. The Officer in Charge believed that in providing that documentation, he was responding to an official request from Admiral Mauz's staff and acting quite properly he informed Senior Chief Taylor's military counsel of the actions he had taken to comply with that request. While these documents were shared with the senior Staff Judge Advocate, he did not speak of them to any other staff member. Clearly, the junior staff Judge Advocate's inquiry and receipt of documents did not stem from Admiral Mauz. In fact, Admiral Mauz did not become aware of the documents until their existence was revealed during my inquiry into Senior Chief Taylor's allegation preparatory to making this letter response. In this vein, Admiral Mauz's statement to Navy Times on July 21, 1994, that "I don't really recall this, but I think I said ok," to an inquiry regarding the newspaper account was not an accurate recollection. In fact, Admiral Mauz's Executive Assistant states that he, independently and without Admiral Mauz's knowledge, instituted that lawyer's inquiry into the newspaper article. These matters taking place after the withdrawal of charges at Fort Hueneme, could not have had any impact in any event.

The San Diego commander convened an Investigation under Article 32 of the UCMJ to inquire into the matter and make recommendations as to the appropriate disposition. The senior Judge Advocate assigned to conduct the Article 32 Investigation concluded there were reasonable grounds to believe that four offenses should be charged, with a total of seven specifications thereunder. The senior Judge Advocate recommended that the charges be adjudicated under Article 15 of the UCMJ, but noted that should Senior Chief Taylor decline Article 15, referral of the charges to special court-martial would be appropriate. The Commander in Chief of U.S. Pacific Fleet, however, determined that the nature of charges did not warrant referral to court-martial and directed counseling as the appropriate remedy, thereby closing the case.

In summary, Admiral Mauz was not involved in Senior Chief Taylor's case in California. He played no role in the charges themselves or in the disposition of the charges.

Senior Chief Taylor had accused Admiral Mauz of misconduct with regard to Admiral Mauz's travel to Bermuda. As a result of Senior Chief Taylor's allegations regarding Admiral Mauz's travel to Bermuda, the Naval Inspector General conducted a complete and thorough investigation. The investigation did not disclose any misuse of government facilities. The Inspector General determined that Admiral Mauz conducted significant official business while in Bermuda, including an inspection of the air station's facilities, addressing base personnel at an "All Hands" meeting and making calls on the U.S. Consul General and the Governor of Bermuda. Admiral Mauz took two days of leave while in Bermuda, in compliance with Navy guidelines for combining leave and official travel. The Inspector General determined that the scheduling of the trip created the perception of impropriety and that there was a violation in the use of government drivers during the period of time that Admiral Mauz was on leave, as a result of which Admiral Mauz received informal written counseling.

Admiral Mauz did not remove Senior Chief Taylor from his duties or attempt to prosecute Senior Chief Taylor for insubordination as a result of Senior Chief Taylor having publicly accused Admiral Mauz of misconduct, as alleged by Mr. Ruch of the Government Accountability Project. Senior Chief Taylor originally alleged that his Commanding Officer in Bermuda had taken those actions as reprisals for his whistle-blowing activity in Bermuda. After a thorough investigation of the facts surrounding those actions, however, the DoD IG concluded that the actions were warranted under the circumstances and did not constitute reprisal. In fact, at the time the actions were taken, no one was aware of Senior Chief Taylor's whistle-blowing activity. The difficulties Senior Chief Taylor was experiencing in Bermuda preceded any knowledge by naval personnel, including his Commanding Officer and Admiral Mauz regarding his complaints.

Admiral Mauz has served his Navy and Nation for over thirty-five years. He has served in positions of great responsibility and he has served his Nation well.

I have discussed this letter with the Secretary of the Navy and he and I are in complete agreement that Admiral Mauz should be confirmed to retire in his four star grade and that he should be permitted to depart his command in a timely manner.

I am, of course, prepared to provide you any additional information that you or the other members of the Committee may require. Thank you for your consideration. I have sent an identical letter to Senator Thurmond.

Very respectfully,

J.M. BOORDA,
Admiral, U.S. Navy.

ATTACHMENT 3

GOVERNMENT ACCOUNTABILITY PROJECT,
August 3, 1994.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR SENATOR NUNN: Last month my client, Senior Chief Master-at-Arms George R.

Taylor (USN) wrote to you concerning the pending four-star retirement of Admiral Henry Mauz. In his letter, Senior Chief Taylor wrote that Admiral Mauz had taken "a personal interest" in the prosecution, that was later dismissed, against Senior Chief Taylor and the members of his security detachment. This personal interest raised questions concerning retaliatory motive since the attempted prosecution took place within the Pacific Command at a time when Admiral Mauz served as Commander of the Atlantic Fleet.

In the August 1, 1994 edition of Navy Times, Admiral Mauz told reporter Patrick Pexton that Taylor's allegation was "without foundation" and "nonsense." Mauz told the reporter that his staff contacted Port Hueneme authorities only once and then only for the purposes of learning the status of the case. In fact, Captain Joseph Baggett, the legal advisor to Admiral Mauz, did contact the legal advisor for the base at Port Hueneme after the withdrawal of the 48-count court martial against Taylor and his detachment on April 9, 1994.

Prior to Captain Baggett's call to Port Hueneme, however, Lt. Noreen Hagerty-Ford, a JAG attorney on Admiral Mauz's staff, contacted Lt. John Tamboer, the supervisor of Taylor's military defense counsel, Lt. Carter Brod. Lt. Hagerty-Ford asked Lt. Tamboer to provide her with a copy of a motion filed by Lt. Brod seeking dismissal of all charges against Taylor on the grounds of "vindictive prosecution" [attached]. Lt. Tamboer refused her request, on the grounds that the Atlantic Fleet had no legitimate reason to obtain defense filings. Lt. Hagerty-Ford called Lt. Tamboer later that same day and demanded a copy of the motion stating that her call was at the personal request of Admiral Mauz. Lt. Tamboer acceded to this direct request from a flag officer and provided a copy of the motion to Lt. Hagerty-Ford.

Admiral Mauz's public statements with respect to his role and the role of his personal staff in the Taylor prosecution do not square with the facts. The lack of candor displayed here is consistent with the "damage control" approach to high profile personnel cases Admiral Mauz has exhibited. More disturbingly, these repeated contacts represent an attempt to influence the prosecution of Taylor and to intimidate his military defense counsel.

As always, if you or your staff desire any further information from my clients, please do not hesitate to contact me.

Sincerely,

JEFFREY P. RUCH,
Policy Director.

NAVY-MARINE CORPS TRIAL JUDICIARY, SOUTHWEST JUDICIAL CIRCUIT, PORT HUENEME, CA

United States versus Taylor, George R., MACS/E-8, 424-86-0238, U.S. Navy.

Special Court-Martial: Motion to Dismiss for Vindictive Prosecution Pursuant to the Fifth Amendment.

Date: 23 March 1994.

1. Nature of Motion. This is a Motion to Dismiss for Vindictive Prosecution filed pursuant to the Fifth Amendment of the U.S. Constitution. This motion is filed as a direct result of an unlawful decision by Commander, Naval Construction Battalion Center, Port Hueneme, to prosecute MACS George R. Taylor, USN, the accused in this case.

2. Summary of Facts.

PRIOR TO MACS TAYLOR'S REPORTING AT NCBC

a. In 1992, MACS George R. Taylor, USN, held the position of Chief of Military Police at Naval Air Station Bermuda. While serving at NAS Bermuda, MACS Taylor produced evidence that the air station existed as a resort for top military officials at the expense of taxpayers. MACS Taylor and another "whistleblower" were featured on the 10 December 1992 episode of ABC's "Primetime Live" (tape of which will be hereinafter referred to as "the Bermuda tape"), which prompted Defense and Inspector General investigations. As a result of MACS Taylor's activities, Congress voted to close the Bermuda base in 1995.

b. MACS Taylor was transferred to Naval Construction Battalion Center, Port Hueneme, (hereinafter "NCBC"), in January 1993, under the protection of the Military Whistleblowers Protection Act.

c. Before MACS Taylor arrived at NCBC, members of the base security department posted an article about MACS Taylor's activities in Bermuda on the security department bulletin board. In addition, members of the security department gathered in a conference room to view the Bermuda Tape.

d. Before MACS Taylor arrived, a file was sent to NCBC from Bermuda which included a non-punitive letter of caution and materials related to MACS Taylor's activities at Bermuda.

e. Prior to MACS Taylor's arrival at NCBC, RADM David Nash, USN, Commanding Officer of NCBC, requested a copy of the Bermuda tape from Kari Lee Patterson, a civilian employee at NCBC. Ms. Patterson delivered the tape to Mr. W.E. Hudson, NCBC Security Officer, who delivered the tape to RADM Nash.

AFTER REPORTING AT NCBC

f. Upon MACS Taylor's arrival, RADM Nash held a meeting with top base officials to discuss the arrival of MACS Taylor.

g. Upon reporting on board NCBC, MACS Taylor was taken to Executive Officer's Inquiry for activities in Bermuda. At the XOI, Taylor was awarded the Nonpunitive Letter of Caution sent from Bermuda. The charge was for disrespect to a commissioned officer at Bermuda.

h. Immediately upon arriving at NCBC, MACS Taylor was directed to meet with LCDR Cole in his office. At that meeting, which was attended by BMCS Kossman, LCDR Cole told MACS Taylor that "this isn't Bermuda" and "You aren't going to get away with that s--t here", or words to that effect.

i. In January 1993, LCDR Cole was called by Jeff Ruch, an attorney with the Government Accountability Project, a public interest organization which was involved with the incident in Bermuda. Mr. Ruch called LCDR Cole to discuss the pending Captain's Mast for Disrespect in Bermuda. After the phone conversation, LCDR Cole confronted MACS Taylor, saying he had just gotten a call from his "liberal lawyers" and "this is bulls--t," or words to that effect. LCDR Cole told MACS Taylor that "they're not gonna get you out of this. * * * This package was sent here. We're going to adjudicate this here", or words to that effect.

j. Approximately one month after MACS Taylor reported aboard, MACS Taylor suggested to LCDR Cole that one of his practices was improper. LCDR Cole had, on several occasions, sent sailors to the Long Beach Brig with full knowledge that there would never be a court-martial. This was typically done on a Friday afternoon, where the magistrate would be unable to release the sailor until the following Monday. When MACS Taylor suggested to LCDR Cole that this practice was improper, LCDR Cole became incensed, telling MACS Taylor "I'm the f---ing lawyer on this base; who made you the base lawyer?", or words to that effect.

k. A meeting to discuss Workman's Compensation issues was held in September 1993 and was attended by LCDR Cole, MACS Taylor, NCBC Executive Officer, NCBC Command Master Chief, and other officials. At the meeting, LCDR Cole confronted MACS Taylor due to rumors he had heard about members of the Special Investigations Unit, of which Taylor was a member, being deputized by the federal government. MACS Taylor denied ever spreading the rumor. LCDR Cole responded by admonishing MACS Taylor for not addressing him as "Sir" when making a statement.

l. In a Memorandum dated 5 September 1993, LCDR Cole requested to the Commanding Officer, NCBC, that MACS Taylor be relieved of his duties. RADM Nash, however, declined to carry out LCDR Cole's request.

m. MACS Taylor has also had numerous personal confrontations with Mr. W.E. Hudson, NCBC Security Officer, since reporting aboard. Mr. Hudson is MACS Taylor's direct superior in the Security Department.

n. On 30 September 1993, MACS Taylor received a performance evaluation which covered the period since MACS Taylor's arrival on board NCBC and was signed by RADM Nash. Taylor received straight 4.0 evaluations on this evaluation. There was no mention whatsoever of any problems with MACS Taylor's performance. MACS Taylor was described as having "great depth of professional knowledge" and a "keen sense of responsibility". He was praised for "drafting and immediate implementation of the department's quality-focused Standard Operating Procedures." He was also praised for conducting a special task force to curtail the flow of drugs onto the base and for assisting civilian police in drug operations.

16 NOVEMBER ARREST

o. On 16 November 1993, MACS Taylor participated in the arrest of CE3 Richard Miller, USN, a deserter who had escaped from the Long Beach Brig. There were three other NCBC police officers at the scene. The arrest took place in the City of Oxnard with the participation of the Oxnard Police. No complaints were made by any persons involved in the arrest. Officers Ernie Eglin and L.E. Robertson of Oxnard Police executed the arrest and believe that MACS Taylor acted entirely properly.

p. On 17 November 1993, Mr. Hudson called MACS Taylor into his office and accused him of acting improperly during the previous night's arrest. Mr. Hudson then discussed with MACS Taylor the possibility of an early retirement for MACS Taylor.

q. On 18 November 1993, Mr. Hudson met with LCDR Cole to discuss this situation. At this meeting, the two men agreed to have Naval Investigative Service investigate MACS Taylor's activities on the night of the arrest.

r. On 22 November 1993, Mr. Hudson informed MACS Taylor that he planned to have NIS investigate the arrest.

s. Pursuant to advice from military defense attorneys, MACS Taylor and each of the other three officers consistently invoked his right to remain silent during the investigation.

t. On 3 January 1994, MACS Taylor was given a Report Chit citing one specification of violation of Article 92 related to the arrest of CE3 Miller. LCDR Cole's signature appears on the Chit for "person submitting report". Along with the Report Chit, MACS Taylor received formal notification of contemplated Nonjudicial Punishment.

u. On numerous occasions after the Report Chit was drafted, LCDR Cole attempted to persuade MACS Taylor and the other three NCBC officers involved to answer questions about the arrest. On or about 3 January 1994, LCDR Cole informed MACS Taylor that the Incident Complaint Report for the incident in question had never been received, and he gave MACS Taylor a direct order to write a report describing what happened on the night in question. MACS Taylor has consistently maintained that he submitted the report immediately after the arrest. Pursuant to advice from LT Carter F. Brod, JAGC, USNR, Defense Counsel, MACS Taylor nevertheless prepared a new report to avoid violating a direct order.

v. When discussing with MACS Taylor his potential Captain's Mast, LCDR Cole ordered MACS Taylor to sit locked at attention. LCDR Cole told MACS Taylor that he would "add twenty more f--king charges" if Taylor refused Captain's Mast.

w. On or about 6 January 1994, LCDR Cole called LT Brod and asked LT Brod to give MACS Taylor pre-Mast advice. LCDR Cole told LT Brod that MACS Taylor was being really stupid in his attitude and that if he did not accept Mast then they were going to "throw the book at him." LCDR Cole told LT Brod that, if MACS Taylor refused Mast, "we have lots of other stuff on him to use which we will throw on there", or words to that effect.

x. On 10 January 1994, MACS Taylor refused Nonjudicial Punishment.

y. LCDR Cole has made numerous attempts to persuade the other three NCBC officers to discuss the details of the arrest. On 6 January 1994, LCDR Cole told LT Brod in a telephone conversation that "the command is unlikely to dismiss the charges against Senior Chief Taylor but would probably dismiss on the others if they opened up."

z. In a telephone conversation with civilian police lieutenant Byron Frank, which lasted over one hour, LCDR Cole told Lt. Frank that "if you all had just cooperated with the NIS investigation, then you would have just gotten a slap on the wrist", or words to that effect. LCDR Cole stated that "Senior Chief Taylor is manipulating the other three officers. I feel really sorry for them", or words to that effect. LCDR Cole stated that "ABC bailed his a-- out in Bermuda. They won't come to his rescue now", or words to that effect. LCDR Cole asked Lt. Frank, who was also an African-American, "why won't you just tell me what happened? I'm the smartest black attorney in the JAG Corps. Let's just talk brother to brother", or words to that effect.

aa. On 21 January 1994, 48 specifications of UCMJ violations were preferred against MACS Taylor. Many of the specifications related to the 16 November arrest, but 16 of the 47 new specifications related to incidents in April, May and June of 1993.

bb. Naval Criminal Investigative Service conducted an extensive investigation of the charges against MACS Taylor. Included as part of the NCIS investigation were interviews of over twenty-one witnesses. Many of the witnesses, including Petty Officer Pringle, Detective Wunsch and Lieutenant Frank, were asked questions about MACS Taylor's activities in Bermuda.

cc. LT Robert P. Morean, JAGC, USNR, Trial Counsel, conducted several witness interviews at NCBC on or about 15 February 1994. LCDR Cole was present for many of these interviews and occasionally participated in questioning. In the Interview with BMCS Kossman, USN, LCDR Cole corrected BMCS Kossman for giving an answer LCDR Cole believed was incorrect. When MS3(SS) Doyle was interviewed, LCDR Cole was "right there, only two feet away from me." When MS3 Doyle told LT Morean that he felt MACS Taylor was an excellent cop and excellent leader, LCDR Cole stormed out of the meeting and slammed the door. LCDR Cole also assisted LT Morean in the questioning of Dan Gordon, Security Department Training Officer.

dd. On 9 February 1994, LCDR Cole approached DT3 Fredia Wright, USN, who had a son living on base who had been barred from the base for juvenile delinquency. LCDR Cole offered DT3 Wright that her son could continue to live on the base if he would testify in the court-martial of MACS Taylor. LCDR Cole told her that she could disregard the barring notice if her son would cooperate.

ee. On or about 18 February 1994, LCDR Cole discussed the 16 November arrest while teaching a class to new NCBC security officers. While teaching this class, LCDR Cole referred to the four officers who made the 16 November arrest as "the four", and used their arrest as an example of illegal police activities.

OTHER SIMILAR NCBC SECURITY CASES

ff. In the past, there have been several other arrests by NCBC Police with the same characteristics as the 16 November arrest. No prosecution or disciplinary action was taken in any of the other arrests. There have also been egregious cases of clear dereliction of duty by NCBC Military Police where no prosecution was undertaken.

gg. On 23 September 1992, NCBC Detective A. Carpenter, MA1 Woods, USN, and NCBC Detective P. Wunsch arrested EOCN Jason S. Tyree, USN, a deserter from NMCB-40, off-base in the City of Oxnard. The facts of that arrest were effectively identical to those in the case at bar. There was no disciplinary action of any kind taken against any of the officers.

hh. In December 1993, a complaint was filed alleging that GSM2 E.J. Beman used unlawful force in an arrest of a female suspect. The investigation of the incident was handled internally; NCIS was never asked to investigate. Beman was not court-martialed for his actions.

ii. In mid-1992, evidence existed that civilian NCBC police officer Carlos Tangonan used unnecessary force by hitting a suspect in the mouth with a baton. No investigation of any kind was undertaken, and no disciplinary action followed.

jj. On 21 January 1992, F.D. Forbes, a civilian NCBC police officer, arrested a suspect in the City of Port Hueneme by pursuing him on an off-base street, drawing his service revolver and ordering the suspect to freeze. The suspect was unarmed and seen climbing over the base fence from on-base to off-base, which is not an offense under any criminal code. The "suspect" was not charged with any crime. Forbes was not disciplined in any way for making this off-base arrest.

kk. Many members of the NCBC Security Department believe that, based on their knowledge of the facts, the 16 November arrest was entirely legal and consistent with NCBC policy practices.

RECENT FACTS

ll. On 11 February 1994, LCDR Cole offered LT Brod that MACS Taylor could still go to Captain's Mast if he wanted. LCDR Cole told LT Brod that, if MACS Taylor accepted Mast, the charges would include only two specifications of dereliction of duty.

mm. On 9 March 1994, LCDR Cole ordered an administrative questioning of Byron Frank regarding the arrest of 16 November 1993. LT Morean told LT Caroline Goldner, JAGC, USNR, that this was done as a "discovery tool" for the court-martial of MACS Taylor.

nn. On 17 March 1994, LT Morean told LT Brod in a telephone conversation, that "it is my understanding that if everyone had been forthcoming, there would have been no charges. The Admiral just got ticked when everyone clammed up."

3. Statement of Law.

a. R.C.M. 907, MCM 1984. Motions to Dismiss.

b. Fifth Amendment, United States Constitution. "No person shall be * * * compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

c. *Bordenkircher v. Hayes*, 434 U.S. 357 (1978). "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort."

d. *Chaffin v. Stynchcombe*, 412 U.S. 17 (1973). For an agent of the state to pursue a course of action whose object is to penalize a person's reliance on his constitutional rights is "patently unconstitutional."

e. *U.S. v. Davis*, 18 M.J. 820 (AFCMR 1984). For a claim of prosecutorial vindictiveness to succeed, it must be established that the decision to prosecute was based on impermissible considerations such as race, religion, or the desire to prevent the exercise of a legal right. "In the classic prosecutorial vindictiveness case the subsequent charges are harsher variations of the same decision to prosecute." See Also *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983), *Hardwick v. Doolittle*, 558 F.2d 292 (5th Cir. 1977).

f. *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983). "To help simplify prosecutorial vindictiveness claims, the Supreme Court developed a 'presumption of vindictiveness'." 719 F.2d at 361. "Courts in this circuit construing post-*Blackledge* decisions have held that whenever a prosecutor brings more serious charges following the exercise of procedural rights, 'vindictiveness' is presumed, provided that the circumstances demonstrate either actual vindictiveness or a realistic fear of vindictiveness." 719 F.2d at 361.

g. *U.S. v. Krezdorn*, 718 F.2d 1360 (5th Cir. 1983). If the defendant challenges as vindictive a prosecutorial decision to increase the number or severity of charges following the exercise of a legal right, the court must examine the prosecutor's actions in the context of the entire proceedings. If "the course of events provides no objective indication that would allay a reasonable apprehension by the defendant that the more serious charge was vindictive, i.e. inspired by a determination to 'punish a pesky defendant for exercising his legal rights,' a presumption of vindictiveness applies which cannot be overcome unless the government proves by a preponderance of the evidence occurring since the time of the original charge decision altered that initial exercise of the prosecutor's discretion." 718 F.2d at 1365.

h. *U.S. v. Blanchette*, 17 M.J. 512 (AFCMR 1983). "The test for prosecutorial vindictiveness is whether, in a particular factual situation, there is a realistic likelihood of vindictiveness for the preferral of charges against the accused." 17 M.J. at 514.

i. *U.S. v. Hagen*, 25 M.J. 78 (CMA 1987). Once a prima facie case of vindictiveness is made out, the burden shifts to the prosecution to disprove the misconduct. See Also *U.S. v. Garwood*, 20 M.J. at 154 (CMA 1985).

j. *U.S. v. Falk*, 479 F.2d 616, 620 (7th Cir. 1973). If a defendant alleges intentional or purposeful discrimination and presents facts to raise a reasonable doubt about the prosecutor's purpose, then the prosecutor can be called to the stand to testify.

k. *U.S. v. Green*, 37 M.J. at 384 (CMA 1993). "This Court has previously stated that 'in referring a case to trial, a convening authority is functioning in a prosecutorial role'". See Also *U.S. v. Fernandez*, 24 M.J. at 78 (CMA 1987), *Cooke v. Orser*, 12 MJ 335 (CMA 1982), *U.S. v. Hardin*, 6 M.J. at 404 (CMA 1979).

l. In assessing a claim of prosecutorial vindictiveness, the Supreme Court focusses on practices which tend to chill the assertion of defendant's rights. *Blackledge v. Perry*, 417 U.S. 21 (1974), *NC v. Pearce*, 395 U.S. 711 (1969), *Bordenkircher v. Hayes*, 434 U.S. 357 (1978)

4. Discussion.

a. There are essentially three independent bases upon which the prosecution of MACS Taylor is vindictive. The first basis is due to retaliation for MACS Taylor's whistleblowing in Bermuda and his personal relationship with the convening authority's attorney, LCDR Cole. These two issues have been grouped together because they support the premise that MACS Taylor is being prosecuted for who he is, not what he has done. Second, MACS Taylor is being prosecuted for exercising his Constitutional right to remain silent. Third, MACS Taylor is being prosecuted for exercising his right to refuse Captain's Mast.

b. In light of the nature of these charges, the fact that forty-eight total specifications were preferred in this case, in itself, is strong evidence of the government's vindictiveness. An inference can be drawn that by charging MACS Taylor with such a large number of charges, the government intended to intimidate him, "show" him, or otherwise "retaliate" against him for any one of the three bases supporting this motion. The context of these charges, including the content and tone of statements made by the convening authority's attorney, further clarifies that this prosecution was undertaken with a vindictive purpose.

BASIS 1: BERMUDA AND PERSONAL RELATIONSHIP

c. Under this basis, this motion seeks dismissal of all charges pending against MACS Taylor. None of these charges would have been brought but for MACS Taylor's whistleblowing in Bermuda and his personal relationship with LCDR Cole. Pursuant to *U.S. v. Davis* and *Blackledge v. Perry*, these are both impermissible bases for undertaking a prosecution.

d. There is substantial evidence that the convening authority knew about MACS Taylor's activities in Bermuda and had distaste for those activities. RADM Nash requested a copy of the Bermuda tape before MACS Taylor arrived. Articles were posted and the tape was watched at the security department prior to MACS Taylor's arrival. LCDR Cole's statements to MACS Taylor when he arrived at NCBC shows his distaste for MACS Taylor's prior whistleblowing. MACS Taylor was taken to XOI by the convening authority for activities in Bermuda. The convening authority awarded him a letter of caution at this XOI for activities in Bermuda. NCIS, in conducting the investigation of these charges for the convening authority, asked numerous witnesses if they knew anything about the Bermuda incident. Furthermore, LCDR Cole's statement that "ABC bailed him out of Bermuda, they won't come to his rescue here", shows the vindictive tone of LCDR Cole based on MACS Taylor's activities in Bermuda.

e. There is also substantial evidence that LCDR Cole had a personal animosity for MACS Taylor. The statements by LCDR Cole at the meeting upon MACS Taylor's arrival is evidence of that animosity. MACS Taylor questioned LCDR Cole's professionalism by challenging his practice with regard to pretrial confinees. LCDR Cole was incensed at MACS Taylor's complaint. The 5 September 1993 memorandum shows that prior to this arrest, LCDR Cole sought to have MACS Taylor fired from his job. Ever since the first meeting when MACS Taylor reported at NCBC, there have been continual confrontations between the two men.

f. In addition to the evidence of vindictiveness, there is considerable evidence of fact situations similar to those in the case at bar that were not prosecuted. The off-base arrests involving detectives Forbes and Wunsch were very similar to this arrest, and no disciplinary action followed. There was evidence of dereliction by GSM2 Beman, but no disciplinary action was initiated. There was evidence of dereliction by Officer Tangonan, and no investigation was initiated. An examination of these other situations demonstrates that the government would not have ordinarily prosecuted this case but for MACS Taylor's activities in Bermuda and his personal relationship with LCDR Cole.

g. The vigor with which the command initiated this prosecution is further evidence of the other-than-official interest is seeing MACS Taylor prosecuted. For example, NCIS was called in to investigate and devoted a great deal of resources to this investigation. NCIS jurisdiction, however, is normally over major offenses only. LCDR Cole used his influence as base SJA over other legal matters to affect the investigation in this court-martial. LCDR Cole used the pressure of a barring order to enlist the support of an unwilling witness, Doug Lively. He used his administrative power to order a civilian, Byron Frank, to give, against his will, information to use against MACS Taylor. LCDR Cole also actively participated in interviewing witnesses with the Trial Counsel.

h. In sum, there is substantial evidence that this prosecution would not have normally been initiated but for the fact that MACS Taylor was the subject. Dislike of a sailor based on his past legal activities (Bermuda) and his personality is not a permissible basis upon which to initiate a prosecution. For the foregoing reasons, all pending charges against MACS Taylor should be dismissed.

BASIS 2: RIGHT TO REMAIN SILENT

i. Ever since initially being accused of dereliction, MACS Taylor has exercised his Constitutional right to remain silent. There is substantial evidence that all forty-eight charges in this court-martial are a result of vindictiveness due to MACS Taylor's invoking this constitutional right. Under this basis, this motion seeks dismissal of all charges.

j. On 17 March 1994, the Trial Counsel told the Defense Counsel that it was his understanding, based on his discussions with the Convening Authority, that no charges would have been brought but for MACS Taylor's invocation of this right. The Trial Counsel further stated that it was his understanding that the Admiral "got ticked" when MACS Taylor invoked this right. The Trial Counsel's statement is clear evidence that the government's decision to prosecute was based on MACS Taylor's decision to remain silent.

k. In discussing Taylor's court-material charges with Byron Frank, LCDR Cole stated that "if they had just cooperated with NIS, then it would've been a slap on the wrist", implying that the charges would not have been brought at all but for MACS Taylor's invocation of his right to remain silent.

l. LCDR Cole has made numerous attempts at pressuring MACS Taylor to give up his right to remain silent, including attempts to persuade LT Brod and * * * appeals to MACS Taylor. LCDR Cole further told MACS Taylor that if he didn't "open up" there would be "twenty more f---ing charges."

m. The convening authority has taken several other actions which demonstrate the vigor with which it has attempted to get MACS Taylor to give up his right to remain silent. First, LCDR Cole gave MACS Taylor a direct order to write a new Incident Complaint Report, alleging that the original had been lost. Second, LCDR Cole administratively ordered civilian police lieutenant Byron J. Frank, who participated in the arrest, to give details of the arrest. LT Morean described this administrative order as a "discovery tool".

n. In sum, there is considerable evidence that the convening authority was angered by MACS Taylor's silence, and was in fact motivated to prosecute in retaliation for MACS Taylor's silence. In fact, the convening authority expressly told the Trial Counsel that there would have been a prosecution at all had Taylor not "clammed up". It is evident that all forty-eight charges are in direct retaliation for MACS Taylor's exercise of a constitutional right, the right to remain silent.

o. To allow the government to prosecute as retaliation for exercising the right to remain silent would be to chill the exercise of this important constitutional right. Based on the foregoing, all charges now pending should be dismissed.

BASIS 3: RIGHT TO REFUSE CAPTAIN'S MAST

p. After MACS Taylor refused Captain's Mast, the charges against him rose from one specification of dereliction of duty to 48 specifications in total at special court-martial. There is substantial evidence that the additional 47 specifications were preferred in retaliation for MACS Taylor's refusal to accept Mast. Under this basis, the motion seeks dismissal of all charges added after the refusal of Captain's Mast. The charges sought to be dismissed include all additional specifications related to the 16 November arrest (beyond the one specification from Mast) as well as all specifications related to previous incidents.

q. LCDR Cole explicitly told MACS Taylor and LT Brod that if Taylor refused Mast "there would be twenty more charges" and that he would "throw the book at him". These statements demonstrate LCDR Cole's intentions to retaliate if MACS Taylor refused Mast.

r. Supreme Court and Military decisions support that a large increase in charges after the invocation of a legal right is a strong sign of prosecutorial vindictiveness. Here, the charges jumped from one to forty-eight after MACS Taylor exercised his right to a court-martial. In *U.S. v. Davis*, the court states that the classic prosecutorial vindictiveness case involves a harsher variation of the same decisions to prosecute. Clearly, if the first decision to prosecute was for only one specification, then a second decision for 48 specifications is a harsher variation.

s. In *U.S. v. Martino*, 18 M.J. 526 (AFCMR 1984), the government raised the number of charges after the accused refused NJP. The court held such prosecution to be proper. *Martino* can be distinguished on several bases. First, the court emphasized that the defense counsel asserted prosecutorial vindictiveness with no evidence whatsoever of a vindictive motivation. Further, the government showed evidence of a valid motivation for the difference in number of charges. In the case at bar, however, there is considerable evidence of vindictiveness and there is no evidence of valid government motive for increasing the charges from 1 to 48.

t. In *Bordenkircher v. Hayes*, the Supreme Court held that in the normal give and take of plea bargaining, a prosecutor has valid discretion to increase and decrease the number of charges in order to secure a guilty plea. *Bordenkircher* is distinguishable on several grounds. First, in *Bordenkircher*, the only evident motive on the part of the prosecutor was the non-vindictive motive to receive a guilty plea. In the case at bar, there is considerable evidence of vindictiveness unrelated to the desire to secure a Mast conviction. Second, in *Bordenkircher*, it was not disputed that the defendant was properly chargeable for the additional charges. In the case at bar, however, there is considerable evidence that there was no valid basis for the additional charges. MACS Taylor's performance evaluation of September 1993 shows the convening authority's acknowledgement that there was no case of dereliction for any prior incidents. Third, the additional charges in the case at bar were not part of the course of normal plea bargaining. MACS Taylor was ordered to attention and threatened with more charges if he did not accept Mast. Further, the military relationship between a Lieutenant Commander and a Senior Chief Petty Officer is one of unequal bargaining power.

u. In *U.S. v. Davis*, a claim of prosecutorial vindictiveness was rejected. In *Davis*, however, there were no additional charges brought in the move from Mast to court-martial. In the case at bar, the charges rose from one to forty-eight. Justifying its rejection of the prosecutorial vindictiveness claim, the *Davis* court stated that the classic case of prosecutional vindictiveness occurs when the number of charges is raised.

v. *U.S. v. Blanchette* also involved a rejected prosecutorial vindictiveness claim. That case can be distinguished in that the reason for not charging the accused initially was due to insufficiency of evidence. The court found that the additional charges were justified due to the availability of new evidence. No such evidentiary justifications exist for the government in the case at bar.

w. In sum, because MACS Taylor refused Mast on one specification of dereliction of duty, the convening authority retaliated by preferring forty-seven additional charges against him at a court-martial. The possibility of retaliation is clearly "realistic", and the impression made on the accused is clearly one of intimidation. The statements by LCDR Cole are evidence that the convening authority was in fact motivated by vindictiveness. Dismissing the additional charges would be consistent with Supreme Court and Military case law. To allow vindictive charging as occurred here would be to chill the exercise of a sailor's legal right to refuse Captain's Mast. For the foregoing reasons, all charges beyond the initial specification of dereliction of duty should be dismissed.

5. Evidence.

a. Witnesses. The defense offers the testimony of the following witnesses in support of this motion: Detective Wunsch, Sergeant Forbes, LCDR Cole, MACS Taylor, Lieutenant Frank, Officer Elgin, Officer Robertson, MACS Kossman, Kari Lee Patterson, DT3 Wright, MS3 Doyle, Mr. Hudson, Mr. Flynt, R.J. Bryan, Petty Officer Bassett, Petty Officer Pringle, Andrew Stewart, LT Morean, Petty Officer Beman Officer Tangonan.

b. Documents. The following documents will be presented as evidence in support of this motion: Incident Complaint Report (ICR) for Wunsch arrest, ICR for Forbes incident, report of Beman incident, 5 September 1993 Memorandum from LCDR Cole, Bermuda file, MACS Taylor evaluation, Mast charges, Report chit, NJP Refusal Form, Court-martial charges, letter of caution, Bermuda tape, new ICR for 16 November arrest, Barring notice for Doug Lively.

6. Relief Requested. Pursuant to Basis 1, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 2, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 3, the defense respectfully rests that all charges other than the one specification charged at Mast be dismissed.

7. Oral Argument. The defense desires to make oral argument of this motion.

CARTER F. BROD,
LT, JAGC, USNR,
Defense Counsel.

Date: 23 Mar 94

CERTIFICATE OF SERVICE

I, Lieutenant Carter F. Brod, JAGC, USNR, certify that on this 23rd day of March 1944, I personally served upon government trial counsel a true and correct copy of this Motion.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, August 9, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am responding to your letter of August 5, 1994, concerning the retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy.

The latest GAP letter alleges improper communications between members of Admiral Mauz' staff and persons assigned in the Port Hueneme area who had knowledge of the court-martial case involving Senior Chief Taylor. In order to be able to assure the Committee that we were providing all information relevant to this matter, OPNAV staff spoke with the persons concerned and confirmed the accuracy of those parts of the Chief of Naval Operations' 27 July letter to you that addressed this issue (pages 4 and 5).

Senior Chief Taylor had charges brought against him arising out of actions in November 1993 while serving at the Naval Construction Battalion Center (NCBC), Port Hueneme, California. He had previously requested in writing to be transferred outside the Commander in Chief, U.S. Atlantic Fleet (CINCLANTFLT) chain of command, and the Bureau of Naval Personnel approved that request by assigning him to an appropriate billet in his rating at Port Hueneme. He reported to NCBC Port Hueneme for duty in December 1992.

After referral to trial of the November 1993 charges, the convening authority (NCBC Port Nueneme) decided it was appropriate to move the case out of the Port Hueneme area to ensure the fair and independent disposition of the case. To this end, the convening authority withdrew the charges on March 26, 1994. My inquiry revealed no communications between Admiral Mauz or anyone on his staff and those involved with bringing the charges, and ultimately withdrawing the charges, against Senior Chief Taylor prior to the withdrawal of charges in March 1994.

The proceedings in Senior Chief Taylor's case were mentioned in a short Orlando Sentinel article of March 29, 1994, which appeared in a Pentagon compilation of news articles on 1 April. In describing the withdrawal of charges relating to Senior Chief Taylor's alleged negligent and improper arrest of a service member, the article stated that his attorneys had filed documents "contending the misconduct charges were retaliation for Taylor's comments" in the past regarding Bermuda. Admiral Mauz' Executive Assistant saw the article and asked the senior Staff Judge Advocate to ascertain what, if any, connection there could have been between Senior Chief Taylor's current situation in Port Hueneme and Bermuda. Both officers were confident that CINCLANTFLT had taken no action whatsoever in retaliation against Senior Chief Taylor, and they were understandably concerned that such a suggestion might have been made and believed it important to ascertain the basis, if any, for such an allegation.

The CINCLANTFLT Staff Judge Advocate called the NCBC Staff Judge Advocate, who confirmed the news article was indeed misleading and that there was no suggestion during the proceedings of any involvement by CINCLANTFLT or his subordinates in Senior Chief Taylor's case. The NCBC Staff Judge Advocate explained the charges involved Senior Chief Taylor's law enforcement activities while assigned to NCBC Port Hueneme. The charges included an allegation that Senior Chief Taylor engaged in unauthorized off-base law enforcement activities, including carrying a government-issued firearm off-base. The CINCLANTFLT Staff Judge Advocate recounted this information to the Executive Assistant, who then spoke briefly to Admiral Mauz about the matter. The request for clarification of the short news article was appropriate in order for CINCLANTFLT to ascertain whether there were grounds for investigation into any alleged impermissible actions by anyone under the command of CINCLANTFLT.

Neither Admiral Mauz, nor any other CINCLANTFLT official, was involved with the referral or withdrawal of the charges, which arose solely from events centered in NCBC Port Hueneme nearly a year after Senior Chief Taylor's transfer to that command. On 23 March 1994, Senior Chief Taylor's defense counsel in the pending case filed a "motion to dismiss for vindictive prosecution," alleging the Port Hueneme convening authority had an unlawful decision to prosecute Senior Chief Taylor. The defense motion complained mainly about the vigor with which the Port Hueneme command pursued the charges against Senior Chief Taylor, alleging that members of that command "had distaste" for his previous whistleblowing activities and the charges were being pursued because Senior Chief Taylor exercised his rights to remain silent and to refuse nonjudicial punishment for his alleged improper law enforcement activities. The defense pointed to alleged statements by officials in Port Hueneme suggesting that they had focused inordinate attention on his previous, well-publicized disclosures relating to Bermuda. The defense motion did not allege "personal interest" or any actions or involvement relating to this case by Admiral Mauz or anyone subordinate to him.

With regard to receipt of a copy of the defense motion by a member of the office of the CINCLANTFLT Staff Judge Advocate, the GAP letter is incorrect in stating that this occurred prior to the call seeking clarification of the news article. I have reconfirmed the office of the CINCLANTFLT Staff Judge Advocate received the motion more than a week after the charges were withdrawn. This occurred when the Navy judge advocate assigned to an NCBC Port Hueneme tenant command called some of his lawyer colleagues to offer to send them copies of the document, which he found to be unique and very interesting from a professional perspective. One of these officers was an attorney in the office of the CINCLANTFLT Staff Judge Advocate with whom he had worked closely in the past. The two officers had maintained a close professional association and friendship, and spoke with each other and exchanged faxes regularly on professional issues. The CINCLANTFLT Lieutenant accepted the offer, but upon receipt noticed that portions of it were illegible. In order to obtain a better copy, she called the Officer in Charge, Naval Legal Service Office Detachment, Port Hueneme, who was reluctant to provide the document, despite the fact that it was one of the papers in a public court proceeding, to people who were merely curious about the case and had no official reason to have it. The CINCLANTFLT Lieutenant replied that when allegations relating to a command appear in the press, the command has a valid interest in ascertaining the basis, if any, of such allegations. The Officer in Charge agreed that this was a valid reason and, believing that he had received a reasonable request from the CINCLANTFLT staff, he faxed her a copy. Since the Officer in Charge viewed the call as a CINCLANTFLT request, he so informed Senior Chief Taylor's defense counsel.

The request for the document did not stem from Admiral Mauz. During the further inquiry by OPNAV staff, the Officer in Charge verified the CINCLANTFLT Lieutenant neither demanded a copy of the motion, nor stated that her call was at the personal request of Admiral Mauz. Moreover, the document was not shared outside the CINCLANTFLT Staff Judge Advocate's office. Since the document included no allegations of impropriety by Admiral Mauz or anyone in CINCLANTFLT, and had not been requested by Admiral Mauz or anyone else on his staff, there was no reason for the Staff Judge Advocate to provide the document to, or discuss in with, others.

There is simply no basis whatsoever for any claim that Admiral Mauz took a personal interest in the case involving Senior Chief Taylor. The facts as confirmed by thorough inquiry show the accuracy of Admiral Mauz' public statement categorically denying any such allegation. The communications by members of his staff were permissible and in no way alter this conclusion. There was no attempt or intent in any of these communications to affect the case.

I have sought to answer the GAP letter's claims candidly, thoroughly and accurately in order to assist the Committee in its deliberations on Admiral Mauz' confirmation to retire in his four-star grade. I believe strongly that there is no basis for the GAP claims and that Admiral Mauz' confirmation—and the assumption of command by his successor—should not be further delayed.

I am available at any time to discuss this matter further with you or to provide you any further information you desire. Please do not hesitate to call on me. I have sent a similar letter to Senator Thurmond.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

CAMARILLO, CA.

Senator SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR SENATOR NUNN AND MEMBERS OF THE COMMITTEE: I am writing to address the inaccurate and misleading information provided to the committee concerning my case as it pertains to the retirement status of Admiral Henry Mauz. My primary concerns focus on the involvement of Admiral Mauz and his staff in charges (since dropped) that were brought against me while at Port Hueneme. I believe this involvement, and the Navy's obfuscation of the facts, provide more than enough reason why the committee should hold a full investigation into this matter, before bringing the matter to a vote.

Below is an outline of the most serious errors in the Navy's communications with the committee. It is by no means comprehensive, and full committee investigation would flush out the full details.

I. MANNER BY WHICH MAUZ'S STAFF ACQUIRED DEFENSE PROCEEDINGS

Not only do the Navy responses differ from the actual chain of events, the accounts from Admiral Boorda and Secretary Dalton differ from each other concerning the same events.

Statement from Boarda letter:

"Subsequently, unbeknownst to either the senior Staff Judge Advocate of Admiral Mauz, a junior Staff Judge Advocate obtained a copy of the defense motion that was the basis for withdrawal of the charges, as well as a copy of the charge sheets, from a friend who was then Officer in Charge, Navy Legal Service Office, Port Hueneme. The Officer in Charge believed that in providing that documentation, he was responding to an official request from Admiral Mauz's staff and acting quite properly, he informed Senior Chief Taylor's military counsel of the actions he had taken to comply with the request. While these documents were shared with the senior Staff Judge Advocate he did not speak of them to any other staff member."

Statement from Dalton letter:

"With regard to receipt of a copy of the defense motion by a member of the office of the CINCLANFLT Staff Judge Advocate, the GAP letter is incorrect in stating that this occurred prior to the call seeking clarification of the news article. I have reconfirmed the office of the CINCLANFLT Staff Judge Advocate received the motion more than a week after the charges were withdrawn. This occurred when a Navy judge advocate assigned to an NCBC Port Hueneme tenant command called some of his lawyer colleagues to offer to send them copies of the document, which he found to be unique and very interesting from a professional perspective. One of these officers was an attorney in the office of the CINCLANFLT Staff Judge Advocate with whom he had worked closely in the past. The two officers had maintained a close professional association and friendship, and spoke with each other and exchanged faxes regularly on professional issues. The CINCLANFLT Lieutenant accepted the offer, but upon receipt noticed that portions of it were illegible. In order to obtain a better copy, she called the Officer in Charge, Naval Legal Service Office Detachment, Port Hueneme, who was reluctant to provide the document, despite the fact that it was one of the papers in a public court proceeding, to people who were merely curious about the case and had no official reason to have it. The CINCLANFLT Lieutenant replied that when allegations relating to a command appear in the press, the command has a valid interest in ascertaining the basis, if any, of such allegations. The Officer in Charge agreed that this was a valid reason and, believing that he had received a reasonable request, he faxed her a copy."

The actual chain of events occurred as follows:

The junior Staff Judge Advocate contacted a friend of hers at Port Hueneme, a Lieutenant Wilson. Lieutenant Wilson approached Taylor's defense counsel supervisor, Lieutenant Tamboer, and asked for a copy of the defense proceedings. Lieutenant Tamboer refused the request. The junior Staff Judge Advocate contacted Lieutenant Tamboer directly and said it was a direct request from ADM Mauz. Lieutenant Tamboer then complied with the request.

II. ADMIRAL MAUZ'S INVOLVEMENT IN THE CHARGES AGAINST TAYLOR

Statement from Boorda letter:

"There was no influence on the case and, in fact, the charges had already been withdrawn at the time of the call."

Facts:

This statement is highly misleading. Although the extraordinarily high number of charges (48 total) were withdrawn at the time of the call, approximately two weeks later, Taylor was sent to an Article 32 hearing where he was re-charged.

In fact, the CINCLANTFLT Staff Judge Advocate called the Staff Judge Advocate for the Port Hueneme base, Lt. Cdr. Derrick Cole, to tell him that he was upset that the charges had been withdrawn against Taylor. Lt. Cdr. Cole assured the CINCLANTFLT Staff Judge Advocate that Taylor would be re-charged. This information is in the record of trial. The Navy withdrew charges, in all likelihood, because they were rightly concerned that if the case was brought before a judge, that judge would promptly dismiss the case.

Many of the key people involved in my case, who dispute the Navy's account of the chain of events, would be happy to provide the committee with statements or testify. Please contact me if I can be of any assistance. My work phone is: (805) 982-2007. My home phone is (805) 388-3915. My beeper number is: 1-800-482-3366, ext. 10397. I am at your service.

Very Respectfully,

GEORGE R. TAYLOR,
MACS (SW) USN.

CHIEF OF NAVAL OPERATIONS,
August 22, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to a recent undated letter from Senior Chief George R. Taylor, USN, to "Senator Nunn and Members of the Committee." Senior Chief Taylor's letter was passed from the Armed Services Committee Staff to the Navy Chief of Legislative Affairs on 19 August asking for ". . . the Navy's review of the letter and information therein."

This is the third in a series of letters concerning Senior Chief Taylor and the pending retirement confirmation of Admiral Henry Mauz, Jr., U.S. Navy. This most recent letter provides no new allegations or information that have not already been addressed in the prior two letters. Nevertheless, the following paragraphs will address in additional detail each of Senior Chief Taylor's allegations.

With respect to Part I of his letter, Senior Chief Taylor states that the accounts in my 27 July letter and the Secretary of the

Navy's 9 August letter ". . . differ from each other concerning the same events." That is not correct. The Secretary's letter simply provided a more detailed description of the interactions between LT Hagerty-Ford (a junior staff judge advocate at CINCLANTFLT), LT Wilson (a legal officer at a Port Hueneme tenant command), and LT Tamboer (OIC Naval Legal Service Office Detachment, Port Hueneme).

The actual chain of events as stated in my 27 July letter and amplified in Secretary Dalton's letter is accurate. LT Wilson, a friend of LT Hagerty-Ford and a judge advocate assigned to a tenant command in Port Hueneme, called LT Hagerty-Ford to offer her a copy of the defense motion. When she received the copy with some illegible parts, LT Hagerty-Ford asked LT Wilson to send a better copy. LT Wilson asked the OIC, LT Tamboer, for a better copy for this purpose, but LT Tamboer was reluctant to provide it for the reasons stated in Secretary Dalton's 9 August letter. LT Wilson so informed LT Hagerty-Ford, who then phoned LT Tamboer to explain her reason for requesting a copy. As stated in attachments 1 and 2, LT Tamboer and LT Hagerty-Ford agree that my previous letter and Secretary Dalton's letter accurately describe their phone conversation. Specifically, LT Hagerty-Ford did not say she was making a direct request from Admiral Mauz. In addition, her statement indicates she never met Admiral Mauz or ever discussed this or any other case with him.

The foregoing reaffirms that Admiral Mauz played no role in a staff member's request for a copy of the defense motion to dismiss Senior Chief Taylor's case.

With respect to Part II of Senior Chief Taylor's letter, my 27 July letter stating that there was no influence exerted on the case and, in fact, that the charges had already been withdrawn at the time of the call, is absolutely accurate and not misleading. CAPT Baggett (Staff Judge Advocate at CINCLANTFLT) called LCDR Cole after the case had been forwarded to COMNAVBASE San Diego for disposition. At the time of the call, LCDR Cole no longer had any influence on the outcome because of the withdrawal of the charges and the case's transfer to a new convening authority. CAPT Baggett states in Attachment 3 that he never called the new convening authority, who later recharged Senior Chief Taylor.

On the final page of his letter, under the section entitled "Facts", Senior Chief Taylor notes that approximately two weeks after the charges against him were withdrawn, new charges were preferred and sent to an Article 32 hearing. He fails to note, however, that this action was taken by a different convening authority, COMNAVBASE San Diego, after a review of Senior Chief Taylor's alleged misconduct and redrafting of charges against him based on his actions in November 1993 as a member of the Naval Construction Battalion Center, Port Hueneme, Security Force.

In his next to last paragraph, Senior Chief Taylor says that CAPT Baggett was "upset" that the charges had been withdrawn and that LCDR Cole assured CAPT Baggett that Senior Chief Taylor would be recharged. CAPT Baggett rejects this in Attachment 3. Moreover, there is no evidence in the record of the Article 32 investigation that supports Senior Chief Taylor's assertions. Secretary Dalton's letter accurately states that the purpose of Captain Baggett's call to LCDR Cole was to clarify information contained in a newspaper article.

The foregoing demonstrates again that Admiral Mauz played no role whatever in Senior Chief Taylor's case in California.

In summary, as stated in the Secretary's and my prior letters, Senior Chief Taylor's accusations are inaccurate and should not be allowed to further delay the confirmation of Admiral Mauz for retirement in the grade of Admiral, which he so deservedly has earned.

I am sending a similar letter to Senator Thurmond.

Very respectfully,

J.M. BOORDA.

GRAND RAPIDS, MI,
August 20, 1994.

TO WHOM IT MAY CONCERN: Regarding the call I received from Lieutenant Noreen Hagerty-Ford of the CINCLANTFLT Staff Judge Advocate office in mid-April, the letters from the Chief of Naval Operations and the Secretary of the Navy to the Senate Armed Services Committee of July 27, 1994 and August 9, 1994, respectively, fairly and accurately describe my part in responding to her request. In April 1994, I was serving as Officer in Charge, Navy Legal Service Office, Port Huename. I have since left the Navy. My April discussion with Lieutenant Hagerty-Ford was about the purpose of her request for a copy of the notice filed by the defense in the Senior Chief Taylor case. She explained that Admiral Maus was CINCLANTFLT. I knew the motion included allegations about the CINCLANTFLT/Bermuda matter and therefore understood the command (CINCLANTFLT) would want to know about the allegations made in this motion. I recall being very busy when she called and that it did not take long at all for me to make the judgment that it would be appropriate to send her a copy of the motion. I agreed she had provided a valid reason and, believing I had received a reasonable request from the CINCLANTFLT staff, I faxed her a copy and so informed Senior Chief Taylor's defense counsel.

JOHN TAMBOER.

NORFOLK, VA,
August 22, 1994.

TO WHOM IT MAY CONCERN: The letter of 27 July 1994 and Secretary of the Navy's letter of 9 August 1994 are correct in describing my actions in April 1994 in obtaining a copy of the defense motion in Senior Chief Taylor's case. I was first afforded the document by my friend, LT Wilson, whom I know from a previous duty station. The copy I got had some illegible parts, so I called LT Wilson to ask him to send me a better copy. LT Wilson said he would ask LT Tamboar for one. Later that day LT Wilson called me to say LT Tamboar was reluctant to send out copies of the document unless there was a reason for the person to have it. I told him I would call LT Tamboar and ask him for it myself. Just as Secretary Dalton's letter states, I told LT Tamboar that I was on the CINCLANTFLT staff and explained that when allegations are made about a command, as apparently had been made in this case, the command has a valid reason to know about those allegations. LT Tamboar said he was satisfied I had provided a valid reason and agreed to send me a copy. I did not demand the document. I had no reason to do that and I simply do not work that way. It was a short and business-like conversation. I did not say the request was from Admiral Mauz because it most certainly was not. In fact, I am a relatively junior member on a large fleet staff and have never actually met Admiral Mauz or discussed this or any other case with him. No one else asked me to get it either. I did not provide it to anyone outside my office.

——— ———,
LT. JAGC, USNR.

NORFOLK, VA,
August 20, 1994.

TO WHOM IT MAY CONCERN: I became the Staff Judge for Commander in Chief, U.S. Atlantic Fleet, in mid-February 1994. The purpose of my phone conversation on 4 April 1994 with the Staff Judge Advocate at Port Hueneme was exactly as stated in Secretary Dalton's letter of 9 August 1994 to the Senate Armed Services Committee. At no time during the conversation did I indicate the LCDR Cole in any way that I was upset that charges against Senior Chief Taylor stemming from occurrences at Port Hueneme had been withdrawn. LCDR Cole explained that, contrary to an Orlando Sentinel newspaper article, the charges had not been dropped because of retaliation for being a whistleblower at Bermuda. He stated that the charges had been withdrawn and the case had been sent to another convening authority solely due to events at Port Hueneme which had prompted Senior Chief Taylor's defense counsel to raise a motion for dismissal based on vindictive prosecution. Upon being told the real reason for the withdrawal of the charges and transfer of materials pertaining to the case, I believed that the processing of the case had no connection with anything that had happened at Bermuda. The disposition of the investigation of Senior Chief Taylor had already been passed to a command in San Diego to determine independently at the time I talked with LCDR Cole. I had no further conversations with LCDR Cole and I never talked to anyone at San Diego about the case.

JOSEPH E. BAGGETT,
Capt. JAGC, USN.

ADDITIONAL MATERIAL

THE SECRETARY OF THE NAVY,
Washington, DC, September 13, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding at the request of your Committee to additional questions regarding Admiral Henry H. Mauz, Jr. Specific answers to each of the questions forwarded by your staff are attached.

I believe it significant to note when responding to questions regarding Admiral Mauz's involvement in the case of LT Simmons, that there are three levels of command between Admiral Mauz and the unit to which LT Simmons was assigned, USS CANOPUS (AS-34). Given Admiral Mauz's position as the Commander in Chief of the Atlantic Fleet and the size of the Fleet—two-hundred-and-twenty-four ships with twelve-thousand officers and one-hundred-and-twenty-five-thousand enlisted personnel—it would have been entirely appropriate for Admiral Mauz to have delegated resolution of LT Simmons's case to an officer, or flag officer, below him in the chain-of-command. Admiral Mauz's devotion to duty and extraordinary character are reflected in his personal involvement in ensuring a just and compassionate resolution of LT Simmons's complaint, to include LT Simmons's extension on active duty and assignment to a new command.

In summary, Admiral Mauz has served the nation for over thirty-five years, including combat and positions of significant importance and responsibility. He is completely deserving of a retirement in his present four star grade and his confirmation should not be further delayed. I hope my response to these additional questions will resolve any lingering concerns.

A similar letter has been sent to Senator Thurmond.

Sincerely,

JOHN H. DALTON.

ADDITIONAL QUESTIONS REGARDING THE ACTIVITIES OF ADMIRAL MAUZ AND HIS STAFF WITH REGARD TO LT. DARLENE SIMMONS

(1) When did Admiral Mauz learn of Darlene Simmons' case of sexual harassment? How was he made aware of this case?

Answer: Admiral Mauz learned of the Simmons' case of sexual harassment on October 9th or 13th, 1992, by a telephone call from VCNO.

(2) What actions did Admiral Mauz take to censure the harasser?

Answer: Admiral Mauz accepted the recommendations by the chain of command (Squadron Commander, Group Commander (Rear Admiral) and Type Commander (Vice Admiral)) on the action by which the harasser was given a non-punitive letter of instruction by his command. The harasser also submitted a request to retire.

(3) What reasons did Admiral Mauz have for choosing not to take the corrective action that was ultimately taken by the Secretary of the Navy on May 12, 1994—almost two years after the events occurred?

Answer: Admiral Mauz was informed that corrective action had been taken by the harasser's command as stated in answer to question #2. This level of accountability was upheld by the Navy Inspector General and the DoD Inspector General. Admiral Mauz believed this corrective action was adequate, especially in light of the ship's overall performance. By assigning his Special Assistant, Commander Miller, to participate in the investigation, he further caused the harasser to be transferred from the ship and he personally arranged for LT Simmons to be transferred to another locale in order to get a fresh start. LT Simmons agreed with her transfer. Admiral Mauz also intervened twice to retain LT Simmons on active duty and caused her fitness reports to be reviewed for accuracy.

(4) What was Navy policy at the time of the Simmons' complaint with regard to removal of the harasser? What is the Navy policy now?

Answer: At the time of Lieutenant Simmons' complaint, Navy policy did not specifically address removal of a harasser from the workplace. During the process of Admiral Mauz's command inquiry Lieutenant Simmon's harasser was removed from the ship.

Current Navy policy does not specifically address removal of a harasser from the workplace. Such actions would depend on the circumstances of the incident. Nevertheless, current policy specifically prohibits reprisal and directs commanders to take appropriate action to resolve any incidents of sexual harassment and ensure no reprisal occurs.

5) What specific steps did Admiral Mauz take to correct the problems in LT Simmons' chain of command that resulted in the loss or destruction of evidence (specifically, the letter from her harasser)?

Answer: Admiral Mauz expressed his concern to the staff and to Commander Submarine Force Atlantic (a Vice Admiral) regarding the loss of the letter. The Commanding Officer was counselled by the Chief of Staff at SUBLANT for his handling of the case.

6) Is it the Navy's understanding that Darlene Simmons' confinement for four days in a locked psychiatric facility was voluntary or involuntary? Exactly when did Admiral Mauz and his office learn of LT Simmons' confinement? How did Admiral Mauz learn of her confinement?

Answer: Doctor Quinones, a psychiatrist on the staff of Naval Hospital Jacksonville, interviewed LT Simmons on October 9, and directed she be admitted to the hospital's psychiatric ward. After 24 hours, she was permitted to leave the ward but remained under observation and had to remain on the hospital grounds. Admiral Mauz learned of the hospitalization during October 1994, after LT Simmons had been released from the hospital, in the course of the investigation to which he had detailed CDR Miller, his Special Assistant for Women's Affairs.

7) Darlene Simmons maintains that her confinement was involuntary and done in reprisal for her sexual harassment charges. Did Admiral Mauz investigate the issue of how and why she was confined to a locked psychiatric facility for four days?

Answer: The circumstances of LT Simmons' hospitalization were investigated and it was determined that the allegation that the hospitalization was done in reprisal for her charges of sexual harassment was wrong. Rather, her hospitalization was directed by a Doctor Quinones who had no knowledge of the sexual harassment allegations. Doctor Quinones confirmed by phone on 13 September, that his decision to order her admittance to the psychiatric ward was his alone, based solely on his professional medical judgment.

8) Commander Miller, Special Advisor to Admiral Mauz for Women's Affairs, has indicated that she has questions about the quality of medical care given to Darlene Simmons at the time of her psychiatric examination. Did Admiral Mauz investigate this issue? Were steps taken to ensure that her treatment was satisfactory?

Answer: Commander Miller did not express any concerns regarding the quality of care provided to Lieutenant Simmons at the time of her psychiatric examination. The command inquiry, directed by Admiral Mauz, investigated all circumstances of her hospitalization. Commander Miller was satisfied that the command ensured that Lieutenant Simmons received quality treatment.

9) What is the Navy's position on the veracity of LT Simmons' testimony of March 9, 1994, before the House Armed Services Committee regarding sexual harassment?

Answer: The Navy does not dispute that Lieutenant Simmons was sexually harassed while she was assigned to USS CANOPUS or that her complaint was initially handled poorly by USS CANOPUS leadership. Nevertheless, the Navy does not agree with several statements raised in her testimony. In particular:

Lieutenant Simmons states that "several hours after the XO found out I was talking to a member of Congress, I was ordered to undergo a psychiatric evaluation."

The inference of cause and effect of these two incidents is not accurate. The hospitalization of Lieutenant Simmons was motivated solely by medical reasons. A referral was initiated by the ship's Medical Officer, despite the Commanding Officer's initial reluctance, and the hospitalization was actually ordered by a physician on the Naval Hospital's staff.

Lieutenant Simmons states that "the investigation was never closed."

The command inquiry was closed on February 5, 1993.

Lieutenant Simmons states that "I believe LCDR Catullo received a medal at his retirement ceremony."

LCDR Catullo did not receive a medal upon his retirement.

10) There were at least two occasions when Commander Miller made recommendations with regard to the Darlene Simmons case that were not followed by Admiral Mauz. Identify the specific instances when recommendations were made by Commander Miller that were not followed by Admiral Mauz, and provide explanation why an alternate course of action was chosen in each situation.

Answer: Commander Miller is aware of only one occasion where her recommendation with regard to the Lieutenant Simmons case was not agreed to by Admiral Mauz. This recommendation involved Lieutenant Simmons' fitness report upon her detaching from USS CANOPUS. Commander Miller recommended that this fitness report be written by the squadron commander instead of USS CANOPUS Commanding Officer. Several senior officers and flag officers in the chain of command disagreed with Commander Miller's recommendation and advised Admiral Mauz that the Commanding Officer should remain as the reporting authority. It should be noted that after Admiral Mauz directed the Commanding Officer to re-evaluate his initial grades on the fitness report, the Commanding Officer upgraded the report.

11) Why didn't Admiral Mauz complete the report of his own command inquiry on the Darlene Simmons' case?

Answer: The command inquiry directed by Admiral Mauz was completed on February 5, 1993 and forwarded to Commander, Submarine Group 10 for action. It was subsequently used during the investigation directed by the DOD Inspector General.

ADDITIONAL QUESTIONS REGARDING THE ACTIVITIES OF ADM MAUZ AND HIS STAFF WITH REGARD TO SENIOR CHIEF TAYLOR

1) ADM Mauz took two days leave while in Bermuda. How long was the official business portion of the trip?

Answer: As stated in the report of the Naval Inspector General, ADM Mauz arrived in Bermuda on a Thursday evening, conducted a full day of business on Friday, took leave over the weekend, and departed on Monday morning. (It is also noted that ADM Mauz, during his leave period (on Sunday), cancelled his recreation plans and did paperwork and wrote speeches instead.)

2) Following the withdrawal of the charges against Senior Chief Taylor, ADM Mauz's Executive Assistant asked the senior Staff Judge Advocate to call his counterpart at Port Hueneme for additional information. Did ADM Mauz direct his Executive Assistant to take this action? Was ADM Mauz aware of the Executive Assistant's action prior to it occurring?

Answer: As stated in the letter from the Chief of Naval Operations of July 27, 1994, ADM Mauz did not direct his Executive Assistant to take this action and was not aware of it prior to it occurring.

3) Before ADM Mauz's Executive Assistant informed him about the withdrawal of the charges against Senior Chief Taylor in March 1994, was ADM Mauz and/or his staff aware of the charges against Taylor or any investigation into alleged activities by Taylor at Port Hueneme?

Answer: ADM Mauz and his staff were aware from news accounts that disciplinary action was pending against Senior Chief Taylor for alleged activities at Port Hueneme, but were not aware of the specifics of the charges.

4) A junior Staff Judge Advocate at CINCLANTFLT obtained a copy of the defense motion that was the basis for the withdrawal of charges against Senior Chief Taylor. Was the junior Staff Judge Advocate directed to obtain a copy of the defense motion? If so, by whom and when? When did the junior Staff Judge Advocate obtain a copy of the defense motion? Was it before or after the actual withdrawal of the charges? Did the initial request to obtain a copy of the defense motion occur before or after the actual withdrawal of the charges?

Answer: As discussed in the Secretary's letter of August 9, 1994, and the Chief of Naval Operations' letter of August 22, 1994, the junior Staff Judge Advocate at CINCLANTFLT was offered a copy of the defense motion by a judge advocate assigned to a tenant command in Port Hueneme. She was not directed to obtain a copy of it. It was obtained in mid-April 1994. The offer to provide the copy and the receipt of the copy occurred after the withdrawal of the charges at Port Hueneme.

5) A junior Staff Judge Advocate at CINCLANTFLT obtained a copy of the defense motion that was the basis for the withdrawal of the charges from a legal officer at Port Hueneme, but upon receipt noticed that portions of the document were illegible. Was the legal officer's copy illegible or just the copy that was faxed/sent to the junior Staff Judge Advocate? Please provide copies of the following documents: the original defense motion; the Port Hueneme legal officer's copy of the defense motion; and the copy of the defense motion that was faxed/sent to the junior Staff Judge Advocate.

Answer: The Port Hueneme legal officer's copy of the motion was also illegible. (He is currently on leave, and the Navy has been unable to ascertain whether he retained a copy of the document.) A copy of the defense motion placed into the record at the Article 32 investigation later conducted in San Diego is attached as Tab A. Also, a copy of the legible motion, as faxed to the junior judge advocate at CINCLANTFLT in mid-April, is attached as Tab B. (The CINCLANTFLT Staff Judge Advocate office did not retain the illegible copy first received.)

6) ADM Boorda's letter of August 22, 1994, tries to explain discrepancies in Secretary Dalton's August 9 and ADM Boorda's July 27 letters. Assuming that ADM Boorda's August 22 letter is accurate, are there not factual discrepancies in ADM Boorda's original letter of July 27 and Secretary Dalton's August 9 letter?

Answer: There are no factual discrepancies between Secretary Dalton's August 9 and ADM Boorda's July 27 letters. The Secretary's letter responded to additional, more detailed questions from the Armed Services Committee, which the Department of the Navy received after ADM Boorda sent his July 27 response to an earlier inquiry. As ADM Boorda states in his August 22 response to this same question, the Secretary's letter "simply provided a more detailed description" of the matters in question.

7) After the charges against Senior Chief Taylor were withdrawn and referred to San Diego, did ADM Mauz or anyone on his staff have contact with Navy officials in San Diego involved in this case (including any indirect contact through officials at Port Hueneme)?

Answer: No.

8) Page 6 of ADM Boorda's 27 July 1994 letter states that, "In fact, at the time the actions were taken, no one was aware of Senior Chief Taylor's whistle-blowing activity." What exactly does this statement mean? What actions were taken and who was unaware?

Answer: The DoD Inspector General reported in his August 16, 1993, report that Senior Chief Taylor's assistant made anonymous phone calls to the Naval Inspector General and Congresswoman Schroeder's office on behalf of Senior Chief Taylor in September 1992. On November 9, 1992, the Security Officer removed Senior Chief Taylor from his duties as Assistant Security Officer because of pending disciplinary action relating to an allegation of disrespect toward the NAS Bermuda Material Division Officer. On November 23, 1992, Sam Donaldson revealed to the NAS Bermuda Commanding Officer Senior Chief Taylor's protected disclosures to Congresswoman Schroeder and the Naval Inspector General. This was the first indication to Senior Chief Taylor's chain of command that he had made protected disclosures. The DoD Inspector General later investigated whether unfavorable personnel actions were taken or favorable actions withheld as a result of his protected disclosures. The DoD Inspector General concluded that NAS Bermuda personnel were unaware of the protected disclosures when they took the personnel action. ADM Mauz also was unaware of the protected disclosures at the time of the personnel actions in Senior Chief Taylor's case, and had no role in those actions.

9) Page 3 of Secretary Dalton's August 9, 1994 letter states that, "Since the document included no allegations of impropriety by Admiral Mauz or anyone in CINCLANTFLT, and had not been requested by Admiral Mauz or anyone else on his staff. . . ." Is this statement accurate? Did not ADM Mauz's staff request a copy of the defense motion that was the basis for the withdrawal of the charges against Senior Chief Taylor?

Answer: The statement is accurate since the document was originally received by LT Hagerty-Ford, a junior judge advocate on the CINCLANTFLT staff, as a result of an unsolicited offer by her friend serving in Port Hueneme. When she found the faxed copy to have illegible parts, she requested and received a better copy. As LT Hagerty-Ford states in her statement attached to ADM Boorda's August 22 letter, she sought the better copy because of the possibility the document might contain allegations about her command. When she found the document did not allege involvement by CINCLANTFLT, she and her immediate supervisor concluded there was no reason to provide it to anyone outside the Staff Judge Advocate's office. LT Hagerty-Ford's signed statement, provided to the Armed Services Committee with ADM Boorda's August 22 letter, corroborates these facts, and the fact that Admiral Mauz had no knowledge of, or involvement in, this matter.

NAVY-MARINE CORPS TRIAL JUDICIARY, SOUTHWEST JUDICIAL CIRCUIT, PORT HUENEME, CA

United States versus Taylor, George R., MACS/E-[redacted], U.S. Navy.

Special Court-Martial: Motion to Dismiss for Vindictive Prosecution Pursuant to the Fifth Amendment.

Date: 23 March 1994.

1. Nature of Motion. This is a Motion to Dismiss for Vindictive Prosecution filed pursuant to the Fifth Amendment of the U.S. Constitution. This motion is filed as a direct result of an unlawful decision by Commander, Naval Construction Battalion Center, Port Hueneme, to prosecute MACS George R. Taylor, USN, the accused in this case.

2. Summary of Facts.

PRIOR TO MACS TAYLOR'S REPORTING AT NCBC

a. In 1992, MACS George R. Taylor, USN, held the position of Chief of Military Police at Naval Air Station Bermuda. While serving at NAS Bermuda, MACS Taylor produced evidence that the air station existed as a resort for top military officials at the expense of taxpayers. MACS Taylor and another "whistleblower" were featured on the 10 December 1992 episode of ABC's "Primetime Live" (tape of which will be hereinafter referred to as "the Bermuda tape"), which prompted Defense and Inspector General investigations. As a result of MACS Taylor's activities, Congress voted to close the Bermuda base in 1995.

b. MACS Taylor was transferred to Naval Construction Battalion Center, Port Hueneme, (hereinafter "NCBC"), in January 1993, under the protection of the Military Whistleblowers Protection Act.

c. Before MACS Taylor arrived at NCBC, members of the base security department posted an article about MACS Taylor's activities in Bermuda on the security department bulletin board. In addition, members of the security department gathered in a conference room to view the Bermuda tape.

d. Before MACS Taylor arrived, a file was sent to NCBC from Bermuda which included a non-punitive letter of caution and materials related to MACS Taylor's activities at Bermuda.

e. Prior to MACS Taylor's arrival at NCBC, RADM David Nash, USN, Commanding Officer of NCBC, requested a copy of the Bermuda tape from Kari Lee Patterson, a civilian employee at NCBC. Ms. Patterson delivered the tape to Mr. W.E. Hudson, NCBC Security Officer, who delivered the tape to RADM Nash.

AFTER REPORTING AT NCBC

f. Upon MACS Taylor's arrival, RADM Nash held a meeting with top base officials to discuss the arrival of MACS Taylor.

g. Upon reporting on board NCBC, MACS Taylor was taken to Executive Officer's Inquiry for activities in Bermuda. At the XOI, Taylor was awarded the Nonpunitive Letter of Caution sent from Bermuda. The charge was for disrespect to a commissioned officer at Bermuda.

h. Immediately upon arriving at NCBC, MACS Taylor was directed to meet with LCDR Cole in his office. At that meeting, which was attended by BMCS Kossman, LCDR Cole told MACS Taylor that "this isn't Bermuda" and "You aren't going to get away with that s--t here", or words to that effect.

i. In January 1993, LCDR Cole was called by Jeff Ruch, an attorney with the Government Accountability Project, a public interest organization which was involved with the incident in Bermuda. Mr. Ruch called LCDR Cole to discuss the pending Captain's Mast for Disrespect in Bermuda. After the phone conversation, LCDR Cole confronted MACS Taylor, saying he had just gotten a call from his "liberal lawyers" and "this is bulls--t," or words to that effect. LCDR Cole told MACS Taylor that "they're not gonna get you out of this. * * * This package was sent here. We're going to adjudicate this here", or words to that effect.

j. Approximately one month after MACS Taylor reported aboard, MACS Taylor suggested to LCDR Cole that one of his practices was improper. LCDR Cole had, on several occasions, sent sailors to the Long

Beach Brig with full knowledge that there would never be a court-martial. This was typically done on a Friday afternoon, where the magistrate would be unable to release the sailor until the following Monday. When MACS Taylor suggested to LCDR Cole that this practice was improper, LCDR Cole became incensed, telling MACS Taylor "I'm the f---ing lawyer on this base; who made you the base lawyer?", or words to that effect.

k. A meeting to discuss Workman's Compensation issues was held in September 1993 and was attended by LCDR Cole, MACS Taylor, NCBC Executive Officer, NCBC Command Master Chief, and other officials. At the meeting, LCDR Cole confronted MACS Taylor due to rumors he had heard about members of the Special Investigations Unit, of which Taylor was a member, being deputized by the federal government. MACS Taylor denied ever spreading the rumor. LCDR Cole responded by admonishing MACS Taylor for not addressing him as "Sir" when making a statement.

l. In a Memorandum dated 5 September 1993, LCDR Cole requested to the Commanding Officer, NCBC, that MACS Taylor be relieved of his duties. RADM Nash, however, declined to carry out LCDR Cole's request.

m. MACS Taylor has also had numerous personal confrontations with Mr. W.E. Hudson, NCBC Security Officer, since reporting aboard. Mr. Hudson is MACS Taylor's direct superior in the Security Department.

n. On 30 September 1993, MACS Taylor received a performance evaluation which covered the period since MACS Taylor's arrival on board NCBC and was signed by RADM Nash. Taylor received straight 4.0 evaluations on this evaluation. There was no mention whatsoever of any problems with MACS Taylor's performance. MACS Taylor was described as having "great depth of professional knowledge" and a "keen sense of responsibility". He was praised for "drafting and immediate implementation of the department's quality-focused Standard Operating Procedures." He was also praised for conducting a special task force to curtail the flow of drugs onto the base and for assisting civilian police in drug operations.

16 NOVEMBER ARREST

o. On 16 November 1993, MACS Taylor participated in the arrest of CE3 Richard Miller, USN, a deserter who had escaped from the Long Beach Brig. There were three other NCBC police officers at the scene. The arrest took place in the City of Oxnard with the participation of the Oxnard Police. No complaints were made by any persons involved in the arrest. Officers Ernie Eglin and L.E. Robertson of Oxnard Police executed the arrest and believe that MACS Taylor acted entirely properly.

p. On 17 November 1993, Mr. Hudson called MACS Taylor into his office and accused him of acting improperly during the previous night's arrest. Mr. Hudson then discussed with MACS Taylor the possibility of an early retirement for MACS Taylor.

q. On 18 November 1993, Mr. Hudson met with LCDR Cole to discuss this situation. At this meeting, the two men agreed to have Naval Investigative Service investigate MACS Taylor's activities on the night of the arrest.

r. On 22 November 1993, Mr. Hudson informed MACS Taylor that he planned to have NIS investigate the arrest.

s. Pursuant to advice from military defense attorneys, MACS Taylor and each of the other three officers consistently invoked his right to remain silent during the investigation.

t. On 3 January 1994, MACS Taylor was given a Report Chit citing one specification of violation of Article 92 related to the arrest of CE3 Miller. LCDR Cole's signature appears on the Chit for "person submitting report". Along with the Report Chit, MACS Taylor received formal notification of contemplated Nonjudicial Punishment.

u. On numerous occasions after the Report Chit was drafted, LCDR Cole attempted to persuade MACS Taylor and the other three NCBC officers involved to answer questions about the arrest. On or about 3 January 1994, LCDR Cole informed MACS Taylor that the Incident Complaint Report for the incident in question had never been received, and he gave MACS Taylor a direct order to write a report describing what happened on the night in question. MACS Taylor has consistently maintained that he submitted the report immediately after the arrest. Pursuant to advice from LT Carter F. Brod, JAGC, USNR, Defense Counsel, MACS Taylor nevertheless prepared a new report to avoid violating a direct order.

v. When discussing with MACS Taylor his potential Captain's Mast, LCDR Cole ordered MACS Taylor to sit locked at attention. LCDR Cole told MACS Taylor that he would "add twenty more f--king charges" if Taylor refused Captain's Mast.

w. On or about 6 January 1994, LCDR Cole called LT Brod and asked LT Brod to give MACS Taylor pre-Mast advice. LCDR Cole told LT Brod that MACS Taylor was being really stupid in his attitude and that if he did not accept Mast then they were going to "throw the book at him." LCDR Cole told LT Brod that, if MACS Taylor refused Mast, "we have lots of other stuff on him to use which we will throw on there", or words to that effect.

x. On 10 January 1994, MACS Taylor refused Nonjudicial Punishment.

y. LCDR Cole has made numerous attempts to persuade the other three NCBC officers to discuss the details of the arrest. On 6 January 1994, LCDR Cole told LT Brod in a telephone conversation that "the command is unlikely to dismiss the charges against Senior Chief Taylor but would probably dismiss on the others if they opened up."

z. In a telephone conversation with civilian police lieutenant Byron Frank, which lasted over one hour, LCDR Cole told Lt. Frank that "if you all had just cooperated with the NIS investigation, then you would have just gotten a slap on the wrist", or words to that effect. LCDR Cole stated that "Senior Chief Taylor is manipulating the other three officers. I feel really sorry for them", or words to that effect. LCDR Cole stated that "ABC bailed his a-- out in Bermuda. They won't come to his rescue now", or words to that effect. LCDR Cole asked Lt. Frank, who was also an African-American, "why won't you just tell me what happened? I'm the smartest black attorney in the JAG Corps. Let's just talk brother to brother", or words to that effect.

aa. On 21 January 1994, 48 specifications of UCMJ violations were preferred against MACS Taylor. Many of the specifications related to the 16 November arrest, but 16 of the 47 new specifications related to incidents in April, May and June of 1993.

bb. Naval Criminal Investigative Service conducted an extensive investigation of the charges against MACS Taylor. Included as part of the NCIS investigation were interviews of over twenty-one witnesses. Many of the witnesses, including Petty Officer Pringle, Detective Wunsch and Lieutenant Frank, were asked questions about MACS Taylor's activities in Bermuda.

cc. LT Robert P. Morean, JAGC, USNR, Trial Counsel, conducted several witness interviews at NCBC on or about 15 February 1994. LCDR Cole was present for many of these interviews and occasionally participated in questioning. In the Interview with BMCS Kossman, USN, LCDR Cole corrected BMCS Kossman for giving an answer LCDR Cole believed was incorrect. When MS3(SS) Doyle was interviewed, LCDR Cole was "right there, only two feet away from me." When MS3 Doyle told LT Morean that he felt MACS Taylor was an excellent cop and excellent leader, LCDR Cole stormed out of the meeting and slammed the door. LCDR Cole also assisted LT Morean in the questioning of Dan Gordon, Security Department Training Officer.

dd. On 9 February 1994, LCDR Cole approached DT3 Fredia Wright, USN, who had a son living on base who had been barred from the base for juvenile delinquency. LCDR Cole offered DT3 Wright that her son could continue to live on the base if he would testify in the court-martial of MACS Taylor. LCDR Cole told her that she could disregard the barring notice if her son would cooperate.

ee. On or about 18 February 1994, LCDR Cole discussed the 16 November arrest while teaching a class to new NCBC security officers. While teaching this class, LCDR Cole referred to the four officers who made the 16 November arrest as "the four", and used their arrest as an example of illegal police activities.

OTHER SIMILAR NCBC SECURITY CASES

ff. In the past, there have been several other arrests by NCBC Police with the same characteristics as the 16 November arrest. No prosecution or disciplinary action was taken in any of the other arrests. There have also been egregious cases of clear dereliction of duty by NCBC Military Police where no prosecution was undertaken.

gg. On 23 September 1992, NCBC Detective A. Carpenter, MA1 Woods, USN, and NCBC Detective P. Wunsch arrested EOCN Jason S. Tyree, USN, a deserter from NMCB-40, off-base in the City of Oxnard. The facts of that arrest were effectively identical to those in the case at bar. There was no disciplinary action of any kind taken against any of the officers.

hh. In December 1993, a complaint was filed alleging that GSM2 E.J. Beman used unlawful force in an arrest of a female suspect. The investigation of the incident was handled internally; NCIS was never asked to investigate. Beman was not court-martialed for his actions.

ii. In mid-1992, evidence existed that civilian NCBC police officer Carlos Tangonan used unnecessary force by hitting a suspect in the mouth with a baton. No investigation of any kind was undertaken, and no disciplinary action followed.

jj. On 21 January 1992, F.D. Forbes, a civilian NCBC police officer, arrested a suspect in the City of Port Hueneme by pursuing him on an off-base street, drawing his service revolver and ordering the suspect to freeze. The suspect was unarmed and seen climbing over the base fence from on-base to off-base, which is not an offense under any criminal code. The "suspect" was not charged with any crime. Forbes was not disciplined in any way for making this off-base arrest.

kk. Many members of the NCBC Security Department believe that, based on their knowledge of the facts, the 16 November arrest was entirely legal and consistent with NCBC policy practices.

RECENT FACTS

ll. On 11 February 1994, LCDR Cole offered LT Brod that MACS Taylor could still go to Captain's Mast if he wanted. LCDR Cole told LT Brod that, if MACS Taylor accepted Mast, the charges would include only two specifications of dereliction of duty.

mm. On 9 March 1994, LCDR Cole ordered an administrative questioning of Byron Frank regarding the arrest of 16 November 1993. LT Morean told LT Caroline Goldner, JAGC, USNR, that this was done as a "discovery tool" for the court-martial of MACS Taylor.

nn. On 17 March 1994, LT Morean told LT Brod in a telephone conversation, that "it is my understanding that if everyone had been forthcoming, there would have been no charges. The Admiral just got ticked when everyone clammed up."

3. Statement of Law.

a. R.C.M. 907, MCM 1984. Motions to Dismiss.

b. Fifth Amendment, United States Constitution. "No person shall be * * * compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

c. *Bordenkircher v. Hayes*, 434 U.S. 357 (1978). "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort."

d. *Chaffin v. Stynchcombe*, 412 U.S. 17 (1973). For an agent of the state to pursue a course of action whose object is to penalize a person's reliance on his constitutional rights is "patently unconstitutional."

e. *U.S. v. Davis*, 18 M.J. 820 (AFCMR 1984). For a claim of prosecutorial vindictiveness to succeed, it must be established that the decision to prosecute was based on impermissible considerations such as race, religion, or the desire to prevent the exercise of a legal right. "In the classic prosecutorial vindictiveness case the subsequent charges are harsher variations of the same decision to prosecute." See Also *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983), *Hardwick v. Doolittle*, 558 F.2d 292 (5th Cir. 1977).

f. *U.S. v. Spence*, 719 F.2d 358 (11th Cir. 1983). "To help simplify prosecutorial vindictiveness claims, the Supreme Court developed a 'presumption of vindictiveness'." 719 F.2d at 361. "Courts in this circuit construing post-*Blackledge* decisions have held that whenever a prosecutor brings more serious charges following the exercise of procedural rights, 'vindictiveness' is presumed, provided that the circumstances demonstrate either actual vindictiveness or a realistic fear of vindictiveness." 719 F.2d at 361.

g. *U.S. v. Krezdorn*, 718 F.2d 1360 (5th Cir. 1983). If the defendant challenges as vindictive a prosecutorial decision to increase the number or severity of charges following the exercise of a legal right, the court must examine the prosecutor's actions in the context of the entire proceedings. If "the course of events provides no objective indication that would allay a reasonable apprehension by the defendant that the more serious charge was vindictive, i.e. inspired by a determination to 'punish a pesky defendant for exercising his legal rights,' a presumption of vindictiveness applies which cannot be overcome unless the government proves by a preponderance of the evidence occurring since the time of the original charge decision altered that initial exercise of the prosecutor's discretion." 718 F.2d at 1365.

h. *U.S. v. Blanchette*, 17 M.J. 512 (AFCMR 1983). "The test for prosecutorial vindictiveness is whether, in a particular factual situation, there is a realistic likelihood of vindictiveness for the preferral of charges against the accused." 17 M.J. at 514.

i. *U.S. v. Hagen*, 25 M.J. 78 (CMA 1987). Once a prima facie case of vindictiveness is made out, the burden shifts to the prosecution to disprove the misconduct. See Also *U.S. v. Garwood*, 20 M.J. at 154 (CMA 1985).

j. *U.S. v. Falk*, 479 F.2d 616, 620 (7th Cir. 1973). If a defendant alleges intentional or purposeful discrimination and presents facts to raise a reasonable doubt about the prosecutor's purpose, then the prosecutor can be called to the stand to testify.

k. *U.S. v. Green*, 37 M.J. at 384 (CMA 1993). "This Court has previously stated that 'in referring a case to trial, a convening authority is functioning in a prosecutorial role'". See Also *U.S. v. Fernandez*, 24 M.J. at 78 (CMA 1987), *Cooke v. Orser*, 12 MJ 335 (CMA 1982), *U.S. v. Hardin*, 6 M.J. at 404 (CMA 1979).

l. In assessing a claim of prosecutorial vindictiveness, the Supreme Court focusses on practices which tend to chill the assertion of defendant's rights. *Blackledge v. Perry*, 417 U.S. 21 (1974), *NC v. Pearce*, 395 U.S. 711 (1969), *Bordenkircher v. Hayes*, 434 U.S. 357 (1978)

4. Discussion.

a. There are essentially three independent bases upon which the prosecution of MACS Taylor is vindictive. The first basis is due to retaliation for MACS Taylor's whistleblowing in Bermuda and his personal relationship with the convening authority's attorney, LCDR Cole. These two issues have been grouped together because they support the premise that MACS Taylor is being prosecuted for who he is, not what he has done. Second, MACS Taylor is being prosecuted for exercising his Constitutional right to remain silent. Third, MACS Taylor is being prosecuted for exercising his right to refuse Captain's Mast.

b. In light of the nature of these charges, the fact that forty-eight total specifications were preferred in this case, in itself, is strong evidence of the government's vindictiveness. An inference can be drawn that by charging MACS Taylor with such a large number of charges, the government intended to intimidate him, "show" him, or otherwise "retaliate" against him for any one of the three bases supporting this motion. The context of these charges, including the content and tone of statements made by the convening authority's attorney, further clarifies that this prosecution was undertaken with a vindictive purpose.

BASIS 1: BERMUDA AND PERSONAL RELATIONSHIP

c. Under this basis, this motion seeks dismissal of all charges pending against MACS Taylor. None of these charges would have been brought but for MACS Taylor's whistleblowing in Bermuda and his personal relationship with LCDR Cole. Pursuant to *U.S. v. Davis* and *Blackledge v. Perry*, these are both impermissible bases for undertaking a prosecution.

d. There is substantial evidence that the convening authority knew about MACS Taylor's activities in Bermuda and had distaste for those activities. RADM Nash requested a copy of the Bermuda tape before MACS Taylor arrived. Articles were posted and the tape was watched at the security department prior to MACS Taylor's arrival. LCDR Cole's statements to MACS Taylor when he arrived at NCBC shows his distaste for MACS Taylor's prior whistleblowing. MACS Taylor was taken to XOI by the convening authority for activities in Bermuda. The convening authority awarded him a letter of caution at this XOI for activities in Bermuda. NCIS, in conducting the investigation of these charges for the convening authority, asked numerous witnesses if they knew anything about the Bermuda incident. Furthermore, LCDR Cole's statement that "ABC bailed him out of Bermuda, they won't come to his rescue here", shows the vindictive tone of LCDR Cole based on MACS Taylor's activities in Bermuda.

e. There is also substantial evidence that LCDR Cole had a personal animosity for MACS Taylor. The statements by LCDR Cole at the meeting upon MACS Taylor's arrival is evidence of that animosity. MACS Taylor questioned LCDR Cole's professionalism by challenging his practice with regard to pretrial confinees. LCDR Cole was incensed at MACS Taylor's complaint. The 5 September 1993 memorandum shows that prior to this arrest, LCDR Cole sought to have MACS Taylor fired from his job. Ever since the first meeting when MACS Taylor reported at NCBC, there have been continual confrontations between the two men.

f. In addition to the evidence of vindictiveness, there is considerable evidence of fact situations similar to those in the case at bar that were not prosecuted. The off-base arrests involving detectives Forbes and Wunsch were very similar to this arrest, and no disciplinary action followed. There was evidence of dereliction by GSM2 Beman, but no disciplinary action was initiated. There was evidence of dereliction by Officer Tangonan, and no investigation was initiated. An examination of these other situations demonstrates that the government would not have ordinarily prosecuted this case but for MACS Taylor's activities in Bermuda and his personal relationship with LCDR Cole.

g. The vigor with which the command initiated this prosecution is further evidence of the other-than-official interest is seeing MACS Taylor prosecuted. For example, NCIS was called in to investigate and devoted a great deal of resources to this investigation. NCIS jurisdiction, however, is normally over major offenses only. LCDR Cole used his influence as base SJA over other legal matters to affect the investigation in this court-martial. LCDR Cole used the pressure of a barring order to enlist the support of an unwilling witness, Doug Lively. He used his administrative power to order a civilian, Byron Frank, to give, against his will, information to use against MACS Taylor. LCDR Cole also actively participated in interviewing witnesses with the Trial Counsel.

h. In sum, there is substantial evidence that this prosecution would not have normally been initiated but for the fact that MACS Taylor was the subject. Dislike of a sailor based on his past legal activities (Bermuda) and his personality is not a permissible basis upon which to initiate a prosecution. For the foregoing reasons, all pending charges against MACS Taylor should be dismissed.

BASIS 2: RIGHT TO REMAIN SILENT

i. Ever since initially being accused of dereliction, MACS Taylor has exercised his Constitutional right to remain silent. There is substantial evidence that all forty-eight charges in this court-martial are a result of vindictiveness due to MACS Taylor's invoking this constitutional right. Under this basis, this motion seeks dismissal of all charges.

j. On 17 March 1994, the Trial Counsel told the Defense Counsel that it was his understanding, based on his discussions with the Convening Authority, that no charges would have been brought but for MACS Taylor's invocation of this right. The Trial Counsel further stated that it was his understanding that the Admiral "got ticked" when MACS Taylor invoked this right. The Trial Counsel's statement is clear evidence that the government's decision to prosecute was based on MACS Taylor's decision to remain silent.

k. In discussing Taylor's court-martial charges with Byron Frank, LCDR Cole stated that "if they had just cooperated with NIS, then it would've been a slap on the wrist", implying that the charges would not have been brought at all but for MACS Taylor's invocation of his right to remain silent.

l. LCDR Cole has made numerous attempts at pressuring MACS Taylor to give up his right to remain silent, including attempts to persuade LT Brod and * * * appeals to MACS Taylor. LCDR Cole further told MACS Taylor that if he didn't "open up" there would be "twenty more f---ing charges."

m. The convening authority has taken several other actions which demonstrate the vigor with which it has attempted to get MACS Taylor to give up his right to remain silent. First, LCDR Cole gave MACS Taylor a direct order to write a new Incident Complaint Report, alleging that the original had been lost. Second, LCDR Cole administratively ordered civilian police lieutenant Byron J. Frank, who participated in the arrest, to give details of the arrest. LT Morean described this administrative order as a "discovery tool".

n. In sum, there is considerable evidence that the convening authority was angered by MACS Taylor's silence, and was in fact motivated to prosecute in retaliation for MACS Taylor's silence. In fact, the convening authority expressly told the Trial Counsel that there would not have been a prosecution at all had Taylor not "clammed up". It is evident that all forty-eight charges are in direct retaliation for MACS Taylor's exercise of a constitutional right, the right to remain silent.

o. To allow the government to prosecute as retaliation for exercising the right to remain silent would be to chill the exercise of this important constitutional right. Based on the foregoing, all charges now pending should be dismissed.

BASIS 3: RIGHT TO REFUSE CAPTAIN'S MAST

p. After MACS Taylor refused Captain's Mast, the charges against him rose from one specification of dereliction of duty to 48 specifications in total at special court-martial. There is substantial evidence that the additional 47 specifications were preferred in retaliation for MACS Taylor's refusal to accept Mast. Under this basis, the motion seeks dismissal of all charges added after the refusal of Captain's Mast. The charges sought to be dismissed include all additional specifications related to the 16 November arrest (beyond the one specification from Mast) as well as all specifications related to previous incidents.

q. LCDR Cole explicitly told MACS Taylor and LT Brod that if Taylor refused Mast "there would be twenty more charges" and that he would "throw the book at him". These statements demonstrate LCDR Cole's intentions to retaliate if MACS Taylor refused Mast.

r. Supreme Court and Military decisions support that a large increase in charges after the invocation of a legal right is a strong sign of prosecutorial vindictiveness. Here, the charges jumped from one to forty-eight after MACS Taylor exercised his right to a court-martial. In *U.S. v. Davis*, the court states that the classic prosecutorial vindictiveness case involves a harsher variation of the same decisions to prosecute. Clearly, if the first decision to prosecute was for only one specification, then a second decision for 48 specifications is a harsher variation.

s. In *U.S. v. Martino*, 18 M.J. 526 (AFCMR 1984), the government raised the number of charges after the accused refused NJP. The court held such prosecution to be proper. *Martino* can be distinguished on several bases. First, the court emphasized that the defense counsel asserted prosecutorial vindictiveness with no evidence whatsoever of a vindictive motivation. Further, the government showed evidence of a valid motivation for the difference in number of charges. In the case at bar, however, there is considerable evidence of vindictiveness and there is no evidence of valid government motive for increasing the charges from 1 to 48.

t. In *Bordenkircher v. Hayes*, the Supreme Court held that in the normal give and take of plea bargaining, a prosecutor has valid discretion to increase and decrease the number of charges in order to secure a guilty plea. *Bordenkircher* is distinguishable on several grounds. First, in *Bordenkircher*, the only evident motive on the part of the prosecutor was the non-vindictive motive to receive a guilty plea. In the case at bar, there is considerable evidence of vindictiveness unrelated to the desire to secure a Mast conviction. Second, in *Bordenkircher*, it was not disputed that the defendant was properly chargeable for the additional charges. In the case at bar, however, there is considerable evidence that there was no valid basis for the additional charges. MACS Taylor's performance evaluation of September 1993 shows the convening authority's acknowledgement that there was no case of dereliction for any prior incidents. Third, the additional charges in the case at bar were not part of the course of normal plea bargaining. MACS Taylor was ordered to attention and threatened with more charges if he did not accept Mast. Further, the military relationship between a Lieutenant Commander and a Senior Chief Petty Officer is one of unequal bargaining power.

u. In *U.S. v. Davis*, a claim of prosecutorial vindictiveness was rejected. In *Davis*, however, there were no additional charges brought in the move from Mast to court-martial. In the case at bar, the charges rose from one to forty-eight. Justifying its rejection of the prosecutorial vindictiveness claim, the *Davis* court stated that the classic case of prosecutional vindictiveness occurs when the number of charges is raised.

v. *U.S. v. Blanchette* also involved a rejected prosecutorial vindictiveness claim. That case can be distinguished in that the reason for not charging the accused initially was due to insufficiency of evidence. The court found that the additional charges were justified due to the availability of new evidence. No such evidentiary justifications exist for the government in the case at bar.

w. In sum, because MACS Taylor refused Mast on one specification of dereliction of duty, the convening authority retaliated by preferring forty-seven additional charges against him at a court-martial. The possibility of retaliation is clearly "realistic", and the impression made on the accused is clearly one of intimidation. The statements by LCDR Cole are evidence that the convening authority was in fact motivated by vindictiveness. Dismissing the additional charges would be consistent with Supreme Court and Military case law. To allow vindictive charging as occurred here would be to chill the exercise of a sailor's legal right to refuse Captain's Mast. For the foregoing reasons, all charges beyond the initial specification of dereliction of duty should be dismissed.

5. Evidence.

a. Witnesses. The defense offers the testimony of the following witnesses in support of this motion: Detective Wunsch, Sergeant Forbes, LCDR Cole, MACS Taylor, Lieutenant Frank, Officer Elgin, Officer Robertson, MACS Kossman, Kari Lee Patterson, DT3 Wright, MS3 Doyle, Mr. Hudson, Mr. Flynt, R.J. Bryan, Petty Officer Bassett, Petty Officer Pringle, Andrew Stewart, LT Morean, Petty Officer Beman Officer Tangonan.

b. Documents. The following documents will be presented as evidence in support of this motion: Incident Complaint Report (ICR) for Wunsch arrest, ICR for Forbes incident, report of Beman incident, 5 September 1993 Memorandum from LCDR Cole, Bermuda file, MACS Taylor evaluation, Mast charges, Report chit, NJP Refusal Form, Court-martial charges, letter of caution, Bermuda tape, new ICR for 16 November arrest, Barring notice for Doug Lively.

6. Relief Requested. Pursuant to Basis 1, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 2, the defense respectfully requests that all charges be dismissed. Pursuant to Basis 3, the defense respectfully rests that all charges other than the one specification charged at Mast be dismissed.

7. Oral Argument. The defense desires to make oral argument of this motion.

CARTER F. BROD,
LT, JAGC, USNR,
Defense Counsel.

Date: 23 Mar 94

CERTIFICATE OF SERVICE

I, Lieutenant Carter F. Brod, JAGC, USNR, certify that on this 23rd day of March 1944, I personally served upon government trial counsel a true and correct copy of this Motion.

THE SECRETARY OF THE NAVY,
Washington, DC, September 13, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Attached are responses to five additional questions forwarded from your Committee regarding the pending confirmation of Admiral Henry H. Mauz, Jr.

Again, I hope that my response to these additional questions is helpful and will finally resolve any pending issues.

Sincerely,

JOHN H. DALTON.

Enclosure.

---

1. When was Admiral Mauz first informed of the Lieutenant Simmons case? What was he told and by whom?

Answer. On either 9 or 13 October, Admiral Mauz's Executive Assistant received a call from the Executive Assistant to the Vice Chief of Naval Operations asking whether he had any knowledge of a sexual harassment case on USS CANOPUS concerning Lieutenant Darlene Simmons. Neither Executive Assistant can, today, two years after the fact, recall whether the call occurred on Friday, 9 October or Tuesday, 13 October. Both agreed that the call occurred during a normal workday around the Columbus Day weekend, with Monday being a holiday. Both Executive Assistants confirm that this phone call did not include any mention of Lieutenant Simmons' hospitalization. Because this was the first time he had received any indication of a sexual harassment case on USS CANOPUS, Admiral Mauz's Executive Assistant called Admiral Mauz's Special Assistant for Women's Policy. This was her first notification of a sexual harassment case on USS CANOPUS and she also confirms that this initial notification did not include any mention of hospitalization. Admiral Mauz's Executive Assistant then called the Chief of Staff at COMSUBLANT to inquire. The Chief of Staff was not aware of the case, but indicated that he would look into the matter. One of two working days later, the Chief of Staff called to advise that they had verified that there was a sexual harassment case on the USS CANOPUS, but COMSUBLANT did not have all the details and would inquire further. Admiral Mauz's Executive Assistant advised Admiral Mauz of all these telephone calls.

2. When did Admiral Mauz find out about Lieutenant Simmons's referral to the psychiatric ward?

Answer. Lieutenant Simmons was admitted to the hospital on Friday, 9 October and released on Tuesday, 13 October. On Tuesday, October 13, 1992, Admiral Mauz's Special Assistant for Women's Policy began to inquire into the sexual harassment case regarding Lieutenant Simmons. Sometime on October 13 or 14, the Special Assistant for Women's Policy learned that Lieutenant Simmons was hospitalized over the weekend. She verified this hospitalization with medical documentation on October 15. Sometime on October 14 or 15, she advised Admiral Mauz of Lieutenant Simmons's hospitalization. In sum, Admiral Mauz was first advised of Lieutenant Simmons' hospitalization after she was released from the hospital.

3. Did Admiral Mauz or anyone on his staff know of Lieutenant Simmons's hospitalization or referral for hospitalization at the time of her hospitalization?

Answer. No.

4. Was the admitting psychiatrist informed by Navy officials of Lieutenant Simmons' sexual harassment complaint at the tome of admission?

Answer. The admitting physician, Dr. Quinones, had no knowledge of the sexual harassment allegations at the time of admission.

5. Did Admiral Mauz investigate the order by the Bermuda commanding officer that Senior Chief Taylor undergo a forced psychiatric examination?

Answer. No, because the responsibility for the investigation was assigned by the Vice Chief of Naval Operations to the Naval Inspector General, except the reprisal and psychiatric referral, which were assumed by the DoD Inspector General. The allegation of reprisal including a psychiatric referral became first known to the Department of the Navy on December 9, 1992. On December 11, 1992, the Vice Chief of Naval Operations directed the Naval Inspector General to investigate all Senior Chief Taylor's allegations, except the reprisal and psychiatric referral, which were assumed by the DoD Inspector General. On August 16, 1993, the DOD Inspector General concluded in his report that Senior Chief Taylor's "referral for psychiatric evaluation was justified and was not reprisal."

Mr. DURENBERGER. Mr. President, in response to the statements of my colleague from Georgia, the Chairman of the Armed Services Committee, with respect to the availability of Navy inspector general reports through the Armed Services Committee, I want to make sure that the record clearly reflects my understanding of the facts in the case of Rebecca Hansen.

I was told by the Navy inspector general that I needed to get a copy of his report from the Senate Armed Services Committee. On that same day, May 27, 1994, my staff made a request of the Armed Services Committee staff for the report. They were told that the reports were made available only to the members of that committee. When pressed, the Armed Services Committee staff told my staff that they would talk with the chairman and see if an exception could be made in the Hansen case.

After the June recess my staff called again and asked about progress on the request. They were told that there had been no progress, but that they would expedite getting a response.

By June 24, 1994, the decision was made to discharge Lieutenant (junior grade) Hansen and the Arthur nomination was withdrawn. These events removed, to some extent, the urgency of receiving the report.

But at no time was my staff informed that I could review the report. In fact, they were given to believe that the committee staff was working to make the report available, but that it was not available to me at that time.

Whether the report would have been made available to me eventually was never determined, as events overtook that question and rendered it moot.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I thank the Chair.

I rise with great respect for the chairman of the Armed Services Committee. He and I have always been very open with our views when we have disagreed, as we do in this case. I understand that he is frustrated at the prospect of looking into this matter further.

I had the honor of serving on the Armed Services Committee in the House for several years, and there is a tremendous workload there, particularly at a time when there are so many problems in the world that may require action.

So in that context, I say to my friend respectfully, that notwithstanding all of those responsibilities, we must always honor our responsibility to individuals. It is sometimes a very cumbersome thing. We go long distances to protect single individuals, whether it is in the courtroom, whether it is in the workplace, in any circumstance, and certainly I hope in the U.S. Senate.

I want to say to my friend and colleague, Senator MURRAY from Washington, that I always have an enormous amount of respect for her. To bring this matter forward is not pleasant. As you can see from the tenor of the debate so far, it is not pleasant. It is not pleasant to stand up and say we are not going to do business as usual. It is not pleasant to stop a four-star train from going down the track.

We faced the same issues in another case—the case of Admiral Kelso. Particularly for me, opposing this nomination certainly is not pleasant because in California we have an enormous number of retired Navy personnel for whom I have great respect.

But, I want to say to my colleagues, it is because of that great respect that I have for the Navy, for the military, and for their commitment to this country, that I think we owe it to them that this kind of debate is not perfunctory. I wish in many ways we were not involved in this issue. I discussed that with the chairman. But the fact is article 2, section 2 of the Constitution says we must provide our advice and consent on Presidential nominees.

Therefore, when we put our yes, or no, behind a vote, we need to feel good about it. I am sure that my friend from Georgia feels perfectly comfortable with this. I assume that my friend from Arizona feels extremely comfortable with this nomination. Senator DURENBERGER, although he said he had some reservations, feels that he could vote on this nomination. I respect that. That is fine. But if there are some of us who believe that there ought to be a little more looking at this nomination to see whether the four-star level is deserved, I would hope that they would not be subjected to such comments suggesting that we don't know anything about the military. It reminds me of an appointee of the Reagan administration who said women did not understand the concept of throw weight. I remember that. So I hope that we can keep this debate on a higher level than that.

Mr. MCCAIN. Mr. President, my name was used. Will the gentlelady yield?

Mrs. BOXER. Certainly. I am happy to yield.

Mr. MCCAIN. I am trying to point out to the gentlelady that the chain of command is a specific set of words that means a certain thing, and that is that it flows to the Commander in Chief.

Yes, the U.S. Senate has responsibility. In fact, I do not hear the Commander in Chief being mentioned in this issue of who is responsible and who is in the chain of command. Facts are facts. The Senate has responsibilities. The chain of command is very clear. It flows to the Commander in Chief who is the President of the United States.

The Senate has its responsibilities. I do not dispute that. But facts are facts, I say to the Senator from California, and the fact is that the chain of command is a specific set of responsibilities. I thank the gentlelady from California for yielding.

Mrs. BOXER. I say to the Senator that when we speak on the floor of the U.S. Senate, we do take poetic license once in a while, and we will use terms to make a point.

What the Senator from Washington was simply stating in her way was, she was not commenting on every single rule and regulation in the military. She was basically stating that in her mind the Senate has a responsibility here entrusted to us under article 2, section 2 of the Constitution.

The issue at hand is not whether Admiral Mauz deserves four stars. The question is, Should we do it today, or should we have a hearing to give us a better and deeper look at some of the issues before us?

I think we should recommit this nomination to the committee. I think the Senator from Washington is making a very conservative motion here. We should be careful. We should be cautious. It is important. It is important to the Navy.

I believe that we cannot provide our advice and consent on this nomination at this time. It is very clear to me that there are allegations that have been raised. There are parts of the record that are disturbing. There are conflicts in the record, and they involve whistleblowers. I go back a long way in the defense of whistleblowers. For years on the House side I was involved not only in general legislation involving whistleblowers, the Whistleblower Protection Act and others, but the specific issue of committing military personnel to the psychiatric ward in retaliation for whistleblowing. So it is a very important issue to me and I have a long history with it.

In each of the instances of Darlene Simmons and Master Chief George Taylor, both were committed for psychiatric evaluations, and it seems a little suspicious to me both were working in a chain of command with Admiral Mauz at the top.

I will not restate the facts of the cases, but I will allude to them briefly. The one disgraceful similarity, as I have said, is that the whistleblowers were ordered to undergo psychiatric evaluation shortly after reporting their experiences of sexual harassment in the case of Lieutenant Simmons and wasteful military spending in the case of Chief Taylor.

You may say that is just a coincidence, but I think we ought to look at it a little bit. It was my amendment offered to the DOD bill in 1990 that made it illegal to retaliate against whistleblowers by ordering them to undergo mental fitness evaluations. That amendment became the law of the land.

We saw psychiatric evaluations being used regularly. As a matter of fact, at my request there was an open hearing about those psychiatric evaluations. The whistleblowers wanted to come forward and tell their story because they were put in the psychiatric ward for no reason other than they had blown the whistle against their superiors. They wanted to tell their story.

I want to be very fair here today. The inspector general in fact did look at the law and found that the hospitalizations were not retaliatory. But I must say, I am still suspicious. And I think all Senators should be suspicious. And I think PATTY MURRAY's motion before us will help us resolve our suspicions.

It may very well be that when that hearing is held, we will find out that there is no problem, that it is just a coincidence—just a coincidence—that two whistleblowers were sent to the psychiatric ward—one of them for 4 days.

Admiral Mauz has been accused by military personnel of improper conduct in handling the cases of Lieutenant Simmons and Senior Chief Taylor. Now the Senator from Georgia says there is another charge from the Government accountability project—by the way a very, very well-respected nonprofit organization. But I am not going to get into that charge. I know nothing about that. I do not even know why the Senator from Georgia raised it here. I guess it is just to point out that there could be many accusations made against an individual. But I am not talking about that new situation.

In the case of Lieutenant Simmons, Admiral Mauz is accused of being derelict in his duty to protect her and to oversee the vigorous prosecution of her harasser. In Chief Taylor's case, he is accused of attempting to influence a military prosecution not under his jurisdiction as Commander of the Atlantic Fleet. Those are the accusations.

Let me talk about the case of Lt. Darlene Simmons. This case demonstrates that many key issues remain unresolved. It shows why we need a full investigative hearing before we can act responsibly on this nomination. I would like to lay out my concerns, and I hope that Senators are listening. I hope they will vote for the Murray motion so that we can investigate these questions. I know that if this issue does get remanded to his committee, the Senator from Georgia will do a vigorous job of pursuing the truth.

In the Simmons case, the key question is simple: What did Admiral Mauz know and when did he know it? When did he learn about the sexual harassment and involuntary hospitalization of Lieutenant Simmons? Although this nomination has been on the Executive Calendar for more than a month, we still do not know the answer. Some Senators may wonder why we care so much about this question. But I think we must care. Article II, section 2 of the Constitution says we must provide our advice and consent on this nomination. Just as we want to know the facts about a Supreme Court nominee that comes before us—and we take that very seriously—we need to know the facts about this nomination.

Let me briefly review what we do know about this case. From December 1991 until May 1992, Lieutenant Simmons was sexually harassed. She reported this harassment up the chain of command in accordance with Navy procedures, but her complaint seemed to go nowhere. Finally, as many of our constituents do, Lieutenant Simmons asked one of her State's Senators to intervene on her behalf. On October 9, 1992, the Friday preceding the Columbus Day holiday weekend, Lieutenant Simmons was ordered to undergo a psychiatric evaluation. When a whistleblower is ordered to undergo a psychiatric evaluation—or, frankly, when anybody is—on a Friday of a holiday weekend, it automatically arouses suspicion. This is because you cannot be released until the next business day, the following Tuesday, even if you are quickly found fit for duty, which she was. She was found entirely fit for duty; yet, she was stuck in a psych ward.

How would you feel, I say to my colleagues, if that happened to your wife or your daughter, or your mother, or your sister, or your aunt? You are stuck in a psych ward, and you are perfectly fine, and you cannot get out because you were sent there on a Friday, and the rule is you cannot get out until the next business day. It is a long holiday weekend, and you are perfectly fine, and you are sitting in a psych ward.

This is the United States of America; this is not the former Soviet Union. That is why we passed the law that prohibits that kind of treatment. But here is a whistleblower who happens to be sent for a psych evaluation and happens to be sent on a Friday, and happens not to be released until Tuesday. All we are asking is let us take a look at this, Armed Services Committee; we need your help. We want to understand this better.

Lieutenant Simmons was a virtual prisoner in a military hospital for 4 days. Here is the interesting thing: Before Lieutenant Simmons reported to the hospital that Friday, she made an important telephone call. She telephoned the Under Secretary of the Navy to report that she believed that this order was issued in retaliation for her complaints of sexual harassment. What happened with that telephone call is the subject of my concern about this case.

We know that the Navy undersecretary gave this information to the Vice Chief of Naval Operations and that the Vice Chief of Naval Operations then gave the information to Admiral Mauz. That is on the record. Admiral Mauz was told.

Here is the key question: When did he know? We tried to get the answer. We tried to get the answer from Admiral Mauz, Senator MURRAY and I, and other women Senators, who have been interested and concerned about this. We asked the question. Do you know what we got back? Different answers.

Let me tell you what those answers were. The first question was:

When did Admiral Mauz learn of the Darlene Simmons case of sexual harassment? How was he made aware of this case?

Answer:

Admiral Mauz learned of the Simmons case of sexual harassment on October 9 or October 13, 1992, by a telephone call * * *.

I explained who made that call. It was the Vice Chief of Naval Operations. It is either October 9 or 13. Well, there is a big difference between the two. If it was October 9 then perhaps he knew Lieutenant Simmons was hospitalized, and perhaps he could have intervened. If it was the 13th, that was the end of her confinement.

Answer:

Admiral Mauz learned of the Simmons case on October 9 or October 13.

I am troubled by that.

We asked another question:

Exactly when did Admiral Mauz and his office learn of Lieutenant Simmons' confinement?

Answer:

Admiral Mauz learned of the hospitalization during October 1992, after Lieutenant Simmons had been released from the hospital.

Those answers may be inconsistent. We cannot get what I consider to be a straight answer. It is either October 9 or 13, and then it is in October after the confinement.

So it seems to me that we need to look at this. And in addition, we need to look at the other issue, the other issue posed by Chief Taylor when he reported the fact that Admiral Mauz was using Government drivers and cars on a vacation in Bermuda when he was there on "official business." This story was reported on a TV show. I am not one to believe TV shows. As a matter of fact, I discount a lot of what I see. But is it not amazing that shortly after this, we have harassment of this gentleman, Chief Taylor, and a psychiatric evaluation? So you have Chief Taylor blowing the whistle. And, by the way, the IG did put a letter into the file of Admiral Mauz saying that it was an improper use of this material.

Let me tell you exactly what was said. The Navy concluded that the scheduling of the trip created the perception of impropriety because he mixed business and pleasure. Furthermore, it found that Admiral Mauz had misused Government property because he requisitioned a military vehicle and driver while on personal leave, and he received an official letter critical of his action. And then we have a situation where the guy who blows the whistle on this activity gets what? He gets a psychiatric evaluation. Then we also have on the record a very high-level staff of Admiral Mauz calling the military prosecutor's office, which was looking into a case involving Chief Taylor. By the way, there were 48 counts lodged against Chief Taylor, none of which ever came to anything. Here you have a guy who blows the whistle, gets sent for a psych evaluation, and they bring a case against him in which he is ultimately not found guilty of anything.

All I can say to my colleagues is that we have a responsibility here. I do not have enough information to know whether it is just a coincidence that these people happen to be sent for a psych evaluation because they blew the whistle. I do not have enough information, because it is conflicting as to whether or not Admiral Mauz, in fact, knew that Darlene Simmons was sent in on a Friday before a long holiday. We do not know that.

So how can we, in good conscience, vote on this today? Senator MURRAY is giving us a way out, a good solid, conservative motion to take a hard look at these issues, entrusting it to our Armed Services Committee. I think that is a very sensible course.

I hope our colleagues will go along with the Murray amendment. I am proud to be associated with it.

Again, this is not easy. This is not easy. But once in a while you have to slow down the four-star train and take a hard look at what we are doing.

I think at this point we ought to take that hard look and then come back and vote on this fourth star.

I at this time thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 2582

Mr. McCAIN. Mr. President, on behalf of Senator DOLE and myself, I send an amendment in the first degree to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DOLE, proposes an amendment numbered 2582.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the instructions add the following:

The Senate finds that:

The President has proposed to use the United States Armed Forces to intervene militarily in the situation in Haiti;

The stated purpose of the proposed United States military intervention in Haiti is the restoration by force of Jean-Bertrand Aristide to the Office of President of Haiti;

The President has not presented a comprehensive case for United States military intervention in Haiti to either the American people or their representatives in Congress;

The support of the American people is critically important to the success of any offensive military action;

All national public opinion surveys taken to date establish that a substantial majority of Americans oppose United States military intervention in Haiti;

The State Department Country Reports on Human Rights Practices for 1991 characterized President Aristide's regime as "unwilling or unable to restrain popular justice through mob violence";

Allegations connecting President Aristide to several incidents of human rights abuses, including allegations of his involvement in the assassination of a political opponent, remain unresolved;

United States vital national security interests are not threatened by the situation in Haiti;

It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate:

That the lives of United States Armed Forces personnel should not be risked in combat for the purpose of restoring Jean-Bertrand Aristide to the office of President of Haiti.

Ms. MIKULSKI. Mr. President, reserving the right to object, will the Senator explain the first-degree amendment? There is so much buzz on the floor I did not hear it.

Mr. McCAIN. I am glad to explain to the Senator from Maryland.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator is recognized.

Mr. McCAIN. Madam President, this amendment expresses the sense of the Senate that the lives of the United States armed service forces personnel should not be risked in combat for the purpose of restoring Jean-Bertrand Aristide to the office of President of Haiti.

The fact is that it is well known that the President of the United States intends to invade Haiti, probably this weekend, and 73 percent of the American people are opposed to that invasion.

The President of the United States has had the time to consult with various countries, including the United Nations Security Council. He has had time to consult with and get the agreement from Antigua and Barbuda, Argentina, the Bahamas, Bangladesh, Barbados, Belize, Belgium, Bolivia, Britain, Dominica, Guyana, Israel, Jamaica, the Netherlands, Panama, St. Vincent, and Trinidad and Tobago.

The President has been unable or unwilling to come to the Congress of the United States and seek our approval for this invasion.

Madam President, I want to make it perfectly clear I do not believe that the United States is constitutionally bound to seek the approval of the Congress of the United States, although in the case of the Persian Gulf and several other occasions the Congress of the United States has acted in an affirmative fashion.

The fact is 73 percent of the American people, according to a poll yesterday, are opposed to this invasion. The President of the United States has refused to come to receive our approval.

The Secretary of State over the weekend and the United Nations representative have both stated that the President will not.

So, Madam President, in this rather unusual fashion, I intend to force a vote on this issue before this weekend because that is the time of this invasion as we all know, perhaps the most publicized invasion in the history of warfare.

Madam President, I yield the floor.

Mr. SMITH and Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is advised I had heard and seen the Senator from Maryland on her feet previously.

Mr. SMITH. She was not even on the floor, as I recall, at the time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SMITH. Madam President, a parliamentary inquiry.

Ms. MIKULSKI. Madam President, I rise to——

Mr. SMITH. Madam President, a parliamentary inquiry.

Ms. MIKULSKI. Address the original topic of debate of the Senator from the State of Washington.

Mr. SMITH. Madam President, a parliamentary inquiry.

Ms. MIKULSKI. I believe I have the floor.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Ms. MIKULSKI. No, I do not yield.

The PRESIDING OFFICER. The Senator does not yield.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise today to explain why I support the motion to recommit the retirement of Adm. Henry Mauz to the Armed Services Committee with instructions to hold a hearing on Admiral Mauz' retirement at four stars.

Today, we debate the retirement of Adm. Henry Mauz. Let me say first that I do not prejudge any of the allegations made against Admiral Mauz. There is no doubt that he has had a distinguished career.

But, Madam President, I also acknowledge the right of those within this Chamber who wish to debate Haiti, but I would wish out of respect for the admiral and the process that we complete the debate on the motion to recommit of the Senator from the State of Washington. I believe we conclude that debate in a crisp and civil fashion and then upon the conclusion of that debate, I understand it is the intention that was agreed upon by both the Republican leader and the Democratic leader to have full and ample debate on the Haiti issue.

I now understand there is a first-degree amendment pending. I am not going to go through the parliamentary quagmire or the parliamentary thicket.

But I do ask my colleagues to then let us move forward on the debate on the Mauz nomination and whether or not we should return it to committee.

Good people with good intentions can have civil debate on this topic, and we can conclude it. Then we can move on to the 7 hours to talk about Haiti. We can listen to the President tomorrow night, and we can debate Haiti all of next week. But let us, out of respect for the admiral, move ahead and at least have a vote on this issue. I believe we can conclude it.

That is why I wish to say about the Mauz issue, I do not prejudge any of the allegations made against him. I acknowledge the validity of recommending him for four stars.

What I have questions about is the process. I have more questions about the process than in some ways I have about the admiral.

The questions about the admiral are how he handled charges of sexual harassment by Lt. Darlene Simmons, and charges of retaliation against a whistleblower, Senior Chief George Taylor, and allegations made about the admiral by even those within this body.

There are many unanswered questions. Earlier this month, my colleagues, Senators MURRAY, MOSELEY-BRAUN, BOXER, and FEINSTEIN, and I wrote to the chairman of the Armed Services Committee to urge the committee to hold a hearing on the unanswered questions.

I ask unanimous consent that our letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 9, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On August 12, the Committee on Armed Services reported out the nomination of Admiral Henry Mauz, Jr., US Navy, to retire in grade. Because important questions have been raised about this nomination, we are writing to request that a public hearing be held by your Committee prior to Senate consideration of Admiral Mauz's retirement status.

As you know, Lt. Darlene Simmons alleges inappropriate action by Admiral Mauz with respect to the investigation and disposition of her sexual harassment case. In addition, Senior Chief George Taylor alleges that Admiral Mauz inappropriately used government assets and retaliated against a whistleblower. Both Lt. Simmons and Senior Chief Taylor have written to the Committee expressing the view that Admiral Mauz should not be retired at four stars.

We are concerned that the allegations raised against Admiral Mauz are sufficiently troubling to merit an open and full public hearing. While we in no way seek to pass judgement on any of the allegations involved, we do believe that a public hearing would serve to answer the important questions that have been raised.

Thank you for your consideration of our request.

Sincerely,

PATTY MURRAY,
CAROL MOSELEY-BRAUN,
BARBARA MIKULSKI,
BARBARA BOXER,
DIANNE FEINSTEIN.

Ms. MIKULSKI. Madam President, the letter talks about how we are concerned that the allegations raise questions that we should have a hearing. While we in no way seek to pass judgment, we do believe that there are questions related to how certain allegations that were made were handled.

There is conflicting and contradictory information about how the Navy and Admiral Mauz handled the Simmons sexual harassment case. There is conflicting information regarding what steps were taken and when they were taken to address the harassment issue. There is conflicting information regarding whether Admiral Mauz allowed an adverse fitness report by senior officers in Lieutenant Simmons' chain of command to go unchecked.

Now, the Senator from California has gone into this in great detail and, therefore, I will not need to go into those issues, but they are the questions that we have submitted to the committee.

The admiral has been accused of retaliating against a whistleblower. Senior Chief George Taylor, raised those questions about the propriety of a trip that the admiral took to the Naval Air Station in Bermuda.

Now all of us know what that is like. You take a trip, you try to do business, and then you could be accused of any number of things. We all understand that.

So all we want to do is get to the facts; get to the facts.

There was contradictory information about whether Senior Chief Taylor was transferred to another assignment and charged with insubordination and retribution for reporting the admiral's alleged misconduct in Bermuda. And I keep saying "alleged." I want to underline—a-l-l-e-g-e-d—alleged. We just want to clear it up. We want to clarify the controversy.

There is contradictory information regarding whether or not Admiral Mauz used the Navy resources for his personal benefit.

These are serious allegations and discrepancies which should fully be aired. I do not accuse the Navy of mishandling either this case or the disciplinary action against Senior Chief Taylor.

But I do believe, because of the serious nature of these various charges, a full and open hearing should be held before the Senate votes on Admiral Mauz's retirement at the rank of four stars.

I believe that a hearing will get all involved—the Navy, the admiral, the lieutenant, the chief—the chance to present their story.

Now Senator MURRAY has submitted a 3-page list of questions to the Armed Services Committee. A hearing will give the Navy the chance to answer those questions and any others. A hearing will give Senators the chance to make their own determination as to whether these incidents were handled appropriately.

We have a very able chairman of the committee, Senator NUNN, whose career within this body is distinguished. I believe that he has tried to handle many of these nominations in the most expeditious way. But the distinguished chairman of the Armed Services Committee raises the question about how he cannot hold investigative hearings on each and every situation. And we understand that.

But what we are saying to the members of the Armed Services Committee, what we are saying to the Armed Services Committee is we need to anticipate those situations that are high profile and highly controversial, anticipate the type of questions that we would have on those issues, and then anticipate what we need to answer in order to move on the fitness or whether we should proceed with the recommendations. That is what we are saying.

But, do you know what? There was talk about the Commander in Chief; there was talk about the Navy. I would like to raise a question with the Secretaries of the armed services personnel, whether it is the Secretary of the Navy, the Secretary of the Army, the Secretary of the Air Force, which is when a nomination or a recommendation is coming forward, anticipate the controversy; anticipate the questions; work with the committee.

This committee has had a wonderful reputation for bipartisanship. The relationship between Senator NUNN of Georgia and Senator JOHN WARNER of Virginia, I believe, is a model of cooperation and civility that should be a hallmark of this entire institution. We need less partisanship, less bickering, and they have done that in the Armed Services Committee.

Now when they look to the executive branch to send over those nominations or recommendations on rank for retirement, they should anticipate that and answer those questions. And that is what we are now faced with here. Somehow or another, we did not close the loop on this.

It is not with joy that the women of the U.S. Senate keep raising these issues. It is not with joy that we keep doing that. We respect our U.S. military. And, on the brink of a possible military action, we want to show our enthusiastic support for the U.S. military. We do not want to be jackpotted. But we are continually jackpotted by the bungling processes that come before us.

We honor and respect the men and women who make heroic sacrifices, and some are on this floor and some have spoken earlier today who have made incredible sacrifices. We are not here to fussbudget. We are not fussbudget Senators. We have to take these things seriously.

We thought when we raised the Kelso issue that we had changed the culture. We did not change the culture because they very shortly followed with this.

Now, once again, an admiral with a distinguished history of 35 years of service is now here while we raise three pages of questions. The questions that the gentlelady from the State of Washington has raised are the questions that the Secretary of Navy should have raised and gotten the answers; should have anticipated that when he came to the distinguished chairman and the ranking Republican on that committee, that they would have those questions. And that is what we are saying. Anticipate the needs, anticipate the questions that would be raised in high-profile cases.

Nominations have been held up or other recommendations have been held up in the Foreign Relations Committee for Ambassadors, and so on. So we should not be accused of holding something up. And we should not be accused of being the problem.

Now this takes me to something else.

And I would like to compliment the gentlelady from the State of Washington for the outstanding job that she has done to raise these issues. As she said, she felt that she had the responsibility to raise the questions—that is all we are doing—raise the questions and let us get the answers and let us get on with it.

But what disturbed me is not only where the Secretaries of the U.S. military continue not to anticipate what we would be raising on some of these high-profile issues, but when we raise the issues, we become the issue. And that is what has happened to the junior Senator from the State of Washington. When she raised the issue, suddenly she became the problem.

When we raise the issue, it looks like the Democratic women are the problem. Madam President, we are not the gender cops of the U.S. Senate. We do not see ourselves as the gender cops of the U.S. Senate.

But we do believe we need to stand sentry over making sure that questions raised are questions answered. That is all we are saying.

I believe that what has happened to the junior Senator from the State of Washington is not a very nice thing. She has been made the issue. She has been hounded into letting this nomination go. Tart things were said about her behind her back, to her face, and even on this floor. This Senator knows the chain of command. She spoke about it in terms of responsibility.

We are getting all jacked up and juiced up about being self-righteous. All we are saying is, the reason we want this to be referred to the committee is for questions to be answered.

But I come back to, yes, the Secretary of Defense and his Secretaries, where there are high-profile cases with controversy there, raise those questions and so on. And then when the distinguished chairman of the Armed Services Committee says this is more than they can handle, I believe we could handle them if they were handled first at the executive branch and then, second, we need to anticipate them in the committee.

Now we have just had an unfortunate thing occur on this floor about the recognition. I would like to say to the distinguished Senator from New Hampshire, who is one of the most active members of the Ethics Committee and who I have been with and in circumstances requiring integrity and judgment and so on, I can only attest to his, to his; and also to his own deep commitment to the U.S. military. I regret that there seems to be some confusion over recognition. I understand that the Senator from Illinois took the chair in anticipation of my speaking in support of this motion, and that I was to speak at this time.

But, Madam President, I do believe that it would be in the interest of all concerned if we could conclude the debate on the pending request of the junior Senator from Washington, that we vote on this, that it be one way or the other; that one way or the other the Senate exercises its will. And that we then conclude that and then move on to what needs to be a robust, amplified, and extensive debate on the Haiti question.

So, Madam President, we are on the eve of Yom Kippur when all people reflect on their souls, and I hope we will take this time over the next few days to reflect on our own role in public policy, where we do our best and where we serve. We ask, then, that we really cooperate in terms of bringing certain issues to closure, being able to move forward on this, having the debate.

And I note that on the floor is the distinguished chairman of the committee. I would like to say to that Senator, we thank you for your cooperation. I think you know what we have raised. We have discussed it one other time, where the executive branch needs to beef up its investigation on complaints. But we really do believe the Secretaries of the various armed services should anticipate these concerns. I just want to say to you: We do not want to be fussbudgets. As I said, we do not see ourselves as gender cops.

Also, whether we are on the brink of a military action or whether we are not, I can say as the dean of the Democratic women, we respect the U.S. military. We so want to work with them. And one of the finest opportunities I have had is being on the board of visitors of the U.S. Naval Academy to help produce naval officers for the 21st century and working with the Senator from Arizona on accomplishing that. And of course we look forward to working with you on that.

Mr. NUNN. I thank the Senator from Maryland, Madam President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I thank the Senator from Maryland. I can assure her that our committee and I personally will continue to work very diligently with the military services because I think they recognize that they are going through a difficult transition. I think they know that this transition is going to be several years in process. I think they understand that they are going to have to act on sexual harassment or sexual assault cases in a very timely, expeditious manner and a thorough manner in fairness to all the parties, both the alleged victims and the people who are accused and to our top ranking officials.

That is a continuing process. It is far from perfect now. There are a lot of improvements that have to be made, and I will certainly pledge to continue to work with the Senator from Maryland along that line.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Madam President, parliamentary inquiry. When a Senator is seeking recognition on the floor on a debate, why are we going into a quorum call?

The PRESIDING OFFICER. A quorum call is in progress.

Mr. SMITH. What is going on? Madam President, may the Senator from New Hampshire call the quorum off so he can speak on the floor?

The PRESIDING OFFICER. The Senator from Maryland has a right to request the quorum call. The quorum call is in progress.

Mr. SMITH. I ask unanimous consent the quorum call be dispensed with, Madam President.

Mr. NUNN. Madam President, I object but I will not object for long. I object for a moment. I have to confer for a moment, and then I will withdraw my objection.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Mr. NUNN. Madam President, I know the Senator from New Hampshire has been on the floor for quite awhile and desires to be recognized. I know he is on the floor seeking recognition. I hope the Chair will recognize him. I know he has remarks on this nomination. I also know the Senator from South Carolina has not made his remarks on the Mauz nomination. So I hope that both of them will present their views.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader, the Senator from Maine.

Mr. MITCHELL. Madam President, my understanding now is that the Senator from New Hampshire, followed by the distinguished Senator from South Carolina, and then followed by the Senator from Texas, all are to address the Senate on the subject of the Mauz nomination.

Following the remarks of the Senator from Texas, a quorum call will be called by either the chairman or whoever is acting in his behalf on this side. We discussed this here. There is no time limitation on the Senators. They are free to discuss it as long as they wish.

My request is that first Senator SMITH be recognized to address the Senate with respect to the Mauz nomination; that upon the completion of his remarks, Senator THURMOND be recognized for the same purpose; and that upon the completion of Senator THURMOND's remarks, Senator HUTCHISON be recognized for the same purpose; that upon the completion—perhaps I should inquire on the length of time. If he could just give some idea.

Mr. SMITH. Approximately 15 minutes.

Mr. MITCHELL. Fifteen minutes?

Mr. SMITH. Approximately.

Mr. MITCHELL. Why do we not say the Senator be recognized for up to 20 minutes? That will give him plenty of time on that subject.

Mr. SMITH. That should be sufficient.

Mr. MITCHELL. And the Senator from South Carolina to be recognized for 5 minutes. Then the Senator from Texas for up to 15 minutes, following which there will be a quorum call, and I will then be recognized following the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleague.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

To the Senator from New Hampshire, the Senator is over 6 feet by, I imagine, about 4 inches, and the Senator from Maryland is probably less than 5 feet no inches. But the fact is, the Chair saw and heard the Senator from Maryland prior to the Senator from New Hampshire, and that is why the priority of recognition pursuant to our rules was given.

It is the Chair's hope that the Senator from New Hampshire takes no personal affront or offense from the priority of recognition being given under the rules based on the fact of the Chair having seen and heard the Senator from Maryland previously.

The Senator from New Hampshire is now recognized for up to 15 minutes.

Mr. SMITH. Up to 20 minutes, Madam President.

The PRESIDING OFFICER. Up to 20 minutes.

PRIVILEGE OF THE FLOOR

Mr. SMITH. Madam President, first of all, I ask unanimous consent that a fellow in the office of Senator HUTCHISON, Colonel Dave Davis, be allowed the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Madam President, since you brought this up, the RECORD and the recording will make very clear what happened. I do not wish to pursue this in an argumentative manner, nor do I take it personally—I do not think it is a personal matter—but I think the RECORD will very clearly show that the Senator from Maryland was not seeking recognition at the time that the Senator from New Hampshire was seeking recognition.

The RECORD will also show during the time when two of your predecessors were in the chair, the Senator from New Hampshire was on the floor for approximately 2 hours seeking recognition while the chairman, who is on your side of the aisle, had recognition; Senator MURRAY, who is on your side of the aisle, had recognition; Senator BOXER, who is on your side of the aisle, had recognition; Senator NUNN, again was recognized on your side of the aisle; then Senator MIKULSKI was recognized, and all of the time, all during that debate, I sought recognition after each one of those individuals. So that is the record. The RECORD will also show that I called at least three times asking for recognition from the Chair, and the Chair did not recognize me.

That is the record. I do not wish to pursue it anymore on my time. The record speaks for itself, Madam President. I do not question anybody's motives.

Madam President, with all of the hoopla here, I was simply trying to get the floor to support my chairman in your party, by the way, Senator NUNN, and to support the ranking member of this committee, on behalf of the nomination of Admiral Mauz to retire in grade. That is all I have been trying to do. I regret that it has taken so much time to get here to do it. I think we ought to be a little bit more fair in terms of recognition in the debate. There will be other opportunities at some point in the future, maybe it might be January, it may be later—I hope it is January—when this party will have the majority in the Senate.

I wish to caution my colleagues on what is becoming what I believe to be a very unfair and increasingly damaging perversion of this whole confirmation process. It is simply impossible for the Senate to look over the shoulders of the UCMJ or all the decisions that are made throughout the military and do our job, the very extensive job that we have to do, from nominations to the budget and other things that we do in the Armed Services Committee.

I wish to reaffirm my absolute support for the Senate's constitutional prerogatives to advise and consent on this nomination or any other nomination. The Senator from Washington has the perfect right to recommit this. It is certainly within her prerogatives. I do not question that. The advise and consent process is a fundamental element of our system of checks and balances and each of us should take it very seriously.

But, unfortunately, there has been a growing trend among Members of this body to exploit the military nomination process in a manner that runs very contrary to how the framers intended it. There seems to be this lofty theory of accountability, accountability for some and not accountability for others. And it has become standard fare for a select few to slander and denigrate the service of our distinguished military leaders, leaving their reputations tarnished and their career history distorted in the Senate. We saw it with Admiral Kelso. We saw it with Admiral Arthur. We are seeing it again today with Admiral Mauz, where a very small minority is seeking—maybe not seeking, but in fact accomplishing—the tarnishing of the 35-year career of an outstanding military leader based on allegations which are, frankly, unsubstantiated, and this cannot be allowed to occur.

That is why Chairman NUNN is out here today and why Senator THURMOND is out here today, and others, speaking so strongly and forcefully, because 22 members of the Armed Services Committee, of both political parties, from the liberal to the conservative side, said that this nomination should go forward—22 to zero. That is a fact. We do not take this lightly. We do our job. And we did do our job. We did it. And we did it well under the leadership of this chairman. Numerous meetings were held and numerous investigations were held, and we looked into it. I happened to look into it personally every step of the way.

Admiral Mauz has been nominated by the President of the United States to retire in grade as a four-star admiral. The President made this decision. The Secretary of Defense made this decision. The Chairman of the Joint Chiefs made this decision. The Secretary of the Navy made this decision. And the CNO made this decision.

Madam President, 22 members of the Senate Armed Services Committee, in a vote of 22 to nothing, made this decision. But that is not good enough. We have to come out in the Chamber now and tarnish this brilliant military leader, who had a brilliant military career, who served his country well. Now he has to go out with this on his record, because this will be part of the debate.

It is a textbook story. He has a long list of awards. And I will not go through them all, but to begin with: Four Distinguished Service Medals, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star with a Combat "V," the Meritorious Service Medal, three Navy Achievement Medals, the Combat Action Ribbon, the Navy Unit Commendation Medal, Meritorious Unit Commendation Medal, Japanese Order of the Rising Sun, and on and on and on, including eight relating to service in Vietnam.

This is an impressive record. And, yes, if he was even remotely guilty of some of the things that have been said about him in looking the other way at harassment and this nonsense, he should be held accountable, but that is not the case. The President knows it. The Secretary of Defense knows it. The Secretary of the Navy knows it. That is why his nomination is being recommended to retire in the four-star grade. His reputation should not be destroyed in the Senate. It is outrageous.

To those very few Members who are seeking to prevent Admiral Mauz from retiring in grade, I say the burden of proof lies with you, not with him. It lies with you. He has served his Nation for 35 years. His career is an open book. His cards are on the table. He put them there. On the contrary, those who are alleging this improper conduct and are alleging that we did not do our job in the Armed Services Committee do not have any substance for these allegations.

They are allegations. That is all they are. This is a critical point. Those who are opposing the nomination are also criticizing this committee, maybe not openly, but blatantly underlying that is the message: We did not do our job. And I resent it, frankly. I resent it, because I know how hard Senator NUNN and Senator THURMOND and other members of this committee worked to try to review it.

We have had nomination after nomination. Every single time any member of that committee, any Member of the Senate, for that matter, has ever raised an objection to anybody, I do not care if it is a lieutenant, this chairman has given us the opportunity to be heard—every time, every single time. Sometimes they are frivolous, too, but we are heard. Never has he pushed a nomination through. From the most junior member of the committee to the most senior member of the committee, they are treated equally under this chairman.

The truth is that the committee thoroughly and methodically investigated every single one of these allegations against Admiral Mauz. Now, maybe some do not like the result, but the truth is they were investigated and there is nothing there—nothing there, period.

The criticism being lodged against Admiral Mauz centers on his alleged mishandling of a sexual harassment case. It has been debated he is not involved in sexual harassment, lest some think he may be. He did not condone it. He is a four-star admiral. He is trying to do his job in the fleet to conduct the operations that a four-star admiral has to do, and something happened down in his command. It was bad, no question about it, and disciplinary action was taken.

If someone in one of our offices commits a crime tonight, is that our fault? Is that our fault? Should we be held responsible? Maybe we should resign because of it. That is the logic being used here. We are totally accountable for everybody else's actions. Nobody is accountable for their own actions.

The Senator from Washington is alleging that Admiral Mauz used his position to protect those guilty of sexual harassment and to cover up alleged improper handling. It could not be further from the truth. These are very serious allegations. They are not supported by the facts.

The truth is that an individual was harassed. We went through all of that. I am not going to mention names. Admiral Mauz did not learn of it until October 1992. We cannot micromanage every single decision in the command of an admiral or a general or anybody else. It is impossible. Anybody who even remotely understands the military would understand that; even if you remotely understand it. When he learned of what happened, he investigated it immediately, and even assigned a member of his personal staff, his Special Assistant for Women's Affairs, to assist with the investigation to ensure that the victim had direct contact to Admiral Mauz at all times.

That did not end Admiral Mauz' involvement in this case. In fact, upon reviewing the proposed inspector general's report, Admiral Mauz was dissatisfied and he returned the report for more specific accountability. He personally intervened at the flag level twice in an effort to retain the victim in the Navy. He directed corrective action to ensure that there was no repeat of the harassment in the Atlantic Fleet or the Navy. I can say with all personnel in the Navy from the highest levels—CNO on down—since I have been on this committee, and since I have been in the Congress, there have been cases of sexual harassment, and they have tried to look into them and to deal with them fairly and appropriately. This admiral did the same. This is not dereliction of duty.

And to bring Admiral Mauz back up before another hearing, the damage will be done. It is being done now as we debate it on the floor of the Senate. It should not be here being debated frankly on the floor of the Senate. It can be. It has a right to be. But there is no reason, none, for it to be here. It is just that somebody does not accept the investigation.

So here is an opportunity to be macho here to show we are not going to let anybody get away with sexual harassment. Nobody got away with sexual harassment. Nobody got away with it. Admiral Mauz did not tolerate it, and he ought to be commended instead of being challenged on his integrity.

The Chief of Naval Operations, Admiral Boorda, thoroughly reviewed this case and Admiral Mauz' involvement and determined that Admiral Mauz did not suppress the evidence of any inquiry, did not fail to take corrective action on behalf of the victim, nor did he fail to follow proper procedures on inquiries into allegations; and, further, the CNO determined the Atlantic Fleet did not cover up the nature and the extent of these actions.

I do not profess to say that Admiral Mauz and 35 years of military service made flawless judgments. Does anyone in the Senate consider themselves flawless in their judgments in every decision that you have ever made? He surely has not. I surely have not. I am speaking for myself. But who among us could hold up such a standard? No one.

The issue before the Senate is whether his 35 years of service to our Nation warrant retirement in a grade of a four-star admiral. That is the issue. It is not a gift. He earned it. He earned the fourth star—earned, not gift. Understand what the military means. Do you realize what is happening out there today in this military situation? We have people in some cases that have been home 3 or 4 weeks in the last year while they have been in Somalia, Rwanda, Haiti, Cuba, and where else? How much more do we ask of these people? They give their service to their country.

They come to retire in the fourth star, in this case an admiral, and what do we do? We beat him up on the floor of the Senate and try to get a hearing to beat him up again. So he has to have that stigma with him for the rest of his life. It is disgraceful. It has to stop. We are losing good people in the U.S. Navy and all across the board in the military because of this stuff—good people; people that fought these wars and won these wars for us, who won the cold war for us.

I have several cases right now before me as a Senator, good people being basically harassed out of the service. You talk about harassment, being harassed out of the service because they are fed up with it, they cannot take it anymore. He served 35 years, and to just be treated like this. This is an honorable man.

My colleague from Washington and those who are joining her are saying in effect if you are fortunate enough to survive the reductions in force, serve your Nation with distinction, reach the pinnacle of success in your field, Senators still may decide that politics is more important than your reputation, and torpedo your retirement. It is bullying. What can the man do? He has to answer. He has to come up here, and he did answer. He answered through the proper channels—throw out our constitutional obligations, throw them out the window——

Mrs. BOXER. Will the Senator yield?

Mr. SMITH. I will not yield.

Mrs. BOXER. I want to make a——

Mr. SMITH. To be politically correct—Madam President, I would appreciate order. We should accommodate our responsibilities fairly and objectively. This is an outrage. It reflects very poorly on this institution, and it must not be permitted to prevail. I am extremely sensitive again to the underlying charges that somehow this committee was derelict. One or two, you might make that charge, but 22 to 0, including the chairman and the ranking member.

Let me conclude on the limited remarks that I agreed to, even though there is no limit to this debate and I finally was recognized, by urging my colleagues to reject this motion to recommit, reject this motion to recommit and accept the fact that Chairman SAM NUNN and Senator STROM THURMOND and 20 other members of this committee thoroughly investigated these charges and found them wanting. They are not worthy of the debate on the floor. He did nothing wrong. On the contrary, he did everything right. He checked it out as he should. He is a good admiral. He is a good soldier. He deserves to retire in that fourth star without any negative stigma being thrown his way as he leaves the military. Have the decency at least to allow this great soldier the opportunity to do that.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

[Applause in the galleries.]

The PRESIDING OFFICER. There will be no disturbance in the gallery or the people will be removed by the Sergeant at Arms.

The Senator from South Carolina.

Mr. THURMOND. Madam President, I previously have spoken on this matter so I shall make very brief remarks.

I just want to say that I oppose the motion to recommit Admiral Mauz' nomination. The Armed Services Committee has thoroughly reviewed each allegation and voted 22 to 0 in favor of the nomination. There are three issues:

Admiral Mauz' trip to Bermuda. This was investigated by the Navy, and Admiral Mauz was censured by the Navy.

Next, Lieutenant Simmons was verbally harassed, which was wrong. Admiral Mauz was three levels of command above Lieutenant Simmons.

The next is the Navy and the DOD investigated the allegations of reprisal and found no wrongdoing on the part of Admiral Mauz. That was proper. He was three levels above her.

Now, if she wanted to bring allegations against her commanding officer, that is one thing. But to go above that and above that and above that, and the admiral probably did not even know about the matter because her commander should have handled that.

The next is, Master Chief Taylor says that Admiral Mauz influenced the court-martial charges against him and reprisal for whistleblowing. Again, the Navy and the DOD investigated and found no connection to Admiral Mauz. He did not even know about this.

This nomination has been pending since May 10. This great man, admiral in the Navy—the nomination was sent to us May 10. We spent 4 months on it. It is an injustice to a man like that to hold it up when there is no real reason. He deserves to retire in grade.

I urge my colleagues to vote against the motion to recommit and to vote in favor of Admiral Mauz' nomination to retire as an admiral. I just want to say that he has had 35 years' service, valuable service, during some of the most critical time in our Nation's history. He has commanded riverboats in Vietnam, big ships of war, the U.S. 7th Fleet, and is currently serving as commander in chief of the U.S. Atlantic Fleet involving about 140,000 people.

I just cannot imagine after these things have been investigated by the Navy, and then further by the Defense Department, that it would continue to go on and haunt this man. He deserves better. He is a great patriot. We are proud of him. And I hope this nomination will go through and not be recommitted.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I am rising to speak against the motion to recommit the nomination of Admiral Mauz. But let me say that I do commend Senator MURRAY for having the courage to raise the questions. I raised many of the same questions in committee. I have worked with Admiral Boorda. I have had the questions answered to my satisfaction, which is why I wanted to speak here today.

But Senator MURRAY did call me to raise concerns, to ask questions, which I appreciate very much. I think she has handled this very professionally, and I certainly know that sometimes it is difficult when you are raising an issue, where there are competing and very valid views. So I do want to commend her. But I have come to a different conclusion from Senator MURRAY, such that I am satisfied that we do not have to go back to the committee. I am on the committee and, as you know, I have raised questions before and have gotten the answers that I asked for. I have worked with the chairman of the committee, Senator NUNN. He has been very forthcoming. I want to say that the committee has, in every instance where there is a question about a nomination, been very careful to inform members of the committee that there is a question on the nomination. The committee has gone overboard to get information. I have asked for information and I have received information. I do commend the chairman of the committee, who has had a tough time dealing with so many questions about so many nominations. I know that in a future time we are going to talk about how we can satisfy everyone in the nomination process and also protect the people who are involved in questionable situations. So it is difficult, and I commend the chairman and the ranking Member, and I also commend Senator MURRAY.

Let me say that I have come to a different conclusion, because when I asked the questions, I felt that Admiral Mauz really has done an exemplary job of handling a very delicate situation. So let me speak on a couple of the questions and then go forward.

We do know that Admiral Mauz has had a distinguished career, with over 35 years of service to our Nation. When allegations are made against a senior officer in Admiral Mauz's situation, the Armed Services Committee must investigate the charges to determine if the officer in question deserves the benefit of retirement at a higher grade. In this case, my colleagues and I on the committee, after reviewing the evidence and documentation and reexamining certain aspects of it over a period of weeks and months, voted unanimously to approve the nomination of Admiral Mauz to retire in grade. Clearly, this was a poll and not a vote of the committee as a whole, but that was because of the constraint of time and the difficulty of getting a committee meeting when we were in, I believe, the health care debate at the time.

I want to talk about a couple of the issues that have been mentioned. First, there was one allegation about an official trip to Bermuda in November 1992. Believing there was impropriety in the Admiral's actions, CPO George R. Taylor registered an initially anonymous complaint through the Navy's complaint hotline. Chief Taylor also alerted ABC-TV news, which did produce an account of the event in the news story. In this case, Admiral Mauz clearly made a mistake. Anyone with a long and distinguished career certainly makes mistakes, and I think that we have been able to weigh that lapse, and I think he has paid for any indiscretion that was made.

The issue that concerns me here is the sexual harassment complaint that was brought by Lt. Darlene Simmons, who was the victim of verbal harassment of a superior officer while serving on the U.S.S. *Canopus*. Admiral Mauz had an important and affirmative responsibility as commander of the Atlantic Fleet. To have fallen short of the discharge of his duties—to ensure a swift, thorough, and impartial investigation, appropriate disciplinary action and effective followup—would have been, in my view, a serious breach of his command responsibilities. But the record reflects that Admiral Mauz's actions were a model for effective leadership. Although he was fleet commander, separated from Lieutenant Simmons by several levels of command, he personally became involved to ensure that Lieutenant Simmons was treated fairly.

When the harassment complaint reached his desk, Admiral Mauz assigned a member of his staff, his Special Assistant for Women's Affairs, Comdr. Cathy Miller, to investigate the incident. The investigation led to the removal of the offending officer from the ship and his subsequent retirement from the Navy.

In the wake of the disciplinary actions against the offending individual, Admiral Mauz ordered additional instruction in handling sexual harassment matters for the captain and officers of the *Canopus*. He also took it upon himself to initiate two official messages to the Atlantic Fleet. First, in April 1993, he directed that steps be taken to eliminate sexual harassment. Subsequently, in September 1993, he ordered that official inspections would henceforth include a review of the effectiveness of efforts to combat sexual harassment. So it was clearly not just the investigation itself, but a followup to make sure that everyone knew of the seriousness of sexual harassment in the Navy, and especially in the Atlantic Fleet, which was under the charge of Admiral Mauz.

Finally, then, Admiral Mauz took steps to ensure that Lieutenant Simmons would be protected against reprisal. After Lieutenant Simmons took issue with a subsequent unfavorable fitness report that she received, Admiral Mauz intervened with the Chief of Naval Personnel in order to extend Lieutenant Simmons' tour of duty, provide for her reassignment, and assure that she would have a full opportunity to appeal the adverse findings. I think we must make clear that Lieutenant Simmons remains on active duty today as a judge advocate general officer. She is an attorney in the judge advocate general's office. So the person that has made the charges is still in the Navy, while the person accused of harassing her is no longer in the Navy.

There is an issue that has been brought up that is of great concern to me, and that is the hospitalization of Lieutenant Simmons and perhaps the allegation that she was hospitalized because of a sexual harassment complaint. This is an issue which has concerned me in every instance where I have read of it. I am concerned that on an allegation that a service member makes, he or she is then referred for psychiatric evaluation based on the fact that they have a problem that needs to be looked at, as opposed to the fact that they have made an allegation. But the facts in this case, which I have carefully reviewed, showed that the hospitalization was motivated solely by medical reasons. A referral was initiated by the ship's medical officer, a woman doctor, despite the commanding officer's initial objections, and the hospitalization was actually ordered by a physician on the hospital's staff. Most important, Admiral Mauz was not aware of the hospitalization until after Lieutenant Simmons was released from the hospital.

(Mr. MATHEWS assumed the chair.)

Mrs. HUTCHISON. Mr. President, I want to say that because of my concern for this type of possibility I specifically have asked Admiral Boorda what is the policy now with regard to psychiatric examinations after a sexual harassment charge. He has told me that it is not allowed anymore, that in the past they tried to be careful to make sure that it was not looked upon as any type of retaliation, but because of the questions and because it is such a difficult situation, they now just have a flat rule that there cannot be a psychiatric evaluation after a sexual harassment charge.

I hope that we can have the ability for someone who wants counseling after an occurrence like this to be able to have it, but I also think we must make sure that no one is ever, against their will, put into a psychiatric referral because of a charge. I think we have to walk a very fine line here, and I believe that Admiral Boorda agrees with that and is taking the steps that are necessary to make sure there is not any kind of abuse of this possibility.

The facts as they bear on Admiral Mauz' performance are unequivocal: He responded correctly and positively at every turn, and set an example for others in command positions to follow. He discharged his duties in this case in exactly the manner in which we would expect him to act and I would want to encourage other commanders to look at what he did to make sure that we follow every avenue that is necessary to look into sexual harassment charges without in any way hurting the person who is making the charges but also, of course, trying to make sure there is integrity and equality in the process.

The matters we are discussing here today are serious ones, and the committee took them very seriously. This nomination has been pending for months. Whenever questions are raised about abuse of command authority and administering justice within our military services, they do deserve our full attention. The committee undertook a review of all of the relevant information and a critical appraisal of Admiral Mauz' performance. At the conclusion of the committee's work, it was our recommendation that he merit the retirement in grade. And I am going to support that nomination.

I do want to say that I think on the issue of investigation, here is the key for a commanding officer, for a person that is not in the direct line when a charge is made like this: I think the judgment that we must make is the judgment of how the commanding officer handled the chain of command to make sure that there was fairness in the process and particularly that the person who is making the charge is handled with complete fairness. I believe Admiral Mauz met our standard.

But I also want to say that I have talked to Admiral Boorda and other commanding officers of our military services. They know that all of us, including the chairman of our committee, the ranking member of our committee, every member of the Armed Services Committee, know that it is very important that we have integrity in our process. It is difficult for members of the committee to come in and judge on a record after the fact. But nevertheless, we have taken great pains to do that.

But I think we also must take as great pains to protect the officer, such as Admiral Mauz, as we are trying to protect Lieutenant Simmons here. I think he deserves the promotion into retirement, and I think Admiral Boorda, as the Chief of Naval Operations, is doing everything he can to try to make sure that occurrences of this kind do not happen, but, if they do, that there is an investigation. I have said in the past that I think one of the failures in the Navy has been the investigation, but I am convinced that Admiral Boorda is taking steps to assure that there will not be lapses in investigation.

I also commend Secretary Dalton for having these types of interests uppermost in his mind for the U.S. Navy as well.

So I wanted to make my views known because I think there are a lot of lives that we are affecting here today. I do hope that we can have a vote quickly so that this can be handled today if at all possible so that we will not have to go back over a week and come back and refresh everyone's memories.

I think Senators should give the fairness of their judgment weight on behalf of the Navy, and I think Admiral Mauz deserves this promotion into retirement.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, will the Senator yield?

Mr. THURMOND addressed the Chair.

Ms. MIKULSKI. Mr. President, will the Senator yield?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, my understanding is that there is an agreement that we have a quorum call as soon as the Senator from Texas has finished speaking.

The PRESIDING OFFICER. The Senator may suggest the absence of a quorum.

Ms. MIKULSKI addressed the Chair.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk continued to call the roll.

Mr. BROWN. Mr. President, I rise to give a brief statement and ask unanimous consent that the order for the quorum call be rescinded.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk continued to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk continued to call the roll.

The PRESIDING OFFICER (Mr. DORGAN). The Chair advises that a quorum is not present in the Senate.

Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to instruct.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from Hawaii [Mr. INOUYE], and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 299 Ex.]

YEAS—74

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Hatch
Heflin
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Thurmond
Wofford

NAYS—19

Bond
Boren
Breaux
Brown
Craig
Faircloth
Grassley
Helms
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Smith
Specter
Stevens
Wallop
Warner

NOT VOTING—7

Campbell
D'Amato
Dole
Gramm
Hatfield
Inouye
Wellstone

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The Chair recognizes the Senate majority leader. The Senate will be in order.

AMENDMENT NO. 2583 TO AMENDMENT NO. 2582

(Purpose: To express the sense of the Senate with respect to Haiti)

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask it be read.

The PRESIDING OFFICER. The clerk will report.

Mr. McCAIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The amendment must be read first. The clerk will read.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself and Mr. NUNN, proposes an amendment numbered 2583 to amendment No. 2582.

The amendment is as follows:

Strike all after the first colon and insert the following:

SEC. . SENSE OF THE SENATE ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) STATEMENT OF POLICY.—It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993, and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Senate that funds should not be obligated or expended in Haiti unless—

(1) authorized in advance by the Congress;

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment;

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive congressional authorization, and the President reports, as soon as is practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Senate that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) if justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure that safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction, or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, the amendment just read is identical in substance to an amendment which the Senate approved on June 29, by a vote of 93 to 4. The only changes are technical in nature and they appear in the statement of the policy and in the sentence on limitation. That is to make them conform to the procedural status in which this amendment exists as opposed to the procedural status of the amendment of June 29.

The Senate overwhelmingly approved this amendment, as I noted. Mr. President, 53 Democrats and 40 Republicans voted for it; 1 Democrat and 3 Republicans voted against it; 3 Senators were absent.

It is a sense-of-the-Senate amendment and by its terms it expresses the interest in the United States that all parties honor their obligations under the Governor's Island accord of July 3 of last year and the New York Pact of July 16.

All Senators will recall that under those agreements the military dictators who illegally seized power in Haiti expressed a willingness to relinquish power and to permit the democratically elected government of that country to return. Subsequently, the military dictators reneged on the agreement and that has led to the current situation in that unfortunate country.

The amendment further expresses the interest of the United States in preventing uncontrolled emigration from Haiti, which earlier this year reached levels that created serious problems in some parts of our country. The amendment then includes a limitation which provides that funds should not be obligated or expended in Haiti unless first authorized in advance by Congress. And the temporary deployment of United States forces into Haiti is deemed necessary to protect or evacuate United States citizens. And the deployment of the U.S. Armed Forces is vital to the national security interests of the United States.

In the alternative, the President can submit a report to Congress, pursuant to a subsequent section and the subsequent section details the provisions of such report.

Mr. President and Members of the Senate, we are in a unusual parliamentary situation. We are in executive session under which we are considering a nomination. The underlying amendment to the motion to recommit that nomination and the amendment which I have just offered of course represent legislative business. Not in my knowledge has this ever occurred in the Senate; that is, an attempt to conduct legislative business when the Senate is in executive session considering a nomination.

We have asked the Parliamentarian to review the matter to determine whether or not such a procedure is in order, and we will await a final determination before attempting to proceed in that regard.

I think all Senators should be aware that if this process proceeds, then the distinction between legislative and executive sessions will have been obliterated and all matters regarding nominations and other matters in executive session would then be open to some form of legislative action. Wholly apart from the subject matter of the discussion, which is a very serious and important one and which deserves full and thorough debate by this Senate—that is the subject of Haiti—from the standpoint of the integrity of this institution and the procedures under which we operate, this is also a very serious matter. And it is important that all Senators understand that, and, at the appropriate time, I will have more to say on that subject.

For now the question, of course, is the situation that is set forth in the underlying amendment and in the amendment which I have just set forth.

Clearly, this is a serious matter. Clearly, it requires thorough debate and consideration by the Senate. As we all know, in this Congress, the Senate has already debated and voted seven times on the subject of United States policy to Haiti. We are now doing so for the eighth time, and I expect that there will be many more occasions, and that is appropriate given the importance of the subject matter.

But I think the first point to be made is that everyone should understand that there has been extensive debate and discussion in the Senate, although it is correct that not every issue has been squarely confronted and voted on until now in the Senate.

Second, of course, under the rules of the Senate, any Senator has the opportunity to speak at any time on any subject, and many Senators have availed themselves of that opportunity. So we have not only had seven debates and seven votes on specific amendments, we have had very extensive debate, outside of that context, as a large number of Senators of both parties have expressed themselves on this important matter.

Mr. President, I offered this amendment in behalf of myself and Senator NUNN because I believe this is an appropriate expression of what the Senate should do. I believe it is appropriate that the Senate go on record, as it has previously, in urging all parties to honor the obligations under the prior agreements that are set forth, in describing our national interest with respect to emigration and in expressing our view that funds should not be obligated in Haiti unless the terms and conditions set forth in this amendment are met.

All Senators have had a chance to review this matter. As I said earlier, 93 out of 97 Senators voted for it. My hope and expectation is that there will be another substantial, indeed overwhelming, vote for the amendment at this time because I think the reasons which led Senators to vote for it in June exist today in a form that has not abated.

And so I think it is appropriate that we deal with this subject as expressed in this sense-of-the-Senate resolution at the appropriate time.

Mr. President, I say to Members of the Senate, we are in an unusual situation in another respect. Several weeks ago, I consulted with the distinguished

Republican leader and with many other Senators on the Senate schedule. As we are all aware, a high holiday for persons of the Jewish faith commences at sundown this evening and continues until sundown tomorrow evening. It has been a longstanding practice of the Senate, a custom honored in at least the 15 years since I have been in the Senate and no doubt longer than that, that the Senate not conduct business during that time.

Therefore, at the request of many Senators, and in accordance with the practice that has been followed for many years, I announced several weeks ago that the Senate would not have any rollcall votes or conduct any business after 2 p.m. today, and also at the request of many Senators, Republicans and Democrats—and from this there was no dissent—that since the holiday ends on Thursday evening, I was strenuously urged not to have a session on Friday because that would require Senators to return for just that 1 day. And so the schedule was set forth weeks ago, and there has not been any protest or disagreement with that, to my knowledge, to this very moment. No Senator has come to me and said, "I disagree with the schedule. I think we should be in session." Every single Senator who spoke to me—and there was a very large number, both Democrats and Republicans—urged that I do what I eventually did, and that is to say there would be no session on Thursday or Friday and no business would be transacted after 2 p.m. today. That is to say, no rollcall votes or other matters that would require the presence of a Senator occur. That would not preclude debate in the Senate after 2 p.m. today.

Yesterday, I met with the distinguished Republican leader to prepare the schedule for today and for the remainder of the session. In the discussion that we had, the subject of Haiti and how to handle it in the Senate arose. I had requested that the Senate proceed to a vote on the Department of Defense authorization bill, which was then the pending matter, yesterday afternoon. The response I received from the distinguished Republican leader was that a Republican colleague had agreed to permit such a vote to occur yesterday afternoon provided I agreed in exchange to have 6 hours of debate on the subject of Haiti today after all of the votes, if any, which were to occur today had occurred. The 6 hours was later amended by a request of our Republican colleagues to 7 hours, and I agreed to that, and that order was entered.

It was my understanding that pursuant to that agreement, we would take up the subject of Haiti today and have the 7 hours for debate, and that there would be no further action with respect to that matter or any other matter today. Pursuant to a separate order entered last evening, the Senate agreed to take up the nomination of Admiral Mauz of the U.S. Navy. During the course of debate on that nomination, Senator MURRAY made a motion to recommit the nomination to the Armed Services Committee for purposes of holding a hearing, and subsequently Senator McCAIN offered the now pending underlying amendment to include the subject of Haiti.

The second-degree amendment which I have just offered, and which has been stated, deals also with that subject. As I stated earlier, both of those amendments—the underlying McCain amendment and the amendment which I have offered—appear to be an attempt to legislate in executive session on a nomination, something which at least to my knowledge has not ever occurred and something which I have asked the Parliamentarian to review.

So we now are in a situation where we will, of course, be prepared and are prepared to debate this matter, as we had agreed yesterday, for a period of time under an agreement which would have divided the time equally between the parties in morning business.

The effect of this matter arising so late, and given the importance of the matter, and given the 2 o'clock deadline which had been established several weeks ago, made it, of course, a practical impossibility that any vote would occur today on this subject.

I repeat, the request for, first, 6 hours of debate, and then 7 hours of debate, was made initially by our Republican colleagues, and I agreed to that. I think it is clear that on a subject of this importance there ought to be at least that much debate, and possibly more, before there is a vote. But the presentation of an amendment dealing with the subject—obviously it was done late because that is the only opportunity that was created when the motion to recommit was made, but nonetheless it created a situation where there simply is no feasible way to have a vote on this matter without the kind of debate that is necessary and appropriate prior to 2 p.m. today. I do not know the exact time that the McCain amendment was offered, but it was a couple of hours ago, I estimate. It was sometime, I think, between 11 and 12—between 11 and 12 this morning—following the motion to recommit by the Senator from Washington.

So, Mr. President, my belief now is that we should proceed to have the debate on which we agreed yesterday, and which is the subject of an order, and that it be conducted in a way that the time is equally divided so that every Senator will have some opportunity to get his or her view across. And the time can be allocated as between the two parties in what I hope will be a fair and responsible way.

I note the presence of the acting Republican leader in the Chamber at this time and wish to inquire of him as to whether it would not be agreeable to proceed to a vote, to proceed to a debate under the terms that we had agreed upon yesterday, that is to say, 7 hours would be equally divided between the two parties under the control of the majority leader and the acting Republican leader or their designees.

I so inquire, without losing my right to the floor.

Mr. SIMPSON. Mr. President, the witching hour is now past—2 o'clock—and I think we all understand we will continue to debate this issue. After all, it is certainly a debatable motion. I am assuming it is considered as a second-degree amendment to the first-degree amendment of Senator McCAIN.

Obviously, the Republican leader is not present. I am not privy to the full communications that took place with regard to what would transpire today, but I think there may have been something in the way of miscommunication rather than any intent to mislead the majority leader.

The 7 hours of debate was constructed so that we could debate Haiti. Since the issue was so volatile and would cause great delay with the consideration of the Department of Defense legislation, it was determined to process that properly; we could then debate the 7 hours' worth on Haiti so as not to obstruct the DOD report.

The 2 o'clock hour, indeed, was adhered to, and we do adhere to it, and the rest of the week's activity. We understand that. I would say only that whatever miscommunication may have come from the 7 hours, and that that would be the only issue, there was a similar miscommunication with many on our side thinking that this would be an up and down vote on Admiral Mauz. And then that changed and was altered by the motion to recommit. There were some on our side who felt, perhaps, as I say, with miscommunication, that, indeed, then opened it up again for discussion of Haiti. And on that entry I would yield in a moment to the Senator from Arizona.

But in any case, that up-and-down vote was not available, as the floor managers had wished, and that was altered by the motion to recommit. And then, of course, that made it open to an amendment.

But let me just conclude to the leader that many things have changed since June when we adopted this exact language by a vote of 94 to 3. Many things have changed. It is very important we have this national debate. We have been trying to get that national debate because there is not one of us here on either side of the aisle who does not know that this invasion is imminent.

The President of the United States seems to wish to go forward with it, without congressional participation, and many on our side of the aisle have compiled the record of the debate during the gulf war and just flipped it over, and now those same things are being said by those on the other side of the aisle and the other side of the issue, just flipping it over as to the necessity for congressional response before the body bags are flown here to Dover Air Base, and I will not go into that. That is something that is heavy on all of us.

But I think if we are going to go forward, and this was the Senator's question, with regard to the 7 hours, it be appropriately divided and alternated so that it does not just stack up with 2 hours and then—if we can alternate that, that would be very important.

Then it was very difficult—and I am not going to get into the unfortunate activity, but it was very difficult for those of us on our side of the aisle and caused some of the anguish here when the occupant of the chair earlier in the day refused to recognize one of our Members who was here seeking recognition for many minutes. The Chair refused to recognize that Member from our side of the aisle, who was intending to participate in the debate, perhaps intending to offer a second-degree amendment.

I do hope that that is not a portent of anything to come as we get down into the crush of these next few weeks where tempers will be short and it would be very difficult, but the rules are the rules, and no one adheres to that more than our fine majority leader. But that was very unfortunate, and that must not be, it cannot be, if we are to have the comity and the coordination and cooperation we must have in what is going to be a very fractious national session until we then recess for the year sine die.

So we will be pleased to work with the leader with regard to the allocation of time as long as it is done in an alternate fashion, back and forth.

I did want the RECORD to be clear as to how we got here. I did not know, nor did the leader know, exactly what would take place with regard to this amendment. Certainly, this Senator was not aware until a moment before I came to the floor. Therefore, I wanted that to be very clear. I think the sponsor of the amendment would like to address that issue. But I hope that is a response to the question, which was rather lengthy.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I thank the Senator for his comments. He indicated that he and his colleagues are prepared for some comments contrasting the current situation with the Persian Gulf situation, that there has been a flip. I understand that, because we have also, on our side. Many comments were made by Republican Senators at the time of Panama and Grenada. And there was a flip there as well. If there is to be one, in any case, I expect that will all be part of the debate that is forthcoming.

What I propose now, Mr. President—and before presenting the request formally I will describe it to the distinguished acting Republican leader—what I suggest is that we agree to 7 hours equally divided, under the control of the majority leader and the acting Republican leader, or their designees; that the statements alternate beginning with a Democratic Senator, then a Republican Senator, and then back and forth, but that no statement exceed 30 minutes in length, so that you do not get a situation where one person or one side talks for 2 hours or 2½ hours, effectively foreclosing the other side until later in the day.

I inquire of my colleague and my other colleagues whether that appears to be an agreeable proposal.

Mr. McCAIN. Reserving the right to object, Mr. President, I ask the majority leader if I will be able to make a few remarks prior to that, since my name was liberally mentioned concerning what has transpired today. I do not object at all to the equal division. I would like to make some additional comments to those made by the distinguished whip before we go into that.

If the majority leader does not find that acceptable, that is fine with me. My name was used liberally about the parliamentary procedures that were employed by the majority leader. I would like to be able to respond to that.

Mr. MITCHELL. Mr. President, may I suggest that the Senator would have, under this proposal, a full 30 minutes to do so, following remarks by one Democratic Senator.

Mr. McCAIN. The distinguished majority leader just said the first speaker would be a Democrat. I would like to respond to the comments made concerning what transpired here today since about 10 o'clock, when I came on the floor, I say to the majority leader. I think I should have the right to do that since words like unprecedented and things like that were stated concerning procedures that took place today, which this Senator initiated.

Mr. SIMPSON. Mr. President, I inquire if there is leader time allocated today.

Mr. MITCHELL. That will not be necessary. Mr. President, why do I not make the request that the Senator from Arizona be recognized for 10 minutes, and that following his remarks, there be 7 hours of debate equally divided, with the time under the control of the majority leader or the minority leader or their designees; that the speakers alternate, the Democratic Senators speaking first, a Republican Senator second, and then alternating back and forth; but that in that sequence, no Senator be permitted to speak for more than 30 minutes so as to ensure fairness in allocation of time on each side.

Mr. NICKLES. Reserving the right to object, and I shall not, I ask the majority leader, when will we have a chance to vote on either his second-degree amendment or the underlying amendment?

Mr. MITCHELL. Next week.

Mr. NICKLES. Monday or Tuesday?

Mr. MITCHELL. Mr. President, I have not made a decision on that. For one thing, we do not know how long the debate will be. There are many Senators who have left or are leaving who may well want to speak on this subject. Of course, that is exactly what happened to us on the DOD authorization bill on Monday. We took it up on Monday. We had a few hours of debate. We were told there were several Republican Senators who were not here on Monday. They wanted to speak on it. We had to wait until Tuesday.

So we do not know what Senators will be able to speak today, or how many will want to speak for how long, and therefore we will have a vote when all Senators have an opportunity to speak who wish to speak.

Mr. NICKLES. I appreciate the majority leader's answer, Mr. President. So to further clarify, the 7 hours is not all inclusive. Further debate could transpire on Monday or Tuesday, and this will be the pending business when we return on Monday.

Mr. MITCHELL. Absent some agreement to the contrary, it will be the pending business.

Mr. NICKLES. I thank the majority leader. This does not limit it to 7 hours. We can speak on this issue on Monday or Tuesday. We will not be capping the total debate time.

Mr. MITCHELL. I did not intend the proposal to be the only time; we will debate it today, and then when we get back into session, if any other Senator wants to speak, he or she will be able to speak, absent some agreement to the contrary.

Mr. NICKLES. I appreciate that.

Mr. NUNN. Mr. President, reserving the right to object, I will not object, but I would like 2 minutes simply to address the underlying issue, which is the Mauz nomination, prior to beginning —about 2 minutes. I do not want to delay the Senator from Arizona, but I do think we ought not to leave this simply hanging without some explanation.

Mrs. MURRAY. I reserve my right for 5 minutes, as well.

Mr. NUNN. Mr. President, I do not intend to debate.

Mr. MITCHELL. Mr. President, we have a situation where, in order to accommodate several Senators earlier on the Mauz nomination, we concluded that debate with statements by three Republican Senators. Senator MURRAY had requested the opportunity to address the Mauz nomination, as well. She was not able to do so because of the agreement that we reached.

Why do I not ask at this time that Senator NUNN be recognized for 5 minutes on the Mauz nomination; that following his remarks, Senator MURRAY be recognized for 5 minutes on the Mauz nomination; and then Senator MCCAIN be recognized for 10 minutes.

Mr. MCCAIN. I object. I ask that Senator NUNN's words come after mine.

Mr. NUNN. Mr. President, I will not object. The majority leader is trying to get an agreement. I really just wanted to make the point that the Mauz nomination is the underlying business, and he is an individual who may very well be involved in the debate we are talking about; that is, the Haiti situation, if we intervene there. His nomination has been pending 2½ months now. And the fact that the Haiti resolution has been put on top of his nomination, which is the Senator's right, has basically prevented this from being considered. I hope we can get to it next week, either with or without Haiti.

But that is the underlying matter, and I think it is an important matter. It has to do with the whole chain of people who will be replacing him, and those who are replacing those who are replacing him.

So there are a lot of people in the Navy chain that are not present. That was the only point I wanted to make. I did not want to debate it.

So I withdraw any objection or any request for time.

Mr. MITCHELL. I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Thank you, Mr. President.

I say to the majority leader, before he leaves the floor, that I always admire his skill; I always admire his capabilities, especially in the area of manipulating the process here on the floor, the parliamentary process. I have not seen anyone in the short time I have been here as skillful as he is in successfully shepherding the legislative agenda through this body. And there are several technical statements that the majority leader made which I will reserve for another time because I want to make the major thrust of my remarks in saying to the majority leader that I am deeply, deeply, deeply disappointed. He has used legislative procedures in which he is so adept and efficient and skillful to prevent the Senate of the United States to speak on the issue of the risk of the lives of young Americans who are going to go into combat, and some of them are going to die sooner or later.

The majority leader of the Senate by delaying, by keeping us in a quorum call, by proposing to second-degree an amendment that was passed last June that says in it "There is not sufficient time to seek and receive congressional authorization" has successfully—and I congratulate him—prevented the United States Senate from speaking on this issue before an invasion takes place of Haiti and American lives are lost.

I am not going to spend a lot of time quoting from the debate on the Persian Gulf conflict. I am not going to waste this body's time talking about this, but the majority leader said:

> * * * the Founders knew that a legislative body could not direct the day-to-day operations of a war.
>
> But they also knew that the decision to commit the Nation to war should not be left in the hands of one man. The clear intent was to limit the authority of the President to initiate war.
>
> But yesterday the President said that, in his opinion, he needs no such authorization from Congress. I believe the correct approach was the one taken by the President 2 days ago when he requested authorization. His request clearly acknowledged the need for congressional approval.

Continuing to quote from the majority leader:

> The Constitution of the United States is not and cannot be subordinated to a U.N. resolution.
>
> It is universal. If there is to be war in the Persian Gulf, it should not be a war in which Americans do the fighting and dying while those who benefit from our efforts provide token help and urge us on. Yet, as things stand, that is how it should be.
>
> But in the event of war, why should it be an American war, made up largely of American troops, American casualties, and deaths? We hope there is no war, but if there is, we hope and pray it will not be prolonged and with many casualties.

The majority leader of the Senate, on January 10, 1991, made a compelling case, one of the most compelling cases I have ever seen. Before our young men and women sail into harm's way, the Congress of the United States speaks. The Congress of the United States, by the Constitution—about which I happen to have some disagreement—but clearly, on January 10, 1991, the majority leader sincerely and strongly believed that.

Now, Mr. President, we all know that there is going to be an invasion—estimates range from a matter of days—and it is perhaps the most publicized invasion since the first Battle of Bull Run, where residents proceeded south in their buggies to observe the conflict. We know that there is going to be an invasion, and this body will be silent. This body will be silent—an abrogation of our obligations under the Constitution of the United States and to the people that sent us here.

Mr. President, I can only express my deep disappointment and hope that in the future, before this happens again, on both sides of the aisle we recognize that we have our obligations. If we find ourselves in a position, I say to the distinguished majority leader, where the American people oppose that involvement, we should think very long and very carefully, because there are some of us, including the present occupant of the chair, that know that without the support of the American people, military enterprises do not succeed. And 73 percent of the American people, as of yesterday, oppose our involvement in Haiti.

When that invasion starts, Mr. President, I will hope and pray that it succeeds, that not a single American life is sacrificed, and I will not speak out. But prior to that invasion, I feel it is my obligation to do so.

Finally, I express my deep and profound regret that the majority leader of the Senate, exercising his authority, rightfully, without abuse, has prevented this body from speaking on an issue of grave, grave, grave national importance to this country and to the mothers and fathers and husbands and wives of the men and women who will now sail into harm's way without the approval of Congress.

Mr. President, I yield the remainder of my time.

Mr. MITCHELL. Mr. President, let me express my deep disappointment that a Senator, knowing in advance that no vote could occur after 2 p.m., comes in here a couple of hours before the deadline and offers an amendment which no other Senator has seen, which there has not been any opportunity to scrutinize or analyze, and then suggest somehow that there was a design to prevent that vote from occurring.

Every Senator knows this is a serious matter. Every Senator knows that it deserves full and thorough debate, and every Senator knew that there could not be any votes after 2 p.m. So when an amendment is offered just a couple of hours before the deadline, with no advance notice to anyone, there was a certain knowledge on the part of all concerned that no vote would occur, that there would have to be the opportunity for Senators to debate the matter. Therefore, the amendment is not intended to get a vote. The amendment is intended to be able to make a political argument. That is the situation we are in. Since this amendment is offered in a procedure that is without precedent, it could have been offered earlier in a procedure that is without precedent.

The fact of the matter is that the Senate is in session this week only because I insisted that it be in session this week. The Republican leader requested that the Senate not be in session this week. That request was made to me repeatedly up to and through last week. And if I had the plan, and if my intention was as stated by the Senator from Arizona, I would simply have accepted the request of the Republican leader and had no session. Not only would there then not have been a vote, there would not even have been an opportunity for debate. There would not have been opportunity for a single speech to be made on the Senate floor criticizing others. That is all it would have taken.

I repeat: The Republican leader asked me not to have the Senate in session this week. If I had the plan or design attributed to me by the Senator from Arizona, all I had to do was accept the suggestion of the Republican leader. And then the Senator from Arizona would not have had this forum to make the speech he just made, or to offer the amendment he has offered. So the facts of the matter directly contradict the assertion made. The Senate is in session this week only at my insistence, only because I would not accept the request of the Republican leader to have the Senate out of session this week.

We can debate the issue, as we will now for the next several hours, and as we should, but I hope we will keep the debate on the issues. I repeat that this amendment is offered in a situation that is without legislative precedent. It could have been offered in a situation without legislative precedent yesterday, or the day before, when people would have a chance to debate it and not wait until just prior to the deadline at a time in which everybody knows it would be possible to have the kind of debate and vote this issue warrants.

Mr. McCAIN. Mr. President, how much time do I have remaining of my 10 minutes?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the fact of the matter is that there has been no option this week to offer an amendment. The fact of the matter is there would not have been any option to offer the amendment if it had not been for the Senator from Washington proposing a motion to recommit, which came as a surprise, I believe, on both sides of the aisle.

There was no option this week to propose any amendment on the pending invasion of Haiti. If there was, I will be pleased to hear about that from the majority leader. If there was, I am sorry I missed it because there was a number of us seeking that opportunity to try to get a vote on the part of the Senate of the United States.

But laying that aside, I say to the distinguished majority leader and my colleagues what we have ended up with, after all the discussion about procedures or not procedures or who had what opportunity or who did not have what opportunity, is the fact that there will be an invasion without the endorsement of the Senate of the United States.

I suggest, in all due respect, that if the majority leader of the Senate had wanted us to have a vote approving or disapproving the invasion of Haiti, it would have happened.

I yield the remainder of my time.

Mr. MITCHELL. Mr. President, I will just conclude by saying it seems to me almost certain that the amendment offered is not in order. It is in a situation for which there is no precedent and which I think will be held out of order.

If an amendment is offered out of order today, it could have been offered out of order yesterday; it could have been offered out of order the day before. Being more or less out of order is insignificant.

I yield the floor and designate the Senator from Connecticut to control the debate and allocate the time on the Democratic side.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, today I would like to begin this debate by doing something that our colleagues who have spoken over the last few days, weeks, and months have not done, and that is I would like to spend a little time talking about Haiti, if I may, and what has happened there about the murders and the rapes, the kidnapings, the disappearances, about deep, deep fear, Mr. President, deep fear and despair, and about democracy, democracy stolen, I might point out, in a poor, impoverished, predominantly black nation some 125 or 150 miles to the south of the borders of this country.

It has been almost 3 years now since the Aristide government was overthrown by a military coup. Shortly after the coup occurred in 1991, Secretary of State James Baker, articulating U.S. policy, stated and I quote him: "This coup must not and will not succeed."

Since that time, Mr. President, U.S. policy has been driven by one overriding objective, that is, one overriding objective initiated and commenced under the Bush administration and by and large sustained and supported during the Clinton administration. And that objective, as stated by the Secretary of State in 1991 and continued up to now in 1994, was to restore democracy to Haiti by returning President Aristide to power. This has been the objective, the stated objective of two administrations, ironically a Republican and a Democratic administration.

On December 16, 1990, Haitians went to the polls in their country and chose as their President a priest by the name of Jean-Bertrand Aristide. The election of President Aristide, in the most free and fair elections in that nation's history, I would tell you, Mr. President, because I know this country, gave great hope, great hope to a watching world and to the people of that nation that possibly they had seemed finally to overcome a bitter, bitter legacy of repression and military rule.

Sadly, Haiti's brief encounter with democracy would end almost as soon as it had begun. In September 1991, just 10 months later, military and security forces overthrew the Aristide government and resumed their iron grip on the people of Haiti.

For those who have followed the sad fortunes of Haiti over recent years, Mr. President, the events of 1991 had a very familiar and unsettling ring to them. Time and time again since the fall of Jean-Claude Duvalier in 1986, the military has taken the reins of power in Haiti. Time and time again the military has promised the international community that reform and democratic rule were just around the corner. Time and time again, Mr. President, the military has gone back on its word.

First there was Gen. Henri Namphy, who assumed power in 1986 and was rewarded, I might point out, with U.S. military aid after promising to hold free and fair elections. Those elections, for those who may recall this—I realize, Mr. President, the danger in talking about history because we all think the world began yesterday. It is not what happened now over the last 7 or 8 years here but what happened in the last week or last 10 days, because that is all our collected attention can encounter and hold at any one time. There is a little danger to go back, but I want to remind some people that there is some history here.

Those elections, as I pointed out, that General Namphy allowed to happen and quickly were canceled turned into a bloodbath in the country.

Then there was a civilian in charge, Leslie Manigat, who was handpicked by the military to lead the country in 1988. The Reagan administration decided against imposing sanctions on Haiti in the hopes that the military would allow the new President a measure of autonomy. Those hopes were soon dashed by a military coup that was led by none other than General Namphy himself, the very guy who said "Give me the military and support and we will allow for free and fair elections."

Then there was Prosper Avril, who overthrew Namphy in yet another coup 3 months later. General Avril also promised to hold elections and even managed to convince the Bush administration to publicly defend his record on human rights. He, too, went back on his word.

Then there was Herard Abraham, who took over from General Avril. Abraham sat on his hands while opponents of democracy tried unsuccessfully to disrupt the 1990 elections. After permitting the supporters of Duvalier to plot the assassination of then President-elect Aristide, he too was forced to step aside as commander of the Haitian Armed Forces and allow then Col. Raoul Cedras—now people start to register—to take his place. But like his predecessors, Raoul Cedras' commitment to democracy was no more than his predecessors had been and was short-term as commander in chief and solely self-serving in his capacity as general of the Army.

So it should have come as no surprise when, about this time last year—as General Cedras and others were to have stepped aside; that was the commitment—the military reneged on yet another agreement to restore democratic rule in Haiti. The Governors Island Accord called on the military to take a number of steps toward democratic reform, culminating with the return of President Aristide by October 30. But no sooner was the ink dry on the accord, and no sooner had sanctions on Haiti been lifted, than the military signaled its disdain for the agreement and the commitments it had made. Most notably, the military prevented the arrival of U.N.-sanctioned military personnel and engaged in a number of serious human rights abuses including, I might point out, the high-profile murders of several of President Aristide's close associates and cabinet members.

While I know voices have been raised in opposition to the prospect that the President may decide to use force, I would take serious issue with anyone who would suggest that the President and his predecessor had not tried all other options available to him short of force. Ever since the overthrow of President Aristide in September 1991, this administration and its predecessor has given the military regime in Haiti every opportunity to seek a peaceful way out.

When the leaders of the Haitian military agreed to go to the conference table last summer, the administration met with them in New York City and helped to negotiate the Governors Island Accord—an accord that would be violated by the Haitian military almost as soon as it was signed.

When multilateral sanctions against Haiti failed to dislodge the regime—let me point out, those sanctions began under the Bush administration, not as complete as eventually imposed by the Clinton administration, but the path was commenced by the previous administration to impose sanctions as a result of the coup in that country.

As a result of more tightening of those sanctions, a fuel and arms embargo at the United Nations was supplemented by a worldwide embargo on trade and a ban on noncommercial flights to Haiti.

When these sanctions also failed to change the course of events in Haiti, the administration tightened the noose even further, adding a ban on commercial flights and financial transactions between the United States and Haiti and a freeze on the United States assets of all wealthy Haitians. These sanctions also failed to convince the military regime to step aside.

It has been an incremental approach, beginning in September 1991, slowly ratcheting up, trying to find a way to resolve this problem. We did not act precipitously. We did not seek a military solution to the problem at the very outset.

Ambassador Albright, our Ambassador to the United Nations, summed up the situation very succinctly, July 31, when explaining to the U.N. Security Council, why it should in her words, "authorize the use of all necessary means" to restore democracy to Haiti. She said in part:

> This Council has pursued patiently a peaceful and just end to the Haitian crisis. The Organization of American States has pursued a parallel effort. Member states, including my own, [speaking of the United States] have taken steps independently to encourage the illegitimate leaders to leave. Together, we—in the international community—have tried condemnation, persuasion, isolation and negotiation. At Governors Island we helped broker an agreement that the military's leader signed but refused to implement. We have imposed sanctions, suspended them, re-imposed them and strengthened them. We have provided every opportunity for the de facto leaders in Haiti to meet their obligations.

She concluded as follows:

> The status quo in Haiti is neither tenable nor acceptable. Choices must be made. And although the situation in Haiti is complex, this choice is as simple as the choice between right and wrong. Today, the Council has made the right choice—in favor of democracy, law, dignity and relief for suffering long endured and never deserved.

One need only watch the nightly news or read the newspapers to know that the situation in Haiti has only gotten worse in recent months. Before the U.N./OAS civilian mission was expelled in July, it tracked and reported on a daily basis the unspeakable—the unspeakable and sick—atrocities committed by the de facto regime and its supporters earlier this year—nearly 400 murders, over 100 kidnapings—including children, I might point out—and at least several hundred arrests and beatings during the 6-month period in 1994 this operation was permitted to operate in Haiti.

Now, I might add, there was a new element discovered recently, and that is taking orphan children and using them as target practice. You are talking about some of the worst elements in the world. This is 125 to 130 miles off our shores. This is not China. This is not Rwanda. This is not some distant land. It is one that is almost in shouting distance of this country that we have these problems, serious problems, and some of the worst human rights violations going on anywhere in the world.

These individuals are so vile and so shameless that they have mutilated bodies, removed faces and left the corpses lying in full view as further intimidation of an already frightened and demoralized people. Nothing—absolutely nothing—is apparently sacred to them. Last year, they went into church while services were ongoing and dragged a prominent Aristide supporter outside and shot him in full view of the congregation. And, just a few weeks ago they murdered another supporter of President Aristide, this time a Catholic priest, Rev. Jean-Marie Vincent.

It is not surprising that thousands of refugees have left Haiti in search of our shores, desperate to escape the deteriorating political conditions in their country—or that hundreds of thousands more live in hiding within Haiti. At this moment there are more than 15,000 displaced Haitians in our custody at Guantanamo, Cuba. This is clearly a temporary solution—a holding pattern. Ultimately, the only permanent solution is a political solution in Haiti that is responsive to the Haitian people. That is what President Aristide represents and that is why I happen to believe it is so important that we make every effort to try and seek his return.

Yet all of the efforts taken to date by Presidents Bush and President Clinton have so far failed to restore democracy to Haiti. As my colleagues know, it has been my judgment that sanctions, effectively applied, coupled with a credible threat of force can be successful in achieving our objectives. But at some point we will be left with two choices if over time sanctions prove ineffective. We can do nothing, and let the military continue its reign of terror in Haiti. Or we can exercise the military option and seek to remove the dictators and the tyrants, and give the people of Haiti a chance to build a nation once again.

Each one of us debating here today has the luxury of expressing his or her personal view without having the heavy burden of knowing that any one of us individually affects the course of our Nation. The President does not have that luxury. He and he alone has the heavy burden of deciding the course the United States will take. And I am convinced that whatever choice he makes with respect to the use of force, it will only be made after he believes that he has exhausted all other possibilities.

Mr. President, I am deeply offended at the suggestion some have made that this President is considering, after all of these months, all of these weeks, through two administrations to resolve this problem, that the consideration of the use of force is political motivated.

What were the numbers today? Seventy-three, eighty percent? You would have to be out of your mind to consider this a great political advantage, given the public reaction to the situation, to engage in a military operation, if he decides to do so. Quite the contrary; quite the contrary.

But I happen to believe, and I think most of my colleagues here understand, that being President is different than being a Senator or being a Congressman. We can debate, discuss, and get on our planes and go on home for a few days. This individual ultimately bears the responsibility of making tough, tough decisions.

And we have exhausted a lot of options here. I would tell you, Mr. President, I am not enthusiastic about the use of force at all. I hope sanctions, well applied, would produce the desired results in time.

But I also understand that after a while, when you run out that string and it does not produce the kind of results, that you may not be left with any other options.

And to talk about this in terms of just how the polls are moving back and forth—in fact, throughout history, on many occasions, what has been terribly unpopular in foreign policy happened to have been right; happened to have been right.

The Marshall plan, I do not think, had 30 percent support among the American public when Harry Truman advocated it.

As I recall going back—some of my colleagues may provide some additional statistical information on this—but at most times when the threat of a foreign involvement was upon us, Americans historically and for good cause and reason have been resistant to becoming involved and engaged in so-called foreign entanglements.

Even foreign aid—if you stand up and vote for 5 cents in foreign aid you run the risk of political reprisal at home because of how our people feel about involvement in foreign nations. So it does not come as any great surprise here that there is a great deal of resistance and concern about whether or not we ought to go forward in Haiti with the use of force.

But I think it is important that the American people understand that there is a history to this fact situation. This just did not happen in the last 6 weeks. I happen to believe there are some interests here that are important. They are not as clear as a canal or a missile pointed at us. There, there is no doubt or question about the dangers to our country. But I believe—maybe I am in the minority, maybe a minority of one—that democracy within our neighborhood is important. It is a very important issue. We are seeing democracy emerge throughout the hemisphere, fragile democracies struggling to be free. The people of Haiti proved it: 70 percent of their people chose a leader. That should not be taken lightly.

I know that goes on in other places around the world and that every time there is a democracy threatened you cannot start talking about the United States becoming militarily involved. But in this hemisphere, as close as it is to us, with the threat of a wave of humanity coming to our shores for good reason, that changes the equation. For Rwanda and the People's Republic of China and other nations, that risk is not there. They cannot get to our shores too easily. But a wave of humanity from Haiti can come here.

So democracy stolen, democracy hijacked should have value. The concern about the refugees coming to our shores should be a matter of deep concern to all of us—not as immediate as the threat would be if there were some hostility or some military aggression that we were facing.

I might also point out, it has not been mentioned too often, Haiti is a major transit point in drugs—a major transit point. These generals down there live like potentates, not just because of what they are stealing from their own people, but they are directly and deeply involved in the drug trafficking that plagues our society. That, in and of itself, Mr. President, I would not suggest is a justification. But when I hear people say there is no justification here whatsoever—none whatsoever—I disagree with that. I think there is a justification for our involvement. That is why President Bush and Jim Baker made the statements they did in 1991. They talked about it as being in our interest to be concerned and care about what goes on in Haiti. And they stated so repeatedly. This administration carried on basically the same commitment in foreign policy.

The irony is this administration ends up having run out the string on the diplomatic, political, and economic front and is left in this ugly choice. I suspect, had the Presidential elections in 1992 turned out differently and that George Bush was still the President of this country, and we had no change in Haiti on the political front, we might very well be standing here today debating whether or not President Bush, in seeking possibly to use military force, deserved support if that option were exercised. That is how longstanding this problem is and how it has run out.

So again, I want to be very clear here. I am not—and I have stated this—I am not enthusiastic about this option being exercised. But let us not give comfort to the thugs in Haiti today in our debate. Let us remember why this problem arose, who created this situation, and what is happening to 6 million people as we stand here on the floor of this body today. Do not give the comfort, do not give the kind of protection to those who engage in the brutal human rights violations of these desperate, poor, and helpless people. We may disagree about tactics. But do not let these people leave convinced that we do not care, that we are not going to do anything about this, that we are just going to walk away from it, as some have suggested we ought to. "It is just too messy. It is just too complicated. It is just too unpopular. The election is around the corner."

All of these arguments do not go to the heart, the central question of whether or not this country, our country, the United States of America—we are not any other nation. We are the leader in the world today, the unchallenged leader in the world. If we were just any other country then maybe we could just wash our hands of it as many do in Europe when it comes to Bosnia or problems in Africa—that many of them helped create, I might add, in their colonial efforts over the years. We are not those nations. We are special because we care about problems like this.

It ought not to be something we are ashamed of or walk away from. Try to effectuate the result, maybe through some different means, but let us not forget our heritage as a people. Let us not forget our history. Let us not forget we have stood up in the past when others have faced hardship and difficulty.

There were those in 1941, while Europe was aflame, who felt there was no validity in being involved in a foreign conflict. It took an attack on Pearl Harbor to energize the opinion in this country to think differently. But when we did, we made a significant and profound difference in the world.

So I hope in this debate, while one can argue about the use of force or not, do not let these thugs look to your words as some source of comfort as they continue to thumb their noses at us and the rest of the world in perpetuating the dreadful, frightening situation just a few miles from our shores.

Mr. President, we are going to have a long afternoon here. I probably have exceeded my time already. But I feel very strongly this issue is one that deserves our careful consideration. I would just say I wish we had voted on this as well. Others have raised the point. But I quickly point out to my colleagues, I suspect every Congress since 1789 has wanted Presidents to come before them and seek their approval for foreign engagements. With the exception of George Bush and the Persian Gulf, where he voluntarily asked the Congress to act, every other President since Franklin Roosevelt after the declaration of war in December 1941, have found reasons not to come up here.

I suspect that is going to be the situation here. We can decry that, and I think there is a lot of legitimacy to that point. But the fact of the matter is, at the end of the day, this action may be taken. If it is, then I hope at least we will offer the kind of support and backing to the American forces that they deserve in a difficult situation, and hope and pray that it succeeds without the loss of any life. And that if it is exercised, that is the military option, that it not only succeeds without the kind of harm and difficulty that our military people can face, but that democracy can be restored and that this little, poor, country to the south of us will have a chance to recapture the hopes it thought it had achieved with the first free election ever in its history, of its first democratically chosen President. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair. I would designate—as acting leader of our party, I would designate Senator HELMS as my designee with regard to controlling the debate on our side of the aisle, a fine ranking member of the Senate Foreign Relations Committee. And Ms. Ann Sauer and Mike Tongour, my chief of staff, will be here to assist in the allocation of time in accordance with the unanimous-consent agreement. I now yield to Senator ROTH for 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I would like to take this opportunity to send a succinct message to President Clinton concerning the projected invasion of Haiti: "Don't do it."

The Commander in Chief of this Nation has every right to consider placing the U.S. Armed Forces in harms way in order to protect the security or economic interests of this Nation. In considering this course of action, the President must also consider the crucial importance of winning support in the Congress and explaining the case for military action to the American people.

The invasion of Haiti fails on all counts. The situation in Haiti poses no threat to the national security of the United States. I am aware that some members of the Clinton administration have contended, somewhat tortuously, that further floods of Haitian refugees constitute a threat to our national security. But if this is true they know that they can obviate the threat immediately by returning to the Bush policy of turning back Haitian boats on the high seas, a policy to which President Clinton wisely adhered until he gave in to pressure from within his own party and abandoned it.

Nor does the Haitian situation constitute an economic threat to this Nation. Indeed, so wrecked is the Haitian economy that it can barely be said to exist, as such.

So far as congressional support is concerned, the White House has apparently concluded that it has no chance of winning congressional approval for military action against Haiti so it has decided to ignore its constitutional responsibility to obtain an affirmative vote in favor of military action. I draw the attention of my colleagues to the fact that when President Reagan and George Bush initiated surprise military action against Grenada and Panama, they did so on the basis that United States lives were in danger.

Under these circumstances, they were acting within their legitimate emergency powers in initiating that military action.

Opponments of the Grenada and Panama operations have objected to this legitimi- zation of military action. But the fact remains that the legitimization was made and both the Reagan and Bush administration were able to produce evidence to support their assertions. But no one has attempted to suggest that United States lives are in danger in Haiti, or that an element of surprise is called for in order to save those lives.

Under these circumstances, President Clinton has no choice but to adhere to his constitutional duty, as President Bush did prior to launching Operation Desert Storm. He must formally seek the support of the Congress in favor of a United States military intervention in Haiti and if that support is not forthcoming, that action may not take place.

Quite frankly, I am amazed that we are here today discussing a nonbinding sense-of-the-Senate resolution while the Clinton administration prepares for war. The question should be: Does this body approve an invasion of Haiti—Yes or no? And that vote should be fully binding. I still hope that President Clinton will grasp this truth and seek the approval of this body before undertaking any military action against Haiti.

I have heard it asserted that all of this is justified because of President Clinton's overriding need to maintain his international credibility. We are told that, having threatened to invade Haiti so often, President Clinton must now proceed or his international credibility will be damaged beyond repair.

Mr. President, the credibility of this great Nation cannot, and must not, be equated with the credibility of one man, even if he is the President. President Clinton has, in my opinion, made some unwise statements. It is not the duty of U.S. service men and women to lay down their lives in order to protect him from the political consequences of his statements.

I grant that abandonment of the Haiti operation at this time will, no doubt, once again call President Clinton's credibility into question. But these are problems which, I regret, he has brought upon himself. I for one, have no doubt that the Saddam Hussein's of this world will still know that, while the executive branch of the U.S. Government may not have a firm grip on foreign policy, the American people still stand ready and willing to defend their true interests—with force if necessary—whenever they are threatened.

Moreover, once the military operation is completed, what then? Are we going to imprison the active Haitian military and police force? Are we to become an army of occupation until the scheduled Haitian elections in 1996? Will we try to interpose our forces if Haiti's downtrodden masses seek bloody revenge on their traditional persecutors? How is a Haitian occupation force to be financed out of a military budget severely stretched by budget cuts and multiplying international commitments?

I fear that the Clinton administration has no convincing answers for these all important questions. Under these circumstances, President Clinton should not initiate a military invasion of Haiti, especially without congressional approval and with little public support.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. LEAHY). Who yields time?

Mr. DODD. Mr. President, I yield as much as 10 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized for up to 10 minutes.

Mr. BINGAMAN. Mr. President, I thank the Senator from Connecticut for yielding time to me on this important issue.

I rise to urge the President to rethink his policy toward Haiti; in particular, to rethink the idea of invasion that it is widely rumored could take place as early as next week.

I see no rationale for taking this action, which will put at risk the lives of thousands of young Americans. In my view, there is no compelling national interest at stake that requires military action. As the Washington Post editorial states this morning:

> The national security/national interest case for the evidently planned action seems to us to hover somewhere between exceedingly thin and preposterous.

The President and his national security team have simply not convinced the public and they have not convinced their representatives in the Congress that we should undertake an invasion of Haiti at this time. They have boxed themselves into a corner by making a series of threats to the thugs presently in control of Haiti, and evidently the administration now feels compelled to carry out those threats to preserve their credibility. This is a sorry reason to put American lives at risk.

The main rationale that we hear for the invasion from administration officials is that we cannot allow the ouster of President Aristide by the thugs in the Haitian military to stand, and that having exhausted various diplomatic and economic sanctions, the only course now is to remove those thugs by force. In other words, the generation that grew up criticizing Lyndon Johnson for his attempt to "make the world safe for democracy" in Vietnam is now undertaking a new effort 30 years later to bring democracy to Haiti.

Haiti clearly is not going to be Vietnam in terms of the cost of American lives. By all reports, the military expects very few casualties in this invasion. This seems to be one of the main rationales for undertaking the invasion. But I would note that when President Bush decided, in consultation with President-elect Clinton, to undertake the humanitarian effort to feed the starving in Somalia, it was also supposed to be without casualties. And instead, we found ourselves drawn into the civil war and into the misguided efforts at nation-building, which were only abandoned after a military catastrophe.

If the President is undertaking this invasion to restore democracy, when will we know that we have succeeded? It is easy to be drawn into one of these so-called easy military actions; it is very hard to get out.

We may well be no more successful at nation-building in Haiti this time than we were the last time we sent marines 80 years ago.

After two decades of American military occupation, the country soon sank once again to the depths of the Duvalier era. We may well be no more successful in Haiti now than they were in Somalia last year or in Vietnam three decades ago.

Mr. President, we cannot get into the practice in the post-cold-war world of trying to remove dictators and install democracy by force of arms. The very democrats that we install will be tainted from the first day they take office, and we will be doing them no favors.

Mr. President, the tide of history is on our side. Democracy is on the rise across the world. There is no competing successful model. Patience will in the end be rewarded. We have to have the courage to exercise restraint, to resist the easy victory that will bring up the question of why we do not undertake the hard ones. If Haiti, why not Cuba? If Haiti, why not Libya? If Haiti, why not Zaire or why not Bosnia? The only answer is that Haiti, like Grenada before it, is easy and close by and the others are hard or farther away.

I urge the President to change course and to stand down preparations for the pending invasion. I urge the President to seek congressional approval for his actions before he undertakes those actions. I believe that a resolution of approval would be defeated if it were brought to a vote. And I do not expect that the President's speech to the Nation tomorrow evening will change the outcome of that vote.

The Congress and the American public already understand what the President proposes to do in Haiti, and a majority of the Congress and the public oppose the action. It is a very dangerous course for the President to embark on military action with so little support. It is an unwise course to risk American lives for so tenuous a national interest. I hope that Congress will be given the opportunity to express its will on this invasion before it occurs, and I hope the President and his national security team will have the courage to change course.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Under the previous agreement, it would be customary now to go to the Republican side of the aisle.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I would yield so much time as he may need to the distinguished chairman of the Foreign Relations Committee, Mr. PELL, of Rhode Island.

The PRESIDING OFFICER. If no one on the Republican side of the aisle is seeking recognition, the Senator from Rhode Island is recognized.

Mr. PELL. I thank my colleague from Connecticut.

Mr. President, for the last 3 years the international community has wrestled with how to restore democracy in Haiti. There are no easy solutions there and I, like many of my colleagues, have grappled over the question of what is the best policy. I am deeply disturbed by the horrendous human rights abuses in that small country and by the military regime's blatant rejection of democracy and the commitments it made under the Governors Island accord.

However, in my view there are not sufficient United States interests to justify an invasion of Haiti and, in fact, I so advised the President in a letter of July 22.

I believe President Clinton would be in a stronger position, too, if he sought a formal authorization from Congress. I recognize, though, that more often than not, Presidents have taken military action without the prior authorization of Congress. I would point out, furthermore, that although the President is not seeking prior authorization, the administration has made every effort to consult with me and with the Members of Congress, appearing at more than 75 hearings, briefings, and meetings on this issue.

I commend the President for his success in marshaling the support of the world community via the U.N. resolution authorizing the use of force to restore democracy in Haiti and for putting together a multinational force. If the President feels compelled to take this step, it is best to do it in a multilateral forum with the support of the international community.

While President Clinton and I may differ on the wisdom of using force in Haiti, I know the President has the best interests of the United States at heart.

I yield the floor.

Mr. BURNS. Mr. President, I rise today to state my grave concerns for the imminent invasion of Haiti. I appreciate having this chance to share my concerns, and I hope that President Clinton will give us a chance by asking Congress before he commits our troops to an invasion of Haiti.

President Clinton has been flip-flopping on our policy on Haiti ever since he took office. But over time the threat of military intervention has moved to the forefront. And now we are on the verge of sending American troops to Haiti.

I am not alone in sounding alarm bells for this haphazard decision.

Montanans want to know why we are rushing into this situation. Why are we putting American lives on the line? The administration has failed to give sound reasons for why we have to get involved.

Where is our national interest in sending an invasion force of 20,000 troops? Seventeen other countries only think it is important enough to send 1,500 troops. And that is just the first stage. And then the second stage will be to restore order. What are our plans to disengage? The last time we went in to take care of Haiti, we stayed for 19 years.

At the second stage, the United Nations are likely to replace the invasion force and take over the operation. Remember, they were the ones who came in while we were in Somalia. That mission ended in more chaos than order before we were able to withdraw.

Another question: How much is this going to cost? Our defense budget has been slashed and money for a Haitian invasion is not there. We have already spent nearly $200 million to rescue Haitians. Polls show that Americans are not in support of this invasion and they sure do not want their tax money to go for paying for it. Montanans are absolutely against this, and they have been.

While we are at it, let us look at another stated administration goal; the need to restore democracy in Haiti. President Clinton has made it a key goal to restore Aristide as President of Haiti. Aristide was hardly the perfect picture of democracy during his time as president. In fact, he ruled with a strong fist and often resorted to violence against his people. That is not democracy and that is not what Americans should fight to defend.

Let us not rush into a foolhardy invasion. We still have not exhausted all of our policy options. And most of all, we should take the time to reexamine the policies that are already in effect.

Something is obviously not working. For one thing, it is time to lift the sanctions. Let us help the innocent victims of the tough economic sanctions. They are the ones who are risking their lives by attempting to cross the ocean in rickety boats. And they are the ones who have been caught in the Clinton administration's ever-changing policy web.

I do not see any need for an invasion at this time. And President Clinton has not given good, hard reasons for this invasion that convince me that this is the best, and only, course of policy.

UNITED STATES POLICY TOWARD HAITI

Mr. HATCH. Mr. President, I rise today to express my opposition to the current slide toward American military intervention in Haiti.

The White House is playing a dangerous game and American foreign policy is starting to look a lot like the Waco of the Caribbean. Once again, the administration is clearly exasperated and frustrated by a standoff. And once again, the White House apparently believes that the only way out of this box is through the use of force. This is an act of sheer desperation on the part of the White House and it is a foreign policy prescription for disaster.

The administration has always lacked a fundamental appreciation of how to conduct foreign policy, and under what circumstances military force should be used to achieve foreign policy goals. Military force is not a good vehicle to help reform a political system or culture, particularly one lacking any history of democracy and ranking among the poorest countries in the world.

I challenge this administration to outline its specific goals in Haiti and to explain how we plan to achieve them through the use of force.

The simple fact is that we do not have a vital national security interest at stake in Haiti. We are not fighting Soviet or Cuban surrogates as we did in Grenada. We are not using force to defend vital interests as we did against Noriega in Panama. We had a legitimate stake in Panama's internal developments because of our interest in the Panama Canal and our need for information about Noriega's involvement in drug trafficking. The situation in Haiti is vastly different from either Grenada or Panama, but the White House has been unable to discern these important distinctions.

Secretary of State Christopher, in a Tuesday afternoon press conference, stated that our general objectives in Haiti include the restoration of civil law and the establishment of a free government. However, he also insisted that the United States will not be involved in nation-building. Secretary Christopher said that:

> Now the aim of the multinational coalition, the aim of the United States here, is not to be involved in nation building, but to give the people of Haiti an opportunity to build their institutions, to reclaim their country and have that opportunity with respect to the building of their own institutions.

I have some news for the administration: restoring civil order and replacing a government is nation-building—pure and simple.

The administration has asserted that it does not have to come to Congress prior to the introduction of troops because the President has the authority to do so on his own. That is a constitutional debate that has continued for over two centuries.

Mr. President, Congress is not obligated to sit by idly when an administration embarks on a potentially dangerous and inappropriate use of American military power. The use of force is the most important decision a President can make because it places the lives of American troops at risk.

While I believe that the President has the prerogative to use military force in matters of national security, Congress also has a role to play, and both are accountable to the American people. Members of this Chamber have an obligation and a right to respond to the inappropriate use of this executive branch prerogative. And in this context, I am completely opposed to sending troops into Haiti.

Mr. President, the Clinton administration has some explaining to do. We have heard bits and pieces from the administration about its intentions in Haiti. Many of these statements have been contradictory, including Sunday's confusion between Secretary Christopher and U.N. Ambassador Madeline Albright concerning whether Lieutenant General Cedras must leave the Caribbean island republic, in addition to surrendering power.

It is clear that this administration lacks a coherent policy toward Haiti. Holding an occasional State Department press conference to talk briefly about Haiti—when it suits the needs of the administration—is not a substitute for a rational formulation of American foreign policy. And it is certainly no substitute for congressional support for this action.

We are about to place American troops in harm's way and Congress has neither seriously discussed the possible costs of an invasion nor explored the possible consequences of this action. I would pose several questions to the administration concerning United States intervention in Haiti:

First, do we have an approximate timetable for how long a military operation would last? The administration has given us no reason to believe that there is any such estimate.

Second, what are the short- and long-term goals of the intervention force in Haiti? There has been no clear explanation of the specific political and military objectives.

Third, do we have any idea how long we plan to stay in Haiti and who will oversee the political, economic, and military transition? The administration has not provided us with clear answers.

Fourth, who will bear the financial costs of this so-called multinational effort? We have not even begun to consider the financial costs of an invasion, or the financial implications of maintaining a large occupying force in Haiti.

Finally, is it actually worth the life of one American soldier to put Aristide back into political power? Serious questions still exist about Aristide's commitment to human rights, pluralism, and democracy.

Mr. President, let us face the facts. This administration has sought to avoid discussing these issues in depth because it does not have any answers at this time. Yet these critical questions deserve a response before the President decides to intervene with American forces.

I would argue that it is time for the administration to review the current policy options and available alternatives. I do not believe that we have exhausted all diplomatic efforts. The administration should reconsider a plan that calls for an immediate lifting of the economic embargo if the current military leadership steps down and allows free and fair elections to be monitored by international observers. We should redouble our efforts to seek a compromise agreement among all of the parties involved.

Mr. President, there is simply no way that the administration will be able to establish a viable, functioning, and effective democracy in a few short weeks after an invasion. Once we are in Haiti, we will be there for a long time. We have attempted nation-building in Haiti before, and after 19 years and major infrastructure projects, the country slipped back into a state of civil disorder. We should have learned what happens when you attempt to perform nation-building after the debacle in Somalia.

The administration is playing a high stakes game that commits the United States to an invasion of a sovereign nation and that opens up the prospect of an indefinite stay for American forces on that island. There is no consensus in Congress or among the American people for intervening in Haiti, or for a prolonged occupation of that country. Before we place our troops in imminent danger, the American people deserve a clear and concise explanation of what we hope to achieve in that country.

I urge the administration to reexamine its current policy on Haiti and to come to Congress prior to an introduction of forces into Haiti.

Mr. President, I thank the Chair.

Mr. CRAIG. Mr. President, once again the Senate is addressing the issue of United States foreign policy toward Haiti.

Once again, talk of invasion has risen.

The level of rhetoric coming out of the administration leads to one conclusion: The inconsistent foreign policy of this administration will result in the use of U.S. forces.

I do not support the administration's proposed invasion of Haiti. I have demonstrated that opposition through several votes expressing concern and opposition to the use of military action.

I do not enjoy finding myself in a position opposing the Commander in Chief, but will do so.

If President Clinton insists on ignoring public and congressional dissent and chooses to exercise his authority as Commander in Chief, I will stand firmly in support of our troops.

Mr. President, this is not the first time the issue of the use of force has been debated during my short tenure in the Senate.

As a Member of Congress and a U.S. Senator representing the people of Idaho, I established a set of conditions that I look for in making a decision to either support or oppose the use of our military. On the top of that list is the opinion or sentiments of my fellow Idahoans.

In making my determination, I also look at what economic, security, or national interests are at stake. I also review our policy or strategy: When are we going in; why are we going in; what are our objectives and goals and how will they be carried out?

These important questions have not been answered to my satisfaction.

In addition, as part of my decision-making process, I ask if all other policy options have been exhausted. It is my position that there are unexplored options that should be considered.

Through the auspices of a bipartisan commission, a range of viable options could be considered and a sound and consistent policy established that would lead us toward a welcome solution.

As I just mentioned, the implementation of a sound and consistent policy is very important.

Mr. President, as the situation in Haiti has evolved, there have been a number of efforts to restrict the President's use of force. I have been gravely concerned about setting a precedent that would restrict the authority of the Commander in Chief.

However, the continual lack of a clear U.S. foreign policy in trouble spots around the world has led me to the conclusion that without clear leadership, the Congress is left to micromanage foreign policy in order to protect U.S. interests and security. This has not been a direction that I have happily embraced, rather it has been a reluctant necessity.

Mr. President, this administration has repeatedly changed the direction of its policy, often in the middle of implementing the policy. In dealing with the refugee issue, candidate Clinton opposed the Bush policy of direct repatriation of Haitian migrants. Then, President-elect Clinton expressed support for that policy.

Finally, earlier this year, the President changed his position once again in an effort to counter criticism from different groups that he had not kept his promise to change the policy on dealing with Haitian refugees.

While doing this flip-flop on the refugee problem, the administration was also tightening sanctions on this very poor nation. As a result, the administration's policy has encouraged more people to flee because of severe economic depression.

There is no question that if you use sanctions to block the fragile economy of that small island nation, people will attempt to flee its shores—and that is exactly what has happened. Sanctions aimed at the rich supporters and members of the junta government have fallen on the backs of Haiti's poorest citizens.

In short, Mr. President, the administration's efforts to tighten sanctions on Haiti seem unlikely to force out the military chief, Lt. Gen. Raoul Cedras and his allies.

So where does that leave us?

I do not believe that we are left with only the option to invade. As I mentioned before, it may require a bipartisan committee to review the situation and alternative policy options so that we are resolved to carry out a consistent policy.

In an effort to respond to growing concerns in the Congress and concerns in the general population about a possible invasion of Haiti, Senator DOLE sponsored an amendment recently that would create a bipartisan commission on the situation in Haiti.

I supported that amendment. However, it unfortunately did not pass.

The amendment was offered during debate on the 1995 foreign operations appropriations bill and would have deterred, for now, the imminent invasion.

The amendment would have established a bipartisan commission, assigned to assess diplomatic and political conditions in Haiti. The commission would have been required to report on its findings within 45 days after enactment. This amendment could have slowed the progression toward invasion.

Prior to this, there were a number of earlier efforts to require the President to consult the Congress before ordering an invasion of Haiti. Three such attempts occurred this summer in the form of amendments to bills moving through the Senate.

There was also a vote last fall on an amendment offered by Senator HELMS and dealing with the Haiti situation. Regrettably that amendment also failed.

Mr. President, in addition to the concerns I have expressed here, I am troubled that in the name of democracy, this administration is planning to return to power a man who certainly does not hold democratic principles in esteem.

Rather, this is a man who uses such practices as necklacing as a tool of leadership. President Jean-Bertrand Aristide's commitment to human rights and democratic principles is questionable at best. Judging by reports I have reviewed, a number of incidents that occurred following Aristide's election in December 1990, can only be described as gross violations of human rights. A specific example of this violence was the attack on the Papal Nuncio in January 1991.

If Aristide is restored to power, we will likely see the kind of repression he imposed when he was initially elected and attempted to wipe out those who dared to dissent from his opinions. Instability and unrest are inevitable if he seeks to destroy those who supported his ousting and the implementation of the junta government.

In light of this, I am very concerned about the aftermath of an invasion.

If we are to occupy Haiti, will our service people be asked to serve as domestic police? What authority will they be granted to maintain order? Will that include the authority to quell domestic unrest?

Mr. President, many questions remain unanswered in the administration's pursuit of an invasion of Haiti. Once our military has prevailed in ousting the junta government, where do we go from there?

Mr. President, how is order established and how is it maintained? And, finally, when and how do we leave? These are all very important questions that have not been answered—they are questions, Mr. President, that must be answered.

I do not relish the position I am in, opposing the actions of our Commander in Chief. However, I cannot support the use of our Armed Forces in a situation that does not meet any reasonable test for military involvement.

Let me reiterate, Mr. President, I will fully support our troops in Haiti if the President chooses to exercise the military option. I have no doubt in the ability of our forces to prevail in an invasion. We have a fine group of men and women who have dedicated their lives to serving the United States.

Mr. President, there is a final point that I would like to make. The United States is the remaining superpower in the community of sovereign nations. How we use our military in this instance may affect our ability to exercise policy options in other areas of concern that are far more critical to U.S. national interests and security.

Mr. President, it is my hope that this debate will serve to deter our present course and set us on the course of a consistent policy that will allow us to be a leader and continue to pursue a cornerstone of U.S. foreign policy, which is to support democracy.

ARISTIDE UNDESERVING OF U.S. MILITARY SUPPORT

Mr. HELMS. Mr. President, the administration obviously is hopeful that Jean-Bertrand Aristide will become a small "d" democrat sometime before the President orders American troops to invade Haiti. The problem is, neither Mr. Aristide's philosophy nor his background indicates that he is motivated by democratic values or principles.

Consider whom the man looks to as models for his philosophy. In his autobiography, Aristide identifies his role models as being Che Guevara, the Cuban Communist revolutionary; Salvador Allende, the Marxist President of Chile; and Robespierre, the 18th century French revolutionary who was an architect of the bloody reign of terror in France.

Sure, Mr. President, Aristide speaks of "beauty, dignity, respect, and love," but his heroes are history's synonyms of brutality and violent revolution. No doubt, Robespierre, who so effectively used the guillotine to silence his adversaries, would approve of executions by necklacing—that cruel, bloodthirsty ultimate in horror in which gasoline-filled tires are hung around the necks of victims and ignited.

Aristide has no relationship whatsoever with democracy; he is neither a peacelover nor a peacemaker. He is a mean-spirited revolutionary and an anti-American demagog. Just as his heroes endeavored to create totalitarian governments, they like Aristide had no commitment to democracy nor respect for human rights. Aristide's philosophy and record cannot and should not be overlooked as a factor in any decision involving calling on United States troops to invade Haiti.

Mr. President, the distinguished and courageous newspaper, Human Events, has stripped Aristide of his phony piety. Human Events has spelled out Aristide's record for all to see. The very able editor of Human Events, Allan Ryskind, understands that militants, Aristide being no exception, see nothing wrong with resorting to violence to attain power. Mr. Ryskind went to Aristide's own writings to determine exactly what Mr. Aristide supports. I am astounded that the President of the United States is said to be willing to risk the lives of U.S. troops to restore Aristide to power.

Mr. President, I ask unanimous consent that portions of Allan Ryskind's article, "Has Aristide Changed His Extremist Stripes?" published in the July 29 issue of Human Events, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAS ARISTIDE CHANGED HIS EXTREMIST STRIPES—ARISTIDE'S REVEALING AUTOBIOGRAPHY

Indeed, in his autobiography, published just two years ago, Aristide comes across as a full-blown leftist revolutionary. In the English-language edition, published by the Maryknoll Order's Orbis Books in 1993, Aristide says (page 125) that his foes would like to label him "a follower of Fidel Castro, an admirer of the Sandinistas * * * an imitator of Salvador Allende [the late Marxist-Leninist leader of Chile] or of the Shining Path [Peru's Maoist revolutionaries]."

Astonishingly, Aristide then refuses to flatly deny the charges of his enemies. "Rather than searching for models," he explains (page 126), "I prefer to welcome those ideas that rest on the values of beauty, dignity, respect and love. Che Guevara * * * certainly incorporated some of those values, as did Allende. They were sincere men, like so many others * * * I feel more affection and sympathy for them than I do for many others."

Che Guevara, of course, was the Marxist-Leninist revolutionary who helped Fidel Castro impose communism in Cuba and got killed in Bolivia attempting to spread Marxist revolutions throughout the hemisphere. Salvador Allende was the late Marxist-Leninist ruler of Chile, deposed in a military coup in 1973.

In his autobiography, Aristide also makes it clear he favors "liberation theology," the violent, Marxist philosophy that has gripped so many revolutionaries in Latin America and the Caribbean, that he rejects "western democracies" and that he worships historical figures such as Robespierre.

In chapter 15, titled "Convictions," Aristide is asked in a question and answer format—it is unclear who's doing the questioning—if he sees himself as resembling the notorious revolutionary leader who unleashed a reign of terror in France in the late 1700s.

Aristide replied (page 184): "There is no question that there are common denominators between us and the makers of the French Revolution: 1789 is an essential reference point as is 1793 [the beginning of Robespierre's rule]. The memory of the heroes of the rights of humanity should always be in our minds, as their texts are in our hands. Robespierre himself denounced the 'patripockets.' From Saint-Just to Abbe Gregoire, how much I owe to the makers of the Revolution!"

Aristide's fanaticism was underscored last week in a revealing Washington Post profile of the man the Clinton Administration hopes to restore to power in Haiti. Written by Daniel Williams, the piece does not suggest any reason to believe that Aristide is a "changed man," as some of his supporters have been saying.

Williams, who interviewed Aristide in his Washington, D.C. apartment, allows that Aristide "is a very untypical beneficiary of American muscle not to mention blood. He is more the kind of leader U.S. governments frequently opposed during the Cold War; he certainly would have been labeled anti-American. * * *

"He is a populist who used mob power to intimidate political critics. During his brief stay in office, he spoke glowingly of the 'necklace,' the burning tire ignited around the neck of victims of street execution. * * *

"Aristide, ordained in 1982 as a Catholic priest, is a disciple of liberation theology, an interpretation of the Bible as a revolutionary document. 'The Gospel in its raw form,' he once said, 'could act like a stick of dynamite.'"

Though in his effort to get U.S. support he has proposed a moderate program for Haiti, Williams noted that Aristide won't apologize for his past remarks or try to explain them away, insisting they are irrelevant.

Nor does he reveal any inclination to compromise with his political opponents.

"From his exile," said Williams, "Aristide has resisted naming a new prime minister and shelved his own plans to form a 'government of concord.'

"Last winter, U.S. officials tried to persuade Aristide to build a broad cabinet to include political opponents. Aristide refused, claiming such a move would effectively marginalize him."

Mr. KEMPTHORNE. Mr. President, I rise in strong opposition to any United States invasion of Haiti. I have just returned from Idaho and while I was home I did not meet one person advocating a United States invasion of Haiti. Instead, I met a number of Idahoans who expressed concern and opposition to an American invasion of Haiti. I could not agree more with my constituents.

If this administration thinks the American people want to put our troops at risk in order to restore President Aristide to power, then I urge these policymakers to get out of Washington and meet with the American people. The American people have considered this question and an overwhelming number of Americans oppose a United States invasion of Haiti. And they do so because there is absolutely no United States national interest that requires the use of American military power in Haiti.

I hope President Clinton will listen to our warnings and turn back from the policy of preparing to invade Haiti. I believe it will be a mistake for United States forces to invade Haiti because there is no objective in Haiti that is worth the cost of one American life. If the United States invades Haiti what will the President tell the American men, women, and children who lose a loved one in Haiti? What goal will the administration cite to justify this loss? I do not want to see grieving parents asking us if their child died in vain.

There is no doubt that United States military forces can successfully invade and conquer Haiti. The real questions facing us are: What do we do once we have conquered Haiti and how do we get out? Once we have taken over Haiti we will be faced with an enormous nationbuilding task. In Haiti, we will find a poverty stricken people. Analysts have looked at this enormous nationbuilding task and they estimate that the United States might be required to stay in Haiti for months or even years. In addition, we do not know how Haitian people will view our presence. In short, we will be faced with a potentially dangerous, international welfare case with no hope that we can get out anytime soon.

As my colleagues know, I have been actively involved in bringing an end to the United States military and diplomatic presence in Somalia. This exercise demonstrated that the U.S. has a very difficult time leaving once we send our troops into a country. The last time the United States invaded Haiti, it took us 19 years to withdraw. We must not make that mistake again.

Before a President considers putting the lives of U.S. military personnel at risk, we need to determine that our national interests are involved. When President Reagan invaded Grenada there was a clear and imminent threat to United States citizens. When President Bush toppled Manuel Noriega in Panama, there had been attacks on American citizens in Panama. When President Bush liberated Kuwait, he stopped Saddam Hussein from seizing the Persian Gulf and a large percent of the world's oil reserves. In each of these cases, there was a compelling reason for the President's action. Today, however, there is no such compelling reason to invade Haiti.

I am not adverse to the United States using force when it's warranted. There was a time during the Reagan era when nations of the world knew they couldn't mess with the United States. If you did, you might be the recipient of a smart bomb or a Tomahawk missile. I think that's healthy. We should use our military forces sparingly, but if some other country has done something to merit the use of force, it should be done rapidly and effectively. It should not be done simply to prove that we have the strength to do it, and certainly not because the administration wants to prove it's finished bluffing.

Mr. President, I urge President Clinton to step back from this abyss. Time is on our side. We must not put our troops at risk in order to restore the reliability of this administration. It is a travesty that our reliability now seems in such disrepair that it now requires rebuilding. This is no way to conduct foreign policy. We can do better than this.

Mr. SIMPSON. Mr. President, I rise to address the troubling issue of a possible impending invasion of Haiti by United States military forces.

It is unfortunate, Mr. President, that those of us on this side of the debate must feel compelled to preface our remarks by making certain disclaimers and caveats. But such has been the nature of the criticism against the position that many in my party have taken regarding such an invasion, so some clarifications and reassurances to the President and to the public seem necessary.

Let it be firmly understood that this Senator at least, as well as my Republican colleagues, do not challenge the President's authority, if national security requires it, to invade Haiti or indeed to take any other appropriate action involving the United States military. That is his charge and his right, to act with full authority in the interest of national security as the Commander in Chief of the U.S. military forces.

That should be clearly understood, and I would remind my colleagues that previous resolutions offered on this side of the aisle, even as they would have required consultation with Congress before deploying United States forces in Haiti, would have made appropriate exemptions for the event that the President deemed our vital "national security" interests to be at stake.

So let that be understood. President Clinton enjoys full support from this side of the aisle, just as previous Republican Presidents have, for his authority to use his powers as the Commander in Chief to act on behalf of vital U.S. interests.

But that is the rub, isn't it? The singular lack of an assault on our national security. I do not believe that there would be this kind of showdown between the President and congressional leaders if we faced an Iran-style hostage situation, or if we faced, as we did in Iraq, an international aggressor straddling a large fraction of the world's precious energy reserves. But instead we are not facing any of those obvious challenges to our national security, nor to the security of our private citizens.

Furthermore, we do not face a military situation in which surprise and secrecy seems to be deemed by the administration as essential to preserving the lives of American soldiers. We are not facing a situation where we have the necessity of remaining silent on this issue so as to preserve the ignorance of the Haitian junta. In other words, we do not have a situation where the President is seeking to use the most extensive powers he has as Commander in Chief to launch a sudden and secret assault, the war-making powers of Congress notwithstanding.

No, Mr. President. Indeed we see quite the contrary. We have seen every manner of verbal hint and threat from the administration that an invasion will come if the Haitian military does not abdicate. The administration clearly intends to force the Haitian military out of its position of power, if not by invasion, then by the threat of it. The military action envisioned here clearly has the character of a willful entrance into warmaking, quite distinct from an urgent and time-sensitive military rescue mission or urgent national security action.

We well recall when President Bush laid out for Saddam Hussein the consequences of his action in invading Kuwait. "This will not stand" it was an ultimatum much like today's that seems to be coming from the Clinton administration. And President Bush was told by Congress that he must come before us and make his case for the use of force. Which, he did. And his arguments carried the day, because he was able to demonstrate a clear and demonstrable threat to the international order, and was able to generate the requisite support from the American people and their elected representatives.

If President Bush was so obliged, certainly President Clinton is as well. Indeed I cannot see any reason for the President to claim an exemption from this necessity, that was not available to President Bush when he faced the aggression of Saddam Hussein. The only credible argument I can see advanced within the administration against congressional authorization is based on the apparent fact that he does not, indeed, have the support either of the American people or of the Congress for this action.

Having said that, let me reiterate: I have an open mind. If the President can make a convincing case that this action is worth American blood, I am listening. But it seems bizarre to me that we would even be contemplating such an action when no such case has been made.

We hear that democracy has been "hijacked" in Haiti, which indeed it has, by military thugs. And this is certainly ample reason to apply sanctions and economic pressure against the Haitian military junta. But what is it, Mr. President, that distinguishes Haiti from the many other nondemocratic governments around the world? Of course we support and argue for democratic processes everywhere, and we support the rights of people for self-determination. We do not always, however, shed American blood in that cause. We are not contemplating an invasion of Burma. We are not, to my knowledge, contemplating an invasion of Cuba. Haiti is not the only country—not even the only Caribbean country—where democracy has been hijacked. Why Haiti?

Is it the case that there is so clear a choice between the virtue of the Aristide Presidency and the evil of the existing military junta? Mr. President, I respect to overwhelming electoral victory won by President Aristide. But is President Clinton, and the Government of the United States, so confident that his return will mean a respect for democratic norms, and a respect for individual human rights, that we are willing to stamp the "made in USA" label on the Aristide government from this day forward? Because, make no mistake—once Aristide is installed at American gunpoint, he will be considered our "client" in the eyes of Haitians, Americans, and in the eyes of the world. Let no one mistake that inevitable result.

I therefore cannot support the use of American military force in Haiti, at least—at the very least—until a compelling, not contrived, case is made that the situation in Haiti poses a direct threat to our national security, in a way that Cuba or Burma or any other "outlaw regime" does not. The President ought to know, as well as any American citizen does, how inappropriate, how unworkable it is to ask Americans to fight and die for confused and uncertain objectives.

And finally, let me make absolutely clear: No one is suggesting that the President decide against an invasion solely because of popular opposition to the idea. Foreign policy, and military policy, cannot be made by pollsters. But leadership requires more than acting in defiance in popular opinion. In matters of war, the Nation must be led, it must be rallied, if our aims are to be met. We have not seen that kind of leadership from this administration on this issue, and until we do, this Senator has no choice but to oppose the use of United States military force in Haiti.

I would like now to address this subject of making the specific case for war in Haiti. I assume that one of the reasons offered in justification of an invasion of Haiti will be the need to stop illegal immigration from Haiti. I have an abiding interest in this issue, arising from my position as ranking member on the Immigration Subcommittee.

I want to specifically address Haitian illegal immigration, and that problem—and it is a problem—as a justification for an invasion of that tiny country.

Illegal immigration from Haiti is indeed a problem, but it is a small problem compared to illegal immigration to this country from Cuba, from China, from Mexico, and from other Central American countries including the Dominican Republic which shares with Haiti the island of Hispaniola.

No one is suggesting that we invade any of those countries to stop illegal immigration, and in my view, it is pretty difficult to justify an invasion of Haiti on that basis.

Justification for an invasion aside, we do not need to invade Haiti to deter illegal immigration from that country.

We have had a number of Caribbean nations offer their territory for "holding centers" for Haitian illegal immigrants—places where persons leaving Haiti could stay until they felt it was safe to return to their country.

I assume those offers of locations for holding centers are still open, and establishing holding centers to provide temporary safe haven to the Haitians outside the United States, is the solution to illegal immigration from Haiti. We do not need an invasion.

Experience has shown us rather clearly that if we do not allow illegal boat people, whether they be from Haiti, or from Cuba, to enter the United States, no matter what their claim to safe haven may be, the boat flow will dry up.

All we need to do is by our words, and by our actions, clearly establish the policy that attempting to enter the United States without proper authority will not give boat people an opportunity to live in the United States until his or her claim for asylum is determined.

However, if potential illegal immigrants do not believe we mean it when we say they cannot come, and the Clinton administration's remarkable confusion on the issue has given them good reason not to believe us, they will continue to try to come.

The answer to illegal immigration from Haiti is not an invasion, but a clear, firm, consistent, and persevering policy which does not permit the entry into the United States of persons attempting to come on vessels without proper immigration documents.

I would close, therefore, by reiterating the point that a convincing case for invasion has not yet been made, and certainly not with respect to resolving problems of illegal immigration. Until and unless other convincing justifications arise, this Senator must continue to oppose risking American lives in a military invasion of Haiti.

I ask that an article by Charles Krauthammer, "To Die for Aristide?", be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1994]

TO DIE FOR ARISTIDE?

(By Charles Krauthammer)

Unless Haiti's military rulers panic and flee in the face of Bill Clinton's threats—it would be a first—we will have to invade to get them out. The administration has neatly maneuvered itself into a corner from which there is no other escape. It could, of course, declare its entire Haiti policy misbegotten from Day One. It could admit that the restoration of Jean-Bertrand Aristide, hardly a vital American interest, is not worth the bones of a single American grenadier. But there is no chance of such an admission.

The invasion will have to go forth. Before it does, before the first American dies, it is worth asking why. What national interest do we have in Haiti?

Among the welter of interests offered by Clinton, the only one with any real resonance is refugees. A tidal wave of refugees washing up on Florida shores is something the United States cannot tolerate.

This would be a perfectly reasonable rationale—if the refugee exodus were not the direct consequence of Clinton's own policies. The refugee flow shows a striking mathematical relationship between Clinton's ever-changing asylum policies and the numbers of Haitians taking to their boats.

In May, responding to the pressure of Randall Robinson's hunger strike, Clinton declared a new U.S. policy on Haitian refugees. It offered the possibility of asylum hearings to any Haitian who could make it by boat to a U.S. ship. On June 16, it took effect. Surprise: Within two weeks, refugees were arriving at the rate of more than 1,000 a day. On July 4 alone, 3,247 were picked up.

On July 5, overwhelmed, Clinton reversed course. Henceforth refugees who took to sea would no longer be considered for asylum in the United States but sent instead to third countries. Surprise: A week later, the number of refugees fell almost 90 percent.

Clearly, these wild fluctuations in refugee flow are not a function of Haiti's military repression—the repression continues unabated—but of the prospect of admission to the Promised Land. People genuinely in fear of their lives are not terribly fastidious about where they are granted safe haven. Yet large numbers of Haitians—once they realized that they would end up not in Florida but in Grenada or Antigua or even, God forbid, Benin—have apparently decided that Haiti is the better place for them.

Our interest in preventing a flood of refugees is incontrovertible. But the refugee crisis is Clinton's own creation. It is exacerbated by sanctions that have done nothing but further impoverish the most impoverished nation in the hemisphere. And it is inflamed by an administration that periodically, as between June 16 and July 5, makes the possibility of asylum far easier for Haitians than for, say, Chinese boat people who, when intercepted at sea, are almost automatically turned away.

The other reason offered for invading Haiti is that we stand for democracy. Coming from Democrats, this is a touching concern. They spent the better part of the 1980s vilifying the Nicaraguan contras, who were trying to restore democracy to their country too. (In the end, they did.) In that case, moreover, all that was being asked as military aid. Today it is American blood.

But apart from hypocrisy, there is illogic. Democracy alone cannot be reason enough for American intervention—or we should be intervening in half the world. There must also be some strategic rationale. The strategic threat in Nicaragua was that it might be turned into a forward base for a hostile superpower. (That was during the Cold War—a time, Clinton now laments, of unusual moral clarity.) What possible strategic threat emanates from Haiti?

Moreover, intervening to install Jean-Bertrand Aristide in the name of democracy is quite a stretch. Yes, he was elected president of his country. But many dictators and psychopaths have been elected as well. Juan Peron won election (twice!). So did Hitler.

Aristide is no Hitler, but he quite admires Robespierre, who ranks high among history's bloodthirsty executioners. "I am inclined to see in you a certain resemblance to Robespierre," he writes in a self-interview in his autobiography. "Robespierre was called 'the incorruptible.' That is a rare quality in politics, and it doesn't always make for a long term in office." The parallel is meant to be both obvious and flattering.

Accordingly, Aristide incited mobs to intimidate judges and (democratically elected) legislators. He spoke rhapsodically in praise of the "necklace," the burning tire used to murder political opponents, the modern revolutionary's improvement of the guillotine: "It is beautiful, it looks sharp. It is fashionable, it smells good," he, as president, told a crowd in September 1991.

And then there is the matter of his anti-Americanism. The United States, he writes in the chapter "My Convictions," is one of the "gang of four" "enemies of Haitian people." His affection for Che Guevara, his references to American imperialism, have been muted of late, for good reason. He now lives in Washington and will ride the backs of U.S. Marines into Port-au-Prince. But it is a curious American policy that seeks to advance

American interests at the risk of American lives by installing an anti-American demagogue.

American Marines patrolling the streets of Port-au-Prince to keep Robespierre in power—this, after Somalia and Bosnia and Korea, will be Clinton's great demonstration of muscularity. Makes you pine for flabbiness.

A U.N. LICENSE TO INVADE HAITI

Mr. MOYNIHAN. Mr. President, the U.N. Charter is not a social science experiment. It is a treaty about the use of force. Chapter VII of the charter prescribes the authority of the Security Council to deal with "threats to the peace, breaches of the peace, and acts of aggression." It is not about nation-building.

Let me be clear: I do not support an invasion of Haiti. I do believe that the United States has an interest in promoting democracy and stability in Haiti. We have done more than any other country to restore the legally elected Government of Haiti. I support those efforts. They should continue.

But Haiti is not—simply put—a threat to the peace or to the United States sufficient to justify a chapter VII invasion. In the words of the New York Times, "Washington recklessly stretched the boundaries of what constitutes a threat to international peace and security" in order to obtain Security Council authorization for an invasion.

An invasion would endanger the lives of American service men and women in the cause of a most uncertain mission—nation-building. Not a theoretical concern.

It also jeopardizes one of the finest achievements of American statecraft—the U.N. Charter. To cite again the New York Times:

> Having taken its lumps trying to be a world police force, the U.N. has now fallen into the unhealthy habit of licensing great-power spheres of influence. In recent weeks the Security Council has commissioned France to send troops to Rwanda and endorsed Russia's "peacekeepers" in Georgia. Now the U.S. is authorized to lead an invasion of Haiti. Such crude power politics damages the U.N.'s standing as an organization valuing the sovereignty of all its member states.

This is no small issue. Hard cases make bad law. Haiti is indeed a hard case. The human rights abuses there are extraordinary. We are trying to help. But what law do we create by invading under the authority of chapter VII? What will we say 6 months from now if Russia engages in a police action to protect Russian nationals in the Baltics or Ukraine?

The people of Haiti need and should receive our continued support in their struggle to restore their elected government. But Haiti is no more a threat to the United States and has no less a democratic government than numerous other regimes. Is the military dictatorship in Haiti less democratic and more dangerous to the United States than Colonel Qadhafi's regime in Libya, a terrorist state which blew Pan Am 103 out of the sky and murdered score upon score of Americans? Is it less democratic and more threatening to the United States than other terrorist states such as Syria, Sudan, and Iran? The military dictatorship in Burma threw those chosen in its last election in prison and murdered thousands of others. Burma is probably the source of most of the heroin which reaches the United States. Is it more democratic and less a threat to the United States than Haiti?

Frankly, while the situation in Haiti is deplorable, Haitian refugees are a problem for the United States, not a threat to our national security. Indeed. Haiti is not even a threat to the Dominican Republic with which it shares the island of Hispaniola, much less the sole remaining superpower in the world.

I have served as U.S. Ambassador to the United Nations and have represented the United States as President of the Security Council. Save on the sternest instructions of the President himself, I would never have countenanced a Security Council resolution authorizing the invasion of Haiti under chapter VII of the charter.

In closing, I must make clear that if troops are sent into the field by the Commander in Chief that they must be fully supported. In asking them to put their lives at stake we must ensure that they are given the means to adequately perform the task at hand and are protected from undue risk.

Mr. President, I ask unanimous consent that the entire New York Times editorial of August 2, 1994 be printed in the RECORD and I yield the floor.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 2, 1994]

A U.N. LICENSE TO INVADE HAITI

If it persuades Haiti's military leaders to leave on their own, then Sunday's U.N. Security Council resolution authorizing a U.S.-led invasion will have done some good. The resolution contains no deadline, and the Clinton Administration has no plans for an imminent military strike.

Perhaps only the threat of force will convince Haiti's top soldiers they should depart. They viscerally oppose the social and economic changes they believe President Jean-Bertrand Aristide would make if he returns. And they are reportedly profiting handsomely from the status quo.

But the threat to use force implies a willingness actually to use it if the military leaders hold fast, and an invasion of Haiti under present circumstances would be a big mistake. Meanwhile, the Administration's strained interpretation of the U.N. Charter to classify the Haitian situation as a threat to regional peace and security damages the U.N.'s legitimacy and invites trouble.

The resolution, orchestrated by Washington envisions several countries taking part in any invasion, but the operation would remain under direct U.S. military and political control. Presumably, the Clinton Administration will heed its constitutional duty and seek previous Congressional approval, which it may not get. But even a properly authorized invasion would add to the long string of dubious U.S. military interventions in the Caribbean basin during the past century, including a 19-year occupation of Haiti itself.

Some of these actions had nobler ends than others. But very few did any lasting good and each poisoned U.S. relations with the rest of the hemisphere. Significantly, one of the two Latin American members of the Security Council, Brazil, abstained Sunday, while the non-members Mexico, Uruguay, Venezuela and Cuba all spoke out against an invasion. The other Latin member, Argentina, voted yes.

Even though President Aristide implicitly endorsed the resolution, an invasion could weaken his domestic legitimacy while diminishing Haiti's sovereignty. And despite plans to quickly hand off peacekeeping authority to a more broadly based U.N. force, an invasion would saddle the U.S. with political responsibility for controlling the violent vendettas that might erupt once the present repressive structure is disarmed.

To justify the use of U.N. force, Washington recklessly stretched the boundaries of what constitutes a threat to international peace and security under Chapter Seven of the U.N. Charter. Gen. Raoul Cédras's violation of the pledges he made in the Governors Island agreements last year is legitimately an international issue. So is the tide of refugees and systematic violation of human rights. But none of these issues now rise to the threshold necessary to justify invasion. On many of the same grounds, Cuban émigrés might well lobby the Clinton Administration to seek U.N. authorization for invading Cuba.

Having taken its lumps trying to be a world police force, the U.N. has now fallen into the unhealthy habit of licensing great-power spheres of influence. In recent weeks the Security Council has commissioned France to send troops to Rwanda and endorsed Russia's "peacekeepers" in Georgia. Now the U.S. is authorized to lead an invasion of Haiti. Such crude power politics damages the U.N.'s standing as an organization valuing the sovereignty of all its member states.

Licensing big-power armies was justified in cases like the Persian Gulf war and the Korean War where the necessary level of force could only be supplied by major military powers. But it is surely not justified in Haiti, with a 7,000-man regular army and a comparable number of lightly armed paramilitary troops.

The Clinton Administration, under attack from critics on the left and right for alleged timidity in deploying U.S. military power, now reveals a dangerously low threshold for using force in Haiti.

Mr. DANFORTH. Mr. President, in the strongest terms, I oppose President Clinton's apparently unstoppable course of preparing for a United States invasion of Haiti.

The test for military action against another country must be the national interest of the United States. No American interest would be served by invading Haiti. While the regime of General Cedras is deplorable, the troubles of Haiti are internal to itself. As a matter of foreign policy, it is appropriate for the United States to encourage democracy elsewhere in the world. But encouraging democracy does not give our country license to send in American troops wherever democracy does not exist. The test of military force must be national interest, not a general interest in improving the governments of other countries.

The Clinton administration points to Haitians fleeing that country by boat in an attempt to reach the United States. In large part, they are fleeing terrible economic conditions which have been worsened by the Clinton administration's tightened economic embargo. The stated purpose of the administration is to tighten the embargo, cause Haitians to flee their country, arrest them on the high seas and transmit them to detention camps at Guantanamo Bay, Cuba. This does not constitute the kind of national interest necessary to justify the use of military force.

After many weeks of bluster, the Clinton administration claims that the United States would lose its credibility if it did not follow through with an invasion of Haiti. But loss of credibility is the fault of the administration's incompetence in the first place. The loud speaking diplomacy of President Clinton should not propel the United States toward the inexorable use of our military.

The best policy for our country to follow would be to abandon the planned invasion, lift the embargo—which is hurting poor Haitians and sending them to their boats—and terminate recognition of Cedras's regime.

I have often spoken and written of the importance of establishing a bipartisan foreign policy. In dealing with the world, Americans should speak with one voice. Members of Congress of both parties should be quick to support Presidents in the conduct of foreign policy and reluctant to substitute our own views for those of the executive branch.

However, the ground beneath a bipartisan foreign policy is undercut when the basis for proposed action is the political needs of a President in an election year rather than the requirements of the country as a whole.

When the invasion occurs, there will be predictable efforts to appeal to the pride of Americans in a successful mission by our military. Yet there would be little source of pride when the strongest country in the world invades one of the weakest. And any short-term pride, however, misplaced, will soon be supplanted by what will become America's long-term stake in the internal affairs of Haiti and in the conduct of the Aristide regime.

Finally, and most importantly, an invasion of Haiti without a declaration of war by Congress violates Congress's responsibility in declaring war. There is no possible basis for argument that the use of military force against Haiti is simply a police action, for it is not. This is not a matter of saving American lives that are endangered, as was the case in Grenada, or bringing to justice a person perpetrating crimes against America as was the case in Panama. This is the use of military force for the purpose of intervening in the internal affairs of another country. It will not be a police action, it will be a war. It will be a war which cannot be justified by any standard of national interest and which will be clear violation of the constitutional powers of Congress.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 30 minutes.

Mr. COHEN. Mr. President, just a short time ago, the Senator from Connecticut [Mr. DODD]—I believe I am correctly quoting him—indicated the President, and he alone, has a very heavy burden. I would like to respectfully submit that I object to the notion that the President alone carries a heavy burden. That really is at the heart of the debate that is taking place this afternoon and, I am sure, will continue in the days ahead. Congress also has a heavy burden to bear, and what we are suggesting is that Congress is not either being asked or required to bear that heavy burden of responsibility.

Mr. President, when our parents and we as parents send off our sons and daughters to the military, we expect a number of things. We expect them to be well trained. We expect them to be well disciplined. We expect them to be well led. We expect them to be well cared for. We expect that they will be used prudently and wisely, with careful consideration given before they are ever sent off to face the dangers of war.

I will recall during the debate on the Persian Gulf war a really poignant moment in my office. I was absolutely deluged with thousands of letters and thousands of phone calls and people coming into my office demanding that they have an opportunity to speak to me before I voted on whether to send their sons or daughters off to war. I will never forget a session where a delegation from Mothers Against War met with me in my office for some time. It was very emotional. And they said:

> You cannot send our sons and daughters off to fight this war. It is not in our national security interests. You, Senator Cohen, will have the blood of our sons on your hands if you vote in this fashion.

So it was a pretty heavy responsibility we had at that time. Some of us voted to authorize the President to go to war and some voted against it.

Mr. President, as the United States military forces poise themselves to invade Haiti, it seems to me there are two questions facing the Congress and the President. One is whether military intervention in Haiti would be a wise policy, and the second is the constitutional issue of who answers the first question. Who determines whether it is wise or not. Perhaps President Clinton could persuade me and Congress and the American people that his plan to intervene is wise. Perhaps he will be as persuasive as the Senator from Connecticut is passionate. But he has not yet persuaded us. Indeed, I do not think he has even seriously attempted to persuade us, to make his case. Apparently, he intends to do so tomorrow evening. But it appears also that he does not intend to attempt to persuade us out of fear that he might fail and then be faced with launching an invasion against the expressed will of Congress. Given the most recent polls showing—I think the Senator from Connecticut indicated—some three-fourths of the American people are opposed to military intervention into Haiti, it is clear the President will have a very heavy burden to bear if he is going to persuade the American people and Congress that there should be an invasion.

There are only two ways for the President to respond to the gulf between his plans and congressional and public opinion. He can either engage Congress, and thus indirectly the public, in a meaningful dialog followed by a vote. Or he can roll the dice, proceed with military intervention without congressional authorization and hope that it is successful enough that the public and congressional critics will then lend their support.

The President, it seems to me, is pursuing the latter option. I think it is regrettable because in my opinion it is both politically unwise and inconsistent with the requirements of the Constitution. It is unwise because the President will have assumed complete responsibility for the outcome. If the operation is successful, then he will receive the credit whether the Congress gave its approval or not. But if it is unsuccessful, if things go awry, if U.S. forces get bogged down in a long-term engagement in Haiti, the President will not have had the benefit of sharing the burden of responsibility with a Congress that had voted its prior approval of the operation. Instead, Members of Congress, including those of his own party I might add, will quickly turn on him. They will recount the many analyses that have been done that warned an invasion will make a very bad situation worse, and bemoan the administration's naivete, perhaps even its arrogance.

Such second guessing would not be possible for Members of Congress who, forced to vote, had cast their lot with the President.

Beside being bad politics, invading without congressional authorization is also contrary to the Constitution. While the President is the Commander in Chief of the Armed Forces, the Constitution reserves unto Congress the power to declare war.

I wanted to take the floor this afternoon to make these points because I made the same arguments to President Bush when he was contemplating the very initial stages of conducting warfare in the Persian Gulf, Operation Desert Storm. I, along with a number of my colleagues, went to the White House on several occasions with many Members, and I stood up and expressed my opinion. I said:

> Mr. President, you must come to Congress to get authority. If you disagree that the Constitution requires you to do so, set that aside for a moment. I think it is clear that the Constitution requires you to, but set that aside. If you do not have us on record before the bullets start flying, the blood starts flowing, the bodies start dropping, and the body bags come home and are received at Andrews or Dover, if you do not have us on record before that happens, then surely you can count on one thing: We will be in full flight chasing public opinion which will be racing in the complete opposite direction of your policy. You must put us on record. You must have us as your advocates. You must force us to share the responsibility. Otherwise, you are out there all alone with little support, and we guarantee you even that support will evaporate if things go awry.

Mr. President, at that time there were some very important Members of Congress in the Senate and in the House who stated that President Bush had an absolute obligation to come before the Senate and the House. My colleague from Maine, my good friend, the majority leader, said the following:

> Mr. President, for two centuries Americans have debated the relative powers of the President and Congress. Often this has been an abstract argument. But today the debate is real.
>
> The men who wrote the Constitution had as a central purpose the prevention of tyranny in America. They had lived under a British king. They did not want there ever to be an American king. They were brilliantly successful. In our history there have been 41 Presidents and no kings.

Well, now there are 42 Presidents, and hopefully no kings. My colleague from Maine said:

> President Bush was not required to seek the approval of Congress to order (the deployment of forces to the Persian Gulf area), and he did not do so. But if he now decides to use those forces in what would plainly be war, he is legally obligated to seek the prior approval of Congress.

I think Senator MITCHELL was absolutely correct at that time. The same arguments obtain to President Clinton.

Senator BIDEN is also someone I have a great deal of confidence in as a leading voice on the Foreign Relations Committee, as well as chairman of the Judiciary Committee. He said the following:

> Yet President Bush has claimed that his power as Commander in Chief gives him the authority, acting alone, to start a war. His Secretary of Defense has said, "We do not believe the President requires any additional authorization from the Congress for committing U.S. forces to achieve our objective in the gulf." His Secretary of State has said, "The President has the right, as a matter of practice and principle, to initiate military action." To put it simply, these views are at odds with the Constitution. They may accurately describe the power of leaders of other countries, but they do not describe the power of the President of the United States.

Senator BIDEN went on to say:

> Finally, we have been told that the congressional debate on war could tie the President's hands or limit his discretion. To this charge, I have one simple response—exactly right. Americans once lived under a system where one man had unfettered choice to decide by himself whether we could go to war or not go to war, and we launched a revolution to free ourselves from the tyranny of such a system.

Senator KENNEDY also spoke passionately and vigorously on the Persian Gulf war. He said:

> What is clear is that President Bush has not the right to go to war on his own. Article II of the Constitution makes the President the Commander in Chief of the Armed Forces, but Article I gives Congress, and only Congress, the power to declare war.

During that debate, Senator KENNEDY offered a letter that was signed by 241 of the Nation's most distinguished law professors. And, in sum, they said, "The Constitution thus requires the President meaningfully to consult with Congress and receive its affirmative authorization before engaging in acts of war."

I could at some length quote other more extensive statements by these individuals and many of our colleagues. But I think it is unnecessary to do so at this time.

Some are going to argue that the impending invasion of Haiti is something other than war and therefore this provision of the Constitution really does not apply. Our Ambassador to the United Nations argues that this would be a "police action," not a war. I wonder whether those young men who are now poised to go into Haiti think that is simply a police action with two aircraft carriers sailing off the coast.

Officials of the Justice Department argue that it would not be "a major military action," and therefore Congress has no right or duty to demand a say. That is our Justice Department. It is not a major military act of war, only a minor one, therefore Congress has no role.

Mr. President, this really raises the question of who is to determine whether a premeditated offensive military intervention is a war or something else—a war, police action, conflict? The clear implication of Ambassador Albright's and the Justice Department's argument is that only the President can make such a determination; only the President can decide what is a war, what is a conflict, what is a police action, or what is a minor war.

Well, that is an interesting argument. I would refer my colleagues to the U.S. District Court for the District of Columbia's 1990 decision, Dellums versus Bush, a lawsuit filed by our House colleagues. I believe there were some 53 of them who joined in that particular court action. But let me just repeat a part of what the court had to say:

> If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute warmaking but only an offensive military attack, the Congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an "interpretation" would evade the plain language of the Constitution, and it cannot stand.

So no matter what euphemisms are employed, the simple fact is that we are about to wage war. We are about to engage in an act of war.

The Senator from Connecticut has made a passionate plea that it is justified under concerns about the rape, pillage, torture, and the horrendous abuses of human rights not too far from our shores, and that is one argument to be made. But I do not think it is a controlling one, because if you apply that logic, we can apply it also to Cuba, where we also have outrageous abuses of human rights and torture, a country also flooding our shores with people trying to flee that dictatorship.

We are also going to hear from the Justice Department and others the argument that this is no different than interventions in Grenada or Panama, which were not authorized in advance by Congress. And the implication is that if you ignore the Constitution on one occasion, or two, that gives you license to ignore it on each and every following occasion.

I think we can draw some distinctions between the case of Haiti and that of Panama and Grenada. There was a sense of urgency, an emergency, certainly, with respect to Grenada, prompted by the killing of Maurice Bishop and the resulting unstable situation. I think prompt action was required, and obtaining congressional authorization would have been impractical under those situations, especially without raising the already high risk to the Americans who were in Grenada. In contrast, the Clinton administration has been publicly threatening to invade Haiti for months. There is no great urgency that would preclude a congressional debate and a congressional vote.

In both Grenada and Panama, the primary objective was to protect the American citizens in those countries. In Grenada, the Americans were believed to be endangered by an unstable situation, while in Panama, Americans were already the target of assault and murder. In contrast, the executive branch's own assessments do not indicate any untoward threats to American citizens. The greater danger to Americans in Haiti may be in the form of an American invasion in Haiti.

The United States also had some strong national security interests that justified our military intervention there, quite unlike the case of Haiti. I think having such strong interests does not waive the requirement for congressional approval for military intervention, but it helps to explain better the context and the rationale behind President Bush's decision.

Finally, Grenada and Panama were quick operations, which few analysts believe will be the case in Haiti. The fighting in Grenada lasted only about 8 days, and all of the troops were withdrawn after 7 weeks. The fighting in Panama lasted about 4 days, with all of the forces withdrawn after 8 weeks. In contrast, most analysts estimate that after a few days of fighting to overcome whatever organized resistance there might be in Haiti, the United States troops would be required to remain for well over a year, possibly as long as a decade.

Based on these factors, the invasion of Haiti more closely resembles the gulf war against Iraq than the invasions of Grenada and Panama. It is not an emergency. It is being pursued for foreign policy objectives, not to rescue Americans whose lives are in danger. After a quick period of hostilities, there will be a years-long deployment in order to maintain order and support for the local people we might favor. Like in the war against Iraq, congressional authorization is clearly required.

None of the credible or even usual arguments for unilateral Presidential employment of military force exists in the case of Haiti—not one. It is not an emergency. It is being pursued for foreign policy objectives, not to rescue Americans. And we can expect a short period of hostilities followed by a long commitment on our part. It requires congressional authorization.

Another argument we hear is that the United Nations has given its approval to an invasion, so congressional authorization is not required. I saw that in today's Washington Post by one of the leading political scientists/constitutional authorities. Well, the Senate has rendered its view on that question. Last month, by a vote of 100 to 0, the Senate categorically rejected the notion that the United Nations resolution satisfies the requirements of the Constitution or the War Powers Act. So I hope we will not hear any of that argument made in this Chamber, that now that the United Nations has acted, Congress no longer is required to act.

I want to bring to my colleagues' attention an article by the syndicated columnist, Samuel Francis in which he asks:

> What is wrong with the following sentence: "The Security Council authorized the United States today to lead a multinational invasion to drive out the military rulers of Haiti and restore exiled President Jean-Bertrand Aristide to power"?

Then he goes on to answer his own question:

> If you don't know what's wrong with that, the lead sentence of the Washington Post's lead story (on August 1), maybe another sentence will give you a clue: "The Congress shall have power * * * to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water * * *."
>
> Sentence number two, as it happens, comes not from the Washington Post morning edition, but out of something the people once thought was a rather more enduring document—the Constitution of the United States. And now, thanks in part to the Clinton administration, we know it was not so enduring after all.
>
> Of all the powers that characterize the sovereignty of a nation, the power to make war is the most basic.

Let me paraphrase the remainder because some of this is acerbic: But those in the administration seem to have spent much of their weekend making certain it was the United Nations and not the U.S. Congress that exercised this power.

Mr. President, the reason the Framers put the power to decide whether to go to war in the hands of Congress was to ensure that one person could not put American lives and treasure at risk for spurious reasons. The case of Haiti, in my judgment, highlights the wisdom of the Constitution's allocation of power.

The administration's argument for intervening, when you strip off all the varnish, comes down to this: Our credibility is now on the line. Our credibility is on the line. There are abuses taking place down there that is a subversion of democracy. They are close to our shores, and our credibility is now on the line. We have been beating the drum so loudly, if we do not act now, nobody will ever take us seriously.

That seems to be the driving force behind this impetus now to go to war. There is something to be said for the argument about taking us seriously, that credibility is something that we should treasure. Unfortunately, the administration has painted itself into a corner by its own action. Let me respectfully suggest that the administration's credibility will be little enhanced by sending the most powerful military in the world to invade the most impoverished country in the Western Hemisphere.

In my view, if the administration feels the need to demonstrate its credibility and its willingness to use force, perhaps it should do so in a venue in which American national interests are genuinely at stake, such as in North Korea. There we have real national security interests.

Putting the Congress at the center of the decision to go to war was intended precisely to ensure that we would go to war only when the representatives of the people were persuaded that our interests justified the costs and the chances of success were sufficient to justify the risks. That is what Senator BIDEN was saying during the debate before the Persian Gulf war, and he was right. We do not want this President, or any other President, to have a totally free hand to send our sons and daughters into war without consultations and without authorization. On an emergency, yes; to protect American lives, on an emergency basis, yes. To rescue another country's democratically elected president—not without authorization from us.

Mr. President, the events of the past year have demonstrated the practical wisdom of not leaving such assessments to the President and his advisers. It was just 11 months ago that President Clinton ordered the U.S.S. *Harlan County* to set sail toward Haiti with 200 lightly armed troops. And he did so even though the Departments of Defense and State could not agree on the mission they would perform or how they would respond to resistance. He did so even though the intelligence community warned that there would be resistance. The President's principal adviser on Haiti at that time dismissed the concerns expressed by Members of Congress by declaring:

> Suddenly Chicken Little says the sky is falling, but there is no problem of major proportion. Somebody's making it sound very dramatic. These are all minor issues. We're moving on course.

Mr. President, indeed, they moved on course until the *Harlan County* reached the docks of Port-au-Prince and found a rock-throwing rabble on the docks, and the President of the United States ordered our troops to turn around and return to the United States.

Now, as we approach the first anniversary of this event, the President once again is about to order troops to go to Haiti.

The administration seems to be saying that if the Congress would only remain silent and play along, the military leadership in Haiti will be intimidated enough to flee on its own and our invasion force will face no opposition.

Mr. President, that may be one of the calculations involved. The calculation may be that the administration decided that if they put two aircraft carriers off the coast of Haiti, threaten to put in 20,000 or 25,000 troops, heavily armed tanks, sophisticated weaponry, those thugs who now govern and control that small, tortured country will simply take flight.

I hope that is the case. I hope that is the case. But if that is part of the game plan, it has never been conveyed to us. To my knowledge, there has been no consultation of what the administration intends, not even with a select group of leaders. I am not even suggesting that they have to talk to the entire Congress. But to my knowledge, genuine consultations have been held with not even the Big Eight, not the Senate majority and minority leaders, not the House leaders, not the Foreign Relations and Foreign Affairs Committee leaders, not the Armed Services Committees leaders, not the Intelligence Committee leaders.

To my knowledge, there has been no such consultation, no conveyance of what are the original intent or plans or options they might have in mind.

Mr. President, a decade ago, Secretary of Defense Caspar Weinberger set forth a list of criteria to help us decide when military force can be used effectively and when it cannot. In his speech, he said:

> Some theorists argue that military force can be brought to bear at any crisis. Some of these proponents of force are eager to advocate its use in even limited amounts simply because they believe if there are American forces of any size present they will somehow solve the problem.

Somehow, U.S. military forces will "restore democracy" to a country that, while it has had a free election, has never known democracy.

I doubt it, Mr. President, I seriously doubt it.

Mr. President, I inquire how much time I have remaining.

The PRESIDING OFFICER. The Senator from Maine has 5 minutes remaining.

Mr. COHEN. Mr. President, last year, Air Force magazine warned about the administration's attitude toward the use of military force—and I am quoting:

> These people are not dealing in abstract concepts. They are tinkering with deadly force. If their notions become policy, we may learn all over again that it is much easier to get into a fight than it is to get out of one.

I think it is worth remembering that we slid into the Vietnam quagmire not because of a lack of intelligence but an excess of arrogance—arrogance regarding America's ability to impose its will, even where our interests were limited; and arrogance regarding the Executive's primacy over the Congress.

Arrogance and power is a dangerous brew. We must resist the temptation to drink this hemlock masquerading as the nectar of the gods.

Mr. President, let me associate myself with something that the Senator from Connecticut has said. I agree with him completely that suggestions that President Clinton has some ulterior motive, that somehow he is seeking to gain a bounce in popularity, is cynical beyond words. I do not think it is true.

I think the President of the United States is convinced that he has to go to war to restore democracy in Haiti. He believes it is in our national security interests to do so.

I disagree with that assessment, but I believe he is sincere in that conviction of his own.

But what I am respectfully suggesting is whether one challenges the motives of the President, which I think is uncalled for, whether one is convinced he is acting out of the most sincere motivations, ultimately the debate that has to take place must occur right in this Chamber and in the House of Representatives.

This President, I believe, will make a mistake in going forward without our expressed endorsement. As I indicated before, he may get a temporary success out of this invasion. We, I think, could be expected to overcome any significant force within a matter of a few days at most. But that is only the beginning of the problem.

Then it is maintaining order until stability is restored. Then it is maintaining a presence until the institutions of democracy are built and sustained. Then it is part of another peacekeeping operation for months and perhaps longer, maybe years.

Mr. President, this President and no President can engage our forces for that kind of a long-term commitment without us playing a coequal role.

That is the key part of this debate. We can differ as the Senator from Connecticut and I may differ on the wisdom of it. But, nonetheless, the only recourse that the President should have in this circumstance is to turn to us.

If we reject the President, so be it. We have expressed the will of the American people not to put our sons' and daughters' lives on the line, put them in jeopardy, however few they may be.

But you can also anticipate that any kind of a military operation is going to involve risk, that some people will die, some people will die. We ordinarily would then be called upon to justify to their parents why it was important, why it was imperative that we spilled their sons' and daughters' blood in order to save the lives and a standard of well-being for another nation.

That burden the President has to carry, not just over a public address over television one night, he has the burden to come here and persuade us. I believe if he can make the case, he may be able to change people's minds on this matter.

Perhaps he will be able to be as persuasive as the Senator from Connecticut has been passionate. But if he cannot persuade us, then there is no reason he should go in. And if he ignores what we are saying and suffers a great foreign policy misadventure, I believe it will inflict mortal damage to his Presidency. That is something I do not want to see. I do not want to see the President embarrassed by a resolution. I do not want to see him embarrassed by a failure, and I do not want to see his Presidency undermined by his going forward without congressional approval and then facing the consequences standing by himself.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, we have no one prepared to speak at this point on this side. I will be glad to yield from the other side's time a half hour, or whatever time the Senator from Indiana wishes.

The PRESIDING OFFICER. What amount of time does the Senator from Indiana seek?

Mr. COATS. Mr. President, I would like to yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 15 minutes.

Mr. COATS. Mr. President, I sat through what I thought was the unfortunate procedural debate that took place just a couple hours ago in this Chamber.

It is clear that there are a number of us who believe the press reports and the administration's own comments that an invasion of Haiti is imminent. Spokesmen for the administration have said that there are no other options, all other recourses to solve the problem in Haiti, all those recourses have been tried and failed, and, therefore, the only option left is an invasion.

Many of us do not accept that argument, do not believe that argument, do not think that is true. And we have been pressing for a debate on the issue with an expression of the Senate's will before such an invasion takes place.

This is, in a last desperate hope of sending a signal to the President and to the administration that they are following a misguided and wrong course of action, an attempt to send a signal that the Senate, in a bipartisan way, does not believe that an invasion should take place, in hopes that the administration would change its mind, would step back and try to come to a different conclusion, and would perhaps be willing to once again examine some other options.

The reason we are concerned about an invasion is that we do not believe a case has been made to the American people nor a case made to their elected representatives, either the U.S. Senate or the House of Representatives, by the President or this administration, for an invasion, an imposition of a so-called democratic regime under Mr. Aristide; an imposition that can only be made by force—gunboat liberalism, in a sense, of building a new democracy where no democracy exists or has existed for a long, long time.

It is clear that the leadership was not anxious to move to a vote on this matter, probably because they did not have the votes to prevail and it would be difficult for the administration to accept, perhaps at a time when the invasion is imminent; an expression of disapproval, not only from Republicans in the Senate but probably from a number of Democrats, judging from statements that have been made on this floor in just the last few days and other statements that have been made public by a number of Democrats and Democrat leaders.

Senator McCAIN has all week been looking for an opportunity to offer an amendment or a sense-of-the-Senate resolution or some vehicle by which this Senate could express its will on this matter, for several reasons.

One, because we have a constitutional obligation to advise the President of the United States, provide consent to his actions, because we believe the Constitution requires a congressional authorization before the United States sends its young men and women into war. We understand that there is a decades-long dispute over whether or not the President has authority to do this as Commander in Chief without the consent of or the authorization of the Congress. Constitutional scholars have argued this for some time. Clearly, in cases of emergency; clearly, in cases where the national security of the United States is in peril and time does not warrant or allow for congressional deliberation and debate; clearly, in situations like that, the President, as Commander in Chief, has not only the right but the obligation to commit U.S. forces.

But that is clearly not the case in the situation that we face today. We have been discussing this for months. The administration has been engaged in a public relations campaign to lay the groundwork for an invasion. We read about it in the papers every day and watch it on television, and we have been talking about it now for weeks. We watch as the forces are being assembled and the ships sailing.

So there was plenty of time to consult with the Congress, had the administration wanted to consult with the Congress. It clearly does not want to consult with the Congress. And they do not want to consult with the Congress because they are certain that Congress is not going to accept their position on this issue, and they do not want an embarrassing defeat.

They have had time to consult with the United Nations. They have had time to consult with the leaders of the countries that some Americans have never even heard of that are now joining us, or supposedly joining us, in this effort with this invasion. But they have not had time to consult with the Congress.

I serve on the Armed Services Committee. We have not been briefed by any member of this administration on what the plans are or justification for this invasion. My understanding is that, just yesterday, the chairman and ranking member met with the Secretary of Defense. I do not know what was discussed. I do not know if you could classify that as consultation or not. But it is, I believe, an objective, fair statement to say that most Members of the U.S. Senate have not been consulted at all.

With the actions taken by the Senate leadership and Senator MITCHELL today, a vote on this matter has been precluded until, at earliest, next week. If an invasion takes place before that time, the administration will then have acted without congressional authorization. And perhaps that is the intent. I do not know when the invasion is supposed to occur.

But it is clear that the administration and the Democrat leadership in this Senate did not want a debate and vote on this matter this week. They did not want that to precede the President addressing the Nation tomorrow, and perhaps an invasion shortly thereafter.

Procedurally, they have placed us in a position where we will not have that vote. We are able to debate it here to an empty Chamber, virtually, at a time when the Senate will be shortly in adjournment, with no opportunity tomorrow or Friday to come back and seek a vote on this matter.

And so Senator McCAIN has been procedurally boxed out. He saw an opportunity, he seized the opportunity, and we thought for a moment there might be an opportunity for the Senate to express its will and the will of the people, as we represent those people and best understand what their wishes are.

The polls show 73 percent oppose this invasion. I think it is much higher than that. The expressions that I have received from the people I represent in Indiana certainly are higher than 73 percent. I cannot find the 27 percent that support an invasion of Haiti.

So the case has not been made. And we know from history, we know from experience, that unless the American people support an action involving sending our young men and women into combat and putting their lives at risk, that that is ultimately not going to succeed.

The President, for, I believe, constitutional reasons, but also for policy reasons and political reasons, ought to be seeking the support of the American people and the Congress first before he reaches a conclusion on whether or not to invade Haiti. Or he at least ought to make a strong case. And that has not been done, either.

It is only in just the last few days that any attempt at defining a justification for an invasion of Haiti has been made.

Today's New York Times, September 14, has this headline: "Democrats Hope to Avoid an Embarrassing Vote on Haiti."

> A spokesman for the Democrat leadership said a vote in the House probably could not be escaped early next week. What the White House and Democratic leaders want to avoid is a clear vote on whether to authorize the President to order an invasion. As matters stand now, Mr. Clinton would lose such a vote by a wide margin.

That is a report from the New York Times.

So it is no secret as to why the majority leader went to such extraordinary lengths to preclude the Senate from coming to a vote. They did not want to lose that vote and now procedurally we are precluded from coming to that vote.

Mr. President, I have a friend I have known for a long time. Obviously, you do not base conclusions on foreign policy on the basis of one individual's opinions. But this is a friend who has lived in Haiti for 35 years. He is not a businessman. And, as he states in his letter, he has nothing to gain financially either way on this decision by the United States.

But I would like to quote from a letter he wrote me recently, because I think he makes the case as to why an invasion is not in the best interests of the United States and why it is a false conclusion to authorize an invasion.

He writes:

> DEAR DAN: Thank you for lending your support to a non-invasion of Haiti. I recall you speaking on the floor and saying, "why are we doing this?" Indeed, why? I believe that question is at the core of everything. No one seems to know the justifiable cause behind the invasion rhetoric. I am very much aware of the surface reasons as supplied by the White House, Aristide's lawyers and lobbyists, Madeleine Albright, liberal senators and the media. But they all wither away under close scrutiny as having no substance.
>
> The emerging middle class, once identified by small industrial ventures, and providing jobs for tens of thousands, is finished. This was to have been the foundation upon which democracy would be built in time, as a process, not legislated by Washington, the lobbyists and the international community. These were young Haitian businessmen, Haiti's new blood, the majority of whom studied in the States and returned with democratic ideals. Their dreams were shattered when Aristide exercised his dictatorial powers and promoted a non-democratic environment. Knowing Aristide's intentions was one thing. Clinton pursuing and supporting this same policy and insisting on a return to "democratic" rule is quite another thing.

He goes on to say that—it is not ironic that someone who knows Haiti far better than I concludes that it was Mr. Aristide's policies that denied and suppressed the democratic movement in Haiti and now we are attempting through force to insert Mr. Aristide back into power, the very person who by many Haitians is perceived to be the one who is denying the democratic process.

My friend goes on to say:

> These young businessmen, many of whom are my friends, are the first ones to say there was no democracy under Aristide. They don't blame the military, General Cédras in particular, for the present chaotic situation, they rightfully put the blame at the feet of President Clinton and Aristide.
>
> An invasion of Haiti by Clinton led forces would be a disaster. Haiti, a peaceful country, is at war with no one. There is no civil war. Haiti is not a threat to this hemisphere in general, and to the United States in particular. The U.S. interests in Haiti are the

> refugees. The solution is quite simple. The embargo and sanctions must be lifted. Air travel must be restored. People are not fleeing military and political repression, rape and violations of human rights. They are fleeing a devastating economic situation created by the embargo. It's a self-perpetuating thing. Clinton's policy is fomenting the very thing he wants to avoid.
>
> An invasion is no substitute for a policy that's broken or as a face saving measure. Thanks for listening.

I doubt that 1 American in 100 if not 1 in 1,000 can explain what the justification is for an invasion of Haiti. Mr. Aristide is not the kind of individual the United States should be putting its credibility behind and installing by force into a nation which does not want him back and which does not believe he can lead that country to democracy. We are committing 20,000 or more young American men and women in uniform. We are putting them at risk of life and limb. And we are doing so for at most a dubious purpose.

Those of us who were here during the Persian Gulf war participated in the process of understanding the basis and justification for U.S. use of force in the Persian Gulf. That was authorized by this Congress; it was to the President's benefit to have that authorization. This has not been authorized by the Congress nor understood by the American people. And I think it is a tragic mistake that the President is about to embark on.

The PRESIDING OFFICER (Mr. PRYOR). The Senator has yielded himself 15 minutes. Does he yield himself further time?

Mr. COATS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, it is my understanding I was next on our side.

The PRESIDING OFFICER. The Chair would advise the Senator from Oklahoma that the agreement is to alternate from side to side. But the Chair notes there is no Democrat seeking recognition and it has been the procedure this afternoon that, if one side does not have somebody seeking recognition, the other side just takes another turn. How much time did the Senator from Oklahoma wish to yield himself?

Mr. NICKLES. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. NICKLES. Mr. President, I wish to thank the Senator from Indiana for an outstanding speech. I hope my colleagues, and I hope the American people, had a chance to listen to it. I also wish to compliment our colleague, Senator MCCAIN, from Arizona, for his sense-of-the-Senate resolution and for his ability to get it at least entered into the debate.

I noted earlier in the debate today that Senator MITCHELL said this could have been offered earlier. Frankly, the bill that we had before us earlier was the Department of Defense conference report, which was not amendable; it could not have been amended. So I just mention that.

Many of us have stated time and time again we wanted to debate this issue. It has been reported—I know Senator MITCHELL mentioned, we voted on seven resolutions dealing with Haiti. I would call those to the attention of this body. Four of those resolutions passed overwhelmingly. All of those were sense-of-the-Senate or sense-of-the-Congress resolutions basically telling the President of the United States, "Do not invade Haiti." Granted they had some caveats and they had some exceptions. I know this one which Senator MITCHELL has introduced as a second-degree amendment to Senator MCCAIN's amendment gives the President an out. He said it is a sense of the Senate that limitation in this amendment should not apply if the President reports in advance to Congress that the intended deployment of United States forces into Haiti is justified by United States national security interests.

Evidently, this President feels that he can define that very broadly. As a matter of fact, in a news conference with the Indian Prime Minister on May 19, he gave six instances where our national interests are involved—six justifications for invasion of Haiti; five are: Haiti is in our backyard, the United States has a million Haitian Americans, there are several thousand Americans in Haiti, drugs are coming through Haiti to the United States, and the United States faces continuous possibility of a massive flow of Haitian migrants to the United States.

Mr. President, all five of those are not justifications. Not one of those is justification to risk thousands and thousands of American lives on invading Haiti—not one. You can go through the list:

It is in our backyard. There are other countries in our backyard. That does not mean it poses a national security threat to the United States.

The United States has a million Haitian Americans. Well, we have millions of Mexican-Americans. There is no reason or justification of an invasion for that reason.

Several thousand Americans are in Haiti. Their lives are not in jeopardy. This invasion or potential invasion jeopardizes their lives. Certainly, the administration's action jeopardizes their lives more than anything from the past.

Drugs are coming through Haiti to the United States. It just so happens that happens in Bermuda, it happens in the Bahamas, it happens in Mexico. Are we going to invade those countries as well? Actually, I think the amount of drugs coming through Haiti is less than from most of those countries. Again, this is no justification whatsoever for invading.

The United States faces the possibility of a massive flow of Haitian migrants to the United States—only because of this administration's policies where they have been clamping down the economic vice that is really not hurting the military in Haiti. It is hurting the Haitian people.

And then this administration's vacillating policy of how they will handle the migrants. Are we going to accept them in? Are we going to handle their cases on ships? Are we going to allow them to stay in the country? Are we going to return them? Where is the safe harbor going to be? The administration's statements during the campaign; their change of those statements and change in policy because Randall Robinson went on a hunger strike—all of this vacillation has greatly increased the desire of a lot of people in Haiti to come to the United States. But those are by the administration's own actions and none of which would justify military invasion of Haiti.

The real point is, I hear time and time again, the sixth justification is we want to restore democracy to Haiti. I just will read a comment from a Wall Street Journal article dated June 16, entitled "From Port-au-Prince to Gucci Gulch." I will just read the first couple of paragraphs of this article by Christopher Caldwell.

> President Clinton appears to be seriously considering using U.S. troops to return exiled Haitian President Jean-Bertrand Aristide to power. Taken on their face, the stated reasons for his pro-Aristide policy—stemming the flow of refugees and drugs and improving human rights—are absurd. The refugee flow is due to U.S. economic sanctions; Haiti's role in drug shipments is dwarfed by its neighbors; and Mr. Aristide flagrantly violated human rights during his brief reign.
>
> The administration policy amounts to blind subservience to Mr. Aristide's agenda. It's a warning of what can happen when virtually the entire budget of a sovereign nation is funneled into a massive Washington lobbying and public relations campaign.

Mr. President, I ask unanimous consent this entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 16, 1994]

FROM PORT-AU-PRINCE TO GUCCI GULCH

(By Christopher Caldwell)

President Clinton appears to be seriously considering using U.S. troops to return exiled Haitian President Jean-Bertrand Aristide to power. Taken on their face, the stated reasons for his pro-Aristide policy—stemming the flow of refugees and drugs and improving human rights—are absurd. The refugee flow is due to U.S. economic sanctions; Haiti's role in drug shipments is dwarfed by its neighbors; and Mr. Aristide flagrantly violated human rights during his brief reign.

The administration policy amounts to blind subservience to Mr. Aristide's agenda. It's a warning of what can happen when virtually the entire budget of a sovereign nation is funneled into a massive Washington lobbying and public relations campaign.

After the September 1991 coup that ousted Mr. Aristide, President Bush issued an executive order that Haitian government funds frozen in the U.S. be delivered to Mr. Aristide. While the U.S. Treasury and State Departments have imposed no oversight requirements, the rough amounts of the money Mr. Aristide can tap are known. According to State and Treasury sources, the funds contain upwards of $50 million, and Mr. Aristide's forces have spent more than $30 million so far. Disbursals from the U.S. Treasury started at $500,000 a month and have risen steadily, to their current point of $5.6 million to $5.9 million per quarter.

What is happening to all that money is unclear: During the brief premiership of Robert Malval last autumn, the U.S.-based newspaper *Haiti Observateur* was leaked a copy of the Aristide government's fourth-quarter budget for 1993, which showed $740,000 per month budgeted for Mr. Malval's ministerial cabinet. The scrupulous Mr. Malval, who was a major Aristide supporter, claims he never received a penny. That $2.2 million has never been accounted for.

The democratically elected Haitian Chamber of Deputies in April asked Secretary of State Warren Christopher for a thorough accounting of Mr. Aristide's expenditures. The request has not even been acknowledged. While it's true that Mr. Aristide is spending Haitian, not U.S. funds, his finances should be of concern to U.S. taxpayers. The handover of Haitian assets to Mr. Aristide violates the Haitian constitution and possibly international law. "When this is all over," says one American consultant to Haitian interests, "the Haitians are going to sue us for the money Aristide has spent, and we're going to have to pay it all back."

Since his arrival in the U.S., Mr. Aristide has used those funds for a public relations blitz. Miami attorney Ira Kurzban gets a six-figure salary as Mr. Aristide's lawyer. Another lawyer, Haitian-American Mildred Trouillot, is paid $6,000 a month, plus rent, expenses and office space. Mr. Aristide also engaged the services of Rabinowitz, Boudin, Standard, Krinsky & Lieberman to defend him against a $10 million suit filed in Brooklyn by the widow of Roger Lafontant, a Haitian coup leader slain in prison in 1991, allegedly by Aristide supporters. The law firm was paid tens of thousands of dollars out of the Haitian treasury before the suit was finally thrown out.

Mr. Aristide's PR is coordinated by the firm of McKinney & McDowell, which charges $175-per-hour for its services. However, the Aristide budget printed by the Haiti Observateur has no money earmarked for public relations. That led the newspaper's editor, Raymond Joseph, to speculate that the Aristide government has been fabricating its outlays to dupe the U.S. into releasing frozen funds.

But Mr. Aristide's most effective representative in the U.S. has been former Rep. Michael Barnes (D., Md.). As chairman of a House Foreign Affairs subcommittee in the 1980s, Mr. Barnes was among the most outspoken leaders of the congressional effort to thwart supply of the Nicaraguan Contras. Today, Mr. Barnes is all for U.S. intervention—in Haiti.

Mr. Barnes has used his connections to give the Aristide government a beachhead inside U.S. foreign policy, and earn his current firm, Hogan & Hartson, compensation that started at $55,000 a month. (In March, perhaps reacting to the Aristide government's straitened circumstances, the firm cut its retainer in half.) Mr. Barnes has claimed to charge Mr. Aristide half his going rate, but that still adds up to big money: $303,237.60 for billings between Sept. 29 and Dec. 7, 1993, to take the last period for which records are available. (Mr. Barnes did not return repeated calls seeking comment.)

According to an Aristide source, when associates of the exiled president expressed unhappiness with Mr. Barnes' work in late 1992, Mr. Barnes was able to play his trump card—his access to the incoming administration. He had run the Clinton campaign in Maryland. What's more, deputy national security adviser Samuel R. "Sandy" Berger, who is in charge of Haiti policy at the National Security Council, is by all accounts a close friend of Mr. Barnes. Just four months after Mr. Berger left his partnership at Hogan & Hartson to take up his administration post, Mr. Barnes pulled up stakes at Arent, Fox, Kintner, Plotkin & Kahn and took his account to Hogan & Hartson. This potentially brings millions into a firm that Mr. Berger will have every right to rejoin after his White House stint.

Dealing with Haiti at all may have become a serious ethical violation on Mr. Berger's part. The issue was first broached by Rep. Frank Wolf (R., Va.), after an article in the National Journal raised questions about Mr Berger's negotiating most-favored-nation status for China after having lobbied for Payless Shoes, a major Chinese trading partner. Then-White House counsel Bernard Nussbaum found no conflict. Nonetheless, he said in a May 12, 1993, letter, Mr. Berger "has a 'covered relationship' with Hogan & Hartson for a year after severing his relationship with that firm, and [we] would be required to undertake the same inquiry if Hogan & Hartson represented a party in a particular matter."

Five days after the letter was written, Michael Barnes brought the Haiti account to Hogan & Hartson. Since Mr. Berger's "covered" status with Hogan & Hartson didn't expire until Jan. 19, 1994, an inquiry should have been opened into his Haiti role, and Mr. Berger should have recused himself from Haiti policy until his covered period expired. It is unlikely that any such inquiry was ever launched, for by Nov. 14, 1994, the Washington Post was describing Mr. Berger as the "principal driver of the U.S. policy of supporting Aristide's return."

According to Justice Department records, Hogan & Hartson had direct phone contact with Mr. Berger during this period to discuss the "restoration of democratically elected government in Haiti." (White House counsel Lloyd Cutler later wrote me that Mr. Berger did consult both the White House counsel and the NSC's legal adviser, and that both approved his participation.)

All of these questionable dealings should, at the very least, give Americans pause as President Clinton continues his campaign to return Mr. Aristide to power.

Mr. NICKLES. But, Mr. President, there are another couple of paragraphs that talk about a former Member of the House, Mr. Barnes, Michael Barnes, and his public relations firm Hogan & Hartson, was given compensation which started at $55,000 a month. They received over $303,000 for billings between September 29 and December 7, 1993.

Mr. President, that is hundreds of thousands of dollars of PR money that Mr. Aristide's group is paying for Mr. Barnes and, I guess, his access to this administration. And now this administration is taking the total case of restoring Mr. Aristide to power.

I think we have to look at why are we doing that, and why Mr. Aristide gets all this money from funds that were locked up for Haiti, how in the world can they afford to pay that kind of money, and then why would we be following that kind of agenda—and who is Mr. Aristide—for all the purported reasons that the President mentioned on May 19, our reasons for going into Haiti, none of which justify an invasion.

Our national security interests are not at stake, are not in jeopardy. Lives are not threatened. Yet we are going to be threatening the lives of countless U.S. soldiers, and I say U.S. soldiers. It is not a U.N. force, it is a U.S. force. Those are United States men and women who will be on the ships, who will be invading Haiti, who will be risking their lives. For what? To restore Mr. Aristide to power. Is he an Abraham Lincoln, a George Washington of Haiti? Is this the real democrat, the savior? I do not think so.

I am looking at a Washington Post article dated January 24, 1993. It says:

> Haiti Suspect Savior: Why President Aristide's Return From Exile May Not Be Good News.

I do not think it is good news, but yet this administration has made their entire foreign policy on Haiti the restoration of Mr. Aristide as President of Haiti. We hear some people say, "Well, he was elected." Well, so was his predecessor. His predecessor, "Papa Doc" Duvalier, was elected; we did not have our foreign policy to keep him in power at all costs, but he was elected. Mr. Milosevic of Serbia was elected. He is a tyrant, but is it our foreign policy to put him back into power—he is already in power—but to keep him there? No, that should not be our policy. Hitler was elected. Mistakes happen in elections, and if you look at some of the statements Mr. Aristide has made, I think you would agree that maybe some mistakes were made there.

I do not find him as a true democrat in the legends of Washington or Lincoln or Jefferson. As a matter of fact, I see some of the statements that he has made, and it bothers me. I also note that when he was a priest, he was expelled from the order. He was expelled. He was defrocked because "He is protagonist of destabilization." That was back in December 1988. The church kicked him out. They did not want him as a church leader because he was a "protagonist of destabilization." I have that article, as well.

I want to allude to a couple of the statements made in this Washington Post article. I read the Washington

Post on occasion. I do not always agree with it. I notice they made some comments on Mr. Aristide. This is the individual we are going to be risking American lives to reinstate in power. But he is no real democrat, as I can see:

> In speeches, Aristide called on his followers to attack freely anyone who dared disagree with him. This included even organizations such as the labor union CATH, which had supported Aristide's election but later criticized some of his actions.
>
> Aristide actually urged his followers to engage in the hideous practice of "necklacing"—slapping a petrol-soaked tire around the neck of a political opponent and igniting it, thus burning the victim alive. On September 27, 1991, shortly before he was overthrown by the military, the former Haitian President—

Mr. Aristide.

> told a mass rally that if they could see "a faker who pretends to be one of our supporters * * * just grab him. Make sure he gets what he deserves * * * with the tool you have now in your hands [the burning tire] * * *. You have the right tool in your hands * * * the right instrument * * *. What a beautiful tool we have. What a nice instrument. It is nice, it is chic, it is classy, elegant and snappy. It smells good, and wherever you go, you want to smell it.

Mr. President, this is a statement not made 10 years ago, this is a statement not made 20 years ago, this is a statement made in 1991, and we are talking about trying to reinstate this person as the President of Haiti?

I also happened to sit in on the classified briefing where many of us heard this. I am just reading from the Washington Post right now. I cannot believe that this administration would risk American lives to reinstate Mr. Aristide to power. I do not know why they would do it. But I think it is a serious mistake.

Congress has spoken seven times and, basically, has said, "Mr. President, don't do this." You can look at every one of these Senate resolutions. We had a few that said, "Mr. President, you can't do it; no funds would be allowed." It was law, and those were not passed because a lot of people do not want to tie the President's hands that tightly.

Every sense-of-the-Senate resolution that says, "Let's not invade until you get congressional authorization"—and, granted, some of them had caveats, unless it was an emergency or national security interest—those passed overwhelmingly. But the President has ignored those, totally ignored them.

So the Senator from Arizona comes up with a resolution that says, "Wait a minute. Let's not risk the lives of any American soldiers to reinstate Mr. Aristide." Senator MITCHELL offers a second-degree amendment, in other words, to wipe out the McCain amendment because he does not want us to vote on the McCain amendment, and for good reason, because if we have an up-or-down vote on the McCain amendment—and some of us are going to work very diligently to see that we do—but if we have an up-or-down vote on the McCain amendment, it is going to be adopted. It is going to be adopted. That is the reason we are not going to have a vote.

I know this holiday was scheduled, and I heard Senator MITCHELL say, "Well, this came up a couple of hours before." But it would not take our colleagues very long—the McCain resolution is one page—it would not take us long to determine how to vote on that. I certainly wish we would stay here, even on this religious holiday, and vote on Friday, if necessary, but I wish we would vote on it before we make this mistake.

I think we have to look at what we are doing. Let us say we reinstate Mr. Aristide. What is going to happen then? He has a lot of opponents. Not just the generals, but a lot of people have opposed him. In the past, when he was in power, he had a lot of his opponents locked up. Some were killed.

In the same article, I will just mention a couple more:

> Aristide supporters may claim reliance on mob violence was needed to counteract the military, but Aristide's mob also killed other antimilitary politicians, such as Sylvio Claude, the founder of the Democratic Christian Haitian Party—a man who had been jailed and tortured by Duvalier but was a political opponent of Aristide. Although Claude sought shelter in a police station, he was turned over to the mob and burned to death.
>
> The Catholic Church was a central target of Aristide's more violent supporters. Monsignor William Murphy wrote a graphic account of events in January 1991 when, according to Murphy, "* * * a group of thugs, supporters of newly elected President Aristide, went on a rampage. They destroyed the old cathedral, gutted the archbishop's house * * * and then went on to the nunciature, the home of the Pope's representative. There, they completely destroyed the building, attacked the nuncio and his priest-secretary, broke both legs of the priest and roughed up and stripped the nuncio * * * who was saved only by the intervention of a neighbor.

And I could go on. In the same article it says:

> U.S. Government officials cite extensive evidence showing that Aristide personally gave the order to kill Roger Lafontant, the Duvalierist who was incarcerated in the National Penitentiary after his conviction for leading a coup attempt in January 1991.
>
> * * * Lafontant was killed by his jailers on the night Aristide was overthrown.

Mr. President, this concerns me. How in the world could we risk U.S. lives to put Mr. Aristide back in power? This is his proven track record. And if we put him back in power, what is going to happen when we have these types of conflicts in the future? Are we going to have to maintain U.S. forces and police personnel to be in some type of a policing action for not only months but years? What are we going to do when the mobs reignite and start killing somebody? What are we going to do if somebody tries—we are going to be engaged in a policing action possibly for years and years.

How much will it cost? I have not heard anybody talk about the cost, but I happen to be concerned about that, too. I know the Senator from Arkansas hopefully is.

According to the New York Times, we already invested about $200 million in this operation to rescue Haitians fleeing the country by boat, and it is estimated we will spend another $400-some million if we invade. That is about $600-some million. So this is expensive.

Who is going to pay for that? Are we going to ask other Caribbean nations to pay for that? I doubt that.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Oklahoma is recognized for an additional 5 minutes.

Mr. NICKLES. Mr. President, I hope I have laid out a case that this is a serious, serious mistake. I do not believe that the reinstatement of Mr. Aristide into Haiti is worth the life of one —one—American soldier. Yet, this President is willing to risk the lives of a lot of American soldiers. And it seems to be a foregone conclusion, if you listen to statements now by the Secretary of State and by our U.N. representative, that this is going to happen. I heard my colleague from Maine, Senator COHEN, say he hopes maybe they will leave under this ominous force that is now presented before them. I hope and think that a rightful thinking person might do that.

But I hate to think that we might lose any lives to reinstate somebody like Mr. Aristide. I think that is a serious mistake. I do not want to see us obligated for years again with the risk of loss of life, with the tying up of military forces and personnel.

It is embarrassing to me to think that we have to do this, and then also find out we even have to call up reserves, or at least it was reported that reserves may be called up to help make this action happen. For the invasion of Haiti?

Mr. President, I have not even touched on the constitutional questions, but the Constitution clearly says Congress has the right and the power and the authority to declare war, not the President of the United States.

This is not a national security interest. This is not Panama, this is not Grenada, and this is not the Persian Gulf.

Frankly, this is clearly a war action, when you are talking about a couple of aircraft carriers, several combat ships, 20,000 troops, all the U.S. troops. This is not a multinational police-keeping force. This is the invasion of another country. This does require congressional authorization. The President does not have it.

Not to let us even have a vote on this resolution, and a real resolution that says that we do not favor this action, I think is a serious mistake. Senator MITCHELL says we can return to it on Monday. I have a little sneaky suspicion that Monday is going to be too late. I hope we do not lose lives in the process. Mr. President, I hope and pray that we do not lose lives in the process, and that if this action is commenced, I hope and pray every single American soldier will be able to return healthy and we do not have the body bags coming back, especially for what we are gaining, because I do not see a national interest. I do not see national support. The support is not there for good reason. It is not in the national interest to make this action happen, and it is certainly not in the national interest to restore Mr. Aristide.

Mr. President, I will just conclude with the fact that we are going to spend, are spending hundreds of millions of dollars. We are risking and jeopardizing United States leadership and prestige.

More importantly, we are risking thousands of U.S. lives. For what? Maybe for political gains, maybe to fulfill the desires of a lobbying firm and "Gucci Gulch" makes hundreds of thousands of dollars, maybe to make Randall Robinson happy or the Black Caucus happy. But it is not in the United States' interest. The case has not been made for an invasion of Haiti. I believe it is a serious mistake, and I hope Congress would have a chance to express itself.

The United Nations got to vote. The United Nations had a vote on authorizing this. I think the Congress should vote as well, and I hope that we will have a vote before the invasion will occur. And I hope the vote will occur on Monday and no later than Monday.

I ask unanimous consent to insert in the RECORD the article I quoted from the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 24, 1993]

HAITI'S SUSPECT SAVIOR; WHY PRESIDENT ARISTIDE'S RETURN FROM EXILE MAY NOT BE GOOD NEWS

(By Lally Weymouth)

Before his inauguration, well aware that thousands of Haitians were planning to set sail for America in direct response to his perceived campaign promises, Bill Clinton reversed course and adopted the Bush administration policy he had bashed resoundingly—ostensibly on humanitarian grounds—during the campaign. The president-elect announced that Haitians trying to reach U.S. shores would be forcibly returned to Haiti.

Human rights groups have attacked Clinton for the reversal. Their chief hope now with regard to Haiti is that the incoming administration will restore disposed President Jean-Bertrand Aristide to power. A leftist priest, Aristide was chosen president of Haiti in a free election in December 1990. Seven months later, he was ousted from office in a military coup.

After the coup, the Bush administration, in coordination with the Organization of American States, slapped a harsh embargo on Haiti. A senior Bush foreign policy official explains that the action was meant to remind the militaries of other Carribean and Latin American countries that coups don't pay.

Not surprisingly, however, the Haitian people became the primary victims of the embargo. While Aristide lived nicely in Washington—enjoying access to thousands of dollars in frozen Haitian assets made available to him by the U.S. government—Haiti, already the poorest country in this hemisphere, saw the loss of thousands of jobs as companies in electronic assembly, clothing manufacture and other light industry sold out to Haitian businessmen or moved operations elsewhere.

Before the Clinton administration sets out to restore Aristide to power, newly appointed officials would be wise to study carefully the true character of Aristide's short, but brutal, tenure in office. Not only did he abuse democratic practices but Aristide condoned and even encouraged violence.

The State Department 1991 human rights report said that under Aristide there were fewer instances of abuse by the military but "the government proved to be unwilling or unable to restrain popular justice through mob violence. . . ."

In his speeches Aristide called upon his followers to attack freely anyone who dared disagree with him. This included even organizations such as the labor union CATH, which had supported Aristide's election but later criticized some of his actions.

Aristide actually urged his followers to engage in the hideous practice of "necklacing"—slapping a petrol-soaked tire around the neck of a political opponent and igniting it, thus burning the victim alive. On Sept. 27, 1991, shortly before he was overthrown by the military, the former Haitian president told a mass rally that if they should see "a faker who pretends to be one of our supporters . . . just grab him. Make sure he gets what he deserves . . . with the tool you have now in your hands [the burning tire] . . . You have the right tool in your hands . . . the right instrument . . . What a beautiful tool we have. What a nice instrument. It is nice, it is chic, it is classy, elegant and snappy. It smells good and wherever you go, you want to smell it."

A few days later an Aristide-inspired mob attacked Sylvio Claude, the founder of the Democratic Christian Haitian Party (PDCH)—a man who had been jailed and tortured by Duvalier but was a political opponent of Aristide. Although Claude sought shelter in a police station, he was turned over to the mob and burned to death.

The Catholic Church was a central target of Aristide's more violent supporters. Monsignor William Murphy wrote a graphic account of events in January 1991 when, according to Murphy, " . . . a group of thugs, supporters of newly-elected President Aristide, went on a rampage. They destroyed the old cathedral, gutted the archbishop's house . . . and then went on to the nunciature, the home of the pope's representative. There, they completely destroyed the building, attacked the nuncio and his priest-secretary, broke both legs of the priest and roughed up and stripped the nuncio . . . who was saved only by the intervention of a neighbor."

According to senior U.S. government officials, Aristide also participated in a cover-up of the killing of five teenagers on July 26, 1991. Members of an anti-gang unit claimed the killings occurred when they became involved in a struggle with the youths as they tried to escape. Photographs, however, showed that the young men were severely beaten and shot at point blank range by several weapons. The Haitian armed forces—in particular Interim Commander-in-Chief Raoul Cedras—demanded that the incident be investigated. But Aristide, who had been building his own security forces outside the military chain of command, tried to block the investigation and sided publicly with one of the officers involved in the slaying.

U.S. government officials cite extensive evidence showing that Aristide personally gave the order to kill Roger Lafontant, the Duvalierist, who was incarcerated in the National Penitentiary after his conviction for leading a coup attempt in January 1991.

When Lafontant was tried in July 1991, a mob of Aristide supporters assembled outside the courtroom carrying tires and gasoline cans and threatening to kill the judge in the case if Lafontant were not given a life sentence. As a result, Lafontant received a life sentence although the Haitian constitution sets the maximum penalty for his alleged crime at 15 years. Aristide praised his followers for their efforts, asking whether, without the threat of necklacing, "don't you think that the sentence handed down would have been 15 years?" Lafontant was killed by his jailers on the night that Aristide was overthrown.

After the coup, Cedras became chief of staff. He is, nevertheless, credited by U.S. officials with saving Aristide's life the night of the coup. In a December interview, Cedras said he also has information that Aristide intended to have other political prisoners killed, not just Lafontant: "He [Aristide] gave the orders to kill around 20 people, but they had the courage to execute only Lafontant.".

During Aristide's short rule, says Canadian journalism professor Gerard Etienne, a Haitian-born staunch opponent of Duvalier who conducted a detailed study of Aristide's rule, soldiers were regularly assassinated and several military posts were burned. Aristide, according to Etienne, not only failed to denounce these brutal slayings, but "backed them up by his silence and his demagogic tirades. . . ."

In August 1991, Haitian legislators met to deal with the government's abuses. They planned to question Prime Minister Rene Preval—who, according to the State Department human rights report, had personally interrogated political prisoners and denied them recourse to legal counsel—and then to consider censuring him. Before parliament met, shots were fired outside the headquarters of the National Front for Change and Democracy (FNCD)—a political party that had originally supported Aristide but had begun to criticize some of his actions. The home of an FNCD legislator was also stoned.

When the parliament met, its members found themselves surrounded by about 2,000 demonstrators, many carrying burning tires. Under the threat of the mob, the legislators decided to recess.

Cedras says he did his best to keep order in Haiti during the 1990 elections that brought Aristide to power. Moreover, he recalls trying subsequently to cooperate with Aristide. "But we could never really find out why he behaved the way he did," said Cedras. "He spent seven months violating the constitution of this country which he was there to guarantee."

After Aristide was overthrown by the military on Sept. 30, 1991, the army soon appointed a civilian government, headed by

> Prime Minister Marc Bazin. Since then, efforts have been made—with U.S. assistance—to arrive at a negotiated settlement between Aristide, the army and Bazin.
>
> The closest the two sides came to an agreement was the Washington Accord reached 11 months ago. But the accord reached a stumbling block after Aristide changed his mind on a central element—amnesty for the armed forces leadership. Negotiations dragged on, and Aristide proved to be in no hurry to make a deal.
>
> During the transition, the threat that thousands of Haitian boat people might descend on Florida quickened the negotiating pace. The two sides appear to have approached a solution—amnesty would be granted to the army in return for a recognition of Aristide's right to return to power. In theory, both sides have agreed to accept a large team of international monitors that would hopefully reduce the widespread human rights violations currently being committed by the army and prevent future abuses by Aristide's supporters should he return.
>
> The challenge for Haiti and its U.S. friends is to turn to building institutions that can sustain a measure of democracy. Helping Aristide regain power may make sense as a way of stemming the flow of Haitian immigrants to Florida. But it is foolish to assume that he represents a return to human rights and democratic rule for that impoverished island.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am anticipating the arrival of a couple of our colleagues on this side who wish to be heard on the issue. Pending their arrival, let me just take a minute or so if I can. Let me reiterate what I said a while ago, Mr. President.

If I had my druthers here, I prefer that the President come to the Congress, and we have a chance to vote on these matters, not because I necessarily believe that a vote is required for the President to act, but because I think there is value in having a debate and even perhaps a resolution.

I must say, Mr. President, having said that, to listen to some of the comments being made today by some of our colleagues about their deep concern and commitment to having resolutions every time there is a matter like this, the history and the record show a quite different reaction when confronted with different fact situations involving the use of U.S. military forces.

Now, the way I read the history of these issues is as follows: If someone agrees with a certain action to be taken, then the necessity, as he or she perceives it, for the Congress to vote is probably less. If one disagrees with a potential action, then the demand for congressional involvement seems to increase. What is lacking is consistency in the comments on these issues over time, when you go back and review the history of congressional reaction to recent involvements by various Chief Executive officers of our country.

Now, one can start to split hairs about Grenada and Panama. In Panama, Mr. President, we knew for months that Panama would likely involve a military involvement. That was not any overnight decision by President Bush. We were pursuing General Noriega for months and insisting over and over again that we were going to take action if necessary in order to protect our interests.

Now, I recall that I received a call about 1 o'clock in the morning from then Secretary of State Jim Baker informing me that the planes were basically on their way, or had landed. I supported the action in Panama. Yet I do not recall any similar outcry about the failure of Congress to act even though we were more than aware that there was a strong possibility our Armed Forces would be used in achieving our desired goals in Panama.

Now, you can go back, and I have looked back, to 1975, 20 years, and there are some 31 different examples where Presidents, Republicans and Democrats alike, have committed U.S. forces, some in situations I could make a strong case that the President had no other choice but to act immediately because the emergency demanded it. But many, Mr. President, many were ones where we were involved for some time in the issue leading up to a decision to take military action.

Let me just cite that we had President Bush—and I happened to agree with him on this—in August 1990 committing thousands of U.S. forces to the Persian Gulf. Now, we voted in January 1991 as to whether or not the President ought to have authority to use force. But with the decision to send hundreds of thousands of people to the Persian Gulf to defend Saudi Arabia from further expansion by the Iraqis into that area, certainly placed United States forces in harm's way without any question—the Scud missiles proved that later on. I seem to recall—maybe I am wrong—some of these same noises that I hear from this side today insisting that we vote on Haiti were just awfully silent during those days.

Now, again, I am not suggesting that we ought not to vote. I happen to think we should. I think it is important to do so. But I have to say it just does not strike me as being terribly consistent.

Let me quote some of the comments that were made during that time.

> Politics does stop at the water's edge. If I were Saddam Hussein, I would be doing handsprings of joy with things that are being published and said about it.

Here were people being critical. That is our minority leader BOB DOLE.

> I do not believe the President requires any additional authorization from Congress.

Dick Cheney, Secretary of Defense, December 1990.

> No doubt about it, the President's policy is working. The last thing we need are more timid signals from Congress.

BOB DOLE, our minority leader, on the Persian Gulf.

Again, it depends where you come out on some of these issues, that all of a sudden people find the necessity of congressional involvement.

I recall, Mr. President, having been involved in Central American issues in the mid-1980's, that any time I offered a resolution or various other proposals, I would be very significantly criticized by some of my colleagues because I was tinkering with the President's authority to conduct foreign policy.

Now, I may have taken objection to the notion that I was tinkering. I certainly thought it my right as a Member of this body to express my views on whether or not I thought American tax dollars ought to be expended in various involvements in which we were engaged.

All I am suggesting here is that as people listen to this debate, it might be worthwhile to reflect, refresh their memories about some of the same people making entirely different statements when it came to the question of whether or not Congress ought to give prior approval to a President's decision to commit U.S. forces. All Presidents, it seems—I have gone back 20 years, but other than Thomas Jefferson, who requested the Congress to give him approval before committing our forces to take on the Barbary pirates in about 1804, I do not recall too many other Presidents other than Franklin Roosevelt, in 1941, requesting a declaration of war from Congress. Since him, we had police actions in North Korea; 50,000 people died there—more.

Vietnam, police action—you can go down the long list. All of our Presidents have been reluctant to come up here and to seek approval from Congress in the conduct of foreign policy. Some have suggested over the last several weeks that we probably ought to revisit this war powers debate. I agree with that because there are some very significant rules. Clearly, the power to declare war rests with the legislative branch. Clearly, the powers of Commander in Chief rest with the President of the United States. There is a huge gap between declarations of war and performing your functions as Commander in Chief.

It is our obligation, it seems to me, with all of these examples that we are all painfully familiar with over at least the last 20 years where Presidents of different parties have exercised their authority as Commander in Chief without first coming to Congress for authorization. Now we all of a sudden decide this President in this fact situation which some may happen to disagree with, that this is an outrage. I did not hear that same sense of outrage, as I say, even a few short years ago when other Presidents have sought to commit forces.

Ronald Reagan, I remember, in 1982 sent the Marines to Lebanon. Tragically that ended in ultimate disaster. We had to hightail it out of there. There was no doubt about it. This was a longstanding conflict. It was not a surprise decision. It was debated between March and the summer of 1982, and ultimately he sent them in. I do not recall anybody standing around, with all due respect, on this side of the aisle, Mr. President, saying President Reagan ought to come up here and get the approval of this body before subjecting those marines to the dangers of Lebanon. Tragically, it was a great misfortune.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. DODD. I am glad to yield to my colleague.

Mr. BENNETT. Mr. President, I am enjoying this. My friend from Connecticut is being articulate and appropriate as always. I am wondering if he is indeed waiting for another speaker to come to the floor and the other speaker is delayed.

My question is answered by the arrival of the other speaker. I thank the Senator.

Mr. DODD. Mr. President, I will finish my remarks. And then I think my colleague from Massachusetts will be finished shortly. I appreciate that.

Mr. BENNETT. I was asking, if the other speaker was not coming, if I could proceed. Since the Senator from Massachusetts has arrived and it is the Democrats' turn, I will appropriately listen to my friend from Massachusetts with great interest.

Mr. DODD. I thank my colleague from Utah very much.

I do not want to dwell on this point. But I do think it needs to be, for the purpose of the record, stated clearly. I have heard, again it is bipartisan, objection to the idea that we commit forces to Haiti. But I cannot sit here silently in the face of some of the statements that are being made about prior congressional approval when previous Presidents, not in the distant past, Mr. President, but only a few short years ago, were up here denying that they needed to have authority from this body in order to commit U.S. forces. I will not mention Panama.

Grenada again was a bit more spontaneous because of the kidnaping and assassination of Maurice Bishop. We had medical students there in Grenada. I would argue that, one, the proximity of time was one where President Reagan probably did not have to meet the obligation that is being insisted upon here. But clearly Panama was. There is no question about it. There were months involved in debating Panama before we sent the troops, as I say, between the summer of 1990 and the actual decision in January 1991. And the Persian Gulf, clearly months. Yet I do not recall the kind of demand for prior congressional approval.

Last, I want to make one additional point and then I will yield to my colleagues.

Mr. President, I ask unanimous consent to include in the RECORD at this juncture the remarks made on October 2, 1991, before the Organization of American States by our then-Secretary of State, James Baker. I will just read them and ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTACK ON DEMOCRACY IN HAITI

(By Secretary Baker)

[Address before the Organization of American States (OAS), Washington, DC, Oct. 2, 1991]

Today, the international community and this Organization of American States are being tested. A small group of willful, violent men have betrayed their uniform and their nation; they have seized power in Haiti, usurping the government elected by a clear mandate of the Haitian people just 9 months ago.

Two centuries ago, the people of Haiti led this hemisphere in the struggle for independence. This year, with struggle and sacrifice and the support of the international community, they won their democratic rights. Today, with their democracy under attack, the people of Haiti look for our reaction.

The test we face is clear: to defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed. I commend the Secretary General for the speed with which he has acted, first to convene the Permanent Council, then to convene this meeting. The elections is Haiti were held with unprecedented international support. The OAS, the United Nations, and the democratic community helped oversee and verify that this electoral process was open, free, and fair. Jean-Bertrand Aristide is the democratically elected President of Haiti. He and his government have and deserve our support.

This organization, more than any other, has a legitimate claim to speak to this crisis. The OAS election observer mission in Haiti did more than help in the conduct of the elections; the OAS mission was a strong symbol of this hemisphere's commitment to the path of democratic development the Haitian people have chosen. Thousands of citizens of this hemisphere struggled and died, were exiled and jailed, to establish democracy. Indeed, many of you sitting at this table are veterans of that struggle. Let the coup plotters in Haiti—and any who dream of copying them—know this: This hemisphere is united to defend democracy.

Last June, the General Assembly took the historic step of guaranteeing that this body would convene to respond to any "sudden or irregular interruption of the democratic order in any member state." Today, that mechanism faces its first test, and it is imperative that we agree—for the sake of Haitian democracy and the cause of democracy throughout the hemisphere—to act collectively to defend the legitimate government of President Aristide. Words alone will not suffice.

This is a time for collective action. Let no one doubt where the United States stands as a member of this proud organization. The United States condemns this assault on Haiti's democratically elected government and the violence committed against innocent Haitians. We demand the immediate restoration of President Aristide's constititional rule. We have suspended all foreign assistance to Haiti. We do not and we will not recognize this outlaw regime.

My government also calls on all the people of Haiti—in uniform or in civilian life, regardless of political persuasion—to desist from all violent actions. Surely this week's events show that violence only begets more violence, and the way to justice lies in the rule of law, not in recourse to violence.

Now is the time for us to act. There are a number of draft resolutions in circulation. We urge the drafting committee to take the best elements in each to produce the strongest possible draft. We must not settle for the lowest common denominator if we are to keep faith with the people of Haiti. By sending a mission from this body to Haiti, led by the Secretary General, we will send an important message to those who have taken power in Haiti and to the Haitian people: This junta is illegitimate. It has no standing in the democratic community. Until President Aristide's government is restored, this junta will be treated as a parish throughout this hemisphere—without assistance, without friends, and without a future.

Multilateral assistance must also be suspended to reinforce the message already sent by the United States, Canada, Venezuela, France, and the European Community. And this meeting must remain open in order to show that this hemisphere will not lose interest or forget the suffering of Haiti's people.

If these steps do not succeed, we must consider additional steps. Those who pretend to govern Haiti should know: The path they have chosen leads nowhere. But once democracy is restored, Haiti will again receive the generous cooperation of the international community in promoting development and alleviating poverty.

My colleagues, our immediate purpose today is to defend the rights and noble aspirations of the people of Haiti, but our interests do not stop there. This is the hemisphere that stands poised to achieve what the world has never seen before; the fulfillment of democratic rights across two continents. This is the hemisphere that is building a future of free trade from Alaska to Argentina. This is the hemisphere whose nations are cooperating to eliminate weapons of mass destruction. We are fulfilling the promise of the New World, enshrined in the OAS Charter, "to offer to man a land of liberty." That is the future we are defending, and the people of Haiti are and must continue to be part of that community. This is a moment of darkness, but this coup must not and will not succeed. I believe the people of Haiti will regain their liberty. I believe this hemisphere will meet its test.

This Organization of American States must not and will not rest until the people of Haiti regain their democracy.

Mr. DODD. Mr. President, let me for my colleagues read a couple of poignant paragraphs about this Haiti policy and how it just did not all of a sudden occur on January 20, 1993, the day President Clinton was inaugurated. This goes back to the previous administration. Here is President Bush's Secretary of State Jim Baker speaking about Haiti.

Today the international community and this Organization of American States are being tested. A small group of willful, violent men have betrayed their uniform and

> their nation. They have seized power in Haiti, usurping the government elected by a clear mandate of the Haitian people just nine months ago.

He goes on down to excoriate what these thugs did and talks about ripping out of Haiti their duly elected President. To listen to some of my colleagues talk it was as if they were Haitian. I do not know whether I would have voted for President Aristide or not were he a candidate and I was a Haitian. It is not our business to decide whether or not we like people other nations elect as their heads of state. But no one has contradicted the fact that 70 percent of the people of that country in the freest and fairest election ever held in the nation of Haiti chose this man to be their President. That is their business, not ours.

To be sitting here and suggesting somehow that because we do not like this guy or we do not particularly care for his speeches—Mr. President, I should tell you, and I will state this in the way for someone to challenge me. I spent more time than any other person I know in this body reviewing the record on President Aristide through our intelligence community and the various files; hours going over it. I must tell you, Mr. President, putting aside whether one likes Mr. Aristide's policies or not, I have rarely seen such an assassination on a person's character done to the extent it was done on this man.

I would invite my colleagues to do what I did and read the record, and to go back and listen to the people who knew this individual. Read the transcripts and the files. Read the memos. Read the cables coming out of Haiti from Ambassador Adams, President Bush's Ambassador in Haiti from the time Aristide was elected to the time of the coup. The remarks that are being attributed to President Aristide and the character assassination just do not hold up under the scrutiny of an examination of that file.

But going back to the point here, whether or not we like President Aristide is not the issue. He was elected by an overwhelming majority of that people and then summarily thrown out by the very people now who want to sustain power, the very ones involved in the drug trafficking and the ones engaged in the blatant, violent human rights violations.

Let me also go further in my quotation of James Baker's speech that day because I think there are some important paragraphs.

> This hemisphere is united to defend democracy.

I would point out that the Organization of American States has taken a strong position with regard to Haiti, as has the United Nations. That is not committing us to use force but it is worthy of note that the entire world unanimously have indicted the Haitian Government for what they have done.

Jim Baker goes on further in his remarks and he talks about the various sanctions. I will not take up the time to read all of this. But I goes down and lists the various things that we are going to be doing—cutting off assistance, suspending various things—to show that we mean business.

Then President Bush's Secretary of State says the following:

> If these steps do not succeed, we must consider additional steps. Those who pretend to govern Haiti should know the path they have chosen leads nowhere.

He further says that once democracy is restored, we would be willing to provide some help.

Jim Baker did not say that day that if this fails other additional steps will be taken including the use of military force. He did not say that. He would have been terribly unwise to do so. I do not think those words were chosen idly. When the then Secretary of State under the previous administration is talking about what happened in Haiti, he says that, if these steps do not succeed, the economic sanctions, we must consider additional steps. I do not recall people expressing any great outcry at the time when the Bush administration properly indicted the military leadership of Haiti that stripped that nation of its democratically elected Government. In fact, most of us applauded the Bush administration. When they started with the sanctions—all of us, in my view, will remember it as I remember it—we agreed with that.

As I said earlier today, when you start that process and run that string out, you get to what Jim Baker talked about—additional steps. I would suggest to you today that, if President Bush had been reelected in November 1992 and the diplomatic and political efforts had not succeeded, instead of President Clinton considering the use of military force, I suspect that President Bush in 1994 would be considering the use of force because that is what Jim Baker committed that administration to, in my view, if all of those other steps had failed.

We do not know that for certain. Obviously, a lot of other things could have happened along the way. But I think in describing this situation, where we are today, to go back and review that history is important. There has been a longstanding effort through two administrations to try and resolve this problem.

I will conclude by saying this to you, Mr. President: I sincerely hope that the de facto military leadership of Haiti will decide in the next few days to live up to the commitments they made in Governors Island, that they made to the Bush administration, to this administration, and to the United Nations, and to the OAS, and pack their bags and give us a chance to restore this democracy and get this country back on its feet again.

I hope my colleagues, in talking about Haiti, will not offer any comfort to these guys. They do not deserve it. Disagree about the use of force; disagree, if you will, about sanctions and so forth, but do not let these leaders and others pretend we do not care about what they are doing. It is an outrage what they are doing to the people of their nation. Their violent, vile assassinations and mutilations of people ought to offend everybody in this Chamber, regardless of our differences over what tactics ought to be used.

As the most important deliberative body in this great Nation, it is important that we send a message—and they watch and listen, by the way, to what we say and do—that we do not support what they are doing and are adamantly opposed to it, and that we are determined collectively to find a way to change that situation.

I hope we do not have to use force. That has been my position all along, that using force ought to be the last thing considered. But do not deny this President entirely the ability to exercise his office as President of the United States and Commander in Chief. Let us come back and debate this question of war powers and declarations of war and the role of a Commander in Chief. But let us not apply such a rigid standard here.

This issue is not all black and white. It falls into a gray area. It is a difficult one. I agree with the statements made earlier by Senator COHEN of Maine. Yes, the burden falls here as well on all of us as to how we vote on matters that commit young men and women to war in this Nation. I will repeat what I said earlier. It certainly falls to a severe and profound degree on the President of the United States—any President—and whatever else one may think about this President, whether you like him or not, to suggest somehow that he is pondering the use of military force and committing young men and women in a potentially life-threatening situation because of some desire to do better on the local elections in November is a cynical, cynical, cynical comment and statement to make.

I do not believe any American President has ever engaged in that kind of a tactic. To attribute it to this one, in my view, is unfair and undermines our democratic process. Debate, argue, fight, disagree, but let us also understand what is at stake here. I hope in the coming days we might have a chance to vote on this. I really believe that. That has been my position consistently throughout the years here, and I will not change it for this fact situation.

But, again, I find it somewhat disingenuous that the people who stood here and berated some of us who suggested we have votes earlier on other issues and are now demanding that we have one here, fail to look at their own record and the history that goes back when other Presidents have committed troops—or threatened to—because they found it to be in the interest of this Nation.

With that, I will yield the floor. I yield to my colleague from Massachusetts whatever time he may consume.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 30 minutes.

Mr. KERRY. Mr. President, there is not one of us in the Senate who does not approach a subject such as this with enormous concern for country, for those who might go into harm's way, for the principles that are at stake. And I think it is fair to say that the Senator from Connecticut and I have no illusions about where this debate begins at this point in time in this country.

It is sad. It is probably regrettable that there has not been more debate, that there really has not been a more intense focus on the connection of Haiti to the United States, to the hemisphere, and to our interests. It is regrettable that at the moment, when Americans are beginning to focus most on Haiti, there is perhaps the least understanding. I regret that there has not been a greater effort to try to explain our interests so that the American people can understand them. I do not think that this is the best of situations in the waning moments of confrontation of one kind or another.

I also think that it is absolutely vital that we try to maintain a base of reality in this discussion so that we assist the American people in really discerning the facts. I have heard a lot of talk about war, a lot of revisionist history here about Panama and Grenada, and I think it is very important for us to understand what we are really talking about. Under both legal and, frankly, commonsense definitions if we were to engage in military action in Haiti, it would not be war.

I think many of us still remain hopeful that we will not have to engage in military action. I know I share with the Senator from Connecticut a deep aversion to military action by the United States in this hemisphere. We all know the history, and we all understand the difficulties. But we also ought to recognize that this is not a case, as it was in most of history, of the United States acting alone. This is not some freewheeling, trigger-happy, potential involvement of U.S. forces to protect a business. This is not an effort to protect United Fruit. This is an internationally sanctioned effort by the friends of Haiti, by the United Nations, by the OAS, and others, all of whom have been deeply involved over a period of almost 3 years in focusing on a renegade group of thugs who have stolen a democracy.

My colleagues have used the word "war." Under any technical definition, war is a state of open armed hostilities between political units or states, or nations. And a state of war cannot, by definition, exist between countries, unless they both have their own government and the governments are involved.

We all know that the Government of Haiti was duly elected by its people with 68 percent of the vote. The Government of Haiti is President Aristide, and the Government of Haiti is asking the United States of America for help.

The group of people against whom we might conceivably proceed with our Armed Forces are a small group of thugs who have stolen a government and who have no standing in the international community to fit under any "declarations of war" or otherwise.

I have heard allusions to Vietnam in the course of this debate. But we ought to remember that there were maybe 3, almost 4 years of involvement of American troops in Southeast Asia before we even got to the Gulf of Tonkin resolution.

I would be the last person in the United States to suggest that that is good or that that ought to be replicated. But there is not one iota of a breathe of a plan here that suggests that we are somehow going to be involved for a long period of time. There is, in fact, every indication to the contrary that the United Nations is going to be involved, that international peacekeepers would be involved, that if U.S. forces were involved, they would be withdrawn as rapidly as possible, and that an exit strategy is as central to this question as an entry strategy.

I have also heard arguments being made about no consultation. Again, we ought to have honesty and candor on the floor of the U.S. Senate. There has been no end of consultation with the U.S. Senate and the Congress.

I have a list here of hearings and briefings on Haiti just to this Congress. The list is not exhaustive, but it reflects State Department organized consultations, I will run down the list.

As recently as this month, Defense Secretary Perry was meeting with House and Senate Republican leadership. The day before that senior administration officials were meeting with the House and Senate Democratic leadership. A few days before that, State Department officials were briefing the House Appropriations Committee. National Security Adviser Lake and Special Adviser Gray briefed the House Intelligence Committee in August. And so the line of consultation goes, including the Secretary of State, the Secretary of Defense, Ambassador Albright, and others.

I ask unanimous consent that the full list of consultations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEARINGS AND BRIEFINGS ON HAITI, 103D CONGRESS

This list is not exhaustive but primarily reflects State Department organized consultations. In addition, senior Administration officials have made numerous phone contacts with various Members of Congress over the past year.

13 September 1994 Meeting. Defense Secretary Perry met with House and Senate Republican leadership to discuss recent developments on Haiti policy.

12 September 1994 Meeting. Senior Administration officials met with House and Senate Democratic Leadership to discuss recent developments on Haiti policy.

30 August 1994 Briefing. State Department officials briefed staff of the House Appropriations Committee on Migrant and Refugee Assistance funding.

18 August 1994 Briefing. National Security Advisor Lake and Special Advisor Gray briefed the House Intelligence Committee on Administration Haiti policy.

16 August 1994 Briefing. ARA DAS Patterson briefed House Foreign Affairs Committee staff on sanctions enforcement in the Dominican Republic.

12 August 1994 Briefing. State Department officials briefed House and Senate appropriations staff on Haiti refugee funding.

11 August 1994 Briefing. OAS Ambassador Colin Granderson met with Senate staff to discuss the current human rights situation in Haiti.

5 August 1994 Meeting. Special Advisor Gray met with House and Senate members of the Arms Control and Foreign Policy Caucus to discuss Haiti.

4 August 1994 Hearing. Secretary Perry and Joint Chiefs of staff Chairman Shalikashvilli testified before the House Defense Appropriations Subcommittee.

4 August 1994 Meeting. Secretary Christopher, Ambassador Albright, National Security Advisor Lake, and AID Administrator Atwood met with members of the Congressional Black Caucus on Haiti and other foreign policy issues.

3 August 1994 Meeting. Secretary Christopher met with Senator Byrd to discuss Haiti and other foreign policy issues.

3 August 1994 Meeting. Secretary Christopher met with Minority Leader Michel and Minority Whip Gingrich to discuss Haiti and other foreign policy issues.

3 August 1994 Meeting. Secretary Christopher met with Majority Leader Gephardt to discuss Haiti and other foreign policy issues.

2 August 1994 Briefing. Special Advisor Gray briefed Republican members: Goss; Chris Smith; Livingston; Fowler, Ros-Lehtinen; Hobson; Shaw; Mica; Boehlert; Houghton; Coble; Hunter; Bateman; Hutchinson; and buyers.

2 August 1994 Briefing. Special Advisor Gray briefed Majority Leader Gephardt.

2 August 1994 Meeting. Secretary of State met with Rep. Berman on Haiti and other issues.

29 July 1994 Briefing. Haiti Refugee Issues. State and Justice briefed HFAC and House Judiciary Committee staff.

28 July 1994 Briefing. State DAS George Ward briefed SFRC and CJS on the UN Security Council Resolution on Haiti.

27–28 July 1994 Briefings. Haiti Resolution; 5 Day Advance Notice. State DAS Chapman briefed HFAC, CJS, HASC, SFRC, SFRC, House and Senate Appropriations, and Sen. Dole's staff.

21 July 1994 Briefing. Deputy Secretary Talbott briefed Sen. Nunn.

21 July 1994 Meeting. Deputy Secretary Talbott spoke with Rep. Richardson regarding his trip to Haiti.

21 July 1994 Briefing. Special Advisor Gray briefed Senator Wellstone.

21 July 1994 Meeting. Special Advisor Gray met with the Senate Democratic Policy Committee.

21 July 1994 Briefing. Special Advisor Gray briefed Rep. Major Owens.

20 July 1994 Briefing. Special Advisor Gray briefed Rep. Porter Goss.

19 July 1994 Briefing. Special Advisor on Haiti William Gray briefed HFAC members in a closed session.

14 July 1994 Briefing. Assistant Secretary of State Gati and officials from CIA and Justice brief Senate Select Intelligence Committee on Haiti and Iran.

13 July 1994 Briefing. Secs. Christopher, Perry, Ambassador Albright, National Security Advisor Lake, and General Shalikashvili briefed the Senate and House Leadership "Consultative Group" (leadership, chairs and ranking of HFAC/SFRC; HASC/SASC; Intelligence; Appropriations—full committee/DoD/Foreign Operations/Commerce, State, Justice) separately.

13 July 1994 Hearing. OAS Ambassador Babbitt and State DAS Skol testified on Dominican Republic elections and Haiti before the HFAC subcommittee on Western Hemisphere.

13 July 1994 Briefing. Peacekeeping Monthly State official Bob Loftis briefed SASC staff.

13 July 1994 Briefing. Coast Guard officials briefed House Merchant Marine committee members and staff.

13 July 1994 Briefing. State officials briefed House Appropriations staff on Emergency Refugee and Migrant Assistant.

12 July 1994 Briefing. Peacekeeping Monthly, State DAS Ward briefed HFAC staff.

12 July 1994 Briefing. Peacekeeping Monthly, Ambassador Dobbins briefed senior House staff.

12 July 1994 Briefing. Peacekeeping Monthly, State DAS George Ward briefed SFRC staff.

7 July 1994 Briefing. Ambassador Dobbins briefed majority and minority SFRC staff.

7 July 1994 Briefing. Special Advisor Gray briefed HFAC chairman Lee Hamilton.

5 July 1994 Phone Calls. State officials made phone calls to Congressional staff of SFRC and HFAC, and Judiciary on "safehaven" policy.

28 June 1994 Hearing. U.S. Policy Towards Haiti Special Advisor Gray, Assistant Secretary of State Shattuck, State DAS McKinley testified before SFRC Subcommittee on Western Hemisphere Affairs.

28 June 1994 Meeting. Secretary of State met with Speaker Foley on Haiti and other issues.

20 June 1994. State and DoD officials briefed HFAC staff on Dominican Republic elections and the Administration's sanctions-monitoring efforts.

16 June 1994 Briefing. State, DoD, and CIA officials briefed SSCI staff on drug trafficking in Haiti.

15 June 1994 Hearing. Haitian Asylum-seekers; State DAS Brunson McKinley testified before the House Judiciary Subcommittee on International Law, Immigration, and Refugees on legislation on Haiti introduced by Reps. Meek and Dellums.

8 June 1994 Hearing. Special Advisor Gray testified before House Foreign Affairs Committee.

8 June 1994 Briefing. Assistant Secretary of State Watson briefed Senator Bob Graham on Haiti and other regional issues.

1 June 1994 Briefing. Haiti Refugee Processing; State and Justice staff brief HFAC staff.

26 May 1994 Briefing. Ambassador Dobbins briefed Reps. Dixon, Richardson, and Reed prior to their trip to Haiti.

26 May 1994 Briefing. Ambassador Dobbins briefed Rep. Rangel.

25 May 1994 Briefing. Haiti Intelligence Community Briefing (closed) HPSIC Members and Staff. Briefers: CIA/NIO Lattrel, INR, others.

24 May 1994 Briefing. Haiti Pre-trip Intelligence Community Briefing, Rep. Dixon and HPSCI staff. Briefers: CIA, INR, DIA, DEA, NSA, JCS/J–2.

18 May 1994 Briefing. State and INS officials briefed Senate Judiciary committee staff on Haitian refugee processing.

17 May 1994 Briefing. Special Advisor Gray briefed House Democratic Leadership.

17 May 1994 Briefing. Special Advisor Gray briefed Senate Democratic Leadership.

17 May 1994 Briefing. Special Advisor Gray briefed Congressional Black Caucus.

17 May 1994 Briefing. Special Advisor Gray briefed Senate Republican Leadership.

17 May 1994 Briefing. Special Advisor Gray briefed House Republican Leadership.

17 May 1994 Briefing. Acting Refugee Policy Director Oakley and INS Commissioner Meissner briefed Reps. Mazzoli, Canady, and Lamar Smith on Haiti refugee processing.

12 May 1994 Briefing. Haiti Refugee Policy. House Judiciary Subcommittee on Immigration; RP & INS.

3 May 1994 Briefing. Haiti Refugee Issues: HFAC Staff with RP, ARA, and INS.

3 May 1994 Briefing. Haiti. Senator Dodd and other SFRC Members. Briefers: Acting Secretary Talbott and NSC Sandy Berger.

24 March 1994 Meeting. Assistant Secretary of State Shattuck met with Rep. Joe Kennedy regarding Haiti.

8 March 1994 Hearing. Haiti. SFRC Subcommittee on Western Hemisphere. Witness: Ambassador Pezzullo.

2 March 1994 Meeting. Ambassador Swing met with Rep. Torricelli on recent events in Haiti.

9 February 1994 Hearing. Ambassador Pezzullo and AID Assistant Administrator Schneider met with HFAC members in a closed session to brief Members on humanitarian relief.

14 January 1994 Meeting. Assistant Secretary of State Watson met with Sen. Dodd to discuss recent developments in Haiti.

9 November 1993 Briefing. Haiti: HFAC Western Hemisphere Members Briefing; (Amb. Pezzullo).

3 November 1993 Briefing. Haiti (closed); HPSCI Members & Staff. Briefers: State/CIA/DIA/DOD.

27 October 1993 Briefing. Haiti-Intelligence; House Republican Policy Committee Members. Briefers: CIA, DIA.

20 October 1993 Hearing. Roundtable on Haiti; HFAC.

20 October 1993 Briefing. Recent Events in Haiti: House Intelligence Committee. Included State Department witnesses.

21 July 1993 Hearing. Recent Developments in Haiti; HFAC W. Hemisphere Subcommittee.

21 July 1993 Hearing. Governor's Island Implementation; HFAC.

18 June 1993 Briefing. Haiti; Reps. Torricelli and HFAC staff. Briefer: Amb. Pezzullo.

26 May 1993 Briefing. Assistance from Haiti; Sen. Leahy. Briefers: ARA Pezzulo & Watson.

18 May 1993 Briefing. Haiti; SACFO Minority Staff. Briefers: ARA-Pezullo, AID.

13 May 1993 Briefing. Haiti; SACFO Minority Staff. Briefers: ARA—Pezullo, AID.

13 May 1993 Briefing. Haiti; HAC Foreign OPS Subcommittee and Associate Staff. ARA/Pezzullo, AID, and DOD.

3 May 1993 Briefing. Situation in Haiti/Request for Contingency Fund; SACFO Majority and Minority Staff Briefers: ARA-Pezzullo, AID-Williams.

10 March 1993 Briefing. Haiti; for HAC Foreign OPS Minority Staff w/ Majority Staff.

9 March 1993 Briefing. Haiti; for HAC Foreign OPS Minority and Majority Staff. Briefer: ARA/?

27 January 1993 Vote. Haiti; HAC Foreign Ops Subcommittee Staff. ARA/ Gelbard.

12 January 1993 Briefing. Update on Haiti; Senate Judiciary Committee Staff Briefers: ARA/RP/INS.

Mr. KERRY. Mr. President, in addition to that, we have heard arguments a moment ago from the Senator from Arizona that somehow there is some setup here to avoid a vote.

Let us be fair. The majority leader has said this and I think most Senators know it is fact. The 2 o'clock deadline on voting was set long before we even left for our recess a month ago or 3 weeks ago. Every Senator knew that as of 2 o'clock today we would not be able to vote. And it was only by agreement with the Republicans that we were allowed to have two votes last night that cleared some business, and the agreement was it was an exchange for 7 hours of debate on Haiti at their request.

So the entire parliamentary situation in which we find ourselves was frankly dictated to us by the Republicans who would not let us vote unless there was the commitment to 7 hours of debate.

By happenstance, a motion was made in the course of that debate that opened up the possibility for an amendment. The Senator from Arizona seized that opportunity and offered an amendment. Now that Senator and others are complaining that the second-degree amendment offered by the majority leader has precluded any opportunity for the Senate to vote today on their amendment. But that is not true, because the majority leader's amendment was not even offered until we had reached the previously scheduled hour beyond which votes would not occur.

So to somehow play politics with this issue, always politics, and to suggest to the American people that there is some conspiracy to prevent a vote does a disservice to the quality of debate and the obligations of all of us in the U.S. Senate. That is not what has happened here.

I would prefer to have a vote. It is consistent with everything I have ever said since I fought in Vietnam. I know this country is stronger if it sends people into combat when the Congress agrees. I know that the American staying power will last longer if we have had a healthy debate and we have come to a resolution and the American people are part of it. I have personally suggested historically that I do not like

American troops going off into harm's way unless there is that consent. But we do not always get our druthers in the course of human events.

For whatever reasons, Mr. President, it sometimes falls to the President of the United States to make a judgment under the Commander in Chief power that the fathers of this country, in their wisdom, gave to the President in the Constitution. We have a War Powers Act and still hold the President accountable if in fact the President exercises that authority, and we have checks and balances by which we gain control over whatever judgments the President might make with respect to that use of power.

But no one in the U.S. Senate can legitimately make the argument that the President does not have that power, and that is why again and again when the issue of curtailing the power has come before the Senate with respect to Haiti and elsewhere we, as Senators, have upheld that power of the President.

And that is the lonely decision that my friend from Connecticut referred to earlier. I am not suggesting disrespectfully that Congress does not have a role—of course, it does—but I am simply suggesting the reality: that there are times when the buck stops at the desk of the President of the United States who has to make a decision.

What is the quality of that decision that the President has to make and in what context is the President making it?

I would ask my colleagues on the other side of the aisle to search their consistency compass and perhaps their conscience when they come to the floor to debate Haiti because this policy was not begun by Bill Clinton. This policy was set in place by a person whose stewardship as Secretary of State I respect enormously, one of the better players on the international scene, and that is Jim Baker. And it was set in place by a President of the United States who had a string of successes in foreign policy and whom this Nation came to respect for his acumen in foreign policy and his accomplishments.

Lest anybody question to what degree President Bush and Jim Baker put this policy in place, I want to remind them with Jim Baker's words, and I read.

> Two centuries ago, the people of Haiti led this hemisphere in the struggle for independence. This year, with struggle and sacrifice and the support of the international community, they won their democratic rights. Today, with their democracy under attack, the people of Haiti look for our reaction.
>
> The test we face is clear: To defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed. . . . The elections in Haiti were held with unprecedented international support. The OAS, the United Nations, and the democratic community helped oversee and verify that this electoral process was open, free, and fair.

I quote Jim Baker.

> Jean-Bertrand Aristide is the democratically elected President of Haiti. He and his government have and deserve our support.

That was the Republican policy when they held the Presidency and when they believed that they would be reelected and continue to conduct the foreign policy of this country. It is only with the defeat of that President and the ascendancy of a Democratic President that suddenly our Republican friends have found new routes of policy and new reasons to doubt Jean-Bertrand Aristide and the democratic election.

Let me continue on with Jim Baker's words spoken October 2, 1991, before the Organization of American States. He said:

> This organization, more than any other, has a legitimate claim to speak to this crisis. The OAS election observer mission in Haiti did more than help in the conduct of the elections; the OAS mission was a strong symbol of this hemisphere's commitment to the path of democratic development the Haitian people have chosen. Thousands of citizens of this hemisphere struggled and died, were exiled and jailed, to establish democracy. Indeed, many of you sitting at this table are veterans of that struggle. Let the coup plotters in Haiti—and any who dream of copying them—know this: This hemisphere is united to defend democracy.

Mr. President, I am skipping through some of this, but I want to read another important paragraph of Secretary Baker's statement.

> Now is the time for us to act. There are a number of draft resolutions in circulation. We urge the drafting committee to take the best elements in each to produce the strongest possible draft. We must not settle for the lowest common denominator if we are to keep faith with the people of Haiti. By sending a mission of this body to Haiti, led by the Secretary General, we will send an important message to those who have taken power in Haiti and to the Haitian people.

And here are the most important words of all.

> This junta is illegitimate. It has no standing in the democratic community. Until President Aristide's government is restored, this junta will be treated as a pariah throughout this hemisphere—without assistance, without friends, and without a future.

Mr. President, I ask unanimous consent that the full statement of Secretary Baker before the Organization of American States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Department of State Dispatch, Oct. 1, 1991]

ATTACK ON DEMOCRACY IN HAITI

(By Secretary Baker)

Today, the international community and this Organization of American States are being tested. A small group of willful, violent men have betrayed their uniform and their nation; they have seized power in Haiti, usurping the government elected by a clear mandate of the Haitian people just 9 months ago.

Two centuries ago, the people of Haiti led this hemisphere in the struggle for independence. This year, with struggle and sacrifice and the support of the international community, they won their democratic rights. Today, with their democracy under attack, the people of Haiti look for our reaction.

The test we face is clear: to defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed. I commend the Secretary General for the speed with which he has acted, first to convene the Permanent Council, then to convene this meeting. The elections in Haiti were held with unprecedented international support. The OAS, the United Nations, and the democratic community helped oversee and verify that this electoral process was open, free, and fair. Jean-Bertrand Aristide is the democratically elected President of Haiti. He and his government have and deserve our support.

This organization, more than any other, has a legitimate claim to speak to this crisis. The OAS election observer mission in Haiti did more than help in the conduct of the elections; the OAB mission was a strong symbol of this hemisphere's commitment to the path of democratic development the Haitian people have chosen. Thousands of citizens of this hemisphere struggled and died, were exiled and jailed, to establish democracy. Indeed, many of you sitting at this table are veterans of that struggle. Let the coup plotters in Haiti—and any who dream of copying them—know this: This hemisphere is united to defend democracy.

Last June, the General Assembly took the historic step of guaranteeing that this body would convene to respond to any "sudden or irregular interruption of the democratic order in any member state." Today, that mechanism faces its first test, and it is imperative that we agree—for the sake of Haitian democracy and the cause of democracy throughout the hemisphere—to act collectively to defend the legitimate government of President Aristide. Words alone will not suffice.

This is a time for collective action. Let no one doubt where the United States stands as a member of this proud organization. The United States condemns this assault on Haiti's democratically elected government and the violence committed against innocent Haitians. We demand the immediate restoration of President Aristide's constitutional rule. We have suspended all foreign assistance to Haiti. We do not and we will not recognize this outlaw regime.

My government also calls on all the people of Haiti—in uniform or in civilian life, regardless of political persuasion—to desist from all violent actions. Surely this week's events show that violence only begets more violence, and the way to justice lies in the rule of law, not in recourse to violence.

Now is the time for us to act. There are a number of draft resolutions in circulation. We urge the drafting committee to take the best elements in each to produce the strongest possible draft. We must not settle for the lowest common denominator if we are to keep faith with the people of Haiti. By sending a mission from this body to Haiti, led by the Secretary General, we will send an important message to those who have taken power in Haiti and to the Haitian people: This junta is illegitimate. It has no standing in the democratic community. Until President Aristide's government is restored, this junta will be treated as a pariah throughout this hemisphere—without assistance, without friends, and without a future.

Multilateral assistance must also be suspended to reinforce the message already sent by the United States, Canada, Venezuela, France, and the European Community. And this meeting must remain open in order to show that this hemisphere will not lose interest or forget the suffering of Haiti's people.

If these steps do not succeed, we must consider additional steps. Those who pretend to govern Haiti should know: The path they have chosen leads nowhere. But once democracy is restored, Haiti will again receive the generous cooperation of the international community in promoting development and alleviating poverty.

My colleagues, our immediate purpose today is to defend the rights and noble aspirations of the people of Haiti, but our interests do not stop there. This is the hemisphere that stands poised to achieve what the world has never seen before: the fulfillment of democratic rights across two continents. This is the hemisphere that is building a future of free trade from Alaska to Argentina. This is the hemisphere whose nations are cooperating to eliminate weapons of mass destruction. We are fulfilling the promise of the New World, enshrined in the OAS Charter, "to offer to man a land of liberty." That is the future we are defending, and the people of Haiti are and must continue to be part of that community. This is a moment of darkness, but this coup must not and will not succeed. I believe the people of Haiti will regain their liberty. I believe this hemisphere will meet its test.

This Organization of American States must not and will not rest until the people of Haiti regain their democracy.

Mr. KERRY. Mr. President, it is sad to see so many of our colleagues now coming to the floor with a totally different policy than the policy they supported under President Bush and suggesting to the American people that now we ought to have a whole different set of standards applied to Haiti.

It is even more incredible to listen to the new policy. We heard it from the Senator from Indiana, who came to the floor quoting somebody from Haiti, and saying that we ought to lift the embargo, not worry about the democratic issue, not worry about the military junta that has taken over because no American lives are being threatened.

That is so contrary to what President Bush and Jim Baker established as policy and to what they supported.

It takes us right back to the crime bill, Mr. President, where they voted for a crime bill that had a certain amount of money in it, more than the crime bill that came back, and then they voted against a crime bill that has less money than the crime bill they voted for with more money, and argue against the amount of money in the crime bill that they are voting. If ever George Orwell was going to be alive and well and happy with doublespeak, it is in what comes out of Washington.

Mr. President, I repeat again, I hope we do not have to go into Haiti. But people ought to think about what the policy is that follows through with what George Bush and Jim Baker said. If you lift the embargo and simply do not pay any attention and do not worry about their democratic election, what is the message to any country that aspires to a democratic election? And, more importantly, what is the message to the despots and thugs willing to challenge those elections? That our words are only words? That nothing means anything? That you can risk lives? That you can listen to the United States talk tough about human rights and about the rights of people to have a democratic process, but when push comes to shove we are willing to be shoved?

I am not advocating that you ought to run around the world and intervene everywhere. I am not advocating that even in this hemisphere the circumstances in every situation are the same.

We have heard comparisons with Panama and comparisons with Grenada, and we will hear them. Frankly, we should make a judgment solely on the issue of Haiti. Because each and every country will not present us with the exact same set of circumstances.

But I would ask my colleagues to measure whether or not the circumstances in Grenada in their totality cannot be compared with the totality of the circumstances in Haiti? I would not point to one particular concern in Haiti as sufficient to demand that we hold out military force as a legitimate threat. But when you take the conglomerate of what has happened in Haiti, I believe you have a very different situation.

Mr. President, since ousting Haiti's first democratically elected leader in September, we have been engaged in a test of wills between the thugs who threw out President Aristide and stole the democracy and the international community.

If my colleagues want to be fair about analyzing our options here, they should make a judgment about all of the efforts that we have made to try to get them to step down. For over 3 years now, we have been engaged in a dialog. They even acknowledged their illegitimacy by agreeing in New York at Governor's Island that they ought to step down, and then they went back on that agreement. Notwithstanding that, we have continued to be patient and give them an opportunity to come to their senses. But they have not. They have, in fact, dug in deeper and consolidated their power.

Mr. President, I ask how much time is remaining?

The PRESIDING OFFICER (Mr. AKAKA). The Senator has 9 minutes remaining.

Mr. KERRY. Am I entitled, under the rules, to ask for or to be yielded additional time?

The PRESIDING OFFICER. I advise the Senator that it would take a unanimous-consent request to extend your time.

Mr. KERRY. I ask unanimous consent that I be permitted to extend my time by 10 minutes, if possible.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, reserving the right to object, it is my understanding that the procedure that we are following is that, at the conclusion of the statement by the Senator from Massachusetts, another Democrat would then be recognized, and I am told it would probably be the Senator from Florida, Mr. GRAHAM, after which, the time would then come back to this side and I would be recognized.

Is that the correct procedure?

The PRESIDING OFFICER. The Chair would advise the Senator from Utah that the next speaker will be from your side.

Mr. BENNETT. It will not be from the Democratic side?

The PRESIDING OFFICER. It will be from your side. And it will probably be Senator BENNETT.

Mr. BENNETT. I understand.

Well, in that case, Mr. President, I do not object.

Mr. KERRY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, I am reminded of the debate that we had over Iraq, during which time we were consistently told by Republicans that any kind of dissent somehow strengthened the hand of Saddam Hussein and weakened the ability of the President of the United States to be able to work his will.

There are countless quotes from that debate on the floor. Among them, I remember Dick Cheney telling us he did not believe the President required any additional authorization from Congress. Jim Baker said to us, in December 1990, "If we are to have any chance of success, I must go to Baghdad with the full support of the Congress and the American people behind the message of the international community."

The minority leader said that, "The success of Saddam's agreeing to release all foreign hostages came despite attempts by many in Congress to 'tie the President's hand behind his back.'"

He also said, "No doubt about it. The President's policy is working. The last thing we need are more timid signals from Congress."

So we all understand there is a relationship between our debates and the message we send.

Regrettably lacking from our colleagues on the other side in this debate on Haiti is a condemnation of the military junta. Regrettably lacking is a condemnation of the human rights abuses. Regrettably lacking is the condemnation of the usurpation of democracy.

So the message that goes to Gen. Raoul Cedras and company is that they can find a sense of safety because

Americans are not somehow committed to their removal.

Now, Americans are rightfully, absolutely, appropriately asking: What are our interests in Haiti? Why should we be concerned about this? What is it we have to do? What interests does the United States have in risking anybody in any kind of operation in Haiti? And I think it is essential that those questions be answered, not only for the public but obviously for those involved in this operation on the ground.

You have to review a small amount of what happened in Haiti through the years to understand why there is an interest, Mr. President. Haiti, in many respects, is the orphan of this hemisphere. Unlike a lot of other nations in the region, it is not Hispanic in origin. Its people are predominantly poor, largely uneducated, and they are of African origin. Throughout the history of Haiti, they have been brutally repressed by a small, wealthy ruling elite. There are deep-seated hatreds between that ruling elite and the masses. And those hatreds have given birth to a whole culture of violence and a politics of instability. Indeed, their history is filled with coups and civil wars and with brutal dictators like the Duvaliers who have used people like the Ton-Ton Macoutes, their thugs in arms, to keep people in check. And now you have the so-called "attaches," who serve the same function in the present regime—to repress Haiti's people.

The fact is, despite this incredible oppression, the Haitian people said that they were willing to take the risk to have an election. And 4 years ago, in December 1990, they did so and for the first time since independence in 1804 they were allowed to participate in a free and fair election. For the first time in the history of Haiti the power of the people really did prevail.

We all know the outcome of that and we know where we find ourselves today. But we cannot turn our back on the fact that what happened, happened under the watchful eye and with the participation of, the international community. The United Nations, the Organization of American States, and individual nations, including ours, all provided observers. And that experiment came to a sudden halt only when the promise of reform became too real for some of the military thugs to tolerate. So they took power.

Since then, those who sought democracy have been murdered and beaten, arbitrarily arrested, detained and tortured. Many have disappeared without a trace. Women have been raped as a matter of intimidation and policy. Children have been kidnapped from their homes and impressed into forced labor. In recent months the campaign of intimidation has taken on new levels, astonishing even by Haitian standards.

Murder and mutilation have become commonplace. Bodies without heads or faces have been left in the street to rot, and sometimes those who have gone out into the street to try to retrieve them have been killed, cut down in broad daylight to lie there and become another rotting corpse for people to see and be intimidated by.

We know the litany of the high profile assassinations calculated to intimidate: Reverend Jean-Marie Vincent shot most recently, last month; Antoine Izmery, a pro-Aristide activist, killed during a church service last year; respected lawyer and Minister of Justice, Guy Malary, assassinated in broad daylight just before Haitian thugs rioted against the docking of the U.S.S. *Harlan County* last October.

Mr. President, despite each of these instances, I wonder if my colleagues really understand the full measure of suffering of our neighbors, the Haitians. International human rights monitors and the State Department have documented dozens upon dozens of cases of politically motivated rape. Last October the U.N.-OAS human rights monitoring mission documented the rape of a 13-year-old girl in June by military personnel, the rape of the wife of a City Soleil activist by uniformed men in July, and the rape of a 16-year-old girl by a soldier. According to Human Rights Watch, a woman north of Port-au-Prince bled to death after being raped by soldiers in late December.

Human Rights Watch has also documented a case that took place on February 7 of this year, when two of Haiti's paramilitary thugs invaded the home of a family that had been denounced as Aristide supporters by an unidentified detractor. The husband was tied up and forced to watch as his wife was raped on the front porch.

A recent Washington Post article quoted a young Haitian woman named Florence who was raped by 3 thugs seeking her boyfriend. She said: They looked for him everywhere, under the bed, the table, then they beat my mother and father and told me to lie on the floor, and then they raped me.

That is only one of the tools of these tyrants.

The most helpless members of Haitian society, orphan children, are targets of the military's heinous campaign of repression. Children have been forced to sleep in the weeds because there is no shelter, and they are afraid to stay on the streets. A recent New York Times article quoted a Haitian who runs an orphanage saying that children disappear and their bodies are found later, often with their hands bound, in the streets. In the words of one young Haitian boy quoted in the same article, "They do not know that if they kill us they help us. I do not care if the Macoutes kill me because it only brings an end to my suffering."

Perhaps the best example of the disregard that this regime has for human life is the story of a gentleman—if you can call him that—called Norelus Mandelus, a military commander who has dubbed himself the Saddam Hussein of Haiti. Among the many atrocities he has committed was the cutting off of a victim's ear during a vicious beating and forcing the victim to eat his own ear, and then carving his initials in the victim's flesh. Mandelus received a mere reprimand when later it was learned, through priests, that the person victimized, or one of the people victimized, was related to an officer who was senior to him.

In this atmosphere of terror, it is little wonder that thousands of Haitians have taken to the seas. And if we do nothing, then thousands of other Haitians will take to the boats and continue to flood the shores of this country, providing the international community with the spectacle of desperation on the high seas.

After fits and starts we finally adopted a policy for safe haven. But that does not offer them a future, Mr. President.

For the poor masses, political retribution is the most frightening, but it is not the only problem. Economic mismanagement and sanctions have ground the economy to a halt. Businesses are closed. Unemployment stands at 80 percent. And inflation is out of sight. We understand what this embargo is doing and we understand that there are limits to how long that should go on.

While the majority of Haitians have been struggling to survive, the military strongmen have been making money selling fuel, smuggled in, in defiance of the embargo, and running the drug trade in Haiti for the Colombian kingpins. As chairman of the Narcotics and Terrorism Subcommittee, I can say to my colleagues in the Senate without any doubt that the linkages of the Haitian kingpins to the Cali cartel and to drug running are beyond dispute, provable beyond a reasonable doubt. In fact, they kicked out a DEA agent last year because he was getting too close to information, and they threatened his family. Is that not a threat to an American citizen? Is this not a threat to American interests, that drug kingpins are permitted to continue to help and assist in the flow of narcotics into the streets of America? No, the drug trade through Haiti is not as big as Mexico. No, it is not as big as Colombia. But it is one of the links in a long network, and the question ought to be legitimately asked whether we ought to turn around, lift the embargo, congratulate them for their ability to avoid all international sanction, and allow them to continue to fill the streets of America with these illegal substances?

When do we come to our common senses? One of the reasons we removed Noriega was drugs. One of the reasons we went to Somalia was starvation. One of the reasons we went to Grenada was chaos. And in Haiti you have all of them. But, suddenly the principles are different. Suddenly the standards are different. And one has to be left asking if it is not because the cultural ties to Haiti are not perceived by so many Americans as being as strong.

Mr. President, I am not going to dwell on the issue of drugs or each of these individual interests because my time is going to run out. That Haiti's leaders are involved in the drug trade is beyond question. We estimate that there is a sum of approximately $100 million a year they put away into bank accounts as a consequence of the fruits of their illicit traffic in this country.

Drugs are an important source of income for their leaders—although cut back now, obviously, because of the situation. But I assure you if we follow the advice of some of our colleagues who just want to lift the embargo and not worry about democracy, they will be empowered to do a lot more.

Many of my colleagues on the other side of the aisle have argued that United States interests in Haiti simply do not warrant the use of force. I say to them: You have a choice. You have a fundamental choice here.

You can give meaning to the words of Secretary Baker and President Bush, to all of our efforts to encourage democracy and to try to encourage the Haitians to be able to make it on their own. Or you can abandon them. Because that is the alternative policy. And in abandoning them we will abandon a host of other interests that we have in the world.

Mr. President, believe me I understand it is not easy to ever ask any young American to put his or her life at risk in any circumstance. But we are duty-bound to ask ourselves whether or not our interests in Haiti are not equal to or greater than the interests we have in a host of other places where young American military personnel are at risk today? We have Americans risking their life and limbs to protect the Iraqi Kurds.

We have Americans who risked their lives to prevent a coup against President Aquino in the Philippines. We have Americans who have risked their lives, and are continuing to do so, in Rwanda for humanitarian purposes. We have Americans who are risking their lives in order to enforce safe zones in Bosnia. Yet, here we have Haiti, this tiny country close to our own Nation, affecting our own Nation with would-be refugees coming to our shores seeking asylum, running away from a tiny group of dictators whose illegitimate rulers are empowered by the unwillingness of some in this Nation to assume our responsibility to lead and confront them.

I respectfully suggest to my colleagues that there are times when withholding the threat of force because of the possibility that you may have to use that force, causes you to lose the capacity to achieve the goals that you have set out for yourself as a nation.

Earlier, I heard my colleague from Connecticut talk about the tradition of this country. We have an extraordinary tradition. We are, indeed, every bit the great Nation that we talk about. And many people over the course of history have given their lives in an effort to try to bring to other people what some people lost their lives in bringing to us. We should not forget that our own country did not just emerge completely on its own without help from other people who were willing to assist us, and that was in a revolution. That is not what we are even talking about in this situation.

Mr. President, I believe that we have an obligation under the United Nations, under the Organization of American States, under our own history, to try to keep faith with what we have set out to do in Haiti—to restore democracy. While I do not advocate that we run around the world doing this, that we engage in this enterprise helter-skelter and willy-nilly in parts of Central America, Latin America, or elsewhere, I believe that the circumstances arising in Haiti are sufficiently exigent to permit us to hold out this potential use of force at this moment in time with the hope, obviously, that in the final analysis we will not be called on to use it.

Mr. President, I will have more to say at some later time on this subject. My colleague has graciously allowed me a little extra time. I know I have not used it all. I want to express my gratitude to him for allowing me to do so.

I reserve the balance of whatever time I do have.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield 15 minutes to Senator BENNETT.

Mr. BENNETT. Mr. President, I understand we have come back to the order that was previously there. I was willing to accommodate, but I am told I probably should not, so I apologize to my colleague from Florida, given these instructions and procedures.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for 15 minutes.

Mr. BENNETT. Thank you. Mr. President, I do not want to multiply all of the arguments that have been made here as to the wisdom or ill wisdom of the invasion. But I do have some points that I think are valid and that we may be losing sight of here.

I will confine those quotations that I make to sources that are not considered Republican sources because we have had a lot of quotation back and forth. I want to quote from people who normally are expected to side with the President and with the Democrats.

I start, if you will, with the New York Times. The New York Times is not known as a particularly friendly journal, as far as the Republicans are concerned. The New York Times ran this editorial this week which was headed: "Congress Must Vote on Haiti," and began with this paragraph:

> To invade Haiti without prior congressional approval would short circuit the United States Constitution. It would also leave the President with sole political responsibility if the operation turns sour. Yet that is just what the Clinton administration now suggests it might do.

It goes on to say later in the editorial:

> In 1991, Democrats in both Houses insisted that President Bush get prior congressional approval for Operation Desert Storm. Now, misplaced fealty drives many of those same Democrats to relieve President Clinton of the same responsibility. That is poor Government and poor partisanship, too. Democrats would do better to protect Mr. Clinton from enmeshing himself in a military action where most Americans see no compelling national interest at stake and in which the first casualties are likely to bring bitter recrimination.

This, again, I remind you, Mr. President, is from the New York Times.

There has been much made on the floor here today about the fact that as Commander in Chief, President Bush put our troops in harm's way in Saudi Arabia without any objection from this body, long prior to the time when we debated and voted.

I would like to comment my reaction to that. I was not a Member of the body at the time that happened, but like all citizens, I watched very closely. I think the Commander in Chief, when invited by a friendly power, as Saudi Arabia is, to place our troops on their soil, has the constitutional power to respond to that invitation without coming to Congress for any formal declaration.

But to take those troops, once they are in place in that friendly power, and then order them to cross an international border in an invasion against a hostile power does, in my view, require clear constitutional authority from the Congress. I know there were some in the Republican Party who said in support of their President, "No, the Congress is not required to vote in this fashion." I know there were some in the Bush administration who argued thus. And we have had them all quoted on the floor today. I do not agree, and I did not prior to coming to the Senate.

If I may be personal for just a moment, my opponent in the 1992 race was then a Member of Congress. He filed a suit against the President saying the President could not proceed in Iraq without getting congressional approval first. And many of my supporters in Utah said, "This is a great political issue. You can attack him for having attacked Bush on this very popular war."

I said, "I will not raise it in the campaign, because I think he was right."

President Bush had no right, in my view, to invade Iraq without congressional authority, and I was delighted that President Bush took the step to seek that authority before proceeding.

On that comment, I would turn to another source, not usually thought of as a Republican journal, the Washington Post, in their editorial today. They make this comment about the wisdom of going into Haiti. They are not involved politically or in a partisan fashion, the comment that I wish I had written myself, one of those lines that I could not do better than. They say:

> The national security/national interest case for the evidently planned action seems to us to hover somewhere between exceedingly thin and preposterous. If there is a better case than that, the administration should be willing to make it to the public and to Congress. It should be willing to seek consensus and consent for spending the money and taking the chances with American lives no matter how pitiable the Haitian's military resources or how good the odds of succeeding may seem to the planners. A Government that calls up reserves for military action has an obligation to do these things.

Mr. President, I will not pursue the question of whether or not going into Haiti is a good or a bad idea. I do want to come down hard on the issue of whether or not the President of the United States has the right to invade a sovereign country that has not attacked us, that has not put any of our forces under any military threat, and where there is no emergency circumstance of American citizens at danger—as was, in my view, the case in Grenada—cold-bloodedly, after careful calculation, without coming to the Congress for approval.

In my view, the Constitution is clear and the President of the United States, be he a Republican or a Democrat, does not have that constitutional authority. I think it very, very clear.

Going back to the Washington Post on that issue, the same editorial, I quote:

> President Clinton insists he won't ask Congress for authorization to invade Haiti. The shortcut spares him the possibility of repudiation for a venture that appears more dubious and unpopular by the day. But it cheats on the separation of powers as defined in the Constitution. It threatens to undercut not just the quick operation planned against the thugs in Port-au-Prince but the prolonged occupation meant to follow on its promises to bring a political disaster upon the administration for misreading the popular mood on the process as well as the substance of its policy.

The New York Times, quoting the Constitution, saying the President should not proceed without getting congressional approval.

The Washington Post, quoting the Constitution, saying the President should not proceed without getting authority. As I say, I agree with them, and I would agree with them if the President were a Republican, and I did agree with them when the President was a Republican even though I did not have this forum in which to make that point.

Now we have heard from the Senator from Connecticut about Jim Baker, the Senator from Massachusetts has repeated that quote, and I am perfectly willing to grant them that Secretary Baker made statements which would logically lead to the conclusion of military action at some point if he were not satisfied with what eventually happened. But I do not believe that Secretary Baker made statements that ruled out coming to Congress for constitutional authority if invasion was the final decision. And, indeed, if President Bush had been elected and Secretary Baker were now saying it is time to invade Haiti but we do not need to get congressional approval for that, I would be standing on this floor, I believe, complaining that the Secretary of State and the President were ignoring the Constitution.

As I say, I have the record of having taken that position with respect to President Bush and the debate that occurred during my campaign. I feel very strongly about this issue. I think the Constitution is very clear. And I ask the rhetorical question, what is the hurry? We are being told, well, we will not have time because the invasion is coming, the invasion is probably going to take place this weekend and the Senate will not have a chance to vote prior to the time that the troops are in Haiti.

I do not know that there is any more urgency to invade Haiti this weekend than next weekend. I think the President has the clear constitutional obligation to come here, and I call on him to say to the ships at sea, say to the people who are in motion, the Constitution is clear, if we are going to invade a sovereign country in a cold, calculated, deliberate fashion, not in the heat of reacting to bullets that are flying, not in the emergency, but after a careful, calculated buildup that has been going on for months, if we are now going to invade another sovereign nation for whatever reason, however valuable, under the Constitution we need to get congressional authority, just as we did prior to the invasion of Iraq.

In my opinion—having not been here I can say this—I think we should have done it prior to the action that was taking place in Panama. I think this is a very clear constitutional issue that we cannot ignore.

Finally, Mr. President, I make this comment. We have consulted with the United Nations and achieved a formal resolution endorsing this kind of action. We are being told that. We have consulted, we being the administration, with the OAS and gotten their approval. If the President of the United States can find the time to get formal approval and resolution from the United Nations, if he can find the time to get formal approval and resolution from the Organization of American States, why can he not find the time to get formal approval from the Congress of the United States, as, in my opinion, he has the clear constitutional obligation to do?

So I conclude, Mr. President, as I began. In my opinion, the Washington Post described this circumstance as well as anybody can when they say the arguments in favor of it, and I quote again, "hover somewhere between exceedingly thin and preposterous."

But even if the arguments are stronger than that, indeed, more particularly if the arguments are stronger than that, the President has the obligation to make those arguments in the constitutionally established forum, and the people of the United States, as the Founding Fathers set up, have the check and balance to respond to those arguments through congressional action as we did in the case of going beyond the defensive action in Saudi Arabia to the formal invasion in Iraq. We have the obligation to do the same thing in this circumstance, and I urge the President to delay the invasion in Haiti for at least 1 week until he takes advantage of that opportunity that the delay would give him and complies with what is to me a very clear requirement in the Constitution of the United States.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield such time, I guess within the 30-minute time frame, as the distinguished Senator from West Virginia so desires.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for up to 30 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Connecticut [Mr. DODD] for his courtesy in yielding me this time.

Mr. President, the Senate is in executive session, is it not?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. And pending before the Senate is the nomination of Adm. Henry H. Mauz, Jr., U.S. Navy, to be admiral, with the pending question immediately before the Senate an amendment in the second degree to an amendment in the first degree, both of which amendments deal with the Haitian situation?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. As I understand it, both of these amendments are sense-of-the-Senate amendments. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, let me direct my comments initially to the parliamentary situation.

I am concerned very much that we may be about to go down a very slippery slope because of the procedure that is being utilized here to attach, or to attempt to attach a legislative amendment, namely, an amendment dealing with a possible invasion of Haiti—both amendments being sense-of-the-Senate amendments—the attempt to attach legislative amendments to an executive matter, the matter in this case being a nomination.

Mr. President, from the beginning of the Republic, as far as I can recall, there has never been a legislative amendment added to a nomination. From the very beginning, the Senate rules have kept legislation, on the one hand, and executive business—in other words, treaties and/or nominations—on the other hand, separate. There has always been that wall between the two.

Mr. President, the Senate rules were adopted in April of 1789. There were 19 rules adopted in April 1789, and the next day or the day after, there was a 20th rule adopted. But before the Senate rules were adopted—and even they were taken in great measure from the rules under which the First and Second Continental Congresses acted, and the Congress of the Confederation as well.

Before the Senate rules were adopted by which we operate today, the Constitution of the United States was adopted. The Constitution of the United States preceded the U.S. Senate, of course, preceded the Presidency, the executive branch, and preceded the judiciary.

The Constitution itself established this wall between legislative business on the one hand and executive business on the other. Senators only need to read the Constitution to understand that. If Senators will examine section 5 of article I of the Constitution, in the first paragraph, they will read as follows:

> Each House shall be the judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business;

The Constitution is saying there that a majority of each House shall constitute a quorum to do business. It is thereby saying that a majority of each House may pass legislation, because to do business is, in large measure, as far as these two bodies are concerned, to pass legislation—to debate, to amend, and to pass or to reject legislation.

So the Constitution, article I, section 5, states clearly that a majority of each House shall constitute a quorum to do business. Therefore, a majority of each House can enact legislation.

Now, I urge Senators to look at section 2 of article II of the Constitution. I read therefrom:

> He—

Meaning the President of the United States.

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he—

Meaning the President.

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.

On the one hand the Constitution is saying legislation can be enacted by a majority vote, but approval of the resolution of ratification of treaties will require two-thirds.

Also, the language that I have read, article II, section 2, confines the advice and consent powers with respect to treaties and nominations to the Senate. The other body is not given a voice in either the approval of the resolution of ratification of treaties or the confirmation of nominations.

So, this Constitution of the United States—created before this Senate existed, and by which the Senate came into being—established the wall between legislation on the one hand and executive business on the other. The wall is created by the Constitution. And the Senate, from time immemorial, has recognized and respected that constitutional wall of separation between executive business and legislative business.

The Senate prints a "Calendar of Business." On that Calendar of Business are legislative matters. On a separate calendar is found the title "Executive Calendar." And in that calendar are to be found treaties and nominations. For example, there are two treaties to be found on page 2 of the Executive Calendar for today. Then beginning on page 3, there are nominations. So treaties and nominations are kept separate.

Mr. President, I hope that Senators who are listening will pay careful attention to what I am saying. I hope that those who are not listening will perchance read the RECORD before we have any vote with regard to any point of order that may be made in respect to the pending amendments.

This is a slippery slope that we are on. Prometheus stole fire from the heavens and gave it to the sons of men. Zeus punished Prometheus, and gave to Pandora, the wife of Epimetheus the brother of Prometheus, a box in which all of the evils of mankind were enclosed and warned that the box not be opened. Pandora opened the box out of curiosity, and all of the evils escaped. Only hope remained.

We are opening up Pandora's box if we go down this slippery slope.

Let us say for a moment that a point of order is made against these legislative amendments because it is not in order to offer them to a motion to recommit, with instructions, an executive nomination. And the Chair, let us say, rules that the point of order is well taken. The Senate by a simple majority vote can appeal and overrule the Chair. Where are we then? Pandora's box will have been opened. If we ever set that precedent here, we will rue the day. If the Senate decides that a legislative matter may be attached to a nomination—the Constitution provides that only the Senate will act to confirm nominees—where does that leave the House? The House is given no part, under the Constitution, in the confirmation of the nominees. But if legislation is attached in the Senate, where does that leave the House? The House expects to be a party, under the Constitution, to the enactment of legislation.

Mr. COHEN. Will the Senator yield for a question?

Mr. BYRD. No, not yet, thanks. But I will yield.

The House is not a party to the confirmation of nominees.

Suppose the Senate decides that a legislative matter may be attached to a treaty. So let us attach the health bill or the crime bill, or whatever. A treaty requires a two-thirds vote for passage. Amendments to a treaty only require a majority vote. So we could attach the crime bill. The Senate could attach campaign finance reform. Where does that leave the House? It has a voice, according to the Constitution, in the enactment of legislation. But it has no voice in the approval of the resolutions of ratification of treaties, which require a two-thirds vote. So we open all kinds of constitutional Pandora's boxes.

Let us say that the Senate decides that we can attach a legislative amendment. If the Senate so decides, what is to keep a Senate committee from doing the same thing? We will have taken a step in that direction, and the next step will be for a legislative committee that has jurisdiction over a nomination to do the same thing. Various and sundry committees have jurisdiction over nominees, depending upon what committee has jurisdiction over the legislation creating the office to which an individual is being appointed. If the Senate adopts such a procedure, who can say that the next step will not be that the Committee on Armed Services, or the Committee on Commerce, or the Committee on the Judiciary will decide that on the next nomination that the committee reports out, a piece of legislation will be attached that the leader has had difficulty in bringing up in the Senate. If the majority on that committee has the votes and can attach that legislation to that nomination, the nomination will be reported to the Senate and the nomination will go on the Executive Calendar.

I do not know whether Senators are aware of it—I assume most of them are—but a motion to go to the Executive Calendar is not debatable. Many Senators may not be aware of the fact that I was a Senate leader when the precedent was established that a motion could be made to go to any specific item on the Executive Calendar. Therefore, Mr. President, I could stand on my feet and say: Mr. President, I move that the Senate go into executive session to consider the nomination of John Doe on the Executive Calendar, No. 123, or whatever it is, and that would not be nondebatable. I established that precedent, that a motion was in order to go to any particular item on the calendar. Before I established that precedent, when the Senate went into executive session, it had to go to the top item on the calendar and work itself down, unless unanimous consent were given to do otherwise. But the precedent has long been set, and a nondebatable motion is in order to go to any item on that executive calendar.

Should the wall of separation be breached, if a committee having jurisdiction over a nomination wishes to attach legislation to the nomination and has the votes to do it, then that nomination will be reported to the Senate, and put on the calendar. When that nomination is called up—and it can be called up without debate—that piece of legislation will be before the Senate. The majority leader has been fussing and fuming, with some justification, about the need to be able to take up a matter in the Senate without debate or with only a brief time for debate, 1 or 2 hours, whatever.

At the present time, a motion to proceed to legislative business is debatable and subject to a filibuster. But, if the Senate approves a precedent here of allowing legislative matters to be attached to executive business, then, of course, vice versa, the converse will ultimately also become the rule. Nominations and treaties will be attached to legislation. One would expect that development to flow in time's due course.

Let us take this step down that slippery slope now and the stage will have been set for the next step for committees to start reporting out nominations and attaching legislation. The majority leader will then have his nondebatable motion to proceed to take up legislation. He will only need to make the nondebatable motion to go to that particular item on the Executive Calendar and he will have his legislation as a part of that nondebatable motion.

Our friends on the other side in the minority surely do not want that. Senators already have great flexibility in the Senate in offering amendments. There is no rule of germaneness in the Senate. You can call up any amendment you want to. It does not have to be germane. There is a little reference to germaneness in Rule XVI dealing with appropriations bills, but it is only a majority point of order, and nobody pays much attention to it. Otherwise, there is no rule of germaneness in the Senate. Senators already have all kinds of leeway to offer amendments to bills. Surely we do not want to take down that wall of separation between executive business and legislative business in order to offer an amendment. We ought not do it. That will create very difficult far reaching problems.

So let us not breach this wall of separation. I hope that if a vote comes on such point of order, Senators will uphold the Chair if it comes to that, because the Chair will surely rule that the pending legislative amendments are not in order. And in the interest of the Senate as an institution, and in support of the Constitution, Mr. President, I hope that Senators will at least weigh what I have said and, hopefully,, they will agree that this is not the thing to do. We would be cutting off our nose to spite our face.

Briefly, as to the resolutions themselves, I believe that Members will agree that I am very zealous in my defense of the prerogatives of this institution.

I believe most of them will agree that I also try to be just as zealous in upholding the Constitution.

In this situation, I think that the President should have the approval of this body before he launches an invasion of Haiti under the current circumstances. I think he has the inherent authority to take such action in an emergency. He has to have that authority, because if Congress is not in town and this country is invaded or the lives of Americans or American fighting men and women are put in jeopardy, the President would have to act. He has the implied constitutional authority to take action without prior congressional approval and to use the military forces of this country in an imminent emergency, but after such action is taken, there will come a time when the Congress will have a voice. It can by its actions authorize, explicitly or implicitly, his use of the military. It can cut off funds.

I hope that Senators will remember that it was I who took the lead in dealing with Somalia by legislation that set a deadline—I believe it was March 31—and required that, if the President felt he needed an extension beyond that time, he had to come back and make his case here, and that, regardless of any other act, no funds would be available in that operation after that deadline, set as March 31, no funds.

There is the real bite, the money, the power of the purse. I have stood on my feet scores of times in this Senate and defended the legislative control over the purse.

That is what means business. Money is what talks, and the Congress can cut off the funds. Then all of the President's lawyers can argue all they wish. He has to have money to keep a war going, to keep the police action going. He has to have money, and only the Congress can appropriate, in accordance with the Constitution. I have argued that time and time again. So I do not need to go over it again here today.

But let nobody kid themselves that either of these sense-of-the-Senate amendments is going to stop the President. Sense-of-the-Senate amendments just express the sense of the Senate. That is it, period. They have no teeth. They do not cut off any money. They do not have the effect of law. Let us not kid ourselves that either of these amendments is going to stop the President if, in his judgment, he decides that it is in the best interests of this country—no matter how much I may disagree with him—that he has to take action to invade, he will invade.

There will come a time, however, when Congress will have its bite at the apple, and it can lay down the limit, as we did in the legislation on Somalia—go this far, but no farther. If you want to go farther, come back to the Congress for further authorization and funds. And no funds may be spent after that date regardless of any other act.

Congress has, in the final analysis, the hammer. Do not kid yourself. That is why I have stood on my feet many times and opposed efforts to shift power of the purse to the executive branch. I will always defend Congress' control over the power of the purse. It is a mighty power. I will not cede it to any Executive by line-item veto or enhanced rescissions or anything else. There is where the buck counts and there is where it stops. Congress can draw that line and say no more money. That is the end of it.

Senators, do not kid yourselves that either of these amendments is going to stop the President if he decides to invade Haiti. By the way, on previous occasions I have voted against the same amendment that Mr. MITCHELL and Mr. NUNN offered today. I voted against it on June 29, 1994. As Mr. MITCHELL stated earlier today there were four votes against it. I was the only Democrat. There were three Republicans and one Democrat, and mine was the Democratic vote, who voted against it.

And on June 29, 1994, when that vote occurred, Mr. MITCHELL said that that amendment was identical "in form and substance to an amendment adopted by the Senate by a vote of 98 to 2 a few months ago."

I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The vote of 98 to 2 to which the majority leader referred occurred on October 21, 1993. And of the two votes cast against that amendment at that time, mine was one of the votes.

Those were sense-of-the-Senate amendments. They will not amount to anything. I voted against both of them, partly because they would not amount to anything. And there were other reasons which I explained at the time. I will vote against the pending Mitchell amendment, and I will vote against the amendment by Mr. McCAIN if it comes to a vote. They do not amount to anything. When we pass something, let us pass something that means something. Neither of these Senate amendments is binding.

This debate, as I have listened to it, has not been altogether constructive. A lot of it amounts to second guessing. I do not know that we are going to invade Haiti. I do not know that the President intends to invade this week or next week or the next one. I do not know.

But there may be some very delicate negotiations going on. I do not know that they are not going on. I have every right to assume that negotiations are going on or that they will perhaps be going on, who knows, maybe even now, perhaps tomorrow, perhaps Friday, perhaps Saturday. I hope we are not giving aid and comfort to Cedras and his thugs by what we are saying here today.

When Senators want to say that the President should have approval, under the present circumstances, before he invades Haiti, count me in. I, too, say he requires congressional approval. But these sense-of-the-Senate amendments are not going to stop him. If the President of the United States, in his judgment, feels we should invade, he will do it, and a sense-of-the-Senate amendment will not stop him.

I think there is the larger issue. I hope the American people who are listening do not believe that the pending amendments are going to be a real effort to stay the President's hand. I have never thought much of sense-of-the-Senate amendments. They usually serve no purpose with regard to reality except a political purpose but only to put people on the record. They will look good on 30-second TV spots.

They are not worth a hill of beans when it comes to reality.

I think the President should get the approval of Congress before acting to invade in the current situation. I certainly do not blame any Senator for standing up here and expressing his opposition to any invasion of Haiti without congressional approval. But, the larger issue, as I see it, is the ability of this President, or any President, to use the threat of an invasion.

By the way, I think there has been entirely too much of that already. I think we have threatened and threatened to the point that the argument is now being used that we have to go into Haiti, or else the credibility of our country will suffer.

But I think the President has to have the use of a threat of an invasion as a tool of foreign policy and as a tool of negotiation. If he is trying to negotiate, he may want to hold over the heads of the other side the likelihood of an invasion. It is a legitimate tool in his negotiation arsenal.

Do we want to pull the rug out from under an effort to remove the offensive Haitian regime through any other means but an invasion? That may be the result of what we are unwittingly doing here today.

The President will speak to the Nation Thursday night. Let us hear him out. Let us hear him out and see what he has to say. And he can get a clear understanding from reading this RECORD that if an invasion is ordered, nothing precludes this body—nothing will preclude this Senator, if I am living and able to stand on my feet, nothing will prevent me or any other Senator from offering legislation to draw a line in the sand. I did it in the case of Somalia. Who did it then? Most everybody else was silent. I did it. What is going to keep me from doing it again? I am going to protect the prerogatives of this institution under the Constitution.

If an invasion is ordered, then nothing precludes this body from passing binding legislation to curtail the length of such an invasion and to define its mission and to cut off the funds after a certain date. Let the lawyers in the executive branch contemplate that this Congress will have a voice, and I will probably be one who will be lending my voice to whatever action appears to be appropriate at that time.

But let us hear the President out. Let us see what he has to say. Do not tie his hands here with this kind of a debate on amendments that are meaningless, except for political purposes to put somebody on record. This is not to question the integrity or the good faith of any Member. I can understand why Members want to stand up here and go on record. But let us exercise a little caution. We may be hurting our own cause by engaging in so much debate on meaningless amendments at this point. Let us first hear what the President has to say to the people of the Nation tomorrow.

Mr. President, I had offered to yield to my friend from Maine and I am out of time, but if he wishes me to yield.

Mr. COHEN. I think at a later time. I thank the Senator.

Mr. BYRD. I thank the Senator.

Mr. President, I thank the Chair and I thank all Senators.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I now yield to the Senator from Georgia such time as he may consume, up to 30 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for up to 30 minutes.

Mr. COVERDELL. Thank you, Mr. President.

The Senate has not resolved this constitutional question as posed by the eloquent Senator from West Virginia.

I will proceed to discuss the procedures and amendments that are before us.

Before I begin my discussion, though, I would like to clarify very strongly the suggestions that were made a little earlier on the floor by the Senator from Massachusetts [Mr. KERRY], who was suggesting that there was linkage between the former administration and the former President in the conduct of the affairs of an invasion.

Former Secretary Baker and former President Bush, I did not hear all the quotations, were cited as somehow being the beginning of this process. And this simply is not accurate.

I have in my possession a personal letter from the former President. I will read only one paragraph of it, but I want to make it absolutely clear that the former President is not in support of the policy of an invasion of Haiti. You cannot make linkage from the timeframe in which the former President and his Cabinet were engaged with Mr. Aristide and others to this moment. I will read this and then I will set this aside.

> I remain unalterably opposed to the use of U.S. force in Haiti. It would be disastrous for our relations with the rest of this hemisphere and there is no guarantee at all that military intervention will bring peace and stability to Haiti for long.

That is a direct quote from former President George Bush, dated July 28, 1994. And so I hope that whatever is trying to be characterized as an extension of the policy of that administration to be in support of the concept of an invasion be put aside and be made clear for all people and this Senate.

Mr. President, throughout the course of the debate, we have heard, almost without precedent, linkage of precedents: What about Grenada? What about Panama? What about the Persian Gulf?

I do not choose to engage in the constitutional arguments related to that, nor to the relation of one to the other. I am not sure that can be accomplished.

But, because of the unique nature of this crisis in our hemisphere, this problem in our hemisphere, the issue of whether or not we should use force in Haiti is one of broad public knowledge now. This is not something that occurred over the weekend or in the middle of the night; something that was not expected. All America has been engaged in this debate. It is a subject, due to our modern communications, for which most Americans are reasonably knowledgeable.

There is an understanding of the dilemma: The problems that are being suffered by the people of Haiti; the fact that this is a country in our own hemisphere; that refugees are impacting the United States.

They are really not very many secrets about this issue. It is one of those issues for which a broad population has a reasoned and knowledgeable feel for the subject. We have been debating it for months. And somewhere between 6 to 8 out of 10 Americans have come to a conclusion that the circumstances in Haiti are not reason enough to put an American son or daughter in harm's way.

And I am puzzled. I am puzzled in light of the overwhelming view of our people that we would each day inch closer to an invasion —inch closer to putting Americans in harm's way even in the face of overwhelming public, not just opinion, but knowledge.

Here is a question. I have not heard much said about the fact that we have 3,000 Americans in Haiti right now. Over half of this population are under 18 years of age. Here is the question. Are they safer if we begin hostilities in Haiti and land thousands of troops and engage in a firefight? Or are they less safe? If you were going to engage in a firefight in this situation, should they have been left there or removed, ordered to be removed?

I contend that no rational person could conclude that the inauguration of hostile activities, military activities, could do anything but put those lives in more jeopardy than they are today. Nothing could make you rationally believe they will be safer.

Another question. What is this Clinton doctrine that we are establishing by this act, if it were to be carried out? What is the message that we are sending to the hemisphere? These kinds of activities establish precedents. We are in a new era. We are in a defining era. We are defining our relations around the world. So what are we saying? Are we saying to the hemisphere—and maybe even the world—that every time there is a domestic crisis, that a democracy falls because of a military action confined to a given country, that the U.S. Marines will be sent in to reestablish democracy? Is that what we are going to do?

You do not have to reflect long that over the last 25 years this circumstance has happened almost 10 different times. If you were just visiting this country and you read the criteria that were being enumerated as the rationale for this invasion and you had been subject to no other facts and you were asked what is it we are about to do, the probable answer would be you are about to invade Cuba—where there is a dictatorship, where human rights violations have occurred for decades, where there is oppression, where there is destabilization in the hemisphere and even of our own policy. What doctrine do we establish by the enumeration of the criteria we have been given to date? Maybe there will be a revelation that we see Thursday evening, but the criteria that we have been given to date would suggest that a domestic crisis in our hemisphere is grounds for military intervention.

In one of the discussions that I had with a very distinguished member of this administration I was assured that if intervention ever did occur, it would be comforted by broad hemispheric support; that it would be an international force. America simply cannot accept the fact that you have 12,000 to 20,000 U.S. armed personnel and 266 police officers from Belize or the Bahamas as justification of the accumulation of an international force. It would almost be better if that were left aside—alone.

It is reported that this invasion would cost in the range of one-half billion. I do not know what happened to the America first concept, but we would be spending in the range of one-half billion dollars to accomplish the initial phases of this activity. Who is to know what the costs would be of nation building? These things have real effects. I read a little-noted column that appeared in one of my periodicals as to the effect on Fort Benning: The budget cuts to meet the Department of Defense mandate could delay repairs of the air-conditioning system in the infantry hall; force layoffs of some of the post's 113 temporary employees—a hiring freeze; will cut off locally funded training of civilians, in many cases halt paying soldiers to go elsewhere on temporary active duty assignments.

These things have consequences right here at home, in my State, in all of your States. These are enormous sums of money. They have to come from somewhere. This is where they come from. Employees lose their jobs. People do not get hired. Construction does not take place. Training does not take place.

These are the consequences, the costs of pursuing an activity that the Nation says, "Don't do, Mr. President." This is probably the reason they do not want him to do it, because they know we have been paying an inordinate burden and they know that costs us here at home.

I am not going to be long. There has been so much said about this. But I will say that the idea that has been alluded to—I am going to say it briefly—the idea that we would go to the United Nations in search of confirmation for what we are doing and not come to the Congress I do not believe is a rational process nor do I believe the American people will find that comforting.

So I am anxious, as the Senator from West Virginia said, to hear the President tell us. But I just hope and pray we do not have to pay the price of the loss of any American son or daughter over the crisis as it exists today. I do not believe you can substantiate a national risk. I do not believe there are American citizens at risk. I do not believe this meets longstanding criteria for the use of military force.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am about to yield to my colleague from Alabama. I just point out briefly, if I can, the statements being made—and I certainly do not disagree at all, I have said as much—about the congressional approval before the prior use of force except in absolute emergency situations. I remind my colleagues—you can go back through the RECORD. Unfortunately, you find here a great deal of inconsistency in terms of some of these remarks and positions people have taken regarding what action Congress should have taken before the President of the United States should use force. Again, I do not disagree here. I think, frankly—we voted twice here almost unanimously. I agree with Senator BYRD the sense-of-the-Senate resolutions lack the kind of teeth that an appropriation decision can have regarding any President's ability to act. But nonetheless I think it is pretty much universally held here that we would like the opportunity to vote on these matters.

But if you go back through the RECORD, and there are some 30 different examples in the last 20 years, you are going to find Members running into their own remarks about when they thought it was appropriate to have prior congressional approval and when it was not. It is usually based on whether or not you thought the particular fact situation was an appropriate one or not.

Having said that, Mr. President, let me yield whatever time the distinguished Senator from Alabama wishes, within the confines of the 30 minutes.

May I inquire, by the way, Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has approximately 1 hour and 13 minutes.

Mr. DODD. And on the other side?

The PRESIDING OFFICER. One hour and fifty minutes.

Mr. DODD. Fifty?

The PRESIDING OFFICER. 5–0.

Mr. DODD. How much time does my colleague desire?

Mr. HEFLIN. Ten minutes.

Mr. DODD. I yield up to 10 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER (Mr. FORD). The Senator from Alabama.

Mr. HEFLIN. Mr. President, the ongoing debate over the threatened military invasion of Haiti has come down largely to an either-or proposition. Those who support military intervention emphasize political and humanitarian concerns, and believe that economic sanctions will not work and will continue to place unacceptable burdens on Haiti's poverty-stricken population.

They stress the need for the United States to maintain—or regain—international and regional leadership as a trustworthy supporter of democracy, which they equate with the return of President Aristide. They note that the Haitian military is small, poorly trained and equipped, and unable to oppose American forces. Their view is of a short-term military operation, with a longer nation-building period to establish a new government infrastructure.

Most proponents recommend that the United States seek international participation in any military actions, and act with the authority of the United States or the Organization of American States, or the United Nations.

Those who oppose a military invasion of Haiti at this time have grave concerns about proposals for direct military action. They cite the reluctance of our allies to participate; stretched resources; and the possibility of a nation-building project with no foreseeable end. Our experience in Somalia has no doubt contributed to this cautious approach. Indeed, our previous involvement in Haiti from 1915 through 1934 showed the futility of establishing a lasting, stable, and democratic government there.

The arguments against an invasion of Haiti are persuasive and I am opposed to a military land invasion. When we hear talk of restoring democracy in Haiti, we are really hearing an oxymoron: This poor island nation has never had any democracy to be restored. It is important to distinguish between the democratic methods by which officials like President Aristide come to power from an actual democratic form of government. One is a process, an election method; the other is a way of life. Haiti did finally enjoy the process, but certainly not the way of life, and it is questionable if it ever would have, even if President Aristide had remained in power.

Additionally, whenever we contemplate military action, we must take into account each and every member of the Armed Forces who would be required to put their lives on the line. American casualties must be anticipated, whether through hostile action or by accident. While significant casualties through actual combat during a landing would likely be minimal, the characteristics of such an invasion would, nevertheless, make them almost inevitable. This would be a particular threat if the Haitian military were to blend into the general population and continue sporadic attacks on American Forces. U.S. Forces might also have to contend with terrorists still loyal to "Baby Doc" Duvalier, who have recently enjoyed a resurgence. While at odds with the present Haitian military, his terrorist organization has a strong dislike for President Aristide.

Haitian casualties would also increase if President Aristide's supporters began to exact retribution upon supporters of the current regime, placing Americans squarely in the middle. Although the possibility of extended and substantial Haitian resistance is considered slim, sporadic harassment, sniping, and sabotage would require a significant commitment of forces to quell and would necessarily delay the establishment of a fully democratic civil regime.

In my judgment, many of the concerns on both sides of the argument are valid. I do not believe, however, that an either-or debate addresses the real issues in Haiti nor the real reasons used to justify an invasion. Instead, there are concrete steps that we can take which will ultimately garner the desired results—the removal of Haiti's illegitimate military dictators and a resolution to the refugee problem. While they may take longer to accomplish than with a military land invasion, these steps would be acceptable to the American people. Conversely, no one in this Chamber would argue that an invasion—land invasion—has the support of the public at this time, since it is not clear, beyond the immigration issue, what our national interests there are.

First, we must make the current economic embargo more enforceable. An effective naval blockade and a multinational military force along the border with the Dominican Republic would virtually cut off what little imports are getting through to Haiti now. The Dominican Republic has made efforts to cooperate with such efforts. This needs to be substantially beefed up.

There are not a great number of roads that go from the Dominican Republic into Haiti. They are limited. These can be substantially blocked. You look also at the fact that you have to transport supplies through vehicles and other things to make some substantial impact, and I believe that a much-beefed-up Border Patrol there, using troops from many nations, can substantially enforce the embargo.

A naval blockade which operates near the shore can effectively stop small boat traffic between Haiti and the Dominican Republic with little danger to the lives of American service members. Frigates and the modern versions of PT boats can be effectively used. Our aircraft carriers and their support forces are uniquely well qualified to help in such an operation. Air fields that could be used in the Dominican Republic and other surrounding islands could be effectively used for an airport in regard to patrolling. The embargo should be given time to work effectively. No arbitrary timetable should force us to invade and abandon the measures we already have in place.

Second, we must institute immediate and comprehensive immigration reform. The United States cannot take into its borders each and every refugee and immigrant, even if they are from within our hemisphere. Immigration reform is long overdue.

Third, we can work with our allies in Latin American countries to help resolve the refugee problem, which is largely driving our Haiti policy. Latin America benefits tremendously from our Caribbean Basin initiative, these nations should accept a certain number of these refugees, and when you divide it out among all of the more than 20 Caribbean Basin initiative countries, you can find that they could take a large number of these refugees. Countries who refuse to cooperate could see certain trade incentives granted through the Caribbean Basin initiative withdrawn. We have provided great incentives for Latin American nations to cooperate with the United States. I think, however, they should be reminded of these incentives rather than being threatened with their withdrawal.

This three-pronged strategy would make the current regime in Haiti understand that we are serious about their departure, while at the same time safeguarding the lives of our young men and women in uniform. These are all credible alternatives to a military invasion, which if pursued in conjunction with each other would ultimately succeed, in my judgment. For those calling for an immediate invasion, I ask, what is the urgency? Can we not effect a change in Haiti without hastily risking American lives?

I want to take a moment to remind my colleagues of an amendment to the Foreign Operations appropriations bill for 1995 that passed this body by a vote of 93 to 5. It expresses the sense of the Senate that no funds appropriated under the act or any other act should be expended in Haiti unless: First, authorized by Congress; second, is necessary to protect or evacuate United States citizens from a situation of imminent danger; or third, the deployment is vital to United States national security interests.

This sense of the Senate amendment sets forth more conditions under which military action may be taken, but based only on these three provisions, it is clear that a military invasion of Haiti should not occur.

It has been said over and over again, but bears repeating: The United States cannot and should not serve as the world's police force. Certainly, we should be a supporter, encourager, and, where possible, promoter or democracy around the world. But we should not and cannot be its enforcer throughout the world, even if the place in question is in our back yard.

The fundamental bottom line of the use of American military land forces, any where in the world, must be in our own national interest. Again, what is our national interest in Haiti beyond solving the refugee problem—a problem that can be addressed through immigration reform and the cooperation of our Latin American allies? Let us give a 100-percent effort toward enforcing the embargo rather than risking American lives. At the minimum, we should fully debate the issue in Congress, and every supporter of an invasion be put on record as explaining why an invasion of Haiti is in our interests, or why, on the other hand, they oppose such an invasion.

Mr. President, I yield the floor.

Mr. COHEN. Mr. President, I yield to the Senator from Kentucky as much time as he may consume up to 30 minutes.

The PRESIDING OFFICER (Mr. FORD). The Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator from Maine.

Mr. President, the reason the public is so strongly opposed to an invasion is there are far more questions than answers about the step that the administration is planning to take.

Like other members, I have been informed of the President's decision to carry out a military invasion of Haiti. When this mistake will be made remains somewhat unclear, but the fact that it is a mistake to invade without answering some very basic questions is absolutely clear.

In the past, I have been a stalwart supporter of Presidential prerogative in the conduct of foreign affairs, in fact have repeatedly voted to guarantee the President maximum flexibility in Somalia, Bosnia, as well as Haiti.

But I was so troubled by the administration's inability to answer some fundamental questions about this imminent action that I cannot in good conscience support the President's determination to move forward.

Let me review the questions that I believe must be resolved prior to any serious consideration of an invasion.

First, why are we going in?

Deputy Secretary Talbott tells me there are five reasons: democracy, human rights, refugees, the post-cold-war order, and American credibility.

Given those criteria, I asked him why we were not invading Cuba. He had two answers. First, in Haiti we were protecting the outcome of an election—there was a principle at stake. Well, I believe democracy is as important as every Member of this Chamber, but we start down a slippery slope if we are engaging in military action to defend the outcome of elections rather than our national security interests. It is a very short step from defending Mr. Aristide's right to office, to intervening if we feel a nation's elections have not been free and fair. Do we really want to change this Nation's image from that of election monitors to election mercenaries?

Mr. Talbott's second reason why Haiti and Cuba differed involved a so-called risk-benefit analysis. He pointed out Cuba had a standing army of 170,000 men—Haiti has only 7,000. I am not sure about the accuracy of his Cuban Army figure, but I find it shocking that we only consider invading weaker nations. This is a dangerous mind set sending a signal around the world which compromises the credibility of the threat of force and our ability to secure vital national interests.

As to the legitimacy of the remaining arguments about the need to establish guidelines for conduct in the post-cold-war world and demonstrating American leadership, I am not sure Haiti should serve as a proving ground. If there are doubts about American credibility, they are certainly of the Administration's making. Who can forget the tragic events surrounding the arrival of the U.S.S. *Harlan?* The image of an American ship turned back by a small band of thugs armed with sticks was truly a low point in American history.

I do not think we should risk lives in a misguided effort to recover from the Administration's self-inflicted wounds and sagging international reputation.

I find myself not only questioning the five reasons offered as the very premise for this invasion, I am deeply worried about the plans and tactics as they have been briefed to me. Let me turn to other questions that remain unanswered on the eve of invasion.

What are our immediate invasion objectives? Ambassador Albright has said the military junta must leave office and the island. She is publicly contradicted by Secretary Christopher who has said this past weekend that they only need to leave office.

There is an obvious follow-on question: after we figure out what we do with Army Commander General Cedras, his Chief of Staff, General Biamby, and police commander, Colonel Francois, are there other members of the military who we are interested in ousting? In our conversation, Deputy Secretary Talbott often referred to the "bad guys"—I guess I am still unclear who all the bad guys are. Here again, I think this is a question that should be answered before, not after, an invasion.

Not only can the administration not agree on the limited initial objectives, it is unclear who will be in charge of executing the invasion.

We know that the President went to the United Nations to approve using all necessary means to facilitate the departure of the military junta in keeping with the Governor's Island accords. I was told that this was indeed a United Nations operation for which the United States will provide the overwhelming element of force. But I am haunted by the shadow of Somalia and Bosnia where fuzzy command and control lines between United States troops and U.N. commanders complicated the task and cost American lives. When the Secretary welcomes the participation of 17 nations, without defining their roles or missions, I see the potential for chaos. I find myself questioning whether this is a political coalition or a serious military force.

The basic question of who is in charge should be answered before we go into Haiti, not after. Our soldiers should not be the sorry victims of another on-the-job U.N. learning experience.

So, proceeding along the time-line of invasion, let us assume 20,000 Americans have now landed in Haiti. As soon as the situation stabilizes, I have been told we will turn over security to a local police force supervised by 500 international observers or monitors. Well, we all know from Somalia that stabilizing a situation sometimes takes longer than a day or two.

Questions bearing on the security of our soldiers must be addressed before we go into Haiti, not after. It is likely that 20,000 young men and women will be asked to restore and maintain security in a hostile environment. While I do not overestimate the military threat posed by the Haitian military, I am troubled by the prospect of Americans patrolling the violent slums of Port-au-Prince. Who is the enemy? When can they open fire? What are the rules of engagement?

Our Nation was shocked to learn American marines were unarmed in Beirut. We could not believe the U.S.S. *Harlan* had to withdraw because our soldiers were not armed or equipped to handle any kind of security crisis. Families and friends deserve to know before we send in soldiers that they are well equipped, well prepared and fully capable of protecting themselves from hostile fire. Again, we need to know the terms of engagement in advance, not once the invasion is underway.

I hope we will quickly reach the point where we can turn over security to a local police force supervised by international monitors. So, the obvious question needing an answer is who will make up both the local and international contingents.

The first answer I got was horrifying. The administration intends to draw some police from the ranks of the refugees at Guantanamo. If indeed these refugees are the legitimate victims of political persecution and possible torture, they strike me as precisely the wrong people to be recruiting. At a minimum, they are justifiably angry about the circumstances which forced them to flee Haiti, and I would not be the least surprised if revenge was very much on their collective mind.

Turning Haitians from Guantanamo into a professional constabulary is like arming the Crips and the Bloods to patrol the streets of Los Angeles.

As to the international police monitors, I have heard that the Israelis may contribute 30 men, but otherwise no one has specifically offered to accept these responsibilities. We know we need 500 police monitors; the administration just does not know who is willing to perform those duties.

I hope we are not anticipating an extended, risky peacemaking role for American men and women. But if the administration cannot answer who will volunteer to become peace enforcement officers, I fear the burden will fall to the United States. As with all my other questions, I think the administration should answer this question before we invade, not after.

Mr. President, I would like to tell my constituents that the administration has exhausted every policy option and it is in America's interests to join forces with an international coalition to restore democracy in our back yard.

I want to offer that assurance to a confused and deeply divided public. But I cannot.

As we anticipate a major invasion and use of American military force, too many vital questions remain unanswered: Who will command and control the lives of American soldiers in this U.N. operation? Once we land in Haiti, who is the enemy and what are the terms of engagement? Will we end up in yet another misguided nation building, peace enforcement mission in the name of restoring Aristide to office?

In January 1991, President Bush asked Congress for approval to use force to compel Iraq's withdrawal from Kuwait. By any measure it was one of the most illuminating and remarkable debates I have experienced in my years in the U.S. Senate—a difficult decision for all of us.

I would like to call my colleagues' attention to some of the concerns raised at that time by Members on the other side of the aisle. Some of my colleagues understandably questioned the strength and stability of the coalition when it actually came under fire.

Senator BIDEN declared,

> The truth is that the alleged coalition consists, at least at this point, of little more than a few self interested . . . governments who are all too ready to see American forces committed to battle for reasons which have absolutely nothing to do with the new world order about which we hear so much.

His comments were echoed by Senator KENNEDY, who commented,

> We have arrayed an impressive military coalition . . . but when the bullets start flying, 90 percent of the casualties will be American. It is hardly a surprise that so many other nations are willing to fight to the last American to achieve the goals of the United Nations. It is not their sons and daughters that will do the dying.

Fortunately, casualties were low. With clear U.S. leadership, the coalition worked together effectively. This time, as the invasion date looms, who is participating, the actual number of troops they will commit, their mandate and mission all remain unresolved? Perhaps, we should heed the early warnings of Senators KENNEDY and BIDEN.

In addition to the strength of the coalition, there appeared to be near unanimous concern about the wisdom of taking a nation to war when the country was divided.

Senator HARKIN noted, "If the country is divided on this issue, it is because the President has not made his case to the American people."

Senator BRADLEY said, "I can tell you the country is deeply divided. When a country is not totally united, it is not a good time to go to war."

My colleague, Senator LEAHY, chairman of the Foreign Operations Subcommittee warned us that, "Politically, morally, and even militarily, we must not go to war if it is not supported by the American people. Vietnam proved that truth."

Senator KENNEDY agreed telling us that President Bush had missed the tragic lesson of Vietnam and "that it is a grave mistake to take a divided America to war. Unless and until the American people support a war the Congress has no business authorizing war."

Many Members have already pointed out that recent polls reflect that 73 percent of Americans oppose this invasion, and virtually everyone is confused as to the President's purpose. We all hope he will clarify his agenda and unite this Nation in his address to the Nation.

But whether he is able to or not, I believe it is in the interests of this President and the Presidency to seek and support a full debate in the Congress of his intention to use force to reinstate President Aristide and restore democracy to Haiti. I deeply respect the Constitution and Presidential prerogative and do not wish to encroach on the constitutional powers of the Executive Office.

I share the frustration of a majority of my colleagues who believe we are being denied an opportunity to debate and vote on a matter affecting the lives of 20,000 American men and women.

Let me close with an eloquent statement made by a colleague during the debate over the Persian Gulf:

> The issue of the President's willingness to comply not just with what Congress decides but with the Constitution itself has been the source of serious and unnecessary confusion and has complicated the country's ability to come to grips with this crisis. The plain sense of our Constitution, supported by the full weight of history and jurisprudence, says that the President was never meant to have the power to order this Nation to war: that this power was vested in Congress after the most careful deliberation by our Founders for reasons that are absolutely as valid now as they were then.

This was advice offered in 1991 by then-Senator GORE.

Whether one agrees with this constitutional division of power, President Bush understood that it was important to secure the support of the public and their representatives in Congress prior to engaging in war in the gulf.

President Bush drew a distinction between the events precipitating intervention in Grenada and Panama and those surrounding the decision to deploy force in the Persian Gulf. In Grenada and Panama crises erupted and military action was in response to urgent threats to American citizens and interests. In Grenada, 53 days elapsed from the time we launched Operation Urgent Fury to the withdrawal of troops. In Panama, Just Cause troops were in and out in 58 days.

Haiti has been in crisis for decades, the most recent cycle beginning in September 1991. After working this problem for 18 months, the current administration plans will leave several thousand troops in Haiti through 1996. In Haiti, there has not been and there is not now an immediate emergency that could arguably stand in the way of the Senate's careful and serious consideration of this issue.

I think it would be tragic if we were denied the opportunity to vote prior to the President committing Americans to another U.S. operation.

Whether we are denied the chance to express our views and judgment with a vote, we still have an obligation to the 20,000 Americans who will be deployed in harm's way—we have a responsibility to their friends and families—to make sure questions are asked and answered, we must challenge the administration's plans, and guarantee that they are thinking as clearly about the security of American soldiers as they are about their perception of American political leadership and credibility.

Mr. President, in summary there are basic questions which must be answered before an invasion of Haiti would seem to make any sense whatsoever. I, like many of us, have had a conversation with Secretary Talbot in the last 24 hours. Actually, it was a conversation at some length. We went over the questions that seem to this Senator—and I think to most Senators—to be appropriate for discussion. The questions which the administration has not answered it seems to me, at the very least are the following:

First, why are we invading? Mr. Talbot says democracy, human rights, refugees, the post-cold-war world, and U.S. credibility. Democracy, human rights, refugees, the post-cold-war world and U.S. credibility. That is why, Secretary Talbott says, we are invading.

Now, these are far too generic criteria, far too generic. Actually, they apply to Cuba, which raises the obvious: Why are we not invading Cuba? The same criteria apply to that other Caribbean nation nearby.

We also need to know what are our immediate invasion objectives? Ambassador Albright says the junta must leave office and the island—and the island. Secretary Christopher says that they just have to leave office.

Now, once we decide the immediate objectives, we need to have a better understanding of who is in charge. This is a U.N. operation, Mr. President. We all know the price of committing U.S. soldiers to U.N. command. The administration has not yet established clear lines of command and control.

Now, of course, they would say 17 nations have signed up to participate, but we obviously need to know before we invade what their roles and missions are. If the 17 nations are going to have troops there, what are they going to do? Well, we are told that once the situation is stabilized, we will turn over security to a local police force monitored by 500 international observers. We need to know before we invade what are the rules of engagement for American troops as they try to establish a stable situation. We need to be sure that we are not once again engaging in peace enforcing without a full understanding of the consequences.

We need to know whether anyone has committed to monitor the police. Has anyone agreed to serve in the police force?

Well, the questions could go on and on. A number of them have obviously been asked here today. What is particularly troubling, Mr. President, is that we are on the eve of an invasion and we have few answers, very few answers. And so it is not surprising that the public is so confused.

In the wake of this absence of explanation, I suppose it is not surprising that 73 percent of the American public oppose the invasion. I do not want to make the argument, Mr. President, I will not make the argument, that just because the public at the outset is opposed to the invasion it still might not be in America's best interest. That argument was made by some with regard to the Persian Gulf war to justify their opposition to that war. But certainly, when 73 percent are opposed, at the very least the President should give us and give the American public—and hopefully he will do that tomorrow night—some clear indication of how our national security interests are involved in invading Haiti.

I, for one, am willing to listen, but I must tell you, Mr. President and my colleagues, it seems to me, as others have probably said, it is not worth a single life, not worth a single life of any American soldier unless the President can make a national security argument.

It is too bad we are not having this debate in the context of some kind of resolution of approval. In my view—and I think any careful student of this would reach the same conclusion—the fact situation does not fit the pattern in Grenada. It does not fit the pattern in Panama, where there was an urgent crisis that involved the use of American troops.

We have been discussing this for 18 months, Mr. President. This is a thoroughly premeditated invasion. There is apparently an absence of any Americans in Haiti in distress. There is no rational basis upon which the President could not conclude that this premeditated invasion, discussed for over 18 months, should not be submitted to the Congress for some kind of approval resolution.

Where is the emergency? Where is the national security interest of the United States? In the absence of an emergency, in the absence of a security interest, or a national security interest on the part of the United States, why are we sending American troops into harm's way? A very, very important question.

I, for one, would be open to listening to the President make a national security interest argument. I asked Secretary Talbot for that argument yesterday. It is clear the administration cannot make such an argument because it is perfectly obvious to any, even most casual observer of international affairs that our national security interests do not lie in Haiti.

I wonder about the propriety of establishing the principle that we should go about the world restoring deposed regimes as a matter of American foreign policy.

My goodness. If our goal is to restore deposed regimes, I suspect there will be a long list. Who is going to be in charge of the Government in Haiti, it seems to me, is a question for the Haitians, which is not an endorsement of deposing any particular regime. But the question clearly remains, is it in America's national security interest to restore deposed regimes in countries that have no bearing on America's national security interest? That is what is before us.

So, Mr. President, even though President Clinton believes, I suppose, that this will be a largely successful adventure, hopefully involving no loss of life on our side, you still have to ask the question: At what expense do we engage in this kind of activity? I do not have before me the cost of this to date. But it is substantial already. There seems to be no constituency for it in the United States outside of possibly a very narrow constituency with a rather provincial concern in this particular country; no broad American interest in this.

So, Mr. President, I think it is particularly ill advised. I think the American public will resent that the American Congress, elected by them, has not been asked for approval of this deployment of American troops.

So it is too bad that we have come to this point. I wish the President had chosen to do the otherwise. But this is where we are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I at this late hour will limit myself to discussing two questions in this debate expecting that we will have opportunities in the next few days or weeks to discuss the other aspects of our relationship to the circumstances in Haiti.

But I would like to talk first about what are the United States national interests in Haiti which justify our participation in an international use of force; second, is this in fact a political military adventure which is related to the special circumstances of the current administration?

Before I discuss the first question, I would like to try to put this in some context. For the last almost half century, the United States has had a foreign policy which was driven by the nature of our enemies—during World War II, the Axis Powers; and since the end of World War II, the Soviet Union. Our foreign policy essentially was a policy of asking the question: Who are our friends and who are our enemies? We supported our friends and we opposed our enemies. We also had a policy that was based on the concept of containment of the Soviet Union, to avoid the Soviet Union extending its reach beyond the borders that were established at the end of World War II.

The Soviet Union now has collapsed. America no longer has the easy touchstone to determine what its foreign policy objectives are going to be—questions such as: Does this nation support our enemy; does this nation have hostile military capabilities and intentions directed towards the United States? These no longer can be the sole criteria by which the United States judges what its foreign policy objectives in this new era should be.

Let me suggest what I think should be at least two of our guiding principles. One of those principles is that we have a very significant national interest in the deepening, nurturing, and maturing of democratic institutions. We know that democratic institutions, states which are elected and given legitimacy by their people, are very unlikely to enter into hostile combat with other democratic states that have a similar legitimacy. We also know that states that have democratic governments tend to be stable and predictable, and that they are the governments that are most likely to respect the rights of their own people and provide political and economic systems that will give to their people the greatest breadth of opportunity. Those are the kinds of nations that the United States has a very strong national interest in promoting and protecting.

Second, in this new cold-war era, I believe in the principle that there will be an assumption of special responsibility based on geographic proximity. One of the reasons that I have been reticent for the United States to become overly involved in Bosnia is because I think Bosnia is primarily a European issue. I believe that European democracies should shoulder the first line of responsibility as it relates to the world's concern about the conditions and incidents that are occurring in that beleaguered country.

Just as I believe that it is appropriate that we look to countries such as England and France to have the primary responsibility in Bosnia, I believe that it is to the United States that the world appropriately looks for leadership within the Western hemisphere. This has historically been an area of special concern to the United States. The Monroe Doctrine was one of the first principles of American foreign policy. It is an area in which we have a special knowledge, affinity, and a mutuality of future interests.

We spent much of last year debating the North American Free Trade Agreement. In my judgment, that agreement is but a harbinger of what is likely to follow, and that is a closer economic integration among the nations of the Western Hemisphere. For that goal to be realized, it is in our interest that we have democratic countries within the Western Hemisphere with which we can deal.

So those two principles—the United States has a fundamental national interest in the protection and advancement of the concept of democracy, and that we have a special role and responsibility in terms of the democracies of the Western Hemisphere—form the backdrop for the discussion as to what are the particular United States interests in Haiti. I would suggest, Mr. President, that those interests, interests which in my judgment equate to a sufficient U.S. national interest to justify our participation in an international force to restore democracy to Haiti, include the following:

The protection of a democratic government. Haiti has had a very sad, stressful 200-year history. It was not until 1990 that there was an internationally recognized free and fair election held in that country. That election took place after some three decades of despotic rule. That newly elected government, which received the international stamp of legitimacy, resulted in one candidate receiving over two-thirds of the vote. That candidate, President Aristide, assumed his elected office in February 1991. He served for less than 8 months. It was this month of September in 1991 when he was deposed by an old-style military coup d'etat.

I believe that Haiti stands for more than just an individual, elected President Aristide, and it stands for more than just the democracy of that one nation. It stands for our commitment to the protection of democracies within this hemisphere.

The United States is a member of the Organization of American States which, just a few weeks before this military coup, had adopted a resolution in which all of the nations of the Western Hemisphere, all of the democracies of the Western Hemisphere, had jointly committed themselves to the protection of the concept of democracy among the member States.

I believe that there is a very serious message to be sent if the United States abandons that commitment. That message is that other democracies are likely to find little beyond rhetorical support if they become threatened. We have in this hemisphere many democracies which are relatively new and fragile. In fact, 25 years ago, if you had counted the number of democracies in the Western Hemisphere, you could have done so on the fingers of your hand.

Today, all of the nations of the Western Hemisphere are democracies, with the exception of two—Cuba and Haiti. But in those new democracies, there are many sons and grandsons of the former military dictators who are waiting in the barracks for their opportunity to assume what they often consider to be their rightful national leadership. Haiti will be a test of whether there is a resolve to protect these fragile democracies against a potential domino of efforts and military coups.

It is significant, Mr. President, that since Haiti, there have been three attempts to depose democracies within the Western Hemisphere. Fortunately, two of those failed, and a third is being reborn. Those are just indicators of what would happen if Haiti were to be allowed to become permanently under the rule of a military dictator.

A second issue which I believe makes this important to the United States is the tremendous rise in human rights abuses in Haiti. Haiti is a country which, unfortunately, has had a history of human rights abuses. But never in that long two centuries history have the abuses reached the level that they have in the last 3 years.

The United States State Department has, this week, released a report on human rights abuses in Haiti. It is significant that the report was issued by the United States State Department and not by the U.N. Human Rights Commission, which had been the agency that had been observing and reporting on human rights abuses in Haiti. The reason that the United Nations is no longer issuing the reports is because this dictatorial regime has kicked out U.N. human rights observers. They have denied to the world the opportunity to personally see, understand, and report on what is happening to the people of Haiti.

The report issued by the State Department gives some of the following information that illustrates what is occurring in that country: Over 3,000 Haitian civilians, including many who were political supporters of President Aristide, have been killed during this 3-year reign of terror; over 300,000 persons have been driven into hiding; military and paramilitary forces have used politically motivated rape, aimed at terrorizing opponents of the regime as well as of the general population.

Though the democratically approved constitution of 1987 calls for the establishment of a police force separate from and independent of the military, the armed forces have retained control of the police function. They have effectively turned a security institution into an institution of terror.

The consequences of the loss of democracy, the consequences of human rights abuses in Haiti are not restricted to that island. We in the United States, Mr. President, are feeling some of the resonance of those evil deeds. We have seen a surge in refugees from Haiti. We have, today, at our naval station in Guantanamo, Cuba, over 14,000 Haitians who have left their country and have sought safe haven at our naval base. We are opening bases throughout the Caribbean for the refugees who have left the tyrannies of Cuba and Haiti. This immigration crisis has had a direct impact on the United States, and as long as this regime stays in power, it will constitute a continuing threat to the United States.

A second area of consequence to the United States is the fact that Haiti has become a significant transshipment point for drugs. Essentially, the military dictators have sold the sovereignty of Haiti to the drug cartels of Latin America, so that that country can be used for the purposes of refueling, storage, and other important steps that facilitate the transport of drugs into the United States.

Mr. President, American credibility is on the line in terms of our actions in Haiti. We have tried for the better part of 3 years through negotiations, through diplomacy, through international intervention, through economic sanctions and embargoes to create a condition in which the military coup leaders would voluntarily cede power to President Aristide. After almost 36 months, none of those have worked, and none of them show any reasonable prospect of working in the future.

In my judgment, that brings us to a fork in our national credibility road. One of those forks leads to acquiescence, to accommodation, essentially to capitulation and surrender to the coup in Port-au-Prince. The other is to put behind our words the strength of the international community with a credible threat and a willingness to use force. By not following through on our commitments to restore democracy to Haiti, the United States would be abandoning its efforts to oust the illegitimate, sadist regime and would be capitulating on its commitment to the restoration of democracy.

The consequences of this policy of inaction are a continued and tragic escalation in human rights abuses, renewed immigration crises, the expansion of the renegade regime's use of state powers, drug trafficking, and other illegal activities.

Mr. President, I recognize that it is a matter of judgment, particularly when we are without the kind of easy standards to direct our international behavior that we had prior to the fall of the Soviet Union. It is a matter of judgment as to whether those factors equal a sufficient United States national interest to warrant the use of the United States military force in a multinational effort to restore democracy to Haiti. My judgment tells me that that test has been met.

Mr. President, let me turn to the second question, and that is, is this national interest being manipulated by the current administration for its own purposes?

The fact is that many in Congress have attempted to paint America's foreign policy toward Haiti as the Clinton policy, initiated and developed solely by the current administration.

Mr. President, history will not support that characterization. The American policy toward Haiti was not born with the Clinton administration. It is a bipartisan response to a September 1991 coup developed during the Bush administration and continued by the Clinton administration. President Bush made clear from the outset that the restoration of the Aristide government is an important goal of United States foreign policy.

In the month after the coup, President Bush made the following statement:

> Grave events in Haiti that are continuing to disrupt the legitimate exercise of power by the democratically elected government * * * continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Those are not the words of Bill Clinton. Those are the words of George Bush.

The President, however, was not alone in stating the United States interests in Haiti.

On October 2, 1991, the then Secretary of State James Baker addressed the Organization of American States. Our colleague, Senator KERRY of Massachusetts, has placed in the RECORD the full statement by the Secretary of State on that occasion. Therefore, I will not repeat but a portion of that statement. The Secretary of State stated:

> This junta is illegitimate. It has no standing in the democratic community. Until President Aristide's government is restored, this junta will be treated as a pariah throughout this hemisphere—without assistance, without friends, and without a future.

The Secretary of State continued:

> If these steps—

The steps that the Organization of American States was committed to take—

> do not succeed, we must consider additional steps. Those who pretend to govern Haiti should know: The path they have chosen leads nowhere.

Mr. President, this is a policy which has had strong support, both with a Republican administration, which presided over the Haitian crisis for the better part of 16 months, and now a Democratic administration, which has presided over this for an additional 20 months.

Mr. President, there is only one group that will take heart by a vacillation in the United States resolve to restore democracy to Haiti, and that one group are the people who stole democracy in Haiti.

I submit to the Senate what I consider to be some words of wisdom that were uttered on January 12, 1991, at another time when American resolve was being tested, and this was the question of whether the United States would authorize the President to use force in repelling the invasion of Kuwait and occupation of that country by Iraq. One of our colleagues made the following statement:

> Mr. President, I am prayerfully hopeful that, if we act affirmatively today in supporting the President, we can yet have a peaceful solution in the Middle East. I believe there is only one thing that we can do that might bring Saddam Hussein to his senses, and that is to use our vote today to affirm the leadership of our President, to assure that America speaks with one clear voice for peace. * * * Now is not the time at this late hour, at this critical moment, to change the position of the United States of America. Now, more than ever, we must speak with one clear voice, and ultimately, that is the voice of the President.

I commend my colleague, the senior Senator from Texas, for his wisdom on January 12, 1991, and I submit that wisdom is valid today.

If we have any hope of resolving this crisis without the use of force, it is to convince the military leaders in Haiti that we are prepared to use force. If they believe that their choices are limited to a voluntary exit from Haiti or an involuntary exit from Haiti, I believe there is some chance that we might be able to end this crisis without the use of force.

That was the theory that was advanced by the Senator from Texas as it related to Saddam Hussein. Unfortunately, the theory did not work in Iraq. I believe that it might work in Haiti but only if we show that resolve.

So, Mr. President, I believe that this is not a Clinton initiative. It is not a Bush initiative. It is not a Republican or Democratic initiative. It is an American commitment to some principles that are going to be critically important in this country in the post-cold-war era. How this crisis is resolved will set the stage for how many other crises are resolved. How this crisis is resolved will underscore how America's credibility will be seen in the years ahead, whether we will have the opportunity to live in the world and particularly in a hemisphere of democracies, peace, economic growth, and prosperity. A sense of common purpose will in significant part be determined by the actions that we are taking on this issue in that small, distressed nation of Haiti.

I urge that we show a resolve and a recognition of the significance of the decision that we are making, and that we support the President in the actions that he has taken; that we support this Nation in terms of the defense of our national interest represented in Haiti, and the symbol that it will be for the future of democracy in the Western Hemisphere.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I yield such time as he may consume to the Senator from Virginia, not to exceed 30 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for up to 30 minutes.

Mr. WARNER. Mr. President, I thank the Chair and I thank my distinguished colleague from Maine.

Mr. President, I wish to commend my distinguished colleague from Florida. Senator GRAHAM and I have worked together and collaborated on many issues. We serve together on the Intelligence Committee.

Just yesterday, the Senate adopted a resolution with respect to the former Yugoslavia, primarily relating to the situation in the conflict between the Moslems and the Serbs, and we worked hand in hand together on that.

It is interesting how I will now speak to a goal which is quite opposite from that of my good friend from Florida, but I wish to say to him I respect his position, as I hope he will respect the one that I take.

I think the fact that the two of us have worked together and our work product was adopted yesterday exemplifies the fact that this Chamber is divided on this issue. It is not along partisan lines, as my colleague said. It is along the lines of each individual drawing on the respective experiences we have had.

Mr. President, I just want to pick up on a line from my distinguished colleague from Florida about the future and how this action, should it be undertaken in the form of a military invasion using primarily U.S. forces, will have very long-range implications for our country.

My colleague from Florida says it establishes U.S. credibility. That is a point on which I respectfully differ. I think the United States has credibility second to none in the world as of this very moment.

My concern is that it establishes a precedent—and I see my distinguished friend from Connecticut here—a precedent in that hemisphere of which he has extensive knowledge. We have traveled together in that hemisphere of Central America, the Caribbean, South America. Are we saying to those countries we, the United States, must make the judgments in relation to their governments?

I have listened carefully to my distinguished friend from Connecticut on this very subject many times, and I am deeply concerned that this will have negative long-range implications, rather than positive, to our diplomacy and relationships to those countries.

Mr. President, I have supported the President on a number of his foreign policy decisions, and I support what he is undertaking right this minute in terms of resolving this problem as it relates to diplomacy and other means. I acknowledge and I express my respect for the President and his principal advisers for the manner in which they have kept this Senator fully informed on a daily basis.

The Senate Intelligence Committee, of which I am privileged to serve as vice chairman, is at this very moment conducting a lengthy hearing on the implications of a military force from the United States being utilized to solve the problems in Haiti and what the ramifications would be.

Fortunately, there were several Senators present and, indeed, I think the knowledge of the consequences of this are now becoming widespread within the Senate. I urge all Senators to try to avail themselves of this information.

Therefore, I conclude by saying I express appreciation to the administration for keeping me fully informed in my capacity as vice chairman of the Intelligence Committee.

Nevertheless, I have at each opportunity expressed my nonconcurrence in the use of United States military forces at this point in time, given the facts of the situation, to try to remove the three principal persons down there, Cedras and two others, who are the ostensible leaders at this time in Haiti. I think it is unwise, and I give the following reasons.

All of us are moved by the tragedies in Haiti. Indeed, the President, as reported on this evening's news, was given pictures of the tragedies that are taking place. We recognize that. We have compassion for the people in that tragic land. But, nevertheless, there are many places in the world where similar human rights violations are taking place and, indeed, in a more widespread manner. So that is not sufficient reason of itself.

We must have, as a nation, a clear and convincing national security interest. And how many times have we heard that statement here in the past months and years in this Chamber? It has become the very foundation of the policy that this Chamber has tried to explain to our constituents.

I feel that the administration has made an effort but, thus far, they have not succeeded in establishing, to my satisfaction and to many of my constituents, a case where U.S. national interest is in jeopardy—in jeopardy to the extent that we should utilize our military forces.

During briefings to the Congress, administration officials have said that the United States has an interest in restoring democracy in Haiti. Why, of course, we have that interest. We would like to see democracy spread through many places on our globe. But that alone, or in conjunction with the human rights violations, is not sufficient justification for the use of United States military force at this time.

The administration has also stated that we must have an interest in the stability in the Caribbean. We concur in that. But this Senator fails to see how that situation in Haiti is contributing to a degree of instability that would justify the use of our military forces at this time.

I draw the attention of my colleagues to the fact that the contiguous nation, the Dominican Republic, just this spring had a free and open election at the same time that much of the insurrection and human rights violations were taking place in Haiti. So far as we know, that election was not contested in the sense that it was fraudulent or affected by what was taking place in Haiti. And, therefore, that is an example of how in this region, in my judgment, there has not been that degree of instability that would justify the use of military force at this time.

I have always believed in and I strongly defend a President's constitutional right to employ the Armed Forces of the United States as he sees fit in pursuing the security interests of this country. That is clearly laid down in the Constitution. I have participated, with many others, through the years in the debates on the War Powers Act and many other debates. So in no way do I interpret the resolution by the distinguished Senator from Arizona, Senator MCCAIN, Senator COHEN and others as in any way infringing on the President's power and right.

It is, rather, an effort to say, "Mr. President, given the facts as they exist at this moment, there is every reason to involve the Congress of the United States and most particularly the U.S. Senate, given our own special constitutional powers, in trying to assess along with you, Mr. President, whether or not we should have at this time a justification to utilize our military forces."

Indeed, the leaders of this Chamber, the distinguished Senator from Maine and the distinguished Senator from Kansas, Senator DOLE, the minority leader, have each said that it is in the interest of this country that the Congress be given an opportunity. And I regret that this was not more fully made available to the Senate today to reach some point where we could have had a vote on this question.

I clearly hope that any President, absent situations where timing is so critical and consultation cannot precede execution of military operations, would seek prior congressional expression on the use of military force. It may not have to be specific authorization, but at least the opportunity for a congressional expression. Certainly in this case, at this point in time, at this very moment, there is not the urgency that requires the President to act without an expression by the Congress.

Pollings should not conduct our foreign policy. Nevertheless, those of us privileged to serve our constituents must take into account their viewpoints. The polls indicate very strongly that the American people do not support at this time, given the facts, any use of United States military force in the form of an invasion of Haiti. It is essential, therefore, that an informed debate continue. And we have had debate. But we must continue that debate in the Congress, most particularly in the Senate, to indicate the position that we should take as a body, given the facts as they exist at this time. I personally do not agree with the goals to be achieved through the use of military action at this point in time.

Mr. President, we should not forget the history of United States military involvement in Haiti as we contemplate a possible use of our forces.

In 1915, the United States became involved in Haiti when the President of Haiti executed 167 political prisoners, provoking citizen outrage in that island nation. Angry Haitians attacked their President, dismembered him, and paraded parts of his body through the streets—again, the long history of the Haitian people inflicting incredible violence on one another. The United States intervened to restore justice within 6 weeks, and we were literally running the country in 1915.

The United States occupied and indeed ran the country for 19 years. In 1934, a commission President Hoover appointed to look into the situation found that after the 19 years, and I quote from that commission report, "The social forces that created instability still remain—poverty, ignorance, and the lack of tradition and desire for orderly, free government."

Mr. President, history has a way of repeating itself. It is still that situation today.

Mr. President, I have worked with the distinguished chairman of the Armed Services Committee and other members in assessing the situation that took place in Somalia. Indeed, I accompanied the Senator from Michigan [Mr. LEVIN], to Somalia as a part of the responsibilities of the committee to write a report, which report will soon be completed.

But I bring to the attention of the Senate that last year, on October 3, United States Army Rangers found themselves fighting for their lives in the dusty streets of Mogadishu—in an operation that had begun months earlier, with the best of intentions, primarily to feed those impoverished people. That operation initially had the support of the American people and the Congress. But, over time—and we will spell this out in the Armed Services Committee report—United States policies became less and less clear, and suddenly we ended up with 18 U.S. Army Rangers killed and 83 wounded in a battle that raged on for 2 days, October 3 and 4. How well all of us remember that.

Congress, almost immediately, insisted that our troops be withdrawn. Congress questioned the right of our President to exercise his constitutional authority with respect to the deployment of our troops in that country.

And only by the narrowest of margins—and I was with the majority in supporting the President, the right of the President to make the determination and to set the timetable for withdrawal, which was March 1994, that is this year, rather than an earlier date sought by many of our colleagues, which was December of 1993. I felt that would be an abrogation of the President's constitutional authority, and I supported our President in his right to set the timetable in that situation to withdraw our troops.

Mr. President, I hope we have not already forgotten those lessons in Somalia. Certainly this Senator has not. Last May, specifically May 12, the Armed Services Committee held hearings on the raid of October 3 and 4. The father of one of the young rangers who gave his life in that battle in open testimony to our committee made a very moving statement which I shall never forget. I would like to quote directly from the record of the statements made by that father, Lt. Col. Larry Joyce, U.S. Army, retired, a man who had been a careerist himself. He was the father of Sgt. James Casey Joyce. Colonel Joyce said as follows, and I quote him:

> Our purpose here should be to tell every American who and what contributed to this tragic episode. No matter how much the President and his advisers would like us to forget it, along with the heroes who gave their lives in Mogadishu last October, we should also let everyone, especially the policymakers, know the consequences of foreign policy that is developed haphazardly and implemented by amateurs. Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings a doorbell at 6:20 in the morning to tell a 20-year-old woman she is now a widow, they would develop their policies more carefully.

Other parents testified that day about the loss of their loved ones. It was not testimony given in acrimony. It was testimony given by parents who, for generations, have sent their sons and daughters forward in the uniform of our country in the cause of peace. They simply ask, Mr. President, of the Congress, their elected leaders, of their President, and of the policymakers, to think very, very carefully each time before we send from our shores the men and women in the Armed Forces to assume risks which could well involve loss of life or serious injury.

That is precisely why we are gathered here in this Chamber tonight. That is why earlier today it was hoped that the Senate could make some formal expression on this issue, but that, for reasons that have been explained, was denied us.

We must not forget the lessons of Somalia. Before we commit our young men and women to battle, we must assure the objectives are vital to our national security interests, that they are attainable with military force, and that we know how we will get our forces out. That is all important. Just remember, 1915 to 1934, the last time we endeavored this mission.

Perhaps there are reasons which the administration has which might make the invasion of Haiti acceptable to the Congress and the American people. We will learn, hopefully, tomorrow night perhaps facts that are not known to us in this Chamber as of this time. But thus far, I say most respectfully to our President of the United States, that the administration has not made their case on this point.

I recall, as I am sure all of us do, the debate we had before the utilization in a combat status of our forces in the Persian Gulf. The distinguished Senator from Georgia, the chairman of the Armed Services Committee, and I led that debate on our respective sides. I supported the President, drafted the resolution which was eventually adopted by only five votes in this Chamber, and my good friend from Georgia, the chairman of the Armed Services Committee, opposed very vigorously, and for credible reasons, the use of force in the gulf.

But this Chamber reverberated for those several days in a very fine debate, perhaps one of the finest that we have had in recent memory, and we spoke as a body. We supported our President and, as we know, that military action in the minds of most Americans was justified and was successful.

I only hope that we would proceed along much the same lines in this case.

I listened this morning, almost painfully, as the President's Chief of Staff tried to draw a parallel—distinction first and then a parallel and then a distinction—between what took place in the Persian Gulf operation and what might take place in Haiti.

I most respectfully disagree with the Chief of Staff when he said you cannot use the procedure followed in the gulf as a precedent for this, and he tried to justify it on the basis of the relative small military force under the control of the three principals that the whole world wants out of Haiti.

We have covered in great detail that military force in the Intelligence Committee in the past hour. It is well known to all of us. It is not highly classified. It is relatively small. And their weaponry is somewhat archaic, their training in the past few years has been sporadic. But we cannot justify this military action simply because we may only experience several casualties. One casualty—one casualty—is vital to one family, it is vital to this Senator, it is vital to all of us. We cannot justify this military action simply because the poorly trained force and the poorly equipped force in Haiti might not inflict the casualties we experienced in the gulf operation. That is no basis whatsoever for rationalizing a justification for this invasion.

I hope the Chief of Staff reconsiders the statements that he made publicly earlier today on that.

So I conclude, Mr. President, that this is a very troubled world that we are in today. Several months ago, I spoke on the floor and showed a chart where today there are 64 areas in which there are very substantial human rights violations, in which there is conflict, in which Armed Forces are involved in this world, that 64 as compared to perhaps half that number a mere 5 to 6 years ago. But the United States cannot, nor should it, assume the responsibility we can resolve all those problems.

The simple fact that this nation, Haiti, so troubled, so tragically suffering at this moment, is nearer to our shores than Rwanda, than parts of the former Yugoslavia, some of the troubled areas in Southeast Asia, that alone is not justification. The fact that it is in this hemisphere—we have been suffering since the adoption of the Monroe Doctrine of the Big Brother attitude toward the smaller countries in this hemisphere. We cannot do that.

So, therefore, there are many reasons—many reasons—why we should not undertake the use of military force at this time. And until the President of the United States can put forth a clear and convincing case that it is in our national security interest, not just to save democracy, not just to stem the flow of a tragic immigration to our shores, but in the security interests, then and only then can we undertake the responsibility that we have to look our constituents squarely in the eye, and particularly those who may suffer a loss occasioned by a casualty, then and only then can our forces be deployed.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Tennessee.

Mr. SASSER. Madam President, tomorrow evening the President of the United States goes before the American people to present his case for the military invasion of Haiti. And perhaps, given the President's considerable persuasive powers, he can justify a very grave action for which, frankly, there is no present consensus among the American people. It is not going to be an easy case to make. The American people justly demand an unambiguous statement of our policy before risking the lives of American troops, and I demand that statement also. I believe strongly that we must bring to this potential military action the same standards of national security interest, constitutional conformity, and public support that we have demanded on prior occasions.

Like most Americans, I will listen tomorrow night to the President with an open mind. But I feel compelled to state that at this time I vigorously oppose this invasion of Haiti. Like most Americans, I am deeply skeptical about the need to put our troops in harm's way in Haiti or the wisdom of forcibly imposing democracy on a complex culture that has little or no history of democratic principle.

Before we invade, there must be a clear statement from the President on our reasons for going in and, most importantly, our plan for getting out. Without a unified sense of national purpose, we get the ambiguity that leads to disasters like those we experienced in Beirut. Without a strong sense of purpose and a plan for extricating ourselves, we have muddles like what occurred in Somalia. Without clear guidelines before us, we are on the verge of committing our Nation's blood and treasure, and I do not think that is a wise policy to follow.

Now, since the early 1980's, we have tried to design rules of thumb that could be used to determine whether the use of military force is justified and whether it is in our national interest. There is general agreement on four of these rules.

First, military force should only be used as a last resort. And diplomatic and economic solutions should be fully exhausted before we ask our men and women to risk their lives.

Second, military force should be used only when there is a clear-cut military objective. We should not send military forces to achieve vague political goals. We learned our lesson on that, I hope, in the late 1960's and early 1970's.

Third, military force should be used only when we can determine the point at which our military objective has been achieved. In other words, we need to know when we can bring our troops home.

Fourth, military force should be used only in an overwhelming fashion. We should get it done quickly with as little loss of life as possible.

And, finally and perhaps as important as all of the rest, there must be popular support behind the military operation.

Now, based on these criteria, it appears that the operation in Haiti as currently planned by the administration only meets one of these five tests, and that is No. 4, the use of overwhelming force.

At present, the administration has failed to muster, in my view, a cogent case on the other four.

First, it is far from clear that we have exhausted all of our diplomatic and economic options, and the question comes: Has patience, strength, and the international isolation of the thugs in Port-au-Prince truly failed, or have we simply grown weary of waiting for pressure and diplomacy to achieve its desired end?

Second, I think, most importantly, the administration's objective, at least to this Senator at this point, for this use of force is, to say the least, fuzzy.

Are we sending troops simply to oust General Cedras, or are we sending troops to restore democracy in Haiti? Is this a vital interest, or merely an important concern?

Do we truly believe that the military dictatorship in Haiti presents a threat to this country's security? I think not.

Third, achieving any goal larger than capturing General Cedras or forcing Cedras and all of his hooligan comrades out, we must understand, is going to take years.

Do we really have full confidence in President Aristide's ability to lay the foundation for democratic institutions and to build on that? I do not think we do. Or are we in fact writing a blank check for perpetual military occupation by American troops in Haiti? It appears to me it would be difficult to decide when, if ever, our forces will have accomplished their objective, if, indeed, their objective is to establish democracy.

I remind my colleagues, as they have been reminded before—most recently by my friend and colleague, the distinguished Senator from Virginia—the last time we intervened, in 1915, it took 19 years to extricate the marines from Haiti.

Now, the world has changed a lot since those days of musketry and campfires. That was 80 years ago. But the cultural cross-currents in Haiti—bred from years of dictatorship and poverty—are maybe more pronounced and more perplexing today than they were in 1915.

On September 13, the New York Times wrote an editorial which I think summed up the other side of the problem. The editorial said this:

> A century of Latin intervention should have taught Washington you cannot enforce democracy at gunpoint.

Continuing, the editorial said:

> Haitians elected Father Aristide and still support him, but even his legitimacy may not survive being installed by foreign troops.

In other words, a military effort to impose democracy might actually strengthen the forces of chaos and tyranny. We have seen it happen before.

Now, Madam President, I come from a State where patriotism runs deep. It is called the Volunteer State because of the great number of young men who volunteered in service to their country, beginning first in the early 19th century and continuing to today. I come from a State where love of country is a value that is treasured from the barracks of the Army base of the 101st Airborne Division at Fort Campbell to a schoolhouse in the mountains of east Tennessee.

Our young men and women have answered their country's call without reservation. They are not complainers. And our military cemeteries bear witness to their loyalties to our Nation. But I do not think they see the reason for this particular action.

According to reports, there are plans for invasion with about 20,000 U.S. military personnel to be involved along with 260 personnel from the Caribbean nations. They say, according to the administration, that Belgium, the Dutch, France, Britain, and Israel have all indicated a willingness to play a part in the postinvasion policing. But here again, I think in the final analysis this appears to be solely an operation by the U.S. Government.

President Eisenhower once said at a press conference, so the syntax is not totally perfect:

> If we ever come to a place that I feel that a step of war is necessary, it is going to be brought about not by any impulsive individualistic act of my own. But I am going before the Congress in the constitutional method set up in this country and lay the problem before them, with my recommendation as to whatever it may be.

I think President Eisenhower was quite right in that statement. The Constitution and the War Powers Resolution are clear when it comes to consulting Congress before introducing American Armed Forces into hostilities or imminent hostilities.

Many of us stood on this floor and debated that President Bush do the same before he put American forces in harm's way in the Persian Gulf region. I think we can ask no less of President Clinton in this instance.

We cannot abdicate our responsibility to the American people. They are trusting in our leadership and our ability to exercise good governance here. They are praying that we will watch over their sons and daughters and their husbands and wives who might be called upon to put their lives on the line.

So, Madam President, I would sum up my statement simply by saying this: I oppose this invasion. The burden of proof, a very heavy burden of proof indeed, will be on the President next evening to convince the American people and this Senator that it is in our national interest to do so at this time.

Second, I urge the President to bring this matter before the Congress of the United States and let the elected representatives of the people here in the Senate have some input before putting our troops in harm's way and launching what I think is an ill-advised military expedition.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, it has been a very long day, as the Chair knows better than anyone. I remember this morning, when we were debating another subject, the current Presiding Officer was then in the chair and is winding up there tonight after a long day. But there are important matters that I think must be discussed tonight.

The Senator from Tennessee noted that the President would be making a very important speech tomorrow night. The President will have a considerable burden in terms of expressing clearly to the American people what our national interest and our national goals are in Haiti. And he particularly has the obligation to explain this to the military people and the families that are directly involved, or soon may be involved.

Madam President, as significant American preparations are under way for an invasion of Haiti, and as the wisdom of the administration's policy is the subject of heated debate here in the Senate and elsewhere, I think we need to step back and consider carefully the implications of the present course.

Although I do not expect the administration to change that course now—and I think the people in Haiti, leaders in Haiti, need to understand that—I also suggest it is not too late to consider whether there exists a reasonable and viable alternative that could bring relief to the people of Haiti without launching a military invasion.

While it is still possible that Haiti's military leaders will depart the country—and I hope that will happen—thereby obviating the necessity or the perceived necessity for an invasion on the part of the administration, the likelihood of an invasion grows with each passing day, and leaders in Haiti need to understand that. This invasion would mark the first time in many years that we have utilized large numbers of American troops at considerable cost and some risk to restore democracy in a failed state.

This invasion also would raise again an important issue of democracy here at home; that is, the relationship between the constitutional power of the President as Commander in Chief and the constitutional power of the Congress to declare war. That clash has been taking place for all of our history and is likely to continue for a long time to come.

But these two issues—restoring democracy in Haiti, which is the announced goal, and the way we go about deciding whether to use U.S. forces for that goal—are intertwined in my own mind. Building democracy in Haiti is going to be a lengthy, expensive proposition. It clearly will cost hundreds of millions of dollars, if not several billion dollars. It will take years, if not decades, to develop a soundly rooted democracy in Haiti. The process will be tenuous long after our invasion force has been withdrawn.

Of course, we will prevail militarily if we invade. We will prevail quickly and at relatively low risk. While we do not have strategic surprise—there has been entirely too much conversation about intent for that to still be a possibility—there are reasons for such conversation, which relate to the hope of getting the illegitimate Haitian military leaders out of there without invading. I know that is the administration's hope. So we do not have strategic surprise, but we have not lost tactical surprise, which is enormously important. And we must do all we can to ensure that we achieve that tactical advantage which can save American lives.

Madam President, I have complete confidence in our military leaders, their planning, and the skills of our superb troops. There is no doubt about the military outcome. It would be quick; it would be decisive; it would be overwhelming.

However if, as the administration states, establishing democracy in Haiti is its principal goal, this will require the long-term support of the American people, as well as the United States Congress. The American people must clearly understand in advance our national interest and our national goals regarding Haiti. The President, before he takes military action, clearly must establish our national interest. He must clearly explain our goals. He must clearly explain what we would define as success, and thereby explain our exit strategy, when we are going to get out. But not by date; I think trying to predict when we will leave a military engagement by date is always a mistake. But at least by a definition of what we would consider success. These ingredients are necessary.

Madam President, while our risk militarily is low—the Haitian military is not very capable, and in my view it is not likely there would be any organized resistance for any long period of time. I say "organized"—there certainly could be sporadic resistance, and certainly no one can assure there will not be casualties. Casualties in any kind of operation of this size are almost inevitable. Certainly, I hope and pray that if an invasion occurs, it would bring minimal harm to our own military personnel.

But the bottom line is that the President, as the Commander in Chief, must explain clearly to the Nation, and particularly to our military personnel and their families, what our national stake is, what our national interests are, and clearly what our goal is. I have long felt and have said publicly on numerous occasions that the administration's goals in Haiti and my goals differ somewhat. In fact, my goals differ in rather important ways from the goals that have been articulated by the Clinton administration.

I believe that our goals should be, first, to alleviate the suffering of the Haitian people, which is considerable and growing; second, to prevent uncontrolled Haitian immigration to the United States; and, third, to shift our near-term policy focus away from restoring democracy solely through President Aristide's return, to building democracy by vitalizing political and economic structures in Haiti, with President Aristide's return deferred until that process takes hold.

If our national goal is to build democracy in Haiti, our focus should be on the establishment of a democratic process as specified in the Haitian Constitution. They have a constitution. It was adopted in 1987. It specifies the way their own people envision their democracy. That Constitution is important. Certainly, it is important if what we are restoring is real democracy.

I have felt that our options to achieve these goals—these are my goals, the ones I have stated on many occasions publicly and privately—came down to three various options in broad terms: First, to return President Aristide on the shoulders of United States military power, which appears to be the administration's present course of action or present intent; second, to continue the status quo by tightening sanctions and increasing pressure on General Cedras and his colleagues, which until just a few weeks ago was the administration's policy; and third, to defer President Aristide's return pending development of a political consensus in Haiti, which we would help foster with the help of the international community, that could begin to build democracy and allow President Aristide to return without United States military intervention and without long-term United States military protection.

Obviously, Madam President, from what I have already said, the third course of action is my preference, but that would require more patience on the part of the Aristide supporters in this country, more patience on the part of Aristide and his supporters in Haiti, and more patience than has been displayed in the last week or so by the Clinton administration.

Given the administration's current position, which is clearly moving toward military intervention, the issue of the role of Congress—which has been debated today—in approving an invasion must be addressed.

In terms of the President's power under the Constitution, I regard an invasion of Haiti as somewhere between the Persian Gulf war, for which congressional approval was sought, and the military operations in Grenada and Panama, for which congressional approval was not sought.

A Haitian invasion will not require major war, which was the case when we attacked Iraqi forces in the Persian Gulf in 1991. So that is the difference between this anticipated action and the Persian Gulf war. This is not going to be a major war. It may be a major challenge after the initial stage, but the initial military action, even though it certainly has some risk and unfortunately is likely to entail some casualties, it is not what I think anyone would define as a "major" war. Yet, it resembles the Persian Gulf situation in that a threat requiring immediate action is not involved. It also resembles the Persian Gulf in that the initiative is in our hands, as far as military action is concerned, and there is ample time for planning, for a debate, and for congressional action. That is where the similarity is with the Persian Gulf war, in my mind. The situations in Grenada in 1983, and in Panama in 1989, did involve threats which the administration at that time clearly felt and stated to the American people were emergencies that required quick responses. Grenada and Panama were similar to the current situation in Haiti, in that these operations entailed relatively low-risk military operations and could not be defined properly, in my view, as full-scale war, although certainly casualties were likely to and indeed did occur.

Madam President, should the President seek the approval of Congress for United States military force in Haiti? My answer is yes. Legal scholars can debate the constitutional issue, and like other military interventions that have not had congressional approval, the matter probably will be debated, if it occurs, without clear result for a long period of time.

As a practical matter, however, I believe the President should obtain the support of Congress for a United States-led invasion of Haiti. The problems in Haiti defy short-term solutions. They will not be resolved in days or even in months. The invasion will set an important precedent regarding the use of United States military force to instill democracy in a failed state. At least it will be a modern-day precedent.

Haiti has virtually no democratic tradition. President Aristide is only the second popularly elected Haitian chief of state. The first elected chief of state was "Papa Doc" Duvalier. The Haitian economy is in ruins, and the basic welfare of its people is in peril. Without Congressional support for building democracy for an extended time, certainly long after our invasion force has been withdrawn, without that continued support by the Congress and the American people, this goal of restoring democracy is unlikely to be achieved. A short-term American response will increase the likelihood of Haitian domestic violence, political turmoil, and the return of uncontrolled Haitian emigration to the United States. A short-term approach and a goal to restore democracy, in my view, are incompatible.

I do not, however, believe Congress should attempt to prohibit by law an invasion of Haiti. I have supported a sense-of-the-Senate resolution which said that the President should come forward for congressional approval. I will continue to support that next week—the pending resolution that the majority leader put down, the one we have already passed, which had some 94 votes. But clearly the Senator from Arizona [Mr. MCCAIN], and the Senator from Kansas [Mr. DOLE], and others, voted for that resolution, and I believe Senator MCCAIN, who has been on the floor today giving his, I am sure, heartfelt views on this situation, made the statement very emphatically, and I think correctly, that to bar in law a President from invading Haiti is a very bad precedent and should not be done. He argued against that, as did I. The majority of the Senate on two occasions, I believe, agreed we should not bar in law that activity from occurring.

There are a couple of reasons for that, Madam President. First, as a practical matter, if Congress were to pass prohibitive legislation by law, as opposed to a sense-of-the-Senate resolution, the President could always veto such legislation, and he would probably do so. Second, a law prohibiting an invasion of Haiti—and if one is proposed next week, I will not support it—by singling out one country would treat Haiti differently from every other country in the world and would badly undermine whatever remaining credibility there is in the War Powers Resolution. Such action would certainly undermine the Clinton administration for the remainder of its term in office. It would badly undermine U.S. foreign policy.

This would establish a dangerous precedent, and it would have repercussions far beyond Haiti. It could have perceptions in places far more dangerous to our security and to military personnel, like North Korea. I will not favor barring by law this kind of action, in spite of my words of caution and my words of reservation here this evening—and indeed my specific words that the President should seek approval before he undertakes this activity, if he does.

Madam President, in effect, if we tried to bar by law an invasion of Haiti at this point in time, what we would be saying is that the President can invade any other country in the world. He could invade Russia, China, Iran, or Mexico, and he could do them simultaneously, and there would be no bar to that, as long as he complied, of course, with the War Powers Resolution. But that resolution does not bar initial deployments. We would be saying that there is one country in the world in which the President cannot take military action. It would be a sign of weakness on our part that would haunt us in many areas of the globe and could very well cost far more American lives than would be at stake in an invasion of Haiti. So I do not choose that course, and I hope we will not favor that course when we start voting next week.

If an invasion occurs, we still must face the reality—and I hope the administration will think carefully about this, as I do not believe that enough attention has been given to this aspect of the situation—we must face the reality that the return of President Aristide, while desirable in itself, is not synonymous with the establishment of democracy. A democracy is more than one individual, even an individual elected by a majority of the people. Democracy rests on institutions, not on an individual office holder.

The Haitian Constitution, overwhelmingly approved by the Haitian people in 1987, requires that all of the Chamber of Deputies and one-third of the Senate in Haiti be elected not later than December of 1994. That is this year. There is a mandated election in the Haitian Constitution for no later than December of this year.

That is an important point. The Congress of the United States and other parliamentary bodies are not very popular. We know that. But what kind of democracy can we have with no Congress? Would anyone in this country, despite the low esteem in which the polls show Congress is held, want to turn all the Government of the United States and its powers over to the President, any President, whether it is President Clinton, President Reagan, President Bush, President Carter, President Ford, or Presidents further back in history?

Madam President, you cannot have a democracy without a parliament. That is the key. That is the key, much more than one individual. The parliament is a much more permanent body. Something can happen to one individual, either health, tragedy, assassination. It can happen overnight. There has been too much focus on one Haitian official, President Aristide, as important as his return is. And I do think his return is important at the appropriate point, and I will speak a little more to that in a moment.

Madam President, if the administration proceeds with military intervention, it must first obtain a clear, firm commitment from President Aristide, prior to any invasion, that he will abide fully by the Haitian Constitution and in particular will facilitate free and fair parliamentary elections by the end of 1994, as required by the Haitian Constitution itself.

The Haitian Constitution specifies that Parliament is an essential branch of the Haitian Government, and it prohibits the President from ruling by decree without parliamentary review.

This is the essence of democracy. If we are going there to restore democracy, this should be, in my view, the major, not secondary, but the major point of emphasis—the elections that are required by the Haitian Constitution.

Madam President, we also, I believe, must obtain before any kind of invasion occurs President Aristide's firm commitment regarding fair and equitable access to the Haitian news media for those participating in the parliamentary elections; appointment of a broadly acceptable government that is duly approved by parliament as specified by the Haitian Constitution; prevention of illegal reprisals against Aristide's political opponents and enemies, except under due course and due rule of law, under a justice system as called for in the Haitian Constitution; establishment of an independent judicial system as well as a professional police force.

These are the institutions that will tell whether Haiti has a democracy.

Madam President, I recognize that this approach may not satisfy President Aristide's supporters in the United States, including his supporters in the U.S. Congress. Let me assure them that I share their desire to restore President Aristide to his proper place in Haiti. He was elected. I believe, however, it is in everyone's best interests, including those of President Aristide, that he succeed as a democratic leader. It is in everyone's best interests that President Aristide work cooperatively with a freely elected, representative parliament, as a President who observes fully the letter and the spirit of the Constitution of his own country, which legitimizes his own rule.

Madam President, there is a strategy that to me would have been preferable to an all-out invasion, and even at this late date still would be preferable to invasion, in my view. Under this strategy, the United States would present the illegitimate military leaders in Haiti—Cedras, Francois and Biamby—with a final ultimatum requiring their agreement within a specific deadline.

The proposal would have three time-linked elements.

First, Cedras and associates would have to leave Haiti voluntarily.

Second, the United States and the international community would undertake to ensure that free, fair parliamentary elections take place in accord with the legitimate Constitution of Haiti.

Third, President Aristide would return to Haiti, but he would return after the parliamentary elections, not later than the end of this year.

This is not a perfect solution. Anyone looking for a perfect solution in Haiti I think is looking for something that does not exist. But neither is a full-scale, U.S.-led military invasion.

There are all sorts of problems with that option which we seem to be heading toward, not military problems, not problems in the very beginning, but problems the longer we are there, problems of Haitian-on-Haitian violence, problems that may involve the people who are not for Aristide if he is returned immediately on the backs of the U.S. military, feeling that they should become refugees so that they are not in danger of their lives. If we are not very careful, we may simply swap one set of people who are trying to escape Haiti with another set of refugees.

The step I am suggesting would not foreclose the option of President Clinton and the administration to undertake an invasion if the Haitian military leaders refuse to go along with this overall plan and if they refuse to leave, which they must. Based on the present, clear intent of the Clinton administration to invade, this proposal would be considered by Cedras and company against the certainty of military intervention if they refuse to agree. And if they do not believe an invasion is certain if they remain in Haiti, they certainly should. They must have begun by now to realize the consequences that are coming.

I believe that this step has important advantages as compared to a kick-the-door-down, invade-now approach.

First, this overall approach would recognize that democracy is a popularly approved process, based on a legitimate Constitution. That would be the first principle that we would make absolutely clear. Democracy, as I have said, involves more than one election of one President. This is the wisdom embodied in our own Constitution, framed to prevent domination by one man or one institution. This wisdom is also embodied in the Haitian Constitution of 1987 under which President Aristide was elected.

Second, this approach would facilitate the repatriation of the thousands of Haitian refugees currently detained, and increasingly restive, at our Guantanamo Bay Naval Base on Cuba, which I think could become a ticking time bomb if it has not already. It would also help avoid a new wave of Haitian refugees which would probably be made up of President Aristide's opponents, which could follow even a successful U.S. invasion. It might not happen in a week or a month, but if retribution starts being dished out to those who opposed Aristide, inevitably it will happen.

Third, it would enable President Aristide to rule democratically, in full accord with the Haitian Constitution. And it would provide before he started asserting his rule, which is clearly his right under the election that was held before he was removed from office—that there would be another election and the people would be able to speak. There would be assurance to both pro-Aristide and anti-Aristide groups there that they would have a full voice in who was going to exercise authority over them from the Parliament. It would establish a check and balance mechanism. If you do not have that check and balance device, there are very few examples in world history of any kind of successful democracy. This also would make clear to the Haitian people that the United States stands for broad democratic institutions and processes and not one-man rule.

Fourth, this approach would offer Cedras and his colleagues—if they chose to agree to this option, which I still hope they will—something they do not have now. It would offer them a departure scenario in which they could assert with accuracy that their supporters and those who fear and oppose Aristide, whether or not such attitudes are legitimate, will have an immediate chance to participate fully in Haiti's political and economic recovery.

Finally, in my view, this step could reduce the risk of loss of American and Haitian lives that an invasion inevitably will put at risk.

Madam President, in concluding, if we invade Haiti—and I do believe that an invasion is a virtual certainty, unless Haiti's present military rulers wake up to reality—I want to make it abundantly clear that in spite of my reservations, in spite of the fact that I have serious questions about whether we are on the right course, I will fully support our American military personnel who are at risk.

Those who are tonight preparing for possible military action should understand that at least this Senator will support them fully once they are committed. Once they are committed, the debate, as far as I am concerned, about the appropriate course of action is concluded, because our men and women will then be at risk.

I think it is up to all of us to support them, and up to the American people to support them. We do not have to support the policy to support the troops. But supporting the troops is absolutely essential, I think, for not only this contingency but for the broader interests America has in the world. And we do have broader interests, we do have much more important interests, including, as we all know, the situation in Korea and the situation in other dangerous parts of the world.

Madam President, I am confident my colleagues in Congress and the American people will also support our troops, whatever they are called on to do, in the due course of their responsibilities.

If an invasion takes place, we must define democracy in Haiti in terms of the constitutional processes there. We must assure—and I think this has to be done before an invasion occurs, if it is going to—that President Aristide both agrees with and abides by the lawful processes set forth in the Haitian constitution.

Finally, we should convey to the Haitian people that the United States and the other friends of Haiti cannot by themselves resolve Haiti's domestic problems. In the final analysis, Madam President, whether there is democracy and prosperity in Haiti will depend on the Haitian people.

I thank the Chair and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the Chair.

Madam President, we have now begun a debate on a matter of great import. There are really two questions. One is the substance of the policy and the other is the process by which the policy decision will be made. It is important to consider not only the substance of policy but to recognize that the process you follow can give you a greater or lesser opportunity to explore the substance of a policy.

On Haiti, I do not think the case has been made for the substance of administration policy and I think that is the belief across the country. If the public support does not exist for the course of action which the President appears to be set upon.

There has not been a clear definition of what the rationale and strategy are: The reasons and conditions under which we are prepared to use force; the specific objectives that military action would be designed to accomplish; an evaluation of the potential costs of an invasion in both human and economic terms; the national interests that are at stake; the reasons why such a course of action is preferable over other alternatives; and the larger question of how we would declare that the mission has been accomplished and be able to disengage our forces. I point out that the last time the United States went into Haiti, we stayed there for 19 years.

Let me turn to the question whether the President should seek and receive congressional authorization; in other words, the question of whether the President—any President—acting alone, can commit 20,000, 25,000 or 30,000 American troops to the invasion of a country without coming to the Congress, to the elected representatives of the American people, and obtaining their judgment on that question.

This is not a matter of protocol. This is a basic matter of how decisions are to be made under our Constitution and in our democracy. It is also a matter of what is the best and wisest way to arrive at decisions and judgments? The checks and balances system so integral to our system of government was premised on the proposition that from the interaction required by checks and balances would come better policy.

If policy is made by only one individual, where is the independent questioning that may well be necessary in order to identify pitfalls or oversights in the policy? Our democracy has proceeded over the centuries on the premise that out of the interaction between independent branches of government better policy would emerge and errors would be avoided.

Only yesterday, the New York Times, in a powerful editorial, and again this morning, the Washington Post in another strong editorial addressed this issue. I ask unanimous consent that both of those editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. The Times, in the opening sentence of its editorial, said, "To invade Haiti without prior congressional approval would short-circuit the United States Constitution." It then went on to say, "Neither of the situations usually cited as justifying independent action by the Commander in Chief—military crisis or unexpected threat to national security—exists in this case. To the contrary, congressional deliberation is both practical and desirable, and there is plenty of time for it."

The Washington Post just this morning, commenting on the President saying that he will not ask Congress for authorization to invade Haiti went on to say that this shortcut "cheats on the separation of powers as defined in the Constitution."

The Constitution, of course, vests in the Congress the power to declare war. Yet the President, under the Constitution, is the Commander in Chief of the armed forces. From these two provisions and the overlap in responsibilities has come controversy of long duration as to their respective rules of the President and the Congress.

I encourage Members to ponder the question of whether the President, acting alone, should, in effect, be able to commit the Nation to hostilities?

I know efforts are made to draw a distinction between police actions and an all-out war, and there may be some merit to those distinctions. But where does the line lie along that scale? It seems to me that, the wiser course—and I have been consistent in arguing for this position previously on the floor—is that the Executive needs to come to the Congress and seek its authority in order to engage in these military operations.

A range of very probing, critical questions have been raised about the substance of the administration's policy. I share the concern which is expressed in that questioning, some of which were very articulately put just previously here on the floor by my colleagues, Senator SASSER from Tennessee and Senator NUNN from Georgia. Those questions have not been answered. The consultation with the Congress has not, thus far, brought about a clear and comprehensive statement of policy and the rationale for it.

The administration has, unfortunately, created self-imposed deadlines which enhance the pressure to move forward, even though such a course may well be ill-advised. We are told that they must go ahead and do this because they have asserted they will do it and if they fail to do so, it will reflect badly upon them. Well, of course, that sequence should have been carefully considered before the initial assertion was made.

A debate on the Haiti issue would be difficult, there is no question about it. But the issue is difficult and it is important. Many believe that we must continue to pursue a course of action that will enhance the international ostracism of the regime there. The U.N. monitors that are to be on the border between the Dominican Republic and Haiti in order to see that the embargo is being thoroughly enforced are not yet fully in place. Other possibilities for resolution short of military action have not been fully explored, as the Senator from Georgia indicated in the course of his statement to this body only a few moments ago.

There is a history of intervention in Latin America. It is not as though we are facing this issue for the first time. That intervention does not give you promising lessons in terms of the ability to bring about democracy at gunpoint. Obviously, we all have very strong reactions to the brutal conduct of Haiti's generals—the torture, killings and gross abuse they impose upon their own people. But the question of whether that should result in an American military intervention is of a different order of magnitude, and particularly when the question is whether it should be done by the Chief Executive acting alone, acting solely.

It is interesting that the administration went to the Security Council to seek its approval but has not come to the Congress to seek the Congress' approval. The case must be made by the administration to the Congress and to the American people. Otherwise, we are transforming the nature of our constitutional democracy.

Obviously, there is the inclination to be supportive of the President. Obviously, if American troops in the end are involved, the American people will support our forces. But the questions need to be asked now ahead of any such involvement. After it takes place, one will rally in support of our men and women who have been placed in harm's way. So the questions need to be raised and they need to be debated now which, of course, the Senate is now in the course of doing.

So, Madam President, it is clearly in the best interest, in my view, of the President himself to come to the Congress to seek its authorization, and then to have a full debate here. Maybe in a clear comprehensive presentation, the administration can lay out a justifying rationale. As I have indicated, I have not seen that rationale to date. I do not think the consultations which have taken place have provided it. I think the assertions that have been made for the sweep of executive power are excessive and I, therefore, hope that the President and his advisers will take heed of the responses coming from the elected representatives of the American people in the Congress and from the people themselves with respect to this very grave and serious matter.

We have been through this before. We had an extended debate on Iraq. There was the insistence on the part of many of us that the President had to come to Congress for authority. Presidents—all Presidents apparently—constantly assert that this is not necessary; that they have a broad, sweeping power to commit forces as they choose. But in that instance, the President did come to the Congress and an extended debate took place here on the substance of the policy, the rationale was thoroughly debated and a vote was taken. And by a narrow margin, authorization was given for that action.

But that is how the constitutional system is supposed to work. That is what the checks and balances are all about. We did not establish a system of a single executive leader who would make all of these judgments solely of his own accord without interacting with the legislative body in order to obtain a broader judgment. This was, of course, debated at great length at our Constitutional Convention.

The fact that over the years Presidents have taken such solo actions does not invalidate the argument made here that this is not the arrangement that was intended by the Framers of the Constitution.

So I strongly urge the President to come to the Congress to seek its judgment on the policy he is proposing, to lay out his rationale. As I have indicated, it is my view that the rationale that has been put forth does not justify the actions he is proposing to take. That is a matter that ought to be decided in an interaction between the executive and the legislative branches of our government after a full debate in the Senate and the House of Representatives.

Clearly, there is not congressional agreement at this time or broad public support for the action that the President is proposing, and that, in and of itself, is a matter of serious and grave proportions.

Let me also make the observation that the projected operation is essentially an American one. Caribbean nations have committed 266 troops to join in the operation. They now are going through some quick training. The number of American troops that is being talked about now is 20,000, but the number changes from time to time. Obviously, we can overwhelm Haiti militarily, although as in all such actions, there are risks to our fighting men and women.

The next question becomes, then what? Will they continue to remain exposed in a dangerous situation?

Will the United States remain entangled and how, after having gone through all of this, will we ever be able to extricate our forces? Secondly, what precedent does it establish for similar actions elsewhere? What is the rationale that warrants going into Haiti that would not warrant going into a number of other countries that are experiencing similar abysmal and, indeed, terrorist conduct on the part of illegal holders of authority?

We understand situations in which it can be asserted that the national security interests of the United States are endangered or threatened, and obviously in those situations we have to respond with force if it is necessary in order to protect those interests. But no one is making that case here. Therefore, the question becomes how do you separate this action as a precedent from other similar actions which people could easily call upon us to make? What role is it that we will be assuming in the worldwide context on the basis of assuming this role in Haiti?

I close by quoting again from the editorials cited earlier in my statement and set out in full below. From the New York Times:

> To invade Haiti without prior Congressional approval would short-circuit the United States Constitution.

And from the Washington Post:

> It cheats on the separation of powers as defined in the Constitution.

EXHIBIT 1

[From the New York Times, Sept. 13, 1994]

CONGRESS MUST VOTE ON HAITI

To invade Haiti without prior Congressional approval would short-circuit the United States Constitution. It would also leave the President with sole political responsibility if the operation turns sour. Yet that is just what the Clinton Administration now suggests it might do.

Neither of the situations usually cited as justifying independent action by the Commander in Chief—military crisis or unexpected threat to national security—exists in this case. To the contrary, Congressional deliberation is both practical and desirable, and there is plenty of time for it.

The Constitution vests the power to declare war in Congress while giving the President command of the armed forces. Those overlapping responsibilities have fueled generations of controversy.

Beyond indulging a natural tendency to press against a vaguely defined constitutional boundary, recent Presidents have invoked practical arguments for bypassing Congress, like the need for speedy response or tactical surprise. Under the threat of a missile-launched nuclear Armageddon on 20 minutes' warning, the idea of protracted Congressional deliberation could be made to look like an absurd 18th-century anachronism.

Cold-war Presidents also argued that military actions taken under the authority of treaty commitments or U.N. resolutions are not really wars, but "police actions" or "troop redeployments," and thereby exempt from constitutional requirements.

For years Congress was happy to avoid responsibility. But Presidential excesses in Vietnam drove Congress to reclaim some of its authority in the War Powers Resolution of 1973. This required Presidents to get timely Congressional approval whenever they placed U.S. troops at risk. Since then, Presidents have disputed the resolution's authority but sometimes fulfilled its provisions.

In 1991, Democrats in both houses insisted that President Bush get prior Congressional approval for Operation Desert Storm. Now, misplaced fealty drives many of those same Democrats to relieve President Clinton of the same responsibility.

That is poor governance and poor partisanship too. Democrats would do better to protect Mr. Clinton from enmeshing himself in a military action where most Americans see no compelling national interests at stake and in which the first casualties are likely to bring better recrimination.

President Jean-Bertrand Aristide still represents Haiti's legitimate government. But sending the Marines to restore him to power makes no sense even if, as some military experts predict, that turns out to be an afternoon's work.

A century of Latin interventions should have taught Washington that it cannot enforce democracy at gunpoint. Haitians elected Father Aristide and still support him, but even his legitimacy may not survive being installed by foreign troops.

It is frustrating to watch Haiti's generals sneer at sanctions, play games with U.N. and systematically shoot down democratic leaders in cold blood. Their conduct warrants international ostracism and economic sanctions until they yield power, then generous and muscular support for the elected government that replaces them.

But the conditions that warrant an American invasion—conditions that include broad public support and Congressional agreement—are not in place at this time. Mr. Clinton should not abuse his powers and risk damage to his Presidency by plunging ahead.

[From the Washington Post, Sept. 14, 1994]

HAITI: CONSENSUS AND CONSENT

President Clinton insists he won't ask Congress for authorization to invade Haiti. The shortcut spares him the possibility of repudiation for a venture that appears more dubious and unpopular by the day. But it cheats on the separation of powers as defined in the Constitution. It threatens to undercut not just the quick operation planned against the thugs in Port-au-Prince but the prolonged occupation meant to follow. And it promises to bring a political disaster upon the administration for misreading the popular mood on the process as well as the substance of its policy.

Administration spokesmen trot out justifications of presidential prerogative familiar—and stale—from decades of political usage. The constitutional scholars shred these claims. The basic point of law remains that the Founding Fathers plainly meant the legislature to have a meaningful say in military action beyond the immediately defensive. A succession of wary presidents has resisted imposition of rigid consultation under the Vietnam-era War Powers Resolution, and there is reason for this. But a succession of wise presidents has understood the advantage to the country—and to presidents—of voluntarily bringing Congress in on decisions entailing a recourse to force and an exposure of Americans to battlefield peril.

In this instance, the administration conveys the impression that it has adequately "consulted" Congress and informed the public by assorted briefings and statements. Our impression is that the presentation as well as the reception of administration policy has been piecemeal and cluttered. No single clear and comprehensive conception of policy exists of the sort you would expect in a formal presidential presentation. As a result, the administration heads toward an early self-imposed deadline in a public fog. It actually seems to be believed that its request for an enabling resolution in the U.N. Security Council moots the obligation or reason to seek the political company of the U.S. Congress, let alone the understanding and consent of a properly informed public. Imprudently, especially for a commander in chief short on military credentials or standing, it counts on the public to rally around if bullets begin to fly and the usual accidents of war occur.

The right precedent lies in President Bush's request of Congress to authorize force, by a majority vote in both houses, in the Persian Gulf in 1991. The issue was difficult and hot, and Mr. Bush—having resisted but been pushed into seeking that authority—took a real chance. It paid off in the impetus the vote gave his policy and standing and in the cover it offered if the operation had failed. Had Congress rebuffed him, meanwhile—and President Clinton cannot ignore this possibility—he could have laid off responsibility for the consequences. With a Democrat in the White House. Republicans are notably more eager, and Democrats less, to bring the legislation into the act. But the principle of shared accountability remains the same, and of course, the concept of a commander in chief's needing to be able to respond to military danger too speedily to countenance the delay has no relevance whatever in this instance.

The national security/national interest case for the evidently planned action seems to us to hover somewhat between exceedingly thin and preposterous. If there is a better case than that, the administration should be willing to make it to the public and to Congress. It should be willing to seek consensus and consent for spending the money and taking the chances with American lives, no matter how pitiable the Haitians' military resources or how good the odds of succeeding may seem to the planners. A government that calls up reserves for military action has an obligation to do these things.

Mr. SARBANES. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

The Chair recognizes the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

At the outset, I would like to thank the Senator for taking the Chair to give me a moment to speak on the issue of Haiti, one that has greatly concerned me and certainly the people of Illinois over the last year or so and one that certainly has been the subject of much debate in this Chamber today.

A lot of the debate, Mr. President, has been confusing because there is a lot of conversation from every possible aspect. The issue of where we are and what we should do has been considered by the Members of this body. But I think the issue we are facing now boils down to essentially two things: What, if anything, should we do and how to do it.

At the outset, I would note that in spite of all the conversation, our present policy is still one of negotiation. Our present policy is still one of diplomatic intervention. The President of the United States has not yet announced a change of that policy. The President of the United States has not yet ordered an invasion or military action.

In fact, Mr. President, we are in this debate assuming—and rightly so—that there will be such an announcement and that announcement will take place tomorrow, Thursday, but the fact is at this moment in time the policy has not been changed. An invasion may be imminent but it certainly has not been articulated by the President.

And so, taking for a moment the notion that we are looking at and expecting the President tomorrow night to announce his plan, or his proposal, to launch a military action against the dictatorship in Haiti, the question then becomes the propriety of that decision, what, if anything, should we do.

I have heard conversation today from a number of our colleagues suggesting that we do nothing. I am reminded of that old saw that the only thing necessary for evil to succeed is for good men, and I would add women, to fail to oppose it.

It seems to me, Mr. President, that there is little question that we are facing evil in the activities of the coup leaders in Haiti, evil in regard to human rights abuses that have occurred there, and the tragedy of what has happened to the Haitian people, and what we have seen, the spectacle of people at Guantanamo, coming across to escape persecution and the kind of issues, which I will speak to at length, discussed in the recently published human rights in Haiti publication by the U.S. State Department, in which they at great length talk about the actual situation on the ground, if you will, in Haiti. And again, I will get to that more specifically later on in my discussion this evening.

But there is no question in my mind, or, frankly, I suspect, in anyone else's, that what we are talking about is not a nice group of people who have taken over the leadership of Haiti.

No one on this floor today has been willing to stand up for the present dictator in Haiti. No one has spoken fondly of Mr. Cedras or his efforts on behalf of the Haitian people of his commitment to the blessings of liberty, of what a democrat he is. No one wants to say anything nice because there is nothing nice to say.

Our Members have not, frankly, ducked and have not wanted to talk about the dirty little secret in all of this—that our uncertainty and the uncertainty of the trumpet that is being blown here, if you will, gives no small amount of comfort and succor and protection to Cedras, Francois, and others. It seems to me, Mr. President, that we have an obligation to admit, to call it like we see it, and to face up to the fact that we really are facing a tragedy in Haiti and a tragedy that has been brought about by the actions of the military dictatorship there.

The major objection that I have heard on the floor in all of the conversations today has been that the United States does not have a defined national interest in Haiti. Where are our interests? We have heard time and time again the President has not adequately explained it. I will point out in the first instance that the President has not yet spoken on this issue. Frankly, part of the value of this debate is hopefully we will get a chance to hear all sides and to get the information and the American people will get a chance to evaluate and weigh the facts themselves. The American people, in my opinion, rightly do not want war. I mean none of us want war. Frankly, in Illinois, the invasion of Haiti is not a popular matter.

But, it seems to me, the issue before us is not what is popular as much as it is what is right. What is the right thing to do? What can we be proud of? What gives this great country honor? Those are the kinds of concerns that I think we need to face as we go forward in this debate.

I would like to suggest, Mr. President, that from my perspective I can see at least four very direct and specific interests of the United States in getting rid of this military dictatorship in Haiti, four specific interests that are identifiable to me. Those four interests are, just very briefly, the drug trade, immigration, democracy, and human rights. I would like to speak about each of those things.

In the first instance, with regard to the drug trade, there is a joke almost—I do not know if it is a joke to call it the right thing. But the kids on the street, the "boys in the hood," if you will, say things like "you cannot buy a Cuban cigar on the streets but you can buy cocaine."

The fact of the matter is that the Haitian dictatorship is making money, lots of it, from being a transshipment point for the drug trade. It was estimated that they have made in excess of $100 million in the last year alone pouring drugs into our communities that are killing our kids; that is, killing our kids, destroying our communities, and wrecking the very fiber of this Nation. It seems to me that threat, the threat of a continued drug trade, the deterioration of our communities that comes from that gives us a direct national interest in Haiti, and what happens there and the leadership there. Certainly, that was our interest, and that was the stated interest when we decided to go into Panama back in 1990. The whole idea was Manuel Noriega was directly involved in the drug trade, and that involvement was seen as a direct threat to the United States.

Here we have a situation that is no less obscure. In fact, it is probably more advisable than even Mr. Noriega's involvement. And the yet the whole issue of the drug trade has not really been talked about a whole lot on this floor. I think it has to be. I think it should be because we have a vital national interest in protecting our community from people profiteering over shipping poison across the shores into the United States.

The second has to do with immigration. Certainly, while there has been a temporary lull in the boat people, and certainly, if anything, we all saw people coming across and dying in droves trying to flee the repression and the human rights abuses and the economic deprivation in Haiti at the present time. The fact of the matter is that Guantanamo has become, if you will, a holding ground for the Haitians that have tried to escape and have not been able to.

We have not made a decision, quite frankly, as to whether to let those people in the country, making them immigrants fleeing from political persecution or encourage them to go back home. They certainly cannot go back home in the present circumstance.

So the question comes, what do we do? Are we going to let the dictators that have destroyed democracy in Haiti control our immigration policy and violate altogether our borders and set up a situation that puts us in an impossible situation that we cannot control, making American taxpayers, if you will, responsible for warehousing people for whom there is no obvious answer in terms of immigration policy?

That, it seems to me, is the second direct national interest that I would rather see the Attorney General of the United States control U.S. immigration policy than Mr. Cedras and Mr. Francois.

The third has to do with restoring Haitian democracy. The consideration has been accurate here about the fact that Haiti does not have the 200-year or 300-year experience with democracy as does this country. They are trying. They tried with the election of President Aristide to begin to develop a brandnew baby democracy, if you will, a fragile democracy, that democracy that was just getting itself off the ground.

President Aristide won the election in Haiti with better than 70 percent of the vote—and I would add parenthetically that the Presiding Officer did a little better than that last night in the Maryland primaries. But the fact is that 70 percent of the vote is considered a very healthy vote, indeed. The people of his country elected him president. He was kicked out by people by the end of a gun wielded by this military coup.

So the question becomes, do we have a direct interest in restoring democracy as high flown as that might sound? When it happens, to begin with, then-Secretary of State Jim Baker, and I quote, said:

> This coup must not and will not succeed.

Here we are almost 2 years later, more than 2 years later, debating the coup that must not and would not succeed. It apparently has succeeded at least long enough, too long in my opinion, and it seems to me that if we are serious about protecting democracy, restoring democracy, giving democracy a chance in that tiny country right off our borders, we have an obligation to go in and to let the dictators know that they just cannot get away with having taken democracy hostage and having it shut down in Haiti.

Certainly, the Clinton administration shares the Bush administration's commitment to restore democracy in Haiti because the President knows that if the Haitian military coup is allowed to stand, the stability of other fledgling democracies in the region will be threatened.

So again, that is a third national interest that I think should be fairly clear to all involved.

Fourth, Mr. President, I believe that our country has a real interest in promoting human rights and in responding to the terrible rights abuses that have occurred so close to our shores.

I would like really to share with the Members of this body the report on human rights abuses in Haiti. It makes for terrible reading. But I really would like to have it introduced as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS IN HAITI, UNITED STATES DEPARTMENT OF STATE, SEPTEMBER 13, 1994

This is the third interim report on the condition of human rights in Haiti to be prepared by the Department of State in 1994. Since publication of the annual "Country Reports on Human Rights Practices in 1993" in February 1994, the Department prepared and released two reports on Haiti, in April and July of 1994. This third report is more detailed and comprehensive than its predecessors. It attempts to fill the void created by the compulsion in July of this year of the UN/OAS's jointly sponsored International Civilian Mission (ICM), which monitored human rights conditions throughout Haiti.

SUMMARY

The human rights situation in Haiti under the illegal Cedras regime is comparable to the notorious regime of Francois "Papa Doc" Duvalier. The military and the de facto government promote repression and terror, sanctioning widespread assassination, killing, torture, beating, mutilation and rape. The regime's actions openly defy the international community, which has repeatedly condemned these gross human rights violations.

The increasing repression and terrorism in Haiti is perpetrated at various levels by military, police and civilian groups reporting to the Cedras regime. The military controls the de facto government, the police, the police attaches, the Chefs de Section, and the nominally independent FRAPH, known variously as the Revolutionary Front for Advancement and Progress in Haiti, or the Armed Revolutionary Front of the Haitian People.

Though the democratically approved constitution of 1987 calls for the establishment of a police force separate from the military, the armed forces have retained control of policing functions. The police attaches are quasi-official agents of the security apparatus, who conduct low level surveillance of the populace, enforce repression, and organize vigilante action. The Chefs de Section constitute the rural branch of the military structure, and answer to the army's departmental commanders. The regime directs, encourages or permits these organizations and individuals to violate human rights with impunity.

The central authorities set the tone and provide general direction for official terrorism, but do not necessarily oversee each violent act. Repression is, in effect, decentralized with the result that the lower ranks of the security apparatus commonly regard their positions as private sinecures. They regularly exploit their authority to extort from the local populace, enhance their own social standing, and settle scores for themselves or their friends. This particular brand of Haitian terror, much used by Francois Duvalier in his time, gave rise to his creation of the notorious Tonton Macoutes. As the case of military commander Norelus Mandelus (see below) illustrates, the military is capable of controlling the violence, but encourages or permits it because it suits their purposes.

To monitor the human rights performance of the de facto government, the UN and the OAS co-sponsored the International Civilian Mission (ICM), which was first deployed in Haiti in 1993, and again in 1994. The ICM found considerable evidence of rampant human rights abuse in Haiti from the time of its arrival to July 1994, when the de facto government asserted that the ICM's presence in Haiti had not been legally authorized, and expelled it.

RECENT HUMAN RIGHTS REPORTING

Although the U.S. embassy has not been able to replicate the outstanding work of the nearly 90 full time ICM monitors who were resident throughout the country until July, it has significantly stepped up its human rights monitoring efforts since the ICM's departure. In addition to spot reporting, the embassy's interagency team reports weekly on the deteriorating human rights situation.

SINCE THE OUSTER OF PRESIDENT ARISTIDE

The Cédras regime came to power in September 1991 when it staged a violent coup against the eight-month-old, democratically-elected government of President Jean-Bertrand Aristide. In the immediate aftermath of the coup the new regime killed at least 300 to 500 people, targeting Aristide supporters specifically. As we approach the third anniversary of the coup against the Aristide government, the human rights situation has worsened. To maintain its rule, the regime has instilled a pervasive climate of fear through widespread assassination and other killings, torture, mutilation, rape, and steady harassment. According to the February 7, 1994 report of the UN Special Rapporteur for Haiti, as many as 3000 Haitian civilians, including many Aristide supporters, have been killed under the Cédras regime. Other reports indicate that at least several hundred more have been killed since then. Indeed, the present situation reflects a degree of terror comparable to that of the Duvalier regimes.

THE MOST RECENT HIGH PROFILE CASES

The August 28 assassination of President Aristide's colleague, the Rev. Jean-Marie Vincent, is the most recent demonstration of the de facto regime's determination to silence its opponents. The priest was shot to death by unidentified gunmen as he drove up to the gates of his order's compound in the Turgeau area of Port-au-Prince.

Several other political assassination attempts have failed in recent months. Former Senator Reynold Charles was wounded when shot by unidentified gunmen but escaped death. Gunmen attacked the home of Senator Clarck Parent and his sister (the Mayor of Petionville) but fled when the blind senator fired his pistol into the air. Rather than launch credible investigations into these events, the de facto government dismissed them as the acts of parties interested in discrediting the regime.

These assassinations and attempted assassinations are but the latest in a lengthy series of killings of high level opposition figures. In September of 1993 prominent pro-Aristide activist Antoine Izmery was killed when a band of armed men attacked him during a church service; on October 14, 1993, the respected Haitian lawyer and Minister of Justice Guy Malary was assassinated in downtown Port-au-Prince. The Cédras regime has shown scant interest in investigating these deaths.

On September 9, 1994, the New York Times reported specific instances of political terror being directed at orphans, many of whose parents were themselves victims of the de facto regime. These killings have reportedly been accompanied by persecution of the orphanage staffs, resulting in the closure of many orphanages.

THE RULE OF TERROR

The regime's human rights record demonstrates its intention not only to eliminate its opponents, but to subjugate the general populace and suppress and intimidate any potential opposition as well. A recent Human Rights Watch report estimates that as many as 300,000 persons have been driven into hiding. Widespread torture, rape, beatings, and the extortion of money from people arrested for no reason, serve to cow and demoralize the public.

The evidence of mass intimidation is ample and widely corroborated. A delegation from the Inter-American Commission for Human Rights (IACHR) that visited Haiti from May 16 to May 20, 1994 found that the human rights situation in Haiti had "deteriorated seriously" since their last visit in August 1993. The delegation was able to document 133 cases of extrajudicial killings between February and May of 1994 alone, and there is reason to believe there were many more beyond the scope of their investigations. It also found that the regime was leaving severely mutilated corpses on the street simply to terrorize the populace.

The IACHR delegation uncovered evidence that the wives and relatives of the regime's opponents were being raped and otherwise sexually abused. It identified numerous cases of arbitrary detention, disappearances, and torture. The delegation attributed full responsibility for the deteriorating situation to the de facto authorities.

In its press release of July 27, 1994, the IACHR characterized human rights abuse in Haiti as "flagrant and systematic" and attributed it to "the continuing unlawful exercise of power by the Haitian military and its appointees." It further pointed out the collapse of responsible governmental institutions, referring to "the total ineffectuality of the judiciary or other mechanisms to prevent or punish human rights violations," and noted that violators "act with outright impunity."

In July 1994, Human Rights Watch issued a report documenting dozens of cases of rape aimed at terrorizing not only the opponents of the regime, but the general populace as well. And the ICM, for its part, documented sixty-six cases of politically motivated rape by the military and para-military forces in the first five months of 1994 (before the ICM's expulsion from Haiti by the military).

A LITANY OF HUMAN RIGHTS ABUSES

A sampling of the mounting incidence of rape, torture, and mutilation illustrates the serious deterioration of the human rights situation over the past year:

On August 6, 1993, uniformed soldiers and police invaded the home of a suspected Aristide supporter, raping the wife and arresting the husband, whom they tortured and released.

On August 14, 1993, police, military, and attaches invaded the home of another suspected Aristide supporter. They killed a two-year-old child, molested two young women, and stole valuables.

In October 1993 the ICM report on human rights documented the rape of a 13-year-old girl by military personnel in Bayeux (near Cap Haitien in the north) in June; the wife of a Cite Soleil activist by uniformed men in July; and a 16-year-old girl by a soldier in Derec (near Ft. Liberte in the northeast).

On December 27, 1993, a fire in the Cite Soleil neighborhood of Port-au-Prince destroyed some 200 dwellings, killed four people and injured 61. There is evidence that FRAPH set the fire in retaliation for the killing of one of its members.

According to Human Rights Watch, on January 9, 1994 a woman from Cabaret (a coastal town north of Port-au-Prince) bled to death as a result of having been raped by soldiers in late December.

Amnesty International reports that on January 15, a 17-year-old boy was shot by the FRAPH because he was suspected of being connected to a children's home established by Aristide.

Human Rights Watch reports that on January 29 a pro-Aristide student activist was raped by two FAD'H attaches as she walked home.

On February 3, the military surrounded a house occupied by pro-Aristide activist youth and opened fire, killing eight or nine youths.

On the same day, the military fabricated an attack by Aristide supporters to justify terrorizing and beating residents near Les Cayes on the southern peninsula. One elderly man was beaten to death, and the military subsequently attacked those who attended his funeral.

Human Rights Watch reports that on the evening of February 7, 1994, two attaches invaded the home of a family that had been denounced by an unidentified detractor. They tied up the husband and raped his wife on the front porch.

On March 23, plainclothes military and FRAPH members harassed and physically abused five ICM monitors in the central plateau town of Hinche. The ICM reported increased lawlessness in the region, with FRAPH members and soldiers shooting up neighborhoods and committing burglary and extortion with impunity.

In late March, international monitors reported FRAPH members and soldiers shooting up neighborhoods and committing burglary and extortion with impunity. The U.S. embassy reported a general increase in violence, including rape, against the families of the regime's critics.

On April 18, soldiers opened fire on slum-dwellers in the pro-Aristide area of Raboteaux in Gonaives, killing roughly 30 people.

On May 23, a dozen right-wing gunmen—probably members of FRAPH— hunted down and brutally killed four Aristide supporters in Cite Soleil.

On June 14, soldiers and armed civilians raided a church office in Laborde, arresting and severely beating the director of the College of Notre Dame and his parents.

On June 21, an employee of the Petionville mayor's office was severely beaten and another imprisoned for unwittingly violating a new decree that the Haitian flag not be lowered until the "international oppression" of Haiti ends.

On June 24, an explosion in the house of a local representative of a labor organization killed two girls.

On June 30, the bodies of five men appeared on the streets of Port-au-Prince. All had been shot with their hands tied behind their backs. As with many killings, the exact motivation is unknown; the absence of effort by the military or police to prevent or investigate such killings lead us to assume that they and others took place with the approval or outright participation of the military and their allies.

The embassy also confirms that on August 18 the FAD'H arrested up to 40 people in the southern peninsula town of Cavaillon over an incident involving the lowering of the Haitian flag. As of August 23, as many as 30 remained incarcerated.

Several prisoners are reported to have died in police custody in Les Cayes, and beatings and torture are common.

REPORTING FROM THE EMBASSY HUMAN RIGHTS TEAM SINCE JULY 1994

After the expulsion of the UN/OAS human rights monitors, the U.S. embassy stepped-up its own human rights reporting. Extensive coverage of the countryside by embassy reporting teams since July 1994 has found a dramatic increase in human rights violations.

The Central Province (near Hinche) had long been the home of popular movements until they were silenced by the brutal repression of the regime's local authority, Col. Gideon. After the Colonel was reassigned to the Southwest Province (around Les Cayes) repression in that area immediately increased. Indiscriminate searches and arbitrary arrests were commonplace. There have been reports that several people in the Les Cayes region have been arrested simply for listening to Voice of America broadcasts.

In Les Cayes, the summer saw the appearance in a southern coastal town of Norelus Mandelus, a military commander who characterized himself as the Saddam Hussein of Haiti. Among other atrocities, Norelus cut off a victim's ear during a vicious beating and forced him to eat it, and then carved his initials in the victim's flesh. Military authorities tolerated this behavior until a priest and seminarian who were among the victims of Norelus' indiscriminate beatings turned out to be relatives of a higher ranking officer. Norelus apparently received a minor reprimand before being reassigned.

In a flagrant example of an arbitrary arrest, authorities in Miragoane imprisoned Lavalas activist Gardy Leblanc, reportedly for ridiculing the new para-military civilian guard during their drills. The officer in command of the Miragoane police office refused embassy personnel access to Mr. Leblanc. The officer said that he was under orders not to talk to the embassy representatives and that Leblanc was being held pending orders from his commander. After repeated inquiries from the embassy, Leblanc was reportedly released.

Last month, the embassy reporting team found that low-level repression and terror is common in coastal Aquin, just east of Les Cayes. Many people were incarcerated and all were subject to harassment by the authorities. A local nun described to the embassy some of the injuries she had treated for prisoners tortured by their captors.

In the town of Gressiers, a short distance west of Port-au-Prince, several bodies of murder victims were found in a shallow grave. The bodies were partially exposed and were easily discovered.

On the morning of August 1, 1994, the police beat several persons who were awaiting the opening of the U.S. refugee processing center in Port-au-Prince. No evidence was found that the victims provoked the action.

FLOUTING INTERNATIONAL CONCERN

Ever since the time of the coup, the international community has repeatedly condemned Haiti's de facto regime. The de facto government's response has been to increasingly isolate itself from the international community. The regime reneged on the terms of the Governor's Island Agreement, and has subsequently rejected all efforts by the international community to bring about a peaceful resolution of this crisis. Just this month, the regime refused to meet the special representative of UN Secretary General Boutros Boutrous-Ghali. It has long been clear that they are the cause of the horrendous human rights situation in Haiti, and it is now becoming clearer that they have no intention of working with the international community to resolve this crisis.

The escalating human rights crisis in Haiti has received intense attention in the OAS, the UN, and other international fora. Most recently, the UN Security Council, recognizing that appropriate diplomatic channels had not resolved the crisis, approved Resolution 940 which authorizes the removal of the de facto government by all necessary means. From this authorization, the United States has worked to form an international coalition to implement Resolution 940.

Ms. MOSELEY-BRAUN. Mr. President, I would like to just read a little bit of the summary from the report. This report came about—it was a function of the International Civilian Mission as well as of the United Nations and the OAS sponsorship. This is a report by the State Department. They said:

The human rights situation in Haiti under the illegal Cedras regime is comparable to the notorious regime of Francois "Papa Doc" Duvalier. The military and the de facto government promote repression and terror, sanctioning widespread assassination, killing, torture, beating, mutilation and rape. The regime's actions openly defy the international community, which has repeatedly condemned these gross human rights violations.

The increasing repression and terrorism in Haiti is perpetrated at various levels by military, police and civilian groups reporting to the Cedras regime. The military controls the de facto government, the police, the police attaches, the Chefs de Section, and the nominally independent FRAPH, known variously as the Revolutionary Front for Advancement and Progress in Haiti, or the Armed Revolutionary Front of the Haitian People. And then it goes on to talk about something else. I want to read a little bit here:

The Cedras regime came to power in September 1991 when it staged a violent coup against the eight-month old democratically-elected government of President Jean-Bertrand Aristide. In the immediate aftermath of the coup, the new regime —

Meaning Cedras' group.

killed at least 300 to 500 people, targeting Aristide supporters specifically.

This is the third anniversary of the coup.

Then they go on to talk about some of the high-profile cases of the killings and tortures.

The August 28 assassination of President Aristide's colleague, the Reverend Jean-Marie Vincent, is the most recent demonstration of the de facto regime's determination to silence its opponents. The priest was shot to death by unidentified gunmen as he drove up to the gates of his order's compound in the Turgeau area of Port-au-Prince.

They are killing priests, Mr. President. It seems to me that you have to go a long way to want to stand by and be associated in any way with that kind of action.

In addition to killing priests, there was a litany of human rights abuses.

A sampling of the mounting incidence of rape, torture and mutilation illustrates the serious deterioration of the human rights situation over the past year:

On August 6, 1993, uniformed soldiers and police invaded the home of a suspected Aristide supporter, raping the wife and arresting the husband, whom they tortured and released.

On August 14, 1993, police, military, and attaches invaded the home of another Aristide supporter. They killed a 2-year-old child, molested two young women, and stole valuables.

In October 1993, the ICM report on human rights documented the rape of, one, a 13-year-old girl by military personnel in Bayeaux; two, the wife of a Cite Soleil activist by uniformed men in July; and three, a 16-year-old girl by a soldier in the Northeast.

On December 27, 1993, a fire destroyed some 200 dwellings. It was determined that the fire was set.

Amnesty International reports on January 15, a 17-year-old boy was shot to death by the FRAPH because he was suspected of being connected to a children's home established by Aristide.

Mr. President, this report goes on and on and on and gets just more and more gruesome as you go forward. I will not belabor the point, except to say that it seems to me that we have identifiable, specific national interests in seeing to it that these kinds of human rights abuses are not allowed to be continued under the leadership of this military dictatorship.

The question becomes what should we do about it, and the process. Certainly, I think you know I care a lot about process. I talk about it a lot. It is critically important because process, after all, is the foundation on which we maintain democratic institutions.

I want to talk for a moment about the fact that this administration—the President—has given peace a chance. The fact of the matter is, with the Governor's Island accord, with the appointment of former Congressman Gray, with Madeleine Albright's efforts, with the international efforts, with the conversations and constant deliberations with the United Nations, OAS, the Caribbean community, they have tried peace. Two resolutions have been passed by the U.N. Security Council of late. Resolution No. 917 authorized the use of sanctions. Resolution No. 940 authorized the use of force.

With regard to the sanctions specifically, Mr. President, I am making this speech now having all along said, "let us use sanctions, let us not use military intervention, let us resort to weapons as an absolute final, last-ditch thing we can do. Try every possible diplomatic means and economic means at our disposal."

The sanctions have been tried, and they have been put on, and they have been squeezed tight and enforced. Unfortunately, Mr. President, the reality is—and it is the decision that the

President is having to face—the sanctions really are cutting to the core of the social and economic fabric in Haiti. Poor people, people who cannot make it otherwise, are feeling the impact of the sanctions, while the very wealthy, the military elite, the dictators and their wives and their families, have been able to withstand the sanctions in large part because they can transfer money internationally, and they can fly to Miami to shop, and they can live their lives in their villas and compounds without real concerns. So the sanctions have not been as effective as they were, for example, in South Africa. I was very proud to have been part of the sanctions effort in South Africa, because I thought it would make a difference, and it did.

Here the sanctions really have had limited utility, because it is such a blunt instrument and unfortunate under the circumstances, since the military leadership feels they can wait us out, that we will blink first, and the effect has been, if you will, arguably counterproductive.

So, Mr. President, the President of the United States may well conclude that direct intervention is the course that we need to take. He has not said that yet, but it is likely that he will. And so the question becomes for all of us as Senators: What about the War Powers Act and what is our appropriate role in all of that?

Well, of course, Mr. President, I think it is altogether appropriate that, as Senators, we certainly want to protect our prerogatives under the Constitution. We certainly want to make certain that the law gets followed in this regard, that we do the right thing in terms of the constitutional separation of powers and the checks and balances.

But I would like at this point to associate myself with the remarks of the Senator from Georgia, when he pointed out we are not talking about a war. We are not talking about a war; we are talking about an action that is more like the action in Panama or Grenada than it is even the Persian Gulf.

So, in that regard, I believe that while the debate over the War Powers Act has continued for years, and will no doubt continue—and Congress is rightly concerned about our appropriate role under the Constitution—the fact is that this struggle in this debate, which is a very important one, should not be used to hamstring this President any more than it was allowed to hamstring previous Presidents who were faced with making very difficult decisions in equally difficult circumstances.

The reality of it is that none of us was elected President of the United States. We do not have the entire picture. We have the picture as we read it in the newspapers and as we get briefed by the State Department. And we, of course, have the benefit of our own logic and common sense and judgment. I do not in any way mean to suggest that this debate should not happen and the debate around our prerogatives and rightful role should not happen. I think it is an important and healthy debate.

Mr. President, I say at this time that until the President of the United States decides what to do, the most important thing that we can do in this body is to say very clearly that our foreign policy will follow our values, that we will act as a nation when human lives are at stake, as surely as we will act when oil or our economic interests are at stake; that the most important thing we can do is to sound a sure trumpet, to be very clear, to let the military dictators know—who, hopefully, are watching C-SPAN or CNN and hearing some parts of this—that we will not let them pull the chain of the greatest country on the Earth on behalf of something that is so clearly wrong; that we will not allow them to set an example for Korea or any other place on this planet where dictatorship will overwhelm democracy, where the few will make life miserable and take advantage of and commit human rights abuses against the many; where the dictators and their ilk will rape a country, will take the lifeblood out of a country in order to further their own personal pecuniary financial gain. That is what we have here.

So I think, Mr. President, it is important that the Congress not send the signal—and those are so important—that we not send the signal out there, whether it is to our domestic media or to the military in Haiti, or frankly anywhere else in the world, that we are confused about what our values are, that we are confused about what our national interest is, or that we are confused in our support for this President doing the best job he can to conduct our foreign policy, because that is the job that under the Constitution he is charged with doing.

So, Mr. President, again, in conclusion, I would say that I am looking forward, as we all are, to the President's speech tomorrow night. This is a very tough, tough issue. No one likes to be involved in this. I mean, of all the issues that we get to deal with here in the U.S. Senate, I daresay these kinds of issues having to do with war and peace are the toughest. I have a 17-year-old son. I am not at all anxious ever to want to commit American forces to do something that will require being around things that will kill people.

These are very grave and serious matters. But at the same time, it seems to me that if our Nation is to stand for anything and if my 17-year-old son's life and my life and our lives as Americans are to have meaning, they have to have meaning with honor. We have to stand for something, and we have to let the world know that when we say something, we give our word, when we make speeches and make pronouncements about the lofty principles that we hold dear, that they are not just conversation, that those principles have real meaning to us; that we really do believe that democracy has a value; we really do believe that human rights have a value; we really do want to make certain that the drug trade is stopped; we really do want to see to it that people can stay in their own homes.

We have values in this country, and those values form the bedrock foundation of our policy both domestic and foreign.

So, Mr. President, in conclusion, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DODD. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 9:34 p.m., recessed until 10:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DODD).

MORNING BUSINESS

SENATE ANNOTATED EDITION OF THE CONSTITUTION

Mr. MITCHELL. Mr. President, 207 years ago this Saturday, on September 17, 1787, at Independence Hall in Philadelphia, 39 delegates from 12 States signed the Constitution of the United States of America. Ratified in 1788 and placed in operation in 1789, the U.S. Constitution is the world's longest-surviving written charter of government. Its first three words—"We The People"—affirm that the government of the United States exists to serve its citizens. The supremacy of the people, through their elected representatives, is recognized in article I, which creates a Congress consisting of a Senate and a House of Representatives. The positioning of Congress at the beginning of the Constitution reaffirms the status of this institution as the first branch of the Federal Government.

It is essential that all Americans have the opportunity to read and understand this supremely important document. To assist in meeting that objective, the Office of the Secretary of the Senate, with the support of the Library of Congress, has prepared a specially annotated 46-page edition of the Constitution for distribution through Members' offices to Senate visitors. For each of the Constitution's sections, this edition includes a brief explanation written in a style designed to be accessible to the widest possible audience. On this September 17, we would all do well to set aside some time to become reacquainted with our Constitution.

STATMENT ON THE NOMINATION OF JUDGE H. LEE SAROKIN

Mr. BRADLEY. Mr. President, President Clinton has nominated Judge H. Lee Sarokin, a distinguished jurist on the U.S. District Court for the District of New Jersey, to become a judge on the U.S. Court of Appeals for the Third Circuit. Judge Sarokin has received a unanimous well-qualified rating from the American Bar Association [ABA], the highest rating possible. He has been an extremely effective jurist on the district court. His decisions have yielded a body of caselaw that is based on adherence to the Constitution and the rule of law. For example, of the over 2,000 written opinions issued by Judge Sarokin, approximately 50, or less than 3 percent, have been reversed or vacated on appeal. At least two of the reversals occurred when legislation was subsequently changed as a result of his rulings. In addition, two of the reversals were themselves reversed by the U.S. Supreme Court.

The New Jersey law enforcement community supports Judge Sarokin's nomination to the third circuit. Frank Ginesi, president of the New Jersey State Policeman's Benevolent Association, the largest police organization in New Jersey representing over 30,000 police officers, supports Judge Sarokin's confirmation to the third circuit. Also, David Blaker and Thomas Little, presidents of the State Troopers Non-Commissioned Officers Association and Local 105 of the New Jersey State Policeman's Benevolent Association—representing over 5,000 correctional officers—respectively, have endorsed Judge Sarokin. In addition, the Bergen County Police Conference, the State Troopers Fraternal Association of New Jersey and the Police Foundation have expressed their support for Judge Sarokin's elevation to the third circuit.

Moreover, prosecutors who have worked with Judge Sarokin every day for years are supportive of the nomination. Four former U.S. attorneys for the District of New Jersey—William Robertson, W. Hunt Dumont, Michael Chertoff, and Herbert Stern—have endorsed the nomination. William Robertson served as the U.S. attorney under the Carter administration, while Herbert Stern, Hunt Dumont, and Michael Chertoff served under the Nixon, Reagan and Bush administrations, respectively. Michael Chertoff, who recently served as the special minority counsel in the Whitewater hearing, states that "[b]y intellect, temperament and experience, H. Lee Sarokin is highly qualified to sit on the United States Court of Appeals."

A broad cross-section of the leaders of the New Jersey legal community have endorsed Judge Sarokin's nomination with enthusiasm. William McGuire, president of the New Jersey Bar Association, and Thomas Curtin, the immediate past president of the New Jersey Bar Association, have proclaimed their support for Judge Sarokin. Also, Gerald Eisenstat, a past president of the New Jersey Bar Association, and Vincent Apruzzese, another past president of the New Jersey Bar and a former member of the board of governors of the American Bar Association, have endorsed the nomination of Judge Sarokin.

Judge Sarokin is held in high regard by his fellow judges in the third circuit. According to Judge Leonard Garth, a Nixon appointee and a senior judge on the third circuit who has known Judge Sarokin for over 14 years, Judge Sarokin has throughout his career "exhibited the compassion, the resourcefulness, the intelligence, the 'heart' and the fairness that are hallmarks of an outstanding jurist." In addition, every living former chief judge of the third circuit—Judge Ruggero J. Aldisert, Judge John Gibbons, and Judge Leon Higginbotham—has praised the exceptional judicial performance of Judge Sarokin.

Former Chief Judge Aldisert has written that Judge Sarokin is "one of the most outstanding district judges in the third judicial circuit—[a] true scholar, but at the same time a genuine humanitarian, constantly in the quest for justice for the parties who appear before him." Former Chief Judge Gibbons, a Nixon appointee who is presently a professor of law at Seton Hall Law School, stated that Judge Sarokin "would bring both intellectual strength and needed ideological balance" to the court of appeals. In addition, former Chief Judge Higginbotham notes that Judge Sarokin is "thoughtful, fair and impressive."

Many highly respected members of the academic community support Judge Sarokin's elevation. Prof. George Priest of Yale Law School, who testified in support of former Judge Robert Bork during his confirmation hearing, states that "Judge Sarokin is among the very first rank of federal judges [whose] most important quality is what I would call a deep judiciousness, consisting of a combination of seriousness, a commitment to making sense of the law, and a devotion above all else to fair treatment of the parties to the litigation." Prof. Owen Fiss of Yale Law School echoes the sentiment of his colleague by noting that "Judge Sarokin's courtroom has become one of the temples of justice of this Nation." Moreover, Prof. Harold Koh of Yale Law School writes that Judge Sarokin is "extraordinarily well-qualified" for elevation to the third circuit.

Before being named to the Federal district court by President Jimmy Carter, Judge Sarokin was a partner and trial counsel in the firm of Lasser, Lasser, Sarokin & Hochman, which he joined in 1954. From 1959 to 1965, Judge Sarokin serviced part-time as Assistant Union County Counsel. Judge Sarokin has taught real estate law at Rutgers Law School and is a frequent lecturer at Harvard, Yale, and other law schools. A graduate of Dartmouth College and Harvard Law School and the author of numerous scholarly legal articles, Judge Sarokin is known as one of the brightest judges on the Federal District Court for the District of New Jersey.

I have known Judge Sarokin for over 20 years, and I agree with Professor Priest that Judge Sarokin's nomination "will prove to be among this country's most distinguished judicial appointments of many decades."

In recent days, questions have been raised about Judge Sarokin's record with specific reference to several cases. I submit for the RECORD sections of a memorandum prepared by the Department of Justice about several of these cases.

THE TOBACCO LITIGATION: CIPOLLONE VERSUS LIGGETT GROUP, INC.; HAINES VERSUS LIGGETT GROUP, INC.

Judge Sarokin presided over a jury trail in which cigarette manufacturer Liggett Group was found liable in the death of a smoker. The jury awarded the family $400,000 in damages. This was the first suit of its kind lost by a cigarette manufacturer. The jury found that the manufacturer had failed to warn the pubic of the health risks form smoking. The litigation was marked by a number of highly contested disputes between the parties over discovery and the production of documents.

In two actions six years apart, the Third Circuit Court of Appeals disagreed with Judge Sarokin's decisions in such discovery disputes, and issued writs of mandamus to reverse his judgments. In the second action, the Third Circuit was also asked to exercise its supervisory powers to reassign Judge Sarokin because the tobacco companies, felt he had evidenced prejudice in the language of one of his orders. The Court said that while it did "not agree that [Judge Sarokin] was incapable of discharging judicial duties free from bias and prejudice," it would reassign the case in order to preserve "the appearance of impartiality."*Haines* v. *Liggett Group Inc.*, 975 F.2d 81, 98 (3d Cir. 1992).

ANALYSIS

Writs of Mandamus. Issuing a writ of mandamus, although not an everyday occurrence, is far from an earth—shattering event. The cigarette manufacturers asked the Court of Appeals to issue writs of mandamus on the discovery orders because such orders are not appealable through the normal process. During the fifteen years that Judge Sarokin has been on the bench, the Third Circuit issued 31 writs of mandamus to district Court judges. Even if Judge Sarokin was wrong on the law—on these two motions out of hundreds decided during the extremely complex tobacco litigation—his actions and the writs of mandamus issued by the Court to Appeals were "typical of trial court error common in the day-to-day supervisory experience of an appellate court." (N.J. Law Journal, 10/5/92)

Reassignment is much less common, to be sure. But the same year the Third Circuit took action against Judge Sarokin, it also reassigned Reagan appointee Judge Robert Kelly (E.D. Pa.) from asbestos litigation.

Issues of Law. Judge Sarokin's critics have distorted the language of the Third Circuit's opinions. The actual discussions of Judge Sarokin's actions turn on close questions of law. Both rulings involved relatively technical questions of the standards and methods of review of magistrates' decisions on discovery motions in particular settings. In the first ruling, involving a protective order against public disclosure of documents, Judge Sarokin has interpreted a Supreme Court decision to require an expansive standard of review because constitutional guarantees of free speech were implicated. At least two Courts of Appeals had reached the same conclusion. The Third Circuit, in a decision in another case announced two months after Judge Sarokin's decision, reached the opposite conclusion. Thus the Third Circuit law Judge Sarokin is alleged by some critics to have ignored did not exist at the time of this decision.

In the second ruling, Judge Sarokin had, in reviewing the magistrate's decision, considered evidence from a related case. Although the Third Circuit, apparently addressing the question for the first time, disagreed with Judge Sarokin's approach, Judge B. Weinstein (E.D.N.Y.) endorsed it (Brooklyn Law Review, 1993). Contrary to the allegations of Judge Sarokin's critics, this was a close question.

Judge Sarokin's Reassignment. Judge Sarokin was not reassigned because of his rulings of law, on which reasonable judges can and have disagreed, but because of his strong critique of the tobacco industry's litigating strategy. In fact, in announcing its "most agonizing" decision to re-assign Judge Sarokin, the Third Circuit stated unequivocally that he "is well known and respected for magnificent abilities and outstanding jurisprudential and judicial temperaments." *Haines v. Liggett Group Inc., supra*, 975 F.2d at 98.

The Court of Appeals did not hold that Judge Sarokin abandoned "even the appearance of impartiality," as Judge Sarokin's critics have chosen to twist the opinion to say. The Court stated outright that Sarokin could be fair in fact and the only the appearance of impartiality was implicated by his remarks. *Ibid.*

In the action under review, Judge Sarokin had to decide a technical question of attorney-client privilege, the so-called crime-fraud exception. He was asked to determine whether documents otherwise protected by the privilege had been generated as part of an effort to conceal facts about tobacco from the public. Therefore, Judge Sarokin addressed the degree of deceptiveness of the tobacco companies, since it was directly relevant to the question presented, even though it was also inevitably related to the issues to be decided at trial.

Judge Sarokin remarks came after years of reviewing evidence in the tobacco litigation. No one alleged that his views came from anything but the evidence, a fact that calls into question the correctness of the Third Circuit's disqualification order. Five of the six Circuit Courts that had considered the question—including the Third Circuit, see *Johnson* v. *Trueblood*, 629 F.2d 287 (1980)—had clearly held that appearances of judicial bias originating in judicial proceedings should not result in removal. These courts recognized that in order to issues rulings, a judge must develop views based upon the weight of the evidence presented.

In fact, the United States Supreme Court has recognized the distinction between the appearance of bias originating in judicial proceedings and bias that arises from extra-judicial sources. Earlier this year, in *Liteky* v. *United States*, 114 S.Ct. 1147 (1994), the Court sided with the majority of Circuit Courts, holding that although a judge may often appear biased because of views developed from hearing the evidence in judicial proceedings, removal is required only when the judge "display[s] a deep-seated favoritism or antagonism that would make fair judgment impossible." 114 S.Ct. at 1157. Since the Third Circuit explicitly stated that it did not doubt Judge Sarokin's actual ability to adjudicate the case impartially, its decision in *Haines* v. *Liggett* most likely could not survive the Supreme Court's decision in *Liteky*.

CONCLUSION

With respect to Judge Sarokin's removal in the cigarette litigation, it should be noted that former Chief Judge Aldisert, who wrote the decision to remove Judge Sarokin, has stated that "[t]he addition of Judge Sarokin [to the Third Circuit] will bring a high degree of judicial strength because of the respect he has earned among his peers, his warmth and wisdom, and the solid contributions he will make because of his magnificent and profound experience." In addition, former Chief Judge Gibbons has stated the following with respect to Judge Sarokin's performance in the cigarette litigation:

"That industry [the tobacco industry] has pursued a "take no prisoners" approach to product liability litigation. My review of Judge Sarokin's work in connection with the litigation in question has left me convinced, however, that he acted with complete propriety throughout the litigation."

Kreimer versus Bureau of Police for the Town of Morristown

THE FACTS

A homeless man challenged the Morristown public library's regulations prohibiting those with poor hygiene and those who annoy others patrons from using the library. Judge Sarokin ruled that the library's policy infringed upon established First Amendment rights and was unconstitutionally vague. 765 F. Supp. 181 (D.N.J. 1991).

ANALYSIS

Contrary to the allegations of his critics, Judge Sarokin did not "invent" a new right. The third Circuit agreed fully with Judge Sarokin that the First Amendment guarantees all citizens not only the right to express their ideas to others, but also "the right to receive information and ideas" from others. The Third Circuit described a long line of Supreme Court cases supporting this right as essential to a democratic society. It called the public library "the quintessential locus of the receipt of information," affirming Judge Sarokin's determination that citizens enjoy a right of access to the public library. *Kreimer* v. *Bureau of Police for the Town of Morristown*, 958 F.2d 1242, 1256 (3d Cir. 1992).

Furthermore, the Court of Appeals agreed with Judge Sarokin that the strictest scrutiny would apply to the library's hygiene regulation, because it effectively prevented some individuals from enjoying their First Amendment rights. While it did disagree with Judge Sarokin's holding that the regulation did not survive constitutional "strict scrutiny" (a test that is rarely passed), its painstaking analysis reveals how close a question this was.

Judge Sarokin also found the library's regulations unconstitutionally vague. He did not rule that the library couldn't regulate access to its facilities, but rather that because the regulations were so open-ended, they would allow library officials to discriminate arbitrarily. He believed that the prohibitions against poor hygiene and against "annoying" behavior gave too much discretion to library officials, allowing them to use the regulations as a justification to expel those of whom they did not approve.

While the Court of Appeals did not agree that the regulation were unconstitutionally vague, one commentator, Jeremy Rabkin of Cornell University, has said the Court of Appeals decision went "against the trend." He points out that the Supreme Court has struck down traditional vagrancy laws as excessively vague and threatening to the First Amendment right of assembly (William and Mary Law Review, 1992).

BLUM V. WITCO CHEMICAL CORPORATION

THE FACTS

After a long jury trial, a jury found that the defendant had discriminated against several of its employees in violation of the Age Discrimination in Employment Act. The jury awarded plaintiffs a total of $75,000 in lost pension benefits as front pay under the ADEA and $15,000 in pain and suffering. Pursuant to a federal statute providing for attorney's fees, Judge Sarokin awarded fees to plaintiff's counsel, which included an upward adjustment, called an "enhancement" under the statute. 702 F. Supp. 493 (D.N.J. 1988).

ANALYSIS

The Third Circuit upheld the jury verdict for front pay, but set aside the award for pain and suffering. The Third Circuit also reversed and remanded the issue of attorney's fees to the District Court for recalculation in light of an intervening Supreme Court decision in *Pennsylvania* v. *Delaware Valley Citizen's Council for Clean Air*, 483 U.S. 711 (1987), which set forth new guidelines concerning the proper application of contingency multipliers in the calculation of fees.

On remand, Judge Sarokin applied the Supreme Court's analysis and awarded an enhancement to the attorneys for the prevailing party for (i) delay in payment of fees and (ii) the risk involved in taking the case, where attorney's fees are awarded only if the plaintiff prevails. The Third Circuit fully affirmed the enhancement ordered by Judge Sarokin for delay in payment. *Blum* v. *Witco Chemical Corp.*, 888 F.2d 975, 984–85 (3d Cir. 1989). In addition, the Third Circuit acknowledged that the Supreme Court has specifically provided for enhancement based upon the risk of nonpayment; it disagreed, however, with Judge Sarokin's finding that plaintiffs had made an adequate factual showing to support enhancement on this basis. *Id.* at 984.

The Third Circuit recognized that the issues confronted by Judge Sarokin were very complex, and observed that drawing conclusions from Delaware Valley was an "elusive task" because "[t]o date, the Supreme Court has been unable to produce a majority opinion on this issue." Id. at 977. Delaware Valley was a plurality opinion delivered by a sharply divided Supreme Court, 4-1-4. The Court of Appeals acknowledged the "awkwardness" of following Justice O'Connor's decisive opinion, which commanded only her vote. Id. at 981.

Contrary to the pronouncements of his critics, Judge Sarokin adhered to the Supreme Court's framework in analyzing the issue of the award of attorney's fees. Judge Sarokin interpreted that opinion as requiring the plaintiffs to show (i) that lawyers in the relevant market regularly receive a premium for contingency cases and (ii) that for discrimination cases, enhancement is economically necessary to draw competent counsel, due to the risk that the plaintiff will not prevail and fees will not be awarded. The Third Circuit questioned neither the basic legal framework used by Judge Sarokin nor the fact that the Supreme Court's decision permitted enhancement in the action; it simply found, after clarifying the complex economic analysis required, that plaintiffs had not yet provided enough concrete factual evidence to justify the market-based quantitative finding necessary for enhancement.

VULCAN PIONEERS VERSUS N.J. DEPARTMENT OF CIVIL SERVICE

THE FACTS

This complex employment discrimination class action was brought by the Department of Justice to correct hiring practices in heavily segregated fire departments in several large New Jersey cities. The cities agreed to affirmative action plans, including minority hiring goals and reform of standardized employments tests to prevent racial bias.

Judge Sarokin's decisions in this case addressed whether, in determining which workers would suffer the effects of lay-offs, the affirmative action plan took precedence over the seniority system established in collective bargaining agreements. While lay-offs according to seniority jeopardized much of the operation of the affirmative action plan, Judge Sarokin was profoundly troubled by the conflict between fully remedying past discrimination and singling out innocent workers for dismissal. Because of his deep concern over the potential for innocent victims to be harmed by enforcement of the affirmative action plans, Judge Sarokin initially ruled that while layoffs could not be conducted solely on the basis of seniority, any senior white workers who suffered layoffs should be compensated by the federal government. 588 F. Supp. 716 (D.N.J. 1984)

ANALYSIS

At the beginning of his opinion, Judge Sarokin emphasized his extreme regret that carrying out the goals of the consent decree would necessarily work an unfairness upon those who had long faithfully served as firefighters. He wrote: "Though not themselves the perpetrators of wrongs inflicted upon minorities over the years, these senior firefighters are being singled out to suffer the consequences. In effect, they are being required to hand over their jobs and paychecks to someone else. It is inconceivable that they can be asked to do this in the name of the public good, and yet not have the public assume the responsibility therefor. 588 F. Supp. at 718."

As a result, Judge Sarokin refused to simply hold that seniority systems must yield to the affirmative action plan; rather, he held that those who lost their jobs must be compensated with payments from the federal government, which had initiated the lawsuit. Furthermore, he held that, as much as possible, seniority would be respected when deciding who would be laid off. Also, he ordered that some newly hired minorities be laid off, so that the proportion of minority representation already accomplished would only be maintained, not increased.

At the time Judge Sarokin issued his opinion, the Supreme Court had clearly held in *Franks* v. *Bowman*, 424 U.S. 747 (1976), that while Title VII of the Civil Rights Act of 1964 explicitly states that differential treatment of employees based upon a good faith seniority system is not an unlawful employment practice, court orders must often alter seniority systems in order to remedy past discrimination. Furthermore, the Third Circuit had confirmed a challenged consent decree containing an "affirmative action override." In that case, the Court of Appeals had held that classwide relief should be available to all covered by a consent decree remedying a discriminatory practice, even though the individual plaintiffs had not demonstrated that they themselves were the direct victims of the discrimination. *E.E.O.C.* v. *American Telephone & Telegraph Co.*, 566 F.2d 167 (3d Cir. 1977).

Thus, at the time of his decision, Judge Sarokin was following settled precedent in this area. The Supreme Court subsequently held that alteration of seniority systems was only appropriate upon proof that the beneficiaries of such alteration were the direct victims of the discrimination. *Firefighters* v. *Stotts*, 467 U.S. 561 (1984). As a result, Judge Sarokin immediately vacated his earlier decision. 588 F. Supp. 732 (D.N.J. 1984).

Judge Sarokin's opinions on affirmative action demonstrate careful efforts to balance the need to address the inequalities wrought by past discrimination with potential inequities imposed on those who did not personally engage in discrimination, within the bounds of established precedent.

IN MEMORY OF RAYMOND LIONEL DEXTRADEUR

Mr. FORD. Mr. President, after a successful career in the U.S. Air Force, Raymond Lionel Dextradeur applied to the Capitol Police for the position of police officer. Mr. Dextradeur was accepted as an officer on the force by the Hon. Robert G. Dunphy, Sergeant-At-Arms of the Senate, on October 5, 1970. Officer Dextradeur's service to the U.S. Senate and the congressional community as a whole continued with distinction until his retirement on October 31, 1992.

During his first 5 years on the force, officer Dextradeur, affectionately known as Dex, was assigned to the U.S. Senate Lobby where he quickly became known as a friend who could get things done, particularly when it came to the Senate pages. Dex was the officer who kept some of our budding future politicians in line when things went a little far afield in youthful anticipation of a pending Senatorial recess. His strong, gentle, and caring personality often subbed as a surrogate father for the youngest members of the Senate.

After 5 years in the Senate Lobby, Dex requested and receive a transfer to the Capitol Senate Subway where he stayed for the remainder of his career. Officer Dextradeur quickly was befriended by Senators on their travels to and from the floor, always beaming a smile and dashing to hold a subway car to accommodate their passage. Dex was notorious for his inside knowledge of the Capitol and was sometimes called upon by new Senators to help them get through the maze of the Senate basement and corridors. Dex is referred to in Senator Cohen's book, "Murder in the Senate" as a source and reviewer. Senators enroute to the floor could count on him to know the floor agenda and have that all important stash of breath mints or candy stored secretly away in his file cabinet. In recent years, the art work, plants, and lighting effects that decorate the Senate Capitol Subway are a direct result of Dex's persistence in requesting, and maybe nagging, both offices of the Architect and Senate Curator to improve his domain. Dex was the Senate Subway.

Towards his latter years, Dex was called on several times to give tours to high profile visitors in French, a language he loved and spoke fluently. Besides being bilingual, Dex was our resident numismatist, trading coins with Senators and staff, and helping them complete their collections.

Officer Raymond L. Dextradeur passed from this Earth on August 29, 1994. However, he continues to serve the Senate and the Capitol Police force through his daughter, officer Diane M. Schmidt, and his son-in-law, officer Michael A. Schmidt. Dex touched the lives of so many of us who passed hurriedly through his subway, making our moments there relaxed and enjoyable.

A TRIBUTE TO SHANE CHADWICK

Mr. BURNS. Mr. President, I rise today to pay tribute to a brave and devoted city police officer who gave his life in the line of duty last week during what was thought to be a routine police call.

Officer Shane Chadwick—beloved son of Virgil and Helen Chadwick, devoted husband of Terry Chadwick, and loving father to 4-year old Justin Dean Eckhardt—died on September 7, 1994, while responding to a noise complaint in Great Falls, MT.

When a man or woman chooses the life of a law enforcement officer, they know that one day they may have to put their life on the line to uphold the law they have sworn to protect and preserve. Their loved ones know the risks. Their friends and neighbors know the risks. But knowing the risks does not make it any easier.

I cannot begin to express the loss we all feel as result of Shane's death. In Montana, we are a community. We are 800,000 people. And we are fortunate because we have not been witness to the violence that has touched the lives of so many in other states. But this senseless act of taking the life of a young man whose whole future still lay ahead of him has sent shock waves through every single community in Montana.

Shane was a good man. He was only 29, but to the people in his home town of Chester, MT, population of 950, he was and is someone special.

He enjoyed life to the fullest and opened his heart to those around him. He was a football star and a math scholar in high school. He loved the outdoors, and enjoyed hunting, fishing, camping, swimming, and anything else he could do under the wide open, blue skies.

He got his undergraduate degree in biological science from Montana State University in 1990, and wanted to become a game warden. But he soon turned his sights to law enforcement, and became a role model for many of his fellow officers. He even tried his hand at teaching at the Montana Law Enforcement Academy, and earned tremendous respect for his approach and dedication of his profession.

Shane Chadwick was a dedicated officer and a true American hero. His loss touches us all. In fact, his loss is a reminder to all of us of the sacrifice every single police officer in America is prepared to make to keep our towns, neighborhoods, schools, and workplaces safe.

This weekend the residents of Shane's hometown of Chester will pay tribute to Shane and express their support for his parents, wife, and son. From 6 p.m. on Friday, September 16 through 8 a.m. Sunday, September 17, they will fly flags, light their homes, and wear flag pins to commemorate the life of officer Chadwick.

Mr. President, I call upon all Montanans, and all of this Nation's citizens, to honor the memory of officer Shane Chadwick and all the other men and women who have given their lives in the line of duty to keep America's streets safe. Leave your porch and yard lights on throughout the weekend. Fly your American, Montana or State flags, and wear flag pins on your lapels.

Let us remember Shane so we will not forget the dedication and love he shared with all the people he touched in his lifetime. He may be gone, but he will never be forgotten.

H.R. 3841, THE INTERSTATE BANKING EFFICIENCY ACT

Mr. BOND. Mr. President, I commend Chairman RIEGLE and Senator D'AMATO, the ranking member of the Senate Banking Committee, for their hard work and contribution to the passage of H.R. 3841, the Interstate Banking Efficiency Act. Interstate banking and branching are important issues to the continued growth and economic health of the banking industry.

This legislation has been before the Congress in various forms and configurations over the last several sessions and I am gratified that we have finally been able to complete action on an interstate banking and branching bill to present to the President.

This legislation provides, with certain limitations on deposits and assets, for nationwide interstate banking by bank holding companies 1 year after enactment. It also authorizes, beginning on June 1, 1997, bank holding companies with subsidiary banks located in more than one State to combine these banks into a single bank with interstate branches, unless a state opts out before this date. This bill also authorizes states to permit the acquisition of a branch of an insured bank without the acquisition of the entire bank. Under these circumstances, the state must opt-in to this de novo branching.

In conclusion, the Interstate Banking Efficiency Act respects the rights and concerns of individual states with regard to the activities and operations of banks within their jurisdictions. At the same time, it recognizes the importance of interstate banking and branching to the economic well-being of the banking industry.

IRA CEASEFIRE ANNOUNCEMENT

Mr. PELL. Mr. President, while the Congress was in recess, there was important and welcome news from Belfast. On August 31, the Irish Republican Army announced an end to its military operations, creating hope that the violent cycle which has touched so many people on all sides during the last 25 years will finally be broken.

For peace to take hold, however, all parties responsible for violence in the region must declare a final end to the fighting. While some moderate Protestant leaders appear to be open to advancing the peace process, extremist groups continue to wage their own terrorist campaign.

There has been a flurry of activity during the past 2 weeks, with most agreeing that the IRA announcement creates a positive atmosphere in which to pursue the peace process launched by last December's Joint Irish-British Declaration, the so-called Downing Street Declaration.

In the days following the cease-fire announcement, Sinn Fein leader Jerry Adams met with the Irish Prime Minister Albert Reynolds and John Hume, the leader of the Social Democratic and Labour Party, Northern Ireland's mainstream Catholic party, to discuss the next step toward a settlement in Northern Ireland. These three men deserve great credit for their courageous efforts to stem the violence in Northern Ireland.

In particular, I would like to express my high personal regard for John Hume, a strong proponent of nonviolence who has worked tirelessly to bring Northern Ireland's two communities together. Press reports indicate that both Mr. Hume and Mr. Adams may visit the United States in the near future, which would provide us with an opportunity to commend and bolster their peace efforts.

President Clinton too, should be recognized for his leadership in advancing the cause of peace in Northern Ireland. He is personally engaged in the issue, and continues to play a pivotal role in fostering an atmosphere of dialog among the various parties. For example, his decision earlier this year to grant Jerry Adams a visa to visit the United States, helped to shore up Mr. Adams' credibility among the Sinn Fein hardliners, thus helping to pave the way for the cease-fire.

Years of violence have taken their toll, however, and the British Government is still skeptical about the recent developments. It has yet to recognize the IRA statement as a commitment to a "permanent" cease-fire, which British Prime Minister Major insists is a precondition for negotiating with Sinn Fein. Signaling that it trusts the IRA's veracity on some level, however, the British Government has instructed its troops in Northern Ireland to shed their combat helmets in favor of berets.

I am hopeful that the cessation of hostilities will indeed be permanent and that the parties will move forward under the auspices of the Downing Street Declaration. The issues separating the people of Northern Ireland are difficult ones that will take a great deal of courage and creativity to overcome. I believe, however, that the Joint Declaration process provides the best hope of resolving those differences peacefully.

DOD AUTHORIZATION BILL, FISCAL YEAR 1995

Mr. LAUTENBERG. Mr. President, the Senate recently approved the conference agreement on the DOD authorization bill for fiscal year 1995. I am pleased the conference agreement includes a burden-sharing provision I offered during State debate on the bill.

The burden-sharing provision I supported as part of this bill could save the American taxpayers between $1 and $2.7 billion in the upcoming years. The provision relates to an aspect of burden sharing that sounds technical, but is very tangible. It's called residual value payments. That isn't a household word, but it will save U.S. households money. Because these residual-value payments should result in the American people getting the cash that our allies—mostly the German Government—owe us.

Residual-value payments refer to the money the United States is supposed to get from the German Government and other European Allies in exchange for the infrastructure we leave behind in Europe as we withdraw our troops and turn our bases over to their governments. It refers to the billions of dollars they owe the American taxpayers in return for the capital we invested in military bases in Europe.

Throughout the cold war, we stationed one-half million American troops in Europe. In order to make sure that their military and human requirements were met, we spent billions of dollars on physical necessities: sewers, roads, housing, school buildings, and so on.

It was a necessary investment, one that the American people supported and paid for. But now, as we withdraw our troops, we are leaving those facilities behind. The sewers and roads and houses we built for American troops will be there for German or French or Spanish or British citizens to use.

We are not talking about nickles and dimes here, Mr. President. The United States invested $6.5 billion on infrastructure in NATO countries. But as tensions ease, our deployment has been reduced. We plan to cut U.S. troop strength in Europe from 323,432 in 1987 to 100,000 by the end of 1996. As a consequence, we plan to close or reduce our presence at 867 military sites overseas. Most of those sites are in Europe, where America has already closed 434 military sites.

Ever since this drawdown started, we have been trying to get our allies to pay for the physical structures we are leaving behind.

We have not been very successful in that effort.

Despite an investment of $6.5 billion, we have recouped only $33.3 million in cash, and most of that was recovered in 1989.

Although we have already turned over 60 percent of the military sites scheduled for closure in Germany to that Government, and although the value of those sites is estimated to be approximately $2.7 billion, the German Government has only budgeted $25 million this year to compensate the United States for its investment.

Equally distressing is the fact that there has been a tendency for our allies to try to discharge their debt by offering us in-kind contributions rather than cash. In this context, an in-kind contribution means that our allies build something—at their expense—that otherwise the Pentagon would have built—at our expense—as part of our overall security planning. In-kind contributions, while appreciated, do not meet our needs as well as cash. We can use cash payments to cut defense spending, reduce the deficit, or to lower taxes.

It's a little more complicated to do that with in-kind contributions.

What we need to do is turn these in-kind contributions into cash. I'm confident we can do that if we ensure they will be used, instead of tax dollars, for projects the Department of Defense has identified through the budget process as priorities.

In-kind contributions will help reduce the deficit if they result in reductions in the defense budget. They will help reduce the budget if we can get the allies to build a project for free that we would otherwise ask the taxpayers to build.

But under the current system, we don't know if the projects we accept through in-kind contributions are our highest budget priorities. We don't know that they are being used to offset costs that the taxpayers would otherwise be asked to incur by the Pentagon. They may benefit the host nation as much or more than they benefit us. Rather than being used to reduce the amount of money the U.S. Government needs to spend, in-kind projects are built in addition to those the American people have been asked to fund through the budget process.

That, Mr. President, is the problem. The amendment I offered during Senate debate and which has been included in the conference agreement would help turn these in-kind contributions into tangible savings.

Mr. President, the new law has three goals. First, it emphasizes that the United States is interested in a more significant cash contribution from the allies. In other words, we want them to pay what they owe the American taxpayer and to do it in cash.

Second, if part of the burden-sharing responsibility is to be met by in-kind contributions, it would require that these offers of assistance be used in relation to projects specifically identified as priorities in the defense budget. This would relieve pressure on the Pentagon budget and the American taxpayer.

Third, it would guard against potential wasteful spending by requiring that only projects approved by Congress can receive in-kind contributions.

Let's look at the first goal: getting more cash.

Mr. President, I am aware that residual-value negotiations are difficult. But I also believe the Department of Defense has been too willing to abandon negotiations for cash in favor of in-kind contributions. I am particularly concerned that the administration will too easily accept in-kind contributions from Germany, where the DOD now says our investment on facilities to be turned over is $2.7 billion.

Germany clearly prefers in-kind contributions. Why wouldn't they? In-kind contributions create a public works program in Germany, creating jobs for their citizens.

The United States, though, should prefer cash payments. It is important to get our deficit down and provide relief to the Nation's taxpayers. Cash payments would help bring spending down, reduce the deficit, strengthen the economy, and help create jobs at home.

It is important to keep the Western Alliance strong and in tact, but our allies must assume more of the burden for the collective defense. While our economy has lagged, and unemployment claims have taken their toll on the American people, our allies have been given a free ride by our negotiators at the expense of the American people. While we continue to pour money into the defense of their nations, they pour money into their economies. We need to invest our resources here at home as our allies have been doing in past years.

Our negotiators need to change that. Unfortunately, U.S. negotiators have not been tough enough. They tell us that German economic problems and political considerations require them to settle for in-kind contributions. But that doesn't help us reduce spending.

It also is not consistent with American interests or existing American policy. The Pentagon and our negotiators need to be tougher. The provision states that, as a matter of policy, the administration should enter negotiations with each host nation with a presumption that residual-value payments will be made in cash and deposited into the Department of Defense Overseas Military Facility Investment Recovery Account. It also makes it clear that the administration should only enter into negotiations for in-kind payments as a last resort and only after negotiations for cash payments have failed.

The second goal of the provision is to reduce American spending by applying in-kind contributions toward our stated budget requirements. If we have to accept in-kind payments, then I want to make sure that, rather than meeting the desires of the host nation, they are used to pay for projects our military has identified as our own priorities through the budget process. That way, we cut spending and the deficit.

Here is the point. Our allies have already agreed to pay—in-kind—for the cost of nearly 200 million dollars' worth of projects overseas. In my view, that means the American taxpayer should spend $200 million less as a result. But I don't think they are. Instead, they're being asked to spend exactly what would have been proposed had the administration not negotiated with the allies in the first place. There are no savings. That should change.

Under the current system, the Pentagon is not required to return directly to the U.S. taxpayers what it gets from other countries. It is not required to use the allies' in-kind contributions to bring requested spending levels down and reduce the deficit. The net result is more spending overall and less control of spending by the Congress. What the allies agree to build in Europe through in-kind contributions ought to be a substitute for other expenditures the Pentagon will make.

Mr. President, let me illustrate the problem. Look at overseas military construction spending. The administration submitted a budget which asks the Congress to authorize and appropriate approximately $22 million for military construction projects in Germany for next year. Although residual value negotiations should generate hundreds of millions of dollars' worth of in-kind contributions, the Pentagon is not asking the Germans to build the projects already identified as important through the budget process. If it did, the Pentagon could save the taxpayers $22 million.

It's the same thing with the NATO infrastructure budget request. The Pentagon asked the American taxpayers to spend almost $230 million in NATO countries next year. At the same time, it is seeking hundreds of millions of dollars' worth of in-kind contributions from the allies for the debt they owe the American people. Why not let the allies pay for the NATO infrastructure projects rather than the American people. Let's let the allies pick up the tab, and give the American taxpayer a break.

Mr. President, this issue and amendment go beyond the budget for fiscal year 1995. The administration notified the Congress that it will seek $200 million from Germany for each of 5 years for residual-value payments. That's $1 billion. If the administration identifies 1 billion dollars' worth of projects already included in its future year budget plans, and asks the Germans to pay for those projects—as the provision included in the conference agreement would require—we could save the American taxpayer $1 billion. That's $1 billion that could be applied toward deficit reduction.

Again, the point is that our allies are apparently not being asked to offset hundreds of millions of dollars' worth of requirements the administration has asked the Congress to fund in Europe or has identified through the budget process. Instead, the allies are being asked to pay for construction projects the Pentagon says it needs, but have never been identified as priorities in the budget. By requiring the Pentagon to ask the allies to cover the cost of projects that have been identified in the budget, we could save hundreds of millions of dollars—billions down the road.

The provision included in the conference agreement would correct this problem by requiring that in-kind contributions be used to offset costs that would otherwise be incurred by the Department of Defense and the American taxpayer.

Under current law, the Pentagon is required to submit "a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country * * *" before it seeks in-kind contributions. The new law would require the Pentagon, at the time it submits this justification, to let us know how the budget will be adjusted to reflect costs that may no longer be incurred by the United States as a result of the residual value payment-in-kind being sought from the allies.

Thirty days before the Pentagon enters into an agreement with a host country to accept a burden-sharing contribution in-kind, the provision would require the Pentagon to notify the Congress and to certify that tax dollars will no longer be necessary as a result of the allies burden-sharing inkind contribution.

The third goal is to protect against wasteful spending by requiring congressional approval of these burden-sharing contributions made in-kind.

Mr. President, the Congress is required to approve military construction projects by law. It is not the role of the German Government or any foreign government to set our budget priorities. If residual-value payments were secured in cash from the allies, the Congress would authorize and appropriate those funds. We could help bring defense spending down and reduce the deficit by applying those dollars to projects included in the administration's budget request. The Congress should play the same role in approving military construction projects secured as in-kind contributions.

There has been abuse in the system even with congressional oversight. Without congressional oversight and with billions of dollars' worth of inkind projects at stake, we do more than invite waste, fraud, and abuse—we virtually require it.

Look at what happened at the Ramstein Air Base in Germany in the late 1980's. In 1989 the Department of Defense Office of the Inspector General found that the Ramstein Air Base had inappropriately used taxpayer money at officers clubs to buy a $6,800 snooker table, to buy party equipment—like cocktail, champagne, and wine glasses—and to upgrade the officers club.

I'd like to keep Ramstein Air Base a unique example. I fear it will be all too common unless we get control over the use of the purposes for which in-kind contributions can be used.

I am not suggesting that we shouldn't give our military the kind of facilities they deserve. That isn't the point. The point is simply that even with oversight, fraud can happen. Wasteful spending can slip through the cracks. The system can be abused. Imagine what could happen with little or no congressional oversight.

Under the new law, the Congress will have a greater oversight and approval role. Currently, we have none. Thirty days before the Pentagon accepts a burden-sharing payment through an inkind contribution, it must submit it to the Congress for review. Based on a letter from the Comptroller I previously submitted for the record, I expect the mandated notification to be submitted in a manner consistent with current notification reprogramming procedures.

Given this system, we will have at least 30 days to scrutinize the project and have the opportunity to disapprove if we do not believe it is meritorious or in the national interest.

Mr. President, we have carried the burden of defending Europe for generations. We have created a safe environment that has allowed European economies to flourish. Maybe there is no way to get our allies to pay as much as they should. But, Mr. President, we must do better.

We must ensure that burdensharing inkind payments reduce the Federal deficit. We must ensure that burdensharing inkind payments benefit the United States, because our allies sure do benefit. Instead of paying us for what they are getting, they are in essence paying themselves: They are putting their people to work, they are improving structures they may ultimately inherit. They are making the decisions, and we are still footing the bill.

Mr. President, the provision included in this conference agreement has been endorsed by the Citizens Against Government Waste. I ask that a copy of a letter from this organization be inserted in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. LAUTENBERG. The provision reiterates U.S. burdensharing policies which look to our allies to pay their fair share for their defense. That fair share amounts to billions. It requires that our Government use contributions by the allies to reduce the deficit and bring our spending down. And, it puts on record against potential wasteful spending of billions owed to the American people. I am pleased it has been included in the final version of this legislation.

EXHIBIT 1

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, July 29, 1994.

Hon. FRANK LAUTENBERG,
Hon. LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR SENATORS LAUTENBERG AND PRESSLER: On behalf of the Council for Citizens Against Government Waste (CCAGW), we support the burden sharing amendment you successfully offered to the Department of Defense Authorization bill, H.R. 4301. We urge the conferees to keep this fiscally responsible amendment in the bill.

We share a common goal. The Cold War is over and it is time to focus like a laser beam on a new national security risk—America's $4.6 trillion debt. CCAGW has been battling this enemy for nearly ten years, and time is running out if our nation is going to continue to prosper as it has in this century.

The only way America can continue to provide for the common defense is to pass legislation that addresses our nation's fiscal concerns.

Your amendment has teeth. According to the Congressional Budget Office, during the next decade, your burden sharing amendment could save between $1 and $2.7 billion for the taxpayers. It would ensure that the allies—mostly the German government—pay the American taxpayer for bearing the brunt of the defense burden for the last 50 years. In addition, the Lautenberg-Pressler amendment is "fiscally correct" by requiring burden sharing payments to relieve pressure on the deficit. It also provides congressional oversight to guard against wasteful spending.

CCAGW supports this burden sharing amendment and urges the House of Representatives to support it as well.

Sincerely,

TOM SCHATZ.

MEMORIAL FOR PAUL V. MONAGHAN

Mr. COHEN. Mr. President, I would like to note with sadness a memorial service being held today in Washington for Paul V. Monaghan, a reporter for Griffin-Larrabee News Service who wrote for many years for newspapers in my home State of Maine.

Paul died September 2 after a lengthy battle with brain cancer. He was only 45.

Paul was a native of Weymouth, MA. He graduated from Archbishop Williams High School in Braintree and Bridgewater State College and received a master's degree in journalism from the University of Massachusetts at Amherst.

Among Paul's duties was covering Capitol Hill for the Times Record in Brunswick, ME. That assignment included following closely legislation affecting Bath Iron Works, Maine's largest private employer. He pursued this assignment with diligence, intelligence and the knowledge and understanding of defense policy and congressional procedures to bring insight to the process. His readers in Brunswick were fortunate indeed to have benefit of his many years of experience.

But Paul was known for much more than his professionalism. We will miss most his engaging good humor and his ready smile. He was soft spoken but persistent, mild mannered but firm. He carried out his duties with grace and charm—and he had the ability to get the information he needed without resorting to bombast or unpleasantness.

Paul's most difficult challenge came months ago when he was diagnosed with brain cancer. His treatment was difficult; his prognosis poor. Yet he maintained his customary good humor, and he never stopped looking ahead. Paul used his time between treatments to study at the Library of Congress, and he talked repeatedly of becoming healthy enough to return to his post in the Senate Press Gallery.

I know that Paul will be missed by his family—his sisters Judy and Kathy and his brothers Michael, Mark, Richard, and especially Brian, who cared for him during his illness.

We will miss him, too—for the dignity with which he carried out his duties and the courage with which he faced his last and most difficult assignment.

TRIBUTE TO DR. JOHN STEPHENSON OF BEREA COLLEGE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Dr. John Stephenson who retired on July 31, 1994 as president of Berea College. Dr. Stephenson received his undergraduate degree from the College of William and Mary and later earned his graduate degree from the University of North Carolina at Chapel Hill. After serving as dean of undergraduate studies at the University of Kentucky and as the first director of UK's Appalachian Center, Dr. Stephenson began his tenure at Berea College in January 1984.

During his 10 years at Berea, Dr. Stephenson compiled a lengthy list of accomplishments adding to the prestige of an already well respected institution of higher learning. As president, he helped lead one of the most successful fund raising campaigns in the school's history, raising over $70 million for use in improving the school's library, expanding student aid, and providing salary increases for teachers. Through his leadership, Berea College also developed a program to work with community leaders to enhance economic and educational opportunities in Appalachia.

Throughout Dr. Stephenson's service to the faculty and students of Berea College, his main priority was to maintain the rich traditions of the college. He worked diligently to keep the school among the finest institutions in the Nation, and he strove to insure that Berea College never becomes "just another good liberal arts school." For 125 years, the school has furnished its students with an education that is second to none. Berea College focuses on opening the doors to higher education to those students who would otherwise lack the financial resources to attend college. Berea College's emphasis on applied and academic instruction has brought the school national attention for its comprehensive approach to excellence in education. In 1992, U.S. News and World Report ranked Berea College third among the best colleges in the South.

Mr. President, I ask that my colleagues join me in wishing Dr. Stephenson well as he passes his duties along to this successor, Dr. Larry Shinn. Dr. Stephenson's work at Berea College was an invaluable service to the Commonwealth of Kentucky and he will be sorely missed by those whom his work touched.

INSPECTOR GENERAL AT THE UNITED NATIONS

Mr. GLENN. Mr. President, I rise today to speak about the imminent appointment of an inspector general at the United Nations.

For a long time, I have sponsored and taken a personal interest in the inspectors general in the Federal Government. Beginning back in 1978, as a member of the Governmental Affairs Committee, we drafted and passed the original Inspector General Act creating IG's in several departments. I then authored amendments to that act in 1988 to add several more IG's in other Federal agencies and entities for a grand total today of 61 independent IG's ferreting out fraud, waste, and abuse in our Federal agencies.

I have also been quite concerned about the lack of controls on U.N. systems and operations, and I know that concern is shared by other Members. In that vein, this past spring I went up to New York to meet with Madeleine Albright, our U.N. Ambassador, and Secretary General Boutros Boutros Ghali to discuss the possible creation of an inspector general at the United Nations.

The result of these discussions and previous work by our U.S. delegation is an approved U.N. resolution to create what will be known as the Undersecretary General [USG] for Internal Oversight Services [IOS] in the U.N. Office of Internal Oversight Services [OIOS].

I asked the General Accounting Office [GAO] to take a look at the resolution to see how it stacked up to our own IG act. Because we believe the standards in place for United States IG's have worked very well, we wanted to ensure that any IG at the United Nation would be afforded the same independence, authority, and resources of a United States IG.

Now, there are some Senators who probably think that this resolution does not go far enough. I happen to disagree. The resolution may not be perfect, but I feel it has the potential, if correctly implemented, to produce the kind of independent IG office that we have become familiar with in U.S. Government agencies. I intend to monitor how it is implemented, and, if any changes are needed, pressure will be applied to make those changes occur.

I'd like to take just a moment to discuss the independence of the U.N. IG.

The GAO highlighted the areas of staffing, budget, and procedure as being key in determining whether the IG has full operational independence. For instance, the resolution does not specifically provide for any staff for the Office of Internal Oversight Services, the OIOS. To be effective, implementation of the resolution must provide for a minimum number of staff, including investigators and support. Implementing regulations issued last Thursday, September 8, address this point, and clarify many others, stating that the IG shall develop his own organizational structure, staffing table, and job descriptions. I have asked the GAO to take a look at these regulations to see if they address the gaps left by the resolution.

Funding for the United Nations IG will be proposed by the OIOS and approved by the General Assembly which must consider the office's independence. The separate budget line item secured by the OIOS's predecessor office—Office for Inspections and Investigations, OII—will be retained by the OIOS. This will ensure that the funding of this office is not discretionary. In addition, the IG may comment on the adequacy of the budget through the reporting process.

I was originally concerned about certain policies and procedures that had yet to be established, including audit and compliance standards, general guidelines, quality standards for inspections and investigations, and a procedure for audit followup. However, these have since been established under the implementing regulations.

Additionally, the U.N. resolution provides for the removal of the IG for cause with the approval of a majority of the General Assembly. Our IG's can be removed by the appointing authority, with a notification to the Congress of the reasons for dismissal. Although I am pleased that the U.N. resolution provides a standard, I am concerned that for cause is not defined, and I am concerned about the lack of precedent in this area.

I am satisfied with the resolution's reporting requirements which state that all reports are required to be made to the Secretary General, who then transmits them unaltered to the General Assembly accompanied by his—the Secretary General's—comments. This is similar to our process of transmission by an IG to his or her agency head who then transmits the report to the Congress.

In most other respects, the resolution accurately reflects our own process. For instance, there are provisions for the equivalent of whistleblower protection, ample reporting requirements, and access to documents and personnel necessary to conduct a complete investigation or audit.

In addition, the resolution provides that all U.N. systems, processes, operations, functions, and activities will be subject to audit based on a systematic assessment of the risk associated with each activity. Similarly, our IG's are required to identify their audit universe and determine the coverage, frequency, and priority of audits required.

Concerns were raised in a recent letter to the editor of the Washington Post that the U.N. resolution does not go far enough. The letter cited lack of budgetary independence, lack of independent hiring authority, and lack of whistleblower protection.

I agree that the OIOS needs a separate item for its funding, and as I stated earlier, the OIOS has that separate line item under the implementing regulations.

I also agree that the head of the office should be able to staff it as he or she sees fit, and this is also addressed in the regulations, the U.N. IG will not only have the right to hire and fire, but will, in fact, also have more independence than most other program managers at the United Nations.

I was concerned about the statement by Belgian authorities, referred to in the letter, which would treat situations where whistleblowers make unintended false accusations, as cases of wrongdoing. On its face, that's exactly how this statement reads. However, I have determined two things through further inquiry: First, this is not a statement of opinion of the Belgian delegation to the United Nations; it is a statement by the coordination of the committee drafting the resolution who happened to be Belgian.

Second, the intent, according to the regulations, is not to include unintended false accusations as cases of wrongdoing; only those false accusations made intentionally or maliciously.

Finally, Mr. President, I am anxiously awaiting the commencement of the term of the newly approved Undersecretary for Internal Oversight Services, Ambassador Karl Theodore Paschke of Germany. He appears to have the experience and familiarity with the United Nations necessary to effectively carry out the charge of this position. I wish him well and will be watching him closely.

Mr. President, I am generally pleased with the resolution and am confident that those weaknesses the GAO has identified and I've discussed will be resolved favorably. I fully intend to monitor the implementation of the resolution to ensure that there is an effective and independent IG at the United Nations. Fully implemented, a U.N. IG office can be a major force for reestablishment of confidence in how the United Nations spends its money—most of which comes from U.S. taxpayers.

Mr. President, I ask unanimous consent that the 8-page GAO report be placed in the RECORD following my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION,
Washington, DC., August 8, 1994.

Hon. JOHN GLENN,
U.S. Senate.

DEAR SENATOR GLENN: In response to your request, we have analyzed the resolution passed by the United Nations General Assembly on July 29, 1994 which authorized a United Nations (U.N.) Office of Under Secretary General for Internal Oversight Services. We have long held the view that the U.N. should have an independent and professional audit and evaluation office. This office should be headed by a highly qualified individual responsible for conducting and supervising audits, evaluations, inspections and investigations relating to U.N. operations. Our analysis indicates that the Office to be established under the authority of the Secretary General can have, if properly implemented, the operational independence to perform functions substantially similar to those performed by the Offices of Inspectors General, established under the Inspector General Act of 1978, as amended. (See enclosure 1.)

While the creation of the Office is important, how the resolution is implemented will be key as to whether the Office will indeed have full operational independence and achieve the General Assembly's intended result. The appointment of a sufficient and highly qualified staff; the strong commitment from senior U.N. management to cooperate with the Office and provide it with sufficient budgetary resources; and the establishment of sound policies and procedures for conducting audits, evaluations, inspections and investigations, obtaining corrective action, and reporting to the General Assembly will be required to ensure that the Office is instrumental in achieving management improvements in the U.N. It is expected that the Office, while obtaining its budgetary resources through the budget of the U.N. Secretariat, will have a separately identified line item in the budget. Also, the head of the Office may inform the General Assembly through the reporting process established in the resolution as to the adequacy of the resources provided.

According to State Department officials, a number of actions called for by the resolution will be completed before September 30, 1994. These include (1) the appointment of an Under Secretary General for Internal Oversight Services with requisite qualifications, and approval by the General Assembly (2) the issuance of procedures to ensure compliance with recommendations of the Office, and (3) the issuance of procedures to protect the identity of, and to prevent reprisals against, any staff members making a complaint or disclosing information, or cooperating in any investigation or inspection by the Office. The President can then certify that the requirements of section 401(b) of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 have been satisfied.

If you have any question concerning this letter, please do not hesitate to call me on (202) 512-2800.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General

Enclosure.

COMPARISON OF THE U.S. OFFICES OF INSPECTORS GENERAL TO THE UNITED NATIONS OFFICE OF INTERNAL OVERSIGHT SERVICES

Subjects	U.S. Offices of Inspectors General	United Nations Office of Internal Oversight Services
Office	Office of Inspector General (OIG)	Office of Internal Oversight Services (OIOS).
Office head	Inspector General (IG)	Under Secretary General (USG) for Internal Oversight Services (IOS).
Purpose	Create independent and objective units to conduct and supervise audits and investigations of programs and operations..	Exercise operational independence to initiate, carry out, and report with regard to monitoring program implementation and conducting internal audits, inspections, evaluation, and investigations.
	Promote economy, efficiency, and effectiveness of programs and operations.	Evaluate the efficiency and effectiveness of programs and legislative mandates.
	Prevent and detect fraud and abuse in programs and operations.	Investigate reports of violations of regulations, rules, and administrative issuances and assess the potential within program areas for fraud and other violations through the analysis of systems of control.
	Provide a means for keeping the head of the agency and the Congress fully and currently informed about problems and deficiencies in programs and operations..	Assist the Secretary General in fulfilling his internal oversight responsibilities and prepare reports for transmittal to the General Assembly by the Secretary General as presented.
Authority	Each IG shall report to and be under the general supervision of their agency head.	The USG for IOS shall be under the authority of the Secretary General.
	Neither the head of the agency, nor the officer next in rank below the agency head, shall prevent or prohibit the IG from initiating, carrying out, or completing any audit or investigation..	OIOS shall have operational independence to initiate, carry out, and report on any action which the OIOS considers necessary to fulfill its responsibilities. Operational independence means that the Secretary General has the right to instruct the OIOS to carry out an action within the purview of its mandate but cannot prohibit it from doing so.
Authority	Each IG is authorized to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to programs and operations..	The OIOS has the authority to access all information it needs with respect to the resources and staff of the U.N. Organization. By reference to its assumption of all functions of the Office of Inspections and Investigations has the Office has direct access to all necessary documents and people.
Appointment	28 IGs are appointed by the President, by and with the advice and consent of the Senate. 32 IGs are appointed by their entity heads..	The USG for IOS shall be appointed by the Secretary General, following consultations with Member States, and approved by the General Assembly.
	Appointed without regard to political affiliation.	Appointed with due regard for geographic rotation.
	Appointed solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations..	The USG for IOS shall be an expert in the fields of accounting, auditing, financial analysis, investigations, management law or public administration.
	IGs have no fixed term of office.	The USG for IOS shall serve for one fixed term of five years without possibility of renewal.
Removal	Presidentially-appointed IGs may be removed from office by the President. Likewise, entity heads who appoint IGs may also remove them. Reasons for such removal shall be communicated to the Congress by the President and entity heads, respectively..	The USG for OIS may be removed by the Secretary General only for cause and with the approval of the General Assembly.
Reporting	Each IG is authorized to make such investigations and reports relating to the administration of programs and operations the IGs consider necessary, and to keep the head of the agency and the Congress fully and currently informed by means of reports and otherwise..	OIOS shall submit reports on the effective utilization and management of resources and the protection of assets to the Secretary General, who shall ensure that all such reports are made available to the General Assembly as presented, together with any separate comments the Secretary General may deem appropriate.
	Each IG shall report immediately to the head of the agency whenever the IG becomes aware of particularly serious or flagrant problems, abuses, or deficiencies. The agency head shall transmit any such report to the Congress within seven calendar days..	The OIOS will submit to the Secretary General special reports on significant investigations involving serious mismanagement, abuse or fraud as they arise. OIOS reports concerning the utilization and management of resources, and the protection of assets, will be submitted without change to the General Assembly, along with any comments the Secretary General deems appropriate.
	Each IG shall prepare semiannual reports summarizing the activities of the OIG during the immediately preceding six-month periods. These reports shall be furnished to the agency head for transmittal to the Congress together with a report by the agency head..	The OIOS shall submit to the Secretary General for transmittal as received to the General Assembly, together with separate comments the Secretary General deems appropriate, an annual analytical and summary report on its activities for the year. Reports containing personnel information which, if disclosed, may violate individual rights to privacy, and those related to ongoing investigations involving potential criminal actions would not be provided to the General Assembly.
	Agency heads are responsible for designating a top management official to oversee audit followup, including resolution and corrective action..	The Secretary General shall establish procedures for the approval of recommendations and the resolution of disputes and shall facilitate the prompt and effective implementation of the approved recommendations of OIOS and inform the General Assembly of actions taken in response.
	IGs are responsible for reviewing responses to audit reports and reporting significance disagreements to the audit followup official..	An OIOS compliance unit will be dedicated to ensuring that recommendations, including those of the Board of Auditors, are implemented promptly and effectively.
	IG semiannual reports to the agency head for transmittal to the Congress, shall contain the status of audit recommendations..	The OIOS shall report to the Secretary General as and when necessary but at least twice yearly on the implementation of recommendations addressed to program managers.
Coordination	Each IG shall give particular regard to the activities of the Comptroller General with a view toward avoiding duplication and insuring effective coordination and cooperation..	The OIOS will coordinate its activities and provide copies of all final reports to the Board of Auditors and the Joint Inspection Unit to minimize duplication of effort.
Standards	Each IG shall comply with audit standards established by the Comptroller General. Also, the IGs have established quality standards for investigations..	For audit and compliance functions, standards along the lines of those issued by the International Organization of Supreme Audit Institutions will be established. General guidelines and quality standards for inspections and investigations will also be established.
Referrals	Each IG shall report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe there has been a violation of federal criminal law..	The Secretary General is to ensure that disciplinary and/or jurisdictional proceedings are initiated without undue delay in cases where the Secretary General considers it justified.
Complaints	An IG may receive and investigate complaints or information from an employee about possible violations of law, gross waste of funds, and abuse of authority. The IG shall not disclose the identity of the employee without his/her consent, unless the IG determines such disclosure is unavoidable. Also, employees are to be protected from reprisal for making a complaint to the IG..	OIOS will investigate reports of alleged misconduct, malfeasance, deliberate mismanagement, abuses, or violations of regulations and administrative issuances. The Secretary General is to ensure that procedures are in place that provide for direct confidential access of staff members to OIOS and for protection against repercussions.
Funding	Federal agencies with presidentially-appointed IGs and the National Science Foundation have separate appropriation accounts. Entity-appointed IGs have their office's financed with funds that are also available for other entity activities..	OIOS budget proposals shall be submitted to the Secretary General who shall submit proposals to the General Assembly for its consideration and approval, taking into account the office's independence in the exercise of its functions. By references to this assumption of all function of the Office of Inspections and Investigations, it is expected that OIOS funding will be identified in a separate line item of the budget of the U.N. Secretariat. The OIOS may comment on the adequacy of its budget in its annual analytical and summary report transmitted to the General Assembly.
Planning	IGs are required to identify their audit universe and to determine the coverage, frequency, and priority of audits required..	All U.N. systems, processes, operations, functions and activities will be subject to audit based on a systematic assessment of the risk associated with each activity.
Additional authorities	The "Inspectors General Vision Statement" states that IGs will work with agency heads and the Congress to improve program management, and to build relationships with program managers based on a shared commitment to improving program operations and effectiveness..	The OIOS may advise program managers on the effective discharge of their responsibilities, provide assistance to program managers in implementing recommendations, ascertain that program managers are given methodological support, and encourage self-evaluation.
	Each IG is authorized to have direct and prompt access to the head of the agency when necessary, subject to the appointments governing the civil service regulations..	The USG to IOS shall have direct access to the Secretary General as well as all personnel to fulfill the responsibilities of the Office.
	Each IG is authorized to select, appoint, and employ such officers and employees as may be necessary..	This administrative provision is not addressed in the resolution establishing OIOS.
	Each IG is authorized to enter into contracts and other arrangements for audits or other studies.	Budget provisions exist to assist in the professional assessment of a wide range of U.N. actions in the areas of inspections, evaluations, auditing and investigation.
	Whenever information or assistance requested by the IG is unreasonably refused or not provided, the IG shall report this circumstance to the agency head without delay..	The Office has the authority to demand compliance whenever information or assistance requested is unreasonably refused, delayed or not provided.

Sources: "Review of the Efficiency of the Administrative and Financial Functioning of the United Nations," A Report of the Fifth Committee of the United Nations, A.48/501/Add.2, July 21, 1994, which was approved by resolution in the United Nations General Assembly on July 29, 1994; "Review of the Efficiency of the Administrative and Financial Functioning of the United Nations: Office of Inspections and Investigations," Note by the Secretary General, A/48/640, November 23, 1994; Inspector General Act of 1978, as amended; Office of Management and Budget Circular A–50, "Audit Followup"; Office of Management and Budget Circular A–73, "Audit of Federal Programs and Operations"; and "Inspectors General Vision and Strategies to Apply Our Reinvention Principles," January 1994; "Secretary-Generals Bulletin" Subject: Office for Inspections on Investigation ST/SGB/268 23 November 1993; "Review of the Efficiency of the Administration and Financial Functioning of the United Nations" Program Budget for the Biennium 1994–1995A/C.5/48/42, 6 December 1993.

"CENTURION"

Mr. D'AMATO. Mr. President, the House and Senate Defense appropriations marks regarding the *Centurion*, or new attack submarine [NAS], call for the following:

HOUSE APPROPRIATIONS COMMITTEE

Adds $100 million to advanced submarine system development, PE No. 0603561N, for producibility improvements.

Directs the incorporation of full modular configurability into the *Centurion* design.

Deletes $137.322 million for NSSN contract design, Proj. No. F2199/PE No. 0604567N, from ship contract design.

Deletes $62.678 million from New Design SSN, PE No. 0604558N.

Directs continued "efforts to find better and cheaper ways to produce the propulsion plant."

SECDEF certification that the "follow-ship procurement cost goal of $1.2 billion in constant dollars will be met and that the Navy cost estimate has been verified by an independent Department of Defense cost estimate."

SECDEF submission of detailed quarterly reports to the Congress on the efforts being undertaken to reduce the cost of the NAS; first report due March 31, 1995.

SENATE APPROPRIATIONS COMMITTEE

Directs consideration of an alternative to the NAS "before going forward to Milestone III".

Fences 50 percent of fiscal year 1995 NAS development funds to submission to Congress of report on review of alternatives to the NAS.

Directs the Navy to compete the submarine combat system.

Fences all combat system funding to ASN(RDA) report on the competitive acquisition strategy; report due December 31, 1994.

Were it a conference of one, I would meld the best elements of both into the following:

APPROPRIATIONS CONFERENCE

Directs the incorporation of "full modular configurability" into the *Centurion* design.

Directs immediate initiation of development of a new reactor designed to be one-half the cost of the S9G in constant fiscal year 1998 dollars and ready for introduction not the 5th ship of the *Centurion* class.

SECDEF certification that the lead ship procurement cost goal of $1.6 billion in constant fiscal year 1998 dollars and follow-ship procurement cost goal of $1.2 billion in constant fiscal year 1998 dollars will be met and that the Navy cost estimate has been verified by an independent Department of Defense cost estimate.

SECDEF submission of detailed quarterly reports to the Congress: First, updating design to cost data, and second, describing efforts being undertaken to reduce the cost of the NAS; first report due March 31, 1995.

Directs the Navy to compete the submarine combat system.

Fences all combat system funding to ASN(RDA) report on the competitive acquisition strategy; report due December 31, 1994.

As it is, there are likely to be as many solutions to the problem of *Centurion* affordability as there are Conferees. The challenge for the Navy is to convince conferees that the savings we want are best achieved by letting the detailed design process go forward. I am skeptical. If, however, the decision is to take the Navy at its word, I believe it is absolutely essential that Congress impose strict fiscal discipline on the *Centurion* program by means of cost caps and competition requirements that transfer as much development and management responsibility as possible to the private sector.

NATIONAL HISPANIC HERITAGE MONTH

Mr. RIEGLE. Mr. President, I rise today to commemorate National Hispanic Heritage Month, which is celebrated every year from September 15 through October 15. This event is intended as a tribute to the diverse Hispanic-Americans community—hailing from Mexico, Latin America, the Caribbean, and Spain. More than 25 million Hispanic-Americans live in the United States, accounting for approximately 10 percent of our population. It is my hope that throughout this month, Americans of every ethnic background will join me in commemorating the important social and cultural contributions Hispanic-Americans have made to this country.

The diverse Hispanic-American community is bound together by commonly held values which include family ties, religious faith, hard work, and education. Equally important throughout these communities is the need to preserve their Hispanic heritage. As a nation, we take pride in the traditional value system embodied by this culture, and respect the desire of Hispanic-Americans to assimilate themselves into American life without losing the language and culture of their origins. But even as we commemorate the special bonds that unite Hispanic-Americans, we must also confront the problems they collectively face.

It is estimated that one in every four Hispanic-American families lives in poverty. Only about half of the adults hold high school diplomas and fewer than 10 percent have graduated from college. And at a time when U.S. concern over illegal immigration is high, Hispanic-Americans are frequently the targets of racial discrimination. Many Hispanic immigrants encounter obstacles with respect to language; adults often have difficulty finding employment due to limited English skills, and many children and teenagers struggle through schools which are unequipped to deal with their special needs. Although steps have been taken in some cities with large Hispanic populations to provide bilingual education and other services, many Americans are resistant to what they perceive as a takeover of the English language by Spanish, and these attitudes further foster racial tension.

But despite the challenges confronting Hispanic-Americans, their social and cultural contributions are prevalent in American life. From musicians and artists to some of the most noted writers of our time, from activists and volunteers to government officials at all levels. Hispanic-Americans have contributed to every facet of the American experience.

This month in particular, it is my hope that all Americans will take advantage of this opportunity to deepen their understanding and appreciation of Hispanic culture and heritage. Events will be staged all over the country to celebrate the achievements and contributions that Hispanic-Americans have made to the United States. Diversity is at the very foundation of American civilization, and by celebrating our differences we can deepen our national unity based on mutual understanding and respect. It is in this spirit of national unity that I join you in commemorating National Hispanic Heritage Month.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, over the last 2 years I have profiled 64 Michigan individuals and families who have faced the severe consequences of the health care crisis. Today I rise to tell my colleagues about Linda Clark, a courageous woman from Flint, MI who has been struggling to maintain the emotional and physical well-being of her family since her husband was brutally murdered last year.

Until early May 1993, Linda and Kevin Clark were typical parents working to support their two children, 7-year-old Wesley and Kasey, age 5. Kevin Clark owned a small residential construction business that provided the family a modest middle income.

The family depended completely on Kevin's earnings. Linda cared for their children, did bookkeeping and general office work for Kevin's business and attended the University of Michigan at Flint. She was pursuing a bachelor's degree in early elementary education with an emphasis on early childhood development, and had just 1 year of classes left. Linda funded her education through a Pell grant and was awarded an academic scholarship from the university after she earned a high grade point average.

Neither Linda nor Kevin had health insurance or life insurance. Although they had looked into purchasing health insurance coverage for their family, the least expensive policy they found still would have cost them $350 per month and they simply could not afford it on their income. And so, like thousands of American families, the Clarks hoped they could get by without insurance.

Then tragedy struck the Clark family. On May 10, 1993, while he was out shopping, Kevin fell victim to a random, senseless, and cruel crime. He was shot by five teenagers who had just robbed a store and were fleeing the scene. After the shooting, Kevin was rushed to Hurley Hospital but it was too late, and he died from his gunshot wounds. Linda Clark was left a widow with a $24,000 debt to the hospital for its emergency services.

The Clark family had no income at all for almost 16 weeks after Kevin's death. Unable to afford to continue her studies, Linda dropped out of the University of Michigan. The family now depends completely on their Social Security survivors benefits. The Clarks have already experienced the financial hardship of incurring a huge hospital debt because Kevin was not insured for health care. But Linda now must live in dread of a similar crisis occurring again because she is not able to purchase health insurance coverage for herself or her children. Their monthly Social Security payment is high enough to disqualify them for Medicaid coverage, yet too low to afford a monthly health insurance premium. Linda stretches the survivors benefit to cover the house payment, utilities, groceries, clothes, and all the other expenses of raising two young children. And the tremendous hospital bill leftover from Kevin's murder remains a source of strain for Linda, who is trying to negotiate a reduction in the amount, as well as a modest payment plan.

Beyond her grief over her husband and her concerns for the financial predicament that followed his death, Linda worries about not being able to provide the medical care that Wesley and Kasey may need. Both of her children are prone to strep throat infections and need medical care for this problem several times a year. When one of them is ill, it can cost $250 for an office visit, lab tests, and prescription drugs. And, as happens in families, when one child is sick, the other often catches the illness. Linda must make health care decisions that balance the need to seek medical care against what that care will cost. What will she do if serious and costly health services are needed by her children?

Linda herself has a degenerative hearing problem that requires her to use a hearing aid, but she will not even consider replacing her old one because she does not want to spend money on herself. Linda also has had a long term, very painful wrist problem. She recently consulted a doctor for it, but after spending $200 for this initial visit and xrays she cannot afford the cat scan or ultrasound which are needed to diagnose and treat her condition. Linda does not know what she will do if the pain continues untreated.

Since her husband's murder, Linda has begun a statewide citizens petition for juvenile law reforms and enactment of truth in sentencing laws. Her courageous efforts have attracted nationwide attention, and Michigan is very proud that she was invited to Washington for the signing of the crime bill yesterday. But Linda also serves as a reminder to us all of the need for health care reform to protect families like hers.

Working parents like the Clarks could not afford to buy basic insurance and were forced to leave themselves and their families at risk. Mr. President, we must improve the health care system so that families do not face financial ruin from catastrophic health care costs. We can pass reforms so that all families have access to affordable insurance. We can provide subsidies for lower-income families who need help to buy health insurance, and we can ensure that every child is covered for the preventive medical care they need to stay well so mothers like Linda are not forced to make impossible choices. Mr. President, I will continue working toward passage of some type of reform in this Congress.

TRIBUTE TO ANDY MACPHAIL

Mr. DURENBERGER. Mr. President, in Minnesota we have always respected the judgment of Andy MacPhail, general manager of the Minnesota Twins. That is why we were so shocked to hear that he was leaving Minnesota and the Twins, for Chicago and the Cubs. You think you have a person figured out and then all of a sudden——

Seriously, Minnesota baseball fans bid a fond farewell this week to Andy MacPhail as he heads east to become president and CEO of the Cubs. We are tremendously grateful to him for a wonderful decade of baseball in Minnesota. He helped bring many of us our pinnacle experiences as sports fans: The Twins two thrilling World Series victories in 1987 and 1991. He assembled two world championship teams with his genius for blending athletic talent and human chemistry.

One thing that has made baseball so much fun in Minnesota is Andy's openness and obvious love of the game. He connects fans to a simpler appreciation of the game, before it became dominated by agents, labor negotiations, and the like. He proved you could run a baseball team as a very efficient business and still love baseball like a kid.

In these dark days for the Nation's pastime we need more of that spirit.

After the MacPhail Twins won the 1987 World Series, I had the opportunity to host Andy here in the Senator's dining room. As soon as we came in, he was approached by a member of the wonderful wait-staff who had some very pointed questions for the general manager. You see, many Washingtonians still refuse to recognize the move of the then Washington Senators to Minnesota, so it is still their team. Anyway, this fan was objecting strenuously to Mr. MacPhail's trade of Frank Viola to the Mets for five players. Andy just took it all in stride.

Two weeks later I got to talk with Bart Giamatti, just before his death, and in that conversation, he said the Viola trade was one of the best in recent baseball history. The Twins' 1991 world championship, built around the nucleus of players obtained in that trade, proved him right.

The people of the city of Chicago will come to enjoy Andy MacPhail as much as we do. He may not become Michael Jordan or Oprah Winfrey, but his candor and good natured personality will make Chicago a better place to live, and a much better place to watch baseball.

From all your friends in Minnesota, Andy we wish you every success within the friendly confines of Wrigley Field. Chicago, count your blessings.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,681,594,117,770.50 as of the close of business Tuesday, September 13. Averaged out, every man, woman and child in America owes a share of this massive debt, and that per capita share is $17,957.03.

HONORING THE LATE CATHERINE W. MENNINGER

Mr. DURENBERGER. Mr. President, I rise today to commemorate the passing of one of America's most valuable public citizens. Last week, Catherine L. Wright Menninger died at the age of 91.

To those of us who care about the future of health care in this country, Catherine Menninger was an inspiration. While she became nationally prominent through her outstanding work with People to People International—she served 24 years as a trustee, including the last 2 years as a life trustee—her efforts were much broader than even this would indicate.

She worked closely on mental health issues with her husband, Dr. Will Menninger, even editing his professional papers.

She served as membership secretary of the Menninger Foundation for 17 years.

She was devoted to the Kansas capital area chapter of the American Red Cross, serving a combined 20 years as its chairman of volunteers, and 24 years as a member of its board of directors.

She undertook her role on the board of directors in 1966, after the death of her husband. At an age when most people are thinking of retiring, she was on the lookout for new ways to serve her community.

As a Red Cross official, a historian, a Presbyterian Church elder, and an overall humanitarian, Catherine Menninger showed throughout her 91 years that to her, service is what matters.

On behalf of the people of Minnesota, I say thank you to this outstanding lady—and express our deepest condolences to her three sons, Roy, Philip, and W. Walter Menninger, her 15 grandchildren, and her 7 great-grandchildren.

She leaves behind her a large number of grateful people. I am proud to consider myself one of those who had the opportunity of experiencing her special grace.

DEATH OF ALLAN HOUSER, NOTED ARTIST

Mr. BINGAMAN. Mr. President, I rise today to express my sadness over the recent death of Mr. Allan Houser, a generous man and world-renowned artist from Santa Fe, NM.

Mr. Houser, a Chiracahua Apache who first moved to New Mexico more than five decades ago, was a true leader in the world of Indian art. As a congressionally appointed member of the board of trustees of the Institute of American Indian Arts, the Nation's only college dedicated solely to Indian art and culture, I know first hand of Mr. Houser's tremendous impact as an artist, a teacher, and a mentor to young American Indian artists. Throughout the world, Mr. Houser was known for his work in stone, clay, wood, steel, as well as his work in painting and drawing. The monumental bronze pieces of art he created are perhaps his best known works. They grace museums, governmental buildings, and private homes from New Mexico to Japan. In fact, one stands today in a place of honor in the Senate Russell Building, room 485, the Senate Indian Affairs Committee's hearing room. If my colleagues have not seen this beautiful tribute to the American Indian spirit, I urge them to do so.

This past April, Mr. Houser presented Hillary Rodham Clinton with a piece aptly entitled "May We Have Peace." This sculpture of an Indian offering a peace pipe will be placed in the Smithsonian Institution's National Museum of the American Indian, which is currently under development.

Throughout his distinguished career, Mr. Houser was the recipient of several prestigious awards. In 1980 he received the New Mexico Governor's Award for his contributions to the arts. In 1992 President George Bush presented him with the National Medal of Arts, the Nation's highest honor for artists. Mr. Houser was the first American Indian to receive this award. Perhaps his most touching tribute is the Allan Houser Art Park, located on the grounds of the Institute of American Indian Arts Museum in Santa Fe, NM. This beautiful sanctuary is a source of peaceful inspiration to all visitors, but it is particularly significant to the many young and talented American Indian art students who attend IAIA each year.

Mr. President, my thoughts and prayers are with Mr. Houser's family and friends. I hope they can find comfort in knowing that while we have indeed lost a treasure, Allan Houser's legacy will always remain in our hearts and in the extraordinary works of art he created. Thank you.

STATE DEPARTMENT'S QUOTAS

Mr. HELMS. Mr. President, we are left to suppose, in horror, that the Serbs are "ethnically cleansing" the former Yugoslavia of both Moslems and Croats. In Rwanda, Hutus, and Tutsis are slaughtering each other. The world has always been polarized but it now has become violently so.

Meanwhile, the State Department is drumming up a new brand of polarization called diversity. Foggy Bottom would rather fulfill ethnic quotas, thereby creating divisions and resentment, than choose the best qualified people to tend U.S. interests abroad.

The State Department's problem is that the American people reject ethnic and gender quotas. It is an absurd policy and it is unfair. It is an insult to basic American precepts and principles.

I hope Senators will take note of a cable written by Lewis Anselem, the political counselor at the United States Embassy in Bolivia. This cable, highly critical of the State Department's quota policy, was published in the July edition of Washingtonian magazine. Mr. Anselem raises a number of significant questions about the Clinton administration's pursuit of ethnic quotas at the State Department.

Mr. Anselem deserves forthright answers to his questions but I recommend that nobody hold his or her breath until answers are forthcoming from the State Department.

I recall Hubert Humphrey's asking the Senate 30 years ago, "Do you want a society that is nothing but an endless power struggle among organized groups? Do you want a society where there is no place for the individual?" If Hubert were still around he would instantly recognize that this administration has made clear that it values special interest groups over independent individuals. And Hubert would discover that the "politically correct" crowd in charge today is making the ground fertile for polarization.

Mr. President, the State Department should reject its misguided efforts to enact quotas. I ask unanimous consent that W. Lewis Anselem's cable, published by Washingtonian magazine, be printed in the RECORD at the conclusion of my remarks.

[From the Washingtonian, July 1994]

UNDIPLOMATICALLY YOURS

(A cable from W. Lewis Anselem, political counselor in the United States embassy in La Paz, Bolivia, on diversity within the State Department has been making the rounds in Foggy Bottom. Here is the text of the cable.)

1. I am taking advantage of your call for a full exchange of views of personnel issues to send you this message on "diversity." I probably should use the "dissent channel" but given my prior experience with that channel on a different issue (i.e., eight months to get a reply), I have chosen to address you directly. A previous cable I sent the Director General (93 La Paz 15382) on diversity issues was replied to six weeks later by the acting DIRGEN (State 384875) in a "form letter" which ignored the bulk of the issues I raised. A follow-up cable (La Paz 734) was ignored.

2. I realize senior department officers cannot provide personal answers to all cables they receive; I certainly don't expect that. But given repeated calls by those officials for a full and frank exchange in diversity and other personnel issues, those officials should be ready and willing to address such issues in a full and frank manner somewhere and somehow. That has not happened. What statements these officials have made on diversity reveal a lack of understanding of basic issues, are contradictory, deceptive, condescending in the extreme, insulting, and, above all, confusing. It is that sort of behavior, I think, which led the department to be the target of prior lawsuits and creates an unease in the ranks today that could result in new ones tomorrow. Current AFSA leadership seems to be management's pet puppy on diversity, eager to please its master (I urge everyone I know to stop paying AFSA dues).

3. I won't repeat what I stated in previous cables on diversity. I want to discuss two articles in the February and March issues of "State Magazine." Those articles contain statements by the director general and the legal advisor that need clarification; anything you can do would be appreciated. I apologize for this cable's length, but the topic has many facets.

ROLE OF EXAMS

4. In the February "State Magazine" report on the January 11 "townhall meeting" the director general (pg. 2) is cited as stating on the issue of FS [Foreign Service] employees who enter without taking the exam, that "while some 'assume that we want to give a free pass to people who couldn't pass the exam' it is rather the opposite, she said, explaining there are persons who are so highly sought after that State could never hope to recruit them if it had to wait for the lengthy exam process."

5. Is this an accurate characterization of the director general's position on the exam issue? If so, is that an accurate reflection of Department policy? Who are these persons "who are so highly sought after?" What special skills do they bring to the promoting of American overseas interests? Does the department consider those who took the exam and put up with the lengthy exam process as second-class citizens? Why have exams if they only draw second-raters such as myself? Will a warning label be placed on the exam so that potential test-takers know they are not "highly sought after?" Perhaps something similar to what we have on tobacco goods: Warning: The Director General has determined that if you take this test you are second-rate.

6. Will the same attitude of disregard for the exam extend to the EER [employee evaluation report]? Can we anticipate that certain persons will be promoted outside of the EER process (because they are so "valuable") while only we non-valuable ones need worry about EER ratings?

THE EVILS OF MERIT

7. In the same issue of "State," the department's legal advisor (identified as black although no one else's race is mentioned, a matter which should be taken up with the editor) is portrayed as claiming the following (pg. 3): "'We must get rid of the notion that merit has been such a success that we don't have a problem * * * It just doesn't do to walk into a bureau and to see no one or

only one person who looks like me.' The fact is, he added, that white males are overrepresented in the department * * * He continued: * * * 'We shouldn't assume that because a woman or minority winds up as a DAS [deputy assistant secretary], that this was reserved for a woman or a minority. What we should assume is that the person was qualified for the job.'"

8. Is this an accurate characterization of the legal advisor's position? Can we conclude that, under this administration, merit is no longer the basis for employment and advancement in the department? If, indeed, merit is no longer the basis of assignment, advancement, etc., why should we assume a person holding a particular job is qualified for the job? Why shouldn't women and minorities feel stigmatized, as the director general rightly worries they are? How can the legal advisor's statements be reconciled with repeated assertions (including in that same article, pg. 2) by the director general and others that no dichotomy exists between diversity and merit?

9. Is it department policy that white males are "overrepresented?" What others does the department consider "overrepresented?" Are there too many Jews in the department? How will the department solve the "Jewish problem?" Too many Catholics? Too many Baptists? Too many Asians? Too many Mormons? Too many left-handed Protestants? What else is there too many of? Is the legal advisor out to cull the herd? What is the legal advisor's position on the Chicago Bulls? That organization doesn't have too many people who look like me, but as a team based on merit, not diversity, they play great ball. Should we lower the net and shorten the court so short, fat, cigar-smoking white guys can play? What about the engineering school at UCLA? Not many folks who look like me there, either, but they sure are good engineers. From the charts provided in the director general's article in the March "State" it seems minorities are "over-represented" in the government workforce in general (see chart on pg. 20). Will the advisor propose minorities in other agencies be fired to bring down their representation to the "proper" level? Or is it only OK to insult and degrade white males?

10. The legal advisor is also quoted as saying (pg. 3) that litigation is "a blunt instrument but one that gets our attention." I predict that if the department adopts the attitude apparently held by the legal advisor, a lot more "blunt instruments" will get your attention.

ON DEFINITIONS AND THE PLASTIC MEDIUM OF STATISTICS

11. In the March issue of "State" (pp. 18–25), the director general presents a number of statistics on the department workforce. Most of these are partial and misleading. I note, however, that the second chart on pg. 21 clearly makes the point that there is "gender bending" going on in promotions. Since 1989 female officers are consistently more likely to be promoted than are their male colleagues. The 1993 figures are very telling. In that chart alone, I suspect there is enough for a lawsuit. What that chart doesn't show (but previous stats laboriously squeezed out of the department do) is that women are much more likely to cross the FS–1 to senior officer threshold than are men. In addition, they are much more likely to get DCM [deputy chief of mission] or P.O. [principal officer] jobs in desirable postings than are men (a glance through the "Key Officers" book shows that). And, please, despite what the director general claims, we all know some positions are held as long as possible for applicants of the "right" sex, race, or ethnicity; it's one of the worst kept secrets in the department.

12. Nowhere in the article does the director general provide a definition of "minority." This is a critical failing I have noticed throughout the discussions of the diversity issue. What is a minority in a country of minorities? From what I can tell if you don't file a lawsuit, you ain't a minority.

13. The issue of defining "minority" is a critical one. When we join the Foreign Service we have to auto-declare ourselves Hispanic, black, white, Native American, etc. Is this the only means we have? Surely this is not very accurate. Many Americans (myself included) are of mixed background. How do we know who is "truly" white, black, or Hispanic? How many white ancestors must you have before you are no longer another race? What if you have one black great-grandmother? Would a person with one European-origin parent and one African-origin parent be white or black? What about one with an Asian and an African parent? How does the department know it is not being conned by unscrupulous race and ethnic jumpers? What if you are currently a man but "feel" you are really a woman? Can those of us who listed ourselves as in one group get reclassified?

14. If you are serious about racial labels, then department medical services should be brought in to determine degrees of racial "purity." You can hire phrenologists and other experts on racial traits. There are lots of those people now unemployed in South Africa or under false names in Paraguay (better move on this last group fast, they're getting old).

AH, YES * * * ONE MORE DEFINITION

15. In the whole debate on diversity, including in the two articles I mention, I have yet to see a definition of "diversity." I just can't believe personnel officers would launch a policy without knowing what it is. Please provide a definition of "diversity." How will we know when we have it? What are the exact quotas established? Once those are reached, will the department have a "diversity maintenance" program to ensure old devil merit doesn't upset the correct mix?

16. Will only race and gender be considered? What about regional diversity? Are there too many Californians? Too many Alaskans? What about elderly Americans? What about those of Albanian descent? I have an Albanian-American friend from Chicago; I would like him to know what his quota is. Would Albanian-Americans from Philadelphia have a different quota than those from Chicago (my friend has a brother in Philadelphia)? What's the point system?

OH YES, I WANT MY COUNTRY TO BE JUST LIKE YUGOSLAVIA

17. I find diversity's obsession with race and gender repugnant and potentially dangerous. Despite what the director general claims, it is not those who object to diversity who corrode efficiency and morale in the service, it is those who promote diversity who do so. I might add, the director general takes a cheap shot in her March article (pg. 18) by implying that those opposing diversity so do either out of fear of change or resentment over diminished promotion possibilities.

18. There are many legitimate and idealistic reasons to oppose diversity. Not the least is that qualified women and minority officers are being stigmatized by diversity and the obvious "white man's burden" mentality behind it. The assumption is that women and minorities (however defined) can't compete unless the Great White Father designs a "special program" for them (what would the Bulls say about that?). Diversity is causing serious, perhaps permanent damage to a service already battered by years of abuse as a playground for unqualified political appointees (not always: I've served under some very fine political appointees). Can you imagine a used car salesman commanding a nuclear aircraft carrier? No? How about one as ambassador of the world's most important country?

19. My parents did not immigrate to America so their kids could face quotas. They came to get away from prejudice. The social engineers in the department and its AFSA sidekick have forgotten that the idea of America is to let people be their best and in that way we all benefit. If engineering schools have an "overrepresentation" of Asian-origin students, it doesn't bother me. If for whatever reasons one group or another has a greater tendency to go into one sort of business rather than another, that doesn't bother me at all. Diversity zealots are toying with explosive issues; no matter how "civilized" we think we are, eventually, as we have seen in Yugoslavia and only God knows how many other places, we all will come out to defend our ethnicity, race, religion, etc.—and at times violently. Call it tribalism or whatever you want, but it's there under the surface. Let it stay there; don't stir it up with misguided polices.

20. Thank you for this opportunity to express my views.

THE NATIONAL PERFORMANCE REVIEW

Mr. GLENN. Mr. President, I rise today to mark the 1 year anniversary of the National Performance Review's initial set of recommendations on reinventing Government. This morning, during a White House ceremony, the President released a follow-up report detailing the many successes that have come out of the National Performance Review.

It is unfortunate that Americans appear to have lost faith in the Federal Government. As I travel in my home State of Ohio, many people tell me that they don't believe Washington is working for them. From business leaders to farmers to students, I hear constantly that people cannot rely on the Federal Government to wisely spend the billions in tax dollars sent to Washington each year.

The National Performance Review was initiated to take real steps to get us a Government that works better at less cost. And I'm pleased to say that over the past year we have seen solid results stemming from this effort. Unlike past commissions and reports, I am seeing a concentrated reform effort in Government agencies, led by the White House, to make Government work better.

The National Performance Review began in March, 1993, when President Clinton tasked Vice President GORE to find ways to improve the operations of Government while eliminating waste, fat, fraud, and abuse. As chairman of the Senate Governmental Affairs Committee, I can appreciate the magnitude of the Vice President's undertaking.

For years, I've worked with the General Accounting Office, the inspectors general, the chief financial officers and all the other officials and organizations devoted to making our Government work more efficiently. The committee has held numerous hearings and initiated a large number of studies designed to identify and eliminate Government waste.

My personal experience in this area has taught me that, from the point of view of the press and other Washington observers, there may not be a more dry and dull task than examining the efficiencies of Government—yet there may not be a more important task either. While the work may make many eyes glaze over, the billions in taxpayer dollars that have been and will be, saved make it all worthwhile and necessary.

That's why Vice President GORE has my full support, and sympathy, as he continues the excellent work of the National Performance Review. Today's report only underscores the significant improvements we've already made in improving how the Government works and where we need to concentrate our future efforts.

I am proud to say that many of the National Performance Review's most substantial successes have come through work here in Congress—much of that work launched by the Governmental Affairs Committee. I am particularly pleased with the bipartisan tone this reform effort has taken on. During a time when it seems as though partisan battles threaten to halt the work of this institution, it is refreshing to see that both sides of the aisle can work together toward reinventing Government.

This bipartisanship was first evident in the Governmental Affairs Committee, where Senator ROTH and I worked to initiate many of the proposals now in law or moving through Congress. I was pleased to see that spirit on the Senate and House floors as well. A confluence of different interests—Republicans and Democrats, Congress and the Executive branch, American business leaders and Government workers—have come together to help make our Government work more efficiently.

For example, we are now witnessing the final steps in enacting legislation to reform how the Government purchases goods and services. This legislation was developed in a cooperative effort among the Senate Governmental Affairs, Armed Services and Small Business Committees, their counterparts in the House of Representatives, the National Performance Review, the Office of Management and Budget, the General Services Administration, and the Department of Defense. The Senate passed the conference report accompanying procurement reform legislation 3 weeks ago and I expect it will soon be approved by the House. Republicans and Democrats, Congress and executive branch agencies, all participated in crafting this landmark legislation.

The legislation, which incorporates many recommendations of the National Performance Review, will make the Government's procurement system more streamlined and manageable for both American businesses and Federal agencies. Gone will be the days when a 12-page spec-sheet is produced for the simple purchase of oatmeal cookies. And I also hope this legislation will end the need for Vice President GORE's ashtray smashing days.

Another significant piece of legislation that had its roots in the National Performance Review is the Federal employee buyout bill. This legislation, as my colleagues know, also originated in the Governmental Affairs Committee and will help downsize the Federal bureaucracy. Right now, the Federal Government has a gross imbalance of managers to employees. In the private sector, there is a ratio of 1 manager to every 12 to 15 employees. However, in the Government, that ratio is closer to 1 to 7.

The bill we enacted is tailored to correct that problem. The buyout legislation is a fair and equitable way to do this and will reduce the Federal bureaucracy by over 250,000 employees. I might add that the money we save through these reductions has been targeted to help reduce the threat of crime on our streets.

This week I hope the Senate will act on yet another National Performance Review-related reform proposal, the Government Management Reform Act of 1994. This bill reflects additional National Performance Review recommendations within the jurisdiction of the Governmental Affairs Committee—most notably expansion of the Chief Financial Officers Act. I hope once the Senate acts on my bill, the House will then pass it and we can quickly send it to the President's desk.

The Governmental Affairs Committee laid the groundwork for much of this reform when it moved the Government Performance and Results Act in the summer of 1993. The act, which I coauthored with my colleague Senator WILLIAM ROTH, has helped the administration improve the performance of Government programs and report to the public on that performance. Americans deserve to know how the money they send to Washington is being spent and if it's being spent wisely.

These are only a few of the many reforms flowing from the National Performance Review. As we look forward to the next Congress, I would like to see the National Performance Review produce far-reaching Civil Service reform. This process began with the partnership council between the Government and its employees, which has already made some improvements. I hope this effort will also result in a concrete legislative proposal to reform the Civil Service laws.

Reinventing Government is a tricky business. Let me stress that all the reforms, recommendations, and reports won't amount to much unless the people working at the agencies want to change. We must have a work force committed to making the Government run more efficiently

That's where the National Performance Review may have its biggest success. Through the Vice President's tireless work over the past 2 years, we are seeing the sort of change within Government departments that will make reform possible. It won't happen overnight, but I think we're on the right road.

I commend President Clinton and Vice President GORE for their leadership. President Clinton campaigned with a pledge for change. The National Performance Review represents a solid step on delivering that promise, making Government work better and cost less. I look forward to continuing my work here in the Senate to bring about the many changes needed to restore the Government's credibility among the American public.

CONCERN OVER MAINSTREAM COALITION'S HEALTH CARE POLICY

Mr. MOYNIHAN. Mr. President, the mainstream coalition is to be commended for its relentless efforts to construct a bipartisan health care reform bill. The coalition began its work in the Finance Committee and did so with my encouragement.

But let me note, Mr. President, that there are now only 15 working days before the October 7 target date for the sine die adjournment of the Senate. And all that Senators have seen to date is a 31-page outline called the "Mainstream Coalition Proposed Agreement."

There is, this September 14, no mainstream bill, and there is no CBO analysis, not even preliminary CBO cost estimates, of the mainstream proposal.

We are told the deficit will be reduced by $100 billion over the next 10 years.

There will be subsidies for families with incomes up to 200 percent of poverty, and for pregnant women and children with incomes up to 240 percent of poverty. When fully phased in by the year 2004, and if fully funded, about 75 million persons would be receiving subsidies.

Mr. President, the Finance Committee spent 6 months working on a bill, and the Congressional Budget Office determined that the bill that the committee reported on August 2 was fully paid for and, indeed, would produce a modest deficit reduction of $13 billion.

Members of the Finance Committee know that was not an easy achievement.

I am concerned that as this body has attempted to repair the health care financing system it has become apparent that there is an unbridgeable gap between what we wish to provide and what we may be willing to pay for. The likelihood of an imbalance in spending and revenue flows will increase as Senators try to craft a sweeping reform plan at the 11th hour on the floor of the Senate without benefit of committee deliberation.

Mr. President, as chairman of the Senate Finance Committee I am concerned about the implications of the mainstream coalition's proposal for national health policy, particularly its lack of support for research and medical education.

And, Mr. President, as the senior Senator from New York I am concerned about the implications of the mainstream coalition's proposal for the New York State Health Care System.

The Mainstream Coalition proposal would be a step backward for New York and other progressive states that have already taken actions to expand coverage and contain costs.

For example, New York now has an all-payer hospital reimbursement system established more than 10 years ago. This system, which regulates hospital rates and helps cover the hospital costs of the uninsured, makes health care accessible and affordable for millions of New Yorkers, and protects our hospitals from the financial burden of charity care and other uncompensated care.

The New York System is now under a barrage of lawsuits which contend that Federal ERISA law prevents States from regulating hospital charges. These lawsuits do not assert that there is anything necessarily wrong with the way New York is regulating rates, just that ERISA prevents States from regulating hospital rates at all because it infringes on employer sponsored health plans.

In my judgment this conclusion follows only from a strained reading of the statute. Without a clarification that ERISA was never intended to prevent this type of State regulation, these lawsuits are likely to bring the New York System crashing down. As a result, millions of New Yorkers would lose coverage or see their insurance premiums skyrocket.

The mainstream proposal, unlike Senator MITCHELL's proposal, provides neither a waiver from nor a clarification of the ERISA law. In a September 12, 1994, letter to me, New York's Governor Mario Cuomo put his reaction to the mainstream proposal simply and, I am afraid, accurately: "We will have chaos."

The failure to enact national reform should not be allowed to prevent States from moving ahead with their own reforms. In fact, in the absence of universal coverage you must allow State flexibility, fostered by ERISA waivers, so that States can equitably finance uncompensated care.

At this late date the mainstream coalition's proposal raises more questions than it answers.

How will the subsidies be financed?

How will deficit reduction be financed?

And if, under the fail-safe mechanism, deficit reduction takes precedence over subsidies will there be any subsidies at all?

And if there are no subsidies, what will happen to insurance coverage and the flow of payments to providers?

Is it possible that cuts in Medicare and Medicaid will just be used to finance deficit reduction, but will not improve the Health Care System?

And what do we know about those Medicare and Medicaid cuts?

The mainstream document specifies neither the level nor the substance of the proposed Medicare cuts. Will the mainstream cuts directly affect Medicare beneficiaries by increasing co-insurance payments and deductibles? Or will they indirectly affect beneficiaries by limiting payments to providers and potentially affecting access to providers? And how will these cuts affect the financial stability of hospitals?

The answers to these questions are important, affecting the health care received by 36 million Medicare beneficiaries. Yet today—this September 14—there are no answers.

And what about the Medicaid Program cuts? The document issued by the mainstream coalition does not spell out the cuts that would be made in Medicaid. But it is difficult to imagine how a reform proposal that includes Federal subsidies for low-income families could go forward without any reductions in current Medicaid spending. The question is, what will these Medicaid cuts be, how big will they be, and how will they affect the ability of our 50 States to provide care for low-income individuals and families?

The Finance Committee bill had about $700 billion in Medicaid savings over 10 years. These reductions were phased in, and were in the context of a fully funded low-income subsidy program and the integration of most of the Medicaid population into a reformed health care system.

If the Senate should be asked to vote on the mainstream proposal some days from now, Senators may be voting on significant cuts to Medicaid that they may have had no opportunity to study. This is not the way to adopt policies that will affect the more than 11 percent of Americans who receive their health care through the Medicaid Program. New York hospitals that serve those with low income—like hospitals in every other State—are rightly opposed to the mainstream's Medicaid cuts because they have no accompanying guarantee of universal coverage or even a guaranteed subsidy program.

The mainstream proposal makes no mention of academic health centers and graduate medical centers. As such, it appears to be a worst-case scenario for academic health centers and teaching hospitals.

It is silent on a premium tax dedicated to academic health centers and teaching hospitals, thus providing no offset for losses of private funds for teaching hospitals resulting from increasing competition.

It makes Medicaid and Medicare cuts that would likely further reduce payments to teaching hospitals.

It assures continued large numbers of uninsured individuals, many of whom will receive uncompensated care at teaching hospitals.

It would force teaching hospitals to shift the cost of the unfunded Medicare Graduate Medical Education balance onto other private payers, thereby further disadvantaging teaching hospitals, and threatening the quality and accessibility of services provided to Medicare beneficiaries.

The mainstream proposal would tax employer-provided health care plans that cost more than 110 percent of the average-priced plan in the area. The unavoidable result is that employees who have bargained for high-quality health care in exchange for wage concessions will see their overall after tax compensation reduced. Employers will either reduce cash wages to offset the higher cost to the employer of providing coverage, or substitute taxable wages for previously untaxed health benefits.

The stated goal of the mainstream tax on health benefits is to create incentives for employers and employees to shift to "more efficient" health care plans. However, many health plans are more expensive than average for reasons other than inefficiency. For example, plans that cover employees in certain industries—such as mining—or in small companies that happen to employ 1 or 2 workers with a serious illness may be more expensive than average not because delivery systems are inefficient, but because employees in these firms—by necessity—consume more health care.

So rather than taxing "Cadillac" health coverage, the tax often will act as a wage tax on workers who have bargained for high-quality care, or who work in high-risk industries or in small companies with a few sick employees.

Preliminary assessments of the mainstream proposal have been made by two respected health organizations in New York State, the Health Association of New York State [HANYS] and the Greater New York Hospital Association [GNYHA]. Their analyses highlight the difficulty of trying to restructure the flow of payments to health care providers.

The Greater New York Hospital Association makes the point that disproportionate share hospital [DSH] payments "should only be reduced on a hospital-specific basis commensurate with a dollar-for-dollar increase in revenue associated with newly insured patients."

And there-in lies the dilemma. While cuts in Medicare and Medicaid payments made in order to fund subsidies will reduce the flow of money to health care providers, there is no assurance that the increase in revenues, associated with newly insured patients, will offset the loss of these funds precisely where the loss actually occurs.

In fact, the Healthcare Association of New York State estimates that under the mainstream proposal revenues for New York State hospitals will be reduced by $8.1 billion for the period 1996–2001, even after accounting for the increase in revenues from newly insured patients. For hospitals in New York City, net payments would be reduced by $5.9 billion.

The Healthcare Association argues that under the coalition plan "Persons qualifying for subsidies may find it difficult to meet their part of the payment. Meanwhile, the support for uncompensated care * * * will be reduced by two-thirds."

In its evaluation of the Coalition proposal, the Greater New York Hospital Association notes that "Since New York City is the center of several public health epidemics, such as AIDS and tuberculosis, the average health care costs of its residents is higher than in other areas."

In addition, the Hospital Association argues that "Since the poverty rate * * * is not adjusted for regional cost-of-living differences," too few New Yorkers would qualify for subsidies.

Based on the work of Dr. Dutch Leonard and Monica Friar of the Kennedy School of Government, the number of New Yorkers with below-poverty income would reach 3.3 million or 18.1 percent of the New York population, if the poverty rate were adjusted for State differences in the cost of living. This is 500,000 more than under the official, unadjusted rate.

The Hospital Association also notes that New York State guarantees to its residents "universal access to state-of-the-art hospital inpatient and outpatient care." The Association argues that "The mainstream coalition bill would undercut that guarantee by drastically cutting Federal Medicaid and Medicare disproportionate share funds. Moreover, by not granting an ERISA waiver, the bill would eliminate the only viable mechanism that the State has found * * * to raise money for hospital bad debt and charity care."

With these points in mind the Greater New York Hospital Association suggests that proposals such as the mainstream's "begin to resemble little more than deficit reduction bills in the guise of health care reform legislation."

The mainstream coalition admirably wants to achieve deficit reduction of $100 billion. It does so by cutting Medicare and Medicaid. Last year, the Omnibus Budget Reconciliation Act of 1993 reduced Medicare spending by $56 billion and Medicaid spending by $7 billion for fiscal years 1994–98. I believe those cuts represented necessary reductions in spending to achieve the deficit reduction goal.

Deficit reduction was last year's goal and we did achieve it. Health care reform is this year's goal. For health care reform legislation I have had one clear guideline in mind at every stage of our deliberations: the first principle of the Hippocratic oath "primum non nocere"—First Do No Harm. In my view, the mainstream proposal fails to meet that elemental standard, Mr. President, and therefore I cannot support it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 14, 1994, she had presented to the President of the United States, the following enrolled bills:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357. An act to reaffirm and clarify the Federal relationship of the Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3275. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3276. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3277. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3278. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3279. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Highway Safety Performance—Fatal and Injury Accident Rates on Public Roads in the United States"; to the Committee on Commerce, Science, and Transportation.

EC-3280. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the administration of the Marine Mammal Protection Act of 1972 for calendar year 1991; to the Committee on Commerce, Science, and Transportation.

EC-3281. A communication from the Deputy Associate Director for Compliance, Minerals Management Service (Royalty Management Program), Department of Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3282. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on metals initiative for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-3283. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Agency for Toxic Substances and Disease Registry for calendar years 1991 and 1992; to the Committee on Environment and Public Works.

EC-3284. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the Marmet Lock Replacement, Kanawha River, West Virginia; to the Committee on Environment and Public Works.

EC-3285. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the metropolitan region of Louisville, Kentucky and Indiana Pond Creek, Kentucky; to the Committee on Environment and Public Works.

EC-3286. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the metropolitan region of Cincinnati, Ohio, Duck Creek; to the Committee on Environment and Public Works.

EC-3287. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the Big

Sioux River and Skunk Creek at Sioux Falls, South Dakota; to the Committee on Environment and Public Works.

EC–3288. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the Wood River at Grand Island, Nebraska; to the Committee on Environment and Public Works.

EC–3289. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, the report on the Coos Bay, Oregon (Deep Draft Navigation); to the Committee on Environment and Public Works.

EC–3290. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Social Security Administration for fiscal year 1993; to the Committee on Finance.

EC–3291. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Social Security Administration for fiscal year 1993; to the Committee on Finance.

EC–3292. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC–3293. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC–3294. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to RFE/RL Relocation; to the Committee on Foreign Relations.

EC–3295. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Rwanda; to the Committee on Foreign Relations.

EC–3296. A communication from the Director of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on adherence to and compliance with arms control agreements; to the Committee on Foreign Relations.

EC–3297. A communication from the Director of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on adherence to and compliance with arms control agreements; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 1782) to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes (Rept. 103–365).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 1981. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such Acts relating to orphan drugs, and for other purposes (Rept. No. 103–366).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1822. A bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes (Rept. No. 103–367).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S.J. Res. 90. A joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy (Rept. No. 103–368).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Luise S. Jordan, of Maryland, to be Inspector General, Corporation for National and Community Service.

Andrea N. Brown, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Christopher C. Gallagher, Sr., of New Hampshire, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of four years.

Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of four years.

Walter H. Shorenstein, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of three years.

Leslie Lenkowsky, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of four years.

Reatha Clark King, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Thomas Ehrlich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of three years.

Marlee Matlin, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

John Rother, of Maryland, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

Marc Lincoln Marks, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2000.

Timothy M. Barnicle, of Maryland, to be an Assistant Secretary of Labor.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Pursuant to the order of the Senate of June 17, 1993, the following nomination, favorably reported on September 14, 1994, by the Committee on Labor and Human Resources, was referred to the Committee on Governmental Affairs for not to exceed 20 days:

Luise S. Jordan, of Maryland, to be Inspector General, Corporation for the National and Community Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2436. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. DASCHLE):

S. 2437. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2436. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary.

CLARIFICATION OF THE APPLICATION AND EFFECT OF LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce an act to clarify the application and effects of legislation in order to reduce uncertainty and confusion which is often caused by congressional enactments. This act would provide that unless future legislation specified otherwise, new enactments would be applied prospectively, would not create private rights of action, and would not preempt existing State or Federal law. This would significantly reduce unnecessary litigation and court costs, and would benefit both the public and the judicial system.

The purpose of this legislation is quite simple. Many congressional enactments do not expressly state whether the legislation is to be applied retroactively, whether it creates private rights of action, or whether it preempts existing law. The failure or inability of the Congress to address these issues in each piece of legislation results in unnecessary confusion and litigation and contributes to the high cost of litigation in this country.

In the absence of action by the Congress on these critical threshold questions of retroactively, private rights of action and preemption, the outcome is left up to the courts. The courts are frequently required to resolve these matters without any guidance from the legislation itself. Although these issues are generally raised early in the litigation, a decision that the litigation can proceed generally cannot be appealed until the end of the case. If the appellate court eventually rules that one of these issues should have prevented the trial, the litigants have been put to substantial burden and unnecessary expense which could have been avoided.

Trial courts around the country often reach conflicting and inconsistent results on these issues, as do appellat courts when the issues are appealed. As a result, many of these cases are eventually resolved by the Supreme Court. This problem was dramatically illustrated after the passage of the Civil Rights Act of 1991. District courts and courts of appeal all over this Nation were required to resolve whether the 1991 act should be applied retroactively, and the issue was ultimately considered by the U.S. Supreme Court. But by the time the Supreme Court resolved the issue in 1994, well over 100 lower courts had ruled on this question, and their decisions were split. Countless litigants across the country expended substantial resources debating this threshold procedural issue.

In the same way, the issues of whether new legislation creates a private right of action or preempts State or Federal law are frequently presented in courts around the country, yielding expensive litigation and conflicting results.

The bill I am introducing today would eliminate this problem by providing a preemption that, unless future legislation specifies otherwise, new legislation is not to be applied retroactively, does not create a private right of action, and does not preempt State or Federal law. Of course, my bill does not in any way restrict the Congress on these important issues. The Congress may override this presumption by simply so stating and referring to this act when it wishes legislation to be retroactive, create new private rights of action or preempt existing law.

My act will eliminate uncertainty and provide rules which are applicable when the Congress fails to specify its position on these important issues in legislation it passes. Although it is difficult to obtain statistics on this issue one U.S. district judge in my State informs me that he spends up to 10 to 15 percent of his time on these issues. Regardless of the precise figure, it is clear that this legislation would serve litigants and our judicial system millions and millions of dollars by avoiding much uncertainty and litigation which currently exists over these issues.

Mr. President, if we are truly concerned about reducing the costs of litigation and relieving the backlog of cases in our courts, we should help our judicial system to spend its limited resources, time and effort on resolving the merits of disputes, rather than deciding these preliminary matters.

By Mr. CONRAD (for himself and Mr. DASCHLE):

S. 2437. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM EXTENSION ACT OF 1994

Mr. CONRAD. Mr. President, I introduce the Conservation Reserve Program Extension Act of 1994. I am pleased to be joined in offering this legislation by Senator DASCHLE who, as chairman of the Senate Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation, has worked tirelessly on this issue over the past several months and who will oversee the reauthorization of conservation programs in the 1995 farm bill. Senator DASCHLE and I are also members of the House-Senate CRP Working Group, a coalition of members focused on reauthorization of the program.

Established in the 1985 farm bill, the Conservation Reserve Program [CRP] is one of the most popular programs ever offered by the U.S. Department of Agriculture. Its objective, as stated in the 1985 farm bill, was "to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms or ranches."

Several factors contributed to the creation of the program. The United States had accumulated large surpluses of agricultural commodities; commodity prices were extremely low; the agricultural economy was in a precipitous downturn; the cost of agricultural programs was increasing; and soil erosion was actually increasing in some areas of the country. Thus Congress decided to initiate a program that would reduce surplus commodities by retiring cropland, increase prices, boost producer income, and just as important, sharply reduce soil erosion.

Although the program's goal of maintaining higher prices was not as measurable as producers in my State would have liked—a goal which is obviously affected by other factors—the program was well received and achieved positive results. Between 1986 and 1989, farmers were given nine opportunities to enroll land in the CRP, and they enrolled 33.9 million acres. As a result, the program helped return normalcy to the agricultural sector. And, along with conservation compliance requirements of the 1985 farm bill, helped reduced soil erosion substantially.

Conditions were different during the debate over the 1990 farm bill and the CRP was modified to meet those conditions. The CRP was broadened to include more environmentally sensitive lands. Bids were accepted on the basis of an environmental benefits index that measured the potential contribution to conservation and environmental program goals that the land would provide if enrolled. The seven goals included surface water quality improvement, potential ground water quality improvement, preservation of soil productivity, assistance to farmers most affected by conservation compliance, encouragement of tree planting, enrollment in hydrologic unit areas identified under the Water Quality Initiative, and enrollment in conservation priority areas established by Congress.

These changes broadened the scope of the program, helping it achieve positive, measurable results. Although initially mandated to reach 40–45 million acres, according to USDA's Economic Research Service the CRP now includes 36.4 million acres through 375,000 contractual agreements. This represents about 8 percent of total U.S. cropland. The CRP has reduced soil erosion by 700 million tons per year, a reduction of 22 percent compared with conditions that existed prior to the program. In addition, the program has produced enormous benefits for wildlife, both game and nongame species. It is no surprise that reauthorization of the CRP is the primary legislative goal of nearly every wildlife organization.

The CRP has had a significant impact on North Dakota agriculture. Consider the following statistics provided by USDA's Agriculture Stabilization and Conservation Service:

Number of bids	26,600
Number of contracts	18,520
Acres contracted	3,180,569
Average rental rate	$38
Total annual rental	$121,998,974

Commodity base acres involved include:

Wheat	1,138,046
Corn	134,417
Barley	580,059
Oats	263,683
Sorghum	1,837
Total base acres	2,118,042

Total annual erosion reduction: 45,842,990 tons.

The future of this program is central to the debate over the 1995 farm bill in my State.

The legislation we are introducing today represents Senator DASCHLE's and my effort to address the questions of participants in our States and many others who have concerns about the future of CRP: farm implement dealers, fertilizer and pesticide companies, local business people, lenders, conservationists, ranchers, hunters, and various other parties.

Although the Secretary announced on August 24 to offer contract extensions to participants whose contract expires on September 30, 1995, the various parties' concern over the long-term future of the program must still be addressed. In the meantime, the Secretary's announcement will help solve the immediate problem of contacts expiring before the 1995 farm bill becomes law.

A much larger problem, however, is the budgetary baseline for CRP. The Congressional Budget Office assumes that contracts are not renewed as they expire. Thus there is no money in the baseline for contract extension.

This is important for several reasons:

First, environmental benefits will be lost. As I noted, the CRP provides outstanding improvements in water quality, soil quality, and wildlife habitat. A mistake was made once before in allowing a similar program, the Soil Bank, to expire. From 1956 to 1972, USDA managed the Soil Bank, to divert cropland from production in order to reduce inventories, and to establish and maintain protective vegetative cover on the land. In 1960, there were 28.7 million acres under contract. Although many forces were at work in ending the program such as commodity prices in the world market, by the mid-1970's most land had returned to crop production. Many of those acres are now enrolled in the CRP.

Second, commodity prices will likely fall. As CRP contracts expire, several surveys have shown that a majority of farmers will return the land to production, increasing stocks and depressing prices. According to USDA's Economic Research Service, wheat prices would fall 9 percent; corn prices would fall 5 percent. Lower prices and increased acreage receiving payments would increase total deficiency payments 21 percent.

Third, the debate over the 1995 farm bill could become an unnecessarily difficult, fight. Annual payments under the program are about $1.8 billion for the next several years. If we fail to extend the CRP but pressures to retain the environmental benefits persist through the farm bill debate—which they most assuredly will—some will look to farm programs as the likely source of funds. That is not a battle we should encourage. We have an opportunity to continue to improve the relationship between the agricultural and environmental communities by working together on the CRP. We should seize this opportunity.

Fourth, the combination of lower prices and the loss of rental payments will have serious financial implications for producers and landowners in North Dakota and many other States.

To the administration's credit, progress on the baseline is being made. On July 15, 1994, the Office of Management and Budget's midsession review included a 38 million acre CRP in their current services baseline. However, in August 2, 1994 testimony before the House Subcommittee on Environment, Credit, and Rural Development, the Congressional Budget Office indicated that they would not include the CRP adjustment in their baseline based on the OMB action. CBO indicated that they need a clear statement of policy regarding extension of current CRP contracts and action by USDA to begin implementing the stated policy. The purpose of the bill Senator DASCHLE and I am introducing today is to provide USDA direction in announcing such a policy, and to convey the interests of CRP participants in our States.

The bill would accomplish the following:

Require the Secretary of Agricutlure to offer current contract holders the option of renewing their current contract for 10 years upon expiration. Acreage not reenrolled would be required to follow a basic conservation plan.

Require the Secretary to use a bidding system to enroll new acres into the CRP with cost-share assistance available for carrying out conservation measures and practices. Three criteria shall be used by USDA to determine new enrollment: water quality, soil quality, and wildlife habitat.

By moving forward on such a policy, it is our belief that USDA will secure sufficient baseline to extend a valuable national resource. Again, the value of the CRP is undeniable. The benefits to society in improved water and soil quality and wildlife habitat are real and measurable. Let us not repeat the errors of the past when the Soil Bank was cavalierly eliminated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Reserve Program Extension Act of 1994".

SEC. 2. REAUTHORIZATION OF CONSERVATION RESERVE PROGRAM.

Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830) et seq.) is amended by striking "1995" each place it appears in section 1230(a), subsections (a), (b)(3), and (d) of section 1231, and section 1232(c) and inserting "2005".

SEC. 3. CRITERIA FOR DETERMINING THE ACCEPTABILITY OF CONTRACT OFFERS.

Paragraph (3) of section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)(30) is amended to read as follows:

"(3) In determining the acceptability of contract offers, the Secretary shall, to the extent practicable—

"(A) consider the extent that enrollment of the land that is the subject of the contract offer would provide environmental benefits, using criteria that, as determined by the Secretary, give equal weight to improvement of soil quality, improvement of water quality, and improvement of wildlife habitat; and

"(B) establish different criteria in various States and regions of the United States if, as determined by the Secretary, the establishment of different criteria would improve water quality or wildlife habitat or abate erosion.".

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. SIMON, the names of the Senator from Ohio [Mr. GLENN] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1343

At the request of Mr. AKAKA, the names of the Senator from Illinois [Mr. SIMON] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1343, a bill entitled the "Steel Jaw Leghold Trap Prohibition Act."

S. 1746

At the request of Mrs. KASSEBAUM, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1746, a bill to establish a youth development grant program, and for other purposes.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. MATHEWS], the Senator from Florida [Mr. GRAHAM], the Senator from Arizona [Mr. MCCAIN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2391

At the request of Mr. SIMON, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2391, a bill to repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Virginia [Mr. WARNER], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. DASCHLE], the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. KERREY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia.

SENATE RESOLUTION 70

At the request of Mr. FORD, his name was withdrawn as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AMENDMENTS SUBMITTED

THE NOMINATION OF ADM. HENRY MAUZ, JR.

MCCAIN (AND OTHERS) AMENDMENT NO. 2582

Mr. MCCAIN (for himself, Mr. DOLE, and Mr. COVERDELL) proposed an amendment to the motion of Mrs. MURRAY to recommit with instructions the nomination of Admiral Henry Mauz, Jr., to the Committee on Armed Services; as follows:

At the end of the instructions add the following:

The Senate finds that:

The President has proposed to use the United States Armed Forces to intervene militarily in the situation in Haiti;

The stated purpose of the proposed United States military intervention in Haiti is the restoration by force of Jean-Bertrand Aristide to the Office of President of Haiti;

The President has not presented a comprehensive case for United States military intervention in Haiti to either the American people or their representative in Congress;

The support of the American people is critically important to the success of any offensive military action;

All national public opinion surveys taken to date establish that a substantial majority of Americans oppose United States military intervention in Haiti;

The State Department Country Reports on Human Rights Practices for 1991 characterized President Aristide's regime as "unwilling or unable to restrain popular justice through mob violence";

Allegations connecting President Aristide to several incidents of human rights abuses, including allegations of his involvement in the assassination of a political opponent, remain unresolved;

United States vital national security interests are not threatened by the situation in Haiti;

It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate:

That the lives of United States Armed Forces personnel should not be risked in combat for the purpose of restoring Jean-Bertrand Aristide to the office of President of Haiti.

MITCHELL (AND NUNN) AMENDMENT NO. 2583

Mr. MITCHELL (for himself and Mr. NUNN) proposed an amendment to amendment No. 2582 proposed by Mr. MCCAIN to the motion of Mrs. MURRAY, supra; as follows:

Strike all after the first colon and insert the following:

SEC. . SENSE OF THE SENATE ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) STATEMENT OF POLICY.—It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993, and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Senate that funds should not be obligated or expended in Haiti unless—

(1) authorized in advance by the Congress;

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment;

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Senate that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objective of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction, or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

COMMUNICATIONS ACT OF 1994 TELECOMMUNICATIONS EQUIPMENT RESEARCH AND MANUFACTURING COMPETITION ACT OF 1994

ROBB AMENDMENT NO. 2584

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill (S. 1822) to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; as follows:

On page 10, below line 24, add the following:

"(6) To the maximum extent practicable, to ensure that every school and classroom in the United States has access to existing and innovative telecommunications and information services and technologies.

On page 11, line 1, strike out "'(6)'" and insert in lieu thereof "'(7)'".

On page 11, line 4, strike out "'(7)'" and insert in lieu thereof "'(8)'".

On page 12, between lines 16 and 17, insert the following:

"(3)(A) There is hereby established a fund to be known as the Educational Telecommunications and Technology Fund (in this section referred to as the 'Fund'). The purpose of the Fund is to provide funding for activities that ensure that elementary and secondary schools in the United States have complete access to existing and innovative telecommunications and information technologies and services.

"(B)(i) Not later than 180 days after the date of the enactment of this section, the Commission shall prescribe regulations that, notwithstanding the second sentence of paragraph (2), provide for the deposit into the Fund of such portion of the monetary contributions required under that paragraph as the Commission shall prescribe.

"(ii) The regulations under this subparagraph shall also establish guidelines governing the deposit into the Fund of all or a portion of the following:

"(I) Payments to the Commission as a result of the determination of the Commission of overcharges on the part of an entity.

"(II) Payments of penalties assessed by the Commission.

"(iii) The Commission may prescribe in regulations under this subparagraph for the deposit into the Fund of funds from such other sources (including from fees received from auctions of the electromagnetic spectrum) and in such amounts as the Commission determines appropriate.

"(4) Not later than 2 years after the date of the enactment of this section, the Secretary of Education and the Commission shall jointly prescribe regulations relating to the disbursement of sums in the Fund. Such regulations shall include the following provisions:

"(A) Provisions governing the utilization of sums in the Fund, including the projects for which sums in the Fund shall be available.

"(B) Provisions for determining the State and local entities eligible for awards of sums from the Funds.

"(C) Provisions establishing a fair and expeditious process for the application for and selection of the entities to be awarded sums from the Fund.

"(D) Provisions governing the evaluation of the activities of entities that are awarded sums from the Fund.

"(E) Provisions ensuring that entities awarded sums in the Fund utilize such sums for the purposes for which such sums were awarded.

On page 15, between lines 3 and 4, insert the following:

(c) Telecommunications Services for Educational Institutions.—(1) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall, in consultation with the Federal Communications Commission and the Secretary of Education—

(A) issue a notice of inquiry into the feasibility of establishing an educational telecommunications and technology corporation in order to provide credit and grant funds to support the national goal of ensuring that elementary and secondary schools have complete access to existing and innovative telecommunications and information technologies and services;

(B) review alternative for an appropriate organizational form for such a corporation; and

(C) recommend to ________ an organizational form for such a corporation.

(2) The Assistant Secretary shall complete proceedings on the notice of inquiry and publish the recommendations referred to in paragraph (1)(C) not later than 1 year after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 14, 1994, in open session, to consider the following pending nominations: Mr. Paul G. Kaminski, to be Under Secretary of Defense for Acquisition and Technology and Hon. Frederick F.Y. Pang, to be Assistant Secretary of Defense for Force Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 14, 1994, at 9:30 a.m. on the nomination of Gus Owen to be a member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, September 14, 1994 at 10:30 a.m., to hear witnesses testify on S. 1834, the Superfund Reform Act of 1994 and to hear and consider the nominations of Stuart L. Brown, to be an assistant general counsel in the Department of the Treasury and chief counsel for the Internal Revenue Service; Frank Neuman, to be Deputy Secretary of the Treasury; and Edward Knight to be general counsel of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 14, 1994, at 2 p.m., in room 226 Senate Dirksen Office Building on the nominations of James L. Dennis to be U.S. circuit judge for the fifth circuit, Frederic Block to be U.S. district judge for the Eastern District of New York, Robert N. Chatigny to be U.S. district judge for the District of Connecticut, Allyne R. Ross to be U.S. district judge for the Eastern District of New York, Shira A. Scheindlin to be U.S. district judge for the Southern District of New York, Dominic J. Squatrito to be U.S. district judge for the District of Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a hearing on pending legislation. The hearing will be held on September 14, 1994, at 2 p.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 14, 1994, immediately following the 9:30 a.m. nomination hearing, on truck lengths and safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 2329, THE MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

• Mr. McCAIN. Mr. President, I want to take this opportunity to make a few comments on S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act of 1994. First, I want to express my sincere best wishes to the Mohegan Nation for every success in all of their future endeavors. I also want to congratulate them for their diligence and perseverance. They have gone about the process of becoming recognized by the Federal Government and resolving their claims against the State of Connecticut and the United States in accordance with all applicable laws and a healthy respect for the rights of others.

When S. 2329 was considered by the Committee on Indian Affairs, I expressed some serious concerns about the nature of the settlement between the Mohegan Nation and the State of Connecticut. After careful review and analysis, I am now convinced that the settlement agreement reflects a fair bargain reached in good faith by the parties. Accordingly, I do not object to the passage of S. 2329.

However, I do want to call to the attention of my colleagues that this settlement includes a compact between the State of Connecticut and the Mohegan Nation for the conduct of class III gaming activities under the Indian Gaming Regulatory Act. As a condition of the settlement, the Mohegan Nation will be obligated to pay the State and the Town of Montville tens of millions of dollars. Some of these payments are in lieu of taxes which would otherwise have been collected on lands that will be transferred to the United States to be held in trust for the Mohegan Nation. There is nothing unusual about that aspect of this settlement. Other payments will be made primarily for the privilege of engaging in gaming. Even these payments are not without precedent in Connecticut. What is unprecedented is the magnitude of the payments being made in that State by the Pequot Tribe at the present time and those that will be made by the Mohegan Nation in the future.

The Mohegan settlement happens to come along at a time when the Committee on Indian Affairs is engaged in an extensive effort to review the Indian Gaming Regulatory Act to determine how it can be amended to resolve concerns which have been raised by tribal, State and Federal officials. Among those concerns is the need for Federal minimum standards for the regulation of Indian gaming activities and a sufficient Federal regulatory capability to ensure the integrity of Indian gaming. Senator INOUYE and I have proposed that Indian gaming activities should be assessed to pay for the costs of the required Federal regulatory activity. Many Indian tribes have told us that the proposed assessment would make their gaming activities unprofitable. I have no reason to doubt that this may be the case for some of the smaller, more marginal operations. However, I must note that the total estimated annual cost for Federal regulation of Indian gaming is only a small fraction of what is presently paid to the State of Connecticut by the Pequot Tribe and what will be paid by the Mohegan Nation under this settlement.

I have to wonder if current tribal and Federal policy is focused on the proper objectives. Federal regulation of Indian gaming will benefit everyone, including the patrons of Indian gaming, the Indian tribes and the States. If we have a few Indian tribes that can afford to pay hundreds of millions of dollars to Connecticut for the privilege of gaming, then why is it not possible for those tribes and the others that are enjoying success in gaming to pay the relatively modest cost of Federal regulation so that the more marginal Indian gaming operations can be assessed at a rate which will not jeopardize their continued operation?

I raised this concern with several witnesses in the hearings held during July by the Committee on Indian Affairs on S. 2230, the Indian Gaming Regulatory Act Amendments Act. I have attempted to pose this question to the leadership of the Pequot Tribe, but have not had the courtesy of their response. I will continue to seek an answer from them. I have also raised this concern with the distinguished sponsor of S. 2329, Senator DODD, and have received his assurance that he understands my concern and is committed to working with Senator INOUYE and the Committee on Indian Affairs to find a satisfactory way to ensure that the cost of Federal regulation of Indian gaming is funded through fair and equitable assessments on Indian gaming operations. I hope that the rest of our colleagues will join with us as we attempt to resolve this and other concerns associated with Indian gaming activities.●

INSTITUTE FOR MENTAL HEALTH INITIATIVES NEWSLETTER DIALOGUE

● Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to an effective tool in addressing the problem of television violence. The Institute for Mental Health Initiatives, a public nonprofit institute funded by grants and donations, employs a public health approach to promote mental health and prevent mental health disorders. The institute collects and synthesizes the most current behavioral science research, and then presents the information to the public. One of its successes to date is its quarterly newsletter called Dialogue, which illustrates for writers and producers how to avoid violent confrontations on screen. Each issue of the newsletter focuses on an emotional issue, such as loss, violence, fear or hatred, citing movies and programs that illustrate sensitive treatment of each issue, and using psychological research to support its ideas. Dialogue wants TV and movie writers to write more realistic characters, which they hope will mean less gratuitous violence and better role models for kids on TV.

This effort is not about trying to limit creativity. Instead, it is an attempt to provide support for those writers and producers challenging themselves to portray complex human emotions without resorting to violent images.

Many Hollywood writers have cited Dialogue as a resource in their work. I hope they continue to take advantage of the institute's work, and I applaud the institute for its continued contribution to addressing the issue of television violence. I ask that the text of a Wall Street Journal article on this issue be inserted into the RECORD at this point.

The article follows:

[From the Wall Street Journal]

TIP SHEET FOR SCRIPTWRITERS: FIGHT LESS, TALK MORE

(By Yi-Hsin Chang)

NBC liked television-writer Connie Bottinelli's treatment for a "Movie of the Week" but worried it was too violent. So Ms. Bottinelli called on Dialogue.

Dialogue, a newsletter distributed by a small, Washington-based nonprofit group called the Institute for Mental Health Initiatives, illustrates for writers and producers how to avoid violent confrontations on screen. The institute started the four-page newsletter last winter and distributes 20,000 copies quarterly, mostly to creators of movies and TV shows and often for free.

Ms. Bottinelli's story for NBC was about Vincent, a convicted mobster who is found dead in his prison cell. His wife sues law-enforcement authorities for being responsible for his death.

After looking at the newsletter, Ms Bottinelli, who lives in Philadelphia, wrote her script to play down Vincent's violent acts and emphasize instead his imprisonment and death. She even added a scene in which Vincent suffers humiliation so that viewers would understand his rage. NBC liked the changes and bought the script.

The Institute for Mental Health Initiatives gets funding from donations, subscriptions, consultation fees and a $1 million endowment from its founder and president, psychologist Rhoda Baruch.

For each issue, the Dialogue staff meets and decides to focus on an emotional issue, such as loss, violence, fear or hatred. Then the group comes up with movies and TV programs that illustrate sensitive treatment, as well as recent psychological research to back up their ideas. Dialogue wants TV and movie writers to write more realistic characters, which they hope will mean less gratuitous violence and better role models for kids on TV.

For example, in a plot where a man and a woman are arguing, allow them to calm down and then talk about how they feel, says Edith Grotberg, a developmental psychologist and Dialogue's managing editor. "This is more exciting because you're talking about real feelings, which is what people really like."

Robert Wilcox, a TV and screenwriter is Sherman Oaks, Calif., says he makes it a habit to underline key paragraphs in the newsletter and refer to back issues. "I find it very helpful." he says. "A screenwriter has to get below the surface. You have to understand your characters. But, he adds, "I'm not going to take violence out if I feel it is needed to my story."

The first issue of Dialogue examined the feeling of loss, which is often ignored when people die in movies or TV shows. One article cited the film "Terms of Endearment" as an "exemplary model of the treatment of loss."

The issue on risk-taking quotes recent psychology journals and uses characters in the movies "Thelma and Louise" and "A River Runs Through It" as examples of thrill-seekers. The newsletter plans to address fear and hatred in upcoming issues.

The two most recent issues, however were devoted to the realistic and responsible portrayal of violence. Of Steven Spielberg's "Schindler's List" it said: "Spielberg could not have told his story without showing the horror against which Schindler acted. He does not pull away from the violence. But he does render it responsibly."

And Dialogue emphasizes alternatives to violence. "We like to push things from the healthy side, not the sick side, so to speak," says Suzanne Stutman, a practicing psychotherapist and the institute's executive director. "We in no way are trying to limit creatively. In fact, it's the opposite. The more information these people have to create three-dimensional characters, the more creative they can be."

The writer of "Terminator 2." William Wisher, who had never heard of Dialogue, doesn't think brutal movies make people act violently. "I don't think making films or making television shows in which everyone is nice to everyone makes for interesting stories." He says, adding that all stories need conflict, and "all conflict is inherently violent."

But Isabel Storey, a writer and producer in Santa Monica, Calif., who helped make "Rescue 911," thinks Dialogue can be effective. "I personally think there's too much gratuitous violence on TV, and I think this is an effort in the right direction." she says.

Ms. Bottinelli, who is working on three more television movies, says that she has applied information from Dialogue to many of her characters. She calls the newsletter "priceless" and a good consultant—she rereads the issues before beginning a new script. "This has a forever shelf life for me." she says.•

IN HONOR OF THE MIKULSKI BAMMERS SOFTBALL CHAMPIONSHIP

• Ms. MIKULSKI. Mr. President, we may not have professional baseball in Baltimore this year, but I am proud to say that we do have a championship team from Maryland. My own Mikulski Bammers overcame fierce competition to win the Senate softball league championship this past weekend, regaining the trophy we previously held in 1992.

My staff took to the softball field the way I take to the Senate floor: mission-driven, determined, and willing to yield to no one. While other teams may have had color-coordinated outfits, or large cheering entourages, our feisty crew combined stout hearts with well-honed skills to win five games in 3 days and finish at the top of the 115-team league.

From mailroom to leg staff, Bammers Claire and Mark "Newlywed" Hannan, Steve "Cal" Ganote, Corey "Croquet" Long, Dave "90210" Taetle, Ken "Mr. Softball" Press, and Chris "DH" Rugaber proved they can hit and field as well as they can do a nav chart or sort the mail. They were joined by Marylanders Matt Hickey, Bill Bridges, Shannon Howley, Lisa Splaine, and Kim "Mrs. Softball" Press. Other invaluable staffers helped get the Bammers to the top: Shawnn "Double N" Shears, John "Cheese" Lewis, Erin Callahan, Jen Crawford, Marilyn Lagios, Pam Nystrom, and Dave Tubman.

The Bammers came up against tough opponents throughout the 4 day tournament, capping with two intense games on Sunday. In the semi-final, the Bammers edged past gritty long-time rivals Vermont's Finest, showing the power of a Chesapeake Bay crab diet over Senator LEAHY's Vermont ice cream regimen.

In the final, a spirited and powerful congressional research service team, the Sorcerers, worked their long-ball magic on the Bammers, jumping to an early 8–0 lead. But in the tradition of the World Series, the Bammers fought back, scoring two runs in their last at bat to take a 9–8 victory. The Mikulski Bammers have proved themselves worthy of a round of crab cakes and Boog's barbecue in Camden Yard's box seats, if those other ballplayers ever get back in action.•

CBS' MOVIE SCHEDULE

• Mr. SIMON. Mr. President, I would like to submit for the RECORD an article from August 8–14 issue of Variety Television which outlines changes in CBS' movie department. Responding to a ratings drop for its Tuesday night movie, CBS has eliminated many of its true-crime genre movies in favor of the more contemporary adult dramas showcased in CBS' Sunday night movie.

I applaud CBS for going in a new direction, and I hope that by making this shift in policy, CBS can continue to make progress in the whole area of television violence. I also think it is noteworthy that this policy change was in part the result of lower ratings. CBS obviously feels that moving to more family-oriented programs will be better for ratings, and I applaud their decision.

I ask that the entire Variety Television article be inserted into the RECORD at this point.

The article follows:

CBS RETHINKS TELEPIX

(By Brian Lowry)

CBS Entertainment has undertaken a significant redirection of its movie and miniseries department, in the process pulling the plug on 25 to 30 projects that were in development.

Most of the movies eliminated were in the true-crime genre, which has been a major staple of the network's Tuesday-night movie franchise. Instead, the network is now seeking contemporary adult dramas with strong emotional appeal, aimed largely at female viewers, more similar to the stately fair show-cased in its Sunday movie slot.

That change of direction—combined with a major expansion in volume, with CBS ordering more than 70 movies for the coming season, as many as NBC and ABC combined—has, according to suppliers, left the network scrambling for material.

Producers say the network is "desperate" for completed scripts, putting long-on-the-shelf projects into development and examining appropriately themed projects dropped by other networks. Some movies have also been placed on accelerated production schedules to be ready for fall.

CBS quietly initiated the strategy shift in May, and the effort has been overseen in large part by exec VP Larry Sanitsky, a former TV movie producer who joined the network when Peter Tortorici was elevated to head the entertainment division.

Without specifying the number of projects shelved, Sanitsky confirmed the reevaluation of Tuesday. "We are trying to change the overall profile of the Tuesday night movie," he said, noting that the true-crime genre has "played itself out quite a bit."

Sanitsky also acknowledged the need for product, saying "I have never seen a network more open than we are right now." He added however, that despite speeding up production on some movies, the web is "in pretty good shape" through the end of 1994.

One reason for the inventory crunch is a virtually unprecedented expansion in production. The number has been elevated in part because CBS has ordered nine telefilms to air Sunday afternoons—countering the NFL football games it lost to Fox Broadcasting Co.—and will use additional movies opposite the World Series, which the network televised the last four seasons. "It has created a gigantic appetite for us," Sanitsky said.

Officials have also alluded to plans to broadcast "a miniseries a month," including the web's November telecast of the eight-hour "Gone With the Wind" sequel, "Scarlett."

The CBS shift has sent shock waves through the movie business because of the number of movies the web orders. Even last year, when the Eye network devoted several weeks of primetime to the Winter Olympics and World Series, CBS still aired at least 45 original longform projects. Roughly 60 movies were ordered during the 1992–93 season.

Though true-crime movies have been at the center of the TV violence debate, CBS feels its directional shift Tuesday will provide stronger counter-programming against NBC and ABC sitcoms as well as "NYPD Blue." The average rating for the "CBS Tuesday Movie" dropped 11 percent last season.

CBS has also enjoyed considerable success with softer Sunday movies, which delivered eight of last year's 10 highest-rated telefilms in terms of households.

NIELSEN SYNDICATION RATINGS

[For week ended July 24, 1994]

Rank	Program	Stations/ percent coverage	AA per-cent	GAA per-cent
1	Wheel of Fortune	228/99	11.9	....
2	Jeopardy!	218/99	10.0	....
3	Star Trek: Next Generation	245/99	8.6	9.2
4	Oprah Winfrey Show	237/99	8.4	....
5	Entertainment Tonight	187/96	7.5	....
6	Baywatch	210/97	6.2	6.5
6	Hard Copy	167/93	6.2	6.3
8	Roseanne	178/96	6.1	6.1
8	World Wrestling Fed. Pr.	188/93	6.1	7.5
10	Married w/Children	185/94	5.9	6.5
10	Star Trek: Deep Space Nine	235/99	5.9	6.3
12	Action Pack Network	166/96	5.8	6.1
12	Wheel of Fortune-Wknd.	181/84	5.8	....
14	Current Affair	187/96	5.7	5.8
15	Family Matters	183/92	5.6	6.7
16	Ricki Lake	179/94	5.3	5.7
17	Cops	173/93	5.0	5.2
18	Renegade	155/94	4.9	5.2
19	Designing Women	202/96	4.7	5.2
20	American Journal	120/88	4.5	6.5
20	Geraldo	164/96	4.5	....
20	Wrestling Network	123/92	4.5	7.0

AA average refers to nonduplicated viewing for multiple airings of the same show.

GAA average encompasses duplicated viewing.

GAA average does not apply when there is only one run of a show.•

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. on Thursday, September 15, and that on Thursday the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand in recess until 2 p.m. on Monday, September 19; that on Monday, following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m. with Senators permitted to speak therein for up to 10 minutes each with Senator DORGAN permitted to speak for up to 15 minutes; and, that at 3 p.m. the Senate return to executive session to consider the Mauz nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the following nominations: Calendar Nos. 1113, 1114, 1115, 1116, 1119, 1120, 1142, 1144, 1146, 1162, 1163, 1164, 1165, 1166, 1167, 1171, 1172, 1173, 1174, 1175, 1176, and 1177; I further ask unanimous consent that the nominees be confirmed en bloc and that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Susan R. Baron, of Maryland, to be a Member of the National Corporation for Housing Partnerships for the term expiring October 27, 1994.

Danny K. Davis, of Illinois, to be a Member of the National Corporation for Housing Partnerships for the term expiring October 27, 1996.

EXPORT-IMPORT BANK OF THE UNITED STATES

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1995.

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1999. (Reappointment)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Admiral William L. Stubblefield for appointment in the grade of rear admiral (lower half), while serving in a position of importance and responsibility as Deputy Director, Office of NOAA Corps Operations, under the provisions of title 33, United States Code, section 853u.

COMMUNICATIONS SATELLITE CORPORATION

Peter S. Knight, of the District of Columbia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1996.

Sandra Kaplan Stuart, of North Carolina, to be an Assistant Secretary of Defense, vice David J. Gribbin, III, resigned.

Walter Becker Slocombe, of the District of Columbia, to be Under Secretary of Defense for Policy, vice Frank G. Wisner.

Joseph Nye, of Massachusetts, to be an Assistant Secretary of Defense, vice Graham T. Allison, Jr.

THE JUDICIARY

Michael D. Hawkins, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Napoleon A. Jones, of California, to be United States District Judge for the Southern District of California.

John Corbett O'Meara, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Barrington D. Parker, Jr., of New York, to be United States District Judge for the Southern District of New York vice Leonard B. Sand, retired.

Robert J. Timlin, of California, to be United States District Judge for the Central District of California vice a new position created by Public Law 101-650, approved December 1, 1990.

DEPARTMENT OF JUSTICE

Jan M. Chaiken, of Massachusetts, to be Director of the Bureau of Justice Statistics.

John W. Caldwell, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

Roy Allen Smith, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

David William Troutman, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years.

Becky Jane Wallace, of North Carolina, to be United States Marshal for the Middle District of North Carolina for a term of four years.

Dennis H. Blome, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

CORPORATION FOR PUBLIC BROADCASTING

Henry J. Cauthen, of South Carolina, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000. (Reappointment)

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-28; TREATY DOCUMENT NO. 103-29; TREATY DOCUMENT NO. 103-30

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate today by the President of the United States:

Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital (Treaty Document No. 103-28);

Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (Treaty Document No. 103-29);

Convention Between the Government of the United States of America and the Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, with Protocol (Treaty Document No. 103-30);

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and, that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital Signed at Washington on September 26, 1980, as amended by the Protocols signed on June 14, 1983, and March 28, 1984, signed at Washington August 31, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol further amends the Convention to reflect changes in U.S. and Canadian law and treaty policy and to make certain technical corrections to the existing Convention that are necessary because of the passage of time. It also improves the operation of the Convention and facilitates the flow of capital and technology between the United States and Canada.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1994.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to

Taxes on Income signed at Stockholm on September 1, 1994, together with a related exchange of notes. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The proposed Convention with Sweden replaces the present income tax regime between the two countries. In general, the proposed Convention follows the pattern of other recent U.S. income tax treaties and the 1981 U.S. Model Income Tax Convention, as well as the OECD Model Tax Convention on Income and Capital.

I recommend that the Senate give early and favorable consideration to the Convention and the related exchange of notes and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1994.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, with Protocol, signed at Washington on March 4, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

The Convention replaces, with respect to Ukraine, the 1973 income tax convention between the United States of America and the Union of Soviet Socialist Republics. It will modernize tax relations between the two countries and will facilitate greater private sector United States investment in Ukraine.

I recommend that the Senate give early and favorable consideration to the Convention and related Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1994.*

PROGRAM FOR MONDAY, SEPTEMBER 19, 1994, AT 2 P.M.

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, the Senate will return to executive session on Monday at 3 p.m. to consider the Mauz nomination.

As a result of the events of today, three separate issues have become entwined in a single measure before the Senate. Each is important in its own right. First is the issue of United States policy toward Haiti. That is obviously an important issue, and that issue must be debated and resolved by the Senate.

The second is the issue of the procedure by which the amendments regarding Haiti were placed upon a nomination which was before the Senate. I have been advised that the procedure utilized for that purpose is unprecedented in the Senate's history and is not a proper procedure. This is also an issue of importance to the Senate, because acceptance of this procedure would result in a drastic change in the methods of operation of the Senate and have serious consequences for those operations in the future. That issue must be thoroughly debated and resolved, especially since it is not limited to the particular subject matter now before the Senate but rather would, if accepted, be applicable to any future nomination and any subject matter.

The third issue is the nomination of Admiral Mauz which, while not as significant nationally as the policy toward Haiti, not as significant to the institution of the Senate as the question of the proper procedure to be used in presenting matters to the Senate, nonetheless is significant certainly to the Admiral himself and his family, and to all those concerned in the matter which has led to the controversy over the nomination, as well as to the Navy and all members of the military themselves.

It will be important for the Senate to resolve each of those issues, and I hope that we will be able to do so early next week. My intention is to proceed with respect to them and to permit full debate in the Senate in a manner that will enable each Senator to make the best possible judgment on each of the three issues.

We will, between now and next Monday, have the opportunity to discuss with our colleagues, and as is my usual practice, with the distinguished Republican leader, the best procedure for processing these matters before the Senate. But those will be the subjects that we will take up when we return in session on next Monday.

As I stated earlier today, and publicly many weeks ago, the Senate will not be in session tomorrow or Friday in observance of religious holidays, a practice which the Senate has followed for many years, and one in which I know all of my colleagues concur.

Mr. President, on the question of whether or not there will be rollcall votes on Monday, I am not able to make an announcement at this time.

That will depend, in part, upon the discussions which I have with the distinguished Republican leader and our other colleagues.

It has been my practice not to make scheduling decisions until I have given the Republican leader and all of our colleagues the fullest opportunity to express their preferences to me.

It is not possible this evening, because our colleagues are not present, to have that kind of input. So I am not in a position to make any statement on that now.

So, until such time as Senators are notified, they will have to assume that votes are possible. We will not be able to make a decision on that, as I said, until such time as others have an opportunity to make their recommendation to me, but we do hope to have a decision on that as soon as possible.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:06 p.m., recessed until tomorrow, Thursday, September 15, 1994, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1994:

THE JUDICIARY

KAREN NELSON MOORE, OF OHIO, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ROBERT B. KRUPANSKY, RETIRED.

MAXINE M. CHESNEY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE JOHN P. VUKASIN, JR., DECEASED.

ROSLYN MOORE-SILVER, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE EARL H. CARROLL, RETIRED.

JAMES ROBERTSON, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE GEORGE H. REVERCOMB, DECEASED.

THOMAS B. RUSSELL, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY, VICE EDWARD H. JOHNSTONE, RETIRED.

SIDNEY H. STEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE PIERRE N. LEVAL, ELEVATED.

ALVIN W. THOMPSON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE ELLEN BREE BURNS, RETIRED.

WILLIAM H. WALLS, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE HAROLD A. ACKERMAN, RETIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2000, VICE BARRY M. GOLDWATER, JR., TERM EXPIRED.

NIRANJAN SHAMALBHAI SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 1998, VICE TIMOTHY W. TONG, TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

DEPARTMENT OF JUSTICE

MICHAEL R. RAMON, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CRAIG L. MEACHAM, RESIGNED.

DEPARTMENT OF STATE

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-EIGHTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

IVAN SELIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-EIGHTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NELSON F. SIEVERING, JR., OF MARYLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-EIGHTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JOHN B. RITCH III, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-EIGHTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

WILLIAM HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1997. (REAPPOINTMENT.)

PANAMA CANAL COMMISSION

ALBERT H. NAHMAD, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE ROBERT R. MC MILLIAN.

VINCENT REED RYAN, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WALTER J. SHEA.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) HAROLD W. GEHMAN, JR., [redacted].

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be lieutenant commander

NUSHIN F. TODD [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 1994:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REAR ADM. WILLIAM L. STUBBLEFIELD FOR APPOINTMENT IN THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DEPUTY DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

COMMUNICATIONS SATELLITE CORPORATION

PETER S. KNIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1996.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

SUSAN R. BARTON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1994.

DANNY K. DAVIS, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1996.

EXPORT-IMPORT BANK OF THE UNITED STATES

JULIE D. BELAGA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 1995.

JULIEL D. BELAGA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 1999.

DEPARTMENT OF DEFENSE

SANDRA KAPLAN STUART, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

JOSEPH NYE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

MICHAEL D. HAWKINS, OF ARIZONA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

JOHN CORBETT O'MEARA, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

BARRINGTON D. PARKER, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ROBERT J. TIMLIN, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

NAPOLEON A. JONES, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

DEPARTMENT OF JUSTICE

JAN M. CHAIKEN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.

JOHN W. CALDWELL, OF GEORGIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

ROY ALLEN SMITH, OF OHIO, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS.

DAVID WILLIAM TROUTMAN, OF OHIO, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS.

BECKY JANE WALLACE, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.

DENNIS H. BLOME, OF IOWA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

CORPORATION FOR PUBLIC BROADCASTING

HENRY J. CAUTHEN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2000.

FRANK HENRY CRUZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2000.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 15, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on certain provisions of S. 1822, to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest.
SD-226

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of Harvey G. Ryland, of Florida, to be Deputy Director of the Federal Emergency Management Agency.
SD-342

SEPTEMBER 21

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Labor Subcommittee
To hold hearings on certain child labor issues.
SD-430

SEPTEMBER 22

9:30 a.m.
Armed Services
To hold a briefing on results of the Nuclear Posture Review.
SR-222

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings to examine immigration in the Commonwealth of the Northern Mariana Islands.
SD-366

10:00 a.m.
Conferees
Closed, on H.R. 4299, to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
SH-219

SEPTEMBER 23

11:00 a.m.
Veterans' Affairs
Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary of Veterans Affairs for Health, and other pending calendar business.
SR-418

SEPTEMBER 28

9:00 a.m.
Office of Technology Assessment
Board Meeting, to consider pending business.
EF-100, Capitol

SEPTEMBER 29

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).
SD-366

SENATE—*Thursday, September 15, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10:30:24 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 2 P.M., MONDAY, SEPTEMBER 19, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess until the hour of 2 p.m., Monday, September 19, 1994.

Thereupon, at 10:30 o'clock and 55 seconds a.m., the Senate recessed, under the order of Wednesday, September 14, 1994, until Monday, September 19, 1994, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Friday, September 16, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RICHARDSON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

September 16, 1994.

I hereby designate the Honorable BILL RICHARDSON to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have told us in Your word, O God, that there is a time for everything under the Sun—a time that is right for all our actions. Among the seasons that the scripture describes is the time for silence and the time to speak. Remind us always, O gracious God, that we should have a sensitivity to what others are saying, that we should listen to words and the meaning and purpose of the words, that we should honestly interpret what is said and then speak with clarity and wisdom. Grant that the words we say with our lips, we may believe in our hearts, and all that we believe in our hearts, may we practice in our daily lives. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Would the gentlewoman from Virginia [Mrs. BYRNE] please come forward and lead the House in the Pledge of Allegiance?

Mrs. BYRNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 14, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, September 14, 1994 at 12:10 p.m.: that the Senate agreed to the conference report on H.R. 3841.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Energy and Commerce:

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 14, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House that the Subcommittee on Oversight and Investigations has received a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the entirety of the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. BYRNE) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, on September 19, 20, 21, 22, and 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mrs. BYRNE) and to include extraneous matter:

Mr. SOLOMON.
Mr. CRAPO.
Mr. GINGRICH in two instances.

(The following Members (at the request of Mrs. BYRNE) and to include extraneous matter:)

Mr. WYNN.
Mr. HAMILTON.
Mr. TANNER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3841. An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles.

On September 12, 1994:

H.R. 3355. An act to control and prevent crime.

On September 13, 1994:

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institution, and for other purposes.

ADJOURNMENT

Mrs. BYRNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, September 19, 1994, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3829. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection

Act and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes; to the Committee on Agriculture.

3830. A communication from the President of the United States, transmitting his notification of the deployment of United States forces to conduct operational missions to restore the civilian government in Haiti, pursuant to 10 U.S.C. 673b(f) (H. Doc. 103-307); to the Committee on Armed Services and ordered to be printed.

3831. A letter from the Board of Governors, Federal Reserve System, transmitting the fifth annual report on the assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

3832. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Public Service Commission Agency Fund Deposits and Expenditures for Fiscal Years 1992 and 1993", pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3833. A letter from the Commissioner, Department of Education, transmitting the sixth annual report on dropout rates in the United States in 1993; to the Committee on Education and Labor.

3834. A letter from the Secretary, Department of Energy, transmitting the second annual report on commercialization of advanced light water reactor technology, pursuant to Public Law 102-486, section 2123(b)(5) (106 Stat. 3084); to the Committee on Energy and Commerce.

3835. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of additional program proposals for purposes of Non-Proliferation and Disarmament Fund activities, pursuant to 22 U.S.C. 5858; to the Committee on Foreign Affairs.

3836. A letter from the Director of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting a report on arms control treaty compliance by the successor states to the Soviet Union and other nations that are parties to arms control agreements with the United States, as well as by the United States itself, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

3837. A letter from Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Gabriel Guerra-Mondragon, of the District of Columbia, to be Ambassador to the Republic of Chile, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3838. A letter to the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Charles E. Redman, of Florida, to be Ambassador to the Federal Republic of Germany, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3839. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Marc Grossman, of Virginia, to be Ambassador to the Republic of Turkey, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3840. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 610(a) of the Foreign Assistance Act of 1961 making available funds providing economic assistance to Haiti; to the Committee on Foreign Affairs.

3841. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification under section 610 of the Foreign Assistance Act to support the Guatemala Peace Fund; to the Committee on Foreign Affairs.

3842. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the annual "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies", pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

3843. A letter from the Director, Office of Management and Budget, transmitting the annual report on its 1994 Federal financial management status report and government-wide 5-year financial management plan, pursuant to Public Law 101-576, section 301(a) (104 Stat. 2849); to the Committee on Government Operations.

3844. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3845. A letter from the Chief Justice of the Supreme Court, transmitting notification of the beginning of the fall term of the Court; to the Committee on the Judiciary.

3846. A letter from the Acting Assistant Secretary of the Army (Civil Works) transmitting a letter from the Chief of Engineers, Department of the Army dated July 1, 1994, submitting a report with accompanying papers and illustrations (H. Doc. No. 103-308); to the Committee on Public Works and Transportation and ordered to be printed.

3847. A letter from the General Counsel, Department of the Navy, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; jointly, to the Committees on Armed Services and Foreign Affairs.

3848. A letter from the Secretary of Defense, transmitting a report on proposed obligations for the continuation of the Belarus environmental restoration project, pursuant to 22 U.S.C. 5955; jointly, to the Committees on Foreign Affairs, Armed Services, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4779. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes, with an amendment (Rept. 103-720). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ORTIZ (for himself, Mr. STUDDS and Mr. WELDON):

H.R. 5046. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

479. By the SPEAKER: Memorial of the Senate of the State of California, relative to the C-17 airlifter; to the Committee on Armed Services.

480. Also, memorial of the Senate of the State of California, relative to violence prevention; to the Committee on Education and Labor.

481. Also, memorial of the Senate of the State of California, relative to nursing facilities; to the Committee on Energy and Commerce.

482. Also, memorial of the Senate of the State of California, relative to human rights violations; to the Committee on Foreign Affairs.

483. Also memorial of the Senate of the State of California, relative to the Turkish invasion of Cyprus; to the Committee on Foreign Affairs.

484. Also, memorial of the Senate of the State of California, relative to unfunded Federal mandates; to the Committee on Government Operations.

485. Also, memorial of the Senate of the State of California, relative to the Territory of Guam; to the Committee on Natural Resources.

486. Also, memorial of the Senate of the State of California, relative to Major An Quy Nguyen; to the Committee on the Judiciary.

487. Also, memorial of the Senate of the State of California, relative to the 10th amendment to the Constitution of the United States; to the Committee on the Judiciary.

488. Also, memorial of the Senate of the State of California, relative to the space station; to the Committee on Science, Space, and Technology.

489. Also, memorial of the Senate of the State of California, relative to taxation of Social Security benefits; to the Committee on Ways and Means.

490. Also, memorial of the Senate of the State of California, relative to the forest plan of the President of the United States; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

491. Also, memorial of the Senate of the State of California, relative to the Railroad Retirement System; jointly, to the Committees on Energy and Commerce and Ways and Means.

492. Also, memorial of the Senate of the State of California, relative to tobacco sales; jointly, to the Committees on Ways and Means, Foreign Affairs, and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1374: Mr. EVANS and Mr. LEVY.

H.R. 3795: Mr. COOPER, Mr. COX, Mrs. MORELLA, Mr. GOODLATTE, and Mr. GORDON.

H.R. 4057: Ms. LONG, Mr. LUCAS, and Mr. MCCRERY.

H.R. 4091: Mr. HOCHBRUECKNER and Mr. COLEMAN.

H.R. 4530: Mr. SHAYS and Mr. BERMAN.

H.J. Res. 44: Mr. DARDEN.

H.J. Res. 268: Mr. BARCA of Wisconsin.

H.J. Res. 401: Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BLUTE, Mr. BOEHLERT, Mr. BORSKI, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CLYBURN, Mr. COYNE, Mr. CRANE, Mr. DELLUMS, Mr. DINGELL, Mr. DREIER, Mr. FILNER, Mr. FISH, Mr. FORD of Tennessee, Mr. GEKAS, Mr. GILMAN, Mr. GINGRICH, Mr. GONZALEZ, Mr. GORDON, Mr. HOAGLAND, Mr. HOKE, Mr. HOLDEN, Mr. HOUGHTON, Mr. HYDE, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. KILDEE, Mr. KING, Mr. KLEIN, Mr. KREIDLER, Mr. LAZIO, Mr. LEHMAN, Mr. LEVY, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MACHTLEY, Mrs. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MOAKLEY, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. QUINN, Mr. RAVENEL, Mr. REYNOLDS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SABO, Mr. SAXTON, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHARP, Mr. SLATTERY, Mr. SOLOMON, Mr. TANNER, Mr. TOWNS, Mr. VALENTINE, Mr. VOLKMER, Mr. WALSH, Mr. WELDON, and Mr. WYNN.

H.J. Res. 402: Mr. MARTINEZ, Mr. LAFALCE, and Mr. FILNER.

H. Con. Res. 239: Mr. GINGRICH, and Mr. LAZIO.

H. Con. Res. 276: Mr. DICKS, Ms. DUNN, Mr. HOLDEN, Mr. WELDON, Mr. SLATTERY, Mr. MCMILLAN, Mr. BRYANT, Mrs. SCHROEDER, Mr. PENNY, Mr. HAYES, Mr. LIPINSKI, Mr. SHAYS, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. PASTOR, Mr. BARCIA of Michigan, Mrs. BYRNE, Mr. JOHNSON of Georgia, Mr. HERGER, Ms. HARMAN, Mr. HUTCHINSON, Ms. SCHENK, Ms. SHEPHERD, Ms. LONG, Mr. MCKEON, Mr. WYDEN, Mr. MANTON, and Mr. CARDIN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 15, by Mr. BILIRAKIS on House Resolution 382: Thomas A. Andrews.

Petition 18, by Mr. HASTERT on House Resolution 402: E. Clay Shaw, Jr., David A. Levy, Nick J. Rahall II, Thomas E. Petri, Charles H. Taylor.

Petition 19, by Mr. EWING on House Resolution 415: John J. Duncan, Jr.

Petition 23, by Mr. TAUZIN on House Resolution 3875: Bill Orton, Harold L. Volkmer.

Petition 25, by Mr. CONDIT on House Resolution 489: Jennifer Dunn.

EXTENSIONS OF REMARKS

UNITED STATES COMMERCIAL CLAIMS AGAINST SAUDI ARABIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. HAMILTON. Mr. Speaker, the Committee on Foreign Affairs, working with various Members of Congress, has been pursuing the commercial claims of United States firms against Saudi Arabia. Some of these disputes have been running for several years, but most have now been resolved. Only 3 of 17 claims remain unresolved.

For the information of Members and the public, I am printing below a report from the Department of Commerce on the status of the claims. The Commerce Department and the administration are to be commended for helping to move these disputes to settlement.

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, DC, July 27, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: Members of your staff recently requested information regarding the status of the outstanding U.S.-Saudi commercial disputes that we identified in our May 27, 1992 letter to you. Only three of the seventeen commercial disputes that we identified in that letter have not been resolved.

In the claim of First Chicago National Bank against the Ministry of Industry and Electricity, First Chicago has received a partial payment of $3.9 million of the $6.7 million awarded to it by the Saudi Grievance Board. First Chicago is working with the Saudi government at a senior level to secure the outstanding payment, and has no plans to request any U.S. Government assistance in this matter.

Bill Harbert International Construction, Inc. (Harbert) accepted a $6.8 million payment in satisfaction of a judgment rendered in the firm's favor by the Saudi Grievance Board against the Ministry of Agriculture and Water. The firm contends that it is owed an additional $7 million because of a flawed adjudication process. Ambassador Bandar has stated on behalf of the government of Saudi Arabia that the Saudi court judgment was fair, final and binding, and that the government of Saudi Arabia considers the matter closed. Because this case involves allegations about the fairness of the Saudi judicial process, we can no longer consider it a commercial dispute. We have advised Harbert to consider raising this matter with the Department of State so that the issue of the alleged unfair court process may properly be addressed.

The claim of Continental Illinois Bank against King Saud University has been taken over by the Federal Deposit Insurance Corporation (FDIC). Ambassador Bandar believes this claim should be directed to the private Saudi contractor to whom Continental Illinois provided financing. The FDIC has taken no action to date on this claim.

In addition, five of the eight disputes mentioned in the Department of Defense June 30, 1993 report on U.S.-Saudi Commercial Disputes have been resolved. Of the remaining matters, we do not classify the claims of Science Applications International against the Department of Zakat and Income Tax and BMY Combat Systems against the Ministry of Defense and Aviation as commercial disputes.

Science Application's claim relates to a tax problem arising from conflicting regulations of the Department of Zakat and Income Tax and the Ministry of Defense and Aviation. BMY's claim involves a payment delay on a debt which Ambassador Bandar has acknowledged is owed to the firm. The Saudi Embassy is working to secure final payment to BMY and resolve the Science Applications tax issue.

The claim of Gibbs & Hill, Inc. (G&H) against the Royal Commission for Jubail and Yanbu remains unsettled. Ambassador Bandar stated in a letter to Secretary Brown on April 15, 1994 that the dispute was adjudicated in the appropriate Saudi trial court, and that G&H appealed the judgment rendered by the trial court to the appropriate Saudi appellate body. Saudi courts ruled against G&H in both instances. The Saudi Government, therefore, considers this case closed because G&H has had the opportunity to fully air its claim in accordance with Saudi law. At the request of the Commerce and State Departments, however, Ambassador Bandar has agreed to meet with the CEO of G&H. He also has offered to transmit to the appropriate Saudi court any new evidence that G&H may have in support of its claim.

Although it has taken a considerable length of time, we believe that Ambassador Bandar has worked to resolve all the longstanding disputes between U.S. firms and agencies and instrumentalities of the Saudi Government that may be fairly characterized as commercial in nature. We have worked closely with the U.S. firms, Congress, and the State and Defense Departments throughout the process to promote amicable settlement of these claims. Specifically, we have facilitated communications between the parties, advised claimants on assembling claims documentation, and provided similar process-related support.

We are well aware of Congress' continued interest in the Harbert and G&H claims. Because they involve allegations about the functioning of the Saudi judicial system and the propriety of the legal process in their specific cases, we do not believe they should continue to be viewed as unsettled commercial disputes. Rather, the issues raised by these claimants refer to whether the firms were afforded fair and just treatment in a sovereign state's legal system. Consequently, we consider these claims to be of a political, and not commercial, nature. We have recommended to both Harbert and G&H that they consider raising formally their claims against the Saudi Government with the Department of State, and understand that the firms are currently working with State toward a resolution of their claims.

Thank you for your continued interest in this issue. Should you have further questions concerning this matter, do not hesitate to contact Norma Krayem, Acting Director of the International Trade Administration's Legislative and Intergovernmental Affairs, at 482-3015. I may be reached at 482-1860.

Sincerely,

KARL S. REINER,
Acting Deputy Assistant Secretary Africa, Near East and South Asia.

Enclosure.

RESOLVED U.S.-SAUDI COMMERCIAL DISPUTES (MENTIONED IN COMMERCE'S MAY 1992 LETTER)

Case: Blount International vs. King Saud University.

Case: Bucheit International vs. Prince Mishaal.

Case: Casey & Glass, Inc. vs. Saudi Arabian National Guard.

Case: Westinghouse vs. Saudi Electricity Corporation

Case: Leo A. Daly vs. Ministry of Health, Pension Fund Directorate of the Ministry of Finance & National Economy, Ministry of Industry & Electricity, Royal Commission for Jubail & Yanbu, and Ifta's Organization.

Case: RHS International vs. Ministry of Municipal and Rural Affairs, Deputy Minister of Town Planning.

Case: Sanderson & Porter vs. Saline Water Conversion Corporation.

Case: First National Bank of Chicago vs. Ministry of Public Works and Housing.

Case: Aydin Systems Division vs. Royal Saudi Air Force.

Case: National Medical Enterprises vs. Ministry of Interior, Ministry of Defense & Aviation, and Ministry of Health.

Case: Square D Ltd. vs. Ministry of Defense and Aviation.

Case: Texscan Corporation vs. Royal Commission for Jubail & Yanbu.

Case: Ashland Technology vs. Saudi Public Transportation Company.

Case: L. Michael Milbrath & Plaza Hotel vs. HRH Prince Abdullah bin Jalawi.

RESOLVED U.S.-SAUDI COMMERCIAL DISPUTES (MENTIONED IN JUNE 1993 DEFENSE DEPARTMENT REPORT)

Case: H.B. Zachary International vs. Ministry of Municipal and Rural Affairs.

Case: The Hartford Graduate Center.

Case: Computer Sciences Corporation.

Case: AECOM.

Case: Lockheed Sanders vs. Ministry of Interior.

UNRESOLVED U.S.-SAUDI COMMERCIAL DISPUTES

Case: Bill Harbert International Construction, Inc. vs. Ministry of Agriculture & Water.

Status: Harbert accepted payment of $6.8 million in satisfaction of a judgment rendered in the firm's favor by the Saudi Grievance Board, yet still contends that it is owed an additional $7 million. The Saudi government believes the case is closed. The Commerce Department has indicated to Harbert that it may wish to consider requesting State Department involvement since the matter involves issues relating to the judicial process of Saudi Arabia. New U.S. Ambassador to Saudi Arabia, Raymond Mabus,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

met with Mr. Bill Harbert on July 14, 1994 to discuss the claim.

Case: Gibbs & Hill, Inc. vs. Royal Commission for Jubail and Yanbu.

Status: Saudi government considers the case closed because Gibbs & Hill had the opportunity to fully air its claim in accordance with Saudi law. The firm plans to meet with Ambassador Bandar. The State Department has agreed to assist in organizing the meeting.

Case: First Chicago National Bank vs. Ministry of Industry & Electricity.

Status: First Chicago is working to secure the remainder of a partial payment made by the Ministry, and has no plans to request U.S. Government assistance.

Case: Continental Illinois Bank vs. King Saud University.

Status: This claim has been taken over by the Federal Deposit Insurance Corporation which has taken no action to date.

Case: Science Applications International vs. Department of Zakat and Income Tax.

Status: Tax problem not a commercial dispute. The Saudi Embassy is working to resolve this tax problem.

Case: BMY Combat Systems vs. Ministry of Defense and Aviation.

Status: Payment problem not a commercial dispute. The Saudi Embassy is working to secure final payment to BMY.

MEDICAL SAVINGS ACCOUNTS: A NEW APPROACH TO A CONSERVATIVE IDEA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. GINGRICH. Mr. Speaker, I rise today to submit into the RECORD an article written by Christina Jeffrey and Lois Kubal. Their paper helps to confirm the advantages of utilizing medical savings accounts and a free market to preserve quality health care for all Americans.

MEDICAL SAVINGS ACCOUNTS: A NEW APPROACH TO A CONSERVATIVE IDEA

(By Christina F. Jeffrey and Lois M. Kubal)

More heat than light is being aimed at the health care issue. Americans are becoming increasingly skeptical that such reform is even needed. The health care system in the United States is the best in the world. That it is not equal for all our citizens is also true. But need it be? Is health care a guaranteed right? "Life, liberty and the pursuit of happiness" does not mean a government guarantee for even more basic needs such as housing, clothing and food much less health care. If these basic needs are met according to the individual citizen's desires, can health care be forced on those with their own ideas of what health care should be. Individuals can place more emphasis on housing than on clothing. So, many factors go into making life decisions. Just as housing and clothing are not equal, neither is health care. Can the government mandate universal health care? Not without destroying the economy of the nation. We have only to look at the existing governmental agencies to realize how true that statement is.

Private enterprise has proven itself better at managing most government functions. From prisons to city government, communities are finding more efficient operation by bidding out the services once provided by government. If an important document needs delivery, it doesn't go to the Post Office. Children who go to private schools receive a better education. Anyone that has had dealings with the V.A. hospitals will tell you what a difficult if not impossible ordeal they have been through. So allowing our government to become involved in anything as important as health care is putting the fox in the hen house. Taxes will go up. Individual freedoms will suffer.

That the current administration wants to increase its power by controlling our health care doesn't make economic sense. The President's wife with the best intentions has presented the Congress an overwhelming, unreadable document. Experience has show that establishing another agency would only add to the inefficiency and wastefulness of existing centralized government. Whether you look at the Post Office, the Army, or the Small Business Administration, any agency run by the government would be better run by private industry. This fact is not only true in the United States, but as most industrialized nations are finding out, private enterprise can do a better job anywhere in the world! As nations such as Germany and Britain are scrambling to divest themselves of this overwhelming burden, the President of the United States is determined to have universal health care.[1]

If the President or Congress had a real interest in health care reform for our citizens, they would honestly examine what other nations have been doing. All of the socialized nations are having trouble funding health care. Canada is an example. Their health care is not funded property, Provinces have run out of money before the end of the fiscal year, and the Canadian government is sending its citizens to our country for treatment.[2] The socialized government of Canada underestimated the cost of "free" health care!

The realization is that the United States may not be perfect, but we are ahead of other industrialized nations in health care. That the system could be improved is not the question. Most of us agree some reform to the system is necessary. But before the reforms are made, we need to look at all aspects of the existing system. Then we can decided what to throw out and what to keep. One cannot examine health care reform with examining prescription drugs, hospital costs, doctors' malpractice insurance, third party payers, lawyers' pay scales, and many other areas. One of the most remarkable features of this list is the inclusion of insurance and legal fees * * * areas that should have nothing to do with health care. Without addressing these issues, no health care reform is possible.

Within the existing health care system in the United States, people may choose Health Maintenance Organizations (H.M.O.'s), private insurance or benefits from the work place. All three are acceptable. It is a matter of which works best for the individual. True, private insurance can exclude people with known medical conditions, but that problem can be solved by giving tax deductions to individuals and families rather than to companies. In addition to this change, insurance companies could be barred from dropping someone with three years of on-time payments; then insurance would truly insure people against becoming ill.

Businesses should not be allowed to deduct the cost of the employee health insurance. If the deduction goes to consumers then consumers will own their policies just as they do other kinds of insurance such as auto or home. Insurance would then be portable. When one loses his job or changes employers, the benefit goes with the worker. There's no gap in the coverage as so often happens when one changes jobs.

An advantage of incremental reforms, such as the one above, is that it does not require a complete change in either the way we do business or in our health care system. Additionally we should be able to establish medical savings accounts similar to the independent retirement accounts (I.R.A.) of the Reagan era. Just as that would have ensured a retirement fund for individuals, such independent medical funds could ensure medical care for everyone in the United States. Each citizen would be required to save a certain amount of money each year. That tax-free money would be held in an Individual Medical Savings Accounts (I.M.S.A.) similar to the I.R.A.[3] The money could accrue interest and grow. When the account has reached its full requirement, no additional money would be paid into the account. If the account becomes larger than the requirement, one could remove the extra cash minus taxes due.

This idea has received considerable attention from conservatives seeking to encourage price shopping and restraint among consumers. But in most proposals, the savings accounts, once spent, act as deductibles for insurance purposes. This lessens the cost-control advantages since the prospect of third-party payment remains a major factor in the system, and it is the disconnection between first parties (providers) and second parties (patients) which has been one of the biggest factors in pushing up the cost of health care. One unfortunate effect of these conservative plans could be for health care providers to raise their prices in order to get more of their patients' I.M.S.A.'s.

In order to get true cost control from the effects of a viable free market, there can not be a huge pot of insurance money waiting to be spent as soon as the patient exhausts his own funds. Once your tax-free savings account is spent, you would have to spend pre-tax dollars, unless you had invested in "medi-gap"[4] insurance. To cover catastrophic cases, a small percent of money that has been paid as Social Security[5] would be used to fund catastrophic health care insurance.[6] Thus each citizen would have minimal medical and catastrophic coverage.

As we still believe in choice, those not interested in an I.M.S.A. could opt for an H.M.O. If the person chooses the H.M.O. route, they would pay their I.M.S.A. money directly to the H.M.O. They could still be covered by the catastrophic insurance policy since that would be funded through Social Security. In the event an H.M.O. patient becomes catastrophically ill, that insurance money would go to the H.M.O.

The program is simple. People would still be able to select their physicians and types of treatment. Without third party payers, consumers would shop of the best price. And in keeping with the American way, the wealthier part of the population could spend additional money on "frills."[7] Insurance companies would sell additional insurance, medi-gap,[8] to those who choose to purchase more than the required minimum. This would be a "frill" and not deductible. The only change would be that the insurance company reimburses the patient, not the medical facility. There will be no mandate for business to pay for their employees, thus small business[9] will not be adversely affected.

Footnotes at end of article.

It is necessary for the free market to dictate the prices paid for medical services. Current prices are grossly inflated. The airline industry may be a good example. With deregulation, competition has become fierce. Entrepreneurs have come up with new ways of doing business. The computer industry is another example of major changes in the market place. Similar changes will occur with medical care once the free market can generate realistic prices.[10]

For those people including children on the dole, the government would pay money into their accounts just as if it were their own money. The recipients of that money would be responsible for paying their own medical bills, and the agency giving them the money would be responsible for insuring that the money is spent properly. When the fund is used up, they've had all of their benefits for that fiscal period. If they don't use all of their money, they can withdraw it somewhere down the road. Of course, it would be necessary to deal very severely with fraud in order to protect the system.

Parents will establish an I.M.S.A. for each child,[11] thus starting an I.M.S.A. for every citizen. Local charity will play a role in individual cases. A possibility may be to allow families to borrow up to twenty percent of a relative's I.M.S.A. However, when a person runs out of their I.M.S.A., medical treatment can and will be terminated. Life is precious, but there is a time for each of us to die. Families will have financial as well as emotional stakes when they decide to use extraordinary means to prolong life.

As for medical malpractice, the courts could have a policy similar to that which is used in Japan. If a person is injured, the person causing the injury is responsible for maintaining the injured party and their family in their normal manner for life. There is no great gain for the injured person, but money will not make the injured person better. The lawyers will not make large profits because there are no large profits to be made. Accidents happen. In the real world they will continue to happen. That doctors have a responsibility to use their best judgment is without question. Stronger guidelines for the medical profession may be necessary. Removing licensing from the A.M.A. may be needed. Doctors guilty of true malpractice should lose their licenses. Such an important problem needs discussion in another place. However for the health care issue, it is sufficient to say that million dollar law suits will be a thing of the past.

Could such a system work? The retirement I.R.A. could have replaced Social Security, and has done so in some countries such as Chili. Similarly the I.M.S.A. could provide coverage for the citizen of the United States in an affordable, simple manner. Keep in mind this plan does not work as a deductible. The entire medical bill is the responsibility of the person using the service. Health departments and other alternative services may be necessary at the beginning of the program. Some form of charity will always be needed to catch those that fall between the cracks of any system, but most people will become more independent and self-sufficient because of this program. As the needs of the family change, individuals will be able to change their type of coverage. This simple plan will allow for creative entrepreneurs to come up with better ways to provide medical care.

The best feature of this program might be its political downfall, the lack of government control! Without the government owning the plan, most Washington insiders will not support it. However the people of the United States can send a wake up call to the President and Congress by demanding such a program be established. Within a decade the United States will have affordable health care. The only difference will be that the individuals pay for their own medical treatment with money they have set aside for the purpose.

FOOTNOTES

[1] The notion of universal coverage may not be realistic. There are laws that require hospitals to treat all patients that seek treatment regardless of their ability to pay. For the homeless, the social drop outs and non tax payers coverage may not exist. That small percent not covered may have to go to charity clinics or hospitals. Mickey Kaus's dream in The End of Equality to make rich and poor equal in health care treatment is a utopian idea which will never work.

[2] This is especially true in the northwest where Canadian cancer patients come over to Seattle for treatment. The A.M.A. has done several articles on this, and other authors are finding additional information to substantiate these findings.

[3] The money in each I.M.S.A. is not a deductible. The account will grow to a sufficient amount to cover all of the medical expenses a person might have including an annual check up, dental bills and eye care. If the person should need an operation the funds will be available in their account as all medical expenses will become more reasonable with the free market controlling the costs. It is through people taking the responsibility for their own health care that costs will become realistic.

[4] Just as many senior citizens buy additional insurance to cover areas not covered by medicare, insurance companies will develop additional policies, "frills", to supplement I.M.S.A.

[5] Medicare will not longer be needed. So eventually that portion of F.I.C.A. taxes can be used to fund catastrophic insurance. In the meantime, there may need to be a slight increase in Social Security payments, although no if current "savings" are discontinued and the system goes back to being a pay as you go system which it logically should do anyway.

[6] Catastrophic insurance does not kick in once an I.M.S.A. has been depleted. Catastrophic is just that . . . catastrophic! Once a person is deemed to have a major condition such as cancer, M.S. or AIDs, they don't have to use their I.M.S.A. The patient has to have at least two physicians to confirm the diagnosis, then their insurance company will take over the medical expenses. Each company can choose to provide services or just reimburse the customer, depending on the policy. Again, there should be choices for the purchasers of an insurance policy.

[7] Frills might include additional insurance policies such as those purchased by Medicare patients referred to as "Medi-gap" as well as out of pocket expenses, i.e., cosmetic surgery.

[8] Refer to Footnote 3.

[9] Some type of worker's compensation will be required to safeguard the I.M.S.A. although that is an area which requires much study and should probably be left up to the individual states. Auto insurance will still cover the medical expenses of person's injured by another.

[10] It may take extraordinary measures to eliminate the present disincentives for cost control. A temporary board or other vehicle may be able to quickly get health care prices within the reach of most Americans. But this approach should be viewed with great suspicion by us due to the tendency of such boards to perpetuate themselves. After all, protective tariffs were also supposed to be a temporary measure until the free enterprise system could get on its feet. Alexander Hamilton would be shocked that we still have them.

[11] Federal and state tax laws will have to be amended to allow families to deduct enough money from their income taxes to establish I.M.S.A. for each child. If the family does not make enough money to fund the account fully, then government assistance may be offered.

JACKSON CITIZENS WORKING TOGETHER TO REDUCE CRIME

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to the citizens of Jackson, TN for their efforts to curb the rising crime rate in their city. By working together during the past year they have reversed the upward spiral of crime in Jackson and started taking back their city from the few who were making it unpleasant for the many.

In May 1993, the city of Jackson hosted a crime summit of local officials and citizens to gather information as to how the rising tide of criminal activity could be halted in their community by instituting a new concept of community oriented policing. With the induction of this new procedure, police officers changed the way they performed their duties with more emphasis on community service and interaction with the residents.

A leadership council was formed with members of the police department, and statistical reports over the last year have shown that every category of crime has been reduced significantly.

A few weeks after the formation of the leadership council last summer, members of the Boys and Girls Clubs asked if some members of the council would join them in a march through a housing complex where these young people had observed drug dealing in progress. They wanted to protest this activity and bring it to the attention of all the residents in the city of Jackson. A march was organized into the Allentown Heights housing complex. Since that initial march, a crime march has been held every Friday afternoon all through the last year.

The city of Jackson has reaped the benefits of this community wide effort that has resulted in an overall reconstruction of the way in which police and citizens work together. Mayor Charles Farmer and Police Chief Richard Staples have led the way in this blending of community participation with law enforcement agencies that has resulted in making Jackson, TN a safer place to live and raise a family.

Throughout the last year many folks have given of their time on Friday afternoon to participate in these community marches. As the 1 year anniversary of this innovative program is marked on Friday, September 16, 1994, I want to offer it up to others around the country as an example of what people can do when they are determined to improve their neighborhoods and to make their lives better.

TRIBUTE TO DR. RICHARD GIBB

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. CRAPO. Mr. Speaker, I want to take the opportunity to bring attention to the life of a great Idahoan who has recently passed away. To his family and friends I express my sincere condolences and offer my prayers. Dr. Richard Gibb, as president of the University of Idaho at Moscow, was a stalwart in the educational arena. His passing is truly a great loss.

Mr. Ralph Smeed, an Idaho businessman and columnist has pointed out the context within which Dr. Gibb fought to make a positive difference. To further ensure that the contributions of Dr. Gibb will not go unrecognized, I request that the following comments of Mr. Smeed be included in the CONGRESSIONAL RECORD.

RICHARD GIBB GETS POSTHUMOUS A+

(Guest opinion by Ralph Smeed)

The recent passing (July 24) of Dr. Richard Gibb, former President of the University of Idaho at Moscow (1977–1989), did get some publicity for which his other friends and I are indeed grateful. However, there was, I thought, a rather lack of some of the more substantive "accomplishments" of the "more or less" significant former leader of the U of I. So, please allow me to relate something that Dr. Gibb did while he was president of the state's senior university.

First a little background so that Gibb's accomplishments and his more or less significance as mentioned above can be understood as to why they're put inside quotation marks above. (1) Given that political correctness (PC) has been around Campus–USA for many years and given that almost anything significant in higher education had been relegated for the most part to euphemisms such as "independence, excellence, opportunity, tax-deductibility, etc., etc., ad nauseam" that one of the significant things this unique education leader did must be seen in, well, an unusually high quality light of accomplishment. And (2) my term "more or less" maybe used to label this educator as significant in less than a spectacular degree due to the fact that capitalism does not exactly enjoy much status among not only educators, but as you will soon see, even among the university alumni—believe it or not.

Well, former U.S. Senator Steve Symms was U of I Alumni Association president back in 1969, and one of that school's most popular leaders. But, he did an unusual thing during his reign, namely, he said education had become a Sacred Cow. Furthermore, he advocated for the U of I a chair of capitalism. The then Alumni Board (remember that was 1969) fired Symms midway during his term. One friend and then board member even said publicly: "I admire your guts, Steve, but you've just taken hold of both ends of the same rope to pull. It's your job (as alumni Prexy) to sell the stuff (curriculum) whether it's worth a damn or not."

Unbelievable (?) you may ask. Well, those were the words of then Boise attorney Iver Longeteig. If memory serves, they were his exact words. He meant no harm to Symms. It was an example od the "tribalism" extant on so many campuses even today. Talk about blind faith in religion! Well, today we have a virtual blind faith in education. Egad! This actually happened—right here in Idaho. So, Steve did indeed resign, if reluctantly, midterm, as requested. But not until he got to kiss the homecoming queen as was customary then for the alumni president.

CAPITALISM CHAIR—NOT QUITE

Now back to Richard Gibb to whom we should give a higher honor as U of I president. Ten years after Symms somewhat ignominious and/or ideological demise. Gibb, as the school's new leader, did what he saw as almost exactly what Symms tried to do. He (Gibb) installed what he called a Chair of Business Enterprise. In fact he raised the three or four hundred thousand dollars himself to fund it. That, ladies and gentlemen, took real guts and intelligence, which is not to take away from those who helped Gibb raise the money. True enough, he watered down the name of said chair. But given the "tribal chant" of the then alumni board, and so far as I know the subsequent ones as well, the "Chair of Business Enterprise" name was (is) probably about as far in the direction of capitalism, (i.e., the term Symms wanted) as one would suppose that august institution of higher learning's intellectual "leaders" would tolerate. (The Alumni board has in the ensuing years since then steadfastly refused this writer's many efforts to get them to apologize publicly to their U.S. Senator—for their asinine anti-capitalistic censorship).

In any event, all the obituaries I saw or could get friends in North Idaho to confirm, after Gibb's passing, spoke only of the late president's routine and orthodox "accomplishments" at an institution whose learnings have almost never been any further to the free-market, capitalist right than, say, George McGovern or John Maynard Keynes, e.g., the usually left/liberal thrust of the U of I borah Symposium.

The passing of Richard Gibb should be deeply regretted by all those souls of so called higher education whose capitalist lights haven't been completely turned out by the political correctness (PC). The latter has dominated 95 percent of America's college professors and I'm sad to say, apparently the alumni of schools right here at home. No wonder we lose.

Richard Gibb—R.I.P.

CLINTON'S RUSSIA POLICY: YALTA REDUX

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. SOLOMON. Mr. Speaker, let the record show that the Clinton administration is preparing to sell out Russia's neighbors for the sake of appeasing Russia. I insert for the RECORD a September 6 Washington Times piece which reveals that a policy paper circulating within the administration and the State Department proposes to grant Russia hegemony over the former Soviet states including, possibly, the Baltics.

This is, of course, outrageous. It is morally unthinkable that we would sell these people out again, Mr. Speaker. In 1938, Munich. In 1945, Yalta. In the 1970's détente. Every time we have ceded Russia or Germany hegemony over these areas, disaster has followed.

And now we have President Clinton's Yalta redux. According to the policy paper, today is different because of the "de-ideologization of Russian foreign policy." Further, the paper states that a "Russian foreign policy based on national interest and power politics is acceptable to the U.S. as long as vital U.S. interests are not adversely impacted." While it is true that Russian foreign policy is no longer based on the Soviet ideology of world socialism, the recent Russian policy of power politics can and does impact negatively on our national interests.

For starters, NATO. Russia has been busy lately attempting to subjugate NATO, the cornerstone of our defense for decades, to the useful but ultimately feckless CSCE. Most recently, Russia has declined to take part in joint NATO–PFP peacekeeping maneuvers, with some officials describing the operations as a return to the "bloc mentality." Old thinking still pervades Russian decisionmaking circles Mr. Speaker, and Russia's attitude toward NATO makes it clear that Russia is not, as the paper asserts, a "strategic partner." I ask, does the administration consider NATO a vital interest?

Or how about Ukraine? As Zbigniew Brzezinski has put it, a Russia without Ukraine is just another powerful country; a Russia with Ukraine is an empire. A Russian foreign policy based on power politics can and does seek to bring Ukraine into at least Russia's foreign policy orbit. Now, Ukraine is not so vital to us as to warrant a NATO security guarantee, in my view. But should we really be telling the Russians that they can have Ukraine back, just because it is power politics, not communist ideology, that is driving Russia? Given Ukraine's importance as a buffer state to the West, and as a platform for power projection for Russia, I should think not. Besides, the view that Ukraine is Russian territory is held so fervently by some Russian generals and politicians that it borders on messianism and is thus nearly indistinguishable from ideology. And those who hold this view clearly have an anti-Western ideological bent.

The paper goes on to say that the United States would not object to Russia pursuing its goals "within the confines" of international law and "absent a clear and present danger of resurgent Russian imperialism." Since the administration has not objected to any of Russia's actions in the "near abroad" to date, we can only assume that the administration considers military occupation, divide and rule tactics, subterfuge, and economic warfare against weaker neighbors who have done no harm to Russia to be "within the confines" of international law. I disagree, and so should this Congress. Russia's actions along her periphery are simply not equivalent to our actions in the Western Hemisphere, not legally and especially not morally.

As to resurgent Russian nationalism, by the time we conclude that there is definitely a "clear and present danger," it will be too late. We should be acting now to discourage the emergence of a clear and present danger. The warning signs are all there, Mr. Speaker. The overwhelming majority of Russian leaders today, even the so-called democrats, increasingly pine for the Soviet Union and fail to regard the New Independent States as sovereign entities. The armed forces beg for a return to the past, and polls show that military personnel only view two men in Russia positively: Generals Alexander Lebed and Boris Gromov, both reactionary and both of the opinion that the breakup of the U.S.S.R. was a mistake. Worst of all, polls show that a majority of Russians share this view.

The danger, while perhaps not present, is indeed clear. The re-creation of the Russian empire in any form would be catastrophic for all concerned, including the Russians, who have more important tasks at hand. This administration has done nothing, and obviously intends to do nothing, to let the Russians know that we would view this as unacceptable.

Why? Well, the last paragraph of the article explains that, Mr. Speaker. Listen to this. The Clinton policy paper predicts that American leadership "will be limited by the extent to which others can assume responsible authority without adversely impacting U.S. interests." That is almost as pathetic as the notorious Clinton State Department cable bragging about "taking the lead in passing responsibility to the U.N."

It is obvious that this administration simply doesn't want America to lead. America is indeed limited these days, Mr. Speaker. But not by anything other than the barrenness and flaccidity of the Clinton foreign policy.

[From the Washington Times, Sept. 6, 1994]

YALTA II OR REALPOLITIK

The United States is prepared to accept an expanded Russian sphere of influence, including to some extent the Baltics, as long as it respects international law and Washington's interests "are not adversely affected," according to a State Department policy paper circulating in high diplomatic circles

Some cynics at State are calling the paper "Yalta II," but others say the Clinton administration is outlining a pragmatic approach to Moscow as the White House prepares for the visit of Russian President Boris Yeltsin later this month.

Peter Tarnoff, undersecretary of state for political affairs, sent the paper to Secretary of State Warren Christopher in July. The paper apparently cleared the White House before reaching diplomatic hands, said one official.

The official said the paper "clearly shows [the administration] knows where we [the United States] are going, but it also shows there is little we can do about it."

Quoting from the paper, the official said, "it is understood that a Russian sphere of influence is being recognized with Europe extending to the eastern border of Poland, leaving the Baltics somewhat up for grabs * * *."

The comment on the three Baltic states, which recently regained independence after 50 years of domination from Moscow, is not explained further, the official said.

The paper goes on to say, "What differentiates this at-first disturbing picture from the Cold War is the de-ideologization of Russian foreign policy," meaning it is no longer committed to communism and world revolution.

The paper explains that a "Russian foreign policy based on national interest and power politics is acceptable to the U.S. as long as vital U.S. interests are not adversely impacted * * *."

The United States would not object to Russia pursuing its foreign policy goals "within the confines" of international law and "absent a clear and present danger of resurgent Russian imperialism," the paper says.

The paper says the United States shares with Russia a goal of maintaining the stability of the more than 180 countries in the world today.

It draws a distinction between supporting "self-determination" and opposing "separatism" but does not attempt to define either term clearly.

The paper refers to a "highly unstable" world and a "strategic partnership" between the United States and Russia. It opposes any further breakup of Russia and favors "preventing further fragmentation of control of Russia's nuclear forces."

It recognizes the decreasing U.S. military ability to police the world and predicts that American leadership "will be limited by the extent to which others can assume responsible authority without over-long adversely impacting U.S. interests."

AVOIDING A MISSILE RACE IN SOUTH ASIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. HAMILTON. Mr. Speaker, there are few regions in the world more volatile than the Indian Subcontinent. Within the subcontinent, there are few threats to peace more worrisome than the prospect of a ballistic missile race between India and Pakistan.

The Indian Government will soon make an important decision. If New Delhi decides to produce and deploy the Prithvi short-range missile, this will mark a watershed in the South Asian strategic environment.

Given its range limitations, the Prithvi would have no military utility against any country other than Pakistan. Accordingly, the leadership in Islamabad would almost certainly respond to a Prithvi deployment by deploying a comparable missile system—leaving both countries less, rather than more, secure. This is one road I hope the people of South Asia don't have to travel.

A few days ago there appeared in the International Herald Tribune an insightful article on this potentially new component of the old South Asian arms race. I would like to draw it to the attention of my colleagues. The text follows:

[From the International Herald Tribune, Sept. 7, 1994]

THE SUBCONTINENT DOESN'T NEED INDIAN BALLISTIC MISSILES

(By Sumit Ganguly and Mitchell Reiss)

WASHINGTON.—India will soon decide whether to start mass-producing and deploying its short-range ballistic missile, the Prithvi, which can carry nuclear weapons. New Delhi should resist such a move. It would damage Indian security, trigger a ballistic-missile arms race with Pakistan, risk destabilizing an already volatile region, and increase the chances of a fourth war between the two major military powers in South Asia.

With a 500-kilogram warhead, the Prithvi missile has a range of 250 kilometers, but its inaccuracy leads many analysts to suspect that it is really designed to carry nuclear weapons.

R. James Woolsey, director of the U.S. Central Intelligence Agency, has stated that India could build nuclear bombs within a short time if it decided to do so, and that South Asia is the "most probable prospect" for a nuclear war. Tensions have been aggravated by a recent assertion of Nawaz Sharif, the former prime minister of Pakistan, that his country has a nuclear weapon.

New Delhi is understandably proud of the scientific and technological prowess that the Prithvi represents. And it has legitimate security concerns on both its western and northern flanks. Relations with Pakistan remain tense, as the two sides continue to joust over Kashmir and quarrel in a host of lesser disputes. Although India signed a series of confidence-building measures with China in September 1993, New Delhi is wary about Beijing's military buildup, its continued testing of nuclear weapons and its aspirations for Asian leadership.

However, deploying the Prithvi would be contrary to India's strategic interests. The missile cannot deter Beijing because it cannot reach China's main population centers. For that reason, New Delhi is developing a longer-range missile, the Agni, which should be ready in a few years. The Prithvi also would add little to India's military superiority over Pakistan, which it has defeated in three wars. Nor would it stop Pakistan from continuing its support of Kashmiri militants.

Further, Pakistan would be compelled to match India's missile deployments by deploying the M-11 ballistic missiles it has received from China. Currently, these missiles are in storage crates, unassembled. Pakistani officials have privately told the Clinton administration that Pakistan would immediately assemble and deploy the M-11 should India start up the Prithvi production line.

Neither India nor Pakistan could afford the costs of a ballistic-missile arms race. Each would be obliged to devote ever greater resources to missile programs and, as a hedge, to nuclear weapons as well. Major lenders and aid donors, such as Japan and Germany, would take a jaundiced view of scarce financial and scientific resources being used in this way.

Deployment of the Prithvi would aggravate New Delhi's relations with Washington, which launched a major initiative earlier this year to freeze nuclear and ballistic missile programs in the region. The Clinton administration is discussing the transfer of technology to improve the safety and security of the nuclear reactors used by India to generate electricity. It is inconceivable that the U.S. Congress would allow this in the face of ballistic missile deployments.

More worrisome from India's perspective is that the U.S. Congress might react to the Prithvi deployment by rethinking the wisdom of the Pressler amendment, which has prevented Pakistan from receiving U.S. military and economic assistance since 1990 because of Islamabad's nuclear weapons program. The amendment was not intended to give India a free hand to develop its own ballistic-missile and nuclear programs. If the amendment is lifted, India will have achieved for Pakistan what Pakistan has been unable to achieve for itself.

Indian officials and analysts have so far dismissed these points. They have contended that ballistic missiles are not very different from the advanced jet aircraft that are already present in the region and that they will contribute to deterrence. Such arguments overlook the special characteristics of ballistic missiles and the strategic environment in which they would be deployed.

Because they fly very fast and high, they are far less likely than aircraft to be shot down. They cannot be recalled after launching. Hundreds of ballistic missiles in the subcontinent would strain fragile command and control links, increasing the chance of accidental launching.

Psychologically, ballistic missile deployments would make each side feel far more vulnerable and less secure than before. At the very least, they would introduce one more element of uncertainty into an already strained relationship.

To prevent a ruinous preemptive military strike, each side would be sorely tempted to adopt a launch-on-warning strategy. Given the short distances involved—Lahore, Islamabad, Bombay and New Delhi could all be reached within ten minutes of a launching—missile forces would require instantaneous decisions made under enormous pressure on the basis of inadequate information. This is a recipe for disaster.

A ballistic-missile arms race in South Asia would not necessarily lead to war, but it would undoubtedly increase the level of mistrust and anxiety in an already tense region and exponentially enlarge the degree of devastation should a new war occur between India and Pakistan.

Deploying Prithvi would not enhance India's security vis-à-vis China or provide a meaningful advantage over Pakistan. It would offend international lenders and greatly irritate relations with the United States. Self-interest alone should persuade Indian decision-makers not to deploy the missile.

ATTENTION TO ARMENIA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 16, 1994

Mr. GINGRICH. Mr. Speaker, I would like to encourage all of my colleagues to learn more about the issues facing Armenia and cosponsor House Concurrent Resolution 246, which calls upon the Republic of Azerbaijan and Nagorno-Karabakh to end hostilities and begin peace negotiations under the framework already established by the Commission on Security and Cooperation in Europe. This resolution also calls upon the President to take an active role in promoting peace and monitoring human rights in the region.

The collapse of the Soviet Union has left the Caucasus region in turmoil. While Armenia has begun the process of making the long and hard transition to democracy and a free market economy, I believe that we should encourage and assist the people of Armenia in creating a better life for themselves as well as actively working to bring peace to this troubled region of the world.